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ANNEX

**ANNEX**

**to the**

**Proposal for a Council Decision**

**on the position to be taken by the European Union in the Cooperation Committee established by the Agreement on Cooperation and Customs Union between the European Economic Community and the Republic of San Marino with regard to applicable provisions on organic production and labelling of organic products, and arrangements for imports of organic products.**

## ANNEX

### Draft

#### **DECISION No .../2018 OF THE EU - SAN MARINO COOPERATION COMMITTEE of XX YY 2018**

#### **concerning the applicable provisions on organic production and labelling of organic products, and arrangements for imports of organic products adopted under the Agreement on Cooperation and Customs Union between the European Economic Community and the Republic of San Marino**

THE EU-SAN MARINO COOPERATION COMMITTEE,

Having regard to the Agreement on Cooperation and Customs Union between the European Economic Community and the Republic of San Marino<sup>1</sup>, and in particular Articles 7(2) 8(3) c) and 23(1) thereof,

Whereas:

- (1) Article 6(4) of the Agreement on Cooperation and Customs Union between the European Economic Community and the Republic of San Marino ('the Agreement') provides that, in trade in agricultural products between the Union and the Republic of San Marino, the Republic of San Marino undertakes to adopt Union quality legislation where necessary for the proper functioning of the Agreement.
- (2) Under the fifth indent of Article 7(1) of the Agreement, the Republic of San Marino is to apply, in respect of countries not members of the Union ("third countries"), the Union quality legislation where necessary for the proper functioning of the Agreement.
- (3) In order to avoid obstacles to the free circulation of the goods and to ensure the proper functioning of the customs union established by the Agreement, it is appropriate to determine in greater detail the provisions of Union quality legislation applicable to organic production and labelling of organic products.
- (4) In order to ensure compliance with Union legislation in relation to imports of organic products from third countries into the Republic of San Marino, it is necessary to lay down the relevant arrangements to be applied by its national authorities.
- (5) In order to ensure compliance with Union legislation in relation to organic products prepared or produced in the Republic of San Marino, the relevant arrangements should also be laid down.
- (6) It is also appropriate to provide for a procedure to be followed in the event that new Union legislation on organic production and labelling of organic products is adopted that affects the references to the provisions and the arrangements laid down in this Decision,

HAS ADOPTED THIS DECISION:

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<sup>1</sup> OJ L 84, 28.3.2002, p. 43.

### *Article 1*

The applicable provisions of Union legislation on organic production and labelling of organic products are listed in Annex A.

### *Article 2*

Arrangements necessary to ensure compliance with the Union legislation referred to in Article 1 in relation to imports of organic products from third countries into the Republic of San Marino are laid down in Annex B.

### *Article 3*

Arrangements necessary to ensure compliance with the Union legislation referred to in Article 1 in relation to organic products prepared or produced in the Republic of San Marino are laid down in Annex C.

### *Article 4*

Amendments of Annexes A, B and C as well as other practical arrangements necessary for the application of the legislation referred to in those Annexes shall be agreed by the European Commission services and the authorities of the Republic of San Marino.

### *Article 5*

This Decision shall enter into force on the day of its adoption.

Done at Brussels, XX YYY 2018

*For the Cooperation Committee  
The Chairman*

## ANNEX A

### LIST OF APPLICABLE PROVISIONS ON ORGANIC PRODUCTION AND LABELLING OF ORGANIC PRODUCTS

Council Regulation (EC) No 834/2007 of 28 June 2007 on organic production and labelling of organic products and repealing Regulation (EEC) No 2092/91 (OJ L 189, 20.7.2007, p. 1), as amended by:

- Council Regulation (EC) No 967/2008 of 29 September 2008 (OJ L 264, 3.10.2008, p. 1),
- Council Regulation (EU) No 517/2013 of 13 May 2013 (OJ L 158, 10.6.2013, p. 1).

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 control (OJ L 250, 18.9.2008, p. 1), as amended by:

- Commission Regulation (EC) No 1254/2008 of 15 December 2008 (OJ L 337, 16.12.2008, p. 80),
- Commission Regulation (EC) No 710/2009 of 5 August 2009 (OJ L 204, 6.8.2009, p. 15),
- Commission Regulation (EU) No 271/2010 of 24 March 2010 (OJ L 84, 31.3.2010, p. 19),
- Commission Implementing Regulation (EU) No 344/2011 of 8 April 2011 (OJ L 96, 9.4.2011, p. 15),
- Commission Implementing Regulation (EU) No 426/2011 of 2 May 2011 (OJ L 113, 3.5.2011, p. 1),
- Commission Implementing Regulation (EU) No 126/2012 of 14 February 2012 (OJ L 41, 15.2.2012, p. 5),
- Commission Implementing Regulation (EU) No 203/2012 of 8 March 2012 (OJ L 71, 9.3.2012, p. 42),
- Commission Implementing Regulation (EU) No 505/2012 of 14 June 2012 (OJ L 154, 15.6.2012, p. 12),
- Commission Implementing Regulation (EU) No 392/2013 of 29 April 2013 (OJ L 118, 30.4.2013, p. 5),
- Commission Regulation (EU) No 519/2013 of 21 February 2013 (OJ L 158, 10.6.2013, p. 74),
- Commission Implementing Regulation (EU) No 1030/2013 of 24 October 2013 (OJ L 283, 25.10.2013, p. 15),
- Commission Implementing Regulation (EU) No 1364/2013 of 17 December 2013 (OJ L 343, 19.12.2013, p. 29),
- Commission Implementing Regulation (EU) No 354/2014 of 8 April 2014 (OJ L 106, 9.4.2014, p. 7),

- Commission Implementing Regulation (EU) No 836/2014 of 31 July 2014 (OJ L 230, 1.8.2014, p. 10),
- Commission Implementing Regulation (EU) No 1358/2014 of 18 December 2014 (OJ L 365, 19.12.2014, p. 97),
- Commission Implementing Regulation (EU) 2016/673 of 29 April 2016 (OJ L 116, 30.4.2016, p. 8),
- Commission Implementing Regulation (EU) 2016/1842 of 14 October 2016 (OJ L 282, 19.10.2016, p. 19),
- Commission Implementing Regulation (EU) 2017/838 of 17 May 2017, (OJ L 125, 18.5.2017, p. 5),
- Commission Implementing Regulation (EU) 2017/2273 of 8 December 2017 (OJ L 326, 9.12.2017, p. 42).

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 countries (OJ L 334, 12.12.2008, p. 25), as amended by:

- Commission Regulation (EC) No 537/2009 of 19 June 2009 (OJ L 159, 20.6.2009, p. 6),
- Commission Regulation (EU) No 471/2010 of 31 May 2010 (OJ L 134, 1.6.2010, p. 1),
- Commission Implementing Regulation (EU) No 590/2011 of 20 June 2011 (OJ L 161, 21.6.2011, p. 9),
- Commission Implementing Regulation (EU) No 1084/2011 of 27 October 2011 (OJ L 281, 28.10.2011, p. 3),
- Commission Implementing Regulation (EU) No 1267/2011 of 6 December 2011 (OJ L 324, 7.12.2011, p. 9),
- Commission Implementing Regulation (EU) No 126/2012 of 14 February 2012 (OJ L 41, 15.2.2012, p. 5),
- Commission Implementing Regulation (EU) No 508/2012 of 20 June 2012 (OJ L 162, 21.6.2012, p. 1),
- Commission Implementing Regulation (EU) No 751/2012 of 16 August 2012 (OJ L 222, 18.8.2012, p. 5),
- Commission Implementing Regulation (EU) No 125/2013 of 13 February 2013 (OJ L 43, 14.2.2013, p. 1),
- Commission Regulation (EU) No 519/2013 of 21 February 2013 (OJ L 158, 10.6.2013, p. 74),
- Commission Implementing Regulation (EU) No 567/2013 of 18 June 2013 (OJ L 167, 19.6.2013, p. 30),
- Commission Implementing Regulation (EU) No 586/2013 of 20 June 2013 (OJ L 169, 21.6.2013, p. 51),

- Commission Implementing Regulation (EU) No 355/2014 of 8 April 2014 (OJ L 106, 9.4.2014, p. 15),
- Commission Implementing Regulation (EU) No 442/2014 of 30 April 2014 (OJ L 130, 1.5.2014, p. 39),
- Commission Implementing Regulation (EU) No 644/2014 of 16 June 2014 (OJ L 177, 17.6.2014, p. 42),
- Commission Implementing Regulation (EU) No 829/2014 of 30 July 2014 (OJ L 228, 31.7.2014, p. 9),
- Commission Implementing Regulation (EU) No 1287/2014 of 28 November 2014 (OJ L 348, 4.12.2014, p. 1),
- Commission Implementing Regulation (EU) 2015/131 of 26 January 2015 (OJ L 23, 29.1.2015, p. 1),
- Commission Implementing Regulation (EU) 2015/931 of 17 June 2015 (OJ L 151, 18.6.2015, p. 1),
- Commission Implementing Regulation (EU) 2015/1980 of 4 November 2015 (OJ L 289, 5.11.2015, p. 6),
- Commission Implementing Regulation (EU) 2015/2345 of 15 December 2015 (OJ L 330, 16.12.2015, p. 29),
- Commission Implementing Regulation (EU) 2016/459 of 18 March 2016 (OJ L 80, 31.3.2016, p. 14),
- Commission Implementing Regulation (EU) 2016/910 of 9 June 2016 (OJ L 153, 10.6.2016, p. 23),
- Commission Implementing Regulation (EU) 2016/1330 of 2 August 2016 (OJ L 210, 4.8.2016, p. 43),
- Commission Implementing Regulation (EU) 2016/1842 of 14 October 2016 (OJ L 282, 19.10.2016, p. 19),
- Commission Implementing Regulation (EU) 2016/2259 of 15 December 2016 (OJ L 342, 16.12.2016, p. 4),
- Commission Implementing Regulation (EU) 2017/872 of 22 May 2017 (OJ L 134, 23.5.2017, p. 6),
- Commission Implementing Regulation (EU) 2017/1473 of 14 August 2017 (OJ L 210, 15.8.2017, p. 4),
- Commission Implementing Regulation (EU) 2017/1862 of 16 October 2017 (OJ L 266, 17.10.2017, p. 1),
- Commission Implementing Regulation (EU) 2017/2329 of 14 December 2017 (OJ L 333, 15.12.2017, p. 29),
- Commission Implementing Regulation (EU) 2018/949 of 3 July 2018 (OJ L 167, 4.7.2018, p. 3),

as corrected by:

OJ L 28, 4.2.2015, p. 48 (1287/2014),

OJ L 241, 17.9.2015, p. 51 (2015/131).

**ANNEX B**  
**ARRANGEMENTS REFERRED TO IN ARTICLE 2**

1. Organic products imported into the Republic of San Marino from third countries shall be accompanied by a certificate of inspection as referred in point (d) of the first subparagraph of Article 33(1) of Regulation (EC) No 834/2007.
2. The Republic of San Marino shall use the electronic Trade Control and Expert System (TRACES) established by Commission Decision 2003/24/EC<sup>2</sup> to process the electronic certificates of inspection for imports of organic products from third countries.
3. For the purposes of Article 13 of Regulation (EC) No 1235/2008, in respect of imports of organic products from third countries into the Republic of San Marino the verification and endorsement of the certificates of inspections using TRACES shall be carried out on behalf of the Republic of San Marino by the customs offices listed in Annex II to Omnibus Decision No 1/2010<sup>3</sup>.
4. For the purposes of Article 16(2) of Regulation (EC) No 1235/2008, the Republic of San Marino may be requested to act as co-reporter. The Republic of San Marino may accept this task at its own discretion.

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<sup>2</sup> Commission Decision 2003/24/EC of 30 December 2002 concerning the development of an integrated computerised veterinary system (OJ L 8, 14.1.2003, p. 44).

<sup>3</sup> Omnibus Decision No 1/2010 of the EU-San Marino Cooperation Committee of 29 March 2010 establishing various implementing measures for the Agreement on Cooperation and Customs Union between the European Economic Community and the Republic of San Marino (OJ L 156, 23.6.2010, p. 13).

**ANNEX C**  
**ARRANGEMENTS REFERRED TO IN ARTICLE 3**

1. In the relevant Articles of the Regulations listed in Annex A, the term "Member State" or "Member States" shall be understood to include the Republic of San Marino.
2. Where the relevant Articles of the Regulations listed in Annex A provide that a decision must be taken or a communication or notification must be made by a Member State, such decision shall be taken or such communication or notification shall be made by the authorities of the Republic of San Marino. Those authorities shall take into account the opinions of the Union's scientific committees and use as a basis for their decisions the case law of the Court of Justice of the European Union and rules of administrative conduct adopted by the European Commission.