

Problems with third countries imports from the perspective of a competent authority

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Some Background

- An important change to the system of **imports of organic** products into the EU is taking place.
- Up to now there have been only two systems for enabling organic products to correctly enter the European Union, that of third countries recognised as having equivalent systems and the issuing of import authorisations for products considered equivalent by Member States.

The New System

- Article **32 and 33 of 834/2007** establish the control system for **organic imports** into the EU as it is intended to exist for the foreseeable future. This is a change to the current system in that import authorisations by Member States will cease to exist. The new system is **implemented** through Regulation **1235/2008**.

The new system will enable imports under **three methods**.

- Products certified as **compliant** by a **control body** recognised by the European Commission.
- Products imported from a **third country** recognised as **equivalent** by the European Commission.
- Products certified as equivalent by a **control body** recognised by the European Commission.

What worries competent authorities?

- Achieving an **efficient** import system whilst providing sufficient controls to **assure** importers and consumers that the system is **effective**.

What will we lose?

- Fear is that control will be lost.
- But if the new system is operated correctly it could provide **additional safeguards**.

How should the new system work?

- Practicalities still need to come into effect – it will be important to recognise that a **transition period** is required.
- Effective **use of the controls** offered to the Commission by the Regulation will be needed.
- The trade will need to take into account the effects of the new system.

Why should the system change?

- Apart from the new system **reducing bureaucracy** the current system has shown that there is little possibility of a single Member State or even a group of Member States acting to effectively prevent irregularities without the Commission's cooperation and coordination.

Have the problems really been serious enough to warrant change?

- Serious cases are rare – but the issues they raise are of concern.
- **Lack of cooperation** between control bodies.
- **Conflicting evidence** regarding on the spot inspections.

Does the Commission have the experience to deal with these issues?

- Member States have undertaken the majority of assessments and controls.
- However, the Commission have good experienced staff and an awareness of the problems.
- They have already had to deal with difficult, complex cases raised by Member States.
- The **Commission** have shown themselves **prepared to act** in this area.

What will change?

- **Current** system – Member States ban **individual** crop **imports** based on information received.
- **New** system will be based on **serious irregularities** being reported to the Commission for review in conjunction with appropriate Member States.

Is there also an ongoing assessment?

- Every approved **Control Body** will need to be **approved** on an **ongoing basis**.
- There is a requirement for an **annual report** and this is to include the latest assessment by the **accreditation** body.

But what action can there be?

- **Article 12** of Regulation (EC) No **1235/2008** is the relevant piece of legislation.
- Commission has powers to take action under this resulting in product types, countries, regions or even control bodies being **removed**.
- Failure by a control body to provide information or allow on the spot inspection can result in withdrawal from the list.

What if a Control Body views the requirements as empty threats?

- Where a **control body fails** to act in an appropriate and timely manner then the Regulation **requires** the Commission to **remove** them from the list without delay.

So are Member States happy with the new system?

- Although a transition period is recognised as being needed it is hoped that the new system could provide advantages not only for reducing bureaucracy but also to increase the effectiveness of controls.
- **Member States** are naturally concerned to ensure good governance but have been **supportive** of ensuring **sufficient** Commission **powers** to deal with the new system.