

Draft Regulations laid before Parliament under sections 39(3)(b) and 50(6)(a) of the Agriculture Act 2020, for approval by resolution of each House of Parliament.

DRAFT STATUTORY INSTRUMENTS

2021 No. 0000

AGRICULTURE

The Organics (Equivalence and Control Bodies Listing) (Amendment) Regulations 2021

Made - - - - - ***
Coming into force - - - - - ***

The Secretary of State makes these Regulations in exercise of the powers conferred by sections 38(5) and 50(3) of the Agriculture Act 2020(1).

In accordance with sections 39(3)(b) and 50(6)(a) of that Act, a draft of this instrument has been laid before Parliament and approved by a resolution of each House of Parliament.

Citation and commencement

1. These Regulations may be cited as the Organics (Equivalence and Control Bodies Listing) (Amendment) Regulations 2021 and come into force on the day after the day on which they are made.

Council Regulation (EC) No 834/2007

2.—(1) Council Regulation (EC) No 834/2007 on organic production and labelling of organic products(2) is amended as follows.

(2) In Article 32(2) omit “, by regulations,”.

(3) In Article 33—

(a) in paragraph 2 omit “, by regulations,”;

(b) in paragraph 3 omit “, by regulations,”.

(1) 2020 c.21.

(2) EUR 2007/834, amended by S.I. 2019/692, 693. Relevant amendments were made to S.I. 2019/692 by S.I. 2020/1452, S.I. 2020/14521661.

Commission Regulation (EC) No 889/2008

3.—(1) Commission Regulation (EC) No 889/2008 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(3) is amended as follows.

(2) In Article 2, after point (w) insert—

“(x) ‘Article 3 list’ means the list of control bodies and control authorities for the purpose of compliance and relevant specifications referred to in Article 3 of Commission Regulation (EC) No 1235/2008(4);

(y) ‘Article 7 list’ means the list of third countries and relevant specifications referred to in Article 7 of Commission Regulation (EC) No 1235/2008;

(z) ‘Article 10 list’ means the list of control bodies and control authorities for the purpose of equivalence and relevant specifications referred to in Article 10 of Commission Regulation (EC) No 1235/2008.”

(3) In Annex 11, in Part B, paragraph 3(b)—

(a) in point (i), for “Annex I to that Regulation” substitute “the Article 3 list”;

(b) in point (ii), for “Annex III to that Regulation” substitute “the Article 7 list”;

(c) in point (iii), for “Annex IV to that Regulation” substitute “the Article 10 list”.

Commission Regulation (EC) No 1235/2008

4.—(1) Commission 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 is amended as follows.

(2) In Article 2, after paragraph 13 insert—

“14. ‘Article 3 list’ means the list of control bodies and control authorities for the purpose of compliance and relevant specifications referred to in Article 3;

15. ‘Article 7 list’ means the list of third countries and relevant specifications referred to in Article 7;

16. ‘Article 10 list’ means the list of control bodies and control authorities for the purpose of equivalence and relevant specifications referred to in Article 10.”

(3) In Article 3—

(a) in paragraph 1, for the final sentence substitute “The Secretary of State must make the list available to the public on the internet. For transitional purposes, the Secretary of State must add to the list the names of the control bodies and control authorities and other information falling within paragraph 2 listed in Annex 1 of this Regulation, as that Annex had effect immediately before it was revoked.”;

(b) at the end of paragraph 2, insert—

“The Secretary of State may make amendments to the information contained in the list from time to time to ensure that it remains accurate and up-to-date.”

(4) In Article 4(5), for the final sentence substitute “If the Secretary of State decides to do so, the Secretary of State must notify the control body or control authority of this decision.”

(5) In Article 5(2) omit “, by regulations,”.

(3) EUR 2008/889, amended by S.I. 2019/693; there are other amending instruments but none is relevant.

(4) EUR 2008/1235, amended by S.I. 2019/692, 2020/1452. Relevant amendments were made to S.I. 2019/692 by S.I. 2020/1452, 1661.

- (6) In Article 7—
- (a) in paragraph 1—
- (i) for the second sentence substitute “The Secretary of State must make the list available to the public on the internet. For transitional purposes, the Secretary of State must add to the list the names of the third countries and other information falling within paragraph 2 listed in Annex 3 of this Regulation, as that Annex had effect immediately before it was revoked, with the exception of the date by which the recognition of equivalence of the European Union is to be reassessed, which must be entered as 31 December 2023.”;
- (ii) in the final sentence, for the words from “in accordance with” to the end substitute “from time to time”;
- (b) at the end of paragraph 2, insert—
- “The Secretary of State may make amendments to the information contained in the list from time to time to ensure that it remains accurate and up-to-date.”.
- (7) In Article 8(4)—
- (a) after the first sentence insert “If the Secretary of State decides to do so, the Secretary of State must notify the third country of this decision.”;
- (b) for the second subparagraph substitute “In that case the Secretary of State must cause the duration of the extension to be entered on the list, and must notify the third country of this decision.”.
- (8) In Article 9(2) omit “, by regulations,”.
- (9) In Article 10—
- (a) in paragraph 1—
- (i) for the second sentence substitute “The Secretary of State must make the list available to the public on the internet. For transitional purposes, the Secretary of State must add to the list the names of the control bodies and control authorities and other information falling within paragraph 2 listed in Annex 4 of this Regulation, as that Annex had effect immediately before it was revoked.”;
- (ii) for the final sentence substitute “The Secretary of State must make amendments to the list available to the public on the internet from time to time.”;
- (b) at the end of paragraph 2 insert—
- “The Secretary of State may make amendments to the information contained in the list from time to time to ensure that it remains accurate and up-to-date.”.
- (10) In Article 11(5), for the final sentence substitute “If the Secretary of State decides to do so, the Secretary of State must notify the control body or control authority of this decision.”.
- (11) In Article 12(2)—
- (a) in the text before subparagraph (a) omit “, by regulations,”;
- (b) in the text after subparagraph (f), omit “, by regulations,”.
- (12) In Article 13—
- (a) in paragraph 3—
- (i) in subparagraph (a), for “Annex III to this Regulation” substitute “the Article 7 list”;
- (ii) in subparagraph (b), for “Annex IV to this Regulation” substitute “the Article 10 list”;
- (b) in paragraph 4—

- (i) in the second subparagraph—
 - (aa) for “Annex III”, in the first place it occurs, substitute “the Article 7 list”;
 - (bb) for “that Annex” substitute “the Article 7 list”;
 - (cc) for “Annex IV” substitute “the Article 10 list”;
 - (dd) for “Annex III or IV” substitute “the Article 7 list or the Article 10 list”;
 - (ii) in the third subparagraph, for “Annex IV” substitute “the Article 10 list”;
 - (c) in paragraph 8, for “Annex 4 of this Regulation” substitute “the Article 10 list”;
 - (d) in paragraph 9, for “Annex 4 of this Regulation” substitute “the Article 10 list”.
- (13) In Article 13c, in the first paragraph, for “Annex III or IV to this Regulation” substitute “the Article 7 list or the Article 10 list”.
- (14) Omit Article 17a.
- (15) Omit Annexes 1, 3 and 4.

Name
Parliamentary Under Secretary of State
Department for Environment, Food and Rural
Affairs

Date

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend retained Council Regulation (EC) No 834/2007 on organic production and labelling of organic products (EUR 2007/834) and its implementing regulations Commission Regulation (EC) No 889/2008 (EUR 2008/889) and Commission Regulation (EC) No 1235/2008 (EUR 2008/1235). Regulation No 1235/2008 implements the rules for imports of organic products from third countries. Currently Annex 1 to the Regulation lists countries and control bodies which comply with UK organic standards, Annex 3 lists countries assessed to have equivalent organic standards, and Annex 4 lists those control bodies assessed to have equivalent organic standards. The Secretary of State has power by regulations to amend each list in certain circumstances.

This instrument omits Annexes 1, 3 and 4 from Regulation 1235/2008 and requires the Secretary of State to publish all three lists online. It provides for the Secretary of State to exercise functions in relation to the lists by administrative act which were previously exercisable by regulations, but does not affect the criteria governing the exercise of those functions.

Regulation 4 amends Commission Regulation 1235/2008 to remove Annexes 1, 3 and 4, and to require the Secretary of State to maintain equivalent lists online. As a transitional provision, the Secretary of State is required to ensure that these lists contain the entries on the corresponding Annex before it was revoked, subject to one alteration in respect of the date on which the recognition of equivalence of the European Union is to expire in Annex 3. The Secretary of State is instead required to set this date as 31 December 2023, reflecting the Trade and Co-operation Agreement with the European Union.

Regulations 2 and 3 make consequential amendments to other instruments arising from the changes made by regulation 4.

The lists are available electronically at www.gov.uk/guidance/importing-and-exporting-organic-food. Hard copies are held and available to view free of charge at the Department for Environment, Food and Rural Affairs, Seacole Building, 2 Marsham Street, Westminster, London SW1P 4DF. A person unable to access these arrangements electronically can arrange access to a hard copy while government advice on social distancing and unnecessary travel applies, by telephoning the Department for Environment, Food and Rural Affairs on 020 7270 3000.

A full regulatory impact assessment has not been produced for this instrument as no, or no significant, impact on the private or voluntary sector is foreseen.