



EUROPEAN COMMISSION
DIRECTORATE-GENERAL FOR AGRICULTURE AND RURAL DEVELOPMENT

Directorate H - Sustainability and Quality of Agriculture and Rural Development
H.3. Organic farming

Brussels, 30 AVR. 2010
H.3/KP D(2010) 225049

Dear Ms. Larsson,

Thank you for your e-mail in which you ask for certain clarifications regarding controls of activities that have been subcontracted to third parties.

More specifically, you ask whether the third party has to notify its activity to the competent authority of the Member State where the activity is carried out.

According to Article 28(1) of Regulation No 834/2007, an operator who contracts out any of his activities to a third party shall nonetheless notify his activity to the competent authority and submit his undertaking to the control system. The subcontracted activities shall be subject to the control system as well.

Further details regarding subcontracting can be found in Regulation (EC) No 889/2008.

The subcontracted activities shall be part of the description of activities of the main operator (Article 86(a) of Regulation (EC) No 889/2008) and there shall be a written agreement of the subcontractor that his holding will be subject to the control system (Article 86(b) of Regulation (EC) No 889/2008).

Furthermore, when the main operator and his subcontractor are checked by different control bodies, there shall be a declaration of the main operator on his behalf and on behalf of his subcontractor, that the two control bodies can exchange information (Article 92(1) of Regulation (EC) No 889/2008).

Ms Viveka LARSSON
Senior Veterinary Officer
Food Standards Department, National Food Administration
Sweden
e-mail : viveka.larsson@slv.se

In conclusion, the third party (subcontractor) does not have to notify his activities to the competent authority but the subcontracted activities as such must be subject to the control system. The notification is ensured by the main operator who must include the subcontracted activities in the description of his undertaking.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'J. Hulot', written over a horizontal line.

Jean-François HULOT
Head of Unit

Cc : all Member States (SCOF delegates)