

**RESOLUCIÓN EXENTA N°:5438/2019****APRUEBA PLAN DE RECONOCIMIENTO MUTUO DE PRODUCTOS ORGÁNICOS ENTRE LA OFICINA FEDERAL DE AGRICULTURA DE SUIZA Y EL SERVICIO AGRÍCOLA Y GANADERO DE CHILE.**

Santiago, 22/ 07/ 2019

VISTOS:

La Ley N° 18.575 Orgánica Constitucional de Bases Generales de la Administración del Estado; la Ley N° 18.755, que establece normas sobre el Servicio Agrícola y Ganadero; la Ley N° 19.880 que establece bases de los procedimientos administrativos que rigen los actos de los órganos de la administración del Estado; el Decreto N°112 de 2018, del Ministerio de Agricultura, que nombra Director Nacional del Servicio Agrícola y Ganadero; la Resolución N°7 de 2019, de la Contraloría General de la República, que fija normas sobre exención del trámite de toma de razón; y demás antecedentes.

CONSIDERANDO:

1. Que, el Servicio Agrícola y Ganadero, es un servicio funcionalmente descentralizado, con personalidad jurídica y patrimonio propio, que se encuentra sometido a la supervigilancia del Presidente de la República a través del Ministerio de Agricultura y tiene como objeto, contribuir al desarrollo agropecuario del país, mediante la protección, mantención e incremento de la salud animal y vegetal; la protección y conservación de los recursos naturales renovables que inciden en el ámbito de la producción agropecuaria del país y el control de insumos y productos agropecuarios sujetos a regulación en normas legales y reglamentarias.
2. Que, el SAG, representado por su Director Nacional don Horacio Bórquez Conti, y la Oficina Federal de Agricultura de Suiza, representada por su Director General don Bernard Lehmann, en lo sucesivo denominada "FOAG", han suscrito un **Plan de Reconocimiento Mutuo de Productos Orgánicos**.
3. Que, las decisiones escritas de la administración se adoptan a través de actos administrativos, siendo necesario aprobar por resolución el referido plan.

RESUELVO:

1. **SE APRUEBA** el Plan de Reconocimiento Mutuo de Productos Orgánicos, suscrito entre el Servicio Agrícola "SAG" y Ganadero y la Oficina Federal de Agricultura de Suiza, en lo sucesivo denominada "FOAG", de acuerdo al siguiente texto.

Mutual Recognition Arrangement on Organic Products

between

the Federal Office for Agriculture of Switzerland

and

the Agricultural and Livestock Service of Chile

The Federal Office for Agriculture of Switzerland, hereinafter referred to as "FOAG", of the one part
and

the Agricultural and Livestock Service of Chile, hereinafter referred to as "SAG", on the other part

Hereafter referred to collectively as "the Parties",

have agreed as follows:

- (1) With respect to the products listed in Annex I, FOAG recognises the laws and regulations of Chile listed in Annex IV as equivalent to the Swiss ordinances listed in Annex III.
- (2) With respect to the products listed in Annex II, SAG recognises the regulations of Switzerland listed in Annex III as equivalent to the laws and regulations of Chile listed in Annex IV.
- (3) The mutual recognition arrangement between the Parties is subject to the following conditions:
 - 3.1 The Parties will notify each other in written and in a timely manner of any instances of the following:
 - a. Changes with respect to the accreditation status of any certification body accredited by one of the Parties;
 - b. All proposed and final legislation and rulemaking that would modify any element of one of the Parties Organic Regime; and
 - c. Instances of significant non-compliances with each Parties organic certification legislation. For the purposes of this equivalency determination, "significant" means any non-conformity that materially affects the integrity of the organic product that is likely to be exported to the other Party.
 - 3.2 Following advance notice from either Party, the other Party will permit administration officials to conduct evaluations (document reviews or on-site peer reviews) in order to verify how the other Party, other competent authorities and the respective accredited Certification bodies carry out the respective organic certification legislation. The Parties cooperate and assist each other's officials, to the extent permitted, in carrying out such evaluations.
 - 3.3 The Parties are expected to submit an annual report to each other that will cover the organic activities for the previous year by March 31 of the current year.
 - 3.4 The Parties participate in discussions or other means deemed appropriate to resolve any issue raised regarding the application of or the activities covered by this recognition.
- (4) The Parties shall review this mutual recognition arrangement periodically and amend or alterate it as deemed appropriate. Any amendment to this mutual recognition arrangement shall be agreed upon in written.
- (5) FOAG respectively SAG, may, at any time, notify its decision to terminate this mutual recognition arrangement. The termination shall take effect 30 days after receipt of the notification.
- (6) This mutual recognition arrangement, together with its Annexes as integral part thereof, will be effective as of the fifth day of August 2019.



Done in Bern, on the twenty-fourth day of July and Santiago de Chile, on the fifth day of August in the year two thousand and nineteen, in two originals.

Agricultural and Livestock Service

Federal Office for Agriculture



Horacio Bórquez Conti
National Director

Bernard Lehmann
Director General



Annexes:

- Annex I: Organic Products from Chile for which FOAG recognises equivalence
- Annex II: Organic Products from Switzerland for which SAG recognises equivalence
- Annex III: Organic legislation applicable in Switzerland
- Annex IV: Organic legislation applicable in Chile



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Annex I

Organic Products from Chile for which FOAG recognises equivalence

FOAG has determined that agricultural products and foodstuffs which are listed in the table below and which are

- a. unprocessed agricultural products produced in Chile or have been processed in Chile with organically grown ingredients that have been produced in Chile or that have been imported into Chile either from Switzerland or from a third country that is recognised as equivalent by Switzerland in accordance with the provisions of Article 23 of the Swiss Ordinance on Organic Farming and the Labelling of Organically Produced Products and Foodstuffs of 22 September 1997, as last amended on 31 October 2018 (hereinafter "Organic Farming Ordinance"); and
- b. certified in conformity with the provisions in Annex IV; and
- c. accompanied by a certificate of inspection as set out in article 24 of the Organic Farming Ordinance. This certificate shall be issued in the Trade Control and Expert System (TRACES) by an Agricultural and Livestock Service (SAG)-accredited certification body,

are deemed equivalent to those products that have been produced and processed in accordance with the legislation applicable in Switzerland (Annex IV). These products may be sold, labelled and represented in Switzerland as organic, including by display of the Chilean organic logo.

Codes and description of the Harmonized System nomenclature		Comments
0409	Natural honey	
06	LIVE TREES AND OTHER PLANTS; BULBS, ROOTS AND THE LIKE; CUT FLOWERS AND ORNAMENTAL FOLIAGE	
The following codes of this chapter are included only if unprocessed		
0603	Cut flowers and flower buds of a kind suitable for bouquets or for ornamental purposes, fresh, dried, dyed, bleached, impregnated or otherwise prepared	
0603 90	Other	
0604	Foliage, branches and other parts of plants, without flowers or flower buds, and grasses, mosses and lichens, being goods of a kind suitable for bouquets or for ornamental purposes, fresh, dried, dyed, bleached, impregnated or otherwise prepared	
0604 90	Other	



Codes and description of the Harmonized System nomenclature		Comments
07	EDIBLE VEGETABLES AND CERTAIN ROOTS AND TUBERS	
08	EDIBLE FRUIT AND NUTS; PEEL OF CITRUS FRUIT OR MELONS	
09	COFFEE, TEA, MATÉ AND SPICES	
10	CEREALS	
11	PRODUCTS OF THE MILLING INDUSTRY; MALT; STARCHES; INULIN; WHEAT GLUTEN	
12	OIL SEEDS AND OLEAGINOUS FRUITS; MISCELLANEOUS GRAINS, SEEDS AND FRUIT; INDUSTRIAL OR MEDICINAL PLANTS; STRAW AND FODDER	
The following codes of this chapter are excluded or limited:		
1211	Plants and parts of plants (including seeds and fruits), of a kind used primarily in perfumery, in pharmacy or for insecticidal, fungicidal or similar purposes, fresh, chilled, frozen or dried, whether or not cut, crushed or powdered	Included only if unprocessed or processed for use as food
13	LAC; GUMS, RESINS AND OTHER VEGETABLE SAPS AND EXTRACTS	
The following codes of this chapter are excluded or limited:		
1301	Lac; natural gums, resins, gum-resins and oleoresins (for example, balsams)	Excluded
1302	Vegetable saps and extracts; pectic substances, pectinates and pectates; agar-agar and other mucilages and thickeners, whether or not modified, derived from vegetable products	Included only if processed for use as food
1302 19	Other	Excluded
14	VEGETABLE PLAITING MATERIALS; VEGETABLE PRODUCTS NOT ELSEWHERE SPECIFIED OR INCLUDED	
15	ANIMAL OR VEGETABLE FATS AND OILS AND THEIR CLEAVAGE PRODUCTS; PREPARED EDIBLE FATS; ANIMAL OR VEGETABLE WAXES	
The following codes of this chapter are excluded or limited:		



Codes and description of the Harmonized System nomenclature		Comments
1501	Pig fat (including lard) and poultry fat, other than that of heading 0209 or 1503	Included only if processed for use as food
1502	Fats of bovine animals, sheep or goats, other than those of heading 1503	Included only if processed for use as food
1503	Lard stearin, lard oil, oleostearin, oleo-oil and tallow oil, not emulsified or mixed or otherwise prepared	Included only if processed for use as food
1505	Wool grease and fatty substances derived therefrom (including lanolin)	Excluded
1506	Other animal fats and oils and their fractions, whether or not refined, but not chemically modified	Excluded
1515 30	Castor oil and its fractions	Excluded
1515 90	Other	For this subchapter, jojoba oil is excluded. Other products are included only if processed for use as food.
1516 20	Vegetable fats and oils and their fractions	Included only if processed for use as food
1518	Animal or vegetable fats and oils and their fractions, boiled, oxidised, dehydrated, sulphurised, blown, polymerised by heat in vacuum or in inert gas or otherwise chemically modified, excluding those of heading 1516; inedible mixtures or preparations of animal or vegetable fats or oils or of fractions of different fats or oils of this chapter, not elsewhere specified or included	Excluded
1520	Glycerol, crude; glycerol waters and glycerol lyes	Excluded
1521	Vegetable waxes (other than triglycerides), beeswax, other insect waxes and spermaceti, whether or not refined or coloured	Excluded except vegetable waxes if processed for use as food
17	SUGARS AND SUGAR CONFECTIONERY	
18	COCOA AND COCOA PREPARATIONS	



Codes and description of the Harmonized System nomenclature		Comments
19	PREPARATIONS OF CEREALS, FLOUR, STARCH OR MILK; PASTRY COOKS' PRODUCTS	
20	PREPARATIONS OF VEGETABLES, FRUIT, NUTS OR OTHER PARTS OF PLANTS	
21	MISCELLANEOUS EDIBLE PREPARATIONS	
22	BEVERAGES, SPIRITS AND VINEGAR	
The following codes of this chapter are excluded or limited:		
2201	Waters, including natural or artificial mineral waters and aerated waters, not containing added sugar or other sweetening matter nor flavoured; ice and snow	Excluded
2202	Waters, including mineral waters and aerated waters, containing added sugar or other sweetening matter or flavoured, and other non-alcoholic beverages, not including fruit or vegetable juices of heading 2009	Excluded
2208	Undenatured ethyl alcohol of an alcoholic strength by volume of less than 80 % vol.; spirits, liqueurs and other spirituous beverages	Included only if processed from agricultural products, for use as food
3301	Essential oils (terpeneless or not), including concretes and absolutes; resinoids; extracted oleoresins; concentrates of essential oils in fats, in fixed oils, in waxes or the like, obtained by enfleurage or maceration; terpenic by-products of the deterpenation of essential oils; aqueous distillates and aqueous solutions of essential oils	Included only if used for food



Annex II

Organic products from Switzerland for which SAG recognises equivalence

SAG has determined that agricultural products and foodstuffs which are listed in the table below

- a. that are produced or processed in Switzerland; and
- b. certified in conformity with the provisions in Annex III

are deemed equivalent to those products that have been produced and processed in accordance with the organic legislation applicable in Chile (Annex V). These products may be sold, labelled and represented in Chile as organic, including by display of the Chilean organic logo.

Codes and description of the Harmonized System nomenclature		Comments
01	LIVE ANIMALS	The products of hunting and fishing of wild animals shall not be considered as organic production.
02	MEAT AND EDIBLE MEAT OFFAL	Meat and edible meat offal from hunting and fishing of wild animals is excluded.
04	DAIRY PRODUCE; BIRDS' EGGS; NATURAL HONEY; EDIBLE PRODUCTS OF ANIMAL ORIGIN, NOT ELSEWHERE SPECIFIED OR INCLUDED	
05	PRODUCTS OF ANIMAL ORIGIN, NOT ELSEWHERE SPECIFIED OR INCLUDED	
The following codes of this chapter are excluded:		
0501	Human hair, unworked, whether or not washed or scoured; waste of human hair	
0502	Pigs', hogs' or boars' bristles and hair; badger hair and other brush making hair; waste of such bristles or hair	
0502 10	Pigs', hogs' or boars' bristles and hair and waste thereof	
0502 90	Other	



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Codes and description of the Harmonized System nomenclature		Comments
0505	Skins and other parts of birds, with their feathers or down, feathers and parts of feathers (whether or not with trimmed edges) and down, not further worked than cleaned, disinfected or treated for preservation; powder and waste of feathers or parts of feathers	
0506	Bones and horn-cores, unworked, defatted, simply prepared (but not cut to shape), treated with acid or degelatinised; powder and waste of these products	
0507	Horns, antlers, hooves, nails, claws and beaks, unworked or simply prepared but not cut to shape; powder and waste of these products	
0510	Ambergris, castoreum, civet and musk; cantharides; bile, whether or not dried; glands and other animal products used in the preparation of pharmaceutical products, fresh, chilled, frozen or otherwise provisionally preserved	
0511 91	Other	
06	LIVE TREES AND OTHER PLANTS; BULBS, ROOTS AND THE LIKE; CUT FLOWERS AND ORNAMENTAL FOLIAGE	
The following codes of this chapter are included only if unprocessed:		
0603	Cut flowers and flower buds of a kind suitable for bouquets or for ornamental purposes, fresh, dried, dyed, bleached, impregnated or otherwise prepared	
0603 90	Other	
0604	Foliage, branches and other parts of plants, without flowers or flower buds, and grasses, mosses and lichens, being goods of a kind suitable for bouquets or for ornamental purposes, fresh, dried, dyed, bleached, impregnated or otherwise prepared	
0604 90	Other	
07	EDIBLE VEGETABLES AND CERTAIN ROOTS AND TUBERS	
08	EDIBLE FRUIT AND NUTS; PEEL OF CITRUS FRUIT OR MELONS	
09	COFFEE, TEA, MATÉ AND SPICES	



Codes and description of the Harmonized System nomenclature		Comments
10	CEREALS	
11	PRODUCTS OF THE MILLING INDUSTRY; MALT; STARCHES; INULIN; WHEAT GLUTEN	
12	OIL SEEDS AND OLEAGINOUS FRUITS; MISCELLANEOUS GRAINS, SEEDS AND FRUIT; INDUSTRIAL OR MEDICINAL PLANTS; STRAW AND FODDER	
The following codes of this chapter are excluded or limited:		
1211	Plants and parts of plants (including seeds and fruits), of a kind used primarily in perfumery, in pharmacy or for insecticidal, fungicidal or similar purposes, fresh, chilled, frozen or dried, whether or not cut, crushed or powdered	Included only if unprocessed or processed for use as food or feed
13	LAC; GUMS, RESINS AND OTHER VEGETABLE SAPS AND EXTRACTS	
The following codes of this chapter are excluded or limited:		
1301	Lac; natural gums, resins, gum-resins and oleoresins (for example, balsams)	Excluded
1302	Vegetable saps and extracts; pectic substances, pectinates and pectates; agar-agar and other mucilages and thickeners, whether or not modified, derived from vegetable products	Included only if processed for use as food or feed
1302 19	Other	Excluded
14	VEGETABLE PLAITING MATERIALS; VEGETABLE PRODUCTS NOT ELSEWHERE SPECIFIED OR INCLUDED	
15	ANIMAL OR VEGETABLE FATS AND OILS AND THEIR CLEAVAGE PRODUCTS; PREPARED EDIBLE FATS; ANIMAL OR VEGETABLE WAXES	
The following codes of this chapter are excluded or limited:		
1501	Pig fat (including lard) and poultry fat, other than that of heading 0209 or 1503	Included only if processed for use as food or feed
1502	Fats of bovine animals, sheep or goats, other than those of heading 1503	Included only if processed for use as food or feed



Codes and description of the Harmonized System nomenclature		Comments
1503	Lard stearin, lard oil, oleostearin, oleo-oil and tallow oil, not emulsified or mixed or otherwise prepared	Included only if processed for use as food or feed
1505	Wool grease and fatty substances derived therefrom (including lanolin)	Excluded
1506	Other animal fats and oils and their fractions, whether or not refined, but not chemically modified	Excluded
1515 30	Castor oil and its fractions	Excluded
1515 90	Other	For this subchapter, jojoba oil is excluded. Other products are included only if processed for use as food or feed.
1520	Glycerol, crude; glycerol waters and glycerol lyes	Included only if processed for use as food or feed.
1521	Vegetable waxes (other than triglycerides), beeswax, other insect waxes and spermaceti, whether or not refined or coloured	Only vegetable waxes included if processed for use as food and feed
16	PREPARATIONS OF MEAT, OF FISH OR OF CRUSTACEANS, MOLLUSCS OR OTHER AQUATIC INVERTEBRATES	
17	SUGARS AND SUGAR CONFECTIONERY	
18	COCOA AND COCOA PREPARATIONS	
19	PREPARATIONS OF CEREALS, FLOUR, STARCH OR MILK; PASTRY COOKS' PRODUCTS	
20	PREPARATIONS OF VEGETABLES, FRUIT, NUTS OR OTHER PARTS OF PLANTS	
21	MISCELLANEOUS EDIBLE PREPARATIONS	
22	BEVERAGES, SPIRITS AND VINEGAR	
The following codes of this chapter are excluded or limited:		



Codes and description of the Harmonized System nomenclature		Comments
2201	Waters, including natural or artificial mineral waters and aerated waters, not containing added sugar or other sweetening matter nor flavoured; ice and snow	Excluded
2202	Waters, including mineral waters and aerated waters, containing added sugar or other sweetening matter or flavoured, and other non-alcoholic beverages, not including fruit or vegetable juices of heading 2009	Excluded
2208	Undenatured ethyl alcohol of an alcoholic strength by volume of less than 80 % vol.; spirits, liqueurs and other spirituous beverages	Included only if processed from agricultural products, for use as food
23	RESIDUES AND WASTE FROM THE FOOD INDUSTRIES; PREPARED ANIMAL FODDER	
The following code of this chapter is limited:		
2307	Wine lees; argol	Argol is excluded
3301	Essential oils (terpeneless or not), including concretes and absolutes; resinoids; extracted oleoresins; concentrates of essential oils in fats, in fixed oils, in waxes or the like, obtained by enfleurage or maceration; terpenic by-products of the deterpenation of essential oils; aqueous distillates and aqueous solutions of essential oils	Included only if used for food
45	CORK AND ARTICLES OF CORK	Included only if unprocessed
53	OTHER VEGETABLE TEXTILE FIBRES; PAPER YARN AND WOVEN FABRICS OF PAPER YARN	Included only if unprocessed



Annex III

Organic legislation applicable in Switzerland

Ordinance on Organic Farming and the Labelling of Organically Produced Products and Foodstuffs of 22 September 1997, as last amended on 31 October 2018;

The Federal Department of Economic Affairs, Education and Research Ordinance on Organic Farming and the Labelling of Organically Produced Products and Foodstuffs of 22 September 1997, as last amended on 31 October 2018.



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Annex IV**Organic legislation applicable in Chile**

Law 20.089, of 17 January 2006, that creates a National Certification System for Agricultural Organic Products, as last amended on law 20838, of 30 May 2015.

Decree n° 03 of 29 January 2016, of Ministry of Agriculture, that approves the Regulation of Law 20.089 that creates a National Certification System for Agricultural Organic Products.

Decree n° 02 of 22 January 2016, of Ministry of Agriculture, and its last version, amended by Decree n°123 of 2018 of 10 January 2019, that approves the Technical Rules of Law 20.089, that creates a National Certification System for Agricultural Organic Products.

Resolution n° 569 of the National Directorate of the Agricultural and Livestock Service, of 7 February 2007, establishing standards for registration of organic products' certification bodies.

Resolution n° 1110 of the National Directorate of the Agricultural and Livestock Service, of 4 March 2008, approving the official label for organic products and equivalents.

Resolution n° 7880 of the National Directorate of the Agricultural and Livestock Service, of 29 November 2011, establishing the minimum content for the organic agriculture certificates, in the framework of Law 20.089, as last amended.



2. El presente "Plan de Reconocimiento", por acuerdo de las partes, entrará en vigencia a partir del 5 de agosto de 2019.

ANÓTESE Y COMUNÍQUESE

**HORACIO BÓRQUEZ CONTI
DIRECTOR NACIONAL SERVICIO AGRÍCOLA Y
GANADERO**

Anexos

Nombre	Tipo	Archivo	Copias	Hojas
Plan de reconocimiento (Traducción)	Digital			
Plan de Reconocimiento	Físico		1	14

ACV/ACV/MRR/FSR

Distribución:

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