



Brussels  
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Dear Sir / Dear Madam,

Following our letter with reference Ares(2020)7898622 dated 23/12/2020 on increased control and reporting measures as regards products imported from Ukraine, Kazakhstan, Moldova and the Russian Federation, as well as our letter with reference Ares(2020)7898777 dated 23/12/2020 concerning China and our letter with reference Ares(2021)3681999 dated 04/06/2021 concerning India, we have reassessed the situation together with the Member States' representatives in the Organic Production Committee on 8 March 2022.

This reassessment has led to the conclusion that in 2022 increased control and reporting measures remain necessary for certain imported products. Following the increase of cases of non-compliance in later years, DG AGRI has together with the Organic Production Committee reassessed the approach for the additional official controls implemented by the EU Member States' competent authorities on organic products imported from third countries. This has resulted in a different and more targeted list of products and countries to be covered<sup>1</sup>.

**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 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) 2021/2325<sup>2</sup>).**

## 1. SCOPE OF THE ADDITIONAL CONTROL MEASURES

### 1.1. Concerned products

The reassessment of the risk of occurrence of non-compliances<sup>3</sup> has led to the conclusion that additional control measures will have to be applied. This means that from 1 July

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<sup>1</sup> See [https://ec.europa.eu/info/food-farming-fisheries/farming/organic-farming/trade\\_en](https://ec.europa.eu/info/food-farming-fisheries/farming/organic-farming/trade_en)

<sup>2</sup> 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.

<sup>3</sup> According to Article 27 (3) of Regulation (EC) No 834/2007 the nature and frequency of the controls shall 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

2022 until the end of the year 2022 at least the following increased control measures as regards products originating in and imported directly from one of the countries below or via another third country are necessary to ensure compliance of products with Article 45 of Regulation (EU) No 2018/848<sup>4</sup>.

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 assessment<sup>5</sup>.

These additional control measures have to be applied exclusively to the following products and the operators producing, preparing, trading, storing or exporting organic food and feed with the following CN-codes<sup>6</sup>:

<b>Country</b>	<b>CN codes</b>	<b>Product</b>
Bolivia	1207 40 90	sesame seeds
	0910 11 00	
China	0910 12 00	ginger
	1202 41 00	
China	1202 42 00	peanuts
	1207 99 96	
China	1207 99 97 10	pumpkin kernels
Dominican Republic	1801 00 00	cocoa beans
Ecuador	0803 90 10	bananas
Ethiopia	1207 40 90	sesame seeds
Honduras	0901 11 00	coffee
	0910 11 00	
India	0910 12 00	ginger
India	1302 32 90	guar gum
India	1207 40 90	sesame seeds
India	1211 90 86	psyllium husks
India	2304 00 00	soybean cake
India	0910 30 00	turmeric
Kazakhstan	1204 00 90	flax seeds
Kazakhstan	1206 00 99	sunflower seeds
Kazakhstan	1201 90 00	soya beans
Paraguay	1207 99 96	chia seeds

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Regulation (EC) No 889/2008 lays down the requirements for the risk analysis. Furthermore, the frequency of physical controls shall 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.

<sup>4</sup> 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.

<sup>5</sup> Equivalent production standard and control measures based on Article 65 of Regulation (EC) No 889/2008.

<sup>6</sup> See <http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=URISERV:111003>

	0804 40 00	
Peru	0804 40 00 10	avocado
Peru	0803 90 10	bananas
Peru	1801 00 00	cocoa beans
	0910 11 00	
Peru	0910 12 00	ginger
	0804 50 00	
Peru	0804 50 00 20	mango
	1205 10 90	
Russian Federation	1205 90 00	rapeseed
Sierra Leone	1801 00 00	cocoa beans
Sri Lanka	0904 11 00	pepper
Togo	1201 90 00	soya beans
Turkey	0713 40 00	lentils
Turkey	0709-0712	oregano
	0806 20 30	
Turkey	0806 20 90	raisins
Turkey	1207 40 90	sesame seeds
	0811 10 90	
Turkey	2008 80 90	strawberries
Turkey	1001 19 00	wheat durum
Vietnam	0801 32 00	cashew nuts kernels

## 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 50% of all consignments concerning the following high incidence products from the abovementioned list:<sup>7</sup>

Country	CN codes	Product
	0910 11 00	
India	0910 12 00	ginger
India	1302 32 90	guar gum
India	1207 40 90	sesame seeds

<sup>7</sup> Incidence refers to the volume of goods involved in OFIS notifications divided by the total import volume of those goods.

- A minimum 10% of all consignments for the remaining products from the abovementioned list.

## 2. NATURE OF THE ADDITIONAL CONTROL MEASURES

### 2.1. Sampling and analysing for presence of non-authorised substances<sup>8</sup>

For consignments<sup>9</sup> 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 feed<sup>10</sup> 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 origin<sup>11</sup>. 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 shall 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 2021/2306<sup>12</sup>, sampling results have to 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

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<sup>8</sup> 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.

<sup>9</sup> The definition of consignment is set out in Article 2(5) of Commission Implementing Regulation (EU) No 2021/2307.

<sup>10</sup> 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).

<sup>11</sup> 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).

<sup>12</sup> 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.

exporting organic products listed under section 1 it intends to certify. One of these inspections shall 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 shall be taken from crops in the field, at the most appropriate moment to detect the potential use of non-authorised 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-authorised 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 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) 2021/2306<sup>13</sup>. The control body or control authority shall 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 shall 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;
  - 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 shall 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 shall be added to that documentation unequivocally presenting both the flow of the goods and the financial flow.

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<sup>13</sup> 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.

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 889/2008<sup>14</sup>, where operators and/or their subcontractors change their control body, the new control body shall 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 have to 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 2021/1342<sup>15</sup> 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 shall 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.
2. For each operator and for the period starting on 1 July 2022-December 2022:
  - 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.

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<sup>14</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).

<sup>15</sup> 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).

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-authorised substances, if any;
  - c. investigations and follow-up measures taken by the control body in case of non-authorised 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,



Pierre BASCOU

c.c.: List of Accreditation bodies