

COMMISSION IMPLEMENTING REGULATION (EU) 2021/772**of 10 May 2021****amending Implementing Regulation (EU) 2020/977 as regards the temporary measures in relation to controls on the production of organic products, in particular the period of application****(Text with EEA relevance)**

THE EUROPEAN COMMISSION,

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

Having regard to 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 ⁽¹⁾, and in particular Article 28(6), the third subparagraph of Article 30(2) and Article 38(c), (d) and (e) thereof,

Whereas:

- (1) The COVID-19 pandemic and the extensive movement restrictions put in place in the Member States and in third countries in the form of national measures constitute an exceptional and unprecedented challenge for Member States and operators in relation to performing controls as specified in Regulation (EC) No 834/2007 and Commission Regulations (EC) No 889/2008 ⁽²⁾ and (EC) No 1235/2008 ⁽³⁾.
- (2) In order to address the specific circumstances due to the ongoing crisis related to the COVID-19 pandemic, Commission Implementing Regulation (EU) 2020/977 ⁽⁴⁾ allows Member States to apply temporary measures that derogate from Regulations (EC) No 889/2008 and (EC) No 1235/2008 in relation to the control system on the production of organic products and certain procedures provided for in the Trade Control and Expert System (TRACES).
- (3) Member States have informed the Commission that, in view of the crisis linked to the COVID-19 pandemic, certain serious disruptions in the functioning of their control systems in the organic sector will persist beyond 1 February 2021.
- (4) In addition, as regards official controls and other official activities within the scope of Regulation (EU) 2017/625 of the European Parliament and of the Council ⁽⁵⁾, Commission Implementing Regulation (EU) 2020/466 ⁽⁶⁾ allows Member States to apply temporary measures to avoid serious health risks for the staff of the competent authorities, in view of the difficulties to perform those controls and activities and to the extent necessary to manage the related

⁽¹⁾ OJ L 189, 20.7.2007, p. 1.

⁽²⁾ 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 (OJ L 250, 18.9.2008, p. 1).

⁽³⁾ 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).

⁽⁴⁾ Commission Implementing Regulation (EU) 2020/977 of 7 July 2020 derogating from Regulations (EC) No 889/2008 and (EC) No 1235/2008 as regards controls on the production of organic products due to the COVID-19 pandemic (OJ L 217, 8.7.2020, p. 1).

⁽⁵⁾ 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).

⁽⁶⁾ Commission Implementing Regulation (EU) 2020/466 of 30 March 2020 on temporary measures to contain risks to human, animal and plant health and animal welfare during certain serious disruptions of Member States' control systems due to coronavirus disease (COVID-19) (OJ L 98, 31.3.2020, p. 30).

serious disruptions of the control systems of the Member States. The period of application of that Regulation has been prolonged until 1 July 2021 by Commission Implementing Regulation (EU) 2021/83 ⁽⁷⁾. It is therefore appropriate that the derogations provided for in Implementing Regulation (EU) 2020/977 continue to apply for the same period as provided for in Implementing Regulation (EU) 2020/466.

- (5) Article 1(6) of Implementing Regulation (EU) 2020/977 sets a lower percentage than point (c) of the second subparagraph of Article 92c(2) of Regulation (EC) No 889/2008 as regards the inspections and visits in accordance with Article 65(1) and (4) of Regulation (EC) No 889/2008 that are to be carried out unannounced. In order to ensure that those inspections and visits can actually take place and under safe circumstances, it is appropriate to create the possibility to provide for a 24 hours' notice for those unannounced inspections and visits.
- (6) Implementing Regulation (EU) 2020/977 should therefore be amended accordingly.
- (7) There is a need not to disrupt the application of the provisions of Implementing Regulation (EU) 2020/977 that is extended by this Regulation. It is therefore appropriate to provide for a retroactive application of this Regulation from 1 February 2021 in that respect.
- (8) The measures provided for in this Regulation are in accordance with the opinion of the Committee on Organic Production,

HAS ADOPTED THIS REGULATION:

Article 1

Implementing Regulation (EU) 2020/977 is amended as follows:

(1) Article 1 is amended as follows:

(a) in paragraph 6, the following subparagraph is added:

'However, a short notice of maximum 24 hours in advance of such inspections and visits may be provided in order to ensure that the inspectors have access to the premises of the operator and under safe circumstances.');

(b) in paragraph 7, the date '1 February 2021' is replaced by '1 July 2021'.

(2) Article 3 is amended as follows:

(a) in the second, third and fifth paragraphs, the date '1 February 2021' is replaced by '1 July 2021';

(b) in the fourth paragraph, the date '31 December 2020' is replaced by '1 July 2021'.

Article 2

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

Article 1(1)(b) and (2) shall apply from 1 February 2021.

⁽⁷⁾ Commission Implementing Regulation (EU) 2021/83 of 27 January 2021 amending Implementing Regulation (EU) 2020/466 as regards the performance of official controls and other official activities by specifically authorised natural persons and the period of application of temporary measures (OJ L 29, 28.1.2021, p. 23).

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

Done at Brussels, 10 May 2021.

For the Commission
The President
Ursula VON DER LEYEN
