

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 detecting 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. Objectives of the chapter 6.4

Description and objectives of OFIS

- Legal basis
- Main statistics (substances, level of contamination, country of origin...)
- Best practices related to notifications forwarded by Member States to Control bodies
- Best practices related to the replies provided by the control bodies.

2. OFIS Legal basis

Article 9 of Regulation 2021/279

Basic principles : information on non-compliance should be shared between the Member States and the Commission:

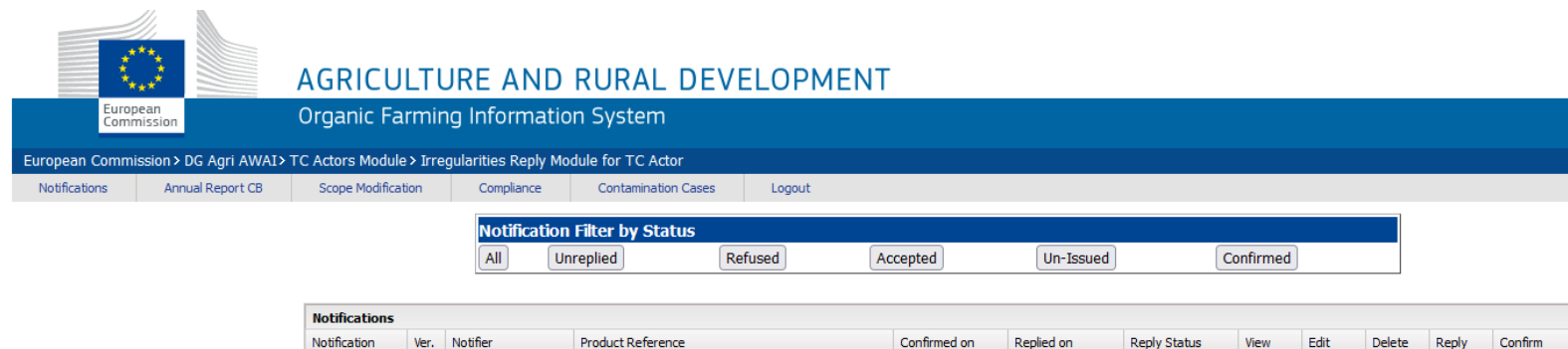
- when the non-compliance affects the integrity of organic products coming from another Member State;
- when non-compliance affects the integrity of organic products imported from a third country;

95 % of the non-compliance notified concern the presence of non-authorized substances.

As per Regulation 2023/1195, it is mandatory for Member States to utilize OFIS for the purpose of providing information.

OFIS Notification Platform - Strengths

- Transparency tool vis-à-vis the Member States and CBs in TC
- In use for several years (and therefore already well known)
- Identify particular critical issues on specific commodities (it would be good if the CB could also have access to anonymous rough data)



The screenshot displays the user interface of the Organic Farming Information System (OFIS). At the top left, the European Commission logo is visible. The main header reads "AGRICULTURE AND RURAL DEVELOPMENT" and "Organic Farming Information System". Below this, a breadcrumb trail indicates the user's location: "European Commission > DG Agri AWAI > TC Actors Module > Irregularities Reply Module for TC Actor". A navigation menu includes "Notifications", "Annual Report CB", "Scope Modification", "Compliance", "Contamination Cases", and "Logout". A "Notification Filter by Status" section contains buttons for "All", "Unreplied", "Refused", "Accepted", "Un-Issued", and "Confirmed". At the bottom, a table titled "Notifications" shows columns for "Notification", "Ver.", "Notifier", "Product Reference", "Confirmed on", "Replied on", "Reply Status", "View", "Edit", "Delete", "Reply", and "Confirm".

3. Technical guidance for the attention of Member States

Room for improvement:

- All fields of OFIS Irregularity Notification should be completed by the Notifying Authority
- Indication of the investigation conducted prior the Notification that includes, where and when possible, an inspection and sampling on the site, to exclude potential contamination at the level of Notifying Country
- Clear traceability. The supporting documents (Invoices, Delivery Notes, B/L, COISs) should always be present and should allow to link the product to the operator and thus CB in the Notified Country
- The analysis results should be reliable (sampling method identified and explained, potential for a future conflicting result)

4. Technical guidance for the intention of control bodies

- No clear description of the investigation methods implemented to determine the source.
- In case of conclusion of a natural occurrence, simple indication that it is naturally present in the soil without considering a possible use of a non- authorised substance.
- If they are cited, no clear description of the investigation methods implemented and their outcome, and their relevance to the specific case.
- No clear conclusions on the product (placed on the market as organic, provisionally blocked, marketed as conventional product...).
- No clear conclusions on the operator (certificate, non-compliance)?
- No measures taken related to the risk analysis, to avoid recurrent cases...
- Missing annexes, or multiplication of irrelevant documents.