

MINISTRY OF AGRICULTURE, LIVESTOCK AND FOOD SUPPLY
MINISTER'S OFFICE

Normative Instruction No. 54, OF OCTOBER 22, 2008

D.O.U., October 23, 2008 - Section 1

The STATE MINISTER OF AGRICULTURE, LIVESTOCK AND FOOD SUPPLY, exercising the power conferred upon him by art. 87, sole paragraph, clause II, of the Constitution, in view of the provisions of Law No. 10,831, of December 23, 2003, Decree No. 6,323 of December 27, 2007, and the provisions of Process No. 21000.001634/2008-15, resolves:

Art. 1 To regulate the Structure, Composition and Responsibilities of the Organic Production Commissions, according to Annex I from this Normative Instruction.

Art. 1 To approve the guidelines for creation of the internal regulation of the Organic Production Commissions in the Units of the Federation, according to Annex II from this Normative Instruction.

Art. 3 To establish the period of six (6) months from the date of publication of this Normative Instruction, for the Organic Production Commissions installed based on Ordinance No. 158, of July 8, 2004, to adapt to this Normative Instruction in which there is conflict.

Art. 6 This Normative Instruction enters into force on the date of its publication.

Art. 5 Ordinance No. 158, of July 8, 2004 is revoked.

REINHOLD STEPHANES

ANNEX I

STRUCTURE, COMPOSITION AND ATTRIBUTIONS OF THE ORGANIC PRODUCTION COMMISSIONS

Art. 1 The Organic Production Commissions are intended to assist in the actions necessary for the development of organic production, based on the integration among the various actors of the organic production network from the public and private sector, and effective participation of society in planning and democratic management of the public policies.

CHAPTER I

OF THE IMPLEMENTATION OF COMMISSIONS

Art. 2 A National Commission for Organic Production (NCOP) and a Commission for Organic Production in each state (COP - UF) will be instituted.

§ 1 It will be responsibility of the Agroecology Coordination (Coagre) the coordination, monitoring and guiding of the implementation and functioning process of these commissions.

§ 2 The NCOP will be established by Act from the Secretary of the Secretariat of Agriculture and Livestock Development and Cooperativism - SDC, which will enable resources to its implementation and operation.

§ 3 The NCOPs will be instituted by Acts from the Federal Superintendents of Agriculture of each Unit of the Federation, which will enable resources to its implementation and operation.

CHAPTER II

OF THE COMPOSITION

Art. 3 The COPs will be composed by an equal number, at least 4 (four) and at most 10 (ten) members of governmental organizations, member and alternate member, and an

equal number of members from nongovernmental organizations and other segments of the private sector, member and alternate, who have recognized activity under the organic production scope.

Art. 4 The NCOP will be composed by an equal number, 5 (five) members from governmental organizations, member and alternate, and 5 (five) members from nongovernmental organizations and other segments of the private sector, head and deputy, who have recognized role in the society under the Organic Production scope.

Sole paragraph. The composition of the NCOP should ensure the presence of at least one private sector representative from each geographical region.

CHAPTER III

OF THE SELECTION FOR MEMBERS OF THE COPs

Art. 5 The choice of members from nongovernmental organizations and other segments of the private sector will be made by a process conducted by the technician appointed by the Federal Superintendence of Agriculture (SFA), to serve as coordinator of the COP from the corresponding Unit of the Federation.

Sole paragraph. The members foreseen in the main section of this article should represent, whenever possible, different segments such as production, processing, commercialization, technical assistance, conformity assessment, teaching, production of inputs, social mobilization and consumer protection.

Art. 6 To apply for a vacancy in the COP, the non-governmental organizations and other private sector institutions interested should register with the SFA in its Unit of the Federation, submitting a copy of its statute, regulation or document in which contains the link of its acting to the desired representation.

Art. 7 The SFA will be responsible for giving wide dissemination, including through the publication of general circulation in the Unit of the Federation of its jurisdiction, the opening of registration and the date of the Assembly in which the representative members from each segment will be chosen.

Art. 8 The definition of which segments will have representation on the Commission and with how many members, will be performed through voting of those present at the Assembly foreseen in art. 7

§ 1 It shall be entitled to vote in the Assembly, a representative from each registered non-governmental organization.

§ 2 Each segment will define, separately, their representatives in open voting, the holder is considered the most voted candidate and the substitute is the second most voted, and there should be another voting in the event of a tie.

§ 3 In the Units of the Federation where representative organizations are not registered for any segment, these vacancies may be destined to the other segments that have a greater number of registered organizations.

Art. 9 The definition for the members of the governmental organizations will be responsibility of the Head of Technical Division from SFA, considering the involvement that these organizations have with the organic production in the Unit of the Federation in its jurisdiction.

§ 1 The members of governmental organizations should represent, whenever possible, different segments, such as technical assistance, education, fostering, research and inspection.

§ 2 For the definition of the governmental organizations will be invited to compose the COP, SFA should listen to the non-governmental organizations and other segments of the private sector through the Assembly foreseen in art. 7, of this Annex.

Art. 10. Completed the process of choosing the governmental and non-governmental organizations that will compose the COP, their legal representatives must forward a written opinion to SFA naming the people in charge, member and alternate, to effect the institutional representation.

Art. 11. After receiving the names of the representatives of the institutions, the Superintendent from SFA in the Unit of the Federation will edit Ordinance, to be published in the Official Journal of the Union (D.O.U.), officializing the members of the Commission.

Art. 12. The governmental and non-governmental organizations represented in the commission may, at any time, and through previous notice from its legal responsible to the coordinator of the COP where it is represented, change the people in charge to accomplish the institutional representation.

Art. 13. The Units of the Federation which have a large number of nongovernmental organizations wanting to participate in the COP, may admit that different organizations take the title and substitution of a same vacancy.

Art. 14. For inclusion of new organizations in the COPs that are already installed, in which the maximum number of members has not been completed, the following procedures should be adopted:

I - presentation of proposal to include the new organization, by one of the members composing the COP, with the appropriate justifications; and

II - the deliberation must occur at ordinary or extraordinary meeting, and the approval shall be by simple majority, observing the minimum quorum foreseen in the internal regulation of the COP;

§ 1 With this deliberation the necessity of maintaining parity between the government and non-governmental organizations shall be observed.

§ 2 In light of the new composition, it should be later republished in the Official Journal of the Union (D.O.U.).

Art. 15. The exclusion of members of the COPs may take place at any time, in the following situations:

I - manifestation of the designated member or of the represented organization to be withdrawn from the Commission, and

II - by deliberation of the COPs, when they consider a particular member is not contributing to its operation or, by frequent absences at meetings, hampering their work.

CHAPTER IV

OF THE SELECTION OF THE NCOP MEMBERS

Art. 16. The NCOP will be coordinated by a representative from Coagre.

Art. 17. The choice of the members of governmental organizations will be the responsibility of MAPA, hearing the Thematic Chamber of Organic Agriculture, considering the importance and involvement of these organizations in the organic production development process.

Art. 18. The choice of the members of nongovernmental organizations and other segments of the private sector will be performed by decision of their representatives in the COPs from each geographic region, through the electoral process conducted by Coagre.

§ 1 The process of selecting regional representatives will follow the following procedures:

- I - Coagre will communicate all the COPs the opening of the process for choosing the representatives, establishing deadlines and means for the registration of candidates and the period for the execution of the assemblies in the Units of the Federation;
- II - the candidate must be a member of any COP from the geographic region you want to represent, and shall forward a formal request of its enrollment to Coagre;
- III - Coagre will disclose the names of the enrolled ones, when the deadline for entries is due;
- IV - will be entitled to vote all the representatives of nongovernmental organizations from the COPs;
- V - completed the voting in the Units of the Federation, the results will be forwarded to the coordinator of Coagre for consolidation of the totalization of votes by region;
- VI - will be declared the member representative the candidate who receives most votes in the overall for the considered region, being the second most voted one declared the alternate representative; and
- VII - in case of a tie in the voting, it will be considered elected the representative of the organization with more time working on organic production.

§ 2 The electoral process to choose members for the COP will be held simultaneously in all COPs.

§ 3 In the event of resignation or dismissal of the elected representatives, it will be considered the other candidates in decreasing order of voting.

CHAPTER V

OF THE MANDATE OF MEMBERS

Art. 19. The members of the Commissions shall serve for two (2) years and may be renewed consecutively for the same period, through the processes of choice specified in this regulation.

CHAPTER VI

OF THE ATTRIBUTIONS OF THE COMMISSIONS

Art. 20. The following are attributions of the National Commission for Organic Production - NCOP:

- I - to issue opinion on regulations dealing with organic production, considering the manifestations sent by the COP-UF;
- II - to propose regulations whose purpose is the improvement of the organic production network at the national and international levels, considering the proposals sent by the COP-UF;
- III - to assist the Brazilian Organic Conformity Assessment System;
- IV - to articulate and foster the creation of sectorial and regional forums that will improve the representation of the social movement involved with organic production;
- V - to discuss and propose the positions to be taken by Brazilian representatives in national and international forums dealing with organic production, consolidating the positions presented by the COP-UF; and
- VI - to advise and suggest activities to be developed by the COP-UF.

Art. 21. The following are attributions of the Commissions of Organic Production - COP-UF:

- I - to issue opinion on regulations dealing with the organic production;
- II - to propose to the COP regulations whose purpose is the improvement of the organic production network at the national and international levels;
- III - to assist the Brazilian Organic Conformity Assessment System;

- IV - to contribute for the development of base of experts who are able to work in the accreditation process;
- IV - to articulate and foster the creation of sectorial and regional forums that will improve the representation of the social movement involved with organic production;
- V - to discuss and propose the positions to be taken by Brazilian representatives in national and international forums dealing with organic production; and
- VII - issue opinion on applications for accreditation of organic conformity assessment bodies.

ANNEX II

GUIDELINES FOR PREPARATION OF THE INTERNAL REGULATION OF THE COMMISSION OF ORGANIC PRODUCTION

Art. 1 The COP-UF Internal Regulation will define its composition, organization, attributions, responsibilities and operation.

CHAPTER I

OF THE COORDINATOR AND MEMBER COMPETENCES

Art. 2 The following are attributions of the Coordinator from the Commission of Organic Production:

- I - call ordinary and extraordinary meetings, drawing up the guidelines proposed by its members and submit to the COP all matters listed, as well as materials for examination and opinion;
- II - to prepare and coordinate the meetings and proceedings from the COP, develop, distribute the memories of the meetings, as well as provide the necessary administrative support to its operation;
- III - to sign documents and represent the COP in the approved acts, respecting the nature of their attributions in ordinary or extraordinary meetings;
- IV - to invite for attending meetings and debates, without voting rights, people who can contribute to the discussion of the raised issues;
- V - to ensure compliance with the norms of this Regulation and to resolve questions of order;
- VI - to prepare and forward internal communications, to publish and disseminate the COP activities and the changes of its members;
- VII - maintain close liaison with the other commissions of organic production;
- VIII - to appoint members from the COP or outside it for the execution of tasks, taking responsibility for the execution of work;
- and IX - to keep files and technical assets of the COP.

Art. 2 The following are attributions of the members from the Commission of Organic Production:

- I - to participate and deliberate in the meetings;
- II - to propose formal notice of extraordinary meetings;
- III - to examine and report on devices that they are distributed by the Coordinator, within the established deadlines; and
- IV - work towards the development and diffusion of organic production

CHAPTER II

OF THE MEETINGS

Art. 4 Each COP will define the periodicity of its ordinary meetings, respecting the period of at least one meeting every 3 (three) months.

Sole paragraph. The ordinary meetings will be convened with at least fifteen (15) calendar days in advance.

Art. 5 COP extraordinary meetings may be called in the following situations:

I - by the Coordinator, upon a relevant fact led to knowledge of other members by the usual means;

II - at the request of one third of the members; and

III - at the request of the National Commission for Organic Production.

Sole paragraph. The extraordinary meetings will be convened with at least five (5) calendar days in advance.

Art. 6 The COPs meetings will be held at the headquarters of the SFA of its jurisdiction or elsewhere agreed by its members.

Art. 7 The meetings of the Commissions of Organic Production from the Units of the Federation may only take place with the presence of at least 1/3 (one third) of the members from governmental and nongovernmental entities.

Sole paragraph. For purposes of quorum and deliberation it will be considered the vote of only one member, or alternate, when both representatives from an organization attend to the same meeting.

Art. 8 Each member organization shall ensure the presence of its representative at all meetings to which it is convened and should justify the COP Coordinator when unable to attend.

Art. 9 The commissions meetings will follow the agenda set in advance and forwarded by the Coordinator to all members.

Art. 10. It may be included on the agenda for discussion and voting material that has emergency regime approved by the COP.

Sole paragraph. The matters to be proposed on an emergency regime should be brought to the attention of the members at the beginning of the meeting at which it is treated.

Art. 11. During the meetings, the member to submit proposals, indications, requests and communications shall deliver written copy to the panel, so it can be included in the memory of the meeting.

Art. 12. Any member may request at any stage of the discussion, the withdrawal of his own matter or ask for view, a single time, of matter submitted to the decision.

§ 1 It is forbidden the withdrawal request or view of matter when presented after the beginning of the voting process.

§ 2 When the request for view is formulated, the matter will be automatically removed from the agenda, being its discussion postponed until the return of the matter by the applicant within the maximum period of 30 (thirty) days.

Art. 13. The deliberation on the matters considered shall be by consensus, and where this is not possible it should be done the voting process, with decisions taken by simple majority of those who are present.

§ 1 In case of a tie in the voting, the Coordinator will open a new round of discussion of the matter, after which, remaining the tie in the new voting, it will be up to him the casting vote.

§ 2 In the case of changes in the Internal Regulation, the decisions shall be taken by at least 2/3 (two thirds) of the members who compose the COP.

Art. 14. The memories of each meeting will be submitted for approval at the beginning of the next meeting.

Sole paragraph. A copy of the memoirs from the COPs meetings should be forwarded to the NCOP coordinator, preferably electronically.

CHAPTER III

OF THE GENERAL PROVISIONS

Art. 15. The participation in the COP will not be paid, while the Federal Superintendence of Agriculture will provide its members all the technical and administrative support necessary for their work.

Art. 16. The omissions or questions of interpretation of the regulations will be resolved by the corresponding COP-UF.

Art. 17. The regulations and other acts required to operate the COP will be submitted to the Superintendent of the Federal Superintendence of Agriculture, Livestock and Food Supply in the corresponding Unit of the Federation, for consideration and subsequent publication in the Daily Journal of the Union (D.O.U.).