

Update on the New EU
Organic Regulation and
Associated Implementing &
Delegated Acts

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COLEACP

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BACKGROUND AND PROCESS

After several years of intense negotiations, on 28 June 2017 the European Parliament and the Council reached a preliminary agreement to overhaul the existing EU rules on organic production and labelling. The stated aims of the new regulation (Regulation (EU) 2018/848) are to encourage the sustainable development of organic production in the EU, guarantee fair competition for farmers and operators, prevent fraud and unfair practices, and improve consumer confidence in organic products.

An overhaul of the EU organic rules was considered justified for several reasons. Firstly, many of the existing provisions were over 20 years old and no longer fit for purpose given the major changes that have taken place in organic production and trade. The “patchwork of rules and derogations in place (did) not give sufficient certainty and security to this highly important sector of European agriculture”¹. A lack of clarity in the rules was leading to a growing number of requests for legal interpretation of certain provisions, as well as inconsistencies in the application of the rules between Member States. There was also an increasing risk of formal complaints on the grounds of unfair competition. Finally, the current regulation was deemed not to be aligned with the Lisbon treaty.

The first draft of the new regulation was introduced by the European Commission (EC) in 2014, but was not finally published in the Official Journal until 2018. This long process reflects the often contentious negotiations and the wide range of opinions and positions within European institutions, Member States, and the organic sector. The EU has aimed to achieve a balance between meeting the fundamental principles of organic production, and the need to maintain flexibility for operators. However, there were (and remain) several issues on which it has been difficult to find a compromise acceptable to all parties.

The original date of application was 1st January 2021. For a number of reasons, not least the COVID pandemic, the introduction of the secondary legislation has been delayed and the date of application is now postponed to 1st January 2022. At the time of writing, only 5 delegated acts have been published; a further 10 to 15 are expected to be in place before the end of 2021.

POLICY CONTEXT & OVERALL APPROACH: FROM EQUIVALENCE TO CONFORMITY

The overhaul of the EU organic regulation accompanies major new policy initiatives under the European Green Deal², Farm to Fork Strategy³, and EU Action Plan For The Development Of Organic Production, with their ambition to reach a target of at least 25% of the EU’s agricultural land under organic farming by 2030⁴.

An organic action plan for Europe is being established, operating around 3 main areas:

- Axis 1: Stimulating demand and ensuring consumer trust
- Axis 2: Stimulating conversion and strengthening the value chain
- Axis 3: Improving the wider contribution of organic farming to sustainability

While the focus of the new regulation is the EU organic sector, it also has significant implications for third countries. Many rules have been clarified, removing inconsistencies and ambiguities, but also adjusted to align third countries with EU organic practices. EU operators argued that the current regulations often favour third country suppliers.

¹ [europa.eu/rapid/press-release_MEMO-17-4686_en.htm](https://european-council.europa.eu/media/en/press-summaries/2017/06/Pages/174686.aspx)

² https://ec.europa.eu/info/strategy/priorities-2019-2024/european-green-deal_en

³ https://ec.europa.eu/food/sites/food/files/safety/docs/f2f_action-plan_2020_strategy-info_en.pdf

⁴ https://ec.europa.eu/info/food-farming-fisheries/farming/organic-farming/organic-action-plan_en



To “level the playing field”, a fundamental change was made to the regulatory approach; it has moved from the principle of equivalence to the principle of conformity.

The current regulation recognises organic goods that are produced in ways that may be different, but accepted to be equivalent in terms of their outcome and alignment with organic principles. Organic goods imported into the EU can either be certified against a national organic standard that is equivalent (recognised as having organic rules that are equivalent to those in the EU), or they can be certified according to rules from control bodies that the EU has recognised as equivalent.

In future, producers in third countries will have to conform with exactly the same set of rules as those in the EU, and there will be no recognition of “equivalence”. This, it is argued, will create a fairer situation for all producers, as everyone will have to comply with the same high standards. It is also designed to assure consumers that all organic products sold in the EU meet the same standards.

ORGANIC REFORM – TRADE RULES

As noted above, there are currently two options for recognition and trade in organic produce. The first is the equivalence agreements, whereby an administrative arrangement is made between the EU and a third country involving mutual recognition of equivalence in their organic standards. The following are recognised as “equivalent countries”⁵: Argentina, Australia, Canada, Chile, Costa Rica, India, Israel, Japan, Republic of Korea, Switzerland, Tunisia, the United States and New Zealand. In these countries, inspection and certification of organic exports are carried out by the national competent authorities.

In almost all other countries, inspection and certification are the responsibility of “control bodies”; independent entities appointed by the EC⁶ to verify that organic producers in their area of responsibility follow standards and control measures equivalent to those in the EU. Each of these has an organic standard that is recognised and authorised as being equivalent and in line with organic principles. There are currently around 60 recognised control bodies around the world, each operating equivalent standards. They may vary in content, as the current system provides some flexibility for these standards to be adapted to local circumstances. EU operators objected to this approach, claiming that it gave an unfair advantage to producers in third countries.

This will change under the new EU Organic Regulation. The recognition of equivalent countries will expire 5 years after the date of application of the new Regulation (31/12/26). The recognition of equivalent control bodies will expire by up to a maximum of 3 years following the date of application of the new Regulation (31 December 2024).

Under the new rules, there will still be two possible systems for importing organic products from outside the EU:

- Trade agreements. All third countries currently recognised as equivalent will have to renegotiate the terms as bilateral trade agreements by 2026.
- Control bodies. In the absence of a trade agreement, the EC will establish a list of recognised EU and non-EU control bodies/authorities that will be authorised to carry out inspections and certifications in third countries. From 2022, these recognised control bodies/authorities will certify using the actual EU Regulations (compliance) and not according to equivalent standards as is the case today. The transitional period for the current system is until December 2024.

Secondary legislation is being introduced with the details on how the new trade rules will operate, and the procedures by which trade agreements are negotiated and control bodies are authorised. At the

⁵ https://ec.europa.eu/info/food-farming-fisheries/farming/organic-farming/trade_en

⁶ <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:02008R1235-20190409#id-d895d0fa-c01d-402d-a57d-4aea854e77a5>



time of writing, several delegated and implementing acts are under development or consultation (Annex 1, Point 4).

Low and middle income countries have some concerns about how the new rules may affect them. In the case of trade agreements, the negotiations and details in the agreements may not be in the public domain. It will therefore be difficult to compare them openly and transparently against the EU regulations or organic principles, or to ensure a level playing field between countries with and without bilateral trade agreements. In the case of control bodies, the loss of the equivalence provision also limits the possibility of adapting certification to locally specific organic practices.

ORGANIC REFORM - BORDER PROCEDURES

Under the new Organic Regulation, changes to border control procedures are currently under development (see Annex, Point 5). One item under discussion is the change of Point of Entry from customs points to border control points. If this goes ahead, it means stricter controls, and will limit the number of ports of entry that can be used for organic imports into the EU.

All organic products imported into the EU must have an electronic certificate of inspection (e-COI) that is administered through the Trade Control and Expert System (TRACES-NT). Currently, in equivalent countries, the certificates are issued by the control bodies designated by the national authorities. In all other countries, the certificates are issued by the control bodies designated by the EU. The details on how this will operate under the new regulation are still under development.

In the meantime, information is provided by the EU on how to create a new COI⁷ on TRACES-NT. Operators are also adapting to recent changes to the COI rules under Regulation (EU) 2020/479. From January 2020, the COI must be issued by the relevant control authority or control body before a consignment leaves the country of export/origin. Problems with the early implementation of this requirement led to an amendment being made, which allows some information (Box 18) to be added to the COI after it leaves the country of origin as long as this is within 10 days following issuance of the certificate, and before the certificate is endorsed by the EU authorities at point of import⁸.

ORGANIC REFORM – CONTROL RULES

The official controls are laid out in Article 38 of the new Organic Regulation (EU) 2018/848. Details on inspection and certification requirements are described in Paragraph 3. All operators and groups of operators (with some exceptions) must be subject to an audit, including a physical on-the-spot inspection, at least once a year. However, the audits may be less frequent (to a maximum of 24 months) if the operator or group has been assessed as low risk of non-compliance, and previous inspections have revealed no non-compliances in the last three consecutive years.

Annex 1 (Point 3) of this document lists the new delegated and implementing acts on certification and official controls. These are in still in the process of being developed and include: checks on production and operator groups; controls and other measures on traceability and compliance; and certification/certificate details.

⁷ https://webgate.ec.europa.eu/cfcas3/tracesnt-webhelp/Content/E_COI/I.%20How%20to%20create%20a%20new%20COI%20.htm

⁸ <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A32020R0479> Commission Implementing Regulation (EU) 2020/479 of 1 April 2020 amending Regulation (EC) No 1235/2008 laying down detailed rules for implementation of Council Regulation (EC) No 834/2007 as regards the arrangements for imports of organic products from third countries



Under the new Organic Regulation, control authorities and bodies operating outside of the EU will have to be recognised by the European Commission in order to be able to certify operators that are exporting to the EU. A new Delegated Regulation⁹ is currently under public consultation and sets out:

- The requirements that control authorities and bodies must meet in order to be recognised under the EU new regulation
- How they should conduct controls on operators under their supervision
- The exercise of supervision by the Commission.

Farmer Groups and Sampling

Of most concern are the new rules on farmer groups and sampling procedures. The provisions for group certification have been very important in terms of enabling small-scale farmers in developing countries to become organic certified and access the EU market, but the new rules are likely to have a significant impact.

At the present time, only operators in developing countries can be group certified, and there are two types of farmer group organisation in operation:

- Organised farmer groups. These include cooperatives, farmer associations, and federations of cooperatives. The cooperative or association acts as the legal entity for the purposes of organic certification.
- Processor/trader managed groups. An exporter, processor or trader sets up and manages a group of affiliated farms, and is the legal entity.

In response to concerns in the EU about the quality of group certification, particularly in the case of very large producer groups, major changes have been made in the new EU regulation. The most significant rules are as follows (*Article 36 of Regulation (EU) 2018/848*):

1. Certification of farmer groups will no longer be restricted to developing countries, but can take place in any third country or within the EU
2. Group members must be farmers (though they may also be engaged in processing, preparing or marketing food or feed). Cooperatives, federations of cooperatives, and processors/exporters with affiliated farms will no longer be accepted as certifiable legal group entities
3. Maximum size of a group will be 2,000 members (*Article 4 of Regulation (EU) 2021/279*)
4. There will be strict limits to the scale of operation of group members. Each holding must be 5 ha or less (0.5 ha for greenhouses). Alternatively, individual certification cost of each member must be more than 2% of their turnover or standard output from organic production **AND** they must have a turnover of organic production of no more than €25,000 **OR** their standard output from organic production must be no more than €15,000 per year
5. The farmer group must have its own legal entity
6. Each group must operate a joint marketing system
7. All farmers within the group must be operating in the same geographical location

⁹ Commission Delegated Regulation (EU) .../...of XXX supplementing Regulation (EU) 2018/848 of the European Parliament and of the Council with procedural requirements for the recognition of control authorities and control bodies that are competent to carry out controls on operators and groups of operators certified organic and on organic products in third countries and with rules on their supervision and the controls and other actions to be performed by those control authorities and control bodies



8. Each group must implement its own Internal Control System, with a nominated person or body who is responsible for ensuring that all members of the group are in compliance

Changes have also been introduced concerning the level of controls and sampling that will be done under third party inspections of farmer groups (*Article 7 (e) of Regulation (EU) 2021/279*). These require that for every group, a minimum of 5% of its members (and not less than 10 members) must be subject to a third-party inspection every year. Where a group has 10 members or fewer, all members must be inspected every year. Produce sampling and laboratory analysis must be applied to 2% of the total number of members.

There are some new requirements for the organic certificate. For example, a list of members must be included in the certificate.

Impact in ACP Countries

These changes to group structure and operations will affect many operators in third countries, and will create additional technical, administrative, and cost burdens that are particularly challenging for small-scale growers.

Groups of over 400 will face an increase in certification costs due to the new rules on external controls (inspections). The minimum 5% inspection rate will mean, for a group of 2000 members, an increase from 45 to 100 external inspections each year. A produce sampling rate of 2% for a group of 2000 will mean 40 samples, with associated costs.

Many small-scale organic fruit and vegetable growers in ACP countries currently operate in groups run by processors/traders (and benefit from their administrative and technical support). They will in future have to create and run their own independent groups. Groups with more than 2000 members will also have to split into two or more groups. Whenever new groups are established, they must create and register a separate legal entity according to the regulations in their country of operations. They must also put in place and implement their own Internal Control System and nominate a person or body who will be responsible for ensuring compliance.

Farmers that do not meet the criteria because they exceed the farm size or financial limits will have to leave a group and be individually certified. The 5ha holding limit may be problematic in some circumstances, for example in plantation crops, and in locations where farm size is generally larger than 5 ha, but with only small areas under cultivation.

Transitional Period

The EC recognises that there will be significant “administrative, legal and structural changes ... with regard to the maximum size of the group”, so there will be a transition period for operators to adapt to the new requirements. For those that are already certified as farmer groups on 1st January 2022, they will have 3 years to comply with the changes to group size (*Article 10 of Regulation (EU) 2021/279*). This means that they must have their own legal entity and internal control system by 1st January 2025.

In contrast, there is no specific reference to transitional provisions for the changes to group organisation outlined in Article 36 (Point 1) of Regulation (EU) 2018/848. Many organic growers in ACP countries operate under processor/trader groups; they will also have to reorganise and form separate groups, but planning for this major change is extremely difficult when the timescale is unknown.

One possibility is that the transition will be linked to control bodies (**IMPORTANT NOTE: this has not been officially confirmed by the EU authorities**). If this is the case, the new farmer groups must be legally formed and operational by the time their control body (responsible for their certification) is officially recognised by the EU. As long as the control body continues to operate under the equivalence



system (as today), then the group can continue to operate as a processor/trader group. The transitional period for control bodies to make this change is until December 2024; this means that groups will have from between 0-3 years to reorganise, depending on the control body that certifies them.

An important message to all operators and farmer groups is that they will need to take full advantage of any transition period. In some countries, creating a new legal entity can be a time consuming and expensive process. Many groups will also need technical assistance and training to establish and implement an Internal Control System and this, again, will take time. All operators and groups affected should start to make the changes, and seek any necessary support, as soon as possible. It is also urgent for producers who are currently operating within cooperatives or trader-managed groups to find out how long they have to make these changes. Groups/group managers must talk to their control bodies and find out when they plan to change from the current equivalence system, to become officially recognised by the EU under the new system.

ORGANIC REFORM - PRODUCTION RULES

Chapter III of Regulation (EU) 2018/848 lays down the general production rules, and Annex II gives the detailed rules (Part 1: Plant Production).

In order to ensure harmonised implementation, additional rules are being introduced in secondary legislation. Annex 1 (Point 2) of this document lists the delegated and implementing acts with additional provisions that have so far been proposed or published.

Production rules cover conversion; plant production; plant reproductive material; collection, packaging, transport and storage; and authorisation of products and substances.

Among items of significance are the changes to holding status. The risk of non-compliance with organic production rules is considered higher in agricultural holdings that also have non-organic units. To address this, under the new rules, entire holdings must be managed as organic, except under certain conditions (e.g. where there is clear and effective separation between organic, in-conversion and non-organic production units and the goods produced by those units). However, the wording of the Regulation for this requirement is unclear¹⁰ and appears to refer only to EU producers, but it is assumed that the requirement applies also to operators in third countries who are supplying the EU market (**IMPORTANT NOTE: this has not been confirmed by the EU Authorities**).

The other area of major importance concerns the use of plant protection products.

Plant Protection Products

Article 24 of Regulation 2018/848 sets out the basic rules for the “Authorisation of products and substances for use in organic production”. The detailed rules have still to be finalised, but are presented in a draft implementing regulation that is currently awaiting approval¹¹.

¹⁰ Paragraph (19) of Regulation 2018/848: “The risk of non-compliance with organic production rules is considered higher in agricultural holdings which include units that are not managed under those rules. Therefore, after an appropriate conversion period, *all agricultural holdings in the Union* which aim to become organic should be entirely managed in compliance with the requirements applicable to organic production”.

¹¹ Commission Implementing Regulation (EU) .../...of XXX authorising certain products and substances for use in organic production and establishing their lists.



This draft regulation is accompanied by Annexes¹² that list the authorised products and substances:

- Annex I : Active Substances Contained in Plant Protection Products Authorised For Use In Organic Production
- Annex II: Authorised Fertilisers, Soil Conditioners and Nutrients
- Annex IV: Authorised Products For Cleaning and Disinfection. Part B: Products for the cleaning and disinfection of buildings and installations used for plant production, including for storage on an agricultural holding. Part C: Products for cleaning and disinfection in processing and storage facilities

It is important to note that only substances approved in the “horizontal” EU pesticide legislation (for conventional agriculture) can be approved under the Organic Regulation, even when they are used in third countries (*Article 1 of the draft Implementing Regulation*). They can also only be used according to the conditions of use approved in the EU. They must:

- (a) be authorised under Regulation (EC) 1107/2009 (*sale and use of pesticides in the EU*);
- (b) be used only in accordance with the conditions for use specified in EU member state authorisations
- (c) be used according to the conditions of use set out in the Annex of Regulation (EU) 540/2011 (*list of approved active substances in the EU*)

Restricting the range and use of plant protection products to the approved uses in the EU is problematic, particularly for tropical and sub-tropical countries where the pests, pest pressure, socio-economic and agroecological conditions are very different to those in Europe. It risks leaving producers without adequate solutions.

In the case of organic pineapple, for example, growers have no available option for floral induction. Calcium carbide is not listed as a growth regulator in the horizontal EU regulations, and ethylene will be restricted to use: “only on bananas and potatoes; it may also be used on citrus as part of a strategy for the prevention of fruit fly”. This will make extremely difficult to export organic pineapple to the EU.

A procedure is available for substances to be added to the list of organic approved substances when there are justified reasons (e.g. for a pest not present in the EU). However, adding new substances or uses will be difficult if they are not already listed in the EU horizontal pesticide regulations; adding them here first will make it a very lengthy process.

The EC may also “grant specific authorisations for the use of products and substances in third countries ... taking into account differences in the ecological balance in plant or animal production, specific climatic conditions, traditions and local conditions in those areas ... for a renewable period of two years”. This provision is made (*Article 45, Point 2 of Regulation 2018/848*), but it is not yet clear how it will operate in practice.

These changes are likely to affect producers in third countries. Under the current equivalence arrangements, some flexibility is permitted in the use of plant protection products to adapt to local circumstances, but under the new regulation this will not be the case. Only products and substances approved for use in the EU can be used. Organic growers and exporters in third countries must familiarise themselves with these lists, and identify any areas where they will be affected and may need to adapt their production practices).

¹² https://ec.europa.eu/growth/tools-databases/tbt/en/search/?tbtaction=search.detail&num=791&Country_ID=EU&dspLang=EN&BASDATEDEB=&basdatedeb=&basdatefin=&baspays=EU&basnotifnum=791&basnotifnum2=791&bastypepays=EU&baskeywords=



ORGANIC RULES IN GREAT BRITAIN FOLLOWING BREXIT

On 31 January 2020, the United Kingdom left the European Union. To ensure a functioning regulatory system from day one, Great Britain (GB) transposed all the EU organic regulations into its own legal system. This means that it continues to operate according to the current EU regulations (834/2007; 889/2008 and 1235/2008)¹³.

When the new EU organic regulation 2018/848 comes into effect in January 2022, it will not be adopted by GB (England, Wales and Scotland). Instead, a new GB organic regulatory system will be developed over the next 2 years. This is expected to maintain the principle of equivalence, and to develop its own system of authorising control bodies. In the meantime, the current EU organic regulations will remain in force, and existing rules covering production and controls will stay in place.

Northern Ireland retains the EU regulations and will continue to operate as if it were a member of the EU for the purposes of organics. From January 2022, Northern Ireland will implement the new EU organic regulation, and will continue to use Traces NT for imports from third countries.

Border Procedures

GB does not use Traces NT, but has a new import system with a GB Certificate of Inspection (COI). An electronic system will be developed in time, but at present imports operate using a paper-based system. Exporters have to pre-notify the GB port of entry direct, so that they are ready to clear incoming organic goods (it will not happen automatically, as it does with TRACES).

Copies of the new forms and guidance on the GB organic import system can be obtained from UK organic control bodies (such as the Soil Association¹⁴). There is also information on the gov.uk website. For each consignment, a paper-based GB COI must be issued before it leaves the country of origin. Paper COIs do not need to travel with the consignment, but must reach the GB Port Health Authority/Border Control Post by the time the consignment arrives. A signed digital copy sent to PHA/BCP will be accepted, but an original copy must be received within 10 days of clearance.

Trading Rules

The EU will recognise UK as equivalent for organics until 31 December 2023, and in addition, there is equivalence recognition of UK control bodies until 31 December 2021. The same equivalence recognition is applied by the UK with respect to the EU.

With respect to third countries, the EU equivalence arrangements (with 13 countries) have been rolled over into UK law, so that the UK can continue to trade with them on the same basis as previous. Similarly, all control bodies listed in EU Regulation 1235/2008 are recognised in the UK, so organic goods from ACP countries will be recognised by the UK as they were pre-Brexit.

Of importance to note are the rules around triangular trade, whereby produce passes from the exporting country to GB via the EU (or to the EU via the UK). The EU-GB organic equivalence agreement is bilateral so it does not involve trade with third countries. This means that if produce is exported from an ACP country to GB via any EU country (e.g. Uganda-Belgium-GB), and it clears customs in the EU, it will lose its organic status. The only way to avoid this is to export direct to GB, or to pass through the EU under customs supervision according to the Common Transit Convention (i.e. in transit).

¹³ <https://www.gov.uk/guidance/trading-and-labelling-organic-food-from-1-january-2021>

¹⁴ <https://www.soilassociation.org/certification/preparing-your-organic-business-for-brexit/importing-after-brexit/>



1. Basic Act

- [Regulation \(EU\) 2018/848](#) of the European Parliament and of the Council of 30 May 2018 on organic production and labelling of organic products and repealing Council Regulation (EC) No 834/2007

2. Secondary Legislation: Production Rules

- [Commission Implementing Regulation \(EU\) 2020/464](#) of 26 March 2020 laying down certain rules for the application of Regulation (EU) 2018/848 of the European Parliament and of the Council as regards the documents needed for the retroactive recognition of periods for the purpose of conversion, the production of organic products and information to be provided by Member States (**Additional rules on conversion, animal welfare, processing**)
- [Commission Implementing Regulation \(EU\) 2020/2042](#) of 11 December 2020 amending Implementing Regulation (EU) 2020/464 as regards its date of application and certain other dates referred to in that Regulation (**Postponing date of application**)
- [Commission Implementing Regulation \(EU\) .../... of XXX](#) concerning the authorisation of products and substances for use in organic production and repealing Regulation (EC) No 889/2008 (**with Annexes listing authorised substances**). DRAFT UNDER CONSULTATION.
- [Commission Delegated Regulation \(EU\) 2020/2146](#) supplementing Regulation (EU) 2018/848 as regards exceptional production rules in organic production (**Additional production rules to address exceptional and catastrophic circumstances**)
- [Commission Delegated Regulation \(EU\) .../... of XXX](#) amending Annex II to Regulation (EU) 2018/848 of the European Parliament and of the Council as regards organic production rules on sprouted seeds and chicory heads, on feed for certain aquaculture animals and on aquaculture parasite treatments (**Rules on sprouted seeds**). DRAFT UNDER CONSULTATION.
- [Commission Delegated Regulation \(EU\) 2020/427](#) of 13 January 2020 amending Annex II to Regulation (EU) 2018/848 of the European Parliament and of the Council as regards certain detailed production rules for organic products (**Rules on sprouted seeds, bees, aquaculture**)
- [Commission Delegated Regulation \(EU\) 2020/1794](#) amending Part I of Annex II to Regulation (EU) 2018/848 of the European Parliament and of the Council as regards the use of in conversion and non-organic plant reproductive material (**Increasing the availability of reproductive material**)

3. Secondary Legislation: Control Rules

- [Commission Delegated Regulation \(EU\) .../... of XXX](#) amending Regulation (EU) No 2018/848 of the European Parliament and of the Council as regards the requirements for groups of operators and the model of certificate attesting compliance with the rules on organic production (**Model certificate**). DRAFT UNDER CONSULTATION.
- [Commission Delegated Regulation \(EU\) .../... of XXX](#) supplementing Regulation (EU) 2018/848 of the European Parliament and of the Council by laying down specific criteria and conditions for the checks of documentary accounts in the framework of official controls in organic production and the official controls of group of operators (**Checks and official controls**). DRAFT UNDER CONSULTATION.



- [Commission Implementing Regulation \(EU\) 279/2021](#) Laying down detailed rules for implementation of Regulation (EU) 2018/848 of the European Parliament and of the Council on controls and other measures ensuring traceability and compliance in organic production (**group composition and size, percentage controls & sampling; suspicion of non-compliance**)
- [Commission Delegated Regulation \(EU\) .../...of XXX](#) supplementing Regulation (EU) 2018/848 of the European Parliament and of the Council with procedural requirements for the recognition of control authorities and control bodies that are competent to carry out controls on operators and groups of operators certified organic and on organic products in third countries and with rules on their supervision and the controls and other actions to be performed by those control authorities and control bodies. DRAFT UNDER CONSULTATION
- [Annexes to the Commission Delegated Regulation \(EU\)](#) supplementing Regulation (EU) 2018/848 of the European Parliament and of the Council with procedural requirements for the recognition of control authorities and control bodies that are competent to carry out controls on operators certified organic and on organic products in third countries and with rules on their supervision and the controls and other actions to be performed by those control authorities and control bodies. DRAFT UNDER CONSULTATION

4. Secondary Legislation: Trade Rules (Under development)

- Commission Implementing Regulation (EU) .../... of XXX laying down detailed rules for implementation of Regulation (EU) No 2018/848 of the European Parliament and of the Council as regards the lists of third countries recognised under Article 33(2) and control authorities and control bodies recognised under Article 33(3) of Regulation (EC) No 834/2007 and the review of those lists
- Commission Implementing Regulation (EU) .../... of XXX laying down certain rules for the application of Regulation (EU) 2018/848 of the European Parliament and of the Council as regards the certificate for operators and groups of operators located in third countries and establishing the list of control authorities and control bodies recognised under Article 46(1) of Regulation (EU) 2018/848
- [Commission Delegated Regulation \(EU\) .../... of XXX](#) supplementing Regulation (EU) 2018/848 of the European Parliament and of the Council as regards the procedure for recognition of control authorities and control bodies recognised under article 46 (1) of the same Regulation, their supervision and the controls and other actions to be performed by those control authorities and control bodies
- Commission Delegated Regulation (EU) .../... of XXX amending Regulation (EU) 2018/848 of the European Parliament and of the Council by adding further criteria for the recognition and the withdrawal of the control authorities and control bodies for the control of imported organic products
- Commission Delegated Regulation (EU) .../... of XXX supplementing Regulation (EU) 2018/848 of the European Parliament and of the Council with rules on the information to be sent by third countries and by control authorities and control bodies for the purpose of supervision of their recognition under Article 33(2) and (3) of Council Regulation (EC) No 834/2007 and the measures to be taken in the exercise of that supervision



5. Secondary Legislation: Border Control Procedures (Under Development)

- Commission Delegated Regulation (EU)... supplementing Regulation (EU) 2018/848 of the European Parliament and of the Council to lay down the rules for control authorities and control bodies and the official control as regards the consignments intended for import into the Union
- Commission Delegated Regulation (EU) amending Regulation (EU) 2017/675 of the European Parliament and of the Council as regards the cases when and conditions under which organic products and in conversion products are exempted from official controls at border control posts of first arrival into the Union
- Commission Implementing Regulation (EU)... to lay down the rules for operators established in the EU and the notification of non-compliance by Member States as regards the consignments intended for import into the Union
- [Commission Implementing Regulation \(EU\) 2020/479](#) of 1 April 2020 amending Regulation (EC) No 1235/2008 laying down detailed rules for implementation of Council Regulation (EC) No 834/2007 as regards the arrangements for imports of organic products from third countries **(Existing rules concerning the Certificate of Inspection - COI).**





BRUSSELS - NAIROBI - PARIS

GROWING PEOPLE