

VLOG Guideline

for Dealing with Violations

1 General

This Guideline serves as the basis for dealing with violations of the rules and requirements of Verband Lebensmittel ohne Gentechnik e.V. (hereinafter “VLOG”). The following user groups are contractually obliged to comply with the VLOG requirements.

- Sub-licensees for the “Ohne GenTechnik” seal
- Licensees for the “VLOG geprüft” seal
- Businesses certified according to the VLOG Standard (bound by the Standard Usage Agreement)
- VLOG-recognised certification bodies as well as auditors, evaluators and certifiers involved with them
- VLOG-recognised laboratories

This Guideline exclusively applies to violations that occur after its effective date.

2 Establishing Violations

Breaches of contractual agreements with VLOG and violations of VLOG Standard requirements can be established based on external information, regular VLOG audits or Integrity Audits, evaluations, or document reviews by the head office as well as in other ways.

The head office will promptly respond to information about possible violations by reviewing the necessary documents and requesting any appropriate statements, and/or ordering additional controls and reviews.

If there are indications of an actual violation, the head office will request a statement from the party involved within a brief, prescribed response period.

The internal process must be documented.

Possible violations include:

- Violations of the EC Genetic Engineering Implementation Act (EGGenTDurchfG) by sub-licensees
- Violations of the VLOG Standard by sub-licensees and licensees
- Violations of the VLOG Standard and the Guideline for Certification Bodies, Auditors, Evaluators and Certifiers by certification bodies or auditors, evaluators, and certifiers
- Breaches of other obligations of licensees, sub-licensees and certification bodies that are contractually stipulated (e.g. providing sales figures, paying licence fees, forwarding auditor documents, etc.)
- Violations of the VLOG Standard and the Guideline for Laboratories by laboratories

3 Dealing with Violations

If the information about a violation is confirmed, the head office will determine the severity of the violation with the aid of the violation classification keys in each user group (hereinafter “Classification Key”) and take

appropriate action. Independent personnel¹ at the head office will objectively evaluate violations and determine penalty actions.

Assignment of the Penalty Committee²

The head office will convene the Penalty Committee in the following cases:

- If stipulated by the Classification Key
- In cases that cannot be clearly classified by the head office
- In the event of disputed facts or if a business complains about the evaluation of a violation.

To facilitate scheduling, the head office will notify the Chair of the Penalty Committee of the penalty case as quickly as possible.

The VLOG head office will notify the affected contract partner of the involvement of the Penalty Committee. Contract partners who wish to provide new information, in addition to the statement made when the violation was found (see section 2), will have five business days after notification of the Penalty Committee involvement to respond to the charges and make a statement to the head office.

After receipt of the statement, the head office will provide the Penalty Committee with all necessary information and documentation and make itself available for questions.

Once the case has been transferred to the Penalty Committee (including the necessary information and the contract partner's statement, if any), the Penalty Committee will make a decision within 10 business days. To save time, the Penalty Committee may also discuss the case by telephone or video conference.

Decisions of the Penalty Committee

The decisions of the Penalty Committee are binding. In cases of particular relevance to licensing, the head office and/or the Management Board must be heard before establishing the penalty. Management Board members who are directly affected by the case or otherwise biased will be excluded from consultation and have no voting rights. The head office will immediately forward Penalty Committee decisions to the VLOG Management Board for informational purposes. Once the Penalty Committee has provided a written rationale for its decisions, the head office will execute the determined actions.

4 Classification of Violations

The nature and severity of the violations are described in the Classification Keys, which serve as guidance for the head office or the Penalty Committee.

Independent personnel¹ at the head office will objectively evaluate violations and determine penalty actions.

The penalties and maximum amounts of contractual fines will be based on the "Schedule of Penalties".

In cases where the Penalty Committee was not involved, but examination of the violation by the head office results in withdrawal of the right to use a licence, the VLOG head office will avail itself of the legal expertise of the Penalty Committee.

¹ Employees who were not involved in verifying the violation. For example, this excludes the relevant Integrity Auditor.

² For additional information, cf. section 6

5 Handling and Monitoring of Penalty Actions

The head office will give the contract partner or the member prompt written notice of any further procedures (e.g., required actions, penalties, fines, etc.). If necessary, the head office will also conduct chargeable checks/audits.

The head office is permitted to inform other contract partners or members about the violation and the actions taken. In particular, this will apply to cases involving:

- withdrawal of a licence to use the “Ohne GenTechnik” or “VLOG geprüft” seal or
- incidents or penalties affecting the supply chain.

The costs incurred in connection with the penalty procedure, such as the Chair’s working hours, the Committee members’ travel expenses, a flat fee for expenses incurred for the head office’s work and the costs of experts, is to be borne by the penalised business.

6 Complaint and Appeal Proceedings

Within the context of the penalty procedure, all contract partners have the right to file a complaint or appeal with respect to the violation evaluation to the head office (sanktionen@ohnegentechnik.org). The head office will confirm the receipt of the complaint or appeal and the involvement of the Penalty Committee within five business days. The Penalty Committee will render decisions on complaints and appeals (cf. section **Fehler! Verweisquelle konnte nicht gefunden werden.**). The head office will then inform the contract partner of the Penalty Committee’s decision.

Following the Penalty Committee’s evaluation of a complaint or appeal from a penalised business, VLOG or the business, as stipulated by the Penalty Committee, will bear the costs incurred in connection with the penalty procedure (such as the Chair’s working hours, the Committee members’ travel expenses, a flat fee for expenses incurred for the head office’s work and the costs of experts), as follows:

- If the business complaint with respect to the violation evaluation is successful, there is no violation by the business and VLOG will assume the cost of the penalty procedure.
- If the business complaint with respect to the violation evaluation is partially successful, i.e. the violation is less serious, VLOG will assume a prorated share of the costs at its good-faith discretion based on the decision of the Penalty Committee, taking the fact into account that the complainant partially prevailed.
- If the business’s complaint is unsuccessful or it is decided that the violation is more serious than originally assumed, the penalised business will assume the cost of the penalty procedure.

7 Penalty Committee

The Penalty Committee is appointed as a neutral body. The Penalty Committee comprises selected representatives of the user groups integrated into VLOG and an attorney designated by the head office. The Committee will always consist of five persons: an attorney (Chair) and one business representative from each of the following areas: the feed industry, the food processing industry and the food retailing industry, as well as a representative of a VLOG-recognised certification body.

If the Penalty Committee is deciding a case, the person from the industry involved will have no voting rights. In the food processing area, voting rights will only be void if the case to be decided relates to the same product group.

The head office will select Penalty Committee members from a pool of potential Penalty Committee participants based on their expertise, independence, and availability with respect to the violation to be addressed. There is a substitution rule in case the Chair is unable to attend.

The Chair of the Penalty Committee may consult external experts as necessary, but the associated costs must be clarified with the head office in advance.

The Penalty Committee will work on a voluntary basis, except for the attorney. Committee member expenses, such as travel expenses, will be reimbursed by VLOG.

The Penalty Committee has a quorum if the attorney and at least three additional members are in attendance.

The Penalty Committee will render its decisions by simple majority vote. In the event of an impasse (i.e., a tied vote), the Committee Chair's vote will count as two votes. Written minutes must be kept, which at a minimum must include the names of the participants, the decision with a rationale and a list of the documents utilised to make the decision. The approved minutes are to be promptly sent to the head office.

Penalty Committee members are subject to confidentiality obligations, both during and after the conclusion of their activities for the Penalty Committee. Confidentiality obligations must be set forth in a non-disclosure agreement.

Classification of Violations by Certification Bodies

Minor violations

- Tardy submission of audit and certification documents to VLOG (more than eight weeks after the audit date).
- Faulty and/or incomplete submission of audit and certification documents.
- Issuance of a VLOG certificate without the conclusion of a Standard Usage Agreement or presentation of a VLOG ID.
- Incorrect risk grading of a business by reducing the risk category by one level, despite sufficient audit documentation of on-site conditions.
- Issuance of a VLOG certificate that fails to meet the requirements of the VLOG Standard (e.g., indicating the wrong stage or scope of application). Editorial errors are not considered violations.
- Failure to note errors in the facility description (e.g., incorrect print number, missing list of relevant service providers, missing documentation of risk category).
- Failure to notify VLOG of expiring or terminated contracts with VLOG customers.
- Issuance of a certificate more than eight weeks after the audit date without conducting a new regular audit
- Certification body fails to notify VLOG promptly of disqualifying a VLOG business or report is slightly delayed (max. five business days).
- Certification body holds internal VLOG training with a slight delay (max. four weeks).
- One-time failure to participate in the annual VLOG certification body meeting.

Significant violations

- Occurrence of more than two minor violations within one year.
- Incorrect risk grading of a business by reducing the risk category by two levels, despite sufficient audit documentation of on-site conditions.
- Improper action by the certification body (e.g., failure to implement four-eyes principle in certifying audit documents).
- Incorrect evaluation/assessment by the certification body and/or the auditor (e.g., use of a non-VLOG-recognised laboratory, insufficient sampling and test plan).
- Certification body's independence and objectivity are compromised with respect to certain areas/aspects (e.g., certification body and/or its staff (including auditors) has/have a business relationship (except for certification) or a family/private relationship with the audited business).
- Late notification (by more than six business days) or failure to notify VLOG of a disqualification (K.O.).
- Issuance of VLOG certificates with an overly long duration.
- Inaccurate data regarding certification body staff (auditors, evaluators, certifiers) (e.g., faulty audit list).
- One-time use of auditors, evaluators or certifiers who lack adequate qualifications.

- Certification body fails to hold internal VLOG training or conducts training significantly past the deadline (by more than four weeks).
- Auditor conducts more than three regular VLOG audits of the same business in a row.
- Auditor conducts VLOG audits of a business for which he provided consulting services within the last two years.
- Certification body fails to cooperate with the VLOG Integrity Programme (e.g., provision of inadequate information or documentation). Certification body fails to submit a statement regarding a violation on time or only responds after a repeated request.
- Certification body fails to meet individual requirements, as set forth in the Guideline for Certification Bodies, Auditors, Evaluators and Certifiers, for the implementation of VLOG certifications in the quality management system.
- Failure to take corrective action within the established time period after a minor violation.
- Repeated failure to participate in the annual VLOG certification body meeting.

Major violations

- Occurrence of more than two significant violations within one year.
- Repeated use of auditors, evaluators or certifiers who lack adequate qualifications.
- Wilful or grossly negligent violation of VLOG auditing and certification rules (e.g., certification outside the VLOG Standard's scope of application).
- Certification body deliberately manipulates audit reports, test reports or documents (e.g., use of an auditor who lacks qualifications and of the documentation for a different auditor with adequate qualifications in the audit documents; inaccurate CVs for auditors, certifiers, and evaluators).
- Certification body jeopardises compliance with laws and accurate advertisement of VLOG products/feeds with faulty evaluation/assessment.
- Failure to conduct an on-site facility inspection during a VLOG regular audit of a business.
- Use of incorrect Standard documents, which affects the certification decision (e.g., incorrect version of the Standard, incorrect version of the checklist).
- Certification body denies access to its business offices for VLOG employees on an announced Certification Body Integrity Audit day, even though the auditor and the date of the audit were announced at least two weeks in advance.
- Repeated rejection of persons proposed by VLOG for Witness Integrity Audits.
- Certification body fails to notify VLOG of its loss of accreditation under ISO/IEC 17065.
- Certification body fails to meet multiple requirements, as set forth in the Guideline for Certification Bodies, Auditors, Evaluators and Certifiers, for the implementation of VLOG certifications in the quality management system.
- Certification body fails to take corrective action after a significant violation.
- Certification body fails to take corrective action after a major violation.

The above-listed violations are intended to serve as guidance in evaluating and classifying violations not mentioned here. The four-eyes principle will be used to assess and categorise violations.

Schedule of Penalties for Certification Bodies' Violations

VLOG penalty actions are always a case-by-case decision.

1 Types of Violations

Violations of VLOG rules and VLOG Standard specifications are divided into three levels of severity:

- minor violations
- significant violations
- major violations

1.1 Minor violations

If a minor violation is found, the VLOG head office will issue a written warning with a request to take all necessary actions to avoid a recurrence.

No penalty points are assessed for minor violations; however, the third and every additional minor violation within a year will be considered significant violations under section 1.2 (even if they are different violations). The legal consequences set forth in section 1.2 will apply.

1.2 Significant violations

If a significant violation is found, the VLOG head office will issue a written warning with a request to take all necessary actions to avoid a recurrence. Evidence of compliance must be presented to the VLOG head office in a timely manner (e.g., by submitting a training certificate, evidence of updated internal requirements, etc.). In addition, one penalty point will be assessed. The third and every additional significant violation within a year will be considered major violations under section 1.3 (even if they are different violations). The legal consequences set forth in section 1.3 will apply.

1.3 Major violations

If a major violation is found, the VLOG head office will issue a written with a request to take all necessary actions to avoid a recurrence. Evidence of compliance must be presented to the VLOG head office in a timely manner (e.g., by submitting a training certificate, evidence of updated internal requirements, etc.). In addition, three penalty points will be assessed.

Table 1: Consequences of minor, significant, and major violations

Type of violation	Penalty action (examples)	Penalty points per violation	Penalty action in case of recurrence (within one year)
Minor	Written Warning	0	From the 3rd minor violation, violations (warning) are classified as significant violations.
Significant	Training, revision of internal documents/processes, chargeable Witness Integrity Audit and/or Certification Body Integrity Audit	1	From the 3rd significant violation, violations (warning) are classified as major violations.
Major	Training, several chargeable Witness Integrity Audits and/or a Certification Body Integrity Audit	3	

2 Consequences of accumulated penalty points

The penalty points for violations of the same type and different types will be added up.

2.1 Penalty points ≥ 3

If 3 or more penalty points are accumulated within one year (starting from the date on which the first violation was found), the VLOG head office will impose/initiate the following further actions at its discretion:

- Requiring individuals or groups to participate in internal or external VLOG training
- Conducting a VLOG Certification Body Integrity Audit
- VLOG head office review of VLOG customers' audit documents at the affected certification body
- Conducting a Witness Integrity Audit (to accompany VLOG audits at customers of the certification body)

The costs for the respective action will be the responsibility of the affected certification body. The daily rate for VLOG employees or hired outside experts will be a flat rate of € 1,500 plus travel expenses and VAT.

2.2 Penalty points ≥ 6

Certification bodies that incur six penalty points will immediately be suspended for three months and may not conduct any VLOG certifications during this period. Following the expiry of the three-month suspension period, VLOG reserves the right to conduct a Certification Body Integrity Audit after about six months.

2.3 Penalty points ≥ 9

Certification bodies that incur at least nine penalty points or incur a suspension of at least three months and ≥ 3 additional penalty points within two years will immediately be referred to the Penalty Committee to consider whether further action or penalties may be necessary, e.g., an additional suspension of three months, termination of recognition as a VLOG-approved certification body.

Table 2: Consequences of accumulated penalty points

Penalty points	Penalty
≥ 3 penalty points within one evaluation year	Internal or external training, chargeable Witness Integrity Audits and/or Certification Body Integrity Audits
≥ 6 penalty points within one evaluation year	Certification body will be suspended for three months and may not conduct any VLOG certifications during this period.
≥ 9 penalty points or a suspension of at least three months and at least three additional penalty points within two years	The Penalty Committee is assigned to determine additional penalties, if necessary, e.g., a new temporary suspension or termination of recognition as a VLOG-approved certification body.

3 Handling of Suspensions and Contract Annulments

If a three-month suspension is imposed and recognition as a VLOG-approved certification body is terminated, the VLOG head office will make a case-by-case decision (depending on the type and scope of the violation) of the consequences this action may have on the following aspects:

- Issuance of certificates for audits already conducted
- Validity of audits already completed
- Validity of certificates already issued
- Ongoing certification procedures (e.g., within the context of group or matrix certification)
- Planned follow-up audits and extension audits

4 Evaluation Year

An evaluation year begins on the date the first violation is found.

The date assigned to the violation and/or the assessment of penalty points is the date on which VLOG first gives the certification body written notice of the violation or the assessment of penalty points.

5 Expungement of Penalty Points

After the expiry of the evaluation year for a particular violation, the penalty points for the violation will be expunged. A new evaluation year will begin on the date a new violation is found.

Example

- A significant violation is found on 20 March 2019 → assessment of one penalty point. This penalty point will be expunged after the expiry of the evaluation year on 20 March 2020.
- An additional significant violation is found on 13 October 2019 → assessment of one penalty point. At this time, the sum of the penalty points is two.
- A major violation is found on 10 January 2020 → assessment of three penalty points. At this time, the sum of the penalty points is five. Since the sum of the penalty points is five, the VLOG head office will take further action in accordance with section 2a.

- One penalty point for the violation of 20 March 2019 will be expunged on 20 March 2020. At this time, the sum of the penalty points is four.

After a suspension of at least three months or termination of recognition as a VLOG-approved certification body, all penalty points will be expunged (see 2c for an exception). A new evaluation year will begin on the date a new violation is found. Following the expiry of the three-month suspension period, VLOG reserves the right to conduct a Certification Body Integrity Audit after a reasonable period of time (about six months).

Classification of VLOG Auditors' Violations

Minor violations

- Auditor fails to document deficiencies or deviations of the audited business or does so inadequately (e.g., insufficient sampling and test plan).
- Auditor grades certification audit items with an "A" in at least three cases within one year, even though they verifiably should have resulted in a deviation.
- Auditor fails to note significant errors in the facility description (e.g., incorrect print number, missing list of relevant service providers) and doesn't document them in the audit report.
- Auditor reduces the risk category of a business by one level and fails to document on-site business conditions that are relevant to risk grading.

Significant violations

- Occurrence of more than two minor violations within one year.
- Auditor fails to document major deficiencies or deviations of the audited business or does so inadequately (e.g., use of a non-VLOG-recognised laboratory).
- Auditor's independence and objectivity are compromised (e.g., the auditor has a business and/or family/private relationship with the audited business).
- Auditor lacks the necessary qualifications at the time of the audit.
- Auditor conducts VLOG audits of a business for which he provided consulting services within the last two years.
- Auditor fails to cooperate in VLOG Integrity controls (e.g., inadequate provision of information or documentation).
- Auditor fails to submit a statement regarding a violation on time or only responds after a repeated request.
- Auditor fails to take corrective action after a minor violation.

Major violations

- Occurrence of more than two significant violations within one year.
- Wilful or grossly negligent violation of VLOG auditing and certification rules.
- Auditor deliberately manipulates audit reports, test reports or documents (e.g., inaccurate CVs; specification of unrealistic audit times; no on-site facility inspection, but inspection is documented on the checklist).
- Auditor jeopardises compliance with laws and accurate advertisement of VLOG products/feeds with faulty evaluation/assessment.
- Auditor fails to take corrective action after a significant violation.
- Auditor fails to take corrective action after a major violation.

The above-listed violations are intended to serve as guidance in evaluating and classifying violations not mentioned here. The four-eyes principle will be used to assess and categorise violations.

Schedule of Penalties for VLOG Auditors' Violations

VLOG penalty actions are always a case-by-case decision. The first step in each case is to review whether there is a violation by the certification body responsible for the auditor. If the review indicates that the violation is solely the auditor's responsibility, only the auditor involved, and not the certification body, will be penalised in accordance with the following procedure:

1 Types of Violations

Violations of VLOG rules and VLOG Standard specifications are divided into three levels of severity:

- minor violations
- significant violations
- major violations

1.1 Minor violations

If a minor violation is found, the VLOG head office will issue a written warning to the auditor with a request to take all necessary actions to avoid a recurrence. The certification body that assigned the auditor will be notified of the written warning issued to the auditor.

No penalty points are assessed for minor violations; however, the third and every additional minor violation within a year will be considered significant violations under section 1.2 (even if they are different violations). The legal consequences set forth in section 1.2 will apply.

1.2 Significant violations

If a significant violation is found, the VLOG head office will issue a written warning to the auditor with a request to take all necessary actions to avoid a recurrence. The certification body that assigned the auditor will be notified of the written warning issued to the auditor. Evidence of compliance must be presented to the VLOG head office in a timely manner (e.g., by submitting a training certificate). In addition, one penalty point will be assessed. The third and every additional significant violation within a year will be considered major violations under section 1.3 (even if they are different violations). The legal consequences set forth in section 1.3 will apply.

1.3 Major violations

If a major violation is found, the VLOG head office will issue a written warning to the auditor with a request to take all necessary actions to avoid a recurrence. The certification body that assigned the auditor will be notified of the written warning issued to the auditor. Evidence of compliance must be presented to the VLOG head office in a timely manner (e.g., by submitting a training certificate). In addition, three penalty points will be assessed.

Table 1: Consequences of minor, significant, and major violations

Type of violation	Penalty action (examples)	Penalty points per violation	Penalty action in case of recurrence (within one year)
Minor	Written Warning	0	From the 3rd minor violation, violations (warning) are classified as significant violations.
Significant	Training, chargeable ¹ Witness Integrity Audit	1	From the 3rd significant violation, violations are classified as major violations.
Major	Training, multiple chargeable ¹ Witness Integrity Audits	3	

2 Consequences of accumulated penalty points

The penalty points for violations of the same type and different types will be added up.

2.1 Penalty points ≥ 3

If 3 or more penalty points are accumulated within one year (starting from the date on which the first violation was found), the VLOG head office will impose/initiate the following further actions at its discretion:

- Participation in internal or external VLOG training
- The VLOG head office will review the audit documents for VLOG facilities that were audited by the auditor involved. The audit document review will be equally distributed among all affected certification bodies.
- Witness Audit by the certification body or by VLOG

The costs for the respective action will be the responsibility of the affected certification body, but certification bodies will only be billed for costs that are directly connected to the auditor's activities for the certification body. The daily rate for VLOG employees or hired outside experts will be a flat rate of € 1,500 plus travel expenses and VAT.

2.2 Penalty points ≥ 6

Auditors who incur six penalty points will immediately be suspended for three months and may not conduct any VLOG audits during this period.

2.3 Penalty points ≥ 9

Auditors who incur at least nine penalty points or incur a suspension of at least three months and ≥ 3 additional penalty points within two years will immediately be referred to the Penalty Committee to consider whether further action may be necessary, e.g., an additional suspension of three months or more.

¹ Cost to be invoiced to the relevant certification body.

Table 2: Consequences of accumulated penalty points

Penalty points	Penalty
≥ 3 penalty points within one evaluation year	Internal or external training, chargeable Witness Integrity Audit and/or Certification Body Integrity Audit
≥ 6 penalty points within one evaluation year	Auditor is suspended for three months and may not conduct any VLOG audits during this period
≥ 9 penalty points or a suspension of at least three months and at least three additional penalty points within two years	The Penalty Committee is assigned to determine additional penalties, if necessary, e.g., a new temporary suspension

3 Handling of Suspensions and Contract Annulments

When a three-month suspension is imposed, the VLOG head office will make a case-by-case decision (depending on the type and scope of the violation) of the consequences this action may have on the following aspects:

- Issuance of certificates for audits already conducted
- Validity of audits already completed
- Validity of certificates already issued

4 Evaluation Year

An evaluation year begins on the date the first violation is found.

The date assigned to the violation and/or the assessment of penalty points is the date on which VLOG first gives the relevant certification body and the auditor written notice of the violation or the assessment of penalty points.

5 Expungement of Penalty Points

After the expiry of the evaluation year for a particular violation, the penalty points for the violation will be expunged. A new evaluation year will begin on the date a new violation is found.

Example

- A significant violation is found on 20 March 2019 → assessment of one penalty point. This penalty point will be expunged after the expiry of the evaluation year on 20 March 2020.
- An additional significant violation is found on 13 October 2019 → assessment of one penalty point. At this time, the sum of the penalty points is two.
- A major violation is found on 10 January 2020 → assessment of three penalty points. At this time, the sum of the penalty points is five. Since the sum of the penalty points is five, the VLOG head office will take further action in accordance with section 2a.
- One penalty point for the violation of 20 March 2019 will be expunged on 20 March 2020. At this time, the sum of the penalty points is four.

All penalty points are expunged after a three-month suspension (for an exception, see 2c). A new evaluation year will begin on the date a new violation is found.