



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)6365351

Dear [REDACTED],

Thank you for your letter of 21 May 2019 (Int. Ref. ARES(2019)3344106) in which you request clarifications about the legal interpretation of Article 33(1) of Regulation (EC) No 834/2007, and in particular as regards the Certificate of Inspection (CoI).

Article 33(1) of Regulation (EC) No 834/2007 sets out a list of requirements that products imported from third countries have to fulfil in order to be placed in the Union market as organics. All these requirements have to be fulfilled in the relevant third country, including issuing the COI.

The imports system must ensure the traceability of the organic products all along the chain of productions and distribution. To this aim, Article 33(1) requires that the certificate should accompany the goods to the premises of the first consignee. In addition, Article 34 of Regulation (EC) No 889/2008 requires that organic products from a third country are imported “in appropriate packaging or containers, closed in a manner preventing substitution of the content and provided with identification of the exporter and with any other marks and numbers serving to identify the lot and with the certificate of control for imports from third countries, as appropriate”.

In this regard, Article 13(3) of Regulation (EC) No 1235/2008 establishes that the COI must be issued by the control body of the producer or the processor, or the control body checking the last operation for the purpose of preparation.

In order to fulfil the above requirements, the certificate must be issued before the product leaves the third country in which the products have been produced or processed (country of origin), or where the last operation for the purpose of preparation is carried out (country of export).

The interpretation that the certificate could be issued just before the placing on the market and therefore after the exit of the goods from the country of exports or origin would not respect the purpose of the COI and the aim of the legislation to ensure the traceability of the products, including during transport until the release into free circulation in the Union.

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

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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,

