

Sanction catalogue for processors/traders/importers Austria Bio Garantie GmbH / agroVet GmbH

Valid for all standards in the area of processing / trade / import except explicitly stated otherwise.

This sanction catalogue explains the sanctions if any violations of the rules take place. Additionally, the inspection report will contain information about the measures to resolve a sanction and a possible deadline until this has to be done.

Sanction 1: warning

This warning is issued if minor violations takes place and usually contains a deadline.

Sanction 2: increased obligation to record and report

This sanction calls for an improvement of records/transparency or submitting of documents. This sanction usually has a deadline.

Sanction 3: additional, fee-based inspection

This fee-based additional inspection can be issued if the infringement under sanction 1 and 2 repeat themselves. This sanction is useful for irregularities with a time limit that demand an additional inspection. This sanction can also be issued for serious irregularities that do not demand an exclusion of the product batch.

Sanction 4: exclusion of the affected product batch from marketing as a certified product according to the legal basis

This sanction is issued when a product or a company is being excluded from marketing – with reference to the legal basis. The duration of this merchandising ban for the product or the company must be arranged with the authorities.

Sanction 5: termination of the inspection contract

This sanction is not issued during an inspection. This sanction is a matter under private law between processing plant/trader/importer and inspection body. It is the decision of the inspection body if certain violations call for a termination of the inspection contract. If this is the case, the authorities will be informed. A consensual and proper termination of the inspection contract is not a sanction 5, although it has to reported to the authorities as well.

List of sanctions for processors/traders/importers

Romania (International processing)

According to

Regulation (EC) No 834/2007, current version

EA national legislation in force, Order 895/2016 regarding the organization of the inspection and certification system, the approval of the inspection and certification bodies/control and surveillance of the control bodies' activities in ecological agriculture

This list of sanctions aims to clarify the individual sanctions, also including a list of examples for each sanction. In the inspection report, these sanctions are identified with numbers from 1 to 5. The inspection report also contains information about the corrective measures (the way to approach a non-conformity) and possible deadlines (the limit date until the nonconformity is to be corrected).

After the audit, our inspectors have to explain the given sanctions and their consequences. Subsequently, each sanction is to be confirmed or corrected by the ABG staff who will check out your file.

1. Minor sanctions:

Sanction 1: Warning ^{ABG}

Simple remark (RS)

Request for improvement (CA)

This sanction is issued in cases of minor irregularities. These may be shortly corrected or within a specified deadline given by the inspector.

Deadline: immediately during the inspection, following that at the next inspection to be checked out if this has been maintained, or within period of 10 working days as defined by the inspector.

It applies in case of minor deviation or an involuntary violation that have no impact on the certification decision. ^(RS)

It applies in case of violation finding and to be accompanied by the request of improvement, including the specification of the way of improvement and the deadline for correction. ^(CA)

Examples of irregularities for applying the sanction "Warning": ^{ABG}

- Relevant documents during the inspection are incomplete
- Disturbing elements for inspection performing: incomplete preparation of documents, analysis reports, labels, packaging, etc.
- Incomplete documentation for verifying the incoming/reception of raw materials/ingredients/products
- Incomplete records and registers/journals
- Production authorizations not available/unclear
- Unclear separation of organic and conventional products storage (raw materials, processed goods, finished products) and during the transport
- Incomplete labelling/identification of various areas from the production flow (raw materials storage, production, packaging, storage of finished products)

Sanction 2: Request for improving the records and submitting the documents

ABG

Simple remark (RS)

Request for improvement (CA)

This sanction requires better recordings and documentation and the submission of additional documents to ABG.

Deadline: defined by the inspector for minimum 10 working days (2weeks), it may be extended up to 20 working days (4 weeks) depending on case.

It applies in case of minor irregularities or involuntary violations that have no impact on the certification decision. ^(RS)

It applies in case of violation and is accompanied by the request for improvement, specifying the way of improvement and a deadline for correction ^(CA).

This sanction is relevant for the following irregularities: ^{ABG}

- Partial check of suppliers.
- Incomplete or non-compliant records, which complicates the inspection.
- Non-compliant declaration/identification of products or selling areas (shelves)

Sanction 3: Additional, fee-based inspection (borne by the client) ^{ABG}

Warning (AS)

Additional inspection (CS)

This sanction requires an additional inspection and is issued in cases where sanctions 1 and 2 have not been corrected within the deadline granted by the inspector and in case of repeating the same irregularity.

This sanction is relevant in cases where the verification on site of the non-conformities' corrections is necessary and is performed by an additional inspection. ^{ABG}

Deadline: immediately, during the inspection following that the ABG inspectors will return for an additional inspection.

To be applied specifying the sanction to be given in case that the operator didn't comply with the request of improvement; usually the warning is given followed by an additional inspection aiming the documents check out sent by the operator and/or control on site.

The additional inspection costs are paid by the client. ^(CS)

To be applied for corrective measurements verification or in case of suspicions regarding irregularities in operator's activity.

2. Major sanctions:

**Sanction 4: Downgrading/Exclusion of one lot and prohibition of the declaration of organic agriculture origin product ^{ABG}
Downgrading of product/ lot/production series (DP)
Operator's activity suspension¹ (SA)**

This sanction is always applied after consulting the responsible authority (MADR). In order to verify the lot exclusion/downgrading, an additional inspection is necessary (costs paid by the client).^{ABG}

Deadline: immediately during the inspection, if forbidden products/activities are identified, or immediately together with the certification decision based on product samples with positive results for forbidden substances in organic agriculture.

It applies to a certain product or lot, by withdrawal of the indications regarding the organic production method in labelling and promotion of the whole lot or of the series of production; enforces the withdrawal from the market of the downgraded lot and additional inspections. ^(DP)

In case that during the inspection, products and substances not included in annexes I, II, V, VI, VII, VIII and IX of the R(EC) 889/2008 are identified, as well as an improper manipulation and processing of products that affects their status, immediate actions will be taken to withdraw the mentions of the ecological production and processing method.

Banning the respective operator to trade for a limited time products with organic production method indication in labelling and promoting, which leads to the certificate suspension of the respective operator.

Action time: immediately after the certification decision based on performed additional inspections.

After the end of the suspension period, the control body will immediately notify the responsible authority (MADR) regarding the status of the concerned operator with regard to the correction or non-correction of the nonconformities that led to suspension; in case the operator has corrected the nonconformities, he'll benefit of his suspension prior status; in case that the operator didn't remedy the nonconformities, he'll be excluded, applying the measurements foreseen at the next sanction. (EO)

This sanction is relevant for the following irregularities: ^{ABG}

- Repeated usage of ingredients, food additives, processing aids and/or processes/treatments which are not allowed according to Reg. (EC) 834/2007 and 889/2008, the annexes in force
- Non-compliant declaration of goods in conversion and/or severe infringements of the Regulations regarding the recipes, respectively the product declaration.
- Usage of conventional raw materials and declaration of raw materials/products as "organic".
- Non-compliant storage/handling affected by forbidden products.
- Repeated irregularities.

¹ On the basis of article 30 of Reg. (EC) 834/2007 the responsible authority will exclude the operator for a maximum period of 1 year in case of serious or long-term infringements.

Sanction 5: Termination of the inspection contract ^{ABG} Exclusion of the operator from the organic certification system by certification withdrawal and contract termination (EO)

This sanction is relevant and applicable in cases under private law between client and ABG Certification Body. It is the right of the ABG Certification Body to terminate the inspection contract due to some specific non-conformities.

Action time: in this case, the competent authority will be immediately informed.

Note: in case of a consensual termination of the inspection contract, the notification being sent within the contractual term, is not considered a “sanction 5”, although it has to be reported to the competent authorities (MADR).^{ABG}

In the event of serious provisions breach or with long lasting effects from producing/trading products with indications regarding the organic production method, the control bodies will ban the operator to perform activities in the organic agriculture system ². In this case, the contract will be cancelled and all justifying documents issued to the operator (certificates) will be mandatory withdrawn. ^(EO)

The Control Body will immediately inform³ the competent authority regarding the application of this sanction for the purpose of publication of this information on the official website of MADR and for the Agency for Payments and Intervention in Agriculture' information.

1 – for applying the provisions of art. 30 from the Council Reg. 834/2007 from June 28th 2007 regarding the organic production and organic products labelling, as well as repealing the Regulation (EEC) no 2.092/91, in case of severely breaching the provisions or which produce long time effects. The competent authority will decide the operator suspension for max 1-year time. ABG certification body may reduce this period.

2 – In case of serious breach or which produces long time effects, the control bodies will apply the operator exclusion sanction for 5 years.

3 – The information include the result of the verification, as well as the analysed documents, which formed the base of the sanction application.

Sanction catalogue Croatia for processors/traders/importers Austria Bio Garantie GmbH

List of sanctions Croatia (International processing)

According to

Regulation (EC) No 834/2007 and current version of national legislation in force.

Valid for all standards in the area of processing / trade / import except explicitly stated otherwise.

This sanction catalogue explains the sanctions if any violations of the rules take place. Additionally, the inspection report will contain information about the measures to resolve a sanction and a possible deadline until this has to be done.

Sanction 1: warning ^{ABG}

UP: warning ^{MP}

This warning is issued if minor violations takes place and usually contains a deadline. This sanction has no effect to the certification status of the product. Deviations may be corrected on site during inspection or in the deadline defined by the inspector.

Sanction 2: increased obligation to record and report

UP: warning ^{MP}

This sanction calls for an improvement of records/transparency or submitting of documents. This sanction usually has a deadline. Repeating of this sanction and/or not carrying out ordered corrective measures in the deadline determined by the control body, stricter measures will be applied to the operator.

Sanction 3: additional, fee-based inspection

This fee-based additional inspection can be issued if the infringement under sanction 1 and 2 repeat themselves. This sanction is useful for irregularities with a time limit that demand an additional inspection. This sanction can also be issued for serious irregularities that do not demand an exclusion of the product batch.

Sanction 4: exclusion of the affected product batch from marketing as a certified product according to the legal basis ^{ABG}

SSL: downgrading LOT status ^{MP}

DSC: partial certificate suspension ^{MP}

SC: certificate suspension ^{MP}

This sanction is issued when a product or a company is being excluded from marketing – with reference to the legal basis. Downgrading of LOT status^(SSL) means that one, or more batches of one product can be downgraded to conventional status without possibility of organic marketing. This sanction can be applied on the products which are still not labelled as organic or inconversion products. Partial certificate suspension^(DSC) is measure with which operator has been banned with trading with one or more products that are on the certificate. Minimum duration of this measure is three months. Certificate suspension^(SC) is measure which suspends operator to trade with all organic products, control body has to decide if the one ore more production batches are downgraded to conventional status. Minimum duration of this measure is three months. The duration of this merchandising ban for the product or the company must be arranged with the authorities.

Sanction 5: termination of the inspection contract^(ABG)**PC: withdrawal of the certificate^(MP)**

This sanction is not issued during an inspection. Withdrawal of the certificate^(PC) means that the certificate is not valid and that operator is not allowed to trade with organic products. Inspection contract is terminated and inspection body has to send the request for deleting the operator from the Register of organic operators. A consensual and proper termination of the inspection contract is not a sanction 5, although it has to be reported to the authorities as well.