

EXCHANGE OF LETTERS – ORGANICS EQUIVALENCE
LETTER FROM UK TO UNITED STATES

Thursday 11th April 2019

Dear Administrator Summers

Dear Ambassador Doud,

I am writing to outline the arrangements that will apply in the United Kingdom of Great Britain and Northern Ireland (UK) to continue to recognise the United States (US) National Organics Program after the UK ceases to be a Member State of the European Union (EU) and of the European Atomic Energy Community (Euratom).

The European Commission recognised in 2012 that the US National Organics Program complies with principles and production rules equivalent to those laid down Titles II, III and IV of Council Regulation (EC) No. 834/2007 and that its control measures are of equivalent effectiveness to those laid down in Title V of that Regulation. As a consequence, the Commission amended Commission Regulation (EC) 1235/2008 to add the US to the list of recognised third countries in Annex III to that Regulation.


The UK and the EU have negotiated the text of an agreement on the withdrawal of the UK from the EU and Euratom (the Withdrawal Agreement). The Withdrawal Agreement provides for a transition period to end on 31 December 2020 or such later date as is agreed by the UK and the EU (the transition period). During the transition period, Union law as defined in Article 2 of the Withdrawal Agreement would continue to be applicable to and in the UK. This includes Council Regulation (EC) No. 834/2007 and Commission Regulation (EC) 1235/2008. Accordingly in the event of a transition period, the United States' National Organic Program would continue to be recognised in the UK to the extent that it is recognised in Union law during the transition period.

In the event that the Withdrawal Agreement is not signed, ratified and approved by the UK and the EU, the UK wishes to ensure continued recognition of the US National Organics Program from the point at which it ceases to be a Member State of the EU. In this situation, the European Union (Withdrawal) Act 2018 and any relevant secondary legislation made pursuant to that Act (the UK legislation) will incorporate Council Regulation (EC) No 834/2007 and Commission Regulation 1235/2008 into UK domestic law at the point at which the UK ceases to be a Member State of the EU. Accordingly in the event that the UK withdraws from the EU without a withdrawal agreement, the US National Organics Program would be recognised in UK domestic law on and after the UK's withdrawal subject to the conditions set out in the UK

legislation. If there is a Withdrawal Agreement it would not be necessary to incorporate Union law into UK domestic law at the point of Exit. Union law would continue to be applicable to and in the UK during the transition period. The Withdrawal Agreement provides for some Union law to continue to be applicable at the end of the transition period in areas relating to the rights of EU citizens, the financial settlement, other separation issues and, if the UK-EU Future Relationship is not ready at the end of the transition period, the Protocol on Ireland/Northern Ireland. If the Withdrawal Agreement is approved by Parliament, the UK Government expects to bring forward the European Union (Withdrawal Agreement) Bill to provide for its implementation. It is expected that this Bill would include provision to amend the European Union (Withdrawal) Act 2018 so that Union law in effect at the end of the transition period can be incorporated into UK domestic law.

The UK is also pleased to acknowledge recognition by the United States of the organic system that will apply in the UK after the UK's withdrawal from the EU in its letter of Thursday 11th April 2019. DEFRA is committed, subject to the United Kingdom having ceased to be a Member State of the EU and any transition period having come to an end, to working with USDA's Agricultural Marketing Service and Foreign Agricultural Service and the United States Trade Representative (USTR) as described in this cover letter and its associated appendix and in the aforementioned U.S. letter of Thursday 11th April 2019 and its associated appendices.

Sincerely,

A handwritten signature in black ink, reading "Kim Darroch". The signature is written in a cursive style with a large, prominent 'D'.

H.E. Sir Kim Darroch
British Ambassador to the United States

Appendix

1. The United States and the UK are committed to working together in an Organic Working Group consisting of representatives of USDA and USTR on behalf of the United States and representatives of DEFRA on behalf of the UK.
2. The purpose of the Organic Working Group is to promote bilateral trade and to enhance regulatory and standards cooperation between DEFRA and the USDA on issues related to organic agricultural products.
3. The Organic Working Group expects to meet annually to:
 - Review any proposed legislation and rulemaking with a view to maintain equivalency;
 - Foster technical cooperation between the competent authorities and share best practices related to implementing robust oversight controls;
 - Discuss best practices and other issues related to organic agricultural products; and,
 - Consider the scope and further development of the arrangements between the UK and the US in relation to trade in organic agricultural products.
4. The Organic Working Group should become operational when the UK ceases to be a Member State of the EU and any transition period has come to an end. The Organic Work Group should, within 12 months of becoming operational, review the operation of the arrangements between the United States and the UK in relation to trade in organic agricultural products with a view to proposing any changes.