



TRANSGRESSIONS

(As amended on 29 March 2007)

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1. DEFINITION OF TERMS

- 1.1 **Unit:** An area of land registered in accordance with article 6 of this Scheme.
- 1.2 **Inspector:** A person who is authorised in writing by the Board to enforce any requirements prescribed by the Scheme and who is granted investigative powers in accordance with Article 41 (1) of the Plant Improvement Act.
- 1.3 **Monitoring:** The continuous observation and where necessary suggestions for improvements at the time of and during the execution of an inspection.
- 1.4 **Transgressions:** Any deviation from a requirement prescribed by the Scheme or SOP is regarded as a transgression.
- 1.5 **Audit/auditing:** The non-recurrent and final investigation and pointing out of deviations to the authority after measuring it against predetermined documented standards and request for action by the authority stemming from such deviations.
- 1.6 **Auditor:** Person requested by the Board to audit laboratories, nucleus, foundation, mother and nursery units.
- 1.7 **Board:** Executive Board of VIA.
- 1.8 **Secretariat:** Secretariat of VIA.

2. DEFINITION OF TRANSGRESSIONS

2.1 Transgressions which can be rectified

2.1.1 Nursery inspections

Any deviation found during nursery inspections and recorded as such by the inspectors on the nursery inspection report.

2.1.2 Monitoring of Nucleus, Foundation and Mother Units

Any deviations found during the monitoring of units and recorded as such by the inspectors on the monitoring report.

2.1.3 Administrative deviations

Any deviations pointed out by the Secretariat during the processing and verifying of the administrative information.

2.2 Transgressions that cannot be rectified

2.2.1 Follow-up monitoring of nursery inspections

Any deviations found during follow-up monitoring of nurseries and recorded as such by the Inspector on the Monitoring report.

2.2.2 Follow-up monitoring of Nucleus, Foundation and Mother Units

Any deviations found during follow-up monitoring of units and recorded as such by the Inspector on the Monitoring report.

2.2.3 Follow-up of administrative deviations

Any deviation in the administrative information submitted by a PIO or Nursery that have not been sufficiently rectified at the Secretariat.

2.2.4 Auditing

Any deviations found during the audit of the laboratories, Nucleus, Foundation, Mother and Nursery units and recorded by the Auditor in the audit report.

2.2.5 Complaints

Any deviation found during an investigation into a written complaint received by the Board regarding plant material of a PIO or nursery.

3. **PROCEDURE IN THE CASE OF TRANSGRESSIONS THAT CAN BE RECTIFIED**

3.1 Nursery inspections

3.1.1. Inspector conducts an inspection of the nursery.

3.1.2. Inspector compiles an inspection report and indicate clearly the deviations found in the unit.

3.1.3. Inspector provides the nursery with the inspection report and provisionally withdrawn the certification of those graft combinations where deviations have been found.

3.1.4. Inspector allows nursery the opportunity to apply the necessary corrective measures within 14 days after the date of the inspection report.

- 3.1.5. Inspector revisits the nursery after 14 days and conduct a follow-up inspection.

3.2 Monitoring of Nucleus, Foundation and Mother Units

- 3.2.1. Inspector conducts an inspection in order to monitor the Nucleus, Foundation and Mother units of the PIO's.
- 3.2.2. Inspector compiles a monitoring report and clearly indicate any deviations found in the units.
- 3.2.3. Inspector provides the monitoring report to the PIO concerned and to the Secretariat.
- 3.2.4. Secretariat provisionally withdraws the registration of the units where deviations have been found.
- 3.2.5. Secretariat grants PIO the opportunity to apply the necessary corrective measures in the units within 14 days.
- 3.2.6. Inspector revisits the unit and conduct follow-up monitoring after 14 days.

3.3 Administrative deviations

- 3.3.1. Secretariat processes and verifies information submitted by the PIO's and nurseries.
- 3.3.2. Secretariat indicates clearly the deviations found in the information of the PIO's and nurseries and provisionally withdraws certification of those graft combinations where deviations have been found.
- 3.3.3. Secretariat grants PIO's and nurseries the opportunity to apply the necessary corrective measures within 14 days and to resubmit the information to the Secretariat.

4. **PROCEDURE REGARDING TRANSGRESSIONS THAT CANNOT BE RECTIFIED**

4.1 Follow-up nursery inspections

- 4.1.1. Inspector revisits the nursery after 14 days and conduct a follow-up inspection.

- 4.1.2. The inspector compiles an inspection report and indicate clearly the deviations found in the nursery. Should the nursery fail to apply the corrective measures effectively, the certification of those graft combination where the deviations have been found will be finally withdrawn.
- 4.1.3. Inspector will provide the nursery and Secretariat with an inspection report.
- 4.1.4. Secretariat will notify the nursery in writing that the certification of those graft combinations where the deviations have been found has been finally withdrawn.
- 4.1.5. Withdrawal of certification will be submitted by the Secretariat to the Board for notification as well as the Department of Agriculture and will be reported to the specific PIO.
- 4.1.6. After a second withdrawal of certification as a result of any transgression by a nursery or PIO, the Secretariat will report such nursery or PIO to the Board and issue a final written warning to the nursery or PIO.
- 4.1.7. After a third withdrawal of certification as a result of any transgression, the Board refuses further registration of a nursery or PIO.
- 4.1.8. Reinstatement of registration of the specific nursery will only be reconsidered after the nursery has presented satisfactory proof to the Board that sufficient corrections have been introduced to prevent the reoccurrence of similar transgressions.
- 4.1.9. It is the responsibility of the nursery to reapply to the Board for registration.
- 4.2 Follow-up monitoring of Nucleus, Foundation and Mother Units
 - 4.2.1. Inspector revisits the unit after 14 days and conducts follow-up monitoring of PIO's units.
 - 4.2.2. Inspector compiles an inspection report and clearly indicates the deviations found in the units.
 - 4.2.3. Inspector provides PIO and Secretariat with a monitoring report.
 - 4.2.4. Should the PIO fail to apply the corrective measures effectively the registration of those graft combination in the unit where the deviations have been found will be finally withdrawn by the Secretariat.

- 4.2.5. Withdrawal of registration will be submitted by the Secretariat to the Board for notification and will be reported to the Department of Agriculture.
 - 4.2.6. Department of Agriculture prohibits the PIO to sell plant material of those graft combination in units of which registration has been finally withdrawn, should it not comply with the minimum requirements of the Plant Improvement Act.
 - 4.2.7. After a second withdrawal of registration as a result of any transgression by a PIO, the Secretariat reports that PIO to the Board and issue a final written warning to the PIO.
 - 4.2.8. After a third withdrawal of registration as a result of any transgression, the Board refuses the further registration of a PIO.
 - 4.2.9. Reinstatement of registration of the specific graft combination in the units of a PIO will only be reconsidered after the PIO has presented satisfactory proof to the Board that sufficient corrections have been introduced to prevent the reoccurrence of similar transgressions.
 - 4.2.10. It is the responsibility of the PIO to reapply to the Board for registration.
- 4.3 Follow-up of administrative deviations
- 4.3.1. Secretariat processes and verifies the new information after 14 days.
 - 4.3.2. Should the nursery or PIO fail to apply the corrective measures effectively within 14 days, the certification of those graft combination where the deviations were found will be finally withdrawn.
 - 4.3.3. Withdrawal of certification will be submitted by the Secretariat to the Board for notification and is reported to the Department of Agriculture.
 - 4.3.4. Department of Agriculture prohibits the PIO or nursery to sell plant material of those graft combination in units of which certification has been finally withdrawn, should it not comply with the minimum requirements of the Plant Improvement Act.
 - 4.3.5. After a second withdrawal of certification as a result of any transgression by a PIO or nursery, the Secretariat reports that PIO or nursery to the Board issue a final written warning to the PIO or nursery.
 - 4.3.6. After a third withdrawal of certification as a result of any transgression the Council refuses the further registration of those units of a nursery or PIO where the deviations have been found.
 - 4.3.7. Reinstatement of registration of a unit of a PIO or nursery will only be reconsidered after the PIO or nursery has presented satisfactory proof

to the Board that sufficient corrections have been introduced to prevent the reoccurrence of similar transgressions.

- 4.3.8. It is the responsibility of the PIO or nursery to reapply to the Board for registration.

4.4 Auditing

- 4.4.1. Auditors will conduct auditing of laboratories, Nucleus, Foundation, Mother and nursery units on specific or negotiated times.
- 4.4.2. Conclusions of the Auditors will be presented to the Secretariat in the form of a comprehensive auditing report.
- 4.4.3. If any deviation is reported in the auditing report, the Board has to use its own discretion to suspend the registration of the laboratory, the PIO units or the nursery.
- 4.4.4. Reinstatement of the registration will only be reconsidered after the laboratory, PIO or nursery has presented satisfactory proof to the Board and the Board is convinced that sufficient corrections have been introduced to prevent the reoccurrence of similar transgressions.

4.5 Complaints

- 4.5.1. Written complaints from a producer or nursery regarding plant material have to be directed to the Board.
- 4.5.2. Complaints will be dealt with as described in **VIA G-2-1**.

5. LOCATION OF BOARD

VIA Chairperson
Plant SA
Unit 9A – Riverside Industrial Park
25 Textile Street
PAARL
7646