

Commission Regulation (EC) No 889/2008 of 5 September 2008 laying down detailed rules for the implementation of Council Regulation (EC) No 834/2007 on organic production and labelling of organic products with regard to organic production, labelling and control

TITLE IV

CONTROLS

[^{F1}CHAPTER 9

Supervision by competent authorities

Article 92c

Supervisory activities relating to control bodies

1 The supervisory activities by competent authorities delegating control tasks to control bodies in accordance with Article 27(4)(b) of Regulation (EC) No 834/2007 shall focus on the evaluation of the operational performance of those control bodies, taking into account the results of the work of the national accreditation body as referred to in Article 2(11) of Regulation (EC) No 765/2008 of the European Parliament and of the Council ⁽¹⁾.

Those supervisory activities shall include an assessment of the internal procedures of the control bodies for the controls, the management and examination of control files in the light of the obligations established by Regulation (EC) No 834/2007 and the verification of handling of non-conformities and the handling of appeals and complaints.

2 The competent authorities shall require control bodies to submit documentation on their risk analysis procedure.

The risk analysis procedure shall be designed in such a way that:

- a the result of the risk analysis provides the basis for determining the intensity of the unannounced or announced annual inspections and visits;
- b additional random control visits carried out in accordance with Article 65(4) of at least 10 % of operators under contract in accordance with the risk category are performed;
- c at least 10 % of all inspections and visits carried out in accordance with Article 65(1) and (4) are unannounced;
- d the selection of operators to be submitted to unannounced inspections and visits is determined on the basis of the risk analysis and that these are planned according to the level of risk.

3 Competent authorities delegating control tasks to control bodies shall verify that the staff of the control bodies has sufficient knowledge, including knowledge of the risk elements affecting the organic status of products, qualifications, training and experience with respect to organic production in general and with the relevant [^{F2}retained EU law] in particular and that appropriate rules on rotation of inspectors are in force.

4 Competent authorities shall have documented procedures for the delegation of tasks to control bodies in accordance with Article 27(5) of Regulation (EC) No 834/2007 and for

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the supervision in accordance with this Article, detailing the information to be submitted by control bodies.

Textual Amendments

- F2** Words in Art. 92c(3) substituted (31.12.2020) by [The Organic Production and Control \(Amendment\) \(EU Exit\) Regulations 2019 \(S.I. 2019/693\)](#), regs. 1(2), **3(45)**; 2020 c. 1, Sch. 5 para. 1(1)

Article 92d

Catalogue of measures in case of irregularities and infringements

Competent authorities shall adopt and communicate to control bodies that have been delegated control tasks, a catalogue at least listing infringements and irregularities affecting the organic status of products and corresponding measures to be applied by control bodies in case of infringements or irregularities by operators under their control who are involved in organic production.

Competent authorities may include other relevant information in the catalogue on their own initiative.

Article 92e

Annual inspection of control bodies

Competent authorities shall organise an annual inspection of the control bodies that have been delegated control tasks in accordance with Article 27(4)(b) of Regulation (EC) No 834/2007. For the purposes of the annual inspection, the competent authority shall take into account the results of the work of the national accreditation body as referred to in Article 2(11) of Regulation (EC) No 765/2008. During the annual inspection, the competent authority shall, in particular, verify:

- (a) the compliance with the control body's standard control procedure as submitted by the control body to the competent authority in accordance with Article 27(6)(a) of Regulation (EC) No 834/2007;
- (b) that the control body has a sufficient number of suitable qualified and experienced staff in accordance with Article 27(5)(b) of Regulation (EC) No 834/2007 and that training concerning risks affecting the organic status of products has been implemented;
- (c) that the control body has and follows documented procedures and templates for:
 - (i) the annual risk analysis in accordance with Article 27(3) of Regulation (EC) No 834/2007;
 - (ii) preparing a risk-based sampling strategy, conducting sampling and laboratory analysis;
 - (iii) information exchange with other control bodies and with the competent authority;
 - (iv) initial and follow-up controls of operators under their control;

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- (v) the application and follow-up to the catalogue of measures to be applied in case of infringements or irregularities;
- (vi) observing the requirements of the protection of personal data for the operators under its control as laid down by the ^{F3}... competent authority ^{F4}... and in accordance with [^{F5}Regulation (EU) 2016/679].

Textual Amendments

- F3** Words in Art. 92e(c)(vi) omitted (31.12.2020) by virtue of [The Organic Production and Control \(Amendment\) \(EU Exit\) Regulations 2019 \(S.I. 2019/693\)](#), regs. 1(2), **3(46)(a)**; 2020 c. 1, Sch. 5 para. 1(1)
- F4** Word in Art. 92e(c)(vi) omitted (31.12.2020) by virtue of [The Organic Production and Control \(Amendment\) \(EU Exit\) Regulations 2019 \(S.I. 2019/693\)](#), regs. 1(2), **3(46)(b)**; 2020 c. 1, Sch. 5 para. 1(1)
- F5** Words in Art. 92e(c)(vi) substituted (31.12.2020) by [The Organic Production and Control \(Amendment\) \(EU Exit\) Regulations 2019 \(S.I. 2019/693\)](#), regs. 1(2), **3(46)(c)**; 2020 c. 1, Sch. 5 para. 1(1)

Article 92f

Organic data in the multi-annual national control plan and annual report

[^{F6}The relevant authority] shall ensure that their multi-annual national control plans referred to in Article 41 of Regulation (EC) No 882/2004 cover the supervision of controls performed on the organic production in accordance with this Regulation and to include the specific data on that supervision, hereinafter referred to as ‘the organic data’, in the annual report referred to in Article 44 of Regulation (EC) No 882/2004. The organic data shall cover the topics listed in Annex XIIIb to this Regulation.

The organic data shall be based on information on the controls performed by the control bodies and/or control authorities and on audits performed by the competent authority.

The data shall be presented according to the templates provided for in Annex XIIIc to this Regulation as from 2015 for the year 2014.

[^{F6}The relevant authority] may insert the organic data as an organic chapter of their national control plan and their annual report.]

Textual Amendments

- F6** Words in Art. 92f substituted (31.12.2020) by [The Organic Production and Control \(Amendment\) \(EU Exit\) Regulations 2019 \(S.I. 2019/693\)](#), regs. 1(2), **3(47)**; 2020 c. 1, Sch. 5 para. 1(1)

Textual Amendments

- F1** Inserted by [Commission Implementing Regulation \(EU\) No 392/2013 of 29 April 2013 amending Regulation \(EC\) No 889/2008 as regards the control system for organic production.](#)

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(1) [^{F1}OJ L 218, 13.8.2008, p. 30.]

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F1 Inserted by [Commission Implementing Regulation \(EU\) No 392/2013 of 29 April 2013 amending Regulation \(EC\) No 889/2008 as regards the control system for organic production.](#)

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Changes and effects yet to be applied to :

- Regulation applied (with modifications) by [S.I. 2023/959 reg. 6Sch. 3](#)

Changes and effects yet to be applied to the whole legislation item and associated provisions

- Annex 2 para. 3 words substituted by [S.I. 2019/693 reg. 3\(56\)](#)
- Art. 29(1)(a) words substituted by [S.I. 2019/693 reg. 3\(17\)\(b\)\(i\)\(bb\)](#) (This amendment not applied to [legislation.gov.uk](#). [S.I. 2019/693](#), reg. 3(17)(b)(i)(bb) substituted immediately before IP completion day by [S.I. 2020/1400](#), regs. 1(b), 3(3)(e))