

OneCert International EU Sanction Catalogue

OneCert International categorizes noncompliances as major, minor and critical based on the severity and their consequences. Major, minor and critical non compliances can be described as following:-

Minor Noncompliances:- Noncompliances that do not affect the integrity of the certification process and are rectifiable. Examples of such minor noncompliances include, but are not limited to, failure to submit information on time, improper document & record submission, etc.

Minor issues, whether found in operational practices or recordkeeping, indicate no systemic failure in the design or implementation of the organic system plan (OSP), i.e., they do not show an inability to comply with the EU organic regulations. Certification can be granted or continued before correction, but correction must occur within a time period specified by the OneCert. OneCert grants certification which includes requirements for the correction of minor noncompliances within a specific time period as a condition of continued certification.

Certification can be granted along with notification to the operation, typically a “minor issue letter or along with certification letter,” describing the noncompliance. OneCert requires correction during a specific period that can be no later than prior to the next inspection or annual update. OneCert keeps written records of the issues identified and their corrections.

The case of non-compliance is minor when:

1. 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 OneCert.;
2. The non-compliance does not affect the integrity of the organic or in-conversion product;
3. 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;

Major Noncompliances:- Noncompliances that affect the integrity of the organic standard in general and certification process in particular. Examples of such major noncompliances include, but are not limited to, noncompliance with organic standard, knowingly providing false information/documents, misrepresentation as to certification status, repetition of same non conformities, failure to rectify such noncompliances, etc.

The case of non-compliance is major when:

1. 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 OneCert;
2. The non-compliance affects the integrity of the organic or in-conversion product;
3. The operator did not correct in a timely manner a minor non-compliance;
4. 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;
5. The minor noncompliance is repeated.

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Critical Noncompliances: Critical noncompliances are the most serious of the three. Critical noncompliance render the integrity of the organic standard completely unusable and/or could cause harm to the user or someone in the vicinity of the product.

The case of non-compliance is critical when:

1. 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 OneCert;
2. The non-compliance affects the integrity of the organic or in-conversion product;
3. The operator fails to correct previous major non-compliances or repeatedly fails to correct other categories of non-compliances;
4. 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.
5. The major noncompliance is repeated.

Measures:

Category of non-compliances	Measure
Minor	Submission by the operator of an action plan within a time limit setting on the correction of the non-compliance(s)
Major	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
Critical	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

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	<p>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</p> <p>New conversion period required</p> <p>Limitation of the certificate’s scope</p> <p>Suspension of the certificate</p> <p>Withdrawal of the certificate. 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.</p>
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List of cases of non-compliance and the corresponding classification (according to EU 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

In addition to above, following cases (but not limited to) will be considered as noncompliance:

Non-compliance	Category
Failure to notify OneCert of the changes which effect the Operation's Organic Status and organic system plan	Minor

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Receipt of complaint and/or OFIS case from EU and other regulatory authority	Major
Receipt of repetitive negative feedbacks and complaint from buyers, importing countries, certification bodies and regulatory authorities	Major
Detection of prohibited substances in the samples drawn by OneCert	Major
Failure to submit the annual update	Minor
Failure to pay the certification fee	Minor
Failure to take label approval before using	Minor
Use of incorrect and unapproved labels	Major
Failure to keep the effective separation between organic and non-organic and in-conversion products as required by 848/2018 Art 9(10)	Major
Failure to notify OneCert in case of suspicion that a product it has produced, prepared, imported or has received from another operator does not comply with this EU Regulation (848/2018 Art 27 and 28)	Major
The Annual turnover of organic production of a grower group member is more than EUR 25,000 {Art 36.1(b) 2018/848}	Major
The individual certification cost does not represent more than 2% of grower group members turnover {Art 36.1(b) 2018/848}	Major
The grower group has member that have more than 5 hectares land holding {Art 36.1(b) 2018/848}	Major
The grower group has more than 2000 members {2021/279: Art. 4 and 10}	Major
The organic production units exceed use of 170 kg of nitrogen per year/hectare of agricultural area {2018/848, Annex ii, 1.9.4}	Major
The authorisation to use non-organic plant reproductive material is not obtained before the sowing or planting of the crop {EU- 848/2018 Annexure II 1.3 1.4}	Major
The substances used as flavouring are not in accordance with (2018/848 Art 16 (1), Annex II IV (2.2.2) (a) (b)	Major
Ionising radiation is used in the treatment of organic food or feed, and in the treatment of raw materials used in organic food or feed. {848/2018 Art 9 (4)}	Major
A member of a group of is part of more than one grower group {2021/279 Art. 4}	Major
The group does not have not legal status/constitution (2018/848 Art 36 (1) d)	Major
There is conflict of interest among the personnels working in an operation including grower groups	Major
The farm map is not accurate and does not match with actual condition	Major
The internal control system is not appropriately documented as required by 2018/848 - Article 36 (g)	Major
The ICS inspector(s) is not competent with regard to the products and activities of the group as required by 2018/848 - Article 36 (h)	Major

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Note: This list only has examples of the noncompliance that may occur during the course of certification activities, however, the noncompliance(s) are not limited only to this list. This will be updated as and when required.