

## List of measures (Croatia)

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

Measures to be taken in case of infringements of Regulation (EU) No 2018/848, its Delegated Regulations and Implementing Regulations as amended, national legislation Law on Agriculture (NN 118/2018) as amended 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. Measure does not have effect to the certification status of the product.	Minor offences in the sections crop production, animal husbandry, feeding, processing, labeling 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of plant protection products which are allowed in organic production but do not have registration for specific crop, out of date documentation of supplier, missing information on labels, wrong recipes, missing cleaning protocol's or processing records etc)
UP	Warning on increased record-keeping and reporting obligations  Follow-up inspections at the client's expense	2 Weeks	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, missing documentation of the supplier, traceability check not possible due to the missing records, insufficient separation in storage, identification of the goods not possible prior or after the processing etc)  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"> <li>• Utilisation of forbidden pesticides, fertilizers and/or additives or ingredients</li> <li>• Usage of treated and/or GMO propagation material</li> <li>• Usage of GMO additives and/or ingredients</li> <li>• Usage of nanomaterials in food processing</li> <li>• Contamination with unallowed substances by third party fault</li> <li>• Collection of wild plants in the area that can not be proven that there was no usage of unhallowed substances in last three years.</li> <li>• Severe feeding offence</li> <li>• Repeated failure to comply with deadlines</li> <li>• Repeated serious offences</li> <li>• Non-conformities regarding animal purchase; recipes/formulations; false labelling;</li> <li>• Falsification of documents related to the certification of organic products;</li> <li>• Mixing of organic products with products with lower status and marketing it as organic products;</li> </ul>
SSPR	Downgrading of the status of production resources	immediately	<ul style="list-style-type: none"> <li>• Extension of the conversion time</li> <li>• Downgrading of a product/product batch</li> <li>• Downgrading of a production unit (plot, animal) or farm into conversion period</li> <li>• Ban of trading with one, more or all products on the certificate for period not shorter than 3 months;</li> </ul>	
DSC	Partial certificate suspension	immediately	<ul style="list-style-type: none"> <li>• Follow-up inspection at the client's expense</li> </ul> Charging a service fee	

<b>SC</b>	Certificate suspension	immediately		<ul style="list-style-type: none"> <li>• Hydroponic cultivation</li> <li>• The refusal of access to all the business units of the operator (plots, storages, bookkeeping, animal units, processing units);</li> <li>• Usage of ingredients during processing of organic products which are not allowed according to Annex</li> </ul> <p>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.</p>
<b>PC</b>	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. BG'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 BG 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 Measures (Romania)

Regulation (EU) 2018/848, its delegated and implementing regulations, as amended,  
and the national legislation in force,

Order 312/2021 regarding the organization of the control and supervision system of their activity in organic farming

### Type of non-conformities:

#### 1. Minor non-compliance:

The case of non-conformity is minor when:

- the precautionary measures are proportionate and appropriate and the controls put in place by the operator are effective;
- the non-conformity 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 it is possible to ban the placing on the market of products with reference to organic production.

For minor sanctions, the operators must submit, within the established term, an action plan in order to correct the non-compliance.

Measure code	Measure	Application manner
<b>Request for improvement (CA)</b>	Submission by the operator / group of operators, within a set deadline, of an action plan to correct the non-conformity	<p>To be applied in case of an irregularity which does not pose any risk to the certification decision. It shall be accompanied by the request for improvement, specifying the manner of improvement and deadline for remediation..</p> <p>Neconformitățile minore, în ceea ce privește înregistrările, duc la transmiterea ulterioară a acestora către ABG, (de ex: înregistrări și registre/jurnale incomplete, autorizații de producție indisponibile/neclare, separarea neclară a produselor ecologice de cele convenționale în cadrul spațiului de depozitare (materii prime, produse procesate, produse finite), și în transport, etichetare/ identificare incompletă a diferitelor spații din fluxul de producție (depozite materii prime, producție, ambalare, depozite produse finite), etc);</p> <p><b>Action time:</b> it can range from 10 working days (2 weeks) to 20 working days (4 weeks)</p>
<b>Warning (AS)</b>  <b>Additional control (CS)</b>		<p>To be applied accompanied by the indication of the sanction to be given if the operator has not complied with the request for improvement; the warning may be followed by an additional control aimed at verifying the clarification documents submitted by the operator/ group of operators and/or by an on-site control.</p> <p>Additional control costs are borne by the operator. • Constant repetition of the non-conformities type CA found during the previous inspections.</p> <ul style="list-style-type: none"> <li>• The major non-conformities must be remedied shortly.</li> <li>• It is applied for verification purposes of the corrective actions or in case of suspicions regarding irregularities in the operator activity.</li> </ul> <p><b>Deadline:</b> immediately, during the inspection the deadline for the additional inspection is set. The most extended time limit is granted for the zoo technical 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.</p>

#### 2. Major non-compliance:

The case of non-conformity is major when:

- the precautionary measures are not proportional and adequate, and the controls put in place by the operator are not effective;
- the non-conformity affects the integrity of the organic or in-conversion product;
- the traceability system can locate the affected product(s) in the supply chain and it is possible to ban the placing on the market of the products with reference to organic production.

Measure code	Measure	Application manner
<b>Downgrading the product /batch/ production series (DP)</b>	In accordance with art. 42 para. (1) of Regulation (EU) 2018/848, no reference is made to organic production in the labelling and advertising of the whole batch or series of production concerned [affected crop(s) or affected animal(s)].  A new conversion period is required	DP is applied to a product or batch by withdrawing the indications on the organic production method when non-compliances affecting the integrity of organic products are found.  It shall be accompanied by any appropriate measure in accordance with Art. 138 para. (1) letter b), para. (2), letters c), e)-g) and i) of Regulation (EU) 2017/625.  <ul style="list-style-type: none"> <li>• Use of prohibited pesticides and fertilizers</li> <li>• Involuntary contamination with pesticides or fertilizers, from third parties</li> <li>• Repeated failure to comply with feed requirements</li> <li>• Repetition of major non-conformities</li> <li>• Non-conformities regarding animals purchasing; recipes, improper labelling</li> </ul> <p><b>Deadline:</b> Immediately, at the time of the inspection, if unauthorized products / practices are identified or immediately when the certification decision is taken on the basis of samples of products with positive results for substances not permitted in the organic farming system.</p>
<b>Downgrading the surface (DS)</b>	Limiting the scope of the certificate	DS is applied to the total surface, to a plot or part of a plot. It shall be applied when it is found that substances and products not permitted by Regulation (EU) 2018/848 and the delegated and implementing regulations have been used in the production technology, the measure of downgrading the surface in question to the conventional status shall be taken, the products shall be downgraded to the conventional status and the conversion period shall restart.  This measure is also applied when the CB found contaminations that cannot be attributed to the operator/group of operators, in accordance with art. 8 para. (34) of Government Emergency Ordinance no. 34/2000.  It shall be applied when the withdrawal of the references to the organic method (DP and/or DS) has been decided for part of the scope of the certificate. It also involves a plan to restart the conversion period for the field that has lost its certification. The measure shall be applied proportionally to the severity degree of the non-conformities found.  <ul style="list-style-type: none"> <li>Use of prohibited pesticides and fertilizers</li> <li>Involuntary contamination with pesticides or fertilizers, from third parties</li> <li>Repeated failure to comply with feed requirements</li> <li>Repetition of major non-conformities</li> <li>Non-conformities regarding animals purchasing; recipes, improper labeling</li> </ul> <p><b>Deadline:</b> Immediately, at the time of the inspection, if unauthorized products / practices are identified or immediately when the certification decision is taken on the basis of samples of products with positive results for substances not permitted in the organic farming system.</p>
<b>CA + CS</b>	Improving the implementation of precautionary measures and controls put in place by the operator to ensure compliance	The DP and/or DS measure shall be accompanied by the request for improvement, specifying the manner of improving the implementation of the precautionary measures and the deadline for its remediation. It is necessary to withdraw the product batch affected by downgrading from the market and to perform an additional control to verify the corrective actions..

### 3. **Serious non-compliance:**

The case of non-conformity is serious when:

- the precautionary measures are not proportional and adequate, and the controls put in place by the operator are not effective;
- the non-conformity affects the integrity of the organic or in-conversion product;
- the operator does not correct previous major non-conformities or repeatedly does not correct other categories of non-conformities;
- no information is available from the traceability system to locate the affected product(s) in the supply chain and it is not possible to prohibit the placing on the market of the products with reference to organic production.

Measure code	Measure	Application manner
<b>Downgrading the product /batch/ production series (DP)</b>	In accordance with art. 42 para. (1) of Regulation (EU) 2018/848, no reference is made to organic production in the labelling and advertising of the whole batch or series of production concerned [affected crop(s) or affected animal(s)].	DP is applied to a product or batch by withdrawing the indications on the organic production method when con-compliances are found affecting the integrity of the organic products. It shall be accompanied by any appropriate measure, in accordance with art. 138 para. (1) letter b, para. (2) lit. c), e), f), g), i) of Regulation (EU) 2017/625.
<b>Downgrading the surface (DS)</b>		DS is applied to the whole surface, a plot or part of it. It shall apply where it is found that substances and products not permitted by Regulation (EU) 2018/848 and the delegated and implementing regulations have been used in the production technology, the measure to downgrade the surface concerned to the status of conventional shall be taken, and the products shall be downgraded to the conventional status, while resuming the conversion period.
<b>Certification suspension (SC)</b>	Prohibition of marketing the products with reference to organic production, for a given period, in accordance with art. 42 para. (2) of Regulation (EU) 2018/848.  A new conversion period is required.  Limiting the scope of the certificate  Suspension of the certificate	The marketing of products with reference to organic production shall be prohibited for a maximum period of six months, in which case operators/groups of operators shall be required to take corrective actions. It shall be applied accompanied by the DP and/or DS measure.  During the suspension period, operators/groups of operators shall implement enhanced precautionary measures and demonstrate the effectiveness of the controls they have put in place to ensure compliance.  When the suspension period has ended, the CB will immediately notify the competent authority (Ministry of Agriculture and Rural Development - <i>MARD</i> ) of the status of the operator concerned, regarding the remedy of/failure to remedy the non-conformities that led to the suspension; If the cause of the non-conformities has been established and the operator/group of operators has remedied the non-conformities, respectively has implemented improved precautionary measures and controls, it will benefit from the status it had before the suspension, and in case the operator/group of operators has been remedied the non-conformities and the cause of the non-conformities could not be established, the certificate withdrawal measure (RC) shall apply.  <b>Deadline:</b> immediately after taking the certification decision, following the additional performed controls.
<b>Withdrawal of the certificate (RC)</b>	Withdrawal of the certificate	Withdrawal of the certificate shall apply after the end of the certificate suspension period, when: — the cause of the non-conformities could not be established and the operator/group of operators did not remedy the non-conformities; — in case of refusal to submit the farm/unit to control. In such cases, the contract shall be terminated and all certificates issued to the operator/group of operators shall be mandatorily withdrawn. The application of this measure entails the impossibility of registering the operator/group of operators in the organic farming system for a period of 5 years.  The control body shall immediately inform the competent authority about the application of this sanction for the purpose of publishing this information on MARD's official website and informing the Agency for Payments and Intervention in Agriculture.  <b>Note:</b> In case of termination of the contract by mutual agreement, the notification being given within the contractual term, it is not considered "Withdrawal of the certificate", but the termination of the inspection contract will be reported to the Competent Authorities (MADR).

**To be considered:** Minor non-compliance by repetition and failure to meet the given deadline will lead to a superior non-compliance!

**Note:** In case a sanction is applied, the identification of the respective sanction (from CA 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 staff member.

## List of Sanctions (Italy)

Measures to be taken in case of infringements of Regulation (EU) No 2018/848, its Delegated Regulations and Implementing Regulations as amended, Ministerial Decree 15962/2013 and its supplements and other relevant national provisions

Measure	Consequences	Example
<b>Non-conformity – Innosservanza</b>		
<b>1</b> 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>
<b>Irregularity – Irregolarità</b>		
<b>2</b> 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>
<b>Infraction – Infrazione</b>		
<b>3</b> 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>

<b>Infringement – Infrazione</b>		
<b>4</b> 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>	Manipulation of indication and/or certifications of conformity. Denied access to company facilities.

**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.

## Sanction catalogue (Hungary)

Under the Regulation (EU) 2018/848, its Delegated Regulations and Implementing Regulations, as amended, when inspections are carried out based on these legislations and the applicable (general) law of food and forage, the following sanction measures are to be taken.

Level	Sanction	Consequence
1	Warning	Supplementation of deficiencies and corrective actions required within a deadline provided.
2	Corrective action/Supplementation of deficiencies/ Order of licensing and registration obligations	As a condition of the certification (retention), the partner takes corrective actions and supplies any deficiencies before the deadline, respectively fulfils all licensing and registration obligations in a timely manner.
3	Follow-up inspection and/or sample taking at the client's expense	Condition of the certification (retention), is to eliminate the non-compliances before the deadline. Status which will be checked during an onsite inspection and/or with sample taking.
4	Certificate modification, when only one product or item has to be downgraded, respectively suspension of certificate, when entire activity is to be downgraded.	The competent local office of the Department of Food Chain Safety, Veterinary, Plant and Soil Protection has to be informed of the infringement. Possible sanctions: <ul style="list-style-type: none"> <li>• Restart of conversion period</li> <li>• Commercial use of the term "organic" will be restricted or not be permitted</li> <li>• During conversion period the farm or plant will be downgraded</li> <li>• Follow-up inspection fee at the client's expense</li> </ul>
5	Contract termination	Based on the decision by the government office, the economic actor is denied to have access to the control system of organic farming and production for a maximum of 3 years. Termination of contract.

The sanction catalogue explains sanctions imposed when certain discrepancies or non-conformities occur. In the inspection record sanctions level 1-5 can be registered.

Level 1-3 are considered to be discrepancies, which means lighter sanctions are due to be imposed. In such cases the status of products will not change, if supplementation of deficiencies are fulfilled and corrective actions are taken. Level 4-5 are considered to be non-conformities, sanctions for these are imposed by the agricultural unit of the competent local government office.

It is the Bio Garancia inspector's task to describe any imposed sanctions and their consequences. During the certification process, all sanctions are reviewed, then either confirmed or revised. Compliance obligations are fulfilled, when all required measures detailed in the inspection record are taken before the deadline.

A federal sanction catalogue published by NÉBIH (National Food Chain Safety Agency) provides a detailed description of non-conformities, of which the competent government office has to be informed. (Please see Sanction catalogue 2017-01-31) .