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ANNEX TBT-4: ORGANIC PRODUCTS

Article 1: Objective and scope

1. The objective of this Annex is to set out the provisions and procedures for fostering trade in organic products in accordance with the principles of non-discrimination and reciprocity, by means of the recognition of equivalence by the Parties of their respective laws.
2. This Annex applies to the organic products listed in Appendices A and B which comply with the laws and regulations listed in Appendix C or D. The Partnership Council shall have the power to amend Appendices A, B, C and D.

Article 2: Definitions

For the purposes of this Annex:

“competent authority” means an official agency that has jurisdiction over the laws and regulations listed in Appendix C or D and is responsible for the implementation of this Annex;

“control authority” means an authority on which the competent authority has conferred, in whole or in part, its competence for inspections and certifications in the field of organic production in accordance with the laws and regulations listed in Appendix C or D;

“control body” means an entity recognised by the competent authority to carry out inspections and certifications in the field of organic production in accordance with the laws and regulations listed in Appendix C or D; and

"equivalence" means the capability of different laws, regulations and requirements, as well as inspection and certification systems, of meeting the same objectives.

Article 3: Recognition of equivalence

1. With respect to products listed in Appendix A, the Union shall recognise the laws and regulations of the United Kingdom listed in Appendix C as equivalent to the Union's laws and regulations listed in Appendix D.

2. With respect to products listed in Appendix B, the United Kingdom shall recognise the laws and regulations of the Union listed in Appendix D as equivalent to the United Kingdom's laws and regulations listed in Appendix C.

3. In view of the date of application of 1 January 2022 of 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, the recognition of equivalence referred to in paragraphs 1 and 2 shall be reassessed by each Party by 31 December 2023. If, as a result of that reassessment, equivalence is not confirmed by a Party, recognition of equivalence shall be suspended.

4. Without prejudice to paragraph 3, in the event of the modification, revocation or replacement of the laws and regulations listed in Appendix C or D, the new rules shall be considered equivalent to the other Party's rules unless a Party objects in accordance with the procedure set out in paragraphs 5 and 6.

5. If, following the receipt of further information from the other Party that it has requested, a Party considers that the laws, regulations or administrative procedures or practices of the other Party no longer meet the requirements for equivalence, that Party shall issue a reasoned request to the other Party to amend the relevant laws, regulations or administrative procedures or practices, and shall provide the other Party with an adequate period, which shall not be less than three months, for ensuring equivalence.

6. If, following the expiry of the period in paragraph 5, the Party concerned still considers that the requirements for equivalence are not met, it may take a decision to unilaterally suspend the recognition of equivalence of the relevant laws and regulations listed in Appendix C or D, as regards the relevant organic products listed in Appendix A or B.

7. A decision to unilaterally suspend the recognition of equivalence of the laws and regulations listed in Appendix C or D, as regards the relevant organic products listed in Appendix A or B may also be taken, following the expiry of a notice period of three months, where a Party has not provided the information required under Article 6 or does not agree to a peer review under Article 7.

8. Where recognition of equivalence is suspended in accordance with this Article, at the request of a Party, the Parties shall discuss the matter within the Working Group on Organic Products and they shall make every effort to consider possible measures that would enable recognition of equivalence to be restored.

9. With respect to products not listed in Appendix A or B, equivalence shall be discussed by the Working Group on Organic Products at the request of a Party.

Article 4: Import and placing on the market

1. The Union shall accept the import into its territory of the products listed in Appendix A, and the placing of those products on the market as organic products, provided that those products comply with the laws and regulations of the United Kingdom listed in Appendix C and are accompanied by a certificate of inspection issued by a control body recognised by the United Kingdom and indicated to the Union as referred to in paragraph 3.

2. The United Kingdom shall accept the import into its territory of the products listed in Appendix B, and the placing of those products on the market as organic products, provided that those products comply with the laws and regulations of the Union listed in Appendix D and are accompanied by a certificate of inspection issued by a control body recognised by the Union and indicated to the United Kingdom as referred to in paragraph 3.

3. Each Party recognises the control authorities or control bodies indicated by the other Party as responsible for performing the relevant controls as regards organic products covered by the recognition of equivalence as referred to in Article 3 and for issuing the certificate of inspection as referred to in paragraphs 1 and 2 of this Article with a view to their import into and placing on the market in the territory of the other Party.

4. The importing Party, in cooperation with the other Party, shall assign code numbers to each relevant control authority and control body indicated by the other Party.

Article 5: Labelling

Products imported into the territory of a Party in accordance with this Annex shall meet the requirements for labelling set out in the laws and regulations of the importing Party listed in Appendices C and D. Those products may bear the Union's organic logo, any United Kingdom organic logo or both logos, as set out in the relevant laws and regulations, provided that those products comply with the labelling requirements for the respective logo or both logos.

2. The Parties undertake to avoid any misuse of the terms referring to organic production in relation to organic products that are covered by the recognition of equivalence under this Annex.

3. The Parties undertake to protect the Union's organic logo and any United Kingdom organic logo set out in the relevant laws and regulations against any misuse or imitation. The Parties shall ensure that the Union's organic logo and any United Kingdom organic logo are used only for the labelling, advertising or commercial documents of organic products that comply with the laws and regulations listed in Appendices C and -D.

Article 6: Exchange of information

1. The Parties shall exchange all relevant information with respect to the implementation and application of this Annex. In particular, by 31 March of the second year following the entry into force of this Agreement, and by 31 March of each following year, each Party shall send to the other:

(a) a report that contains information with respect to the types and quantities of organic products exported under this Annex, covering the period from January to December of the previous year;

(b) a report on the monitoring and supervisory activities carried out by its competent authorities, the results obtained, and the corrective measures taken, covering the period from January to December of the previous year; and

(c) details of observed irregularities and infringements of the laws and regulations listed in Appendix C or D, as relevant.

2. Each Party shall inform the other Party without delay of:

(a) any update to the list of its competent authorities, control authorities and control bodies, including the relevant contact details (in particular the address and the internet address);

(b) any changes or repeals it intends to make in respect of laws or regulations listed in Appendix C or Appendix D, any proposals for new laws or regulations or any relevant proposed changes to administrative procedures and practices related to organic products covered by this Annex; and

(c) any changes or repeals it has adopted in respect of laws or regulations listed in Appendix C or Appendix D, any new legislation or relevant changes to administrative procedures and practices related to organic products covered by this Annex.

Article 7: Peer reviews

Following advance notice of at least six months, each Party shall permit officials or experts designated by the other Party to conduct peer reviews in its territory to verify that the relevant control authorities and control bodies are carrying out the controls required to implement this Annex.

2. Each Party shall cooperate with and assist the other Party, to the extent permitted under the applicable law, in carrying out the peer reviews referred to in paragraph 1, which may include visits to offices of relevant control authorities and control bodies, processing facilities and certified operators.

Article 8: Working Group on Organic Products

1. The Working Group on Organic Products shall assist the Trade Specialised Committee on Technical Barriers to Trade in monitoring and reviewing the implementation and ensuring the proper functioning of this Annex.

2. The functions of the Working Group on Organic Products shall be the following:

(a) discussing any matter arising under this Annex at the request of a Party, including any possible need for amendments to this Annex or any of its Appendices;

(b) facilitating cooperation regarding laws, regulations, standards and procedures concerning the organic products covered by this Annex, including discussions on any technical or regulatory issue related to rules and control systems; and

(c) carrying out technical discussions in accordance with Article TBT.10 [Technical discussions] of this Agreement on matters falling within the scope of this Annex.

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APPENDIX A

ORGANIC PRODUCTS FROM THE UNITED KINGDOM FOR WHICH THE UNION RECOGNISES
EQUIVALENCE

Description	Comments
Unprocessed plant products	
Live animals or unprocessed animal products	Includes Honey
Aquaculture products and seaweeds	
Processed agricultural products for use as food	
Processed agricultural products for use as feed	
Seeds and propagating material	

The organic products listed in this Appendix shall be unprocessed agricultural or aquaculture products produced in the United Kingdom or processed agricultural products for use as food or feed that have been processed in the United Kingdom with ingredients that have been grown in the United Kingdom or that have been imported into the United Kingdom in accordance with United Kingdom laws and regulations.

APPENDIX B

ORGANIC PRODUCTS FROM THE UNION FOR WHICH THE UNITED KINGDOM RECOGNISES EQUIVALENCE

Description	Comments
Unprocessed plant products	
Live animals or unprocessed animal products	Includes Honey
Aquaculture products and seaweeds	
Processed agricultural products for use as food	
Processed agricultural products for use as feed	
Seeds and propagating material	

The organic products listed in this Appendix shall be unprocessed agricultural or aquaculture products produced in the Union or processed agricultural products for use as food or feed that have been processed in the Union with ingredients that have been grown in the Union or that have been imported into the Union in accordance with the Union laws and regulations.

APPENDIX C

LAWS AND REGULATIONS ON ORGANIC PRODUCTS APPLICABLE IN THE UNITED KINGDOM¹

The following laws and regulations applicable in the United Kingdom:

1. Retained REGULATION (EC) No 834/2007
2. Retained REGULATION (EC) No 889/2008
3. Retained REGULATION (EC) No 1235/2008
4. The Organic Products Regulations 2009

¹ References in this list to Retained Union law are deemed to be references to such legislation, as amended by the United Kingdom to apply to the United Kingdom.

APPENDIX D

LAWS AND REGULATIONS ON ORGANIC PRODUCTS APPLICABLE IN THE UNION

The following laws and regulations applicable in the Union:

1. Council Regulation (EC) No 834/2007 of 28 June 2007 on organic production and labelling of organic products and repealing Regulation (EEC) No 2092/91²
2. 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 control³
3. 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 countries⁴

² OJ L 189, 20.7.2007, p. 1.

³ OJ L 250, 18.9.2008, p. 1.

⁴ OJ L 334, 12.12.2008, p. 25.