



CATALOGUE OF MEASURES

Catalogo de medidas

CATÁLOGO DE SANCIONES

CATALOGUE OF MEASURES

1. Purpose and scope of Application

1.1 This catalogue set out a list of measures that are to be applied to operators and groups of operators under BIO LATINA control, in cases of suspected or established non-compliance.

1.1 The measures listed in this catalogue must be applied proportionately and any deviations in application of any measure shall be justified.

2. Regulatory basis

- Council Regulation (EC) No 834/2007
- Commission Regulation (EC) 889/2008; in accordance with Article 92d of Commission
- Commission Regulation (EC) No 1235/2008
- Regulation (EU) 2018/848; in accordance with Articles 41, 42 and 43.
- Commission implementing Regulation (EU) 2021/279; in accordance with Articles 8, Annex 1.

3. Definitions

3.1 When non-compliance is established, BIO LATINA will:

- 3.1.1 take any action necessary to determine the origin and extent of the non-compliance and to establish the operator's responsibilities;
- 3.1.2 take appropriate measures to ensure that the operator concerned remedies the non-compliance and prevents further occurrences of such non-compliance;

3.2 When an operator changes control body, the new control body has to take into account the non-compliances imposed by the preceding control body. This includes the need to exchange information between control bodies such as certification decisions and not only the inspection report.

3.3 Where BIO LATINA suspects or receives substantiated information, that an operator intends to use or to place on the market a product which may not be in compliance with this regulations but which bears terms referring to the organic production, or of a suspicion of non-compliance, shall immediately carry out an official investigation with a view to verifying compliance with regulations; such investigation shall be completed as soon as possible, within a reasonable period, and shall take into account the durability of the product and the complexity of the case.

3.4 Non-compliance classification criteria

The classification of the non-compliances takes into account the following criteria:

- 3.4.1 the application of precautionary measures to avoid the presence of non-authorized products and substances
- 3.4.2 the impact on the integrity of the organic or in-conversion status of products.
- 3.4.3 the ability of the traceability system to locate the affected product(s) in the supply chain.
- 3.4.4 the response to previous requests by the competent authority or, where appropriate, the control body.

3.5 Non-compliance categories

- Minor issue
- Minor non-compliance
- Major non-compliance
- Critical non-compliance

For the purpose of classification of non-compliances, the following situation apply:

3.5.1 the case of minor issue¹

- i. the precautionary measures are proportionate and appropriate, and the controls that the operator has put in place are efficient.

CATÁLOGO DE SANCIONES

CATALOGUE OF MEASURES

- ii. the non-compliance does not affect the integrity of the organic or in-conversion product.
- iii. the traceability system can locate the affected product(s) in the supply chain and prohibition of placing products on the market with reference to organic production is possible.
- iv. these types of violations require correction, but do not preclude certification.

Note 1: Whether found in operational practices or recordkeeping, indicate no systemic failure in the design or implementation of the organic system plan, i.e., they do not show an inability to comply with the regulations.

3.5.2 the case of non-compliance is minor when¹:

- i. the precautionary measures are proportionate and appropriate, and the controls that the operator has put in place are efficient.
- ii. the non-compliance does not affect the integrity of the organic or in-conversion product.
- iii. if not settled in due time it may lead to an impact on the integrity of organic product/process.
- iv. the traceability system can locate the affected product(s) in the supply chain and prohibition of placing products on the market with reference to organic production is possible.

Note 1: Are more significant than minor issues. They are serious or complex enough to require an approved corrective action plan. Certification can't be granted or continued before correction.

3.5.3 the case of non-compliance is major when:

- i. the precautionary measures are not proportionate and appropriate and the controls that the operator has put in place are not efficient.
- ii. the non-compliance affects the integrity of the organic or in-conversion product.
- iii. the operator did not correct in a timely manner a minor non-compliance.
- iv. the traceability system can locate the affected product(s) in the supply chain and prohibition of placing products on the market with reference to organic production is possible.

3.5.4 the case of non-compliance is critical when:

- i. the precautionary measures are not proportionate and appropriate and the controls that the operator has put in place are not efficient.
- ii. the non-compliance affects the integrity of the organic or in-conversion product.
- iii. the operator fails to correct previous major non-compliances or repeatedly fails to correct other categories of non-compliances.
- iv. there is no information from the traceability system to locate the affected product(s) in the supply chain and prohibition of placing products on the market with reference to organic production is not possible.

CATÁLOGO DE SANCIONES

CATALOGUE OF MEASURES

4. Non-compliance catalogue

The following table provides more detail on the classifications of different types of non-compliances, which are subject to on-going additions/amendments.

Table 1. Non-compliance catalogue

| Compliance Category | Nature of non-compliance | Regulation. article.numeral | Minor Non Compliance | Major Non-compliance | Critical Non-compliance |
|---|--|---|----------------------|----------------------|-------------------------|
| Land and Pollution Related Issues | Crop rotation not in compliance | Reg (EU) 834.12.1b) | | Yes | |
| | Exceeding annual limit relating to 170 kgs/ON/ha/pa | Reg (EU) 889.3.2) Reg (EU) 889.15.1) | | Yes | |
| General Paperwork Issues | No Records kept | Reg (EU) 889.66.1) | | | Yes |
| | Inadequate record-keeping | Appendix 1 Reg (EU) 889.66.1) | | | Yes |
| | Discrepancy in mass balance audit; mass balance audit not achievable | Reg (EU) 889.66.1) | | Yes | |
| Prohibited Inputs and Contamination Risks | Used of dressed/treated seeds | Reg (EU) 889.45.2) | | | Yes |
| | Spraying prohibited herbicide/pesticide | Reg (EU) 834.12.1g) Reg (EU) 889.5.1)Reg (EU) 889.AnnexII) | | | Yes |
| | Failure to report a known spraydrift issue | Reg (EU) 889.64) | | | Yes |
| | Use of prohibited chemical/s, inputs | Reg. (EU) 889.5.1) Reg. (EU) 889.22) | | | Yes |
| | Exceeding limit for copper usage | Reg. (EU) 834.16.1) Reg. (EU) 889.5.1) Reg. (EU) 889.AnnexII) | | | Yes |
| | Cleanliness of equipment not in compliance | Reg. (EU) 834.12j) Reg. (EU) 889.63.1c) Reg. (EU) 889.95.6) | | Yes | |
| | Cleaning procedures not adequately recorded | Reg. (EU) 889.63.1c) | | Yes | |
| | Use of compost for propagation purposes which contains inputs other than those indicated in Regulations. | Reg. (EU) 889.3.1) Reg. (EU) 889.AnnexI) | | | Yes |
| | Inadequate Precautionary Measures in respect of contamination | Reg. (EU) 889.23.4) Reg. (EU) 889.63.1c) | Yes | | |
| Organic processing, processed products | | | | | |
| Product or Labelling Issues | Display signage non-compliant | | | Yes | |
| | Use of unapproved non-organic ingredient in an organic product | Reg. (EU) 834.23) | | | Yes |

CATÁLOGO DE SANCIONES
 CATALOGUE OF MEASURES

| | | | | | |
|-----------------------------|---|--|-----|-----|-----|
| | Sale of non-organic produce as 'organic' | Reg. (EU) 834.23) | | | Yes |
| | Use of unapproved processing aid or additive | Reg. (EU) 834.19.2) | | | Yes |
| | Use of non-rinse sanitiser without subsequent rinsing | Reg. (EU) 889.26.2a) Reg. (EU) 889.26.2b) Reg. (EU) 889.26.3e) | | Yes | |
| | Use of unapproved off-site processing unit | Reg. (EU) 889.86) | | | Yes |
| | Segregation between organic/non-organic products not evident/not compliant | Reg. (EU) 889.26.3) | | | Yes |
| | Agreed bleed runs/purges not carried out between organic/non organic production runs | Reg. (EU) 889.26.3a) Reg. (EU) 889.26.3e) | | Yes | |
| | Organic products in storage not identifiable | Reg. (EU) 889.26.3d) | | Yes | |
| | Clean-down prior to organic production run not evident/noncompliant | Reg. (EU) 889.26.3e) | | Yes | |
| | Insufficient action taken on complaints | Reg. (EU) 889.91) | | Yes | |
| Residue and Analysis Issues | Failure to notify BIO LATINA of positive residue test result taken as part of licensee's own analysis procedures | Reg. (EU) 889.91) | | | Yes |
| | Failure to notify BIO LATINA immediately of any irregularity/infringement or suspicion that may impact on the organic status of a product | Reg. (EU) 889.91) | | | Yes |
| | Inadequate record-keeping | Appendix 1 Reg. (EU) 889.66.1) | | Yes | |
| | Flavourings in use not compliant with 'natural' requirements | Reg. (EU) 834.19) | | | Yes |
| | Processing records - quantities of ingredients etc not adequate to production | Reg. (EU) 889.66.1) | | | Yes |
| | Purchase invoices not stating organic status of ingredient being brought in | Reg. (EU) 889.66.1) | | Yes | |
| | Sales invoice/docket not stating organic status of product | Reg. (EU) 889.66.1) | Yes | | |
| | Insufficient/inadequate records to complete mass balance | Reg. (EU) 889.66.1) | | | Yes |
| | Input/Output does not balance – over usage | Reg. (EU) 889.66.2) | | | Yes |
| | Traceability not achievable due to inadequate record-keeping | Reg. (EU) 889.27.13) | | | Yes |
| | Pest control records inadequate/non compliant | Reg. (EU) 889.66.1) | | Yes | |
| | Poor hygiene standards in evidence in production unit | Reg. (EU) 834.18.1) Reg. (EU) 834.27.3) | | | Yes |
| | Requirements for Third country imports Certificate of Inspection not met | Reg. (EU) 889.84) | | | Yes |

CATÁLOGO DE SANCIONES
CATALOGUE OF MEASURES

| | | | | | |
|--|---|---|-----|-----|-----|
| | Specifications for ingredients not available | Reg. (EU) 889.26.4) Reg. (EU) 889.26.1) | | | Yes |
| | Delivery dockets for bulk products non-compliant as regards the required organic certification ID | Reg. (EU) 889.66.1) | | | Yes |
| | No Organic product recall system | Reg. (EU) 889.26.1) Reg. (EU) 889.91) | | Yes | |
| | Organic Product recall conducted without notifying BIO LATINA | Reg. (EU) 889.91) | | | Yes |
| Livestock production | | | | | |
| Separation of Organic and NonOrganic Livestock | Grazing of organic and non-organic animals of same species on organic farm | Reg. (EU) 889.17.1) | | | Yes |
| | Simultaneous grazing of organic and non-organic animals (different species) on same parcels in the absence of grazing agreements | Reg. (EU) 889.17.2) | | | Yes |
| | Simultaneous grazing of organic and non-organic animals (different species) on same parcel In the contravention of grazing agreements. | Reg. (EU) 834.11) | | Yes | |
| | Simultaneous housing of organic and non-organic animals | Reg. (EU) 834.11) Reg. (EU) 889.17.1) | | | Yes |
| The Grazing of Non Organic Grassland | Non-organic animals exceeding grazing limit of 120 days: | Reg. (EU) 889.17.2) | | | Yes |
| | Organic animals grazing nonorganic land | Reg. (EU) 889.17) Reg. (EU) 834.11) Reg. (EU) 834.14) | | | Yes |
| Origin of Livestock | Purchase of non-organic breeding stock which did not comply with nulliparous rule (exception rare breeds) – did not apply for and/or receive derogation | Reg. (EU) 889.9.3) | | | Yes |
| | Non-organic stock of incorrect gender bought in, | Reg. (EU) 889.9.3) | | Yes | |
| | Purchase of nulliparous breeding stock in excess of 10% rule without derogation. | Reg. (EU) 889.9.3) | | | Yes |
| | Purchase of non-organic animals without derogation (40% rule) or in excess of derogation (40%) | Reg. (EU) 889.9.4) | | | Yes |
| | Purchase of day old chicks without obtaining derogation in advance of purchase | Reg. (EU) 889.42) | | Yes | |
| General Welfare and Management Issues | Tagging of Stock (Bovines) not compliant, e.g. one tag missing | Reg. (EU) 889.75) | Yes | | |
| | Derogation not sought for animal mutilations | Reg. (EU) 834.14.1b) Reg. (EU) 889.18.1) | | Yes | |
| | Mutilations not carried out in accordance with the legislation (i.e. anaesthetic/analgesia not used) | Reg. (EU) 834.14.1b) Reg. (EU) 889.18.1) | | | Yes |
| | Animal Welfare Issue | | | | Yes |
| | Withdrawal periods noncompliant | Reg. (EU) 889.24) | | | Yes |

CATÁLOGO DE SANCIONES
CATALOGUE OF MEASURES

| | | | | | |
|----------------------------------|---|---|-----|-----|-----|
| Animal Housing Issues | Animal bedding not provided | Reg. (EU) 889.11.2) | | | Yes |
| | Non-compliant animal bedding materials used | Reg. (EU) 889.11.2) | | Yes | |
| | Animals housed on slats with no access to bedded area | Reg. (EU) 889.11.1) Reg. (EU) 889.11.2) | | | Yes |
| | Bedding over slats - no solid bedded area | Reg. (EU) 889.11.1) Reg. (EU) 889.11.2) | | | Yes |
| | Inadequate animal bedding provided (i.e. comfortable, clean, dry rest area not evident; loose litter not evident over mats in cubicles): | Reg. (EU) 889.11.2) | | Yes | |
| | Housing non-compliant – less than 50% solid bedded area provided | Reg. (EU) 889.11.1) | | Yes | |
| | Animal housing - inadequate space for number of animals housed; inadequate perching space; popholes. | Reg. (EU) 889.10.4) Reg. (EU) 889. Annex III) | | | Yes |
| Feed Issues | Feeding of non-organic feed to herbivores | Reg. (EU) 889.43) | | | Yes |
| | Feeding non-organic feed to nonherbivores in excess of 5% | Reg. (EU) 889.43) | | | Yes |
| | Feeding non organic feed containing GM. | Reg. (EU) 834.9) Reg. (EU) 889.69) Reg. (EU) 889. Annex XIII) | | | Yes |
| | First year in-conversion fodder utilised in excess of 20% of overall fodder requirements from the organic farm | Reg. (EU) 889.21.2) | | | Yes |
| | Feeding in-conversion feed in excess of allowances stipulated in regulations | Reg. (EU) 889.21.1 and 889.21.2) | | | Yes |
| Animal Health and Welfare Issues | Use of veterinary inputs without adequate justification | Reg. (EU) 889.23.1) Reg. (EU) 889.24) | | Yes | |
| | Use of substances having hormonal or thyrostatic action and beta agonists in farm animals without veterinary authorisation on a case by case basis. | Reg. (EU) 889.23.1) Reg. (EU) 889.23.2) Reg. (EU) 889.24.3) | | | Yes |
| | Evidence of inadequate provision of feed, water and other necessary substances which compromises animal health/welfare | Reg. (EU) 834.5) | | | Yes |
| Livestock Paperwork Issues | Inaccurate stock figures - stock reconciliation not possible | Reg. (EU) 889.66.1) | | | Yes |
| | Veterinary Health Plan not up to date | Reg. (EU) 889.76) | Yes | | |
| | No Veterinary Health Plan | | | Yes | |
| | Documentation Not Submitted by Specified Deadline: | Appendix 1 Reg. (EU) 889.66.1) | | | Yes |

CATÁLOGO DE SANCIONES
CATALOGUE OF MEASURES

5. Application of measures, timescales and follow up.

BIO LATINA may apply one or more of the following measures in a proportionate manner to the previous listed non-compliances including those not listed but determined under sections 3.4 non-compliance classification criteria and 3.5 non-compliance categories of this catalogue.

Table 2. Measures, timescales and follow up.

| I. Non-compliance categories | II. Measures | III. Time scale | IV. Follow up |
|------------------------------|--|--|--|
| 4.6.1 minor issue | <ul style="list-style-type: none"> i. Correct the non-compliance and prevent further occurrences of such non-compliance ii. Certification can be granted along with notification of a “minor issue letter,” describing the non-compliance. | <ul style="list-style-type: none"> i. BIO LATINA will request corrections during a specified period, which may be no later than the next inspection or annual update. | <ul style="list-style-type: none"> i. Must be checked at subsequent inspection |
| 4.6.2 minor non-compliance | Renewal of certification is conditional on: <ul style="list-style-type: none"> i. Submission by the operator of an action plan within time limit set on the notification of non-compliance ii. Evidence of compliance to be supplied by operator and verified by BIO LATINA. | <ul style="list-style-type: none"> i. BIO LATINA will request corrections during a specified period, not exceeding 30 days from the date of notification. | <ul style="list-style-type: none"> i. Must be checked at subsequent inspection |
| 4.6.3 major non-compliance | Certification is conditional on: <ul style="list-style-type: none"> i. Submission by the operator of an action plan within time limit set on the notification of non-compliance ii. Evidence of compliance to be supplied by operator and verified by BIO LATINA Measures: | <ul style="list-style-type: none"> i. BIO LATINA will request corrections during a specified period, not exceeding 30 days from the date of notification. | <ul style="list-style-type: none"> i. Must be checked at subsequent inspection ii. An additional inspection may be required, at the discretion of BIO LATINA |

CATÁLOGO DE SANCIONES
 CATALOGUE OF MEASURES

| | | | |
|-------------------------------|---|--|---|
| | <ul style="list-style-type: none"> i. No reference to organic production in the labelling and advertising of the entire lot or production run concerned (crop(s) or animal(s) affected) in accordance with Article 42(1) of Regulation (EU) 2018/848 ii. New conversion period required iii. Limitation of certificate's scope iv. Improvement of the implementation of the precautionary measures and the controls that the operator has put in place to ensure compliance | | |
| 4.6.4 critical non-compliance | <ul style="list-style-type: none"> i. No reference to organic production in the labelling and advertising of the entire lot or production run concerned (crop(s) or animal(s) affected) in accordance with Article 42(1) of Regulation (EU) 2018/848 ii. Prohibition of marketing products which refer to organic production for a given period in accordance with Article 42(2) of Regulation (EU) 2018/848 iii. New conversion period required iv. Limitation of the certificate's scope v. Suspension of the certificate vi. Withdrawal of the certificate | <ul style="list-style-type: none"> i. The regulatory requirement here is to ensure that product affected (production run or entire lot) is not marketed as organic (having due regard to principle of proportionality). The EU regulations also require immediate notification to other certification bodies, competent authority, as well as EU Commission if appropriate. (Reg 834/2007 Arts 30.1 and 30.2) ii. Immediate verbal suspension/ decertification of the field, product, batch or lot by BIO LATINA, and an aim to inform the Operator in writing immediately. iii. Referred to certifier for confirmation/decisions. iv. Notify competent authorities, EU Commission | <ul style="list-style-type: none"> i. Before the suspension can be lifted: ii. The operator provides evidence that the critical non-compliance has been corrected. iii. Additional inspection at the discretion of BIO LATINA to check for full compliance (e.g., only where the suspension was found to be justified). iv. Corrective action and status of decertified land, product, batch, lot to be checked at subsequent inspection. |

| | | |
|------------|-----|--------|
| Cód | AB3 | 200322 |
|------------|-----|--------|

CATÁLOGO DE SANCIONES
CATALOGUE OF MEASURES

| | | | |
|--|--|--------------------------------------|--|
| | | and CBs if product recall is needed. | |
|--|--|--------------------------------------|--|