

PRESIDENCY OF THE REPUBLIC
LAW N° 10831 OF 23RD DECEMBER, 2003

The PRESIDENT OF THE REPUBLIC: I hereby declare that the National Congress has enacted and I sanction the following Law:

Art. 1. An organic agriculture and livestock production system is considered to be any system that employs specific techniques by optimising the use of available natural and socioeconomic resources and respecting the cultural integrity of rural communities with the purpose of attaining economic and ecological sustainability; maximising social benefits; minimising dependence upon non-renewable energies; employing cultural, biological and mechanical methods wherever possible, as opposed to the use of synthetic materials; eliminating the use of genetically modified organisms and ionising radiation at any phase of the production process, processing, storage, distribution and trading; and protecting the environment.

§ 1. The ultimate objects of an organic production system are as follows:

- I – offering wholesome products free from intentional contaminants;
- II – preserving the biological diversity of natural ecosystems and recovering or incrementing the biological diversity of modified ecosystems where the production system is inserted;
- III – increasing the biological activity in the soil;
- IV – promoting a healthy use of land, water and air; and reducing all forms of contamination of such elements that may result from agricultural practices to a minimum;
- V – maintaining or improving soil fertility in the long term;
- VI – recycling organic residues thereby reducing the use of non-renewable resources to a minimum;
- VII – to be based on renewable resources and on locally organised agricultural systems
- VIII – encouraging integration among different production chain and organic produce consumption chain segments, and the regionalising the production and trade of these products;
- IX – handling agricultural products based on careful preparation methods, with the purpose of keeping their organic integrity and the product's vital qualities throughout all stages.

§ 2. The concept of agricultural and industrial organic production system includes the so-called: ecological; biodynamical; natural; regenerative; biological; agroecological; permaculture; and others complying with the principles set out by this Law.

Art. 2. An organic agricultural product or organic product, whether *in natura* or processed, is considered to be that which is obtained from an agricultural organic production system or resulting from a sustainable extractive process not harmful to the local ecosystem.

Only paragraph. Any individual or legal entity responsible for generating a product as defined in this article's *caput* is considered to be a producer for the purpose of this Law.

Art. 3. In order to be traded, organic products shall be certified by an officially recognised body pursuant to criteria established in specific regulation.

§ 1. Where direct trading takes place between consumers and family farmers taking part in proper social control organisation processes previously registered with the appropriate inspection body, certification shall be optional as long as product traceability is assured to consumers and inspection body alike, as well as free access to production and processing sites.

§ 2. The organic production certification referred to in the *caput*, focusing on systems, criteria and circumstances involving its application shall be regulated by this Law with consideration to the various certification systems in operation in the country.

Art. 4. Responsibility for the quality of the characteristics regulated for organic products shall fall to the producers, distributors, traders and certifying bodies, pursuant to their individual levels of participation.

Only paragraph. The quality referred to in the *caput* does not exempt production chain agents from complying with further rules and regulations providing for other measures concerning the quality of products and processes.

Art. 5. Procedures relating to the inspection of domestic and foreign organic products production, circulation, storage, trading and certification shall be the object of regulation by the Executive Power.

§ 1. The regulation referred to shall define and appoint responsibilities for implementing this Law at the Federal Government level.

§ 2. This Law may be enforced by the signature of covenants, adjustments and agreements between bodies and institutions of the Federal Administration, States and the Federal District.

Art. 6. Without loss to appropriate civil and criminal responsibilities, infringement of the provisions herewith shall be investigated by way of an administrative proceeding and shall cause the application of the following sanctions, whether separately or cumulatively:

I - warning;

II – up to R\$ 1,000,000.00 (one million Real) fine;

III – suspension of product trading;

IV – condemnation of products, labels, packaging and raw materials;

V – destruction of product;

VI – suspension of accreditation, certification, authorisation, register or license; and

VII – cancellation of accreditation, certification, authorisation, register or license.

Art. 7. The adoption of preventive measures indispensable to the enforcement of this Law, as well as provisions for the destination of apprehended or condemned products shall fall to the body defined in regulation.

§ 1. The withholder of the apprehended goods may be named its depositary.

§ 2. The costs related to any of the proceedings mentioned in this article shall be covered by the infringer.

Art. 8. Any individuals or legal entities governed by public or private law producing, transporting, trading or storing organic products are hereby obliged to regularise their trading activities with the competent bodies.

Only paragraph. The procedures of registering, licensing and other control mechanisms shall heed to the provisions regulated by this Law and other any other related legal instruments.

Art. 9. Regulated inputs for organic agriculture shall be the object of a different registration process that assures its regulation is simplified and made quicker.

Only paragraph. The competent federal bodies shall publish complementary instruments to define procedures for the application of the provisions in the *caput*.

Art. 10. In order to comply with requirements concerning sanitary and phytosanitary measures, the competent authorities shall whenever possible, adopt measures that are compatible with the characteristics and specificities of organic products so as not to remove their characteristics.

Art. 11. The Executive Power shall regulate this Law by defining the technical rules for organic production and its management structure at Union, State and Federal District level.

§ 1. The regulation shall include the participation of representatives from the agriculture and livestock sector, and from civil society, who have had acknowledged participation in any phase of the organic productive chain.

§ 2. This Law's regulation shall be revised and updated whenever necessary, at intervals not exceeding a period of four years.

Art. 12. (VETOED).

Only paragraph. This Law's regulation shall establish a period of a minimum of one year for all segments involved in the production chain to adapt to the procedures not previously established by official regulation.

Art. 13. This law shall enter into force upon the date of its publication.

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