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NOTE

From:	General Secretariat of the Council
To:	Delegations
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Subject:	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 - Presidency suggested amendments

Delegations will find in the Annex **an amendment to the Commission recommendation** as suggested by the CZ Presidency and agreed at the meeting of the Special Committee on Agriculture on 3 October 2022. Text in **bold** denotes text added to the Commission recommendation.

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

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular **Article 207(4), first subparagraph, in conjunction with** 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 Council¹ 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.

¹ 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).

- (2) Council Decision (EU) 2021/1345² 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:

‘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 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).

(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

ANNEX

‘ADDENDUM

DIRECTIVES FOR THE NEGOTIATION OF AGREEMENTS ON TRADE IN ORGANIC PRODUCTS BETWEEN THE EUROPEAN UNION AND ARGENTINA, AUSTRALIA, CANADA, COLOMBIA, COSTA RICA, INDIA, ISRAEL, JAPAN, MEXICO, NEW ZEALAND, SOUTH KOREA, TUNISIA AND THE UNITED STATES

1. The Commission may enter into 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 achieving balanced agreements on the equivalence of the organic production standards and control systems.
2. The negotiations shall aim to facilitate trade in organic products, on a reciprocal and mutually beneficial basis.
3. The negotiations shall concern products as referred to in Article 2(1) of Regulation (EU) 2018/848 which are obtained or produced in the territory of the Union and in the territory of the relevant third country.
4. The Commission shall endeavour to achieve a high level of respect of the objectives and principles of organic production and a high level of guarantee of the control system, including surveillance, as laid down in Regulation (EU) 2018/848.
5. The Commission shall aim at achieving protection of the terms, their derivatives or diminutives and the Union logo referring to organic production in order to reserve their use in the labelling of products in conformity with Regulation (EU) 2018/848.

6. The Commission shall take into consideration the principles and production rules of the *Codex alimentarius* guidelines CAC/GL 32.
7. Unless otherwise provided in the negotiating directives for a Free Trade Agreement with the third country concerned, the Commission shall apply the current negotiating directives to provisions relating to trade in organic products, when considering addressing organic trade matters in current or future Free Trade Agreement negotiations between the Union and third countries.
8. When conducting the negotiations on the basis of these negotiating directives, the Commission shall take into account in particular the principles and mechanisms of the Treaty on the Functioning of the European Union and the obligations arising from World Trade Organization rules.
9. The agreement shall provide for the contracting parties to take appropriate measures in the event of lack of administrative co-operation or management.

Before initiating negotiations with the third countries concerned, the Commission shall inform the Special Committee on Agriculture of the Council of the European Union, and update it regularly on their progress.’