Commission Implementing Regulation (EU) 2016/1330 of 2 August 2016 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) 2016/1330

of 2 August 2016

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 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 Australia, the internet address of the control body 'Australian Certified Organic Pty. Ltd' has changed.

(3) According to the information provided by Canada, the recognition of one control body has been withdrawn.

(4) The control body 'SGS India Pvt. Ltd' was removed from the entry for India in Annex III to Regulation (EC) No 1235/2008 in 2014 because it did not respect the scope of recognition of India as regards the products that can be imported. On the basis of the results of its supervision by India, this control body may now be included again in the entry for India in Annex III to that Regulation.

(5) The Commission has received information concerning the changed internet address of the control body 'IMO Control Private Limited' in India.

(6) According to the information provided by the United States, the recognition of one control body has been withdrawn and one control body has been added to the list of control bodies recognised by the United States.

(7) The Commission has received information concerning the changed internet address of the control body 'AsureQuality Limited' in New Zealand.

Changes to legislation: *There are currently no known outstanding effects for the Commission Implementing Regulation (EU) 2016/1330. (See end of Document for details)*

(8) Due to an administrative mistake, 'Doalnara Organic Certificated Korea' was deleted from Annex III by Commission Implementing Regulation (EU) 2015/2345[(3)]. As it was never intended to do so, it should be reintroduced in the list of control bodies recognised by the Republic of Korea.

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

(10) 'Egyptian Center of Organic Agriculture (ECOA)', 'Istituto Certificazione Etica e Ambientale', 'Letis SA', 'Oregon Tilth' and 'Organic Standard' have notified the Commission of the change of their address.

(11) Article 33(3) of Regulation (EC) No 834/2007 provides that for products not imported under Article 32 and not imported from a third country which is recognised in accordance with Article 33(2) of that Regulation, the Commission may recognise control authorities and control bodies competent to carry out the tasks for the purpose of importing products providing equivalent guarantees. Article 10(2)(b) and (3) of Regulation (EC) No 1235/2008 therefore provides that a control authority or a control body cannot be recognised for a product originating from a third country listed in Annex III to that Regulation and belonging to a product category for which that third country is recognised.

(12) Since Australia is a recognised third country in accordance with Article 33(2) of Regulation (EC) No 834/2007 and is listed for product category F in Annex III to Regulation (EC) No 1235/2008, it appears that those provisions have not been adequately respected in the past as regards the recognition of 'Australian Certified Organic', which is recognised in Annex IV to Regulation (EC) No 1235/2008 for products originating in Australia and belonging to product category F. This recognition should therefore be withdrawn.

(13) 'AsureQuality Limited' has informed the Commission that it has ceased its certification activities in all third countries for which it was recognised and should no longer be listed in Annex IV to Regulation (EC) No 1235/2008.

(14) 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 Côte d'Ivoire.

(15) The Commission has received and examined a request from 'CCPB Srl' to amend its specifications. The examination of the information received led to the conclusion that it is justified to extend the scope of its recognition for product category D to wine.

(16) The Commission has received and examined a request from 'Certisys' 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 Burundi, Cameroon, Rwanda, Tanzania and Uganda.

(17) In addition, the Commission has received information from 'Certisys' that it has ceased its certification activity in Vietnam and should no longer be listed for that country in Annex IV to Regulation (EC) No 1235/2008.

(18) 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 B, C, D, E and F to Bangladesh, for product categories A and D to Cape Verde and for product categories A, C and D to Maldives.

(19) 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 A to Liechtenstein, for product categories A and D to Albania, the Bahamas, Belarus, French Polynesia, Gambia, Jordan, Lesotho, Montenegro, occupied Palestinian territory and Oman, for product categories A, D and E to Bangladesh, for product categories A, B and F to Chile, for product category B to Ethiopia, for product categories B and E to Namibia, for product category D to Botswana and for product category E to the United Arab Emirates and Zambia.

(20) Ecocert SA also informed the Commission that it has acquired a number of entities of the IMO group, including IMO-Control Sertifikasyon Tic. Ltd Ști. It also indicated that this entity and Ecocert SA subsidiary in Turkey, i.e. Ecocert Denetim ve Belgelendirme Ltd. Ști., have been merged. The resulting entity, called Ecocert IMO Denetim ve Belgelendirme Ltd. Ști, will take over the activities of IMO-Control Sertifikasyon Tic. Ltd Ști. Therefore, it is appropriate to delete IMO-Control Sertifikasyon Tic. Ltd Ști from Annex IV to Regulation (EC) No 1235/2008 and include Ecocert IMO Denetim ve Belgelendirme Ltd. Ști in its place, with the necessary changes relating to the address and the internet address.

(21) 'IBD Certifications Ltd.' has informed the Commission that it is officially registered under the name 'IBD Certificações Ltda.'

(22) The Commission has received and examined a request from 'IMO Control Latinoamérica 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 Brazil, Chile, Cuba, Trinidad and Tobago and Uruguay. Furthermore, 'IMO Control Latinoamérica Ltda.' notified the change of its corporate name to 'IMOcert Latinoamérica Ltda.' and the change of its internet address.

(23) The Commission has received and examined a request from 'IMO Control Private Limited' 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 Laos, Maldives and Papua New Guinea.

(24) 'IMOswiss AG' has informed the Commission that it has ceased its certification activity in Ukraine and therefore it should no longer be listed for that country in Annex IV to Regulation (EC) No 1235/2008.

(25) 'International Certification Services, Inc.' has informed the Commission that it has ceased its certification activities in all third countries for which it was recognised and should no longer be listed in Annex IV to Regulation (EC) No 1235/2008.

(26) The Commission has received and examined a request from 'OneCert International PVT Ltd' 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 Ethiopia, Mozambique, Tanzania and Sri Lanka and for category D to Singapore.

(27) 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 category C to Chile.

(28) 'Quality Assurance International' has informed the Commission that it has ceased its certification activity in Paraguay and should no longer be listed for that country in Annex IV to Regulation (EC) No 1235/2008.

(29) According to Article 12(1)(c) of Regulation (EC) No 1235/2008, the Commission may, in the light of the information received or in the light of the absence of information required, at any time amend the specifications or suspend the entry of a control body in Annex IV to that Regulation. On that basis, specification of control body in respect of which the examination of all information received led to the conclusion that the relevant requirements were no longer respected should be amended.

(30) Uganda Organic Certification, Ltd, listed in Annex IV to Regulation (EC) No 1235/2008, submitted its annual report on 18 March 2016 in accordance with Article 12(1)(b) of the same Regulation. In the annual report the accreditation body IOAS informed that it has suspended the accreditation for Uganda Organic Certification, Ltd. The control body was invited by the Commission to provide a valid accreditation certificate accompanied by a positive assessment report in accordance with the requirements of Regulation (EC) No 834/2007, but did not reply within the deadline set. The entry of Uganda Organic Certification, Ltd should therefore be suspended from Annex IV to Regulation (EC) No 1235/2008 until satisfactory information is provided.

(31) In the interest of clarity, in particular in order to ensure that the third countries for which the control authorities or control bodies listed in Annex IV to Regulation (EC) No 1235/2008 appear in the same order in all language versions, it is appropriate to rearrange the country names on the basis of the code numbers and to replace that Annex entirely.

(32) Annexes III and IV to Regulation (EC) No 1235/2008 should therefore be amended accordingly.

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

HAS ADOPTED THIS REGULATION:

***Changes to legislation:** There are currently no known outstanding effects for the Commission Implementing Regulation (EU) 2016/1330. (See end of Document for details)*

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 replaced by the text in 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*.

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

Done at Brussels, 2 August 2016.

For the Commission

The President

Jean-Claude JUNCKER