

EXEMPT RESOLUTION N°: 9228/2018
ESTABLISHES PROCEDURES AND
REGULATES CONDITIONS THAT
DETERMINE THE AUTHORIZATIONS
INDICATED IN ARTICLE 23 OF THE S.D.
N ° 02/2016

Santiago, 12/ 21/ 2018

VIEWED:

The provisions of Law No. 18,755 of 1989 and its subsequent amendments establish the Organization and Powers of the Agricultural and Livestock Service; the provisions of DFL No. 1 / 19,653. Fixed Consolidated, Coordinated and Systematized Text of Law No. 18,575, Constitutional Organic of General Bases of the State Administration; what is indicated in the supreme decree Decree No. 117 of 2014, which appoints National Director of the Agricultural and Livestock Service, renewed by Decree No. 31 of 2017, both of the Ministry of Agriculture; the powers that I invested as National Director of the Institution and resolution 1600 of the Comptroller General of the Republic of October 30, 2008. The provisions of Law No. 20,089, published in the Official Gazette, which creates the National System of Certification of Agricultural Organic Products; the provisions of Supreme Decree No. 3 of 2016, of the Ministry of Agriculture, which approves the Regulation of Law No. 20,089; the provisions of Supreme Decree No. 02 of 2016, of the Ministry of Agriculture, which makes the Technical Standards of Law No. 20,089 official.

CONSIDERING:

1. The Agricultural and Livestock Service is the competent authority in charge of overseeing compliance with Law 20.089 that creates the National Certification System for Organic Agricultural Products and its complementary regulations. It also has the power to sanction the infractions indicated in articles 9 and 10, following the sanction and claim procedure contained in Paragraph IV, of Title I of Law No. 18,755
2. Likewise, it corresponds to the Agricultural and Livestock Service to authorize the animal food products indicated in article 23, numerals 1 and 3, of Supreme Decree No. 02 of 2016, of the Ministry of Agriculture, which makes Official Technical Standards of Law No. 20,089
3. That it is the power of the Agricultural and Livestock Service in the area of the food regime of organic animal production systems to authorize the use of conventional food in an amount not greater than that indicated in article 23, numeral 1, of the aforementioned decree, in extreme weather conditions or other circumstances of force majeure qualified by the competent authority and with its authorization

4. That it is necessary to specify the extreme weather conditions or other circumstances of force majeure, which allows the authorization by the Agricultural and Livestock Service to use conventional food in organic animal production

5. That in the habitual diet, the use of supplements such as salt, trace elements, vitamins, and minerals of natural origin is only accepted; The use of nutritional supplements of synthetic origin will be subject to authorization by the Competent Authority, provided there is sufficient justification for health reasons.

6. It is necessary to define which are nutritional supplements of synthetic origin that will be subject to authorization by the Competent Authority and define the cases of sufficient justification for health reasons

RESOLVED:

1. Establish the procedure and regulate the conditions that determine the authorizations indicated in article 23 of Supreme Decree No. 02 of 2016 of the Ministry of Agriculture, which Officializes Technical Standards of Law No. 20,089

2. In relation to the authorization of conventional foods for use in organic animal feed, the Service must evaluate case by case, without prejudice to the fact that agricultural emergencies that the Ministry of Agriculture declares must be considered, by issuing a resolution in which the climatic phenomenon is defined, as well as the communes, localities or geographical sectors declared in agricultural emergencies

3. Each certifying entity (Organization of Ecological Farmers and Certification Body) must submit to the Service for each operator that requires it the following: - Well-founded justification of the impossibility of producing the required food on the farm under organic management. - Demonstration of searching for organic food in the market - Well-founded justification for the use of conventional food to be used. - Detail food, the amount and percentage of the conventional food ration that must not exceed what is indicated in article 23, numeral 1 of S.D. N ° 2 of 2016, the origin and non-GMO affidavit of said conventional food. - Limited period of time that does not exceed 6 months in which the use of said conventional food will be necessary. - Present a program of progressive use of certified food until reaching 100% organic food. - Other information that the Service deems pertinent.

4. In relation to the use of nutritional supplements of synthetic origin, it is the manufacturer's responsibility, distributor, or legal representative of the supplement to request an evaluation. For this, you must submit to the Service each time the information requested is required to evaluate said supplement case by case, which will remain in a list of food supplements for animal

use endorsed for use in organic agriculture, thus forming a database of endorsed products that can be used by operators that require it. Among the basic requirements that this supplement must meet are: That there is no natural alternative on the market. That the non-use of said supplement causes health problems to the animal. Others are determined by the Service according to the supplement to be evaluated.

5. For the purposes of this resolution, it is understood by Sanitary reasons: They must be based on scientific principles and, furthermore, that they only apply to the extent necessary to protect the health and life of animals. Force majeure: It is an unforeseen event that cannot be resisted, such as an earthquake, acts of authority exercised by public officials, prolonged drought, etc. In this way, the fortuitous event or force majeure must be non imputable, that is, it comes from a cause entirely beyond the control of the parties; unpredictable, that is, it has not been possible to foresee within the ordinary and current calculations; and irresistible, that is, it could not have been avoided.

6. Validity: This resolution will enter into force 90 days after its officialization

7. Infractions: They are governed by what is indicated in article 10 of Law 20.089

Sign up, communicate, and get published

HORACIO BÓRQUEZ CONTI
National Director Agricultural and Livestock Service