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# Outline of the Export Control (Organic Goods) Rules 2021

## Improved agricultural export legislation



## Introduction

Australia's new agricultural export legislation began on 28 March 2021. It comprises the *Export Control Act 2020* (the Act), and the Export Control Rules 2021 (the Rules) which set out the operational requirements that must be met to export specific goods from Australia (e.g. poultry meat).

At the commencement of the new legislation, the Export Control (Organic Goods) Rules 2021 (the Organic Rules) replaced the previous legislation including the Export Control (Organic Produce Certification) Orders. The Organic Rules specify the certification requirements that must be complied with for the export of organic goods and they must be read with the Act. Commodity specific export requirements can be found in the separate commodity Rules.

The level of regulatory control and oversight in the previous legislation has been maintained. The Organic Rules are the foundation for further reform opportunities for organic exports.

Further information on other longer-term reform opportunities can be found at [www.agriculture.gov.au/organicexports](http://www.agriculture.gov.au/organicexports).

## Key features of the Organic Rule

The key features in the Organic Rules are not expected to have an operational impact and will enhance regulatory alignment. They include:

- Approved Arrangements (AA) which replace QM Certificates as the regulatory control that authorises an organic certifier. The AA has allowed the Department of Agriculture, Water and the Environment to bring consistency to its regulatory activities, as the AA was an existing tool used by the department across various regulatory settings.
  - The approval processes for approved certifiers, including the frequency and scope of audits has not changed. A QM Certificate for an Approved Certifying Organisation authorised under the Export Control (Organic Produce Certification) Orders has transitioned to become an AA.
- Inclusion of a reference to the National Standard for Organic and Bio-dynamic Produce, as the mandatory standard that underpins the Australia Government's equivalence (government-to-government) market access agreements with trading partners.

- Amending the scope of the regulation to exclude exported organic cosmetic products from the requirements of the rules, except where a trading partner requires organic certification of the product.
- There are some simple name changes to provide clarity to existing terms:
- an Approved Certifying Organisation will be known as an Approved Certifying Body
- an Organic Produce Certificate (OPC) will be known as an Organic Goods Certificate (OGC).

## Structure and content

### Chapter 1 – Preliminary

This chapter outlines the Organic Rules and defines key terms.

### Chapter 2 – Exporting goods

This chapter sets out the organic goods that are prescribed goods. These are the goods that will be regulated under the new export legislation. It also identifies circumstances when prescribed goods are not considered to be prescribed goods (for example, cosmetic products).

This chapter specifies conditions for the export of prescribed organic goods (for example, the OGC).

This chapter sets out requirements for an exemption from provisions in the Act and the Organic Rules. It also covers:

- conditions of an exemption
- the period of effect of an exemption
- matters that must be considered when varying or revoking an exemption.

This chapter also lists the circumstances in which government certificates may be issued or refused, the information required to apply for a government certificate, and when they must be returned.

### Chapter 3 – Accredited properties

This chapter does not apply to organic goods.

### Chapter 4 – Registered establishments

This chapter does not apply to organic goods.

### Chapter 5 – Approved arrangements

This chapter is relevant to approved certifiers only, and sets out:

- the requirements for a proposed approved arrangement
- the conditions of approved arrangements
- the circumstances, in addition to those listed in the Act, when an approved arrangement may be varied, suspended and revoked.

### Chapter 6 – Export licences

This chapter does not apply to organic goods.

### Chapter 7 – Export permits

This chapter does not apply to organic goods. (See Chapter 2 for the OGC requirement).

### Chapter 8 – Other matters relating to export – trade descriptions

This chapter sets out the requirements for an exporter when applying a trade description to prescribed organic goods that are intended for export. This includes:

- the requirement to provide trade descriptions in English
- details required to be included in a trade description for organic goods.

### Chapter 9 – Powers and officials

This chapter sets out the requirements in relation to audits, including:

- how an audit is to be conducted
- when an audit report must be provided to the Secretary of the Department of Agriculture, Water and the Environment.

This chapter outlines the application process for approved auditors. It also provides grounds for authorised officers to give directions to applicants and holders of an OGC to ensure compliance with the Act.

## Chapter 10 – Compliance and enforcement

This chapter sets out additional requirements in relation to taking samples and dealing with seized goods. Further provisions relating to compliance and enforcement are contained in the Act.

## Chapter 11 – Miscellaneous

This chapter sets out:

- reviewable decisions
- requirements for records management
- storage requirements for samples of organic goods
- provisions for determining compensation for damaged or destroyed organic goods
- matters relating to Commonwealth liabilities.

## Further information

Email: [exportlegislation@awe.gov.au](mailto:exportlegislation@awe.gov.au)

Web: [agriculture.gov.au/market-access-trade/export-regulation-review](http://agriculture.gov.au/market-access-trade/export-regulation-review)