



the global voice of  
the legal profession®

# FIRST INTERNATIONAL CONFERENCE ON AGRICULTURAL LAW

## **IBA/UBA Agriculture Law Conference**

Kiyv – 23/9/2021

Session Three: Technology, agriculture and  
trade

Exporting food to the EU: Market Access –  
Paperwork – Quality requirements

Jens Karsten, EU-Cooperation Partner at KWG  
Legal



# FIRST INTERNATIONAL CONFERENCE ON AGRICULTURAL LAW

## What's new in 'Brussels' that concerns agri-food trade?

### Not so recent

Since 14/12/2019: Official Controls Regulation (OCR) = Regulation (EU) 2017/625

### Recent

Since 21/4/2021: Animal Health Law (AHL) = Regulation (EU) 2016/429  
(transition measures end 20/10/2021)

The following is a list of laws that kicked into force with the AHL:



# FIRST INTERNATIONAL CONFERENCE ON AGRICULTURAL LAW

## Positive Lists – countries exporting food to the EU

Newly issued:

Recognised AHL: [Commission Implementing Regulation \(EU\) 2021/404](#) of 24 March 2021 laying down the lists of third countries, territories or zones thereof from which the entry into the Union of animals, germinal products and products of animal origin is permitted in accordance with Regulation (EU) 2016/429 of the European Parliament and the Council

Recognised OCR: [Commission Implementing Regulation \(EU\) 2021/405](#) of 24 March 2021 laying down the lists of third countries or regions thereof authorised for the entry into the Union of certain animals and goods intended for human consumption in accordance with Regulation (EU) 2017/625 of the European Parliament and of the Council, amended by [Commission Implementing Regulation \(EU\) 2021/606](#)

Recognised Residue Monitor Plans: [Commission Implementing Decision \(EU\) 2021/653](#) of 20 April 2021 amending Decision 2011/163/EU on the approval of plans submitted by third countries in accordance with Article 29 of Council Directive 96/23/EC



# FIRST INTERNATIONAL CONFERENCE ON AGRICULTURAL LAW

## **IMSOC reorganised – electronic paperwork**

IMSOC [Regulation](#) and IMSOC [explained](#)

[Commission Implementing Regulation \(EU\) 2021/547](#) of 29 March 2021 amending Implementing Regulation (EU) 2019/1715 as regards procedures for the establishment and use of [ADIS](#) and EUROPHYT, the issuance of electronic animal health certificates, official certificates, animal health/official certificates and commercial documents, the use of electronic signatures, and the functioning of [TRACES](#), and repealing Decision 97/152/EC

## **Model certificates – Implementing Acts counting hundreds of pages in the Official Journal**

‘IA Food’, ‘IA Aqua’, and ‘IA Terre’ – together nearly 1,500 pages of text in the Official Journal – and its [model certificates](#) needs to be learned and applied:



# FIRST INTERNATIONAL CONFERENCE ON AGRICULTURAL LAW

“IA Food”: [Commission Implementing Regulation \(EU\) 2020/2235](#) laying down rules for the application of Regulations (EU) 2016/429 and (EU) 2017/625 of the European Parliament and of the Council as regards model animal health certificates, model official certificates and model animal health/official certificates, for the entry into the Union and movements within the Union of consignments of certain categories of animals and goods, official certification regarding such certificates and repealing Regulation (EC) No 599/2004, Implementing Regulations (EU) No 636/2014 and (EU) 2019/628, Directive 98/68/EC and Decisions 2000/572/EC, 2003/779/EC and 2007/240/EC



# FIRST INTERNATIONAL CONFERENCE ON AGRICULTURAL LAW

“IA Aqua”: [Commission Implementing Regulation \(EU\) 2020/2236](#) laying down rules for the application of Regulations (EU) 2016/429 and (EU) 2017/625 of the European Parliament and of the Council as regards model animal health certificates for the entry into the Union and movements within the Union of consignments of aquatic animals and of certain products of animal origin from aquatic animals, official certification regarding such certificates and repealing Regulation (EC) No 1251/2008



# FIRST INTERNATIONAL CONFERENCE ON AGRICULTURAL LAW

“IA Terre”: [Commission Implementing Regulation \(EU\) 2021/403](#) laying rules for the application of Regulations (EU) 2016/429 and (EU) 2017/625 of the European Parliament and of the Council as regards model animal health certificates and model animal health/official certificates, for the entry into the Union and movements between Member States of consignments of certain categories of terrestrial animals and germinal products thereof, official certification regarding such certificates and repealing Decision 2010/470/EU



# FIRST INTERNATIONAL CONFERENCE ON AGRICULTURAL LAW

## Import requirements

[Commission Delegated Regulation \(EU\) 2019/625](#) supplementing Regulation (EU) 2017/625 of the European Parliament and of the Council with regard to requirements for the entry into the Union of consignments of certain animals and goods intended for human consumption, amended by [Commission Delegated Regulation \(EU\) 2021/573](#)

Regarding the thorny issue of composite products the Commission, on its [website](#), provides information on the Regulation including a [decision tree](#) and a [Q&A](#) document.





# FIRST INTERNATIONAL CONFERENCE ON AGRICULTURAL LAW

## Checks at Border Control Posts (BCPs)

[Commission Implementing Regulation \(EU\) 2021/608](#) of 14 April 2021 amending Implementing Regulation (EU) 2019/1793 on the temporary increase of official controls and emergency measures governing the entry into the Union of certain goods from certain third countries implementing Regulations (EU) 2017/625 and (EC) No 178/2002 of the European Parliament and of the Council

[Commission Delegated Regulation \(EU\) 2021/630](#) of 16 February 2021 supplementing Regulation (EU) 2017/625 of the European Parliament and of the Council as regards certain categories of goods exempted from official controls at border control posts and amending Commission Decision 2007/275/EC

[Commission Delegated Regulation \(EU\) 2021/632](#) of 13 April 2021 laying down rules for the application of Regulation (EU) 2017/625 of the European Parliament and of the Council as regards the lists of animals, products of animal origin, germinal products, animal by-products and derived products, composite products, and hay and straw subject to official controls at border control posts, and repealing Commission Implementing Regulation (EU) 2019/2007 and Commission Decision 2007/275/EC



# FIRST INTERNATIONAL CONFERENCE ON AGRICULTURAL LAW

**Can you brief us about the paperwork exporters to the EU need to deal with?**

Sanitary and phytosanitary (SPS) measures

Categories:

- Products of animal origin - POAO)
- (import live animals)
- Composite products (food containing both products of plant origin and processed products of animal origin)
- Food of non-animal origin - FNAO)
- (import live plants)
- Animal feed



# FIRST INTERNATIONAL CONFERENCE ON AGRICULTURAL LAW

**Can you brief us about the paperwork exporters to the EU need to deal with?**

CHED = Common Health Entry Document

TRACES NT Documentation ([link](#))



the global voice of  
the legal profession®

# FIRST INTERNATIONAL CONFERENCE ON AGRICULTURAL LAW

GLOSSARY	
ACC	Administrative Assistance and Cooperation System
ABP	Animal by-product
ADIS	Information management system for animal diseases notification and reporting (AHU) [animal disease alerts]
AHL	Animal Health Law
BCP	Border Control Post
BOVEK	Bovine Exchange
CATCH (TRACES-NT)	Certification against IUU fishing (Regulation (EC) No 1005/2008)
CEP	Common entry document for certain feed and food of non-animal origin
CEVD	Common veterinary entry document for products and animals (no longer applicable)
CHED	Common Health Entry Document
CHED-A (TRACES-NT)	for consignments of live animals
CHED-P (TRACES-NT)	for consignments of products of animal origin, germinal products, animal by-products and derived products, composite products, and hay and straw
CHED-PP (TRACES-NT)	for consignments of plants, plant products and other objects
CHED-D (TRACES-NT)	for consignments of food and feed of non-animal origin;
Codex	Codex Alimentarius Commission
COI (TRACES-NT)	Certificate of Inspection (organic food)
DOC	Documentary check
eIDAS	Electronic identification and trust services for electronic transactions
EURL	European References Laboratories ( <a href="https://ec.europa.eu/food/ref-labs_en">https://ec.europa.eu/food/ref-labs_en</a> )
Europhyt	Plant health interceptions (→ CHAD-PP) [plant health alerts]
FLEGT	Forest Law Enforcement, Governance and Trade
Food Fraud Network	
GFL	General Food Law (Regulation (EC) No 178/2002)
HACCP	Hazard analysis and critical control points
	Identity check
IA Aqua IA Food	Aquatic animals and of products of animal origin from aquatic animals
IA Terre	
IMSOC	Information Management System for Official Controls
INTRIA	Trade between Member States
IPPC	International Plant Protection Convention
Model COMP	Model animal health/official certificate for the entry into the Union of not shelf-stable composite products and shelf-stable composite products, containing any quantity of meat products except gelatine, collagen and highly refined products, and intended for human consumption (Model COMP), as established in Chapter 50 of Annex III of Regulation (EU) 2020/2235
OCR	Official Controls Regulation (Regulation (EU) 2017/625) Official controls
	Other official activities
PHL	Plant Health Law (Regulation (EU) 2016/2031 on protective measures against plant pests)
PHYTO	Phytosanitary certificate for export and re-exportation
POAO	Products of animal origin
IRASFF	Rapid alert system for food and feed
TRACES	Trade control and expert system [certification]
TRACES-NT	TRACES New Technology <a href="#">Documentation</a>



the global voice of  
the legal profession®

# FIRST INTERNATIONAL CONFERENCE ON AGRICULTURAL LAW

## Overview of requirements

Type of import requirement	Permanent import conditions: Third listing	Permanent import conditions: Establishment listing (authorisation)	Permanent import conditions: Official certification	Emergency measures and other temporary measures	Mandatory controls at Border Control Posts (BCPs)
Food of animal origin (public health requirements)	Required Art. 126(1) OCR Art. 126(2)(a) OCR* Art. 127 OCR** *Art. 3 Reg. 2019/625 **Reg. 2019/626	Required Art. 126(1) OCR Art. 126(2)(b) OCR Art. 127(3)(e)(ii) OCR Art. 5-11 Reg. 2019/625	Required Art. 126(1) OCR Art. 126(2)(c)+(d) OCR Art. 90 and 126(3) OCR Art. 13 Reg. 2019/625 Model certificates Reg. 2019/628	Art. 53(1)(b) GFL (emergency measures) Art. 128 OCR (special measures)	Required Art. 47(1)(b) OCR Art. 47(2)(a) OCR*  *Reg. 2019/2007
Food of animal origin (animal health requirements)	Required Art. 229(1)(a) AHL Art. 230 AHL Art. 232AHL	Not required  N.B. Art. 234(1) AHL	Required Art. 237(1) AHL Art. 238(3) AHL	Art. 53(1)(b) GFL (emergency measures) Art. 232 and 261 AHL (suspension of third country listing) Art. 128 OCR (special measures)	Required Art. 47(1)(b) OCR Art. 47(2)(a) OCR*
Composite products (public health requirements)	Required Art. 12(1)+(2) Reg. 2019/625	Required Art. 12(1) Reg. 2019/625	Required Art. 14 Reg. 2019/625	Art. 53(1)(b) GFL (emergency measures) Art. 128 OCR (special measures)	Required Art. 47(1)(b) OCR
Composite products (animal health requirements)	Required Art. 162(1)(a) 2020/692	Not required	Required Art. 3(c)(i) Art. 163(b)	Art. 53(1)(b) GFL (emergency measures) Art. 261 AHL (emergency measures) Art. 128 OCR (special measures)	Required Art. 47(1)(b) OCR
Food of non-animal origin (public health requirements)	Not required	Required for sprouts Art. 126(1) and 126(2)(b) OCR Art. 127(3)(e)(ii) and (iii) OCR	Required for sprouts Art. 126(1) and 126(2)(c) and (d) OCR Art. 126(3) OCR	Art. 47(2)(b) and 54(4)(a) OCR Art. 53(1)(b) GFL Art. 128 OCR	Required for goods referred to in Art. 47(1)(d), (e) and (f) OCR Art. 47-64 OCR apply
Food and feed of non-animal origin (plant health requirements)	—	—	Art. 72(1), 73 and 74(1) PHL (phytosanitary certificate) Annex XI and XII Reg. 2019/2072	Art. 28(1), 30(1), 40(3), 41(3), 49(1), 53(3) PHL	Required for goods referred to in Art. 47(1)(d), (e) and (f) OCR Art. 47-64 OCR apply



# FIRST INTERNATIONAL CONFERENCE ON AGRICULTURAL LAW

## What will change in trade in organic food as of 2022?

Regulation (EU) 2018/848 on organic production and labelling of organic products and repealing Council Regulation (EC) No 834/2007 (applies as of 1/1/2022)

Chapter VII “Trade with third countries” (Articles 44 to 49 and recitals 93 to 102)

From equivalence to conformity

All organics imported into the EU must be accompanied by an electronic Certificate Of Inspection ([e-COI](#)). These are managed via the trade control and expert system ([TRACES](#)).

Unpinning regulations (following):



# FIRST INTERNATIONAL CONFERENCE ON AGRICULTURAL LAW

**[Commission Delegated Regulation \(EU\) 2021/642](#) of 30 October 2020 amending Annex III to Regulation (EU) 2018/848 of the European Parliament and of the Council as regards certain information to be provided on the labelling of organic products**

**[Commission Implementing Regulation \(EU\) 2021/461](#) of 16 March 2021 amending Regulation (EC) No 1235/2008 as regards the date for receiving requests for the recognition of control authorities and control bodies for the purpose of equivalence under the arrangements for imports of organic products based on Council Regulation (EC) No 834/2007**



# FIRST INTERNATIONAL CONFERENCE ON AGRICULTURAL LAW

**[Commission Delegated Regulation \(EU\) 2021/771](#) of 21 January 2021 supplementing Regulation (EU) 2018/848 of the European Parliament and of the Council by laying down specific criteria and conditions for the checks of documentary accounts in the framework of official controls in organic production and the official controls of groups of operators**

**[Commission Implementing Regulation \(EU\) 2021/772](#) of 10 May 2021 amending Implementing Regulation (EU) 2020/977 as regards the temporary measures in relation to controls on the production of organic products, in particular the period of application**

**[Commission Delegated Regulation \(EU\) 2021/642](#) of 30 October 2020 amending Annex III to Regulation (EU) 2018/848 of the European Parliament and of the Council as regards certain information to be provided on the labelling of organic products**





# FIRST INTERNATIONAL CONFERENCE ON AGRICULTURAL LAW

**[Commission Implementing Regulation \(EU\) 2021/1165](#) of 15 July 2021 authorising certain products and substances for use in organic production and establishing their lists**

[repeals Regulation (EC) No 889/2008 by 1/1/2022]

**[Commission Delegated Regulation \(EU\) 2021/1006](#) of 12 April 2021 amending Regulation (EU) 2018/848 of the European Parliament and of the Council as regards the model of the certificate attesting compliance with the rules on organic production**

[Commission Delegated Regulation \(EU\) 2021/1189](#) of 7 May 2021 supplementing Regulation (EU) 2018/848 of the European Parliament and of the Council as regards the production and marketing of plant reproductive material of organic heterogeneous material of particular genera or species



# FIRST INTERNATIONAL CONFERENCE ON AGRICULTURAL LAW

[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

[Commission Implementing Regulation \(EU\) 2021/1325](#) of 10 August 2021 amending Implementing Regulation (EU) 2020/977 as regards the period of application of the temporary measures in relation to controls on the production of organic products

[Commission Delegated Regulation \(EU\) 2021/1342](#) of 27 May 2021 supplementing Regulation (EU) 2018/848 of the European Parliament and of the Council with rules on the information to be sent by third countries and by control authorities and control bodies for the purpose of supervision of their recognition under Article 33(2) and (3) of Council Regulation (EC) No 834/2007 for imported organic products and the measures to be taken in the exercise of that supervision



# FIRST INTERNATIONAL CONFERENCE ON AGRICULTURAL LAW

[Commission Delegated Regulation \(EU\) 2021/1691](#) of 12 July 2021 amending Annex II to Regulation (EU) 2018/848 of the European Parliament and of the Council as regards the requirements for record-keeping for operators in organic production

[Commission Delegated Regulation \(EU\) 2021/1698](#) of 13 July 2021 supplementing Regulation (EU) 2018/848 of the European Parliament and of the Council with procedural requirements for the recognition of control authorities and control bodies that are competent to carry out controls on operators and groups of operators certified organic and on organic products in third countries and with rules on their supervision and the controls and other actions to be performed by those control authorities and control bodies

*(today's Official Journal)*



# FIRST INTERNATIONAL CONFERENCE ON AGRICULTURAL LAW

## What are the most recent developments in the EU regarding GMOs and new genomic techniques?

Biotechnologies: Commission seeks open debate on [New Genomic Techniques](#) as study shows potential for sustainable agriculture and need for new policy

Plant reproductive material [study](#) is online

EFSA: Overview of EFSA and European national authorities' scientific opinions on the risk assessment of plants developed through [New Genomic Techniques](#)

EFSA: Overview of sixteen scientific opinions on genetically modified plants obtained by [new genomic techniques](#)

European Parliament ENVI Committee 10/5/2021: [Hearing](#) on new genomic techniques in the food sector

[JRC](#): New genomic techniques: where do we stand?