



# CERTIFICATION PROCESS

TS01(NOP)v15en – January 1<sup>st</sup> 2025

**ACCORDING TO THE NATIONAL ORGANIC PROGRAM  
(NOP)**



## PREAMBLE

ECOCERT has been delivering product certification and audit services for over 30 years. Our proven experience enables us to operate a certification scheme for your products in compliance with organic farming requirements according to the National Organic Program (NOP).

Thanks to a global network, worldwide offices and cross-country audit pools, ECOCERT is able to operate such certification scheme in most countries.

A detailed list of all subsidiaries and services is available on the official website [www.ECOCERT.com](http://www.ECOCERT.com).

ECOCERT SAS is accredited by the USDA for the certification of crops, wild crops, livestock and processing/handling operations according to the NOP standard.

The certification issued by an independent organization provides objective evidence of compliance with the requirements of a certification scheme. It is a proactive process whereby the operator becomes responsible for the compliance of his operation with the requirements of the organic farming certification scheme.

This document aims at providing a description of the key stages of the certification process according to the NOP and does under no circumstances supersede applicable regulations. It is however a contractual document enabling you to familiarize yourself with the requirements to be met for organic certification.

Ultimately, the purpose of certification is to provide your consumers and end users with added value organic products.



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## I. DEFINITIONS

The definitions of the terms used in this document are available in **Annex 1**.

## II. APPLICABLE SCHEME

ECOCERT SAS operates a certification scheme according to the standards set by the National Organic Program (NOP) and regulated by the US Department of Agriculture (USDA).

Documents associated to the scheme are available upon request or on [the Code of Federal Regulations website](#) or on the [USDA website](#).

The marketing of organic products certified by ECOCERT SAS in the US is regulated by:

- The **National Organic Program (NOP)** (applicable standards available on the USDA website <https://www.ams.usda.gov/rules-regulations/organic> hereafter entitled "**Standard**").
- The **NOP Program Handbook** (applicable handbook version available on the USDA website <https://www.ams.usda.gov/rules-regulations/organic/handbook> )
- In addition to the specific requirements of the above certification scheme, the requirements of the certification system must also be complied with:
- The present and applicable certification process TS01(NOP) available on the link <https://ECOCERT.box.com/v/NOP-certificationprocess-en>
- Rules on references to ECOCERT and the ECOCERT certification logo: TS17 (<https://ECOCERT.box.com/v/Agrifood-ReferencetoECOCERT-en>)
- Our general conditions for certification

## III. ACCESS TO SERVICES provided by ECOCERT SAS

The scope of the regulation extends to all stages of production and handling including the basic production of organic products (plant production, animal production *-except animal production from aquaculture -* and wild collection) up to product processing and labelling.

The NOP standard gives provisions for the exemptions and exclusions of specific types of operators : [205.101 Exemptions from certifications](#) .

The exempted operators must comply with the records keeping requirements of §205.101(i). Except for grower groups, organized systems of wild collection, of operations on rented land, of service or equipment providers and carriers, each operator must be independently contractually committed to ECOCERT for the certification of their operations even though acting only as a preparer on behalf of a certified third party.



## IV. THE CERTIFICATION PROCESS STEP BY STEP

The provision of the certification services is based on an annual cycle. If all certification requirements are met, the process will lead to organic certificate issuance or renewal enabling you to market products with a reference to the NOP organic certification by ECOCERT.

The main stages of the certification process are detailed below as follows:



### A. Your application for certification

#### • Content of your application file

To provide you with all the required data for the successful completion of the certification process, ECOCERT can send you the following starter pack (documents via attachments or hyperlinks) upon application:

- Applicable version of the NOP standard and associated documents
- Regulation guidelines in relation with your operation
- This certification process document
- The certification application form
- The applicable price schedule

The application for certification can also be done directly online either on the link <https://www.ECOCERT.com/en/quote> or through the application form filled and providing the data needed to carry out the so-called “application review”. The application review consists in a feasibility study and the definition of your project specifications, for the following purposes:

- Ensuring that you have read all the standard’s requirement
- Checking that all the required information have been provided
- Carrying out a feasibility study for the certification of your products based on your data provided

#### • Causes of application rejection by ECOCERT , at the beginning or during the process

ECOCERT may have to reject an application for certification, to deny signing a certification contract with a company or to stop the certification process with a client for reasons relating to its organization, its products or its activity, its historic of certification and/or for other reasons, in particular:



- Inability of the client to meet the local requirements,
- Established noncompliance(ies) of the client or its products with the NOP standard,
- Control and certification actions and decisions in progress with the previous control body (alert notifications, investigations, etc.),
- Operations considered to be out of scope with the NOP standard,
- Breach of the general regulation in force,
- Proven implication of the client, its top managers or affiliated companies, in illegal activities,
- Identified health risks to the consumer, linked to the products,
- Production practice impacting the environment or violating fundamental human rights (child labour, forced labour, etc.),
- Geographic locations of the client's sites involving technical incapacity or security issues for Ecocert staff and/or external observers,
- Lack of qualified and competent staff (technical skills, languages...) able to meet the need of the client, leading to a situation of "administrative incapacity » in accordance with the NOP provisions,
- Conflict of interest that may impact the impartiality of Ecocert decisions, or bribery attempt on Ecocert staff,
- Prohibition of certification imposed to the client by a local regulation or competent authority.

## B. Formal certification contract

### • Issuance of a quote for your project

Based on the data provided by you, we will issue a customized quote, valid for the current calendar year and based on the estimated working time required (audit, review, evaluation etc.). ECOCERT will review the information detailing your activity and risk factors will also be considered for the estimated time. Main criteria to be considered are:

- Type of operation
- Number of sites to be audited
- Number of persons to interview (case of Producer groups and/or organized system of wild collection)
- Type of internal control system (ICS)
- Size of the facilities (number of hectares, animals etc.)
- Number of products to be certified
- Applicant's file history
- Technical risks

This initial quote includes all activities to be certified and is sent with our general Terms and Conditions for certification.

Except for complex cases, a quote should be issued within 15 days upon receipt of the full application.



- **Contractual documents**

Your certification contract with ECOCERT SAS consists in the applicable versions of the following documents:

- The quote,
- General conditions for certification,
- This certification process document.

- **Formal commitment**

Once you have signed the certification quote, you are contractually bound to ECOCERT SAS with immediate effect. With the signature of the contract, you commit to operate in compliance with our general terms and conditions for certification and more specifically with the requirements set by the standard.

Please note that a contract signature occurring late in the year may lead to a certification effective that same year, provided that the following conditions are all met:

- the optimum audit time (depending of the type of activity: harvest time, start of processing operations etc.) falls between the contract start date and the end of the calendar year,
- a detailed description of your operations (please refer to paragraph C) has been provided within a tight deadline,
- our auditors are available to carry out the audit (namely before harvest or collection for plant productions),
- the instalment provided in the quote duly paid before the audit.

If one of the above requirements is not met, the audit and certification process may be postponed to the following calendar year.

## C. Initial evaluation

The initial evaluation aims at assessing the compliance of your operation with the requirements of the standard.

- **Documentary requirements & preparation for the onsite audit**

Once the contract is signed, ECOCERT will ask you to provide a detailed description of your activity with the following information:

- The administrative details of your company
- The Full description of your designated units and/or facilities and /or operations
- All procedures and actions implemented onsite in relation with the designated unit and/or operation to ensure that the operation is handled in compliance with the requirements of organic farming
- The Full list and the detailed content of the inputs used in your operation as well as their conditions of use
- The description of monitoring procedures
- The description of your accounting management and record system



- Precautionary measures implemented to minimize the risk of contamination by unauthorized products or substances and cleaning measures implemented at storage places and all along the production chain of the operator
- Your organic fraud prevention plan
- Your certification history
- Any other information required by ECOCERT for your compliance assessment

Upon receipt, your OSP will be assessed by ECOCERT to check the NOP compliance of listed practices and that all the data required have been provided. If possible, deficiencies and non-compliances with the organic production rules are identified, a notification of non-compliance in this regard will be sent to you in writing.

You are afterwards responsible for the implementation of all corrective actions in your practices and management system in order to achieve compliance and notify us with updated elements and OSP.

This stage is also an opportunity for ECOCERT to confirm the time required for the onsite audit that was previously estimated at the time of issuing a quote.

The on-site audit is scheduled and assigned once the OSP has been approved as complete and compliant.

Finally, the auditor assigned for the audit will liaise with you and plan a date for the on-site audit.

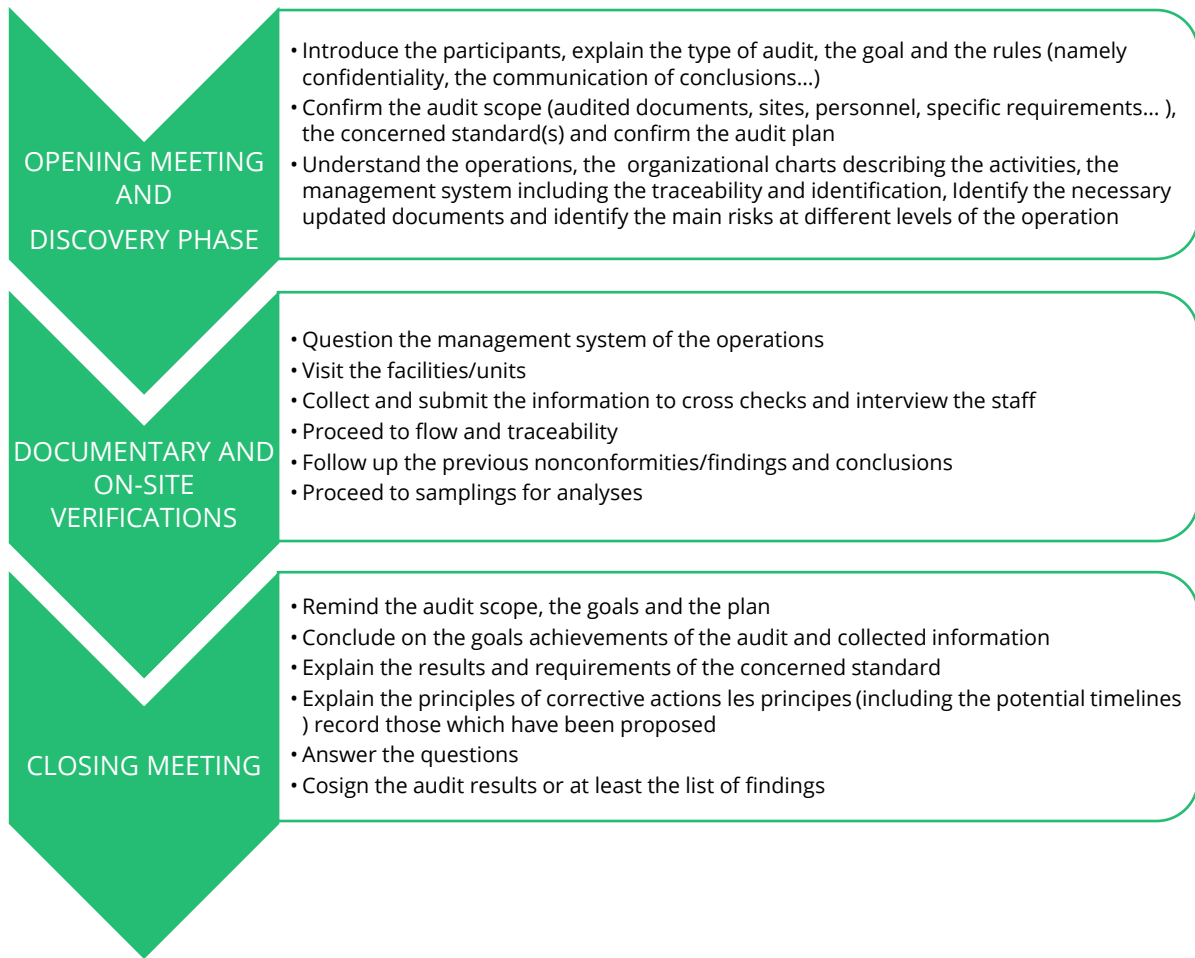
- **The on-site audit**

In order to optimize your audit preparation, we recommend you to contact your sales officer at ECOCERT who will clarify some regulatory requirements with you.

The purpose of the on-site audits is to assess the product and operation compliance with the requirements of the certification standard. Audits are carried out in your presence on all the sites of production, processing, packing operations, etc.



Below are the different stages of the audit:



When analyses are required, samples will be collected in your presence or of your authorized representative who signs the supporting documents. The specifications for the tests as well as the laboratory to carry out the tests are assigned by ECOCERT.

If need be, the auditor may choose to leave one of the collected samples in your premises. This sample must be stored in appropriate conditions in order to avoid any deterioration (freezing recommended). Its purpose is only for counter analysis, if applicable it will be dispatched by you, by the auditor or an authorized third-party in accordance with ECOCERT's instructions and sent to the laboratory appointed by ECOCERT.

In all cases, all samples collected will remain ECOCERT's property and test results will always be sent out to you.

**Please note:** On-site audits are not always announced in advance. In the case of an unannounced audit, you have the obligation to grant access to your operations and premises. For this reason, we will require from you to identify a representative on each of your sites/units who will enable a smooth performance of these audits.



**Please note:** you have the right to refuse the staff assigned by ECOCERT at any stage of the certification process on reasonable grounds (e.g. conflict of interest).

**Please note:** Special case of grower groups – ECOCERT may carry out audits of selected members only (partial audit) provided an Internal Control System (ICS) is implemented and will be assessed by ECOCERT before and during the audit. For more detailed information, please refer to ECOCERT guidelines entitled *"TS01 (EC-NOP) Guidelines on the organic certification of growers groups"*.

- **Audit conclusions**

During the audit, findings can be noted and require actions (so-called corrective actions) from your side.

At the end of the audit, you will be presented a detailed list of the findings that may have been noted to be co-signed by you.

Finally, the detailed audit findings and test results (if applicable) will be submitted to ECOCERT for full review. If minor issue(s) and/or non-compliances have been noted, you will receive a written notice listing them all and detailing the deadlines to answer them and further evaluation tasks required to check that they have been duly addressed.

- **Evaluation of implemented corrective actions**

At this stage, if you choose to continue the certification process, you are required either to propose corrective actions to each noted non-compliance within the time limits set for this purpose (set in the notification sent to you) or to rebut the deviation and provide appropriate evidence.

For the continuity of certification process, the proposed corrective actions must be relevant and exhaustive. Depending on the noted non-compliance, you will be required to identify the cause of noncompliance and its extent (products and activities impacted by the noncompliance).

If the items submitted are deemed insufficient, you will be required to propose new corrective actions before the end of the deadline.

Depending on the additional evaluation tasks required to check that non-compliances have been addressed, ECOCERT may have to:

- Carry out a new onsite audit
- Collect new samples for testing
- Carry out a documentary assessment

## **D-Review of the evaluation conclusion and certification decision**

The review of the relevance of assessment activities and their exhaustiveness is carried out and recorded by ECOCERT. This review takes into account the conclusions of all assessments and any other relevant data.

If all stages of the evaluation are deemed comprehensive and relevant, a certification decision is made accordingly. The decision may be positive or negative.



To make the certification decision, ECOCERT takes into account a sanction catalogue listing all potential non-compliances and links them with a severity level. This plan defines namely the measures to be taken and establishes the implementation rules. The intentionality, the fraudulent nature and the recurrence of a noncompliance are also taken into account to determine the follow-up to the certification process. This enables an impartial treatment of the certification files.

- If the certification decision is positive, the certification documents will be sent to you.
- If the decision is negative, in full or in part, a written notice of noncompliance and of denial of certification will be sent to you detailing the reasons. This denial may be related to part of your operation or the whole operation. In such case, you may apply for certification anew, starting the process all over from step A.
- The conclusions of the review may also lead to the identification of additional evaluation tasks that are required before a certification decision can be made: certification is thus pending. If the required conditions are not met within the time limits, ECOCERT will proceed to the certification denial of the concerned products.

The different negative certification decisions connected with detected non-compliances are detailed in paragraph below.

## E. The Organic certificate

Organic certificate and addenda can be generated when the decision to grant certification is positive. It will clearly mention:

- The company name and address
- The details and address of ECOCERT SAS
- The date of 1<sup>st</sup> certification
- The date of issuance
- The anniversary date (when you must submit your annual documentary update OSP)
- The scopes of products by operations (crops, livestock, wild collection, handling/processing)
- The list of certified products with associated certification category (« 100% organic », « organic », « made with organic », “100% organic livestock feed”, « organic livestock feed ») and/or « compliant process »
- The references « Certified to the USDA organic regulations, 7 CFR Part 205 » and the phrase “Once certified a production or handling operation’s organic certification continues in effect until surrendered, suspended or revoked”.

Certificates (not the addenda where more details are available) are also published and available online publicly at [Ecocert - Clients directory](#) and [NOP Organic Integrity Database](#). Check of validity and authentication may be done at any time.



ECOCERT SAS cannot be held accountable for any operational costs incurred by you (e.g.: starting production, printing labels etc.) anticipating the certification decision not made yet by ECOCERT, should the certification decision on the concerned products be negative.

## F. NOP Import Certificate and Transaction Certificate

- **Exports to the US**

To export organic products to the US, an organic master certificate is not sufficient. A **so-called “NOP Import Certificate” (or hereafter named “NOP IC”)** is required § 205.273 for the import of organic products into the US.

Please consult and comply with **TS40 - Ecocert Guide for the Export of Organic Products to the United States** for information about the requirements for importing goods into this country.

The import certificate must be issued by the certification body of the exporter for one or several shipments of one certified product to the same US importer upon documented request from the certified exporter. This document must be generated electronically by the certifier of the exporter, on the Global organic integrity database implemented by the USDA.

The exporter is responsible for applying for a NOP IC **prior to export** to the US, and for communicating the validated NOP IC to the importer.

Each import must be declared organic, and certificate data must be entered into the U.S. Customs and Border Protection’s Automated Commercial Environment (ACE) system by the importer.

The **products shall not leave the country of origin until the NOPIC has been issued**, otherwise it may result in a refusal by the US custom authorities to clear the goods as Organic in the US.

This requirement applies to import of any organic product in the US, it includes NOP certified products and recognized trade arrangements.

Please note that the USDA may establish further specific requirements regarding verifications to be done when issuing an import certificate.

- **Transactions outside the US**

For transaction of organic products between Third countries (that is to say outside the US), a so-called **transaction certificate** may also accompany the goods.

The issuance of such transaction certificate is not a NOP requirement but if requested, it must be issued by the competent certifier. Such document may be required by the competent authorities or certification bodies in risky areas, for risky products or transactions.

The transaction certificate is usually issued by the certification body of the seller for one shipment of certified products.



Applications for transaction certificates must be submitted latest before the goods arrive at their destination. However, in some cases, the application shall be sent to ECOCERT upstream of the shipment of the goods so that ECOCERT may perform a physical check of the consignment concerned by the transaction before departure.

- **Common provisions**

In the case of a new export market, you must inform Ecocert before taking any export steps. You remain responsible for your export activities at all times.

Applications shall be accompanied with supporting documents enabling to confirm the compliance of the dispatched goods. They include not only transport and sales documents, but also, depending on the type and risk of the transaction, documents/records corroborating the origin of the raw materials, to trace and quantify the products back to the producer and to validate the “sanitary” compliance of the dispatched products (ex. analyses result, phytosanitary certificate, etc.).

ECOCERT will inform you in advance of the specific requirements that may apply to your situation for the issuance of transaction and import certificates.

## G. US-Canada organic equivalence arrangement (COR)

If some of your products meet the US-Canada organic equivalence arrangement ([Equivalency FAQ.pdf \(usda.gov\)](#)), the compliance with this equivalence will be displayed on your NOP certificate addenda upon request. This will allow you to export your NOP certified products to Canada.

The notice of equivalence is issued further to a product review and enables you to use the “Canada Organic logo” as provisioned in the US-Canada organic equivalence agreement, in compliance with the associated requirements set by the agreement and during the validity of the certificate. Organic products to be exported to Canada must be compliant with the requirements of both the NOP and US-Canada organic equivalence arrangement.

**Please note:**

Compliance with the equivalence cannot be considered as an evidence of product certification in accordance with the requirements of the Canadian Organic Regime; it is only a statement on the equivalence of a NOP certified product intended to be exported to Canada.



## H. Surveillance and renewal of the certification process

- The principle of surveillance

The certification process shall be automatically renewed each year, unless you have duly notified ECOCERT of the termination of your certification contract within the deadline set in the applicable general or technical conditions for certification.

Moreover, as provisioned in paragraph 205.400 of the NOP standard, to obtain and maintain your NOP organic certification, you have to:

- Be always compliant with NOP requirement
- Implement and update your organic system plan (OSP) and your organic fraud prevention plan (OFPP):
  - Without delay and in case of modifications in your system (practices, production tool, Manager...) in the range of products to be certified
  - At least every year and latest at the « anniversary date » mentioned on your certificate.
- Allow an on-site audit giving full access for ECOCERT to operational sites, including the conventional operations, all sites, offices etc.
- Keep records of all organic operations for at least 5 years and make records available during normal business hours for auditing and copying
- Pay all certification fees to ECOCERT
- Notify immediately ECOCERT in following cases:
  - Non-permitted substances used on a plot of land, production or processing unit, on animals etc.
  - Change in any portion or in your full certified operation that may affect its compliance with the standard
- Accept unannounced audit

The renewal process follows the same stages of the certification process after the operator has provided an update:



- Risk analysis

ECOCERT shall annually carry out a risk assessment in relation to your certification based on set criteria such as the type of products, the quantity of products sold, the complexity of the operation,



the previous assessment results and the implementation of a risk management plan in your operation.

Depending on the results of the assessment, a level of risk is associated to your operation which may lead to enhanced evaluation (additional audits, announced or not, samples for analysis, documentary review, etc.).

- **Audit plan**

To assess the continuity of the compliance of your operations, ECOCERT will implement an annual assessment plan (on-site audits, analysis plan, etc.).

- In all cases, any eligible operator applying for organic certification is required to be **fully audited on all operations at least once per calendar year** in order to maintain the validity of his certification status.
- In addition, enhanced audits will be performed for some operators depending on their risk analysis as described above.

In case of suspicions by ECOCERT with regards to the organic status of your products (e.g. further to a notification from another certification body etc.), additional evaluations may be carried out at any time.

- **Cost of the surveillance service provision**

ECOCERT will provide you with a quote for the cost of renewing the annual certification, based on the information submitted at the time of the renewal, on the risk analysis and the data collected during previous audits and other investigations.

- **Surveillance evaluation**

As for the initial evaluation, the surveillance evaluation plan is implemented for the renewal of your certification.

Documentary and onsite evaluations will include the review of corrective actions (implementation and efficiency) concerning the non-compliance found during previous evaluations and the evaluation of compliance of any change you will notify us about your activity. Additional surveillance evaluation such as supply chain traceability audit or investigation will require your collaboration.

**Please note:** ECOCERT may decide to stop the certification process at any time in the cases set in paragraph IV.A. above. In addition, outstanding payment, rejection of audit or the prolonged loss of contact are regarded as non-conformities that may lead to negative decision as described in the paragraph J below.

A diagram summarizing the certification process as described in the present document is available in **Annex 2**.



## I. Certification renewal

Just as at the time of granting certification, after carrying out the complete annual audit and prior to the certification deadline, a review of the evaluation elements is performed, and a new certification decision is made considering the detected non-compliances.

If the certification decision is positive, your certification is maintained and a new addenda can be generated, confirming the decision.

If the certification decision is negative, your certification will not be renewed, and you will receive a written notice detailing the reasons. This decision may be related to part of your operation or to the whole operation.

The result of the review may also lead to the identification of additional evaluation tasks necessary to the renewal of certification. If the required conditions are not met in the set time limits and organic status of products is concerned, ECOCERT may update the list of certified products accordingly.

The different certification decisions linked with the findings of non-compliances are detailed in paragraph J below.

## J. Non-compliance and certification decision

When a non-compliance is proven at any stage of the certification process, ECOCERT shall review your file and take appropriate measures.

Based on a corrective action plan and depending on the extent and the severity of the detected non-conformities, ECOCERT makes the certification decision:

### (i) The certification denial

The certification is denied for the product(s) submitted for certification by the client. This denial may concern one or several products and/or batches, one of your operations or all your operations.

A complete certification denial is accompanied with an automatic contract termination with ECOCERT SAS.

### (ii) Certification validity maintained with conditions

Certification is maintained but with conditions, they may include for example:

- Minor issues to be corrected
- Reinforced surveillance via additional audit or analyses
- A set deadline to enable you to close the corrections of your non-compliances

In such a case, a notice of minor issue/non-compliance will be first sent to you. If the non-conformities are not lifted within the set timeline, ECOCERT will send you a notice of proposed suspension or revocation and which, if the non-conformities have still not been addressed within the timeline and correct process, will be followed by a notice of suspension or of revocation.



(iii) Non-compliance of Products and/or fields with NOP

This decision implies that the products concerned are not in compliance with NOP requirements and are removed from the certification documents. This is under your responsibility not to sell such products with reference to the NOP certification.

The identified fields should undergo a transition period of 3 years before being considered as compliant with NOP anew.

In this case a notice of noncompliance is sent to you with information of the noncompliance of the given products and/or fields and the request for the correction of the non-compliance within the set deadline.

(iv) Proposed suspension of certification/suspension

The proposed suspension/suspension may affect part of your operation or your whole operation. If the proposed suspension is not mediated or appealed within 30 days following the issuance, the final suspension will be issued.

**Following the final suspension**, ECOCERT may simultaneously notify you the termination of your contract which would become effective automatically with the effective suspension.

You will have to undergo a certification reinstatement process (205.662(f)) in order to obtain certification anew. This process consists in a mandatory submission of your file to the USDA who will decide to reinstate your certification or not. ECOCERT will not be allowed to make a denial nor issue any certificate before the USDA decides (you can also refer to the NOP Program Handbook 2605).

In case USDA cannot complete the evaluation of the reinstatement request or USDA denies the reinstatement request, ECOCERT may send to you a notice of immediate termination of your certification contract.

Agricultural products that are produced and/or handled prior to reinstatement may no longer be sold, labelled or represented as "100% organic", "organic" or "made with organic" (e.g. crops harvested prior to certification reinstatement, stored crops from previous harvests, products processed, packaged or labelled prior to reinstatement).

NB: in case you wish to be certified again after you have been previously suspended under NOP regulation, you must submit a demand of reinstatement (205.661(f)(1)). Ecocert will provide the reinstatement package to the Secretary who will decide if the operation may be granted the certification or not. Only after this decision, Ecocert will be able to issue the positive decision and issue the certification documents.

(v) Proposed revocation of certification/revocation

Following major critical findings, Ecocert may decide to issue a notice of proposed revocation of certification. If the proposed revocation is not mediated or appealed within 30 days following the issuance, the final revocation will be issued by the certifier.



Once the final revocation decision takes effect, it implies a permanent discontinuation of the certification of all products, as well as the ineligibility to certification of the concerned operator or any responsibly connected person at the operation for a period of 5 years.

You may no longer refer to certification for any of your products.

This decision goes along with an automatic termination of the contract with ECOCERT together with the fully effective revocation.

A product without certificate or the certification of which has been surrendered, suspended or revoked, may no longer be produced, processed and marketed as "100% organic", "organic" or "made with organic". Any references to the organic certification must be removed from all communication materials. A suspension or revocation implies that certification documents are invalidated with immediate effect. You can no longer refer to or use the previously issued certificates.

## D. Changes affecting certification

- Changes in the certification scheme (new requirements or requirements updates)

ECOCERT will notify you in writing of all documentary changes pertaining to the NOP certification scheme or to the scheme implementation requirements.

Depending on cases, requirements may be amended with immediate effect or a transition plan may be set by ECOCERT or by the USDA.

You are responsible for implementing the required changes in order for ECOCERT to check the implementation. If no change is made, ECOCERT may notify you of the non-compliance. If it is not addressed, it may lead eventually to a suspension or even a revocation of your operation's certification.

- Change in your certification scope

ECOCERT must be notified immediately of all changes that may impact your compliance with the certification requirements.

E.g. changes may include:

- Change in the organization (change of owner, status, purchase of new land...)
- Change in your management process
- Change in your activity (new production line, new site, new field, new member, etc.)
- Changes in the products (inputs, recipes, etc.) or production process
- Change of contact details
- Doubts raised in relation to the organic status of the received and or handled products
- A wish to stop the certification of some products.
  - Etc.



In some cases, these changes may lead to questioning your certification and possibly to performing an additional or an extension audit (addition of new products/process). Your certification documents will be updated accordingly.

- **Postponement of your certification**

If you would like to postpone the certification of your operation (disruption of operation) or if due to unforeseen circumstances, external events, you are unable to implement the certification process (instability in the area...), you will have to surrender your certification with ECOCERT.

However, ECOCERT may agree to maintain the contract during the postponement period to facilitate a restart at the end of this postponement period.

Throughout this period of time, certificates issued by ECOCERT before the postponement will no longer be valid, as with a surrender. References to the certification and/or to ECOCERT are no longer permitted; this applies to all communication materials (labelling, website, invoice, advertising etc.).

At the end of the postponement period, the certification process will resume and be handled as a first-time application.

## **E. Surrender of certification and contract**

- **Conditions and impact of the contract termination**

You may choose to surrender your organic certification for all or part of the products at any time. If you are planning to drop the certification of all products as well as terminate the contract, this should be done in compliance with the general conditions for certification.

When surrendering your certification, if a proposed suspension or revocation is ongoing, the adverse actions process must be finalized.

This means that if no application for mediation or appeal is made or if it is not successful, ECOCERT will issue a notice of suspension or revocation even after the request to surrender.

In case of new application for certification, a history of all notices received shall be submitted.

Giving up the certification for all or part of the products, and the termination of the contract if applicable, will automatically imply the end of validity of previous certificates issued for the concerned products.

Consequently, with effect from the end date of the certification (and termination date of the contract if applicable) on, you may no longer produce or market the impacted products with references to the NOP certification and/or ECOCERT. The certification of products that have already been sold or still being marketed is not impacted.

- **Special cases of stock clearance and stock audits**

When you can account for a remaining stock of compliant products referring to the certification and/or to ECOCERT, requiring extra time beyond the date of request for certification termination, you must contact ECOCERT to discuss the estimated time required for clearance purpose.



When the certification has been terminated (as well as the contract if applicable), you may no longer start a new production with reference to the certification and/or ECOCERT

However, if your operations are based exclusively on the storage and distribution of prepacked products and qualify for certification exemptions in accordance with NOP paragraph 205.101 (please also refer to § III.A), you may continue to sell the remaining stock of organic products without a valid NOP certificate; however, for such operation ECOCERT will no longer issue a transaction certificate or NOPIC.

- **Transfer of your certification file**

You may choose to change certification body. The change process implies that your new certification body has knowledge of your certification history.

If you were previously contracted with another certification body and you are moving to ECOCERT, ECOCERT will review beforehand your previous certification data disclosed by yourself or by the previous certification body and will process the new application accordingly before approval.

In reverse, if you are certified by ECOCERT and would like to move to another certification body, upon request ECOCERT will also transmit your file to the new certification body.

If a proposed suspension or revocation is ongoing with ECOCERT, the adverse action process shall be completed. This means that if no application for mediation or appeal is made or even though it is unsuccessful, ECOCERT will issue a notice of suspension or revocation even after the transfer request.

If you wish to continue selling « 100% organic », « organic » or « made with organic » products without interruption, we invite you to maintain your previous certification until the new certificate is issued by your new certification body (see also NOP Program Handbook, Instruction NOP 2604).

## V SUBCONTRACTORS

ECOCERT subcontracts all analyses to external laboratories. Subcontracted laboratories have all been duly approved by ECOCERT. List of subcontracted laboratories is available on request. Any claim with regards to the laboratory list should be notified to ECOCERT in writing.

## VI COMPLAINTS AND APPEALS

You may lodge service complaints with ECOCERT or an appeal against unfavourable certification decisions taken against you by ECOCERT. This appeal can be lodged to ECOCERT (in this case referred to as request for mediation) or directly to the USDA (referred to as appeal).

ECOCERT will acknowledge the receipt of all service complaints or appeals against an unfavourable certification decision taken against you by ECOCERT and will process them within the deadlines set by internal complaints and appeals procedures.



## A. Complaints

Anyone may submit, in writing to ECOCERT, a complaint concerning ECOCERT's approvals, services or clients.

A reply will be sent to the complainant by ECOCERT within an appropriate deadline.

All these complaints as well as subsequent actions and measures taken are recorded by the Quality manager. A review is made on a regular basis to meet your expectations.

## B. Mediation

When you receive a notice of denial of certification or of proposed suspension or revocation, you may submit a request for mediation to ECOCERT as follows for it to be admissible:

- In writing (by post mail or email)
- Within 30 days of receipt of the relevant notice

ECOCERT will first review such requests for admissibility and will notify you in writing if the request has not been deemed admissible.

If your request has been deemed admissible, ECOCERT may propose you an informal settlement agreement or a proposed mediator may be assigned to you to initiate a formal mediation process. You may refuse the proposed mediator, in this case you have to propose another mediator who will be approved by ECOCERT. If no agreement is reached by both parties on selecting the mediator, the formal mediation will be considered as unsuccessful.

Once an agreement is reached by all parties on selecting the mediator, a mediation session will be scheduled and may be followed up by a 30-days deadline in order to reach a written settlement agreement in relation to the dispute.

Ecocert may reject the mediation demand. In that case or in case the mediation is unsuccessful, the adverse action is still in force. The operation has still the right to appeal NOP (205.681) with 30 days prior the adverse action is final.

## C. Appeals

You may lodge appeals with the USDA against an ECOCERT certification Adverse Action decision (such as certification denial, proposed suspension or revocation) or mediation refusal.

You must submit the appeal as follows:

- must be filed in writing and addressed to: Administrator and Requests for Hearing: 1400 Independence Ave. SW, Room 2642, Stop 0268, Washington, DC 20250, or electronic transmission, [NOPAppeals@usda.gov](mailto:NOPAppeals@usda.gov).
- include a copy of the relevant notification (adverse action) as attachment.
- state the reasons for considering the decision as unjustified and provide any element to support your appeal.

Should your certification be « proposed to suspension or to revocation” at this stage, your certification will be maintained until a decision has been made by the USDA after review of the



appeal. The processus need to be continued (including annual audit etc). New non-compliances may be raised.

## VII REFERENCES TO CERTIFICATION, TO ECOCERT AND TRADEMARKS (ECOCERT AND OTHERS) IN RELATION TO THE SERVICE PROVIDED

The rules of references to the certification, to ECOCERT and to the trademarks associated to the service provision on your labelling and communication media are set in the following documents:

- the applicable Terms and Conditions,
- the present Certification Process,
- the ECOCERT guidelines: *TS17 "Rules for the reference to ECOCERT certification and certification trademark - agricultural and food products"* (available upon request),
- the ECOCERT guidelines: *TS04 Guideline No4 handling and labelling*,
- the Subpart D of the NOP regulation: [Subpart D—Labels, Labeling, and Market Information](#)

### **Prior validation by ECOCERT:**

Prior to any use, any project (label, website, advertising or other) referring to certification and/or ECOCERT and/or bearing a logo associated with the service must be submitted to ECOCERT for approval.

### **Abusive or incorrect reference:**

Trademark infringement and abusive or incorrect references to the certification or to ECOCERT by a client shall result in (i) the implementation, by Ecocert, of any appropriate measures such as certification noncompliance, proposed suspension, proposed revocation or denial and/or (ii) if necessary, termination of the contract or even legal proceedings. ECOCERT may also be required to notify the Competent Authority.

Examples of trademark infringement and incorrect references:

- The certification logo or reference to the certification or to ECOCERT is showing on products noncomplying with the certification requirements
- The certification logo or reference to the certification or to ECOCERT is showing on products that have not never been submitted for certification or that are in the process of being certified
- The rules on certification references are not complied with.

Wishing you a successful certification. ECOCERT remains available should you have questions.



## ANNEX 1: Definitions

*Note: For the purposes hereof, capitalized terms not defined below shall have the same definitions as those set out in the Terms and Conditions for the Certification of Products in accordance with the National Organic Program (NOP).*

**Corrective action:** action aiming at suppressing the origin of a non-compliance or of another identified unwanted situation

**Appeal:** written request from a client to the USDA for the reconsideration of a certification decision by ECOCERT.

**Mediation:** written request from a client to the ECOCERT group for the reconsideration of a certification decision.

**Non-compliance:** non-compliant practice/incoherence that doesn't necessarily point out a failure in the implementation of the requirements of the scheme yet needing corrective actions to be set up

**Evaluation plan:** description of the number and type of evaluations required during the assessment cycle in order to ensure the compliance of a product with the requirements associated to specific client types

**Complaint:** discontent (not including appeal) expressed to the ECOCERT group in relation with the group operations by a person or organization and requiring a reply

**Sanction catalogue:** list of non-compliances with the certification requirements and associated impacts on the certification decision. Required additional evaluation tasks may be listed as a complement to the plan in order to address the non-compliances

**Certification scheme:** set of requirements, rules and procedures defined by the scheme originator that are to be implemented by ECOCERT group

**Certification standard:** technical document defining the product requirements to be met, terms of assessment and communication process with regards to the certification process.

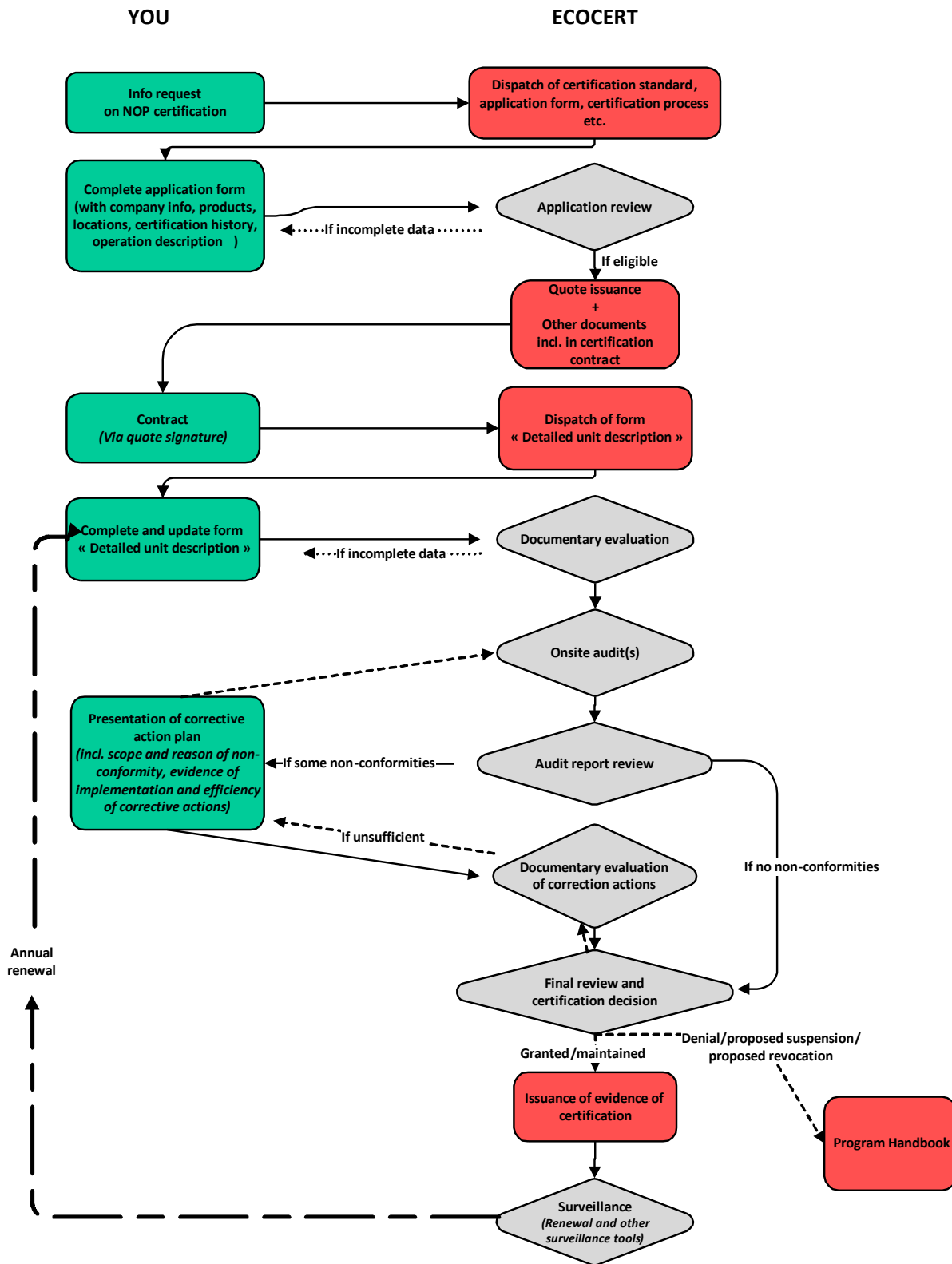
**Organic fraud:** Deceptive representation, sale, or labeling of nonorganic agricultural products or ingredients as "100 percent organic," "organic," or "made with organic (specified ingredients or food group(s))."

**Surveillance:** recurrent assessment, review and decision of certification, in compliance with the certification scheme in order to maintain the validity of the certification.



## ANNEX 2: Certification process flow chart

### NOP CERTIFICATION PROCESS



\*<https://www.ams.usda.gov/sites/default/files/media/NCandAdvActionFlowChart.pdf>

