

Catalogue of Infringements Republic of Ireland

Version 6



*A catalogue of non-compliances, infringements and irregularities applying to the Organic Sector in Ireland,
based on the provisions of the various EU regulations as well as national legislation.*

Organic Unit, Department of Agriculture, Food and the Marine, Johnstown Castle Estate, Wexford, Ireland – January 2018

Introduction

This document is produced in accordance with Article 30 (1) of Regulation 834/2007 (Infringements and Irregularities), and Article 92(d) of 889/2008 as amended.

Its purpose is to set out a comprehensive list of non-compliances, infringements and irregularities applying to the Organic Sector in Ireland, based on the provisions of the various EU regulations as well as national legislation.

Regulatory background

Article 92 (d) of 889/2008 as amended provides as follows:

“Competent authorities shall adopt and communicate to control bodies that have been delegated control tasks, a catalogue at least listing infringements and irregularities affecting the organic status of products and corresponding measures to be applied by control bodies in case of infringements or irregularities by operators under their control who are involved in organic production.

Competent authorities may include other relevant information in the catalogue on their own initiative.”

Response of the Irish Competent Authority

The Irish Authorities hereby communicate to all control bodies a document outlining examples of types of non-compliance together with sanctions which should be imposed, at a minimum, and a catalogue listing infringements and irregularities affecting the organic status of products and corresponding measures to be applied by control bodies in case of infringements or irregularities by operators under their control who are involved in organic production. In exceptional circumstances after due consideration of mitigating circumstances, and with agreement of the Competent Authority, the sanction may be reduced. Similarly the measures to be applied by the Organic Control Body may be elevated to a higher sanction in proportion to the extent to which the provision has been violated, the particular type and circumstances of the irregularity and mindful of any pattern of reoccurrence. If the organic integrity of the product is not directly compromised re-categorisation is permitted.

This document has been drawn up in consultation with The Organic Forum, representing all Control Bodies operating within the Irish jurisdiction. This document is not exhaustive and will be subject to on-going amendment. Other infringements and irregularities which also affect the organic status of products but are not listed must also be duly considered by the Control Body.

Note on the Suspension of Operators

Article 30 (1) of Council Regulation (EC) 834/2007 provides that:

“where a severe infringement or an infringement with prolonged effect is found, the control authority or control body shall prohibit the operator concerned from marketing products which refer to the organic production method in the labelling and advertising for a period to be agreed with the competent authority of the Member State”

In Ireland either type of breach (severe infringement or an infringement with prolonged effect) is referred to as a ‘manifest infringement’. The period during which an operator is prohibited from marketing organic products should be considered on a case-by-case basis. However, to ensure that Irish Control Bodies adopt a broadly consistent approach, the following framework should be applied

The Frame work

- **Two years** will generally be seen as the appropriate period of prohibition for a severe infringement or an infringement with prolonged effect. This prohibits the licensee to trade in any organic product for a period of two years. This should be regarded as the baseline against which other prohibitions are considered. A two year period will in most cases allow sufficient time for operators to review their systems and implement compliant procedures. It should also offer organic consumers reassurance about the integrity of the organic sector.

The Tables in the Annexes provides more detail on:

- the classifications of different types of non- compliance;
 - the types of actions that fall under each classification;
 - the action that Control Bodies are expected to take in respect of each type of classification;
 - the timescale for taking action; and
 - any follow-up action that might be necessary
- The following are examples of severe infringements or infringements with a prolonged effect:
 - fraudulent activity e.g. passing non-organic products off as organic;
 - incomplete records as a result of the omission of information;
 - two or more examples of behaviour that have a direct impact on the health and welfare of an operator’s organic livestock assessed over a 12 month rolling period (depending on the severity of the case, one successful prosecution on these grounds could be sufficient to constitute a severe infringement or an infringement with prolonged effect); and

- failure, within a reasonable period, to correct three or more identified critical non-compliances.
- In determining the length of any prohibition, Control Bodies should consider both the circumstances of the breach and the circumstances of the operator. The following are examples of what are considered to be ‘aggravating factors’ and, if present alongside the severe infringement or infringement with prolonged effect, are likely to increase the prohibition period; this is not an exclusive list:
 - Evidence that animals under the case/control of the operator have been subjected to avoidable physical harm/mutilation/malnutrition that is inconsistent with the standard of care that is expected from an operator
 - The operator being obstructive towards any investigations undertaken by the Organic Control Bodies and/ or the Competent Authority following their findings;
 - Actions that have resulted in a public health issue
 - Contamination of product due to inadequate measures to ensure separation of organic and non-organic products
 - Operator is unable to demonstrate the organic status of an ingredient used in a **product**

In such cases, it may be considered appropriate to extend the agreed prohibition period to more than two years. This will be dependent on the individual circumstances of the matter.

DAFM and the Control Body should consider the individual case and agree a suitable period of prohibition. In exceptional circumstances after due consideration of mitigating circumstances, and with agreement of the Competent Authority, the sanction may be reduced.

- The Control Body should assess the circumstances surrounding the case and inform DAFM, suggesting a suitable period of prohibition. DAFM will then consider the case and confirm (with reasons) within 10 working days whether or not the suggested period of prohibition is considered to be appropriate. DAFM will ensure that all Control Bodies adopt a similar approach by checking as part of its annual assessments of the Control Bodies. Any non-compliances relating to the Control Body’s additional private standards are not relevant under Article 30 of Council Regulation (EC) 834/2007.

End of the prohibition period:

- Once the prohibition period ends, the operator can market products as organic provided they have a current organic licence, are registered with the Competent Authority and, where necessary, have complied with any requirements.

Residue Analysis Action Form

Any positive laboratory analysis result must be investigated by the OCB in order to determine the possible source of contamination and the appropriate follow-up action taken as outlined below

% of MRL	DAFM NOTIFICATION REQUIRED	Status of contaminated produce	OCB Action Required	DAFM Action
10% or less of MRL	Notify DAFM within 3 working days of the conclusion of OCB investigation and corrective action taken	Temporarily hold affected organic batch from sale or distribution as organic for duration of investigation.	Investigate to identify possible source of contamination and make decision on action relating to product based on outcome of investigation	Where appropriate, DAFM will liaise with OCB.
10% to 80% of MRL	Notify DAFM Immediately	Immediately put affected batch on hold and prohibit its sale/distribution as organic	Investigate to try to identify source of contamination, produce a report on same with findings and recommendations and forward to DAFM within 3 working days of conclusion of investigation	DAFM will confirm appropriate corrective action (with reasons) within 5 days of receipt of the OCB report on contamination
80% or above of MRL	Notify DAFM Immediately	Immediately withdraw the organic status of the product/lot/batch and prohibit its sale/distribution as organic	Investigate to try to identify source of contamination, produce a report of findings; confirm withdrawal of organic status of batch/lot and supply to DAFM within 3 working days of conclusion of investigation	Where appropriate, DAFM will liaise with OCB.
Residues detected greater than MRL	Notify DAFM immediately	Withdraw organic status immediately, instruct operator to initiate recall and safe disposal of affected product	Investigate to try to identify source of contamination. Based on outcome of investigation produce a report on same with findings and recommendations which may include suspension of operator and forward to DAFM	DAFM will consider the case and confirm appropriate corrective action (with reasons) within 5 working days of receipt of the OCB report on contamination

NB: In instances, where there is no MRL for the residue detected, the OCB should immediately contact DAFM for guidance.

ANNEXES

Annex I Levels of non-compliance, definitions and examples

Annex II Catalogue of Infringements

Annex III Actions, Sanctions & Timescales

Annex I

Levels of non-compliance, definitions and examples

LEVEL 1 – MINOR NON-COMPLIANCE	LEVEL 2 – INTERMEDIATE NON-COMPLIANCE	LEVEL 3 – IRREGULARITY.CRITICAL NON-COMPLIANCE	LEVEL 4 – MANIFEST INFRINGEMENT
Does not directly compromise the integrity of the product but needs correcting	May compromise the integrity of the product if not corrected, or may result from not correcting a previous minor non-compliance	<p>The integrity of the operation, product/batch or lot has been directly compromised or lost but can be recovered.</p> <p>For example:</p> <ul style="list-style-type: none"> • By accidental use/substitution/contamination by prohibited materials • Non-compliant labelling Excessive number of Non-compliances • Contamination with GMOs 	<p>A serious and chronic failure of the system where the integrity of the organic production has been lost.</p> <p>Examples:</p> <ul style="list-style-type: none"> • Deliberate fraudulent activities such as substitution of non-organic ingredients, selling n.o. as organic • Contamination by prohibited materials through systems failure • The repeated failure to correct previously identified non-compliances • Livestock health & welfare seriously compromised • Deliberate use of GMOs

Annex II

CATALOGUE OF INFRINGEMENTS

Infringement Number	Compliance Category	Specific Non-Compliance Issue	(Regulatory Reference)	Level 1	Level 2		Level 3		Level 4	
				Minor Non-Compliance	Intermediate Non-Compliance	Sanction	Irregularity/ Critical Non-Compliance	Sanction	Manifest Infringement	Sanction
ORGANIC PLANT & LIVESTOCK PRODUCTION										
	Separation of Organic and Non-Organic Livestock	Grazing of organic and non-organic animals of same species on organic farm	(889.17.1)				✓			
		Simultaneous grazing of organic and non-organic animals (different species) on same parcels in the absence of grazing agreements	(889.17.2)				✓			
		Simultaneous grazing of organic and non-organic animals (different species) on same parcel In the contravention of grazing agreements.	(834.11)		✓					
		Simultaneous housing of organic and non-organic animals	(834.11) (889.17.1)				✓			
	The Grazing of Non Organic Grassland	Non-organic animals exceeding grazing limit of 120 days:	(889.17.2)				✓			
		Organic animals grazing non-organic land	(889.17) (834.11) (834.14)				✓			
	Origin of Livestock	Purchase of non-organic breeding stock which did not comply with nulliparous rule (exception rare breeds) – did not apply for and/or receive derogation	(889.9.3)				✓			
		Non-organic stock of incorrect gender bought in,	(889.9.3)		✓					
		Purchase of nulliparous breeding stock in excess of 10% rule without derogation.	(889.9.3)				✓			

Infringement Number	Compliance Category	Specific Non-Compliance Issue	(Regulatory Reference)	Level 1	Level 2		Level 3		Level 4	
				Minor Non-Compliance	Intermediate Non-Compliance	Sanction	Irregularity/Critical Non-Compliance	Sanction	Manifest Infringement	Sanction
		Purchase of non-organic animals without derogation (40% rule) or in excess of derogation (40%)-derogation not obtained from OCB/DAFM	(889.9.4)				✓			
		Purchase of day old chicks without obtaining derogation in advance of purchase	(889.42)		✓					
		Purchase of n.o. point of lay pullets under 18 weeks without obtaining derogation from OCB/DAFM:	(889.42)				✓			
	General Welfare & Management Issues	Animals (Bovines) not tagged/both tags missing in excess of DAFM time lines.	(889.75)				✓			
		Tagging of Stock (Bovines) not compliant, e.g. one tag missing	(889.75)	✓						
		Derogation not sought for animal mutilations	(834.14.1b) (889.18.1)		✓					
		Mutilations not carried out in accordance with the legislation (i.e. anaesthetic/analgesia not used)	(834.14.1b) (889.18.1)				✓			
		Animal Welfare Issue					✓			
	Animal Housing Issues	Animal bedding not provided	(889.11.2)				✓			
		Non-compliant animal bedding materials used	(889.11.2)		✓					

Infringement Number	Compliance Category	Specific Non-Compliance Issue	(Regulatory Reference)	Level 1	Level 2		Level 3		Level 4	
				Minor Non-Compliance	Intermediate Non-Compliance	Sanction	Irregularity/Critical Non-Compliance	Sanction	Manifest Infringement	Sanction
		Animals housed on slats with no access to bedded area	(889.11.1) (889.11.2)				✓			
		Bedding over slats - no solid bedded area	(889.11.1) (889.11.2)				✓			
		Inadequate animal bedding provided (i.e. comfortable, clean, dry rest area not evident; loose litter not evident over mats in cubicles):	(889.11.2)		✓					
		Housing non-compliant – less than 50% solid bedded area provided	(889.11.1)		✓					
		Animal housing - inadequate space for number of animals housed; inadequate perching space; pop-holes.	(889.10.4) (889.Annex III)				✓			
	Feed Issues	Feeding of non-organic feed to herbivores	(889.43)				✓			
		Feeding non-organic feed to non-herbivores in excess of 5%	(889.43)				✓			
		Feeding non organic feed containing GM.	(834.9) (889.69) (889.Annex XIII)						✓	
		First year in-conversion fodder utilised in excess of 20% of overall fodder requirements –from the organic farm	(889.21.2)				✓			
		Feeding in-conversion feed in excess of allowances stipulated in regulations	(889.21.1 & 889.21.2)				✓			

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				Minor Non-Compliance	Intermediate Non-Compliance	Sanction	Irregularity/Critical Non-Compliance	Sanction	Manifest Infringement	Sanction
	Animal Health & Welfare Issues	Use of veterinary inputs without adequate justification	(889.23.1) (889.24)		✓					
		Use of substances having hormonal or thyrstatic action and beta agonists in farm animals without veterinary authorisation on a case by case basis.	(889.23.1) (889.23.2) (889.24.3)				✓			
		Evidence of inadequate provision of feed, water and other necessary substances which compromises animal health/welfare	(834.5)				✓			
	Land and Pollution Related Issues	Crop rotation not in compliance	(834.12.1b)		✓					
		Poaching of soil	(834.14.b.iv)		✓					
		Exceeding annual limit relating to 170 kgs/ON/ha/pa	(889.3.2) (889.15.1)				✓			
		Manure storage/effluent storage and management non-compliant	(834.12.1f)				✓			
		Storing manure on land during closed period	(834.12.1f)				✓			
	Livestock Paperwork Issues	Inaccurate stock figures - stock reconciliation not possible	(889.66.1)				✓			
		Flock/Herd register/ CMMS not up to date in accordance with statutory regulations.	(889.66.1) (889.76)				✓			
		Veterinary Health Plan not up to date	(889.76)	✓						

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				Minor Non-Compliance	Intermediate Non-Compliance	Sanction	Irregularity/Critical Non-Compliance	Sanction	Manifest Infringement	Sanction
		No Veterinary Health Plan			✓					
		Documentation Not Submitted by Specified Deadline:	Appendix 1 (889.66.1)		✓					
	General Paperwork Issues	No Records kept	(889.66.1)						✓	
		Inadequate record-keeping	Appendix 1 (889.66.1)				✓			
		Extension/reduction of licensed land areas not notified to OCB	(889.64) (889.70.1)		✓					
		Organic enterprise changes not notified to OCB, e.g. approval not sought for new enterprise and/or product	(889.64)		✓					
		Discrepancy in mass balance audit; mass balance audit not achievable	(889.66.1)		✓					
	Seed Paperwork Issues	Derogation not sought for use of untreated non-organic seed or propagation material (100% n.o.)	(889.45)				✓			
		Derogation not sought for permission to use seed mixture containing a % n.o.seed	(889.45.6)		✓					
		Used of dressed/treated seeds	(889.45.2)				✓			
	Prohibited Inputs & Contamination Risks	Spraying prohibited herbicide/pesticide	(834.12.1g) (889.5.1) (889.AnnexII)				✓			
		Failure to report a known spray-drift issue	(889.64)				✓			

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				Minor Non-Compliance	Intermediate Non-Compliance	Sanction	Irregularity/Critical Non-Compliance	Sanction	Manifest Infringement	Sanction
		Use of prohibited chemical/s, inputs	(889.5.1) (889.22)				✓			
		Exceeding limit for copper usage Where copper product approved for use in Ireland as a fungicide	(834.16.1) (889.5.1) (889.AnnexII)				✓			
		Cleanliness of equipment not in compliance	(834.12j) (889.63.1c) (889.95.6)		✓					
		Cleaning procedures not adequately recorded	(889.63.1c)		✓					
		Use of compost for propagation purposes which contains inputs other than those indicated in Regulations.	(889.3.1) (889.AnnexI)					✓		
		Storage of prohibited input on an organic holding	(889.63.1) (889.70.1)					✓		
		Inadequate Precautionary Measures in respect of contamination	(889.23.4) (889.63.1c)	✓						
	General Issues	Export of organic manure/poultry litter/slurry to non-organic farms	(889.3.3)					✓		
ORGANIC PROCESSING & PROCESSED PRODUCTS										
	Product or Labelling Issues	Point of sale labelling	(834.23 and 834.24)				✓			
		Display signage non-compliant:			✓					
		Use of unapproved non-organic ingredient in an organic product	(834.23)					✓		

Infringement Number	Compliance Category	Specific Non-Compliance Issue	(Regulatory Reference)	Level 1	Level 2		Level 3		Level 4	
				Minor Non-Compliance	Intermediate Non-Compliance	Sanction	Irregularity/Critical Non-Compliance	Sanction	Manifest Infringement	Sanction
		Sale of non-organic produce as 'organic'	(834.23)						✓	
		Use of unapproved processing aid or additive	(834.19.2)				✓			
		Use of non-rinse sanitiser without subsequent rinsing	(889.26.2a) (889.26.2b) (889.26.3e)		✓					
		Use of unapproved off-site processing unit	(889.86)				✓			
		Use of non-food grade packaging on organic food products	(834.1.4)				✓			
		Segregation between organic/non-organic products not evident/not compliant	(889.26.3)				✓			
		Agreed bleed runs/purges not carried out between organic/non organic production runs	(889.26.3a) (889.26.3e)				✓			
		Organic products in storage not identifiable	(889.26.3d)				✓			
		Clean-down prior to organic production run not evident/non-compliant	(889.26.3e)				✓			
		Use of unlicensed wholesaler or unlicensed storage facility	(889.86)				✓			
		Pest Infestation in food store not addressed	(889.23.4)				✓			
		Insufficient action taken on complaints	(889.91)		✓					
	Residue and Analysis Issues	Failure to notify OCB of positive residue test result taken as part of licensee's own analysis procedures	(889.91)				✓			

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				Minor Non-Compliance	Intermediate Non-Compliance	Sanction	Irregularity/Critical Non-Compliance	Sanction	Manifest Infringement	Sanction
		DNA analysis reveals DNA other than DNA of specific product, e.g. pork DNA in beef burger produced by organic licensee	(834.6c)				✓			
		Product has been irradiated (as evidenced by irradiation test) – in product produced by licensee	(889.63.1c)				✓			
	Product Paperwork	Documentation not submitted by specified deadline	(889.67)		✓					
		Failure to notify CB immediately of any irregularity/infringement or suspicion that may impact on the organic status of a product	(889.91)				✓			
		Inadequate record-keeping	Appendix 1 (889.66.1)				✓			
		Proof of GM-free status of non-organic permitted ingredients not verifiable	(889.9)				✓			
		Flavourings in use not compliant with 'natural' requirements	(834.19)				✓			
		Pre-approval not sought for production of new products	(889.64)				✓			
		Processing records - quantities of ingredients etc not adequate to production	(889.66.1)				✓			
		Purchase invoices not stating organic status of ingredient being brought in	(889.66.1)			✓				
		Sales invoice/docket not stating organic status of product	(889.66.1)		✓					
		Insufficient/inadequate records to complete mass balance	(889.66.1)					✓		
	Input/Output does not balance – over usage	(889.66.2)					✓			

Infringement Number	Compliance Category	Specific Non-Compliance Issue	(Regulatory Reference)	Level 1	Level 2		Level 3		Level 4	
				Minor Non-Compliance	Intermediate Non-Compliance	Sanction	Irregularity/Critical Non-Compliance	Sanction	Manifest Infringement	Sanction
		Traceability not achievable due to inadequate record-keeping	(889.27.13)				✓			
		Pest control records inadequate/non compliant	(889.66.1)		✓					
		Poor hygiene standards in evidence in production unit	(834.18.1) (834.27.3)				✓			
		Requirements for Third country imports Certificate of Inspection not met	(889.84)				✓			
		Product imported not in compliance with Regulations	(889.84) (834.32) (834.33)				✓			
		Specifications for ingredients not available	(889.26.4) (889.26.1)				✓			
		Incoming organic goods not checked on arrival/inadequate verification of goods received	(889.33)				✓			
		Delivery dockets for bulk products non-compliant as regards the required organic certification ID	(889.66.1)				✓			
		Persistent failure to correct previous issues of critical non-compliance							✓	
		No Organic product recall system	(889.26.1) (889.91)				✓			
		Organic Product recall conducted without notifying OCB	(889.91)				✓			
ORGANIC AQUACULTURE & AQUACULTURE PRODUCTS										
	General Issues	Disease prevention/veterinary treatments non-compliant	(889.25t)				✓			
		Withdrawal periods non-compliant	(889.25t.4)				✓			
		Transport of live fish not in compliance with regulations	(889.32a)				✓			
		Sustainability Management Plans not updated:				✓				

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				Minor Non-Compliance	Intermediate Non-Compliance	Sanction	Irregularity/Critical Non-Compliance	Sanction	Manifest Infringement	Sanction
		Inadequate record-keeping	Appendix 1 (889.66.1)				✓			
		Measures taken against predators not recorded in Sustainable Management Plan	(889.25b.20)		✓					
		Origin of aquatic animals not in compliance with regulations	(889.25d) (889.25e)						✓	
		Slaughtering techniques non-compliant	(889.25h.5)				✓			
		On land rearing system non-compliant	(889.25g.2)				✓			
		Use of hormone or hormone derivatives	(889.25i)				✓			
		Feed not in compliance with Regulations	(889.25j) (889.25k) (889.25l) (889.25m)				✓			
		Antibiotic Residues following analysis where use of antibiotic not prescribed by vet					✓			
		Inadequate separation of organic and non-organic production units	(889.6b.2) (889.25c)						✓	
		Use of veterinary medicines not declared to Control Bodies.	(889.25t.5)				✓			
	Mollusc Production	Simultaneous production not in compliance with Regulations (Article 79d of 889)	(889.79d) (889.25c)				✓			
		Production area not delineated as required	(889.25n.2)				✓			

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				Minor Non-Compliance	Intermediate Non-Compliance	Sanction	Irregularity/Critical Non-Compliance	Sanction	Manifest Infringement	Sanction
		Seed not sourced in compliance with Regulations	(889.25o)				✓			
	Finfish Production	Maximum stocking densities exceeded	(889 Annex XIIIa)				✓			
		Full description of production site not available	(889.63.1)		✓					
	Seaweed Production	Cleaning and drying of seaweed not compliant	(889.29a)				✓			
		Bio-fouling organisms removed by means other than physical	(889.6e)				✓			

Annex III

Actions, Sanctions and Timescales

NB Examples within the relevant definitions sections are not exhaustive and will be subject to on-going additions/amendments

Level	Description	Definition	Action / Sanctions	Time Scale	Follow-up
0	Compliance	Fully compliant. No issues raised.	None.	N/A	None.
0	Comment or Observation	The means of notifying general information regarding the standards. Example – references to: <ul style="list-style-type: none"> • Practices that could be improved e.g. to best practise. • Interpretation of the standards laid down in the organic Regulations. • Forthcoming changes to the standards 	None.	N/A	Must be checked at subsequent inspection

1	MINOR non-compliance	Does not directly compromise the integrity of the product but needs correcting	<p>Renewal of certification is conditional on:</p> <ul style="list-style-type: none"> • Corrective action to be agreed in writing by the CB and operator. • Operator to commit to undertake corrective action within an agreed timetable. • Evidence of compliance to be supplied by operator and verified by CB. • Only where evidence of compliance cannot be supplied, a statement of intent may be accepted (e.g. where a long term capital investment is required). 	<p>Licensee to respond within time period set by the CB, not exceeding 30 days from the date of notification.</p> <p>Corrective actions to be implemented within a reasonable period agreed by the CB taking account of the type of non-compliance (e.g. whether just a minor technical matter (such as record keeping) or potentially having wider repercussions (e.g. on livestock welfare) if not corrected.</p>	Must be checked at subsequent inspection
2	INTERMEDIATE non-compliance	May compromise the integrity of the product if not corrected, or may result from not correcting a previous minor non-compliance.	<p>Certification is conditional on:</p> <ul style="list-style-type: none"> • Notification to DAFM • Corrective action to be agreed in writing by the CB and operator. • Operator to commit to undertake corrective action within an agreed timetable. • Evidence of compliance to be supplied by operator and verified by the CB. • Only where evidence of compliance cannot be supplied a statement of intent may be accepted (e.g. where a long term capital investment is required). 	<p>Licensee to respond within time period set by the CB, not exceeding 30 days from the date of notification.</p> <p>Corrective actions to be implemented within a reasonable period agreed by the CB taking account of the type of non-compliance.</p>	<p>An additional inspection may be required, at the discretion of the CB.</p> <p>Corrective actions to be verified at subsequent inspection.</p>

3	Irregularity or critical non-compliance	<p>The integrity of the operation, product/batch or lot has been directly compromised or lost but can be recovered – Examples:</p> <ul style="list-style-type: none"> • By accidental use/substitution/contamination with prohibited materials. • Non-compliant labelling. • Excessive number of non-compliances. 	<p>The regulatory requirement here is to ensure that product affected (production run or entire lot) is not marketed as organic (having due regard to principle of proportionality). The EU regulations also require immediate notification to other OCBs, Competent Authority and relevant Member States, as well as EU Commission if appropriate. (EU Reg 834/2007 Arts 30.1 & 30.2)</p> <ul style="list-style-type: none"> • Immediate notification to DAFM <p style="text-align: center;">Article 92.4</p> <ul style="list-style-type: none"> • Immediate verbal suspension/decertification of the field, product, batch or lot by the CB, and an aim to inform the Operator in writing within three working days but no later than seven working days. • Referred to CB Certification Committee for confirmation/decisions. • Notify DAFM & CBs if product recall is needed. • DAFM to notify other Member States and EU Commission as required. 	Decertification of land, product, batch, lot as appropriate with immediate effect.	<p>Before the suspension can be lifted:</p> <ul style="list-style-type: none"> • The operator provides evidence that the critical non-compliance has been corrected. • Additional inspection at the discretion of the CB to check for full compliance (e.g. only where the suspension was found to be justified). • Corrective action and status of decertified land, product, batch, lot to be checked at subsequent inspection.
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4	MANIFEST INFRINGEMENT Severe infringements and infringements with prolonged effect	<p>A serious and chronic failure of the system where the integrity of the organic production has been lost.</p> <p>Examples:</p> <ul style="list-style-type: none"> • Deliberate fraudulent activities such as substitution of non-organic ingredients, marketing non organic produce as organic. • Contamination by prohibited materials through systems failure. • The repeated failure to correct previously identified non-compliances. 	<p>The regulatory requirement here is to ensure that product affected (production run or entire lot) is not marketed as organic (having due regard to principle of proportionality). The EU regulations also require immediate notification to other OCBs, Competent Authority and relevant Member States, as well as EU Commission if appropriate. (EU Reg 834/2007 Arts 30.1 & 30.2)</p> <ul style="list-style-type: none"> • Immediate notification to DAFM • Immediate verbal suspension/decertification. • Referred to emergency meeting of the CB's Certification Committee for confirmation/decisions. The Certification Committee meeting may be teleconference or email. • Decertification confirmed in writing by CB, within the aim of three working days, but no more than seven working days. • DAFM informed of decision & CBs if product recall is needed. • FSAI to be notified by DAFM as appropriate. • Period of licence withdrawal to be agreed with DAFM • DAFM to notify other Member States and Commission as required. 	<p>To be agreed between DAFM and the OCB.</p>	<p>The Control Body and DAFM to agree on a period during which the operator may not market organic products.</p> <p>The operator may not apply for an organic licence from another approved OCB during the period of prohibition</p>
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