

Annex: Research Derogation

Encouraging and supporting innovative approaches to meeting the objectives of our higher standards

1. Introduction

The Soil Association has higher organic standards than required by the EU Organic Regulation in key areas: delivering higher levels of animal welfare, protecting human and animal health, safeguarding the environment and protecting the interests of organic consumers. These reflect the mission and vision of the Soil Association. Each Soil Association higher standard is accompanied by a 'Why?' box which explains the rationale behind the standard and why we expect our licensees to go further than required by the EU Organic Regulation. You can find our organic standards at <https://www.soilassociation.org/our-standards/>

However, we know that this means there will occasionally be circumstances in which individual businesses feel constrained or inhibited by our higher standards. This chapter sets out how licensees who wish to explore or demonstrate innovative ways of delivering the same outcome of the higher standards but in a different way, can apply for permission – a research derogation. This derogation will allow them to make their case by conducting an approved research project and to retain access to the Soil Association symbol.

The Soil Association will use evidence gathered in this way to review our higher standards, but the outcome of the review, even when research has shown positive conclusions, is not a foregone conclusion.

2. Research derogation

2.1. What is a research derogation?

A research derogation is a formal permission that allows a licensee to deviate from a specific Soil Association higher standard in well-defined circumstances. All other requirements of Soil Association standards must be complied with (both EU rules and Soil Association higher requirements) throughout the duration of the research derogation.

2.2. Who can apply for a research derogation

Licensees of Soil Association Certification who are certified to the Soil Association standards may apply for a research derogation. The derogation will be granted against a specific standard or standards. You must comply with all other aspects of the Soil Association standards and your certification contract throughout the duration of the research derogation. Failure to do so will result in immediate revocation of the research derogation.

2.3. Application

You must submit a written application for the granting of a research derogation. We have designed a template that must be completed and submitted to Soil Association Certification. Please contact us for an application form (see 'How to contact us' below)

The details of your proposal will be shared with the Standards and Impact team in Soil Association Charity. This is because the Soil Association Standard is owned and governed by the Soil Association Charity and the research derogation is designed to aid the standards development process overseen by the Soil Association Standards Board (<https://www.soilassociation.org/our-standards/how-are-organic-standards-set/>). The Standards and Impact team will work with the Standards Board to evaluate the research proposal.

The Standards Board will decide if the proposal is of sufficient quality to deliver new and meaningful evidence to inform the standards development process. This will mean that your proposal must include the involvement of an independent academic expert who must endorse your plans and oversee the monitoring and evaluation of the research project in consultation with the Standards and Impact team.

If the Standards Board agrees that the research proposal is likely to yield information that will be valuable in developing the Soil Association Standards, it will authorise the Standards and Impact team to work with you to finalise the details of the research project. We may need to visit the research site to assess the suitability of your proposal.

2.4. Research Agreement

If your proposed project is accepted, you must sign a binding undertaking – a research agreement -with Soil Association Charity to carry out the research as agreed. The agreement will include a description of your obligations to share information, report findings and to notify and gain prior approval for any changes or amendments during the duration of the research project. It will also set out the circumstances in which Soil Association Charity or the applicant may decide to bring the research project and agreement to an early conclusion.

The agreement will also set out how we will ensure confidentiality of your information, both within Soil Association and during any standards development process, including consultations on proposed standards which will require evidence to be placed in the public domain.

2.5. Approval

When you have signed the research agreement Soil Association Certification will notify you in writing that your research derogation has been granted. The notification will clearly state the end date for the research derogation. After this date you must comply with all the published Soil Association Standards to retain access to the Soil Association symbol.

The project will be regularly reviewed and assessed throughout the term of the agreement. Soil Association Certification may need to conduct more frequent inspections while the research derogation is in place. Failure to cooperate with an inspection will result in suspension of the research derogation.

You must not implement any of the proposed changes until you have received written authorisation from Soil Association Certification. If you fail to observe this requirement you will be required to correct any non-compliance with the Soil Association Standards in the usual way. Failure to do so will be dealt with according to the normal Soil Association Certification sanction procedures.

2.6. Evaluation of evidence and standards development

The Standards Board will review the final results of the research project to determine whether the outcome supports a change to the Soil Association Organic Standards.

The usual standards development process will be followed.

2.7. Cost

The cost of any academic review and oversight of the project must be met by the applicant. The applicant is responsible for agreeing fees and terms with the academic expert. The nature and extent of the academic involvement must be set out in the research agreement. Any additional costs to Soil Association Charity, or Soil Association Certification, outside of the standard administration of the organic licence, must be covered by the applicant. Costs will be agreed at the start and will depend on the nature of the research proposal.

Any investment the applicant chooses to undertake during the trial is at their own risk.

3. How to contact us

To discuss your application for a research derogation please contact your Certification Officer.