

Section 5 Inspection Requirements and Precautionary Measures

5.0 Contents Page

This Section explains the minimum inspection requirements and precautionary measures and the penalties for infringements to which all operators are subject. The legislation is specified in 834/2007, 889/2008, 1235/2008 and others.

Reference is made to 'the inspection body' throughout this Section. For OF&G operators, the inspection body is Organic Farmers & Growers Ltd.

Where legislation has been included in the text, it has, in some cases, been paraphrased for clarity. However, references are given where the reader may prefer to check the original. (Links to relevant legislation are given on both the OF&G and Defra websites.)

Important note:

The organic regulations are in addition to statutory legislation, they do not replace it.

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5.1 Article 27 (834/2007)

5.1.01	1. Member States shall set up a system of controls and designate one or more competent authorities responsible for controls in respect of the obligations established by this Regulation in conformity with Regulation (EC) No 882/2004.
5.1.02	2. In addition to the conditions laid down in Regulation (EC) No 882/2004, the control system set up under this Regulation shall comprise at least the application of precautionary and control measures to be adopted by the Commission in accordance with the procedure referred to in Section 1.15.02.
5.1.03	3. In the context of this Regulation the nature and frequency of the controls shall be determined on the basis of an assessment of the risk of occurrence of irregularities and infringements as regards compliance with the requirements laid down in this Regulation. In any case, all operators with the exception of wholesalers dealing only with pre-packaged products and operators selling to the final consumer or user as described in Section 5.2.02 shall be subject to a verification of compliance at least once a year.
5.1.04	4. The competent authority may: <ul style="list-style-type: none"> (a) Confer its control competences to one or more other control authorities. Control authorities shall offer adequate guarantees of objectivity and impartiality, and have at their disposal the qualified staff and resources necessary to carry out their functions; (b) Delegate control tasks to one or more control bodies. In that case, the Member States shall designate authorities responsible for the approval and supervision of such bodies.
5.1.05	5. The competent authority may delegate control tasks to a particular control body only if the conditions laid down in Article 5(2) of Regulation (EC) No 882/2004 are satisfied, and in particular where: <ul style="list-style-type: none"> (a) There is an accurate description of the tasks that the control body may carry out and of the conditions under which it may carry them out; (b) There is proof that the control body: <ul style="list-style-type: none"> (i) Has the expertise, equipment and infrastructure required to carry out the tasks delegated to it; (ii) Has a sufficient number of suitably qualified and experienced staff; and (iii) Is impartial and free from any conflict of interest as regards the exercise of the tasks delegated to it. (c) The control body is accredited to the most recently notified version, by a publication in the C series of the Official Journal of the European Union, of European Standard EN 45011 or ISO Guide 65 (General requirements for bodies operating product certification systems), and is approved by the competent authorities; (d) The control body communicates the results of the controls carried out to the competent authority on a regular basis and whenever the competent authority so requests. If the results of the controls indicate non-compliance or point to the likelihood of non-compliance, the control body shall immediately inform the competent authority; (e) There is an effective coordination between the delegating competent authority and the control body.

5.1.06	<p>6. In addition to the provisions of Section 5.1.05, the competent authority shall take into account the following criteria whilst approving a control body:</p> <ul style="list-style-type: none"> (a) The standard control procedure to be followed, containing a detailed description of the control measures and precautions that the body undertakes to impose on operators subject to its control; (b) The measures that the control body intends to apply where irregularities and/or infringements are found.
5.1.07	<p>7. The competent authorities may not delegate the following tasks to the control bodies;</p> <ul style="list-style-type: none"> (a) The supervision and audit of other control bodies; (b) The competence to grant exceptions, as referred to in Sections 1.11.01 – 1.11.03, unless this is provided for in the specific conditions laid down by the Commission in accordance with Section 1.11.03.
5.1.08	<p>8. In accordance with Article 5(3) of Regulation (EC) No 882/ 2004, competent authorities delegating control tasks to control bodies shall organise audits or inspections of control bodies as necessary. If, as a result of an audit or an inspection, it appears that such bodies are failing to carry out properly the tasks delegated to them, the delegating competent authority may withdraw the delegation. It shall withdraw it without delay if the control body fails to take appropriate and timely remedial action.</p>
5.1.09	<p>9. In addition to the provisions of Section 5.1.08, the competent authority shall:</p> <ul style="list-style-type: none"> (a) Ensure that the controls carried out by the control body are objective and independent; (b) Verify the effectiveness of its controls; (c) Take cognisance of any irregularities or infringements found and corrective measures applied; (d) Withdraw approval of that body where it fails to satisfy the requirements referred to in (a) and (b) or no longer fulfils the criteria indicated in Sections 5.1.05, 5.1.06 or fails to satisfy the requirements laid down in Sections 5.1.11, 5.1.12 and 5.1.14.
5.1.10	<p>10. Member States shall attribute a code number to each control authority or control body performing control tasks as referred to in Section 5.1.04.</p>
5.1.11	<p>11. Control authorities and control bodies shall give the competent authorities access to their offices and facilities and provide any information and assistance deemed necessary by the competent authorities for the fulfilment of their obligations according to this Article.</p>
5.1.12	<p>12. The control authorities and control bodies shall ensure that at least the precautionary and control measures referred to in Section 5.1.02 are applied to operators subject to their control.</p>
5.1.13	<p>13. Member States shall ensure that the control system as set up allows for the traceability of each product at all stages of production, preparation and distribution in accordance with Article 18 of Regulation (EC) No 178/2002, in particular, in order to give consumers guarantees that organic products have been produced in compliance with the requirements set out in this Regulation.</p>
5.1.14	<p>14. By 31 January each year, at the latest, the control authorities and control bodies shall transmit to the competent authorities a list of the operators which were subject to their controls on 31 December of the previous year. A summary report of the control activities carried out during the previous year shall be provided by 31 March each year.</p>

5.2 Article 28 (834/2007)

5.2.01	<p>1. Any operator who produces, prepares, stores, or imports from a Third Country products in the meaning of Section 1.4.02 or who places such products on the market shall, prior to placing on the market of any products as organic or in conversion to organic:</p> <p>(a) Notify their activity to the competent authorities of the Member State where the activity is carried out;</p> <p>(b) Submit their undertaking to the control system referred to in Section 5.1.</p> <p>The first subparagraph shall also apply to exporters who export products produced in compliance with the production rules laid down in this Regulation. Where an operator contracts out any of the activities to a third party, that operator shall nonetheless be subject to the requirements referred to in points (a) and (b), and the subcontracted activities shall be subject to the control system.</p>
5.2.02	<p>2. Member States may exempt from the application of this Article operators who sell products directly to the final consumer or user provided they do not produce, prepare, store other than in connection with the point of sale or import such products from a Third Country or have not contracted out such activities to a third party.</p>
5.2.03	<p>3. Member States shall designate an authority or approve a body for the reception of such notifications.</p>
5.2.04	<p>4. Member States shall ensure that any operator who complies with the rules of this Regulation, and who pays a reasonable fee as a contribution to the control expenses, is entitled to be covered by the control system.</p>
5.2.05	<p>5. The control authorities and control bodies shall keep an updated list containing the names and addresses of operators under their control. This list shall be made available to the interested parties.</p>
5.2.06	<p>6. The Commission, in accordance with the procedure referred to in Section 1.15.02, shall adopt implementing rules to provide details of the notification and submission procedure referred to in Section 5.2.01 in particular with regard to the information included in the notification referred to in Section 5.2.01 (a).</p>

5.3 Article 29 (834/2007)

5.3.01	<p>1. The control authorities and the control bodies referred to in Section 5.1.04 shall provide documentary evidence to any such operator who is subject to their controls and who in the sphere of his activities, meets the requirements laid down in this Regulation. The documentary evidence shall at least permit the identification of the operator and the type or range of products as well as the period of validity.</p>
5.3.02	<p>2. The operator shall verify the documentary evidence of his suppliers.</p>
5.3.03	<p>3. The form of the documentary evidence referred to in Section 5.3.01 shall be drawn up in accordance with the procedure referred to in Section 1.15.02, taking into account the advantages of electronic certification.</p>

5.4 Article 30 (834/2007)

5.4.01	<p>1. Where an irregularity is found as regards compliance with the requirements laid down in this Regulation, the control authority or OF&G shall ensure that no reference to the organic production method is made in the labelling and advertising of the entire lot or production run affected by this irregularity, where this would be proportionate to the relevance of the requirement that has been violated and to the nature and particular circumstances of the irregular activities.</p> <p>Where a severe infringement or an infringement with prolonged effect is found, the control authority or OF&G shall prohibit the operator concerned from marketing products which refer to the organic production method in the labelling and advertising for a period to be agreed with the competent authority of the Member State.</p>
5.4.02	<p>2. Information on cases of irregularities or infringements affecting the organic status of a product shall be immediately communicated between the control bodies, control authorities, competent authorities and Member States concerned and, where appropriate, to the Commission.</p> <p>The level of communication shall depend on the severity and the extent of the irregularity or infringement found.</p> <p>The Commission may, in accordance with the procedure referred to in Section 1.15.02, lay down specifications regarding the form and modalities of such communications.</p>

5.5 Article 31 (834/2007)

5.5.01	<p>Upon a request duly justified by the necessity to guarantee that a product has been produced in accordance with this Regulation, the competent authorities, control authorities and the control bodies shall exchange relevant information on the results of their controls with other competent authorities, control authorities and control bodies. They may also exchange such information on their own initiative</p>
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5.6 Details of Enterprises that must be Inspected and Certified

5.6.01	<p>In the UK, anyone who produces, prepares, stores or imports from a Third Country, organically-produced products for the purpose of marketing them, must first be inspected and certified by a Defra approved organic control body.</p>
5.6.02	<p>Where any of these activities is contracted out to a third party, both the operator and the sub-contractor must be inspected and certified as above.</p>
5.6.03	<p>Agricultural production must be inspected. This includes arable and horticultural crops, livestock, wild crafted products.</p> <p>Note 1 - Where there is parallel production (i.e. where one operator manages both organic and non-organic crop production, or both organic and non-organic livestock production), the non-organic production units, including farm input storage facilities and livestock records, must also be inspected.</p> <p>Note 2 - Where detailed production rules for certain animal species are not laid down in the EU Regulation the rules given in Sections 4 and 5 (Labelling and Inspection Requirements) of this Manual shall apply.</p>

5.6.04	<p>Food, feed or seed processing, preparation, storage, transportation and importing enterprises must be inspected. These include:</p> <ul style="list-style-type: none"> i) Slaughter of livestock; ii) Food preparation and packing, including on-farm processing enterprises such as cheese making and butchery; iii) Bulk transport of products where the product changes its contact container; iv) Cleaning and storage of crops in bulk; v) Re-packing or re-labelling of products at any stage of the distribution chain; vi) Preparing (for sale) animal feeds containing organic products; vii) Cleaning, mixing and packing organically produced seeds; viii) Storage and wholesaling; ix) Storage, transport and distribution of products in sealed and labelled containers or in their final consumer packaging; x) Importing organic plant and animal products from countries outside the European Union, known as Third Countries (both the Importer and First Consignee must be certified). (Inspection is however required when importing from EU countries, if one or more of the operations detailed in i) to ix) above, takes place before the goods are sold.) <p>Note: See Section 5.10 for on-farm processing enterprises.</p>
5.6.05	<p><u>The following enterprises are not currently subject to the statutory inspection and certification programme, but may be included on a voluntary basis.</u> (The operator may wish to do this for marketing purposes.)</p> <ul style="list-style-type: none"> i) Retail sale of products which have been purchased in their final sealed and labelled consumer packaging; ii) Storage, transport and distribution of products in sealed and labelled containers or in their final consumer packaging; iii) Non-food farm inputs e.g. fertilisers and soil conditioners; iv) Feed for zoological and fur-bearing animals (i.e. animals not in the human food chain); v) Non-agricultural products e.g. salt, water; vi) Non-food products e.g. cosmetics, textiles.

5.7 Minimum Inspection Requirements and Precautionary Measures

5.7.01	<p>(Article 63 (1) (889/2008))</p> <p>When the control arrangements are first implemented, the operator shall draw up and subsequently maintain:</p> <ul style="list-style-type: none"> a) A full description of the unit and/or premises and/or activity; b) All the practical measures to be taken at the level of the unit and/or premises and/or activity to ensure compliance with the organic production rules; c) The precautionary measures to be taken in order to reduce the risk of contamination by unauthorised products or substances and the cleaning measures to be taken in storage places and throughout the operator's production chain. d) Where appropriate, the description and measures provided for in the first subparagraph may be part of a quality system as set up by the operator.
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5.7.02	<p>3. For the application of Section 5.2.01 the operator shall notify the following information to OF&G:</p> <ul style="list-style-type: none"> (a) Name and address of operator; (b) Location of premises and, where appropriate, parcels (land register data) where operations are carried out; (c) Nature of operations and products; (d) Undertaking by the operator to carry out the operation in accordance with the provisions laid down in this Manual; (e) In the case of an agricultural holding, the date on which the producer ceased to apply products not authorised for organic production on the parcels concerned; (f) The name of the approved body to which the operator entrusted control of his undertaking, where the Member State has implemented the control system by approving such bodies.
5.7.03	<p>(Article 70 (1) (889/2008))</p> <p>The full description of the unit referred to in Section 5.7.01(a) shall:</p> <ul style="list-style-type: none"> (a) Be drawn up even where the operator limits his activity to the collection of wild plants; (b) Indicate the storage and production premises and land parcels and/or collection areas and, where applicable, premises where certain processing and/or packaging operations take place; (c) Specify the date of the last application on the parcels and/or collection areas concerned of products, the use of which is not compatible with the organic production rules.
5.7.04	<p>(Article 70 (2) (889/2008))</p> <p>In case of collection of wild plants, the practical measures referred to in 5.7.01(b) shall include any guarantees given by third parties which the operator can provide to ensure that the provisions of Section 7.1.03 are complied with.</p>
5.7.05	<p><u>Declaration:</u> The operator must then sign a Declaration (RD90), confirming that all information provided is correct and undertaking to comply with the OF&G Standards and accept, in the event of any non-compliance, penalties as detailed in Section 5.8.</p>
5.7.06	<p><u>Changes:</u> The operator must notify the inspection body, in due time, of any changes in the description, ownership or management of the unit or changes in any practical measures taken.</p>
5.7.07	<p>(Article 65 (1) (889/2008))</p> <p><u>Annual Inspection:</u> The inspection body must make a full physical inspection following application and then at least once a year of the production/preparation units or other premises.</p>
5.7.08	<p>(Article 65 (3) (889/2008))</p> <p><u>Inspection Report:</u> An inspection report must be drawn up after each visit, identifying any deficiencies or non-compliances with the provisions of this Manual. The Declaration and information given in the application form must be verified during this inspection. The operator must countersign the report and take any necessary corrective measures.</p>
5.7.09	<p>(Article 65 (4) (889/2008))</p> <p><u>Spot Inspections:</u> Moreover, the control authority or OF&G shall carry out random control visits, primarily unannounced, based on the general evaluation of the risk of non-compliance with the organic production rules, taking into account at least the results of previous controls, the quantity of products concerned and the risk for exchange of products.</p>

5.7.10	<p><u>(Article 65 (2) (889/2008))</u></p> <p><u>Samples</u>: Samples <u>may</u> be taken, on a random basis, to check for contamination by unauthorised products or to check for unauthorised production techniques. However, they <u>must</u> be taken and analysed where the use of unauthorised products is suspected.</p>
5.7.11	<p><u>Traceability</u>: Traceability of meat is required from unit of production through to sale to final customer, so inspections must be carried out at all stages including slaughter, cutting and any other preparation.</p> <p>For non-meat livestock products (e.g. eggs, milk) traceability needs to be ensured as far as is technically possible.</p> <p>In any event, the inspection measures should ensure that traceability is adequate to be able to prove that organic products have been produced in accordance with the provisions of this Manual.</p>
5.7.12	<p><u>Records</u>: Stock and financial records must be kept and made available at the inspection – see Section 6 (for producers) and Section 11.9 (for processors) of this Manual.</p>
5.7.13	<p><u>Packing and Labelling</u>: Products must be appropriately packaged and labelled to ensure traceability and prevent substitution of contents – see Section 4 (labelling) and Section 11 of this Manual.</p>
5.7.14	<p><u>Transport and Storage</u>: Storage and transportation of organic products must be carried out in such a way that the organic integrity of the products is not compromised at any time.</p> <p>See Sections 7.17 (crops), 8.6 (livestock) and 11.6.08 to 11.6.20 (processing) of this Manual for more specific information.</p>
5.7.15	<p><u>Segregation and Prevention of Contamination</u>: Organic livestock, produce and products must be kept separate from non-approved products at all times and controls must be in place to prevent contamination by any kind of non-approved substance, including pest control and cleaning chemicals.</p>
5.7.16	<p><u>(Article 67 (1) (889/2008))</u></p> <p><u>Access to Facilities</u>: The operator must give OF&G, for inspection purposes, access to all parts of the unit and all premises as well as to the accounts and relevant supporting documents. He/she must provide OF&G with any information deemed necessary for the purposes of the inspection. At the request of the inspection body, the operator shall submit results of his/her own sampling and testing programmes.</p>
5.7.17	<p><u>Importing</u>: Importers and first consignees must submit details of any import authorisations and certificates of inspection for import of organic products from Third Countries.</p>
5.7.18	<p><u>Wild Crafting</u>: <i>The operator and the facilities shall be inspected at least once per year and be subjected to the same inspection procedures as any other party. The inspection shall include:</i></p> <ul style="list-style-type: none"> <i>i) Interviews with the collectors;</i> <i>ii) Visit to an appropriate proportion of the certified area;</i> <i>iii) Visits to and interviews of any middlemen;</i> <i>iv) The gathering of relevant information about the area of collection from interviews of landowners and other parties such as environmental agencies, NGOs, etc.</i>
5.7.19	<p><u>Confidentiality/Exchange of information</u>: Where an operator and his/her sub-contractor/s are inspected by different inspection bodies, the Declaration referred to above, must include an agreement by the operator, on behalf of him/herself and the subcontractor/s, that the inspection bodies may exchange information about these operations and on the way this exchange of information can be implemented.</p>

5.8 Penalties for Infringements of these Standards – see also Section 3 of this Manual

5.8.01	Applicants, organic operators and those in the process of conversion to organic production must give to OF&G a signed undertaking to carry out operations in accordance with these Standards, with particular reference to the labelling requirements (given in Section 4 of this Manual), and to accept, in the event of infringements, enforcement of measures referred to below.
5.8.02	<p>OF&G shall:</p> <ul style="list-style-type: none"> i) Ensure that, where an irregularity is found regarding the implementation of the measures referred to in this Manual, the indications provided for in Section 4 referring to the organic production method are removed from the entire lot or production run affected by the irregularity concerned; ii) Where a manifest infringement, or an infringement with prolonged effects, is found, prohibit the operator concerned from marketing products with indications referring to the organic production method for a period to be agreed with Defra; iii) Where a non-compliance is found, which does not directly affect the integrity of the organic products, the operator shall correct the non-compliance at the direction of the OF&G Certification Officer.
5.8.03	<i>For definitions of Non-compliance, Irregularity and Manifest Infringement, refer to the Definitions in Sections 2 and 3 of this Manual.</i>
5.8.04	<p>(Article 91 (1) (889/2008))</p> <p>Where an operator considers or suspects that a product which he has produced, prepared, imported or had delivered from another operator, is not in compliance with these Standards, he shall initiate procedures either to withdraw from this product any reference to the organic production method or to separate and identify the product. He may only put it into processing or packaging or on the market after elimination of that doubt, unless it is placed on the market without indication referring to the organic production method. In case of such doubt, the operator shall immediately inform the inspection body. The inspection body may require that the product cannot be placed on the market with indications referring to the organic production method until it is satisfied, by the information received from the operator or from other sources, that the doubt has been eliminated.</p>
5.8.05	<p>(Article 91 (2) (889/2008))</p> <p>Where an inspection body or authority has a substantiated suspicion that an operator intends to place on the market a product not in compliance with this Manual but bearing a reference to the organic production method, this inspection body or authority can require that the operator may provisionally not market the product with this reference. This decision shall be supplemented by the obligation to withdraw from this product any reference to the organic production method if the control body is sure that the product does not fulfil the requirements of this Regulation. However if the suspicion is not confirmed, the above decision shall be cancelled not later than the time period specified by the inspection body. The operator shall cooperate fully with the control body in resolving the suspicion.</p>
5.8.06	<p>(Article 91 (3) (889/2008))</p> <p>Member States shall take whatever measures and sanctions are required to prevent fraudulent use of the indications referred to in this Manual.</p>

5.9 Use of Sub-Contractors

5.9.01	<p>With regard to the operations, which are contracted out to third parties, the full description of the general provisions shall include:</p> <ul style="list-style-type: none"> i) A list of the sub-contractors with a description of their activities and the inspection bodies or authorities to which they are subject. These sub-contractors must have agreed to their holding being subject to an inspection regime in accordance with the relevant parts of this section; ii) All the practical measures, including an appropriate system of documentary accounts, to be taken at the level of the unit to ensure that the products the operator places on the market can be traced to their suppliers, and, where different, their sellers, as well as to their consignees and, where different, their buyers.
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5.10 Inclusion of On-farm Processing on a Producer Licence

5.10.01	<p>Processing, packaging and/or marketing may take place at the production unit, where these activities are limited to its own agricultural produce.</p> <p><i>This allows simple processing (see Section 2.1.60) of own produce to be inspected by a producer inspector and to be included on the producer licence.</i></p>
5.10.02	<p><i>Processing, packing or marketing enterprises can be inspected by a producer inspector and included on the producer licence as long as:</i></p> <ul style="list-style-type: none"> <i>i) The activities take place on the farm;</i> <i>ii) The processing or packing is limited to the farm's own agricultural produce with a maximum of 10% of bought-in ingredients (organic or non-organic) required to process the farm's products;</i> <i>iii) Any processing done is simple (see Section 2.1.60).</i> <p><i>If any of the above is <u>not</u> valid, a separate licence is required.</i></p> <p><i>If the process is complex, even though it takes place on the farm, an inspector with specific processing training must be used.</i></p>
5.10.03	<p>OF&G is responsible for:</p> <ul style="list-style-type: none"> i) Evaluating the operation to be inspected and deploying an appropriately qualified inspector; ii) In the event that it is uncertain which level of inspection is required, the precautionary principle should be applied and the higher level of inspector deployed; iii) Ensuring that all processor inspection reports, including simple, are reviewed by a Certification Officer with processing qualifications or a Certification Committee that includes personnel with processing qualifications.

5.11 Avoidance of Genetically Modified Organisms

5.11.01	<p><i>This sub-section details the requirements for the exclusion of genetically modified organisms and their derivatives from the production and processing of organic products. Refer to the definitions in Section 2 of this Manual for the definition of a genetically modified organism.</i></p>
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Article 9 (834/2007) Prohibition on the use of GMOs

5.11.02	<p>1. GMOs and products produced from or by GMOs shall not be used as food, feed, processing aids, plant protection products, fertilisers, soil conditioners, seeds, vegetative propagating material, micro-organisms and animals in organic production.</p>
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5.11.02 cont.	<p>2. For the purpose of the prohibition referred to in paragraph 1 concerning GMOs or products produced from GMOs for food and feed, operators may rely on the labels accompanying a product or any other accompanying document, affixed or provided pursuant to Directive 2001/18/EC, Regulation (EC) 1829/2003 of the European Parliament and the Council of 22 September 2003 on genetically modified food and feed (1) or Regulation (EC) 1830/2003 concerning the traceability and labelling of genetically modified organisms and the traceability of food and feed products produced from genetically modified organisms.</p> <p>Operators may assume that no GMOs or products produced from GMOs have been used in the manufacture of purchased food and feed products when the latter are not labelled, or accompanied by a document, pursuant to those Regulations, unless they have obtained other information indicating that labelling of the products in question is not in conformity with those Regulations.</p> <p>3. For the purpose of the prohibition referred to in paragraph 1, with regard to products not being food or feed, or products produced by GMOs, operators using such non-organic products purchased from third parties shall require the vendor to confirm that the products supplied have not been produced from or by GMOs.</p> <p>4. The Commission shall decide on measures implementing the prohibition on the use of GMOs and products produced from or by GMOs in accordance with the procedure referred to in Section 1.15.02.</p>
5.11.03	<p>Operators must take all reasonable measures and exert all due diligence to prevent any such use in organic systems during production, processing, storage and transport. See relevant Sections of this Manual, especially the following for additional information on GMOs: Sections 7.4 and 7.13 re GMOs in Crop Production; Sections 8.1, 8.4 and 8.5 re GMOs in Livestock Production; Sections 10.3 and 11.4 re GMOs in Processed Foods.</p> <p>OF&G expects there to be no GMO contamination, adventitious or intentional, of any organic or part organic product. We require suppliers to exert all due diligence and take all reasonable precautions to ensure this.</p> <p>Where appropriate the due diligence must include testing for GMOs or their derivatives to the 0.1% level. The frequency of testing must be appropriate to the risk. Any material containing GMOs or their derivatives above the 0.1% level (effectively the limit of detection) would be unacceptable for use in organic production systems.</p> <p>Any material found to contain GMOs or their derivatives above the 0.1% level but below the 0.9% level, should be removed from the organic production unit at the supplier's expense. Livestock that have been fed this material, or products from livestock that have been fed this material (e.g. milk, meat or eggs) will not automatically lose their organic status. This will be reviewed on a case by case basis.</p> <p>Any material found to contain GMOs or their derivatives at or above the 0.9% level must be removed from the organic production unit, at the supplier's expense.</p> <p>Livestock that have been fed this material, or products from livestock that have been fed this material (e.g. milk, meat or eggs) will lose their organic status. In addition all affected products must be re-labelled to show their GM status, as per statutory legislation.</p>
5.11.04	<p>OF&G reserves the right, in cases of concern, to analyse samples of organic products for genetically modified material. Where this shows that deliberate use of GMOs or derivatives has occurred or that due diligence has not been observed, the cost of analysis shall be borne by the operator.</p>
5.11.05	<p>Organic certification may be withdrawn from specific crops or products where, following an evaluation, and where appropriate, analysis, the control body considers that GMOs or their derivatives have been used.</p>

Evaluation of risk of GM contamination at farm level

5.11.06	<p><i>OF&G inspectors check, at each inspection, if there are proposed or actual production sites of GM crops within a 3 kilometre radius of registered holdings. OF&G may also become aware of this situation by reports from its operators or others. The following procedure is then used to evaluate the risk to the organic status of the holding:</i></p> <ul style="list-style-type: none"> <i>i) The risk to the organic crops, based on the likelihood of pollen travel from the GM crops and the circumstances of each location;</i> <i>ii) Where necessary a further inspection will be arranged to evaluate the risk on site;</i> <i>iii) The inspector will produce a report recording the geographic and climatic conditions, the organic and GM crops, the weed populations, flowering times and any other relevant factors and make recommendations concerning the risk to the organic crops;</i> <i>iv) The report will be considered by the OF&G Certification Committee, which may require an analysis of the organic crops before or after harvest;</i> <i>v) The operator will be informed of the decision and any actions required.</i>
5.11.07	<p><i>Partnership Programme - An assessment of all registered farms within a 6 mile radius of these sites will be done, using the procedure in Section 5.11.06.</i></p>