

Chapter 3 - Additional rules for the certification program: Organic Production Methods (USDA NOP)

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Article 3.1 Samples for USDA NOP

1	According to §205.671 of the National Organic Program of the United States: in case the result of any sample analyses shows prohibited substances at levels that are greater than 5 percent of the Environmental Protection Agency's tolerance for the specific residue detected or unavoidable residual environmental contamination, the agricultural product must not be sold, labeled, or represented as organically produced. CU will conduct an investigation according the above procedure to determine the cause of the prohibited substance. Client cannot be charged for NOP sampling.
2	For NOP organic program, the US Administrator or State organic programs governing State official may require that additional inspections be performed by CU for the purpose of determining compliance with the National Organic Program.

Article 3.2 Classification of non-conformities for USDA NOP certification

1	<p>Non-conformities are classified as Minors and Majors:</p> <ul style="list-style-type: none">a. A <u>minor</u> (also called as 'condition') is a non-conformity, related to working procedures of the concerned unit. The maximum deadline to rectify a condition is 2 months. If the client does not correct and does not show to the satisfaction of CU, that the condition is rectified before the deadline, CU shall grant a major with a maximum deadline of 1 month.b. A <u>major</u> (also called as 'pre-condition') is a non-conformity, related to topics that endanger the status of the certified products coming from the concerned unit. The maximum deadline to rectify a major is 1 month. If the operator does not correct and does not show to the satisfaction of CU, that the major is rectified before the deadline, the certificate is suspended for a given period determined by CU on a case by case basis. In case the NC is not corrected during the suspension period, the certificate shall be withdrawn. <p>In case of any non-conformity follow-up is needed. It is the responsibility of the client to take appropriate remedial actions. Whenever there is an outstanding NC, positive certification decision cannot be made and certificate cannot be issued for the concerned units/products.</p> <p>Re-assessment can be done during an additional inspection or by administrative review (assessing documents, photos etc.).</p> <p>During suspension, the product concerned cannot be sold with reference to the organic production method and CU cannot issue any import/transaction certificate for the given products/units.</p> <p>In case the certification is withdrawn, the project needs to be re-inspected. All aspects of the standard need to be assessed during a new physical inspection.</p>
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Article 3.3 Import and transaction certificates

1	CU clients that are certified for the certification programmes 'Organic Production Methods EU 834/2007 and 889/2008' and/or 'USDA/ NOP' and/or 'JAS' and/or 'GOTS' have the right to apply for transaction certificates for a specific lot of certified products.
2	Import/transaction certificates will be issued by qualified people from a CUC office.

3	The client shall request the application for import/transaction certificates by filling out the standardised application form and sending it with all the required documents attached to the <i>responsible</i> CU office. Requests can also be done using the client portal, reachable through the Control Union website.
4	CU shall assess the application and, if the decision is positive, issue the import/transaction certificate within ten working days after receipt of the application.
5	The certificates contain a hologram.

Article 3.4 Production, storage and transport

1	The client shall conclude farmer agreements with all individual farmers within the project. The farmer agreement shall contain at least the information as mentioned in annex 3.A. The farmer agreement shall be written in the local language or in any case in a language understandable by the farmer.
2	The client shall conclude processor agreements with all individual processors within the project. The processor agreement shall contain at least the information as mentioned in annex 3.A. The processor agreement shall be written in the local language or in any case in a language understandable by the processor.
3	On request of the inspector, the client shall prove the gene technology free origin of all products and raw materials for which gene technology is prohibited according to the applicable regulations by means of a declaration free of genetic modification. The declaration free of genetic modification shall contain at least the information as mentioned in annex 3.D.
4	For each lot of products, for which an import or transaction certificate is issued, the client shall have a representative and sealed sample kept present for half a year.
5	The client shall conclude field officer agreements with all individual field officers within the project. The field officer agreement shall contain at least the information as mentioned in annex 3.C. The field officer agreement shall be written in the local language or in any case in a language understandable by the field officer.

Article 3.5 Product specification form and system plans

1	In case of an application for adding to the scope certificate new products produced in certified units, the client shall apply in writing prior to produce, process and/or selling the product with reference to the certification. An application shall be done by filling out the application form (available at http://certification.controlunion.com or by request from any CU office). In case of an application for adding a product the client shall send CU a completed standardised product specification form (available at http://certification.controlunion.com or by request from any CU office). Production/processing specification forms (system plans) shall be adopted by the client, if applicable.
2	CU shall evaluate the application forms and/or specification forms (system plans) within ten working days after receipt.
3	CU shall add products to scope certificates only after a positive evaluation of the product specification. In the event of initial certification, the first inspection has to be carried out before the products can be mentioned on the certificate.
4	In case of application for adding new units to the scope certificate, the client shall apply in writing prior the production and/or processing of the product to be certified. An application shall be done by filling out the application form (available at http://certification.controlunion.com or by request from any CU office). Production/processing description forms (System Plans) shall be adopted by the client.

5	CU will add units to scope certificates only after a positive site evaluation of the production/processing.
6	Please note, that CU clients are obliged to inform CU in case the products and/or units under the CU scope are also certified by another certification organisation against the same standard (or applied for certification to another certification organisation). Furthermore, please note, that where an operator and his subcontractors are inspected by different control bodies the operator and his subcontractors have to agree, that the different control bodies can exchange information on the operations under their control.

Article 3.6 Smallholder farmer groups

1	For smallholder farmer groups additional requirements are applicable as laid down in the document "Inspection of smallholder farmer groups: Internal Control System", as described in annex 3.E of this document.
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Article 3.7 Administration

1	The client shall keep records of the following information on certified <u>incoming</u> goods: <ul style="list-style-type: none"> - Copies of packing lists and/or other transport documents; - Invoices; - A copy of valid Certificates stating that the products have been produced according to the applicable organic regulation; For not-CU certified products: <ul style="list-style-type: none"> - A copy of the valid Accreditation Certificate that is issued to the certification body, which certified the product in question;
2a	The client shall keep records of the following information on <u>outgoing</u> certified products: <ul style="list-style-type: none"> - Copies from packing lists and/or other transport documents; - Copies of the CU Transaction or Import Certificates, and Invoices. The invoices and transport documents must contain a reference to the organic production method, clearly related to the certified products, and CU followed by the client number.
2b	The client shall have on all labels, invoices, packing-lists and transport-documents a traceable identification code which enables to identify production date/year and lot number to trace down the product at least to the last producer and preferably to the individual farmer or farmer group
3	The invoices and transaction documents must contain a reference to the organic production method, clearly related to the certified products, and the name and identification code of the inspection body.
4	For the certification of organic product in conformity with the USDA/NOP rule: the accreditation certificate shall be issued by USDA stating that the certification body is authorised to carry out inspection and certification according to the NOP rule.

Article 3.8 On-and-off product statements

1	The client is responsible that all on- and off product statements for certified products that are transported between units within the same project, contain at least the following information: <ul style="list-style-type: none"> - The name of the product; - The name "CU", followed by the client number; - A reference to the organic production methods;
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	- A traceable identification code referring to the specific lot of products (e.g. lot number, date of production).
2	The client is responsible that all on- and off product statements for certified products that are transported to units outside the project, contain at least the following information - The name of the product; - The clients name and address (city and country); - The name "CU", followed by the client number; - A reference to the organic production methods; - A traceable identification code referring to the specific lot of products (e.g. lot number, date of production).
3	The client is responsible that all logo use is according the provisions described in: - For the USDA/NOP program: the National Organic Program (USDA logo)

Article 3.9 Retrospective consideration of the conversion period

1	With conversion of parcels where it has been proven to the satisfaction of CU, that no products have been used in the past which are not permitted, the conversion period can be retrospectively considered by CU. Proof of no use of disallowed materials can be sufficient land history documentation (proof of producing according to the requirements in last 2-3 years (depending on the length of conversion period)) issued by an independent third party. Emphasis shall be placed on the authenticity of the declarations and that as many details and specifications as possible together with exact dates, signature and stamp shall be available. Only if a project is inspected from the start of the growing season will it be possible to sell products with organic (or 100% organic) status in the first year of inspection. This means that physical inspection of the whole growing season of the product is needed before selling a product as organic (or 100% organic). Furthermore, CU demands that, before she takes a decision about the retrospective consideration of the conversion period, samples are being analysed for residues of disallowed products.
2	<u>Extension of the conversion period</u> CU reserves the right to decide to extend the conversion period, in case the soil has been chemically polluted in such quantities that there is a risk of residues in the finished product (plants or animals).
3	<u>Procedural</u> Should one of the above situations be applicable, then CU will decide to retrospectively consider or extend the conversion period according to this interpretation

Article 3.10 Additional information for USDA NOP program

In accordance with the NOP regulation CU has the right to make the following information on NOP clients available to any member of the public upon request:	
1	Certification certificates issued by CU during the current and 3 preceding calendar years;
2	A list of producers and handlers whose operations have been certified by CU, including for each the name of the operation, type(s) of operation, products produced, and the effective date of the certification, during the current and 3 preceding calendar years;
3	The results of laboratory analyses for residues of pesticides and other prohibited

	substances conducted during the current and 3 preceding calendar years;
4	Other business information as permitted in writing by the producer or handler.

<i>Article 3.11 Additional information on inspections for USDA NOP program</i>	
1	For NOP organic program, the US Administrator or State organic programs governing State official may require that additional inspections be performed by CU for the purpose of determining compliance with the National Organic Program.

ANNEX 3.A CU Farmer agreement

Name client			
Address client			
Client number		Country	
Name field officer (if any)			
Name and number unit			
Name farmer			
Code/number farmer			
Address farmer			
<p>1. I as farmer declare that I understand the standards for organic agriculture of which the most important aspects are:</p> <ul style="list-style-type: none"> <input type="checkbox"/> No use of disallowed substances like artificial fertilizer or chemicals (herbicides, pesticides, insecticides, fungicides). <input type="checkbox"/> Maintenance and improvement of soil-fertility by an appropriate crop rotation, use of animal excrements, green-manure and cultivation of legumes. <input type="checkbox"/> Control pests and diseases by natural ways and control weeds by hand or mechanically. <input type="checkbox"/> Use of organic propagation material. <input type="checkbox"/> Avoid contamination of fields and products with disallowed substances. <input type="checkbox"/> Label the certified products correctly as organic or under conversion to organic. <p>2. I declare that I work on my fields included in the inspection program and during the on-farm first processing of products, conform the above mentioned standards for organic production.</p> <p>3. I will allow CU Inspectors access to all my fields and premises for inspection purposes and I will fully cooperate with them.</p> <p>4. Only if no farmer-group: I declare that</p> <ul style="list-style-type: none"> <input type="checkbox"/> A <u>detailed map</u> of the fields is maintained. <input type="checkbox"/> Adequate written <u>bookkeeping</u> of all incoming and outgoing products is available. <p>5. In case of non-compliance with the above-mentioned standards I will inform the above mentioned field officer and/or CU client, and I will not sell the products as organic or under conversion to organic. Also, I will inform in writing the buyers of the products in order to ensure that the indications referring to the organic production method are removed from the product in question.</p>			
Date and signature of farmer			
Date and signature of field officer (if any)			

ANNEX 3.B CU Processor agreement

Name client			
Address client			
Client number		Country	
Name processor			
Address processor			
Number unit			
<p>1. I as farmer declare that I understand the standards for organic food-processing of which the most important aspects are:</p> <ul style="list-style-type: none"> <input type="checkbox"/> Separate storage of raw organic products, half-finished products and ready organic products avoiding mixing with non-organic products. <input type="checkbox"/> Separate processing of organic products avoiding mixing with non-organic products. <input type="checkbox"/> During processing and storage no disallowed substances, ingredients or technical aids are used and appropriate measures are taken to avoid contamination of organic products with these substances. <input type="checkbox"/> Production will take place conform the process-specification and approved product-specifications. <input type="checkbox"/> Enable the identification of organic products during the whole process and in the storage. <input type="checkbox"/> Appropriate bookkeeping of all incoming, processed, stored and outgoing products is maintained. <p>2. I will allow CU Inspectors access to all premises and information required for inspection purposes and I will fully cooperate with them.</p> <p>3. In case of non-compliance with the above-mentioned standards I will inform the CU client and I will not sell the products as organic or under conversion to organic. Also I will inform in writing the buyers of the products in order to ensure that the indications referring to the organic production method are removed from the product in question.</p>			
Date and signature of processor			
Date and signature of client			

ANNEX 3.C CU Field officer agreement

Name client			
Address client			
Client number		Country	
Name field officer			
Address field officer			
Name and number unit			
<p>1. I as field officer declare that I understand the standards for organic agriculture of which the most important aspects are:</p> <ul style="list-style-type: none"> <input type="checkbox"/> No use of disallowed substances like artificial fertiliser or chemicals <input type="checkbox"/> Maintenance and improvement of soil-fertility by an appropriate crop rotation, use of animal excrements, green manure and cultivation of legumes. <input type="checkbox"/> Control pests and diseases by natural ways and control weeds by hand or mechanically. <input type="checkbox"/> Use of organic propagation material. <input type="checkbox"/> Avoid contamination of fields and products with disallowed substances. <input type="checkbox"/> Label the certified products correctly as organic or under conversion to organic. <p>2. I will allow CU Inspectors access to all premises and information required for inspection purposes and I will fully co-operate with them.</p> <p>3. I declare that:</p> <ul style="list-style-type: none"> <input type="checkbox"/> Adequate <u>annual internal checking/evaluation</u> of all farmers of this unit on the compliance with the above mentioned standards are performed. Adequate records of internal inspections are maintained. In instances of non-compliance with the standards appropriate steps are taken. <input type="checkbox"/> An <u>overview-map</u> of the area and <u>detailed maps</u> per farmer are maintained. <input type="checkbox"/> All farmers of this unit are included in the inspection-programme have understood and signed the <u>farmer agreements</u> and they are informed on the above mentioned standards and are assisted to comply with them. <input type="checkbox"/> Adequate written <u>bookkeeping</u> of all products purchased from the farmers and sold to the above-mentioned CU client is available. <input type="checkbox"/> <u>Basic data</u> of all farmers is maintained containing at least identification, name, year of conversion, location, number or hectares, last internal evaluation and last CU inspection and yields records. <p>4. In case of non-compliance with the above-mentioned standards I will inform the CU client and I will not sell the products as organic or under conversion to organic. Also I will inform in writing the buyers of the products in order to ensure that the indications referring to the organic production method are removed from the product in question.</p>			
Date/signature of field officer			
Date/signature of client			

ANNEX 3.D Declaration free of genetic modification (for organic production)

Vendor declaration according to Article 9(3) of Council Regulation (EC) No 834/2007	
Name, address of vendor:	
Identification (e.g. lot or stock number):	Product name:
Components: (Specify all components existing in the product/used the last in the production process)	
<p>I declare that this product was manufactured neither 'from' nor 'by' GMOs as those terms are used in Articles 2 and 9 of Council Regulation (EC) No 834/2007. I do not have any information which could suggest that this statement is inaccurate.</p> <p>Thus, I declare that the above named product complies with Article 9 of Regulation (EC) No 834/2007 regarding the prohibition on the use of GMOs.</p> <p>I undertake to inform our customer and its control body/authority immediately if this declaration is withdrawn or modified, or if any information comes to light which would undermine its accuracy. I authorise the control body or control authority, as defined in Article 2 of Council Regulation (EC) No 834/2007, which supervises our customer to examine the accuracy of this declaration and if necessary to take samples for analytic proof. I also accept that this task may be carried out by an independent institution which has been appointed in writing by the control body.</p> <p>The undersigned takes responsibility for the accuracy of this declaration.</p>	
Country, place, date, signature of vendor:	Company stamp of vendor (if appropriate):

ANNEX 3.E Inspection of smallholder farmer groups (for organic production)

1. Introduction

The inspection of smallholder farmer groups consisting of ten to hundreds of farmers poses a severe challenge to the inspection body and their Inspector. The employment of an internal control system (ICS) will give a practical procedure, which keeps inspection costs at an acceptable level.

This document gives a guideline for the internal control system of smallholder farmer groups.

2. Farmer group

2.1.1 The farmer group should consist of a clear and homogeneous group of members with regard to their agricultural production and first processing system and the geographical, social and economic aspects.

2.2 A substantial part of the inspection work is carried out by internal Inspectors in the framework of the internal control system (ICS) set up by the group. Members of the farmer group are inspected at least once a year internally by internal Inspectors employed by an organization responsible for the Internal Control System (ICS) and randomly by CU. Internal inspections include visits to fields and facilities.

2.3. In principle only small farmers can be members of the group. Larger farms - bearing an external certification cost that is less than 2% of their turnover - can also belong to the group, but has to be inspected annually by CU. Processors and exporters can be part of the structure of the group, but have to be inspected annually by CU.

2.4 A group may be organized in itself (as a co-operative or as a structured group of producers affiliated to a processor or an exporter). A group must be established formally, based on individual farmer agreements - signed by all members of the group - as specified in the Annex 3.A. Minor changes and extension of the content are acceptable. The farmer agreement and standards should be available in a language understandable for the farmer. The members should have access to and knowledge of the applicable standards for organic production. The group shall have central management, established decision procedures and legal capacity.

2.5 When intended for export, the marketing of the products must be carried out as a group.

3. Internal Control System (ICS)

3.1 Of the organisation in charge of the internal control system, also referred to as internal inspection body, the following information is available:

- Legal status, structure, liability of organisation responsible for the ICS
 - Authorisation for countersigning inspection-forms
 - Rights and obligations of group-members as laid down in written farmer agreements
- 3.2 The internal control and quality system is clearly documented in writing including among others procedures, standardised inspection-forms (for example by using a visit-book), responsibilities and timeframes. It must contain clear procedures indicating actions to be taken in instances of non-compliance with standards, sanctions and exclusion of members. CU has to be informed in case of irregularities and non-compliances, as well as of the corrective actions imposed with agreed time for completion.
- 100% of all farms and fields of the group members have to be inspected by the internal Inspector once a year.
- Quarterly the findings of the internal control and measures taken will have to be summarized in writing.
- 3.3 The following up-to-date documentation has to be available for the farmer group:
- Farmer-lists with names, identification codes, location, status (organic, in conversion first or second year or disqualified), crops and hectares
 - Signed farmer agreements for each member
 - Administration of sold products, stored products and bought agricultural inputs of each member
 - Overview realised yield of last year and estimated yield of current year per product
 - Overview map and detailed farm-maps indicating individual fields per member and information on possible contamination risks from neighbouring fields
 - Field-history for each member with regard to the used fertilisers and plant-protection substances (including herbicides, fungicides, pesticides, etc.)
- 3.4 Seasonal adequate sampling on residues of sold products shall be performed and results of analysis must be available. Sub-samples per member can be mixed and analysed as a mixed sample.
- 3.5 Internal Inspectors are designated by the group to carry out internal controls. They must receive suitable training, have to be qualified and independent. The field officers cannot be member of the farmer group. A signed field officers agreement specifying tasks and responsibilities should be present (see annex 3.A as an example).
- 3.6 Not the individual members but the group as a whole holds the contracts with CU. This organisation has the final responsibility that their members comply with the standards for organic production and first processing and that the instructions given are executed.

- 3.7 In case an individual member has not converted his whole farm into organic production, guarantees must be given with regard to separation (for example separate storage facilities of agricultural products and inputs).

4. External inspection

- 4.1 CU verifies, evaluates and reports all aspects (with special focus on the effectiveness) of the internal control system. Findings of the ICS will be cross-checked. Based on the results of this inspection the inspection body will certify the farmer groups.

- 4.2 CU carries out at least one annual inspection of the group.

The yearly inspection by CU shall include an inspection visit of a number of individual farms with the aim to inspect for compliance with the standards and to evaluate the effectiveness of the ICS.

- 4.2.1 Each year CU defines and justifies a risk-orientated sample of farms subject to its annual inspections.

For a normal risk situation, it shall not be lower than the square root of the number of farmers in the group (but at least 10 members).

For medium risk situations CU will inspect at least 1,2 square root of the farmers in the group (but at least 12 members).

For high risk situations CU will inspect at least 1,4 square root of the farmers in the group (but at least 14 members).

CU defines for all of its group projects the applicable risk category by using its risk assessment document.

The farms visited by CU must be predominantly different from one year to another.

Larger farmers, processors and exporters are inspected annually by CU.

CU has a documented sanction policy for groups.

In case CU finds the ICS to seriously lack reliability and effectiveness, it will apply sanctions to the group as a whole, including, in case of serious deficiencies, the withdrawal of the certification of the group.

In case of lack of reliability and effectiveness of the ICS, the sanction will include to increase the number of farms to be annually visited to at least three times the square root of the number of farms in the group.