

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 5

Management and review of the list of recognised control bodies and control authorities for the purpose of compliance

1 A control body or control authority may only be included in the list referred to in Article 3 when it fulfils the following obligations:

- a if, after the 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 [F¹Secretary of State] thereof; requests to amend the information in respect of a control body or control authority referred to in Article 3(2) shall also be notified to the [F¹Secretary of State];
- b a control body or control authority included in the list shall keep available and communicate at first request all information related to its control activities in the third country; it shall give access to its offices and facilities to experts designated by the [F²Secretary of State];
- c by 31 March every year, the control body or control authority shall send a concise annual report to the [F³Secretary of State]; the annual report shall update the information of the technical dossier referred to in Article 4(3); it shall describe in particular the control activities carried out by the control body or control authority in the third countries during 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 32(2) of Regulation (EC) No 834/2007; the [F³Secretary of State] may request any other information deemed necessary;
- d in the light of any information received, the [F⁴Secretary 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 in the list referred to in Article 3; a similar decision may also be made where a control body or authority has not supplied information required or where it has not agreed to an on-the-spot examination;
- e the control body or control authority shall make available to interested parties, on an Internet website, a continuously updated list of operators and products certified as organic.

Changes to legislation: There are currently no known outstanding effects for the Commission Regulation (EC) No 1235/2008, Article 5. (See end of Document for details)

2 If a control body or a control authority does not send the annual report, referred to in paragraph 1(c), does not keep available or does not communicate all information related to its technical dossier, control system or updated list of operators and products certified as organic, or does not agree to an on-the-spot examination, after request by the [^{F5}Secretary of State] within a period which the [^{F5}Secretary of State] shall determine according to the severity of the problem and which generally may not be less than 30 days, [^{F6}the Secretary of State may ^{F7}... withdraw that control body or control authority from the list of control bodies and control authorities.]

If a control body or a control authority fails to take appropriate and timely remedial action, the [^{F8}Secretary of State] shall withdraw it from the list without delay.

Textual Amendments

- F1** Words in Art. 5(1)(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(5)(a)(i)**; 2020 c. 1, Sch. 5 para. 1(1)
- F2** Words in Art. 5(1)(b) substituted (31.12.2020) by The Organic Production (Control of Imports) (Amendment) (EU Exit) Regulations 2019 (S.I. 2019/692), regs. 1(2), **4(5)(a)(ii)**; 2020 c. 1, Sch. 5 para. 1(1)
- F3** Words in Art. 5(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(5)(a)(iii)**; 2020 c. 1, Sch. 5 para. 1(1)
- F4** Words in Art. 5(1)(d) substituted (31.12.2020) by The Organic Production (Control of Imports) (Amendment) (EU Exit) Regulations 2019 (S.I. 2019/692), regs. 1(2), **4(5)(a)(iv)**; 2020 c. 1, Sch. 5 para. 1(1)
- F5** Words in Art. 5(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(5)(b)(i)(aa)**; 2020 c. 1, Sch. 5 para. 1(1)
- F6** Words in Art. 5(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(5)(b)(i)(bb)**; 2020 c. 1, Sch. 5 para. 1(1)
- F7** Words in Art. 5(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(5)**
- F8** Words in Art. 5(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(5)(b)(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, Article 5.