

Reg 2018/848, 28(1)					
1.					
Criteria applied for identification category of NC (minor, major or critical): Ref 2021/1698 Reg: -Part A of Annex IV -point (a)(ii) of Article 10(1) -point (f) of Article 11(1)		(b)the classification of the non-compliances into three categories: minor, major and critical (Ref Part A of Annex IV to 2021/1698 Reg): (i)the application of precautionary measures referred to in Article 28(1) of Regulation (EU) 2018/848, the practical measures referred in point (a)(ii) of Article 10(1) of this Regulation and the reliability of own controls carried out by the operator or group of operators in line with point (f) of Article 11(1) of this Regulation; (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;			
NC is minor when:		i)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 control authority or control body; (ii)the non-compliance does not affect the integrity of the organic or in-conversion product; (iii)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;			
NC is major when:		(b)(i)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; (ii)the non-compliance affects the integrity of the organic or in-conversion product; (iii)the operator did not correct in a timely manner a minor non-compliance; (iv)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;			
NC is critical when:		I (i)the precautionary measures are not proportionate and appropriate and the controls that the operator has put in place			
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	<p>are inefficient according to the assessment by the control authority or control body;</p> <p>(ii)the non-compliance affects the integrity of the organic or in-conversion product;</p> <p>(iii)the operator fails to correct previous major non-compliances or repeatedly fails to correct other categories of non-compliances; and</p> <p>(iv)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.</p>
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2.

Measures
(Ref Annex IV, Part A to reg 1698/2021)

Category of non-compliance	Measure
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Minor NC	<ul style="list-style-type: none"> ⇒ Submission by the operator of an action plan within a time limit setting on the correction of the non-compliance(s)
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Major NC	<ul style="list-style-type: none"> ⇒ 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
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Critical NC	<ul style="list-style-type: none"> ⇒ 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.
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3.

List of cases of non-compliance and the corresponding classification mandatory to be included in the catalogue of measures

(Ref Part B of Annex IV to 2021/1698 Regulation)

Non-compliance	Category
Significant deviation between input and output calculation (mass balance)	Major
Absence of records and financial records showing the compliance with Regulation (EU) 2018/848	Critical

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

4.			
Reference	Case / noncompliance	Category of Noncompliance (NC) Use relevant [minor][major][critical]	Measure
Specific cases and measures Ref. Article 22 and Part B of Annex IV to 2021/1698 Regulation	CB received substantial information on presence of not authorized substance	Major	Stop marketing as organic Stop using as organic ingredient Conducts investigation Give right to operator to comment Corrective actions (if correctable)

(31.03.2023-2)

Note: This table may be revised and continued. Cases will be added based on appearance of noncompliances on practice and their repetitive character. This provisional list may serve for orientation for decision makers in the future.

	Insufficient delimitation, separation and remoteness of the organic farm / production unit from the conventional /usual production (production inconsistent with the requirements of Regulation).	Minor (precautionary measures adequate in general, improvements needed and implementable, however there is a risk) Or Major (if affects integrity of organic product) Or Critical (can be upscaled Major if organic integrity is confirmed endangered)	<ul style="list-style-type: none"> • Warning for minor; • A second paid inspection and sampling for Minor and Major; • Removal of references to organic farming, as well as removal of marks from all lots and production lines/cycle for Critical; • In case of an obvious or continuous violation, a temporary ban for the supplier on sale with a reference to the organic method
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			of production, as well as a suggestion to deprive of the right to use of the references and marks.
	Use of means from inorganic/conventional sources without CB authorization (e. g. conventional seeds and vegetative material, animal feed conventional and veterinary means from inorganic / conventional sources, non-organic animals introduced to organic farm).	<p>Minor (if not lead to violation of Regulation)</p> <p>Major and Critical (if lead to violation of regulation or if reoccurrence detected)</p>	<p>-Warning and /or sampling and/or additional inspections if minor.</p> <p>- New conversion period if unintentional (if major)</p> <p>-Additional inspections and sampling (if major)</p> <p>-Products can be identified and removed from organic market (if major)</p> <p>-Prohibition of organic marks and sales, notification to market and authorities (if Critical)</p>
	Noncompliance with the requirements of production rules	<p>Minor (if correctable and not lead to commingling and unauthorized substances)</p> <p>Major (if reoccurrence)</p> <p>Up to Critical (in cases of intentional and continuous noncompliance)</p>	<p>Warning (if minor)</p> <p>Corrective action and declines for corrections are assigned (if Minor)</p> <p>Additional inspection (-s) and/or sampling (if risk of contamination is detected) (if Major)</p> <p>-Prohibition of organic marks and sales, notification to market and authorities (if Critical).</p> <p>-Termination for one month with warning on Suspension and (if not corrected) final Suspension (of certification and contract) (if Critical).</p>