

Official Journey of the Republic of Chile
Ministry of the Interior and Public Security

LAWS, REGULATIONS, DECREES AND GENERAL ORDER RESOLUTIONS

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**General regulation
CVE 1335814**

Ministry of Agriculture

Undersecretary of Agriculture/Agricultural and Livestock Service/ National Directorate

**ESTABLISHES THE PROCEDURE FOR THE USE OF NON-ORGANIC AGRICULTURAL INGREDIENTS
IN ORGANIC PRODUCTION**

(Resolution)

Num.8.225.- Santiago, September 26, 2017

Viewed:

The established in Law N° 20.089 that creates the National Certification System for Agricultural Organic Products; DS (Supreme Decree) N° 3, 2016, of the Ministry of Agriculture, which approves the Regulations of Law N° 20.089; DS (Supreme Decree) N° 2, of the Ministry of agriculture, which Officializes Technical Standards of Law N° 20.089; Law N° 18.755, from 1989, which establishes the Organization and the Powers of the Agricultural and Livestock Service, the DFL () N° 1/19.653 that fixes Consolidated, Coordinated and Systematized of Law No. 18.575, Constitutional Organic Law of General Bases of the State Administration; Decree No. 117, of 2014, which names National Director of the Agricultural and Livestock Service, renewed both from the Ministry of Agriculture's decree No. 31, of 2017, and Resolution No. 1,600, of the National Comptroller's Office.

Considering:

1. That the Agricultural and Livestock Service is the competent authority in charge of overseeing compliance with this law and its complementary regulations, and sanctioning

infractions indicated in articles 9 and 10, according to the sanction and claim procedure contained in Paragraph IV, Title I of Law No. 18,755.

2. That the Service must ensure and certify that organic products are produced, manufactured, packaged, and handled according to the norms of this law and its complementary decrees.
3. That decertification of products that comply with the standards referred to in this law must be carried out by certification entities to be considered organic.
4. That there are “processed organic products” that are made with various ingredients which should be organic. However, it is accepted that some may not be in certain situations, since this has been established by the legislator when indicating that they are those products and by-products of vegetable, livestock, beekeeping, or fungal origin, which have been subjected to processes for their commercialization, modifying their original nature, without altering their original condition and therefore are prepared with ingredients that can be organic and non-organic.
5. That an “ingredient” is understood to be any substance used in the making of an agricultural product that is still present in the final commercial product to be consumed, including additives.
6. That, according to article 48, numeral 3, it may happen that the ingredients are not available in sufficient quantities in the national market, nor can they be organically developed, being essential in the formulation of the product, in which case the regulations establish an exception which dictates that nonagricultural products may be used in up to 5% of the product’s weight, without considering water and salt, which is subjected to the fact that the compliance of the stated in the Ministry of Agriculture’s numerals 6 and 7, Article 49 of Supreme Decree No.2, of 2016 must be demonstrated.

Of (what is stated), those stated in numerals 6 and 7, article 49 of Supreme Decree No.2, of 2016, of the Ministry of Agriculture, that approve the technical norms of law N° 20.089, must be demonstrated.

1. That for the purpose of a processed organic product that uses non-organic ingredients being certified, a series of requirements established in article 49 of Supreme Decree N° 2 of 2016 must be fulfilled, among them that there must be a procedure for the authorization of the use of ingredients of non-organic agricultural origin, which is approved by this resolution.

I Resolve

1. Establish the procedure for the provisional authorization of the use of an ingredient of non-organic agricultural origin.
2. The interested party must submit a request to the Agricultural and Livestock Service through the Organic Agriculture Department under the Renewable Natural Resources Protection Division.

3. The request must be accompanied by an evaluation report from a certification body with the following information, according to the format established by the Service, that for these purposes must at least contain the following:
 4. Ingredient identification;
 5. Nature of the ingredient;
 6. Date of the request and, in the case of an extension, the date of the first authorization;
 7. Complete identification of the legal or natural person, address, telephone number, and, when appropriate, email of the beneficiary requesting the authorization;
 8. Name and, when applicable and at the request of the Service, the exact description and the requirements relating to the quality of the agricultural origin ingredient in question;
 9. Type of products for whose elaboration the ingredient in question is needed;
 10. The function of the ingredient, quantities necessary, and the justification of those quantities;
 11. Reasons for the shortage of the product and the foreseeable (estimate) duration of that shortage.

1. The Service will evaluate whether the information entered and requested in the previous point of this resolution complies with what is necessary to proceed with its evaluation; if not the case, they may require more background information if applicable.
2. The authorization issued, through an exempt resolution, may be affected by a fare if required by current regulations.
3. If the Service has provisionally authorized its use for a maximum period of 12 months, after having verified the unavailability of the ingredients in question with the organic quality condition; and if the conditions that gave rise to the authorization granted in respect to the ingredient in question have not changed, the authorization contemplated above may be extended for a maximum of three times in periods of 12 months each.
4. The Service may put this authorization in a list of non-organic agricultural origin ingredients available to the public on the Service's website.
5. This resolution will enter in force three months after its publication in the Official Journey.

Notify and publish. - Ángel Sartori Arellano, National Director, Agricultural and Livestock Service.