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## Scheme Rules for England, Scotland, Wales & Northern Ireland

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Note: The provisions of the Scheme Rules and are subject to ongoing approval by the Environment Agency of England, Natural Resource Wales, Scottish Environment Protection Agency and Northern Ireland Environment Agency.

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## 2 Definitions

<b>Accreditation</b>	accreditation issued by UKAS confirming that a Certification Body meets its requirements to perform certification services in relation to the Standard.
<b>ADQP</b>	<p>the Quality Protocol (ADQP) the anaerobic digestate quality protocol (ADQP) sets out the end of waste criteria for the production and use of quality outputs from anaerobic digestion of source-segregated biodegradable waste. It was developed by WRAP and the Environment Agency in consultation with Defra, NIEA, industry and other regulatory stakeholders. It is applicable in England, Wales and Northern Ireland.</p> <p>In Scotland there is a differing legal definition of “end-of-waste” which is addressed in the Additional Scheme Rules for Scotland - see definition under ASRS</p>
<b>ASRS</b>	Additional Scheme Rules for Scotland. Together with the PAS110:2014, these constitute the specification for Scotland, where there is a differing legal definition of “end-of-waste”
<b>Appeals Panel</b>	the independent body of that name set up by the Certification Body to resolve a complaint pursuant to its UKAS accreditation.
<b>Applicant</b>	person applying for certification under the Scheme.
<b>BCS</b>	Biofertiliser Certification Scheme
<b>Certification Body</b>	body appointed by REAL to assess whether producers of biofertiliser comply with the Scheme.
<b>Certification Officer</b>	person employed by the Certification Body (CB) who is responsible for activities connected with the BCS. Some CBs will use different titles for this position, for instance Scheme Manager
<b>Cooperative (farming / horticulture / forestry)</b>	natural or legal persons who form a group under a written agreement, who exercise only agricultural, soil/field grown horticultural or forestry activities within the countries of the UK, and who as a group, carry out one anaerobic digestion process at one location within the co-operative’s holdings

<b>Inspector</b>	person employed by the Certification Body to conduct site visits to facilities and who reports to the Certification Officer or equivalent
<b>Digestate</b>	digestate is the material remaining after the anaerobic digestion of a biodegradable feedstock
<b>Guidance</b>	Guidance for Applicants to assist them to partake in the Scheme
<b>Logo</b>	artwork licensed by REAL to Certification Bodies to issue for use by Scheme Members and their qualifying products.
<b>PAS 110:2014</b>	the specification for whole digestate, separated liquor and separated fibre derived from the anaerobic digestion of source-separated biodegradable waste as published by the British Standards Institute
<b>Producer</b>	Business enterprise, organisation, community initiative or person(s) responsible for the production of digested materials.
<b>Quality Protocol (QP)</b>	<p>the Quality Protocol (ADQP or QP) sets out the end of waste criteria for the production and use of quality outputs from anaerobic digestion of source-segregated biodegradable waste. It was developed by WRAP and the Environment Agency in consultation with Defra, NIEA, industry and other regulatory stakeholders. It is applicable in England, Wales and Northern Ireland.</p> <p>In Scotland there is a differing legal definition of “end-of-waste” which is addressed in the Additional Scheme Rules for Scotland - see definition under ASRS</p>
<b>REA</b>	Renewable Energy Association, the voice of the renewable industry in the UK
<b>REAL</b>	Renewable Energy Assurance Limited, a wholly-owned subsidiary company of the Renewable Energy Association
<b>Regulator</b>	This is the body responsible for monitoring and enforcing environmental controls. In England and Wales the regulator is the Environment Agency (EA) website address <a href="http://www.environment-agency.gov.uk">www.environment-agency.gov.uk</a> . In Scotland the regulator is the Scottish Environment Protection Agency (EPA) website address <a href="http://www.sepa.org.uk">www.sepa.org.uk</a> . In Northern Ireland the regulator is the Northern Ireland Environment Agency (NIEA) website address <a href="http://www.ni-environment.gov.uk">www.ni-environment.gov.uk</a> . In Wales the regulator is the Natural Resource Wales

<b>Scheme</b>	the Biofertiliser Certification Scheme
<b>Scheme Document</b>	the document that underpins the Scheme, comprising the Standard, the Quality Protocol in England and Wales and Northern Ireland, the ASRS in Scotland and the Scheme Rules
<b>Scheme Member</b>	an Applicant that has been certified by the Certification Body in accordance with the Scheme
<b>Scheme Rules</b>	the rules governing the Scheme, based on PAS 110:2014 and the Quality Protocol (in England, Wales & Northern Ireland) and In Scotland, the PAS110:2014 and Additional Scheme Rules for Scotland (ASRS)
<b>Standard</b>	PAS 110:2014 and the Quality Protocol (in England, Wales and Northern Ireland) In Scotland, the PAS110:2014 and Additional Scheme Rules for Scotland (ASRS)
<b>Oversight Panel</b>	an independent committee set up for the purpose of considering comments from BCS Members and in the development of the Standards and BCS
<b>Tests</b>	laboratory tests set out in the Standard
<b>UKAS</b>	United Kingdom Accreditation Service

### 3 Introduction

This document contains the operating procedures for REAL's BCS for the certification and use of digested products under the BCS. Certification and use of the BCS Logo is subject to the conditions set out in this document.

Digested materials that are certified as meeting the requirements of the PAS110:2014 specification for whole digestate, separated liquor or separated fibre derived from the anaerobic digestion of source segregated biodegradable materials and the ADQP or in Scotland the ASRS (derived from the SEPA position statement), will no longer be considered as wastes, but will be regarded as products and safe for use. Certified digested products may be used without further waste regulatory controls, other than those that are applicable for the use of any fertilising and soil conditioning materials.

REAL owns the BCS. It contracts selected Certification Bodies to provide certification assessment services to digested material producers as per the BCS Rules set out in this document and further contractual requirements.

An important barrier to the development of the anaerobic digestion industry was the fact that food buyers and food quality assurance bodies were unsure of the safety of food grown using digested materials as a fertiliser. The cost of compliance with Regulations concerning the spreading of waste on land is also an inhibiting factor. Defra, WRAP (Waste & Resources Action Programme), the Environment Agency, the NIEA, SEPA and Renewables East in consultation with the REA, its AD members and other interested stakeholders, developed the original PAS110:2010 which has now been revised (PAS110:2014) and the ADQP.

The benefits arising from certification of digested material and the award of the BCS Logo are that

- users of the digested product will have confidence that it complies with an approved and recognised industry standard
- waste regulatory controls will not apply to digested source segregated biodegradable wastes and manure
- the environment (including soil) and human and animal health will be protected by setting criteria for good practice in the use of quality digested products on land used for agriculture or soil-grown horticulture, when the digested products are used in accordance with the ADQP or in Scotland the ASRS.

Every effort has been made to ensure that this document and associated documents, are accurate at the time of publication. However, these documents may be subject to change; therefore reference should be made to the relevant section of the BCS website to check for any changes or amendments. These rules come into effect on their issue date and, from that date; they automatically supersede any terms and conditions specified in the previously issued application, renewal forms, document guidance and certification scheme rules.

Timescales for the implementation of any change will be communicated to the producers on the Scheme, including any necessary transitional period to give the producer sufficient time to implement such changes. Regarding a change that affects producers, its implementation shall allow the affected producers who have achieved certification to maintain it and other producers who have applied for but not yet achieved initial certification to progress towards this with reasonable speed.

## 4 Scope

The producer of each digested product certified under the BCS shall demonstrate compliance with

- the requirements of British Standards Institution's Publicly Available Specification for whole digestate, separated liquor and separated fibre derived from the anaerobic digestion of source separated biodegradable materials (PAS110:2014):<sup>1</sup>
- In England, Wales and Northern Ireland - the requirements of the ADQP<sup>2</sup>
- In Scotland the Additional Scheme Rules for Scotland (ASRS) and the [SEPA Position Statement - WST-PS-016 - version 4 - Issued June 2014](#).

There are 3 types of digested materials that are eligible for certification namely

- whole digestate
- separated liquor
- separated fibre

N.B. The BCS does not require that all digested materials produced on one AD site must become certified within the BCS. However, if only some digested materials are certified, then there must be clear division of the storage and handling of the certified and non-certified materials on site. The producer is also required to ensure that all communications, documents records and marketing materials are clear as to which digested materials have achieved certification. Any digested materials for which certification is not sought or held shall not compromise the quality of the digested materials under assessment for conformance with the scheme.

PAS 110 specification, the ADQP or ASRS (if applicable) and REAL's BCS Rules (this document) shall be followed for every batch produced.

The producer shall have a clear, written contingency plan to deal with non-conforming batches or portions of production. Production of non-conforming batches is only allowed under exceptional circumstances and shall not be systematic.

All those involved in the inspection and certification process are directly responsible for the quality of their own work. Public and commercial confidence in the BCS will require the collective effort of all parties involved, and it is REAL's belief that maintaining quality at all levels is the key to success. The overriding consideration is the integrity of the certified digested products and their beneficial use, as certified under the BCS.

### 4.1 Aim

The BCS exists to assist in the certification and marketing of digested products by means of :

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<sup>1</sup> The copyright of PAS110:2014 is held by the British Standards Institution (BSI). Available to download from the BCS website at: <http://www.biofertiliser.org.uk/pas110>

<sup>2</sup> The copyright of the ADQP is held by the Environment Agency and WRAP. Copies can be obtained from the BCS website at: <http://www.biofertiliser.org.uk/adqp>



- Setting Standards for digested materials to enable producers, consumers and food assurance bodies to have confidence in the quality of the digested products
- Appointing independent Certification Bodies to provide an inspection system and certification system for producers of digested materials to assess their compliance with the Standards
- Providing a recognisable BCS Logo that can be promoted to assist in marketing digested products
- Maintaining a published list of current BCS Certified Members and identifying which digested products, produced by each BCS Certified Member, are entitled to display the BCS Logo
- Providing a contractual framework to ensure continued compliance with the Standards and to protect the integrity of the BCS, with defined lines of action in cases of abuse
- Providing an avenue for BCS Certified Members to feedback their comments into the process of improving the Standards

#### 4.2 National Validity

The BCS is a single scheme with validity in England, Scotland, Wales and Northern Ireland. The PAS110:2014 and ADQP have been accepted by the regulatory bodies in England<sup>3</sup>, Wales<sup>4</sup> and Northern Ireland<sup>5</sup>. In Scotland, the PAS110:2014 plus the Additional Scheme Rules for Scotland (ASRS) (which can be seen at Annex A) has been accepted by the Scottish Environment Protection Agency (SEPA).

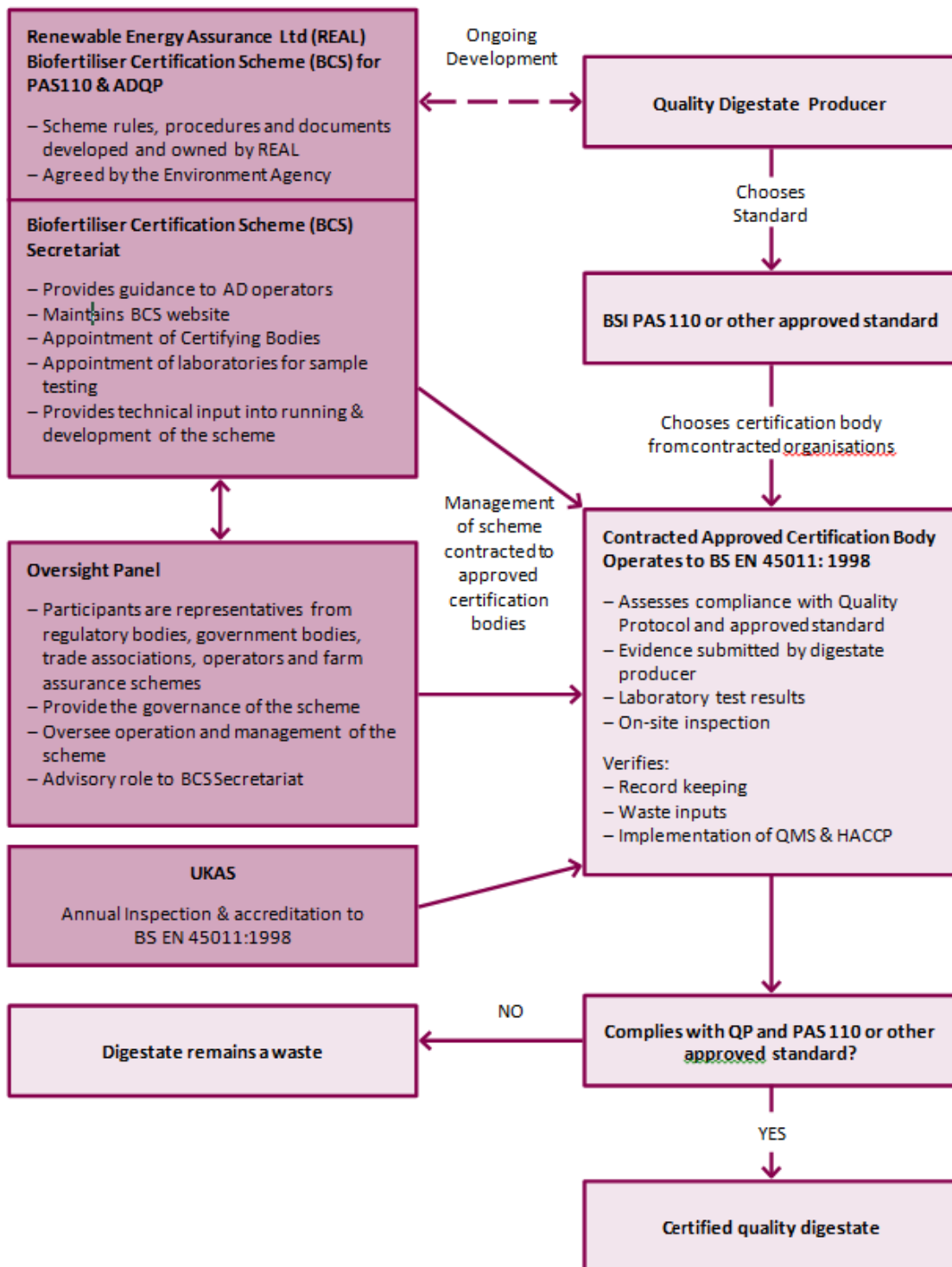
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<sup>3</sup> Environment Agency for England & Wales

<sup>4</sup> Natural Resource Wales

<sup>5</sup> Northern Ireland Environment Agency

### 4.3 Scheme Overview



## 5 BCS Structure

The BCS is independent of commercial interest. The BCS is owned by REAL, which appoints the Certification Bodies (CBs) who inspect the BCS Applicants and Members to assess compliance with the PAS110 and ADQP or ASRS requirements. The CBs arrange inspections, review inspection reports, request and assess corrective actions, award certification or re-inspect as appropriate.

When a digested product has been certified, REAL will grant the Member the right to use the BCS Logo on the digested product(s) that have been certified. The Member has the right to use the BCS Logo on any of their digested materials for which certification has been awarded. If the Producer markets other digested materials that are not certified, then they are not permitted to use the BCS Logo on those digested materials

REAL has established an Oversight Panel that considers and advises on all matters related to the operation of the BCS. The Administrator for the BCS deals with all matters related to the BCS and is the primary contact point between involved parties.

### 5.1 Renewable Energy Assurance Limited (REAL)

The BCS is owned and administered by REAL which is a wholly owned subsidiary of The Renewable Energy Association. Contact details: Renewable Energy Assurance Limited, 2nd Floor, 25 Eccleston Place, London, SW1W 9NF. As owners REAL:

- Administers the BCS
- Appoints Certification Bodies
- Ensures that the BCS is non-discriminatory and that any producers of digested materials may apply for the BCS Logo, and if their product meets the requirements of the PAS110:2014 and the ADQP or ASRS it may be awarded the BCS Logo
- Ensures that any sensitive information gained during inspection and certification is kept confidential
- Keep the Scheme updated to take account of changing legislation and relevant scientific developments
- Maintains an Oversight Panel that considers comments from BCS Members and is involved in the development of the Standards and BCS.
- Ensures that the qualifications, training and experience of the inspectorate, Certification Officers, and Oversight Panel are sufficient and appropriate to fulfil their functions
- Ensures that any potential conflicts of interest amongst the personnel involved in inspection, certification or the oversight panel, are made clear, so that account can be taken of this when certification decisions are made
- Where appropriate, provide guidance to Members of the BCS.
- Organises an operators forum for members of the scheme to discuss and consider scheme and operational issues
- Appoints laboratories to provide testing services under the scheme
- Is responsible for the promotion and awareness of the BCS

- Will endeavour to ensure that any issues or concerns raised by members, certifying bodies, the public or commercial interests are resolved satisfactorily within a reasonable time.

## 5.2 About UKAS

The United Kingdom Accreditation Service (UKAS) is the sole national accreditation body recognised by government to assess, against internationally agreed standards, organisations that provide certification, testing, inspection and calibration services.

Accreditation by UKAS demonstrates the competence, impartiality and performance capability of these evaluators.

UKAS is a non-profit-distributing company, limited by guarantee, and operates under a Memorandum of Understanding with the Government through the Secretary of State for Innovation, Universities and Skills.

The BCS Certification bodies must be annually inspected and accredited to BS EN ISO/IEC 17021:2011.

## 5.3 Certification Bodies

A Certification Body for the BCS must

- Be accredited by United Kingdom Accreditation Service (UKAS) to the International standard ISO/IEC 17065:2012 Conformity assessment – Requirements for bodies certifying products, processes and services.
- Meet the other requirements of the BCS Rules (See section 14)

REAL will appoint the Certifying Bodies and publish the contact details of all appointed Certification Bodies on the BCS website [www.biofertiliser.org.uk](http://www.biofertiliser.org.uk)

When inspecting and certifying to the BCS, any Certification Body appointed shall confine its requirements, evaluation and decision on certification to those matters specifically related to the scope of the certification being considered and within the defined scope of the BCS.

A Certification Body or any of its sub-contractors, inspectors, consortium partners or related organisations shall not provide consultancy services, or any services, that might compromise the Certification Body's impartiality in respect of the BCS.

The CBs are responsible for awarding the BCS certification to and permitting the use of the BCS Logo on, digested products that have been confirmed as compliant with the Standards, so that these digested products can easily be recognised by consumers in the market place.

Certification Bodies may charge producers for providing certification services. These charges must be sufficient to cover the cost of providing the certification services and the royalty fee due to REAL.

Where appropriate Certification Bodies may charge for additional site inspections, for example, to assess any significant changes to the process, assess the efficacy of action taken to correct non-compliance, or investigation of a complaint or test failures resulting from independent sampling visits. Certifying Bodies must inform the producer if they intend to charge for the additional site inspection and what the charge will be.

Certification Bodies may change their certification fees and must provide a valid price list to be displayed on the BCS website.

Certification bodies will attend the Oversight Panel meetings.

#### 5.4 The Oversight Panel

REAL will form an Oversight Panel that will consider all feedback received on the Standard PAS110:2014, the ADQP, ASRS, the operation of the BCS and the certification process. It shall also review an updated list of any complaints and appeals handled by each Certification Body. The Oversight Panel will also liaise with other European bodies that operate standards for digested materials and with appropriate competent authorities. The Oversight Panel may bring in outside expertise and form Technical Working Groups to deal with specific issues as required.

The members of the Oversight Panel have an obligation to ensure confidentiality of information arising from their meetings.

The members of the Oversight Panel will be appointed by REAL and will include members from the following Stakeholder Groups when they are available:

- the Biogas Group of the REA
- the Organics Recycling Group of REA
- The BCS Operators Forum
- The Food Industry
- The National Farmers' Union
- The National Farmers' Union for Scotland
- The Country Land and Business Association
- The appointed CBs
- Farmers who utilise digested material
- Independent AD expert/s

The following will also be invited to nominate representatives as either full members or observers:

- The Environment Agency
- Scottish Environment Protection Agency (SEPA)
- Natural Resource Wales
- Northern Ireland Environment Agency (NIEA)
- Defra
- WRAP

Other organisations can be invited to the Panel as the discretion of REAL.

#### 5.5 The Producers Forum

REAL will form an Operators Forum which will discuss issues associated with the Standard PAS110:2014, the ADQP, ASRS, the operation of the BCS and the certification process. All BCS certified operators will be invited to attend Forum meetings and, where appropriate, non-BCS certified operators or interested parties. A representative of the Operators Forum may attend BCS Oversight Panel meetings where appropriate

## 5.6 The BCS Administrator

- Is responsible to the Chief Executive of REAL for the day-to-day operation of the BCS.
- Provides information about the BCS to potential Applicants
- Investigates if there are any complaints about a Certification Body.
- Requests proof that no commercial interest has influenced the certification process
- Takes all necessary measures to ensure that confidentiality is maintained, when there are issues of a confidential nature being discussed.
- Co-ordinates meetings and provide secretariat services to the Oversight Panel
- The BCS Administrator may consist of one or more persons.

## 5.7 BCS Charges

REAL operates the BCS on a non-profit basis. In this regard the charges are set to cover the operation and development costs of the BCS and promotion of the BCS Scheme and Logo. For that reason Members and Applicants indemnify REAL and its appointees/agents against liability or loss that may arise, in relation to any acts or omissions of a certification body relating to the certification of any process adopted by a Scheme Member or any acts or omissions of a Scheme Member in relation to the use of the logo, including in connection with the sale of materials that do not conform with the requirements of the Scheme.

All funds received by way of charges or other means relating to the BCS will be used to meet costs related to the BCS.

The BCS sets the royalty fees to be charged to the Certification Bodies.

Charges may be made by REAL in relation to the following

- A hard copy of the PAS110:2014, Quality Protocol and ASRS
- Application fee
- Annual fee
- Additional costs that may arise in connection with a BCS Certified Members licence, appeals or non-compliance
- Marketing material relating to the BCS
- Laboratory appointment and monitoring

REAL reserves the right to

- Receive grants, financial assistance etc from State agencies, semi-state bodies and other grant awarding organisations.
- Receive sponsorship for specified projects from private individuals or organisations. All such sources of income must be shown in the Annual accounts of REAL and must be free of direct commercial interest.
- Adjust the charges from time to time.

## 5.8 Appointed laboratories

The BCS requires Members/Applicants to send samples of digested materials, for which certification has been applied, for analysis only at appointed laboratories. An appointed laboratory is one that is on the REAL's BCS list of appointed laboratories.

REAL will develop an impartial register of appointed AD laboratories that are able to provide sample analysis to BCS Members and Applicants. Any laboratory that meets the relevant requirements may apply to be included on this register. However application does not guarantee that the laboratory will be appointed. All appointed laboratories will be required to comply with all requirements set out by REAL, which may include membership of competency schemes, participation in inter laboratory trials or laboratory audits by third parties nominated by REAL. Details of the requirements are available from REAL, and will be developed in conjunction with the Oversight Panel.

## 5.9 Independent samplers

The independent samplers are appointed by REAL to provide independent sampling services on behalf of REAL, as per clauses 13.1 and 13.2.

## 6 Development of the BCS

The PAS110:2014 and ADQP or ASRS define the requirements to be met for a digestate product to be awarded the BCS Logo. The development of the PAS110:2014 and ADQP or ASRS included consultation with the AD industry and other stakeholders and the feedback received during the consultation process informed the modifications made.

Any member, applicant, approved consultant, approved laboratory, Certification Body or Inspector may make a submission to the Oversight Panel via the Scheme Administrator concerning the PAS110:2014, ADQP, ASRS, Certification process or BCS Rules. All submissions received, will be considered by the Oversight Panel, and the results of that consideration will be communicated to the person who made the submission.

The Oversight Panel will inform relevant UK Authorities and stakeholders of any important issues that arise that could affect the PAS110:2014 ADQP or ASRS. The Oversight Panel may also take part in reviews of the PAS 110:2014 and the ADQP.

## 7 Confidentiality

Details of the information gained during the course of assessment may be supplied to the members of the CB's Certification Committee, as relevant for them to be able to assess the application, complaint or appeal. If the Certification Body is required to supply any information that is not of a generic nature to interested parties (e.g. the Oversight Panel) the Certification Body shall ensure that the Applicant/Member's identity is not revealed. All persons who receive confidential information will be obliged to sign a confidentiality agreement.



The certification body shall provide to REAL detailed information regarding each process and digested product under assessment, both those for which initial certification has been applied for and those for which certification has been awarded.

Information related to certified digested products that will be marketed using the BCS Logo will be held on a central database which is owned by REAL and published on its website. This information will include:

- the type of digested material being assessed to carry the BCS Logo;
- its certification status;
- the name of the Standard to which it conforms, the relevant BCS number and the expiry date of the BCS Certification;
- location of where the digested product(s) are produced;
- the name of the organisation responsible for producing it; and
- the name and contact details of the person who is responsible for producing the digested product(s)

REAL may produce and publish statistical reports drawing upon aggregated scheme data so that individual data cannot be traced back to individual applicants or members.

The digested product sample test results and sample codes, associated with certification, of any producers on the Scheme shall be supplied by the appointed laboratory to the certification body and/or REAL whenever requested by either party.

Appointed labs are required to provide to REAL, when requested, the test results for all digested product samples, associated with certification, tested by the producer on the Scheme either by email or by uploading directly onto REAL's database.

When joining the Scheme, the AD producers agree for the labs to disclose sample results associated with certification to REAL, the certification bodies and the regulators (when this is deemed appropriate by the certification bodies).

## **8 Application and Certification procedure**

### **8.1 Enquiries**

Information about the BCS requirements (the PAS110:2014, the ADQP and ASRS) and how to apply for certification to the Scheme are available from the BCS website or from REAL on request.

### **8.2 Application to become a Member of the BCS**

#### **8.2.1 Pre-requisites for applying for initial certification or renewal of certification**

- Pre-requisites for applying for initial certification or renewal of certification are:
- the AD site holds a planning consent/permission, if required by the relevant planning authority;
- the AD site holds a relevant 'authorisation to operate' (an Environmental Permit, a Waste Management Licence, a Pollution Prevention and Control Permit issued by the relevant regulator, or an exemption registered with the relevant regulator); and



- if the process treats animal by-products, the AD site is approved or under the process of being approved by Animal Health or Veterinary Service to treat Animal By-Products. A certificate of conformance shall only be issued if the AD site holds a full approval issued by Animal Health or Veterinary Service to treat Animal By-Products

### 8.2.2 Application form

Any producer who intends to apply for initial certification or renewal of certification can obtain the Application Forms and Fee information from the Certification Bodies.

Operators of anaerobic digestion plants can apply for inspection and certification to the BCS by completing a simple application form and arranging payment for the appropriate fee, to one of the selected Certification Bodies.

A copy of the PAS110:2014, ADQP, ASRS and other documents may be downloaded free of charge from the BCS website on <http://www.biofertiliser.org.uk/>, together with a more detailed application form and template documents that may be helpful for developing a HACCP plan and Quality Management System for an AD site, if they are not already in place.

By signing and returning the certification body's relevant form for this scheme, the producer:

- confirms that all pre-requisites specified in clause 7.2.1 are currently met; and
- agrees to comply with this scheme's rules (latest version issued) and operating protocols.

Once the full application documents have been returned to the Certification Body, they will be assessed by a Certification Officer, or equivalent<sup>6</sup>. If it appears that documentation, systems and process controls are suitable, a site inspection will be arranged. Otherwise further documentation will be requested and time given to allow the site to put in the systems and controls required for PAS110:2014 certification, before the inspection takes place. The inspection must take place within 6 months of receipt of the application or the application will be terminated and the applicant will need to restart the application process. The Certifying body reserved the right to withhold payment for any pre-inspection assessments and associated administration for which they must provide an itemised bill.

### 8.3 Inspection

For initial certification and each 12 month renewal phase thereafter, the certification body's assessment of conformity to the Scheme requirements shall include an inspection of the AD facility, at least once, during which the process and relevant digested products are checked as well as the producer's documented evidence, to examine whether the facility is operated and the digested materials being considered for BCS certification, are produced in a manner that complies with the Standards. The Inspector may require additional documents to be available to enable them to inspect.

The routine renewal inspection visit shall be carried before the current certificate's expiry date and should allow time for any non-compliances to be resolved by the current certificate's expiry date.

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<sup>6</sup> See definition of Certification Officer

A certification body reserves the right to have a UKAS inspector accompany them (the CB inspector) at site inspections for external verification purposes. The UKAS inspector will be monitoring the CB rather than taking part in the audit.

The certification body reserves the right to carry out further inspection visits where they suspect there are any non-compliances. Where an additional inspection is triggered by an upheld complaint, a sample test failure or to assess a corrective action, the CB reserves the right to charge the producer for the additional inspection(s).

The notice period for routine and extra inspections shall be decided by the certification body, having taken account of any notification from the producer of a test result failure and any subsequent action(s) taken and notified to the CB. Inspection visits may be carried out without notice or at very short notice if deemed appropriate by the certification body.

The AD producers shall give employees and agents of the certification body sufficient access to their business and relevant digestion processes to carry out any inspection visit the certification body decides to carry out. Failure to do so shall result in the suspension of certification or no assessment for initial certification, and may ultimately result in withdrawal from the scheme if such failure persists.

The duration of an inspection will depend on the size of the plant and site and if all relevant documentation and records are available. The duration of an inspection visit shall be reasonable, realistic and shall not place excessive burden on the inspector or the AD producer. Time allocation shall provide for the necessary checks to be carried out in full. Additional time for assessment shall be allowed when further investigation is necessary, for example in the event of a major non-compliance(s), numerous non-compliances, or for multiple site audits.

The evaluation shall be carried out against all relevant Scheme requirements, whether an evaluation prior to initial certification or for the maintenance of certification (renewal). No certificate shall be issued until the operator has demonstrated compliance with all relevant requirements to the satisfaction of the certification body.

Where a plant does not have pasteurisation but accepts input material from a process that has an equivalent pasteurisation stage the inspector must see satisfactory evidence (such as HACCP and input supply agreements) of the equivalent treatment and may need to be granted access to the site of the input production and associated documentation to verify pasteurisation has taken place. The CB may make additional charges for visiting additional sites.

### 8.3.1 Inspection report

When the inspection is finished, the Inspector will explain any non-compliances found and will ask the Operator to commit to corrective actions. These may include carrying out further sampling and testing, improving quality systems or documentation. If any required information is not available for evaluation prior to or during the inspection visit, it shall be recorded as a non-compliance. The inspector should not comment on the likely outcome of the certification body's decision whether to award certification.

The Inspector will complete an inspection report, which the Applicant will sign, if they are content that it is a valid report. The inspection report is then returned to the Certification Body, where it is assessed by a Certification Officer (CO), or equivalent, together with any information sent in before the inspection. Any information sent subsequently, as a result of the non-compliances noted by the Inspector, is also taken into consideration at this time.

All non-conformances notified by the certification body shall be addressed by the producer and corrective action evidence submitted to the certification body within 45 days of the

initial inspection. If the non-compliances raised by the Inspector have not been satisfactorily resolved, or if further non-compliances are raised when assessing the inspection report, the CO or equivalent writes to the Operator, explaining what is wrong / lacking and requests corrective actions. Once there are no outstanding non-compliances, including laboratory test results for all parameters specified in PAS110 and any additional requirements specified in the quality policy, the site is awarded certification and put on a rota for annual re-inspections.

Where the inspection report and/or subsequent review by the CO or equivalent raise serious non-compliances, the Operator is informed, asked to correct the non-compliances and may be required to undergo a further inspection, at the Operator's cost, when the site is judged ready.

Application to the Scheme does not guarantee certification. This can only be achieved by compliance with the requirements of the PAS110:2014, and ADQP or ASRS with BCS Scheme Rules.

Once a site is certified, it will be re-inspected annually. Any non-compliances found will need to be resolved before certification for the following year is awarded. The site may also be subject to spot or unannounced inspections if there are concerns about procedures there. See section 8.8 on Spot inspections

Please note that the CO or equivalent is allowed to offer guidance about interpretation of the requirements of the PAS110:2014, the AQDP and ASRS but is not allowed to offer specific advice on how to implement the requirements or how to address non compliances i.e. similar to the advice that would be offered by a paid consultancy service.

Communication between the Applicant and the Certification Body will normally be via the Certification Officer.

The Applicant should be aware that it may not be advisable for them to make an application until they believe that their management system, AD and associated processes and digested materials are ready for inspection.

#### **8.4 Award of BCS membership number**

When an Applicant receives certification for any digested product they will be allocated a BCS membership number. The BCS membership number is specific to the AD site and the organisation that produces the digested product(s), rather than to the individual products. The Member retains the same BCS membership number so long as he/she has at least one digested product certified within the BCS.

#### **8.5 BCS Certificate Renewal**

Continued use of the BCS certificate and logo requires an annual re-inspection and certification and payment of an annual fee. It is the responsibility of the BCS member to achieve and maintain valid certification and to:

- swiftly apply and pay for renewal assessment;
- produce digested products according to the validated Quality Management System (including the HACCP and SOPs); and
- carry out on-going testing according to PAS 110 minimum requirements and any additional specifications applicable to the products (as per the Quality Policy), so that full compliance is demonstrated to the certification body (via inspection and follow-up on any non-compliances) before the expiry date of the current certificate

The Certification Body will send to the Members, a reminder and all relevant documents, at least 3 months prior to the annual re-inspection date. The Member must complete the re-application documents and supply all the requested information prior to the inspection date.

An Inspector, appointed by the Certification Body, will visit the AD facility at least annually or more often if concerns about compliance with the PAS110:2014 and ADQP or ASRS have been raised, to examine whether the facility is operated and the digested materials, being considered for BCS Certification, continue to be produced in a manner that complies with the Standards. The Certification Body will use the inspection report and any other relevant information to evaluate whether the digested products have been produced and utilised in accordance with the ADQP or ASRS and review the way in which the BCS Logo is being used by the Member. Compliance review and certification will be carried out as per 7.3 above.

If a Certificate is refused for any digested material, that material is not eligible to use the BCS Logo. The BCS Logo must be removed immediately upon notification, from all documentation, product information or other notice relating to a digested material that is not certified. Notification will be made in writing and delivered by registered post.

### 8.6 Obligation to inform certification bodies of changes

BCS members registered on REAL's BCS shall inform the certification bodies when any changes are made in relation to:

- mailing addresses;
- person or contact details of the person responsible for implementing and maintaining the certification scheme procedures and complying with the scheme requirements;
- any other details relevant to this certification scheme
- any change that could be construed as having an impact on certification and the quality of material produced (see 7.7 below)

### 8.7 Re-validation

In the event of significant changes, as stated in clause 4.8.5 in PAS110:2014, it may become necessary for some digested materials to be re-validated. Whether or not a digested product may continue to use the BCS Certification and Logo during re-validation will depend on the circumstances in each case, and will be at the discretion of the Certification Body and in accordance with the requirements of the relevant Regulatory bodies.

In the event that a member makes any change to their process which may include the QMS, HACCP, personnel, process, feedstock or equipment they must notify their CB. The CB will decide whether or not the change is significant and require revalidation. In the event that the change is not deemed to be significant the CB may request evidence from the member that the change has not had an impact on the quality of the digestate being produced. Following a change that requires re-validation the CB may grant the member positive release of batches of material that have been produced by a compliant process with test results to demonstrate the material passes on all relevant parameters.

Where appropriate the CB may carry out a spot check inspection at the site.

## 8.8 Spot Check

The scheme and CBs have the right to visit certified sites for spot checks, which will be in addition to the scheduled inspections. This may be unannounced but generally it is preferred to give 24 hours' notice to ensure the Operator is present. A longer notice period may be given if a sample needs to be taken, to ensure there is sufficient time to produce a representative sample. Operators may be chosen for spot checks, either by the Certification Committee, on a random basis by the Certification Officer or in response to suspected non-compliances. A 'Spot Checks Visit' does not have to be a full inspection; it can be focused on specific aspects / requirements of the relevant standard(s) and this Scheme where the Operator may have become non-compliant.

## 9 The Certificate

The Certificate states

- The Member's individual or company name and contact details, and the AD facility premises that are licensed.
- The BCS Certification number of the Member
- The digested products that have been certified
- The expiry date of the Certificate, which is 12 months from the date of issue. The Certification Body's name, address and UKAS accreditation number
- Signature of authorised person within the CB. The award of the Certificate confers the right to use the BCS Logo on the digested products specified on the Certificate, which are produced by the Member at the premises identified on the Certificate.

## 10 Use of the BCS Logo



**Fig 2: BCS logo**

The BCS Logo may only be used in conjunction with the digested products as specified on the Certificate and in the Agreement and that continue to be produced in compliance with the Standards and are understood to be going to be used in accordance with the ADQP or ASRS, and only in association with the Member's name shown on the Certificate and in the Agreement. Where the BCS Logo is displayed on a digested product it must also be accompanied by at least the Member's BCS certification number.

The BCS Logo may only be used in the form and colour as it is supplied, for example, must not be reduced to a size that makes it illegible. The logo must be in an identical form to that supplied by REAL. Any changes to the logo (e.g. size and/ or colours) must request permission and obtain approval from BCS.



The consent is specific to the producer's certified process and digested product(s) and shall not be transferred or licensed to any other business.

Invoices, delivery dockets or other documents relating to certified digested products may state that the product is certified under the BCS and display the BCS Logo, if it also states the Member's BCS Logo number and name and the address of the AD facility where it was produced, along with the certification body's contact details. However, these documents must make it clear which products are certified and which are not.

Any member who holds a valid certificate of conformity shall not use (or authorise or license others to use) the logo in any way outside the scope of the above consent, unless that member has first obtained REAL's written authorisation to do so.

REAL reserves the right to withdraw from any producer with a valid certificate of compliance the permission granted hereunder, without notice if the producer fails to observe this scheme's requirements with regard to the use of the logo, or if certification is suspended or withdrawn for whatever reason.

## **11 Suspension and Withdrawal from the Scheme**

### **11.1 Applicants**

Failure to demonstrate satisfactory evidence of corrective actions taken, and pass any necessary revisit inspection, within **45 days** from notification of non-compliances shall result in immediate withdrawal from the scheme of the producer's application for the process and its relevant digested products.

### **11.2 Members in Renewal Phase**

#### **11.2.1 Certificate suspension**

Immediate certificate suspension may be actioned by the certification body where they believe that a non-conformity requires such action. Failure to take and demonstrate adequate corrective actions within **45 days** from the renewal audit shall result in the immediate suspension of the certificate. The regulator will be notified.

In the event that a certificate is suspended, the certification body shall inform the producer, REAL and the regulator **as soon as reasonably practicable**. REAL's publicly available list(s) of BCS members and related digested products registered on the Scheme shall be altered accordingly.

#### **11.2.2 Certificate expiry and withdrawal**

Failure to supply satisfactory evidence of corrective action(s) taken in response to non-compliances, and pass any necessary Spot Check Visit, by the current certificate's expiry date will result in immediate withdrawal of the member and its relevant digested products from the scheme. The member will then have 45 days to have their membership re-instated if they can demonstrate full compliance with the Scheme requirements. If they fail to address non-compliances within 45 days from the certificate expiry date, their membership will be withdrawn and they will need to re-apply to the scheme.

Failure to pay the correct renewal fee by the renewal date may result in immediate withdrawal from the scheme.

Failure to pay the certification body's complaint investigation fee or any other fees associated with extra visits, spot check visits, and spot sampling visits (see 11.2.1) by the payment due date stated or referred to on the invoice may result in immediate withdrawal from the Scheme.

Failure to pay REAL any fees associated with independent sampling visits, by the payment due date stated or referred to on the invoice may result in immediate withdrawal from the Scheme.

During any period when the certificate is expired, suspended or withdrawn the digested products shall not be placed on the market as a material with 'product' status.

In the event of certificate withdrawal, the regulator shall be informed by the CB **as soon as reasonably practicable**. The publicly available list of BCS members and related products registered on the Scheme shall be altered accordingly

In the event of certificate withdrawal, the producer may re-apply for certification.

## 12 Appeals and Complaints

### 12.1 Appeals

All decisions of the Certification Officer or equivalent, will be communicated in writing to the appropriate Member/Applicant. That Member/Applicant can appeal any such decision if the following Appeals procedure or equivalent is followed<sup>7</sup>.

- The appeal must be lodged, in writing, to the Certification Body concerned within 14 days of the date of the notification of the specific decision of the Certification Officer, or equivalent. The Member/Applicant must furnish a detailed written explanation for the particular appeal and any substantiating information not previously supplied. The Certification Body, if there is precedent, can rule on the appeal, otherwise it will then be forwarded to their Certification Committee or equivalent within 5 days of receipt.
- The Certification Committee, or equivalent, of the Certification Body will consider the details of the appeal and advise the Certification Officer, or equivalent, of the outcome of their deliberations, within 14 days of receipt of the appeal. The Certification Officer or equivalent will notify the Member/Applicant of the decision of the Certification Committee within 5 days of being informed of that decision.
- If the Member/Applicant is dissatisfied with the Certification Committee's, or equivalent, decision, they can appeal, in writing, to the Oversight Panel. This appeal will be decided within 20 working days of receipt and the Member/Applicant informed of that decision. When considering the appeal, the Oversight Panel must have a minimum quorum of five members and the Chair shall have the casting vote.

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<sup>7</sup> Procedures within individual CBs may vary

- If the Member/Applicant is dissatisfied with the decision of the Oversight Panel an independent arbitrator can be assigned that is mutually agreeable to the Chair of the Oversight Panel and the Member/Applicant. The decision of the Arbitrator is final.
- Before the Appeal is considered, the Operator must pay a charge to Renewable Energy Assurance of £875 plus VAT, which is refundable if the appeal is upheld.
- Sanctions imposed on a Member/Applicant shall remain in force during the entire period of any subsequent appeal.

## 12.2 Complaints about products

The responsibility for compliance with the Standards (PAS110:2014) and the ADQP and fulfilling the obligations of the Agreement with an end user rests with the producer.

If a BCS Member receives a complaint about a digestate product, they shall investigate that complaint, and if necessary take appropriate action. The BCS Member shall record all complaints received and the action taken to investigate it and any remedial action taken. These records will be examined as part of the inspection process.

### 12.2.1 Complaints received by Certification Bodies and/or REAL

Complainants must register a complaint by completing and submitting a complaints registration form, available from the BCS website.

Once a complaint has been received by the Certification Body, the Certification Officer will begin investigating the complaint within five working days.

If necessary an inspector will be sent out to investigate the complaint, and prepare a report for consideration by the Certification Committee, who will then take appropriate action.

Any costs incurred related to a valid complaint (where a non-compliance is identified) may be charged to the producer concerned.

The certification body shall ensure that REAL are informed about the progress and details of each investigation, and where appropriate inform the regulator.

The certification body may seek interpretation from REAL or the Oversight Panel on the scheme requirements.

Within 5 working days from receipt of the complaint, the certification body shall:

- a) confirm to the complainant in writing that the complaint has been registered;
- b) obtain from the complainant any information / evidence relevant to the investigation.
- c) Establish whether the investigation requires the involvement of the regulator, and where appropriate notify the regulator;
- d) where appropriate, inform the producer in writing that a complaint has been registered and the nature of the complaint;

When the investigation requires the regulator's involvement, within 5 working days from receipt of the complaint the certification body shall:

- a) notify the regulator via the email address provided for communications, and
- b) once provided with the contact details of the appropriate regulatory officer(s) discuss the complaint details to establish:



- i. whether the complaint is valid;
- ii. whether the complaint should be addressed by the certification body or the regulator
- iii. if pollution of the environment has occurred, whether the cause was the digestate being unfit for purpose OR another reason, such as miss-management of digestate storage or application;
- iv. whether a Spot Checks Visit or a Spot Sampling Visit is necessary;
- v. notify the regulator the outcome of any investigation and any actions taken.

Where it is considered appropriate by the investigating party/ies, the certification body shall carry out Spot Checks Visits or Spot Sampling Visits promptly and normally within 10 working days from the discussion referred to above. Where it is considered appropriate by the investigating party/ies, the certification body shall also take sample/s of the relevant digested products and send it/them to an REAL appointed laboratory for testing on the quality parameter(s) on which the digestate is alleged deficient.

There is no obligation for a Spot Checks Visit or a Spot Sampling Visit to be pre-announced; if pre-announced, the notice period should be the shortest practicable. A spot check visit or spot sample visit may take place unannounced where the certifying body suspects that the producer may attempt to remove evidence of a non-compliance.

On completion of the investigation and once the validity of the complaint has been established, within 5 working days the certification body shall inform the complainant and the producer in writing whether the complaint was upheld and the key reason(s) for that decision.

Regarding a Spot Checks Visit or a Spot Sampling Visit, the producer against whom the complaint has been made shall pay the certification body any fee charged; this fee is payable whether or not the complaint is upheld. The approved laboratory's fee for analysis must be paid by the producer, regardless of whether or not the complaint is upheld. If the complaint is upheld, the producer shall also pay the certification body any investigation costs it has incurred in addition to, or instead of, a Spot Checks Visit. The certification body's documentation shall clearly identify the fee payable by the producer for a Spot Checks Visit and refer him/her to this clause in REAL's BCS Rules.

[Animal Health \(England, Scotland and Wales\)](#) and [Veterinary Service \(Northern Ireland\)](#) shall also be kept informed about the investigation if the complaint is relevant to them.

### 12.3 Complaints about the Certification bodies

Any complaints from participating producers about the services provided by the certification bodies shall be submitted to the relevant certification body at first and include the following information:

- Organisation name and contact details;
- Name and contact details of the person within the organisation making the complaint; and
- Description of the aspects of the service that the complaint refers to.

Upon receipt of a complaint, the certification body will investigate the complaint according to the certification body's internal complaint procedures. It shall also take any necessary

actions to address the complaint and ensure the complainant is kept informed of the progress and outcome of the complaint.

The Certifying body will also notify REAL of any complaints received and report on the outcome of the complaint and investigation, including any actions taken. If the complainant remains unsatisfied of the outcome of the investigation, the complaint shall be referred to REAL and the complainant shall be informed accordingly.

Each time it meets, REAL's Biofertiliser Certification Scheme Oversight Panel shall be provided with a list of any complaints about the certification body, including the number and a summary of their subjects and outcomes. The certifying body may decide to anonymise the list of complainants.

#### 12.4 Complaints about the BCS

Written complaints concerning the BCS, shall be dealt with by the Scheme Administrator in conjunction, where appropriate, with the Oversight Panel. The following procedure will be completed

- The complaint will be acknowledged in writing
- The complaint will be investigated and a report prepared which will be considered by the Oversight Panel
- The Oversight Panel will decide on any appropriate action to be taken and the means by which it will be carried out
- The complainant will be informed of the decision and the action to be taken

If the complainant is not satisfied the matter may be taken to an independent arbitrator.

### 13 Independent Sampling

#### 13.1 Certification Scheme's independent sampling procedures

For quality assurance purposes, a percentage of AD operators that produce certified digested products may be selected by REAL for independent sampling. Members selected for independent sampling shall allow sampling to take place unimpeded. Selections may be made on a random basis or can be targeted at processes with previous or suspected compliance issues.

The independent sampling shall be carried out by a competent person appointed by the Scheme administrator who:

- Is independent of the producer,
- have received training on procedures to follow for taking independent samples and related records of training must be kept.
- responsible for dispatching the independently taken sample(s) to the appointed laboratory used by the producer. Competent means that he/she
  - is not from an appointed laboratory
  - does not work for or on behalf of an appointed laboratory under this scheme.

- did or does not currently work for or on behalf of the producer that is subject to independent sampling; and
- is not providing consultancy to the producer, nor has done so within the last 2 years.

The independent sample taker shall ensure that all information specified in REAL's independent sampling pro-forma is recorded when the independent sample is taken.

Independent sampling and the associated testing is carried out to check compliance with the PAS 110 minimum quality criteria and any additional specification that is applicable to the sampled fraction(s).

### 13.2 Independent sampling costs

- Cost of taking the samples and sending them to the approved labs
  - The cost of the independent sample taking is spread across all producers on the Scheme, the associated invoices being issued by REAL to the producers for fee payment directly to REAL.
- Cost of testing the samples
  - The cost associated with testing the samples shall entirely be borne by each producer selected for the independent sampling. The producer shall liaise directly with the laboratory with regard to the invoices associated with independent testing, i.e. the producer pays the approved laboratory directly.

If samples compliant with clause 10.1 of PAS 110:2014 are available at the time of the independent sampling, the associated test results may be used by the producer as part of the evidence required to maintain certification.

If the producer selected is in the period of corrective actions after inspection, the independent sample(s) taking shall be deferred such that the sample test results are evaluated as part of the next inspection.

In the event the independent sampling produces a failed test result the CB must investigate the cause of the failure, which may include a further spot check visit and may include the taking of further sample/s for testing. The timing of the additional visit will be decided by the CB as appropriate to the failure and in consultation with REAL. The costs associated with any additional visits shall be borne by the producer, but shall be kept as low as reasonably possible.

The digested products required to be tested shall be sampled from any batch(es) / portion(s) of production that are stored on the site awaiting dispatch as PAS 110 conforming material. When this is not possible (e.g. there are no batches that have completed the process available on site), the producer shall inform the independent sampler immediately upon the received notification that an independent sampling visit will be carried out.

Independent sampling visits do not need to be pre-announced or pre-arranged, although it is normal practice to notify such visits in advance to allow the operator to carry out proper mixing. The CB may take note of the time required for mixing during an annual inspection and this will be used to determine how much notice is given to operators. In addition to taking an independent sample of the process's principal PAS 110 certified digested product, this scheme also requires the independent sampling of additional PAS 110 certified digested products (if produced) chosen by the independent sample taker

according to his/her on-site assessment of which additional product is at highest risk of failing any one or more PAS 110 obligatory parameters

## **14 Documents and the Control of Documents**

The following documents will be issued and maintained by REAL

- BCS Scheme Rules
- Guidance notes or templates (as available) for Members and Applicants concerning the Standards (PAS110:2014) and the ADQP or ASRS
- Membership Listing of BCS members
- ASRS

The current issues of all documents are held in the REAL's office and are the property of REAL. Amendments and/or updates to these documents may be made from time to time, and will be published on the BCS website, as soon as they are made. Amendments and/or updates made will also be issued with documents sent at re-application for BCS membership.

## **15 Requirements for Certification Bodies**

The following are the minimum qualifications for a Certification Body for the BCS. The Certification Body

- For this Scheme, will only offer Certification within the defined scope of the BCS
- Will safeguard impartiality
- Must be accredited by UKAS to the International Standard ISO/IEC 17065:2012 Conformity assessment – Requirements for bodies certifying products, processes and services shall ensure that all confidential information particular to an Applicant or Member of the BCS, shall not be disclosed. Where information that is not of a generic nature has to be disclosed to those involved in the certification process, the Certification Body shall ensure that the Applicant or Member has agreed to the intended disclosure of the specific information. Wherever possible and practical anonymity will be maintained.
- Will appoint a Certification Officer or equivalent, who will be the point of contact in the Certification Body for all communication with Members, Applicants, Inspectors, Certification Committee, or equivalents and the Scheme Administrator in REAL.
- Will ensure the Certification Committee or equivalent has sufficient technical expertise to advise and make certification decisions on the BCS.
- Will appoint Inspectors to undertake the inspections and make reports, in accordance with section 7.3 of these scheme rules. Will contribute through the Oversight Panel to the development of the PAS110:2014, ADQP, ASRS and BCS Rules
- Will operate an internal auditing system
- May sub-contract any part of the certification process, except the Certification decision. However, prior specific agreement must be obtained from REAL and all sub contractors must be suitably trained and qualified.

- Will ensure that all documentation produced that relates to the BCS, includes reference to the REAL as the BCS owners and that they have given authority for operation of the BCS to the Certification Body.
- Will provide information to applicants about certification to the BCS within 5 days of receiving an enquiry and will provide timely information to Operators when re-inspection is due.
- Ensure that all their staff involved in the operation of the BCS have adequate relevant training and/or experience. And that such staff conduct themselves professionally at all times, be objective, and have good communication skills. Staff must maintain the integrity of themselves, the Certification Body, the BCS, the PAS110:2014, the ADQP and ASRS at all times.
- Is responsible for supplying updated documents relating to the BCS to all relevant Members, Applicants, Certification Officers, Inspectors, Certification Committee or equivalents and anyone else working on behalf of the Certification Body
- Shall maintain a record of complaints received and ensure that appropriate follow-up and corrective actions are done.
- Shall provide a summary report of all non-complaint feedback received about the BCS, so that it may be considered at each meeting of the Oversight Panel.

### 15.1 The Certification Body Certification Committee

Due to the range of skills and knowledge required and the number of sectors in the supply chain of feedstock production to food consumption, issues and appeals regarding Certification of digested materials will be resolved by a Certification Committee or equivalent rather than by one individual. The Certification Committee or equivalent may be an established body which considers BCS amongst other schemes. The Certification Committee or equivalent should comply with the following:

- Members must sign a confidentiality agreement
- Operate in accordance with the Certification Committee, or equivalent, rules that will be developed by the Certification Body and approved by UKAS
- Ensure that inspection and certification to the BCS is consistent, impartial, audited, fair and continues to meet the requirements of ISO 17065
- Receive suitable training, prior to making decisions regarding certification and on-going as necessary
- Makes decisions concerning certification, suspension, penalties or withdrawal. These decisions shall be based on the inspection report and the verification of any required corrective action having been taken, the use of the BCS Logo, the adherence to the requirements of the PAS110:2014, ADQP and ASRS requirements and on any other relevant information
- Maintain an overview of the appointment, training and performance review of the Certification Officer, the Inspectors and trainers or equivalents.
- Consist of a minimum of three and no more than twelve people, appointed by the Certification Body and approved by the BCS Oversight Panel. The individuals, or representative of a particular stakeholder group, should be selected for their personal attributes and technical skills in their particular field. The Certification

Committee may include persons who have an input to the BCS or AD and associated processes or the AD supply chain. The Certification Committee must include someone with experience in one or more of the following categories

- food quality assurance
  - farming production
  - agricultural advisor
  - waste management
  - AD operations
- Be able to have technical advisers available to it as necessary

Certification Committee, or equivalent, members must agree to the obligation of attending the necessary meetings as laid down within the framework of the Certification Committee rules.

## 15.2 The Inspector

All inspection work must be carried out by an approved inspector who is contracted by the Certification body to undertake the work of inspection. The inspector will

- Visit an Applicant/Members AD premises at least once per year
- Undertake spot checks as required
- Not be currently engaged in commercial activities related to the production of digested materials, or waste management or to the sale of AD technology
- declare any 'conflicts of interest' and undertake to notify the Certification Body if any such interests arise.
- Have at least the following qualifications
  - Training or one years experience in the AD Industry
  - Some relevant agricultural experience
  - Recognised qualification in HACCP and quality management systems or be able to demonstrate relevant experience
- Receive training regarding inspection within ISO 17065 requirements and other training as necessary to the requirements of the BCS and in inspection skills
- Inspect the applicants compliance or otherwise with the PAS110, the ADQP and the BCS Rules
- Write an Inspection Report on the inspections and provide this report to the Certification Officer, or equivalent, within 5 days of the inspection
- Maintain as confidential all relevant information given to them during an inspection
- Not provide advice to the Applicant/Member during an inspection
- Take pictures or samples if required
- Allow their details to be published in an approved list of inspectors



## 16 Scheme's Clarification of PAS110 and Quality Protocol requirements

### 16.1 Input materials

There is a requirement within PAS110:2014 under clause 6.1 to demonstrate that 'reasonable care shall be taken to avoid any contaminated wastes, products or materials from becoming included with the input materials' and that. 'The pre-treatment shall use reasonable endeavours to remove non-biodegradable packaging prior to loading those biowastes / biodegradable materials into the digestion system'.

To demonstrate compliance with clause 6.1, operators must be able to demonstrate that they have:

- machinery in place that is capable of removing non-biodegradable packaging
- a staff member competent in operating the machinery
- evidence that the machinery is working effectively and that a staff member is responsible for checking this regularly
- evidence of regular servicing of the machinery in line with the servicing schedule.

These criteria will be checked by the CB during inspections.

Depackaging equipment must not be designed to reduce contamination to particle size that will bypass the PAS110 physical contaminants test.i.e. particles less than 2mm in a single dimension

### 16.2 Monitoring HACCP

PAS 110 requires producers to use HACCP planning, which enables them to consistently produce material compliant with PAS 110 minimum quality criteria and any additional criteria specified by their customers. However PAS 110 does not require that each produced batch is tested against the PAS 110 requirements. For this reason it is absolutely crucial that each portion of production / batch is produced according to the HACCP plan, and that for each portion of production / batch:

- The producer carries out an evaluation against the relevant CCPs to ensure the CLs have been met;
- Records are kept at all times and made available to the CB showing:
  - A. the outcome of the evaluation (pass/fail assessment);
  - B. the date the evaluation was made;
  - C. the name (or initials) of the person who made that evaluation;
  - D. what the producer believes the batch would fail on (if in his/her opinion it fails);
  - E. where the portion of production / batch is stored on site prior to dispatch (e.g. PAS 110 area or non-PAS area);
  - F. whether any corrective action was applied to the material and, if yes, whether it then passed or failed and where on-site it is stored after that further assessment by the producer

- Within three working days of completing the full treatment process and screening (where applicable), the producer shall record their own assessment of whether the batch is waste or product.

### 16.3 Sampling

#### 16.3.1 Sampling point

Clause 10.1 in PAS110:2014 details when samples should be taken depending on the digested products produced.

Sampling for measurement of digestate stability shall be carried out at the end of the digestion process and prior to dispatch of digestate from the site of production. This means that whole digestate may be sampled for stability, prior to separation into liquor and fibre, i.e. it is not compulsory to test each digested material output for stability.

#### 16.3.2 Sample transport and storage requirements

The sample shall be sent to the lab for testing within 1 day after the sample was taken. Samples waiting to be sent to the lab and archive samples should be stored in a dark, dry, cool place (ideally less than 10°C but not below 1°C. Insulated boxes with ice blocks shall be used to ensure the temperature is maintained (particularly relevant in the summer). Digestate samples should not be frozen.

Producers should use a service that will deliver the sample to the laboratory within a maximum of 48 hours (24 hours is strongly recommended where possible), particularly if the sample is being tested for pathogen indicators.

## 17 Co-operatives

A co-operative (farming / horticultural / forestry) may be set up to carry out one anaerobic digestion process within the co-operatives holdings. The below sets out the requirements that a co-operative must comply with.

### 17.1 Requirements for a cooperative

PAS110:2014 sets out criteria for digested materials made only from manure, unprocessed crops, processed crops, crop residues, glycerol, and/or used animal bedding that arise within a single holding or a co-operative and after digestion are returned to and used entirely within the same premises or holding or co-operative.

There must be a clearly identified entity / organisation or individual within the co-operative with the overall responsibility for the QMS. This identified person/organisation will be responsible for gathering the evidence of compliance with the requirements from all members of the co-operative.

Cooperatives must have a signed agreement in place as summarised below.

#### 17.1.1 Terms of the agreement

There must be an agreement between the producer and a number of local farms (calling it a Co-operative), from which all the inputs for the AD plant would be sourced. If the co-



operative are operating under clause 6.3 and 7.2.5 (exemptions for requirements for written supply agreements and pasteurization) then the materials must be used entirely within the same co-operative's premises or holdings and this should be stated in the agreement.

The agreement should be for a minimum of one year to stop farmers joining the co-operative for a short period and leaving immediately after supplying feedstock.

### 17.1.2 Signatories to the agreement

The signatories should include the plant operators, the person/organisation identified as responsible for the QMS, the land managers/farmers who are providing the feedstock and managing the digestate spreading and also the owners of any of the land that is managed by the land managers or farmers. It is important that the land owners are made aware of the risks as they may take over the management of the land soon after digestates have been applied.

### 17.2 Pathogen testing

Under circumstances where input materials arising within the co-operatives premises have not been through a pasteurisation step, the signatories to the agreement need to be aware of the risk that they may be exposing themselves to. There is still a requirement to test for Salmonella and E.coli.

### 17.3 Digested products

On delivery of the digestate, the digestate producer must supply a certificate stating what inputs (and sources) the digestate has been produced from and what the risks may be and highlighting the lack of pasteurisation where relevant. The certificate could detail that the AD operator has taken reasonable care to ensure that the digestate is free from named local plant pathogens, alert the end users to the risk from the lack of pasteurization and naming the farms from which the unpasteurised material is derived. The pathogen testing in 16.2 of these rules may also be provided.

## **ANNEX A - Additional Scheme Rules for Scotland (ASRS)**

### **1 Introduction**

Producers of digestate in Scotland must conform to the following requirements in order to meet both the demands of the [Scottish Environment Protection Agency \(SEPA\)](#) regulatory position and the conditions of the Biofertiliser Certification Scheme:

- the standards contained in BSI PAS110:2014
- the conditions in the SEPA regulatory position statement<sup>8</sup>
- the additional conditions contained in the Quality Protocol document listed below

The SEPA Regulatory Position can also be downloaded from the Biofertiliser Certification website – under [Certification in Scotland](#)

### **2 Additional conditions contained in the Quality Protocol document<sup>9</sup>**

The following conditions contained in the AD Quality Protocol sections of the Quality Protocol must also be complied with:

- Appendix A - Definitions
- Appendix F - Records to be kept by the quality digestate producer for certification purposes
- Appendix G - Supply documentation

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<sup>8</sup> SEPA Position Statement - WST-PS-016 - version 4 - Issued June 2014

<sup>9</sup> Quality Protocol for Anaerobic Digestate – Note: this document has no legal status in Scotland and is to be treated purely as a reference