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**REPORT FROM THE COMMISSION TO THE EUROPEAN PARLIAMENT AND
THE COUNCIL**

on the recognition of third countries for the purpose of equivalence on organic products

1. Introduction

According to the EU's new legislative framework on organic production and labelling of organic products¹ that started applying on 1st January 2022, a product that falls under the scope of Regulation (EU) 2018/848 may be imported from a third country for the purpose of placing that product on the market if²:

- the product complies with the relevant provisions related to the objectives and principles of organic production as well as with the production and labelling rules of Regulation (EU) 2018/848 and all operators have been subject to controls by control authorities or control bodies recognised in accordance with Article 46 of that Regulation, or
- the product comes from a third country which is recognised under a trade agreement in accordance with Article 47 of Regulation (EU) 2018/848 as having a system of production meeting the same objectives and principles by applying rules which ensure the same level of assurance of conformity as those of the Union (equivalence), or
- the product comes from a third country which is recognised for the purposes of equivalence under Article 33(2) of Regulation (EC) No 834/2007³.

This report provides the state of application of Articles 47 and 48 of Regulation (EU) 2018/848 regarding the recognition of third countries for the purpose of equivalence, as required under Article 49 of that Regulation⁴.

Detailed information concerning the import of organic products from third countries is available at: https://agriculture.ec.europa.eu/cap-my-country/performance-agricultural-policy/studies-and-reports/market-analyses-and-briefs_en. Total imports of organic agri-food products in the EU reached 2.87 million tonnes in 2021. Over the last three years, total volumes of imported organic products did not present important fluctuations.

According to the EU's legislative framework, imports of organic products from any recognised third country are subject to official controls including documentary checks on all consignments, identity checks carried out randomly and physical checks depending on the likelihood of non-compliance. Any suspicion of non-compliance is communicated to the competent authority of the third country concerned with the request to perform an investigation and to report on the organic status of the product concerned. Depending on the results of this process, products may be released into the market as organic or not.

¹ Regulation (EU) 2018/848 of the European Parliament and of the Council of 30 May 2018 on organic production and labelling of organic products and repealing Council Regulation (EC) No 834/2007 (OJ L 150, 14.6.2018, p. 1).

² Article 45 of Regulation (EU) 2018/848.

³ Article 48 of Regulation (EU) 2018/848.

⁴ Article 49 provides that “by 31 December 2022, the Commission shall present a report to the European Parliament and the Council on the state of application of Articles 47 and 48, in particular as regards the recognition of third countries for the purpose of equivalence”.

2. Equivalences under a trade agreement

There are currently three bilateral agreements in place between the EU and respectively Chile, Switzerland and the UK. The Parties exchange regularly information, including on their monitoring and supervisory activities and on updates in production standards and controls measures as well as on any suspicion of irregularity that may arise in the framework of the controls carried out by the Parties. The recognition of equivalence with Chile, Switzerland and the UK will be updated to take account of the entry into application of the EU's new legislative framework. Third countries concerned were informed accordingly. The relevant works are expected to start in 2023.

Information is provided in the following sub-sections on the bilateral agreements in place between the EU and respectively Chile, Switzerland and the UK including the product categories concerned and any additional clarification on that recognition if applicable.

2.1. EU-Chile

The European Union (EU) and Chile concluded an agreement for trade in organic products in 2017, which entered into force in January 2018⁵.

The scope of this recognition, as far as organic products imported into the EU from Chile and organic products imported into Chile from the EU are concerned, is laid down in Article 4 and in Annexes I and II to the Agreement:

Category of products	Remarks
Unprocessed plant products	According to CN codes
Honey	
Processed plant products for use as food	
Vegetative propagating material and seeds for cultivation	

- Organic products imported into the EU: unprocessed agricultural products produced in Chile and processed agricultural products for use as food that have been processed in Chile with organically grown ingredients that have been produced in Chile or that have been imported into Chile either from the EU or from a third country in the framework of a regime that is recognised as equivalent by the EU.
- Organic products imported into Chile: unprocessed and processed agricultural products that are produced or processed in the Union.

2.2. EU-Switzerland

The mutual equivalency recognition is laid down in the Agreement between the European Community and the Swiss Confederation on trade in agricultural products⁶, Annex 9 (on organically produced agricultural products and foodstuffs). It has evolved over the years.

⁵ Agreement between the European Union and the Republic of Chile on trade in organic products (OJ L 331, 14.12.2017, p. 4-18).

The following table provides an overview of the categories of products for which equivalency is granted by the EU to Switzerland:

Category of products	Remarks
Unprocessed plant products	With the exception of products produced during the conversion period
Live animals and unprocessed animal products	
Processed agricultural products for use as food	With the exception of products containing an ingredient of agricultural origin produced during the conversion period
Processed agricultural products for use as feed	With the exception of products containing an ingredient of agricultural origin produced during the conversion period
Vegetative propagating material and seeds for cultivation	

In order for unprocessed organic products to be imported into the EU from Switzerland, they need to be produced in Switzerland. Processed agricultural products imported into the EU from Switzerland need to have been processed in Switzerland with ingredients grown in Switzerland or imported into Switzerland either from the Union or from a third country for which Switzerland has recognised that the products have been produced and controlled in that third country in accordance with rules equivalent to those laid down in the Swiss legislation. The same conditions apply respectively for products imported into Switzerland from the EU.

2.3. EU-UK

The EU and the United Kingdom (UK) have mutually recognised the equivalence of their organics systems in the Trade and Cooperation Agreement⁷ (TCA) signed on 30 December 2020, in application since 1 January 2021. The scope of this recognition, as far as organic products imported into the EU from the UK and organic products imported into the UK from the EU are concerned, is laid down in respectively Appendixes 14-A and 14-B to Annex 14 of the TCA and is the same:

Categories of products	Remarks
Unprocessed plant products	
Live animals or unprocessed animal products	Includes Honey
Aquaculture products and seaweeds	
Processed agricultural products for use as food	

⁶ Agreement between the European Community and the Swiss Confederation on trade in agricultural products (OJ L 114, 30.4.2002, p. 132).

⁷ Trade and Cooperation Agreement between the European Union and the European Atomic Energy Community, of the one part, and the United Kingdom of Great Britain and Northern Ireland, of the other part (OJ L 149, 30.4.2021, p. 10).

Processed agricultural products for use as feed	
Seeds and propagating material	

In order for unprocessed organic products to be imported into the EU from the UK they need to be produced in the UK. Processed agricultural products imported into the EU need to have been processed in the UK with ingredients grown in the UK or imported into the UK in accordance with its laws and regulations. The same conditions apply respectively for products imported into the UK from the EU.

3. Equivalences under Article 33(2) of Regulation (EC) No 834/2007⁸

Eleven third countries have been recognised unilaterally by the EU as having an equivalent organic system to the EU's system under Article 33(2) of Regulation (EC) No 834/2007⁹: Canada, Israel, Japan, New Zealand, Tunisia, the Republic of Korea, the United States, Argentina, Australia, Costa Rica and India. Such recognitions may only be for certain product categories as indicated below. Canada, Israel, Japan, New Zealand, Tunisia, the Republic of Korea and the United States have also recognised unilaterally the EU as having an equivalent system to their own.

Regular exchanges of information take place with these third countries, including on their monitoring and supervisory activities and on updates in production standards and controls measures as well as on any suspicion of irregularity that may be identified in the framework of the controls carried out.

The latest third country to be granted an equivalency based on Article 33(2) of Regulation (EC) No 834/2007 was the Republic of Korea, recognised for processed agricultural products for use as food in 2015¹⁰. The Republic of Korea also granted an equivalency to the EU with the same scope.

The latest amendment for an extension of the recognition of equivalence of a third country based on Article 33(2) of Regulation (EC) No 834/2007 related to Canada. In 2016, the recognition of Canada was extended to include organic wine as well as processed products for use as food or

⁸ Council Regulation (EC) No 834/2007 of 28 June 2007 on organic production and labelling of organic products and repealing Regulation (EEC) No 2092/91 (OJ L 189, 20.7.2007, p. 1).

⁹ See Annex I to Commission Implementing Regulation (EU) 2021/2325 of 16 December 2021 establishing, pursuant to Regulation (EU) 2018/848 of the European Parliament and of the Council, the list of third countries and the list of control authorities and control bodies that have been recognised under Article 33(2) and (3) of Council Regulation (EC) No 834/2007 for the purpose of importing organic products into the Union (OJ L 465, 29.12.2021, p. 8).

¹⁰ Commission Implementing Regulation (EU) 2015/131 of 23 January 2015 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 (OJ L 23, 29.1.2015, p. 1).

feed with imported organic ingredients¹¹. Canada also extended its recognition of the EU with the same scope.

In 2021, measures were taken by the Commission in relation to equivalency granted to India. Following the detection of a high number of contamination with unauthorised products in consignments coming from India, the lack of response on the root causes of the failure of the control system from the control bodies involved in those contaminations and the inappropriate corrective measures taken by those control bodies and the competent authority as well as the non-respecting of the scope of the recognition granted to India, five control bodies were removed from the list of control bodies recognised and supervised by the Indian Competent Authority¹².

According to Article 48(1) of Regulation (EU) 2018/848¹³, the recognitions of these third countries shall expire on 31 December 2026. The Council has authorised the Commission to open negotiations with these countries with a view to concluding agreements on trade in organic products¹⁴. The 11 third countries concerned have been informed accordingly and negotiations will be launched.

Information is provided in the following sub-sections concerning the 11 third countries that have been recognised unilaterally by the EU as having an equivalent organic system to the EU's system under Article 33(2) of Regulation (EC) No 834/2007, including the product categories and any additional clarification on that recognition if applicable.

3.1. Argentina

Category of products		Remarks
Unprocessed plant products	A	-
Live animals or unprocessed animal products	B	-
Processed agricultural products for use as food (wine, yeast not included)	D	-

¹¹ Commission Implementing Regulation (EU) 2016/459 of 18 March 2016 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 (OJ L 80, 31.3.2016, p. 14).

¹² Commission Implementing Regulation (EU) 2021/2325 of 16 December 2021 establishing, pursuant to Regulation (EU) 2018/848 of the European Parliament and of the Council, the list of third countries and the list of control authorities and control bodies that have been recognised under Article 33(2) and (3) of Council Regulation (EC) No 834/2007 for the purpose of importing organic products into the Union (OJ L 465, 29.12.2021, p. 8). See in particular recital 6 of this Regulation, which provides reasons for the concerned control bodies not being listed in Annex I of the Regulation. Regulation 2021/2325 is currently the subject of a court challenge in Case T-123/22 *Ecocert India v Commission*.

¹³ As amended by Regulation (EU) 2020/1693 of the European Parliament and of the Council of 11 November 2020 amending Regulation (EU) 2018/848 on organic production and labelling of organic products as regards its date of application and certain other dates referred to in that Regulation (OJ L 381, 13.11.2020, p. 1).

¹⁴ Council Decision (EU) 2021/1345 of 28 June 2021 authorising the opening of negotiations with Argentina, Australia, Canada, Costa Rica, India, Israel, Japan, New Zealand, South Korea, Tunisia and the United States with a view to concluding agreements on trade in organic product (OJ L 306, 31.8.2021, p. 2).

Vegetative propagating material and seeds for cultivation	F	-
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Origin: products of categories A, B and F that have been grown in Argentina and products of category D processed in Argentina with organically grown ingredients that have been grown in Argentina.

3.2. Australia

Category of products		Remarks
Unprocessed plant products	A	
Processed agricultural products for use as food (wine, yeast not included)	D	Composed essentially of one or more ingredients of plant origin
Vegetative propagating material and seeds for cultivation	F	-

Origin: products of categories A and F that have been grown in Australia and products of category D processed in Australia with organically grown ingredients that have been grown in Australia.

3.3. Canada

Category of products		Remarks
Unprocessed plant products	A	-
Live animals or unprocessed animal products	B	-
Processed agricultural products for use as food	D	-
Processed agricultural products for use as feed	E	-
Vegetative propagating material and seeds for cultivation	F	-

Origin: products of category A, B and F that have been grown in Canada and products of category D and E processed in Canada with organically grown ingredients that have been grown in Canada or that have been imported into Canada in accordance with the Canadian legislation. The EU was granted similar possibilities for the export of organic products.

3.4. Costa Rica

Category of products		Remarks
Unprocessed plant products	A	
Processed agricultural products for use as food (wine and yeast not included)	D	Processed plant products only
Vegetative propagating material and seeds for cultivation	F	-

Origin: products of categories A and F that have been grown in Costa Rica and products of category D processed in Costa Rica with organically grown ingredients that have been grown in Costa Rica.

3.5. Israel

Category of products or products		Remarks
Unprocessed plant products	A	-
Processed agricultural products for use as food (wine and yeast not included)	D	Composed essentially of one or more ingredients of plant origin
Vegetative propagating material and seeds for cultivation	F	-

Origin: products of category A and F that have been grown in Israel and products of category D processed in Israel with organically grown ingredients that have been grown in Israel or that have been imported into Israel either from the Union or from a third country in the framework of a regime which is recognised as equivalent in accordance with Article 33(2) of Regulation (EC) No 834/2007.

In 2016, Israel granted the EU a recognition for unprocessed plant products and vegetative propagating material and seeds for cultivation as well as processed agricultural products for use as food composed essentially of ingredients of plant origin certified as organic in accordance with the EU legislation.

3.6. India

Category of products or products		Remarks
Unprocessed plant products	A	-
Vegetative propagating material and seeds for cultivation	F	-

Origin: products of categories A and F that have been grown in India.

3.7. Japan

Category of products		Remarks
Unprocessed plant products	A	-
Processed agricultural products for use as food (wine not included)	D	Composed essentially of one or more ingredients of plant origin

Origin: products of category A that have been grown in Japan and products of category D processed in Japan with organically grown ingredients that have been grown in Japan or that

have been imported into Japan either from the Union or from a third country for which Japan has recognised that the products have been produced and controlled in that third country in accordance with rules equivalent to those laid down in the Japanese legislation. The EU was granted similar possibilities for the export of organic products, EU operators can use ingredients imported according to the EU legislation.

3.8. Republic of Korea

Category of products		Remarks
Processed agricultural products for use as food	D	-

Origin: products of category D processed in the Republic of Korea with organically grown ingredients that have been grown in the Republic of Korea or that have been imported into the Republic of Korea either from the Union or from a third country for which the Republic of Korea has recognised that the products have been produced and controlled in that third country in accordance with the rules equivalent to those laid down in the legislation of the Republic of Korea. The EU was granted similar possibilities for the export of organic products.

3.9. New Zealand

Category of products		Remarks
Unprocessed plant products	A	-
Live animals or unprocessed animal products	B	-
Processed agricultural products for use as food (yeast not included)	D	-
Vegetative propagating material and seeds for cultivation	F	-

Origin: products of category A, B and F that have been grown in New Zealand and products of category D processed in New Zealand with organically grown ingredients that have been grown in New Zealand or that have been imported into New Zealand either from the Union, or from a third country in the framework of a regime which is recognised as equivalent in accordance with Article 33(2) of Regulation (EC) No 834/2007, or from a third country whose rules of production and inspection have been recognised as equivalent by New Zealand 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 D prepared in New Zealand are imported. The EU was granted similar possibilities for the export of organic products.

3.10. Tunisia

Category of products		Remarks
Unprocessed plant products	A	-
Processed agricultural products for use as food (wine and yeast not included)	D	Composed essentially of one or more ingredients of plant origin
Vegetative propagating material and seeds for cultivation	F	-

Origin: products of categories A and F that have been grown in Tunisia and products of category D processed in Tunisia with organically grown ingredients that have been grown in Tunisia.

3.11. United States

Product categories

Category of products or products		Remarks
Unprocessed plant products	A	-
Live animals or unprocessed animal products	B	-
Processed agricultural products for use as food	D	-
Processed agricultural products for use as feed	E	-
Vegetative propagating material and seeds for cultivation	F	-

Origin: products of categories A, B and F and organically grown ingredients in products of categories D and E that have been grown in the United States, or have been imported into the United States and processed or packaged in the United States in accordance with US legislation. The EU was granted similar possibilities for the export of organic products.