

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

TITLE III

IMPORT OF PRODUCTS PROVIDING EQUIVALENT GUARANTEES

CHAPTER 1

List of recognised third countries

Article 7

Compilation and content of the list of third countries

1 The [^{F1}Secretary of State] shall establish a list of recognised third countries in accordance with Article 33(2) of Regulation (EC) No 834/2007. [^{F2}The Secretary of State must make the list available to the public on the internet. For transitional purposes, the Secretary of State must add to the list the names of the third countries and other information falling within paragraph 2 listed in Annex 3 of this Regulation, as that Annex had effect immediately before it was revoked, with the exception of the date by which the recognition of equivalence of the European Union is to be reassessed, which must be entered as 31 December 2023.] The procedures for drawing up and amending the list are defined in Articles 8 and 16 of this Regulation. Amendments to the list shall be made available to the public on the Internet [^{F3}from time to time].

2 The list shall contain all the information necessary in respect of each third country to allow verifying whether products placed on the [^{F4}market in Great Britain] have been subject to the control system of the third country recognised in accordance with Article 33(2) of Regulation (EC) No 834/2007 and in particular:

- a the product categories concerned;
- b the origin of the products;
- c a reference to the production standards applied in the third country;
- d the competent authority in the third country responsible for the control system, its address, including e-mail and Internet addresses;
- [^{F5}e the name, address, email address, internet address and code number of the control authority or authorities and the control body or bodies recognised by the competent authority referred to in point (d) to carry out controls;
- f the name, address, email address, internet address and code number of the authority or authorities and the control body or bodies responsible in the third country for issuing certificates with a view to importing into [^{F6}Great Britain];]
- g the duration of the inclusion in the list.

[^{F7}The Secretary of State may make amendments to the information contained in the list from time to time to ensure that it remains accurate and up-to-date.]

Changes to legislation: There are currently no known outstanding effects for the Commission Regulation (EC) No 1235/2008, TITLE III. (See end of Document for details)

Textual Amendments

- F1** Words in Art. 7(1) substituted (31.12.2020) by The Organic Production (Control of Imports) (Amendment) (EU Exit) Regulations 2019 (S.I. 2019/692), regs. 1(2), **4(7)(a)**; 2020 c. 1, Sch. 5 para. 1(1)
- F2** Words in Art. 7(1) substituted (13.11.2021) by The Organics (Equivalence and Control Bodies Listing) (Amendment) Regulations 2021 (S.I. 2021/1266), regs. 1, **4(6)(a)(i)**
- F3** Words in Art. 7(1) substituted (13.11.2021) by The Organics (Equivalence and Control Bodies Listing) (Amendment) Regulations 2021 (S.I. 2021/1266), regs. 1, **4(6)(a)(ii)**
- F4** Words in Art. 7(2) substituted (31.12.2020) by The Organic Production (Control of Imports) (Amendment) (EU Exit) Regulations 2019 (S.I. 2019/692), regs. 1(2), **4(7)(b)(i)** (as amended by S.I. 2020/1452, regs. 1(2)(b), **5(4)(c)(i)**); 2020 c. 1, **Sch. 5 para. 1(1)**
- F5** Substituted by Commission Implementing Regulation (EU) 2016/1842 of 14 October 2016 amending Regulation (EC) No 1235/2008 as regards the electronic certificate of inspection for imported organic products and certain other elements, and Regulation (EC) No 889/2008 as regards the requirements for preserved or processed organic products and the transmission of information (Text with EEA relevance).
- F6** Words in Art. 7(2)(f) substituted (31.12.2020) by The Organic Production (Control of Imports) (Amendment) (EU Exit) Regulations 2019 (S.I. 2019/692), regs. 1(2), **4(7)(b)(ii)** (as amended by S.I. 2020/1452, regs. 1(2)(b), **5(4)(c)(ii)**); 2020 c. 1, **Sch. 5 para. 1(1)**
- F7** Words in Art. 7(2) inserted (13.11.2021) by The Organics (Equivalence and Control Bodies Listing) (Amendment) Regulations 2021 (S.I. 2021/1266), regs. 1, **4(6)(b)**

Article 8

Procedure for requesting inclusion in the list of third countries

^{F8}1

2 The [^{F9}Secretary of State] shall only be required to consider a [^{F10}request from a third country for inclusion on the list provided for in Article 7 if it] meets the following preconditions.

The request for inclusion shall be completed by a technical dossier, which shall comprise all the information needed for the [^{F9}Secretary of State] to ensure that the conditions set out in Article 33(1) of Regulation (EC) No 834/2007 are met for products intended for export to [^{F11}Great Britain], namely:

- a general information on the development of organic production in the third country, the products produced, the area in cultivation, the production regions, the number of producers, the food processing taking place;
- b an indication of the expected nature and quantities of organic agricultural products and foodstuffs intended for export to [^{F11}Great Britain];
- c the production standards applied in the third country as well as an assessment of their equivalence to the standards applied in [^{F11}Great Britain];
- d the control system applied in the third country, including the monitoring and supervisory activities carried out by the competent authorities in the third country, as well as an assessment of its equivalent effectiveness when compared to the control system applied in [^{F11}Great Britain];
- e the Internet or other address where the list of operators subject to the control system can be found, as well as a contact point where information is readily available on their certification status and the product categories concerned;
- f the information the third country proposes to include in the list as referred to in Article 7;

Changes to legislation: There are currently no known outstanding effects for the Commission Regulation (EC) No 1235/2008, TITLE III. (See end of Document for details)

- g an undertaking to comply with the provisions of Article 9;
- h any other information deemed relevant by the third country or by the [^{F9}Secretary of State].

3 When examining a request for inclusion in the list of recognised third countries, and also any time after its inclusion, the [^{F12}Secretary of State] may request any further information, including the presentation of one or more on-the-spot examination reports established by independent experts. Furthermore, the [^{F12}Secretary of State] may, based on risk-assessment and in case of suspected irregularities organise an on-the-spot examination by experts [^{F13}designated by the Secretary of State].

[^{F14}Experts from other third countries recognised in accordance with Article 33(2) of Regulation (EC) No 834/2007 may be invited by the [^{F12}Secretary of State] to attend on-the-spot-examination as observers.]

[^{F15}4 The [^{F16}Secretary of State] 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. [^{F17}If the Secretary of State decides to do so, the Secretary of State must notify the third country of this decision.] Where the [^{F16}Secretary of State] considers that the conditions laid down in Regulation (EC) No 834/2007 and this Regulation continue to be met, [^{F18}the Secretary of State] may decide to extend the inclusion of the third country after that three-year period.

[^{F19}In that case the Secretary of State must cause the duration of the extension to be entered on the list, and must notify the third country of this decision.]]

Textual Amendments

- F8** Art. 8(1) omitted (31.12.2020) by virtue of The Organic Production (Control of Imports) (Amendment) (EU Exit) Regulations 2019 (S.I. 2019/692), regs. 1(2), **4(8)(a)**; 2020 c. 1, Sch. 5 para. 1(1)
- F9** Words in Art. 8(2) substituted (31.12.2020) by The Organic Production (Control of Imports) (Amendment) (EU Exit) Regulations 2019 (S.I. 2019/692), regs. 1(2), **4(8)(b)(i)**; 2020 c. 1, Sch. 5 para. 1(1)
- F10** Words in Art. 8(2) substituted (31.12.2020) by The Organic Production (Control of Imports) (Amendment) (EU Exit) Regulations 2019 (S.I. 2019/692), regs. 1(2), **4(8)(b)(ii)**; 2020 c. 1, Sch. 5 para. 1(1)
- F11** Words in Art. 8(2) substituted (31.12.2020) by by The Organic Production (Control of Imports) (Amendment) (EU Exit) Regulations 2019 (S.I. 2019/692), regs. 1(2), **4(8)(b)(iii)** (as amended by S.I. 2020/1452, regs. 1(2)(b), **5(4)(d)**); 2020 c. 1, **Sch. 5 para. 1(1)**
- F12** Words in Art. 8(3) substituted (31.12.2020) by The Common Organisation of the Markets in Agricultural Products (Miscellaneous Amendments) (EU Exit) Regulations 2020 (S.I. 2020/1452), regs. 1(2)(a), **2(2)(a)(i)**
- F13** Words in Art. 8(3) substituted (31.12.2020) by The Common Organisation of the Markets in Agricultural Products (Miscellaneous Amendments) (EU Exit) Regulations 2020 (S.I. 2020/1452), regs. 1(2)(a), **2(2)(a)(ii)**
- F14** Inserted by Commission Implementing Regulation (EU) No 125/2013 of 13 February 2013 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).
- F15** Substituted by 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).

Changes to legislation: There are currently no known outstanding effects for the Commission Regulation (EC) No 1235/2008, TITLE III. (See end of Document for details)

- F16** Words in Art. 8(4) substituted (31.12.2020) by The Common Organisation of the Markets in Agricultural Products (Miscellaneous Amendments) (EU Exit) Regulations 2020 (S.I. 2020/1452), regs. 1(2)(a), **2(2)(b)(i)**
- F17** Words in Art. 8(4) inserted (13.11.2021) by The Organics (Equivalence and Control Bodies Listing) (Amendment) Regulations 2021 (S.I. 2021/1266), regs. 1, **4(7)(a)**
- F18** Words in Art. 8(4) substituted (31.12.2020) by The Common Organisation of the Markets in Agricultural Products (Miscellaneous Amendments) (EU Exit) Regulations 2020 (S.I. 2020/1452), regs. 1(2)(a), **2(2)(b)(ii)**
- F19** Words in Art. 8(4) substituted (13.11.2021) by The Organics (Equivalence and Control Bodies Listing) (Amendment) Regulations 2021 (S.I. 2021/1266), regs. 1, **4(7)(b)**

Article 9

Management and review of the list of third countries

1 The [^{F20}Secretary of State] shall only be required to consider a request for inclusion when the third country undertakes to accept the following conditions:

- [^{F5}a if, after a third country has been included in the list, any changes are made to the measures in force in the third country or their implementation and in particular to its control system, that third country shall notify the [^{F20}Secretary of State] thereof without delay; any changes made to the information referred to in points (d), (e) and (f) of Article 7(2) shall be notified to the [^{F20}Secretary of State] without delay [^{F21}...];
- b the annual report referred to in Article 33(2) of Regulation (EC) No 834/2007 shall update the information of the technical dossier referred to in Article 8(2) of this Regulation; it shall describe in particular the monitoring and supervisory activities carried out by the competent authority of the third country, the results obtained and the corrective measures taken;
- c in the light of any information received, the [^{F20}Secretary of State] may at any time amend the specifications relating to the third country and may suspend the entry of that country from the list referred to in Article 7; a similar decision may also be made where a third country has not supplied information required or where it has not agreed to an on-the-spot examination.

2 If a third country does not send the annual report, referred to Article 33(2) of Regulation (EC) No 834/2007, does not keep available or does not communicate all information related to its technical dossier or control system or does not agree to an on-the-spot examination, after request by the [^{F20}Secretary of State] within a period which the [^{F20}Secretary of State] shall determine according to the severity of the problem and which generally may not be less than 30 days, [^{F22}the Secretary of State may [^{F23}... withdraw that third country from the list.].

Textual Amendments

- F5** Substituted by Commission Implementing Regulation (EU) 2016/1842 of 14 October 2016 amending Regulation (EC) No 1235/2008 as regards the electronic certificate of inspection for imported organic products and certain other elements, and Regulation (EC) No 889/2008 as regards the requirements for preserved or processed organic products and the transmission of information (Text with EEA relevance).
- F20** Words in Art. 9 substituted (31.12.2020) by The Organic Production (Control of Imports) (Amendment) (EU Exit) Regulations 2019 (S.I. 2019/692), regs. 1(2), **4(9)(a)**; 2020 c. 1, Sch. 5 para. 1(1)

Changes to legislation: There are currently no known outstanding effects for the Commission Regulation (EC) No 1235/2008, TITLE III. (See end of Document for details)

- F21** Words in Art. 9(1)(a) omitted (31.12.2020) by virtue of The Organic Production (Control of Imports) (Amendment) (EU Exit) Regulations 2019 (S.I. 2019/692), regs. 1(2), **4(9)(b)**; 2020 c. 1, Sch. 5 para. 1(1)
- F22** Words in Art. 9(2) substituted (31.12.2020) by The Organic Production (Control of Imports) (Amendment) (EU Exit) Regulations 2019 (S.I. 2019/692), regs. 1(2), **4(9)(c)**; 2020 c. 1, Sch. 5 para. 1(1)
- F23** Words in Art. 9(2) omitted (13.11.2021) by virtue of The Organics (Equivalence and Control Bodies Listing) (Amendment) Regulations 2021 (S.I. 2021/1266), regs. 1, **4(8)**

CHAPTER 2

List of recognised control bodies and control authorities for the purpose of equivalence

Article 10

Compilation and content of the list of recognised control bodies and control authorities for the purpose of equivalence

1 The [^{F24}Secretary of State must maintain] a list of control bodies and control authorities, recognised for the purpose of equivalence in accordance with Article 33(3) of Regulation (EC) No 834/2007. [^{F25}The Secretary of State must make the list available to the public on the internet. For transitional purposes, the Secretary of State must add to the list the names of the control bodies and control authorities and other information falling within paragraph 2 listed in Annex 4 of this Regulation, as that Annex had effect immediately before it was revoked.] The procedures for drawing up and amending the list are defined in Articles 11, 16 and 17 of this Regulation. [^{F26}The Secretary of State must make amendments to the list available to the public on the internet from time to time.]

2 The list shall contain all the information necessary in respect of each control body or authority to allow verifying whether products placed on the ^{F27}... market have been controlled by a control body or authority recognised in accordance with Article 33(3) of Regulation (EC) No 834/2007 and in particular:

- a the name, address and code number of the control body or authority, and, when appropriate, its e-mail and Internet address;
- b the third countries not listed in the list provided for in Article 7 where the products have their origin;
- c the product categories concerned for each third country;
- d the duration of the inclusion in the list; [^{F28} and]
- [^{F29}e the internet website where an updated list of operators subject to the control system can be found, indicating their certification status and the product categories concerned as well as a contact point where information is available on suspended and decertified operators and products [^{F29}; and]]
- [^{F30}f the internet website where a complete presentation of the production standard and control measures applied by the control body or control authority in a third country can be found.]

[^{F31}The Secretary of State may make amendments to the information contained in the list from time to time to ensure that it remains accurate and up-to-date.]

Changes to legislation: There are currently no known outstanding effects for the Commission Regulation (EC) No 1235/2008, TITLE III. (See end of Document for details)

[^{F53} By way of derogation from paragraph 2(b), those products originating from a recognised third country listed in accordance with Article 7, but not covered by the recognition granted to that third country, may be included in the list provided for in this Article.]

Textual Amendments

- F5** Substituted by Commission Implementing Regulation (EU) 2016/1842 of 14 October 2016 amending Regulation (EC) No 1235/2008 as regards the electronic certificate of inspection for imported organic products and certain other elements, and Regulation (EC) No 889/2008 as regards the requirements for preserved or processed organic products and the transmission of information (Text with EEA relevance).
- F24** Words in Art. 10(1) substituted (31.12.2020) by The Organic Production (Control of Imports) (Amendment) (EU Exit) Regulations 2019 (S.I. 2019/692), regs. 1(2), **4(10)(a)**; 2020 c. 1, Sch. 5 para. 1(1)
- F25** Words in Art. 10(1) substituted (13.11.2021) by The Organics (Equivalence and Control Bodies Listing) (Amendment) Regulations 2021 (S.I. 2021/1266), regs. 1, **4(9)(a)(i)**
- F26** Words in Art. 10(1) substituted (13.11.2021) by The Organics (Equivalence and Control Bodies Listing) (Amendment) Regulations 2021 (S.I. 2021/1266), regs. 1, **4(9)(a)(ii)**
- F27** Word in Art. 10(2) omitted (31.12.2020) by virtue of The Organic Production (Control of Imports) (Amendment) (EU Exit) Regulations 2019 (S.I. 2019/692), regs. 1(2), **4(10)(b)**; 2020 c. 1, Sch. 5 para. 1(1)
- F28** Deleted by Commission Implementing Regulation (EU) No 586/2013 of 20 June 2013 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 and derogating from Regulation (EC) No 1235/2008 as regards the date of submission of the annual report (Text with EEA relevance).
- F29** Substituted by Commission Implementing Regulation (EU) No 586/2013 of 20 June 2013 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 and derogating from Regulation (EC) No 1235/2008 as regards the date of submission of the annual report (Text with EEA relevance).
- F30** Inserted by Commission Implementing Regulation (EU) No 586/2013 of 20 June 2013 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 and derogating from Regulation (EC) No 1235/2008 as regards the date of submission of the annual report (Text with EEA relevance).
- F31** Words in Art. 10(2) inserted (13.11.2021) by The Organics (Equivalence and Control Bodies Listing) (Amendment) Regulations 2021 (S.I. 2021/1266), regs. 1, **4(9)(b)**

Article 11

Procedure for requesting inclusion in the list of recognised control bodies and control authorities for the purpose of equivalence

[^{F32}1 The [^{F33}Secretary of State] shall consider whether to include a control body or control authority in the list provided for in Article 10 upon receipt of a request thereto from the representative of the control body or control authority concerned on the basis of the model of application made available by the [^{F33}Secretary of State] in accordance with Article 17(2).^{F34} ...]

2 The request can be introduced by control bodies and control authorities established in the [^{F35}United Kingdom] or in a third country.

3 The request for inclusion shall consist of a technical dossier, which shall comprise all the information needed for the [F33Secretary of State] to ensure that the conditions set out in Article 33(3) of Regulation (EC) No 834/2007 are met for products intended for export to [F36Great Britain], namely:

- a an overview of the activities of the control body or control authority in the third country or third countries, including an estimate of the number of operators involved and the expected nature and quantities of agricultural products and foodstuffs intended for export to [F36Great Britain] under the rules set out in Article 33(1) and (3) of Regulation (EC) No 834/2007;
- b a description of the production standards and control measures applied in the third countries, including an assessment of the equivalence of these standards and measures with Titles III, IV and V of Regulation (EC) No 834/2007 as well as with the associated implementing rules laid down in Regulation (EC) No 889/2008;
- c a copy of the assessment report as set out in the fourth subparagraph of Article 33(3) of Regulation (EC) No 834/2007:
 - (i) proving that the control body or control authority has been satisfactorily assessed on its ability to meet the conditions set out in Article 33(1) and (3) of Regulation (EC) No 834/2007;
 - (ii) confirming that it has effectively implemented its activities according to those conditions; and
 - (iii) demonstrating and confirming the equivalence of the production standards and control measures referred to in subparagraph (b) of this paragraph;
- d proof that the control body or control authority has notified its activities to the authorities of each of the third countries concerned and its undertaking to respect the legal requirements imposed on it by the authorities of each of the third countries concerned;
- e the Internet website where the list of operators subject to the control system can be found, as well as a contact point where information is readily available on their certification status, the product categories concerned, as well as suspended and decertified operators and products;
- f an undertaking to comply with the provisions of Article 12;
- g any other information deemed relevant by the control body or control authority or by the [F33Secretary of State].

4 When examining a request for inclusion in the list of control body or control authority, and also any time after its inclusion, the [F33Secretary of State] may request any further information, including the presentation of one or more on-the-spot examination reports established by independent expert. Furthermore, the [F33Secretary of State] may organise an on-the-spot examination by experts it designates on a risk-based approach and in case of suspected irregularities.

5 The [F33Secretary of State] 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 control body or control authority in the list. [F37If the Secretary of State decides to do so, the Secretary of State must notify the control body or control authority of this decision.]

Changes to legislation: There are currently no known outstanding effects for the Commission Regulation (EC) No 1235/2008, TITLE III. (See end of Document for details)

Textual Amendments

- F32** Substituted by 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 (Text with EEA relevance).
- F33** Words in Art. 11 substituted (31.12.2020) by The Organic Production (Control of Imports) (Amendment) (EU Exit) Regulations 2019 (S.I. 2019/692), regs. 1(2), **4(11)(a)**; 2020 c. 1, Sch. 5 para. 1(1)
- F34** Words in Art. 11(1) omitted (31.12.2020) by virtue of The Common Organisation of the Markets in Agricultural Products (Miscellaneous Amendments) (EU Exit) Regulations 2020 (S.I. 2020/1452), regs. 1(2)(a), **2(3)**
- F35** Words in Art. 11(2) substituted (31.12.2020) by The Organic Production (Control of Imports) (Amendment) (EU Exit) Regulations 2019 (S.I. 2019/692), regs. 1(2), **4(11)(b)**; 2020 c. 1, Sch. 5 para. 1(1)
- F36** Words in Art. 11(3) substituted (31.12.2020) by The Organic Production (Control of Imports) (Amendment) (EU Exit) Regulations 2019 (S.I. 2019/692), regs. 1(2), **4(11)(c)** (as substituted by S.I. 2020/1452, regs. 1(2)(b), **5(4)(e)**); 2020 c. 1, **Sch. 5 para. 1(1)**
- F37** Words in Art. 11(5) substituted (13.11.2021) by The Organics (Equivalence and Control Bodies Listing) (Amendment) Regulations 2021 (S.I. 2021/1266), regs. 1, **4(10)**

Article 12

Management and review of the list of control bodies and control authorities for the purpose of equivalence

1 A control body or control authority may only be included in the list referred to in Article 10 when it fulfils the following obligations:

- a if, after a control body or control authority has been included in the list, any changes are made to the measures applied by the control body or control authority, that control body or control authority shall notify the [^{F38}Secretary of State] thereof; requests to amend the information in respect of a control body or authority referred to in Article 10(2), shall also be notified to the [^{F38}Secretary of State];
- b by [^{F29}28 February] every year, the control body or control authority shall send a concise annual report to the [^{F38}Secretary of State]. The annual report shall update the information of the technical dossier referred to in Article 11(3); it shall describe in particular the control activities carried out by the control body or control authority in the third countries in the previous year, the results obtained, the irregularities and infringements observed and the corrective measures taken; It shall furthermore contain the most recent assessment report or update of such report, which shall contain the results of the regular on-the-spot evaluation, surveillance and multiannual reassessment as referred to in Article 33(3) of Regulation (EC) No 834/2007; the [^{F38}Secretary of State] may request any other information deemed necessary;
- c in the light of any information received, the [^{F38}Secretary of State] may at any time amend the specifications relating to the control body or control authority and may suspend the entry of that body or authority from the list referred to in Article 10; a similar decision may also be made where a control body or control authority has not supplied information required or where it has not agreed to an on-the-spot examination;

- d the control body or control authority shall make available to interested parties, by electronic means, a continuously updated list of operators, and of products certified as organic.

[^{F392} [^{F40}The Secretary of State may ^{F41}... withdraw from the list referred to in Article 10 a control body or a control authority, or a reference to a specific product category or a specific third country in relation to that control body or control authority, in the following cases:]

- a if its annual report referred to paragraph 1(b) has not been received by the [^{F38}Secretary of State] by [^{F29}28 February];
- b if it does not notify the [^{F38}Secretary of State] in due time of changes to its technical dossier;
- c if it does not provide information to the [^{F38}Secretary of State] during the investigations of an irregularity case;
- d if it fails to take adequate corrective measures in response to the irregularities and infringements observed;
- e if it does not agree to an on-the-spot examination required by the [^{F38}Secretary of State], or if an on-the-spot examination comes up with a negative result due to systematic malfunctioning of control measures;
- f in any other situation presenting the risk for the consumer to be misled about the true nature of the products certified by the control body or the control authority.

If a control body or a control authority fails to take appropriate and timely remedial action after request by the [^{F38}Secretary of State] within a period which the [^{F38}Secretary of State] shall determine according to the severity of the problem and which generally may not be less than 30 days, [^{F42}the Secretary of State must ^{F43}... withdraw it from the list without delay]. ^{F44}... The [^{F38}Secretary of State] shall make the amended list available as soon as possible to the public by any appropriate technical means, including publication on the Internet.]

Textual Amendments

- F29** Substituted by Commission Implementing Regulation (EU) No 586/2013 of 20 June 2013 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 and derogating from Regulation (EC) No 1235/2008 as regards the date of submission of the annual report (Text with EEA relevance).
- F38** Words in Art. 12 substituted (31.12.2020) by The Organic Production (Control of Imports) (Amendment) (EU Exit) Regulations 2019 (S.I. 2019/692), regs. 1(2), **4(12)(a)**; 2020 c. 1, Sch. 5 para. 1(1)
- F39** Substituted by Commission Implementing Regulation (EU) No 1267/2011 of 6 December 2011 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.
- F40** Words in Art. 12(2) substituted (31.12.2020) by The Organic Production (Control of Imports) (Amendment) (EU Exit) Regulations 2019 (S.I. 2019/692), regs. 1(2), **4(12)(b)(i)**; 2020 c. 1, Sch. 5 para. 1(1)
- F41** Words in Art. 12(2) omitted (13.11.2021) by virtue of The Organics (Equivalence and Control Bodies Listing) (Amendment) Regulations 2021 (S.I. 2021/1266), regs. 1, **4(11)(a)**
- F42** Words in Art. 12(2) substituted (31.12.2020) by The Organic Production (Control of Imports) (Amendment) (EU Exit) Regulations 2019 (S.I. 2019/692), regs. 1(2), **4(12)(b)(ii)(aa)**; 2020 c. 1, Sch. 5 para. 1(1)

Changes to legislation: There are currently no known outstanding effects for the Commission Regulation (EC) No 1235/2008, TITLE III. (See end of Document for details)

- F43** Words in Art. 12(2) omitted (13.11.2021) by virtue of [The Organics \(Equivalence and Control Bodies Listing\) \(Amendment\) Regulations 2021 \(S.I. 2021/1266\)](#), regs. 1, **4(11)(b)**
- F44** Words in Art. 12(2) omitted (31.12.2020) by virtue of [The Organic Production \(Control of Imports\) \(Amendment\) \(EU Exit\) Regulations 2019 \(S.I. 2019/692\)](#), regs. 1(2), **4(12)(b)(ii)(bb)**; 2020 c. 1, Sch. 5 para. 1(1)

CHAPTER 3

Release for free circulation of products imported in accordance with Article 33 of Regulation (EC) No 834/2007

[^{F5}Article 13

Certificate of inspection

1 The release for free circulation in [^{F45}Great Britain] of a consignment of products referred to in Article 1(2) of Regulation (EC) No 834/2007 and imported in accordance with Article 33 of that Regulation shall be conditional on:

- a the submission of an original certificate of inspection to the ^{F46}... competent authority;
- b the verification of the consignment and the endorsement of the certificate of inspection by the ^{F47}... competent authority; and
- c the indication of the number of the certificate of inspection in the customs declaration for release for free circulation as referred to in [^{F48}paragraph 17(4) of Schedule 1 to the Taxation (Cross-border) Trade Act 2018.]

The verification of the consignment and the endorsement of the certificate of inspection shall be carried out by the [^{F49}competent authority.]

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...

[^{F51}The requirements in this Article relating to certificates of inspection apply to organic products entering the United Kingdom from the European Union, an EEA state or Switzerland only on and after [^{F52}1 February 2025].]

2 [^{F32}The certificate of inspection shall be issued by the relevant control authority or control body before the consignment leaves the third country of export or origin. It shall be endorsed by the ^{F53}... competent authority and completed by the first consignee on the basis of the model and the notes set out in Annex V and using [^{F54}Great Britain's import control system].]

^{F55}
...

When the original certificate of inspection is a printed and hand-signed copy of the completed electronic certificate in [^{F56}the United Kingdom's import control system], control authorities, control bodies, ^{F57}... competent authorities and the first consignee shall verify at each stage of issuing, endorsement and reception of the certificate of inspection that this copy corresponds to the information indicated in [^{F56}the United Kingdom's import control system]. [^{F58}In the absence in the printed hand-signed copy of the certificate of inspection of the information related to transport documents in boxes 16 and 17, and the relevant fields of box 13, or where such information is different than the one available in [^{F56}the United Kingdom's import control system], ^{F57}... competent authorities and the first consignee shall only consider for the purpose of verification and

Changes to legislation: There are currently no known outstanding effects for the Commission Regulation (EC) No 1235/2008, TITLE III. (See end of Document for details)

endorsement of the certificate of inspection the information available in [F56the United Kingdom's import control system].]

3 To be accepted for endorsement, the certificate of inspection shall have been issued by the control authority or control body of the producer or the processor of the product concerned or, where the operator carrying out the last operation for the purposes of preparation is different from the producer or processor of the product, by the control authority or control body of the operator carrying out the last operation for the purposes of preparation as defined in Article 2(i) of Regulation (EC) No 834/2007.

That control authority or control body shall be:

- a a control authority or control body listed in [F59the Article 7 list] for the products concerned and for the third country in which the products have their origin, or, where applicable, in which the last operation for the purposes of preparation has been carried out; or
- b a control authority or control body listed in [F60the Article 10 list] for the products concerned and for the third country in which the products have their origin or in which the last operation for the purposes of preparation has been carried out.

4 [F61The control authority or control body issuing the certificate of inspection shall only issue the certificate of inspection and sign the declaration in box 18 of the certificate after it has carried out a documentary check on the basis of all relevant inspection documents, including in particular the production plan for the product concerned, commercial documents and, as appropriate according to its risk assessment, it has carried out a physical check of the consignment. The information related to transport documents in box 13, in particular number of packages and net weight, and the information in boxes 16 and 17 of the certificate of inspection concerning means of transport and transport documents shall be included in the certificate of inspection within maximum 10 days from the issuance of the certificate and, in any case, before endorsement of the certificate of inspection by the relevant Member State's competent authorities.]

However, for processed products, if the control authority or control body issuing the certificate of inspection is a control authority or control body listed in [F62the Article 7 list], it shall only issue the certificate of inspection and sign the declaration in box 18 of the certificate after it has verified that all organic ingredients of the product have been controlled and certified by a control authority or control body recognised by the third country concerned listed in [F63the Article 7 list], or if the issuing control authority or control body is a control authority or control body listed in [F64the Article 10 list], it shall only issue the certificate of inspection and sign the declaration in box 18 of the certificate after it has verified that all organic ingredients of such products have been controlled and certified by a control authority or control body listed in [F65the Article 7 list or the Article 10 list] or have been produced and certified in [F66Great Britain] in accordance with Regulation (EC) No 834/2007.

Where the operator carrying out the last operation for the purposes of preparation is different from the producer or processor of the product, the control authority or control body issuing the certificate of inspection and listed in [F67the Article 10 list] shall only issue the certificate of inspection and sign the declaration in box 18 of the certificate after it has carried out a documentary check on the basis of all relevant inspection documents, including transport documents and commercial documents, it has verified that the production or the processing of the product concerned has been controlled and certified by a control body or control authority recognised for the products concerned and the country concerned in accordance with Article 33(3) of Regulation (EC) No

Changes to legislation: There are currently no known outstanding effects for the Commission Regulation (EC) No 1235/2008, TITLE III. (See end of Document for details)

834/2007 and it has carried out, as appropriate according to its risk assessment, a physical check of the consignment.

At the request of the [^{F68}Secretary of State], the control authority or control body issuing the certificate of inspection in accordance with the second and third subparagraphs shall make available without delay the list of all operators in the organic production chain and the control authorities or control bodies under whose control those operators have placed their operations.

5 The certificate of inspection shall be made in one single original.

The first consignee or, where relevant, the importer may make a copy of the certificate of inspection for the purpose of informing the control authorities and control bodies in accordance with Article 83 of Regulation (EC) No 889/2008. Any such copy shall carry the indication 'COPY' printed or stamped thereon.

6 At the verification of a consignment, the ^{F69}... competent authority shall endorse the original certificate of inspection in box 20 and shall return it to the person who submitted the certificate.

7 The first consignee shall, at the reception of the consignment, complete box 21 of the certificate of inspection, to certify that the reception of the consignment has been carried out in accordance with Article 34 of Regulation (EC) No 889/2008.

The first consignee shall then send the original of the certificate to the importer mentioned in box 11 of the certificate for the purposes of the second subparagraph of Article 33(1) of Regulation (EC) No 834/2007.

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F⁷⁰10]

Textual Amendments

- F5** Substituted by [Commission Implementing Regulation \(EU\) 2016/1842 of 14 October 2016 amending Regulation \(EC\) No 1235/2008 as regards the electronic certificate of inspection for imported organic products and certain other elements, and Regulation \(EC\) No 889/2008 as regards the requirements for preserved or processed organic products and the transmission of information \(Text with EEA relevance\)](#).
- F32** Substituted by [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 \(Text with EEA relevance\)](#).
- F45** Words in Art. 13(1) substituted (31.12.2020) by [The Organic Production \(Control of Imports\) \(Amendment\) \(EU Exit\) Regulations 2019 \(S.I. 2019/692\)](#), regs. 1(2), **4(13)(a)** (as substituted by S.I. 2020/1452, regs. 1(2)(b), 5(4)(f)(i)); 2020 c. 1, Sch. 5 para. 1(1)
- F46** Words in Art. 13(1)(a) omitted (31.12.2020) by virtue of [The Organic Production \(Control of Imports\) \(Amendment\) \(EU Exit\) Regulations 2019 \(S.I. 2019/692\)](#), regs. 1(2), **4(13)(a)(ii)**; 2020 c. 1, Sch. 5 para. 1(1)
- F47** Words in Art. 13(1)(b) omitted (31.12.2020) by virtue of [The Organic Production \(Control of Imports\) \(Amendment\) \(EU Exit\) Regulations 2019 \(S.I. 2019/692\)](#), regs. 1(2), **4(13)(a)(ii)**; 2020 c. 1, Sch. 5 para. 1(1)

Changes to legislation: There are currently no known outstanding effects for the Commission Regulation (EC) No 1235/2008, TITLE III. (See end of Document for details)

- F48** Words in Art. 13(1)(c) substituted (31.12.2020) by The Organic Production (Control of Imports) (Amendment) (EU Exit) Regulations 2019 (S.I. 2019/692), regs. 1(2), **4(13)(a)(iii)**; 2020 c. 1, Sch. 5 para. 1(1)
- F49** Words in Art. 13(1) substituted (31.12.2020) by The Organic Production (Control of Imports) (Amendment) (EU Exit) Regulations 2019 (S.I. 2019/692), regs. 1(2), **4(13)(a)(iv)**; 2020 c. 1, Sch. 5 para. 1(1)
- F50** Words in Art. 13(1) omitted (31.12.2020) by virtue of The Organic Production (Control of Imports) (Amendment) (EU Exit) Regulations 2019 (S.I. 2019/692), regs. 1(2), **4(13)(a)(v)**; 2020 c. 1, Sch. 5 para. 1(1)
- F51** Words in Art. 13 inserted (31.12.2020) by The Organic Production (Control of Imports) (Amendment) (EU Exit) Regulations 2019 (S.I. 2019/692), regs. 1(2), **4(13)(b)** (as amended by S.I. 2020/1661, regs. 1(2)(b), 13(3)(a)); 2020 c. 1, Sch. 5 para. 1(1)
- F52** Words in Art. 13(1) substituted (1.1.2024) by The Common Organisation of the Markets in Agricultural Products (Marketing Standards and Organic Products) (Transitional Provisions) (Amendment) Regulations 2023 (S.I. 2023/1246), regs. 1(2), **4(2)**
- F53** Words in Art. 13(2) omitted (31.12.2020) by virtue of The Organic Production (Control of Imports) (Amendment) (EU Exit) Regulations 2019 (S.I. 2019/692), regs. 1(2), **4(13)(c)(i)(aa)**; 2020 c. 1, Sch. 5 para. 1(1)
- F54** Words in Art. 13(2) substituted (31.12.2020) by The Organic Production (Control of Imports) (Amendment) (EU Exit) Regulations 2019 (S.I. 2019/692), regs. 1(2), **4(13)(c)(i)(bb)** (as amended by S.I. 2020/1452, regs. 1(2)(b), 5(4)(f)(ii)); 2020 c. 1, Sch. 5 para. 1(1)
- F55** Words in Art. 13(2) omitted (31.12.2020) by virtue of The Common Organisation of the Markets in Agricultural Products (Miscellaneous Amendments) (EU Exit) Regulations 2020 (S.I. 2020/1452), regs. 1(2)(a), **2(4)**; and also omitted (31.12.2020) by The Organic Production (Control of Imports) (Amendment) (EU Exit) Regulations 2019 (S.I. 2019/692), regs. 1(2), **4(13)(c)(ii)** (as amended by S.I. 2020/1452, regs. 1(2)(b), 5(4)(f)(iii)); 2020 c. 1, Sch. 5 para. 1(1)
- F56** Words in Art. 13(2) substituted (31.12.2020) by virtue of The Organic Production (Control of Imports) (Amendment) (EU Exit) Regulations 2019 (S.I. 2019/692), regs. 1(2), **4(13)(c)(iii)(aa)**; 2020 c. 1, Sch. 5 para. 1(1)
- F57** Words in Art. 13(2) omitted (31.12.2020) by virtue of The Organic Production (Control of Imports) (Amendment) (EU Exit) Regulations 2019 (S.I. 2019/692), regs. 1(2), **4(13)(c)(iii)(bb)**; 2020 c. 1, Sch. 5 para. 1(1)
- F58** Inserted by Commission Implementing Regulation (EU) 2020/479 of 1 April 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 (Text with EEA relevance).
- F59** Words in Art. 13(3)(a) substituted (13.11.2021) by The Organics (Equivalence and Control Bodies Listing) (Amendment) Regulations 2021 (S.I. 2021/1266), regs. 1, **4(12)(a)(i)**
- F60** Words in Art. 13(3)(b) substituted (13.11.2021) by The Organics (Equivalence and Control Bodies Listing) (Amendment) Regulations 2021 (S.I. 2021/1266), regs. 1, **4(12)(a)(ii)**
- F61** Substituted by Commission Implementing Regulation (EU) 2020/479 of 1 April 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 (Text with EEA relevance).
- F62** Words in Art. 13(4) substituted (13.11.2021) by The Organics (Equivalence and Control Bodies Listing) (Amendment) Regulations 2021 (S.I. 2021/1266), regs. 1, **4(12)(b)(i)(aa)**
- F63** Words in Art. 13(4) substituted (13.11.2021) by The Organics (Equivalence and Control Bodies Listing) (Amendment) Regulations 2021 (S.I. 2021/1266), regs. 1, **4(12)(b)(i)(bb)**
- F64** Words in Art. 13(4) substituted (13.11.2021) by The Organics (Equivalence and Control Bodies Listing) (Amendment) Regulations 2021 (S.I. 2021/1266), regs. 1, **4(12)(b)(i)(cc)**
- F65** Words in Art. 13(4) substituted (13.11.2021) by The Organics (Equivalence and Control Bodies Listing) (Amendment) Regulations 2021 (S.I. 2021/1266), regs. 1, **4(12)(b)(i)(dd)**

Changes to legislation: There are currently no known outstanding effects for the Commission Regulation (EC) No 1235/2008, TITLE III. (See end of Document for details)

- F66** Words in Art. 13(4) substituted (31.12.2020) by The Organic Production (Control of Imports) (Amendment) (EU Exit) Regulations 2019 (S.I. 2019/692), regs. 1(2), **4(13)(d)(i)** (as substituted by S.I. 2020/1452, regs. 1(2)(b), 5(4)(f)(iv)); 2020 c. 1, Sch. 5 para. 1(1)
- F67** Words in Art. 13(4) substituted (13.11.2021) by The Organics (Equivalence and Control Bodies Listing) (Amendment) Regulations 2021 (S.I. 2021/1266), regs. 1, **4(12)(b)(ii)**
- F68** Words in Art. 13(4) substituted (31.12.2020) by The Organic Production (Control of Imports) (Amendment) (EU Exit) Regulations 2019 (S.I. 2019/692), regs. 1(2), **4(13)(d)(ii)**; 2020 c. 1, Sch. 5 para. 1(1)
- F69** Words in Art. 13(6) omitted (31.12.2020) by virtue of The Organic Production (Control of Imports) (Amendment) (EU Exit) Regulations 2019 (S.I. 2019/692), regs. 1(2), **4(13)(e)**; 2020 c. 1, Sch. 5 para. 1(1)
- F70** Art. 13(8)-(10) omitted (1.9.2023) by virtue of The Organic Production (Control of Imports) (Amendment) Regulations 2023 (S.I. 2023/889), regs. 1(1), **2(2)**

^{F71}Article 13a

Force majeure or exceptional circumstances

1 In cases of *force majeure* or exceptional circumstances preventing the electronic system from working, and in particular of malfunctioning of the system or a lack of a lasting connection, certificates of inspection and their extracts may be issued and endorsed pursuant to Article 13(3) to (7) without using [^{F72}Great Britain's electronic import control system] in accordance with paragraphs [^{F73}2 and 3] of this Article, and on the basis of the models and the notes set out in Annex V or VI. The competent authorities, control authorities, control bodies and operators shall inform the [^{F74}Secretary of State] without delay and shall insert in [^{F72}Great Britain's electronic import control system] all the necessary details within ten calendar days following the re-establishment of the system.

2 When the certificate of inspection is issued without using [^{F75}Great Britain's electronic import control system], it shall be drawn up in [^{F76}English, and may also appear in other languages,] and filled in, except for the stamps and signatures, either entirely in capital letters or entirely in typescript.

^{F77} ...

Uncertified alterations or erasures shall invalidate the certificate.

3 The control authority or control body issuing the certificate of inspection shall give a serial number to each issued certificate and keep a register of the issued certificates in chronological order and make the correspondence afterward with the serial number given by [^{F78}Great Britain's import control system].

^{F79}4

Textual Amendments

F71 Inserted by Commission Implementing Regulation (EU) 2016/1842 of 14 October 2016 amending Regulation (EC) No 1235/2008 as regards the electronic certificate of inspection for imported organic products and certain other elements, and Regulation (EC) No 889/2008 as regards the requirements for preserved or processed organic products and the transmission of information (Text with EEA relevance).

Changes to legislation: There are currently no known outstanding effects for the Commission Regulation (EC) No 1235/2008, TITLE III. (See end of Document for details)

- F72** Words in Art. 13a(1) substituted (31.12.2020) by The Organic Production (Control of Imports) (Amendment) (EU Exit) Regulations 2019 (S.I. 2019/692), regs. 1(2), **4(14)(a)(i)** (as amended by S.I. 2020/1452, regs. 1(2)(b), 5(4)(g)); 2020 c. 1, Sch. 5 para. 1(1)
- F73** Words in Art. 13a(1) substituted (31.12.2020) by The Organic Production (Control of Imports) (Amendment) (EU Exit) Regulations 2019 (S.I. 2019/692), regs. 1(2), **4(14)(a)(ii)**; 2020 c. 1, Sch. 5 para. 1(1)
- F74** Words in Art. 13a(1) substituted (31.12.2020) by The Organic Production (Control of Imports) (Amendment) (EU Exit) Regulations 2019 (S.I. 2019/692), regs. 1(2), **4(14)(a)(iii)**; 2020 c. 1, Sch. 5 para. 1(1)
- F75** Words in Art. 13a(2) substituted (31.12.2020) by The Organic Production (Control of Imports) (Amendment) (EU Exit) Regulations 2019 (S.I. 2019/692), regs. 1(2), **4(14)(b)(i)** (as amended by S.I. 2020/1452, regs. 1(2)(b), 5(4)(g)); 2020 c. 1, Sch. 5 para. 1(1)
- F76** Words in Art. 13a(2) substituted (31.12.2020) by The Organic Production (Control of Imports) (Amendment) (EU Exit) Regulations 2019 (S.I. 2019/692), regs. 1(2), **4(14)(b)(ii)**; 2020 c. 1, Sch. 5 para. 1(1)
- F77** Words in Art. 13a(2) omitted (31.12.2020) by virtue of The Organic Production (Control of Imports) (Amendment) (EU Exit) Regulations 2019 (S.I. 2019/692), regs. 1(2), **4(14)(b)(iii)**; 2020 c. 1, Sch. 5 para. 1(1)
- F78** Words in Art. 13a(3) substituted (31.12.2020) by The Organic Production (Control of Imports) (Amendment) (EU Exit) Regulations 2019 (S.I. 2019/692), regs. 1(2), **4(14)(c)** (as amended by S.I. 2020/1452, regs. 1(2)(b), 5(4)(g)); 2020 c. 1, Sch. 5 para. 1(1)
- F79** Art. 13a(4) omitted (31.12.2020) by virtue of The Organic Production (Control of Imports) (Amendment) (EU Exit) Regulations 2019 (S.I. 2019/692), regs. 1(2), **4(14)(d)**; 2020 c. 1, Sch. 5 para. 1(1)

Article 13b

Importer

The importer shall indicate the number of the certificate of inspection in the customs declaration for release for free circulation as referred to in [^{F80}section 3 of the Taxation (Cross-border) Trade Act 2018].

[^{F81}The requirements of this Article apply to organic products entering the United Kingdom from the European Union, an EEA state or Switzerland only on and after [^{F82}1 February 2025].]

Textual Amendments

- F71** Inserted by Commission Implementing Regulation (EU) 2016/1842 of 14 October 2016 amending Regulation (EC) No 1235/2008 as regards the electronic certificate of inspection for imported organic products and certain other elements, and Regulation (EC) No 889/2008 as regards the requirements for preserved or processed organic products and the transmission of information (Text with EEA relevance).
- F80** Words in Art. 13b substituted (31.12.2020) by The Organic Production (Control of Imports) (Amendment) (EU Exit) Regulations 2019 (S.I. 2019/692), regs. 1(2), **4(15)(a)**; 2020 c. 1, Sch. 5 para. 1(1)
- F81** Words in Art. 13b inserted (31.12.2020) by The Organic Production (Control of Imports) (Amendment) (EU Exit) Regulations 2019 (S.I. 2019/692), regs. 1(2), **4(15)(b)** (as amended by S.I. 2020/1661, regs. 1(2)(b), 13(3)(b)); 2020 c. 1, Sch. 5 para. 1(1)

Changes to legislation: There are currently no known outstanding effects for the Commission Regulation (EC) No 1235/2008, TITLE III. (See end of Document for details)

F82 Words in Art. 13b substituted (1.1.2024) by The Common Organisation of the Markets in Agricultural Products (Marketing Standards and Organic Products) (Transitional Provisions) (Amendment) Regulations 2023 (S.I. 2023/1246), regs. 1(2), **4(3)**

Article 13c

Access rights

The [^{F83}Secretary of State] shall be in charge of granting and updating access rights to [^{F84}Great Britain's import control system]^{F85}... of competent authorities of third countries recognised in accordance with Article 33(2) of [^{F86}Regulation (EC) No 834/2007] and of control authorities and control bodies listed in [^{F87}the Article 7 list or the Article 10 list]. Before granting access rights to [^{F84}Great Britain's import control system], the [^{F83}Secretary of State] shall verify the identity of the competent authorities, control authorities and control bodies concerned.

[^{F88}The competent authority is in charge of granting and updating access rights to Great Britain's import control system of operators, control authorities and control bodies. Before granting access rights to Great Britain's import control system, the competent authority must verify the identity of the operators, control authorities and control bodies concerned.]

F89

Textual Amendments

- F71** Inserted by Commission Implementing Regulation (EU) 2016/1842 of 14 October 2016 amending Regulation (EC) No 1235/2008 as regards the electronic certificate of inspection for imported organic products and certain other elements, and Regulation (EC) No 889/2008 as regards the requirements for preserved or processed organic products and the transmission of information (Text with EEA relevance).
- F83** Words in Art. 13c substituted (31.12.2020) by The Organic Production (Control of Imports) (Amendment) (EU Exit) Regulations 2019 (S.I. 2019/692), regs. 1(2), **4(16)(a)(i)**; 2020 c. 1, Sch. 5 para. 1(1)
- F84** Words in Art. 13c substituted (31.12.2020) by The Organic Production (Control of Imports) (Amendment) (EU Exit) Regulations 2019 (S.I. 2019/692), regs. 1(2), **4(16)(a)(ii)** (as amended by S.I. 2020/1452, regs. 1(2)(b), 5(4)(h)); 2020 c. 1, Sch. 5 para. 1(1)
- F85** Words in Art. 13c omitted (31.12.2020) by virtue of The Organic Production (Control of Imports) (Amendment) (EU Exit) Regulations 2019 (S.I. 2019/692), regs. 1(2), **4(16)(a)(iii)**; 2020 c. 1, Sch. 5 para. 1(1)
- F86** Words in Art. 13c substituted (31.12.2020) by The Organic Production (Control of Imports) (Amendment) (EU Exit) Regulations 2019 (S.I. 2019/692), regs. 1(2), **4(16)(a)(iv)**; 2020 c. 1, Sch. 5 para. 1(1)
- F87** Words in Art. 13c substituted (13.11.2021) by The Organics (Equivalence and Control Bodies Listing) (Amendment) Regulations 2021 (S.I. 2021/1266), regs. 1, **4(13)**
- F88** Words in Art. 13c substituted (31.12.2020) by The Organic Production (Control of Imports) (Amendment) (EU Exit) Regulations 2019 (S.I. 2019/692), regs. 1(2), **4(16)(b)** (as amended by S.I. 2020/1452, regs. 1(2)(b), 5(4)(h)); 2020 c. 1, Sch. 5 para. 1(1)
- F89** Words in Art. 13c omitted (31.12.2020) by virtue of The Organic Production (Control of Imports) (Amendment) (EU Exit) Regulations 2019 (S.I. 2019/692), regs. 1(2), **4(16)(c)**; 2020 c. 1, Sch. 5 para. 1(1)

Changes to legislation: There are currently no known outstanding effects for the Commission Regulation (EC) No 1235/2008, TITLE III. (See end of Document for details)

Article 13d

Integrity and legibility of information

[^{F90}Great Britain's import control system] shall protect the integrity of the information encoded in accordance with this Regulation.

In particular, it shall offer the following guarantees:

- (a) it shall allow each user to be unequivocally identified and shall incorporate effective control measures of access rights in order to protect against illegal, malicious or unauthorised access, deletion, alteration or movement of the information, files and metadata;
- (b) it shall be equipped with physical protection systems against intrusions and environmental incidents and software protection against cyber-attacks;
- (c) it shall safeguard stored data in an environment which is secure in both physical and software terms;
- (d) it shall prevent, by various means, any unauthorised changes and incorporate integrity mechanisms to check if the information has been altered over time;
- (e) it shall keep an audit trail for each essential stage of the procedure;
- (f) it shall provide reliable format conversion and migration procedures in order to guarantee that the information is legible and accessible throughout the entire storage period required;
- (g) it shall have sufficiently detailed and up-to-date functional and technical documentation on the operation and characteristics of the system, that documentation being accessible at all times to the organisational entities responsible for the functional and/or technical specifications.]

Textual Amendments

- F71** Inserted by [Commission Implementing Regulation \(EU\) 2016/1842 of 14 October 2016 amending Regulation \(EC\) No 1235/2008 as regards the electronic certificate of inspection for imported organic products and certain other elements, and Regulation \(EC\) No 889/2008 as regards the requirements for preserved or processed organic products and the transmission of information \(Text with EEA relevance\)](#).
- F90** Words in Art. 13d substituted (31.12.2020) by [The Organic Production \(Control of Imports\) \(Amendment\) \(EU Exit\) Regulations 2019 \(S.I. 2019/692\)](#), regs. 1(2), **4(17)** (as amended by [S.I. 2020/1452](#), regs. 1(2)(b), 5(4)(i)); 2020 c. 1, Sch. 5 para. 1(1)

Article 14

Special customs procedures

[^{F51} Where a consignment coming from a third country is placed under customs warehousing or inward processing as provided for in [^{F91}the Taxation (Cross-border) Trade Act 2018], and subject to one or more preparations as referred to in the second subparagraph, the ^{F92}... competent authority shall carry out the verification of the consignment as referred to in

Changes to legislation: There are currently no known outstanding effects for the Commission Regulation (EC) No 1235/2008, TITLE III. (See end of Document for details)

point (b) of the first subparagraph of Article 13(1) of this Regulation before the first preparation is carried out. The reference number of the customs declaration by which the goods have been declared for customs warehousing or for inward processing procedure shall be indicated in box 19 of the certificate of inspection.

The preparation shall be limited to the following types of operations:

- a packaging or repackaging; or
- b labelling concerning the presentation of the organic production method.

After this preparation, the consignment shall be subject, before the release for free circulation [^{F93}in Great Britain], to the measures referred to in Article 13(1) of this Regulation.

After this procedure, the original of the certificate of inspection shall, where relevant, be returned to the importer of the consignment, referred to in box 11 of the certificate for the purposes of the second subparagraph of Article 33(1) of Regulation (EC) No 834/2007.]

[^{F94}The requirements in this Article in respect of a certificate of inspection apply to organic products entering Great Britain from the European Union, an EEA state or Switzerland only on and after [^{F95}1 February 2025].]

2 Where, under a [^{F96}special] procedure pursuant to [^{F97}the Taxation (Cross-border Trade Act 2018)], a consignment coming from a third country is intended to be [^{F98}split] into different batches, the consignment shall be subject, before this splitting is carried out, to the measures referred to in Article 13(1) of this Regulation.

[^{F5}For each of the batches which results from the splitting, the importer mentioned in box 11 of the certificate of inspection shall submit an extract of the certificate of inspection through [^{F99}Great Britain's import control system] to the ^{F100}... competent authority, in accordance with the model and the notes set out in Annex VI. After verification of the batch, the ^{F100}... competent authority shall endorse the extract of the certificate of inspection in box 13 for the purpose of the release for free circulation [^{F101}in Great Britain]. ^{F102}...]

A copy of each endorsed extract from the certificate of inspection shall be kept together with the original certificate of inspection by the person identified as the original importer of the consignment and mentioned in box 11 of the certificate of inspection. This copy shall carry the indication 'COPY' or 'DUPLICATE' printed or stamped thereon.

^{F103} ...

[^{F104}The consignee of a batch shall, at the reception thereof, complete the original of the extract of the certificate of inspection in box 14, in order to certify that the reception of the batch has been carried out in accordance with Article 34 of Regulation (EC) No 889/2008.]

The consignee of a batch shall keep the extract of the certificate of inspection at the disposal of the control authorities and/or control bodies for not less than two years.

3 The preparation and splitting operations referred to in paragraphs 1 and 2 shall be carried out in accordance with the relevant provisions set out in Title V of Regulation (EC) No 834/2007 and in Title IV of Regulation (EC) No 889/2008.

Textual Amendments

- F5** Substituted by Commission Implementing Regulation (EU) 2016/1842 of 14 October 2016 amending Regulation (EC) No 1235/2008 as regards the electronic certificate of inspection for imported organic products and certain other elements, and Regulation (EC) No 889/2008 as regards the requirements for preserved or processed organic products and the transmission of information (Text with EEA relevance).
- F91** Words in Art. 14(1) substituted (31.12.2020) by The Organic Production (Control of Imports) (Amendment) (EU Exit) Regulations 2019 (S.I. 2019/692), regs. 1(2), **4(18)(a)(i)**; 2020 c. 1, Sch. 5 para. 1(1)
- F92** Words in Art. 14(1) omitted (31.12.2020) by virtue of The Organic Production (Control of Imports) (Amendment) (EU Exit) Regulations 2019 (S.I. 2019/692), regs. 1(2), **4(18)(a)(ii)**; 2020 c. 1, Sch. 5 para. 1(1)
- F93** Words in Art. 14(1) inserted (31.12.2020) by The Organic Production (Control of Imports) (Amendment) (EU Exit) Regulations 2019 (S.I. 2019/692), regs. 1(2), **4(18)(a)(iii)** (as amended by S.I. 2020/1452, regs. 1(2)(b), 5(4)(j)(i)); 2020 c. 1, Sch. 5 para. 1(1)
- F94** Words in Art. 14(1) inserted (31.12.2020) by The Organic Production (Control of Imports) (Amendment) (EU Exit) Regulations 2019 (S.I. 2019/692), regs. 1(2), **4(18)(a)(iv)** (as amended by S.I. 2020/1452, regs. 1(2)(b), 5(4)(j)(ii); S.I. 2020/1661, regs. 1(2)(b), 13(3)(c)); 2020 c. 1, Sch. 5 para. 1(1)
- F95** Words in Art. 14(1) substituted (1.1.2024) by The Common Organisation of the Markets in Agricultural Products (Marketing Standards and Organic Products) (Transitional Provisions) (Amendment) Regulations 2023 (S.I. 2023/1246), regs. 1(2), **4(4)**
- F96** Word in Art. 14(2) substituted (31.12.2020) by The Organic Production (Control of Imports) (Amendment) (EU Exit) Regulations 2019 (S.I. 2019/692), regs. 1(2), **4(18)(b)(i)**; 2020 c. 1, Sch. 5 para. 1(1)
- F97** Words in Art. 14(2) substituted (31.12.2020) by virtue of The Organic Production (Control of Imports) (Amendment) (EU Exit) Regulations 2019 (S.I. 2019/692), regs. 1(2), **4(18)(b)(ii)**; 2020 c. 1, Sch. 5 para. 1(1)
- F98** Word in Art. 14(2) substituted (31.12.2020) by The Organic Production (Control of Imports) (Amendment) (EU Exit) Regulations 2019 (S.I. 2019/692), regs. 1(2), **4(18)(b)(iii)**; 2020 c. 1, Sch. 5 para. 1(1)
- F99** Words in Art. 14(2) substituted (31.12.2020) by The Organic Production (Control of Imports) (Amendment) (EU Exit) Regulations 2019 (S.I. 2019/692), regs. 1(2), **4(18)(b)(iv)(aa)** (as amended by S.I. 2020/1452, regs. 1(2)(b), 5(4)(j)(iii)); 2020 c. 1, Sch. 5 para. 1(1)
- F100** Words in Art. 14(2) omitted (31.12.2020) by virtue of The Organic Production (Control of Imports) (Amendment) (EU Exit) Regulations 2019 (S.I. 2019/692), regs. 1(2), **4(18)(b)(iv)(bb)**; 2020 c. 1, Sch. 5 para. 1(1)
- F101** Words in Art. 14(2) inserted (31.12.2020) by The Organic Production (Control of Imports) (Amendment) (EU Exit) Regulations 2019 (S.I. 2019/692), regs. 1(2), **4(18)(b)(iv)(cc)** (as amended by S.I. 2020/1452, regs. 1(2)(b), 5(4)(j)(iv)); 2020 c. 1, Sch. 5 para. 1(1)
- F102** Words in Art. 14(2) omitted (31.12.2020) by virtue of The Organic Production (Control of Imports) (Amendment) (EU Exit) Regulations 2019 (S.I. 2019/692), regs. 1(2), **4(18)(b)(iv)(dd)**; 2020 c. 1, Sch. 5 para. 1(1)
- F103** Deleted by Commission Implementing Regulation (EU) 2016/1842 of 14 October 2016 amending Regulation (EC) No 1235/2008 as regards the electronic certificate of inspection for imported organic products and certain other elements, and Regulation (EC) No 889/2008 as regards the requirements for preserved or processed organic products and the transmission of information (Text with EEA relevance).
- F104** Substituted by Commission Implementing Regulation (EU) 2017/872 of 22 May 2017 amending Regulation (EC) No 1235/2008 laying down detailed rules for implementation of Council Regulation

Changes to legislation: There are currently no known outstanding effects for the
Commission Regulation (EC) No 1235/2008, TITLE III. (See end of Document for details)

(EC) No 834/2007 as regards the arrangements for imports of organic products from third countries
(Text with EEA relevance).

[^{F39}Article 15

Non-compliant products

1 Without prejudice to any measures or actions taken in accordance with Article 30 of Regulation (EC) No 834/2007 and/or Regulation (EC) No 889/2008, the release for free circulation in [^{F105}Great Britain] of products not in conformity with the requirements of Regulation (EC) No 834/2007 [^{F106}, or in relation to products to which paragraph 8 of Article 13 applies, Regulation (EC) No 834/2007 on organic production and labelling of organic products as it has effect in EU law from time to time,] shall be conditional on the removal of references to organic production from the labelling, advertising and accompanying documents.

F107 F107
... ..

2 [^{F108}Without prejudice to any measures or actions to be taken in accordance with Article 30 of Regulation (EC) No 834/2007, in case of suspicion of infringements and irregularities as regards compliance of imported organic products from third countries recognised in accordance with Article 33(2) of Regulation (EC) No 834/2007 or imported organic products controlled by control authorities or control bodies recognised in accordance with Article 33(3) of that Regulation with the requirements laid down in that Regulation, the importer shall take all necessary measures in accordance with Article 91(1) of Regulation (EC) No 889/2008.]

The importer and the control authority or control body which issued the certificate of inspection as referred to in Article 13 of this Regulation shall immediately inform the control bodies, control authorities and competent authorities [^{F109}of both the United Kingdom and the] third countries involved in the organic production of the products in question ^{F110}.... The control authority or control body may require that the product cannot be placed on the market with indications referring to the organic production method until it is satisfied, by the information received from the operator or from other sources, that the doubt has been eliminated.

[^{F1083} Without prejudice to any measures or actions to be taken in accordance with Article 30 of Regulation (EC) No 834/2007, where a control authority or control body of [^{F111}the United Kingdom] or a third country has a substantiated suspicion of an infringement or irregularity as regards compliance of imported organic products from third countries recognised in accordance with Article 33(2) of Regulation (EC) No 834/2007 or imported organic products controlled by control authorities or control bodies recognised in accordance with Article 33(3) of that Regulation with the requirements laid down in that Regulation, it shall take all necessary measures in accordance with Article 91(2) of Regulation (EC) No 889/2008 and shall immediately inform the control bodies, control authorities and competent authorities of the [^{F112}United Kingdom] and of the third countries involved in the organic production of the products in question ^{F113}....]

[^{F144} Where a competent authority of a third country recognised in accordance with Article 33(2) of Regulation (EC) No 834/2007 or a control authority or control body recognised in accordance with Article 33(3) of that Regulation is notified by the [^{F114}Secretary of State] of a substantiated suspicion of an infringement or irregularity as regards compliance of imported organic products with the requirements laid down in that Regulation or this Regulation, it shall investigate the origin of the suspected irregularity or infringement and shall inform the

Changes to legislation: There are currently no known outstanding effects for the Commission Regulation (EC) No 1235/2008, TITLE III. (See end of Document for details)

[^{F115}Secretary of State] of the result of the investigation and of the action taken. That information shall be sent within 30 calendar days from the date of sending of the original notification ^{F116}....

^{F117} ...]

^{F118}5]

Textual Amendments

- F14** Inserted by Commission Implementing Regulation (EU) No 125/2013 of 13 February 2013 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).
- F39** Substituted by Commission Implementing Regulation (EU) No 1267/2011 of 6 December 2011 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.
- F105** Words in Art. 15(1) substituted (31.12.2020) by The Organic Production (Control of Imports) (Amendment) (EU Exit) Regulations 2019 (S.I. 2019/692), regs. 1(2), **4(19)(a)(i)(aa)** (as substituted by S.I. 2020/1452, regs. 1(2)(b), 5(4)(k)); 2020 c. 1, Sch. 5 para. 1(1)
- F106** Words in Art. 15(1) inserted (31.12.2020) by The Organic Production (Control of Imports) (Amendment) (EU Exit) Regulations 2019 (S.I. 2019/692), regs. 1(2), **4(19)(a)(i)(bb)**; 2020 c. 1, Sch. 5 para. 1(1)
- F107** Words in Art. 15(1) omitted (31.12.2020) by virtue of The Organic Production (Control of Imports) (Amendment) (EU Exit) Regulations 2019 (S.I. 2019/692), regs. 1(2), **4(19)(a)(ii)**; 2020 c. 1, Sch. 5 para. 1(1)
- F108** Substituted by Commission Implementing Regulation (EU) No 125/2013 of 13 February 2013 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).
- F109** Words in Art. 15(2) substituted (31.12.2020) by The Organic Production (Control of Imports) (Amendment) (EU Exit) Regulations 2019 (S.I. 2019/692), regs. 1(2), **4(19)(b)(i)**; 2020 c. 1, Sch. 5 para. 1(1)
- F110** Words in Art. 15(2) omitted (31.12.2020) by virtue of The Organic Production (Control of Imports) (Amendment) (EU Exit) Regulations 2019 (S.I. 2019/692), regs. 1(2), **4(19)(b)(ii)**; 2020 c. 1, Sch. 5 para. 1(1)
- F111** Words in Art. 15(3) substituted (31.12.2020) by The Organic Production (Control of Imports) (Amendment) (EU Exit) Regulations 2019 (S.I. 2019/692), regs. 1(2), **4(19)(c)(i)**; 2020 c. 1, Sch. 5 para. 1(1)
- F112** Words in Art. 15(3) substituted (31.12.2020) by The Organic Production (Control of Imports) (Amendment) (EU Exit) Regulations 2019 (S.I. 2019/692), regs. 1(2), **4(19)(c)(ii)**; 2020 c. 1, Sch. 5 para. 1(1)
- F113** Words in Art. 15(3) omitted (31.12.2020) by virtue of The Organic Production (Control of Imports) (Amendment) (EU Exit) Regulations 2019 (S.I. 2019/692), regs. 1(2), **4(19)(c)(iii)**; 2020 c. 1, Sch. 5 para. 1(1)
- F114** Words in Art. 15(4) substituted (31.12.2020) by The Organic Production (Control of Imports) (Amendment) (EU Exit) Regulations 2019 (S.I. 2019/692), regs. 1(2), **4(19)(d)(i)**; 2020 c. 1, Sch. 5 para. 1(1)
- F115** Words in Art. 15(4) substituted (31.12.2020) by The Organic Production (Control of Imports) (Amendment) (EU Exit) Regulations 2019 (S.I. 2019/692), regs. 1(2), **4(19)(d)(ii)**; 2020 c. 1, Sch. 5 para. 1(1)

Changes to legislation: There are currently no known outstanding effects for the
Commission Regulation (EC) No 1235/2008, TITLE III. (See end of Document for details)

- F116** Words in Art. 15(4) omitted (31.12.2020) by virtue of The Organic Production (Control of Imports) (Amendment) (EU Exit) Regulations 2019 (S.I. 2019/692), regs. 1(2), **4(19)(d)(iii)**; 2020 c. 1, Sch. 5 para. 1(1)
- F117** Words in Art. 15(4) omitted (31.12.2020) by virtue of The Organic Production (Control of Imports) (Amendment) (EU Exit) Regulations 2019 (S.I. 2019/692), regs. 1(2), **4(19)(d)(iv)**; 2020 c. 1, Sch. 5 para. 1(1)
- F118** Art. 15(5) omitted (31.12.2020) by virtue of The Organic Production (Control of Imports) (Amendment) (EU Exit) Regulations 2019 (S.I. 2019/692), regs. 1(2), **4(19)(e)**; 2020 c. 1, Sch. 5 para. 1(1)

Changes to legislation:

There are currently no known outstanding effects for the Commission Regulation (EC) No 1235/2008, TITLE III.