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DG AGRI working document on additional official controls on products originating from certain third countries

Applicable from 01/01/2024 until 31/12/2024

This document has been conceived as a working document of DG AGRI. It has been elaborated in co-operation with the Member States. It does not intend to produce legally binding effects and by its nature it is without prejudice to any measures taken by the Commission or by a Member State under the provisions of Articles 48(1) and 57(1) of Regulation (EU) No 2018/848, Commission Delegated Regulations (EU) No 2021/1342 and (EU) No 2021/2306 and Commission Implementing Regulation (EU) No 2021/2307.

DG AGRI WORKING DOCUMENT ON ADDITIONAL OFFICIAL CONTROLS ON PRODUCTS ORIGINATING FROM CERTAIN THIRD COUNTRIES

Applicable from 01/01/2024 until 31/12/2024

(1) SCOPE OF THE ADDITIONAL CONTROL MEASURES

1.1. Concerned products

The Competent Authorities ⁽¹⁾ of the Member States undertake to ensure that the control measures described in this document are carried out, as described in detail in subsequent sections of this document, on consignments of organic food and feed originating from the following third countries and entering the Union directly from those third countries or via other third countries, for the following products:

Country	Product	CN codes	Sampling percentages
China	Ginger	0910 11 00	10%
China	Tea	0902 10 00 0902 20 00 0902 40 00	20% ⁽²⁾
Egypt	Peanuts	1202 41 00 1202 42 00	30% ⁽³⁾
India	Curcuma/turmeric	0910 30 00	20% ⁽⁴⁾
Peru	Ginger	0910 11 00	10%
South Africa	Citrus fruits	0805 10 22 0805 10 24 0805 40 00 0805 50 10	10%
Tunisia	Dates	0804 10 00	10%

1.2. Sampling percentages

For the products defined in section 1.1, Member States should apply the following sampling percentages:

- A minimum of 10% or 20% or 30% of all consignments, as stipulated in the table above, for the products on the abovementioned list. Additional controls should also be carried out by Member States based on their own risk assessment.

⁽¹⁾ The authorities designated pursuant to Article 3, point (54), of Regulation (EU) 2018/848.

⁽²⁾ Commission Implementing Regulation (EU) 2019/1793.

⁽³⁾ Commission Implementing Regulation (EU) 2019/1793.

⁽⁴⁾ Commission Implementing Regulation (EU) 2019/1793.

(2) TRACKING AND IDENTIFICATION OF ALL CONSIGNMENTS OF IMPORTED FOOD AND FEED WITHIN THE SCOPE OF THIS WORKING DOCUMENT

The Competent Authorities of the Member States must track and identify all the consignments of food and feed referred to above.

For each consignment of food and feed referred to above, the importer or, where appropriate, the operator responsible for the consignment, must give prior notification of the arrival of the consignment at the border control post or the point of release for free circulation in accordance with Article 3 of Commission Implementing Regulation (EU) 2021/2307 laying down rules on documents and notifications required for organic and in-conversion products intended for import into the Union.

(3) COMPLETE DOCUMENTATION CHECK AT THE POINT OF RELEASE FOR FREE CIRCULATION OR AT THE BORDER CONTROL POST

The complete documentation of each consignment of food and feed referred to above must be verified systematically:

- a. certificate of inspection (COI);
- b. documents of custom declaration;
- c. commercial and transport documents; and
- d. sampling report introduced in Traces accompanying the certificate of inspection.

(4) SAMPLING AND ANALYSIS FOR THE PRESENCE OF NON-AUTHORISED SUBSTANCES ⁽⁵⁾ IN INCOMING CONSIGNMENT SAMPLED ACCORDING TO THE PERCENTAGES IN SECTION 1.2 AT THE POINT OF RELEASE FOR FREE CIRCULATION OR AT THE BORDER CONTROL POST

At least one representative sample must be taken of each consignment of food and feed according to the sample percentages in sections 1.1 and 1.2 at the point of release for free circulation or at the border control post, as appropriate. Sampling must be done using the methods described in Commission Regulation (EU) No 691/2013 on the sampling methods to be used for official control of feed and Commission Directive 2002/63/EC establishing Community methods of sampling for the official control of non-authorised substances in and on products of plant and animal origin.

Analysis of these samples for the presence of non-authorised substances must be conducted in a laboratory accredited for the particular analytical methods used. Based on expert knowledge, all relevant non-authorised substances, including ETO, should be looked for and the most appropriate analytical methods for the detection for each substance should be used.

⁽⁵⁾ This excludes the products referred to in Commission Implementing Regulation (EU) No 2021/1165 of 15 July 2021 authorising certain products and substances for use in organic production and establishing their lists.

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

In case of a suspicion of non-compliance that has not been eliminated or has been substantiated, an investigation must be started and a notification in the Organic Farming Information System (OFIS) must be made in accordance with Article 7 of Commission Implementing Regulation (EU) 2021/2307 laying down rules on documents and notifications required for organic and in-conversion products intended for import into the Union ⁽⁶⁾.

⁽⁶⁾ When other cases of non-compliance are detected, a notification in OFIS should be made in accordance with Article 9 of Regulation 2021/279.