Submitted draft of the application for the

Rules Governing the Use of the European Union Certification Mark

"Ohne Gentechnik"

(Application No. 018466307)

0.
Preamble:
Under EU Regulation (EC) Nos. 1829/2003 and 1830/2003, food and feed consisting of, containing or produced from genetically modified organisms (GMOs) must be labelled as such. In addition, the Regulations grant an exception to the labelling obligation for feed with a GMO proportion of 0.9% or lower, provided that this proportion is adventitious or technically unavoidable. However, Regulation (EC) Nos. 1829/2003 and 1830/2003 do not cover cases where food of animal origin is not labelled, even if the animals from which the food originates were fed with labelled feed. The German Act to Amend the Genetic Engineering Act, the EC Genetic Engineering Implementation Act (EGGenTDurchfG) and the Novel Food and Novel Food Ingredients Ordinance of 01 April 2008 created special provisions at the national level in the Federal Republic of Germany for voluntary labelling of food produced without the use of genetic methods. The requirement for such an "ohne Gentechnik" label for products of animal origin is, among others, complete or temporary abstention from the use of feed consisting of, containing or produced from genetically modified organisms – which therefore closes the gap in the European Regulations.

Verband Lebensmittel ohne Gentechnik e.V. advocates for more transparency regarding food and feed. The goal is not to exceed the 0.1% limit-of-determination for contamination of food with GMOs, which is authorised in the European Union.

1.
Name and address of the owner (applicant):

Verband Lebensmittel ohne Gentechnik e. V., Friedrichstraße 153a, 10117 Berlin, recorded in the Register of Associations at the Local Court of Berlin Charlottenburg under VR number 29801 B.

2.

Declaration in accordance with Art. 83 (2) of Regulation (EU) 2017/1001 of the European Parliament and the Council of 14 June 2017 on the European Union Trademark:

The applicant meets the requirements set forth in Art. 83 (2) of Regulation (EU) 2017/1001 of the European Parliament and the Council of 14 June 2017 on the European Union Trademark. The applicant itself does not engage in any activity that comprises the supply of goods or the provision of the services for which the certification is being made.

3.
Reproduction of the EU certification mark:

4.
The goods and services covered by the EU certification mark:

The certification mark applies to the goods and services identified in Appendix I.

5.
Features of the goods and services to be certified by the EU certification mark:

5.1.
The certification mark identifies foods and food ingredients that

- are not themselves GMOs

and/or

- do not contain or consist of GMOs

and/or

- are not produced from GMOs or contain ingredients produced from GMOs.

5.2
The certification mark indicates and certifies that no foods, food ingredients, processing aids or other substances in accordance with Sec. 5 of the German Food Labelling Ordinance (LMKV) in its version of 15 December 1999, most recently amended by Article 1 of the Regulation of 18 December 2007, which were produced by a GMO, were used in preparing, handling, processing or mixing a food and/or food ingredient.

5.3
A food/food ingredient with GMO content up to the 0.1% limit-of-determination per ingredient in technically unavoidable or adventitious GMO traces is considered a food/food ingredient under 5.1.

5.4
For foods or food ingredients of animal origin, it is certified, in addition, that no feed labelled as "genetically modified" (GM) in accordance with Regulation (EC) Nos. 1829/2003 and 1830/2003 and no feed that would have to be labelled if placed on the market was used in the feeding of the animals from which the food was produced as of a certain date prior to production ("minimum feeding conversion period"). The minimum feeding conversion period before production (e.g., slaughter, milking) is:

- for equidae and cattle (including Bubalus and Bison species): 12 months before slaughter or, in any case, at least three-fourths of their life

- for small ruminants: 6 months

- for pigs: 4 months

- for poultry to be used for meat production that was brought in before it was three days old: at least 10 weeks

- for milk cows and other milk-producing animals: 3 months

- for laying hens and other poultry used for egg production: 6 weeks, and

- for other animal species/animal categories: from birth/hatching

5.5
It is certified that live animals used for food did not receive any feed labelled as "genetically modified" (GM) in accordance with Regulation (EC) Nos. 1829/2003 and 1830/2003 and did not receive any feed that would have to be labelled if placed on the market for a certain minimum feeding conversion period prior to production. The minimum feeding conversion period before production (e.g., slaughter, milking) is:

- for equidae and cattle (including Bubalus and Bison species): 12 months before slaughter or, in any case, at least three-fourths of their life

- for small ruminants: 6 months

- for pigs: 4 months

- for poultry to be used for meat production that was brought in before it was three days old: at least 10 weeks

- for milk cows and other milk-producing animals: 3 months

- for laying hens and other poultry used for egg production: 6 weeks, and

- for other animal species/animal categories: from birth/hatching

5.6
At the retail stage of distribution (Class 35 services), the certification mark certifies that the goods referred to under 5.1 - 5.5, in the case of bulk goods (unpackaged goods), are not mixed with GMO-containing substances and that live animals used for food production are not fed with feed subject to compulsory labelling in accordance with Regulation (EC) Nos. 1829/2003 and 1830/2003 during the retail stage of distribution.

5.7
At the transport, storage and trans-shipment stage of distribution (Class 39 services), the certification mark certifies that the goods referred to under 5.1 - 5.5, in the case of bulk goods (unpackaged goods), are not mixed with GMO-containing substances and that live animals used for food production are not fed with feed subject to compulsory labelling under Regulation (EC) Nos. 1829/2003 and 1830/2003 during the transport stage of distribution.

5.8
At the agricultural stage of distribution (Class 44 services), the certification mark certifies that the goods referred to in accordance with 5.1 - 5.5, in the case of bulk goods (unpackaged goods), are not mixed with GMO-containing substances and that live animals used for food production are not fed with feed subject to compulsory labelling in accordance with Regulation (EC) Nos. 1829/2003 and 1830/2003 and the minimum feeding conversion periods have been complied with. The minimum feeding conversion periods are:

- for equidae and cattle (including Bubalus and Bison species): 12 months before slaughter or, in any case, at least three-fourths of their life

- for small ruminants: 6 months
- for pigs: 4 months
- for poultry to be used for meat production that was brought in before it was three days old: at least 10 weeks
- for milk cows and other milk-producing animals: 3 months
- for laying hens and other poultry used for egg production: 6 weeks, and
- for other animal species/animal categories: from birth/hatching

6.
Conditions for the use of the EU certification mark, including penalties:

6.1
The applicant grants a simple right to use the certification mark for a fee under the following conditions:

- conclusion of a licence agreement with the applicant and
- submission of a valid VLOG certificate or certificate under a standard recognised by the applicant as equivalent

6.2
Basic content of the licence agreement

6.2.1
In the licence agreement to be concluded, the authorised user warrants that it will ensure compliance with the characteristics identified in the certification mark (cf. Section 5) by submitting a VLOG certificate or certificate under a standard recognised by the applicant as equivalent.

The relevant certification requirements for the issuance of a VLOG certificate are attached in Appendices II-VII to these Rules Governing the Use of the Certification Mark.

6.2.2
The authorised user must substantiate its compliance with the criteria (Appendices II-VII) by submitting a certificate (VLOG certificate or certificate under a standard recognised by the applicant as equivalent).

6.2.3
The authorised user agrees to use the certification mark.

6.2.4
The applicant is entitled to demand proof of the use of the certification mark by the authorised user.

6.2.5
If the authorised user breaches the licence agreement, it must pay a penalty to the applicant. The amount of the penalty payment will depend on the type of breach. The applicant can also impose

further penalties, such as termination of the licence agreement. The range the penalties is governed by the licence agreement.

6.3
If the authorised user violates the respective certification conditions set forth in Appendices II–VII, the certification body and/or the applicant will impose suitable penalties depending on the seriousness of the violation. The certification body and/or the applicant has a wide range of potential penalties at its disposal, which extend to withdrawal of certification, resulting in the loss of authorised user status.

6.4
Any additional rights and penalties under the European Union Trademark Regulation shall remain unaffected.

7.
Persons authorised to use the EU certification mark:

Only those who verifiably meet the required characteristics criteria (cf. Section 5) and have been granted a right of use (cf. Section 6) are entitled to use the certification mark.

Each authorised user will be assigned its own number (licence number), to make the authorised user clearly identifiable. The current list of authorised users with a VLOG certificate or certificate under a standard recognised as equivalent and a licence can be inspected on the Internet page at https://www.ohnegentechnik.org/Mitglieder-und-Siegelnutzer.

8.
Manner in which the certifying body must check these characteristics:

The prerequisites for the use of the certification mark are to be reviewed under an audit and evaluation procedure.

8.1 Receipt of the certificate - Certification process for individual certifications

8.1.1 Initial audit

The initial certification procedure is as follows:

(1) Application

A business that wishes to be considered an authorised user (hereinafter: the “business”), must conclude an agreement with the applicant (a Standard Usage Agreement).

In addition, the business must apply for certification by a certification body recognised by the applicant (cf. 9.1.1). In the process, the business must indicate the desired scope of application for the certification (stage/sub-stage/product group). A written agreement must be concluded between the business and the recognised certification body regarding the implementation of neutral audits and certifications.

(2) Audit and evaluation

(a)
The certification body will audit the business for the first time based on the requirements for the requested scope of application under the respective specifications of Appendices II-VII.

This will be either

- a complete on-site audit (cf. aa)
- a remote audit (cf. bb) or
- a document audit (cf. cc)

of all sites/operating units involved in the activities of the business, which will be covered by the requested scope of application. The auditor must document his evaluation of the requirements and any deviations found; a follow-up audit will be conducted, if necessary (cf. Section 9.2.2).

(aa) on-site audit

The on-site audit is divided into introductory meeting, document inspection, facility inspection and final discussion as follows:

Introductory meeting:

- Introduction of the auditor and the persons involved in the audit
- Explanation of the planned audit schedule
- Clarification of fundamental questions regarding the audit schedule

Document inspection:

- Examination of the facility description and verification of risk grading, if appliable
- Examination of the relevant business documents (e.g. organisational chart/organisation, quality management system, bills of lading)
- Verification of compliance with the Standard requirements (e.g. labelling of raw materials/feed, risk management)
- Mass flow control (input and output plausibility check in the facility)

Facility inspection:

- On-site assessment of the production areas, facilities and relevant production processes
- Verification of compliance with the system requirements (e.g. segregated handling, awareness of the risk of introduction and carryover)
- Interview of staff
- Sampling as provided for and/or in the case of suspected non-compliance

Final discussion:

- Summary of deviations found and preliminary result

(bb) Remote audit

In special, exceptional cases (such as a pandemic) in which an on-site audit is not possible, the on-site audit can be replaced with a remote audit. In so doing, all the items of the on-site audit are retained, but the facility inspection can be replaced by a "digital facility inspection" using information-and-communications technology. Whether a "digital facility inspection" should be conducted is within the discretion of the applicant. The production areas, equipment and production processes included in the business are reviewed by the auditor based on the floor plan of the business. There are no other special features in comparison to an on-site audit.

(cc) Document audit

In a document audit, only those documents needed for the audit are to be sent to the competent certification body. This relates to either the documents that are also checked during an on-site audit or to review of the certificate under a standard recognised by the applicant as equivalent and compliance with additional standard requirements.

(b) Grading

The auditor checks compliance with the requirements of the respective Appendices II-VII and grades it. The grading criteria are set forth below:

Grading	Description	Points
A	Full compliance with a requirement	10 Points
B	Minor to moderate deviations from the requirement	5 Points
C	Non-compliance or major deviation from the requirement	- 10 points
N.A.	Not applicable	-
Risk	Major deviation, meaning that a risk to "ohne Gentechnik" labelling cannot be ruled out	- 15% of total points[1]
KO	A requirement the non-compliance of which has a critical effect on "Ohne Gentechnik" labelling. KO criteria are each labelled *"(KO)"* in Appendices II-VII.	Audit not passed

[1]15% of the points total will be deducted for each criterion classified as a risk.

The audit analysis and the certification decision are made on the basis of the following table:

Audit results	Status	Certificate, measures
• more than 75% of the maximum points • no KO grading	passed	• VLOG certificate will be issued
• more than 75% of the maximum points • no KO grading • risk assessment	passed/not passed	• only a routine audit (see Item 9.1.1): the certification body will decide whether to suspend the certificate depending on the seriousness and importance of the risk assessment

Audit results	Status	Certificate, measures
		• VLOG certificate will not be issued until corrective actions have been implemented and reviewed • certification body decides whether a follow-up audit is necessary
Only for an expansion certification • no KO grading • "A" grade for the facility description requirement	passed	• issuance of the VLOG certificate or inclusion in the VLOG group
• less than 75% of the maximum points • no KO grading	not passed	• no certificate will be issued • only routine audits for individual certifications or audits of group/ matrix organisers that were not passed: certification body to inform the applicant within 2 business days that the audit was not passed • a new routine audit must be performed
• one or more KO gradings	not passed	• no certificate will be issued or, for group/matrix members, no inclusion in the certification of the group/matrix organiser • certification body must suspend the current VLOG certificate within 2 working days or the group/matrix member must be removed from the list of members • certification body notifies applicant about the KO grading within 2 working days (does not apply to group/matrix members who did not pass the audits) • the business must take the necessary corrective actions before a certificate will again be issued or it will be added back to the list of members • A new routine audit must be performed. If the sole reason for the KO evaluation was the lack of documentation, a document audit can be performed instead. The decision whether a new routine audit or a document audit must be performed is the responsibility of the certification body.

(3) Certificate Issuance

Following a successful audit, the certification body will issue the business a certificate no later than 8 weeks after the audit. Businesses or facilities undergoing initial certification are authorised to start shipping only after the issuance of the certificate.

(4) Duration of certificate

The validity period of the certificate extends until a new certificate is issued, but not later than the end of the following year (relative to the audit date).

8.1.2 Expansion audit:

If, during the validity period of the certificate, the business wants to include new product groups, processes, production lines, etc. into the scope of applicability, this expansion is to be assessed within the framework of an expansion audit. The decision which audit (cf. 8.1) is needed or if only specific requirements need to be checked will be determined by the relevant certification body. If these requirements are also met, the VLOG certificate's scope of application will be supplemented to include the new product groups, processes or the like. In case the certification body does not perform a complete on-site audit, the amended certificate will expire at the same time as the certificate for the previous routine audit.

8.2 Receipt of the certificate – Certification process for "transport/logistics" matrix certifications

A matrix is defined as an association of different businesses/sites for the purpose of certification. The matrix is organised by a so-called "matrix organiser", while the participating businesses are referred to as matrix members, and their sites, as matrix sites.

The prerequisite for certification is:

- Contract between the matrix organiser and a certification body recognised by the applicant
- existing contract between the matrix organiser and the applicant

(1) Application

The matrix organiser will apply to a certification body recognised by the applicant for matrix certification in accordance with the specifications of Appendix VII. In the process, the matrix organiser must establish the basis on which the initial certification and future approvals of additional sites will be made. For this purpose, the matrix organiser can choose between the 33% process and the 100% process. The 33%-process is an initial data collection at the matrix sites by the matrix organiser, together with audits by the certification body of the matrix organiser, at 100% of manufacturers and 33% of logistics sites. In the 100%-process audits of the matrix organiser and all matrix sites are certified by the certification body.

(2) Audit

The initial certification based on initial data collection by the matrix organiser (33%-process) is carried out as follows:

The certification body must perform an initial audit of the matrix organiser. The matrix organiser performs the initial collection of data from all sites, i.e. on-site self-monitoring, by demonstrably competent personnel. The matrix organiser thereby verifies the information in the site-related facility descriptions of the individual sites. Initial data collections are carried out in coordination with certification bodies recognised by the applicant and are formally approved by them. The matrix organiser subsequently forwards all facility descriptions of the individual sites to the certification body. The certification body reviews and evaluates the matrix description and the site-related facility descriptions of all matrix sites and the matrix organiser. Information/documents that are missing or must be corrected are to be requested from the matrix organiser. Insofar as all information/documents are available, the certification body will review the matrix organiser's results of the initial data collection from 100% of manufacturers and at least 33% of logistic sites by comparing them to its own initial audits (cf. clause 8.1.1). The results of the initial audit are compared with the results of the initial data collections, and measures are initiated, if necessary.

Initial certification based on 100% of the audits performed by the certification body (100% process): The certification body performs an initial audit of the matrix organiser. The matrix organiser provides the site-related facility descriptions for the sites to the certification body recognised by the applicant. The certification body performs audits at all the sites. The certification decision is based on these audits

(3) Certificate Issuance:

The certificate is issued for a "transport/logistics" matrix and bears the name of the matrix organiser. The certification body recognised by the applicant can issue the matrix member a certificate stating that it is part of a matrix certification.

(4) Duration of certificate

The validity period of the certificate extends until a new certificate is issued, but not later than the end of the following year (relative to the audit date).

8.3 Receipt of the certificate - Certification process for "agricultural" group certifications

A group organisation is defined as an association of different businesses/sites for the purpose of VLOG certification. The group is organised by a so-called group organiser, and the participating businesses/sites are called group members.

The prerequisite for certification is:

- Contract between the group organiser and a certification body recognised by the applicant
- existing contract between the group organiser and the applicant (Standard Usage Agreement)

(1) Application

The group organiser will apply to a certification body recognised by the applicant for group certification in accordance with the specifications of Appendix VI. In the process, the group organiser must establish the basis on which the initial certification and future approvals of additional sites will be made. For this purpose, the group organiser can choose between the 25% process and the 100% process. During the 25%-process there is an initial collection of all group member data by the group organiser, together

with audits by the certification body at the group organiser and at 25% of the group members. The group organiser itself is audited by the certification body. During the 100%-process the certification body performs audits of the group organiser and all group members.

(2) Audit

The initial certification based on initial data collection by the group organiser (25%-process) is carried out as follows:

The certification body must perform an initial audit of the group organiser. The group organiser performs the initial collection of data from all group members, i.e. on-site self-monitoring, by demonstrably competent personnel. The group organiser thereby verifies the information in the facility descriptions of the individual group members. Initial data collections are carried out in coordination with certification bodies recognised by the applicant and are formally approved by them. The group organiser subsequently forwards all facility descriptions, also indicating the risk categories, and checklists for each group member to the certification body. The certification body reviews and evaluates the group description and the facility descriptions of all group members and the group organiser. Information/documents that are missing or require correction are requested from the group organiser. Insofar as all information/documents are available, the certification body will review the group organiser's results of the initial data collection from at least 25% of the group members by comparing them to its own initial audits (cf. clause 8.1.1). The results of the initial audit are compared with the results of the initial data collections by the group organiser, and measures are initiated, if necessary. An audit analysis is performed on the basis of the initial data collections and audits and, if appropriate, a certification decision is made and a certificate is issued. The certification body is to verify the grading of the group members into risk categories and will base the audit intervals of each group member for the coming audit period on this grading.

Initial certification based on 100% audits by the certification body (100% process): The certification body performs an initial audit of the group organiser. The group organiser is to transmit the facility descriptions of the group members to the certification body. The certification body performs audits at all the group members.

(3) Evaluation and audit analysis:

An audit analysis is performed on the basis of the audits (8.1.1.2 (b)) and, if appropriate, a certification decision is made and a certificate is issued (see 8.3 (3)). The requirements are evaluated by the auditor under the grading criteria in 8.1.1 (b). The audit analysis is performed by the certification body in accordance with the specifications of 8.1.1 (d).

(4) Certificate Issuance:

The certificate will be issued for the group "agriculture" and must contain the business name of the group organiser. The certification body recognised by the applicant can issue the group member a certificate stating that it is part of a group certification. The group organiser is to report changes to the list of members promptly to the certification body.

(5) Duration of certificate

The validity period of the certificate extends until a new certificate is issued, but not later than the end of the following year (relative to the audit date).

8.4 Receipt of the certificate - Certification process for "retail" group certifications

(1) Application

The group organiser applies to the certification body for group certification and submits the group description. The group organiser determines the basis on which the initial certification and the future approval of additional group members will be carried out.

(2) Audit

The certification body performs an annual audit of the group organiser and an audit of the group members in accordance with the following sample sizes:

- 10% of the group members per year if "Ohne Gentechnik"/"VLOG" food is centrally purchased and traceability up until sale to the customer must be ensured. These audits are announced.

- 10% of the group members per year if "Ohne Gentechnik"/"VLOG" food is centrally purchased and traceability up until the service counter must be ensured. These audits are unannounced.

- 100% of the branches if the "Ohne Gentechnik"/"VLOG" food products may be purchased decentralized by the branches. These audits are announced.

(3) Evaluation and audit analysis

The requirements are evaluated by the auditor under the grading criteria in 8.1.1 (b). The audit analysis is performed by the certification body in accordance with the specifications in 8.1.1 (b).

(4) Certificate Issuance:

The certificate is to be issued to headquarters for the "retail/bulk goods" area of application. The participating branches must be listed in an annex to the certificate. The group organiser is to report changes to the list of members promptly to the certification body.

(5) Duration of certificate

The validity period of the certificate extends until a new certificate is issued, but not later than the end of the following year (relative to the audit date).

8.5 Commissioning external service providers

If the business contracts out activities subject to certification to third parties and the third party does not already have a VLOG certificate or a certificate under a standard recognised by the applicant as equivalent, these activities must be audited by a certification body recognised by the applicant at the third party's site in accordance with the respective specifications of Appendices II-VII.

The audit is to be based on a contractual agreement between the business and the third party. The auditor is to audit compliance with the requirements of the special provisions (Appendices II-VII) solely with respect to the business's production area.

8.6 Recognition of certification under a standard recognised as equivalent:

If a business is certified under a standard recognised by the applicant as equivalent, an additional VLOG certificate is not necessary. The standards listed on the Internet page at https://www.ohnegentechnik.org/GLAS are considered to be standards recognised by the applicant as equivalent. An existing certification under a standard recognised by the applicant as equivalent will be reviewed by the applicant on an annual basis.

9.
Manner in which the certifying body is to monitor these characteristics:

The system for monitoring whether the goods and services covered by the certification mark possess the necessary characteristics operates through a control system by the certification bodies and an internal VLOG Integrity Verification Audit.

9.1. Recognition process

9.1.1 Recognition process for certifiers

The certification bodies that collaborate with the applicant and offer and perform the respective certifications, must first undergo a recognition procedure. A list of the certification bodies recognised by the applicant can be inspected on the Internet page at https://www.ohnegentechnik.org/en/for-certifiers/recognised-certification-bodies.

9.1.2 Recognition procedure for testing laboratories

Testing laboratories are accredited under DIN EN ISO/IEC 17025 (in the current version) for all qualitative and quantitative GMO investigations to be carried out in various areas and are recognised by the applicant for the determination of soy mass. The accreditation can be in the form of a flexible accreditation for the entire area or an individual accreditation for each procedure to be carried out. After recognition by the applicant, the laboratory must submit proof of successful participation to the applicant.

A list of the testing laboratories recognised by the applicant can be inspected on the Internet page at https://www.ohnegentechnik.org/en/for-test-laboratories/recognised-laboratories.

9.2 Review of certification bodies (third-party review):

Compliance with the required characteristics is ensured by the audit agreement between the authorised user/group organiser and the certification body as well as the mandatory audit intervals required to maintain the certificate (routine audits). In addition, certification bodies can audit compliance with the required characteristics in suspicious cases:

9.2.1 Routine audit for renewal or review of certification

(1) Individual certification

Every business itself is responsible for updating and monitoring [compliance with] the certificate. Due to the time limit for issuing certificates, every business must apply for maintenance of its certification and carry out a routine audit with the certification body in accordance with the audit agreement that has been concluded. A routine audit is a complete on-site audit or, if certain conditions are met, a

remote audit of all sites/operating units (see Item 8.1.1 (2)) involved in the activities of the business, or a document audit. The requirements are checked by the auditor. If the business has complied with the requirements for the respective certification (Appendices II-IV), the business is re-certified. The routine audit is usually announced beforehand. In the case of individual certification, annual routine audits are performed.
If, however, a business is a member of a group certification for one type of production and is also individually certified for another type of production, the audit interval for the group certification generally applies to all types of production.

(2) Matrix certification

With respect to a matrix re-certification, the matrix organiser is responsible for compliance with the audit dates and implementation of any measures at the sites. There is an annual audit of the matrix organiser by a certification body recognised by the applicant in accordance with Appendix VII and regular audits of the respective matrix sites in accordance with the audit intervals.

Food production/processing sites must be audited by the certification body on an annual basis. Matrix sites at the logistics and mobile grinding and/or mixing facility stage must be audited by the certification body within three years, i.e., in the third consecutive year at the latest.

(3) “Agricultural” group certification (Class 44 services)

With respect to a group certification, the certification body is responsible for and monitors compliance with the audit dates. This is to be done with the support of the group organiser. The group organiser is responsible for the implementation of corrective actions by the group members. The certification body is responsible for monitoring the effectiveness of the corrective actions. The certification body is to perform an audit of the group organiser every year; for the group members, routine audits at the intervals specified for the corresponding risk category. The audit interval commences as of the date the certificate is first issued.

The following audit intervals apply for the respective risk categories:

- All group members in Risk Category 0 must be audited by the certification body within 3 years (i.e. at the latest in the third following year of the last audit).
- All group members in Risk Category 1 must be audited by the certification body within 2 years (i.e. at the latest in the second following year of the last audit).
- All group members in Risk Category 2 must be audited annually by the certification body.

If a follow-up audit is conducted sooner than necessary (e.g., one calendar year sooner), subsequent routine audits must also be scheduled sooner.

(4) “Retail” group certification (Class 35 services)

With respect to a group certification, the certification body is responsible for and monitors compliance with the audit dates. This is to be done with the support of the group organiser. The group organiser is responsible for the implementation of corrective actions by the group members. The certification body is responsible for monitoring the effectiveness of corrective actions. The certification body performs an annual audit of the group organiser and an audit of the group members in accordance with the following sample sizes:

- 10% of the group members per year if “Ohne Gentechnik”/”VLOG” food is centrally purchased and traceability up until sale to the customer must be ensured. These audits are announced.

- 10% of the group members per year if “Ohne Gentechnik”/”VLOG” food is centrally purchased and traceability up until the service counter must be ensured. These audits are unannounced.

- 100% of the branches if the “Ohne Gentechnik”/”VLOG” food products may be purchased decentralized by the branches. These audits are announced.

9.2.2 Follow-up audit

If it is necessary for the audited business to take corrective actions, there must be a follow-up audit, depending on the seriousness of the deviation or the violation, to review the implementation and effectiveness of the corrective actions. The auditor will only evaluate specific requirements on-site. If the follow-up audit has been announced beforehand, the certification body must document the reason for the announcement of the audit. The certification body is to select the timing of the follow-up audit such that the efficacy of the specified measures can be reviewed.

9.2.3 Audit on suspicion

Certification bodies and the applicant are entitled to perform a so-called audit on suspicion if there are suspicious circumstances. An audit on suspicion is a review of the suspicious factors, in which only selected criteria are checked during the on-site audit. These audits are generally not announced beforehand. If the audit has been announced beforehand, the certification body must document the reason for the announcement of the audit.

9.3. VLOG Integrity Programme (self-review)

An Integrity Audit audits conformity with the provisions that must be followed.

9.3.1 VLOG Integrity Certification Body Audit

A certification body audit checks whether the work of the certification body is in conformity with the special conditions for certification and the Guidelines for Certification Bodies, Auditors, Evaluators and Certifiers.

The certification bodies to be audited are selected on a rotating basis every four years. If there are suspicious factors, complaints or penalties, audits can be performed outside of this principle.

The audit procedure is divided into two parts. In the first part, the requirements of the special certifications are cross-checked. The second part relates to the analysis and discussion of selected sample cases. The applicant makes a random advance check of the documents submitted by the certification body.

If there are deviations, the certification body must submit a corrective action plan, which the applicant must confirm within a maximum of 4 weeks. The certification body must send proof of implementation of the corrective actions to the applicant in a timely manner.

Certification body audit checks can be performed with or without prior notice.

9.3.2 VLOG Integrity Verification Audit

The authorised users to be audited are selected on the basis of the risk of GMO admixtures or based on complaints or suspicious cases, among other things, or if a certification body/an auditor is the focus of the audit. The Verification Audit is performed by an auditor in accordance with the sequence set forth in Item 8.1. If this is possible in the authorised user’s respective business, samples of foods or

food ingredients are taken during the Verification Audit, which are then analysed for genetically modified organisms in a laboratory recognised by the applicant at the expense of the applicant. The test reports are made available to the authorised user.

If there are deviations, a corrective action plan is developed with the authorised user within a maximum of 4 weeks and documented. The authorised user must, in a timely manner, prove to the applicant that the corrective actions have been implemented. The proofs are then transmitted to the certification body recognised by the applicant. Certification body audit checks can be performed with or without prior notice.

10. Information regarding the rights and obligations of the parties in the event that the certification mark is infringed

10.1

Only the applicant/owner has the right to assert claims for infringement of the certification mark. The latter will take appropriate action against acts of infringement to prevent the misuse of the certification mark in a manner contrary to these Rules Governing the Use of the Certification Mark.

10.2

The applicant/owner can transfer the right to assert such claims to other parties, at its own discretion and in a suitable manner.

10.3

Authorised users are entitled to notify the applicant/owner of infringements.

11. Appendices

Appendix I – List of goods and services

Appendix II – Special requirements for food processing/production

Appendix III – Special requirements for “Logistics”

Appendix IV – Special requirements for products of animal origin

Appendix V – Special requirements for “Retail” group certification

Appendix VI – Special requirements for “Agriculture” group certification

Appendix VII – Special requirements for “Logistics” matrix certification

Appendix VIII – Glossary