



EUROPEAN COMMISSION
DIRECTORATE-GENERAL FOR AGRICULTURE AND RURAL DEVELOPMENT

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

Brussels

agri.ddg1.b.4(2020)7224035

Thank you for your email dated [REDACTED] concerning measures in case of irregularities and infringements in [REDACTED]

Please note that in case of delegation of controls¹ the control body shall meet all relevant conditions², including an effective coordination with the competent authority³.

The control body shall also apply measures in case of infringements and irregularities⁴, in line with the catalogue of measures⁵.

It follows from the above rules that control bodies must follow the instructions issued by the delegating competent authority. In case of any questions, the control body must seek and follow guidance from the delegating competent authority.

Based on information in your letter dated [REDACTED] to the [REDACTED] competent authority, the Commission services understand that the delegating competent authority decided that contaminations, including accidental contaminations as defined by the competent authority, do affect the organic status of the product and in such cases the catalogue of measures envisages the downgrading of the affected product and land.

If so, control bodies, including [REDACTED] shall apply the envisaged measures and shall not maintain the organic status of the product or land contrary to the competent authority's instructions.

¹ Regulation (EC) No 834/2007 Article 27(4)(b)

² Regulation (EC) No 834/2007 Article 27(5) to (14). See also related implementing rules in Regulation (EC) No 889/2008

³ Regulation (EC) No 834/2007 Article 27(5)(e)

⁴ Regulation (EC) No 834/2007 Article 30(1)(2)

⁵ Regulation (EC) No 889/2008 Article 92d

Without prejudice to these basic rules, the Commission services agree that there is a need for harmonisation. This need has been identified as a priority by the Commission itself⁶. The Commission has been making efforts, including under the terms of the future rules⁷, to achieve a harmonised approach within the boundaries of EU law.

The present opinion is provided based on information in your email dated [REDACTED] 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,

[REDACTED]

c.c.:

[REDACTED]

⁶ [COMMISSION STAFF WORKING DOCUMENT IMPACT ASSESSMENT Accompanying the document Proposal for a REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL on organic production and labelling of organic products, amending Regulation \(EU\) No XXX/XXX of the European Parliament and of the Council \[Official controls Regulation\] and repealing Council Regulation \(EC\) No 834/2007](#), see, amongst others, point 5.1 *'The harmonisation of measures applying in case of presence of non-authorized substance residues in organic products improves the level playing field, notably to the benefit of SMEs of the sector.'*

⁷ Regulation (EU) 848/2018 Article 41