PROCEDURE AND AGREEMENT FOR ORGANIC PRODUCTS CONTROL AND CERTIFICATION

ProAcc_Cert_01TCs

scheme: **Reg. (UE) 848/2018**

geographical scope: **Third Countries (outside EU)**

REVISION STATUS:

Approval Date	Rev.	Ed.	Note	Entry into force:
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1 PREMISE

1.1 Bioagricert maintains responsibility for its control and certification activities. These activities are carried out impartially and are not influenced by commercial, economic-financial or other pressures.

1.2 Bioagricert limits control and certification activities to the requirements set out in the certification scheme and guarantees access to the control and certification system without discrimination of any kind; in particular, no undue conditions of a financial or other nature are adopted and access to control and certification is not conditioned or facilitated by the size of the customer, or by membership of particular associations. BAC certification is in no way facilitated by the customer's use of certain consultants.

1.3 Bioagricert bases its financial support exclusively on the proceeds of control and certification activities, operates with independent, competent staff free from conflicts of interest and does not provide any direct or indirect consultancy service. The operator or group of operators can contact Bioagricert for information, or in order to resolve interpretative doubts of the applicable standard.

1.4 To guarantee correctness and impartiality, this document is approved by the Committee for the Protection of Impartiality (CSI), a body guaranteeing impartiality made up of external members, which ensures fair representation of the parties interested in certification; it supervises the application of this document and is also responsible for approving any revisions thereof.

1.5 Compliance with the provisions of this document is due by BAC and customers, without prejudice to compliance with general and sector regulations, in addition to those listed in point § 4.

2 PURPOSE AND OBJECT

2.1 This document describes the procedure for the provision by Bioagricert of the control and certification activity to the operators or groups of operators subject to it; this document represents the Certification Agreement provided for in point 4.1.2 of the ISO 17065 standard.

2.2 The document describes the phases of the certification process (including access, evaluation, granting, surveillance, renewal, extension, suspension, reduction, waiver and revocation) and binds the individual responsibilities, rights and duties of the parties.

3 ACKNOWLEDGMENT AND SIGNING

3.1 This document is published on the site www.bioagricert.org and/or on the official websites of foreign offices and/or sent to operators together by email and is directed at operators or groups of operators interested in the control and Bioagricert certification of organic products in third countries; furthermore, to the extent applicable, it also provides for third parties who intend to relate to Bioagricert within the scope of the aforementioned service.

3.2 **To this end, the declaration of acknowledgment and acceptance , as well as renewal of this Agreement by the operators or groups of subject operators, takes place with the signing of the " ORGANIC SYSTEM PLAN" document which they are required to submit to BAC pursuant to from the art. 39 of Reg. (EU) 848/2018 for control in organic farming, both at the time of application and following changes/updates to company activities .**

3.3 The economic conditions of this Agreement are defined in point § 21.

4 REGULATIONS AND REFERENCE DOCUMENTS

For the purposes of this document, the current regulations on product certification for the production and/or marketing of organic products are taken as reference.

- ✓ Reg. (EU) 848/2018 in force;
- ✓ UNI CEI EN ISO/IEC 17065:2012 in force "Conformity assessment. Requirements for bodies that certify products, processes or services";

- ✓ UNI EN ISO 17025 in force: General requirements for the competence of testing and calibration laboratories.
- ✓ DT-16 DT-16-DC rev.00 – Technical document for risk assessment pursuant to art. 40.1.AI of Regulation (EU) 2018/848 and subsequent amendments for CABs that issue declarations of conformity to companies that produce and/or label organic products.

5 TERMS, DEFINITIONS AND ABBREVIATIONS

For the purposes of this Procedure, the definitions set out in Regulation (EU) no. apply. 848/2018 (hereinafter Regulation), as well as the definitions contained in the reference standards listed in the previous point

6 CONTROL AND CERTIFICATION SYSTEM

6.1 Bioagricert carries out its activity in accordance with the provisions of this procedure and on the basis of an Annual Control Program, taking into account the minimum requirements indicated by the Competent Authorities and on the basis of the risk attributed to the operators subject to control. The risk class is assigned according to the organisation's specific procedure. The annual planning of checks must guarantee that the assignment of the inspector and the evaluator is based on the competence (qualifications), independence (absence of conflicts of interest) and the characteristics of the operator (language, geographical position of the site to be inspect).

6.2 The certification of organic products is part of a regulated quality product certification system, which is based on the following principles:

- ✓ product quality linked to process quality;
- ✓ the process evaluation provides sufficient guarantees that the product meets the regulated requirements;
- ✓ the regulated requirements are measurable and/or verifiable;
- ✓ the operator must provide objective evidence of compliance with the regulated requirements;
- ✓ : 1ST LEVEL OF CONTROL - the operator has primary responsibilities for the conformity of processes and products and compliance with production and self-control procedures;
- ✓ THIRD PARTY CONTROL: 2ND LEVEL OF CONTROL - Bioagricert 's task is to verify the operator's ability to comply with the production and self-control procedures, the commitments undertaken towards Bioagricert and the Competent Authorities, on an ongoing basis;
- ✓ SUPERVISION : 3RD LEVEL OF CONTROL - on the certification system and the activity carried out by Bioagricert the Competent Authorities for the territory and functions and the accreditation bodies carry out supervision .

6.3 The purpose of entry into the control and certification system, for an operator or group of operators, is the issue of the CE Certificate in accordance with Reg. (EU) 848/2018, a condition for the registration of their activity in the Registers of organic operators and to sell organic products, of their own or other people's production. The CE therefore concerns the conformity of the products and is issued to the operator or group of operators in the cases, times and ways described in point § 10.

7 APPLICATION FOR ACCESS TO THE CONTROL SYSTEM

The operator or group of operators who intends to enter the organic control and certification system for any activity envisaged by Reg. (EU) 848/2018 must:

❶ Present the application for entry into the control system, called " **Application Form** for the **certification of organic products according to EC Reg 848/2018"** on **form M_142**, containing the complete description of the activity, site and production unit that it intends to carry out with organic method. The operator or group of operators who intends to entrust the carrying out of an activity on behalf of third parties indicates this activity in the Application unless the executor is a person who has already made directly its own Application; in this case the agent keeps the supporting document of the executor. In the event that the performer is not a notified operator, the commitment by the performer to comply with the rules relating to organic farming and subjecting the activities to the control system, is contained, in written form, in the contract between the operator and the executor (processing account agreement M_20). Companies that outsource some activities to third parties must also indicate in their Declaration of Commitment:

- ✓ a list of contractors with a description of their activities and an indication of the control bodies on which they depend;
- ✓ the agreement of the contractors to subject their company to the control regime;
- ✓ all concrete measures, including an appropriate accounting documentation system, to be taken at unit level to ensure that the suppliers, sellers, recipients and buyers of the products that the operator places on the market can be identified, as appropriate;
- ✓ the consent of the operator and contractors to the exchange of information between the CBs on the operations subject to their control.

❷ Present to BAC the **Annual Production Plans** together with the Application Form, in the way required by current legislation. The operator or group of operators provides the information contained in the Annual Programs on an annual basis.

❸ Present the Organic System Plan required by art. to Bioagricert. 39 of Reg. (EU) 848/2018, containing the measures that the operator or group of operators intends to adopt to guarantee, at unit, site and activity level, compliance with organic production standards and prevent risks of contamination. The operator can draw up this Declaration on the models provided by Bioagricert: **M_80 for primary production activities and/or M_79 for preparation activities.**

8 REVIEW OF THE APPLICATION

8.1 BAC evaluates the information contained in the Application Form and in the Organic System Plan in order to guarantee that the information provided is sufficient, any problem of understanding between BAC and the operator or group of operators is resolved, including administrative aspects or regulatory documents, the field of application of the requested certification is well defined, the means to carry out the relevant control are available to Bioagricert and that Bioagricert has the competence and ability to carry out the requested certification activity.

8.2 BAC, if it believes that it does not have the ability to carry out the certification activity in relation to the field of application, the headquarters of the applicant's operational units and any particular requirement such as the language used, communicates to the applicant the rejection of the request request; otherwise it communicates acceptance in its control system.

8.3 BAC may refuse to accept the Application of an operator or group if there are fundamental or demonstrated reasons for the applicant, such as involvement in illegal activities, in addition to the cases provided for and regulated by the AC.

8.4 When operators or groups of operators and/or their subcontractors declare to BAC (inside the Application form) to come from a previous control authority/body, BAC requires the control file of the operator or group of operators concerned from the previous control authority/body.
The previous control authority/body shall, within 30 days, provide to BAC the control file of the operator or group of operators concerned and the written records referred to in Article 14 of the Reg 1698/21, the status of the certification, the list of non-compliances and the corresponding measures taken by the previous control authority or control body.

8.5 Where operators or groups of operators and/or their contractors are subject to controls carried out by different control authorities or control bodies, those control authorities or control bodies shall exchange relevant information on operations falling within their control activities.

9 INSPECTION CONTROLS ON ACCESS

Bioagricert carries out inspection checks for operators or groups of operators when accessing the system (access inspections) in order to ascertain any non-conformities regarding business management and the biological qualification of the products. In such cases, to protect the interests of consumers, Bioagricert applies the corresponding measures referred to in point § 13 .

10 RELEASE OF THE CERTIFICATE (CE)

10.1 Pursuant to Article 35 of Reg. (EU) 848/2018, the Certificate is the document that certifies the inclusion of the company in the control system for the notified activities; It therefore allows the registration of the operator or group of operators in public lists and registers.

10.2 The Certificate is issued by Bioagricert to the operator or group of operators under the following conditions:

- ✓ Completeness of access documentation (Application, Pap, Organic System Plan)
- ✓ Inspection checks with positive results.

10.3 The CE is issued to the operator or group of operators within 90 days from the date of Application for a duration not exceeding 12 months.

10.4 The operator who wishes to market the products relating to the notified activities with organic indications must request Bioagricert the inclusion of the Section "**Product directory**" in the CE Certificate, by sending document M_82A and/or M_82B "Request for certificate of conformity". Companies with agricultural production activities will be able to submit the aforementioned request for agricultural products obtained from land in conversion and harvested after 12 months from the date of Application.

11 MAINTENANCE OF CERTIFICATION

11.1 To the operator or group of operators is entrusted with the responsibility of ensuring that the products for which it has obtained certification continuously satisfy the requirements on which the certification itself is based, and in general, any other legal requirement.

11.2 In order to maintain the acquired conformity, the operator or group of operators must:

- ✓ continuously comply with what is declared and described in the documents referred to in point § 7 of this procedure;
- ✓ make statements, regarding the certification, only in reference to the purposes for which the certification was issued;
- ✓ issue declarations of conformity only after ascertaining the origin and conformity of the product with the legal requirements and those of the certification scheme adopted.
- ✓ inform BAC promptly (and in any case within 30 days) of any changes it intends to make to the product, or to the process, likely to affect the conformity granted, including changes that may influence its ability to satisfy the requirements required by the certification standards (e.g. change in legal status, management, production site, management system, etc.). The operator or group of operators is not allowed to issue declarations of conformity for the products deriving from such modified conditions until it has obtained authorization from BAC *;*
- ✓ inform BAC of accidental events of its knowledge that may affect the compliance granted and the involvement in legal proceedings resulting from product liability laws or in any case violations of product laws;
- ✓ maintain records of all complaints of which it is aware and take appropriate corrective action in relation to such complaints and any defects found in the products which affect compliance with the certification requirements; the operator must document these actions and make all recordings available to Bioagricert.
- ✓ an operator who suspects that a product obtained, prepared or imported by him or that he has received from another operator does not comply with the Regulation:
  - a) identifies and separates the affected product;
  - b) verify whether the suspicion of non-compliance can be substantiated;
  - c) does not place the product concerned on the market as an organic or in-conversion product and does not use it in organic production, unless the suspicion of non-compliance can be eliminated;
  - d) where the suspicion of non-compliance is substantiated or cannot be eliminated, immediately (and in any case within 30 days) inform the relevant competent authority or, where appropriate, the relevant control authority or body, possibly providing the elements available;
  - (e) cooperate fully with the relevant competent authority or, where applicable, the relevant supervisory authority or control body to verify and identify the reasons for the suspicion of non-compliance.

When informing BAC of a proven suspicion or when the suspicion cannot be eliminated, the operator shall provide, where appropriate and where available, at least the following elements:

- information and documents relating to the supplier (delivery note, invoice, supplier certificate, organic product inspection certificate);
- product traceability with batch identification, stock quantity and quantity of product sold;
- laboratory results, if applicable and where available from an accredited laboratory;
- the sampling sheet specifying the time, place and method used to take the sample;
- all information on any previous suspicions in relation to the specific unauthorized product or substance;
- any other appropriate document to clarify the case.

✓ keep all the documentation in your possession relating to the organic method for a period of 5 years.

✓ operators or groups of operators who carry out **production** activities must maintain the following records:

-*Company register of plant production,* in which all cultivation operations, purchases of technical means (seeds, fertilizers, defense products), quantities of harvested products and product sales are recorded. In the accounting there must be a correspondence between the incoming quantities (production) and the outgoing ones (sales and re-uses), the data must be justified by the appropriate documents (invoices, certificates, technical data sheets, transaction documents, etc.).

-*Stable register of livestock production* , on which all the identifying data of the animals (ear tag or batch number), the size of the breeding, the loading/unloading of the animals from the company (births, purchases, sales) are recorded.

-*Annual register of bee production stations,* in which the size of the apiaries (number of hives), their location, date and method of transport, product to be obtained, loading/unloading of the apiaries or individual hives are recorded.

-*Registry of health treatments for livestock and bee production* on which all treatments carried out on animals are recorded with the following information: diagnosis, start date of prophylaxis, product used, dosage and administration period, withdrawal times.

-*Registers of aquaculture productions* on which the following information is recorded: aquaculture raw materials such as feed and fry, registers of the production of algae or aquaculture animals, the operations, prophylaxis and treatments carried out and the monitoring of the welfare of the aquaculture animals aquaculture.

-*Sales register* (vegetable, livestock, beekeeping production), on which the products sold are recorded, tracing the origin of the same productions (plot number, serial number, batch number).

✓ Operators or groups of operators who carry out **preparation activities** must maintain financial and warehouse accounts in which the following must be recorded:

- the nature, quantity, supplier, exporter of the products entering the company (*input*);
-the destination given to these products (*processes*);
- the nature, quantity and recipients of the products leaving the company (*output*).

In the accounting there must be correspondence between the incoming and outgoing quantities and the data must be justified by the appropriate documents (invoices, certificates, processing sheets, etc.).

✓ Operators or groups of operators carrying out **export activities** must maintain financial and warehouse accounts in which the following must be recorded:

- the nature and quantity of products entering the company (*input*);
- the nature, quantity and recipients of the products leaving the company (*output*).

In the accounting there must be correspondence between the incoming and outgoing quantities and the data must be justified by the appropriate documents (e.g. invoices)

12 SURVEILLANCE CONTROL ACTIVITIES

12.1 The surveillance is aimed at ensuring that the operator who has obtained the Certificate continuously maintains the ability to produce the product in compliance with the certification requirements and to respect the commitments signed with BAC and the Authorities . Surveillance concerns the product, the process, the correct use of certificates and marks of conformity and, if applicable, the management system of the operator or group of operators .

12.2 During the period of permanence in the control system, the operator or group of operators is subjected to BAC surveillance according to the conformity assessment activities described in the following points.

12.3 INSPECTION

For inspection purposes the operator or group of operators must grant BAC:

- ✓ access to all areas to be assessed , records and personnel involved. All premises of the operator or group of operators , or of the contractors , where subject to BAC control, must be accessible for inspection, even without notice, at any time during working hours, as well as there must always be a employee who can provide maximum cooperation;
- ✓ consent, upon notice, to participation during inspections , of BAC observers and evaluators /inspectors of the accreditation bodies and competent authorities . The purpose of these participations is the training of new personnel and/or supervision of the work of BAC .

In the event that the operator or group of operators does not allow free access to all the areas to be assessed and to all company documentation, BAC has the right to notify the operator or group of operators of a non-conformity referred to in the following point § 13.

Furthermore, for inspection purposes the operator is required to:

- ✓ countersign the inspection, sampling and non-conformity reports, of which he receives a copy ;
- ✓ adopt the necessary measures to remedy the non-compliances detected;
- ✓ arrange for any consultants of the operator to strictly respect the role of observer , unless explicitly delegated by the company owner .

12.4 The frequency of inspection checks depends on the characteristics of the process and the probability of generating non-compliant products (risk class attributed to the operator or group of operators) . The outcome of the inspections is considered confirmed if the operator does not receive different communication from Bioagricert within 60 days from the date of inspection.

12.5 ANALYTICAL TESTS

The samples subjected to testing are taken from the operator's premises (production or warehouse), or from distribution (warehouses or retail). The tests aim to:

- ✓ improve process evaluation;
- ✓ verify the correct application of the biological method and prevention of contamination;
- ✓ verify the conformity of the products and the process with the applicable reference standards.

The choice and number of samples to be tested depends on the characteristics of the process and the probability of generating non-compliant products (risk). Sampling is also carried out in the event of reports on the operator or group of operators from the outside or when, during the evaluation activities, BAC suspects the use of non-compliant substances and techniques (signs of treatments, presence of technical means in the warehouse non-compliant, etc.). In the latter case, the samples are taken taking into account the suspicion and not necessarily the statistical representativeness of the sampled batch.

12.6 DOCUMENTARY REVIEW

During surveillance , the documentary review has as its object:

- ✓ the outcome of the inspections with the acquisition of the opinion of conformity of the company activities by the technical inspector and/or the detection of non-conformities;
- ✓ the review of the documents relating to any modification that the operator or group of operators intends to make to the product, process or management system, likely to affect the recognized conformity;
- ✓ maintaining company records and supplier certification documents.

12.7 Exceptions in animal husbandry

Requests for exemptions in animal husbandry forwarded by operators to the CC are processed according to the following procedure:

- ✓ investigation and evaluation of the request;
- ✓ expression of an opinion on whether or not to grant the exemption;
- ✓ in the event of a positive opinion from Bioagricert, a request for an opinion is forwarded to the competent territorial authorities (regions and autonomous provinces) with the relevant documentation. The opinion expressed by Bioagricert is considered approved in the event of no response within 30 days of receipt (silence assent);
- ✓ communication of the final decision to the company.

The management of exceptions occurs through registration of the request and monitoring of the progress by BAC.

12.8 In relation to certified products, the following additional activities are envisaged :

- ✓ evaluation of pre-packaged product labels;
- ✓ monitoring of transactions of non-pre-packaged products, through the maintenance of the "Transaction database" published on the BAC website https://www.bioagricert.org/it/documenti-transazione-dtpb.html .
- ✓ cross-checks with other CBs, to confirm the validity of the certificates issued in favor of the operator's suppliers and /or the exchange of information on the operators subject to their control.
- ✓ Batch Certificates: The Batch Certificate is a product certificate relating to one or more batches of products or one or more transactions of bulk products; it cannot be an alternative to the Certificate, unless expressly provided for by the legislation. It is issued only in the following cases:
  - export of organic products to countries that have defined a specific format (e.g. USA; South Korea);
  - explicit requests from Bioagricert licensees and/or their customers, in particular for products intended for some foreign markets.

  The *batch certificate* contains the same information required for the declarations of conformity issued by the licensee with the difference that it is issued by the CB.

13 NON-CONFORMITY AND MEASURES

13.1 In informing operators of the NC detected, BAC includes the communication of the terms for the treatment or correction of the NC and the timing for the appeals referred to in the following point § 19

13.2 The NCs contested against the contractors are also contested against the certified operator.

13.3 Competent authorities may classify cases of non-compliance as minor, serious or critical based on the classification criteria set out in Article 8, where one or more of the following situations applies:

a) the case of non-compliance is minor when:

- precautionary measures are proportionate and appropriate and controls implemented by the operator
  they are efficient;
- non-compliance does not compromise the integrity of the organic or in-conversion product;
- the traceability system is able to locate the product or products involved in the supply chain and it is possible to prohibit the placing on the market of products that refer to organic production;

b) the case of non-compliance is serious when:

- the precautionary measures are not proportionate and appropriate and the controls implemented by the operator are not efficient;
- non-compliance compromises the integrity of the organic or in-conversion product;
- the operator did not promptly correct a minor non-compliance;
- the traceability system is able to locate the product or products involved in the supply chain and it is possible to prohibit the placing on the market of products that refer to organic production;

c) the case of non-compliance is critical when:

- the precautionary measures are not proportionate and appropriate and the controls implemented by the operator are not efficient;
- non-compliance compromises the integrity of the organic or in-conversion product;
- the operator does not correct previous serious non-conformities or repeatedly fails to correct other categories of non-conformities;
- the traceability system does not provide information to locate the product or products involved in the supply chain and it is not possible to prohibit the placing on the market of products that refer to organic production.

13.4 The various types of measures described in the following points, by virtue of their characteristics and the control areas in which they fall, may require additional activities by Bioagricert towards the operator or group of operators to whom the NC has been contested. Such activities may include, among others: ancillary documentary examinations, additional inspections and sampling.

13.5 Bioagricert informs the operator of any additional activities planned following the measures imposed, at the same time as sending the communication of the measure.

13.6 Competent authorities or, where applicable, control authorities or control bodies may apply one or more of the following measures in a proportionate manner to the categories of non-compliance cases listed below:

Category of non-compliance	Measure
Of minor importance	○ Submission by the operator within the established deadlines of an action plan to correct the non-compliance
Serious	○ No reference to organic production in the labeling and advertising of the entire batch or production cycle concerned (crops or animals concerned) pursuant to Article 42(1) of Regulation (EU) 2018/848 ○ New mandatory conversion period ○ Limitation of the scope of application of the certificate ○ Improved implementation of precautionary measures and controls that the operator has put in place to ensure compliance
Criticism	○ No reference to organic production in the labeling and advertising of the entire batch or production cycle concerned (crops or animals concerned) pursuant to Article 42(1) of Regulation (EU) 2018/848 ○ Ban on marketing products referring to organic production for a certain period pursuant to Article 42(2) of Regulation (EU) 2018/848 ○ New mandatory conversion period ○ Limitation of the scope of application of the certificate ○ Suspension of the certificate ○ Certificate revocation

13.7 REITERATION within the same area can determine on the basis of the provisions of the regulations in force a non-conformity of greater severity than that detected with consequent application of the relevant measure, unless the non-conformity was determined by events not directly attributable to the operator.

13.8 In the case of suspected non-compliance, referred to in articles 29 point 1b and 41 point 1b, Bioagricert applies a *PRECAUTIONARY SUPPRESSION OF THE ORGANIC INDICATIONS* : measure in which the operator, in applicable cases, is required not to market the productions involved with reference to the organic method in a period indicated by Bioagricert and not exceeding 30 days (unless the suspicions are confirmed) and the operator is provided with a deadline for formulating his observations on the circumstances that determined the measure itself.

13.9 SUSPENSION consists in the prohibition for the operator or group of operators to market with indications referring to the organic production method the products deriving from the activities subject to suspension and, if relevant, involves the suppression of organic indications also of products subject to non-compliance already placed on the market, for a period to be agreed with the competent authority. The suspension of certification is communicated to the operator or group of operators together with the requirements for reactivation and any other action required by the certification scheme applied. At the end of the suspension period, BAC checks that the conditions for its removal have been met. Upon the occurrence of these conditions, BAC notifies the operator or group of operators of the reactivation of the certification and the restoration of the updated information on the certification documents.

13.10 EXCLUSION consists in the withdrawal of the CE Certificate and the cancellation from the list of organic operators and, if relevant, involves the suppression of the indications of the products subject to non-compliance already placed on the market.

13.11 The SUPPRESSION involves the prohibition , for the operator or group of operators , from reporting the indications relating to the organic production method in the labeling and advertising of the entire batch or the entire production cycle in which the non-conformity was found .

13.12 FAILURE TO TREAT the NC within the terms set out in point § 13.1 determines a NC of greater severity than that detected, with consequent application of the relevant measure.

13.13 TIMES FOR MANAGEMENT OF MEASURES: the times for decisions on measures (from the initial report to the communication of the measure to the interested party) are governed by the applicable national legislation.

13.14 EXTERNAL REPORTING OF MEASURES: all measures imposed are reported by BAC to the CAs. The suppression of indications, the suspension of certification and the exclusion of the operator or group of operators are also reported to the other Italian CBs. The data subject to external reporting are: company name, VAT number and measures applied.

13.15 CANCELLATION AND REVOCATION OF MEASURES: cancellation occurs when the operator obtains "total reinstatement" and retroactive to the date of the measure through an appeal. Revocation occurs when the operator obtains the review and withdrawal of the measure, allowing "conditional reinstatement" upon verification of maintenance of the certification conditions.

14 EXTENSION OF CERTIFICATION

14.1 The operator or group of operators can obtain the following types of certification extension:

- ✓ extension of the *CE Certificate* to new types of activities and/or new structures (e.g. plots, farms, processing lines, production sites), via variation of the Application referred to in point § 7.
- ✓ extension of the "Product Directory" section of the CE to new products, through the presentation of additional M_82s referred to in point § 10.4

14.2 For the types of extension referred to in the previous point, the operator must comply with any BAC requests to integrate the documentation required for the access request to the new sites/products/activities. BAC evaluates the need to conduct additional checks and activates the evaluation procedures, following which it decides on the extension.

15 SALE AND/OR TRANSFER OF PRODUCTS

In all cases other than those described by 17.1 and 17.2, the documents issued by the licensee operator identified with "the declarations of conformity issued by the supplier" , referred to in the UNI EN ISO 17050 standard , must always be covered by a *Certificate* . They are controlled issue documents and must be managed by the operator or group of operators in order to guarantee the traceability of the products .

15.1 For pre-packaged products, the label assessed by BAC to the operator who carried out the labeling activity on the product constitutes the declaration of conformity. The evaluation of Bioagricert is inherent to the elements regulated by EU Reg. 848/2018 and not to the totality of the indications with which the organic product is presented, which are to be considered under the direct responsibility of the operator.

1 5 .2 Bulk organic products can only be sold to other controlled operators and must be accompanied by the original signed copy of the *Organic Products Transaction Document* (DTPB) . Publication in the transaction database is conditional on the presence of the products covered by the transaction document in the Certificate issued to the operator and currently valid. The transaction document constitutes the declaration of conformity of the product issued by the operator.
The customer who receives the products and the relevant CB, after registering on the website www.trasparente-check.com , can consult and print the same document by entering the identification code of the transaction document.

16 WAIVER, SUSPENSION, REDUCTION AND REVOCATION OF CERTIFICATION

16.1 WAIVER

The operator or group of operators may voluntarily request renunciation of certification at any time, via written communication addressed to both BAC and AC, if:

1. intends to cease the activity subject to control and certification;
2. intends to change CB;

When receiving request of the control file of the operator or group of operators which decide to change the CB and leave BAC for another control authority/body, BAC replies to the next control authority/body giving the status of the certification, the list of non-compliances and the corresponding measures taken, within 30 days from the request receiving.

16.2 SUSPENSION AND SUSPENSION

Suspension of certification can occur in the following cases:

1. imposed by BAC following detection of non-compliance;
2. voluntary request of the operator or group of operators (which will be in a 'suspension' state) .

During the period of suspension or suspension, BAC will still carry out at least one surveillance inspection visit per year.

16.3 REDUCTION OF CERTIFICATION

The reduction of the activities/products subject to certification can occur in the following cases:

1. imposed by BAC following detection of non-compliance;
2. voluntary request of the operator , due to the impossibility of adapting to changes in the certification conditions or if he intends to cease carrying out some activities with an organic method.

In both cases, Bioagricert will implement the necessary changes to the certification documents and public information referred to in point § 23, in order to ensure that the scope of the certification is clearly communicated to the operator and the public.

16.4 EXCLUSION FROM CONTROL AND REVOCATION OF CERTIFICATION

The exclusion of the operator or group of operators from the control system , with consequent revocation of the certification, can occur in the following cases:

1. failure to meet the requirements that allowed its granting and maintenance;
2. BAC non-conformities resulting in exclusion;
3. failure to comply with this Agreement with BAC, including economic aspects.

BAC has the right to communicate to third parties, exclusively according to the needs of the control and certification system, the revocation of the certification and the exclusion of the operator from the control system; the latter accepts the related consequences from now on.

16.5 In cases of renunciation, suspension, reduction or revocation of certification, the operator or group of operators has the obligation to:

- ✓ immediately cease marketing with references to organic and BAC certification;
- ✓ immediately cease using the CE Certificates and Transaction Documents;
- ✓ immediately cease the use of labels, headed paper and all documents/publications in which references to certification and BAC appear;
- ✓ immediately cease the use of the conformity marks, the Bioagricert mark and the marks of the accreditation bodies;
- ✓ notify customers who were notified of the certification, if requested by BAC.

BAC will verify that the above is carried out and will give appropriate publicity to the waiver, suspension, reduction or revocation, communicating it to the CAs for the territory and, if necessary, to the other Italian CBs.

17 CHANGE IN THE CONDITIONS FOR CERTIFICATION

17.1 Changes to the certification requirements may concern this procedure, the reference standards and the price list.

17.2 Changes to this procedure are communicated to the controlled operators ; operators have at their disposal an adjustment period of 12 months, unless otherwise indicated by the applicable reference legislation. The same conditions apply to changes to the price list .

17.3 The operator has the right to adapt to the new conditions for certification, within the indicated deadlines, or to renounce certification. In the case of maintaining the certification, BAC will verify compliance with the new conditions for certification.

18 CHANGE OF ODC

18.1 In cases where the operator communicates renunciation due to change of CB, the incoming entity will request a cross-check letter (with an Outstanding non conformities declaration, if any), containing the operator control information required by the applicable national legislation. Unless there are impeding reasons, BAC has the obligation to provide this release within the times defined by the aforementioned legislation. The same (reverse) procedure applies to operators entering BAC as coming from another CB; the operator is therefore informed that BAC is required to request from the outgoing CB the control information required by the applicable national legislation.

18.2 In both cases, to ensure the continuity of the activities of the operator or group of operators, the Certificate issued by the outgoing CB remains valid until the Certificate is issued by the incoming CB.

18.3 The non-conformities adopted by the outgoing CB prevent the operator or group of operators from changing Control Body, unless the operator regularizes his position.

19 APPEALS, COMPLAINTS AND DISPUTES

19.1 APPEALS

In order to ensure the impartial and timely resolution of appeals, BAC provides the opportunity for the applicant to formally present the case directly to a Complaints-Appeals Committee (CRI), made up of independent members, at the BAC headquarters.

The operator must send the appeal request to the CRI via Bioagricert (via PEC bioagricert@pec.bioagricert.org or registered letter with return receipt) within 15 (fifteen) days of receiving the measurement communication sent by BAC, detailing the reasons for dissent. The appeal request must be signed by the legal representative or must be accompanied by a delegation from the same if presented by another person. The appeal must contain at least:

1. the precise indication of the contested measure;
2. the complete explanation of the reasons underlying the request for review;
3. all possible documentation underlying the appeal that the applicant declares to produce in support of his request (i.e. attachments declared but not sent/presented together with the application);
4. delegation of the legal representative where applicable.

BAC verifies that the documentation received includes what is described above in points 1 to 4. If the documentation is complete, BAC sends the appellant, within 5 (five) working days of receiving the request, confirmation of receipt and acceptance of the appeal . If the documentation is not complete, BAC sends the appellant a request for integration. If 15 days have passed since receipt of the measure communicated by BAC, the operator will have a maximum of a further 3 (three) days to provide the requested integration.

Receipt of the appeal does not, however, interrupt the enforceability of the measure adopted, until the CRI pronounces otherwise; in the event that the appeal is not accepted, the measure which is the subject of the appeal therefore becomes definitive.

The Committee decides on the requests submitted to it for consideration within 30 (thirty) days from the date of actual receipt by BAC of the appeal request presented by the operator; the decisions are made official by BAC via registered letter with return receipt or via certified email or with a system that guarantees receipt by the appellant, containing the decision of the Appeals Committee with a copy of the minutes or a report containing the detailed reasons which led to the final decision.

The decisions of the CRI cannot be appealed again to the same, neither by the appellant nor by the CB (staff or committees). The pronouncements of the CRI have the nature of an arbitration award pursuant to Title VIII of the fourth book of the Code of Civil Procedure.

The costs relating to the preparation and processing of appeal requests, set at €350, are borne by the losing party.

19.2 COMPLAINTS

Bioagricert's quality policy considers trust in certification among customers and consumers to be extremely important, and therefore sets itself the objective of promptly resolving complaints about the control and certification service. The management and resolution of complaints is entrusted to the Bioagricert Appeals-Complaints Committee (CRI).

All controlled operators (other than those making an appeal) and/or any body/association/customer/supplier/companies interested in certification or any other stakeholder,

including the Competent Authorities and Bodies, have the right to lodge a complaint with the CB. of Accreditation, through the following collection channels:

- ✓ Website www.bioagricert.org
- ✓ PEC emails, emails from the CB offices, direct emails from the CB staff;
- ✓ Fax and other postal and electronic communication systems;
- ✓ Direct, anonymous or signed communication.

The complaint management procedure includes an initial confirmation response to the complainant regarding the acceptance of the complaint or the reasoned rejection of the same, followed by the handling of the complaint through an investigation to identify the causes and possible corrective actions that resolve the case and can avoid the problem from recurring.
The CRI decides on the cases submitted to it for treatment within 30 (thirty) days from the date of presentation of the complaint ; the closure of the complaint may be conditioned by waiting for feedback from any other parties consulted (AC and/or other operators/bodies).
The resolutions of the CRI regarding the complaint are made official by BAC through a response to the complainant with a system that preferably guarantees receipt and if applicable to the form of receipt of the complaint (e.g. anonymous reporting), containing the Committee's motivation.
The complainant has 30 days to appeal the resolution taken by the CRI; a second resolution on the same case is considered final. Once the 30 day deadline for submitting a second complaint has passed, the complaint process is considered concluded.
BAC ensures the independence of the decision on complaint resolution; the personnel of the body who participated, in any capacity, in the evaluation/review activity of the complaining operator, do not participate in the management of the resolution of the complaint.

19.3 CONTENTIOUS

Any dispute relating to the application of this procedure will be resolved through ritual arbitration at la Camera Arbitrale the Chamber of Commerce of Bologna, by an Arbitration Panel made up of 3 arbitrators, appointed and operating according to the rules of the aforementioned Arbitration Chamber.
The Board is constituted as follows:

a) each party designates an arbitrator. The third arbitrator, acting as President, is appointed by the two arbitrators designated by the parties, within 15 days of the communication sent to them.
b) in the absence of the aforementioned designations, referred to in point a), these will be carried out by the Technical Committee of the Arbitration Chamber.

The arbitrators will decide according to fairness, in compliance with the provisions of the articles. 806 et seq. of the Code of Civil Procedure. The competent court is that of Bologna.

20 CONSENT TO SUBCONTRACTING AND RIGHT OF RECUSATION

20.1 BAC assumes and maintains full responsibility for subcontracted activities and decisions regarding the issuing, maintenance, extension, reduction, suspension and withdrawal of certification. BAC guarantees that the structures and people to whom it has entrusted the subcontract are in possession of the prescribed requirements of competence, suitability and impartiality.

20.2 BAC communicates that the analytical testing activity on organic products in compliance with Reg. (EU) 848/2018 is subcontracted to laboratories accredited in accordance with the ISO 17025 standard; the requirement also applies to the tests carried out by the operator on his own sample portion released by BAC. At the time of sampling, BAC informs the operator of the name of the laboratory receiving the samples. BAC also communicates that for operators in third countries, the sampling activity on organic products in compliance with Reg. (EU) 848/2018 can also be subcontracted to accredited companies/laboratories; at the time of sampling, BAC informs the operator of the name of the laboratory receiving the samples.

20.3 The operators can refuse the technical inspectors by sending a reasoned written communication to BAC which, if it accepts the reasons, will replace the technical inspector. The same procedure is applicable to observers.

20.4 Operators may also refuse the sampling laboratories and/or companies/laboratories and request that the respective activities be carried out by subjects other than those affiliated with BAC, provided that the requirements set out above are guaranteed, including any additional requirements in the event of provisions of the CAs referred to in point § 20.2.

20.5 BAC guarantees information to the operator of the subcontracted activities and considers his consent to be acquired in the absence of explicit written observations to the contrary.

21 RATES AND PAYMENTS

2 1 .1 The tariffs applied to the operator or group of operators and the payment methods are defined in the *Bioagricert Tariff* Documents *for organic products* for the operator or group of operators 848/2018 ; the Price Lists are issued on a national basis. The Price List is subjected to verification by the CSI for aspects of impartiality.

21.2 For the operator or group of operators who have notified activities falling within primary production, characterized by wide variability, the control quota due to BAC is established upon entry into the system and re-calculated annually in order to adhere to the Application data. For operators who have notified activities falling within the transformation/export, characterized by greater stability, the control quota due to BAC can be established upon entry into the system and tacitly confirmed unless there are important changes in the Application data (e.g. addition of operating units, change in the type of company...).

21.3 If the operator does not pay the fees due to the CB, BAC applies the measures provided for by national legislation unless the operator regularizes his position. For excessive delays and non-compliance BAC reserves the right to request compensation for damages suffered.

21.4 BAC has the right to remuneration for the service provided even in the case of voluntary renunciation by the operator or issue by BAC of non-conformities which prevent the issuing or maintenance of the certification documents.

22 USE OF TRADEMARKS AND REFERENCES TO CERTIFICATION

22.1 The operator or group of operators, in making public the news of having obtained certification, must respect the following conditions:
1. must make clear and exclusive references to the products for which certification has been obtained and ensure that no confusion arises among consumers with non-certified products from their company;
2. must respect the use of trademarks described below;
3. must not use the certification in any way that could damage the image of Bioagricert, ensuring that even in communications or declarations regarding the certification issued, there are no aspects that alter the correct interpretation of the certification;
4. if the operator or group of operators provides a copy of its certification to third parties, it must be reported in full unless otherwise provided in the certification scheme.

22.2 False advertising is considered non-compliance. The incorrect use of trademarks and certificates, for example printing or advertising errors, not followed by appropriate denial or remedy actions, causes measures that can range from the suspension or revocation of the certification, up to the request for damages. False claims, as well as counterfeiting of certificates and trademarks, are legally prosecuted.

22.3 The Bioagricert trademark is registered at the Italian Patent and Trademark Office in Rome. The exact configuration of the Mark and the related technical characteristics are described in the graphic manual available at the BAC headquarters.

22.4 The Bioagricert brand applies exclusively to organic products and can be used by the operator or group of operators under the following conditions:
1. be subject to the control system and comply with the certification scheme adopted;
2. comply with this procedure and obtain authorization from BAC;
3. do not grant sub-licenses under any circumstances;
4. must not be used on business cards and on products and/or documents that do not concern organic products certified by BAC;
5. indicate, if it is reported on the headed paper also used for commercial purposes, that the subject of the communication concerns activities not covered by certification;

6. the brands of the accreditation bodies can only be used in combination with the Bioagricert brand, in compliance with the requirements dictated by the body that owns the brand. The trademark of the Italian accreditation body ACCREDIA cannot however be applied on the label of organic products.

22.5 Incorrect use of trademarks is subject to measures. The conformity marks on products and certification documents can be used by the operator or group of operators on the condition that this procedure and the specific requirements set out in the reference standards applicable to the certification scheme adopted are respected.

23 PUBLICITY AND TRANSPARENCY OF THE CERTIFICATION SYSTEM

23.1 On the website *www.bioagri c ert.org* BAC publishes the certification system documents intended for the operator or group of operators , including this Procedure and Agreement for Certification.

23.2 On the website http://www.trasparente-check.com:47583/bacdt//site/login BAC publishes and makes all valid certificates verifiable . In particular, for pre-packaged products, the site allows consumers, customers, CBs and supervisory bodies to verify the certificate issued by BAC, and in addition, for products intended for other controlled operators, it allows the customer who has received the products with the transaction document and to its CB, to be able to verify the notification of the transaction to BAC.

23.3 Upon simple request, BAC also makes the means by which BAC obtains economic and financial support available and updated .

24 CONFIDENTIALITY AND PRIVACY

24.1 BAC guarantees maximum professional confidentiality regarding the information and data acquired in the exercise of its activity. All members (committee members, inspectors, managers, employees), as well as all staff who may have access to the BAC offices in any way (software assistance, cleaning, consultants, etc.) are bound to confidentiality and undertake in writing not to disclose information obtained during the performance of the activity. All BAC archives, both electronic and paper, are adequately protected and with exclusive access to authorized persons.

24.2 The registrations relating to the certification scheme are maintained by Bioagricert for at least 5 years as required by current legislation. Bioagricert keeps the recordings confidential, which are transported, transmitted and transferred in order to ensure that confidentiality is maintained. Bioagricert maintains a list of personnel who have access to the recording archives and protects the information present in the management database with authorized and controlled access.

24.3 All operators or groups of operators and related personnel have the right to the protection of any proprietary information that is provided to Bioagricert, unless disclosure of the same is required by law or by the certification scheme. Therefore BAC will require written consent from the operator to transfer information of any nature to third parties, except for :

- ✓ the cases provided for in points § 12.8, 13.14, 16 and 23.2 of this procedure;
- ✓ the information contained in the list of BAC licensees referred to in the following point § 23.3
- ✓ the mandatory information to be transmitted to the CAs, accreditation bodies and other CBs.

24.4 Requests for commercial information are processed by BAC by providing the complete list of licensees who have the requested certified products, specifying that BAC has no role in commercial negotiations and sales.

24.5 BAC has notified the operators of the information for the processing of personal data on the website, at the specific address https://www.bioagricert.org/it/privacy.html . If the operator denied the use of essential personal data, for the purposes of control and certification activities, BAC would be forced to interrupt the provision of services and exclude the operator from the control system.