Technical note aimed at setting up a procedure in the event of suspicion of non-compliance

Scope: BE BIO, LU BIO

The EU regulation gives clear instructions to operators in case of doubt as to the conformity of a product. (Regulation 2018/848 Art.27) *

" *Where an operator suspects that a product which he has produced, prepared or imported or received from another operator does not comply with this Regulation, he shall, subject to Article 28(2):*

- ***a)*** *to identify and isolate the product concerned;*
- ***b)*** *to verify whether the suspicion can be substantiated;*
- ***c)*** *(c)not to place the product concerned on the market as organic or in conversion and not to use it in organic production, unless the suspicion can be dispelled;*
- ***d)*** *if the suspicion is substantiated or cannot be dispelled, to immediately inform the competent authority concerned or, as the case may be, the control authority concerned or the control body concerned, providing, where appropriate, the information available;*
- ***e)*** *cooperate fully with the competent authority concerned or, as the case may be, the supervisory authority concerned or the supervisory body concerned, with a view to verifying and determining the grounds for the suspicion of noncompliance."*

Proposed steps:

Step	Action	Remark
1	If there is any suspicion of non-compliance on a product at any moment during the activities (ordering, reception of the goods, production, storage…)	Example of possible non-compliance of a product: absence of the supplier certificate, lack of organic identification on the invoice or on the product, positive sampling, etc.
2	The product in question must be blocked by the operator and all information useful for its traceability must be kept (date of receipt, name of supplier, quantity, batch number, etc.)	
3	Investigation of possible causes of non-compliance and collection of evidence.	
4a	If the suspicion is resolved, the product can be unblocked.	
4b	If the doubt persists and/or is confirmed, the products remain blocked and any reference to organic must be removed (depending on the situation). Certisys must be informed of the conclusions and additional measures can be put in place.	Email your contact person and labo@certisys.eu

* *See also Articles 28-29 of (EU)2018/848 as well as (EU) 2021/279*