

ICEA	M.0202	CERTIFICATION REGULATION Reg.(EC) No. 834/07 and Reg. (CE) 889/08 as amended	Ed.02 Rev.01 of 31.12.08
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1. FOREWORD

Istituto per la Certificazione Etica ed Ambientale, hereinafter referred to as **ICEA**, is a nonprofit Consortium composed of associations and organizations operating in a field of activities oriented towards environment-friendly, fair and long-lasting development, pursuant to Art. 2612 and the relevant ones of the Civil Code.

The Consortium was founded by AIAB (Italian Association for Organic Farming), Banca Popolare Etica (Ethical Bank), Demeter (Association for the protection of bio-dynamic quality in Italy), ANAB (National Association for Bio-ecological Architecture) and ACU (Consumers' Association), with a view to offering a certification service based on the principles of independence, transparency, objectivity, impartiality and competence, capable of building up suppliers' and consumers' confidence in the certified product, through verification of product conformity to voluntary or binding regulations.

The Consortium's registered office is in Bologna (Italy), Via Nazario Sauro No. 2.

Copies of all documents and reference norms mentioned in the ICEA Certification Regulation, Consortium's Statute and Organization Chart, are available at ICEA's offices and on the website, www.icea.info.

The control and certification activity concerns Italian operators as well as operators from third countries who produce, process, package, storage or market crop and/or livestock products in accordance with the organic farming method. It is carried out on production sites and/or production units subject to the inspection scheme.

ICEA authorizes all operators observing Reg. (EC) No. CE 834/07, Reg. CE 889/08 as amended and the ICEA Certification Regulation, to affix to the products, the conformity statements and logos provided by the legislation in force concerning organic farming and by the "Regulation for the Use of ICEA Logos and Certification Publicity."

The certification system consists of auditing and approving the production process management and control system implemented by the operator wishing to obtain organic products, followed by constant monitoring of process conformity and analysis of samples taken either on production/processing sites or from the market.

The purpose of this certification scheme, through initial assessment and subsequent surveillance, is to give customers an independent, trustworthy assurance that certified productions comply with the requirements of current legislation concerning products from organic farming (Reg. No. (EC) 834/07, Reg. EC 889/08, as amended) and this Certification Regulation (M.0202).

On the Italian territory, ICEA carries out its activity with Italian staff and documents in the Italian language.

For control and certification activities abroad, ICEA will use, when necessary, the English language or the language of the local populations, through translators and interpreters appreciated for their ability and accepted also by the operator under the inspection scheme.

The certification documents are all issued in two languages (Italian/English) and may be translated into the official language of the operator, upon the operator's request.

ICEA's inspection and certification activity is financed by the inspection fees which the operators are requested to pay. These fees are a function of the size and type of the business as well as of the number and specializations of production units. In any case, the criteria followed ensure the coverage of costs incurred for control and certification activities.

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2. GENERAL CONDITIONS AND DEFINITIONS

- a) The application to join the ICEA Inspection System can be submitted, with no limitation or discrimination, by any Operator who produces, prepares, stores or imports products in conformity with the existing legislation, and falling within the scope of Regulation (EC) No. 834/07, Reg EC 889/08 as amended.
- b) ICEA undertakes to apply also at the local offices, current procedures and expenditure accounts based on the Fees Guidelines in force, guaranteeing uniformity of application.
- c) The request for inspection and certification does not entail any obligation for the Operator to avail of other services offered by ICEA.
- d) The request for inspection and certification does not entail any obligation for the Operator to join the ICEA Consortium or any other related organization.

2.1. Products obtained with organic methods

These products consist of agricultural crops, livestock and livestock products (processed or unprocessed), yeasts, feeds, compound feed for livestock and raw material for feeds and products from aquaculture, obtained in accordance with the current national and international regulations governing the production with organic methods and falling within the scope of Reg. (EC) No. 834/07, Reg. EC 889/08 as amended.

In compliance with the provisions of RT 16 Sincert (www.sincert.it), ICEA has established some analytical reference standards for the products from organic farming, indicated in the "Product Standard Guideline".

This guideline defines:

- a) the requisites which have been considered for the definition of analytical characteristics of products from organic farming in accordance with Reg. (EC) No 834/07, and Reg.889/09 as amended
- b) the critical limits (maximum quantity of residues) and the normative references which must be respected for product compliance with Reg. (EC) No.834/07, and Reg.(EC) 889/09 as amended. *In particular, "A residue of active substances listed in Annexes 2, 3 and 4 or of revoked active substances not greater than 0.01 mg/kg¹ is tolerated for the agricultural crop and livestock products not specifically indicated in Annexes 2, 3 and 4, excluding those falling within the cases indicated in the following paragraphs."*

2.2. Operators qualified to request certification for the products obtained with the organic method of production

A. PRODUCTION UNITS

Production units are:

- agricultural holdings with agricultural crop production and/or livestock production or animals from aquaculture or yeasts (P or PZ);
- agricultural holdings that package and/or process or trade raw material prevalently of their own production, in compliance with the regulations in force (PT or PZT).

¹ As concerns phyto-pharmaceuticals **not allowed** by Annex II part B of Reg. (EC) No. 889/08 for residues falling between the limit of detection and 0.010 mg/kg, the Operator shall in any case consider the cause of the event.

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B. PREPARATION UNITS – FOOD INDUSTRIES (TRADING) (T)

These Operators who, in compliance with food production regulations in force, preserve, process or distribute agricultural products (including livestock slaughtering and cutting) and also, package, store/distribute them, modifying their labels to refer to organic production methods.

Feed industries, catering, retail sale of loose and/or pre-packaged products, marketing and/or distribution of all agricultural products all the operations specified by Reg. (EC) No. 834/07 and Reg. (EC) 889/08 as amended also fall within this category.

C. COLLECTORS OF WILD PRODUCTS

These Operators harvest edible vegetables that grow spontaneously in natural areas, forests and agricultural areas, as established by Art 12 paragraph 2 of Reg. (EC) No. 834/07 and Art. 8, paragraph 1, of Italian Legislative Decree No. 220/95.

D. IMPORTERS FROM THIRD COUNTRIES

These Operators import products obtained with organic methods from third countries (non-EU) in accordance with the arrangements laid down in Art. 32 and Art. 33 of Reg. (EC) No. 834/07.

E. UNITS OPERATING IN THIRD COUNTRIES

These are:

- agricultural crop and/or livestock and/or animals from aquaculture or yeast production holdings and collectors of wild products;
- agricultural holdings that package and/or process or trade raw materials prevalently of their own production;
- Operators who import and export agri-food products in compliance with the legislation in force in their own countries of origin and at international level;
- Operators who, in compliance with current legislation concerning agri-food productions,
 - preserve and/or process agricultural products (including livestock slaughtering and cutting),
 - package and/or store products, market and/or modify their labels to display indications referring to organic production methods.

Such units operate in Third Countries in conformity with the provisions laid down in Reg. (EC) No. 834/07 and Reg. (EC) 889/08 as amended, and/or local legislation which may be considered equivalent to Community legislation concerning organic farming.

2.3. Licensed Operator

A Licensed Operator is an Operator to whom ICEA has issued the conformity certification and who is, consequently, authorized to use the conformity label and certification mark.

3. ADMISSION TO THE INSPECTION SYSTEM

3.1. Notification of Activity with Organic Methods

The Notification of Activity with Organic Methods, prepared in accordance with the provisions of current legislation, is equivalent to a request for admission to the selected Inspection Body.

In addition to the Notification, the Operator is required to sign the "Certification Contract" specified under the following point. In the absence of all that, ICEA will be obliged to inform the Operator and the Competent Authority that, in this specific case, it is not in a position to perform the functions for which it has been authorized.

The Operator shall complete the original notification form in duplicate, of which:

- one shall be sent to the competent Authority;
- one shall be sent to ICEA c/o the competent local office .

Both copies shall be forwarded by registered letter with return receipt. The return receipts shall be retained by the Operator.

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One photocopy of the Notification shall be retained by the Operator.
Any significant change in the data contained in the Notification shall be communicated by means of the Notification of Variation ⁽²⁾

3.2. Certification Contract

The Operator shall complete, sign and send to ICEA the Certification Contract by which:

- he requests admission to the ICEA Inspection System and accepts the economic conditions, the payment terms and the procedure followed by ICEA for communicating any modification of the same;
- he declares he has received a copy of the ICEA Certification Regulation and Annexes (if any), has read it and accepts all the provisions therein contained.
- he signs the Privacy Statement.

3.3. Documentation attached to Notification

The Operator shall attach the following documentation to the Notification copy forwarded to the ICEA office of competence:

- a) Copy of the receipt of payment of the fee due on the basis of the current List of Fees;
- b) Evidence that the Notification has been forwarded to the Competent Authority;
- c) Statute and List of Partners, if it is an association or a cooperative (or registration with the Chamber of Commerce);
- d) ICEA List of Fees signed for acceptance;
- e) Declaration supplementing the Notification (*Management Plan - ref. Art,63 of Reg. (EC) No. 889/08*).

For Production Units, the Operator shall also include the following documentation referring to all the land pertaining to the Unit:

- a) Documentation attesting to the ownership of the land and facilities thereof, or the right to use them. These documents are:
 - Copy of Land Registration Certificates.
 - Copy of documents proving the ownership of fields or the right to use them (e.g. lease contract, commodatum, concession and/or affidavit, with particular reference to oral agreements or family agreements).
- b) Land Registration map of the holding in scale 1:2000, 1:1000 or 1:500 (1:10000 max), showing the boundaries of the holding. Beekeepers shall also indicate the sites of stationary apiaries.
- c) Map of facilities intended for storage and preparation of products.
- d) In case the Operator wishes to obtain inspection and certification also for **livestock farming** with organic methods, the following documentation shall also be enclosed:
 - Notification of livestock farming (Sect. B – Notification of farming with organic methods);
 - any additional documents which may be required to complete the documentation: *Livestock Manure Utilization Plan, Livestock Management Plan*, or similar documents which contain the same information ⁽³⁾ (these documents shall be signed by the owner of the holding and by a qualified technician);
 - Land Registration plans of livestock farming facilities, including the premises for storing feedstuff and fodder;
 - Land Registration surveys and certificates relating to the land and facilities the Operator owns or uses in connection with his production activity;

² See point 3.5

³ Should regional regulations exist concerning livestock manure and effluent management, reference to the same shall be made.

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- copy of the necessary Health Authorizations or copy of the application for the same forwarded to the competent Authority;

e) If the Unit also **packages/processes/distributes** its own products, the following documentation required for food processing units shall also be supplied.

Food Processing Units shall also supply the following documentation referring to all premises where the products under inspection are to be stored and processed:

- Notification of preparation activity;
- copy of the necessary Health Authorizations or copy of the application for the same addressed to the competent Authority, including the layout of the facility showing what each premise is intended for;
- if some processes are carried out in third-party plants (*mills, oil mills, etc.*), these shall also be subject to inspection.

Operators falling within the category under D, paragraph 2.2, **Importers from Third Countries**, shall follow the procedure for admission to the inspection system indicated in Form M.1502 supplementing this Certification Regulation, which will be exclusively submitted to the concerned Operators for approval.

For Operators falling within the category under E, paragraph 2.2, **Units operating in Third Countries**, the procedure for admission to the inspection system is the same as that indicated under A, B and C. The Notification is drawn up on an ICEA form and/or any similar form required by local legislation.

3.4. Suspension of evaluation procedure

If the fee due to ICEA is not paid, the evaluation process will be immediately suspended.(consult 28, paragraph 4 of Reg. (EC) 834/07 – mandatory fees)

3.5. Notification of Variation

The “Notification of Variation” shall be forwarded whenever there are substantial changes in the data of the declarant or legal representative, production units, or category of activity, specifically referring to substantial changes in production sites and cultivated areas, methods, processes and production specializations. For all changes concerning the land and facilities of the holding, such as acquisitions, divestments or variations of ownership title, the Operator shall submit the documentation specified under paragraph 3.2.(a).

The “Notification of Variation” shall be dispatched following the procedure already mentioned under paragraph 3.1, without any additional charge, within 30 days from the date of variation.

The presentation of the “Notification of Variation” may entail the necessity for the Inspection Body to assess the conformity of the changes.

In case of a change of Inspection Body, the Notification of Variation shall be submitted to the new Inspection Body. A withdrawal letter shall be sent to ICEA (to be mailed to the competent ICEA local office by registered post, with return receipt).

4. EVALUATION OF DOCUMENTATION AND INITIAL INSPECTION VISIT

4.1. Preliminary evaluation of documentation

- a) The documentation sent by the Operator will be submitted to the SOT’s Control Coordinator (CCSOT), or Scheme/Sector Officer-in-Charge, for preliminary assessment.
- b) In case of negative evaluation due to incompleteness or inadequacy, the CCSOT (or Scheme/Sector Officer-in-Charge) will inform the Operator of all the substantial deficiencies

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and nonconformities found, asking him to submit the additional documentation within the given time limits.

- c) If the Operator does not supply the additional documents within the deadline, his application for admission into the ICEA Inspection System will become null and void. The application may be presented anew, together with a new payment of the fee due to ICEA.

4.2. Initial inspection visit

The purpose of the initial inspection visit, which follows the assessment of the documentation submitted by the Operator, is to:

- a) assess the conformity or nonconformity of facilities, organization and management of the unit with the general and specific requirements laid down in Regulation (EEC) No. 834/07 and 889/08 as amended;
- b) verify the compliance of products with the provisions laid down in paragraph 2.1 of the ICEA Certification Regulation.

To this end, the appointed personnel (chosen from the Register of ICEA Qualified Personnel), will

- a) verify that unit facilities, organization and management of the production process are adequate for a correct application of Reg. (EEC) No. 834/07 and 889/08 as amended, and assess whether the actions envisaged and formalized by the Operator for the purpose of meeting the requirements of Annex III to Reg. (EEC) No. 889/08 are effective, applicable and correctly applied;
- b) verify the quality records related to production process management, deliver the Registers required by the competent Authorities or by ICEA directly, and supply the Operator with any information as may be needed to accomplish them correctly;

The initial inspection visit (for admission to the inspection system) will be made only after

- the fee due to ICEA has been paid;
- the preliminary evaluation of the documentation has been completed.

5. UNIT CONFORMITY ATTESTATION

The acceptance into the ICEA Inspection System will be decided by the Certification Committee (CoCer) after evaluating the documentation of the unit and the initial inspection visit report (and analysis reports, if any) and will be ratified by the ICEA President or his delegate.

Any requests for reduction of the conversion period will be taken into consideration if they are supported by adequate and documented objective reasons. The application of any resolution in that respect will be subject to regulations and opinions of competent public Authorities.

Conformity assessment for stock farms (including any derogation envisaged by Reg. (EC) No. 1804/99 and national application provisions) may be decided:

- 1) *by National Certification Committee (CNC)*
- 2) *or by the CoCer itself, if it has been qualified for livestock by the CNC.*

5.1. Positive assessment by the Certification Committee

- a) The favourable decision by CoCer will be recorded on the appropriate Form.
- b) The positive assessment by CoCer will allow:
 - the issuance of the Unit Conformity Attestation, stating that the Unit complies with the requirements of national and Community regulations in force regarding organic farming;
 - the registration of the Unit in the Register of Controlled Operators;
 - the dispatch of the Attestation to the Operator.

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For stock farms/beekeeping units, the derogations envisaged by Reg. (EC) No.889/08 and national application provisions, which have been granted upon assessment, will be indicated.

5.2. Negative assessment by Certification Committee

In case of negative assessment, CCSOT (or Scheme/Sector Officer-in-Charge) will inform the Operator accordingly, indicating in the appropriate Form:

- name of Operator and registered address;
- address and/or location of production site(s) assessed;
- date of assessment by CoCer ;
- reasons for the negative assessment, specifying the current regulations whose specific provisions have not been fulfilled;
- procedure and time limits to be observed for filing any appeal, indicating the references to relevant regulations and procedures;
- signature of CCSOT (or Scheme/Sector Officer-in-Charge).

After the negative assessment, the Operator who still wishes to be admitted to the ICEA Inspection System shall give evidence that the corrective actions have been completed, by sending exhaustive supporting documentation within the fixed deadline.

After examining the documentation related to the corrective actions, the CCSOT (or Scheme/Sector Officer-in-Charge):

- arranges for a new inspection visit (total or partial); or
- in the cases that are not prejudicial to admission to the ICEA Inspection System, may consider accepting documents and objective reasons attesting to the implementation of all corrective actions (*which will be validated on the first surveillance visit*).

If the Operator does not complete the necessary corrective actions within 90 days from the communication of the negative assessment, his application for admission to the Inspection System becomes null and void. The Operator may present it again, and will be again charged the fee due to ICEA.

5.3. Unit Conformity Attestation

The Conformity Attestation, issued by ICEA on conclusion of the notification process, will specify:

- name of Operator and registered address;
- address and/or location of production site(s) under inspection;
- identification of fields;
- crops under inspection, with indication for each field, of the date of beginning and end of conversion;
- type and/or production sectors for which the Unit has been assessed;
- number of registration in the Register of Controlled Operators, corresponding to the Operator Code;
- reference to the regulation in relation to which it has been granted;
- date of beginning and end of Attestation validity;
- any derogations granted;
- date of the last inspection visit;
- date of the first Notification (and date of the last Notification of Variation received)
- signature of the ICEA President or his delegate (or Scheme/Sector Officer-in-Charge)

5.3.1. Use, Validity and Renewal of Unit Conformity Attestation

a) The validity of the Unit Conformity Attestation is subject to the observance of national and Community regulations in force and of the ICEA Guidelines and Certification Regulation.. Surveillance visits will be made during the entire period of validity, in order to verify the continuing compliance with requirements.

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b) The Unit Conformity Attestation is valid until withdrawal by ICEA.

c) in order to maintain the Unit Conformity Attestation, ICEA will carry out an assessment every three-years on the basis of all the previous inspection visits performed up to that time.

The Conformity Attestation may be used for the following purposes:

- to inform his customers that he has been admitted to the Inspection System,
- to register in regional registers of operators.

The Operator who is in possession of the Unit Conformity Attestation, may not make people believe that this attestation is valid for product/process certification.

The Operator may withdraw anytime from the inspection by communicating his withdrawal by registered letter. The Operator will anyway be obliged to pay the whole registration fee due for the current year.

5.4. Register of Controlled Operators

a) After obtaining the Unit Conformity Attestation, the Operator is registered in the Register of Controlled Operators with the following information:

- Date of entry;
- Date of exit;
- Date of registration (positive assessment by CoCer)
- Operator code
- Operator business name (declarant = holder of notification)
- Address of the Crop Production Unit or Livestock Production Unit or Preparation Unit, subject to inspection.

b) Public use of the Register of Controlled Operators

The Register of Controlled Operators is a public document updated at least every month, and is available in electronic format at ICEA's and local competent offices. It may be consulted by anyone, on request.

ICEA may send it (also in electronic format) to anyone requesting it and also publish it in its own publications, information material and/or website, www.icea.info.

6. CERTIFICATION AND LABELLING OF PRODUCTS FROM ORGANIC METHODS

Certification confirms the compliance of production processes with the requirements of national and Community regulations in force..

The products obtained with organic farming methods are certified by ICEA through the Conformity Certificate, issued upon the Operator's request. It contains a list of certified products for which the Operator (Contractor) is entitled to give conformity indications or statements.

The Certificate can be issued only after:

- the Operator has been accepted into the ICEA Inspection System, that is after a positive assessment has been expressed by CoCer about the conformity of the Operator's unit system;
- 12 months from the effective date when the Operator adopted the organic farming system (crop production units);
- the Operator has submitted the ANNUAL PRODUCTION PLAN (crop production units and/or livestock/ beekeeping units);
- the Operator has submitted the ANNUAL PROCESSING PLAN (packaging/processing units);
- a full annual conformity inspection has been performed, with positive results, on production processes.
- the annual fees have been paid for inspection and certification.(see Art.28 paragraph 4 of Reg. (EC) 834/07 – mandatory fees)

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Within 30 days from receipt of the application, ICEA shall issue the Conformity Certificate, or inform the Operator about the exact reasons why it was not issued.

The Conformity Certificate is issued after a technical assessment has been performed by the CCSOT (or Scheme/Sector Officer-in-Charge). It is jointly signed by the CCSOT, or a similar technical officer who is authorized to handle such documentation, and by the ICEA President or his delegate (for legal responsibility).

The Conformity Certificate shows the following details:

- Name and/or business name of the Organization holding the certification;
- Registration number of certificate;
- Date of issue (date when validity starts) and date when validity ends;
- Revision status;
- Name and category of products certified (*certification references as per Art. 29 of Reg. (EC) No. 834/07*);
- Authorization codes (if foreseen) of each product (for labelled products);
- Document distribution list (with details of recipients).

The Conformity Certificate is valid for 18 months. On expiry of validity, ICEA will verify all the relevant activities that took place during that time and, if the result is positive, will issue a new document.

The drafting of a revision, total or particularly important and/or at the onset of the expiry date, can be considered as a new issuance of the same.

6.1. Annual Production Plan

The Annual Production Plan shall be sent to ICEA competent office by 31st January each year, for the current agricultural year, or according to the specific deadline of the norm in force (at EC, National, Regional level).

On the year that the Unit has entered the Inspection System, the Annual Production Plan (PAP) can be submitted at any time, but not later than 30 days from the date of receipt of the communication that the Unit has been accepted into the Inspection System.

Any substantial change in crops, areas or estimated production which may occur after the dispatch of the Annual Production Plan, shall be communicated to ICEA within 15 days from the date of variation. In any case, the change must be communicated before harvesting and/or processing the product.

The Operator who also subjects to inspection and certification, livestock production with organic methods, shall submit the Annual Livestock Production Plan within the above mentioned time limits. Beekeeping Units are required to submit the Annual Beekeeping Production Plan.

6.2. Annual Processing Plan

The Annual Processing Plan shall be sent to the ICEA competent office by 31st January each year, for the current year, or according to the specific deadline of the norm in force (at EC, National, Regional level).

The Annual Processing Plan shall indicate all the products that the Operator intends to process in his own facilities, in third-party facilities, or on behalf of third parties, in accordance with the regulations governing organic production.

In the initial phase, or when new products are processed, it is necessary to attach the Preparation Recipes of multi-ingredient products.

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On the year the Unit has entered the Inspection System, the Annual Processing Plan can be submitted at any date, but not later than 30 days from the date of receipt of the communication that the Unit has been accepted into the Inspection System.

Any change shall be communicated to ICEA within 15 days from the date it occurred, and always before the product is processed

6.3 Product Certificate (lot/batch)

At the Operator's explicit request, ICEA may issue certification documents attesting to the compliance of specific production lots or batches (Product Certificate (lot/batch)), reserving the possibility to ask for additional verifications and analytical tests (with costs and secretary's fees charged to the Operator).

Such documents, however, can be issued only after the Operator has obtained the Conformity Certificate.

The Product Certificate (lot/batch) is issued in two copies: one for the Operator under the inspection scheme and one for the consignee/purchaser of the goods. The latter copy may either be delivered to the Operator (who will then send it to the Purchaser) or directly sent to the Purchaser by ICEA.

6.4. Use and validity of Certification

- a) The Operator is directly responsible for the proper use of the documentation and material he has received.
- b) The validity of certification is subject to the observance of national and Community regulations and those of the ICEA Certification Regulation.
- c) Once the operator has obtained the Conformity Certification, he is allowed to:
 - use the certification and ICEA logo while fully respecting the provisions of the Regulation for the Use of ICEA Logos and Certification Publicity;
 - make the Conformity Certificate public;
 - display the conformity statements specified by Community and ICEA regulations on the labels of certified products;
 - display the conformity statements specified by Community and ICEA regulations in the technical sheets and advertising material explicitly referring to certified products.

Conformity Certificates and duplicates are issued and distributed by ICEA.

The documentation accompanying the goods is prepared with precaution and must show at least the following details:

- statement "FROM ORGANIC FARMING" (or "PRODUCT IN CONVERSION TO ORGANIC FARMING", as the case may be);
- Operator Code;
- Controlled by ICEA.

The Operator shall send a copy of the above documentation (*or the data therein contained*) to ICEA within five working days from transaction.

The label shall show, at least, the following details:

- indications referring to organic production methods, in accordance with the provisions of Community and national regulations in force.
- Certification Body Code (**IT ICA**);
- Operator's alphanumeric code;

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- Authorization Code assigned by ICEA to every product (one letter, F for the product as is, or T for the processed product, and six digits);

The crop products obtained during the conversion phase may be placed on the market, with the following indication, “Product in conversion to organic farming” if a conversion period of 12 months has elapsed before harvest.

As concerns livestock productions, it is to be noted that:

- Community regulations do not allow labelling of livestock products in conversion. Therefore, these products are to be considered of “conventional” type until the conversion period has been complied with;
- (for the Italian market) the Ministerial Decree No. 91436 dated 4 August 2000, Annex II, states that livestock and meat are to be accompanied by documents ensuring permanent identification of animals and carcasses and traceability at all stages of the chain (e.g. slaughter certificate, organic production certificate or appropriate indications on labels).

The suspension or expulsion of the Operator from the ICEA inspection system entails the automatic suspension or cessation of the validity of the certificates issued, when they do not refer to products regularly inspected and verified as conforming.

6.5. Register of Licensed Operators

All the Operators who are granted a Conformity Certificate are entered in the Register of Licensed Operators with the following information:

- Date of entry in the register;
- Operator’s business name and address(es) (facilities and/or units under the inspection scheme);
- Operator’s alphanumeric code;
- List of products authorized (*certification references as per Art. 29 of Reg. (EC) No. 834/07*)
- Certification status (effective, suspended on....., withdrawn on.....)

The Register of Licensed Operators is a public document updated at least every month, and is available in electronic format at ICEA’s and local competent offices. It may be consulted by anyone, on request.

ICEA may send it (also in electronic format) to anyone requesting it, and also publish it in its own publications, information material or website, www.icea.info.

Moreover, ICEA reserves the possibility to publish the names of the Operators temporarily or definitively delete them from such list because of voluntary withdrawal or sanction.

⁴ Consult Art. 95 of Reg. (EC) 889/08 – Transitory Measures para. 8,9,10.

⁵ Concerning arrears as in the new executive M. Decree for Community rules

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7. USE OF "ICEA" LOGOS



With at least 95% in weight of organic agricultural ingredients

For products with <95% and/or in conversion

CERTIFICATION MARKS

They can be used by Operators under the ICEA inspection scheme as specified in the Regulation for the Use of ICEA Logos and Certification Publicity.

<p>Certified by ICEA <i>CB authorized by D.M. Mi.P.A.F. n°91737 of 18.07.2002</i> Organic Agriculture – Control Regime EC – LOGO CE</p>	<h3>CONFORMITY STATEMENTS</h3> <p>ICEA authorizes all Operators observing Regulation (EC) No. 834/07 and 889/08 as amended and ICEA Certification Regulation, to apply on the products obtained, the conformity indications provided by the regulations in force for organic farming.</p>
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ICEA is entitled to grant Licensed Operators the use of the mark of the accrediting body (SINCERT), as provided by the Regulation for the Use of ICEA Logos and Certification Publicity.

8. EXTENSION OF THE SCOPE OF CERTIFICATION

The Operator who has been granted the Unit Conformity Attestation and the Conformity Certificate relating only to some of the production processes or activities performed, may request an extension of the certification to the other production processes or activities or to activities performed in other production sites.

The procedure for the request for such extension is the same as that specified for the submission of the application for certification. Of course, the request shall specify the activities and/or products concerned.

For this purpose, Italian Operators shall send the Notification of Variation to the competent Authority and to ICEA, complete with the documentation relating to the extension required, following the current procedure at national level.

The issue of a new Unit Conformity Attestation and Conformity Certificate covering the extension of Operator's activities is subject to the fulfillment of the provisions of points 4 and 5 of the ICEA Certification Regulation.

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9. AMENDMENTS TO REGULATIONS OF ICEA INSPECTION SYSTEM

- a) ICEA's competent offices may modify the rules of the ICEA Inspection System or List of Fees applied, as a consequence of revision after internal audits, updates and amendments to national or Community regulations.
- b) Following the decision to amend the Inspection System regulations, ICEA will communicate such amendments to all concerned Operators, through the web site, www.icea.info and/or the newsletter or circular letters and in particular:
 - the date when such amendments will become effective; (documental, fees etc.)
 - the new rules, the corrective actions required and the time limits within which the same shall be implemented.
- c) Any Operator deemed to be unable to observe the new rules or apply the corrective actions required, may forward his renunciation by registered letter with return receipt, within the date given in the communication mentioned at paragraph b).
If no letter of withdrawal is sent by the Operator within the above mentioned deadline, the amendments are intended as approved.
- d) If the corrective actions are not carried out within the deadlines, the certification may be suspended or withdrawn. The certification is suspended also when the Operator fails to complete the corrective actions started.

10. OBLIGATIONS OF OPERATORS UNDER THE INSPECTION SCHEME

The Operator subject to inspection shall:

- a) Observe the provisions of national and Community regulations concerning organic farming;
- b) Supply the documentation required by the inspection system;
- c) Accomplish and constantly update the forms provided by the inspection system;
- d) Allow ICEA's inspection staff to access production sites, mandatory records and supporting documentation (e.g. transport documents, invoices, VAT Registers, etc.), also when available in third parties' offices, as required by legislation in force.
- e) Make available to inspection staff all the products and materials of crop/livestock origin and all the ingredients of agricultural and non-agricultural origin (including, therefore, water, additives, flavourings, etc.) for analysis as may be required, for the purpose of inspection and certification.
- f) Keep the sub-sample delivered by ICEA staff after collection and store it properly for at least 15 working days from the date of delivery, except when indicated otherwise by ICEA
- g) Fulfill the requirements of the inspection system and pay any fees due to ICEA for inspection and certification within the prescribed time limits.
- h) Send notification of any substantial change in his situation or in any activity connected with the inspection system and product conformity, within the prescribed time limits. In case the variations that occurred require a specific evaluation by the Inspection Body, the Operator shall wait for ICEA's conformity assessment before using organic method indications.
- i) Observe the provisions of the regulations concerning product labelling and the Regulation for Use of ICEA Marks, promptly reporting any misuse, even by other operators.
- j) Make statements about the certification only when referring to the purposes, scopes, products and production sites for which the certification was issued.
- k) Not use the certification in such a way as to discredit the Certification Body and not make remarks about product certification that may be considered not correct or not authorized by the Certification Body.
- l) in case of suspension or withdrawal of certification:

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- Stop using all documents containing references to the certification and stop using, in case of withdrawal of the certification, advertising material containing such references. Return any certification document at the Certification Body's request.
 - Communicate in writing the consequences of the sanction to the purchasers of the product, so that any indication referring to organic methods will be deleted from such product.
- m) Use the certification only to indicate that the products have been certified in compliance with regulations.
- n) Behave as prescribed by the Regulation for the Use of ICEA Logos and Certification Publicity when dealing with media regarding product certification (i.e. documents, brochures or advertising).
- o) Forward to ICEA one copy of the documentation accompanying the goods, no later than five working days from the transaction.
- p) Accept, without prejudice to the possibility of filing an appeal, the sanctions applied in accordance with the provisions of national, Community and ICEA regulations in force.
- q) When requesting certification and submitting the Notification of production with organic methods to ICEA:
- communicate the name of any authorized Inspection Body to which the Operator has been previously subjected and any sanction applied by that Inspection Body to the Operator;
 - communicate whether the production unit is at the same time subject to another authorized Inspection Body;
 - provide evidence that the Notification has been sent to the competent Authority.
- r) After withdrawal from ICEA inspection system and/or submission of a new notification to another authorized Inspection Body, communicate to the new Inspection Body any sanctions applied by ICEA and still in force.
- s) Record all complaints received regarding the products under inspection and certification and the relevant corrective actions (along with references of documents). Make these records available to inspection staff during the inspection visit.
- t) Pay all the fees due to ICEA for inspection and certification activities, irrespective of the outcome.

11. OBLIGATIONS DUE TO CERTIFICATION CESSATION

11.1. The Operator shall immediately cease the use of the Conformity Certificate, Unit Conformity Attestation, ICEA mark and advertising, in the following cases:

- On expiry of the validity of the Unit Conformity Attestation;
- In the cases mentioned at paragraph 13.2 and the ones following;
- When the Operator fails to complete, within the deadlines, the corrective actions required as a consequence of amendments to the ICEA Inspection System regulations;
- In all cases of the Operator's voluntary withdrawal from the Inspection and Certification system.

11.2. Should the Operator use the certification infringing the above mentioned obligations, ICEA may publicize, conveniently and without prejudice to any further action, that the Operator is no longer entitled to use the certification. The cost of publication will be charged to the defaulting Operator and so will any further damage.

12. SURVEILLANCE PROCEDURES

12.1. Surveillance Visits

After issuing the Unit Conformity Certificate, ICEA will carry out its surveillance activity through inspection visits, with a view to verifying:

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- a) the continuing compliance of the Operator's Unit system with the general and specific provisions of Regulation (EC) No. 834/07 and 889/08 as amended, and the real implementation of the same;
- b) the conformity of products bearing indications referring to organic farming with the characteristics specified at paragraph 2.1 of this Regulation.

ICEA schedules surveillance inspections on the basis of the risk assessed for each operation. The risk classification is potentially variable in time, depending on how critical the operation is.

There are three types of surveillance visits:

- **1)Announced:** The Operator receives a notice. The inspections are systematic and scheduled. Frequency and type of inspections guarantee control suited to the target to be attained.
- **2)Unannounced:** The Operator receives no notice.(at the latest, announced 24 hours beforehand) Unannounced inspections have the same characteristics as announced ones. They are at random and generally targeted to operators falling within higher risk classification.
- **3)Supplementary or targeted:** These inspections are made when operator's noncompliance with Community and national regulations is suspected. They aim at preventing specific risks connected with incorrect application of the organic farming method. They are targeted and suited to the specific goal.

To reach the targets of the surveillance visit, ICEA staff will:

- a) verify the continuing compliance of unit facilities, organization and management, as well as the full implementation of the provisions of Regulation (EC) No. 834/07 and 889/08 as amended.
- b) collect samples of plant or animal products and/or material, and/or soil, and/or feed, for laboratory analysis and testing, in accordance with the sampling program prepared by CCSOT (or Scheme/Sector Officer-in-Charge) and whenever the inspection suggests that prohibited active substances may be used.

During the inspections the Operator shall offer the greatest collaboration to the staff appointed by ICEA. If the Operator fails to communicate his absence during announced inspections, he shall bear the cost of the visit.

In case of announced visits, the Operator has the right to ask for a change of the date proposed by ICEA, giving reasons. ICEA reserves the right to accept the change only if it is not prejudicial to the significance of the inspection.

If the Operator communicates that he will be absent on the fixed date, but does not suggest any alternative date, the Inspection Body may interpret that as a way to escape inspection.

Unannounced inspections and relevant reports, shall be made in the presence of the Notification Holder or, in his absence, in the presence of a person delegated by the owner of the operation, who will allow access to the operation, give his own name and sign the inspection report.

12.2. Product Inspections

Product inspections have the purpose of verifying whether the products meet the requirements specified at paragraph 2.1 of the ICEA Certification Regulation.

For this purpose, the staff appointed by ICEA will:

- a) take samples of products and/or material of animal/plant origin and/or soil, depending on crop, time of the year, weather conditions and pest/disease situation, which have a potential influence on the correct application of approved techniques and products;
- b) in preparation units and food industries, take samples of raw materials, ingredients of agricultural and non-agricultural origin, and in-process or finished products, with a view to assessing compliance, as specified by Reg.(EC) No. 834/07 and 889/08 as amended;
- c) take the samples in compliance with the sampling program prepared by CCSOT (and whenever Technical Controllers, in the course of inspections, suspect irregularities), following criteria and modes specified in ICEA's appropriate operating directions.

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- d) deliver a duly sealed and initialled sub-sample to the Operator, so that he may have it counter-analyzed, if he deems it necessary;
- e) draw up the Sampling Report, one copy of which will be delivered to the Operator.

12.3. The results of surveillance visits and product inspections, together with the results of test reports related to analyses carried out under the sampling program, will be evaluated by CCSOT (or Scheme/Sector Officer-in-Charge).

12.4 The annual surveillance activity required by current legislation is necessary in order to verify the compliance of the production process over the period since the last inspection.

If the Operator withdraws from the inspection system without letting ICEA perform the compulsory annual surveillance visit, ICEA may revoke the validity of the Attestation and certificates issued up to the time of the last valid surveillance visit.

When an Operator withdraws from the Inspection System, he shall verify with ICEA if the annual surveillance visit has been performed. If it has not been already performed, he should immediately ask ICEA to perform the surveillance visit in order to settle the question.

13. SANCTIONS

The Community regulations indicate two levels of noncompliance: irregularity and infringement, which entail the application of sanctions which may be more or less severe, depending on how much the noncompliance can jeopardize the security of the inspection system.

Irregularity

Irregularity means nonobservance of formal aspects of the documentation required by the inspection and certification system, which does not entail such prolonged or manifest effects as to substantially alter product conformity and/or Operator's reliability status. In accordance with the principle of gradual application of sanctions, these irregularities are, in their turn, subdivided into minor and major. This classification takes into consideration the consequences that these noncompliances may have on the conformity of process and/or the observance of legislative provisions.

Infringement

Infringement means nonfulfillment, which manifests or has prolonged effects of obligations prescribed by Community regulations, e.g. lack of documents or nonobservance of all the requirements that the operator has to meet. In accordance with the principle of gradual application of sanctions, these infringements are, in their turn, subdivided into minor and major. This classification takes into consideration the consequences that these noncompliances may have on the conformity of process and/or on the observance of legislative provisions.

The Inspection System is under the surveillance of the competent Authority in accordance with the Community and national regulations in force.

Any action of Operators under the inspection scheme manifestly infringing the provisions of Community and national regulations in force will be immediately communicated by ICEA to the competent Authority, as prescribed by the same.

Independently of any sanction that the competent Authority may deem advisable to impose in case of violations, ICEA will apply the following measures:

- Warning ;
- Intimation;
- Precautionary certification suspension
- Suppression of organic indications;
- Suspension of certification;
- Expulsion of operator (withdrawal of Unit Conformity Attestation).

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13.1. Warning and Intimation

13.1.1 Warning

The Warning has no effect on certification. The implementation of the requested corrective actions shall be verified on the next inspection visit. Noncompliance to instructions in a Warning will entail the application of a more significant sanction.

13.1.2 Intimation

The Intimation has no effect on certification, provided that the conditions specified are satisfied within the deadline. The implementation of the requested corrective actions shall be verified on the next inspection visit. Noncompliance to instructions in an Intimation will entail the application of a more significant sanction.

Both sanctions are issued by the CCSOT (or by Certification Scheme/Sector Officer-in-Charge).

On receipt of the Warning or Intimation, the Operator may communicate the reasons for his dissent by writing them down in the appropriate box in the same form.

If no communication of dissent is sent within 10 working days from the date of dispatch of the sanctions, the measures, as well as the corrective actions requested, will be considered as accepted by the Operator.

13.2. Precautionary suspension of the use of Conformity Certificate

The precautionary suspension of the use of Conformity Certificate is applied in the following cases:

- Whenever the Operator does not allow, during surveillance visits, access to the stages of the production cycle which are critical or most significant to the inspection;
- Whenever infringements or serious irregularities have been noticed in the course of surveillance visits and product inspections, or when analysis results are such as to cast doubts on product compliance.

Communication of the measure is given to the Operator by registered letter (sent in advance via fax) signed by the ICEA President or his delegate, pending the necessary evaluation by CoCer. The measure can be applied to specific fields or production lots, or to the entire production of the operation, depending on the infringements detected.

Once the notice of precautionary suspension has been received, the Operator may communicate in writing the motives behind his dissent by using the specific reserved space in the form used.

In the absence of communications of dissent within 7 working days from dispatch date, the sanctions and corrective actions will be considered as accepted by the Operator.

CoCer's evaluation shall take place, in any case, within 20 days from the date of application of the measure. The CCSOT (or Scheme/Sector Officer-in-Charge) shall inform the Operator about the results of test reports and any other reason that determined the sanction, and the deadlines for submission of any remarks, objections, documents and/or counter-analysis reports.

13.3. Suppression of Organic Indications

This sanction prohibits the operator to show the indications referring to organic farming on the labels and in the documents of noncomplying products. The sanction may affect batches or the entire production. The implementation of the corrective actions requested and the effectiveness of the same shall be verified on the next inspection visit. Nonobservance of the sanction "Prohibition to Exhibit Organic Indications" will entail the application of a more significant sanction.

The sanction is issued by the CCSOT (or by Certification Scheme/Sector Officer-in-Charge) and communicated to the Operator by registered letter (sent in advance via fax) signed by the ICEA

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President or his delegate. The reasons for the sanction will be given, as well as the conditions for the cancellation of the measure and the deadline for filing a complaint.

Once the notice of precautionary suspension has been received, the Operator may communicate in writing the motives behind his dissent by using the specific reserved space in the form used. In the absence of communications of dissent within 7 working days from dispatch date, the sanctions and corrective actions will be considered as accepted by the Operator.

13.4 Suspension of Certification

The certification of compliance to the organic farming method, as per Reg. (EC) No.834/07 and 889/08, is suspended whenever the reliability of the operator is compromised. This suspension entails prohibition of the operator to market the products bearing indications referring to the organic method for a stated period of time. The suspension may apply to:

- one or more processing units;
- the whole operation;
- specific processing lines.

The corrective actions are verified in accordance with the procedure envisaged by the sanction itself. Nonobservance of a suspension generally entails the expulsion of the operator.

13.4.1. The suspension of Certification will be decided by ICEA, following the decision made by the Certification Committee (or, where not available, by CNC) and communicated to the Operator by registered letter (sent in advance via fax) on the appropriate form signed by the ICEA President, or his delegate, specifying grounds and the deadline for filing an appeal (within and not beyond 15 days from the date of receipt).

13.4.2 In compliance with regulations in force, ICEA will inform the competent Authorities (Ministry of Agriculture, Regional and Provincial Councils) and the other authorized Inspection Bodies about the suspension of Certification.

13.5. Expulsion of operator. (Withdrawal of Attestation and/or Revocation of Certification)

This takes place when infringements are of such nature as to compromise the reliability of the Operator as far as the management of his operation is concerned, and consequently his possibility to remain in the inspection system. This is also the case when infringements are repeated or when the Operator does not meet his obligations with competent authorities or observe his contract with ICEA.

The infringements which are so serious as to lead to the expulsion of the operator from ICEA Inspection System are shown in the specific Guideline.

13.5.1 This sanction will be decided by ICEA following the decision made by the Certification Committee (or, where not available, by CNC), and communicated to the Operator by registered letter (sent in advance via fax), signed by the ICEA President, or his delegate, specifying reasons and the deadline for filing an appeal.

13.5.2. In case the dues for inspection and certification are not paid within the given time limit, a payment reminder will be sent to the Operator. *If the Operator fails to reply within 10 working days from date of receipt of the reminder*, as proposed by RSA (in case of SOT direct management), or SOT responsible person, or SOT Administrative Manager (RASOT) in case of structures with SOT qualification, and as decided by the ICEA President or his delegate, the Conformity Attestation will be withdrawn, with consequent expulsion of the Operator from the Inspection System.

In the period elapsing between the Operator's non-reply to the payment reminder and the decision to withdraw the Conformity Attestation, ICEA is authorized to suspend the certification services (issue of Attestations, Certificates, Authorizations to Print Labels, etc.).

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CoCer and CNC are entitled to supervise the Inspection Body's activity and verify administrative procedures regarding payment requests and reminders for defaulting Operators, in order to ensure full observance of the principles of independence and impartiality of the Inspection System.

13.5.3 In compliance with the regulations in force, ICEA will inform the competent Authorities (Ministry of Agriculture, Regional and Provincial Councils) and the other authorized Inspection Bodies, about the expulsion of the Operator.

13.5.4 The withdrawal of Unit Conformity Attestation will be for a period of 12 months from the date of issue of the measure.

13.6 The national regulations in force provide that in case a new Inspection Body is chosen by the Operator, the new Inspection Body will continue applying the sanctions inflicted by the previous Inspection Body (sanctions for nonpayment of inspection fees included).

14. COMPLAINTS

14.1. Objections to Inspection Report

In case of dissent with the evaluations of the appointed inspection staff, the person responsible for the operation where infringements of the regulations were noticed in the course of inspections, shall write down the reasons for his dissent in the inspection report and sign them.

14.2. Complaints concerning ICEA activity

Any complaint, at any level, as to ICEA activity, shall be forwarded to Bologna National Office, to the attention of the Quality Assurance Manager (RAQ) who will verify if the complaint has grounds and take the necessary steps.

14.3 Complaints received by the Operator

The Operator shall keep a record of all complaints received regarding the products under the inspection and certification scheme. These records shall be made available to ICEA's inspection staff during surveillance visits. Any complaints and objections concerning the compliance of products with regulations in force for organic farming (e.g. finding of prohibited active substances) shall be immediately forwarded to ICEA.

15. APPEALS

15.1. Appeal regarding certification suspension or withdrawal

The Operator may file a written appeal with CoCer regarding sanctions, with copy to ICEA RSC, stating the reasons for his dissent and enclosing any appropriate document, within 15 days from receipt of the communication regarding the sanction.

Within 30 days from receipt of the appeal, CoCer will decide whether to revoke the sanction or retain it, and will inform the Operator accordingly. If the Operator does not accept the decision, the question will be submitted to the CNC whose final decision will be binding for ICEA. For sanctions decided by ICEA owing to nonpayment of fees for inspection activity, the Operator may file a written appeal with RAQ who will issue his decision within 15 days.

15.2. If the Operator's appeal is to include analysis results, these shall be presented as Test Reports by Laboratories accredited in accordance with the Standards UNI CEI EN ISO/IEC 17025 (updated edition), using accredited testing methods.

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15.3. ICEA, anyway, is not entitled to decide about sanctions applied by the competent Authority pursuant to Community and national regulations in force.

15.4. Place of jurisdiction

Any dispute arising from the application of the ICEA Certification System, which was not possible to settle at the appeal management level, shall be submitted to the Court of Bologna, which is the the only competent office authorized to know and decide about any dispute arising that regards the application of the present regulation..

15.5. Cancellation and revocation of sanctions

Cancellation of sanction

The sanction may be cancelled as a result of the revision of the sanction and presentation of an appeal. The cancellation entails total retroactive restoration to the date of the sanction.

Revocation of sanction

The sanction is revoked when the operator obtains the revision and withdrawal of the sanction. The revocation allows “conditional restoration”, depending on the verification of the maintenance of certification process.

16. CONFIDENTIALITY

ICEA undertakes to treat as confidential, except in cases of legislative or judicial provisions, all the data, documents, and information related to the operation and gathered in the course of inspection activity, and to vouch for the discretion of the staff employed.

Unless otherwise provided for by the law or by the rules, the information gathered in the course of certification activities will not be divulged to third parties without the written consent of the Operator.

17. INSPECTION AND TESTING ACTIVITY

For the purposes of inspection and testing, ICEA may avail of the services of contracted and/or qualified external companies, for whose professional competence it can vouch as fully complying with the Standards UNI CEI EN 45011 (March 1999), paragraph 4.4.concerning Subcontracts, without prejudice to the same activity being carried out by its own national offices.

In any case, ICEA is the only one entitled to and legally responsible for the issuance, maintenance, extension, suspension or withdrawal of certification.

Analysis and tests are carried out in laboratories qualified by ICEA, which are able to perform tests accredited according to the standards UNI CEI EN 45001 and/or UNI CEI EN ISO/IEC 17025 (updated).

In case the List of Fees applied at regional level specifies that the cost of analysis must be charged to the Operator, the laboratory is entitled to invoice such costs directly to the operator. At any rate, failure to pay for these costs will be cause for the withdrawal of Unit Conformity Attestation, as indicated under paragraph 13.5.2.

When sampling is done, the operator will be informed about the laboratory chosen by ICEA for testing. So, in case of dissent, the operator may express, in writing, valid objections to the use of such laboratory.

Any objections and reasons expressed by the operator shall be written in the Report and immediately communicated to the CCSOT (or Scheme/Sector Officer-in-Charge) who shall decide

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whether to accept the request or not. The request may be accepted where there is formal evidence of conflicts, disputes, controversies or disagreements, either under way or past, between the operator and the laboratory.

The operator's request and the consequent decisions of CCSOT (or Scheme/Sector Office-in-Charge) shall be communicated to the Legal Representative of the Inspection Body (ReCoCer) and RAQ for information.

18. PUBLICATION OF ICEA CERTIFICATION SYSTEM

The ICEA Certification System is laid down in the ICEA Certification Regulation which is available to any Operator interested in ICEA Certification and to any National and/or Regional Public Administration requesting it pursuant to Regulation (EC) No. 834/07 and 889/08 as amended, and relevant national implementation regulations.

The ICEA Certification Regulation is given to all Operators on application for admission into the inspection system and is signed through the Application/Contract (M.0201).

Any information about the Inspection System and amendments to Community and national regulations, is published in the magazine "BIOAGRICULTURA" and/or on the ICEA website, **www.icea.info**.

Any further information may be obtained from the ICEA National Office and from the local competent office.

19. CERTIFICATION CHART

