

**COMMISSION IMPLEMENTING REGULATION (EU) 2023/1202****of 21 June 2023****amending Implementing Regulation (EU) 2021/2325 as regards the recognition of certain control authorities and control bodies for the purpose of importing organic products into the Union**

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to 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 <sup>(1)</sup>, and in particular Article 48(3) and Article 57(2) thereof,

Whereas:

- (1) Annex I to Commission Implementing Regulation (EU) 2021/2325 <sup>(2)</sup> sets out the list of third countries whose systems of production and control measures for organic production of agricultural products are recognised as equivalent to those laid down in Council Regulation (EC) No 834/2007 <sup>(3)</sup>.
- (2) India has informed the Commission that its competent authority has withdrawn the accreditation of the control bodies 'APOF Organic Certification Agency' (AOCA- IN-ORG-002), 'Bhumaatha Organic Certification Bureau' (BOCB-IN-ORG-034), 'Karnataka State Organic Certification Agency' (IN-ORG-027), and has suspended the accreditation of the control body 'Faircert Certification Services Pvt Ltd' (IN-ORG-023).
- (3) Japan has informed the Commission that its competent authority has withdrawn the accreditation of the control bodies 'Japan Grain Inspection Association' (JP-BIO-039) and 'OCIA Japan' (JP-BIO-008).
- (4) Japan has informed the Commission that its competent authority has recognised the control body 'Japan Association for Inspection and Investigation of Food Including Fats and Oils' (JP-BIO-042).
- (5) The Republic of Korea has asked the Commission to recognise, in addition to the Ministry of Agriculture, Food and Rural Affairs, the National Agricultural Products Quality Management Service as competent authority.
- (6) Annex II to Implementing Regulation (EU) 2021/2325 sets out the list of control authorities and control bodies recognised for the purpose of equivalence and competent to carry out controls and issue certificates in third countries. In the light of new information and requests received by the Commission since the adoption of Implementing Regulation (EU) 2021/2325, certain changes should be made to that list.
- (7) The Commission has received a request by 'Albinspekt bio.inspecta' to withdraw its recognition for all the third countries it is recognised for, due to its merger with 'Bio.inspecta AG'.

<sup>(1)</sup> OJ L 150, 14.6.2018, p. 1.

<sup>(2)</sup> 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).

<sup>(3)</sup> 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).

- (8) A number of consignments of products imported from India and Egypt certified as organic by Biocert International Pvt Ltd, have been contaminated with products and substances not allowed in organic production and/or conventional production in the Union, including ethylene oxide (ETO), which is carcinogenic, mutagenic and toxic for reproduction. This has resulted in a number of notifications in the Organic Farming Information System (OFIS). The levels of contamination found in the consignments have usually exceeded the maximum residue levels for ETO established by Regulation (EC) No 396/2005 <sup>(4)</sup> of the European Parliament and of the Council.
- (9) Moreover, 'Biocert International Pvt Ltd' has failed to demonstrate that organic products imported under its control have been produced in accordance with production rules and subject to control arrangements equivalent to those laid down in Regulation (EC) No 834/2007 and in Commission Regulations (EC) No 889/2008 <sup>(5)</sup> and (EC) No 1235/2008 <sup>(6)</sup>.
- (10) Biocert has also failed to demonstrate that all operators controlled by 'Biocert International Pvt Ltd' have been subject to control measures of equivalent effectiveness and that such control measures have been permanently and effectively applied in accordance with Article 33(1), point (b), of Regulation (EC) No 834/2007.
- (11) In addition, 'Biocert International Pvt Ltd' has failed to take adequate corrective measures in response to the irregularities and infringements observed.
- (12) Finally, the accreditation body IOAS has informed the Commission about the withdrawal of its ISO/IEC 17065 accreditation of 'Biocert International Pvt Ltd' for all product categories and in all third countries for which it was accredited due to failure to comply with previous sanctions, to take the specified required actions and to resolve non-conformities.
- (13) For each of the reasons set out in recitals (8)-(12) above, and in accordance with Article 4(1), points (d)(v) and (vii) of Commission Delegated Regulation (EU) 2021/1342 <sup>(7)</sup>, 'Biocert International Pvt Ltd' should be withdrawn from the list of control authorities and control bodies set out in Annex II to Implementing Regulation (EU) 2021/2325.
- (14) 'Ecograppo Italia' has informed the Commission of the change of its address.
- (15) The Commission has received a request by 'Indocert' to withdraw its recognition for Cambodia.
- (16) The Commission has received a request by 'Kiwa BCS Öko-Garantie GmbH' to withdraw its recognition for Albania, Bangladesh, Belarus, Bhutan, Cuba, Ethiopia, Guinea-Bissau, India, Iran, Kosovo, Mongolia, Nepal and Pakistan. In addition, 'Kiwa BCS Öko-Garantie GmbH' has informed the Commission of the change of its internet address.
- (17) 'Organic Standard' has informed the Commission of the change of its internet address.
- (18) Implementing Regulation (EU) 2021/2325 should therefore be amended accordingly.
- (19) The measures provided for in this Regulation are in accordance with the opinion of the Organic Production Committee,

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<sup>(4)</sup> Regulation (EC) No 396/2005 of the European Parliament and of the Council of 23 February 2005 on maximum residue levels of pesticides in or on food and feed of plant and animal origin and amending Council Directive 91/414/EEC (OJ L 70, 16.3.2005, p. 1).

<sup>(5)</sup> Commission Regulation (EC) No 889/2008 of 5 September 2008 laying down detailed rules for the implementation of Council Regulation (EC) No 834/2007 on organic production and labelling of organic products with regard to organic production, labelling and control (OJ L 250, 18.9.2008, p. 1).

<sup>(6)</sup> 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 (OJ L 334, 12.12.2008, p. 25).

<sup>(7)</sup> Commission Delegated Regulation (EU) 2021/1342 of 27 May 2021 supplementing Regulation (EU) 2018/848 of the European Parliament and of the Council with rules on the information to be sent by third countries and by control authorities and control bodies for the purpose of supervision of their recognition under Article 33(2) and (3) of Council Regulation (EC) No 834/2007 for imported organic products and the measures to be taken in the exercise of that supervision (OJ L 292, 16.8.2021, p. 20).

HAS ADOPTED THIS REGULATION:

*Article 1*

Implementing Regulation (EU) 2021/2325 is amended as follows:

- (1) Annex I is amended in accordance with Annex I to this Regulation;
- (2) Annex II is amended in accordance with Annex II to this Regulation.

*Article 2*

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

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

Done at Brussels, 21 June 2023.

*For the Commission*  
*The President*  
Ursula VON DER LEYEN

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## ANNEX I

Annex I to Implementing Regulation (EU) 2021/2325 is amended as follows:

- (1) in the table in point 5 of the entry for **'INDIA'**, the rows for code numbers IN-ORG-002, IN-ORG-023, IN-ORG-027 and IN-ORG-034 are deleted;
- (2) in the entry for **'JAPAN'**, the table in point 5 is amended as follows:
  - (a) the rows for code numbers JP-BIO-008 and JP-BIO-039 are deleted;
  - (b) the following row is added:

JP-BIO-042	Japan Association for Inspection and Investigation of Food Including Fats and Oils	<a href="http://www.syken.or.jp">www.syken.or.jp</a>
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- (3) in the entry for **'REPUBLIC OF KOREA'**, point 4 is replaced by the following:

'4. Competent authorities: Ministry of Agriculture, Food and Rural Affairs, [www.enviagro.go.kr/portal/en/main.do](http://www.enviagro.go.kr/portal/en/main.do) and National Agricultural Products Quality Management Service (NAQS), [www.naqs.go.kr/eng/main/main.do](http://www.naqs.go.kr/eng/main/main.do)'.

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## ANNEX II

Annex II to Implementing Regulation (EU) 2021/2325 is amended as follows:

- (1) the entry for '**Albinspekt bio.inspecta**' is deleted;
  - (2) the entry for '**Biocert International Pvt Ltd**' is deleted;
  - (3) in the entry for '**Ecogruppero Italia**', point 1 is replaced by the following:  
'1. Address: Via Siracusa on the corner of Via Merano 95037 – San Giovanni La Punta/Catania-Italy';
  - (4) in the table in point 3 of the entry for '**Indocert**', the row for Cambodia is deleted;
  - (5) the entry for '**Kiwa BCS Öko-Garantie GmbH**' is amended as follows:
    - (a) point 2 is replaced by the following:  
'2. Internet address: [www.kiwa.de/bio](http://www.kiwa.de/bio);
    - (b) in the table in point 3, the rows for Albania, Bangladesh, Belarus, Bhutan, Cuba, Ethiopia, Guinea-Bissau, India, Iran, Kosovo, Mongolia, Nepal and Pakistan are deleted;
  - (6) in the entry for '**Organic Standard**', point 2 is replaced by the following:  
'2. Internet address: <http://www.organicstandard.ua>'.
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