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[...] (2024) **XXX** draft

**COMMISSION IMPLEMENTING REGULATION (EU) .../...**

**of **XXX****

**on the arrangements for the publication of the lists of operators and groups of operators and the information relating to the certificate provided to operators and groups of operators in accordance with Article 35(1) of Regulation (EU) 2018/848 of the European Parliament and of the Council**

*This draft has not been adopted or endorsed by the European Commission. Any views expressed are the preliminary views of the Commission services and may not in any circumstances be regarded as stating an official position of the Commission.*

COMMISSION IMPLEMENTING REGULATION (EU) .../...

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**on the arrangements for the publication of the lists of operators and groups of operators and the information relating to the certificate provided to operators and groups of operators in accordance with Article 35(1) of Regulation (EU) 2018/848 of the European Parliament and of the Council**

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to Regulation (EU) 2018/848 of the European Parliament and of the Council of 30 May 2018 on organic production and labelling of organic products and repealing Council Regulation (EC) No 834/2007<sup>1</sup>, and in particular Article 34(9), point (b), thereof,

Whereas:

- (1) In accordance with Article 34(6) of Regulation (EU) 2018/848, Member States should keep updated lists containing the names and addresses of operators and groups of operators that have notified their activities in accordance with Article 34(1) of that Regulation. Regulation (EU) 2018/848 also provides that Member States have to make public in an appropriate manner, including by means of links to a single internet website, a comprehensive list of those data, together with the information relating to the certificates provided to those operators and groups of operators in accordance with Article 35(1) of that Regulation.
- (2) As of 1 January 2023, competent authorities or, where appropriate, control authorities or control bodies have issued the certificates referred to in Article 35 of Regulation (EU) 2018/848 in electronic form, using the electronic Trade Control and Expert System (TRACES) referred to in Article 2, point (36) of Commission Implementing Regulation (EU) 2019/1715<sup>2</sup>. With the development of TRACES and the electronic issuance of certificates in accordance with Article 1 of Commission Implementing Regulation (EU) 2021/2119<sup>3</sup>, those certificates should automatically be generated and made public by TRACES to increase the transparency of the organic control system, as well as the information on operators and groups of operators that have notified their activities under that system.
- (3) Considering that the names and addresses of operators and groups of operators that have notified their activities in accordance with Article 34(1) of Regulation (EU)

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<sup>(1)</sup> OJ L150, 14.6.2018, p.1, ELI: <http://data.europa.eu/eli/reg/2018/848/oj>

<sup>(2)</sup> Commission Implementing Regulation (EU) 2019/1715 of 30 September 2019 laying down rules for the functioning of the information management system for official controls and its system components ('the IMSOC Regulation') (OJ L 261 14.10.2019, p.37, ELI:[http://data.europa.eu/eli/reg\\_impl/2019/1715/oj](http://data.europa.eu/eli/reg_impl/2019/1715/oj)).

<sup>(3)</sup> Commission Implementing Regulation (EU) 2021/2119 of 1 December 2021 laying down detailed rules on certain records and declarations required from operators and groups of operators and on the technical means for the issuance of certificates in accordance with Regulation (EU) 2018/848 of the European Parliament and of the Council and amending Commission Implementing Regulation (EU) 2021/1378 as regards the issuance of the certificate for operators, groups of operators and exporters in third countries (OJ L 430, 2.12.2021, p. 24, ELI: [http://data.europa.eu/eli/reg\\_impl/2021/2119/oj](http://data.europa.eu/eli/reg_impl/2021/2119/oj)).

2018/848 should be made public by the Member States, the names and addresses of the operators and groups of operators that have been exempted from the obligation to be in possession of a certificate in accordance with Article 35(8) of Regulation (EU) 2018/848 should also be made public by Member States in an appropriate manner, including by means of links to a single internet website. When doing so, Member States should comply with the requirements for the protection of personal data pursuant to Regulation (EU) 2016/679 of the European Parliament and of the Council<sup>4</sup>.

- (4) In view of the different organisational structures within Member States, the latter should determine which body is responsible for setting up and maintaining the single website and publishing the data. The Commission should set up a website that contains links to the Member States' websites on the names and addresses of the operators and groups of operators that have been exempted from the obligation to be in possession of a certificate in accordance with Article 35(8) of Regulation (EU) 2018/848. In order to ensure that the information given on the website is correct, the cooperation between the Commission and Member States for the establishment and the update of the website should be defined.
- (5) In order to reduce the administrative burden on operators with regard to records that they keep to demonstrate compliance with their obligation to verify, in accordance with Article 35(6) of Regulation (EU) 2018/848, the certification of those operators that are their suppliers, the certificates previously issued during the period of two years prior to the date of issuance of the valid certificates and the status of those previously issued certificates should be publicly available in TRACES.
- (6) The measures provided for in this Regulation are in accordance with the opinion of the Organic Production Committee,

HAS ADOPTED THIS REGULATION:

#### *Article 1*

##### **Public availability of previously issued certificates**

The certificates previously issued in accordance with Article 35(1) of Regulation 2018/848 during the period of two years prior to the date of issuance of the valid certificates and the status of those previously issued certificates shall be publicly available in TRACES.

#### *Article 2*

##### **Publication of the lists of names and addresses of operators and groups of operators exempted from the obligation to be in possession of a certificate**

Member States shall make public the list of names and addresses of operators and groups of operators that have notified their activities in accordance with Article 34(1) of Regulation (EU) 2018/848 and that have been exempted from the obligation to be in possession of a certificate in accordance with Article 35(8) of Regulation (EU) 2018/848, by means of links to a single internet website as referred to in Article 34(6) of that Regulation.

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<sup>(4)</sup> Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (OJ L 119, 4.5.2016, p. 1, ELI: <http://data.europa.eu/eli/reg/2016/679/oj>).

### *Article 3*

#### **Cooperation between the Commission and the Member States**

1. The Commission shall set up and maintain a Union website on the national lists of names and addresses of operators and groups of operators exempted from the obligation to be in possession of a certificate under its central internet address which includes links to the websites of Member States. The Commission shall provide updated internet links according to the information sent by Member States.
2. Member States shall provide the Commission with the links to the single internet website relating to the national lists of names and addresses of operators and groups of operators exempted from the obligation to be in possession of a certificate as soon as they have been set up as well as any subsequent changes thereof having an influence on the accessibility of their websites from the Union website.
3. Member States shall nominate one or more bodies to be in charge of setting up and maintaining the single internet website referred to in Article 2. They shall inform the Commission of the names and addresses of those bodies.

### *Article 4*

#### **Entry into force**

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

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

Done at Brussels,

*For the Commission  
The President*