

MINISTRY OF AGRICULTURE AND RURAL DEVELOPMENT

ORDER

**on the organization of the control and certification system,
approving the control bodies and on the supervision of their
activity in organic farming**

Having considered the Approval report no. 254.835/331.869/238.786 of 3.11.2021 of the Directorate-General for Agricultural Policies, of the Directorate-General for European Affairs and International Relations and of the Directorate-General for Control, Anti-Fraud and Inspections, in accordance with the provisions of:

- Regulation (EU) 2017/625 of the European Parliament and of the Council of 15 March 2017 on official controls and other official activities performed to ensure the application of food and feed law, rules on animal health and welfare, plant health and plant protection products, amending Regulations (EC) No 999/2001, (EC) No 396/2005, (EC) No 1069/2009, (EC) No 1107/2009, (EU) No 1151/2012, (EU) No 652/2014, (EU) 2016/429 and (EU) 2016/2031 of the European Parliament and of the Council, Council Regulations (EC) No 1/2005 and (EC) No 1099/2009 and Council Directives 98/58/EC, 1999/74/EC, 2007/43/EC, 2008/119/EC and 2008/120/EC, and repealing Regulations (EC) No 854/2004 and (EC) No 882/2004 of the European Parliament and of the Council, Council Directives 89/608/EEC, 89/662/EEC, 90/425/EEC, 91/496/EEC, 96/23/EC, 96/93/EC and 97/78/EC and Council Decision 92/438/EEC;

- 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;

- Commission Delegated Regulation (EU) 2020/427 of 13 January 2020 amending Annex II to Regulation (EU) 2018/848 of the European Parliament and of the Council as regards certain detailed production rules for organic products;

- Commission Implementing Regulation (EU) 2020/464 of 26 March 2020 laying down certain rules for the application of Regulation (EU) 2018/848 of the European Parliament and of the Council as regards the documents needed for the retroactive recognition of periods for the purpose of conversion, the production of organic products and information to be provided by Member States;

- Commission Delegated Regulation (EU) 2020/1794 of 16 September 2020 amending Part I of Annex II to Regulation (EU) 2018/848 of the European Parliament and of the Council as regards the use of in-conversion and non-organic plant reproductive material;

- Commission Delegated Regulation (EU) 2020/2146 of 24 September 2020 supplementing Regulation (EU) 2018/848 of the European Parliament and of the Council as regards exceptional production rules in organic production;

- Commission Delegated Regulation (EU) 2021/642 of 30 October 2020 amending Annex III to Regulation (EU) 2018/848 of the European Parliament and of the Council as regards certain information to be provided on the labelling of organic products;

- Regulation (EU) 2020/1693 of the European Parliament and of the Council of 11

November 2020 amending Regulation (EU) 2018/848 on organic production and labelling of organic products as regards its date of application and certain other dates referred to in that Regulation;

- Commission Implementing Regulation (EU) 2020/2042 of 11 December 2020 amending Implementing Regulation (EU) 2020/464 as regards its date of application and certain other dates that are relevant for the application of Regulation (EU) 2018/848 of the European Parliament and of the Council on organic production;

- Commission Delegated Regulation (EU) 2021/269 of 4 December 2020 amending Delegated Regulation (EU) 2020/427 as regards the date of application of the amendments to certain detailed production rules for organic products in Annex II to Regulation (EU) 2018/848 of the European Parliament and of the Council;

- Commission Delegated Regulation (EU) 2021/715 of 20 January 2021 amending Regulation (EU) 2018/848 of the European Parliament and of the Council as regards the requirements for groups of operators;

- Commission Delegated Regulation (EU) 2021/771 of 21 January 2021 supplementing Regulation (EU) 2018/848 of the European Parliament and of the Council by laying down specific criteria and conditions for the checks of documentary accounts in the framework of official controls in organic production and the official controls of groups of operators;

- Commission Delegated Regulation (EU) 2021/716 of 9 February 2021 amending Annex II to Regulation (EU) 2018/848 of the European Parliament and of the Council as regards organic production rules on sprouted seeds and chicory heads, on feed for certain aquaculture animals and on aquaculture parasite treatments;

- Commission Implementing Regulation (EU) 2021/279 of 22 February 2021 laying down detailed rules for the implementation of Regulation (EU) 2018/848 of the European Parliament and of the Council on controls and other measures ensuring traceability and compliance in organic production and the labelling of organic products;

- Commission Implementing Regulation (EU) 2021/461 of 16 March 2021 amending Regulation (EC) No 1235/2008 as regards the date for receiving requests for the recognition of control authorities and control bodies for the purpose of equivalence under the arrangements for imports of organic products based on Council Regulation (EC) No 834/2007;

- Commission Delegated Regulation (EU) 2021/1006 of 12 April 2021 amending Regulation (EU) 2018/848 of the European Parliament and of the Council as regards the model of the certificate attesting compliance with the rules on organic production;

- Commission Delegated Regulation (EU) 2021/1189 of 7 May 2021 supplementing Regulation (EU) 2018/848 of the European Parliament and of the Council as regards the production and marketing of plant reproductive material of organic heterogeneous material of particular genera or species;

- Commission Delegated Regulation (EU) 2021/1691 of 12 July 2021 amending Annex II to Regulation (EU) 2018/848 of the European Parliament and of the Council as regards the requirements for record-keeping for operators in organic production;

- Commission Implementing Regulation (EU) 2021/1165 of 15 July 2021 authorising certain products and substances for use in organic production and establishing their lists;

- 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,

pursuant to the provisions of art. 2 para. (5), art. 2¹ para. (2), art. 8, para. (2)

and art. 9² of Government Emergency Ordinance (OUG) no. 34/2000 on organic products, approved by Law no. 38/2001, as amended and supplemented, of art. 57 para. (1) of Government Emergency Ordinance (OUG) no. 57/2019 on the Administrative Code, as amended and supplemented, and of art. 9 para. (5) of Government Decision no. 30/2017 on the organization and operation of the Ministry of Agriculture and Rural Development, as well as for the amendment of art. 6 para. (6) of Government Decision no. 1.186/2014 on the organization and operation of the Authority for the Administration of the National Anti-Hail and Precipitation Growth System, as amended and supplemented,

the Minister of Agriculture and Rural Development issues this Order.

CHAPTER I

General Provisions. Rules on the organization of the control and certification system

Art. 1

(1) According to the provisions of art.4 of Regulation (EU) 2017/625 of the European Parliament and of the Council of 15 March 2017 on official controls and other official activities performed to ensure the application of food and feed law, rules on animal health and welfare, plant health and plant protection products, amending Regulations (EC) No 999/2001, (EC) No 396/2005, (EC) No 1069/2009, (EC) No 1107/2009, (EU) No 1151/2012, (EU) No 652/2014, (EU) 2016/429 and (EU) 2016/2031 of the European Parliament and of the Council, Council Regulations (EC) No 1/2005 and (EC) No 1099/2009 and Council Directives 98/58/EC, 1999/74/EC, 2007/43/EC, 2008/119/EC and 2008/120/EC, and repealing Regulations (EC) No 854/2004 and (EC) No 882/2004 of the European Parliament and of the Council, Council Directives 89/608/EEC, 89/662/EEC, 90/425/EEC, 91/496/EEC, 96/23/EC, 96/93/EC and 97/78/EC and Council Decision 92/438/EEC (Official Controls Regulation), hereinafter referred to as *Regulation (EU) 2017/625*, a control system is established having as competent authority the Ministry of Agriculture and Rural Development, hereinafter referred to as *MARD*, which delegates official control tasks, other official and certification activities to control bodies, hereinafter referred to as *CB*.

(2) For the purposes of this order, CB (Control Bodies) means the delegated bodies defined in art. 3 point 5 of Regulation (EU) 2017/625, which are legal persons under private law, which meet the requirements of art. 28-33 of Regulation (EU) 2017/625 and the conditions provided in art. 40 of 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, hereinafter referred to as *Regulation (EU) 2018/848*.

(3) Any operator or group of operators who produces, prepares, distributes or stores organic or in-conversion products, who imports such products from a third country or who exports such products to a third country or who places such products on the market, according to the provisions of art. 34 of Regulation (EU) 2018/848, has the obligation to submit its activity to the control and certification system.

(4) The operators or groups of operators provided in par. (3) have the obligation to notify their own activity, annually, to the county or Bucharest agriculture directorates, hereinafter referred to as *DAJ*.

(5) The control and certification of organic production is performed by the CB in accordance with the provisions of Regulation (EU) 2018/848 and Regulation (EU) 2017/625, as well as the Delegated and Implementing Regulations.

(6) The approval of the CB is made by a commission set up by order of the Minister of

Agriculture and Rural Development, hereinafter referred to as the *approval commission*.
(7) The approval commission verifies whether the CB meets the approval conditions and proposes its approval to the MARD management.

(8) The control and supervision of the CB's activity is carried out by MARD through the structures with technical responsibilities in the field of organic farming and through the DAJ, according to the Government Emergency Ordinance no. 34/2000 on organic products, approved by Law no. 38/2001, as amended and supplemented, hereinafter referred to as *OUG no. 34/2000*;

(9) The CB shall grant access to MARD representatives to their offices and facilities and provide any information and assistance deemed necessary by MARD.

(10) In order to apply art. 34 of Regulation (EU) 2018/848, CBs issue supporting documents to operators and groups of operators who meet the specific organic production conditions in accordance with the provisions of Regulation (EU) 2018/848 and the Delegated and Implementing Regulations and Regulation (EU) 2017/625. The CB also issues transaction certificates in accordance with this order.

CHAPTER II

Conditions for the approval of control bodies with their head office in another Member State

Art. 2

(1) The CB must meet the criteria set out in art. 29 of Regulation (EU) 2017/625 and art. 40 of Regulation (EU) 2018/848, as well as the following requirements:

a) to be accredited for the product groups for which approval is sought, in accordance with European standard EN ISO/IEC 17065, by an accreditation body in the European Union, who is a signatory to the EA-MLA Multilateral Recognition Agreement;

b) to be independent from all parties involved, impartial and upright; the CB and its staff should not be subject to any commercial or financial pressures that might influence their decisions;

c) to possess documents proving the existence of the equipment and infrastructure at the disposal of the unit in Romania, needed to perform their control and certification tasks;

d) to hold a document describing the activity for the unit in Romania, showing at least the following:

(i) the CB assumes full responsibility for the activities carried out under the accreditation by the unit in Romania;

(ii) explicit description of the activities to be conducted under accreditation by the unit in Romania;

(iii) person in charge to inform MARD on any change occurring the accreditation status, which formed the basis of the approval;

e) to present a detailed substantiation of the control and certification costs applicable to operators/groups of operators;

f) to submit the annual internal audit report of the CB, including the unit in Romania, showing that it was audited in the last year, including the manner of correcting non-conformities, in the case of CBs approved by MARD prior to the entry into force of this order;

g) to have a sufficient number of personnel, proportional to the certification areas for which approval is sought;

h) for carrying out its activity within the unit in Romania, the personnel must meet the following requirements:

(i) to have appropriate training, namely higher education in the field of agriculture, horticulture, animal husbandry, veterinary medicine, ecology, food industry or

other fields/specialty postgraduate studies in the field of agriculture, horticulture, animal husbandry, veterinary medicine, ecology, food industry or other fields related to agriculture;

- (ii) to have certified competences to perform inspection for organic farming, showing that he/she is trained according to the requirements of Regulation (EU) 2017/625, Regulation (EU) 2018/848, European implementing regulations and national legislation;

i) the personnel active in the unit in Romania has to be:

- (i) employed by concluding an individual employment contract for an indefinite/definite period, according to Law no. [53/2003](#) – [Labour Code](#), republished, as amended and supplemented; the contract shall be registered in the General register of employees via REVISAL, according to Government Decision no. [905/2017](#) on the general register of employees; or
- (ii) as authorized individuals, established according to Government Emergency Ordinance no. [44/2008](#) on performing economic activities by authorized individuals, individual enterprises and family enterprises, as amended and supplemented, approved with amendments and additions by Law no. 182/2016, having an object that can be assimilated to the inspection and certification activities; or
- (iii) as persons seconded to Romania by control bodies established in other Member States of the European Union, under labour relations, according to the provisions of the Law no. [16/2017](#) on the secondment of employees within the framework of providing transnational services, as amended and supplemented;
- (iv) to have nominated a person responsible for all control and certification activities for the unit in Romania;

j) to present the last evaluation report of the accreditation body.

(2) The person responsible for all the control and certification activities of the unit in Romania must cumulatively meet the following conditions:

a) to have proper training, namely graduate/specialty postgraduate studies in the fields of agriculture, horticulture, animal husbandry, veterinary medicine, ecology, food industry or other fields related to agriculture, and minimum one year of experience in one of these areas;

b) to have certified competencies proving a high level of theoretical and practical knowledge on the organic production method, in accordance with national and EU legislation in the field;

c) to be employed under an individual employment contract for an indefinite period, according to Law no. [53/2003](#), republished, as amended and supplemented.

(3) CBs having their head office in another Member State may establish in Romania by means of a unit, whose legal form is accepted by national legislation. The unit in Romania may include the trade name of the CB in its name;

(4) CB's staff involved in the control and certification process of organic production must be present compulsorily at the annual audit inspection carried out at the Romanian office by the representatives of MARD, whenever they request it. All documentation related to the activity of control and certification of organic production must be made available to MARD, and if it is drawn up in another language, it will be accompanied by a certified translation into Romanian.

Art. 3

(1) In order to be approved, the CB headquartered in another Member State fills in and submits to the MARD headquarters an application, the model of which is provided in Annex no. 1, accompanied by the documents provided in Annex no. 2.

CHAPTER III

Conditions for the approval of control bodies having their head office in Romania

Art. 4

(1) The CB must meet the criteria provided in art.29 of Regulation (EU) 2017/625 and art. 40 of Regulation (EU) 2018/848, as well as the following requirements:

a) to be legal entities, headquartered in Romania, and registered according to the laws in force;

b) to be accredited for the product categories, for which they are seeking approval, in accordance with the standard SR EN ISO/IEC 17065, by the National Accreditation Body of Romania, who is a signatory to the EA-MLA Agreement of Multilateral Recognition of European accreditation;

c) to be independent from all parties involved, impartial and upright; the CB and its staff should not be subject to any commercial or financial pressures that might influence their decisions;

d) to possess documents proving the existence of the equipment and infrastructure needed to perform their control and certification tasks;

e) to hold a document describing the activity, showing at least the following:

(i) the CB assumes full responsibility for the activities carried out under the accreditation;

(ii) explicit description of the activities to be conducted under accreditation;

(iii) the person responsible for informing MARD on any change in the conditions under which the accreditation underlying the approval was granted;

f) to present a detailed substantiation of the control and certification costs applicable to operators/groups of operators;

g) to submit the annual internal audit report of the CB, showing that it was audited in the last year, including the way to remedy the non-conformities, as the case may be;

h) to have a sufficient number of personnel, proportional to the certification areas for which approval is sought;

i) in order to carry out the activity within the Romanian unit, the personnel must meet the following requirements:

(i) to have appropriate training, namely higher education in the field of agriculture, horticulture, animal husbandry, veterinary medicine, ecology, food industry or other fields related to agriculture/specialty postgraduate studies in the field of agriculture, horticulture, animal husbandry, veterinary medicine, ecology, food industry or other fields related to agriculture;

(ii) to have certified competences in performing inspections in organic farming, showing that he/she is trained in accordance with the requirements of Regulation (EU) 2017/625, Regulation (EU) 2018/848, implementing regulations and national legislation. The knowledge and understanding of the agricultural and agri-food sector and of the organic production method is thus proved.

j) the personnel carrying out their activity within the CB has to be:

(i) employed by concluding an individual employment contract for an indefinite/definite period, according to Law no. [53/2003](#) - [Labour Code](#), republished, as amended and supplemented; the contract shall be registered in the General register of employees via REVISAL, according to Government Decision no. [905/2017](#) on the general register of employees; or

(ii) authorized individuals, established according to Government Emergency Ordinance no. [44/2008](#) on performing economic activities by authorized individuals, individual enterprises and family enterprises, approved with amendments and additions by Law

no.182/2016, having an object of activity that can be assimilated to the control and certification activities;

k) to have nominated a person responsible for all control and certification activities;

l) to present the last evaluation report of the accreditation body.

(2) The person responsible for all the control and certification activities must cumulatively meet the following conditions:

a) to have proper training, namely higher education/specialty postgraduate studies in the fields of agriculture, horticulture, animal husbandry, veterinary medicine, ecology, food industry or other fields related to agriculture, and minimum one year of experience in one of these areas;

b) to have certified competencies proving a high level of theoretical and practical knowledge on the organic production method, in accordance with national and EU legislation in the field;

c) to be employed under an individual employment contract for an indefinite period, according to Law no. 53/2003, republished, as amended and supplemented.

(3) The CB staff involved in the process of control and certification of organic production must be present mandatorily at the annual audit carried out at the Romanian headquarters by MARD representatives and whenever they request it.

(4) In order to be approved, the CB with its main headquarters in Romania fills in and submits to the MARD headquarters an application, the model of which is provided in Annex no. 1, accompanied by the documents provided in Annex no. 3.

CHAPTER IV

Conditions for submitting documents for the approval of control bodies, which have their head office in another Member State, as well as those having their head office in Romania

Art. 5

(1) The documents provided in Annexes no. 2 or 3, as applicable, shall be submitted by the CB at the MARD headquarters anytime during the year. In the case of a CB approved by MARD, prior to the entry into force of this order, they shall submit the documents at least 60 days before the expiry date of the certificate of approval. The documents will be accompanied by a list of contents, they will be presented on electronic media, drafted in Romanian or as certified translations into Romanian, as applicable, certified as "true copy of the original", appropriated by the signature of the responsible person.

(2) Failure to observe the 60-day term stipulated in para. (1) by the CB approved by MARD prior to the entry into force of this order shall be sanctioned with "Written warning". The approved CB shall have a maximum of 15 days from the notification of the sanction applied to submit the documents in order to obtain the approval.

(3) The failure to submit the documents provided in annexes no. 2 or 3, as applicable, within the term of 15 days provided in para. (2) by the CBs approved by MARD prior to the entry into force of this order shall be sanctioned with the complete suspension of the approval.

(4) The documents referred to in para. (1) must be numbered, on the front page, in the centre, at the bottom, in ascending order, from 1 to ... n, where "n" is the total number of paper sheets contained in the file submitted for approval, and the last page of the file should bear the mention "this file contains «n» sheets" and it has to be signed, as the case may be, by the responsible person.

(5) The analysis of the CB's approval file is performed by the approval commission within a period of 60 days from the date of submission of the documents provided in annexes

no. 2 or 3, as applicable.

(6) If, after analysing the documents submitted, the approval commission finds some nonconformities, it shall notify the CB in writing, by mail, fax or e-mail, within 5 working days from the finding, on completing the documentation. The candidate CB must submit the documentation indicated within 10 working days after receiving the notification on completing the approval file. In case of non-completion of the approval file within 10 working days from the receipt of the notification, the request for approval will be rejected.

(7) The information obtained shall be kept confidential at all levels throughout the approval procedure.

Art. 6

(1) The approval commission verifies if the CB cumulatively meets the approval conditions provided in art. 2 or 4, analyses the documents submitted by the CB and issues a report, which contains in the conclusions section the reasoned proposal for approval or rejection of the approval.

(2) The approval commission rejects an application for approval, if:

a) the documents presented do not comply with those in annex no. 2 or 3, as the case may be;

b) when the working procedures do not ensure the consistency of the proposed procedural flow or are not securing in terms of effectiveness and efficiency of controls.

(3) Based on the report provided in par. (1) the approval commission issues a decision regarding the approval or, as the case may be, the motivated rejection of the approval, which is signed by the MARD management;

(4) The decision to approve or reject the approval shall be recorded in the register of the approval commission of the CB and communicated to the CB in writing.

(5) In the situation of issuing the approval decision, the structure responsible for elaborating policies in the field of organic farming shall issue the certificate of approval signed by the Ministry's management, in accordance with the model set out in Annex no.5.

(6) The certificate of approval granted to a CB is valid for 4 years from the date of issuance.

(7) The CB may submit to MARD a preliminary complaint against the decision received within 30 days, in accordance with the provisions of the Administrative Litigation Law no. **554/2004**, as amended and supplemented.

(8) The preliminary complaint shall be settled within 30 days of receipt by the commission for settling preliminary complaints appointed by MARD management.

(9) The Commission provided in para. (8) shall communicate the decision to approve/reject the preliminary complaint, which is signed by MARD's management;

(10) The decision to approve/reject the preliminary complaint shall be recorded in the register kept by the commission for settling preliminary complaints.

(11) In the event of issuing a decision approving the preliminary complaint, it shall also be communicated to the structure responsible for the elaboration of policies in the field of organic farming for implementing the provisions stipulated in para. (5).

(12) The list of approved CBs shall be published on MARD website.

(13) MARD shall assign a code to the approved CB, in accordance with the provisions of art. 4 para. (3) of Regulation (EU) 2017/625 and art. 32 para. (5) letter d) of Regulation (EU) 2018/848.

(14) If the CB having its head office in another Member State deregisters the unit registered in the Romanian trade register and approved by MARD for carrying out the control and certification activities of organic products and subsequently registers another unit in Romania in the trade register, it will request MARD a new approval according to

the provisions of art.5.

(15) The certificate of approval mentioned in para. (5) is the document, on which basis MARD is delegating to CBs official control duties, and other official and certification activities in the field of organic production.

Art. 7

(1) In order to extend its areas of activity, the approved CB shall submit a request to MARD anytime during the year, accompanied by the following documents:

a) application for extending the CB's areas of activity, whose model is provided in annex no.6;

b) copy of the certificate of accreditation issued by the accreditation body, according to the European Standard EN ISO/IEC 17065, which includes the new field/new fields for which the extension of the approval is sought;

c) official control procedures, other official and certification activities of the field/fields for which approval is sought;

d) copy of the articles of incorporation of the CB, if it has undergone changes compared to the initial approval.

(2) Upon receipt of the application for extension of the fields of activity, the structure responsible for policymaking in the field of organic farming shall analyse the documents received and elaborate a report, which contains in the conclusions subparagraph the proposal to approve or reasoned rejection of the activity extension.

(3) Based on the report mentioned in par. (2), the structure responsible for policymaking in the field of organic farming issues a decision on the approval of the extension or, as the case may be, the reasoned rejection of the approval to extend the activity, signed by the MARD management, which shall be recorded in the register of the structure responsible for policymaking in the field of organic farming and shall be communicated in writing to the CB within 30 working days from the date of registration of the application for the extension of the fields of activity.

(4) In the situation of issuing the decision approving the extension of activity, the structure responsible for policymaking in the field of organic farming shall elaborate a new certificate of approval to the CB, which will include the new field/fields, signed by MARD management, according to the model provided in annex no.7;

(5) The mentions regarding the certificate number, identification number, approval date and expiration date in the previous certificate of approval shall not change, being taken over in the new certificate.

(6) The previous certificate of approval shall be cancelled by a decision signed by MARD management.

CHAPTER V

Duties of control bodies

Art. 8

(1) The official control duties and other official activities delegated to the CB by MARD are the following:

a) control and certification of organic products in accordance with the provisions of art. 35, 38, art. 41-43 of Regulation (EU) 2018/848 and its delegated and implementing regulations;

b) other official activities:

(i) issuance of the decision regarding the application, as the case may be, of the measures provided in art. 138 para. (1) letter (b), para. (2) and (3) of Regulation (EU) 2017/625;

(ii) reporting to MARD the results of official controls and other delegated official activities as requested and within the deadlines set by MARD, including cases of non-

- compliance or suspicion of a case of non-compliance affecting the integrity of organic or in-conversion products;
- (iii) issuing certificates to operators and groups of operators in accordance with the provisions of art. 35 of Regulation (EU) 2018/848;
 - (iv) the issuance of other supporting documents issued in accordance with national law, such as the transaction certificate;
 - (v) granting exemptions for plant reproductive material which has not been obtained from organic production in accordance with point 1.8.5.1 of Part I of Annex II to Regulation (EU) 2020/1794;
 - (vi) confirmation of the conversion plan, according to art. 9 para. (8) letter c) of Regulation (EU) 2018/848.

Art. 9

(1) The obligations of the CB towards the operators/groups of operators carrying out activities in the organic farming system are the following:

a) to apply in the control and certification activity of organic products, as well as in other delegated official activities the provisions of Regulation (EU) 2017/625, the control rules provided for in Regulation (EU) 2018/848, those of the delegated and implementing regulations, as well as the provisions of the working procedures;

b) in cases of non-compliance with the specific rules of Regulation (EU) 2018/848 or a delegated or implementing regulation, the CB applies measures to operators/ groups of operators in accordance with the list of measures provided in Annex no. 4 and the list of measures mentioned in art. 40 para. (1) point (iii) of Regulation (EU) 2018/848;

c) The CB shall ensure that the operators/groups of operators comply with the obligations provided in art. 39 of Regulation (EU) 2018/848 and applies measures in case of non-compliance; in addition, the CB is required to request information from operators/groups of operators on a previous registration in the organic farming system, covering a reference period of 5 years, and, where appropriate, to exchange information with the previous CB;

d) to carry out at least once a year a physical on-site inspection of all operators and all groups of operators to verify compliance with the provisions of Regulation (EU) 2018/848, delegated and implementing regulations, in accordance with the provisions of art. 38 para. (3) of Regulation (EU) 2018/848, unless the conditions set out in letter a) and b) of art. 38 of Regulation (EU) 2018/848 are met, in which case the period between two on-site physical inspections shall not exceed 24 months; inspections of operators/groups of operators must be carried out in the optimal period so as to ensure the effectiveness and adequacy of official controls in accordance with art. 5 para. (1) point a) of Regulation (EU) 2017/625; the issuance of the certificate is conditioned by the presence of the registration sheet in the organic farming system of the operator/group of operators inspected for the current year and the closure of the non-conformities found by the CB, which affects the certification process;

e) those traders make an exception to the provisions of subparagraph d), who prove standardized procedures that are applicable to the entire marketing chain directly to the end consumer; in this case, inspections are carried out on a sample of minimum 7% of the units in the marketing chain;

f) to carry out at least once a year a physical on-site inspection of all subcontractors of the operators/groups of operators to verify their compliance with the provisions of Regulation (EU) 2018/848, delegated and implementing regulations, in accordance with the provisions of art. 38 para. (3) of Regulation (EU) 2018/848, unless the conditions set out in letter a) and b) of art. 38 of Regulation (EU) 2018/848 are met, in which case the

period between two on-site physical inspections shall not exceed 24 months; inspections at operators/groups of operators must be carried out in the optimal period so as to ensure the effectiveness and adequacy of official controls in accordance with art. 5 para. (1) point a) of Regulation (EU) 2017/625; in case the subcontractors are operators under the control system of another CB, it shall exchange information according to the provisions of art. 9 para. (3) of Regulation (EU) 2021/279;

g) to verify the accounting documents in accordance with the provisions of art. 1 of Regulation (EU) 2021/771;

h) to carry out the taking of samples within the official controls in accordance with art. 38 para. (4) subparagraph c) of Regulation (EU) 2018/848, depending on the risk assessment procedure referred to in art. 40 para. (1) letter a) point i) of Regulation (EU) 2018/848 and observing the percentage provided in art. 7 letters c) and d) of Regulation (EU) 2021/279; when taking the samples, the provisions of art. 35 para. (2) of Regulation (EU) 2017/625 must be complied with;

i) to draw up written reports in accordance with art. 38 para. (6) of Regulation (EU) 2018/848 and art. 13 of Regulation (EU) 2017/625; in addition to the information provided in art. 13 para. (1) letters a)-d) of Regulation (EU) 2017/625, the written report must also contain clear information on the results of the verifications carried out in accordance with art. 38 para. (1) of Regulation (EU) 2018/848 and art. 1 of Regulation (EU) 2021/771;

j) to periodically carry out official controls on the operators/groups of operators, depending on the risks and with an appropriate frequency, taking into account the elements mentioned in art. 9 of Regulation (EU) 2017/625 and art. 38 para. (2) of Regulation (EU) 2018/848 while observing the percentage established in art. 7 of Regulation (EU) 2021/279, as regards official controls without notification and additional controls; in the case of operators who are members of a group of operators, when taking the samples, the provisions of art. 35 para. (2) of Regulation (EU) 2017/625; the provisions of art. 2 para. (3) of Regulation (EU) 2021/771 and the percentage of re-inspections provided in art. 7 of Regulation (EU) 2021/279 must be complied with;

k) to document a risk analysis procedure, to classify the operators/groups of operators by risk classes and to establish the supervision measures, respectively the intensity and frequency of the controls, the sampling, according to art. 40 para. (1) of Regulation (EU) 2018/848; the procedure must include the method of assessing the effectiveness of the risk analysis and how to extend the sample in the event of a high incidence of non-conformities;

l) to draw up the control plan mentioned in art. 3 point 8 of Regulation (EU) 2017/625, which contains the detailed planning of the official controls to be carried out at the operators/groups of operators under the control system of the CB;

m) to carry out with priority a control at the operators/groups of operators coming from the CBs that have withdrawn from their own initiative or whose approval has been partially/completely withdrawn by MARD. If, following the control and/or analysis of the file made available by the CB that has been withdrawn or whose approval has been partially/completely withdrawn, it is found that the operators/groups of operators have complied with the organic production rules, the new CB shall issue the certificate provided in subparagraph q) within 30 days at most;

n) in case the operators/groups of operators and/or their subcontractors terminate the contract concluded with a CB, in order to change the CB, the CB has the obligation to comply with the provisions of art. 9 para. (4) of Regulation (EU) 2021/279, as regards the request and taking over of the control file, as well as the verification of the closure of the non-compliances identified by the previous CB; Upon receipt of the control file, the new CB shall immediately verify the conformity of the activity of the operator/group of

operators and issue a certificate attesting compliance with the provisions of Regulation (EU) 2018/848 and allowing the marketing of products with reference to the organic production method;

o) in case of transfer of the control file or in case of withdrawal from organic production, the last CB has the obligation to keep the control file for at least 5 years, according to art. 39 para. (1) letter d) point III of Regulation (EU) 2018/848;

p) in case of termination of the contract between a CB and an operator/a group of operators, the new CB must request the control file of the operator/group of operators immediately after signing the contract; the previous CB shall hand over without delay to the new CB the control file of the operator/group of operators in question, in accordance with art. 9 para. (4) of Regulation (EU) 2021/279;

q) to issue the certificate, in accordance with the provisions of art. 35 of Regulation (EU) 2018/848;

r) to issue the transaction certificates, based on the related fiscal documents, according to the model provided in annex no. 8, for any commercial transaction performed by the operator/group of operators outside the territory of Romania; transaction certificates may also be issued in electronic format and shall be issued on the date of the transaction or within a maximum of 30 days, for operators/groups of operators selling quantities of more than 500 kg in the case of unprocessed agricultural products and/or 100 kg in the case of bee products and processed agricultural products; they shall include at least the following information: name and address of the operator/group of operators, category of products traded, net quantity in tonnes, name of the beneficiary, invoice/waybill on the basis of which the certificate of transaction was issued, specification whether or not that batch was sampled for analysis, the date of issue of the test report, the signature of the issuer, as well as the mention that it does not replace the certificate issued in accordance with art. 35 of Regulation (EU) 2018/848;

s) to issue, until 15 October of each year, an annex to the certificate provided in subparagraph q), according to the model provided in annex no. 19, for operators / groups of operators who have accessed measure 11 "Organic farming" of PNDR 2014–2020, a financial support measure for certified organic areas or in conversion to methods and practices specific to organic farming, throughout the application of this measure;

t) to issue, until 15 December of each year, the annex to the certificate provided in subparagraph q), according to the model provided in annex no. 19, in case of concluding contracts with operators/groups of operators under the control and certification system of another CB whose approval was partially/completely withdrawn or who has withdrawn during the respective year;

u) to approve the application for the use of the "ae" logo, specific to certified organic products after verification of the labelling conditions provided for in Regulation (EU) 2018/848; to verify compliance with the specific rules for labelling organic products in accordance with the provisions of chap. IV of Regulation (EU) 2018/848 and to approve the model of labels used by operators/groups of operators;

v) to grant, in a justified manner, at the request of operators/groups of operators, prior to sowing the crop, authorizations to operators/groups of operators for the purchase and use of non-organic plant reproductive material, in accordance with the provisions of Regulation (EU) 2020/1.794;

w) not to conclude a contract with the operators/groups of operators who have been excluded from the organic farming system, natural persons, legal entities or administrators of some legal entities, for a period of 5 years from their exclusion;

x) to publish on its own websites the updated lists with the names and addresses of the operators/groups of operators that are under control together with the information regarding the certificates provided to the operators/groups of operators in accordance

with art. 34 para. (6) of Regulation (EU) 2018/848;

y) for fulfilling the requirements provided in art. 43 para. (2) - (4) of Regulation (EU) 2018/848, art. 9 para. (5) of Regulation (EU) 2021/279, CBs exchange information without undue delay; the CB must keep records of the exchange of information and records of notifications/complaints and incoming calls;

z) to display on its website the fees and rates charged to operators/groups of operators;

aa) to verify the application of the provisions of art. 9-29 of Regulation (EU) 2018/848; in case of use by operators/groups of operators of products and substances authorized in organic production, the CB shall verify compliance with the requirements set out in points 1.9.3 and 1.10.2 of Annex II to Regulation (EU) 2018/848, including justifications proving the need to use such products or substances;

bb) to verify and certify the conformity of a group of operators in compliance with the provisions of letter i) and of art. 36 of Regulation (EU) 2018/848, art. 2 of Regulation (EU) 2021/771, art. 4-6 of Regulation (EU) 2021/279; the results of the verifications will be included in the written report provided in art. 38 para. (6) of Regulation (EU) 2018/848.

(2) If a CB gives up its official control activity for which it has been approved or changes occur regarding the declaration of nullity, merger, total division, transformation, dissolution, liquidation or provided in another way by the articles of incorporation, without continuing to operate in another legal form, it is obliged to send to each operator/group of operators that is a signatory of a service provision contract a notification to this effect, as well as a copy of all documents issued in the last year, in order to continue the certification process, at least 15 working days before the cessation of the official control activity or within a maximum of 15 working days from the date when the change occurred, as the case may be.

(3) The notification provided in para. (2) must contain at least the following information:

a) the date from which the CB will cease its activity;

b) the period available to operators/groups of operators to register with another CB, if they intend to continue their activity in the field of organic farming;

c) the list of CBs approved by MARD posted on the website of MARD www.madr.ro;

d) the list of documents issued in the last year with a view to continuing the certification process.

Art. 10

(1) The obligations of control bodies towards the structure responsible for policymaking in the field of organic farming are the following:

a) to send, until 31 March of each year, annual statistical data according to the model provided in Annex no.9;

b) to transmit, until 31 March of each year, information on operators/groups of operators that are new entrants and operators/groups of operators that have withdrawn/were excluded from the control and certification system of the CB relating to the previous year, according to the model provided in Annex no.10;

c) to transmit, until 1 March of each year, a report of the authorizations granted in the previous year, according to the model provided in annex no. 11;

d) to draw up and submit the request for approval of the retroactive recognition of an earlier period from the duration of the conversion period of the agricultural plots, based on the requests of the operators/groups of operators and on the verifications of the supporting documents, according to the provisions of art. 10 para. (3) of Regulation (EU) 2018/848 and the provisions of art. 1 of Regulation (EU) 2020/464, in accordance with the procedure provided in Annex no. 12;

e) to request the approval of derogations for restraining or isolating animals in small

farms, in accordance with point 1.7.5 of Annex I, Part II, to Regulation (EU) 2018/848, using the form set out in Annex no. 13;

f) to inform MARD, at least 21 days in advance, about the evaluation to be carried out by the accreditation body at the main headquarters in Romania/the Romanian unit, in order to allow the MARD representatives to participate as observers;

g) to notify, within a maximum of 10 working days, any change in the conditions that were the basis for granting the accreditation;

h) without prejudice to the provisions of letter g) and para. (2), the CB shall communicate any changes in the documentation that formed the basis of the initial approval, within 10 days from the date on which it takes effect;

i) to notify MARD, 30 working days before the date from which it decides to cease its activity, about the intention to give up the control and certification activity for which it was approved;

j) to respond within 10 working days to any request coming from MARD;

k) to send the justification of the modification of the fees and rates applied to the operators/groups of operators in organic farming, whenever they change;

l) to send the corresponding links to the competent authority, after having published on its own websites the updated lists with the names and addresses of the operators and groups of operators, together with the information regarding the certificates provided to the operators and groups of operators in accordance with art. 35 para. (1) of Regulation (EU) 2018/848. In this regard, the CB complies with the requirements on the protection of personal data set out in Regulation (EU) 2016/679;

m) to enter in the SII-AE computer system the data about the operators/groups of operators controlled and certified in the organic farming system; the data shall be entered within 30 days of the date of the written report and 30 days of the date of issue of the certificate.

(2) If a CB is approved by MARD and after approval changes occur with regard to the name, logo, registered office, registration number at the National Trade Register office, name of the responsible person, fields of activity, it is obliged to inform and send to MARD and the accreditation body, in electronic format, a letter containing the reason for the occurred changes, accompanied by the documents attesting the changes, and the revised accreditation certificate, within 10 working days from the date of the change.

(3) In the situation provided in para. (2), the structure responsible for policymaking in the field of organic farming shall analyse the documents submitted, it may request other documents if deemed necessary and draft an approval report, which contains in the conclusions subparagraph the proposal to update the certificate of approval.

(4) Based on the report provided in para. (3), a decision approving the changes shall be issued and signed by the MARD management, which is registered in the register kept by the structure responsible for policymaking in the field of organic farming.

(5) In the situation of issuing the decision approving the changes according to para. (4), the structure responsible for policymaking in the field of organic farming shall prepare a new certificate of approval, which will include the new changes, signed by MARD's management, according to the model provided in Annex no.7.

(6) The mentions regarding the certificate number, identification number, approval date and expiration date in the previous certificate of approval will not change, being taken over in the new certificate.

(7) The certificate of approval issued prior to the certificate provided in par. (6) will be annulled by a decision signed by the MARD management.

(8) In the case stipulated in art. 6 para. (14) it is forbidden for the unit registered in the records of the Romanian trade register and not approved by MARD to carry out the activities of control and certification of organic products to issue certificates to the

operators in organic farming.

(9) MARD, through its structure responsible for policymaking in the field of organic farming, may request any other information for clarification to the CB.

(10) If the changes mentioned in para. (2) or art. 7 refer to CBs that are not approved according to the provisions in art. 2-4, the model of the certificate of approval issued is the one provided in Annex no. 7.

(11) The CB shall ensure that it complies with the model report/form, the requirements and the accuracy of the data transmitted.

(12) The CB is required to provide MARD with all information requested, in the format and within the time limits set by the competent authority.

Art. 11

(1) The obligations of the control bodies towards the structure responsible for technical inspections in the field of organic farming are the following:

a) to send, in the first 15 days of each semester, the information regarding the official controls and other official activities carried out in the previous semester, in accordance with the model provided in annex no. 14;

b) to send the report on official controls and other official activities performed in the previous year, until 31 March of each year, according to the provisions of art. 40 para. (10) letter b) of Regulation (EU) 2018/848, so that the competent authority can draw up the section on organic production in the annual report referred to in art. 113 of Regulation (EU) 2017/625; the information shall be provided in accordance with the model set out in Annex no. 15;

c) to allow access to their offices and facilities to the representatives of the structure responsible for technical inspections in the field of organic farming at central and territorial level, to cooperate and to assist them;

d) to inform the competent authority immediately regarding:

- (i) any suspicion or non-compliance found to affect the integrity of organic or in-conversion products, in accordance with Art. 32 letter b) of Regulation (EU) 2017/625 and art. 9 para. (2) of Regulation (EU) 2021/279;
- (ii) withdrawal of operators/groups of operators from the control system;
- (iii) change of the CB by the operator/group of operators and/or their subcontractors;
- (iv) any non-compliance suspected or found with the products under the control of other control authorities or other CBs, according to the provisions of art. 43 para. (2) of Regulation (EU) 2018/848;

e) to communicate to the competent authority, within a maximum of 5 days, any major sanction applied to operators/groups of operators for non-conformities that have affected the integrity of organic products and, where appropriate, the organic certification of the land plots;

f) the information provided according to the provisions of letter d) and e) must comply with the reporting model communicated; they will be used in the supervision activity of the CB and in fulfilling the obligation of the competent authority regarding the exchange of information with the European Commission, Member States and third countries, the Agency for Payments and Intervention in Agriculture, hereinafter referred to as *APIA*;

g) by 31 January of each year, the CB shall transmit by electronic means the relevant information on cases of contamination with unauthorized products or substances in the previous year, regarding the nature of the contamination detected and, in particular, the cause, source, level of contamination, volume and nature of the contaminated products;

h) to submit annually, until 15 June, in Excel format, the control plan mentioned in art. 9 para. (1) letter l), including the calendar planning of official controls, including additional and unannounced controls, sampling and the inspectors appointed for their performance;

i) in order to fulfil the obligations of the competent authority provided by art. 43 para. (1) of Regulation (EU) 2018/848 and art. 9 of Regulation (EU) 2021/279, if a CB suspects or finds non-conformities affecting the integrity of organic/in-conversion products marketed by operators/groups of operators in Romania or coming from another Member State/ third country and/or non-conformities which affect the organic status of the land plots or is informed from other sources of irregularities with organic products, it is obliged to immediately inform the competent authority in accordance with letter d) and to carry out an official investigation pursuant to the provisions of art. 29 para. (1) letter a) and art. 41 para. (1) of Regulation (EU) 2018/848, art. 1 and art. 2 of Regulation (EU) 2021/279;

j) in the case of irregularities found on products coming from EU and non-EU countries, an information note must be filled in and sent in accordance with the model set out in point 1 of Annex II to Regulation (EU) 2021/279; all answers must be detailed and clear with reference to the documents verified and useful for understanding the facts, which will be attached to the information;

k) information on the results of verifications in case of notifications received by Romania through the information system for organic farming, hereinafter referred to as *OFIS*, or any other type of notification must include all actions taken, information of other CBs and documents proving the findings during the investigation and shall be transmitted in accordance with the model set out in point 2 of Annex II to Regulation (EU) 2021/279. All answers must be detailed and clear with reference to the documents verified and useful for understanding the facts;

l) to keep records of official investigations and to transmit to the competent authority the documents provided in art. 29 para. (6) of Regulation (EU) 2018/848;

m) to send the result of the verifications and the documents mentioned in letter k) within 10 calendar days from the date of the initial finding/information. If the competent authority requests additional information, it shall be submitted by the CB, so that the answer formulated by OFIS falls within the term provided in art. 43 of Regulation (EU) 2018/848 and art. 9 of Regulation (EU) 2021/279;

n) to send all the relevant documents that were the basis for issuing the information notes provided in letter i) or other additional information, whenever requested;

o) to send until 31 December each year the result of the evaluation carried out by the accreditation body; if the evaluation is not carried out until that date, the evaluation result has to be sent no later than 31 March of the next year;

p) to send the annual internal audit report, showing that the CB having its head office in another Member State was audited in the last year, for the Romanian unit, including the manner of handling nonconformities;

q) to have a control file for each operator/group of operators under a service provision contract, and keep it in their archive (in copy and/or in original) for 5 years after the termination of the control and certification contract;

r) to take the necessary measures to remedy the deficiencies identified by the control team of MARD, to provide proof of implementation of corrective actions and communicate within the time limit set by the competent authority following the control/audit performed the remediation of nonconformities identified. The CB will make sure that the competent authority receives the documents within the set deadline.

(2) If a CB abandons the control and certification activity, for which it was approved, or if MARD has partially/completely withdrawn its approval, it shall send to the structure responsible for technical inspections in the field of organic farming, 30 working days before the date on which it decided to end its activity, or within 10 days from the partial/total withdrawal date of the approval, a copy of the control files, on electronic media, of the operators/group of operators subject to control, accompanied by a letter

specifying at least the following:

- a)** the date on which it intends to end its activity/when its approval has been withdrawn;
- b)** a description of the reason for giving up the control and certification activity in the field of organic farming (in case of giving up the control and certification activity);
- c)** number of operators/groups of operators with whom it has concluded a control and certification contract during the current year.

(3) The CB shall make available to MARD, whenever requested, the control file for each operator/group of operators under a service provision contract, which shall mandatorily include all relevant documents that formed the basis for the preparation of the inspection report, and of issuing the certification decision, including the register provided in art. 29 para. (3) of Regulation (EU) 2018/848.

(4) MARD, through its structure responsible for technical inspections in the field of organic farming, may request any relevant documents/information necessary for the supervision of the CB.

(5) The CB has the obligation to respond to requests within the time limits set by the competent authority.

(6) The CB has the obligation to submit, within 10 days from the date of notification, the documents requested by the competent authority in order to carry out the audit.

Art. 12

(1) If APIA requests explanations from the CB for the certificates issued, the CB concerned must provide them within the set deadline, but no later than 10 working days after submission of the request. In case that the CB does not provide the explanations requested until the first payment authorization of operators/groups of operators, the certificates shall not be taken into consideration. Only if the data provided by the CB are relevant, probative and compliant with the legal provision will APIA decide positively with regard to the operators/groups of operators.

(2) If the data is not made available by the CB in due time or if they are made available by the CB, but are not relevant or probative, then the structure responsible for technical inspections and the structure responsible for the policymaking in the field of organic farming within MARD shall check and send to APIA the decision on the compliance/non-compliance or trustworthiness of the certificate issued.

(3) Given the possibility to rotate the package versions 1, 2 and 5 and/or to change the category of use within M11 – organic farming and the different period of converting the crops, respectively an annual crop shall be cultivated in the 2nd year and a perennial crop in the 3rd year, other than perennial forage and grass land, awarding the status of organically certified land or land in conversion to organic farming shall be made according to the following rule:

a) if an annual/perennial crop was declared in the first year on a plot in conversion, an annual/perennial crop was declared on the same plot in the second year, and the farmer declares a perennial crop in the third year, then the status of that plot is the 3rd year of conversion;

b) if a perennial crop was declared in the first 2 years on a plot in conversion, and the farmer declares an annual crop in the third year, the plot has the status of organically certified.

(4) Rules for changing the certificate mentioned in art. 9 para. (1) letter q):

a) if changes of the physical blocks occur after the issuance of the certificate as result of updating LPIS – Agricultural Plot Identification System, the CB must update the annex related to the certificate with the new identification elements of the plot;

b) if the certificate was submitted within the statutory term, but computer errors acknowledged by the CB were detected later (and included in a revision of the previous document, sent later than the deadline for submitting the supporting document), it is

considered that the certificate was submitted on time and it will not be rejected from payment; only in these situations, regardless of the issuance date of the rectified annex, will APIA consider the initial date of the annex related to the certificate.

c) APIA makes available to the operator/group of operators/CB the documents showing the traceability between the old physical block and the one resulting after updating the LPIS – System for the identification of agricultural plots.

(5) CBs are responsible for the compliance of the certificates issued to the controlled operators/groups of operators with the legislation in force.

(6) APIA sends to the CB, by 30 June of each year, the list of operators registered in the organic farming system accessing the measure 11 «Organic farming» of the National Programme for Rural Development (PNDR) 2014-2020, a measure of financial support designed for those surfaces that are certified as organic or in conversion to the methods and practices that are specific to organic farming.

CHAPTER VI

Duties specific to the structures of the competent authority

Art. 13

(1) The specific duties of the structure responsible for policymaking in the field of organic farming within MARD are the following:

a) it centralizes and checks the data sent by the approved CBs, stipulated in art. 10, for their transmission to the European Commission, in accordance with the provisions of Regulation (EU) 2018/848, Delegated and Implementing Regulations and Regulation (EU) 2017/625;

b) it grants derogations in accordance with the provisions of art. 10 para. (3) points 1.3.4.3 and 1.3.4.4 part II of Annex II to Regulation (EU) 2018/848 and of art. 1 of Regulation (EU) 2020/464;

c) it grants authorizations in accordance with art. 25 of Regulation (EU) 2018/848, point 1.8.5 part I of Annex II, point 1.7.5, 1.7.8, 1.9.3.1 letter c) and point 1.9.4.2 letter c) Part II of Annex II, point 3.1.2 Part III of Annex II to Regulation (EU) 2018/848 and art. 14, 15 and 16 of Regulation (EU) 2020/464;

d) it grants exemptions to operators/groups of operators from the rules of production and issues an annual general authorization valid for operators/groups of operators in accordance with the provisions of point 1.8.5.7 of Regulation (EU) 2020/1.794;

e) it ensures, whenever necessary, the communication with the National Accreditation Body in Romania or another equivalent accreditation body of the European Union, who is a signatory to the EA-MLA Agreement on the multilateral recognition of European accreditation;

f) it verifies the updating of the lists provided in art. 9 para. (1) letter x) and makes available to the public the link to the lists published by the CB, in accordance with art. 34 para. (6) of Regulation (EU) 2018/848.

(2) The procedure for granting authorizations, according to par. (1) letter c), regarding the introduction in the unit of organic poultry animals intended for the production of meat and/or of the chicks for the production of eggs, bred by non-organic methods, is provided in annex no. 16.

(3) In case of partial/complete suspension of the CB provided for in art. 40 para. (8) of Regulation (EU) 2018/848, the structure responsible for developing policies in the field of organic farming, through the territorial structures with specific duties, notifies the operators/groups of operators registered with the respective CB. The notification shall contain at least the following information:

a) the date from which it was suspended and the period of suspension for the control and

other official and certification activities;

b) the reason for the suspension;

c) the agreement or prohibition to use the certificate issued by the suspended CB.

(4) In case of partial/complete withdrawal of the approval of a CB provided in art. 40 of Regulation (EU) 2018/848 and art. 33 of Regulation (EU) 2017/625 or in case of abandonment of the control and certification activity, the structure responsible for the policymaking in the field of organic agriculture, through the territorial structures with specific duties, notifies the operators/groups of operators under a service provision contract with the respective CB. The notification shall contain at least the following information:

a) the date from which the approval of the CB was partially/completely withdrawn or from which the CB decided to partially/completely give up the control and certification for which it was approved;

b) information on the prohibition to use the certification mark and any declaration of conformity with the relevant national and European Union legislation in the field, if the operator/group of operators does not conclude a new contract with another CB within the term provided by the legislation in force, as appropriate;

c) the agreement or prohibition to use the certificate issued by the CB.

(5) In case of partial/complete withdrawal of the approval of a CB or when the CB partially/completely gives up the control and certification activity, the structure responsible for policymaking in the field of organic farming:

a) shall notify APIA, as well as the Agency for Funding Rural Investments about the decision of partial/complete withdrawal or partial/complete abandonment of the control and certification activity of the CB concerned;

b) shall change the list of CBs approved by MARD to carry out control and certification of organic products in Romania, posted on its own website;

c) shall notify all other CBs in the list, and the accreditation body of the CB concerned.

Art. 14

(1) The specific duties of the structure responsible for technical inspections are the following:

a) organizes in the current year the audit of the CB for the activity carried out in the previous year, based on the provisions of art. 33 letter (a) of Regulation (EU) 2017/625 and Art. 40 para. (1) paragraph 2 letter b) of Regulation (EU) 2018/848; the audit is carried out in accordance with the audit theme, approved annually, and after prior notification of the CB; the notification is made at least 10 working days before the date of the audit, according to the model provided in annex no. 17, requesting relevant documents regarding the activity carried out during the verified period; the CB will send the requested documents within 10 days from the date of notification;

b) centralizes and checks the data sent by the CBs mentioned in art. 11;

c) ensures the transmission to the European Commission of the information regarding the results of the official controls, other official activities delegated to the CB and of the supervision of the CB, provided in the report mentioned in art. 113 of Regulation (EU) 2017/625, as well as other requested information;

d) ensures communication, whenever necessary, with the National Accreditation Body in Romania or another equivalent accreditation body in the European Union, who is a signatory to the EA-MLA Agreement of Multilateral Recognition of European accreditation.

e) monitors the activity carried out in the current year by each CB, taking into account the following aspects:

(i) the manner of conducting verifications, presenting and communicating the resulting findings, as a result of the controls performed by the CB in case of

intimations/notifications regarding irregularities in the activity of the operators/groups of operators;

- (ii) the results of the controls carried out by the competent authority in supervising the activity of the CB;
- (iii) compliance with the deadline set by the competent authority for checking non-conformities transmitted by intimations, notifications and other controls;
- (iv) the measures taken by the CB to remedy the identified non-conformities, and the sanctions applied in accordance with the provisions of art. 9 para. (1) letter a);
- (v) the transmission of the information/documents provided in art. 11 and compliance with the communication deadlines established in art. 11 para. (1) letters a), b) and d)-o).

(2) The supervision of the CB's activity is performed by:

a) the organization of audits at the CB in the current year, which include the office audit, the direct observation audit and the re-examination audit; for CBs established in another Member State, which operate on the territory of Romania through a unit, the annual audit is carried out at the headquarters of the unit in Romania;

b) supervisory controls, which are carried out by the counsellors with technical inspection duties within the DAJ, according to the theme elaborated at central level, and have as objective the on-site evaluation of the way of carrying out the activity, as well as the efficiency of the approved CB's activity;

c) controls performed following intimations or notifications regarding irregularities in the activity of the operators/groups of operators or in the activity of the approved CB, as well as controls performed based on art. 2 para. (4) letter l) of OUG no. 34/2000;

d) the evaluation of the fulfilment by the CB of the provisions of art. 11 and the results of the monitoring carried out in accordance with par. (1) letter e).

(3) The audits provided in par. (1) letter a) are performed as follows:

a) the audit team includes counsellors with technical inspection responsibilities at central level, with the exception of inspection visits carried out during review audits, which may also be carried out by counsellors with technical inspection responsibilities within the territorial structures; the audit must be attended by the staff with management responsibilities within the CB and the person in charge of certification;

b) the audit at the headquarters may be replaced by any means of distance communication when the situation so requires;

c) by exception from letter a), the office audit and the audit by direct observation may also be performed by the counsellors with technical inspection responsibilities within the territorial structures, based on a theme approved by the MARD management.

(4) The results of the annual audit performed at the CB, according to the provisions in para. (2) letter a), shall be recorded in audit notes, approved by the MARD management. The findings and irregularities identified, as well as the measures established in the audit notes shall be transmitted to the CB within 15 days after approval.

(5) If during the supervision activities the competent authority finds non-conformities / deficiencies in the activity of the CB, the sanction of written warning shall be applied in accordance with art. 16, as the case may be, and a deadline is set for the transmission of remedial measures. If within the term established by the control team the CB does not submit the corrective action plan and the evidence of having remedied the non-conformities / deficiencies found or the proposed actions do not ensure the remedy of the deficiencies, the competent authority will suspend the approval of the CB in accordance with art. 17.

(6) The supervisory controls provided in par. (2) letter b) are carried out by the counsellors with technical inspection responsibilities within the DAJ, on a sample of operators/group of operators selected by the central structure, sample established of at

least 5% of the total of operators/groups of operators under a service provision contract with each CB separately.

(7) The selection of the sample is made taking into account the area exploited and the analysis of non-conformities/violations found by the CB, including a wide range of operators/groups of operators, aimed in particular at operators/groups of operators who have received sanctions from the CB for the activity carried out in the previous year, especially in the category of downgrades, suspension of certification, as well as to operators/groups of operators about whom there are suspicions/complaints.

(8) The sample shall be established after the communication by the CB of the results of the inspections carried out, which shall be transmitted to the competent authority in accordance with art. 11 para. (1) letter a).

(9) Within the framework of on-site supervisory controls performed at the location of the farm/ facility of the operators/groups of operators, DAJ verifies if the operators/groups of operators comply with the production rules set out in Regulation (EU) 2018/848 and the Delegated and Implementing Regulations and how the CB implements the delegated tasks for the official control of organic products, as well as the existence of the following documents:

- a)** the contract concluded by the operator/group of operators with the CB;
- b)** the registration sheet of the operator/group of operators;
- c)** copy of the CB's report for the previous year, as applicable;
- d)** the certificates issued in accordance with the provisions of art. 35 of Regulation (EU) 2018/848;
- e)** the transaction certificates, as applicable;
- f)** any other documents specific to the operator/group of operators, including those relating to parallel crops.

(10) The results of the verifications performed according to par. (9) are recorded in the monthly control reports that the DAJ submits to the structure with technical inspection responsibilities at central level, mandatorily in the first 10 days of the following month.

(11) The requirements regarding the on-site supervisory controls are attached to the control theme provided in par. (2) letter b).

(12) Based on the results of the annual audit and the other activities provided in par. (2), for each CB a report is drawn up evaluating the activity carried out by it. The evaluation reports shall be finalized by 31 July of the year following the one in which the competent authority audited the CB.

(13) The evaluation report shall be sent both to the CB, as well as to the accreditation body concerned.

(14) The results of the controls performed according to par. (2) letter c) shall be recorded in control notes or information letters, as the case may be, and shall be communicated to the CB concerned within 10 working days from the approval.

CHAPTER VII

Sanctions applied to CBs and conditions of suspension/partial/complete withdrawal of their approval

Art. 15

(1) The structure with technical inspection responsibilities in the field of organic farming within MADR applies contravention sanctions to the CB, together with the counsellors with technical inspection responsibilities within the DAJ where the CB has its registered office/working point, according to art. 93 para. (2) of OUG no. 34/2000.

(2) MARD applies administrative sanctions to the CB according to the provisions of art. 91 of OUG no. 34/2000.

Art. 16

(1) The administrative sanction of written warning is applied in the following situations:

- a)** failure to comply with the provisions of art. 9 para. (1);
- b)** failure to comply with the obligations provided for in Art. 10 para. (1), (2), (11) and (12);
- c)** failure to comply with the obligations provided for in art. 11 para. (1) letters a)-h), k), l), n)-r), para. (3), (5) and (6);
- d)** the finding that the conditions that were the basis for the approval, according to the provisions of art. 2, respectively art. 4, were not observed;
- e)** failure to observe the deadlines provided in art. 5 para. (2) for the submission of the documents provided in annex no. 2 or 3, as applicable.

(2) The finding of the situations provided in par. (1) letters a) and c) and the application of the written warning sanction are made by the structure with technical inspection responsibilities at central level and the counsellors with technical inspection responsibilities within the County and Bucharest Agriculture Directorates (DAJ).

(3) The findings of the situations provided in par. (1) letters b), d) and e) and the application of the written warning sanction are made by the structure responsible for policymaking in the field of organic farming.

(4) The written warning is materialized in a decision issued by the structures provided in par. (2) or (3), as the case may be, approved by the MARD management.

Art. 17

(1) The administrative sanction of the partial/complete suspension of the approval, according to the provisions of art. 40 para. (8) of Regulation (EU) 2018/848, shall apply in the following situations:

a) after a written warning and if the CB does not submit the corrective action plan and/or the evidence of implementation within the deadline set by the competent authority or the proposed actions do not ensure the remedy of the deficiencies;

b) in case of suspension of the accreditation, according to the provisions of art. 40 para. (8) letter b) of Regulation (EU) 2018/848;

c) in case of non-compliance with the exchange of information provided in art. 32 letter b) of Regulation (EU) 2017/625, art. 43 para. (2) of Regulation (EU) 2018/848, art. 9 para. (2) of Regulation (EU) 2021/279, art. 12 para. (1) letters i), j) and m), ascertained by the competent authority at any time during the supervision and which has as a consequence the impossibility or delay of the implementation of the obligations of the competent authority provided in art. 43 para. (1) of Regulation (EU) 2018/848, art. 9 para. (1) of Regulation (EU) 2021/279 and art. 105 para. (1) of Regulation (EU) 2017/625.

(2) The administrative sanction of suspension is materialized in a decision issued by the structure responsible for policymaking, approved by the MARD management, at the proposal of the structure with technical inspection responsibilities and the structure responsible for policymaking in the field of organic farming.

(3) The approval of the CB may be suspended in whole or in part, in accordance with art. 40 of Regulation (EU) 2018/848.

Art. 18

(1) The partial/complete withdrawal of the approval is made after 12 months from the application of the partial/complete suspension, provided in art. 17 para. (1), if the facts for which the partial/complete suspension was applied are further ascertained.

(2) The CBs whose approval regarding the carrying out of the control and certification activity on the Romanian territory has been completely withdrawn are not entitled to submit a new application for approval for a period of 5 years from the date of complete withdrawal of approval.

(3) CBs whose approval has been partially withdrawn for one or more product groups shall not be entitled to submit a new application for approval for the same product group for a period of one year from the date of partial withdrawal of approval.

(4) The CBs whose approval regarding the carrying out of the control and certification activity on the Romanian territory has been partially/completely withdrawn are responsible for any damages caused to the operators.

(5) The approval of the CB may be withdrawn in whole or in part, in accordance with art. 40 of Regulation (EU) 2018/848.

Art. 19

(1) The partial/complete withdrawal of the approval materializes in a decision issued by the commission provided in art. 6 para. (3), approved by the MARD management, at the motivated proposal of the structure with technical inspection responsibilities and of the structure responsible for policymaking in the field of organic farming. The model of the decision is provided in annex no. 18.

(2) The decisions provided in par. (1), art. 7 para. (3), art. 16 para. (4) and art. 17 para. (2) may be challenged by the CB in accordance with the provisions of the Administrative Litigation Law no. 554/2004, as amended and supplemented.

(3) The preliminary complaints formulated against the decisions provided in par. (2) shall be resolved by a preliminary complaints commission, which shall be approved by order of the Minister of Agriculture and Rural Development.

(4) The decision approving or rejecting the preliminary complaint provided in par. (3) shall be recorded in the register of the commission for the settlement of preliminary complaints.

(5) The decision of approval or rejection provided for in para. (4) shall be communicated to the CB, to the structure responsible for policymaking in the field of organic farming and to the structure with technical inspection responsibilities.

CHAPTER VIII

Obligations of operators/groups of operators in the organic farming system

Art. 20

(1) The operators/groups of operators in the organic farming system must comply with all the organic production rules provided for in Regulation (EU) 2018/848, Regulation (EU) 2017/625 and the Delegated and Implementing Regulations.

(2) The operators/groups of operators in the organic farming system must register their activity in the organic farming system at MARD, according to the provisions of art. 34 of Regulation (EU) 2018/848, respectively according to the national provisions in force regarding the registration of operators/groups of operators in the organic farming system, and to prove this registration at any control performed by the CB.

(3) The operators/groups of operators in the organic farming system must submit their own activity to the control system, according to the provisions of art. 15 of Regulation (EU) 2017/625.

(4) Operators/groups of operators in the organic farming system must ensure the traceability of products at all stages of production, preparation, distribution or storage, organic or in conversion products, import from a third country or export to a third country or placing on the market, including by identifying the batches of products obtained and using the identification codes of the related batches thus established in all documents necessary for the transaction, such as: accounting documents, transport documents, etc.

(5) Operators/groups of operators, including suppliers of material for the reproduction of organic and in-conversion plants, organic animals and young organic aquaculture

animals, must register their activity according to art. 13 of Regulation (EU) 2018/848.

(6) In the case of parallel production, the operators/groups of operators must comply with the provisions of art. 9 para. (7) - (11) of Regulation (EU) 2018/848.

(7) The operators/groups of operators in the organic farming system must accept the sampling for analysis for all batches of organic/in-conversion products, representing primary production, for which transaction certificates are issued, in the case of operators/groups of operators carrying out marketing activities.

(8) The operators/groups of operators shall take all measures provided for in Regulation (EU) 2018/848 for the spatial delimitation of products in order to identify organic and in-conversion products and to prevent the mixing or replacement of organic, in-conversion and non-organic products at all stages of production, collection, preparation, packaging, transport and storage; in the case of retailers selling unpackaged, bulk products, they must be kept and stored in a specially designed and identified space for organic and in-conversion products.

(9) The operators/groups of operators requesting the termination of the service provision contract with the CB should, at least 30 days before the termination date of the contract, inform the CB in question by a written notice containing the intention to terminate the contract, as well as the name of the CB with which it will conclude a new service provision contract.

(10) In case of partial/complete suspension of the approval for a CB, in accordance with art. 40 para. (8) of Regulation (EU) 2018/848, operators/groups of operators will use the certificates in accordance with the decision of the competent authority.

(11) If the approval of a CB has been partially/completely withdrawn or it has partially/completely withdrawn itself out of its own initiative, the operator/group of operators, in order to continue its activity in the field of organic farming, has the obligation to conclude a service provision contract with another CB within 30 days from the date of the notification informing it of the partial/complete withdrawal of the approval of the respective CB; the operator/group of operators has the obligation to notify the new CB in connection with the existence of the certificate issued by the CB with which it has concluded a service provision contract.

(12) Operators/groups of operators marketing quantities of more than 500 kg in the case of unprocessed agricultural products and/or 100 kg in the case of beekeeping and processed agricultural products shall send to the CB, by the 5th of each month, the summary of transactions performed in the previous month.

(13) The operator/group of operators whose certificate has been withdrawn in accordance with the list of measures in Annex no. 4 does not have the right to register in the organic farming system for a period of 5 years.

(14) The operators/groups of operators in the organic farming system must request the CB to issue the transaction certificates for any commercial transaction carried out outside the territory of Romania.

(15) Operators/groups of operators in the organic farming system must keep all control reports, certificates and any other documents issued by the CB or which have been the basis for the issuance of certificates or transaction certificates for at least 5 years, in order to be made available to the competent authority for organic farming and to APIA.

(16) If in the current campaign the operator registered in the organic farming system as a natural person changes its form of organization into an authorized natural person, individual enterprise or family enterprise, according to the Government Emergency Ordinance no. 44/2008, approved with amendments and additions by Law no. 182/2016, it may submit to APIA the certificate mentioned in art. 9 para. (1) letter q), concluded as a natural person, thus applying the provisions of art. 6 para. (4) of the Government Emergency Ordinance (OUG) no. 11/2021 for the approval of payment schemes and

guarantee instruments applicable in agriculture in the years 2021 and 2022.

(17) In the post-transformation campaign, as provided in par. (16), it is mandatory for the operator to submit to APIA the certificate mentioned in art. 9 para. (1) letter q), concluded as an authorized natural person, individual enterprise or family enterprise.

(18) When changing their CB, operators/groups of operators and/or their subcontractors may not use the certificates issued by the CB with which they had concluded a service provision contract.

CHAPTER IX

Transitional and final provisions

Art. 21

(1) The certificates of approval of the CB issued by the Ministry of Agriculture and Rural Development based on the provisions of the Order of the Minister of Agriculture and Rural Development no. 895/2016 approving the rules on the organization of the inspection and certification system, approving the inspection and certification bodies/control bodies and on the supervision of the activity of control bodies in organic farming, as amended and supplemented, remain valid until the issuance date of the new approval certificates, according to the provisions of this order.

(2) CBs approved according to the provisions of the Order of the Minister of Agriculture and Rural Development no. 895/2016, as amended and supplemented, have the obligation to comply with the conditions provided in art. 2 or 4 and to submit the documents provided in annex no. 2 or 3 within 30 days from the date of accreditation provided in art. 2 para. (1) letter a) or art. 4 para. (1) letter b), as the case may be.

(3) For the activity carried out by the CB and/or the operators in organic farming in 2021, the structure with technical inspection responsibilities at central level and the counsellors with technical inspection responsibilities within the DAJ carry out controls at the CBs and apply sanctions, according to the legislation applicable in the year 2021.

Art. 22

Annexes no. 1-19 are an integral part of this Order.

Art. 23

(1) The provisions of this order shall enter into force on the 1st of January 2022, except for art. 2, 4 and 21, which enter into force on the publication date of this order in the Official Journal of Romania, Part I.

(2) On the date of entry into force of this order, the Order of the Minister of Agriculture and Rural Development no. 895/2016 approving the rules on the organization of the inspection and certification system, approving the inspection and certification bodies/control bodies and on the supervision of the activity of control bodies in organic farming, published in the Official Journal of Romania, Part I, no. 669 of 31st August 2016, as amended and supplemented, is repealed.

Art. 24

This order shall be published in the Official Journal of Romania, Part I.

Minister of Agriculture and Rural Development,
Nechita-Adrian Oros

Bucharest, 5th November 2021.
No. 312.



APPLICATION for obtaining the approval as control body

MINISTRY OF AGRICULTURE AND RURAL DEVELOPMENT

No. of

The legal entity, headquartered in, Str. no., building, entrance, ap., county/district, registered at the National Trade Register Office under no., unique identification code (VAT no.)

The legal entity, headquartered in, Str. no., building, entrance, ap., county/district, registered at the National Trade Register Office under no., unique identification code (VAT no.) – unit of the control body*) with its head office in another state (name of the body), identification data, headquartered in

represented by its responsible, hereby seeks approval and issuance of the certificate of approval as control body (CB) in organic farming for the activities of production, preparation, distribution/placing on the market, storage, import and export mentioned in art. 34 para. (1) of 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 for the control and certification of the activities of production, preparation, distribution/placing on the market, storage, import and export for the following product categories**):

- ☐ a) unprocessed plants and plant products, including seeds and other plant reproductive material;
- ☐ b) unprocessed animals and animal products;
- ☐ c) unprocessed algae and aquaculture products;
- ☐ d) processed agricultural products, including aquaculture products, intended for use as food;
- ☐ e) animal feed;
- ☐ f) wine;
- ☐ g) other products listed in Annex 1 to Regulation (EU) 2018/848 or not included in the categories provided in letters a)-f):
 - ☐ g1) yeast used as food or feed;
 - ☐ g2) maté, sweet corn, vine leaves, palm kernels, hop buds and other edible parts of plants and products thereof;
 - ☐ g3) sea salt and other types of salt used for food and feed;
 - ☐ g4) silkworm donuts from which yarns can be spun;
 - ☐ g5) natural gums and resins;
 - ☐ g6) beeswax;
 - ☐ g7) essential oils;
 - ☐ g8) corks made of natural cork, not conglomerated and without any kind of binders;
 - ☐ g9) cotton, not carded or combed;
 - ☐ g10) wool, not carded or combed;
 - ☐ g11) rawhides and unfinished leather;
 - ☐ g12) traditional herbal preparations.

I hereby declare on my own responsibility that the approved CB will be free from any commercial or financial pressure in the control and certification activity.

Signature of the CB's responsible person

.....

*) To be filled in by control bodies having their head office in another state and who opened a unit in Romania, whose legal form is accepted by national legislation.

**) According to the accreditation certificate and its annex.

LIST
of documents to be submitted by the control body headquartered in
another Member State for approval

No.	Document name
1	Application to obtain approval as control body (CB), according to the model provided in Annex no. 1 to this Order;
2	Copy of the certificate of registration (or a similar document) issued by the competent authority of the Member State, where the CB is registered, and for the unit in Romania it has to submit the certificate of registration issued by the National Trade Register Office, stating that the object of activity can be assimilated to control, other official activities and certification
3	Copy of the valid fiscal certificate (or a similar document), issued by the financial authority of the Member State, where the CB is registered, stating that it has no tax obligations, and for the unit in Romania it has to submit the fiscal certificate, stating that it has no tax obligations managed by the National Agency for Fiscal Administration (ANAF);
4	Copy of the fiscal record (<i>/tax clearance certificate</i>) (or a similar document) issued under the law by the competent authority of the Member State, where the CB is registered, and for the unit in Romania by the competent authority, stating that no deeds have been perpetrated, which are sanctioned by fiscal, financial, and customs laws, as well as by those concerning financial discipline, fiscal inactivity and not entailing joint liability;
5	Copy of the CB's articles of incorporation, and of the articles of incorporation of the unit in Romania;
6	Copy of the trade register excerpt (or a similar document), which has to be updated, valid, issued by the competent authority of the Member State, where the CB is registered, and a copy of the trade register excerpt, issued by the National Trade Register Office for the unit in Romania;
7	Copy of the CB's certificate of accreditation for the product categories for which approval is sought, in accordance with European Standard EN ISO/IEC 17065, issued by an accreditation body in the European Union, who is a signatory to the EA-MLA Agreement of Multilateral Recognition of European accreditation
8	A short presentation of the CB, proving the experience in the field of official control, other official activities and certification of organic products and the objectives set for the activities, for which approval is sought
9	Copies of documents relating to the existence of the headquarters, equipment and infrastructure necessary to carry out official control tasks, other official and certification activities, which are available to the unit in Romania;
10	Documents proving impartiality and the absence of the conflict of interest concerning the performance of official control tasks, other official and certification activities by the persons, who are carrying out their activity within the Romanian unit (declarations of impartiality and for the avoidance of the conflict of interests);
11	Copy of the standard official control procedure, other official activities and working instructions, containing a detailed description of the control measures and requirements, which the unit in Romania undertakes to impose on operators/groups of operators, in accordance with the provisions of Chapter VI "Official controls and other official activities" of Regulation (EU) 2018/848, taking into consideration each product category and specific activity, for which approval is sought;
12	Copy of the contract for the headquarters of the unit in Romania
13	Copy of the document certifying in detail the substantiation of the control costs, other official and certification activities applicable to the operators/group of operators

14	Copy of the last evaluation report prepared by the accreditation body for the CB, and also for the unit in Romania;
15	Copy of the annual internal audit report of the CB, which has to include the unit in Romania, as applicable;
16	Copy of the procedure for issuing and verifying the certificates in accordance with the provisions of art. 35 of Regulation (EU) no. 2018/848, of the delegated and implementing regulations, including the standard form of the certificate used by the control body; also a copy of the procedure for issuing transaction certificates
17	Copies of the model/models of reports drawn up following the on-site controls, in accordance with the provisions of art. 13 para. (1) of Regulation (EU) 2017/625, for each type of activity carried out by the operator/group of operators
18	Copies of the model certificates pursuant to art. 35 para. (1) of Regulation (EU) 2018/848, in accordance with the model set out in Annex VI to Regulation (EU) 2018/848, replaced by Delegated Regulation no. 1,006/2021 amending Regulation (EU) 2018/848, and other documents issued to operators/groups of operators in order to carry out commercial transactions; supporting documents (transaction certificates) with the electronic signature of the issuing body, as an additional security element, as applicable
19	Copies of the models of service provision contracts, and the rates charged for the provision of official control, other official activities and certification services
No.	Document name
20	Copy of the non-compliance verification procedure containing the documents indicating detailed measures that the Romanian unit intends to apply in case of suspicions, according to the provisions of art. 29 of Regulation (EU) 848/2018, or in case of identification of irregularities and/or infringements (List of measures), taking into account the list of measures that the CB applies to operators / groups of operators, provided in Annex no. 4 the order
21	Copy of the procedure for planning inspections, in accordance with art. 40 of Regulation (EU) 2018/848, as well as the procedure for planning additional inspections, based on the general assessment of the risk of non-compliance with organic production rules, in accordance with art. 40 para. (1) letter (a) point (i) of Regulation (EU) 2018/848
22	Written statement of the person responsible for the unit in Romania by which he/she undertakes to make available to MARD, in any case, evaluation reports or any other information regarding the accreditation, according to the standard EN ISO/CEI 17065, issued by the accreditation body, as well as the commitment to comply with the law applicable to the control activity, other official and certification activities
23	Copy of the organizational chart of the Romanian unit accompanied by the file of the employed staff, so as to prove the fulfilment of the requirements provided in art. 29 of Regulation (EU) no. 625/2017 and art. 40 of Regulation (EU) 848/2018, which will include: a) copies of higher education /specialized postgraduate studies diplomas / documents proving 1 year experience in the field of organic farming; b) curriculum vitae; c) copies of individual employment contracts; d) copies of the registration certificates issued by the National Office of the Trade Register, for the personnel performing control activity and which is established on the basis of the Government Emergency Ordinance no. 44/2008, approved with amendments and supplements by Law no. 182/2016, or of Law no. 16/2017 on the secondment of employees in the provision of transnational services, as amended and supplemented, showing that the main object of activity can be assimilated to control
24	Copies of certificates of training or professional development of inspectors proving their qualification for performing official control and other official activities
25	Copy of the document regarding the nomination of the person responsible for the control activity, other official and certification activities for the Romanian unit

26	The specimen signature of the person authorized to issue the certificates and documents referred to in point 16, the specimen signature of the person responsible for the unit in Romania, as well as of the inspectors operating in Romania
27	The CB may conclude service provision contracts for testing with accredited laboratories, according to EN ISO/IEC 17025 "General requirements for the competence of testing and calibration laboratories". Laboratories must also be accredited to perform the tests that are specific to the field/fields for which approval is sought. In this respect, contracts will be presented to certify the collaboration with such laboratories, including for the determination of the origin of the applied fertilizers, especially the nature of the nitrogen used (organic or synthetic). If the contracted laboratories cannot perform a test, the CB shall contact another laboratory accredited in accordance with SR EN ISO/CEI 17025.
28	Copy of the standard control and certification procedure for groups of operators*) containing a detailed description of the steps regarding the requirements for groups of operators, specific criteria and conditions for audits of accounting documents in official controls on organic production, according to Regulation (EU) 2021/715 and Regulation (EU) 2021/771
29	1. The documents provided in this annex shall be submitted by the CB provided for in art. 2 para. (3) of the order, which were established on the territory of Romania through a unit whose legal form is accepted by the national legislation. 2. CBs headquartered in another Member State may be established in Romania through a unit whose legal form is accepted by national law. The Romanian unit may include in its name the trade name of the control body.

*) To be submitted in the documentation only if the CB is accredited for the control and certification of the group of operators.

ANNEX No. 3

LIST of documents to be submitted by the control body headquartered in Romania for approval

No.	Document name
1	Application to obtain approval as control body (CB), according to the model provided in Annex no. 1 to this Order;
2	Copy of the certificate of registration issued by the National Trade Register Office or by another authority with registration duties of the legal entity, stating that the object of activity can be assimilated to control, other official activities and certification
3	Copy of the valid fiscal certificate (or a similar document), stating that it has no tax obligations managed by the National Agency for Fiscal Administration (ANAF);
4	Copy of the fiscal record (<i>/tax clearance certificate</i>) issued under the law, stating that no deeds have been perpetrated, which are sanctioned by fiscal, financial, and customs laws, as well as by those concerning financial discipline, fiscal inactivity and not entailing joint liability;
5	Copy of the articles of incorporation of the candidate CB;
6	Copy of the updated and valid trade register excerpt, issued by the National Trade Register Office;

7	Copy of the certificate of accreditation for the product categories for which approval is sought, in accordance with European Standard EN ISO/IEC 17065, issued by the Romanian National Accreditation Body, who is a signatory to the EA-MLA Agreement of Multilateral Recognition of European accreditation
8	A short presentation of the CB, proving the experience in the field of official control, other official activities and certification of organic products and the objectives set for the activities, for which approval is sought
9	Copies of documents relating to the existence of the headquarters, equipment and infrastructure necessary to carry out official control tasks, other official and certification activities;
10	Documents proving impartiality and the absence of the conflict of interest concerning the performance of official control tasks, other official and certification activities (declarations of impartiality and for the avoidance of the conflict of interests);
11	Copy of the standard official control procedure, other official activities and working instructions approved by the CB, containing a detailed description of the control measures and requirements, which the candidate CB undertakes to impose on operators and groups of operators, in accordance with the provisions of Chapter VI "Official controls and other official activities" of Regulation (EU) 2018/848, taking into consideration each product category and specific activity, for which approval is sought;
12	Copy of the contract for the headquarters where the CB operates;
13	Copy of the document certifying in detail the substantiation of the costs of official control, other official and certification activities applicable to the operators/group of operators
14	Copy of the last evaluation report prepared by the accreditation body for the CB;
15	Copy of the annual internal audit report, as applicable;
16	Copy of the procedure for issuing and verifying the certificates in accordance with the provisions of art. 35 of Regulation (EU) no. 2018/848, of the delegated and implementing regulations, including the standard form of the certificate used by the control body; also a copy of the procedure for issuing transaction certificates
17	Copies of the model/models of reports drawn up following the on-site controls, in accordance with the provisions of art. 13 para. (1) of Regulation (EU) 2017/625, for each type of activity carried out by the operator/group of operators
18	Copies of the model certificates pursuant to art. 35 para. (1) of Regulation (EU) 2018/848, in accordance with the model set out in Annex VI to Regulation (EU) 2018/848, replaced by Delegated Regulation no. 1,006/2021 amending Regulation (EU) 2018/848, and other documents issued to operators/groups of operators in order to carry out commercial transactions; supporting documents (transaction certificates) with the electronic signature of the issuing body, as an additional security element, as applicable
19	Copies of the models of service provision contracts, and the rates charged for the provision of official control/ other official activities and certification services
20	Copy of the non-compliance verification procedure containing the documents indicating detailed measures that the Romanian unit intends to apply in case of suspicions, according to the provisions of art. 29 of Regulation (EU) 2018/848, or in case of identification of irregularities and/or infringements (List of measures), taking into account the list of measures that the CB applies to operators/groups of operators, provided in Annex no. 4 the order
21	Copy of the procedure for planning inspections, in accordance with art. 40 of Regulation (EU) 2018/848, as well as the procedure for planning additional inspections, based on the general assessment of the risk of non-compliance with organic production rules, in accordance with art. 40 para. (1) letter (a) point (i) of Regulation (EU) 2018/848

22	Written statement of the person responsible for the unit in Romania by which he/she undertakes to make available to MARD, in any case, evaluation reports or any other information regarding the accreditation, according to the standard EN ISO/CEI 17065, issued by the accreditation body, as well as the commitment to comply with the law applicable to the control activity, other official and certification activities
23	Copy of the organizational chart of the CB accompanied by the file of the employed staff, so as to prove the fulfilment of the requirements provided in art. 29 of Regulation (EU) no. 625/2017 and art. 40 of Regulation (EU) 2018/848, which will include: a) copies of higher education /specialized postgraduate studies diplomas / documents proving 1 year experience in the field of organic farming; b) curriculum vitae; e) copies of individual employment contracts; f) copies of the registration certificates issued by the National Trade Register Office, for the personnel performing control activity and which is established on the basis of the Government Emergency Ordinance no. 44/2008, approved with amendments and supplements by Law no. 182/2016, or of Law no. 16/2017 on the secondment of employees in the provision of transnational services, as amended and supplemented, showing that the main object of activity can be assimilated to control
24	Copies of certificates of training or professional development of inspectors proving their qualification for performing official control and other official activities
25	Copy of the document regarding the nomination of the person responsible for carrying out the control activity, other official and certification activities of the CB
26	The specimen signature of the person authorized to issue the certificates and documents referred to in point 16 of this Annex and the specimen signature of the person responsible for carrying out the activity of the CB, as well as of the inspectors
27	The CB may conclude service provision contracts for testing with accredited laboratories, according to EN ISO/IEC 17025 "General requirements for the competence of testing and calibration laboratories". Laboratories must also be accredited to perform the tests that are specific to the field/fields for which approval is sought. In this respect, contracts will be presented to certify the collaboration with such laboratories, including for the determination of the origin of the applied fertilizers, especially the nature of the nitrogen used (organic or synthetic). If the contracted laboratories cannot perform a test, the CB shall contact another laboratory accredited in accordance with SR EN ISO/CEI 17025.
28	Copy of the standard control and certification procedure for groups of operators*) containing a detailed description of the steps regarding the requirements for groups of operators, specific criteria and conditions for audits of accounting documents in official controls on organic production, according to Regulation (EU) 2021/715 and Regulation (EU) 2021/771

*) To be submitted in the documentation only if the CB is accredited for the control and certification of the group of operators.

LIST
of measures applied by control bodies (CBs) to operators/groups
of operators

The competent authorities or, as the case may be, the control authorities or control bodies shall apply one or more of the following measures, proportionally, for the non-conformities found in accordance with the table below.

Type of non-conformities*)	Measure	Measure code	Application manner
Minor ¹⁾	Submission by the operator / group of operators, within a set deadline, of an action plan to correct the non-conformity	Request for improvement (CA)	To be applied in case of an irregularity which does not pose any risk to the certification decision. It shall be accompanied by the request for improvement, specifying the manner of improvement and deadline for remediation.
		Warning (AS) Additional control (CS)	To be applied accompanied by the indication of the sanction to be given if the operator has not complied with the request for improvement; the warning may be followed by an additional control aimed at verifying the clarification documents submitted by the operator/ group of operators and/or by an on-site control.

*) When classifying the non-conformities, at least the criteria mentioned in art. 8 letter b) of Regulation (EU) no. 279/2021 and Annex 1 to the same regulation shall have to be considered.

¹⁾ The case of non-conformity is minor when:

- the precautionary measures are proportionate and appropriate and the controls put in place by the operator are effective;
- the non-conformity does not affect the integrity of the organic or in-conversion product;
- the traceability system can locate the affected product (s) in the supply chain and it is possible to ban the placing on the market of products with reference to organic production.

Type of non-conformities*)	Measure	Measure code	Application manner
Major2)	In accordance with art. 42 para. (1) of Regulation (EU) 2018/848, no reference is made to organic production in the labelling and advertising of the whole batch or series of production concerned [affected crop(s) or affected animal(s)]. A new conversion period is required.	Downgrading the product/batch/production series (DP)	DP is applied to a product or batch by withdrawing the indications on the organic production method when non-compliances affecting the integrity of organic products are found. It shall be accompanied by any appropriate measure in accordance with Art. 138 para. (1) letter b), para. (2), letters c), e)-g) and i) of Regulation (EU) 2017/625.
	Limiting the scope of the certificate	Downgrading the surface (DS)	DS is applied to the total surface, to a plot or part of a plot. It shall be applied when it is found that substances and products not permitted by Regulation (EU) 2018/848 and the delegated and implementing regulations have been used in the production technology, the measure of downgrading the surface in question to the conventional status shall be taken, the products shall be downgraded to the conventional status and the conversion period shall restart. This measure is also applied when the CB found contaminations that cannot be attributed to the operator/group of operators, in accordance with art. 8 para. (3 ⁴) of Government Emergency Ordinance no. 34/2000. Is shall be applied when the withdrawal of the references to the organic method (DP and/or DS) has been decided for part of the scope of the certificate. It also involves a plan to restart the conversion period for the field that has lost its certification. The measure shall be applied proportionally to the severity degree of the non-conformities found.
	Improving the implementation of precautionary measures and controls put in place by the operator to ensure compliance	CA+CS	The DP and/or DS measure shall be accompanied by the request for improvement, specifying the manner of improving the implementation of the precautionary measures and the deadline for its remediation. It is necessary to withdraw the product batch affected by downgrading from the market and to perform an additional control to verify the corrective actions.

Serious ³⁾	In accordance with art. 42 para. (1) of Regulation (EU) 2018/848, no reference is made to organic production in the labelling and advertising of the whole batch or series of production concerned [affected crop(s) or affected animal(s)].	DP	DP is applied to a product or batch by withdrawing the indications on the organic production method when con-compliances are found affecting the integrity of the organic products. It shall be accompanied by any appropriate measure, in accordance with art. 138 para. (1) letter b, para. (2) lit. c), e), f), g), i) of Regulation (EU) 2017/625.
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2) The case of non-conformity is major when:

- the precautionary measures are not proportional and adequate, and the controls put in place by the operator are not effective;
- the non-conformity affects the integrity of the organic or in-conversion product;
- the traceability system can locate the affected product(s) in the supply chain and it is possible to ban the placing on the market of the products with reference to organic production.

3) The case of non-conformity is major when:

- the precautionary measures are not proportional and adequate, and the controls put in place by the operator are not effective;
- the non-conformity affects the integrity of the organic or in-conversion product;
- the operator does not correct previous major non-conformities or repeatedly does not correct other categories of non-conformities;
- no information is available from the traceability system to locate the affected product(s) in the supply chain and it is not possible to prohibit the placing on the market of the products with reference to organic production.

Type of non-conformities*)	Measure	Measure code	Application manner
		DS	DS is applied to the whole surface, a plot or part of it. It shall apply where it is found that substances and products not permitted by Regulation (EU) 2018/848 and the delegated and implementing regulations have been used in the production technology, the measure to downgrade the surface concerned to the status of conventional shall be taken, and the products shall be downgraded to the conventional status, while resuming the conversion period.
		Suspension of certification (SC)	The marketing of products with reference to organic production shall be prohibited for a maximum period of six months, in which case operators/groups of operators shall be required to take corrective actions. It shall be applied accompanied by the DP and/or DS measure.
	Prohibition of marketing the products with reference to organic production, for a given period, in accordance with art. 42 para. (2) of Regulation (EU) 2018/848 A new conversion period is required.	SC	During the suspension period, operators/groups of operators shall implement enhanced precautionary measures and demonstrate the effectiveness of the controls they have put in place to ensure compliance.

<p>Limiting the scope of the certificate</p> <p>Suspension of the certificate</p>		<p>When the suspension period has ended, the CB will immediately notify the competent authority (Ministry of Agriculture and Rural Development - <i>MARD</i>) of the status of the operator concerned, regarding the remedy of/failure to remedy the non-conformities that led to the suspension; If the cause of the non-conformities has been established and the operator/group of operators has remedied the non-conformities, respectively has implemented improved precautionary measures and controls, it will benefit from the status it had before the suspension, and in case the operator/group of operators has been remedied the non-conformities and the cause of the non-conformities could not be established, the certificate withdrawal measure (RC) shall apply.</p>
<p>Withdrawal of the certificate</p>	<p>RC</p>	<p>Withdrawal of the certificate shall apply after the end of the certificate suspension period, when:</p> <ul style="list-style-type: none"> — the cause of the non-conformities could not be established and the operator/group of operators did not remedy the non-conformities; — in case of refusal to submit the farm/unit to control. <p>In such cases, the contract shall be terminated and all certificates issued to the operator/group of operators shall be mandatorily withdrawn. The application of this measure entails the impossibility of registering the operator/group of operators in the organic farming system for a period of 5 years.</p> <p>The control body shall immediately inform the competent authority about the application of this sanction for the purpose of publishing this information on MARD's official website and informing the Agency for Payments and Intervention in Agriculture.</p>

ROMANIA
MINISTRY OF AGRICULTURE AND RURAL DEVELOPMENT
Directorate.....

CERTIFICATE OF APPROVAL

No.

The legal entity, headquartered in, Str. no., building, entrance, ap., county/district, registered at the National Trade Register Office under no., unique identification code (VAT no.),
The legal entity, headquartered in....., Str. no., building, entrance, ap., county/district, registered at the National Trade Register Office under no., unique identification code (VAT no.) – unit of the control body with its head office in another state (name of the body), identification data, headquartered in,

having as responsible person, is approved as control body in organic farming, having the identification code RO-ECO -, in accordance with the provisions of the Government Emergency Ordinance no. 34/2000 on organic food products, approved by Law no. 38/2001, as amended and supplemented, with the provisions of the Order of the Minister of Agriculture and Rural Development no. 312/2021 on the organization of the control and certification system, on the approval of control bodies and supervision of their activity in organic farming and Regulation (EU) 2018/848 of the European Parliament and of the Council on organic production and labelling of organic products and repealing Council Regulation (EC) No 834/2007 on the control and certification of the activities of production, preparation, distribution/placing on the market, storage, import and export, for the following categories of products:

- a) unprocessed plants and plant products, including seeds and other plant reproductive material;
- b) unprocessed animals and animal products;
- c) unprocessed algae and aquaculture products;
- d) processed agricultural products, including aquaculture products, intended for use as food;
- e) animal feed;
- f) wine;
- g) other products listed in Annex 1 to Regulation (EU) 2018/848 or not included in the categories provided in letters a)-f):
 - g1) yeast used as food or feed;
 - g2) maté, sweet corn, vine leaves, palm kernels, hop buds and other edible parts of plants and products thereof;
 - g3) sea salt and other types of salt used for food and feed;
 - g4) silkworm donuts from which yarns can be spun;
 - g5) natural gums and resins;
 - g6) beeswax;
 - g7) essential oils;
 - g8) corks made of natural cork, not conglomerated and without any kind of binders;
 - g9) cotton, not carded or combed;
 - g10) wool, not carded or combed;
 - g11) rawhides and unfinished leather;
 - g12) traditional herbal preparations.

Approval date:
Expiration date:

Minister of Agriculture and Rural Development,

.....

*) To be filled in by control bodies having their head office in another state and who opened a unit in Romania, whose legal form is accepted by national legislation.

ANNEX No. 6

MINISTRY OF AGRICULTURE AND RURAL DEVELOPMENT

Directorate.....

No. dated

APPLICATION
for extending the fields of activity of the control body in the organic farming sector

The legal entity, headquartered in, Str. no., building, entrance, ap....., county/district, registered at the National Trade Register Office under no., unique identification code (VAT no.),
The legal entity, headquartered in....., Str. no., building, entrance, ap., county/district, registered at the National Trade Register Office under no., unique identification code (VAT no.) – unit of the control body with its head office in another state (name of the body), identification data, headquartered in

represented by its responsible person, requests hereby the extension of the fields of activity with the field/fields, in accordance with the certificate of accreditation, according to the SR EN ISO/IEC 17065 Standard, which is awarded for the field/fields requested, covered by the accreditation against SR EN ISO/CEI 17065, according to the Certificate of accreditation no.

Attached to this application is the certificate of accreditation according to Standard SR EN ISO/IEC 17065 for the field/fields of activity, and the upgraded procedure(s) applicable to the requested field(s).

Signature of the CB's responsible person

.....

*) To be filled in by control bodies having their head office in another state and who opened a unit in Romania, whose legal form is accepted by national legislation.

ROMANIA
MINISTRY OF AGRICULTURE AND RURAL DEVELOPMENT
Directorate.....

CERTIFICATE OF APPROVAL

No.

The legal entity, headquartered in, Str. no., building, entrance, ap., county/district, registered at the National Trade Register Office under no., unique identification code (VAT no.),
The legal entity, headquartered in....., Str. no., building, entrance, ap., county/district, registered at the National Trade Register Office under no., unique identification code (VAT no.) – unit of the control body*) with its head office in another state (name of the body), identification data, headquartered in,

having as responsible person, is approved as control body in organic farming, having the identification code RO-ECO -, in accordance with the provisions of the Government Emergency Ordinance no. 34/2000 on organic food products, approved by Law no. 38/2001, with the provisions of the Order of the Minister of Agriculture and Rural Development no. 312/2021 on the organization of the control and certification system, on the approval of control bodies and supervision of their activity in organic farming and Regulation (EU) 2018/848 of the European Parliament and of the Council on organic production and labelling of organic products and repealing Council Regulation (EC) No 834/2007 on the control and certification of the activities of production, preparation, distribution/placing on the market, storage, import and export, for the following categories of products:

- a) unprocessed plants and plant products, including seeds and other plant reproductive material;
- b) unprocessed animals and animal products;
- c) unprocessed algae and aquaculture products;
- d) processed agricultural products, including aquaculture products, intended for use as food;
- e) animal feed;
- f) wine;
- g) other products listed in Annex 1 to Regulation (EU) 2018/848 or not included in the categories provided in letters a)-f):
 - g1) yeast used as food or feed;
 - g2) maté, sweet corn, vine leaves, palm kernels, hop buds and other edible parts of plants and products thereof;
 - g3) sea salt and other types of salt used for food and feed;
 - g4) silkworm donuts from which yarns can be spun;
 - g5) natural gums and resins;
 - g6) beeswax;
 - g7) essential oils;
 - g8) corks made of natural cork, not conglomerated and without any kind of binders;
 - g9) cotton, not carded or combed;
 - g10) wool, not carded or combed;
 - g11) rawhides and unfinished leather;
 - g12) traditional herbal preparations.

Date of subsequent changes**):

Date of extension/withdrawal of activity***):

Approval date:

Expiration date:

Minister of Agriculture and Rural Development,
.....

*) To be filled in by control bodies having their head office in another state and who opened a unit in Romania, whose legal form is accepted by national legislation.

**) To be filled in for the changes made after the approval regarding: the name of the control body, headquarters, number assigned by the National Trade Register Office, fields of activity, name of the responsible person.

***) To be filled in when an extension of the activity is requested/when the approval for a field of activity has been withdrawn.

ANNEX No. 8

CERTIFICATE OF TRANSACTION

Name and code of the control body (CB)

Address of the CB

No. /

Name of the operator/group of operators	Address of the operator/ group of operators	Category of products	Net quantity (tons)	Beneficiary	Batch	Country of destination of the products

The certificate of transaction was issued according to Invoice/Waybill no.

The batch was/was not subjected to sampling for testing.....

Number/date of the test report

Signature of the CB's responsible person

.....

This certificate of transaction does not replace the certificate issued on the basis of art. 35 para. (1) of Regulation (EU) 2018/848.

ANNUAL STATISTICAL DATA

CB

Code:.....

A. Part A: Agricultural producers – Plant and animal production

Crt. no.	Name of the operator/group of operators	CNP / CUI	Place	County	Address/office	Tel./Fax	Name of the CB (CB code)	No./ date of the contract with the CB	No./ date of the registration sheet with DAJ	Crop (name)	C 1* (ha)	C 2* (ha)	C 3* (ha)	Organically certified surface	Organically certified achieved production (to)	Production in conversion (to)	Organically certified marketed quantity (to)	Marketed quantity, in conversion (to)	Category of animals	Live stock/ Bee colonies / Total	In conversion	Organically certified stock	Organically certified achieved production (to)	Quantity marketed, organically certified (to)
01	02	03	04	05	06	07	08	09	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25

*Conversion.

B. Part B: Preparation/processing

Crt. no.	Name of the operator/group of operators	CNP / CUI	Place	County	Address/Office/Street/no.	Tel./Fax	No./ date of the registration sheet with DAJ	Name of the CB (CB code)	No./ date of the contract with the CB	Type of prepared/processed, finished product	U. M. (t, kg, l, pc.)	Place of preparation/processing	Quantity prepared/processed	Quantity marketed, organically certified	Quantity marketed, in conversion	Achieved prepared/processed production	Quantity marketed, organically certified	Quantity marketed, in conversion	Destination	Country of destination
01	02	03	04	05	06	07	08	09	10	11	12	13	14	15	16	17	18	19	20	21

B. Part C: Placing on the market/distribution/storage

Crt. No.	Name of the operator/group of operators	CNP / UI	Place	County	Address/Office/Street / no.	Tel. / Fax	No./ date of the registration sheet with DAJ	Name of the CB (CB code)	No./ date of the contract with the CB	Type of product	U.M. (t, kg, l, pc.)	Quantity marketed, organically certified	Quantity marketed, in conversion	Country of destination
01	02	03	04	05	06	07	08	09	10	11	12	13	14	15

C. Part D: Exporters

Crt. No.	Name of the operator/group of operators	CNP / CUI	Place	County	Address/Office/Street/no.	Tel. / Fax	No./ date of the registration sheet with DAJ	Name of the CB (CB code)	No./ date of the contract with the CB	Type of product	U.M. (t, kg, l, pc.)	Estimated exported quantity	Quantity exported, organically certified	Quantity exported, in conversion	Country of destination
01	02	03	04	05	06	07	08	09	10	11	12	13	14	15	16

E. Part E: Importers

Crt. No.	Name of the operator/group of operators	CNP / CUI	Place	County	Address/Office/Street/no.	Tel. / Fax	No./ date of the registration sheet with DAJ	Name of the CB (CB code)	No./ date of the contract with the CB	Type of product	U.M. (t, kg, l, pc.)	Quantity imported, organically certified	Quantity imported, in conversion	Country of origin of the product (third countries)
01	02	03	04	05	06	07	08	09	10	11	12	13	14	15

F. Part F: Agricultural producers - Aquaculture

Crt. No.	Name of the operator/group of operators	CNP / CUI	Place	County	Address/Office/Street/no.	Tel. / Fax	No./ date of the registration sheet with DAJ	No./ date of the contract concluded with the CB	U. M. (to)	Name of the species of animals or aquatic organisms	Water surface in the 1 st year of conversion (ha)	Water surface in the 2 nd year of conversion (ha)	Water surface organically certified (ha)	Achieved quantity, organically certified	Quantity marketed, organically certified	Achieved quantity, in conversion	Marketed quantity in conversion	Country of destination
01	02	03	04	05	06	07	08	09	10	11	12	13	14	15	16	17	18	19

G. Part G: Placing on the market/distribution/storage – Spontaneous flora

Crt. No.	Name of the operator/group of operators	CNP / CUI	Place	County	Address/Office/Street no.	Tel. / Fax	No./ date of the registration sheet with DAJ	No./ date of the contract concluded with the Control Body	U. M. (t, kg, l, pc.)	Product category	Species subject to the preparation/processing operation	Quantity achieved	Nature of operations	Actual production prepared/processed achieved, organically certified	Achieved production prepared/processed, organically certified	Quantity marketed, organically certified	Category of products	Species traded	Estimated volume marketed (to)	Destination of products	Quantity marketed organically certified	Country of destination
01	02	03	04	05	06	07	08	09	10	11	12	13	14	15	16	17	18	19	20	21	22	23

ANNEX No. 10¹

A. General information relating to operators/groups of operators

Operators/groups of operators registered and certified in the organic farming system*)	Operators/groups of operators at the end of the year (previous to the reporting year)	Operators/groups of operators that are new entrants in the system (during the reporting year)	Operators/groups of operators withdrawn/suspended/excluded (during the reporting year)	Operators at the end of the year (covered by this reporting)
Total operators/groups of operators				
Agricultural producers				
-of which producers, who are also processors				

-of which producers, who are also importers				
-of which mixed producers n.e.c. – not elsewhere classified (to be specified.)				
Aquaculture production unit				
-of which producers of aquatic plants (including algae)				
Processors				
-of which processors, who are also importers				
-of which mixed processors n.e.c. – not elsewhere classified (to be specified.)				
Importers				
Exporters				
Other operators				
Traders				
Wholesalers (depository)				
Retailers				
Other operators n.e.c. (to be specified.)				

^{*)}Each type of operator may also include mixed operations. Subcontractors should be subject to the control system. Operator withdrawn – refers to the operator/group of operators, who gave up the organic production activity. Operator excluded – refers to the operator/group of operators, who was excluded from the certification system (of a CB), as provided in annex no. 4 to the order.

B. Status of operators/groups of operators

1. Register of operators at the end of the year previous to the reporting year

Crt . No.	Type of operator/ group of operators	Name of the operator/ group of operators	CNP/CU I	Place	County	Address Street/no.	Tel./Fax	No./date of the registration sheet	Name of the CB	Code of the CB	No./date of contract concluded with the CB
01	02	03	04	05	06	07	08	09	10	11	12

2. Register of operators/groups of operators that are new entrants into the system during the reporting year

Crt . No.	Type of operator/ group of operators	Name of the operator/ group of operators	CNP/CU I	Place	County	Address Street/no.	Tel./Fax	No./date of the registration sheet	Name of the CB	Code of the CB	No./date of contract concluded with the CB
01	02	03	04	05	06	07	08	09	10	11	12

3. Register of operators/groups of operators withdrawn during the reporting year

Cr t. N o.	Type of operator / group of operator s	Name of the operator / group of operator s	CNP/ CUI	Place	County	Address Street/ no.	Tel ./ Fa x	No./date of the registrat ion sheet	Name of the CB	Code of the CB	No./date of contract conclude d with the CB	No./date of the withdra wal request from the organic farming system	Reason for withdr awal	Name of the CB, who took over the withdr awn operator/ group of operators /code of the CB	Registratio n date at the new CB, after the operator/gr oup of operators withdrew from the previous CB
01	02	03	04	05	06	07	08	09	10	11	12	13	14	15	16

4. Register of operators/groups of operators suspended during the reporting year

Cr t. N o.	Type of operator / group of operator s	Name of the operator / group of operator s	CN P/ C UI	Plac e	Cou nty	Address Street /no.	Tel ./ Fa x	No./date of the registrat ion sheet	Name of the CB	Code of the CB	No./date of contract conclude d with the control body	No./date of suspen sion from the organic farming system	Suspensi on for a determin ed period according to notificatio n no./date to MARD	Name/code of the CB, who took over the suspended operator/gr oup of operators	Registration date of the suspended operator/gr oup of operators at the CB who took it over
01	02	03	04	05	06	07	08	09	10	11	12	13	14	15	16

5. Register of operators/group of operators excluded during the reporting year

Crt . No .	Type of operator/ group of operators	Name of the operator/ group of operators	CNP/C UI	Place	Count y	Address Street/ no.	Tel. / Fax	No./date of the registrati on sheet	Name of the CB	Code of the CB	No./date of contract concluded with the CB	Exclusio n no./date from the organic farming system	Total exclusion from the organic farming system accordin g to notificati on no./date to MARD
01	02	03	04	05	06	07	08	09	10	11	12	13	14

6. Register of operators/group of operators at the end of the reporting year

Crt . No.	Type of operator/ group of operators	Name of the operator/ group of operators	CNP/CU I	Place	County	Address Street/no.	Tel/Fa x	No./date of the registratio n sheet	Name of the CB	Code of the CB	No./date of contract concluded with the CB
01	02	03	04	05	06	07	08	09	10	11	12

ANNEX No. 11

REPORT

of the authorizations granted to operators/groups of operators by the control body (CB) for the use of non-organic plant reproductive material

Summary of authorizations granted by CBs in accordance with Regulation (EU) 2020/1794:

Name and code of the CB

Responsible person of the CB

Address

Identification code No. /

Scientific name	Common name	Variety	Justification according to art. 1 position 1 point 1.8.5.1 of the Annex to Regulation (UE) 2020/1794				Total no. of authorizations		Total quantity						Information according to the provisions of art. 1 position 1 point 1.8.5.3 of the Annex to Regulation (EU) 2020/1.794
			a)	b)	c)	d)	Species	Variety	Species			Variety			
									kg	to	pieces	kg	to	pieces	
1	2	3	4				5	6	7	8	9	10	11	12	13

ANNEX No. 12

PROCEDURE

for retroactive recognition of a period prior to the conversion period

I. Application for granting a derogation

Name and code of the control body (CB)

Responsible of the CB

Address

Identification code

No. ... /

To the Ministry of Agriculture and Rural Development
Directorate-General.....

Reference: Application for retroactive recognition of a period prior to the conversion period, in accordance with the provisions of point 1.7.5, Part I, Annex II, Art. 10 para. (3) letter a) of Regulation (EU) 2018/848 and art. 1 of Regulation (EU) 2020/464, for:
the operator / group of operators, address

Following the control on site and out of the documents issued by authorities it results that the plots, for which retroactive recognition of a period prior to the conversion period

is requested and which belong to the aforementioned operator/group of operators meet the conditions required by the legislation mentioned.

To this end I attach the following documents to this application:

- report of the CB (II);
- copy of the application of the operator/group of operators, whereby it requests the CB to retroactively recognize a period prior to the conversion period, accompanied by the summary of plots (III);
- copies of the supporting documents issued to the operator by the local authorities, proving that on the plots, for which the retroactive recognition is requested, the following activities considered non-compliant with the organic production method were not conducted over a period of 3 years preceding the conversion for agricultural areas or of one year for pastures or outdoor areas used by non-herbivorous species:
 - fertilizations with products not listed in Annex II to Regulation (EU) no. 1165/2021;
 - application of plant protection products, other than those specified in Annex I to Regulation (EU) no. 1165/2021;
- proof issued by the Agency for Payments and Intervention in Agriculture (APIA), stating that the plots for which retroactive recognition is sought have been the subject of measures defined in a program implemented under Regulation (EU) No. 1305/2013;
- maps clearly identifying each agricultural plot included in the application for retroactive recognition, information on the total surface of those agricultural plots and the coordinates for their geolocation when available;
- a certificate issued by the local authorities and the Agency for Payments and Intervention in Agriculture, as appropriate, stating that those plots were not cultivated for a period of at least 3 years prior to conversion;
- the detailed risk analysis performed by the CB for each plot that makes the object of the application;
- the outcome of laboratory tests made by accredited laboratories, according to SR EN ISO/IEC 17025 "General requirements for the competence of testing and calibration laboratories" on soil and/or plant samples taken by the CB of each agricultural plot, for which a retroactive recognition of the conversion period is being requested.

As a result of the foregoing and prior verification of supporting documents, please approve this application favourably.

Date

Signature of the CB's responsible person

.....

II. Report of the CB

Name of the CB

Address

Identification code

No. /

Unit
Address
Entry date into the control system
End date of the conversion period provided
Date of last control visit (The report concluded following inspection will be attached.)
Remarks or recommendations addressed to the operator/group of operators by the CB at the last control on site.

Date

Signature of the CB's responsible person

.....

III. Application of the operator/group of operators addressed to the CB for the retroactive recognition of a period prior to the conversion period

Operator/Group of operators

Address

Checked by the CB

Signature of the CB's responsible person

Summary of the plots, for which the retroactive recognition of a period prior to the conversion period is requested

No. of the plot/physical block	Coordinates for the geolocation of plots (if available)	Crop, surface and status of the plot, for which retroactive recognition of the conversion period is being requested during the current year	Crop, surface and status of the plot for which retroactive recognition of the conversion period is being requested during the year	Crop, surface and status of the plot for which retroactive recognition of the conversion period is being requested during the year	Crop, surface and status of the plot for which retroactive recognition of the conversion period is being requested during the year	Remarks
Example 1		Annual crop (C2) ha	Annual crop, (C1) ha	Annual crop ha	Fallow ha	
Example 2		Perennial crop (C2) ha	Perennial crop (C1) ha	Perennial crops ha	Perennial crops ha	
Example 3		Natural grassland (C1) ... ha	Natural grassland ... ha	Natural grassland ... ha	Natural grassland ... ha	
TOTAL						

Date

Signature of the operator/group of operators

.....

ANNEX No. 13

PROCEDURE

for requesting the authorization for tethering animals in farms with a maximum of 50 animals (excluding young livestock)

I. Application for granting the authorization to tether animals

Name and code of the control body (CB)

Responsible of the CB

Address

Identification code

No. .../.....

To the Ministry of Agriculture and Rural Development

Directorate-General for Agricultural Policies

Reference: granting the authorization to tether animals in farms with a maximum of animals (excluding young livestock), in accordance with the provisions of point 1.7.5, Annex II, Part II of Regulation (EU) 2018/848 and of Annex I point 1 of Regulation (EU) 2020/464, for:

the operator/group of operators, code, address, and date of the contract concluded for control and certification purposes no.

It arises from the inspections performed on site that the operator/group of operators does not have the possibility to keep these animals in groups corresponding to their behavioural needs, those animals have access to pastures during the grazing period and they have access at least twice a week to outdoor areas when grazing is not possible. We request the approval of the authorization for tethering the animals in this farm.

For this purpose we are enclosing to this application the following documents:

- copy of the last inspection report of the CB (in electronic format);
- copy of the application of the operator/group of operators requesting the authorization to tether animals, which also includes the commitment of the operator/group of operators;
- summary of operators/group of operators requesting the approval to tether animals (in electronic form).

As a result of the foregoing and submitting supporting documents, please solve this application favourably.

Date

Signature of the CB's responsible person

II. Application of the operator/group of operators to the CB for approving the authorization to tether animals in farms with a maximum of 50 animals (excluding young livestock)

Operator/Group of operators

No./date of the registration sheet

Address

Checked by the CB

.....

Signature of the CB's responsible person.....

Name of the operator/group of operators	Number of cattle	Of which: minimum live weight (kg.)	Of which:		Land area intended for grazing	Area of shelters		Remarks
			Certified number	Number in conversion		Indoor area (net area available to animals)	Outdoor area (movement area, excluding grasslands)	
		Up to 100						
		Up to 200						
		Up to 350						
		Over 350						
		Dairy cows						
		Bulls for breeding						

Total								
-------	--	--	--	--	--	--	--	--

I hereby declare on my own responsibility that I ensure the daily access of animals to the grassland, throughout the grazing period, and access to outdoor areas at least twice a week, when grazing is not possible.

Date.....

Signature of the operator/group of operators

.....

III. Summary of operators/group of operators requesting the authorization to tether animals in farms with a maximum of 50 animals (excluding young livestock)

Crt. No.	Name of the operator/ group of operators	CNP/CUI	County	Place	Street number	No./date of the registration sheet	No./date of the contract concluded with the control body	Date of inspection

The competent authority (Ministry of Agriculture and Rural Development) grants the authorization to tether animals, in accordance with the provisions of point 1.7.5., annex II, part II of Regulation (EU) 2018/848, for a limited period of time, namely for 6 months.

INFORMATION
related to the official controls and other official activities carried
out by the control body (CB)

List of operators/groups of operators

[illegible]

REPORT

on the official controls and other official activities carried out during the previous year by the control body (CB)

Part A – Information on the number of controls

Code number of the CB	No. of operators/groups of operators registered at the CB	Number of registered operators				Number of physical inspections****) according to art.38 para. 3 of Regulation (EU) 2018/848				Number of additional controls based on risk analysis				Number of unannounced additional controls based on risk analysis				Total number of controls/inspections			
		Agricultural producers*)	Aquaculture animal production units Processors**)	Importers	Exporters	Other operators***)	Agricultural producers*)	Aquaculture animal production units Processors**)	Importers	Exporters	Other operators***)	Agricultural producers*)	Aquaculture animal production units Processors**)	Importers	Exporters	Other operators***)	Agricultural producers*)	Aquaculture animal production units Processors**)	Importers	Exporters	Other operators***)

Code number of the CB	No. of operators/groups of operators registered at the CB	Number of registered operators/groups of operators					Number of operators/groups of operators subject to physical inspections****) according to art.38 para. 3 of Regulation (EU) 2018/848					Number of operators/groups of operators subject to additional controls based on risk analysis					Number of operators/groups of operators subject to unannounced additional controls based on risk analysis				
		Agricultural producers*)	Aquaculture animal production units Processors**)	Importers	Exporters	Other operators***)	Agricultural producers*)	Aquaculture animal production units Processors**)	Importers	Exporters	Other operators***)	Agricultural producers*)	Aquaculture animal production units Processors**)	Importers	Exporters	Other operators***)	Agricultural producers*)	Aquaculture animal production units Processors**)	Importers	Exporters	Other operators***)

*) The category of agricultural producers includes the actual agricultural producers, producers who are also processors, producers who are also importers/exporters/depositaries/traders, other various producers not classified elsewhere.

**) The category of processors includes the actual processors, the processors who are also importers/exporters/depositaries/traders and other various processors not classified elsewhere.

***) The category Other operators includes traders (wholesalers and distributors)/depositaries and other operators not classified elsewhere.

****) In the case of unannounced mandatory annual controls, their number will be detailed separately.

Part B – Information on the samples taken and tested

Code number of the CB	Number of registered operators/groups of operators						Number of samples tested						Number of samples that indicate the violation of Regulation (EU) 2018/848 and of some delegated or implementing acts					
	Agricultural producers*)	Aquaculture animal production units	Processors**)	Importers	Exporters	Other operators***)	Agricultural producers*	Aquaculture animal production units	Processors**)	Importers	Exporters	Other operators***)	Agricultural producers*	Aquaculture animal production units	Processors**)	Importers	Exporters	Other operators***)

Cod e nu m ber of the CB	Number of registered operators/groups of operators					Number of operators/ groups of operators from whom samples were taken and tested based on the risk analysis							Number of operators/groups of operators whose tested samples indicate the violation of Regulation (EU) 2018/848 and of some delegated or implementing acts												
	Ag ric ult ur al pr od uc ers	Aqua cultu re anim al prod uction units	Proc esso rs**)	Imp orte rs	Expo rters	Othe r ope rat ors	Agri cultu ral prod ucers*	Aq ua cultu re anim al prod ucts	Proc esso rs**)	Imp orte rs	Expo rters	Othe r ope rat ors ***)	Agricultur al producer s*		Aqua cultu re anim al prod uction units		Process or s**		Import ers		Export ers			Other operators ***	
													num ber	prod uct	num ber	prod uct	num ber	prod uct	num ber	prod uct	num ber	prod uct	num ber	prod uct	num ber

*) The category of agricultural producers includes the actual agricultural producers, producers who are also processors, producers who are also importers/exporters/depositaries/traders, other various producers not classified elsewhere.

**) The category of processors includes the actual processors, the processors who are also importers/exporters/depositaries/traders and other various processors not classified elsewhere.

***) The category Other operators includes traders (wholesalers and distributors)/depositaries and other operators not classified elsewhere.

Part C – Report on the irregularities found and measures applied to operators

Code number of the CB	Number of registered operators/groups of operators						Number of irregularities or violations found ^{*1)}						Number of measures applied per batch or production series ^{*2)}						Number of measures applied to the operator/group of operators ^{*3)}					
	Agricultural producers ^{*)}	Aquaculture animal production units	Processors ^{**)}	Importers	Exporters	Other operators ^{***)}	Agricultural producers ^{*)}	Aquaculture animal production units	Processors ^{**)}	Importers	Exporters	Other operators ^{***)}	Agricultural producers ^{*)}	Aquaculture animal production units	Processors ^{**)}	Importers	Exporters	Other operators ^{***)}	Agricultural producers ^{*)}	Aquaculture animal production units	Processors ^{**)}	Importers	Exporters	Other operators ^{***)}

Code number of the CB	Number of registered operators/groups of operators where irregularities/violations were found ^{*1)}					Number of operators/groups of operators where measures were applied per batch or production series ^{*2)}					Number of operators/groups of operators to whom measures were applied ^{*3)} and their type							
	Agricultural producers*)	Aquaculture animal production units	Processors**)	Importers	Exporters	Other operators***)	Agricultural producers*)	Aquaculture animal production units	Processors**)	Importers	Exporters	Other operators***)	Agricultural producers*)	Aquaculture animal production units	Processors**)	Importers	Exporters	Other operators***)
							No. of operators Number and type of measure according to annex no.4 to the order	No. of operators Number and type of measure according to annex no.4 to the order	No. of operators Number and type of measure according to annex no.4 to the order	No. of operators Number and type of measure according to annex no.4 to the order	No. of operators Number and type of measure according to annex no.4 to the order	No. of operators Number and type of measure according to annex no.4 to the order	No. of operators Number and type of measure according to annex no.4 to the order	No. of operators Number and type of measure according to annex no.4 to the order	No. of operators Number and type of measure according to annex no.4 to the order	No. of operators Number and type of measure according to annex no.4 to the order	No. of operators Number and type of measure according to annex no.4 to the order	No. of operators Number and type of measure according to annex no.4 to the order

*) The category of agricultural producers includes the actual agricultural producers, producers who are also processors, producers who are also importers/exporters/depositaries/traders, other various producers not classified elsewhere.

**) The category of processors includes the actual processors, the processors who are also importers/exporters/depositaries/traders and other various processors not classified elsewhere.

***) The category Other operators includes traders (wholesalers and distributors)/depositaries and other operators not classified elsewhere

^{*1)} It includes only irregularities or violations affecting the integrity of the organic or in-conversion products and that led to the

application of a measure.

^{*2)} In the case of an irregularity regarding the compliance with the requirements of Regulation (EU) 2018/848, of the delegated and implementing regulations, the authority or the CB shall make sure that the labelling and promotion for the entire batch or production series affected by such irregularity do not include any indication of the organic production, including the sanctions applied to the plot of land.

^{*3)} When finding a serious breach (violation) of the provisions of Regulation (EU) 2018/848, of the delegated and implementing regulations, the CB shall prohibit the operator/group of operators to market the products referring to organic production for the period provided in annex no. 4 to the order, suspension of the certification and, as the case may be, the withdrawal of the certificate.

ANNEX No. 16

PROCEDURE for granting the derogation regarding the introduction in the unit of organic animals of non-organically reared poultry intended for meat production and/or pullets for egg production

ARTICLE 1

Scope

The procedure shall apply to organic animal units in which non-organically reared poultry and/or pullets are introduced, provided that the poultry intended for meat production and/or the pullets for egg production are less than three days old. The application for granting the authorization shall be submitted to the competent authority, the Ministry of Agriculture and Rural Development, hereinafter referred to as *MARD*.

ARTICLE 2

Legal basis

The procedure is elaborated in accordance with the provisions of:

- 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, as amended and supplemented;
- Commission Implementing Regulation (EU) 2020/464 of 26 March 2020 laying down certain rules for the application of Regulation (EU) 2018/848 of the European Parliament and of the Council as regards the documents needed for the retroactive recognition of periods for the purpose of conversion, the production of organic products and information to be provided by Member States.

ARTICLE 3

Description of the procedure

(1) The representative of the organic animal unit, who intends to purchase poultry reared by non-organic methods, provided that the pullets for egg production and the poultry intended for meat production are less than 3 days old, shall transmit the CB with which he has concluded a contract for the inspection and certification of the unit, at least 30 days before

the beginning of the population cycle, an application for authorization by MADR of the introduction of non-organic birds, specifying the need to purchase, provided in Annex no. 1 to this procedure.

(2) The application shall be accompanied by a copy of the following documents:

- a)** the registration certificate issued by the National Trade Register Office;
- b)** the valid sanitary & veterinary authorization of the applicant and of the supplier of pullets reared by non-organic methods;
- c)** the written inspection report(s) from the previous year, as well as the inspection report prior to the application (if the inspection has been carried out). The letters of sanctions, as well as the proof of the remedy of the non-conformities shall also be attached to the inspection reports, if applicable;
- d)** the valid certificate, issued by a CB;
- e)** the registration sheet, endorsed by the County or Bucharest Directorate of Agriculture, as the case may be;
- f)** the sale & purchase agreement concluded with the supplier;
- g)** the declaration of the supplier of pullets reared by non-organic methods, showing that the delivered pullets were fed with feed that does not contain genetically modified organisms;
- h)** the sketch of the units where the purchased pullets or poultry will be housed, as well as the sketch showing that the pullets or poultry benefit from the space provided annex I part IV of Regulation (EU) 2020/464;
- i)** the proof that disinfection and pest control measures have been undertaken for the shelters/pens with the products mentioned in annex no. IV to Regulation (EU) 2021/1165, after the end of the production cycle.

(3) Before submitting the application for obtaining the authorization, the representative of the organic animal unit shall submit an application to its inspecting and certifying CB that on the basis of the exchange of information with the other CBs to provide him/her with a list of producers of pullets reared by organic methods, which can provide the necessary quantities.

(4) The centralized list of producers of pullets or poultry reared by organic methods which could supply the necessary quantities of pullets for the production of eggs/poultry intended for meat production of less than 3 days old and the responses of the control bodies shall be attached to the application of the representative of the organic farm, provided for in paragraph (1).

(5) If a derogation has been granted for the purchase of pullets reared by non-organic methods and another derogation is requested subsequently, a copy of the written report of the control body drawn up after the first derogation granted shall be submitted to the related documentation.

ARTICLE 4

Obligations of the control bodies in the procedure

The obligations of the control bodies in the procedure are the following:

- a)** to receive the applications from the representatives of organic animal units intending to purchase pullets and/or poultry reared by non-organic methods using the application form provided in Annex no. 2 to this procedure;
- b)** to send to MADR the application of the organic animal unit, provided in annex no. 2 to the Procedure, accompanied by the documents provided in art. 2 para. (2) within 5 days from receiving the application;
- c)** to inspect the organic animal farm that has obtained the derogation in order to ascertain whether it complies with the European and national norms in the field, in particular if the

obligations provided in Annex II Part II of Regulation (EU) 2018/848 are observed. The results of the control regarding the observance of these provisions shall be described in a written official control report.

ARTICLE 5 **Evaluation objectives**

- (1)** MARD evaluates the application provided in art. 3.
- (2)** Following the evaluation, MARD may request other documents if deemed necessary.
- (3)** Following the evaluation, if all the conditions are met, MARD issues the derogation regarding the introduction in the organic unit of pullets and/or poultry raised by non-organic methods, provided in annex no. 3 to this procedure.

ARTICLE 6 **Conditions for rejecting the application for granting a derogation**

- (1)** The situations in which the derogation is not granted shall be as follows:
 - a)** the application is not submitted within the term provided in art. 4 subparagraph b);
 - b)** the application is not accompanied by a copy of the documents provided in art. 3 par. (2), (4) and (5) if applicable;
 - c)** the conditions provided in annex I part IV to Regulation (EU) 2020/464 regarding the minimum indoor and outdoor surfaces of the shelter for the number of pullets for which the authorization is requested are not being met;
 - d)** the specific sheltering conditions and breeding practices for the poultry provided in annex II part II to Regulation (EU) 2018/848 are not being met;
 - e)** the operator/group of operators received a minor/major/serious sanction in the current year, and this did not cease to have effect at the time of submitting the application.
- (2)** Successive derogations shall not be granted unless at least one inspection has been carried out by the CB after the first derogation, followed by a written official control report describing the results of the control.

ARTICLE 7 **Obligations of operators/groups of operators after obtaining the derogation**

The obligations of the operators/groups of operators after obtaining the authorization are the following:

- 1.** to comply with the applicable European Union and national legislation in the field of organic production;
- 2.** If a derogation for the introduction into the farm of pullets reared by non-organic methods has been issued, the operator/group of operators may market the products with organic status only after the period referred to in annex II part II point 1.2 Conversion subpoint 1.2.2 letter (c) and letter (e) of Regulation (EU) 2018/848, in compliance with the applicable European Union and national legislation in the field of organic production;
- 3.** After the end of the production cycle, the shelters/pens must be depopulated, following that their repopulation to be made according to the provisions of the Order of the President of the National Sanitary Veterinary and Food Safety Authority no. 21/2018 for the approval of the Sanitary-Veterinary Norm regarding the biosecurity conditions in the commercial poultry holdings, as well as the conditions regarding the movement of live birds and the by-products derived from them, as amended.

ARTICLE 8

Transitional provisions

(1) Farms or production units with poultry shelters that have been built, renovated or put into use before 1 January 2022 have the obligation to comply with the provisions and deadlines provided by art. 26 of Regulation (EU) 2020/464.

(2) Farms or production units with poultry shelters that start their activity on 1 January 2022 must comply with the provisions of art. 14-16 of Regulation (EU) 2020/464.

ARTICLE 9

Annexes

Annexes no. 1-3 are an integral part of this procedure.

ANNEX No. 1
to the procedure

APPLICATION

for granting the derogation regarding the introduction in the unit of organic animals of non-organically reared poultry intended for the meat production and/or pullets for egg production

Name and code of the CB

Responsible of the CB

Address of the CB

No.

Addressed to the
Ministry of Agriculture and Rural Development
Directorate-General for Agricultural Policies

In accordance with the provisions of art. 13 para. (1) subparagraph c) of the Order of the Minister of Agriculture and Rural Development no. 312/2021 on the organization of the control and certification system, on the approval of control bodies and supervision of their activity in organic farming, as well as in accordance with the provisions of point 1.3.4.3 of Annex II, Part II of Regulation (EU) 2018/848, hereby requests an authorization to introduce in the organic unit (hall no.), working point of a flock of birds reared by non-organic methods (pullets for the production of eggs or poultry intended for meat production, less than 3 days old) for the operator/group of operators with his residence / its registered office

For this purpose, I attach to this request the documents of the operator provided in art. 3 of the Procedure for granting the derogation regarding the introduction in the unit of organic animals of non-organically reared poultry and/or pullets for egg production, provided in annex no. 16 to the order.

In consequence of the ones mentioned above and after having submitted the documents, please approve this application.

Date

Signature of the CB's responsible person

APPLICATION
for obtaining the derogation regarding the introduction in the unit of organic animals of non-organically reared poultry intended for meat production and/or pullets for egg production

No.
Operator/group of operators.....
Legal representative
Address, CNP/CUI
Verified by the CB
Signature of the CB's responsible person

In accordance with the provisions of point 1.3.4.3 of annex II part II of Regulation (EU) 2018/848, we hereby request the derogation by the Ministry of Agriculture and Rural Development of the introduction in the unit of organic animals of non-organically reared poultry (pullets for egg production and/or poultry intended for meat production, less than 3 days old), specifying the following elements:

Estimated date of population:

Species

Breed

Number of heads per hall

For this purpose I attach to this application the documents provided for in art. 3 of the Procedure for granting the derogation regarding the introduction in the unit of organic animals of non-organically reared poultry and/or pullets for egg production, provided in annex no. 16 to the order.

Date
Signature

DEROGATION
regarding the introduction in the unit of organic animals of non-organically reared poultry intended for meat production and/or pullets for egg production

Addressed to: Mr./Mrs.
Responsible person, name of the CB (code)

Dear Sir/Madam,

The Minister of Agriculture and Rural Development, as a competent authority, through its

specialized department, may grant derogations for the use of non-organic animals, respectively non-organically reared poultry and/or pullets, based on the provisions of:

- Section 1.3.4.3 of Part II of Annex II 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 Regulation (EC) No 1234/2007 834/2007:

"1.3.4.3. By way of derogation from point 1.3.1, where a flock is constituted for the first time, or is renewed or reconstituted, and where the qualitative and quantitative needs of farmers cannot be met, the competent authority may decide that non-organically reared poultry may be brought into an organic poultry production unit, provided that the pullets for the production of eggs and poultry for meat production are less than three days old. Products derived from them may only be considered as organic if the conversion period specified in point 1.2 has been complied with.";

- art. 13 para. (1) subparagraph c) of the Order of the Minister of Agriculture and Rural Development no. 312/2021 on the organization of the control and certification system, on the approval of control bodies and supervision of their activity in organic farming.

Following the analysis of the documents sent by you by means of Letter no., registered at the Ministry of Agriculture and Rural Development – Directorate-General for Agricultural Policies under no., as well as of the supporting documents, a derogation is granted for the operator/group of operators, having running number in the trade register, unique registration code, with its registered office in, to purchase from the operator, with its registered office in, having running number in the trade register:, unique registration code, a number of livestock reared by non-organic methods to populate the hall at the working point in, to be delivered in the period, provided that the provisions of annex II part II to Regulation (EU) 2018/848 are complied with.

After population, the provisions of annex II part II section 1.2 Conversion sub-section 1.2.2 letters (c) and (e) of Regulation (EU) 2018/848 shall apply.

Sincerely,

General Director,
.....
(surname and first name)
.....
(signature)

ANNEX No. 17

MINISTRY OF AGRICULTURE AND RURAL DEVELOPMENT
General Control, Antifraud and Inspection Directorate
No. dated

NOTIFICATION

Addressed to
.....

This notice is to inform you that on the date of, at the address, the

audit for the activity conducted in the year is going to take place in accordance with the provisions of art. 33 para. (a) of R (EC) no. 2017/625 and of art. 40 para. (1) letter b) of Regulation (EU) 2018/848.

We mention that the audit will be conducted by Mr./Mrs....., identified by, acting as counsellor, and by Mr./Mrs., identified by, acting as counsellor. The counsellors are part of the General Control, Antifraud and Inspection Directorate and/or the Directorate of Agriculture of County, as applicable.

The audit is conducted based on the Theme for checking the activity conducted by the control body (CB) in the year... , approved by the management of the Ministry of Agriculture and Rural Development.

In order to ensure an efficient audit track, please send us the following documents within 10 days from receiving this notice:

Respectfully,
General Director,

.....
(surname and first name(s)),
.....
(signature and)

ANNEX No. 18

MINISTRY OF AGRICULTURE AND RURAL DEVELOPMENT

Considering the provisions*):

Pursuant to art. hereby issues the:

DECISION

No.

Art. 1. - Starting with the date of, the approval of the control body is totally/partially withdrawn:

The legal entity, headquartered in, Str. no., building, entrance, ap., county/district, registered at the National Trade Register Office under no., unique identification code (VAT no.),

The legal entity, headquartered in....., Str. no., building, entrance, ap., county/district, registered at the National Trade Register Office under no., unique identification code (VAT no.) – unit of the control body**) with its head office in another state (name of the body), identification data, headquartered in

granted by the Certificate of approval no./....., valid until the date of, identification code RO-ECO -, responsible person....., for the control and certification of the activities of production, preparation, distribution/placing on the market, storage, import and export related to the following product groups:

- a) unprocessed plants and plant products, including seeds and other plant reproductive material;
- b) unprocessed animals and animal products;
- c) unprocessed algae and aquaculture products;
- d) processed agricultural products, including aquaculture products, intended for use as food;
- e) animal feed;
- f) wine;
- g) other products listed in Annex 1 to Regulation (EU) 2018/848 or not included in the categories provided in letters a)-f):
 - g1) yeast used as food or feed;
 - g2) maté, sweet corn, vine leaves, palm kernels, hop buds and other edible parts of plants and products thereof;
 - g3) sea salt and other types of salt used for food and feed;
 - g4) silkworm donuts from which yarns can be spun;
 - g5) natural gums and resins;
 - g6) beeswax;
 - g7) essential oils;
 - g8) corks made of natural cork, not conglomerated and without any kind of binders;
 - g9) cotton, not carded or combed;
 - g10) wool, not carded or combed;
 - g11) rawhides and unfinished leather;
 - g12) traditional herbal preparations.

Art. 2. - Reasons that led to the partial/full withdrawal of approval and the law rules violated are provided in an annex***) which forms an integral part of this decision.

Art. 3. - The decision may be appealed within 30 days of receipt, in accordance with the provisions of the Law on administrative litigation no. 554/2004, as amended and supplemented.

Art. 4. - This decision was edited in 2 (two) copies, one copy shall be submitted to the file of decisions, and one copy shall be communicated to the control body.

Date

Minister of Agriculture and Rural Development,

.....

*) This model of decision is applicable to control bodies that have been approved according to the provisions of the Order of the Minister of Agriculture and Rural Development no. 312/2021 on the organization of the control and certification system, on the approval of control bodies and supervision of their activity in organic farming.

**) To be filled in by control bodies having their head office in another state and which have opened a unit in Romania, whose legal form is accepted by national legislation.

***) The applicable EU and national laws, the number of the document containing the proposal of withdrawing the approval are to be inserted here.

ANNEX No. 19

ANNEX

to the Certificate no. / issued pursuant to art. 35 para. (1) of Regulation (EU) 2018/848 of the European Parliament and of the Council on organic production and labelling of organic products and repealing Council

Regulation (EC) No 834/2007

Name of the operator/group of operators*):

Location of the farm*):

Farmer's ID with APIA*):

Customer code – control body:

Type of activity*):

No./date of the contract concluded with the control body*):

Name and code of the control body*):

CUI (VAT no.) of the control body*):

County	Place/ Village/ Town	SIRSU P code	No. of the physical block	No. of the agricult ural plot	Crop	Surface in organic farming, of which:					Sub- measure/package and package variant related to the crop (according to measure 11 "Organic farming"**)	Contamination with unauthorized products or substances which can be attributed to the operator YES/NO
						Total surface (ha)	Surface in the 1 st year of conversi on (ha)	Surface in the 2 nd year of conversio n (ha)	Surface in the 3 rd year of conversio n (ha)	Organicall y certified surface (ha)		
1	2	3	4	5	6	7	8	9	10	11	12	13

*) Mandatory fields.

**) Within the framework of the National Programme for Rural Development 2014-2020, measure 11 "Organic farming" includes:

- sub-measure 11.1 – Support for conversion to organic farming methods – containing 6 packages:

- package 1 – Agricultural crops on arable land (including fodder plants) in conversion to organic farming;

- package 2 – Vegetables under conversion to organic farming;

- package 3 – Orchards under conversion to organic farming;

- package 4 – Vineyards under conversion to organic farming;

- package 5 – Medicinal and aromatic plants under conversion to organic farming;

- package 6 – Permanent grasslands under conversion to organic farming;

- variant 6.1 – Permanent grasslands under conversion to organic farming;

- variant 6.2 – Permanent grasslands under conversion to organic farming with an agri-environment and climate commitment;

- sub-measure 11.2 – Support for maintaining organic farming practices – containing 6 packages:

- package 1 – Agricultural crops on arable lands (including fodder plants) certified in organic farming;

- package 2 – Vegetables certified in organic farming;

- package 3 – Orchards certified in organic farming;

- package 4 – Vineyards certified in organic farming;
- package 5 – Medicinal and aromatic plants certified in organic farming;
- package 6 – Permanent grasslands certified in organic farming;
- variant 6.1 – permanent grasslands certified in organic farming;
- variant 6.2 - permanent grasslands certified in organic farming with an agri-environment and climate commitment;