

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.]

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...

[^{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].]

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...

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 [F14the 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 [F14the 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 [F17the 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 [F18the 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 [F19The 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 [F20the 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 [F21the Article 7 list], or if the issuing control authority or control body is a control authority or control body listed in [F22the 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 [F23the Article 7 list or the Article 10 list] or have been produced and certified in [F24Great 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 [F25the 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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Changes to legislation: There are currently no known outstanding effects for the Commission Regulation (EC) No 1235/2008, CHAPTER 3. (See end of Document for details)

- 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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Changes to legislation: There are currently no known outstanding effects for the Commission Regulation (EC) No 1235/2008, CHAPTER 3. (See end of Document for details)

- 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)**

[^{F31}Article 13a

Force majeure or exceptional circumstances

1 In cases of *force majeure* or exceptional circumstances preventing the electronic system from working, and in particular of malfunctioning of the system or a lack of a lasting connection, certificates of inspection and their extracts may be issued and endorsed pursuant to Article 13(3) to (7) without using [^{F32}Great Britain's electronic import control system] in accordance with paragraphs [^{F33}2 and 3] of this Article, and on the basis of the models and the notes set out in Annex V or VI. The competent authorities, control authorities, control bodies and operators shall inform the [^{F34}Secretary of State] without delay and shall insert in [^{F32}Great Britain's electronic import control system] all the necessary details within ten calendar days following the re-establishment of the system.

2 When the certificate of inspection is issued without using [^{F35}Great Britain's electronic import control system], it shall be drawn up in [^{F36}English, and may also appear in other languages,] and filled in, except for the stamps and signatures, either entirely in capital letters or entirely in typescript.

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Uncertified alterations or erasures shall invalidate the certificate.

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3 The control authority or control body issuing the certificate of inspection shall give a serial number to each issued certificate and keep a register of the issued certificates in chronological order and make the correspondence afterward with the serial number given by ^{F38}Great Britain's import control system].

^{F39}4

Textual Amendments

- F31** Inserted 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).
- F32** Words in Art. 13a(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(14)(a)(i)** (as amended by S.I. 2020/1452, regs. 1(2)(b), 5(4)(g)); 2020 c. 1, Sch. 5 para. 1(1)
- F33** Words in Art. 13a(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(14)(a)(ii)**; 2020 c. 1, Sch. 5 para. 1(1)
- F34** Words in Art. 13a(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(14)(a)(iii)**; 2020 c. 1, Sch. 5 para. 1(1)
- F35** Words in Art. 13a(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(14)(b)(i)** (as amended by S.I. 2020/1452, regs. 1(2)(b), 5(4)(g)); 2020 c. 1, Sch. 5 para. 1(1)
- F36** Words in Art. 13a(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(14)(b)(ii)**; 2020 c. 1, Sch. 5 para. 1(1)
- F37** Words in Art. 13a(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(14)(b)(iii)**; 2020 c. 1, Sch. 5 para. 1(1)
- F38** Words in Art. 13a(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(14)(c)** (as amended by S.I. 2020/1452, regs. 1(2)(b), 5(4)(g)); 2020 c. 1, Sch. 5 para. 1(1)
- F39** Art. 13a(4) 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(14)(d)**; 2020 c. 1, Sch. 5 para. 1(1)

Article 13b

Importer

The importer shall indicate the number of the certificate of inspection in the customs declaration for release for free circulation as referred to in ^{F40}section 3 of the Taxation (Cross-border) Trade Act 2018].

^{F41}The requirements of this Article apply to organic products entering the United Kingdom from the European Union, an EEA state or Switzerland only on and after ^{F42}1 January 2024].]

Status: Point in time view as at 01/07/2022.

Changes to legislation: There are currently no known outstanding effects for the Commission Regulation (EC) No 1235/2008, CHAPTER 3. (See end of Document for details)

Textual Amendments

- F31** Inserted 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).
- F40** Words in Art. 13b substituted (31.12.2020) by The Organic Production (Control of Imports) (Amendment) (EU Exit) Regulations 2019 (S.I. 2019/692), regs. 1(2), **4(15)(a)**; 2020 c. 1, Sch. 5 para. 1(1)
- F41** Words in Art. 13b inserted (31.12.2020) by The Organic Production (Control of Imports) (Amendment) (EU Exit) Regulations 2019 (S.I. 2019/692), regs. 1(2), **4(15)(b)** (as amended by S.I. 2020/1661, regs. 1(2)(b), 13(3)(b)); 2020 c. 1, Sch. 5 para. 1(1)
- F42** Words in Art. 13b 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(3)**

Article 13c

Access rights

The [^{F43}Secretary of State] shall be in charge of granting and updating access rights to [^{F44}Great Britain's import control system]^{F45}... of competent authorities of third countries recognised in accordance with Article 33(2) of [^{F46}Regulation (EC) No 834/2007] and of control authorities and control bodies listed in [^{F47}the Article 7 list or the Article 10 list]. Before granting access rights to [^{F44}Great Britain's import control system], the [^{F43}Secretary of State] shall verify the identity of the competent authorities, control authorities and control bodies concerned.

[^{F48}The competent authority is in charge of granting and updating access rights to Great Britain's import control system of operators, control authorities and control bodies. Before granting access rights to Great Britain's import control system, the competent authority must verify the identity of the operators, control authorities and control bodies concerned.]

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Textual Amendments

- F31** Inserted 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).
- F43** Words in Art. 13c substituted (31.12.2020) by The Organic Production (Control of Imports) (Amendment) (EU Exit) Regulations 2019 (S.I. 2019/692), regs. 1(2), **4(16)(a)(i)**; 2020 c. 1, Sch. 5 para. 1(1)
- F44** Words in Art. 13c substituted (31.12.2020) by The Organic Production (Control of Imports) (Amendment) (EU Exit) Regulations 2019 (S.I. 2019/692), regs. 1(2), **4(16)(a)(ii)** (as amended by S.I. 2020/1452, regs. 1(2)(b), 5(4)(h)); 2020 c. 1, Sch. 5 para. 1(1)

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Changes to legislation: There are currently no known outstanding effects for the Commission Regulation (EC) No 1235/2008, CHAPTER 3. (See end of Document for details)

- F45** Words in Art. 13c 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(16)(a)(iii)**; 2020 c. 1, Sch. 5 para. 1(1)
- F46** Words in Art. 13c substituted (31.12.2020) by [The Organic Production \(Control of Imports\) \(Amendment\) \(EU Exit\) Regulations 2019 \(S.I. 2019/692\)](#), regs. 1(2), **4(16)(a)(iv)**; 2020 c. 1, Sch. 5 para. 1(1)
- F47** Words in Art. 13c substituted (13.11.2021) by [The Organics \(Equivalence and Control Bodies Listing\) \(Amendment\) Regulations 2021 \(S.I. 2021/1266\)](#), regs. 1, **4(13)**
- F48** Words in Art. 13c substituted (31.12.2020) by [The Organic Production \(Control of Imports\) \(Amendment\) \(EU Exit\) Regulations 2019 \(S.I. 2019/692\)](#), regs. 1(2), **4(16)(b)** (as amended by S.I. 2020/1452, regs. 1(2)(b), 5(4)(h)); 2020 c. 1, Sch. 5 para. 1(1)
- F49** Words in Art. 13c 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(16)(c)**; 2020 c. 1, Sch. 5 para. 1(1)

Article 13d

Integrity and legibility of information

[^{F50}Great Britain's import control system] shall protect the integrity of the information encoded in accordance with this Regulation.

In particular, it shall offer the following guarantees:

- (a) it shall allow each user to be unequivocally identified and shall incorporate effective control measures of access rights in order to protect against illegal, malicious or unauthorised access, deletion, alteration or movement of the information, files and metadata;
- (b) it shall be equipped with physical protection systems against intrusions and environmental incidents and software protection against cyber-attacks;
- (c) it shall safeguard stored data in an environment which is secure in both physical and software terms;
- (d) it shall prevent, by various means, any unauthorised changes and incorporate integrity mechanisms to check if the information has been altered over time;
- (e) it shall keep an audit trail for each essential stage of the procedure;
- (f) it shall provide reliable format conversion and migration procedures in order to guarantee that the information is legible and accessible throughout the entire storage period required;
- (g) it shall have sufficiently detailed and up-to-date functional and technical documentation on the operation and characteristics of the system, that documentation being accessible at all times to the organisational entities responsible for the functional and/or technical specifications.]

Textual Amendments

- F31** Inserted 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](#)

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Changes to legislation: There are currently no known outstanding effects for the Commission Regulation (EC) No 1235/2008, CHAPTER 3. (See end of Document for details)

for preserved or processed organic products and the transmission of information (Text with EEA relevance).

F50 Words in Art. 13d substituted (31.12.2020) by The Organic Production (Control of Imports) (Amendment) (EU Exit) Regulations 2019 (S.I. 2019/692), regs. 1(2), 4(17) (as amended by S.I. 2020/1452, regs. 1(2)(b), 5(4)(i)); 2020 c. 1, Sch. 5 para. 1(1)

Article 14

Special customs procedures

[^{F11} Where a consignment coming from a third country is placed under customs warehousing or inward processing as provided for in [^{F51}the Taxation (Cross-border) Trade Act 2018], and subject to one or more preparations as referred to in the second subparagraph, the [^{F52}... competent authority shall carry out the verification of the consignment as referred to in point (b) of the first subparagraph of Article 13(1) of this Regulation before the first preparation is carried out. The reference number of the customs declaration by which the goods have been declared for customs warehousing or for inward processing procedure shall be indicated in box 19 of the certificate of inspection.

The preparation shall be limited to the following types of operations:

- a packaging or repackaging; or
- b labelling concerning the presentation of the organic production method.

After this preparation, the consignment shall be subject, before the release for free circulation [^{F53}in Great Britain], to the measures referred to in Article 13(1) of this Regulation.

After this procedure, the original of the certificate of inspection shall, where relevant, be returned to the importer of the consignment, referred to in box 11 of the certificate for the purposes of the second subparagraph of Article 33(1) of Regulation (EC) No 834/2007.]

[^{F54}The requirements in this Article in respect of a certificate of inspection apply to organic products entering Great Britain from the European Union, an EEA state or Switzerland only on and after [^{F55}1 January 2024].]

2 Where, under a [^{F56}special] procedure pursuant to [^{F57}the Taxation (Cross-border) Trade Act 2018], a consignment coming from a third country is intended to be [^{F58}split] into different batches, the consignment shall be subject, before this splitting is carried out, to the measures referred to in Article 13(1) of this Regulation.

[^{F1}For each of the batches which results from the splitting, the importer mentioned in box 11 of the certificate of inspection shall submit an extract of the certificate of inspection through [^{F59}Great Britain's import control system] to the [^{F60}... competent authority, in accordance with the model and the notes set out in Annex VI. After verification of the batch, the [^{F60}... competent authority shall endorse the extract of the certificate of inspection in box 13 for the purpose of the release for free circulation [^{F61}in Great Britain]. [^{F62}...]

A copy of each endorsed extract from the certificate of inspection shall be kept together with the original certificate of inspection by the person identified as the original importer of the consignment and mentioned in box 11 of the certificate of inspection. This copy shall carry the indication 'COPY' or 'DUPLICATE' printed or stamped thereon.

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F63 ...

[^{F64}The consignee of a batch shall, at the reception thereof, complete the original of the extract of the certificate of inspection in box 14, in order to certify that the reception of the batch has been carried out in accordance with Article 34 of Regulation (EC) No 889/2008.]

The consignee of a batch shall keep the extract of the certificate of inspection at the disposal of the control authorities and/or control bodies for not less than two years.

3 The preparation and splitting operations referred to in paragraphs 1 and 2 shall be carried out in accordance with the relevant provisions set out in Title V of Regulation (EC) No 834/2007 and in Title IV of Regulation (EC) No 889/2008.

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).
- F51** Words in Art. 14(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(18)(a)(i)**; 2020 c. 1, Sch. 5 para. 1(1)
- F52** Words in Art. 14(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(18)(a)(ii)**; 2020 c. 1, Sch. 5 para. 1(1)
- F53** Words in Art. 14(1) inserted (31.12.2020) by The Organic Production (Control of Imports) (Amendment) (EU Exit) Regulations 2019 (S.I. 2019/692), regs. 1(2), **4(18)(a)(iii)** (as amended by S.I. 2020/1452, regs. 1(2)(b), 5(4)(j)(i)); 2020 c. 1, Sch. 5 para. 1(1)
- F54** Words in Art. 14(1) inserted (31.12.2020) by The Organic Production (Control of Imports) (Amendment) (EU Exit) Regulations 2019 (S.I. 2019/692), regs. 1(2), **4(18)(a)(iv)** (as amended by S.I. 2020/1452, regs. 1(2)(b), 5(4)(j)(ii); S.I. 2020/1661, regs. 1(2)(b), 13(3)(c)); 2020 c. 1, Sch. 5 para. 1(1)
- F55** Words in Art. 14(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(4)**
- F56** Word in Art. 14(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(18)(b)(i)**; 2020 c. 1, Sch. 5 para. 1(1)
- F57** Words in Art. 14(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(18)(b)(ii)**; 2020 c. 1, Sch. 5 para. 1(1)
- F58** Word in Art. 14(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(18)(b)(iii)**; 2020 c. 1, Sch. 5 para. 1(1)
- F59** Words in Art. 14(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(18)(b)(iv)(aa)** (as amended by S.I. 2020/1452, regs. 1(2)(b), 5(4)(j)(iii)); 2020 c. 1, Sch. 5 para. 1(1)
- F60** Words in Art. 14(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(18)(b)(iv)(bb)**; 2020 c. 1, Sch. 5 para. 1(1)

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- F61** Words in Art. 14(2) inserted (31.12.2020) by The Organic Production (Control of Imports) (Amendment) (EU Exit) Regulations 2019 (S.I. 2019/692), regs. 1(2), **4(18)(b)(iv)(cc)** (as amended by S.I. 2020/1452, regs. 1(2)(b), 5(4)(j)(iv)); 2020 c. 1, Sch. 5 para. 1(1)
- F62** Words in Art. 14(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(18)(b)(iv)(dd)**; 2020 c. 1, Sch. 5 para. 1(1)
- F63** Deleted 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).
- F64** Substituted by Commission Implementing Regulation (EU) 2017/872 of 22 May 2017 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).

[^{F65}Article 15

Non-compliant products

1 Without prejudice to any measures or actions taken in accordance with Article 30 of Regulation (EC) No 834/2007 and/or Regulation (EC) No 889/2008, the release for free circulation in [^{F66}Great Britain] of products not in conformity with the requirements of Regulation (EC) No 834/2007 [^{F67}, or in relation to products to which paragraph 8 of Article 13 applies, Regulation (EC) No 834/2007 on organic production and labelling of organic products as it has effect in EU law from time to time,] shall be conditional on the removal of references to organic production from the labelling, advertising and accompanying documents.

F68 F68
... ..

2 [^{F69}Without prejudice to any measures or actions to be taken in accordance with Article 30 of Regulation (EC) No 834/2007, in case of suspicion of infringements and irregularities as regards compliance of imported organic products from third countries recognised in accordance with Article 33(2) of Regulation (EC) No 834/2007 or imported organic products controlled by control authorities or control bodies recognised in accordance with Article 33(3) of that Regulation with the requirements laid down in that Regulation, the importer shall take all necessary measures in accordance with Article 91(1) of Regulation (EC) No 889/2008.]

The importer and the control authority or control body which issued the certificate of inspection as referred to in Article 13 of this Regulation shall immediately inform the control bodies, control authorities and competent authorities [^{F70}of both the United Kingdom and the] third countries involved in the organic production of the products in question ^{F71}.... The control authority or control body may require that the product cannot be placed on the market with indications referring to the organic production method until it is satisfied, by the information received from the operator or from other sources, that the doubt has been eliminated.

[^{F69}3 Without prejudice to any measures or actions to be taken in accordance with Article 30 of Regulation (EC) No 834/2007, where a control authority or control body of [^{F72}the United Kingdom] or a third country has a substantiated suspicion of an infringement or irregularity as regards compliance of imported organic products from third countries recognised in accordance with Article 33(2) of Regulation (EC) No 834/2007 or imported organic products

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controlled by control authorities or control bodies recognised in accordance with Article 33(3) of that Regulation with the requirements laid down in that Regulation, it shall take all necessary measures in accordance with Article 91(2) of Regulation (EC) No 889/2008 and shall immediately inform the control bodies, control authorities and competent authorities of the [^{F73}United Kingdom] and of the third countries involved in the organic production of the products in question ^{F74}....]

[^{F75}4 Where a competent authority of a third country recognised in accordance with Article 33(2) of Regulation (EC) No 834/2007 or a control authority or control body recognised in accordance with Article 33(3) of that Regulation is notified by the [^{F76}Secretary of State] of a substantiated suspicion of an infringement or irregularity as regards compliance of imported organic products with the requirements laid down in that Regulation or this Regulation, it shall investigate the origin of the suspected irregularity or infringement and shall inform the [^{F77}Secretary of State] of the result of the investigation and of the action taken. That information shall be sent within 30 calendar days from the date of sending of the original notification ^{F78}....

^{F79} ...]

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Textual Amendments

- F65** Substituted by [Commission Implementing Regulation \(EU\) No 1267/2011 of 6 December 2011 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.](#)
- F66** Words in Art. 15(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\(19\)\(a\)\(i\)\(aa\)](#) (as substituted by S.I. 2020/1452, regs. 1(2)(b), 5(4)(k)); 2020 c. 1, Sch. 5 para. 1(1)
- F67** Words in Art. 15(1) inserted (31.12.2020) by [The Organic Production \(Control of Imports\) \(Amendment\) \(EU Exit\) Regulations 2019 \(S.I. 2019/692\), regs. 1\(2\), 4\(19\)\(a\)\(i\)\(bb\)](#); 2020 c. 1, Sch. 5 para. 1(1)
- F68** Words in Art. 15(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\(19\)\(a\)\(ii\)](#); 2020 c. 1, Sch. 5 para. 1(1)
- F69** Substituted 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 \(Text with EEA relevance\).](#)
- F70** Words in Art. 15(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\(19\)\(b\)\(i\)](#); 2020 c. 1, Sch. 5 para. 1(1)
- F71** Words in Art. 15(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\(19\)\(b\)\(ii\)](#); 2020 c. 1, Sch. 5 para. 1(1)
- F72** Words in Art. 15(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\(19\)\(c\)\(i\)](#); 2020 c. 1, Sch. 5 para. 1(1)
- F73** Words in Art. 15(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\(19\)\(c\)\(ii\)](#); 2020 c. 1, Sch. 5 para. 1(1)
- F74** Words in Art. 15(3) 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\(19\)\(c\)\(iii\)](#); 2020 c. 1, Sch. 5 para. 1(1)

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Commission Regulation (EC) No 1235/2008, CHAPTER 3. (See end of Document for details)*

- F75** 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).
- F76** Words in Art. 15(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(19)(d)(i)**; 2020 c. 1, Sch. 5 para. 1(1)
- F77** Words in Art. 15(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(19)(d)(ii)**; 2020 c. 1, Sch. 5 para. 1(1)
- F78** Words in Art. 15(4) 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(19)(d)(iii)**; 2020 c. 1, Sch. 5 para. 1(1)
- F79** Words in Art. 15(4) 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(19)(d)(iv)**; 2020 c. 1, Sch. 5 para. 1(1)
- F80** Art. 15(5) 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(19)(e)**; 2020 c. 1, Sch. 5 para. 1(1)

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Changes to legislation:

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