

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 3

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

[^{F1}Article 13

Certificate of inspection

1 The release for free circulation in [^{F2}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 ^{F3}... competent authority;
- b the verification of the consignment and the endorsement of the certificate of inspection by the ^{F4}... 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 [^{F5}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 [^{F6}competent authority.]

^{F7} ...

[^{F8}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 [^{F9}1 January 2024].]

2 [^{F10}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 ^{F11}... competent authority and completed by the first consignee on the basis of the model and the notes set out in Annex V and using [^{F12}Great Britain's import control system].]

^{F13} ...

When the original certificate of inspection is a printed and hand-signed copy of the completed electronic certificate in [^{F14}the United Kingdom's import control system], control authorities, control bodies, ^{F15}... 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 [^{F14}the United Kingdom's import control system]. [^{F16}In the absence in the printed hand-signed copy of the certificate of inspection of the information related to transport documents in boxes

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16 and 17, and the relevant fields of box 13, or where such information is different than the one available in [^{F14}the United Kingdom's import control system], ^{F15}... competent authorities and the first consignee shall only consider for the purpose of verification and endorsement of the certificate of inspection the information available in [^{F14}the 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 [^{F17}the 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 [^{F18}the 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 [^{F19}The 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 [^{F20}the 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 [^{F21}the Article 7 list], or if the issuing control authority or control body is a control authority or control body listed in [^{F22}the 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 [^{F23}the Article 7 list or the Article 10 list] or have been produced and certified in [^{F24}Great 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 [^{F25}the 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

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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 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 [^{F26}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 ^{F27}... 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.

[^{F28} During the transition period a certificate of inspection issued by a control body which appears on both [^{F29}the Article 10 list] and Annex 4 of Regulation (EC) No 1235/2008 as it had effect in EU law immediately before IP completion day must be accepted for the purposes of satisfying the requirements, including those in paragraph 1, for import into Great Britain notwithstanding that the certificate of inspection certifies compliance with requirements in Regulation (EC) No 834/2007 as it has effect in EU law from time to time.

9 During the transition period a certificate of inspection issued by a control body which appears on both [^{F30}the Article 10 list] and Annex 4 of Regulation (EC) No 1235/2008 as it had effect in EU law immediately before IP completion day must not be accepted for the purposes of satisfying the requirements, including those in paragraph 1, for import into Great Britain where it certifies compliance with Regulation (EC) No 834/2007 as it has effect in Great Britain unless the competent authority has approved the control body to certify products to Great Britain standards, following a notification in accordance with Article 12(1).

10 The transition period referred to in paragraphs 8 and 9 is a period which begins on IP completion day and ends on 31st December 2022.]]

Textual Amendments

- F1** 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 \(Text with EEA relevance\).](#)

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- F2** 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)
- F3** 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)
- F4** 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)
- F5** 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)
- F6** 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)
- F7** 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)
- F8** 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)
- F9** Words in Art. 13(1) substituted (1.7.2022) by The Common Organisation of the Markets in Agricultural Products (Marketing Standards and Organic Products) (Transitional Provisions) (Amendment) Regulations 2022 (S.I. 2022/609), regs. 1(2), **4(2)**
- F10** 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).
- F11** 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)
- F12** 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)
- F13** 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)
- F14** 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)
- F15** 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)
- F16** 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).
- F17** 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)**
- F18** 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)**

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- F19** 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).
- F20** 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)**
- F21** 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)**
- F22** 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)**
- F23** 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)**
- F24** 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)
- F25** 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)**
- F26** 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)
- F27** 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)
- F28** Art. 13(8)-(10) 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)(f)** (as amended by S.I. 2020/1452, regs. 1(2)(b), 5(4)(f)(v)); 2020 c. 1, Sch. 5 para. 1(1)
- F29** Words in Art. 13(8) substituted (13.11.2021) by The Organics (Equivalence and Control Bodies Listing) (Amendment) Regulations 2021 (S.I. 2021/1266), regs. 1, **4(12)(c)**
- F30** Words in Art. 13(9) substituted (13.11.2021) by The Organics (Equivalence and Control Bodies Listing) (Amendment) Regulations 2021 (S.I. 2021/1266), regs. 1, **4(12)(d)**

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