



Brussels, **XXX**
[...] (2022) **XXX** draft

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

of **XXX**

amending Implementing Regulation (EU) 2021/2325 as regards the recognition of certain control authorities and control bodies for the purpose of importing organic products into the Union

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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) Annex I to Commission Implementing Regulation (EU) 2021/2325² 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 Council Regulation (EC) No 834/2007³.
- (2) India has informed the Commission that its competent authority suspended the control body ‘TQ Cert Services Private Limited’ and therefore that control body should be removed from the list of control bodies recognised by India.
- (3) Annex II to Implementing Regulation (EU) 2021/2325 sets out the list of control authorities and control bodies recognised for the purpose of equivalence and competent to carry out controls and issue certificates in third countries. In the light of new information and requests received by the Commission since the adoption of Implementing Regulation (EU) 2021/2325, certain changes should be made to that list.
- (4) Notifications of cases of non-compliance have been made in the Organic Farming Information System (OFIS) of ‘Control Union Certifications’ (BIO-149), ‘Ecocert SA’ (BIO-154), ‘Lacon GmbH’ (BIO-134) and ‘OneCert International PVT Ltd’ (BIO-152). Those notifications concern the contamination of a large number of consignments of products, produced in India and certified as organic by those control bodies. The contaminations were with products and substances not allowed in organic production and/or conventional production in the Union, at levels above and often far above the Maximum Residue Levels as set in Regulation (EC) No 396/2005 of the European Parliament and of the Council⁴. Those contaminations include, but are not

¹ OJ L 150, 14.6.2018, p. 1.

² Commission Implementing Regulation (EU) 2021/2325 of 16 December 2021 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 (OJ L 465, 29.12.2021, p. 8).

³ 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).

⁴ Regulation (EC) No 396/2005 of the European Parliament and of the Council of 23 February 2005 on maximum residue levels of pesticides in or on food and feed of plant and animal origin and amending Council Directive 91/414/EEC (OJ L 70, 16.3.2005, p. 1).

limited to, contaminations with ethylene oxide, which is carcinogenic, mutagenic, and toxic for reproduction.

- (5) Moreover, those control bodies have failed to demonstrate that organic products imported under their control have been produced in accordance with production rules and subject to control arrangements equivalent to those laid down in Regulation (EC) No 834/2007 and in Commission Regulations (EC) No 889/2008⁵ and (EC) No 1235/2008⁶.
- (6) In addition, those control bodies have failed to take corrective measures in response to the irregularities and infringements observed.
- (7) For each of those reasons, and in accordance with Article 4(1), points (d)(iv), (d)(v) and (d)(vii) of Commission Delegated Regulation (EU) 2021/1342⁷, the control bodies 'Control Union Certifications', 'Ecocert SA', 'Lacon GmbH' and 'OneCert International PVT Ltd' should be withdrawn from the list of control authorities and control bodies recognised for India for the purpose of equivalence under Article 33(3) of Regulation (EC) 834/2007.
- (8) 'A CERT European Organization for Certification S.A.' has notified the Commission of the change of its address.
- (9) The Commission has received and examined a request from 'BioGro New Zealand Limited' to withdraw its recognition for all third countries for which it is recognised in accordance with Implementing Regulation (EU) 2021/2325.
- (10) 'Bureau Veritas Certification France SAS' has notified the Commission regarding the change of its internet address.
- (11) The Commission has received and examined a request from 'Ecocert SA' 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 'Ecocert SAS'.
- (12) The accreditation body IOAS has informed the Commission about the withdrawal of its accreditation relating to the control body 'FairCert Certification Services Pvt Ltd'. The Commission has also invited the control body to provide a valid accreditation certificate and to take appropriate and timely remedial action. However, 'FairCert Certification Services Pvt Ltd' failed to reply satisfactorily within the deadline set for the purpose. Finally, 'FairCert Certification Services Pvt Ltd' did not communicate to the Commission all of the information related to its technical dossier. For each of those three reasons, and in accordance with Article 4(1), point (d)(iii), of Delegated Regulation (EU) 2021/1342, 'FairCert Certification Services Pvt Ltd' should be withdrawn from the list of control authorities and control bodies set out in Annex II to Implementing Regulation (EU) 2021/2325 for all third countries.

⁵ 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).

⁶ 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).

⁷ 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).

- (13) 'Kiwa Sativa' has notified the Commission of the change of its internet address.
- (14) The Commission has received and examined a request from 'Lacon GmbH' to withdraw its recognition for all third countries for which it is recognised in Implementing Regulation (EU) 2021/2325.
- (15) The Commission has received and examined a request by 'LETIS S.A.' to withdraw its recognition for Afghanistan, Azerbaijan, Belarus, Côte d'Ivoire, Egypt, Ethiopia, Iran, Kazakhstan, Kyrgyzstan, Moldova, Morocco, Pakistan, Russia, Tajikistan, Turkmenistan, Ukraine, the United Arab Emirates and Uzbekistan.
- (16) The accreditation body IOAS has informed the Commission about the withdrawal of its accreditation relating to 'LETIS S.A.' in Turkey. The Commission has also invited the control body to provide a valid accreditation certificate concerning Turkey and to take appropriate and timely remedial action. However, 'LETIS S.A.' failed to reply satisfactorily within the deadline set for the purpose. For each of those two reasons, and in accordance with Article 4(1), point (d)(iii), of Delegated Regulation (EU) 2021/1342, it is justified to withdraw the recognition of 'LETIS S.A.' for Turkey.
- (17) 'OneCert International PVT Ltd' has notified the Commission of the change of its address and internet address.
- (18) The Commission has received a request from 'Oregon Tilth' to withdraw its recognition for Panama.
- (19) The Commission has received a request from 'Organic Standard' to withdraw its recognition for Russia.
- (20) The Commission has received and examined a request from 'Soil Association Certification Limited' to voluntarily cease its activities for all third countries for which it is recognised in accordance with Implementing Regulation (EU) 2021/2325.
- (21) 'Tse-Xin Organic Certification Corporation' has notified the Commission of the change of its address.
- (22) Implementing Regulation (EU) 2021/2325 should therefore be amended accordingly.
- (23) The measures provided for in this Regulation are in accordance with the opinion of the Organic Production Committee,

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EU) No 2021/2325 is amended as follows:

- (1) Annex I is amended in accordance with Annex I to this Regulation;
- (2) Annex II 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,

For the Commission
The President
Ursula VON DER LEYEN