



EUROPEAN COMMISSION  
DIRECTORATE-GENERAL FOR AGRICULTURE AND RURAL DEVELOPMENT

Directorate B. Quality, Research & Innovation, Outreach  
The Director

Brussels,  
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**Subject: Coexistence equivalence compliance**

[REDACTED]

Thank you for your email of 29 April 2020 (Int. reference *Ares(2020)2316713*) in which you request to receive clarifications about the transition period and the coexistence of compliance and equivalence in three different “cases” as you defined in your e-mail and reported below:

Case 1: For two different Control Bodies (CBs) (CB1 and CB2), active in the same country (Country A) with two different schemes (compliance/equivalence).

Case 2: For the same CB (CB1), active in different countries (Country A and Country B) with different scheme per country (compliance and equivalence).

Case 3: For the same CB (CB1) and for same country (Country A): different OP according different schemes (compliance and equivalence).

For Case 1, you would like to know if during the transition period, until 2023, if a CB asks for compliance another CB can maintain the equivalence “status”.

For this specific case, we would like to confirm you that the coexistence of two different CBs under two different schemes (equivalence and compliance) is possible. The already recognised CBs will be allowed to continue the equivalence scheme and “new” CBs or CBs recognised under equivalency can apply for recognition under the compliance scheme. It is possible that they are based in the same country.

For Case 2, you would like to verify if it is possible that a CB decides to maintain equivalence in Country A and to opt for compliance in Country B?

A CB already recognised for a given country within the equivalence scheme, benefiting from the transitional period till 2023, can apply for compliance in another country. It is a CBs choice if it wants to profit already from the new scheme (compliance) for some countries or if it prefers to stick to equivalency for the countries for which it is already recognised and wait till 2023 to be recognised under compliance.

[REDACTED]

However, we would like to underline that this approach has several implications. The full obligation of the 2 systems/schemes shall remain in place in parallel, for instance (non-exhaustive list).

- Double reporting: the CB shall transmit 2 annual reports, one for the third countries in compliance and another one for the third countries under equivalence.
- Inspections: the current practice is that inspectors are often inspecting operators located in different countries. The CB shall train its inspectors for both systems. The inspectors may have to carry out the inspections based on 2 different schemes.
- Accreditation: the CB shall be accredited both under compliance and under equivalence.

For Case 3, you would like to understand if according to the type of operators (individual operators and group of operators), a CB in a specific country can certify different operators according to different schemes. In addition, you would like to know if a CB can certify, in a given country, one part of operators according to equivalence, another part according to compliance.

According to the Regulation, CBs already recognised under the equivalence scheme can continue to use that scheme until December 2023 (Art. 57 of Regulation (EU) 848/2018), but at the same time no provision from the Regulation prevents them from applying already for compliance.

However, also in this case, as in case 2, we would like to underline that the full obligation of the 2 systems/schemes shall remain in place in parallel. The present opinion is provided on the basis of the facts as set out in your e-mail of 29 April 2020 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 European Court of Justice to provide a definitive interpretation of the applicable Union law.

Yours sincerely,

