

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 V

FINAL AND TRANSITIONAL RULES

Article 18

Transitional rules on the list of third countries

Requests for inclusion from third countries submitted in accordance with Article 2 of Regulation (EC) No 345/2008 before the 1 January 2009 shall be treated as applications under Article 8 of this Regulation.

The first list of recognised countries shall include Argentina, Australia, Costa Rica, India, Israel, New Zealand and Switzerland. It shall not contain the code numbers referred to in Article 7(2)(f) of this Regulation. These code numbers shall be added before 1 July 2010 by updating the list in accordance with Article 17(2).

Article 19

Transitional rules on equivalent import of products not originating in listed third countries

1 In accordance with Article 40 of Regulation (EC) No 834/2007 the competent authority of a Member State may authorise importers in that Member State, where the importer has notified his activity in accordance with Article 28 of that Regulation, to place on the market products imported from third countries which are not included in the list referred to in Article 33(2) of that Regulation, provided that the importer provides sufficient evidence showing that the conditions referred to in Article 33(1)(a) and (b) of that Regulation are satisfied.

Where, having first allowed the importer or any other person concerned to comment, the Member State considers that those conditions are no longer satisfied, it shall withdraw the authorisation.

Authorisations shall expire at the latest 24 months after the publication of the first list of control bodies and control authorities recognised pursuant to Article 10 of this Regulation.

The imported product shall be covered by a certificate of inspection as set out in Article 13, issued by the control authority or the control body which has been accepted for issuing the certificate of inspection by the competent authority of the authorising Member State. The original of the certificate must accompany the goods to the premises of the first consignee. Thereafter the importer must keep the certificate at the disposal of the control body and, as appropriate the control authority, for not less than two years.

2 Each Member State shall inform the other Member States and the Commission of each authorisation granted pursuant to this Article, including information on the production standards and control arrangements concerned.

3 At the request of a Member State or at the Commission's initiative, an authorisation granted pursuant to this Article shall be examined by the Committee on organic production. If this examination discloses that the conditions referred to in Article 33(1)(a) and (b) of Regulation (EC) No 834/2007 are not satisfied, the Commission shall require the Member State which granted the authorisation to withdraw it.

4 Member States may no longer grant the authorisations referred to in paragraph 1 of this Article from the date of 12 months after the publication of the first list of control bodies and control authorities referred to in Article 11(5) except if the imported products in question are goods whose production in the third country was controlled by a control body or control authority not on the list set up in accordance with Article 10.

5 Member States shall no longer grant any authorisation referred to in paragraph 1 from 1 January 2013.

6 Any authorisation to market products imported from a third country which had, prior to 31 December 2008 been granted to an importer by the Competent Authority of a Member State under Article 11(6) of Regulation (EEC) No 2092/91 shall expire on 31 December 2009 at the latest.

Article 20

Repeal

Regulations (EC) No 345/2008 and (EC) No 605/2008 are repealed.

References to the repealed Regulations shall be construed as references to this Regulation and shall be read in accordance with the correlation table in Annex VII.

Article 21

Entry into force

This Regulation shall enter into force on the seventh day following its publication in the *Official Journal of the European Union*.

It shall apply as from 1 January 2009.