

COMMISSION IMPLEMENTING REGULATION (EU) 2023/1195**of 20 June 2023****laying down rules for the details and the format of the information to be made available by Member States on the results of official investigations concerning cases of contamination with products or substances not authorised for use in organic production**

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to Regulation (EU) 2018/848 of the European Parliament and of the Council of 30 May 2018 on organic production and labelling of organic products and repealing Council Regulation (EC) No 834/2007 ⁽¹⁾, and in particular Article 29(8), point (b), thereof,

Whereas:

- (1) Regulation (EU) 2018/848 provides that the competent authorities of the Member States have to document the results of the investigations and measures they have taken in the event of the presence of products and substances that are not authorised for use in organic production pursuant to Article 9(3), first subparagraph, of that Regulation. In accordance with Article 29(6) of Regulation (EU) 2018/848, Member States have to share information with the other Member States and the Commission on any measures they have taken for the purpose of formulating best practices and on any further measures to avoid the presence of products and substances not authorised for use in organic production.
- (2) Article 29(9) of Regulation (EU) 2018/848 requires the Member States to transmit electronically, through the computer system made available by the Commission, relevant information about cases involving contamination with non-authorised products or substances.
- (3) In order to avoid the duplication of the means by which Member States transmit all the information required by Regulation (EU) 2018/848 to the Commission and other Member States, the details and the format in which they are to communicate the information referred to in Article 29(6) of that Regulation could also be used to transmit the information referred to in Article 29(9) of that Regulation. The Member States should use the Organic Farming Information System (OFIS) for that purpose.
- (4) The measures provided for in this Regulation are in accordance with the opinion of the Organic Production Committee,

HAS ADOPTED THIS REGULATION:

*Article 1***Details and format of the information on official investigations, best practices and further measures related to contamination by non-authorised products and substances**

Member States shall use the Organic Farming Information System (OFIS) and the template set out in the Annex to this Regulation to make available to the other Member States and the Commission the documented results of official investigations conducted in accordance with Article 29(1), point (a), of Regulation (EU) 2018/848 and any measures that the competent authorities have taken for the purpose of formulating best practices and further measures to avoid the presence of products and substances not authorised, pursuant to Article 9(3), first subparagraph, of that Regulation for use in organic production.

⁽¹⁾ OJ L 150, 14.6.2018, p. 1.

*Article 2***Entry into force**

This Regulation shall enter into force on the third day following that of its publication in the *Official Journal of the European Union*.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels, 20 June 2023.

For the Commission
The President
Ursula VON DER LEYEN

ANNEX

OFIS template referred to in Article 1

PART I

Information on the results of the official investigations referred to in Article 29(1), point (a), of Regulation (EU) 2018/848 and on measures to avoid the presence of products and substances not authorised for use in organic production

1. Reference of the official investigations or, if applicable, reference of the cases			
2. Name of the organic or in-conversion product or other material sampled: (a) <ul style="list-style-type: none"> <input type="checkbox"/> Food <input type="checkbox"/> Feed <input type="checkbox"/> Plant material <input type="checkbox"/> Soil <input type="checkbox"/> Other (please specify) (b) <ul style="list-style-type: none"> — CN code product nomenclature 	3. Volume of products contaminated (kilograms, litres or, where relevant number of units):	4. Name of the non-authorised product(s) or substance(s) detected:	5. Quantity of the non-authorised product(s) or substance(s) detected: — Was the contamination found above the Maximum Residue Level established by Regulation (EC) No 396/2005 of the European Parliament and of the Council ⁽¹⁾ ? <ul style="list-style-type: none"> <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Not applicable (N/A)
6. Stage of the supply chain where the presence of non-authorised product(s) or substance(s) has been detected: <ul style="list-style-type: none"> <input type="checkbox"/> Production <i>Only in case of plant production</i> <ul style="list-style-type: none"> — Pre-harvest — Post-harvest <input type="checkbox"/> Preparation <ul style="list-style-type: none"> — Processing/preserving — Packaging — Slaughtering, cutting, cleaning or milling <input type="checkbox"/> Distribution <input type="checkbox"/> Storing 	7. Source and cause of the presence of non-authorised product(s) or substance(s): <ul style="list-style-type: none"> <input type="checkbox"/> Operator used products or substances not authorised in organic production <input type="checkbox"/> Spray drift of products or substances not authorised in organic production <input type="checkbox"/> Commingling of organic or in-conversion products with non-organic or in-conversion products <input type="checkbox"/> Sale of non-organic or in-conversion products as organic 	8. Measures taken The marketing or use of the product(s) was prohibited in accordance with Article 29(2) of Regulation (EU) 2018/848: <ul style="list-style-type: none"> <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Not applicable (N/A) [additional optional information]	

⁽¹⁾ Regulation (EC) No 396/2005 of the European Parliament and of the Council of 23 February 2005 on maximum residue levels of pesticides in or on food and feed of plant and animal origin and amending Council Directive 91/414/EEC (OJ L 70, 16.3.2005, p. 1). It is applicable only to food and feed.

<input type="checkbox"/> Placing on the market — Retail — Wholesale <input type="checkbox"/> Import — Border control post — Point of release for free circulation <input type="checkbox"/> Export The product is: <input type="checkbox"/> Packaged <input type="checkbox"/> In bulk	<input type="checkbox"/> Operator has not taken the precautionary measures referred to in Article 28(1) of Regulation (EU) 2018/848 <input type="checkbox"/> Lack of traceability <input type="checkbox"/> Contamination occurred in the previous stage of the supply chain (please specify which stage if known) <input type="checkbox"/> Source and the cause of the contamination was not identified (please specify the reason) <input type="checkbox"/> Other (please specify)	
9. Other information:		

PART II

Best practices

Please provide an annual overview of the best practices documented in your Member State during the previous year in accordance with Article 29(6) of Regulation (EU) 2018/848 to avoid the presence of products and substances not authorised for use in organic production.

Note: information on cases involving contamination with products or substances that are not authorised pursuant to Article 9(3) of Regulation (EU) 2018/848 for use in organic production in the relevant Member State

Member States may use the template in Part I to transmit to the Commission, by 31 March each year, the cases of contamination detected during the previous year by the competent authority, or, where appropriate, the control authority or control body, when performing official controls in accordance with Article 38 of Regulation (EU) 2018/848 or official investigations in accordance with Article 29 of that Regulation.

The cases of contamination for which the official investigation has not been closed by 31 December are to be included in the transmission for the following year.