

## EU Alert report

### 1. Alert origin & status

Reference	EULA-45/2023
Status	CONFIRMED
Version	1
Alerting Country:	Austria
Competent Authority:	BMSGPK

### 2. Alerted Countries

Country	Competent Authority	Coordinator?	Scope
Hungary	Nemzeti Élelmiszerlánc-biztonsági Hivatal (National Food Chain Safety Office)	Yes	National
Romania	Ministry of Agriculture and Rural Development	Yes	National

### 3. Irregularity, infringement, fraud, other issue and suspicion thereof (hereinafter "irregularity")

Title:	Subsequent devaluation of organic marjoram
Description:	Subsequent devaluation of organic marjoram due the OFIS notification INEU-650/2022
Seriousness assessment:	Subsequent devaluation in the origin (third country) due to the use of pesticides
Actors already informed:	Austrian authority

#### Detection Context

Date:	22/11/2022
Place:	Johann-Galler-Straße 11 2120 Wolkersdorf im Weinviertel
Person/body detecting the irregularity:	Goods receipt test relationship, goods block and OFIS in the original country, devaluation in the original country
EU legislation at stake (reference(s)):	EU organic regulation

#### 4. Product traceability

##### Description

Name: Organic marjoram peeled  
 Brand / trade name: Organic marjoram peeled  
 Other aspects:

##### Consignment

Consignment / lot / delivery number: Lot: 0000409168 and Lot: 0000419049  
 Country of origin: Egypt  
 Total net / gross weight, volume: Lot: 0000409168 1884 pieces, Lot: 0000419049 6775 pieces  
 Other information:

##### Supply chain – description of operators

Name	Type	Contact Details	Control body/authority (with contact details)
Kotany to Nordic Logistic s.r.l.	Importer	031295 Calea Vitan Street Bukarest Romania	
Prologis park, DC4-es raktár	Importer	2310 Szigetszentmiklos Leshegy 30 Hungary	

#### 5. Measures taken

No action yet

Reason:

## 6. Other information

During a trial, a residue was discovered in organic marjoram from the Kotany company. 0.13 mg/kg lambda cyhalotrin. The OFIS report that was then carried out revealed after 8 months that the goods had been devalued in the country of origin, which meant that the status in Austria was also devalued. 2 customers in other EU countries are affected:

Nordic Logistic s.r.l. in 031295 Calea Vitian Street Bukarest Romania

DC4-es raktár in 2310 Szigetszentmiklos Leshegy 30 Hungary

The following product was purchased with the following batches:

ArtNr. 434709 - Lot: 0000409168 Bio Majoran gerebelt. 1884 pieces to Nordic Logistic

ArtNr. 190202 - Lot: 0000419049 Bio Majoran gerebelt 6775pieces to Prologis park

## 7. Files

File [size]

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ALEU-XXX-2023-RO-HU.zip [740434 bytes]

INEU-650-2023-reply-23082023.pdf [53032 bytes]

INTC-714-2022-accepted.pdf [350989 bytes]

**Kotanyi GmbH**

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 2120 Wolkersdorf im Weinviertel  
 verkauf@kotanyi.com GLN 9001414000007  
 Telefon +43 (0) 2245 5300-0 Telefax +43 (0) 2245 5300-1159 www.kotanyi.com

**DELIVERY NOTE - Order**

Nummer : 1444310  
 Bestellnummer :  
 Datum : 2022-11-18  
 Page: : 1/1



Áru átvevő  
**SCHENKER Kft.**  
**c/o Kotanyi Warehouse**  
**Prologis park, DC4-es raktár**  
**Leshegy u 30**  
**2310 Szigetszentmiklós**

Kundennummer :

Áru feladó  
 Kotányi GmbH  
 Johann Galler-Strasse 11  
 2120 Wolkersdorf im Weinviertel

Delivery method : LKW  
 Lieferbedingung : CIP Budapest

Auftrag	Pos	EAN	Artikelnummer Bezeichnung	Menge	ME	Charge Bestellnummer	MHD
212673	10	5995863115389	153802	660,00	KTN		
		5995863015382	KOTÁNYI Muskatnuss ganz - Brief	<b>16.500,00</b>	<b>STK</b>		
212673	20	5995863119028	190202	271,00	KTN		
		5995863019021	KOTÁNYI BIO Majoran gereb. AT-BIO-301 - Brief	<b>6.775,00</b>	<b>STK</b>		
212673	30	5995863125081	250802	99,00	6ER		
		5995863025084	KOTÁNYI Putengerichte Gew.Salz - Dose 1200 ccm	<b>594,00</b>	<b>STK</b>		
212673	40	5995863125227	252202	128,00	6ER		
		5995863025220	KOTÁNYI Barbecue Gew.Zub. - Dose 1200 ccm	<b>768,00</b>	<b>STK</b>		
212673	50	5995863125371	253702	54,00	6ER		
		5995863025374	KOTÁNYI Lorbeerblätter gem. - Dose 1200 ccm	<b>324,00</b>	<b>STK</b>		
212673	60	5995863130689	306802	580,00	KTN		
		5995863030682	HORVATH ROZI Knoblauchgranulat - Brief	<b>14.500,00</b>	<b>STK</b>		
212673	70	5995863131891	318802	2.860,00	KTN		
		5995863031894	HORVATH ROZI Majoran gereb. - Brief	<b>85.800,00</b>	<b>STK</b>		
212673	80	5995863140213	402102	1.088,00	4ER		
		5995863040216	KOTÁNYI Knoblauch gran. - Glas 100 ml	<b>4.352,00</b>	<b>STK</b>		
212673	90	5995863141135	411302	3.736,00	4ER		
		5995863041138	KOTÁNYI Pfeffer bunt - Mühle	<b>14.944,00</b>	<b>STK</b>		
212673	100	5995863141531	415302	2.464,00	4ER		
		5995863041534	KOTÁNYI Chili Birdseye Peperoncini - Mühle	<b>9.856,00</b>	<b>STK</b>		
212673	110	5995863150144	501402	82,00	KTN		
		5995863050147	HORVATH ROZI Zitronenpfeffer Gew.Zub. - Brief	<b>2.870,00</b>	<b>STK</b>		

Gross weight 9.336,61

No. pkgs 34,00

Packaging type 120 x 80 x max Höhe 80 cm No. packages 34,00

Bank Austria AG  
 IBAN AT431200024110002500 BIC BKAUATWW  
 ERSTE BANK  
 IBAN AT372011129222497500 BIC GIBAAATWWXXX

Raiffeisen-Zentralbank  
 IBAN AT783100000100233973 BIC RZBAATWW

Die Ware bleibt bis zur vollständigen Bezahlung unser Eigentum !  
 FN 81156y Landesgericht Korneuburg - UID-Nr. ATU 19053208  
 DVR 0100188 - ARA 1304  
 Vermerk für BIO Produkte: Bio-Kontrollstelle: AT-BIO-301



Wolkersdorf, 18.09.2023

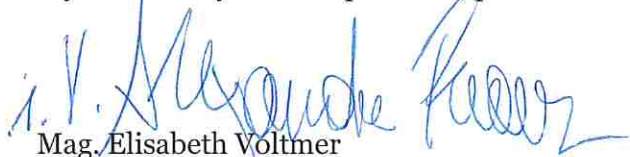
To whom it may concern!

We have to inform you that the organic status of the raw material used for the article 190202 Organic marjoram crushed (Lot: 419049 - BBD: 31.10.2025) has been revoked in origin.

The product concerned has to be devaluated.

For a better overview we will send you a picking list for this article.  
Please contact your organic inspection body after receiving this letter.

If you have any further questions, please do not hesitate to contact us.

  
Mag. Elisabeth Voltmer  
Leitung Qualitätsmanagement / Produktentwicklung

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RFBI 1-00.233.973, BLZ 31000, IBAN AT783100000100233973, BIC RZBAATWW | Uni Credit BANK AUSTRIA AG 241-100-025/00, BLZ 12000, IBAN AT431200024110002500, BIC BKAUATWW  
RLB OÖ FIL. PASSAU 8103327, BLZ 74020100, IBAN DE61740201000008103327, BIC RZ00DE77

ERSTE BANK AG 292 224 97500 BLZ 20111, IBAN AT372011129222497500, BIC GIRAATWWXXX | RLB OÖ 11.015 BLZ 34000, IBAN AT553400000000011015, BIC ERSTDE33 Seite 1 von 1  
FN 81156Y LANDESGERICHT KORNEUBURG | UID-NR. ATU 19053208



Wolkersdorf, 18.09.2023

To whom it may concern!

We have to inform you that the organic status of the raw material used for the article 434709 Organic marjoram crushed (Lot: 409168 - BBD: 22.05.2025) has been revoked in origin.

The product concerned has to be devaluated.

For a better overview we will send you a picking list for this article.  
Please contact your organic inspection body after receiving this letter.

If you have any further questions, please do not hesitate to contact us.

Mag. Elisabeth Voltmer  
Leitung Qualitätsmanagement / Produktentwicklung

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RBI 1-00.233.973, BLZ 31000, IBAN AT783100000100233973, BIC RZBAATWW | Uni Credit BANKAUSTRIA AG 241-100-025/00, BLZ 12000, IBAN AT431200024110002500, BIC BKAUATWW  
RLB OÖ FIL. PASSAU 8103327, BLZ 74020100, IBAN DE61740201000008103327, BIC RZ00DE77

ERSTEBANKAG 292 224 97500 BLZ 20111, IBAN AT372011129222497500, BIC GIBAATWWXXX | RLB OÖ 11.015 BLZ 34000, IBAN AT55340000000011015, BIC R Seite 1 von 1

FN 81156Y LANDESGERICHT KORNEUBURG | UID-NR. ATU 19053208



# Organic Farming Information System

## Reply to notification INEU-650/2022

Status :	Replied
First language :	English
Second language :	
Version of reply :	2
Notification Id :	INEU-650/2022

### A) Notified country :

1) Country :	Germany					
Competent authority - contact details:	Name	Address	Phone	Email	Website	Contact
	BLE	Germany		irregularities@ble.de		Annika Hoeller
3) Date (DD/MM/YYYY):	23/08/2023					
4) Reference :	BMSGPK_19/12/2022_pesticide_marjoram (22D117 a. 22K282)					

### B) Notification :

1) Country :	Austria					
Competent authority - contact details:	Name	Address	Phone	Email	Website	Contact
	Bundesministerium für Soziales, Gesundheit, Pflege und Konsumentenschutz	Radetzkystraße 2, 1030 Wien		bio@gesundheitsministerium.gv.at		
3) Date of notification (DD/MM/YYYY) :	19/12/2022					
4) Reference of notification (same as in point A.4 of the	BMSGPK_19/12/2022_pesticide_marjoram					



# Organic Farming Information System

notification) :	
<b>5) Product :</b>	Marjoram, organic
6) non-compliance/suspicion of an non-compliance/other problem raised :	

## C) Investigation :

1) Which competent Competent authority + control body authority(-ies) or, where appropriate, control authority(-ies) and/or control body(-ies) are/were in charge of the investigation? :	Prüfgesellschaft
2) Describe cooperation between the different operators and competent authority(-ies) or, where appropriate, control authority(-ies) and/or control body(-ies) involved, in the different countries involved (if any)? :	
3) Which investigation methods/procedures have been used? :	
3) Which investigation methods/procedures have been used? (Second language):	
For instance, have the operators concerned been submitted to a	





# Organic Farming Information System

specific control?:	
For instance, have the operators concerned been submitted to a specific control? (Second language):	
Have samples been taken and analysed?:	
Have samples been taken and analysed? (Second language):	
4) What is the outcome of the investigation?:	
4) What is the outcome of the investigation? (Second language):	
What are the results of the inspections/analysis (if any)?:	
What are the results of the inspections/analysis (if any)? (Second language):	
Have the origin of the non-compliance/suspicion of non-compliance/other problem raised been cleared out?:	
Have the origin of the non-compliance/suspicion of non-compliance/other problem raised been cleared out? (Second language):	



# Organic Farming Information System

language):	
What is your assessment on the seriousness of the non-compliance/suspicion of non-compliance/other problem raised?:	
What is your assessment on the seriousness of the non-compliance/suspicion of non-compliance/other problem raised? (Second language):	
5) Have the origin of the contamination/non-compliance/other problem raised and the responsibility of the actors been clearly identified and established?:	No
6) Have the operators identified been involved in other non-compliance/non-compliance cases in last 3 years?:	No

## D) Measures and sanctions :

1) What preventive and corrective measures have been taken (e.g. as regards the distribution/circulation of the product on the EU and external market)?:	-
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# Organic Farming Information System

<p>1) What preventive and corrective measures have been taken (e.g. as regards the distribution/circulation of the product on the EU and external market)? (Second language):</p>	
<p>2) What actions in case of non-compliance/suspicion of non-compliance/other problem raised were taken on the operators and/or the products concerned?:</p>	
<p>2) What actions in case of non-compliance/suspicion of non-compliance/other problem raised were taken on the operators and/or the products concerned? (Second language):</p>	
<p>Mode of actions (written form, warning, etc.) ?:</p>	
<p>Mode of actions (written form, warning, etc.) ? (Second language):</p>	
<p>Was the certification of the producer/processor limited, interrupted or withdrawn?:</p>	
<p>Was the certification of the producer/processor limited, interrupted or</p>	



# Organic Farming Information System

withdrawn? (Second language):	
date of entry into force of the actions (if any) (DD/MM/YYYY):	
duration of the actions (if any) :	0
Competent authority or, where appropriate, control authority and/or control body which adopted and applied the actions (if any) :	
3) Are additional inspections planned at the operators concerned?:	No
4) What other measures are the inspection body and/or competent authority planning to prevent the occurrence of similar cases?:	
4) What other measures are the inspection body and/or competent authority planning to prevent the occurrence of similar cases? (Second language):	
<b>E) Other information :</b>	Dear colleagues, the investigation in Egypt has been finished. Deviations were detected, so the notified batch was decertified. We have accepted the answer and closed the case (see annex). Best regards
E) Other information (Second language):	



# Organic Farming Information System

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## F) Annexes :

- 20221202\_Notification.pdf
- 20230823\_OFIS\_AW6\_acc..pdf

# Dossier

## Notification

Notification Protocol Number      INTC-714/2022 on 02/12/2022

## Reply

Version of reply                      INTC-714/2022\6 on 28/07/2023  
Coreporter: (Belgium) :    **No Feedback Available**  
Coreporter: (Denmark) :   **No Feedback Available**

## Evaluation

Notifying Country (                      **ACCEPTED** on 23/08/2023  
Germany)

# Notification to third country

### Notifying country :

Country :                                  Germany  
Notified Actor Type :                      **CB's Third Country**

### Notified Actor Details:

ACTOR\_CODE:                              BIO-140  
ACTOR\_VERSION:                            44  
NAME:                                        CERES Certification of Environmental Standards GmbH  
STREET:                                      Vorderhaslach 1  
POSTCODE:                                  91230  
LOCALITY:                                    Happurg  
TELEPHONE:                                 +499158928290  
MAIL:                                         manuel.mittelhammer@ceres-cert.de,zirn@ceres-cert.de  
FAX:  
WEBSITE\_LINK:                              <http://www.cerescert.com/portal/index.php?id=101&L=1>  
URL\_SITE:                                    <http://www.ceres-cert.com>  
COMMENTS:

### A) Product :

2) Category of product :    D - Processed agricultural products for use as food

3) Product/trade name :    Majoram (22K282 and 22D104, INEU-594/2022)

1) Country of origin :        Egypt

4) Description of the        4.180 kg  
product (packaging size    418 Sack  
and form, etc.) - please  
attach copied or scanned  
seal or label :

5) Identification of the lot    Lot No. RM032/21  
(e.g. lot number, delivery  
number, delivery date,      COI.EG.2022.0000211  
etc.) :

6) Other information :        0,22 mg/kg Lambda-Cyhalothrin residue was detected at Almi GmbH

### B) Traceability :

1) Producer – contact details – control authority or control body :	Name	Address	Phone/fax	Email	Website	Contact person
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2) Processor/seller /exporter in the country of origin – contact details – control authority or control body :	Name	Address	Phone/fax	Email	Website	Contact person
3) Importer in the notifying country – contact details – control authority or control body :	Retaj Food Industries & Trading	Egypt				CERES
4) Wholesaler – contact details – control authority or control body :	Name	Address	Phone/fax	Email	Website	Contact person
5) Retailer or other operator in the notifying country, where the non-compliance has been detected – contact details – control authority or control body : Authority(ies) :	Almi GmbH	Austria Hörschinger Str. 1, 4064 Ofering (Austria)			AT-BIO-301	Austria Bio Garantie 46349

**C. Non-compliance, suspicion of non-compliance, other problem raised :**

1) Nature of the non-compliance/suspicion of non-compliance/other problem raised. Which non-compliance/suspicion of non-compliance/other problem raised has been identified? :

\* \*In what aspect does it represent a non-compliance/suspicion of non-compliance/other problem raised with Regulation (EU) 2018/848 of the European Parliament and of the Council ( 3 )? :

2) Context of the detection of the non-compliance/suspicion of non-compliance/other problem raised – please attach a copy of invoice or other supporting documents :

Date of the detection of the non-compliance/suspicion of non-compliance/other problem raised (DD/MM/YYYY) :

Place of the detection of the non-compliance/suspicion of non-compliance/other problem raised :

3) Analysis of the samples/tests (if any) - please attach a copy of analysis report :

Date of sampling/testing (DD/MM/YYYY) :

Place of sampling/testing : Fa. Almi GmbH., Austria

Date of the analysis-report (DD/MM/YYYY) :

Details (name of the laboratory, methods used, results) :

Name of the substances found :

Lambda-cyhalothrin  
Perchlorate  
Phthalimide

Folpet/ Phthalimide (sum)

Level of the residues detected : 0,22 mg/kg  
0,048 mg/kg  
0,079 mg/kg  
0,16 mg/kg

Is the level above the threshold allowed in food (or feed) in general? : Yes

Is the level for labeling of GMO-contents overshoot? : Yes

**D) Market influence :**

1) Has the product been withdrawn from the market, blocked? : Yes

2) Which actors have been already informed? : Food authority

State Authority Germany  
The Federal Office of Consumer Protection and Food Safety (BVL)

3) Are other Member States affected? If so, which Member States? : unknown

**E) Measures taken :**

1) Have any voluntary measures been taken (on the product/operator /market)? : product is blocked and customer are informed

2) Have any compulsory measures been taken? :

3) What is the scope of the measures (national, regional, exports, etc.)? :

4) Date of entry into force: (DD/MM/YYYY) :

5) Duration: :

6) Justification/ legal base of the measures: :

7) Which control authority or control body has adopted the measures? :

F) Other information/Evaluation : A contamination at Almi GmbH can be excluded - so far no processing of organic marjoram at Almi GmbH. Total goods blocked (400 kg). Please investigate this case and inform us about the result. The risk of contamination in Germany can also be excluded, as the lot has only been traded.

**G) Annexes :**

Copied or scanned documentation of the product (seal, label, etc.). Copy of invoice, documentary account or document of transport or delivery order. Analysis report and/or any other relevant documents :

N.	Annex	View File
1)	22K282_Majoran.zip	
2)	INEU-XXX-2022_pesticide_marjoram-DE.zip	

## Screening Details:

Screening response : Accepted

Reason :

# Reply from recognised control body in third country

### C) Investigation



- 1) Which control authority(-ies) and/or control body(-ies) are/were in charge of the investigation? CERES CB of processor/exporter. Egycert CB of supplier from raw material related to this OFIS notification. Control Union CB of supplier from the positive lab report taken during the UI.
- 2) Describe cooperation between the different operators and competent authority(-ies) or, where appropriate, control authority(-ies) and/or control body(-ies) involved, in the different countries involved (if any)? good
- 3) Which investigation methods/procedures have been used? Desk investigation (traceability check, review of latest inspection, OMP). Investigation letter sent. Contacted Egycert the Cb of the supplier. Evaluation of client's investigation and documentation sent. Saw the necessity for a UI. Sent instructions to country office. Evaluation of UI. Contacted Control Union CB from supplier of the sample taken during UI.
- For instance, have the operators concerned been submitted to a specific control? yes, an UI was done
- Have samples been taken and analysed? yes. Lab report turned out positive for anthraquinone, chlorpyrifos, phthalimid, DNOC and pendimethalin
- 4) What is the outcome of the investigation? We noticed that during the review of the last main inspection; an NC was given because workers interviewed were not aware of the quantities necessary to use for flushing the machines. We instructed the inspectors to verify this, also to verify labelling/separation and mass balance of affected lot and to take samples of raw material and finished product. The inspection showed that workers were now aware of the quantities used for flushing, however there were deviations on the labelling of the products and another positive lab report. The CB of the supplier of the OFIS affected lot (Egycert) downgraded the raw material lot due to storage deviations and their client, Negauib Farm, has been suspended for 3 months. Marjoram Lot RM032/21 (from OFIS notification)
- What are the results of the inspections/analysis (if any)? the sample analysis of Marjoram RM22016 taken during the inspection came back positive. Our client informed us and sent proof that the lot has been downgraded and will be sold as conventional. CERES is in the process of evaluating the CA from the client to avoid such residues to happen in the future. We also contacted Control Union to inform about the finding and asked for cooperation. Control union certifies Nadia Makhoulf Al-Rouby and they also acquired their raw material from Negauib Farm and therefore downgraded the affected raw material lot as well.
- lot RM22016 downgraded to conventional (Taken during UI).
- Has the origin of the non-compliance/suspicion of non-compliance/other problem raised been cleared up? yes. At both suppliers the lots were downgraded due to storage deviation and the operator Negauib Farm, has been suspended for 3 months by their CB Egycert. Even though the raw materials have been downgraded by CBs of suppliers, CERES could not rule out cross contamination due to insufficient flushing and also regarding the analysis taken during the UI, unintentional mixing due to labelling deviation.
- What is your assessment of the seriousness of the non-compliance/suspicion of non-compliance/other problem raised? serious. It is the operator's responsibility to avoid contamination at all steps during production.
- 5) Have the origin of the contamination/non-compliance/suspicion of non-compliance/other problem raised and the responsibility of the actors been clearly identified and established? Yes

5) Have the origin of the contamination/non-compliance/suspicion of non-compliance/other problem raised and the responsibility of the actors been clearly identified and established? Comment on the origin of the contamination/irregularity /other problem raised and the responsibility of the actors been clearly identified and established?

:

6) Have the operators identified been involved in other non-compliance/suspicion of non-compliance/other problem raised cases in the last 3 years?

6) Have the operators identified been involved in other non-compliance/suspicion of non-compliance/other problem raised cases in the last 3 years? Comment the operators identified been involved in other irregularity/infringement cases in last 3 years?:

**Measures and penalties :**

1) What preventive and corrective measures have been taken (e.g. as regards the distribution/circulation of the product on the Union market and third-country markets)?

2) What actions in case of affect lot was downgraded to conventional. CA from the client concerning labelling has been given and this non-compliance/suspicion will be check during the additional inspections. In realtion to the CA regarding how to avoid residues that of non-compliance/other are due to contaminated raw material, CERES is still in exchange wiht the client and the NC is only close problem raised were takenonce CERES agrees with their CAs.

on the operators and/or the products concerned?

Mode of actions (written form, warning, etc.) ?

Investigation letter and Notice of NC  
Regulation (EC) No 834/2007 and Regulation (EC) No 889/2008.

Was the certification of the producer/processor limited, interrupted or withdrawn?

no

date of entry into force of 28/07/2023

the actions (if any)

(DD/MM/YYYY)

duration of the actions (if any)

Control authority and/or control body which adopted and applied the actions (if any)

3) Are additional inspections planned at the operators concerned?

Yes

4) What other measures are the control authority or control body planning to prevent the occurrence of similar cases?

the risk analysis for this supplier has been updated and for the additional inspection corrective action implementaiton will be check and samples will be taken under instruction from resdue dep.

**E) Other information**

-

**F) Annexes**

N.	Annex
1)	OFIS 714.zip

## Notifier Evaluation Details

Notifying Country	Status	Comment	Date	Attachment
Germany	<b>Accepted</b>	Dear colleagues, thank you very much for your answer. We recommend closing the case. Best regards	23/08/2023	N/A



# KONTROLLBERICHT

*In Übereinstimmung mit folgender/n Anforderung/en:*

*VO (EU) 2018/848, deren delegierten Verordnungen und Durchführungsverordnungen idgF,  
Richtlinie "Biologische Produktion" idgF*

## Angaben zum Betrieb

KOTANYI GmbH  
Johann-Galler-Straße 11  
2120 Wolkersdorf im Weinviertel  
Kunden Nr.: 304201  
E-Mail: Elisabeth.Voltmer@kotanyi.com

## Angaben zur Kontrolle

Datum	Von	Bis	Dauer	Beschreibung	Kontrolldauer
15.12.2022	09:00	11:00	2 Std. 00 Min.		
24.08.2023	14:00	14:30	0 Std. 30 Min.		
					<b>2 Std. 30 Min.</b>

### KontrollorIn:

Lieber Brigitte

### Auskunftserteilende Person/en:

Frau Mag. Voltmer, Qualitätsmanager/-in, Leitung

**KontrollauftragsNr.:** K-40466-2022

**Art der Kontrolle:** Sanktionsbearbeitung angekündigt



## **Zusammenfassung der Kontrollergebnisse**

Bei der durchgeführten Kontrolle wurden vorbehaltlich nachstehender Abweichungen keine Mängel festgestellt.

Die Vorgaben genannter Rechtsgrundlagen wurden somit in den Bereichen, die nicht innerhalb der Auflagen besprochen werden, eingehalten.

Festgestellte Abweichungen sind bis zu der festgesetzten Frist, welche ab dem Datum der Kontrolle gilt, mit der angegebenen Maßnahme zu korrigieren bzw. bei der Vergabe einer Sanktion 3 bzw. 4 wird im Unternehmen eine Nachkontrolle durchgeführt.

**VO (EU) 2018/848, deren delegierten Verordnungen und Durchführungsverordnungen idgF,  
Richtlinie "Biologische Produktion" idgF**

**Vermarktung, Verarbeitung gemäß VO (EU) 2018/848 deren delegierten Verordnungen und  
Durchführungsverordnungen idgF**

**Abweichungen und Maßnahmen**

**9.3.1.****Sachverhalt ab 01.01.2022:**

Ein nachgewiesener Rückstand stammt aus unerlaubter Anwendung: Laut Analyse von GBA, Analysenr. des Prüfberichts 22055473-001 vom 22.11.2022, wurde nach einer Probeziehung bei Bio-Majoran Charge 91159 folgender verbotener Wirkstoff nachgewiesen: Lambda-Cyhalothrin (0,13 mg/kg). Im betroffenen Zeitraum wurde von 14.04.2022 bis 13.12.2022 759 kg (inkl. 4,08 kg für Proben, Schwund) weiterverarbeitet.

Nachgewiesen durch Mengenaufstellung/Produktionsaufstellung/Verkaufsstatistik. Restmenge 241 kg der gelieferten Charge 91159 (unverarbeitet) lagert noch mit Biohinweis etikettiert am Betrieb.

Verstoß nach Art. 28 Abs. 1 lit. b) (EU) 2018/848 iVm Art. 29 Abs. 2 lit. b) der Verordnung (EU) 2018/848 und gem. Punkt 1.4.2 a) der RILI\_0006.

- Betroffener Gegenstand der Meldung: Rückstand von 0,13 mg/kg Lambda-Cyhalothrin in Bio-Majoran
- Eindeutige Referenzierung: Charge 91159 von Lieferant Poppe
- Menge und Einheiten: 1000 kg in 100 kg Säcken von Lieferant Poppe, angeliefert am 14.04.2022 mit Belegnr. 2022-20449
- Datum der Feststellung: Information von Lieferant Poppe an Fa. Kotanyi GmbH am 13.12.2022
- Datum/Zeitraum des Verstoßes: nicht bekannt
- Tatort: nicht bekannt
- Unternehmen bei dem die Unregelmäßigkeit entdeckt wurde: Lieferant Poppe & Groninger GmbH, Zürnkamp 39, 21217 Seevetal (DE-ÖKO-007)
- Die Übertretung verursachende natürliche oder juristische Person: -

**• Beschreibung der Handlung:**

Fa. Kotanyi wurde am 13.12.2022 von seinem Lieferant fa. Poppe über folgenden Sachverhalt informiert:

Bei einer Probeziehung wurde ein erhöhter Wert (0,13 mg/kg) mit dem Wirkstoff Lambda-Cyhalotrin festgestellt. Auch unter Berücksichtigung des Trocknungsfaktors führt dieses Ergebnis zu dem Verdacht, dass im Ursprung nicht alle Vorschriften der Verordnung eingehalten wurden.

Lt. Information des Lieferanten Poppe: Der Rückstand wurde durch die deutsche Kontrollstelle DE-ÖKO-007 in OFIS notifiziert, womit eine Untersuchung im Ursprungsland ausgelöst wird.

• Beweismittel: Prüfbericht von GBA, Analysenr. des Prüfberichts 22055473-001 vom 22.11.2022, Zertifikat von Lieferant Poppe, Mengenaufstellung mit Produktionen/Kundenliste liegt der Kontrollstelle vor

Wareneingangslieferschein von Lieferant Poppe vom 14.4.2022 mit Belegnr. 2022-20449

• Maßnahmen/ Vorkehrungen/Auflagen durch Betrieb/Kontrollstelle:

Am 13.12.2022 wurde von Kontrollstelle ABG bis zur Klärung des Bio-Status eine vorläufige Warensperre für die betroffene Ware ausgesprochen.

Fa. Kotanyi hat die Lebensmittelaufsicht über das Ergebnis der Verdachtsprobe und den gesamten Schriftverkehr des Lieferanten informiert. Nach Rückmeldung von der LMB (14.12.2022) müssen die Rohware und die Fertigware, die sich noch im Einflussbereich befinden, gesperrt werden. Die Kunden müssen vorerst (bis zur Klärung des Sachverhaltes durch die eingeleitete Ursachenforschung) nicht informiert werden und die betroffenen Bestände dürfen bis auf Weiteres auf dem Markt verbleiben.

Abschluss Ursachenforschung 23.08.2023 Meldung aus OFIS System: Im Zuge der Ursachenforschung in Ägypten wurden Abweichungen festgestellt die Ware wurde dezertifiziert. Folglich wird gemäß Maßnahmenkatalog und in Absprache mit der Lebensmittelbehörde Niederösterreich den im Zuge der Meldung vom 15.12.2022 gesperrten Produkte:

190201 Bio Majoran gerebelt Flachbeutel 0000418211 Lagerstand zum 13.12.2022: 25550 Stück (gesperrt)

257201 Bio Majoran gerebelt 1200 Dose 0000413091 Lagerstand zum 13.12.2022: 1339 Stück (gesperrt)

431375 Bio Brathuhn Billa 100 Glas 0000413146 Lagerstand zum 13.12.2022: 10808 Stück (gesperrt)

**431975 Bio Majoran gerebelt Billa 100 Glas 0000413152 Lagerstand zum 13.12.2022: 6416 Stück (gesperrt)**

**432075 Bio Mediterrane Kräuter 100 Glas 0000413153 Lagerstand zum 13.12.2022: 4024 Stück (gesperrt)**

**sowie 241 kg noch gelagerte Rohware der Charge 91159**

**der Bio Status entzogen, die Ware ist nachweislich abzuwerten.**

**• Maßnahme**

9.3.1.A.

Abschluss Ursachenforschung 23.08.2023 Meldung aus OFIS System: Im Zuge der Ursachenforschung in Ägypten wurden Abweichungen festgestellt, die Ware wurde dezertifiziert. Folglich wird gemäß Maßnahmenkatalog und in Absprache mit der Lebensmittelbehörde Niederösterreich den im Zuge der Meldung vom 15.12.2022 gesperrten Produkten:

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sowie 241 kg noch gelagerte Rohware der Charge 91159

der Bio Status entzogen, die Ware ist nachweislich abzuwerten.

Die Feststellung des Abweichungsberichts vom 15.12.2022:

Die Kunden müssen vorerst (bis zur Klärung des Sachverhaltes durch die eingeleitete Ursachenforschung) nicht informiert werden und die betroffenen Bestände dürfen bis auf Weiteres auf dem Markt verbleiben.

wird aufgehoben. Sämtliche Kunden sind nachweislich über die Abwertung der betroffenen Ware zu Informieren. Eine Liste mit betroffenen Kunden und Mengen ist an die Kontrollstelle zur Erstellung entsprechender Folgemeldungen zu zusenden. Das Abwertungsschreiben ist ebenfalls zu Übermitteln.

Es erfolgt eine Meldung an die zuständige Lebensmittelbehörde gemäß Maßnahmenkatalog 0005 C.4.7.

Die Warensperre bleibt bis zur Widerlegung bzw. bis zur schriftlichen Freigabe durch die Kontrollstelle oder die Lebensmittelbehörde aufrecht. Abnehmer (ausgenommen Endabnehmer) der betroffenen Produktchargen sind gegebenenfalls über die Warensperre schriftlich zu informieren. Eine Kopie muss für die nächste Kontrolle aufliegen, anderenfalls erfolgt neuerliche eine Meldung an die zuständige Behörde. Der durch diese Abweichung entstehende Mehraufwand wird in Rechnung gestellt, eine Zusatzkontrolle ist möglich.

Sanktionsstufe: Sanktion 4

Frist: ab sofort

### **Abschließende Information zur Kontrolle**

Der/Die BetriebsleiterIn kann binnen 14 Tagen gegen diesen Kontrollbericht schriftlich Einspruch erheben. Andernfalls gilt er als akzeptiert. Das Kontrollergebnis wurde bei der Kontrolle mitgeteilt und durch die Unterschrift bestätigt. Die Kontrollstelle ist berechtigt, die Ergebnisse an die zuständige Behörde und gegebenenfalls an weitere Berechtigte zu übermitteln.



Bei Fragen wenden Sie sich bitte an das Team der

Enzersfeld, am 24.08.2023

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