



EUROPEAN COMMISSION
DIRECTORATE-GENERAL FOR AGRICULTURE AND RURAL DEVELOPMENT

Directorate B. Multilateral relations, quality policy
The Director

Brussels,
SM/sn/agri.ddg1.b.4(2016)141524

Dear Madam, Dear Sir,

In our letter with reference Ares(2015)2248699 dated 29/05/2015, we drew your attention to the necessity for increased control and reporting measures as regards products imported from Ukraine, Azerbaijan, Belarus, Georgia, Kazakhstan, Kyrgyzstan, Moldova, Tajikistan, Uzbekistan that should have been applied until the end of 2015. These measures were taken following a substantial number of high volume shipments of organic products imported from Ukraine into the European Union that were found to contain residues of pesticides not allowed by the organic production rules set out in Regulation (EC) No 834/2007¹.

Together with Member States representatives in the Committee on Organic Production (COP) we have reassessed the situation. This reassessment has led to the conclusion that also in 2016 increased control and reporting measures seem still to be necessary for certain products. Moreover, the COP agreed to have additional official controls implemented by the EU Member States' competent authorities on organic products imported from these countries, in accordance with the Guidelines adopted on 3 December 2015². In addition, given the evolution of the flows of imported goods it was considered appropriate to add the Russian Federation to the list of the countries concerned.

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 the following countries: **Ukraine, Azerbaijan, Belarus, Georgia, Kazakhstan, Kyrgyzstan, Moldova, Tajikistan, Uzbekistan and Russian Federation.**

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 Council Regulation (EC) No 834/2007 of 28 June 2007 on organic production and labelling of organic products and repealing Regulation (EEC) No 2092/91 (O.J. L 189, 20.07.2007, p. 1)

² See http://ec.europa.eu/agriculture/organic/documents/eu-policy/guidelines-additional-controls_en.pdf

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1. EXCHANGE OF INFORMATION

In accordance with Article 92 of Commission Regulation (EC) No 889/2008³, where operators and/or their subcontractors change their control body, the new control body shall ensure that non-conformities noted in the control file forwarded by the previous control body have been or are being 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.

2. CONTROL MEASURES

The assessment of the risk of occurrence of irregularities and infringements⁴ has led to the conclusion that until the end of the year 2016 at least the following increased control measures as regards products imported from Ukraine, Azerbaijan, Belarus, Georgia, Kazakhstan, Kyrgyzstan, Moldova, Tajikistan, Uzbekistan and Russian Federation are necessary to ensure compliance of products with Regulation (EC) No 834/2007.

2.1. Sampling and analysing for presence of pesticide residues

For all consignments of organic food and feed with the following CN-codes⁵ originating from the 10 countries referred to above:

- 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)

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 feed⁶. 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. The sampling report of each sample

³ 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)

⁴ 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 lays down the requirements for the risk analysis.

⁵ See <http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=URISERV:111003>

⁶ 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)

should contain the identification of the consignment: lot number and 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. Control visits

- a. The control body should carry out 2 physical inspections per year of each operator it intends to certify. One of these inspections shall be unannounced.
- b. The control body should take at least one field crop sample at each operator each year. 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.
- c. The control body should spend utmost attention to the verification of the product flows and traceability established by each operator.
- d. The control body should analyse in depth the bookkeeping and financial documentation of each operator for which it intends to certify products.

3. 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 include at least the following information:

1. The list of the operators under your control in Ukraine, Azerbaijan, Belarus, Georgia, Kazakhstan, Kyrgyzstan, Moldova, Tajikistan, Uzbekistan and Russian Federation.
2. For each operator and for the period starting on 1 September 2015:
 - a. The inspections carried out
 - 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

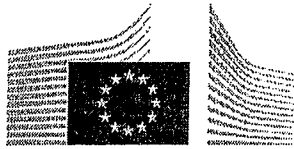
The report should be sent by 1 September 2016 to the following address: AGRI-ORGANIC-IMPORTS@ec.europa.eu

Yours sincerely,



Diego CANGA FANO

Copy: Swiss Accreditation Service SAS (lorenz.roggli@sas.ch)



EUROPEAN COMMISSION
DIRECTORATE-GENERAL FOR AGRICULTURE AND RURAL DEVELOPMENT

Directorate B. Multilateral relations, quality policy
B.4. Organics

Version 3 December 2015

Guidelines on additional official controls on organic products imported from Ukraine, Azerbaijan, Belarus, Georgia, Kazakhstan, Kyrgyzstan, Moldova, Tajikistan, Uzbekistan and Russian Federation

Applicable from 01/01/2016 until 31/12/2016

This document has been conceived as a working document of the Commission Services. It has been elaborated in co-operation with the Member States. It does not intend to produce legally binding effects and by its nature it does not prejudice any measure taken by the Commission or by a Member State within the implementation prerogatives under Article 32 and 33 of Council Regulation (EC) No 834/2007 and of Commission Regulation (EC) No 1235/2008, nor any case law developed with regard to this provision.

Guidelines on additional official controls on organic products imported from Ukraine, Azerbaijan, Belarus, Georgia, Kazakhstan, Kyrgyzstan, Moldova, Tajikistan, Uzbekistan and Russian Federation

Applicable from 01/01/2016 until 31/12/2016

The Competent Authorities¹ of all Member States undertake to ensure that the control measures described under section (2) and (3) of these guidelines are carried out on all consignments defined in section (1).

The Competent Authorities will only allow these consignments to leave the premises of the first consignees and allow these products to be put on the market as being an organic product when the control measures set out in sections (2) and (3) of these guidelines have been carried out under their responsibility and have been concluded with satisfactory results.

(1) Tracking and identification of all consignments of imported organic food and feed

The Competent Authorities shall track and identify all consignments of organic food and feed with the following CN-codes² originating from the 10 countries referred to in the title of these guidelines:

- 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)

Moreover, as set out in Article 84 of Regulation 889/2008, the importer shall in due time inform the control body or control authority of each consignment to be imported into the European Union.

¹ The authorities designated pursuant to Art. 27(1) of Regulation (EC) No 834/2007

² See <http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=URISERV:i11003>

(2) Complete documentation check at point of entry

The complete documentation of these consignments shall be verified systematically:

- a. Certificate of inspection, boxes 1 to 15
- b. Documents of custom declaration
- c. Transport documents
- d. Operators and product traceability: verification of names, addresses and valid certification of all operators in the trade flow

(3) Sampling and analysing for presence of pesticide residues each incoming consignment at point of entry

At least 1 representative sample shall be taken of each of these consignments at the point of entry in the EU. Sampling shall 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.

These samples shall 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.

The sampling report of each sample must contain the identification of the consignment: lot number and number of the Certificate of Inspection.

When pesticide residues are detected, an investigation shall be started and a notification in the Commission's Organic Farming Information System (OFIS) shall be made.