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Group of Operators 操作者团体

Group of Operators - Regulation (EU) 2018/848 Article 36 (1) and (2) 操作者团体- 欧盟 2018/848 第 36 章(1)和(2)条	
1.	Each group of operators shall 每个操作者团体应:
	(a) only be composed of members who are farmers or operators that produce algae or aquaculture animals and who in addition may be engaged in processing, preparation or placing on the market of food or feed; 仅由生产藻类或水产养殖动物的农户或操作者组成，此外，他们还可能参与加工、制备或投放市场;
	(b) only be composed of members 仅由以下成员组成:
	(i) of which the individual certification cost represents more than 2 % of each member's turnover or standard output of organic production and whose annual turnover of organic production is not more than EUR 25 000 or whose standard output of organic production is not more than EUR 15 000 per year; or 单个成员的认证费用占每个成员有机生产营业额或标准产量的 2%以上，且有机生产年营业额不超过 25 000 欧元或年有机生产标准产量不超过 15 000 欧元，或;
	(ii) who have each holdings of maximum 单个成员持有的最大数量: - five hectares 5 公顷, - 0,5 hectares, in the case of greenhouses, or 0.5 公顷的温室，或; - 15 hectares, exclusively in the case of permanent grassland 15 公顷的永续性草场;
	(c) be established in a Member State or a third country; 在成员国或第三国登记设立;
	(d) have legal personality; 具有法人资格;
	(e) only be composed of members whose production activities or possible additional activities referred to in point (a) take place in geographical proximity to each other in the same Member State or in the same third country; 仅由其生产活动或第(a)点所述的可能的额外活动在同一成员国或同一第三国地理位置上彼此接近的成员组成;
	(f) set up a joint marketing system for the products produced by the group; and 建立一个团体产品的联合销售体系;
	(g) establish a system for internal controls comprising a documented set of control activities and procedures in accordance with which an identified person or body is responsible for verifying compliance with this Regulation of each member of the group. 建立一套内部控制体系，包括一套文件化的监控活动和程序，并能根据这些活动和程序，由指定的个人或机构负责核查团体内各成员遵守本法规的情况。
	The system for internal controls (ICS) shall comprise documented procedures on: 内部控制体系（ICS）应包括以下文件化的程序:
	(i) the registration of the members of the group; 团体成员的注册登记;
	(ii) the internal inspections, which include the annual internal physical on-the-spot inspections of each member of the group, and any additional risk-based inspections, in any case scheduled by the ICS manager and conducted by ICS inspectors, whose roles are defined in point (h);

	内部检查，包括对团体各成员的年度内部实地现场检查，以及任何其他基于风险的核查。在任何情况下，由 ICS 经理安排并由 ICS 检查员执行，其角色定义见第(h)条；
	(iii) the approval of new members in an existing group or, where appropriate, the approval of new production units or new activities of existing members upon the approval by the ICS manager on the basis of the internal inspection report; 批准现有团体的新成员，或在适当情况下，由 ICS 经理根据内部检查报告，批准现有成员的新生产单元或新活动；
	(iv) the training of the ICS inspectors, which is to take place at least annually and to be accompanied by an assessment of the knowledge acquired by the participants; 至少每年对 ICS 检查员的进行一次培训，并对参与者获得的知识进行评估；
	(v) the training of members of the group on the ICS procedures and the requirements of this Regulation; 对团体成员进行有关 ICS 程序和本法规要求的培训；
	(vi) the control of documents and records; 对文件和记录进行控制；
	(vii) the measures in cases of non-compliance detected during the internal inspections, including their follow-up; 对内部检查中发现的不合规事项采取的措施，包括其后续措施；
	(viii) the internal traceability, which shows the origin of the products delivered in the joint marketing system of the group and allows the tracing of all products of all members throughout all stages, such as production, processing, preparation or placing on the market, including estimating and cross-checking the yields of each member of the group; 内部可追溯性，显示在团体联合销售体系中交付的产品的原产地，并允许在生产、加工、制备或投放市场等所有阶段对所有成员的所有产品进行追溯，包括预估和交叉检查团体各成员的产量；
	(h) appoint an ICS manager and one or more ICS inspectors who may be a member of the group. Their positions shall not be combined. The number of ICS inspectors shall be adequate and proportional in particular to the type, structure, size, products, activities and output of organic production of the group. The ICS inspectors shall be competent with regard to the products and activities of the group. 任命一名 ICS 经理和一名或多名 ICS 检查员，他们可以是该小组的成员。他们的职位不能重叠。ICS 检查员的数量应足够多，特别是与该团体的有机生产的类型、结构、规模、产品、活动和产量相匹配。ICS 检查员应能胜任该团体的产品和活动。
	The ICS manager shall: ICS 经理应：
	(i) verify the eligibility of each member of the group regarding the criteria set out in points (a), (b) and (e); 根据(a)、(b)和(e)条中规定的标准核实该团体每个成员的资格；
	(ii) ensure that there is a written and signed membership agreement between each member and the group, by which the members commit themselves to: 确保每个成员与团体之间签订书面协议，且成员通过该协议承诺：
	- comply with this Regulation, 遵守本法规；
	- participate in the ICS and comply with the ICS procedures, including the tasks and responsibilities assigned to them by the ICS manager and the obligation for records keeping 参与 ICS 并遵守 ICS 程序，包括 ICS 经理指派给他们的任务和职责，以及保存记录的义务；
	- permit access to production units and premises and be present during the internal inspections carried out by the ICS inspectors and official controls carried out by the competent authority or, where appropriate, the control authority or control body, make available to them all documents and records and countersign the inspection reports,

	允许开放生产单位和场所，并在 ICS 检查员进行内部检查和主管当局或适当时监管当局或认证机构进行的正式检查期间在场，向他们提供必要的文件和记录，并会签检查报告；
	- accept and implement the measures in cases of non-compliances in accordance with the decision of the ICS manager or the competent authority or, where appropriate, the control authority or control body, within the given time-frame, 在规定的时间内，根据 ICS 经理或主管当局或（如适用）监管当局或认证机构的决定，接受并实施不合规情况下的措施；
	- immediately inform the ICS manager on suspected non-compliance; 立即将可疑的违规行为通知 ICS 经理；
	(iii) develop the ICS procedures and the relevant documents and records, keep them up to date and make them readily available to the ICS inspectors, and where relevant, to the members of the group; 制定 ICS 程序以及相关文件和记录，使其保持最新状态，并随时提供给 ICS 检查员以及相关的团体成员；
	(iv) draw up the list of the members of the group and keep it up to date; 制定团体成员名单并保持更新；
	(v) assign tasks and responsibilities to the ICS inspectors; 向 ICS 检查员分配任务和职责；
	(vi) be the liaison between the members of the group and the competent authority or, where appropriate, the control authority or control body, including requests for derogations; 担任团体成员与主管当局或（如适用）监管当局或认证机构之间的联络人，包括放宽请求；
	(vii) verify annually the conflict of interest statements of the ICS inspectors; 每年核查 ICS 检查员的利益冲突声明；
	(viii) schedule internal inspections and ensure their adequate implementation in accordance with the ICS manager's schedule referred to in point (ii) of the second paragraph of point (g); 安排内部检查，并确保其根据 (g) 第二段 (ii) 条中规定 ICS 经理的计划表得到充分实施；
	(ix) ensure adequate trainings for the ICS inspectors and carry out an annual assessment of ICS inspectors' competences and qualifications; 确保 ICS 检查员得到充分的培训，并对 ICS 检查员的能力和资格进行年度评估；
	(x) approve new members or new production units or new activities of existing members; 批准新会员或新生产单元或现有会员的新活动；
	(xi) decide on measures in case of non-compliance in line with the ICS measures established by documented procedures in accordance with point g and ensure the follow-up of those measures; 根据 g 条通过书面程序制定的 ICS 措施，决定在不合规情况时采取的措施，并确保跟踪这些措施的实施情况；
	(xii) decide to subcontract activities, including the subcontracting of the tasks of ICS inspectors, and sign relevant agreements or contracts. 决定分包活动，包括分包 ICS 检查员的任务，并签署相关协议或合同。
	The ICS inspector shall: ICS 检查员应：
	(i) carry out internal inspections of the members of the group according to the schedule and the procedures provided by the ICS manager; 根据 ICS 经理提供的计划表和程序对团体成员进行内部检查；
	(ii) draft internal inspection reports on the basis of a template and submit it within a reasonable time to the ICS manager; 根据模板起草内部检查报告，并在合理的时间内提交给 ICS 经理；

	<p>(iii) submit at appointment a written and signed statement on conflict of interest and update it annually; 在任命时提交书面并签署的利益冲突声明，并保持每年更新；</p>
	<p>(iv) participate in trainings. 参加培训。</p>
2.	<p>Competent authorities, or, where appropriate, control authorities or control bodies, shall withdraw the certificate referred to in Article 35 for the whole group where deficiencies in the set-up or functioning of the system for internal controls referred to in paragraph 1, in particular as regards failures to detect or address non-compliance by individual members of the group of operators, affect the integrity of organic and in-conversion products. 当第 1 段所述内部控制体系 ICS 的建立或运作存在缺陷，特别是该团体无法识别或解决其中个别成员的违规行为，导致影响有机产品和转换产品的完整性时，主管当局（如适用）或监管当局或认证机构，应撤销整个团体的认证证书。</p>
	<p>At least the following situations shall be considered as deficiencies in the ICS: 至少以下情况将被视为 ICS 缺陷：</p>
	<p>(a) producing, processing, preparing or placing on the market of products from suspended/withdrawn members or production units; 来自暂停/退会的成员或生产单元的产品被生产、加工、制备或投放市场；</p>
	<p>(b) placing on the market of products for which the ICS manager has prohibited the use of reference to organic production in their labelling or advertising; 将 ICS 经理禁止在其标签或广告中提及有机生产的产品投放市场；</p>
	<p>(c) adding new members to the list of members or changing the activities of existing members without following the internal approval procedure; 未遵循内部批准程序，将新成员添加到成员名单中或更改现有成员的活动；</p>
	<p>(d) not carrying out the annual physical on-the-spot inspection of a member of the group in a given year; 未对团体成员当年进行年度实地现场检查的；</p>
	<p>(e) failing to indicate the members which have been suspended or withdrawn in the list of members; 未在会员名册中注明已被暂停或者退会的成员；</p>
	<p>(f) serious deviations in findings between internal inspections carried out by the ICS inspectors and official controls carried out by the competent authority or, where appropriate, the control authority or control body; ICS 检查员进行的内部检查与主管当局或（如适用）监管当局或认证机构进行的官方检查之间的结果存在严重偏差；</p>
	<p>(g) serious deficiencies in imposing appropriate measures or carrying out the necessary follow-up in response to non-compliance identified by the ICS inspectors or by the competent authority or, where appropriate, the control authority or control body; 在针对 ICS 检查员或主管当局或（如适用）认证机构的监管当局发现的不合规情况采取适当措施或采取必要的后续落实方面存在严重缺陷；</p>
	<p>(h) inadequate number of ICS inspectors or inadequate competences of ICS inspectors for the type, structure, size, products, activities and output of organic production of the group. ICS 检查员数量不足，或者 ICS 检查员对于该团体有机生产的类型、结构、规模、产品、活动和产出的能力不足。</p>
	<p>Official controls of groups of operators - Commission Delegated Regulation (EU) 2021/771 - Article 2 对操作者团体的官方检查 - 委员会授权法规 (EU) 2021/771 - 第 2 条</p>
1.	<p>In order to certify and verify the compliance of a group of operators, the competent authority or, where appropriate, the control authority or control body, shall assign inspectors competent to assess systems for internal controls (ICS).</p>

	为了证明和核实一组操作者的合规性，主管当局或适当情况下，监管当局或认证机构应派遣有能力评估内部控制（ICS）体系的检查员。
2.	For the purpose of evaluating the set-up, functioning and maintaining of the ICS of a group of operators, the competent authority or, where appropriate, the control authority or control body, shall determine at least that: 为了评估一组操作者的 ICS 的设置、运行和维护，主管当局或在适当情况下监管当局或认证机构应至少确定：
	(a) the documented procedures of the ICS that have been put in place comply with the requirements established in Regulation (EU) 2018/848; 已实施的 ICS 书面程序符合（欧盟）2018/848 法规的要求；
	(b) the list of members of the group of operators with the required information for each member is continuously updated and aligned with the scope of the certificate; 操作者团体的成员名单以及每个成员所需的信息不断更新，并与认证证书的范围保持一致；
	(c) all members of the group of operators comply with the criteria set out in Article 36(1)(a), (b) and (e) of Regulation (EU) 2018/848 throughout their participation in the group of operators; 操作者团体的所有成员在参与团体的整个过程中始终遵守（EU）2018/848 第 36(1)(a)、(b) 和 (e) 条的要求；
	(d) the number, training and competence of ICS inspectors are proportionate and adequate and ICS inspectors are without conflicts of interest; ICS 检查员的数量、培训和能力是相称和充足的，并且 ICS 检查员没有利益冲突；
	(e) the internal inspections of all members of the group of operators and their activities and production units or premises including purchase and collection centres have been carried out at least annually and are documented; 至少每年对操作者团体的所有成员及其活动和生产单元或场所（包括采购和收购中心）进行一次内部检查并保持记录；
	(f) new members or new production units and new activities of existing members, including new purchase and collection centres, have been accepted only after they have been approved by the ICS manager on the basis of the internal inspection report according to the ICS documented procedures that have been put in place; 新成员或新生产单元以及现有成员的新活动（包括新的采购和收购中心）仅在 ICS 经理根据已实施的 ICS 书面程序实施内部检查，且检查报告批准后才予以接受；
	(g) the ICS manager takes appropriate measures in case of non-compliance, including their follow up, according to the ICS documented procedures that have been put in place; 当出现不合规情况时，ICS 经理应采取适当措施，包括根据已实施的 ICS 记录程序采取后续行动；
	(h) the ICS manager's notifications to the competent authority or, where appropriate, the control authority or control body, are appropriate and sufficient; ICS 经理向主管当局或（如适用）监管当局或认证机构发出的通知是适当且充分的；
	(i) the internal traceability for all products and members of the group of operators is ensured by estimating quantities and by cross-checking the yields of each member of the group of operators; 通过预估数量和交叉检查操作者团体每个成员的产量，确保所有产品和操作者团体成员的内部可追溯性；
	(j) the members of the group of operators receive adequate training on the ICS procedures and the requirements of Regulation (EU) 2018/848. 操作者团体成员应充分接受有关 ICS 程序和（EU）2018/848 法规要求的培训。

	Commission Implementing Regulation (EU) 2021/279 articles 4 - 6 on groups of operators 关于操作者团体的委员会实施条例 (EU) 2021/279 第 4-6 条
Art. 4 第 4	Composition and dimension of a group of operators 操作者团体的组成和规模
	A member of a group of operators shall register to only one group of operators for a given product, also where the operator is engaged in different activities related to that product. 操作者团体成员只能在一个团体里注册特定产品，即使该操作者从事的活动与该产品不相关。
	The maximum size of a group of operators shall be 2 000 members. 单个操作者团体的最大规模为 2 000 名成员。
Art. 5 第 5	Documents and records of a group of operators 操作者团体的文件和记录
	The group of operators shall keep the following documents and records for the purposes of the system for internal controls (ICS): 操作者团体应保存以下文件和记录，用于内部控制系统（ICS）：
	(a) the list of members of the group of operators based on their registration of each member and consisting of the following elements for each member of the group of operators: 操作者团体成员名单由每个注册成员的以下要素组成：
	(i) name and identification (code number) 姓名和身份识别（编号）；
	(ii) contact details 联系方式；
	(iii) date of registration 注册日期；
	(iv) total land surface under the management of the member and whether it is part of an organic, in-conversion or non-organic production unit; 成员管理下的土地总面积，以及其是否属于有机、转换或非有机生产单元的一部分；
	(v) information on each production unit and/or activity: size, location, including a map where available, product, date of the beginning of the conversion period and yield estimates; 每个生产单元和/或活动的信息：规模、位置，包括可用的地图、产品、转换开始日期和预估产量；
	(vi) date of the last internal inspection with the name of the ICS inspector; 最后一次内部检查的日期，并注明 ICS 检查员的姓名；
	(vii) date of the last official control performed by the competent authority or, where appropriate, control authority or control body with the name of the inspector; 由主管当局或（适用时）监管当局或认证机构实施最后一次正式检查的日期，和相关检查员姓名；
	(viii) date and version of the list 名单日期和版本号；
	(b) the signed membership agreements between the member and the group of operators as legal person, which shall include the rights and responsibilities of the member; 成员与操作者团体法人签署的会员协议，其中应包括成员的权利和义务；
	(c) the internal inspection reports signed by the ICS inspector and the inspected member of the group of operators and including at least the following elements: 由 ICS 检查员和被检查的操作者团体成员签署的内部检查报告，至少包括以下内容：
	(i) the name of the member and the location of the production unit or premises, including purchase and collection centres where the activities referred to in Article 36(1)(a) of Regulation (EU) 2018/848 subject to the inspection take place; 成员的名称以及生产单元或经营场所的位置，包括根据(EU) 2018/848 法规第 36(1)(a) 条所述的活动应接受检查的采购和收购中心；
	(ii) the date and starting and ending hour of the internal inspection; 内部检查的起止日期/时间；
	(iii) the findings of the inspection; 检查结果；
	(iv) the audit scope/perimeter; 审核范围/边界；

	(v) the date of issue of the report; 报告发布日期;
	(vi) the name of the internal inspector; 内部检查员姓名;
	(d) the training records of the ICS inspectors consisting of: ICS 检查员的培训记录包括:
	(i) the dates of the training; 培训日期;
	(ii) the subject matter of the training; 培训主题;
	(iii) the name of the trainer; 培训师姓名;
	(iv) the signature of the trainee; 培训者签名
	(v) where appropriate, an assessment of the knowledge acquired; 在适当的情况下, 对所获得的知识进行评估;
	(e) the training records of the members of the group of operators; 操作者团体的培训记录;
	(f) the records of the measures taken in case of non-compliance by the ICS manager, which shall include: ICS 经理在违规情况下所采取措施的记录, 其中应包括:
	(i) the members subject to measures in case of non-compliance, including those suspended, withdrawn or required to comply with a new conversion period; 因违规而受到处罚的会员, 包括被暂停、退出或要求遵守新转换期的会员;
	(ii) documentation of identified non-compliance; 已发现的违规行为的记录;
	(iii) documentation of follow-up of the measures; 后续措施的跟踪记录;
	(g) traceability records, including information on the quantities, on the following activities, where relevant: 可追溯性记录, 包括以下相关活动的数量信息:
	(i) purchase and distribution of farm inputs including plant reproductive material by the group; 团体购买和分发的农业投入品记录, 包括植物繁殖材料;
	(ii) production including harvest; 生产包括收获记录
	(iii) storing 贮藏记录;
	(iv) preparation 制备:
	(v) delivery of products from each member to the joint marketing system; 将每个成员的产品交付到联合营销系统;
	(vi) placing on the market of products by the group of operators; 操作者团体将产品投放市场;
	(h) the written agreements and contracts between the group of operators and subcontractors including information on the nature of the subcontracted activities; 操作者团体和分包商之间的书面协议和合同, 包括有关分包活动性质的信息;
	(i) the appointment of the ICS manager; ICS 经理的任命文件;
	(j) the appointment of the ICS inspectors as well as the list of ICS inspectors. ICS 检查员的任命文件以及 ICS 检查员名单
	The list of members referred to in point (a) of the first paragraph shall be updated by the ICS manager after any modification of the elements listed in point (a)(i) to (viii) and it shall be indicated whether any of the members has been suspended or withdrawn due to measures in case of non-compliance resulting from internal inspections or official controls.

	ICS 经理应对第一段 (a) 条的成员名单第 (a)(i) 至 (viii) 点的任何变化保持更新，并指明是否有任何由于内部检查或官方检查发现的违规行为，导致其会员已被暂停或退出的情况。
Art. 6 第 6	Notifications from the ICS manager ICS 经理的信息通报
	The ICS manager shall immediately notify the competent authority or, where appropriate, the control authority or control body of the following information: 发生下列情形之一时，ICS 经理应立即将以下信息通知主管当局或（如适用）监管当局或认证机构：
	(a) any suspicion of major and critical non-compliance; 怀疑任何重大和关键性违规行为时；
	(b) any suspension or withdrawal of a member or a production unit or premises, including purchase and collection centres, from the group; 任何成员被暂停或退出，或生产单元或场所，包括采购和收集中心时；
	(c) any prohibition of the placing on the market of a product as organic or in-conversion, including the name of the member or members concerned, the relevant quantities and lot identification. 禁止将有机产品或转换产品投放市场时，包括相关成员的名称、相关数量和批次标识。