

Organic products: controls of high-risk products

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EU to move away from 100% controls of high-risk organic products

[Draft](#) Commission Delegated Regulation amending Delegated Regulation (EU) 2021/1698 and Delegated Regulation (EU) 2021/2306 as regards the import into the Union of high-risk organic and in-conversion products [[scroll down to Download](#)]

Update

The European Commission has informed the World Trade Organization Technical Barriers to Trade (WTO TBT) Committee that it will establish a list of high-risk organic products on the basis of cases of continued non-compliance ([G/TBT/N/EU/1073](#)). Under current rules, 100% of consignments of high-risk organic products to be exported from non-EU countries must be sampled and controlled by an organic control authority or control body, and 100% of consignments must also undergo identity and physical checks by EU Member States on import.

Recognising the burden this places on operators and authorities, and that lower rates of physical checks can also be effective, the European Commission now proposes to introduce greater flexibility, allowing the share of consignments tested to be lower than 100%.

The WTO consultation is open until 3 September 2024. This follows an EU consultation undertaken by the Commission ([Have your say](#)) which ended on **16 July 2024**.

Impacted products

Organic products

What is changing?

The new EU organic rules (Regulations [2018/848](#) and [2021/1698](#)) foresee the creation of a list of “high-risk” organic products, listing products that have frequently been found to be non-compliant with EU organic rules and the countries from which they come. High-risk products require more regular controls.

Under current rules:

- the organic control authority or control body must carry out systematic physical checks and take at least one representative sample of each consignment of high-risk products to be exported to the EU [Regulation 2021/1698, Art. 16 (6)]
- EU Member State competent authorities must carry out identity and physical checks and take at least one representative sample of each consignment on import [Regulation 2021/2306, Art. 6(2)].

This draft Regulation proposes to introduce more flexibility into setting the frequency of controls. Under this proposal, the percentage share of consignments that must be controlled could be lower than 100%. It will also allow a different percentage share of consignments to be set for control authorities/bodies than that for Member State competent authorities.

Why?

Experience with controls on imports of organic products from non-EU countries, including notifications of contaminations by EU Member States to the [Organic Farming Information System](#), shows that compliance can be ensured with a frequency of checks that is below 100% of consignments. Testing 100% of consignments puts an unnecessary burden on operators and authorities, and potentially raises the price of organic food.

Timeline

The new rules on controls will apply on the date when the Regulation adopting a list of high-risk organic products is applied.

What are the major implications for exporting countries?

The proposed rules should reduce the burden on control authorities and control bodies, and lower the costs for non-EU suppliers of organic products.

Recommended Actions

Comments on the proposal can be submitted via the [National TBT notification authority](#) of the country concerned to the [EU TBT Enquiry Point](#) until **3 September 2024**.

Background

The Organic Regulation (EU) [2018/848](#) is the basic Act that lays down the EU rules on organic production and labelling of organic products. It revises and strengthens the controls system, trade regime, and production rules that had been in place since 2007. It brought in a fundamental change to the regulatory approach, moving from the principle of equivalence to the principle of conformity. The earlier Regulation (EC) 834/2007 recognised that organic goods could be produced in ways that were different, but equivalent in terms of their outcome and alignment with organic principles. Under the new Regulation, this changes to a system of compliance: producers in non-EU countries will have to conform with exactly the same set of rules as those in the EU, with no possibility to recognise “equivalence”. For further information see [New EU Organic Regulation explained](#).

Resources

Commission Regulation [2021/2306](#) 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

Commission Regulation [2021/1698](#) 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

Commission Regulation [2018/848](#) on organic production and labelling of organic products

Sources

[Draft](#) Commission Delegated Regulation as regards the import into the Union of high-risk organic and in-conversion products [[scroll down to Download](#)]

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