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Assessment and Accreditation of Organic Control Bodies Operating in Great Britain and Northern Ireland

Contents

Changes since last edition

This is the first edition of this publication.

1 Introduction

1.1 The Department for the Environment, Food and Rural Affairs (DEFRA) is the competent authority in Great Britain and currently also in Northern Ireland, with support from the Department of Agriculture, Environment and Rural Affairs (DAERA), responsible for ensuring that the retained and direct EU legislation concerning organic production is properly implemented. In order to do that, DEFRA oversees the control system and decides the annual maintenance of Control Bodies' approval based on the information provided through UKAS accreditation assessments and their own inspections.

1.2 As of 01 January 2021, in Great Britain, organic production is controlled by retained EU legislation and secondary domestic legislation, plus amending secondary legislation laid in 2019, 2020 and 2021:

- Retained Council Regulation (EC) No 834/2007,
- Retained Commission Regulation (EC) No 889/2008,
- Retained Commission Regulation (EC) No 1235/2008,
- The Organic Products Regulations 2009,
- Retained Regulation (EC) No 625/2017,
- The Organic Production and Control (Amendment) (EU Exit) Regulations 2019,
- The Organic Production (Control of Imports) (EU Exit) Regulations 2019,
- The Organic Product (Amendment) (EU Exit) 2019,
- The Agriculture (Legislative Functions) (EU Exit) (No. 2) Regulations 2019,
- The Common Organisation of the Markets in Agricultural Products (Miscellaneous Amendments) (EU Exit) Regulations 2020,
- The Common Organisation of the Markets in Agricultural Products (Miscellaneous Amendments) (EU Exit) (No. 2) Regulations 2020,
- The Organic Products (Production and Control) (Amendment) (EU Exit) Regulations 2020,
- The Agricultural Products, Food and Drink (Amendment) (EU Exit) Regulations 2020,
- The Organic Production (Organic Indications) (Amendment) 2020, and
- The Organic Control (Amendment) Regulations 2021.

1.3 In Northern Ireland, organic production is controlled by direct EU legislation:

- Council Regulation (EC) No 834/2007,
- Commission Regulation (EC) No 889/2008,
- Commission Regulation (EC) No 1235/2008,
- Regulation (EC) No 625/2017,
- (from 1 January 2022) Regulation (EC) No 2018/848, which repeals Council Regulation (EC) No 843/2007, and
- The Organic Products Regulations (Northern Ireland) 2020.

1.4 DEFRA and UKAS have signed an Agreement with the purpose of covering all aspects of the assessments UKAS will undertake for accreditation to ISO/IEC 17065, including verifying for Defra compliance to the legislation detailed above.

1.5 By 01 January each year, DEFRA shall inform UKAS of the details of existing Control Bodies and any new certification bodies requiring accreditation to ISO/IEC 17065 for Control Body purposes under the terms of the Agreement.

1.6 Certification Bodies wishing to be assessed and accredited in accordance with the Agreement established between DEFRA and UKAS concerning organic certification must complete and return to UKAS the relevant permission form F565 enabling UKAS to inform DEFRA of assessment findings as required. DEFRA, where appropriate, will hold any documentation and information supplied under the terms of the Agreement in confidence, subject to the law of the land.

1.7 Following successful UKAS assessment and grant of accreditation, the status as an accredited Certification Body will be denoted on the relevant schedule of accreditation, together with an indication of specific products covered by accreditation.

1.8 In Great Britain and in Northern Ireland, for a body to produce, prepare, store, import or sell organic products, it is required to be registered with an organic Control Body and achieve certification as an organic producer. In order to comply with the relevant organic production legislation, full compliance to all regulations detailed in 1.2 and 1.3 above must be ensured through annual inspection by that Control Body.

2 UKAS Assessment Procedures

2.1 General

2.1.1 Assessment and processing of agreed improvement actions to address mandatory action findings shall follow the normal procedure as detailed in UKAS publication GEN 1 *'General Principles for the Assessment of Conformity Assessment Bodies by the United Kingdom Accreditation Service'* and shall aim to establish the certification body's competence and conformance with ISO/IEC 17065 for the specific activities of organic certification. Other publications may also be relevant.

2.1.2 Any suspension (partial or full) or withdrawal of accreditation will be communicated to DEFRA by UKAS without delay so that timely action can be taken on Control Body status.

2.1.3 Witnessing of all activities included in the scope of accreditation of each Control Body will be completed by UKAS during the accreditation cycle.

2.1.4 The performance of the Control Bodies in the recognised organic operations will be monitored by UKAS on behalf of DEFRA, together with the records of remedial actions (corrective and preventative) taken to address any unsatisfactory performance.

2.1.5 The assessment team will record the results and conclusions of the assessment in the Assessment Report and will provide a recommendation on accreditation. A summary report will be shared with DEFRA by the end of each calendar year and additionally as requested by DEFRA.

2.1.6 The granting, renewal and maintenance of accreditation will be afforded only to a certification body that continually complies with the requirements of ISO/IEC 17065 and the criteria detailed in 2.2 and 2.3 below. DEFRA shall remain responsible for approval as a Control Body.

2.1.7 UKAS schedules of accreditation for Control Bodies will identify the products covered under Regulation (EU) 834/2007; To be replaced from 01 January 2022 by the product categories indicated in Article 35 (7) of Regulation (EU) No 2018/848 only for Control Bodies in Northern Ireland. UKAS will also request cooperation from the relevant Control Bodies in order to update the schedule when needed, subject to the assessment UKAS considers pertinent.

2.2 Specified Assessment of Compliance with the Requirements of Article 27 of Retained Council Regulation (EC) 834/2007

2.2.1 UKAS shall undertake, through a sampling process over the four-year accreditation cycle, the following actions to ensure that the organic control bodies in Great Britain are meeting the requirements of Article 27 of retained Council Regulation (EC) No 834/2007 and in Northern Ireland Article 27 of Council Regulation (EC) No 834/2007:

2.2.1.1 Check in detail the standard control procedure that each Control Body follows and the measures it applies where irregularities and/ or infringements are found as required in Article 27(6)(a) and (b). This shall involve:

2.2.1.1.1 checking that the control body's procedures are compliant, that its personnel are qualified and trained as required and there are no issues regarding impartiality and conflict of interest;

2.2.1.1.2 checking from a sample of operator files that the control body is following its procedures in following up its auditors' reports on operators; and

2.2.1.1.3 unless prevented by legal measures in force, undertaking witnessed assessments in the field checking that the control body's auditors are providing accurate assessments of operators' compliance with the standards applied by the control body.

2.2.1.2 Carry out, in relation to each control body, documented assessments that fulfil the audit/ inspection requirements of Article 27(8). Assessments shall be undertaken on a sample of operators from each control body. Assessments shall also involve the monitoring of each control body's post-inspection activities including the resolution of any non-compliances;

2.2.1.3 Ensure that each control body has suitable arrangements in place to determine that operators have systems for the traceability of each product at all stages of production, preparation and distribution, in accordance with Article 18 of retained Regulation (EC) No. 178/2002 pursuant to Article 27(13) of retained Council Regulation (EC) No 834/2007, or Article 18 of Regulation (EC) No. 178/2002 pursuant to Article 27(13) of Council Regulation (EC) No 834/2007;

2.2.1.4 Ensure that each control body has suitable arrangements in place to ensure that importers it licenses comply with retained Commission Regulation (EC) No 1235/2008, in particular Article 13, in line with the guidance set out by DEFRA. This includes the process for importing organic products from third countries, including the endorsing of certificates of inspection by the relevant port health authority at place of import into GB.

2.2.1.5 UKAS shall also ensure, through a sampling process over a four-year accreditation cycle, that each organic control body in the United Kingdom is discharging its obligations as a control body in accordance with retained Commission Regulation (EC) No 889/2008 in Great Britain and Commission Regulation (EC) No 889/2008 in Northern Ireland by undertaking the following checks in particular:

2.2.1.5.1 ensuring that its licensees are complying with the requirements for slow-growing poultry strains as stated in Article 12 (5) of the retained Commission Regulation 889/2008 in Great Britain, and Commission Regulation 889/2008 in Northern Ireland;

2.2.1.5.2 ensuring that its licensees have the appropriate density of livestock so as not to exceed the limit of 170kg of Nitrogen per year and hectare of agricultural area stated in Article 15(2) of the retained Commission Regulation in Great Britain and Commission Regulation in Northern Ireland;

2.2.1.5.3 ensuring that its licensees have adhered to the agreed deadline and requirements for keeping poultry runs empty between each batch of poultry reared, as stated in Article 23(5)

of the retained Commission Regulation in Great Britain and Commission Regulation in Northern Ireland;

2.2.1.5.4 ensuring that its licensees have fulfilled the conditions and adhered to the requirements of the exceptional production rules stated in Chapter 6 of the retained Commission Regulation in Great Britain and Commission Regulation in Northern Ireland and in Article 22(2) of the retained Council Regulation (EC) 834/2007 in Great Britain and Council Regulation (EC) 834/2007;

2.2.1.5.5 made effective checks of each processor licensee's use of ingredient derogations under Article 29(1) of the retained Commission Regulation in Great Britain and Commission Regulation in Northern Ireland; and

2.2.1.5.6 ensuring that its licensees fulfil the conditions set out in Article 95 of the retained Commission Regulation in Great Britain and Commission Regulation in Northern Ireland if they adopt any transitional measures.

2.3 Specified Assessment of Compliance with the Requirements of Article 1(2) of Retained Regulation (EC) 2017/625 in Great Britain and Regulation (EC) 2017/625 in Northern Ireland Concerning Training Programmes

2.3.1 Inclusion of the following matters in the control body's training programmes shall be confirmed, through a sampling process over the four-year accreditation cycle:

2.3.1.1 different control methods and techniques, such as inspection, verification, screening, targeted screening, sampling, and laboratory analysis, testing and diagnosis:

2.3.1.2 control procedures;

2.3.1.3 the rules referred to in Article 1(2) of retained Regulation (EC) 2017/625 in Great Britain and Regulation (EC) 2017/625 in Northern Ireland;

2.3.1.4 assessment of non-compliance with the rules referred to in Article 1(2) of retained Regulation (EC) 2017/625 in Great Britain and Regulation (EC) 2017/625 in Northern Ireland;

2.3.1.5 the hazards in the production, processing and distribution of animals and goods;

2.3.1.6 the different stages of production, processing and distribution, and the possible risks to human health, and where appropriate to the health of animals and plants, to the welfare of animals, to the environment;

2.3.1.7 the evaluation of the application of Hazard Analysis and Critical Control Point (HACCP) procedures and of good agricultural practices;

2.3.1.8 management systems such as quality assurance programmes that the operators manage and their assessment in so far as these are relevant for the requirements set out in the rules referred to in Article 1(2) of retained Regulation (EC) 2017/625 in Great Britain and Regulation (EC) 2017/625 in Northern Ireland;

2.3.1.9 official certification systems;

2.3.1.10 contingency arrangements for emergencies, including communication between control bodies and DEFRA;

2.3.1.11 legal proceedings and implications of official controls;

2.3.1.12 examination of written, documentary material and other records, including those related to inter-laboratory comparative testing, accreditation and risk assessment, which may be relevant to

the assessment of compliance with the rules referred to in Article 1(2) of retained Regulation (EC) 2017/625 in Great Britain and Regulation (EC) 2017/625 in Northern Ireland;

2.3.1.13 financial and commercial aspects; and

2.3.1.14 control procedures and requirements for entry into Great Britain of animals and goods arriving from third countries.

3 Reporting to DEFRA

3.1 Under the arrangements of the Agreement, UKAS will submit a report to DEFRA on an annual basis to enable the competent authority to fulfil its obligations under Regulation (EU) 2017/625. This annual report will summarise conformity to ISO/IEC 17065 for all Control Bodies including evidence of compliance to specific organic Regulations as detailed in 1.2 and 1.3 above.

3.2 UKAS shall, upon request, provide DEFRA with any additional information relating to accredited organic certification activities relevant to assessment of any control body.

3.3 Additionally, UKAS will inform DEFRA without delay where significant nonconformities require sanctions to be imposed on an accredited control body. Such nonconformities include:

a) avoidable or intentional non-compliance with the regulations;

b) inadequate control procedures which do not address relevant risks;

c) insufficient sanctions being imposed on operators;

d) failure to correct nonconformities previously raised with a Control Body;

e) training programmes of staff who perform official controls not being followed;

f) failure to cooperate with UKAS, and

g) conflict of interests not being declared.

4 References

1) The Organic Production and Control (Amendment) (EU Exit) Regulations 2019

2) The Organic Production (Control of Imports) (Amendment) (EU Exit) Regulations 2019

3) The Organic Product (Amendment) (EU Exit) 2019

4) The Agriculture (Legislative Functions) (EU Exit) (No. 2) Regulations 2019

5) The Common Organisation of the Markets in Agricultural Products (Miscellaneous Amendments) (EU Exit) Regulations 2020

6) The Common Organisation of the Markets in Agricultural Products (Miscellaneous Amendments) (EU Exit) (No. 2) Regulations 2020

7) The Organic Products (Production and Control) (Amendment) (EU Exit) Regulations

8) https://www.gov.uk/guidance/organic-food-uk-approved-control-bodies

9) https://www.daera-ni.gov.uk/articles/organic-production-general-information

10) ISO/IEC 17011, “Conformity assessment - General requirements for accreditation bodies accrediting conformity assessment bodies”

11) ISO/IEC 17065, “Conformity Assessment - Requirements for Bodies certifying products, processes and services"

12) Regulation (EC) No 765/2008 setting out the requirements for accreditation and market surveillance relating to the marketing of products

13) GEN 1, “General Principles for the Assessment of Conformity Assessment Bodies by the United Kingdom Accreditation Service”, current edition

14) Official Controls Regulation (EU) 2017/625

15) Council Regulation (EC) 834/2007

16) Commission Regulations (EC) 889/2008 and (EC) 1235/2008