



European Organic Certifiers Council

Official Controls Regulation 2017/625 : relevant articles for organic controls

**Civil Dialogue Group meeting
Organic Farming
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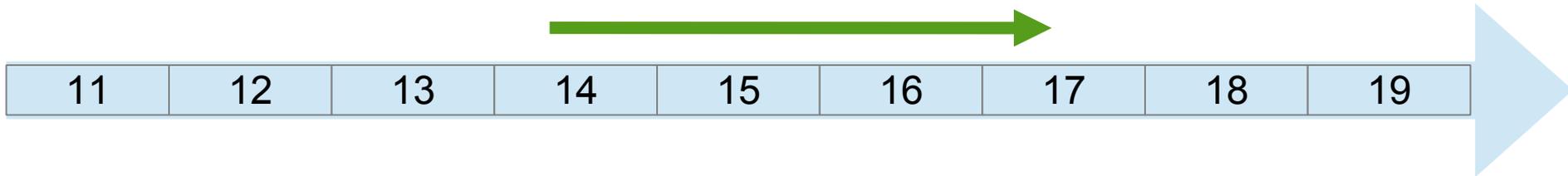
The revision process of OFFFC (Reg 882/2004)

Commission proposal and Trilogues

Legal checks

Publication 2017/625
Creation D&I Acts

Application



1. Official controls (R 2017/625)

Table of content: Title (from art . – art .)

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1. Official controls (R 2017/625)

Relevant aspects for organic :

- subject matter (link)
- traceability

- second expert opinion
- official attestation

- accreditation requirements
- adequate financial resources

- risk categorisation

- official controls prior notice
- the inspection report

- methods for sampling

- official certification
- enforcement

- certifying officer
- official certificates

1. Official controls (R 2017/625)

Title 1: **Subject matter:** (products/productions)

(a) Food and food safety (including fair practices in trade and protecting consumers interests and information)

(b) Deliberate release into the environment of GMO for food and feed products

(c) Feed and feed safety

(d) Animal health requirements

(g) Protective measures against pests of plants

(h) Placing on the market and use plant protection products

(i) Organic production and labelling

(j) Use and labelling of protected designations of origin, protected geographical indications and traditional specialties guaranteed

(Art 1.2)

1. Official controls (R 2017/625)

Title 1: Definitions

Official controls:= activities performed by the competent authorities, or by the delegated bodies to which certain official control tasks have been delegated in accordance with this Regulation, in order to verify:

(a) compliance by the operators with this Regulation and

(b) that animals or goods that meet the requirements laid down in the rules, including for the issuance of an official certificate or official attestation.

(Art 2)

1. Official controls (R 2017/625)

Title 1: Definitions

Official certificate := a paper or electronic document signed by the certifying officer and providing assurance concerning compliance with one or more requirements laid down in these rules.

(Art 3.27)

1. Official controls (R 2017/625)

Title 1: Definitions

Official attestation := any label, mark or other form of attestation issued **by the operators** under the supervision, through dedicated official controls, of the competent authorities or by the competent authorities themselves, and providing assurance concerning compliance with one or more requirements laid down in this Regulation or in the rules referred to in art 1(2).
(Art 3.28)

=> Q: Coherence in the use of the term official attestation?

1. Official controls (R 2017/625)

Title 1: Definitions

Official certification:= the procedure by which assurance concerning compliance with one or more requirements laid down in the rules is provided by the competent authorities
(Art 3.25)

1. Official controls (R 2017/625)

Title 1: Definitions

Certifying officer:= (a) any official of the competent authority authorised to sign official certificates by such authorities or (b) any other natural person who is authorised to sign official certificates in accordance with the rules.

(Art 3.26)

=> Q Issuance of official certificates only by authorities?

Q Issuance other certification decisions (sanctions and derogations) only by authorities?

1. Official controls (R 2017/625)

Title 2: Chapter 2:

Official controls shall be performed **without prior notice**, except where such notice is necessary and duly justified for the official control to be carried out. As regards official controls upon request from the operator, the competent authority may decide whether the official controls are to be performed with or without prior notice. Official controls with prior notice shall not preclude official controls without prior notice.

(Art 9.4)

1. Official controls (R 2017/625)

Title 2: Chapter 2:

[...] the operators subject to an official control shall be provided with a **copy of the records** [...] **except** where an official certificate or official attestation has been issued. The operator shall be promptly informed in writing by the competent authority of any case of non-compliance identified through the official controls.

(Art 13)

Q: no inspection report if there are no non compliances and certification is expected to be renewed?

1. Official controls (R 2017/625)

Title 2: Chapter 2:

Methods and techniques (selection):

-inspection of **traceability**, labelling, presentation, advertising and relevant packaging materials

-an examination of documents, **traceability** records and other records which may be relevant to the assessment of compliance with the rules, including, where appropriate, documents accompanying food, feed and any substance or material entering or leaving an establishment.

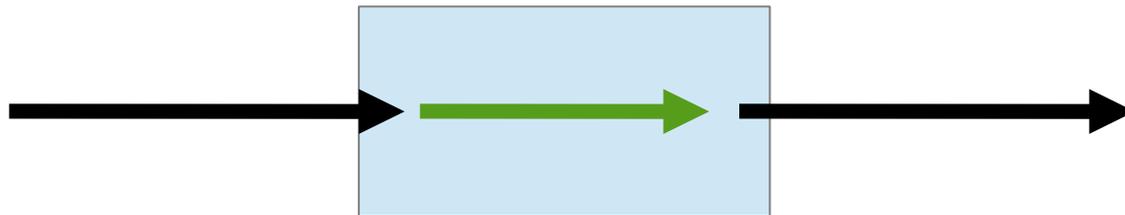
(Art 14)

1. Official controls (R 2017/625)

Traceability in non organic processing:= 'external'



Traceability in **organic** processing: 'external' + 'internal'



Q: Is this organic particularity taken into account?

1. Official controls (R 2017/625)

Title 2: Chapter 2: Specific rules [...] for organic production and labelling of organic products

The Comm may, by means of Implementing Acts [...] lay down rules regarding:

-[...]

-practical arrangements for [...] the **exchange of information** concerning instances of non-compliance or the likelihood of non compliance between competent authorities and delegated bodies

-**methods to be used for sampling** and for laboratory analysis and tests, excluding any rules involving the setting of thresholds

(Art 25)

=> These are important for organic => Q may = shall ?

1. Official controls (R 2017/625)

Title 2: Chapter 3:

Conditions for delegating certain official control tasks to delegated bodies

The delegation [...] shall be in writing and shall comply with the following conditions:

- precise description of those official control tasks that the delegated body may perform

- the delegated body works (among others) in accordance with **ISO/IEC 17020**

(Art 28.2)

Q: mandatory for organic controls?

1. Official controls (R 2017/625)

Title 2: Chapter 4:

Second expert opinion (1/2)

Member states may decide that, where there is a dispute between the competent authorities and the operators that is based on the second expert opinion referred to in §1, the operators may request, at their own expense, the documentary review of the initial analysis, test or diagnosis and where appropriate, another analysis, test or diagnosis by another official laboratory.

(Art 35.3)

1. Official controls (R 2017/625)

Title 2: Chapter 4:

Second expert opinion (2/2)

The application by the operator for a second expert opinion under §1 of this article shall not affect the obligation of the competent authorities to take prompt action to eliminate or contain the risk to human, animal and plant health, or to animals welfare or, as regards GMO and plant protection products, also the environment, in accordance with this Regulation and with the rules referred to in article 1(2)

(Art 35.4)

Q: what is/could be the application of this for organic?

1. Official controls (R 2017/625)

Title 2: Chapter 6: Financing of official controls and other official activities

General rules

Member States shall ensure that **adequate financial resources are available** to provide the staff and other resources necessary for the competent authorities to perform official controls and other official activities.

This chapter also applies in the case of delegation of certain control tasks and other official activities in accordance with art 28 and 31.

(Art 78)

Q: how could that look like for organic?

1. Official controls (R 2017/625)

Title 2: Chapter 7: **Official certification**

General requirements concerning official certification

1. Official certification shall result in the issuance of:

(a) **official certificates**; or

(b) **official attestations** in the cases provided for in the rules referred to in article 1(2)

2. Where the competent authorities delegate certain tasks related to the issuance of official certificates or official attestations, or to the official supervision referred to in art 91(1), such delegation shall comply with articles 28 to 33.
(Art 86)

Q: coherent use of the term official attestation?

1. Official controls (R 2017/625)

Title 2: Chapter 7: Official certification

Signature and issuance of official certificates

1. Official certificates shall be issued by the competent authorities

2. Competent authorities shall designate the **certifying officers** who are authorised to sign official certificates and shall ensure that these officers:

(a) are impartial, free from conflict of interest and ...

(b) have received appropriate training ...

(Art 88)

1. Official controls (R 2017/625)

Title 2: Chapter 7: Official certification

Guarantees for reliability for official certificates

1. **Official certificates** shall:

- (a) bear a unique code
 - (b) not be signed when they are blank or incomplete
 - (c) be drawn up in one or more of the official languages of the institutions of the Union [...]
 - (d) be authentic and accurate
 - (e) allow for the identification of the person who signed them and the date of issue and
 - (f) allow the easy verification of the links between the certificate, the issuing authority and the consignment, lot or individual animal or good covered by the certificate
- (Art 89)

1. Official controls (R 2017/625)

Title 2: Chapter 7: Official certification

Implementing powers concerning official certificates

The Commission may, by means of implementing powers, lay down rules for uniform application of art 88 and 89 concerning: (1/2)

(a) **model of official certificates** and rules for issuance

(b) mechanisms and technical arrangements to ensure the issuance of accurate and reliable official certificates, and prevent risk of fraud

(c) the procedures to be followed in case of **withdrawal of official certificates and for the issuance or replacement of certificates**

(Art 90)

Q: this is important for organic => may => shall?

1. Official controls (R 2017/625)

Title 2: Chapter 7: Official certification

Implementing powers concerning official certificates

The Commission may, by means of implementing powers, lay down rules for uniform application of art 88 and 89 concerning: (2/2)

(d) rules for the **production of certified copies**

(e) the format of documents that must accompany animals and goods after official controls have been performed

(f) **rules for the issuance of electronic certificates**

and for the use of electronic signatures

(Art 90)

Q: this is important for organic => may => shall?

1. Official controls (R 2017/625)

Title 5: Planning and reporting

Content of the MANCPs (selection) (1/3)

2. **MANCP** shall contain [...] at least [...] the following:
- (a) strategic objectives and on how the prioritisation of official controls and allocations of resources reflect these objectives
 - (b) the **risk categorisation of the official controls**
 - (c) the designation of competent authorities and their tasks at central, regional and local level, and on resources available to those activities

(Art 110)

Q: this is already the case under 882/2004, any change to be expected?

1. Official controls (R 2017/625)

Title 7: Enforcement action

Actions in the event of established non-compliance

1. Where the non-compliance is established, the competent authorities shall take:

(a) any action necessary to **determine the origin and extent of the non-compliance** and to establish the operator's responsibilities; and

(b) appropriate measures to ensure that the operator concerned **remedies the non-compliance and prevents further occurrences** of such non-compliances

When deciding which measures to take, the competent authorities shall take into account the nature of that non compliance and the operator's past record with regard to non-compliance

(Art 138)

Q: what about the proportionality of such a decision?

1. Official controls (R 2017/625)

Title 7: Enforcement action

Actions in the event of established non-compliance

2. When acting in accordance with §1 of this article, competent authorities shall take any measure they deem appropriate to ensure compliance with the rules referred to in art 1(2), including, but not limited to the following:

(d) **restrict or prohibit the placing on the market**, the movement, the entry into the Union or the export of animals and goods, and prohibit their return to the Member State of dispatch or order their return to the Member State of dispatch.

(Art 138)

1. Official controls (R 2017/625)

Title 7: Enforcement action

Actions in the event of established non-compliance

2. When acting in accordance with §1 of this article, competent authorities shall take any measure they deem appropriate to ensure compliance with the rules referred to in art 1(2), including, but not limited to the following:

(g) order the recall, withdrawal, removal and destruction of goods, authorising, where appropriate, the use of the goods for purposes other than those for which they were originally intended.

(Art 138)

1. Official controls (R 2017/625)

Title 7: Enforcement action

Actions in the event of established non-compliance

2. When acting in accordance with §1 of this article, competent authorities shall take any measure they deem appropriate to ensure compliance with the rules referred to in art 1(2), including, but not limited to the following:

(i) **order the cessation for an appropriate period of time of all or part of the activities of the operator** concerned and, where relevant, of the internet sites it operates or employs
(Art 138)

1. Official controls (R 2017/625)

Title 7: Enforcement action

Entry into force and application

It shall apply **from 14/12/2019** (unless for some non organic issues)

(Art 167)

2. Additional rules in the draft organic Regulation

Obligations and actions in the event of suspicion of non-compliance (Art XX)

Precautionary measure to avoid presence of non-authorized substances (Art 20a)

Measures to be taken in cases of the presence of non-authorized substances (Art 20b)

Certification system (Art 24)

Certificate (Art 25)

2. Additional rules in the draft organic Regulation

Group of operators (Art 26)

Additional rules on official controls and action to be taken by competent authorities (Art 26b):

Verification of compliance: minimum content, risk based approach, minimum frequency, inspection report

Additional rules on the delegation of specific official control tasks and other official activities (Art 26c)

Additional rules on measures in case of non-compliance (Art 26d)

Model of the organic certificate (Annex Vd)

Thank you for your kind attention