

## Regulations governing equivalence between the Swiss Organic Farming Ordinance and the EU Organic Regulation 834/2007

### 1. Reference in EU law:

#### **Agreement between the European Community and the Swiss Confederation on trade in agricultural products:**

Date of signature: 21/06/1999

OJ Reference: L114, 30/04/2002, p. 132

The Agreement was supplemented in 2009. OJ (Official Journal) L 136 of 25 May 2009 notes in Article 7; 22) that: "Imports between the Parties of organic produce which originates in or has been released for free circulation in one of the Parties and which is covered by equivalence arrangements as referred to in paragraph 1 shall not require any presentation of certificates of inspection".

#### **EU Regulation 1235/2008:**

Regulation 1235/2008 does not in fact make explicit mention of the aspect that no certificates of inspection are required. Equivalence between the EU and Switzerland is mentioned in this Regulation merely "(...) For the sake of clarity" (*Whereas*, section 5). The Agreement between the European Community and the Swiss Confederation on trade in agricultural products is a binding agreement under international law, and takes precedence in statutory terms over EU Regulation 1235/2008.

Furthermore, the equivalence of the Swiss Organic Farming Ordinance with EU Organic Regulation 834/2007 is mentioned in EU Regulation 1235/2008 (laying down detailed rules for implementation of Regulation 834/2007 as regards imports of organic products) in the following sections: in Article 18, and in Annex III (List of Third Countries and Relevant Specifications referred to in Article 7).

### 2. Reference in Swiss law:

In Switzerland the Agreement between the European Community and the Swiss Confederation is referenced in the Classified Compilation of Federal Legislation with the following number: 0.916.026.81

The EAER Ordinance on Organic Farming, SR 910.181, Annex 4 (section on EU Member States) stipulates that organically certified produce originating in the EU is fully recognized as equivalent in Switzerland.

That Annex explicitly notes that no certificates of inspection are required for imports to Switzerland from the EU.