



Brussels, 10.10.2016
COM(2016) 648 final

2016/0316 (NLE)

Proposal for a

COUNCIL DECISION

**on the signing, on behalf of the European Union, of the Agreement between the
European Union and the Republic of Chile on trade in organic products**

EXPLANATORY MEMORANDUM

1. CONTEXT OF THE PROPOSAL

In its conclusions on organic farming of the 3237th Agriculture and Fisheries Council meeting, the Council of the European Union encouraged the Commission to improve the current mechanisms to facilitate international trade in organic products and require reciprocity and transparency in any trade agreement.

On 16 June 2014 the Council authorised the Commission to negotiate agreements between the EU and third countries on trade in organic products.

On the basis of the Council's negotiating directives, the Commission has negotiated with Chile an agreement reciprocally recognising the equivalence of the respective organic production rules and control systems as regards certain products.

The agreement with Chile on trade in organics products aims at fostering trade in organic products between the EU and Chile, achieving a high level of respect of the principle of organic production rules as well as the reciprocal protection of the organic logos.

The equivalence agreement will allow for products produced and controlled according to EU rules to be directly placed on the Chilean market and conversely. It will also provide for a system of co-operation, exchange of information and dispute settlement in organic trade.

Chile will recognise as equivalent all Union's organic products included in the scope of Regulation (EC) No 834/2007, namely: unprocessed plant products, live animals or unprocessed animal products (including honey), aquaculture products and seaweeds, processed agricultural products for use as food (including wine), processed agricultural products for use as feed, vegetative propagating material and seeds for cultivation.

On the other hand, the Union will recognise as equivalent the following products from Chile: unprocessed plant products, honey, processed agricultural products for use as food (including wine), vegetative propagating material and seeds for cultivation.

Chilean production rules for animal products other than apiculture as well as feed were not found equivalent and could possibly only be recognised as equivalent at a later stage, once Chile develops its legislation for these products. Although Chile has no rules for organic aquaculture, it has accepted to recognise EU organic aquaculture products and seaweeds.

While for the Union no conditions on imported ingredients are foreseen, processed agricultural products for use as food that have been processed in Chile must use Chilean organically grown ingredients or ingredients imported to Chile either from the Union or from a third country recognised as equivalent (in accordance with Article 33 (2) of Regulation (EC) No 834/2007) by the Union - but not from third countries for which the EU has only recognised control authorities or bodies (in accordance with Article 33 (3) Regulation (EC) No 834/2007).

2. LEGAL BASIS, SUBSIDIARITY AND PROPORTIONALITY

The Commission negotiated this agreement according to Council Decision of 16 June 2014 that authorised the Commission to negotiate agreements between the EU and third countries on trade in organic products and adopted the relevant negotiating directives.

Trade policy is within Union's exclusive competence. Consequently, this Agreement is negotiated and signed in accordance with Articles 207 and 218 of the TFEU.

3. RESULTS OF EX-POST EVALUATIONS, STAKEHOLDER CONSULTATIONS AND IMPACT ASSESSMENTS

Not applicable

4. BUDGETARY IMPLICATIONS

No budgetary implications

5. OTHER ELEMENTS

Not applicable

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THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular the first subparagraph of Article 207(4), in conjunction with Article 218(5) thereof,

Having regard to the proposal from the European Commission,

Whereas:

- (1) On 16 June 2014, the Council authorised the Commission to open negotiations with third countries with a view to conclude agreements on trade in organic products.
- (2) The Commission has negotiated, on behalf of the Union, an agreement with the Republic of Chile on trade in organic products ('the Agreement').
- (3) In this Agreement, the Union and the Republic of Chile recognise the equivalence of their rules on organic production and control systems as regards organic products.
- (4) The Agreement aims at fostering trade in organic products, contributing to the development and expansion of the organic sector in the Union and in the Republic of Chile, achieving a high level of respect of the principles of organic production rules, of guarantee of the control systems and of integrity of organic products. The protection of the respective organic logos should also be improved. The Agreement also aims at enhancing regulatory cooperation between the Parties on issues related to organic production.
- (5) Therefore, the Agreement should be signed on behalf of the Union, subject to its conclusion at a later date,

HAS ADOPTED THIS DECISION:

Article 1

The signing of the Agreement between the European Union and the Republic of Chile on trade in organic products is hereby approved on behalf of the Union, subject to the conclusion of the said Agreement.

The text of the Agreement to be signed is attached to this Decision.

Article 2

The Council Secretariat-General shall establish the instrument of full powers to sign the Agreement, subject to its conclusion, for the person(s) indicated by the negotiator of the Agreement.

Article 3

This Decision shall enter into force on [...].

Done at Brussels,

*For the Council
The President*



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ANNEX 1

ANNEX

to the

Proposal for a

COUNCIL DECISION

**on the signing, on behalf of the European Union, of the Agreement between the
European Union and the Republic of Chile on trade in organic products**

Agreement between the European Union and the Republic of Chile on trade in organic products

THE EUROPEAN UNION, hereinafter referred to as ‘the Union’,

of the one part, and

THE REPUBLIC OF CHILE, hereinafter referred to as ‘Chile’,

of the other part,

together referred to hereinafter as ‘the Parties’,

RECOGNISING their longstanding and strong trade partnership based on the common principles and values reflected in the Agreement establishing an association between the European Community and its Member States, of the one part, and the Republic of Chile, of the other part;

RESOLVED to contribute to the development and expansion of their organic sectors by creating new export opportunities;

DETERMINED to foster trade in organic products and convinced that this Agreement will facilitate trade of organically grown and produced products between the Parties;

SEEKING to achieve a high level of respect of the principles of organic production rules, of guarantee of the control systems and of integrity of organic products;

COMMITTED to enhance regulatory cooperation on issues related to organic production;

RECOGNISING the importance of reciprocity and transparency in international trade for the benefit of all stakeholders;

BEARING in mind that the World Trade Organization Agreement on Technical Barriers to Trade encourages World Trade Organization Members to give positive consideration to accepting as equivalent technical regulations of other Members, even if they differ from their own, provided they are satisfied that these regulations adequately fulfil the objectives of their own regulations;

NOTING that permanent confidence in the continued reliability of the other Party’s assessment procedures and control system is an essential element of such an acceptance of equivalency;

BUILDING on their respective rights and obligations under the Agreement establishing the World Trade Organization and other multilateral, regional and bilateral agreements and arrangements to which they are a party;

HAVE AGREED AS FOLLOWS:

Article 1

Purpose

The purpose of this Agreement is to foster trade in organically produced agricultural products and foodstuffs between the Union and Chile, in accordance with the principles of non-discrimination and reciprocity.

Article 2

Definitions

For the purposes of this Agreement, the following definitions shall apply:

- (1) 'Equivalence' means the capability of different laws and regulations, inspection and certification systems to meet the same objectives.
- (2) 'Competent authority' means an official agency having jurisdiction on the laws and regulations listed in Annex III or in Annex IV, responsible for the implementation of this Agreement.
- (3) 'Control authority' means the authority of a Member State of the Union to which the relevant authority has conferred, in whole or in part, its competence for the inspection and certification in the field of organic production in accordance with the laws and regulations listed in Annex III.
- (4) 'Control body' means an independent private entity carrying out inspection and certification in the field of organic production in accordance with the laws and regulations listed in Annex III or in Annex IV.

Article 3

Recognition of equivalence

1. With respect to the products listed in Annex I, the Union recognises the laws and regulations of Chile listed in Annex IV as equivalent to its laws and regulations as listed in Annex III.
2. With respect to the products listed in Annex II, Chile recognises the laws and regulations of the Union listed in Annex III as equivalent to its laws and regulations as listed in Annex IV.
3. In case of modification, revocation or replacement of, or addition to, the laws and regulations listed in Annex III or in Annex IV, the new rules shall be considered equivalent to the other Party's rules unless the other Party objects in accordance with the procedure set out in paragraph 4.
4. If a Party considers that the laws, regulations or administrative procedures and practices of the other Party do not meet any more the requirements for equivalence, it shall issue a reasoned request to the other Party to amend the relevant law, regulation or administrative procedure and practice and provide an adequate time frame, which shall not be less than three months, for ensuring equivalence. If, following the expiry of this period, the Party concerned still considers that the requirements for equivalence are not met, it may unilaterally suspend the recognition of equivalence of the laws and regulations listed in Annex III or in Annex IV as regards the products concerned listed in Annex I or in Annex II.
5. A decision to unilaterally suspend the recognition of equivalence of the laws and regulations listed in Annex III or in Annex IV as regards the products concerned listed in Annex I or in Annex II may also be taken, following the expiry of a notice

period of three months, when one Party has not provided the information required under Article 6 or does not agree that a peer review is conducted under Article 7.

6. With respect to products not listed in Annex I and in Annex II, equivalence shall be examined at the request of one Party by the Joint Committee established in Article 8(1) in accordance with Article 8(3)(b).

Article 4

Import and placing on the market

1. The Union shall accept the import into its territory and the placing on the market as organic products, of the products listed in Annex I provided that the product complies with the laws and regulations of Chile as listed in Annex IV and is accompanied by a certificate of inspection as provided for in Annex V of Commission Regulation (EC) No 1235/2008, issued by a control body recognised by Chile and indicated to the Union in accordance with paragraph 3.
2. Chile shall accept the import into its territory and the placing on the market as organic products, of the products listed in Annex II provided that the product complies with the laws and regulations of the Union as listed in Annex III and is accompanied by a certificate issued by a control authority or a control body of the Union in accordance with the provisions of Resolution No 7880/2011 of the National Directorate of the Agricultural and Livestock Service.
3. Each Party recognises the control authorities or control bodies indicated by the other Party as responsible to perform the relevant controls as regards organic products covered by the recognition of equivalence as referred to in Article 3 and to issue the certificate of inspection as referred to in paragraphs 1 and 2 with a view to their importing into and placing on the market in the territory of the other Party.

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

Article 5

Labelling

1. Products imported from one Party by the other Party in accordance with this Agreement shall meet the requirements on labelling set out in the laws and regulations of the other Party as listed in Annex III and in Annex IV. Those products may bear the Union's organic logo, the Chilean organic logo, or both logos, as set out in the relevant laws and regulations, provided that they comply with the labelling requirements for the respective logo or for both logos.
2. The Parties undertake to avoid any misuse of the terms referring to organic production, their derivatives or diminutives, such as 'bio' and 'eco' in relation to products that are covered by the recognition of equivalence referred to in Article 3.
3. The Parties undertake to protect the Union's organic logo and the Chilean 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 the Chilean organic logo are used only for the labelling, advertising or commercial documents of products complying with the laws and regulations listed in Annex III and in Annex IV.

Article 6

Exchange of information

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

- a report that contains information with respect to the types and quantities of organic products exported under this Agreement, covering the period from January to December of the previous year; and
- a report on the monitoring and supervising activities carried out by the competent authority, the results obtained and the corrective measures taken, covering the period from January to December of the previous year.

At any time, each Party shall without delay inform the other Party about:

- any update to the list of their competent authorities, control authorities and control bodies, including the relevant contact details (notably the address and the internet address);
- any changes or repeals it intends to make to laws or regulations listed in Annex III and in Annex IV, any proposals for new laws or regulations or any relevant changes to administrative procedures and practices related to organic products listed in Annex I and in Annex II;
- any changes or repeals it has adopted to laws or regulations listed in Annex III and in Annex IV, any new legislation or relevant changes to administrative procedures and practices related to organic products listed in Annex I and in Annex II; and
- any update of the internet addresses indicated in Annex V where the laws and regulations listed in Annex III and in Annex IV, including any modification, revocation, replacement or addition, as well as consolidated versions, and any new legislation for products that have been listed in Annex I or in Annex II in accordance with Article 8(3)(b) can be consulted.

Article 7

Peer reviews

1. Following advance notice of at least three 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 under this Agreement.
2. Each Party shall cooperate with and assist the other Party, to the extent permitted under 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

Joint Committee on Organic Products

1. The Parties hereby establish a Joint Committee on Organic Products (hereinafter referred to as ‘Joint Committee’) composed of duly appointed representatives of the Union, on the one hand, and representatives of the Government of Chile, on the other.
2. Consultations shall be held in the Joint Committee to facilitate the implementation and to further the purpose of this Agreement.
3. The functions of the Joint Committee shall be to:
 - (a) manage this Agreement, taking the decisions necessary for its implementation and its good functioning;
 - (b) examine any request of one Party to update or extend to new products the list of products in Annex I or in Annex II and to adopt a decision to modify Annex I or Annex II if equivalence is recognised by the other Party;
 - (c) enhance cooperation on laws, regulations, standards and conformity assessment procedures concerning organic production, to which end it shall discuss any other technical or regulatory issue related to organic production rules and control systems with a view to increase convergence between laws, regulations and standards;
 - (d) consider any other issue with respect to the implementation of this Agreement.
4. The Parties shall, in accordance with their respective laws and regulations, implement the decisions adopted by the Joint Committee under paragraph 3(b) and inform each other thereof within three months of their adoption.¹
5. The Joint Committee shall operate by consensus. It shall adopt its own rules of procedure. It may establish subcommittees and working groups to deal with specific issues.
6. The Joint Committee shall inform the Committee on Standards, Technical Regulations and Conformity Assessment established in Article 88 of the Agreement establishing an association between the European Community and its Member States, of the one part, and the Republic of Chile, of the other part, about its decisions and work.
7. The Joint Committee shall meet once a year, in the Union and Chile alternately, on a mutually agreed date. If both Parties agree, a meeting of the Joint Committee may be held by means of video or teleconference.
8. The Joint Committee shall be co-chaired by the two Parties.

Article 9

Settlement of disputes

Any dispute relating to the interpretation or application of this Agreement shall be resolved through consultations between the Parties within the Joint Committee. The Parties shall present to the Joint Committee the relevant information required for a thorough examination of the matter, with a view to resolving the dispute.

¹ Chile shall implement those decisions of the Joint Committee through *Acuerdos de Ejecución*, in accordance with Article 54, numeral 1, fourth paragraph of the Political Constitution of the Republic of Chile (*Constitución Política de la República de Chile*).

Article 10

Confidentiality

Representatives, experts and other agents of the Parties shall be required, even after their duties have ceased, not to disclose information, obtained in the framework of this Agreement, covered by the obligation of professional secrecy.

Article 11

Review

1. Where either Party seeks a review of this Agreement, it shall submit a reasoned request to the other Party.
2. The Parties may entrust the Joint Committee with the task of considering any such request and, if appropriate, of putting forward recommendations, in particular with a view to opening negotiations on parts of this Agreement that cannot be changed in accordance with Article 8(3)(b).

Article 12

Implementation of the Agreement

The Parties shall take all steps, whether general or specific, to ensure compliance with the obligations under this Agreement. They shall abstain from any measure that is liable to jeopardise attaining the purpose of this Agreement.

Article 13

Annexes

The Annexes to this Agreement shall form an integral part thereof.

Article 14

Territorial scope

This Agreement shall apply, on the one hand, to the territories to which the Treaty on the Functioning of the European Union is applied and under the conditions set out in that Treaty and, on the other hand, to the territory of Chile.

Article 15

Entry into force and duration

This Agreement shall enter into force on the first day of the third month following the final notification of the completion of the necessary internal procedures by each Party.

This Agreement is concluded for an initial period of three years. It shall be renewed indefinitely unless the Union or Chile notifies the other Party of its objection to such renewal before the initial period expires.

Either Party may notify in writing the other Party of its intention to denounce this Agreement. The denunciation shall take effect three months after the notification.

Article 16

Authentic texts

This Agreement is signed in duplicate in English and Spanish, each text being equally authentic.

Done at XXXX, the XX day of XXX of 2016

2.1. For the European Union

2.2.

2.3. For the Government of the

2.4. Republic of Chile

ANNEX I

Organic products from Chile for which the Union recognises equivalence

2.5. Codes and description of the Harmonised System nomenclature		2.6. Comments
2.7. 0409	2.8. <i>Natural honey</i>	2.9.
2.10.06	2.11. LIVE TREES AND OTHER PLANTS; BULBS, ROOTS AND THE LIKE; CUT FLOWERS AND ORNAMENTAL FOLIAGE	2.12.
<i>2.13. The following codes of this chapter are included only if unprocessed</i>		2.14.
2.15.0603	<i>2.16. Cut flowers and flower buds of a kind suitable for bouquets or for ornamental purposes, fresh, dried, dyed, bleached, impregnated or otherwise prepared</i>	2.17.
2.18.0603 90	2.19. <i>Other</i>	2.20.
2.21.0604	<i>2.22. Foliage, branches and other parts of plants, without flowers or flower buds, and grasses, mosses and lichens, being goods of a kind suitable for bouquets or for ornamental purposes, fresh, dried, dyed, bleached, impregnated or otherwise prepared</i>	2.23.
2.24.0604 90	2.25. <i>Other</i>	2.26.
2.27.07	2.28. EDIBLE VEGETABLES AND CERTAIN ROOTS AND TUBERS	2.29.
2.30.08	2.31. EDIBLE FRUIT AND NUTS; PEEL OF CITRUS FRUIT OR MELONS	2.32.
2.33.09	2.34. COFFEE, TEA, MATÉ* AND SPICES	2.35. * Excluded
2.36.10	2.37. CEREALS	2.38.
2.39.11	2.40. PRODUCTS OF THE MILLING INDUSTRY; MALT; STARCHES; INULIN; WHEAT GLUTEN	2.41.

2.5. Codes and description of the Harmonised System nomenclature		2.6. Comments
2.42.12	2.43. OIL SEEDS AND OLEAGINOUS FRUITS; MISCELLANEOUS GRAINS, SEEDS AND FRUIT; INDUSTRIAL OR MEDICINAL PLANTS; STRAW AND FODDER	2.44.
2.45. The following codes of this chapter are excluded or limited:		2.46.
2.47.1211	<i>2.48. Plants and parts of plants (including seeds and fruits), of a kind used primarily in perfumery, in pharmacy or for insecticidal, fungicidal or similar purposes, fresh or dried, whether or not cut, crushed or powdered</i>	2.49. Included only if unprocessed or processed for use as food
2.50.1212 21	2.51. <i>Seaweeds and other algae</i>	2.52. Excluded
2.53.1212 21	2.54. <i>Fit for human consumption</i>	2.55. Excluded
2.56.1212 29	2.57. <i>Other</i>	2.58. Excluded
2.59.13	2.60. LAC; GUMS, RESINS AND OTHER VEGETABLE SAPS AND EXTRACTS	2.61.
2.62. The following codes of this chapter are excluded or limited:		2.63.
2.64.1301	2.65. <i>Lac; natural gums, resins, gum-resins and oleoresins (for example, balsams)</i>	2.66. Excluded
2.67.1302	2.68. Vegetable saps and extracts; pectic substances, pectinates and pectates; agar-agar and other mucilages and thickeners, whether or not modified, derived from vegetable products	2.69. Included only if processed for use as food
2.70. 1302 11	2.71. <i>Opium</i>	2.72. Excluded
2.73. 1302 19	2.74. <i>Other</i>	2.75. Excluded
2.76.14	2.77. VEGETABLE PLAINTING MATERIALS; VEGETABLE PRODUCTS NOT ELSEWHERE SPECIFIED OR INCLUDED	2.78.

2.5. Codes and description of the Harmonised System nomenclature		2.6. Comments
2.79.15	2.80. ANIMAL OR VEGETABLE FATS AND OILS AND THEIR CLEAVAGE PRODUCTS; PREPARED EDIBLE FATS; ANIMAL OR VEGETABLE WAXES	2.81.
2.82. The following codes of this chapter are excluded or limited:		2.83.
2.84.1501	2.85. <i>Pig fat (including lard) and poultry fat, other than that of heading 0209 or 1503</i>	2.86. Included only if processed for use as food
2.87.1502	2.88. <i>Fats of bovine animals, sheep or goats, other than those of heading 1503</i>	2.89. Included only if processed for use as food
2.90.1503	2.91. <i>Lard stearin, lard oil, oleostearin, oleo-oil and tallow oil, not emulsified or mixed or otherwise prepared</i>	2.92. Included only if processed for use as food
2.93.1505	2.94. <i>Wool grease and fatty substances derived therefrom (including lanolin)</i>	2.95. Excluded
2.96.1506	2.97. <i>Other animal fats and oils and their fractions, whether or not refined, but not chemically modified</i>	2.98. Excluded
2.99.1515 30	2.100. <i>Castor oil and its fractions</i>	2.101. Excluded
2.102. 15 15 90	2.103. <i>Other</i>	2.104. For this subchapter, jojoba oil is excluded. Other products are included only if processed for use as food.
2.105. 15 16 20	2.106. <i>Vegetable fats and oils and their fractions</i>	2.107. Included only if processed for use as food
2.108. 15 18	2.109. <i>Animal or vegetable fats and oils and their fractions, boiled, oxidised, dehydrated, sulphurised, blown, polymerised by heat in vacuum or in inert gas or otherwise chemically modified, excluding those of heading 1516; inedible mixtures or preparations of animal or vegetable fats or oils or of fractions of different fats or oils of this chapter, not elsewhere specified or included</i>	2.110. Excluded

2.5. Codes and description of the Harmonised System nomenclature			2.6. Comments
2.111. 20	15	2.112. <i>Glycerol, crude; glycerol waters and glycerol lyes</i>	2.113. Excluded
2.114. 21	15	2.115. <i>Vegetable waxes (other than triglycerides), beeswax, other insect waxes and spermaceti, whether or not refined or coloured</i>	2.116. Excluded except vegetable waxes if processed for use as food
2.117.	17	2.118. SUGARS AND SUGAR CONFECTIONERY	2.119.
2.120.	18	2.121. COCOA AND COCOA PREPARATIONS	2.122.
2.123.	19	2.124. PREPARATIONS OF CEREALS, FLOUR, STARCH OR MILK; PASTRY COOKS' PRODUCTS	2.125.
2.126.	20	2.127. PREPARATIONS OF VEGETABLES, FRUIT, NUTS OR OTHER PARTS OF PLANTS	2.128.
2.129.	21	2.130. MISCELLANEOUS EDIBLE PREPARATIONS	2.131.
2.132.	22	2.133. BEVERAGES, SPIRITS AND VINEGAR	2.134.
2.135. <i>The following codes of this chapter are excluded or limited:</i>			2.136.
2.137. 01	22	2.138. <i>Waters, including natural or artificial mineral waters and aerated waters, not containing added sugar or other sweetening matter nor flavoured; ice and snow</i>	2.139. Excluded
2.140. 02	22	2.141. <i>Waters, including mineral waters and aerated waters, containing added sugar or other sweetening matter or flavoured, and other non-alcoholic beverages, not including fruit or vegetable juices of heading 2009</i>	2.142. Excluded
2.143. 08	22	2.144. <i>Undenatured ethyl alcohol of an alcoholic strength by volume of less than 80 % vol.; spirits, liqueurs and other spirituous beverages</i>	2.145. Included only if processed from agricultural products, for use as food

2.5. Codes and description of the Harmonised System nomenclature		2.6. Comments
2.146. 33 01	2.147. <i>Essential oils (terpeneless or not), including concretes and absolutes; resinoids; extracted oleoresins; concentrates of essential oils in fats, in fixed oils, in waxes or the like, obtained by enfleurage or maceration; terpenic by-products of the deterpenation of essential oils; aqueous distillates and aqueous solutions of essential oils</i>	2.148. Included only if used for food

Conditions:

Organic products listed in this Annex shall be unprocessed agricultural products produced in Chile and processed agricultural products for use as food that have been processed in Chile with organically grown ingredients that have been produced in Chile or that have been imported into Chile either from the Union or from a third country in the framework of a regime which is recognised as equivalent by the Union in accordance with the provisions of Article 33(2) of Council Regulation (EC) No 834/2007.

ANNEX II

Organic products from the Union for which Chile recognises equivalence

2.149.		Codes and description of the Harmonised System nomenclature	2.150.	Comments
2.151.	0	2.152. LIVE ANIMALS		2.153. The products of hunting and fishing of wild animals shall not be considered as organic production.
1				
2.154.	0	2.155. MEAT AND EDIBLE MEAT OFFAL		2.156. Meat and edible meat offal from hunting and fishing of wild animals is excluded.
2				
2.157.	0	2.158. FISH AND CRUSTACEANS, MOLLUSCS AND OTHER AQUATIC INVERTEBRATES		2.159. Fishing of wild animals is excluded.
3				
2.160.	0	2.161. DAIRY PRODUCE; BIRDS' EGGS; NATURAL HONEY; EDIBLE PRODUCTS OF ANIMAL ORIGIN, NOT ELSEWHERE SPECIFIED OR INCLUDED		2.162.
4				
2.163.	0	2.164. PRODUCTS OF ANIMAL ORIGIN, NOT ELSEWHERE SPECIFIED OR INCLUDED		2.165.
5				
2.166. The following codes of this chapter are excluded:				2.167.
<i>2.168.</i>	<i>0</i>	<i>2.169. Human hair, unworked, whether or not washed or scoured; waste of human hair</i>		2.170.
<i>501</i>				
<i>2.171.</i>	<i>0</i>	<i>2.172. Pigs', hogs' or boars' bristles and hair; badger hair and other brush making hair; waste of such bristles or hair</i>		2.173.
<i>502</i>				
<i>2.174.</i>	<i>0</i>	<i>2.175. Pigs', hogs' or boars' bristles and hair and waste thereof</i>		2.176.
<i>502 10</i>				
<i>2.177.</i>	<i>0</i>	<i>2.178. Other</i>		2.179.
<i>502 90</i>				

2.149. Codes and description of the Harmonised System nomenclature		2.150. Comments
2.180. 0 505	2.181. <i>Skins and other parts of birds, with their feathers or down, feathers and parts of feathers (whether or not with trimmed edges) and down, not further worked than cleaned, disinfected or treated for preservation; powder and waste of feathers or parts of feathers</i>	2.182.
2.183. 0 506	2.184. <i>Bones and horn-cores, unworked, defatted, simply prepared (but not cut to shape), treated with acid or degelatinised; powder and waste of these products</i>	2.185.
2.186. 0 507	2.187. <i>Ivory, tortoiseshell, whalebone and whalebone hair, horns, antlers, hooves, nails, claws and beaks, unworked or simply prepared but not cut to shape; powder and waste of these products</i>	2.188.
2.189. 0 510	2.190. <i>Ambergris, castoreum, civet and musk; cantharides; bile, whether or not dried; glands and other animal products used in the preparation of pharmaceutical products, fresh, chilled, frozen or otherwise provisionally preserved</i>	2.191.
2.192. 0 511 91	2.193. <i>Other</i>	2.194.
2.195. 0 511 99	2.196. <i>Natural sponges of animal origin</i>	2.197.
2.198. 6	2.199. LIVE TREES AND OTHER PLANTS; BULBS, ROOTS AND THE LIKE; CUT FLOWERS AND ORNAMENTAL FOLIAGE	2.200.
2.201. The following codes of this chapter are included only if unprocessed:		2.202.
2.203. 0 603	2.204. <i>Cut flowers and flower buds of a kind suitable for bouquets or for ornamental purposes, fresh, dried, dyed, bleached, impregnated or otherwise prepared</i>	2.205.
2.206. 0 603 90	2.207. <i>Other</i>	2.208.

2.149.		Codes and description of the Harmonised System nomenclature	2.150.	Comments
2.209. 604	0	2.210. <i>Foliage, branches and other parts of plants, without flowers or flower buds, and grasses, mosses and lichens, being goods of a kind suitable for bouquets or for ornamental purposes, fresh, dried, dyed, bleached, impregnated or otherwise prepared</i>	2.211.	
2.212. 604 90	0	2.213. <i>Other</i>	2.214.	
2.215. 7	0	2.216. EDIBLE VEGETABLES AND CERTAIN ROOTS AND TUBERS	2.217.	
2.218. 8	0	2.219. EDIBLE FRUIT AND NUTS; PEEL OF CITRUS FRUIT OR MELONS	2.220.	
2.221. 9	0	2.222. COFFEE, TEA, MATÉ* AND SPICES	2.223.	* Excluded
2.224. 0	1	2.225. CEREALS	2.226.	
2.227. 1	1	2.228. PRODUCTS OF THE MILLING INDUSTRY; MALT; STARCHES; INULIN; WHEAT GLUTEN	2.229.	
2.230. 2	1	2.231. OIL SEEDS AND OLEAGINOUS FRUITS; MISCELLANEOUS GRAINS, SEEDS AND FRUIT; INDUSTRIAL OR MEDICINAL PLANTS; STRAW AND FODDER	2.232.	
2.233. <i>The following codes of this chapter are excluded or limited:</i>			2.234.	
2.235. 211	1	2.236. <i>Plants and parts of plants (including seeds and fruits), of a kind used primarily in perfumery, in pharmacy or for insecticidal, fungicidal or similar purposes, fresh or dried, whether or not cut, crushed or powdered</i>	2.237.	Included only if unprocessed or processed for use as food or feed
2.238. 3	1	2.239. LAC; GUMS, RESINS AND OTHER VEGETABLE SAPS AND EXTRACTS	2.240.	
2.241. <i>The following codes of this chapter are excluded or limited:</i>			2.242.	

2.149. Codes and description of the Harmonised System nomenclature		2.150. Comments
2.243. 301	1 2.244. <i>Lac; natural gums, resins, gum-resins and oleoresins (for example, balsams)</i>	2.245. Excluded
2.246. 302	1 2.247. <i>Vegetable saps and extracts; pectic substances, pectinates and pectates; agar-agar and other mucilages and thickeners, whether or not modified, derived from vegetable products</i>	2.248. Included only if processed for use as food or feed
2.249. 302 11	1 2.250. <i>Opium</i>	2.251. Excluded
2.252. 302 19	1 2.253. <i>Other</i>	2.254. Excluded
2.255. 4	1 2.256. VEGETABLE PLAINTING MATERIALS; VEGETABLE PRODUCTS NOT ELSEWHERE SPECIFIED OR INCLUDED	2.257.
2.258. 5	1 2.259. ANIMAL OR VEGETABLE FATS AND OILS AND THEIR CLEAVAGE PRODUCTS; PREPARED EDIBLE FATS; ANIMAL OR VEGETABLE WAXES	2.260.
2.261. The following codes of this chapter are excluded or limited:		2.262.
2.263. 501	1 2.264. <i>Pig fat (including lard) and poultry fat, other than that of heading 0209 or 1503</i>	2.265. Included only if processed for use as food or feed
2.266. 502	1 2.267. <i>Fats of bovine animals, sheep or goats, other than those of heading 1503</i>	2.268. Included only if processed for use as food or feed
2.269. 503	1 2.270. <i>Lard stearin, lard oil, oleostearin, oleo-oil and tallow oil, not emulsified or mixed or otherwise prepared</i>	2.271. Included only if processed for use as food or feed
2.272. 505	1 2.273. <i>Wool grease and fatty substances derived therefrom (including lanolin)</i>	2.274. Excluded
2.275. 506	1 2.276. <i>Other animal fats and oils and their fractions, whether or not refined, but not chemically modified</i>	2.277. Excluded

2.149.		Codes and description of the Harmonised System nomenclature	2.150.	Comments
2.278. 515 30	1	2.279. <i>Castor oil and its fractions</i>	2.280.	Excluded
2.281. 515 90	1	2.282. <i>Other</i>	2.283.	For this subchapter, jojoba oil is excluded. Other products are included only if processed for use as food or feed.
2.284. 520	1	2.285. <i>Glycerol, crude; glycerol waters and glycerol lyes</i>	2.286.	Included only if processed for use as food or feed.
2.287. 521	1	2.288. <i>Vegetable waxes (other than triglycerides), beeswax, other insect waxes and spermaceti, whether or not refined or coloured</i>	2.289.	Only vegetable waxes included if processed for use as food and feed
2.290.		2.291.	2.292.	
2.293. 6	1	2.294. PREPARATIONS OF MEAT, OF FISH OR OF CRUSTACEANS, MOLLUSCS OR OTHER AQUATIC INVERTEBRATES	2.295.	
2.296. 7	1	2.297. SUGARS AND SUGAR CONFECTIONERY	2.298.	
2.299. 8	1	2.300. COCOA AND COCOA PREPARATIONS	2.301.	
2.302. 9	1	2.303. PREPARATIONS OF CEREALS, FLOUR, STARCH OR MILK; PASTRY COOKS' PRODUCTS	2.304.	
2.305. 0	2	2.306. PREPARATIONS OF VEGETABLES, FRUIT, NUTS OR OTHER PARTS OF PLANTS	2.307.	
2.308. 1	2	2.309. MISCELLANEOUS EDIBLE PREPARATIONS	2.310.	
2.311. 2	2	2.312. BEVERAGES, SPIRITS AND VINEGAR	2.313.	
2.314. <i>The following codes of this chapter are excluded or</i>			2.315.	

2.149. Codes and description of the Harmonised System nomenclature		2.150. Comments
<i>limited:</i>		
2.316. 201	2 2.317. <i>Waters, including natural or artificial mineral waters and aerated waters, not containing added sugar or other sweetening matter nor flavoured; ice and snow</i>	2.318. Excluded
2.319. 202	2 2.320. <i>Waters, including mineral waters and aerated waters, containing added sugar or other sweetening matter or flavoured, and other non-alcoholic beverages, not including fruit or vegetable juices of heading 2009</i>	2.321. Excluded
2.322. 208	2 2.323. <i>Undenatured ethyl alcohol of an alcoholic strength by volume of less than 80 % vol.; spirits, liqueurs and other spirituous beverages</i>	2.324. Included only if processed from agricultural products, for use as food
2.325. 3	2 2.326. RESIDUES AND WASTE FROM THE FOOD INDUSTRIES; PREPARED ANIMAL FODDER	2.327.
2.328. <i>The following code of this chapter is limited:</i>		2.329.
2.330. 307	2 2.331. Wine lees; argol	2.332. Argol is excluded
2.333. 1	330 2.334. <i>Essential oils (terpeneless or not), including concretes and absolutes; resinoids; extracted oleoresins; concentrates of essential oils in fats, in fixed oils, in waxes or the like, obtained by enfleurage or maceration; terpenic by-products of the deterpenation of essential oils; aqueous distillates and aqueous solutions of essential oils</i>	2.335. Included only if used for food
2.336. 5	4 2.337. CORK AND ARTICLES OF CORK	2.338. Included only if unprocessed
2.339. 3	5 2.340. OTHER VEGETABLE TEXTILE FIBRES; PAPER YARN AND WOVEN FABRICS OF PAPER YARN	2.341. Included only if unprocessed

Conditions:

Organic products listed in this Annex shall be unprocessed and processed agricultural products that are produced or processed in the Union.

ANNEX III

Organic legislation applicable in the Union

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, as last amended by Council Regulation (EC) No 517/2013.

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, as last amended by Commission Implementing Regulation (EU) No 1358/2014.

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, as amended by Commission Implementing Regulation (EU) 2015/931.

ANNEX IV

Organic legislation applicable in Chile

Law 20.089, of 17 January 2006, that creates a National Certification System for Agricultural Organic Products;

Decree n° 03 of 29 January 2016, of Ministry of Agriculture, that approves the Regulation of Law 20.089 that creates a National Certification System for Agricultural Organic Products;

Decree n° 02 of 22 January 2016, of Ministry of Agriculture, that approves the Technical Rules of Law 20.089 that creates a National Certification System for Agricultural Organic Products;

Resolution n° 569 of the National Directorate of the Agricultural and Livestock Service, of 7 February 2007, establishing standards for registration of organic products' certification bodies;

Resolution n° 1110 of the National Directorate of the Agricultural and Livestock Service, of 4 March 2008, approving the official label for organic products and equivalents;

Resolution n° 7880 of the National Directorate of the Agricultural and Livestock Service, of 29 November 2011, establishing the minimum content for the organic agriculture certificates, in the framework of Law 20.089.

ANNEX V

Internet addresses where the laws and regulations listed in Annex III and in Annex IV including any modification, revocation, replacement or any addition, as well as consolidated versions, and any new legislation for products that have been listed in Annex I or in Annex II in accordance with Article 8(3)(b) can be consulted:

Union: <http://eur-lex.europa.eu>

Chile: <http://www.sag.gob.cl/ambitos-de-accion/certificacion-de-productos-organicos-agricolas/132/normativas>

COM (2016) 648

Information Note

1. **Proposal**

Proposal for a COUNCIL DECISION on the signing, on behalf of the European Union, of the Agreement between the European Union and the Republic of Chile on trade in organic products

2. **Date of Commission document**

10/10/2016

3. **Number of Commission document**

COM (2016)648

4. **Number of Council document:**

13158/16

5. **Dealt with in Brussels by**

Coreper

Council (Agriculture and Fisheries)

Only need to change if different Council

6. **Department with primary responsibility**

Department of Agriculture, Food and the Marine.

7. **Other Departments involved**

None

8. **Background to, short summary and aim of the proposal**

World trade in organic products is growing year on year. The EU organic regulations includes a regime for imports of organic products into the EU and is based on recognition of third country organic production rules being equivalent to EU standards. In the past this recognition was unilateral i.e. the third country, if granted equivalence, could export organic products into the EU with no reciprocal arrangement where EU organic products could equally be exported to that country.

In 2014 the Council provided the Commission with a mandate to negotiate agreements between the EU and third countries on trade in organic products. Any such agreements would include reciprocal recognition of each others organic products and permit trade between both EU and the country in organic products.

On this basis the Commission has, on behalf of Member States, negotiated an agreement on trade in organic products between the EU and Chile.

This negotiating process is on-going with agreements being concluded on a regular basis. Member States are kept apprised by the Commission on these negotiations as a agenda point at the regular EU Commission's Regulatory meetings on the organic sector. Irish stakeholders are regularly briefed by Department experts on developments via DAFM's

Organic Forum Meetings – attended by the Irish Organic Certified Bodies who in turn brief their members – which includes importers and exporters of organic produce.

9. Legal basis of the proposal

The legal basis for establishing the Union position to be taken in the committees set up by the Agreement is the Treaty on the Functioning of the European Union ('TFEU'), and in particular its Article 207(4) in conjunction with Article 218(9) thereof.

10. Voting Method

QMV

11. Role of the EP

None

12. Category of proposal

Purely Technical

13. Implications for Ireland & Ireland's Initial View

none

14. Impact on the Public

Yes

Provides a more diverse range of organic products to the consumer. Lessens the bureaucratic burden for importers of organic products from Chile. Provides Irish producers with access to Chilean organic market.

15. Have any consultations with Stakeholders taken place or are there any plans to do so?

Yes, the Commission provides regular briefing to Member States via organic committee meetings on third country trade.

16. Are there any subsidiarity issues for Ireland?

None

17. Anticipated negotiating period

N/A

18. Proposed implementation date

Will enter into force on the day of its adoption.

19. Consequences for national legislation

None

20. Method of Transposition into Irish law

Not Applicable

21. Anticipated Transposition date

N/A

22. Consequences for the EU budget in Euros annually

None

23. Contact name, telephone number and e-mail address of official in Department with primary responsibility

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Date October 2016