



Further towards a risk-based approach...

DG AGRI – Unit B.4, Organics

György Németh

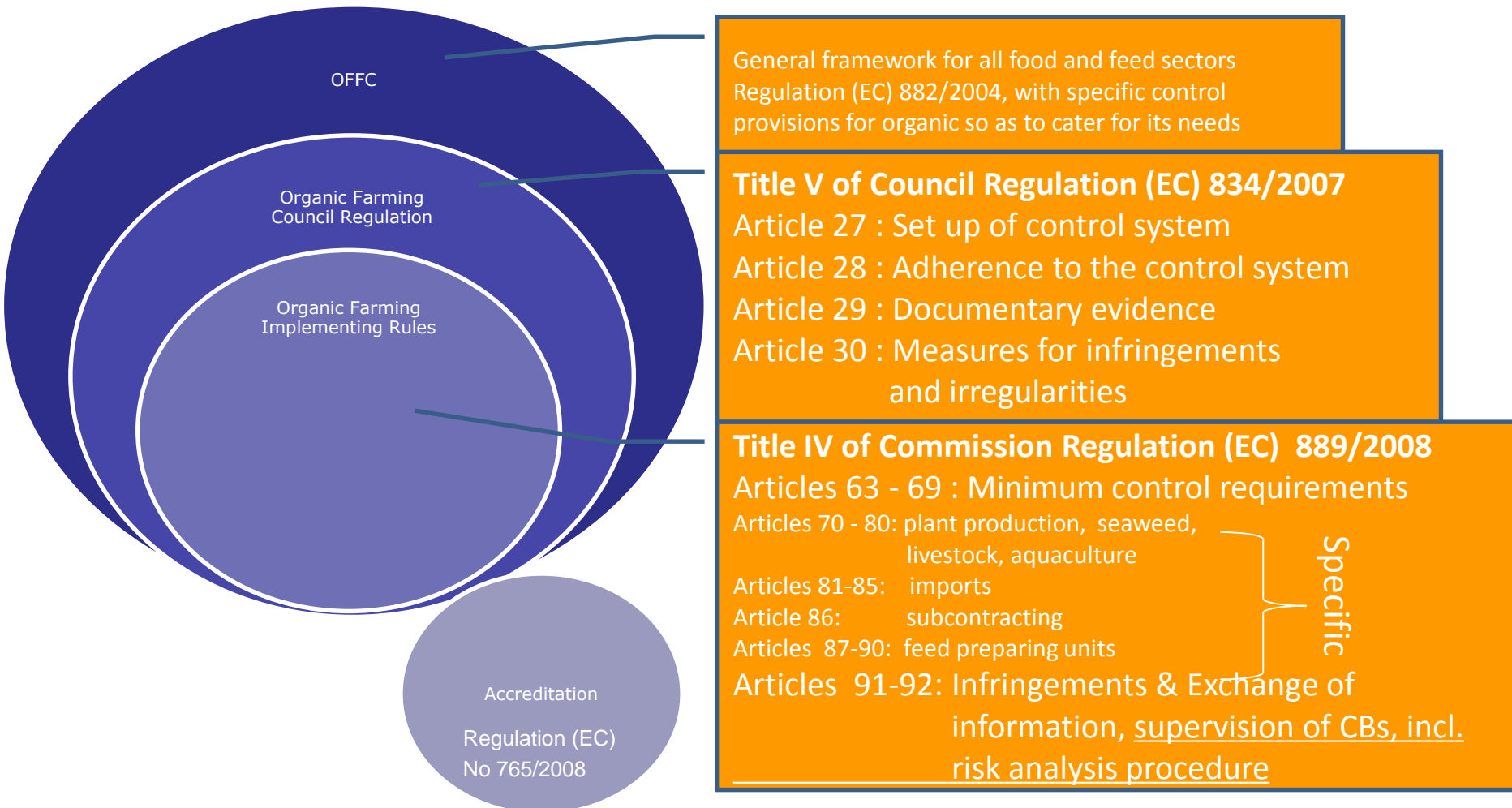
Gyorgy.nemeth@ec.Europa.eu

IRM-Organic Conference

Warsaw, 23-24 September 2014

The present

Organic production controls legal framework



Risk-based controls, a general obligation...

Member States shall ensure that official controls are carried out regularly, on a risk basis and with appropriate frequency..

(Reg 882/2004, Art 3)

Annual verification of compliance and physical inspection

Art. 27 of R. 834/2007, Art. 65 of R. 889/2008



All operators, with the exception of certain wholesalers, shall be subject to a verification of compliance at least once a year (Art. 27 of R. 834/2007)

The control authority or control body shall carry out at least once a year a physical inspection of all operators (Art. 65 of R. 889/2008)

Can be inspected at a lesser frequency, which is deemed adequate on the basis of a risk assessment, wholesalers dealing only with pre-packaged products (Art. 27(3) of 834/2007)

Risk-based approach

Art. 27, R. 834/2007, Art. 65, R. 889/2008



... the nature and frequency of the controls shall be determined on the basis of an assessment of the risk of occurrence of irregularities and infringements ...(Art. 27 of R. 834/2007)

... the control authority or control body shall carry out random control visits, ..., based on the general evaluation of the risk of non-compliance, taking into account at least:

- the results of previous controls**
- the quantity of products concerned**
- risk of exchange of products**
- ...**

(Art. 65, R. 889/2008)

...and further guidance

Working document on official controls in the organic sector, 2011 (*NB needs updating*)

- Risk analysis on an objective basis (examples for additional risk criteria)
- Higher risks => additional controls (min 10% of operators annually)
- Documented procedures
- Harmonization and supervision by Competent Authorities

...and further requirements as from 1 January 2014

The risk analysis should inform

- **intensity of annual inspections/visits;**
- **additional control visits => min 10 % of operators**
- **inspections/visits under Reg 889 Article 65(1) and (4) => min 10 % unannounced**

See Reg 392/2013 => Reg 889/2008 Article 92c

Future perspective

Commission's proposal for new organics regulation

COM(2014)180

Chapter V (Articles 24-26)
Chapter VIII (Article 44)

All control provisions in one framework

- Approach in Commission's proposal on **official controls** adopted in May 2013 ([COM\(2013\)265](#))
- Proposal for new regulation on **organics**
 - **Policy choices** on rules to be complied with (= **what** to check)
 - Nothing on control system set up and functioning (= **who** is to check **how** and **when**) ⇒ official controls

⇒ Close coordination with DG SANCO as parallel reforms

Issues identified - Control frequency and risks

- **Wholesalers/retailers** can be treated differently in different MS
- **Risk-based approach** still relatively new
- **ECA's findings** on risk assessment of control bodies
- Need for more **efficient use of resources**
- Mandatory annual inspections – an obstacle to fully risk-based controls?

Proposal: going fully risk-based

Control **frequency**: based on **risk**

No more mandatory **annual inspection** of **all** operators regardless of their risk profile

Expected results

- Control system to become
 - more effective; and
 - more efficient
- Less burden on compliant operators
- Level playing field (harmonized risk criteria)
- Consistency with other sectors in agri-food chain/other CAP schemes/measures ...

The way forward

- Discussions between the European Parliament, the Council and the Commission to reach a common position (trilogues)
- Process takes at least 2 years
- New rules not applicable before 2017
.. then delegated and implementing acts

Thank you for your attention



Organics website

http://ec.europa.eu/agriculture/organic/index_en.htm