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# Measures to be taken in the event of the presence of non-authorized products or substances

- *Article 29 of Reg. 2018/848.*



Is addressed to  
operators (farmers,  
processors,  
distributors, etc.)  
and certification  
bodies

Is divided in several parts :

Points 1. and 2. → measure to be taken in case of presence

Point 3 → possibility for operator to comment on the results of investigation

Point 4. → report to be submitted by the Commission by December 2025 regarding implementation of Article 29

Point 5. → possibility for Member states with MRLs for organic (e.g. Belgium and Italy) to keep them

Point 6., 7. and 9. → Obligations for Member States

Point 8. Possibility for the commission to adopt implementing acts to specify methodology for detection and evaluation of presence, and details of information to be made available by Member States to the Commission



# OFFICIAL INVESTIGATION

## MEASURES TO BE TAKEN IN THE EVENT OF THE PRESENCE OF NON-AUTHORISED PRODUCTS OR SUBSTANCES

*Article 29(1) of Reg. 2018/848*

As soon as a control authority or CB has detected / been informed about a trace of an unauthorised substance - qualitatively, not quantitatively! - an official investigation is automatically triggered. This mechanism is inevitably accompanied by a blocking of the lot in question.

*Article 29*

### Measures to be taken in the event of the presence of non-authorised products or substances

1. Where the competent authority, or, where appropriate, the control authority or control body, receives substantiated information about the presence of products or substances that are not authorised pursuant to the first subparagraph of Article 9(3) for use in organic production, or has been informed by an operator in accordance with point (d) of Article 28(2), or detects such products or substances in an organic or an in-conversion product:

- (a) it shall immediately **carry out an official investigation** in accordance with Regulation (EU) 2017/625 with a view to determining the source and the cause in order to verify compliance with the first subparagraph of Article 9(3) and with Article 28(1); such investigation shall be completed as soon as possible, **within a reasonable period**, and shall take into account the durability of the product and the complexity of the case;
- (b) it shall **provisionally prohibit both the placing on the market** of the products concerned as organic or in-conversion products and their use in organic production pending the results of the investigation referred to in point (a).

# METHODOLOGY FOR OFFICIAL INVESTIGATION

## *Article 2(1) of Implementing Regulation (EU) 2021/279*

The inspection body shall determine at least :

- a) The **name, lot identification, ownership and physical location** of the products concerned;
- b) Whether or not the products concerned **continue to be placed on the market** as organic products or used in organic production
- c) the **type, name, quantity** and any other relevant information regarding the unauthorized products or substances present
- d) at **what stage** of production, preparation, storage or distribution, and where exactly, the presence of unauthorized products or substances was detected;
- e) whether **other operators** in the supply chain are involved;
- f) the **results of previous** official surveys of organic or in-conversion products, and the operators involved.

# METHODOLOGY FOR OFFICIAL INVESTIGATION

## **Article 2(2) of Regulation (EU) 2021/279**

The official investigation shall be pursued by using appropriate methods and techniques, including those described at Article 14 and Article 137(3) of Regulation (EU) 2017/625.

For example:

- An examination of the controls that operators have put in place and of the results obtained
- An on-site inspection
- An examination of documents, traceability records and other records
- Interviews

# METHODOLOGY FOR OFFICIAL INVESTIGATION

## ***Article 2(3) of Reg. 2021/279: Conclusions after investigation***

The official investigation shall at least conclude on::

1. The **integrity** of organic and in-conversion products;
2. The **origin and cause** of the presence of unauthorized products or substances
3. Whether one of the elements of Art. 29.2 is established (see the 3 cases next slide)

## ***Article 2(4) of Reg. 2021/279: Report after investigation***

Control bodies shall prepare a final report for each official investigation, with :

1. Statements of the specific items required under this section;
2. Records of information exchanged with the competent authority, other supervisory authorities and bodies and the Commission in connection with the official investigation concerned.

# ACTIONS TO BE TAKEN IN THE EVENT OF THE PRESENCE OF NON-AUTHORISED SUBSTANCES

*Article 29(2) and (3) of Reg. 2018/848*

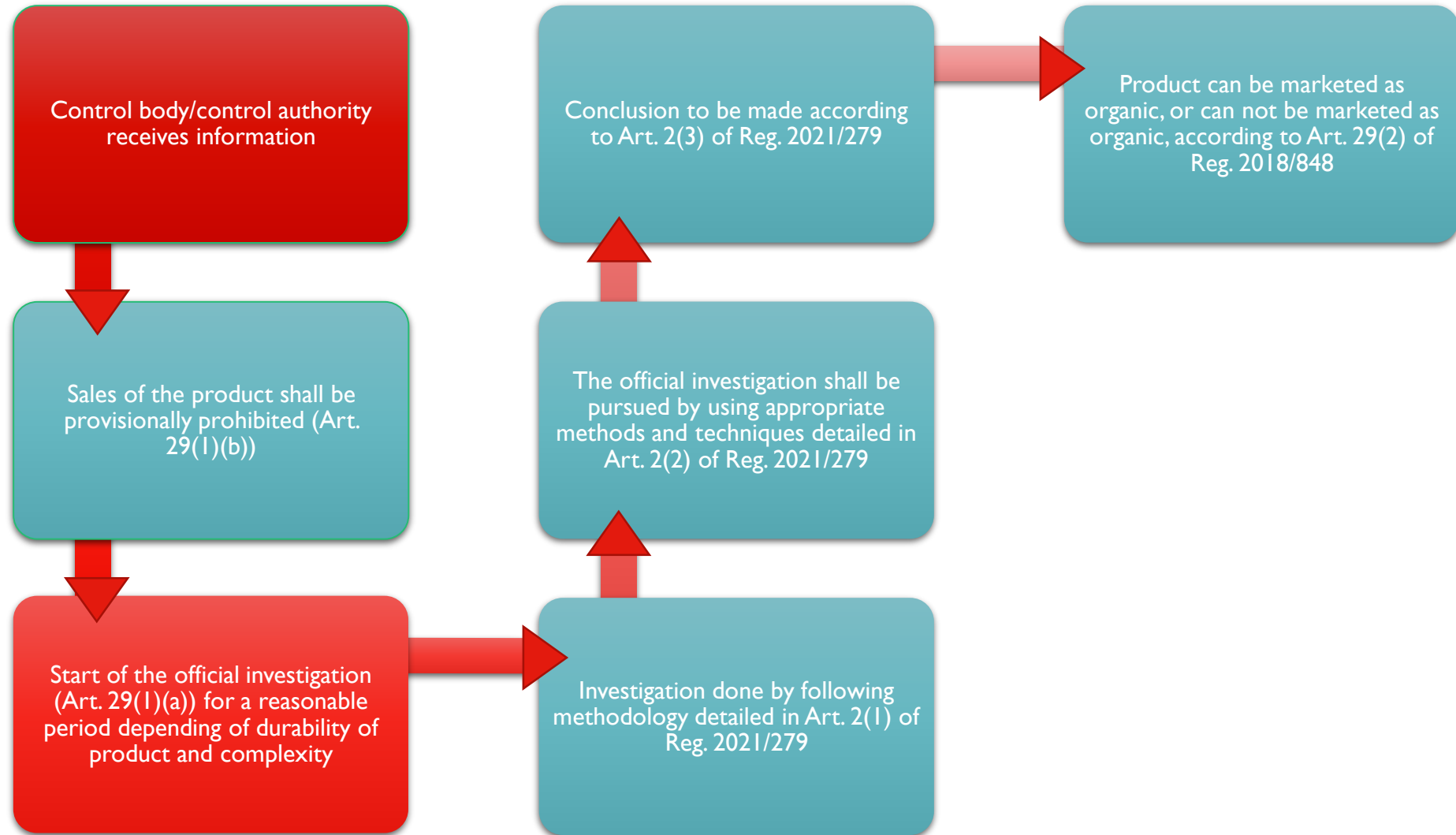
The product concerned **is not marketed** as organic or in conversion, nor used in organic production if the control body has established that the operator concerned:

1. Has used products or substances that are not allowed to be used in organic production;
2. Has not taken precautionary measures (Article 28);
3. Has not taken measures in response to previous requests from the control body.

The operator concerned shall be given an opportunity to comment on the results of the investigation referred to in point (a) of paragraph 1. The competent authority, or, where appropriate, the control authority or control body, shall keep records of the investigation it has carried out.



# ACTIONS TO BE TAKEN IN THE EVENT OF THE PRESENCE OF NON-AUTHORISED SUBSTANCES



# Présence of pesticides - non compliances - frauds

Overfocus on pesticides residues and trends since many years to consider the presence of pesticides as a on compliance

Presence of of non allowed substances does mean automatically a on compliance to the production rules

OFIS foreseen to register suspicion of non compliances and non compliances mainly reporting the presence of pesticides residues

Need to focus on others tools to detect frauds : traceability check, authenticity/origin check