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– PREFERENCJE, OPINIE, TRENDY**

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– PREFERENCES, OPINIONS, TRENDS**

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IDENTIFICATION OF INFRINGEMENTS AND IRREGULARITIES OF ORGANIC FARMING REGULATIONS IN THE AREA OF ORGANIC FARM CONTROL

Introduction

Organic farming is an agricultural system, which combines the care of soil fertility, high biological quality of produced food and the elimination of synthetic agricultural inputs (not only fertilizers but also plant protection products and antibiotics). The organic production method is considered to be natural and environment-friendly. Moreover, it allows for the permanent and self-sustaining system of growing plants and rearing animals, which is acceptable in the context of ethics, the environment and economics. From the consumers' point of view it is particularly important to credibly assure the appropriate quality of the produced food in compliance with the requirements of organic farming and, consequently, relevant health benefits [Tyburski i Żakowska-Biemans 2007, p. 7-25, 168-196].

Within the European Union legislation *organic production* is understood as applying the production methods in compliance with the rules established in the Council Regulation (EC) No 834/2007 at all stages of production, preparation and distribution. One of the general objectives of organic production is producing a wide variety of foods and other agricultural products that respond to consumers' demand for goods produced by the use of processes that do not harm the environment, human health, plant health or animal health and welfare [Rozporządzenie 2008, art. 2-3]. The dissemination of organic food and its consumer approval depends mainly on consumers' trust for organic products, especially for the stage of production and processing, the certification of which amounts to the basis for considering the products organic. The acceptance is also affected by the credibility of controlling these processes. The present paper aims at the identification of potential irregularities and infringements of the requirements related to organic farming guidelines, which are detected during organic farm controls in Poland.

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1. Organic farm control

According to PN-EN ISO/IEC 17020:2012 *Conformity assessment - Requirements for the operation of various types of bodies performing inspection* an inspection is examination of a product, process, service, or installation or their design and determination of its conformity with specific requirements or, on the basis of professional judgment, with general requirements [PN-EN ISO/IEC 17020:2012, 3.1]. In the case of organic farming the examination relates to the production process, which should meet the requirements defined by relevant legislation.

In compliance with the EU legislation, physical control (inspection) of all producers is carried out at least on an annual basis [Rozporządzenie 889/2008/WE, art. 65]. The organic farm control program consists of the following stages [Standardowy program... nd]:

- opening meeting,
- production process control,
- obtaining samples,
- verifying the documentation,
- drawing up control minutes,
- closing meeting.

The registered organic farming inspectors carry out controls on organic farms. The organic farming inspector has a variety of authorities allowing for the appropriate course of the control visit. The inspector has the right to [Program certyfikacji... nd]:

- demand oral or written explanation, access to documentation (including the stock records, the financial documentation, plant and animal production registers) and other information if it is connected to the subject matter of the control,
- examine plants, animals, products, production resources, facilities, rooms, machinery, means of transportation, and other items related to the subject matter of the control,
- take samples for lab tests.

The role of the inspector consists in observing and assessing the actual state of a given organic farm in the context of its conformity to organic farming regulations as well as in reporting the state in the control minutes. During the control all doubts with potential impact on the assessment should be resolved [Inside... nd].

During the verification of the farm's documentation it is important to confirm that each type or batch of products has been correctly described in the context of: field location, place of farming or harvesting area, category of farming, dates and names of the realized actions, names of seeds or seedlings, names of production resources (fertilizers, soil improvement substances, plant protection substances, feeds etc.), agricultural machines, source of animals, feeding and animal treatment

history, as well as other actions related to transportation, processing, storage and packaging. It should also be confirmed that these records are properly stored. The inspector is also responsible for stating that the records refer to the products, which are obtained on the controlled farm [Japan Ministry of Agriculture, Forestry and Fisheries 2005].

The verification of the corrective actions related to the previously stated irregularities and infringements is one of the elements of the control. Therefore, prior to the control each producer should check if all irregularities stated during the previous control have been eliminated and if the realized corrective actions have been efficient. On the day of the control the producer should make sure that: they planned a sufficient amount of time to conduct the control, they have prepared all the necessary documents, they are ready to give access (including transportation) to farming facilities and fields, they have prepared the room for the inspector to verify the documentation and draw up the minutes of the control (sometimes in the electronic form with the use of a laptop) [Baier 2005, p. 1-8].

2. Irregularities and infringements of the conformity to organic farming requirements

The EU legislation within the scope of organic farming refers to the following terms: **irregularity**, **serious infringement** and **long-term infringement**. However, these terms are not defined, which may lead to interpretive difficulty [Leśkiewicz 2009, p. 91; Padel and Foster 2013, p. 231]. Moreover, the legislation imposes the obligation to create a catalog, which includes at least descriptions of infringements and irregularities with big impact on the organic status of products as well as proper measures to be used by certification bodies in the event of infringements and irregularities allowed by the economic entities performing organic production subjected to control on relevant organs of the member states. Furthermore, the catalog must be delivered to the certification bodies [Rozporządzenie 889/2008/WE, art. 92d].

By mid-2016 the catalog of measures advisable in the case of irregularities and infringements had been annex no. 1 to the DAC-13 document entitled *Certification bodies accreditation within the scope of organic farming*. The eighth edition of 5th August 2015 is the last version containing the abovementioned catalog along with definitions of an irregularity and an infringement (the latest 9th edition was published on 22nd January 2019).

An irregularity was defined as failing to fulfill formal requirements related to the production process, the internal control system, keeping the documentation, applying standards, or failing to abide by the organic farming regulations:

- without long-term results and without impact on the status of an organic product,
- not related to tricks, fraud, concealing or illegal actions.

An infringement is described as breaking the relevant rules of the production process, the internal control system, keeping the documentation, or the obligation to comply with standards and contract commitments:

- as a result of making a major mistake or failing to abide by the organic farming regulations,
- resulting in long-term impact or infringement of the status of an organic product,
- related to tricks, fraud and concealing or illegal actions.

The abovementioned catalog expired and was replaced with the regulation of Minister of Agriculture and Rural Development of 11th May 2016 *on types of irregularities and infringements of organic farming regulations and the minimal measures to be applied by certification bodies in the event of stating the occurrence of these irregularities and infringements within organic farm controls* [Dz. U. 2016 poz. 777]. The regulation (informally called „the catalog of sanctions”) [Katalog sankcji... 2016] allows for unifying the actions of certification bodies in the context of minimal measures to be taken in the case of detecting specific non-conformities during an on-site control. The list of irregularities or infringements includes 34 non-conformities with the requirements included in the Council Regulation (EC) no 834/2007, 180 non-conformities with the requirements included in the Commission Regulation (EC) no 889/2008 and non-conformities with the requirements included in the Commission Regulation (EC) no 1235/2008. The minimal measures that certification bodies are obliged to take are as follows: [Dz. U. 2018, poz. 599; Wytuczne... 2018]:

- a reminder – in the event of minor irregularities which do not have impact on the status of an organic product,
- a warning – in the event of irregularities which do not have impact on the status of an organic product on condition that the producer takes relevant actions,
- revoking the certificate for the product related to an irregularity – in the event of infringement that has impact on the status of an organic product, or stating that the producer has lost the ability to perform organic production or trade.

In compliance with the *Act on organic farming* the Agricultural and Food Quality Inspection supervises not only certification bodies but also organic production [Dz. U. 2009 nr 116, poz. 975, art. 8]. The supervision consists mainly in carrying out controls of organic producers. For example, in 2016 the voivodeship agricultural and food quality inspections conducted 240 controls. On average every certification body was subjected to 24 controls at the producer's that had been under the specific body's supervision. The average number of controls included approximately 4 supervised controls (conducted by the certification body inspector in cooperation with the voivodeship inspection). During the controls 240 irregularities were stated for 89 producers. Seventy percent of the irregularities were related to producers' failing to meet the organic farming legal requirements. The group of the most frequent

irregularities caused by producers includes [Główny Inspektorat Jakości Handlowej Artykułów Rolno-Spożywczych 2017]:

- failing to eliminate irregularities stated during the control conducted by the certification body,
- lack of product records and financial documentation, or their incompleteness or incorrectness,
- lack or incompleteness of plant production records,
- lack or incompleteness of animal production records,
- lack of cleaning records,
- lack of documentation confirming the need to use specific agricultural inputs,
- lack of the producer's declaration,
- lack, incompleteness or inappropriate description of a production unit, facilities and the performed activity,
- failing to notify the certification body about changes of a production unit descriptions,
- the description of a production unit does not reflect the actual situation on a farm,
- failing to notify or notify on time the certification body about the schedule of agricultural production for each agricultural parcel,
- lack of an up-to-date agricultural production schedule for each agricultural parcel,
- outdated data in the *Application for performing activities within the scope of organic farming*,
- failing to indicate income and expenses in the financial documentation of the farm,
- sales of organic products in bigger quantity than the one defined in the organic product certificate,
- applying a non-organic seed or a vegetative propagating material without the approval of the Voivodeship Agricultural and Food Quality Inspection or not in compliance with the issued decision,
- applying a non-certified seed or a seed of unknown origins,
- incorrect separation of organic products from other agricultural products or food inputs during storage,
- finding forbidden production inputs (including plant protection substances) or their packaging,
- failing to mark farm animals in a permanent way (relates to animals subjected to obligatory marking),
- failing to maintain/increase the fertility and biological activity of soil through applying long-term crop rotation with the use of leguminous and other plants as organic fertilizer as well as manure and organic material coming from organic production,

- purchasing farm animals from a non-organic farm without the relevant administrative decision issued by the Voivodeship Agricultural and Food Quality Inspection,
- lack of herbivorous animals' access to pastures (if weather conditions allow for it).

3. Research methodology and presentation of own research results

Between 2016 and 2017 we realized a research aiming at identifying irregularities and infringements stated during on-site organic farm controls. The method of participant's observation during controls carried out on farms was used. The controls embraced 25 organic farms located in the following voivodeships: Lesser Poland, Subcarpathia, Mazovia, Lubusz and Lower Silesia. Selected farms varied in production specializations: the observation was conducted in farms specializing in milk production (cattle and goat rearing), on fruit tree plantations and on average production farms (Table 1). Average production farms include farms on which no group of crops prevails in the activity profile. These are often the so-called family farms with a mixed character of production (plant and animal production).

Table 1. Organic farms subjected to research divided according voivodeships and production specialization

Voivodeship	Specialization of a farm	Number of farms	Number of observations
Lesser Poland (Malopolska Region)	a specialized vegetable farm (1) a specialized fruit plantation (1) a specialized milk farm – cattle and goat rearing (1) an average production farm (6)	9	10
Subcarpathia	a specialized milk farm – cattle and goat rearing (1) a specialized milk farm – cattle and goat rearing (1) a specialized farm – cattle rearing (1)	3	6
Mazovia	a specialized fruit plantation (2)	2	2
Lubusz	an average production farm (3)	3	3
Lower Silesia	a specialized fruit plantation (1) an average production farm (3)	4	4

Source: own research.

Table 2. Number of irregularities stated during the research

Specialization of a production farm	Number of irregularities and infringements	Average number of irregularities per observation
a specialized vegetable farm	6	3.00
a specialized fruit plantation	7	1.75
a specialized farm with animal rearing	14	2.00
an average production farm	19	1.58

Source: own research.

During 25 controls 46 irregularities were stated, which gave an average of 1.84 irregularities per a farm (Table 2). No irregularities were stated in the case of 5 organic farms. Moreover, in the case of the biggest number of farms (7) two irregularities were stated.

Table 3. Irregularities and infringements stated during the research

Irregularity and infringement	Number of irregularities	Total share
Failing to deliver or deliver on time the required documents to the certification body (the production unit description, the annual agricultural production schedule, updating the <i>Application for performing activities within the scope of organic farming</i>)	16	34.78%
Failing to keep or keep properly the required activity records	11	23.91%
Applying a non-organic seed against the regulations	10	21.74%
Selling products against the content of the certificate	4	8.70%
Unverified certificate of the production input supplier	3	6.52%
Applying the permitted plant protection substances not in compliance with the manual	1	2.17%
Repeating a hardly distinguishable crop in the organic and conventional parts of the farm	1	2.17%

Source: own research.

The majority (28) of the observed irregularities were related to irregularities within the scope of the organic farm documentation (keeping records of the organic activity, delivering the annual agricultural production schedule to the certification body, updating documents such as the *Application for performing activities within*

the scope of organic farming, or the production unit description). They amounted to over 58% of the overall number of irregularities. The irregularities related to the organic production principles (e.g. the applied seed and plant protection substances) amounted to approximately 26% of the overall number. The remaining part of irregularities were linked with the verification of certificates – both the own certificate of the producer and the agricultural input supplier certificate (Table 3).

Conclusion

The aim of the organic farm control is to assess the production process's compliance with the organic farming requirements. In the event of stating an irregularity during the control the information about the type of an irregularity or an infringement is noted in the minutes of the control by the organic farming inspector. The certification bodies are obliged to impose specific sanctions on the producer.

During the research it was possible to identify the type of irregularities and infringements most frequently stated during organic farm controls in Poland. The detected irregularities to a great extent overlap with the irregularities and infringements stated by the Chief Agricultural and Food Quality Inspector within the organic production supervision in 2016.

The group of most frequently stated non-conformities included irregularities linked with the documentation kept by organic producers. The character of the non-conformities indicates not only the mistakes and negligence of agricultural producers within their organic activity but also the necessity to further research the verification of requirements in relation to documenting production as well as to their improvement. The appropriate functioning of the control system is extremely significant for assuring consumers' trust for organic food, and, consequently, for further development of this area.

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