

List of measures (Croatia)

What happens, if infringements/non-conformities are determined during an inspection?

Measures to be provided for violations of the Regulation (EC) No 834/2007 and 889/2008 in the current version and national legislation Law on Agriculture (NN 118/2018) and Ordinance on the control system of organic agriculture (NN 11/2020)

Level	Measure	Deadline	Consequence	Example
UP	Warning	0-2 Weeks	This measure warns the operator that in case of repeated irregularities and/or not carrying out ordered corrective action in the deadline given by the control body, some of the stricter measures will be applied.	Minor offences in the sections crop production, animal husbandry, feeding etc. (e.g. not enough litter in the stable, usage of plant protection products which are allowed in organic production but do not have registration for specific crop)
UP	Warning on increased record-keeping and reporting obligations Follow-up inspections at the client's expense	2Weeks	This measure is also given with conditions to be improved and have to be fulfilled within the deadline. No delivering of the requested documents resulting in the imposition of stricter measures. Due to offences against the guidelines, follow-up spot check may take place.	Minor offences regarding recording, which result in handing in documents subsequently (e.g. to complete reports, GMO documents, not accurate data in Register of organic operators) Serious offences have to be corrected within a short period, which has to be checked
SSL	Downgrading lot status	immediately	In agreement with the Authority the following can happen:	<ul style="list-style-type: none"> • Utilisation of forbidden pesticides or fertilizers • Usage of treated and/or GMO propagation material • Contamination of pesticides or fertilizers with third party fault • Collection of wild plants in the area that can not be proven that there was no usage of unhallowed substances in last three years. • Severe feeding offence • Repeated failure to comply with deadlines • Repeated serious offences • Non-conformities regarding animal purchase; recipes/formulations; false labelling; • Falsification of documents related to the certification of organic products; • Mixing of organic products with products with lower status and marketing it as organic products; • Hydroponic cultivation • The refusal of access to all the business units of the operator (plots, storages, bookkeeping, animal units, processing units); • Usage of ingredients during processing of organic products which are not allowed according to Annex
SSPR	Downgrading of the status of production resources	immediately	<ul style="list-style-type: none"> • Extension of the conversion time • Downgrading of a product/product batch • Downgrading of a production unit (plot, animal) or farm into conversion period 	
DSC	Partial certificate suspension	immediately	<ul style="list-style-type: none"> • Ban of trading with one, more or all products on the certificate for period not shorter than 3 months; 	
SC	Certificate suspension	immediately	<ul style="list-style-type: none"> • Follow-up inspection at the client's expense Charging a service fee	
				In case of the ban on trading duration of the ban is determined by the control body and can not be shorter than 3 months.

PC	Termination of the inspection contract Withdrawal of the certificate	<p>Inspection body is terminating the contract and withdrawing the certificate.</p> <p>All production resources are downgraded to the conventional.</p> <p>Ban of trading with organic products.</p> <p>Inspection body has to inform Authorities and operator will be deleted from Register of organic operators for a period of minimum of one year.</p>	
----	---	--	--

Please consider: Even slight deficiencies may lead to a tightening of sanctions in case of repetition.

Remark: If a sanction has to be imposed, the respective acronym appears on the inspection report. ABG's inspectors have to explain the imposed measure and its consequences. Each imposed measure will be checked and confirmed or corrected by a member of ABG staff once more. If there will be changes in the imposed measure after the inspection, inspection body will inform the operator in written way.

List of Sanctions (Romania)

In case of non-conformities regarding the Council Regulation (EC) No 834/2007 (available updated version) and in accordance with the valid national legislation EA, Ord. 895/2016 regarding the organization of the inspection and certification system, of approval of inspection and certification bodies/control bodies and supervision of the control bodies' activity, in organic farming

Sanction	Consequences and actions	Explanations/Examples
Sanction type Minor		
RS Simple remark Request for improving	It is applied in case of a minor irregularity or an involuntary violation that doesn't represent a risk over the certification decision.	Minor non-conformities occurred in the crop production, animal husbandry and animal feeding (e.g. not enough litter in the stables) <u>Deadline:</u> immediately.
CA Request of improvement Increased record keeping and reporting obligations.	It is applied in case of finding a violation and it is accompanied by an improvement request, specifying the way of improvement and the deadline for remedy.	Minor non-conformities regarding the records, which leads to their subsequent transmission to ABG (e.g. incomplete journal of activity, etc.) <u>Deadline:</u> this may vary from 10 working days (2 weeks) to 20 working days (4 weeks).
AS Warning	Due to restrictions violations of the Regulations 834/2007 and 889/2008 an additional inspection is taking place, with additional costs incurred by the client. It is applied accompanied by the mention of the sanction that is to be applied in case the operator didn't comply with the improvement request.	<ul style="list-style-type: none"> • Constant repetition of the non-conformities type RS and CA found during the previous inspections. • The major non-conformities must be remedied shortly. • It is applied for verification purposes of the corrective actions or in case of suspicions regarding irregularities in the operator activity.
CS Additional inspection	The warning is usually followed by an additional control aimed at verifying the clarification documents sent by the operator and/or on spot check. The expenses incurred on the additional inspection are borne by the operator.	<u>Deadline:</u> immediately, during the inspection the deadline for the additional inspection is set. The most extended time limit is granted for the zootechnical sector and it may be of maximum 6 months, in order to remedy the sheltering conditions or to ensure the organic food for the animal.
Sanction type Major		
DS Downgrade surface	It is applied to the total surface, to one parcel or to a part of it; imposes the withdrawal of the indications regarding the organic production method in labeling and promoting the whole lot of production or of the entire production series corresponding to that surface and re-starting the conversion period of time mentioned on art. 36 of the (EC) Regulation no 889/2008 of the Commission establishing the rules of applying the (EC) Regulation no 834/2007 of the Council on 5th of Sept 2008 regarding the organic production and organic products labeling for the organic production, labeling and control, herein after named R(EC) no 889/2008.	In case that during the inspection it is found that substances not included in annexes I and II of R(EC) no 889/2008 have been used in products culture technology, the measure of downgrading both the surface and the products to the conventional status will be applied and the period of conversion period will start again. In case that during the inspection it is found the presence of products and substances not included in annexes I, II, V, VI, VII, VIII, VIIIa, IX of R(CE) no 889/2008, as well as an improper handling or processing of the products which affects their status, immediate measures will be taken to withdraw the mentions of organic production and processing method.
DP Downgrade product/lot/production series * Exclusion from selling of products with organic status	It is applied to a certain product or a certain lot, by way of withdrawal the indications regarding the organic production in labeling and promoting of the whole lot or the series production; imposes the withdrawal of the downgraded product lot from the	<ul style="list-style-type: none"> • Use of prohibited pesticides and fertilizers • Involuntary contamination with pesticides or fertilizers, from third parties • Repeated failure to comply with feed requirements • Repetition of major non-conformities • Non-conformities regarding animals purchasing; recipes, improper labeling

	market and additional controls.	
SA Suspension of the operator's activity ^{1 **}	Prohibition of the respective operator to trade for a specific period of time products with indications of organic production method in labeling and promotion, which entails suspension of the certification of the respective operator.	After the end of the suspension period, the inspection body will immediately notify the competent authority (The Romanian Ministry of Agriculture and Rural Development – MADR) about the status of the respective operator, regarding correction/non-correction of the non-conformities that led to suspension; if the operator has corrected the non-conformities, he will benefit of the status it had before the suspension, and in case that the operator hasn't corrected the non-conformities, he will be excluded, applying the measures provided for in the following point (EO).
EO Operators exclusion from our own system of certification by certificate withdrawal and contract termination ^{***}	This is a private issue between the operator and ABG. The competent authorities will be informed! In case of finding a major breach of provisions or in a way that causes long term effects from the production/trading the products with organic production method indications, the control body will prohibit the operator to carry out any activity in the organic farming system ² . In this case, the contract will be terminated and all justifying documents issued to the operator will be compulsory withdrawn (certificate).	The inspection body will immediately inform ³ the competent authority about the application of this sanction in order to publish this information on the official website of MADR and to inform the Payment Agency and Intervention for Agriculture.

To be considered:

Minor sanctions by repetition and failure to meet the given deadline will lead to a superior sanction!

Notes:

In case a sanction is applied, the identification of the respective sanction (from RS to EO) will be included in the inspection report and ABG inspectors will explain the sanctions and their consequences. Each of the applied sanctions will be verified and confirmed, once again by an ABG inspector.

* In case of product downgrade due to finding in the culture technology of some products and substances not included in the annexes I and II of R(EC) no 889/2008, the respective surface downgrade will take place simultaneously.

** In case of operator suspension due to finding in the culture technology of some products and substances not included in annexes I and II of the R(EC) no 889/2008, both respective surface and product will be downgraded simultaneously.

*** In case of operator exclusion, the downgrade of the respective surface and product will also be applied simultaneously.

1 – In order to apply the provisions of art. 30 of the Regulation no 834/2007 of the Council from 28th of June 2007 regarding the organic production and organic products labeling, as well as the repealing of Regulation (EEC) no 2.092/91, in case of finding major violations of provisions or causing long term effects, the competent authority will decide, the operator suspension for a maximum period of 1 year. This period may be reduced by ABG.

2 - In case of major violation of provisions or causing long term effects, the competent authority may decide that the operator exclusion will be applied for a 5 years period.

3 – The reporting will include the controls result, as well as the analyzed documents that formed the basis of the applied sanctions

List of Sanctions (Italy)

Measures to be taken in case of infringements of Regulation (EC) No 834/2007 and implementing provisions as amended and Ministerial Decree 15962 of 20.12.2013 and other relevant national provisions

Measure	Consequences	Example
Non-conformity – Innosservanza		
1 Warning Diffida	<p>Minor non-compliance that does not compromise the conformity of the production process and/or the self-control system on the production method or the management of the company documentation.</p> <p>It is characterized by not having effects prolonged over time and not leading to substantial variations in the company's status and/or product conformity and/or operator reliability.</p> <p>The warning is usually issued with a deadline to remedy the deviation.</p> <p>Under certain circumstances, an additional inspection may be required.</p>	<p>For the first time, no updated farm description.</p> <p>Minor non-compliances in the required documentation in the area of plant production, animal husbandry and processing. For example, missing documentation for permissible fertilisers used, incomplete documentation for additional purchases of ingredients for the production of a product.</p>
Irregularity – Irregolarità		
2 Suppression Soppressione	<p>Irregularity is a default that compromises the qualification of the products, but not the conformity of the production process and/or the self-control system on the production method or the management of company documentation.</p> <p>It is characterized by not having effects prolonged over time and not leading to substantial variations in the company's status.</p> <p>The suppression of organic indications prohibits the operator from using the organic indications referred to the organic production method, on labelling and advertising of the entire lot or production cycle in which the irregularity was found.</p>	<p>Use of treated seed.</p> <p>Vegetable conversion product contains more than one ingredient of agricultural origin.</p>
Infraction – Infrazione		
3 Suspension Sospensione	<p>The infraction is a substantial default that compromises the conformity of the production process and/or the self-control system on the production method or the management of company documentation or compliance with contractual obligations assumed in the comparisons with the Control Bodies.</p> <p>It is characterized by having prolonged effects that can determine substantial variations in the company's "status" and/or product conformity and/or operator reliability.</p> <p>Infractions cause the application of the suspension of certification. Suspension of certification may relate to one or more activities or one or more production units. The suspension prohibits the operator from marketing the products with indications referred to the organic production method and involves the suppression of organic indications, where appropriate, even of products already placed on the market.</p>	<p>Use of prohibited organic/mineral fertilisers. Agricultural ingredients in product not GMO-free.</p>

Infringement – Infrazione		
4 Exclusion Esclusione	<p>The deviation is a substantial default that compromises the conformity of the production process and/or the self-control system on the production method or the management of company documentation or compliance with contractual obligations assumed in the comparisons with the Control Bodies.</p> <p>It consists in the withdrawal of the supporting document by the Control Body and involves the beginning of the procedure for the deletion from the list of the organic operators provided for in Annex 6 point 2 of Ministerial Decree No. 2049 of 1 February 2012. The exclusion, if necessary, causes the deletion of the indications of products already placed on the market.</p> <p>The adherence of an excluded operator to the control system is subject to the removal of the non-conformities that caused the exclusion.</p>	<p>Manipulation of indication and/or certifications of conformity. Denied access to company facilities.</p>

Please note:

As a general rule, even in the case of minor non-conformities, a repetition can lead to an aggravation of the sanction.

Each deviation can lead to follow-up inspection at the client's expense.

Remark:

If a sanction has to be imposed, it will appear on the inspection report with the respective number (1 - 4). Bio Garantie inspectors have the task to explain imposed sanctions and their effects. Each sanction imposed is checked again by Bio Garantie certifiers and confirmed or corrected.