

Commission Regulation (EC) No 889/2008 of 5 September 2008 laying down detailed rules for the implementation of Council Regulation (EC) No 834/2007 on organic production and labelling of organic products with regard to organic production, labelling and control

TITLE IV

CONTROLS

CHAPTER 8

Infringements and exchange of information

[^{F1} Article 92

Exchange of information between control authorities, control bodies and competent authorities

1 Where the operator and/or the subcontractors of that operator are checked by different control authorities or control bodies, the control authorities or control bodies shall exchange the relevant information on the operations under their control.

2 Where operators and/or their subcontractors change their control authority or control body, the change shall be notified without delay to the competent authority by the control authorities or control bodies concerned.

The previous control authority or control body shall hand over the relevant elements of the control file of the operator concerned and the reports referred to in the second subparagraph of Article 63(2) to the subsequent control authority or control body.

The new control authority or control body shall ensure that non-conformities noted in the report of the previous control authority or control body have been or are being addressed by the operator.

3 Where the operator withdraws from the control system, the control authority or control body of that operator shall, without delay, inform the competent authority.

4 Where a control authority or control body finds irregularities or infringements affecting the organic status of products, it shall without delay inform the competent authority ^{F2}... in accordance with Article 27 of Regulation (EC) No 834/2007.

That competent authority may require, on its own initiative, also any other information on irregularities or infringements.

In case of irregularities or infringements found with regard to products under the control of other control authorities or control bodies, it shall also inform those authorities or bodies without delay.

5 [^{F3}The relevant authority] shall take the appropriate measures and establish documented procedures to enable exchange of information between all control authorities they have designated and/or all control bodies they have approved in accordance with Article 27 of

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Regulation (EC) No 834/2007, including procedures for the exchange of information for the purpose of verifying documentary evidence referred to in Article 29(1) of that Regulation.

6 [F⁴The relevant authority] shall take the appropriate measures and establish documented procedures in order to ensure that information on the results of inspections and visits as referred to in Article 65 of this Regulation is communicated to the paying agency in accordance with the needs of that paying agency as provided for in Article 33(1) of Commission Regulation (EU) No 65/2011 ⁽¹⁾ .]

Textual Amendments

- F1** Substituted by Commission Implementing Regulation (EU) No 392/2013 of 29 April 2013 amending Regulation (EC) No 889/2008 as regards the control system for organic production.
- F2** Words in Art. 92(4) omitted (31.12.2020) by virtue of The Organic Production and Control (Amendment) (EU Exit) Regulations 2019 (S.I. 2019/693), regs. 1(2), **3(42)(a)**; 2020 c. 1, Sch. 5 para. 1(1)
- F3** Words in Art. 92(5) substituted (31.12.2020) by The Organic Production and Control (Amendment) (EU Exit) Regulations 2019 (S.I. 2019/693), regs. 1(2), **3(42)(b)**; 2020 c. 1, Sch. 5 para. 1(1)
- F4** Words in Art. 92(6) substituted (31.12.2020) by The Organic Production and Control (Amendment) (EU Exit) Regulations 2019 (S.I. 2019/693), regs. 1(2), **3(42)(c)**; 2020 c. 1, Sch. 5 para. 1(1)

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(1) [^{F1}[OJ L 25, 28.1.2011, p. 8.](#)]

Textual Amendments

F1 Substituted by [Commission Implementing Regulation \(EU\) No 392/2013 of 29 April 2013 amending Regulation \(EC\) No 889/2008 as regards the control system for organic production.](#)

Changes to legislation:

There are outstanding changes not yet made to Commission Regulation (EC) No 889/2008. Any changes that have already been made to the legislation appear in the content and are referenced with annotations.

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Changes and effects yet to be applied to :

- Regulation applied (with modifications) by [S.I. 2023/959 reg. 6Sch. 3](#)

Changes and effects yet to be applied to the whole legislation item and associated provisions

- Annex 2 para. 3 words substituted by [S.I. 2019/693 reg. 3\(56\)](#)
- Art. 29(1)(a) words substituted by [S.I. 2019/693 reg. 3\(17\)\(b\)\(i\)\(bb\)](#) (This amendment not applied to [legislation.gov.uk](#). [S.I. 2019/693](#), reg. 3(17)(b)(i)(bb) substituted immediately before IP completion day by [S.I. 2020/1400](#), regs. 1(b), 3(3)(e))