

CHAPTER 4

ACCREDITATION OF CERTIFICATION BODIES

APEDA shall function as the Secretariat to service the NAB for the implementation of accreditation of the Certification Bodies under NPOP. APEDA shall meet the requirements of ISO/IEC17011 and shall have documented policies and procedures for implementation of accreditation and surveillance of the Certification Bodies.

4. ACCREDITATION CRITERIA

4.1 Categories for Accreditation

4.1.1 Accreditation under the National Programme for Organic Production (hereinafter the NPOP) may be sought in respect of the Standards approved under the NPOP from time to time including the following:

- (i) Crop production
- (ii) Livestock, Poultry and Products
- (iii) Beekeeping /Apiculture
- (iv) Aquaculture Production
- (v) Food Processing & Handling
- (vi) Any other categories of product Standards of which have been approved under the NPOP by the National Accreditation Body (NAB) from time to time

4.1.2 The NAB shall decide on the categories for accreditation based on the assessment of the Certification Body's compliance with the requirements for undertaking inspection and certification for the respective categories.

4.2 General criteria and principles

The general criteria and principles of accreditation shall be based on ISO Guide 65 / ISO/IEC17065. However, the Certification Bodies would necessarily have to meet the criterion set out in the present document.

The Certification Body shall have clearly laid out Policies and Procedures in their Quality and Operating Manual(s). The policy and procedures shall be based on the following criteria and principles. For each relevant criteria and principle, the evaluation of the certification program shall not only assess the theoretical content, but also the practical application of the policies and procedures.

4.2.1 Legal Entity/ Organization Structure

- (i) The applicant body (National and International) seeking accreditation under the NPOP shall have an established office in India for carrying out certification of organic products of Indian origin.
- (ii) The applicant body may either be a registered company, registered society, trust, co-operative or State Government Organization with financial stability and resources required for operating the certification programme
- (iii) The applicant body shall have a defined organizational structure with adequate infrastructure support as prescribed under ISO 17065. The organizational structure of the Certification Body shall be such so as to foster confidence in the implementation of its certification programme. In particular, the Certification Body shall:
 - a. Be impartial

- b. Shall have well laid out procedures and be responsible for decisions relating to the grant, maintenance, extension, suspension and withdrawal of certification
- c. Have a structured management, as explained in more detail herein below
- d. Have the relevant documents evidencing its legal status
- e. Have structures that enable participation of all groups/ individuals concerned with the formulation and development of policies pertaining to its certification programme
- f. Ensure that decisions on certification are taken by persons other than those who conduct the inspection and evaluation of the operators
- g. Have adequate arrangements to cover liabilities arising from its operations and activities
- h. Have financial stability and resources required for the formulation and implementation of its certification programme
- i. Employ a sufficient number of personnel having necessary qualification and technical capability for the formulation and implementation of its certification programme
- j. Maintain an Internal Quality System for better implementation of its certification programme
- k. Have policies and procedures to distinguish between product certification and other activities in which it is engaged;
- l. Ensure freedom from any commercial, financial and other pressures which might influence the results of the certification process
- m. Devise formal rules and regulations for the appointment and functioning of committees and groups involved in the certification programme
- n. Ensure activities of related bodies do not affect the confidentiality, objectivity and impartiality of its certification and it shall not supply or design products of the type it certifies
- o. Have policies and procedures for redressal of grievances arising from its certification programme.

4.2.2 Management

The Certification Body shall define the overall responsibility of its management to address, *inter alia* the following:

- Inspecting and assessing the compliance of the operator as per the National Standards for Organic Production
- Formulating policies relating to the functioning of the operator
- Taking decisions on certification of operator
- Supervising the implementation of its internal policies
- Supervision of the finances
- Delegating authority to committees or individuals as required for the implementation of its certification programme.

4.2.3 Quality System

- (i) The Certification Body shall have a documented policy for ensuring quality. It is the duty of the Certification Body, through its management, to ensure that the said policy is understood and implemented at all stages of its certification programme.
- (ii) The Certification Body shall operate an effective quality system in compliance with the standards and criteria provided in this document
- (iii) The Certification Body shall designate the quality manager for ensuring that the quality system is established, implemented and maintained in accordance with the standards and criteria provided in this document.
- (iv) The Certification Body shall follow a quality management system based on the policies and procedures laid down in the form of a Quality Manual and an Operating Manual. The quality manual shall, *inter alia*, include the following:
 - a statement of intent;

- brief description of the legal status of the Certification Body and its activities, specifically in the field of certification activities for the last 3 years;
- the names, qualifications and experience of the Certification Body's management and those personnel involved in the certification programme;
- the Certification Body's organizational set-up showing the allocation of duties and functions of those involved in the certification programme;
- the procedures for conducting internal audits;
- the policy and procedures for conducting internal management reviews including the review of the certification programme;
- administrative procedures including document control and record keeping and maintenance;
- the operational and functional duties and responsibilities of those personnel involved in the quality system;
- the policy and procedures for the selection, recruitment, training and monitoring of personnel involved in the certification programme;
- the policy and procedures for handling non-conformities and for assuring the effectiveness of any corrective and preventive actions taken;
- the procedures for evaluating products and implementing the certification programme. This shall include the conditions for the issue, retention and withdrawal of the certification granted and
- the policy and procedures for dealing with complaints, appeals and disputes

4.2.4 Competence

- (i) The Certification Body shall ensure that its management and all personnel concerned with its certification programme demonstrate professional competence in the formulation and implementation of its certification programme. The Certification Body shall specify the basic minimum qualification of all the

persons involved in the organic certification programme in its Quality and Operating Manual(s).

- (ii) The Certification Body shall ensure that it has adequate resources, financial and otherwise, for the competent and optimum formulation and implementation of its certification programme.
- (iii) The Certification Body shall conduct an internal review annually for the purpose of effective implementation of its certification programme.

4.2.5 Independence

The Certification Body shall have clearly laid down policy and procedures in its manual to enable it to be free to operate without undue influence from vested interest or otherwise.

4.2.6 Accountability and Responsibility

- (i) The management and personnel of the Certification Body shall be accountable for their actions in the discharge of their functions in the certification programme.
- (ii) The Certification Body shall be responsible for all the actions taken in furtherance of its certification programme by its management, personnel and sub-contractors.

4.2.7 Objectivity

- (i) The Certification Body and all those involved in the certification programme shall be impartial.

- (ii) The inspection and certification of operators shall be based on an objective assessment of the relevant factors specified in the present chapter.

4.2.8 Credibility

The Certification Body shall have procedures to ensure that there is no misuse of the certification granted to the operator and of the implementation of the certification programme.

4.2.9 Internal Audits and Management Reviews

- (i) The Certification Body shall conduct periodic internal audits, on an annual basis, in a planned and systematic manner to ensure effective implementation of the certification program.
- (ii) The Certification Body shall ensure that:
- personnel responsible for the competency(s) audited are informed of the outcome of such audit;
 - corrective action is taken in a timely and appropriate manner and
 - results of the audit are documented.
- (iii) The Certification Body's management shall periodically review its quality system to ensure effective implementation of the Certification programme. Such reviews shall be documented.

4.2.10 Public Information

- (i) The Certification Bodies shall actively inform the public of the scope of its certification and the contents of the standards.

- (ii) The Certification Bodies shall have a documented policy for public information. It shall at least include:
- standards and a general description of the Certification Bodies shall be available to the public and
 - Certification Bodies shall have an updated list of certified operators, including names and addresses (location).

4.2.11 Documentation & Document Control

- (i) The Certification Body shall maintain the following documents:
- Information about the authority under which the Certification Body is conducting its activities
 - A documented statement of its certification program including the policies and procedures for the grant, maintenance, extension, suspension and withdrawal of certification
 - Information about the inspection and evaluation procedures and certification process relating to each category of certification
 - A description of the means by which the Certification Body obtains financial support and general information on the fees charged to operators desirous of being certified
 - Information about the procedures for handling complaints, appeals and disputes
 - A directory of the certified products
 - Any other information deemed relevant.
- (ii) The Certification Body shall establish and maintain policies and procedures for the creation and control of all documents and data that relate to its certification programme. These documents shall be available to the Evaluation Committee during their visit. The Evaluation Committee

shall have the right to give its feedback and recommendations to the Certification Body on the better maintenance of documents, if required.

- (iii) The Certification Bodies shall maintain a system for the control of all documentation relating to the certification system and shall ensure that:
- The latest issue of the relevant documents are available
 - All correction in documents are made by the authorized persons
 - All changes are processed in a manner, which will ensure direct and speedy action
 - Obsolete documents are removed from use
 - All certified operators are notified of the changes
 - Documents shall be reissued when substantial amendments are made
 - A register of all appropriate documents with the respective date of issues shall be maintained.

4.2.12 Confidentiality

- (i) The Certification Body shall have adequate arrangements consistent with applicable laws to safeguard confidentiality of the information obtained in the course of its certification programme at all levels of its organization, including committees and external bodies or individuals acting on its behalf.
- (ii) Except as required in this document or by law, the information collected during the implementation of the certification programme about a particular product or operator shall not be disclosed to a third party without the written consent of such operator. Where the law requires information to be disclosed to a third party, the Certification Body shall inform the operator in question of such requirement.

4.2.13 Participation

The Certification Body shall establish policies and procedures to ensure participation of all stakeholders involved in the certification programme.

4.2.14 Non-discrimination

The Certification Body shall ensure that its policies and procedures are formulated and implemented on a non-discriminatory basis and no distinction shall be made on the basis of race, nationality, religion, gender etc.

4.2.15 Personnel

- (i) The Certification Body's personnel shall be competent and technically qualified to perform their roles and functions in the certification programme. Specifically, the Certification Body shall state in its quality manual the names, positions, descriptions, qualification including experience, training and education of all the personnel involved in the certification programme. The Certification Body's personnel should have minimum 2 years experience in relevant field.
- (ii) The Certification Body shall also provide a description of any training that the Certification Body has provided or intends to provide to its personnel in respect of its certification programme.
- (iii) The documentation of such information shall be open to inspection by the Evaluation Committee.

4.2.16 Subcontracting

- (i) If the Certification Body decides to subcontract work related to the inspection of operators to a third party, it shall establish a documented system for overseeing

the role and functions of the subcontracted party which shall address issues of confidentiality and conflict of interest.

- (ii) The Certification Body shall:
- Take full responsibility for subcontracted work which shall extend only to inspection
 - Ensure that the subcontracted party complies with the requirements laid down in this document
 - Ensure that the subcontracted party remains impartial in its functioning.

4.2.17 Conflict of Interest

- (i) The Certification Body's personnel involved in the formulation and implementation of its certification programme shall declare in writing to the Certification Body that they have no relation whatsoever, whether personal or professional, with the operator.
- (ii) All personnel with a potential conflict of interest shall be excluded from participating in the certification program in all manner. In the case of paid consultancy undertaken by inspectors, such exclusion shall apply only for a period of 2 years.

4.2.18 Other functions

- (i) The Certification Body shall not provide any product or services, which could compromise the integrity, confidentiality and/ or implementation of its certification programme. The Certification Body shall ensure that the functions of any of its related entities do not affect the implementation of its certification programme.

- (ii) The Certification Body upon accreditation shall not provide any paid consultancy services to the operators. The Certification Body may offer advice to the operators regarding compliance with the standards prescribed in the NPOP.
- (iii) Information available in the public as well as advice through newsletters, seminars etc, may be offered to the operators by the Certification Body in a non-discriminatory manner.

4.2.19 Annual Reports

The Certification Body shall be required to prepare and submit an annual report on the status and outcome of its certification program in the prescribed format to APEDA every year.

4.3 INSPECTION AND CERTIFICATION

4.3.1 The Inspection and Certification procedures

The procedures mentioned in this chapter along with the National Standards for Organic Production will cover the requirements to be fulfilled by the accredited Certification Bodies under NPOP and for the organic programme operated by them under ISO Guide 65/ISO17065. Details of the procedure of inspection, certification and the redressal of grievances regarding certification are also covered in this chapter. Certification Bodies shall demonstrate a high degree of competence, consistency and effectiveness in the practical application of these procedures which shall form part of the operating manual of the accredited Certification Body.

The defined procedures shall apply to Certification Bodies for inspection and certification of production at the production farms (individual and grower groups), wild collection, processing units (including sub contracted units) and at all stages in handling (storage units, packaging, shipments etc).

4.3.1.1 Inspection

The accredited Certification Bodies shall follow Standard inspection procedures as per ISO19011

- (i) As per the documented procedure of the accredited Certification Body, a qualified and trained inspector shall be assigned to inspect the operations of the operator. Prior to assigning the inspector, the Certification Body shall ensure adequate competence and no conflict of interest of the inspector
- (ii) The same inspector shall not visit the same operator more than two years in a row.
- (iii) Operators shall have neither the right to choose nor to recommend inspectors. In case the operator wants to change the Certification Body, they shall inform the Certification Body stating the reasons for their decision and seek “No Objection Certificate”.
- (iv) The operators shall have the right to be informed about the identity of the inspector before the inspection visit, and to raise objections related to any potential conflict of interest.
- (v) Sufficient information shall be made available to the inspectors about the operator to allow proper preparation by the inspector. This includes, among others, earlier inspection findings, a description of activities/processes, maps/plans, product specifications, inputs used, earlier irregularities, infringements, conditions and disciplinary measures.
- (vi) The checklists used during the inspection, and the reports emanating from the inspection, shall be comprehensive, covering all relevant aspects of the production standards and shall adequately validate the information provided.

- (vii) The inspector shall have access to all relevant facilities, including accounts and other documentation of the operator. Certification Bodies shall have access to any non-organic production unit, or units associated by ownership or management.
- (viii) The inspector shall take precautionary measures by assessing the risk of non-compliance during the inspection. When an irregularity is committed by the operator relating to organic production as non-compliance to chapter 3 of NPOP, the entire lot or production affected by irregularity shall be made to be removed from the production site / chain and sanctions shall be imposed on the operator. APEDA shall be informed within 30 days about the action taken on the operator.
- (ix) Inspection checklist, reports and inspection shall, follow a specified methods to facilitate a non-discriminatory and objective inspection procedure.
- (x) Reports shall be designed to allow for elaboration and analysis by the inspector on areas where compliance might be partial; standards might not be clear etc.
- (xi) Inspection reports shall give adequate information on what was actually checked, including, but not restricted to
- Date and time of inspection
 - Persons interviewed
 - Crops/products requested for certification
 - Fields and facilities visited
 - Documents reviewed
 - Buffer zones
 - Risk of drift
 - Risk of contamination

- Inspector's observations
- Calculation of input/output norms, production estimates etc.
- Assessment of production system of operator
- Assessment of the use of logos/ approvals (India organic logo, product logo as well as the Certification Body's logo)
- Product reconciliation and verification of stock
- Interview with responsible persons
- Evaluation of compliance to standards and
- Certification requirements.

4.3.1.2 Inspection methods and frequency

(i) The Certification Bodies shall have laid down policy and procedure on inspection methods and frequency which shall be determined by, among others :

- Intensity of production
- Type of production
- Size of operation
- Outcome of previous inspections and the operator's record of compliance
- Any complaints received by the programme
- Whether the unit or operator is engaged only in certified production
- Contamination and drift risk
- Complexity of production

(ii) The inspector shall sign the inspection findings, which will have to be countersigned by the operator

(iii) A copy of the inspection report relating to the certification of the operator's production should be available with the registered operator

a) *Announced annual Inspections*

- (i) Inspection of certified operators shall take place at least once annually.
- (ii) Inspection of sub-contracted operators or units shall take place at least once annually.
- (iii) Timing of inspections shall not be so regular as to become predictable.
- (iv) There shall be provisions for more inspections with respect to the factors stated below.

b) *Unannounced Inspections*

- (i) The selection of operators for unannounced inspection shall be based on risk analysis carried out by the Certification Body annually.
- (ii) A minimum of 10% of unannounced inspections to be carried out annually by the Certification Bodies.

4.3.1.3 Risk Assessment

- (i) The accredited Certification Body shall have documented procedure for risk assessment of its registered operators covering all scope of activities
- (ii) The risk assessment procedure shall cover the criteria for determining the risk category as high, medium or low
- (iii) Based on the procedure of risk assessment, 10% inspections are required to be carried out by the Certification Body annually in addition to the unannounced inspections
- (iv) The selection of the operators shall be based on the risk assessment and the identified level of risk and shall cover all scope of activities
- (v) The risk assessment carried out for its registered operators shall be documented and available with the Certification Body for verification

4.3.1.4 Analysis and Residue Testing

- (i) The accredited Certification Bodies shall have documented policies and procedures on residue testing, genetic testing and other analysis. These policies, must, *inter alia*, include:
 - Identification of cases in which samples shall be taken for analysis based on the general evaluation of risk of non compliance with the organic process

- The general evaluation shall take into account all stages of production, processing and chain of custody
- (ii) The accredited Certification Body shall take and analyze samples for detecting possible contamination by products not authorized for organic production. The number of samples to be taken and analysed by the accredited Certification Body every year shall be at least 5 % of the total number of operators under its control.
- (iii) The accredited Certification Body shall take and analyze samples in each case where the use of products or techniques not authorised for organic production is suspected. In such cases, samples in addition to 5% shall be drawn and tested.
- (iv) Testing to be carried out in ISO 17025 accredited and preferably APEDA approved laboratories
- (v) Instructions to the inspectors on sampling requirements and methods and
- (vi) Post-sampling procedures.

4.3.1.5 Inspection of parallel production of farms

If a farm is engaged in parallel production, the certification programme shall ensure, in addition to the requirements for part conversion, the following: -

- Buffer zones are maintained for demarcation
- Crops are visually distinguishable
- Inspections are carried out at critical times
- Inspection is done in a timely manner
- Accurate production estimates are available
- The crops are harvested in such a way that there are reliable methods to verify the actual harvest of the respective crops
- Appropriate storage capacity exists to ensure separate handling

- The documentation regarding the production is well managed and makes a clear distinction between certified and non certified production

Such a system shall be approved by the Certification Body for each individual operation of the operator.

4.3.1. 6 Inspection of processing units

During the inspection of the processing units, the following shall be taken care

- (i) The inspector shall verify that sufficient quantities of organic ingredients are used and that organic integrity is maintained through all stages of processing.
- (ii) The inspector shall review all ingredients and their sources to ensure that the ingredients meet organic standards.
- (iii) The inspector shall also review product formulation to determine if they meet labelling standards.
- (iv) Inspectors shall verify the existing record keeping system and evaluate whether it is adequate of tracking organic products.
- (v) The inspector shall conduct an audit trail to track the product from receipt of raw material/ingredients, ingredient storage, through all stages of processing, packaging, labelling, warehousing, shipping and sales of the finished product.
- (vi) The inspector shall conduct a sample audit review, which consists of randomly choosing a finished product(s) either from a sales invoice, a product purchased or a product seen in the warehouse. The inspector shall record the Lot Number on the finished product and follow the product back through the record keeping system

to the receipt of incoming ingredients. The inspector shall point out the deficiencies if any in the product tracking system.

(vii) The inspector shall inspect all the subcontracted units annually.

4.3.1.7 Inspections of grower groups

The accredited Certification Bodies shall have clearly laid down policies and procedures for carrying out inspection of grower groups as per the Guidelines for Certification of Grower Groups given in chapter 5.

- (i) The external inspection by the Certification Body shall be planned after internal inspections of all the farmers are carried out by the Internal Control System (ICS) twice annually
- (ii) The Certification Body shall have a standardized format for sourcing the information from the grower groups which shall include list of farmers, location on an area map, year of joining in the grower group, date of internal inspections, area of cultivation, crops and yield estimates
- (iii) The inspector shall verify that new farmers are included in the group only after the internal inspections are completed
- (iv) The inspector shall carry out the risk assessment of the ICS
- (v) The inspector shall draw a sample of farms for visiting the farmers in the ICS
- (vi) The inspector shall prepare a list of farms of 4 Hectare and above 4 Hectare and shall inspect such farms separately. The 4 Hectare and above farms shall not be included in the sample of farmers drawn for re-inspection
- (vii) The inspection shall include a witness audit of the internal inspector for assessing his knowledge and inspection procedures
- (viii) The inspector shall verify the documentation of the ICS that adequate records of inspections are maintained
- (ix) Instances of non-compliance and the active measures taken by the ICS with special reference to sanctions shall be assessed from the documentation
- (x) Internal control records are in compliance with the findings of the Certification Body's sample inspection results

- (xi) The inspector shall interview the farmers, ICS manager to assess the knowledge of operator on NPOP standards
- (xii) The inspector shall verify the collected information from the ICS with the submitted information by the grower group during registration/renewal.

4.3.1.8 Inspection of wild product collection

The Certification Body shall at least include the following for inspection of wild product collection;

- (i) To verify that the area of collection is properly identified on appropriate maps issued by the concerned Government Authorities. The map shall be large and distinct enough to reduce the risk of mixing up with non-certified production. However, wherever community rights are recognised under Forest Rights Act, 2006, Gram Sabha letter can be considered for verification of collection area by the community.
- (ii) Verification of operator records of all collectors and the quantities bought from each collector.
- (iii) Visit to an appropriate portion of the certified area.
- (iv) Visits and interviews of the concerned in the supply chain such as collectors, local agents, landowners and other parties (environment agencies, NGOs etc.)

In case of cultivation by the operators in the forest area recognized under Forest Rights Act 2006, the verification of compliance shall follow the crop production standards given under Appendix 1 of chapter 3 of this document.

4.3.1.9 Inspection of all stages in handling

The following applies to inspection of the whole production chain.

- (i) Each step in the handling of a product shall be inspected, at least once annually (storage units, packaging, shipment etc).
- (ii) Any person who sells a product (raises invoice) shall be registered and certified. This requirement applies until the product is in its final package/has its final label.

4.3.1.10 Inspection of Packed Products

The accredited Certification Bodies are not obliged to have a system for inspection of products that are further handled after being packed in the final consumer package, and/or after issuing of a transaction certificate. The accredited Certification Bodies however, are obliged to take action where there is reason to believe that the standards have been or may be violated at such later stages.

4.3.1.11 Inspection of Storage Facilities

Depending on the kind of storage, the product, packing, prevailing storage practices (i.e. fumigation) and the time of storage, inspections shall be required. Accredited Certification Bodies shall conduct a risk assessment to determine future need for inspection for all storage facilities including port facilities.

4.3.1.12 Inspection of Transport Facilities

Transport is not certified as such, but remains under the responsibility of the operator owning the product during the transport.

4.3.1.13 Inspection of Chain of Custody

Accredited Certification Body shall not issue any license to use its certification mark or issue any certificate for any products unless it is assured of the chain of custody of the product where steps in the production chain have been certified by other accredited Certification Bodies under NPOP as per the National Standards of Production.

4.3.1.14 Inspection for detection of use of Genetically Engineered Products

Accredited Certification Bodies shall implement a system of inspection for potential use of genetically engineered products. When use of such products is detected at any stage, certification shall not be granted.

When there is a risk of contamination of genetically engineered products, the following samples shall be tested in identified APEDA approved laboratories.

- seeds and planting stock

- production inputs
- livestock feed
- processing aids
- ingredients

4.4 Certification

The certification system shall be based on written agreements, with clear responsibilities of all parties involved in the chain of operations for production of a certified product.

The certified operators shall sign contract/agreement with the accredited Certification Body obliging them *interalia* to:

- follow the production standards and other published requirements for certification
- accept inspections
- provide accurate information
- inform the accredited Certification Body of any changes

4.4.1 Certification Procedure

The certification procedures shall *interalia* include:

- (i) All procedural steps in processing the application, until final certification;
- (ii) The certification status of all operators and their production be indicated throughout the certification process;
- (iii) The procedures for extension and updating certification, including certification of individual products
- (iv) The operators are required to inform the Certification Bodies of any changes in production as modification in the products list, the manufacturing process, extension of acreage etc. The Certification Bodies shall determine whether the announced changes require further investigations. In that case, the operator shall not be allowed to release certified products resulting from such changes until the Certification Bodies have notified the operator accordingly.
- (v) The certification decisions be recorded and clearly communicated to the operator;

- (vi) Where certification is denied, the reasons shall be clearly stated;
- (vii) The certification programme shall be able to impose conditions and restrictions.
- (viii) There shall be mechanisms for monitoring compliance with such conditions and restrictions shall be in place and the same are documented.
- (ix) The criteria for the acceptance of applicants, formerly certified by other Certification Bodies shall be documented.
- (x) The processing of inspection reports and certification decision shall be done in a timely manner within three months.
- (xi) The processing of any issue related to violations shall be done with highest priority.

4.4.2 Re- certification

- Certification Bodies shall not re-certify same activity for production, processing and trading units already certified by another Certification Body under NPOP within the validity period of the certificate.
- The operators shall not have multiple certifications for the same scope of activity under different certification bodies under NPOP.

4.4.3 Certification Decisions

Certification decisions are not only limited to initial approval of operators, but also approval of products, changes in production, disciplinary measures etc.

The accredited Certification Body shall ensure that each decision on certification is taken by person(s) different from those who carried out the inspection.

Where certification decisions are delegated to a small committee or officers, the Certification Body shall review their functions.

4.4.4 Disciplinary measures and sanctions

The accredited Certification Body shall have a clear policy for sanctions in the event of non-compliances by the operators.

The accredited Certification Bodies shall have a documented range of disciplinary measures (sanctions) including measures to deal with minor and major infringements of the standards.

4.4.5 Withdrawal of certification

Where an infringement that affects the organic integrity is found, the accredited Certification Body shall ensure that the non compliant lot of production is removed from the entire lot of the production cycle which is affected by the infringement concerned.

In case of any violation by the operator, the accredited Certification Body shall withdraw certification from the operator for a specified period and inform about their decision to APEDA and shall also publish the same on their website.

4.4.6 Certification Records and Reports

4.4.6.1 Contract with operator

The accredited Certification Bodies shall have written agreements/signed contracts with their registered operators obliging them *inter alia* to :

- Follow production standard and certification standards
- Accept inspections
- Supply accurate information
- Inform and surrender the Scope Certificate to their accredited Certification Body in case they decided to withdraw from organic certification
- Notify the accredited Certification Body of any changes in their operations

4.4.6.2 Operator files

The accredited Certification Bodies shall maintain an operator file for each certified operators.

- (i) The operator file shall have relevant data available for the certified production units, including any sub-contractors and members of grower groups.

- (ii) Such operator files shall be up to date and contain all relevant information, including history, product specifications, maps, label approval.
- (iii) Inspection reports and written documentation shall provide sufficiently comprehensive information to enable the accredited Certification Bodies to make competent and objective decisions.
- (iv) This file shall demonstrate the way in which each certification procedure was applied, including inspection reports and outcome of imposed disciplinary measures.

4.4.6.3 Records

The accredited Certification Body shall maintain a record system to comply with existing regulations. The records shall demonstrate that the certification program has been effectively implemented. The records shall be identified, managed and disposed of in such a way as to ensure the integrity of the process and the confidentiality of the information. The record system shall be maintained throughout the duration of the accreditation.

The accredited Certification Bodies shall keep records of:

- Complaints
- Violations
- Precedents
- Exceptions
- Disciplinary measures

This will normally mean that such information shall be available both in the operator's file as well in a separate record, or registered in a database system of the accredited Certification Body

- (i) Inspection reports, certification decisions, certificates and other relevant records shall be signed by the authorized person.

- (ii) The record keeping system shall be transparent and enable easy retrieval of information
- (iii) The accredited Certification Body shall make the record system open for inspection by the Evaluation Committee, as and when required
- (iv) All records shall be safely stored and held secure and in confidence, for a minimum period of five years.

4.4.6.4 Marks and Certificates

The accredited Certification Bodies shall exercise proper control over the use of its licences, certificates and certification marks. The accredited Certification Bodies shall establish the following :

- (i) Develop guidelines concerning the use of its mark, accreditation number, National Organic Logo or other reference to the certification.
- (ii) Use of India Organic logo shall be permitted subject to the conditions and rules of its application referred in Chapter 6 of this document.
- (iii) Incorrect references to the certification system or misleading use of licences, certificates or marks shall be dealt with by suitable disciplinary actions by the accredited Certification Body. This shall also be applicable to use of these marks, licence or certificates by any non-certified operator(s).

The accredited Certification Bodies shall have documented procedures for withdrawal and cancellation of contracts, certificates and certification marks.

4.4.6.5 Scope Certificate

Scope Certificate shall be issued annually by an accredited Certification Body as per the prescribed format available on APEDA website.

4.4.6.6 Transaction certificate

The accredited Certification Bodies shall issue Transaction Certificates for all the export consignments. Transaction Certificates are issued on Tracenet in the prescribed format after the

certified operator has provided all the required documents. The accredited Certification Body shall take reasonable measures to verify that the information provided is correct and all the documents have been submitted in original before issuance of the Transaction Certificate.

Wherever applicable, the original Transaction certificate(s) of purchased product that has been sourced and certified by another accredited Certification Body shall be verified before issuance of the Transaction Certificate.

Copies of transaction certificates and supporting documents issued to operators shall be stored in a manner that enables easy retrieval of information on each operator.

4.4.7 CERTIFIED OPERATORS

The operators certified by an accredited Certification Body shall be obliged to meet the following requirements and shall maintain necessary documents

4.4.7.1 Information to the Operators

The accredited Certification Bodies shall ensure that each certified operator shall be provided at the time of application:

- An up-to-date version of the National Standards for Organic Production.
- An adequate description of the procedure for inspection, certification and appeals.

For the existing operators

- Communication of any changes in the standards and relevant procedures
- Valid contract with the accredited Certification Body
- A valid certificate depicting the certified products

Operators shall have the right to get copies of inspection report and other documentation related to the certification of their products.

4.4.7.2 Records and Documentation Maintained by the certified operator

The accredited Certification Body is required to ensure that each certified operator has proper record keeping system adapted to the type of production that enables the accredited Certification Body to retrieve necessary information and to seek verification of the production, storage, processing, purchase and sales. The visiting inspector shall sign the verified documents.

4.4.7.3 Complaints record

The accredited Certification Body shall have policies and procedures for dealing with complaints against its operation and against certified operators. It shall keep a record of all complaints and remedial actions relating to certification. When a complaint is resolved a documented resolution shall be made and forwarded to the complainant and the party concerned.

4.4.7.4 Appeals record

The Accredited Certification Body shall have procedures for the consideration of appeals against its decisions and shall maintain the record of all appeals.

4.4.8 Input approval of off farm inputs

Accredited Certification Bodies shall approve off farm organic inputs / manufacturing units without issuing any form of license or rights to the use of India organic logo to the producer/ manufacturer.

4.4.9 Approval of commercial inputs

Accredited Certification Bodies shall have documented procedures for evaluating the product's (commercial input) compliance with the NPOP standards as mentioned in Appendix 1 of chapter 3 of this document under Annex 1, 2 and 3.

The approval procedure, shall include the following:

- Visit the units annually for verification of the necessary documents of the producer related to composition of the product manufactured;
- Period for which approval is granted;

- Requirement for the manufacturer to report changes in composition or other relevant factors; and
- A clear statement of the nature and guarantee of the approval.

4.4.10 Shifting of Operators

When an operator wants to change his Certification Body, he shall apply for the No Objection Certificate (NOC) on Tracenet to the existing Certification Body. The Certification Body shall issue the NOC resulting in on line transfer of the operator file along with the reports to the subsequent Certification Body.

The new Certification Body shall ensure that the non-conformities reported by the earlier Certification Body are closed before issuance of scope certificate.

4.4.11 Exchange of Information

- (i) In case of irregularity or infringements observed by the Certification Body of its registered operator, it shall without delay inform to APEDA.
- (ii) When a Certification Body finds any irregularity or infringements with regard to the products of the operator which was under the certification of the previous Certification Body, he shall inform the latter without delay.
- (iii) When APEDA observes and finds any irregularity or infringement, it will inform all the Certification Bodies about such infringement. It may also reflect such infringement in its official website.

4.5 ACCREDITATION PROCEDURE

4.5.1 Application for accreditation

(i). Any organization (herein after referred to as ‘applicant body’) interested in establishing a certification program under NPOP shall make an application in prescribed format at annexure (Form 1) to APEDA.

(ii). The applicant body shall submit the duly completed Form- 1 available at APEDA website along with the prescribed fee as notified from time to time. The fee shall be paid by way of a bank draft drawn in favour of APEDA, payable at New Delhi. The NAB shall have the right to revise the fee from time to time. APEDA shall acknowledge receipt of the application within seven days of receiving the same.

(iii). The application in Form-1 shall be accompanied by the following documents:

- the applicant bodies legal status, organizational structure, financial status (Audited balance sheet, Income Tax Return etc.) for the last 3 years
- the applicant bodies certification program including the manner of its implementation;
- A copy of the operating and quality manual in accordance with the accreditation criteria specified in this chapter;
- accreditation certificate, if any, obtained from another country or under any other certification program;
- document evidencing the officer to sign as authorized signatory and
- any other relevant information

(iv). On receipt of an application, APEDA shall allot an application number to the applicant body. The applicant body shall quote the application number in all its correspondence with APEDA.

4.5.2 Documentation Review

- (i). On acknowledging receipt of the application, APEDA shall scrutinize the same to determine:
- whether the application has been made in the prescribed format duly accompanied by supporting documents; and
 - whether the policies and procedures of the certification program are in compliance with the standards laid down in this document.
- (ii). If the application is found to be incomplete or deficient, APEDA shall prepare a report on such deficiencies and forward the same to the applicant body within 30 days from date of acknowledgment of receipt of the application.
- (iii). The applicant body shall submit the compliance report along with documentary evidence (where required) within a period of maximum of 3 months from the date of issue of the report on deficiencies.
- (iv). APEDA shall review the compliance report/additional information/ documents provided and evaluate the compliance report within 30 days time of receipt and inform the applicant body whether its application has been finally accepted.
- (v). In case of some more deficiencies left out, the applicant body shall be informed in writing and given another 30 days for rectification of the deficiency(s) and resubmission of the second compliance report. In case the applicant body fails to submit second compliance report in 30 days time, his application shall be rejected.

4.5.3 Evaluation

- (i) If the application is found complete, APEDA shall draw up a Committee comprising of three members from the panel of the Evaluation Committee (EC) approved by the NAB. The three member committee shall carry out the evaluation of the applicant body.

(ii) The applicant body shall be given an advance notice of 15 days for the physical evaluation by the EC. Prior to the commencement of the evaluation, APEDA shall provide a documentary review report to the EC.

(iii) During the physical evaluation, the EC shall conduct an Office Audit as well as Witness Audit.

A. The office audit shall involve visit to the applicant body's office to verify files pertaining to its certification activities.

The evaluation shall, *inter alia*, include the following:

- evaluation of the certification program of the applicant body to determine if the same is implemented in accordance with the National Standards for Organic Production (NSOP) and the Accreditation Criteria laid down in this document;
- evaluation of the quality management system of the applicant body;
- interview with the applicant body's personnel to assess their competence and
- any other relevant documents as required by the EC

B. Thereafter, the EC shall conduct a witness audit on a farm organized by the applicant body for assessing the audit skills of the applicant body's inspector(s).

4.5.4 Conformity Report

(i). At the conclusion of the physical evaluation, the EC shall prepare a conformity report containing their observations.

(ii). Two copies of the conformity report shall be duly signed by the authorized officer of applicant body and the EC members. One copy of the conformity report shall be given to the applicant body and another copy shall be forwarded to APEDA

(iii). The team leader of the EC shall prepare a detailed evaluation report. The evaluation report shall comprise, *inter alia*, the findings of the conformity report along with supporting documents as well as the recommendations, if any, of the Committee. A copy of the evaluation report shall be submitted to APEDA within 21 days of the evaluation of the applicant body.

(iv). The applicant body, within a time period of not more than 30 days, shall take corrective actions against the non-conformities listed in the conformity report and submit the compliance report to APEDA.

4.5.5 Review of Evaluation Report

- (i) APEDA shall review the evaluation report forwarded by the team leader of the EC and on analysis, if any additional deficiency/ non-conformity are noted, APEDA shall inform the EC of the same.
- (ii) On receipt of the applicant body's corrective action report and upon its review, if APEDA finds the said report to be in order, it shall prepare an overall assessment report of the applicant body and shall forward it with clear recommendations/observations to the NAB for its decision.
- (iii). If the applicant body fails to take corrective measures within the stipulated time frame of 30 days, its application shall be rejected and application fee shall be forfeited for reasons to be recorded in writing.

4.5.6 Review of Assessment Report and Decision by the NAB

- (i). NAB shall review the assessment report prepared by APEDA for a decision on whether accreditation to the applicant body be granted or not.
- (ii). The decision of the NAB shall be communicated by APEDA to the applicant body, in writing, within 15 days from the date of such decision.

- (iii). In case, if NAB directs for another evaluation for verification of additional compliance and/or compliance to the applicable requirements, the applicant body shall have to bear such charges as may be decided by the NAB from time to time.
- (iv). However, if the applicant is not fully equipped with the organic inspection and certification procedures even after second NAB review, their application will stand rejected and the applicant shall be allowed to reapply only after completion of three years from the date of such rejection.

4.5.7 Grant of Accreditation

The NAB's decision for accreditation of the applicant body as accredited Certification Body shall be granted for a period of three years and only in respect of identified categories of accreditation for which it is competent and qualified under the NPOP.

4.5.8 Accreditation contract

Such accredited Certification Body shall then sign an accreditation contract and code of conduct. The accredited Certification Body shall also submit the fee structure leviable on operators for various activities and shall also display it prominently on their website and office site.

4.5.9 Certificate of Accreditation

On receipt of the duly executed Accreditation Contract, code of conduct and tariff structure from the accredited Certification Body, APEDA, on behalf of the NAB shall issue the Certificate of Accreditation to the accredited Certification Body valid for a period of 3 years from the date of issuance of the certificate clearly mentioning the categories of accreditation.

The accredited Certification Body shall ensure to depict the accreditation number on all its certificates and approved labels.

The accreditation granted may be renewed in accordance with the procedure laid down later in this chapter

4.5.10 Tracenet

It will be incumbent upon all accredited Certification Bodies to operate through the APEDA's software called 'TRACENET' access to which shall be provided by APEDA.

4.5.11 Annual Surveillance and Review Evaluations of Accredited Certification Bodies

(i). All the Accredited Certification Bodies under the NPOP shall undergo an evaluation / assessment process by the Evaluation Committee during annual surveillance and at the time of renewal of accreditation.

(ii) The EC shall verify the implementation of the certification program as per the requirements of chapter 4 clause 4.3 and 4.4 under NPOP.

(iii). The annual surveillance report shall be submitted by the EC to APEDA for review and will be placed before the NAB for its information and further directions, if any

(iv). In addition to the annual surveillance visit, within three years of the accreditation period, two unannounced evaluation visits shall be carried out by a two member team to the accredited Certification Body's office or to any of their operator's premises/farms.

4.5.12 Renewal of Accreditation

(i). The accredited Certification Body shall submit an application for renewal of its NPOP accreditation along with the prescribed fee, to be received in APEDA 3 months prior to the date of expiry of the accreditation.

(ii). The extension of accreditation for a further period of 3 years shall be subject to evaluation by NAB for compliance with NPOP.

(iii). In the event of major/ repeated non-conformities in the certification programme reported by the EC, NAB shall have the power to reduce the scope of certification or reduce

validity period of accreditation or reject the renewal of accreditation for reasons to be recorded in writing.

4.5.13 Complaints

- i) APEDA on receipt of complaints against the operator / Certification Body in respect of violation of NPOP shall investigate the complaint by obtaining relevant documents from the concerned stakeholder.
- ii). In course of the investigation, if major irregularities/non conformities are observed, APEDA shall issue a show cause notice to the operator / Certification Body as to why sanction should not be imposed.
- iii). The operator / Certification Body shall have to respond within 15 days from the date of receipt of such Show Cause Notice.
- iv). Thereafter, a final investigation report shall be prepared by APEDA and placed before the NAB for its decision.
- v). If the non conformities are confirmed against the operator / Certification Body, NAB shall impose appropriate sanction.

4.5.14 Sanctions

- (i). If an operator/ Certification Body commits offences, the NAB may impose such sanctions as may be deemed fit, after taking into consideration the severity of offence(s) committed. The conditions for imposing sanctions is prescribed in Annex-I.
- (ii). Where an offence committed by an operator/ Certification Body is of such a nature as to affect the integrity of NPOP, the NAB may provide for sanctions higher than those prescribed from time to time.

4.5.15 Categories of Offences

Under the NPOP, offences are categorized in terms of their degree of severity in to major and minor. Accordingly, the sanctions to be imposed shall depend on the nature, degree and extent of such offences.

4.5.15.1 Minor Offences - Offences that do not affect the integrity of the accreditation process and are rectifiable. Examples of such minor offences include, but are not limited to, failure to submit information on time, improper document control, internal audit and management review not been carried out as per requirement, documents on conflict of interest and/or confidentiality not available, no timeframe on complaint and appeal handling etc.

4.5.15.2 Major Offences - Offences that affect the integrity of the NPOP in general and certification process in particular. Examples of such major offences include, but are not limited to, non compliance with NPOP standard, knowingly providing false information/documents, misrepresentation as to accreditation status, repetition of same non conformities, failure to rectify such offences etc.

4.5.16 Categories of Sanctions

The NAB may apply one or more of the following sanctions

- (i) Impose pecuniary penalty
- (ii) Suspend accreditation
- (iii) Terminate accreditation
- (iv) Reduce the scope of certification
- (v) Impose any other additional conditions

4.5.17 Procedures to be followed for imposing sanctions

For imposing Pecuniary Penalty

The following factors shall be taken into consideration:

- The amount of undue gains or unfair advantage, wherever quantifiable, derived by the party as a result of the contravention;

- The amount of loss caused or likely to be caused wherever quantifiable to any person as a result of the contravention by the party,
- The repetitive nature of contraventions by the party,
- Whether the contravention is without the knowledge of the party,
- Any other relevant factor

4.5.18 Penalties not to interfere with other punishments

No penalty imposed under these provisions shall prevent imposition of any other punishment to which the offending party is liable under any other law for the time being in force.

The Accredited Certification Body shall be given an opportunity to rectify the non-compliance during the suspension period. In the event the Accredited Certification Body fails to remedy the non-conformities during the term of suspension and or fails to pay the fine, the accreditation shall be terminated. In such a case, the Accredited Certification Body shall be barred from re-applying for accreditation for a period of one year.

4.5.19 Appeal

The accredited Certification Body who has been found guilty of violation of provision of NPOP and has appropriately sanctioned by the NAB may have the option to file an appeal against the decision (whole or part) by the NAB within a period of 30 days from the date of issuance of communication conveying such NAB decision. Such an appeal shall be filed with the Commerce Secretary in his capacity as ‘Appellate Authority’.

The appellate authority may, after giving to the appellant a reasonable opportunity of being heard, if he so desires, and after making such further inquiries, if any, as it may consider necessary, make such orders as it thinks fit, confirming, modifying or reversing the decision or order appealed against, or may send back the case with such directions as it may think fit, for a fresh decision, as the case may be, after taking additional evidence, if necessary.

PROVIDED that an order enhancing or imposing a penalty of a greater value shall not be made under this chapter unless the appellant has been given an opportunity of making a representation, and , if he so desires, of being heard in his defense.

The order made in appeal by the appellate authority shall be final.

4.5.20 Reciprocity

4.5.20.1 National

Products certified as organic by any accredited Certification Body under the NPOP shall be accepted as being organic by other accredited Certification Bodies also.

4.5.20.2 International

Imported organic products for re-export

Organic products certified under the exporting countries organic standards are required to be re-certified as per NPOP for the purpose of re-export. The accredited Certification Bodies are required to apply to APEDA for re-certification of imported organic products

For countries with whom there is an equivalence agreement, the re-export of value added organic products with imported ingredients will be as per the scope of such equivalence agreement.