

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.

Based on the **Bulgarian Regulation nr. 1 from 7th of February 2013 (current version)** this **sanction corresponds to Annex Nr. 3, Article 40, paragraph 6, 5.1.**

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.

Based on the **Bulgarian Regulation nr. 1 from 7th of February 2013 (current version)** this **sanction corresponds to Annex Nr. 3, Article 40, paragraph 6, 5.1.**

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.

Based on the **Bulgarian Regulation nr. 1 from 7th of February 2013 (current version)** this **sanction corresponds to Annex Nr. 3, Article 40, paragraph 6, 5.2., 5.3., 5.4.**

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 Bulgaria for processors/traders/importers Austria Bio Garantie GmbH

List of sanctions Bulgaria (International processing)

This sanction catalogue explains the sanctions if any violations of the rules in accordance to Regulation EC 834/2007 and Implementing Rules, current version and the Bulgarian Regulation Nr. 5 from 3rd of September 2018 (current version) takes 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 5.1: Increased recordkeeping and reporting obligations (corrective actions)

This sanction (no effect on organic status) calls for corrective actions, an improvement of records/transparency or submitting of documents. This sanction usually has a deadline (maximum 10 days).

Sanction 5.2: Blocking of product/downgrading of a product/of products, which was/were not yet marketed

It is not allowed to give any reference to the organic production method in the labelling and advertising of the relevant lot affected by these irregularities.

Sanction 5.3.1: Temporary partial prohibition for a minimal period of 3 months of a product/of products which was/were marketed already

It is not allowed to give any reference to the organic production method in the labelling and advertising of the relevant lot affected by these irregularities. Customers have to be informed in written form.

Sanction 5.3.2: Temporary full prohibition for a minimal period of 5 months of a product/of products which was/were marketed already

It is not allowed to give any reference to the organic production method in the labelling and advertising of the relevant lot affected by these irregularities. Customers have to be informed in written form.

Sanction 5.4: Prohibition of organic sales in case of severe infringement

This sanction is given when a product or a company is being excluded from marketing products which refer to the organic production method with reference to the legal basis. The duration of this ban must be arranged with the authorities.

Sanction 6: Prohibition of organic sales in case an operator is reasonably suspected

Temporary prohibition to market a product as organic in accordance with Article 91, Paragraph 2 of Regulation (EC) No 889/2008 for a period of time as defined by the control body until suspicions are proved/cleared out.

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.

Deviation level	Sanction	Deadline	Consequence
5.1	Increased record-keeping and reporting obligations	10 Days	This sanction is also given with conditions to be improved and has to be fulfilled within the deadline.
5.2	Downgrading of a product/of products, which was/were not yet marketed	immediately	It is not allowed to give any reference to the organic production method in the labelling and advertising of the relevant lot affected by this irregularity.
5.3.1	Temporary partial prohibition of organic sales for a minimal period of 3 months	immediately	It is not allowed to give any reference to the organic production method in the labelling and advertising of the relevant lot affected by this irregularity. Customer has to be informed in written form.
5.3.2	Temporary full prohibition of organic sales for a minimal period of 5 months	immediately	It is not allowed to give any reference to the organic or in conversion production method in the labelling and advertising of the entire production. Customer has to be informed in written form.
5.4	Prohibition of organic sales in case of severe infringement	immediately	In agreement with the Authority prohibition of marketing products which refer to the organic production method in the labelling and advertising for a period. Customer has to be informed in written form.
6	Prohibition of organic sales in case an operator is reasonably suspected	immediately	Temporary prohibition to sell a product as organic in accordance with Article 91, Paragraph 2 of Regulation (EC) No 889/2008 for a period of time as defined by the control body until suspicions are proved/cleared out.
	Termination of the inspection contract		This is an issue under private law between the client and inspection body. Relevant authorities are informed.

Please consider:

Even slight irregularities may lead to a tightening of sanctions in case of repetition.
 Every deviation level leads to an additional inspection during the relevant year.

Remark:

If a sanction is given, the respective number appears on the inspection report. 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 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)

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

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.

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.