

3.1 Administrative Structure

Quality Manual

3.1.01	The procedures for the certification programmes are specified in the OF&G Quality Manual. The information given in this Section 3 is a summary of the relevant procedures.
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Administration

3.1.02	The legal basis for the Company is given in Section 1.
3.1.03	The administration of the legal aspects of the company are carried out by the Chief Executive Officer who: <ul style="list-style-type: none"> (i) Acts as the Company Secretary and ensures that the Company operates within the legal framework of the Companies Act 1985, as amended; (ii) Keeps the register of shareholders.
3.1.04	The Shrewsbury office handles the administration of the certification programmes.
3.1.05	The Company and Certification Scheme are financed by the fees charged for the inspection and certification services.
3.1.06	A small percentage of the Company's income is provided by the Department for Environment, Food and Rural Affairs (Defra).

Board of Directors

3.1.07	The Company is governed by a Board of Directors who are responsible for the running of the Company and compliance with the laws and governances of the Companies Act 1985.
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Certification Committee

3.1.08	The Board has delegated responsibility for the certification activities to an independent Certification Committee, under an independent chairman. The Committee: <ul style="list-style-type: none"> (i) Has the authority to formulate policy matters relating to the certification decisions; (ii) Is the sole authority for granting or withdrawing certification; (iii) Is responsible for the operation of the certification system and for monitoring the performance against the Quality Manual by reviewing the results of internal audits; (iv) May delegate authority to sub-committees or individuals to undertake activities; (v) May establish a Technical Advisory Committee, which will operate under the same rules as the Committee.
3.1.09	Committee members shall have a minimum of 5 years experience in the relevant farming or food processing technology or an agricultural qualification equivalent to NVQ level 3 and 2 years relevant practical experience.

Appeals Panel

3.1.10	The Certification Committee will appoint an Appeals Panel, composed of 3 individuals, 2 of whom will be licensees, independent of the Certification Committee, to hear appeals where an operator does not accept the decision of the Certification Committee and wishes to make a further appeal against a decision.
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Inspectorate

3.1.11	The Company employs a team of Certification Officers and administrative staff with sufficient resources to undertake the certification activities.
3.1.12	<p>The Company has contracted SAI Global to undertake the inspections. The reasons for this are that SAI Global:</p> <ul style="list-style-type: none"> (i) Is one of the largest inspection bodies in Europe and is accredited with the United Kingdom Accreditation Service for EN45004 (Inspections) and EN45011 (Certification); (ii) Can supply inspectors trained to carry out Farm Assurance inspections with the organic inspections and certify organic producers to a range of Farm Assurance Standards, thus reducing the number of visits required; (iii) Can supply inspectors trained to carry out audits for the British Retail Consortium (BRC) or the SAI Global Standards with the organic inspections, thus reducing the number of visits required. (iv) Can supply an efficient and economic service for the administration of the team of inspectors.

3.2 Record Keeping

3.2.01	Shareholders' records, financial and accounting records are kept as paper files and computer records.
3.2.02	<p>Records relating to the certification process are kept by the certification office as paper files and computer records. The computer records include:</p> <ul style="list-style-type: none"> (i) Name and address, telephone and fax numbers, email address if given; (ii) Addresses of additional premises used for processing or storage; (iii) Areas of land farmed and its organic, conversion and non-organic status; (iv) Field names, reference numbers, areas, crops, inputs and the date when the conversion started; (v) Production and processing enterprises; (vi) Processed and imported products; (vii) Registration number; (viii) Last and next inspection dates; (ix) Expiry date of the Certificate.
3.2.03	All the documentation relating to each operator is kept to record the certification process. Paper records are kept for a minimum of 2 years, electronic records are kept for a minimum of 5 years.
3.2.04	Records are kept in confidence and under secure arrangements.
3.2.05	All licensees are entitled to see copies of the inspection reports and correspondence relating to their certification.
3.2.06	Copies of documents will not be revealed to other third parties, other than Defra and other statutory bodies, without the written permission of the licensee concerned as detailed in the OF&G Declaration and Licensing Agreement.

3.3 Granting and Maintaining Certification

Overview of Procedures for Registration with OF&G

3.3.01	<p>The following stages must be completed in order to become certified to produce, process or import organic products:</p> <ul style="list-style-type: none"> (i) Complete the appropriate application form/conversion plan and return it to the Certification Office with the required information and correct fee; (ii) Undergo an inspection of the farm, processing unit or importing office/warehouse; (iii) Correct any deficiencies in the labelling or system to bring these into compliance with the Standards and agree to a further inspection where this is considered to be necessary; (iv) On the satisfactory conclusion of the above, be issued with: <ul style="list-style-type: none"> (a) The Certificate of Compliance, for public display and distributing copies to customers on demand; and (b) The Schedule to the Certificate, which specifies the additional details about the operation, the land in the case of farms, the products in the case of processors and the overseas suppliers and Defra approvals in the case of importers. (v) Agree to undergo an annual inspection and spot or unannounced inspections; (vi) Agree to comply with the penalties imposed following the discovery of any infringements to the standards in this Manual; (vii) Permit the taking of samples for analysis on a routine basis or where there is a suspicion of contamination or substitution.
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Application Procedure

3.3.02	<p>On receipt of an initial enquiry, the certification office shall send a Producer or Processor Application Pack.</p>
3.3.03	<p>For producers:</p> <p>The applicant shall order the Organic Standards and Certification Manual (on CD or paper version) and the appropriate Conversion Plans for their type of operation and the programme applied for.</p> <p>The Application Form and Conversion Plan shall be completed and the Declaration signed to confirm that the applicant agrees to always abide by the relevant provisions laid down in this Manual. The completed documents must be sent to the certification office with the correct fee and other specified information.</p> <p>For processors</p> <p>The applicant shall order the Organic Standards and Certification Manual (on CD or paper version).</p> <p>The Application Form shall be completed and the Declaration signed to confirm that the applicant agrees to always abide by the relevant provisions laid down in this Manual. The completed documents must be sent to the certification office with the correct fee and other specified information.</p>

3.3.14	<p>Where an importer or processor wishes to add a new product to their existing range of certified products, the following must be supplied to the Certification Officer, who will decide whether an additional inspection will be required prior to adding it to the certificate:</p> <ul style="list-style-type: none"> (i) The Product Specification Sheet (Multiple or Single Ingredient Sheet); (ii) A proof copy of the proposed labelling; (iii) The proposed date of production or import; (iv) In the case of an importer importing from a Third Country: <ul style="list-style-type: none"> • Please see details in Section 13 for information required.
3.3.15	<p>Where a processor or importer wishes to have a new type of enterprise or additional premises added to their certification the Processor Application Form must be obtained from the certification office or downloaded from our website, completed and returned. An inspection will be arranged, either as a separate visit or combined with the annual inspection.</p>

Withdrawals

3.3.16	<p>Where a licensee wishes to withdraw from the Certification Scheme they must inform the certification office in writing of their intention to withdraw.</p>
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Suspension or Termination due to Non-Compliance

3.3.17	<p>Where a Major non-compliance with prolonged effects, as defined in Sections 3.7.05 and 3.7.07, is reported by the inspector, the Certification Officer will implement the penalties specified in Section 3.7.09.</p>
3.3.18	<p>Where a Manifest Infringement, as defined in Sections 3.7.12 to 3.7.14 is reported by the inspector, the Certification Officer will implement the penalties specified in Sections 3.7.15 and 3.7.16.</p>

Reapplications

3.3.19	<p>Operators will not be permitted to switch in and out of the certification scheme to circumvent compliance with the standard.</p>
3.3.20	<p>Where an operator wishes to reapply following withdrawal or termination due to non-compliance, the procedures in Sections 3.3.02 to 3.3.08 must be observed.</p>

Operators Transferring Between Control Bodies

3.3.21	<p>The following procedures have been agreed between the control bodies to deal with situations where an operator wishes to transfer from one control body to another:</p> <ul style="list-style-type: none"> (i) Notification must be made in writing by the operator to both control bodies with the instruction that the first control body send their file to the second control body; (ii) The first control body will not release the files if any fees remain unpaid; (iii) The control bodies will communicate with each other to check if there are any major non-compliances outstanding; (iv) The second control body will not certify the operator until they have received the file from the first control body; (v) The first control body will not terminate the registration until the second control body has completed the certification process
3.3.22	<p>Unless transferring immediately to another control body, once the licence has been terminated, the operator must cease producing, processing or importing organic products.</p>

Language

3.3.23	All operators must communicate in English. Where local technical and production personnel do not speak English, this Manual may be translated into the local language by an independent professional translator at the operator's expense.
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3.4 Appeals Procedure

3.4.01	Where an operator does not agree with the decisions of the Certification Officer, the appeals procedure OFF28 shall be followed. A copy of this procedure is available upon request.
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3.5 Misuse of Licence, Logo and Certificate of Compliance

3.5.01	Licensees shall only make claims regarding certification in respect of the scope for which certification has been awarded, as specified on the Certificate and/or the Schedule to the Certificate.
3.5.02	The OF&G logo (being registered as a Trade Mark) and the Certificates remain the property of OF&G at all times and may only be used by licensees holding a valid Certificate of Compliance. On being decertified, an operator will be instructed to return the Certificate of Compliance and Schedule to the Certificate.
3.5.03	Misuse of the Certificate of Compliance or the logo by a licensee will be considered to be an Irregularity or Manifest Infringement and will be dealt with according to the penalties set out in the Section 3.7.16.
3.5.04	Misuse of the Certificate of Compliance or logo by an operator who has been decertified or who is not subject to certification shall be actioned by the Certification Manager who shall demand in writing that the operator immediately cease to use the Certificate and/or logo and withdraw the products from the market.
3.5.05	Where the operator does not comply with the demand, the Certification Manager shall report the case to the local authority Trading Standards Office for investigation with a view to prosecution on the grounds that the product labelling is unlawful.
3.5.06	Licensees must not use the product certification in such a manner to bring OF&G into disrepute and must not make any statement regarding product certification, which OF&G may consider misleading or unauthorised.
3.5.07	Licensees must use the certification only to indicate that products are certified as being in conformity with the specified standards.
3.5.08	Where certification is referred to in communicating media such as brochures or advertising, the requirements of OF&G shall be met at all times.
3.5.09	Where the Certificate or certification has been suspended or withdrawn due to a Manifest Infringement or Major Non-compliance, this will be notified to known customers, brand holders and other related parties.

3.6 Complaints Procedures

Complaints Received by Registered Operators

3.6.01	Operators are required to keep a record of all complaints made against the certified products or certified production systems used by them.
3.6.02	Any complaints received must be investigated and the appropriate corrective action taken to correct the problem. The operating procedures must be reviewed to ensure that the problem does not reoccur.
3.6.03	All complaints and the actions taken are to be recorded and to be made known to the inspector at the time of the inspection.

Complaints Received by Organic Farmers & Growers

3.6.04	Any complaint received by the certification office against a licensee will be investigated.
3.6.05	Where the initial investigation is not conclusive, an inspector will carry out an interim inspection.
3.6.06	Where the complaint is considered to be serious, with possible legal implications, the Certification Manager or his appointed agent may accompany the inspector.
3.6.07	The results of the investigations will be made known to the Certification Committee, which will take the appropriate action.
3.6.08	Written complaints against OF&G should be addressed in the first instance to the Certification Manager who will: <ul style="list-style-type: none"> (i) Acknowledge receipt of the complaint; (ii) Investigate the complaint and prepare a report for the Certification Committee, which will decide on the appropriate course of action; and (iii) Inform the complainant of the Committee's decision.
3.6.09	Where an operator is not satisfied with the results of this procedure, the matter can be referred to Defra in the form of an official complaint.

3.7 Penalties for Infringements of the Standards

3.7.01	See below and Section 5.8 of this Manual
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Definition of Non-compliance

3.7.02	See below and Section 2 of this Manual
3.7.03	A non-compliance is a failure to observe the standards specified in this Manual which may result, or has resulted, in the organic integrity of produce or products being compromised: Non-compliances can include the following; <ul style="list-style-type: none"> (i) Poor record keeping such that compliance with the requirements of the OF&G Standards cannot be clearly demonstrated; (ii) The failure to observe the detail of the production or processing standards; (iii) The failure to obtain approval to use restricted inputs, products or practices;

3.7.03 cont.	<ul style="list-style-type: none"> (iv) The accidental substitution or marketing of a non-organic ingredient or product as an organic product; (v) The accidental use of a prohibited farm input or practice; (vi) The accidental contamination, of a product with a pest control material or hygiene chemical.
3.7.04	The severity of the non-compliance will be indicated by the use of the term Major or Minor non-compliance.
3.7.05	<p>The following are examples of Producer Major non-compliances:</p> <ul style="list-style-type: none"> (i) The failure to have records of inputs on a field by field basis; (ii) The lack of an Animal Health Plan; (iii) The potential for a pollution incident; (iv) The use of a non-approved and/or non-registered animal feed; (v) The failure to obtain a derogation for a restricted material or practice; (vi) Failure to have obtained proof of non-GM status for non-organic agricultural inputs used; (vii) The failure to complete the Annual Questionnaire prior to the inspection.
3.7.06	<p>The following are examples of Producer Minor non-compliances:</p> <ul style="list-style-type: none"> (i) The failure to comply with a 'farm assurance' standard; (ii) The failure to have the established records up-to-date at the inspection; (iii) A lack of the relevant Defra Code of Practice.
3.7.07	<p>The following are examples of Processor Major non-compliances:</p> <ul style="list-style-type: none"> (i) Suppliers' Certificates not available, incorrect or out of date; (ii) Product Specification Sheets not available; (iii) Full traceability check or mass balance not possible or difficult to confirm; (iv) Segregation of organic and non-organic materials not effective; (v) Seriously non-compliant cleaning or pest control procedures; (vi) Key staff unaware of organic requirements; (vii) Cleaning chemicals not rinsed from product contact surfaces before organic processing takes place; (viii) OF&G Standards not available to responsible staff; (ix) Labels without the statement: 'GB-ORG-02'.
3.7.08	<p>The following are examples of Processor Minor non-compliances:</p> <ul style="list-style-type: none"> (i) Not having organic processing procedures written down; (ii) Pest control contractors not aware that the site is registered for organic production; (iii) Production staff not aware of organic requirements or poorly trained; (iv) Labels not stating that agricultural ingredients have been 'organically produced' or 'organically grown'.

Penalties for Non-compliance – see also Section 5.8 of this Manual

3.7.09	<p>Where non-compliances are recorded at an inspection, the Certification Officer will issue a Compliance Notice recording the non-compliances and requiring the appropriate corrective action within a specified time. Depending on the seriousness of the non-compliances, the Certification Officer will impose an appropriate penalty on the licensee as follows:</p> <ul style="list-style-type: none"> (i) Where non-compliances are found which do not affect the integrity of the product, the renewal of the licence shall be conditional on these being corrected by the applicant or licensee in the time period specified. Evidence of the implementation of the corrective actions may be required before certification can be renewed; (ii) Where Major non-compliances are found, an additional spot or unannounced inspection may be authorised at the licensee's expense, to confirm compliance. (iii) Where a Major non-compliance is found which affects the integrity of a product or production run, this may be treated as a Manifest Infringement and the penalties outlined below shall be imposed.
3.7.10	<p>Where a subsequent inspection identifies that the operator has failed to correct the non-compliances, the Certification Officer may upgrade a Minor non-compliance to a Major and a Major non-compliance to a Manifest Infringement.</p>

Definition of Manifest Infringement – see also Section 2 of this Manual

3.7.11	<p>OF&G will, where a manifest infringement, or an infringement with prolonged effects is found, prohibit the operator concerned from marketing products with indications referring to the organic production method for a period to be agreed with Defra.</p>
3.7.12	<p>A Manifest Infringement is a serious and chronic failure of the control systems that will result or has resulted in the integrity of an organic product being compromised.</p> <p>Manifest Infringements can include the following and tend to be deliberate acts rather than the result of misunderstanding OF&G requirements:</p> <ul style="list-style-type: none"> (i) The repeated failure to correct previously identified serious non-compliances; (ii) The identification of a number of serious non-compliances; (iii) The deliberate marketing or mislabelling of non-organic products as organic products; (iv) Allowing substitution of organic products with non-organic products through failure to maintain adequate control systems; (v) The deliberate use of prohibited inputs, materials and practices; (vi) Allowing organic products to be contaminated by pest control or hygiene chemicals because of failure to maintain adequate control systems.
3.7.13	<p>Where a Manifest Infringement is identified, the affected livestock, product, land, crop, enterprise or the whole operation, as appropriate, must be decertified.</p> <p>The following examples of producer non-compliances have been accepted as Manifest Infringements, requiring immediate suspension and withdrawal of certification:</p> <ul style="list-style-type: none"> (i) The use of a non-permitted fertiliser or pesticide on registered land; (ii) The failure to establish and keep appropriate records over 2 or more inspections; (iii) The labelling and marketing of agricultural products as organic before a farm conversion has been completed and before the operator is certified to do so; (iv) The continued use of dairy cattle feed containing GM or other non-permitted ingredients.

