



EUROPEAN COMMISSION
DIRECTORATE-GENERAL FOR AGRICULTURE AND RURAL DEVELOPMENT

Deputy Director General, in charge of Directorates A, B and C

Brussels,
LB/sn/agri.ddg1.b.4(2017)6710364

Dear Ms Jarošová,

Thank you for your email of 23 November 2017 asking for a clarification regarding the official controls and organic Regulations.

In your email, you ask whether the requirement for competent authorities of Article 37(1) of Regulation (EU) 2017/625 on official controls¹ to designate official laboratories also applies in cases where the competent authority has delegated the performance of official controls in organic production to control bodies. You also ask whether the competent authority, when it designates official laboratories, can accept the results of the supervision performed by the national accreditation body for the purpose of Article 39(1) of Regulation (EU) 2017/625.

Regarding your first question, Regulation (EU) 2017/625 applies to the official controls performed for the verification of compliance with the rules whether established at Union level or by the Member States, to apply Union legislation, in the areas of organic production and labelling of organic products (Article 1(2)(i) of Regulation (EU) 2017/625). Article 28(1) of Regulation (EU) 2017/625 states that competent authorities may delegate certain official control tasks to one or more delegated bodies or natural persons in accordance with the conditions provided for in Articles 29 and 30 respectively. Article 37(1) regarding the designation of official laboratories states that the competent authorities shall designate official laboratories to carry out the laboratory analyses, tests and diagnoses on samples taken during official controls and other official activities, in the Member State in whose territory those competent authorities operate or in another Member State or a third country that is a Contracting Party to the Agreement on the European Economic Area. The designation of official laboratories is not an official control task as such. Therefore even if the competent authority has delegated the performance of official controls in organic production to control bodies, the designation of the official laboratories should be done by the competent authority.

Concerning your second question, Article 39(1) of Regulation (EU) 2017/625 states that the competent authorities shall organise audits of the official laboratories they have

¹ <http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:02017R0625-20170407&qid=1512403423513&from=EN>

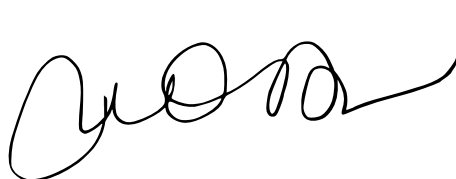
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designated in accordance with Article 37(1) on a regular basis and any time they consider that an audit is necessary, unless they find such audits to be redundant considering the accreditation assessment referred to in point (e) of Article 37(4). Article 37(4)(e) states that the competent authorities may designate as an official laboratory a laboratory which operates in accordance with the standard EN ISO/IEC 17025 and is accredited in accordance with that standard by a national accreditation body operating in accordance with Regulation (EC) No 765/2008. Therefore, if a competent authority considers that the accreditation assessment performed by a national accreditation body operating in accordance with Regulation (EC) No 765/2008 is sufficient, it can accept the results of the supervision performed by the national accreditation body for the purpose of Article 39(1) of Regulation (EU) 2017/625.

The present opinion is provided on the basis of the facts as set out in your email of 23 November 2017 and expresses the view of the Commission services and does not commit the European Commission. In the event of a dispute involving Union law it is, under the Treaty on the Functioning of the European Union, ultimately for the Court of Justice of the European Union to provide a definitive interpretation of the applicable Union law.

Yours sincerely,



María Angeles BENITEZ SALAS