

Competent Authority response to the report recommendations received 03 April 2018

ANNEX

Response of the competent authorities of Belgium to the recommendations of report ref. DG(SANTE)/2017-6073-MR of the audit carried out from 19 September 2017 to 29 September 2017 in order to evaluate the control systems for organic production and labelling of organic products

N°	Recommendation	Action Proposed by the competent authority
1	<p>Ensure that provisions in regional legislation as well as their implementation are in line with relevant provisions of the EU organic regulations, in particular with regard to</p> <p>The mutilation of animals (Article 18 of Regulation (EC) No 889/2008)</p> <p>The shortening of conversion period (Article 36(2)(b) of Regulation (EC) No 889/2008)</p> <p>The grazing of animals (Article 14(2)(b)(ii) of Regulation (EC) No 834/2007 and Article 14(2) of Regulation (EC) No 889/2008)</p> <p>The tethering of animals in small holdings (Article 39 of Regulation (EC) No 889/2008)</p> <p>The exemption of retailers (Article 28(2) of Regulation (EC) No 834/2007)</p> <p>The controls of operators / retailers (Article 27(3) of Regulation (EC) No 834/2007)</p> <p>Recommendation based on conclusions 6, 28, 35, 41, 57</p> <p>Associated findings 5, 27, 30, 40, 53-56</p>	<p>The regional legislations will be adjusted where needed:</p> <p><u>The mutilation of animals</u>: the recognised control bodies will be reminded that in accordance with the provisions of Art. 18 of Reg. 889/2008 any suffering to the animals shall be reduced to a minimum by carrying out the operation only at the most appropriate age.</p> <p>The requirements on the applications, granting and control of mutilation of animals will be reinforced</p> <p><u>The shortening of conversion period</u>: BE is of the opinion that the requirements regarding the shortening of the conversion period are implemented correctly.</p> <p><u>The grazing of animals</u>: (i) the reference to Article 14(2)(b)(ii) of Regulation (EC) No 834/2007 is invalid (ii) in accordance with Article 14(1)(b)(ii) of Regulation (EC) No 834/2007 “husbandry practices, including [...] housing conditions shall ensure that the developmental, physiological and ethological needs of animals are met”; BE considers the latter article must be taken into account when deciding whether or not it is found appropriate to keep calves under six months inside the buildings.</p> <p><u>Tethering of animals</u>: BE is of the opinion that the requirements regarding the tethering of animals in small holdings are implemented correctly. The recognised control bodies will be reminded of the provisions of art. 39 of Reg. 889/2008 regarding access to outdoor areas.</p>

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		<p><u>Exemption of retailers:</u> BE is of the opinion that the requirements regarding the exemption of retailers are implemented correctly</p> <p><u>Control of retailers:</u> We foresee that procedures and a working agreement with the federal public service Economy will be adopted by July 2019.</p> <p><u>Control of operators:</u> BE is of the opinion that the requirements are implemented correctly</p>
2	<p>Ensure that, in line with Article 27(1) of Regulation (EC) No 834/2007, the control system set up in Belgium duly provides for the designation of CAs responsible for controls in respect to all obligations established in the EU organic regulations, and in particular with regard to import controls, including those relating to electronic certification, as laid down in Regulation (EC) No 1235/2008.</p> <p>Recommendation based on conclusion 16, 63</p> <p>Associated findings 12, 13, 15, 58-62</p>	<p>The regional CAs are responsible for the management of TRACES and for controls on import.</p> <p>The necessary provisions to fulfill the requirements and to ensure an effective and efficient control system on import are already being implemented.</p> <p>The Belgian Regional authorities foresee that procedures and a working agreement with the Custom services will be adopted by the end of 2018. A first coordination meeting gathering the regional CAs, the Customs and the Food safety agency took place on 17 Nov 2017.</p>
3	<p>Ensure that annual supervision of CBs by regional CAs is implemented in line with Article 92e of Regulation (EC) No 889/2008.</p> <p>Recommendation based on conclusion 24</p> <p>Associated findings 20</p>	<p>Finding 20 and conclusion 24 to be corrected, see our comment.</p> <p>Actually all the CBs get annual supervision by two out of the three regional CAs. The third CA will also set up and implement a procedure for annual supervision, in line with Art 92 of R (EC) N°889/2008 by July 2019.</p>
4	<p>Ensure that documentary evidence issued by the CBs to operators do</p>	<p>BE acknowledges that at least one type of documentary evidence</p>

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	<p>follow the model provided for in annex XII of Regulation (EC) No 889/2008. Recommendation based on conclusion 28 Associated findings 26</p>	<p>does not use properly the model laid down by annex XII of Regulation (EC) No 889/2008. Necessary adjustments will be made. This is foreseen by January 2019.</p>
5	<p>Ensure that there is a system in place for the verification of the exemption of retailers in line with Article 28(2) of Regulation (EC) No 834/2007. Recommendation based on conclusion 28 Associated findings 27</p>	<p>The system to verify the exemption of retailers will be set up and enforced through cooperation with the federal public service Economy. The necessary provisions to fulfill the requirements and to ensure an effective and efficient control system are being implemented. We foresee that procedures and a working agreement with the federal public service Economy will be adopted by July 2019</p>
6	<p>Ensure that reporting in the framework of the MANCP complies with Article 92f of Regulation (EC) No 889/2008, and in particular, that information referred to in Annex XIIIb of the same regulation is reported. Recommendation based on conclusion 35 Associated findings 29</p>	<p>As from the next MANCP-report BE will provide more elaborate information on the supervision activities.</p>
7	<p>Ensure that CBs perform effective controls and in particular that EU requirements are properly verified with regard to The nature and quantities of organic products delivered to the unit and/ or held in storage at the premises when calculating the input/output balance (Article 66 of Regulation (EC) No 889/2007) The results of the verification of the organic status of products by operators (Article 66(2) of Regulation (EC) No 889/2007). Labelling of organic products and the reference to EU / non-EU agriculture (Article 24(1)(c) of Regulation (EC) No 834/2007) as well as the size of the EU logo (point 7 of Annex XI of Regulation (EC) No 889/2008) Recommendation based on conclusions 41, 44</p>	<p>Although this was already a point of particular interest during recent supervision audits, we will stress the importance of the cited issues. Control bodies will be reminded thereof regularly.</p>

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<i>N°</i>	<i>Recommendation</i>	<i>Action Proposed by the competent authority</i>
8	<p>Associated findings 38, 39, 43</p> <p>Ensure that laboratories used by CBs for the testing of organic samples are designated by CAs as required by Article 12(2) of Regulation (EC) No 882/2004.</p> <p>Recommendation based on conclusion 51</p> <p>Associated finding 47, 48, 49</p>	<p>The Regional Competent authorities will explore the opportunities regarding the designation of laboratories.</p> <p>In a first stage, the laboratories designated by de federal food safety agency will be taken into account.</p> <p>At a further stage and if deemed appropriate, specific “organic” laboratories will be designated by July 2019.</p>
9	<p>Ensure that enforcement measures imposed by CBs in particular in case of sever and recurrent non-compliances are sufficiently effective to ensure compliance with Article 30 of Regulation (EC) No 834/2007.</p> <p>Recommendation based on conclusion 75</p> <p>Associated finding 65, 66</p>	<p>Belgium was one of the first Member States to dispose of a national legally binding catalogue of measures. This catalogue has proven to be useful for years.</p> <p>Nevertheless Belgium acknowledges that there is room for improvement. We will take into account as much as possible the experiences and examples of good practices from other Member States (a project which is encouraged by the organic unit from DG AGRI) to improve our catalogue of measures.</p> <p>In accordance with the regional regulations, reviewing the catalogue of sanctions must be carried out in consultation with the sector, through discussion in the framework of the advisory committees. Taking account of the procedural steps to be followed and of the sensitivity of the issue at stake, BE foresees to adopt the necessary legal bases in 2019.</p>
10	<p>Ensure that CBs take appropriate measures in case of suspicion of irregularities and do not put products on the market until they satisfy themselves that the doubt has been eliminated in line with Article 91 of Regulation (EC) No 889/2008.</p> <p>Recommendation based on conclusion 75</p> <p>Associated finding 67, 68, 69, 70</p>	<p>CBs will be reminded of this point. The issue will be carefully assessed during the forthcoming supervision audits.</p>

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<i>N°</i>	<i>Recommendation</i>	<i>Action Proposed by the competent authority</i>
11	Ensure that irregularities and the likelihood of irregularities are communicated by CBs to CAs, in line with Article 27(5)(e) and Article 30 of Regulation (EC) No 834/2007 as well as Article 92(4) of Regulation (EC) No 889/2008, respectively. Recommendation based on conclusion 24, 75 Associated finding 23, 69, 72-74	The legal provisions will be adjusted where needed. CBs will be reminded of this point. The issue will be carefully assessed during the forthcoming supervision audits.