



Brussels, **XXX**
[...] (2021) **XXX** draft

COMMISSION IMPLEMENTING REGULATION (EU) .../...

of **XXX**

establishing, pursuant to Regulation (EU) 2018/848 of the European Parliament and of the Council, the list of third countries and the list of control authorities and control bodies that have been recognised under Article 33(2) and (3) of Council Regulation (EC) No 853/2004 for the purpose of importing organic products into the Union

COMMISSION IMPLEMENTING REGULATION (EU) .../...

of **XXX**

establishing, pursuant to Regulation (EU) 2018/848 of the European Parliament and of the Council, the list of third countries and the list of control authorities and control bodies that have been recognised under Article 33(2) and (3) of Council Regulation (EC) No 834/2007 for the purpose of importing organic products into the Union

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to Regulation (EU) 2018/848 of the European Parliament and of the Council of 30 May 2018 on organic production and labelling of organic products and repealing Council Regulation (EC) No 834/2007¹, and in particular Article 48(3) and Article 57(2) thereof,

Whereas:

- (1) In accordance with Article 45(1), point (b)(iii), of Regulation (EU) 2018/848, a product may be imported for the purpose of placing that product on the market within the Union as an organic product or as an in-conversion product, if that product complies with the equivalent production and control rules of a recognised third country and is imported with a certificate of inspection confirming this compliance that was issued by the competent authorities, control authorities or control bodies of that third country. Article 48(1) of that Regulation clarifies that, in that context, a recognised third country is a third country that has been recognised for the purpose of equivalence under Article 33(2) of Council Regulation (EC) No 834/2007².
- (2) That recognition expires on 31 December 2026. Those third countries continue to be recognised until that date, in order to ensure a smooth transition to the scheme of recognition under a trade agreement pursuant to Article 47 of Regulation (EU) 2018/848, provided that they continue to ensure that their organic production and control rules are equivalent to the relevant Union rules in force and that they comply with all requirements relating to the supervision of their recognition by the Commission in accordance with Commission Delegated Regulation (EU) 2021/1342³.
- (3) The list of recognised third countries established by this Regulation is based on the list as published in Annex III to Commission Regulation (EC) No 1235/2008⁴, with the exception of Chile, Switzerland and the United Kingdom, as the trade in organic products with those countries is covered by specific agreements. However, in the light

¹ OJ L 150, 14.6.2018, p. 1.

² 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).

³ Commission Delegated Regulation (EU) 2021/1342 of 27 May 2021 supplementing Regulation (EU) 2018/848 of the European Parliament and of the Council with rules on the information to be sent by third countries and by control authorities and control bodies for the purpose of supervision of their recognition under Article 33(2) and (3) of Council Regulation (EC) No 834/2007 for imported organic products and the measures to be taken in the exercise of that supervision (OJ L 292, 16.8.2021, p. 20).

⁴ 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).

of new information received by the Commission from certain third countries since the last amendment of that list, certain changes should be taken into consideration and the list should be adapted accordingly.

- (4) According to the information provided by Argentina, the name of the control body 'Argencert' has been changed to 'Ecocert Argentina SA'.
- (5) As regards India, since October 2020, a large number of consignments totalling to thousands of tons of allegedly organic sesame seed contaminated with ethylene oxide ('ETO') have been imported from that third country, in particular from operators controlled by control bodies supervised by India, and resulting in about 90 notifications in the Organic Farming Information System (OFIS). ETO is carcinogen for humans and while the levels of contamination have varied depending on the consignment, they have usually by far exceeded the maximum residue level established for that pesticide. This has led both to consumers being misled and to a significant health risk. The occurrence of the ETO contamination and the high concentrations found, as well as the lack of response on the root causes of the failure of the control system from the control bodies involved in those contaminations, which are under the supervision of the Indian competent authority, and the inappropriate corrective measures taken by those control bodies and the competent authority, jeopardise the robustness of the controls and the supervision itself. In addition, on the basis of information received by the Commission, it appears that some of the control bodies involved in those OFIS cases did not respect the scope of recognition of India as regards the products that may be imported into the Union. For all those reasons and in accordance with Article 3, point (a), of Delegated Regulation (EU) 2021/1342, the following control bodies should not appear in the list of control bodies recognised by the Indian competent authority: 'CU Inspections India Pvt Ltd', 'Ecocert India Pvt Ltd', 'Indian Organic Certification Agency (Indocert)', 'Lacon Quality Certifications Pvt Ltd' and 'OneCert International Private Limited'.
- (6) Annex III to Regulation (EC) No 1235/2008 as amended by Commission Implementing Regulation (EU) 2020/2196⁵ erroneously attributed the code number JP-BIO-038 to the control body 'Japan Agricultural Standard Certification Alliance', while that code number had already been assigned to the control body 'Akatonbo' by Commission Implementing Regulation (EU) 2020/25⁶. 'Japan Agricultural Standard Certification Alliance' should therefore be assigned a different code.
- (7) The Republic of Korea has informed the Commission that its competent authority has added the control body 'ORGANIC PROMOTION' to the list of control bodies recognised by that competent authority.
- (8) The scheme of control authorities and control bodies recognised by the Commission under Article 33(3) of Regulation (EC) No 834/2007 to carry out controls and to issue certificates in third countries for the purpose of importing products, while providing

⁵ Commission Implementing Regulation (EU) 2020/2196 of 17 December 2020 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 (OJ L 434, 23.12.2020, p. 31).

⁶ Commission Implementing Regulation (EU) 2020/25 of 13 January 2020 amending and correcting 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 (OJ L 8, 14.1.2020, p. 18).

equivalent guarantees, is being phased out by Regulation (EU) 2018/848. As those control authorities and control bodies should be given sufficient time so that they can prepare themselves to obtain recognition for the purposes of the import of products that comply with Union rules, their recognition expires on 31 December 2024, provided that they comply with all requirements relating to the supervision of their recognition by the Commission in accordance with Delegated Regulation (EU) 2021/1342.

- (9) The list of recognised control authorities and control bodies established by this Regulation is based on the list published in Annex IV to Regulation (EC) No 1235/2008. However, in the light of new information and new requests for inclusion received by the Commission since the last amendment of that list, certain changes should be made to the list. In accordance with Article 11(1) of Regulation (EC) No 1235/2008, only complete requests submitted by 30 June 2021 under Regulation (EC) No 834/2007 were taken into account.
- (10) The Commission has received and examined a request from ‘A CERT European Organization for Certification S.A.’ to amend its specifications. Based on the information received, it is justified to extend the scope of its recognition for all third countries currently listed in point 3 of its entry in Annex IV to Regulation (EC) No 1235/2008, to product categories B, C, and E.
- (11) The Commission has received and examined a request from ‘AfriCert Limited’ to amend its specifications. Based on the information received, it is justified to extend the scope of its recognition to Côte d'Ivoire, Egypt, Ethiopia and South Africa for product categories A, B and D, and to extend the scope of its recognition for Burundi, the Democratic Republic of the Congo, Ghana, Kenya, Rwanda, Tanzania and Uganda to product category D.
- (12) The Commission has received and examined a request from ‘**Albinspekt**’ to change its name. Based on the information received, the Commission has concluded that it is justified to replace the name of that control body by ‘**Albinspekt bio.inspecta**’. Furthermore, the Commission has been informed that some details in the address of that control body have changed.
- (13) ‘**Australian Certified Organic**’ has notified the Commission of the change of its address.
- (14) The Commission has received and examined a request from ‘BaŞak Ekolojik Ürünler Kontrol ve Sertifikasyon Hizmetleri Tic. Ltd’ to amend its specifications. Based on the information received, it is justified to extend the scope of its recognition to the United Arab Emirates for product categories A and D.
- (15) The Trade and Cooperation Agreement between the European Union and the European Atomic Energy Community, of the one part, and the United Kingdom of Great Britain and Northern Ireland, of the other part, concluded by Council Decision (EU) 2021/689⁷, establishes a reciprocal recognition of equivalence of the current organic legislation and control system of both parties to that agreement. As a consequence, the

⁷ Council Decision (EU) 2021/689 of 29 April 2021 on the conclusion, on behalf of the Union, of the Trade and Cooperation Agreement between the European Union and the European Atomic Energy Community, of the one part, and the United Kingdom of Great Britain and Northern Ireland, of the other part, and of the Agreement between the European Union and the United Kingdom of Great Britain and Northern Ireland concerning security procedures for exchanging and protecting classified information (OJ L 149, 30.4.2021, p. 2).

recognition of the control bodies ‘Biodynamic Association Certification’, ‘Organic Farmers & Growers C. I. C’, ‘Organic Farmers & Growers (Scotland) Ltd’, ‘Organic Food Federation’, ‘Quality Welsh Food Certification Ltd’ and ‘Soil Association Certification Limited’ for the purpose of importing organic products from the United Kingdom granted by Implementing Regulation (EU) 2020/2196 should be withdrawn.

- (16) The Commission has received and examined a request from ‘Bio.inspecta AG’ to amend its specifications. Based on the information received, it is justified to extend the scope of its recognition to Benin for product category D, to Egypt for product categories A, B, D, E and F, to Thailand for product categories A, B, D and E, and to Turkey for product category B.
- (17) The Commission has received and examined a request from ‘Bureau Veritas Certification France SAS’ to amend its specifications. Based on the information received, it is justified to withdraw its recognition for product category A for Madagascar and to withdraw its recognition for Mauritius, Monaco, Morocco and Nicaragua.
- (18) The Commission has received and examined a request from ‘CCPB srl’ to amend its specifications. Based on the information received, it is justified to extend the scope of its recognition to Libya for product categories A, B and D, and to extend the scope of its recognition for Vietnam to products categories A, B, C and E.
- (19) The Commission has received and examined a request from ‘CERES Certification of Environmental Standards GmbH’ to amend its specifications. Based on the information received, it is justified to extend the scope of its recognition to Angola, Guinea Bissau, Jordan, Oman, Trinidad and Tobago for product categories A, B and D, and to Afghanistan and Sri Lanka for product categories A and D, and to extend the scope of its recognition for Iran to product category B, for Colombia and Peru to product category C and for Turkey to product categories C and F.
- (20) The Commission has received and examined a request from ‘**Certificadora Biotropico S.A**’ to amend its legal status. Based on the information received, the Commission has concluded that it is justified to replace the name of that control body by ‘**Certificadora Biotropico SAS**’.
- (21) ‘Certisys’ has notified the Commission of the change of its address.
- (22) The Commission has received and examined a request from ‘Control Union Certifications’ to amend its specifications. Based on the information received, it is justified to extend the scope of its recognition to Samoa, Saudi Arabia, Solomon Islands and Vanuatu for product categories A, D and F, to Argentina for product categories C and D, and to extend the scope of its recognition for Bangladesh to product category A, for El Salvador, Guatemala, Kenya and Nicaragua to product category C, and for Costa Rica to product category D.
- (23) The Commission has received and examined a request from ‘CTR Uluslararası Belgelendirme ve Denetim Ltd. Şti.’ to be included in the list of control authorities and control bodies recognised for the purpose of equivalence under Regulation (EC) No 834/2007. Based on the information received, it is justified to recognise that control body for Turkey for product categories A and D.
- (24) The Commission has received and examined a request from ‘Ecocert SA’ to amend its specifications. Based on the information received, it is justified to extend the scope of its recognition to Bahrain for product categories A and B, to Bhutan and Gabon for product categories A and D, to the Maldives for product category D, to Qatar for

product categories A, B and D and to Saint Barthélemy for product categories A, B, D and E. It is also justified to extend the scope of its recognition for Armenia, Cameroon, Lesotho, Mauritius, Mozambique, Namibia, the Occupied Palestinian Territory, Rwanda, Uganda and Zambia to product category F, for Bangladesh, India, Saudi Arabia, Sri Lanka, and Togo to product category B, for Botswana, Eswatini, Ethiopia, Malawi and Tanzania to product categories E and F, for Egypt and Kuwait to product category E, for Jordan, Oman and Pakistan to product categories B and E, and for Nigeria to product categories B, E and F. In addition, based on the clarification received from 'Ecocert SA', it is necessary to withdraw its recognition for product category C in respect of Bangladesh.

- (25) The Commission has received and examined a request from 'Ecoglobe' to amend its specifications. Based on the information received, it is justified to extend the scope of its recognition to Egypt and the United Arab Emirates for product categories A, B and D.
- (26) The Commission has been informed by 'Ecograppo Italia' of the change of its address.
- (27) The Commission has received and examined a request from '**EGYCERT Ltd**' to be included in the list of control authorities and control bodies recognised for the purpose of equivalence under Regulation (EC) No 834/2007. Based on the information received, it is justified to recognise that control body for China, Egypt, Ghana, Kuwait, Pakistan, Saudi Arabia, Sudan, Turkey and the United Arab Emirates for product categories A and D.
- (28) The Commission has received and examined a request from '**EKO-CONTROL SK s.r.o.**' to be included in the list of control authorities and control bodies recognised for the purpose of equivalence under Regulation (EC) No 834/2007. Based on the information received, it is justified to recognise that control body for Moldova, Serbia, and Russia for product category A.
- (29) The Commission has received and examined a request from 'Food Safety SA' to be included in the list of control authorities and control bodies recognised for the purpose of equivalence under Regulation (EC) No 834/2007. Based on the information received, it is justified to recognise that control body for Paraguay and Uruguay for product categories A, B and D, as well as for Argentina for product category D.
- (30) The Commission has received and examined a request from 'IBD Certificações Ltda.' to amend its specifications. Based on the information received, it is justified to extend the scope of its recognition for China to product category B.
- (31) The Commission has received and examined a request from 'Kiwa BCS Öko-Garantie GmbH' to amend its specifications. Based on the information received, it is justified to extend the scope of its recognition to Jamaica and Trinidad and Tobago for product categories A, D and F, and to extend the scope of its recognition for Costa Rica to product category B and for Nicaragua, Panama, Peru and Venezuela to product category C.
- (32) The Commission has received and examined a request from 'LACON GmbH' to amend its specifications. Based on the information received, it is justified to withdraw its recognition for Brazil, Cuba, the Dominican Republic and Mexico, while it is justified to extend the scope of its recognition to Iran for product category A, B and D.

- (33) Based on the information received from the accreditation body IOAS and, in particular the decision of that accreditation body to suspend the entire scope of its accreditation and surveillance regime of 'LETIS S.A.' in all third countries where the control body operates given the strong deficiencies detected in the control system applied, the Commission has decided to withdraw the recognition of 'LETIS S.A.' in accordance with the requirements under the scheme of equivalence for all product categories and all third countries.
- (34) The Commission has received and examined a request from 'Mayacert' to amend its specifications. Based on the information received, it is justified to extend the scope of its recognition to Ecuador, Iran and Turkey for product categories A and D as well as to India for category D.
- (35) The Commission has received and examined a request from 'NASAA Certified Organic Pty Ltd' to amend its specifications. Based on the information received, the Commission has concluded that it is justified to extend the scope of its recognition to Bangladesh, Bhutan, Brunei, Cambodia, Fiji, French Polynesia, Hong Kong, Kiribati, Laos, the Marshall Islands, Micronesia, Myanmar/Burma, Nauru, New Caledonia, Palau, the Philippines, Thailand, Tuvalu, Vanuatu, Vietnam, and Wallis and Futuna for product categories A, B and D, as well as to India for product categories B and D.
- (36) 'Oregon Tilth' has notified the Commission of the change of its address.
- (37) The Commission has received and examined a request from 'Organic Control System' to amend its specifications. Based on the information received, it is justified to extend the scope of its recognition for Montenegro and North Macedonia to product category B, and for Bosnia and Herzegovina and Serbia to product categories B and E.
- (38) The Commission has received and examined a request from 'Organic Standard' to amend its specifications. Based on the information received, it is justified to extend the scope of its recognition for Georgia and Moldova to product categories C, E and F, and for Kazakhstan to product categories C and F.
- (39) The Commission has received and examined a request from 'Organización Internacional Agropecuaria' to amend its specifications. Based on the information received, it is justified to extend the scope of its recognition to China product categories A and D.
- (40) The Commission has received and examined a request from 'Organska Kontrola' to amend its specifications. Based on the information received, it is justified to extend the scope of its recognition to Azerbaijan for product categories A, B and D.
- (41) The Commission has received and examined a request from 'ORSER' to amend its specifications. Based on the information received, it is justified to extend the scope of its recognition to Moldova, Russia, Serbia, Ukraine and Uzbekistan for product categories A, D and E.
- (42) The Commission has received and examined a request from 'SRS Certification GmbH' to amend its specifications. Based on the information received, it is justified to extend the scope of its recognition to Burkina Faso, Congo, Côte d'Ivoire, Ghana, Senegal, Singapore, and Togo for product categories A, D and E, as well as to Armenia, Cambodia, Cameroon, Central African Republic, Chad, the Democratic Republic of the Congo, Equatorial Guinea, Gabon, Indonesia, Kenya, Laos, Malaysia,

Myanmar/Burma, Niger, Pakistan, the Philippines, Rwanda, Sri Lanka, Thailand and Vietnam for product categories A and D.

- (43) The Commission has received and examined a request from ‘*The First Agricultural Co., for Registration, Inspection and Certification Limited Liability (TAWTHIQ)*’ to be included in the list of control authorities and control bodies recognised for the purpose of equivalence under Regulation (EC) No 834/2007. Based on the information received, it is justified to recognise that control body for Egypt, Saudi Arabia and Uzbekistan for product categories A and D.
- (44) The Commission has received and examined a request from ‘TÜV Nord Integra’ to amend its specifications. Based on the information received, it is justified to extend the scope of its recognition to Gambia for product categories A and D.
- (45) In the interest of clarity and legal certainty, this Regulation should apply from the date of application of Regulation (EU) 2018/848. In accordance with Article 48(1) of Regulation (EU) 2018/848, the recognition of third countries for the purpose of equivalence under Article 33(2) of Regulation (EC) No 834/2007 is to expire on 31 December 2026. In accordance with Article 57(1) of Regulation (EU) 2018/849, the recognition of control authorities and control bodies granted under Article 33(3) of Regulation (EC) No 834/2007 is to expire by 31 December 2024 at the latest. The measures provided for in this Regulation are in accordance with the opinion of the Organic Production Committee,

HAS ADOPTED THIS REGULATION:

Article 1

List of recognised third countries

The list of third countries recognised for the purpose of equivalence under Article 33(2) of Regulation (EC) No 834/2007 is set out in Annex I to this Regulation.

Article 2

List of recognised control authorities and control bodies

The list of control authorities and control bodies recognised for the purpose of equivalence under Article 33(3) of Regulation (EC) No 834/2007 is set out in Annex II to this Regulation.

Article 3

Entry into force and application

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

It shall apply from 1 January 2022.

Article 1 shall apply until 31 December 2026.

Article 2 shall apply until 31 December 2024.

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

Done at Brussels,

For the Commission
The President
Ursula VON DER LEYEN