

VLOG Guideline for Dealing with Breaches

1 General

This Guideline serves as the basis for dealing with breaches of the requirements of Verband Lebensmittel ohne Gentechnik e.V. (hereinafter "VLOG"). The following user groups are contractually obliged to comply with the VLOG requirements:

- 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 breaches that occur after its effective date.

2 Establishing Breaches

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

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

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

The internal process must be documented.

Possible breaches include:

- Breaches of the EC Genetic Engineering Implementation Act (EGGenTDurchfG) by licensees
- Breaches of the VLOG Standard by licensees
- Breaches 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 and certification bodies that are contractually stipulated (e.g. reporting of labelled products, providing turnover figures in a timely manner, forwarding audit documents, etc.)

- Breaches of the VLOG Standard and the Guideline for Laboratories and GMO testing by laboratories

3 Dealing with Breaches

If the information about a breach is confirmed, the VLOG office will determine the severity of the breach with the aid of the breach classification keys in each user group (hereinafter “Classification Key”) and take appropriate action. Independent personnel¹ at the VLOG office will objectively evaluate breaches and determine sanction measures.

Assignment of the Sanction Committee²

The VLOG office will convene the Sanction Committee in the following cases:

- Cases defined by the Classification Key
- Cases that cannot be clearly classified by the VLOG office
- In the event of disputed facts or if a business complains about the evaluation of a breach

To facilitate scheduling, the VLOG office will notify the Chair of the Sanction Committee of the sanction case as quickly as possible.

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

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

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

Decisions of the Sanction Committee

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

4 Classification of Breaches

The nature and severity of the breaches are described in the Classification Keys, which serve as guidance for the VLOG office or the Sanction Committee.

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

² For additional information, cf. section 6

Independent personnel¹ at the VLOG office will objectively evaluate breaches and determine sanction measures.

The penalties and maximum amounts of contractual fines will be based on the “Sanctions catalogue”.

In cases where the Sanction Committee is not involved, but examination of the breach by the VLOG office results in withdrawal of the licence, the VLOG office will avail itself of the legal expertise of the Sanction Committee.

5 Handling and Monitoring of Sanction Measures

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

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

- Withdrawal of a licence for the “Ohne GenTechnik” or “VLOG geprüft” seal or
- Incidents or penalties affecting the supply chain.

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

6 Complaint and Appeal Proceedings

Within the context of the sanction procedure, all contract partners have the right to file a complaint or appeal with respect to the breach evaluation to the VLOG office (sanktionen@ohnegentechnik.org). The VLOG office will confirm the receipt of the complaint or appeal and the involvement of the Sanction Committee within five business days. The Sanction Committee will render decisions on complaints and appeals (cf. section 3). The VLOG office will then inform the contract partner of the Sanction Committee’s decision.

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

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

7 Sanction Committee

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

If the Sanction Committee is ruling on 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 VLOG office will select the Sanction Committee's members from a pool of candidates based on their expertise, independence, and availability with respect to the breach to be addressed. There is a substitution rule in case the Chair is unable to attend.

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

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

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

The Sanction 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 VLOG office.

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