



## **REAL's Biofertiliser Certification Scheme Rules**

Version 5

Issued: 21<sup>st</sup> December 2018  
Come into effect: 1<sup>st</sup> January 2019

<b>1</b>	<b>ABOUT RENEWABLE ENERGY ASSURANCE LIMITED (REAL)</b>	<b>3</b>
<b>2</b>	<b>IMPORTANT GENERAL POINTS ABOUT THIS DOCUMENT</b>	<b>3</b>
<b>3</b>	<b>DEFINITIONS</b>	<b>4</b>
<b>4</b>	<b>INTRODUCTION</b>	<b>6</b>
<b>5</b>	<b>OVERALL STRUCTURE</b>	<b>12</b>
<b>6</b>	<b>APPLICATION FOR INITIAL CERTIFICATION</b>	<b>15</b>
6.1	Information on pre-requisites for application	15
6.2	Information on the application procedures	15
<b>7</b>	<b>ASSESSMENT OF OPERATOR COMPLIANCE</b>	<b>16</b>
7.1	Annual audits	16
7.2	Non-conformities	18
<b>8</b>	<b>CERTIFICATION</b>	<b>20</b>
8.1	Certificates	20
8.2	Obligation to inform certification bodies of changes	21
<b>9</b>	<b>MARKS OF CONFORMITY</b>	<b>21</b>
9.1	Use of the conformity marks	21
9.2	Withdrawal of the permission to use the conformity marks	22
<b>10</b>	<b>RENEWALS</b>	<b>22</b>
<b>11</b>	<b>RISK-BASED SPOT CHECKS</b>	<b>23</b>
<b>12</b>	<b>SUSPENSION / WITHDRAWAL FROM THE SCHEME</b>	<b>23</b>
12.1	Applicants	23
12.2	Registered scheme participants	24
<b>13</b>	<b>CONFIDENTIALITY</b>	<b>26</b>
13.1	AD operators' information	26
13.2	PAS110 test results	27
<b>14</b>	<b>COMPLAINTS AND APPEALS</b>	<b>28</b>
14.1	Complaints about the quality of certified digestate	28
14.2	Complaints about the Certification Bodies	31
14.3	Appeal against certification bodies' decisions	32
14.4	Complaints about the scheme	32
	<b>ANNEX 1 - ADDITIONAL SCHEME RULES FOR SCOTLAND (ASRS)</b>	<b>34</b>

## **1 ABOUT RENEWABLE ENERGY ASSURANCE LIMITED (REAL)**

The Biofertiliser Certification Scheme is administered by the REA's wholly owned subsidiary Renewable Energy Assurance Limited (REAL). Contact details: Renewable Energy Assurance Limited, 80 Strand, London, WC2R 0DT. Email address: [info@realschemes.org.uk](mailto:info@realschemes.org.uk).

## **2 IMPORTANT GENERAL POINTS ABOUT THIS DOCUMENT**

- A. These rules come into effect on 1<sup>st</sup> January 2019 and from that date they automatically supersede any terms and conditions specified in the previously issued certification scheme rules.
- B. Timescales for the implementation of any change will be communicated to operators on the scheme, including any necessary transitional period to give the operator sufficient time to implement such changes.
- C. Regarding a change that affects operators, its implementation shall allow the affected operators who have achieved certification to maintain it and other operators who have applied for but not yet achieved initial certification to progress towards this with reasonable speed.

### 3 DEFINITIONS

***'Accreditation'***

This is issued by the United Kingdom Accreditation Service (UKAS) confirming that a Certification Body meets its requirements to perform certification services in relation to the Standard.

***'Certificate suspension'***

The temporary suspension of a certificate issued by a certification body.

***'Competent Authority'*** (in the context of animal by-product regulations)

For England, Wales and Scotland, the competent authority is named Animal Health. This is the body Government's Executive Agency primarily responsible for ensuring that farmed animals in Great Britain are healthy, disease-free and well looked after. This agency also has responsibility for managing outbreaks of notifiable animal diseases. See <https://www.gov.uk/government/organisations/animal-and-plant-health-agency>.

For Northern Ireland, the competent authority responsible for approving digestion of catering waste and animal by-products is the Veterinary Service. See <https://www.daera-ni.gov.uk/articles/animal-products-governance-and-legislation>.

***'Consignment'***

All digestate loads that correspond with a customer's order.

***'Digestate'***

Digestate is the material remaining after the anaerobic digestion of a biodegradable feedstock.

***'Digestate recipient'***

Organisation or individual receiving the digestate consignment from the operator.

***'Digestate with no market'***

This means that digestate has not been supplied and used in one of the designated market sectors specified in the Anaerobic Digestate Quality Protocol or, for Scotland, in any suitable market sector. Suitable markets for digestate include but are not limited to agriculture, forestry and soil/field-grown horticulture, and land restoration (where only separated fibre can be used).

***'Disposal operation'***

Disposal is defined in Article 3(19) Waste Framework Directive 2008/98/EC.

***'Efficacy of the digestion process'***

The anaerobic digestion process has been validated. Thus, it has been proven to consistently meet the PAS 110 and Anaerobic Digestate Quality Protocol criteria (if applicable) and to comply with the aspects of the Quality Management System for the production of PAS 110

conforming digestate, including the HACCP plan, the SOPs and, if applicable, the Anaerobic Digestate Quality Protocol requirements related to input material types, digestate supply and use.

***'Fit for purpose'***

Digestate that has all the properties and characteristics necessary for its intended purposes. In the context of PAS 110 the digestate shall pass all PAS 110 obligatory tests and any additional parameter tests and limits the operator has committed to fulfilling in his/her quality policy or in a written agreement with a digestate customer.

***'Operator'***

Business enterprise, organisation, community initiative or person(s) responsible for the production of digested materials.

***'Regulator'***

This is the body responsible for monitoring and enforcing environmental controls. In England and Wales the regulator is the Environment Agency (EA) website address [www.gov.uk/government/organisations/environment-agency](http://www.gov.uk/government/organisations/environment-agency). In Scotland the regulator is the Scottish Environment Protection Agency (SEPA) website address [www.sepa.org.uk](http://www.sepa.org.uk). In Northern Ireland the regulator is the Northern Ireland Environment Agency (NIEA) website address [www.daera-ni.gov.uk/northern-ireland-environment-agency](http://www.daera-ni.gov.uk/northern-ireland-environment-agency). In Wales the regulator is the Natural Resource Wales (NRW) and the website address is [naturalresources.wales/](http://naturalresources.wales/).

***'Satisfactory evidence'***

The operator demonstrates full compliance with all requirements of 'PAS 110 and the Scheme Rules, PAS 110, the Scheme Rules, and SEPA's Regulatory Position Statement for Digestate,' or 'PAS 110, the Scheme Rules, and the Protocol', according to the scope of certification sought. This is evaluated by the certification body.

***'Standards'***

PAS 110:2014, the Quality Protocol and the Scheme Rules (in England, Wales and Northern Ireland) In Scotland, the PAS110:2014 and the Scheme Rules including the Additional Scheme Rules for Scotland (ASRS).

***'Trader or Merchant'***

An organisation, or individual, that operates in the supply chain between the operator and digestate end-users.

***'UKAS'***

United Kingdom Accreditation Service

# CERTIFICATION SCHEME OVERVIEW

## 4 INTRODUCTION

### 4.1 General

- 4.1.1 In general, digestate derived from biodegradable wastes can only become fully recovered (i.e. no longer be regarded as waste) at the point of use. Its use as well as production is controlled by regulation (to prevent harm to the environment and human health). However, in some cases, it is possible for high quality digested biodegradable wastes to be supplied, stored and used without 'waste' regulatory controls, i.e. as a 'product'.
- 4.1.2 In the United Kingdom, the British Standards Institution's Publicly Available Specification for Whole Digestate, Separated Liquor, and Separated Fibre (PAS 110) sets minimum digestate quality criteria. Renewable Energy Assurance Ltd. has worked with WRAP (the Waste and Resources Action Programme) to develop this PAS.
- 4.1.3 The Anaerobic Digestate Quality Protocol (ADQP) was funded by Defra, the Welsh Government and the Northern Ireland Environment Agency (NIEA) as a business resource efficiency activity. It was developed by the Environment Agency and WRAP (Waste & Resources Action Programme) in consultation with Defra, Natural Resources Wales, NIEA, industry and other regulatory stakeholders. The ADQP was developed to clarify the circumstances in which high quality waste-derived digestates may be supplied, stored and used as 'products'.
- 4.1.4 The three main purposes of the Protocol are to:
- a) clarify the point at which waste regulatory controls on digested source-segregated biodegradable wastes no longer apply;
  - b) provide users with confidence that the digestate they purchase conforms with an approved standard (such as PAS 110); and
  - c) protect the environment (including soil) and human health by setting criteria for good practice use of quality digestate on land used for agriculture or soil-grown horticulture.
- 4.1.5 The Anaerobic Digestate Quality Protocol has been adopted by the Environment Agency, Natural Resource Wales and the Northern Ireland Environment Agency.
- 4.1.6 Fundamental requirements of the Protocol are that:
- a) digestate is produced in compliance with an approved standard or specification (at present, only the PAS 110 specification is recognised as an approved standard);

- b) digestate is produced using only those source-segregated input materials listed in Appendix B of the Protocol and must be destined for appropriate use in one of the market sectors designated by the Protocol;
- c) compliance with the Protocol is assessed by an independent certification body; and
- d) the certification scheme rules are approved by the relevant regulator(s).

4.1.7 To date, Scotland has not adopted the Protocol. In this country digestate(s) derived from anaerobic digestion processes and digestates that are able to meet PAS 110 requirements may, in some circumstances, be considered fully recovered by the regulator. SEPA requires additional quality requirements to the minimum quality criteria specified in PAS 110. Such circumstances are clarified in SEPA's digestate position statement available at: <https://www.sepa.org.uk/media/219842/wst-ps-016-regulation-of-outputs-from-anaerobic-digestion-processes.pdf>.

4.1.8 REAL's Biofertiliser Certification Scheme provides a framework for independent assessment and certification of digestate to PAS 110, the Scheme Rules, Anaerobic Digestate Quality Protocol, and SEPA's Regulatory Position Statement for Digestate.

## 4.2 Categories of certification

4.2.1 Certification is specific to a defined anaerobic digestion process, kept separate from any other processes carried out at the same site, and one or more digestates resulting from that process, as nominated by the operator. The scheme does not require that all digested materials produced on one AD site must become certified within the scheme. However, if only some digested materials are certified then there must be clear division of the storage and handling of the certified and noncertified materials on site. Waste regulatory controls will apply to non-certified fractions. The operator is also required to ensure that all communications, documents records and marketing materials are clear as to which digested materials have achieved certification.

4.2.2 This scheme requires that only the digestate outputs for which certification is sought, or is held, are produced in conformance with all the scheme requirements. There are three types of digestate outputs that are eligible for certification, namely; whole digestate, separated liquor, and separated fibre. 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.

4.2.3 Operators can choose to apply to the scheme under three different categories of certification:

- a) 'Quality Assurance' (BCS QA);
- b) 'End of Waste' (England, Wales, and Northern Ireland) (BCS EoW); or
- c) 'End of Waste Scotland' (BCS EoW Scotland).

## **Quality Assurance**

4.2.4 The anaerobic digestion process and derived digestate(s) of an operator applying for certification in this category are evaluated against the requirements of:

- PAS 110 (the latest edition, subject to transitional arrangements set by REAL), and
- REAL's Biofertiliser Certification Scheme rules (this document).

The digestate certified to PAS 110 and the Biofertiliser Certification Scheme Rules in this category will continue to be supplied, stored and used under 'waste' regulatory controls (i.e. not as a 'product') if derived from biodegradable wastes.

## **End of Waste**

4.2.5 The anaerobic digestion process and derived digestate(s) of an operator applying for certification in this category is evaluated against the requirements of:

- PAS 110 (the latest edition, subject to transitional arrangements set by REAL),
- the Anaerobic Digestate Quality Protocol, and
- REAL's Biofertiliser Certification Scheme rules (this document).

## **End of Waste Scotland**

4.2.6 The anaerobic digestion process and derived digestate(s) of an operator applying for certification under the BCS EoW Scotland scope is evaluated against the requirements:

- PAS 110 (the latest edition, subject to transitional arrangements set by REAL),
- SEPA's Regulatory Position Statement for Digestate, and
- REAL's Biofertiliser Certification Scheme rules (this document).

4.2.7 The requirements specified in clauses 4.2.4, 4.2.5, and 4.2.6, are referred to hereafter as 'the scheme requirements'.

4.2.8 In order to meet certification requirements, every batch (or portion of production) produced must comply with the PAS 110 specification, the Anaerobic Digestate Quality Protocol (if applicable), SEPA's Regulatory Position Statement for Digestate (if applicable), and REAL's Biofertiliser Certification Scheme Rules. Production of non-conforming batches is only allowed under exceptional circumstances.

4.2.9 If production and dispatch of PAS 110 digestate at a certified digestion process is changed to production and dispatch of non PAS 110 digestate for a period of time for reasons associated with site infrastructural or processing equipment changes, the AD operator shall immediately notify the certification body. Such notification shall include



the date from which the site has stopped production of PAS 110 compliant digestate.

- 4.2.10 Temporary cessation of production of PAS 110 digestate under the conditions specified in clause 4.2.4, 4.2.5, or 4.2.6 shall result in immediate certificate suspension. The certification body must check with the operator whether process re-validation has been completed before a certificate of conformance can be re-instated.
- 4.2.11 Where an operator's single site hosts more than one digestion process, the operator shall make clear which digestion process (es) is/are operated according to the scheme requirements, and keep each of those processes separate from each other and any other process at the same site. Similarly, the digestate batches produced according to the scheme requirements shall be kept separate from any other digestate, material, waste or any other substance stored and/or treated at the same site.
- 4.2.12 This scheme is non-discriminating. There are no pre-requisites upon operators participating in the scheme other than those specified in section 6.1. Membership of REAL or any other membership organisation or group is not required, nor does it influence any certification, suspension or withdrawal decision made under this scheme.
- 4.2.13 This scheme does not have any geographical restriction. AD operators in countries outside the UK can apply for certification but they shall be aware that they will be charged by the certification bodies for any cost associated with travel and accommodation in addition to the normal certification assessment fees.
- 4.2.14 ADQP Appendix B Derogation

Derogations to wastes eligible under Appendix B shall only be permissible under these Scheme Rules if these wastes are to be considered for inclusion to Appendix B in any future review of the ADQP. The operator must meet any additional conditions or requirements set by the environmental regulator in agreement with REAL. When any condition or requirement of the derogation is not complied with or relevant objectives are not met the derogation will be terminated and the waste subject to the derogation shall no longer be taken and digested. The resulting digestate will maintain 'product' status if all scheme requirements are met.

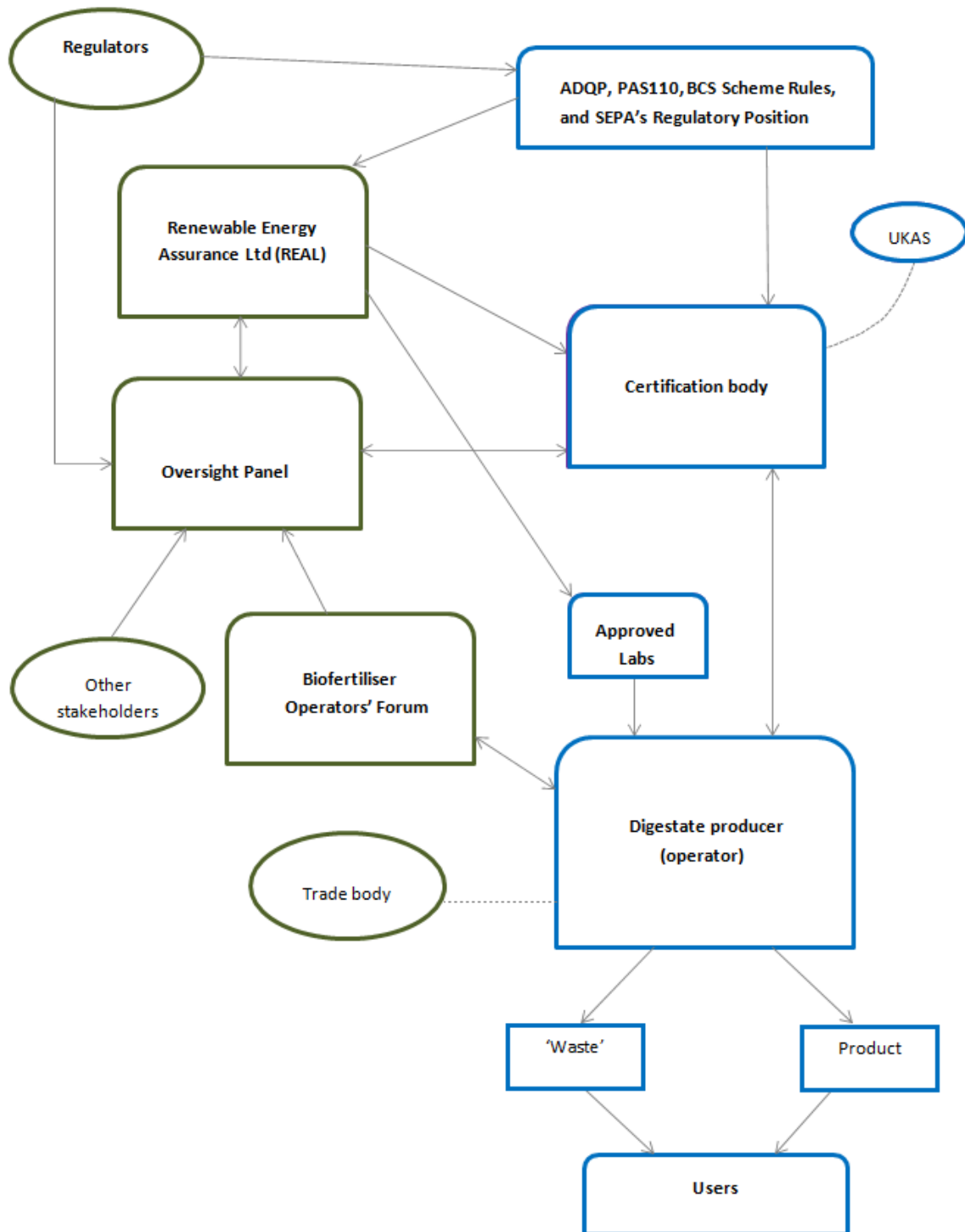
### **4.3 Beyond the PAS 110 minimum digestate quality baseline**

- 4.3.1 If the operator subscribes in the quality policy to any standard(s) or specification(s) in addition to PAS 110, the additional quality criteria are treated as complementary to the minimum digestate quality criteria specified in PAS 110. In such cases, the operator shall provide evidence of compliance with any such additional standards or specifications. Examples are digestate sample test results that comply with the additional quality criteria or a valid certificate from an appropriate certification body.

#### **4.4 Editions of standards**

- 4.4.1 'Standards' means PAS 110, the Anaerobic Digestate Quality Protocol, and any additional digestate quality criteria the producer has committed to achieving in his/her quality policy, for his/her digestate outputs assessed under this scheme. Assessment of compliance with the scheme requirements shall be assessed against the requirements of the edition of each relevant standard in force at the time of assessment (subject to transitional arrangements set by REAL).

# SCHEME STRUCTURE



## **5 OVERALL STRUCTURE**

### **5.1 Scheme's owner**

5.1.1 REAL, the owner of the scheme is responsible for the following:

- 1) promotion of the scheme,
- 2) development of the scheme and these scheme rules,
- 3) management of information displayed publicly on digestate producers' certification status,
- 4) selection of certification bodies,
- 5) contractual arrangements with certification bodies,
- 6) monitoring the performance of CBs,
- 7) providing feedback to the CBs on their performance,
- 8) updating contracted CB managers on any changes to standards, scheme rules and associated documentation,
- 9) updates to operators on the scheme on changes to standards, scheme rules and associated documentation,
- 10) selection and monitoring of laboratories appointed by REAL to test digestates on this scheme,
- 11) provide technical support to certification bodies and appointed laboratories,
- 12) co-ordination of this scheme's Oversight Panel meetings, and
- 13) management of REAL's Compost and Biofertiliser Certification Scheme Research Hub.

### **5.2 Oversight Panel**

5.2.1 This scheme's Oversight Panel advises on scheme issues, to ensure that a cross section of views is considered by REAL.

5.2.2 The Oversight Panel representatives have an obligation to ensure confidentiality of information arising from Panel meetings.

5.2.3 REAL shall select and de-select each representative of the Panel.

5.2.4 Each certification body's personnel responsible for scheme management shall participate in, at reasonable notice, Oversight Panel meetings. Each certification body shall make all reasonable endeavours to participate in each Oversight Panel meeting. REAL shall confirm at reasonable notice prior to each meeting whether it will be held face-to-face or by telephone conference.

### **5.3 Biofertiliser Operators' Forum**

5.3.1 The Biofertiliser Operators' Forum is the body recognised by REAL to provide operators with the opportunity to discuss issues associated with operating a facility producing digestate under the scheme.

#### **5.4 Certification bodies**

5.4.1 The certification bodies are appointed by REAL to provide AD operators' independent assessment for conformance with PAS 110, the Anaerobic Digestate Quality Protocol (if applicable), SEPA's Regulatory Position Statement for Digestate & Additional Scheme Rules for Scotland (if applicable), and REAL Biofertiliser Certification Scheme rules.

5.4.2 The certification body shall have anaerobic digestion expertise within its structure, or utilise technical support from REAL, such that the CB's personnel can gain technical interpretation of the standards and scheme requirements when requested.

5.4.3 Certification bodies may charge operators certification fees for providing certification services. Certification bodies are responsible for ensuring that these charges are sufficient to cover the cost of providing the certification services and the royalty fee due to REAL.

5.4.4 When inspecting and certifying to the scheme, 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 scheme.

5.4.5 A certification body or any of its sub-contractors, auditors, 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 scheme.

5.4.6 The certification body is allowed to offer guidance about interpretation of the requirements of the scheme but is not allowed to offer specific advice on how to implement the requirements or how to address non compliances

#### **5.5 UKAS**

UKAS is the sole national accreditation body recognised by government to assess, against internationally agreed standards, organisations that provide certification, testing, audit, and calibration services. 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.

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

- 5.5.2 The certification bodies must be annually audited, at a minimum, and accredited to BS EN ISO/IEC 17065:2012.
- 5.5.3 Operators must co-operate and host witnessed audits for UKAS accreditation when requested.

## **5.6 Approved laboratories**

- 5.6.1 This scheme requires participating operators to send digestate samples for testing only at independent laboratories approved by REAL. The criteria for approved laboratories are detailed in REAL's Terms and Conditions (T&Cs) for laboratories approved under the scheme. Such laboratories operate in accordance with the T&Cs and are listed on the scheme website.

The list of approved laboratories and the T&Cs for laboratories testing under the scheme are available in the Laboratory Tests section on the scheme website, [www.biofertiliser.org.uk/certification/laboratory-tests](http://www.biofertiliser.org.uk/certification/laboratory-tests)

## **5.7 Research Hub**

REAL's Research Hub is a tool to source funding from the compost and AD industries in order to develop the technical and regulatory aspects of certified compost and digestate production, testing and usage.

- 5.7.1 The Hub is funded by scheme participants through annual research fees set in the Research Hub reference document available on the BCS website: [www.biofertiliser.org.uk/research-hub](http://www.biofertiliser.org.uk/research-hub)
- 5.7.2 The fees are charged by the certification bodies with the certification fees. REAL collects capitation fees and research fees from the certification bodies separately.
- 5.7.3 As a member of the scheme, all producers agree to pay an annual research fee. Certificates will only be issued once payment of all fees has been settled.
- 5.7.4 Applicants that do not obtain certification will not be charged the research fee.

## SCHEME PROCEDURES

### 6 APPLICATION FOR INITIAL CERTIFICATION

#### 6.1 Information on pre-requisites for application

6.1.1 Pre-requisites for applying for initial certification or renewal of certification are:

- a) the anaerobic digestion site holds a planning consent/permission, if required by the relevant planning authority; the anaerobic digestion 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
- b) if the process treats animal by-products, the anaerobic digestion 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 anaerobic digestion site holds a full approval issued by Animal Health or Veterinary Service to treat Animal By-Products.

6.1.2 If any of the conditions in the authorisation issued by the regulator is breached and/or the authorisation is partially or fully suspended, the certification body may suspend the certificate or withdraw the anaerobic digestion process from the scheme. Such a decision by the certification body will depend upon the severity of the breach and whether the nature and type of breach mean that the quality of digestate produced and its compliance with PAS 110, the Anaerobic Digestate Quality Protocol, or REAL's Scheme Rules are severely compromised.

#### 6.2 Information on the application procedures

6.2.1 Any operator who intends to apply for initial certification or renewal of certification can either request an application form from the relevant CB or download the relevant application from the Biofertiliser Certification Scheme website.

6.2.2 Each operator who applies shall make clear whether his/her application is for 'BCS EoW', 'BCS QA', or 'BCS EoW Scotland'.

6.2.3 The operator shall apply for certification by completing the relevant form and submitting it to his/her choice out of REAL's contracted certification bodies, together with payment of the fee quoted by the certification body. The owner of the business or a duly authorised employee (e.g. person with responsibility for compliance with the scheme requirements) shall sign the form.

- 6.2.4 By signing and returning the certification body's relevant form for this scheme, the operator:
- A. confirms that all pre-requisites specified in clause 6.1 are currently met; and
  - B. agrees to comply with this scheme's rules (latest version issued) and operating protocols.
- 6.2.5 When applying for initial certification or certification renewal, the operator shall also supply to the relevant certification body a copy of each of the QMS documents requested.
- 6.2.6 Once the full application documents have been returned to the certification body, they will be assessed by a Certification Officer, or equivalent. If it appears that documentation, systems and process controls are suitable, a site audit will be arranged. Otherwise further relevant documentation will be requested and time given to allow the site to put in places the systems and controls required for certification, before the audit takes place.
- 6.2.7 Application to the scheme does not guarantee certification. This can only be achieved by compliance with the requirements of the scheme.

## **7 ASSESSMENT OF OPERATOR COMPLIANCE**

### **7.1 Annual audits**

- 7.1.1 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 digestate production site, during which the anaerobic digestion process and relevant digestate outputs are checked as well as the operator's documented evidence.
- 7.1.2 The certification body reserves the right to carry out one or more extra inspection visits. Examples of reasons for extra visit(s) are checks on the efficacy of action taken to correct non-compliance, or investigation of a complaint or test failures resulting from risk-based spot sampling visits. The costs associated with any additional visits shall be borne by the producer, but shall be kept as low as reasonably possible.



- 7.1.3 The notice period for routine and extra inspections shall be decided by the certification body, having taken account of any notification from the operator 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 a very short notice if deemed appropriate by the certification body.
- 7.1.4 The operators shall give employees and agents of the certification body sufficient access to their business and relevant anaerobic 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 assessment for initial certification, and may ultimately result in withdrawal from the scheme if such failure persists.
- 7.1.5 The certification body's inspector may refuse to carry out an assessment in the presence of a third party who the operator believes will, intentionally or otherwise, influence its outcome in an inappropriate manner.
- 7.1.6 The duration of an inspection visit shall be reasonable, realistic and shall not place excessive burden on the inspector or the operator.
- 7.1.7 Time allocation shall provide for the necessary checks to be carried out in full. The site inspection shall be no longer than 8 hours and no less than a 1-person day. 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 a complaint.
- 7.1.8 Each inspection visit at shall consist of:
- a) an opening meeting,
  - b) assessment of the input materials, assessment of the anaerobic digestion process, digestate output(s) and any product(s) that contain them,
  - c) review of the operator's Quality Management System for compliance with the scheme requirements (according to the category of certification),
  - d) Review of PAS 110 test results, and
  - e) a closing meeting.
- 7.1.9 During the course of the inspection, the certification body's inspector may request the operator's relevant personnel to carry out digestate sampling in his/her presence to verify the correct sampling procedures are followed.
- 7.1.10 During the course of the inspection, the certification body's inspector is entitled to take pictures of the site and any material being processed and/or stored on the site at the time of the inspection.

7.1.11 During the closing meeting, the inspector shall state his/her findings to the operator, including all non-conformances found. If any required information is not available for evaluation prior to or during the inspection visit, it shall be recorded as a non-compliance. After the missing information has been supplied and evaluated, further non-compliance(s) may be identified. The inspector should not comment on the likely outcome of the certification body's decision whether to award certification.

## **7.2 Non-conformities**

7.2.1 When the audit is finished, the auditor will explain any non-conformances 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 audit visit, it shall be recorded as non-compliance.

7.2.2 A non-conformities list shall be given to the operator at the end of the inspection visit. It shall include at least the following:

- a) the type and description of any non-conformance found,
- b) the timescale the operator is allowed for taking corrective action and supplying evidence or for a further visit to verify efficacy,
- c) the name of or a description of any required information not available prior to or during the inspection visit,

7.2.3 The list of non-conformities shall also be given to the operator with the following information:

- a) reference to the anaerobic digestion process,
- b) identification of each digestate output under assessment,
- c) the hours taken to carry out the inspection visit, and
- d) a description of any reason for shortening or lengthening the inspection compared with the typical or expected duration.

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

7.2.5 The audit report shall be based on the evidence available at the time of the inspection and any evidence provided by the producer to the certification body in advance of the inspection. The report shall identify any required evidence that has not been submitted in advance or during the inspection.

- 7.2.6 The type of non-conformity assigned against any of the scheme requirements shall be based upon evidence and observations made during the evaluation, whether done before the inspection visit, during that visit, or afterwards when corrective action evidence is being evaluated.
- 7.2.7 The auditor should not comment on the likely outcome of the certification body's decision whether to award certification.
- 7.2.8 In circumstances where product quality was or may have been compromised, the certification body may carry out an extra visit, which may be unannounced. For example, such a visit may be carried out if there is any doubt about or evident deficiency in how typical the digestate samples tested were of the digestate output. Assessment of effective corrective action(s) may be done during an extra visit instead of via documented evidence supplied to the certification body, as deemed appropriate by the certification body. The costs associated with these procedures, including any additional visits shall be borne by the producer, but shall be kept as low as reasonably possible.
- 7.2.9 If during the course of an assessment the certification body identifies a non-compliance that is also relevant to the regulatory officer(s) responsible for enforcing waste management regulations in the area where the anaerobic digestion takes place or the digestate is stored and/or used, within 5 working days the certification body shall:
- a) notify the regulator, via the email address provided by the regulator for communications, of the non-compliance and its nature; REAL shall be copied in the communication.
  - b) inform the relevant area regulatory officer(s) and team leader in writing of the actions that will be taken by the certification body in light of the non-compliance (e.g. whether the certificate will be suspended as a result of the non-compliance and whether a Spot Checks Visit will be carried out); REAL shall be copied in the communication.
  - c) keep the above stakeholders informed, in writing, of the progress made by the operator to resolve the non-compliance, and
  - d) when evaluation of corrective action(s) and/or Spot Checks Visit evidence has been completed and a decision on certificate status has been made, inform the above stakeholders of the outcome.

*Examples of instances where the regulator would need to be informed by the certification body are:*

- a) *Non-compliance or failure to meet ABPR (the Competent Authority should also be informed in this case).*
- b) *Batch test failure, if the operator has not already notified the regulator according to PAS 110:2014.*
- c) *Non-conforming input wastes being processed in a PAS 110 anaerobic digestion process.*
- d) *Non-permitted wastes being processed in a PAS 110 anaerobic digestion process.*

- e) *Failure of physical contamination levels in the digestate produced or failure to address or adopt a control process resulting in digestate produced not conforming to PAS 110 minimum quality criteria.*
- f) *Any non-compliance with operating processes already agreed as part of the certifications scheme where it influences the state of the material being considered non-waste.*

*Where appropriate, REAL can be consulted to identify additional instances where the regulator should be involved.*

## **8 CERTIFICATION**

Certification is conditional upon demonstrated evidence of compliance with all scheme requirements. Renewal of certification is independent of any previous certification achieved by the operator.

### **8.1 Certificates**

Each certificate issued shall be authorised by a permanent member of the certification body staff. The certificate shall contain at least:

- A. name and contact details of the AD company;
- B. address of the AD facility premises that are licensed;
- C. the digested products that have been certified;
- D. the BCS certification number of the operator;
- E. statement of digestate conformance to BSI PAS 110 (latest version) or to BSI PAS 110 (latest version) and the Anaerobic Digestate Quality Protocol;
- F. REAL's digestate conformity mark;
- G. certificate issue and 'valid from' date;
- H. certificate 'valid to' or expiry date;
- I. certification body name and address; and,
- J. signature of person who authorised the certificate.

8.1.1 The certificate's issue date is the date on which the certification decision is made. The initial certificate is valid from the certificate issue date for 365 days. The expiry date of the certificate day becomes renewal date and any subsequent certificate runs from the renewal date for 365 days.

8.1.2 If certification is suspended then is later reinstated, the existing certificate returns to being valid; a new certificate is not issued. If certification is withdrawn, this means the existing certificate is invalid.

8.1.3 A certificate is not transferable and remains the property of the certification body. When a certificate has been issued, the producer shall only promote the certified

anaerobic digestion process and its certified digestate output(s) as appropriate to the specific type of certification.

## 8.2 Obligation to inform certification bodies of changes

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

- a) mailing addresses;
- b) person or contact details of the person responsible for implementing and maintaining the certification scheme procedures and complying with the scheme requirements;
- c) person or contact details of the person that is responsible for digestate sales or related contact details; and
- d) any other details relevant to this certification scheme.

## 9 MARKS OF CONFORMITY



**REAL's biofertiliser certification scheme conformity marks**

### 9.1 Use of the conformity marks

9.1.1 The scheme's appropriate conformity mark shall only be used in clear association with the specific anaerobic digestion process and the digestate(s) for which the operator holds a valid certificate of conformity to this scheme's rules.

9.1.2 The conformity marks may only be used in conjunction with the digestates as specified on the certificate and that continues to be produced in compliance with the BCS and is to be used in accordance with the BCS requirements, and only in association with the operator's name shown on the certificate.

9.1.3 Where the conformity mark is displayed on a digestate product it must also be accompanied by at least the operator's BCS certification number. The BCS marks 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 marks must be in an identical form to that supplied by REAL. Any changes to the marks (e.g. aspect ratio, size, colours, etc.) must request permission and obtain approval from REAL.

- 9.1.4 The above consent, in so far as it applies to use of the conformity mark, is limited to using the entire designations “PAS 110 QUALITY ASSURED” or “PAS 110 PRODUCT”, or “PAS 11 PRODUCT SCOTLAND” (whichever is applicable to the scope of certification) and to using the appropriate conformity mark in an identical form to that supplied by REAL. The consent is specific to the producer’s certified anaerobic digestion process and digestate output(s) and shall not be transferred or licensed to any other business.
- 9.1.5 Invoices, delivery dockets or other documents relating to certified digestates may state that the product is certified under the BCS and display the BCS conformity marks, if it also states the operator’s BCS certification 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 operator 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.
- 9.1.6 If a certificate is refused for any digestate, that material is not eligible to use the scheme conformity mark. The scheme conformity mark must be removed immediately upon notification from all documentation, product information or other notice relating to digestate that is not certified. Notification will be made in writing and delivered by registered post.

## **9.2 Withdrawal of the permission to use the conformity marks**

- 9.2.1 REAL reserves the right to withdraw from any operator with a valid certificate of compliance the permission granted hereunder, after giving one month’s notice or upon immediate notice if the operator fails to observe this scheme’s requirements with regard to the use of the conformity marks, or if certification is suspended or withdrawn for whatever reason.

## **10 RENEWALS**

- 10.1.1 It is the responsibility of the operator to achieve and maintain valid certification and to:
- a) swiftly apply and pay for renewal assessment;
  - b) produce digestate according to the validated Quality Management System (including the HACCP and SOPs); and
  - c) carry out on-going testing according to PAS 110 minimum requirements and any additional specifications applicable to the digestate output (as per the Quality Policy).

- 10.1.2 Continued use of the certificate and conformity mark requires an annual re-audit and certification and payment of the annual fee.
- 10.1.3 The routine renewal audit visit shall be carried out before the current certificate's expiry date and should allow time for any non-compliance to be resolved by the expiry date.
- 10.1.4 The certification body will send to operators a reminder and all relevant documents prior to the annual re-audit date.
- 10.1.5 The operator must complete the reapplication documents and supply all the requested information prior to the audit date.
- 10.1.6 The inspection shall take place approximately 3 months before the certificate expires.
- 10.1.7 The operator shall have a maximum of 45 days to address all non-conformances identified by the inspector and certification body.
- 10.1.8 Failure to address all non-conformances within 45 days will result in certificate suspension until the expiry date.
- 10.1.9 Failure to address any outstanding non-conformances prior to certificate expiry will result in removal from the scheme and the certification body will not issue a renewed certificate.
- 10.1.10 If removed from the scheme, an operator can reapply following a one month cooling off period.

## **11 RISK-BASED SPOT CHECKS**

- 11.1.1 Certification bodies shall arrange for inspectors to carry out spot checks at AD facilities that are considered 'high risk' based on a standardised risk assessment provided to the certification bodies by REAL.
- 11.1.2 This standardised risk assessment includes criteria on responses to compliance notices issued following a failure and responses to product complaints.
- 11.1.3 The notice period for the risk-based spot checks is between 24 and 48 hours.

## **12 SUSPENSION / WITHDRAWAL FROM THE SCHEME**

### **12.1 Applicants**

- 12.1.1 When caused by the operator, failure of an inspection to occur within 2 months of the application acceptance date shall result in the immediate withdrawal of the operator's application for the anaerobic digestion process and its relevant digestate outputs.
- 12.1.2 Failure to demonstrate satisfactory evidence of corrective actions taken, and pass any necessary revisit inspection, within 3 months from initial inspection shall also result in immediate withdrawal of the operator's application for the anaerobic digestion process and its relevant digestate outputs.
- 12.1.3 Following withdrawal of the operator's application, the operator can reapply to join the scheme after a one month cooling off period.

## **12.2 Registered scheme participants**

- 12.2.1 Immediate certificate suspension may be actioned by the certification body according to the severity of any non-conformity (or for any reason the certification body considers that certificate suspension is necessary). Examples of circumstances in which the non-conformity may have been identified are:
- during a routine inspection,
  - during a Spot Checks Visit as a result of targeted selection,
  - during or following a Spot Checks Visit carried out when investigating a complaint,
  - as a result of information / evidence supplied to the certification body by the regulator or when investigating a complaint,
  - during an independent sampling visit or during a spot check visit following an independent sampling visit.
- 12.2.2 In the event that a certificate is suspended, the certification body shall inform the operator, REAL and the regulator (via the email address provided for communications) within 5 working days.
- 12.2.3 REAL's database and publicly available list on the scheme website of anaerobic digestion processes and related digestate outputs registered on the scheme shall be altered accordingly by REAL.
- 12.2.4 When the certificate is re-instated, the certification body shall inform the operator, REAL and the regulator (via the email address provided for communications) within 5 working days. REAL's database of anaerobic digestion processes and related digestate outputs registered on the scheme shall be altered accordingly by the certification bodies.
- 12.2.5 In the event the certificate is suspended, the certification body shall check what material is on site at the time of the suspension, which could involve arranging a site visit. Prior to re-instating the certificate (when this is appropriate) the certification body



shall check how the operator dealt with any digestate stored on site during the suspension period, including any batches that completed production during the suspension period.

- 12.2.6 The certification body is entitled to charge the operator for any time and cost incurred in assessing such evidence.
- 12.2.7 Failure to supply satisfactory evidence of corrective action(s) taken in response to the non-conformities that invoked the suspension, and pass any necessary Spot Check Visit, by the current certificate's expiry date will result in immediate withdrawal of the anaerobic digestion process and its relevant digestate outputs from the scheme.
- 12.2.8 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 by the payment due date stated or referred to on the invoice shall result in immediate withdrawal from the scheme.
- 12.2.9 In the event an anaerobic digestion process is withdrawn from the scheme, the certification body shall inform the environmental regulator as soon as reasonably practicable.
- 12.2.10 During any period when the certificate is suspended or withdrawn the digestate shall not be placed on the market as a material with 'product' status.
- 12.2.11 In the event of certificate withdrawal, the operator may re-apply for certification following a one month cooling off period. The evidence assessed after the re-application date may or may not relate to batches of digestate produced, sampled and tested prior to the non-compliance that caused withdrawal, depending on the type and severity of such non-compliance<sup>1</sup>. A pre-application evaluation shall be carried out by the certification body to review the operator's intention to re-apply and specify what pre-withdrawal evidence would be acceptable (if any). Pre-application is subject to the operator's payment of the pre-application fee specified by the certification body.
- 12.2.12 In the event of certificate withdrawal, the regulator shall be informed by the CB as soon as reasonably practicable and within 5 working days. The REAL's database of anaerobic digestion processes and related digestate outputs registered on the scheme shall be altered accordingly by the certification body.

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<sup>1</sup> As an example, if the non-compliance that caused the certificate withdrawal is a delayed payment of the renewal fee, once this has been paid, evidence of compliance obtained prior to the certificate withdrawal date can be used to evaluate compliance after the operator's re-application date.

## 13 CONFIDENTIALITY

### 13.1 AD operators' information

13.1.1 Operators shall record waste recovery returns data and other data for the certification bodies to collect during the annual audit. This shall include:

- a) the tonnage of 'waste' dispatched from site annually (possibly as contaminants),
- b) the tonnage of certified digestate per output (e.g. tonnage of separated fibre and tonnage of separated liquor),
- c) the markets that each certified digestate output is supplied to, and
- d) the number of product complaints received since the last inspection and the nature of each complaint (e.g. plastic contamination).

13.1.2 The certification bodies will present a summary of the data on product complaints at the meeting of the Oversight Panel.

13.1.3 Details of the information gained during the course of assessment may be supplied to the members of the certification body's certification committee (if in place), 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/producer's identity is not revealed. All persons who receive confidential information will be obliged to sign a confidentiality agreement.

13.1.4 The certification body shall provide to REAL detailed information regarding each anaerobic digestion process and digestate outputs under assessment, both those for which initial certification has been applied for and those for which certification has been awarded. Such information is detailed in REAL's contractual arrangements with the certification bodies.

13.1.5 Details of registered participants are held on a central database, which is owned by REAL.

13.1.6 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.

13.1.7 Participant data may be retained on the above mentioned databases and will be treated as specified above for up to 3 years after an operator has ceased to be a member of REAL's scheme.

13.1.8 The following information shall be made publicly available by REAL:

- a) Name and address of the AD facility and operator

- b) The digestate output(s) certified
- c) The BCS certification number
- d) The company website address (if applicable)

13.1.9 If the assessment is selected for review, details of the information gained during the course of the certification body's assessment shall be supplied to REAL if requested and to members of the Oversight Panel, the certification body's accreditation body, the regulator and/or the competent authority as relevant.

13.1.10 Information gained during investigation of a complaint or information associated with an appeal made by an operator shall be supplied to REAL, members of the Oversight Panel, the certification body's accreditation body, the regulator and/or the competent authority, according to which organisations are involved in the appeal.

## **13.2 PAS110 test results**

13.2.1 The digestate sample test results of any operators on the scheme shall be supplied by the approved laboratory to the certification body and/or REAL whenever requested by either party.

13.2.2 Approved laboratories are required to provide to REAL the test results for all digestate samples tested by the operators on the scheme either by email or by uploading directly onto REAL's database (when operational). Test results for all digestate samples submitted by the operators for:

- a) Initial validation purposes;
- b) On-going testing to verify the continued efficacy of the PAS 110 quality management system and digestate compliance with PAS 110 minimum quality criteria and any other criteria specified and agreed with the customer;
- c) Archive samples that have been tested to verify compliance with PAS110; and
- d) Re-sample test results that have been tested to verify corrective actions efficacy.

When joining the scheme, the AD operators agree for the labs to disclose all the above sample results to REAL, the certification bodies and the regulators.

13.2.3 REAL may produce and publish statistical reports drawing upon aggregated PAS 110 test results data so that individual data cannot be traced back to individual applicants or members.

13.2.4 REAL may use anonymous test results data to inform research and consultations relating to the production of digestate in the UK.

13.2.5 REAL may share aggregated test results data with third parties to undertake research projects that are considered relevant and beneficial for the scheme. Individual data will not be traced back to individual applicants or members.

## **14 COMPLAINTS AND APPEALS**

### **14.1 Complaints about the quality of certified digestate**

The responsibility for compliance with the scheme requirements and fulfilling the obligations of the Agreement with an end user rests with the operator.

14.1.1 Where possible, any complaint about the quality of certified digestate should be submitted to the relevant certification body by filling in the REAL BCS Complaint Form available on the BCS web site, [www.biofertiliser.org.uk/product-complaints](http://www.biofertiliser.org.uk/product-complaints)

However, complaints submitted verbally or by email shall also be accepted and dealt with according to the procedures described below. In any case, the person receiving the complaint shall record the details of the complaint onto the REAL BCS Complaint Form to ensure the information received is recorded consistently.

#### **AD operator's responsibilities**

14.1.2 If an operator receives a complaint about a digestate product, they shall investigate that complaint, and if necessary take appropriate action. The producer 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 audit process.

14.1.3 On receipt of the complaint, the operator is under a duty to take steps to identify, locate, preserve and recover evidence. If the batch of digestate under investigation is dispatched to a customer/end user and subsequently returned to the site, this must be quarantined and not re-processed.

#### **REAL's responsibilities**

14.1.4 In the event that REAL is contacted by the complainant, he/she shall be instructed to make the complaint directly to the relevant certification body or complete the above complaint form which will be available from the scheme website.

14.1.5 REAL is not responsible for organising and carrying out the investigation nor for liaising with any involved parties; it is the certification body's responsibility to lead the investigation and liaise with each relevant party.

#### **Certification bodies' responsibilities**

14.1.6 Upon receipt of a complaint, the certification body shall record / log the complaint with the operator's details, and the name and address of the complainant. The certification body shall discuss the complaint internally and the actions to take in response. The certification body will agree internally the appropriate actions and time frame for completing the action.

14.1.7 The certification body shall also notify REAL and the regulator on receipt of the product complaint.

14.1.8 The certification body may seek from REAL at any time technical interpretation of scheme, PAS 110 and Anaerobic Digestate Quality Protocol requirements, regulatory position statements and any relevant guidelines.

14.1.9 The certification body shall keep REAL informed about the progress and details of each investigation, and shall also keep the regulator informed for each investigation that involves the regulator.

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

- a) Establish, with REAL's guidance where appropriate, whether the investigation requires the involvement of the regulator.

*NOTE: Examples of circumstances in which the investigation requires the regulator's involvement are: a) when the complainant is the regulator; b) when the complainant is not the regulator but the complaint was initially received by the regulator and logged in the regulator's complaints management system; c) when a) or b) does not apply but the complainant has alleged that one or more provisions in the site's environmental permit / waste management license is not / are not complied with AND the operational issue is relevant to PAS 110 production requirements; and d) when a) or b) does not apply but the complainant has alleged that pollution of the environment occurred or aspects related to digestate quality mean that the digestate may have to be regulated as 'waste'.*

- b) Where possible, confirm to the complainant in writing that the complaint has been received. REAL shall be copied in the written communication;
- c) Where appropriate, inform the operator in writing that a complaint has been made and the nature of the complaint. REAL shall be copied in the written communication; and
- d) Where possible, gain from the complainant any information / evidence relevant to the investigation and/or if necessary, seek clarification about the nature of the complaint.

14.1.11 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 contacts of the regulatory officer(s) responsible for the area, discuss the complaint details with him/them and, if appropriate, with the regulator team leader(s) (e.g. via a teleconference). This shall be done with the aim to establish:
- i. whether the complaint is validated
  - ii. whether the complaint alleges that one or more provisions in the site's environmental permit / waste management licence that are relevant to PAS 110 / Protocol production is not / are not complied with (this is a matter for the regulator to investigate);
  - iii. whether the complaint alleges that one or more requirements in PAS 110, the Anaerobic Digestate Quality Protocol or REAL's Biofertiliser Certification Scheme Rules has not been complied with (this is a matter for the certification body to investigate);
  - iv. whether pollution of the environment occurred, due to the digestate being unfit for purpose (this is a matter for both the regulator and the certification body to investigate);
  - v. if pollution of the environment has occurred, whether the cause was the digestate being unfit for purpose OR another reason [e.g. the digestate was fit for purpose but was not used as instructed by the operator] (this is a matter for both the regulator and the certification body to investigate); and
  - vi. whether a Spot Checks Visit or a Spot Sampling Visit are necessary.

14.1.12 Under the circumstances described in iii, iv and v above the certification body shall:

- a) gain any necessary information / evidence relevant to the investigation from the officer(s) responsible for enforcement of the relevant regulations in the area(s) where the anaerobic digestion takes place or the digestate is stored or used;
- b) inform REAL, the area officer(s) and the regulator team leader(s) in writing, within 5 working days from the discussion (e.g. teleconference), which actions will be taken to investigate into the complaint and when they will be carried out;
- c) start the investigation within 5 working days from the discussion (e.g. teleconference);
- d) inform REAL, the area officer(s) and the regulator team leader(s) in writing about the progress made whenever a significant action occurs.

14.1.13 When the investigation does not require the regulator's involvement, the certification body shall:

- a) begin the investigation within 5 working days from receipt of the complaint;
- b) gain any necessary information / evidence relevant to the investigation from the officer(s) responsible for enforcement of the relevant regulations in the area(s) where the anaerobic digestion takes place or the digestate is stored or used;
- c) inform REAL in writing of which actions will be taken to investigate into the complaint and when they will be carried out; and
- d) inform REAL in writing about the progress made whenever a significant action occurs.

- 14.1.14 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. This physical inspection might occur if a document investigation is not conclusive.
- 14.1.15 In relation to product safety / quality complaints, where it is considered appropriate by the investigating party/ies, the certification body shall also take sample/s of the relevant digestate output and send it/them to an REAL approved laboratory for testing on the quality parameter(s) on which the digestate is alleged deficient.
- 14.1.16 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 operator may attempt to remove evidence of a non-compliance.
- 14.1.17 On completion of the investigation and decision on whether the complaint is upheld, within 5 working days the certification body shall inform the complainant and the operator in writing whether the complaint was upheld and the key reason(s) for that decision. REAL shall be copied into the written communication, as too shall the regulator if involved in the investigation. These parties will be informed of the results of the investigation and the actions taken. REAL will upload the completed anonymous Product Complaint Investigation Report Form onto the BCS website.
- 14.1.18 Regarding a Spot Checks Visit or a Spot Sampling Visit, the operator 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 digestate sample testing will be paid by the operator, regardless of whether or not the complaint is upheld. If the complaint is upheld, the operator 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 operator for a Spot Checks Visit and refer him/her to this clause in REAL's Biofertiliser Certification Scheme Rules.
- 14.1.19 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.

## **14.2 Complaints about the Certification Bodies**

14.2.1 Any complaints from participating operators 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.

14.2.2 Upon receipt of a complaint, the certification body shall follow its own complaint procedures and promptly inform REAL and investigate into the complaint according to the certification body's internal complaint procedures. It shall also take any necessary actions to address the complaint, report on the outcome to REAL and ensure that the complainant is kept informed in writing of the outcome of the complaint. The certification body will record the complaint, any actions taken to investigate the complaint, and the results of the investigation.

14.2.3 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.

14.2.4 Each time it meets, or upon request, REAL's Biofertiliser Certification Scheme Oversight Panel shall be provided with an anonymised list of all complaints about the certification body, including the number and a summary of their subjects and outcomes.

### **14.3 Appeal against certification bodies' decisions**

14.3.1 Any individual who or organisation that appeals a decision taken by the certification body shall follow the certification body's relevant appeal procedures.

14.3.2 An operator must make known the reasons for the appeal and provide evidence to support it.

14.3.3 The certification body shall follow its own appeal procedures and shall keep REAL informed of all appeals received, their subjects and outcomes.

14.3.4 If the individual or organisation who made the appeal remains unsatisfied of the outcome of the CB's appeal procedures, the case shall be referred to REAL and the individual or organisation shall be informed accordingly.

### **14.4 Complaints about the scheme**



14.4.1 Written complaints concerning the scheme shall be dealt with by REAL in conjunction, where appropriate, with the Oversight Panel. The following procedure will be completed:

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

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

## **ANNEX 1 - Additional Scheme Rules for Scotland (ASRS)**

### **Introduction**

Operators 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 requirements of BSI PAS110:2014
- the conditions in the SEPA regulatory position statement

The SEPA Regulatory Position can also be downloaded from the Biofertiliser Certification website under Certification in Scotland, <http://www.biofertiliser.org.uk/certification/scotland>.