



EUROPEAN
COMMISSION

Brussels, XXX
[...] (2014) XXX draft

COMMISSION IMPLEMENTING REGULATION (EU) No .../..

of XXX

amending and correcting Regulation (EC) No 1235/2008 laying down detailed rules for implementation of Council Regulation (EC) No 834/2007 as regards the arrangements for imports of organic products from third countries

(Text with EEA relevance)

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amending and correcting Regulation (EC) No 1235/2008 laying down detailed rules for implementation of Council Regulation (EC) No 834/2007 as regards the arrangements for imports of organic products from third countries

(Text with EEA relevance)

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to Council Regulation (EC) No 834/2007 of 28 June 2007 on organic production and labelling of organic products and repealing Regulation (EEC) No 2092/91¹, and in particular Article 33(2) and (3) and Article 38(d) thereof,

Whereas:

- (1) Annex III to Commission Regulation (EC) No 1235/2008² sets out the list of third countries whose systems of production and control measures for organic production of agricultural products are recognised as equivalent to those laid down in Regulation (EC) No 834/2007.
- (2) The recognition of Switzerland pursuant to Article 33(2) of Regulation (EC) No 834/2007 currently applies to processed agricultural products for use as food, except for yeast. Switzerland has submitted a request to the Commission to recognise its equivalence for organic yeast as well. Examination of the information submitted with that request and subsequent clarifications provided by Switzerland have led to the conclusion that in that country the rules governing production and controls of organic yeast are equivalent to those laid down in Regulation (EC) No 834/2007 and Commission Regulation (EC) No 889/2008³. Consequently, recognition of the equivalence of Switzerland's systems of production and control measures, as regards processed agricultural products for use as food, should also apply to organic yeast.
- (3) The recognition of New Zealand pursuant to Article 33(2) of Regulation (EC) No 834/2007 currently applies to processed agricultural products for use as food, except for wine and yeast. The New Zealand authorities have submitted a request to the Commission to recognise its equivalence for organic wine as well. Examination of the information submitted with that request and subsequent clarifications provided by New Zealand have led to the conclusion that in that country the rules governing production and controls of organic wine are equivalent to those laid down in Regulation (EC) No 834/2007 and Regulation (EC) No 889/2008. Consequently,

¹ OJ L 189, 20.7.2007, p. 1.

² Commission Regulation (EC) No 1235/2008 of 8 December 2008 laying down detailed rules for implementation of Council Regulation (EC) No 834/2007 as regards the arrangements for imports of organic products from third countries (OJ L 334, 12.12.2008, p. 25).

³ Commission Regulation (EC) No 889/2008 of 5 September 2008 laying down detailed rules for the implementation of Council Regulation (EC) No 834/2007 on organic production and labelling of organic products with regard to organic production, labelling and control (OJ L 250, 18.9.2008, p. 1).

recognition of the equivalence of New Zealand's systems of production and control measures, as regards processed products for use as food, should also apply to organic wine.

- (4) According to the information provided by New Zealand, the competent authority, one of the control bodies and the certificate issuing body have changed. This should be reflected in Annex III to Regulation (EC) No 1235/2008.
- (5) Annex IV to Regulation (EC) No 1235/2008 sets out the list of control bodies and control authorities competent to carry out controls and issue certificates in third countries for the purpose of equivalence.
- (6) The Commission has examined requests for inclusion in the list set out in Annex IV to Regulation (EC) No 1235/2008, received by 31 October 2013. Following the examination of all information received, the control bodies and control authorities that have been found to comply with the relevant requirements should be included in that list.
- (7) 'LibanCert' is listed in Annex IV to Regulation (EC) No 1235/2008. However, it did not notify the Commission of relevant information relative to the accreditation body referred to in the third and fourth subparagraphs of Article 33(3) of Regulation (EC) No 834/2007 nor of any changes to its technical dossier in accordance with Article 12(2)(b) of Regulation (EC) No 1235/2008. Furthermore, the annual report sent by 'LibanCert' in 2013 indicated that it did not meet the specifications set out in Annex IV to Regulation (EC) No 1235/2008. 'LibanCert' was invited by the Commission to clarify these issues but it did not reply within the deadline set. According to information available to the Commission, 'LibanCert' has ceased operations. It should therefore be withdrawn from the list in Annex IV.
- (8) Annex IV to Regulation (EC) No 1235/2008 as amended by Commission Implementing Regulation (EU) No 355/2014⁴ contains an error in relation to the code number for a third country for the control body 'Abcert AG' and erroneously refers to 'IMO Swiss AG' instead of 'IMOsSwiss AG'.
- (9) Annexes III and IV to Regulation (EC) No 1235/2008 should therefore be amended and corrected accordingly.
- (10) For reasons of legal certainty, the corrected provisions relating to Abcert AG and IMOsSwiss AG should apply from the date of entry into force of Implementing Regulation (EU) No 355/2014.
- (11) The measures provided for in this Regulation are in accordance with the opinion of the regulatory Committee on organic production,

HAS ADOPTED THIS REGULATION:

Article 1

Annex III to Regulation (EC) No 1235/2008 is amended in accordance with Annex I to this Regulation.

⁴ Commission Implementing Regulation (EU) No 355/2014 of 8 April 2014 amending Regulation (EC) No 1235/2008 laying down detailed rules for implementation of Council Regulation (EC) No 834/2007 as regards the arrangements for imports of organic products from third countries (OJ L 106, 9.4.2014, p. 15).

Article 2

Annex IV to Regulation (EC) No 1235/2008 is amended and corrected in accordance with Annex II to this Regulation.

Article 3

This Regulation shall enter into force on the third day following that of its publication in the *Official Journal of the European Union*.

Points (1) and (5)(a) of Annex II shall apply from 12 April 2014.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels,

For the Commission
The President

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ANNEX I

Annex III to Regulation (EC) No 1235/2008 is amended as follows:

- (1) In the entry relating to Switzerland, point 1 'Product categories', row 'Processed agricultural products for use as food', footnote ⁽²⁾ is deleted.
- (2) The entry relating to New Zealand is amended as follows:
 - (a) In point 1 'Product categories', row 'Processed agricultural products for use as food', footnote ⁽²⁾ is replaced by the following:
'⁽²⁾ Yeast not included.'
 - (b) Point 4 is replaced by the following:
'4. Competent authority: Ministry for Primary Industries (MPI)
<http://www.foodsafety.govt.nz/industry/sectors/organics/>
 - (c) In point 5, the row for NZ-BIO-001 is replaced by the following:

NZ-BIO-001	Ministry for Primary Industries (MPI)	http://www.foodsafety.govt.nz/industry/sectors/organics/
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- (d) Point 6 is replaced by the following:
'Certificate issuing bodies: Ministry for Primary Industries (MPI) '

ANNEX II

Annex IV to Regulation (EC) No 1235/2008 is amended and corrected as follows:

- (1) In the entry relating to ‘**Abcert AG**’, in point 3, the row for Moldova is replaced by the following:

Moldova	MD-BIO-137	x	-	-	-	-	-
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- (2) The entry relating to ‘**CCPB Srl**’ is amended as follows:

- (a) Point 3 is replaced by the following:

‘3. Third countries, code numbers and product categories concerned:

Third country	Code number	Category of products					
		A	B	C	D	E	F
China	CN-BIO-102	x	-	-	x	-	-
Egypt	EG-BIO-102	x	x	-	x	-	-
Iraq	IQ-BIO-102	x	-	-	-	-	-
Lebanon	LB-BIO-102	x	x	-	x	-	-
Morocco	MA-BIO-102	x	-	-	x	-	-
Philippines	PH-BIO-102	x	-	-	x	-	-
San Marino	SM-BIO-102	x	x	-	x	-	-
Syria	SY-BIO-102	x	-	-	-	-	-
Tunisia	TN-BIO-102	-	x	-	-	-	-
Turkey	TR-BIO-102	x	x	-	x	-	-

- (b) Point 4 is replaced by the following:

‘4. Exceptions: in-conversion products, wine and products covered by Annex III’;

- (3) In the entry relating to ‘**Control Union Certifications**’, point 3 is replaced by the following:

‘3. Third countries, code numbers and product categories concerned:

Third country	Code number	Category of products					
		A	B	C	D	E	F
Afghanistan	AF-BIO-149	x	x	x	x	x	x
Albania	AL-BIO-149	x	x	x	x	x	x
Bermuda	BM-BIO-149	x	x	x	x	x	x
Bhutan	BT-BIO-149	x	x	x	x	x	x
Brazil	BR-BIO-149	x	x	x	x	x	x
Burkina Faso	BF-BIO-149	x	x	x	x	x	x
Burma/Myanmar	MM-BIO-149	x	x	x	x	x	x
Cambodia	KH-BIO-149	x	x	x	x	x	x
Canada	CA-BIO-149	-	-	x	-	-	-
China	CN-BIO-149	x	x	x	x	x	x
Colombia	CO-BIO-149	x	x	x	x	x	x
Costa Rica	CR-BIO-149	-	x	x	-	x	-
Côte d'Ivoire	CI-BIO-149	x	x	x	x	x	x
Dominican Republic	DO-BIO-149	x	x	x	x	x	x
Ecuador	EC-BIO-149	x	x	x	x	x	x
Egypt	EG-BIO-149	x	x	x	x	x	x
Ethiopia	ET-BIO-149	x	x	x	x	x	x
Ghana	GH-BIO-149	x	x	x	x	x	x
Guinea	GN-BIO-149	x	x	x	x	x	x
Honduras	HN-BIO-149	x	x	x	x	x	x
Hong Kong	HK-BIO-149	x	x	x	x	x	x
India	IN-BIO-149	-	x	x	x	x	-
Indonesia	ID-BIO-149	x	x	x	x	x	x
Iran	IR-BIO-149	x	x	x	x	x	x

Israel	IL-BIO-149	-	x	x	-	x	-
Japan	JP-BIO-149	-	x	x	-	x	-
South Korea	KR-BIO-149	x	x	x	x	x	x
Kyrgyzstan	KG-BIO-149	x	x	x	x	x	x
Laos	LA-BIO-149	x	x	x	x	x	x
Former Yugoslav Republic of Macedonia	MK-BIO-149	x	x	x	x	x	x
Malaysia	MY-BIO-149	x	x	x	x	x	x
Mali	ML-BIO-149	x	x	x	x	x	x
Mauritius	MU-BIO-149	x	x	x	x	x	x
Mexico	MX-BIO-149	x	x	x	x	x	x
Moldova	MD-BIO-149	x	x	x	x	x	x
Mozambique	MZ-BIO-149	x	x	x	x	x	x
Nepal	NP-BIO-149	x	x	x	x	x	x
Nigeria	NG-BIO-149	x	x	x	x	x	x
Pakistan	PK-BIO-149	x	x	x	x	x	x
Occupied Palestinian territory	PS-BIO-149	x	x	x	x	x	x
Panama	PA-BIO-149	x	x	x	x	x	x
Paraguay	PY-BIO-149	x	x	x	x	x	x
Peru	PE-BIO-149	x	x	x	x	x	x
Philippines	PH-BIO-149	x	x	x	x	x	x
Rwanda	RW-BIO-149	x	x	x	x	x	x
Serbia	RS-BIO-149	x	x	x	x	x	x
Sierra Leone	SL-BIO-149	x	x	x	x	x	x
Singapore	SG-BIO-149	x	x	x	x	x	x

South Africa	ZA-BIO-149	x	x	x	x	x	x
Sri Lanka	LK-BIO-149	x	x	x	x	x	x
Switzerland	CH-BIO-149	-	-	x	-	-	-
Syria	SY-BIO-149	x	x	x	x	x	x
Tanzania	TZ-BIO-149	x	x	x	x	x	x
Thailand	TH-BIO-149	x	x	x	x	x	x
Timor-Leste	TL-BIO-149	x	x	x	x	x	x
Turkey	TR-BIO-149	x	x	x	x	x	x
Uganda	UG-BIO-149	x	x	x	x	x	x
Ukraine	UA-BIO-149	x	x	x	x	x	x
United Arab Emirates	AE-BIO-149	x	x	x	x	x	x
United States	US-BIO-149	-	-	x	-	-	-
Uruguay	UY-BIO-149	x	x	x	x	x	x
Uzbekistan	UZ-BIO-149	x	x	x	x	x	x
Vietnam	VN-BIO-149	x	x	x	x	x	x
Zambia	ZN-BIO-149	x	x	x	x	x	x

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- (4) In the entry relating to 'IBD Certifications Ltd', point 3 is replaced by the following:

'3. Third countries, code numbers and product categories concerned:

Third country	Code number	Category of products					
		A	B	C	D	E	F
Brazil	BR-BIO-122	x	x	x	x	x	-
China	CN-BIO-122	x	-	-	x	x	-
Mexico	MX-BIO-122	-	x	-	x	-	-

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- (5) The entry relating to **'IMO Swiss AG'** is amended as follows:
- (a) The name **'IMO Swiss AG'** is replaced by **'IMOsuisse AG'**;
- (b) Point 4 is replaced by the following:
 '4. Exceptions: in-conversion products and products covered by Annex III';
- (6) The entry relating to **'LibanCert'** is deleted.
- (7) In the entry relating to **'Suolo e Salute srl'**, point 3 is replaced by the following:
 '3. Third countries, code numbers and product categories concerned:

Third country	Code number	Category of products					
		A	B	C	D	E	F
Dominican Republic	DO-BIO-150	x	-	-	x	-	-
Egypt	EG-BIO-150	x	-	-	x	-	-
San Marino	SM-BIO-150	x	-	-	x	-	-
Senegal	SN-BIO-150	x	-	-	x	-	-
Serbia	RS-BIO-150	x	-	-	-	-	-
Ukraine	UA-BIO-150	x	-	-	x	-	-