EUROPEAN
COMMISSION

Brussels, 15.9.2022
COM(2022) 464 final

Recommendation for a

COUNCIL DECISION

amending Decision (EU) 2021/1345 as regards the opening of negotiations with Colombia and Mexico with a view to concluding agreements on trade in organic products

EXPLANATORY MEMORANDUM

1. CONTEXT OF THE RECOMMENDATION

• Reasons for and objectives of the recommendation

Regulation (EU) 2018/848 of the European Parliament and the Council of 30 May 2018 on organic production and labelling of organic products and repealing Council Regulation (EC) No 834/2007[1] establishes the possibility to grant access to the Union market for organic products coming from third countries that have been recognised under a trade agreement as having a system of production meeting the same objectives and principles by applying rules which ensure the same level of assurance of conformity as those of the Union.

In accordance with Regulation (EU) 2018/848, the recognition for the purposes of equivalence of third countries on the basis of Article 33(2) of Regulation (EC) No 834/2007[2] will expire on 31 December 2026. The recognitions granted to Argentina, Australia, Canada, Costa Rica, India, Israel, Japan, New Zealand, South Korea, Tunisia and the United States of America will therefore expire on the above-mentioned date. In order to ensure the continuity of trade flows on organic products with those partners after 2026, the Council authorised the Commission to launch the necessary negotiations towards securing new equivalence recognitions in the form of trade agreements with these countries. This authorisation to negotiate was articulated in Council Decision (EU) 2021/1345 of 28 June 2021[3].

The purpose of this recommendation is to include Colombia and Mexico in the scope of Council Decision (EU) 2021/1345.

The Commission officially launched negotiations in 2016. These negotiations were based on Council Decision of 16 June 2014, which referred to a period of validity of three years.

The negotiations with Colombia and Mexico could not be completed within the three year period. It has therefore been proposed to ask for a renewed authorisation by extending the scope of Council Decision (EU) 2021/1345. This will also allow the determination of the possible equivalency of organic production legislation applicable in Colombia and Mexico through a new Union legislative act on organic production, i.e. Regulation (EU) 2018/848 and delegated and implementing acts based on that Regulation. In view of the above, the recommendation proposes to amend Council Decision (EU) 2021/1345 only to the extent necessary, without introducing any change in the negotiation directives.

In view of the context, the recommendation has been accepted by SECGEN as Non-Politically Sensitive/Important.

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1 OJ L 150, 14.6.2018, p. 10.

2 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).

3 Council Decision (EU) 2021/1345 of 28 June 2021 authorising the opening of negotiations with Argentina, Australia, Canada, Costa Rica, India, Israel, Japan, New Zealand, South Korea, Tunisia and the United States with a view to concluding agreements on trade in organic products (OJ L 306, 31.8.2021, p. 2).

- **Consistency with existing policy provisions in the policy area**

By fostering trade in organic products through bilateral agreements, the recommendation will contribute to the general objective of a stronger EU in the world'[4]. Further, the Union already has existing trade agreements with Colombia and Mexico.

- **Consistency with other Union policies**

By encouraging trade in organics, the recommendation will also contribute to the Green Deal objective to work with international partners to improve global environmental standards. In addition, the recommendation will ensure continuity with previous Union decisions such as engaging in negotiations in organic products with Colombia and Mexico.

2. LEGAL BASIS, SUBSIDIARITY AND PROPORTIONALITY

- **Legal basis**

Article 218(3) and (4) of the Treaty on the Functioning of the European Union (TFEU).

- **Subsidiarity (for non-exclusive competence)**

According to Article 5(3) TEU, the subsidiarity principle does not apply in areas of exclusive Union competence.

- **Proportionality**

The Commission recommendation is in line with the principle of proportionality.

- **Choice of the instrument**

The only available instrument to achieve the objective is an international agreement. An authorisation to open negotiations over an international agreement is therefore required. As explained, this particular case does not require a new legal instrument, simply an amendment of Council Decision (EU) 2021/1345.

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

- **Ex-post evaluations/fitness checks of existing legislation**

Not applicable.

- **Stakeholder consultations**

A number of stakeholder consultations have taken place in the context of the reform of the legislative act on organic production and labelling of organic products. Several meetings and Civil Society Dialogue meetings were organised at that time.

In addition, the Commission discussed with Member States in the Special Committee in Agriculture (SCA) on 22 November 2021 the possibility of including Colombia and Mexico in the scope of Council Decision (EU) 2021/1345. Following the discussions, the SCA indicated that the Commission was expected to table a proposal for an update to Council Decision 1345/2021 in the near future.

[4] See the six Commission priorities for 2019-2024. https://ec.europa.eu/info/strategy/priorities-2019-2024_en.

- **Collection and use of expertise**

Not relevant.

- **Impact assessment**

The recommendation is based on Article 218(3) and (4) TFEU. Therefore, no new impact assessment is necessary.

- **Regulatory fitness and simplification**

Not applicable.

- **Fundamental rights**

The recommendation is consistent with the EU Treaties and the Charter of Fundamental Rights of the European Union.

4. BUDGETARY IMPLICATIONS

Not relevant.

5. OTHER ELEMENTS

- **Implementation plans and monitoring, evaluation and reporting arrangements**

Not applicable.

- **Explanatory documents (for directives)**

Not applicable.

- **Detailed explanation of the specific provisions of the recommendation**

The recommendation proposes to authorise the Commission to negotiate agreements on trade in organic products with Colombia and Mexico on behalf of the Union. These two countries would thus be added to the list already included in Council Decision (EU) 2021/1345: Argentina, Australia, Canada, Costa Rica, India, Israel, Japan, New Zealand, South Korea, Tunisia and the United States of America. The recommendation proposes to maintain in the annex the same negotiating directives to be followed by the Commission and the special committee to be consulted during the negotiations.

Recommendation for a

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amending Decision (EU) 2021/1345 as regards the opening of negotiations with Colombia and Mexico with a view to concluding agreements on trade in organic products

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 218(3) and (4) thereof,

Having regard to the recommendation from the European Commission,

Whereas:

(1) Regulation (EU) 2018/848 of the European Parliament and of the Council[5] establishes the possibility to grant access to the Union market for organic products coming from third countries that have been recognised under a trade agreement as having a system of production meeting the same objectives and principles by applying rules which ensure the same level of assurance of conformity as those of the Union.

(2) Council Decision (EU) 2021/1345[6] authorised the opening of negotiations on agreements on trade in organic products between the European Union and Argentina, Australia, Canada, Costa Rica, India, Israel, Japan, New Zealand, South Korea, Tunisia and the United States.

(3) The Commission initiated negotiations with Colombia and Mexico under a previous authorisation to negotiate. That authorisation contained a limitation of the duration of negotiations, which could not be concluded before the time limit was reached. It is therefore appropriate to amend Decision (EU) 2021/1345 in order to include Colombia and Mexico within its scope.

(4) The negotiating directives included in the addendum to Decision (EU) 2021/1345 should be amended in order to include references to Colombia and Mexico.

(5) Decision (EU) 2021/1345 should therefore be amended accordingly,

HAS ADOPTED THIS DECISION:

Article 1

Decision (EU) 2021/1345 is amended as follows:

(1) the title is replaced by the following:

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5 Regulation (EU) 2018/848 of the European Parliament and the Council of 30 May 2018 on organic production and labelling of organic products and repealing Council Regulation (EC) No 834/2007 (OJ L 150, 14.6.2018, p. 1).

6 Council Decision (EU) 2021/1345 of 28 June 2021 authorising the opening of negotiations with Argentina, Australia, Canada, Costa Rica, India, Israel, Japan, New Zealand, South Korea, Tunisia and the United States with a view to concluding agreements on trade in organic products (OJ L 306, 31.8.2021, p. 2).

‘Council Decision (EU) 2021/1345 of 28 June 2021 authorising the opening of negotiations with Argentina, Australia, Canada, Colombia, Costa Rica, India, Israel, Japan, Mexico, New Zealand, South Korea, Tunisia and the United States with a view to concluding agreements on trade in organic products’;

(2) Article 1(1) is replaced by the following:

‘The Commission is hereby authorised to open negotiations with Argentina, Australia, Canada, Colombia, Costa Rica, India, Israel, Japan, Mexico, New Zealand, South Korea, Tunisia and the United States with a view to concluding agreements on trade in organic products.’;

(3) the addendum is replaced by the text in the Annex to this Decision.’

Article 2

This Decision is addressed to the Commission.

Done at Brussels,

For the Council
The President