

ANNEX XI

**REFERRED TO IN PARAGRAPH 3 OF ARTICLE 2.22 (SCOPE) OF
SECTION 2.2 (TECHNICAL BARRIERS TO TRADE) OF
CHAPTER 2 (TRADE IN GOODS)**

ANNEX XI

ORGANIC PRODUCTS

REFERRED TO IN PARAGRAPH 3 OF ARTICLE 2.22 (SCOPE) OF SECTION 2.2 (TECHNICAL BARRIERS TO TRADE) OF CHAPTER 2 (TRADE IN GOODS)

ARTICLE 1

Objective and Scope

1. The objective of this Annex is to set out the provisions and procedures for fostering trade in organic products in accordance with the principles of non-discrimination and reciprocity, by means of the recognition of equivalence by the Parties of their respective laws and regulations.
2. This Annex applies to the organic products listed in Appendix 1 and Appendix 2 which comply with the laws and regulations listed in Appendix 3 or 4¹. The Joint Committee shall have the power to amend Appendix 1, through 4.

ARTICLE 2

Definitions

For the purposes of this Annex:

- (a) “competent authority” means an official agency that has jurisdiction over the laws and regulations listed in Appendix 3 or Appendix 4 and is responsible for the implementation of this Annex;
- (b) “control authority” means an authority on which the competent authority has conferred, in whole or in part, its competence for inspections and certifications in the field of organic production in accordance with the laws and regulations listed in Appendix 3 or Appendix 4;
- (c) “control body” means an entity recognised by the competent authority to carry out inspections and certifications in the field of organic

¹ The provisions contained in this Annex shall apply to Iceland, except for the provisions concerning live animals, other than fish and aquaculture animals, and animal products such as ova, embryo and semen.

production in accordance with the laws and regulations listed in Appendix 3 or Appendix 4; and

- (d) “equivalence” means the capability of different laws, regulations and requirements, as well as inspection and certification systems, of meeting the same objectives.

ARTICLE 3

Recognition of Equivalence

1. With respect to products listed in Appendix 1, Iceland and Norway shall recognise the laws and regulations of the United Kingdom listed in Appendix 3 as equivalent to the laws and regulations of Iceland and Norway listed in Appendix 4.
2. With respect to products listed in Appendix 2, the United Kingdom shall recognise the laws and regulations of Iceland and Norway listed in Appendix 4 as equivalent to the United Kingdom’s laws and regulations listed in Appendix 3.
3. In view of the date of application of 1 January 2022 of Regulation (EU) 2018/848 of the European Parliament and of the Council of 30 May 2018 on organic production and labelling of organic products and repealing Council Regulation (EC) No 834/2007 (the “Council Regulation”), the recognition of equivalence referred to in paragraphs 1 and 2 shall be reassessed by each Party after both:
 - (a) a decision on reassessment is taken under Article 3 (Recognition of Equivalence) of Annex TBT-4 (Organic Products) of the UK-EU TCA; and
 - (b) a decision is taken on the application of the Council Regulation to EEA EFTA under the EEA Agreement.

If, as a result of the reassessment under this paragraph equivalence is not confirmed by a Party, recognition of equivalence shall be suspended.

4. Without prejudice to paragraph 3, in the event of the modification, revocation or replacement of the laws and regulations listed in Appendix 3 or Appendix 4 of this Annex XI (Organic Products), the new rules shall be considered equivalent to another Party’s rules unless a Party objects in accordance with the procedure set out in paragraphs 5 and 6.
5. If, following the receipt of further information from another Party that it has requested, a Party considers that the laws, regulations or administrative procedures or practices of another Party no longer meet the requirements for equivalence, that Party shall issue a reasoned request to the Party concerned

to amend the relevant laws, regulations or administrative procedures or practices, and shall provide the Party concerned with an adequate period, which shall not be less than three months, for ensuring equivalence.

6. If, following the expiry of the period in paragraph 5, the Party concerned still considers that the requirements for equivalence are not met, it may take a decision to unilaterally suspend the recognition of equivalence of the relevant laws and regulations listed in Appendix 3 or Appendix 4, as regards the relevant organic products listed in Appendix 1 or Appendix 2.
7. A decision to unilaterally suspend the recognition of equivalence of the laws and regulations listed in Appendix 3 or Appendix 4, as regards the relevant organic products listed in Appendix 1 or Appendix 2 may also be taken, following the expiry of a notice period of three months, where a Party has not provided the information required under Article 6 (Exchange of Information) or does not agree to a peer review under Article 7 (Peer Reviews).
8. Where recognition of equivalence is suspended in accordance with this Article 3 (Recognition of Equivalence),, at the request of a Party, the Parties shall discuss the matter within the Sub-Committee on Technical Barriers to Trade and they shall make every effort to consider possible measures that would enable recognition of equivalence to be restored.
9. With respect to products not listed in Appendix 1 or Appendix 2, equivalence shall be discussed by the Sub-Committee on Technical Barriers to Trade at the request of a Party.

ARTICLE 4

Import and Placing on the Market

1. Iceland and Norway shall accept the import into Iceland and Norway of the products listed in Appendix 1, and the placing of those products on the market as organic products, provided that those products comply with the laws and regulations of the United Kingdom listed in Appendix 3 and are accompanied by a certificate of inspection issued by a control body recognised by the United Kingdom and indicated to Iceland and Norway as referred to in paragraph 3.
2. The United Kingdom shall accept the import into the United Kingdom of the products listed in Appendix 2, and the placing of those products on the market as organic products, provided that those products comply with the laws and regulations of Iceland and Norway listed in Appendix 4 and are accompanied by a certificate of inspection issued by a control body recognised by Iceland and Norway and indicated to the United Kingdom as referred to in paragraph 3.

3. Each Party recognises the control authorities or control bodies indicated by another Party as responsible for performing the relevant controls as regards organic products covered by the recognition of equivalence as referred to in Article 3 (Recognition of Equivalence) and for issuing the certificate of inspection as referred to in paragraphs 1 and 2 with a view to their import into and placing on the market within another Party.
4. The importing Party, in cooperation with the Party concerned, shall assign code numbers to each relevant control authority and control body indicated by the Party concerned.

ARTICLE 5

Labelling

1. Products imported into a Party in accordance with this Annex shall meet the requirements for labelling set out in the laws and regulations of the importing Party listed in Appendix 3 and Appendix 4. Those products may bear the organic logos of Iceland or Norway, any United Kingdom organic logo or a combination of these logos, as set out in the relevant laws and regulations, provided that those products comply with the labelling requirements for the respective logo or logos.
2. The Parties undertake to avoid any misuse of the terms referring to organic production in relation to organic products that are covered by the recognition of equivalence under this Annex.
3. The Parties undertake to protect, against any misuse or imitation, the organic logos of Iceland and Norway and any United Kingdom organic logo set out in the relevant laws and regulations. The Parties shall ensure that the organic logos of Iceland and Norway and any United Kingdom organic logo are used only for the labelling, advertising or commercial documents of organic products that comply with the laws and regulations listed in Appendix 3 and Appendix 4.

ARTICLE 6

Exchange of Information

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

- (a) a report that contains information with respect to the types and quantities of organic products exported under this Annex, covering the period from January to December of the previous year;
 - (b) a report on the monitoring and supervisory activities carried out by its competent authorities, the results obtained, and the corrective measures taken, covering the period from January to December of the previous year; and
 - (c) details of observed irregularities and infringements of the laws and regulations listed in Appendix 3 or Appendix 4, as relevant.
2. Each Party shall inform the other Parties without delay of:
- (a) any update to the list of its competent authorities, control authorities and control bodies, including the relevant contact details (in particular the address and the internet address);
 - (b) any changes or repeals it intends to make in respect of laws or regulations listed in Appendix 3 or Appendix 4, any proposals for new laws or regulations or any relevant proposed changes to administrative procedures and practices related to organic products covered by this Annex; and
 - (c) any changes or repeals it has adopted in respect of laws or regulations listed in Appendix 3 or Appendix 4, any new legislation or relevant changes to administrative procedures and practices related to organic products covered by this Annex.

ARTICLE 7

Peer Reviews

1. Following advance notice of at least six months, each Party shall permit officials or experts designated by another Party to conduct peer reviews within the first Party to verify that the relevant control authorities and control bodies are carrying out the controls required to implement this Annex.
2. Each Party shall cooperate with and assist the other Parties, to the extent permitted under the 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.

APPENDIX 1

**ORGANIC PRODUCTS FROM THE UNITED KINGDOM FOR WHICH
ICELAND AND NORWAY RECOGNISE EQUIVALENCE**

| Description | Comments |
|--|-----------------|
| Unprocessed plant products | |
| Live animals or unprocessed animal products ² | Includes honey |
| Aquaculture products and seaweeds | |
| Processed agricultural products for use as food | |
| Processed agricultural products for use as feed | |
| Seeds and propagating material | |

The organic products listed in this Appendix shall be unprocessed agricultural or aquaculture products produced in the United Kingdom or processed agricultural products for use as food or feed that have been processed in the United Kingdom with ingredients that have been grown in the United Kingdom or that have been imported into the United Kingdom in accordance with United Kingdom laws and regulations.

² See footnote in paragraph 2 of Article 1 (Objective and Scope) of this Annex.

APPENDIX 2

**ORGANIC PRODUCTS FROM ICELAND AND NORWAY FOR WHICH
THE UNITED KINGDOM RECOGNISES EQUIVALENCE**

| Description | Comments |
|--|-----------------|
| Unprocessed plant products | |
| Live animals or unprocessed animal products ³ | Includes honey |
| Aquaculture products and seaweeds | |
| Processed agricultural products for use as food | |
| Processed agricultural products for use as feed | |
| Seeds and propagating material | |

The organic products listed in this Appendix shall be unprocessed agricultural or aquaculture products produced in Iceland or Norway or processed agricultural products for use as food or feed that have been processed in Iceland or Norway with ingredients that have been grown in Iceland or Norway or that have been imported into Iceland or Norway in accordance with the laws and regulations in Iceland or Norway.

³ See footnote in paragraph 2 of Article 1 (Objective and Scope) of this Annex.

APPENDIX 3

**LAWS AND REGULATIONS ON ORGANIC PRODUCTS APPLICABLE
IN THE UNITED KINGDOM⁴**

The following laws and regulations applicable in the United Kingdom:

- (a) Retained REGULATION (EC) No 834/2007;
 - (b) Retained REGULATION (EC) No 889/2008;
 - (c) Retained REGULATION (EC) No 1235/2008; and
 - (d) The Organic Products Regulations 2009.
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⁴ References in this list to Retained Union law are deemed to be references to such legislation, as amended by the United Kingdom to apply to the United Kingdom.

APPENDIX 4

LAWS AND REGULATIONS ON ORGANIC PRODUCTS APPLICABLE IN ICELAND AND NORWAY

The following laws and regulations applicable in Iceland and Norway:

- (a) Council Regulation (EC) No 834/2007 of 28 June 2007 on organic production and labelling of organic products and repealing Regulation (EEC) No 2092/91⁵;
- (b) 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 control⁶; and
- (c) 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 countries⁷.

⁵ OJ L 189, 20.7.2007, p. 1.

⁶ OJ L 250, 18.9.2008, p. 1.

⁷ OJ L 334, 12.12.2008, p. 25.