

COMMISSION IMPLEMENTING REGULATION (EU) 2023/186**of 27 January 2023****amending Implementing Regulation (EU) 2021/2325 as regards the recognition of certain control authorities and control bodies for the purpose of importing organic products into the Union**

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EU) 2018/848 of the European Parliament and of the Council of 30 May 2018 on organic production and labelling of organic products and repealing Council Regulation (EC) No 834/2007 ⁽¹⁾, and in particular Article 57(2) thereof,

Whereas:

- (1) Annex II to Commission Implementing Regulation (EU) 2021/2325 ⁽²⁾ sets out the list of control authorities and control bodies recognised for the purpose of equivalence and competent to carry out controls and issue certificates in third countries. In the light of new information and requests received by the Commission since the adoption of Implementing Regulation (EU) 2021/2325, certain changes should be made to that list.
- (2) The Commission has received and examined a request from ‘Certificadora Mexicana de productos y procesos ecológicos S.C.’ to withdraw its recognition for product category A for the Dominican Republic, Guatemala and El Salvador due to the lack of operators.
- (3) The Commission has received and examined a request from ‘EKO-CONTROL SK s.r.o.’ to withdraw its recognition for all third countries for which it is recognised.
- (4) ‘LETIS S.A.’ failed to provide in its annual report and following subsequent requests updated information on the assessment report issued by its accreditation body according to Article 33(3) of Council Regulation (EC) No 834/2007 ⁽³⁾ concerning unprocessed aquaculture products and algae for which it is recognised.
- (5) Furthermore, ‘LETIS S.A.’ did not communicate to the Commission all information related to its technical dossier.
- (6) ‘LETIS S.A.’ has also failed to take adequate corrective measures in response to instances of non-compliance with, and infringements of, the organic production rules observed by the Commission. The non-compliance and infringements observed include: (i) the existence of several OFIS notifications involving that control body; and (ii) inadequate follow-up investigations by ‘LETIS S.A.’ of those OFIS notifications.
- (7) Finally, following the audit of ‘LETIS S.A.’ carried out by the Commission in 2021, ‘LETIS S.A.’ failed to demonstrate that it implemented effective and reinforced control measures and took the necessary corrective actions to remedy the shortcomings identified by the Commission. This creates a risk for the consumer to be misled about the true nature of the products certified by ‘LETIS S.A.’.

⁽¹⁾ OJ L 150, 14.6.2018, p. 1.

⁽²⁾ Commission Implementing Regulation (EU) 2021/2325 of 16 December 2021 establishing, pursuant to Regulation (EU) 2018/848 of the European Parliament and of the Council, the list of third countries and the list of control authorities and control bodies that have been recognised under Article 33(2) and (3) of Council Regulation (EC) No 834/2007 for the purpose of importing organic products into the Union (OJ L 465, 29.12.2021, p. 8).

⁽³⁾ Council Regulation (EC) No 834/2007 of 28 June 2007 on organic production and labelling of organic products and repealing Regulation (EEC) No 2092/91 (OJ L 189, 20.7.2007, p. 1).

- (8) For each of the four reasons set out in recitals 4-7 above, and in accordance with Article 4(1) point (d)(ii), (iii), (v) and (vii), of Commission Delegated Regulation (EU) 2021/1342⁽⁴⁾, 'LETIS S.A.' should be withdrawn from the list of control authorities and control bodies set out in Annex II to Implementing Regulation (EU) 2021/2325.
- (9) Implementing Regulation (EU) 2021/2325 should therefore be amended accordingly.
- (10) The measures provided for in this Regulation are in accordance with the opinion of the Organic Production Committee,

HAS ADOPTED THIS REGULATION:

Article 1

Annex II to Regulation (EU) 2021/2325 is amended in accordance with the Annex to this Regulation.

Article 2

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

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

Done at Brussels, 27 January 2023.

For the Commission
The President
Ursula VON DER LEYEN

⁽⁴⁾ Commission Delegated Regulation (EU) 2021/1342 of 27 May 2021 supplementing Regulation (EU) 2018/848 of the European Parliament and of the Council with rules on the information to be sent by third countries and by control authorities and control bodies for the purpose of supervision of their recognition under Article 33(2) and (3) of Council Regulation (EC) No 834/2007 for imported organic products and the measures to be taken in the exercise of that supervision (OJ L 292, 16.8.2021, p. 20).

ANNEX

Annex II to Regulation (EU) 2021/2325 is amended as follows:

(1) in the entry for '**Certificadora Mexicana de productos y procesos ecológicos S.C.**', point 3 is replaced by the following:

'3. Code numbers, third countries and product categories concerned:

Code number	Third country	Category of products					
		A	B	C	D	E	F
CO-BIO-104	Colombia	x	—	—	x	—	—
DO-BIO-104	Dominican Republic	—	—	—	—	—	—
GT-BIO-104	Guatemala	—	—	—	—	—	—
MX-BIO-104	Mexico	x	x	—	x	—	—
SV-BIO-104	El Salvador	—	—	—	—	—	—'

(2) the entry for '**EKO-CONTROL SK s.r.o.**' is deleted;

(3) the entry for '**LETIS S.A.**' is deleted.