

▼B**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

*Article 1***Issuance of the certificate referred to in Article 35(1) of Regulation (EU) 2018/848 in electronic form**

The certificate referred to in Article 35(1) of Regulation (EU) 2018/848 shall be issued as follows:

- (a) in accordance with the model set out in Annex VI to Regulation (EU) 2018/848;
- (b) in electronic form, using the electronic Trade Control and Expert System (TRACES) referred to in Article 2, point (36), of Implementing Regulation (EU) 2019/1715.

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The certificate referred to in Article 35(1) of Regulation (EU) 2018/848 shall bear a qualified electronic seal as defined in Article 3, point (27), of Regulation (EU) No 910/2014 of the European Parliament and of the Council ⁽¹⁾.

▼B*Article 2***Records to be kept by operators and groups of operators**

1. Operators and groups of operators shall keep all the necessary documents, including stock and financial records, that will enable competent authorities or, where appropriate, control authorities or control bodies to carry out, in particular, the following checks:

- (a) checks on the preventive and precautionary measures taken in accordance with Article 9(6) and Article 28 of Regulation (EU) 2018/848;
- (b) the traceability check in accordance with Article 1(4) of Delegated Regulation (EU) 2021/771;

⁽¹⁾ Regulation (EU) No 910/2014 of the European Parliament and of the Council of 23 July 2014 on electronic identification and trust services for electronic transactions in the internal market and repealing Directive 1999/93/EC (OJ L 257, 28.8.2014, p. 73).

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(c) the mass balance check in accordance with Article 1(5) of Delegated Regulation (EU) 2021/771.

2. The documents to be kept for the purposes of the checks referred to in paragraph 1, point (a), shall include, in particular, documents confirming that the operator or group of operators has taken the proportionate and appropriate measures in order to:

- (a) prevent pests and diseases;
- (b) avoid contamination with products and substances that are not authorised for use in organic production in accordance with Regulation (EU) 2018/848 and the commingling with non-organic products.

*Article 3***Declarations and other communications necessary for official controls**

Operators and groups of operators shall include the following information in their declarations or communications pursuant to Article 39(1), point (b), of Regulation (EU) 2018/848 to the competent authority, control authority or control body that performs official controls:

- (a) which activities covered by the certificate referred to in Article 35(1) of Regulation (EU) 2018/848 are subcontracted;
- (b) the address or the geolocation of the organic, in-conversion and non-organic production units, the area of collection of wild plants or algae and of other premises and units used for their activities;
- (c) in case of holdings split into different production units in accordance with Article 9(7) of Regulation (EU) 2018/848, the description and the address or geolocation of the non-organic production units;
- (d) their planned forecast of production.

Those declarations and communications shall be updated where appropriate.

*Article 4***Amendment to Implementing Regulation (EU) 2021/1378**

Implementing Regulation (EU) 2021/1378 is amended as follows:

(1) in Article 1, second paragraph, point (a) is replaced by the following:

‘(a) be issued as follows:

- (i) in accordance with the model set out in Annex I to this Regulation;

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- (ii) in electronic form by using the electronic Trade Control and Expert System (TRACES) referred to in Article 2, point (36), of Commission Implementing Regulation (EU) 2019/1715 (*);

(*) 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).’;

- (2) in Article 3, the following third paragraph is added:

‘Article 1, second paragraph, point (a)(ii), shall apply from 1 January 2023.’.

*Article 5***Entry into force and application**

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

It shall apply from 1 January 2022.

Article 1, point (b), shall apply from 1 January 2023.

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Article 1, second paragraph, shall apply from 1 July 2023.

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