

Letter numbered ARES (2023) 11968393 dated 30/11/2023 from the European Commission Directorate- General For Agriculture and Rural Development:

Dear Sir / Dear Madam,

DG AGRI has, together with the Group of Experts on Organic Production, assessed the information in the Organic Farming Information System (OFIS). This has led to the conclusion that, in 2024, increased control and reporting measures are necessary for certain imported products.

The present letter is therefore addressed to the control authorities and control bodies recognised as competent to carry out controls and issue certificates for the purpose of the import of equivalent organic products from the third countries for the products listed below. (This letter is also sent to all other control authorities and control bodies recognised in Annex II of COMMISSION IMPLEMENTING REGULATION (EU) 2021/23251).

1. SCOPE OF THE ADDITIONAL CONTROL MEASURES

1.1. Concerned products

The reassessment of the risk of occurrence of non-compliances² has led to the conclusion that additional control measures must be applied. This means that from 1 January 2024 until 31 December 2024 at least the following increased control measures as regards products originating in and imported directly from one of the countries below or via

¹ Commission Implementing Regulation (EU) 2021/2325 of 16 December 2021 establishing, pursuant to Regulation (EU) 2018/848 of the European Parliament and of the Council, the list of third countries and the list of control authorities and control bodies that have been recognised under Article 33(2) and (3) of Council Regulation (EC) No 834/2007 for the purpose of importing organic products into the Union.

² According to Article 27(3) of Regulation (EC) No 834/2007 the nature and frequency of the controls must be determined on the basis of an assessment of the risk of occurrence of irregularities and infringements as regards compliance with the requirements laid down in this Regulation. Article 92c of Regulation (EC) No 889/2008 lays down the requirements for the risk analysis. Furthermore, the frequency of physical controls must depend on the likelihood of non-compliances as laid down in Article 45(5) 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) 834/2007 and Article 6 of Commission Delegated Regulation (EU) 2021/2306 supplementing Regulation (EU) 2018/848 of the European Parliament and of the Council with rules on the official controls in respect of consignments of organic products and in-conversion products intended for import into the Union and on the certificate of inspection.

another third country are necessary to ensure compliance of products with Article 45 of Regulation (EU) No 2018/8483.

These control measures are without prejudice to the basic obligations to carry out a minimum percentage of additional controls and take a minimum number of samples based on a risk assessment⁴.

These additional control measures must be applied exclusively to the following products and the operators producing, preparing, trading, storing or exporting organic food and feed with the following CN-codes⁵:

Country	Product	CN-code	Sampling percentages
Bolivia	Quinoa	1008 50 00 1102 90 90	10%
China	Ginger	0910 11 00	10%
China	Peanuts	1202 42 00	10%
China	Tea	0902 10 00 0902 20 00 0902 40 00	10%
Colombia	Lemons/limes	0805 50 90	10%
Ecuador	Bananas	0803 90 10	10%
Egypt	Peanuts	1202 41 00 1202 42 00	10%
India	Curcuma/turmeric	0910 30 00	10%
India	Tea	0902 20 00 0902 40 00 1212 99 95	20%
Mexico	Avocados	0804 40 00	10%
Pakistan	Rice	1006 20 98 1006 30 67 1006 30 98 2309 90 31	10%
Peru	Coffee	0901 11 00	10%
Peru	Ginger	0910 11 00	10%
Peru	Lemons/limes	0805 50 10 0805 50 90	10%
Peru	Pomegranate	0810 90 75	10%
Peru	Quinoa	1008 50 00	10%
Serbia	Raspberries	0811 20 31 0813 40 95	10%
South Africa	Citrus fruits	0805 10 22 0805 10 24 0805 40 00 0805 50 10	10%
Tunisia	Dates	0804 10 00	10%
Turkey	Cherries	0811 90 75 0811 90 80 2009 89 71 2009 89 99	10%
Turkey	Lentils	0713 40 00	10%

3 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) 834/2007.

4 Equivalent production standard and control measures based on Article 65 of Regulation (EC) No 889/2008.

5 See <http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=URISERV:l11003>

Turkey	Strawberries	0811 10 90 2009 89 79 2007 99 33	10%
Uganda	Sesame seed	1207 40 90	20%
Vietnam	Cashew	0801 32 00	10%

1.2. Sampling percentages

For the products defined in section 1.1, the control authorities and control bodies should carry out additional sampling for consignments applying the following sampling percentages:

- A minimum of 10% or 20% of all consignments, as stipulated in the table above, for the products in the abovementioned list.

2. NATURE OF THE ADDITIONAL CONTROL MEASURES

2.1. Sampling and analysing for presence of non-authorised substances⁶

For consignments⁷ of products sampled according to the percentages defined in section 1, the control body should take at least one representative sample of the consignment. Sampling should be done by using the methods as described in Commission Regulation (EU) No 691/2013 on the sampling methods to be used for official control of feed⁸ and Commission Directive 2002/63/EC establishing Community methods of sampling for the official control of non-authorised substances in and on products of plant and animal origin⁹. These samples should be analysed for the presence of non-authorised substances in a laboratory accredited to the analytical methods used. The analytical methods to be used should cover all the relevant non-authorised substances, including ethylene oxide, as defined by expert knowledge. This implies that, inter alia, the appropriate specific analytical methods – including single-residue methods where relevant – should be applied to detect non-authorised substances. The results of the analysis or the tests carried out on the samples taken should be included in the sampling report and contain the identification of the consignment: lot number and, when available, number of the certificate of inspection (COI). The control body must not issue the certificate of inspection before it has received and assessed the result of these analyses.

The sampling report of a consignment should be introduced in TRACES. Please bear in mind that, according to Article 5(2) of Regulation 2021/2306¹⁰, sampling results

⁶ This excludes the products referred to in Commission Implementing Regulation (EU) No 2021/1165 of 15 July 2021 authorising certain products and substances for use in organic production and establishing their lists.

⁷ The definition of consignment is set out in Article 2(5) of Commission Implementing Regulation (EU) No 2021/2307.

⁸ Commission Regulation (EU) No 691/2013 of 19 July 2013 amending Regulation (EC) No 152/2009 as regards methods of sampling and analysis (OJ L 197, 20.7.2013, p. 1).

⁹ Commission Directive 2002/63/EC of 11 July 2002 establishing Community methods of sampling for the official control of pesticide residues in and on products of plant and animal origin and repealing Directive 79/700/EEC (OJ L 187, 16/07/2002 p. 30-43).

¹⁰ Commission Delegated regulation (EU) 2021/2306 of 21 October 2021 supplementing Regulation (EU) 2018/848 of the European Parliament and of the Council with rules on the official controls in

must be uploaded in TRACES along with commercial and transport documents. This information, among the information to be submitted in the Annual Report mentioned below, will be used for the supervision by DG AGRI.

2.2. Controls

a. The control body or control authority should carry out 2 physical inspections per year of each operator involved in producing, preparing, trading, storing or exporting organic products listed under section 1 it intends to certify. One of these inspections must be unannounced.

b. On a farm that is certified for the first time, the control authority or control body should carry out the first inspection of each parcel before cultivation measures on that parcel in order to be able to certify the product.

c. The control body or control authority should take at least one field crop sample each year at each operator as defined in point a. The sample must be taken from crops in the field, at the most appropriate moment to detect the potential use of non-authorized substances according to expert knowledge. The sample should be analysed as set out in point 2.1. For operators not growing crops, a relevant sample of incoming raw material, intermediate product or processed product should be taken.

d. The control body or control authority should pay utmost attention to the verification of the product flows and traceability established by each operator as defined point a. It should also verify the quantities harvested and/or prepared, the means of storage and transport of the goods, including the possible application of non-authorized substances at these stages.

e. The control body or control authority should analyse in depth the bookkeeping and financial documentation of each operator as defined in point a, for which it intends to certify products. The control body or control authority must systematically verify the destination of all the products harvested and/or prepared at the farm it certifies, regardless of whether these crops are sold as organic or not or are exported or not. This includes the quantities and the names of the buyers.

f. As stipulated in article 4 of Delegated regulation (EU) 2021/2306¹¹. The control body or control authority must issue the certificate of inspection before the shipment leaves the third country of origin or of export.

g. Before issuing the certificate of inspection, the control body or control authority must carry out systematic documentary checks in accordance with Article 3 of Delegated Regulation (EU) 2021/2306 verifying:

a) the traceability of the products and ingredients;

respect of consignments of organic products and in-conversion products intended for import into the Union and on the certificate of inspection.

¹¹ Commission Delegated regulation (EU) 2021/2306 of 21 October 2021 supplementing Regulation (EU) 2018/848 of the European Parliament and of the Council with rules on the official controls in respect of consignments of organic products and in-conversion products intended for import into the Union and on the certificate of inspection.

b) that the volume of the products included in the consignment is in line with the mass balance checks of the respective operators according to the assessment carried out by the control authority or control body;

c) the relevant transport documents and commercial documents (including invoices) of the products;

At simple request, the control body or control authority must send this traceability documentation to the control body of the importer concerned and to the Competent Authorities of the importing country. In case of a complex supply chain a transparent flow chart must be added to that documentation unequivocally presenting both the flow of the goods and the financial flow.

At least points a) and c) should also be applied to new and other operators who cultivate fields that are in conversion to organic farming.

3. EXCHANGE OF INFORMATION

In accordance with Article 92 of Commission Regulation (EC) No 889/2008¹², where operators and/or their subcontractors change their control body, the new control body must verify and ensure that non-conformities noted in the control file forwarded by the previous control body have been completely and effectively addressed by the operator.

The control bodies must carefully evaluate the situation where a certification decision on such an operator has to be made. DG AGRI will take all necessary supervisory actions to ensure that control bodies have done this effectively.

4. REPORTING

In accordance with Article 2 of Commission Delegated Regulation 2021/1342¹³ 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, the Commission services request the implementation of these recommendations to be documented and made available in a report. This report must be included in the annual report referred to in Article 2(2) of Commission Regulation 2021/1342 and include at least the following information:

1. The list of the operators under your control in the countries mentioned above.

¹² 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 control (O.J. L 250, 18.09.2008, p. 1).

¹³ 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 (OJ L 292, 16.8.2021, p. 20–24).

2. For each operator and for the period starting on 1 January 2024 and ending on 31 December 2024:

- a. the inspections carried out, indicating the date of each inspection;
- b. the sampling and analyses carried out;
- c. the non-compliances found;
- d. the corrective measures and/or sanctions applied;
- e. the Certificates of Inspection signed;
- f. for each operator who changed its control body, the corrective measures and/or sanctions applied if non-conformities were noted in the report of the previous control body.

3. As regards consignments subject to the additional official controls in accordance with this letter:

- a. COI reference for imported consignments;
- b. overview of sampling analysis results which indicate presence of non-authorized substances, if any;
- c. investigations and follow-up measures taken by the control body in case of non-authorized substances found in the consignment, including the decision concerning the consignment e.g. downgrading the consignment to conventional, not issuing a COI etc., as well as confirmation that the operator has taken corrective measures.

Yours sincerely,

Michael Pielke

c.c.: List of Accreditation bodies