

**NOTIFICATION OF REPLIES TO THE QUESTIONNAIRE ON IMPORT
LICENSING PROCEDURES FROM THE EUROPEAN COMMUNITIES**

Reply of the EUROPEAN COMMUNITIES to the question from the UNITED STATES¹

The following communication, dated 8 November 2002, has been received from the Permanent Delegation of the European Communities.

Question: It is our understanding that the European Communities require organic fruit and vegetable importers to obtain an import authorization prior to import. If this is correct, why was this measure not included in G/LIC/N/3/EEC/4, Annex 1?

Reply: The EC understands that the US refers to the "certificate of inspection for organic imports" required according to Commission Regulation No. 1788/2001². This Regulation, which merely implements Council Regulation (EEC) No. 2092/91³, aims to improve and to complete the inspection of imported agricultural products or foodstuffs from organic production. These products, in order to be marketed with the organic label, must have been produced under *equivalent* production rules and *equivalent* inspection arrangements as those applied to products produced within the EC itself. The equivalency is assessed either by the Commission (procedure of Article 11(1) of Regulation (EEC) No. 2092/91) or bilaterally by the Member States (procedure of Article 11(6) of Regulation (EEC) No. 2092/91, currently applied to most of the third countries). Regulation (EC) No. 1788/01 introduces the same certificate for all imports from third countries, whether they are undertaken under the procedure of Article 11(1) or 11(6) of the Council Regulation (EEC) No. 2092/91. The certificate shall apply from 1 November 2002.

Regulation (EC) No. 1788/01 was notified to the Committee on Technical Barriers to Trade as provided for in the TBT Agreement⁴.

This certificate of inspection for organic imports falls outside the scope of the Agreement on Import Licensing Procedures, as the certificate is not an "import licences regime". Therefore the measure was not notified to the Committee on Import Licensing⁵.

¹ G/LIC/Q/EEC/1; G/LIC/4.

² Commission Regulation (EC) No. 1788/2001 of 7 September 2001 laying down detailed rules for implementing the provisions concerning the certificate of inspection for imports from third countries under Article 11 of Council Regulation (EEC) No. 202/91.

³ Council Regulation (EEC) No. 2092/91 of 24 June 1991 on organic production of agricultural products and indications referring thereto on agricultural products and foodstuffs.

⁴ Notification G/TBT/N/EEC/2 of 6 February 2001.

⁵ Annex 1 of notification G/LIC/N/3/EEC/4 of 17 October 2001.