**FairCert Sanctions for all schemes including group certification, According to NPOP / NOP / ISOT / EU / EC Normative Documents and FairCert own procedures**

**Policy:-**

It is the policy of FairCert that any violation of the standard or its associated procedure will result in sanctions and the sanction will be made according to sanction described below.

**There will be five types of sanctions**

Warning, product suspension, cancellation and financial fines.

1. **Warning**

a) A warning is issued for all types of non-conformance detected.

b) If there is a non-conformance detected during the inspection, the producer must be served a warning when the inspection is finalized. The provisional report could be overridden by the CB certification authority.

c) Initial Inspection:

1. Outstanding non-conformances shall be closed within three months from the date of inspection.
2. If, the cause of warning is not resolved within (three) months, a complete inspection must be performed before a certification can be proceeded

d) Subsequent Inspection/surveillance

1. Outstanding non-conformances shall be closed within one month.
2. If the non-compliance is against a critical requirement the Non-compliance is classified as major. The period given for compliance before suspension is applied will depend on the criticality of the non-compliance in terms of safety of people, environment and consumers, evaluated by the inspector/auditor carrying out the inspection/audit decision on the period for implementing corrective actions. The CB shall make the decision on the period that is given (maximum one month) to the producer for closing out the major non-compliance. No time is given for compliance where a serious threat to the safety of people, environment and consumer is present and a suspension is issued immediately.
3. If there is a food safety issue, this will be fast tracked to the FairCert certification committee who will decide on a shorter period of corrective action days than the regular one month period. This will be communicated via an official warning letter. If the cause of the warning is not resolved within the period set (maximum of one month), a suspension is imposed.

1. **Product suspension**
2. A suspension can be applied to one, several or all of the products covered by the certificate.
3. A product cannot be partially suspended for a client; i.e. the entire product must be suspended.
4. During the period of suspension, the client will be prohibited from using the Indian organic logo/trademark/ FairCert Logo, license/certificate or any other type of document that is in any way linked to organic certification in relation to the suspended product.
5. If a client notifies FairCert that the non-conformance is resolved before the set period, the respective sanction will be lifted, subject to satisfactory evidence and closing out.
6. If the cause of suspension is not resolved within the set period, a product cancellation is imposed.
7. Two types of suspensions exist and these are explained below.

**A Self-declared product suspension**

1. A producer or producer group may voluntarily ask FairCert for a suspension of one, several or all the products covered by the certificate (unless FairCert has already imposed a sanction). This can occur if the producer experience difficulty with compliance to the standard and needs time to close out any non-compliance.
2. This suspension will not delay the renewal date, nor will it allow the producer to avoid paying registration and other applicable fees. The producer’s status will remain as suspended.
3. The deadline for closing non-compliance is set by the declaring producer/producer group, which must be agreed upon FairCert but must be closed out before FairCert lift the suspension.
4. The same applies for a member of a producer group that may voluntarily ask its group to temporarily suspend its product(s). Also here, the deadline for closing non-compliance is set by the declaring producer, which must be agreed upon with the respective producer group QMS but must be closed out before the producer group may lift the suspension.

**B Certification Body / Producer Group declared suspension.**

* 1. FairCert will issue and lift product suspension to clients.
  2. FairCert issue a Suspension when a Client cannot show evidence of corrective action after a Warning has been issued.
  3. FairCert can issue a suspension for certain products or for all products of the certified product scope.
  4. After the suspension is applied, FairCert will set a time period allowed for correction.
  5. If FairCert observes that ICS lacks reliability and effectiveness then the group as a whole will be suspended.

**3 Cancellation**

(i) A Cancellation of the contract shall be issued where.

(a) FairCert finds evidence of fraud and/or lack of trust to comply with organic standard requirements or

(b) A client cannot show evidence of implementation of effective correction action after FairCert declared suspension or

(c) Where there is contractual non-conformance.

* 1. A Cancellation of the contract will result in the total prohibition (all products, all sites) of the use of the Indian Organic logo/trademark/USDA NOP Logo, EU logo, Accreditation Logo and FairCert Logo, license /certificate, or any device or document that may be linked to Organic certification.
  2. A producer that has received a cancellation will not be accepted by FairCert for certification within 12 months after the date of Cancellation.

1. **Financial fine levied by the Standard owners or by the appropriate authorities.**

The client is liable to pay any fine levied by the appropriate competent authorities.

1. **Continuation of certificate with condition**
2. Increased frequency of surveillance
3. reduction in the scope of certification to remove nonconforming product variants
4. **Lifting of sanctions**
5. If the corrective evidence is not submitted during the certification cycle FairCert will not lift the sanction and the sanction will remain in the trace net.
6. If a request is received to lift the sanction is received in writing from the client after the expiry of the certification cycle it will be entertained only if a letter from the accepting CB is given and in consultation with APEDA. The reason for sanction will be communicated to the accepting CB
7. If the suspension is due to non-payment of fees related to inspection or certification then the suspension will not be lifted until the fees are paid.

**In case of any conflict, the information in the reference documents prevails over the information in this document and the updated version/the version valid at the time are to be followed.**

|  |  |  |
| --- | --- | --- |
| SL No | Event | Action |
| 1 | Non conformance detected in case of initial inspection | Warning letter issued corrective evidence submission maximum time allowed is one months |
| 2 | Corrective evidence not submitted in time in case of initial inspection | Again initial inspection has to be done before certification |
| 3 | Non conformance detected in case of renewal/ re-certification/surveillance/unannounced | Warning letter issued corrective evidence submission maximum time allowed is one month. |
| 4 | Corrective evidence not submitted in time in case of renewal/ re-certification | Suspension and corrective evidence submission time limit maximum time allowed is before re certification audit |
| 5 | Corrective evidence not submitted in time in case of suspension issued | Cancellation of certificate and agreement. |
| 6 | Any fraud or breach of contract. | Cancellation of certificate and agreement. |