

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

TITLE V

CONTROLS

Article 27

Control system

1 ^[F1]The relevant authority must maintain] a system of controls and designate one or more competent authorities responsible for controls in respect of the obligations established by this Regulation in conformity with Regulation (EC) No 882/2004.

2 In addition to the conditions laid down in Regulation (EC) No 882/2004, the control system set up under this Regulation ^[F2]must apply such precautionary and control measures as the appropriate authority may specify in regulations].

3 In the context of this Regulation 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 as regards compliance with the requirements laid down in this Regulation. In any case, all operators with the exception of wholesalers dealing only with pre-packaged products and operators selling to the final consumer or user as described in Article 28(2), shall be subject to a verification of compliance at least once a year.

4 The competent authority may:

- a confer its control competences to one or more other control authorities. Control authorities shall offer adequate guarantees of objectivity and impartiality, and have at their disposal the qualified staff and resources necessary to carry out their functions;
- b delegate control tasks to one or more control bodies. In that case, the ^[F3]relevant authority] shall designate authorities responsible for the approval and supervision of such bodies.

5 The competent authority may delegate control tasks to a particular control body only if the conditions laid down in Article 5(2) of Regulation (EC) No 882/2004 are satisfied, and in particular where:

- a there is an accurate description of the tasks that the control body may carry out and of the conditions under which it may carry them out;
- b there is proof that the control body:
 - (i) has the expertise, equipment and infrastructure required to carry out the tasks delegated to it;
 - (iii) has a sufficient number of suitable qualified and experienced staff; and
 - (iii) is impartial and free from any conflict of interest as regards the exercise of the tasks delegated to it;
- c the control body is accredited to the most recently ^[F4]published] version ^[F5]of] ISO Guide 65 (General requirements for bodies operating product certification systems), and is approved by the competent ^[F6]authority];

Changes to legislation: This version of this Regulation was derived from EUR-Lex on IP completion day (31 December 2020 11:00 p.m.). It has not been amended by the UK since then. Find out more about legislation originating from the EU as published on legislation.gov.uk. (See end of Document for details)

- d the control body communicates the results of the controls carried out to the competent authority on a regular basis and whenever the competent authority so requests. If the results of the controls indicate non-compliance or point to the likelihood of non-compliance, the control body shall immediately inform the competent authority;
- e there is an effective coordination between the delegating competent authority and the control body.
- 6 In addition to the provisions of paragraph 5, the competent authority shall take into account the following criteria whilst approving a control body:
- a the standard control procedure to be followed, containing a detailed description of the control measures and precautions that the body undertakes to impose on operators subject to its control;
- b the measures that the control body intends to apply where irregularities and/or infringements are found.
- 7 The competent authorities may not delegate the following tasks to the control bodies;
- a the supervision and audit of other control bodies;
- b the competence to grant exceptions, as referred to in Article 22, unless this is provided for in the specific conditions laid down by the [F7 appropriate authority] in accordance with Article 22(3).
- 8 In accordance with Article 5(3) of Regulation (EC) No 882/2004, competent authorities delegating control tasks to control bodies shall organise audits or inspections of control bodies as necessary. If, as a result of an audit or an inspection, it appears that such bodies are failing to carry out properly the tasks delegated to them, the delegating competent authority may withdraw the delegation. It shall withdraw it without delay if the control body fails to take appropriate and timely remedial action.
- 9 In addition to the provisions of paragraph 8, the competent authority shall:
- a ensure that the controls carried out by the control body are objective and independent;
- b verify the effectiveness of its controls;
- c take cognisance of any irregularities or infringements found and corrective measures applied;
- d withdraw approval of that body where it fails to satisfy the requirements referred to in (a) and (b) or no longer fulfils the criteria indicated in paragraph 5, 6 or fails to satisfy the requirements laid down in paragraphs 11, 12 and 14.
- 10 [F8 The relevant authority] shall attribute a code number to each control authority or control body performing control tasks as referred to in paragraph 4.
- 11 Control authorities and control bodies shall give the competent authorities access to their offices and facilities and provide any information and assistance deemed necessary by the competent authorities for the fulfilment of their obligations according to this Article.
- 12 The control authorities and control bodies shall ensure that at least the precautionary and control measures referred to in paragraph 2 are applied to operators subject to their control.
- 13 [F9 The control system as set up must ensure] the traceability of each product at all stages of production, preparation and distribution in accordance with Article 18 of Regulation (EC) No 178/2002, in particular, in order to give consumers guarantees that organic products have been produced in compliance with the requirements set out in this Regulation.
- 14 By 31 January each year at the latest the control authorities and control bodies shall transmit to the competent authorities a list of the operators which were subject to their controls

Changes to legislation: This version of this Regulation was derived from EUR-Lex on IP completion day (31 December 2020 11:00 p.m.). It has not been amended by the UK since then. Find out more about legislation originating from the EU as published on legislation.gov.uk. (See end of Document for details)

on 31 December of the previous year. A summary report of the control activities carried out during the previous year shall be provided by 31 March each year.

Textual Amendments

- F1** Words in Art. 27(1) substituted (31.12.2020) by [The Organic Production and Control \(Amendment\) \(EU Exit\) Regulations 2019 \(S.I. 2019/693\)](#), regs. 1(2), **2(13)(a)**; 2020 c. 1, Sch. 5 para. 1(1)
- F2** Words in Art. 27(2) substituted (31.12.2020) by [The Agriculture \(Legislative Functions\) \(EU Exit\) \(No. 2\) Regulations 2019 \(S.I. 2019/831\)](#), regs. 1(4)(a), **84**; 2020 c. 1, Sch. 5 para. 1(1)
- F3** Words in Art. 27(4)(b) substituted (31.12.2020) by [The Organic Production and Control \(Amendment\) \(EU Exit\) Regulations 2019 \(S.I. 2019/693\)](#), regs. 1(2), **2(13)(b)**; 2020 c. 1, Sch. 5 para. 1(1)
- F4** Word in Art. 27(5)(c) substituted (31.12.2020) by [The Organic Production and Control \(Amendment\) \(EU Exit\) Regulations 2019 \(S.I. 2019/693\)](#), regs. 1(2), **2(13)(c)(i)**; 2020 c. 1, Sch. 5 para. 1(1)
- F5** Word in Art. 27(5)(c) substituted (31.12.2020) by [The Organic Production and Control \(Amendment\) \(EU Exit\) Regulations 2019 \(S.I. 2019/693\)](#), regs. 1(2), **2(13)(c)(ii)**; 2020 c. 1, Sch. 5 para. 1(1)
- F6** Word in Art. 27(5)(c) substituted (31.12.2020) by [The Organic Production and Control \(Amendment\) \(EU Exit\) Regulations 2019 \(S.I. 2019/693\)](#), regs. 1(2), **2(13)(c)(iii)**; 2020 c. 1, Sch. 5 para. 1(1)
- F7** Words in Art. 27(7)(b) substituted (31.12.2020) by [The Organic Production and Control \(Amendment\) \(EU Exit\) Regulations 2019 \(S.I. 2019/693\)](#), regs. 1(2), **2(13)(d)**; 2020 c. 1, Sch. 5 para. 1(1)
- F8** Words in Art. 27(10) substituted (31.12.2020) by [The Organic Production and Control \(Amendment\) \(EU Exit\) Regulations 2019 \(S.I. 2019/693\)](#), regs. 1(2), **2(13)(e)**; 2020 c. 1, Sch. 5 para. 1(1)
- F9** Words in Art. 27(13) substituted (31.12.2020) by [The Organic Production and Control \(Amendment\) \(EU Exit\) Regulations 2019 \(S.I. 2019/693\)](#), regs. 1(2), **2(13)(f)**; 2020 c. 1, Sch. 5 para. 1(1)

Article 28

Adherence to the control system

1 Any operator who produces, prepares, stores, or imports from a third country products in the meaning of Article 1(2) or who places such products on the market shall, prior to placing on the market of any products as organic or in conversion to organic:

- a notify his activity to the competent ^[F10]authority];
- b submit his undertaking to the control system referred to in Article 27.

The first subparagraph shall apply also to exporters who export products produced in compliance with the production rules laid down in this Regulation.

Where an operator contracts out any of the activities to a third party, that operator shall nonetheless be subject to the requirements referred to in points (a) and (b), and the subcontracted activities shall be subject to the control system.

2 ^[F11]Nothing in this Regulation prevents the relevant authority from using any power the authority has to exempt] from the application of this Article operators who sell products directly to the final consumer or user provided they do not produce, prepare, store other than in connection with the point of sale or import such products from a third country or have not contracted out such activities to a third party.

3 ^[F12]The relevant authority] shall designate an authority or approve a body for the reception of such notifications.

4 ^[F13]The relevant authority] shall ensure that any operator who complies with the rules of this Regulation, and who pays a reasonable fee as a contribution to the control expenses, is entitled to be covered by the control system.

Changes to legislation: This version of this Regulation was derived from EUR-Lex on IP completion day (31 December 2020 11:00 p.m.). It has not been amended by the UK since then. Find out more about legislation originating from the EU as published on legislation.gov.uk. (See end of Document for details)

5 The control authorities and control bodies shall keep an updated list containing the names and addresses of operators under their control. This list shall be made available to the interested parties.

6 The [^{F14}appropriate authority may, by regulations, prescribe] rules to provide details of the notification and submission procedure referred to in paragraph 1 of this Article in particular with regard to the information included in the notification referred to in paragraph 1(a) of this Article.

Textual Amendments

- F10** Word in Art. 28(1)(a) substituted (31.12.2020) by [The Organic Production and Control \(Amendment\) \(EU Exit\) Regulations 2019 \(S.I. 2019/693\)](#), regs. 1(2), **2(14)(a)**; 2020 c. 1, Sch. 5 para. 1(1)
- F11** Words in Art. 28(2) substituted (31.12.2020) by [The Organic Production and Control \(Amendment\) \(EU Exit\) Regulations 2019 \(S.I. 2019/693\)](#), regs. 1(2), **2(14)(b)**; 2020 c. 1, Sch. 5 para. 1(1)
- F12** Words in Art. 28(3) substituted (31.12.2020) by [The Organic Production and Control \(Amendment\) \(EU Exit\) Regulations 2019 \(S.I. 2019/693\)](#), regs. 1(2), **2(14)(c)**; 2020 c. 1, Sch. 5 para. 1(1)
- F13** Words in Art. 28(4) substituted (31.12.2020) by [The Organic Production and Control \(Amendment\) \(EU Exit\) Regulations 2019 \(S.I. 2019/693\)](#), regs. 1(2), **2(14)(d)**; 2020 c. 1, Sch. 5 para. 1(1)
- F14** Words in Art. 28(6) substituted (31.12.2020) by [The Agriculture \(Legislative Functions\) \(EU Exit\) \(No. 2\) Regulations 2019 \(S.I. 2019/831\)](#), regs. 1(4)(a), **85**; 2020 c. 1, Sch. 5 para. 1(1)

Article 29

Documentary evidence

1 The control authorities and the control bodies referred to in Article 27(4) shall provide documentary evidence to any such operator who is subject to their controls and who in the sphere of his activities, meets the requirements laid down in this Regulation. The documentary evidence shall at least permit the identification of the operator and the type or range of products as well as the period of validity.

2 The operator shall verify the documentary evidence of his suppliers.

[^{F153} The form of documentary evidence referred to in paragraph 1 may be drawn up or amended by the relevant authority, taking into account the advantages of electronic certification.]

Textual Amendments

- F15** Art. 29(3) substituted (31.12.2020) by [The Organic Production and Control \(Amendment\) \(EU Exit\) Regulations 2019 \(S.I. 2019/693\)](#), regs. 1(2), **2(15)**; 2020 c. 1, Sch. 5 para. 1(1)

Article 30

Measures in case of infringements and irregularities

1 Where an irregularity is found as regards compliance with the requirements laid down in this Regulation, the control authority or control body shall ensure that no reference to the organic production method is made in the labelling and advertising of the entire lot or production run affected by this irregularity, where this would be proportionate to the relevance of the

Changes to legislation: This version of this Regulation was derived from EUR-Lex on IP completion day (31 December 2020 11:00 p.m.). It has not been amended by the UK since then. Find out more about legislation originating from the EU as published on legislation.gov.uk. (See end of Document for details)

requirement that has been violated and to the nature and particular circumstances of the irregular activities.

Where a severe infringement or an infringement with prolonged effect is found, the control authority or control body shall prohibit the operator concerned from marketing products which refer to the organic production method in the labelling and advertising for a period to be agreed with the competent authority^{F16}

2 Information on cases of irregularities or infringements affecting the organic status of a product shall be immediately communicated between the control bodies, control authorities [^{F17}and the competent authority].

The level of communication shall depend on the severity and the extent of the irregularity or infringement found.

The [^{F18}appropriate authority may, by regulations] lay down specifications regarding the form and modalities of such communications.

Textual Amendments

- F16** Words in Art. 30(1) omitted (31.12.2020) by virtue of [The Organic Production and Control \(Amendment\) \(EU Exit\) Regulations 2019 \(S.I. 2019/693\)](#), regs. 1(2), **2(16)(a)**; 2020 c. 1, Sch. 5 para. 1(1)
- F17** Words in Art. 30(2) substituted (31.12.2020) by [The Organic Production and Control \(Amendment\) \(EU Exit\) Regulations 2019 \(S.I. 2019/693\)](#), regs. 1(2), **2(16)(b)**; 2020 c. 1, Sch. 5 para. 1(1)
- F18** Words in Art. 30(2) substituted (31.12.2020) by [The Agriculture \(Legislative Functions\) \(EU Exit\) \(No. 2\) Regulations 2019 \(S.I. 2019/831\)](#), regs. 1(4)(a), **86**; 2020 c. 1, Sch. 5 para. 1(1)

Article 31

Exchange of information

Upon a request duly justified by the necessity to guarantee that a product has been produced in accordance with this Regulation, the competent authorities, control authorities and the control bodies shall exchange relevant information on the results of their controls with other competent authorities, control authorities and control bodies. They may also exchange such information on their own initiative.

Changes to legislation:

This version of this Regulation was derived from [EUR-Lex](#) on IP completion day (31 December 2020 11:00 p.m.). It has not been amended by the UK since then. Find out more about legislation originating from the EU as published on [legislation.gov.uk](#).