

# INTERNAL TECHNICAL REGULATION FOR EU ORGANIC CERTIFICATION

*in compliance and/or equivalence with EC Regulations 834/07, 889/08, 1235/08 and subsequent amendments and additions*

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## **PREAMBLE**

The Istituto per la Certificazione Etica ed Ambientale hereinafter referred to as ICEA is as no-profit Consortium established in compliance with articles. 2612 and following of the Italian Civil Code among associations and organizations operating in the field of the activities related to the sustainable, ethical and environmentally friendly development.

The Consortium was founded by AIAB (Italian Association for Organic Farming), Banca Popolare Etica, Demeter (Association for the Protection of biodynamics quality in Italy), ANAB (National Association for Organic Architecture) and ACU (Association of Consumer end users) with the purpose to offer a certification service based on the principles of independence, transparency, impartiality, neutrality and expertise and capable of enhancing the suppliers and clients' confidence in the certified products attesting their compliance with voluntary or mandatory product standards. The Consortium is an audit and certification body authorized by MIPAAF in compliance with EC Regulations 834/07, 889/08, 1235/08 and following amendments; it is accredited by ACCREDIA and operates in accordance with the Technical Standard UNI CEI EN ISO/IEC 17065.

The Consortium registered office is in Bologna.

A copy of all documents and reference standards mentioned in this regulation, including the Article of Association and the Consortium organizational structure are available at ICEA premises and on the [www.icea.info](http://www.icea.info) website.

The audit and certification activity carried out on behalf of Italian clients or client living in Third Countries (= audited operators) producing, processing, transformation, storing, importing and marketing plants, crops and/or animals according to organic farming methods; the activity applies to the production sites and/or production units subject to certification.

To all clients ensuring the compliance with EC Regulations 834/07, 889/08, 1235/08 and subsequent amendments and additions and of this "Internal technical regulation for the certification", ICEA authorizes the application of the conformity and / or equivalence label and logos on the agricultural produce as provided by the legislation in force on organic farming and by the 'Procedure for the use of the private ICEA logo and the publicity and promotions of the certification'.

The knowledge and correct application of the provisions of EC Regulation 834/07, 889/08, 1235/08 and subsequent amendments and supplementary clauses, in addition to the national provisions, is an essential prerequisite for the businesses producing, processing, transform, store, import and market plant and/or animal products.

This Regulation, drafted by the Responsible of certification scheme, verified by the quality manager and subject to the monitoring activity of CSI (Committee for Impartiality Safeguard), is approved by the ICEA Board of Directors.

This Regulation is binding for ICEA and its clients.

## **1. PURPOSE**

This Regulation describes the procedures followed by ICEA and aimed at issuing, maintaining, renewing, extending, reducing, suspending, revoking and withdrawing the certification in accordance with the standards for which such certification was granted.

The purpose of this certification is providing, through an initial assessment and subsequent surveillance audits, an independent guarantee, having the adequate level of confidence, attesting that the certified productions are compliant with and/or equivalent to the requirements of the mandatory regulation in force for the products obtained with organic methods (Regulations 834/07, 889/08, 1235/08 and subsequent amendments and additions), and by this document (M.0202 and M0202ES if applicable).

The audit and certification scheme (= SdC) is based on the assessment and approval of production processes managing and control system implemented by the applicant client in order to obtain organic products, followed by a continuous surveillance carried out through periodic verifications of the process compliance and testing of samples taken both from the market and from production and/or processing sites.

On the Italian territory ICEA carries out its activities with staff speaking Italian and using documents written in Italian.

For audit and certification activities abroad ICEA undertakes to use (when necessary) English or in any case the language known by the local population, reserving the right to avail itself of translators and interpreters accepted and considered skilful and prepared also by the client.

The documents regarding the certification are issued in two languages (Italian/English) and can be translated into the official language of the Country where the production takes place.

The audit and certification activity by ICEA is funded by the payment of tariffs rates by the clients. Such tariffs are defined according to the following parameters: size and type of business, orientation and number of production units, or, in any case, adopting criteria that ensure the coverage of the costs incurred for audit and certification activities.

The request to enter the ICEA SdC can be forwarded without any limitation or discrimination by clients that in compliance with and/or equivalence with the applicable regulation, produce, prepare, store, market, distribute and import products falling under the scope of EC Regulation 834/07, 889/08, 1235/08 and subsequent amendments and additions.

ICEA undertakes to apply, even at its local offices, the existing procedures and the specific items of expenditure, established on the basis of the current tariff guidelines, ensuring their uniform application.

ICEA undertakes to reply to information request, sent in writing (via website, e-mail, fax or letter) from client organizations or other parties, within 10 working days from receipt thereof.

The request does not entail an obligation for the client to use new ICEA services.

## **2. DEFINITIONS AND ABBREVIATIONS**

### **2.1 Products obtained with organic method**

Agricultural crop and animal products (unprocessed and processed), yeast, animal feeds, compound animal feeds, raw material for animal feeds and aquaculture products obtained in accordance with the international and national standards <sup>(1)</sup> on organic production falling the scope of EC Regulations 834/07, 889/08 and 1235/08, as amended and or added (IACB Standard, if applicable).

### **2.2. Clients who may require the certification for products obtained with organic method.**

#### **A. PRODUCTION BUSINESSES**

Production businesses means commercial farms involved in crop and/or livestock farming, aquaculture animals or production of yeasts.

#### **B. FOOD PREPARATION AND DISTRIBUTION COMPANIES**

Clients who, in accordance and/or equivalence with the applicable legislation on agriculture and food production, preserve and/process and/or distribute agricultural products (including slaughter and cutting up of livestock) and condition, storage, or trade such products within the European Union market, and/or make changes to the organic labelling.

This category also include pet food industry, retail sales of bulk and/or pre-packed products or marketing *i.e.* all the operations provided by EC Regulations 834/07, 889/08, 1235/08 and following amendments and additions. (IACB Standard if applicable).

#### **C. BUSINESSES IMPORTING FORM THIRD COUNTRIES**

Clients importing products obtained with organic method from Third Countries (extra E.U.) in accordance with the procedures set forth in art. 32 and 33 of EC Reg. 834/07, art. 34 of EC Reg. 889/08 and EC Reg. 1235/08 as well as Ministerial Decree 18354 of 27/11/09 and subsequent amendments and additions.

#### **D. SPONTANEOUS PRODUCTS HARVESTER**

Clients harvesting edible plant products growing spontaneously in natural areas, forests and agricultural parcels as under article 12, § 2 of EC Reg. 834/07 and, for Italy, by art. 8 paragraph 1 of Legislative Decree 220/95 (IACB Standard if applicable).

*(1) Among the national rules particularly relevant for the compliance are the provisions ruling the accidental and technically unavoidable contamination of plant products in organic farming. The client are required to be aware of such provision also asking ICEA offices.*

## **E. EXPORTERS**

Clients marketing organic products obtained in accordance and/or equivalence with EC Regulations 834/07, 889/08, 1235/08 and subsequent amendments and additions outside the European Union.

## **F. BUSINESSES OPERATING IN THIRD COUNTRIES (EQUIVALENT AND/OR COMPLIANT WITH EC REGULATIONS 834/07, 889/08, 1235/08 and subsequent amendments and additions)**

In this group shall be included:

1. businesses involved in plant and/or livestock production and/or aquaculture animals and/or yeasts and spontaneous food harvesters;
2. commercial farms mainly conditioning and/or transforming and /or marketing the raw material they produce;
3. businesses that, in compliance with applicable laws in their countries of origin and internationally carry out import-export activity of agricultural and food products;
4. that, in accordance with regulation applicable in the countries of origin as for food and agricultural food production, carry out:
  - ∫ preservation and/or transformation of organic produce (including slaughter and cutting up for livestock),
  - ∫ conditioning, storing, marketing and/or changes in the labelling concerning the organic method.

Such companies operate in Third Countries, in accordance and/or equivalence with the provisions of EC Regulation 834/07, 889/08, and subsequent additions and/or local provisions that may be considered equivalent to the relevant Community legislation on biological methods.

## **G. LICENCE HOLDER**

It is the business to which ICEA issues the certification of conformity and/or equivalence, and that, consequently, is authorized to use the conformity and/or equivalence wording on the certification mark.

### **3. ADMISSION IN THE CERTIFICATION SCHEME (SdC)**

#### **3.1.a Notification of Production Activity with Organic Method applicable in Italy**

The notification of organic activity, in accordance with the applicable provisions, imposes the compliance with the European and national legislation in force and the request of admission to be submitted to the control body chosen.

To complete the notification, it is in any case mandatory to sign the "Certification Agreement" mentioned in the following article. Without such document ICEA will be forced to inform the client and the competent authority about its inability to carry out, in this specific case, the functions for which it is authorized.

In order to notify its activity with organic method (first notification and notification of any possible change) each client shall comply with the provisions of the legislation in force.

#### **3.1.b Request for audit and certification services applicable un Third Countries**

The request for audit and certification services for organic method (M0201ES) is equivalent to the request for admission submitted to the body chosen.

The client shall complete the original copy of the request for service form; such copy shall be forwarded to ICEA competent office. In the initial phase a copy of the document can be sent; the original copy will be acquired during the first audit.

The client shall duly keep a photocopy.

Significant changes to what declared in the first request for services form shall be made by submitting a Request for Change Form<sup>1</sup>.

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(<sup>1</sup>) See 3.5 below

### 3.2 Certification Agreement

The client shall complete, sign and send to ICEA the Certification agreement in order to:

- ∫ require to be admitted to ICEA SdC (Certification Scheme) accepting economic conditions, payment and communication terms used by ICEA to notify any possible change;
- ∫ declare to have received, understood and accepted the content of this document and of any possible enclosure;
- ∫ undersign the statement concerning the use of personal data by ICEA.

For Clients operating in Third Countries the Certification Agreement is included in the Request for Services (M0201ES).

### 3.3 Documents enclosed to notification and/or request for services

The client shall enclose a copy of the notification and/or request for services submitted to ICEA competent office together with the following documents:

- a. copy of the advance payment made and possibly requested by the tariff plan in force;
- b. evidence to have forwarded the notification to the Competent Authority, as applicable;
- c. Article of Association and the list of shareholders if the business is in the form of a company or cooperative (*i.e.* the Chamber of Commerce company registration or similar documents in Third Countries);
- d. copy of the certificate of VAT number assignment (if applicable), or similar references for accounting recording in Third Countries;
- is. ICEA tariff plan signed for acceptance;
- f. supplementary declaration to the notification and or request for services (management plan - ref. Art. 63 of Reg. 889/08);
- g. sworn statement in lieu of the statutory declaration of the criminal record (if applicable)
- h. should the Client be from Third Countries, a signed and stamped copy of the internal Technical Regulation for the Certification (M0202), foreign enclosure (M0202ES), and equivalent IACB Standard for Third Countries.

In case of Production companies also the following documents shall be forwarded: they concern all lands and structures managed for any reason and with any function and resulting from the company file/computerized notification, the latter to be considered as supporting evidence of the possession and/or right of use.

- a) Cadastral plan scale 1: 2,000, 1: 1,000 or 1: 500, (max. 1: 10.000) of the company where company boundaries highlighted (or the sites of frequent or fixed apiaries for beekeeping farms are highlighted);
- b) Plan of structures and premises destined to warehousing, storage, preservation, preparation;
- c) The annual plan for crop production (in case of companies from Third Countries, the List of plots of land/annual production plan M0326ES). In the year of its entry into force such production plan can be notified at any time but not later than 30 days from the date in which the notification of activity commencement or change are submitted.
- d) Management plan of agricultural production in compliance with art. 63 EC Reg. 889/08 (M.0205 or similar corporate documents); in the case of companies harvesting spontaneous food, the management plan shall be in compliance with art. 63 EC Reg. 889/08 (M.0208 or similar corporate documents).
- e) If the company intends to submit to the audit and certification also the livestock farming and/or beekeeping performed with organic method, also the following documents shall be enclosed:
  - ∫ electronic notification as under Ministerial Decree n°2049 of 1° February 2012 with the indication the organic method and/or request for services (M0201ES) in the Breeding Livestock section.
  - ∫ Additional documents: Plan for the use of livestock manure (M0320), livestock farming management plan (M0321) or similar corporate documents containing the same information <sup>(3)</sup> (these documents shall be signed by the holder and by a trusted technician of company); Beekeeping management plan (M0207 or similar corporate documents) in case of a beekeeping farm.

*(<sup>3</sup>) If there are regional regulations on the manure management and their wastes are referred to the relevant processed and programs.*

- ┌ the Annual livestock productions plan (PAPZ). The beekeeping farm shall instead submit the Annual beekeeping production plan (M.0323). In the year of its entry into force such production plan can be notified at any time but not later than 30 days from the notification of activity commencement or change are submitted.
- ┌ cadastral plan of breeding farm structure, including premises used for storage, warehousing, and preservation of animal feeds and fodders;
- ┌ copy of the health authorizations necessary or of their request to the competent authority (in Third Countries, if applicable);
- f) f) When the client have recourse to third party plants (crushers, mills, etc.) such facilities, if not autonomously already subject to the audit system, shall be presented by the same client as its own processing units. The client shall provide ICEA a copy of the agreement signed with third party plant. The agreement shall report at least the following elements:
  - ┌ the commitment by third party operator to performs the operations provided by the agreement in compliance with Articles 65 and 66 of EC Reg. 889/08 and subsequent amendments and additions;
  - ┌ the commitment by the third party operator to give prior notification of the commencement of processing;
  - ┌ the commitment by the third party operator to allow the staff appointed by ICEA free access to sites and documents concerning the above-specified processing.
- g) If the company also performs processing/ transformation/storage/distribution of its productions, also the following documents required for food production companies shall be enclosed.

In the case of food production companies also the following documents, referring to all premises storing and processing of audited productions, shall be submitted:

- a) a copy of the health authorizations necessary or the request for such authorization to the competent authority, including the plan of the plant indicating the intended use of the premises (In Third Countries, if applicable);
- b) Food transformation management plan in compliance with art. 63 EC Reg. 889/08 (M.0206 or similar corporate documents);
- c) Annual food preparation plan (PAP). Such production plan, in the first year of entry into force of this regulation, can be submitted at any time but not later than 30 days 30 days from the notification of activity commencement or change are submitted.
- d) in case transformations activities are performed at the third party processing plants, such plants, if not subject to the regulation, shall be indicated by the client as processing units; a copy of the agreement undersigned together with the food transformation company shall be submitted and indicate at least the following items:
  - ┌ the commitment by third party operator to perform the operations provided by the agreement in compliance with the provisions of Articles 65 and 66 of EC Reg. 889/08 and subsequent amendments and additions;
  - ┌ the commitment to give prior notification of the commencement of processing;
  - ┌ the commitment to allow the staff appointed by ICEA free access to sites and documents concerning the processing specified above.
- a) The M0301 questionnaire if required.

### **3.4 Suspension of evaluation procedure**

Failure to pay the tariff due to ICEA infer the immediate suspension of the evaluation procedure (see Art. 28, § 4 EC Reg. 834/07 – “obligation to pay the tariff”).

### **3.5 Notification of change and/or Request for change form**



The "Notification of change" and/or Request for Change Form shall be submitted according to the procedure provided for by the legislation in force whenever significant changes are introduced, *i.e.*:

- a) increase or decrease in the number of production activities;
- b) increase or decrease of the agricultural lands (change in the production method);
- c) increase or decrease in UP livestock breeding (change in the production method);
- d) change of the reference Control body (OdC).

The change in reporting agent, the natural or legal person submitting the notification, does not imply a notification change but a new notification by a new reporting agent.

In case of changes affecting the agricultural lands and corporate structures such as acquisitions, phasing out or changes in the title or ownership, the client shall provide the documents listed to in the previous paragraphs.

The Notification of change and/or Request for Change Form shall be sent, as above specified, with no additional cost within 30 days after the occurrence of the change.

Submitting a Notification of Change and/or Request for Change Form may imply to assess the compliance, by ICEA, with regard to the changes made.

In all cases where electronic notifications are provided, the client shall comply with the procedures issued by the competent authorities.

If case of Control Body change, a Notification of change and/or Request for Change Form shall be submitted to the new body together with the related notification of cancellation from ICEA.

The change of Control Body is according to the national provisions in force. Such provisions define, among other things:

- ┌ Measures taken by ICEA as a result of non-conformities prevent the client to change the Control Body. In this case ICEA shall communicate the reasons preventing such change and shall not issue the liability release form. Such communication shall be sent to the competent Authority for notification of change and for surveillance.
- ┌ Until the date in which the liability release form can be issued, the transmission of documents regarding the client, its activities, and its products and certifying the compliance with the European legislation by the new Control body is not allowed. To ensure the continuity of client activity the supporting evidence, as under art. 29 of (EC) Reg. no. 834/2007, issued by ICEA is valid until the release of a supporting evidence by the new Control Body. The latter is required to verify all the operations carried out by the client after the date of dispatch of the notification of change and ICEA is committed to offer its full cooperation.

The non-compliance of the above provisions may entail the interruption of the admission procedure in the Certification Schemes ( SdC) or the application of sanctions against the defaulting client.

## **4. DOCUMENTS VERIFICATION AND AUDIT**

### **4.1 Preliminary evaluation of documents**

- a) The preliminary evaluation of the documents sent by the client is carried out by RSC (Responsible for the Scheme)/TCS
- b) In case of negative outcome due to lack of documents or inconsistency, RSC/TCS will inform the client about all the shortcomings and significant non-conformities with the requirements and about time limits within which the supplementary documents should be submitted.
- c) If, within the timeframe set, the client does not update the documents, the request to enter ICEA Certification Scheme is no longer valid and may be submitted only after a new payment of the tariff due to ICEA.

### **4.2 First entry verification and Audit**

4.3 The first verification, following the assessment of the documents submitted by the client, has the following purposes:

- a) defining the compliance or non-compliance of the organizational-managerial aspects and the production process carried out by the business with regard to the general and specific provisions as under EC Regulations 834/07, 889/08, 1235/08 and subsequent amendments and additions (IACB Standard, if applicable);
- b) Verify the product conformity with the characteristics defined under point 2.1 of this document.  
In order to achieve such results the staff in charge (appointed by RSC/TCS and chosen within the register of ICEA qualified staff):
- c) Assess the adequacy of the structures, organization and management of the production process to ensure the correct application of EC Regulation 834/07, 889/08, 1235/08 and subsequent amendments and additions (IACB Standard, if applicable), considering the effectiveness and the correct application (or applicability) of the measures declared and formalized by the company for the purposes of the compliance with the requirements of EC Reg. 889/08 (IACB Standard, if applicable);
- d) Verify the quality records system for the production processes, the delivery of the registers required by the competent Authorities or directly by ICEA, and provide the client useful indication to complete them correctly;

The initial verification (or admission in the Certification Schemes, SdC) shall be carried out only after:

- ┌ the payment of the deposit eventually required by ICEA
- ┌ the conclusion of the preliminary assessment of the documents and, in any case, within 75 days from the conclusion of the preliminary evaluation.

## **5. DECISION ABOUT THE CONFORMITY AND ISSUE OF THE CERTIFICATION DOCUMENTS**

The eligibility to the ICEA Certification Schemes, with the consequent issue of Supporting evidence and Certificate of Conformity is decided by the Certification Committee (CCERT) after the evaluation of company documents and the audit report (and any analysis reports); the certification is issued with the signature of ICEA President or his authorized person.

Any requests to reduce the conversion period will be assessed only if supported by appropriate objective and documented elements; the decision is bounded, when required by regulations, to the opinion of the competent public authorities.

For clients operating in Third Countries, it is applicable what stated in M0202ES.

### **5.1 Favourable opinion by the Certification Committee (CCERT)**

- a) The favourable opinion by the CCERT is recorded on a proper form and/or software
- b) The favourable opinion by CCERT permits:
  - ┌ the issue of Supporting evidence according to the requirements defined by the Community and national standard in force on organic farming and to make it available on SIB and/or regional computer systems within 15 days from the issue.
  - ┌ Inclusion of the business in the Register of Eligible Operators.
  - ┌ dispatch of the same document to the client

In case of Livestock breeding/beekeeping farms the possible exceptions provided for by EC Regulation 889/08 and by the national implementing provisions (IACB Standard if applicable), will be granted during the evaluation phase.

### **5.2 Non favourable opinion by the Certification Committee (CCERT)**

In case of non-favourable opinion by CCERT, the RSC/TCS will inform the client object of the evaluation specifying its:

- ┌ company name and registered office;
- ┌ address and/or location of the production site assessed;
- ┌ date of evaluation by CCERT;



- ∫ reasons for the non-favourable opinion identified taking into account the specific provisions of the legislation in force;
- ∫ timeframe and procedures for lodging appeals with the relevant regulatory and procedural references;
- ∫ signature by the RSC

Following a non-favourable opinion, the client still willing to enter ICEA Certification Scheme, shall demonstrate to have adopted all the necessary corrective actions by sending, within the timeframe set, a comprehensive supporting documents.

The RSC/TCS, once verified the documents concerning the corrective actions:

- ∫ orders a new Audit (total or partial) and the subsequent evaluation by the Certification Committee (CCERT) for the admission into ICEA Certification Scheme (SdC);
- ∫ decide evaluating the possibility to accept document and objective factors proving the implementation of corrective actions (they will be verified and validated on occasion of the first surveillance audit).

If, within 90 days from the non-favourable opinion, the client does not adopt the Corrective Actions required the application to enter the Certification Scheme is to be considered non longer applicable. A new application may be submitted after the new payment of the tariff due to ICEA.

### **5.3 Supporting evidence**

The Supporting evidence issued by ICEA at the end of the notification and/or Request for services process <sup>(2)</sup>, shall specify at least:

- ∫ company name and registered office of the client;
- ∫ address and/or location of the production site assessed;  
specifications concerning to the individual activities, crops subject to audit with the indication of macro use;
- ∫ the type and/or the productive sectors for which the business has been audited;
- ∫ number in the Register of Eligible Operators which corresponds to the Client code;
- ∫ reference to the standard for which the Supporting evidence was granted;
- ∫ the place of issue, beginning validity date and duration;
- ∫ date of the last audit useful for the issuance of supporting evidence;
- ∫ date of the first notification and/or request for services (and date of the last notification / request for change application form);
- ∫ name, surname and signature of ICEA President or his authorized person.

#### **5.3.1 Use, Validity and Renewal of Supporting evidence**

- a) The validity of the business Supporting evidence shall be compliant with the national and Community regulations, with ICEA Guidelines and with this document. Throughout the validity period surveillance audits planned by the RSC/TCS and based on a system of risk analysis will be carried out to verify the compliance with the requirements.
- b) The Supporting Evidence has a minimum validity of 3 years and, in any case, it is valid until revocation by ICEA.
- c) In order to maintain the company eligibility every three years ICEA carries out an assessment taking into account all the elements emerged during the auditing activities.

The Supporting evidence shall be used for the following purposes:

- ∫ Informing the clients about its admission into the audit system
- ∫ Registration in the regional registers of clients, if applicable.

<sup>2</sup> The request for services is exclusively referred to those clients working in Third Countries

In order to market the product, the company Supporting evidence shall be always accompanied by the enclosed Certificate of Conformity.

At any time, the client may renounce to any audit and shall his withdrawal by registered letter, and/or other equivalent means, reporting a clear date and to be sent to ICEA. The client will be in any case obligated to pay the audit and certification tariff, so far accumulated, as required by the tariff system.

#### **5.4 Register of Eligible Operators**

a) Following the decision to grant the Supporting evidence, the clients is entered in the Register of Operators where the following information are reported:

- ┌ Date of admission to the Register;
- ┌ Date of removal from the Register;
- ┌ Registration date (favourable opinion by the CCERT);
- ┌ Client Code;
- ┌ Client Company Name (Declarer = Notification holder);
- ┌ Address of the plant or livestock production unit or other food preparation centre subject to audit.

b) The Register of Eligible Operators is a public document available at the ICEA premises, at the Territorial Offices, in a computer readable form and to all interested parties.

ICEA can send such Register (also in digital form) to any applicant and, possibly, publish it on its own publications, information material and/on [www.icea.info](http://www.icea.info) website.

#### **6. CERTIFICATION AND LABELLING FOR PRODUCTS OBTAINED WITH ORGANIC FARMING**

The certification states the conformity and/or equivalence of the production process with the requirements defined in the community legislation in force and, if any, national applicable provisions.

The certification of products obtained with organic farming granted by ICEA and the consequent issue of a certificate of conformity and/or equivalence, upon client's request; such certificate includes a list of certified products for which the client can give indications or provide declarations of conformity and/or equivalence.

The certificate of conformity can be issued only after:

- ┌ the admission of the Client to ICEA Audit System, once a favourable opinion about the company eligibility has been expressed by CCERT with the consequent issue of the Supporting evidence;
- ┌ (in case of commercial farm) 12 months form the date of the proved implementation of the organic farming;
- ┌ sending the ANNUAL PLAN (PAPV, PAPZ, PAP, etc.) as under Ministerial Decree no. 18321 of 9/08/12
- ┌ passing, with positive outcome, the complete annual inspection audit on the production process adopted;
- ┌ making the regular payment of the annual tariffs for audit and certification activity (see Art. 28, § 4 EC Reg. 834/07 – “obligation to pay the tariff”).

Within 30 working days of receipt the request, ICEA shall issue the certificate of conformity and/or equivalence, or inform the client about the reasons for the rejection.

The certificate of conformity and/or equivalence is issued following technical evaluation by the RSC/TCS and jointly signed by ICEA President or his authorized representative (for legal liability).

The certificate of conformity and/or equivalence contains the following information <sup>(3)</sup>:

- ┌ name and/or company name of the Organization holding the certification;
- ┌ the number of the relevant “Supporting evidence”
- ┌ certificate registration number

<sup>3</sup> Information provided for by MD n. 18321 of 9/08/12

- ┌ date of issue (beginning validity date) and end validity date
- ┌ naming of products subject to certification and corresponding category (references to certification as under Art. 23 of EC Reg. 834/07 and Article 62 of EC Reg. 889/08 and if these are placed on the bulk market and/or labelled)

The duration of the Certificate of Conformity and/or equivalence of the company is fixed in 18 (eighteen), months; after this term ICEA – once verified all the elements emerged in the preceding period and following the successful completion of the verification – can issue a new certification.

The drafting of a revision, comprehensive or particularly significant and/ or issued near the end validity date can be considered a new issue.

### **6.1 Annual Plan for crop and animal production**

The Plan shall be sent to the competent ICEA office in accordance with the (Community, national, regional) implementation provisions and/or the national Biological Information System (SIB) or analogues regional system each year by January 31<sup>st</sup>.

In the year in which the company is admitted to the Certification System the Annual Plan for Crop Production (PAPV) may be notified at any date but not later than 30 days after submission of the notification of commencement of activity.

Any significant changes that may occur after sending the Annual Plan for the Crop Production in the agricultural areas declared or as for the production expected shall be communicated to ICEA within 30 days of occurrence of the change.

The business submitting to audit and certification also the livestock breeding activity carried out with organic methods shall all present, in the same terms above-defined, the Annual Animal Production Plan (PAPA). The beekeeping farms shall instead present the Annual Beekeeping Production Plan. The company operating in Aquaculture industry shall present the Annual Plan for Aquaculture Production (PAPA).

### **6.2 Annual Plan for Food Preparations (PAP) and Imports (PAI)**

The Plan shall be sent to the competent ICEA office in compliance with the (community, national, regional) implementation provisions and/or regional/local computer systems, each year by January 31<sup>st</sup>.

In the annual plan all the products that the client intends to prepare, on its own, at or on behalf of third parties, in accordance with the rules on organic production shall be reported.

In the beginning phase or if new products are included, the Questionnaires (M0301) shall be enclosed.

In the year in which the business enter the Certification System the Annual Plan may be notified at any date but not later than 30 days from the submission of commencement of the activity notification.

Any possible subsequent change shall be communicated to ICEA within 30 days of its occurrence.

The company submitting to the audit and certification also the import activities carried out using organic methods shall present, in the same terms set out above, also the Annual Imports Plan (PAI).

### **6.3 Transaction or batch certificate**

ICEA may issue certification indicating the compliance of specific batches or lots of production subject to specific transactions. Such documents are issued exceptionally as a consequence of surveillance and do not fall within the standard audit plans or if required by mandatory standards (e.g. Import activities from third countries)

In order to issue such certificates ICEA reserves the right to carry out verification and supplementary analytical investigations whose costs and charges differs from the standard tariff and are charged to the client.

The issuance of such documents, however, will be performed only if the client is in possession of the Conformity and/or equivalence Certificate.

The certificate of transaction/batch can be issued, in compliance with the above-mentioned conditions, also upon specific request by the client.

#### 6.4 Use e Validity of Products Certification

- a) the client receiving the certification is directly responsible for the correct use of such documents and material.
- b) The certification validity is subject to the compliance to community and national regulations as well as with this document.

Once obtained the compliance and/or equivalent certification the client has the right to:

- ∫ use ICEA certification and logo in compliance with the Procedure for the use of ICEA logos and certification advertising;
- ∫ make the Certificate of Conformity and/or equivalence of public domain;
- ∫ in the label of the products subject to certification use the conformity wording and/or equivalence as required by European legislation and by this regulation;
- ∫ if the Community logo is used, the label shall indicate the place of origin of the raw material;
- ∫ in the fact sheets and advertising use the conformity wording, required by Community legislation and by this Regulation, exclusively with reference to the products subject to certification;

The certificate of conformity and/or equivalence and the possible true copy are issued and distributed by ICEA.

On the documents accompanying the goods, distributed in a controlled way, the client shall indicate at least the following information:

- ∫ The wording "ORGANIC / BIO / ECO PRODUCT" or "FROM ORGANIC FARMING" ("PRODUCT IN CONVERSION TO ORGANIC FARMING" in the cases established by law)
- ∫ client code
- ∫ the wording: "audited by ICEA"
- ∫ where relevant, the lot identification code associating the product and the corporate accounting
- ∫ copies of such documents (or their data) will be made available by the client so that ICEA can perform the appropriate verifications (see art. 66 of EC Regulation 889/08).

The label of products obtained in Italy shall report at least:

- ∫ the organic farming methods as established by EU and national legislation in force;
- ∫ control body code (IT BIO 006);
- ∫ client alphanumeric code;

The label of products obtained in Third Countries shall report at least:

- ∫ control body code (AB BIO 115); AB=ISO code of the country where the last food preparation is performed, 115= ICEA code for Third Countries
- ∫ operator alphanumeric code (ES XXX)

Unless provided by different national regulations, the above information reported in the label (including Control Body EU code) can be used also for the local market.

In EU countries where ICEA is accredited and recognized, the OdC (Control Body) code is assigned from time to time by the Competent Authority.

The agricultural products resulting from a conversion process can be marketed only if before the harvest a conversion period of at least twelve (12) months has passed; such product shall have a label indicating 'product in conversion to organic farming.'

For what concerns livestock and animal products:

- ∫ the EC Regulation does not allow to label animal products in conversion. Until completion of the conversion period they shall be considered as 'conventional' type products.

- ∫ (for the Italian market only) national implementing provisions set forth that animals and meat shall be accompanied by appropriate documents aimed at ensuring the permanent identification of animals and carcasses and the traceability of every steps of the supply chain (slaughtering certificate, declaration indicating if the animals belong to the organic circuit or, alternatively, appropriate organic labelling).

The suspension or exclusion of the client from ICEA certification system will infer the automatic suspension or expiry of the certification issued.

### 6.5 Register of licensed operators

All client receiving a conformity and/or equivalence certification are enrolled in the Register of licensed operators. The Register contains the following data:

- ∫ Date of inclusion in the register;
- ∫ Company name, client address and contact details (with reference to the company and/or the audited plant);
- ∫ Client alphanumeric code;
- ∫ List of authorized products (references to the certification required by Article 29 of EC Regulation 834/07)

The Register of licensed operators register is a public document available in electronic format at ICEA premises and at territorial offices and which can be consulted by whoever asks for it.

ICEA may send the Register (including in electronic form) to any applicant and possibly publish it in its own publications, information material and / or on its website [www.icea.info](http://www.icea.info)

ICEA also reserves the right to make public the exclusion or suspension of a client as a result of a voluntary withdrawal or measure adopted in the event of detection of non-conformity.

### 7. USE OF "ICEA" MARKS

As for the use of the ICEA marks refer to Annex 2 of the MO that defines the rules to be followed by a certified client (= Licensed operator) willing to advertise the certification and use the available logos. This regulation applies to all forms of communication (labels, press, Internet, television, radio, etc.).

### 8. EXTENSION OF THE CERTIFICATION SCOPE

A client in possession of Supporting evidence and certificate of conformity and/or equivalence for some activities and production processes may require for an extension of the certification scope in order to cover other activities and business processes or activities carried out at other production sites.

The rules to apply for such extension are the same defined to submit the certification request. The request shall indicate the aspects and/or the products subject to modification and extension.

For such purpose the Italian clients shall send the Notification of Change to the Competent Authority and the complete documents concerning the activity for which such extension is required to ICEA following the procedures prescribed by the regulations in force at national level.

Clients operating in Third Countries shall send Request for change to ICEA; the documents shall indicate for which activity the extension is required according to the procedures prescribed by legislation in force.

The issuance of a new corporate Supporting evidence and Certificate of Conformity (and/or equivalence) taking into account the extension of the activities carried out by the client, is subject to the compliance with the provisions listed at Points 4 and 5 of this document.

### 9. MODIFICATIONS TO ICEA SDC (CERTIFICATION SCHEME) RULES

- a) ICEA competent authorities may introduce changes to the SdC rules and/or the tariffs applied, following the procedure reported in the penultimate paragraph of the Preamble, based on the results of Internal Audits or following updates and changes to the community and/or national legislation framework.
- b) Following the decision regarding changes to the SdC rules, ICEA, through the site [www.icea.info](http://www.icea.info) and/or official memo, will communicate the same changes to all the interested clients:



- the date of entry into force of the modifications (regarding documents, tariff, etc.);
  - the new rules, the corrective actions required and the time limits within which they shall be implemented.
- c) Within the period specified in the previous point b) the client not capable of respecting the new rules and introducing the corrective actions required, shall communicate its withdrawal by registered letter with return receipt (if applicable). Failure to cancel within this time limit, will imply the acceptance of the above-mentioned changes by the client.
- d) The failure to implement the corrective actions required within the fixed time limit may entail the certification suspension or withdrawal. The suspension is also provided in case the client has initiated a corrective action, but has not completed it.

## **10. OBLIGATIONS OF THE ELIGIBLE OPERATORS**

Clients object of audit shall:

- a) Comply with the community and national legislation on organic farming (IACB Standard, if applicable).
- b) Accept the measures taken by ICEA in case of detection of non-conformity decided at the appropriate premises and in accordance with the community, national and ICEA legislation in force.
- c) Accept ICEA measures resulting from reports, audits, inquiries and actions by the competent Public Authorities, Supervisory Bodies, Accreditation Bodies and other Audit Bodies authorized.
- d) Submit the documents required by the certification system.
- e) Compile and constantly update the forms required by the certification system.
- f) Ensuring the ICEA staff in charge of supervision the access to production facilities, compulsory records and supporting accounting documentation (e.g. DDT, invoices, VAT registers, etc.), even if deposited at third parties, as required by current regulations. Give consent, when required, to the presence of an observer Accredia during an inspection scheduled by ICEA.
- g) Make available to the staff in charge of the certification system all the products and agricultural crops/livestock, agricultural and non-agricultural ingredients (including, water, additives, flavourings, etc.) to carry out the necessary tests for inspection and certification purposes.
- h) Keep the aliquot delivered by ICEA staff following the taking of sample ensuring adequate storage conditions for at least 20 working days from the date of delivery, except otherwise indicated by ICEA.
- i) Comply with the deadlines set by ICEA either for all matters relating to the certification system and for the payment of the amount due for audit and certification activities.
- j) Notify, within the appropriate time limit, any significant change to situation or activity relating to the certification system and the production conformity, waiting, in case such changes require a specific assessment by the Audit Body, the judgment of compliance by ICEA before using the references concerning organic methods.
- k) Comply with the provisions of the legislation concerning product labelling and the Procedure for the use of ICEA marks promptly reporting any misuse, even by other clients.
- l) Make statements regarding the certification only with reference to the purpose, the scope, the products and production sites for which the certification has been issued.
- m) Do not use the certification in such a way as to discredit the Certification Body and do not make statements about product certification that may be considered incorrect or unauthorized by the Certification Body.
- n) As a consequence of sign suppression and/or certification suspension and/or exclusion or infringement, provide a written notice detailing the consequences of the measures taken in case of detection of non-conformity by the buyers of the products object of the same measure, so that the organic labelling is removed from such product.

- o) Following the withdrawal, exclusion or annulment of the certification, immediately cease the use of all documents and advertising material containing references to the certification and return any documents regarding the certification upon ICEA request;
- p) Use the certification only to indicate that products are certified in accordance with and/or equivalence with the reference standards.
- q) In making reference to the product certification in the media as well as in documents, brochures or advertising, ensure the compliance with the provisions of the regulation concerning the use of the brand and advertising.
- r) Put ad disposal of ICEA a copy of the products accompanying documents for inspections.
- s) When the certification request is sent to ICEA or when submitting the notification of activity carried out with organic methods (and/or request for services with organic method):
  - ┌ communicate the case in which the client is subject to another authorized Audit Body, and, if it is the case, the provisions implemented by such Audit Body;
  - ┌ give notice in case of contemporary subjection of the production unit to the supervision of another authorized Audit Body, if applicable;
  - ┌ give evidence that such notice has been sent to the competent Authority, if applicable.
- t) Do not apply for a change of the Audit Body, if measures are being implemented. The request may be submitted when such measures have come to a termination.
- u) Promptly report to ICEA the results of audits and actions taken by the public supervisory authorities concerning the production subject to certification.
- v) Promptly report to ICEA any complaints, non-conformities and/or analysis results and/or any other element undermining the conformity of the raw materials purchased and/or of the productions obtained.
- w) c) Keep a record of all complaints received about the products covered by the activity of audit and certification and of the recommended corrective actions implemented (and how these are documented) and make it available to the staff in charge of the audit.
- x) d) Pay to ICEA the costs for inspections and certification regardless the outcome.

## **11. OBLIGATION TO CEASE THE USE OF THE CERTIFICATION**

The Client is obliged to immediately cease the use of the Certificate of Conformity and/or equivalence of Supporting evidence, ICEA marks and advertising referring to the certification in the following cases:

- ┌ validity end date of the Supporting evidence;
- ┌ in the circumstances provided for par.13.2 and subsequent;
- ┌ failure to take, within the established date, the corrective actions required in case of amendments of the ICEA Certification System rules;
- ┌ in all the cases of voluntary withdrawal by the client from the auditing and certification system.

If the client uses the certification in violation of the above obligations, ICEA, without prejudice to any other action and in the way it considers the most appropriate, can make public that the client is no longer entitled to use the certification.

Any hard copies of the Supporting evidence/or the Certificate of Conformity and/or possible documents accompanying organic products issued by ICEA and remained unused, shall be promptly returned to ICEA reference office.

## **12. SURVEILLANCE PROCEDURE**

### **12.1 Surveillance Audits**

After the issuance of the Supporting evidence ICEA will carry out a surveillance activity through audits, in order to ascertain that:

- i. the client corporate system continues to satisfy the general requirements and specifications contained in the EC Regulations 834/07, 889/08, 1235/08 and subsequent amendments and additions and that it is actually implemented (IACB Standard, if applicable);
- ii. the products marketed with references to organic farming comply with the requirements defined in section 2.1 of this document.

ICEA plans the surveillance activities according to the risk class under which the companies are classified, by adopting, where appropriate, stricter audit measures in case of manifest misconduct not in compliance with the current legislation. Such risk classes are potentially time-varying depending on the criticality of the same company.

Therefore the surveillance audits can be:

- a) announced: *i.e.* prior notice is sent to the client; the surveillance is included in a systematic activity scheduled over time by defining the frequency and the type of interventions thus ensuring a proportionate and objective audit;
- b) unannounced: *i.e.* without prior notice to the client and having the same characteristics of the announced audits. Unannounced audits are carried out by sample and focused, as a rule, on the client for whom the risk of non-compliance is the highest;
- c) additional or targeted: in cases of suspected non-compliance with community and national rules (IACB Standard if applicable), aimed at preventing specific risks concerning the correct application of organic production, targeted and proportionate to the specific objective.

To achieve the purposes of the surveillance audit, the staff appointed by ICEA:

- a) assess the adequacy of the facilities, organization and management of the business system, as well as the full implementation of all the provisions of EC Regulations 834/07, 889/08, 1235/08 and subsequent amendments and additions (IACB Standard, if applicable);
- b) take up product samples and/or material of plant and animal origin and/or soil and/or animal feeds or any other significant matrix in order to carry out tests or laboratory analyses. All such activities are detailed in the sampling plan prepared by the RSC/TCS and, in any case, if during inspection elements or clues about the use of not allowed active principles are detected.

During inspections the client shall ensure the maximum cooperation to the staff appointed by ICEA; in case of announced inspections, the client does not communicate his absence, it implicitly accepts to pay the audit costs.

In the case of announced surveillance audits, the clients has the right to request, stating the reasons, a change in the date proposed by ICEA. ICEA reserves to accept the new date only if it does not jeopardise the importance of the audit.

A communication of unavailability for the scheduled date with no indications of other alternative dates by the client may be considered as element proving the will to avoid audits.

Unannounced inspections shall be conducted and recorded in the presence of the notification holder or, in his absence, in the presence of a person formally authorized by the company owner that allows the access to the same company and is available to provide personal details and to sign the relevant audit report.

## **12.2 Product verification**

The product verifications are carried out to assess the products conformity with the characteristics referred to under point 2.1. of this document.

For that purpose, the staff appointed by ICEA:

- a) in commercial and and/or livestock farms, depending on the crop, on the moment of the cultivation cycle, on the climatic and phyto-pathological trend potentially influential on the correct application of the eligible techniques and products, collect a sample of product and/or of material of plant or animal origin and/or of the soil or any other matrix useful for the purposes of the audits;
- b) in food preparation companies - food industries: the staff collect samples of materials/raw material, ingredients of agricultural and non-agricultural origin as well as semi-finished or finished

- products in order to assess compliance with EC Regulations 834/07, 889/08, 1235/08 and subsequent amendments and additions (IACB Standard, if applicable);
- c) the sample collection shall be in accordance with the sampling plan drafted by the RSC/TCS (and in all the cases where the Technical Controller, during the surveillance inspection, acquires clues about possible irregularities) according to the criteria and methods set by ICEA specific operating instructions.
  - d) deliver to the client the aliquot in a duly sealed and signed envelope to be used, if deemed necessary, to carry out possible counter-analysis;
  - e) draw up the appropriate minutes for the sample taking, a copy of which shall be delivered to the client.

**12.3** The results of surveillance audits and product verification, together with the results of the analysis reports, are reviewed by the RSC / TCS.

**12.4** The annual surveillance activities required by the applicable regulations are necessary to verify the compliance of the production process since the last surveillance audit carried out.

Should the client withdraws from SdC (Certification Scheme) without allowing the annual compulsory surveillance audit, ICEA may revoke certification issued up to the last valid surveillance audit.

Every time a client withdraws from SdC it is necessary to verify, together with ICEA, the annual audit and, if necessary, require a surveillance audit in order to define and close the position.

#### **12.5 Reinforced audit measures.**

In case of conduct not in compliance with current legislation (*e.g.: alert on the conformity of a product and/or activities, OFIS reports, verifications by the Public Authorities*), ICEA applies stricter audit measure.

Regardless of the risk class assigned to the client, such measures will have a duration of not less than 3 months; after such period the client reliability will be assessed.

### **13. MEASURES ADOPTED IN CASE OF NC (NON-CONFORMITIES)**

Non-conformity means failure to comply with the provisions of the European, national and regional legislation regarding organic farming.

Non-conformity is determined by misconduct and/or negligence committed by the client in using organic method or by events not directly attributable to the same.

Non-compliances are divided into non-observances, irregularities and infringements and imply the adoption of a corresponding action by ICEA towards the client.

The measures are applied proportionally to the importance, the nature and circumstances that led to the non-conformity.

Such measures shall be communicated to the clients within 7 working days from the decision. In case of NC relate do the product the communication it is made within 48 hours from the decision.

#### **Non-observance**

It is configured as a minor default which does not affect the certification of the production process and/or self-audit process concerning production method or corporate documents management; it does not have prolonged effect over time and does not imply fundamental changes in the "corporate status" and/or product conformity and/or client reliability.

The non-observance implies a formal notice by the ICEA *i.e.* the written invitation to correct the non-observance detected in the time given and to implement the necessary corrective actions so to ensure that it does not occur again.

#### **Irregularity**

The irregularity is a default compromising the products qualification, but not the production process and/or the self-audit system conformity regarding production method or corporate documents management; it

does not have a prolonged effect over time and does not imply significant changes in the "status company".

Irregularities lead to the removal, by ICEA, of the organic labelling.

The removal of organic labelling implies the prohibition for the client to report organic labelling or advertise the entire lot of production or production cycle where such irregularity was identified.

Should it be impossible possible to apply the removal of labelling due to the lack of product, ICEA will implement appropriate measures for the irregularity detected.

### **Infringement**

The infringement is a substantial non-fulfilment detrimental for production process and/or self-audit process conformity on the production method or corporate documents management or in the fulfilment of the contractual obligations assumed towards ICEA; it is characterized by prolonged effects determining substantial changes in the "corporate status" and/or regarding the product conformity and/or client reliability.

The infringements imply, by ICEA, the suspension of the certification or the client withdrawal from the certification system.

ICEA Audit System ICEA is subject to the Competent Authority supervisions under Community and national legislation in force, where applicable.

Any behaviour on the part of the client representing a clear infringement of the Community and national legislation in force (IACB Standard, if applicable) will be promptly notified by ICEA to the Competent Authority according to the provision prescribed, if applicable.

Regardless the penalties that in some circumstance the Competent Authority may consider proper in case of infringement, ICEA, apply the following measure:

- ∫ formal notice;
- ∫ removal of organic labelling;
- ∫ suspension of certification;
- ∫ exclusion of the client (withdrawal of company Supporting evidence).

ICEA also adopts sanctions resulting from reports, audits, inquiries and actions by the competent Public Authorities, Supervisory Bodies, Accreditation Bodies.

The legal provisions in force at national level require that all measures taken by ICEA as a result of non-conformities detected, including temporary and/or precautionary measures, prevent the client to choose another Audit Body.

ICEA, according to current regulations, shall notify all the measures taken to the Competent Authority (Italian Ministry of Agriculture, Regional and Provincial Departments) and other Audit Bodies authorized.

In Third Countries such communications will be forwarded, for each individual Country, to the competent Authorities, if any, and in any case to the officially recognized Control Bodies.

### **13.1 Formal Notice**

These are measures not effecting the certification issued upon condition that the same are satisfied within the specified time limit. The formal notice is a written invitation to correct the non-observance detected (non-observance management) and to submit any proposal for a corrective action within a period not exceeding 60 days. The non-conformity management provides different timing (in any case not exceeding 60 days) for the compliance depending on the type of non-observance.

Failure to comply with a formal notice implies the application of a restrictive measure (Elimination).

The measure is issued by the RSC / TCS

The client, upon receipt of the Formal notice, may detail points of disagreement in writing and according to the procedure prescribed for the lodging of an appeal.



In case of no communication detailing points of disagreement within 15 working days from the formal notice receipt, the measures, as well as the corrective actions required, will be deemed accepted by the client.

### **13.1.1 Final formal notice**

If the non-compliance of a formal notice by the client is ascertained (failure to redress the non-observance or to present any corrective proposal within the prescribed period), TCS or the Responsible for the Certification Scheme send the client a Final Formal Notice (signed by ICEA President or his authorized person) by certified mail or by any other system ensuring the receipt, within 30 days from the deadline defined in the formal notice.

Failure to observe the Final Formal Notice (non-fulfilment of the additional period granted) determines non-conformity of a greater importance and the consequent application of a measure aimed at removing the organic labelling in accordance with the procedures and terms defined in the following paragraph.

### **13.2 Removals of organic labelling**

The measure is decided within 5 days from the assessment of the NC by the Certification Committee (CCERT) and its communication to the client by registered letter or PEC (certified email) signed by the ICEA President or his authorized person. In the communication the specific reasons for the elimination and the times within which it is possible to lodge an appeal shall be indicated.

In Third Countries, the measure is communicated to the client by e-mail and/or fax.

The elimination of organic labelling implies the immediate prohibition for the client to report indication concerning organic farming methods on labels and product documents involved in the irregularity.

If the product object of the provision has been marketed, the client shall communicate to its customers the removal of organic labelling and, if appropriate, promptly starts the withdrawal procedure and, in any case, no later than five days from receipt of the provision using a system capable of guaranteeing the receipt by the recipient.

The removal of organic labelling also implies for the client the obligation to provide evidence to ICEA of the above-mentioned provisions and to submit a proposal for a corrective action, including any additional measures, within 20 days from the provision receipt.

Once received the measure the client may communicate any disagreement in writing according to the procedure prescribed to lodge an appeal.

In case of no dissenting communications within 15 working days of receipt, the measures, as well as the corrective actions required, will be considered accepted by the client.

Failure to comply with the removal of organic labelling implies the application of a stricter measure (Suspension of Certification).

### **13.3 Suspension of Certification**

Consists in the suspension of conformity and/or equivalence certification for the organic farming as under EC Regulation 834/07, 889/08, 1235/08 and subsequent amendments and additions for a definite period. It applies to Non-Conformities and/or Infringement detrimental for the client reliability. The suspension implies the same prohibition for the client who for the above –mentioned defined period shall not market products reporting indications referring to organic farming.

The prohibition may concern:

- | ∫ one or more activities (production, preparation and import)
- | ∫ one or more productive units <sup>4</sup>

<sup>4</sup> «Production unit (see letter f, article 2 of Reg. 889/08): the set of resources used for a particular type of production, including production premises, land parcels, pasturage, outdoors spaces, livestock buildings, fish ponds, containment systems for seaweed or aquaculture animals, shore or seabed concessions, the premises for crops storage, crop products, seaweeds produce, animal products, raw materials and any other relevant production factor o for this specific production sector;

| ∫ the whole business

The suspension of certification shall apply to the single activity or production unit where the infringement has no impact on other assets or production units.

The verification of the corrective action is performed according to the procedures defined by the same measure. Failure to comply with a suspension implies the application of a more restrictive measure (Exclusion)

The suspension of certification is decided by the Certification Committee (CCERT) within 5 days from the date of NC detection and it is communicated to the client by registered letter or certified mail (PEC) signed by ICEA President or his authorized person, specifying the reasons and the time limit available to lodge an appeal (no later than 15 days from the date of receipt).

In Third Countries, the measure is communicated to the client by e-mail and/or fax.

#### **13.4 Client exclusion (withdrawal of the Supporting evidence and annulment/revocation of certification)**

Such measure can be adopted in case of serious infringements that can jeopardise the client reliability in managing the company and therefore his presence in the certification system, including in case of infringement recurrence or if the client fails to honour the commitments undertaken with the Competent Authority and the contractual obligations to ICEA. Exclusion may also result from reports, audits, inquiries and actions by the competent Public Authorities, Supervisory Bodies, Accreditation Bodies.

It is decided by the Certification Committee (CCERT) within 5 days from the date of NC detection and communicated to the client by registered letter or PEC signed by the ICEA President or his authorized person, specifying the reasons and the time limit prescribed to lodge an appeal (no later than 15 days after receipt).

In Third Countries, the measure is communicated to the client by e-mail and/or fax.

ICEA, according to current regulations in force, shall give notice of the client exclusion to the competent authorities (Italian Ministry of Agriculture, Regional and Provincial Departments) and other authorized Audit Bodies.

In Third Countries such notice shall be forwarded, for each individual Country, to the competent Authorities, if any, and in any case to the Control Bodies officially recognized.

#### **13.5 Suspension and exclusion in case of arrearage**

In case of failure to pay the amount due for the inspection and certification activities by the due date:

- upon proposal of the Responsible for Administration (RSA) in agreement with the RSC TCS
- after at least one payment reminder to which no answer is given by the client within 15 working days from the date of receipt thereof,

the Certification Committee (CCERT) adopts the measure of suspension of certification until regularization of payments by the client. Such suspension may not exceed three months.

If the client has not taken steps to pay the amount due at the suspension due date, ICEA will revoke the Supporting evidence with the consequent exclusion from SdC (Certification Scheme).

In the period between the lack of reply to the payment request and the decision to adopt the measure of suspension and revocation of the Supporting evidence, ICEA is authorized to suspend the certification services (issuance of client release clause, certificates, etc.).

Also in this case the measures shall be issued signed by the ICEA President or his authorized person, and communicated to the client by registered letter or PEC.

#### **13.6 Voluntary withdrawal**

The client can withdraw by the certification system at any time by sending a Registered letter with return receipt requested or PEC at the reference ICEA office.

The client shall in any case allow ICEA to carry out any further checks and inspections in compliance with the procedure imposed in this cases by the national provisions and for the issue of a possible client release clause.

ICEA, in any case, proceeds to Exclude the client and revoke the Supporting evidence as described in Section 13.5.

### **13.7 Precautionary prohibition to use the certification of conformity and/or equivalence**

In compliance with art.91 § 2 EC Regulations 889/08, the precautionary prohibition to use the certification of conformity and/or equivalence is every time, during surveillance audits regarding documents or following notices of Public Authorities, Accreditation Bodies and other Bodies of Audit, ICEA detects non-conformities and/or infringement that make possible the marketing or use of non-conforming product or which jeopardise the client reliability. The prohibition is, for example, applied in the following cases.

- ┌ The client does not allow to carry out surveillance audits in the critical periods of the production cycle and, in any case, the most important audits for the implementation of regular checks.
- ┌ During the surveillance audits and product audits (or as a consequence of notice by the Public Authorities) infringements or serious irregularities are detected or analytical indications may jeopardise the product conformity.

The precautionary measure is decided by the RSC/TCS and communicated to the client within 5 days from the date of detection of the potential non-compliance, by registered letter or PEC signed by the ICEA President or by his authorized person. In Third Countries, the measure is communicated to the client by @ mail and/or fax.

The measure will be applied, in relation to infringements, to specific plot of land, batches and lots of productions or to the entire company production.

ICEA is required to inform the client about the results of the test reports and any other elements that led to the issuing of the provision.

The client is required to send the observations in provision to clarify the doubts and the circumstances that led to such a measure, no later than 15 working days from the date of issue of the same measure.

Any assessment by the Certification Committee (CCERT) aimed at issuing a final decision, in any case, shall take place within 30 days from the date of issue of the precautionary measure, unless justified cases requiring a prolonged investigation that will be communicated to the client by the due date.

The client shall not lodge an appeal against the precautionary removal of organic labelling being this measure temporary and not final.

## **14. COMPLAINTS**

### **14.1 Objections to the audit report**

Should the Person in charge of the business where, during an audit, non-conformities are detected, object the evaluation of the technical staff in charge, shall report such objections in the audit report justifying the reasons for his dissent.

### **14.2 Complaints concerning ICEA activities**

All the complaints concerning, at any level, ICEA activities shall be submitted to the National Office in Bologna, to the attention of the Responsible for Quality Assurance (RAQ) who is in charge of determining the validity of the complaint and adopt the appropriate measure. In such situation, a first feedback shall be given within 5 working days, confirming the validity of the complaint or its groundlessness; a second feedback will be sent to the complainant at the conclusion of the activities following the complaint.

It is also possible to report a complaint through the "Reports and Complains" service in the homepage of [www.icea.info](http://www.icea.info) website.

### **14.3 Complaints sent to the client**

The client shall keep record of all complaints received about the products covered by audit and certification activity. Such records shall be made available to ICEA Technician Controller during the surveillance audits. Any complaint and objection related to the product compliance with applicable

legislation on organic farming (e.g. detection of active principles not allowed) shall be immediately reported to ICEA.

## **15. APPEAL**

### **15.1 Lodging an appeal**

The client may lodge a written appeal to the responsible Commission (Appeals Committee) and, for information, to the RSC, against decisions taken by ICEA, stating the reasons for dissent and transmitting appropriate documents within 15 working days from receipt of the communication about the provision.

The Appeals Committee shall decide, within 30 (thirty) days from the date of the appeal, to reject the appeal, *i.e.* confirming the provision, and sends the result to the client. In case of provisions decided by ICEA and due to the failure to pay the sum of money due for audit activities, the client may lodge an appeal following the same procedure above-described.

If the client's appeal concerns the analysis of the aliquot part, it shall be lodged, prior communication to the ICEA, against the laboratories using testing methods accredited according to UNI CEI EN ISO / IEC 17025 in their current update status.

### **15.2. Competent Court**

Any dispute arising from the application of ICEA Certification System which was not possible to solve with an appeal will be submitted to the Court of Bologna, the only competent court authorized to decide about any dispute that may arise with regard to this Regulation.

### **15.3 Annulment and revocation of the provisions adopted**

#### **15.3.1 Annulment of the provision**

The annulment is declared when a provision issued loses effectiveness following the outcome of an appeal filed by the client or as a precautionary measure adopted by ICEA as a result of the review process.

The annulment allows the "total reintegration" which is retroactive at the date of the measure issue.

#### **15.3.2 Revocation of the provision**

It is adopted when the client obtains the provision review and its revocation with no retroactive effect (*ex nunc*). The revocation permits the "conditioned reintegration" upon verification that the certification procedure has been in any case maintained notwithstanding the non-conformity identified. The revocation does not have a retroactive effect, it is still applicable and therefore valid until the time it has been adopted.

## **16. CONFIDENTIALITY**

ICEA commits to undertake the highest confidentiality, unless otherwise provided by any law or judicial order, about any data and documents and company information resulting from audit activity to guarantee the discretion of the staff in charge.

Unless otherwise provided in the rules or the law, the information obtained during certification activities will not be disclosed to third parties without the prior written consent of the same client.

## **17. ANALYSIS AND TESTING ACTIVITY**

ICEA, for the purpose of carrying out inspection activities, can avail of the services of partner and/or enabled external structures for which is ICEA guarantee the expertise, all in compliance with the provisions of the UNI CEI EN ISO / IEC 17065 in current applicable version (6.2.2 - External resources) and subject to the ability to perform the same activity with its own national structures.

ICEA, in any case, remains the only legal owner and responsible for the issuance, maintenance, extension, suspension or withdrawal of certification.

Analysis and tests are carried out by qualified ICEA laboratories capable able to perform accredited tests according to UNI CEI EN 45001 and / or UNI CEI EN ISO / IEC 17025 in their current update status.

Where the tariffs applied at the regional level requires that the cost of the analysis is borne by the client, the laboratory may invoice such cost directly to the client. Failure to pay such costs is, however, considered a reason to revoke Supporting evidence as provided by point § 13.5.

When the sample is taken for analysis the client will be informed about the laboratory appointed by ICEA to perform the analyses; the client can refuse the use of that laboratory detailing the reasons in writing.

Any objections expressed by the client and the relevant motives shall be recorded in minutes and immediately communicated to the RSC/TCS that will have to decide about the possibility of accepting the request. The request is considered accepted in case of formal evidence of current or past conflicts divergences/disputes/ disagreements between the client and the laboratory.

The client's request, and the consequent decisions by RSC/TCS shall be reported for information to the RAQ.

The positive outcome of the analysis shall be notified to the client within 5 working days from receipt of the test report by the laboratory; a negative outcome can be reported upon client's request.

ICEA may exceptionally use non-accredited tests, only if no qualified laboratory, among those eligible, is capable of providing the tests required in the accredited form. The laboratory chosen by ICEA shall meet the requirements of UNI EN 17025, upon verification of compliance by the same ICEA. All such procedure shall be carried out in advance previously informing the client and only for peculiar indispensable tests necessary for audit and certification activity.

## **18. PUBLICATION OF ICEA CERTIFICATION SYSTEM**

The ICEA Certification System described in this document is available to all clients interested in ICEA certification and in Public National and/or Regional Administrations applying for it in compliance and/or equivalence with the provisions of the EC Regulation 834/07, 889/08, 1235/08 and subsequent amendments and additions, and the relevant National Standards.

This document is delivered to all clients asking to be admitted into the certification system and it is signed by means of Request for Services/Contract of subjection (M.0201).

To client operating Third Countries is also delivered the M0202ES document (ruling the management of particular cases regarding the equivalence system); what reported in M.0201 document is also detailed in the Request for Services M.0201ES.

All the information concerning the SdC and any additions and amendments to the Community and national legislation regarding the equivalence system are published on ICEA website ([www.icea.info](http://www.icea.info)) and/or in the newsletter and/or in official memos.

Further information can be required at the ICEA national office and/or regional office competent for the territory.

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## **19. COMMITTEE FOR IMPARTIALITY SAFEGUARD**

ICEA has developed a mechanism to safeguard impartiality. Such mechanism is guaranteed by the Committee for Safeguard Impartiality (CSI).

CSI supervises ICEA activity for what concerns independence, unbiased view, competence and impartiality of SdC.



**20. CERTIFICATION SCHEME**

