

Administrative procedures and requirements concerning the Dutch input list

Standard Operating Procedure (SOP)

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I. Introduction

This document provides guidance for companies (for details, see section 3.1) on the administrative aspects of registering products in the Dutch input list. It will be updated if necessary. Please refer always to the most recent version, which can be found on the website <https://dutchinputlist.fibl.org>. The latest version which is available on the website is the only valid version.

I.1 About the Dutch Input list

The Dutch input list is a public list of ‘inputs’ which may be used by certified organic farmers in the Netherlands. For the time being, the scope of ‘inputs’ is limited to fertilisers and soil improvers and to plant protection products; expansions of the scope might be possible in the future. The first issue of the Dutch input list was published in 2016.

Dutch organic farmers may use products from the Dutch input list. If they use a product not listed there, they have to prove during inspection that the use of the product is allowed, otherwise it will be treated by Skal as a non-conformity. For proving the compliance of non-listed inputs, farmers should consult the document Evaluation criteria.

I.2 About the project partners and their collaboration

The Dutch input list is produced in collaboration by Skal and FiBL. Skal is an accredited control authority of organic operators in the Netherlands, while FiBL is a private research institute based in Switzerland.

The collaboration for the Dutch input list is organized in the following way: FiBL receives technical information on products from companies (see 3.1), carries out a technical evaluation and prepares a recommendation for Skal. Skal takes the final decision on inclusion of the product in the Dutch input list. Skal is assisted by an advisory board, which supports Skal with specific technical knowledge.

1.3 Document history

Version	date	author(s)	description
001	08. 07. 2016	B. Speiser	First version of the document published.
002	22. 12. 2016	B. Speiser	Amendments in chapter 3.1 and 3.3 (non-distributor companies), 3.4 (sending of secrecy undertakings), 5.5 (form of listing).
003	09. 02. 2017	B. Speiser	Amendment in chapter 3.1 (non-distributor companies).
004	04. 08. 2017	B. Speiser	Amendment in chapter 5.1 (timelines).
005	21. 06. 2018	B. Speiser	Amendments in chapter 3.4 (secrecy undertaking), 6 (publication of tariff)

1.4 Contacts and further information for farmers

Dutch organic farmers should contact Skal for all enquiries. Enquiries can be made in Dutch. Contact: Skal Biocontrole, Postbus 384, 8000 AJ Zwolle, The Netherlands

www.skal.nl/biologische-teelt-van-gewassen/voorwaarden-teelt/inputs

1.5 Contacts, further information and download of documents for companies

All companies should contact FiBL for enquiries. Enquiries have to be made in English. Contact: Forschungsinstitut für biologischen Landbau FiBL, Ackerstrasse 113 / Postfach, 5070 Frick, Switzerland

<https://dutchinputlist.fibl.org>

2. Overview of the application process

The table below provides a short overview of the application process. More detailed explanations are given in the subsequent chapters.

Steps to the first listing		Details
Step 1	The company (see 3.1) registers with FiBL and enters a secrecy undertaking.	See section 3
Step 2	The company submits information on a product.	See section 4.1
Step 3	FiBL prepares a technical recommendation and discusses the product with Skal.	See section 4.2
Step 3 A	<i>If step 3 shows that the product raises issues which are not adequately addressed by the existing guidance, Skal will take a decision. It may consult the advisory board before taking such a decision. When a new decision has been taken, FiBL will update the evaluation criteria document.</i>	See section 4.4
Step 4	Skal takes a decision about inclusion in the Dutch input list. In case of acceptance, the product is included in the Dutch input list.	See section 4.2
Step 4 A	<i>In case of rejection, the company can make a complaint. In this case, the product is re-evaluated as described in step 3.</i>	See section 4.3
Step 5	FiBL invoices the evaluation fee to the company.	See section 6
Prolongation of the listing		Details
Step 6	Once per year, FiBL asks the company to confirm the listing for the following calendar year. If confirmed, FiBL will prolong the listing and invoice the listing fee to the company.	See section 5.4
Step 7	After 5 years, FiBL will ask the company to supply the full product information anew. If the information is unchanged, FiBL prolongs the listing.	See section 5.2
Step 7 A	<i>If a relevant aspect of the product has changed, FiBL prepares a new technical recommendation (see step 3).</i>	See section 4.7

3. Relationship with companies

3.1 Difference between distributors and other companies

Because the Dutch input list is produced for organic farmers, the database aims at showing for each registered product where it can be purchased by the end-users (farmers, gardeners etc.). Such companies are called 'distributors' in this guideline. Distributors are required to register at FiBL, so that they can be included in the database. By contrast, companies which do not themselves sell inputs to end-users (manufacturers, authorised representatives or importers) may in general not register as distributors. Exceptions are possible for companies which hold Ctgb registrations. In other similar cases, FiBL may grant an exception on a case-by-case base, if the company can demonstrate a close connection to the Dutch inputs market (for example, if only the manufacturer's name is printed on the product label).

Please note that companies which are not eligible for registration as distributors may also enter a secrecy undertaking with FiBL, if they have to supply technical information on a product (for details, see section 3.4)

In this guideline, distributors and other companies (manufacturers, authorised representatives and importers) are collectively called 'companies'. The table below provides a short overview of the roles of distributors and other companies. If a company is at the same time manufacturer and distributor, the roles of distributors apply.

	distributors	manufacturers, authorised representatives, importers
Register as a distributor	yes	no*
Shown in Dutch input list	yes	no*
Fees charged	yes	no*
Administrative correspondence with FiBL, including annual prolongation	yes	no*
Submit product application	yes	no*
Covered by General Business contract	yes	yes
Enter secrecy undertaking	yes, if necessary	yes, if necessary
Supply confidential data on composition / manufacture	yes, if known	yes, if not known to distributor

*exceptions are described in the text above.

3.2 General Business Contract

The General Business Contract specifies the rights and obligations of companies in relation to FiBL. It is available on the website of the Dutch input list (see section 3.2). Among other provisions, the general business contract specifies the following:

- For all companies, FiBL is the only contact point with respect to the Dutch input list.
- All correspondence between FiBL and the companies is done in English, and all documents have to be submitted in English.
- Companies are obliged to give complete and truthful information about their products. In case of severe violation of this principle, FiBL and Skal reserve the right to discontinue the collaboration with the company, and to de-list all products concerned.
- Companies are expected to pay all evaluation and listing fees in due time. In case of non-payment, FiBL and Skal reserve the right to discontinue the collaboration with the company, and to de-list all products concerned.

Upon registration for the Dutch input list or by sending documents intended for evaluation in the context of the Dutch input list, input companies accept the General Business Contract.

3.3 Registration of companies (only for distributors)

As explained in section 3.1, as a rule only distributors may register for the Dutch input list. Exceptions are described in section 3.1. Registration of distributors is done as follows:

- Download the form «company registration» from the project website.
- Fill in the company details on the computer.
- Print one copy and sign it.
- Scan signed form and send it to FiBL by e-mail (or send original by post).

Distributors who have many points of sale (retailers such as garden centers) are advised to contact FiBL in advance and ask for guidance on how to register.

3.4 Secrecy undertaking (for all companies)

All companies which supply confidential information to FiBL (distributors, manufacturers, authorised representatives or importers) can enter a secrecy undertaking with FiBL. The secrecy undertaking covers information for an unlimited number of products of the company. It specifies in advance the conditions of secrecy which will be applied by FiBL to all information covered by the secrecy undertaking. In addition, FiBL will acknowledge the receipt of information for each product.

Skal has the right to see all data of products intended for inclusion in the Dutch input list. Skal is bound to secrecy by a secrecy undertaking entered with FiBL, and has to respect the same secrecy precautions regarding the product information as FiBL.

A secrecy undertaking is entered as follows:

- Download the form «secrecy undertaking» from the project website.
- Fill in the company details on the computer.
- Print and sign.
- Scan and send to FiBL by e-mail.
- FiBL will countersign the agreement and return it to you.

Note: some companies prefer to send the secrecy undertaking by post, which is also possible. In this case, please send *two* paper copies. FiBL will return one copy of the countersigned agreement also by post.

4. Product application and evaluation

4.1 General guidance on application

Please note that only companies registered as distributors (see 3.3) may apply for listing of products. The procedure for product application is as follows:

- Download the appropriate product application form (there are separate forms for different product types).
- Fill in the product application form on the computer (no hand-writing).
- Where applicable (see Evaluation Criteria document), download and fill in other forms (e.g. the form for absence of GMOs).
- Print and sign all forms. Scan signed forms.
- Please remember to include also all *supporting documents* in the application package (e.g. registration documents, product labels). The application form provides guidance regarding the documents required.
- Send all information to FiBL by e-mail.

In the case of distributors who do not have full information on product composition or manufacture, the procedure is as follows:

- Fill in the application form as far as possible.
- For questions which you cannot answer, indicate the company (manufacturer, authorised representative or importer) which will supply the information.
- Send the incomplete form to FiBL.

- Send a copy of the incomplete form to the mentioned company and ask them to supply the missing information directly to FiBL. They may enter a separate secrecy undertaking with FiBL for this purpose.
- Note that FiBL will evaluate products only after it has received all missing information. It is the responsibility of the distributor to take the necessary steps so that FiBL receives all information required for evaluation.

4.2 Outcome of the evaluation process

When all information has been submitted, FiBL will evaluate whether the product complies with the evaluation criteria for the Dutch input list (see Evaluation Criteria document). FiBL will make a recommendation, and Skal will take the final decision on inclusion or non-inclusion in the Dutch input list. In the case of non-inclusion, Skal and FiBL will outline the arguments for rejection. This will also include an indication whether the product would be acceptable, if additional data were provided by the company.

- In case of a positive decision, the product is shown in the input list.
- In case of a negative decision, FiBL will send a letter to the company, in which the reasons for rejection are explained.

4.3 Possibility for making a complaint in case of product rejection

If the company does not agree with the rejection, it may submit a complaint to FiBL. The following points should be observed:

- A complaint should make reference to the precise reasons given in the rejection letter, and it should contain a logical argumentation why these reasons are not correct.
- Where appropriate, information supporting the argumentation (e.g. descriptions of manufacturing methods, analyses) should be included as annexes to the complaint.

When FiBL has received a complaint, it will send a copy of the complaint with all annexes to Skal, and then discuss it with Skal. Where necessary, the complaint will also be discussed with the advisory board. Skal will take a final decision on inclusion or non-inclusion in the Dutch input list (see 4.3).

4.4 Products requiring a decision by Skal

Product evaluation is based on the evaluation criteria, which are described in a separate document. These criteria are based on the relevant EU and national legislation. In cases where there is a margin of interpretation, FiBL will discuss the issue with Skal and – if necessary – with the advisory board, and Skal will take a decision, which specifies how the legislation is interpreted in a particular situation. Such decisions are

taken in a general way, and are therefore valid not only for the product which has originally raised the question, but also for all future products which raise the same question. It is therefore foreseen that such decisions will be incorporated into an updated version of the evaluation criteria.

4.5 Product re-evaluations due to altered evaluation criteria

The product evaluation criteria will evolve over time. The reasons may be revisions of the relevant EU or national legislation, or new decisions by Skal. Rarely, such changes may necessitate a re-evaluation of certain product categories, and might even finally lead to de-listing of products. Such situations will be discussed individually between FiBL and Skal, and possibly also with the advisory board. The aim is to find an individually tailored solution which is legally correct and has minimal impact on Dutch organic farming. Stakeholders will be informed at the earliest convenience. The information policy will be decided case by case.

4.6 Quality assurance

As part of the quality assurance procedures, a number of selected products from the Dutch input list will be submitted to supplementary investigations. FiBL may request additional information on a product, its composition, manufacturing process or its use. It may also request the re-submission of updated information on a specified product at any time. Analytical spot-checking is part of the quality assurance procedures.

If the quality assurance procedures should reveal any irregularities, FiBL and Skal will discuss the situation on a case-by-case basis, and inform the company about their decision. The company may make a complaint against this decision, as described in 4.3.

4.7 How to proceed when product characteristics change

All changes with relevance for the Dutch input list have to be communicated to FiBL by the registering company at the earliest convenience. For this purpose, the form 'Changes' has to be used. Changes of a purely administrative nature are handled differently from changes in product composition, manufacturing or use.

Changes of a purely administrative nature: This category comprises changes such as changes in product name, company name, address, website, legal structure, contact person etc., which are irrelevant with respect to product evaluation. On the notification form, the company must confirm that the change does not affect the composition of the product, and that the product still complies with the relevant EU and Dutch legislation. For products which have to be registered, the name change must be communicated also to the registration authority. FiBL will take note of such changes and modify the entry in the Dutch input list without consulting Skal. Where such modifications might cause uncertainties among farmers or inspectors, the old and new names will both be shown in the input list for a limited time (e.g. 'product y, formerly called x').

Changes in product composition, manufacturing process or compliance with relevant legislation: This category comprises changes which are relevant for product evaluation. They are therefore handled analogous to the application of a new product.

- The company submits the new information, as described for new products (see 4.1).
- Information which remains unchanged does not have to be re-submitted, but the company has to state explicitly that it is unchanged.
- FiBL will evaluate the changes and Skal will take the final decision about listing as de-scribed in 4.2 for new products.

5. Validity of evaluation and duration of listing

5.1 Timelines

- Company registrations and secrecy undertakings can be made any time of the year.
- Product applications may be submitted any time of the year and will be considered in the next batch of listing decisions.
- FiBL will publish the dates when the list will be updated. Products submitted at least 6 weeks before such a date will be evaluated until the next batch of listing decisions.
- Complaints have to be submitted within 6 weeks after the company has received the official decision letter from FiBL. The processing time for complaints may vary from case to case, depending on the complexity of the individual case.
- Physical meetings of the advisory board are scheduled minimally once per year.

5.2 Validity of the evaluation

Product evaluations are valid for five years. When this period is over, all information has to be re-submitted, and a new evaluation is carried out. Companies will be notified in due time. If a company does not submit the information in time, the product will be de-listed.

5.3 Duration of the first listing

Product evaluations and subsequent inclusion in the Dutch input list may take place at variable times of the year. The duration of the first listing is therefore adjusted, so that all products enter into an annual cycle of re-confirmation.

- If a product is included in the list in the first half of the year (approximately between January and May), the listing will be limited until the end of the running year.

- If a product is included in the list in the second half of the year (approximately between June and December), the listing will be limited until the end of the following year.

The duration of the listing is visible in the online search of the Dutch inputs list.

5.4 Details of listing

The aim of the Dutch Input list is to provide an environment where all listed products may attract similar attention by the users. To achieve this aim, all products are listed with the first letter in capitals and the following letters in lowercase. The spelling of entire words in capitals is not accepted, and the use of special characters is limited. For abbreviations, the inputs team may grant exceptions. Decisions about textual layout are in the responsibility of the inputs team.

5.5 Re-confirmation of the listing

Each year in summer, the companies are asked by FiBL whether they want to continue the listing of the products currently included in the Dutch input list. In case of confirmation, the listing of the product is prolonged for a calendar year (1 January – 31 December). Prolongations are effected by FiBL without consultation of Skal.

Prolongations are possible only during the 5 year period in which the evaluation is valid. When this period is over, a new evaluation is necessary (see section 5.2), which is again valid for 5 years.

If a company does not react on the request for prolongation of listing or product re-evaluation, the product will be de-listed.

5.6 De-listing requested by the company

De-listing at the end of a calendar year: As explained in 5.4, FiBL will ask the companies each year in summer whether they want to continue the listing of the products. The standard procedure for de-listing is to notify FiBL in the course of this prolongation process that the product should not be prolonged for another calendar year.

De-listing during the year: De-listing during the year is not normally possible, because farmers and certifiers rely on the listing in the Dutch input list. If there are good reasons for de-listing during the year, FiBL may grant an exception.

Note: In case of products which are not any more available on the market, they will be kept in the input list until the end of the year, but FiBL can add a comment that they are not any more available. This ensures that organic farmers who have a stock on their farm can use it without problems (see 5.6).

5.7 Transitional period (grace period) for organic farmers

The transitional period is the period after de-listing of a product during which it may still be used by Dutch organic farmers. The transitional period differs, depending on the reasons for de-listing.

De-listing on request by the company: If a product is de-listed from January – September, the transitional period lasts until December of the same year. If a product is delisted from October – December, the transitional period lasts until December of the following year.

De-listing due to altered evaluation criteria, changes in product manufacture or legal compliance, or deficits revealed by FiBL's quality assurance: The transitional period will be determined by FiBL and Skal on a case-by-case basis. Transitional periods may be shown in the product search.

6. Fees

The height of the fees is published on the project website <https://dutchinputlist.fibl.org>.

6.1 Evaluation / re-evaluation fee

After the evaluation (or re-evaluation after 5 years) of a product is completed, FiBL will charge an *evaluation fee* to the company.

- The evaluation fee is due both in case of listing and in case of rejection of the product.
- The evaluation fee covers all expenses related with the evaluation of the product, including correspondence with the companies, examination of the documentation, background research etc. It is a fixed fee and does not depend on the amount of work caused by an individual product.
- The evaluation fee covers also the first listing (see chapter 5.3).
- If a product has to be re-evaluated because the product characteristics have changed, the evaluation fee is also charged.

6.2 Listing fee

After the listing of a product has been prolonged for a calendar year, FiBL will charge a *listing fee* to the company.

- The listing fee covers all expenses related with the prolongation of the product, in particular correspondence with the company.
- Quality control measures such as analytical spot-checking and all subsequent correspondence and inquiries are free of charge for the company.

6.3 No fees charged

In the following situations, no fees are charged:

- Complaints: There is no fee for complaints. However, complaints will only be handled after the evaluation fee has been paid.
- Re-evaluation due to altered evaluation criteria: because such re-evaluations are not caused by the companies, they are handled free of charge.
- Purely administrative modifications of the listing, such as name changes and other purely administrative modifications, are handled free of charge.
- De-listing: There is no fee for de-listing. However, if a product is de-listed during the year, there is no refund of the listing fee.