Revised EU Import Rules
Opportunities and risks

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The current import regime
Import Regulation Old System

Government of Country

EU Commission

Importer in EU

Competent authority of Member State

Third Country List

Application → Check

Checking documents to assess competency of Certification Body and equivalency with standards
## Acceptance of local CB‘s in EU

<table>
<thead>
<tr>
<th>Country</th>
<th>Exports to EU</th>
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| China   | 471 import permits  
          | 1 by Chinese CB  
          | 16 by non-Eur. CB‘s |
| India   | 5 (11) Indian CB‘s on Third Country List |
| Peru    | 190 import permits  
          | 24 by Peruvian CB  
          | 10 by US based CB‘s |
| Tunisia | 86 import permits  
          | 0 by non-Europ. CB‘s |

Import authorizations are mostly based on certification by European CB‘s
The coming import regime
Implementation with publication of list of approved CB‘s
In 2010?
EU Import Regulation New System

1. Government of Country
   - Application
   - Check

2. EU Commission
   - Application
   - Check

3. Inspection Body
   - Application
   - Check

4. EU Commission
   - Application
   - Check

5. Third Country List (equivalent)
6. List of insp. body applying a compliant system
7. List of insp. body applying an equivalent system
Equivalence (currently only option)

„Equivalency is the capability to meet the same objectives and principles by applying rules which ensure the same level of assurance of conformity.“

- No tools to assess equivalence
  - Seeds: database? Treated seeds?
  - Conversion period
  - Flexibility rules
- How to insure consistent application?
- Certificate of control mandatory
Compliance

- WTO requirements requesting equal access to EU markets - facilitating trade

- Implementation of all details, e.g.
  - Database for seeds
  - Authorization for use of conventional seeds
  - No internal control system

- Compliance also in national supervisory system?
  - Competent authority, supervision of CBs?

- No certificate of control (but documentary evidence)
Compliance

The more reliable option?

EU Regulation focus on European conditions (climate, crops, socio-economy)
Compliance does not allow for local adaption (e.g. database for seeds, water quality)

compliance is not stricter than equivalence
but may be less effective
Opportunities
Trade

- Importer no longer being responsible to proof equivalency
- No more authorizations
- Reduction of bureaucracy
- In case of compliance procedure no more accompanying certificates.
Third country Certification Bodies:

- No risk for importers with certificates from non-EU and/or small CB’s if they are listed
- CB can prove recognition and do no longer depend on European importers
- Better chances for non-EU-CB’s to enter the market for export certification
- Important to apply for recognition by the EU already in the first application round.
Risks and Concerns
Supervision

- Assessment of CB’s require knowledge and experience of the EU Regulation 2092/91
- ISO 65/EN 45011 is a norm for certification neglecting inspection
- Approval delegated to member states
- Capacities EU Commission for coordination?

consistent on-the-spot assessment of certification bodies in Third Countries

auditors trained in the EU rules and with minimum qualification of organic inspectors
Non-organic requirements

- E.g. burning of crops, water quality, some aspects of animal welfare are not EU Regulation 834/2007
- provision in EU Regulation 2092/91 that other EU regulations also apply
- never determined whether and how this is to be implemented for imported products
Conclusions - opportunities

- Draft implementation rules provide suitable legal framework
  - Expected to be passed soon
  - 12 month application deadline for CB’s (equivalence)
  - 24 months application deadline for CB’s (compliance)
  - Implementation by 2010?

- Facilitating trade (less bureaucracy)

- Better access for non-EU certification bodies
Conclusions – risks and concerns

- Consistent surveillance of European and non-European certification bodies
  - supervision system run by institutions qualified and trained for the specific requirements of the EU regulation
  - based on a common approach
  - Sufficient capacities within EU

- Assessment of compliance and equivalency of standards applied in third countries
  - Guidelines
  - Transparency (publication of assessment)

- Guidance is needed for dealing with non-organic provisions (e.g. water)
Thank you very much