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**MINISTRY OF AGRICULTURE
AGRICULTURE UNDERSECRETARIAT**

LAW NUMBER 20.089

**CREATES A NATIONAL CERTIFICATION SYSTEM FOR
AGRICULTURAL ORGANIC PRODUCTS**

TITLE I

SCOPE OF LAW APPLICATION

Article 1.- This Law regulates the National Certification System of Agricultural Organic Products, herein after the System.

The objective of this System is to ensure and certify that organic products are those elaborated, packed and handled in accordance with standards set by this Law and its Regulations.

Article 2.- For the effects of this Law, it is understood for “agricultural organic products”, those coming from the holistic management systems of production in the scope of agriculture, livestock or forestry, that promotes and improves the agroecosystem health and in particular, biodiversity, the biological cycles and the biological activity of soil.

The certification of agricultural organic products will be ruled exclusively by the provisions set in this legal deed and its complementary standards.

Article 3.- The System will be the voluntary adscription for those that participate, in any form, in the internal and external market of organic products. Nevertheless, only manufacturers, producers and other participants in the market that had formally adscribed to the System and comply with their standards will be allowed to use, in the labeling, the identification or denomination of products that consider the expressions” organic products”, or its equivalents, such as “ecological products” or “biological products” and use the official seal that expresses said quality.

In the case of direct commercialization to consumers, either in fairs, shops, local markets or others, by the ecological farmers, (small manufacturers, families, peasants and natives), insert in their own organization and social control processes, previously registered in the supervising agencies, these are allowed to have their own systems and alternatives to certifications, once it assures consumers and supervising agencies, the traceability of the product and the free access to the production or processing facilities.

Article 4.- The Agriculture and Livestock Service will be the competent authority in charge of supervising the compliance of this Law and its complementary regulations, and to sanction infringements indicated in Articles 9 and 10, according with the sanction and demand procedure included in Paragraph IV, Title I of Law 18.755.

Likewise, the Agriculture and Livestock Service will be in charge of managing and controlling the use of the official seal, distinctive of agricultural organic products, and authorized to entrust the application of the same to certifying agencies adscribed in their registry.

The attributions that this Law gives to the Agriculture and Livestock Service will be executed by this entity, without prejudice of those corresponding to other public agencies.

TITLE II

PROCEDURE

Article 5.- The requirements and protocols for the adscription to the System of the different participating agencies and for the execution of the different phases of the operation of the same, will be set in a regulation that will be dictated for said effect, and in its case, by technical standards. Referred regulation and technical standards will be approved and officialized, respectively, by means of decrees of the Ministry of Agriculture, which, consequently, will have the character of being obligatory.

Said regulation should be dictated within the term of ninety days, counted from the publication of this Law.

Article 6.- Products' certification that comply with the standards referred by this Law, to be considered as agricultural organic products, should be drawn up by agencies accredited in product certification.

Said certification will be made according to international standards or to equivalent Chilean technical standards, adscribed in the registry that for such effect will have the Agriculture and Livestock Service.

Likewise, this Service will be allowed to acknowledge, with regard to imported commodities, the certification made according to national certification systems of third countries organic products.

The regulation will set the form to accredit the compliance of requirement indicated in the first paragraph and the requirements that should be fulfilled by personnel of those agencies to carry out the certification.

Article 7.- Certifications established in precedent articles will not hinder faculties, attributions, duties and responsibilities (liabilities) that correspond to the Agriculture and Livestock Service in accordance to its organic Law and this Law.

Article 8.- For the adscription in the registry and for the use of the official seal distinctive of authorized agricultural organic products, as stipulated in the second paragraph, Article 4th, the Agriculture and Livestock Service will be authorized to charge fees, which will be determined in the way indicated in letter ñ) of article 7th of Law 18.755.

TITLE III

SANCTIONS

Article 9.- Infringements to this Law susceptible to be penalized with fiscal benefit fines of 5 to 500 monthly “Unidades Tributarias” (Monthly Tax Units), are the following:

- a) To label, identify, commercialize or denominate a product as organic or its equivalent, breaching this Law and its complementary standards, and those who, by any publicity means for commercial reasons, wrongly use expressions indicated in Article 2nd.
- b) To fail observance of System’s regulations that might give origin to frauds in the production and commercialization of organic products.
- c) To make use of packages or containers including the expressions “organic product” or its equivalents, in products that do not comply with such condition.

Article 10.- Certifying Agencies will be sanctioned with a suspension of ten to ninety days in the performance of their duties and with fines of 25 to 500 “Unidades Tributarias” (Monthly Tax Units) if they fall into one of the following behaviors:

- a) To issue reports or certificates related to products that have not been inspected.
- b) Not to comply or to comply inadequately with procedures and protocols regarding controls and inspection of products object of said inspections.

- c) To commit any action or omission that induces to error regarding the conditions of the certified organic product.
- d) To hide or deny information required by the Service in an audit or control process.

In the same infringement will fall those that perform certifying activities of organic products without being officially authorized for it or that use improperly the official seal of certified organic product.

In the case of relapse, the Agriculture and Livestock Service is authorized to cancel the adscription of an accredited certifier.