

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 2

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

Article 10

Compilation and content of the list of recognised control bodies and control authorities for the purpose of equivalence

1 The Commission shall draw up a list of control bodies and control authorities, recognised for the purpose of equivalence in accordance with Article 33(3) of Regulation (EC) No 834/2007. The list shall be published in Annex IV to this Regulation. The procedures for drawing up and amending the list are defined in Articles 11, 16 and 17 of this Regulation. The list shall be made available to the public on the Internet in accordance with Articles 16(4) and 17 of this Regulation.

2 The list shall contain all the information necessary in respect of each control body or authority to allow verifying whether products placed on the Community market have been controlled by a control body or authority recognised in accordance with Article 33(3) of Regulation (EC) No 834/2007 and in particular:

- a the name, address and code number of the control body or authority, and, when appropriate, its e-mail and Internet address;
- b the third countries not listed in the list provided for in Article 7 where the products have their origin;
- c the product categories concerned for each third country;
- d the duration of the inclusion in the list; and
- e the Internet website 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.

3 By way of derogation from paragraph 2(b), those products originating from third countries listed in the list of recognised third countries as referred to in Article 7 which belong to a category which is not referred to in that list may be listed in the list provided for in this Article.

Article 11

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

1 The Commission shall consider whether to include a control body or control authority in the list provided for in Article 10 upon receipt of a request for inclusion from the representative of the control body or control authority concerned on the basis of the model of application made available by the Commission in accordance with Article 17(2). Only complete requests that have been received by 31 October 2009 shall be considered for the drawing up of the first list. For the following calendar years, the Commission shall undertake regular updates of the list as appropriate on the basis of complete requests that have been received before 31 October of each year.

2 The request can be introduced by control bodies and control authorities established in the Community or in a third country.

3 The request for inclusion shall consist of a technical dossier, which shall comprise all the information needed for the Commission to ensure that the conditions set out in Article 33(3) of Regulation (EC) No 834/2007 are met for products intended for export to the Community, namely:

- a an overview of the activities of the control body or control authority in the third country or third countries, including an estimate of the number of operators involved and the expected nature and quantities of agricultural products and foodstuffs intended for export to the Community under the rules set out in Article 33(1) and (3) of Regulation (EC) No 834/2007;
- b a description of the production standards and control measures applied in the third countries, including an assessment of the equivalence of these standards and measures with Titles III, IV and V of Regulation (EC) No 834/2007 as well as with the associated implementing rules laid down in Regulation (EC) No 889/2008;
- c a copy of the assessment report as set out in the fourth subparagraph of Article 33(3) 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 33(1) and (3) of Regulation (EC) No 834/2007;
 - (ii) confirming that it has effectively implemented its activities according to those conditions; and
 - (iii) demonstrating and confirming the equivalence of the production standards and control measures referred to in subparagraph (b) of this paragraph;
- d proof that the control body or control authority has notified its activities to the authorities of each of the third countries concerned and its undertaking to respect the legal requirements imposed on it by the authorities of each of the third countries concerned;
- e the Internet website 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 12;

- g any other information deemed relevant by the control body or control authority or by the Commission.

4 When examining a request for inclusion in the list of control body or control authority, and also any time after its inclusion, the Commission may request any further information, including the presentation of one or more on-the-spot examination reports established by independent expert. Furthermore, the Commission may organise an on-the-spot examination by experts it designates on a risk-based approach and in case of suspected irregularities.

5 The Commission 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 control body or control authority in the list. The decision shall be taken in accordance with the procedure referred to in Article 37(2) of Regulation (EC) No 834/2007.

Article 12

Management and review of the list of control bodies and control authorities for the purpose of equivalence

1 A control body or control authority may only be included in the list referred to in Article 10 when it fulfils the following obligations:

- a if, after a 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 Commission thereof; requests to amend the information in respect of a control body or authority referred to in Article 10(2), shall also be notified to the Commission;
- b by 31 March every year, the control body or control authority shall send a concise annual report to the Commission. The annual report shall update the information of the technical dossier referred to in Article 11(3); it shall describe in particular the control activities carried out by the control body or control authority in the third countries in 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 33(3) of Regulation (EC) No 834/2007; the Commission may request any other information deemed necessary;
- c in the light of any information received, the Commission 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 from the list referred to in Article 10; a similar decision may also be made where a control body or control authority has not supplied information required or where it has not agreed to an on-the-spot examination;
- d the control body or control authority shall make available to interested parties, by electronic means, a continuously updated list of operators, and of products certified as organic.

2 If a control body or a control authority does not send the annual report, referred to in paragraph 1(b), 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 Commission within a period which the Commission shall determine according to the severity of the problem and which generally may not be less than 30 days, that control body or control authority may be withdrawn from the list of control bodies and control authorities, in accordance with the procedure referred to in Article 37(2) of Regulation (EC) No 834/2007.

Status: This is the original version (as it was originally adopted).

If a control body or a control authority fails to take appropriate and timely remedial action, the Commission shall withdraw it from the list without delay.