



19 July 2016

DEPARTMENT CIRCULAR

No. 05
Series of 2016

**SUBJECT : TRANSITION PERIOD FOR THE USE OF THE ORGANIC MARK
ON THIRD PARTY CERTIFIED ORGANIC FOOD AND NON-
FOOD PRODUCTS**

WHEREAS, Section 17 (*Labeling of Organic Produce*) of the Republic Act No. 10068 (*Organic Agriculture Act of 2010*) states that the label of organic produce shall contain the name, logo or seal of the organic certifying body and the official accreditation number issued by the Bureau of Agriculture and Fisheries Standards of the Department of Agriculture (DA-BAFS);

WHEREAS, Rule 17.3 of the Implementing Rules and Regulations (IRR) of the Organic Agriculture Act of 2010 states that the guidelines, rules, and procedures for labeling shall be developed by DA-BAFS through consultation and substantive participation of OA stakeholders;

WHEREAS, Department Circular (DC) No. 06, Series of 2015 (*Revised Guidelines for the Official Accreditation of Organic Certifying Bodies*), Article 12 states that the organic mark issued by the DA-BAFS shall always accompany the logo of the OCB and its official accreditation number and may appear only on, organic certification issuances and on all certified products;

WHEREAS, DC No. 05, Series of 2015 (*Revised Rules and Regulations on the Registration of Organic Fertilizers*) Section 15 and DC No. 03, Series of 2015 (*Rules and Regulations on the Registration of Primary and Postharvest Organic Food and Non-food Products*) Section 10 both state that in addition to the relevant existing standards and requirements for labeling, the name, logo or seal of the organic certifying body, the organic mark, the official accreditation number issued by the DA-BAFS, and the registration number given by DA-BAFS or concerned DA Regulatory Agency shall appear on the label of organic products;

WHEREAS, the abovementioned Department Circulars have been approved last June 2015 and shall be effective after its publication on the daily newspaper of national circulation;

WHEREAS, upon effectivity of these Circulars, there is a need for a transition period for the use of the organic mark for third party certified organic products by the officially accredited organic certifying bodies to allow operators to use up existing stocks of labels and packaging materials, and to identify how best to comply with the new requirement;

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IN VIEW THEREOF, this Department Circular is hereby promulgated to provide the transitory provisions for the enforcement of labeling requirements of third party certified organic food and non-food products by the officially accredited organic certifying bodies.

ARTICLE I OBJECTIVE

- Section 1. This Circular aims to provide guidance to third party certified- organic operators to comply with the new labelling requirement for organic food and non-food products by prescribing a transition period on the use of 'Organic' mark.

ARTICLE II SCOPE

- Section 1. This Circular covers existing third party certified organic operators in the use of the organic mark by the time of the publication of this Circular and the officially accredited organic certifying bodies (OCBs) which shall ensure compliance of their third party certified-organic operators.

ARTICLE III DEFINITION OF TERMS

- Section 1. As used in the Circular, the following terms shall be defined as follows:
- 1.1. *Competent Authority* - a government agency that has the mandate or invested authority, capacity and power to perform a designated function.
 - 1.2. *DA Regulatory Agency* - agency under the Department of Agriculture (DA) and any other regulatory agencies that may be transferred to the DA with jurisdictions and/or with regulatory functions on primary and postharvest food and non-food products, including, but not limited to, animals, animal feeds and feed ingredients of animal origin, animal products and by-products including honey, eggs, veterinary drugs and biological products, live/fresh/chilled/frozen fish and fishery products from aquaculture including microorganisms and biomolecules, and all other species of aquatic living resources and the products derived thereof, plant, plant products, quality seeds and planting materials and other products derived thereof, milk and milk products (fresh and pasteurized), meat and meat products, muscovado sugar and molasses, and fiber and other products derived thereof.
 - 1.3. *Label* - refers to the display of written, printed or graphic matter upon the immediate container, tag, literature or other suitable affixed thereto for the purpose of giving information as to identify components, ingredients, attributes, directions for use, specifications and such other information as may be required by law or regulations.

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- 1.4. *Labeling* - includes any written, printed or graphic matter that is present on the label, accompanies the product or is displayed near the product, including that for the purpose of promoting its sale or disposal.
- 1.5. *Officially Accredited Organic Certifying Body* - organic certifying body that has been granted with an Official Accreditation certificate by the DA-BAFS.
- 1.6. *Organic Certificate* - refers to the official document issued by the officially accredited organic certifying bodies attesting that the entity conforms to organic agriculture requirements. The official document identifies the name and address of the entity certified, effective date of certification, expiration date of certification, certification numbers scopes of products and/or process certified, identification of certified sites, name and address of certification agent, and standards to which the entity is certified.
- 1.7. *Organic certifying body (OCB)* - refers to an independent body responsible for verifying that a product sold or labeled as "organic" is produced, processed, prepared, handled and imported according to the prescribed guidelines and applicable organic agriculture standards.
- 1.8. *Organic Mark* - the official mark issued by the DA-BAFS to the officially accredited organic certifying bodies which may appear only on organic certificates, and labels on certified organic product/s within the approved certification scope/s.
- 1.9. *Organic Operator* - refers to an individual or a business enterprise that is responsible for ensuring that production, processing, manufacturing, distribution, wholesale, retail, trade, importation and/or exportation of organic agriculture products meets, and continues to meet, the organic standard on which certification is based.
- 1.10. *Third party certification* - refers to the procedure by which OCB provides written attestation that food or food control systems or inputs conform to applicable organic agriculture standards and requirements. Certification may be, as appropriate, based on a range of inspection activities, which may include, but not limited to, continuous inspection, auditing quality assurance systems, and examination of finished products.
- 1.11. *Third party certified* - refers to the organic operator that has shown compliance to the prescribed guidelines and applicable organic agriculture standards through third party certification from officially accredited OCBs.

ARTICLE IV ENFORCEMENT

- Section 1. DA Regulatory Agencies and relevant competent authorities shall be responsible for controls in respect of the obligations established by this Circular in conformity with the relevant sections of R.A. No. 10068.

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Section 2. Any person who willfully and deliberately mislabels and/or claims that the product is 'organic' when it is not in accordance with the relevant Philippine National Standard (PNS) for Organic Agriculture or that of R.A No. 10068 shall be sanctioned in accordance with Section 26 of the R.A. No. 10068.

Section 3. Notwithstanding Sections 17 and 26 of R.A. No. 10068, third party certified-organic operators shall only be excluded from the mandatory use of organic mark stipulated in DC Nos. 03, 05, and 06 Series of 2015.

**ARTICLE V
EFFECTIVITY**

Section 1. The transition period shall be one year from the date of effectivity of the Department Circular (DC) No. 06 Series of 2015, DC No. 05 Series of 2015, and DC No. 03 Series of 2015.

Section 2. After the one year transition, third party certified organic operators with surplus of labels and packaging materials may be allowed to use their surplus of labels and packaging but with "stick-on" organic mark ('Organic' mark printed in an adhesive tape or sticker) attached in the product labels with written approval from the officially accredited certifying bodies following the prescribed guidelines on the use of the 'Organic' mark as found in the Annex E (*Guideline for the Use of Organic Mark*) of DC No. 06, Series of 2015.

Section 3. Thereafter, all third party certified organic operators shall comply with Section 17 of Republic Act No 10068 and the relevant DCs. The appropriate use of the organic mark in the labeling is prescribed in the Annex E (*Guideline for the Use of Organic Mark*) of DC No. 06, Series of 2015.

Section 4. Officially Accredited OCBs shall ensure that Sections 1, 2, and 3 of Article V of this DC shall be adhered to by their respective third party certified organic operators.

Section 5. This Circular shall take effect fifteen (15) days after its publication in the Official Gazette or in a newspaper of general circulation and its filing with the National Administrative Register of the University of the Philippines Law Center.

So Ordered.

EMMANUEL F. PIÑOL
Secretary

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