

Rules for Implementing the Certification of Organic Products

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Announcement of the State Certification and Accreditation Administration
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In order to regulate the certification of organic products and ensure the compliance between the procedures for certification and the basic requirements of administration and the effectiveness of certification as well, the State Certification and Accreditation Administration has formulated the Rules for Implementing the Certification of Organic Products in accordance with the provisions of the Regulations of the People's Republic of China on Certification and Accreditation and the Measures for the Administration of Organic Product Certification (Order No. 67[2004] of the State Administration of Quality Supervision, Inspection and Quarantine) and hereby announces them. The present Rules shall come into force as of the date of promulgation.

Attachment: Rules for Implementing the Certification of Organic Products
June 2,2005

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Rules for Implementing the Certification of Organic Products
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Promulgated by the State Certification and Accreditation Administration
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1. Purpose

The present Rules are formulated in accordance with the provisions of the Regulations of the People's Republic of China on Certification and Accreditation and the Measures for the Administration of Organic Product Certification in order to regulate the certification of organic products and ensure the compliance between the procedures for certification and the basic requirements of administration and the effectiveness of certification as well.

2. Application Scope

The present Rules shall apply to the certification activities of organic products as sold within the territory of the People's Republic of China.

3. Basis and Standard

GB/T19630.1~19630.4-2005 Organic Products

4. Certification Procedures

4.1 Application

4.1.1 The certification institution shall at least publicize the following information to applicants.

4.1.1.1 The certification scope as approved by the State Certification and Accreditation Administration and as recognized by China National Accreditation Board for Certifiers

4.1.1.2 Certification procedures and requirements

4.1.1.3 Basis and standards for certification

4.1.1.4 Standards for the charge for certification

4.1.1.5 Rights and obligations of certification institutions and applicants

4.1.1.6 Procedures for handling an appeal, complaint or dispute by a certification institution

4.1.1.7 Provisions on and procedures for approving, suspending or canceling certification

4.1.1.8 Requirements for those accredited entities or individuals to use certification marks of organic products in China, certification marks of organic conversion products in China and signs and names of certification institutions;

4.1.1.9 Requirements for the publicity of those entities or individuals that obtain the certification certificates in a correct manner according to the range as prescribed in certification certificates;

4.1.2 Documents and materials as required by a certification institution to be submitted by an applicant;

4.1.2.1 The qualification documents regarding the legal operation of an applicant, namely the certificate of land use, business license, leasing contract, etc.; where an applicant is not the direct producer or processor of organic products, he shall submit the written contracts as concluded with each party.

4.1.2.2 The basic information of an applicant and the production and processing of organic products, including the name, address, contact method, production origin (base)/ processing place of the applicant/ producer; the production history in the past 3 years, including the description of farming, prevention and cure of disease, pest and weed of turf grass, the utilization of inputs and harvest; description of the scale of production and processing, including variety, area, production capacity, processing capacity, etc.; the application for and acquirement of certification of any other organic product.

4.1.2.3 The description of the production origin (base) range, including the illustration of the use of the geographic location map, plot layout map, land plot map, area, buffer zone and surrounding plots; the description of the surroundings of the processing place, the plane of the factory and technique flow chart.

4.1.2.4 The production, processing, sales plan of organic products under application for certification, including varieties, area, predicted production capacity, varieties of processed products, predicted processing quantity, varieties of sales products and sales volume as planned, sales whereabouts, etc.;

4.1.2.5 Testimonial materials regarding the surroundings of the production origin (base) and the processing place;

4.1.2.6 Testimonial materials regarding the eligibility of the relevant technical or managerial personnel;

4.1.2.7 Declaration on guaranteeing the implementation of standards for organic products;

4.1.2.8 Documents on the management system of the production and processing of organic products;

4.1.2.9 Any other relevant materials.

4.2 Acceptance

4.2.1 A certification institution shall, within 10 workdays as of acceptance of a written application from an applicant, complete the appraisal and decide whether or not to accept it;

4.2.2 In case of an approval for acceptance, the certification institution shall conclude a certification contract with the applicant; in case of a denial for acceptance, the certification institution shall inform the applicant in written form and make explanations;

4.2.3 The appraisal procedure of a certification institution shall guarantee that:

4.2.3.1 The requirements of certification shall be clarified and a document shall be formed to solicit understanding;

4.2.3.2 The problem of different understanding with the applicant shall be solved;

4.2.3.3 It has the ability to carry out the certification in light of the certification range, the working

place and special requirements of an applicant;

4.2.4 A certification institution shall keep a record on the appraisal procedure.

4.3 Preparation and implementation of examination

4.3.1 Assigning the examination task

A certification institution shall assign the content of an examination task before any examination, including but not restricted to the follows:

4.3.1.1 The contact method and address, etc. of the applicant

4.3.1.2 Examination basis, including the standards for certification and any other law and regulation;

4.3.1.3 Examination range, including the variety and the production origin (base) and processing place of the products to be examined;

4.3.1.4 Examination essentials, including the management system, the follow-up system and the utilization of inputs, etc.; as for those entities or individuals that have obtained the certification in the previous year, the present certification shall emphasize on the examination of the implementation of the rectification and reform requirements as put forward by a certification institution, etc.

4.3.2 A certification institution shall, according to the examination classification, accredit those examiners with corresponding qualification and capability and shall obtain the agreement of the applicant. However, an applicant shall not designate any examiner. An examiner shall not be authorized to examine the same applicant or producer/processor for a consecutive 3 years or more.

4.3.3 Document appraisal

A certification institution shall, before an on-site examination, carry out an appraisal on such documents as the management system of an applicant/producer so as to determine the fitness and sufficiency thereof and the compliance with the standard and shall keep a record on the appraisal.

4.3.4 Plan for examination

4.3.4.1 A certification institution shall formulate a plan for examination and confirm it with the applicant before an on-site examination. The plan for examination shall include: examination basis, examination content, personnel to have talks with, examination places and time schedule.

4.3.4.2 The time for an examination shall be arranged in the proper stage of the production process. At least one examination or more shall be carried out in the production and processing periods of products. For the first examination on the production origin (base), the examination range shall cover no less than 2/3 of the production scope. For any organic production that is participated in by several peasants, the peasants to be visited shall not be less than the square-root of the total number of peasants.

4.3.5 Implementation of examination

In accordance with the requirements of the basis and standard of certification, an appraisal shall be carried out on the management system of the applicant so as to verify the consistency between the production and processing and the documents as submitted by the applicant according to Article 4.1.2 and confirm the compliance between the production and processing and the basis and standard of certification. The examination shall at least include:

a) Examination on the production plot and places of processing and storage, etc.;

b) Talks with the managerial personnel of production and internal examination personnel and producers;

c) Examination on the records of production and processing as prescribed by Article 4.2.6 of the GB/T19630.4-2005 IV Part of Organic Products: Management System;

d) Appraisal on the follow-up system;

e) Appraisal on the internal examination and persistent improvement;

f) Confirmation and appraisal on the environmental quality of the production origin and the risk that organic production may cause pollution;

g) When necessary, collecting and analyzing samples;

h) When applicable, examining the implementation of the rectification and reform requirements as set forth by the certification institution in the previous year; and

i) Before an examiner finishes the examination, he shall summarize the examination, clarify the existing problems and make confirmation. The examinee shall be allowed to make explanations on the existing problems.

4.3.6 Appraisal and confirmation on the environmental quality of the production origin;

4.3.6.1 A certification institution shall, in the process of examination, guarantee that the environmental quality of the production origin (base) shall comply with the requirements as prescribed in the GB/T19630-2005 Organic Products;

4.3.6.2 Where an applicant fails to provide an effective inspection report (testimonial) on the environmental quality of the production origin and if the certification institution cannot determine whether or not the environmental quality complies with the requirements as prescribed in the GB/T19630-2005 Organic Products, it shall require the applicant to entrust a qualified inspection institution to carry out an inspection on the environmental quality of the production origin and provide an effective inspection report (testimonial).

4.3.7 Collection and analysis of samples

4.3.7.1 A certification institution shall, according to the corresponding state standards, formulate the procedures for collecting and analyzing samples (including the analysis on residues and trans-gene)

4.3.7.2 Where an examiner suspects that an applicant uses any substance as prohibited by the standards for certification or that the environment of the production origin or products may be polluted, the sample shall be collected on the spot.

4.3.7.3 The sample as collected shall be delivered to the relevant qualified examination institution for analysis.

4.3.8 Examination report

4.3.8.1 The format as provided for by the certification institution shall be adopted in the examination report;

4.3.8.2 Sufficient information shall be provided in such written documents as the examination report and record so as to enable the certification institution to make an objective decision on certification.

4.3.8.3 The examination report shall include the description of such relevant aspects as the risk appraisal and the judgment of the examiner on the production, processing and the compliance with the certification standard and explanations on the information as collected in the examination process and the disaccorded items.

4.3.8.4 The examiner shall make an appraisal on the overall situation of the implementation of standards by the applicant/producer but shall not make any written conclusion on whether the production origin (base)/processor or product may pass the certification.

4.3.8.5 The examination report shall be recognized by the applicant in written form.

4.4 Certification decision

4.4.1 When the examination of the production process is concluded, a certification institution shall, in light of all the information as collected in the certification process, carry out an appraisal and make a decision on certification and the applicant shall be notified of the decision in a timely manner.

4.4.2 Where an applicant/ producer satisfies any of the following conditions, the certification shall be approved.

4.4.2.1 The production activity and the management system meet the requirements of certification standards.

4.4.2.2 Where the production activity, management system or any other related information fails to meet the requirements of the certification standards in a complete manner, a certification institution shall put forward requirements of rectification and reform. Where an applicant has completed the rectification and reform within the prescribed period or has submitted the measures for rectification and reform and has the capability to complete them so as to satisfy the requirements of certification, the certification institution may approve the certification upon inspection.

4.4.3 Where any of the following circumstances exists in the production activity of an applicant/producer, the certification shall not be approved:

4.4.3.1 Failing to establish a management system or the management system as established hasn't come into force;

4.4.3.2 Using any prohibited substance;

4.4.3.3 The production process cannot be retroactive;

4.4.3.4 Failing to finish the rectification and reform within the period as prescribed by the certification institution or to submit the measures for rectification and reform; or the measures for

rectification and reform as submitted fail to satisfy the requirements of certification.

4.4.3.5 Any other matter that fails to meet the requirements of organic standards in a serious manner.

4.5 A certification institution shall issue a certification certificate to the applicant that has been granted the approval of certification in a timely manner and allow it/him to use the mark/sign of certification.

4.6 A certification institution shall conclude a contract regarding the use of the mark/sign of organic products with the entity or individual that has obtained the certification and clarify the conditions and requirements for using the mark/sign of certification.

5. Post-certification Management

5.1 A certification institution shall take effective measures for the management of entities, individuals or products that have acquired the certification. When necessary, it shall carry out an examination without any notice so as to ensure the consistency of meeting the requirements of certification.

5.2 A certification institution shall carry out a follow-up management on the use of certification mark on the products so as to ensure the consistency between products on which organic mark/sign is used with the range as prescribed by the certification certificate (including the number of the marks).

5.3 A certification institution shall obtain the relevant information on alteration in a timely manner and take proper measures for administration so as to ensure that the entity or individual that has obtained the certification meet the requirements of certification.

5.4 Where anyone violates the provisions of Article 27 of the “Measures for the Administration of Organic Product Certification”, a certification institution shall cancel or suspend the certification certificate thereof in a timely manner, require it to stop the use of certification mark/sign and publicize it to the general public.

6. Certificate, Mark and Sign of Certification

6.1 A certification institution shall adopt the basic format of the Certification Certificate of Organic Products and the Certification Certificate of Organic Conversion Products as prescribed by the State Certification and Certification Administration.

6.2 For the content of the certification certificate, the standard as based on, certification category and the use of certification mark shall be filled in according to the real situation of certification and accreditation.

6.3 A certification institution shall, according to the “Measures for the Administration of the Certification Certificate and Mark” and the “Measures for the Administration of the Organic Product Certification”, use the mark of organic products of the state, the mark of organic conversion products and the sign of the certification institution.

6.4 The certification mark as formulated by a certification institution itself shall be reported to the State Certification and Certification Administration for archival filing.

7. Charge for Certification

A certification institution shall collect the charge according to the provision of the “Circular of the State Bureau of Quality and Technical Supervision of the State Planning Commission on Printing and Distributing the Measures for the Administration of the Charge for Product Quality Certification and the Charging Standard (No. 1610[1999] of the State Planning Commission).