Commission Implementing Regulation (EU) 2015/2345 of 15 December 2015 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) 2015/2345

of 15 December 2015

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 the 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, Tunisia, the United States and the Republic of Korea, the name of the control body 'BCS Öko-Garantie GmbH' has been changed to 'Kiwa BCS Öko-Garantie GmbH'.

(3) According to information provided by Argentina, the internet address of the control body 'Letis SA' has changed.

(4) According to information provided by Australia, the internet address of the competent authority has changed. Moreover the control authority 'AQIS' has ceased its activities and should no longer be listed in Annex III to Regulation (EC) No 1235/2008.

(5) According to information provided by Canada, the control body 'SAI Global Certification Services Limited' has ceased its activities and should no longer be listed in Annex III to Regulation (EC) No 1235/2008. Moreover, a new control body 'TransCanada Organic Certification Services (TCO Cert)' should be listed in that Annex.

(6) According to information provided by Costa Rica, the internet address of the control authority 'Servicio Fitosanitario del Estado' has changed.

(7) According to information provided by India, the Indian competent authority has withdrawn its recognition of 'Biocert India Pvt. Ltd, Indore' and 'TUV India Pvt. Ltd', and these control bodies should no longer be listed in Annex III to Regulation (EC) No 1235/2008. Moreover, the Indian competent authority has recognised three control bodies which should be added to the list in that Annex: 'Odisha State Organic Certification Agency', 'Gujarat Organic Products Certification Agency' and 'Uttar Pradesh State Organic Certification Agency'.

(8) According to the information provided by Japan, the name of a competent authority has changed.

(9) According to information provided by Tunisia, the internet address of the competent authority has changed.

(10) According to information provided by the United States, the name of the control body 'Department of Plant Industry' has changed to 'Clemson University', the name of the control body 'Indiana Certified Organic LLC' has changed to 'Ecocert ICO, LLC', the name of the control body 'Marin County' has changed to 'Marin Organic Certified Agriculture' and the name of the control body 'OIA North America, LLC' has changed to 'Americert International (AI)'. Moreover the control body 'Organic National & International Certifiers (ON&IC)' has ceased its activities and should no longer be listed in Annex III to Regulation (EC) No 1235/2008.

(11) According to information provided by the Republic of Korea, the Korean competent authority has recognised two more control bodies which should be added to the list in Annex III to Regulation (EC) No 1235/2008: 'Neo environmentally-friendly' and 'Green Environmentally-Friendly certification center'.

(12) 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.

(13) 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 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 the list of recognised third countries in Annex III to that Regulation and belonging to a product category for which that third country is recognised.

(14) Since Canada and Japan are both recognised third countries in accordance with Article 33(2) of Regulation (EC) No 834/2007 and are listed for product category A 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 the following control bodies listed in Annex IV to Regulation (EC) No 1235/2008 for products originating in Canada and in Japan and belonging to product category A: 'CCOF Certification Services', 'IMOswiss AG', 'International Certification Services,

Inc.', 'Istituto Certificazione Etica e Ambientale', 'Japan Organic and Natural Foods Association', 'Kiwa BCS Öko-Garantie GmbH', 'Organic crop improvement association' and 'Quality Assurance International'.

(15) The Commission has contacted the control bodies concerned to inform them of its intention to withdraw the product category A recognition for Canada and Japan. It has carefully examined the comments received.

(16) 'Afrisco Certified Organic, CC' 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.

(17) The Commission has received and examined a request from 'Agreco R.F. Göderz GmbH' 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 D to Bolivia, Bosnia and Herzegovina, the Dominican Republic, Ecuador, Egypt, Georgia, Indonesia, Kazakhstan, Kyrgyzstan, Madagascar, Montenegro, Peru, Serbia, Tanzania, Thailand, Togo, Turkmenistan, Uzbekistan and Venezuela.

(18) The Commission has received and examined a request from 'Australia Certified Organic' 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 B to China and to Vanuatu and for product category D to the Cook Islands.

(19) The Commission has received and examined a request from 'Bio.inspecta AG' to amend its specifications. Based on the information, 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, Morocco and the United Arab Emirates.

(20) The Commission has received and examined a request from 'Bureau Veritas Certification France SAS' to be included in the list in Annex IV to Regulation (EC) No 1235/2008. Based on the information received, the conclusion is that it is justified to recognise 'Bureau Veritas Certification France SAS' for product categories A and D in Madagascar, Mauritius, Monaco, Morocco and Nicaragua, for product category C in Madagascar and Nicaragua, and for product category E in Mauritius.

(21) The Commission has received and examined a request from 'CERES Certification of Environmental Standards GmbH' 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 the Democratic Republic of the Congo, Montenegro, Nepal, the Occupied Palestinian Territory and Pakistan, for product categories A, B and D to Cameroon and Nigeria and for product category C to China and Taiwan.

(22) The Commission has received and examined a request from 'Certificadora Mexicana de productos y procesos ecológicos S.C.' 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 Colombia.

(23) 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, D and F to Benin, Botswana, Cameroon, Cuba, Curaçao, Haiti, Kenya, Lesotho, Malawi, Mongolia, Morocco, Namibia, Senegal, Suriname, Swaziland, Taiwan, Togo and Zimbabwe, for product categories A, B, C, D, E and F to Armenia and Kazakhstan and for product categories A, B, C, D and F to Iraq.

(24) 'Doalnara Certified Organic Korea, LLC' has informed the Commission that it has ceased its certification activities in the Republic of Korea, the only third country for which it was recognised and should no longer be listed in Annex IV to Regulation (EC) No 1235/2008.

(25) 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 Botswana, for product categories A and D to Armenia, Belize, Cape Verde, the Central African Republic, Congo (Brazzaville), the Democratic Republic of the Congo, El Salvador, Equatorial Guinea, Georgia, Guinea-Bissau, Honduras, Hong Kong, Liberia, Mauritania, Myanmar/Burma, Nicaragua, Panama, Samoa, the Seychelles, Singapore, Sri Lanka, Suriname, Tajikistan, Timor-Leste and Venezuela, for product categories A, B and D to Afghanistan and Sierra Leone, for product categories A, D and E to Turkmenistan, for product category B to Benin, Cameroon, Colombia, Côte d'Ivoire, Ecuador, Indonesia, Monaco, the Philippines, Serbia, Tunisia, Vietnam and Zambia, for product category C to the Republic of Korea, for product category D to Chad, Ethiopia, Mongolia, Namibia, Niger, Nigeria, Pakistan and Vanuatu, for product category E to India, Kyrgyzstan, Morocco, Syria, Thailand and Uruguay, for product categories B and E to Kenya, Paraguay and Uganda, for product categories B, D and E to Ukraine, for product categories B, E and F to Burkina Faso, Mexico and Peru, for product categories D and E to Kazakhstan, Russia, and Uzbekistan and for product categories E and F to Madagascar.

(26) 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 Belize. Furthermore, 'IMO Control Latinoamérica Ltda.' informed the Commission that it has changed its internet address.

(27) The Commission has received and examined a request from 'Kiwa BCS Öko-Garantie GmbH' 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 Gambia, Liberia, Pakistan, Tajikistan, Turkmenistan and Uzbekistan, for product categories A, D and E to Kazakhstan, for product category B to Guatemala, Kyrgyzstan, Peru and Russia and for product category E to the United Arab Emirates.

(28) The Commission has received and examined a request from 'Mayacert' to be included in the list in Annex IV to Regulation (EC) No 1235/2008. Based on the information

received, the conclusion is that it is justified to recognise 'Mayacert' for product categories A, B and D in Mexico, for product categories A and D in Guatemala, Honduras and Nicaragua and for product category D in Colombia, the Dominican Republic and El Salvador.

(29) 'Onecert, Inc.' notified the Commission of the change of its name to 'OneCert International PVT Ltd' It also notified a change of address.

(30) 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 geographical scope of its recognition for product categories A and D to Tajikistan and for product category E to Kazakhstan and Russia.

(31) 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 Chile, Ecuador and Peru.

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

(33) The Commission has received and examined a request from 'Overseas Merchandising Inspection Co. Ltd' to be included in the list in Annex IV to Regulation (EC) No 1235/2008 for product category D in Japan. As pointed out in recital 13, Article 10(2)(b) and (3) of Regulation (EC) No 1235/2008 provides that a control authority or a control body cannot be recognised for a product originating from a third country listed in the list of recognised third countries in Annex III to Regulation (EC) No 1235/2008 and belonging to a category for which the third country is recognised. Japan is recognised as a third country in accordance with Article 33(2) of Regulation (EC) No 834/2007 and listed in that Annex for product category D. However, since that recognition does not cover all ingredients that can legally be imported into and processed in Japan, the recognition of control bodies for processed products that are not covered by the recognition of Japan for product category D as included in Annex III to Regulation (EC) No 1235/2008 is appropriate in order to avoid that products originating in Japan, which are processed with ingredients that can legally be imported into Japan, but are not covered by the recognition as set out in that Annex, cannot be imported into the Union. Based on the information received, the conclusion is that it is justified to recognise 'Overseas Merchandising Inspection Co., Ltd' for product category D, except wine, in Japan for products that are not covered by the recognition under Article 33(2) of Regulation (EC) No 834/2007 as included in Annex III to Regulation (EC) No 1235/2008.

(34) The Commission has received and examined a request from 'QC&I' to amend its specifications. Based on the information received, the Commission has concluded that it is justified to extend the scope of its recognition for product category D to wine.