

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.

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

List of sanctions 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 bodies of the control bodies' activities in ecological agriculture

This list of sanctions is intended to clarify the individual sanctions, also including a list of examples for each sanction. In the inspection report, these sanctions are identified with the numbers 1 - 5. The inspection report also contains information about the measures to resolve a sanction and a possible deadline until this has to be done.

After the audit, ABG inspectors have to explain the given sanctions and their consequences. Each sanction will be checked and confirmed or corrected by a member of ABG staff during the certification.

Sanction 1: Warning ^{ABG} Simple remark (SR) Request for improvement (RI)

This sanction is issued in cases of minor irregularities or involuntary violations that have no impact on the certification decision ^(SR) and is accompanied by the request for improvement, specifying the way of improvement and a deadline for correction ^(RI).

Deviations may be corrected immediately during the inspection or in a period of time (deadline max. 10 days) defined by the inspector.

During the next inspection the corrective measures will be verified.

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

- Relevant documents during the inspection are incomplete
- Disturbing elements for inspection: incomplete documents (e.g. analysis reports, labels, ...)
- 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 enhancing records and submitting documents ^{ABG}

Simple remark (SR)

Request for improvement (RI)

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

Deadline: defined by the inspector from minimum 10 working days (2weeks) up to 20 working days (4 weeks) depending on the situation.

This sanction is issued in cases of minor irregularities or involuntary violations that have no impact on the certification decision ^(SR) and is accompanied by the request for improvement, specifying the way of improvement and a deadline for correction ^(RI).

This sanction is relevant for the following irregularities:

- Incomplete check of suppliers.
- Incomplete or inconsistent records, which complicates the inspection.
- Inconsistent declaration/identification of products or sell areas (shelves)

Sanction 3: Additional, fee-based inspection ^{ABG}

Warning (WARN)

Additional inspection (AI)

This sanction requires an additional inspection to be sure that irregularities are corrected ^{ABG} and is issued in cases where sanctions 1 and 2 haven't been corrected within the defined period of time and in case of repeating the same irregularity or in case of suspicion regarding irregularities of the operator's activity. ^(WARN)

Deadline: immediately, during the inspection; additional inspection will be performed by ABG inspectors.

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

Sanction 4: Downgrading/Exclusion of one lot and prohibition of organic declaration ^{ABG}

Downgrading of product/ lot/production series (DP)

Operator's activity suspension¹ (AS)

This sanction is always applied after consultation with the responsible authority (MADR). To be sure that the relevant lot was excluded/downgraded, an additional inspection is necessary (costs paid by the client). ^{ABG}

Deadline: immediately during the inspection, if forbidden products/activities are identified, or during the certification based on product samples with positive results of forbidden substances.

To be applied to a certain product or lot, by withdrawal of the indications regarding the organic production method in labelling and promotion. Enforce the withdrawal from the market of the downgraded lot and additional inspections. ^(DP)

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.

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.

After the end of the suspension period, ABG 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 that the operator has corrected the nonconformities, he'll benefit of his prior status. In case that the operator didn't remedy the nonconformities, he'll be excluded.

This sanction is relevant for the following irregularities:

- 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
- Scientific change of declaration of goods in conversion and/or severe infringements 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.

Sanction 5: Termination of the inspection contract ^{ABG} Exclusion of the operator from the organic certification system- withdrawal and contract cancellation (OE)

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 be reported to the authorities (MADR) as well. ^{ABG}

The operator exclusion represents a ban of the operator's right to carry out activities in the organic certification system in the event of serious provisions breach or with long lasting effects on producing/trading products with indications regarding the organic production method². In this case, the contract will be cancelled and all justifying documents issued to the operator (certificates) will be mandatory withdrawn. It may be applied in cases where not all the contractual obligations are fulfilled. ^(OE)

² In case of serious or long-term infringements the responsible authority may exclude the operator for 5 years.