

Terms of Reference (TOR)

Technical Advisory Committee (TAC) under the Canada Organic Regime

Overview

The *Organic Products Regulations* (OPR) were published on June 30, 2009. The OPR provide the CFIA with the option to enter into organic equivalency arrangements with other countries.

The Canadian Food Inspection Agency (CFIA) has developed a procedure describing the approach to be followed when negotiating an organic equivalency arrangement with a competent authority having jurisdiction in a foreign country. The procedure also includes Canada's requirements for the on-going monitoring of existing arrangements. As part of the negotiation process, the CFIA conducts a side-by-side comparison of the Canadian and foreign country's regulatory and technical measures and conformity assessment system. An analysis of the side-by-side is then conducted in collaboration with other government departments and the organic sector.

The Technical Advisory Committee (TAC) under the Canada Organic Regime (COR) is the body that provides analysis to the CFIA on the comparison of the organic production standard(s) of the foreign countries and the Canadian Organic Standards. The TAC serves as a stakeholder forum to ensure that the diverse viewpoints of the industry are taken into account in the CFIA's organic equivalency determination process.

Mandate

The mandate of the Technical Advisory Committee (TAC) is to:

- Identify technical variances between Canadian and foreign organic standards
- Review and provide guidance on the responses and questions to the competent authority related to the assessment of foreign organic standards
- Provide other recommendations to the CFIA for their consideration, when needed.

Structure

The TAC consists of a chair, committee members and a CFIA observer. The members will be chosen from a pool of technical experts that can be called upon to meet to review and compare organic production standards in which their expertise lies. As the expertise needed might change depending on what country an equivalency may be negotiated with, the TAC members will be selected based on the product areas involved and the expertise required. The TAC shall have no fewer than five (5) members and no more than seven (7) members (excluding the chair).

If necessary, more technical experts may be invited as guests by agreement of the TAC members to provide information or clarification on specific issues.

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Roles and responsibilities

Chair: The TAC is Chaired by the Canada Organic Trade Association (COTA). The Chair will be responsible for appointing members from the roster of candidates to serve on the TAC related to a specific country equivalency determination, scheduling and conducting meetings in accordance with the Terms of Reference. Recommendation from the organic industry associations will be taken into account in the appointment process (see selection section below).

The Chair is expected:

- to provide the TAC members enough time to give meaningful input for each assessment,
- to give full opportunity to member to voice their comment,
- to record each member comments, and

Members: The members of the committee will provide insights and experiences from their industry experience to inform the TAC on technical and operational areas that could be affected by equivalency arrangements.

TAC members are expected:

- to provide meaningful and timely input as requested by the Chair.
- to provide their input in writing by specifying the differences in the standards and individual perspectives on the impacts on the industry.

Chair and Members: It is understood that the Chair and the members of the committee have no decision-making powers on the specifics of organic equivalency arrangements.

Selection of the committee members

The committee members are appointed from a list of pre-approved experts by the Chair to meet the needs of the equivalency determination under review. Experts are selected considering the following criteria:

- Status within the organic community; respected and trusted by their colleagues to uphold organic principles;
- Broad knowledge of and experience in the organic industry, with particular knowledge of, but not limited to, organic food processing, organic livestock management, organic crop management, input in organic production;
- Expertise and experience in national and international trade; and
- Proven ability in consensus building and group decision-making.

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Recommendation from organic industry associations- Committee members may be recommended by members of the Organic Value Chain Round Table (OVCRT). Representatives from organic provincial associations and experts from the organic industry, including but not limited to organic traders and/or academics involved in the organic sector, may also be selected as experts to be called upon as part of the Committee.

The committee pool will be valid for three years from the date in which their name is added to the list. Additional stakeholders may be added to the list in order to address gaps on the skillset or expertise required on the Advisory Committee

Resignation – Any committee member may withdraw from the TAC council by submitting to the Chair a written resignation. Any member may be required to resign (and will be replaced) if they do not accomplish their mandate in a competent manner, or if they do not comply with the Guiding Principles of the TAC. If a member ceases to be employed by the employer they were nominated as part of their advisory duties, the TAC Chair is required to request the name of their replacement or has the right to terminate their role within 60 days of the written request.

Guiding Principles

The following general principles will govern the Technical Advisory Committee (TAC):

- The TAC members have full opportunity to voice their perspectives and participate.
- Discussions and analysis should be made acknowledging the range of viewpoints from various stakeholders who could be impacted by the potential equivalency arrangement.
- TAC members may have diverse perspectives and the TAC will do its' utmost to ensure that all perspectives are taken into consideration. When possible, the committee is encouraged to reach consensus on the analysis provided to the Chair.
- The quorum for TAC meetings is a minimum of four (5) members.

Documentation and Reporting

- The CFIA will provide initial side-by-side comparison of the Canadian and foreign country's technical organic production standards for review by members.
- All documentation for the TAC meetings, including agendas and background documents will be sent to all members 2 weeks prior to the meeting, once approved by the Chair.
- The language in which meetings will occur and all documentation will be provided in English only. Translation will be at the member's own expense.

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Documentation and Reporting

- COTA will establish a document sharing protocol between the TAC members and Chair.
- Reports and recommendations from the TAC will be sent to the CFIA in a timely manner.
- Minutes of meetings and the decisions will be recorded and maintained by COTA.

Confidentiality

Minutes: The minutes of the meetings are property of COTA. They are to be kept confidential by the TAC members except with a written expressed consent of COTA to share them with external parties. Minutes should be interpreted as TAC's final analysis unless otherwise stated.

Confidential Information: The TAC members regard and preserve all confidential and sensitive information regarding organic equivalency arrangements in trust and confidence, and agree not to disclose such information or use the information for their own benefits. A mandatory confidentiality agreement will be signed by all the experts nominated under the TAC (see Annexe A). It is understood that this obligation does not apply to information which was previously known to the TAC members without obligation of confidentiality or to any information properly available to council members from a third party source or to such information which is or becomes part of the public domain through no fault of the council members.

Liability

The Advisory Committee members and the Chair (COTA) are providing analysis and guidance to the CFIA expressing industry expert opinions. The Chair (COTA) and Committee members shall not be liable to for any special, indirect, incidental, punitive, or consequential damages arising from or related to their participation or role in the TAC.

Meeting Frequency

- The TAC will meet as needed to perform their duties—via teleconference or other means in order to efficiently process with the analysis requests.
- The number of meetings may vary depending on the complexity of the standards.

Approval/Review Date

The TAC terms of reference will be reviewed every three years by COTA in collaboration with the CFIA at which time the CFIA will also assess whether the TAC should continue its work.

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ANNEXE A:

LIST OF EXPERTS NOMINATED