

Industry specific information – organic imports

General legal basis:

Within the EU the principle of free movement of goods applies. Accordingly, purchases of goods from another Member State are not considered to be imports. However, the Regulation (EC) No. 834/2007, as amended, regulates the importation of agricultural and/or processed products from third countries (i. e. non EU countries) in Article 33 respectively in appropriate implementing rules (Reg. (EC) No. 1235/2008). Since 2008, amendments and complementary regulations to Annex III and IV have been issued on an ongoing basis, which must also be complied with (see the download page of [Regulation \(EC\) No. 1235/2008](#)).

Requirements for imports from third countries:

- Imports according to **Regulation (EC) No. 834/2007, Article 33 (2):**
For some third countries, evidence has already been provided, that an appropriate inspection system (according to Regulation (EC) No. 834/2007) exists and the agricultural and processed products from organic farming are equivalent to those of EU Member states.
These countries are listed in the so-called positive list of third countries in Regulation (EC) No. 1235/2008, Annex III. In this list also the approved product categories for import, as well as authorized inspection bodies and the competent authorities can be found:
For updated Annex III see the current consolidated Regulation (EC) No. 1235/2008 and amending regulation. To the download page of [Regulation \(EC\) No. 1235/2008](#).
- Imports according to **Regulation (EC) 834/2007, Article 33 (3):**
Refers to countries not listed in Annex III (see above). The corresponding list containing the inspection bodies approved in these countries (Reg. (EC) 1235/2008, Annex IV) was first published on Dec. 12th, 2011 (Reg. (EU) 1267/2011) and has since been updated. For each inspection body listed in Annex IV, the countries as well as the product categories for which the inspection body is authorized are named.
For the updated Annex IV see the current consolidated Regulation (EC) No. 1235/2008 and amending regulations. To the download page of [Regulation \(EC\) No. 1235/2008](#):

Import notification to the authority and the inspection body:

Each import consignment has to be reported **in advance** to the border veterinarian at Schwechat Airport, Vienna. (*This requirement applies to Austria. For other countries: please, ask for at the relevant authority*).

Likewise, the inspection body has to be informed in advance about each import (by e-mail including a pre-copy of the certificate of inspection – see below).

Import and takeover of goods in the EU:

For **each** consignment a certificate of inspection (COI = Certificate of Inspection) has to be issued by the relevant inspection body/authority of the third country and accompany the goods in the original at the time of custom clearance.

The form and appearance of these certificates of inspection are specified in Regulation (EC) No. 1235/2008, Annex V (a model of a certificate of inspection for the import of organic

products into the European Union in accordance with Article 13 can be found in Regulation (EC) No. 1235/2008, Annex V. To the download page of [Regulation \(EC\) No. 1235/2008](#).

Since Oct. 19th, 2017 all certificates of inspection have to be issued electronically in **TRACES** (Trade Control and Expert System) (Art. 13 (2)). For this, all those involved in the import must be registered in TRACES (inspection body, exporter of the third country, importer and first consignee in the EU). If one of the participants is not registered or activated in TRACES, the issue of a certificate of inspection can not be completed – thus no import can take place!

This link gives you access to TRACES if your company has a current organic certificate as an importer: <https://webgate.ec.europa.eu/cas/login>.

The customs confirms at the time of the customs clearance on the basis of the available documents (original certification of inspection = hand signed TRACES printout) the legality of the import according to Regulation 1235/2008 by a stamp; and the first consignee of the goods confirms this by his signature.

If the first consignee is not the same as the importer of the goods, the first consignee must forward the signed, customs-stamped, **original** certificate of inspection to the importer, who has to keep it for a minimum of 2 years.

(Provisions on "Special Customs Procedures" such as splitting the consignment prior to customs clearance, if necessary, can be found in Reg. 1235/2008, Art. 14)

Labeling of imported goods from third countries:

See general labeling requirements under the link <https://www.abg.at/en/declaration-labeling/>

Summary of documents required for importations¹⁾:

Type of import / country of origin	Necessary documents
Import according to Art 33 (2)	
1) countries on the positive list (<i>Annex III</i>): Argentina, Australia, Chile, Costa Rica, India, Israel, Japan, New Zealand, Canada, Republic of Korea, Switzerland, Tunisia, USA	<ul style="list-style-type: none"> - <i>Certificate of inspection</i> issued by an inspection body/inspection authority mentioned in the positive list - <i>Accompanying documents</i> (delivery note, invoice, freight documents), which confirm the organic status of the agricultural products and their country of origin.
Import according to Art. 33 (3)	
2) all countries not listed in Annex III	<ul style="list-style-type: none"> - <i>Certificate of inspection</i> issued by an inspection body listed in Annex IV. In addition the inspection body has to be approved for the respective country and product category. - <i>Accompanying documents</i> (delivery note, invoice, freight documents), which confirm the organic status of the agricultural products and their country of origin.



Commodity purchases from other EU member states are not considered as imports. For them the certificate of the supplier and the accompanying documents (delivery note, invoice, freight documents), which confirm the organic status of the agricultural products and their country of origin are sufficient.

Please note:

All imports have to be reported also to the inspecting body of your company in advance (via e-mail including a pre-copy of the COI).

If you have questions regarding the organic import activity of your company, I am at your disposal.

Your contact partner:

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