Commission Implementing Regulation (EU) 2017/2329 of 14 December 2017 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) 2017/2329

of 14 December 2017

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

(2) According to information provided by Costa Rica, the names of the control bodies ‘Kiwa BCS Öko-Garantie GmbH’, ‘Control Union Certifications’ and ‘Primus lab’ have been changed to ‘Kiwa BCS Costa Rica Limitada’, ‘Control Union Perú’ and ‘PrimusLabs.com CR S.A.’ respectively. Costa Rica has also informed the Commission that the ‘Servicio Fitosanitario del Estado, Ministerio de Agricultura y Ganadería’ is no longer a control body and that the other control bodies are the certification issuing bodies, and not the Ministry of Agriculture.

(3) Japan has informed the Commission that its competent authority has added two control bodies, namely Japan Food Research Laboratories and Leafearth Company, to the list of control bodies recognised by Japan and that the names of ‘Bureau Veritas Japan, Inc.’ and ‘Hyogo prefectural Organic Agriculture Society (HOAS)’ and the internet address of ‘Organic Certification Association’ have changed.

(4) According to information provided by New Zealand, the internet address of the competent authority has changed.

(5) The Republic of Korea has informed the Commission that its competent authority has added the control body 'Industry-Academic Cooperation Foundation, SCNU' to the list of control bodies recognised by the Republic of Korea.

(6) The duration of the inclusion of the Republic of Korea in the list in Annex III to Regulation (EC) No 1235/2008 ends on 31 January 2018. Given that the Republic of Korea continues to satisfy the conditions laid down in Article 33(2) of Regulation (EC) No 834/2007, the inclusion should be prolonged for an unspecified period.

(7) 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.

(8) The duration of the recognition in accordance with Article 33(3) of Regulation (EC) No 834/2007 of the control bodies listed in Annex IV to Regulation (EC) No 1235/2008 ends on 30 June 2018. Based on the results of the continuous supervision carried out by the Commission, the recognition of those control bodies should be extended until 30 June 2021.

(9) 'Albinspekt' has notified the Commission of the change of its address.

(10) The Commission has received and examined a request from 'BAŞAK Ekolojik Ürünler Kontrol ve Sertifikasyon Hizmetleri Tic. Ltd' to be included in the list in Annex IV to Regulation (EC) No 1235/2008. Based on the information received, the Commission has concluded that it is justified to recognise 'BAŞAK Ekolojik Ürünler Kontrol ve Sertifikasyon Hizmetleri Tic. Ltd' for product categories A and D in respect of Turkey.

(11) The Commission has received and examined a request from 'BIOCert Indonesia' to be included in the list in Annex IV to Regulation (EC) No 1235/2008. Based on the information received, the Commission has concluded that it is justified to recognise 'BIOCert Indonesia' for Indonesia for product categories A and D.

(12) The Commission has received and examined a request from 'bio.inspecta AG' 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 Afghanistan, China and Nepal.

(13) The entry of 'Bolicert Ltd' in the list set out in Annex IV to Regulation (EC) No 1235/2008 was suspended by Implementing Regulation (EU) 2017/1473[(3)]. In order to lift the temporary suspension, the Commission invited 'Bolicert Ltd' to provide a valid accreditation certificate from IOAS (the accreditation organisation of 'Bolicert Ltd') and to take appropriate and timely remedial action in accordance with the requirements of Regulation (EC) No 834/2007. IOAS has informed the Commission that it has decided to lift the suspension because it had received satisfactory information on corrective actions by 'Bolicert Ltd'. Based on that information, the Commission has concluded that it is justified to include 'Bolicert Ltd' in Annex IV again under the same conditions as before the suspension.

(14) 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 categories A, B, D, E and F to Albania, Algeria, the United Arab Emirates and South Africa, for product category A to Uganda, for product categories A and D to Afghanistan, Armenia, Ethiopia, Ghana, Nigeria, Senegal and Uzbekistan, for product categories A, D and E to Belarus, Kazakhstan, Moldova, Russia, Serbia, Thailand, Tajikistan and Turkmenistan, for product categories A, B, D and E to Azerbaijan, Kyrgyzstan and Ukraine, for products categories A, B and D to Qatar and for product category D to Tunisia.

(15) The Commission has received and examined a request from 'Control Union Certifications' 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, B, C, D, E and F to Brunei, Cook Islands, French Polynesia, Georgia, Grenada, Guyana, Jordan, Kuwait, Lebanon, Papua New Guinea, Sao Tome and Principe, Seychelles, Tajikistan, Turkmenistan and Venezuela, for product categories B, C, D (only wine) and E to Australia, for product categories C and E to New Zealand, for product category B to Tonga and Tunisia and for product category F to Tuvalu.

(16) 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 categories D (wine) and E to Argentina, to extend the recognition for Japan, Kyrgyzstan and Zimbabwe to product category B, the recognition for Georgia and Mozambique to product category E, and the recognition for Paraguay and Uruguay to product category F.

(17) The Commission has received and examined a request from 'Florida Certified Organic Growers and Consumers, Inc. (FOG), DBA as Quality Certification Services (QCS)' 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 Bolivia, Colombia and Laos, for product categories A, C, D and E to Chile, for product category D to Costa Rica and for product categories C and D (processed aquaculture products) to the United States.

(18) 'IMOswiss AG' has informed the Commission that it will cease its certification activities in all third countries for which it is recognised as of 1 January 2018 and should no longer be listed in Annex IV to Regulation (EC) No 1235/2008 as from that date.

(19) 'Kiwa BCS Öko-Garantie GmbH' has notified the Commission of the change of its internet address.

(20) The Commission has received and examined a request from 'Letis S.A' 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 Afghanistan, Ethiopia, Iran, Kazakhstan, Moldova, Pakistan, Russia, Tajikistan, Turkey and Ukraine.

(21) 'Organic agriculture certification Thailand' has notified the Commission of the change of its name to 'Organic Agriculture Certification Thailand (ACT)' and of the change of its address.

(22) The Commission has received and examined a request from 'Organic Control System' 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 Bosnia and Herzegovina.

(23) The Commission has received and examined a request from 'Organic Standard' to amend its specifications. Based on the information received, the Commission has concluded that it is justified to extend the recognition for Kazakhstan, Kyrgyzstan, Moldova and Russia to product category B and to extend its recognition to wine.

(24) The Commission has received and examined a request from 'Organska Kontrola' 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, B and D to Kosovo[(4)].

(25) The Commission has received and examined a request from 'ORSER' 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 Azerbaijan, Bosnia and Herzegovina, Georgia, Iran, Kazakhstan, Kyrgyzstan and Nepal.

(26) The Commission has received and examined a request from 'Servicio de Certificación CAAE S.L.U.' to be included in the list in Annex IV to Regulation (EC) No 1235/2008. Based on the information received, the Commission has concluded that it is justified to recognise 'Servicio de Certificación CAAE S.L.U.' for product categories A and D in respect of Bolivia, Ecuador, Mexico, Morocco, Peru and Turkey.

(27) The Commission has received and examined a request from 'Tse-Xin Organic Certification Corporation' to be included in the list in Annex IV to Regulation (EC) No 1235/2008. Based on the information received, the Commission has concluded that it is justified to recognise 'Tse-Xin Organic Certification Corporation' for product categories A and D in respect of Taiwan.

(28) The DAkkS, an accreditation organisation in the field of organic agriculture, has informed the Commission that it has decided to suspend its accreditation of 'Egyptian Center of Organic Agriculture (ECOA)'. Pursuant to Article 12(1)(c) of Regulation (EC) No 1235/2008, the Commission may at any time suspend the entry of a control body from the list in Annex IV to that Regulation, either in the light of the information received or where the control body has not supplied information required. 'Egyptian Center of Organic Agriculture (ECOA)' was invited by the Commission to provide a valid accreditation certificate and to take appropriate and timely remedial action in accordance with the requirements of Regulation (EC) No 834/2007, but did not reply satisfactorily within the deadline set. The entry of 'Egyptian Center of Organic Agriculture (ECOA)' should therefore be suspended in Annex IV to Regulation (EC) No 1235/2008 until satisfactory information is provided.

(29) Annex IV to Regulation (EC) No 1235/2008 as amended by Implementing Regulation (EU) 2017/872[(5)] lists 'IMOcert Latinoamérica Ltda' as a recognised control body for product categories A and B in respect of Argentina and for product category A in respect of Costa Rica. Since Argentina and Costa Rica are listed in Annex III to Regulation (EC) No 1235/2008 for product categories A and B and for product category A, respectively, 'IMOcert Latinoamérica Ltda' could not have been recognised for those countries for those product categories *in* Annex IV to Regulation (EC) No 1235/2008 in accordance with Article 10(2)(b) of Regulation (EC) No 1235/2008. The recognition for those product categories in respect of those countries should therefore be deleted. 'IMOcert Latinoamérica Ltda' had been invited by the Commission not to certify products falling within those product categories on the basis of the erroneous reference to those product categories in respect of Argentina and Costa Rica.

(30) Annex V to Regulation (EC) No 1235/2008 as amended by Implementing Regulation (EU) 2016/1842[(6)] contains the new model of the certificate of inspection for import of organic products under the electronic certification system, to which reference is made in Article 13(2) of Regulation (EC) No 1235/2008. In this Annex, the note corresponding to box 12 of the certificate erroneously refers to box 24 instead of box 21. This error should be corrected.

(31) Annexes III, IV and V to Regulation (EC) No 1235/2008 should therefore be amended and corrected accordingly.

(32) The deletion of 'IMOcert Latinoamérica Ltda' should apply retroactively from the date of entry into force of Implementing Regulation (EU) 2017/872 and the deletion of 'IMOswiss AG' should apply from 1 January 2018.

(33) 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 as follows:

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

(2) Annex IV is amended and corrected in accordance with Annex II to this Regulation;

(3) Annex V is corrected in accordance with Annex III 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*.

Point (12) of Annex II shall apply from 12 June 2017.

Point (13) of Annex II shall apply from 1 January 2018.

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