



EUROPEAN COMMISSION
DIRECTORATE-GENERAL FOR AGRICULTURE AND RURAL DEVELOPMENT

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

Brussels
CB/nb(2019)8313966

Dear Sir / Dear Madam,

Following our letter with reference Ares (2019)41962 dated 07/01/2019 on increased control and reporting measures as regards to products imported from China, we have reassessed the situation together with the Member States representatives in the Committee on Organic Production (COP) on 28 November 2019.

This reassessment has led to the conclusion that also in 2020 increased control and reporting measures remain necessary for certain imported products. The COP agreed to continue the additional official controls implemented by the EU Member States' competent authorities on organic products imported from China, in accordance with the "Guidelines on additional official controls on products originating from China" agreed upon on 28 November 2019¹.

The present letter is therefore addressed by the Commission to the control bodies recognised as competent to carry out controls and issue certificates for the purpose of import of equivalent organic products from China. (This letter is also sent to all other control bodies recognised in Annex IV to Commission Regulation (EC) No 1235/2008 for information purposes.)

1. SCOPE OF THE ADDITIONAL CONTROL MEASURES

The reassessment of the risk of occurrence of irregularities and infringements² has led to the conclusion that at least the following additional control measures will have to be applied to products originating from China and imported from China or another third country until the end of the year 2020 to ensure compliance with Regulation (EC) No 834/2007.

¹ See https://ec.europa.eu/info/food-farming-fisheries/farming/organic-farming/trade_en

² According to Article 27 (3) of Regulation (EC) No 834/2007 the nature and frequency of the controls shall be determined on the basis of an assessment of the risk of occurrence of irregularities and infringements as regards compliance with the requirements laid down in this Regulation. Article 92c of Regulation (EC) No 889/2008 lays down the requirements for the risk analysis.

To the Control Bodies and Control Authorities recognised for the purpose of equivalence
– products from China

These additional control measures have to be applied exclusively to the following products and the operators producing, preparing, trading or exporting organic food and feed with the following CN-codes³:

- a. Chapter 10⁴ – Cereals
- b. Chapter 11 – Products of the milling industry; malt; starches; inulin; wheat gluten. The following CN codes are excluded: CN codes 1105, 1106, 1107, 1108, 1109
- c. Chapter 12 – Oil seeds and oleaginous fruits; miscellaneous grains, seeds and fruit; industrial or medicinal plants; straw and fodder, with the exception of processed products ready for human consumption derived from them. The following CN codes are excluded: CN codes 1211, 1212, 1213, 1214
- d. Chapter 23 – Residues and waste from the food industries, prepared animal fodder. The following CN codes are excluded: CN codes 2307
as well as to the following product:
 - e. CN code 0810 9075 – only Goji berries (*Lycium barbarum* and *Lycium chinense*) and products processed from them.

2. NATURE OF THE ADDITIONAL CONTROL MEASURES

2.1. Sampling and analysing for presence of pesticide residues⁵

For all consignments⁶ of products as defined in section 1, the control body should take at least one representative sample of each consignment. Sampling should be done by using the methods as described in Commission Regulation (EU) No 691/2013 on the sampling methods to be used for official control of feed⁷ and Commission Directive 2002/63/EC establishing Community methods of sampling for the official control of pesticide residues in and on products of plant and animal origin⁸. These samples should be analysed for the presence of pesticide residues in a laboratory accredited to the analytical methods used. The analytical methods to be used should cover all the relevant pesticides, as defined by expert knowledge. This implies that, inter alia, the appropriate specific analytical methods– including single-residue methods where relevant - should be applied to detect residues of pesticides. The sampling report of each sample should contain the identification of the consignment: lot number and, when available, number of the Certificate of Inspection. The control body should not stamp or sign the Certificate of Inspection before it has received and assessed the result of these analyses.

³ See <http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=URISERV:111003>

⁴ See <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex:31987R2658>

⁵ This excludes the products referred to in annex II of Commission Regulation (EC) No 889/2008, cf. article 5(1) on products that may be used in organic production.

⁶ The definition of consignment is set out in Regulation 1235/2008, Article 2(3)

⁷ Commission Regulation (EU) No 691/2013 of 19 July 2013 amending Regulation (EC) No 152/2009 as regards methods of sampling and analysis (OJ L 197, 20.7.2013, p. 1)

⁸ Commission Directive 2002/63/EC of 11 July 2002 establishing Community methods of sampling for the official control of pesticide residues in and on products of plant and animal origin and repealing Directive 79/700/EEC (OJ L 187, 16/07/2002 p. 30-43)

The sampling report of a consignment should be introduced in Traces and accompany the Certificate of Inspection for that consignment.

2.2. Controls

- a. The control body should carry out 2 physical inspections per year of each operator involved in the production of organic products listed under section 1 it intends to certify. One of these inspections has to be unannounced.
- b. On a farm that is certified for the first time, the CB should carry out the first inspection of each parcel before the crop is sown on that parcel in order to be able to certify the crop.
- c. The control body should take at least one field crop sample each year to each operator as defined in section 1. The sample has to be taken from crops in the field, at the most appropriate moment to detect potential use of pesticides according to expert knowledge. The sample should be analysed as set out in point 2.1. For operators not growing crops, a relevant sample of incoming raw material, intermediate product or processed product should be taken.
- d. The control body should spend utmost attention to the verification of the product flows and traceability established by each operator as defined in section 1. It should also verify the quantities harvested and/or prepared, the means of storage and transport of the goods, including the possible application of pesticides and biocides at these stages.
- e. The control body should analyse in depth the bookkeeping and financial documentation of each operator as defined in section 1, for which it intends to certify products. The CB must systematically verify the destination of all the products harvested and/or prepared at the farm it certifies, regardless whether these crops are sold as organic or not or are exported or not. This includes the quantities and the names of the buyers.
- f. As stipulated in article 33(1) of Council Regulation (EC) No 834/2007, the Certificate of Inspection shall accompany the goods. Consequently, the CB has to issue the Certificate of Inspection before the shipment leaves the third country of origin or of export.
- g. At the time of issuing the Certificate of Inspection, the control body must have documented the complete operator and product traceability. At simple request, the CB has to send this traceability documentation to the control body of the importer concerned and to the Competent Authorities of the importing country. In case of a complex supply chain a transparent flow chart must be added to that documentation unequivocally presenting both the flow of the goods and the financial flow.

At least paragraphs a. and c. should also be applied to new and other operators who cultivate fields that are in conversion to organic farming.

3. EXCHANGE OF INFORMATION

In accordance with Article 92 of Commission Regulation (EC) No 889/2008⁹, where operators and/or their subcontractors change their control body, the new control body

⁹ 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 (O.J. L 250, 18.09.2008, p. 1)

shall verify and ensure that non-conformities noted in the control file forwarded by the previous control body have been completely and effectively addressed by the operator.

The control bodies have to carefully evaluate the situation where a certification decision on such an operator has to be made. The Commission services will take all necessary supervisory actions to ensure that control bodies have done this effectively.

4. REPORTING

In accordance with Article 11(4) of Regulation (EC) No 1235/2008, the Commission services request the implementation of these recommendations to be documented and made available in a report. This report must be included in the annual report referred to in Article 12 (1) (b) of Commission Regulation (EC) No 1235/2008 and include at least the following information:

1. The list of the operators under your control in China.
2. For each operator and for the period starting on 1 January 2020:
 - a. The inspections carried out, indicating the date of each inspection
 - b. The sampling and analyses carried out
 - c. The irregularities and infringement found
 - d. The corrective measures and/or sanctions applied
 - e. The Certificates of Inspection signed
 - f. For each operator who changed its control body, the corrective measures and/or sanctions applied if non-conformities were noted in the report of the previous control body.
3. As regards consignments subject to the additional official controls in accordance with this letter:
 - a. COI reference for imported consignments
 - b. Overview of sampling analysis results which indicate presence of pesticide residues, if any
 - c. Investigations and follow-up measures taken by the control body in case of pesticide residues found in the consignment, including the decision concerning the consignment e.g. downgrading the consignment to conventional, not issuing a COI etc., as well as confirmation that the operator has taken corrective measures.

Yours sincerely,



Nathalie SAUZE- VANDEVYVER

c.c.: Accreditation body