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COMMISSION DELEGATED REGULATION (EU) 2021/771

欧盟委员会委托法规 (EU) 2021/771

of 21 January 2021 2021 年 1 月 21 日

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

补充欧洲议会和理事会法规 (EU) 2018/848，规定在有机生产和操作者群体的官方控制框架内对文件账户进行检查的具体标准和条件

(Text with EEA relevance)

(具有欧洲经济区相关性的文本)

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(与欧洲经济区相关的内容)

Article 1 文章 1

Checks of documentary accounts

审核文件账户

1. The physical on-the-spot inspection pursuant to Article 38(3) of Regulation (EU) 2018/848 shall include a traceability check and a mass balance check of the operator or group of operators carried out by means of checks of documentary accounts.

1. 根据《欧盟条例》（EU）2018/848 第 38(3)条进行的现场物理检查应包括通过检查文件账户进行的运营商或运营商群体的可追溯性检查和质量平衡检查。

2. The competent authority, or where appropriate, the control authority or control body shall perform the traceability and mass balance check according to the standard template documented in the written record referred to in Article 38(6) of Regulation (EU) 2018/848.

2. 有权机构或根据适当情况，控制机构或控制机构应按照《欧盟条例》（EU）2018/848 第 38(6)条所指书面记录中记录的标准模板执行可追溯性和质量平衡检查。

3. For the purpose of the traceability check and mass balance check, the selection of products, groups of products and period under verification shall be made on a risk basis.

3. 为了进行追溯性检查和质量平衡检查，应基于风险选择产品、产品组以及验证期。

4. The traceability check shall cover at least the following elements justified by appropriate documents including stock and financial records:

(a)

the name and address of the supplier and, where different, of the owner or the seller, or the exporter of the products;

供应商的名称和地址，以及，如果不同，所有者或卖方，或产品的出口商；

(b)

the name and address of the consignee and, where different, of the buyer or importer of the products;

收货人名称和地址，以及产品购买者或进口商的名称和地址（如有不同）；

(c)

the certificate of the supplier in accordance with Article 35(6) of Regulation (EU) 2018/848;

供应商根据《欧盟条例》（EU）2018/848 第 35(6)条颁发的证书；

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(d)

the information referred to in point 2.1.1 of Annex III to Regulation (EU) 2018/848;

关于《欧盟条例》（EU）2018/848 附件 III 第 2.1.1 点的信息

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(e)

the appropriate lot identification.

适当的批次标识

4. 跟踪性检查应至少涵盖以下由适当文件证明的要素，包括库存和财务记录：

5. Where relevant, the mass balance check shall cover at least the following elements justified by appropriate documents including stock and financial records:

(a)

the nature and the quantities of products delivered to the unit and, where relevant, of materials bought and the use of such materials, and, where relevant, the composition of products;

交付给单位的产品性质和数量，以及相关情况下购买的材料和这些材料的使用，以及相关情况下产品的成分；

(b)

the nature and the quantities of products held in storage at the premises;

储存场所所持有的产品的性质和数量；

(c)

the nature and the quantities of the products that have left the unit of operator or group of operators to the consignee's premises or storage facilities;

该产品从运营商或运营商群体单位离开至收货方场所或仓储设施的性质和数量；

(d)

in case of operators who buy and sell the product(s) without physically handling the product(s), the nature and the quantities of products that have been bought and sold,

and the suppliers, and where different, the sellers or the exporters and the buyers, and where different, the consignees;

如操作员购买和销售产品而不实际处理产品，所购买和销售的产品性质和数量，以及供应商，以及不同的情况，卖家或出口商和买家，以及不同的情况，收货人；

(e)

the yield of the products obtained, collected or harvested over the previous year;

上一年度获得、收集或收获的产品产量；

(f)

the actual yield of the products obtained, collected or harvested over the current year;

当前年度获得、收集或收获的产品实际产量；

(g)

the number and/or weight in case of livestock managed over the current and previous year;

当前及上一年度饲养家畜的数量和/或重量

(h)

any losses, increase or decrease in quantity of products at any stage of production, preparation and distribution;

任何阶段的任何损失、产品数量增加或减少；

(i)

organic or in-conversion products that are sold on the market as non-organic.

有机或非有机转换产品，在市场上以非有机产品出售。

5. 在相关情况下，质量平衡检查至少应包括以下由适当文件（包括库存和财务记录）证明的要素：

Article 2 文章 2

Official controls of groups of operators

官方运营商群体控制

1. In order to certify and verify the compliance of a group of operators, the competent authority or, where appropriate, the control authority or control body, shall assign inspectors competent to assess systems for internal controls (ICS).

1. 为确保和验证一组运营商的合规性，主管当局或，如适用，监管当局或监管机构，应指派具备评估内部控制系统（ICS）能力的检查员。

2. For the purpose of evaluating the set-up, functioning and maintaining of the ICS of a group of operators, the competent authority or, where appropriate, the control authority or control body, shall determine at least that:

(a)

the documented procedures of the ICS that have been put in place comply with the requirements established in Regulation (EU) 2018/848;

ICS 已实施的记录程序符合《欧盟条例》（EU）2018/848 规定的要求数

(b)

the list of members of the group of operators with the required information for each member is continuously updated and aligned with the scope of the certificate;

该组成员名单以及每位成员所需信息的列表持续更新并符合证书范围

(c)

all members of the group of operators comply with the criteria set out in Article 36(1)(a), (b) and (e) of Regulation (EU) 2018/848 throughout their participation in the group of operators;

所有运营商组成员在其参与运营商组的过程中均遵守《欧盟条例》（EU）2018/848 第 36 条第（1）款（a）、（b）和（e）规定的标准；

(d)

the number, training and competence of ICS inspectors are proportionate and adequate and ICS inspectors are without conflicts of interest;

ICS 检查员的数量、培训和资质是成比例且充足的，并且 ICS 检查员没有利益冲突

(e)

the internal inspections of all members of the group of operators and their activities and production units or premises including purchase and collection centres have been carried out at least annually and are documented;

该运营商集团所有成员及其活动、生产单位或场所，包括采购和收集中心，至少每年进行内部检查，并已记录在案

(f)

new members or new production units and new activities of existing members, including new purchase and collection centres, have been accepted only after they have been approved by the ICS manager on the basis of the internal inspection report according to the ICS documented procedures that have been put in place;

新成员或现有成员的新生产单位以及新活动（包括新的采购和收集中心）只有在经过内部检查报告的批准后，才能被接受，该批准基于已实施的 ICS 文件化程序；

(g)

the ICS manager takes appropriate measures in case of non-compliance, including their follow up, according to the ICS documented procedures that have been put in place;

ICS 经理在不符合规定的情况下采取适当措施，包括跟进，根据已实施的 ICS 文件化程序；

(h)

the ICS manager's notifications to the competent authority or, where appropriate, the control authority or control body, are appropriate and sufficient;

ICS 经理向主管当局或，如适用，控制当局或控制机构的通知是适当且充分的；

(i)

the internal traceability for all products and members of the group of operators is ensured by estimating quantities and by cross-checking the yields of each member of the group of operators;

所有产品和运营商群体的内部可追溯性通过估算数量和交叉核对运营商群体每个成员的产量来确保；

(j)

the members of the group of operators receive adequate training on the ICS procedures and the requirements of Regulation (EU) 2018/848.

该操作员小组的成员接受了关于 ICS 程序和《欧盟条例》（EU）2018/848 要求的充分培训。

2. 为了评估一组运营商的工业控制系统（ICS）的设置、运行和维护，主管当局或，如适用，监管当局或监管机构，应至少确定以下内容：

3. The competent authority or, where appropriate, the control authority or control body, shall apply risk assessment to select the sample of the members of the group of operators for the re-inspections in accordance with Article 38(4)(d) of Regulation (EU) 2018/848. In doing so, it shall take into account at least the volume and the value of the production and the assessment of the likelihood of non-compliance with the provisions of Regulation (EU) 2018/848. Re-inspections shall be carried out physically on the spot with the presence of the members selected.

3. 有权机构或，在适当情况下，控制机构或控制机构，应根据《欧盟条例》（EU）2018/848 第 38 条第 4 款第（d）项的规定，对操作员群体的样本进行风险评估，以选择重新检查的样本。在此过程中，它应至少考虑生产量和价值以及违反《欧盟条例》（EU）2018/848 规定可能性的评估。重新检查应在现场进行，并需有选定的成员在场。

4. The competent authority or, where appropriate, the control authority or control body, shall allocate reasonable time for the control of a group of operators, proportional to the type, structure, size, the products, the activities and output of organic production of the group of operators.

4. 有权机关或，在适当情况下，监管机关或监管机构，应按操作组的生产类型、结构、规模、产品、活动及产出合理分配监管操作组的时间。

5. The competent authority or, where appropriate, the control authority or control body, shall carry out witness audits in order to verify the competence and knowledge of ICS inspectors.

5. 有权机构或，在适当情况下，监管机构或监管机构，应进行见证审核，以验证 ICS 检查员的资质和知识。

6. The competent authority or, where appropriate, the control authority or control body, shall assess whether there is a failure of the ICS based on the number of non-compliances undetected by the ICS inspectors and the result of the investigation of the cause and the nature of the non-compliances.

第六条，主管当局或，在适用的情况下，监管当局或监管机构，应根据 ICS 检查员未发现的违规数量以及违规原因和性质的调查结果，评估 ICS 是否存在故障。

Article 3 第 3 条

Entry into force and application 生效和适用

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

本法规自公布于欧盟官方公报之日起第二十天生效。

It shall apply from 1 January 2022.

自 2022 年 1 月 1 日起适用。

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

本法规应在其全部内容上对所有成员国具有约束力，并直接适用于所有成员国。

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