Commission Implementing Regulation (EU) 2019/39 of 10 January 2019 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) 2019/39

of 10 January 2019

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 name and the internet address of its competent authority have changed.

(3) According to information provided by Canada, the internet addresses of the control bodies ‘Oregon Tilth Incorporated’ and ‘TransCanada Organic Certification Services’ have changed. Furthermore, the recognition of the control body ‘Organic Certifiers’ has been withdrawn.

(4) According to information provided by India, the name of its competent authority has changed.

(5) According to information provided by Japan, the recognition of the control bodies ‘Japan Eco-system Farming Association’ and ‘The Mushroom Research Institute of Japan’ have been withdrawn.

(6) According to information provided by New Zealand, the name of the control body ‘BioGro New Zealand’ and the internet addresses of all control bodies have changed.

(7) According to information provided by the Republic of Korea, the internet addresses of the control bodies ‘Jeonnam bioindustry foundation’ and ‘Green Environmentally-

Changes to legislation: *There are currently no known outstanding effects for the Commission Implementing Regulation (EU) 2019/39. (See end of Document for details)*

Friendly certification center' have changed. Furthermore, the recognition of the control body 'Controlunion' has been withdrawn.

(8) According to information provided by Switzerland, the name and the internet address of the control body 'IMOswiss AG' have changed.

(9) 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.

(10) The Commission has received and examined a request from 'Agricert- Certificação de Produtos Alimentares lda' 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 Egypt, Guinea and Mozambique.

(11) The Commission has received and examined a request from 'Albinspekt' 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 Armenia, Bosnia and Herzegovina, Montenegro, the former Yugoslav Republic of Macedonia and Serbia, and for product category B to Iran, Kazakhstan Moldova, Turkey and Ukraine.

(12) The Commission has received and examined a request from 'Bioagricert- S.r.l' 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 E to Kazakhstan, for product category B to French Polynesia and for product categories A and D to the Philippines.

(13) 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 Algeria, Cambodia, Chad and Tunisia.

(14) On 6 September 2018, IOAS an accreditation body in the field of organic production, informed the Commission of its decision to withdraw the accreditation of 'Bolicert Ltd' due to the failure of that control body to resolve non-compliances within the maximum number of submission periods allowed under IOAS' assessment procedure. Furthermore, the audit carried out by the Commission at 'Bolicert Ltd' in Bolivia in May 2017 revealed shortcomings in the organic production standard and control measures. In view of this situation, the Commission requested 'Bolicert Ltd' to provide a valid accreditation certificate and to take adequate measures to address the shortcomings. Taking into account that 'Bolicert Ltd' failed to take appropriate and timely remedial action to address the shortcomings and to provide the Commission with a valid accreditation certificate, the Commission has decided, in accordance with Article 12(2)(d), (e) and (f) of Regulation (EC) No 1235/2008, to withdrawn 'Bolicert Ltd' from the list of control bodies and control authorities for the purpose of equivalence.

(15) 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 A and D to Lebanon, for product category B to Haiti, Moldova and Tanzania, for product category E to Sri Lanka and for product category F to Kenya. In addition, it appears that its recognition for product category C needs to be withdrawn in respect of Brunei, Chile, China, Ecuador, Hong Kong, Honduras, India, Japan, the Republic of Korea, Morocco, Monaco, Madagascar, Mozambique, Peru, Thailand, Tunisia, Turkey, the United States and Vietnam.

(16) The Commission requested 'Ekoagros' to provide additional information on the activities covered in their annual report in accordance with Article 12(1)(b) of Regulation (EC) No 1235/2008. In particular, 'Ekoagros' was requested to provide information on how the non-conformities of the operators taken over from other control bodies in Ukraine have been addressed in accordance with Article 92 of Commission Regulation (EC) No 889/2008[(3)]. Moreover, Ekoagros was asked to explain how the additional controls for certain products originating in Ukraine, Kazakhstan and Russia have been implemented. 'Ekoagros' failed to provide satisfactory replies to the Commission. Therefore, the entry of 'Ekoagros' for Ukraine in Annex IV to Regulation (EC) No 1235/2008 should be suspended until satisfactory information is provided.

(17) The Commission has received and examined a request from 'IBD Certificações 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, D and E to Russia and to withdraw its recognition for product category C for Brazil.

(18) The Commission has received and examined a request from 'Letis S.A' to change its address and 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 Uzbekistan, for product categories A and D to Azerbaijan, Belarus, Egypt, Côte d'Ivoire, Kyrgyzstan, Morocco, Turkmenistan and the United Arab Emirates, for product categories B and C to Costa Rica, and for product categories A, B, C and D to Belize, Brazil, Colombia, the Dominican Republic, Guatemala, Honduras, Panama and El Salvador.

(19) The Commission has received a request from 'Oregon Tilth' to withdraw its recognition for China.

(20) 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, D and E to the former Yugoslav Republic of Macedonia.

(21) The Commission has received a request from 'ORSER' to withdraw its recognition for Nepal.

(22) 'Soil Association Certification Limited' has notified the Commission of the change of its address.

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

Changes to legislation: *There are currently no known outstanding effects for the Commission Implementing Regulation (EU) 2019/39. (See end of Document for details)*

(24) 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 in accordance with 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, 10 January 2019.

For the Commission

The President

Jean-Claude JUNCKER

***Changes to legislation:** There are currently no known outstanding effects for the Commission Implementing Regulation (EU) 2019/39. (See end of Document for details)*

ANNEX I

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

(1) in the entry relating to **Australia**, point 4 is replaced by the following:

4. Competent authority: Department of Agriculture and Water Resources, http://www.agriculture.gov.au/export/controlled-goods/organic-bio-dynamic;

(2) in the entry relating to **Canada**, point 5 is amended as follows:

(a) the rows relating to code numbers CA-ORG-011 and CA-ORG-021 are replaced by the following:

CA-ORG-011	Oregon Tilth Incorporated (OTCO)	http://www.tilth.org
CA-ORG-021	TransCanada Organic Certification Services (TCO Cert)	http://www.tcocert.ca/contacts/

(b) the row relating to code number CA-ORG-012 is deleted;

(3) in the entry relating to **India**, point 4 is replaced by the following:

4. Competent authority: Agricultural and Processed Food Products Export Development Authority APEDA, http://www.apeda.gov.in/apedawebsite/index.asp;

(4) in the entry relating to **Japan**, the rows relating to JP-BIO-019 and JP-BIO-33 are deleted;

(5) in the entry relating to **New Zealand**, point 5 is replaced by the following:

5. Control bodies:

NZ-BIO-001	Ministry for Primary Industries (MPI)	http://www.mpi.govt.nz/exporting/food/organics/
NZ-BIO-002	AsureQuality Limited	https://www.asurequality.com
NZ-BIO-003	BioGro New Zealand Limited	https://www.biogro.co.nz

(6) in the entry relating to the **Republic of Korea**, point 5 is amended as follows:

(a) the rows relating to code numbers KR-ORG-017 and KR-ORG-020 are replaced by the following:

KR-ORG-017	Jeonnam bioindustry foundation	www.jbf.kr
KR-ORG-020	Green Environmentally-Friendly certification center	http://cafe.naver.com/greenorganic6279