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REVISION TO ADMINISTRATIVE ORDER NO. 07, SERIES OF 2011 RE AMENDMENTS TO ADMINISTRATIVE ORDER NO. 13, SERIES OF 2003, ON THE GUIDELINES IN THE ACCREDITATION OF CERTIFYING BODIES...

BAFPS ADMINISTRATIVE ORDER NO. 13, January 03, 2013

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WHEREAS, the State shall enhance the competitiveness of Philippine agricultural and fishery products in both domestic and foreign markets;

WHEREAS, Section 15 of Republic Act (R.A) 10068 otherwise known as the Organic Agriculture Act of 2010 mandates the Bureau of Agriculture and Fisheries Product Standards to grant official accreditation to Organic Certifying Bodies in accordance to the Philippine National Standards for Organic Agriculture and related standards;

IN VIEW THEREOF, this Guideline replaces Administrative Order No. 13 series of 2003 and Administrative Order No. 7 Series of 2011 and sets forth the revised rules and regulations for granting Accreditation of Organic Certifying Bodies (OCBs).

I. SCOPE

1.

These guidelines provide general policies and procedures for certifying bodies (CBs) seeking accreditation from the Bureau of Agriculture and Fisheries Products Standards (BAFPS).

2.

BAFPS shall apply these guidelines to determine and maintain accreditation of certifying agents to the National Organic Agriculture Program (NOAP).

3.

This regulation applies to organic certifying bodies, including private business organizations, cooperatives, non-government organizations, people's organizations, foundations and civic-religious organizations who wish to obtain, maintain, or renew accreditation, including applicants with pending applications as of date of effectivity.

II. DEFINITION[1]

Accreditation - Third party attestation related to conformity assessment body conveying formal demonstration of its competence to carry out specific conformity assessment tasks. (ISO IEC 17011/2004)

Certification - Procedure by which official certification bodies or officially recognized certification bodies provide written or equivalent assurance that foods or food control systems conform to requirements. Certification of food may be, as appropriate, based on a range of inspection activities which may include continuous on-line

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inspection, auditing of quality assurance systems and examination of finished products (Reference Codex Alimentarius Commission GL 20-1995)

Certification Body - A body which is responsible for verifying that a product sold or labeled as “organic” is produced, processed, prepared, handled and imported according to the prescribed guidelines (Codex Alimentarius Commission GL 32- 1999)

Inspection - Examination of food or food systems for control of food, raw materials, processing and distribution including in-process and finished product testing, in order to verify that they conform to requirements (Reference Codex Alimentarius Commission GL 20-1995)

Non-conformity - Non-fulfillment of a requirement (ISO 9000:2000)

III. CRITERIA FOR ACCREDITATION

1.

Must not be engaged in the production of organic agriculture at the time of the application for accreditation and during the lifetime of the accreditation authority as certifying body;

2.

Must not provide consultancy services to certification applicants to overcome identified barriers to certification;

3.

Must have been engaged in organic agriculture production or related extension services for at least three (3) years;

4.

Must have undergone training in organic certification;

5.

Must be able to deploy at least one (1) inspector per region;

6.

Must have at least one (1) satellite office or processing unit each in Luzon, Visayas and Mindanao in case of only one (1) accredited certifying body in the country;

7.

Must have financial resources to undertake certification activities in its coverage areas;

8.

Must have clean track record in its financial dealings in their previous transactions;

9.

Must comply with the general requirements for Organic Food Certification (ANNEX 1) in accordance to ISO/IEC GUIDE 17065:2012 (General Requirements for Bodies Operating Product Certification System), including the conduct of inspection work outlined in the organization’s Operating Manual of Certification Procedures.

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IV. PROCEDURES FOR ACCREDITATION

1.

Application for Accreditation

The applicant shall submit to the Director of BAFPS the following:

- Written application for accreditation identifying each area of operation to engage in, for which accreditation is requested (e.g crops, livestock, wild crops, input, etc.);

- Updated institutions organizational profile;

- Certificate of Registration from the Security and Exchange Commission (SEC) or other relevant regulatory agencies;

- Latest audited financial statements;

- ISO/IEC GUIDE 65 (General Requirements for Bodies Operating Product Certification System) accreditation;

- Personnel Information (applicant shall demonstrate sufficient number of adequately trained personnel and provide evidence of their expertise to successfully perform the duties assigned). Contact details (telephone number, mobile number, and/or email address) shall be included;

- Evidence that the applicant's personnel have sufficient expertise in organic production or handling techniques to successfully perform the duties assigned;

- Track record and other pertinent documents attesting to their competency to conduct organic products certification; and

- List of certified operations if the applicant is currently doing certification work.

2.

Conduct of Evaluation and Verification

The National Accreditation Committee shall conduct evaluation, inspection and interviews to validate the applicant-institution's submitted documents in accordance to the standard operations and procedures for accreditation of organic certification bodies as prescribed by the Bureau of Agriculture and Fisheries Product Standards.

3.

Grant of Accreditation

- Certificate of Accreditation shall be issued by the Director of BAFPS to the applicant within thirty (30) calendar days from the date of the submission of the completed documents that complies with all the requirements of these guidelines. The Certificate shall state the area(s) for which accreditation is given the validity of the certificate.

- The certifying agent shall also sign a Statement of Agreement which affirms that provisions of this regulation which will be carried out. Furthermore, the accredited CB will affirm that an annual performance evaluation of all persons involved in the certification will be conducted and the necessary measures to correct deficiencies in the certification service will be undertaken.

- In the event that the applicant failed to meet the requirements for accreditation, a notice of non-compliance will be issued describing each of the non-compliances and the given time to undertake the corrective measures.

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Processing of the application will be continued and

- Accreditation will be granted if the applicant provides sufficient evidence to demonstrate the actions done for the non-compliance within the specified period. However, if the applicant failed to further comply, notice of denial shall be issued.

4.

Provisional Accreditation

- Applicants who comply with all the requirements, but whose application for ISO/IEC GUIDE 65 accreditation is still pending may be given provisional accreditation for twelve (12) months within which it must obtain and complete its lSO/IEC GUIDE 17065:2012 accreditation.

- Provisional accreditation may be extended twice for a period of six (6) months only upon showing that they have submitted all the requirements for ISO /IEC GUIDE 17065:2012 accreditation for proper completion.

- At any time within the twelve-month period, the provisional accreditation may be converted into a full accreditation upon obtaining and fulfilling the requirements for ISO/IEC GUIDE 17065:2012 accreditation.

5.

Validity

The Accreditation shall be valid for three (3) years, after which the CB is required to renew its accreditation.

6.

Responsibility of the Certification Body. Organizations accredited to conduct certification are responsible for:

- Conducting certification activities according to the regulations.

- Ensuring certified clients comply with all requirements to the PNS and these guidelines.

- Ensuring compliance with labelling requirements of products of operations they certify.

- Conducting annual on-site inspections of certified operations.

- Issuing certification decisions and certificates in compliance with the PNS and these guidelines.

- Issuing notices of non-compliance and suspending or revoking the certification of clients that do not comply with the PNS and this guidelines.

- Reporting adverse actions against operators, including notices of noncompliance, proposed suspension, proposed revocation, suspension, or denial of certification to the BAFPS.

- Submit their organization to inspection and monitoring activities of the BAFPS and the National Accreditation Committee.

- Submitting quarterly updates of application information and reports of operations certified to the PNS.

- Maintaining records as required in the PNS regulations.

7.

Report

Accredited Organic Certifying Bodies (OCBs) are required to submit year-end and other periodic reports of the

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activity undertaken. Failure to comply with the requirement shall be a basis for the revocation of accreditation that shall further deprive the institution to participate in future undertaking.

8.

Revocation of Accreditation

A.

Grounds. The Director of BAFPS upon complaint or in its own instance, shall after notice and hearing, suspend or revoke accreditations already granted on the following grounds:

i. Non-compliance with the PNS for Organic Agriculture;
ii. If it appears at any time after the grant of the accreditation that the personnel of the Accredited Organic Certifying Body do not have sufficient expertise in organic production or handling techniques to successfully perform the duties assigned;
iii. Deviation of operations from the approved Operating Manual of Certification Procedures (including deviations from the declared technical and geographical scope of operation);
iv. Engages in organic agriculture production during the lifetime of the accreditation authority as certifying body;
v. Provides consultancy services to certification applicants to overcome identified barriers to certification; and
vi. Makes fraudulent misrepresentation in the application for accreditation.

B.

Procedure

When a certifying body fails to comply with the requirements for accreditation as described in the Guidelines, the Accreditation Committee through the BAFPS will notify the certifying agent and require corrective actions to be submitted within a specified time period, usually 30 to 60 days.

If the certifier provides appropriate corrective actions or successfully rebuts the finding of the noncompliance within the prescribed time period, the Accreditation Committee will clear the noncompliance.

However, if a certifying agent persists in failing to meet the requirements for accreditation[2], the Accreditation Committee through the BAFPS may issue a Notice of Proposed Suspension or Notice of Proposed Revocation to the certifying agent. A Notice of Suspension may be issued for any failure to correct identified noncompliance to the guidelines. A Notice of Revocation may be issued for ongoing noncompliance or for noncompliance that appear to be willful on the part of the certifying agent.

From the time the certifier receives the notice, the certifier will have 30 days to file an appeal with the BAFPS. If the certifier appeals the Notice of Proposed Suspension or Notice of Proposed Revocation to the BAFPS, the BAFPS will reserve action on the suspension or revocation until the Accreditation Committee has issued a decision on the appeal.

The certifier’s accreditation will remain valid until final action is determined by the Accreditation Committee.

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C.

Surrendering Accreditation

Accredited certifiers who no longer wish to maintain their accreditation must surrender their accreditation by submitting a written notification of such to the BAFPS. Certifiers who wish to surrender their accreditation should work with any remaining certified clients and arrange to transfer their certification to another accredited certifier.

D.

Cessation of Certification Activities

A certifying agent whose accreditation is surrendered, suspended or revoked must:

(1)

Cease all certification activities in each area of accreditation which its accreditation is surrendered, suspended or revoked;

(2)

Transfer to the BAFPS Secretary and make available all records concerning its certification activities that were surrendered, suspended or revoked.

IV. National Accreditation Committee

1.

COMPOSITION

The National Accreditation Committee shall be chaired by the Director of BAFPS and members shall be drawn from the following agencies:

- Bureau of Plant Industry (BPI), Department of Agriculture (DA);

- Bureau of Animal Industry (BAI) ,DA;

- Bureau of Fisheries and Aquatic Resources (BFAR), DA;

- Food and Drugs Administration (FDA), Department of Health (DOH);

- Ecosystems Research and Development Bureau (ERDB), Department of Environment and Natural Resources (DENR);

- Philippines Council for Agriculture, Forestry and Natural Resource Research and Development (PCAARRD), Department of Science and Technology (DOST);

- Philippine Accreditation Office (PAO);

- Non-government organization (NGO)/ people's organization (PO);

- Consumer group;

- Academic/ Research Institutions; and

- Organic producer/processor.

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The Chair may call upon other relevant agencies to serve as resource persons and/or to assist the Committee in the evaluation and verification procedures.

2.

TERMS OF REFERENCE

The Bureau of Agriculture and Fisheries Product Standards accredits the organic certification agencies in compliance with Republic Act 10068 and its IRR. RA 10068 and its IRR assigns responsibility for execution of the Accreditation Program in accordance to this Guidelines to the Director of BAFPS, which serves as the Chair of the National Accreditation Committee (NAC).

CHAIRPERSON. The BAFPS Director has final decision and authority for granting accreditation to organic certification bodies and issuing the final determination on appeals.

NAC Members. The National Accreditation Committee members are responsible for conducting certain activities with regard to accreditation of organic certification agencies. These activities include:

- Supervision of accreditation activities;

- Evaluation of accreditation applications including desk, office and witness audits;

- Issuance of recommendations to the Chairperson for the granting of accreditation, suspension or revocations; and

- Development and Approval of the NAC operational policies and procedures for accreditation.

Secretariat. The BAFPS shall serve as the Administrative and Technical Secretariat for the National Accreditation Committee, and is responsible for:

- Receiving and processing applications for accreditation; and

- Directing, conducting and reporting the results of compliance assessments of certification bodies.

V. SEPARABILITY CLAUSE

Should any provision of this Guideline or any part thereof be declared invalid, the other provisions, so far as they are separable, shall remain in force and effect.

VI. EFFECTIVITY

This Guideline shall take effect fifteen (15) days after filing with the University of the Philippines Law Center.

This Order shall take effect immediately.

(SGD.) PROSPERO J. ALCALA
Secretary

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[1] Definitions taken from the Codex Alimentarius Commission (CAC) and the International Standards Organization (ISO)

[2] i.e. non-compliance with the Philippine National Standards; and/or wilful and fraudulent practices affecting the integrity of the certification program

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