



Brussels,

Dear Madam, Dear Sir,

In the Committee on Organic Production (COP) of 28 November 2018 the Commission and the Member States have assessed the situation as regards irregularities on imported products from China.

This assessment has led to the conclusion that increased control and reporting measures seem to be necessary for certain imported products. The COP agreed on 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" adopted on 28 November 2018<sup>1</sup>.

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

## **1. SCOPE OF THE ADDITIONAL CONTROL MEASURES**

The assessment of the risk of occurrence of irregularities and infringements<sup>2</sup> has led to the conclusion that additional control measures will have to be applied. This means that until the end of the year 2019 at least the following increased control measures as regards products originating from China and imported from China or from another third country are necessary to ensure compliance of products with Regulation (EC) No 834/2007.

These additional control measures have to be applied to the following products and the operators producing, processing, trading or exporting such products: organic food and feed with the following CN-codes<sup>3</sup> originating from China:

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<sup>1</sup> See [http://ec.europa.eu/agriculture/organic/documents/eu-policy/guidelines-additional-controls\\_en.pdf](http://ec.europa.eu/agriculture/organic/documents/eu-policy/guidelines-additional-controls_en.pdf)

<sup>2</sup> 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.

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

CB

E-mail:

- a. Chapter 10 – Cereals
- b. Chapter 11 – Products of the milling industry; malt; starches; inulin; wheat gluten
- c. Chapter 12 – Oil seeds and oleaginous fruits; miscellaneous grains, seeds and fruit; industrial or medicinal plants; straw and fodder (including 12.06 - Sunflower seeds)
- d. Chapter 23 – Residues and waste from the food industries, prepared animal fodder (including 23.06 - Oilcake and other solid residues, whether or not ground or in the form of pellets, resulting from the extraction of vegetable fats or oils, other than those of heading 2304 or 2305)  
as well as to the following product:
- e. 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 residues

For all consignments 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 feed<sup>4</sup>. These samples should be analysed for the presence of pesticide residues in an accredited laboratory. 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 should be applied to detect residues of herbicides. 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 this analysis.

### 2.2. Controls

- a. The control body should carry out 2 physical inspections per year of each operator as defined in section 1 it intends to certify. One of these inspections shall 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.
- c. The control body should take at least one field crop sample each year at each operator as defined in section 1. The sample shall 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

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<sup>4</sup> 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)

section 1. It should also verify the quantities harvested, 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 verify the destination of all the products harvested 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 shall issue the Certificate of Inspection before the shipment leaves the third country.
- g. At the time of issuing the Certificate of Inspection, the control body shall have documented the complete operator and product traceability. At simple request, the CB shall 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 shall 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 889/2008<sup>5</sup>, where operators and/or their subcontractors change their control body, the new control body 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 shall 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 2019:
  - a. The inspections carried out, indicating the date of each inspection

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<sup>5</sup> 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)

- b. The sampling and analyses carried out
- c. The irregularities and infractions 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.

Yours sincerely,

Nathalie SAUZE –  
VANDEVYVER  
Director

Copy: Accreditation Body