



Delegated Act on the Controls and other actions to be performed by CB (Article 46.7.b.ii of Reg.848/2018)

**Expert Group on Organic Farming
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Overview of the provisions

- I. Provisions concerning certification of operators**
- II. General obligations on controls**
- III. Documentary accounts and registers to be verified by CB (Art.66 of 889/2008)**
- IV. Specific control requirements**
- V. Procedure, methods and techniques for controls**
- VI. Information to be submitted to EC**

Those provisions will be based on:

1. Chapter VI of Reg. 848/2018

- Controls in line with Official Control Regulation 2017/625 (Art.37 of Reg.848/2018)
- Additional controls requirements (Art.38 and 39 of 848/2018)

2. Current organic Regulation

- From Reg. 834/2007
- From Reg. 1235/2008
- From Reg.889/2008

3. New provisions to strengthen the control system in TC

I. Provisions concerning certification of operators

1. The CB should only certify operators that have taken an undertaking (Art. 39 of Reg.848/2018)

- to submit its undertakings and permits to the control system
- to dully information the CB
- to accept the transfer of the control file in case there is a change of CB
- to accept the exchange of information between CBs in relation to subcontractors

2. In case of transfer of operators (Art. 92 Reg.889/2008):

- The previous CB should rapidly transfer the control file to the new CB
- The new CB should assess the previous control file and ensure that non-conformities are addressed by the operator
- List of documents and information to be transfered

1. Provisions concerning certification of operators

3. CB should not accept operators that are already certified by another CB
4. Provisions for the certification and control of traders, exporters and importers (importing organic ingredients in a TC)
5. retroactive recognition:
 - ❖ Checks to be carried out by the CB, including documents to be checked before accepting the retroactive recognition
 - ❖ Information to be transmitted to the EC and procedure for notification to EC
6. Catastrophic circumstances:
 - ❖ Procedure for granting derogations by CB
 - ❖ Information to be transmitted to the EC and procedure for notification

II. General obligations on controls

1. The CB should carry out controls to verify the compliance with:

- Provisions defined Chapter III and IV of Reg. 848/2018
- Verification of application of preventive and precautionary measures as referred to in Art.9(6) and 28 and of adequate separation between organic, non-organic, in-conversion (Art.38 (1)(a) (b) and (c) of Reg. 848/2018)
- Verification of the set-up and functioning of the ICS of group of operators (Art.38 (1) (d) of Reg. 848/2018)

2. Obligation to perform controls all along the entire process at all stages of production, preparation and distribution (Art.38 (2) of Reg. 848/2018) based on likelihood of non-compliance (Art.38 (2) of Reg. 848/2018)

II. General obligations on controls

- 3. Criteria for definition of likelihood of non-compliance (risk-based approach) will be based on:*
 - criteria defined in Art.9 of Reg. 2017/625*
 - criteria defined in Art.38(2) of Reg. 848/2018*
 - Others (for instance criteria to identify "risky consignment" linked to long supply chain, several traders, etc.)*
- 4. Obligation to subject all operators to controls at least once every year (Art.38(3) of Reg.848/2018)*

II. General obligations on controls

6. Minimum control requirements for (Art 65, art.66(3) and art.92c(2) of Reg.889/2008):

- Number of unannounced visit [$>10\%$ of all inspections]
- Number of additional random controls [$> 10\%$ of operators]
- Number of sampling [$>5\%$ of num of operators]
- Number of operators to be controlled within a group of operators

7. Obligation to have additional controls and checks for risky operators, locations and consignments (e.g for long supply chain obligation to have a flow chart of goods and money)

II. General obligations on controls

7. CB to carry out the controls in the right periods (Art. 38.8.iii of Reg.848/2018), for instance, where the risk of pesticide application is higher, etc.

8. List of operators:

- CB to keep updated list (Art.34(6) of Regulation 848/2018 and Art.28 (5) of Reg.834/2007)
- CB to make it available in website (Art.5(1)(e) of 1235/2008)

9. Certified parcels register:

- CB to keep updated parcel register (exact location, ownership, etc.)
- parcels should not change during the harvesting year

II. General obligations on controls

8. CB to carry out estimations of yields and of volumes of production based on robust procedures and taking into account local and climatic conditions.

III. Documentary accounts and registers to be verified by CB (Art.66 of 889/2008)

Provisions based on

- *Art. 39(1) and annex II of Reg. 848/2018*
- *Art. 63 of Reg. 889/2008*
- *Art. 66 of Reg. 889/2008 (documentary accounts)*

IV. Specific control requirements (including specific documentary checks)

- for plants and plant products (Art.70,71, 72 and 73 of Reg. 889/2008)*
- for seaweeds (Art.73a and 73 b of Reg. 889/2008)*
- for livestock (Art.74, 76, 77, 78 and 79 of Reg. 889/2008)*
- for aquaculture (Art. 79a,79.b, 79c and 79d of Reg. 889/2008)*
- for preparation of plant, seaweed, livestock and aquaculture (Art.80 of Reg. 889/2008)*
- Others (for instance for the control of consignment, transport and storage)*

IV. Specific control requirements

Others

- *Control of consignment (Art.13(4) Reg. 1235/2008):*

- * Documentary checks (production plan, transport documents, commercial documents, etc.)*
- * Criteria to define "risky" consignment (e.g when several traders are involved)*
- * Minimum requirements for identity and physical checks*

- *Control of transport and storage facilities*

- * Obligation to check that all storage facilities to be used, including for distribution, are subject to the control system*
- * Control of loading and unloading*

V. Procedure, methods and techniques for controls

- Obligation for the CB to have a control procedure*
- List of elements to be covered by the control procedure (based on Chapter II of Annex II+ other relevant elements) (Art 12 of Reg. 2017/625)*
- Obligation to have written records of the controls (content of the inspection reports)*

V. Procedure, methods and techniques for controls

The controls methods and techniques shall include the following as appropriate (Art.14 of Reg. 2017/625)

A. Inspection of:

- (i) equipment, means of transport, premises and other places under the control of the operators
- (ii) animals and goods, ingredients, etc.
- (iii) Products used (cleaning and disinfectio)?
- (iv) Labelling and packaging material

B. An examination of documents, traceability records and all records relevant to chek the compliance with organic regulation

V. Procedure, methods and techniques for controls

- Laboratories to be use:
 - Shall be accredited to the methods used can be used.
 - The accreditation shall be granted by:
 - ❖ a national accreditation in the Union (Reg. 765/2008)
or
 - ❖ An accreditation body signatory of a multilateral recognition arrangement under the International Accreditation Forum
- Methods used for laboratory to be in line with criteria defined in annex III of Reg. 2017/625

VI Information to be submitted to EC

- *CB to inform the EC about any change affecting its recognition (Art.5(1)(a) of Reg 1235/2008)*
- *CB to communicate all information requested by EC and to give access to its permits (Art.5(1)(b) of Reg 1235/2008)*
- *CB to submit an Annual Report by OFIS (Art.5(1)(c) and Art.17(1) of Reg 1235/2008)*
- *CB to reply to notification of irregularities within 30 days (Art.15(4) of Reg 1235/2008)*
- *CB to keep relevant control documents at least for [3] years (Art.17(4) of Reg 1235/2008)*