

**Notes for guidance intended for importers of
organic products according to Council Regulation
(EC) No. 2092/91 (as amended) from third countries
into the European Union**

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1. Introduction

All produce from third countries labelled as organic must conform to strict rules which cover all stages of production and processing. In the European Union (EU), the basic rules governing organic production, processing and import are laid down in Council Regulation (EC) 2092/91 as amended.

- Organic products from within the EC can be circulated freely in all EU Member States, provided they are produced, processed or exported in conformity with Regulation (EC) 2092/91 as amended
- The European Commission has recognised that a number of third countries operate production rules and inspection systems which are equivalent to those operating within the EU. These countries and products are listed in the Annex to Regulation (EC) 94/92 as amended. Approved products from these countries, provided they have been inspected and certified by one of the approved inspection bodies, may be brought freely into the EU and marketed as organic
- Products from all other third countries can be brought in to the EC and labelled as organic, provided prior authorisation of your competent authority according to article 11 (6) of Regulation 2092/91 has been obtained. In the UK, the competent authority is Defra.

2. Step by step guide for importers of organic produce from third countries into the EU

Step 1. Registration and inspection of the importer in the EU

You need to be registered with an approved EU inspection body, demonstrating your compliance with the conditions laid down in Regulation (EC) No. 2092/91, as amended.

Please contact the Organic Team of Defra, Tel: 0207 238 5777, to obtain further information

Step 2. Importing from a third country listed on the third countries list (Regulation (EC) No. 94/92 as amended) or another third country?

(a) Third countries list: Imports from third countries recognised by the European Commission for the export of organic produce

The European Commission has recognised that some third countries operate production rules and inspection systems equivalent to those operating within the EC. These countries, the products, and their inspection bodies or inspection authorities issuing the Certificates of Inspection are listed in the Annex to Regulation (EC) 94/92 as amended.

Imports of the specified organic products into the EU are permitted without prior approval from the competent EU authorities provided that each consignment is accompanied by a Certificate of Inspection according to Regulation (EC) No. 1788/2001 issued by one of the approved inspection bodies or inspection authorities from the third country listed in the Annex to Regulation (EC) 94/92 as amended.

You do not need to complete an 'Initial application to market in the EU organic products from third countries according to article 11(6) of Regulation (EC) 2092/91' if the terms of your application meet the requirements of Regulation 94/92 as amended.

(b) Import Permits/Authorisations: Imports from third countries which have not been recognised by the European Commission for the export of organic produce

Importers may market in the EU organic products from a third country not listed in the Annex to Regulation (EC) 94/92 as amended provided they have been authorised by the competent authority in a Member State. Defra is the Competent authority in the UK. The rules from importing produce from these countries are set out in Article 11(6) of Council Regulation (EC) 2092/91.

Before authorisation is given, importers must demonstrate to their competent EU authority that the products to be imported:

- Were produced to rules equivalent to those laid down in Articles 6 and 7 of Council Regulation (EC) 2092/91 (as amended); and
- Were subject to measures of equivalent effectiveness to those laid down in Articles 8 and 9 of Council Regulation (EC) 2092/91 (as amended) and the such inspection measures will be permanently and effectively applied.

To get an authorisation, an 'Initial application to market in the EU organic products from third countries according to article 11(6) of Regulation (EC) 2092/91' must be completed. The authorisation, when issued, will be valid for 12 months.

Please note – authorisations will not be backdated or granted retrospectively, so it is essential that you apply for authorisation before goods are imported. Your imported products can only be marketed as organic if you have previously received an authorisation from your competent authority.

Step 3. Certificate of Inspection for import of products from organic production (Regulation (EC) No. 1788/2001)

Before any imported organic products can be cleared into free circulation in the EU, a **Certificate of Inspection** for import of products from organic production must be endorsed by the port/Customs authorities in the Member State.

The Certificate of Inspection must be drawn up by the inspection body in the third country. It does not have to accompany the goods, but must be presented before they can be cleared into free circulation.

In the UK, The Port Health Authority / Local Authority at the point of entry into free circulation will carry out a documentary check before they endorse the certificate. They will check that an authorisation to import organic produce has been issued against a database updated by Defra. It is therefore important that you apply for an authorisation to import organic produce in good time, otherwise your produce may be held up at the port of entry.

3. Completing the application form to import into the EU organic products from third countries according to article 11(6) of Regulation (EC) 2092/91

3.1 General

- The application must be completed in **block letters** and **black ink**
- All applications must bear an original signature of the importer and third country inspection certification body
- Faxed or e-mailed applications will not be accepted. The form must be original
- The application may be for any number of products, **but** (1) a separate form is needed for each third country from which products are to be imported, (2) a separate form is needed for each exporter involved
- Applications will not be processed if any part of the form is left blank. If incomplete forms are received they will be returned to the applicant
- The application form must be stamped, signed and verified by the third country inspection body of carrying out the most recent inspection in the third country

- Acknowledgement: – the importer will receive an acknowledging e-mail soon after we received the application. Acknowledgement of receipt does not imply that your application will be approved. If you do not receive acknowledgement within 10 working days of sending, please contact the Organic Team, Tel: 0207 238 5777.

3.2 Completing Section 1 – details of the importer

This section should be completed with details of the company applying to import organic products into the EU.

Question 1

The following importer details must be given:

- The company name;
- The full postal address, including postcode. This should be the full certified address (see Question 2)
- The name of a contact in the importing company
- The telephone and fax number
- The e-mail address of the contact (where available).

Question 2

In order to import organic products into the EU and market them as organic, UK importers must be registered with one of the approved UK inspection/certification bodies. The following details must be given:

- The name of the importers inspection body
- The registration number with inspection body.

3.3 Completing Section 2 – details of the product(s) to be imported

In this section, details must be provided of the organic product/products to be imported.

Question 3

Give the name of the third country from which the organic products are to be exported. A separate form must be provided for each third country from which products are to be exported.

Question 4

- In the column marked 'product description', you must list the product(s) to be imported.
 - a) You must give full details of the products – for example, it is not sufficient to write 'various herbs and spices'; you must list the name of each herb and spice (for example, basil, dill, parsley, cardamom)
 - b) If the product is processed, you should give us a generic name, but you may provide a specific brand name in addition. For example, "Grandma's Traditional Flakes" could be described as 'toasted flaked corn', but there is no reason why we cannot name "Grandma's Traditional Flakes" in addition
- Only for unprocessed agricultural products from plant origin; give the common name as well as the scientific name of the species
- In column marked 'In conversion (C), Organic (O)', the status of the products should be qualified. If the conversion period has been undergone and the product is organically certified 'O' should be entered. If the product is in conversion, 'C' should be given along with an indication when the conversion period started

- In the column marked 'Estimated Annual Quantity', an estimate of the quantity that is expected to be imported should be given, giving SI unit.

This may continue on a separate sheet, please make sure all requested info is given for each product and that the page is stamped/signed by third country certification body.

3.4 Completing Section 3 – Details of the exporter in the third country

In this section details must be given of the company that is exporting the products.

Question 5

The following details must be given and **MUST** reflect the exporters certificate (if they are certified);

- The company name
- The full postal address, including postcode and third country.

3.5 Completing Section 4 – Details of the operator carrying out the most recent preparation operation in the third country

According to Article 4(3) of Regulation (EC) No. 2092/91 (as amended), the term “‘preparation’ shall mean the operations of preserving and/or processing of agricultural products (including slaughter and cutting of livestock products) and also packaging and/or alterations made to the labelling concerning the presentation of the organic production method of the fresh, preserved and/or processed products”. The operator carrying out the most recent preparation operation in the third country is often the packer or labeller. If this company and the exporter are the same, please tick the corresponding box in Section 4, in this case the points below relating to Question 6 below can be ignored.

Question 6

The following details must be given in relation to the operator carrying out the most recent preparation operation and **MUST** reflect the operators certificate;

- The company name
- The full postal address, including postcode and third country.

3.6 Completing Section 5 – Details of the preparation/processing and agricultural production unit(s) in the third country

This section asks for information on the operators in the rest of the supply chain.

Question 7

This section has been divided into boxes A, B, C and D so that details can be provided on more than one processing unit.

- In the column marked 'name and address' details should be provided of the plant or unit where products are to be prepared or processed. In many cases it may be that the processor is also one of the farms or agricultural holdings. In this case, please give details in Q7 and Q8
- Please make sure the full certified address is provided
- If there are more than 4 processor/preparers, a separate sheet may be provided giving the certified names and addresses of other processor/preparers in the supply chain. This separate sheet **must** be stamped and signed by the third country inspection body completing the form.

Question 8

This section has been divided into 6 boxes so that details can be provided on more than one agricultural holding / farm.

- In the column marked 'name and address' details should be provided of the farm / agricultural holding where products are grown / produced.
- Please make sure the full certified address is provided
- If there are more than 6 agricultural holdings / farms, a separate sheet may be provided giving the certified names and addresses of other agricultural holdings / farms in the supply chain. This separate sheet **must** be stamped and signed by the third country inspection body completing the form.

3.7 Completing Section 6 – Declarations

Once these guidance notes have been read and the application form completed the declaration at Section 6 must be filled out. The inspection body of the exporter (or last certified operator, if exporter is not certified) must sign the declaration. They should also sign/stamp each page of the form in the boxes provided at this stage. Afterwards, the inspection body should return the completed application form to the importer.

Question 9

To be completed by inspection body of the exporter (or last certified operator, if exporter is not certified).

Question 10

To be completed by the importer.

The form should now be sent to Defra at the following address:

Organic Team

Defra –Organic Imports, 8th Floor, 9 Millbank, C/o 17 Smith Square, London SW1P 3JR.

3.8 Completing Annex A – Charge for processing applications

There is a £27 charge for the processing of this application. Please refer to Annex A of the form.

4. Annual Renewals and Amendments

4.1 Annual Renewals

If you hold an import authorisation that is due to expire you will need to request a renewal in writing and send along an up to date copy of the organic certificate for the exporter (or last certified point in the third country). We would expect to see that the certificate sent reflects the exporters name and address as we know it, the only exception is where an name/address changes at the same time as an annual renewal is required. There is a charge of £16.50 for this.

4.2 Amendments to existing authorisations

If an addition or amendment is required to an existing import authorisation, the form 'Application to amend authorisation to import and market in the EU organic products from Third Countries according to Article 11(6) Regulation (EC) 2092/91' should be completed. If the amendments/additions relate to operations in the third country the third country inspection/certification body must complete the form and stamp/sign. If the amendments/additions relate to the Importer (address change, for example) the UK certifying body of the importer may endorse the application. There is a charge of £18.50 for the processing of this application.

Section1 – Question 1

The following importer details must be given:

- The company name;
- The full postal address, including postcode. This should be the full certified address as known to Defra. Any change of address would be given in Section 2
- The name of a contact in the importing company, plus Tel/Fax numbers and an e-mail address.

Section1 – Question 2

The following details must be given:

- The name of the importer's UK inspection body must be given, plus the importer's registration number.

Section1 – Question 3

The reference number of the existing import authorisation should be given.

Section 2

Details of the amendment/addition should be given here. If the details of the amendment/addition cannot fit into the box another page should be added, this page must be stamped/signed by the third country inspection/certification body (or UK inspection body of importer – only of amendment relates to importer).