



Import controls on organic (and in-conversion) products as of 1st January 2022

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New requirements on the place of import controls for organic products

Article 45(5) of Regulation (EU) 2018/848

*'Compliance with the conditions and measures for the import of organic products and in-conversion products referred to in paragraph 1 into the Union shall be ascertained **at border control posts, in accordance with Article 47(1) of Regulation (EU) 2017/625.**'*

Reflections on consequences

- *Administrative burden for MS and operators*
- *Focus of Regulation (EU) 2017/625 (,OCR') on risk (health risks vs. quality)*
- *Existing trade flows and administrative arrangements*



possibility to exempt certain products of low risk or of no risk from controls, in accordance with Art. 48 (h) of OCR



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New package on organics import controls adopted on 21 October 2021

<p>Commission Delegated Regulation supplementing Regulation (EU) 2017/625 with rules on the cases when and conditions under which organic products and in-conversion products are exempted from official controls at border control posts, the place of official controls for such products and amending Commission Delegated Regulations (EU) 2019/2123 and (EU) 2019/2124 (C(2021)6946) ('DA SANTE')</p>	<p>Articles 48(h), 51(1)(a), 53(1)(a) and (e) and 77(1)(k) OCR</p>
<p>Commission Delegated Regulation supplementing Regulation (EU) 2018/848 with rules on the official controls in respect of consignments of organic products and in-conversion products intended for import into the Union and on the certificate of inspection (C(2021)7387) ('DA AGRI')</p> <p style="text-align: center;">Repeals Regulation (EC) No 1235/2008</p>	<p>Articles 38(8)(a)(ii), 46(7)(b), 48(4) and 57(3) of Reg. 2018/848</p>
<p>Commission Implementing Regulation laying down rules on documents and notifications required for organic and in-conversion products intended for import into the Union (C(2021)8811) ('IA AGRI')</p>	<p>Articles 39(2)(b) and (c) and 43(7) of Reg. 2018/848</p>

Delegated Regulation on organic and in-conversion products exempted from BCP checks, the place of official controls for such products and amending Delegated Regulations (EU) 2019/2123 and (EU) 2019/2124 ('DA SANTE')

- Categories of organic and in-conversion products intended for import into the Union **exempted from official controls at BCPs** (Art. 48(h) OCR)
- The **place of official controls for products exempted from BCP checks** (Art. 77(1)(k) OCR)
- **Amendments to:**
 - **Delegated Regulation (EU) 2019/2123** – to allow identity and physical checks at control points other than BCPs and documentary checks at distance from the BCP, for goods covered by that Regulation also where such goods are organic or in-conversion products subject to BCP checks (Art. 53(1)(a) and (e) OCR)
 - **Delegated Regulation (EU) 2019/2124** – to allow onward transportation to the place of final destination for goods covered by that Regulation also where such goods are organic or in-conversion products subject to BCP checks (Art. 51(1)(a) OCR)



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Organic products from third countries intended for placing on the Union market

2 categories

Organic and in-conversion products subject to official controls at **BCPs**

Animals and goods falling in the categories in Art. 47(1)(a) to (f)* of the OCR

(first category)

Organic and in-conversion products subject to official controls in the MSs where the consignment is released for free circulation at 'points of release for free circulation**' registered in TRACES (**Status quo**)**

(second category)

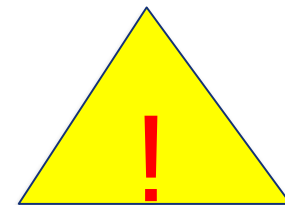
***by virtue of acts other than Regulation (EU) 2018/848**

First category (BCP) – designation of BCPs and control points for organic checks

- *Operators to present consignments for organic checks only to BCPs and CPs designated by MSs for checks on organic products*
- *List of BCPs and CPs with organic domain will be available in TRACES*

**First category (Organics subject to BCP checks)
Link between the COI and the Common Health Entry
Document (CHED) **NEW!****

- *CHED required under Art. 56 OCR*
- *Operator responsible for the consignment must fill in the CHED in TRACES*, as follows:*
 - ❖ *Insert product type 'Organic' in box I.31 of the CHED*
 - ❖ *link to the COI in the CHED*
- *SPS inspector can only finalize the CHED if COI is endorsed (box 30 in the COI is completed) (see Art. 56(5)OCR)***



*CHED template does not change – no change to the PDF

**Decision tree in Q&A Document



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First category (BCP): transfer to control points for identity and physical checks

- *New conditions for transfer to CP for SPS identity and physical checks*
- *Conditions for transfer to CP for organic identity and physical checks (separate workflow via the COI) => only if also transferred for SPS checks ('full parallelism')*



*amendments to CDR (EU) 2019/2123
(decision trees for SPS and organic authority
in Q&A document)*

Second category – organic products exempted from BCP checks

- *Import controls at points of release for free circulation registered in TRACES*
- ❖ *NB – as of 1 January 2022, registered in TRACES under 'controlled locations' - 'points of release for free circulation'*
- ❖ *NB Member States may designate BCPs and CPs as points of release for free circulation*

Implementing Regulation laying down rules on documents and notifications required for organic and in-conversion products intended for import into the Union (C(2021)8811) (**'IA AGRI'**)

- Rules on **declarations and communications from importers and first consignees** for the import of organic or in-conversion products, including on prior notification of arrival of consignments
- Rules on the **content of notifications by the MSs** competent authorities in relation to consignments intended for import into the Union in case of established or suspected non-compliance with the rules on organic production
- Model **Extract of the COI** in Annex



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Delegated Regulation on rules on the official controls in respect of consignments of organic products and in-conversion products intended for import into the Union and on the certificate of inspection (C(2021)7387) ('DA AGRI') (1)

- ***Rules on the issuance of certificate of inspection ('COI') and establishing a model of this certificate (in Annex)***
- ***Rules on official controls in the Member States on organic and in-conversion products intending to be placed on the Union market=> common rules for products subject to BCP checks and products exempted from BCP checks:***
 - ❑ 100% documentary checks
 - ❑ Random identity checks
 - ❑ physical checks at a frequency depending on the likelihood of non-compliance with Regulation (EU) 2018/848 (cf. Art. 45(5) of Reg. 2018/848 referring to physical checks based on likelihood of non-compliance)
 - ❑ Systematic identity and physical checks for high risk products (Art. 6(2) of DA AGRI)
- ***Actions to be taken by control authorities and control bodies in third coun in cases of non-compliance with Reg. 2018/848 found during the verification of the consignments.***



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Documents required for release for free circulation



Organic products subject to official controls at BCPs (first category) Art. 6(7) DA AGRI

COI/extract of COI endorsed
(decision can be released)

+

finalised CHED
(Art. 57(2)(b)OCR)

*for split consignments, CHED in accordance with Del. Reg. 2019/1602

Organic products exempted from controls at BCPs (second category) Art. 9 DA AGRI

COI/extract of COI endorsed and decision in box 30/box 12 that consignment can be released

Number of COI or extract of the COI to be reported in custom declaration for release for free circulation

Electronic COI and transitional measures for paper COI (Art. 11 'DA AGRI') (5)

- After 1 July 2022: *qualified electronic seal* for the issuance of the COI in third countries and for the endorsement of the COI and of extract of the COI;
- Between 1 January – 30 June 2022: *qualified electronic seal and/or the paper COI or extract of the COI.*

Next steps

- *Entry into application 1 January 2022*
- *Introduction into TRACES of main elements as of 1 January 2022, rest to follow in Q1/2022*
- *Work on complementary guidance for competent authorities*
- *Review of measures after 1 year (functioning/ impact)*