

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 8*

#### **Procedure for requesting inclusion in the list of third countries**

<sup>F1</sup>1 .....

2 The [<sup>F2</sup>Secretary of State] shall only be required to consider a [<sup>F3</sup>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 [<sup>F2</sup>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 [<sup>F4</sup>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 [<sup>F4</sup>Great Britain];
- c the production standards applied in the third country as well as an assessment of their equivalence to the standards applied in [<sup>F4</sup>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 [<sup>F4</sup>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;
- g an undertaking to comply with the provisions of Article 9;
- h any other information deemed relevant by the third country or by the [<sup>F2</sup>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 [<sup>F5</sup>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 [<sup>F5</sup>Secretary of State] may, based on risk-assessment and

*Changes to legislation: There are currently no known outstanding effects for the Commission Regulation (EC) No 1235/2008, Article 8. (See end of Document for details)*

in case of suspected irregularities organise an on-the-spot examination by experts [<sup>F6</sup>designated by the Secretary of State].

[<sup>F7</sup>Experts from other third countries recognised in accordance with Article 33(2) of Regulation (EC) No 834/2007 may be invited by the [<sup>F5</sup>Secretary of State] to attend on-the-spot-examination as observers.]

[<sup>F8</sup> The [<sup>F9</sup>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. [<sup>F10</sup>If the Secretary of State decides to do so, the Secretary of State must notify the third country of this decision.] Where the [<sup>F9</sup>Secretary of State] considers that the conditions laid down in Regulation (EC) No 834/2007 and this Regulation continue to be met, [<sup>F11</sup>the Secretary of State] may decide to extend the inclusion of the third country after that three-year period.

[<sup>F12</sup>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

- F1** 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)
- F2** 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)
- F3** 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)
- F4** 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)(iii)** (as amended by S.I. 2020/1452, regs. 1(2)(b), **5(4)(d)**); 2020 c. 1, **Sch. 5 para. 1(1)**
- F5** 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)**
- F6** 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)**
- F7** 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 \(Text with EEA relevance\)](#).
- F8** 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 \(Text with EEA relevance\)](#).
- F9** 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)**
- F10** 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)**
- F11** 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)**

---

**Changes to legislation:** There are currently no known outstanding effects for the  
Commission Regulation (EC) No 1235/2008, Article 8. (See end of Document for details)

---

**F12** 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)**

**Changes to legislation:**

There are currently no known outstanding effects for the Commission Regulation (EC) No 1235/2008, Article 8.