Commission Implementing Regulation (EU) 2019/446 of 19 March 2019 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)

COMMISSION IMPLEMENTING REGULATION (EU) 2019/446

of 19 March 2019

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 2092/91[(1)], and in particular Article 33(2) and (3) and Article 38(d) thereof,

Whereas:

(1) Products imported from a third country may 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. In accordance with Action 12 of the Action Plan for the Future of Organic Production in the European Union[(2)], the Commission has developed a system of electronic certification for imports of organic products, as a module integrated into the electronic Trade Control and Expert System (TRACES) established by Commission Decision 2003/24/EC[(3)]. In order to improve the functioning of the electronic certification system, it is appropriate to use the qualified electronic seal in TRACES for the endorsement of the certificates of inspection for the purposes of Commission Regulation (EC) No 1235/2008[(4)].

(2) Annex III to Regulation (EC) No 1235/2008 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.

(3) According to information provided by Australia, the internet address of its competent authority has changed. Furthermore, the names of the control bodies ‘Australian Certified Organic Pty. Ltd’ and ‘NASAA Certified Organic (NCO)’ have changed.

(4) According to information provided by Chile, ‘ARGENCERT’ is not recognised by the Chilean authorities as a control body and should therefore be deleted from the list. The name of ‘BIO CERTIFICADORA SERVICIOS LIMITADA’ has changed.

Changes to legislation: *There are currently no known outstanding effects for the Commission Implementing Regulation (EU) 2019/446. (See end of Document for details)*

(5) Annex IV to Regulation (EC) No 1235/2008 sets out the list of control authorities and control bodies competent to carry out controls and issue certificates in third countries for the purpose of equivalence.

(6) 'BAŞAK Ekolojik Ürünler Kontrol ve Sertifikasyon Hizmetleri Tic. Ltd' has notified the Commission of the change of its address.

(7) The Commission has received and examined a request from 'CCPB Srl' to amend its specifications. Based on the information received, the Commission has concluded that it is justified to extend the geographical scope of its recognition for product category A to Benin, Cote d'Ivoire and Togo, for product category D to Vietnam, and for product categories D and E to Seychelles and Hong Kong.

(8) The Commission carried out investigations on suspected irregularities in relation to several lots of products from Kazakhstan, Moldova, Russia, Turkey and the United Arab Emirates that had been certified as being organic by 'Control Union Certifications'. 'Control Union Certifications' did not provide timely and conclusive answers to the various requests for information made by the Commission. In addition, 'Control Union Certifications' failed to demonstrate the traceability and organic status of those products. Moreover, 'Control Union Certifications' issued a certificate of inspection for products that had previously been downgraded to conventional by the competent authorities of a Member State due to pesticide residues. Therefore, the Commission has decided to withdraw the recognition of 'Control Union Certifications' pursuant to points (c), (d) and (f) of the first subparagraph of Article 12(2) of Regulation (EC) No 1235/2008 for all product categories in respect of Kazakhstan, Moldova, Russia, Turkey and the United Arab Emirates. As a consequence, the entries relating to those countries should be deleted from the list of recognised control bodies and control authorities in Annex IV to Regulation (EC) No 1235/2008 for 'Control Union Certifications'.

(9) The Commission has received and examined a request from 'Ecocert SA' to amend its specifications. Based on the information received, the Commission has concluded that it is justified to extend the geographical scope of its recognition for product category D to Kosovo.

(10) The Commission has received a request from 'Florida Certified Organic Growers and Consumers, Inc. (FOG), DBA as Quality Certification Services (QCS)' to change its address.

(11) The Commission has received and examined a request from 'IBD Certificações Ltda' to amend its specifications. Based on the information received, the Commission has concluded that it is justified to extend the geographical scope of its recognition for product categories A and D to Colombia, Ecuador and Peru.

(12) The Commission has received and examined a request from 'Organización Internacional Agropecuaria' to amend its specifications. Based on the information received, the Commission has concluded that it is justified to extend the geographical scope of its recognition for product categories A and D to Russia and for product category E to Argentina.

(13) 'Organska Kontrola' and 'Quality Assurance International' have notified the Commission of the change of their addresses.

(14) Annex IV to Regulation (EC) No 1235/2008 as amended by Implementing Regulation (EU) 2019/39[(5)] erroneously refers to 'Letis S.A' as a recognised control body for product category B in respect of Belize, Brazil, Colombia, Costa Rica, the Dominican Republic, Guatemala, Honduras, Panama and El Salvador. That error needs to be corrected.

(15) Annex IV to Regulation (EC) No 1235/2008 as amended by Implementing Regulation (EU) 2019/39 also erroneously refers to 'Organic Control System' as a recognised control body for product category E in respect of the Republic of North Macedonia. That error needs to be corrected as well.

(16) Regulation (EC) No 1235/2008 should therefore be amended and corrected accordingly.

(17) The deletion of the recognition of 'Letis S.A' for product category B in respect of Belize, Brazil, Colombia, Costa Rica, the Dominican Republic, Guatemala, Honduras, Panama and El Salvador and the deletion of the recognition of 'Organic Control System' for product category E in respect of the Republic of North Macedonia should apply retroactively from the date of entry into force of Implementing Regulation (EU) 2019/39.

(18) 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

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

(1) in Article 13(2), the second subparagraph is replaced by the following:

> The original certificate of inspection shall be a printed and hand-signed copy of the completed electronic certificate in TRACES or, alternatively, a certificate of inspection signed in TRACES with a qualified electronic seal within the meaning of Article 3(27) of Regulation (EU) No 910/2014 of the European Parliament and of the Council[(6)].;

(2) Annex III is amended in accordance with Annex I to this Regulation;

(3) Annex IV is amended and corrected in accordance with Annex II 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*.

Points (7) and (8) of Annex II shall apply from 31 January 2019.

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

Changes to legislation: There are currently no known outstanding effects for the Commission Implementing Regulation (EU) 2019/446. (See end of Document for details)

Done at Brussels, 19 March 2019.

For the Commission

The President

Jean-Claude JUNCKER