



TS01(NOP)v10fr

# ECOCERT SA CERTIFICATION PROCESS

**According to National Organic Program (NOP)**



## **PREAMBLE:**

ECOCERT has been delivering product certification and control services for over 20 years. Our proven experience enables us to operate a certification scheme for your products in compliance with organic farming requirements according to the National Organic Program (NOP).

Thanks to a global network, worldwide offices and cross country audit pools, ECOCERT is able to operate such certification scheme in most countries. A detailed list of all subsidiaries and services is available on the official website [www.ecocert.com](http://www.ecocert.com)

ECOCERT SA is accredited by the USDA for the certification of plant production, animal production, wild collection and processing/handling according to the NOP standard.

The certification issued by an independent organization provides objective evidence of compliance with the requirements of a certification scheme. It is a proactive process whereby the operator becomes responsible for the compliance of his operation with the requirements of the organic farming certification scheme.

This document aims at providing a description of the key stages of the certification process according to the NOP and does under no circumstances supersede applicable regulations. It is however a contractual document enabling you to familiarize yourself with the requirements to be met for organic certification.

Ultimately, the purpose of certification is to provide your consumers and end users with added value organic products.



**SOMMAIRE**

- I. DEFINITIONS ..... 5**
- II. APPLICABLE SCHEME ..... 5**
- III. ACCESS TO THE SERVICES PROVIDED BY ECOCERT SA ..... 5**
  - A. Service scope ..... 5
  - B. Restrictions ..... 6
- IV. CERTIFICATION PROCESS: step by step ..... 6**
  - A. Application for certification ..... 7
    - a. Structure of the application ..... 7
    - b. Causes for application rejection by Ecocert SA ..... 7
  - B. Formal certification contract ..... 7
    - a. Issuance of a quote for the project ..... 7
    - b. Contractual documents ..... 8
    - c. Formal commitment ..... 8
  - C. Initial evaluation ..... 9
    - a. Documentary requirements & preparation for the onsite audit ... 9
    - b. Onsite audit ..... 10
    - c. Audit conclusions ..... 11
    - d. Evaluation of implemented corrective actions ..... 11
  - D. Non-conformities and corrective action plan ..... 11
    - a. "Minor" non-conformities ..... 11
    - b. "Major" non-conformities ..... 12
    - c. Corrective action plan ..... 12
  - E. Review of the evaluation conclusions and certification decision ..... 12
  - F. Certification documents ..... 12
    - a. Organic certificate ..... 13
    - b. Transaction certificate ..... 13
    - c. Notice on the US-Canada organic equivalence arrangement .... 13
  - G. Surveillance and renewal of the certification process ..... 14
    - a. Reminder of the requirements for certification and continuity .. 14
    - b. Periodic review process ..... 14



- c. Risk analysis ..... 15
- d. Audit plan ..... 15
- e. Quote for surveillance fees ..... 15
- f. Surveillance evaluation ..... 15
- H. Certification renewal ..... 16
- I. Changes impacting the certification..... 17
  - a. Change in the certification scheme (news requirements or updates)..... 17
  - b. Change in the certification scope..... 17
  - c. Certification postponement..... 18
- J. Contract termination ..... 18
  - a. Conditions and impact of a contract termination ..... 18
  - b. Special cases of stock clearance & stock audit ..... 18
  - c. Migrating certification data ..... 19
- V. SUBCONTRACTORS..... 19**
- VI. COMPLAINTS & APPEAL ..... 19**
  - A. Complaints ..... 20
  - B. Mediation ..... 20
  - C. Appeals ..... 20
- VII. REFERENCES TO THE CERTIFICATION, TO ECOCERT AND TRADEMARKS (ECOCERT & OTHERS) IN RELATION TO THE SERVICE PROVIDED ..... 21**



## I. DEFINITIONS

The definitions of the terms used in this document are available in Annex I.

## II. APPLICABLE SCHEME

Ecocert SA operates a certification scheme according to the standards set by the National Organic Program (NOP) and regulated by the US Department of Agriculture (USDA). Documents associated to the scheme are available upon request or on the USDA website <http://www.ams.usda.gov/AMSV1.0>

The marketing of organic products certified by Ecocert SA in the US is regulated by:

- The **National Organic Program (NOP)** (applicable standards available on the USDA website <http://www.ams.usda.gov/AMSV1.0/NOPNationalOrganicProgramHome>; hereafter entitled “Standard”).
- The **NOP Program Handbook** (applicable handbook version available on the USDA website <http://www.ams.usda.gov/AMSV1.0/NOPNationalOrganicProgramHome>)

In addition to the specific requirements of the above certification scheme, the requirements of the certification system must also be complied with:

- The applicable certification process available on our website TS01(NOP)
- Rules on references to Ecocert and the Ecocert certification logo: TS17 ([www.ecocert.com/en](http://www.ecocert.com/en))
- Ecocert SA general and technical Terms and Conditions.

## III. ACCESS TO THE SERVICES PROVIDED BY ECOCERT SA

### A. Service scope

The scope of the regulation extends to all stages of production and handling including the basic production of organic products (plant production, animal production and wild collection) up to product processing and labelling.



The NOP standard provisions for the exemptions and exclusions of specific types of operators:

- Operators with an annual turnover of less than \$5000 with regards to organic production and organic products are not sold as ingredients to other operators. These operators must however comply with the requirements set by NOP paragraphs 205.101(c) and 205.310.
- Retail outlets not carrying out any processing of organic products / or / processing organic raw materials or products already labelled as organic.
- Operators handling products containing less than 70% organic ingredients or identifying organic ingredients only in the information section of product labels. These operators must however comply with the requirements set by NOP paragraphs 205.272, 205.305, 205.310 and 205.101(c).
- Operators handling prepacked organic products without further processing or repacking. These operators must however comply with the requirements set by NOP paragraphs 205.272.

With the exception of grower groups, operations on rented land, service or equipment providers and carriers, each operator must be contractually bonded to Ecocert for the certification of their operations.

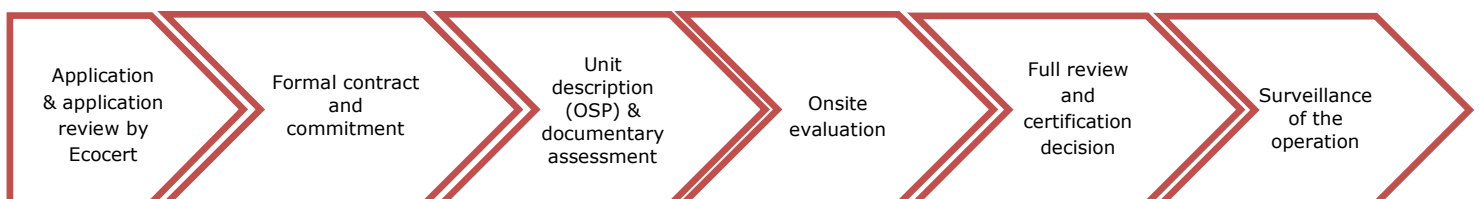
**B. Restrictions**

Ecocert SA may reject a certification application or refuse to sign a certification contract with an operator when there are proven reasonable grounds, e.g. in case of illegal activities, a history of recurrent non-conformities with certification requirements, inappropriate behaviors, or outstanding debts, etc.

**IV. CERTIFICATION PROCESS: STEP BY STEP**

The provision of the certification services is based on an annual cycle. If all certification requirements are met, the process will lead to organic certificate issuance of renewal enabling the operator to market products with a reference to the certification by Ecocert SA.

The main stages of the certification process are as follow:



## A. Application for certification

### a. Structure of the application

In order to provide the operator with all the required data for the successful completion of the certification process, upon application Ecocert will return the following starter pack (documents to be provided via attachments or hyperlinks) upon application:

- Applicable version of the NOP standard and associated documents
- Regulation guidelines in relation with the operation
- Present certification process document
- Certification application form
- Applicable price schedule

The operator is required to return the completed application form in order to provide the data needed to carry out the so-called “application review”. The application review encompasses a feasibility study and the definition of the project specifications, for the following purposes:

- Ensuring that the operator has familiarized himself with the standard requirements
- Checking that the required information has been provided
- Carrying out a feasibility study for the certification of the products based on the data provided

### b. Causes for application rejection by Ecocert SA

The control and certification process cannot be implemented in the following cases:

- Proven nonconformities with the standard
- Conflict of interest that may impact the impartiality of our decisions
- Operations considered to be out of scope with the standard
- Proven implication in illegal activities
- Identified health risks to the consumer
- Production practice impacting human and/or environmental rights
- Geographic locations associated with technical issues or high risk for traveling auditors
- Companies associated with high financial risk
- Lack of qualified and competent staff (technical skills, languages...) able to meet consumer demand

## B. Formal certification contract

### a. Issuance of a quote for the project

Based on the data provided by the operator, we will issue a customized quote, valid for the current calendar year and based on the estimated working time required (audit, review,



evaluation etc.). ECOCERT will review the operations and risk factors will also be taken into account for the estimated time. Main criteria to be considered are:

- Type of operation
- Number of sites to be audited
- Type of internal management system
- Size of the facilities (number of hectares, animals etc.)
- Number of products to be certified
- Applicant history
- Technical risks

The initial quote includes all activities to be certified and is sent with our general and technical Terms and Conditions.

With the exception of complicated cases, a quote should be issued within 15 days upon receipt of the application.

#### b. Contractual documents

The contract for certification with ECOCERT SA encompasses the applicable versions of the following documents:

1. Contractual general and technical Terms and Conditions
2. Present certification process document
3. NOP standard
4. Certification rules and references (TS17)
5. Quote

#### c. Formal commitment

Once the operator has signed the certification quote, he is contractually binded to ECOCERT SA with immediate effect. With the signature of the contract, the operator commits to operate in compliance with our general and technical Terms and Conditions, and more specifically with the requirements set by the standard.

Please note that a contract signature occurring late in the year may lead to a certification effective that same year, providing the following conditions are all met:

- the optimum audit time (depending of the type of operation: harvest time, start of processing operations etc.) falls between the contract start date and the end of the calendar year
- a detailed description of the operations (*please refer to chapter C. Initial Evaluation*) has been provided within a tight deadline
- the auditors availability has been confirmed to carry out the inspection
- full payment against the quote has been received before the inspection date.

If one of the above requirements are not met, the inspection and certification process may be postponed to the following calendar year.





### C. Initial evaluation

The initial evaluation aims at assessing the compliance of the operation with the requirements of the standard.

#### a. Documentary requirements & preparation for the onsite audit

Once the company has signed a contract, ECOCERT will provide a form for the detailed description of the operation. This form is entitled “Organic System Plan” (OSP) in accordance with the NOP standard and must be completed to include the following data:

- Administrative details of the company
- Full description of the designated units and/or facilities and/or operations
- All procedures and actions implemented onsite in relation with the designated unit and/or operation to ensure that the operation is handled in compliance with the requirements of organic farming
- Full list of agricultural inputs used for operation
- Description of monitoring procedures
- Description of the accounting management system
- Precautionary measures implemented in order to minimize the contamination risks by non-permitted products or substances at storage sites and at all production stages
- Certification history
- Any other information required by Ecocert for the compliance assessment

This document must be duly signed and dated by the operator.

**Please note:** the operator is entitled to provide his own documents, if do not wish to use the template provided by ECOCERT, providing the above basic requirements are met.

Upon receipt, the OSP will be assessed by ECOCERT to check the NOP compliance of listed practices and that all the data required have been provided. If any issues or non-conformities with regards to compliance with production rules of organic farming are identified, Ecocert will notify the operator in writing.

The operator is responsible for the implementation of all corrective actions in terms of practice and management system in order to achieve compliance. All changes must be notified to Ecocert with an updated OSP.

This stage is also an opportunity for Ecocert to confirm the time required for the onsite audit that was previously estimated at the time of issuing a quote.

The onsite audit is to be scheduled once the OSP has been approved as complete and compliant.

Finally, the auditor assigned for the audit will liaise with the operator and plan a date for the onsite audit.

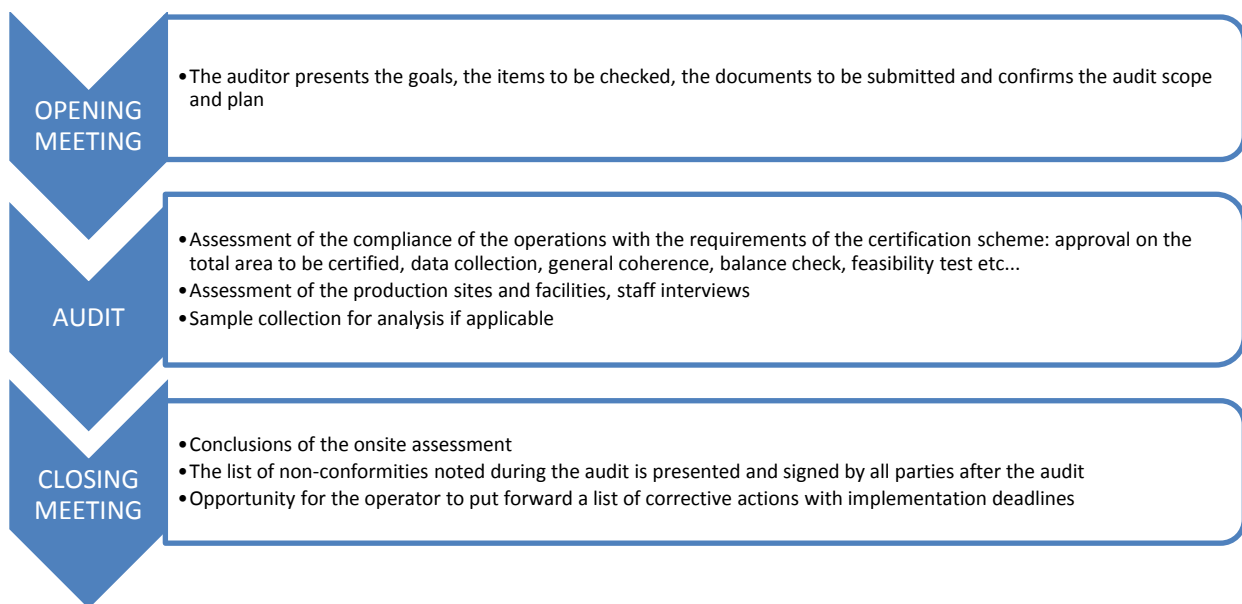


## b. Onsite audit

In order to optimize the audit preparation, we recommend that the operator refers to the Ecocert guidelines available for download on our website [www.ecocert.com/en](http://www.ecocert.com/en). If need be, the relevant contact person at Ecocert may provide the operator with clarifications on the regulation requirements upon request.

The purpose of the onsite audits is to assess the product compliance with the requirements of the certification standard. Audits are carried out on all the sites associated with the production of the products to be certified: including processing, packing etc.

The audit process is as follow:



When tests (analyses) are required, samples will be collected in the presence of the operator /or of the representative, who will sign the associated documents. The specifications for the If need be, the auditor may choose to leave one of the collected samples in the operator’s premises. The purpose of this sample is for counter analysis only: if applicable, the sample will be dispatched by the operator, the auditor or a court bailiff, in accordance with Ecocert SA’s instructions and sent to the laboratory appointed by Ecocert SA.

In all cases, all samples collected will remain Ecocert’s property and test results will be always be sent out to the operator.

**Please note:** onsite audits are not always “planned” in advance, some audits may be “unannounced”.

**Please note:** The operator has the right to refuse the staff assigned by ECOCERT at any stage of the certification process on reasonable grounds (e.g. conflict of interest)

**Please note:** Special case of grower groups – Ecocert may carry out inspections of selected members only (partial inspection) provided an Internal Control System (ICS) has been implemented and assessed by ECOCERT before and during the audit. For



more detailed information, please refer to Ecocert guidelines entitled “TS01 (EC-NOP) Growers group guidelines”.

### c. Audit conclusions

During the audit, non-conformities with the requirements of the standard may be noted. These will require follow-up actions from the operator (so called “corrective actions”) in order to achieve compliance.

At the end of the audit, a detailed listing of all non-conformities that may have been noted is to be signed by both the auditor and the operator.

Finally, the detailed audit report and test results (if applicable) will be submitted to ECOCERT for full review. When non-conformities have been noted, the operator will receive a written notice listing all non-conformities and the relevant further evaluation tasks required to check that the designated non-conformities have been duly corrected.

### d. Evaluation of implemented corrective actions

A this stage, if the operator chooses to proceed with the certification process, he is required to put forward corrective actions in relation to each noted non-conformities within a set deadline (set in the notice sent to the operator). For the continuity of certification process, the proposed corrective actions must be relevant and exhaustive. Depending on the noted non-conformities, the operator will be required to identify the cause of non-conformity and the impact (products and activities impacted by the non-conformities).

If the items submitted are considered insufficient, the operator will be required to put forward new corrective actions within the deadline originally set.

Depending on the additional evaluation tasks required to check that non-conformities have been corrected, Ecocert may choose to:

- Carry out a new onsite audit
- Take new samples for testing
- Carry out a documentary assessment

## *D. Non-conformities and corrective action plan*

### a. “Minor” non-conformities

A non-conformity is considered to be minor when it does not impact the specifications of the product to be certified. This type of non-conformity may be addressed and does not prevent certification continuity according to the NOP standard.

The operator must implement corrective actions within a set deadline (e.g. 30days) to achieve compliance and certification. Additional evaluation may be required: e.g. analysis, additional audit or a documentary review.



## b. “Major” non-conformities

A non-conformity is considered to be major when it does impact or might impact the specifications of the product. This type of non-conformity cannot be addressed for products that have already been impacted and therefore prevents the continuity of the process for products to be certified.

In such cases, a notice will be sent out to the operator to clarify the impact on the products/operations.

## c. Corrective action plan

The corrective action plan is a list of all potential non-conformities sorted according to their severity (“minor” or “major” non-conformities). Each non-conformity is associated to suggested corrective actions including measures to be implemented accordingly and implementation requirements. The corrective actions are suggested according to the nature and the severity of the non-conformity; fraudulent and recurrent non-conformities are also taken in to account.

Follow up actions may include:

- Continuation of the certification with restrictions
- Suspension of the certification
- Withdrawal of the certification

## E. Review of the evaluation conclusions and certification decision

A review of the evaluation phase, in terms of relevance and exhaustiveness, is carried out and recorded by Ecocert. This review takes into account the conclusions of all assessments and any other relevant data.

If all stages of the evaluation are deemed comprehensive and relevant, a certification decision is made accordingly. The decision may be positive or negative.

- If the certification decision is positive, certification documents will be issued and sent
- If the certification decision is negative, a written notification will be sent detailing the reasons. In such cases, the operator may apply for certification again, starting the process all over from step A (*please refer to chapter A. Application*)

The conclusions of the review may also lead to the identification of additional evaluation task that are required before a certification decision can be made.

## F. Certification documents

The certification documents will be issued providing that:

- A positive certification decision has been made
- Certification requirements have been met



### a. Organic certificate

A certificate will be issued, sent by post or email and will clearly state:

- The name and address of the certified operator
- The company name, address and contact details (website, telephone) of Ecocert SA
- The certificate issuance date
- The anniversary date for renewal (documentary update to be submitted)
- The type of operations (plant production, animal production, wild collection, processing/handling)
- The list of certified products with associated certification category (“100% organic”, “organic”, “made with organic”)
- The references “Certified to the USDA organic regulations, 7 CFR Part 205” and “Once certified a production or handling operation’s organic certification continues in effect until surrendered, suspended or revoked”.

Certificates issued by Ecocert are uploaded on our website and available online at [www.ecocert.com/en](http://www.ecocert.com/en) for authentication purpose. The operator will be notified by email or post of the online availability; certificates may be downloaded or printed from our website.

Ecocert SA cannot be held accountable for any operational costs incurred by the operator in anticipation on the basis of the certification decision, when the decision has not been made yet (e.g. starting production, printing labels etc.).

### b. Transaction certificate

For exports to the US, the above described annual certificate is the only requirement. However Ecocert may issue transaction certificates (TC) for one or several certified product lots, although the transaction certificates are not part of NOP requirements. The TC is issued upon application, further to a documentary review of supporting compliant documents and provided the compliance of the operation with the certification requirements stated in this document are met.

To apply for the issuance of a TC with Ecocert, please submit copies of the invoice and transport document (AWB, CMR, Bill of lading etc.) for the designated shipment.

### c. Notice on the US-Canada organic equivalence arrangement

For your exports of NOP certified products to Canada, Ecocert may issue a notice as an annex to the annual certificate upon request in compliance with the requirements of the US-Canada organic equivalence arrangement.

The notice on equivalence is issued further to a product review and enables the operator to use the “Canada Organic/Biologique logo” as provisioned in the US-Canada organic equivalence agreement, in compliance with the associated requirements set by the agreement and for the duration of the validity of the annual certificate. Organic products to



be exported to Canada must be compliant with the requirements of both the NOP and US-Canada organic equivalence arrangement.

Please note:

- As the notice of equivalence is issued as an annex to the NOP certificate, the notice may only be used by the operator within the validity of the main certificate. Similarly, in order to qualify for equivalence, NOP exports to Canada must be done within the validity of the NOP certificate.
- The issuance of the notice on equivalence cannot be considered as an evidence of product certification in accordance with the requirements of the Canadian Organic Regime; the notice on equivalence is only a statement on the equivalence of a NOP certified product intended to be exported to Canada.

### *G. Surveillance and renewal of the certification process*

#### a. Reminder of the requirements for certification and continuity

Please find below a reminder of the requirements for NOP certification and continuity, as provisioned in paragraph 205.400 of the NOP standard:

- Compliance with NOP requirement at all times
- Implementation and annual update of an OSP submitted to Ecocert
- Full access for Ecocert to operational sites for inspection purpose, including the conventional operations, all sites, offices etc.
- Keeping records of all organic operations for at least 5 years and making records available during normal business hours for auditing and copying
- Payment of certification fees to Ecocert
- Immediate notification to Ecocert in the following cases
  - o Non-permitted substances used on a plot of land, production or processing unit, on animals etc.
  - o Change in a certified operation or any portion of a certified operation that may affect its compliance with the standard.

#### b. Periodic review process

The certification process will be automatically renewed each year, unless the operator has duly notified Ecocert of the termination of the certification contract within the deadline set in the applicable general and technical Terms and Conditions.

The surveillance process applies to all changes impacting regulation requirements and/or the operation and/or the range of products to be certified. The operator is therefore required to update the unit description accordingly, if any modifications to the management system



(practices, production tool, representatives...) or the range of products to be certified are foreseen.

The renewal process follows all stages of the certification process after the operator has provided an update:



### c. Risk analysis

ECOCERT will carry out a risk analysis in relation to the certification based on set criteria such as type of product, sales, complexity of the operation, previous assessment results and the implementation of a risk management plan for the operation.

Depending on the results of the assessment, a level of risk is associated to the operation which may lead to enhanced evaluation (additional audits, samples for analysis, documentary review...).

### d. Audit plan

In order to assess the continuity of the compliance of the operations, Ecocert will implement an annual assessment plan (onsite audits, analysis plan...):

- In all cases, the eligible operator applying for organic certification is required to be **fully audited on all operations at least once a year** in order to maintain the validity of the certification status.
- In addition, additional evaluations may apply to high risk operators as mentioned above.

In case of suspicions by Ecocert with regards to the organic status of the product (e.g. further to a notification from another control body etc.), additional evaluation may be required.

### e. Quote for surveillance fees

Ecocert will issue the operator with a quote for the cost of renewing the annual certification, based on the information provided at the time of the renewal, on the risk analysis and data collected during previous inspections or other investigations.

### f. Surveillance evaluation

After payment of the cost estimation, as with the initial evaluation, the evaluation plan is implemented.



Documentary and onsite evaluations will include the review of corrective actions pertaining to the non-conformities noted during previous evaluations.

As part of the surveillance process, steps C, E and F are repeated.

**Please note:** Ecocert may decide to stop the certification process at any time in cases set in chapter IV.A.b

A diagram summarizing the certification process is available in Annex II.

### H. Certification renewal

When no non-conformities have been identified during the surveillance process, the validity of the certification status is maintained and Ecocert will issue the operator with new certification documents.

When non-conformities have been noted either during the surveillance or the certification process, Ecocert will review the extent and the severity of the non-conformities (based on the corrective action plan) and take the following measures accordingly:

#### (i) Certification validity is maintained with conditions

E.g. conditions may include:

- reinforced surveillance via additional audit or analysis,
- a set deadline for the implementation of corrective actions
- etc.

In this case, a non-compliance notice will be sent first. If the set requirements are not met within the set deadlines, Ecocert will initially send a notice of proposed suspension or revocation to the operator. If the non-conformities have still not been addressed within deadlines at this stage, Ecocert will then send a notice of suspension or revocation.

#### (ii) Proposed of suspension

This implies the interruption of the certification with effect from the suspension date and for a duration set by Ecocert.

The suspension may affect one or several products and/or product lots, part of the operation or the whole operation.

In all cases, the impacted products can no longer be sold with a reference to the NOP certification and the designated products will be removed from the list of certified products on certification documents during the period of suspension.

#### (iii) Proposed revocation

This implies the termination of the certification for all products with effect from the revocation date and for a period of 5 years.

The products can no longer be referred to as organically certified.

This decision also implies the termination of the contract with Ecocert.





The operator may choose to surrender organic certification for all or part of the products at any time. Surrendering certification of non-compliant products implies that the notices issued in relation with the designated products are no longer applicable. If the operator applies for certification again, all certification notices previously issued must be disclosed.

If a product is not listed as certified on a certificate, or if the certification of the product has been surrendered, suspended or revoked, the designated product may no longer be marketed as “100% organic”, “organic or “made with organic”. Any references to the organic certification must be removed from all communication materials. A suspension or revocation imply that certification documents are invalidated with immediate effect. The operator can no longer refer to the previous certificates.

Operators under full suspension or revocation must undergo a reinstatement process in order to become certified again. As part of this process, operators will present their application to the USDA and the USDA will make the decision of certification. Ecocert will not be able to make any certification decision before the USDA has ruled (*please refer to the NOP Program Handbook 2605*).

### I. Changes impacting the certification

#### a. Change in the certification scheme (news requirements or updates)

Ecocert SA will notify the operator in writing of all documentary changes pertaining to the NOP certification scheme or to the scheme implementation requirements.

Depending on cases, requirements may be amended with immediate effect or a transition plan may be set by Ecocert SA or by the USDA.

The operator is responsible for implementing the required changes in order for Ecocert to check the implementation. If no changes are made, Ecocert may notify the operator of the non-conformities. If these are not addressed, it may lead to a certification suspension or even a revocation (*please refer to chapter IV.H*)

#### b. Change in the certification scope

Ecocert must be notified of all changes that may impact the compliance of the operation with the certification requirements.

E.g. changes may include:

- Change in the organization (change of owner, status, purchase of new land...)
- Change in the management process
- Change affecting products (inputs, recipe, etc.) or production process
- Change of contact details
- Doubts raised in relation to the organic status of the products or purchased products
- A planned termination affecting part of the products.
- Etc.



In some cases, these changes may affect the certification process and lead to additional audits or an audit for extension purpose (addition of new products/process). Certification documents will be updated accordingly.

### c. Certification postponement

If the operator makes a request to postpone the certification process of the operation (operational stoppage) or if the operator, due to unforeseen circumstances, is unable to implement the certification process (political instability in the area...), Ecocert may agree to postpone the certification process for a set period of time upon review.

The contract binding all parties remains valid over this period of time, although the certification will be considered as surrendered.

Throughout this period of time, certificates issued by ECOCERT before the postponement will no longer be valid, as with a surrender. References to the certification and/or to ECOCERT are no longer permitted; this applies to all communication materials (labelling, website, invoice, advertising etc.).

At the end of the postponement period, the certification process will resume and be handled as a first-time application.

## J. Contract termination

### a. Conditions and impact of a contract termination

The operator may choose to surrender organic certification for all or part of the products at any time. If the operator is planning to drop the certification of all products as well as terminate the contract, this should be done in compliance with the general and technical Terms and Conditions.

A break in the certification for all or part of the products, and the termination of the contract if applicable, will automatically imply the end of validity of previous certificates issued for the impacted products.

Consequently, with effect from the end date of the certification (and termination date if applicable) the operator may no longer produce or market the impacted products with references to the certification and/or Ecocert. The certification of products that have already been sold or still being marketed is not impacted.

### b. Special cases of stock clearance & stock audit

When the operator can account for a remaining stock of compliant products referring to the certification and/or to Ecocert SA, requiring extra time beyond the validity date of the certificate or contract, the operator must contact Ecocert to discuss the estimated time required for clearance purpose.



When the certification has been terminated (as well as the contract if applicable), the operator may no longer start a new production with reference to the certification and/or Ecocert.

However if the operations are based exclusively on the storage and distribution of prepacked products and qualify for certification exemptions in accordance with NOP paragraph 205.101 (*please also refer to chapter III.A on scope*), the operator may continue to sell the remaining stock of organic products without a valid NOP certificate; although such operation would no longer qualify for the issuance of a transaction certificate (after termination).

### c. Migrating certification data

The operator may choose to change control body at any time. The change process implies the transfer of certification data from the previous control body to the new one.

If the operator was previously contracted with another control body and is moving across to Ecocert, the previous control body will disclose the certification data to Ecocert for review and Ecocert will process the new application accordingly.

In such cases, Ecocert will also share the certification data upon written request from the operator or from the new control body.

If you wish to continue selling « 100% organic », « organic » or « made with organic » products during the transfer, we invite you to maintain your previous certification until the new certificate is issued by your new control body (see also NOP Program Handbook, Instruction NOP2604).

## V. SUBCONTRACTORS

Ecocert SA subcontracts all analyses to external laboratories. Subcontracted laboratories have all been duly approved by Ecocert SA and listed on our website [www.ecocert.com/en/organic-farming-analysis](http://www.ecocert.com/en/organic-farming-analysis). Any claim with regards to the laboratory list should be notified to Ecocert in writing.

## VI. COMPLAINTS & APPEAL

Operators may lodge service complaints with Ecocert or an appeals against decisions made by Ecocert.

Ecocert will acknowledge the receipt of all service complaints or appeals against a decision made by Ecocert and will process them within the deadlines set by internal complaints and appeals procedures.



### **A. Complaints**

Complaints regarding Ecocert approvals, services or clients etc. must be submitted in writing. A reply will be sent by Ecocert within an appropriate deadline.

All complaints and subsequent actions are recorded by the Quality manager. A review of complaints is conducted on a regular basis to ensure customer's satisfaction.

### **B. Mediation**

Requests for mediation in relation to a certification decision (certification denial, proposed suspension or revocation) must be submitted to Ecocert as follow:

- in writing (by post or email)
- within 30 days of receipt of the relevant notice

Ecocert will review such requests for admissibility and notify the applicant in writing, if the request has not been deemed admissible.

If the appeal has been deemed admissible, a proposed mediator may be assigned to initiate a formal mediation process. The operator may refuse the proposed mediator and put forward another mediator for Ecocert's approval. If no agreement is reached by both parties on selecting the mediator, the mediation will be considered as unsuccessful.

Once an agreement is reached by all parties on selecting the mediator, a mediation session will be scheduled and may be followed up by a 30 day deadline in order to reach a written agreement in relation to the dispute.

### **C. Appeals**

Appeals may be lodged with the USDA at any time against an Ecocert's certification decision (certification denial, proposed suspension or revocation, mediation refusal) and must be submitted as follow:

- The appeal must be lodged in writing within 30 days of receipt of the notification of Ecocert 's decision and addressed to the USDA (Administrator, USDA, AMS c/o NOP appeals Staff, Stop 0203, Room 302-Annex, 1400 Independence Avenue, SW., Washington, DC 20250-0203, USA)
- A copy of the relevant notification must be attached
- The requester must state the reasons for considering the decision as unjustified

When the appeal is related to a "proposed suspension or revocation", the certification remains valid until a decision has been made by the USDA upon review.



## **VII. REFERENCES TO THE CERTIFICATION, TO ECOCERT AND TRADEMARKS (ECOCERT & OTHERS) IN RELATION TO THE SERVICE PROVIDED**

The rules of references to the certification, to Ecocert SA and to the trademarks associated to the service provision are set in the following Ecocert guidelines: *TS17 “Rules for the reference to Ecocert certification and certification trademark - agricultural and food products”* (available upon request or on our website [www.ecocert.com/en](http://www.ecocert.com/en)).

Trademark infringement and incorrect references to the certification or to Ecocert by a client will be dealt with appropriate measures such as certification reduction, suspension or withdrawal. Ecocert SA may also be required to notify the Competent Authority.

Examples of trademark infringement and incorrect references:

- The certification logo or reference to the certification or to Ecocert is showing on products non complying with the certification requirements
- The certification logo or reference to the certification or to Ecocert is showing on products that have not never been submitted for certification or that are in the process of being certified
- The rules on certification references are not complied with (please refer to the TS17 rules, available upon request or on our website).

\* \*  
\*

Please contact your local ECOCERT SA representative for further query.



## **ANNEX I: Definitions**

**Corrective action:** action aiming at suppressing the origin of a non-conformities or of another identified unwanted situation.

**Appeal:** written request from a client to the Ecocert group for the reconsideration of a certification decision.

**Certification:** issuance of a certification document.

**Client:** legal person or entity (signatory) who/that has contracted the Ecocert group for the provision of services.

**Certification document:** document issued for the client to confirm the compliance of products with the scheme.

**Certification requirement:** specific requirement that must be met by the client in order to achieve or maintain certification.

**Non-conformities:** non-compliance to a requirement

**Evaluation plan:** description of the number and type of evaluations required during the assessment cycle in order to ensure the compliance of a product with the requirements associated to specific client types.

**Complaint:** discontent (not including appeal) expressed to the Ecocert group in relation with the group operations by a person or organization and requiring a reply

**Corrective action plan:** list of non-conformities with the certification requirements and associated impacts on the certification decision. Required additional evaluation tasks may be listed as a complement to the plan in order to address the non-conformities.

**Certification scheme:** set of requirements, rules and procedures defined by the scheme originator that are to be implemented by Ecocert group.

**Certification standard:** technical document defining the product requirements to be met, terms of assessment and communication process with regards to the certification process.

**Surveillance:** recurrent assessment, review and decision of certification, in compliance with the certification scheme in order to maintain the validity of the certification.



## ANNEX 2: Certification process flowchart (NOP)

### CERTIFICATION PROCESS

