



Article 46(7)(a) of Regulation (EU) 2018/848

**Expert Group on Organic Farming
26 November 2019**

Article 46(7)(a) of Regulation (EU) 2018/848

- **"amending paragraph 2 of this Article [i.e 46(2)] by adding** further criteria to those laid down therein for the recognition of the control authorities and control bodies referred to in paragraph 1 of this Article **and for the withdrawal of such recognition,** or by amending those added criteria;"

What is the content of art 46(2)

CB or control authority (CrtA) shall be recognised for the control of import of the categories of products if :

- Legally established in one MS or Third country (TC);
- capacity to carry out controls
- Adequate guarantees of objectivity / impartiality / free from any conflict of interest
- CBs are Accredited
- Expertise, equipment and infrastructure to carry out control tasks, sufficient number of qualified / experienced staff;
- they meet any additional criteria that may be laid down in a delegated act adopted pursuant to paragraph 7.

Additional criteria for the recognition of CB/CrtA

Proposed criteria to be added as regard the recognition of control authorities or control bodies :

- The capacity of the CB/CrtA to carry out controls should be demonstrated for each TC subject to recognition (suppl. Art 46(2)(b))
- They do not subcontract control tasks
- CBs are accredited by only ONE accreditation body (AB)
- After being withdrawn the CB/CrtA cannot introduced an application for recognition in the same countries before [2] years

Criteria for the withdrawal of CB/CrtA

CB/CrtA may be withdrawn from a list of recognised CB/CrtA in the following cases:

- There is evidence that the CB/CrtA is failing to properly perform the tasks for which it is recognised for.[aligned with Art. 33 of Reg 2017/625]
- The independance or impartiality of the CB/CrtA has shown to be compromised [aligned with Art. 33 of Reg 2017/625]
- Their annual report have not been received by the Commission by [28/02] [ex art.12(2) of Reg. 1235/20018)]

Criteria for the withdrawal of CB/CrtA

- They do not keep available or do not communicate all information related to the technical dossier, control system or updated list of operators and products certified as organic [ex art 5(2) of Reg 1235/2008)
- They do not notify the Commission in due time of changes to its technical dossier; [ex art.12(2) of Reg. 1235/20018)]
- They do not provide information to the Commission during the investigations of an irregularity case; [ex art.12(2) of Reg. 1235/20018)]

Criteria for the withdrawal of CB/CrtA

- They do not agree to an on-the-spot examination required by the Commission, or if an on-the-spot examination comes up with a negative result due to systematic malfunctioning of control measures; [ex art.12(2) of Reg. 1235/20018)]
- In any other situation presenting the risk for the consumer to be misled about the true nature of the products certified by the control body or the control authority. [ex art.12(2) of Reg. 1235/20018)]

Criteria for the withdrawal of CB/CrtA

- The recognition of a CB/CrtA will be withdrawn in a specific country if, 24 months after a CB/CrtA has been recognised for a TC for the first time, the CB/CrtA has not submitted to the Commission a report from its accreditation body, covering that TC
- The recognition of a CB/CrtA will be withdrawn in a specific country in case of absence of activity of certification in this country for more than [x] years
- Such withdrawal will take place in accordance with the procedure referred to in Article 55(2) of Regulation 2018/848