

-Translation from Romanian-

ORDER 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

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Order 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

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Having considered the Approval report of the General Directorate of Agricultural Policies and Food Industry no. 162.149 of 26 July 2016, pursuant to the provisions of art. 8 para. (2) of Government Emergency Ordinance no. [34/2000](#) on organic food products, approved by Law no. [38/2001](#), as amended and supplemented, in accordance with the provisions of Council Regulation (EC) no. [834/2007](#) of 28 June 2007 on organic production and labelling of organic products and repealing Regulation (EEC) no. [2.092/91](#) and Commission Regulation (EC) no. [889/2008](#) of 5 September 2008 laying down detailed rules for the implementation of Council Regulation (EC) no. [834/2007](#) on organic production and labelling of organic products with regard to organic production, labelling and control, Pursuant to art. 10 para. (5) of Government Decision no. [1.185/2014](#) on the organization and operation of the Ministry of Agriculture and Rural Development, as amended and supplemented, **the Minister of Agriculture and Rural Development** issues this Order.

CHAPTER I

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

Art. 1

(1) According to the provisions in art. 27 of Council Regulation (EC) no. [834/2007](#) of 28 June 2007 on organic production and labelling of organic products and repealing Regulation (EEC) no. [2.092/91](#), hereinafter referred to as R(EC) no. [834/2007](#), a control system is established having as competent authority the Ministry of Agriculture and Rural Development, hereinafter MARD, which delegates control power to control bodies, hereinafter CB, subject to the compliance with the provisions in art. 5 para. (2)

of Regulation (EC) no. [882/2004](#) of the European Parliament and of the Council of 29 April 2004 on official controls performed to ensure the verification of compliance with feed and food law, animal health and animal welfare rules, hereinafter referred to as R(EC) no. 882/2004.

(2) For the purposes of this order, CB (Control Bodies) are those bodies that conduct inspection and certification activities in the field of organic production; they are legal persons from the public or private sector, which meet the requirements in art. 27 of R(EC) no. [834/2007](#).

(3) Operators who produce, process, store, trade and/or import food products that are certified and/or under conversion from a third country, according to the provisions in art. 28 of R(EC) no. [834/2007](#), must submit their conducted activity to the inspection and certification system before placing them on the market.

(on 31-Oct-2016 Art. 1, para. (3) of Chapter I was modified by Art. I, point 1. of the [Order 954/2016](#))

(4) As an exception to para. (3), traders who retail sell packaged and labelled organic products directly to the end consumer or user are required to declare their activity in electronic format to the County and Bucharest City Directorate of Agriculture, hereinafter referred to as DAJ.

(5) Inspection and certification of organic production is performed by the CB in accordance with the provisions of R(EC) no. [834/2007](#) and Commission Regulation (EC) no. [889/2008](#) of 5 September 2008 laying down detailed rules for the implementation of Council Regulation (EC) no. [834/2007](#) on organic production and labelling of organic products with regard to organic production, labelling and control, hereinafter referred to as R (EC) no. [889/2008](#).

(6) Approval of the CB takes place following the report prepared by a commission approved by MARD's management, hereinafter referred to as Approval Commission.

(7) The Approval Commission checks if the CB cumulatively fulfils the approval conditions and proposes its approval to MARD's management.

(8) The control and supervision of the CB's activity are carried out by MARD in accordance with the provisions in art. 2 para. (4) e) of Emergency Government Ordinance no. [34/2000](#), approved by Law no. [38/2001](#), as amended and supplemented, by the structure with technical responsibilities in the field of organic farming.

(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. 29 para. (1) of R(EC) no. [834/2007](#), CBs issue supporting documents to operators, who meet specific conditions of organic production in accordance with R(EC) no. [834/2007](#) and R(EC) no. [889/2008](#).

(11) [on 26-Jul-2019 the text of Art. 1, para. (11) of chapter I was repealed by Art. I, point 1. of [Order 375/2019](#)]

CHAPTER II: Conditions for approval of control bodies having their head office in another Member State

Art. 2

(1) The CB must meet the criteria set out in art. 27 of R(EC) no. [834/2007](#), and the following requirements:

- a)** to be accredited for the product groups seeking approval, 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 for the certification area;
- 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 inspection and certification tasks;

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

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

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

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

e) to have a civil and professional liability insurance for the organic production certification activity, corresponding to the area/areas, for which approval is sought, covering the unit in Romania also;

f) to present a detailed substantiation of inspection and certification costs applicable to operators;

g) 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, as applicable;

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

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

1.(i) to have appropriate training, namely at least agricultural secondary education/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;

2.(ii) to have certified competences to perform inspection for organic farming, showing that he/she is trained according to the requirements of R(EC) no. [834/2007](#), of R(EC) no. [889/2008](#) and of national enforcement laws. This is the proof of knowing and understanding the agricultural and food chain, organic production method (animal production, vegetal production, processing, storage, distribution, marketing, aquaculture, feed, seaweed):

j) the personnel active in the unit in Romania has to be employed:

1.(i) 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. [500/2011](#) on the general register of employees; or

2.(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, having an object that can be assimilated to the inspection and certification activities; or

3.(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. [344/2006](#) on the secondment of employees within the framework of providing

transnational services, as amended and supplemented;

k) there should be one responsible person nominated for all inspection and certification activities of the unit in Romania;

l) to present the last evaluation report of the accreditation body, including the activity evaluation of the unit in Romania.

(2) The person responsible for all the inspection 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 their operations in Romania by means of a unit, whose legal form is accepted by national legislation. The unit in Romania may include the name of the control body in its trade name;

(4) CB's staff involved in the inspection and certification process of organic production must be present compulsorily in 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 inspection 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) For obtaining the approval, the CB shall submit to MARD the following documents:

a) the application to obtain approval as CB, according to the model provided in Annex no. 1 to this Order;

b) 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, showing that the object of activity can be assimilated to inspection and certification;

c) 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);

d) copy of the fiscal record (*/tax clearance certificate*) (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;

e) copy of the CB's articles of incorporation, and of the articles of incorporation of the unit in Romania;

f) 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, respectively a copy of the trade register excerpt, issued by the National Trade Register Office for the unit in Romania;

g) copy of the CB's certificate of accreditation for the area/areas of certification, according to the European Standard EN ISO/IEC 17065, issued by an equivalent accreditation body in the European Union, who is a signatory to the EA-MLA Agreement of Multilateral Recognition of European accreditation, including the unit in Romania;

h) a short presentation of the CB, proving the experience in the field of inspection and certification of organic products and the objectives set for the activities, for which it is approved, and for the unit in Romania. The description must also reveal the requirements stipulated in art. 2 para. (1) e);

i) copies of documents relating to the existence of equipment and infrastructure necessary to carry out inspection and certification tasks, which are available to the unit in Romania;

j) documents proving impartiality and the absence of the conflict of interest concerning the performance of inspection and certification tasks by the persons, who are carrying out their activity within the unit in Romania (declarations of impartiality and for avoiding conflict of interest);

k) copy of the standard inspection/control procedure and work instructions, containing a detailed description of the control measures and requirements, which the unit in Romania undertakes to impose on operators, in accordance with the provisions of Title IV "Controls" of R(EC) no. [889/2008](#), taking into consideration each product group and specific activity, for which approval is sought;

l) copy of the contract for the headquarters of the unit in Romania;

m) [on 26-Jul-2019 the text of Art. 3, para. (1), letter M. of chapter II was repealed by Art. I, point 2. of Order 375/2019]

n) copy of the document certifying the detailed substantiation of inspection and certification costs applicable to operators;

o) copy of the last evaluation report prepared by the accreditation body for the CB, and also for the unit in Romania;

p) copy of the annual internal audit report of the CB, which has to include the unit in Romania, as applicable;

q) copy of the procedure for issuing and checking supporting documents, which has to include the standardized forms used by the CB, as follows:

1.(i) copies of the model/models of reports drawn up following the inspections on site, in accordance with art. 65 para. (3) of R (EC) no. [889/2008](#), for each type of activity performed by the operator;

2.(ii) copies of the models of supporting documents issued in accordance with art. 29 para. (1) of R(EC) no. [834/2007](#) and other documents issued to operators in order to perform commercial transactions; supporting documents (of the transaction) with the electronic signature of the issuing body, as additional safety element, as applicable;

3.(iii) copies of the models of service provision contracts, and the rates charged for the inspection and certification services;

r) copy of the verification procedure of nonconformities, which must include documents indicating detailed measures that the unit in Romania intends to apply in case of suspicions, according to the provisions in art. 91 of Regulation (CE) no. [889/2008](#), or in case of identifying irregularities and/or violations (catalogue of sanctions), taking into account the list of sanctions that the CB applies to operators, which is provided in Annex no.2 to this Order;

- s)** copy of the procedure for planning mandatory annual inspections in accordance with art. 65 of R(EC) no. [889/2008](#), as well as of the procedure for planning additional inspections, based on the general risk assessment of non-compliance with the rules on organic production, in accordance with art. 65 para. (4) and 92c para. (2) of R(EC) no. [889/2008](#) mentioning the provisions of art. 9 paragraph (1) i);
- ș)** written statement of the person responsible for the unit in Romania, undertaking to provide to MARD, in any situation, evaluation reports or any other briefings on the accreditation, according to the European Standard EN ISO/IEC 17065, issued by the accreditation body, and the commitment to comply with the legislation applicable to the inspection and certification activity;
- t)** copy of the organizational chart of the unit in Romania, accompanied by the hired personnel file, so as to prove the fulfilment of the requirements provided in art. 27 para. (5) subparagraph b) section (ii) of R(EC) no. [834/2007](#), which has to include:
- 1.**(i) copies of higher education/specialty postgraduate studies diplomas/ documents that prove five years of experience in the field of organic farming;
 - 2.**(ii) curriculum vitae;
 - 3.**(iii) copies of the individual employment contracts;
 - 4.**(iv) copies of the certificates of registration issued by the National Trade Register Office for the personnel performing inspection activity and set up under the Government Emergency Ordinance no. [44/2008](#), as amended and supplemented, showing that the main object of activity can be assimilated to inspection;
- ț)** copies of the certificates of training or professional development for inspectors, proving their qualification to perform inspections;
- u)** copy of the document referring to the nomination of the person responsible for the inspection and certification activity for the unit in Romania;
- v)** specimen signature of the person authorized to issue the supporting documents referred to in subparagraph q) section (ii) and specimen signature of the person responsible for the unit in Romania, as well as of the inspectors operating on Romanian territory;
- w)** copy of the civil and professional liability insurance for the organic production certification activity, corresponding to the area/areas, for which approval is sought, also covering the unit in Romania.
- (2)** The CB may conclude service provision contracts for testing with accredited laboratories, according to SR EN ISO/IEC 17025 "General requirements for the competence of testing and calibration laboratories", and these laboratories should also have an accreditation to perform the tests that are specific for the area/areas, for which approval is sought. Contracts proving the collaboration with such laboratories shall be presented in this regard, including for the determination of the origin of fertilizers applied, especially the nature of the nitrogen used (organic or synthetic). If the contracted laboratories cannot perform an analysis, the CB shall contact another laboratory accredited in accordance with SR EN ISO/CEI 17025.
- (on 15-Mar-2017 Art. 3, para. (2) of Chapter II was amended by Art. I, point 1. of [Order 61/2017](#))*
- (3)** The documents referred to in para. (1) and (2) shall be submitted by the CB mentioned in art. 2 para. (3), which have been established on the territory of Romania by means of a unit, whose legal form is accepted by national legislation.

CHAPTER III: Conditions for the approval of control bodies having their

head office in Romania

Art. 4

(1) The candidate CB must meet the criteria set out in art.27 of R(EC) no. [834/2007](#), and the following requirements:

- a)** to be Romanian legal entities, registered under the laws in force;
- b)** to be accredited for the product groups, for which they are seeking approval, in accordance with the standard SR EN ISO/IEC 17065, by the National Accreditation Body of Romania or by another equivalent accreditation body in the European Union, 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 inspection and certification tasks;
- e)** to hold a document describing the activity, showing at least the following:
 - 1.**(i) the CB assumes full responsibility for the activities carried out under the accreditation;
 - 2.**(ii) explicit description of the activities to be conducted under accreditation;
 - 3.**(iii) the nominated person in charge to inform the competent authority on any change in accreditation status, which formed the basis of the approval;
- f)** to have a civil and professional liability insurance for the inspection and certification activity, corresponding to the area/areas, for which approval is sought;
- g)** to present a detailed substantiation of inspection and certification costs applicable to operators;
- h)** to submit the annual internal audit report, if it was audited in the last year, including the manner of correcting non-conformities, as applicable;
- i)** to have a sufficient number of qualified personnel, proportional to the certification areas for which approval is sought;
- j)** for carrying out its activity, the personnel must meet the following requirements:
 - 1.**(i) to have appropriate training, namely at least agricultural secondary education/ 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;
 - 2.**(ii) to have certified competences, showing that he/she is trained according to the requirements of R(EC) no. [834/2007](#), of R(EC) no. [889/2008](#) and of national enforcement laws. This is the proof of knowing and understanding the agricultural and food chain, organic production method (animal production, vegetal production, processing, storage, distribution, marketing, aquaculture, feed, seaweed);
- k)** the personnel active has to be employed:
 - 1.**(i) 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. [500/2011](#) on the general register of employees, as amended; or
 - 2.**(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, having an

object that can be assimilated to the inspection and certification activities;

l) there should be one responsible person nominated for all inspection and certification activities, employed under an individual employment contract, according to Law no. [53/2003](#), republished, as amended and supplemented;

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

(2) The person responsible for all the inspection and certification activities 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 specific 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.

Art. 5

(1) For obtaining the approval, the candidate CB shall submit to MARD the following documents:

a) the application to obtain approval as CB, according to the model provided in Annex no. 1 to this Order;

b) copy of the certificate of registration from the National Trade Register Office or from another authority responsible for the registration of the legal entity, showing that the object of activity can be assimilated to inspection and certification;

c) copy of the valid fiscal certificate, stating that it has no tax obligations managed by the National Agency for Fiscal Administration (ANAF);

d) copy of the fiscal record (*/tax clearance certificate*) 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;

e) copy of the candidate CB's articles of incorporation;

f) copy of the valid and updated trade register excerpt, issued by the National Trade Register Office;

g) copy of the CB's certificate of accreditation for the area/areas of certification, according to the European Standard EN ISO/IEC 17065, issued by the National Accreditation Body of Romania or an equivalent accreditation body in the European Union, who is a signatory to the EA-MLA Agreement of Multilateral Recognition of European accreditation;

h) a short presentation of the CB, proving the experience in the field of inspection and certification of organic products and the objectives set for the activities, for which it is approved. The description must also reveal the requirements stipulated in art. 4 para. (1) e);

i) copies of documents relating to the existence of headquarters, equipment and infrastructure necessary to carry out inspection and certification tasks;

j) documents proving impartiality and the absence of the conflict of interest concerning the performance of inspection and certification tasks (declarations of impartiality and for avoiding conflict of interest);

k) copy of the standard inspection/control procedure and work instructions approved by

the CB, containing a detailed description of the control measures and requirements, which the candidate CB undertakes to impose on operators, in accordance with the provisions of Title IV "Controls" of R(EC) no. [889/2008](#), taking into consideration each product group and specific activity, for which approval is sought;

l) copy of the contract concluded for the headquarters, where the CB is operating;

m) [on 26-Jul-2019 the text of Art. 5, para. (1), letter M. of Chapter III was repealed by Art. I, point 3. of [Order 375/2019](#)]

n) copy of the document certifying the detailed substantiation of inspection and certification costs applicable to operators;

o) copy of the last evaluation report of the CB;

p) copy of the annual internal audit report, as applicable;

q) copy of the procedure for issuing and checking supporting documents, which has to include the standardized forms used by the CB, as follows:

1.(i) copies of the model/models of reports drawn up following the inspections on site, in accordance with art. 65 para. (3) of R(EC) no. [889/2008](#), for each type of activity performed by the operator;

2.(ii) copies of the models of supporting documents issued in accordance with art. 29 para. (1) of R(EC) no. [834/2007](#) and other documents issued to operators in order to perform commercial transactions; supporting documents (of the transaction) with the electronic signature of the issuing CB, as additional safety element, as applicable;

3.(iii) copies of the models of service provision contracts, and the rates charged for the inspection and certification services;

r) copy of the verification procedure of nonconformities, which must include documents that the CB intends to apply in case of suspicions, according to the provisions in art. 91 of Regulation (CE) no. [889/2008](#), or in case of identifying irregularities and/or violations (catalogue of sanctions), taking into account the list of sanctions that the CB applies to operators, which is provided in Annex no.2 to this Order;

s) copy of the procedure for planning mandatory annual inspections in accordance with art. 65 of R(EC) no. [889/2008](#), as well as of the procedure for planning additional inspections, based on the overall assessment of the risk of non-compliance with the rules on organic production, in accordance with art. 65 para. (4) and 92c para. (2) of R(EC) no. [889/2008](#) mentioning the provisions of art. 9 paragraph (1) i);

ș) written statement of the person responsible, undertaking to provide to MARD, in any situation, evaluation reports or any other briefings on the accreditation, according to the European Standard EN ISO/IEC 17065, issued by the accreditation body, and the commitment to comply with the legislation applicable to the inspection and certification activity;

t) copy of the organizational chart of the unit in Romania, accompanied by the hired personnel file, so as to prove the fulfilment of the requirements provided in art. 27 para. (5) subparagraph b) section (ii) of R(EC) no. [834/2007](#), which has to include:

1.(i) copies of higher education/specialty postgraduate studies diplomas/agricultural secondary education, documents that prove 5 years of experience in the field of organic farming;

2.(ii) curriculum vitae;

3.(iii) copies of the individual employment contracts;

4.(iv) copies of the certificates of registration issued by the National Trade Register Office for the personnel performing inspection activity and set up under the

Government Emergency Ordinance no. [44/2008](#), as amended and supplemented, or under the Law no. [344/2006](#), as amended and supplemented, showing that the main

object of activity can be assimilated to inspection and certification;

t) copies of the certificates of training or professional development for inspectors, proving their qualification to perform inspections;

u) copy of the document referring to the nomination of the person responsible for the inspection and certification activity of the CB;

v) specimen signature of the person authorized to issue the supporting documents referred to in subparagraph q) section (ii) and specimen signature of the person responsible for performing the activity of the CB, as well as of the inspectors;

w) copy of the civil and professional liability insurance for the inspection and certification activity, corresponding to the area/areas, for which approval is sought.

(2) The CB may conclude service provision contracts for testing with accredited laboratories, according to SR EN ISO/IEC 17025 "General requirements for the competence of testing and calibration laboratories", and these laboratories should also have an accreditation to perform the tests that are specific for the area/areas, for which approval is sought. Contracts proving the collaboration with such laboratories shall be presented in this regard, including for the determination of the origin of fertilizers applied, especially the nature of the nitrogen used (organic or synthetic). If the contracted laboratories cannot perform an analysis, the CB shall contact another laboratory accredited in accordance with SR EN ISO/CEI 17025.

(on 15-Mar-2017 Art. 5, para. (2) of Chapter III was amended by Art. I, point 2. of [Order 61/2017](#))

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. 6

(1) The documents provided in art. 3 para. (1) or in art. 5 para. (1) shall be submitted by the CB with MARD anytime during the year. In the case of a CB approved by MARD, they shall submit documents at least 60 days before the expiry date of the certificate of approval. The documents will be accompanied by a list of contents, presented on paper, 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.

(1¹) Failure to comply with the deadline stipulated in para. (1) for the filing of the documents referred to in art. 3 para. (1) and in art. 5 para. (1) by the approved CB shall entail the application of the «Written warning» sanction. 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.

(1²) Failure to file the documents referred to in art. 3 para. (1) and in art. 5 para. (1) within the deadline specified in para. (1¹) entails the application of the «Written warning» sanction.

(on 15-Mar-2017 Art. 6, para. (1) of Chapter IV was supplemented by Art. I, point 3. of [Order 61/2017](#))

(2) The documents referred to in para. (1) must be numbered manually, 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, stamped, as appropriate, by the responsible person.

(3) The analysis of the CB's approval file takes place within 60 days as of submitting the documents specified in art. 3 para. (1) and art. 5 para. (1) by the approval commission.

(4) If, after analysing the documents submitted, the approval commission finds some nonconformities, it shall notify the CB in writing (mail, fax, e-mail) within 5 working days from the finding, on completing the documentation. The candidate CB must submit the documentation indicated at the latest within 10 working days after receiving the notification on completion.

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

Art. 7

(1) With a view to the approval, the approval commission shall analyse the documents submitted by the CB and issue the approval report, which contains in the conclusions section the motivated proposal of approval or rejection of approval.

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

a) the documents submitted do not comply with the provisions in art. 3 para. (1) or art. 5 para. (1);

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) On the basis of the approval report, a decision signed by MARD's management on the approval or, as applicable, on the grounded rejection of approval shall be issued;

(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.3 to this Order, and shall assign a code number to it, in accordance with the provisions in art. 27 para. (10) of R (EC) no. [834/2007](#); depending on the application mentioned in art. 3 para. (1) a) or art. 5 para. (1) a), the certificate of approval is granted for the inspection and certification of the production, processing and distribution activities mentioned in art. 1 of R (EC) no. [834/2007](#), for the following product groups:

A: Unprocessed vegetal products

B: Live animals or unprocessed products of animal origin

C: Aquaculture products and seaweed

D: Agricultural products processed in order to be used as food

E: Agricultural products processed in order to be used as feed

F: Vegetative propagation material and seeds for crops.

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

(on 26-Jul-2019 Art. 7, para. (6) of Chapter IV was modified by Art. I, point 4. of [Order 375/2019](#))

(7) The CB may submit to MARD an appeal against the decision received within 30 days, in accordance with the provisions of the Administrative Litigation Law no. [554/200](#), as amended and supplemented.

(8) The appeal shall be settled within 30 days of receipt by the commission for settling appeals appointed by MARD's management.

(9) The Commission for settling appeals mentioned in para. (8), after solving the appeal, shall communicate the decision to approve/reject the CB's appeal, a decision signed by MARD's management;

(10) The decision to approve/reject the appeal shall be recorded in the register of appeals kept by the commission for settling appeals.

(11) In the event of issuing a decision approving the appeal, 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's website.

(13) MARD shall assign a code number to the approved CB, in accordance with the provisions in art. 27 para. (10) of R (EC) no. [834/2007](#).

(14) If the CB having its head office in another Member State closes (by deregistration of the fiscal identification code) the unit approved by MARD and then opens another unit (with a different fiscal identification code), it shall receive from MARD another identification code following the new approval.

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

Art. 8

(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.4 to this order;

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

c) inspection and certification procedures that include the area/areas for which approval is sought;

d) copy of the articles of incorporation of the CB.

(2) Upon receipt of the application for extension of the areas of activity, the structure responsible for policymaking in the field of organic farming shall analyse the documents received and elaborate the approval report, which contains in the conclusions section the proposal to approve or reject the activity extension.

(3) The decision to approve or reject the extension of the activity signed by MARD's management shall be recorded in the register of the structure responsible for policymaking in the field of agriculture and communicated to the CB in writing, within 30 working days from the registration date of the application for approval.

(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 area/areas, signed by MARD's management, according to the model provided in annex no.3 to this order;

(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's management.

CHAPTER V: Duties of approved control bodies

Art. 9

(1) The obligations of the CB towards operators conducting activities in the organic farming sector are the following:

1.a) to apply in the production units/farms subject to inspection and certification the control requirements under title IV "Controls" of R (EC) no. [889/2008](#);

2.b) to check the declaration of operators, in accordance with the provisions in

art. 63 of R (EC) no. **889/2008**;

3.c) to perform at least one inspection/year at the operators under a service provision contact, in accordance with art. 65 para. (1) of R(EC)no. 889/2008, which has to include the full mandatory physical inspection of all premises/places of business of the operator; inspections at operators must be conducted during an optimum period, so as to ensure the effectiveness and appropriateness of controls at all stages of production, processing and distribution of products, in accordance with art.4 para. (2) a) of R(EC) no. 882/2004. The issuance of the supporting document (certificate of conformity/master certificate/certificate of conversion confirmation) is conditional on the submission of the registration form in the organic farming system of the inspected operator for the current year, as well as the presentation of proof of remediation of all nonconformities by the operator, found during the inspection by the CB;

*(on 15-Mar-2017 Art. 9, para. (1), point 3. of Chapter V was modified by Art. I, point 4. Of **Order 61/2017**)*

3¹. c¹) during the state of emergency, the inspections referred to under point c) and any other activities which may interfere with the measures taken by the competent authorities to prevent and combat the spread of COVID-19 infections may be carried out by the remote communication means available, according to the specific procedures for the verification of operators during the sanitary emergency situations, issued by the Control Body;

3². c²) by exception from the provisions of point c¹), during the state of emergency, the Control Body may conduct the inspections provided under point c), based on the risk analysis, if applicable;

(on 30-Apr-2020 Art. 9, para. (1), point 3. of Chapter V was amended by Art. I, point 1. of Order 117/2020)

3³.c³) by exception from the provisions of letter c), regarding the low risk operators, according to the findings of the risk assessment procedure of the CB, in the context of the traffic restrictions imposed by the national measures established due to the COVID-19 pandemic, the inspections provided under point c), carried out for the purpose of conducting the annual inspections and of renewing the supporting documents of the operators in organic agriculture may be replaced by documentary checks. In the case of low-risk operators, according to the findings of the CB's risk assessment procedure, such documentary checks may be carried out, where necessary, including by any available means of remote communication.

***) ATTENTION! According to art. II of the Order no. 242/2020, the provisions "shall apply in accordance with Article 3 of Commission Implementing Regulation (EU) 2020/977 of 7 July 2020 derogating from Regulations (EC) No. 889/2008 and (EC) No. 1.235/2008 as regards controls on the production of organic products due to the COVID-19 pandemic".**

3⁴.c⁴) regarding the operators, except for those provided under point c³), and in respect of operators registering for the first time their activity in the organic farming system or requesting retroactive recognition of the conversion period, in the context of traffic restrictions imposed by national measures imposed due to the COVID-19 pandemic, the physical inspection provided under point c) shall be conducted as soon as the control and certification activities can be resumed, after the lifting of the national measures related to the COVID-19 pandemic. Until then,

the documentary checks carried out for the purpose of conducting the annual inspection, issuing and renewing supporting documents of organic farming operators and retroactive recognition may be conducted, where necessary, including by any available means of remote communication;

***) ATTENTION! According to art. II of the Order no. 242/2020, the provisions "shall apply in accordance with Article 3 of Commission Implementing Regulation (EU) 2020/977 of 7 July 2020 derogating from Regulations (EC) No. 889/2008 and (EC) No. 1.235/2008 as regards controls on the production of organic products due to the COVID-19 pandemic".**

4.d) those traders make an exception to the provisions of subparagraph b), who prove standardized procedures that are applied 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;

5.e) to conduct at least one inspection/year at every subcontractor of those operators, who are performing under a service provision contract, according to the provisions in art. 28 para. (1) of R (EC) no. [834/2007](#); inspections at operators must be conducted during the optimum period, so as to ensure the effectiveness and appropriateness of controls at all stages of production, processing and distribution of products, in accordance with art. 4 para. (2) a) of R (EC) no. [882/2004](#);

6.f) to check the existence of all accounting documents to ensure traceability of certified products;

7.g) to take and analyse samples for determining products that are unauthorized for organic farming or for checking production techniques, which are not in accordance with the rules on organic production and/or to take or analyse samples for detecting possible contamination with products that are unauthorized for organic production, depending on the risk assessment procedure established by the CB; the number of samples to be taken and analysed by the CB each year must correspond to a percentage of at least 5% of the number of operators controlled by the CB. In case there are suspicions of using unauthorized products for organic production by other operators, in accordance with art. 65 para. (2) of R (EC) no. [889/2008](#), samples exceeding the minimum limit of 5% shall be taken at all operators involved;

7¹.g¹) by exception from the provisions of point g), the number of samples to be taken and analyzed by the CB corresponds to a percentage of at least 2% of the number of operators that the CB is controlling;

***) ATTENTION! According to art. II of the Order no. 242/2020, the provisions "shall apply in accordance with Article 3 of Commission Implementing Regulation (EU) 2020/977 of 7 July 2020 derogating from Regulations (EC) No. 889/2008 and (EC) No. 1.235/2008 as regards controls on the production of organic products due to the COVID-19 pandemic".**

8.h) to prepare an inspection report, including the conclusions of the inspection, date and signature of the CB's inspector, countersigned by the operator, in accordance with art. 65 para. (3) of R(EC) no. [889/2008](#); the inspection report will contain, as the case may be, information regarding the verification of the non-organic production unit, according to the control requirements set out in Title IV – Controls in the R(EC) no.

889/2008; a copy shall be mandatorily handed over to the operator or sent to the latter within 10 days from the date of the inspection;

(on 26-Jul-2019 Art. 9, para. (1), point 8. of Chapter V was amended by Art. I, point 5. of Order 375/2019)

9.i) to conduct random additional inspections in the case of at least 10% of the operators, with whom service provision contracts were concluded. At least 10% of the total number of inspections conducted in accordance with the provisions of Art. 65 para. (1) and (4) of R (EC) no. **889/2008** must be unannounced. Additional inspections are determined based on overall assessment of the risk of non-compliance with production rules and based on the results of the announced mandatory inspection, according to the provisions of art. 92c para. (2) of R (EC) no. **889/2008**. General criteria for risk assessment are determined by mandatorily taking into account the following:

- the result of previous controls;
- the severity of sanctions applied;
- the total agricultural area exploited, of which the total area in organic farming and the total area in conventional farming, if any;
- the type and structure of the unit, in the case of operators who are agricultural producers, importers, traders, exporters, processors, spontaneous flora and of the production units for aquaculture;
- the category of products obtained that involve a risk of non-conformities occurring;
- the quantity of product;
- the risk of changing conventional products with organic products in the case of mixed activities;
- obtaining waivers from the rules of organic production.

The algorithm for the application of risk factors, risk management measures if high rates of non-conformities are recorded in the sample shall be determined by a procedure developed by the CB. The procedure shall also include the method of evaluating the effectiveness of risk factors and ways to expand the sample, in the case of high occurrence of non-conformities;

(on 26-Jul-2019 Art. 9, para. (1), point 9. of Chapter V was amended by Art. I, point 6. of Order 375/2019)

9¹. i¹) during the state of emergency, the inspections provided under point i) and any other activities that may interfere with the measures taken by the competent authorities to prevent and combat the spread of COVID-19 infections may be carried out by the remote communication means available, according to the specific procedures for the verification of operators during the sanitary emergency situations, issued by the Control Body;

9². i²) by exception from the provisions of point i¹), during the state of emergency, the Control Body may conduct the inspections provided under point i) on the basis of an overall assessment of the risk of non-compliance with the production rules, if applicable;

(on 30-Apr-2020 Art. 9, para. (1), point 9. of Chapter V was amended by Art. I, point 2. of Order 117/2020)

9³. i³) by exception from the provisions of point i), the additional inspections by sampling conducted according to the provisions of art. 65 para. (4) of R(EC) no. 889/2008 targets 5% of the operators with whom service provision agreements have been concluded, according to the risk category to which they belong. At least 5% of the total inspections performed in accordance with the provisions of art. 65 para. (1) and (4) of R (EC) no. 889/2008 should be unannounced. The additional inspections are established based on the general assessment of the risk of non-compliance with the production rules and based

on the results of the announced mandatory inspection, according to the provisions of art. 92c para. (2) of R(EC) no. 889/2008. The general criteria for the risk assessment shall be established taking into account the following:

- the result of previous controls;
- the severity of the sanctions applied;
- the total agricultural area exploited, of which the total area in organic agriculture and the total area in conventional agriculture, if applicable;
- the type and structure of the unit, in the case of agricultural producers, importers, traders, exporters, processors, spontaneous flora and aquaculture production units;
- the category of products obtained that involve a risk of non-conformities;
- the quantity of product;
- the risk of exchanging conventional products with organic products in the case of mixed activities;
- obtaining derogations from the rules of organic production.

The algorithm for applying the risk factors and the risk management measures in case of high rates of non-conformities within the sample shall be established by a procedure developed by the CB. The procedure will also include the method of evaluating the efficiency of the risk factors and the way of extending the sample in case of a high incidence of non-conformities;

***) ATTENTION!** According to art. II of the Order no. 242/2020, the provisions "shall apply in accordance with Article 3 of Commission Implementing Regulation (EU) 2020/977 of 7 July 2020 derogating from Regulations (EC) No. 889/2008 and (EC) No. 1.235/2008 as regards controls on the production of organic products due to the COVID-19 pandemic".

- 10.j)** to establish an annual plan for inspections, in accordance with art. 65 of R (EC) no. **889/2008**, which has to include the percentage stipulated in section i);
- 11.k)** To conduct a control during the optimal period at operators, who are coming from the CBs that have withdrawn out of their own initiative or whose approval has been revoked by MARD. If, following the control and/or analysis of the file provided by the withdrawn CB or whose approval has been revoked, it is found that the operators have complied with the rules of organic production, the new CB shall issue the supporting document stipulated in section o); if the CB's approval was revoked, all operators have to be controlled;
- 12.l)** in case of termination of a service provision contract between a CB and an operator, the CB who took over the operator is obliged, in accordance with art. 92 para. (2) of R (EC) no. **889/2008**, to check the non-conformities found by the previous CB and to ask for the control file from the latter;
- 13.m)** in accordance with art. 92 para. (2) of R (EC) no. **889/2008**, in case of termination of the service provision contract between a CB and an operator, the new CB has to request the operator's control file. The previous CB is obliged to send the control file within maximum 10 working days after the request;
- 14.n)** to check accounting documents of the operators, in accordance with art. 66 of R (EC) no. **889/2008**;
- 15.o)** to issue supporting documents to operators, who meet specific conditions of organic

production, in accordance with art. 68 of R (EC) no. [889/2008](#), for applying art. 29 para. (1) of R (EC) no. [834/2007](#), which can also be designated as certificate of conformity/ master certificate/ conversion confirmation certificate, and other supporting documents that accompany any commercial transaction performed by the operator outside Romania (transaction certificates), based on related fiscal documents;

(on 26-Jul-2019 Art. 9, para. (1), point 15. of Chapter V was amended by Art. I, point 7. of [Order 375/2019](#))

16.p) the transaction certificates may also be issued in electronic format and issued on the date of the transaction or within maximum 30 days for operators, who sell quantities larger than 500 kg in the case of unprocessed agricultural products and 100 kg in the case of bee products and processed agricultural products; they include at least the information contained in Annex no.5, namely: the name and address of the operator, category of products traded, net quantity (tons), name of the beneficiary, invoice/delivery note of the goods, on which basis the transaction certificate was issued, specifying that the lot in question has been subject or not to taking samples for analysis, issue date of the analysis report, signature and stamp of the issuer, and the indication that it does not replace the certificate of conformity/master certificate/ conversion confirmation certificate;

(on 26-Jul-2019 Art. 9, para. (1), point 16. of Chapter V was amended by Art. I, point 8. of [Order 375/2019](#))

17.q) to check traceability (including the identification of lots made by the operators) of products in all stages of production, processing and distribution, in accordance with art. 27 para. (13) of R (EC) no. [834/2007](#);

18.r) to send to operators under service provisions contracts all documents issued to them to market the products;

19.s) to certify only the products that have been checked within the meaning of provisions in subparagraph c) of this paragraph;

20.ș) to issue, until 15 October of each year, an annex to the supporting document mentioned in section o), according to the model set out in Annex no.6 to this order, for operators who accessed measure 11 "Organic farming" of the National Programme for Rural Development (NPRD) 2014-2020, a measure of financial support designed for those surfaces that are certified as organic or under conversion to the methods and practices that are specific to organic farming, throughout the duration of applying this measure;

(on 26-Jul-2019 Art. 9, para. (1), point 20. of Chapter V was amended by Art. I, point 9. of [Order 375/2019](#))

21.t) as an exception from the provisions in section ș), CBs may issue the annex to the supporting document until 15 December, in the case of concluding contracts with operators, who are included in the inspection and certification system of another CB, whose approval was revoked or who has withdrawn during that year;

22.ț) to apply the provisions in art. 91 of R (EC) no. [889/2008](#) and prohibit operators from marketing products with reference to the organic production method, if it is demonstrated that a product obtained or imported by the operator in question or received from another operator does not comply with the rules on organic production;

23.u) to check the application mode of specific rules for labelling of organic food products, to approve operators to use the mandatory terms and indications on the label, in accordance with the provisions in art. 23 and 24 of R(CE) no. [834/2007](#), and to endorse the application for using the "ae" logo, which is specific to certified organic products;

24.v) to grant authorizations individually, in a justified manner, upon request of the operators, before the seeding of the crop, in accordance with the provisions in art. 45 para. (4)-(7) of R (EC) no. **889/2008**, for the purchase and use of seeds or vegetative propagation material not originating from organic farming, if they are not available on the market from the organic production;

*(on 26-Jul-2019 Art. 9, para. (1), point 24. of Chapter V was amended by Art. I, point 10. of **Order 375/2019**)*

25.w) not to conclude any contract with operators, who were excluded from the organic farming system (individual, legal entity or administrator of a legal entity) for 5 years after their exclusion;

26.x) not to apply other inspection and certification rates to operators than those set in the service provision contracts;

27.y) to make publicly available, on the website of the CB, an updated list containing the names and addresses of operators subject to inspection, in accordance with art. 28 para. (5) of R (EC) no. **834/2007**;

28.z) to make publicly available, on the website of the CB, an updated list containing the names and addresses of operators, to whom supporting documents were issued certifying the status of organic certificate or conversion confirmation certificate;

29.aa) to immediately implement the provisions in art. 30 para. (1) and (2) of R (EC) no. **834/2007** regarding the communication of irregularities/violations that affect the organic status of the products and the taking of measures in case of violations and irregularities; the CB shall notify MARD within maximum 5 days regarding any major sanction applied to the operators checked;

*(on 26-Jul-2019 Art. 9, para. (1), point 29. of Chapter V was amended by Art. I, point 11. of **Order 375/2019**)*

30.ab) to exchange information, upon request or out of own initiative, with other CBs in Romania or control bodies of other Member States, on the results of controls, in accordance with art. 31 of R (EC) no. **834/2007**, and maintain records on the exchange of information; each approved CB must keep a register of notifications, claims and complaints;

31.ac) it must display on its own website the fees and rates charged to operators;

32.ad) to apply the provisions in art. 36 of R (EC) no. **889/2008**, and any other data required for determining the conversion periods of annual or perennial crops, considering that the exceptional rules provided in chapter 6 of R (EC) no. **889/2008** must have been implemented on the parcels during a conversion period of at least two years before sowing or, in the case of grassland or perennial forage, of at least two years before using these products as feed obtained from organic farming or, in the case of perennial crops, other than forage, of at least 3 years before the first harvest of organic products.

33.ae) a new period for the issuance of the Annex to the supporting document referred to under subparagraph o) is introduced for the year 2016, respectively from the date of entry into force of this Order and until 15 November.

*(on 31-Oct-2016 Art. 9, para. (1), point 32. of Chapter V was supplemented by Art. I, point 2. of **Order 954/2016**)*

(2) An operator is controlled by only one CB for the same type of activity, as follows:

*(on 26-Jul-2019 Art. 9, para. (2) of Chapter V was amended by Art. I, point 12. of **Order 375/2019**)*

(3) CBs are prohibited to apply certification procedures for operators in the activity conducted (group certification procedure), which do not comply with the provisions of art.

28 para. (1) of R (EC) no. [834/207](#) and of art. 65 of R (EC) no. [889/2008](#).

(4) If a CB gives up the inspection and certification activity, for which it was approved (declaration of nullity, merger, total division, transformation, dissolution, liquidation or in another manner provided by the articles of incorporation), without continuing its activity under any other legal form, it shall send at least 15 days before cessation of activity to each operator that signed a service provision contract a notification in this regard, and a copy of all documents issued during the last year, in order to continue the certification process. The notification must include at least the following information:

- a)** the date from which the CB will cease its activity;
- b)** the period available to 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 to perform inspection and certification of organic products in Romania, available to operators, posted on the website of MARD, if they intend to continue the certification process;
- 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.7 to this order;
- b)** to transmit, until 31 March of each year, information on operators that are new entrants and operators that are withdrawn/excluded from the inspection and certification system of the CB relating to the previous year, according to the model provided in Annex no.8 to this order;
- 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. 10;
- d)** to seek approval of waivers from the conversion period duration for land parcels, based on requests from operators and checks of supporting documents, according to the provisions in art. 36 and 37 of R (EC) no. [889/2008](#), according to the procedure provided in Annex no.9;
- e)** to seek approval of waivers for restraining animals in small farms, based on art. 39 of R (EC) no. [889/2008](#), in accordance with the procedure provided in Annex no. 11 to this order; for the purposes of this order, small farms in the organic farming sector, animal production, are considered those farms that hold a maximum number of 20 heads of cows and bulls aged over 2 years from the cattle species;
- f)** without prejudice to the provisions in para. (1) h) and para. (2), the CB shall communicate any change occurred in the documentation that led to the initial approval within 10 days from its occurrence date;
- g)** to provide in its own procedure the possibility that MARD is informed at least 21 days in advance about the evaluation to be performed by the accreditation body at the head office on the territory of Romania/ unit in Romania, so as to allow to the representatives of MARD to participate as observers;
- h)** to notify within 10 working days any change regarding the accreditation;
- i)** to notify MARD 30 working days before the date, from which it decides to end its activity, about its intention to give up the inspection and certification activity for which they were approved;
- j)** to respond within 10 working days to any request coming from MARD;

k) to transmit the justification of changing fees and rates applied to operators in organic farming, whenever they change;

l) to transmit the supporting documents issued to operators in accordance with art. 29 para. (1) of R (EC) no. [834/2007](#);

m) to enter in the SII-AE computer system the data about the operators inspected and certified in the organic farming system. Data entry is performed within: 15 days of the inspection report drafting date; 15 days from the issue date of the supporting document.

(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, update of the areas of activity, it is obliged to inform MARD within 10 days by a written subparagraph containing the reason of the changes occurred, accompanied by documents certifying the changes occurred.

(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 section the proposal to update the certificate of approval.

(4) Based on the approval report provided in para. (3), a decision approving the changes shall be issued and signed by MARD's 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.3. 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.

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

(7) In the case stipulated in art. 7 para. (14), a new unit is prohibited to issue supporting documents before obtaining the new approval from MARD.

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

(9) If the changes mentioned in para. (2) or art. 8 refer to CBs that are not approved according to the provisions in art. 2-5, the model of the certificate of approval issued is the one provided in Annex no. 3.1.

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, to the structure responsible for technical inspections in the field of organic farming information on the inspections carried out in the previous semester, in accordance with the model provided in annex no. 12 to this order;

b) to send, until 31 January, the report on the inspection and certification activities carried out during the previous year, in accordance with the provisions in art. 27 para. (14) of R (EC) no. [834/2007](#), according to the model provided in Annex no. 13 to this order;

c) to allow access to their offices and facilities, as well as all necessary support for the representatives of the structure responsible for technical inspections in the field of organic

farming to exert their control and supervision duties;

d) to communicate immediately to the competent authority in any of the following situations:

- any irregularity or violation affecting the organic status of the products;
- withdrawal of the operator from the control system;
- the change of the control authority or control body by the operator and/or its subcontractors.

Furthermore, in the case of irregularities or violations relating to products under the control of other control authorities or control bodies, it shall also immediately inform the authorities or bodies concerned, in accordance with art. 92 of [R \(EC\) no. 889/2008](#), art. 30 and art. 31 of [R \(EC\) no. 834/2007](#); *(on 15-Mar-2017 Art. 11, para. (1), letter D. of Chapter V was amended by Art. I, point 5. of [Order 61/2017](#))*

e) to transmit annually, until 15 June, the annual/estimated plan of inspections, containing the calendar planning of inspections and the inspectors designated to perform them;

f) in order to fulfil the obligations stipulated in art. 92a of R (EC) no. 889/2008, if a CB finds irregularities in the implementation of the provisions regarding the organic production, irregularities that are affecting the status of the product and/or land, or if it is informed from other sources about irregularities with organic products, it shall immediately inform the competent authority and investigate the origin of irregularities or violations, in accordance with subparagraph d). In the case of irregularities found on products originating from other EU and non-EU countries, the information must be filled in and transmitted according to the model set out in Annex no. 16 to this Order. The information on the results of verification of notifications received through the computerized system for organic farming, hereinafter referred to as OFIS, or any other type of intimation shall include all actions taken, the information of the other CBs and documents evidencing the findings of the investigation, according to the model in annex no. 17 to this Order;

(on 07-Jan-2019 Art. 11, para. (1), subpara. F. of Chapter V was amended by Art. I, point 2. of [Order 1528/2018](#))

f¹) The CBs shall send the result of the verifications and the documents referred to in subparagraph f) within 10 calendar days of the date of the initial finding/information. If the competent authority requests additional information, it shall be forwarded by the CB so that the response formulated by means of OFIS falls within the time limit provided for in Art. 92a para. (4) of R (EC) no. 889/2008;

(on 07-Jan-2019 Art. 11, para. (1), subpara F. of Chapter V was supplemented by Art. I, point 3. of [Order 1528/2018](#))

f²) by exception from the provisions of point f¹), the deadline for formulating the reply by means of OFIS is 60 calendar days from the date of the initial notification;

***) ATTENTION! According to art. II of the Order no. 242/2020, the provisions "shall apply in accordance with Article 3 of Commission Implementing Regulation (EU) 2020/977 of 7 July 2020 derogating from Regulations (EC) No. 889/2008 and (EC) No. 1.235/2008 as regards controls on the production of organic products due to the COVID-19 pandemic".**

g) to send the documents referred to in section f) accompanied by all documents that form the basis for issuing such documents, whenever they are requested;

h) 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;

- i)** to send the annual internal audit report, showing that the head office/unit was audited in the last year, including the manner of handling nonconformities;
 - j)** to have a control file for each operator under a service provision contract, according to the provisions of art. 2 section s) of R (EC) no. **889/2008**, and keep it in their archive (in copy and/or in original) for 5 years after the termination of the inspection and certification contract;
 - k)** to take the necessary measures to remedy the deficiencies identified by the control team of MARD, provide proof of implementation of corrective actions and communicate within the time limit set by the competent authority following the control performed the remediation of nonconformities identified.
- (2)** If a CB abandons the inspection and certification activity, for which it was approved, or if MARD has 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 withdrawal date of the approval, the copy of control files (in electronic format) of the operators subject to control. The copy of control files must be accompanied by a subparagraph specifying at least the following:
- a)** date on which it intends to end its activity/when its approval has been withdrawn;
 - b)** a description of the reason for abandoning the inspection and certification activity in the field of organic farming (in case of abandoning the inspection and certification activity);
 - c)** number of operators, with whom it has concluded an inspection and certification contract during the current year.
- (3)** The CB shall make available to MARD, whenever requested, the control file for each operator under a service provision contract, according to the provisions in art. 2 section s) of R (EC) no. **889/2008**. The control file shall mandatorily include all documents that formed the basis for issuing the certification decision.
- (4)** MARD, through its structure responsible for technical inspections in the field of organic farming, may request any other information for clarification.

Art. 12

The obligations of control bodies towards the Agency for Payments and Intervention in Agriculture (APIA) are the following:

- 1.** If APIA requests explanations from the CB for the supporting documents 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, the supporting documents shall not be considered. Only if the data provided by the CB are relevant, probative and compliant with legal provision will APIA decide positively with regard to the operators.
- 2.** If the data is not made available to 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 of MARD shall check the CB and send to APIA the decision on the compliance/non-compliance or trustworthiness of the supporting document issued.
- 3.** (on 26-Jul-2019 the text of Art. 12, subpara 3. of Chapter V was repealed by Art. I, subpara 13. of **Order 375/2019**)
- 4.** (on 26-Jul-2019 Art. 12, subpara 4. of Chapter V was repealed by Art. I, subpara 14. of **Order 375/2019**)
- 5.** Given the possibility to rotate the package versions 1, 2 and 5 within M11 – organic

farming and the different period of converting the crops (an annual crop shall be cultivated in 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 under 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 under 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 under conversion, and the farmer declares an annual crop in the third year, the plot has the status of organically certified.

6. Rules for changing the supporting document mentioned in art. 9 para. (1) section o):

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

b) if the supporting document 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 supporting document 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, APIA will consider the initial date of the annex related to the supporting document.

c) APIA makes available to the operator/CB the documents from which the traceability between the old physical block and the one resulting after updating the LPIS – System for the identification of agricultural parcels is available.

(on 26-Jul-2019 Art. 12, section 6., subpara B. of Chapter V was supplemented by Art. I, section 15. of [Order 375/2019](#))

7. CBs are responsible for compliance of the supporting documents issued to the controlled operators with the legislation in force.

8. APIA transmits 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 (NPRD) 2014-2020, a measure of financial support designed for those surfaces that are certified as organic or under conversion to the methods and practices that are specific to organic farming.

(on 26-Jul-2019 Art. 12, section 7. of Chapter V was supplemented by Art. I, section 16. of [Order 375/2019](#))

CHAPTER VI: Specific duties of the structures of the authority competent for policymaking and supervision of control bodies

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 CB, stipulated in art. 10, for their transmission to the European Commission, in accordance with the provisions of R (EC) no. [834/2007](#) and R (EC) no. [889/2008](#);

b) it grants waivers (exemptions) in accordance with the provisions of art. 36, 37 and 39 of R (EC) no. 889/2008;

 (on 15-Mar-2017 Art. 13, para. (1), subpara B. of Chapter VI was amended by Art. I, section 6. of [Order 61/2017](#))

c) it grants authorizations in accordance with the provisions of R (EC) no. [889/2008](#), other than those granted by CBs;

d) it grants individual exemptions to operators from the rules of production, contained in art. 22 of R (EC) no. [834/2007](#), and sets rules and procedures for potential exceptions to these rules;

e) (on 26-Jul-2019 the text of Art. 13, para. (1), subpara E. of Chapter VI was repealed by Art. I, section 17. of [Order 375/2019](#))

f) 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;

g) it publishes on MARD's website, after conducting a formal verification, the certificates of conformity issued by the CB in accordance with the provisions of art. 92b of R (EC) no. [889/2008](#).

(2) In the situation of withdrawing the approval of a CB or in case of abandoning the inspection and certification activity, the structure responsible for policymaking in the field of organic farming shall notify the operators registered with the CB concerned via the territorial structures with specific duties. The notification shall contain at least the following information:

a) the date when the approval of the CB was withdrawn or since when the CB has decided to abandon the inspection and certification activities, for which it was approved;

b) information on prohibiting the use of its certification mark or any declaration of conformity with the national and EU legislation in the field, if the operator does not sign a new contract with another CB within the period stipulated by the legislation in force.

(3) In the situation of withdrawing the approval of a CB or when a CB abandons the control activity, for which it was approved, the structure responsible for policymaking in the field of organic farming shall inform all approved CBs and all Member States in relation to:

a) the date from which the CB is no longer active on the Romanian territory;

b) the reason of withdrawal out of the system, so that the existing potential risk in the case of operators who had a contract signed with the CB can be assessed.

(4) In the situation of withdrawing the approval of a CB or when a CB abandons the inspection and certification activity, the structure responsible for policymaking in the field of organic farming:

a) shall notify the Agency for Payments and Interventions in Agriculture, as well as the Agency for Funding Rural Investments about its decision to withdraw or abandon the inspection and certification activity of the CB concerned;

b) shall change the list of CBs approved by MARD to carry out inspection 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) performs in the current year the audit of control bodies for the activity carried out in the previous year, according to the provisions of art. 5 para. (3) of R (EC) no. 882/2004 and of art. 92e and 92f of R

(EC) no. 889/2008, and the supervision, in accordance with art. 92c of R (EC) no. 889/2008, of the CB's activity. The audit shall be carried out only after prior notification of the control body. The notification shall be made at least 10 working days before the date of the audit, in accordance with the model set out in Annex no. 15 to this Order, requesting relevant documents regarding the activity carried out during the verified period. The Control Bodies shall send the documents requested by notification within 10 working days, but not later than the seventh day;

(on 15-Mar-2017 Art. 14, para. (1), letter A. of Chapter VI was amended by Art. I, section 7. of [Order 61/2017](#))

- b)** centralizes and checks the data sent by the CBs mentioned in art. 11;
- c)** ensures the transmission of information to the European Commission on the control and supervision of CBs, and any other information requested;
- 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 control body, taking into account the following:
 - the manner of conducting verifications, presenting and communicating the resulting findings, as a result of notifications or other controls, regarding irregularities in the activity of the operators of the approved CBs;
 - compliance with the deadline set by the competent authority for checking non-conformities transmitted by intimations, notifications and other controls;
 - the measures taken by control bodies to remedy the identified non-conformities, and the sanctions applied;
 - the frequency of non-conformities in which CBs/operators under a service provision contract concluded with them are involved;
 - the assessment of the situations submitted in accordance with the provisions of art. 11 para. (1) subparagraph a) and b);
 - the manner of solving the non-conformities identified in the previous audit.

(on 15-Mar-2017 Art. 14, para. (1), subpara D. of Chapter VI was supplemented by Art. I, section 8. of [Order 61/2017](#))

(2) Audit and supervision of the activity conducted by the CB shall be performed in accordance with the topics and calendar of the audit and supervision activity of the CBs approved annually, by:

a) verifications at the headquarters of the Control Body, including the audit according to the provisions of art. 92e and 92f of R (EC) no.889/2008 on the organic production control system; for the Control Bodies established in another Member State – operating on the Romanian territory through a unit, the annual audit shall be conducted at the headquarters of the unit in Romania; the audit team is composed of counselors responsible for technical inspections from the central level, except for the field visits made during the review audits, which can also be carried out by counselors responsible for technical inspections within territorial structures; the management staff of the Control Body and the person in charge with certification shall also attend the audit mandatorily;

(on 18-Feb-2020 Art. 14, para. (2), subpara A. of Chapter VI was amended by Art. I, section 1. of [Order 36/2020](#))

- b)** supervisory controls, which are intended to assess on site the way of carrying out the activity, as well as the efficiency of the approved CB's activity;
- c)** controls performed following complaints or notifications regarding irregularities in the activity of the operators or in the activity of the approved Control Body, conducted in accordance with art. 92a of R (EC) no. 889/2008.

(on 18-Feb-2020 Art. 14, para. (2), subpara. C. of Chapter VI was amended by Art. I, section 1. of [Order 36/2020](#))

(2¹) During the state of emergency, the audit and supervision of the activity of the Control Body shall be carried out by the remote communication means available, and on the following day after the cessation of the state of emergency the activity shall be resumed, according to the legislation in force.

(on 30-Apr-2020 Art. 14, para. (2) of Chapter VI was amended by Art. I, point 3. of Order 117/2020)

(3) The results of the annual audit performed at the CB, according to the provisions in para. (2) section a), shall be recorded in audit notes; 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.

(4) If the CB does not submit evidence of remedying the deficiencies identified during the audit or supervisory control within the deadline set by the control team, the first/second warning shall apply, as applicable. If within 15 days after receiving the warning, the CB does not take the measures necessary to remedy the deficiencies and does not produce the proof of implementing corrective actions, the structure responsible for technical inspections shall propose the withdrawal of the CB's approval.

(5) Supervisory controls shall be carried out by counselors of the County Agricultural Departments responsible for technical inspections, in accordance with the approved procedure, on a sample of operators selected by the central structure, a sample set for at least 5% of all the operators under a service provision contract with each CB.

(on 15-Mar-2017 Art. 14, para. (5) of Chapter VI was amended by Art. I, section 10. of [Order 61/2017](#))

(6) Selection of the sample shall be made by taking into consideration the risk analysis, including a wide range of operators, oriented especially towards operators who received sanctions from the CB for the activity performed during the previous year, especially in the downgrade category, as well as towards operators for which suspicions/complaints were raised.

(7) The sample is determined depending on the sanctions applied to operators by the Control Body, and after the Control Body has communicated the results of the inspections carried out, which are transmitted to the competent authority in accordance with Article 11 paragraph (1) subparagraph a).

(on 18-Feb-2020 Art. 14, para. (7) of Chapter VI was amended by Art. I, section 2. of Order 36/2020)

(8) Besides the sample selected as provided in para. (5)-(7), all operators having surfaces larger than 50 ha operated in the organic farming system will also be controlled, in order to eliminate any suspicion of using substances that are prohibited in organic farming.

(9) Within the framework of supervisory controls, the manner in which the CB is performing its activity shall be checked in consideration of the provisions of title V «Controls» of R (EC) no. [834/2007](#) and of title IV «Controls» of R (EC) no. [889/2008](#) by specific checks performed in the location of the farm/unit of operators, also verifying the existence of the following documents:

- a) the contract concluded by the operator with the CB;
- b) operator's record sheet;
- c) copy of the inspection report of the CB for the previous year, as applicable;
- d) certificates of conformity/master certificates/conversion confirmation certificates;
- e) transaction certificates, as applicable;
- f) any other documents specific to the operator concerned, including those relating to parallel crops.

(on 15-Mar-2017 Art. 14, para. (9) of Chapter VI was amended by Art. I, section 10. of [Order 61/2017](#))

(10) After analyzing the specific documents submitted by the counselors responsible with

technical inspections from County Agricultural Departments, and the monthly control reports for the operators selected in the representative sample of each CB, the representatives of the structure responsible for technical inspections in the field of organic farming within MARD shall prepare a half-yearly report, finding whether:

a) the activity of the operators complies with the national and Community legislation in force, identifying any non-compliance with the standards and inspection procedures of the CB;

b) the inspections were carried out by a qualified inspector within that CB, which complies with the requirements referred to in art. 2 para. (1) subparagraph j), respectively art. 4 para. (1) subparagraph k);

c) the inspection and certification procedures were carried out in the optimum period according to the obligation stipulated in art. 9 paragraph (1) subparagraph c), and the documents related to its specific activity are compliant;

(on 18-Feb-2020 Art. 14, para. (10), subpara. C. of Chapter VI was amended by Art. I, section 3. of Order 36/2020)

d) the half-yearly report shall be sent to the structure responsible for the development of policies in the field of organic farming within MARD by the end of the first month of the following semester.

(on 15-Mar-2017 Art. 14, para. (10) of Chapter VI was amended by Art. I, section 10. of [Order 61/2017](#))

(11) Until 15 January of each year, the counselors responsible for technical inspections from County Agricultural Departments shall send to the representatives of the structure responsible for technical inspections in the field of organic farming within MARD the summarized activity carried out in the previous year, including the total number of operators checked, the non-compliances found with operators and related CBs.

(on 15-Mar-2017 Art. 14, para. (11) of Chapter VI was amended by Art. I, section 10. of [Order 61/2017](#))

(12) On the basis of the analysis of the monthly reports, of the summarized situation, annual audit, and of the aspects identified in art. 14 para. (1) subparagraph e), as well as the verifications of the Control Body, according to the provisions of art. 92e and 92f of R (EC) No 889/2008 on the organic production control system, an evaluation report of the activity carried out by the Control Body in the previous year has to be prepared for each Control Body until 30 October of the current year.

(on 18-Feb-2020 Art. 14, para. (12) of Chapter VI was amended by Art. I, section 4. of Order 36/2020)

(13) The structure responsible for technical inspections in the field of organic farming within MARD applies contravention sanctions to the CB, in accordance with the provisions of Government Ordinance no. 29/2014 amending art. 6 para. (2) of Government Emergency Ordinance no. 34/2000 on organic food products and establishing measures in the field of organic food products.

(on 26-Jul-2019 Art. 14, para. (13) of Chapter VI was amended by Art. I, section 18. of [Order 375/2019](#))

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

(15) The results of the controls performed in accordance with para. (2) subparagraph c) shall be notified to the relevant CB within 10 working days after the approval of the control note by the MARD management.

(on 15-Mar-2017 Art. 14, para. (15) of Chapter VI was amended by Art. I, section 10. of [Order 61/2017](#))

CHAPTER VII: Sanctions applied to control bodies and conditions for withdrawing their approval

Art. 15

MARD shall apply to the CB, depending on the severity of irregularities found, the following administrative sanctions: written warning and withdrawal of approval.

Art. 16

(1) Written warning is given in the following situations:

- a)** failure to comply with the provisions of art. 9 para. (1) sections a)-c), e)-n), q)-ab), para. (2) and (3), except for the obligations stipulated in art. 28 para. (1) section a) of R (EC) no. [834/2007](#);
- b)** failure to comply with the obligations provided for in Art. 10 para. (1) subparagraphs a)-m), para. (2) and Art. 11 para. (1) and (3);
(on 18-Feb-2020 Art. 16, para. (1), subpara. B) of Chapter VII was amended by Art. I, section 5. of Order 36/2020)
- c)** finding that the conditions that led to the approval were not observed, according to the provisions in art.2, and in art. 4.
- d)** non-observance of the terms provided in art. 6 para. (1) and (1¹) of filing the documents referred to in art. 3 para. (1) and art. 5 alin. (1).

(on 15-Mar-2017 Art. 16, para. (1), subpara C. of Chapter VII was supplemented by Art. I, section 11. of Order 61/2017)

(2) The written warning is materialized in a decision issued by a structure responsible for technical inspections in the field of organic farming.

Art. 17

Withdrawal of approval takes place in the following situations:

- a)** applying two written warnings in one calendar year;
- b)** in case of violating EU legislation, art. 27 para. (8) and (9) of R (EC) no. [834/2007](#) and art. 9 para. (1) section d) and f) of this order;
- c)** in the event that the CB issues supporting documents stipulated in art. 9 para. 1) section o) or any other documents according to its own procedure, whose non-compliance in terms of form and content is demonstrated later.

Art. 18

(1) Withdrawal of a CB's approval is materialized by a decision signed by the management of MARD, issued by the commission stipulated in art. 6 para. (3), upon the motivated proposal of the structure responsible for technical inspections in the field of organic farming. The model of the decision is provided in annex no. 14 to this order.

(2) The decision referred to in para. (1), and in art. 16 para. (2) can be challenged by the CB within a period of 30 days from the reception date, in accordance with the provisions of Law on administrative litigation no. [554/2004](#), as amended and supplemented.

(3) Withdrawal of a CB's approval can cover the total withdrawal from conducting activities in Romania or the withdrawal of the approval regarding a particular area of activity, following the results of the control and supervision activity, of not fulfilling the conditions that led to the approval, of withdrawing the accreditation granted by the National Accreditation Body in Romania or by bodies of the European Union, who are signatories to the EA-MLA Multilateral Recognition Agreement.

(4) CBs, whose approval for conducting the inspection and certification activity in Romania has been withdrawn, are not entitled to submit a new request for approval for

a period of 5 years from the withdrawal date of the approval.

(5) CBs, whose approval for one or several product groups has been withdrawn, are not entitled to submit a new application for approval for the same product group for a period of one year from the withdrawal date of the approval.

(on 26-Jul-2019 Art. 18, para. (5) of Chapter VII was amended by Art. I, section 19. of [Order 375/2019](#))

(6) CBs, whose approval for conducting the inspection and certification activity in Romania has been withdrawn, are liable for any damages caused to operators.

(7) The appeal against the decisions mentioned in para. (1) and in art. 16 para. (2) shall be resolved within 30 days from appeal registration by a commission for settling appeals concerning administrative sanctions, appointed by MARD's management.

(8) The commission for settling appeals concerning administrative sanctions, referred to in para.(7), after solving the appeal, shall communicate the decision to the CB concerned, a decision signed by MARD's management.

(9) The decision approving or rejecting the appeal against decisions of withdrawing an approval shall be recorded in the register of appeals against decisions of withdrawing an approval kept by the commission.

(10) The decision approving or rejecting the appeal against decisions of withdrawing an approval shall also be communicated to the structure responsible for policymaking in the field of organic farming, as well as to the structure responsible for technical inspections.

CHAPTER VIII: Obligations of operators in the organic farming system

Art. 19

(1) Operators in the organic farming system must comply with all rules on organic production, provided by R (EC) no. [834/2007](#) and R (EC) no. [889/2008](#).

(2) Operators in the organic farming system must register the activity in the organic farming sector at MARD, according to the provisions in art. 28 para. (1) of R (EC) no. [834/2007](#), and according to the national provisions in force concerning the registration of operators in organic farming, and make proof of this registration at any control performed by the CB.

(3) Operators in the organic farming system must subject their farm to the control system, according to the provisions in art. 28 para. (1) b) of R (EC) no. [834/2007](#).

(4) Operators in the organic farming system must ensure traceability of products at all stages or production, processing and marketing, including by identification of product lots obtained and using identification codes of related lots thus set in all documents necessary for trading (accounting documents, transport documents etc.).

(5) Operators in the organic farming system must register the activity according to the provisions in art. 45 para. (1) (b) of R (EC) no. [889/2008](#), in the case of operators supplying sees and/or seed potatoes obtained through the organic production method.

(6) Operators registered in the organic farming system shall comply with the provisions of art. 11 of [R \(EC\) no. 834/2007](#), in the case of parallel production. With regard to plants, there are various varieties that can be easily differentiated, and with regard to animals there are different species involved, and the same species may be involved in aquaculture, provided that there is an appropriate distinction between production areas. Where not all units of a farm are used for organic production, the operator shall separate the parcels, animals and products used by production system or the products obtained by the organic units from those used or produced by non-organic units and shall keep an appropriate

register to highlight this separation.

*(on 15-Mar-2017 Art. 19, para. (6) of Chapter VIII was amended by Art. I, section 12. of **Order 61/2017**)*

(7) Operators in the organic farming system must accept sampling for performing analyses for all lots of organic products (representing primary production for which certificates of transactions are being issued), in the case of operators active in trading.

(8) Operators in the organic farming system must delimit a space between organic and conventional products in the case of operators selling products in stores.

(9) Operators requesting the termination of the service provision contract concluded with the CB must inform the CB concerned at least 30 days before contract termination date by a written notice, including the intention to terminate the contract, and the name of the CB with whom it will conclude a new service provision contract.

(10) In case that the CB's approval has been withdrawn or if it retreated out of its own initiative, the operator has the obligation, so as to continue its activity in the field of organic farming, to conclude another service provision contract with another CB within 30 days since it was informed about the withdrawal of the CB's approval/CB's cease of activity; the operator is obliged to notify the new CB about the existence of the supporting document issued by the previous CB.

(11) Starting with the withdrawal date/During the period of suspension from the organic farming system, operators can no longer use the supporting documents issued by the CB, namely the certificate of conformity/master certificate/conversion confirmation certificate, and other supporting documents that accompany any commercial transaction.

(12) Operators trading quantities larger than 500 kg/product shall send to the CB until the 5th of each month the summary of transactions made in the previous month.

(13) An operator cannot be inspected and certified for the same activity by several CBs at the same time.

(14) The operator, who was excluded from the organic farming system is not entitled to register itself in the organic farming system for a period of 5 years from the date of exclusion.

(15) Operators in the organic farming system must request the CB to issue supporting documents (certificates of transaction) to accompany any commercial transaction performed outside Romania.

(16) Operators in the organic farming system must keep all control reports, supporting documents and any other documents issued by the CB or that formed the basis for issuing supporting documents or certificates of transaction for at least 5 years, to be made available to the competent authority for organic farming and to APIA.

(17) In case that in the current campaign the operator registered in the organic farming system as a natural person changes his/her organization form into an authorized natural person, individual enterprise or family enterprise according to the Government Emergency Ordinance no. 44/2008, as amended and supplemented, he/she may submit to APIA (Agency for Payments and Intervention in Agriculture) the contract concluded with the CB and the supporting document mentioned in art. 9 para. (1) subparagraph o) concluded as a natural person, applying the provisions of art. 6 para. (2) of Government Emergency Ordinance no. 3/2015 approving the payment schemes applicable in agriculture between 2015-2020 and amending art. 2 of Law no. 36/1991 on agricultural companies and other forms of association in agriculture, approved with amendments and supplements by Law no. 104/2015, as amended and supplemented.

(18) In the post-transformation campaign, as provided in para. (17), the operator must submit to APIA the contract concluded with the CB and the supporting document mentioned in art.9 para. (1) subparagraph o), concluded as an authorized natural person, individual enterprise or family enterprise.

(on 26-Jul-2019 Art. 19, para. (16) of Chapter VIII was supplemented by Art. I, section 20. of Order 375/2019)

CHAPTER IX: Transitional and final provisions

Art. 20

The certificates of approval issued to control bodies approved under the Order of the Minister of Agriculture and Rural Development no. 181/2012 approving the rules on the organization of the inspection and certification system in organic farming, as amended and supplemented, shall be valid until their expiry.

Art. 21

Annexes no. 1-17 are an integral part of this Order.

(on 07-Jan-2019 Art. 21 of Chapter IX was amended by Art. I, section 4. of Order 1528/2018)

Art. 22

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

Art. 23

On the date of entry into force of this order, the Order of the Minister of Agriculture and Rural Development no. 181/2012 approving the rules on the organization of the inspection and certification system in organic farming, published in the Official Gazette of Romania, Part I, no. 613 of 27 August 2012, as amended and supplemented, shall be repealed.

Minister of Agriculture and Rural Development,
Achim Irimescu

ANNEX no. 1: 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.)
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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, (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.)

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,

processing and distribution mentioned in art. 1 of Council Regulation (EC) no. [834/2007](#) of 28 June 2007 on organic production and labelling of organic products and repealing Regulation (EEC) no. [2.092/91](#), for the inspection and certification of production, processing and distribution activities, for the following groups of products:

- A. Unprocessed vegetal products
- B. Live animals or unprocessed products of animal origin
- C. Aquaculture products and seaweed
- D. Agricultural products processed in order to be used as food
- E. Agricultural products processed in order to be used as feed
- F. Vegetative propagation material and seeds for crops

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

Signature and stamp

.....

ANNEX no. 2: LIST of sanctions applied by control bodies to operators

Sanctions	Type of sanction	Mode of application	Mandatory actions and measures
Minor	Simple remark (RS)	To be applied in the case of a minor irregularity or involuntary breach with no risk for the certification decision.	
	Request for improvement (CA)	To be applied in case of detecting a violation and accompanied by the request for improvement, specifying the mode of improvement and deadline for remediation.	
	Warning (AS)	To be applied accompanied by the mention of the sanction, which is going to be applied if the operator did not comply with the request for improvement; the warning is usually followed by an additional control aimed at checking the clarifying documents submitted by the operator and/or control on site.	
	Additional control (CS)	Expenses related to the additional control shall be borne by the operator.	To be applied for checking corrective actions or in case of suspected irregularities in the operator's activity.

Major	Downgrading the surface and product/production lot/batch (DS and DP)*	To be applied to the total surface, a parcel or part thereof; it requires the withdrawal of indications on the method of organic production in labelling and promoting the entire production lot or batch associated to that surface and restarting the conversion period mentioned in art. 36 of Commission Regulation (EC) no. 889/2008 of 5 September 2008 laying down detailed rules for implementing Council Regulation (EC) no. 834/2007 on organic production and labelling of organic products with regard to organic production, hereinafter referred to as R(EC) no. 889/2008 .	In case that it is detected during inspection that products and substances not included in Annexes I and II to R(EC) no. 889/2008 , were used in the crop technology, the measure of downgrading the surface concerned to the conventional status shall be taken, the products obtained shall be downgraded to the conventional status and conversion period will restart.
	Downgrading the product/production lot/batch (DP)*	To be applied to a particular product or batch by withdrawing the instructions on the method of organic production in the labelling and advertising of the entire production lot or batch; it is required to withdraw the entire lot of products affected by downgrade from the market and perform additional controls.	In case that during inspection are found to be present products and substances not included in Annexes I, II, V, VI, VII, VIII, VIIIa, IX to R(EC) no. 889/2008 , as well as an improper handling or processing of products, which affects their status, immediate measure shall be taken to withdraw the mentions regarding organic production and processing.
	Suspending the operator's activity ¹ (SA)**	Prohibiting that operator from marketing for a specific period of products with indications of the organic production method in the labelling and advertising, which entails the suspension of that operator's certification	After the suspension period ends, the control body shall immediately notify the competent authority (MARD) in connection with the status of the operator in question, regarding the remediation/failure to remedy non-conformities that led to the suspension, in the event that the operator has remedied the non-conformities, it will benefit from the status it had before suspension, and in the situation where the operator has not remedied non-conformities, it will be excluded, by applying the measures set out in the next paragraph (EO).
	Exclusion of the operator (EO)**	Prohibiting such operator from conducting activities in the organic farming system in the event of finding a serious infringement of the provisions or which are causing prolonged effects after the production/marketing of products with indications concerning the production method ² . In this case, the contract shall be terminated and all supporting documents issued to the operator (certificates) shall be mandatorily withdrawn.	The Control Body shall immediately inform ³ the competent authority about the application of this sanction in order to publish this information on the official website of MARD and to inform the Agency for Payments and Intervention in Agriculture.

*In case of downgrading the product because of finding in the crop technology of products and substances not included in annexes I and II to R(EC) no. [889/2008](#), it shall be simultaneously proceeded with the downgrade of the surface concerned.

** In case of suspending the operator due to finding in the crop technology of products and substances not included in Annexes I and II to R(EC) no. [889/2008](#), se, it shall be

simultaneously proceeded with the downgrade of the surface concerned and downgrade of the product.

***In case of excluding the operator, it shall be simultaneously proceeded with the downgrade of the surface concerned and downgrade of the product.

¹In order to apply the provisions in art. 30 of Council Regulation (EC) no. [834/2007](#) of 28 June 2007 on organic production and labelling of organic products and repealing Regulation (EEC) no. [2.092/91](#), in the event of finding serious violations of the provisions or that cause prolonged effects, the competent authority shall set a period of maximum one year in order to suspend the operator.

²In case of a serious violation of the provisions or that causes prolonged effects, the competent authority may establish that the exclusion of the operator will apply for a period of 5 years.

³The information includes the result of the checks, as well as the analyzed documents that were the basis of the sanction applied.

(on 07-Jan-2019 Annex 2 was amended by Art. I, section 5. of [Order 1528/2018](#))

ANNEX no. 3: CERTIFICATE OF APPROVAL

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, (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.)

responsible person,

is approved as control body in organic farming, with 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. 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, and with Council Regulation (EC) no. [834/2007](#) of 28 June 2007 on organic production and labelling of organic products and repealing Regulation (EEC) no. [2.092/91](#), for the inspection and certification of the production, processing and distribution activities, for the following product groups:

- A. Unprocessed vegetal products
- B. Live animals or unprocessed products of animal origin
- C. Aquaculture products and seaweed
- D. Agricultural products processed in order to be used as food
- E. Agricultural products processed in order to be used as feed

F. Vegetative propagation material and seeds for crops
Date of subsequent changes*:

*To be filled in for changes occurring after the approval regarding: control body name, headquarters, number at the National Trade Register Office, updating the fields of activity, name of the person responsible.
Date of activity extension/withdrawal**:

**To be filled in when an extension of the activity is requested/when the approval for a field of activity has been withdrawn.
Approval date:
Expiration date:
Minister of Agriculture and Rural Development,
.....

ANNEX no. 3¹: CERTIFICATE OF APPROVAL

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.), responsible person, is approved as control body in organic farming, with 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. 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, and with Council Regulation (EC) no. **834/2007** of 28 June 2007 on organic production and labelling of organic products and repealing Regulation (EEC) no. **2.092/91**, for the inspection and certification of the production, processing and distribution activities, for the following product groups:

- A. Unprocessed vegetal products
 B. Live animals or unprocessed products of animal origin
 C. Aquaculture products and seaweed
 D. Agricultural products processed in order to be used as food
 E. Agricultural products processed in order to be used as feed
 F. Vegetative propagation material and seeds for crops
Date of subsequent changes*:

*To be filled in for changes occurring after the approval regarding: control body name,

headquarters, number at the National Trade Register Office, updating the fields of activity, name of the person responsible.

Date of activity extension/withdrawal**:

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

Approval date:

Expiration date:

Minister of Agriculture and Rural Development,

.....

ANNEX no. 4: APPLICATION for extending the fields of activity of the control body in the organic farming sector

MINISTRY OF AGRICULTURE AND RURAL DEVELOPMENT

Directorate.....

No. dated

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, (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 by control bodies with their head office in another Member State, which are approved according to 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.

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 Standard SR EN ISO/IEC 17065, which is awarded for the field/fields requested.

- 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/procedures.

Signature and stamp of the control body

.....

ANNEX no. 5: CERTIFICATE OF TRANSACTION

Name and code of the control body (CB)

Address of the CB

No. /

Operator's name	Operator's address	Category of products traded	Net quantity (tons)	Beneficiary's name	Lot	Country of destination of the products

The certificate of transaction was issued according to Invoice/Waybill no.
The lot was/was not subjected to sampling for testing.
Number/date of the test report
Signature and stamp of the CB

.....
This certificate of transaction does not replace the certificate of conformity/master certificate/
conversion confirmation certificate, issued on the basis of Art. 29 of Regulation (EC) no.
834/2007 of the Council of 28 June 2007 on organic production and labelling of organic
products, as well as repealing Regulation (EEC) no. 2.092/91. Published in the Official Journal
no. 125 of 18 February 2020.
(on 18-Feb-2020 Annex 5 was amended by Art. I, section 6. of Order 36/2020)

ANNEX no. 6:

- ANNEX to the Supporting Document no. / (certificate of conformity/master
certificate/conversion confirmation certificate) issued pursuant to art. 29 para.
(1) of Council Regulation (EC) no. 834/2007 of 28 June 2007 on organic

production and labelling of organic products and repealing Regulation (EEC) no. [2.092/91](#), in accordance with the model provided in annex XII to Commission Regulation (EC) no. [889/2008](#) of 5 September 2008 laying down detailed rules for the implementation of Council Regulation (EC) no. [834/2007](#) on organic production and labelling of organic products with regard to organic production, labelling and control

Operator's name***:

Location of the farm***:

Farmer's ID with APIA***:

Customer code – inspection and certification 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	Sirsup code	No. of the physical block	No. of the agricult ural plot	Crop	Surface in organic farming, of which:					Sub- measure/packa ge and package variant related to the crop (according to measure 11 "Organic farming"*)
						Total surface (ha)	Surface under conversio n 1 st year (ha)	Surface under conversio n 2 nd year (ha)	Surface under conversio n 3 rd year (ha)	Organicall y certified surface (ha)	

*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 6.2 – 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;

(on 26-Jul-2019 Annex 6 was amended by Art. I, section 21. of [Order 375/2019](#))

ANNEX no. 7: ANNUAL STATISTICAL DATA

CB

Code:

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

Crt. no.	Operator's name	CNP / CUI	Place	County	Address	Te l./ Fax	Name of the CB (CB code)	No./ date of the contract with the CB	No./ date of record sheet with DAJ	Crop (name)	C 1* (ha)	C 2* (ha)	C 3* (ha)	Organically certified surface	Estimated production, organically certified (t)	Quantity marketed, organically certified (t)	Category of animals	Live stock/ Bee colonies / Total	Conversion year	Number organically certified	Estimated production, organically certified (t)	Quantity marketed, organically certified (t)	

*Conversion.

B.Part B: Processors

Crt. no.	Operator's name	CNP / CUI	Place	County	Address Street/ no.	Te l./ Fax	No./ date of record sheet with DAJ	Name of the CB (CB code)	No./ date of the contract with the CB	Type of processed, finished product	U. M. (t. kg. I. pc.)	Processing place	Quantity processed	Quantity marketed, organically certified	Production processed, estimated, organically certified	Actual production processed, obtained, organically certified	Quantity marketed, organically certified	Destination	Country of destination

C.Part C: Traders

-Translation from Romanian-

Crt. No.	Operator's name	CNP / UI	Place	County	Address Street / no.	Tel. / Fax	No./ date of record 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	Destination	Country of destination

D. Part D: Exporters

Crt. No.	Operator's name	CNP / CUI	Place	County	Address Street/no.	Tel. / Fax	No./ date of record 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 exported, estimated	Quantity exported, organically certified	Country of destination

E. Part E: Importers

Crt. no.	Operator's name	CNP / CUI	Place	County	Address Street/no.	Tel. / Fax	No./ date of record 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,	Country of origin of the

												pc.)	organically certified	product (third countries)

F.Part F: Agricultural producers - Aquaculture

Cr t. No	Operato r's name	CN P/ CU I	Place	Cou nty	Address Street /no.	Tel ./ Fa x	No./ date of record sheet with DAJ	No./ date of the contract conclud ed with the CB	U. M. (t, kg, l, pc.)	Animal name	Water surface in the 1 st year of conver sion (ha)	Water surface in the 2 nd year of conver sion (ha)	Water surface organic ally certifie d (ha)	Quantit y organic ally certifie d	Quantity market ed, organic ally certified	Destin ation	Countr y of destin ation

G.Part G: Processors and traders – Spontaneous flora

Cr t. No	Operato r's name	CN P/ CU I	Place	Cou nty	Address Street/ no.	Tel ./ Fa x	No./ date of the contract conclud ed with the Contr ol Body	U. M. (t, kg, l, pc)	Pro duc t grou p	Spec ies subj ect to the proc essi ng oper atio n	Esti mat ed qua ntity	Nat ure of oper atio ns	Actu al prod ucti on proc esse d achi eve d, organ ical ly certi fied	Esti mat ed prod ucti on proc esse d, organ ical ly certi fied	Quant ity marke ted, organ ical ly certifi ed	Des tina tion of dest inati on	Cou ntry of dest inati on	Pro duc t grou p	Spec ies marke ted	Estim ated volum e marke ted (t)	Des tina tion of prod ucts	Quant ity marke ted organ ical ly certifi ed	Des tina tion	Countr y of destin ation	

(on 26-Jul-2019 Annex 7 was amended by Art. I, section 21. of [Order 375/2019](#))

ANNEX no. 8: GENERAL INFORMATION RELATING TO OPERATORS

(1)

Operators registered and certified in the organic farming system*)	Reporting obligation Mandatory/ Voluntary	Operators at year end (previous to the reporting year)	New entrants into the system (during the reporting year)	Operators withdrawn/suspended/excluded (during the reporting year)	Operators at year end (covered by this reporting)
Total operators	Mandatory				
Agricultural producers	Mandatory				
of which producers, who are also processors	Voluntary				
of which producers, who are also importers	Voluntary				
of which mixed producers n.e.c. – not elsewhere classified (To be specified.)	Voluntary				
Aquaculture production unit	Mandatory				
of which producers of aquatic plants (including algae)	Voluntary				
Processors	Mandatory				
of which processors, who are also importers	Voluntary				
of which mixed processors n.e.c. – not elsewhere classified (To be specified.)	Voluntary				
Importers	Mandatory				
Exporters	Mandatory				
Other operators					
Traders	Mandatory				
Wholesalers (depository)	Voluntary				
Retailers	Voluntary				
Other operators n.e.c. (To be specified.)	Voluntary				

*)Each type of operator may also include mixed operations.

Subcontractors should be subject to the control system; consequently, they should be included in the reported number of operators.

Operator withdrawn – refers to the operator, who gave up the organic production activity.

Operator excluded – refers to the operator, who was excluded from the certification system (of a CB), as provided in annex no. 2 to the order.

(2)

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

Crt. No.	Operator type	Operator name	CNP/CUI	Place	County	Address Street/no.	Tel./Fax	No./date of the record sheet	Name of the control body	Code of the control body	No./date of contract concluded with the control body

2. Register of operators new entrants into the system during the reporting year

Crt. No.	Operator type	Operator name	CNP/CUI	Place	County	Address Street/no.	Tel/Fax	No./date of the record sheet	Name of the control body	Code of the control body	No./date of contract concluded with the control body

3. Register of operators withdrawn during the reporting year

Crt. No.	Operator type	Operator name	CNP/CUI	Place	County	Address Street/no.	Tel./Fax	No./date of the record sheet	Name of the control body	Code of the control body	No./date of contract concluded with the control body	No./date of the withdrawal request from the organic farming system	Reason for withdrawal	Name of the CB, who took over the withdrawn operator/code of CB	Registration date at the new CB, after the operator withdrew from the previous CB

4. Register of operators suspended during the reporting year

Crt. No.	Operator type	Operator name	CNP/CUI	Place	County	Address Street/no.	Tel./Fax	No./date of the record sheet	Name of the control body	Code of the control body	No./date of contract concluded with the control body	No./date of suspension from the organic farming system	Suspension for a determined period according to notification no./date to MARD	Name/code of the CB, who took over the suspended operator	Registration date of the suspended operator at the CB taking it over

5. Register of operators excluded during the reporting year

Crt. No.	Operator type	Operator name	CNP/CUI	Place	County	Address Street/no.	Tel./Fax	No./date of the record sheet	Name of the control body	Code of the inspection and certification body	No./date of contract concluded with the control body	Exclusion no./date from the organic farming system	Total exclusion from the organic farming system according to notification no./date to MARD

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

Crt. No.	Operator type	Operator name	CNP/CUI	Place	County	Address Street/no.	Tel/Fax	No./date of the record sheet	Name of the control body	Code of the control body	No./date of contract concluded with the control body

ANNEX no. 9: PROCEDURE for granting derogations from the period of conversion

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

General Directorate

Reference: application on the retroactive application of the conversion period, according to Commission Regulation (EC) no. [889/2008](#) of 5 September 2008 laying down detailed rules for implementing Council Regulation (EC) no. [834/2007](#) on organic production and labelling of organic products with regard to organic production, labelling and control [R (EC) no. [889/2008](#)], chapter 5 (Conversion Rules) art. 36 (Plants and vegetal products) para. (2) b) and/or art. 37 para. (2), for:

Operator, address

After the control on site and out of the documents issued by authorities it results that the plots, for which retroactive recognition of the conversion period is requested and which belong to the aforementioned operator meet the conditions required by the legislation mentioned to reduce the conversion period.

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

- report of the CB (II);

- copy of the operator's request, whereby the CB is requesting the reduction of 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 reduction of the conversion period 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, except natural grasslands) or of one year (for natural grasslands):

-- fertilizations with products not listed in Annex I to R (EC) no. [889/2008](#);

-- application of phytosanitary products, other than those specified in Annex II to R (EC) no. [889/2008](#);

-- chemical seed treatments, as applicable;

- certificate issued by the local authorities and by the Agency for Payments and Intervention in Agriculture (APIA), as applicable, stating that those plots were not cultivated for at least 3 years prior to conversion;

-- the outcome of determinations made by accredited laboratories, according to SR EN ISO/IEC 17025 "General requirements for the competence of testing and calibration laboratories" on soil samples taken upon request of the operator of the plots, for which derogation from the conversion period is required.

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

Date

Signature and stamp of the CB

.....

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.)	
Observations and recommendations addressed to the CB at the last control on site.	

Date

Signature and stamp of the CB

.....

III.Operator's application addressed to the CB to reduce the conversion period

Operator

Address

Checked by the CB

.....

(signature of the CB's responsible person)

Summary of the plots, for which the reduction of the conversion period is requested

No. of the plot/physical block	Culture, surface and status of the plot, for which conversion is required during the current year	Crop, surface and status of the plot during the year	Crop, surface and status of the plot during the year.....	Crop, surface and status of the plot during the year.....	Observations
Example 1	Annual crop (C2) ha	Annual crop, (C1) ha	Fallow ha	Fallow ha	
Example 2	Perennial crop (C2) ha	Perennial crop (C1) ha	Perennial crops ha	Perennial crops ha	
Example 3	Natural grassland (C1)	Natural grassland	Natural grassland	Natural grassland	
TOTAL		X	X	X	

Date

Signature of operator

.....

ANNEX no. 10: REPORT of authorizations granted to operators by the control body (CB) for the use of seed or vegetative propagation material not originating from organic farming

Summary of authorizations granted by the CB [in accordance with the Commission Regulation (EC) no. [889/2008](#) of 5 September 2008 laying down detailed rules for implementing Council Regulation (EC) no. [834/2007](#) on organic production and labelling of organic production with regard to organic production, labelling and control]

Name and code of the CB

Responsible person of the CB

Address

Identification code

No. /

Scientific name of the species	Variety name	Total number of authorizations granted (by species)	Total amount of seeds		
			UM*		
			t/kg	no. of seeds	pc.

*UM – unit of measure.

ANNEX no. 11: PROCEDURE for requesting the approval of derogation for restraining animals in small farms

I. Application for the approval of the derogation for restraining animals

Name and code of the control body (CB)

Address

Identification code

No. .../...

To the Ministry of Agriculture and Rural Development

General directorate

Reference: approval of derogations for animals in small farms, based on the provisions in art. 39 of Commission Regulation (EC) no. [889/2008](#) of 5 September 2008 laying down detailed rules for implementing Council Regulation (EC) no. [834/2007](#) on organic production and labelling of organic products with regard to organic production, labelling and control,

for the:

Operator, code, address, no. and date of the contract concluded for inspection and certification purposes

It arises from the investigations on site that the operator cannot manage the herds in free stabulation (loose housing) and therefore, in order to maintain organic productions in farms that are conditioned from a climatic, geographical and structural point of view and to solve the specific problems related to livestock management, we request the approval of derogation for restraining the animals in this farm.

To this end I am enclosing to this application the following documents:

- copy of the last inspection report of the CB (in electronic format);
- copy of the operator's application requesting a derogation for restraining the animals, which also includes the commitment of the operator;
- summary of operators requesting a derogation for restraining the animals (in electronic form).

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

Date

Signature and stamp of the CB

II. Application of the operator to the CB for approving the derogation for restraining the animals in small farms

Operator

No./date of record sheet

Address

Checked by the CB

.....

(stamp/signature of the CB's responsible person)

Name of operator	Number of cattle	Of which:	Of which:		Land area intended for grazing	Area of shelters	Observations
			certified number	number under conversion			
		Cows and bulls over 2 years in the bovine species					
		Cattle from 6 months to 2 years					
		Cattle under 6 months					
TOTAL:							

I declare on my own responsibility that daily access of animals to pasture, throughout the period during which grazing is possible, and access to outdoor surfaces, at least twice a week, where grazing is not possible.

Date.....

Operator's signature

.....

III. Summary of operators requesting derogation from restraining animals

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

The competent authority (MARD) approves derogations for restraining animals, in accordance with art. 22 of Council Regulation (EC) no. [834/2007](#) of 28 June 2007 on organic production and labelling of organic products and repealing Regulation (EEC) no. [2.092/91](#), for a limited period of time, namely for 6 months.

ANNEX no. 12: INFORMATION related to the inspections carried out by the CB

Summary of operators – producers in organic farming

C r t. N o.	Operator type	Operator name	C N P/ C UI	Place	County	Ad d r e s s	T e l ./ F a x	No. /d a t e o f t h e c o n t r a c t c o n c l u d e d w i t h t h e C B	No./d a t e o f t h e r e c o r d s h e e t a t D A J	Surfa c e i n o r g a n i c f a r m i n g (ha)	Surfa c e i n c o n v e n t i o n a l f a r m i n g (ha)	Type of inspection				Date o f i m p o s i n g t h e s a n c t i o n	I n f o r m a t i o n a b o u t t h e s a n c t i o n	R S - s i m p l e r e m a r k	Type of sanction imposed on the operator by the inspection and certification body								
												Mandator y i n s p e c t i o n '		Additional i n s p e c t i o n					Date o f a n n o u n c e d a d d i t i o n a l i n s p e c t i o n	Date o f t h e u n a n n o u n c e d a d d i t i o n a l i n s p e c t i o n	T y p e o f s a n c t i o n, a c c o r d i n g t o t h e i n s p e c t i o n a n d c e r t i f i c a t i o n p r o c e d u r e (s a n c t i o n c o d e a c c o r d i n g t o t h e c o n t r o l p r o c e d u r e)	D S - d o w n g r a d i n g t h e s u r f a c e (ha)	D P - d o w n g r a d i n g t h e p r o d u c t/ p r o d u c t i o n l o t/ b a t c h	S A - s u s p e n d i n g t h e o p e r a t o r ' a c t i v i t y	E O - E x c l u s i o n o f t h e o p e r a t o r f r o m t h e o w n c e r t i f i c a t i o n s y s t e m b y w i t h d r a w i n g i t s c e r t i f i c a t i o n a n d c o n t r a c t t e r m i n a t i o n		
												Date o f a n n o u n c e d i n s p e c t i o n	Date o f a n n o u n c e d a d d i t i o n a l i n s p e c t i o n	Date o f t h e u n a n n o u n c e d a d d i t i o n a l i n s p e c t i o n	Date o f t h e u n a n n o u n c e d a d d i t i o n a l i n s p e c t i o n												

*Mandatory inspection – in accordance with art. 9 para. (1) d) of the Order and art. 65 para. (1) of Commission Regulation (EC) no. [889/2008](#) of 5 September 2008 laying down detailed rules for implementing Council Regulation (EC) no. [834/2007](#) on organic production and labelling of organic products with regard to organic production, labelling and control, hereinafter referred to as R (EC) no. [889/2008](#).

**Additional inspection – in accordance with art. 9 para. (1) j) of the Order and art. 65 para. (4) of R (EC) no. [889/2008](#).

(on 26-Jul-2019 Annex 12 was amended by Art. I, section 21. of [Order 375/2019](#))

ANNEX no. 13: REPORT on the inspection and certification activities carried out during the previous year by the control body (CB)

A.Part A

Code	Number of the CB	Number of registered operators					Number of annual inspections					Number of additional visits					Total number of inspections/visits									
		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, other various producers not classified elsewhere.

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

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

B.Part B

Code number of the CB	Number of registered operators						Number of samples analyzed						Number of samples that indicate the violation of Regulations (EC) no. 834/2007 and (EC) no. 1.235/2008					
	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, other various producers not classified elsewhere.

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

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

C.Part C – Report on the findings and sanctions imposed by the CB on operators during the previous year

Code number of the CB	Number of registered operators					Number of irregularities or violations found ¹					Number of measures applied per production lot or batch ²					Number of measures imposed on the operator ³					
	Agricultural producers	Aquaculture animal processors**	Importers	Exporters	Other operators***	Agricultural producers*	Aquaculture animal processors**	Importers	Exporters	Other operators***	Agricultural producers*	Aquaculture animal processors**	Importers	Exporters	Other operators***	Agricultural producers*	Aquaculture animal processors**	Importers	Exporters	Other operators***	
	0000					0000					0000					0000					
	*	n units				*	n units				*	n units				*	n units				

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

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

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

¹It includes only irregularities or violations affecting the organic status of products and/or that led to the application of a measure.

²In the case of an irregularity regarding the compliance with the requirements of R (EC) no. [889/2008](#), the authority or the CB shall make sure that the labelling and promotion for the entire production lot or batch affected by such irregularity do not include any indication of the organic production method, and such measure is proportional to the

relevance of the provisions violated and to the nature and particular circumstances of the activities involved in such irregularity [according to art. 30 para. (1) first section of R (EC) no. [834/2007](#)].

³When finding a serious breach (violation) of the provisions on the compliance with the organic farming legislation, as well as a breach of provisions in European regulations in this field or a breach causing prolonged effects, the CB shall prohibit the operator from marketing the products that mention the organic production method in the labelling and promotion for a period to be established with the competent authority of the Member State [according to art. 30 para. (1) second section of R (EC) no. [834/2007](#)].

ANNEX no. 14:

THE MINISTRY OF AGRICULTURE AND RURAL DEVELOPMENT

Considering the provisions*:

Pursuant to art. hereby issues:

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, (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*.)

granted by the Certificate of approval no. /, valid until the date of, identification code RO-ECO -, responsible person....., for the production, processing and distribution activities related to the following product groups:

- A. Unprocessed vegetal products
- B. Live animals or unprocessed products of animal origin
- C. Aquaculture products and seaweed
- D. Agricultural products processed in order to be used as food
- E. Agricultural products processed in order to be used as feed
- F. Vegetative propagation material and seeds for crops

Art. 2

Reasons that led to the 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) copies¹, 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,

..... NOTE:

This model of decision is applicable for control bodies that have been approved according to 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.

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

**The document containing the proposal of withdrawing the approval.

ANNEX no. 15: Prior notice (model)

THE MINISTRY OF AGRICULTURE AND RURAL DEVELOPMENT

DIRECTORATE

No. dated

NOTICE

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. 5 para. (3) of R (EC) no. **882/2004** and of art. 92e and 92f of R (EC) no. **889/2008**.

We mention that the audit will be conducted by Mr....., identified by, acting as counsellor, and by Mr., identified by, acting as counsellor. The counsellors are part of the Directorate

The audit is conducted based on the Topics for checking the activity conducted by the control body in the year... ,

-Translation from Romanian-

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 7 working days from receiving this notice:

.....
.....
.....

Respectfully,
General Director,

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

.....
(signature)

[\(on 15-Mar-2017 Annex 14 was supplemented by Art. I, section 14. of **Order 61/2017** \)](#)

ANNEX no. 16: INFORMATION on the irregularities found on products from other EU and non-EU countries

INFORMATION on the irregularities found on products from other EU and non-EU countries
(model) **(1)**_

- A) Product**
- 1.**Product/Trade name:
 - 2.**Country of origin:
 - 3.**Product description: packaging, quantity etc.:

4. Lot identification: lot no., handover date etc.:

5. Other information:

B) Traceability¹

¹Name, address, telephone/fax, e-mail, website, contact person.

1. Producer:

2. Processor/Seller in the country of origin:

3. Importer:

4. Wholesaler:

5. Retailer or other operator:

6. Control authority/body of the operator:

C) Irregularity, infringement suspicion, other problems

1. Irregularity found²:

²Which are the aspects infringing Regulation (EC) no. [834/2007](#) and Regulation (EC) no. [889/2008](#)?

2. Date and place of finding the irregularity:

3. Date and place of sampling – if any:

4. Test results:

Substances detected:

Levels detected:

Does the level of substance detected exceed the limit admitted in food (or feed) provided in the general legislation?

Yes No

Yes No

Does the level of genetically modified organisms exceed the level provided in the general legislation? Yes No

No

5. Other results of the investigation:

D) Measures taken

1. Were there any, voluntary or mandatory, corrective measures taken – product, operator, point of sale?

Yes, describe the measures.

No

2. Was the control authority/control body of the supplier informed? Yes No

3. Date of applying the measure and duration, legal grounds:

E) Other information/evaluation

F) Annexes³

-Translation from Romanian-

³Please attach a copy of relevant documents: documents regarding the product (seal, label etc.), invoices, transport documents and recording or CMR, test reports etc.

(2)N.B. All answers must be synthetic and clear. It is required to attach supporting documents only if they are obviously useful to understand the facts.

ANNEX no. 17: INFORMATION on the results of the verifications carried out to establish the origin of the irregularity in the case of notices received by means of OFIS of any other types of notices

INFORMATION on the results of the verifications carried out to establish the origin of the irregularity in the case of notices received by means of OFIS of any other types of notices (model)
Information regarding the irregularity being investigated

.....
.....
.....
.....

Crt. no.	Request	Detailed response of the CB	Attached documents to demonstrate the findings during the verifications
1. 2. 3. 4. 5. 6. 7. 8. 9. 10.	What kind of investigation was adopted? What is the result of the verifications? Description of the investigated aspects, origin of the products, information exchange with other CBs? Has the operator been informed of the suspected irregularity? If so, has the CB been informed? Have the operators involved in the irregularity been the subject of other irregularities/infringements in the last three years? What preventive measures have been taken? Was the origin of the contamination and the responsibility of the operator clarified? What is your opinion on the seriousness of this irregularity? What corrective measures and sanctions have been taken with regard to the operator? Are there any additional inspections planned for this operator? If yes, what is it intended to be checked and why? What is the risk class in which the operator has been classified? Operator's history. Other information.	56	

N.B. All answers must be synthetic and clear. It is required to attach supporting documents only if they are obviously useful for understanding the facts.

 *(on 07-Jan-2019 Annex 15 was supplemented by Art. I, section 6. of **Order 1528/2018**)*

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