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Sanction Catalogue

The sanction catalogue is produced in accordance with Article 41, 42 and 43 of Regulation 848/2018, its Delegated Regulations and Implementing Regulations. Its purpose is to set out a comprehensive list of non-compliances, infringements and irregularities applying to the Organic Sector. Explanations for imposing sanctions are described in the sanction catalogues for each field of certification. Deviations from these may be determined by the review. The sanction “removal of references to compliance” from a batch affected by an irregularity is only imposed by LACON in the field of organic regulations and, in the case of such an evaluation by the auditor, is immediately reported to the LACON head office. The department management or his/her representative then decides if this sanction is appropriate.

In addition to the measures referred to in Article 29(1), (2) and (3) of Regulation (EU) 2018/848 and Article 2 of Implementing Regulation (EU) 2021/279, Article 22, Annex IV of 2021/1698 where a control authority or control body suspects or receives substantiated information, including information from other control authorities or control bodies, that a product, which may not be in compliance with Regulation (EU) 2018/848, is intended to be imported from a third country for the purpose of placing that product on the market within the Union, but which bears terms referring to the organic production, or where such a control authority or control body has been informed by an operator of a suspicion of non-compliance in accordance with Article 27

- a. it shall immediately carry out an official investigation to verify compliance with this Regulation;
- b. such investigation shall be completed as soon as possible, within a reasonable period, and shall take into account the durability of the product and the complexity of the case
- c. Based on the investigation's findings; the sanction level will be determined by the criticality of the issues impacting organic integrity. This may involve measures such as prohibiting the importation of the specific affected product batch for sale on the Union market as organic or in conversion.

Minor

- (i) The precautionary measures put in place by the operator are proportionate and appropriate, and the controls that the operator has put in place are efficient according to the assessment by LACON.
- (ii) the non-compliance does not affect the integrity of the organic or in-conversion product
- (iii) the traceability system can locate the affected product(s) in the supply chain.

Major

- (i) the precautionary measures are not proportionate and appropriate and the controls that the operator has put in place are inefficient according to the assessment by LACON
- (ii) the non-compliance affects the integrity of the organic or in-conversion product
- (iii) the operator did not correct in a timely manner a minor non-compliance
- (iv) the traceability can locate the affected product(s) in the supply chain and the product can be prevented from being imported from a third country for the purpose of placing that product on the market within the Union with reference to organic production

Critical

- (i) The precautionary measures are not proportionate and appropriate and the controls that the operator has put in place are inefficient according to the assessment by LACON.
- (ii) The non-compliance affects the integrity of the organic or in-conversion product
- (iii) The operator fails to correct previous major non-compliances or repeatedly fails to correct other categories of non-compliances
- (iv) There is no information from the traceability system to locate the affected product(s) in the supply and the products cannot be prevented from being imported from a third country for the purpose of placing that product on the market within the Union with reference to organic production.

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Sanction stages:

Sanction stages are the different levels of actions taken by LACON based on the non-compliances. The decision on the sanction stage depends on the criticality of the non-compliances and the likelihood of the non-compliances affecting organic integrity.

SANCTION STAGES

1 SH -WRITTEN NOTICE

Increased Documentation. Written notice/review report shall be given to the operator to avoid such situations in future and the operator is supposed to submit the documents related to the nonconformities within the time frame specified. Failure in the submission can lead to further Sanction stage depending on the severity observed which will be decided by the Certification committee members/Quality department.

2 S1-INCREASED DOCUMENTATION OR REPORTING OBLIGATION

The operator has to submit additional documents or measures to close the nonconformity observed

3 S2-ADDITIONAL INSPECTION

Sanction can result in additional inspection depending upon the severity of the action from the operator. Any repeated action or deviation observed can lead to further sanction stages.

4 SANCTION STAGE S3- WARNING

Sanction can result in issuing a Warning letter to the operator and this serves a clear instruction to the operator to avoid further consequences as per the next Sanction Stage.

5 SANCTION STAGE EV

The stage is imposed over serious violations observed as specified. The sanction can lead to the removal of reference to 'Organic' for the certified products. The sanction can also lead to a halt on the Organic transactions /suspension for a period as decided by the Certification committee members. This may also lead to additional inspection in the form of investigation if necessary. Deviation on the sanction imposed or repeated offence can lead to the next stage of the sanction stage based on the decision by the management.

6 EV + TERMINATION OF CONTRACT

Sanction imposed over the repeated offence by the operator. Can lead to the termination of contract or the decertification of the Project.

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LACON may apply one or more of the following measures in a proportionate manner to the listed categories of cases of non-compliance:

List of Non compliances	Sanction/Measure	Timeline
Non-compliance Category: Critical		
Use of products and substances not authorised for use in organic production	<p>Sanction Stage EV: Prohibition of placing on the market of the affected products concerned in accordance with Reg EU 2018/848 Art 42.1, Reg .EU 2021/1698, Annex IV</p> <p>Additional Inspection for verifying the compliance</p> <p>Hold on organic transaction until the investigation is completed</p> <p>No reference to organic in the labelling and advertising of the entire lot or production concerned (crop (s) or animal(s) affected) according to Article 42(1) of Regulation (EU) 2018/848</p> <p>The affected lot must be separated and quarantine</p> <p>Prohibition of import of such affected lot to EU or to any other country for the purpose of placing that product on the market within the union as organic production</p>	Immediate as soon the information is received
Intentional omission of information leading to incomplete records	<p>Sanction stage EV: Suspension of Certification</p> <p>This can lead to the suspension of the operator until or unless proper corrective measures are taken.</p>	<p>Immediate</p> <p>The required documents should be submitted within 15 days of notification.</p>
Absence of records and financial records showing the compliance with the Regulation (EU)2018/848	<p>Sanction stage EV: Suspension of Certification</p> <p>This can lead to the suspension of the operator until or unless proper corrective measures are taken.</p>	<p>Immediate</p> <p>The required documents should be submitted within 15 days of notification</p>
Falsification of documents connected with the certification of organic products	<p>Sanction stage:</p> <p>EV, EV+ Termination of contract</p> <p>Suspension or withdrawal of certificate (Reg .EU 2018/848, article 42.2)</p> <p>In the event of falsification of documents related to</p>	Immediate

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	Organic record keeping Decertification if found to be involved in the falsification of documents.	
Intentional re-labelling of downgraded products as organic	Sanction stage: EV+ Termination of contract Decertification and termination of contract with the operator. Decertification and termination of contract	Immediate
Operator not providing separate storage area and documentation for Organic/ in-conversion/ non-organic products (Raw Material or Finished) in the case of Parallel production.	Sanction stage: S3, EV Warning Letter Down gradation of the organic status Warning letter will be issued explaining the reason and condition/additional measures for the certification incase if chances of commingling were not noticeable and until the products stored are packaged and there is no risk of contamination, If the products are stored unpackaged and there is a high risk of contamination chances Lot down gradation shall be issued.	The required corrective measure to be submitted within 15 days
Mixing organic with in-conversion or non-organic products	Sanction stage: EV Prohibition of placing on the market of the affected products concerned in accordance with Reg EU 2018/848 Art 42.1,Reg .EU 2021/1698,Annex IV Additional Inspection Hold on organic transaction until the investigation is completed Suspension of the operation, Downgrading the organic status of lot Additional Inspection for verifying the compliance	Immediate

	Hold on organic transaction until the investigation is completed	
Intentional use of non-authorized substances or products	<p>Sanction stage: EV</p> <p>Prohibition of placing on the market of the affected products concerned in accordance with Reg EU 2018/848 Art 42.1, Reg .EU 2021/1698, Annex IV</p> <p>Additional Inspection for verifying the compliance Suspension of the operation if found to be proven in the intentional use of non- authorised substance</p> <p>Prohibition of import of such affected lot to EU or to any other country for the purpose of placing that product on the market within the union as organic production.</p> <p>Additional Inspection for verifying the compliance</p>	Immediate
Intentional use of GMOs	<p>Sanction stage: EV+ Termination of contract</p> <p>Decertification of the project Decertification of the operation and the termination of contract</p>	Immediate
The operator refuses the control authority or the control body access to premises subject to controls, or to its book keepings, including financial records, or refuses to allow the control authority or control body to take samples	<p>Sanction stage: EV/EV+ Termination of contract</p> <p>In the event of serious, or repetitive or continued non-compliance. Access to the facilities must be granted and all relevant information must be provided. Otherwise, Decertification of the operation and the termination of contract</p>	Immediate
Operator reluctant to follow organic procedure or not cooperating with external inspection.	<p>Sanction stage: S3, EV</p> <p>Warning Letter</p> <p>Suspension of the operation</p>	<p>Immediate</p> <p>The operator has to submit the measures within 15 days of timeline</p>

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	<p>No access to the facility Warning letter will be issued with the possible chances of further Sanction stages including suspension of the operation</p> <p>Suspension of the operation and the termination of contract</p>	
Violation of standard procedures/contract agreements	<p>Sanction stage: EV Suspension of the operation and followup on the measures undertaken by the operator. In case of repetition decertification of the project</p>	Immediate
Attempt to mislead the certification body through fraudulent documentation. Any kind of Misleading information to the certification body	<p>Sanction stage: EV Suspension of the operation and followup on the measures undertaken by the operator.</p>	Immediate
Processing of products in another unit without informing /not under the surveillance of Certification Body. Processing Organic products in a non-certified facility	<p>Sanction stage: S3 +EV</p> <p>Warning is issued to the operator. No reference to organic production in the labelling and advertising of the entire lot or production concerned in case products processed at the non-certified facility and which was then brought to the certified facility</p>	<p>Immediate</p> <p>The operator submits a clarification within 15 days of timeline</p>
Detection of prohibited substance or suspicion or receives substantiated information, including information from other control authorities or control bodies, that the product may not be in compliance with Regulation (EU) 2018/848 pending the results of investigations. There is no information from the traceability system to locate the affected products.	<p>Sanction Stage: EV/EV+ termination of contract Prohibition of placing on the market of the affected products concerned in accordance with Reg EU 2018/848 Art 42.1,Reg .EU 2021/1698,Annex IV .</p> <p>An investigation will be carried out and if outcome results in non-compliance affecting organic integrity, No reference to organic production in the labelling and advertising of the entire lot or production run concerned to Article 42(1) of Regulation (EU) 2018/848 Prohibition of import for the purpose of placing that product on the market within the Union as organic production for a given period according to Article 42(2) of Regulation (EU) 2018/848</p>	<p>Immediate</p> <p>The operator shall submit the details of the affected lot within 15 days of timeline</p>

Non-compliance Category: Major

List of Non compliances	Sanction/Measure	Timeline
Significant deviation between input and output calculation (mass balance). Deviation observed in the mass balance or traceability	Sanction Stage S2/S3 Operators must submit a clarification on the deviation observed within the stipulated time period. of 15 days. Lot downgrading if required. A review report shall be issued to the operator	Immediate Clarification within 15 days of time frame
The operator did not correct a minor non-compliance in a timely manner. Repetition of minor Non compliance	Sanction Stage S2 Operator must submit a clarification and then additional measure take up to correct the non-compliance within 15 days. Additional inspection may require to verify the compliance	Clarification within 15 days of time frame
Techniques that are not authorised for use in the processing of feed products in organic production. Techniques that reconstitute properties that are lost in the processing and storage or organic feed, that correct the results of negligence in the processing or that otherwise mislead as to the true nature of these products. Art. 8 (c) and 17 (3) of Reg. (EU) 2018/848 Art. 24 (1) of Implementing Reg. (EU) 2020/464. Processing techniques /methodology not accepted	Sanction Stage S2 Warning is issued to the operator. No reference to organic production in the labelling and advertising of the entire lot or production concerned in case products processed. The measures will be verified through an additional verification	Immediate Operator has to submit the corrective measures within 15 days
Use of chemically synthesised solvents to process any feed material used or processed in organic production (Art. 17; Annex II, Part V, Point 2.2. of Reg. (EU) 2018/848) Use of chemical solvent for organic processing(feed/food)	Sanction Stage S2,S3 Warning is issued to the operator. No reference to organic production in the labelling and advertising of the entire lot or production concerned in case products processed	Immediate Operator has to submit the corrective measures within 15 days
Use of cleaning and disinfection products not authorised in accordance Art 24. of Reg. (EU) 2018/848 (Art. 17; 24; Annex II, Part V, Point 2.4. of Reg. (EU)	Sanction Stage S2/S3 Warning is issued to the operator. No reference to organic production in the labelling and advertising of the entire lot or production concerned in case products are	Immediate Operator has to submit the corrective measures within 15 days
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2018/848 Annex IV, Part C of Reg. (EU) 2021/1165). Cleaning and disinfectants not authorised	processed. Will check whether the organic integrity has been affected or organic product has been affected.	
Non-compliance Category: Minor		
List of Non compliances	Sanction/Measure	Timeline
No proper pest management system in place	Sanction Stage S1, SH Increased reporting/Recording obligations Operators must explain with supporting evidence on the measures adopted for the management of pests in the certified unit/facility	Operator has to submit the corrective measure within 15 days after issuing a review report.
Lack of SOP with specific reference to Organic Procedures	Sanction Stage S1 Increased reporting/Recording obligations The operator should update the SOP within 15 days of time limit	Operator has to submit the corrective measure within 15 days after issuing a review report .
Complaint logbook could be Improved to meet its actual requirement.	Sanction Stage SH Increased documentation	Operator can submit the measures within 15 days
Supplier Certificate is missing	Sanction Stage S1 Increased documentation Supplier certificate to be submitted	Operator has to submit the corrective measure within 15 days after issuing a review report .
Non-compliance with implementation of the procedures referred to in point 1.2. and 1.4. of Reg. (EU) 2018/848 (Art 17; Annex II, Part V, Point 1.2. and 1.4. of Reg. (EU) 2018/848)	Sanction Stage S1 Increased documentation	Operator has to submit the corrective measure within 15 days after issuing a review report .
Records not updated however are still compliant with the rules pertinent to organic production (Art. 17; Annex II, Part V, Point 1.4 .(a), 1.4. (b) and 1.5. (d) of Reg. (EU) 2018/848 Annex, 5 (a) to 5 (c) of Delegated Reg. (EU)2021/1691) Lack of sufficient documentation/records	Sanction Stage S1 Operator need to submit the details of the measures that will be verified during next inspection.	Operator has to submit the corrective measure within 15 days after issuing a review report .

Note: Unlike the above said non conformities, additional non conformities that may be reported by the inspector may be added later in the Sanction and will be added and updated regularly.

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