

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 II

IMPORT OF COMPLIANT PRODUCTS

CHAPTER 1

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

Article 4

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

[^{F1} The Secretary of State] shall consider whether to recognise and include a control body or control authority in the list provided for in Article 3 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 [^{F3} ... in accordance with Article 17(2). ^{F4} ...]

2 The request can be introduced by control bodies and control authorities established in the [^{F5} United Kingdom] or in a third country.

3 The request shall consist of a technical dossier, which shall comprise all the information needed for the [^{F6} Secretary of State to ensure] that the conditions set out in Article 32(1) and (2) of Regulation (EC) No 834/2007 are met for all organic products intended for export to [^{F7} Great Britain], namely:

- a an overview of the activities of the control body or control authority in the third country or third countries concerned, including an estimate of the number of operators involved and an indication of the expected nature and quantities of agricultural products and foodstuffs originated from the third country or third countries concerned and intended for export to [^{F8} Great Britain] under the rules set out in Article 32(1) and (2) of Regulation (EC) No 834/2007;
- b a detailed description of how Titles II, III and IV of Regulation (EC) No 834/2007 as well as the provisions of Regulation (EC) No 889/2008 have been implemented in the third country or in each of the third countries concerned;
- c a copy of the assessment report as set out in the fourth subparagraph of Article 32(2) 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 32(1) and (2) of Regulation (EC) No 834/2007;
 - (ii) giving guarantees on the elements referred to in Article 27(2), (3), (5), (6) and (12) of Regulation (EC) No 834/2007;

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- (iii) ensuring that the control body or control authority meets the control requirements and precautionary measures set out in Title IV of Regulation (EC) No 889/2008; and
- (iv) confirming that it has effectively implemented its control activities according to these conditions and requirements;
- d proof that the control body or authority has notified its activities to the authorities of the third country concerned and its undertaking to respect the legal requirements imposed on it by the authorities of the third country concerned;
- e the website 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, the product categories concerned, as well as suspended and decertified operators and products;
- f an undertaking to comply with the provisions of Article 5 of this Regulation;
- g any other information deemed relevant by the control body or control authority or by the ^{F9}Secretary 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 ^{F10}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 ^{F10}Secretary of State] may, based on risk-assessment and in case of suspected irregularities, organise an on-the-spot examination by experts it designates.

5 The ^{F11}Secretary of State] shall assess whether the technical dossier referred to in paragraph 3 and the information referred to in paragraph 4 are satisfactory and may subsequently decide to recognise and include a control body or control authority in the list. ^{F12}If the Secretary of State decides to do so, the Secretary of State must notify the control body or control authority of this decision.]

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).
- F2** Words in Art. 4(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(4)(a)(i)**; 2020 c. 1, Sch. 5 para. 1(1)
- F3** Words in Art. 4(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(4)(a)(ii)**; 2020 c. 1, Sch. 5 para. 1(1)
- F4** Words in Art. 4(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(4)(a)(iii)**; 2020 c. 1, Sch. 5 para. 1(1)
- F5** Words in Art. 4(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(4)(b)**; 2020 c. 1, Sch. 5 para. 1(1)
- F6** Words in Art. 4(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(4)(c)(i)(aa)**; 2020 c. 1, Sch. 5 para. 1(1)

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- F7** Words in Art. 4(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(4)(c)(i)(bb)** (as amended by S.I. 2020/1452, regs. 1(2)(b), **5(4)(b)(i)**); 2020 c. 1, **Sch. 5 para. 1(1)**
- F8** Words in Art. 4(3)(a) substituted (31.12.2020) by The Organic Production (Control of Imports) (Amendment) (EU Exit) Regulations 2019 (S.I. 2019/692), regs. 1(2), **4(4)(c)(ii)** (as amended by S.I. 2020/1452, regs. 1(2)(b), **5(4)(b)(ii)**); 2020 c. 1, **Sch. 5 para. 1(1)**
- F9** Words in Art. 4(3)(g) substituted (31.12.2020) by The Organic Production (Control of Imports) (Amendment) (EU Exit) Regulations 2019 (S.I. 2019/692), regs. 1(2), **4(4)(c)(iii)**; 2020 c. 1, Sch. 5 para. 1(1)
- F10** Words in Art. 4(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(4)(d)**; 2020 c. 1, Sch. 5 para. 1(1)
- F11** Words in Art. 4(5) substituted (31.12.2020) by The Organic Production (Control of Imports) (Amendment) (EU Exit) Regulations 2019 (S.I. 2019/692), regs. 1(2), **4(4)(e)(i)**; 2020 c. 1, Sch. 5 para. 1(1)
- F12** Words in Art. 4(5) substituted (13.11.2021) by The Organics (Equivalence and Control Bodies Listing) (Amendment) Regulations 2021 (S.I. 2021/1266), regs. 1, **4(4)**

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