

BCS ÖKO-GARANTIE GMBH

List of Penalties

(effective until a nationally valid list is published)

in accordance with Regulation (EEC) 2092/91, its amendments and rules of implementation

1. PENALTY CATEGORIES

- 1.1 Written remark in the inspection report
- 1.2 Increased obligation for documentation and notification
- 1.3 Increased number of inspections
- 1.4 Caution/warning
- 1.5 Withdrawal of right to use indications referring to organic production and/or indications that products are covered by the inspection scheme in accordance with Regulation (EEC) 2092/91 Art. 9 (9) a and Art. 10 (3) a
- 1.6 Exclusion of operator from marketing according Art. 9(9) b and Art. 10(3)b

Penalties 1.1 to 1.5 are pronounced and carried out by the inspection body. 1.6 is imposed by the inspection authority directly.

The combination of several penalties is possible.

2. INFRINGEMENTS

2.1 Complaints

Reasons for complaints are for example:

2.1.1 In section A (Agriculture):

- late submission of annual rotation program
- lack of or default of appropriate measures according to Annex I, paragraph 3;
- repeated minor infringements

2.1.2 In section B (preparation/packaging):

- late submission of product flow diagrams and blue prints of operation;
- impeding the inspection;
- late submission of test results and labels/packaging
- repeated minor infringements

2.2 Irregularities (infringements of medium severity in both sections A and B)

Irregularities are for example:

- incomplete records that impede the inspection
- incomplete labelling of separated products in different parts of the unit
- incomplete separation during storage and transport

2.3 Major Infringements

2.3.1 In section A (Agriculture):

- Use of auxiliary substances that have not been approved (Annex II)
- Refusal to comply with the duty to keep records or denial of access to the production unit.
- Non-Compliance with conversion periods and/or wrong declaration of conversion goods

2.3.2 In Section B (Preparation/Packaging)

- denial of access to facilities, refusal to hand out necessary documents
- refusal to let samples be taken
- use of auxiliary substances, ingredients, additives or treatments that have not been approved (Annex VI)
- fraudulent change of labelling of conversion products and/or
- other gross negligent infringements concerning recipes and labelling
- use and labelling of raw materials as organically produced (according to the Regulation), if those commodities are not organically produced
- repeated infringements

2.4 Acute infringements (in section A and B)

acute infringements are for example:

- fraudulent marketing
- willful or gross negligent infringements against duty of care
- concerning separation, above all during preparation, and
- contamination caused by gross negligence
- obvious infringements with long-term effect

According to Art. 9, paragraph 9b and Article 10, paragraph 3b the permission to market the products concerned and to indicate on this products that they are covered by the inspection scheme will be withdrawn from the operator, at least for a certain period.