Commission Implementing Regulation (EU) 2020/479 of 1 April 2020 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 (Text with EEA relevance)

COMMISSION IMPLEMENTING REGULATION (EU) 2020/479

of 1 April 2020

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

(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 2092/91[(1)], and in particular Article 38(d) thereof,

Whereas:

(1) Products imported from a third country can be placed on the Union market as organic if they are covered by a certificate of inspection issued by the competent authorities, control authorities or control bodies of a recognised third country or by a recognised control authority or control body.

(2) In order to ensure compliance with Article 33(1) of Regulation (EC) No 834/2007 and the traceability of the imported products during distribution, including transport form third countries, Commission Regulation (EC) No 1235/2008[(2)], as amended by Implementing Regulation (EU) 2020/25[(3)], provides that the certificate of inspection is to be issued by the relevant control authority or control body before the consignment leaves the third country of export or origin. That control authority or control body has to sign the declaration in box 18 of the certificate after it has carried out a documentary check on the basis of all relevant inspection documents, including, *inter alia*, transport documents.

(3) It appears that, in some cases, complete transport documents are not available to the control body in due time to allow that all the transport information is included in the certificate of inspection before the consignment leaves the third country. For that reason, it is appropriate to specify that the information contained in the transport documents has to be checked and included in the certificate of inspection by the relevant control authority or control body within maximum 10 days from the issuance of the certificate, and, in any case, before the endorsement of the certificate by Member State's authorities.

(4) Regulation (EC) No 1235/2008 should therefore be amended accordingly.

(5) As these amendments are necessary to apply Article 13 of Regulation (EC) No 1235/2008 as amended by Implementing Regulation (EU) 2020/25, this Regulation should apply retroactively from the date of entry into force of Implementing Regulation (EU) 2020/25.

(6) The measures provided for in this Regulation are in accordance with the opinion of the Committee on organic production,

HAS ADOPTED THIS REGULATION:

Article 1

Amendments to Regulation (EC) No 1235/2008

Article 13 of Regulation (EC) No 1235/2008 is amended as follows:

(1) in the third subparagraph of paragraph 2, the following sentence is added:

> In the absence in the printed hand-signed copy of the certificate of inspection of the information related to transport documents in boxes 16 and 17, and the relevant fields of box 13, or where such information is different than the one available in TRACES, relevant Member State's competent authorities and the first consignee shall only consider for the purpose of verification and endorsement of the certificate of inspection the information available in TRACES;

(2) in paragraph 4, the first subparagraph is replaced by the following:

> The control authority or control body issuing the certificate of inspection shall only issue the certificate of inspection and sign the declaration in box 18 of the certificate after it has carried out a documentary check on the basis of all relevant inspection documents, including in particular the production plan for the product concerned, commercial documents and, as appropriate according to its risk assessment, it has carried out a physical check of the consignment. The information related to transport documents in box 13, in particular number of packages and net weight, and the information in boxes 16 and 17 of the certificate of inspection concerning means of transport and transport documents shall be included in the certificate of inspection within maximum 10 days from the issuance of the certificate and, in any case, before endorsement of the certificate of inspection by the relevant Member State's competent authorities.

Article 2

Entry into force and application

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

It shall apply from 3 February 2020.

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