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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
►**M4**	Commission Regulation (EC) No 548/2000 of 14 March 2000	L 67	12	15.3.2000
►**M5**	Commission Regulation (EC) No 1566/2000 of 18 July 2000	L 180	17	19.7.2000
►**M6**	Commission Regulation (EC) No 1616/2000 of 24 July 2000	L 185	62	25.7.2000
►**M7**	Commission Regulation (EC) No 2426/2000 of 31 October 2000	L 279	19	1.11.2000
►**M8**	Commission Regulation (EC) No 349/2001 of 21 February 2001	L 52	14	22.2.2001
►**M9**	Commission Regulation (EC) No 2589/2001 of 27 December 2001	L 345	18	29.12.2001
►**M10**	Commission Regulation (EC) No 1162/2002 of 28 June 2002	L 170	44	29.6.2002
►**M11**	Commission Regulation (EC) No 2382/2002 of 30 December 2002	L 358	120	31.12.2002
►**M12**	Commission Regulation (EC) No 545/2003 of 27 March 2003	L 81	10	28.3.2003
►**M13**	Commission Regulation (EC) No 2144/2003 of 8 December 2003	L 322	3	9.12.2003
►**M14**	Commission Regulation (EC) No 746/2004 of 22 April 2004	L 122	10	26.4.2004

Corrected by:

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

►**C2** Corrigendum, OJ L 230, 12.9.2000, p. 20 (548/2000)

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COMMISSION REGULATION (EEC) No 94/92

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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 products

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

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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 presentation of on-the-spot examination reports established by independent experts, or

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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

▼M6

ARGENTINA

1. **Product categories:**

   (a) unprocessed crop products and livestock and unprocessed livestock products within the meaning of Article 1(1)(a) of Regulation (EEC) No 2092/91, with the exception of:

   — livestock and livestock products, bearing or intended to bear indications referring to conversion;

   (b) processed agricultural crop and livestock products intended for human consumption within the meaning of Article 1(1)(b) of Regulation (EEC) No 2092/91 with the exception of:

   — livestock products bearing or intended to bear indications referring to conversion.

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

▼M7

3. **Inspection bodies:**

   — Instituto Argentino para la Certificación y Promoción de Productos Agropecuarios Orgánicos SRL (Argencert)
   — Oragnización Internacional Agropecuaria (OIA)
   — Letis SA

▼M13

   — Food Safety SA

▼M6

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

▼M11

5. **Duration of the inclusion:** 30.6.2008

▼M2

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. ►M5 **Inspection bodies:**

   — Australian Quarantine and Inspection Service (AQIS) (Department of Agriculture, Fisheries and Forestry)
   — Bio-dynamic Research Institute (BDRI) ◄

▼M13

▼M12

▼M5

   — Organic Herb Growers of Australia Inc. (OHGA)
   — Organic Food Chain Pty Ltd (OFC)
   — National Association of Sustainable Agriculture, Australia (NASAA)

▼M13

   — Australian Certified Organic Inc.

▼M3

4. Certificate issuing bodies: as at 3

▼M11

5. **Duration of the inclusion:** 30.6.2008

▼M12

COSTA RICA

1. **Product categories:**

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

   (b) processed crop products intended for human consumption within the meaning of Article 1(1)(b) of Regulation (EEC) No 2092/91.

2. Origin:

   Products of category 1(a) and organically produced ingredients in products of category 1(b) that have been produced in Costa Rica.

3. Inspection bodies: Eco-LOGICA and BCS Oko-Garantie.

4. Certificate issuing body: Ministerio de Agricultura y Ganadería.

5. Duration of the inclusion: 30.6.2006.

▼M14

▼M2

ISRAEL

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. ►M6 **Origin:** Products of category 1(a) and organically produced ingredients in products of category 1(b) that have been produced in Israel or have been imported into Israel:

   — either from the European Community,

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

▼M4

3. **Inspection authority**: Plant Protection and Inspection Services (PPIS) (Ministry of Agriculture and Rural Development)

▼M3

4. Certificate issuing authority: as at 3

▼M11

5. **Duration of the inclusion:** 30.6.2008

▼M6

SWITZERLAND

1. **Product categories:**

   (a) unprocessed crop products and livestock and unprocessed livestock 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,

      — products from beekeeping;

   (b) processed agricultural crop and livestock products intended for human consumption 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,

      — products containing beekeeping products, produced in Switzerland, within the ingredients from organic production.

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

▼M6

— either from the European Community,

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

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

▼M13

— or from a third country whose production rules and inspection system have been recognised by Switzerland as being equivalent to those established under Swiss legislation.

▼M6

3. **Inspection bodies:** Institut für Marktökologie (IMO), bio.inspecta AG and Schweizerische Vereinigung für Qualitäts- und Management-Systeme (SQS).

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

▼M11

5. **Duration of the inclusion:** 30.6.2008

▼M10

NEW ZEALAND

1. **Product categories:**

(a) unprocessed agricultural crop products, livestock and unprocessed livestock products within the meaning of Article 1(1)(a) of Regulation (EEC) No 2092/91, with the exception of:

— livestock and livestock products bearing or intended to bear indications referring to conversion,

— products from aquaculture;

(b) processed agricultural crop and livestock products intended for human consumption within the meaning of Article 1(1)(b) of Regulation (EEC) No 2092/91, with the exception of:

— livestock products bearing or intended to bear indications referring to conversion,

— products containing products from aquaculture.

2. Origin:

Products of category 1(a) and organically produced ingredients in products of category 1(b) that have been produced in New Zealand or have been imported into New Zealand:

— either from the European Community,

— or from a third country within the framework of arrangements which are recognised as equivalent to the provisions of Article 11(1) of Regulation (EEC) No 2092/91,

— or from a third country whose rules of production and inspection system have been recognised as equivalent to the MAF Food Official Organic Assurance Programme on the basis of assurances and information provided by this country's competent authority in accordance with the provisions established by MAF and provided that only organically produced ingredients intended to be incorporated, up to a maximum of 5 % of products of agricultural origin, in products of category 1(b) prepared in New Zealand are imported.

3. **Inspection bodies:** BIO-GRO New Zealand; Certenz.

4. ►M13 **Certificate issuing body:** Ministry of Agriculture and Forestry (MAF) — New Zealand Food Safety Authority (NZFSA). ◄

5. **Duration of the inclusion:** 30 June 2006.