

# Criteria Committee Commentary on the 2<sup>nd</sup> Revision Draft of the 2002 IFOAM Accreditation Criteria

## Introduction

This documents comprises the Second Revision Draft text of the IFOAM Accreditation Criteria, the stakeholder comments received on the Second Revision Draft and the responses (commentaries) of the Criteria Committee (CC) to these comments. The document follows this order: Criterion as in second revision draft – stakeholder comment (in green/Times New Roman) – CC response (in purple/Times New Roman).

In general, the stakeholder comments follow directly after the criterion or section they are referring to. If appropriate, the comment might be placed before the referring section, e.g. if a comment deals with a whole section. Acronyms (if applicable) of the commenter name are assigned to every comment. The acronym can be found in the overview of commenters below.

The changes resulting from the comments and the CC responses can be found in the final revision draft of the IAC.

**IFOAM very much likes to thank all those parties who commented on the previous drafts of the IAC and the Explanatory Notes and would like to encourage you to take advantage of your right to make motions on the Final Revision Draft.**

## Overview of commenters

Commenter	Acronym
Organic Trade Association	OTA
Organic Crop Improvement Association International	(OCIA)
Anne Macey	Macey
International Organic Accreditation Service	IOAS
KRAV	KRAV
Naturland	NALA
Soil Association	SA
International Certification Services, Inc	ICS

## General Comments on 2nd Revision Draft

**SA:** I would firstly like to say that the Criteria Committee have done a good job with the criteria so far and made many improvements.

However there are a couple of issues within the criteria that will, if not amended cause SA Cert and probably other CBs problems and will no doubt be a barrier to our operators joining the Global Partnership Programme. As we have indicated previously it has always been our intention to move the two programmes that we have back together but unless the following amends are made this is extremely unlikely. KRAV have forwarded me their response and i would like to add SA Cert support for the following proposals:

1. The points that KRAV make in relation to ISO 65 titles-Reorganise with a starting point in ISO 65.
2. Merging the criteria and guidance notes wherever possible.

**OTA:** Overall, we are in general agreement with the criteria as revised, and other than editorial suggestions to improve clarity of the language we have only a few substantive issues on which to comment. The major overall suggestion we offer is to replace the verb “shall” throughout the document with the word “must.” As noted in our comments offered earlier for revising the IBS, the verb “shall” is a bit archaic and overly legalistic, and in most modern regulations is being replaced by the more commonly used “must.” There are additional places where both “shall” and “must” become extraneous. For example, we suggest that Section 6.2.5 be revised to read: “The assignment of the inspector must ensure that the same inspector is not as a rule assigned...”

**CC:** The CC wants to adhere to the use of the word “shall” throughout the document. This is also consistent with the wording used in the IBS.

**KRAV:** We think that the Criteria Committee has made a very good job, reviewing and commenting the 1st Draft, and included many suggested changes which has improved this second Draft much. We are really happy with the suggested changes of section 7.5 to allow for risk-based inspection. The major problem remaining we think is in the section of 9.3 as you will see in the attached file!

We are very happy to be provided with the opportunity to comment also the second draft of the IFOAM Accreditation Criteria (IAC). The 1st draft included a lot of valuable changes, and we appreciate that the 2nd draft also includes many of the comments from the 1st draft revision. We comment each chapter of the IAC below, and start with some general comments.

We appreciate all the work laid down by IFOAM and the Criteria committee to evaluate and comment all the proposals on the 1st draft, and the preparation of this 2nd draft.

We strongly support the changes in the IAC which means that system will be more open for organic production and products. We think this is very important for the system to survive. We also strongly support the change of section 7.5 to open for risk based inspection

#### *General comments*

Some of our comments in the first revision draft were answered by the CC with that the issues lay outside the scope of its mandate. Our questions now is if not handled by the CC, how will the issues be taken care of and analyzed within IFOAM? Will our suggestions be discussed in other forums? We feel that our standpoints should be taken into consideration and suggest the CC to hand it over to the right mandate.

**CC:** The CC has forwarded these issues to IFOAM’s NMC. The NMC has not yet taken a decision on how to deal with them.

#### *Getting Product Acceptance to work in the IFOAM Accredited Programs is paramount*

KRAV firmly believes that the issue of the troubles in Product Acceptance in the IFOAM Accredited Programs is by far the most urgent matter in the revision of the IAC. If the problems are not solved, we are convinced IFOAM Accredited certification will loose volumes quickly and IFOAM accordingly loose influence on global standard setting. We have seen that important changes has been made to chapter 9,

which are positive. However, section 9.3 regarding “Acceptance of Producte based on Document review” is still too complicated. (See suggestions for changes below.).

*Re-organise with a starting point in ISO65*

Proposal: KRAV would like to propose that IAC is restructured so that it includes ISO 65 by reference and then adds industry specific criteria (in line with the introduction of ISO 65).

Rationale: Many or most ACB’s need to fulfill ISO65 (or equivalent) regardless of their IFOAM Accreditation. Surveillance is carried out on these bodies according to ISO 65 and non compliances issued. It seems very strange that ISO 65 cannot be used as is by IFOAM – it would simplify discussions on interpretations of criteria and also clarify what the differences between ISO 65 and IFOAM really is. Also it would clarify that things set out in ISO 65 cannot be changed by IFOAM, but by procedures installed in ISO.

We bring up this suggestion again. The Criteria Committee has argued that some of the requirements in ISO 65 have been removed from the IAC. We think that those requirements should be listed in the IAC, together with the reason for omitting them. Then it will be easier for anyone to follow the differences between the two systems. By starting with ISO 65 and adding on what is appropriate and stating what is not appropriate for the organic sector the influence of IAC would increase.

**CC:** The CC does not agree to restructure the IAC as proposed by KRAV. The decision to take out some of the ISO 65 requirements is reasonable in the context of organic certification and is supported by the Worldboard. Therefore, IFOAM wants to maintain its own accreditation criteria. This approach was also supported by other commenters. It is still enough substance of ISO 65 remaining in the document to justify the claim that the criteria are based on ISO 65. The CC agrees to the proposal to list those ISO 65 requirements that were deleted from the IAC. This should idea should be taken up after the completion of the final revision draft. The CC has proposed to the Norm Management Committee to consider the development of an appropriate list.

*Make the IAC to a global organic certification norm*

Proposal: Ensure that IAC may be applied to other standards than those based on the IBS. The Criteria Committee has explained that this was not the intention, when taking away the chapter 10 in the 1st draft.

However we think that 2.3.1 should be changed and that a clear statement in the beginning of IAC should say that the criteria could be used for certification according to other standards than those covered by the IBS.

Rationale: Many ACB:s maintain their IFOAM accreditation because they believe the expertise in the CC and the accreditor gives them a guarantee for a high level certification scheme. ACBs may be certifying to many other standards (private and governmental) and it is hard to understand why IAC could not be applied to for example (EEC) 2092/91 or a private standard on fisheries. Allowing for this might also facilitate harmonisation discussions and increase the use and value of IAC. We think that the Criteria Committé has the possibility to suggest that IAC are opened to be combined with other standards than IAC.

**CC:** See changes to IAC 2.3.1

*Add requirements on the accreditor*

We still think opening up also the accreditation to IAC is a good idea, and it lies in line with the thoughts above to open for the IAC to be used for other standards and to use the ISO 65 as a starting point for such “organic-sector-specific criteria”. This will spread the use of the IFOAM Norms.

**CC:** There is nothing preventing interested parties from using the IAC for whatever purpose they choose.

*Merge criteria and guidance notes wherever possible*

Proposal: Work through the guidance notes and include them in the criteria wherever they require something from the ACB. Replace remaining Guidance Notes with Explanatory Notes. Explanatory Notes shall not be used in the accreditation situation.

We think this have been improved a lot since the 1st draft, by dividing the former “guidance notes “ into “flexible requirements” and “Explanatory Notes However, the name “guidance notes” for “flexible criteria” is a bit confusing. We believe that most of these new “Guidance Notes” can be a part of the criteria direct. After all it is luckily not all criteria pointing out exactly how to do things but what should be achieved by fulfilling the criteria. See comments below where we think this could be improved.

Try to use the word "should" instead of "shall" in the guidance notes. Whenever the guidance notes require something from the ACB, using the word "shall" it is better placed in the criteria.

The CC thinks that the term “Guidance” respectively “Guidance Note” is well understood by those working with standards and is also is also in the same way used outside of the IFOAM world. From now on Guidance Notes will be called “Guidance” so as to avoid confusion e.g. with the Explanatory Notes. The meaning of these terms is already defined in the introduction of the criteria, which clearly points out that the Guidance provide the flexibility for using different measures for achieving a certain goal. Therefore, the CC has not incorporated the Guidance (notes) into the criteria as requested by KRAV. The introduction also pointed out that the Explanatory Notes merely serve to enhance the understanding of the criteria. Furthermore, the CC decided to use the term “shall” throughout the document in the “Criteria” as well as in the Guidance. Its definition is flexible enough to be used for both cases and does not itself determine the nature of a requirement as being flexible or not.

**OCIA:** We are pleased to see the proposed criteria changes, especially the reductions on redundancy in the Quality System/Quality Manual and the increased use of risk assessment in certification procedures. We have just a few additional comments to offer:

IOAS: The IOAS welcomes the opportunity to comment on this draft of the IFOAM Accreditation Criteria and we thank the Criteria Committee for the serious consideration of our comments on the first draft. We are gratified to see that many of these have now been incorporated into this 2nd draft. A number of the following comments are requests for clarification of details - which, for an accreditation body, can often prove the most problematic. We agree with the Soil Association comment that the Criteria would benefit from further attention to language and grammatical construction with a view to making the criteria very clear and easily understood.

The IOAS appreciates the efforts of the Criteria Committee in reducing the quantity of criteria while maintaining stringency and specific focus on organic certification bodies.

## **2nd Revision Draft of the 2002 IFOAM Accreditation Criteria**

# **DRAFT DOCUMENT FOR STAKEHOLDER COMMENTS**

|

### III. IFOAM Accreditation Criteria for Bodies Certifying Organic Production and Processing

#### Table of Contents

<i>III. IFOAM Accreditation Criteria for Bodies Certifying Organic Production and Processing</i>	<i>6</i>
<i>Introduction</i>	<i>8</i>
<i>Definitions</i>	<i>10</i>
<i>1 Structure</i>	<i>13</i>
<i>1.1 General Requirements</i>	<i>13</i>
<i>1.2 Responsibility</i>	<i>13</i>
<i>1.3 Impartiality and Objectivity</i>	<i>14</i>
<i>1.4 Resources</i>	<i>16</i>
<i>2 Accessibility and Scope</i>	<i>18</i>
<i>2.1 Nondiscrimination</i>	<i>18</i>
<i>2.2 Access to Services</i>	<i>18</i>
<i>2.3 Certification scope</i>	<i>18</i>
<i>3 Quality System for Certification</i>	<i>20</i>
<i>3.1 Quality Policy</i>	<i>20</i>
<i>3.2 Quality System</i>	<i>21</i>
<i>3.3 Quality Manual</i>	<i>21</i>
<i>3.4 Internal Audits</i>	<i>22</i>
<i>3.5 Complaints</i>	<i>22</i>
<i>4 Confidentiality provisions</i>	<i>23</i>
<i>4.1 General</i>	<i>23</i>
<i>5 Documentation and Document Control</i>	<i>23</i>
<i>5.1 General</i>	<i>23</i>
<i>5.2 Public access to information</i>	<i>24</i>
<i>5.3 Document control</i>	<i>24</i>
<i>5.4 Records</i>	<i>25</i>

<b>6</b>	<b><i>Application and Inspection Procedures</i></b> .....	<b>25</b>
<b>6.1</b>	<b>Application procedures</b> .....	<b>25</b>
<b>6.2</b>	<b>Preparation for inspection</b> .....	<b>27</b>
<b>6.3</b>	<b>Visit procedures.</b> .....	<b>28</b>
<b>6.4</b>	<b>Sampling and testing</b> *See also guidance notes .....	<b>29</b>
<b>6.5</b>	<b>Inspection Report</b> .....	<b>30</b>
<b>6.6</b>	<b>Record of Inspection</b> .....	<b>30</b>
<b>6.7</b>	<b>Additional requirements and inspection regime for particular standards</b> * See also guidance notes .....	<b>31</b>
<b>7</b>	<b><i>Certification Procedures</i></b> .....	<b>33</b>
<b>7.1</b>	<b>General requirements</b> .....	<b>33</b>
<b>7.2</b>	<b>Certification decisions</b> .....	<b>33</b>
<b>7.3</b>	<b>The certification process</b> .....	<b>33</b>
<b>7.4</b>	<b>Certificates</b> .....	<b>34</b>
<b>7.5</b>	<b>Surveillance</b> .....	<b>34</b>
<b>7.6</b>	<b>Use of licenses, certificates and certification marks</b> .....	<b>38</b>
<b>7.7</b>	<b>Sanctions</b> .....	<b>38</b>
<b>7.8</b>	<b>Appeals</b> .....	<b>39</b>
<b>7.9</b>	<b>Complaints to certified processors and handlers</b> .....	<b>40</b>
<b>7.10</b>	<b>Risk Reduction between certifiers</b> .....	<b>40</b>
<b>8</b>	<b><i>Inspection and Certification for particular circumstances or scope</i></b> .....	<b>41</b>
<b>8.1</b>	<b>Certification of wild products</b> .....	<b>41</b>
<b>8.2</b>	<b>Approval or Certification of inputs</b> *See also guidance notes .....	<b>41</b>
<b>8.3</b>	<b>Group Certification</b> *See also guidance notes .....	<b>42</b>
<b>9</b>	<b><i>Acceptance of prior certification</i></b> .....	<b>47</b>
<b>9.1</b>	<b>General requirements for all methods of acceptance</b> *See also guidance notes .....	<b>47</b>
<b>9.2</b>	<b>Acceptance of product based on recognition of a certification body</b> .....	<b>48</b>
<b>9.3</b>	<b>Acceptance of product based on document review</b> .....	<b>50</b>
<b>9.4</b>	<b>Acceptance of applicants currently certified by another certification body</b> .....	<b>52</b>
<b>9.5</b>	<b>Certification partnerships</b> .....	<b>54</b>

## Introduction

~~This is the 4th edition of the Criteria, which The IFOAM Accreditation Criteria (IAC) were first approved by the General Assembly in 1992. IFOAM seeks to continually improve these criteria. Revision occurs every few years periodically and includes opportunity for input by interested parties. The current edition was distributed for public comment on two occasions. The revision process for these Criteria is described in IFOAM Policies. Generally speaking, the IAC establishes requirements for conduct of organic certification by the certification body, including procedures and practices of the operator that the certification body must verify.~~

In addition to these criteria, IFOAM has established Basic Standards for Organic Production and Processing. First published in 1980 and subsequently subject to continuous review, the IFOAM Basic Standards have been adopted as the basis for national, regional and international organic standards throughout the world.

The IFOAM Criteria together with the IFOAM Basic Standards establish the requirements for certification bodies seeking IFOAM accreditation. IFOAM accreditation is carried out under contract by the International Organic Accreditation Service Inc. (IOAS), a US based company. The structure of the IOAS and procedures for IFOAM accreditation are laid down in the IFOAM Accreditation Program Operating Manual published by the IOAS. More detailed policies and procedures are set down in the IOAS Quality Manual and the IOAS Policy Manual.

The criteria have been ~~strictly~~ based upon the requirements in ISO/IEC GUIDE 65:1996(E) "General requirements for bodies operating product certification systems". However, organic certification is certification of a process and not a product and this has required some adaptation. In addition these criteria include specific requirements concerning issues confronted by a certification body operating within the organic sector.

~~The Criteria require that the certification body has an effective quality system in accordance with the relevant elements of the Criteria and which is appropriate for the type, range and volume of work performed. It is recognized that new programs, and programs operating in economically less favored areas may have less developed quality systems. It is also recognized that cultural, traditional and social conditions may result in varying solutions.~~

~~Regulations or other official demands may also make it difficult or even illegal to fulfill a certain criterion. In such cases it is the prerogative of the accreditation body to determine the acceptability of the certification body's alternative solution, based on whether the integrity of organic production and certification is maintained, and whether the purpose of the specific criterion is met.~~

~~The criteria include guidance notes and are accompanied followed by guidance explanatory notes, which provide further explanation of the requirements. Sections with corresponding guidance notes are marked with an asterisk (\*).~~

~~These guidance notes are provided to explain the meaning and purpose of the criteria, and to provide background information to explain the context of a particular section of the criteria or a particular criterion. In short, they are provided aim to enhance understanding of the criteria.~~

~~Certification bodies are required to implement the criteria in line with the guidance notes unless the same effect can be shown to have been achieved by alternative methods. The guidance notes do not constitute binding interpretations or remove an accreditation body's rights and responsibilities to exercise its judgment in applying the criteria.~~

~~The guidance notes are indicated with "Guidance Note" and are formatted in a font (Times new Roman) that is different from the rest of the text.~~

~~The Criteria require that the certification body has an effective quality system in accordance with the relevant elements of the Criteria and which is appropriate for the type, range and volume of work performed. It is recognized that new programs, and programs operating in economically less favored areas may have less developed quality systems. It is also recognized that cultural, traditional and social conditions may result in varying solutions. Regulations or other official demands may also make it difficult or even illegal to fulfill a certain criterion. In such cases it is the prerogative of the accreditation body to determine the acceptability of the certification body's alternative solution, based on whether the integrity of organic production and certification is maintained, and whether the purpose of the specific criterion is met.~~

~~The explanatory notes provide additional explanation of the requirements. In order to facilitate usage of the Guidance Explanatory Notes, Sections sections of the Criteria with corresponding guidance notes Explanatory Notes are marked with the note: \*See also guidance notes:explanatory notes.~~

~~The current version of the IAC and the guidance notes is -can also be found-is located on IFOAM's website.~~

**KRAV:** As stated in the introduction ACBs are required to implement the criteria in line with the guidance notes unless the same effect can be shown to have been achieved by alternative methods. Firstly we would like to comment that specific way of wording. As stated in the IFOAM Norms Style Sheet one should try to avoid passive voice when writing. The passive voice is justified in situations that are beyond the control of the ACB. We suggest that a subject is placed before “..the same effects can be..”. That will clarify who should take action.

Secondly KRAV would like to inform the CC of the similarity in writing EC directives and the guidance notes (and how they should be used). EC directives are directed to the EU member states and the directives are binding to the result, which are stated in the directives. The member states decide themselves how the result is to be achieved within their national legislation. KRAV notice that the way the CC sees the guidance notes is similar to the way one has to interpret the EC directives. KRAV suggest therefore the CC to write the guidance notes with more goals and results than what is in the guidance notes today or try to make the guidance notes a part of the IAC, as their status is still unclear.

The CC agrees to the proposal to use the active voice and has amended the introduction accordingly. Regarding the second proposal the CC feels that this is a good suggestion but also thinks that re-writing all the Guidance is not feasible at this time. Furthermore, the CC feels that the introduction clearly defines the role and therefore status of the Guidance. They determine the “normal” way for achieving a goal also provide flexibility for finding alternative ways.

## Definitions

The following definitions apply within the context of these criteria:

**Acceptance of Prior Certification:** The procedure by which a certification body accepts the certification of a product by another certification body, thereby enabling the use of or further processing by the certification body's own operators.

**Accreditation:** Procedure by which an authoritative body gives a formal recognition that a body or person is competent to carry out specific tasks.

**Appeal:** Request by an operator for reconsideration of any adverse decisions made by the certification body related to its desired certification status.

**Certificate of conformity:** Document issued by a certification body, declaring that an operation is in conformity with the organic production or processing standards.

**Certification:** The procedure by which a third party gives written assurance that a clearly identified process has been methodically assessed such that adequate confidence is provided that specified products conform to specified requirements.

**Certification body:** The body that conducts organic certification.

**Certification Mark:** A certification body's sign, symbol or logo which identifies product(s) as being certified to the requirements of a program operated by that certification body.

**Certification Program:** System operated by a certification body with its own defined requirements and procedures and management for carrying out certification of conformity

**Certification Scope:** The parameters defining the certification granted including the product or product types certified, where applicable the acreage and the applicable standards and certification program.

**Chain of Custody:** The concept that all relevant steps in the production chain including the growing, handling, processing and other processes detailed in section 2.3 of these criteria, have been inspected or certified as appropriate.

**Complaint:** An objection to the policies, procedures or performance of the certification body. A complaint may also be an objection to the performance or activities of a certified party lodged with the certification body by a third party.

**Conflict of interest:** The situation where an individual's capacity for objectivity is put at risk by financial or personal interests in conflict with their interest in conducting fair and impartial inspection or certification.

**Contracted Production or Processing:** The utilization of third parties by the operator for performing specific production or processing tasks

**Conversion period:** The time between the start of the organic management and the certification of crops and/or animal husbandry as organic.

**Declaration of interest:** A declaration of personal and/or commercial interests in the organic industry made by those involved in the certification process to enable determination of an individual's objectivity.

**Dual or multiple certification:** Certification of an operation by two (dual) or more (multiple) certification bodies.

**Evaluation:** Systematic assessment based on all relevant information obtained in order to make a decision. With reference to a certification decision this includes, but is not limited to, the inspection.

**Exception:** Permission granted to an operator by a certification body to be excluded from the need- to comply with ~~normal~~ requirements of the standards. Exceptions are granted on the basis of clear criteria, with clear justification and for a limited time period only.

**Genetic Engineering:** A set of techniques from molecular biology (such as recombinant DNA) by which the genetic material of plants, animals, micro-organisms, cells and other biological units may be altered in ways or with results that could not be obtained by methods of natural reproduction or natural recombination.

**IFOAM Basic Standards:** International standards for standards of organic production and processing, established by the International Federation of Organic Agriculture Movements.

~~**Input manufacturing:** Manufacturing of production or processing inputs.~~

**Input/output reconciliation:** An audit that assesses the output of organic product against the supply of ingredients or in the case of trading operations, the volume of sales against the volume of purchases.

**Inspection Body:** Body that performs inspection services on behalf of a certification body.

**Inspection:** Visit on site to verify that the performance of an operation is in accordance with the production or processing standards.

**Inspector:** Person appointed by a certification body or by an inspection body to undertake the inspection of an operator.

~~**Internal Control System:** Part of a documented quality assurance system that allows the external certification body to delegate the annual inspection of individual group members to an identified body/unit within the certified operator.~~

**OCIA:** Suggest last word should be operation

**CC:** The CC agrees and has amended the definition.

**Internal Audit:** A systematic periodic review and assessment of the objectives and performance of a program that is undertaken by the certification body itself.

**License:** An agreement or contract that grants a certified operator the right to use certificates or certification marks in accordance with the ~~rules~~ requirements of that program.

**Operator:** An individual or business enterprise, responsible for ensuring that ~~products-production~~ meets, and, if applicable, continues to meet, the requirements on which the certification is based.

**Parallel Production:** Any production where the same unit is growing, breeding, handling or processing the same products both in a certified organic quality and a not certified or non-organic quality. A situation with “organic and “in conversion“ production of the same product is also parallel production.

**Pre-assessment:** An inspection for the purpose of assessment, that is not intended to result in a certification decision.

**Precedent:** A certification decision concerning a new situation or set of circumstances that may serve to guide future decisions.

~~**Product Category:** A type of production defined in certification scope, such as crop production, input manufacturing, or aquaculture.~~

**Quality System:** Documented procedures which are established, implemented, and periodically audited to assure that production, handling, management, certification, accreditation and other systems meet specified requirements and outcomes by following standardized protocols.

**Sanctions:** Measures taken against ~~certified~~ operators who have failed to comply with the standards or other requirements of the certification body.

**Smallholder Group:** An organized group of small-scale producers with similar farming and production systems. The criteria in section ~~78~~.3 apply only to such groups when the certification applies to the group as a whole and when special inspection arrangements have been applied.

**AM:** The word Smallholder is no longer used in the criteria; this definition needs to be removed or changed to be a definition of "group"

The CC agrees and has amended the definition accordingly.

**Split Production:** Production, breeding, handling or processing of conventional, in conversion and/or organic in the same unit.

**Surveillance:** The measures undertaken to provide ongoing monitoring of an operator's compliance with standards and certification requirements.

**Traceback audits:** An audit to verify that a product or its ingredients may be traced back to the original suppliers.

**Transaction Certificate:** Document issued by a certification body or by the operator, declaring that the specified lot or consignment of goods is derived from production that has been certified.

**Violation:** Infringement by a licensed operator against the standards, certification procedures or contractual obligations to the certification body

-.

# 1 Structure

## 1.1 General Requirements

1.1.1 The certification body shall have a documented and effective structure and organization that ~~provides~~ fosters confidence in its certification ~~results~~.

1.1.2 The certification body shall have documents which demonstrate that it is a legal entity.

1.1.3 The certification body shall identify the management ~~(committee, group or person)~~ which shall have overall responsibility for all of the following: \*See also Explanatory Notes  
**AM Comment:** I realize the wording is taken from an ISO document but it is still ambiguous. Explanatory notes state this refers to day to day management. The wording "all of the following" seems to imply that the response expected is that one body or person has to be responsible for all the functions listed.

If that is the case it could simply say " The CB shall identify the person or body with the overall responsibility for the day to day management of the CB.

If the intent is that the CB should identify the various people or bodies in the organization responsible for one or other of the various functions then delete words " all of".

**PoR from the IOAS to the CC (October 2004):** The criterion implies that the identification could be the Board of Directors as overall responsibility is usually vested in the Governing Board. The IOAS interpretation has always been that although overall responsibility does lie with the governing body, the management can be delegated. The AC suggest that this be clarified either in the criterion itself or in the guidance.

**CC:** The CC has amended the wording to clarify the intent of the criterion.

- a. performance of ~~testing~~, inspection, evaluation and certification as defined in ~~this~~ these ~~criteria~~ criteria,
- b. formulation of policy matters relating to the operation of the certification body,
- c. decisions on certification,
- d. supervision of the implementation of its policies,
- e. supervision of the finances of the body,
- f. delegation of authority to committees or individuals as required to undertake defined activities on its behalf,
- g. technical basis for granting certification.

## 1.2 Responsibility

1.2.1 The certification body shall take full responsibility for all activities operated or sub-contracted out and maintain its responsibility for granting, maintaining, extending, suspending or withdrawing certification.

1.2.2 The certification body shall not delegate authority for granting, maintaining, extending, suspending or withdrawing certification to an outside person or body. \*See also guidance notes explanatory notes

**PoR from the IOAS to the CC (October 2004):** Although appeals are referred to in various places in the criteria, nowhere does it explicitly deal with the necessity of having an appeals mechanism.

The AC suggest that:

- a) guidance for 1.2.2 states that appeals are part of the granting, maintaining, extending, suspending or withdrawing of certification
- b) that there is a criterion which clearly requires that there is an appeals mechanism
- c) that the CC consider whether there should also be requirements for the composition of an appeals body (at present it is perfectly acceptable for appeals to be considered by one person within an organisation)

CC: a) The CC has clarified in the Explanatory Note (former Guidance Note) to IAC 1.2.1 that appeals are covered by this criterion. The new IAC 1.2.7 requires the establishment of an appeals committee and thereby addresses the suggestions b) and c) above.

~~1.2.3 The certification body shall have a documented description of its administration, including officers and responsibility.~~ The certification body shall define document clear lines of authority, ~~and~~ responsibility and the accountability of staff personnel, officers and committees.

1.2.4 The Governing Board shall remain responsible for certification decisions but may delegate authority for taking certification decisions to one or more certification committees. \*See also explanatory note

1.2.5 Where decisions are delegated to individual certification officers, the certification body shall have reporting and review procedures that enable the Governing Board or the certification committee to exercise control over and responsibility for such decisions.

~~1.2.56 When activities are delegated to committees, such as~~ Committees shall have clear responsibilities and rules of procedures.

~~1.2.6 Where decisions are further delegated to individual certification officers, the certification body shall have reporting and review procedures that enables the Board~~ Governing Board or the certification committee to exercise control over and responsibility for such decisions.

1.2.7. An appeals committee shall be established. \*See also explanatory notes

### **1.3 Impartiality and Objectivity**

1.3.1 The certification body shall have structures and procedures to enable it to be free to operate without undue influence from vested interests.

1.3.2 The certification body shall be impartial. Inspection and certification shall be based on an objective assessment of relevant factors, following documented procedures.

1.3.3 ~~The organizational structure of the~~ The certification body ~~structure~~ shall ~~enable~~ ensure that the participation of all parties significantly affected by the certification system be enabled to participate in the development of its principles and policies, ~~principles and functioning of the certification system, in their development.~~ \* See also guidance notes explanatory notes

1.3.4 The certification body shall not provide any product or service which could compromise the confidentiality, objectivity or impartiality of its certification process ~~and decision making,~~ unless these product/service and certification programs are clearly separated in a manner that ensures that such compromise cannot occur.

1.3.5 The certification body shall not engage in the marketing of certified products or promotion of individual products and shall have a policy and an appropriate procedure for responding to product inquiries from the trade or consumers. ~~The procedure~~ This shall ensure an equal treatment for all certified product operators. The certification body shall not solicit individual applications based on the needs of individual buyers. Guidance Note: The procedure should specify the nature of the information that may be supplied, limiting this to

information related to the certification of the product as opposed to the marketing of the product. \* See also *guidance explanatory notes*

1.3.6 Certification bodies shall ensure that activities of related bodies do not affect the confidentiality, objectivity and impartiality of its certifications. \*-See also *guidance-explanatory notes*

1.3.7 The body making or ratifying certification decisions shall be free from any commercial, financial and other pressures that might influence decisions; **Guidance Note:** A structure where members are chosen to provide a balance of diverse stakeholder interests and where no single interest predominates shall be deemed to satisfy this provision; Such diversity shall include that at least one general interest is represented such as consumers, scientists or environmentalists. - \* See *guidanceexplanatory notes*

~~1.3.8 Payment of inspection fees and expenses shall be made through the certification body or contracted inspection body and not directly to the inspector by the operator.\*~~

~~1.3.9 The fee structure shall be such that a decision to not grant certification does not result in unreimbursed costs to the certification body~~

1.3.8 Fee structures and other issues related to payment ~~should~~ shall not compromise objectivity. **Guidance Note:** Certification bodies should where practical avoid at least the following: direct payment of fees to inspectors, incurring significant costs such as inspections that are not readily reimbursed, and a fee structure/function that results in high leverage of certification body finances by only one or a few clients. \*See also *guidance notes*.

1.3.9 The certification body or its personnel shall not accept a substantial gift or favor. The certification body shall establish a policy on what are/are not substantial gifts. \*See also *guidance explanatory notes*

~~1.3.10 The certification body shall have procedures for appeals and complaints. See section 3.5 and 7.8.\*~~

#### **Division of function**

1.3.~~418~~10 The certification body shall have clear division of the functions of inspection, certification and appeals.

1.3.~~429~~11 Persons responsible for a decision that is being appealed may not be involved in the decision on that appeal. \*See also *guidance-explanatory notes*

~~1.3.1310 The certification body shall ensure that each decision on certification is taken by person(s) different from those who carried out the inspection.~~

~~1.3.14 1112Where pre-assessment of production to identify areas of nonconformity is performed as an optional fee paying part of the certification process, different personnel shall carry out the inspection and the pre-assessment.~~

#### **Consulting and advising**

1.3.~~451~~~~243~~12 Certification bodies shall not provide consultancy services to operators.

1.3.13 Pre-assessment of production performed by a certification body to identify areas of nonconformity shall not include advice on how to overcome these non-conformities.

1.3.~~463~~14 Specific advice given ~~by inspectors~~ to operators shall be limited to explanations of the standards or certification requirements. This information shall not be offered for additional fees and shall not prescribe solutions.

1.3.17-415 Certification bodies may provide general information (~~training, newsletters, seminars, advice concerning regulatory requirements etc.~~) -for additional fees, provided that this service shall be offered to all certified operators in a nondiscriminatory manner. \*See also guidance explanatory notes

#### Conflicts of interest of individuals

1.3.15816 ~~The certification body shall ensure that a~~ A declaration of interest is updated annually by ~~the Board/Governing Board and~~ all persons involved in certification, inspection and appeals as well as by the board. ~~shall be on file at the certification body's (or inspection body's) office.~~ Such declarations shall be on file and take into account both direct and indirect interests. ~~and t~~The certification body shall review the declarations and identify ~~decide on~~ what constitutes a conflict. \*\*See also guidance explanatory notes

**OCIA** - suggest the wording be revised to “The governing Board, as well as all persons involved in the certification process shall sign a conflict of interest and confidentiality agreement to be kept on file. This agreement shall stipulate that signers shall declare all conflicts of interest, according to established policy.”

*Rationale: We feel this criterion will result in increased paper that does not result in a stronger program.*

**CC:** This criterion assigns responsibility for proper handling of conflicts of interest to the certification body. The proposed changes are already covered by IAC 1.3.18, which deals with the responsibility of the individual (See also explanatory notes to IAC 1.3.16 to 18). The CC is of the opinion that both the certification body and the individual are responsible and therefore, does not agree to the proposed changes.

1.3.16917 All persons with a conflict of interest shall be excluded from work, discussion and decisions in all stages of the certification process related to the potential conflict. The exclusion of such persons ~~should~~ shall be recorded in minutes or other records. \*\*See also guidance explanatory notes

1.3.270-18 The certification body shall require persons engaged in inspection ~~of~~ certification and appeals to agree in writing to abstain from participating in work ~~for~~ regarding operators with whom they have personal relations or ~~to~~ those with whom they have had business relationships (either trade or advisory) in the past two years. The certification body shall require persons engaged in inspection to report on any new interests regarding the operation for a period of one year after the inspection. The certification body shall determine whether the new relations may have affected the impartiality of any work submitted by inspectors or certification personnel. \*See also guidance explanatory notes

**OTA Comment:** 1.3.18 Sets a time of two years between having a business relationship with an operation and being able to participate in any aspect of certification of that operation. This is longer than the National Organic Program (NOP) requirement of one year, and does not seem to be necessary. *We suggest changing it to a period of one year.*

**CC:** The CC does not agree to the proposed change at this stage of the revision process. However, the CC has added this issue to its to-do list for discussion in the next revision.

## 1.4 Resources

### Financial ~~and Personnel~~ Resources

1.4.1 The certification body shall have the financial stability and resources required for the operation of a certification system. Guidance note: Financial stability should include provisions to cover liabilities in situations where there is a significant risk of being sued.

~~1.4.2 The certification body shall make adequate provision to cover liabilities which may arise from its operational activities.~~

### **Personnel resources**

~~1.4.3-2~~ The certification body personnel, ~~shall employ or contract a sufficient number of personnel who~~ have the necessary education, training, technical knowledge and experience for performing functions relating to the type, range and volume of work performed. Guidance Note: Assignment of personnel, including contracted inspectors, to inspection and certification work should be appropriate to their skills

**OCIA** - Suggest re-wording the Guidance Note to read: “Personnel, including contracted inspectors, shall be assigned to inspection and certification work that is appropriate to their skills”.

**CC:** The CC agrees to the proposed wording and has altered the guidance note into a criterion (now IAC 1.4.3).

**IOAS:** Our previous comment stands. Criterion 1.4.2 concerns the qualifications of personnel to carry out type, range and volume of work. It does not address the volume i.e. sufficient number of personnel to carry out the type, range and volume of work. Criterion 1.4.1 relates particularly to financial resources, so we do not see how this can also be interpreted to address personnel resources. We would very much like to see it stated somewhere in this section of criteria that a certification body must have the personnel capacity to carry out their work. There appears to be nowhere in the present draft that the issue of serious under staffing can be addressed with a clear criteria reference.

**CC:** The CC agrees and has amended IAC 1.4.1 accordingly.

~~1.4.4 The certification body shall have documented recruitment requirements for senior staff and inspectors regarding necessary education, training, technical knowledge and experience in organic agriculture and/or processing. In the case of For inspectors [the certification body shall specify the type of inspections for which thean inspector has been may be employed based on these factors1.4.3.~~

~~1.4.5-3~~ Personnel shall have ~~available clear~~ job descriptions describing their duties and responsibilities.

~~1.4.6-4~~ Personnel shall have ~~the competence and up-to-date,~~ documented work instructions for complex or critical certification and inspection functions. ~~to enable them to perform their various functions.~~ See also explanatory notes

~~1.4.7-5~~ The body ~~or committee~~ responsible for ~~making~~ certification decisions shall ensure that all certification decisions are based on competence in all areas for which certification is granted. \*\*See also guidance explanatory notes.

~~1.4.8-6~~ The certification body shall require all personnels involved in the certification process to sign a contract or other document by which they commit themselves to the rules and procedures of the certification body.

~~1.4.97 Records of the qualifications and, training and performance reviews of all personnel shall be maintained by the certification body in accordance with the requirements in 5.4.6.~~

### **Training**

1.4.~~1098~~ The certification body shall have a documented training policy, including initial and ongoing training, for all personnel, including, ~~both employed and contracted contracted inspectors,~~ and committee members, that is sufficient to ensure continued competence.

1.4.~~10-11~~<sup>9</sup> The certification body shall ensure that ~~prior to before~~ undertaking inspection, new inspectors have ~~at least~~ successfully completed a training course in inspection of organic operations and undergone a defined on-site apprenticeship period.

#### **Personnel records**

~~1.4.11 Records of the qualifications, training and performance reviews of all personnel shall be maintained by the certification body in accordance with the requirements in 5.4.6. Remark: Moved to 1.4.97~~

#### **Subcontractors**

1.4.~~12-10~~ The integrity, competence and transparency of any sub-contracted components of the certification system remain the responsibility of the certification body.

1.4.~~13-11~~ When a certification body subcontracts work related to certification to an external body, or person, an agreement covering the arrangements shall be drawn up. This shall include the requirement to comply with all relevant aspects of these criteria.

~~1.4.14 The certification decision shall not be subcontracted. \*\*See also guidance notes~~

~~1.4.15 The certification body shall ensure that operators are informed of subcontracting arrangements prior to application.~~

~~1.4.16 The certification body shall apply the requirements in 1.4.12 to 1.4.15 above when it uses, for granting its own certification, work performed by another certification body. Specific criteria for such cases are set down in section 9 of this document. \*~~

## **2 Accessibility and Scope**

### **2.1 Non-discrimination**

2.1.1 The policies and procedures which govern the operation of the certification body shall be non-discriminatory. ~~The administration of those policies and procedures shall not discriminate in any way against particular applicants~~

### **2.2 Access to Services**

2.2.1 The certification body shall make its services accessible for all applicants whose activities fall within its declared field of application. Certification requirements, inspections and decisions shall be confined to the scope of the certification being granted.

2.2.2 Access to certification shall not be conditional upon the size of the supplier-operator or membership of any association or group, nor shall certification be conditional upon the number of certificates already issued by the certification body.

2.2.3 The fee structure shall be standardized and available on request.

~~2.2.4 The certification body shall state under its declared field of application, those languages in which it operates.~~

### **2.3 Certification scope**

2.3.1 Organic certification shall be granted solely on the basis of conformity with specified published standards. The standards used by the certification body shall cover all production systems or product categories certified and at least meet the IFOAM Basic Standards.

**OTA - Suggested rewrite: Organic certification must be granted solely on the basis of a determination of an operation's conformity with specified published standards.**

These standards must cover all production systems or product categories certified, and at least meet the IFOAM Basic Standards.

*Rationale: Is a bit unclear.*

**KRAV** - Take away the last part "...and these shall at least meet the IFOAM Basic Standard."

*KRAV comment: Open up for use of IAC with other standards (see above).*

**OCIA** – Suggest: "Certification Standards shall comply with the IFOAM Basic Standards" instead of "and these shall at least meet the IFOAM Basic Standards."

**CC:** The CC has amended the criterion according to the suggestions of OTA and KRAV, without adopting the word must. A reference to the IFOAM Basic Standards is now made in the introduction to the criteria.

### **Certification Scope and the eChain of custodyCustody**

2.3.2 The certification body shall not issue any license to ~~affix-use~~ its certification mark ~~on~~ or issue any certificate for any product unless it is assured of the chain of custody of the product to ~~that~~ that point of certification. Where steps in the production chain have been certified by other certification bodies, the criteria in section 9 shall be applied. *\*See also guidance explanatory notes*

**IOAS:** To what point? There is no "point" mentioned in this criterion. Please state more clearly. Suggest that as chain of custody has been defined, there could be a full stop after "product" and the rest of that sentence deleted.

**CC:** The CC agrees and has amended the criterion accordingly.

2.3.3 Any entity in the chain of custody that has produced, processed, or packaged ~~or affixed a label referring to the organic production method to a product~~ an organic product shall have been certified. ~~Sube~~Contracted production (see below) shall have been inspected. **Guidance Note:** The certification body is not obliged to have a system for inspection of products that are further handled after being packed in the final consumer package. For certified product not in its final packaging the certification body's responsibility shall extend to the point where the product is sold to an operator certified by a different entity. \* See also guidance explanatory notes

~~2.3.4 The certification body is not obliged to have a system for inspection of products that are further handled after being packed in the final consumer package. moved to 2.3.3 guidance notes.~~

~~2.3.5 Any entity that has previously sold the product shall have been certified except when the product had been received packaged for final consumer use. \*~~

2.3.46 Certification bodies shall conduct a risk assessment to determine the necessity for, or frequency of, inspection of all storage facilities including port facilities. Where this reveals a need for inspection to protect organic integrity, inspection shall be done. *\*See also guidanceexplanatory notes*

2.3.57 The certification body shall require that the party owning the product at the point of transport be responsible for maintaining the organic integrity in the transport process, unless transport operations are certified in their own capacity.

~~2.3.8 For certified product not in its final packaging the certification body's responsibility shall extend to the point where the product is sold to an operator certified by a different entity.~~

**Certification scope and contracted production or processing** *\*See also guidance explanatory notes*

2.3.9-6 The certification body shall have policies and procedures for regulating contracted production or processing, where the contracted party is not required to be certified in their own right. A certification body may not issue a certificate of any type to the contracted operator. \*

2.3.10-7 The policy shall prescribe the circumstances where the contracted party is not required to be ~~themselvesitself~~ certified ~~itself~~. This shall preclude the contracted party from marketing certified products ~~themselvesitself~~ and require ~~the manufacturing process~~, the raw materials supply, and the sales to be under the control of the certified licensee. This shall normally mean that the contracted party does not take title of the product. \*\* See also explanatory notes

2.3.11-8 The contracted party shall be inspected ~~at least annually according to the certification body's normal inspection procedures;~~ \*by the certifier before the use of the contracted product or service. Subsequent inspections shall be made annually or at a frequency determined on a case by case basis providing that the certifier documents the reasons for the reduced frequency.

**KRAV comment:** The change to a risk based inspection frequency is welcomed.

2.3.12-9 The certification body shall require that the certified operator shall be held fully responsible for the contracted production or processing and be subject to sanctions in the event of noncompliance of the contracted parties. **Guidance Note:** The contract between the certification body and the operator should specify the liability with respect to sanctions, unless this is already stated in the general sanctions policies; \*\*See also guidance notes

2.3.13-10 The certification body shall require that the contracted party have a contractual relationship with the certification body that includes clauses regarding compliance to the standards, obligation to provide information, and access ~~to~~ the certification body. This may either be achieved through a direct contract between the parties or by an agreement between the operator and the contracted party in which the contracted party binds itself directly to the certification body. **Guidance Note:** Where the certification body chooses not to have a direct contract with the contracted party it should ensure that the contract between the operator and contracted party legally binds the contracted party to the certification body and the specified requirements. This shall mean that the contracts between the operator and the subcontractor shall be obtained in order to verify these points. \*\*See also guidance notes

2.3.14-11 The certification body shall require that each contracted party ~~has the owns and understands the~~ current version of the applicable standards and a general description of the certification program. \*

### **3 Quality System for Certification**

#### **3.1 Quality Policy**

**KRAV comment on 3.1:** Ok with the suggested explanatory note.

~~3.1.1 The management of the certification body having executive responsibility for quality systems shall define and document its quality policy for quality and its objectives for, and commitment to, quality.~~

3.1.1 The Certification Body shall document its objectives for and commitment to quality in a quality policy.

~~3.1.2 The management shall ensure that this policy is understood, implemented and maintained at all levels of the organization. See also explanatory notes.~~

## 3.2 Quality System

3.2.1 The certification body shall operate an effective quality system in accordance with the relevant elements of these criteria and appropriate for the type, range and volume of work performed. This quality system shall be documented and the documentation shall be available to, and understood by, the certification body ~~staff~~ personnel. **Guidance Note:** The quality system shall include a system for continuous quality improvement. The certification body shall demonstrate effective implementation of the quality system, including competency and consistency in the application of policies and procedures. *\*\*See also guidance notes*

**IOAS:** There seems to be an considerable amount packed into the guidance note. As there is a certain amount of flexibility in how guidance notes are achieved, we feel that this guidance note should be split into two additional criteria. 3.2.1 as it stands deals with the requirement for an effective documented quality system. The guidance note includes the criteria 1) that the system shows a capacity for continuous quality improvement and 2) that the quality system is implemented in an effective manner.

**CC:** The CC has amended the wording of the first sentence of the guidance note and altered it into an Explanatory Note to IAC 3.2.1. The second sentence was deleted as it merely repeats the wording of the criterion.

~~3.2.2 The certification body shall ensure effective implementation of the documented quality system, procedures and instructions. Certification bodies shall demonstrate a high degree of competency and consistency in the practical application of their policies and procedures.~~

~~3.2.3 The certification body shall designate a person having direct access to its highest executive level who, irrespective of other responsibilities, shall have defined authority for ensuring that a quality system is established, implemented and maintained in accordance with these criteria, and reporting on the performance of the quality system to the body's management for review and as a basis for improvement of the quality system.~~

~~3.2.4 The certification body shall demonstrate adequate arrangements for continuous quality improvement~~

## ~~3.3 Quality Manual~~ **3.3 Quality Documentation**

~~3.3.1 The quality system shall be documented in a comprehensive Quality Manual and associated quality procedures, and the manual which shall contain or refer to at least the following:~~ The quality documentation shall include at least the following:

~~a) a quality policy statement;~~

~~b) a~~ **a) a** brief description of the legal status of the certification body, including.

**IOAS:** We have recently come across a situation where documenting the owners of a company was not legally permissible - suggest that this part of the criterion is put in an guidance note which would give some flexibility to the accreditation body in such cases.

The CC has addressed this concern by adding a guidance note to 3.3.1a

~~e) b) the names, qualifications, experience and terms of reference of the~~ **Board Governing Board of Directors**, senior executive and other certification personnel, both internal and external;

~~d) c) an organization chart showing lines of authority, responsibility and allocation of functions stemming from the senior executive;~~

~~e) d) a description of the organization of the certification body, including~~ **details of** the management (committee, group or person) identified in 1.1.3;

- ~~f)e)~~ the policy and procedures for conducting management reviews;
- ~~g)f)~~ administrative procedures including document control;
- ~~h)g)~~ the operational and functional duties and services ~~pertaining to quality~~, so that the extent and limits of each person's responsibility are known to all concerned;
- ~~i)h)~~ the procedure for the recruitment, ~~selection~~ and training of certification body personnel and monitoring of their performance;
- ~~j)i)~~ a list of its approved subcontractors and the procedures for assessing, recording and monitoring their competence;
- ~~k)j)~~ its procedures for handling nonconformities and for assuring the effectiveness of any corrective and preventive actions taken;
- ~~l)k)~~ the procedures for evaluating products and implementing the certification process, including the conditions for issue, retention and withdrawal of certification documents, and the controls over the use and application of documents employed in the certification of products;
- ~~m)l)~~ the policy and procedure for dealing with appeals and complaints;
- ~~n) its procedures for conducting internal audits.~~

### 3.4 Internal Audits

3.4.1 The certification body shall conduct periodic internal audits ~~such that covering~~ all procedures ~~are covered~~ in a planned and systematic manner ~~over time~~, to verify that the certification system is implemented and ~~is~~ effective.

The certification body shall ensure that: ~~\* See also explanatory notes~~

- a. personnel responsible for the audited functions are informed of the outcome of the audit;
- b. corrective actions are taken in a timely and appropriate manner;
- c. the results of the audit are documented. ~~\*\* See also guidance notes~~

**KRAV comment on 3.4.1:** Suggested changed compared with the 1<sup>st</sup> draft are welcome.

3.4.2 The ~~program's management certification body~~ shall review its ~~the management~~ system at defined intervals. Records of such reviews shall be maintained. ~~\* See also guidance explanatory notes~~

3.4.3 The certification body shall conduct performance reviews of ~~all inspection and certification~~ personnel including employed inspectors at least annually. Records of the outcome shall be maintained. ~~\* See also guidance explanatory notes~~

3.4.4 In the case of frequently used contracted inspectors the inspector shall be given periodic feedback on performance

### 3.5 Complaints

3.5.1 The certification body shall have procedures for consideration of complaints brought by operators or third parties concerning its ~~own~~ performance or concerning the compliance of certified operators with the standards.

3.5.2 Complaints shall be dealt with in a timely and efficient manner

3.5.3 When a complaint is resolved, ~~a~~ documented resolution shall be made. The complainant shall be informed of the general outcome of the complaint in ~~a~~ way which does not prejudice the confidentiality of the party concerned."

3.5.4 The certification body shall ~~\* See also guidance explanatory notes~~

- a. ~~keep a record of all complaints and resulting corrective actions related to certification;~~
- b. take appropriate subsequent action ~~including possible corrections to the system~~
- c. document the action taken and its effectiveness. \*

**IOAS:** It is unclear to us what the addition in 3.5.4b means. 3.5.4a states that the Certification Body must keep a record of all complaints and any corrective actions undertaken to certification. How does 3.5.4b - including possible corrections to

the system - differ from this? Also we would like to see the requirement for documentation of the effectiveness of the corrective action referred to in 3.5.4a removed as we believe that this is unnecessarily detailed.

The CC has amended the criterion to address the IOAS concerns.

## 4 Confidentiality provisions

### 4.1 General

4.1.1 The certification body shall have adequate arrangements to ensure confidentiality of the information regarding specific operators obtained in the course of its certification activities at all levels of its organization, including committees, contracted bodies and individuals. ~~\*\*See also guidance explanatory notes~~

4.1.2 This shall include the establishment of a confidentiality policy and the requirement for all personnel to sign a confidentiality agreement. This policy shall specify the type of information that is not covered by confidentiality, such as name and address of operators, and third parties that may have access to the information such as accreditation bodies.

4.1.3 Except as required in these criteria or by law, or otherwise permitted in the certifier's published ~~rule~~requirements, information gained in the course of certification activities about a particular product or supplier shall not be disclosed to a third-party without the written consent of the supplier. Where the law requires information to be disclosed to a third-party, the supplier shall be informed of the information provided as permitted by the law. Guidance Note: Certification bodies subject to voluntary (non regulatory) accreditation should specify in their policy and in papers signed by the operator (such as the application form) that the accreditation body shall have access to their documentation.

**KRAV:** Drop the guidance note!

*Rationale:* We do not think that the operators need to sign a paper in order to give an accreditor access to information which the CB has about the operators. The accreditor shall be bound by a confidentiality agreement as the personnels involved in certification are (see 1.4.6), In that sence an accreditor is just like any consultant involved in a job for the CB, which might give acces to information mentioned under 4.1.3.

**NALA:** Drop the following part: "... Where the law requires information to be disclosed to a third-party, the supplier shall be informed of the information provided as permitted by the law." since it is often difficult in practice to specifically define the kind of information that may have to be disclosed to e.g. government bodies in certain cases. It would be better to ask the certification body to inform the operator that respective higher governmental regulations have to be observed and are superior to all other arrangements.

The CC has addressed the issues raised by KRAV and NALA by amending IAC 4.1.2 and 4.1.3.

## 5 Documentation and Document Control

### 5.1 General

5.1.1 The certification body shall document its certification system, make ~~appropriate-relevant~~ documents available to the public on request and demonstrate control over all documents issued.

## 5.2 Public access to information

- 5.2.1 The certification body shall make publicly available, through print and or electronic media, ~~up to date~~current information on the following: \* See also guidance notes
- information, ~~where relevant~~, describing the authority under which the certification body provides its certification service ; \*\*See also guidance notes
  - the ~~rule~~requirements and procedures, (or a description of the procedures) for evaluation of the inspection report and approval, continuation or extension of certification;
  - the ~~rule~~requirements and procedures for suspension and withdrawal of certification
  - the standards to which certification is granted;
  - a description of the certification body's sources of income and clear indications of the fees charged to applicants and current licensed operators;
  - a description of the rights and duties of applicants and suppliers of certified products, including requirements, restrictions or limitations on the use of the certification body's logo and on the ways of referring to the certification granted;
  - procedures for handling complaints and appeals;
  - a current list of certified operators, including name and location ~~and~~ the scope of the certification; if an operator is certified as a group it shall be identified as such
  - a current listing of contracted ~~production parties~~, ~~shall also be available~~ although this may be a general list without linkage to the certified operator. ~~————~~ \*\*See also guidance notes.

**AM comment:** 5.2 refers to guidance notes but there aren't any - should it be explanatory notes? Or should the explanatory notes be moved to the criteria document as guidance notes?

**CC:** It is an explanatory note. The final revision draft has been corrected accordingly.

## 5.3 Document control

- 5.3.1 The certification body shall maintain a documented system for the control of all documentation relating to the certification system and shall ensure that: \* See also guidance notes

**NALA:** Drop the reference to the guidance/explanatory note - there is none for 5.3.1

**CC:** Amended

- the current issues of the appropriate documentation are available at relevant locations;

**KRAV** – change to: "the present issues of the appropriate documentation are available at relevant locations;"

**Rationale:** KRAV agrees with the CC and thinks that the word "appropriate" covers the intent of the word "current". In addition we think that the word "present" is even better.

**CC:** Current is more accurate in the English language. Therefore, the wording has been retained.

- all changes of documents are covered by the correct authorization;
- all changes are processed in a manner which will ensure direct and speedy action;
- superseded documents are removed from use throughout the organization ~~and its agencies~~;
- all affected parties are notified of changes;
- there is a register of all appropriate documents with the respective issue identified;
- there is a determination of which documents are available to the public and which are not;
- ~~h~~ documentation clearly indicates its date of implementation. \*

**Guidance Note:** A procedural document would normally need to be in place in order to ensure these requirements are met.

**IOAS:** should have the reference to guidance note removed - the guidance note is at the end of 5.3.1. Also the letter "h" seems to have been deleted in the list.

**CC:** The guidance note refers to the entire 5.3.1 and has been amended to reflect this.

## **5.4 Records** *\*See also explanatory notes*

5.4.1 The certification body shall maintain a records system and have policies and procedures governing their management. The records shall be identified, managed and disposed of in such a way as to ensure the integrity of the process and the confidentiality of the information.

~~5.4.2 The certification body shall produce and make publicly available an annual report summarizing the certification activities of the previous year including elements such as the extent of the certification activities.~~

~~5.4.3-2~~ Operator files shall be up to date and contain all relevant information, including inspection reports, history, and product specifications. *\*See also guidance notes* **Guidance Note:** The certification body shall have available relevant data for all certified production units, including any contracted parties and members of grower groups.

~~5.4.4-3~~ The records shall be sufficiently comprehensive so as to demonstrate that the procedures for certification decision were properly applied. ~~demonstrate the way in which each certification procedure was applied, including inspection reports and outcome of imposed sanctions.~~

~~5.4.5-4~~ Separate records shall be kept for major violations and resulting sanctions, precedents, exceptions, appeals, and complaints, in a way that enables easy retrieval of data. *\*See also guidance explanatory notes*

~~5.4.6-5~~ All records shall be safely stored and held secure and in confidence to the operator, for a period not less than five years, ~~or for the period stipulated in relevant governmental and regional regulations where this exceeds five years.~~ Computerized records shall regularly be backed-up. *\*See also guidance explanatory notes*

~~5.4.7-6~~ Inspection reports, certification decisions, certificates and other relevant records shall be signed by the authorized person. *\*See also guidance explanatory notes*

~~5.4.8 The certification body shall have a policy and procedures concerning access to these records consistent with its confidentiality requirements.~~

~~5.4.9-7~~ The record keeping system shall be transparent and enable easy retrieval of information

~~5.4.10-8~~ Operators shall have the right to have copies of inspection findings and other documentation related to the certification of their production, unless the documents are confidential (i.e. filed complaints, confidential section of inspection reports). **Guidance Note:** This right should be communicated to operators\* *\*See also guidance notes.*

**IOAS:** A guidance note is obligatory unless the CB can demonstrate some other way of achieving the same end - therefore the "should" needs to be "shall".

**CC:** The CC has replaced "should" with "shall" throughout the entire criteria.

## **6 Application and Inspection Procedures**

### **6.1 Application procedures**

#### **Information for applicants**

6.1.1 The certification body shall ensure that each applicant or ~~re-applicant~~ certified operator has ~~at the time of application:~~

- a. a current version of the applicable standards;
- b. an adequate description of the inspection, certification and appeals procedures;
- c. a ~~contract or~~ sample copy of the contract or ~~license agreement~~ a description of the contractual conditions;
- d. a copy of the fee schedule;

### Application form

6.1.2 The certification body shall require completion of an official application form, signed by the applicant ~~or a duly authorized representative of the applicant~~. This shall determine at least the following information:

- a. the scope of the desired certification ~~on including the production and area to be certified, and in cases where the certification body offers more than one certification program, the standards against which the product is to be certified. <sup>\*</sup>See also guidance explanatory notes.~~
- b. Sufficient information about the production system to enable appropriate assignment of the inspector and proper preparation by the inspector
- c. ~~A statement as to whether~~ If Where relevant, if they have been denied certification by another certification body, and reasons therefore and the requirement to submit information regarding actions taken to correct the deficiencies leading to the denial. (Alternatively this information may be obtained during the inspection process).

**NALA:** Drop the last sentence in brackets –

**Rationale:** What sense does it make to know of a denial by another certifier after you have accepted that operator and closed a contract with him? The benefit of that requirement is only achieved if the certifier knows of this “risk potential” of that operator before closing the contract and so to possibly refrain from closing a contract with that operator.

**IOAS:** The language is very difficult to understand here. Suggest "disclosure of denial of organic certification by another certification body, if relevant. (Alternatively this information may be gathered during the inspection process.)"  
**Guidance note:** Such a disclosure shall include the reasons for denial."

**ICS:** 6.1.2c - Delete the last (parenthesized) sentence. Certifiers should have the ability in all cases to review the previous certifier's findings in advance of sending their own inspector, especially in potential problem cases. To not do so potentially puts the inspector at a great disadvantage, especially in cases where fraudulent or non-obvious violations might be committed. Allowing the inspector to collect this information at the time of inspection does not always allow for proper inspection planning.

**CC:** Taking above comments into account the CC has amended IAC 6.1.2. An amended version of IAC 6.1.2c is now Guidance to IAC 6.1.2b.

### Operator obligations

6.1.3 The certification system shall be based on written agreements and clear responsibilities with all parties involved in the chain of production of a certified product.

6.1.4 The certification body shall require ~~the operators~~ to sign statements in the application form or elsewhere, obliging them to:

- a. agree to comply with the requirements for certification including a commitment to comply with the standards, and to supply any information needed for evaluation of the production to be certified;
- b. provide the right of access to all appropriate facilities including any non-organic production in the unit, or related (by ownership or management) units in ~~the~~ proximity, to both certification and accreditation personnel. ; \*See also guidance explanatory notes

c. provide access to all relevant documentation, including financial records, to both certification and accreditation personnel. See also explanatory notes.\*

### Operator documentation

6.1.5 The certification body shall specify, ~~in application documentation or elsewhere,~~ the documentation to be maintained by the operator to enable verification of compliance. ~~This~~ and shall specify which records shall be available and ~~require that they be~~ held in a form that enables verification to take place. ~~\*\*See also guidance explanatory notes~~

6.1.6 The certification body shall require documented procedures defining the manner of production or processing where the absence of such procedures could adversely affect the organic quality. ~~\*\*See also guidance explanatory notes~~

~~6.1.7 Documents required by 6.1.5 and 6.1.6 shall be kept for a minimum of five years.~~

## 6.2 Preparation for inspection

### Review

6.2.1 ~~Before proceeding with the evaluation,~~ The certification body shall conduct a review of the application for certification to ensure that the requirements for certification are clearly understood and that the scope of certification sought is appropriate to the applicant. ~~\*\*See also guidance explanatory note.~~

6.2.2 ~~In some circumstances (e.g. operation of multiple certification programs, international operations located in regions not usually covered by the certifier),~~ For complex operations and foreign operations located in regions not usually covered by the certifier -the certification body shall assess whether it has the capability to perform the certification service with respect to the scope of the certification sought and, if applicable, the location of the applicant's operations and any special requirements such as the language used by the applicant.

6.2.3 The certification body shall provide the inspector with sufficient information to properly prepare for the inspection. Guidance Note: This includes at least an application form, and/or previous inspection findings, a description of activities/processes, maps/plans, product specifications, and used inputs, previous conditions and sanctions. ~~\*See also guidance notes~~

### Assignment of inspector

~~6.2.4 The certification body, or the sub-contracted inspection body shall assign personnel appropriately qualified to perform the tasks for the specific inspection. Operators shall have neither the right to choose nor to recommend inspectors.~~

~~6.2.5-4~~ The assignment of the inspector shall take into account any possible conflict of interest ~~in line with criterion 1.3.19.~~

6.2.6-5 The assignment of the inspector shall ensure that the same inspector shall as a rule not be assigned to an operator for more than 3-4 consecutive years and under no circumstances for more than 4-5 years.

**KRAV comment:** We are happy with the changes compared to 1st Draft.

**IOAS:** As this is an issue of broadening inspector observation, we would have preferred that the timelines remained 3 and 4. However, whichever length of time is agreed, there is a lack of clarity in the wording. Does this mean 4 consecutive years and 5 years total maximum or 4 consecutive years and 5 consecutive years maximum? The CC agrees and has clarified the wording.

~~6.2.7-6 Operators shall have neither the right to choose nor to recommend inspectors.~~

Except for cases of unannounced visits, Operators shall have the right to be informed about the identity of the inspector before the inspection visit. Operators shall in any case have the right, and to raise objections related to any potential conflict of interest. ~~This shall not apply to unannounced inspections.~~

**OTA – Comment:** 6.2.6. Allows an operator to raise objections to an inspector based only on conflict of interest. This is not addressed in the NOP, but common practice in North America is to allow a client to veto at most one inspector choice for any reason. We are aware of instances in which the client has found a particular inspector abrasive or rude, and should have the option of having a different inspector. However, we do not advocate allowing applicants to select the inspector they want.

The CC agrees and has amended the wording.

### 6.3 Visit procedures.

6.3.1 The organic management systems of the applicant-operator shall be evaluated against the ~~specified~~ standards and certification requirements.

6.3.2 Inspection procedure shall follow a ~~decided-specific~~ protocol to facilitate a nondiscriminatory and objective inspection procedure.

6.3.3 The routine inspection procedure shall be documented and shall at least include: ~~\*\*See also guidance explanatory notes~~

**IOAS:** The amendments have made the criterion more confusing, and begs more questions than it answers.

Many inspection bodies have more than one routine inspection per year - they are planned in an annual inspection plan and the number of visits is based on a risk assessment. Therefore there can be several routine visits over the course of the year and it would appear that 6.3.3 would apply to every such visit.

We would agree with the comments that frequency of such audits should be risk based.

The CC has amended the explanatory note to address the above concern.

- a. assessment of production or processing system of operator by means of visits to facilities, fields, and storage units;
- b. identification and investigation of areas of risk;
- c. review of records and accounts;
- d. at least once every three years production/sales reconciliation on farms;

**IOAS:** The spirit of 3 year checking of product vs. sales is understood. On the other hand, 3 years is a long time for a farmer to get away with perpetrating a fraud! We are in favour that some checking is done every year - even if it is a partial check on one product. Therefore we would like to see the 3 year provision removed and replaced with an explanatory note that this does not mean that all production needs to be reconciled with all sales every. We feel that the CC missed out an essential part of the KRAV comment and that was that an in depth reconciliation be done at least every three years.

The CC agrees and has clarified the issue by amending the wording of adding a Guidance to this requirement.

e. input/output reconciliation and trace back audits in processing and handling;

**IOAS:** Similar problem - does this mean an input/output and trace back of all products, or only some; at every routine inspection or at least annually? Please adjust the wording of the criterion or add some explanatory note.

This has to be performed annually at not for all products. The CC has amended the wording of the criterion to singular to reflect that only one trace back audit per year is required

**KRAV comment to 6.3.3 d+e:** We are happy with the suggested changes to a more risk based approach

e.f. interviews with responsible persons including an exit interview;

**KRAV comment:** We do not think this has to be an obligation, it should be up to the CB to define when necessary. Rationale: Efficient routine inspections could be carried out also without interviews.

The CC disagrees. It is of the opinion that this is not an onerous requirement. Additionally, it results in more transparency and mitigates misunderstandings.

f.g. verification that changes that have taken place in the standards and ~~rule~~requirements of the certification body have been effectively implemented by the operator;

g.h. residue sampling in accordance with the certification body's sampling policy;

h.i. verification that previously imposed conditions have been fulfilled.

6.3.4 The inspection, including document review, shall include non organic units where there is reason for so doing. \*See also guidance explanatory note

## **6.4 Sampling and testing** \*See also guidance explanatory notes

6.4.1 The certification body shall have documented policies and procedures on residue testing, ~~genetic testing (see 6.7.11)~~ and other analysis that shall at least include:

- a. indication of the cases in which samples shall be taken;
- b. the requirement that where use of a substance prohibited by the standards is suspected and samples may provide corroborating supporting evidence, then samples may shall be taken for analysis; \*See also guidance explanatory notes
- c. the requirement that where standards set limits on residues or contamination in products, inputs or soil, analysis shall be made as appropriate; See also explanatory notes
- d. instructions to inspectors on sampling requirements and methods;
- e. post-sampling procedures;

**IOAS:** Would appreciate an explanatory note on what is expected by the term "post sampling procedures". Please note that in our experience the sample is sometimes taken by the laboratory itself and the CB is not familiar with post sampling procedures.

The CC has removed this requirement because it feels that the issue is covered under d. Furthermore, in cases when the lab is taking the sample d. is not applicable because sampling is not at all in the hand of the certification body.

- f. indication of responsibility for payment of sampling.

~~6.4.2 Analyses shall be done by competent laboratories, (accredited laboratories, where official accreditation exists).~~

**NALA:** Don't drop this requirement! It is indeed a tricky subject what is considered as competent laboratory but we experience difficulties with reliability of results of residue analysis done by "incompetent" laboratories all the time. A guidance note to this requirement should propose what kind of accreditation is considered a proof of competence.

**IOAS:** We would welcome the reinstatement of this criterion - "Analysis must be done by competent laboratories" - without reference to accredited laboratories. There

may be some lack of definition as to what constitutes a "competent laboratory" but this does give the accreditor the possibility to ask the CB to defend the competence of their chosen laboratory if it is felt that such competence is in doubt.

The CC agrees to the comments of NALA and IOAS and has reinstated the criterion but without the requirement for accredited laboratories.

~~6.4.3 If laboratory procedures are employed, the certification body shall document the following:-~~

- ~~a. the sampling protocol;~~
- ~~b. the testing procedures;~~
- ~~c. acceptable labs used to conduct such analysis.~~

## 6.5 Inspection Report

6.5.1 Inspection reports shall cover relevant aspects of the ~~production~~ standards, adequately validate the information provided by the operator and indicate any non-conformities.

6.5.2 Inspection reports and written documentation shall indicate the applicable standard(s) and provide sufficiently comprehensive information for the certification body to make competent and objective decisions.

6.5.3 Inspection reports shall follow a decided format to facilitate a non-discriminatory, objective and comprehensive analysis of the production system.

6.5.4 Reports shall be designed to allow for elaboration and analysis by the inspector ~~in cases of partial compliance or lack of clarity in the standards.~~ GN: This shall include specific information about the input output analysis. See also explanatory notes

6.5.5 ~~The r~~Reports shall contain an assessment of risk of losing organic integrity as well as the inspector's observations regarding conformity with standards. Inspectors shall be able to make recommendations regarding nonconformities but shall not be required to make an overall judgment of whether the operator should be certified. \*\*See also guidance explanatory notes

**KRAV:** We welcome the suggested changes

**IOAS:** We would suggest that "assessment of risk with regard to loss of organic integrity" reads better in English.

The CC agrees and has amended the wording.

6.5.6 The operator shall be informed of the findings of nonconformities by the inspector in the inspection report.

**IOAS:** Unclear language. Does this mean that the inspection report should contain the non conformities identified by the inspector? Use of the phrase "certification body" is confusing - what happens if the CB later finds additional non conformities to those identified by the inspector? The wording implies that the inspection report document must be updated/corrected and sent back to the operator. Is this what is intended? Or does this criterion mean that any non conformities identified by the inspector as written in the inspection report must be conveyed to the operator by some means or other?

**CC:** So as to clarify the objective pursued in this criterion the CC has amended the wording of and altered the criterion into a Guidance to IAC 6.3.3g and has added an Explanatory Note.

## 6.6 Record of Inspection

6.6.1 The certification body shall require inspectors to record what occurred during the inspection visit. This shall at least include:

- a. date and duration of inspection;
- b. persons interviewed;
- c. fields and facilities visited;
- d. Type of document audits conducted (input/output; yield/sales; traceback etc).

**IOAS:** We would welcome the addition of some language either in the criterion or as a guidance/explanatory note regarding the need for sufficient information in the report to identify the particular audit that was done - e.g. not just a tick box for the inspector that input/output was carried out but also space for elaboration that the input/output was done on such and such a product on such and such dates.

**CC:** The CC has addressed this comment by developing a Guidance to IAC 6.5.4.

## **6.7 Additional requirements and inspection regime for particular ~~standards~~ circumstances \* See also guidance explanatory notes**

### **Conversion period**

6.7.1 The certification body shall verify full application of the standards for a period no less than that stated in the IFOAM Basic Standards, ~~prior to certification. Full application shall as a rule require active management~~ 6.7.2 Verification of full application of standards shall normally require that at least the minimum period stated in the IFOAM Basic Standards This shall take place following the application for certification- except in the case of 6.7.3 ~~\*See also guidance explanatory notes~~

6.7.3-2 Inspection shall occur during the conversion period to verify compliance with standards.

6.7.4-3 Exceptions to 6.7.2-1 above shall be on the basis of indisputable documented evidence that full application of the standards has occurred. This shall be verified by inspection. **Guidance Note:** If exceptions to the criterion 6.7.1 are granted it shall be on the basis of sound and incontrovertible evidence that full application of the standards has occurred for a period at least as long as the minimum conversion period specified in the IFOAM Basic Standards. Sound evidence shall, in addition to documentation, include an inspection visit prior to certification in which the existing and prior management system is evaluated. Affidavits and other documentary evidence shall not on their own be considered sufficient evidence.

~~\*\*See also guidance notes~~

**IOAS:** As stated previously, this standard is problematic. The exception in 6.7.3 is not an exception to 6.7.1 in its entirety but only to that part of 6.7.1 which deals with verification of full application of standards taking place after application. There is still a requirement to verify the full application of standards.

The CC does not see a possibility to make the criterion clearer and would therefore have welcomed language suggestions.

### **Split production \*\*See also guidance explanatory notes**

6.7.5-4 When split production occurs, ~~the~~ the certification program shall have additional requirements and inspection regimes ~~when split production occurs~~ to safeguard that the products are not ~~be~~ mixed or contaminated.

6.7.6-5 In cases of split production ~~the~~ the certification body shall require and verify by inspection:

~~a. that prohibited materials are stored in separate locations from those where organic products are handled; *Remark: standards, not criteria.*~~

~~b. a. that the documentation regarding the production or processing, storage and sales is well managed and makes clear distinctions between certified and not-non certified products;~~

~~e. b. that the measures taken to safeguard against the risk to the organic integrity is understood at all levels of the operation.~~

**Parallel production *\*See also guidance explanatory notes***

6.7.67 If a farm is engaged in parallel production, the certification body shall require that in addition to the requirements for split production above: *\*See also guidance notes*

~~a. a. non organic (or conversion) crops, livestock and produce and organic crops, livestock and produce are of different varieties and are visually distinguishable. Exceptions shall only be granted on a case by case basis in accordance with the requirements in 6.7.8.~~

**NALA: Wrong reference. Change to in 6.7.7**

**CC: Amended**

~~b. b. accurate production estimates are recorded and shall be checked against sales records;~~

~~e. c. the inspection includes visits to the non-organic fields and/or processing units~~

6.7.78 In cases where an exception has been granted to the requirements ~~for producers in "6.7.7a6a":\*~~

~~a. Inspections shall occur at more frequently than once a year and at critical times. This shall normally include inspections at the time of harvest or during processing. *\*See also guidance notes*~~

~~a. Inspections shall occur more frequently than once a year whether scheduled or unannounced.~~

**Genetically engineered products**

6.7.9-8 ~~Based on risk assessment T~~ the certification body shall implement a system to inspect and verify that genetically engineered organisms and their products or derivatives are not used in certified organic production and or/processing as required by the IFOAM Basic Standards. *See also explanatory notes*

~~6.7.10-9 The certification body shall make available to operators information regarding those products, varieties, species and ingredients known by the certification body to be at risk of being genetically engineered.~~

6.7.11-10 ~~9~~ For ~~each of these~~ GMO use and contamination -risk areas, the certification body shall adopt one or more of the following measures:

a. review of supplier's ~~signed~~ statements verifying that the product is not genetically engineered;

b. and/or analytical testing to defined limits;

c. and/or inspection documentation and evaluation of suppliers GMO control systems.

d. and/or other measure(s) determined by the certifier to be more appropriate than a. through c., and as defined in the certifier's policies and procedures, consistent with this criterion

~~6.7.12-11 Where the certification body identifies substantial risk of certain crops contamination with genetically modified organisms, they shall require measures to minimize it.~~

## 7 Certification Procedures

### ~~7.1~~ ~~7.1~~ **General requirements**

7.1.1 The certification body shall specify ~~conditions~~ contractual requirements under which it grants, and the procedures for granting, certification.

7.1.2 The certification body shall have procedures to

- grant, maintain, withdraw and, if ~~applicable~~ practiced, suspend certification. \*See also explanatory notes,
- extend or reduce the scope of certification,;
- re-evaluate the operation. \*See also guidance explanatory note, ~~in the event of changes significantly affecting the product's specification, or changes in the standards to which compliance of the product is certified, or changes in the ownership, structure or management of the supplier, if relevant, or in the case of any other information indicating that the product may no longer comply with the requirements of the certification system.~~

7.1.3 The documented certification policies and procedures shall include all procedural steps in processing the application, until final certification.

7.1.4 The certification body shall execute its certification ~~activities~~ in compliance with all its stated procedures and standards

The CC has moved this criterion upwards. The new number is 7.1.1

### **7.2 Certification decisions**

7.2.1 All certification decisions including the scope, ~~including those concerning the maintenance of certification,~~ shall be objectively and transparent and shall be recorded in such a way as to enable the decision to be traced back.

~~7.2.2 Compliance with standards shall result in the issue of a certification document which provides full information on the nature and validity of the certification.~~

~~7.2.3-2 Following initial inspection the c~~ Certification decisions, ~~including the scope,~~ shall be ~~recorded and clearly~~ communicated to the operator; ~~Thereafter, operators shall be kept informed about their certification status.~~ \*See also explanatory notes.

~~7.2.4-3~~ When certification is denied, withdrawn or suspended, the reasons shall be clearly stated;

~~7.2.5-4~~ If exceptions are granted there shall be criteria and procedures for granting exceptions. Exceptions shall be clearly limited in time and the rationale for any exception shall be properly recorded ~~(see also 5.4.5).~~

~~7.2.6-5~~ The certification body shall have the right to impose conditions. Where conditions require corrective actions subsequent to certification, timelines shall be imposed. Mechanisms for monitoring compliance with conditions ~~and restrictions~~ shall be in place.

~~7.2.7 In cases where the certification body has permitted an operator frequent recourse to substances or practices that are restricted in standards, conditions to minimize such usage shall be imposed.~~

~~7.2.8 When a subjective judgment is required to determine compliance these shall be based on criteria and procedures.~~

### **7.3 The certification process**

7.3.1 The procedures shall ensure that: \*See also guidance explanatory notes

- a. ~~that~~ the certification status of all operators and their production and, where relevant, the scope of existing certification, ~~beis~~ indicated throughout the certification process;
- b. ~~that~~ processing of inspection reports and certification decisions shall be done in a timely manner;
- c. ~~that~~ processing of any issue related to violations of standards shall be done with highest priority.— \*

Guidance Note: Where the certification body operates more than one certification program, the applicable scope should also be stated.

## 7.4 Certificates \*

### Certificates of conformity

7.4.1 The certification body shall issue certificates confirming conformity of a certified operation. These shall include at least:

- a. the name and address of the operator;
- b. the name and address of the certification body;
- c. the program under which the operator is certified;
- d. the scope of the certification including reference to the applicable standards, the products or product categories, and the certification status (conversion or organic) of each. \*See also explanatory notes
- e. the date of issuance;
- f. the period of validity.

### Transaction certificates

7.4.2 Where the certification body issues transaction certificates ~~itself (self-declarations)~~, or provides forms for operators to issue self declared certificates, the certification body shall ensure that certificates contain sufficient information to prevent fraudulent usage. This shall at least include:

- a. the seller;
- b. the buyer;
- c. the date of delivery and/ or date of transaction
- d. the date of issuing the certificate;
- e. a clear indication of the product and the quantity and its certification status;
- f. lot numbers and other identification (marks) of the products.
- g. reference to an invoice or bill of lading if present at the time of certificate issuance;
- h. ~~an indication of~~ the certification body and the applicable standard;
- i. a statement from the operator that the product is produced according to the applicable standards. Guidance Note: Where for logistic or other reason this is not possible at the time of issuance of the certificate, this shall be obtained and integrated into the certification body documentation within six weeks. \*See guidance notes.

7.4.3 The certification body shall take reasonable measures to verify that the information provided is correct, including verifying accumulative totals of transaction certificates issued against production estimates.

7.4.4 In the case of operator self declarations the certification body shall require that copies of issued transaction certificates be ~~retained by the operator for 5 years and be available to the CB if required.~~ Such transaction certificates shall be audited at the annual inspection.

7.4.5 Copies of all issued transaction certificates shall be stored in a manner that enables easy retrieval and audit of information on each operator.

## 7.5 Surveillance

### Frequency of scheduled inspections

7.5.1 New applicants shall be inspected upon application.-

**NALA:** Drop this new requirement! To us it is not evident what additional effect or security in surveillance this requirement would offer! We understand this requirement in the following way: A new operator will have to be inspected immediately after application (upon application) and before he can actually close a contract with the respective CB. For Naturland this is not applicable and would cause tremendous efforts and logistic problems to coordinate instant inspection of operators upon application. Naturland subcontracts its inspections to subcontracted inspection bodies and therefore coordination of inspections with the respective inspection bodies needs more time and effort. Of course it has to be secured that all new operators are evaluated before closing a contract and do not market any products before inspection and certification but Naturland has other ways of securing this. So please drop 7.5.1!

**CC:** Inspection does not need to be immediately after application. The CC has amended the wording so as to clarify the intent of the criterion.

OCIA comment on 7.5.2: We suggest removing “c” as it makes the criterion unworkable/unusable. The second sentence in “d” is unclear. Is the entire criterion not applicable to group certification? If this is the case, the sentence should have its own bullet.

**CC:** See CC response to comments on 7.5.2 d below

We also suggest that more guidance is needed for this criterion. If IFOAM wants CBs to implement this criterion consistently, they should provide some written instructions/manual answering the following questions:

- What factors should be included in a risk analysis?
- Who does the risk analysis?
- What sort of mechanisms would be necessary to monitor operators between very spread out inspections?

**CC:** In response to the questions raised the CC will suggest to the ACB’s and IFOAM to organize a workshop on this topic.

7.5.1-2 The certification body shall have a written policy on inspection frequency of already certified operators. which shall require that: inspection of certified and contracted operators and of subcontracted operators occurs at least annually;

This policy shall fulfill the following requirements.\* See also explanatory notes

**OCIA – change to:** The certification body shall have a written policy on inspection frequency of certified operators.

**CC:** Taking into account the comments below the CC has amended the wording of the lead in section.

a. the frequency and type of inspections are based on the risks with respect to the individual operator,

**OCIA - change to:** frequency and type of inspections are based on risk assessment of the individual operators

**CC:** The CC has amended the wording of this requirement.

b. the risk analysis take into account any relevant threat to the organic integrity of the production and products,

c. the total number of inspections per calender year at least equals the total number of already certified operators.\* See also explanatory notes

**KRAV comment:** We are very pleased with the amendments in 7.5.2 c. It really opens for risk based inspection and at the same it time sets a reasonable lower limit for the inspection frequency.

**OCIA:** Delete..

**AM:** I was very pleased to see this new criteria; it helps reduce redundancy, places the emphasis on risk and helps with problems of increasing costs for certification. BUT the inclusion of 7.5.2c. makes absolutely no sense and I fail to understand what the rationale might be for this requirement. It could also create a situation where some operators are unnecessarily penalised in order for a CB to make its quota of inspections. One cannot assume that just because there are low risk operations in the program there are a corresponding number of high risk operations that would require an additional inspection. Low risk and high risk should be decoupled. If the CC's rationale was related to a concern that a CB might abuse the criteria and is suggesting that it has to do a certain number of inspections to demonstrate due diligence, then there would be a much more serious problem in the CB which should/would be detected through file checks or other means rather than numbers of inspections done in any calendar year. Please delete 7.5.2c.

**CC:** The changes in the lead in section now allow choosing between annual or risk based inspections and provides therefore more flexibility in regard to choosing the most suitable approach for inspection. However, the CC feels that if risk assessment is applied the commercial interest may lead to an irresponsibly low level of inspections. The CC wants to maintain the criterion until the next revision of the criteria to mitigate commercial pressure, to further develop the concept of and develop experiences with risk assessment.

d. that no operator is inspected less than every three years. This does not apply to group certification.

**NALA:** We do not really see the advantage of the new passages of 7.5.2c and d. If the CC wants to give a CB the opportunity to inspect certain (exemplary) operators only every other year instead of annually the wording in c should not ask for an equal number of already certified operators but for maybe 90% of them. Otherwise you cannot leave an operator out without inspecting another operator twice in the same year. We understand that this requirement does not include the subcontracted operators as they are not certified directly by the CB

Until the next revision of criteria the CC would like to retain the requirement that the number of inspections equals the number of operators. See also previous CC response.

**OCIA** - change to: that no operator is inspected less than **once in three calendar** years. This does not apply to group certification.

**CC:** The CC agrees and has amended the criterion accordingly but has also deleted the second sentence. See comment and response below.

**IOAS:** The criterion states that this does not apply to group certifications. We understand this to mean that that group certifications must be inspected at least annually, both externally and internally - but this is not clear without checking the provisions of 8.3. Although repetitive, it would be useful to add a phrase that this does not apply to group certification **which must always be inspected at least annually.**

**CC:** The CC has addressed this concern by deleting the second sentence of d and by providing an exclusion of group certification in the lead in section of this criterion.

e. the certification body installs mechanisms to monitor operators to assess their risk level between very spread out inspections.

\*\*See also guidance explanatory notes

**NALA:** There is no explanatory note to 7.5.2.e. Either drop the reference here or include the respective note.

**CC:** The CC has added an explanatory note.

~~7.5.2-3~~ There shall be provisions for additional ~~scheduled~~ inspections. The criteria or circumstances ~~whenfor scheduling~~ more than one inspection ~~annually will be scheduled per year~~ shall be documented and shall be based on risk analysis taking into account factors such as ~~the type of production;~~ the operator's record of compliance; ~~and~~ complexity of production, ~~and risk of non-compliance.~~ \*\*See also guidance explanatory notes

~~7.5.3-4~~ Timing of inspections shall not be so regular as to become predictable.

#### **Unannounced ~~visits inspections~~**

~~7.5.4-5~~ The certification body shall have a documented policy requiring unannounced ~~visitsinspections. that, which includes the minimum number (percentage) At least 5% of the certified operators to be carried out shall be inspected~~ annually. This is in addition to the scheduled inspections ~~referred to in 7.5.1 and 7.5.2 above.~~ \*\*See also guidance notes

**SA:** Propose that this is amalgamated with 7.5.3 and delete the 5% requirement  
At SA Cert we undertake additional inspections (including unannounced) on a risk assessment basis taking into account the length the operator has been licensed, record of compliance, Non Compliances/ Irregularities/ Manifest infringements picked up at the last inspection etc. We then undertake the following % of additional inspections based on the risk grade:

- 25% additional inspections for Grade 5 (V high risk licensees)
- 10% additional inspections for Grade 4 (high risk licensees)
- 1% additional inspections for Grade 1 – 3 (lower risk licensees)

Again the requirement to undertake an additional 5% unannounced inspections will be a huge barrier to us amalgamating both programmes.

**CC:** The CC wants to maintain the 5% until more clarity on the risk assessment. The risk levels in the different groups in the SA system can be upgraded in such a way that it meets the 5%. The 5% is more important if related 7.5.3.

~~7.5.5-6~~ Certification bodies shall secure the rights to conduct ~~such~~ unannounced ~~visitsinspections.~~ **Guidance note:** This should be included in agreements or other documentation signed by the operator. \*\*See also guidance notes

~~7.5.6-7~~ Unannounced inspections shall normally be without any forewarning. However certifiers may define alternative definitions for particular circumstances where this can be justified. The definition shall address the purpose that the possible forewarning shall not be so extensive as to allow for the operator to correct substantial nonconformities.

**KRAV comment:** The amendment is a good solution – it gives the certifier the possibility to have a contact with the operator before the “unannounced” visit, to make sure that the inspection is possible to conduct, when this is necessary.

~~7.5.7-8~~ The basis for selection of operators to be subject to ~~such unannounced~~ inspections shall be defined and include both random and targeted selection.

~~7.5.8-9~~A record of unannounced ~~visitsinspections~~ shall be maintained.

#### **Notification of changes in licensee's operation and extension of scope.**

~~7.5.9~~ ~~The certification body shall have procedures for extensiong and updating certification,~~

7.5.10 The certification body shall require ~~the operators to sign contracts, agreements or affidavits obliging them to notify it the certification body of any~~ give notification of significant changes such as modification to the products, the manufacturing process, extension of acreage, or changes to management, or ownership. \*See also guidance notes

7.5.11 The certification body shall ~~have procedures for assessing~~ assess the announced scope changes ~~as well as procedures for re-inspection when necessary and have criteria for inspection or alternative action.~~ \*See also guidance notes. ~~The operator shall not be allowed to release certified products resulting from such changes until the certification body has notified the operator accordingly.~~ Remark: Deleted sentence moved to guidance notes.

**Guidance Note:** The operator should not be allowed to release certified products resulting from such changes until the certification body has granted permission.

## **7.6 Use of licenses, certificates and mark certification marks of conformity**

7.6.1 The certification body shall exercise control over the use of its licenses, certificates and ~~and marks of conformity (logo, seal certification marks), including a requirement for pre-approval of labels.~~

7.6.2 A certification body may permit its mark to be applied by a non-licensed party (contracted operator or seller) on behalf of a licensee provided:

- a. the non-licensed party is certified by another CB that is accepted under 9.2.1
- b. the licensee has a system for control of the label use that is regulated by contract and that this system is verified by the licensee's CB
- c. the CB of the non-licensed party agrees to control and verify label use

~~7.6.2-3~~ The certification body shall have documents which demonstrate its ownership or control of the certification mark, when such a mark exists.

~~7.6.3-4~~ The certification body shall establish ~~rule~~requirements concerning the use of its ~~mark certification mark~~ or other reference to the certification. These criteria shall require that the operator only makes claims regarding certification which are consistent with the scope of the certification that has been granted.

~~7.6.4-5~~ Certification bodies shall actively investigate ~~suspected cases of fraud~~ fraudulent situations of which they gain knowledge.  
CC amended:

~~7.6.5-6~~ Incorrect references to the certification system or misleading use of licenses, certificates or ~~mark certification marks~~ shall be dealt with by suitable remedial actions.

~~7.6.6-7~~ The certification body shall have documented ~~detailed~~ procedures for responding to use of its name or ~~mark certification mark~~ or certificates by uncertified parties. Such procedures shall include all steps and include the possibility of legal action.

~~7.6.7-8~~ The certification body shall have documented procedures for withdrawal and cancellation of contracts, certificates and certification marks. These procedures shall require the operator to discontinue use of ~~certifications~~ and certification marks.

~~7.6.8-9~~ Certification bodies shall ensure that corrective actions related to misuse of licenses, certificates and ~~mark certification marks~~ have been effective.

## **7.7 Sanctions**

**OTA – Comment on section 7.7:** This section has some confusing changes in terminology, and though you state that you are using “infringement” throughout, “infraction” sometimes appears. We would prefer the term “infraction,” and point out

that the NOP uses the terms “major non-compliance” and “minor non-compliance.” Whichever term is used, it should be used consistently throughout, and we suggest including a definition as well.

**IOAS on 7.7.1 to 7.7.5:** Suggest consistency in the uses of the terms "infringements" and "infractions". In at least one national regulatory system, these terms are defined, with an infraction being more serious than an infringement. In another regulatory system, manifest infringement is a defined term. Therefore the use of these terms in these criteria could be confusing. Non conformity might be a clearer alternative.

**CC:** So as to improve the consistency of the terms used in the of the document the CC decided to use from now on the term “Non-Conformity” for situations were the requirements of a standard are not met and the term “Violation” for breaches of requirements other than standards. Therefore, the CC has added respective definitions of both terms and has adjusted the wording in the criteria accordingly.

7.7.1 The certification body shall have a documented range of sanctions including measures to deal with minor ~~infractions~~infringements of the standards. Guidance Note: The certification body will make the determination of whether an infringement of the regulations is minor. Minor infractions do not, by themselves, preclude the certification or continued certification of an otherwise qualified organic operator. The certification body would be free to modify the time period for correction should it believe it to be appropriate. Infractions of the standards are considered “minor” only if they do not:

- Compromise health or safety of workers, or
- Involve flagrant violation of Standards.

Typically, minor infringements result from shortcomings in record keeping. Minor infractions may be considered to be flagrant if they are not addressed within a year of being identified. \*See also guidance notes

**ICS:** The last two sentences should be called a guidance note.

**CC:** They are already guidance notes.

7.7.2 Documented procedures for imposing ~~such measure~~sanctions shall be in place.

7.7.3 Where an infringement, that affects ~~the~~ organic integrity is found, the certification body shall require that the certification mark or any other indication of ~~the~~ certification is removed from the entire production run or product affected by the infringement concerned.

7.7.4 Where a serious ~~violation~~infringement is made by the operator, the certification body shall withdraw certification from the operator for a specified period.

7.7.5 The certification body shall have procedures for immediate ~~withdrawal~~suspension of certification in cases where the inspector detects manifest infringements or fraudulent activity. Guidance Note: This may include immediate withdrawal by the inspector as an emergency measure especially where fraud is suspected or where this is required by law, provided this is ratified by the certification body at the earliest possibility. \*\*See also guidance notes.

~~7.7.6 A record of sanctions imposed shall be maintained in line with criterion 45.4.5~~

~~7.7.7-6 The reasons for sanctions must shall -be clearly- provided to the operator.~~

## 7.8 Appeals

**OTA** – Comment on Section 7.8: We would like to see a bit more extensive requirements for an appeals process, at least in general terms. In particular, we

believe that some process such as outside mediation should be available if an internal appeal fails.

CC: The IAC cannot make prescriptions for areas where the law of the land is paramount as it is usually the case for mediation.

7.8.1 The certification body shall have procedures for the consideration of appeals against its certification decisions. ~~to grant or remove certification.~~ *\*See also guidance explanatory notes*

7.8.2 Appeals ~~and complaints~~ shall be dealt with in a timely and efficient manner

7.8.3 When an appeal is decided, a documented resolution shall be made and forwarded to the appellant

7.8.4 The certification body shall:

- a. keep a record of all appeals ~~(see also 5.4.5);~~
- b. take appropriate subsequent action;
- c. document the action taken and its effectiveness

## ~~7.9 Complaints to certified processors and handlers~~

~~7.9.1 The certification body shall require that the operator takes appropriate action on complaints related to the compliance with certification requirements.~~

~~7.9.2 The certification body shall require the operator to keep a record of the above complaints and the corrective action taken (see also 5.4.5).~~

## ~~7.10.9 Risk Reduction between certifiers~~

### ~~Dual or multiple certification~~

~~7.10.19.1 The certification body shall require operators to notify it if they are certified by other parties for of all previous and current certifications within the same scope. The certification body shall inquire of the former communicate with the other certification body to ascertain if there were any major issues. if there are any issues indicating problems. Alternatively the certification body shall require the operator to submit the most recent certification decision issued by the other certification body.~~

~~7.10.2-9.2~~ In cases of dual or multiple certification with the same certification scope, the certification body shall supply the other certification body (or bodies) with copies of transaction certificates or information regarding sales and inform them in event of decertification. The certification body shall request the same information from the other certification body (or bodies).

~~7.10.1 The certification body shall require the operator to notify it if operator is certified by other certification bodies for the same scope.~~

~~7.10.2 In cases of dual or multiple certification with the same certification scope, the certification body shall supply the other certification body (or bodies) with copies of transaction certificates or information regarding sales and inform them in event of decertification. The certification body shall request the same information from the other certification body (or bodies).~~

~~7.10.3 The certification body shall require operators to notify it of all previous certifications within the scope. The certification body shall communicate with the previous certification body to ascertain if there were any major issues.~~

## ~~7.11-10~~ **Changes in certification requirements**

~~7.11-10.1~~ The certification body shall ensure that each certified operator be notified of changes in the ~~relevant procedures~~certification requirements without unnecessary delay.

~~7.11-210.2~~ The certification body shall ~~have procedures for the verification of~~ verify the operator's implementation ~~in a timely manner.~~ of the required changes.

## **8 Inspection and Certification for ~~particular~~ Specific ~~circumstances~~ Circumstances or ~~s~~ Scope**

### **8.1 Certification of wild products**

**OTA Comment on Section 8.1:** We believe that the requirements delineated in this special product category should be addressed by the standards, not as a part of the certification or accreditation process.

**CC:** All the requirements in this section refer to the inspection regime and are therefore criteria and not standards.

8.1.1 If the certification body includes wild product within ~~their~~its certification scope, ~~they~~it shall have documented requirements and an inspection regime that at least requires that:

~~a. The operator managing the harvesting or gathering of the products shall be clearly identified~~

~~b.~~a. the operator issue instructions to the collectors and any local agents (middlemen), that at least defines the area of collection and informs them about the standards and other requirements for certification; **Guidance Note:** The collectors should sign statements that they have followed the instructions.

**KRAV comment:** It's not always possible to have the collectors to sign a statement. Especially in countries that have been in war, the fear for authorities and how the signed documents will be used, is large for many of the producers. In such cases oral agreements has to be enough.

**CC:** This is a Guidance and therefore allows for exceptions.

~~c. the collectors sign statements that they have followed the instructions;~~

~~d.~~b. the operator has records of all collectors, and the quantities bought from each collector;

~~e.~~c. any middlemen be under contract to the operator; \*\*See also guidance explanatory notes

~~f.~~d. the area of production be properly identified on appropriate maps, and be large and distinct enough to reduce the risk of commingling with non certified production.

~~8.1.2 The certification body shall require that the responsible operator be subject to all the normal certification requirements.~~

8.1.3 The inspection regime shall at least include:

a. document check

~~g.~~b. interviews with the collectors, or a representative sample;

~~h.~~c. visit to an appropriate proportion of the certified area;

~~i.~~d. visits to and interviews with an appropriate proportion of ~~any~~ middlemen;

~~j.~~e. gathering of relevant information about the area of collection from interviews of landowners and other parties (environment agencies, NGOs etc.).

### **8.2 Approval or Certification of inputs** \*\*See also guidance explanatory notes

Approval systems for brand name inputs

8.2.1 Where a certification body issues lists or in any other way approves brand name products without formal certification it shall document at least the following measures:

- a. the application procedure, including the necessary documents to be submitted by the applicant;
- b. the procedure to be followed in evaluating the products compliance with the certification body's standards;
- c. the decision making authority;
- d. the length of time for which approval is granted and the requirements for the manufacturer to report changes in composition or other relevant factors;
- e. a clear statement of the nature and guarantee of the approval which ~~statement~~ shall appear in the listing. **Guidance Note: The statement should include the limitations of the approval - for example that it does not imply effectiveness of the product\*\*~~See also guidance notes.~~**

8.2.2 The certification body may receive payment for its work in assessment but shall not receive any non-work related payments such as advertising endorsement payments.

8.2.3 Approval systems shall not allow for any indication of the approval on the product itself.

#### **Certification of brand name inputs**

8.2.4 Where a certification body issues certificates or allows the use of its certification mark on input products, in addition to the measures in ~~78.2.1~~ above, the certification body shall document the inspection and certification procedures. This shall clearly indicate:

- a. the inspection frequency which may be less than annual but no less than once every 3 years;
- b. the requirements other than the composition of the product that will be checked during inspection and evaluated in making the certification decision. **Guidance Note: The inspection should verify compliance with relevant standards such as those related to separation of product, pollution resulting from the process and contamination\*\*~~See also guidance notes~~**

~~8.2.5 The markcertification mark used in 8.2.4 may not be the same logo as used for identification of organic agricultural products or suggest that it is organically produced (from biological origin) unless it is. In cases where the product is not a certified agricultural organic product, the certification mark may only be used when it is accompanied by explanatory language that clarifies the nature of the certification/approval.~~

### **8.3 Group Certification of smallholder groups ~~\*\*See also guidanceexplanatory notes~~**

OTA Comment on Section 8.3: This section is an excellent framework for a realistic group certification process, and we support the revision to make it apply to groups of producers of the same type of product in any region. A small editing suggestion as follows:

KRAV welcome the rewritten text about Group certification. It is good that this hope that this open up for local authorities and their preschools, school kitchens and hospital kitchens to get a group certification, and for other types of production where the requirements may be fulfilled.

8.3.1 Certification bodies that ~~do not require annual inspection of certify individual growers in smallholder~~ groups that use internal control systems shall have policies and procedures to verify compliance of the group and the individual growersgroup members. The policy and procedures shall at least comply with the following criteria

**OTA – change to: Certification bodies that certify groups that use internal control systems must have policies and procedures to verify compliance of the**

**group and the individual group members. The policy and procedures must include at least the following criteria:**

**CC:** The CC adheres to the current wording

### Scope

**IOAS comment on 8.3.2:** There are references to large and atypical units (guidance note a) and large farm and processing units and traders (c) which say that they may not be in grower groups and must be inspected annually. This is at odds with 7.5.2d which states that there must be inspection at least once every three years based on risk analysis. 7.5.2d states that this does not apply to group certification but neither do the units specified in 8.3.2

**CC:** 7.5.2 now allows for annual inspection. The CC has deleted the respective guidance note in 8.3.2 and has amended the wording of 8.3.2c (now 8.3.2b) so that it now refers to IAC 7.5.2.

8.3.2 The certification body shall limit the scope of such systems to groups that fulfill the following criteria:

**OTA – change to: The scope of such systems must be limited to groups that fulfill the following criteria:**

**CC:** The CC adheres to the current wording.

a. the group shall be constituted of operations with similar production systems.  
**Guidance note:** Atypical production units shall not be included in the inspection arrangements for such groups and shall be inspected annually by the certification body and be individually certified.

**NALA:** The reference to explanatory note 8.3.2a is missing

**CC:** The CC has inserted the missing reference and slightly amended the explanatory note.

b.

c. Large farming units, processing units and traders shall not be included in the inspection arrangements for such groups and shall be inspected annually by the certification body. Simple processing and storage units may be included; <sup>\*\*See also guidance notes</sup>

**KRAV** suggests that 8.3.2.c is dropped, as it is clear from section 8.3.2.a Guidance note that atypical production units shall not be included in the group certification. But please add to the 8.3.2 a Guidance Note: “However, simple processing and storage may be included in groups mainly consisting of other operators.”

**CC:** Instead of deleting 8.3.2 c the CC deleted the guidance note to 8.3.2.

d. smallholdings within the group members are in geographic proximity;

~~arge farming units, processing units and traders shall not be included in the inspection arrangements for such groups and shall be inspected annually by the certification body and be individually certified. Simple processing and storage units may be included.\*~~

**NALA comment:** Makes no sense (only heading and not text)

**CC:** The CC has improved the wording for clarification.

e.e. the group shall be large enough and have sufficient resources to support a viable internal control system that assures compliance of individual ~~operators~~ **members** with production standards in an objective and transparent manner; <sup>\*\*See also guidance explanatory notes</sup>

d.f. the group shall have coordinated marketing, ~~to enable oversight of the product flow.~~

**NALA:** Don't drop the second part of the sentence “..to enable oversight of the product flow” but keep it as a guidance note or explanatory note.

**CC:** The CC does not agree to the proposal because it feels that the second part of the sentence is redundant because it does provide any further explanation of the requirement.

### General requirements

8.3.3 The policies and procedures for ~~smallholder~~ group certification systems shall require that at least:

a. the certified entity shall be the group as a whole. This means that individual ~~operators~~ group members may not use the certification independently (by marketing as individual producers outside of the group)

b. an effective and documented internal control system shall be in place. **Guidance note:** The system shall include a documented management structure of the internal control system\*\*See also guidance notes.

c. documented inspections of all group members for compliance with production standards shall be carried out by the internal control system at least annually. \*\*See also guidanceexplanatory notes

**AM:** Add? See also 8.3.13b. I am wondering if the requirement of an annual inspection by the internal control system of a group would be challenged given that 7.5.2 would allow for the annual inspection requirement to be removed for low risk operators. Would not the same logic apply or is it that the two types of annual inspection would be recognised as significantly different because they apply to quite different situations.

**CC:** Both types of annual inspection are significantly different. The changes made to 7.5.2 have clarified this potential loophole.

8.3.4 The certification body shall require the management ~~body~~ of the group to sign a written contract specifying the responsibilities of the group and of the internal control system. This shall include the requirement that the management obtain signed obligations from all ~~operators~~group members to comply with the standards and to permit inspections.

8.3.5 The certification body shall ensure that all ~~operators have~~group members have access to a copy of the standards or the relevant sections of standards presented in a way adapted to their language and knowledge.

8.3.6 The certification body shall maintain and enforce a set of minimum requirements of the group in order to undertake the certification.\* **Guidance Note:** The following are considered essential requirements, although a certification body may list additional requirements.

- There are competent personnel implementing the internal control system.
- The core documentation is complete, which includes:
  - complete farm or site maps/sketches
  - a complete list of group members
  - farm/field records
  - signed member agreements
  - yield estimates
- The internal inspection protocol is described & implemented.
- A monitored and documented conversion period is in place.
- A mechanism to remove non-compliant farmers from the Growers' List is in place and executed.
- There are procedures to accept new members
- Risk assessment

\*\*See also guidance notes

**KRAV:** 8.3.6 In the Guidance Note the 2nd, 4th and 5th bullets are only applicable for groups of farmers, this has to be indicated or the in case of bullet number 5 re-written to fit also to other types of organic production

**CC:** The CC has improved the wording.

**External Inspection by the certification body**

8.3.76 Annual (or more frequent) external inspection of the group shall be carried out by the certification body.

~~8.3.98 The certification body shall assign only these inspectors who have had specific training on inspection of internal control systems or who can otherwise document competency in such inspection.~~

~~8.3.879 The inspection visit shall include an assessment of the internal control system, of its effective application and of compliance with the standards. The inspection visit shall include both an evaluation of the effectiveness of the internal control system and inspection for compliance with the standards and an evaluation of the effectiveness of the internal control system.~~

8.3.10 The inspection shall include an assessment of the risks to organic integrity within the grower—group itself and the environment in which it functions. **\*See also guidance explanatory notes**

~~8.3.118 Re-inspection of a sample of operatorsgroup members shall be undertaken to fulfill both the functions evaluate the effectiveness of the internal control system in 8.3.7~~

~~8.3.129 The percentage of operatorsgroup members subject to re-inspection shall take into account the results of the risk assessment the number of operations involved and their size as well as the degree of uniformity, the production system and the management structure. The certification body shall specify how it determines the number of growersgroup members to be re-inspected.\*See also guidance notes. In cases of groups with less than 1000 operators this shall not be less than 5% or 6, whichever is the higher. In cases of groups with more than one thousand operators this shall not be less than 5% or 100, whichever is the lower. **Guidance Note:** The IFOAM Accreditation Program accepts the ISO 62 Square root approach, which is based on a simple formula ( $x=\sqrt{y}$ ). The following table is derived from this approach. Note that these are minimum number of re-inspections. Additional inspections may be added and should be added when necessary.~~

<u>Minimum amount of growers to be inspected by external inspectors</u>			
<u>Number of group members</u>	<u>Normal risk factor 1</u>	<u>Medium risk risk factor 1,2</u>	<u>High risk risk factor 1,4</u>
<u>Minimum</u>	<u>10</u>	<u>12</u>	<u>14</u>
<u>50</u>	<u>10</u>	<u>12</u>	<u>14</u>
<u>100</u>	<u>10</u>	<u>12</u>	<u>14</u>
<u>200</u>	<u>14</u>	<u>17</u>	<u>20</u>
<u>500</u>	<u>22</u>	<u>27</u>	<u>31</u>
<u>1000</u>	<u>32</u>	<u>38</u>	<u>44</u>
<u>2000</u>	<u>45</u>	<u>54</u>	<u>63</u>
<u>5000</u>	<u>71</u>	<u>85</u>	<u>99</u>

~~Certification bodies must have written rationale for other approaches to calculating re-inspection rate.~~

**KRAV comment:** 8.3.9 it is good that the percentages of re-inspection has been taken away. However, the inclusion of table of the ISO 62 square root approach causes confusion. Is it a recommendation to follow the table or is an obligation? The problem is for small groups number of external inspections asked for is large. 10-14 re-inspections is muck for a group of less than 50 members which runs a ICS as well.

This causes unnecessary trouble for the introduction of group certification for other types of operations than grower groups. Let the CB define and motivate the number of re-inspection also for small groups!

**CC:** As this is guidance the certification body has the flexibility define lower numbers. See also remark underneath the table.

### Evaluation of the Internal Control

8.3.13~~0~~ In evaluating the internal control system the certification body shall assure that:

- ~~a~~ a all internal control documentation is in place
- ~~a.b~~ a.b internal inspections of all ~~operatorsgroup members~~ have been carried out at least annually;
- ~~b.c.~~ b.c. new ~~operatorsgroup members~~ are only included after internal inspections, according to procedures agreed with the certification body;
- ~~b.d.~~ b.d. ~~sample inspections (see 8.3.8) shall be carried out with the relevant documents from the internal control at hand, and the methods and results of the internal control shall be compared with the results of the inspection to determine whether the inspections of the internal control system have adequately addressed the compliance of operators;~~
- ~~e.d.e.~~ e.d.e. instances of noncompliance have been dealt with appropriately by the internal control and according to a documented system of sanctions;
- ~~d.e.f.~~ d.e.f. adequate records of inspections have been maintained by the internal control system;
- ~~e.f.g.~~ e.f.g. internal records match the findings of the certification body's own sample inspections;
- ~~f.g. h~~ f.g. h the ~~operatorsgroup members~~ understand the standards.

8.3.14 Sample inspections (see 8.3.8) shall be carried out with the relevant documents from the internal control at hand, and the methods and results of the internal control shall be compared with the results of the inspection to determine whether the inspections of the internal control system have adequately addressed the compliance of operators.

**NALA:** Isn't this basically the same as the requirement under 8.3.13g? You may include the requirement that the external inspector should have the respective records from the internal inspection at hand when performing his own external inspection as a guidance note to 8.3.13g.

**IOAS:** An explanatory note explaining the difference between 8.3.13g and 8.3.14 would be useful. The IOAS understands that the former refers to records such as numbers and acreages etc. correlating and the latter refers to the findings of external inspection reports matching the internal ones.

**CC:** The CC agrees and has therefore deleted 8.3.13g. Furthermore, the CC has amended the wording of IAC 8.3.14.

~~8.3.14~~15 The evaluation shall include (a) witness audit(s) of internal control inspections. i.e. the inspector shall witness a number of internal control inspections. See also explanatory notes.

### ~~Grower~~ Group Records

~~8.3.15~~2 In addition to certification records of the groups as a whole, the certification body shall maintain basic data on all operators.

~~8.3.16~~3-15 16 Certification bodies shall have a standardized form to be completed and updated by the ~~smallholder~~ group management. **Guidance Note:** The form shall include identification, name, location (at least on an area map), year of entrance into the certification

~~system, date of last internal and external inspection, number of hectares, cash crops, and yield estimates; in the case of processor type of <sup>\*See also guidance notes</sup> The form shall include identification, name, location (at least on an area map), year of entrance into the certification system, date of last internal and external inspection, number of hectares, cash crops, and yield estimates.~~

### **Responsibility and Sanctions**

8.3.~~17417~~ The certification body shall hold the group as a whole (the certified entity) responsible for compliance of all operators.

8.3.~~185-18~~ The certification body shall have a clear sanctions policy in event of noncompliance by the group and/or its ~~operators~~members. Failure of the internal control system to detect and act on noncompliances shall invoke sanctions on the group as a whole. This shall also include provisions for withdrawal of certification from the group where the internal control system has been found to be ineffective.

## **9 Acceptance of prior certification**

**OTA:** We agree with the basic concept embodied in this section, which ends the necessity of every ingredient in a multi-ingredient product being certified under an IFOAM accredited program. However, in allowing an individual certification body to set up its own criteria for reviewing and accepting products certified by other programs as equivalent, we see the need to make the limits of this process clearer. Without such limits it is possible for every certification program to become its own de facto accrediting body—thus creating the “hall of mirrors” effect, where everyone must have the capacity to review and approve the operations of its peers. We do not have specific language to suggest, but perhaps for the time being it would be helpful to insert some commentary in the guidance that clarifies that this situation is not the intent of this section.

**CC:** The CC feels the criteria is specific enough to preclude the eventuality that the commenter suggests.

### **9.1 General requirements for all methods of acceptance <sup>\*See also guidance explanatory notes</sup>**

**Guidance Note:** These requirements may also be applicable where a certification body operates more than one organic certification program according to different standards. In such cases, the acceptance of products certified under one program for use by operators under the IFOAM accredited program shall be subject to the criteria in so far as a document review to check compliance with the appropriate standards is necessary.

9.1.1 The certification body shall take full responsibility for recognizing the certification as equivalent to its own.

~~9.1.2 The certification body shall ensure that any accepted product has been subjected to equivalent requirements as product certified by itself.~~

9.1.~~3-2~~ Acceptance of prior certification on the basis of the criteria in 9.2 and 9.3 shall only be for acceptance of product for use by the certification body’s own operators and shall not confer certification status to the operator supplying the product. Acceptance of prior certification of operators seeking certification status shall only be granted on the basis of the criteria in 9.4. <sup>\*See also guidance explanatory notes</sup>

9.1.~~4-3~~ The procedures and responsibility for granting recognition shall be clearly documented

## 9.2 Acceptance of product based on recognition of a certification program -body

9.2.1 The certification body shall maintain a formal register of recognized certification ~~bodies~~programs.— The register shall be subject to periodic review and updated when necessary and shall be available on request.

**KRAV** - We suggest a new wording: “The certification body shall maintain a formal register of recognized certification bodies and the recognized programmes they operate.

**Rationale:** both the recognize CB and their recognized programmes need to be specified., as a CB may run different programme and an organic certification programme (like EEG 2092/91) may be run by different CB.s).

**CC:** The CC agrees and has amended the criterion accordingly.

9.2.2 Inclusion in the register shall only be on the basis of at least one of the following:

a. IFOAM accreditation;

b. ISO 65 accreditation with an organic certification scope carried out by an accreditation body that participates in a peer review system. The certification body shall verify equivalency of standards and additional aspects by these criteria which are not covered in ISO 65. Certification bodies shall obtain and assess the protocol for acceptance of prior certification practiced by the recognized certification body.

**IOAS:** 2nd sentence - should this be "additional aspects of these criteria"? If, not then it is not clear what is meant.

**CC:** The CC agrees and has amended the criterion accordingly.

**Guidance note:** The assessment and decision to include a certification body on the register shall be documented. 9.2.2b Verification of equivalence shall include elements such as the requirements for:

- Chain of custody (Section 2.3.2-2.3.8)
- Contracted production (Section 2.3.9-2.3.14)
- Inspection visit procedures (Section 6.3)
- Parallel and split production (Section 6.7)
- Genetically engineered products (Section 6.7)
- Group Certification if applicable (Section 8) \*See also ~~guidance~~explanatory notes

**SA/KRAV comment:** The guidance note shall be dropped, as it is too detailed. It shall be possible to accept CBs accredited to ISO 65 with an organic certification scope, if the accreditation is done by a competent accreditation body as section 9.2.2 requires

**CC:** The CC disagrees. ISO 65 does not fully cover the issues addressed in organic certification. This guidance is necessary to ensure that those issues are addressed.

**NALA:** In the guidance note: Change certification body to **certification program**

**CC:** This comment has been addressed through the changes of IAC 9.2.1

~~b-c.~~ An assessment of equivalency to IFOAM norms based on a recent and adequate evaluation visit and report conducted either by the -certification body granting acceptance or by an appropriate third party. The assessment shall include the equivalency of policies and procedures; relevant ~~production~~ standards and the performance of the other certification body ~~as noted during the visit~~. The assessment and decision to include a certification body on the register shall be documented, ~~and shall show that criteria equivalent to these criteria have been used.~~

**NALA: Include guidance note to what is considered an “appropriate third party”**

The CC has incorporated a new Explanatory Note explaining the term 3<sup>rd</sup> Party.

~~e.d. An equivalent accreditation, performed by an IFOAM accreditation body, including those other bodies that it recognizes, contracted to perform IFOAM accreditation or an accreditation body with whom the contracted body has signed an agreement. Where such accreditation does not include assessment of compliance with the IFOAM Basic Standards, the certification body shall conduct a standards equivalency assessment.; including standards, inspection and certification procedures and evaluation reports, shall be kept~~

An accreditation can be considered equivalent by either

- IFOAM has determined that another accreditation is equivalent to IFOAM

Accreditation.

- The IFOAM accreditation body has determined that another accreditation is equivalent to IFOAM Accreditation.

**KRAV:** Let the CB.s decide if an accreditation is equivalent or not! There need to be a motivation for such a decision which can be evaluated by the accreditor.

**CC:** The CC is of the opinion that it is not appropriate to let a CB decide if an accreditation is equivalent.

**NALA:** Wording unclear: “The IFOAM accreditation body” – is that the IOAS?

**CC:** It is the body conducting IFOAM accreditation.

[e. A close cooperation between the two organizations which has given the certification body full insight in the operations of the other body. Guidance: The CB shall demonstrate that it has worked for a long enough period and closely enough for guaranteeing the competence of the accepted CB.]

**NOTE from the CC:** The CC is disinclined to include it and has therefore kept this new section in brackets but wants to invite comments – especially from the ACB’s – on this issue.

**SA:** I do not think that the suggested criteria in brackets in 9.2.2 should be included.

**KRAV:** KRAV supports the thought that close cooperation with a CB, which has given the CBs full insight in each others way of operation for the areas where you cooperate, may be a ground for recognition of each other. In reality we think this possibility will not be considered for long time between established certifiers, but it is an efficient alternative during establishment of new CB:s.

**NALA:** We think that e is not necessary since if there has been a long cooperation between two certifiers with deep insight into all procedures of that certifier an evaluation as mentioned under 9.2.2c should not pose too many difficulties. Section e wording is not defined enough and may bear the risk to have programs accepted that the majority of ACB’s would not agree on as equivalent. Drop this section e.

**IOAS:** If such a criterion were to be adopted, it needs more detail on what would constitute a sufficiently close relationship.

**ICS:** 9.9.2e - ICS prefers that this not be included in the criteria. While we (like most if not all certifiers, we presume) trust ourselves to make such determinations for our own dealings, we participate in an accreditation program so that we can rely on a third party to have oversight over us and other accredited bodies. The proposed entry

seems to undermine the role of the accredit in potentially significant and destructive ways.

**CC:** For the time being there is not enough support to include the wording. The CC therefore refrains from incorporating the requirement. However, it could be reconsidered in the future but some clarification is needed: How is transparency achieved, what constitutes a close relationship? The same aim could maybe also be achieved with a completely different proposal.

~~9.2.3 Documentation of the registered certification bodies, including standards, inspection and certification procedures and evaluation reports, shall be kept~~

~~9.2.4-3 A comprehensive contract (unilateral, bilateral or multilateral) with recognized certification bodies that regulates the obligations of the parties shall be drawn up. The contract shall at least contain the following provisions: *\*See also guidance explanatory notes*~~

- a. the scope of the mutual recognition, specifying the applicable programs of the certification bodies and any exclusions;
- b. the procedures and conditions for how a product certified by one party will be accepted by the other;
- c. obligation to inform the other party in case of loss of accreditation or approval by regulatory authorities;
- d. the obligation for parties to inform each other of major program or standards changes

**Guidance Note:** In addition to the requirements listed, the contract should also contain the right to review the other party's performance; the right to have access to relevant information; regulation of confidentiality and dispute settlement provisions.

**KRAV comment:** Drop the Guidance Note, and include in 9.2.4 d "...and have access to other relevant information".

**CC:** The CC agrees to proposal also considering that the multilateral agreement asks that other signatories provide information upon request.

### **9.3 Acceptance of product based on document review**

9.3.1 In the absence of an equivalency agreement or contract of recognition, the certification body shall only accept previous certification on a case by case review of the product in question.

9.3.2 The basis of the acceptance shall be an assessment of the information contained in the ~~previous-last~~ inspection report, last ~~inspection-certification~~ decision and other ~~relevant~~ documents against the standards and certification requirements of the accepting certification body. Acceptance may only be granted if steps have been taken with the other responsible certification body to ensure that the information is accurate, complete and up to date and that no ~~late subsequent~~ infringements have occurred. **Guidance Note:** In conducting document review for purpose of accepting product previously certified by another CB excluding all those in the register made up under 9.2. the last inspection report shall be obtained for each ingredient and a risk analysis conducted to determine if further reports must be obtained and reviewed in addition. *\*see also guidance notes*

**SA –and KRAV Amend to:** To accept products or ingredients certified by a certification body who you don't have a contract with as detailed in 9.2, you must check the equivalence for each product or ingredient by:

Making an assessment of the certifier and their standards.

If you decide that ingredients may not be equivalent following this assessment you must:

Obtain and assess inspection reports, certification decisions and other relevant documentation.

You can only accept products or ingredients if the information used for your assessment is accurate, complete and up to date.

*SA Rationale:* Obtaining the last inspection report for document review for each ingredient is going to remain a significant barrier for us still with regard to product acceptance. If you have done your risk analysis on the standards used by the other Certification Body initially you may find there is no need to obtain the inspection report if the standards that they operate are equivalent. If the risk analysis undertaken does not clarify if the product is equivalent then you must obtain the last inspection report.

Otherwise to require that every inspection report for each ingredient will be seen as overly bureaucratic and to be honest a pointless exercise. If you know that the CB operates to equivalent standards what are you going to be looking for in the inspection report? I would really appreciate if the Criteria Committee could answer this question for me if they are intent on leaving this criteria as it stands.

As i stated before the risk analysis is the important function in the first instance rather than the inspection reports. If the risk analysis reveals there is any possibility that products/ ingredients are not equivalent this is the stage inspection reports become important and should be obtained. Without this amend you could potentially still end up requiring hundreds of inspection reports which are not needed – eg a flour miller who purchases wheat direct from hundreds of farms. If a risk analysis had been undertaken and products deemed equivalent there would be no need to obtain the reports. Again i would really appreciate the Criteria Committee to consider this scenario. Is the intention really to require all these inspection reports to be obtained, because unless the criteria is amended this will be the situation.

I would like to clarify to the CC that not only should the initial risk assessment include whether the standards the CB uses are equivalent but also the competence of the CB (ie ISO 65 compliant etc). This may need to be included in a guidance note.

*KRAV – Reason for this:* Obtaining the last inspection report for document review for each ingredient is going to remain a significant barrier for us still with regard to product acceptance. If you have done your risk analysis on the standards used by the other Certification Body initially you may find there is no need to obtain the inspection report if the standards that they operate are equivalent. If the risk analysis undertaken does not clarify if the product is equivalent then you must obtain the last inspection report.

To require inspection reports when not needed is simply wasting time, costs and work. The risk analysis is the important function in the first instance rather than the inspection reports. If the risk analysis reveals there is any possibility that products/ ingredients are not equivalent this is the stage inspection reports become important.

CC response to KRAV and SA: 9.3 becomes only relevant if 9.2 does not work out. 9.2 is amended to make it more flexible, which solves part of the problem (making an assessment of the CB and their standards). Also the guidance note of 9.3.2 (which requires only the last inspection report for the ingredients of a multi ingredient product) creates more flexibility. If the inspection is not adequate, it brings into question the value of the certification. CC disagrees to the proposal because this could easily be used to create another hidden list of accepted programs.

9.3.3 ~~Minor ingredients~~ Ingredients that constitute less than 10% of the total weight of the product may be accepted on the basis of being certified by a certification body that has been approved by its government or has been accredited by a national accreditation body for the scope of organic certification. The total of all ingredients accepted on this basis shall not exceed 20% of the total weight of the product.

**OTA:** We note that at least one commenter strongly opposed this provision. OTA wishes to support its inclusion, in the interest of reducing burdensome documentation requirements for product ingredients used in relatively small quantities.

**KRAV:** This criteria is very good and time-saving

~~9.3.3-4~~ The procedures and responsibility for assessment and decision making shall be documented and follow the normal certification procedure.

~~9.3.4-5~~ Acceptance of such products shall be for a defined period.

## **9.4 Acceptance of applicants currently certified by another certification body**

9.4.1 Certification of an operator may be transferred from another certification body provided ~~all~~ both of the following requirements are met:

a the other certification body is currently ~~IFOAM-accredited~~ under the register indicated in 9.2.2

~~b—a contract as detailed in 9.2.4 has been established with the other certification body~~  
e b the operator is ~~currently~~ certified by the other certification body ~~and intends to remain certified by them~~ it (dual certification) up to the point of transfer.

9.4.2 Where the conditions in 9.4.1 are met the operator may be certified without prior inspection. ~~This shall take place within 12 months after transfer against the certification bodies own standards, provided that the requirements in 9.4.3 are met at the next scheduled inspection.~~

**OTA – change to:** ~~An operation that meets the conditions in 9.4.1 may be certified without prior inspection, provided that an inspection according to the certification body’s own standards takes place within 12 months after transfer of certification.~~

**NALA:** Change “This” to “inspection”.

**CC:** The CC has amended the wording according to the OTA proposal.

~~9.4.3 Inspections of the operator shall be carried out by the certification body itself or may be subcontracted to the other certification body. In cases where the inspection is subcontracted the certification body shall identify any substantial differences between its standards and those of the other certification body and ensure that compliance with these different standards is verified at the inspection visit and documented in the inspection report.~~

~~9.4.4 The certification body shall make its own certification decisions based on inspection reports~~

~~9.4.5 Appropriate records shall be kept.~~

9.4. ~~56-3~~ Where the requirements of 9.4.1 ~~and 9.4.3~~ are not met, acceptance of the operator's current or prior certification shall be limited to the exemption from conversion requirements. Exemption shall only be granted following assessment of relevant historical records, including a recent inspection report, obtained from the other certification body.

**Naturland:** Include the following new passage: “9.4.4. Where the requirements of 9.4.1 are not met, certification of the operator may be awarded until the next

scheduled inspection on the basis of information contained in the current inspection report of the previous certifier. The certification body has to make sure that all requirements for a certification under its own IFOAM accredited certification program are met. In case of missing information a full inspection of the operator has to be carried out.

*Rationale:* We were advised by the IOAS to contact the IFOAM Criteria Committee concerning a condition Naturland received during our re-evaluation process concerning acceptance of applicants currently certified by another certification body. Background: The IOAS discovered during the evaluation process of Naturland that some German Naturland operators are certified by Naturland on the basis of an inspection report that was filled in by an inspection body not originally mandated by Naturland. The IOAS found this to be contrary to C9.4.

Naturland believes there is a gap in the scope of the IAC here which does not cover the following scenario: Naturland is not executing a procedure mentioned under 9.4 since we are not accepting another operators certification but always check every Naturland requirement for the new operator just that this happens on the basis of the inspection report that has been filled in by the previous certification body of that operator for the current year. This inspection will not have been mandated by Naturland but by the previous certification body. Naturland uses this inspection report as a basis for its own certification however checking each Naturland requirement the new operator has to fulfil in order to be certified by Naturland. Now, if this inspection report should not contain all information necessary for a Naturland certification Naturland will mandate a separate inspection for this operator in order to obtain all necessary information. So, what Naturland is doing is certification (!) and not acceptance just that the inspection may not be commissioned by Naturland. It is a matter of compliance to Naturland requirements and not of equivalence! We are aware that this procedure is somehow not covered in the criteria in their current version. The rational behind this procedure is that the differences in standard requirements among the different certifiers are sometimes so little that Naturland may very well produce its own complete certification decision by using the inspection findings of an inspection body it has in this case not mandated itself (Naturland subcontracts inspection bodies to do inspections according to Naturland requirements). To us the use of this inspection report which gives the current up to date information of the operator is only logical and helps to abstain from another inspection visit which would only check the same things with an operator which were already checked with that operator in that same year. Also, the inspection bodies having filled in the inspection report are the same that Naturland is usually mandating (subcontracting) every year. So, we know how they are working and do have contracts with them just not for the inspection of that specific operator. It saves the operator time and money (for a second inspection in one year!) and Naturland makes sure that all information to qualify for a Naturland certification is present. If Information is missing Naturland will indeed mandate another inspection visit with this operator!

I would like to urge you to acknowledge that what Naturland is doing in these cases makes sure that all Naturland requirements are met at 100% and does not accept anybody else's certification! This is the fundamental difference to the procedure under 9.4. We check every Naturland requirement and only if information is missing we mandate another (second) inspection visit for the operator. The procedure

Naturland is using here should be added to the procedure in 9.4. since all requirements are checked, missing information is acquired and operators are saved from unnecessary inspections that would cost them extra money without giving the certifier more information and which might eventually keep the operator from switching to that certifier at all! This scenario applies only to the initial year during which the operator switches certifiers.

The Naturland rationale was also sent to all ACB's and was well supported!

**CC:** The CC has incorporated an amended version of and an Explanatory Note to the proposed new criterion under 9.4.2 in the criteria. The CC foresees that this will not be applicable in many instances as it requires the other inspection report to fully address the CB own standard. However, as this occurs in some countries we consider it a reasonable proposal.

## **9.5 Certification partnerships**

9.5.1 Joint ventures, partnerships and similar forms of cooperation with other certification bodies shall comply with the relevant criteria for acceptance of product (9.1 to 9.4) and/or for subcontracting (1.4.12 to 1.4.15) .

9.5.2 The certification body shall take full responsibility for any work done on their behalf by the partner.

9.5.3 The certification decision shall not be "subcontracted" to the partner.

9.5.4 The arrangement between the certification bodies shall be documented.

## ~~10 Standards Development~~

### ~~10.1 General requirements~~

~~10.1.1 Standards shall either meet or exceed the current IFOAM Basic standards.\*~~

~~10.1.2 Standards, or the relevant sections of standards, shall be presented in a way adapted to the language and knowledge of operators for all languages declared in the certification body's field of application (See also 2.2.4).\*~~

### ~~10.2 Standards Review~~

~~10.2.1 The standards shall be reviewed regularly.~~

~~10.2.2 The certification body shall have adequate procedures for enabling input concerning revisions from affected parties and shall take these into account.\*~~

~~10.2.3 The body responsible for review of standards shall be clearly identified and shall evidence sufficient qualifications or experience to be competent to carry out its functions, or utilize external experts as a means to achieve competency.~~

~~10.2.4 The certification body shall ensure that each certified operator be notified of changes in the standards without unnecessary delay.~~

~~10.2.5 The certification body shall have a policy for the normal time periods allowed for implementation of new standards by the operators. Where necessary, an additional time period shall be allowed for operators to implement specific major changes to the standards. In such cases the time for implementation shall be clearly stated.\*~~

