

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

TITLE VII

FINAL AND TRANSITIONAL RULES

Article 34

Free movement of organic products

1 Competent authorities, control authorities and control bodies may not, on grounds relating to the method of production, to the labelling or to the presentation of that method, prohibit or restrict the marketing of organic products controlled by another control authority or control body located in another Member State, in so far as those products meet the requirements of this Regulation. In particular, no additional controls or financial burdens in addition to those foreseen in Title V of this Regulation may be imposed.

2 Member States may apply stricter rules within their territory to organic plant and livestock production, where these rules are also applicable to non-organic production and provided that they are in conformity with Community law and do not prohibit or restrict the marketing of organic products produced outside the territory of the Member State concerned.

Article 35

Transmission of information to the Commission

Member States shall regularly transmit the following information to the Commission:

- (a) the names and addresses of the competent authorities and where appropriate their code numbers and their marks of conformity;
- (b) lists of control authorities and bodies and their code numbers and, where appropriate, their marks of conformity. The Commission shall publish regularly the list of control authorities and bodies.

Article 36

Statistical information

Member States shall transmit to the Commission the statistical information necessary for the implementation and follow-up of this Regulation. This statistical information shall be defined within the context of the Community Statistical Programme.

Article 37

Committee on organic production

1 The Commission shall be assisted by a regulatory Committee on organic production.

Status: Point in time view as at 28/06/2007.

Changes to legislation: There are currently no known outstanding effects for the Council Regulation (EC) No 834/2007, TITLE VII. (See end of Document for details)

2 Where reference is made to this paragraph, Articles 5 and 7 of Decision 1999/468/EC shall apply.

The period provided for in Article 5(6) of Decision 1999/468/EC shall be set at three months.

Article 38

Implementing rules

The Commission shall, in accordance with the procedure referred to in Article 37(2), and subject to the objectives and principles laid down in Title II, adopt detailed rules for the application of this Regulation. These shall include in particular the following:

- (a) detailed rules as regards the production rules laid down in Title III, in particular as regards the specific requirements and conditions to be respected by operators;
- (b) detailed rules as regards the labelling rules laid down in Title IV;
- (c) detailed rules as regards the control system established under Title V, in particular as regards minimum control requirements, supervision and audit, the specific criteria for delegation of tasks to private control bodies the criteria for approval and withdrawal of such bodies and the documentary evidence referred to in Article 29;
- (d) detailed rules as regards the rules on imports from third countries laid down in Title VI, in particular as regards the criteria and procedures to be followed with regard to the recognition under Article 32 and 33 of third countries and control bodies, including the publication of lists of recognised third countries and control bodies, and as regards the certificate referred to in Article 33(1) point (d) taking into account the advantages of electronic certification;
- (e) detailed rules as regards the free movement of organic products laid down in Article 34 and the transmission of information to the Commission in Article 35.

Article 39

Repeal of Regulation (EEC) No 2092/91

1 Regulation (EEC) No 2092/91 is hereby repealed as from 1 January 2009.

2 References to the repealed Regulation (EEC) No 2092/91 shall be construed as references to this Regulation.

Article 40

Transitional measures

Where necessary, measures to facilitate the transition from the rules established by Regulation (EEC) No 2092/91 to this Regulation shall be adopted in accordance with the procedure referred to in Article 37(2).

Article 41

Report to the Council

- 1 By 31 December 2011, the Commission shall submit a report to the Council.
- 2 The report shall, in particular, review the experience gained from the application of this Regulation and consider in particular the following issues:
 - a the scope of this Regulation, in particular as regards organic food prepared by mass caterers;
 - b the prohibition on the use of GMOs, including the availability of products not produced by GMOs, the vendor declaration, the feasibility of specific tolerance thresholds and their impact on the organic sector;
 - c the functioning of the internal market and controls system, assessing in particular that the established practices do not lead to unfair competition or barriers to the production and marketing of organic products.
- 3 The Commission shall, if appropriate, accompany the report with relevant proposals.

Article 42

Entry into force and application

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

For certain animal species, certain aquatic plants and certain micro algae, where the detailed production rules are not laid down, the rules provided for labelling in Article 23 and for the controls in Title V shall apply. Pending the inclusion of detailed production rules, national rules or, in the absence thereof, private standards accepted or recognised by the Member States shall apply.

It shall apply as from 1 January 2009.

Status:

Point in time view as at 28/06/2007.

Changes to legislation:

There are currently no known outstanding effects for the Council Regulation (EC) No 834/2007, TITLE VII.