

## **OneCert International EU Noncompliance Procedures**

If certification cannot be continued for a certified operation based on a review of information received from or about the operation, OneCert will provide a written notification of noncompliance to the certified operation including:

- A description of each noncompliance;
- The facts upon which the notification of noncompliance is based; and
- The date by which the certified operation must rebut or correct each noncompliance and submit supporting documentation of each such correction when correction is possible.

The notification may inform the certified operation that they may respond by:

- Correcting noncompliances and submitting a description of the corrective actions taken with supporting documentation; or
- Submitting written information to the issuing certifying agent to rebut the noncompliance described in the notification of noncompliance.

After issuance of a notification of noncompliance, OneCert will:

- Evaluate the applicant's corrective actions and supporting documentation or the written rebuttal, and then conduct an on-site inspection if necessary and then:
  - Issue the applicant a written notice of noncompliance resolution and an approval of certification, when the corrective action or rebuttal is sufficient for the applicant to qualify for certification, or
  - Issue the applicant a written notice as required by *OneCert International EU Sanction Catalogue* when the corrective action or rebuttal is not sufficient for the applicant to qualify for certification.
- Issue a written notice of termination or denial of certification to an applicant who fails to respond to the notification of noncompliance.

When correction of a noncompliance is not possible, a notification of noncompliance and a notification of withdrawal or denial of certification may be combined in a single notification.

If OneCert has reason to believe that a certified operation has **willfully violated** the regulations, OneCert shall send the certified operation a notification of withdrawal or termination or revocation of certification of the entire operation or a portion of the operation, as applicable to the noncompliance.

OneCert will treat the new application from an operation that includes a notification of noncompliance or a notice of denial of certification as a new application and begin a new application process; however, the previous noncompliance and history will be taken into account during the application review and certification process.

In case of withdrawal of certification, OneCert will not consider the application for at least three years after certificate is withdrawn. After three years, the verification of corrective and preventive actions on previous noncompliances shall be verified during certification procedure.

### **Additional rules on actions in the event of suspected and established non-compliance, and Sanction Catalogue:**

If OneCert suspects or receives substantiated information, including information from other competent authorities, or, where appropriate, from other control authorities or control bodies, that an operator intends to use or to place on the market a product which may not be in compliance with EU Regulation but which bears terms referring to the organic production (*Ref- Article 41 of EU 848/2018*)

- OneCert will immediately carry out an official investigation in accordance with Regulation (EU) 2017/625 with a view to verifying compliance with this Regulation; such investigation will be completed as soon as possible, within a reasonable period, and will take into account the durability of the product and the complexity of the case;
- OneCert will provisionally prohibit both the placing on the market of the products concerned as organic or in-conversion products and their use in organic production pending the results of

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the investigation referred to in above point. Before taking such a decision, OneCert will give the operator an opportunity to comment.

- In the event that the results of the investigation do not show any non-compliance affecting the integrity of organic or in-conversion products, the operator may be allowed to use the products concerned or to place them on the market as organic or in-conversion products.
- In the event where the non-compliance is established, OneCert will
  - ✓ 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
  - ✓ 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, OneCert will 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.
- In the event where non-compliance is established, OneCert will take any measure it deems appropriate to ensure compliance with Regulation (EU) 2018/848 and the delegated and implementing acts adopted pursuant that Regulation, including:
  - ✓ applying the sanctions in accordance with Sanction Catalogue;
  - ✓ ensuring that the operator or group of operators increases the frequency of own controls;
  - ✓ ensuring that certain activities of the operator or of the group of operators are subject to increased or systematic controls by OneCert.
- OneCert will submit its response on OFIS (Organic Farming Information System) within 30 calendar days timeline. OneCert will be available to communicate further with commission and other certification bodies to provide information as needed.

#### **Additional rules on measures in the event of non-compliance affecting integrity:**

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 result of the use of non-authorized products, substances or techniques, or commingling with non-organic products, OneCert will take actions as per Sanction Catalogue and will make sure that no reference is made to organic production in the labeling and advertising of the entire lot or production run concerned. (*Ref- Article 41 of 848/2018*).

In the event of serious, or repetitive or continued non-compliance, OneCert will ensure that the operators or the groups of operators concerned are prohibited from marketing products which refer to organic production for a given period, and that their certificate will be suspended or withdrawn, as appropriate, according to the Sanction Catalogue. (*Ref- Article 41 of 848/2018*).

OneCert will provide the operator or group of operators with a written notification of its decision concerning the action or measure to be taken in accordance Sanction Catalogue, together with the reasons for that decision.

#### **Decision making guidance for investigation complaints under EU program:**

- Observation of more than one critical noncompliance will lead to withdrawal of certification.
- Observation of more than three major noncompliance(s) will lead to withdrawal of certification.
- Observation of three or less than three major noncompliance(s) will lead to suspension of certification for at least six months.
- Observation of recurrence of similar noncompliance will lead to withdrawal of certification.