

REVISED GUIDELINES FOR THE OFFICIAL ACCREDITATION OF ORGANIC CERTIFYING BODIES (OCB)

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WHEREAS, Section 15 (Accreditation of Organic Certifying Body) of Republic Act (RA) No. 10068 otherwise known as the Organic Agriculture Act of 2010 mandates the Bureau of Agriculture and Fisheries Standards (DA-BAFS) to grant official accreditation to Organic Certifying Bodies (OCB) in accordance to the Philippine National Standards (PNS) for Organic Agriculture (OA) and other relevant standards;

WHEREAS, Rule 15.2 of the Implementing Rules and Regulations (IRR) of the Organic Agriculture Act of 2010 mandated the DA-BAFS to chair the Technical Working Group (TWG) which shall revisit, prepare and update the guidelines, rules and procedures for the accreditation of organic certifying bodies for the approval by the NOAB;

WHEREAS, Rule 15.5 of the above IRR mandated the dissemination through Quad Media - Information, Education, and Communication (IEC) and posted in its dedicated website, including the LGU's information mechanism, the accreditation guidelines, rules and procedures;

WHEREAS, Section 17 (Labeling of Organic Produce), in relation to Section 15, of the above law states that the label of organic produce shall contain the name, logo or seal of the organic certifying body and the official accreditation number issued by the DA-BAFS;

WHEREAS, Executive Order (EO) No. 802, Series of 2009, strengthens and recognizes the Philippine Accreditation Office, now called Philippine Accreditation Bureau (PAB), attached to the Department of Trade and Industry (DTI), as the national accreditation body;

WHEREAS, international Standards (ISO) help to harmonize technical specifications of products and services making industry more efficient and breaking down barriers to international trade, and conformity to International Standards helps reassure consumers that products are safe, efficient and good for the environment;[1]

WHEREAS, DA-BAFS, as an accreditation body and as part of the requirements indicated in the ISO/IEC 17011:2004,[2] is required to have provisions on dealing with complaints and appeals;

WHEREAS, in line with the efforts to harmonize the organic agriculture accreditation procedure of DA-BAFS as the competent authority on organic agriculture with the DTI-PAB as the national accreditation body, and with the international standards, there is a need to revise the Guidelines in the Accreditation of Certifying Bodies for Organic Agriculture;

IN VIEW THEREOF, this Department Circular revises Administrative Order No. 13, Series of 2003, by providing the guidelines for granting Official Accreditation to Organic Certifying Bodies (OCB).

ARTICLE I

OBJECTIVES

Section 1. The provisions under this Department Circular aim to achieve the following:

1.1

Establish harmonized protocols in the approval and surveillance of OCB based on relevant ISO standards and other applicable and relevant international standards; and

1.2

Revise the previous guidelines on the official accreditation of OCB that would be applicable to both local and international.

ARTICLE II

SCOPE

Section 1. This Department Circular provides for the rules and procedures for the official accreditation of both local and international OCB by the DA-BAFS.

Section 2. The following are the scopes of operation for official accreditation:

2.1

Unprocessed plant produce – primary and post-harvest agriculture products of plant origin intended for food;

2.2

Live animals or unprocessed animal produce – primary and post-harvest agriculture products of animal origin intended for food;

2.3

Processed agricultural and fishery products for use as food – processed and prepackaged products intended for food;

2.4

Aquaculture – primary and post-harvest fishery products intended for food; and

2.5

Inputs – organic materials allowed for organic agriculture production and processing such as seeds, plant propagation materials, plant protection and pest management agents, compost and fertilizers, feeds, processing aids, which are used to comply with the requirements of applicable PNS OA.

ARTICLE III

DEFINITION OF TERMS

Section 1. As used in this Department Circular, the following terms shall be understood to have the meaning correspondingly provided below:

1.1

Accreditation – refers to the formal recognition by an independent body, generally known as an accreditation body, that a certification body is capable of carrying out certification.

1.1.1

Official Accreditation – refers to the procedure by which DA- BAFS having jurisdiction over OCB formally recognizes the competence of an inspection and/or certification body to provide inspection and certification

services. Official Accreditation is issued by the DA-BAFS.

1.2

Appeal – refers to the request by the applicant for reconsideration of any adverse[3] decision by the DA-BAFS related to its desired official accreditation status.

1.3

Applicant – refers to the OCB applying for Official Accreditation with the DA-BAFS

1.4

Assessment Team – refers to the team organized by the DA-BAFS responsible for the conduct of witness audits. It shall be composed of not more than five (5) members of which two (2) are personnel from the DA- BAFS Accreditation Section and at least one (1) competent member from the National Committee for Official Accreditation of Organic Certifying Bodies (NCOA-OCB).

1.5

Audit – refers to the systematic and functionally independent examination to determine whether activities and related results comply with prescribed protocols, standards, rules and regulations and laws.

1.5.1

Office Audit – refers to an audit relative to the thorough examination and verification of documentation and records of the OCB in the office where critical processes are being carried out.

1.5.2

Witness Audit – refers to an audit relative to field observation of the OCB carrying out inspection within its scope of accreditation.

1.6

Certification – refers to the procedure by which OCB provides written attestation that food or inputs or food control systems conform to applicable organic agriculture standards and requirements. Certification may be, as appropriate, based on a range of inspection activities, which may include, but not limited to, continuous inspection, auditing of quality assurance systems, and examination of finished products.

1.7

Complaint – refers to the expression of dissatisfaction by any person or organization to the officially accredited OCB relating to its activities/ operations.

1.8

Consultancy – refers to the participation/engagement of OCB or personnel of OCB in activities that involves the designing, manufacturing, installing, maintaining or distributing of a product, process, and/or service certified and to be certified.

1.9

Group Certification – refers to the certification of an organized group of producers with: (1) a central office; (2) similar farming and production system; (3) working according to a common internal control system, which is established and subject to continued surveillance by the central office. Group certification applies to the group as

a whole. Certificate shall be issued to the central office of the group but cannot be used by individual member of such group.

1.10

Infringement – refers to the encroachment, breach, or violation of law, regulation, or contract.

1.11

Inspection– refers to the examination of food or 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 the requirements. For organic food, inspection includes the examination of the production and processing system.

1.12

ISO/IEC 17065:2012 – refers to the Conformity assessment -- Requirements for bodies certifying products, processes and services. The same is composed of the international standards to be complied with by the OCB to be required by the DTI-PAB.

1.13

National Committee for the Official Accreditation of Organic Certifying Bodies (NCOA-OCB) refers to the multi-sectoral committee created under S.O. No. 95 s. 2013, as amended by S.O. 318 s. 2014, renamed and further amended by S.O. No. 308 s. 2015, which evaluates and approves the official accreditation of OCB.

1.14

Official Accreditation Evaluation Panel (OAEP) – refers to the body responsible for the review and evaluation of the results of witness audits and recommendation for approval or denial of application. The DA-BAFS Accreditation Section shall identify and convene three members of the NCOA-OCB as the OAEP.

1.15

Organic Agriculture Validation Team (OAVT) – refers to the team of experts and representatives from various DA regulatory agencies and concerned offices organized by the DA-BAFS responsible for the pre-registration validation, monitoring of licensed and registered organic farms and establishments, and post-market surveillance in market outlets.

1.16

Organic Certifying Body (OCB) – refers to a body responsible for verifying that a product sold or labeled as “organic” is produced, processed, prepared, handled and imported according to the prescribed guidelines.

1.17

Organic Operator – refers to an individual or a business enterprise that is responsible for ensuring that production, processing, manufacturing, distribution, wholesale, retail, trade, importation and/or exportation of organic agriculture products meets, and continues to meet, the organic standard on which certification is based.

1.18

Post-market Surveillance – refers to the activities, after market authorization has been issued, relating to safety and quality monitoring of organic primary and postharvest food and non-food products. This shall also include, among others, adverse events reporting, product safety update reporting, collection and testing of products in the market.

1.19

Revocation – refers to the complete annulment or withdrawal of the granted official accreditation certificate.

1.20

Satellite Office – refers to an office in a different island (Luzon, Visayas or Mindanao) from the main office, established to serve as a supporting unit of the OCB in the conduct of its operational activities.

1.21

Suspension – refers to the temporary invalidation of the granted official accreditation certificate. During the suspension period, an OCB cannot issue new certificates.

1.22

Surveillance – refers to the set of activities including witness and office audits, except reassessment, to monitor the continued fulfillment by the officially accredited OCB of the requirements for accreditation.

ARTICLE IV

CRITERIA FOR OFFICIAL ACCREDITATION

Section 1. The following are the criteria for official accreditation:

1.1

Must be duly registered with the Securities and Exchange Commission (SEC) as legal entity in the Philippines;

1.2

Must have a Head Office in the Philippines and, preferably, at least one (1) satellite office located in Luzon, Visayas or Mindanao;

1.3

Must comply with the provisions of PNS relevant to organic agriculture; and

1.4

Must be accredited to ISO/IEC 17065-2012 with the scope of Organic Agriculture.

ARTICLE V

PROCEDURES FOR OFFICIAL ACCREDITATION OF OCB

Section 1. The following outlines the various stages of the accreditation process. The step-by-step procedure including detailed description of requirements and issuances is indicated in Annex A.

1.1

Submission of Requirements – The OCB shall submit the duly accomplished form (BAFS-AS-001) and its corresponding attachments. In case the applicant has no accreditation to ISO/IEC 17065:2012, the DA-BAFS shall officially endorse the submitted requirements to the DTI-PAB.

1.2

Application Review – The Accreditation Section of the Organic Agriculture Division of DA-BAFS shall initially review the submitted documents. The DA-BAFS and at least one (1) member of the NCOA-OCB shall validate

the review of application done by DA-BAFS Accreditation Section. This includes validation of submitted ISO/IEC 17065:2012 accreditation certificate and the physical presence of the applicant's declared office/s.

1.3

Assessment (Witness Audits) – The DA-BAFS shall carry out the Witness Audits to determine the compliance with the official accreditation criteria. However, for cases where the applicant has applied for accreditation to ISO/IEC 17065:2012 to DTI-PAB, the DTI-PAB and the DA-BAFS shall jointly conduct witness audits. Otherwise, DA-BAFS shall conduct separate witness audits aside from those conducted by their Accreditation Body for ISO.

1.4

Evaluation of the Assessment Report – The witness audit report shall be endorsed to the OAEP for review and evaluation and then submit to the NCOA-OCB and DA-BAFS Director for approval or denial of official accreditation.

1.5

Approval of the Official Accreditation – The DA-BAFS Director shall issue the Official Accreditation to the OCB.

1.6

Surveillance – When officially accredited, the OCB shall be subjected to surveillance assessments to ensure the OCB's continued compliance with the terms and conditions of the Official Accreditation Certificate. This is done every year after the grant of Official Accreditation.

Section 2. Application for Official Accreditation is made by accomplishing Form BAFS-AS-F-001, written in English and in triplicate copies. Together with the said form, the applicant shall submit the following:

2.1

Organizational Profile;

2.2

Certified True Copy of the SEC Certificate of Registration together with the Articles of Incorporation;

2.3

Certified True Copy of General information Sheet (GIS) by the SEC;

2.4

Certified True Copy of ISO/IEC 17065:2012 Accreditation Certificate;

2.5

Copy of Quality Manual including Internal Standards on Organic Agriculture;

2.6

Certified True Copy of Audited financial statements duly stamped as received by the BIR for the last 3 consecutive years, if applicable;

2.7

List of Inspectors with their approved scope/s;

2.8

List of certified organic operators compliant with the PNS for organic agriculture;

2.9

If applicable, list of certified organic operators compliant with other organic standards; and

2.10

For international OCB, equivalence assessment of the private standards against the PNS-OA (guidance manual for using the equivalence assessment tool is found in Annex B).

Section 3. The applicant shall provide declaration, manifested by an authorized signature on the application form, that it agrees to comply with all official accreditation criteria, assessment procedures including terms and conditions of the Official Accreditation Certificate.

Section 4. The Accreditation Section of the Organic Agriculture Division of DA- BAFS shall review and evaluate if the accomplished form and the required pertinent documents are complete. Upon finding the same to be complete an Acknowledgement Receipt shall be issued. In case additional documents are needed, the Accreditation Section shall inform the applicant in writing (Notification of incomplete Submission of Requirements) and shall require them to submit additional documents. Incomplete submission of requirements shall not be accepted.

Section 5. The NCOA-OCB shall evaluate the submitted documents. Upon finding that the application requirements have been complied with, a Notice of Witness Audit and its schedule shall be issued to the applicant.

Section 6. Upon the recommendation of the NCOA-OCB to proceed with the witness audit, an assessment team shall be formed. The assessment team shall be composed of personnel from the Accreditation Section and at least 2 competent members of the NCOA-OCB.

Section 7. The team leader of the assessment team is usually the member from the NCOA-OCB. The team leader prepares a witness audit plan based on the itinerary of the applicant's inspectors and provide a copy to the inspectors. The team leader may delegate the preparation of the witness audit plan to a team member.

Section 8. The team composition is transmitted to the applicant for confirmation at least two (2) weeks prior to actual witness audit.

Section 9. A new team member is nominated from the NCOA-OCB members if the applicant does not approve of any member of the assessment team on the ground of conflict of interest. Results of the audit are communicated to the applicant. If results show that some requirements of the standards are not being addressed in the quality manual or in other associated documents, the applicant shall be required to take corrective actions for a specified period of time.

Section 10. If there are no major nonconformity reports raised, the applicant is recommended for official accreditation subject to the close-out of all the minor nonconformity reports raised.

Section 11. When there is one or more major nonconformity reports raised, the applicant may be subjected to a follow-up visit or reassessment.

Section 12. Recommendation for denial of official accreditation can be made if cases listed in Annex C are encountered. Denied applicant may re-apply after one (1) month from the receipt of denied status and shall follow

the procedure from Step 1, except when an appeal has been filed and in-process.

Section 13. If there are no issues nor nonconformities raised, or all nonconformities have been corrected by the applicant within the given period of time the NCOA-OCB shall issue a Resolution recommending to the DA-BAFS Director the issuance of Official Accreditation Certificate.

ARTICLE VI

DECISION-MAKING AND GRANTING OF OFFICIAL ACCREDITATION

Section 1. After the evaluation on the compliance to the process stated in Article V, the DA-BAFS Director and the NCOA-OCB shall decide on the application for official accreditation as an OCB.

Section 2. For OCB undergoing renewal of Official Accreditation, results of validation activities by the OAVT will also be taken into consideration for the decision making process.

Section 3. The DA-BAFS Director shall issue an Official Accreditation Certificate to the applicant ten (10) working days after the receipt of the NCOA-OCB Resolution recommending the issuance of the Official Accreditation certificate.

Section 4. The Certificate shall state the certification scope/s for which Official Accreditation is given and the validity of the certificate.

Section 5. The OCB shall also sign a Statement of Agreement, which affirms that provisions of this Circular, and the responsibilities of OCB as stated in Annex D hereof. The agreement shall include the qualification that the issuance of certificates to organic operators shall be valid only for one (1) year.

ARTICLE VII

SURVEILLANCE OF ORGANIC CERTIFYING BODIES

Section 1. The DA-BAFS shall conduct witness audits for surveillance purposes with a sample size of 5% of the total number of operators of an OCB.

Section 2. The surveillance witness audits shall cover a representative range of auditors (for crop production, livestock, processing etc.) and the different types of operators (individual or group).

Section 3. The selection of the surveillance audits shall be done at random based on the representative sample, and based on the perceived risk.

Section 4. In the case of reports of frauds, mislabeling and other complaints, DA-BAFS shall conduct necessary investigation including, but not limited to, witness audits and document review, depending on the nature of reported case.

ARTICLE VIII

CHANGE OF CERTIFICATION SCOPE OF OCB

Section 1. If an officially accredited OCB applies for any change including, but not limited to, extension and reduction of their approved scope/s for certification, the OCB shall submit the application to the DTI-PAB or other Accreditation Body for appropriate action.

Section 2. Decision made by the DTI-PAB or the Accreditation Body shall be considered for the approval of change by the DA-BAFS.

ARTICLE IX

SUSPENSION OR REVOCATION OF OFFICIAL ACCREDITATION

Section 1. In case of a reasonable suspicion of infringement, the DA-BAFS shall suspend the OCB and shall investigate the case in detail. If the result of the investigation proves that there has been an infringement by the OCB, the DA-BAFS shall consider adequate sanctions in accordance with the PNS requirements.

Section 2. The official accreditation may be suspended or revoked as evaluated by the NCOA-OCB based on the grounds for penalty of noncompliances indicated in Annex C. The DA-BAFS shall publish these decisions in the DA-BAFS Official Website.

Section 3. The period of suspension shall be up to six (6) months depending on the gravity of offense. However, failure of the officially accredited OCB to undertake appropriate corrective actions within the suspension period shall result in the revocation of the Official Accreditation Certificate.

Section 4. The following steps shall be taken once a decision to move forward with suspension or revocation has been made:

4.1

The officially accredited OCB will receive a written notice stating that its official accreditation has been suspended or revoked. The notice will generally contain the following elements:

4.1.1

Notification that the OCB must stop using the official accreditation rights and privileges and the 'Organic' mark immediately.

4.1.2

Notification that the OCB has the right to pursue an appeal for reconsideration as stated in Article X of this Circular. Notification that, if official accreditation lapses, in order to have official accreditation reconsidered, the applicant must complete the application process used by those seeking initial official accreditation.

4.2

In cases of revocation, the DA-BAFS shall remove the OCB's name from all the published list of officially accredited OCB and shall immediately terminate the Statement of Agreement between the DA-BAFS and the OCB.

ARTICLE X

COMPLAINTS AND APPEALS

Section 1. Complaints

1.1

In cases of complaints regarding officially accredited OCB, the following procedures shall apply:

1.1.1

Complaints regarding the functioning of an officially accredited OCB shall, in the first instance, be directed to the OCB in question.

1.1.2

If the complaint was not acted upon within 15 days or if the complainant feels the complaint has not been handled satisfactorily by the OCB, it shall then lodge a complaint with the DA-BAFS. Confidentiality regarding the source

of such a complaint is maintained whenever possible.

1.1.3

The DA-BAFS shall investigate the complaint.

1.1.4

Where the DA-BAFS considers the complaint to be sufficiently substantiated, it shall notify the OCB concerned and shall require a written explanation within 15 days.

1.1.5

If the DA-BAFS finds the explanation unsatisfactory, it shall refer the matter to the NCOA-OCB for appropriate action.

Section 2. Appeals

The appeal procedures shall apply in the following situations:

2.1

Denial of Issuance of Official Accreditation of OCB

2.1.1

When an application has been given a 'denied' status and after taking into consideration the recommendations of the OAEP, the applicant may appeal for reconsideration by sending a formal communication to the DA-BAFS, within fifteen (15) working days upon receipt of the notification of denial, signifying either the strategies to address the areas of concern or actions done to correct the situation.

2.1.2

The NCOA-OCB and the DA-BAFS shall determine the acceptability of the remedial actions.

2.1.3

The assessment team shall be sent to re-assess their compliance/s within fifteen (15) working days upon receipt of the corrective action plan and evidences of implementation of the OCB, subject to the availability of the assessment team.

2.1.4

The NCOA-OCB shall review, evaluate, and decide on the assessment report for recommendation to the NCOA-OCB for proper action.

2.1.5

If the NCOA-OCB decides that reconsideration is not warranted, the request for reconsideration will be denied with a statement of reasons and a reiteration of the DCB's right to pursue its application one (1) month after the denied request for reconsideration.

2.1.6

If, following reconsideration, the NCOA-OCB, upon unanimous vote, decides that the OCB is correct in its claim of such error leading to an erroneous conclusion by the NCOA-OCB's, the DA-BAFS may overturn the denial decision and proceed with the granting of official accreditation.

2.2

Suspension/Revocation of the Official Accreditation Certificate

2.2.1

An Officially Accredited OCB that has received a notice of suspension/revocation of Official Accreditation may be a candidate for reconsideration if it can demonstrate that there were major documented errors of fact in the information used by the DA-BAFS and NCOA-OCB in arriving at the suspension/revocation decision.

2.2.2

In such cases, the OCB must submit a written request for reconsideration to the DA-BAFS Director within thirty (30) working days from receipt of the notification of the suspension/revocation decision.

2.2.3

This request must be accompanied by three (3) original copies of the report specifying the major documented errors of fact and how such errors contributed to the suspension/revocation decision, together with substantiating documentation.

2.2.4

The suspension/revocation decision made due to the suspended/ revoked status of the accreditation to ISO/IEC 17065:2012 shall automatically disqualify the OCB for reconsideration.

2.2.5

The DA-BAFS shall accept or deny the OCB's request for reconsideration of the suspension/revocation decision within fifteen (15) working days from receipt of the request. The action will be based solely on the report and the supporting documentation submitted by the OCB in accordance with the nature of the deficiencies that led to the suspension/revocation decision.

2.2.6

If the DA-BAFS and NCOA-OCB decides that reconsideration is not warranted, the request for reconsideration will be denied with a statement of reasons and a reiteration of the OCB's right to pursue an appeal for reconsideration.

2.2.7

When the DA-BAFS granted reconsideration, the OCB shall be deemed to have waived its right to appeal either the original suspension/revocation decision or the action that will result from the reconsideration.

2.2.8

If, following reconsideration, the NCOA-OCB, upon unanimous vote, decides that the OCB is correct in its claim of such error leading to an erroneous conclusion by the NCOA-OCB, the DA-BAFS may overturn the suspension/revocation decision and grant official accreditation.

2.2.9

The new official accreditation action must be decided by unanimous vote of the NCOA-OCB.

ARTICLE XI

VALIDITY OF THE OFFICIAL ACCREDITATION OF OCB

Section 1. The validity of the official accreditation shall coincide with the validity of the officially accredited OCB's accreditation to ISO/IEC 17065:2012.

Section 2. In case the accreditation to ISO/IEC 17065:2012 of the officially accredited OCB has been suspended, withdrawn, revoked or has expired, the official accreditation will automatically be suspended, withdrawn, or revoked, accordingly.

Section 3. The OCB must apply for renewal six (6) months prior to the expiration of its official accreditation.

Section 4. The rights and privileges as an officially accredited OCB shall not be transferable.

ARTICLE XII

USE OF 'ORGANIC' MARK

Section 1. The 'Organic' mark issued by the DA-BAFS shall always accompany the logo of the OCB and its official accreditation number and may appear only on, organic certificate issuances, and on all certified products under its officially accredited scope.

Section 2. Specific details on the use of the "Organic" mark is indicated in Annex E.

ARTICLE XIII

CONFIDENTIALITY AND IMPARTIALITY

Section 1. All personnel involved in the Official Accreditation of OCB must adhere to the principles of confidentiality and impartiality.

Section 2. Information on production practices, ingredients, customer list, complaint log, etc., submitted by applicants for approval shall not be released in any form to any party or to the public in general without written permission from the applicant or officially accredited OCB.

Section 3. However, the following general information may be released:

3.1

Name, address and telephone number of the applicant;

3.2

Date of approval of the official accreditation;

3.3

Any information to comply with a court order; and

3.4

Any information to comply with a request from the NCOA-OCB, investigating an alleged complaint.

ARTICLE XIV

ANNEXES

Section 1. All annexes, or any part thereof, referred to in this Circular are deemed integral part of this document.

Section 2. Changes, if necessary, in the Annexes are subject for the approval of the National Organic Agriculture Board (NOAB).

Section 3. Officially Accredited OCB shall be notified within five (5) working days after its approval.

ARTICLE XV
SEPARABILITY CLAUSE

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

ARTICLE XVI
REPEALING CLAUSE

All rules and procedures or parts of said rules and procedures of pertinent guidelines inconsistent with this Department Circular are hereby revised, amended, modified and/or superseded as the case may be by this Department Circular.

ARTICLE XVII
EFFECTIVITY

This Department Circular shall take effect fifteen (15) days after its publication in the Official Gazette or in a newspaper of general circulation and its filing with the National Administrative Register of the University of the Philippines Law Center.

Approved by:

(SGD) PROCESO J. ALCALA
Secretary

[1] <http://www.iso.org/>

[2] ISO/IEC 17011:2004 specifies the general requirements for accreditation bodies assessing and accrediting conformity assessment bodies (CABs), in this case organic certifying bodies (OCB)

[3] Adverse decisions include: refusal to accept an application, refusal to proceed with an audit, changes in certification scope, decisions to deny, suspend or revoke certification and any other action that impedes the attainment of official accreditation.

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