# COMMISSION IMPLEMENTING REGULATION (EU) 2022/2240

## of 20 October 2022

## amending Implementing Regulation (EU) 2021/1378, Implementing Regulation (EU) 2021/2119 and Implementing Regulation (EU) 2021/2307 as regards the use of the qualified electronic seal for the issuance of certificates

**(Text with EEA relevance)**

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 Articles 35(10), 43(7) and 45(4) thereof,

Whereas:

(1) In accordance with Article 35(1), point (a), of Regulation (EU) 2018/848, the certificate provided by the competent authorities or, where appropriate, control authorities or control bodies, to operators or groups of operators is to be issued in electronic form wherever possible. The electronic Trade Control and Expert System (TRACES) referred to in Commission Implementing Regulation (EU) 2019/1715 ([2]) provides the means to issue the certificates referred to in Article 35 of Regulation (EU) 2018/848 in electronic form. Commission Implementing Regulation (EU) 2021/2119 ([3]) requires the certificate referred to in Article 35 of Regulation (EU) 2018/848 to be issued in electronic form, by using TRACES, from 1 January 2023.

(2) In order to secure the certificates delivered to the operators and group of operators, it is appropriate to introduce the use of a qualified electronic seal as defined in Article 3(27) of Regulation (EU) No 910/2014 of the European Parliament and of the Council ([4]) for the issuance of those certificates. In order to allow all actors concerned to finalise the enrolment for the qualified electronic seal, it is necessary to provide that the certificate referred to in Article 35 of Regulation (EU) 2018/848 should bear a qualified electronic seal from 1 July 2023 onwards.

(3) Implementing Regulation (EU) 2021/2119 should therefore be amended accordingly.

(4) In accordance with Article 1, first paragraph and second paragraph, point (a), of Commission Implementing Regulation (EU) 2021/1378 ([5]) control authorities and control bodies recognised in accordance with Article 46(1) of Regulation (EU) 2018/848 are to provide operators, groups of operators and exporters in third countries that have been subject to the controls referred to in Article 45(1), point (b)(i), of that Regulation with a certificate, to be issued in electronic form and by using TRACES from 1 January 2023 onwards.

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([1]) OJ L 150, 14.6.2018, p. 1.

([2]) Commission Implementing Regulation (EU) 2019/1715 of 30 September 2019 laying down rules for the functioning of the information management system for official controls and its system components ('the IMSOC Regulation') (OJ L 261, 14.10.2019, p. 37).

([3]) Commission Implementing Regulation (EU) 2021/2119 of 1 December 2021 laying down detailed rules on certain records and declarations required from operators and groups of operators and on the technical means for the issuance of certificates in accordance with Regulation (EU) 2018/848 of the European Parliament and of the Council and amending Commission Implementing Regulation (EU) 2021/1378 as regards the issuance of the certificate for operators, groups of operators and exporters in third countries (OJ L 430, 2.12.2021, p. 24).

([4]) Regulation (EU) No 910/2014 of the European Parliament and of the Council of 23 July 2014 on electronic identification and trust services for electronic transactions in the internal market and repealing Directive 1999/93/EC (OJ L 257, 28.8.2014, p. 73).

([5]) Commission Implementing Regulation (EU) 2021/1378 of 19 August 2021 laying down certain rules concerning the certificate issued to operators, groups of operators and exporters in third countries involved in the imports of organic and in-conversion products into the Union and establishing the list of recognised control authorities and control bodies in accordance with Regulation (EU) 2018/848 of the European Parliament and of the Council (OJ L 297, 20.8.2021, p. 24).

(5) In order to secure the certificates delivered to those operators, groups of operators and exporters, it is appropriate to introduce the use of a qualified electronic seal for the issuance of those certificates. In order to allow all actors concerned to finalise the enrolment for the qualified electronic seal it is necessary to provide that the certificate for operators, groups of operators and exporters in third countries should bear a qualified electronic seal from 1 July 2023 onwards.

(6) Implementing Regulation (EU) 2021/1378 should therefore be amended accordingly.

(7) In relation to the paper certificate of inspection and to the paper extract of certificates of inspection, endorsed on paper with a hand signature in accordance with Commission Delegated Regulation (EU) 2021/2306 ([6]), Commission Delegated Regulation (EU) 2022/2238 ([7]) extended the transitional provisions until 30 November 2022 in order to allow all actors concerned to finalise the enrolment for the qualified electronic seal. This extension should be reflected in the notes for the completion of the model of the extract of the certificate of inspection provided for in Commission Implementing Regulation (EU) 2021/2307 ([8]). Delegated Regulation (EU) 2022/2238 also extended until 30 November 2022, the possibility for an authorised person located in Ukraine of a control authority or a control body which is not equipped with a qualified electronic seal, to produce and submit in TRACES the certificate of inspection in electronic format without the application of a qualified electronic seal in box 18 thereof.

(8) Implementing Regulation (EU) 2021/2307 should therefore be amended accordingly.

(9) Due to the expiry of the transitional period for paper certificates and of the derogation for Ukraine on 30 June 2022, this amendment should apply retroactively as of 1 July 2022.

(10) The measures provided for in this Regulation are in accordance with the opinion of the Organic Production Committee,

HAS ADOPTED THIS REGULATION:

*Article 1*

**Amendment to Implementing Regulation (EU) 2021/2119**

Implementing Regulation (EU) 2021/2119 is amended as follows:

(1) in Article 1, the following paragraph is added:

'The certificate referred to in Article 35(1) of Regulation (EU) 2018/848 shall bear a qualified electronic seal as defined in Article 3, point (27), of Regulation (EU) No 910/2014 of the European Parliament and of the Council (*).

(*) Regulation (EU) No 910/2014 of the European Parliament and of the Council of 23 July 2014 on electronic identification and trust services for electronic transactions in the internal market and repealing Directive 1999/93/EC (OJ L 257, 28.8.2014, p. 73).';

(2) in Article 5, the following paragraph is inserted after the third paragraph:

'Article 1, second paragraph, shall apply from 1 July 2023.'.

([6]) Commission Delegated Regulation (EU) 2021/2306 of 21 October 2021 supplementing Regulation (EU) 2018/848 of the European Parliament and of the Council with rules on the official controls in respect of consignments of organic products and in-conversion products intended for import into the Union and on the certificate of inspection (OJ L 461, 27.12.2021, p. 13).

([7]) Commission Delegated Regulation (EU) 2022/2238 of 22 August 2022 amending Delegated Regulation (EU) 2021/2306 as regards the transitional provisions for certificates of inspection and extracts thereof and as regards the transitional provisions for certificates of inspection issued in Ukraine (see page 3 of this Official Journal).

([8]) Commission Implementing Regulation (EU) 2021/2307 of 21 October 2021 laying down rules on documents and notifications required for organic and in-conversion products intended for import into the Union (OJ L 461, 27.12.2021, p. 30).

*Article 2*

**Amendment to Implementing Regulation (EU) 2021/1378**

Implementing Regulation (EU) 2021/1378 is amended as follows:

(1) in Article 1, second paragraph, point (a), the following point (iii) is added:

'(iii) it shall bear a qualified electronic seal as defined in Article 3, point (27), of Regulation (EU) No 910/2014 of the European Parliament and of the Council (*);

(*) Regulation (EU) No 910/2014 of the European Parliament and of the Council of 23 July 2014 on electronic identification and trust services for electronic transactions in the internal market and repealing Directive 1999/93/EC (OJ L 257, 28.8.2014, p. 73).';

(2) in Article 3, the following paragraph is inserted after the third paragraph:

'Article 1, second paragraph, point (a)(iii), shall apply from 1 July 2023.';

(3) Annex I is replaced by the text in the Annex to this Regulation.

*Article 3*

**Amendment to Implementing Regulation (EU) 2021/2307**

In Part II of the Annex to Implementing Regulation (EU) 2021/2307, in the fourth paragraph of the notes concerning box 12 and in the second paragraph of the notes concerning box 13, the date '30 June 2022' is replaced by '30 November 2022'.

*Article 4*

**Entry into force and application**

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

Article 3 shall apply from 1 July 2022.

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

Done at Brussels, 20 October 2022.

*For the Commission*
*The President*
Ursula VON DER LEYEN

*ANNEX*

*'ANNEX I*

MODEL OF THE CERTIFICATE

**CERTIFICATE FOR OPERATORS, GROUPS OF OPERATORS AND EXPORTERS IN THIRD COUNTRIES FOR PRODUCTS TO BE IMPORTED INTO THE EUROPEAN UNION AS ORGANIC PRODUCTS OR IN-CONVERSION PRODUCTS**

**Part I: Mandatory elements**

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|---|---|
| 1. Document number | 2. (choose as appropriate)<br>☐ Operator<br>☐ Group of operators – see point 10<br>☐ Exporter |
| 3. Name and address of the operator, group of operators or exporter: | 4. Name, address and code number of the control authority or control body of the operator, group of operators or exporter: |
| 5. Activity or activities of the operator, group of operators or exporter (choose as appropriate): | |
| ☐ Production | |
| ☐ Preparation | |
| ☐ Distribution | |
| ☐ Storing | |
| ☐ Import | |
| ☐ Export | |
| 6. Category or categories of products as referred to in Article 35(7) of Regulation (EU) 2018/848 of the European Parliament and of the Council [1] and production methods (choose as appropriate): | |
| (a) unprocessed plants and plant products, including seeds and other plant reproductive material<br>Production method:<br>☐ organic production excluding during the conversion period<br>☐ production during the conversion period<br>☐ organic production with non-organic production | |
| (b) livestock and unprocessed livestock products<br>Production method:<br>☐ organic production excluding during the conversion period<br>☐ production during the conversion period<br>☐ organic production with non-organic production | |
| (c) algae and unprocessed aquaculture products<br>Production method:<br>☐ organic production excluding during the conversion period<br>☐ production during the conversion period<br>☐ organic production with non-organic production | |

[1] 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 (OJ L 150, 14.6.2018, p. 1).

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| (d) processed agricultural products, including aquaculture products, for use as food<br>Production method:<br>☐ production of organic products<br>☐ production of in-conversion products<br>☐ organic production with non-organic production |
| (e) feed<br>Production method:<br>☐ production of organic products<br>☐ production of in-conversion products<br>☐ organic production with non-organic production |
| (f) wine<br>Production method:<br>☐ production of organic products<br>☐ production of in-conversion products<br>☐ organic production with non-organic production |
| (g) other products listed in Annex I to Regulation (EU) 2018/848 or not covered by the previous categories<br>Production method:<br>☐ production of organic products<br>☐ production of in-conversion products<br>☐ organic production with non-organic production |
| 7. Directory of products: |

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|---|---|
| Name of the product and/or Combined Nomenclature (CN) code as referred to in Council Regulation (EEC) No 2658/87 ([2]) for products within the scope of Regulation (EU) 2018/848 | ☐ Organic<br>☐ In-conversion |
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| This document has been issued in accordance with Commission Implementing Regulation (EU) 2021/1378 ([3]) to certify that the operator, group of operators or exporter (choose as appropriate) complies with Regulation (EU) 2018/848 |

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| 8. Date, place<br><br>Name and signature on behalf of the issuing control authority or control body, or qualified electronic seal: | 9. Certificate valid from ..... [insert date]<br>to ..... [insert date] |

([2]) Council Regulation (EEC) No 2658/87 of 23 July 1987 on the tariff and statistical nomenclature and on the Common Customs Tariff (OJ L 256, 7.9.1987, p. 1).

([3]) Commission Implementing Regulation (EU) 2021/1378 of 19 August 2021 laying down certain rules concerning the certificate issued to operators, groups of operators and exporters in third countries involved in the imports of organic products into the Union and establishing the list of recognised control authorities and control bodies in accordance with Regulation (EU) 2018/848 of the European Parliament and of the Council (OJ L 297, 20.8.2021, p. 24).

10. List of members of the group of operators as defined in Article 36 of Regulation (EU) 2018/848

| Name of member | Address or other form of member identification |
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**Part II: Specific optional elements**

One or more elements to be completed if so decided by the control authority or control body that issues the certificate to the operator, group of operators or exporter in accordance with Implementing Regulation (EU) 2021/1378

1. Quantity of products

| Name of the product and/or CN code as referred to in Regulation (EEC) No 2658/87 for products within the scope of Regulation (EU) 2018/848 | ☐ Organic<br>☐ In-conversion | Quantity estimated in kilograms, litres or, where relevant, in number of units |
|---|---|---|
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2. Information on the land

| Name of the product | ☐ Organic<br>☐ In-conversion<br>☐ Non-organic | Surface in hectares |
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3. List of premises or units where the activity is performed by the operator or group of operators

| Address or geolocation | Description of the activity or activities as referred to in point 5 of part I |
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4. Information on the activity or activities carried out by the operator or group of operators and whether the activity is, or the activities are performed for their own purpose or as a subcontractor carrying out the activity or activities for another operator, while the subcontractor remains responsible for the activity or activities performed

| Description of the activity or activities as referred to in point 5 of part I | ☐ Carrying out activity/activities for own purpose<br>☐ Carrying out activity/activities as a subcontractor for another operator, while the subcontractor remains responsible for the activity or activities performed |
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5. Information on the activity or activities carried out by the subcontracted third party

| Description of the activity or activities as referred to in point 5 of part I | ☐ Operator or group of operators remains responsible<br>☐ Subcontracted third party is responsible |
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6. List of subcontractors carrying out an activity or activities for the operator or group of operators for which the operator or group of operators remains responsible as regards organic production and for which it has not transferred that responsibility to the subcontractor

| Name and address | Description of the activity or activities as referred to in point 5 of part I |
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7. Information on the accreditation of the control body in accordance with point (d) of Article 46(2) of Regulation (EU) 2018/848

   (a) name of the accreditation body;

   (b) hyperlink to the accreditation certificate.

8. Other information'

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