1. **Purposes**

This policy establishes the steps that are required to be taken for protecting organic integrity.

**2. Scope**

This policy is applicable to all organic certifications.

**3. Responsibility**

Certification Manager, Quality Manager, and COO are responsible for executing this policy.

**5. Policy**

MSASPL has classified cases of non-compliance as minor, major or critical, on the basis of the classification criteria and then one or more of the following situations apply:

* The case of non-compliance is minor when:The precautionary measures put in place by the operator are proportionate and appropriate, and the controls that the operator has put in place are efficient according to the assessment by the MS ASPL;
* The non-compliance does not affect the integrity of the organic or in-conversion product;
* The traceability system can locate the affected product(s) in the supply chain and the product can be prevented from being imported from a third country for the purpose of placing that product on the market within the Union with reference to organic production;Examples of such minor noncompliances include, but are not limited to, failure to submit information on time, improper document & record submission, etc. Minor issues, whether found in operational practices or recordkeeping, indicate no systemic failure in the design or implementation of the organic management plan of all the scopes (crop production, group of operators , processing, trading, and wild collection) i.e they do not show an inability to comply with the Regulation (EU) 2018/848..
* Certification can be granted after correction, correction must occur within the time period.

**The case of non-compliance is major when:**

* The precautionary measures are not proportionate and appropriate and the controls that the operator has put in place are inefficient according to the assessment by the MSASPL
* The non-compliance affects the integrity of the organic or in-conversion product.
* The operator did not correct in a timely manner a minor non-compliance;
* The traceability can locate the affected product(s) in the supply chain and the product can be prevented from being imported from a third country for the purpose of placing that product on the market within the Union with reference to organic production;

Correction & Corrective Action are required to be implemented by the operator, verified AND APPROVED by the MSASPL before reeasing the certification.

**The case of non-compliance is crtitical when:**

1. The precautionary measures are not proportionate and appropriate and the controls that the operator has put in place are inefficient according to the assessment by the control authority or control body;
2. the non-compliance affects the integrity of the organic or in-conversion product;
3. the operator fails to correct previous major non-compliances or repeatedly fails to correct other categories of non-compliances; and
4. there is no information from the traceability system to locate the affected product(s) in the supply and the products cannot be prevented from being imported from a third country for the purpose of placing that product on the market within the Union with reference to organic production.

Noncompliance affects the integrity of the organic standard in general and the certification process in particular. Examples of such critical noncompliances include, but are not limited to, noncompliance with organic standards, knowingly providing false information/ documents, misrepresentation as to the certification status, repetition of same nonconformities, and failure to rectify such non compliances, etc. In case if a critical NC is raised the respond period for correction and CA is too short and/or it may lead to issuing the warnning letter, suspension letetr, withdrawn letter, termination letter and if any lot of product of infrangement details shall communicate to the EU commision on imediate basis.

To classify the non-conformance as minor, major, and critical, AS MSPL has took into account the following criteria, but it has not been limited to:

(i) the application of precautionary measures, the practical measures and the reliability of own controls carried out by the operator or group of operators as observed while inspection of the control system that operators and groups of operators have put in place, including an evaluation of its effectiveness.

(ii) the impact on the integrity of the organic or in-conversion of products;

(iii) the ability of the traceability system to locate the affected product(s) in the supply chain and prohibition of importing from a third country for the purpose of placing the product(s) on the market within the Union with reference to organic production;

(iv) the response of the operator or group of operators to previous requests from the control authority or control body.

**Sanction Catalogue**

1. Minor Non-compliance

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| --- | --- | --- | --- |
| S.NO | Noncompliance Type | Description | Action |
| 1. | Minor | Delayed submission of the Organic Management Plan | Submission by the operator of an action plan within a time limit setting on the correction of the non-compliance(s) |

1. Major Noncompliance

|  |  |  |  |
| --- | --- | --- | --- |
| S.NO | Noncompliance Type | Description | Action |
| 1. | Major | Significant deviation between input and output calculation (mass balance) | Follow-up audit to verify corrective action.  No reference to organic production in the labelling and advertising of the entire lot or production run concerned (crop(s) or animal(s) affected) according to Article 42(1) of Regulation (EU) 2018/848  Prohibition of import from a third country for the purpose of placing that product on the market within the Union as organic production for a given period according to Article 42(2) of Regulation (EU) 2018/848  New conversion period required  Limitation of the certificate’s scope  Improvement of the implementation of the precautionary measures and the controls that the operator has put in place to ensure compliance |
| 2. | Major | Repeatition of a minor NC from previous year |
| 3. | Major | Claiming a product as organic on the website before getting certification. (but have not sold it, or any other such product, under the same pretext). |
| 4. | Major | Any event which might put at risk the “organic integrity” of the certified goods but has not happened yet. |
| 1 |  |  |  |
| 2 |  |  |  |
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1. Critical Non complinces

|  |  |  |  |
| --- | --- | --- | --- |
| S.NO | Noncompliance Type | Description | Action |
| 1 | Critical | If orprator is willfully/ purposefully violating the requirments of standards, or if they fail to correct existing major noncomplaince issues | No reference to organic production in the labelling and advertising of the entire lot or production concerned (crop(s) or animal(s) affected) according to Article 42(1) of Regulation (EU) 2018/848  Prohibition of import from a third country for the purpose of placing that product on the market within the Union as organic production for a given period according to Article 42(2) of Regulation (EU) 2018/848  New conversion period required  Limitation of the certificate’s scope  Suspension of the certificate  Withdrawal of the certificate |
| 2 | Critical | If MS ASPL observes residue detection from laboratories , regaular authorities or any reliable sources |
| 3 | Critical | Infringement that affects the organic integrity in the prodution . |
| 5 | Critical | Repetation of a major Nc. |
| 6 | Critical | Intentional omission of information leading to incomplete records |
| 7 | Critical | Intentional re-labelling of downgraded products as organic |
| 8 | Critical | Absence of records and financial records showing the compliance with Regulation (EU) 2018/848 |
| 9 | Critical | Intentional use of non-authorised substances or products within the scope of the Regulation (EU) 2018/848 |
| 10 | Critical | Intentional use of GMOs |
| 11 | Critical | The operator refuses the control authority or the control body access to premises subject to controls, or to its book keepings, including financial records, or refuses to allow the control authority or control body to take samples |
| 12 | Critical | Refusal to notify MS ASPL of the changes which affect the operation,s organic status. |
| 13 | Critical | Provide false information to a certifying agent concerning changes to the operation which affect the operation’s organic status, falsification of documentation, selling non- organic crops or products as organic |
| 14 | Critical | In case the NC raised by the last inspector/ auditor is Major & no corrective action will be taken |
| 15 | Critical | Application of prohibited materials, falsification of records concerning application of prohibited materials |
| 16 | Critical | If product and label profiles are not completed, and ingredients details are not avaliable on label and operator is supplying the product to EU. |
| 17 | Critical | Repeatation of a major non-conformance from last year. |

Additional rules on actions to be taken in case of non-compliance

1. MSASPL suspects or receives substantiated information, including information from other control authorities or control bodies, that a product, which may not be in compliance with EU regulation, is intended to be imported from a third country for the purpose of placing that product on the market within the Union, but which bears terms referring to the organic production, or where such a MS ASPL has been informed by an operator of a suspicion of non-compliances.
2. MSASPL shall immediately carry out an investigation with a view to verifying compliance with EU regulation
3. Investigation shall be completed as soon as possible, within a 15 days, and shall take into account the durability of the product and the complexity of the case.
4. MS ASPL shall prohibit the import from that third country for the purpose of placing the product concerned on the market within the Union as organic or in-conversion product pending the results of the investigation. Before taking such a provisional decision, MSASPL shall give the operator or group of operators an opportunity to comment.
5. In the event that the results of the investigation, do not show any non- compliance affecting the integrity of organic or in-conversion products, those products shall be allowed to be used and labelled as organic or in-conversion products.

Additional rules on measures in the event of non-compliance

1. In the event of non-compliance affecting the integrity of organic or in-conversion products throughout any of the stages of production, preparation and distribution, for example as a result of the use of non-authorised products, substances or techniques, or commingling with non-organic products, the MS ASPL shall ensure, in addition to the measures to taken to organic production as set out in EU regulation, in the labelling and advertising of the entire lot or production run of the product intended to be imported from a third country for the purpose of placing that product on the market within the Union.

2. Where the non-compliance is established, the MS ASPL shall:

(a) Take any action necessary to determine the origin and extent of the non-compliance and to establish the responsibilities of the operator or group of operators.

(b) Take appropriate measures to ensure that the operator or group of operators remedies the non-compliance and prevents further occurrences of such non-compliance.

When deciding which measures to take, the MS ASPL shall take account of the nature of that non- compliance and the past record of the operator or of the group of operators with regard to compliance

3.MS ASPL shall take any measure it deems appropriate to ensure compliance with EU regulation and the delegated and implementing acts adopted pursuant that Regulation, including

(a) Applying the catalogue of measures referred to in EU Regulation.

(b) Ensuring that the operator or group of operators increases the frequency of own controls.

(C) Ensuring that certain activities of the operator or of the group of operators are subject to increased or systematic controls by the MS ASPL.

4.In the event of serious, or repetitive or continued non-compliance, the MS ASPL shall ensure that the operator or group of operators, in addition to the measures and prohibited from placing on the market within the Union for a given period products which refer to organic production, and that its certificate referred to in EU regulation be suspended or withdrawn, as appropriate.

5. The MS ASPL shall provide the operator or group of operators with a written notification of its decisions , together with the reasons for that decision.

Systems and procedures for the exchange of information

1. The MS ASPL shall use the Organic Farming Information System (OFIS) for the exchange of information with the Commission, with other control authorities and other control bodies, and with the competent authorities of the Member States and of the third countries concerned.

2.The MS ASPL shall take the appropriate measures and establish documented procedures to ensure timely exchanges of information with the Commission and with other control authorities and control bodies.

3.Where a document or procedure provided for requires the signature of an authorised person or the approval by a person at one or more of the stages of that procedure, the computer systems set up for the communication of those documents shall make it possible to identify each person and guarantee that the integrity of the content of the documents, including as regards the stages of the procedure, cannot be altered as per the EU regulation.

4.   MS ASPL shall immediately share information with the Commission, with other control authorities and control bodies, and with the competent authorities of the Member States and of the third countries concerned on any suspicion of non-compliance that affects the integrity of organic or in-conversion products.

5. Where MS ASPL is notified by the Commission, after the Commission has received a notification from a Member State in accordance with Article 9 of Implementing Regulation (EU) 2021/279 as regards suspected or established non-compliance affecting the integrity of imported organic or in-conversion products, it shall carry out an investigation in accordance with Article 22 of this Regulation. MS ASPL shall inform the Commission and the Member State that sent the initial notification (notifying Member State), using the template (OFIS) set out in Annex III to this Regulation.

6. MS ASPL shall reply within 30 calendar days from the date of receiving that notification and shall inform about the actions and measures taken, including the results of the investigation and provide any other information when available and/or required by the notifying Member State.

**6. Records:**

1. Inspection Report.

**SANCTION CATALOGUE (including for Group of operators)**

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| --- | --- | --- | --- |
| **S.NO.** | **Observations** | **Category Level (Major/**  **Minor)** | **SANCTIONS APPLICABLE** |
| 2. | Lack of notification to ASPL of changes in the unit descriptions or of practical measures taken to assure the conformity of the products. | Minor | 1. First Incidence: Issue a warning letter and/or certificate suspension, at least 15 days are required. 2. Second Incidence: escalate to major 3. Third Incidence: escalate to critical |
| 3. | Operator did not submit updated OMP to ASPL before inspection. | Major | First Incidence: Issue a warning letter and/or certificate suspension, at least 15 days are required.  Certification agreement termination |
| 4. | For major NC, no corrective action is  made by the operator | Critical | Suspension,  Termination |
| 5. | Lack of information provided to the ASPL in terms of the application, including drift of a prohibited substances to field, production site,  product, and the organic operations. | Critical | 1. Scope reduction 2. suspension 3. termination |
| 8. | Operator does not take the  precautionary steps to reduce the risk  of the contamination of the certified organic products by the prohibited products and cleaning measures in the  storage. | Major for applicant  Critical for certified operator | Applicant can only be certified after proper implementation of the Corrective action, and approval of the same by MS ASPL.  Follow-up audit.  For certified operators:   * Suspension with strict conditions like increase in conversion period. * Scope reduction * Termination. |
| 9. | Operators use conventional seed and planting material treated with the prohibited substances. | Critical | Termination  Withdrawal |
| 10. | Operator us GM seed and planting material for cultivation | Critical | Termination and Withdrawal |
| 12. | Operators use organic or mineral fertilizers without respect of the requirements set as per EU regulations | Critical | Termination and Withdrawal |
| 13. | Operators use nonconforming fertilizers. | Critical | Termination and Withdrawal |
| 14. | Operators use human excreta applied in the field. | Critical | Termination and Withdrawal |
| 15. | Insufficient separation and or identification measures to ensure the separation of similar varieties cultivated in conversion and organic  area. | Critical | Scope reduction  Termination  Withdrawal |
| 16. | If the data of the ingredients certifiers are unavailable, the product and label  Profiles are incomplete. | Critical | Scope reduction  Termination  Withdrawal |
| 17. | Negative comments about an operator that are consistently made by buyers, importing nations, certification organizations, and regulatory agencies | Major | Investigation  If complaints are legible, Critical  Scope reduction  Termination  Withdrawal |
| 19. | Non-payment of prescribed fees | Major | Late fee will be charged. Certification withdrawal |
| 20. | The operator refuses the accreditation board – Competent authority member and MS ASPL access to premises subject to controls, or to its book keepings, including financial records, or refuses to allow to take samples | Critical | Suspension  termination |
| 21. | If the operator is deliberately or willingly violating the standards | Critical | Withdrawal |
| 22. | Intentional mixing organic with in- conversion or non-organic products | Critical | Withdrawal |
| 23. | No or ineffective internal control system to ensure compliance of the entire with organic production rules | Critical | Termination  Withdrawal |
| 25. | The Internal inspectors do not visit every farm at least once a year | Critical | Termination  Withdrawal |
| 27. | If any Minor non conformity observed as per EU standards not corrected by the operator in given deadline period | Major | CA verification  Follow-up audit  reduction of scope  Termination  Suspension |
| 28. | If any critical non conformity observed as per EU standards not corrected by the operator in given  deadline period | Failure to comply | Termination of the certificate |
| 30. | Using a forged or expired certificate for any business transaction of organic product | Critical | Termination of the certificate |
| *31* | *failures to detect or address non-compliance by individual members of the group of operators, affecting the integrity of organic and in-conversion products, and if they are founf to be the deficiencies in the setup or functioning of the system for internal control* | *Critical* | *Termination\withdrawal of the certificate of the whole group* |
| *32* | *The Grower Group (group of operators) established a system for internal controls, but does not have a documented set of control activities and procedures in compliance with the EU 2018/848 and it’s delegated acts.* | *Critical* | *Termination\withdrawal of the certificate of the whole group* |
| *33* | *Competence records of the internal inspectors are not maintained* | *Critical/ major* | *Termination\withdrawal of the certificate.* |
| *34* | *Competence records of the internal inspectors are missing* | *Major* | *CA verification*  *Follow-up audit*  *reduction of scope*  *Termination*  *Suspension* |