Commission Implementing Regulation (EU) No 508/2012 of 20 June 2012 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) No 508/2012

of 20 June 2012

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), Article 33(3), Article 38(d) and Article 40 thereof,

Whereas:

(1) In the light of experience gained with the application of Commission Regulation (EC) No 1235/2008[(2)], the publication of the names and the internet addresses of the control authority or authorities or the control body or bodies recognised by the competent authority to carry out controls in the third country is sufficient for the purpose of that Regulation. However, it is appropriate to continue to require the publication of the code number of the authority or authorities or the control body or bodies responsible in the third country for issuing certificates with a view to importing into the Union.

(2) In the light of the experience gained with the implementation of the equivalence system, a third country which is recognised for the purpose of equivalence should be included in the list referred to in Article 7 of Regulation (EC) No 1235/2008 for a probative period of three years, as a first step. Then, if that country continues to fulfil the requirements of Regulation (EC) No 834/2007 and Regulation (EC) No 1235/2008 and provides the Commission with the necessary guarantees, the inclusion in that list should be extended.

(3) In order not to disrupt international trade and to help the transition between the rules established by Council Regulation (EEC) No 2092/91 of 24 June 1991 on organic production of agricultural products and indications referring thereto on agricultural products and foodstuffs[(3)] and those established by Regulation (EC) No 834/2007, Article 19 of Regulation (EC) No 1235/2008 extends the possibility of Member States to continue to grant authorisations to importers for placing products on the Union market on a case by case basis until the measures necessary for the functioning of the new import rules have been put in place. That possibility is to be gradually phased out as

the list of countries set out in Annex III to Regulation (EC) No 1235/2008 is being established.

(4) Once a third country is recognised as equivalent in the Union, there would be no need for Member States to deliver such authorisations any more.

(5) However, the experience gained with the equivalence system has shown that in some cases it is appropriate for technical reasons to limit the scope of the recognition of a third country to some product categories or to products originating in that third country.

(6) Therefore, it should be clarified that Member States have the possibility to grant such authorisations until 30 June 2014 for products imported from a third country listed in Annex III to Regulation (EC) No 1235/2008, if the imported products in question are goods which are not covered by the categories and/or origin listed for that country.

(7) Some Member States may have granted the authorisations referred to in the first subparagraph of Article 19(1) of Regulation (EC) No 1235/2008 for an unlimited period of time before 1 July 2012. Those import authorisations should expire on 1 July 2014 at the latest.

(8) The experience has shown that difficulties can arise in identifying the products covered by the product categories listed in Annex III to Regulation (EC) No 1235/2008. In the light of experience and the information received, it is necessary to clarify that certain products are not included in these products categories.

(9) For organic wine exported from the United States to the Union, the United States authorities have agreed to apply and certify compliance with the rules for organic wine laid down in accordance with Commission Regulation (EC) No 889/2008 of 5 September 2008 laying down detailed rules for the implementation of Council Regulation (EC) No 834/2007 on organic production and labelling of organic products with regard to organic production, labelling and control[(4)] as amended by Commission Implementing Regulation (EU) No 203/2012[(5)] as from 1 August 2012 and until such time as a joint working group has concluded its examination of the equivalence of organic wine making rules. Consequently, it is necessary to clarify that wine will be included from 1 August 2012 in the product categories relating to the United States in Annex III to Regulation (EC) No 1235/2008.

(10) The presentation of product categories of the countries listed in Annex III to Regulation (EC) No 1235/2008 should be harmonised with the categories defined in Annex IV.

(11) The duration of inclusion of Tunisia in the list set out in Annex III to Regulation (EC) No 1235/2008 expires on 30 June 2012. Since Tunisia did not communicate sufficient information related to its control system after request by the Commission in accordance with Article 9(2) of Regulation (EC) No 1235/2008, the inclusion should be prolonged for one year only.

(12) The Costa-Rican, Indian, Japanese and Tunisian authorities have asked the Commission to include new control and certificate issuing bodies and have provided the Commission with the necessary guarantees that they meet the preconditions laid down in Article 8(2) of Regulation (EC) No 1235/2008. The Costa-Rican authorities have informed

the Commission that the control body Mayacert is not recognised by them anymore and have asked the Commission to remove it from the list. The competent authority of the United States has informed the Commission that the control body 'Louisiana Department of Agriculture' is not accredited anymore and should be removed from the list.

(13) Annex IV to Regulation (EC) No 1235/2008 as amended by Commission Implementing Regulation (EU) No 1267/2011[(6)] 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. The Commission has continued the assessment of the requests for inclusion received by 31 October 2009 in the light of additional information received and has assessed the requests received by 31 October 2010. Only those control bodies and control authorities in respect of which the subsequent examination of all information received led to the conclusion that they complied with the relevant requirements should be included in that list. In certain cases, the names of the control bodies listed in Annex IV to Regulation (EC) No 1235/2008 were abbreviated. For the sake of clarity, that Annex should be replaced.

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

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

HAS ADOPTED THIS REGULATION:

Article 1

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

(1) in Article 7(2), points (e) and (f) are replaced by the following:

(e) the names and internet addresses of the control authority or authorities or the control body or bodies recognised by the competent authority referred to in point (d) to carry out controls;

(f) the names, internet addresses and code numbers of the authority or authorities or the control body or bodies responsible in the third country for issuing certificates with a view to importing into the Union;;

(2) in Article 8, paragraph 4 is replaced by the following:

4. The Commission shall assess whether the technical dossier referred to in paragraph 2 and the information referred to in paragraph 3 are satisfactory and may subsequently decide to recognise and include a third country in the list for a three-year period. Where the Commission considers that the conditions laid down in Regulation (EC) No 834/2007 and this Regulation continue to be met, it may decide to extend the inclusion of the third country after that three-year period.

The decisions referred to in the first subparagraph shall be taken in accordance with the procedure referred to in Article 37(2) of Regulation (EC) No 834/2007.;

(3) Article 19 is amended as follows:

(a) paragraph 1 is amended as follows:

(i) in the first subparagraph, the following sentence is added:

'The competent authority of a Member State may also grant such authorisations under the same conditions to products imported from a third country included in the list referred to in Article 33(2) of Regulation (EC) No 834/2007 if the imported products in question are goods which are not covered by the categories and/or origin listed for that country.';

(ii) in the third subparagraph, the following sentence is added:

'Authorisations granted before 1 July 2012 shall expire on 1 July 2014 at the latest.';

(b) paragraph 6 is deleted;

(4) Annex III is replaced by the text set out in Annex I to this Regulation;

(5) Annex IV is replaced by the text set out in Annex II to this Regulation.

Article 2

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

However, point 3(a)(ii) and point 5 of Article 1 shall apply from 1 July 2012.

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

Done at Brussels, 20 June 2012.

For the Commission

The President

José Manuel BARROSO

***Changes to legislation:** There are currently no known outstanding effects for the Commission Implementing Regulation (EU) No 508/2012. (See end of Document for details)*

ANNEX I

ANNEX III

LIST OF THIRD COUNTRIES AND RELEVANT SPECIFICATIONS REFERRED TO IN ARTICLE 7

ARGENTINA

1. Product categories :

Category of products	Designation of category as in Annex IV	Limitations
Unprocessed plant products[a]	A	
Live animals or unprocessed animal products	B	With the exception of livestock and livestock products, bearing or intended to bear indications referring to conversion
Processed agricultural products for use as food[b]	D	With the exception of livestock products, bearing or intended to bear indications referring to conversion
Vegetative propagating material and seeds for cultivation	F	

a Seaweed not included.

b Wine, yeast not included.

2. Origin : products of category A, B and F and organically grown ingredients in products of category D that have been produced in Argentina.

3. Production standard : Ley 25 127 sobre “Producción ecológica, biológica y orgánica”.

4. Competent authority : Servicio Nacional de Sanidad y Calidad Agroalimentaria SENASA, www.senasa.gov.ar

5. Control bodies :

Code number	Name	Internet address
AR-BIO-001	Food Safety SA	www.foodsafety.com.ar
AR-BIO-002	Instituto Argentino para la Certificación y Promoción de Productos Agropecuarios Orgánicos SA (Argencert)	www.argencert.com
AR-BIO-003	Letis SA	www.letis.com.ar