

OBJECTIVE / AMAÇ

By this catalogue, there are defined measures and consequences by the producer/processor/trader have to face within the case of established non-conformities during practicing production/preparation/marketing of organic products. ETKO takes references described in this catalogue identifying sanction levels.

CATALOG OF MEASURES FOR EU

For regulation of the EU, ETKO uses the uniform national catalogue of measures. That national catalogue of measures covering at least:

- a list of non-compliances with a reference
- the classification of the non-compliances into three categories: minor, major, and critical, taking into account at least the following criteria:
 - the application of precautionary measures and the own controls
 - the impact on the integrity of the organic or in-conversion status of products;
 - the ability of the traceability system to locate the affected product(s) in the supply chain;
 - the response to previous requests by the competent authority or, where appropriate, the control authority or control body;
- the measures corresponding to different categories of non-compliances

EXPLANATION OF THE MARKS

Minor
Major
Critical*

Level of deviation, definition of procedure, and sanctions to be applied:

EU			
Level of Deviation	Description of Procedure	Consequences	Validity Period
Minor	The measure of warning	Submission by the operator of an action plan within the time limit set on the correction of non-compliance	30 day
Major	The measure of warning Limitation of certificate's scope	No reference to organic production in the labeling and advertising of the entire lot or production run concerned (crop(s) or animal(s) affected) in accordance with Article 42(1) of Regulation (EU) 2018/848 New conversion period required Limitation of certificate's scope	30 day

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		Improvement of the implementation of the precautionary measures and the controls that the operator has put in place to ensure compliance	
Critical	Limitation of the certificate's scope Suspension of the certificate Withdrawal of the certificate	<p>No reference to organic production in the labelling and advertising of the entire lot or production run concerned (crop(s) or animal(s) affected) in accordance with Article 42(1) of Regulation (EU) 2018/848</p> <p>Prohibition of marketing products which refer to organic production for a given period in accordance with Article 42(2) of Regulation (EU) 2018/848</p> <p>New conversion period required Limitation of the certificate's scope Suspension of the certificate Withdrawal of the certificate</p>	No time period

In case of repetition of a non-compliance defined as Minor, it can become Major depending on the severity.

In case of repetition of a non-compliance defined as major, it can become critical depending on the severity.

The conditions of the enterprise (such as size, process complexity, the excess number of employees, the excess number of key personnel) are taken into consideration by the certification in the selection of Minor –Major - Critical.

In cases not specified in the Nonconformity in Catalog of measure, ETKO will make a decision by taking into account all the conditions related to the operator in question and the rules explained in the related EU Regulation.

IF APPROPRIATE EVIDENCE OF NON-COMPLIANCE IS SUPPLIED BY THE OPERATOR TO ETKO WITHIN THE PRESCRIBED TIME PERIOD, NO SANCTIONS APPLY TO THE OPERATOR.

Minor Noncompliances

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

- the precautionary measures are proportionate and appropriate, and the controls that the operator has put in place are efficient;
- 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 prohibition of placing products on the market with reference to organic production is possible;

Major Noncompliances

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

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- the precautionary measures are not proportionate and appropriate and the controls that the operator has put in place are not efficient;
- 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 system can locate the affected product(s) in the supply chain and prohibition of placing products on the market with reference to organic production is possible;

The significant deviation between input and output calculation (mass balance) is considered major non-compliance.

Critical Noncompliances

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

- the precautionary measures are not proportionate and appropriate and the controls that the operator has put in place are not efficient;
- the non-compliance affects the integrity of the organic or in-conversion product;
- the operator fails to correct previous major non-compliances or repeatedly fails to correct other categories of non-compliance;
- there is no information from the traceability system to locate the affected product(s) in the supply chain and prohibition of placing products on the market with reference to organic production is not possible.

These cases are below considered as Critical noncompliances.

- Absence of records and financial records showing the compliance with Regulation (EU) 2018/848
- Intentional omission of information leading to incomplete records
- Falsification of documents connected with the certification of organic products
- Intentional re-labeling of downgraded products as organic
- Intentional mixing organic with in-conversion or non-organic products
- Intentional use of non-authorized substances or products within the scope of the Regulation (EU) 2018/848
- Intentional use of GMOs
- 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

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