

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

CHAPTER V

CERTIFICATION

Article 36

Group of operators

- 1 Each group of operators shall:
 - a only be composed of members who are farmers or operators that produce algae or aquaculture animals and who in addition may be engaged in processing, preparation or placing on the market of food or feed;
 - b only be composed of members:
 - (i) of which the individual certification cost represents more than 2 % of each member's turnover or standard output of organic production and whose annual turnover of organic production is not more than EUR 25 000 or whose standard output of organic production is not more than EUR 15 000 per year; or
 - (ii) who have each holdings of maximum:
 - five hectares,
 - 0,5 hectares, in the case of greenhouses, or
 - 15 hectares, exclusively in the case of permanent grassland;
 - c be established in a Member State or a third country;
 - d have legal personality;
 - e only be composed of members whose production activities take place in geographical proximity to each other;
 - f set up a joint marketing system for the products produced by the group; and
 - g establish a system for internal controls comprising a documented set of control activities and procedures in accordance with which an identified person or body is responsible for verifying compliance with this Regulation of each member of the group.
- 2 Competent authorities, or, where appropriate, control authorities or control bodies, shall withdraw the certificate referred to in Article 35 for the whole group where deficiencies in the set-up or functioning of the system for internal controls referred to in paragraph 1, in particular as regards failures to detect or address non-compliance by individual members of the group of operators, affect the integrity of organic and in-conversion products.
- 3 The Commission is empowered to adopt delegated acts in accordance with Article 54 amending paragraphs 1 and 2 of this Article by adding provisions, or by amending those added provisions, in particular as regards:
 - a the responsibilities of the individual members of a group of operators;

Changes to legislation: There are currently no known outstanding effects for the Regulation (EU) 2018/848 of the European Parliament and of the Council, Article 36. (See end of Document for details)

- b the criteria to determine the geographical proximity of the members of the group, such as the sharing of facilities or sites;
 - c the set-up and functioning of the system for internal controls, including the scope, content and frequency of the controls to be carried out and the criteria to identify deficiencies in the set-up or functioning of the system for internal controls.
- 4 The Commission may adopt implementing acts laying down specific rules concerning:
- a the composition and dimension of a group of operators;
 - b the documents and record-keeping systems, the system for internal traceability and the list of operators;
 - c the exchange of information between a group of operators and the competent authority or authorities, control authorities or control bodies, and between the Member States and the Commission.

Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 55(2).

Changes to legislation:

There are currently no known outstanding effects for the Regulation (EU) 2018/848 of the European Parliament and of the Council, Article 36.