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FINAL REPORT OF AN AUDIT

CARRIED OUT IN

PORTUGAL

FROM 29 MAY TO 08 JUNE 2012

IN ORDER TO EVALUATE THE CONTROL SYSTEMS FOR ORGANIC PRODUCTION AND LABELLING OF ORGANIC PRODUCTS

In response to information provided by the Competent Authority, any factual error noted in the draft report has been corrected; any clarification appears in the form of a footnote.

Executive Summary

This report describes the outcome of a Food and Veterinary Office (FVO) audit in Portugal, carried out between 29 May and 08 June 2012, under the provisions of Regulation (EC) No 882/2004 on official food and feed controls.

The objective of the audit was to evaluate the controls on organic production and labelling of organic products.

It is concluded that Portugal has established a control system for organic production and labelling of organic products which ensures that registered operators are subject to a verification of compliance with European Union (EU) organic production rules. The Central Competent Authority (CCA) has detailed procedures which provide a good framework and include the risk assessment of operators and the classification of irregularities and related sanctions. Some of these procedures only apply from January 2012 and have still to prove to be effective. The effectiveness of the control system is undermined by the significant shortcomings which were found, in particular, with regard to the supervision of the Control Bodies (CBs) by the CCA, the control of organic products at market level and imports of organic products. Moreover, the control system does not always ensure that irregularities are followed-up and sanctions are imposed in a systematic and timely manner and there is a lack of cooperation between the CBs and the CCA.

The report makes a number of recommendations to the CAs, aimed at rectifying the shortcomings identified and enhancing the implementation of control measures.

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Abbreviations and definitions used in this report

Abbreviation	Explanation
ASAE	Authority for Food and Economic Security
BTSF	European Commission Better Training for Safer Food programme
CA(s)	Competent Authority(ies)
CB(s)	Control Body(ies)
CCA	Central Competent Authority
DGADR	Directorate General for Agriculture and Rural Development
DRAP	Regional Directorate for Agriculture and Fisheries
EU	European Union
FVO	Food and Veterinary Office
GPP	Policy and Planning Office
IFAP	Institute for Financing Agriculture and Fisheries
IPAC	Portuguese Institute for Accreditation
MANCP	Multi Annual National Control Plan
MS(s)	Member State(s)
PPP(s)	Plant Protection Products
SOP(s)	Standard Operating Procedure(s)
TC(s)	Third Country(ies)

1 Introduction

The audit formed part of the Food and Veterinary Office's (FVO) planned programme.

The audit took place from 29 May to 8 June 2012. The team comprised three auditors from the FVO and two officials from the Commission's Directorate-General for Agriculture and Rural Development.

Representatives from the Central Competent Authority (CCA) accompanied the FVO team for the duration of the audit. An opening meeting was held on 29 May 2012 with the Policy and Planning Office (GPP), the Authority for Food and Economic Security (ASAE), the Directorate-General for Agriculture and Rural Development (DGADR), the Regional Directorate for Agriculture and Fisheries (DRAP) of Lisbon, the Portuguese Institute for Accreditation (IPAC), the Customs and representatives of control bodies (CBs). At this meeting, the objectives of, and itinerary for, the audit were confirmed by the FVO team and the control systems were described by the authorities.

2 Objectives

The objective of the audit was to assess the official control systems in place for organic production and the labelling of organic products in accordance with Regulation (EC) 834/2007.

In terms of scope, the audit assessed the performance of CAs, as well as the organisation of the controls carried out by CBs including import controls, controls of operators and controls on the labelling and marketing of organic products. The audit also addressed verification procedures and audits.

In pursuit of these objectives, the following sites were visited:

Table 1: Mission visits and meetings

Visits/meetings	No	Comments
Competent Authorities		
Central:	1	GPP, ASAE, DGADR, IPAC, Customs
Regional	1	DRAP Lisbon, ASAE Lisbon
Control Bodies/Control Authorities		
Control Bodies	3	CB1, CB2, CB3
On-Site-Visits		
Controls of producers	2	Observation of inspections of one operator with mixed production (livestock and plants) and of one operator with livestock production (Beira Interior)
Controls operators with production and processing activities	4	Observation of inspections of : • one beekeeper (Beira Interior), • two operators with livestock and plant

		production and processing activities (cheese, olive oil) in Alentejo and Beira Interior, • one producer of plant products and packaging activities (Alentejo).
Controls of importers	1	Observation of an inspection of an importer of organic products (Alentejo)
Controls of retails and wholesaler	2	One visit of a retailer (Lisbon) (selection of product for traceability exercise) and observation of one inspection of a distribution centre of a supermarket chain (Alentejo).

3 Legal Basis

The audit was carried out under the general provisions of European Union (EU) legislation, in particular, Article 45 of Regulation (EC) No 882/2004 of the European Parliament and of the Council.

EU legal acts quoted in this report refer, where applicable, to the last amended version. Full references to documents quoted in this report are given in Annex 1.

Additionally, the working document of the Commission services on official controls in the organic sector of 8 July 2011 was relevant for this audit. Full reference to this document quoted in this report is given in Annex 2.

Reference to specific provisions of this text is provided at the beginning of each section.

4 Background

Between 1999 and 2004 the FVO carried out a total of 16 audits on organic farming in seven Member States (MSs) and nine Third Countries (TCs).

Based on a Memorandum of Understanding between the Directorate-General for Health and Consumers and the Directorate-General for Agriculture and Rural Development, the FVO hundertakes a new series of audits on organic production to MSs and TCs, starting from 2012.

To date, no audit on organic farming has been carried out in Portugal.

5 Findings And Conclusions

5.1 Relevant National Legislation and Provisions

Legal Requirements

Article 291 of the Treaty on the functioning of the EU establishes that MSs shall adopt all measures of national law necessary to implement legally binding Union acts.

Findings

Legislative Order No 47/97 provides for the operators of organic production to notify their activities to the CA and lays down general rules for the delegation of controls of these operators to CBs as well as the approval of the CBs by the CA.

The GPP stated that new legislation is currently in preparation and provided a copy of the draft proposal to the audit team. The proposal defines the roles of the CAs taking into account changes in the organisation and structure of the CAs.

Conclusions

According to the information provided by the CCA all measures of national law necessary to implement legally binding Union acts relevant to this audit have been adopted in Portugal.

5.2 Organisation and Implementation of Controls

5.2.1 Designation of Competent Authorities

Legal Requirements

According to Article 27(1) of Regulation (EC) No 834/2007 MSs shall set up a system of controls and designate one or more CAs responsible for controls in respect of the obligations established by this Regulation in conformity with Regulation (EC) No 882/2004. Article 27(4) of this Regulation lays down, that CAs may confer its control competences to one or more other control authorities or delegate control competences under certain conditions to one or more CBs and shall designate authorities responsible for the approval and supervision of CBs.

Findings

The GPP, which is a subordinate body of the Ministry of Agriculture, Sea, and Land Planning, is the CCA for the control system on organic production and labelling of organic products in Portugal. The Division for Quality Enhancement of the GPP is in charge of preparing control procedures, decisions on granting derogations, approval and supervision of CBs. The Division for Co-ordination and Food Control is in charge of co-ordinating the implementation of the national control plan on foodstuffs and of the import controls performed by DRAP. A representative from the GPP informed the audit team that an organisational reform of the GPP and the other CAs was in progress at the time of the audit.

The IPAC is the national body in charge of the accreditation of the CBs to European Standard EN 45011 including accreditation audits.

The DGADR manages the national seed data base.

The ASAE carries out controls on foodstuffs within the framework of the national control plan for foodstuffs including checks of labels and sampling.

Other services are only involved in the official control systems for organic production and labelling of organic products in so far as they have sectoral responsibilities (e.g. Customs).

The control and certification of operators is delegated to nine CBs. According to the CCA no control competence is conferred to a control authority.

Conclusions

CAs involved in the official control systems are designated and the control task is delegated to CBs.

5.2.2 Resources for the Performance of Controls

Legal Requirements

Article 4 of Regulation (EC) No 882/2004 requires the CAs to ensure that they have access to a sufficient number of suitably qualified and experienced staff; that appropriate and properly maintained facilities and equipment are available. Article 6 requires CAs to ensure that staff receive appropriate training and are kept up-to-date in their competencies.

Article 27(4)(a) of Council Regulation (EC) No 834/2007 requires that control authorities offer adequate guarantees of objectivity and impartiality, and have at their disposal the qualified staff and resources necessary to carry out their functions.

Article 27(5)(b) of Council Regulation (EC) No 834/2007 requires that there is proof that CBs have the expertise, equipment and infrastructure required to carry out the tasks delegated to it, have a sufficient number of suitably qualified and experienced staff; and are impartial and free from any conflict of interest as regards the exercise of the tasks delegated to them.

Findings

The GPP has four staff including the head of division and dedicates two Full-Time Equivalents to organic production. All staff have a University level education in agronomy or agricultural engineering. At the time of the audit two staff had already participated in a course on organic farming organised in the framework of the European Commission Better Training for Safer Food programme (BTSF) and the participation of the other two staff in this course was planned for the end of the year. The GPP stated that staff was reduced by 50% in 2010.

The audit team noted that one of the DRAP inspectors, whom they met at the opening meeting and is in charge of import controls of organic products was unaware of the need to endorse the inspection certificate (see section 5.2.7). Additionally, the two ASAE inspectors of the region of Lisbon were unaware of the labelling requirements for organic products which entered into force in July 2010 and are due to become mandatory in July 2012.

The audit team met inspectors of three CBs and checked the training files of staff of two of the CBs at headquarter level. According to the information provided by the CBs and the training files received, inspectors are usually agricultural engineers or have a similar educational background. Upon joining the CB inspectors have to undergo in-house training and accompany experienced inspectors. A representative from the GPP stated that by the end of the year at least one representative from each CB will have participated in a BTSF course on organic farming. The audit team noted that the inspectors they met had a good general knowledge of EU organic production rules. CB2 had access to specific expertise on the interpretation of laboratory results for pesticide residues.

CB1 and CB3 considered that the maximum number of inspections per inspector would be up to 150 per year. CB2 estimated that each inspector performs up to 30 inspections per month.

The audit team noted that according to the information provide by CB3 the laboratory used by this CB for pesticide residue analysis only had gas chromatograph coupled to mass spectrometers which does not allow to identify at least pesticides residues of all analytes listed in the the coordinated multi-annual Community control programme and in Annex I of Commission Regulation (EC) No 669/2009.

Conclusions

Staff from the GPP and the CBs met were, in general, suitably qualified and trained. Staff from

ASAE and DRAP met by the audit team did not have the required knowledge in order to fulfil all their specific tasks, in particular, with regard to the labelling controls of organic products and import controls respectively.

One CB did not have access to adequate laboratory capacity for testing of pesticide residues which is not in accordance with Article 27(5)(b)(i) of Council Regulation (EC) No 834/2007.

5.2.3 Controls on Organic Production

Legal Requirements

According to Article 28(1) of Council Regulation (EC) No 834/2007 any operator who produces, prepares, stores, or imports from a third country products in the meaning of Article 1(2) of the same Regulation or who places such products on the market shall, prior to placing on the market of any products as organic or in conversion to organic notify his activity to the competent authorities of the Member State where the activity is carried out and submit his undertaking to the control system referred to in Article 27 of the same Regulation.

Specific rules on production, processing, packaging, transport and storage of products are laid down under Title II of the same Regulation.

Title IV of Commission Regulation (EC) No 889/2008 provides, in accordance with Article 27 of Council Regulation (EC) No 834/2007 for general minimum control requirements as well as for specific control requirements for plants and plant products, livestock and livestock products, preparation of products, imports, units using contracts to third parties, units preparing feed.

According to Article 65 of Commission Regulation (EC) No 889/2008 control authorities or CBs shall carry out at least one physical inspection per year of all operators. Moreover, the control authority or control body shall carry out random control visits, primarily unannounced.

Findings

General aspects

All organic operators have to be registered via the GPP website, which provides the relevant registration forms and access to the operator's profile (restricted access). The GPP stated that each year the database of operators registered with the GPP and the information provided by the CBs in the annual activity reports are cross-checked and that inconsistencies are identified and followed-up.

The audit team visited one retail shop, one wholesaler, one importer and six producers of organic products of which four also had processing facilities. All operators received at least one physical inspection by a CB every year as required by Article 65 of Commission Regulation (EC) No 889/2008.

The inspectors met by the audit team stated that prior to the audit the information contained in the CBs database and file is checked. The information contains key data about the operator (e.g. contact details, types of activities), the history of inspections including irregularities found and sanctions imposed. The information is used by the inspectors in order to prepare the physical inspections.

The inspectors also stated that a routine inspection usually includes checks of:

- the relevant farm record books (e.g. herd register, animal movement book, spray diary for plant protection products (PPPs), veterinary treatment)
- purchase and sales records and invoices

- records on production
- the premises including storage of farm resources (e.g. fertilisers, PPPs) and equipment
- livestock and housing conditions
- agricultural land of the holding and surrounding areas.

Representatives of CB3 stated that every two years records from the accounting office are checked. Inspectors also check the certificates of suppliers of organic products. Representatives from CB2 and CB3 stated that the validity and authenticity of certificates is only cross-checked with other CBs in cases where there is a cause for concern but not on a random basis.

The audit team noted that inspectors had a print out of the operator's record as contained in the GPPs database, a print out of the operator's files as contained in the CBs database and operator specific check lists. Moreover, the inspectors had a list of farm resources authorised for use in organic production and processing. With regard to fertilisers and cleaning products the list was made up by the CBs themselves. The GPP stated that it was planned to establish a list of these products nationally.

Controls of producers and processors

The audit team noted that:

- at one farm the dairy production was not recorded. The inspector had tolerated this and was therefore unable to properly verify fluctuations in the production of milk and the volumes of cheese processed from this milk;
- one inspector did not supervise the bottling activity of olive oil by a farmer who used equipment from a sub-contracted olive oil mill, in particular the cleaning of the equipment ;
- one inspector tolerated that a farmer recorded in the spray diary the active substance which does not allow to verify whether or not the PPP is authorised for organic production;
- records on the use of PPPs are not checked in order to verify against the requirements of Articles 12(1)(g) and (h) of Regulation (EC) No 834/2007 and of Art. 5 of Reg. 889/2008.
- one inspector did not record the presence of several unlabelled containers of an unknown product which was kept in storage with PPPs by the farmer and that at the same farm conventional and organic fertilizers were stored together and construction material (partly open packages) was kept in the direct vicinity of feeding stuff (risk of contamination). The farmer stated that he was aware of the situation which had been the same at the time of the previous audit;
- during the annual visit to a bee-keeper an inspector only checked the area in the direct vicinity of the beehives in the field and for the remaining part of the area defined by a 3 km radius around the beehives relied on information provided by the bee-keeper and google maps and that the same inspector did not receive guidance from its CB or from the CAs as to how to interpret the requirements of Article 13(1) of Commission Regulation (EC) No 889/2008;

Controls of retailers and wholesalers

PT has not made use of Article 28(2) of Regulation (EC) No 834/2007 (see section 5.2.6). The GPP stated that it is believed that not all retailers selling organic products directly to the final consumer (in particular those which may be exempted by MSs from the application of Article 28 of Regulation (EC) No 834/2007) have informed them of their activities and that to date no targeted investigations or monitoring (e.g. internet search) has been carried out. The GPP informed trade associations of the need to place the trade in organic products under the control system. The GPP

also stated that it was planned that the ASAE, when performing market controls, check that retail shops marketing organic produce are placed under the official control system.

The inspector of the CB2 stated that the distribution centre of the retail chain visited by the audit team was controlled at least once a year and that the control in particular is comprised of checks of certificates of all distributors of products, an input-output balance for at least two products including check of invoices and transport documents and a physical check of organic products in stock or upon arrival at the premises.

The inspector also stated that a number of branches of this retail chain is checked every year.

Conclusions

Operators, including retailers, are, in general, registered with the GPP and are subject to controls as required by the EU. However, it has not been ensured that all retailers selling organic products have submitted their details to the control system as required by Article 28(1) of Regulation (EC) No 834/2007.

Inspectors met did not verify that PPPs are only used in cases of an established threat to a crop which is not in accordance with Article 12(1)(h) of Regulation (EC) No 834/2007.

The controls of operators were not always effective and appropriate which is not in accordance with Article 4(2)(a) of Regulation (EC) No 882/2004 as irregularities were not always identified during inspections or were tolerated by the inspectors.

5.2.4 Sampling

Legal Requirements

According to Article 65(2) of Commission Regulation (EC) No 889/2008 the control authorities or CBs may take samples. Samples shall be taken and analysed where the use of products not authorised for organic production is suspected.

Findings

According to the standard operating procedure (SOP) PO-001/2011-DSPMA which has been in force since January 2012, CBs have to take samples from at least 5% of the operators. Samples have to be taken where there is a case of suspicion that unauthorised products may have been used by the operator.

CB2, which controls more thn 600 operators, took 14 samples for pesticide residues in 2011 (around 2% of operators), five of which were positive. CB3, which controls more than 1 500 operators, sent 11 samples mainly for pesticide residues in fruit and vegetables for laboratory analysis (around 1% of operators), none of which were positive. Both CBs used accredited laboratories. The CBs met by the audit team stated that in cases of positive laboratory results, investigations in order to source the cause of the irregularity are undertaken and that a case by case decision is taken as to whether or not the product/site concerned will lose its organic status. CB2 sends the laboratory results to an expert in another MS in order to get advice on how to proceed in a specific case. The audit team saw examples of such correspondence and noted that spray drift leading to residue levels below the Maximum Residue Level may be accepted by the CB. The audit team also noted that the GPP had not provided specific guidance to the CBs on how to address findings of pesticide residues in organic products.

At an importer the audit team saw a wide range of products in stock from different TCs and MSs. The inspector stated that sampling of a product at this operator was not planned this year and no

sample had been taken in 2011.

The audit team participated in one inspection by CB3 at an operator with production and processing facilities. Irregularities were found in regard to the storage of feedstuffs, medical products not registered in the farm register, and unlabelled PPPs. Despite these irregularities the inspector did not take samples.

Conclusions

Provisions are in place at national level which require to take a minimum number of samples for testing and that such analysis shall be carried out by the CBs where the use of products not authorised for organic production is suspected. However, in one case where there was a suspicion of use of products not authorised for organic production no samples were taken which is not in accordance with Article 65(2) of Commission Regulation (EC) No 889/2008.

The CBs met by the audit team followed-up positive laboratory results for pesticide residues in organic products in order to determine whether the cause for the pesticide residues contained in the organic product are the result of unauthorised use of plant protection products in order to ensure compliance with Article 12(1)(h) of Regulation (EC) No 834/2007. One CB accepted the presence of pesticide residues of products not authorised for organic production in organic products if this resulted from spray drift, however only the substances listed in Annexes I and II of Regulation EC (No) 889/2008 are allowed in organic production. The EU legislative framework does not lay down rules on any tolerance levels for accidental presence of any other substance.

5.2.5 Controls on Labelling and Traceability

Legal Requirements

Article 23 of Regulation (EC) No 834/2007 provides for the use of terms referring to organic production and according to paragraph 5 of the same Article, MSs shall take the necessary measures to ensure compliance with this Article.

Compulsory indications concerning the use of the terms as referred to in Article 23(1) of Regulation (EC) No 834/2007 are laid down in Article 24 of the same Regulation.

Article 27(13) of Council Regulation (EC) No 834/2007 provides that MSs shall ensure that the control system as set up allows for the traceability of each product at all stages of production, preparation and distribution in accordance with Article 18 of Regulation (EC) No 178/2002.

Labelling requirements for organic products are laid down in Title III of Commission Regulation (EC) No 889/2008.

Findings

Controls of labels at operator level

The audit team noted that labelling is checked by CB inspectors at operator level.

Controls at market level

One inspector from CB2 stated that products are only checked in retail shops under their control if they have a label from a supermarket chain but not if the products have a label from another operator.

The GPP stated that no specific control plan for controls of organic products at market level is in place. The control plan for foodstuffs, which is implemented by ASAE, also does not contain a specific element dedicated to organic products.

The audit team met a representative from the central directorate of ASAE and two inspectors from the regional directorate of ASAE Lisbon. The ASAE representatives informed the audit team that in 2008 and 2010 specific actions related to organic production were carried out. In 2010 approximately 40 operators were inspected including producers, processors, retailers and one importer. The controls included the label checks. One non-compliance with labelling requirements was found. Apart from these targeted actions, organic product labels are only checked if during market controls a randomly selected product turns out to be of an organic nature. In this case the product is sent to the central office to be checked. A representative from ASAE also stated that the way data is collected and managed does not allow the easy retrieval of information on the organic products checked.

Traceability of organic products

Records of veterinary treatments administered to livestock were not kept in the treated organic holdings visited which is not in accordance with Articles 76 and 77 of Regulation (EC) No 889/2008 and large animals treated were not clearly individually identified, whilst the active pharmacological substances were not always indicated in records of veterinary treatments. Thus, traceability of treated livestock was not ensured, when animals were sold to be slaughtered.

The audit team selected two organic products (jam and bread) at a retail shop in Lisbon and asked the GPP to carry out a full traceability exercise from the point of sale to the producers of the organic ingredients contained in the products.

For the first product (apple jam) the CCA was able to trace all ingredients back to the primary producer; however, the import authorisation issued in conformity with Article 19 of Regulation (EC) No 1235/2008 for organic ginger and organic sugar was missing, as well as the certificate of inspection as foreseen by Article 13 of the same Regulation.

For the second product (bread made from rye, barley and sunflower seeds) the CCA was only able to trace ingredients one step back, up to the shops where they had been purchased by the manufacturer. In addition, although the label indicated the presence of ingredients produced outside the EU, their identification was not possible.

Conclusions

In Portugal, there is no appropriate system in place for the control on the labelling of organic products at market level which is not in accordance with Article 23(5) of Regulation (EC) No 834/2007. Given the shortcomings identified in this section and in section 5.2.3 concerning the effectiveness of controls and record keeping it is concluded that the system in place does not ensure that organic products are always traceable, contrary to Article 27(13) of the same Regulation. This was supported by the results of the traceability exercise.

5.2.6 Exceptional Production Rules and other Derogations

Legal Requirements

Where an ingredient of agricultural origin is not included in Annex IX of Commission Regulation (EC) No 889/2008, that ingredient may only be used in its non-organic form for the preparation of organic processed products and only under certain conditions as set out in Article 29 of the same Regulation. A MS shall immediately notify the other MSs and the Commission of authorisations of such use of non-organic ingredients.

Sections 2 to 4 of Chapter 6 of Title II of Commission Regulation (EC) No 889/2008 provide for exceptional production rules related to non-availability of organic farm inputs, specific management problems in organic livestock, use of specific products and substances in the processing and

catastrophic circumstances in accordance with Article 22(2)of Regulation (EC) No 834/2007.

Article 28(2) of Regulation (EC) No 834/2007 provides that MSs may exempt from the application referred to in the same Article operators who sell products directly to the final consumer or user provided they do not produce, prepare, store other than in connection with the point of sale or import such products from a TC or have not contracted out such activities to a third party.

Findings

The GPP stated that no use was made of Article 28(2) of Regulation (EC) No 834/2007 and that since 2009 no derogation was granted for the use of non-organic ingredients in the processing of organic products in accordance with Article 29 of Commission Regulation (EC) No 889/2008.

The CBs authorise at the request of producers the use of conventional seeds if the species or variety is not available on the market and if contained in the common catalogue of varieties of agricultural plant species. The availability on the market is checked by consulting the national seed database. The audit team noted that the GPP had notified the Commission and the other MSs about these derogations.

Derogations referred to in Article 47 of Commission Regulation (EC) No 889/2008 were granted by the GPP in 2011 (Decision 24184/2011) and 2012 (Decision 4779/2012). In both cases Portugal notified the Commission and the other MSs.

The GPP justified the derogation for the use of conventional feed for cattle and sheep as there were fires in July 2011 which had affected forage areas in the parishes of Oledo and Idanha-a-Nova. A derogation was given to individual operators in these parishes for a limited period of time (July 2011 to April 2012).

The derogation for the use of conventional feed in 2012 for a period of ten months beginning February 2012 and for the whole territory of mainland Portugal was justified by the GPP because of an unusual and extreme winter and spring drought. As for the 2011 derogation the assessment of individual requests and the final decision on granting the derogation to individual operators was delegated to the CBs contrary to Article 27(7)(b) of Regulation (EC) No 834/2007. Decision 4779/2012 provides for operators who make use of the derogation that they cannot market livestock and its products as organic as long as conventional feed is used. The CB2 stated that to date they had received 4 requests. Two derogations were granted and two were still pending at the time of the audit as the operators had requested the use of conventional feed beyond the ten month period and the producers were asked whether or not their intention was to lose the organic status for their livestock. CB3 granted around 30 derogations. Both CBs stated that together with the request for the derogation the farmers had to provide evidence that no organic feed was available on the market. According to the CBs, a physical inspection and an assessment on site of the forage production was not usually carried out. The audit team met representatives from an organic feed mill and they stated that due to the derogation the sales of organic feed had significantly decreased and that they had enough feed to meet the needs of PT livestock producers. The audit team also met representatives of one regional and one national association of organic producers. While the first saw the need for such a derogation the latter was not in favour of it.

Conclusions

Portugal has informed the Commission and the other MSs about the exceptions it has granted under Articles 29 and 45 of Commission Regulation (EC) No 889/2008.

The system for granting derogations for the use of conventional seeds and seed potatoes is in accordance with EU provisions.

According to Article 47 (c) of Commission Regulation (EC) No 889/2008 the derogation must be in

relation to a specific area by an individual operator and not for the whole territory of the country. According to Article 27(7)(b) of Regulation (EC) No 834/2007 the CA is not entitled to delegate the final decision on granting the derogation to individual producers to the CBs. The CBs also did not check whether the conditions referred to in Article 47(c) for granting the derogations were met. For this reasons the exemption granted in 2012 under Article 47 of Commission Regulation (EC) No 889/2008 is not in compliance with EU provisions.

5.2.7 Imports of Products from Organic Production

Legal Requirements

A product imported from a TC may be placed on the EU market as organic if it fulfils the requirements for compliant products as laid down in Article 32 of Regulation (EC) No 834/2007 or the requirements for products providing equivalent guarantees as laid down in Article 33.

Commission Regulation (EC) No 1235/2008 provides detailed rules for the implementation of Council Regulation (EC) No 834/2007 with regards to the arrangements for the imports of organic products from TCs. Chapter 3 of title III of Commission Regulation (EC) No 1235/2008 provides provisions on the release for free circulation of products imported in accordance with Article 33 of Regulation (EC) No 834/2007. Models of the documentary evidence, the certificate of inspection and the extract of the certificate of inspection are provided in Annexes II, V and VI respectively. A list of TCs and relevant specifications referred to in Article 7 of Commission Regulation (EC) No 1235/2008 are contained in Annex III.

Article 19 of Reg. (EC) No 1235/2008 lais down transitional rules on equivalent imports of products not originating in listed TCs. It establishes the conditions under which MSs may authorise importers and when the authorisations have to be withdrawn. It also requires MSs to inform the other MSs and the Commission of each authorisation granted, including information on the production standards and control arrangements concerned.

Findings

The GPP stated that only imports under the transitional rules of Article 19 of Regulation (EC) No 1235/2008 took place in period between 2010 and 2012 until the time of the audit and provided the audit team with a list of import authorisations granted in 2010 and 2011. None of them had been notified to the Commission. Two import authorisations for foodstuffs of non-animal origin from the United States and from Ecuador were granted in 2010. In 2011, two import authorisations for products from South Africa and Japan were also granted, although Japan is recognised for the relevant product categories covered by the import authorisation in accordance with Article 33(2) of Regulation (EC) No 834/2007 as a TC whose system of production complies with principles and production rules equivalent to those laid down in in Titles II, III and IV of the same regulation. The GPP stated that in this case of imports of organic products from Japan an import authorisation was granted because the product certifying CB was not listed in Annex III of Commission Regulation (EC) No 1235/2008.

Requests for import authorisations are assessed and granted by the GPP. A GPP representative in charge of import authorisations stated that the file is checked for completeness and consistency. The GPP representative also checked whether a report from an accredited certification body is attached to the file. The audit team saw the files of two import authorisations and in both cases equivalence of production in the TC with EU organic production rules had not been assessed.

Organic products are in general released by Customs only if product specific import requirements are fulfilled. Where the importer or its representative informs one of the CAs, the regional DRAP is

entrusted with the documentary checks before the goods can be released for free circulation in the EU. However, a representative from DRAP Lisbon as well as a Customs representative met by the audit team at the opening meeting stated that it is not practice to endorse the certificate of inspection and the audit team saw two examples of inspection certificates at one importer without a declaration of the CAs in boxes 16 and 17 and of the first consignee in box 18 which is required by Article 13 of Regulation (EC) No 1235/2008. The GPP stated that the endorsement of the inspection statement was delegated to the CBs. However, a representative from CB1 met at the importer stated that this was not the case. The CAs did also not refer to Article 13(7)(c) of Regulation (EC) No 1235/2008. The audit team also noted that the original inspection certificate does not always accompany the product.

The audit team participated in an inspection by CB1 at an importer of products imported under import authorisation. The time available for this visit only allowed for a check of the import documents and a short demonstration of an inspection with regards to the products in stock. The inspector checked the validity of and the products covered by the authorisation and compared the information with those contained in the inspection certificate, invoices and the bill of loading. The inspector then checked the storage facilities and the amounts of products in stock and stated that the flow of goods was also checked.

Conclusions

The system for import authorisations and import controls is not implemented in accordance with EU provisions. In particular, the assessment of equivalence of imported products with EU production rules and the issuance of such import authorisation for TCs and product groups listed in Annex III of Regulation (EC) No 1235/2008 is not implemented in accordance with Article 19 of the same Regulation.

Moreover, import controls are not carried out in accordance with Article 13 of this Regulation, in particular, as regards the verification of the certificate of inspection.

5.2.8 Planning and Prioritisation of Controls

Legal Requirements

Article 41 of Regulation (EC) No 882/2004 requires MSs to prepare a single integrated Multi-Annual National Control Plan (MANCP).

Article 3 of Regulation (EC) No 882/2004 requires that official controls are carried out regularly, on a risk basis and with appropriate frequency, taking account of (a) identified risks; (b) the food business operators' (FBO) past record with regard to compliance; (c) the reliability of any self checks that have already been carried out; and (d) any information that might indicate non-compliance. In addition, Article 27(3) of Regulation (EC) No 834/2007 requires that the nature and frequency of the controls shall be determined on the basis of an assessment of the risk of occurrence of irregularities and infringements as regards compliance with the requirements laid down in this Regulation and that all operators, with some exceptions, shall be subject to verification of compliance at least once a year.

According to Article 65(4) of Commission Regulation (EC) No 889/2008 control authorities or CBs shall carry out, in addition to the annual physical inspections referred to in paragraph 1 of the same Article random control visits, primarily unannounced, based on the general evaluation of the risk of non-compliance with organic production rules, taking into account at least the results of previous controls, the quantity of products concerned and the risk for exchange of products.

Findings

Multi-annual National Control Plan

The audit team note that the MANCP contains information on the control system for organic production and labelling of organic products.

Planning and Prioritisation of controls on operators

The SOP PO-001/2011-DSPMA, which is applicable since January 2012, provides for CBs to carry out at least 10% of additional controls based on risk criteria in order to complement the annual visits to operators. It also lays down criteria for the risk assessment of operators.

The audit team met three CBs. Since 2012 all three CBs apply the new provisions and apply the risk assessment grid provided by the SOP PO-001/2011-DSPMA. CB2 and CB3, whose headquarters were visited by the audit team, were able to demonstrate that operators with a higher risk can be identified in the system. CB3 stated that it had difficulties to implement the new provisions mainly because of changes required in the computer system and the audit team noted that the new SOP was not yet fully operational. CB2 and CB3 stated that based on the information contained in the database the work programme for the inspectors is established. Specific risks including irregularities found during previous inspections can be identified in the database of the CBs and are made available to the inspectors prior to the start of the inspection.

Annual physical inspections of operators are always announced. Additional random visits are sometimes announced and sometimes unannounced. Inspectors from CB2 and CB3 stated that according to their estimate 50% of the additional visits are announced. Unannounced visits are carried out where this is considered to be necessary taking the operators history into account. On average each operator is visited between 1.25 and 1.35 times per year.

Conclusions

The MANCP provides sufficient information on the control system for organic production and labelling of organic products.

The planning and prioritisation of controls on operators have been harmonized by the introduction of the SOPs of the GPP and the CBs have started to implement these controls. Controls are planned and are in general prioritised in accordance with Article 65(4) of Commission Regulation (EC) No 889/2008.The frequency of controls for 2012 is considered to be appropriate and in accordance with EU provisions. Random controls are primarily unannounced as required by EU legislation.

5.2.9 Procedures for Performance and Reporting of Control Activities

Legal Requirements

Article 8 of Regulation (EC) No 882/2004 requires that CAs carry out their official controls in accordance with documented procedures, containing information and instructions for staff performing official controls.

Article 9 of the above Regulation requires CAs to draw up reports on the official controls carried out, including a description of the purpose of official controls, the control methods applied, the results obtained and any action to be taken by the business operator concerned.

According to Article 65(3) of Commission Regulation (EC) No 889/2008 control authorities or CBs shall draw up a control report after each visit, countersigned by the operator of the unit or his representative.

Findings

The GPP has issued a set of SOPs which, according to the GPP, are mandatory for the CBs. In particular, the following were relevant for this audit:

- PO-001/2011-DSPMA, which, according to the GPP has been in force since 1 January 2012, provides minimum requirements for controls of operators, defines criteria for the risk assessment of operators and establishes a framework for the sanctions to be applied in cases where irregularities are found during inspections. It also lays down that CBs have to take samples from at least 5% of the operators and that inspections in addition to the annual control visit should account for at least 10% of operators and should focus on those in the highest risk category. The GPP stated that the objective of this document is to harmonise the control procedures of the CBs.
- PO-003-DSFAA of 11 November 2011 establishes rules for the transfer of the control arrangements of an operator from one CB to another and defines the obligations of all parties involved in this transfer.
- PO-0001-DSPMA of 14 March 2011 provides instructions for the completion of the annual activity report of the CBs.
- PO-0002-DSPMA of 25 August 2010 provides instruction for the use of GPP´s information platform called Portal Modo de Produção Biológico (Portal MPB) for organic production. It provides for the CBs to notify irregularities affecting the organic status of a product through this portal.
- PO-001-DSFAA of 29 March 2009 lays down provisions for the approval of CBs.

The GPP, the DRAP and Customs representatives stated that there are no specific procedures in place for import controls of organic products.

CBs met by the audit team had quality manuals, procedures and detailed check lists for inspections of different types of operators (e.g. producers, processors) in place.

At the end of each inspection a report is issued and is signed by the inspector and a representative from the operator. The audit team saw examples of reports at the CBs and received reports from previous inspections prior to the start of the audit from the GPP.

The inspectors from the CBs send the control reports to the headquarters where they are assessed and a certification decision or sanctions are decided.

Conclusions

Portugal has established a set of detailed procedures providing a good framework. This includes the risk assessment of operators and the classification of irregularities and related sanctions.

There are no procedures for import controls of organic products in place in Portugal. This is not in compliance with Article 8(1) of Regulation (EC) No 882/2004.

5.2.10 Co-ordination and Co-operation

Legal Requirements

Article 4(3) of Regulation (EC) No 882/2004 provides for efficient and effective co-ordination between CAs.

Article 4(5) of Regulation (EC) No 882/2004 requires that, when, within a CA, more than one unit

is competent to carry out official controls, efficient and effective co-ordination and co-operation shall be ensured between the different units.

Article 27(5)(d) of Regulation (EC) No 834/2007 provides that CBs communicate the results of the controls carried out to the CA on a regular basis and whenever the CA so requests. Furthermore, Article 27(5)(e) requires that there is effective co-ordination between the delegating CA and the CB.

Article 27(14) provides that control authorities and CBs shall transmit to the CAs each year by 31 January a list of the operators which were subject to their controls of the previous year and by 31 March a summary report of the control activities carried out during the previous year.

Findings

All CAs directly or indirectly involved in the official control systems have nominated contact points. Up until 2009 regular meeting with all CAs took place and since then are convened as necessary. Meeting with the CBs are only held when required. The GPP provided documentary evidence of meetings with other CAs and CBs for 2010 and 2011. The meeting held in 2011 mainly focused on organic wine production and the elaboration of SOP PO-001/2011-DSPMA. Working groups of the CBs were formed by the GPP. CB3 stated that not all CBs actively participated in these working groups and that there is, in general, a lack of willingness of CBs to co-operate. This was also confirmed by CB2. The GPP stated that the co-operation with the CAs is not good and gave the example of GPP's information portal which is hardly used by CBs in order to exchange information and to notify irregularities which affect the organic status of a product including those where certificates are suspended.

The GPP stated that co-operation with the Institute for Financing Agriculture and Fisheries (IFAP), which is the national paying agency for rural development and fishery and which also carries out controls on organic producers, is limited to the submission of the list of registered organic operators up to twice a year. Immediate exchange of irregularities affecting the organic status of a product does not take place.

The GPP signed a co-operation agreement with IPAC with regard to the participation of GPP staff in IPAC's accreditation audits. However, GPP staff does not formally participate in IPAC audits, although this was considered necessary by GPP.

A representative from the Division of Co-ordination and Food Control of GPP stated that to date no co-operation with regard to the establishment of inspection procedures for imports of organic products has been established.

CBs met by the audit team had submitted the annual control report to the GPP as required by Article 27(14)of Regulation (EC) No 834/2007.

Conclusions

The co-operation between CAs concerning import controls and between the GPP and the IFAP is not effective. Moreover, there is a lack of co-operation of the CBs with the GPP which undermines the effectiveness of the control systems.

5.2.11 Measures to Deal with Infringements and Irregularities

Legal Requirements

According to Article 27(5)(d) of Regulation (EC) No 834/2007 CBs shall, if the results of the controls indicate non-compliance or point to the likelihood of non-compliance, immediately inform the CA.

Article 30 of the same Regulation sets out measures in cases of infringements and irregularities. Paragraph 2 of this Article requires that information about cases of irregularities or infringements affecting the organic status of a product shall be immediately communicated between the CBs, control authorities, CAs and MSs concerned and, where appropriate, to the Commission.

Article 91 of Commission Regulation (EC) No 889/2008 provides further specification on measures in cases of suspicion of infringements and irregularities.

Findings

The SOP PO-001/2011-DSPMA provides a classification for irregularities and a list of irregularities and related sanctions. The CBs are allowed to take stricter measures.

CB2 had at the time of the audit already integrated the new provisions into its database. CB3 stated that this was not yet the case with them because of problems with the database.

CBs are obliged to notify irregularities which affect the organic status of a product (equal to TS3 and TS4 of the Portuguese classification system for irregularities) via the information platform for organic production. The GPP stated that most CBs notify irregularities only within the framework of the annual report. However, one CB notifies the GPP on a quarterly basis. All CBs met by the audit team confirmed the statement of the GPP. The audit team had several examples of irregularities where CB2 and CB3 suspended the operator from organic certification (for different reasons) without agreeing the period of suspension with the GPP and without notifying the GPP and the other CBs. The audit team checked the information platform and found almost no notifications of irregularities. The audit team found in the database of CB2 more than 40 irregularities for 2011 affecting the organic status of a product and in the database of CB3 more than ten such irregularities which should have been immediately notified to the GPP, but which had not been.

The GPP also informed the audit team about a suspicion of a false certificate in regard to feedingstuff originating in Spain. The GPP tried to get information from the CB in another MS, but this CB did not respond. The GPP did not follow-up this case and did not notify the Commission or the other MSs.

The audit team also saw files on operators who had irregularities over consecutive years. These operators did not respect any of the sanctions imposed on them. In one case it took an operator more than seven months to provide the information required and no sanctions were imposed. In another case, sanctions were imposed as late as five months after the deadline for providing outstanding information on the livestock register.

Conclusions

The GPP has made efforts to harmonise sanctions within the framework of the SOPs. The system in place for notifying irregularities affecting the organic status of a product is not in compliance with EU provisions. CBs do not always follow-up irregularities and impose sanctions in a timely manner which significantly undermines the effectiveness of the control systems.

5.2.12 Accreditation, Approval and Withdrawal of Control Bodies

Legal Requirements

The CA may delegate control tasks to a particular CB only if the conditions laid down in Article 5(2) of Regulation (EC) No 882/2004 are satisfied.

Art. 27 of Reg. 834/2007 lais down the conditions under which the CA can delegate controls tasks to CBs, the criteria that the CA has to take into account whilst approving CBs, the tasks that cannot

be delegated and the situations in which CA may or shall withdraw the delegation to CBs.

Findings

All nine CBs are approved by the GPP and are accredited by IPAC to European Standard EN 45011. The GPP stated that in 2011 a new CB requested approval for organic farming controls and certification. On the basis of documentary evidence the GPP approved this CB and informed the IPAC of its decision. The CB was accredited by IPAC on 15 May 2012 and according to the GPP is only allowed to issue certificates from this date. However, it was allowed to carry out controls from the date of approval by the GPP. The audit team received a certificate issued by this CB before the end of the accreditation process.

Conclusions

The GPP delegated control tasks to one CB after its approval but before accreditation which is not in accordance with Article 27(5) of Regulation (EC) No 834/2007.

5.2.13 Verification Procedures and Audits

Legal Requirements

Under Article 4 of Regulation (EC) No 882/2004 CAs are required to carry out internal audits, or have external audits carried out. These must be subject to independent scrutiny and carried out in a transparent manner. Article 8 states that they must have procedures in place to verify the effectiveness of official controls, to ensure that corrective action is taken where necessary and to update documentation as appropriate.

Article 27(8) of Regulation (EC) No 834/2007 provides that, in accordance with Article 5(3) of Regulation (EC) No 882/ 2004, CAs delegating specific tasks to CBs shall organise audits or inspections of CBs as necessary. In addition, paragraph 9 of the same Article requires that the CA shall ensure that the controls carried out by the CB are objective and independent, verify the effectiveness of its controls, take cognisance of any irregularities or infringements found and corrective measures applied and withdraw approval of that CB where it fails to satisfy the requirements.

Findings

<u>Internal/external audits by the CA</u>

The Inspectorate General for Agriculture and Fisheries carried out an audit on the official control systems for organic production in 2006 and 2007. It was a period of transition and the responsibilities for the controls were with the organisation which preceded the GPP and the responsibilities were taken over by the GPP in 2007. The audit, including the follow-up, was closed in 2009. The audit team received a copy of the audit report.

<u>Supervison of CBs and verification of the effectiveness of their controls</u>

Up until 2009 the GPP actively participated in accreditation audits (including witness audits) carried out by IPAC and was involved in the planning of these audits in order to ensure that issues of particular importance for the GPP were addressed. GPP considered the participation of its staff in accreditation audits as sufficient in order to comply with Art. 27(8) of Reg. 834/2007.Given that the GPP no longer has staff that fulfil the specific IPAC criteria for audit experts, the GPP's role in accreditation audits is limited to its involvement in the planning stage of the audit. The CBs met by the audit team have not been inspected by the GPP since the end of 2009.

The GPP stated that the criteria for the assessment of the verification of the effectiveness of the

controls of CBs is laid down in the MANCP and that, in particular, the annual activity reports and the audit report from IPAC form the basis for the verification of the effectiveness of the controls of the CBs. The GPP could not provide further information as to how the verification of the effectiveness of the controls is carried out. The audit team also noted that the MANCP provides general aspects of the supervision of CBs but does not contain qualitative and quantitative indicators for the verification of the effectiveness of controls. The GPP also did not provide evaluation reports regarding the effectiveness of the controls of the CBs.

The GPP stated that the until the time of the audit the official control system did not allow to clearly identify CBs which do not notify irregularities immediately and to taken enforcement measures against them. This would only be possible from 2012 as the new layout of the activity reports of the CBs provides the relevant information to do so. The audit team noted that at the time of the audit the GPP had not yet assessed the 2011 activity reports.

The GPP checks and approves the annual control plans of the CBs including the sanction catalogues and sampling plans. At the time of the audit the control plan of CB3 had not been approved because it had not fully taken into account the minimum requirements for the sanction catalogue. The deadline for the approval of the control plans ended at the end of 2011. The GPP provided examples of the correspondence with CB3.

Conclusions

The work of the GPP and its predecessor with regard to the official controls on organic production was subject to an external audit as required by Article 4 of Regulation (EC) No 882/2004.

The GPP does not carry out organised audits or inspections of CBs as necessary and as required by Article 27(8) of Regulation (EC) No 834/2007 nor does it carry out a representative number of visits to representative operators to carry out reviews or witness audits as recommended in the working document[1] of the Commission services.

Portugal has not yet established an appropriate system for the verification of the effectiveness of the controls of CBs, contrary to Article 27(9)(b) of Regulation (EC) No 834/2007.

5.3 Seed Data Base

Legal Requirements

According to Article 48 of Commission Regulation (EC) No 889/2008 MSs shall ensure that a computerised database is established for the listing of the varieties for which seed or seed potatoes obtained by organic production methods are available within its territory. Articles 49 to 56 of the same Regulation provide further requirements on the registration and information to be kept in the database as well as on the access to this information and reporting on the authorisations.

Findings

The national seed database is managed by DGADR and is available at the following website:

http://www.dgadr.pt/sementes/

Producers of propagating material can enter information into the database free of charge. Operators can get free access to the restricted area of the platform in order to enter data, which has to be validated by DGADR. After validation by DGADR this information is made publicly available. A representative from DGADR stated that the number of entries contained in the database with regard to the species and varieties as well as the number of operators is limited despite the fact that efforts

1 Working document of the Commission services on official controls in the organic sector of 8 July 2012

had been made in order to convince seed producers from other MSs to register organic seeds in the database.

Conclusions

Portugal has established a seed database in accordance with Article 48 of Commission Regulation (EC) No 889/2008.

6 Overall Conclusions

It is concluded that Portugal has established a control system for organic production and labelling of organic products which ensures that registered operators are subject to a verification of compliance with EU organic production rules. The CCA has detailed procedures which provide a good framework and include the risk assessment of operators and the classification of irregularities and related sanctions. Some of these procedures only apply from January 2012 and have still to prove to be effective. The effectiveness of the control system is undermined by the significant shortcomings which were found, in particular, with regard to the supervision of the CBs by the CCA, the control of organic products at market level and imports of organic products. Moreover, the control system does not always ensure that irregularities are followed-up and sanctions are imposed in a systematic and timely manner and there is a lack of cooperation between the CBs and the CCA.

7 Closing Meeting

A closing meeting was held on 8 June 2012 with representatives from the CAs and the three CBs visited by the audit team. At this meeting, the FVO team presented the main findings and preliminary conclusions of the audit.

The representatives from the CAs offered some initial comments and provisionally accepted the findings. The representative from the CBs stated that the size of the audit team was not appropriate and triggered some findings as inspectors were not able to demonstrate their normal way of working under these conditions.

8 Recommendations

The CAs are invited to provide details of the actions taken and planned, including deadlines for their completion ('action plan'), aimed at addressing the recommendations set out below, within 25 working days of receipt of this audit report.

The CA of Portugal should:

N°.	Recommendation
1.	Ensure that all staff of the competent authorities performing official controls receive, for their area of competence, appropriate training enabling them to undertake their duties competently and to carry out official controls in a consistent manner as required by Article 6 of Regulation (EC) No 882/2004.
2.	Ensure that CBs have the expertise, equipment and infrastructure required to carry out the tasks delegated to them as required by Article 27(5)(b)(i) of Council Regulation (EC) No 834/2007 and in particular that CBs have access to appropriate laboratories

N°.	Recommendation
	for testing.
3.	Ensure that all retailers selling organic products to the final consumer have submitted their undertaking to the control system as required by Article 28(1) of Regulation (EC) No 834/2007.
4.	Ensure that PPPs are only used in cases of an established threat to a crop and that only PPPs authorised for use in organic production are used in accordance with Article 12(1)(h) of Regulation (EC) No 834/2007.
5.	Ensure that controls of operators in respect of the obligation established by Regulation (EC) No 834/2007 are effective and appropriate as required by Article 4(2)(a) of Regulation (EC) No 882/2004.
6.	Ensure that the measures necessary to comply with Article 23 of Regulation (EC) No 834/2007 are taken into account including appropriate controls of organic products at market level.
7.	Ensure that the control system as set up allows for the traceability of each product at all stages of production, preparation and distribution as required by Article 27(13) of Regulation (EC) No 834/2007.
8.	Ensure that exemptions granted under Article 47 point (c) of Commission Regulation (EC) No 889/2008 are in relation to a specific area by individual operators and only after appropriate verification that forage production is lost.
9.	Ensure that the competence to grant exceptions, as referred to in Article 22 of Regulation (EC) No 834/2007, is not delegated to CBs unless this is provided for in the specific conditions as laid down by the Commission in accordance with Article 22(3) of the same Regulation and as required by Article 27(7)(b) of the same Regulation.
10.	Ensure that import authorisations referred to in Article 19 of Regulation (EC) No 1235/2008 are only granted for products imported from third countries which are not included in the list referred to in Article 33(2) of of Regulation (EC) No 834/2007 and if the assessment of the evidence provided by the importer shows that the conditions referred to in Article 33(1)(a) and (b) are fulfilled.
11.	Ensure that consignments of organic products imported from TCs are released for free circulation in the Community only if the requirements of Article 13 of Regulation (EC) No 1235/2008 are fulfilled and, in particular, after verification of the consignment by the relevant MS's authority and the endorsement of the certificate of inspection in accordance with paragraph 8 and completion of box 18 of the certificate by the first consignee in accordance with paragraph 9 of the same Article.

N°.	Recommendation
12.	Ensure that procedures for import controls of organic products are established in accordance with Article 8 of Regulation (EC) No 882/2004
13.	Ensure that there is efficient and effective co-ordination between CAs in accordance with Articles 4(3) and (5) of Regulation (EC) No 882/2004, in particular, with regard to the co-ordination and implementation of the import control system for organic products and between IFAP and GPP.
14.	Ensure effective co-ordination between the delegating CA and the CBs in accordance with Article 27(5)(e) of Regulation (EC) No 834/2007.
15.	Ensure that information in any cases of irregularity or infringement affecting the organic status of a product shall be immediately communicated between the CBs, control authorities, CAs and MSs concerned and, where appropriate, to the Commission in accordance with Article 30(2) of Regulation (EC) No 834/2007.
16.	Ensure that where an irregularity is found in regard to compliance with the requirements as laid down in Regulation (EC) No 834/2007, the CBs shall ensure that no reference to the organic production method is made in the labelling and advertising of the entire lot or production run affected by this irregularity in accordance with Article 30 of the same Regulation.
17.	Ensure that the conditions of Article 27(5) of Regulation (EC) No 834/2007 are satisfied before control tasks are delegated to a CB.
18.	Ensure that CAs delegating control tasks to CBs shall organise audits or inspections of CBs as necessary and that if, as a result of an audit or an inspection, it appears that such bodies are failing to properly carry out tasks delegated to them, the delegating CA shall withdraw this delegation without delay if the CB fails to take appropriate and timely remedial action as required by Article 27(8) of Regulation (EC) No 834/2007.
19.	Ensure that the effectiveness of the CBs' controls are regularly verified in accordance with Article 27(9)(b) of Regulation (EC) No 834/2007.

The competent authority's response to the recommendations can be found at:

http://ec.europa.eu/food/fvo/rep_details_en.cfm?rep_inspection_ref=2012-6449

ANNEX 1 - LEGAL REFERENCES

Legal Reference	Official Journal	Title
Reg. 882/2004	OJ L 165, 30.4.2004, p. 1, Corrected and re-published in OJ L 191, 28.5.2004, p. 1	Regulation (EC) No 882/2004 of the European Parliament and of the Council of 29 April 2004 on official controls performed to ensure the verification of compliance with feed and food law, animal health and animal welfare rules
Reg. 834/2007	OJ L 189, 20.7.2007, p. 1-23	Council Regulation (EC) No 834/2007 of 28 June 2007 on organic production and labelling of organic products and repealing Regulation (EEC) No 2092/91
Reg. 889/2008	OJ L 250, 18.9.2008, p. 1-84	Commission Regulation (EC) No 889/2008 of 5 September 2008 laying down detailed rules for the implementation of Council Regulation (EC) No 834/2007 on organic production and labelling of organic products with regard to organic production, labelling and control
Reg. 1235/2008	OJ L 334, 12.12.2008, p. 25-52	Commission Regulation (EC) No 1235/2008 of 8 December 2008 laying down detailed rules for implementation of Council Regulation (EC) No 834/2007 as regards the arrangements for imports of organic products from third countries

Annex 2 - Standards quoted in this Report

Reference	Full title	Publication details
	Working document of the Commission services on official controls in the organic sector – version of 8 July 2011	http://ec.europa.eu/agriculture/organic/files/eu-policy/data-statistics/control_guidelines_version_08072011_en.pdf