Temporary derogation for verification of consignments for import into the EU and issuance of certificates of organic inspection

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Temporary derogation approved to allow continued validity of certain organic certificates based on equivalence until 15 October 2025

Commission Delegated Regulation (EU) 2024/3095 of 29 July 2024 amending Delegated Regulation (EU) 2021/1698 as regards the certification of certain operators and groups of operators in third countries and the controls performed by control authorities and control bodies on their organic products

Update

Regulation (EC) 2021/1698 (Art. 16) requires that from 1 January 2025, control bodies (CBs) recognised by the EU inspect and certify organic products imported into the EU according to the new organic compliance regime (Regulation (EU) 2018/848). However, recognition of control bodies (CBs) under the new regime has been delayed. This means that compliance certification of many operators and groups of operators in non-EU countries is expected to be still pending by 31 December 2024. To avoid trade disruptions in early 2025, the EU has approved a temporary derogation (exemption) until 15 October 2025 that allows additional time for certification to be completed.

Between **1 January and 15 October 2025**, CBs will be able to issue certificates of inspection for consignments supplied by operators and groups of operators that are still certified under the old equivalence regime, provided that:

- the CB is recognised under the new compliance regime, and
- the operator or group of operators has a valid organic certificate under the equivalence regime, and
- their application for certification under the new regime is pending on 31 December 2024 .

For those operators whose certification application is pending on 31 December 2024 , certificates **already** issued to operators by under the old equivalence regime will remain valid for EU imports after 31 December 2024 until their expiry date, or at the latest 15 October 2025.

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Impacted products

Organic products

What is changing?

The new EU Organic Regulation (EU) 2018/848 introduced a fundamental change, from an equivalence regime to a compliance regime. The new Regulation was applied on 1 January 2022, with a 3 year transition period. The new compliance regime changes many aspects of organic production and labelling, including the controls system, trade regime, and production rules. See New EU Organic Regulation explained.

Control authorities (CAs) and control bodies (CBs) must be listed under Implementing Regulation (EU) 2021/1378 as being officially approved (recognised) under the new compliance regime. Regulation (EU) 2021/1698 gives additional rules on the auditing of consignments for export to the EU, and on the certification of operators and groups of operators, with requirements for a physical on-the-spot inspection.

The recognition of CAs and CBs under the old equivalence regime expires on 31 December 2024, at the end of the transition period. From 1 January 2025, in order to audit and certify operators and operator groups in non-EU countries and issue certificates of inspection for import consignments, CBs must be officially recognised under the new compliance regime. There are no changes to this requirement. A number of CBs have been recognised and the list of approved CBs is continually being updated. See Organic products: Recognition of control bodies

The Regulation adopts a temporary derogation period between **1 January** and **15 October 2025** in relation to controls and certification . During this period, CBs recognised under the compliance scheme will be able to issue certificates of inspection for consignments supplied by operators and groups of operators that are still certified under the old equivalence regime, and whose certification under the new regime is pending on 31 December 2024 . Certificates issued to operators under the old equivalence regime will remain valid for EU imports after 31 December 2024 until their expiry date, or at the latest 15 October 2025.

The derogation applies to operators and groups of operators whose certification is pending. This means that to export to the EU after 1 January 2025, they must have applied for the compliance scheme and/or have committed to compliance with a recognised CB.

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Why?

There have been significant delays in the submission of applications by CAs and CBs for recognition under Regulation 2018/848. This has left insufficient time for them to complete all the on-site inspections needed to certify operators in non-EU countries, and to allow operators time to align their practices under the new compliance regime (before 31 December 2024).

A derogation is proposed to try and avoid any unnecessary disruption to the trade of organic products from non-EU countries as a result of this delay.

Timeline

This Regulation enters into force on 12 December 2024.

What are the major implications for exporting countries?

Even with the derogation to 15 October 2025, there are concerns that the organic sector in non-EU countries will face significant challenges. The proposed timeframe will mean that **CAs and CBs need to start conducting compliance audits (auditing against the new rules) from July 2024** to meet the deadline.

As producers have not yet been audited against the new rules, they may be unaware of critical non-compliances, and not able to put in place all measures needed to comply, and so will not be ready for an audit by that time (FiBL and AGROCALIDAD 2024). This is particularly the case for those affected by changes to group certification rules, and who must establish new legal entities to meet new EU requirements for a group of operators. Adaptations to new production rules also need time to be properly assimilated, and clarification of some rules is still pending. An extended date of 31 December 2025 was requested by some stakeholders to avoid a high risk of decertification (FTAO 2024).

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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. It brought in a fundamental change to the regulatory approach, moving from the principle of equivalence to the principle of compliance. 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, unless a non-EU country has been recognised under a trade agreement as having an organic production system equivalent to that of the EU. For further information see New EU Organic Regulation explained.

Resources

FiBL and AGROCALIDAD (2024) Informe final sobre las implicaciones del reglamento orgánico (UE) 2018/848 en Ecuador. Research Institute of Organic Agriculture, Switzerland and Phytosanitary and Zoosanitary Regulation and Control Agency, Ecuador.

FTAO (2024) Avoiding negative impacts of the new EU Organic Regulation: A just transition for Fair Trade organic producers to access the European Market. Fair Trade Advocacy Office.

Sources

Draft Commission Delegated Regulation as regards the certification of certain operators and groups of operators in third countries and the controls performed by control authorities and control bodies on their organic product

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