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EXPORT DEVELOPMENT ACT, No. 40 OF 1979

REGULATIONS made by the Minister of Industry and Entrepreneurship Development under Section 29 read with section 12 (1) (v) of the Export Development Act, No. 40 of 1979.

Sunil Handunnetthi

Minister of Industries and Entrepreneurship Development

Colombo, [date to be added]

CHAPTER 1: OBJECTIVES

1. These regulations may be cited as “Organic Agricultural Product Regulations 2024” and shall come into operation one year after its publication.
2. The objectives of this regulation are
 - a) To protect Sri Lankan consumers from deception, fraud, and unsubstantiated claims by making it mandatory for all operators in the organic supply chain to obtain certification in accordance with Sri Lanka Standards. It ensures that organic products comply with relevant labeling requirements, guaranteeing transparency and consumer confidence.
 - b) To support the sustainable development of organic production, promotes fair competition, and safeguards consumer interests. It covers all stages of organic production, preparation, distribution, and the proper use of organic claims in labeling and advertising, with enforcement mechanisms to ensure compliance.
 - c) To facilitate the development of organic agriculture in the country while taking actions to develop organic agriculture production
 - d) To contribute to the credibility of organic exports from Sri Lanka.
 - e) To monitor and control at the country’s border incoming and outgoing organic agriculture products and farm inputs.

CHAPTER 2: COMPETENT AUTHORITY

3. The EDB/NOCU shall be deemed to be the main Competent Authority of Sri Lanka for the purpose of implementing the obligations established by these regulations. In addition, the Consumer Affairs Authority shall be deemed to be the Competent Authority of Sri Lanka for matters concerning the sale of organic products on the internal market.

EDB/NOCU shall have the powers to solicit the support of organizations established in the law of Sri Lanka for matters concerning organic production.

4. A National Organic Control Unit (EDB/NOCU) shall be established within the main Competent authority to ensure implementation of the obligations as regards control and certification laid down in this regulation.
5. Implementation of this regulation shall be ensured by setting of and maintaining a control system involving market surveillance, monitoring organic products imported in to and exported from Sri Lanka and the verification of compliance of operators placing organic products on the domestic market.
6. Competent authorities shall organize an internal audit at least once each year.

CHAPTER 3: DEFINITIONS

In these regulations unless the context otherwise requires, the following definitions apply:

- (a)** (The) Board: the Sri Lanka Export Development Board established under the Export Development Act, No. 40 of 1979.
- (b)** National Organic Control Unit (EDB/NOCU): an independent unit established under the Board to implement organic agricultural regulations in Sri Lanka.
- (c)** Certificate: Document, delivered by an accredited the conformity assessment body, attesting that the product or operator is in compliance with a specified organic standard.
- (d)** Conformity Assessment: A Codified system of verification that an operator complies with the relevant organic standard.
- (e)** Conformity Assessment Body: An organization accredited for third party conformity assessment of organic operators.
- (f)** Label: Any written, printed or graphic representation that is present on a product, accompanies the product, or is displayed near the product.
- (g)** Operator: A person, persons, corporate entity or organization responsible for ensuring that products meet the requirements of a Sri Lankan organic standard (SLS 1324:2018) or

any International organic Standard. Every entity holding an organic certificate is considered an operator. This may include producers, processors, traders, exporters, and importers.

- (h) Organic Agriculture:** a production system that sustains the health of soils, ecosystems and people. It relies on ecological processes, biodiversity and cycles adapted to local conditions, rather than the use of inputs with adverse effects. Organic Agriculture combines tradition, innovation and science to benefit the shared environment and promote fair relationships and a good quality of life for all involved. Organic Agriculture is based on 4 Principles: Health, Ecology, Fairness and Care.
- (i) Organic Product:** A product that has been produced, processed, and/or handled in compliance with organic standards.
- (j) Organic agricultural product** means any product originating from plants or plant products and includes livestock or livestock products, fish or fish products and aquatic products that have been produced, processed, and/or handled in compliance with acceptable organic standards.
- (k) Registered Certification Body:** means an accredited certification or inspection body of organic agricultural products recognized by the Sri Lanka Accreditation Board and which is registered with the Competent authority.
- (l) Sri Lanka Accreditation Board for Conformity Assessment:** SLAB established under the Sri Lanka Accreditation Board for Conformity Assessment Act, No. 32 of 2005 for accreditation of conformity assessments bodies.
- (m) SLSI: "Sri Lanka Standards Institution"** means the Sri Lanka Standards Institution established by the Sri Lanka Standards Institution Act, No. 6 of 1984" to undertake, promote and facilitate Standardization, Measurement, Quality Assurance and related activities in all sectors of the national economy.

CHAPTER 4: SCOPE

7. This organic regulation allows for the creation of production standards for organic products of agricultural origin, including plant reproductive material but excluding fertilizers and compost, plant protection production, biocides and products for cleaning

and disinfection. This organic regulation lays down rules for the labeling of products covered by the scope description and for the certification of organic products. This regulation aims at ensuring that the operators and clusters of farmers placing on the market organic products, and the organic products themselves, comply with this regulation.

8. These regulations apply to the following product categories which carry, or are intended to carry, descriptive labeling referring to organic production methods in Sri Lanka:
- (a) Unprocessed plants and plant products (including seeds and other plant reproductive material).
 - (b) live animals (including bees) and unprocessed livestock products
 - (c) aquaculture products (of plant and animal origin)
 - (d) Processed agricultural crop products derived from (a) above, intended for human consumption.
 - (e) feed

Fertilizers, compost, plant protection products, and biocides referring to the organic production method in their labelling shall have to comply with the specific standards managed by SLSI.

9. These regulations shall apply to any operator and cluster of farmers involved in activities at any stage of production, preparation, and distribution, including marketing, importing, and exporting, relating to the products covered by the scope of this regulation.

CHAPTER 5: LABELLING AND CLAIMS

10. A product will be regarded as organic when bearing indications referring to organic production methods where, in the labeling or claims, including advertising material or commercial documents, the product, or its ingredients are described by the terms “organic”, “කෘෂික” (Sinhala version) and “_organic_” (the Tamil version) or their derivatives suggesting to the purchaser that the product or its ingredients were obtained according to the organic production method.

11. Organically produced products from plant origin may be labelled as "organic" to "කාබනික_" (Sinhala version) and "_organic_" (the Tamil version). In the case of prepacked product, the National Organic Logo, the unique registration number of the operator's or clusters of farmers who places the product on the market and the code number of the registered control authority or certification body of the operator or cluster of farmers that carried out the labelling of the product, shall appear on the packaging. In any case, the reference to "organic" and the registered control authority or certification body shall appear on all documents accompanying the organic product.
12. Every operator in the organic agricultural sector in Sri Lanka shall comply with the most recent version of the Sri Lankan Organic Standard SLS 1324 and be certified by a registered control authority or certification body.
13. Organic products that are produced in Sri Lanka and sold in the international market as 'organic' shall comply with the labelling rules of the organic regulation in the respective export market. Such products may bear the logo for organic production in Sri Lanka when such products leave Sri Lanka.
14. Every product imported as organic into Sri Lanka shall be labelled in accordance with the "Sri Lanka organic standard for organic production, with the exception of the mandatory use of the logo for organic production in Sri Lanka.
15. In addition to the requirement referred to in point 14, operators that sell organic products in the domestic market may display international organic logos on the labels. In such cases, the label shall allow for the identification of the registered control authority or certification body of the importer as well as the identification of the certification body that has granted the relevant international certification(s).
16. For imported organic products sold on the domestic market, the labeling and claims of a product may refer to following
 - a) Importer shall register with competent authority
 - b) The importer shall keep relevant regulatory body informed about any organic imports to Sri Lanka prior to import

- c) The imported product shall be certified by an accredited certification body to an organic standard recognized by the competent authority to meet equivalent objectives regarding organic production and certification as the required by the Sri Lanka Organic Standard in Sri Lanka.

CHAPTER 6: SRI LANKA ORGANIC STANDARDS

17. The Competent authority shall ensure that Sri Lanka Organic Standards be formulated by the Sri Lanka Standards Institution for the purposes of these regulations.
18. In formulating the Standards referred to in point 17, the Competent authority shall ensure that the Sri Lanka Standards Institution has given consideration to
 - (a) the requirements relating to the production, processing, and labeling of organic agricultural products and
 - (b) The guidelines issued by the International Federation of Organic Agricultural Movement, Codex Alimentarius, and any similar international body recognized with organic agriculture or agricultural products, and where appropriate, any regulation made by importing or exporting countries pertaining to the manufacturing, import, export, or sale of organic products.
 - (c) The Competent authority shall provide required feedback to SLSI to review and revise the Sri Lanka standard for organic agriculture products when necessary to do this.
19. It shall be the duty of every producer, processor, manufacturer, and exporter of organic agricultural products to adhere to and comply with Sri Lanka Organic Standards adopted by the Competent Authority and the provisions of these regulations.
20. The Competent authority shall adopt the standards referred to in point 17, and the Sri Lanka Organic Standards so adopted may be amended or varied at any time after its adoption on the recommendation of the Competent authority.
21. The organic standard adopted by the competent authority shall be associated with the “National Organic logo” attached to this regulation.

CHAPTER 7: Controls

SECTION 7.1: CONTROL SYSTEM

The design and functioning of the control system shall ensure compliance of operators and clusters of farmers in relation to the Sri Lanka organic standard.

22. The planning of the type, nature, and frequency of controls carried out by the competent authority shall be based on the 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 and clusters of farmers shall be subject to a verification of compliance at least once a year. During such controls, the competent authority shall verify at least the coherence between the description of the operations involving organic products provided for in point 41 of this regulation and the reality, including in particular the application by the operators of the precautionary measures to ensure
- i. Integrity of organic products which are under the responsibility of the operators
 - ii. traceability of organic product at all stages of production, preparation and distribution
 - iii. The mass balance of incoming and outgoing organic products.

During controls of clusters of farmers, the competent authority shall verify at least the functioning of the internal control system (ICS) and the Joint Marketing System (JMS).

SECTION 7.2: CONFERRING AND DELEGATION OF CERTAIN CONTROLS AND OTHER TASKS

23. The Competent Authority may:

- a) confer its competences to verify compliance with SLSI or another control authority. To that end, the control authority shall offer adequate guarantees of objectivity and impartiality and have at its disposal qualified staff and resources necessary to carry out these functions. Control authorities shall be 17065 accredited by SLAB in accordance with the National Organic Standard referred to in Chapter 6.
- b) Delegate its competence to verify compliance to one or more certification bodies. In that case, the Competent Authority shall be responsible for the registration and supervision of such bodies.

24. The competent authority may delegate control tasks to a particular certification body only if the following conditions are satisfied, and in particular where:

- a) there is an accurate description of the tasks that the certification body may carry out and of the conditions under which it may carry them out.
 - b) there is proof that the certification body:
 - (i) has the expertise, equipment, and infrastructure required to carry out the tasks delegated to it;
 - (ii) has a sufficient number of suitable, qualified, and experienced staff; and
 - (iii) is impartial and its inspectors are free from any conflict of interest as regards the exercise of the tasks delegated to it.
 - c) the certification body is accredited to the most recent version of ISO/IEC 17065 referring to the Sri Lanka Organic Production Standard; This accreditation shall be granted by SLAB.
 - d) the certification body communicates the results of the controls carried out to the Competent authority at least once per year (annual report) 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 certification body shall immediately inform the competent authority.
 - e) There is effective separation between certification and consultancy
 - f) there is an effective coordination between the delegating competent authority, the registered control authorities, and the certification bodies.
25. The competent authority shall not delegate the following tasks to the certification bodies.
- (a) the supervision and audit of other certification bodies.
 - (b) the competence to grant exceptions and or derogations.
- 26 Control authorities and certification bodies aiming at certifying operators and clusters of farmers in accordance with the standard referred to in Chapter 6 shall submit an application for recognition to the competent authority. The competent authority may recognize control authorities and certification bodies that fulfill the conditions referred to in point 24. The competent authority may recognize a control authority or certification for one or all product categories referred to in point 8. The recognition shall be published in the NOCU website. Once published, the recognition remains valid until suspended or withdrawn by the competent authority.

The application for recognition shall consist at least of the following documentation:

- a) The risk analysis procedure
- b) The standard control procedure to be followed

- c) The measures that the control authority or certification body intends to apply where irregularities and/or infringements are found
- d) For certification bodies, a copy of the valid accreditation certificate
- e) For certification bodies, a written confirmation that it
 - grants access to its offices, facilities, and documentation, and provides any information and assistance deemed necessary by the competent authority for the fulfillment of their obligations according to this section.
 - informs the competent authority of any changes in relevant to the delegation and the registration.
 - Shall exchange information on the results of their controls with registered control authorities and other certification bodies, in particular in the following cases:
 - where the operator or cluster of farmers and the subcontractor are checked by a control authority or a different certification body,
 - where an operator or cluster of farmers changes control authority or certification body
 - where an operator or cluster of farmers withdraws from the control system,
 - where the certification body finds irregularities or infringements affecting the integrity of organic products.

27. The competent authority delegating control tasks to certification bodies shall organize audits of those certification bodies. If, as a result of such an audit, it appears that such bodies are failing to carry out properly the tasks delegated to them, the competent authority may withdraw the delegation and shall immediately withdraw the delegation if the certification body fails to take appropriate and timely remedial action.

The competent authority may withdraw the delegation of a certification body in whole or in part, if:

- (a) one of the recognition criteria set out in point 24 is no longer met.
- (b) the competent authority has not received the annual report referred to in 24 by the applicable deadline, or the information included in the annual report is incomplete, inaccurate, or does not comply with the requirements as regards the reporting.
- (c) the certification body does not make available or does not communicate all the information related to the application for registration referred to in 24;
- (d) the certification body does not notify the competent authority within 30 days of changes that affect the delegation;

- (e) the certification body does not provide information requested by the competent authority within the deadlines set, or the information is incomplete or inaccurate, or does not cooperate with the competent authority;
- (f) The certification body does not agree to an on-the-spot examination or audit by the competent authority;
- (g) the result of the on-the-spot examination or audit indicates a systematic malfunctioning of control measures or the certification body is unable to implement all the recommendations made by the competent authority after the on-the-spot examination or audit, in their proposed action plan submitted to the competent authority;
- (h) the certification body fails to take adequate corrective measures in response to the non-compliances and infringements observed within a deadline set by the competent authority according to the severity of the situation, which shall not be shorter than 30 calendar days;
- (i) in case an operator changes its certification body, the certification does not communicate to the new control authority or certification body the relevant elements of the control file, including written records, of the operator within a maximum of 30 calendar days having received a request for transfer from the operator or the new control authority or certification body;
- (j) there is a risk for the consumer to be misled about the true nature of the products covered by the scope of the recognition; or
- (k) the certification body has not notified for 4 consecutive years, any certification activity for any operator or cluster or farmers in a particular product category for which it is recognized in accordance with point 26.

Before withdrawing the delegation, the competent authority may impose a fine on the relevant certification body.

Where the competent authority has fully or partly withdrawn the delegation of a certain certification body, it shall decide whether any certificates issued by the certification body concerned before the date of that partial or full withdrawal are to remain valid and shall inform the operators concerned of that decision.

Before fully or partly withdrawing the delegation, the competent authority may fully or partly suspend that delegation:

- (a) for a period that shall not exceed 12 months, during which the certification body is to remedy the shortcomings identified during the audits and inspections or to address the non-compliances about which information was shared with other certification bodies or control authorities; or
- (b) for the period during which the accreditation is suspended.

Where the delegation of the certification has been suspended, that certification body shall not issue certificates for those parts for which the delegation has been suspended. The competent authority shall decide whether the certificates issued by the certification body concerned before the date of that partial or full suspension are to remain valid and shall inform the operators concerned of that decision.

The competent authority shall lift the suspension of the delegation as soon as possible once the certification body has remedied the shortcomings or non-compliances or once the accreditation body has lifted the suspension of the accreditation.

28. In addition to the requirement referred to in point 47, the competent authority shall:

- a) Ensure that the controls carried out are objective and independent
- b) Verify the effectiveness of controls
- c) Take cognizance of any irregularities or infringements and corrective measures applied
- d) Withdraw the delegation and the recognition of certification bodies that fail to satisfy requirements referred to in part a) and b) of this point, or no longer fulfils the criteria indicated in points 24 and 26 or fails to satisfy the requirements of part (e) of point 26, the third sentence of point 22 and the requirements laid down under point 30.

29. The competent authority shall attribute a code number to each registered control authority or certification body and make this public.

30. By 31 January each year at the latest, the registered control authorities and certification bodies shall transmit to the competent authority a list of operators and clusters of farmers 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, at the latest. Details of such lists are included in the template that will be made available to the relevant certification bodies.

SECTION 7.3: CONTROL VISITS

31. The actions referred to in point 22 involve at least (i) physical on-the-spot inspections (including sampling) and (ii) documentary checks (including production and financial records).

In addition, for clusters of farmers, the actions shall involve re-inspections, witness audits, and inspections of the facilities for post-harvest operations on organic products.

32. All operators and clusters of farmers shall be subject to at least one physical on-the-spot inspection once per year. Such physical on-the-spot inspections shall be carried out in accordance with the identification of risks of occurrence of non-compliance at the most appropriate time and without prior warning. In the case of clusters of farmers, the control authority or certification body shall check each year, in addition to the requirements mentioned in point 31, organic activities of members of the cluster and any centralized post-harvest activity on organic products. The number of such checks shall correspond to at least 5% of the number of members- of the cluster. The control authority or certification body shall also carry out at least one witness audit.

33. The registered bodies shall conduct additional announced or unannounced inspection of an operator or cluster of farmers for the purpose of verifying compliance.

In any case, the registered control authorities and certification bodies shall carry out the following controls in addition to the annual verification of compliance referred to in point 22:

- additional control visits of at least 10% of operators under contract on 31 December of the previous year
- additional control visits of at least 10% of clusters of farmers under contract on 31 December of the previous year
- at least 10% of the on-site inspections of operators are carried out without prior notice.
- at least 10% of the additional control visits of clusters of farmers are carried out without prior notice.

The selection of the operators and clusters of farmers where additional controls and controls without prior notice are carried out, is based on an identification of the risk for non-compliance with the national organic standard.

34. The registered control authorities and certification bodies shall take and analyze samples for detecting of products not authorized for organic production, for checking production techniques not in conformity with the organic production rules or for detecting possible contamination by products not authorized for use in organic production.

The number of samples to be taken by the registered control authorities and certification bodies and analyzed each year shall exceed 5% of the number of operators under its control on 31 December of the previous year. The selection of the operators and clusters of farmers where additional controls and controls without prior notice are carried out, is based on an identification of the risk for non-compliance with the national organic standard.

Each year, the control authority or certification body shall take at least one sample of each cluster of farmer and have this sample analyzed.

The control authority or certification body shall take and analyze samples in each case where the use of products or techniques, not authorized for organic production is suspected.

In any case, the control authority or certification body shall request the laboratory to carry out analytical test to such an extent that the most relevant active substances, if present, may be detected.

35. During the on-site control visits and at least once per year, the inspector verifies at least the elements referred to in point 22. The selection of the products subject to these verifications shall be risk based.

36. Where an operator runs several production units in the same area, the units for non-organic products, together with storage premises for input products must also be subject to the minimum control requirements.

37. A control report shall be drawn up after each visit, countersigned by the operator or his representative or, in the case of clusters of farmers, by the responsible for the Internal Control System.

38. A registered control authority or certification body shall carry out all such inspections and examinations as necessary, including field inspections in accordance with its own written procedures included in the request for recognition referred to in point and approved for that purpose by the competent authority, in order to determine whether the organic agricultural product concerned, complies with the relevant Sri Lanka Organic Standards.

39. Where the control authority or certification body has a substantiated suspicion that an operator or cluster of farmers intends to place on the market a product not in compliance with the organic production rules but bearing a reference to the organic production method, the control authority or certification body can require that the operator may provisionally not market the product with this reference for a time period to be set by the control authority or certification body. Before taking such a decision, the control authority or certification body shall allow the operator to comment. This

decision shall be supplemented by the obligation to withdraw from this product any reference to the organic production method if the control authority or certification body is sure that the product does not fulfil the requirements of organic production. However, if the suspicion is not confirmed within the said time period, the decision referred to in the first subparagraph shall be cancelled not later than the expiry of that time period. The operator shall cooperate fully with the certification body or control authority in resolving the suspicion.

SECTION 7.4: ENFORCEMENT

40. Where an irregularity is found as regards compliance with the requirements laid down in this Regulation, the control authority or certification body 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.

Where a severe infringement or an infringement with prolonged effect, such as the use of substances prohibited in organic production, is found, the control authority or certification body 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.

Information on cases of irregularities or infringements affecting the organic status of a product shall be immediately communicated between the registered certification bodies, control authorities and the competent authority.

The level of communication shall depend on the severity and the extent of the irregularity or infringement found.

The appropriate authority may, by regulations lay down specifications regarding the form and modalities of such communications

SECTION 7.5: ADHERENCE TO THE CONTROL SYSTEME5)

Subsection 7.5.1 General requirements (for all operators and clusters of farmers)

41. All operators and clusters of farmers in the organic agriculture value chain shall submit an application for registration to the competent authority for the purpose of these regulations. The application shall be submitted via online registration portal (www.nocu.lk)

The application for registration shall comprise at least the following documents:

- a. The official notification of one or more operations involving organic products containing at least the following information:
 - i. Name and address of the operator or cluster of farmers;
 - ii. Legal entity;
 - iii. Location of the premises and, where appropriate, parcels (land register data) where operations are carried out and
 - iv. Nature of operations and products involved
- b. A copy of the contractual agreement with one of the registered control authorities or certification bodies containing at least the following clauses:
 - i. To perform the operations in accordance with the organic production rules;
 - ii. To confirm that the operator or cluster of farmers did not engage with another control authority or certification body for the purpose of organic certification in Sri Lanka;
 - iii. To accept, in the event of infringements or irregularities, the enforcement of the measures of organic production rules;
 - iv. To undertake to inform in writing the buyers of the product in order to ensure that the indications referring to organic production are removed from this production;
 - v. To accept, in cases where the operator and/or subcontractors of that operator are checked by different control authorities or control bodies, the exchange of information between those authorities and bodies;
 - vi. To accept, in cases where the operator and/or the subcontractors of that operator change their control authority or certification body, the transmission of their control files to the subsequent control authority or certification body;
 - vii. To accept, in cases where the operator withdraws from the control system, to inform without delay the relevant competent authority or certification body;
 - viii. To accept to inform the relevant competent authority or certification body without delay of any irregularity or infringement affecting the organic status of their product or organic products received from other operators or subcontractors;
 - ix. To accept to inform the relevant control authority or certification body of any change in the operations involving organic products and
 - x. To provide access to the facilities, in particular

1. All parts of the unit and all premises, as well as the accounts and relevant supporting documents, including stock and financial records;
 2. To provide the control authority or certification body with any information reasonably necessary for the purpose of controls and
 3. The results of its own quality assurance programs upon request
- c. A full description of the unit and/or premises and/or activity;
 - d. All 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, in particular as regards the following situation:

Where an operator considers or suspects that a product which he has produced, prepared, imported or that he has received from another operator, is not in compliance with organic production rules, 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 certification body or control authority. The control authority or certification 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 and

- e. The precautionary measures to be taken in order to reduce the risk of contamination by unauthorized products or substances and the cleaning measures to be taken in storage places and throughout the operator's production chain

The competent authority shall review each application for registration. Applicants will be notified within 30 days of the result.

Operators selling organic prepacked products directly to the final consumer or user are exempted from the obligation to submit an application for registration to the competent authority provided they do not produce, prepare, store other than in connection with the point of sale or import products from a third country or have not contracted out such activities to a third party.

Where an operator or cluster of farmers contracts out any of the activities to a third party, that operator or cluster shall ensure that all operations on organic products shall be covered by the controls for verification of compliance with the SLS on organic production.

Before joining a cluster of farmers, a farmer shall register as a farmer and obtain a unique identifier as a small farmer from NOCU. In addition, a farmer shall not be allowed to be member of more than one group.

Subsection 7.5.2 Specific requirements (for a certain type of operators and clusters of farmers)

42. In addition to the general requirements, operators envisaging to import organic products for the purpose of placing those products on the market or to use such products for the purpose of producing processed food in accordance with the SLS 1324, shall submit the following documents:
 - a. Organic certificates for the importing products;
 - b. Accreditation certificate of the organic certification body of the supplier;
 - c. Product catalogue;
 - d. Product analysis certificates and
 - e. Other required details.
43. In addition to general requirements, in the specific case of operators or clusters of farmers involved in the organic production of plants and/or unprocessed plant products, they shall comply with the following requirements:
 - a. Indicate the storage and production premises and land parcels, including all those where non-organic production takes place, and/or collection areas and, where applicable, premises where certain preparation activities take place.
 - b. 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.
 - c. Each year, before the date indicated by the control authority or certification body, the operator and cluster of farmers shall notify its schedule of annual crop production, giving a breakdown by parcel and

- d. Operators and farmers shall keep records compiled in the form of a register and keep such records available to the registered control authorities and certification bodies at all times at the premises of the holding. Such records shall comprise at least the following information:
- i. As regards the use of fertilizers: date of application, type and amount of fertilizer, parcels concerned
 - ii. As regards the use of plant protection products: reason and date of treatment, type of product, method of treatment
 - iii. As regards the purchase of farm inputs: date, type and amount purchased per product
 - iv. As regards harvest: date, type and amount of organic or in-conversion crop production

The full description of the unit shall also be drawn up where the operator or cluster of farmers' operations are limited to the collection of wild plants.

The date of signature of the contractual agreement referred to in 7.5.1 point 24 (b) shall serve as the start of the conversion period.

44. In addition to the general requirements, in the specific case of operators or clusters of farmers involved in the preparation of plants or plant products, they shall comply with the following requirement:

- a. In the case of a unit involved in the preparation for its own account or for account of a third party, and including in particular units involved in packaging and/or re-packaging of such products or units involved in labelling and/or re-labelling of such products, the full description of the unit shall show the facilities used for the reception, the processing, packaging, labelling and storage of agricultural products before and after the operations concerning them, as well as the procedures for the transport of the products.

45. Every registered operator and cluster of farmers is listed in the EDB/NOCU website (www.nocu.lk). In this list, the following elements shall be included: name, address, unique identifier for organic production, control authority/certification body and certification status as one of the following: "pending"; "in-conversion"; "valid"; "suspended"; "withdrawn".

46. A list of all the operators and clusters of farmers registered with the competent shall be notified from time to time by the competent authority to the Director- General of Customs, Consumer Affairs Authority and other relevant government institutions for the purposes of enforcement of the provision of these regulations.

47. Upon registration, the competent authority shall grant a unique identifier to the each operator and cluster of farmers which will be included in the list referred to in point 45.
48. All the organic operators and clusters of farmers referred to in point 45, shall pay a fee as determined by the competent authority for such application for registration. The fee structure will be published on the website of the competent authority. The registration remains valid until the operator or cluster of farmers withdraws from the control system.

SECTION 7.6: DOCUMENTARY ACCOUNTS

49. The competent authority or registered control authorities and certification body shall verify the stock and financial records. These records shall enable the identification of
- a. supplier and, where different the seller, or the exporter of the organic products.
 - b. the nature and the quantities of organic products delivered to the unit and, where relevant, of all materials bought and the use of such materials, and, where relevant, the composition of compound feedstuffs.
 - c. the nature and the quantities of organic products held in storage.
 - d. the nature, the quantities, and the consignees and, where different, the buyers, other than the final consumers, of any products which have left the unit or the first consignee's premises or storage facilities.
 - e. in case of operators who do not store or physically handle such organic products, the nature and the quantities of organic products bought and sold, and the suppliers, and where different, the sellers or the exporters and the buyers, and where different, the consignees.
50. The documentary accounts shall comprise the results of the verification at reception of organic products and any other information required by the competent authority or registered control authorities and certification body for the purpose of proper control. The data in the accounts shall be documented with appropriate justification documents. The accounts shall demonstrate the balance between incoming and outgoing organic products.

SECTION 7.7: DOCUMENTARY EVIDENCE

51. A Certificate of Conformity referred to in point 64, may be obtained on request made in that behalf to a registered control authorities and certification body in compliance with the procedure adopted for the same by the registered control authorities and certification cert body concerned.
52. If, after having carried out the necessary inspections, examinations and field inspections, the registered body, is satisfied that the organic product concerned complies with the

Sri Lanka Organic Standards or international standard, it shall issue a Certificate of Conformity in respect of such organic product. An organic product, in respect of which a Certificate of Conformity has been issued, is entitled to use the seal or the label “organic”.

The registered bodies shall provide documentary evidence to any such operator and cluster of farmers who are subject to their controls and who, in the sphere of his activities, complies with 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.

The operator and, where relevant, the cluster of farmers, shall verify the documentary evidence of his suppliers.

The form of documentary evidence shall be based on the model laid down in Annex I of this regulation.

53. The producer or seller shall provide copies of valid organic certificates and scope of certificate demonstrating, compliance with points above, to buyers or to the authorities when requested.

SECTION 7.8: SUPERVISION

54. The supervisory activities by the competent authority delegating control tasks to certification bodies in accordance with point 24 of this Regulation shall focus on the evaluation of the operational performance of those certification bodies, taking into account the results of the work of the national accreditation body.

Those supervisory activities shall include an assessment of the internal procedures of the certification bodies for the controls, the management and examination of control files in the light of the obligations established by this Regulation, and the verification of handling of non-conformities and the handling of appeals and complaints.

Each year, and latest by 31 January, the competent authority shall receive from the certification bodies documentation on their risk analysis procedure. The competent authority shall verify that the risk analysis procedure shall be designed in such a way that:

- (a) the result of the risk analysis provides the basis for determining the intensity of the unannounced or announced annual inspections and visits.
- (b) additional visits are carried out for at least 10 % of operators, and 10% of clusters of farmers under contract in accordance with the risk category are performed.

(c) at least 10 % of all on-site controls of operators carried out are unannounced, and at least 10% of the additional controls of clusters of farmers are carried out unannounced.

(d) the selection of operators to be submitted to unannounced inspections and visits is determined on the basis of the risk analysis and that these are planned according to the level of risk.

Competent authorities delegating control tasks to certification bodies shall verify that the staff of the certification bodies has sufficient knowledge, including knowledge of the risk elements affecting the organic status of products, qualifications, training and experience with respect to organic production in general and with the relevant other legal requirements in particular and that appropriate rules on rotation of inspectors are in force.

Competent authorities shall have documented procedures for the delegation of tasks to certification bodies and for the supervision in accordance with this Section, detailing the information to be submitted by certification bodies.

55. At any time and for any operator, the competent authority may draw the random samples and analyze to make sure certified organic products are in accordance with the certification with the service from the accredited laboratory.

SECTION 7.9: ANNUAL INSPECTION OF THE CERTIFICATION BODIES

56. The Competent authority shall organise an annual inspection of the registered certification bodies in accordance with point 24 of this Regulation. For the purposes of the annual inspection, the competent authority shall take into account the results of the work of the national accreditation body. During the annual inspection, the competent authority shall, in particular, verify:

- the compliance with the certification body's standard control procedure as submitted by the certification body to the competent authority in accordance with point 24 of this Regulation;
- that the certification body has a sufficient number of suitable qualified and experienced staff in accordance with point 24 of this Regulation and that training concerning risks affecting the organic status of products has been implemented;
- that the certification body has and follows documented procedures and templates for:
 - the annual risk analysis in accordance with point 24 of this Regulation;

- preparing a risk-based sampling strategy, conducting sampling and laboratory analysis;
- information exchange with other control bodies and with the competent authority;
- initial and follow-up controls of operators under their control;
- the application and follow-up to the catalogue of measures to be applied in case of infringements or irregularities;

CHAPTER 8: ASSURANCE OF THE CREDIBILITY IN THE LOCAL MARKET

57. Every product sold in the local market and bearing references to organic shall comply with the requirements stated in the labeling and claims referred to in points 11, 13 and 14 and other labeling regulations in the country and the term “organic” shall not misinterpret in labels, promotional material and media.
58. The Competent authority may carry out local market surveillance with Consumer Affairs Authority, Ministry of Health or any other relevant government agencies.
59. Non-compliance products in the local market shall be removed and subject to the legal actions.
60. The control authority or certification body concerned shall take necessary action to mitigate such non-compliance.

CHAPTER 9: ADVISORY AND TECHNICAL COMMITTEES for the competent authority

61. The competent authority shall appoint advisory and technical committees for the purpose of implementing these regulations.
62. The competent authority may obtain the service of the Advisory committee on the development of the organic agriculture sector and required policy development and implementation.
63. The competent authority may obtain the service of the Technical Committee appointed under the point 61 in processing the applications made for registration.

CHAPTER 10: CERTIFICATION OF ORGANIC AGRICULTURAL PRODUCTS

64. Only the registered control authorities and certification bodies whose accreditations referred to in point 24 are issued by SLAB, may conduct organic certification by issuing the certificate of conformity to operators based in Sri Lanka.

CHAPTER 11: (ENFORCEMENT – to be changed into) APPEAL ?

65. Certification bodies referred to in point 64 shall implement the following actions:
- Withdraw certification issued to any operator for which major non-compliances have been detected and if positive actions have not been taken to close it.
 - Immediately inform the competent authority of all de-certification cases (and the reasons associated to it).
 - Act upon cases or suspected cases of fraud or misuse of the organic label amongst their operators and inform the competent authority accordingly.
 - Manage the use of National Organic Logo by their operators, in accordance to the Guidelines for the Certification Bodies for issuance of “National Organic Logo” in compliance with the Sri Lanka Organic Standard SLS 1324:2018.
 - Provide data on certified operators, as and requested by the competent authority.
66. It shall be the duty of every organic operator and cluster of farmers to ensure that the National Organic Logo shall not be used on any organic agricultural product, unless a Certificate of Conformity has been issued as per Sri Lanka Organic Standard (SLS:1324) by a registered certification body in respect of such organic agricultural product.
67. The competent authority shall be entitled to levy prescribed fees in respect of any services rendered in carrying out its functions under these regulations.

CHAPTER 12: COMPLAINT PROCEDURE AND PENALTIES FOR VIOLATION OF THIS REGULATION

68. (1) Any person or body who is aggrieved, with regard to:
- (a) any irregularity or infringement caused by any organic operator, affecting the organic status of any agricultural product
 - (b) any false representation made that a particular agricultural product complies with these regulations, including the use of a false Certificate of Conformity
 - (c) the use of a false or unapproved National Organic Logo on any agricultural product; or
 - (d) any misconduct or negligence caused by a registered conformity assessment body may make a complaint to the competent authority.
- (2) The competent authority shall upon the conclusion of an inquiry into a complaint made to it and having taken into consideration the nature of the allegation made take any one or more of the following measures in respect of the person who is found to have committed the alleged action complained of:-
- (a) send a letter of warning under registered cover.
 - (b) prohibit such person from marketing or selling organic agricultural products for a period as determined by the Competent authority.
 - (c) impose a penalty as the Competent authority consider adequate to cover any damage or expenses caused to the complaint as a result of the alleged action of the person concerned ; or
 - (d) blacklist such person for a period as determined by the Competent authority.
 - (e) suspend or cancel the approval of a conformity assessment body found incompetent or guilty of having participated in fraudulent activities; -
- (3) In holding an inquiry into a complaint made to the Competent authority, the Competent authority may seek the assistance of a panel or a committee that may be appointed by the Competent authority.
69. Where any registered exporter, exports or attempts to export any organic agricultural product using the National Organic Logo without first obtaining a Certificate of Conformity issued in respect of such product, such exporter shall be guilty of an offence under these regulations and on conviction be liable to a fine Fifty thousand Rupees to One Hundred Thousand Rupees and the registration granted to it under point 24, shall

be suspended for such period, as may be determined by the Court which imposes such fine.

70. Any operator who is found to be selling or offering for sale any organic agricultural product in contravention of the provisions of points 11 or 24, shall be guilty of an offence under these regulations and shall on conviction be liable to a fine Fifty thousand Rupees to One Hundred Thousand Rupees. The Competent authority shall be entitled in addition to the penalty imposed for such offence to request the Court to make an appropriate Order for the confiscation and the disposal or destruction, as the case may be, of the organic agricultural product in relation to which such offence has been committed. The Court may also make Order that the cost incurred in the disposal or the destruction of such product be borne by the person convicted as it deems fit.

CHAPTER 13: Final provisions

71. This regulation shall enter into force, 2 years after the publication.

72. Operators may use the remaining stock of packaging material, referring to the SL logo for organic production laid down in the version 2018 until the end of stock.

NATIONAL ORGANIC LOGO



Green : #008601

Ocean Blue : #1c9cc9

Yellowish Brown: #c29134

DRAFT ORGANIC REGULATION EDB NOCU