Council Decision (EU) 2019/1178 of 8 July 2019 on the position to be taken on behalf of the European Union within the Cooperation Committee set up by the Agreement on Cooperation and Customs Union betwee the European Community and its Member States, of the one part, and the Republic of San Marino, of the other part with regard to applicable provisions on organic production and labelling of organic products, and arrangements for imports of organic products

COUNCIL DECISION (EU) 2019/1178

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on the position to be taken on behalf of the European Union within the Cooperation Committee set up by the Agreement on Cooperation and Customs Union betwee the European Community and its Member States, of the one part, and the Republic of San Marino, of the other part with regard to applicable provisions on organic production and labelling of organic products, and arrangements for imports of organic products

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 43, in conjunction with Article 218(9) thereof,

Having regard to the proposal from the European Commission,

Whereas:

(1) The Agreement on Cooperation and Customs Union between the European Community and its Member States, of the one part, and the Republic of San Marino, of the other part[(1)] (the 'Agreement') was concluded by the Union by Council Decision 2002/245/EC[(2)] and entered into force on 1 April 2002.

(2) Pursuant to Article 7(2) of the Agreement, the Cooperation Committee is to determine in greater detail the provisions of Union legislation to be applied, in respect of countries not members of the Union, inter alia, in the field of Union veterinary, plant health and quality regulations where necessary for the proper functioning of the Agreement.

(3) The Cooperation Committee is to adopt a decision on the applicable provisions, under the Agreement, of Union legislation on organic production and labelling of organic products, and arrangements for imports of organic products.

(4) It is appropriate to establish the position to be taken on the Union's behalf in the Cooperation Committee, as the determination in greater detail of the applicable provisions of Union legislation will enhance legal certainty among the parties to the Agreement and will support the proper functioning of the customs union between the Union and San Marino.

(5) Consequently, there is a need to clarify the applicable Union legislation on organic production and labelling of organic products, which includes Council Regulation (EC) No 834/2007[(3)] and Commission Regulations (EC) No 889/2008[(4)] and (EC) No 1235/2008[(5)]. In addition, it is appropriate to lay down the necessary arrangements for

Changes to legislation: *There are currently no known outstanding effects for the Council Decision (EU) 2019/1178. (See end of Document for details)*

imports of organic products, as well as a procedure to be followed in the event that new Union legislation on organic production and labelling of organic products is adopted that affects the references to the applicable provisions and the arrangements agreed.

(6) The position of the Union within the Cooperation Committee should therefore be based on the attached draft Decision,

HAS ADOPTED THIS DECISION:

Article 1

The position to be taken on the Union's behalf within the Cooperation Committee set up by the Agreement on Cooperation and Customs Union between the European Community and its Member States, of the one part, and the Republic of San Marino, of the other part shall be based on the draft decision of the Cooperation Committee attached to this Decision.

Minor changes to the draft decision referred to in the first paragraph may be agreed to by the representatives of the Union within the Cooperation Committee without further Decision of the Council.

Article 2

This Decision shall enter into force on the date of its adoption.

Done at Brussels, 8 July 2019.

For the Council

The President

A.-K. PEKONEN

***Changes to legislation:** There are currently no known outstanding effects for the Council Decision (EU) 2019/1178. (See end of Document for details)*

DRAFT

DECISION No …/2019 OF THE EU–SAN MARINO COOPERATION COMMITTEE

of …

concerning the applicable provisions on organic production and labelling of organic products, and arrangements for imports of organic products adopted under the Agreement on Cooperation and Customs Union between the European Community and its Member States, of the one part, and the Republic of San Marino, of the other part

THE EU–SAN MARINO COOPERATION COMMITTEE,

Having regard to the Agreement on Cooperation and Customs Union between the European Community and its Member States, of the one part, and the Republic of San Marino, of the other part[6], and in particular Articles 7(2), 8(3) c) and 23(1) thereof,

Whereas:

(1) Article 6(4) of the Agreement on Cooperation and Customs Union between the European Community and its Member States, of the one part, and the Republic of San Marino, of the other part ('the Agreement') provides that, in trade in agricultural products between the Union and the Republic of San Marino, the Republic of San Marino undertakes to adopt Union quality legislation where necessary for the proper functioning of the Agreement.

(2) Under the fifth indent of Article 7(1) of the Agreement, the Republic of San Marino is to apply, in respect of countries not members of the Union ('third countries'), the Union quality legislation where necessary for the proper functioning of the Agreement.

(3) In order to avoid obstacles to the free circulation of the goods and to ensure the proper functioning of the customs union established by the Agreement, it is appropriate to determine in greater detail the provisions of Union quality legislation applicable to organic production and labelling of organic products.

(4) In order to ensure compliance with Union legislation in relation to imports of organic products from third countries into the Republic of San Marino, it is necessary to lay down the relevant arrangements to be applied by its national authorities.

(5) In order to ensure compliance with Union legislation in relation to organic products prepared or produced in the Republic of San Marino, the relevant arrangements should also be laid down.

(6) It is also appropriate to provide for a procedure to be followed in the event that new Union legislation on organic production and labelling of organic products is adopted that affects the references to the provisions and the arrangements laid down in this Decision,

HAS ADOPTED THIS DECISION:

Changes to legislation: *There are currently no known outstanding effects for the Council Decision (EU) 2019/1178. (See end of Document for details)*

Article 1

The applicable provisions of Union legislation on organic production and labelling of organic products are listed in Annex A.

Article 2

Arrangements necessary to ensure compliance with the Union legislation referred to in Article 1 in relation to imports of organic products from third countries into the Republic of San Marino are laid down in Annex B.

Article 3

Arrangements necessary to ensure compliance with the Union legislation referred to in Article 1 in relation to organic products prepared or produced in the Republic of San Marino are laid down in Annex C.

Article 4

Amendments of Annexes A, B and C as well as other practical arrangements necessary for the application of the legislation referred to in those Annexes shall be agreed by the services of the European Commission and the authorities of the Republic of San Marino.

Article 5

This Decision shall enter into force on the date of its adoption.

Done at …

For the Cooperation Committee

The Chairman

ANNEX A

LIST OF APPLICABLE PROVISIONS ON ORGANIC PRODUCTION AND LABELLING OF ORGANIC PRODUCTS

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 (OJ L 189, 20.7.2007, p. 1), as amended by:

— Council Regulation (EC) No 967/2008 of 29 September 2008 (OJ L 264, 3.10.2008, p. 1),

— Council Regulation (EU) No 517/2013 of 13 May 2013 (OJ L 158, 10.6.2013, p. 1).

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 (OJ L 250, 18.9.2008, p. 1), as amended by:

— Commission Regulation (EC) No 1254/2008 of 15 December 2008 (OJ L 337, 16.12.2008, p. 80),

— Commission Regulation (EC) No 710/2009 of 5 August 2009 (OJ L 204, 6.8.2009, p. 15),
— Commission Regulation (EU) No 271/2010 of 24 March 2010 (OJ L 84, 31.3.2010, p. 19),
— Commission Implementing Regulation (EU) No 344/2011 of 8 April 2011 (OJ L 96, 9.4.2011, p. 15),
— Commission Implementing Regulation (EU) No 426/2011 of 2 May 2011 (OJ L 113, 3.5.2011, p. 1),
— Commission Implementing Regulation (EU) No 126/2012 of 14 February 2012 (OJ L 41, 15.2.2012, p. 5),
— Commission Implementing Regulation (EU) No 203/2012 of 8 March 2012 (OJ L 71, 9.3.2012, p. 42),
— Commission Implementing Regulation (EU) No 505/2012 of 14 June 2012 (OJ L 154, 15.6.2012, p. 12),
— Commission Implementing Regulation (EU) No 392/2013 of 29 April 2013 (OJ L 118, 30.4.2013, p. 5),
— Commission Regulation (EU) No 519/2013 of 21 February 2013 (OJ L 158, 10.6.2013, p. 74),
— Commission Implementing Regulation (EU) No 1030/2013 of 24 October 2013 (OJ L 283, 25.10.2013, p. 15),
— Commission Implementing Regulation (EU) No 1364/2013 of 17 December 2013 (OJ L 343, 19.12.2013, p. 29),
— Commission Implementing Regulation (EU) No 354/2014 of 8 April 2014 (OJ L 106, 9.4.2014, p. 7),
— Commission Implementing Regulation (EU) No 836/2014 of 31 July 2014 (OJ L 230, 1.8.2014, p. 10),
— Commission Implementing Regulation (EU) No 1358/2014 of 18 December 2014 (OJ L 365, 19.12.2014, p. 97),
— Commission Implementing Regulation (EU) 2016/673 of 29 April 2016 (OJ L 116, 30.4.2016, p. 8),
— Commission Implementing Regulation (EU) 2016/1842 of 14 October 2016 (OJ L 282, 19.10.2016, p. 19),
— Commission Implementing Regulation (EU) 2017/838 of 17 May 2017, (OJ L 125, 18.5.2017, p. 5),
— Commission Implementing Regulation (EU) 2017/2273 of 8 December 2017 (OJ L 326, 9.12.2017, p. 42),
— Commission Implementing Regulation (EU) 2018/1584 of 22 October 2018 (OJ L 264, 23.10.2018, p. 1).

Commission Regulation (EC) No 1235/2008 of 8 December 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 (OJ L 334, 12.12.2008, p. 25), as amended by:
— Commission Regulation (EC) No 537/2009 of 19 June 2009 (OJ L 159, 20.6.2009, p. 6),
— Commission Regulation (EU) No 471/2010 of 31 May 2010 (OJ L 134, 1.6.2010, p. 1),
— Commission Implementing Regulation (EU) No 590/2011 of 20 June 2011 (OJ L 161, 21.6.2011, p. 9),
— Commission Implementing Regulation (EU) No 1084/2011 of 27 October 2011 (OJ L 281, 28.10.2011, p. 3),