



**COMMISSION IMPLEMENTING REGULATION (EU) 2020/977****of 7 July 2020****derogating from Regulations (EC) No 889/2008 and (EC) No 1235/2008 as regards controls on the production of organic products due to the COVID-19 pandemic****(Text with EEA relevance)***Article 1***Derogations from Regulation (EC) No 889/2008**

1. By way of derogation from Article 65(1) of Regulation (EC) No 889/2008, in respect of low risk operators, as determined by the risk assessment procedure of the competent authority, or where appropriate, of the control authority or control body, as defined in Article 27(3) of Regulation (EC) No 834/2007, in the event of movement restrictions caused by national measures related to the COVID-19 pandemic, physical inspections for the purpose of annual inspections and renewal of documentary evidence of organic operators may be substituted by documentary checks. Those documentary checks may be carried out, when necessary, also by any available means of distance communication, for low risk operators, as determined by the risk assessment procedure of the competent authority, or where appropriate, the control authority or control body laid down in Regulation (EC) No 834/2007 Article 27(3).

2. In respect of operators, other than those referred to in paragraph 1 of this Article and in respect of operators wishing to adhere to the organic production scheme for the first time, and in all the other cases such as retroactive recognition, in the event of movement restrictions caused by national measures related to the COVID-19 pandemic, the physical inspection, referred to in Article 65(1) of Regulation (EC) No 889/2008, shall occur as soon as control and certification activities can be resumed in the Member States and in the Third Country concerned, after the end of the national measures related to the COVID-19 pandemic. Until that moment, the documentary checks for the purpose of annual inspection, issue and renewal of the documentary evidence of organic operators and retroactive recognition, may be carried out, when necessary, also by any available means of distance communication.

3. By way of derogation from Article 65(2) of Regulation (EC) No 889/2008, the number of samples to be taken and analysed by the control body or the control authority every year shall correspond to at least 2 % of the number of operators under its control.

4. By way of derogation from the second sentence of the second subparagraph of Article 92a(4) of Regulation (EC) No 889/2008, the reply to a notification relating to non-compliant products, referred to in that sentence, shall be sent within 60 calendar days from the date of the original notification.

5. By way of derogation from point (b) of the second subparagraph of Article 92c(2) of Regulation (EC) No 889/2008, the additional random control visits carried out in accordance with Article 65(4) of that Regulation shall cover 5 % of operators under contract in accordance with the risk category.

**▼B**

6. By way of derogation from point (c) of the second subparagraph of Article 92c(2) of Regulation (EC) No 889/2008, at least 5 % of all inspections and visits carried out in accordance with Article 65(1) and (4) are unannounced.

7. By way of derogation from Article 92e of Regulation (EC) No 889/2008, the ‘annual inspection’ of the control body referred to in that Article, and planned until ►**M1** 1 February 2021 ◀, may be substituted by an ‘annual supervision audit’ carried out also by any available means of distance communication, as long as national emergency measures related to the COVID-19 pandemic in the Member State concerned prevent the competent authority from carrying out that inspection.

*Article 2***Derogations from Regulation (EC) No 1235/2008**

1. By way of derogation from Article 13(2) of Regulation (EC) No 1235/2008, the certificate of inspection shall be issued by the relevant control authority or control body by introducing all necessary information and validating box 18 in the Trade Control and Expert System (TRACES). It shall be endorsed by the relevant Member State’s competent authority by validating box 20 in TRACES and be completed by the first consignee in TRACES.

2. By way of derogation from Article 13(6) of Regulation (EC) No 1235/2008, at the verification of a consignment the relevant Member State’s competent authority shall endorse the certificate of inspection by validating box 20 in TRACES.

3. By way of derogation from the second sentence of the first subparagraph of Article 15(4) of Regulation (EC) No 1235/2008, the reply to a notification relating to non-compliant products referred to in that sentence shall be sent within 60 calendar days from the date of sending of the original notification.

*Article 3*

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

It shall apply from 1 March 2020 until ►**M1** 1 February 2021 ◀.

However, Article 1(1) shall apply from 1 March 2020 until ►**M1** 1 February 2021 ◀.

Article 1(3), 1(5) and 1(6) shall apply from 1 January 2020 until 31 December 2020.

For control activities carried out in China, this Regulation shall apply from 1 January 2020 until ►**M1** 1 February 2021 ◀.

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