Official controls related to EU organic production

Tom Nizet, bio-ir. (tn@authent.bio)

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MINISTRY OF AGRICULTURE
AND FOOD INDUSTRY
OF THE REPUBLIC OF MOLDOVA

South Eastern Europe
SWG RRD
Regional Rural Development Standing Working Group

GFA
CONSULTING GROUP
General Agent BMEL
Berlin Office

With support from

Federal Ministry
of Food
and Agriculture

by decision of the
German Bundestag

Organic Working Group, APD SEE, 12 December, 2024

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Introduction

Context:

- **Moldova** is a **candidate Member state** (MS) facing multiple challenges in implementing **EU** Regulation (in general)
- Today's training aims at highlighting the most important obligations for controls and other activities related to EU organic production from the perspective of a MS
- Because Moldovan operators and certification bodies are already familiar with EU organic production, the **main target group** for this training **is Moldovan Government and its institutions**.
- Other participants have been invited to learn more about the EU requirements for the controls of organic production that apply in the EU

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Introduction

Extract of Reg 2021/1378 Ann II
(Currently recognised Certification bodies for EU organic certification in Moldova)

European Commission

EUROPEAN ACCREDITATION

CpA

Member States

A	B	C	D	E
21/2325	21/1378	Name CB	Code numb	Third country
	M4	A-Cert European Organisation for Certification S.A.	MD-BIO-171	Moldova
/2024 (proposed for		Bioagricert s.r.l. Unipersonale	MD-BIO-132	Moldova
	M3	Bio.inspecta AG	MD-BIO-161	Moldova
	M3	CCPB	MD-BIO-102	Moldova
	M3	CERES	MD-BIO-140	Moldova
	M3	Control Union Certifications	MD-BIO-149	Moldova
	M3	Ecocert SAS	MD-BIO-154	Moldova
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	M3	Organic Standard	MD-BIO-108	Moldova
/2024 (proposed for		'Sertifikācijas un testēšanas centrs	MD-BIO-173	Moldova
	M5	ORSER KONTROL VE Sertificasyon Anonim Sirketi	MD-BIO-166	Moldova

eocc

Association of certification bodies

Accreditation bodies

Session 11: Official Controls in EU Organic Production

Key question: what has to be in place in Moldova
– as a Member State of the EU, where all EU Regulations apply -
in order to be ready for "official controls" in organic production?

Session 11: Official Controls in EU Organic Production
Date: 12 December 2024
Trainer: Tom Nizet, Authent GmbH (Key International Expert in the APD Project)

Training Agenda:
- **09:00 – 09:15** | Introduction
- **09:15 – 10:00** | Organisation of official controls
- **10:00 – 11:00** | Obligations of stakeholders carrying out official controls (incl 10 min sanitary break)
- **11:00 – 12:00** | Official controls in practice
- **12:00 – 13:00** | Lunch Break
- **13:00 – 13:30** | Other official tasks
- **13:30 – 14:30** | State of play in Moldova (Marina Ilușca)
- **14:30 – 15:00** | Q&A Session
- **15:00 – 15:30** | Summary and planning of action/follow up

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Why official controls?

PAGE | LAST UPDATED: 09 DEC 2024

Monthly Food Fraud Summary Reports

Food Fraud and Quality

PAGE CONTENTS

Year: 2024
Year: 2023
Year: 2022
Year: 2021
Year: 2020
Year: 2019
Year: 2018
Year: 2016

Full List of Food Fraud Summary Reports:

Deails about the selection criteria for including information in the JRC monthly food fraud summary report.

The Food Fraud Monthly Report is drafted by the JRC Geel Unit F.4 "Food Integrity" with the support of the JRC Ispra Unit T.5 "Text and Data Mining".

If you wish to receive a notification whenever any new Food Fraud Monthly Report is published, please register in Knowledge4Policy Newsroom. Details about the personal data, which we will need for your subscription, can be found in our Privacy Statement.
For any comments, questions or feedback, please contact us via the K4P feedback form.

Year: 2024

https://knowledge4policy.ec.europa.eu/food-fraud-quality/monthly-food-fraud-summary-reports_en

inecta Products Industries Resources Licensing Customer stories

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5 Biggest Food Fraud Cases

Food fraud is a pervasive and widespread issue that has affected the food industry in various ways. Here are some examples of the largest food fraud cases that have been uncovered:

1. **Horsemeat scandal (2013):** This incident involved the discovery of horsemeat in beef products sold across Europe. The scandal originated in Ireland and spread to other countries, leading to a recall of millions of products and significant financial losses for the industry. The incident highlighted the vulnerability of the global food industry to fraud and the importance of traceability and transparency in food production.

2. **Chinese melamine scandal (2008):** This incident involved the adulteration of infant formula with melamine, a toxic substance used to boost protein levels in the product. The scandal led to the hospitalization of thousands of infants and the deaths of six, and resulted in a global recall of Chinese-made products. The incident highlighted the need for stronger regulatory oversight and stricter penalties for food fraud.

3. **Parmesan cheese fraud (2016):** This incident involved the discovery of cellulose, a wood-based filler, in Parmesan cheese sold in the United States. The investigation revealed that some products contained as little as 2% of actual Parmesan cheese, with the rest being made up of fillers and other additives. The incident highlighted the vulnerability of the food supply chain to economically motivated adulteration and the need for more stringent testing and labeling requirements.

1. Where did the horsemeat scandal begin?

The Food Safety Authority of Ireland tested a range of cheap frozen beefburgers and ready meals from supermarkets last November for the presence of DNA from other species which were undeclared. It found horse DNA in over one-third of the beefburger samples, and pig in 85% of them.

https://www.inecta.com/blog/5-biggest-food-fraud-cases

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Organisation of official controls

Treaty for the Functioning of the European Union (1958)

General food law 178/2002 and more specific law
(animal nutrition, residues and contaminants, feed and food labelling, pesticides, additives, vitamins, drinking water, GMO, …)

Various acts dealing with animal health and welfare

Various Directives

Organic Regulation 2092/91

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Organisation of official controls

Treaty for the Functioning of the European Union (1958)

General food law 178/2002 and more specific law
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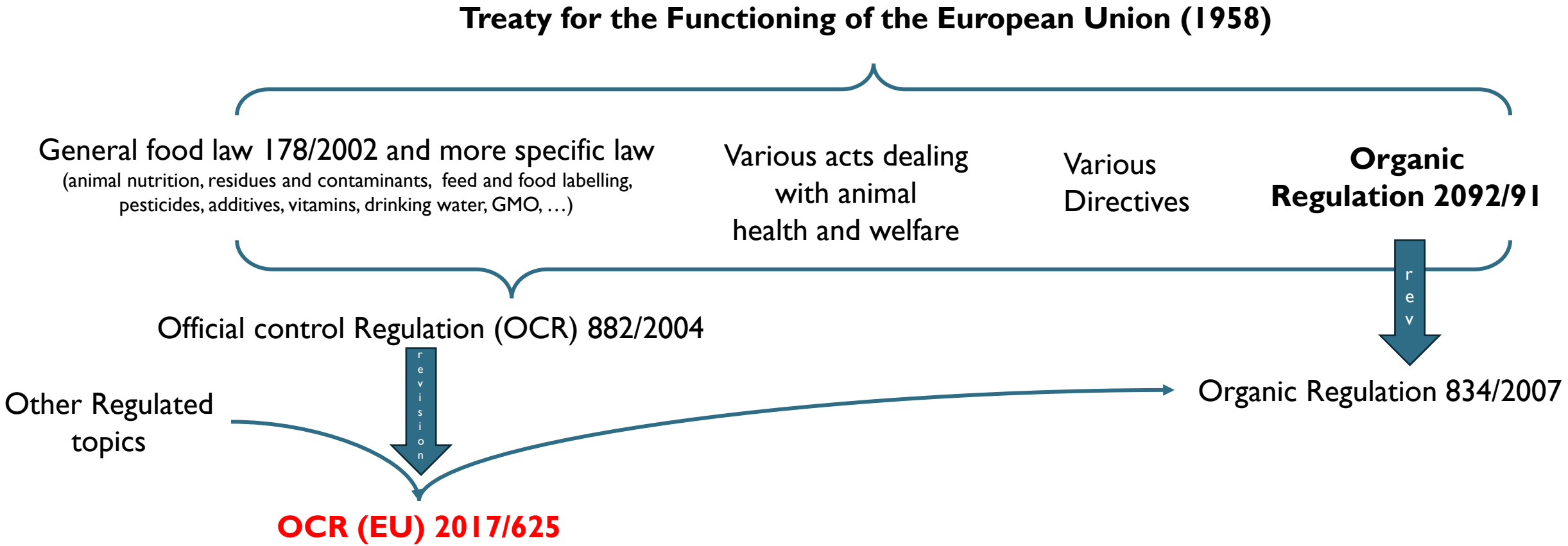
Various acts dealing with animal health and welfare

Various Directives

Organic Regulation 2092/91

Official control Regulation (OCR) 882/2004

Organisation of official controls



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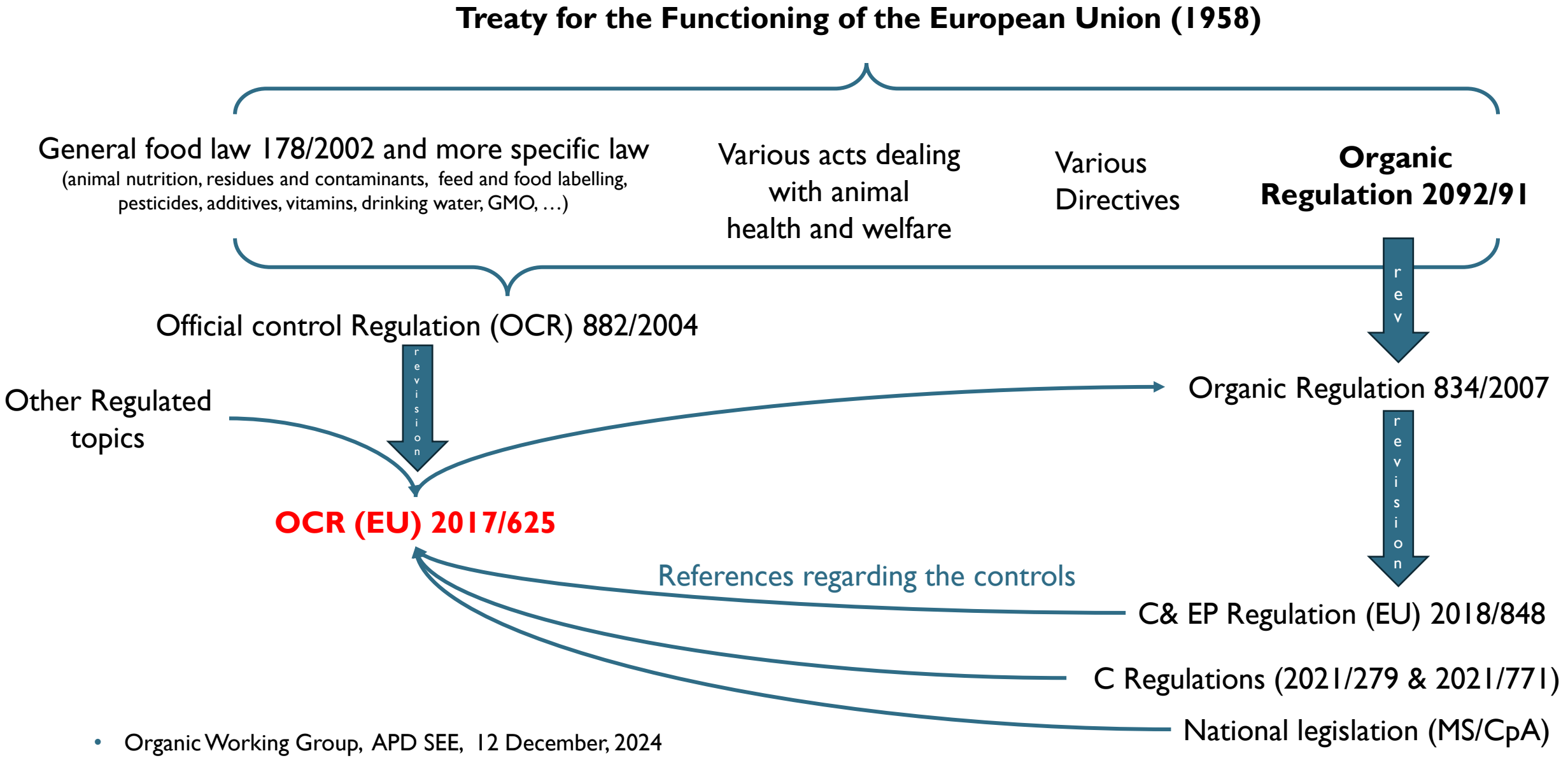
Organisation of official controls



Organisation of official controls

Summary of OCR 2017/625 (filtered for "organic") (1/2)

- Definition of official controls and other official activities (625.2)
- MS shall **designate** the competent authority.ies (CpA) responsible for organising official controls and other official activities (625.4)
- CpA may
  - **Confer** certain official tasks to control authority.ies (CA) (625.4.3)
  - **Delegate** certain official tasks to private certification bodies (CB) (625.28 – 33)
- Obligations of CpA (625.5 – 8, 11 - 14)
- Minimum requirements for official controls (625.9)
- Obligations of operators (625.15)

Organisation of official controls

Summary of OCR 2017/625 (other duties related to "organic") (2/2)

- Sampling, analysis, tests and diagnoses (625.34 – 42)
- Controls on animals and goods entering the Union (625.43 – 77)
- Financing official controls (625.78 – 85)
- **Official certification** (625.86 – 91)
- Administrative assistance and cooperation (625.102 – 108)
- Planning and reporting (625.109 – 115)
- **Enforcement** (625.137 – 140)
- Training (625.11)

Organisation of official controls

Cross cutting sections (EU)	OCR 625	OR 848	OR other
Link	1.2(i)	37	279.x
Official controls	9, 13	38	279.7 771.1 – 2
Delegation of official controls and other official tasks	28, 29, 30	40.1, 40.3 40.5	
No delegation	31.3	40.4	
Obligations of operators	15	39	
Enforcement	31.3 33 137, 138	40.2 40.8 – 9 29, 41, 42	 279.8
Exchange of information	32	40.6, 40.10 43	279.9

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Organisation of official controls

Cross cutting sections (non-EU – compliance regime)	1698	OR 848	OR other
Link	All	46.2	
"Official" controls	9 - 16		279.4 - 6 771.2
Delegation of official controls and other official tasks	1 – 2 4 Ann I	46.1	
No delegation = supervision	3, 5 - 8		
Obligations of operators	None		
Enforcement	22, 23 Ann IV		
Exchange of information	20, 21, 27 Ann II, III		
Other actions to be carried out by control authorities and control bodies	17 – 19, 24 – 26 28 – 29		

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Organisation of official controls

1. Treaty on the Functioning of the European Union (TFEU)

- High level protection of human and animal health and of the environment (1)
- High level of consumer protection (2)

2. Union legislation for which "official controls" are required

- Food and feed are to be safe, wholesome and their production is subject to specific requirements (3)
- Protect human, animal and plant health and animal welfare and key objective is to fight spread of diseases and to ensure protection of the environment (GMO or PPP) (3)
- General food and feed law and related (more detailed) legislation (4)
- Animal health (5)
- Plant health (8)
- Plant protection products (PPP) (9)
- GMOs (10)
- **Organic production and labelling of organic products** (11)
- Agricultural quality schemes (12)

} **Scope of the OCR**

Organisation of official controls

3. Implementation of Union Legislation by MS

- Competent Authorities (CpA) monitor and verify, through the organization of official controls that Union requirements are effectively complied with and enforced. (15)
- Reg (EU) 882/2004:
  - A single legislative framework for the organization of official controls (16)
  - Needed to be enlarged and updated (17 - 25)
- (Council & EP) Reg (EU) 2017/625:
  - Establishes a single legislative framework for the organization of official controls to verify compliance with Union agri-food chain legislation in all the areas that such legislation covers. (whereas (43))
  - CpA should be designated by the MS for all relevant areas (product scope) (26) which act in the interest of the public interest (27)
  - Ensure coordination in view of communication with other MS and Commission (26)
  - Appropriately resourced and equipped, act without conflict of interest and professionally (27)
  - **Ensure quality, consistency and effectiveness of official controls through**
    - **Training of staff** (28)
    - **Internal audits** (29)
    - **Appeals** (30) **and second expert opinion** (48)
    - **Confidentiality** (31)
    - **Risk based approach** (32 & 58)

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Organisation of official controls

4. Official controls should be

- Unannounced (33)
- Thorough and effective but not generate unnecessary burden for the operator (34)
- Carried out by independent staff (free of conflict of interest) (35)
- Carried out at all stages of production, processing and distribution (38)
- Transparent (as regards the results of the controls) (39)
- Documented (control procedure as well as resulting in an inspection report) (40 & 41)
- Carried out with the full cooperation of the operators (42)

Organisation of official controls

5. Delegation of official controls requires

- Accreditation to ensure impartiality, quality and consistency (46)
- Standards for sampling and laboratory testing to ensure reliability and consistency (incl second opinion, designation of laboratories) (47 & 50 - 52)

6. Official controls on imported goods

- Are of key importance to ensure compliance with EU legislation and take place before they are released for free circulation (53)
- Requires classification to organize such controls with the appropriate intensity (54)
- To verify compliance with phytosanitary requirements (55)
- Take place at Border Control Posts or at other control points (56)
- Involve documentary checks, identity, physical checks and sampling (57)
- Common Health Entry Document (CHED) (60)

Organisation of official controls

7. Common rules to govern actions in case of suspicion and established non-compliance on consignments

- To avoid inconsistencies and duplications while carrying out official controls (64)
- Exchange of information (64)

8. Fees or charges

- Although operators are primarily responsible for ensuring compliance, the system of own controls should be complemented by a dedicated system of official controls maintained by each MS to ensure effective market surveillance along the agri-food chain.
- Competent authorities should collect fees or charges to cover the costs when performing official controls (65)
- The financing of official controls through fees or charges should be fully transparent (68)

9. Official certification

- Organic production requires issuance of a certificate (69)
- Official attestations by the use of the term "organic" (70)

10. Relevant cross cutting areas for official controls

- RASFF (74)

Organisation of official controls

11. Other requirements for MS

- Administrative assistance and follow-up (75)
- MANCP (76 & 77)
- Annual reporting to the Commission (78)
- Allow (Commission) investigations, audits and witness audits (79)
- Training of staff (83)
- TRACES, TRACES NT and OFIS (II) and electronic signatures (85 & 86)
- Investigations in case of suspicion of non-compliance (88)
- Actions in case of disruptions at MS level (89) and infringements and production of false/misleading attestations/certification (90)

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Organisation of official controls

12. additional specific requirements for organic production (from 2018/848)

- Provisions should be made for the notification of operator's activities (83, 84 & 116)
- Group certification (85)
- Rules, in addition to those of OCR, should apply to organic production (88 & 89) as regards
  - actions to be taken by operators and groups,
  - delegation of certain official control tasks and certain tasks related to other official activities and their supervision, and
  - actions in cases of suspected or established non-compliance (Catalogue of measures).
- Provisions on the exchange of information (90)
- Specific criteria and conditions for the performance of official controls to ensure traceability (91)
- Additional conditions for delegation of official controls and other official activities (92)
- Member States should regularly provide the Commission with necessary information and keep updated lists of competent authorities, control authorities and control bodies.
- Additional requirements in Commission Regulation regarding
  - Investigations (114)
  - Minimum percentages of all official controls (incl sampling) (117)
  - Certificate of inspection (118)

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Organisation of official controls

- https://ec.europa.eu/agriculture/ofis_public/actors-eucacb/eucacb-main.html?lang=en

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Organisation of official controls

European Commission

AGRICULTURE AND RURAL DEVELOPMENT

Organic Farming Information System

pean Commission › OFIS

National Databases | Ingredient authorisations | Competent Authorities in the EU/EEA/CH | Control Authorities and Control Bodies in the EU/EEA/CH | Control Authorities and Bodies for equivalency | Recognised Control Authorities and Control Bodies

Competent Authorities

Show data valid on: 11/12/2024 Today

Country	Name	City	Scope	From	To	Status	Active	Coord.?	
Austria	BURGENLAND	Eisenstadt	Regional	23/11/2022		Confirmed	Yes	No	View
Austria	NIEDERÖSTERREICH	St. Pölten	Regional	23/11/2022		Confirmed	Yes	No	View
Austria	WIEN	Wien	Regional	23/11/2022		Confirmed	Yes	No	View
Austria	BAES	Wien	National	26/01/2023		Confirmed	Yes	No	View
Austria	BAVG	Wien	National	26/01/2023		Confirmed	Yes	No	View
Austria	KÄRNTEN	Klagenfurt	Regional	25/01/2024		Confirmed	Yes	No	View

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Organisation of official controls

	Denmark	Netherlands	France	Belgium
# CpA	2	2	4	3
CpA id	-Danish Agricultural Agency (DAA) -Danish Veterinary and Food Administration	-**Skal Biocontrole** -Ministry of …	-DGCCRF -INAO -DGDDI -Ministry of …	-Région Wallonne (1) -Région de Bruxelles capitale (2) -Vlaams Gewest (3)
Scope	National	National	National	Regional

DAA: agric production
DVFA: other activities

Skal: OFIS & Expert opinons
Ministry: Other tasks

INAO: CpA for controls before sale to final consumer

Each CpA has its own geographical limitation

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Organisation of official controls

- https://ec.europa.eu/agriculture/ofis_public/actors-eucacb/eucacb-main.html?lang=en

Organisation of official controls

	Denmark	Netherlands	France	Belgium
# CA	2 (same as CpA)	1	None	None
CA identification (+ code)	-The Danish Agricultural Agency (DK-ØKO-050) -The Danish Veterinary and Food Administration (DK-ØKO-100)	**Skal Biocontrole** (NL-BIO-01)	NA	NA
# CB	None	None	10	5
CB identification (+code)	NA	NA	-Ecocert France (FR-BIO-01) -Certipaq Bio (FR-BIO-09) -Certisud (FR-BIO-12) -Certis (FR-BIO-13) -Bureau Alpes Contrôles (FR-BIO-15) -Qualisud (FR-BIO-16) -Control Union Inspections (FR-BIO-19) -OCACIA (FR-BIO-20) -Foodchain ID Certification (FR-BIO-24)	-Certisys (BE-BIO-01) TÜV Nord Integra (BE-BIO-02) -Foodchain ID Certification (BE-BIO-03) -Comité du lait (BE-BIO-05) -Certione (BE-BIO-06)

Public

Private

Organisation of official controls

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CA id (+ code)	-The Danish Agricultural Agency (DK-ØKO-050) -The Danish Veterinary and Food Administration (DK-ØKO-100)	Skal Biocontrole (NL-BIO-01)	NA	NA
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Recognised by CpA INAO

Recognised by at least 1 of the 3 CpA

Organisation of official controls

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CB / CpA	1	2	3
BE-BIO-01	X	X	X
BE-BIO-02	X	X	X
BE-BIO-03	X	X	X
BE-BIO-05	X		
BE-BIO-06	X		

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Organisation of official controls

Extract of Reg 2021/1378 Ann II
(Currently recognised Certification bodies for EU organic certification in Moldova)

A	B	C	D	E	F	G	H	I	J	K	L
21/2325	21/1378	Name CB	Code numb	Third country	A	I	(	I	I	I	(
	M4	A-Cert European Organisation for Certification S.A.	MD-BIO-171	Moldova	X	X	X	X	X		X
L/2024 (proposed for		Bioagricert s.r.l. Unipersonale	MD-BIO-132	Moldova	X	X		X	X		X
	M3	Bio.inspecta AG	MD-BIO-161	Moldova	X			X	X		X
	M3	CCPB	MD-BIO-102	Moldova	X			X	X		X
	M3	CERES	MD-BIO-140	Moldova	X	X		X			X
	M3	Control Union Certifications	MD-BIO-149	Moldova	X	X	X	X	X	X	X
	M3	Ecocert SAS	MD-BIO-154	Moldova	X	X		X		X	
	M3	kiwa bcs Ôko Garantie GmbH	MD-BIO-141	Moldova	X	X	X	X	X		X
	M3	Organic Standard	MD-BIO-108	Moldova	X	X	X	X	X	X	X
L/2024 (proposed for		'Sertifikācijas un testēšanas centrs	MD-BIO-173	Moldova	X	X		X	X	X	
	M5	ORSER KONTROL VE Sertificasyon Anonim Sirketi	MD-BIO-166	Moldova	X	X		X	X	X	X

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Organisation of official controls

The EU Regulations on official controls serve as baseline requirements for the organisation of official controls and other official tasks.

Moldova needs to identify the competent authority.ies?
Who? How is it organised? Is there confer of tasks? Is there delegation of tasks?

Marina will enlighten us later today…

Organisation of official controls

The EU Regulations on official controls serve as baseline requirements for the organisation of official controls and other official tasks.

Nevertheless, CpA have the possibility to adopt local legislation to be
more precise,
more strict
and
enlarge certain areas

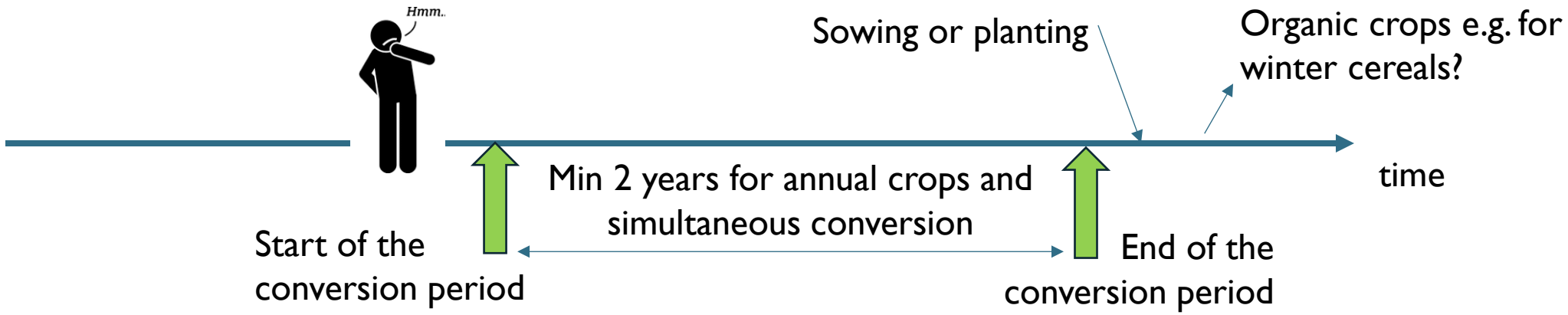
Organisation of official controls

Question 1: When exactly does the conversion period starts?

How did one of the Belgian CpA anticipate this question and answered in regional legislation

Organisation of official controls

Question: When exactly does the conversion period starts?



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Organisation of official controls

Question: **When exactly** does the conversion period starts?
How did one of the Belgian CpA anticipate this question and answered in regional legislation

	2018/848
Start of the conversion period	**Prior to** […] **the conversion period**, operators […] which produce, prepare, distribute or store organic or in-conversion products, […] shall **notify** their activity to the competent authorities of the Member State in which it is carried out and in which their undertaking is subject to the control system. (Art 34(1))
	The conversion period shall start at the earliest when the farmer or the operator that produces algae or aquaculture animals has **notified** the activity to the competent authorities, in accordance with Article 34(1), in the Member State in which the activity is carried out and in which that farmer or operator's holding is subject to the control system. (Art 10(2))

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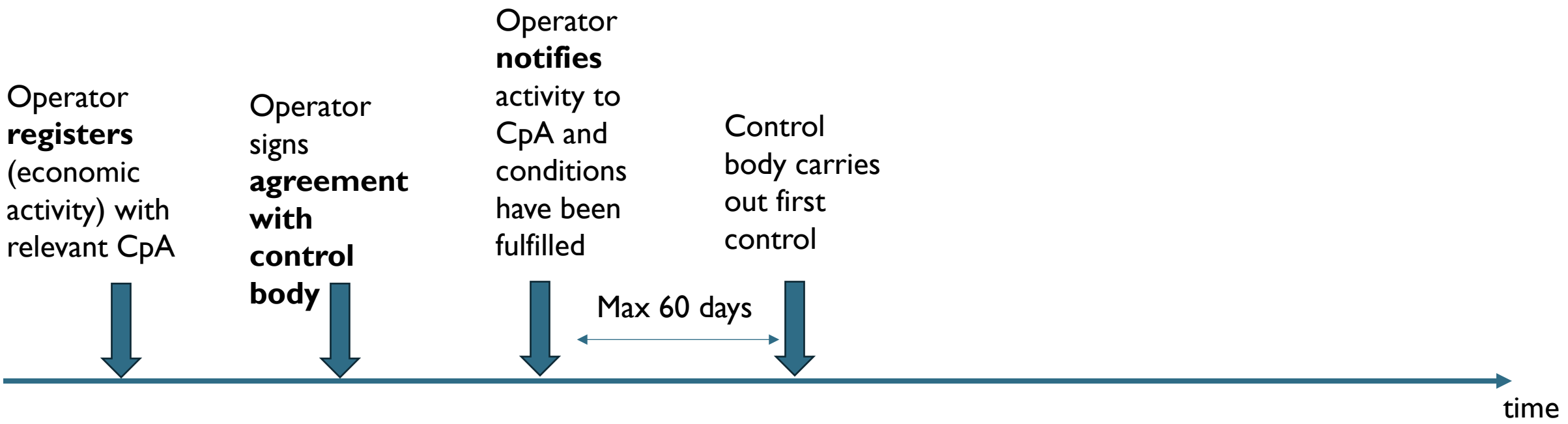

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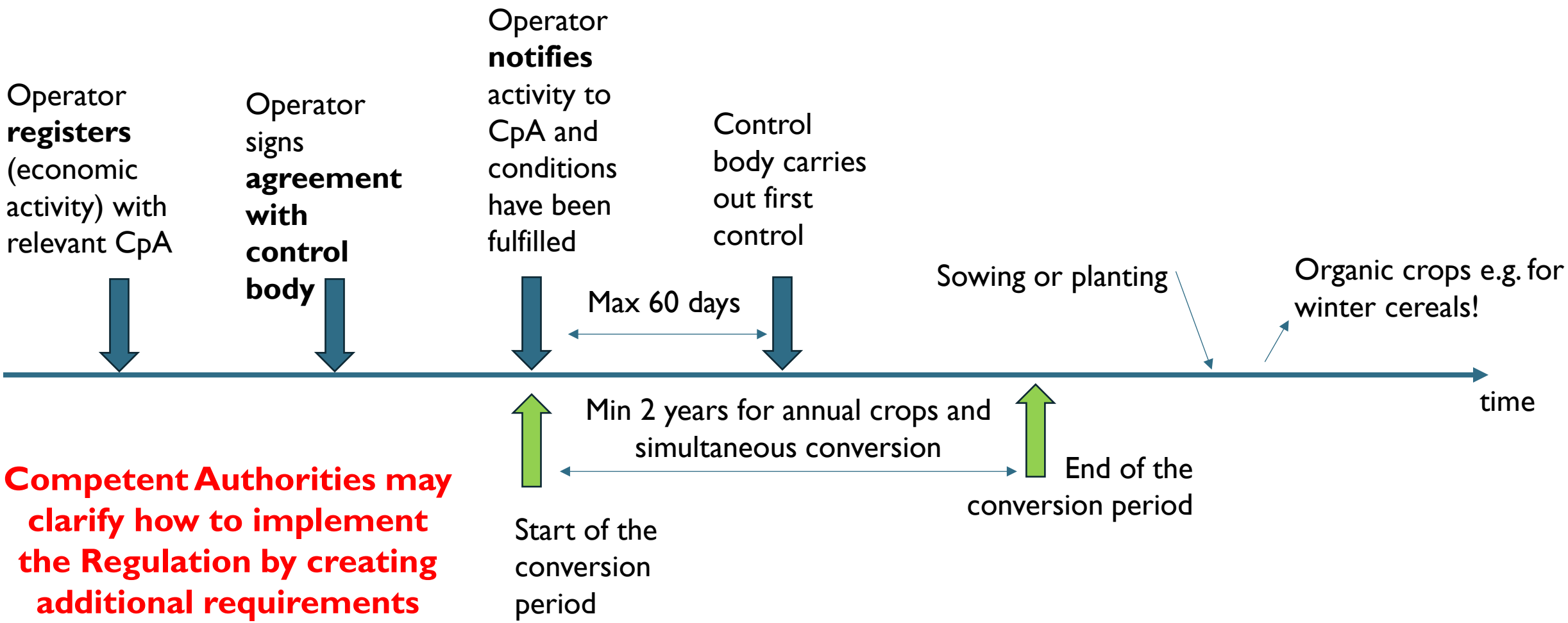

Competent Authorities may clarify how to implement the Regulation by creating additional requirements

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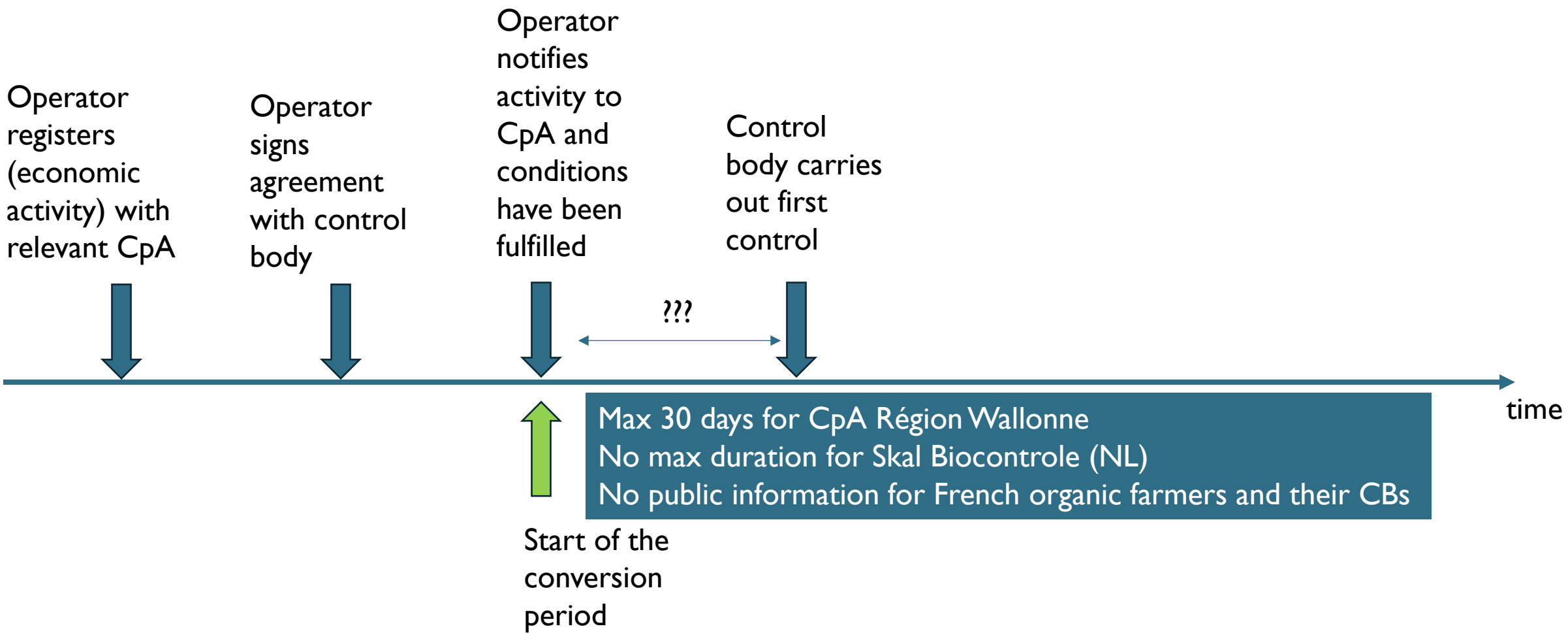

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Organisation of official controls

	2018/848	BVR (29/10/2021)
Relationship Operator – Control body	An operator or a group of operators shall not be entitled to obtain a certificate from more than one control body in relation to activities carried out in the same Member State regarding the same category of products, including cases in which that operator or group of operators operates at different stages of production, preparation and distribution. (Art 35(4))	Operators and groups are not entitled to obtain a certificate from more than one control body

Competent Authorities may impose more strict requirements for the implementation of the Regulation

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Organisation of official controls

	2018/848	MB (08/11/2021)
Tethering	Tethering or isolation of livestock shall be prohibited, except in relation to individual animals for a limited period and insofar as this is justified for veterinary reasons. The isolation of livestock may only be authorised, and only for a limited period, where workers' safety is compromised or for animal welfare reasons. **Competent authorities may authorise** the tethering of cattle in farms with a maximum of 50 animals (excluding young stock) where it is not possible to keep the cattle in groups appropriate to their behaviour requirements, provided they have access to pastures during the grazing period, and have access to open air areas at least twice a week when grazing is not possible.	Operators that want to tether their animals in accordance with Ann II Part II of Reg (EU) 2018/848 shall submit their request to their control each year. The request shall contain the following elements: … The control body evaluates the request and, latest 14 after having received the request, submits the request together with its conclusion to the Competent Authority. The conclusion shall contain at least … The Competent Authority informs the requesting party and its control body latest 14 days after having received the request and the control body's assessment.

Competent Authorities have to act when the Regulation leaves the possibility for certain flexibility e.g. in application of the production rules

Organisation of official controls

Official control Regulation (EU) 2017/625

Council and European Parliament Regulation (EU) 2018/848

Commission implementing Regulations (EU)

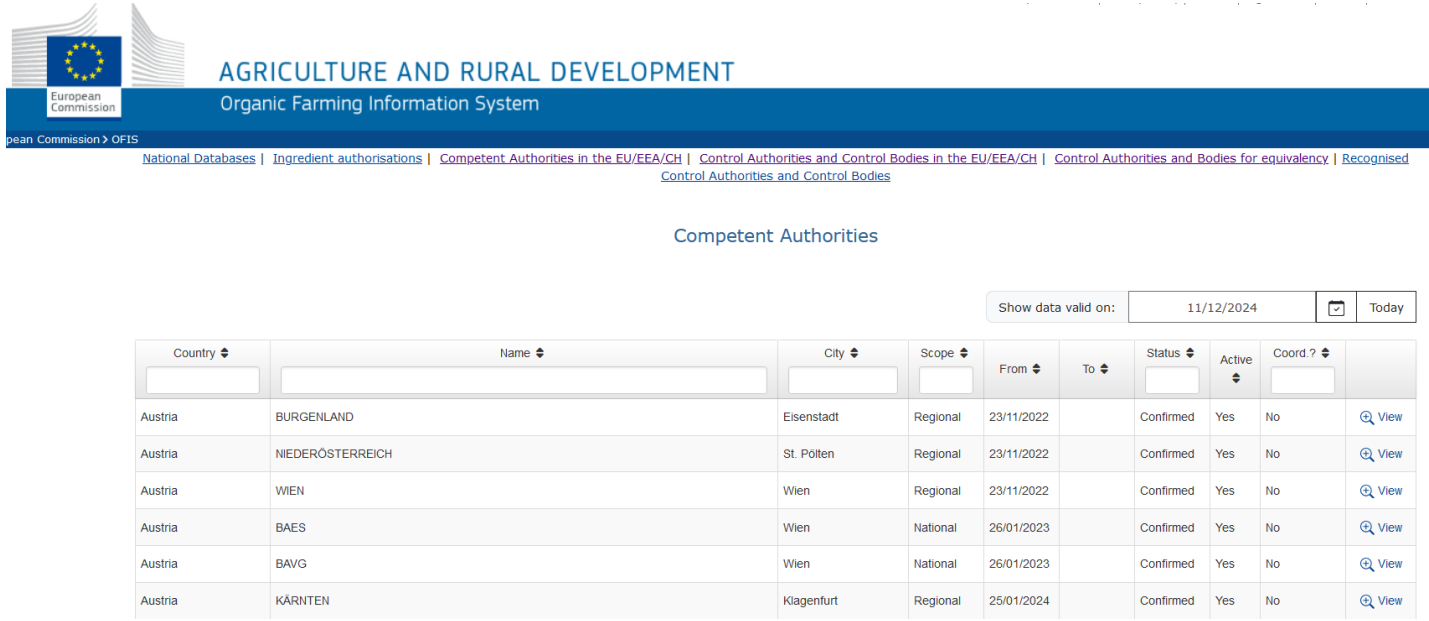
National legislation (MS/CpA)

Competent Authorities have the possibility to design the control system for organic production based on EU Regulation and own expectations

Obligations of stakeholders carrying out official controls

The Member States shall (625.4)

- Designate competent authorities (CpA) for each of the areas of the OCR (including organic production)
- Ensure coordination between all CpA
- Effectiveness of official controls and other official activities
- Designate one CpA for coordination with the EU Commission
- Attribute a code number to control authorities for organic production
- Inform the Commission of contact details and changes regarding the stakeholders of the official controls



Country	Name	City	Scope	From	To	Status	Active	Coord.?	
Austria	BURGENLAND	Eisenstadt	Regional	23/11/2022		Confirmed	Yes	No	View
Austria	NIEDERÖSTERREICH	St. Pölten	Regional	23/11/2022		Confirmed	Yes	No	View
Austria	WIEN	Wien	Regional	23/11/2022		Confirmed	Yes	No	View
Austria	BAES	Wien	National	26/01/2023		Confirmed	Yes	No	View
Austria	BAVG	Wien	National	26/01/2023		Confirmed	Yes	No	View
Austria	KÄRNTEN	Klagenfurt	Regional	25/01/2024		Confirmed	Yes	No	View

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Obligations of stakeholders carrying out official controls

The Competent Authority and organic control authority shall: (625.5.1)

1) Have procedures/arrangements in place to ensure
    1) Effectiveness and appropriateness
    2) Impartiality, quality and consistency
    3) Staff being free of conflict of interest
2) Regarding analysis, testing and diagnosis, have access to an adequate laboratory capacity
3) Regarding staff,
    1) Have access to sufficient number of suitably qualified and experienced staff
4) Have appropriate facilities and equipment
5) Have legal powers
    1) Ensuring access at operator level
    2) To perform official controls
    3) To take action

Obligations of stakeholders carrying out official controls

Staff performing official controls and other official activities shall: (625.5.4)

1) Receive appropriate training
2) Keep up to date and receive additional training
3) Receive training about (selection)
    1) Control methods and techniques
    2) Control procedures
    3) The rules for organic production and labelling of organic products
    4) Examination of documentary material of financial and/or commercial nature
        1) Laboratory test results
        2) Accreditation
        3) …
    5) Control procedures regarding import

Obligations of stakeholders carrying out official controls

Other obligations for competent authorities:

1) Competent authorities shall carry out internal audits and take appropriate measures in the light of the results thereof (625.6)
2) Allow operators to appeal against decisions taken (import and measures in the event of non-compliance) (625.7)
3) Confidentiality (625.8)

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Obligations of stakeholders carrying out official controls

1. Official controls shall be performed on all operators, on a risk basis taking into account of: (625.9.1)

-identified risks (animals and goods, activities, location, specific production process and its impact on integrity and wholesomeness)

-any information about misleading indications and/or non-compliance

-operators' history of NC

-reliability of operators' own controls

2. Competent authorities shall perform official controls to identify possible intentional violations of the rules, perpetrated through fraudulent or deceptive practices (625.9.2)

3. Official controls that are performed in organic production prior to the placing on the market or in view of the issuance of official certificates, shall be performed in accordance with the organic production rules and controls thereof and the arrangements made in case of delegation of certain official tasks. (625.9.3)

4. Official controls shall be performed without prior notice (625.5.4)

5. Official controls shall keep administrative burden or operational disruption of the operator to a minimum (625.5.5)

Obligations of stakeholders carrying out official controls

Delegation by the CpA of certain official control tasks (625.28)

Conditions (625.29+31) for and obligations (625.32) of delegated bodies:

-Delegation contains a precise description of the delegated tasks and the conditions

-Regarding official controls, the delegated body

-has the expertise, equipment and infrastructure to perform the delegated tasks

-has a sufficient number of suitably qualified and experienced staff

-is impartial and free of conflict of interest

-*works in accordance with and is 17020 accredited*

-has sufficient powers to perform the delegated tasks

-Regarding other official tasks,

-all conditions for official controls apply except the *accreditation* requirement

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Obligations of stakeholders carrying out official controls

Delegation by the CpA of certain official control tasks (625.28)

Conditions (625.29+31) for and obligations (625.32) of delegated bodies:

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-*works in accordance with and is 17020 accredited*

-has sufficient powers to perform the delegated tasks

-Regarding other official tasks,

-all conditions for official controls apply except the *accreditation* requirement

Delegation by the CpA of certain official control tasks (848.40)

Conditions for the delegated bodies:

+**Description**: reporting and other obligations: submit for prior approval

+ risk assessment procedure

+ standard control procedure

+ list of measures to be applied in cases of suspected or established non-compliance

+ arrangements for effective monitoring (848.40.1a)

+ 17065 accreditation (848.40.3)

+ Transmit to the CpA (848.40.10)

+ the list of operators subject to controls (by 31/1)

+ information on official controls and other official activities (by 31/3)

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Obligations of stakeholders carrying out official controls

Delegation by the CpA of certain official control tasks (625.28)

Obligations of the CpA (625.33)

-Generate legal powers for the delegated bodies

-*Not delegate: decisions concerning enforcement*

-organize audits

-fully or partly **withdraw** the delegation where:

-failure to properly perform the delegated tasks

-failure to take appropriate and timely action to remedy identified shortcomings

-independency or impartiality is compromised

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Obligations of stakeholders carrying out official controls

Delegation by the CpA of certain official control tasks (625.28)

Obligations of the CpA (625.33)

-Generate legal powers for the delegated bodies

-*Not delegate: decisions concerning enforcement*

Delegation by the CpA of certain official control tasks (848.40)

Conditions for and obligations of the CpA:

+ Derogation regarding delegation of tasks related to enforcement (848.40.2)

+ No delegation

to private persons (848.40.5)

of supervision, grant derogations (exc PRM), **receive notifications**, border control checks, **establishment of the catalogue of measures** (848.40.4)

+ CpA shall have procedures and arrangements in place to ensure **supervision** and organize at least one **audit** per year of each delegated body (848.40.1b)

+CpA ensures that information received from the delegated bodies is used in order to supervise (848.40.6)

+ Organise audits in case the delegated body is also recognized in accordance with Art 46 (848.40.9)

Obligations of stakeholders carrying out official controls

Delegation by the CpA of certain official control tasks (625.28)

Obligations of the CpA (625.33)

-organize audits

-fully or partly **withdraw** the delegation where:

-failure to properly perform the delegated tasks

-failure to take appropriate and timely action to remedy identified shortcomings

-independency or impartiality is compromised

Delegation by the CpA of certain official control tasks (848.40)

Conditions for and obligations of the CpA:

+ Where the CpA has decided to fully or partially **withdraw** the delegation, the CpA shall decide about the validity of the certificates issued by that delegated body and inform the operators concerned (848.40.7)

+ Before fully or partially withdrawing the delegation, the CpA may **suspend** the delegation (848.40.8)

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Obligations of stakeholders carrying out official controls

Delegation by the CpA of certain official control tasks (625.28)

Enforcement (625.137)

-*Not delegate: decisions concerning enforcement*

-In case of suspicion of non-compliance, perform an investigation, including where necessary

performing intensified controls

include the official detention of goods and of products

Delegation by the CpA of certain official control tasks (848.40)

Enforcement:

+ measures to be taken in the event of presence of non-authorized products or substances (848.29 + 279.2)

+ assess substantiated information

+ determine source and cause

+ block

+ decide on removing reference to organic

+ request operator's comments

+ keep records

+ report

+ additional rules on actions in the event of suspected and established non-compliance (848.41 + 279.8 + Ann I)

+ assess substantiated information

+ determine compliance

+ block (operator's comments first!)

+ unblock / apply **Catalogue of measures**

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Obligations of stakeholders carrying out official controls

Delegation by the CpA of certain official control tasks (625.28)

Enforcement (625.138)

-Where the non-compliance is established, take

-any action to determine origin and extent of the non-compliance and establish operator's responsibilities and

-appropriate measures to ensure that the operator remedies the non-compliance and prevents further occurrences of such non-compliances

When deciding which measures to take, take into account the nature of the non-compliance and the operator's past records

-Take appropriate actions to ensure compliance (625.138.2)

-Provide the operator with

-written notification of their decision together with the reasons

-information on any right of appeal (625.138.3)

-Any expenditure incurred by such actions shall be borne by the responsible operator(s) (625.138.4)

-Measures in case of issuance of false or misleading official certificates or in case of abuse of official certificates (625.138.5)

Delegation by the CpA of certain official control tasks (848.40)

Enforcement:

-additional rules on measures in the event of non-compliance affecting integrity (848.42)

-ensure that no reference is made to organic production in the labelling and advertising of the entire lot or production run (in the present => downgrade products from organic to conventional)

-prohibit the operator from marketing organic products with reference to organic production (in the future => suspend or withdraw the certificate)

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Official controls in practice

1. Risk assessment of operators

Risk based planning of additional and unannounced controls and of sampling:

Risk assessment procedure:

-must be submitted to the CpA for prior approval

-is usually the result of a lot of trial and error and discussions with inspectors

-see next slide

Risk based approach on-site: prioritise inspection of the following critical locations

-storage room for farm inputs and the "garage"

-waste management areas (used packaging material)

-"closed" doors/facilities and remote storage facilities

-equipment for plant protection and application of biocides (post-harvest)

-subcontractors

-storage room for raw materials and finished products

Risk based approach in documentary checks:

-traceability check

-cleaning and disinfection

1. Risk assessment of operators

Type of controls (BVR.40)

+ Risk based controls (SC), preferably unannounced, allowing the certification body to verify a limited number of requirements

Planning of controls (BVR.43)

+ Risk assessment shall be carried out in the beginning of the year

Planning of samples (BVR.49)

+ Risk based planning (50% of all operators)

Approval

+ submit the description of the risk assessment for approval by 31 January including the list of operators subject to additional controls and sampling

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Official controls in practice

Elements	Differentiation	Quantification	Remarks
Operator related -type -size -structure -time since notification -nc history	 -Operator / Group -farms (ha, # hives), other (organic turnover or # staff) -number of locations for organic production -less than 2 or 3 years, 2 or 3 years or more -minor, major, critical	40%	 Differentiate small and big groups Differentiate between nc from various years with decreasing impact
Product related -product categories -type -quantity -value	 -A, B, C versus D, E, F, G -mono-ingredient vs multi-ingredient -number of sales / year; -turnover / number of sales in the previous year	20%	Can also be prepacked and other type of packaging In certain countries, fees are product specific, this may be used for risk identification too Quantity and value can also be combined in turnover
Activity related -type and number -mixed -derogations -number of critical points -subcontracting -number of suppliers	 -production/preparation/distribution/storage/import -parallel production or mixed post-harvest activity with the same article(s) -yes versus no -3 or less versus more than 3 -yes versus no -less than 10 versus more than 10	40%	 Subcontracting may also be related to farmers being subject to a contract with a buyer

Official controls in practice

2. Sampling and analysis

-Regulation 691/2013 (feed) and Directive 2002/63 (other organic products) for sampling as regards

sampling procedure (incremental, aggregate, reduced, final and lab sample)

minimum volumes

-Identification of operators: risk based (279.7)

-Testing in designated labs (625.37)

-Second expert opinion (625.35)

-Methods for sampling and testing, specific for organic production (as foreseen in OCR) have not been published yet. (625.25)

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Official controls in practice

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Official controls in practice

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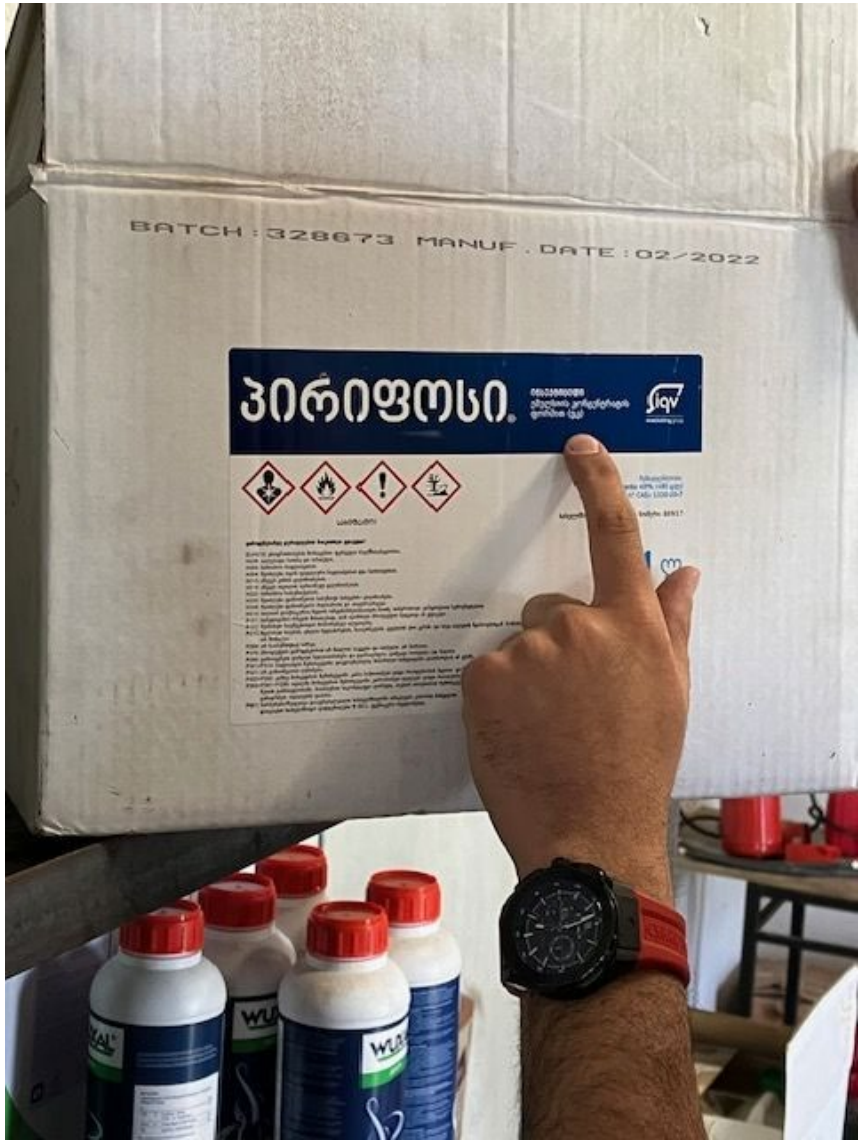
Official controls in practice



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Official controls in practice

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Official controls in practice

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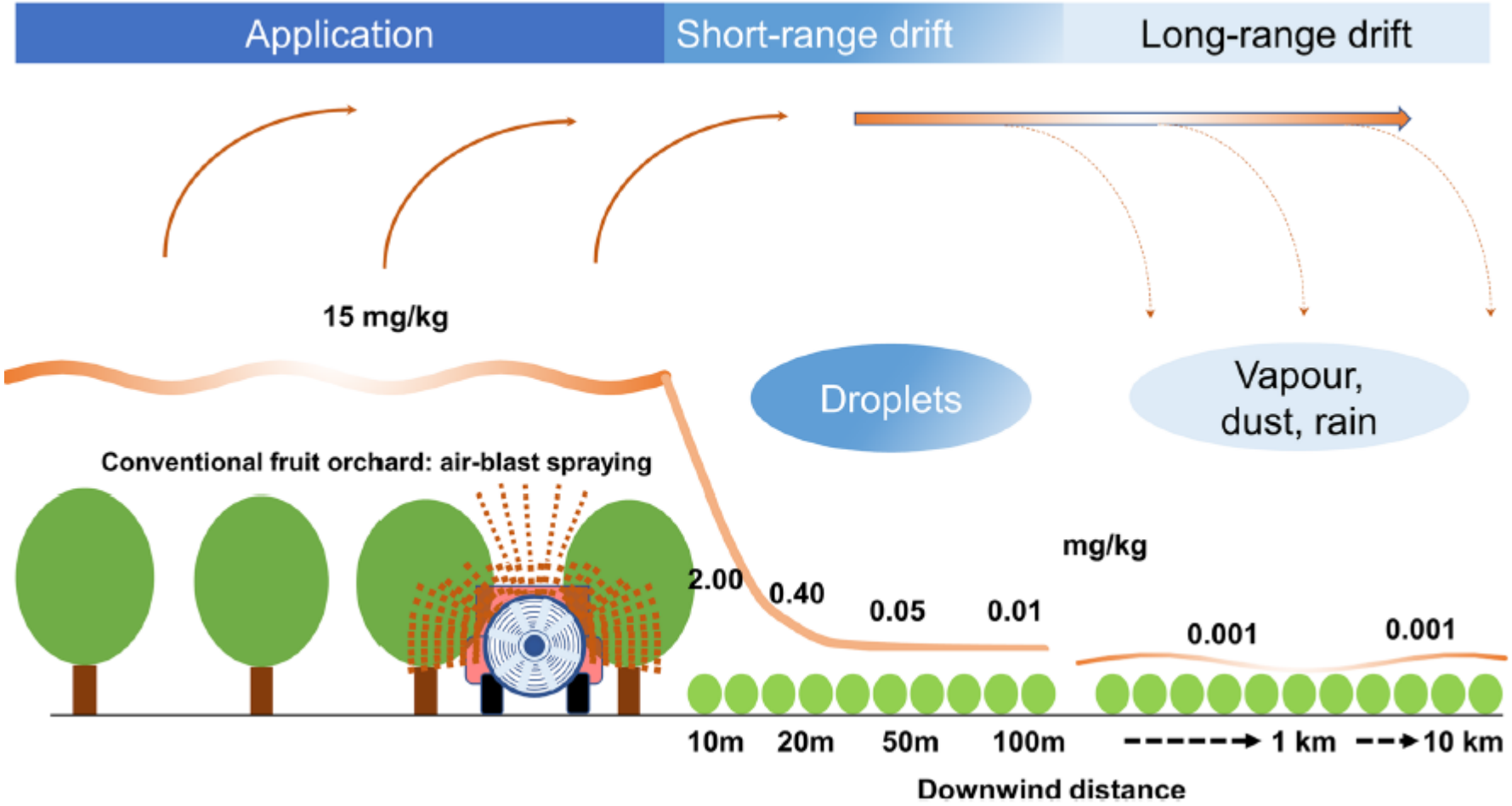
Official controls in practice

Sampling methods to differentiate fraud from pesticide drift

https://www.nature.com/articles/s41598-021-93624-8



Official controls in practice

Sampling methods to differentiate fraud from pesticide drift

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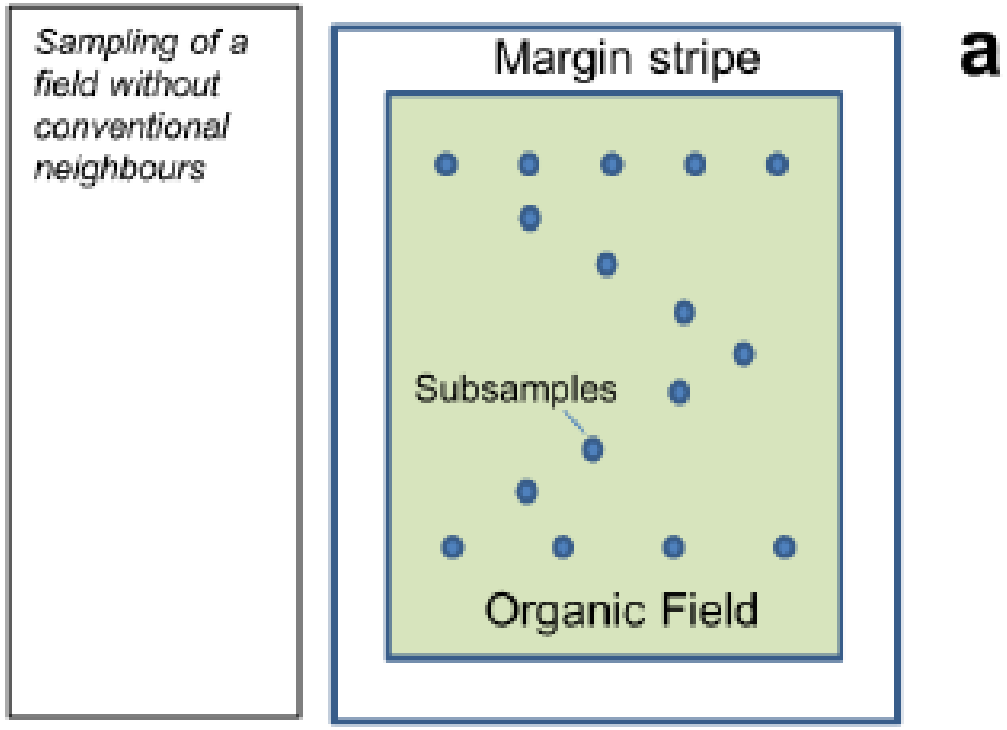

Official controls in practice

Sampling methods to differentiate fraud from pesticide drift

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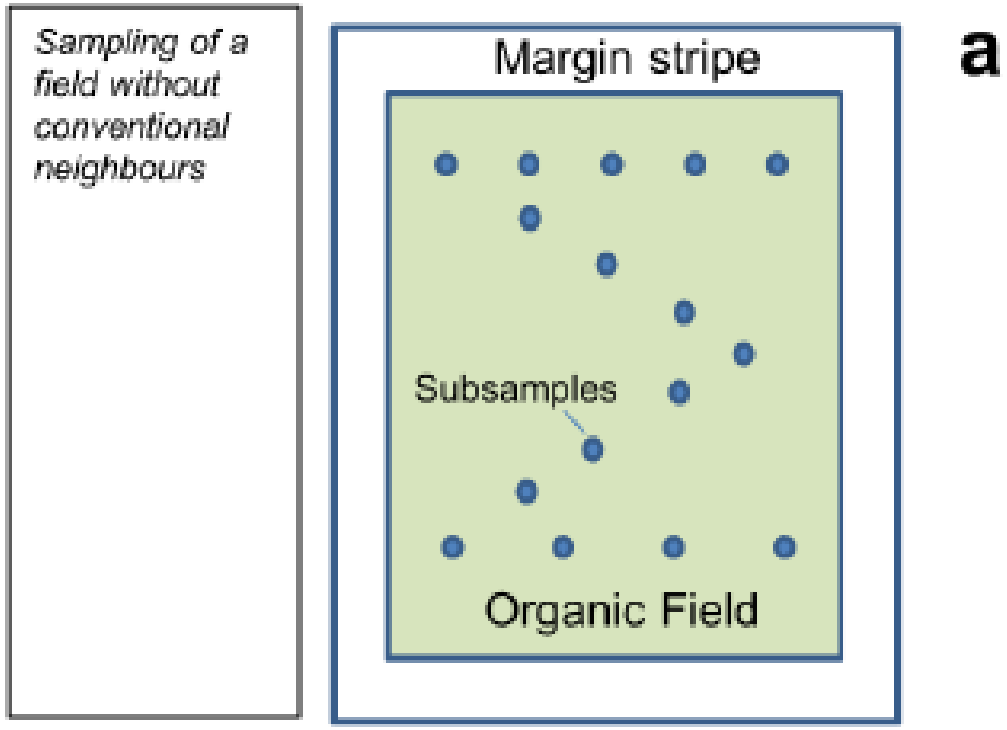
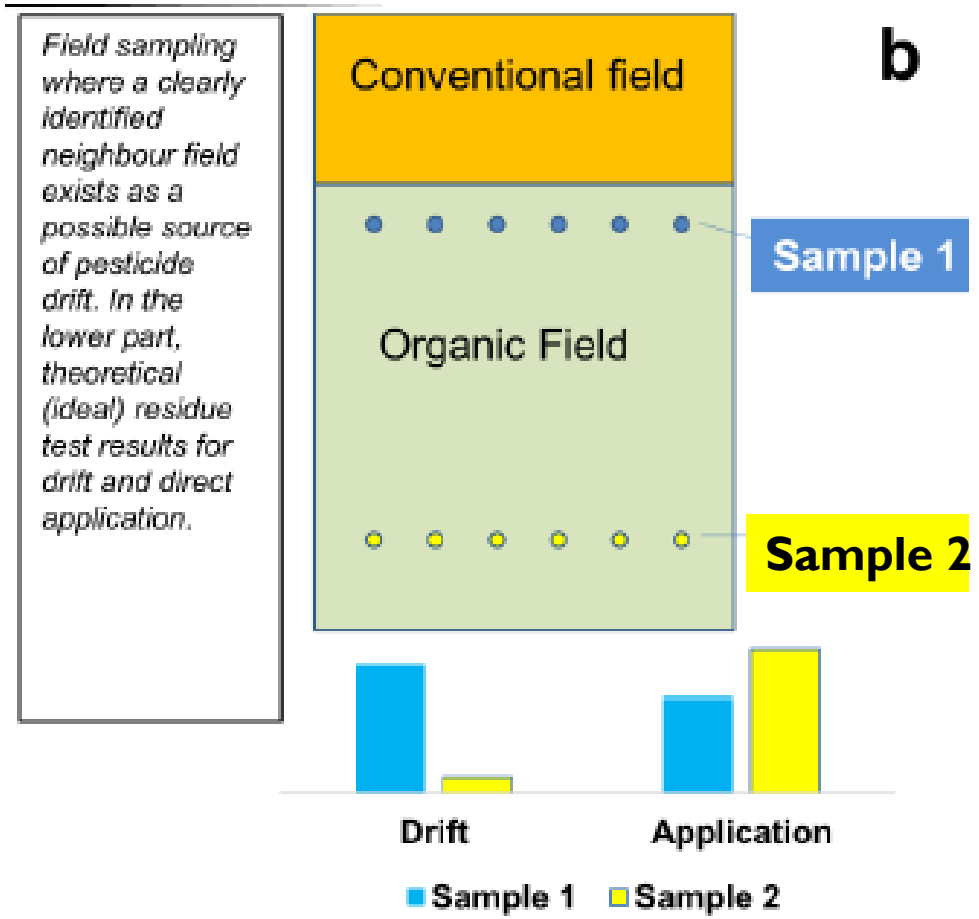
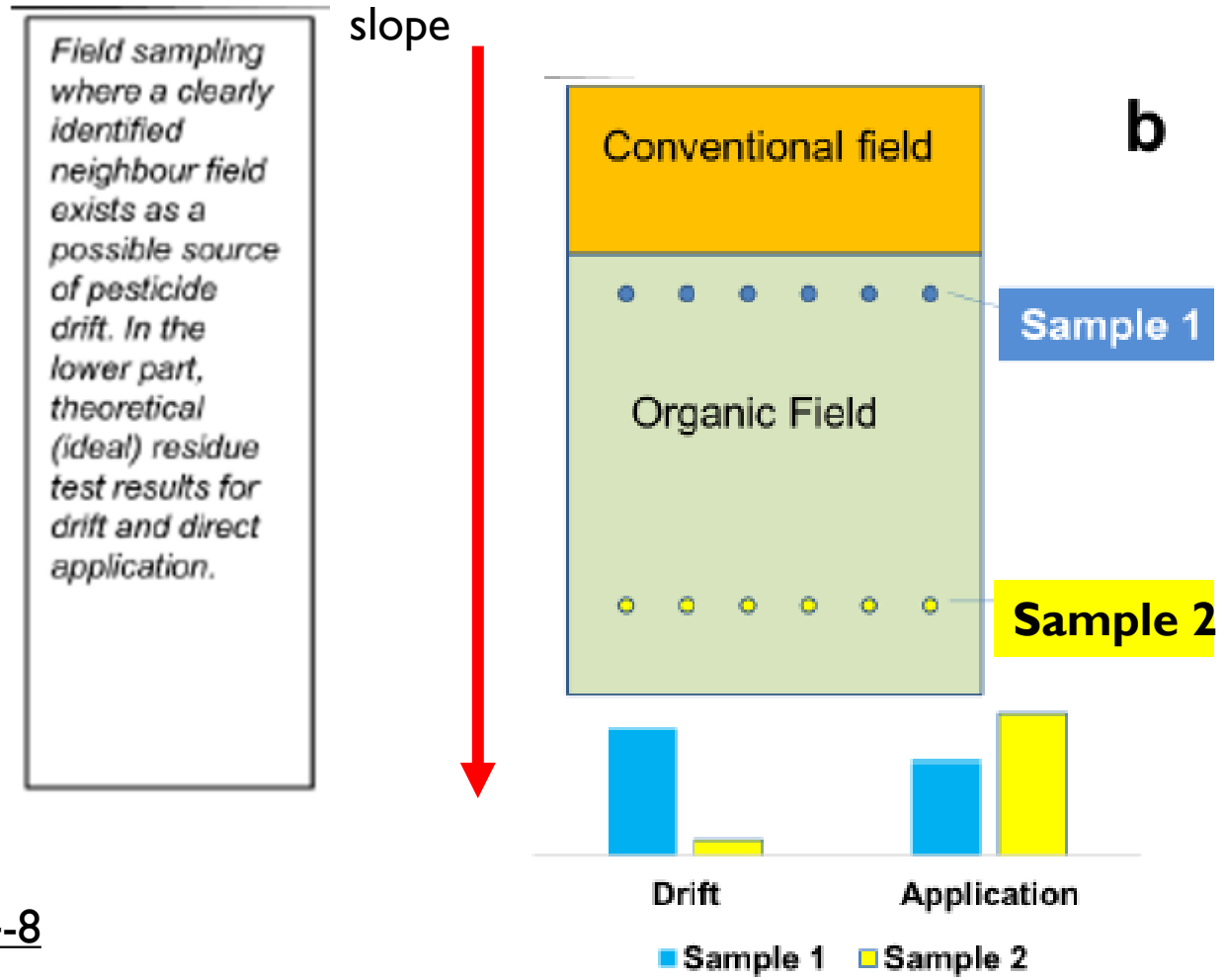




Official controls in practice

Sampling methods to differentiate fraud from pesticide run off



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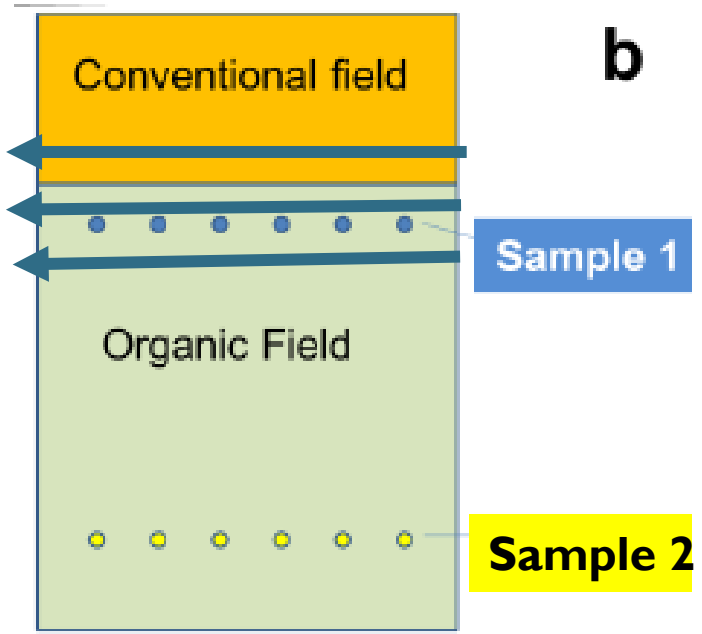
Official controls in practice

Sampling methods to differentiate fraud from pesticide run off

Field sampling where a clearly identified neighbour field exists as a possible source of pesticide drift. In the lower part, theoretical (ideal) residue test results for drift and direct application.

slope

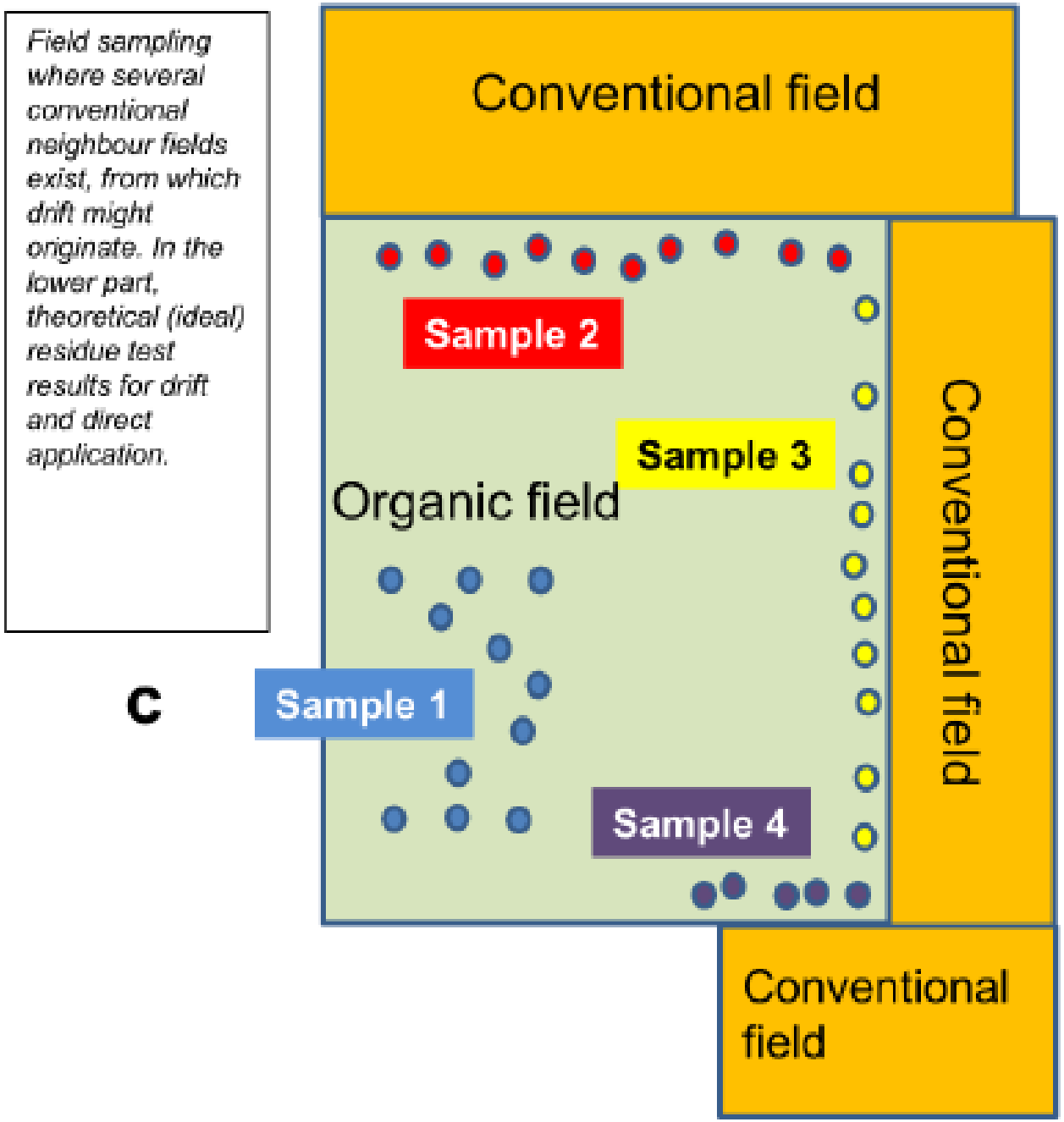


PCM: Canals/dikes are expected to have a reducing impact on the run off from the upper field

https://www.nature.com/articles/s41598-021-93624-8

Sampling methods to differentiate fraud from pesticide drift

https://www.nature.com/articles/s41598-021-93624-8



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Official controls in practice

Sampling methods to differentiate fraud from pesticide drift

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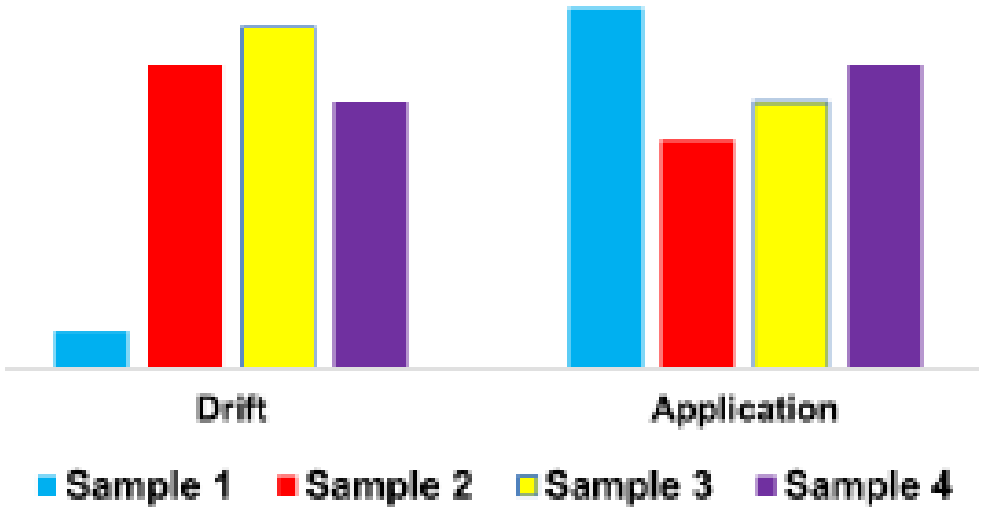

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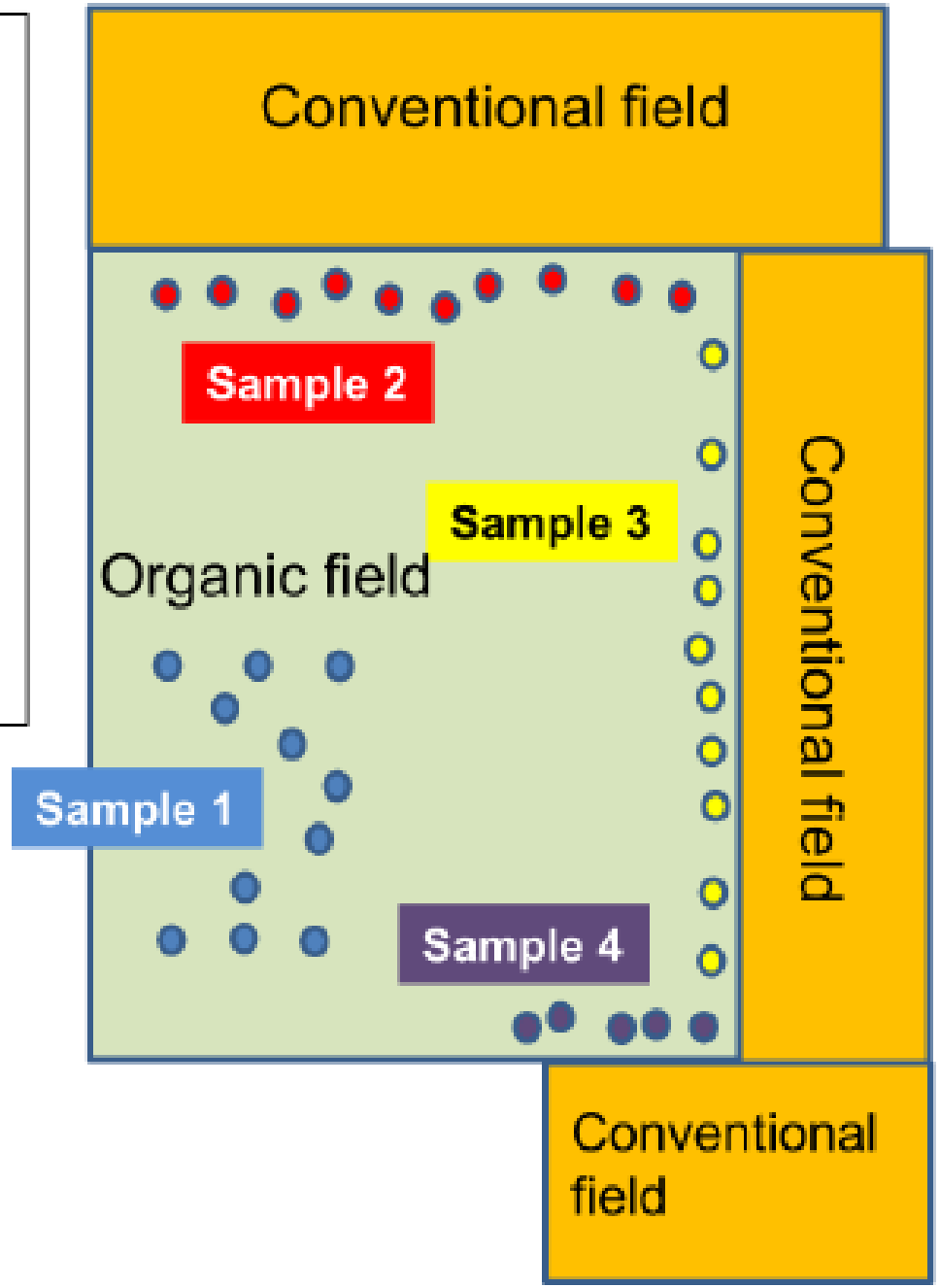
Field sampling where several conventional neighbour fields exist, from which drift might originate. In the lower part, theoretical (ideal) residue test results for drift and direct application.

c



Official controls in practice

Sampling methods to differentiate fraud from pesticide drift

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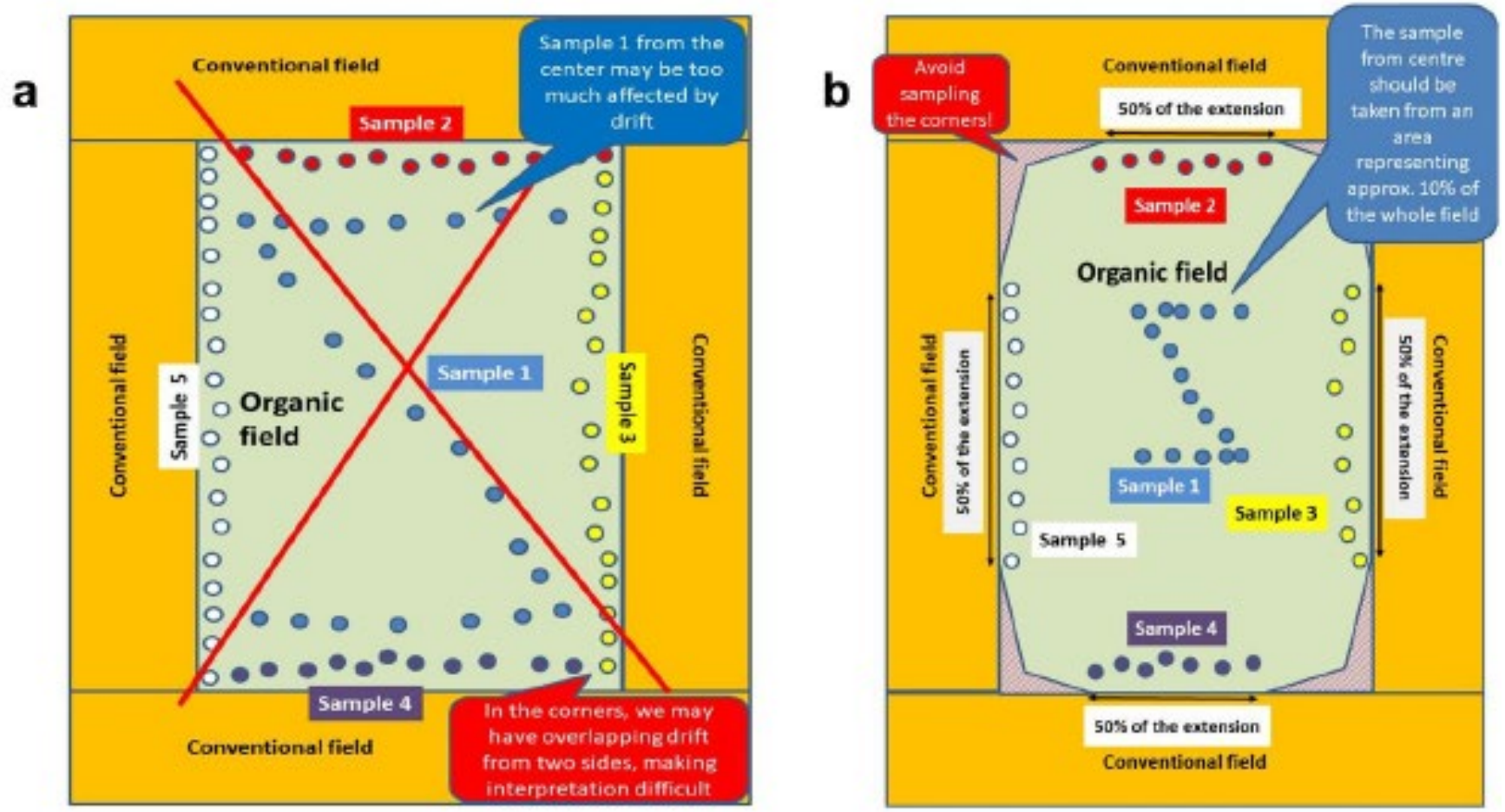

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Sampling methods to differentiate fraud from pesticide drift

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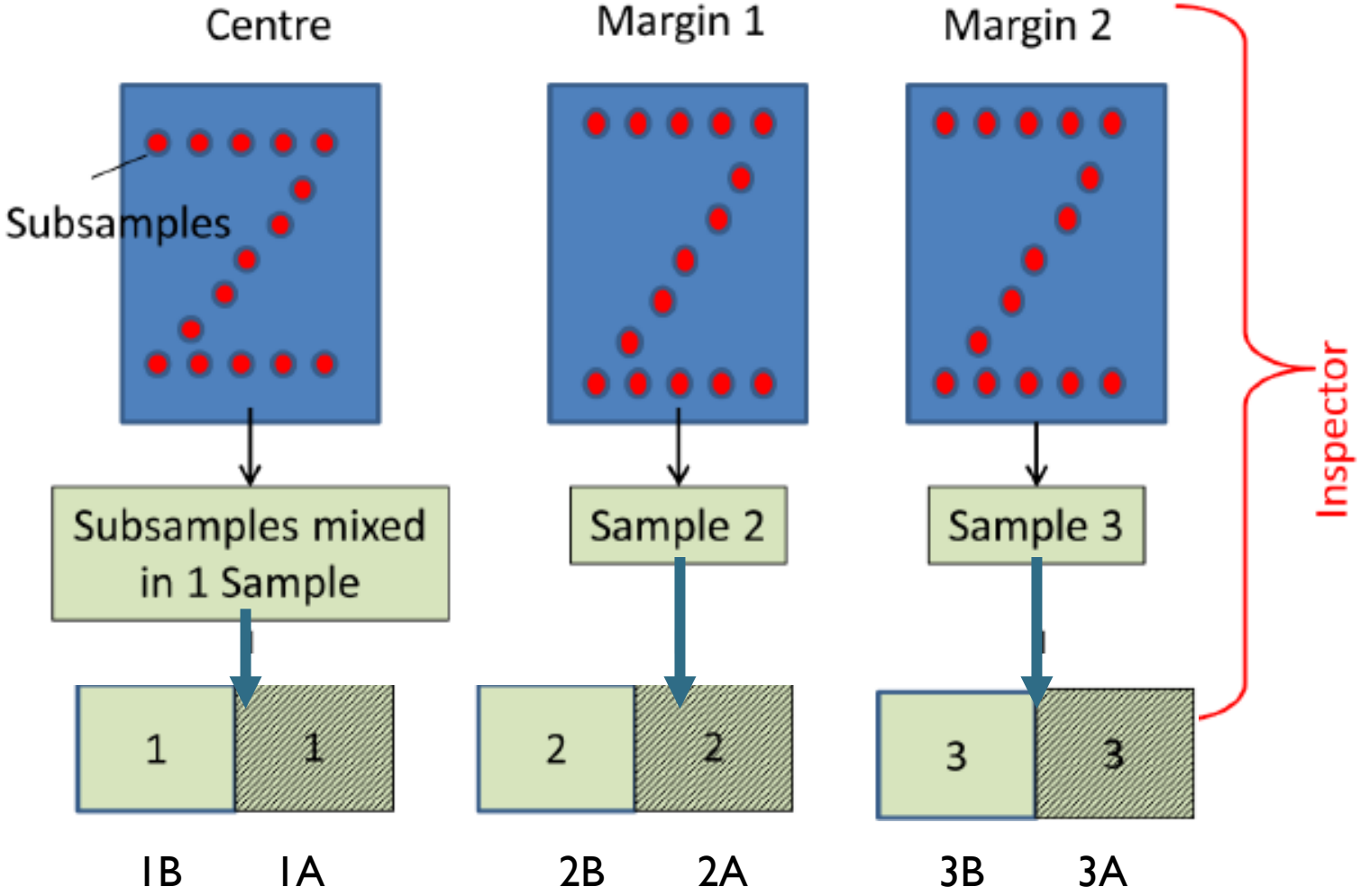
Subsamples

Samples

A and B sample



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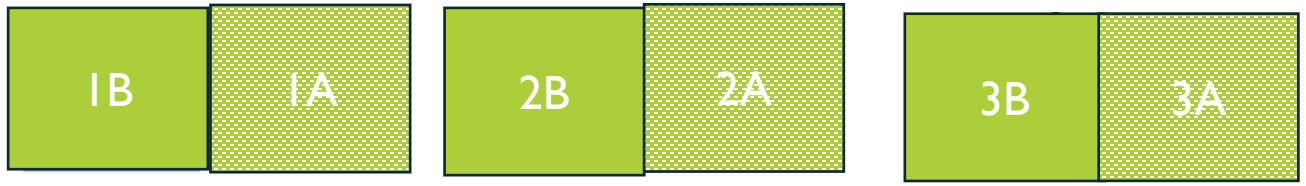

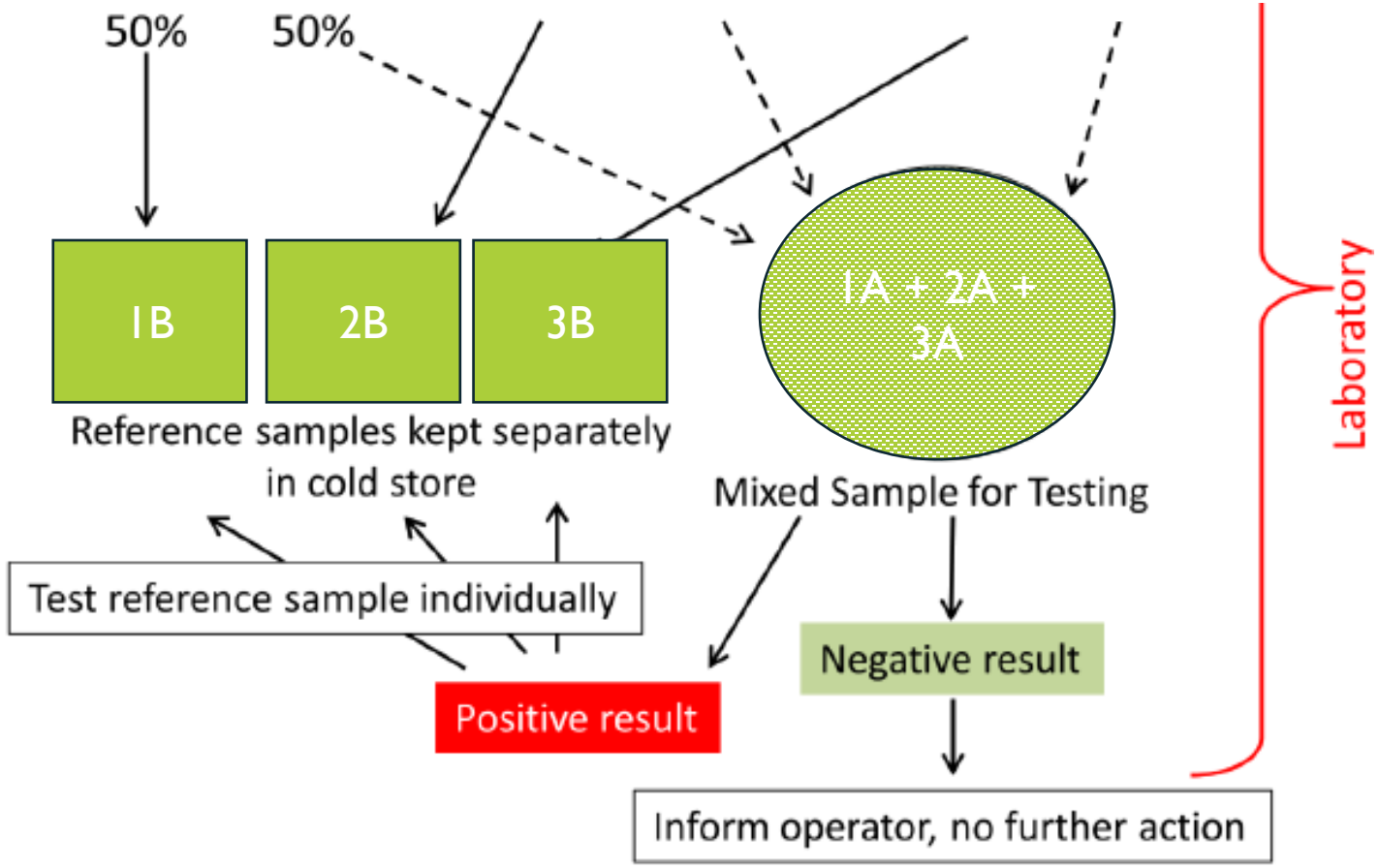

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Official controls in practice

1. Sampling bags
2. Sampling protocol (+ possibility to leave a copy for the operator/member)
3. Inspectors manual (chapter on sampling)
4. Scoop or other material to take a sample
5. Drill (in case of soil sample)
6. Gloves
7. Camera (pictures)
8. Cool box

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Supplementary Fig. 9: Sealed and signed sample bag with banana leaves. For confidentiality reasons, the farm name is hidden by the orange square. Each sample bag carries a unique number and bar code. Upon receipt, the laboratory assigns its internal lot number and bar code to the sample, and takes a picture of the intact bag, before opening it. The picture is then attached to the test report.

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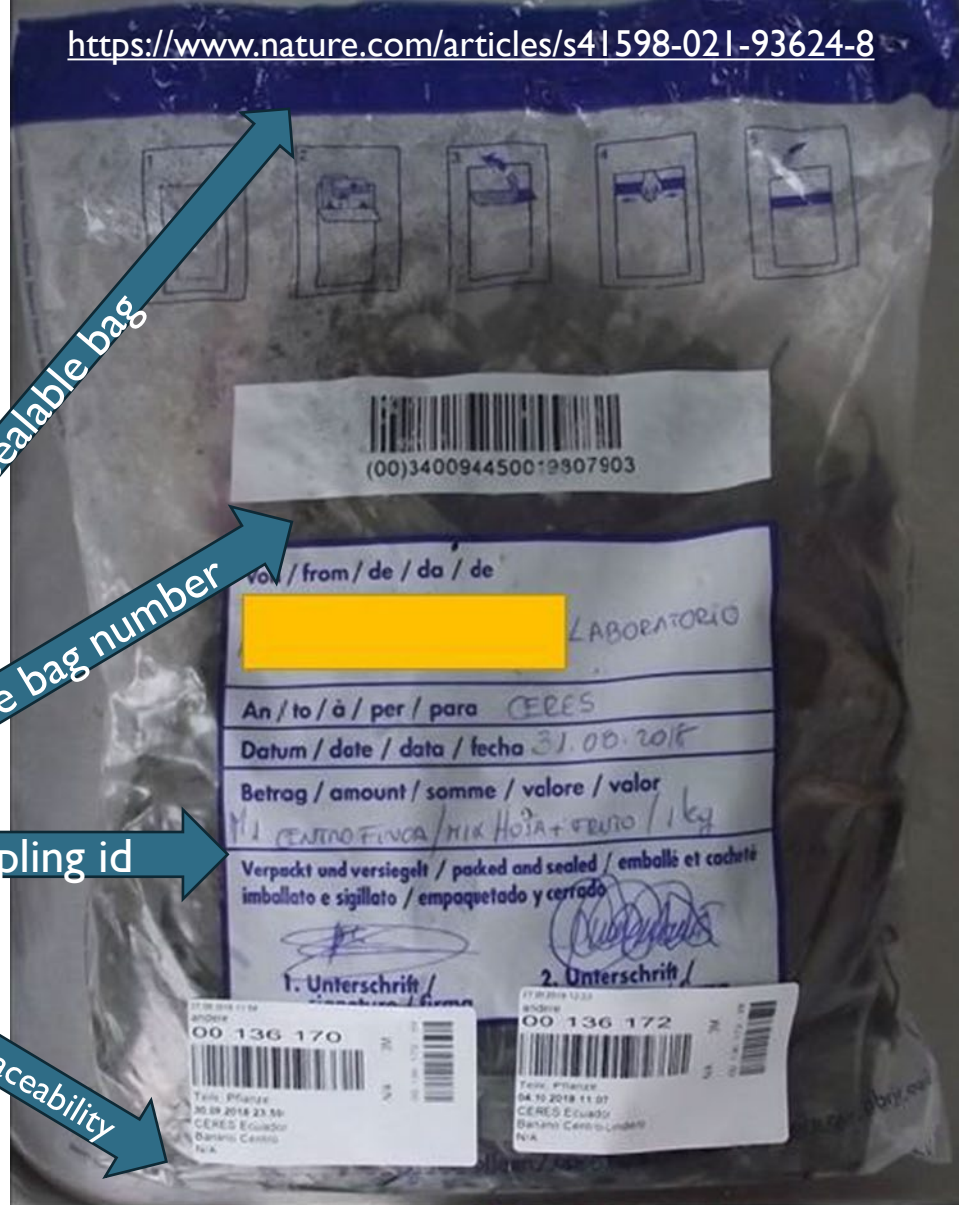
Official controls in practice

Good practices:

-Opaque (non-transparent bags prevent degrading of residues because of (UV-)light (not the case in the example beside)

-Sealable bags prevent physical manipulation of the content without damaging the bag

-An area for unchangeable identification of sampling details guarantees sample traceability and confidentialiy



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Official controls in practice

Identification of

1. Operator, auditor and audit
2. Sampled product
   1. Description
   2. Location
   3. Sample ID (cfr bag)
   4. Lot number/field number
3. Surrounding area of sampling (sketch)
   1. Risk(s) identification
4. **Representativity**

CERES	4.10.3.1en T	Sampling Record Field	01.04.2014	1/3

Sampling Record Field

1	Date: 12. – 13.11.2018	Farm or company name: [redacted]
2	Responsible person present during sampling: Internal inspectors [redacted]	CERES staff who took sample: Dominic Strempel
3	Type of samples: Soybean whole plants, and some weeds	Samples were taken from: Field ☒ Other:
4	Describe details of sampling method: Took samples according to CERES WI 4.10.1; For both with drift risk farmers, I sampled field margin and center separately to verify possible drift impact	

5	Sample (bag) number	Taken from (field number or name)	Crop	Composed of … subsamples	Is there a drift risk on this field (yes/no)? If yes, please provide further details in Section 6
	19781395 (Eurofins) 19781401 [redacted]	[redacted]	Soybean plants and weeds (center of field)	15	Yes, there is a conventional blackeyed peas field (insecticides, herbicides) to the southwest of the plot
	19781418 (Eurofins) 19781425 [redacted]		Soybean plants and weeds (buffer zone)	8	
	19782224 (Eurofins) 19782231 [redacted]		Soybean plants and weeds (center of field)	15	Yes, there is a conventional blackeyed pea field (insecticides, herbicides) and a conventional soybean field (herbicide??) next to the organic field
	19782255 (Eurofins) 19782248 [redacted]		Soybean plants and weeds (buffer zone)	6	
	19782071 (Eurofins) 19782064 [redacted]		Soybean plants	8	No, but suspicion of glyphosate use

6	(*This section is to be completed **only** if there is a risk of pesticide drift*)									
	Conventional neighbour **field** (name or number)	**Crop** on neighbour field	1st applic. on this field: **Date**	**Products** applied	2nd applic. on this field: **Date**	**Products** applied	Applic. equipment	Risk (inspector's opinion)	Source of information	Reliability of this information
	No info, neighbour of [redacted]6	Blackeyed peas	May-June	Glyphosate	September	Lambda-Cyhalothrin	Backpack sprayer	medium	farmer	ok

https://www.nature.com/articles/s41598-021-93624-8

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Official controls in practice

3. Mass balance

At farming level:

-Nitrogen (N) balance taking into account documented amounts of N

-in manure and as a result of leguminous crops

-in the finished product (e.g. via average amount of protein and an average proportion of N in protein)

Post-harvest activities:

-preparation excl processing, distribution and storage:

a period for which the operator may present stock records

an organic product selected by the inspector (e.g. a variety of organic apples)

-processing:

a period for which the operator may present stock records

a critical ingredient e.g. sugar, or coffee

The inspector shall use records presented by the operator

Additional instruments to verify compliance: cross checks of documents presented by the operator with the supplier

- Organic Working Group, APD SEE, 12 December, 2024

Official controls in practice

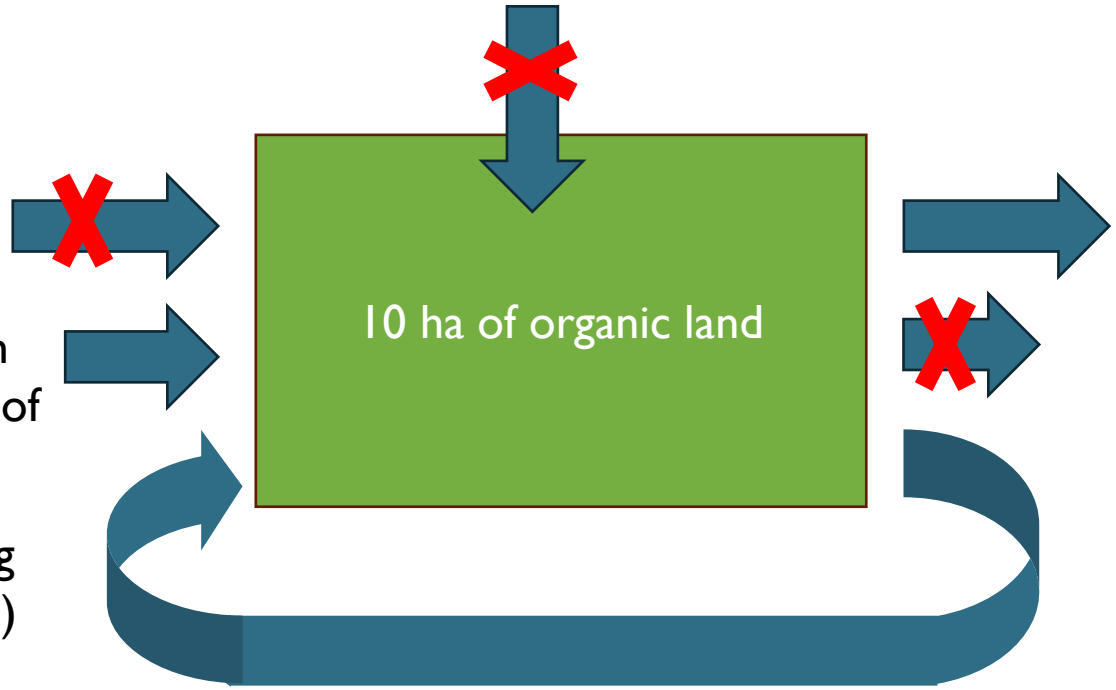
3. Mass balance

Absence of legume crops (representing 0 tons of elementary N imported from N_2)

0 tons of organic fertiliser (representing 0 tons of elementary N)

Free range cattle grazing in the orchard (representing an estimated amount of 1 tons of elementary N)

Own compost (representing 0,275 tons of elementary N)



250 tons sold as organic (representing 2,5 tons of elementary N)

0 tons sold as conventional (representing 0 tons of elementary N)

27,5 tons of loss, composted and distributed onto the organic land (representing 2,75 tons of elementary N)

Background info: royal seedlings: https://royalseedlings.com/proper-tree-spacing-to-maximize-hass-avocado-yield-per-acre-in-kenya/

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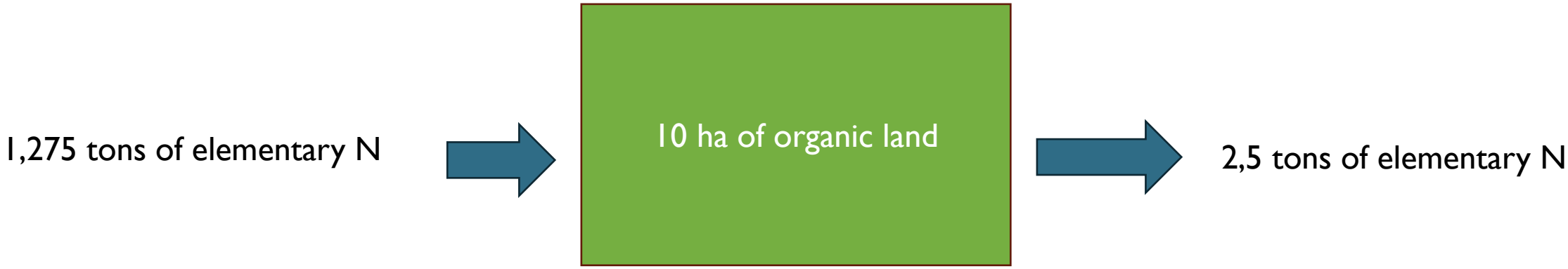
Official controls in practice

3. Mass balance



This shows a lack of mass balance as regards elementary N

- Organic Working Group, APD SEE, 12 December, 2024

Mass balance checks: Coffee roasting operation

Description of the activity (1/2)

1. Green coffee is destoned or not (depends on the supplier)
2. Green coffee is stored per lot in the warehose before roasting
3. A recipe is set based on the client's request
4. Ingredients are weighed, pumped to the roaster and roasted
5. The mix of roased beans is subject to degassing
6. Degassed roasted beans are packaged and labelled (if requested)

Mass balance checks: Coffee roasting operation

Description of the activity (2/2)

-Each delivery

- -consists of green coffee
- -may be subject to destoning or not
- -is given a unique PG number
- -comes in jute bags (60 kg/bag) on a pallet

-Each product sold is the result of a roasting of green cofee: 1,17 < PF < 1,19

- PF = amount of green beans (g) / amount of roasted coffee beans
- leaves the roasting company in sales units of 400 g, in boxes (8 units/box) on a pallet (68 boxes/pallet)

-Each product sold comes with a recipe

- referring to a % and a PG number for each type of green coffee

Mass balance checks: Processing operation

What you will need for the mass balance?

1. The PG number of the inspectors choice: PG 0943 (date of reception: 27/8)
2. The period: October 2024
3. The amount of PG 0943
    1. Green coffee
        1. In stock on 1/10: 16 bags
        2. In stock on 31/10: 14 bags
        3. Lost in October: 0
    2. Roasted coffee
        1. In stock on 1/10: 1 pallet (100%)
        2. In stock on 31/10: 4 pallets (30%)
        3. Lost in October: 3 units
        4. Sold in October: half a pallet (34 units)
4. Processing factor: for this lot is 1,18

Is there mass balance?

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Mass balance checks: Processing operation

Calculation

Amount of PG 0943 on 1/10 expressed as roasted coffee

Green coffee:

16 bags = 960 kg green coffee = 813,5 kg

Roasted coffee:

1 pallet = 68 boxes = 544 units = 217,6 kg

Incoming green coffee:

0

Total: 1031,1 kg

Calculation

Amount of PG 0943 on 31/10 expressed as roasted coffee

Green coffee:

14 bags : 840 kg green coffee = 712 kg

Roasted coffee:

4 pallets = 272 boxes = 2.176 units = 870,4 kg. This coffee has 30% of this PG thus 261,1 kg

Lost as green coffee:

0

Lost as roasted coffee:

3 units = 1,2 kg

Maximum amount of coffee leaving in October: 56,8 kg (max 17 boxes with 8 units and 1 box with 6 units)

Total: 974,3 kg

Official controls in practice

4. Change of control body

Scenario 1: the operator already had been subject to an annual verification of compliance that year

-See slides on the determination of the start of the conversion period (registration/contract/notification)

-the new control body contacts the previous control body and requests the exchange of control file

+before certifying, the control body shall verify

compliance of the operator (1698.10.2a)

compliance of the subcontractors (1698.10.2b)

+verify status and validity of the certification, inspection reports of the last 3 years, list of NC and follow up, derogations, any other relevant information OR

carry out a new on-site inspection to verify compliance

Scenario 2: the operator was not yet subject to an annual verification of compliance that year

-carry out a verification of compliance in accordance with the SOP for new operators

Lunch break (12:00 – 13:00)

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Other official tasks

General provisions: linking EU Reg with National legislation

Scope

Production rules

Labelling

Operator obligations

Rules for competent authority.ies

Certification bodies' obligations

Laboratories

International trade

Enforcement

Data processing

Final provisions

Together with the sector, decide on the need for additional rules:

-more strict requirements for implementation in Moldova

-clarification where required by the EU Regulation

-additional rules where possible

Example for 1 CpA can be made available

	A	B	C	D	OCR	EU OR	National Leg		K
1	Chapter	Topic	Subtop	Message					
2	General provisions			link 625			1	1	
3	General provisions			link 848			1	1	
4	General provisions			definitions	ous refererrious references		2	2	
5	Scope			link 848		2.1-2	3		
6	Scope			mass catering + possible MB		2.3	4		
7	Production rules			Implementation (general rules, procedures/time l		various	5	BSG2.1	
8	Production rules			OHM		3.18 & 13	6		
9	Production rules			for specific livestock species + possible MB		20	7	43-60 (snails, ostrich and quai	
10	Production rules			for products not covered elsewhere + possible MB		21.2b	8		
11	Production rules			Requesting additional information, changes and change management				4	
12	Production rules			The use of certain products and substances for ot		9.3		5	
13	Production rules			Parallel production (conversion plan)		9.8		6	
14	Production rules			Retro-active recognition of the conversion period		10.3	464.1.1-2	7	
15	Production rules			Extending the conversion period of certain land pa		II.I 1.7.2		8	
16	Production rules			New conversion period of certain land parcels		II.I 1.7.1+3		9	
17	Production rules			Use of non-organic agricultural ingredients		25.1		10	
18	Production rules			Natural births and caesarian cuts		II.II 1.3.3		11	
19	Production rules			Products and substances for cleaning and disinfection (plant production				12	

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Other official tasks

Scope definition

Mass catering (BVR.4)

3. Mass catering operations carried out by a mass caterer as defined in point (d) of Article 2(2) of Regulation (EU) No 1169/2011 are not subject to this Regulation except as set out in this paragraph.

Member States may apply national rules or, in the absence thereof, private standards, on the production, labelling and control of products originating from mass catering operations. The organic production logo of the European Union shall not be used in the labelling, the presentation or the advertising of such products, and shall not be used to advertise the mass caterer.

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Other official tasks

Scope definition

Mass catering (BVR.4)

Draw up production rules for livestock species not covered by the EU production rules (e.g. ostrich, snails, quails, …) (BVR.7 & MB.43-60)

Article 20

Absence of certain production rules for specific livestock species and species of aquaculture animals

Pending the adoption of:

(a) additional general rules for other livestock species than those regulated in point 1.9 of Part II of Annex II in accordance with point (e) of Article 14(2);

a Member State may apply detailed national production rules for specific species or groups of species of animals in relation to the elements to be covered by the measures referred to in points (a), (b) and (c), provided that those national rules are in accordance with this Regulation, and provided that they do not prohibit, restrict or impede the placing on the market of products which have been produced outside its territory and which comply with this Regulation.

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Other official tasks

Scope definition

Mass catering (BVR.4)

Draw up production rules for livestock species not covered by the EU production rules (e.g. ostrich, snails, quails, …) (BVR.7 & MB.43-60)

Production rules

Approval of the conversion plan (parallel production) (MB.6)

8. By way of derogation from point (b) of paragraph 7, in the case of perennial crops which require a cultivation period of at least three years, different varieties that cannot be easily differentiated, or the same varieties, may be involved, provided that the production in question is within the context of a conversion plan, and provided that the conversion of the last part of the area related to the production in question to organic production begins as soon as possible and is completed within a maximum of five years.

In such cases:

(c) the conversion plan and the measures to be taken to ensure the effective and clear separation shall be confirmed each year by the competent authority, or, where appropriate, by the control authority or the control body, after the start of the conversion plan.

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Other official tasks

Scope definition

Mass catering (BVR.4)

Draw up production rules for livestock species not covered by the EU production rules (e.g. ostrich, snails, quails, …) (BVR.7 & MB.43-60)

Production rules

Approval of the conversion plan (parallel production) (MB.6)

Receive notifications

Operators and groups of operators (BVR.13 & MB.61-62)

and requests for recognition from certification bodies (BVR.25)

Producers of organic heterogeneous material (BVR.14)

4. Competent authorities shall not delegate the following official control tasks and tasks related to other official activities to control bodies:

(c) the authority to receive notifications of activities by operators or groups of operators under Article 34(1) of this Regulation;

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Other official tasks

Derogations and approval of the database for "organic" PRM, animals and juveniles

Designate official laboratories

Handling of appeals (with support of a legal service)

Handling of complaints

Measures in case of suspicion

- Official investigations (=> 18/12)
- Blocking of products

Enforcement

- Establish a catalogue of measures (BVR.I)
- Decertification of lots
- Reduction, suspension and withdrawal of the certificate

Market surveillance

Control of imports (BCP and PFR, prior notifications and endorsement of COIs in TRACES)

Exchange of information with other MS and the Commission (OFIS)

Transition (certificates, recognition, legislation, packaged products, …)

GDPR

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State of play in Moldova

- Organic Working Group, APD SEE, 12 December, 2024

Questions and answers

- Organic Working Group, APD SEE, 12 December, 2024

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Agricultural Policy Dialogue

Summary and planning action/follow up

Develop a robust control system with clear responsibilities for CpA, CA and certification bodies

Certain control tasks and other official tasks may be delegated to certification bodies

What may not be delegated is:

-supervision of certification bodies

-controls at the EU borders

-granting derogations (except those related to the use of non-organic PRM)

-establishment of a catalogue of measures

Conditions for certification bodies

-a description of delegated tasks

-17065 accreditation

-reporting

Lots of things may be decided by the CpA:

-stricter rules

-clarifications of EU Regulation (additional rules as regards production and control/certification)

-examples of 1 CpA may be shared for illustration of content and format

Thank you for your attention

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MINISTRY OF AGRICULTURE
AND FOOD INDUSTRY
OF THE REPUBLIC OF MOLDOVA

South Eastern Europe
SWG RRD
Regional Rural Development Standing Working Group

GFA
CONSULTING GROUP
General Agent BMEL
Berlin Office

With support from
Federal Ministry
of Food
and Agriculture
by decision of the
German Bundestag

Organic Working Group, APD SEE, 12 December, 2024