Questions & Answers

Official controls on products from third countries intended to be placed on the EU market as organic products or in-conversion products

This document has been developed as a working document of DG SANTE and DG AGRI services. It has been elaborated in co-operation with experts from the Member States. It provides clarifications on commonly encountered questions on the application of the rules on organic import controls entering into application on 1 January 2022. It is without prejudice to any measure taken by the Commission or by a Member State within the implementation of Regulations (EU) 2018/848 and (EU) 2017/625 and to the interpretation of these Regulations by the European Court of Justice. This text has not been adopted or endorsed by the European Commission. Any views expressed may not in any circumstances be regarded as stating an official position of the Commission.

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List of Acronyms

BCP	Border Control Post
CP	Control point referred to in Article 53(1), point (a), of the OCR
CHED	Common Health Entry Document referred to in Article 56 of the OCR
COI	Certificate of Inspection
SPS	Sanitary and Phytosanitary
TRACES	Trade Control Expert System
OCR	Regulation (EU) 2017/625 (Official Controls Regulation)[1]
ORR	Regulation (EU) 2018/848 on organic production and labelling of organic products[2]
DA SANTE	Commission Delegated Regulation supplementing Regulation (EU) 2017/625 of the European Parliament and of the Council with rules on the cases where and conditions under which organic products and in-conversion products are exempted from official controls at border control posts, the place of official controls for such products and amending Commission Delegated Regulations (EU) 2019/2123 and (EU) 2019/2124 (C(2021)6946)
DA AGRI	Commission Delegated Regulation 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 (C(2021)7387)
IA AGRI	Commission Implementing Regulation laying down rules on documents and notifications required for organic and in-conversion products intended for import into the Union (C(2021)8811)

Commission Delegated Regulation (EU) 2019/1602[3]

Commission Delegated Regulation (EU) 2019/2123[4]

Commission Delegated Regulation (EU) 2019/2124[5]

[1] Regulation (EU) 2017/625 of the European Parliament and of the Council of 15 March 2017 on official controls and other official activities performed to ensure the application of food and feed law, rules on animal health and welfare, plant health and plant protection products, amending Regulations (EC) No 999/2001, (EC) No 396/2005, (EC) No 1069/2009, (EC) No 1107/2009, (EU) No 1151/2012, (EU) No 652/2014, (EU) 2016/429 and (EU) 2016/2031 of the European Parliament and of the Council, Council Regulations (EC) No 1/2005 and (EC) No 1099/2009 and Council Directives 98/58/EC, 1999/74/EC, 2007/43/EC, 2008/119/EC and 2008/120/EC, and repealing Regulations (EC) No 854/2004 and (EC) No 882/2004 of the European Parliament and of the Council, Council Directives 89/608/EEC, 89/662/EEC, 90/425/EEC, 91/496/EEC, 96/23/EC, 96/93/EC and 97/78/EC and Council Decision 92/438/EEC (Official Controls Regulation) (Text with EEA relevance) ((OJ L 095 7.4.2017, p. 1).

[2] 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, OJ L 150 14.6.2018, p. 1.

[3] Commission Delegated Regulation (EU) 2019/1602 of 23 April 2019 supplementing Regulation (EU) 2017/625 of the European Parliament and of the Council concerning the Common Health Entry Document accompanying consignments of animals and goods to their destination (OJ L 250, 30.9.2019, p. 6).

[4] Commission Delegated Regulation (EU) 2019/2123 of 10 October 2019 supplementing Regulation (EU) 2017/625 of the European Parliament and of the Council as regards rules for the cases where and the conditions under which identity checks and physical checks on certain goods may be performed at control points and documentary checks may be performed at distance from border control posts (OJ L 321, 12.12.2019, p. 64).

[5] Commission Delegated Regulation (EU) 2019/2124 of 10 October 2019 supplementing Regulation (EU) 2017/625 of the European Parliament and of the Council as regards rules for official controls of consignments of animals and goods in transit, transhipment and onward transportation through the Union, and amending Commission Regulations (EC) No 798/2008, (EC) No 1251/2008, (EC) No 119/2009, (EU) No 206/2010, (EU) No 605/2010, (EU) No 142/2011, (EU) No 28/2012, Commission Implementing Regulation (EU) 2016/759 and Commission Decision 2007/777/EC (OJ L 321, 12.12.2019, p. 73).

Commission Implementing Regulation (EU) 2019/66[6]

Commission Implementing Regulation (EU) 2021/632[7]

Commission Implementing Regulation (EU) 2019/1013[8]

Commission Implementing Regulation (EU) 2019/1014[9]

Commission Implementing Regulation (EU) 2021/1533[10]

Commission Implementing Regulation (EU) 2019/1715[11]

Commission Implementing Regulation (EU) 2019/1873[12]

Commission Implementing Regulation (EU) 2019/2130[13]

Commission Implementing Regulation (EU) 2019/2072[14]

Commission Implementing Regulation (EU) 2019/1793[15]

Commission Implementing Regulation (EU) 2020/1158[16]

Commission Implementing Decision 2011/884/EU[17]

[6] Commission Implementing Regulation (EU) 2019/66 of 16 January 2019 on rules on uniform practical arrangements for the performance of official controls on plants, plant products and other objects in order to verify compliance with Union rules on protective measures against pests of plants applicable to those goods (OJ L 015 17.1.2019, p. 1).

[7] Commission Implementing Regulation (EU) 2021/632 of 13 April 2021 laying down rules for the application of Regulation (EU) 2017/625 of the European Parliament and of the Council as regards the lists of animals, products of animal origin, germinal products, animal by-products and derived products, composite products, and hay and straw subject to official controls at border control posts, and repealing Commission Implementing Regulation (EU) 2019/2007 and Commission Decision 2007/275/EC (Text with EEA relevance)(OJ L 132, 19.4.2021, p. 24).

[8] Commission Implementing Regulation (EU) 2019/1013 of 16 April 2019 on prior notification of consignments of certain categories of animals and goods entering the Union (Text with EEA relevance.) (OJ L 165, 21.6.2019, p. 8).

[9] Commission Implementing Regulation (EU) 2019/1014 of 12 June 2019 to lay down detailed rules on minimum requirements for border control posts, including inspection centres, and for the format, categories and abbreviations to use for listing border control posts and control points (Text with EEA relevance.) (OJ L 165, 21.6.2019, p. 10).

[10] Commission Implementing Regulation (EU) 2021/1533 of 17 September 2021 imposing special conditions governing the import of feed and food originating in or dispatched from Japan following the accident at the Fukushima nuclear power station and repealing Implementing Regulation (EU) 2016/6 (Text with EEA relevance) (OJ L 330, 20.9.2021, p. 72).

[11] Commission Implementing Regulation (EU) 2019/1715 of 30 September 2019 laying down rules for the functioning of the information management system for official controls and its system components (the IMSOC Regulation) (Text with EEA relevance) (OJ L 261 14.10.2019, p. 37).

[12] Commission Implementing Regulation (EU) 2019/1873 of 7 November 2019 on the procedures at border control posts for a coordinated performance by competent authorities of intensified official controls on products of animal origin, germinal products, animal by-products and composite products (Text with EEA relevance) (OJ L 289, 8.11.2019, p. 50).

[13] Commission Implementing Regulation (EU) 2019/2130 of 25 November 2019 establishing detailed rules on the operations to be carried out during and after documentary checks, identity checks and physical checks on animals and goods subject to official controls at border control posts (Text with EEA relevance) (OJ L 321, 12.12.2019, p. 128).

[14] Commission Implementing Regulation (EU) 2019/2072 of 28 November 2019 establishing uniform conditions for the implementation of Regulation (EU) 2016/2031 of the European Parliament and the Council, as regards protective measures against pests of plants, and repealing Commission Regulation (EC) No 690/2008 and amending Commission Implementing Regulation (EU) 2018/2019 (OJ L 319, 10.12.2019, p. 1).

[15] Commission Implementing Regulation (EU) 2019/1793 of 22 October 2019 on the temporary increase of official controls and emergency measures governing the entry into the Union of certain goods from certain third countries implementing Regulations (EU) 2017/625 and (EC) No 178/2002 of the European Parliament and of the Council and repealing Commission Regulations (EC) No 669/2009, (EU) No 884/2014, (EU) 2015/175, (EU) 2017/186 and (EU) 2018/1660 (Text with EEA relevance)((OJ L 277 29.10.2019, p. 89).

[16] Commission Implementing Regulation (EU) 2020/1158 of 5 August 2020 on the conditions governing imports of food and feed originating in third countries following the accident at the Chernobyl nuclear power station (Text with EEA relevance) (OJ L 257, 6.8.2020, p. 1).

[17] Commission Implementing Decision 2011/884/EU of 22 December 2011 on emergency measures regarding unauthorised genetically modified rice in rice products originating from China and repealing Decision 2008/289/EC (Text with EEA relevance) (OJ L 343, 23.12.2011, p.140).

I Common rules

1. Do competent authorities have the possibility to delegate to private control bodies certain official controls tasks in relation to organic products and labelling of organic products, such as sampling?

The conditions for the delegation of such tasks are established in Article 40 of the ORR. These conditions apply in addition to Chapter III of Title II of the OCR (see Article 40(1) of the ORR).

Article 40(4) of the ORR provides a list of official control tasks and tasks related to other official activities to control bodies which cannot be delegated to control bodies by a competent authority. In particular, Article 40(4), point (d), of the ORR requires that the "assessment of the likelihood of non-compliance with the provisions of this Regulation" determining the frequency of physical checks is not delegated by the competent authorities. This does not rule out the delegation of certain control tasks, inter alia sampling, as long as this delegation is in accordance with Article 40 of the ORR as well as with Chapter III of Title II (Articles 28 et seq.) of the OCR.

2. Can Member States establish different competent authorities for performing organic import checks on products of plant origin and on products of animal origin, respectively? In particular, is it possible for COIs of organic products of animal origin to be endorsed by the competent authority responsible for official controls on products of animal origin and that COIs for organic products of plant origin are endorsed by a different authority?

Yes. The rules on import controls on products intended to be placed on the EU market as organic or in-conversion products applicable as of 1 January 2022 do not affect the possibility for Member States to designate different competent authorities responsible respectively for carrying out organic checks on goods of animal origin and endorsing the related COIs for such goods and for carrying out organic checks on goods of plant origin and endorsing the related COI for such goods. In relation to this, pursuant to Article 4(2) of the OCR, in the case where, for the same area, a Member State confers the responsibility to organise or perform official controls or other official activities on more than one competent authority, at national, regional or local level, the Member State must observe certain requirements enumerated in that provision for the efficient and effective coordination of all authorities involved and the consistency and effectiveness of controls.

3. Can one consignment of organic products and in-conversion products consist of goods falling under several Combined Nomenclature (CN) codes in the case of goods subject to phytosanitary controls? What about a consignment of organic goods subject to animal health checks?

The answer is different for organic products and in-conversion products subject to official controls at BCPs and for organic products and in-conversion products exempted from official controls at BCPs.

In case of organic products and in-conversion products subject to official controls at BCPs, for products subject to protective measures against pest of plants (phytosanitary controls) referred to in Article 1(2), point (g), of the OCR, 'mixed' consignments, that is to say, consignments composed of products falling under different CN Codes are allowed[18].

By contrast, for other categories of goods, for example for goods subject to animal health checks, mixed consignments are not allowed.

[18] In this regard, see the definition of 'consignment' for the purposes of DA AGRI established in Article 2(1) of that Regulation by reference to the definition in Article 3, point (37), of the OCR.

It should be noted that more containers or batches can be regarded as a single consignment for the purposes of DA AGRI, provided that they are covered by the same COI, are conveyed by the same means of transport, come from the same territory or third country, and are of the same type, class or description. Under these circumstances, the concerned containers or batches under one COI are covered by the same CHED.

In case of organic products and in-conversion products exempted from official controls at BCPs, so called 'mixed' consignments are allowed for all categories of exempted goods[19].

4. **Can a consignment of plants, plant products and other objects be composed in part of organic products subject to checks at BCPs by virtue of Article 47(1) of the OCR and in part of organic products exempted from checks at the BCP?**

The answer is no. The consignment should be composed either of plants, plant products and other objects subject to official controls at BCP by virtue of Article 45(5) of the ORR, or of plants, plant products and other objects exempted from such BCP checks. The reason is that a COI must be issued for each consignment and in box 10 in the COI (Annex Part I to DA AGRI) it must be indicated whether the consignment is subject to official controls at BCP or at point of release for free circulation.

5. **How will the pre-notification of arrival of consignments of organic products be organised, both for organic products subject to official controls at BCP and at points of release for free circulation?**

For organic products and in-conversion products subject to official controls at BCP, the operator responsible for the consignment[20] must give prior notification of the arrival of the consignment to the competent authorities of the BCP of arrival of such consignment (cf. Article 56(3), point (a) of the OCR), by completing and submitting in TRACES the relevant CHED (cf. Article 56(4) of the OCR) and indicating in box I.10 of that CHED the estimated arrival date and time at the BCP (see the explanatory notes for box I.10 of the CHED in Part I of Annex II to Commission Implementing Regulation (EU) 2019/1715). In case the operator intends to place these products on the EU market as organic or as in-conversion, the operator must select the product type 'Organic' in box I.31 in part I of the CHED in TRACES[21]. In addition, the operator must insert a link to the COI in the CHED. In addition, the importer or, where appropriate, the operator responsible for the consignment, must also complete box 20 of the COI related to prior notification.

In case of organic products and in-conversion products subject to official controls at the point of release for free circulation, the importer must give prior notification of arrival by completing box 20 in the COI[22].

For all categories of organic products and in-conversion products, prior notification must be given at least one working day before the expected arrival of the consignment[23]. This is subject to derogations where logistical constraints prevent compliance with the time limit, in accordance Commission Implementing Regulation (EU) 2019/1013.

[19] In this regard, see the definition of a 'consignment' for the purpose of DA AGRI, to mean 'a quantity of products under one or more Combined Nomenclature (CN) codes, covered by a single certificate of inspection, conveyed by the same means of transport and importer from the same third country' (cf. Art. 2(1) of DA AGRI).
[20] The operator responsible for the consignment is the natural or legal person in the Member State who is in charge of the consignment when presented at the BCP and who makes the necessary declarations to the competent authorities as the importer or on behalf of the importer.
[21] This does not appear in the model CHEDs laid down in Annex II to Implementing Regulation (EU) 2019/1715, but it is activated in TRACES.
[22] See Article 3(1) of IA AGRI, which stipulates the general obligations regarding the prior notification of arrival.
[23] See Article 3(3) of IA AGRI.

6. **Is the competent authority at the BCP or at the point of release for free circulation indicated in box 10 of the COI responsible for endorsing the COI? Is it the same authority to which the custom declaration is submitted?**

Box 10 in the COI refers to the BCP or to the competent authority at the point of release for free circulation where the verification and endorsement of the COI take place. In case the consignment is transferred to a CP other than a BCP for organic identity and physical checks[24], the COI is endorsed by the competent authority at the CP[25].

BCPs, CPs and points of release for free circulation do not need to be the place where the customs declaration is submitted. It is for the Member States to designate the competent authorities responsible to carry out organic checks[26]. In case a Member State has conferred to customs authorities the responsibility to carry out organic checks, such authorities would be responsible for endorsing the COI.

It is also the responsibility of the Member States to designate the BCPs and CPs where organic checks are to be performed (see replies to questions 14 and 15 in this document) and to define and register in TRACES the points of release for free circulation (see question 38 in this document). Points of release for free circulation are the places where official controls are to be carried out on organic products and in conversion products exempted from BCP checks in accordance with Article 4 of DA SANTE.

7. **Article 7 of DA AGRI refers to custom warehousing and inward processing. Are other customs procedures allowed?**

Yes, the Union Custom Code (Regulation (EU) No 952/2013) applies to organic goods, including the provisions regarding special customs procedures. DA AGRI sets forth additional specific provisions only for custom warehousing and inward processing for organic products.

In this regard, the requirement of a first and second verification, as provided for in Articles 7(1) and (2) of DA AGRI, only applies in case the consignment is placed under the special customs procedures of custom warehousing or inward processing in order to undergo one of the preparations mentioned in points (a) and (b) of Article 7(1) second subparagraph of DA AGRI. By contrast, if the consignment is placed under custom warehousing for storage, for example, then the COI must be endorsed after one verification, as provided for in Article 6 of DA AGRI and, for products subject to BCP checks, the CHED must be finalised after the COI is endorsed, in line with Article 56(5) of the OCR.

8. **Can the verification of compliance with the rules on organic products and in-conversion products before the entry of the consignment under the procedure of custom warehousing or inward processing, take place in one Member State and the verification and endorsement of the COI after the exit of the consignment from custom warehousing or inward processing take place in a different Member State?**

No. Boxes 23, 25, 29 and 30 of the COI need to be completed in the same Member State, in particular, by the competent authority at the BCP or at the point of release for free circulation indicated in box 10 of the COI.
Accordingly, in case the boxes relating to custom warehousing and inward processing are completed in box 23 of the COI, the competent authority at the BCP may not authorise the transfer to a CP.

[24] The transfer is to take place in accordance with Chapter I of Commission Delegated Regulation (EU) 2019/2123, as amended by DA SANTE.
[25] See Article 6(6)(b) of Delegated Regulation (EU) 2019/2123, as amended by DA SANTE.
[26] See Article 4 of the OCR.

9. Does the first consignee have to receive the consignment physically?

Yes. As indicated in the notes for the completion of the COI, box 31 needs to be completed by the first consignee at the reception of the products and after carrying out the necessary checks[27].

10. Is the certification of the warehouses or premises where special customs procedures takes place required?

In accordance with Article 35(1) of the ORR, a certificate is provided by the competent authorities, or, where appropriate, control authorities or control bodies to operators to certify that the activity notified in accordance with Article 34(1) of the ORR complies with that Regulation. Therefore, operators are certified, not the places where activities take place. Importers are certified operators. Importers are also responsible that the operations carried out during the special customs procedures are carried out in accordance with the ORR.

11. Do the rules in Chapter IV 'Sampling, analyses, tests and diagnoses' of Title II of the OCR apply when performing the analyses on organic shipments by a laboratory?

Yes, the OCR, including its Chapter IV of Tittle II, applies to official controls performed for the verification of compliance with the rules whether established at Union level or by the Member States, to apply Union legislation in the area of organic production and labelling of organic products (Article 1(2), point (i), of the OCR), including where those requirements are applicable to animals and goods entering the Union (Article 1(3) of the OCR).

12. In order for customs authorities to know whether the products are organic or not, do we need a reference to the COI in the customs declaration at every stage of the custom movement (i.e. also when there is an inward processing or customs warehousing)?

In case of inward processing or customs warehousing carried out in accordance with Article 7(1) of DA AGRI, the reference number of the customs declaration by which the goods have been declared for the customs warehousing or inward processing procedure must be indicated by the importer in box 23 of the COI. Therefore, due to this chronological process, it is not appropriate to request the indication of the reference of the COI in the relevant custom declaration at this particular point of the custom movement.

For the release for free circulation, the importer must report the number of the COI in the custom declaration[28].

[27] Part II to Annex to DA AGRI.
[28] See Article 4(2) of IA AGRI.

II. Organic products and in-conversion products subject to official controls at BCPs

A/ Categories of products subject to official controls at border control posts (positive lists)

13. Which categories of organic products and in-conversion products, identified by their CN Codes, are subject to official controls at BCP (positive lists)?

The categories of organic products and in conversion products subject to BCP checks are those categories of animals and goods listed in Article 47(1) of the OCR:

Article	List	Comments
47(1), points (a) and (b), of the OCR	Annex to Implementing Regulation (EU) 2021/632	The lists of animals, products of animal origin, germinal products, animal by-products and derived products, composite products, and hay and straw subject to official controls at border control posts, indicating their codes from the Combined Nomenclature.
47(1), point (c), of the OCR	**Part A of Annex XI** to Implementing Regulation (EU) 2019/2072	The list of plants, plant products and other objects, as well as the respective third countries of origin or dispatch, whose introduction into the Union territory requires a phytosanitary certificate, as referred to in **Article 72(1) of Regulation (EU) 2016/2031.**
	Annex XII to Implementing Regulation (EU) 2019/2072	The list of plants, plant products and other objects, whose introduction into certain protected zones from certain third countries of origin or dispatch requires a phytosanitary certificate.

47(1), points (d) and (e) of the OCR	**Annexes I and II** to Implementing Regulation (EU) 2019/1793	Annex I - Food and feed of non-animal origin from certain third countries subject to a temporary increase of official controls at border control posts and control points, indicating their CN Codes. Annex II - Food and feed from certain third countries subject to special conditions for the entry into the Union due to contamination risk by mycotoxins, including aflatoxins, pesticide residues, pentachlorophenol and dioxins and microbiological contamination.
	Commission Implementing Decision (EU) 2011/884 Emergency measures regarding unauthorised genetically modified rice in rice products originating from China	Annex I – List of products.
	Commission Implementing Regulation (EU) 2021/1533 imposing special conditions governing the import of feed and food originating in or dispatched from Japan following the accident at the Fukushima nuclear power station and repealing Implementing Regulation (EU) 2016/6	Food and feed referred to in Article 4(1) of Implementing Regulation (EU) 2021/1533.
	Commission Implementing Regulation (EU) 2020/1158 of 5 August 2020 on the conditions governing imports of food and feed originating in third countries following the accident at the Chernobyl nuclear power station	Products listed in Annex II, with reference to the relevant code from the Combined Nomenclature, from third countries listed in Annex I.
	Plant health emergency measures referred to in Article 47(1), point (e), of the OCR listed in Annex to this Document	

B/ BCP and CP designation and listing for official controls on products intended to be placed on the market as organic products or in-conversion products

14. Are Member States required to designate BCPs for official controls on organic products and in-conversion products?

Member States are required to designate BCPs for the purposes of performing official controls on organic products and in-conversion products subject to official controls at BCPs pursuant to Article 45(5) of the ORR[29].

In case Member States intend to use existing BCPs for performing official controls on organic products and in-conversion products, they are under the obligation to notify the Commission of such an extension of the scope of designation to organic products and in-conversion products[30], indicating whether this entails or not a change in the BCP infrastructure. For that purpose, the national competent authorities are invited to use the dedicated template for BCP notification and send the completed form to sante-consult-f4@ec.europa.eu and SANTE-IMPORT-CONTROLS@ec.europa.eu. In addition, in the event that the said extension in the scope of designation is accompanied by a change in the BCP infrastructure, in order to facilitate the evaluation by the Commission services, the national competent authorities are invited to complete the relevant parts of the BCP assessment table and sent the completed form document to sante-consult-f4@ec.europa.eu .

Member States should ensure that the BCPs comply with the applicable minimum requirements. Among others, in case the competent authority responsible for SPS official controls on animals and goods referred to in Article 47(1) of the OCR is not the competent authority for the performance of checks on organic products and in-conversion products, Member States need to ensure that the concerned BCPs have a sufficient number of suitably qualified staff to carry out organic checks, in accordance with Article 64(3), point (a), of the OCR. Moreover, Member States should ensure that the training programmes for BCP staff are updated with the specific import requirements for animals and goods intended to be placed on the Union market as organic or in-conversion products.

Member States should also ensure appropriate arrangements are in place for the proper handling of different categories of animals and goods and to prevent risk which may result from cross-contamination, as provided for in 64(3), point (h) of the OCR. As regards the requirement of a proper handling of different categories of animals and goods, Member States should ensure that notwithstanding the applicable minimum requirements as regards sharing of BCP facilities, those facilities used for both organic and non-organic (conventional) products are managed in such a way as to ensure identification of lots and to avoid any mixing or contamination of organic and in-conversion products with products or substances not in compliance with the organic production rules. Organic and in-conversion products shall be clearly identifiable at all times. As regards animals, Member States should ensure that they are given appropriate organic feeding when detained.

In accordance with Article 45(5) of the ORR, which refers to Article 47(1) of the OCR, compliance with the conditions and measures for the import of organic products and in-conversion products shall be ascertained at BCPs. All organic checks need therefore to take place in the BCP of first arrival together with the SPS checks. Consequently there is a unique BCP of first arrival and it is not feasible to separate SPS checks from organic checks designating different BCPs. For that reason, the designation of a BCPs only for organic checks is not possible. By contrast, it is possible to designate a BCP for official controls on only one or more of the categories of animals and goods referred to in Article 47(1) of the OCR that are organic products or in-conversion products.

[29] See Article 59(1) of the OCR.
[30] Article 59(2) of the OCR.

After the Commission has indicated that the Member State may proceed with the designation of the BCP for organic checks[31], the Member State should transmit the list with designated BCPs to the Commission services responsible for TRACES (see question 14 in this document). These services will assign the organic domain to that/those BCPs. This will enable users linked to that/those BCPs to have access and the relevant competent authorities to endorse COIs under their area of responsibility.

15. Are Member States required to designate CPs for official controls on organic products and in-conversion products?

Member States may designate control points other than BCPs (Article 53(1), point (a), of the OCR, ('CPs')), for the purposes of performing SPS and organic identity and physical checks on certain organic products and in-conversion products, in accordance with Delegated Regulation (EU) 2019/2123[32].

In case Member States intend to use existing CPs for the purposes of performing the organic identity and physical checks, in accordance with Delegated Regulation (EU) 2019/2123, they are required to include organic and in-conversion products in the scope of designation of those control points[33].

Since CPs are managed directly by the national authorities, Member States would also need to proceed with the relevant (manual) adaptations inside TRACES to assign the appropriate control authorities having the organic domain/competence to their respective CPs. This will enable CPs whose control authorities have the organic domain/competence to be selected to carry out the organic checks.

16. How should the BCP and CP lists be amended to reflect that organic products and in-conversion products are included in the scope of designation?

It results from Articles 53(2) and 60(1), point (d), of the OCR that Member States must include in the list of BCPs and CPs, for each BCP and CP, the categories of animals and goods referred to in Article 47(1) of that Regulation which are included in the scope of its designation. Pursuant to Article 7 of Implementing Regulation (EU) 2019/1014, Member States are required to use the format set out in Annex I to that Regulation for the said BCP and CP lists and to use the abbreviations and the specifications set out in Annex II to Implementing Regulation (EU) 2019/1014.

Currently, there are no abbreviations laid down in Annex II to Implementing Regulation (EU) 2019/1014 for organic products and in-conversion products. However, column 7 of the format for the lists of BCPs and CPs allows Member States to include additional specifications concerning the scope of designation and the specification '(1)' allows Member States to refer to such additional specifications in column 7.

In light of the above, for each BCP and CP designated for the performance of official controls on organic products and in-conversion products, Member States should include in column 7 of the BCP and CP lists additional specifications to indicate that such products are included in the scope of designation. For that purpose, in order to indicate the categories of organic or in-conversion products included in the scope of designation, they should use the abbreviations laid down in Annex II to Implementing Regulation (EU) 2019/1014 (for example, including organic and in-conversion PAO-HC and PNAO-HC).

The BCP lists should be communicated to the Commission services responsible for TRACES support at sante-traces@ec.europa.eu in order to allow the concerned BCPs to be listed in TRACES. For the

[31] In accordance with Article 59(3) to (5) of the OCR.
[32] See Article 53(2) of the OCR, in conjunction with Article 59(1) of the OCR.
[33] See Article 53(2) of the OCR, in conjunction with Article 59(1) of the OCR.

CPs, Member States will need to do the manual adaptations in TRACES (see question 15 in this document).

C/ Place of official controls for organic products and in-conversion products subject to official controls at BCPs

17. What is meant by official controls carried out at distance from the BCP?

As regards goods subject to official controls at BCPs pursuant to Article 47(1) of the OCR, Article 53(1), point (e), of that Regulation establishes that documentary checks may be performed at distance from a BCP. However, this possibility is limited to consignments of plants, plant products and other objects referred to in Article 47(1), point (c) of that Regulation. In addition, the consignment needs to be physically in the BCP despite the fact that documentary checks are carried out at distance. The specific rules governing those checks are laid down in Chapter II of Delegated Regulation (EU) 2019/2123.

As regards goods subject to official controls at BCPs pursuant to Article 47(1) of the OCR, **other than those covered by Chapter II of Regulation (EU) 2019/2123**, the consignment needs to be physically presented at the BCP, as provided for in Article 47(5) of the OCR and official controls must be carried out at the BCP. However, this does not preclude that, under the responsibility of BCP staff, support for documentary checks on electronic documents such as the COI is performed at a place other than the BCP.

18. Can the additional controls on organic products originating in Ukraine, Kazakhstan, Moldova, Turkey, Russian Federation and China (or other third countries) be carried out outside the BCPs?

The Commission, together with the Member States establishes the categories of products originating in specific third countries that must be subject to additional controls, not only in the third country but also on the entry into the Union territory (https://ec.europa.eu/info/food-farming-fisheries/farming/organic-farming/trade_en). If the product falls under the categories of products subject to official controls at the BCP or CP in case of a transfer, additional controls will be carried out at the BCP or CP. For any other product exempted from official controls at the BCP, the additional organic checks will take place at the point of release for free circulation referred to in Article 4 of the DA SANTE.

19. Why is there no reference in the Delegated Regulation (EU) 2019/2124, as amended by DA SANTE, to organic or in-conversion food and feed of non-animal origin in Article 47(1), points (d) to (f), of the OCR, which is subject to official controls at BCPs by virtue of Article 45(5) of the ORR?

Delegated Regulation (EU) 2019/2124 already applies to food and feed of non-animal origin subject to official controls at BCPs, including where such food and feed is organic or in-conversion product subject to official controls at BCP pursuant to Article 45(5) of the ORR. This results from Article 1(1), point (a)(iii), of Delegated Regulation 2019/2124 which states that provisions on onward transportation laid down in that Regulation apply to:

> '(iii)food and feed of non-animal origin subject to the measures provided for by the acts referred to in points (d), (e) and (f) of Article 47(1) of Regulation (EU) 2017/625;'.

In relation to this, as indicated in recital 2 of DA SANTE, organic and in-conversion products referred to in Article 45(5) of the ORR fall within the categories of animals and goods referred to in Article 47(1), point (f), of the OCR. Indeed, the ORR constitutes a rule referred to in Article 1(2), point (i), of the OCR.

Thus, it is not necessary to amend Delegated Regulation (EU) 2019/2124 in relation to food and feed of non-animal origin.

20. Can you describe in detail the process of transfer to control points other than border control posts for identity and physical checks, in accordance with Delegated Regulation (EU) 2019/2123?

Delegated Regulation (EU) 2019/2123, as amended by DA SANTE, covers consignments of food and feed of non-animal origin and of plants, plant products and other objects that are intended to be placed on the Union market as organic products or in-conversion products and that are subject to BCP checks by virtue of Article 45(5) of the ORR.

The conditions for the performance of **organic checks in the form of identity and physical checks at CPs** are laid down in Article 2a of Delegated Regulation (EU) 2019/2123, as amended by DA SANTE. In particular, the competent authority at the BCP responsible for organic checks can authorise such a transfer only if the competent authorities of the BCP have recorded in the CHED their authorisation to transfer the consignment to a CP for food and feed safety checks in the form of identity and physical checks or for phytosanitary checks in the form of identity and physical checks[34].

The workflow for the authorisation of transfer to a CP for organic identity and physical checks takes place via the COI (new boxes 21, 22, 25, 26, 27 and 29 of the model COI in the Annex to DA AGRI). By contrast, the workflow for the authorisation of transfer to a CP for food and feed safety identity and physical checks or for phytosanitary identity and physical checks takes place via the CHED.

In case the transfer to a CP is authorised both in the CHED and in the COI, the organic identity and physical checks and the SPS identity and physical checks must be performed at the same CP, which has to be designated for the category of goods in the consignment and to be located in the Member State where the consignment is to be released for free circulation[35]. In this case, it could be implemented in TRACES that the CP selected in box II. 18 of the CHED is automatically set in box 27 of the COI.

In relation to the notification of transfer from the organic authority at the BCP to the organic authority at the CP[36], there is no specific notification generated automatically in TRACES when box 27 in the COI is completed. However, when a transfer to a CP is authorised (a control point is selected in box 27 of the COI), the competent authorities that appear as responsible authorities for that CP will be able to see the COI through their dashboard (where all COIs in their area of responsibility will be displayed). If necessary, this automatic notification could be considered in the following review.

In case the consignment is selected by the competent authorities of the BCP both for food and feed safety checks or phytosanitary checks in the form of identity and physical checks and for organic checks in the form of identity and physical checks, the competent authorities of the BCP are to authorise the transfer in relation to all those checks[37] (so called 'full parallelism').

In relation to consignments of food and feed of non-animal origin or of plants, plant products and other objects intended to be placed on the Union market as organic or in-conversion products, the competent authority at the BCP may authorise the transfer to a control point for identity and physical checks in order to verify compliance with **sanitary or phytosanitary rules** referred to in Article 1(2) of the OCR, as appropriate. In this case, the following applies (see also dedicated decision tree in Annex to this document):

[34] Article 2a(1)(d) of Delegated Regulation (EU) 2019/2123.
[35] Article 3(3)(b) of Delegated Regulation (EU) 2019/2123 and Article 4(4), point (b), of Delegated Regulation (EU) 2019/2123.
[36] See Article 2a(1), point (e), of Delegated Regulation (EU) 2019/2123, as amended by DA SANTE.
[37] Article 3(3)(b) and Article 4(4), point (b), of Delegated Regulation (EU) 2019/2123.

- the competent authority at the BCP responsible for documentary organic checks carries out those checks and completes box 25 of the COI in relation to the outcome of those checks. It must also indicate in that box whether the consignment is selected for identity and physical checks;
- in parallel, in case the consignment has been selected at the BCP for SPS identity and physical checks (boxes II.4, II.5 and possibly II.6 of the CHED are ticked) and the competent authority at the BCP intends to authorise the transfer to CP for SPS identity and physical checks, that competent authority authorises the transfer of the consignment to a CP, unless:

    - ❖ in box 30 of the COI the checkbox 'the consignment cannot be released for free circulation' had been ticked[38]. This also applies in the case where the decision recorded in box 30 in the COI is that part of the consignment cannot be released for free circulation. This means that the competent authority does not need to wait systematically until box 30 is completed. In addition, the competent authority can authorise the transfer to a CP also in case the outcome of documentary checks in box 25 is not satisfactory provided that the decision in box 30 of the COI is that the consignment can be released for free circulation as non-organic. In this case, the transfer to CP for food and feed safety or phytosanitary identity and physical checks should still be possible. The CP does not need to be designated for organic checks. The transfer to CP takes place in accordance with the rules and procedures laid down in Chapter I of Delegated Regulation (EU) 2019/2123;or

    - ❖ The box on special customs procedures is ticked in the COI (see question 8 in this document);

- Please note that in case the operator has not requested the transfer to a CP, the competent authority at the BCP may decide such transfer provided that the operator does not object to this decision[39];
- upon authorisation of transfer to CP in box II.9 and II.18 of the CHED, the operator responsible for the consignment must issue a separate (subsequent) CHED in line with Article 2(1), point (d), of Delegated Regulation (EU) 2019/2123. When issuing this subsequent CHED, the operator must select the product type 'Organic' in box I.31 of this CHED and insert a link to the COI in this subsequent CHED; and
- after the identity and physical checks have been carried out at the CP, the separate (subsequent) CHED is finalised by the competent authority at the control point after the consultation of the COI (via the link to the COI available in the CHED)[40].

Example *– decision of the* ***phytosanitary*** *authority at the BCP to authorise transfer to CP for plant health checks (****workflow in the CHED****).*

A consignment of citrus fruit from Mexico intended to be placed on the EU market as organic (product type 'Organic' is selected in box I.31 of the CHED and a link to the COI is inserted in the CHED) is presented for official controls at the BCP of first arrival in Member State 1. The operator responsible for the consignment requests the transfer of the consignment to a CP for plant health checks, in Member State 2, in case the consignment is selected for such checks, by completing box I.20 in part I of the CHED-PP in TRACES. The following applies:

- *the BCP of first arrival must be indicated in box 10 of the COI[41];*
- *the control point other than the BCP where plant health checks are to be carried out must be*

[38] Article 2(4) of Delegated Regulation (EU) 2019/2123, as amended by DA SANTE.
[39] Article 4(2), point (b), of Delegated Regulation (EU) 2019/2123.
[40] See dedicated decision tree in Annex to this Document for finalisation of CHED – Link to COI.
[41] See Article 3(1), point (a), of IA AGRI and the Notes of completion of the COI in part II of the Annex to DA AGRI.

indicated by the operator responsible for the consignment in box I.20 of the CHED-PP, in TRACES, in the part dedicated to 'details of controlled destinations for I.20'[42]*;*

- *the competent authority at the BCP responsible for organic checks carries out the organic documentary checks and records the outcome of such checks in the relevant part in box 25 of the COI. It also indicates in box 25 in the COI whether the consignment is selected or not for identity and physical checks. Documentary organic checks are carried out at the BCP;*
- *the competent authority at the BCP responsible for phytosanitary checks carries out documentary checks and if these checks are satisfactory it may authorise the transfer of the consignment to a control point other than a BCP for plant health checks in a Member State 2*[43]*, by completing boxes II.9 and II.18 in the first CHED-PP in TRACES, provided that the consignment has been selected for phytosanitary identity and physical checks at the BCP. In case the operator has not requested the transfer to a control point, the competent authority at the BCP may decide such a transfer, provided that the operator does not object*[44]*. However, before authorising the transfer via the CHED, the competent authority must check the COI (via the link available in the CHED) and refuse the transfer if in box 30 of the COI the checkbox 'the consignment cannot be released for free circulation' has been ticked. This also applies in the case where the decision in the COI is that part of the consignment cannot be released. This also applies in case the box 23 in the COI on special customs procedures is ticked (see question 8 in this document);*
- *in case the consignment is selected for organic identity and physical checks, the organic competent authority at the BCP must authorise transfer to the same CP as the one indicated in the CHED (see dedicated decision tree for the organic authority in Annex to this document).*
- *upon authorisation of transfer in the CHED, the operator responsible for the consignment must issue a separate (subsequent) CHED referred to in Article 2(1), point (d), of Delegated Regulation (EU) 2019/2123, select the product type 'Organic' in box I.31 in that CHED and insert a link to the COI in that subsequent CHED; and*
- *the phytosanitary competent authority at the CP finalises the separate (subsequent) CHED referred to in article 2(1), point (d), of Delegated Regulation (EU) 2019/2123, after having consulted the COI (via the link to the COI available in the CHED).*

Example
For the workflow for the **organic** authority at the BCP for the authorisation of transfer to CP in the COI for organic identity and physical checks, **see dedicated decision tree in Annex to this document.**

On this point, see also:

- the Decision tree for the SPS authority at the BCP concerning the authorisation of transfer to CP via the CHED for SPS identity and physical checks in the Annex to this Document; and
- the Decision tree for the organic authority at the BCP for the authorisation of transfer to CP in the COI for organic identity and physical checks in the Annex to this Document.

21. Can you describe in detail the process related to onward transportation to the place of final destination, pending the availability of results of physical checks, in accordance with Delegated Regulation (EU) 2019/2124?

Delegated Regulation (EU) 2019/2124 covers plants, plant products and other objects and food and feed of non-animal origin, including where they are intended to be placed on the Union market as organic products or in-conversion products.

[42] See Article 2(1)(a) of Delegated Regulation (EU) 2019/2123 and Notes for the completion of the CHED, in Part 1 of Annex II to Implementing Regulation (EU) 2019/1715.
[43] Except in the case referred to in Article 2(3) of Delegated Regulation (EU) 2019/2123, when a Member State uses an existing national system instead of TRACES to record results of official controls. In this case, the transfer can only take place in the same Member State.
[44] Article 4(2)(b) of Delegated Regulation (EU) 2019/2123.

Delegated Regulation (EU) 2019/2124 does not apply to products of animal origin, but solely to plants, plant products and other objects and food and feed of non-animal origin subject to BCP checks. For example, the following food and feed of non-animal origin intended to be placed on the Union market as organic or in-conversion products may be concerned by such transfer to onward transportation facilities: rice and rice products from China, subject to Implementing Decision (EU) 2011/884; products listed in Annexes I and II to Implementing Regulation (EU) 2019/1793.

The cases where, and the conditions under which, onward transportation can be authorised, including the procedures to be followed, are laid down in Chapter II, Articles 3 to 10, of Delegated Regulation (EU) 2019/2124).

'Onward transportation' is defined in Article 2(4) of Delegated Regulation (EU) 2019/2124 as "the movement of consignments of goods from a border control post to their place of final destination in the Union pending the availability of the results of laboratory analyses and tests".

The conditions for the authorisation of the onward transportation are established in Article 4 of Delegated Regulation (EU) 2019/2124. The competent authorities of the BCP of introduction into the Union may authorise the onward transportation of consignments provided that the following conditions are fulfilled: the outcome of the documentary checks, identity checks and physical checks, other than of the laboratory analyses and tests carried out as part of those physical checks, performed at the BCP is satisfactory (a); the operator responsible for the consignment has requested the onward transportation (b).

Please note that the operator responsible for the consignment may request onward transportation in case the consignment is selected at the BCP for laboratory tests. In the case of consignments of organic and in-conversion products, the following cases of onward transportation may happen:

- pending the results of SPS laboratory tests only; in this case the consignment has been selected for SPS laboratory tests only (box II.6 of the CHED is ticked) and not for organic laboratory tests (the relevant part on laboratory test in box 29 of the COI is not ticked); or
- pending the results of **both** SPS and organic laboratory tests; in this case the consignment has been selected for **both** SPS laboratory tests and for organic laboratory tests. The workflow for the authorisation of onward transportation takes place via the CHED and the competent authorities at the BCP responsible for SPS and organic checks respectively must collaborate for that purpose. In review of the texts after one year as of 1/01/2022, it can be envisaged to amend the COI to establish a separate workflow for the authorisation of onward transportation via the COI, pending the results of laboratory tests carried out on organic products.

By contrast, it is not possible to authorise onward transportation via the CHED in TRACES in case the consignment has only been selected for organic laboratory tests (as opposed to SPS laboratory tests). Indeed, the onward transportation must be authorised in the CHED by the SPS authority, and such authorisation can only take place if the boxes II.4 to II.6 in the CHED are ticked.

In case the competent authority at the BCP authorises onward transportation in the cases described above, the transport to the onward transportation facilities should take places **before** the endorsement of the COI and/or the finalisation of the CHED. The endorsement of the COI can only take place when the results of the laboratory analyses in the framework of organic checks are available.

When the competent authorities at the BCP authorise onward transportation, the operator responsible for the consignment must issue a separate CHED as provided for in Article 5 of Delegated Regulation (EU) 2019/2124. The operator must select the product type 'Organic' in box I.31 of this separate (subsequent) CHED and insert the link to the COI in that CHED.

The consignment must be transported to 'onward transportation facilities' designated in accordance with Article 9 of Delegated Regulation (EU) 2019/2124 and registered in TRACES in accordance with Article 10 of that Regulation. 'Onward transportation facility' is defined in Article 2(5) of Delegated Regulation (EU)2019/2124 as 'the facility at the place of final destination in the Union or at a place situated under the remit of the same competent authority as the place of final destination, designated by the Member State of destination for the storage of consignments of goods subject to onward transportation prior to the release for free circulation of such consignments'.

For organic products and in-conversion products only the premises of the first consignee may be designated as onward transportation facilities, in accordance with Article 9 of Delegated Regulation (EU) 2019/2124 and registered in TRACES in accordance with Article 10 of that Regulation.

Member States may designate onward transportation facilities for consignments of one or more categories of goods as referred to in Article 1(1), point (a), of Delegated Regulation (EU) 2019/2124 provided that they are customs warehouses or temporary storage facilities as referred to in Articles 240(1) and 147(1) of Regulation (EU) No 952/2013, respectively[45].

The conditions for transportation and storage of consignments subject to onward transportation are laid down in Article 6 of Delegated Regulation (EU) 2019/2124. In particular, the consignment must not leave the onward transportation facility pending the decision on the consignment being taken by the competent authorities of the BCP in accordance with Article 55 of the OCR[46]. This is the decision recorded in the CHED. This decision can be recorded in the CHED at the BCP only when the COI is endorsed by the competent authority responsible for organic checks at the BCP.

Article 7 of Delegated Regulation (EU) 2019/2124 establishes the operations to be carried out by the competent authorities of the BCP after authorisation of onward transportation. In particular, upon finalisation of the separate CHED referred to in Article 5 of Delegated Regulation (EU) 2019/1014, and in accordance with Article 56(5) of the OCR, the competent authorities of the BCP of introduction into the Union must immediately notify the competent authorities at the place of final destination (first consignee) through TRACES[47]. The endorsement of the COI will take place before the finalisation of the separate CHED, and will be carried out by the competent authority at the BCP responsible for issuing the COI.

Article 8 of Delegated Regulation 2019/2124 establishes the operations to be carried out by the competent authorities at the place of final destination (first consignee). In particular, the competent authorities at the place of final destination must confirm the arrival of the consignment at the onward transportation facility by completing in TRACES the Part III of the CHED referred to in Article 3 of Delegated Regulation (EU) 2019/2124 (initial CHED, as opposed to the subsequent CHED referred to in Article 5 of that Regulation). Furthermore, the competent authorities at the place of final destination must place consignments that do not comply with the rules referred to in Article 1(2) of the OCR under official detention in accordance with Article 66(1) of that Regulation, and must take all necessary steps to apply the measures ordered by the competent authorities of the BCP in accordance with Article 66(3) and 66(4) of the OCR (see Article 8(2) of Delegated Regulation (EU) 2019/2124).

The release for free circulation can only take place once the CHED has been finalised, in accordance with Article 57(2), point (b), of the OCR and the COI indicates that the consignment can be released for free circulation.

[45] Article 9(1), point (a), of Delegated Regulation (EU) 2019/2124.
[46] See Article 6(1), point (c), of Delegated Regulation (EU) 2019/2124.
[47] See Article 7(2) of Delegated Regulation (EU) 2019/2124.

D/ The link between the COI and the CHED

22. In several Member States the authorities competent to carry out organic checks and those competent for sanitary and phytosanitary checks are different. Do the rules on import controls of organic products at BCP of first arrival, applicable as of 1 January 2022 affect that national division of responsibilities?

The rules on import controls on products intended to be placed on the EU market as organic or in-conversion products applicable as of 1 January 2022 do not affect either the possibility for Member States to designate different competent authorities responsible respectively for carrying out organic checks and sanitary or phytosanitary checks, or the possibility that such different authorities carry out those checks at BCPs.

The COI is to be endorsed by the competent authority in charge of organic checks at the BCP.

Furthermore, Article 6(5) of DA AGRI states that the decision on consignments taken in accordance with Article 55 of the OCR shall refer to one of the indications referred to in Article 6(3), first subparagraph, of DA AGRI. For this purpose, the link to the COI will be available in part II of the CHED and the authority signing the CHED would need to consult the COI via that link before finalising the CHED.

23. Can Article 55(2) of the OCR be interpreted in the sense that the COI does not need to be endorsed by an official veterinarian or a plant health inspector? Can Article 49(2) of the OCR be interpreted in the sense that the sampling for the purpose of organic checks does not need to be carried out by an official veterinarian or a plant health inspector?

The COI in relation to consignments of animals, products of animal origin, germinal products or animal by products referred to in Article 55(2), point (a), of the OCR or to consignments of plants, plant products and other objects referred to in Article 55(2), point (b), of the OCR, intended to be placed on the Union market as organic or in-conversion does not need to be endorsed by an official veterinarian or by an official plant health officer. Similarly, the sampling for the purpose of organic checks does not need to be carried out by an official veterinarian or an official plant health inspector.

At the same time, an official veterinarian or an official plant health officer must take a decision on consignments of such products, in accordance with Articles 55 (1) and (2) of the OCR and complete the relevant box in part II of the CHED, after the official veterinarian or the official plant health officer has taken note of the decision on the consignment recorded in box 30 of the COI by the authorised person of the competent authority responsible for the performance of organic checks at the BCP (see also question 22 in this document, on the division of responsibilities).

24. Will the competent authorities at the BCP responsible respectively for organic checks and sanitary and phytosanitary checks be able to operate independently? Can each of them be designated separately as BCP for its field of competence?

Yes, these competent authorities will be able to operate independently. At the same time, they are required to exchange information in case they detect non-compliance in relation to the same consignment or other relevant information for the organic status[48].

Accordingly, TRACES can allow the competent authorities at the BCP responsible for organic checks and for SPS checks to act independently as regards the completion and signature of the COI and CHED. TRACES should provide a read-only access to COI to SPS authorities and vice versa to CHED to organic authorities so that it is easier for them to see the COIs and CHEDs.

[48] See Article 6(5) of DA AGRI.

After the Commission has informed the Member State that it can proceed with the designation of the BCPs for organic checks, the Member State must transmit to the Commission services responsible for TRACES the list of BCPs designated for organic checks and these services will assign the organic activity to that/those BCPs.

25. Can you clarify the workflow for the finalisation of a CHED linked to a COI?

- The competent authority responsible for SPS and organic checks should receive prior notification of the arrival of the consignment via the CHED and the COI;
- In case the operator intends to place the product on the Union market as organic or in-conversion, it must select the new product type 'Organic' made available in TRACES in box I.31 of the CHED. In such a case, the operator must also insert the link to the COI in the CHED. In case a consignment is subject to both a CHED-D and a CHED-PP requirement (e.g. organic sweet peppers (*Capsicum annuum*) from the Dominican Republic), the aforementioned applies in respect of both CHED-D and CHED-PP;
    - ❖ in case of consignments transferred to CPs other than BCPs for identity and physical checks to verify compliance with SPS rules, a separate CHED must be submitted by the operator[49]. The operator responsible for the consignment must select the product type 'Organic' in box I.31 of that separate (subsequent) CHED and insert a link to the COI in that separate (subsequent) CHED;
    - ❖ in case of consignments transferred to the premises of the first consignee designated as onward transportation facility, a separate CHED must be submitted[50]. The operator responsible for the consignment must select the product type 'Organic' in box I.31 of that separate (subsequent) CHED and insert a link to the COI in that separate (subsequent) CHED;

- the consignment is presented for organic checks and SPS checks at the BCP of first arrival into the Union;
- the competent authority responsible for organic checks carries out those checks in accordance with Article 6 of DA AGRI and endorses the COI (the decision on the consignment is recorded in box 30 in the COI);
- in parallel, the competent authority responsible for sanitary or phytosanitary checks carries out those checks and records the outcome of those SPS checks in part II of the CHED;

The finalisation of part II of the CHED is blocked in TRACES if either of the following applies: ▪ the product type 'Organic' is selected in box I.31 in the CHED, but the operator has <u>not</u> inserted a link to the COI in that CHED; or ▪ the product type 'Organic' is selected in box I.31 in the CHED and the operator has inserted a link to the COI in that CHED, but the COI is <u>not</u> endorsed (box 30 of the COI is not completed);
This "blocking rule" will be implemented in TRACES during the first half of 2022. That being said, as of 1 January 2022, the SPS authority at the BCP is to finalise the CHED only after it has verified that the COI linked to that CHED is endorsed, to ensure that results of organic checks are also recorded[51].

- before finalising the CHED, the SPS authority must access the link to the COI that appears in the CHED in TRACES. The COI check outcome is visualized[52] and the SPS inspector must

[49] In accordance with Article 2(1), point (d), of Delegated Regulation (EU) 2019/2123.
[50] In accordance with Article 5(a) of Delegated Regulation (EU) 2019/2124.
[51] See Article 56(5) of the OCR.
[52] This is implemented in TRACES NT, no change to the CHED formats in Annex II to Implementing Regulation (EU) 2019/1715.

confirm this by checking the tick-box: 'Outcomes of official controls related to the organic status are recorded in the attached corresponding Certificate of Inspection';

- if the COI is endorsed (box 30 in the COI is completed), the competent authority at the BCP responsible for SPS checks can finalise the CHED in TRACES[53]. The following applies:

  - ❖ in case the decision recorded in box 30 of the COI is that the consignment can be released for free circulation (as organic, in-conversion or conventional), but the results of SPS checks are not satisfactory, the CHED must be finalised as 'Not acceptable' (box II. 16 of the CHED); this decision must be notified without delay to the competent authority responsible for endorsing the COI in TRACES, in order to update the COI[54];
  - ❖ in case the decision recorded in box 30 of the COI is that the consignment can be released for free circulation (as organic, in-conversion or conventional and, if the results of the SPS checks are satisfactory, box II.12 (Acceptable for internal market) of the CHED must be completed;
  - ❖ in case the decision recorded in box 30 of the COI is that the consignment or part thereof cannot be released for free circulation (neither as organic, nor as conventional), this decision is to be notified without delay in TRACES to the relevant competent authority responsible for SPS checks and finalisation of the CHED, together with the reasons thereof[55]. The competent authority responsible for sanitary or phytosanitary checks has to decide about non-compliances with SPS rules that were revealed during organic checks and will have to cooperate with the authority in charge of organic checks, in order to ensure consistent decisions on consignments (see Article 4(2), point (a), of the OCR).

On this point, see also the dedicated Decision tree in the Annex to this document.

26. In case the decision recorded in box 30 in the COI is that 'part of the consignment can be released for free circulation' how is this reflected in the CHED and what is the procedure to be followed? Could you please give a practical example including information on the CHED and COI and how and when they are completed?

The situation described in the question can refer to one of the following:

1/ part of the consignment only can be released for free circulation (case 1); or

2/ the consignment can be released for free circulation in part as organic or in-conversion and in part as non-organic (case 2)

In case 1, the decision in the COI is that only part of the consignment can be released for free circulation (as organic or as non-organic). The competent authority responsible for SPS checks at the BCP will finalise the CHED as 'Not acceptable for internal market' and may decide to reject only a part of the consignment, in accordance with Article 66(4) of the OCR. The provisions of Article 5(2) of Delegated Regulation (EU) 2019/1602 apply, including, but not limited to:

- upon finalisation of the CHED for the entire consignment, the operator responsible for the consignment shall submit a CHED for each part of the split consignment and declare therein the quantity, the means of transport and the place of destination for that part. In addition, the importer shall submit an extract of the COI for each of the batches; and

[53] In accordance with Article 56(5) of the OCR.
[54] See Article 6(5), third subparagraph, of DA AGRI.
[55] See Article 6(5), second subparagraph, of DA AGRI.

- the competent authority at the BCP shall finalise the CHEDs for the individual parts of the split consignment in accordance with Article 56(5) of the OCR, taking into account the decision taken in box 12 of the extract of the COI for each part of the split consignment.

In case 2, Article 5(2) of Delegated Regulation (EU) 2019/1602 also applies in the event that the decision recorded in box 30 in the COI is that the consignment can be released for free circulation in part as organic or in-conversion and in part as non-organic and a CHED for each part of the split consignment is submitted by the operator responsible for the consignment. The competent authority at the BCP will finalise the CHED for the individual parts of the split consignment with the decision 'for internal market' for each part of the split consignment taking into account the decision taken in box 12 of the extract of the COI for each part of the split consignment.

27. How will extracts of the COI be linked to the CHED for goods under Article 47(1) OCR?

There are several scenarios and TRACES will provide links between the CHED and the COI or extract of the COI.

- In case the consignment is split after the consignment leaves the BCP and before release for free circulation and all batches are released for free circulation:
  - ❖ link between CHED and COI; and
  - ❖ link between extract of the COI and the COI. Further arrangements will be made also for a link between the CHED and the extract of the COI.
- In case the consignment is split at the BCP[56] and all batches are released for free circulation:
  - ❖ link between the first CHED (so called 'mother' CHED) and the COI; and
  - ❖ link between the separate (subsequent) CHEDs issued for each part of the split consignment (so-called 'daughter' CHEDs) and the extracts of the COI;
- In case the consignment is partially rejected[57]:
  - ❖ link between the first CHED (so called 'mother' CHED) and the COI; and
  - ❖ link between the separate (subsequent) CHEDs (so called 'daughter' CHEDs) issued for each part of the split consignment and the extracts of the COI.

28. Why does Article 6(3), point (d), of DA AGRI allow the competent authority to record in the COI the decision that the consignment cannot be released?

The situation remains the same as before 1 January 2022 where inspectors responsible of organic checks could take a decision in TRACES on consignments that cannot be released for free circulation.

29. In case of a non-compliance with the ORR, the necessary investigation may take several weeks. Can the CHED be finalised if all the other official controls have been performed and the product is in compliance with all the other rules?

The CHED can only be finalised when all official controls, including organic checks, have been performed. Therefore, for the finalisation of the CHED, the investigation needs to be finalised and the

[56] In relation to the issuance of separate CHEDs (so called 'daughter' CHEDs) in this case, for each part of the split consignment, see Article 5(1) of Delegated Regulation (EU) 2019/1602.
[57] See Article 66(4) of the OCR and Article 5(2) of Delegated Regulation (EU) 2019/1602.

COI endorsed. In case the non-compliance allows for the release of the goods as conventional (non-organic), the operator may request to release the goods as conventional. The competent authority needs to agree and endorse the COI by completing box 30 thereof to release it as non-organic (conventional). The CHED will be finalised as soon as the COI is endorsed.

30. In case the CHED is not finalised, because the COI is not yet endorsed, do paragraphs 8 and 9 of Article 4 of Implementing Regulation (EU) 2019/2130 apply?

No.

The COI has to be finalised by the competent authorities based on the results of the laboratory tests. The CHED will be finalised only when the COI is finalised. The consignment may not be placed on the market as 'organic' before the finalisation of the COI.

Article 4(8) of Implementing Regulation (EU) 2019/2130 concerns consignments of products of animal origin, germinal products, animal by-products, derived products, hay and straw and composite products that have been subject to laboratory tests at the BCP based on a national monitoring plan referred to in Article 4(5) of Implementing Regulation (EU) 2019/2130 and in point 5 of Annex II to that Regulation. Pursuant to point 5 of Annex II, the objective of that plan is to monitor the conformity with the rules referred to in Article 1(2) of the OCR, and in particular detecting hazards by indicating the goods to be examined and the testing to be carried out. Such a monitoring plan must be based on risk and take into account all relevant parameters, such as the nature of the goods, the risk they represent, the frequency and number of incoming consignments and the results of previous monitoring. The testing based on the monitoring plan is 'random' (see box II.6 in CHED-P 'random') in the sense that it is not triggered by a suspicion of non-compliance. Such consignments may be placed on the market before the laboratory test results are available, provided that there is no suspicion of immediate danger to public health or animal health. The CHED-P is finalised with box II.6 indicating that the test result in 'pending'. In case of positive lab results, a RASFF notification is issued and measures must be taken to ensure the products are withdrawn from the market and recalled from consumers.

By contrast, Article 4(8) of Implementing Regulation (EU) 2019/2130 does not apply in the case of samples taken for laboratory tests during the organic checks based on the likelihood of non-compliance with the ORR. Indeed, such tests are not performed in accordance with the said national monitoring plan, but in the framework of organic checks, as referred to in Article 6 of DA AGRI. In this framework, physical checks are performed at a frequency based on the likelihood of non-compliance with the ORR, as provided for in Article 45(5) of the ORR and in Article 6(1), point (c), of DA AGRI. Such physical checks do not necessarily include laboratory tests (see definition of physical checks in article 3(43) of the OCR). In the absence of further indications in Article 45(5) of the ORR and in Article 6(1), point (c), of DA AGRI, concerning the frequency of laboratory tests, such laboratory tests should be carried out also at a frequency based on the likelihood of non-compliance with the ORR. Article 4(9) of Implementing Regulation (EU) 2019/2130 applies to consignments of plants, plant products and other objects referred to in Article 47(1), point (c), of the OCR . It does not apply in cases where such plants, plant products and other objects are organic products, subject to official controls at BCP by virtue of Article 45(5) of the ORR (and thus by virtue of Article 47(1), point (f), of the OCR).

In this case, the COI has to be finalised by the competent authorities responsible for organic checks at the BCP based on the results of the laboratory tests. The CHED-PP will be finalised only when the COI is finalised. The consignment may not be placed on the market as 'organic' before the finalisation of the COI. However, in relation to these products, DA SANTE amends Delegated Regulation (EU) 2019/2124 in order to allow the onward transportation of such products to the place of final destination, pending the availability of the results of the laboratory tests. Pursuant to Delegated Regulation (EU) 2019/2124, the consignment must be transported to the onward transportation facilities (premises of the first consignee designated as onward transportation facilities) by the

Member States. The consignment must not leave the onward transportation facility and cannot be released for free circulation pending the decision on the consignment being taken by the competent authorities of the BCP in accordance with Article 55 of the OCR (see question 21 in this document).

31. If during SPS checks it is found that products exceed the applicable Maximum Residue Limits for pesticide residues (MRLs) which does not prevent their marketing as conventional, what is the impact on a previous decision in the COI to grant the product organic status (taken without physical check)?

For any food product, compliance with MRLs for pesticides must be determined following the procedure described in the RASFF Working Instruction 2.2. If following that procedure, the product does not comply with the relevant MRL, it cannot be placed on the market.

Article 6(5), second paragraph, of DA AGRI provides as follows (emphasis added):

> *'In case the decision taken in the CHED in accordance with Article 55 of Regulation (EU) 2017/625 indicates that the consignment* ***does not comply*** *with the rules referred to in Article 1(2) of that Regulation, the competent authority at the border control post shall inform in TRACES the competent authority that has taken the decision in accordance with paragraph 3 of this Article, in order to update the certificate of inspection.* ***In addition, any competent authority performing official controls in order to verify compliance with the rules referred to in Article 1(2), points (a) to (h) and (j), of Regulation (EU) 2017/625 shall provide in TRACES any relevant information, such as laboratory analysis results, to the competent authority that has taken the decision in accordance with paragraph 3 of this Article in order to update, if relevant, the certificate of inspection.'***

The competent authorities that took a decision in the COI must thus use this 'relevant information', such as laboratory analysis results, to decide on whether this has an impact on the organic status of the product and update box 30 of the COI if relevant.

32. What is the impact on a coordinated performance of intensified controls (CPIC) in accordance with Implementing Regulation (EU) 2019/1873, of a decision in the COI indicating that the consignment is not compliant with organic rules?

Consignments are selected for a coordinated performance of intensified controls (CPIC) in accordance with a specific suspected non-compliance of the rules referred to in Article 1(2) of the OCR (see Article 3(1) of Implementing Regulation (EU) 2019/1873).

Accordingly, within the CPICs, checks are carried out in relation to the same type of non-compliance, as indicated in TRACES in accordance with Article 3(1) of Regulation 2019/1873[58].

Accordingly, imposed checks are established when three consignments enter the Union revealing the same type of non-compliance indicated in the notification referred to in Article 3(1) of Regulation 2019/1873[59].

As regards Articles 6(1), point (b)(i), and 6(2), point (a), of Implementing Regulation (EU) 2019/1873, concerning the termination of the CPIC, reference is made there to an "uninterrupted sequence of at least 10, respectively 30, satisfactory results in the coordinated performance of intensified official controls recorded in the IMSOC by the competent authorities of the border control posts of the Member States". In this regard, it results from a combined reading of Articles 4(1) and 6

[58] See Article 4(1) of Implementing Regulation (EU) 2019/1873.
[59] See Article 5(1) of Implementing Regulation (EU) 2019/1873.

of that Regulation, that the satisfactory results referred to in Article 6 refer to results in relation to the same type of non-compliance as the one mentioned in Article 3(1) of Implementing Regulation (EU) 2019/1873.

In light of the above, in case the non-compliance that triggered the CPIC is not the same as the one mentioned in the COI and, the results of the checks in relation to the non-compliance that triggered the CPIC are satisfactory, the result of the check would be considered satisfactory within the meaning of Article 6 of Implementing Regulation (EU) 2019/1873. The fact that the consignment is not compliant with rules on organic production and labelling would not affect the termination of the CPIC, in accordance with Article 6 of Implementing Regulation (EU) 2019/1873.

E/ Special customs procedures

33. The placing of the consignment under special customs procedures (box 23 of the COI) requires a finalised CHED[60]. Can the competent authorities finalise a CHED for that purpose, given that the COI is not yet endorsed at that stage of the import process ?

As a preliminary point, the requirement of a first and second verification, as provided for in Articles 7(1) and (2) of DA AGRI, only applies in case the consignment is placed under the special customs procedures of custom warehousing or inward processing in order to undergo one of the preparations mentioned in Article 7(1), second subparagraph, points (a) and (b), of DA AGRI. By contrast, if the consignment is placed under custom warehousing for storage, for example, then the COI is endorsed after one verification, as provided for in Article 6 of DA AGRI, and the CHED is finalised on that basis.

In case Article 7(1) and (2) of DA AGRI apply as explained in the previous paragraph, the competent authority at the BCP can finalise a **first** CHED-D or CHED-PP, as appropriate, by completing box II.9 of such CHEDs, in order to allow the placing under custom warehousing or inward processing for the preparations mentioned in Article 7(1) of DA AGRI. After the second verification provided for in Article 7(2) of DA AGRI, the COI will be endorsed and a **second** CHED will be issued.

34. Article 6(5) of DA AGRI states that where the importer has requested the placing under special customs procedures, by completing box 23 in the COI, the decision on consignments in accordance with Article 55 of the OCR shall indicate the applicable customs procedures. Will that be possible in TRACES, given that the customs procedures mentioned in Article 7 of DA AGRI (customs warehousing, inward processing) are not mentioned in the CHED, but fall instead under the CHED decision 'acceptable for internal market'?

Article 6(5) of DA AGRI states that, where the importer has requested the placing under special customs procedures in accordance with Article 7(1) of DA AGRI, by completing box 23 of the COI, the decision on consignments in accordance with Article 55 of the OCR shall indicate the applicable customs procedure. In practice:

- see the reply to question 33 on the procedure to be followed for the placing under special customs procedures in this case;
- a link to the COI will be available in part II of the CHED (this link will be inserted by the operator), and the authority signing the CHED would need to consult the COI via that link before finalising the CHED.

[60] See article 57(1) of the OCR.

F/ Release for free circulation

35. After the organic checks take place in the BCP, can a consignment be released in another Member State? Will the country where the consignment is released for free circulation appear in the COI?

Two cases need to be distinguished:

Case 1 In case of products subject to BCP checks, the release for free circulation may take place in another Member State than the Member States where the BCP is located. The country of release for free circulation will not be included in the COI. However, box 11 in the COI indicates the country of destination or the country of the first consignee.

Case 2 In case of products exempted from BCP, but which are checked at the BCP because the BCP is also registered in TRACES as a point of release for free circulation, the consignment cannot be released for free circulation in another Member State. In this case, the BCP must also be the point of release for free circulation. The reason for this is that in case of products exempted from BCP checks, the organic checks must take place at a point of release for free circulation in the Member State in which the consignment is released for free circulation into the Union.

36. According to Article 6(7) of DA AGRI, custom authorities shall only allow the release for free circulation of the consignment subject to a CHED requirement upon presentation of a duly finalised CHED, as provided for in Article 57(2), point (b), of the OCR, and of a COI endorsed in accordance with Article 6 of DA AGRI indicating that the consignment can be released for free circulation. Should this also apply to cases where the consignment is split in temporary storage in accordance with Articles 144 to149 of Regulation (EU) 952/2013?

Yes, this rule applies in the case where non-Union goods are presented to customs. Therefore, the consignment can be split only when the COI has been endorsed and the CHED is finalised (see Article 50(3) of the OCR).

In addition, a CHED must accompany the consignment before release for free circulation as provided for in Article 5 (consignments split at BCP) and Article 6 (consignments under customs supervision split after leaving the BCP) of Delegated Regulation (EU) 2019/1602. Furthermore, in order to split, an extract of the COI must be issued for each part of the batch and endorsed, as provided for in Article 6(6) of DA AGRI. The CHED must indicate that the consignment is acceptable for the internal market. The extract of the COI must be endorsed in its box 12, indicating that the batch can be released for free circulation.

III. Organic products and in-conversion products exempted from official controls at BCPs

37. Which organic products and in-conversion products entering the Union are exempted from official controls at the border control post of first arrival into the Union?

DA SANTE exempts certain categories of organic and in-conversion products from BCP checks[61] and provides that import controls on such exempted products must be carried out at points of release for free circulation in the Member State in which the consignment is released for free circulation into the Union[62].

The exemption is limited to categories of products as referred to in points (a) and (b) of Article 3 of DA SANTE.

Pursuant to Article 3, point (a), of DA SANTE, are exempted from BCP checks the organic products and in-conversion products other than those belonging to the categories of animals and goods referred to in Article 47(1), points (a) to (e), of Regulation (EU) 2017/625.

The purpose of Article 3, point (b) of DA SANTE is to clarify that products intended to be placed on the Union market as organic or in-conversion, are not exempted from official controls at BCPs if they fall within the categories of animals and goods referred to in Article 47(1), point (f), of the OCR, in relation to whose entry into the Union conditions or measures have been established in accordance with Article 126 or 128 of the OCR respectively, or with the rules referred to in Article 1(2), points (a) to (h) and (j), of that Regulation, which require that compliance with those conditions or measures be ascertained at the entry of the animals and goods into the Union.

In conclusion, the organic products and in-conversion products other than those subject to SPS checks at the BCP and to a CHED requirement are exempted from BCP checks.

38. Registration in TRACES of points of release for free circulation

DA SANTE exempts certain categories of organic and in-conversion products from BCP checks[63] and provides that import controls on such exempted products must be carried out at points of release for free circulation in the Member State in which the consignment is released for free circulation into the Union [64]. Member States must inform the Commission of the points of release for free circulation where the competent authorities carry out import controls on organic products and in-conversion products, indicating, for each point of release, their name, address and contact details[65].

Member States would need to register and keep up to date in the TRACES system the points of release for free circulation under their responsibility where import controls on organic and in-conversion products exempted from BCP checks are carried out. Such points would need to be registered in TRACES under the entity 'Controlled Location' as a new type called "Point of release for free circulation"[66]. Member States would also need to assign the competent authority to each of these points.

[61] Article 3 of DA SANTE.
[62] Article 4 of DA SANTE.
[63] Article 3 of DA SANTE.
[64] Article 4 of DA SANTE.
[65] Article 4(2) of DA SANTE.
[66] Recital (4) of DA SANTE.

39. Can a BCP be registered in TRACES as a point of release for free circulation?

Yes, where a BCP is to be used to carry out organic checks on organic and in-conversion products exempted from BCP checks[67].

40. Does Article 4 of the DA SANTE concerning the place of official controls for organic products and in-conversion products exempted from official controls at BCPs affect current national rules requiring that the identity and physical checks required under Article 5 of Implementing Regulation (EU) 2019/66 for plants, plant products and other objects referred to in Article 73 of Plant Health Law are carried out at the BCP?

Import checks on organic and in-conversion products exempted from BCP checks must be carried out in the Member State where the consignment is released for free circulation[68] at a point of release for free circulation registered in TRACES[69].

However, Article 4 of DA SANTE does not prevent Member States from establishing national rules requiring that plant health controls (identity and physical checks) required under article 5 of Implementing Regulation (EU) 2019/66 be carried out at the BCP or at a control point other than BCP, referred to Delegated Regulation (EU) 2019/2123, as amended DA SANTE. In conclusion, plant health checks may take place at the BCP/CP first and organic checks at the point of release for free circulation afterwards.

In case Member States intend to carry out all checks (plant health checks and organic checks) at the BCP or CP, as appropriate, that BCP and CP must be registered in TRACES as points of release for free circulation (regarding registration in TRACES of points of release for free circulation, see question 38 in this document).

41. Can official controls be carried out at distance from points of release for free circulation?

As regards goods subject to official controls at points of release for free circulation, while checks must be performed at the place of release for free circulation[70], this does not preclude that support for documentary checks on electronic documents such as COI is performed at places other than the point of release for free circulation.

42. In relation to products exempted from BCPs checks, in case the decision in the COI is that the consignment cannot be released (Article 6(3), point (d), of DA AGRI), will there be a link between TRACES allowing the organic competent authority to inform the competent authority responsible for SPS checks of this?

This communication takes place outside TRACES, as part of normal cooperation between competent authorities. At present there is no specific functionality developed in TRACES.

[67] See the definition of the 'point of release for free circulation' in Article 2(3) of DA AGRI.
[68] Article 4(1) of DA SANTE.
[69] Article 4(2) of DA SANTE.
[70] Article 4(1) of DA SANTE.

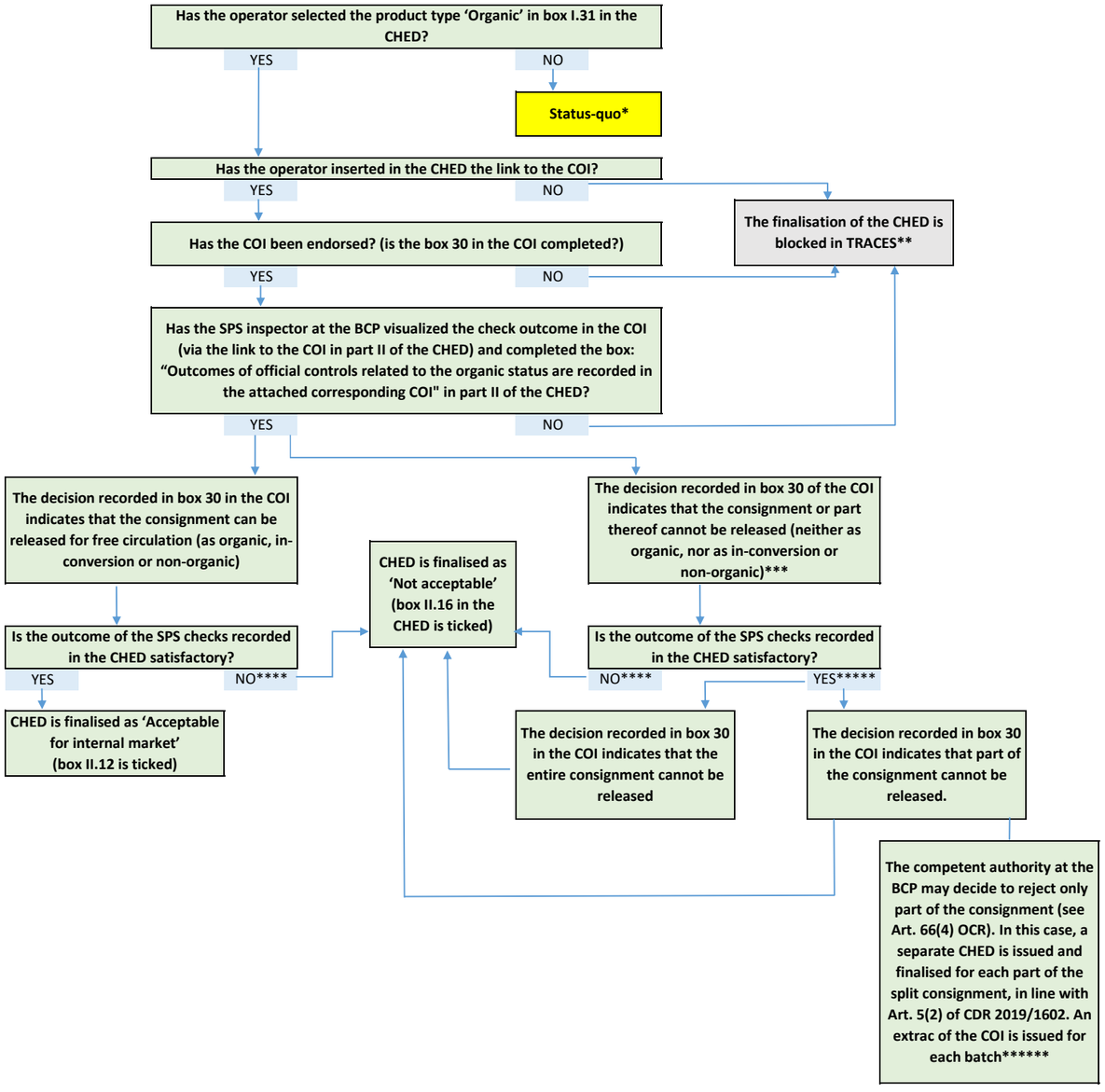
Annex referred to in question 13 of this Document
List of plant health emergency measures referred to in Article 47(1), point (e), of Regulation (EU) 2017/625

EU Plant Health Emergency Measures– update 21 October 2021

Emergency measures	
Decision 98/109/EC	***Thrips palmi* / Cut flowers / Thailand**
Decision 2012/535/EU as amended by (EU) 2015/226 amended by (EU) 2017/427 amended by (EU) 2018/618	**Pinewood nematode (*Bursaphelenchus xylophilus)* / Portugal**
Decision 2002/757/EC amended by 2004/426/EC amended by 2007/201/EC amended by 2013/782/EU amended by (EU) 2016/1967	***Phytophthora ramorum***
Recommendation 2014/63/EU	***Diabrotica virgifera* / Maize**
Decision 2019/2032	***Fusarium circinatum***
Decision 2012/138/EU as amended by 2014/356/EU	***Anoplophora chinensis***
Decision (EU) 2015/893	***Anoplophora glabripennis***
Decision 2012/270/EU as amended by 2014/679/EU as amended by Decision (EU) 2016/1359 as amended by Decision (EU) 2018/5	***Epitrix cucumeris, Epitrix similaris, Epitrix subcrinita, Epitrix tuberis***
Decision 2012/697/EU	***Pomacea*** Plants for planting, excluding seeds, that can only grow in water or soil that is permanently saturated with water,
Regulation (EU) 2020/885	***Pseudomonas syringae pv. actinidae***
Decision 2011/787/EC	***Ralstonia - Egypt***
Regulation (EU) 2020/1201, as amended by Regulation 2021/1688	***Xylella fastidiosa***
Commission Implementing Regulation 2021/127	**Wood Packaging Material – Belarus, China, India**

Decision (EU) 2016/715 amended by Decision (EU) 2017/801 amended by Decision (EU) 2018/85 amended by Decision (EU) 2019/449 as amended by Decision (EU) 2021/682	***Phyllosticta citricarpa (McAlpine) Van der Aa***
Decision 2018/638 amended by (EU) 2019/1598 amended by Decision (EU) 2021/869	***Spodoptera frugiperda***
Decision 2018/1503	***Aromia bungii***
Regulation (EU) 2020/1164	**Agrilus (in ash wood originating or processed in Canada or US)**
Regulation 2020/1191 as amended by Regulation 2021/74 as amended by Regulation 2021/1809	**Tomato Brown Rugose Fruit Virus**
Decision (EU) 2019/1739	**Rose Rosette Virus**

Decision tree for the finalisation of the CHED - link to COI



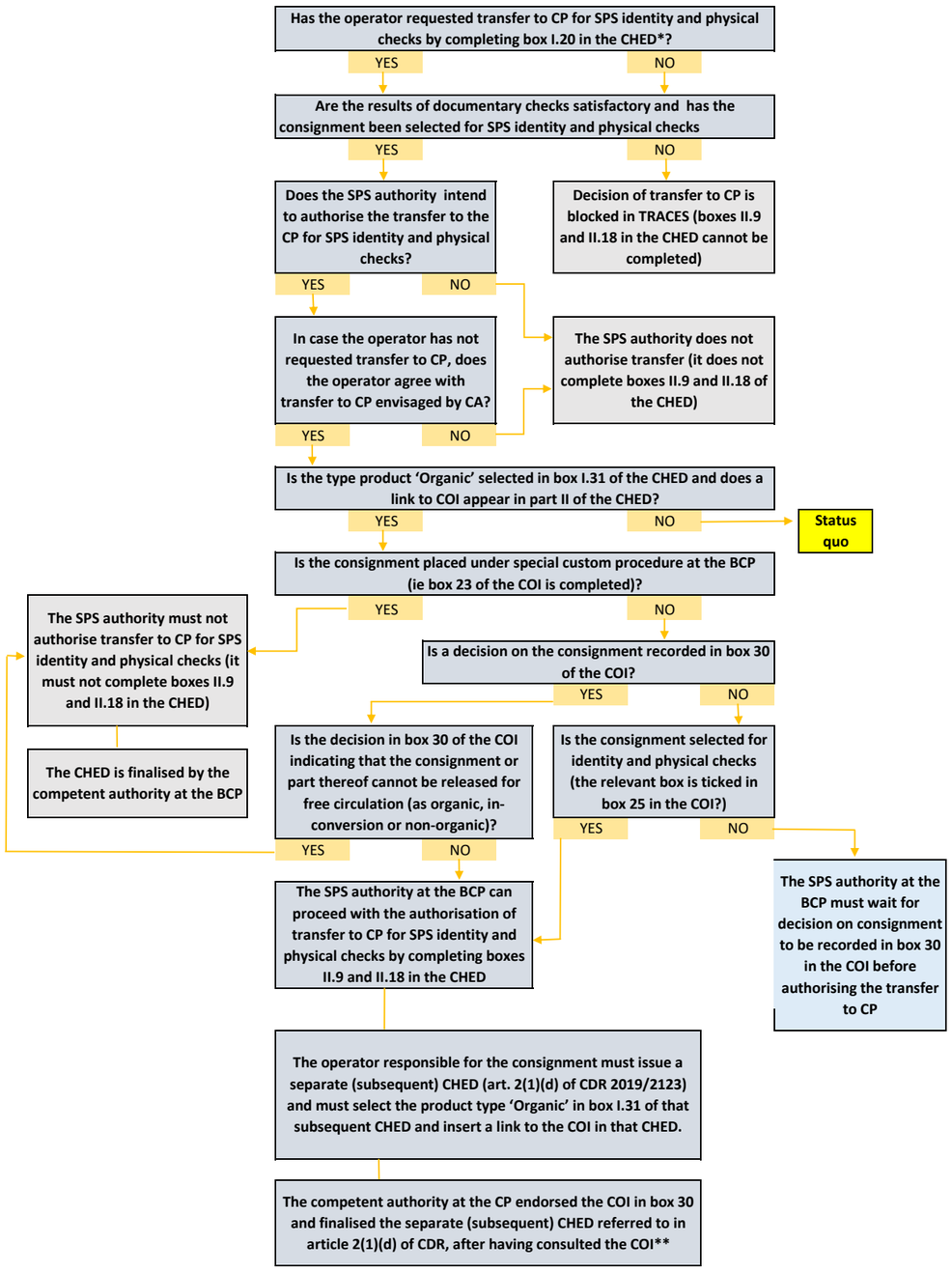
*In this case, the finalisation of the CHED in TRACES is independent of the finalisation/endorsement of the COI. The consignment can only be released as conventional (non-organic).
**By contrast, the SPS authority at the BCP will have the possibility to finalise a first CHED after having authorised the transfer to CP or to onward transportation facility
***In case the decision recorded in box 30 of the COI indicates that the consignment or part thereof cannot be released for free circulation, this decision must be notified without delay in TRACES to the relevant competent authority performing official controls in order to verify compliance with the rules referred to in Article 1(2), points (a) to (h) and (j), of Regulation (EU) 2017/625 (see Art. 6(5), second subparagraph of DA AGRI).

****In case the decision recorded in the CHED indicates that the consignment does not comply with the rules referred to in Article 1(2) of the OCR, the competent authority at the BCP must inform in TRACES the competent authority that has taken the decision recorded in box 30 of the COI, in order to update COI. In addition, any competent authority performing official controls in order to verify compliance with the rules referred to in Article 1(2), points (a) to (h) and (j), of the OCR must provide in TRACES any relevant information, such as laboratory analysis results, to the competent authority that has taken the decision recorded in box 30 of the COI in order to update it.

*****The competent authority responsible for SPS checks must decide about non-compliances with SPS rules which were revealed during organic checks and will have to cooperate with the authority in charge of organic checks, in order to ensure consistent decisions on consignments (see Art. 4(2)(a) of the OCR).

******These separeted/subsequent CHEDs (so-called 'daughter' CHEDs) are linked in TRACES to extracts of the COI issued for each part of the split consignment.

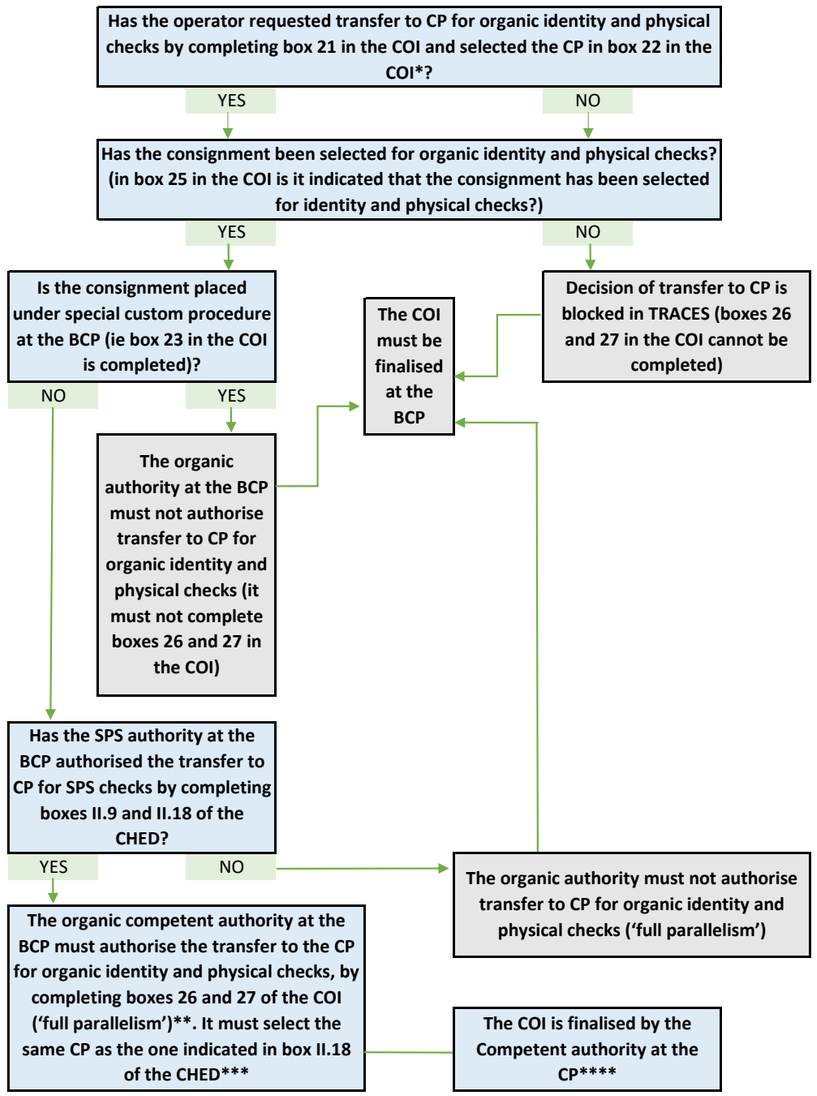
Decision tree for the SPS authority at the BCP for the authorisation of transfer to CP in the CHED for SPS identity and physical checks



*The operator must request transfer to CP and select the CP both for SPS identity and physical checks (by completing box I.20 in the CHED) and for organic identity and physical checks (by completing boxes 21 and 22 of the COI) (see Art. 3(3)(a) of Delegated Regulation (EU) 2019/2123 and Art. 4(4)(a) of Delegated Regulation (EU) 2019/2123). The operator must select the same CP in box I.20 (details of controlled destinations) in the CHED and in box 22 in the COI. This control point has to be designated for the category of goods in the consignment and be located in the Member State where the consignment is to be released for free circulation (see Article 3(3)(b) of Delegated Regulation (EU) 2019/2123 and Article 4(4)(b) of Delegated Regulation (EU) 2019/2123).

**See decision tree for the finalisation of the CHED - link to COI in Annex to this Q&A Document

Decision tree for the organic authority at the BCP for the authorisation of transfer to CP in the COI for organic identity and physical checks



*The operator must request transfer to CP and select the CP both for organic identity and physical checks (by completing boxes 21 and 22 of the COI) and for SPS identity and physical checks (by completing box I.20 in the CHED) (see Art. 3(3)(a) of Delegated Regulation (EU) 2019/2123 and Art. 4(4)(a) of Delegated Regulation (EU) 2019/2123). The operator must select the same CP in box I.20 (details of controlled destinations) in the CHED and in box 22 in the COI. This control point has to be designated for the category of goods in the consignment and be located in the Member State where the consignment is to be released for free circulation (see Art. 3(3)(b) of Delegated Regulation (EU) 2019/2123 and Article 4(4)(b) of Delegated Regulation (EU) 2019/2123).

**This applies also in the case where the operator responsible for the consignment has not requested transfer to CP for organic identity and physical checks, by completing boxes 21 and 22 of the COI.

***In case the CP indicated in box II.18 of the CHED is not designated for organic or in-conversion products and/or it is not located in the MS where the consignment is to be released for free circulation, the competent authority responsible for organic checks must contact the competent authority at the BCP responsible for the CHED, to coordinate to ensure that the same CP is indicated in box II.18 of the CHED and in box 27 of the COI

****When a transfer to a CP is authorised (a control point is selected in box 27 of the COI), the competent authorities who appear as responsible authorities for that CP will be able to see the COI through their dashboard (where all COIs in their area of responsibility will be displayed). If necessary, this automatic notification could be considered in the following review. See also Article 2a(1), point (e), of Delegated Regulation (EU) 2019/2123.