

DECREE No. 6323 OF 27TH DECEMBER, 2007.

Regulates Law No. 10.831 of 23rd December on organic agriculture and sets other provisions.

THE PRESIDENT OF THE REPUBLIC, exercising the powers conferred upon him by Article 84, Items IV and VI, sub-item “a” of the Constitution and whereas the provisions of Law No. 10831 of 23rd December, 2003,

D E C R E E S :

Art. 1. The activities pertaining to the development of organic agriculture approved by Law No. 10831 of 23rd December, 2003 are hereby regulated by this Decree without loss to the observance of further rules establishing other measures in relation to the quality of products and processes.

TITLE I
PRELIMINARY PROVISIONS

CHAPTER I
DEFINITIONS

Art. 2. The following definitions apply to this Decree:

I – initial accreditation: a procedure carried out by the National Institute of Metrology, Standardisation and Industrial Quality (Inmetro) constituting the initial part of the full accreditation process for conformity assessment bodies, which is carried out by the Ministry of Agriculture, Livestock and Supply;

II – accreditation audit: a procedure by which an official team of auditors assesses a legal entity requesting accreditation as a conformity assessment body in order to verify its conformity with official regulation;

III – organic certification: an act by which an accredited conformity assessment body issues written assurance that a clearly identified production or process has been methodically assessed and is in conformity with the organic production rules in force;

IV – accreditation: a procedure by which the Ministry of Agriculture, Livestock and Supply formally recognises that a conformity assessment body is qualified to carry out conformity assessments of organic products according to official organic product regulations and to criteria in force;

V – scope: production segment that is the object of the organic conformity assessment, such as: primary animal production, primary agricultural production, extractivism, processing of animal products, processing of agricultural products, and others as defined by the official organic production regulation in force;

VI – organic sustainable extractivism: a set of practices associated with the sustained management of natural resources with the purpose of having its products recognised for having organic qualities;

VII – organic integrity: condition of a product in which all features inherent to organic products are preserved;

VIII – social control organisation: a group, association, cooperative or consortium previously registered with the Ministry of Agriculture, Livestock and Supply, that assembles family farmers who sell their products directly, and has an organised process to generate credibility from the interaction of people or organisations, based on participation, compromise, transparency and trust, and is recognised by the society;

IX – conversion period: period of time elapsed from the beginning of organic management, extractivism, crop farming or animal farming until their recognition as an organic production system;

X – parallel production: production obtained at a production unit or establishment where there is harvesting, cultivation, raising or processing of organic and non-organic products at the same time;

XI - producer: any individual or legal entity responsible for developing an organic product, whether *in natura* or processed, obtained from an organic agricultural and livestock production system or resulting from a sustainable extractive process that is not harmful to the local ecosystem;

XII – organic quality: a quality involving organic production principles related with sanitary, environmental and social issues;

XIII – organic production network: involves agents operating at different levels of the production process, processing, transportation, storage and trading or consumption of organic products;

XIV – working relations under special conditions: special conditions involving the participation of children in tasks carried out by their family in the field, with the purpose of including their participation and preparing them for future work, being thus respected by the organic producers because it constitutes one of the bases of traditional local communities;

XV – certification system: a set of rules and procedures adopted by a certifying body, which assesses the conformity of a product, process or service, by means of an audit, for the purpose of certification;

XVI – Participative Organic Quality Assurance Systems: a set of activities carried out within a certain organisational framework with the purpose of warranting that a product, process or service complies with specific regulations or rules and that it has been submitted to a participative conformity assessment;

XVII – organic agricultural and livestock production system: any system in which specific techniques are employed through the optimisation of natural and socioeconomic resources available, and respect for the cultural integrity of rural communities with the purpose of achieving economic and ecological sustainability, maximising social benefits, minimising dependence on non-renewable energies and whenever possible, employing cultural, biological and mechanical methods as opposed to the use of synthetic materials, with the elimination of genetically modified organisms and ionising radiations in any stage of the production process, processing, storage, distribution and trading, while protecting the environment;

XVIII – production unit: a venture devoted to the production, handling or processing of organic products; and

XIX – direct selling: a direct trading relationship between the producer and the end consumer without intermediation; an agent will be accepted, as long as they are the producer or a member of their family who takes part in the production process and in their own organisational framework.

CHAPTER II GUIDELINES

Art. 3. The guidelines for organic agriculture are as follows:

I – contribution of the organic production network towards sustainable local, social and economic development;

II – maintenance of continuing efforts by the organic production network in order to conform to environmental and labour legislations concerning the production unit as a whole;

III – development of locally organised agricultural and livestock systems based on renewable resources;

IV – encouragement for the organic production network integration and regionalisation of production and trading, including the stimulation of a direct relationship between producer and end consumer;

V – inclusion of sustainable practices throughout the process, from the choice of product to be cultivated to its placement in the market, including the management of production systems and residues generated;

VI – preservation of the biological diversity of natural ecosystems and reconstruction or development of the biological diversity of modified ecosystems where the production system is located, with special attention to species threatened with extinction;

VII – working relationships based on fair, dignified and equal treatment, without consideration to any form that the work contract may take;

VIII –responsible consumption, fair and solidary trade based on ethical procedures;

IX – the offer of healthy products, free from contaminants derived from the intentional use of products and processes that may produce them, and putting at risk the environment and the health of producers, workers or consumers;

X – the use of management and processing good practices with the purpose of maintaining the organic integrity and the vital qualities of the product during all phases;

XI – the employment, at the production unit, of practices that consider the healthy use of the soil, water and air, so as to reduce all forms of contamination of and waste in these elements to a minimum;

XII – the use of production management practices that preserve the well-being of animals;

XIII – to increase the means necessary to the development and balance of the soil's biological activity;

XIV – the employment of products and processes that maintain or increase soil fertility in the long term;

XV – the recycling of organic residues, thereby reducing the use of non-renewable resources to a minimum; and

XVI – the progressive conversion of the whole production unit into an organic system.

TITLE II GENERAL PROVISIONS

CHAPTER I WORKING RELATIONSHIPS

Art. 4. The tradition, culture and social organisation mechanisms of local traditional communities shall be respected within working relationships under special conditions.

Art. 5. The access of workers to basic services and a safe, healthful, orderly and clean working environment must be observed at all organic production units.

§ 1. The employer is hereby responsible for the safety, information and training of workers referred to in the *caput*.

§ 2. Organic quality assurance bodies may demand that employers sign a term of affirmation with their employees, including measures to be taken in favour of the continuous improvement of their quality of living.

CHAPTER II

PRODUCTION

Section I Conversion

Art. 6. An area within a production unit shall only be considered organic after a period of conversion has been observed.

§ 1. The period of conversion shall vary according to the type of exploration and prior use of the unit, with consideration to the present socioenvironmental situation.

§ 2. The activities to be carried out during the conversion period must be established in a production unit organic management plan.

Section II Parallel Production

Art. 7. Parallel production is allowed at production units and establishments that grow, raise or process organic products.

§ 1. In areas and establishments where parallel production takes place, the organic products must be clearly separated from non-organic products and a description of the production process, processing and storage shall be required.

§ 2. Where there is a processing unit for both organic and non-organic products, the processing of organic products must be carried out in total isolation from non-organic products, be it relation to the processing area or the processing times.

§ 3. All production units and production establishments, whether organic or non-organic, shall be the object of control by the conformity assessment body or the social control organisation of which the direct selling family farmer is a member.

Art. 8. Any raw materials, inputs, medicines and substances used in non-organic production at production units or establishments involved with the parallel production of organic products, shall be kept under rigorous control at an isolated and appropriate location.

Only paragraph. Non-organic production as referred to in the *caput* shall not contain genetically modified organisms.

Section III Technical Regulations for Production

Art. 9. It falls to the Ministry of Agriculture, Livestock and Supply to lay down technical regulations for the obtainment of organic products, independently or together with other Ministries.

§ 1. The regulations referred to in the *caput* shall contemplate animal and agricultural production, organic sustainable extractivism, processing, packaging, labelling, transportation, storage and trading.

§ 2. The regulations for the products of organic sustainable extractivism shall apply only to products for which organic identification is being sought.

§ 3. Processing regulations shall be the result of a joint act by the Ministry of Agriculture, Livestock and Supply and the Ministry of Health.

§ 4. Organic sustainable extractivism regulations shall be the result of a joint act by the Ministry of Agriculture, Livestock and Supply and the Ministry of Health.

§ 5. Regulating processes shall contemplate the participation of the committees provided for in Article 33.

Section IV Good Practices

Art. 10. It falls to the Ministry of Agriculture, Livestock and Supply to lay down a good practices manual for organic production, independently or together with other Ministries.

Only paragraph. The manual provided for in the *caput* shall guide the continuous improvement of organic production systems through the progressive adoption of good management practices whenever conditions for such are verified.

CHAPTER III TRADING

Section I Internal Market

Art. 11. Organic products meant for trading in the domestic market shall comply with the provisions herewith as well as other legal provisions.

Art. 12. Organic products shall be protected at all moments from being mixed with non-organic products and from coming into contact with materials and substances unauthorised for use in organic production.

Art. 13. Organic products susceptible to contamination by contact or that cannot be visually distinguished must be identified and kept separate from other, non-organic products.

Art. 14. Retailers must identify and keep organic products susceptible to contamination by contact or that cannot be visually distinguished from others in an enclosed area to contain organic products only.

Art. 15. All organic products sold in bulk must display the identity of its supplier while being exhibited.

Art. 16. Any restaurants, hotels, snack bars and similar premises advertising meals prepared with organic ingredients in their menus shall do as follows:

I - keep an updated list at the disposal of consumers including organic items on offer, items prepared with organic ingredients and their suppliers of organic products;

II – when requested by surveillance bodies, to present the directions of their organic produce suppliers, the quantities of organic products purchased and traded.

Art. 17. When selling organic products directly to consumers, family farmers shall make available to them their proof of registration with the surveillance body mentioned in Article 22 of this Decree.

Section II Exporting

Art. 18. Any export products complying with country of destination or importing country requirements implying in the use of products or processes not allowed by Brazilian regulation shall not be traded as organic.

Only paragraph. The products mentioned in the *caput* shall not be granted the seal of the Brazilian organic conformity assessment system.

Section III Importing

Art. 19. In order to be traded within the country as organic products, any imported organic products must be in compliance with Brazilian organic production regulations.

§ 1. For the purposes of the provision in the *caput*, the product must::

I – bear a certification granted by an organic conformity assessment body accredited by the Ministry of Agriculture, Livestock and Supply; or

II – come from a country signatory of an agreement of equivalence or of mutual recognition of organic conformity assessment systems with Brazil.

§ 2. Any imported products subjected to quarantine treatment not compatible with Brazilian organic production regulation shall be stripped off their organic condition.

CHAPTER IV QUALITY INFORMATION

Section I Labelling

Art. 20. Further to compliance with specific technical regulations in force for the product being labelled, any products included in the Brazilian Organic Conformity Assessment System shall comply with the requirements for labelling organic products and bear the System's seal.

Art. 21. Only products traded directly with consumers and verified by a conformity assessment body accredited by the Ministry of Agriculture, Livestock and Supply may bear the seal of the Brazilian Organic Conformity Assessment System.

Only paragraph. The following expression shall be displayed either at the product's trading point or on its label: organic product not subject to certification according to the provisions of Law no. 10831 of 23rd December, 2003.

Section II Identification for Direct Selling

Art. 22. The Ministry of Agriculture, Livestock and Supply shall lay down rules for the identification of family farmers trading directly with consumers, according to the provisions of Article 17 of this Decree.

Only paragraph. The rules mentioned in the *caput* must contemplate the issuance of a proof of registration of the family farmer by the surveillance body.

Section III Advertising and Publicity

Art. 23. The use of expressions, titles, trademarks, pictures or any other mode of information capable of inducing the consumer into error as to the assurance of the organic quality of the products being offered are hereby forbidden when advertising and publicising products not produced by organic production systems.

CHAPTER V INPUTS

Art. 24. The Ministry of Agriculture, Livestock and Supply shall lay down mechanisms to prioritise and simplify the registration of inputs approved for use in organic agriculture.

Only paragraph. In the case of inputs requiring the participation of other bodies for their registration, the mechanisms in the *caput* shall be laid down together with the other competent federal bodies, with consideration to the same priority and simplification principles as long as it does not imply in any risks to health or environment.

TITLE III CONTROL MECHANISMS

Art. 25. Any individuals or legal entities, whether governed by public or private law, producing, transporting, trading or storing organic products are hereby obliged to regularise their activities with the competent bodies.

CHAPTER I RESPONSIBILITIES OF THE PARTIES

Art 26. The regularisation provided for in Art. 25 shall comply with the requirements laid down for family farmers selling directly without certification and, in all other cases, to the requirements laid down by the Brazilian Organic Conformity Assessment System, all peculiarities and restrictions observed, as defined for each of them.

Art. 27. In order to keep the integrity of the Brazilian Organic Conformity Assessment System, formal agreements shall be signed by producers, accredited organic conformity assessment bodies and the Ministry of Agriculture, Livestock, and Supply, including, in particular, the definition of responsibilities.

§ 1. The producers are responsible for:

I – following technical regulations;

II – consenting to the performance of audits, including those performed by the accredited organic conformity assessment body;

III – supplying accurate information within the stipulated period;

IV – supplying information about their participation in other activities related with the scope but not included in the certification process;

V – informing the accredited organic conformity assessment body of any changes to their trading and production system.

§ 2. The accredited organic conformity assessment bodies are responsible for updating any information about and related to the producers in the national register of organic producers.

§ 3. The Ministry of Agriculture, Livestock and Supply is responsible for keeping the national register of organic conformity assessment bodies and the national register of organic producers.

CHAPTER II SOCIAL CONTROL AT DIRECT SELLING WITHOUT CERTIFICATION

Art. 28. In order to trade directly with consumers with no certification, family farmers must be part of a social control organisation registered with the Ministry of Agriculture, Livestock and Supply or another federal, state or district surveillance body signing a covenant with it.

§ 1. In the case provided for in the *caput*, family farmers will have to warrant the traceability of their products and grant free access to production and processing locations by surveillance bodies and consumers alike.

§ 2. In order to sign a covenant with the Ministry of Agriculture, Livestock and Supply to control direct selling without certification, the federal, state or district body must have among its staff employees with powers to carry out surveillance activities and who are trained to work with organic agriculture.

§ 3. The Ministry of Agriculture, Livestock and Supply shall lay down an act containing the procedures for the registration provided for in the *caput*, in consultation with the Ministry of Agrarian Development and the Ministry of the Environment.

CHAPTER III THE BRAZILIAN ORGANIC CONFORMITY ASSESSMENT SYSTEM

Section I Objective

Art. 29. The Brazilian Organic Conformity Assessment System is hereby instituted and is integrated by Federal Public Administration bodies and legal entities, and by conformity assessment bodies accredited by the Ministry of Agriculture, Livestock and Supply for this purpose.

§ 1. The States and the Federal District may become part of the Brazilian Organic Conformity Assessment System by signing covenants for this purpose with the Ministry of Agriculture, Livestock and Supply, acting as the Union representative.

§ 2. The Brazilian Organic Conformity Assessment System is formed by the Participative Organic Quality Assurance Systems and by Certification by Audit.

Art. 30. The Brazilian Organic Conformity Assessment System shall be identified by a unique seal throughout the national territory.

Only paragraph. The seal shall aggregate the identification of the organic conformity assessment system employed.

Art. 31. The Brazilian Organic Conformity Assessment System shall be managed by the Ministry of Agriculture, Livestock and Supply.

Only paragraph. It falls to the Ministry of Agriculture, Livestock and Supply to accredit, follow up and surveil the organic conformity assessment bodies.

Art. 32. The Ministry of Agriculture, Livestock and Supply, in articulation with the other bodies responsible for registering organic products, shall be responsible for surveilling the compliance with organic production regulations at registered producers.

§ 1. The Ministry of Agriculture, Livestock and Supply shall develop the means to receive and process information related with the registration and control actions in the *caput* as a means of information support for the Brazilian Organic Conformity Assessment System.

§ 2. The bodies responsible for registering and controlling the products provided for in the *caput* shall be responsible for passing on to the Agroforestry Coordination of the Secretariat for Agricultural and Livestock Development and Cooperativism of the Ministry of Agriculture, Livestock and Supply:

I – information relating to any infringements detected; and

II – the name of the organic conformity assessment body responsible for assuring the quality of the product targeted for infringement.

Section II Committees

Art. 33. The Ministry of Agriculture, Livestock and Supply shall organise Organic Production Committees at every Federation Unit (CPOrg-UF) as part of each Federal Superintendence of Agriculture, and a National Organic Production Committee (CNPOrg) as part of the Agroforestry Coordination, with the purpose of helping the actions necessary to the development of organic production, based on integration among the various organic production network agents in the public and private sectors, and the effective participation of society in the planning and democratic management of public policies.

§ 1. The committees will be formed in equal proportions and status by members of the public sector and the civil society with a proven track record in organic production.

§ 2. The minimum and maximum number of participants in the committees shall correspond to the different realities of each Federation Unit.

§ 3. The constitution of the National Organic Production Committee shall warrant the presence of at least one private sector representative from each geographic region.

§ 4. Public sector members of the Organic Production Committees at every Federation Unit shall represent different segments, wherever possible, such as: technical assistance, research, education, financing and control.

§ 5. Private sector members of the Organic Production Committees at every Federation Unit shall represent different segments, wherever possible, such as: production, processing, trading, technical assistance, conformity assessment, education, input production, social mobilisation and consumer protection.

Art. 34. The duties of the National Organic Production Committee are:

I – to issue opinions on organic production regulations considering the manifestations of the Organic Production Committees at every Federation Unit;

II – to propose regulations with the purpose of improving the organic production network on the domestic and international levels, considering the proposals presented by the Organic Production Committees at every Federation Unit;

III – to assist the Brazilian Organic Conformity Assessment System;

IV – to articulate and encourage the creation of sector and territorial forums to improve representation of the social movement involved with organic production;

V – to discuss and propose standings to be adopted by Brazilian representatives at domestic and international forums on organic production, consolidating the standings of the Organic Production Committees at every Federation Unit; and

VI – to guide and suggest activities to be developed by the Organic Production Committees at every Federation Unit.

Art. 35. The duties of the Organic Production Committees at every Federation Unit are:

I – to issue opinions on organic production regulations;

II – to propose regulations to the National Organic Production Committee with the purpose of improving the organic production network on domestic and international level

III – to assist the Brazilian Organic Conformity Assessment System;

IV – to contribute with the development of a database of specialists capable of acting in the initial accreditation process;

V – to articulate and encourage the creation of sector and territorial forums to improve representation of the social movement involved with organic production;

VI – to discuss and propose standings to be adopted by Brazilian representatives at domestic and international forums on organic production; and

VII – to issue opinions on accreditation requests from organic conformity assessment bodies.

Section III **Organic Conformity Assessment Bodies**

Art. 36. The conformity assessment bodies shall be legal entities governed by public or private law, for-profit or non-profit, previously accredited by the Ministry of Agriculture, Livestock and Supply.

§ 1. Legal entities governed by public law accredited to perform organic production conformity assessments cannot be cumulatively responsible for surveillance procedures related with the organic production.

§ 2. The conformity assessment bodies accredited for certification by audit shall not engage in activities related with the technical assistance of production units.

Section IV Participative Organic Quality Assurance Systems

Art. 37. The Ministry of Agriculture, Livestock and Supply, the Ministry of Agrarian Development and the Ministry of the Environment shall provide support for the construction of the Participative Organic Quality Assurance Systems.

Subsection I Operations of the Participative Organic Quality Assurance Systems

Art. 38. Each Participative Organic Quality Assurance System (SPG) shall be composed by the body of its members and by a participative conformity assessment body accredited by the Ministry of Agriculture, Livestock and Supply.

§ 1. The following are considered to be system members: producers, traders, transporting agents, storage agents, consumers, technicians and public or private organisations in operation in the organic production network.

§ 2. For the purposes of the provisions of § 1, producers are considered to be any individual farmers, associations, cooperatives, condominiums and other forms of organisation, whether formal or informal.

§ 3. The participative conformity assessment body provided for in the *caput* must be a corporate entity and its formal duties and responsibilities in the Participative Organic Quality Assurance System must be included in its bylaws.

§ 4. The participative conformity assessment body shall have as part of its structure at least one assessment committee and one resources council, to be constituted by representatives of the system's members.

§ 5. If the participative conformity assessment body is formed as part of an existing organisation, its bylaws shall include the creation of a specific sector for the purpose of carrying out organic conformity assessments, which is to have its own management mechanism.

Art. 39. The participative conformity assessment body shall keep all registers that warrant the traceability of products under organic conformity assessment.

Subsection II

Accreditation of the Participative Conformity Assessment Bodies

Art. 40. The participative conformity assessment body shall request its accreditation as organic conformity assessment body from the Ministry of Agriculture, Livestock and Supply, and it shall fulfil the following requirements:

I – to submit its bylaws and a formal declaration identifying the scope of its operations;

II – to submit the register of production units assessed by it in the role of participative organic production conformity assessment body or a declaration that there are no projects being followed up; and

III – to obtain an opinion from the Organic Production Committee, established according to the provisions of Article 34, at the Federal Superintendence of Agriculture of the Federation Unit where its headquarters are located.

Art. 41. The accreditation must be preceded by an audit to be performed under the responsibility of the Ministry of Agriculture, Livestock and Supply, with the purpose of verifying whether the legal requirements are being complied with.

Only paragraph. The specialists that will constitute the audit teams must have proven experience and professional qualifications compatible with the scope of their operations, as requested by the participative conformity assessment body.

Art. 42. The accreditation request may be rejected by a justified opinion from the Agroforestry Coordination of the Ministry of Agriculture, Livestock and Supply.

Only paragraph. Recourse against rejection of the accreditation request may be presented to the Directory of the Production and Sustainability Systems Department of the Ministry of Agriculture, Livestock and Supply, in the form and at a time period to be fixed by a ministerial decree.

Art. 43. The accredited organic conformity assessment body may request an extension of scope to its accreditation by submitting further documentation.

Only paragraph. The Organic Production Committee at the Federation Unit in charge shall issue an opinion, and the Agroforestry Coordination of the Ministry of Agriculture, Livestock and Supply shall define whether there is need for a new audit.

Art. 44. The accreditation process for scopes including products under the competence of other bodies shall be carried out with the participation of the said bodies in the form laid down by the Ministry of Agriculture, Livestock and Supply.

Section V

Certification by Audit

Subsection I

Operation of the Certification by Audit

Art. 45. Organic certification is a procedure carried out at production and trading units with the purpose of assessing and assuring their conformity to technical regulations.

Art. 46. Granting of the certification or its maintenance shall be preceded by an audit performed by a conformity assessment body accredited by the Ministry of Agriculture, Livestock and Supply, with the purpose of assessing conformity to organic production rules.

Only paragraph. The procedures used during the certification process shall follow internationally recognised criteria for certification bodies, as well as special requirements laid down by Brazilian organic production technical regulation.

Art. 47. Fixing a certification charge based solely on a percentage over the certified production, whether in relation to the size of the area or the quantity of products to be certified is hereby forbidden.

Subsection II

Accreditation of Certification Bodies

Art. 48. Certification bodies must be accredited by the Ministry of Agriculture, Livestock and Supply according to details to be laid down in complementary rules.

Art. 49. The accreditation of certification bodies by the Ministry of Agriculture, Livestock and Supply shall be preceded by an initial accreditation phase to be carried out by Inmetro.

§ 1. For the purposes of the provisions in the *caput*, Inmetro shall publish a special act laying down the technical requirements and the procedures necessary to the initial accreditation process, using internationally recognised criteria for certification bodies, as well as any special requirements laid down in Brazilian technical regulations for organic production.

§ 2. The costs for the initial accreditation shall be borne by legal entities governed by public or private law interested in obtaining accreditation as organic conformity assessment bodies. Inmetro may only apply charges to cover for the disbursements with the initial accreditation.

Art. 50. Once the initial Inmetro accreditation process has been concluded, the interested party shall request its accreditation as an organic conformity assessment body from the Ministry of Agriculture, Livestock and Supply, for which it shall comply with the following requirements:

I – to present a voucher document of accreditation by Inmetro linked to the requested scope;

II – to present the register of certified production units, if the interested party is already operating in the certification of organic production, or a declaration that there are no certified projects;

III – to present the résumé of all inspectors indicated, who must be regularly registered with the relevant professional council; and

IV – to obtain an opinion from the Organic Production Committee, established as per the provisions of Article 34, at the Federal Superintendence of Agriculture of the Federation Unit where its headquarters are located.

Art. 51. The initial accreditation and the accreditation processes shall be based on a single audit that should fulfil the requirements for both processes.

§ 1. The audit teams shall be composed by professionals chosen by the bodies involved in the initial accreditation and the accreditation process in cooperation with each other.

§ 2. The specialists that will make up the audit teams shall have proven experience and professional training compatible with the scope of operations required by the conformity assessment body.

Art. 52. The accreditation request may be rejected by a justified opinion from the Agroforestry Coordination of the Ministry of Agriculture, Livestock and Supply.

Only paragraph. Recourse against rejection of the accreditation request may be presented to the Directory of the Production and Sustainability Systems Department of the Ministry of Agriculture, Livestock and Supply, in the form and at a time period to be fixed by a ministerial decree.

Art. 53. The accredited certification body may request an extension of the accreditation to another scope of certification by presenting complementary documents and the curricula of inspectors regularly registered with the relevant professional councils.

Only paragraph. The organic production committee in charge shall issue a technical opinion and the Agroforestry Coordination of the Ministry of Agriculture, Livestock and Supply shall define whether there is need for a new audit.

Art. 54. The accreditation of certification bodies to operate in organic certification shall not be delegated to other parties.

Only paragraph. In the case certification scopes encompassing products under the competence of other bodies, these shall participate in the accreditation process in the form established by the Ministry of Agriculture, Livestock and Supply

CHAPTER IV SURVEILLANCE

Section I Competence

Art. 55. The procedures carried out as part of the surveillance and inspection of the production, handling, industrialisation, circulation, storage, distribution, trading and certification of national and foreign organic products shall comply with the provisions of this Decree and further

applicable legislation, according to the administrative scopes of the Ministry of Agriculture, Livestock and Supply, the Ministry of the Environment and the Ministry of Health, depending on the nature of the product.

Art. 56. Inspection and surveillance operations shall be carried out permanently and shall constitute routine activities.

Art. 57. Covenants may be signed with State Governments and the Federal District for the provision of services related with the inspection and surveillance provided for in this Decree.

Section II Level of Inspection and Surveillance

Art. 58. The inspection and surveillance provided for in this Decree shall be carried out at production units, commercial and industrial establishments, cooperatives, public bodies, ports, airports, border posts, vehicles or means of transportation and any other areas where production, improvement, handling, industrialisation, packing, stacking, transportation, distribution, trading, storage, import and export of organic products can be verified.

Only paragraph. The surveillance provided for in this article is hereby extended to the advertising and publicity of organic products, without consideration to the medium employed for its publicity.

Art. 59. When requested by the surveillance and inspection bodies, any individuals or legal entities involved with the production, improvement, transformation, packing, storage, transportation, distribution and trading of organic products are hereby obliged to supply information and explanations concerning the products and production processes, to supply documents and to facilitate sampling.

Art. 60. The official analysis methods, including sampling, analysis, interpretation of results and official analysis certificate models shall be previously defined by the Ministry of Agriculture, Livestock and Supply.

Section III Inspection and Surveillance Documents

Art. 61. The inspection and surveillance documents are as follows:

I – writ of infraction;

II – notice of judgement; and

III – records of:

a) inspection;

b) notification;

- c) arrest;
- d) destination of raw materials, products, or equipment;
- e) sampling;
- f) destruction;
- g) release;
- h) interdiction;
- i) reuse;
- j) addendum; and
- k) default.

Only paragraph. Official form models and information elements provided for in this article shall be defined by the Ministry of Agriculture, Livestock and Supply.

Section IV Duties

Art. 62. The inspection and surveillance provided for in this Decree shall be carried out by public officials with a university degree, trained and authorised by the competent body, with professional training compatible with the duties performed.

Only paragraph. When on duty, the surveillance agents shall display their credentials whenever requested to do so.

Section V Duties of the Surveillance Agents

Art. 63. Surveillance agents on duty shall have access to the means of production, improvement, handling, transformation, packing, storage, transportation, distribution, trading and organic conformity assessment of the products included in this Decree in order to carry out the following duties:

I – to perform technical audits on production methods and processes, and organic conformity assessment processes;

II – to collect the necessary samples and to perform microbiological, biological, physical and chemical determinations of raw materials, inputs, by-products, production, improvement and transformation residues, as well as of the soil, water, plant and animal tissues and finished products, and transcript the relevant record;

III – to perform routine inspections in order to investigate the existence of infractions or events that could render the products susceptible to change, verifying the adequacy of production processes, improvement, handling, transformation, packing, storage, transportation, distribution, trading and organic conformity assessment, including the transcription of the relevant records;

IV – to verify whether conditions related with environmental quality and work relations are being observed, including notification of the competent body when necessary;

V – to verify the origin and condition of products, when they are exhibited for sale;

VI – in conformity with this Decree, to enforce penalties arising from administrative processes in accordance to the terms of the sentence, as well as to give destination to raw materials, inputs, products, by-products or residues from production, improvement or industrialisation, including the transcription of the relevant records;

VII – to apprehend any products, inputs, raw materials or any other substances not in conformity with this Decree found at production, handling, transportation, storage, distribution and trading sites, especially in cases where there is indication of fraud, forgery, alteration, deterioration or danger to human health, including the transcription of the relevant records;

VIII – to follow up on the phases of receipt, conservation, handling, preparation, stacking, transportation and stocking of products;

IX – to examine product packages and labels;

X – to transcript the writ of infraction; and

XI – to summon, within the scope of their competence, to take corrective measures and to present documents necessary to the investigation procedures or investigation of adulteration, fraud or forgery.

CHAPTER V SURVEILLANCE MEASURES

Section I Provisional Remedies

Art. 64. Where there is indication of adulteration, forgery, fraud or non-compliance with legal provisions, the following provisional remedies may be taken:

I – temporary apprehension of products;

II – temporary interdiction of premises;

III – temporary removal from the register of family farmers authorised for direct selling without certification; and

IV – temporary suspension of accreditation as organic conformity assessment body.

Only paragraph. The remedies provided for in the *caput* shall remain until the analyses, visits or audits have been concluded and results are presented in relation to the evidences that have given rise to them.

Section II Summons

Art. 65. In cases related with the adaptation of product generation processes to the principles of organic animal and agricultural production, as well as the request of documents and other arrangements that do not constitute an infraction, the legal instrument for such redress shall be the summons.

Art. 66. With basis on the legal provisions in force, the summons shall specifically mention the arrangements required, the term for its execution and, when relevant, a schedule for its execution.

Only paragraph. The time period laid down in the summons may be extended by the judging authority upon presentation of a justified written request by the interested party.

Art. 67. If the time period stipulated in the summons elapses without compliance with the demands, a writ of infraction shall be transcribed.

Section III Apprehension

Art. 68. The apprehension of products, inputs, raw materials, substances, additives, packages or labels will be admitted where there is adulteration, forgery, fraud or non-observance of legal provisions.

Art. 69. Products may also be apprehended if they are produced, improved, handled, industrialised, stacked, packed, transported, stored or traded in disagreement with legal requirements.

Art. 70. Once the Notice of Apprehension has been transcribed, the surveillance authority shall adopt procedures to investigate the irregularity verified.

Art. 71. The apprehended product shall remain under the custody of the legal person in charge who will be named its custodian, being hereby forbidden its substitution, subtraction or removal, in total or in part, until the relevant administrative investigation of the infraction has been concluded.

Only paragraph. To the discretion of the surveillance authority and where there is need to remove, change, adapt, substitute or any other arrangement related with the apprehended raw materials, products or equipment, a notice of destination of raw materials, product or equipment will be transcribed and, according to the circumstances, a new notice of apprehension shall be transcribed.

Art. 72. If the apprehension is justified, the surveillance authority shall transcribe the writ of infraction and initiate the administrative proceeding, during which the product will remain apprehended up to conclusion.

Art. 73. If the apprehension is not justified, the product shall be released immediately after the conclusion of the administrative investigation.

Art. 74. Any unjustified refusal by a person legally in charge of an establishment or by an individual holding the product of an apprehension as its custodian shall imply in obstruction to the surveillance action and shall result in their submission to the sanctions laid down, in which case a writ of infraction shall be transcribed.

CHAPTER VI PROHIBITIONS

Art. 75. It is forbidden to produce, improve, handle, industrialise, process, pack, store, trade, offer, distribute, advertise and transport organic products not in conformity with legal provisions.

Art. 76. It is hereby forbidden to acquire, store or use raw materials, animal or crop multiplication material, animals, inputs, food for animals, medicines or any substances not in accordance with legal provisions at production units and establishments destined solely for the generation or organic products.

Only paragraph. The *caput* does not apply to cases where usage of the said substances is admitted as an emergency or in exceptional cases laid down by law.

Art. 77. The use of any production method or process, processing, management, reproduction, collection, control or pests and disease prevention not in accordance with legal provisions is hereby forbidden at production units and establishments destined solely for the generation or organic products.

Only paragraph. The *caput* does not apply to cases where usage of the said substances is admitted as an emergency or in exceptional cases laid down by law.

Art. 78. Establishments where there is a specific, isolated and duly identified area for the exhibition, offer and trading of organic products are hereby forbidden to mix the said products, under any pretext, with others not coming from organic agricultural and livestock production systems.

CHAPTER VII ADMINISTRATIVE PENALTIES

Art. 79. Without loss to the applicable civil and criminal responsibilities, the infringement of legal requirements to the organic production shall subject the infractor to the application of the following sanctions, whether in isolation or accumulation:

I - warning;

II – a fine of up to R\$ 1,000,000.00 (one million Reais);

III - suspension of product trading;

IV - condemnation of products, labels, packages and raw materials;

V – destruction of product;

VI - suspension of accreditation, certification, authorisation, registration or license; and

VII – cancellation of accreditation, certification, authorisation, registration or license.

§ 1. Investigation of infractions under the jurisdiction of the Ministry of Agriculture, Livestock and Supply does not require the application of legislation under the competence of other Public Administration bodies.

§ 2. When the infraction constitutes a crime or misdemeanour, the judging authority shall submit a representation to the competent body for an investigation of criminal responsibility.

Art. 80. The sanctions provided for in Art. 82 of this Decree shall be applied according to the nature of the infraction, the circumstances in which it was committed and the relevance of the losses it may cause.

Art. 81. When the same infraction relates to more than one provision of this Decree, the relation of preference shall be that which is more specific as opposed to the more generic, for the purpose of punishment.

Art. 82. For the purpose of enforcing penalties, any attenuating and/or aggravating circumstances shall be taken into account.

Art. 83. Attenuating circumstances are considered to be as follows:

I – the actions of the infractor have not been fundamental for the consecution of the infraction;

II – the infractor has not committed a crime previously and the fault has been committed accidentally; and

III – the infractor has voluntarily tried to mitigate or redress the consequences of the offensive act ascribed to them.

Art. 84. Aggravating circumstances are considered to be as follows:

I – specific or general recidivation on the part of the infractor;

II – the infractor has committed the infraction to obtain advantage;

III – the infraction causes harmful consequences to public health or to the environment, as well as financial loss to the consumer;

IV – the infractor has knowledge of his offensive act and fails to adopt the necessary measures in order to avoid it;

V – the infractor has acted with fraud and ill-faith;

VI – the infractor has placed an obstacle to or has obstructed the action of the surveillance inspection; and

VII – the infractor has substituted, subtracted or removed, in total or in part, the goods apprehended without authorisation from the surveillance body.

Only paragraph. Where there is accumulation of attenuating and aggravating circumstances, the sanction imposed shall be considered by reason of the predominant circumstance.

CHAPTER VIII APPLICABLE INFRACTIONS AND PENALTIES

Section I Conformity Assessment Bodies

Art. 85. Displaying incorrect information in the register of organic producers or not updating them properly.

Penalty: warning, a fine ranging from R\$ 100.00 (one hundred Reais) to R\$ 20,000.00 (twenty thousand Reais), suspension of accreditation, certification, authorisation, registration or license; and cancellation of accreditation, certification, authorisation, registration or license, applied in accumulation or not.

Art. 86. Installing or operating an organic conformity assessment body without previous accreditation by the Ministry of Agriculture, Livestock and Supply or not in accordance with the legal provisions laid down in these Regulations and additional legislation.

Penalty: warning, a fine ranging from R\$ 5,000.00 (five thousand Reais) to R\$ 500,000.00 (five hundred thousand Reais), suspension of accreditation, certification, authorisation, registration or license; and cancellation of accreditation, certification, authorisation, registration or license, applied in accumulation or not.

Art. 87. Not complying with demands within the appointed period as per notification served.

Penalty: application of the highest penalty among those provided for the infraction that generated the notification.

Art. 88. Attesting to the organic quality of a product or production process that does not comply with technical, environmental, economic and social requirements defined in these Regulations and in further legislation.

Penalty: warning, fine, suspension of accreditation, certification, authorisation, registration or license; and cancellation of accreditation, certification, authorisation, registration or license, applied in accumulation or not.

§ 1. Where a fine is charged, the amount shall be equivalent to up to 250% (two hundred and fifty per cent) the trading value of the irregular product, up to the limit of R\$ 1,000,000.00 (one million Reais).

§ 2. When it is not possible to apply the provision in § 1, a fine will be charged in an amount to vary from R\$ 100.00 (one hundred Reais) up to the limit of R\$ 1,000,000.00 (one million Reais).

Section II **Producers, Traders, Transporting agents and Storage Agents**

Art. 89. Distributing any form of propaganda, publicity or product presentation containing the name, symbol, drawing, picture or any indication that may induce into error as to the origin, nature or organic quality of the product, or to attribute to it features or qualities it does not possess.

Penalty: warning, fine, suspension of product trading, condemnation of products, labels, packages and raw materials or product destruction, applied in accumulation or not.

§ 1. Where a fine is charged, the amount shall be equivalent to up to 250% (two hundred and fifty per cent) the trading value of the irregular product, up to the limit of R\$ 1,000,000.00 (one million Reais).

§ 2. When it is not possible to apply the provision in § 1, a fine will be charged in an amount to vary from R\$ 100.00 (one hundred Reais) up to the limit of R\$ 1,000,000.00 (one million Reais).

Art. 90. Trading non-certified organic products or, when selling directly to the consumer according to the provisions of § 1, Art. 3 of Law No. 10831 of 2003, trading without presentation of proof of registration of the family farmer in an organisational framework registered with the Ministry of Agriculture, Livestock and Supply.

Penalty: warning, fine, suspension of product trading, condemnation of products, labels, packages and raw materials or product destruction, applied in accumulation or not.

§ 1. Where a fine is charged, the amount shall be equivalent to up to 250% (two hundred and fifty per cent) the trading value of the irregular product, up to the limit of R\$ 1,000,000.00 (one million Reais).

§ 2. When it is not possible to apply the provision in § 1, a fine will be charged in an amount to vary from R\$ 100.00 (one hundred Reais) up to the limit of R\$ 1,000,000.00 (one million Reais).

Art. 91. Not complying with demands within the appointed period as per notification.

Penalty: application of the highest penalty among those provided for the infraction that generated the notification.

Art. 92. Impeding or rendering difficult the surveillance action by any means.

Penalty: warning, a fine ranging from R\$ 100.00 (one hundred Reais) to R\$ 10,000.00 (ten thousand Reais), suspension of accreditation, certification, authorisation, registration or license; and cancellation of accreditation, certification, authorisation, registration or license, applied in accumulation or not.

Art. 93. Trading, substituting, subtracting or removing, totally or in part, a product suspended from trading by the surveillance body.

Penalty: fine, suspension or cancellation of accreditation, certification, authorisation, registration or license applied in accumulation or not.

§ 1. Where a fine is charged, the amount shall be equivalent to up to 250% (two hundred and fifty per cent) the trading value of the irregular product, up to the limit of R\$ 1,000,000.00 (one million Reais).

§ 2. When it is not possible to apply the provision in § 1, a fine will be charged in an amount to vary from R\$ 500.00 (five hundred Reais) up to the limit of R\$ 1,000,000.00 (one million Reais).

Art. 94. Distributing, substituting, subtracting or removing, totally or in part, products, labels packages or raw materials condemned by the surveillance body without its prior authorisation.

Penalty: fine, suspension or cancellation of accreditation, certification, authorisation, registration or license applied in accumulation or not.

§ 1. Where a fine is charged, the amount shall be equivalent to up to 250% (two hundred and fifty per cent) the trading value of the irregular product, up to the limit of R\$ 1,000,000.00 (one million Reais).

§ 2. When it is not possible to apply the provision in § 1, a fine will be charged in an amount to vary from R\$ 500.00 (five hundred Reais) up to the limit of R\$ 1,000,000.00 (one million Reais).

Art. 95. Making a false declaration before the surveillance body.

Penalty: warning, fine, suspension or cancellation of accreditation, certification, authorisation, registration or license, applied in accumulation or not.

§ 1. Where a fine is charged, the amount shall be equivalent to up to 250% (two hundred and fifty per cent) the trading value of the irregular product, up to the limit of R\$ 500,000.00 (five hundred thousand Reais).

§ 2. When it is not possible to apply the provision in § 1, a fine will be charged in an amount to vary from R\$ 500.00 (five hundred Reais) up to the limit of R\$ 500,000.00 (five hundred thousand Reais).

Art. 96. Exhibiting for sale or trading a product as being organic without observance of the conversion period laid down in the rules in force.

Penalty: warning, fine, suspension of product trading, suspension or cancellation of accreditation, certification, authorisation, registration or license, applied in accumulation or not.

§ 1. Where a fine is charged, the amount shall be equivalent to up to 250% (two hundred and fifty per cent) the trading value of the irregular product, up to the limit of R\$ 100,000.00 (one hundred thousand Reais).

§ 2. When it is not possible to apply the provision in § 1, a fine will be charged in an amount to vary from R\$ 100.00 (one hundred Reais) up to the limit of R\$ 100,000.00 (one hundred thousand Reais).

Art. 97. Packing, exhibiting for sale or trading organic products using labels or identification not in accordance with the provisions defined in these Regulations and further legislation.

Penalty: warning, fine, suspension of product trading, suspension or cancellation of accreditation, certification, authorisation, registration or license applied in accumulation or not.

§ 1. Where a fine is charged, the amount shall be equivalent to up to 250% (two hundred and fifty per cent) the trading value of the irregular product, up to the limit of R\$ 100,000.00 (one hundred thousand Reais).

§ 2. When it is not possible to apply the provision in § 1, a fine will be charged in an amount to vary from R\$ 100.00 (one hundred Reais) up to the limit of R\$ 100,000.00 (one hundred thousand Reais).

Art. 98. Transporting, trading or storing organic products together with non-organic products without duly isolating and identifying them, or in a manner that impairs its organic quality or induces the consumer into error.

Penalty: warning, fine, suspension of product trading, suspension or cancellation of accreditation, certification, authorisation, registration or license applied in accumulation or not.

§ 1. Where a fine is charged, the amount shall be equivalent to up to 250% (two hundred and fifty per cent) the trading value of the irregular product, up to the limit of R\$ 100,000.00 (one hundred thousand Reais).

§ 2. When it is not possible to apply the provision in § 1, a fine will be charged in an amount to vary from R\$ 100.00 (one hundred Reais) up to the limit of R\$ 100,000.00 (one hundred thousand Reais).

Art. 99. Producing organic products with the use of equipment and facilities not in accordance with the provisions relating to organic production.

Penalty: warning, fine, suspension of product trading, suspension or cancellation of accreditation, certification, authorisation, registration or license applied in accumulation or not.

§ 1. Where a fine is charged, the amount shall be equivalent to up to 250% (two hundred and fifty per cent) the trading value of the irregular product, up to the limit of R\$ 100,000.00 (one hundred thousand Reais).

§ 2. When it is not possible to apply the provision in § 1, a fine will be charged in an amount to vary from R\$ 100.00 (one hundred Reais) up to the limit of R\$ 100,000.00 (one hundred thousand Reais).

Art. 100. Operating a parallel production not in accordance with the provisions related to organic production.

Penalty: warning, fine, suspension of product trading, suspension or cancellation of accreditation, certification, authorisation, registration or license applied in accumulation or not.

§ 1. Where a fine is charged, the amount shall be equivalent to up to 250% (two hundred and fifty per cent) the trading value of the irregular product, up to the limit of R\$ 100,000.00 (one hundred thousand Reais).

§ 2. When it is not possible to apply the provision in § 1, a fine will be charged in an amount to vary from R\$ 100.00 (one hundred Reais) up to the limit of R\$ 100,000.00 (one hundred thousand Reais).

Art. 101. Not conforming to the characteristics and basic requirements of organic production systems in their technical, environmental, economic and social aspects, according with the provisions related with organic production.

Penalty: warning, fine, suspension of product trading, suspension or cancellation of accreditation, certification, authorisation, registration or license applied in accumulation or not.

§ 1. Where a fine is charged, the amount shall be equivalent to up to 250% (two hundred and fifty per cent) the trading value of the irregular product, up to the limit of R\$ 1,000,000.00 (one million Reais).

§ 2. When it is not possible to apply the provision in § 1, a fine will be charged in an amount to vary from R\$ 100.00 (one hundred Reais) up to the limit of R\$ 1,000,000.00 (one million Reais).

Art. 102. Trading an imported organic product not in accordance with the provisions of this Decree.

Penalty: warning, fine, suspension of product trading, suspension or cancellation of accreditation, certification, authorisation, registration or license applied in accumulation or not.

§ 1. Where a fine is charged, the amount shall be equivalent to up to 250% (two hundred and fifty per cent) the trading value of the irregular product, up to the limit of R\$ 100,000.00 (one hundred thousand Reais).

§ 2. When it is not possible to apply the provision in § 1, a fine will be charged in an amount to vary from R\$ 1,000.00 (one thousand Reais) up to the limit of R\$ 100,000.00 (one hundred thousand Reais).

Art. 103. Not keeping or not presenting to the competent authority documents, licenses, reports and other information related with the production process, processing and assessment of organic production at the production unit, establishment or production site.

Penalty: warning, a fine ranging from R\$ 100.00 (one hundred Reais) to R\$ 20,000.00 (twenty thousand Reais), suspension of accreditation, certification, authorisation, registration or license; and cancellation of accreditation, certification, authorisation, registration or license, applied in accumulation or not.

Art. 104. Not keeping at the disposal of consumers and surveillance bodies updated information about the products used when restaurants, hotels, snack bars and similar premises announce meals prepared with organic ingredients on their menus.

Penalty: warning, fine, suspension of product trading, suspension or cancellation of accreditation, certification, authorisation, registration or license applied in accumulation or not.

§ 1. Where a fine is charged, the amount shall be equivalent to up to 250% (two hundred and fifty per cent) the trading value of the irregular product, up to the limit of R\$ 20,000.00 (twenty thousand Reais).

§ 2. When it is not possible to apply the provision in § 1, a fine will be charged in an amount to vary from R\$ 1,000.00 (one thousand Reais) up to the limit of R\$ 20,000.00 (twenty thousand Reais).

CHAPTER IX ADMINISTRATIVE RESPONSIBILITY

Art. 105. The administrative responsibility arising from the infractions provided for in this Decree shall fall in isolation or accumulation to:

I – the producer who, by malice or by fault, suppresses information or provides it incorrectly;

II – any persons vested with the technical responsibility for products or production processes who help in the practice of forgery, adulteration or fraud, in which case the surveillance authority shall make it known to the trade association;

III – any persons helping others to commit infractions or who derive gain from it;

IV – the transporting agent, trader, distributor or storing agent for products under their custody or responsibility, when its origin is unknown;

V – the conformity assessment body, when a fault is verified in the control process or when there is connivance with the infractor; and

VI – the social organisation the family farmer is a member of, when it is liable in solidarity for the organic quality of its members.

Only paragraph. The responsibility of the producer, handler, industrialiser, packager, exporter and importer shall prevail whilst the product remains in package or in a recipient closed and inviolate.

CHAPTER X ADMINISTRATIVE PROCEEDING

Art. 106. The penalties provided for in this Decree shall be applied by the competent authorities of the Union, the States or the Federal District according to the duties conferred onto them by the relevant legislation.

Art. 107. The sanctions arising from the enforcement of this Decree, followed by registration of the penalty with the Ministry of Agriculture, Livestock and Supply in a register created for this purpose, shall be executed through:

I – a warning, by means of a notification served to the infractor;

II – a fine, by service of a notification for payment, including the date and means of collection;

III – product trading suspension by means of a notification and transcription of the respective notice;

IV – the condemnation of products, labels, packages and raw materials by means of a transcription of the respective notice;

V – the destruction of the product following a transcription of the respective notice;

VI – the suspension of accreditation, certification, authorisation, registration or license by means of a notification determining the immediate suspension of activities, and a transcription of the related notice, followed by its affixation on the premises;

VII – cancelling the accreditation, certification, authorisation, registration or license by collecting the respective certificates and making it known to the other organic production network agents; and

VIII – disfranchisement of registration by serving a notification to the infractor and recording an entry in the registration form.

Art. 108. An infraction to the provisions of Law No. 10831 of 23rd December, 2003 and of this Decree shall be investigated by an administrative proceeding initiated by the transcription of a writ of infraction, in conformance with the rites and time periods laid down in Law No. 9784 of 29th January, 1999.

Only paragraph. The competent authority that comes to know of an infraction to these legal provisions through any medium is hereby obliged to promote its immediate investigation, under penalty of responsibility.

Art. 109. If the notification is not abided by or if there is obstruction to its execution, the surveillance authority may request assistance from the police force, as well as transcribing the writ of infraction for obstruction of the surveillance action.

Art. 110. The destruction of products, raw materials, packages, labels and any other materials shall comply with the provisions of the competent body and shall be witnessed by surveillance agents after a notification has been served informing the date, time and place for its execution. The costs and means of the execution fall to the infractor.

Art. 111. Non-attendance of the destruction act by the infractor constitutes obstruction to the surveillance action, nevertheless the said destruction shall be executed in their absence, and the costs still fall to the infractor.

Art. 112. The fine shall be collected within thirty days from service of notification.

Only paragraph. Fines remaining unpaid on the date appointed in the notification shall result in inscription in the federal delinquent tax debt including a consequent tax foreclosure.

Art. 113. Any apprehended or condemned products may be used for other purposes to the discretion of the judging authority.

TITLE IV FINAL AND TEMPORARY PROVISIONS

Art. 114. The surveillance agents may request help from the police authority in case of obstruction to the exercise of their duties.

Art. 115. All sectors involved in the organic production network shall have a period of two years to adapt to the rules laid down in this Decree, counting from the date of its publication.

Only paragraph. The use of the Brazilian Organic Conformity Assessment System trademark on products will be allowed only after the thirteenth month of its creation.

Art. 116. The preparation by the Ministry of Agriculture, Livestock and Supply, of acts necessary to the consecution of the provisions in this Decree shall consider the participation of other federal bodies involved, the Organic Agriculture Sector Chamber of the Ministry of Agriculture, Livestock and Supply and the Organic Production Committees at every Federation Unit.

Only paragraph. The text of the acts provided for in the *caput* shall be subjected to public consultation for a minimum of thirty days.

Art. 117. The Ministry of State of Agriculture, Livestock and Supply shall, in the scope of their abilities, publish the acts necessary to the compliance with this Decree.

Art. 118. This Decree shall come into force upon the date of its publication.

Brasília, 27th December, 2007; 186th year of the Independence and 119th year of the Republic.

LUIZ INÁCIO LULA DA SILVA

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