



European Organic Certifiers Council

Draft version 1.0. EOCC factsheet on phosphonic acid

AFI meeting about investigations after phosphonic acid
detections

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Background of the factsheet and landmarks

- **Initial Version 0.7 (From April 2018 till March 2019)**
- **Initial Presentation to European Commission (November 2019)**
- **Presentation in the Civil Dialogue Group (July 2020)**
- **Version 1.0 draft (September 2020)**
- **Second Presentation to European Commission (September 2020)**

Fact Sheet on Phosphonic Acid

The aim of the factsheet: Providing the background information for CB`s / CA`s / operators in cases with phosphonic acid.

In preparation, the main questions for EOCC where:

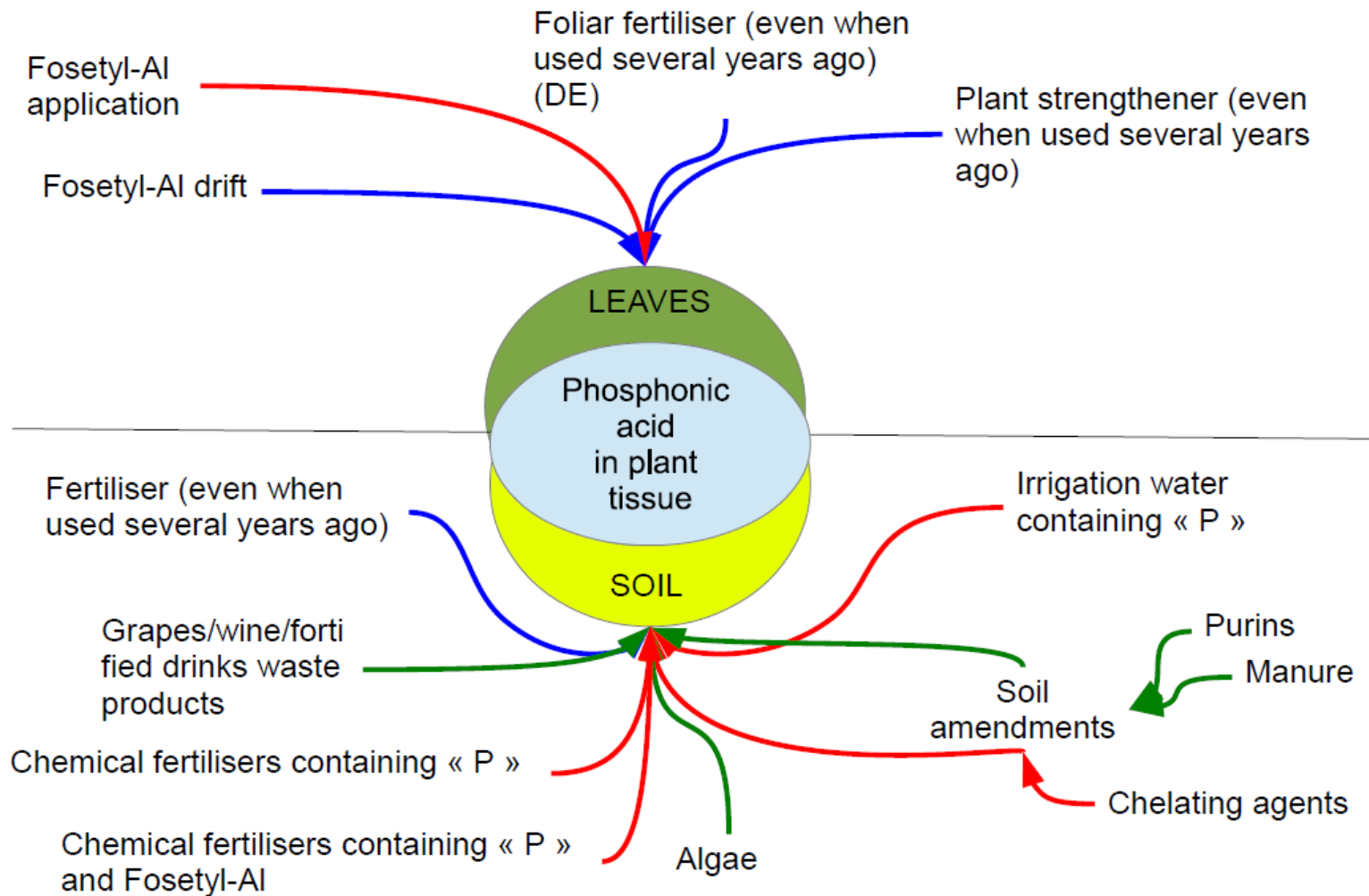
- How do EOCC members handle the presence of phosphonic acid in products?
- How do EOCC members handle the presence of Fosetyl in organic products?

Finally we have this recent proposal for harmonisation in cases with phosphonic acid, although it's a draft until final feedback can be gathered by some other stakeholders including the European Commission.

Investigation:

1. An official investigation shall be performed for every detection of Fosetyl-Al, even for the mere presence of phosphonic acid without detection of Fosetyl-Al, and independently from its concentration.
2. The Official investigation should use the different tools included in Article 14 and Article 137(3) of REGULATION (EU) 2017/625.
3. Before the investigation takes place, the CA/CB will assess the likelihood of non-compliance to choose the tools to be used.
4. The official investigation shall take into account the evaluation of the results and the context of sampling and will aim to verify that only authorized substances have been used and adequate and proportionate precautionary measures were taken at the level of the operator where the sample was taken, or which was notifying.

Possible sources of the detection of P.A



Methodology of the investigation and Certification Decision regarding the source (Worst case scenario first)

1. Phosphonic acid is due the use of unauthorised substances during organic crop management
⇒ Apply catalogue of measures (cfr Art 30 of R 834/2007)

2. Phosphonic acid is due to the use of authorised substances during organic crop management
⇒ Batch maintains organic status provided MRL values are not exceeded

3. Phosphonic acid is due to the use of substances not authorised for use during organic crop management but such use took place prior to the start of organic production/conversion
⇒ Batch maintains organic status provided MRL values are not exceeded

4. Source of phosphonic acid has not been identified. <MRL
⇒ => Batch has to be released as organic (cfr art 91.2 of R 889/2008) but the operator will be identified as high risk.

Actions to be taken by operators

1. The operator will follow what is described on article 91.1 of Regulation (EC) 889/2009 informing the CA/CB in case that the doubt of non compliance can not be discarded.



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Thank you for your attention