

REGULATIONS PERTAINING TO ACCEPTANCE OF PRODUCTS ORIGINATING FROM OUTSIDE QUÉBEC AS OF JUNE 30, 2009

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1. Introduction

For Québec, as with numerous States, supply sources for agricultural and food products are located just about everywhere on the planet. The development of food markets on a global scale means consumers now have access to a wide variety of foods, both in and out of season. Québec is no exception to this trend and for this reason there must be some control over the integrity of all products acquired from suppliers outside of Québec and either intended for sale in Québec or processed and then sold on any type of market.

While requirements in other countries, states or provinces relative to the agricultural and food product certification are less strict than those existing here in Québec, they could lead to unfair competition and in fact be advantageous for producers from foreign countries to the detriment of local producers. For this reason the Conseil des appellations réservées et des termes valorisants (CARTV) has adopted the *Regulations Pertaining to Acceptance of Products Originating from Outside of Québec*. These internal regulations provide an efficient and credible overall framework within which to conduct a program intended to enforce Québec regulations regarding products bearing reserved designations and originating from outside of Québec.

2. Purpose and Scope

Products bearing a reserved designation and originating from outside of Québec and intended for sale in Québec must have previously been certified by a body accredited by the CARTV according to a scope authorizing the certification of such products in the country of their origin. The *Act Respecting Reserved Designations and Added-Value Claims* (Loi sur les appellations réservées et les termes valorisants) authorizes the CARTV, under its Supervisory Program, to require that anyone offering these products for sale should ensure they meet legal requirements. For those not complying, legal proceedings may be instituted against the party responsible for the initial marketing of those products in Québec.

2.1 Designation pertaining to the “organic” production mode

The “organic” designation was officially recognized by Québec’s Minister of Agriculture, Fisheries and Foodstuffs and became effective on 1 February 2000. In order that their sale be fully legal in Québec, all products purchased outside of Québec and mentioning the term “organic” or any other term of similar intent, on their packaging, either on one of the panels or simply on the list of ingredients (when organic ingredients listed make up 70% or more of all the product’s ingredients), must have been certified by a body whose name appears on the products’ packaging and on any associated commercial documents. The following products were covered in the reserved designation decree:

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2.1.1 Products bearing a reference to the organic production mode and currently required to meet these standards:

- a) *Products contributing to a production system:*
 - Manufactured input intended for organic farming
 - Various services (packaging, labelling, slaughtering, transport, etc.
- b) *Agricultural products and foodstuff intended for human or animal consumption:*
 - Plant products (including greenhouse crops and nurseries);
 - Plant products harvested in the wild;
 - Products originating from animals (and derivative products);
 - Beekeeping products;
 - Aquaculture products;
 - Maple products;
 - Prepared products resulting from the processing and packaging of organic ingredients (also including food additives).
- c) *Products neither agricultural nor foodstuff in nature, but containing organic ingredients:*
 - Ingredients contained in cosmetic and personal care products

2.1.2 Products bearing a reference to organic production modes but still not subjected to standards.

The following product categories will eventually be subjected to requirements that will later be added to the CARTV's organic reference standards:

- Products served in food service outlets

2.1.3 Products not covered by the reserved designation decree:

- a) *Agricultural products and foodstuffs:*
 - Upland wild game
 - Seafood (wild fish and algae)
 - Forest products
- b) *Products neither agricultural nor foodstuff in nature but containing organic ingredients:*
 - Manufactured products containing ingredients originating from agriculture (e.g. candles, pillowcases, etc.)
 - Products comprising processed plant fibres (bed sheets, clothing, towels, etc.)
 - Products originating from forestry products (fine paper, etc.)

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2.2 Products bearing the “Charlevoix Lamb” protected geographical indication

The “Charlevoix Lamb” protected geographical indication was recognized by Québec’s Ministry of Agriculture, Fisheries and Food became on 21 March 2009. According to the law, all products originating from outside of Québec and mentioning the term “Charlevoix Lamb” on their packaging must be certified by an organization accredited by the CARTV for the scope of certification involved, and thus their name must appear on the product’s packaging and transaction papers. The products covered by the reserved designation decree include the following:

- Unfrozen carcasses
- Processed, fresh or frozen pieces of meat obtained through deboning, cutting or chopping

2.3 Other agri-food product designations

For all other designations to become effective at a later date, certification will be mandatory for both domestic products and those originating from outside of Québec. In each case, a reasonable deadline will be set for allowing those bodies certifying products originating from outside of Québec to obtain an authorization for certification from the CARTV.

3. Definitions

For the purposes of this document, the following definitions (with their French equivalents) apply:

Accreditation (Accréditation)	Formal recognition by an independent accreditation authority of the technical competence of a body for carrying out impartial certification with respect to its scope of accreditation, in defined geographical areas
Accredited certifying body (Organisme de certification accrédité)	Certifying body having been accredited by the Board according to established procedures, requirements and criteria with respect to a scope that authorizes it to run certification programs recognized as compliant, so that it might operate a certification program in Québec
Board (Conseil)	Decision-making body of the Reserved Designation and Added-Value Claim Board
CARTV	Initials of the Conseil des appellations réservées et des termes valorisants
Certificate of registration	Document issued by the CARTV and attesting that an individual or a firm has been authorized to acquire products whose packaging and transaction

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(Certificat d'enregistrement)	documents make reference to a Québec reserved designation, and requiring full compliance with requirements relative to their certification and labelling
Certification (Certification)	Procedure used by an independent third party to provide a written guarantee that an agri-food product has met prescribed requirements, after an evaluation has affirmed that these requirements for the production and preparation, including operations that lead to modifying the product's initial labelling, have been assessed relative to their compliance with prescribed standards
Certification mark (Marque de certification)	Symbol attesting that a product has undergone certification control and obligatorily showing the certifying body's name, but that may optionally include the certifying program's logo
Certification Program (Programme de certification)	Application of a certification system intended to evaluate a product's production system against prescribed standards covering the product's processing, handling and/or marketing
Certifying body (Organisme de certification)	Impartial body acting as a third party in the operation of a product certification system and meeting criteria for impartiality, effectiveness and competence, in compliance with requirements specified in the ISO Guide 65
Designation (Appellation)	Designation of a product based on its specific character, production method and/or geographic region
Merchant (Négociant)	Any individual or firm acquiring agricultural products and foodstuff from a supplier located outside of Québec. These products bear a reserved designation and are intended for sale within Québec territory (hereafter called Merchant). For the purposes of this program, companies acquiring such products and using them as ingredients in food manufacture are not regarded as merchants but rather as operators. When firms carry out subsequent operations, such as conditioning or brokerage, this means they have effectively modified the initial labelling in order to sell the product under their own name or brand. In this case the firms are considered owners and must have their products certified.
Recognized-compliant certification program (Programme de certification reconnu conforme)	Certification program that has been evaluated and deemed officially compliant by the Accreditation Committee with respect to a specific scope.
Reserved Designation and Added-Value Claims Board (Conseil des appellations réservées et des termes valorisants)	Control authority having jurisdiction over the compliance of products targeted by designations reserved by Québec's Minister for Agriculture, Fisheries and Foodstuffs, relative to standards prescribed for these designations

4. Conditions Governing the Acceptance of Products Originating from Outside of Québec

4.1 Products included within the CARTV's scope of authority and currently standardized

It is obligatory that they be certified by an organization that has been recognized compliant by the CARTV. Requirements that certifying bodies must meet to obtain this compliance recognition are specified in the *Internal Regulations Pertaining to Recognition of Bodies Certifying Products from Outside of Québec*.

4.1.1 Specific requirements pertaining to products designated as “organic”

Certification bodies approved by the Canadian Food Inspection Agency (CFIA) in the framework of the *Organic Products Regulations* (federal jurisdiction), are automatically recognized by CARTV.

To be acceptable in Quebec, products designated as “organic” or any derivative term (biological, ecological, bio, etc.) must belong to a product category covered by the *Organic Products Regulations* (and be certified by an organization approved by the CFIA, except when they are products defined by the Board as either prohibited or having to meet conditions beyond those requirements established by the Canada’s federal authorities. All products designated as such by the CARTV may be found on a list published in the Appendix attached to these Internal Regulations.

Products not included in one of the above-mentioned categories must have been certified according to requirements judged equivalent to those included in the *Québec Organic Reference Standards* by a body accredited or recognized by the CARTV, when they are designated as “organic” or any of its derivatives (biological, ecological, bio).

All products included in one of the categories covered by the *Québec Organic Reference Standard*, yet not specifically covered by the standard (national or private) according to which this product was certified in its country of origin, must again be certified by a certifying body accredited by the CARTV, in accordance with the requirements specified in the *Québec Organic Reference Standard* for that category of products.

The sale of all products certified by a body whose recognition has been revoked is forbidden on Québec territory, unless the company producing them has obtained written authorization from the CARTV to market them.

Any company wishing to market in Québec products certified by a body whose recognition has been revoked, shall agree to submit an application to an organization currently recognized by the CARTV and thus obtain the certification

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of its products within a maximum period of six months. Those holding certificates affected by this measure must, upon request, provide the CARTV with letter of intent for the transfer of a certification for their products, as well as a copy of their new certification documents once they have been issued by the accredited certifier. In the absence of these they will no longer be authorized in Québec.

4.2 Products included in the CARTV's scope of authority but not yet subjected to Québec production standards

For this type of product, a claim may only be included in a reserved designation (e.g.: "organic") following the receipt of special authorization from the CARTV. The following two conditions must be met before this can be granted:

- a) The product was certified by an organization accredited by the CARTV and originates from a territory under the jurisdiction of a competent authority having approved standards for the category to which the product belongs.
- b) The product does not originate from a territory under the jurisdiction of a proper authority and thus must be certified by an organization accredited by the CARTV, and thus the specifications used to evaluate this product had been approved by the Reference Committee concerned by this designation.

4.3 Products excluded from the CARTV's scope of authority

These products may be certified through submitting a request to an official certifying body. In this case, the identification of the mention included in the reserved designation and in the products' certification should not result in any confusion with that used for other products falling under the CARTV's scope of reference. Anyone making a claim by means of a reserved designation for products not falling within the CARTV's scope must respect federal and provincial laws pertaining to the veracity of this allegation.

4.4 Imported ingredients used by Québec companies in product preparation

All certifiers accredited by the CARTV may only grant certification to those operators for which they certify products, that the certified ingredients are imported according to the standards and acceptance conditions pertaining to the designation concerned, by one of the following types of organizations:

- a) Certifiers accredited or (recognized as compliant) by the CARTV, provided that their territory of origin is included in the geographic scope of accreditation or recognition granted;
- b) Certifiers for whom recognition or the designation is obligatory in accordance with the regulatory framework governing the accredited certifier, when the products certified in Québec are intended for markets governed by this regulatory framework.

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4.4.1 Specific requirements pertaining to organic ingredients originating from outside of Québec

Any organic product originating from outside of Québec and used in the fabrication of multi- ingredient organic products in Québec, must be certified either by a body approved by the CFIA when it belongs to a category of products covered by Québec Organic Products Regulations, or by an organization recognized by the CARTV for all product categories not covered by the above-mentioned regulations.

The use of any ingredients, additives or manufacturing aids derived from products resulting from genetic engineering (GMOs) is prohibited in Canada. All Québec operators importing product inputs belonging to one of these categories must require that their suppliers provide the organic compliance certificate and also a written guarantee that the product meets the accredited certifying body's requirements relative to the absence of genetically modified organisms. This must be a product for which an equivalent resulting from genetically modified crops or livestock is available, according to the official list published at the Health Canada Web site:

http://www.hc-sc.gc.ca/fn-an/gmf-agm/appro/index_e.html

4.5 Ingredients included as input in food products originating from outside of Québec

Any product originating from outside of Québec must be composed exclusively of ingredients originating from companies having been granted, for each of their products, a certificate attesting to their compliance to the applicable standards, whenever these food products bear a reserved designation and are intended for sale on Québec territory.

4.5.1 Specific requirements pertaining to ingredients in organic products

The compliance certificate pertaining to organic ingredients included in food products exported to Québec must have been granted by one of the following types of organizations:

- a) A certifier accredited by the CFIA, for the product categories included in the scope of the *Organic Products Regulations*, provided that the product's origin is also accepted for this body;
- b) A CARTV accredited certifier, provided that the product's territory of origin is also accepted, for the categories of products not covered by the *Organic Products Regulations* (Canada) but included in the field of control of Québec regulations.

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4.6 Labelling of products intended for sale on Québec territory

The following rules shall be followed by all enterprises producing and preparing agricultural products and foodstuffs intended for sale on the Québec market and bearing a reserved designation. The following essential data elements shall appear both on the label affixed to the product's packaging and on related commercial documents, in addition to those required by the Canadian Food Inspection Agency:

- a) The identification of the company (name or identifying code) to which an accredited body has issued an organic compliance certificate for the production or most recent preparation operation (whichever is applicable) undertaken to obtain the certified product;
- b) The trade name (either full name or acronym) of the certifier to which the operator is liable, inscribed in a clear and readable manner;
- c) The batch number, if applicable;
- d) The mention of the reserved designation in accordance with the rules stated below.

4.6.1 Information referring to organic production methods

4.6.1.1 A food product resulting from organic farming or aquaculture in particular shall be considered as bearing information relative to the organic production methods when these products or their ingredients are identified using the following terms (or their abbreviations) on labels and in advertising or commercial documents:

- Organic;
- Biological;
- Ecological;
- Biodynamic.

Any similar terms intended to lead retailers and consumers to understand by this reference that these products result from organic farming.

4.6.1.2 The labelling, advertising, presentation material and documents must comply with the rules published in Part 3, Section 9 of the Québec Reference Standards, which can be viewed at:

http://www.cartvquebec.com/en/organic-designation/organic-standard/version6/part3_labelling.asp

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4.6.2 "Charlevoix Lamb" protected geographical indication

- 4.6.2.1 All products resulting from processing or packaging originating from outside of Québec and mentioning the terms "Charlevoix Lamb" shall be regarded as bearing a protected geographical indication recognized in Québec and that those marketing them shall have obtained the authorization required for their use.
- 4.6.2.2 The labelling, advertising, presentation material and documents must comply with the rules published in Part 2, Article 25 of Charlevoix Lamb reference standards that have been approved by the CARTV. These rules can be found at:

<http://www.cartvQuebec.com/igp-agneau-charlevoix/igp-agneau-charlevoix.asp>

5. Amendments to Regulations

The CARTV is responsible for adopting or repealing these internal regulations, and is the only body authorized to make amendments to their content. It may do so at any time, either on its own initiative or in response to recommendations made within an audit exercise.

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APPENDIX 1 – List of products the CARTV has identified as prohibited or as having to meet obligations exceeding federal regulations requirements or conditions ensuing from agreements between Canadian and foreign authorities

1. Already subject to prohibition on using the “organic” designation, products obtained from hydroponic or aeroponic production methods may not be designated by terms such as “biodynamic”, “ecological”, or word of similar intent including diminutives such as “bio” or “eco” or any other derivative term which suggests to the purchaser that the product or its ingredients were obtained according to organic production methods.
2. Notwithstanding the agreement concluded between the United States Department of Agriculture (USDA) and the Canadian Food Inspection Agency (CFIA), and in accordance with Section 4.1.1 of these internal regulations, products resulting from maple production cannot be designated as organic or any other word of similar intent, when they come from the United States of America, unless the product has been certified in accordance with the specification manual concerning organic maple production as it appears in the most recent version of CAN/CGSB 32.310, entitled Organic Production Systems — General Principles and Management Standards, as well as the most recent version of CAN/CGSB 32.311, entitled Organic Production Systems — Permitted Substances List.

END OF THE REGULATIONS

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