



**EUROPEAN COMMISSION**  
 DIRECTORATE-GENERAL FOR AGRICULTURE AND RURAL DEVELOPMENT

Directorate B. Quality, Research & Innovation, Outreach  
**The Director**

Brussels,  
 MP/sn/agri.ddg1.b.4(2019)6554652

Dear [REDACTED]

Thank you for your email dated 7 June 2019 (Ares(2019)5516330), in which you request our view on how to fill in the Certificate of Inspection (CoI) in the specific case where the importer/first consignee is not known since the beginning of the process of export and the organic products exported from third country are placed in duty-free warehouse in the EU for a certain time until an importer is found.

In the context of EU and Switzerland agreement on trade of organic products, Switzerland has been granted access to use the tool E-COI TRACES for the issuance and endorsement of the “certificate of imports” required by Switzerland for the import of organic products from non-EU third countries to Switzerland.

As you know, E-COI Traces is a tool that reflects EU legislation on organics. In this context, I would like to draw your attention that as prescribed in the Annex V of Commission Regulation (EC) No 1235/2008, the Importer should be included in Box 11 of the CoI. Box 11 is mandatory and should be filled when issuing the COI before the signature of Box 18 by the relevant control body.

Moreover, as laid down in Article 2 of Regulation (EC) No 889/2008 and the Notes related to the CoI in Annex V to Regulation (EC) No1235/2008 as regards the Box 11, the importer means the natural or legal person within the European Union who presents the consignment for release for free circulation into the Union, either on its own, or through a representative. Taking into account the legal provisions, as described overhead, it is not allowed to include the reference to the duty free warehouse in the Box 11 of the CoI.

The present opinion is provided on the basis of the facts as set out in your letter of 21 May 2019 and expresses the view of the Commission services and does not commit the European Commission. In the event of a dispute involving Union law it is, under the Treaty on the Functioning of the European Union, ultimately for the European Court of Justice to provide a definitive interpretation of the applicable Union law.

Yours sincerely,

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