

9st November 2012

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Mr João Onofre,
Head of unit, H3
DG Agriculture and Rural Development
European Commission
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Dear Mr Onofre,

IFOAM EU Group is aware that the Commission and the Member States (MS) are discussing how to improve controls and inspections within the organic control system.

IFOAM EU Group urges the Commission to take sufficient time for a potential change in the control system for organic production and thinks that a transparent process involving the sector is absolutely crucial. Additionally the IFOAM EU Group wants to make both general and specific points which should be considered in the discussion. These points are in addition to those in the IFOAM EU Group [Position Paper on Controls in Organic Production and Processing](#) published on 31/10/2012.

In general IFOAM EU Group is against unnecessary duplication. Points included in ISO65 should be stressed and reiterated to Control Bodies (CB) by Competent Authorities (CA) and Accreditation Bodies (AB) where they are not being complied with, but not duplicated in legislation.

1) Exchange of Information

Exchange of information is already provided for by article 30 and 31 of Council Regulation (EC) No 834/2007 and article 92 of Commission Regulation (EC) No 889/2008. Controlled operators, besides the documentary evidence according to art. 29(1) of Council Regulation (EC) No 834/2007, are always provided with a summary document reporting the outcomes of the inspection. Operators have to keep these documents for several years and in case of change of CB these provisions are sufficient to transfer relevant and clearly defined information from one CB directly to another.

An active transmission of information is not workable in practice, since the Control Body usually doesn't know whether the operator, after quitting the certification agreement, will continue with another CB or will definitely exit the organic control system. Therefore within the control agreement the operator has to identify if he was part of the control system in past, and if yes which CB (or CBs) was responsible.

An obligation for CBs to report all infringements and irregularities to the CA would significantly increase the work of control bodies and the CAs would collect a list of minor irregularities. This could reduce concentration on the more serious issues.

Therefore, only infringements and irregularities affecting organic integrity/status should be reported. Please consider that reporting serious infringements - relevant for certification - is already mandatory (see article 30 of Commission Regulation (EC) No 834/2007).

The reporting of irregularities with products from other MS may be in conflict with requirements, particularly expressed by UK competent authority for CBs to accept the certification of other CBs without testing.

The transmission of irregularities from the CBs/CAs to the paying agencies responsible for rural development support payments would give a completely wrong spin to the organic inspection system, which is focused on the quality of process. Furthermore, there would be an unfair treatment among farmers since all the organic farmers will be controlled compared with the occasional random inspections of conventional farmers. Such an obligation would be a strong political signal against Organic Farming in Europe.

2) Competent Authority

Competent Authorities should work on documented procedures on the basis of the accreditation requirements adopted by CBs - to carry out the supervision on Control Bodies. Furthermore, its staff should be sufficiently competent and qualified to improve the quality of the controls on CBs. There needs to be a procedure of supervising the implementation of the obligations for the CA.

3) Competent Authority and Accreditation Body

There is a big risk that annual control visits carried out by CA and AB will be done on the same aspects. It would be a duplication of work consuming both time and money and decreasing the efficiency of the whole control system. Information should be exchanged between CA and AB to avoid collection of the same data from CBs twice. Furthermore it is important to make sure that the results of the controls by CAs are considered during accreditation or even integrated into the accreditation procedure. One crucial point is that the whole accreditation and supervision process will control the efficiency of the controls carried out and not only the documentary evidences laid down in the control procedures of CBs.

4) Model of Documentary Evidence - Annex XII of Commission Regulation (EC) No 889/2008

A mandatory model detailing the content is a proper tool to meet the necessities of the market. A binding layout template can fit in the majorities of the cases but not in all. In case of long names, presence of many products or categories of products that need to be accompanied by explanations, eg products for self supply or animals not for food production, a binding template could be very limiting and difficult to complete. An improvement should be made regards the categories of products.

IFOAM EU Group gave an input on this issue in our [letter](#) of 17th May 2012. Many certification bodies already provide increased information to operators in the form of trading schedules listing products, suppliers etc. These valuable documents could be precluded by a certificate model. The cost of change for all CBs should also be considered.

IFOAM EU Group supports the use of electronic certification if the electronic documents can electronically be checked/controlled/reviced and are at any time available and updated (Timeframe for the update have to be fixed)

5) Catalogue of Sanctions

As for the certificate, a binding catalogue of sanctions is hardly applicable since it is very difficult to categorise all the possible infringements/irregularities and the same infringement in different situations may also be significantly different in term of seriousness and it wouldn't be fair if they lead to the same sanction.

It would be acceptable if COM or MSs define the infringements that lead to an immediate decertification of a product or a lot or the company, i.e. all infringements according to article 30 (1) Council Regulation (EC) No 834/2007 and to provide general guidance on the sanctions expected in example cases.

6) Unannounced Inspections

IFOAM EU Group considers that significantly increasing the proportion of unannounced inspections without ensuring that this is done on a risk based approach could significantly increase costs without leading to a significant improvement in control. In particular unannounced on farm inspections frequently cannot take place due to absence of the farmer when the inspector arrives. CBs would have to pass on these non productive costs to the certified operations as a whole, leading to reduced confidence in an increasingly costly system.

With thanks and best wishes,

A handwritten signature in dark ink, appearing to read "Marco Schlüter". The signature is written in a cursive, flowing style.

Marco Schlüter
IFOAM EU Group Director