



**EUROPEAN COMMISSION**  
 DIRECTORATE-GENERAL FOR AGRICULTURE AND RURAL DEVELOPMENT

Deputy Director General, in charge of Directorates A, B and C

Brussels,  
 [redacted]/agri.ddg1.b.4(2017)4792277

[redacted]

Thank you for your e-mail of 6 July 2017 in which you requested clarifications of the concept of annual inspections.

I understand that you ask the question on behalf of [redacted] a control body which carries out delegated control tasks in accordance with Article 27(4) of Council Regulation (EC) No 834/2007<sup>1</sup>.

As you know, competent authorities designated by the Member States have the primary responsibility for controls in respect of the obligations established by the EU legislation<sup>2</sup>. We recommend therefore that, if you have any questions or doubts as concerns controls, you contact your competent authority and provide them with all necessary details.

The regulatory framework for organic production of the European Union is defined by Council Regulation (EC) No 834/2007 and Commission Regulation (EC) No 889/2008<sup>3</sup>. Article 27(3) of Regulation (EC) No 834/2007 provides for a verification of compliance of all operators, with the exception of wholesalers dealing only with pre-packaged products and of operators selling to the final consumer or user as described in Article 28(2) of Regulation (EC) No 834/2007, at least once a year. Article 65 of Regulation (EC) No 889/2008 provides for a physical inspection of all such operators to take place "at least once a year".

Operators shall therefore be subject to physical inspection at least once in every calendar year. However, all factors for an effective verification of the inspected operations and products, such as vegetation periods, have to be taken into account with regard to the timing of the annual inspections.

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<sup>1</sup> Council Regulation (EC) No 834/2007 of 28 June 2007 on organic production and labelling of organic products and repealing Regulation (EEC) No 2092/91 (OJ L 189, 20.7.2007, p. 1)

<sup>2</sup> Article 27(1) of Council Regulation (EC) No 834/2007

<sup>3</sup> 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)

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Please note that, according to Article 27(3) of Regulation (EC) No 834/2007, the nature and frequency of controls shall be determined on the basis of an assessment of the risk of occurrence of irregularities and infringements as regards compliance the requirements of that Regulation. In addition, Article 92(c) of Regulation (EC) No 889/2008 notably states that "the result of the risk analysis provides the basis for determining the intensity of the unannounced or announced annual inspections and visits".

The judgment on the required date of the next subsequent inspection of any operator should therefore be determined on the basis of an adequate risk analysis.

The present opinion is provided on the basis of the facts as set out in your email and on the understanding that in the event of a dispute involving Union law it is, under the Treaty on the Functioning of the European Union, ultimately for the Court of Justice of the European Union to provide a definitive interpretation of the applicable Union law.

Yours sincerely,

