

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****(Text with EEA relevance)**

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to 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) No 834/2007 ⁽¹⁾, and in particular Article 38(8), point (a)(ii), Article 46(7), point (b), and Articles 48(4) and 57(3) thereof,

Whereas:

- (1) In accordance with Article 45(1) of Regulation (EU) 2018/848, a product may be imported from a third country for the purpose of placing that product on the market within the Union as an organic product or as an in-conversion product, if that product complies with Union rules on organic production or with the equivalent production and control rules of a third country as referred to in Article 48 of that Regulation that has been recognised under Article 33(2) of Council Regulation (EC) No 834/2007 ⁽²⁾, or has been subject to controls by a control authority or control body as referred to in Article 57 of Regulation (EU) 2018/848 that has been recognised under Article 33(3) of Regulation (EC) No 834/2007.
- (2) In order to allow the competent authorities in the Member States to check the compliance of the imported products with Regulation (EU) 2018/848, each consignment should be covered by a certificate of inspection issued by the control authority or control body in the third country after having carried out the relevant verifications of the consignments. Those verifications should always include a documentary check and, according to the risk, a physical check of the consignment.
- (3) It is necessary to lay down rules with regard to the content of the certificate of inspection, the way it is issued and the technical means used for its issuance. Those rules should also cover the obligations of the competent authorities in the Member States as regards the extract of the certificate of inspection.
- (4) The official controls performed on products intended to be placed on the Union market as organic products or in-conversion products for the verification of their compliance with Regulation (EU) 2018/848 are part of the official controls carried out in accordance with Regulation (EU) 2017/625 of the European Parliament and of the Council ⁽³⁾.

⁽¹⁾ OJ L 150, 14.6.2018, p. 1.

⁽²⁾ Council Regulation (EC) No 834/2007 of 28 June 2007 on organic production and labelling of organic products and repealing Regulation (EEC) No 2092/91 (OJ L 189, 20.7.2007, p. 1).

⁽³⁾ Regulation (EU) 2017/625 of the European Parliament and of the Council of 15 March 2017 on official controls and other official activities performed to ensure the application of food and feed law, rules on animal health and welfare, plant health and plant protection products, amending Regulations (EC) No 999/2001, (EC) No 396/2005, (EC) No 1069/2009, (EC) No 1107/2009, (EU) No 1151/2012, (EU) No 652/2014, (EU) 2016/429 and (EU) 2016/2031 of the European Parliament and of the Council, Council Regulations (EC) No 1/2005 and (EC) No 1099/2009 and Council Directives 98/58/EC, 1999/74/EC, 2007/43/EC, 2008/119/EC and 2008/120/EC, and repealing Regulations (EC) No 854/2004 and (EC) No 882/2004 of the European Parliament and of the Council, Council Directives 89/608/EEC, 89/662/EEC, 90/425/EEC, 91/496/EEC, 96/23/EC, 96/93/EC and 97/78/EC and Council Decision 92/438/EEC (Official Controls Regulation) (OJ L 95, 7.4.2017, p. 1).

- (5) It is necessary to lay down additional rules in order to clarify the criteria and conditions for the performance of official controls before the release for free circulation in the Union of organic products and in-conversion products subject to official controls at border control posts in accordance with Article 45(5) of Regulation (EU) 2018/848. Those rules should also cover products exempted from official controls at border control posts pursuant to Commission Delegated Regulation (EU) 2021/2305 ⁽⁴⁾.
- (6) Certain specific rules on official controls as regards consignments placed under special customs procedures should be laid down.
- (7) In addition, the obligations of control authorities and control bodies issuing the certificate of inspection in cases of unavailability of the Trade Control and Expert System (TRACES) referred to in Article 2, point (36), of Commission Implementing Regulation (EU) 2019/1715 ⁽⁵⁾ should be laid down.
- (8) Furthermore, it is necessary to lay down rules on situations where competent authorities, control authorities or control bodies in third countries are required to carry out an investigation after the notification of cases of suspected or established non-compliance with Regulation (EU) 2018/848 found during the verification of the consignment by the competent authority of the Member States.
- (9) The use of the qualified electronic seal in TRACES for the issuance of the certificate of inspection in third countries and for the endorsement of that certificate, and of extracts thereof, by the competent authorities of the Member States might not be feasible before 1 July 2022. It is therefore necessary to lay down transitional provisions for the use of hand-signed paper certificates of inspection, and extracts thereof, to apply until 30 June 2022 as an alternative to the use of electronic certificates of inspection, and extracts thereof, bearing a qualified electronic seal.
- (10) Currently, rules on the certificate of inspection and extracts of the certificate of inspection for the purposes of Regulation (EC) No 834/2007 are laid down in Commission Regulation (EC) No 1235/2008 ⁽⁶⁾. As this Regulation and Commission Implementing Regulation (EU) 2021/2307 ⁽⁷⁾ lay down rules for the purposes of Regulation (EU) 2018/848, Regulation (EC) No 1235/2008 should be repealed.
- (11) In the interest of clarity and legal certainty, this Regulation should apply from the date of application of Regulation (EU) 2018/848,

HAS ADOPTED THIS REGULATION:

Article 1

Subject matter

This Regulation lays down rules on:

- (a) the verification in third countries of consignments of products intended to be placed on the market within the Union as organic products or in-conversion products and the issuance of the certificate of inspection;
- (b) official controls on products entering the Union from third countries intended to be placed on the Union market as organic products or in-conversion products; and

⁽⁴⁾ Commission Delegated Regulation (EU) 2021/2305 of 21 October 2021 supplementing Regulation (EU) 2017/625 of the European Parliament and of the Council with rules on the cases where and conditions under which organic products and in-conversion products are exempted from official controls at border control posts, the place of official controls for such products and amending Commission Delegated Regulations (EU) 2019/2123 and (EU) No 2019/2124 (See page 5 of this Official Journal).

⁽⁵⁾ Commission Implementing Regulation (EU) 2019/1715 of 30 September 2019 laying down rules for the functioning of the information management system for official controls and its system components (the IMSOC Regulation) (OJ L 261, 14.10.2019, p. 37).

⁽⁶⁾ Commission Regulation (EC) No 1235/2008 of 8 December 2008 laying down detailed rules for implementation of Council Regulation (EC) No 834/2007 as regards the arrangements for imports of organic products from third countries (OJ L 334, 12.12.2008, p. 25).

⁽⁷⁾ Commission Implementing Regulation (EU) 2021/2307 of 21 October 2021 laying down rules on documents and notifications required for organic and in-conversion products intended for import into the Union ((See page 30 of this Official Journal).

- (c) action in cases of suspected or established non-compliance with Regulation (EU) 2018/848 to be taken by competent authorities, control authorities and control bodies in third countries.

Article 2

Definitions

For the purposes of this Regulation, the following definitions apply:

- (1) 'consignment' means a consignment, as defined in Article 3, point (37), of Regulation (EU) 2017/625, of products intended to be placed on the market within the Union as organic products or in-conversion products; however, in case of organic products and in-conversion products exempted from official controls at border control posts in accordance with Delegated Regulation (EU) 2021/2305, it means a quantity of products under one or more Combined Nomenclature codes, covered by a single certificate of inspection, conveyed by the same means of transport and imported from the same third country;
- (2) 'border control post' means a border control post as defined in Article 3, point (38), of Regulation (EU) 2017/625;
- (3) 'point of release for free circulation' means a point of release for free circulation where official controls on organic and in-conversion products exempted from official controls at border control posts are carried out in accordance with Delegated Regulation (EU) 2021/2305;
- (4) 'control point' means a control point other than a border control post as referred to in Article 53(1), point (a), of Regulation (EU) 2017/625;
- (5) 'documentary check' means a documentary check as defined in Article 3, point (41), of Regulation (EU) 2017/625;
- (6) 'identity check' means an identity check as defined in Article 3, point (42), of Regulation (EU) 2017/625;
- (7) 'physical check' means a physical check as defined in Article 3, point (43) of Regulation (EU) 2017/625;
- (8) 'qualified electronic seal' means a qualified electronic seal as defined in Article 3, point (27), of Regulation (EU) No 910/2014 of the European Parliament and of the Council ⁽⁸⁾.

Article 3

Verification in the third country

1. The relevant control authority or control body recognised in accordance with Article 46 of Regulation (EU) 2018/848 shall verify the consignment in accordance with Article 16 of Commission Delegated Regulation (EU) 2021/1698 ⁽⁹⁾.
2. For the purposes of Articles 48 and 57 of Regulation (EU) 2018/848, the relevant control authority or control body shall verify the consignment with regard to compliance with the requirements laid down in Regulation (EC) No 834/2007 and production standards and control measures accepted as equivalent. That verification shall include systematic documentary checks and, as appropriate according to a risk assessment, physical checks, before the consignment leaves the third country of export or of origin.

⁽⁸⁾ Regulation (EU) No 910/2014 of the European Parliament and of the Council of 23 July 2014 on electronic identification and trust services for electronic transactions in the internal market and repealing Directive 1999/93/EC (OJ L 257, 28.8.2014, p. 73).

⁽⁹⁾ Commission Delegated Regulation (EU) 2021/1698 of 13 July 2021 supplementing Regulation (EU) 2018/848 of the European Parliament and of the Council with procedural requirements for the recognition of control authorities and control bodies that are competent to carry out controls on operators certified organic and on organic products in third countries and with rules on their supervision and the controls and other actions to be performed by those control authorities and control bodies (OJ L 336, 23.9.2021, p. 7).

3. For the purposes of paragraphs 2 to 5, the relevant control authority or control body shall be:
 - (a) a control authority or control body as referred to in Article 57 of Regulation (EU) 2018/848 that has been recognised for the products concerned and for the third country in which the products have their origin, or, where applicable, in which the last operation for the purpose of preparation has been carried out; or
 - (b) a control authority or control body that has been designated by a competent authority of a recognised third country as referred to in Article 48 of Regulation (EU) 2018/848 in which the products have their origin, or, where applicable, in which the last operation for the purpose of preparation has been carried out.
4. The verification referred to in paragraph 2 shall be carried out by:
 - (a) the control authority or control body of the producer or the processor of the product concerned; or
 - (b) where the operator or the group of operators carrying out the last operation for the purpose of preparation as defined in Article 3, point (44), of Regulation (EU) 2018/848 is different from the producer or processor of the product, the control authority or control body of the operator or the group of operators carrying out the last operation for the purpose of preparation.
5. The documentary checks referred to in paragraph 2 shall verify:
 - (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;
 - (d) in case of processed products, that all organic ingredients of such products have been produced by operators or by groups of operators certified in a third country by a control authority or control body recognised in accordance with Article 46 or referred to in Article 57 of Regulation (EU) 2018/848 or by a third country recognised in accordance with Article 47 or 48 of Regulation (EU) 2018/848, or have been produced and certified in the Union in accordance with that Regulation.

Those documentary checks shall be based on all relevant documents, including the certificate of operators referred to in Article 45(1), point (b)(i), of Regulation (EU) 2018/848, records of the inspections, the production plan for the product concerned and records kept by the operators or the groups of operators, available transport documents, commercial and financial documents and any other documents deemed relevant by the control authority or control body.

Article 4

Issuance of the certificate of inspection

1. The control authority or control body that has verified the consignment in accordance with Article 3 shall issue a certificate of inspection in accordance with Article 5 for every consignment before the consignment leaves the third country of export or of origin.
2. Where the control authority or control body has been recognised in accordance with Article 46 of Regulation (EU) 2018/848, it shall issue the certificate of inspection for consignments containing high risk products as referred to in Article 8 of Delegated Regulation (EU) 2021/1698 only once it is in possession of the complete documentation of the traceability and it has received and assessed the results of the analyses of the samples taken on the consignment in accordance with Article 16(6) of that Delegated Regulation.

*Article 5***Format of the certificate of inspection and use of TRACES**

1. The control authority or control body shall issue in the Trade Control and Expert System (TRACES) the certificate of inspection in accordance with the model and the notes set out in the Annex and shall complete boxes 1 to 18 of that certificate.
2. When issuing the certificate of inspection, the control body or control authority shall upload into TRACES all the supporting documents, including the following:
 - (a) the results of analyses or tests carried out on the samples taken, where applicable;
 - (b) the commercial and transport documents such as the bill of lading, invoices and packaging list and, where the control authority or control body has been recognised in accordance with Article 46 of Regulation (EU) 2018/848, the travel plan as drawn up in accordance with Article 16(5) of Delegated Regulation (EU) 2021/1698.
3. The certificate of inspection shall be issued in TRACES and shall bear a qualified electronic seal.

If unavailable at the moment of the issuance, the information relating to the number of packages referred to in box 13 of the certificate of inspection and the information referred to in boxes 16 and 17 thereof, as well as the documents referred to in paragraph 2, shall be included or updated in the certificate of inspection within 10 days from its issuance and, in any case, before its verification and endorsement by the competent authority in accordance with Article 6.

4. The certificate of inspection shall be drawn up:
 - (a) in the official language or in one of the official languages of the Member State of the border control post of entry into the Union, in the case of products subject to official controls at border control posts;
 - (b) in the official language or in one of the official languages of the Member State where the consignment is to be released for free circulation, in the case of products exempted from official controls at border control posts in accordance with Delegated Regulation (EU) 2021/2305.
5. By way of derogation from paragraph 4, a Member State may consent to certificates being drawn up in another official language of the Union and accompanied, if necessary, by an authenticated translation.

*Article 6***Official controls on consignments**

1. The competent authority at a border control post or at a point of release for free circulation, as appropriate, shall perform official controls on consignments for the verification of compliance with Regulation (EU) 2018/848 as follows:
 - (a) documentary checks on all consignments;
 - (b) identity checks carried out randomly; and
 - (c) physical checks at a frequency depending on the likelihood of non-compliance with Regulation (EU) 2018/848.

Documentary checks shall include an examination of the certificate of inspection, of all other supporting documents as provided in Article 5, and, where applicable, of the results of analyses or tests carried out on the samples taken.

In case a certificate of inspection requires corrections of a purely clerical or editorial nature, the competent authority may accept that the control authority or control body that has issued the certificate of inspection updates the information in TRACES by replacing the document in accordance with the procedure available in TRACES without modifying the information in the initial certificate concerning the identification of the consignment, its traceability and the guarantees.

2. For consignments of high-risk products referred to in Article 8 of Delegated Regulation (EU) 2021/1698, the competent authority referred to in paragraph 1 of this Article shall carry out systematic identity and physical checks, take at least one representative sample of the consignments and check the documentation referred to in Article 16(6) of that Regulation. The competent authority shall establish a representative sampling procedure appropriate to the category, quantity and packaging of the product.

3. After the verification as referred to in paragraph 1, and, where applicable, in paragraph 2, the competent authority shall take a decision on each consignment. The decision on the consignment shall be recorded in box 30 of the certificate of inspection in accordance with the model and the notes set out in the Annex and indicate one of the following:

- (a) the consignment can be released for free circulation as organic;
- (b) the consignment can be released for free circulation as in-conversion;
- (c) the consignment can be released for free circulation as non-organic;
- (d) the consignment cannot be released for free circulation;
- (e) part of the consignment can be released for free circulation with an extract of the certificate of inspection.

The competent authority shall endorse the certificate of inspection in TRACES with a qualified electronic seal.

4. For products subject to official controls at border control posts, the following shall apply:

- (a) paragraph 3 shall apply in addition to the rules regarding the use of the Common Health Entry Document (CHED) by the competent authorities at border control posts in accordance with Article 56(3), point (b)(i), of Regulation (EU) 2017/625 and at control points in accordance with Commission Delegated Regulation (EU) 2019/2123⁽¹⁰⁾ and with the rules on decisions on consignments laid down in Article 55 of Regulation (EU) 2017/625;
- (b) documentary checks referred to in paragraph 1, point (a), may be performed at distance from border control posts in relation to certain organic products and in-conversion products in accordance with Articles 7 and 8 of Delegated Regulation (EU) 2019/2123;
- (c) identity and physical checks referred to in paragraph 1, points (b) and (c), may be performed at control points in relation to certain organic products and in-conversion products in accordance with Articles 2 to 6 of Delegated Regulation (EU) 2019/2123.

5. The decision on consignments taken in accordance with Article 55 of Regulation (EU) 2017/625 shall refer to one of the indications referred to in paragraph 3, first subparagraph, of this Article. Where the importer has requested the placing under a special customs procedure in accordance with Article 7(1) of this Regulation, by completing box 23 of the certificate of inspection, the decision on consignments in accordance with Article 55 of Regulation (EU) 2017/625 shall indicate the applicable customs procedure.

The decision recorded in the certificate of inspection indicating that the consignment or part thereof cannot be released for free circulation shall be notified without delay in TRACES to the relevant competent authority performing official controls in order to verify compliance with the rules referred to in Article 1(2), points (a) to (h) and (j), of Regulation (EU) 2017/625.

In case the decision taken in the CHED in accordance with Article 55 of Regulation (EU) 2017/625 indicates that the consignment does not comply with the rules referred to in Article 1(2) of that Regulation, the competent authority at the border control post shall inform in TRACES the competent authority that has taken the decision in accordance with paragraph 3 of this Article, in order to update the certificate of inspection. In addition, any competent authority performing official controls in order to verify compliance with the rules referred to in Article 1(2), points (a) to (h) and (j), of Regulation (EU) 2017/625 shall provide in TRACES any relevant information, such as laboratory analysis results, to the competent authority that has taken the decision in accordance with paragraph 3 of this Article in order to update, if relevant, the certificate of inspection.

⁽¹⁰⁾ Commission Delegated Regulation (EU) 2019/2123 of 10 October 2019 supplementing Regulation (EU) 2017/625 of the European Parliament and of the Council as regards rules for the cases where and the conditions under which identity checks and physical checks on certain goods may be performed at control points and documentary checks may be performed at distance from border control posts (OJ L 321, 12.12.2019, p. 64).

6. In case only part of a consignment is released for free circulation, the consignment shall be split into different batches before its release for free circulation. For each of the batches, the importer shall complete and submit in TRACES an extract of the certificate of inspection in accordance with Implementing Regulation (EU) 2021/2307. The competent authority of the Member State where the batch is intended to be released for free circulation shall perform the verification of the batch and shall endorse the extract of the certificate of inspection in TRACES with a qualified electronic seal.

7. For consignments subject to official controls at border control posts referred to in paragraph 4, the customs authorities shall allow the release for free circulation of the consignment only upon presentation of a duly finalised CHED in accordance with Article 57(2), point (b), of Regulation (EU) 2017/625, and of a certificate of inspection endorsed in accordance with paragraph 6 of this Article indicating that the consignment can be released for free circulation.

Where the consignment is split into different batches, the customs authorities shall require the presentation of a duly finalised CHED in accordance with Article 57(2), point (b), of Regulation (EU) 2017/625, and of an extract of the certificate of inspection in accordance with Implementing Regulation (EU) 2021/2307 indicating in box 12 that the batch can be released for free circulation.

Article 7

Special customs procedures

1. Where a consignment is placed under a customs warehousing or inward processing procedure as referred to in Article 240(1) and Article 256(3), point (b), of Regulation (EU) No 952/2013 of the European Parliament and of the Council ⁽¹⁾, and undergoes one or more preparations as referred to in the second subparagraph of this paragraph, the competent authority shall verify the consignment in accordance with Article 6 of this Regulation before the first preparation is carried out. The reference number of the customs declaration by which the goods have been declared for the customs warehousing or inward processing procedure shall be indicated by the importer in box 23 of the certificate of inspection.

The preparations referred to in the first subparagraph shall be limited to the following types of operations:

- (a) packaging or change of packaging; or
- (b) affixing, removal and altering of labels concerning the presentation of the organic production method.

2. After the preparations referred to in paragraph 1, the competent authority shall verify the consignment and endorse the certificate of inspection in accordance with Article 6 prior to the release of the consignment for free circulation.

3. Before the release for free circulation, a consignment may be split into different batches under custom supervision after the verification and the endorsement of the certificate of inspection in accordance with Article 6. The importer shall complete and submit in TRACES an extract of the certificate of inspection in accordance with Implementing Regulation (EU) 2021/2307 for each batch resulting from the split.

4. The competent authority of the Member State where the batch is to be released for free circulation shall perform the verification of the batch in accordance with Article 6(1) and (2), and shall endorse the extract of the certificate of inspection in TRACES with a qualified electronic seal.

5. The preparation and splitting operations referred to in paragraphs 1 and 3 shall be carried out in accordance with the relevant provisions set out in Chapters III and IV of Regulation (EU) 2018/848.

⁽¹⁾ Regulation (EU) No 952/2013 of the European Parliament and of the Council of 9 October 2013 laying down the Union Customs Code (OJ L 269 10.10.2013, p. 1).

Article 8

Contingency arrangements for TRACES in case of unavailability and in case of force majeure

1. Control authorities and control bodies issuing the certificate of inspection in accordance with Article 4 shall maintain available a fillable template of that certificate in accordance with the model set out in the Annex and of all documents required by Regulation (EU) 2018/848 that may be uploaded in TRACES.

2. Where TRACES or one of its functionalities is continuously unavailable for more than 24 hours, its users may use a fillable printed or electronic template, as referred to in paragraph 1, to record and exchange information.

The control authority or control body referred to in paragraph 1 shall give a reference to each issued certificate and keep a register of the issued certificates in chronological order to ensure the correspondence with the alphanumeric reference given by TRACES once it becomes functional.

In case paper certificates of inspection are used, uncertified alterations or erasures shall invalidate it.

3. Once TRACES or its functionalities become available again, its users shall use the information recorded in accordance with paragraph 2 to produce electronically the certificate of inspection and upload the documents referred in paragraph 1.

4. Certificates and documents produced in accordance with paragraph 2 shall bear the text 'produced during contingency'.

5. In case of an event of *force majeure*, paragraphs 1 to 4 shall apply. In addition, the competent authorities, control authorities or control bodies shall inform the Commission without delay about such an event and control authorities or control bodies shall insert all the necessary details in TRACES within ten calendar days following the end of this event.

6. Article 5(4) and (5) shall apply *mutatis mutandis* to certificates and documents produced in accordance with paragraph 2 of this Article.

Article 9

Use of the certificate of inspection and extract of the certificate of inspection by customs authorities

For products subject to official controls at a point of release for free circulation in accordance with Article 4 of Delegated Regulation (EU) 2021/2305, the customs authorities shall allow the release for free circulation of a consignment only upon presentation of a certificate of inspection indicating in box 30 that the consignment can be released for free circulation.

Where the consignment is split into different batches, the customs authorities shall require the presentation of an extract of the certificate of inspection in accordance with Implementing Regulation (EU) 2021/2307 indicating in box 12 that the batch can be released for free circulation.

Article 10

Information to be provided by a competent authority, control authority or control body in a third country on suspected or established non-compliances on consignments

1. Where a competent authority, control authority or control body in a third country is notified by the Commission, after the Commission has received a notification from a Member State in accordance with Article 9 of Implementing Regulation (EU) 2021/2307 as regards suspected or established non-compliance affecting the integrity of the organic products or in-conversion products in a consignment, it shall carry out an investigation. The competent authority, control

authority or control body shall reply to the Commission and the Member State that sent the initial notification (notifying Member State) within 30 calendar days from the date of receiving that notification and shall inform about the actions and measures taken, including the results of the investigation and provide any other available information and/or required by the notifying Member State, using the template set out in Section X of Annex II to Commission Implementing Regulation (EU) 2021/279 ⁽¹²⁾.

2. The competent authority, control authority or control body shall provide any further information requested by a Member State as regards additional actions or measures taken.

The Commission or a Member State may request the competent authority, control authority or control body to make available, without delay, the list of all operators or groups of operators in the organic production chain of which the consignment is part, and of their control authorities or control bodies.

3. Where the control authority or control body has been recognised in accordance with Article 46 of Regulation (EU) 2018/848, Article 21(2) and (3) of Delegated Regulation (EU) 2021/1698 shall apply.

Article 11

Transitional provisions for paper certificates of inspection and extracts thereof

1. By way of derogation from Article 5(3), first subparagraph, until 30 June 2022, the certificate of inspection may be issued on paper after being completed in TRACES and printed. That paper certificate shall meet the following requirements:

- (a) in box 18, it shall bear the hand signature of the authorised person of the control authority or control body issuing the certificate and the official stamp;
- (b) it shall be issued before the consignment to which it relates leaves the third country of export or of origin.

2. By way of derogation from Article 6(3), until 30 June 2022, the following shall apply:

- (a) in case the certificate of inspection is issued on paper in accordance with paragraph 1 of this Article, that certificate shall be endorsed on paper with the hand signature of the authorised person of the competent authority at the border control post or at the point of release for free circulation, in boxes 23, 25 and 30, as appropriate, after being completed in TRACES and printed;
- (b) in case the certificate of inspection is issued in TRACES and bears a qualified electronic seal, in accordance with Article 5(3), first subparagraph, that certificate may be endorsed on paper with the hand signature of the authorised person of the competent authority at the border control post or at the point of release for free circulation, in boxes 23, 25 and 30, as appropriate, after being completed in TRACES and printed.

3. Control authorities, control bodies and competent authorities shall verify at each stage of issuing, and endorsement of the certificate of inspection, as appropriate, that the information on the paper certificate of inspection corresponds to the information on the certificate that is completed in TRACES.

In case the information relating to the number of packages referred to in box 13 of the certificate of inspection or the information in boxes 16 and 17 of that certificate is not completed on the paper certificate of inspection, or in case such information is different from the information completed in the certificate in TRACES, the competent authorities shall consider for the purpose of the verification of the consignment and of the endorsement of the certificate, only the information completed in TRACES.

⁽¹²⁾ Commission Implementing Regulation (EU) 2021/279 of 22 February 2021 laying down detailed rules for the implementation of Regulation (EU) 2018/848 of the European Parliament and of the Council on controls and other measures ensuring traceability and compliance in organic production and the labelling of organic products (OJ L 62, 23.2.2021, p. 6).

4. The paper certificate of inspection referred to in paragraph 1 shall be presented to the competent authority at the border control post of entry into the Union where the consignment is subjected to official controls or to the competent authority at the point of release for free circulation, as appropriate. That competent authority shall return that paper certificate to the importer.

5. By way of derogation from Articles 6(6) and 7(4), until 30 June 2022, the extract of the certificate of inspection may be endorsed on paper, after being completed in TRACES and printed. That paper extract of certificate shall meet the following requirements:

- (a) in box 12, it shall be endorsed on paper with the hand signature of the authorised person of the competent authority;
- (b) it shall bear the hand signature of the consignee of the batch, in box 13.

The competent authority referred to in point (a) of the first subparagraph shall return that paper extract of the certificate to the person that presented it.

Article 12

Repeal

Regulation (EC) No 1235/2008 is repealed.

However, that Regulation shall continue to apply for the purpose of completing and endorsing pending certificates of inspection issued before 1 January 2022 and pending extracts of certificates of inspection submitted by the importer before 1 January 2022, as well as for the purpose of the declaration of the first consignee or the consignee in the certificate of inspection or the extract of the certificate of inspection.

Article 13

Entry into force and application

This Regulation shall enter into force on the third day following that of its publication in the *Official Journal of the European Union*.

It shall apply from 1 January 2022.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels, 21 October 2021.

For the Commission
The President
Ursula VON DER LEYEN

ANNEX

PART I

CERTIFICATE OF INSPECTION FOR THE IMPORT OF ORGANIC AND IN-CONVERSION PRODUCTS INTO THE EUROPEAN UNION

1. Issuing control authority or control body	2. Procedure pursuant to Regulation (EU) 2018/848 of the European Parliament and of the Council ⁽¹⁾ : <input type="checkbox"/> Compliance (Article 46); <input type="checkbox"/> Equivalent third country (Article 48); <input type="checkbox"/> Equivalent control authority or control body (Article 57); or <input type="checkbox"/> Equivalence under a trade agreement (Article 47).
3. Certificate of inspection reference number	4. Producer or processor of the product
5. Exporter	6. Operator who buys or sells the product without storing or physically handling the product
7. Control authority or control body	8. Country of origin
9. Country of export	10. Border control post/point of release for free circulation
11. Country of destination	12. Importer

13. Description of products

Organic or in-conversion	CN code	Trade name	Category	Number of packages	Lot number	Net weight
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14. Container number	15. Seal number	16. Total gross weight
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17. Means of transport

Mode

Identification

International transport document

⁽¹⁾ 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) No 834/2007 (OJ L 150, 14.6.2018, p. 1).

18. Declaration of the control authority or control body issuing the certificate referred to in box 1

This is to certify that this certificate has been issued on the basis of the checks required under Commission Delegated Regulation (EU) 2021/1698 ⁽²⁾ for compliance (Article 46 of Regulation (EU) 2018/848) or Commission Delegated Regulation (EU) 2021/1342 ⁽³⁾ for equivalence (Article 47, 48 or 57 of Regulation (EU) 2018/848) and that the products designated above are in line with the requirements of Regulation (EU) 2018/848

Date

Name and signature of authorised person/qualified electronic seal

Stamp of issuing control authority or control body

19. Operator responsible for the consignment

20. Prior notification

Date

Time

21. For transfer to:

22. Details of the control point

23. Special customs procedures

Customs warehousing Inward processing

Name and address of the operator responsible for the customs procedure(s):

Control authority or control body certifying the operator responsible for the customs procedure(s):

 Verification of the consignment prior to the special customs procedure(s)

Additional information:

Authority and Member State:

Date:

Name and signature of authorised person

Customs Declaration Reference Number for the customs procedure(s)

⁽²⁾ Commission Delegated Regulation (EU) 2021/1698 of 13 July 2021 supplementing Regulation (EU) 2018/848 of the European Parliament and of the Council with procedural requirements for the recognition of control authorities and control bodies that are competent to carry out controls on operators certified organic and on organic products in third countries and with rules on their supervision and the controls and other actions to be performed by those control authorities and control bodies (OJ L 336, 23.9.2021, p. 7).

⁽³⁾ 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. First consignee in the European Union

25. Control by the relevant competent authority

Documentary checks

- Satisfactory
- Not satisfactory

Selected for identity and physical checks

- Yes
- No

Authority and Member State:

Date:

Name and signature of authorised person/qualified electronic seal

26. transfer from the border control post to a control point:

- Yes
- No

27. Details of the control point

28. of transport from the border control post to a control point

29. Identity and physical checks

Identity checks

- Satisfactory;
- Not satisfactory;

Physical checks

- Satisfactory;
- Not satisfactory;

Laboratory test Yes No

Test result Satisfactory Not satisfactory

30. Decision by the relevant competent authority

- To be released as organic;
- To be released as in-conversion;
- To be released as non-organic;
- The consignment cannot be released for free circulation;
- Part of the consignment can be released for free circulation.

Additional information:

Authority at border control post/control point/point of release for free circulation and Member State:

Date:

Name and signature of authorised person/qualified electronic seal

31. Declaration of the first consignee

This is to confirm that at the reception of the products, the packaging or container and, where relevant, the certificate of inspection are:

- in accordance with point 6 of Annex III to Regulation (EU) 2018/848; or
- not in accordance with point 6 of Annex III to Regulation (EU) 2018/848.

Name and signature of the authorised person

Date:

PART II

NOTES FOR THE COMPLETION OF THE MODEL OF THE CERTIFICATE OF INSPECTION

Boxes 1 to 18 must be completed by the relevant control authority or control body in the third country.

Box 1: Name, address and code of the control authority or control body recognised pursuant to Article 46 or referred to in Article 57 of Regulation (EU) 2018/848 or a control authority or control body designated by a competent authority of a third country referred to in Article 47 or 48 of that Regulation. This control authority or control body also completes boxes 2 to 18.

Box 2: This box indicates the provisions of Regulation (EU) 2018/848 that are relevant for the issue and use of this certificate; indicate the relevant provision.

Box 3: Number of the certificate automatically assigned by the electronic Trade Control and Expert System (TRACES).

Box 4: Name and address of the operator(s) who produced or processed the products in the third country mentioned in box 8.

Box 5: Name and address of the operator exporting the products from the country mentioned in box 9. The exporter is the operator performing the last operation for the purposes of preparation as defined in Article 3, point (44), of Regulation (EU) 2018/848 on the products mentioned in box 13 and sealing the products in appropriate packaging or containers, pursuant to point 6 of Annex III to Regulation (EU) 2018/848.

Box 6: Where applicable, fill in name and address of one or more operators who buy or sell the product without storing or physically handling the product.

Box 7: Name and address of the control body(ies) or authority(ies) for monitoring compliance of the production or processing of the products with the rules on organic production in the country mentioned in box 8.

Box 8: Country of origin means the country(ies) where the product has been produced/grown or processed.

Box 9: Country of export means the country where the product has been subject to the last operation for the purpose of preparation as defined in Article 3, point (44), of Regulation (EU) 2018/848 and sealed in appropriate packaging or containers.

Box 10: In case of consignments subject to official controls at border control posts pursuant to Article 45(5) of Regulation (EU) No 2018/848, indicate the name and the unique alphanumeric code assigned by TRACES to the border control post of first arrival into the Union, at which official controls are performed in accordance with Article 6(1) of Commission Delegated Regulation (EU) 2021/2306 ⁽⁴⁾.

In case of consignments exempted from official controls at border control posts in accordance with Article 3 of Commission Delegated Regulation (EU) 2021/2305 ⁽⁵⁾, indicate the name and the unique alphanumeric code assigned by TRACES to the point of release for free circulation into the European Union, as appropriate, where official controls are performed in accordance with Article 6(1) of Commission Delegated Regulation (EU) 2021/2306.

The information in this box can be updated by the importer or its representative prior to the arrival of the consignment at the border control post or at the point of release for free circulation, as appropriate.

Box 11: Country of destination means the country of the first consignee in the European Union.

Box 12: Name, address and the Economic Operators Registration and Identification (EORI) number, as defined in Article 1, point (18), of Commission Delegated Regulation (EU) 2015/2446 ⁽⁶⁾, of the importer, as defined in Article 2, point (1), of Commission Implementing Regulation (EU) 2021/2307 ⁽⁷⁾, who presents the consignment for release for free circulation either on its own, or through a representative.

Box 13: Description of the products, which includes:

- the indication whether the products are organic or in-conversion;
- the Combined Nomenclature (CN) code as referred to in Council Regulation (EEC) No 2658/87 ⁽⁸⁾ for the products concerned (8-digit level where possible);
- the trade name;
- the category of the product in accordance with Annex II to Commission Implementing Regulation (EU) 2021/1378 ⁽⁹⁾;
- the number of packages (number of boxes, cartons, bags, buckets, etc.);
- the lot number; and
- the net weight.

⁽⁴⁾ Commission Delegated Regulation (EU) No 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 (OJ L 461, 27.12.2021, p. 13).

⁽⁵⁾ Commission Delegated Regulation (EU) 2021/2305 of 21 October 2021 supplementing Regulation (EU) 2017/625 of the European Parliament and of the Council with rules on the cases where and conditions under which organic products and in-conversion products are exempted from official controls at border control posts, the place of official controls for such products and amending Commission Delegated Regulations (EU) 2019/2123 and (EU) No 2019/2124 (OJ L 461, 27.12.2021, p. 5).

⁽⁶⁾ Commission Delegated Regulation (EU) 2015/2446 of 28 July 2015 supplementing Regulation (EU) No 952/2013 of the European Parliament and of the Council as regards detailed rules concerning certain provisions of the Union Customs Code (OJ L 343, 29.12.2015, p. 1).

⁽⁷⁾ Commission Implementing Regulation (EU) 2021/2307 of 21 October 2021 laying down rules on documents and notifications required for organic and in-conversion products intended for import into the Union (OJ L 461, 27.12.2021, p. 30).

⁽⁸⁾ Council Regulation (EEC) No 2658/87 of 23 July 1987 on the tariff and statistical nomenclature and on the Common Customs Tariff (OJ L 256, 7.9.1987, p. 1).

⁽⁹⁾ Commission Implementing Regulation (EU) 2021/1378 laying down certain rules concerning the certificate issued to operators, groups of operators and exporters in third countries involved in the imports of organic and in-conversion products into the Union and establishing the list of recognised control authorities and control bodies in accordance with Regulation (EU) 2018/848 of the European Parliament and of the Council (OJ L 297, 20.8.2021, p. 24).

Box 14: Container number: optional.

Box 15: Seal number: optional.

Box 16: Total gross weight expressed in appropriate units (kg, litre, etc.).

Box 17: Means of transport used from the country of origin until the arrival of the product at the border control post or the point of release for free circulation for the verification of the consignment and endorsement of the certificate of inspection.

Mode of transport: aeroplane, vessel, railways, road vehicle, other.

Identification of the means of transport: for aeroplane, the flight number, for vessels, the ship name(s), for railways, the train identity and wagon number, for road transport, the registration number plate with trailer number plate if appropriate.

In the case of ferry, indicate vessel and road vehicle with the identification of the road vehicle and of the scheduled ferry.

Box 18: Declaration of the control authority or the control body issuing the certificate. Choose the appropriate Commission Delegated Regulation. The hand signature of the authorised person and the stamp are required only in the case of certificates of inspection issued on paper until 30 June 2022 in accordance with Article 11(1) of Delegated Regulation (EU) 2021/2306

Box 19: Name, address and the EORI number, as defined in Article 1, point (18), of Delegated Regulation (EU) 2015/2446, of the operator responsible for the consignment, as defined in Article 2, point (2), of Implementing Regulation (EU) 2021/2307. This box must be completed by the importer indicated in box 12, if the operator responsible for the consignment is different from that importer.

Box 20: In case of a consignment of products intended to be placed on the Union market as organic products or in-conversion products subject to official controls at border control posts pursuant to Article 45(5) of Regulation (EU) 2018/848, indicate the estimated arrival date and time at the border control post.

In case of a consignment of products exempted from official controls at border control posts pursuant to Commission Delegated Regulation (EU) 2021/2305, indicate the estimated arrival date and time at the point of release for free circulation in accordance with that Regulation.

Box 21: To be completed by the importer, or where appropriate the operator responsible for the consignment, to request the transfer of the products to a control point in the Union for further official controls, if the consignment is selected for identity and physical checks by the competent authorities at the border control post. This box applies only to products subject to official controls at border control posts pursuant to Article 45(5) of Regulation (EU) 2018/848.

Box 22: Indicate the name of the control point in the Member State to which the products are to be transferred for identity and physical checks if the consignment is selected for such checks by the competent authorities at the border control post. To be completed by the importer or, where appropriate, by the operator responsible for the consignment. This box applies only to products subject to official controls at border control posts pursuant to Article 45(5) of Regulation (EU) 2018/848.

Box 23: This box must be completed by the relevant competent authority and the importer.

In case of products subject to official controls at border control posts, this box must be completed by the competent authority at the border control post.

The hand signature of the authorised person is required in the case of certificates of inspection endorsed on paper until 30 June 2022 in accordance with Article 11(2) of Delegated Regulation (EU) 2021/2306.

Box 24: Name and address of the first consignee in the European Union. This box must be completed by the importer.

Box 25: This box must be completed by the competent authority after the performance of the documentary checks in accordance with Article 6 of Delegated Regulation (EU) 2021/2306. In case the documentary checks are not satisfactory, box 30 must be completed.

That authority must indicate whether the consignment is selected for identity and physical checks.

The signature of the authorised person/qualified electronic seal is only required if the competent authority is different from the authority indicated in box 30. The hand signature of the authorised person is required only in the case of certificates of inspection endorsed on paper until 30 June 2022 in accordance with Article 11(2) of Delegated Regulation (EU) 2021/2306.

Box 26: To be completed by the competent authority at the border control post if the consignment is selected for identity and physical checks and if the consignment is acceptable for transfer to the control point for further official controls. This box applies only to products subject to official controls at border control posts pursuant to Article 45(5) of Regulation (EU) 2018/848.

Box 27: In case of transfer to a control point, indicate the name of the control point in the Member State to which goods are requested to be transferred for identity and physical checks, its contact details and the unique alphanumeric code assigned by TRACES to the control point. To be completed by the competent authority at the border control post. This box applies only to products subject to official controls at border control posts pursuant to Article 45(5) of Regulation (EU) 2018/848.

Box 28: Please see guidance on box 17. This box must be filled in in case the consignment is transferred to a control point for identity and physical checks.

Box 29: This box must be completed by the competent authority in case the products are selected for identity and physical checks.

Box 30: This box must be completed by the competent authority, after the preparations referred to in Article 7(1) of Delegated Regulation (EU) 2021/2306, where applicable, and in all cases after the verification of the consignment in accordance with Article 6(1) and (2) of that Regulation.

The competent authority must select the appropriate option adding, if necessary, any additional information considered relevant. In particular, if the option “The consignment cannot be released for free circulation” or “Part of the consignment can be released for free circulation” has been selected, the relevant information must be provided under “additional information”.

In case of products subject to official controls at border control posts, this box must be completed by the competent authority at the border control post. In case the consignment is transferred to a control point for identity and physical checks referred to in Article 6 of Delegated Regulation (EU) 2021/2306, this box must be completed by the competent authority at that control point.

Under ‘authority at border control post/control point/point of release for free circulation’, fill in the name of the authority concerned, as appropriate.

The hand signature of the authorised person is required only in the case of certificates of inspection endorsed on paper until 30 June 2022 in accordance with Article 11(2) of Delegated Regulation (EU) 2021/2306.

Box 31: This box must be completed by the first consignee at the reception of the products after the release for free circulation by selecting one option after carrying out the checks provided for in point 6 of Annex III to Regulation (EU) 2018/848.

The hand signature of the first consignee is required for certificates of inspection endorsed on paper until 30 June 2022 in accordance with Article 11(2) of Delegated Regulation (EU) 2021/2306.
