



2024/3095

9.12.2024

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

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to Regulation (EU) 2018/848 of the European Parliament and of the Council of 30 May 2018 on organic production and labelling of organic products and repealing Council Regulation (EC) No 834/2007⁽¹⁾, and in particular Article 46(7), point (b)(ii), thereof,

Whereas:

- (1) Commission Delegated Regulation (EU) 2021/1698⁽²⁾ supplements Regulation (EU) 2018/848 with rules on the checks for the certification of operators or groups of operators and on controls performed on those operators and groups of operators and their products by control authorities and control bodies recognised in accordance with Article 46(1) of Regulation (EU) 2018/848 ('compliance regime').
- (2) Pursuant to Article 57(1) of Regulation (EU) 2018/848, the recognition of control authorities and control bodies granted under Article 33(3) of Council Regulation (EC) No 834/2007⁽³⁾ ('equivalence regime') will expire by 31 December 2024.
- (3) From 1 January 2025, control authorities and control bodies must be recognised under the compliance regime to certify and control operators and groups of operators in third countries. Such recognition is based on the assessment of their requests for recognition, submitted in accordance with Article 46(4) of Regulation (EU) 2018/848, consisting of a technical dossier that must contain all the information that is necessary to ensure that the criteria for recognition set out in Article 46(2) of that Regulation are met.
- (4) Only a limited number of requests for recognition in accordance with Article 46(1) of Regulation (EU) 2018/848 have been submitted to the Commission sufficiently in advance to allow control authorities and control bodies to prepare adequately the issuance of certificates for operators and groups of operators in third countries in accordance with the compliance regime.
- (5) Pursuant to Article 9, paragraphs (4) and (10), of Delegated Regulation (EU) 2021/1698, the issuance of certificates of operators and groups of operators must be based on the results of the verification of compliance with Regulation (EU) 2018/848, which includes a physical on-the-spot inspection. Due to the delays in recognition of control authorities and control bodies in accordance with the compliance regime caused by the delayed submission of requests for recognition, those control authorities and control bodies may not be able to perform all the necessary on-the-spot inspections allowing the timely issuance of certificates to operators and groups of operators in third countries in accordance with the compliance regime.

⁽¹⁾ OJ L 150, 14.6.2018, p. 1, ELI: <http://data.europa.eu/eli/reg/2018/848/oj>.

⁽²⁾ Commission Delegated Regulation (EU) 2021/1698 of 13 July 2021 supplementing Regulation (EU) 2018/848 of the European Parliament and of the Council 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 (OJ L 336, 23.9.2021, p. 7, ELI: http://data.europa.eu/eli/reg_del/2021/1698/oj).

⁽³⁾ Council Regulation (EC) No 834/2007 of 28 June 2007 on organic production and labelling of organic products and repealing Regulation (EEC) No 2092/91 (OJ L 189, 20.7.2007, p. 1, ELI: <http://data.europa.eu/eli/reg/2007/834/oj>).

- (6) In order to avoid unnecessary trade disruptions for organic products pending the issuance of certificates to operators and groups of operators in accordance with Delegated Regulation (EU) 2021/1698 and Commission Implementing Regulation (EU) 2021/1378 (*), it is necessary to provide that, for a limited period of time, control authorities and control bodies already recognised under the compliance regime may issue certificates of inspection on consignments of products of those operators and groups of operators in third countries in possession of valid documentary evidence issued by control authorities and control bodies recognised under the equivalence regime, based on the verification of compliance of those consignments with the rules referred to in Article 33(1) of Regulation (EC) No 834/2007.
- (7) It is also necessary to provide that, for that purpose, documentary evidence issued by control authorities and control bodies recognised under the equivalence regime to the operators and groups of operators whose certification under the compliance regime is pending on 31 December 2024 remains valid after 31 December 2024 until its expiration date and, in any case, for a limited period of time.
- (8) Delegated Regulation (EU) 2021/1698 should therefore be amended accordingly,

HAS ADOPTED THIS REGULATION:

Article 1

In Delegated Regulation (EU) 2021/1698, the following Article is inserted:

‘Article 30a

Derogation for pending certification of operators and groups of operators in third countries

1. By way of derogation from Article 16 of this Regulation, where the certification in accordance with Article 9(10) and Article 10 of this Regulation and with Article 1 of Commission Implementing Regulation (EU) 2021/1378 (*) by the relevant control authority or control body of operators and groups of operators in third countries is pending on 31 December 2024, the verification by that control authority or control body of consignments intended for import into the Union of those operators and groups of operators shall be done with regard to the compliance with the rules referred to in Article 33(1) of Council Regulation (EC) No 834/2007 (**) until 15 October 2025.
2. Following a verification pursuant to paragraph 1, the relevant control authority or control body shall issue a certificate of inspection pursuant to Article 4 of Commission Delegated Regulation (EU) 2021/2306 (***) .
3. The documentary evidence issued before 31 December 2024 by control authorities and control bodies recognised in accordance with Article 33(3) of Regulation (EC) No 834/2007 to the operators and groups of operators whose certification referred to in paragraph 1 is pending on 31 December 2024, shall remain valid until the end of their validity period but not beyond 15 October 2025.

(*) Commission Implementing Regulation (EU) 2021/1378 of 19 August 2021 laying down certain rules concerning the certificate issued to operators, groups of operators and exporters in third countries involved in the imports of organic and in-conversion products into the Union and establishing the list of recognised control authorities and control bodies in accordance with Regulation (EU) 2018/848 of the European Parliament and of the Council (OJ L 297, 20.8.2021, p. 24, ELI: http://data.europa.eu/eli/reg_impl/2021/1378/oj).

4. With regard to controls on the operators and groups of operators referred to in paragraph 1, references in Article 9(1) and (2), Article 11(1), point (c), Article 14(1), Article 22(1), Article 23(3) and Part B of Annex IV to this Regulation to compliance with Regulation (EU) 2018/848 shall be understood as references to the rules referred to in Article 33(1) of Regulation (EC) No 834/2007, and references in Article 16(3), Article 19(3) and Article 23(4) of this Regulation to the certificate referred to in Article 45(1), point (b)(i), of Regulation (EU) 2018/848 shall be understood as references to the documentary evidence issued before 31 December 2024 by control authorities and control bodies recognised in accordance with Article 33(3) of Regulation (EC) No 834/2007 to the operators and groups of operators referred to in paragraph 1.

- (*) Commission Implementing Regulation (EU) 2021/1378 of 19 August 2021 laying down certain rules concerning the certificate issued to operators, groups of operators and exporters in third countries involved in the imports of organic and in-conversion products into the Union and establishing the list of recognised control authorities and control bodies in accordance with Regulation (EU) 2018/848 of the European Parliament and of the Council (OJ L 297, 20.8.2021, p. 24, ELI: http://data.europa.eu/eli/reg_impl/2021/1378/oj).
- (**) Council Regulation (EC) No 834/2007 of 28 June 2007 on organic production and labelling of organic products and repealing Regulation (EEC) No 2092/91 (OJ L 189, 20.7.2007, p. 1, ELI: <http://data.europa.eu/eli/reg/2007/834/oj>).
- (***) Commission Delegated Regulation (EU) 2021/2306 of 21 October 2021 supplementing Regulation (EU) 2018/848 of the European Parliament and of the Council 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 (OJ L 461, 27.12.2021, p. 13, ELI: http://data.europa.eu/eli/reg_del/2021/2306/oj).'.

Article 2

This Regulation shall enter into force on the third day following that of its publication in the *Official Journal of the European Union*.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels, 29 July 2024.

For the Commission
The President
Ursula VON DER LEYEN