

BCS SCHEME RULES V.5 CONSULTATION RESPONSES - SEPTEMBER 2018

Clause, page, table, annex	Comment	REAL Comment (justification for change)	Proposed change	Accepted / Rejected
	Scheme Rules v4			
Clause 4.0/4.2	REAL will need to clarify whether the intended scope of the accreditation is just for digested materials produced to PAS 110 or to PAS 110 plus the QP. It is recommended that UKAS should only accredit the scheme for PAS110 and the QP along with the REAL Scheme Rules	There are now three scopes of certification so we would like accreditation for one certification scheme with all three scopes.	n/a	Accepted
Clause 4.3	Reference in the scheme overview to 'accreditation to BS EN 45011:1998' is incorrect, as the correct accreditation standard is now BS EN ISO/IEC 17065:2012	No comment	Update accordingly	Accepted
Clause 5.1	How does REAL intend to ensure that information is kept confidential, and that potential conflicts of interest are managed during the certification process? It is for the accredited certification bodies to manage these situations as far as audit and certification are concerned.	No comment	Remove	Accepted
Clause 5.2	Depending upon the effectiveness of each certification body's accredited performance, the frequency of assessment by UKAS may need to be greater than once per year. The scheme-owner requirements of 'annual' assessment should be clarified as a minimum.	No comment	Clause amended to clarify that annual auditing is a minimum requirement	Accepted
Clause 5.3	There are two appointed certification bodies listed on the REAL website, Organic Farmers & Growers (OFG) and NSF Certification. Will OFG (Scotland) be involved in any way for certification in Scotland? If so, how?	There are now three appointed certification bodies (OFG, NSF, and ACL). Only these three certification bodies will be applying for accreditation.	n/a	Accepted
Clause 5.4	There is no mention of any UKAS input or participation, nominated or invited, in the Oversight Panel.	No comment	Remove reference to individual members and invite UKAS to attend an Oversight Panel meeting and join as a Panel member	Accepted
Clause 5.6	How does REAL intend to investigate complaints regarding the certification bodies? What types of complaints may be involved, which may fall outside of the CB's commitments under their own accredited management systems? How does REAL intend to prove that no commercial interest has influenced the certification process? How might this be distinct from the requirements for certification bodies regarding potential financial/commercial influences. Under accreditation rules?	This section is not deemed necessary for the scheme rules	Remove section on 'BCS administrator'	Accepted
Clause 5.7.4	In the list of charges made by REAL, there is no mention of hard copy of the scheme rules. Is this intentional or an omission?	We don't produce hard copies of the scheme rules but electronic copies are freely available to download from our website	n/a	Accepted
Clause 5.8	What are the criteria for an 'appointed laboratory'?	Criteria for 'approved laboratories' detailed in the laboratory T&Cs	Added reference to laboratory T&Cs	Accepted
Clause 7.1/7.2.2	It is recommended that UKAS should only accredit the scheme for PAS110 and the QP along with the REAL Scheme Rules.	There are now three scopes of certification so we would like accreditation for one certification scheme with all three scopes.	n/a	Rejected
Clause 7.2.2	It is not clear what is meant by the last sentence on Page 17: 'The Certifying Body reserves the right to withhold payment for any pre-audit assessments and associated administration for which they must provide an itemised bill.'	Agreed that the meaning of this clause is not clear but this is not deemed necessary to include in the scheme rules	Remove clause	Accepted
Clause 7.3 Para 1	Reference to compliance with 'the Standards' is not clear. Does this mean PAS 110, plus Quality Protocol, plus Scheme Rules?	Definition of 'Standards' is provided in the definitions section. It refers to PAS 110, the Quality Protocol, and the Scheme Rules.	n/a	Accepted
Clause 7.3 Para 7	Refers to audit duration. Experience will provide evidence to support typical audit duration time. Audit day should be no longer than 8 hours and it would be anticipated that no audit would be less than 1 man-day duration.	No comment	Obtained average audit duration times from certification bodies and requirement added to clause based on UKAS comment	Accepted
Clause 7.3 Para 8	Similarly to Para 1, 'all relevant Scheme requirements'.	This refers to the requirements of the scheme documents (PAS 110, the Scheme Rules, QP or SEPA's Regulatory Position Statement)	n/a	Accepted
Clause 7.3 Para 9	The auditor must be in a position to verify that pasteurisation has taken place. Without this, how can it be verified that the standard requirements have been met?	The auditors check this as a requirement of PAS 110	Move section to technical guidance document	Accepted
Clause 7.6	Reference to 'Compliance review and certification will be carried out as per 7.3 above' should be 7.4.	This is not deemed necessary for the BCS Scheme Rules	Remove	Accepted
Clause 11.3/11.3/11.3	It is expected that all of the requirements of the accreditation standard will be met in the certification body's response to appeals and complaints, in addition to scheme-specific requirements by REAL.	Yes this will be the case	n/a	Accepted
Clause 12.1	How are these independent samplers to be trained/controlled/approved/audited when they can have an impact on the certified product (digestate)? It should be noted that the independent sampling process is, in practice, outside of the certification process and certification body control.	No change as independent sampling requirements have been removed.	n/a	Accepted
Clause 14.0 indent 6/indent 10	It is recommended that UKAS should only accredit the scheme for PAS110 and the QP along with the BCS Scheme Rules	There are now three scopes of certification so we would like accreditation for one certification scheme with all three scopes.	n/a	Rejected
Clause 14.1 indent 10	No information has been provided by the scheme owner to define the competence criteria for CB certification personnel (i.e. contract reviewer, technical reviewer) involved in the scheme. For certifier see below.	Certification bodies determine competency of personnel but REAL will set the basis for appointment.	Criteria for certification bodies will be added to contracts in place between REAL and certification bodies	Accepted
Clause 14.1	The 'one or more' categories given in which experience of 'someone' on the certification committee is required, is considered insufficiently robust for the technical area in question; it would appear that a person with experience in food quality assurance (which might be restricted, for example, to food factory work) may meet the letter of this stated requirement, but this would not be sufficient to demonstrate technical knowledge in AD itself.	This section on the certification committee is not deemed necessary for the BCS Scheme Rules	Remove	Accepted
Clause 15.1/15.2/15.3	The details of these clauses should be included in the audit/scheme standard, so that compliance may be verified by the CB.	They are PAS 110 standard requirements but these are our interpretations of the standard requirements, which should be met by producers.	Update technical guidance document and re-issue as key scheme document	Accepted
Clause 16.1/16.2/16.3	The details of these clauses should be included in the audit/scheme standard, so that compliance may be verified by the CB. Annex A and the additional scheme rules for Scotland were not reviewed on this occasion. It is recommended that UKAS should only accredit the scheme for PAS110 and the QP along with the REAL Scheme Rules.	They are PAS 110 standard requirements but these are our interpretations of the standard requirements, which should be met by producers.	Update technical guidance document and re-issue as key scheme document	Accepted
General	Consider not introducing Research Fee for applicants	The research fee is coupled with the certification fee so as a 'member' of the scheme, all operators will contribute to the research hub	Clause revised so that the research fee will only be charged if the applicant is successful	Accepted
General	Auditors observe the sampling procedure at annual audit	Would like to consult on this	Clause added to consultation document as a requirement for inspectors to witness sampling during the annual audit	Accepted
General	Consider specifying maximum time for certification bodies to provide operators with non-conformance lists prior to certificate expiry	No comment	Clause with maximum timeframe added to consultation document	Accepted
General	Consider multi-site / head office audits for BCS AD sites	This was discussed and considered not to bring any benefits because all sites would still need to be audited. It would only bring a reduction in costs if the auditor could travel in a small geographical region to different sites operated by the same organisation and no BCS member fulfils this criteria.	n/a	Rejected
General	Consider specifying maximum number of samples for very large AD plants	The Scheme Rules cannot undermine the PAS so this would have to be taken into consideration during the next review/revision of PAS 110	n/a	Rejected
Draft Scheme Rules v5				
Page numbering	Page numbering needs to be checked as it continues from page 34 of 34 to page 43 of 34	No comment	Formatting changed and numbering corrected	Accepted
General	General Comment about the BCS: With the draft Scheme Rules revision & proposals, REAL seem to be suggesting that there is a big problem with digestate product quality, when the feedback from digestate customers is very positive. The Scheme Rules amendments imply that all AD operator/digestate producers are using dishonest practices and therefore all operators should be penalised - this is on top of the tighter limits for physical contaminants by SEPA / Quality Meat Scotland. The industry is already heavily regulated and majority of AD operators operate with integrity and want to do the best they can in the current climate - financial pressures/falling gate fees, withdrawal of subsidies & input materials quality / amount of packaging. Scheme Rules should not be too prescriptive and overly restrictive.	This comment is assuring and has been taken into consideration during the final revision of the Scheme Rules	n/a	Accepted
Definitions	Satisfactory evidence - does this need to be amended to describe the 3 different 'marks of conformity' described later in the document?	Agree	Definition of 'Satisfactory evidence' amended	Accepted
4.1.9	REAL's Biofertiliser Certification Scheme is aligned. Aligned with what? What does this actually mean?	Agree	Removed 'is aligned and'	Accepted
4.2.3 & 4.2.4	Digestate operators can choose to apply to the Biofertiliser Certification Scheme under three different scopes of certification: a) 'Biofertiliser Certification Scheme Quality Assurance' (BCS QA) - We support this and gives all AD operators/Producers of quality digestate the opportunity to operate to a quality assurance scheme. Digestate operator is a strange term - surely we are an AD operator and a Digestate producer?	Agree	All references changed back to 'operator'	Accepted
4.2.3	Certification options: Digestate producers can choose to apply to the Biofertiliser Certification Scheme under three different scopes of certification. We support the addition of 'Biofertiliser Certification Scheme Quality Assurance' (BCS QA) as it gives all operators the opportunity to operate under a quality assurance scheme. However we feel it should make clear that material produced will retain waste status under this option, both in the name of the option in the scheme rules, on the certificate and in any online listing of operators. Mostly to avoid any confusion with this option.	Good point and good suggestions	Text added to the relevant clause in the Scheme Rules to state this and further information will be considered for the CCS website etc.	Accepted
4.2.3	We would question the benefit of yet more certification. As an operator, we believe the existing certification scheme is more than adequate and the introduction of a further scheme just adds more bureaucracy and cost.	This quality assurance 'scope of certification' won't affect the existing certification but will provide an opportunity for other operators to join the CCS if they do not want to achieve end of waste status. Provided further clarification directly to operator.	n/a	Rejected
4.2.3 to 4.2.5	Following an email from Georga Phetmanh, we now understand the difference between BCS QA and BCS EoW. We suggest that it would have been sensible to distribute this consultation with an explanatory comment on this item to prevent unnecessary queries.	Agree	n/a	Accepted
4.2.14	Certified contractors - We are unsure to what certification scheme for contractors this applies and do not have enough information about the robustness of these schemes to determine if this would be beneficial or workable for digestate producers. Would this really make a difference to best practice application of digestate? Our members feel that making this a requirement is unduly restrictive. In many cases the digestate producer supplies material to farmers who may spread it themselves or may use contractors and this is beyond the control of the digestate producer. When digestate is supplied to an external customer the agreement in place includes use of the digestate but it would be difficult to impose on customers who they must use to spread their digestate. Additionally, the text does not state which scope/scope/s of certification are recommended nor instead does it broadly describe what scope of certification is recommended. Why is certification recommended for 3rd-party contractors but not when the digestate producer spreads his/her digestate? Contractors do not require to be certified for spreading artificial fertiliser or even waste products to introduce this requirement could distinguish digestate as a higher risk product and damage the hard established market. For these reasons we do not support this clause. We are very concerned that proposal 1a would hold back producer certification when a third party contractor doesn't have a suitable certification.	More information should have been provided with the consultation document about the NAAC contractors assurance scheme but all of these points are valid. Confirmed name of the certification scheme with the organisation that submitted the consultation response. We take on board these comments but recommend that operators contract with an assured/certified/approved company when supplying directly to a third-party contractor.	Moved the recommendation into the technical guidance document with reference to COGAP and a requirement for a declaration form in place.	Accepted
4.2.14 (Proposal 1a)	Needs to be clear who this is applies to & what certification is required. More information or examples of the independent certification this refers to is needed. If digestate goes to the end user such as a farmer and they employ a contractor to spread, then the AD operator can't be expected to check this/be responsible for it - there needs to be a cut point for the AD operators responsibility for how the product is used (isn't this the purpose of the Contract of Supply?). Is proposal 1a & 2a intended for large contractor companies who take digestate from a number of sources and distribute it to a number of end users, or is it also for individual end users? Will requirement really make any difference as best practice should already be followed. Need clarification on what 'independently certified' evidence is required for audits, how widely the requirement will be applied (for each Digestate customer)? Crucially, this requirement cannot be open to interpretation by the Auditor.	This clause only applies to producers supplying directly to third-party spreading contractors. More information should have been provided with the consultation document about the NAAC contractors assurance scheme but all of these points are valid. We take on board these comments but recommend that operators contract with an assured/certified/approved company when supplying directly to a third-party contractor.	Moved the recommendation into the technical guidance document with reference to COGAP and a requirement for a declaration form in place.	Accepted
4.2.14 (Proposal 1a)	In the event contractors have to be NAAC certified it would be immensely crippling for the industry. As you suggest farmers have the option to spread the product themselves or use the contractor they are familiar with for other farm operations. The inability to do so would devalue the product due to the cost involved in spreading and management of such. The farmers currently sign the COS which advises of the requirement to spread the product in line with the PEFFFAA Code and the Codes of Practice. As farmers purchase (rather than given FOC) the fertiliser they have respect, as they would for artificial fertiliser, to ensure it is utilised to its maximum benefit thereby applied to crop requirement, in a timely fashion to maximise benefit, and by an experienced contractor. As EEL we audit the contractors to ensure the equipment and employees are fit for purpose. Farmers are advised of the agricultural value of the product and a recommended maximum application rate to provide additional reassurance that the it is used to maximum benefit. From experience, farmers who spread themselves are aware of the high available nutrient and take a precautionary approach beyond the requirements of the CoP's. Contractors are not required to be certified for spreading artificial fertiliser or even waste products to land which require a SEPA exemption from WWL so would distinguish digestate as a higher risk product and likely to damage the hard established market.	We take on board these comments but recommend that operators contract with an assured/certified/approved company when supplying directly to a third-party contractor.	Moved the recommendation into the technical guidance document with reference to COGAP and a requirement for a declaration form in place.	Accepted
4.2.14 and 4.2.15	We believe the proposed certification scheme is totally unnecessary and risks adding crippling cost to the process of digestate placement. We would resist this strongly. The processes in place at the moment work well and there is no need at all to introduce further bureaucracy and cost.	We take on board these comments but recommend that operators contract with an assured/certified/approved company when supplying directly to a third-party contractor.	Moved the recommendation into the technical guidance document with reference to COGAP and a requirement for a declaration form in place.	Accepted

4.2.14 and 4.2.15	We would prefer option 4.2.15 stating recommends rather than requires as we do not know which certified schemes this refers to.	More information should have been provided with the consultation document about the NAAC contractors assurance scheme.	Moved the recommendation into the technical guidance document with reference to COGAP and a requirement for a declaration form in place.	Accepted
4.2.14 and 4.2.15	What differentiates a customer who spreads digestate and a contractor – do customers who spread their own digestate need to be certified too? Some clarification on this would be useful.	This clause only applies to producers supplying directly to third-party spreading contractors. More information should have been provided with the consultation document about the NAAC contractors assurance scheme but all of these points are valid.	Moved the recommendation into the technical guidance document with reference to COGAP and a requirement for a declaration form in place.	Accepted
4.2.14 and 4.2.15 (Proposal 1a/2a)	We do not support either of the Proposals for the following reasons: 1. Both proposals explicitly state that 'The spreading or use of (certified?) digestate is not covered or audited by this scheme'. If this is true, how can the scheme rules implement a clause that will not be audited? If an operator doesn't comply with the requirements/recommendation that contractors are members of the certification body, what would be the corrective action if they are not audited on such. Fundamentally, why is the scheme looking to make rules about an area which is not covered by the scheme. Please note also that for waste deployments, there is no comparable requirement for contractors, so why is BCS looking to go beyond that for a product?	The use of digestate could not be audited but the auditor could check whether contracts are in place with certified contractors. There is concern over the lack of controls for spreading product digestate and the number of incidents reported to the Agency has increased. We could introduce further controls if third-party spreading contractors are certified. The spreading of waste digestate is regulated but product digestate is not.	Moved the recommendation into the technical guidance document with reference to COGAP and a requirement for a declaration form in place.	Accepted
4.2.14 and 4.2.15 (Proposal 1a/2a)	2. Clarification is required on who is considered the 'third-party contractor' - if an AD plant supplies multiple farmers as customers for its digestate, does the farmer or the farmer's contractor who will actually spread the digestate, form the third-party contractor? It is very unclear. Equally, if an AD plant contracts out its entire digestate supply to a contractor, is it that contractor who is required to be a member of the certification body of the numerous contractors who then they might supply to distribute the digestate? Note - We, as an operator, do not directly sub-contract any spreading and, in these circumstances, it needs to be clarified if BCS are still proposing to make the end user employ certified contractors. We would not oppose contractors getting certification if they feel it suits their business needs but we oppose the principle that this is being sought within the scope of the BCS scheme, which should solely focus on the assessment and certification of producers of quality digestate. The pursuit of this proposal puts into question the Scheme's position as an impartial and unbiased scheme operator. We are not aware of any other regulatory body (HSE, EA, Defra or RPA) that requires agricultural contractors to attain any form of certification for land spreading operations. This relates back to the comment above – such is not required for waste deployments, so why is it proposed for certified digestate?	This clause only applies to producers supplying directly to third-party spreading contractors. More information should have been provided with the consultation document about the NAAC contractors assurance scheme but all of these points are valid. We take on board these comments but recommend that operators contract with an assured/certified/approved company when supplying directly to a third-party contractor. NAAC have appointed an independent certification body to assess against the agricultural contractors standard.	Moved the recommendation into the technical guidance document with reference to COGAP and a requirement for a declaration form in place.	Accepted
4.2.14 and 4.2.15 (Proposal 1a/2a)	3. Which 'independent certification body' is proposed? The National Association of Agricultural Contractors has been discussed but does this confer competence on an individual or a business? If a business is 'certified', it still doesn't guarantee that the individual driving the tractor is fully trained and competent to prevent an incident. We have looked at the NAAC website and it appears that membership of the scheme merely requires an individual/organisation to sign up to their Code of Conduct (upon payment of a fee). There doesn't appear to be any subsequent training or audit necessary for membership to begin or continue. It is a tick-box scheme only and as such does not confer any guarantee of performance.	We take on board these comments but recommend that operators contract with an assured/certified/approved company when supplying directly to a third-party contractor.	Moved the recommendation into the technical guidance document with reference to COGAP and a requirement for a declaration form in place.	Accepted
4.2.14 and 4.2.15 (Proposal 1a/2a)	5. If many of a plant's current contractors are not members of the designated body, becoming such places an additional financial burden on those contractors - making digestate a less attractive proposition. If this proposal is made a requirement, it could make distribution of digestate more problematic for operators and actually create the very issues the scheme is seeking to avoid i.e. over-application on a limited landbank.	This is a fair point and has been taken into consideration	Moved the recommendation into the technical guidance document with reference to COGAP and a requirement for a declaration form in place.	Accepted
4.2.14 and 4.2.15 (Proposal 1a/2a)	Note: Proposal 1a refers to 'certified digestate' and Proposal 2a refers only to 'digestate'. This needs clarification. Surely the scheme can't propose to make rules about any non-certified portion of digestate.	This should have also been written in as 'certified digestate'	n/a	Accepted
4.2.15 (Proposal 1b)	Is this an either or with Proposal 1a? Or is it that it is requirement for Certified digestate and a Recommendation of digestate that is not certified? If it is an either or, then would prefer Proposal 1b until the requirements are clear and the point at which AD operators duty or care / responsibility ends is clearly stated. e.g. The AD operator/digestate producer is not liable if the digestate is not stored, manufactured, transported and used according to Terms and Conditions in the Contract of Supply.	Yes it is either or and should have also been written in as 'certified digestate'	Section added to technical guidance on dispatch information including Contract of Supply	Accepted
4.2.15	Of the two options, ORG prefer option 2a with the caveat that the recommendation is only when the digestate producer uses a third party contractor directly and not when a digestate customer chooses to use a third party contractor. However we don't feel sufficient information, details and justification have been provided to fully support that this is included as a recommendation. We feel this might be better suited for a technical guidance document (that can be updated more easily) and as a recommendation then should not be included in scheme rules.	More information should have been provided with the consultation document about the NAAC contractors assurance scheme.	Moved the recommendation into the technical guidance document with reference to COGAP and a requirement for a declaration form in place.	Accepted
4.2.15	Proposal 2a preferred	No comment	Moved the recommendation into the technical guidance document with reference to COGAP and a requirement for a declaration form in place.	Accepted
5.6.1	The BCS requires Members/Applicants to send samples of digested materials, for which certification has been applied, for analysis only at appointed laboratories. This clause now does not make sense. Surely the laboratories have to be appointed or on an approved list.	Criteria for 'approved laboratories' detailed in the laboratory T&Cs	Added reference to laboratory T&Cs	Accepted
5.7	We totally question the benefit of this and would resist it strongly. The costs to the industry are already high and we do not believe there will be any significant benefit in establishing a research hub.	We consider that the Research Hub is vital for industry growth and the development of the scheme. We will outline the benefits and share potential projects in our newsletter/comms with all operators.	n/a	Rejected
5.7	We support the idea of the Research Hub but are concerned at how much this would cost us with multiple sites	The Research Hub Governance Committee considered the comments very carefully. Following a full discussion it was resolved that the fee structure proposed in the consultation is adopted. The research fee is coupled with the certification fee so operators are charged per process as a participant of the scheme with the research projects benefiting each composting process. However, in light of these comments, the fees and charging mechanisms for the scheme may be reviewed next year. We will explore additional funding options to contribute to the Hub.	No change	Accepted
5.7	Research hub fees - our members are very supportive of the research hub in principle and can see the benefits and need for this project. However, in practice many AD sites are already operating at very tight margins and are very unlikely to be able to pass on an increase in costs to the waste producers (mostly due to long term contracts etc). Some members operate multiple certified processes (at multiple sites). They feel they would be unfairly penalised by the fees proposed being based on a tonnage per process basis. For example one operator with 5 sites, processing a total of 56,000 tonnes (1 x group V, 2 x group IV, 2 x group III) would pay £4000 if charged per process and £1500 if charged on total tonnage for the business. The revenue generated from the waste is not any greater being processed at multiple sites rather than at a single site. We understand that the current certification fees are based per process and rightly so (to cover auditing costs). We urge REAL to consider this proposal of charging for the total tonnage for a business for the research hub fees. For some members, certification is not optional (those in Scotland for example) and in some cases the fees will be a significant increase to their operational costs that is unavoidable. We have also had a suggestion that Government should be contributing to the Research Hub and urge REAL to explore other additional funding options. We would be happy to support REAL in looking for alternative funding options.	The Research Hub Governance Committee considered the comments very carefully. Following a full discussion it was resolved that the fee structure proposed in the consultation is adopted. The research fee is coupled with the certification fee so operators are charged per process as a participant of the scheme with the research projects benefiting each composting process. However, in light of these comments, the fees and charging mechanisms for the scheme may be reviewed next year. We will explore additional funding options to contribute to the Hub.	No change	Accepted
5.7.2 (Proposal 1a)	Applicant - too vague for contractual reasons. Shouldn't be the applicant, it should be the AD operator company who's name appears on the BCS certificate / CB records. Or the definition of applicant needs to be more defined.	Agree	Clause revised so that the research fee will only be charged if the applicant is successful	Accepted
5.7.2	The pricing structure needs to be carefully considered/modelled. Is it per company (total company production of a certain product) or per site (individual site production of all products)? The cost of subsidising the Research Hub could end up having a huge impact on a company's Scheme costs if they operate a number of small sites compared with a company that operates one large site but with the equivalent total production.	The Research Hub Governance Committee considered the comments very carefully. Following a full discussion it was resolved that the fee structure proposed in the consultation is adopted. The research fee is coupled with the certification fee so operators are charged per process as a participant of the scheme with the research projects benefiting each composting process. However, in light of these comments, the fees and charging mechanisms for the scheme may be reviewed next year. We will explore additional funding options to contribute to the Hub.	No change	Accepted
5.7.2 (Proposal 1b)	How would the Research hub be funded otherwise - are there other options / sources of funding from research councils for example? Could this Research Hub become a vector for University research projects that can then be funded as CASE projects or receive funding from BBSRC / EPSRC with further industry contribution. There are people in university with expertise in getting project funding - this should be looked at as part of knowledge transfer between academia and industry.	The Research Hub Governance Committee considered the comments very carefully. Following a full discussion it was resolved that the fee structure proposed in the consultation is adopted. The research fee is coupled with the certification fee so operators are charged per process as a participant of the scheme with the research projects benefiting each composting process. However, in light of these comments, the fees and charging mechanisms for the scheme may be reviewed next year. We will explore additional funding options to contribute to the Hub.	No change	Accepted
5.7.2	Proposal 2b preferred	No comment	n/a	Accepted
5.7.2	I'm slightly concerned that the fees look relatively high and that it's a lot to expect a business to pay when there doesn't seem to be a clear process and decision making mechanism in place for the types of research that will be undertaken, some clarification on this would be good.	The Research Hub Governance Committee considered the comments very carefully. Following a full discussion it was resolved that the fee structure proposed in the consultation is adopted. The research fee is coupled with the certification fee so operators are charged per process as a participant of the scheme with the research projects benefiting each composting process. However, in light of these comments, the fees and charging mechanisms for the scheme may be reviewed next year. We will explore additional funding options to contribute to the Hub.	No change	Accepted
5.7.2 (Proposal 1b)	We would support the charging of annual research fees as outlined in the additional 'Research Hub' document with the following comments: 1. Scheme participants need to have confidence in the allocation of spend to ensure that their fees benefit the development of their industry and business, i.e. the total fees aggregated from AD operators and compost operators are spent in roughly equivalent proportions on projects/research benefiting each of those industries. 2. The research spend should mostly be on items which have a net benefit to the operators, i.e. research is required detailing the use of digestate in its established market sectors (eg. forestry) and/or developing new markets, whereby the research can inform additions to the designated market sectors detailed in the ADOF. There should be some mechanism whereby BCS state what they propose to research and its associated cost for operators to either approve or reject. It appears more detail is required on the operation of the Research Hub to ensure it spend and aims benefit operators, although we agree in principle with its development.	We value these comments and the Research Hub Governance Committee will ensure that the funds are managed transparently and openly. The mechanisms for contributing to research project proposals will be communicated with all operators in the accompanying email to this review document.	n/a	Accepted
6.1.1.b)	Pre-requisites - Type 'composting site' needs to change to 'AD or Biogas site'	No comment	Clause corrected	Accepted
6.1.1.b)	Clause references a 'composting site', requires amendment	No comment	Clause corrected	Accepted
6.2.5	The CB should be required to send the documentation on the auditor prior to the audit. Too often the auditor has come to the site audit without having received copies of the QMS or lab reports from the CB (or if they have, they haven't read them) and we have to walk for them to read the documentation. Very time consuming and not a good use of the audit time.	This is useful feedback and we will follow up with the certification bodies.	n/a	Accepted
7.1.1	We are not adverse to sample witnessing but wonder if the sample will be sent off for testing. Batches are not always ready for sampling on audit day so the sampling process could be witnessed but the resulting sample would not be from an appropriate batch for testing.	We have considered the comments carefully and do not consider that witnessing of sampling at annual audits should be required in the Scheme. The mechanisms for contributing to research project proposals will be communicated with all operators in the accompanying email to this review document.	Proposal for sample witnessing removed	Accepted

7.1.1 proposal 1c	Does this just involve witnessing the sample being taken to check sampling procedure, or is it to witness sampling and then for the samples to go for testing? Is the auditor qualified to know that the sampling procedure is correct / gives a representative sample. Time constraints & costs need to be considered. Some audits/auditors already take all day (even on a site with just a few minor N/Cs).	That is correct - the proposal would not require sample testing but only witness of sampling and assessment of sampling procedure. We have considered the comments carefully and do not consider that witnessing of sampling at annual audit should be required in the Scheme Rules but inspectors can choose to request sampling if considered necessary.	Proposal for sample witnessing removed	Accepted
7.1.1	Sample witnessing during audit - Quite a few of our members were unsure if this clause also required the sample to be sent off for analysis on the day of the audit. We have not interpreted this clause to mean that the sample would need to be tested, but that the auditor would be assessing the sampling procedure only. For clarity - we do not support the requirement for the sample to be analysed (possibly due to operational and timing difficulties). Most of our members are content to demonstrate competency in taking a sample according to sampling guidance but there have been some concerns raised about the additional time that this can take and the impact it could have on the audit as a whole. Some members report that audits can already take up to 7 hours and sample taking can be a lengthy process. In addition for companies operating multiple processes or sites, with one person responsible for sample taking, it seems a waste of time for the auditor to witness the same person taking a sample at multiple audits through the year. OGD support a modified proposal 1c where the inspector can (rather than must) witness a sample being taken (i.e. proposal 2d). It could be that this is something done every 2 years, rather than at every audit (depending on staff for example). Training records covering sampling procedure could also be taken into account when deciding if a witnessed sample is required.	That is correct - the proposal would not require sample testing but only witness of sampling and assessment of sampling procedure. We have considered the comments carefully and do not consider that witnessing of sampling at annual audit should be required in the Scheme Rules but inspectors can choose to request sampling if considered necessary.	Clause on the potential for the inspector to make the decision to witness a sample made clearer. Proposal removed and sampling training course under development.	Accepted
7.1.1	Proposal 1c preferred	No comment	n/a	Accepted
7.1.1	Clause states 'whether the facility is operate', needs re-writing	Agree	Clause corrected	Accepted
7.1.1 (Proposal 1c)	We would be content for the witnessing of a sample being taken to be included in the scheme rules with the comment that the auditor would need to make this requirement clear upon scheduling any visit to ensure that a staff member trained in sampling is present.	We have considered the comments carefully and do not consider that witnessing of sampling at annual audit should be required in the Scheme Rules but inspectors can choose to request sampling if considered necessary	Proposal for sample witnessing removed	Accepted
7.1.1 (Proposal 2c)	No charge for what? Inspectors time for witnessing sample collection or for testing (if this is required). As above, time constraints & costs need to be considered. Some audits/auditors already take all day (even on a site that has few N/Cs).	Proposal 2c is 'no change'	n/a	Accepted
7.1.1 (Proposal 2c)	If testing is required, what tests are required, and what happens if the compost product is not ready for testing i.e. older than the minimum process time or is too late in the week to send it to the lab. The same question applies to unannounced spot checks	The proposal would not require sample testing but only witness of sampling and assessment of sampling procedure. Agree and we are considering improvements to the database but the auditor don't have access to the database so it is the certification officer's responsibility to download and provide all necessary test reports to the auditor.	n/a	Accepted
7.1.2	There seems to have been issues with auditors accessing the database to download lab reports (for both compost and digestate). It may be teething problems but this needs to work well so there is no confusion with lab reports and mismatching of reports with operators - it needs to be a secure robust database and system of data recording.	Clause removed and we will follow up with laboratories to remove personal data from test reports.	Clause removed	Accepted
7.1.2	It should be clear what data is held on the database. If there is personal data recorded then this needs to consent of the company/AD operator or individual operators e.g. person collecting the sample may not be aware that their details are being kept on a database and the implications of this. I don't feel it appropriate that personal data on the lab test request form should be held on the database. PR code & lab report/ref number should not be on the database to ensure confidentiality in case of response / data input errors.	Clause removed and we will follow up with laboratories to remove personal data from test reports.	Clause removed	Accepted
7.1.6	Clause states 'the certification body's inspector may refuse to carry out an assessment in the presence of a third party who the digester operator believes will, intentionally or otherwise, influence its outcome in an inappropriate manner'. Can some further detail be provided on what is meant by this clause as it is unclear? Is this a third party that the assessor would attend with?	An example of this scenario is if an inspector carries out an assessment in the presence of a consultant who is suspected of influencing the outcome of the assessment	n/a	Accepted
7.1.8	Witness of sampling - does this need to be done by the person who would normally collect the samples or can it be by the site manager / PAS110 responsible person or trainer (following the site's documented sampling procedures / training doc/Work instruction). The person who normally collects the samples may not be available e.g. on annual leave or they work the nightshift - this is the case on one of the AD plants I provide technical support to.	We have considered the comments carefully and do not consider that witnessing of sampling at annual audit should be required in the Scheme Rules but inspectors can choose to request sampling if considered necessary	Proposal for sample witnessing removed	Accepted
7.1.8	Inspection visit - 'Composters Quality management system' needs to be changed to 'digestate producer's QMS'	No comment	Clause corrected	Accepted
7.1.10	The comparison of the CO to a paid consultancy service is not a good one as an operator would fully expect a consultant they were using to explain exactly how to meet the requirements. This should be reworded to make it clear the CO cannot provide advice, just state the requirements.	Agree	Sentence removed	Accepted
7.2.1	Operators shall record waste recovery returns data. This would include tonnage of the physical contaminants removed and rejected loads + digestate solids removed by the separator? Why is this information required during the inspection and why would it be needed by the CB/ REAL for certification?	Proposal put forward by Environment Agency and we agree that this data will provide a fuller picture of waste recovery at certified sites.	n/a	Accepted
7.2.2	Could be a question on the inspection checklist or in Renewal Form, maybe latter is better?	Once in Scheme Rules it will sit on inspection checklist	Clause on collecting data on compostable packaging/products has been included	Accepted
7.3	We prefer risk based spot checks as we think this is fairer and more appropriate. However we would ask that 24-48hr notice be given to ensure the Manager can be available and other site activities may have to be postponed for H&S reasons.	Risk-based spot checks are being introduced instead of annual unannounced spot checks with a 24-48 hour notice period	n/a	Accepted
7.3 (Proposal 1e)	Unannounced spot checks - No! What is the purpose of this? In effect, are there going to be 2 routine CB inspections each year, one scheduled and one un-scheduled? What is the benefit of an unannounced spot check? Impractical and unreasonable.	The proposal was for each producer so there would be two inspections each year. The benefit would be for the robustness of the scheme and confidence in conformance with the scheme requirements throughout the year.	Removed this proposal and added requirements for risk-based spot checks.	Accepted
7.3 (Proposal 1e)	How unannounced is unannounced - will the site receive any notification, be notified the morning of the spot check or at the beginning of the week? It needs to work practically.	This spot check would be announced 24/48 hours before and would take place to assess product quality only.	Removed this proposal and added requirements for risk-based spot checks.	Accepted
7.3 (Proposal 1e)	Will the auditor/inspector have a clear scope and checklist to complete at the spot check. How much of the operation / QMS will the inspection cover, will it just be a visual check of product quality? what will be the impact of the outcome of the spot check?	The spot check will just be a visual check of product quality and any non-conformances identified by visual assessment will need to be addressed.	n/a	Accepted
7.3 (Proposal 1e)	If it is just a visual inspection to the product quality, then it is a waste of everyone's time. It would be better for digestate quality to be included in the Permit as a management plan (this would cover PAS certified and non-PAS digestate). It is a Permit requirement by SEPA (a clear scope of the Digestate management plan was provided to the operator). Records of the quality checks are kept by the operator and these are checked by the local SEPA office during the site inspections, as well as at the BCS audit and at the ISO 9001 audits. How many times does product quality need to be independently checked? It is becoming unreasonable.	The spot check will just be a visual check of product quality and any non-conformances identified by visual assessment will need to be addressed.	n/a	Accepted
7.3.3	Cost of the spot check kept as low as possible is a meaningless comment. The cost should be transparent and how it is charged should be made clear by the CB. Would it be easier to have the cost included in one annual assessment fee? What happens if the spot check doesn't take place each year, will the operator then be penalised at the 'official' annual inspection?	If this was required for all producers then it would be appropriate to include cost in one annual assessment fee.	Removed this proposal and added requirements for risk-based spot checks.	Accepted
7.3.3	If the AD operator / PAS responsible person is not available / on site for the unannounced spot check, will the cancellation charge apply?	The spot check would only take place if the operator was available with 24/48 hours notice	n/a	Accepted
7.3.3	If there isn't a digestate product on site at the time of the unannounced spot check, will it need to be repeated and AD operator charged twice?	The spot check would only take place if the producer was available with 24/48 hours notice	n/a	Accepted
7.3.3	This is all going to be a huge increase in BCS costs for the operator (hub costs and unannounced spot checks etc)?	Risk-based spot checks are being introduced instead of annual unannounced spot checks so there will only be additional cost for those considered high risk.	n/a	Accepted
7.3 and 7.4	Whilst we do not oppose the principle of this, we again question the benefit versus the additional cost. The BCS process is already tightly regulated, sampling is witnessed annually in any event, and we monitor quality with our customers on a continuous basis.	No comment	n/a	Accepted
7.3 and 7.4	Spot checks: Our members must prefer proposal 2e for Risk Based spot checks. We feel this option is reasonable and fair. If a producer is having failures throughout the year or complaints then there should be more observations from the certification body. Members have raised the issue of notice for spot check and ask that consideration can be given to other site activities, health and safety and staffing levels. There were questions raised about the fees for the spot checks and what happens if the digestate producer is not available or there is no digestate on site. We do not support proposal 1e and feel this is over the top, unsustainable and without real benefits.	Risk-based spot checks are being introduced instead of annual unannounced spot checks so there will only be additional cost for those considered high risk. The spot check would only take place if the producer was available with 24/48 hours notice.	Removed proposal for annual unannounced spot checks and retained requirements for risk-based spot checks	Accepted
7.3 and 7.4 (Proposal 1e/2e)	We do not support either of the Proposals for the following reason: No other assessment bodies require additional spot checks during the accreditation period. If an operator is clear of non-compliances then we don't see any reason for any spot checks, especially when the cost of these will be added to our annual membership renewal fee. If an operator does have known non-compliances or non-conformities, they will be subject to the given process in the BCS scheme rules anyway, obviating the need for additional spot checks. There is a clear directive throughout the proposed scheme rules to define the cost of every interaction with the operator and for the operator to bear that cost. BCS looking to increase its revenue and if so, why? Additional charges again make the scheme more unattractive. Further, there is no outline given of what any additional charges might be, which makes their potential cost open-ended. Greater detail required.	Risk-based spot checks are being introduced instead of annual unannounced spot checks so there will only be additional cost for those considered high risk.	Removed proposal for annual unannounced spot checks and retained requirements for risk-based spot checks	Accepted
7.4.1	Could an AD operator really end up having 3 separate inspections by the CB auditor in a single year - annual inspection, unannounced spot check and a risk-based spot check? i.e. cost of renewal assessment + 2 spot checks. Is this reasonable? Surely the purpose of the annual audit and routine testing is to check and verify product quality - so why the need for spot checks? If there is a serious/substantiated complaint of product quality by the CB from the customer or the regulator, then fair enough, this should result in an additional/extra ordinary site inspection, but spot checks should not be a matter of routine. It gives the impression that their intention is to catch the operator out / off guard	No, only annual inspection + annual unannounced spot check OR annual inspection + risk-based spot check.	Removed proposal for annual unannounced spot checks and retained requirements for risk-based spot checks	Accepted
7.4.2	Proposal 2e preferred	No comment	n/a	Accepted
7.5.1	Is it acceptable that the auditor could come back with further non-compliances after the audit is finished and the compliance report has been signed by both parties?	Non-compliances could have been missed at audit and identified by the CO later or vice versa, the CO might remove non-compliances later.	Clause removed but timeframes for certification added	Accepted
7.5.1	Is it acceptable that the auditor does not explain the non-compliances at the end of the audit and the AD operator only received the compliance report later in the week?	Non-compliances could have been missed at audit and identified by the CO later or vice versa, the CO might remove non-compliances later.	Clause removed but timeframes for certification added	Accepted
7.5.5	Audit report - Our members feel that it is not acceptable for an auditor to come back with further non-compliances after an audit is finished and the compliance report has been signed by both parties. This should be completed during the inspection day.	Non-compliances could have been missed at audit and identified by the CO later or vice versa, the CO might remove non-compliances later.	Clause removed but timeframes for certification added	Accepted
7.5.5/6	This is too rigid, as if a report comes into the office 5 days after inspection and the CO is on away or has several reports to do with earlier expiry dates then a more pragmatic approach is required.	Discussed further with certification bodies	Clause removed but timeframes for certification added	Accepted
7.5.7	Non-compliances - A member has highlighted that 45 days is tight if after the report is reviewed by the CB officer they determine that a further sample is required, then a batch needs to be completed and ready for sampling, the sample sent and all results back which can be 5 weeks. We suggest 60 days as long as it is before the certificate expires.	If test results are not available at the time, the certification bodies will not consider this a non-conformance and the certificate will not be withheld on this basis	n/a	Accepted
7.5.7	Clause states 'explaining what is wrong/failing' - needs re-writing to improve its meaning	Agree	Clause rephrased	Accepted
7.5.8	Non-compliances - A typo in this clause referring to 'compost operator' needs to be changed to 'digestate producer'	No comment	Clause corrected	Accepted
7.5.8	Clause references a 'composting site', requires amendment	No comment	Clause corrected	Accepted
7.5.11 (Proposal 1d)	Sample witnessing will take place during inspection to verify the correct sampling procedures are followed - is this only at the annual assessment or could the operator be required to do this at the spot checks?	We have considered the comments carefully and do not consider that witnessing of sampling at annual audit should be required in the Scheme Rules but inspectors can choose to request sampling if considered necessary	Proposal for sample witnessing removed	Accepted
7.5.11	Sample witnessing - We do not support the first part of this clause and prefer to leave sample witnessing at the discretion of the inspector. We do support the additional requirement for the person responsible for sample taking to be trained.	We have considered the comments carefully and do not consider that witnessing of sampling at annual audit should be required in the Scheme Rules but inspectors can choose to request sampling if considered necessary	Proposal for sample witnessing removed	Accepted
7.5.11	Inspector witnessing a sample - the audit already takes around 7 hours (and last year we had no non-conformances i.e. very straightforward) I'm concerned that this adds another time consuming element to the process. Also would this sample require laboratory testing? Because if there are issues with the sample technique one of the ways to identify them would be to analyse the sample? If there were issues with the sampling technique then it would be recorded as a non-conformance requiring corrective action. Which would mean another cost to the business. Again, some more detail would be good.	We have considered the comments carefully and do not consider that witnessing of sampling at annual audit should be required in the Scheme Rules but inspectors can choose to request sampling if considered necessary	Proposal for sample witnessing removed	Accepted
7.5.11	Proposal 1d: We are content with this proposal, as we already hold training records for various aspects of our QMS. An implementation date would have to be provided for this requirement to ensure we have a PAS sampling specific training record.	We have considered the comments carefully and do not consider that witnessing of sampling at annual audit should be required in the Scheme Rules but inspectors can choose to request sampling if considered necessary	Proposal for sample witnessing removed	Accepted
7.5.12 (Proposal 2d)	No charge - why would there be a charge for required sample witnessing during a pre-arrange audit?	Proposal 2c is 'no change'	n/a	Accepted
7.5.12	Witness of sampling at the audit - does this need to be done by the person who would normally collect the samples or can it be by the site manager / PAS110 responsible person or trainer (following the site's documented sampling procedures / training doc/Work instruction). The person who normally collects the samples may not be available e.g. on annual leave or they work the nightshift - this is the case on one of the AD plants I provide technical support to.	We have considered the comments carefully and do not consider witnessing of sampling at annual audit should be required in the Scheme Rules but inspectors can choose to request sampling if considered necessary	Proposal for sample witnessing removed	Accepted
7.5.12	Sample witnessing - We support proposal 2d	No comment	n/a	Accepted
7.5.12	Proposal 2d preferred	No comment	n/a	Accepted
9.1.2 & 9.1.3	These clauses still refer to BCS logo - replace logo with conformity mark for consistency	Agree	Conformity mark added	Accepted
9.1.4	Is there to be a PAS100 Scotland 'mark'?	Yes PAS 100 Product Scotland	New marks will be issued with transition period	Accepted

9.1.9.2.9.3	Conformity marks - there is some inconsistency if the image is referred to as a 'logo' or 'conformity marks'. These should be consistent unless the proposal is to have separate images? If the image is to change, then we ask that sites who have pre-printed information be allowed to continue to use them.	Agree	New marks will be issued with transition period	Accepted
9.2.1	Conformity mark	No comment	n/a	Accepted
Removal of IS	Removal of independent samplers is welcomed	No comment	n/a	Accepted
10.2	Does certificate 'suspension' need to be defined in Chapter 3?	Yes	Definition added	Accepted
10.2.1	Renewals - As for 7.5.7. we feel 60 days is more practical.	45 days is considered a sufficient maximum amount of time to address all non-conformances and if test results are not available at the time, the certification bodies will not consider this a non-conformance and the certificate will not be withheld on this basis.	No change	Rejected
10.2.2	during a Spot Checks Visit as a result of random or targeted selection, why should site be selected at random? Spot checks should be based on if there is numerous/on-going test failures or substantiated customer / regulator complaints etc. There should be a basis for a spot check.	Agree	The term 'random' removed as independent sampling no longer required and requirements for risk-based spot checks added to Scheme Rules	Accepted
10.2.3	The wording of this clause isn't clear - shouldn't 'Certificate expiry and withdrawal' be in quotation marks? Would a 'Certificate suspended' mark be more appropriate? Also, when a certificate is re-instated, surely the BCS list will be updated to reflect this and not marked 'Certificate expiry and withdrawal'.	Agree	This clause has been amended	Accepted
10.2.8/10.2.11	Does it necessarily follow that the environmental regulator be informed if an AD process is withdrawn from the scheme?	We have discussed and agreed with the regulators that they will be updated on a monthly basis with any changes to certification statuses	n/a	Accepted
10.2.10	Renewals - Typo, need to change 'composter's payment' to 'digestate operator's payment'	No comment	Clause corrected	Accepted
11.1.5	Data protection regulations complied with?	Clause removed and we will follow up with laboratories to remove personal data from test reports	Clause removed	Accepted
11.1.6	Personal data recorded on the sample analysis request form should not be included on the database. The AD operator may not be aware that their name is being recorded on a database.	Clause removed and we will follow up with laboratories to remove personal data from test reports	Clause removed	Accepted
11.1.7 a)	Are there any confidentiality / data protection issues created by this?	Clause removed and we will follow up with laboratories to remove personal data from test reports	Clause removed	Accepted
11.1.9	Is the term 'sham recovery' really going to be used in the scheme rules? Seems inappropriate for such a document. More tabloid than professional.	This term is suitable in the context of composting but not AD	Clause removed	Accepted
11.1.9	What is a 'sham recovery'? - more explanation of this clause required.	This term is suitable in the context of composting but not AD	Clause removed	Accepted
12.1.7	Wordine doesn't make sense, needs re-writing	No comment	Clause has been amended	Accepted
12.1.9 a)	The last clause still in italics references compost, not digestate	No comment	Clause has been amended	Accepted
12.1.10	vi. whether a Spot Checks Visit or a Spot Sampling Visit are necessary. Now we have a Spot sampling visit? Is this different from a spot checks visit? Surely a Spot check visit could include sampling if required? Do we need another Spot thing to grapple with? Over-complicated	This clause relates to product complaints where spot sampling visits may still be required	n/a	Accepted
12.1.10	Investigations - 'vi. whether a Spot Checks Visit or a Spot Sampling Visit are necessary'. Remove Spot sampling visit as this section has been removed from the Rules	This clause relates to product complaints where spot sampling visits may still be required	n/a	Accepted
12.1.13	Also refers to Spot sampling visit - Where does this fit into the previously described unannounced spot checks and risk-based spot checks? Is it one of these or a new/different spot check?	This clause relates to product complaints where spot sampling visits may still be required	n/a	Accepted
12.1.13	Spot checks visit - assume this is the unannounced spot check, which includes a visual inspection of the product. This clause refers to a physical inspection - what is this?	This clause relates to product complaints where spot sampling visits may still be required	n/a	Accepted
12.1.13	Investigations - Spot checks visit - assume this is the unannounced spot check, which includes a visual inspection of the product this clause refers to a physical inspection - what is this?	This clause relates to product complaints where spot sampling visits may still be required	n/a	Accepted
12.1.13	Investigations - Also refers to Spot sampling visit - Where does this fit into the previously described unannounced spot checks and risk-based spot checks? Is it one of these or a new/different spot check?	This clause relates to product complaints where spot sampling visits may still be required	n/a	Accepted
12.1.15	Also refers to Spot sampling visit - Where does this fit into the previously described unannounced spot checks and risk-based spot checks? Is it one of these or a new/different spot check?	This clause relates to product complaints where spot sampling visits may still be required	n/a	Accepted
12.1.15	Investigations - Also refers to Spot sampling visit - Where does this fit into the previously described unannounced spot checks and risk-based spot checks? Is it one of these or a new/different spot check?	This clause relates to product complaints where spot sampling visits may still be required	n/a	Accepted
12.1.17	Also refers to Spot sampling visit - Where does this fit into the previously described unannounced spot checks and risk-based spot checks? Is it one of these or a new/different spot check?	This clause relates to product complaints where spot sampling visits may still be required	n/a	Accepted
12.1.17	the AD operator and certification body will agree between them how the costs will be settled - why should the AD operator be financially penalised if the complaint is not upheld? They have already been penalised by time and effort in responding to the complaint & investigation	This clause relates to product complaints where spot sampling visits may still be required	n/a	Accepted
12.1.17	Investigations - Also refers to Spot sampling visit - Where does this fit into the previously described unannounced spot checks and risk-based spot checks? Is it one of these or a new/different spot check?	This clause relates to product complaints where spot sampling visits may still be required	n/a	Accepted
12.1.17	Investigations - We feel it is unrealistic for the compost producer and certification body to agree between them how the costs will be settled. Fees for this sort of situations should be outlined by the CB in their Fee schedule. In the event of claim not being upheld, there should be no additional costs for the digestate producer.	We will follow up with certification bodies following publication of new version of Scheme Rules	Clause removed	Accepted
12.1.17	Why must the operator pay a fee to both the CB and the laboratory if the complaint is not upheld? If the operator can demonstrate their continued adherence to the scheme and all its requirements, hence the complaint is not upheld, why is any further fee payable by the operator. This seems wholly unreasonable.	We will follow up with certification bodies following publication of new version of Scheme Rules	Clause removed	Accepted
12.2.2	CB complaint procedure - the CB to provide the AD operator with their complaint procedure & response timescales	We will follow up with certification bodies following publication of new version of Scheme Rules	n/a	Accepted
Scheme clarifications	Removed section - We understand this going to be included in the Technical guidance along with REALS interpretation of the Rules? Members have found the previous technical guidance very useful.	Yes it has been included and amended to reflect discussions with industry and new clauses in PAS 100:2019	Annex removed and added to technical guidance document with guidance on actions to take in the event of a failure	Accepted
Scheme clarification	Removed section - Is this going to be included in the Technical guidance along with REALS interpretation of the Rules? These clarifications are really useful and needs to be included somewhere in this document or another formal document. But there should also be some consultation with ORG or the oversight panel with regard to some clarifications to ensure they do not unnecessarily/unfairly penalise the operator (unintended consequence)	Yes it has been included and amended to reflect discussions with industry and new clauses in PAS 100:2019	Annex removed and added to technical guidance document with guidance on actions to take in the event of a failure	Accepted
Annex 1	Refers to HACCP training - should we be mindful of the HACCP Plan potentially becoming a Safety and Quality Scheme if the PAS10 is revised.	Criteria for certification bodies will be added to contracts in place between REAL and certification bodies but we will take this into consideration.	Annex removed from Scheme Rules	Accepted
ANNEX A	Change to Annex 2? The link to SEPA regulatory position is no longer current - needs to be updated	Additional Scheme Rules for Scotland no longer required for BCS Scheme Rules	Annex removed from Scheme Rules and reference to SEPA's Regulatory Position Statement updated in the Rules.	Accepted