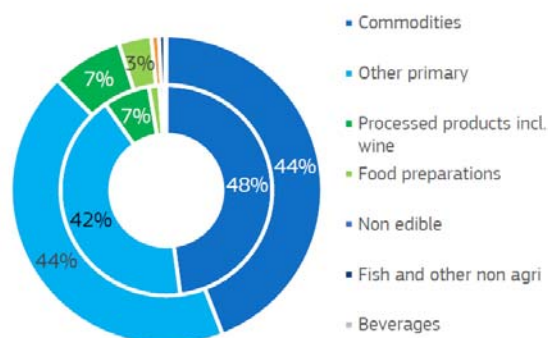


EU-Imports from Third Countries: TRACES, residues and OFIS



GRAPH 1 – Share (%) of organic agri-food import volumes by class, 2020 (inner circle) and 2021 (outer circle)



EU, 2022

https://agriculture.ec.europa.eu/cap-my-country/performance-agricultural-policy/studies-and-reports/market-analyses-and-briefs_en

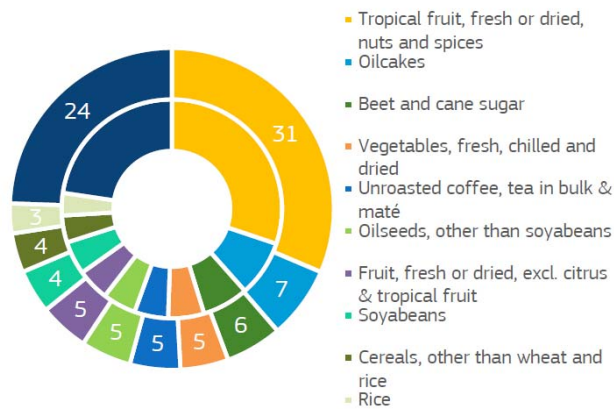
GRAPH 4 – Share of organic agri-food import volumes by export country 2020 (inner circle) and 2021 (outer circle)



EU, 2022

https://agriculture.ec.europa.eu/cap-my-country/performance-agricultural-policy/studies-and-reports/market-analyses-and-briefs_en

GRAPH 6 – Share of organic agri-food import volumes by product category, 2020 (inner circle) and 2021 (outer circle)



EU, 2022

https://agriculture.ec.europa.eu/cap-my-country/performance-agricultural-policy/studies-and-reports/market-analyses-and-briefs_en

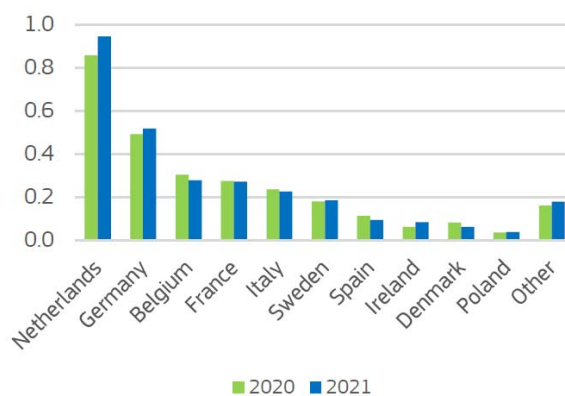
TABLE 2 - Organic fruit and vegetables import volumes by product category, 2020 and 2021 (thousand t)

	2020	2021	change (%)
Tropical fruit, fresh or dried, nuts and spices	843	903	7.0
Vegetables, fresh, chilled and dried	147	138	-6.5
Fruit, fresh or dried, excl. citrus & tropical fruit	132	143	8.1
Fruit juices	76	85	11.3
Preparations of vegetables, fruit or nuts	56	62	10.9
Citrus fruit	37	36	-3.0
Total	1 292	1 366	5.7

EU, 2022

https://agriculture.ec.europa.eu/cap-my-country/performance-agricultural-policy/studies-and-reports/market-analyses-and-briefs_en

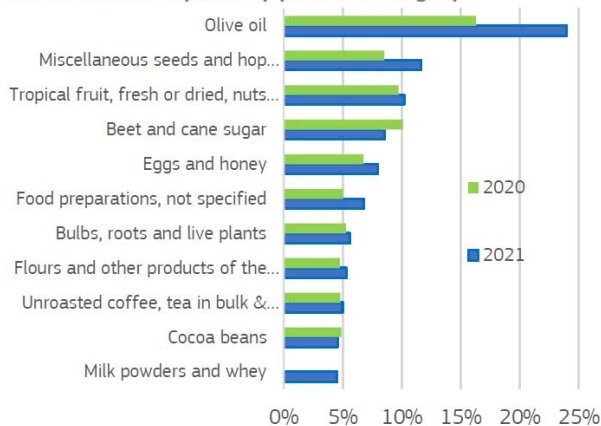
GRAPH 3 – Agri-food import volumes by import country (million t)



Quelle: EU, 2022

https://agriculture.ec.europa.eu/cap-my-country/performance-agricultural-policy/studies-and-reports/market-analyses-and-briefs_en

GRAPH 7 – Estimated share (%) of selected organic agri-food import volumes out of total (organic and conventional) imports by product category



Quelle: EU, 2022

https://agriculture.ec.europa.eu/cap-my-country/performance-agricultural-policy/studies-and-reports/market-analyses-and-briefs_en



Controlling organic imports - what are the current challenges ?

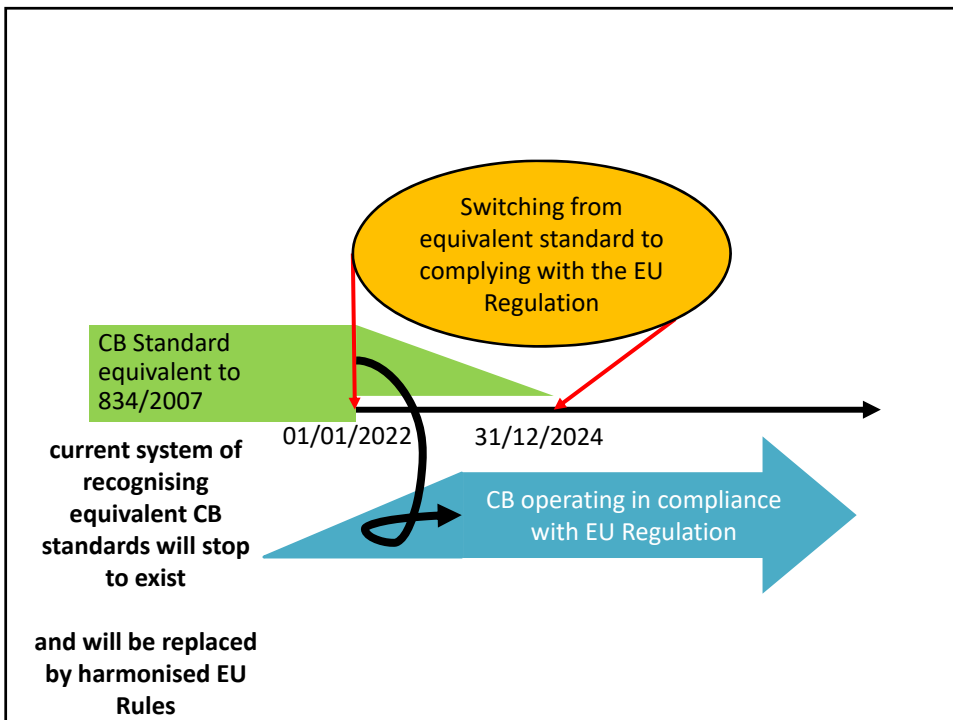
1. Dark farming - cheating with fertilisers and pesticides
2. Transparency lost - mega stratified structures, traders, flexible land, moving targets and harvesting certificates
3. Serial loading and unloading - a risky business
4. Control bodies - hopping, shopping and getting lost
5. Inspectors: harassed, bribed and far-off
6. Operating in bad faith
7. Struggling supervisors

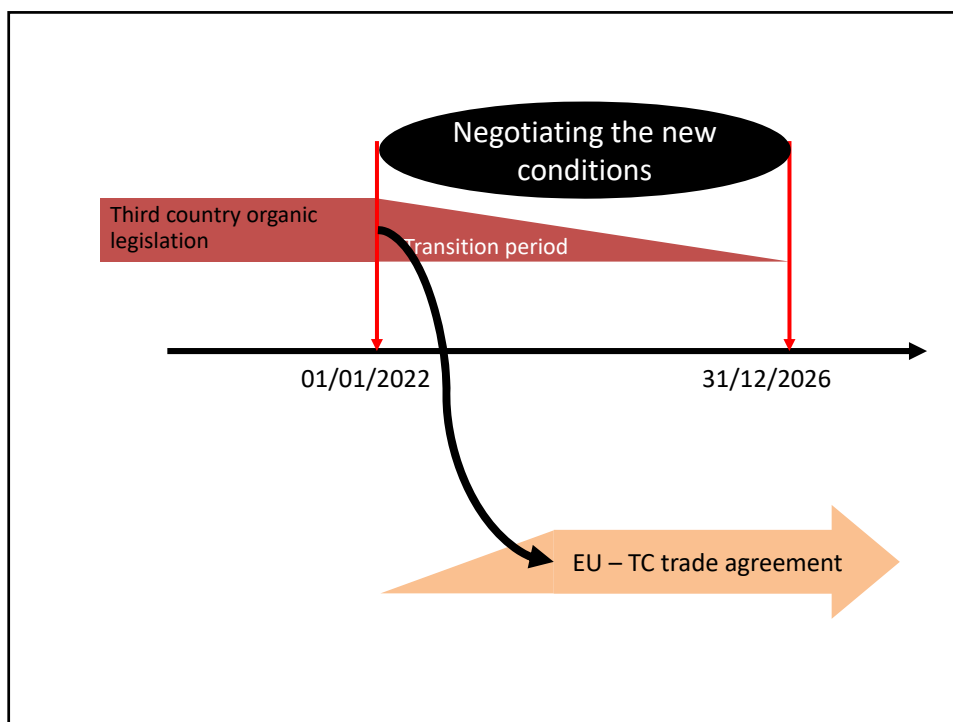
Van Boxem, 2019

Secondary Legislation to EU Organic [Reg 2018/848](#)

Production	Controls	Import
Reg (EU) 2020/464 Livestock (Art 2-21 & Ann I), Aquaculture (Art 22 & Ann II), Preparation (Art 23-24)	Reg (EU) 2021/279 Requirements for groups (Art 4, 5 and 6),	Reg (EU) 2021/1698 Related to COMPLIANCE in third countries Request for recognition (Art 1-2), Supervision (Art 3-8), Controls (Art 9-16), Other actions to be carried out by CB (Art 17-27), Catastrophic circumstances (Art 28-29)
Reg (EU) 2020/2146 Catastrophic circumstances (Art 1-3)	Reg (EU) 2021/771 Official controls of groups (Art 2)	Reg (EU) 2021/1378 Certificate for third countries (Art 1 and Ann I), list of recognised CBs (compliance) (Art 2 and Ann II)
Reg (EU) 2021/1165 Active substances (Art 1 & Ann I), Fertilisers (Art 2 & Ann II), Feed materials and feed additives (Art 3-4 & Ann III), Cleaning & disinfection (Art 5 & Ann IV), Food additives (Art 6 & Ann V.A), Non-organic ingredients (Art 7 & Ann V.B), Wine (Art 9 & Ann V.D), Third country specific (Art 10 & Ann VI)	Reg (EU) 2021/2119 Records to be kept (Art 2)	Reg (EU) 2021/2306 Verification of consignment (Art 3), Issuance of COI (Art 4), COI (Art 5 and Ann I)
Reg (EU) 2022/1450 Use of non-organic protein feed (due to Russia's invasion of Ukraine)		
Applicable only in Third countries		





Verification of consignment ^(1/2)

CB obligations (EQUIVALENCE)

2021/2306 Art 3(2)-(5)

- ⇒ Systematic **documentary checks**
- ⇒ Risk assessment to identify the need for a **physical check**

CB obligations (COMPLIANCE)

2021/2306 Art 3(1) referring to 2021/1698 Art 16

- ⇒ Systematic documentary check including
 - ⇒ Traceability (incl ingredients in case of processed products)
 - ⇒ Mass balance
 - ⇒ Coherence TRACES and accompanying documents
- ⇒ Physical check, risk based considering at least the following
 - ⇒ Annual evaluation of risk of operator concerned
 - ⇒ Supply chain with “traders”
 - ⇒ High-risk products
 - ⇒ Any other relevant criteria



Verification of consignment (2/2)

CB obligations (EQUIVALENCE)

2021/2306 Art 3(2)-(5)

- ⇒ Systematic **documentary checks**
- ⇒ Risk assessment to identify the need for a **physical check**

CB obligations (COMPLIANCE)

2021/2306 Art 3(1) referring to 2021/1698 Art 16

- ⇒ For **high-risk products**:
 - ⇒ Systematic physical check
 - ⇒ at least one representative sample
 - ⇒ complete documentation of the traceability of operator and product
- ⇒ For **bulk products**, a travel plan shall be uploaded in TRACES – this is typically drawn up by the transport company



Issuance of the COI

CB obligations (EQUIVALENCE)

2021/2306 Art 4(1)

- ⇒ Before the consignment leaves the third country of export or origin

CB obligations (COMPLIANCE)

2021/2306 Art 4

- ⇒ Endorse box 18 after documentary and physical check and before the consignment leaves the third country of export or origin (Boxes 13, 14/15, 16 and 17 of the COI may be completed and/or changed by the CB on the basis of final transport documents, before the COI is verified by the competent authority in the EU MS and latest 10 days after endorsement of box 18 by the CB.)
- ⇒ For **high-risk products**: Endorse box 18 only after reception of analytical report and complete documentation of the traceability and assessment of the analytical results concerned.



Official controls on consignments (EU)

CB need to know (EQUIVALENCE & COMPLIANCE)

2021/2306 Art 6

-Official controls in the EU at the point of entry may consist of

Type of check	Frequency of checks for organic products
Documentary checks*	All consignments
Identity checks	Randomly
Physical checks	Risk based (likelihood of non-compliance)

* means: examination of the COI, of all supporting documents and analytical results which are uploaded in TRACES in relation to a specific consignment



Sampling and analysis

Sampling, methods used for sampling and **selection of laboratories** for sample analysis (Reg 2021/1698, Art 12)

In all cases, the laboratories shall comply with the 4 requirements:

- 17025 accredited laboratories
- The AB are signatory of ILAC
- Sufficient capacity for analysis and testing
- As regards pesticide residue testing, GC and LC accreditation must cover at least the same scope of active substances as defined in 2019/533.

Sampling may be delegated to other CA/CB recognised by the Commission or bodies whom are 17025 accredited.

Exchange of Information

Exchange of information (Reg 2021/1698, Art 21)

- Share information with Commission on any suspicion of non-compliance that affects the integrity of organic products
- Carry out an investigation when CB has received OFIS notification and reply within 30 calendar days
- Exchange information with other CBs when operators are subject to different CBs, when an operator changes CB, or when an operator is subject to a mass balance or traceability check
- In case of suspicion of non-compliance: be prepared to make available the list of operators in the organic production chain and their CBs

Cases of noncompliance ^(1/3)

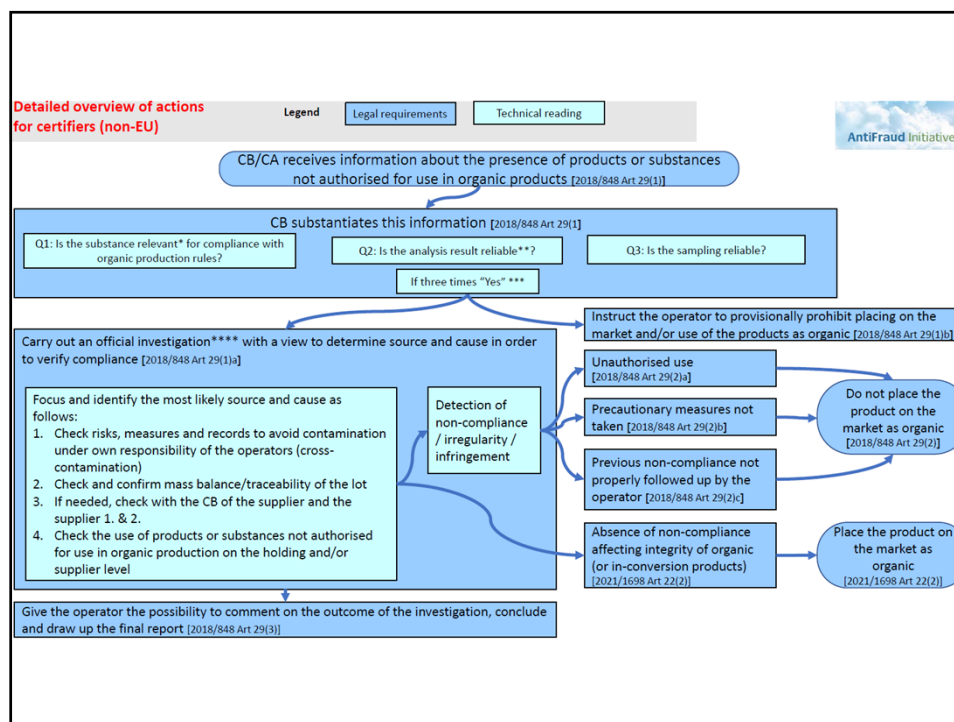
Rules on actions to be taken by operators in case of non compliance (Reg 2018/848, Art 27 + [Art 28.2](#))

- In the case of suspicion of noncompliance due to the presence of presence of non-authorized products/substances, the operator shall isolate the products and carry out an investigation with a view of eliminating the suspicion and
 - Release the products as organic when the suspicion has been eliminated after the investigation
 - Inform the certification body when the suspicion cannot be eliminated or has been confirmed. In that case, the operator shall be given an opportunity to comment on the results of the investigation carried out by the certification body

Cases of noncompliance (2/3)

Rules on actions to be taken by certification bodies in case of non compliance (Reg 2021/1698, Art 22)

- In addition to the measures in case of presence of non-authorized products/substances, where a CB has suspicion about the compliance of a product, it shall carry out an investigation and block the products concerned;
 - The products characterised by the presence of non-authorized products/substances need to be placed on the market as non-organic in case of use of these products/substances, has not taken the PCM or has not taken measures in response to previous requests
 - Release the products as organic when the investigation does not show any non-compliance affecting the integrity of the organic products concerned;
- Document the results of the investigations in relation to the presence of non-authorized products or substances.



Cases of noncompliance (3/3)

Rules on actions to be taken in case of non compliance (Reg 2021/1698, Art 22)

- Third country CB need to develop a catalogue of measures
 - Minor, major and critical non-compliance
 - Minimum set of non-compliances
 - Standardized measures per type of non-compliance

Points of attention (EU)

1. The importer gives prior notification of the arrival of a consignment in TRACES to the competent EU authority (2021/2307 Art 3.1). This notification shall be given at least *one working day* before the expected arrival of the consignment. In the event of logistical constraints, this deadline may be reduced to *four hours* before the expected arrival of the consignment. (2019/1013, Art 1)
2. This notification comes in addition to the prior notification for all consignments which are subject to official controls at BCP (which is done by filling out the relevant part of the CHED and submitting it into the IMSOC) (2017/625 Art 56).
3. The importer presents the COI to the competent authorities
4. There are two procedures: products subject to official controls at BCP and other products

Products which are subject to official controls at BCP

(2017/625 Art 47.1)

Product categories	Particularities
<ul style="list-style-type: none"> Animals and products of animal origin, germinal products and animal by-products 	
<ul style="list-style-type: none"> Plants and plant products (prevention of import of invasive plants) 	Prevention of import of invasive plants
<ul style="list-style-type: none"> Processed food (foodtype and country specific) 	Type and country specific points of attention Annex I of Reg 2019/1793 (subject to regular revisions!)
<ul style="list-style-type: none"> Feed 	Type and country specific points of attention

Secondary Legislation Reg. (EU) 2018/848: Third Country Imports

[Reg \(EU\) Nr. 2021/1698](#)

DA: Approval CB, inspections etc.

[Reg \(EU\) Nr. 2021/1342](#)

DA: Supersesion of equivalent C / CB

[Reg \(EU\) Nr. 2021/1378](#)

IA: Certificate, list of compliant CB

[Reg \(EU\) Nr. 2021/2306](#)

DA: COI, BCP

[Reg \(EU\) Nr. 2021/2307](#)

IA: Custom procedures etc.

[Reg \(EU\) Nr. 2021/2304](#)

DA: Export certificate Antibiotics

[Reg \(EU\) Nr. 2021/2305](#)

DA: Exemption BCP under VO 2017/625



Official controls of organic products at the border

As regards organic products which are subject to official controls by Customs at BCP
(due to Food Safety or other reasons).

1. Operator responsible for consignment completes the relevant part of the CHED* (and box I.31 refers to organic) into IMSOC which serves as the prior notification of the arrival of those consignments.
2. The competent authority of the BCP records the outcome of the official controls in the CHED (IMSOC)
3. The competent authority for organic verifies the COI (Box 10: indicate the relevant BCP). Verification of COI takes place at arrival of the consignment upon BCP and before/together with verification of the CHED. Endorsement of the COI in box 30 in TRACES.
4. Finalisation of the verification of the CHED

* Common Health Entry Document

Pending the country of import, step 2 and 3 may be inverted

Organic products which are not subject to official controls by Customs at BCP remain subject to controls by competent authorities for organic production.

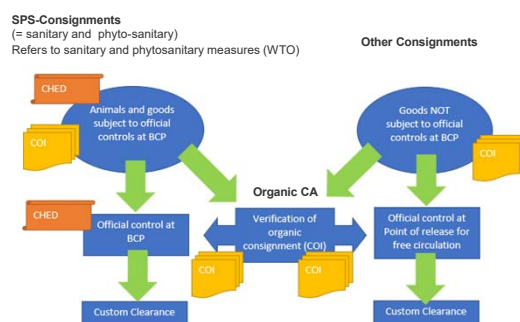
⇒ No CHED needed

⇒ COI: box 10: indicate the point of release

Verification of COI takes place at point of release by the competent authority (for organic production)

Import of organic products in Germany

Competent Authority for organic is responsible for official organic controls before customs can release an consignment as organic at Border Control Posts and at other points of release for free circulation



Phosphonic acid: How to identify source and cause

2.4.3 Decision matrix (specific for phosphonic acid)

Likelihood for non-compliant presence	Low	High
Previous non compliances regarding the use of prohibited inputs	No	Yes
Duration since start of conversion of perennial crop	Less than 6 years	6 years or more
Analytically determined concentration of 1. fosetyl as such 2. other prohibited pesticides	Below the reporting limit None	Above the reporting limit Above the reporting limit
Use of inputs in organic production with a risk of PA content*	None	Yes
Authorised use of non-organic vegetative propagation material	Yes	No

(table updated on 22/02/2021)

https://www.organic-integrity.org/fileadmin/afi/docs/afi14/AFI-Proposal_phosphonic-acid_in_organic_products_2020-10-15.pdf?review

Thank you very much for your attention
Any questions left?

