

ශ්‍රී ලංකා ප්‍රජාතාන්ත්‍රික සමාජවාදී ජනරජයේ ගැසට් පත්‍රය

අති විශේෂ

The Gazette of the Democratic Socialist Republic of Sri Lanka
EXTRAORDINARY

අංක 1870/71 - 2014 ජූලි මස 11 වැනි සිකුරාදා - 2014.07.11
No.1870/71 - FRIDAY, JULY 11, 2014

(Published by Authority)

PART I : SECTION (I) — GENERAL

Government Notifications

L. D. B. 3/2012.

EXPORT DEVELOPMENT ACT, No. 40 OF 1979

REGULATIONS made by the Minister of Industry and Commerce under the Section 29 read with section 12 (1) (v) of the Export Development Act, No. 40 of 1979.

RISHAD BATHIUDEEN,
Minister of Industry and Commerce.

Colombo,
10th July, 2014.

Regulations

1. These regulations may be cited as “Export Development of Organic Products Regulations 2014” and shall come into operation on 10.07.2014.

2. The Board shall be deemed to be the Organic Control Body of Sri Lanka for the purposes of cultivation, production processing, manufacturing, sale, export and import of organic agricultural products.

SRI LANKA ORGANIC STANDARDS

3. The Board shall cause that Sri Lanka Organic Standards to be formulated by the Sri Lanka Standards Institution for the purposes of these regulations.

4. In formulating the Standards referred to in regulation 3, the Board shall ensure that the Sri Lanka Standards Institution has given consideration to -

- (a) the requirements relating to the manufacture, production, processing and labeling of organic agricultural products ; and



- (b) the guidelines issued by the International Federation of Organic Agricultural Movement, Codex Alimentarius and any similar international body recognized with organic agriculture or agricultural products and where appropriate, any regulation made by importing or exporting countries pertaining to the manufacture, import, export or sale of organic products including the European Union countries.

5. The Board shall adopt the standards referred to in regulation 3 and the Sri Lanka Organic Standards so adopted, may be amended or varied at any time after its adoption on the recommendation of the Board, considering the advice of the Advisory Committee appointed under regulation 26.

6. It shall be the duty of every producer, processor, manufacturer and exporter of organic agricultural products to adhere to and comply with Sri Lanka Organic Standards adopted by the Board and the provisions of these regulations.

REGISTRATION OF CERTIFICATION BODIES, LABORATORIES AND EXPORTERS AND IMPORTERS OF ORGANIC AGRICULTURAL PRODUCTS

7. A certification or inspection body or a laboratory which has been granted accreditation by the Sri Lanka Accreditation Board for Conformity Assessment, may apply to the Board to be registered for the purpose of these regulations.

8. The Administrative Officer or the Chief Executive Officer of any institution or laboratory referred to in regulation 7, may apply to the Board in the form approved by the Board. Registration fee for certification body or a laboratory shall be as determined by the Board.

9. The Board may obtain the advice of the Advisory Committee on Certification appointed under the regulation 26, in processing an application made for registration.

10. Upon registration, the Board shall issue a Certificate to the certification or inspection body or the laboratory concerned, as the case may be, recognizing it as a registered certification or inspection body or a registered laboratory. (hereinafter referred to as a “registered certification or inspection body” or a “registered laboratory”).

11. Every exporter or importer of organic agricultural products shall be required to register itself with the Board, upon an application made in the form approved by the Board.

12. An exporter or importer referred to in regulation 11, shall pay a fee as determined by the Board for such registration and a permit which shall be valid for a period of one year.

13. A permit issued to an exporter or an importer under regulation 12, shall entitle him, where he is :-

- (a) an exporter, to use subject to the other provisions of these regulations, the National Organic Logo as set out in the Schedule to these regulations on the organic agricultural products being exported by such exporter ; or
- (b) an importer, to import agricultural products bearing the seal or label “organic” with an internationally accepted Certificate.

14. A list of all the exporters and importers registered with the Board and the permits issued under regulation 13 shall, from time to time, be sent by the Board to the Director- General of Customs for the purposes of enforcement of the provision of these regulations.

15. No person being an exporter shall export from Sri Lanka any agricultural product as an organic agricultural product or use the National Organic Logo on such product, or being an importer, import into Sri Lanka any agricultural product bearing the seal or label “Organic” without being first registered and obtained permit under regulation 12.

16. Where :-

- (a) an exporter exports or attempts to export any organic agricultural product ; or

(b) an importer imports or attempts to import any agricultural product bearing the seal or label “organic” without being first registered under the regulation 12, such exporter or importer, as the case may be, shall be guilty of an offence under regulations and on conviction be liable to a fine not less than Ten Thousand Rupees and not exceeding one Hundred Thousand Rupees, and the Board shall be entitled in addition to the penalty imposed for such offence, to request the Court to make an appropriate Order for the confiscation and the disposal or destruction, as the case may be, of the product in relation to which such offence has been committed. The Court may also make Order that the cost incurred in the disposal or destruction of such product be borne by the person convicted as it deems fit.

CERTIFICATION OF ORGANIC AGRICULTURAL PRODUCTS

17. Every producer, processor or manufacturer of organic agricultural products shall be required to obtain a Certificate of Conformity from a registered certification body or a registered laboratory, to enable such product to be exported or to be sold in the domestic market, as an organic agricultural product.

18. A Certificate of Conformity referred to in regulation 17, may be obtained on request made in that behalf to a registered certification or inspection body or a registered laboratory in compliance with the procedure adopted for the same by the registered certification body or laboratory concerned.

19. A registered certification body shall carry out all such inspections and examinations as are necessary, including field inspections in accordance with such guidelines as are issued for that purpose by the Board, in order to determine whether the organic agricultural product concerned, complies with the relevant Sri Lanka Organic Standards adopted by the Board.

20. Upon carrying out the necessary inspections, examinations and field inspections if the registered certification body or the laboratory, as the case may be, is satisfied that the organic product concerned complies with the Sri Lanka Organic Standards, it shall issue a Certificate of Conformity in respect of such organic product. An organic product, in respect of which a Certificate of Conformity has been issued, is entitled to use the seal or the label “organic” or use the National Organic Logo on such product.

21. It shall be the duty of every registered exporter of organic agricultural products to ensure that the National Organic Logo shall not be used on any organic agricultural product being exported by such exporter, unless a Certificate of Conformity had been issued by a registered certification body or a registered laboratory in respect of such organic agricultural product.

22. Where any registered exporter exports or attempts to export any organic agricultural product using the National Organic Logo without first obtaining a Certificate of Conformity issued in respect of such product, such exporter shall be guilty of an offence under these regulations and on conviction be liable to a fine not exceeding Twenty Five Thousand Rupees and the registration granted to it under regulation 12, shall be suspended for such period, as may be determined by the Court which imposes such fine.

23. Where any registered exporter exports or attempts to export any organic agricultural product describing it as an organic agricultural product in respect of which a Certificate of Conformity had not been issued, such exporter shall be guilty of an offence under these regulations and on conviction be liable to a fine not exceeding Twenty Five Thousand Rupees and in addition, the registration granted to such exporter under regulation 12 shall be suspended for such period of time, as may be determined by the Court which imposes such fine.

24. Any importer, producer, processor, manufacturer or operator who is found to be selling or offering for sale any organic agricultural product in contravention of the provisions of regulation 6 or regulation 15, shall be guilty of an offence under these regulations and shall on conviction be liable to a fine not less than Twenty Five Thousand Rupees and not exceeding One Hundred Thousand Rupees, The Board shall be entitled in addition to the penalty imposed for such offence to request the Court to make an appropriate Order for the confiscation and the disposal or destruction, as the case may be, of the organic agricultural product in relation to which such offence has been committed. The Court may also make Order that the cost incurred in the disposal or the destruction of such product be borne by the person convicted as it deems fit.

25. In any prosecution for any offence under these regulations, a certificate issued or purported to be issued by the Board to the effect that the organic agricultural product concerned has not been issued with a certificate of Conformity by a certification body or a laboratory registered under regulation 8, shall be admissible in evidence and shall be *prima facie* proof of the facts stated therein.

26. The Board may appoint panels of experts or advisory committees to assist in carrying out its functions under these regulations.

27. The Board shall be entitled to levy prescribed fees in respect of any services rendered in carrying out its functions under these regulations.

28. (1) Any person or body of persons who is aggrieved, with regard to :-

- (a) any irregularity or infringement caused by any exporter, importer, producer, manufacturer or an operator, affecting the organic status of any agricultural product ;
- (b) any false representation made that a particular agricultural product complies with the Sri Lanka Organic Standards adopted by the Board, including the use of a false Certificate of Conformity ;
- (c) the use of a false National Organic Logo on any agricultural product; or
- (d) any misconduct or negligence caused by a registered certification body, or a registered laboratory.

may make a complaint to the Board.

(2) The Board shall upon the conclusion of an inquiry into a complaint made to it and having taken into consideration the nature of the allegation made take any one or more of the following measures in respect of the person who is found to have committed the alleged action complained of :-

- (a) send a letter of warning under registered cover ;
 - (b) suspend or cancel the permit or the Certificate of Registration, as the case may be, that has been issued to such person;
 - (c) prohibit such person from marketing or selling organic agricultural products for a period as determined by the Board;
 - (d) impose a penalty as the Board consider adequate to cover any damage or expenses caused to the complainant as a result of the alleged action of the person concerned ; or
 - (e) blacklist such person for a period as determined by the Board.
- (3) In holding an inquiry into a complaint made to the Board, the Board may seek the assistance of a panel or a committee that may be appointed for the purpose under regulation 26.

29. In these regulations unless the context otherwise requires:-

“Board” means the Sri Lanka Export Development Board established under the Export Development Act, No. 40 of 1979 ;

“Operator” means person or persons, corporate entity or organization that produces, handles or processes with a view to subsequent marketing thereof, products referred to as organic, originally grown, originally raised, and originally produced or certified organic in accordance with the Sri Lankan Organic Standards;

“Organic” in relation to labeling means the product labeled as an organic agricultural product is produced in accordance with the Sri Lanka Organic Standards adopted by the Board;

“Organic agricultural product” means any product originating from plants or plant products and includes live stock or live stock products, fish or fish products and aquatic products ;

“Registered Certification Body” means an accredited certification or inspection body of organic agricultural product or a laboratory accredited by the Sri Lanka Accreditation Board for Conformity Assessment which is registered with the Board under regulation 8;

“Sri Lanka Accreditation Board for Conformity Assessment” means the Sri Lanka Accreditation Board for Conformity Assessment established by the Sri Lanka Accreditation Board for Conformity Assessment Act, No. 32 of 2005; and

“Sri Lanka Standards Institution” means the Sri Lanka Standards Institution established by the Sri Lanka Standards Institution Act, No. 6 of 1984”.

SCHEDULE

(Regulation 13)

NATIONAL ORGANIC LOGO



Green : #008601
Ocean Blue : #1c9cc9
Yellowish Brown : #c29134

07-812