



EUROPEAN COMMISSION
DIRECTORATE-GENERAL FOR AGRICULTURE AND RURAL DEVELOPMENT

Directorate B – Sustainability
The Director

Brussels
TU/sf/agri.b.4(2022)2268696

Dear Mr Van den Idsert,

I would like to thank you for your email of 17 March 2022, in which you, as representative of OPTA Europe, together with other organic stakeholders that are part of the RESCUE network, present a proposal for your technical reading of Articles 28 and 29 of Regulation (EU) 2018/848, which we presume will be presented at a webinar on 23 March 2022.

In response to your letter, in which you state that “OPTA Europe in general is very critical towards the actual over focus of the Commission in regard to pesticide residues”, I would like to remind you that Regulation (EU) 2018/848, including Articles 28 and 29, was adopted by the European Parliament and the Council of the European Union. This Regulation is in force.

I would like to inform you that the services of the Commission do not accept the technical reading of Articles 28 and 29 of Regulation (EU) 2018/848 that emerged as a result of discussions in the RESCUE network. The services of the Commission consider that its content either adds elements that do not exist in Regulation (EU) 2018/848, or simply does not provide a correct interpretation of the same Regulation. In the annex to this letter, we provide some examples.

For the reasons mentioned above, we kindly invite you to stop disseminating misleading interpretations of Regulation (EU) 2018/848, which could have a detrimental effect to the integrity of the organic production scheme.

For any interpretation of Regulation (EU) 2018/848, please direct your questions to the competent authority of your relevant Member State or the European Commission.

Best regards,

Yours sincerely,

Pierre BASCOU

c.c.: Mr Martin Häusling, Mr Norbert Lins, Members of the Committee of the Organic Production

Mr Bavo Van Den Idsert (OPTA Europe)

E-mail: bavo@opta-eu.org

ANNEX:

On the slide 6 of your document, you provide an incorrect interpretation of the Regulation (EU) 2018/848 in which you state that the products or substances such as chlorpyrifos, chlorpropham and chlorate do not have to be taken into account in the context of the official controls for organic production. The reason you provide is that the scope of official controls should cover only products and substances referred to in Article 24 and 25 of Regulation (EU) 2018/848 that are authorised for use in conventional food/feed production.

Please note that according to Article 38(2), official controls are performed for the purpose of verification of compliance with Regulation (EU) 2018/848. According to Article 9 (3), only the products and substances that have been authorised pursuant to Articles 24, 25 and Annex II may be used in organic production. Therefore, the scope of the official controls cannot be limited only to the products and substances authorised in conventional production but should comprehensively cover all products and substances of which use can lead to a potential non-compliance to the Regulation (EU) 2018/848.

Having a look at slide 13, please note that according to Article 28 of Regulation (EU) 2018/848 and Article 1 of Regulation (EU) 2021/279 it is not the competence of the operator to determine the existence or absence of the non-compliance. In addition, it is not in the competence of the operator to request information from the control body of its supplier.

Furthermore, on slides 13, 14 and 15 you present a technical reading of the Regulation (EU) 2018/848 with elements that do not exist in the same Regulation:

- three additional elements to confirm the suspicion of non-compliance by the operator or for control body to substantiate the information on the presence of products or substances not authorised in organic production
- all three “yes” of these additional elements “should” trigger the suspicion
- procedure that operator should follow to substantiate the suspicion of non-compliance is not the same as in the Article 28 of Regulation (EU) 2018/848 and Article 1 of Regulation (EU) 2021/279.