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COMMISSION REGULATION (EEC) No 94/92

of 14 January 1992

laying down detailed rules for implementing the arrangements for imports from third countries provided for in Regulation (EEC) No 2092/91 on organic production of agricultural products and indications referring thereto on agricultural products and foodstuffs

(OJ L 11, 17.1.1992, p. 14)

Amended by:

		Official Journal		
		No	page	date
►**M1**	Commission Regulation (EC) No 522/96 of 26 March 1996	L 77	10	27.3.1996
►**M2**	Commission Regulation (EC) No 314/97 of 20 February 1997	L 51	34	21.2.1997
►**M3**	Commission Regulation (EC) No 1367/98 of 29 June 1998	L 185	11	30.6.1998

Corrected by:

►**C1** Corrigendum, OJ L 112, 7.5.1996, p. 20 (522/96/EC)

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laying down detailed rules for implementing the arrangements for imports from third countries provided for in Regulation (EEC) No 2092/91 on organic production of agricultural products and indications referring thereto on agricultural products and foodstuffs

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 2092/91 of 24 June 1991 on organic production of agricultural products and indications referring thereto on agricultural products and foodstuffs [1], and in particular Articles 11 and 16 (3) thereof,

Whereas Article 11 (1) of Regulation (EEC) No 2092/91 stipulates that, as from 23 July 1992, products which are imported from a third country may be marketed only where they originate in a third country appearing in a list to be drawn up; whereas Article 11 (2) specifies the conditions which have to be met for a third country to be included in that list;

Whereas the said list should be drawn up; whereas, furthermore, detailed rules have to be laid down for the procedure for examining an application by a third country with a view to its inclusion in the list;

Whereas the measures provided for in this Regulation are in accordance with the opinion of the Committee provided for in Article 14 of Regulation (EEC) No 2092/91,

HAS ADOPTED THIS REGULATION:

Article 1

The list of third countries referred to in Article 11 (1) (a) of Regulation (EEC) No 2092/91 is set out in the Annex to this Regulation.

This list gives all the information deemed necessary in respect of each third country to permit the identification of products covered by the rules and particularly:

— the authority or the body or bodies responsible in the third country for issuing inspection certificates with a view to importing into the Community,

— the inspection authority or authorities in the third country and/or the private bodies recognized by the said third country to carry out supervision.

Furthermore, where relevant, the list may state:

— the preparation units and exporters subject to the system of inspection,

— the products covered by the rules.

Article 2

1. The Commission shall consider whether to include a third country in the list in the Annex upon receipt of an application for inclusion from the representative of the third country concerned.

2. Within a period of six months from its receipt, the application for inclusion shall be completed by a technical dossier, established in one of the official Community languages and comprising all the information needed for the Commission to ensure that the conditions set out in Article 11 (2) of Regulation (EEC) No 2092/91 are met for pro-

[1] OJ No L 198, 22. 7. 1991, p. 1.

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ducts intended for export to the Community. In particular, it shall comprise the following detailed information:

(a) the types and, if possible, an estimate of the quantities of agricultural products and foodstuffs intended for export to the Community under the rules set out in the said Article 11;

(b) the rules of production applied in the third country, viz.:

— the basic principles as set out in Annex I to Regulation (EEC) No 2092/91,

— the products authorized for use during the agricultural production stage, namely plant protection products, detergents, fertilizers or soil improvement products,

— the ingredients of non-agricultural origin authorized in processed products, and the processes and treatments authorized during processing;

(c) the rules on the inspection system and the organization of the implementation of this system in the third country:

— the name of any authority responsible for inspection in the third country and/or the private bodies in charge of carrying out inspections,

— detailed rules for inspections on agricultural holdings and in preparation units, and the penalties which may be imposed in the event of infringements,

— the name(s) and address(es) of the authority or the body or bodies charged in the third country to issue certificates for imports into the Community,

— the information needed on the organization of the monitoring of compliance with the rules governing production and the inspection system, including the issue of certificates. The name and the particulars of the authority responsible for the said monitoring,

— the list of processing units and exporters to the Community; the number of producers and the area in cultivation,

(d) If available, the on-the-spot examination reports established by independent experts on the effective implementation of the production rules and inspection rules mentioned under (b) and (c) above.

3. When examining an application for inclusion the Commission may request any further information needed to establish that the rules governing production and inspection in the third country are equivalent to those laid down in Regulation (EEC) No 2092/91, including the presentation of on-the-spot examination reports established by experts whose independence was recognized by the Commission. Furthermore, where necessary, the Commission may proceed to an on-the-spot examination by experts it designated.

4. The inclusion of a third country in the list in the Annex may be linked to the condition that regular on-the-spot examination reports established by independent experts be presented on the effective implementation of the production rules and inspection rules in the third country concerned. Moreover, where necessary, the Commission may organize an on-the-spot examination by experts it designates.

5. If, after a third country has been included in the list in the Annex, any changes are made to the measures in force in the third country or their implementation, that third country shall notify the Commission thereof. In the light of such information, a decision may be taken to amend the details of inclusion relating to the third country in the Annex or to withdraw the entry of that country, in accordance with the procedure laid down in Article 14 of Regulation (EEC) No 2092/91; a similar decision may also be made where a third country has not supplied information required under this paragraph.

6. If, after a third country has been included in the list in the Annex, the Commission obtains may information raising doubts as to the actual implementation of the measures described, it may ask the third country concerned for any information required, including the

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presentation of on-the-spot examination reports established by independent experts, or it may proceed to enable on-the-spot examination by experts it designates. In the light of such information and/or reports, a decision may be made to suspend inclusion, in accordance with the procedure laid down in Article 14 of Regulation (EEC) No 2092/91; a similar decision may also be made in cases where a third country has not supplied the information requested by the final date specified in the Commission's request or where a third country has not agreed to an on-the-spot investigation to establish compliance with the conditions for inclusion.

Article 3

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

This Regulation shall be binding in its entirety and directly applicable in all Member States.

▼M2

ANNEX

LIST OF THIRD COUNTRIES AND RELEVANT SPECIFICATIONS

ARGENTINA

1. **Product categories:**

   (a) unprocessed crop products within the meaning of Article 1 (1) (a) of Regulation (EEC) No 2092/91,

   (b) foodstuffs composed essentially of one or more ingredients of plant origin within the meaning of Article 1 (1) (b) of Regulation (EEC) No 2092/91

2. **Origin:** products of category 1 (a) and organically grown ingredients in products of category 1 (b) have been grown in Argentina

3. **Inspection bodies:** Instituto Argentino para la Certificación y Promoción de Productos Agropecuarios Orgánicos SRL (Argencert) and Organización Internacional Agropecuaria (OIA)

4. **Certificate issuing bodies:** as at 3

5. **Duration of the inclusion:** 30. 6. 2000

AUSTRALIA

1. **Product categories:**

   (a) unprocessed crop products within the meaning of Article 1 (1) (a) of Regulation (EEC) No 2092/91,

   (b) foodstuffs composed essentially of one or more ingredients of plant origin within the meaning of Article 1 (1) (b) of Regulation (EEC) No 2092/91

2. **Origin:** products of category 1 (a) and organically grown ingredients in products of category 1 (b) have been grown in Australia

▼M3

3. **Inspection bodies:**

   — Australian Quarantine Inspection Service (AQIS)
   — Bio-dynamic Research Institute (BDRI)
   — Biological Farmers of Australia (BFA)
   — Organic Vignerons Association of Australia Inc. (OVAA)
   — Organic Herb Growers of Australia Inc. (OHGA)
   — National Association of Sustainable Agriculture, Australia (NASAA)

4. Certificate issuing bodies: as at 3

▼M2

5. **Duration of the inclusion:** 30. 6. 2000

HUNGARY

1. **Product categories:**

   (a) unprocessed crop products within the meaning of Article 1 (1) (a) of Regulation (EEC) No 2092/91,

   (b) foodstuffs composed essentially of one or more ingredients of plant origin within the meaning of Article 1 (1) (b) of Regulation (EEC) No 2092/91

2. **Origin:** products of category 1 (a) and organically grown ingredients in products of category 1 (b) have been grown in Hungary

3. **Inspection bodies:** Biokultura Association and Skal

4. **Certificate issuing bodies:** Biokultura Association and Skal (Office in Hungary)

▼M3

5. Duration of the inclusion: 30.6.2000

▼M2

ISRAEL

1. **Product categories:**

▼M2

(a) unprocessed crop products within the meaning of Article 1 (1) (a) of Regulation (EEC) No 2092/91,

(b) foodstuffs composed essentially of one or more ingredients of plant origin within the meaning of Article 1 (1) (b) of Regulation (EEC) No 2092/91

2. **Origin:** products of category 1 (a) and organically grown ingredients in products of category 1 (b) have been grown in Israel

▼M3

3. Inspection authority: Ministry of Agriculture

4. Certificate issuing authority: as at 3

▼M2

5. **Duration of the inclusion:** 30. 6. 2000

SWITZERLAND

▼M3

1. **Product categories:**

(a) unprocessed crop products within the meaning of Article 1(1)(a) of Regulation (EEC) No 2092/91, with the exception of products produced during the conversion period, as referred to in Article 5(5) of that Regulation,

(b) foodstuffs composed essentially of one or more ingredients of plant origin within the meaning of Article 1(1)(b) of Regulation (EEC) No 2092/91, with the exception of products, as referred to in Article 5(5) of that Regulation, containing an ingredient of agricultural origin produced during the conversion period

▼M2

2. **Origin:** products of category 1 (a) and organically grown ingredients in products of category 1 (b) have been grown in Switzerland or have been imported into Switzerland:

— either from the European Community,

— or from a third country in the framework of a regime which is recognized equivalent in accordance with the provisions of Article 11 (1) of Regulation (EEC) No 2092/91,

— or from a third country for which an EU Member State has accepted in accordance with the provisions of Article 11 (6) of Regulation (EEC) No 2092/91 that the same product was produced and inspected in that country under the same arrangements as accepted by the EU Member State

▼M3

3. 'Vereinigung Schweizerischer Biologischer Landbauorganisationen' (VSBLO), 'Institut für Marktökologie' (IMO), 'Forschungsinstitut für Biologischen Landbau' (FIBL) and 'Association Suisse pour Systèmes de Qualité et Management' (SQS)

4. Certificate issuing bodies: as at 3

5. Duration of the inclusion: 31.12.2002.