

Commencement of new export legislation on 28 March 2021 (2021-01)

Date of issue: 19 March 2021

Date of effect: 3 am (AEDT), 28 March 2021

Reference Number: IAN 2021/01

Attention: Organic operators and exporters, [organic certifying bodies](#), industry bodies

Purpose

To advise organic exporters about the implications of the commencement of the *Export Control Act 2020* and the Export Control (Organic Goods) Rules 2021 at 3 am (AEDT) on 28 March 2021.

This notice also provides important information about the new legislation, including minor changes that will take effect from commencement of the new legislation.

Background

The *Export Control Act 2020* and the Export Control (Organic Goods) Rules 2021 replace the *Export Control Act 1982* and the Export Control (Organic Produce Certification) Orders.

The Rules maintain the level of, and approach to, regulatory control and oversight in the Export Control (Organic Produce Certification) Orders and other existing regulations under the *Export Control Act 1982*. The Rules provide additional clarification to organic export requirements while bringing consistency across export arrangements.

Instruction:

Exporters of organic and bio-dynamic goods are advised of the following:

1. The 'organic produce certificate' becomes the 'organic goods certificate'

- a. The organic produce certificate (OPC) will now be known as the organic goods certificate (OGC).
- b. Under the Rules, the export from Australian territory of prescribed organic goods is prohibited unless the exporter of the organic good holds an organic goods certificate. This is not a change from the existing regulation.
 - i. The OGC is primarily an export document and is mandatory irrespective of the market destination or the documentation requirements of the importing country, which are separate to the OGC. For certified organic goods entering Japan and Taiwan, the OGC is also a mandatory import requirement.
- c. The Rules clarify that an organic goods certificate can only be issued after departure where there was an organic goods certificate in force at the time the goods were exported from Australia. This means a post-departure certificate can be issued only where it is a replacement certificate.
- d. The organic goods certificate must be in the form (template) approved by the Secretary of the Department of Agriculture, Water and the Environment. The new OGC form (template) will be available through your approved certifying bodies.

- e. The new OGC must be used for certificates signed from 3 am on 28 March 2021. The commencement of the new legislation will not impact certificates already signed or consignments in transit.
- f. From 3 am (AEDT) on 28 March 2021, the organic produce certificate EX1400 will no longer be in force and must not be used.

2. Organic cosmetic goods

- a. Organic export certification for organic cosmetic goods will not be required in all instances. The Rules do not prescribe conditions for organic cosmetic products unless the certification is required by an importing country.

3. Approved organic certifiers

- a. 'Approved certifying organisations' will become 'approved certifying bodies'. This is a change in name only.
- b. Approved certifying bodies will hold an 'approved arrangement' with the department, replacing a QM Certificate for approved certifying organisations.
- c. A new application form will be available on the department's website from late March 2021. Businesses seeking to apply to become an approved certifying body are encouraged to discuss their application with the department before submitting.

4. Updated policy documents

- a. The department's policy documents governing the operations of approved certifying bodies will be updated to reflect the new legislation only. Updates will be made to the guidelines to issue and manage organic goods certificates, and the administrative arrangements for organic goods certification operations.
- b. Updated documents will be available on the department's website in the coming weeks.

Further information

Contact OrganicExports@awe.gov.au if you have any queries.