



# Organic Food Federation

## Explanatory Note 324

### What are Non-Compliances?

#### 1. DEFINITIONS

- 1.1 **Non-compliance** is any point which is at variance with EC Regulations 2092/91, EC1804/99 or with the current UK Standards or with OFF Rules.
- 1.2 **Manifest Infringement** one in which organic integrity has been irrevocably lost as a result of fraud or failure to act to prevent the loss of integrity, certification will be suspended until effective corrective action has been taken.
- 1.3 **Critical non-compliance**, a non-compliance will be regarded as critical if there is a likelihood or risk of loss of organic integrity without immediate corrective action being taken. Certification will be suspended until effective corrective action has been taken.
- 1.4 **Major Non-compliance** any point which is at variance with the current OFF Standards or with OFF Rules. In all cases the applicant/operator will be advised at inspection that a non-compliance has been noted and the issue or withholding or withdrawing of certification will depend on its severity.
- 1.5 **Minor Non-compliance** when organic integrity is not affected and can be corrected within an agreed timescale without loss of certification. It relates to any clauses preceded in OFF Standards by “may” or “should”. (Certification may be suspended if the timescale is not met. The Executive Secretary or the Technical Manager will make this decision).
- 1.6 **Observation** a point not specifically covered by organic standards but which may affect legality or food safety, and therefore requires attention. Also can refer to non-compliance with OFF Explanatory Notes and suspected non-compliance with other Regulations or Codes of Practice.

#### 2. Non-compliance notices

- 2.1 Non compliance are discovered (either during inspection or as a result of a complaint etc), a Non-Compliance Notice will be served on the spot by the Inspector or by OFF whichever is appropriate.
- 2.2 This Notice will be served regardless of whether the non compliance was due to ignorance of the rules. The date of discovery, location and nature of the non-compliance, product/s affected, quantities involved (if possible) and the corrective action required must be recorded onto the Non Compliance Notice.
- 2.3 You will be asked to agree a time scale for correction of the non-compliance then asked to sign and retain a copy of the notice. It is expected that all non compliances are resolved in a maximum of 28 days.
- 2.4 The operator must take immediate steps to prevent any further sales of non-conforming stock (if necessary by re-calling stock in trade and holding stock in hand) and to correct the non-compliance.

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- 2.5 Certification might be suspended until appropriate corrective action has taken place.
- 2.6 Non-compliances must be corrected before certification can be granted or renewed. When non-compliances do not affect the organic integrity of a product, the Federation may at their discretion issue a certificate before the matter has been cleared, but this may be for a limited period until you have provided satisfactory evidence that the non-conformance/s concerned have been corrected and steps have been taken to prevent recurrences.
- 2.7 Acceptable evidence will be:
- Copies of records
  - Photographic evidence
  - Additional Inspection Report
  - Third Party Audit Report (if this is relevant)
- 2.8 If non-compliance is found to be a result of fraud or gross negligence it becomes a **Manifest Infringement** that must be reported to Defra and your certificate will be deleted.

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