OBJECTIVE

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.

RESPONSIBILITIES

Certifiers and inspectors are responsible to implementation of measures in this Catalogue of Measure.

APPLICATION

ETKO inspection checklist include questions related EU 2018/848 Regulation. Each question of the ETKO inspection checklist corresponds to the Regulation EU 2018/848 and, if any, supporting commssion implementing and delegated regulation reference articles. In this way, when all inspectors detect a deficiency in any question in the inspection checklist during the inspection and will issue a nonconformity regarding it, they can list the nonconformities using the same regulation reference articles. In this way, it is ensured that nonconformities are handled with a standard approach by inspectors and certifiers.

Nonconformities detected during the audit are checked by the certifier at the ETKO Office and whether they are major, minor or critical are evaluated according to the catalogue of measures. Thus, cross-checking is ensured.

Nonconformities (with classification) are provided to the customer by the ETKO office, after the inspection and after the certifier evaluates the nonconformities, with a notification of noncompliance letter and nonconformity register table.

CATALOG OF MEASURES FOR EU (2021/1698 Article 22(3)

~~For regulation of the EU, ETKO uses the uniform national catalogue of measures~~. ETKO prepared the Catalogue of Measures that it is based on Annex IV of 2021/1698, to be taken measures in case of established non-compliance.

~~That national~~ This 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~~
- the measures is applied for each noncompliance.

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 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 certificate's scope Improvement of the implementation of the precautionary measures and the controls that the operator has put in place to ensure compliance	**30 day**
Critical	Limitation of the certificate's scope Suspension of the certificate Withdrawal of the certificate	No reference to organic production in the labelling and advertising of the entire lot or production run concerned (crop(s)	**No time period**

		or animal(s) affected) in accordance with Article 42(1) of Regulation (EU) 2018/848 Prohibition of marketing products which refer to organic production for a given period in accordance with 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	

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;

Example of minor noncompliances;

Factors causing no risk on the condition of the product

~~Presence of unauthorized substances on the farm and storage.~~

Presence of an unauthorized substance in an organic farm or organic warehouse, the packaging of which is closed and unopened. (provided that it has not been opened or used in

any way) Non-conformance may be considered minor if the unauthorized substance has not been used and is in a closed package, free from any risk of contamination.
Deviations not affecting the status of the land, animal
Documentation such as site plan, flowcharts, maps, not complete
Operational procedures are not complete to deal with good separation of organic products, or cleaning and disinfection
Small deviations of the housing inside or open air areas
Missing records which do not affect the status of the product, land, animal
Registration is not complete for homeopathic treatments, allowed material and method use
Missing feeding register for a short time max 24 hours
Contamination of the organic products with non-allowed materials less than 0.01 mg/kg from the environment.
Deviation related to catastrophic circumstances. State mandatory treatments etc.

Major Noncompliances

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 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.

Example of major noncompliances;

Misuse ~~Use~~ of inputs which are not allowed by the regulations (Inspector conduct physical check, documentation check, risk assessment, evaluate inputs, products, employee interview, cross check and evaluated the misuse or intentional use of unauthorized substances.)
Non-organic product mislabelling ~~labelling~~ and sale as organic (Inspector conduct physical check, documentation check, employee interview, questioning employees' knowledge of labeling, cross check and evaluated the misuse or intentional use of labelling.)
Records kept for production, marketing do not allow easy control, not traceable, not present in the facility at all times
Falsifying documents, records
Requirements of regulation or standard not applied
Frequent minor non-conformities on the same requirement of regulation.
Customer complaints not handled failure on taking remedial actions, or complaints and action records not available.
Intended misuse of licenses and certificates other than their purpose
Failing to conform to organic production compliance plan
Documentation missing for traceability of the product
Miscalculation of feed ratios, force feeding for fattening
Use of growth promoters and systematic treatments with hormones for reproduction
Abuse of animal welfare
Non-authorized feed material use
Rearing system for herbivores not in compliance

Chemically synthesized solvents use for feed material
Records for veterinary medicinal treatments were not kept in a register giving all details.
Marketing products as organic before disqualification / conversion period terminated.
Wax was not replaced with organic wax during conversion period.
Significant deviation between input and output calculation (mass balance)

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 (Inspector conduct physical check, documentation check, employee interview, questioning employees' knowledge of labeling, cross check and evaluated the misuse or intentional use of labelling.)
- Intentional mixing organic with in-conversion or non-organic products (Inspector conduct physical check, documentation check, employee interview, cross check and evaluated the misuse or intentional use of labelling.)
- Intentional use of non-authorized substances or products within the scope of the Regulation (EU) 2018/848 (Inspector conduct physical check, documentation check, risk assessment, evaluate products, employee interview, cross check and evaluated the misuse or intentional use of unauthorized substances.)
- 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

During the inspection, inspector evaluate consistency-inconsistency of the data obtained during the audit, make cross-checks, evaluate impressions obtained from personnel interviews, evaluate whether the products are suitable for any fraud or not, evaluate the nature of the product, evaluate the financial value of the product, evaluate the deficiencies in the documentation, evaluate the Regulation knowledge of the employees and decides the violation is intentional or not.

Additional rules on measures in the event of non-compliance 2021/1698 Article 23

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, ETKO ensure, in addition to the measures to be taken below, that no reference is made to organic production as set out in Chapter IV of Regulation (EU) 2018/848, 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.

Where the non-compliance is established, ETKO;

(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; and

(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, ETKO 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.

ETKO takes any measure it deems appropriate to ensure compliance with Regulation (EU) 2018/848, including:

(a) applying this catalogue of measures;

(b) increases the frequency of own controls;

(c) ensuring that certain activities of the operator or of GoO are subject to increased or systematic controls by the control authority or control body.

In the event of serious, or repetitive or continued non-compliance, ETKO ensure that the operator or GoO, is prohibited from placing on the market within the Union for a given period products which refer to organic production, and that its certificate be suspended or withdrawn, as appropriate.

ETKO provides the operator or GoO with a written notification of its decision concerning the action or measure to be taken, together with the reasons for that decision.