

1 NEWS THE NEW ORGANIC REGULATION FOR THE MARKET OF THE EUROPEAN UNION ((EU) 2018/848)

Dear valued operators and group of operators,

In 2022, we shared brief information about the new EU organic regulation to be in force mandatory from 1st January 2025 for operators located in Third Countries (TC). This new legal framework is applicable for all operators who want to market their organic product in Europe. This regulation is formed by the basic legal Act (EU) 2018/848 and other delegated and implementing acts which complement the core one.

All relevant regulations are available in the EUR-lex website under the following link:

<https://eur-lex.europa.eu/homepage.html?locale=en>

The European Commission must release a list of recognized control bodies to perform certification/control activities outside Europe under the Compliance with 2018/848. The control bodies have to apply for this recognition, and we are delighted to inform you that we have applied already, and we are waiting for a positive outcome from the Commission. However, it is unknown when the Commission will publish this list.

Additionally, it is important to mention that **Kiwa BCS ÖKO Garantie GmbH** is already recognized as control body under compliance **inside Europe** under the Code DE-ÖKO-001.

We know that you have a lot of questions on this regard, and we are trying our best to reply to them, for instance let us answer some reiterative questions regarding the implementation and control under the Compliance.

What is the legal framework for organic production certification during 2024?

The applicable organic standard is still our Kiwa BCS Organic Production Standard (EU Equivalent), and operators must continue to adhere to this standard until the end of 2024. This is regulated in Art. 33(3) of Reg. 834/2007. The new regulation 2018/848 refers to this in its Art. 57. Our Kiwa BCS Organic Production Standard is available in the following link https://www.kiwa.com/4a66da/globalassets/uber-kiwa/agb-regularen-und-formulare/bcs-zertifizierungsablauf/d-en_09-007_kiwa-bcs_organic-production-standard_v11_tf20190809.pdf

Operators located outside Europe are obligated to work according to the new regulation 2018/848 from 1st January 2025 on. Nevertheless, we kindly invited all operators and group of operators to

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assess their own production systems and adapt them to the new requirements of organic certification (Reg. 2018/848 and its delegated and implementing acts) during 2024, so your operation will be ready to be certified in 2025 under compliance.

What will be the role of Kiwa BCS during 2024?

Kiwa BCS headquarters will offer in the first quarter of 2024 some **webinars** in English addressed to you, our valued operators and group of operators in order to explain the new regulation and the adapted processes to fulfill respecting the Compliance.

The inspections during 2024 will be carried out under Kiwa BCS Organic Standard (EU Equivalent), because we are not recognized yet to audit your operation under the new regulation (non-Organic certification body has been recognized yet!). However, from March 2024 on during either annual or additional inspection, we offer (send your request to de.service-international.bcs@kiwa.com!) you to be audited under some key points that we consider are crucial for the fulfillment of the new EU regulation, these points are:

- Declaration. It is a statement signed by the legal representative of the operation that grant the commitment to taking the relevant measures at the level of the organic and/or in-conversion unit and/or premises and/or activities to ensure compliance with Regulation (EU) 2018/848. The template will be provided by our administrative staff.
- Double certification. A statement that confirms that you as operator or group of operators has not been certified by another controlling body in relation to activities carried out in the same third country regarding the same category of products, including in cases in which operators or groups of operators operate at different stages of production, preparation, or distribution. This statement is included in the declaration document that will be provided by our local offices.
- Precautionary measure plan. It is a set of measures that are to be taken by operators and groups of operators at every stage of production, preparation, and distribution to avoid contamination with products or substances that are not authorized for use in organic production in accordance with 2018/848 Regulation. In addition, to avoid the commingling of organic products with non-organic products.
- Authorized inputs 2021/1165. It will be verified that only substances and products mentioned in this regulation are used in organic production. The regulation can be found in the following links:
 - In English: <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:02021R1165-20230207&qid=1701781806699>
- Requirements of a group of operators. This point is only relevant for the groups of operators. The new EU regulation specified requirements for members and for ICS (Internal control System) please have a look at a previous official communication about

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this regard. The inspector will be focus on the eligibility of the members, the characteristics of the group itself and the internal control system implementation.

- Beekeeping, Livestock and Aquaculture. This point is only relevant for livestock, beekeeping and aquaculture operations. There are new requirements in regard feed fraction, stock density, indoor and outdoor surfaces, records availability and derogations. The specific requirements are listed in **Annex II, Part II and III** of 2018/848 regulation and in the Reg. (EU) 2021/464.
 - 2018/848 in English: <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:02018R0848-20230221&qid=1701700899648>
 - 2020/464 in English: <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:02020R0464-20211125&qid=1701783219965>

At the moment, there are not any transitional measures for the Certificates valid longer than 31st December 2024 either for the stock of products certified under Equivalence. Therefore, the idea of Kiwa BCS is that if your operation has been audited under the key points and satisfactorily fulfilled them, as soon as Kiwa BCS will be recognized by the European commission under Compliance could issue a transitional certificate keeping the valid until date till a whole inspection will be perform in 2025 under the new regulation.

Can operators in third countries already accept inspections and certifications, and receive certificates, showing compliance with reg. 2018/848?

No - not yet. Currently, no certification body has an accreditation and approval for certifying compliance to 2018/848 in countries outside the European Union. All certification bodies, including Kiwa BCS, continue to offer inspections and certifications according to equivalent certification (art. 33(3) of reg. 834/2007). Only, when the official list will be published by the European Commission the control bodies listed could offer inspections and certification decisions under compliance (Reg. EU 2018/848)

What is new for exports to the EU, starting 1st January 2025?

As usual, a Certificate of Inspection (Col) is needed for exports to the European Union. The format of the certificate in TRACES (Trade and Control Expert System) has changed slightly. The TC teams of Kiwa BCS in Germany and abroad are happy to help you with any questions you may have regarded Cols.

For general information about eCOI / TRACES: https://agriculture.ec.europa.eu/farming/organic-farming/trade_en#certification

Where is the information about Cols in the regulation 2018/848?

It is not in the regulation 2018/848, basically. Most of the relevant information regarding Cols can be found in regulation (EU) 2021/2306.

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In the annex to (EU) 2021/2306, you can find the new Col format, in case you are interested to see what it looks like. However, please note that Kiwa BCS issues Cols electronically via the TRACES system, and not as a paper version. This is a requirement of regulation 2021/2306, you can find it online in the following link:

- In English: <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:02021R2306-20220701>

Is the Kiwa BCS organic code number still the same?

Yes, the code number will still be XYZ-BIO-141. This code will still be using in the label of organic products certified under the new regulation.

The code numbers (formerly in reg. 1235/2008) can now be found in regulation (EU) 2021/2325.

If you have not received a copy of (EU) 2021/2325 yet, you may either contact your Kiwa BCS office, or you can find it online:

- In English: <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:02021R2325-20230712&qid=1701700732330>

2 NOP IMPORT CERTIFICATES:

Starting March 19th, 2024, all organic products imported to the US have to be associated with a NIC issued from the Organic Integrity Database (OID). Although only obligatory starting March 19th, operations are urged to already start requesting import certificates to make themselves familiar with the procedure and requirements.

Not only NOP but also EU certified operations trading products within the terms of the EU-US organic equivalency arrangement have to be registered in the OID. Please read the attached NOP information carefully!

Kind regards,
Kiwa BCS Öko-Garantie GmbH

i. V. Karlo Zeljko
- Head of Team Operations International-

i. V. Ronald Wesner
-Technical Management-

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If you have any queries or general questions about the control procedures, we will be happy to help you during our office hours by telephone (+49 911 42439 - EXT) or all day by e-mail. All contact details can be found on our website, too: <https://www.kiwa.com/de/en/about-kiwa/subsidiaries/contact-persons-kiwa-bcs-oko-garantie-gmbh/>

Office hours (Central European Time)

Monday to Thursday: 9:00am to 16:00pm

Friday: 9:00am to 14:00pm

Service: OSP updates, company name/ address change/ tour-planning/ submission of documents for correction of NCF (non-conformities)



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Contact persons

- Beate Erlbeck (EXT -33)
- Roxana Cruz (EXT -68)

Quotations, additional certification services, contracts



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Contact persons

- Oliver Altwasser (EXT -37)
- Kristina Grocholl (EXT -76)

Request / creation of import control certificates (COI), transaction certificates (TC)



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Contact persons

Applications Germany, Eastern Europe and Africa

- Tobias Süß (EXT -53) Deputy: Claudia Valencia (EXT -54)

Applications Asia, Saudi Arabia

- Claudia Valencia (EXT-54) Deputy: Tobias Süß (EXT -53)

Applications China and Turkey

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For questions
about your
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Coordination of
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