




## REGULATION FOR CERTIFICATION OF ORGANIC PRODUCTS

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<b>REVISION</b>	<b>DESCRIPTION</b>	<b>DATE</b>

	<b>Regulation for certification of organic products</b>
Revision 10	Approved by CSI on 09/06/2010

## INTRODUCTION

The present regulation is public and it is addressed to all operators who are interested in Bioagricert control and certification of organic products. Furthermore, it is also addressed to third parties that are interested in Bioagricert services.

The present regulation is approved by the Committee in charge of impartiality safeguard (CSI); CSI controls the correct application of this regulation and approves any revision.

With the present regulation operators and Bioagricert agree to respect the reciprocal rights and duties indicated in the regulation. The regulation is published on the web site [www.bioagricert.org](http://www.bioagricert.org) and operators accept it when they sign the application and/or variation request. Any change to the present regulation is communicated to operators as the following article 8 explains.

Bioagricert guarantees free access to the certification schemes regulated by this regulation without any discrimination and in particular: no bribes in money or in products are accepted and no discrimination is made depending on the size of the operator or on its belonging to particular associations or groups.

Bioagricert income comes only from the fees of the control and certification activity and it does not provide any consultancy (direct or indirect); its employees are free from conflicts of interests and they have the professional qualifications provided for by the law and they are constantly updated and trained.

## INTRODUCTION TO THE CERTIFICATION SYSTEM

Certification of organic products is a regulated certification system. Bioagricert certification system is based on the following principles:

1. product quality is linked to the process that includes production procedures, control procedures on the activities done and obtained results;
2. only the evaluation of the whole process can give safe guarantees on the product conformity;
3. Bioagricert does not replace the operator who is responsible for the products conformity and who should always respect the control procedures (OPERATOR AUTO CONTROL: 1<sup>ST</sup> LEVEL OF CONTROL);
4. Bioagricert should control if the operator is always able to respect what indicated in the previous point and the agreements signed with the contract and the present regulation (THIRD PARTY CONTROL. 2<sup>ND</sup> LEVEL OF CONTROL);
5. the operator should demonstrate that he always respect the requirement of conformity;
6. the requirements of conformity are verifiable and measurable.

Surveillance (3<sup>RD</sup> LEVEL OF CONTROL) on the certification system and on Bioagricert activity is made by the *Competent Authorities* and by the *Accreditation Bodies*.

## REGULATIONS OF REFERENCE

The Regulations of reference on the production, trading and certification of organic products are indicated below:

- European Union: Reg. (CE) 834/2007 and its following modifications and integrations;
- USA: National Organic Program (USDA-NOP) in force;
- Canada: Canadian Organic Regime (COR) in force;
- Japan: Japan Agriculture Standard (JAS) in force;
- IFOAM international: "The IFOAM Norms for organic production and processing" in force;
- Codex Alimentarius: "Guidelines for the production, processing, labelling and marketing of organically produced foods", in force;
- UNI CEI EN 45011 in force: General requirements for bodies that manage product certification systems (at International level it corresponds to ISO/IEC Guide 65);
- IAF GD5:2005 in force: Guidance on the application of ISO/IEC Guide 65;
- UNI CEI EN ISO 17025 in force: General requirements for analytical tests laboratories

**DEFINITIONS AND ACRONYMS**

DEFINITION OR ACRONYM	Description
Qualification Certificate	Document provided for by Reg. CE 834/2007: <ul style="list-style-type: none"> <li>✓ which indicates that the operator is part of the control system and that he can be enrolled in the list of organic operators;</li> <li>✓ it is the documentary evidence indicated in Annex XII of Reg. CE 889/08.</li> </ul>
BAC	Bioagricert srl, located in via Dei Macabracchia, 8/a Casalecchio di Reno (BO)
CC	Bioagricert Certification Committee
CRI	Bioagricert Appeal Committee
CSI	Committee in charge of impartiality safeguard
Certificate of conformity	Document that lists the products for which the licensee is authorized by BAC to issue declarations of conformity according to the regulation of reference; these declarations are <i>packaging labels</i> and <i>transaction documents</i> .
Import Certificate	Document provided for by Reg. CE 834/07 that certifies that a definite quantity of product imported from a Third Country to the EU has been obtained according to organic regulation.
Transaction or Lot Certificate	Document that certifies that a definite quantity of product directed to commercial trading has been obtained according to organic regulation.
Dichiarazione di conformità o documento di transazione	Documento con cui un operatore dà assicurazione scritta che un lotto identificabile e rintracciabile di prodotto, oggetto di transazione verso il cliente, è conforme ai requisiti specificati sul certificato di conformità.
IFOAM	International Federation of Organic Agricultural Movements
IOAS	International Organic Accreditation Service that is in charge of accreditation of certification bodies according to IFOAM Norms.
Licensee or Licensee Operator	Operator to whom Bioagricert has issued and maintains valid the certificate of conformity of organic products. The operator should always respect the requirements of conformity provided for by the certification system and by any requirement of law.
Licensees list (LdL)	List of the licensees and their products with the indication of the regulation according to which they are certified. This list is available on request at Bioagricert office and at the offices of the Competent Authorities.
MiPAAF	Ministry of food and forestry politics.
NC	Non conformity
BAC Guidelines	Enforcing document of the regulation of reference which defines production rules and products or process characteristics. Such rules comes from the Regulations of reference to which the operator should always refer in case of contradiction between Guidelines and norms.
CB	Certification and Control Body
Operator	Part that should guarantee that its products are produced in agreement with the requirements on which certification is based and that always satisfy the requirements. It is a physical or juridical person that produces, processes or imports from third countries agricultural vegetal products or animal products in order to sell them or that processes, distributes and sells such products. Operators are also those parts that harvest wild vegetal products.
Procedures	Prescriptive documents used by Bioagricert and managed in controlled form.
Technical Report	Prescriptive document filled in by the operator. It describes: <ul style="list-style-type: none"> <li>✓ concrete measures taken by the operator to guarantee the respect of the requirements of conformity;</li> <li>✓ precautionary measures taken by the operator to reduce the risks of contamination coming from non authorized substance or products;</li> <li>✓ cleaning measures taken for storehouses and along the whole production chain;</li> </ul> For NOP/USDA regulation the document corresponds to the Organic System Plan.
Sector Manager	Member of <b>Bioagricert Certification Committee</b> that is in charge of issuing the certification.
Certification Scheme	Certification System concerning certain products and processes to which the same norms, particular rules and procedure apply.
ACCREDIA	National System for Certification that is in charge of accreditation of Certification Bodies and of their enrolment in the related register.
Contractor	Operator that processes products on behalf of another controller operator
Evaluation	Documental examination and/or inspection and/or test made by BAC for certification purposes.

## Art. 1 OBJECT OF THE REGULATION

- 1.1 Object of the present regulation is the definition of the relationship between BAC and the operator for the control and certification of organic products.
- 1.2 For the purposes of this regulation a product shall be regarded as bearing terms referring to the organic production method where in the labeling, advertising material or commercial documents, such a product or its ingredients are associated to the term **organic** or its derivatives and diminutives such as “bio” and “eco” or its translation in another language.
- 1.3 The present regulation defines the conditions to issue, renew, extend, suspend, withdraw the certification according to Bioagricert procedures that are described below.

## ART. 2 ACCESS TO THE CERTIFICATION AND CONTROL SYSTEM

- 2.1 The access to the certification may be preceded by a preliminary inspection during which Bioagricert inspector: visits the whole firm and expresses an opinion on the application of the organic method; the inspector values the available documents, points out eventual lacks and records everything on the inspection report that should be countersigned by the operator. The preliminary inspection should be paid by the operator according to Bioagricert fees.
- 2.2 The access to the certification system consists of two stages:
1. Application request and issue of the *Qualification certificate*;
  2. Request of registration in Bioagricert Licensees List and issue of the *Certificate of Conformity*;
- The two stages may correspond in case of processors while for producers the *Certificate of Conformity* can be issued only at the end of the minimum conversion period to organic farming.
- 2.3 In order **to be admitted to Bioagricert control and certification system**, the operator should:
1. send the application request that for Reg. CE 834/07 is the *Notification of production activity with organic method* that should be sent also to the Competent Authority of the territory. **The application request, for all certification schemes**, should include the operator's general data, the description of the activities, the description of the products that should be certified, the chosen certification scheme, the commitments of the operator towards BAC and the Competent Authorities.
  2. Attach to the application a *Technical Report* that should describe:
    - ✓ the production unit, premises and activities;
    - ✓ measures taken in order to guarantee the respect of the requirements of conformity;
    - ✓ precautionary measures taken to reduce contamination risks with non authorized products or substances;
    - ✓ cleaning measures taken in storehouses and along the whole production chain .
  3. supply any information that may be useful to complete the documental evaluation and the evaluation of the whole firm, including information on the personnel;
  4. work according to the chosen certification scheme;
  5. respect the regulation of reference and in particular:
    - a) identify and maintain under control the applicable requirements, including law requirements;
    - b) identify and separate the certified product from the non certified ones;
    - c) guarantee the traceability of the certified product;
    - d) keep recordings and documents;
    - e) manage non conformities;
    - f) manage complaints (not applicable for NOP/USDA scheme);
    - g) fulfil economic commitments relating to bioagricert services.
- 2.4 Bioagricert, once it has received all necessary documents and information, starts the evaluation activity. The sector manager or a member of the Certification Committee examines the results of such evaluation and issues the certification. The operator is then registered in Bioagricert certification and control system and he receives the *Qualification Certificate*; **upon operator's request**, after the products are considered conforming, the *Certificate of Conformity* is issued.
- 2.5 Once the certificate is issued, the operator should always maintain the requirements of conformity according to the law and to the chosen certification scheme.
- 2.6 If Bioagricert believes it is not able to certify the operator, due to the field of application, the location or any other particular reason as the language used, it communicates to the operator that his application request is rejected.

## ART. 3 MAINTENANCE OF THE CERTIFICATION

- 3.1 In order to maintain the conformity, the operator should:
1. always respect what provided for in point 2.3;

2. pay attention to make declarations on the certification, except for the purpose for which the certification has been issued;
  3. issue declarations of conformity only if he is sure that the product is conforming to the requirements of law or of the chosen certification scheme; in case the operator believes that a product - that was produced, prepared, imported by himself or delivered by another operator- is not conforming, he should immediately start suitable procedures to remove any reference to the organic method from the product or to identify and separate such product. He can process, package or trade such product but without any reference to the organic method and to Bioagricert certification;
  4. inform Bioagricert on any change to the product, process or management system that may affect the conformity. Bioagricert values if the changes require additional inspections, tests or other controls. The licensee cannot issue any declaration on the modified products until Bioagricert gives its authorization;
  5. inform Bioagricert in case accidental events happen and modify the conformity or in case the operator breaks the requirements of conformity;
  6. register any complaint and the corrective actions taken; in particular the operator should inform Bioagricert immediately about any complaint concerning non allowed substances found in the products. The operator should also manage complaints on the products of its **contractors** of which he has full responsibility (this requirement is not applicable for USDA/NOP scheme).
- 3.2 When the operator makes the obtained certification public, he should respect the following conditions:
- refer clearly only to certified products in order to avoid any confusion with non certified products of the same firm;
  - receive Bioagricert approval for any advertising project addressed to consumers. Misleading advertisements is considered a non conformity and it is sanctioned by Bioagricert. The incorrect use of trademarks and certificates, for example printing mistakes, not followed by the suitable corrective actions is punished with measures that go from the suspension or withdrawal of the certification to the compensation for damages. False claiming or the counterfeiting of certificates or trademarks are prosecuted.
  - Respect the following art. 14 and the specific regulations for the use of trademarks of conformity provided for by the applied reference norm and the trademarks of the accreditation Bodies.

#### ART. 4 PROCEDURES OF SURVEILLANCE

- 4.1 Surveillance activity guarantees that operators maintain the requirements of conformity and always respect the signed agreement. The object of surveillance is the product, the process, the correct use of certificates and trademarks of conformity and, if applicable, the operators' management system.

During the period operators are in the control and certification system, BAC monitors them through the evaluation activity described in the following points. The frequency of controls is scheduled in Bioagricert surveillance plan and it depends on the characteristics of the process and on the probability to produce non conforming products (class of risk assigned to each operator).

- 4.2 The result of the surveillance activity is examined by a sector manager or by a member of the Certification Committee to decide on certification. The result of inspections is confirmed if Bioagricert does not send any communication to the operator within 60 days from the date of the inspection.

#### 4.3 INSPECTIONS

For the purposes of the inspection, the operator allows BAC to:

- examine all valued areas, registrations and personnel. Any operator's seat or any seat of his **contractors**, if under Bioagricert control, should be available during the inspection, even if without notice, at any time during the working hours and a responsible person should always be available to cooperate with Bioagricert inspector during the inspection;
- perform the inspection together with, if needed, observers or personnel of the Accreditation Bodies. The purpose of these participations is to train new staff or the surveillance of Accreditation Body on Bioagricert inspectors' work.

In case the operator denies free access to the valued areas and documents, Bioagricert makes its due reflections.

For the purposes of the inspection, the operator should:

- countersign inspection, sampling and non conformity reports of which he receives a copy or summary;
- take the suitable corrective actions when needed;
- make sure that any business consultant respect the role of observer.

#### 4.4 ANALYTICAL TESTS

Samples are taken during inspections (seat of production or storehouse) or in the distribution chains (storehouse or retail sale). The purpose of analytical test is to:

- Improve the evaluation of the process;
- Verify the correct application of the organic method and avoid contaminations;
- Verify the compliance of products and processes with the reference norms.

The choice and the number of samples depends on the characteristics of the process and on the probability to produce non conforming products (risk). Samples are taken also in case of warnings from the outside or when Bioagricert suspects the use of non conforming substances or techniques (non conforming treatments or inputs in the storehouse etc.). In this last case samples are taken considering the “suspect” and not a statistic representativeness of the sampled lot.

#### 4.5 DOCUMENTAL CONTROL

The object of the documental control is:

- documents concerning any change that the operator wants to make in the product, process or management system that may affect the requirements of conformity;
- registrations and certificates. The operator should send a copy of the registers and certificates of conformity of the products purchased from his suppliers any time Bioagricert asks for them.

#### 4.6 SURVEILLANCE ON THE CORRECT USE OF CERTIFICATES AND TRADEMARKS OF CONFORMITY

The following activities are performed on certified products:

- evaluation and approval of labels of products directed to consumption and of advertising projects addressed to consumers;
- monitoring of transactions of products directed to other operators through the maintenance of the “Transactions data base” published on Bioagricert web site; for the purpose of this publication operators should send to Bioagricert the transaction documents within 30 days from their emission;
- inspection visits at the distribution chains in order to check labels and take samples;
- crossed controls with other CBs to confirm the validity of the certificates concerning operators’ suppliers and exchange of information on the operations under control.

### ART. 5 NON CONFORMITIES AND CORRECTIVE ACTIONS

#### 5.1 NON CONFORMITY

A non conformity (NC) is any missing fulfilment of a requirement of the norm of reference. NC may be caused by operator’s actions, his negligence or by events that are not directly referable to the operator’s responsibility. According to the Community Regulation, there are two classes of non conformities depending on their possibility to affect or not the compliance of the production process: *irregularities* and *infractions* to which consequent **corrective actions correspond. NC against contractors are addressed also to the licensees of reference.**

5.1.1 **IRREGULARITY:** it is the missing fulfilment of a documental aspect concerning the production process, the auto control system, the documents management and the application of norms; it is not prolonged and it is not intentional. It does not affect the general reliability of the production process and/or the auto control system on the production method. Irregularities are divided into *major* and *minor*.

5.1.2 **INFRACTION:** it is the missing fulfilment of essential aspects of the production process, the auto control system, the documents management and the application of norms; it is prolonged and it may be intentional. It affects the general reliability of the production process and/or the auto control system on the production method. Infractions are divided into *major* and *minor*.

5.1.3 **REITERATION (REPETITION):** it is the repetition of the same non conformity even if the operator has taken the **corrective actions** the time before. If the same non conformity is repeated more times within a space of time, it is considered more serious. The space of time for irregularities is 24 months while for infractions is 36 months. So, after the 24 or 36 months the previous NC are not calculated in the sum. This calculation does not applies for NC for which the operator is not responsible.

#### 5.2 CORRECTIVE ACTIONS

The following corrective actions are taken in case of non conformity: warning, notice, suppression of the organic indications, suspension of the certification and exclusion of the operator.

5.2.1 **WARNING:** it does not affect the certification. The operator is invited to find the cause of the NC and to take the suitable corrective action in order not to repeat the same NC. The control of the corrective action is verified during the next inspection. The missing respect of a warning turns into a more serious NC. The warning is usually issued by an inspector or an evaluator.

5.2.2 **NOTICE:** it does not affect the certification if it is fulfilled within the established time. The operator is invited to find immediately the cause of the NC and to take the suitable corrective action in order not to repeat the same NC. The control of the corrective action is verified during the next inspection. The missing respect of a notice turns into a more serious NC. The notice is usually issued by an evaluator.

5.2.3 **SUPPRESSION OF THE ORGANIC INDICATIONS:** the operator should not make any reference to the organic method in labels and documents concerning the involved products or lots. The control of the corrective action is verified during the next inspection. The missing respect of a notice turns into a more serious NC. The suppression of the indications is usually decided by a sector manager.

- 5.2.4 **SUSPENSION OF THE CERTIFICATION:** it is the temporary withdrawal of the certification of conformity and it is applied when the reliability of the operator is compromised. The operator should not trade any product with references to the organic method or to Bioagricert certification for the established period of time. The suspension of the certification may involve one or more production areas or the whole firm or single processing lines. The control of the corrective action is made in the established times and modalities. The missing respect of a suspension turns into a more serious NC. The suspension is decided by the Certification Committee.
- 5.2.5 **EXCLUSION OF THE OPERATOR:** it happens when the infraction is so serious to compromise the reliability of the operator in the management of his firm; it happens also in case of reiteration of an infraction or when the operator does not respect the agreements with BAC and the Competent Authorities. The **corrective action** is decided by the Certification Committee.
- 5.2.6 **PRECAUTIONARY SUPPRESSION OF THE INDICATIONS:** the operator is informed that there is an investigation in progress and the lot is confined, in particular for non conformities linked to analytical tests and for the period going from the first positive result and the result of the second sample. The same procedure is followed to manage the "preliminary inquiry" concerning serious cases. The review of the action should be done within 60 days from the first communication and the result should be communicated to the operator.
- 5.2.7 **TIMES TO MANAGE ACTIONS:** **corrective actions** for infractions should be decided (from first notification to the communication to the operator) within 20 days while for irregularities within 60 days. Corrective actions become final after 15 days from the communication to the operator if he does not lodge any appeal or after the appeal is closed as it is described in the following art. 9.
- 5.2.8 **EXTERNAL NOTIFICATION OF THE ACTIONS:** BAC communicates the final actions and the precautionary suppressions of indications to the *Competent Authorities* while the suspension of certification and the exclusion of the operator also to the other CBs. The data object of the communication are: name of the operator, VAT number, actions.
- 5.2.9 CANCELLATION AND REVOCATION OF ACTIONS:** an action may be cancelled if the operator lodges an appeal and obtains the revision of the action and its cancellation. The operator is fully and retroactively reinstated in the control system. An action may be revoked when the operator obtains the revision and withdrawal of the action and he is reinstated in the control system but subject to the control of his conformity and on condition that he maintains the requirements of conformity.

## ART. 6 EXTENSION OF CERTIFICATION

- 6.1 The operator may ask for the extension of the certification on condition that the initial conditions of conformity are maintained. The following possibilities of extensions exist:
- extension of the *Certificate of Conformity* to new products and/or other certification schemes;
  - extension of the *Qualification Certificate* to new kind of activities and/or new facilities (as fields, breeding, processing lines, production seats).
- 6.2 The operator should send additional documentation including the Notification of Variation. BAC values if it is necessary to schedule additional inspections and after a complete evaluation of the request it issues the new certificates.

## ART. 7 RENUNCIATION, SUSPENSION AND REVOCATION FO CERTIFICATION

- 7.1 The operator may renounce to certification at any time through written communication to BAC and the Competent Authorities. Renunciation may be asked in case the operator:
- does not want to conform to the new requirements of conformity provided for by the certification;
  - stops its activity;
  - wants to change CB.
- In case the operator wants to change CB, Bioagricert will send to the new CB all necessary information concerning the operator including non conformities and corrective actions.
- 7.2 The suspension of the certification may happen in the following cases:
- because of a non conformity as described in previous art. 5;
  - inaccurate use of the certificate or of the trademarks of conformity;
  - non compliance with contractual agreements with BAC.
- The suspension of the certification is notified to the operator with the actions for the reinstatement in the control system. After the period of suspension, Bioagricert controls that the conditions to close the suspension are present and it notifies to the operator his reinstatement in the control system.
- The certification may be suspended, on request of the operator, for a temporary interruption of the activity under control. During the period of suspension, Bioagricert should perform at least one inspection per year.
- 7.3 The exclusion of the operator from the control system and the revocation of the certification may happen when:
- requirements of conformity are missing (art. 3 e 4);
  - Bioagricert decision that led to exclusion (art. 5);
  - non compliance with contractual agreements with BAC.
- 7.4 Bioagricert may communicate to third parts, only within its certification and control needs, the revocation of the certification and the exclusion of the operator from the control system; the operator accepts all consequences from now on.
- 7.5 In case of renunciation, suspension or revocation of the certification, the operator agrees to:
- stop immediately any trading of products with references to the organic method and BAC certification;
  - stop immediately to use certificates of conformity and transaction documents and, if requested, to give them back to BAC, including the database given under license;
  - stop immediately to use any label, headed paper and document/publication with references to the certification;
  - stop immediately to use trademarks of conformity, Bioagricert trademark and trademarks of accreditation bodies linked to it;
  - inform customers, if required by BAC.
- BAC will verify if the operator has followed the above described indications and will inform Competent Authorities and/or other CBs if necessary.

## ART. 8 VARIATION IN THE CONDITIONS OF CERTIFICATION

- 8.1 Variations in the conditions of certification may concern the present regulation, reference norms and fees
- 8.2 Variations in the present regulation or guide lines are communicated to operators through Bioagricert web site and the house organ *Informabio*. Operators have 12 months to comply with the new requirements, except in case of different communication.
- 8.3 In case of variations in the cogent law, BAC sends communications to all operators by circular letters. The time to comply with the new requirements is usually indicated by the law itself.
- 8.4 The operator may comply with the new requirements within the indicated time or renounce to the certification. In case he decides to maintain the certification, BAC will verify his compliance with the new requirements.



8.5 BAC communicates variations in fees to operators that may accept them or renounce to the certification.

## ART. 9 APPEALS, COMPLAINTS AND CONTENTIOUS CASES

### 9.1 APPEALS

Operators may lodge an appeal against Bioagricert actions within 15 days from BAC communication by detailing the reason for the appeal and asking for the revision of the action. Operators should address appeals to the APPEALS COMMITTEE (CRI) which is impartial and independent. The CRI values the request and expresses its final decision within 90 days from the date BAC has received the appeal.

Bioagricert action remains valid until the appeal is closed. In case the CRI expresses a positive opinion, the action is suspended or revoked. On the contrary case, Bioagricert action becomes final as described in the previous art. 5.2.8.

### 9.1 COMPLAINTS

Bioagricert policy considers extremely important consumers' trust in the certification; for this reason Bioagricert uses to manage complaints quickly. BAC Direction manages complaints with the help of the Quality Assurance Office. Complaints are managed as follows:

- First answer on the acceptance or rejection of the complaint;
- Investigation of the causes and actions to solve the problem;
- Notification to the complainant - and to all subjects involved in the complaint - concerning the final result and the reasons for the final decision.

### 9.2 CONTENTIOUS CASES

Any contentious case on the application of the present regulation will be managed by the Board of Arbitrators of Bologna with 3 arbitrators appointed by the Board itself. The arbitrators are appointed as follows:

- a) Each part appoints an arbitrator. The 2 elected arbitrators choose the third one within 15 days and this is appointed President of the Board.
- b) In case the third arbitrator is not appointed in the above described way, the Technical Committee of the Board of Arbitrators will elect him.

Arbitrators will take their decisions according to articles 806 and followings of the Civil Code. The case falls within the jurisdiction of Bologna Court.

## ART. 10 AGREEMENT TO SUBCONTRACT AND CHALLENGE

10.1 BAC has full responsibility of subcontracted activities and of all decisions concerning the issue, maintenance, extension, suspension and withdrawal of the certification. BAC guarantees that subcontracted structures and personnel have the proper competence and skills and that they are impartial.

10.2 professional people (BAC inspectors) or subcontracted agencies that are qualified by BAC perform inspection activity.

10.3 ISO 17025 accredited laboratories make analytical tests. Analytical limits should be  $<$  or  $=$  0.010 mg/kg for phytosanitary aids and 0.01% for Polymerase Chain Reaction tests concerning GMOs. Such requirements apply also to analytical tests made directly by the operator on the counter sample taken by BAC.

10.4 Operators may challenge inspectors by sending a written detailed explanation to BAC that, if necessary, will replace the inspector. The same procedure applies also to Inspection Bodies and observers. Operators may challenge analytical laboratories and ask to do the analytical tests in different laboratories on condition that such laboratories satisfy the requirements explained in point 10.3.


10.5 BAC guarantees the information on subcontracted activities and takes for granted the agreement in the absence of written observations on this issue.

## ART. 11 FEES AND PAYMENTS

11.1 Fees and payments that are applied to operators are described in Doc. TB01 *BAC Fees* that is published on BAC web site. Fees are calculated according to the supplied service and according to the following criteria:

- for producers a fixed fee and a variable fee per hectare depending on the kind of crop or kind and size of breeding;
- for processors a fixed fee and a variable fee depending on the annual turnover of certified organic products. Discounts may be applied only in case BAC costs are lower.

11.2 If the operator does not pay, BAC has the right to suspend any activity of control and certification and has the right to send a claim for damages.

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11.3 In case any of the corrective actions (that block the issue or maintenance of the certification) described in art. 5 is inflicted to the operator, BAC may ask the compensation for the service supplied.

#### ART. 12 CONFIDENTIALITY

12.1 BAC guarantees the highest professional confidentiality on all information and data acquired during its activity. BAC personnel (members of Committees, inspectors, managers, staff) and all people that can accede to BAC offices (software assistants, cleaning agency, advisors etc.) should guarantee the highest confidentiality and should sign a written agreement in which they agree not to spread any information. BAC archives (computer and paper) are properly protected; the access is limited only to authorized people.

12.2 BAC asks for the operator's permission before supplying any information to third parts except for those cases described in points 4.6, 5.2.8, 7.1, 7.4, 7.5 e 13.4, for the information included in BAC licensees list and for compulsory information that should be sent to Competent Authorities, Accreditation Bodies and other CBs.

12.3 BAC satisfies the requests of commercial information by supplying the complete list of licensees with certified products, specifying that BAC is not involved in any commercial and trading activity.

12.4 BAC manages operators' personal data according to art. 13 of Law Decree n.196/2003 that is published on BAC web site. In case the operator denied the management of his personal data for certification and control activity purposes, BAC would be forced to stop any relationship with the operator and exclude him from the control system.

#### ART. 13 ADVERTISING AND TRANSPARENCY OF THE CERTIFICATION SYSTEM

13.1 In the house organ *Informabio* BAC publishes the news of the sector and any variation in Bioagricert procedures or the cogent law. The house organ is distributed to all Italian controller operators.

13.2 On the web site [www.bioagricert.org](http://www.bioagricert.org) BAC publishes all certification documents useful to operators.

13.3 On the web site [www.trasparente-check.com](http://www.trasparente-check.com) BAC publishes all valid certificates of conformity. In particular the web site allows consumers, customers, CBs and Surveillance Bodies to check directly on line the status of the certifications and which products are covered by the certification itself. In addition, customers that have received certified products together with the document of transaction, are able to verify on line if the transaction has been notified to BAC.

13.4 BAC licensees list is a public document and includes: business name, products, norms of reference according to which the products are certified. The list is available upon request at BAC offices and at the Competent Authorities offices.

#### ART. 14 USE OF TRADEMARKS


14.1 Bioagricert trademark is registered at the Italian Patent and Trademark Office in Rome. The technical characteristics of the trademark are described in the Graphic Manual which is available at BAC office.

14.2 Bioagricert trademark can be used only on organic products and according to the following conditions:

- ✓ be part of the control system and be conforming to the certification requirements;
- ✓ respect the present regulation and obtain BAC authorization;
- ✓ do not grant sub licenses;
- ✓ do not use Bioagricert Trademark on business cards and/or documents that do not concern the certification schemes operated by BAC;
- ✓ in case the trademark is placed on the headed paper, specify that the object of the communication refers to activities that are not covered by the certification;
- ✓ if Bioagricert trademark is used together with the trademark of an Accreditation Body, remember that the trademarks of Accreditation Bodies can be used only together with Bioagricert trademark and according to the indication of the Accreditation Body itself.

14.3 The irregular use of Bioagricert trademark is punished according to points 3 and 5. The trademark of conformity on products and certification documents can be used by the operator on condition that the present regulation and the specific indications of the reference norms are respected.

#### ART. 15 PROTECTION

	<i>Regulation for certification of organic products</i>
Revision 10	Approved by CSI on 09/06/2010

The operator agrees not to claim any compensation to BAC concerning complaints or claims for damages related to the certified products due to infringements of the production rules or labeling requirements during any stage of marketing when it is not proved that it was directly BAC fault.

**ART. 16 ANNEXES**

ANNEX 1 Bioagricert Guide Lines for organic production