Good implementation practices for Articles 28 and 29 of Regulation (EU) 2018/848

Handles, keys and levers for investigation of residue cases in EU organic production

Open discussion on the concept and the content

Brussels, 25 and 26 January 2024
Introduction
Chapter 1: The most common contaminants found in organic production
Chapter 2: Laboratory analysis: the main tool for detection of contamination
Chapter 3: Potential sources and causes of contamination

Chapter 4: The toolbox for investigation methods and techniques

Chapter 5: Systematic approach for official investigations
Chapter 6: The role of the different actors in the investigation.
  6.1: Assessments conducted by the operator (Art. 28)
  6.2: Investigations conducted by the control bodies (Art. 29)
  6.3: Investigations conducted by the competent authorities (Art. 29)
  6.4: Information exchange including cross-border communication (OFIS)

Chapter 7: Decision making
Conclusion
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1. Documentary analysis
2. On-site inspection (unannounced)
3. Mass balance and traceability checks
4. Sampling and analysis
5. Exchange of information
The Content

Documentary analysis (office)

- The analytical report
- The history of non-compliance of the operator
- Operator’s description of organic activity
**Documentary analysis**
- Records
- Transport documents
- Invoices
- Technical specifications

**On-site inspection (if useful)**
- Recognise indicators of non-authorised products and substances
- Interviewing the operator
- Collecting evidence
- Inspection of ongoing production
- Drafting the inspection report
Mass balance (MB) and traceability (T) checks

Mass Balance and Traceability:

• For the lots concerned
• Risk based selection of the subjects MB & T checks in farms
• MB & T checks in relation to post harvest operations
• Mass balance checks in relation to issuing COIs

• The weak spots
Sampling and analysis

- Targeted sampling in organic production
- Assess the sampling context
- The sampling tool kit
- Adapted sampling techniques
- Selection of products subject to sampling
- The sampling protocol
- Storage and transport of samples
- Selection of the analytical method(s)
Exchange of information

1. CB - competent authority
2. CB - CB
3. Requesting information
4. Answering
Sensitive & complex issues

1. Unannounced inspections
2. Denunciations
3. Sampling of “expensive” and sensitive products
4. Yield (and ration) estimations
5. Transport between farmers
6. Products in stock
7. Losses, waste and other non-sales as organic

Challenges

1. What if the operator does not respond?
2. How to respond/react?
3. How to compensate the operator for sampling of expensive products?
4. Making more precise yield estimations, but how?
5. How to prove traceability without documentation?
6. How to estimate the amounts of bulk products?
7. How to obtain reliable records?