

**06 April 2023**

**DAFM Circular No 1/2023**

**Organic Control Body (OCB) Cross Reporting to Department of Agriculture, Food and the Marine (DAFM) and Exchange of Information between OCBs; Animal Welfare**

**To: Organic Control Bodies**

This circular sets out required cross reporting and exchange of information requirements in order to achieve reporting harmonisation. The organic legislation provides context as follows:

**1. Legislative Requirements**

REGULATION (EU) 2018/848 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL

**Article 43**

Additional rules on the exchange of information

1. In addition to the obligations laid down in Article 105(1) and Article 106(1) of Regulation (EU) 2017/625, competent authorities shall immediately share information with other competent authorities, as well as with the Commission, on any suspicion of non-compliance that affects the integrity of organic or in-conversion products.

Competent authorities shall share that information with other competent authorities and the Commission via a computer system that enables the electronic exchanges of documents and information made available by the Commission.

2. In cases where suspected or established non-compliance has been identified with regard to products under the control of other control authorities or control bodies, control authorities and control bodies shall immediately inform those other control authorities or control bodies.

3. Control authorities and control bodies shall exchange other relevant information with other control authorities and control bodies.

4. Upon receiving a request for information that is justified by the need to guarantee that a product has been produced in accordance with this Regulation, control authorities and control bodies shall exchange with other competent authorities, as well as with the Commission, information on the results of their controls.

5. Competent authorities shall exchange information on the supervision of the control bodies with national accreditation bodies as defined in point (11) of Article 2 of Regulation (EC) No 765/2008 of the European Parliament and of the Council.

6. Competent authorities shall take appropriate measures and establish documented procedures in order to ensure that information about the results of controls is communicated to the paying agency in accordance with its needs for the purpose of Article 58 of Regulation (EU) No 1306/2013 of the European Parliament and of the Council and the acts adopted on the basis of that Article.

## 2. Required Reporting Procedures to DAFM

- a. OCBs are required to inform DAFM of deemed level 3 and 4 non-compliances prior to Certification Panel deliberations by email to [organic@agriculture.gov.ie](mailto:organic@agriculture.gov.ie), and to [OrganicInspector@agriculture.gov.ie](mailto:OrganicInspector@agriculture.gov.ie) in email entitled **Interim/Suspicion Non-Compliances**.
- b. OCBs are kindly required to inform DAFM immediately of infringements affecting the organic status of a product, by email to [organic@agriculture.gov.ie](mailto:organic@agriculture.gov.ie) and to [OrganicInspector@agriculture.gov.ie](mailto:OrganicInspector@agriculture.gov.ie). Email to be entitled **Urgent – Organic Status of Product Affected**.
- c. OCBs are kindly required to inform DAFM immediately of Animal Welfare issues discovered on farm, including preliminary Inspection Report Form, photographic evidence, herd number and other relevant information, by email to [organic@agriculture.gov.ie](mailto:organic@agriculture.gov.ie) and to [organicinspector@agriculture.gov.ie](mailto:organicinspector@agriculture.gov.ie). Email to be entitled **Urgent – Animal Welfare issue found on farm**.
- d. Subsequent to Certification Panel deliberations, OCBs are required to confirm level 3 and 4 non compliances by email to [organic@agriculture.gov.ie](mailto:organic@agriculture.gov.ie) and to [OrganicInspector@agriculture.gov.ie](mailto:OrganicInspector@agriculture.gov.ie) in email entitled **Non-Compliances confirmed by Certification Panel**. The relevant Compliance Notice, copy of completed inspection report and cross reporting form (copy attached) must be submitted. This must be done within one week of the Certification Panel meeting. Where an operator is liable for an Organic Farming Scheme (OFS) penalty, such a penalty will be processed by DAFM upon receipt of the aforementioned documentation.
- e. OCBs are required to apply to DAFM to reduce the level of a sanction for level 3 and 4 sanctions where the organic integrity of the product has been compromised.
- f. Where it is deemed by an OCB that an operator's licence should be lapsed/ not renewed, the OCB is required to inform DAFM by email to [organic@agriculture.gov.ie](mailto:organic@agriculture.gov.ie) and to [OrganicInspector@agriculture.gov.ie](mailto:OrganicInspector@agriculture.gov.ie). Email to be entitled **'Lapsed/ Non Renewal of Licence'**. In such cases the operator must be informed in writing of the right to appeal to the OCB's Impartiality Committee; if the appeal is unsuccessful the Impartiality Committee must inform the operator concerned of the right to appeal to DAFM.

- g. Where an operator voluntarily withdraws from the organic certification system, the OCB is required to inform DAFM by email to [organic@agriculture.gov.ie](mailto:organic@agriculture.gov.ie) and to [OrganicInspector@agriculture.gov.ie](mailto:OrganicInspector@agriculture.gov.ie). Email to be entitled **"Voluntary Withdrawal from Organic Certification"**.

### 3. Exchange of Information between OCBs

OCB's are required to ensure the exchange of information in relation to the following-

- Infringements affecting the organic status of a product.
- All level 3 and 4 non-compliances affecting the organic status of a product.
- Where an organic operator has applied to transfer from one OCB to another. Please note that an operator must not be allowed to transfer where an identified non-compliance has not been processed and completed; transfer is only permitted in such situations where the non-compliance has been fully processed and cross reported to DAFM.

Yours sincerely

Signed: Kevin McGeever

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Signed: Seamus Barron

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