



# **Biofertiliser Certification Scheme Rules**

Version 6.1

Issued: 20<sup>th</sup> October 2025

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## 1. About Renewable Energy Assurance Limited

The Biofertiliser Certification Scheme (the 'Scheme') is administered by the Association for Renewable Energy and Clean Technology's wholly owned subsidiary Renewable Energy Assurance Limited ('REAL'). Contact details: Renewable Energy Assurance Limited, York House 23 Kingsway London WC2B 6UJ. Email address: [info@realschemes.org.uk](mailto:info@realschemes.org.uk).

## 2. Important General Points about this Document

- A. This document sets out version 6.1 of the Biofertiliser Certification Scheme Rules ('Scheme Rules') which shall come into effect on 20<sup>th</sup> October 2025. From that date they shall automatically supersede and replace terms and conditions set out in all previously issued Rules of the Scheme.
- B. Timescales for the implementation of any change brought about by these Rules will be communicated to Operators registered on the Scheme, including any necessary transitional period to give the Operators sufficient time to implement such changes.
- C. Regarding changes to the Scheme Rules that affect Operators, its implementation shall allow the affected Operators who have achieved certification a reasonable time to incorporate such changes in order 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'*

Accreditation is issued by the United Kingdom Accreditation Service (UKAS) to a Certification Body which meets its requirements to perform certification services.

#### *'ADQP'*

Accreditation is issued by the United Kingdom Accreditation Service (UKAS) to a Certification Body which meets its requirements to perform certification services. The Anaerobic Digestate Quality Protocol as in force from time to time and whose current terms are set out in the 2014 edition (available here: <https://www.biofertiliser.org.uk/pdf/Anaerobic-Digestion-Quality-Protocol.pdf>).

#### *'ADRF'*

The Anaerobic Digestate Resource Framework, which first came into effect on the 20th October 2025, can be found in the 'Documents' section of the BCS website here: <https://www.biofertiliser.org.uk/documents>.

#### *'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 the Government's Executive Agency (currently Animal Health) 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 the order of an organisation or individual receiving the digestate consignment from the Operator.

#### *'Digestate'*

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

#### *'Digestate Customer'*

Organisation or individual receiving the digestate consignment from the Operator. May be acting on behalf of the end user, part of a supply chain, or may also be the end user.

#### *'Disposal operation'*

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

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

Where the anaerobic digestion process 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 Hazard Analysis and Critical Control Point ("HACCP") plan, the Standard Operating Procedures ("SOP"s) and, if applicable, the Anaerobic Digestate Quality Protocol requirements related to input material types, digestate supply and use.

#### *'End of Waste'*

The criteria by which waste can acquire End of Waste status is set out at Article 6 of the Waste Framework Directive 2008/98/EC as amended by EU Directive 2018/851.

#### *'End of Waste positions'*

Regulatory positions that define when a material derived from waste is no longer legally considered waste according to the countries' environmental Regulator (EA, SEPA, NRW, NIEA) from time to time.

#### *'End User'*

Organisation or individual intending to apply or otherwise use the digestate. May receive the digestate directly from the Operator or via an intermediary such as a customer.

#### *'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 that 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.

### *'PAS 110'*

The British Standard Institution's Publicly Available Specification (PAS) for whole digestate, separated liquor and separated fibre derived from the anaerobic digestion of source-segregated biodegradable materials in force from time to time.

### *'Quality Policy'*

The document in which the Operator sets out quality criteria demonstrating how it will meet the requirements of PAS 110.

### *'REAL'*

Renewable Energy Assurance Ltd. owner of the Biofertiliser Certification Scheme.

### *'Regulators' (each a Regulator)*

The organisations responsible for monitoring and enforcing environmental controls in different countries of the UK being:

- In England, the Environment Agency. For further information please see, <https://www.gov.uk/government/organisations/environment-agency>
- In Wales, Natural Resource Wales. For further information please see, <http://naturalresourceswales.gov.uk/splash?orig=/>
- In Scotland, Scottish Environment Protection Agency ('SEPA'). For further information please see, [http://www.sepa.org.uk/about\\_us.aspx](http://www.sepa.org.uk/about_us.aspx)
- In Northern Ireland, Northern Ireland Environment Agency (NIEA). For further information please see, <https://www.daera-ni.gov.uk/northern-ireland-environment-agency>

### *'Satisfactory evidence'*

The Operator demonstrates full compliance with all requirements of PAS 110, the Scheme Rules, and the relevant Regulator's position as specified in Annexes 1 to 4 from time to time.

### *'UKAS'*

United Kingdom Accreditation Service.

## Biofertiliser Certification Scheme Overview

### 4. Introduction

#### 4.1 Background

- 4.1.1 The use and production of digestate derived from biodegradable wastes is controlled by regulation (to prevent harm to the environment and human health). It is possible for high quality digestates to be supplied, stored, and used as a product (i.e., as fully recovered material no longer regarded as subject to waste regulatory controls). In general, this only occurs at the point of supply to the Digestate Customer.
- 4.1.2 In the United Kingdom, PAS 110 sets minimum digestate quality criteria. BCS has worked with the Waste and Resources Action Programme ('WRAP') to develop this PAS.
- 4.1.3 In order to clarify the circumstances in which high quality waste-derived composts may be supplied, stored and used as products, the Regulators in consultation with industry and other regulatory stakeholders, developed their own End of Waste positions.
- 4.1.4 The Scheme provides a framework for independent assessment and certification of digestate to PAS 110, the Scheme Rules, and the relevant Annex

#### 4.2 Categories of certification

- 4.2.1 The Scheme offers Operators four different categories of certification:
  - a. 'End of Waste England' (BCS EoWE) – requirements specified in Annex 1;
  - b. 'End of Waste Wales' (BCS EoWW) – requirements specified in Annex 2;
  - c. 'End of Waste Northern Ireland' (BCS EoWNI) – requirements specified in Annex 3; or
  - d. 'End of Waste Scotland' (BCS EoWS) – requirements specified in Annex 4
- 4.2.2 The requirements specified in Annexes 1 to 4 are referred to hereafter as the 'Scheme requirements'.

#### 4.3 Scope of certification

- 4.3.1 Operators may obtain certification for digestates resulting from a defined anaerobic digestion process (provided that both the digestates and process are kept separate from any wastes kept, and other processes carried out at the same site).
- 4.3.2 The Scheme does not require that all digested materials produced on 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 non-certified materials on site, so as not to compromise the quality of the digested materials for which certification under the Scheme is sought or held. Waste regulatory controls may apply to digestates not certified.

- 4.3.3 The Operator is required to ensure that all communications, documents records, and marketing materials are clear as to which digested materials have achieved certification.
- 4.3.4 Where an Operator undertakes more than one digestion process on a single site, he/she shall notify to the Certification Body the digestion process(es) that is/are operated according to the Scheme requirements and not only keep each certified process separate from each other but also separate from any non-certified process or activity at the same site. Similarly, all digestate derived from processes certified under the Scheme shall be kept separate from any other digestate, material, waste or any other substance stored and/or treated at the same site.

#### **4.4 Ongoing compliance**

- 4.4.1 In order to meet the Scheme requirements, every batch of digestate (or portion of production) produced must comply with PAS 110, the applicable 'End of Waste position', and the Scheme Rules. Production of non-conforming batches is only allowed under exceptional circumstances.
- 4.4.2 The Operator shall immediately notify the Certification Body in the event that digestate produced and dispatched fails to comply with the Scheme requirements for whatever reason. Such notification shall include the date from which the site has stopped production of digestate that complies with the Scheme requirements.
- 4.4.3 Production of digestate that fails to meet the conditions specified in Annexes 1 to 4 shall result in the immediate suspension of any certificate awarded under the Scheme. The suspension shall remain in place until the Operator notifies the Certification Body that the digestates derived from the anaerobic digestion process comply with the Scheme requirements. The Certification Body shall check whether process revalidation has been completed.

#### **4.5 Scheme participation**

- 4.5.1 There are no pre-requisites to participating in the Scheme other than those specified in section 6.1. Membership of the REA or any other organisation or group is not required at any stage, nor does it influence any certification, suspension or withdrawal decision made under the Scheme.
- 4.5.2 The Scheme does not have any geographical restriction. Operators in countries outside the UK can apply for certification but they shall be responsible for any cost associated with travel and accommodation charged by the Certification Bodies in addition to the normal certification assessment fees.

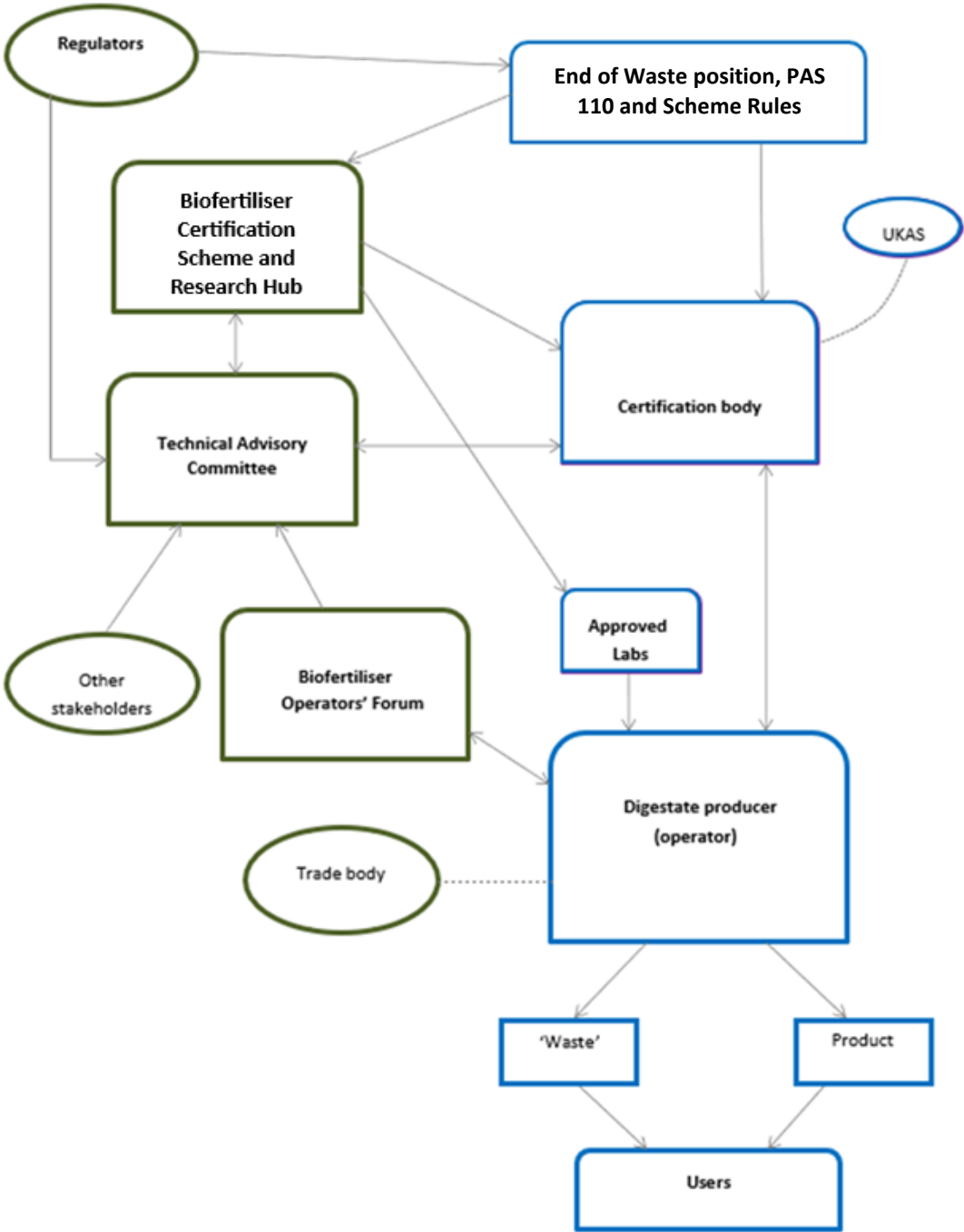
#### **4.6 Beyond the PAS 110 minimum digestate quality baseline**

- 4.6.1 If the Operator subscribes in their Quality Policy to any standard(s) or specification(s) in addition to PAS 110, these shall be treated as additional 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.

#### **4.7 Editions of standards**

- 4.7.1 Operators shall comply with the Scheme requirements and any additional digestate quality criteria the Operator has committed to achieving in their Quality Policy in respect of the digestate outputs assessed under the Scheme in force from time to time. Assessments of compliance with the Scheme requirements shall be by reference to the requirements of the edition of the aforesaid PAS 110, the applicable End of Waste position or criteria in force at the time of assessment (subject to any transitional arrangements set by BCS).

# Scheme Structure



## 5. Overall Structure

### 5.1 Scheme's owner

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

- promotion of the Scheme,
- development of the Scheme and these Scheme Rules,
- management of information displayed publicly in respect of Operators' certification status,
- selection and appointment of Certification Bodies to the Scheme,
- contractual arrangements with Certification Bodies,
- monitoring the performance of Certification Bodies,
- providing feedback to the Certification Bodies on their performance,
- updating Certification Bodies on any changes to standards, Scheme Rules, and associated documentation,
- updates to Operators on the Scheme on changes to standards, Scheme Rules, and associated documentation,
- selection and monitoring of BCS Approved Laboratories to test digestates on this-Scheme,
- provide technical support to Certification Bodies and approved laboratories,
- co-ordination of the Scheme's Technical Advisory Committee meetings, and
- management of REAL's Compost and Biofertiliser Certification Scheme Research Hub.

### 5.2 Technical Advisory Committee

5.2.1 The Scheme's Technical Advisory Committee (TAC) advises on Scheme issues, to ensure that a cross section of views is considered by BCS.

The terms & references for the TAC are available in the Information/Governance section on the Scheme's website,

<https://www.biofertiliser.org.uk/pdf/terms-of-reference-for-the-ccs-bcs-tac.pdf>

- 5.2.2 The TAC representatives have an obligation to ensure confidentiality of information arising from TAC meetings.
- 5.2.3 REAL shall select and de-select each representative of the TAC.
- 5.2.4 Each Certification Body's personnel responsible for Scheme management shall participate in, at reasonable notice, TAC meetings. Each Certification Body shall make all reasonable endeavours to participate in each TAC 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 BCS to provide Operators with the opportunity to discuss issues associated with operating a facility producing digestate under the Scheme.

The terms & reference for the Biofertiliser Operators' Forum are available in the Information/Governance section on the Scheme website,

[www.biofertiliser.org.uk/information/governance/operators-forum](http://www.biofertiliser.org.uk/information/governance/operators-forum).

### **5.4 Certification Bodies**

- 5.4.1 The Certification Bodies are appointed by BCS to provide Operators' independent assessment for compliance with the Scheme requirements.
- 5.4.2 The Certification Body shall have anaerobic digestion expertise within its structure, or utilise technical support from BCS, such that the Certification Bodies' personnel can gain technical interpretation of the 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 BCS.
- 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 may 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 The Scheme requires participating Operators to send digestate samples for testing only at independent laboratories approved by BCS. 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.
- 5.6.2 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 develop the technical and regulatory aspects of certified compost and digestate production, testing and usage through funding from the compost and AD industries.*

*The Research Hub's mission is to sponsor innovation, research, and development in the organics recycling sector in order to ensure the robustness of the Schemes for the benefit of Scheme participants. It does this through the identification and selection of projects which are funded by Scheme participants.*

- 5.7.1 The Research Hub is managed by REAL and funded by Scheme participants through annual research fees set out in the Research Hub reference document available on the Scheme website: <https://www.biofertiliser.org.uk/research-hub>.

- 5.7.2 The Research Hub fee (“research fee”) is charged by the Certification Bodies at the same time as the certification fees. REAL collects the research fee from the Certification Bodies separately.
- 5.7.3 As a participant of the Scheme, all Operators agree to pay the research fee which is raised annually. 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 Pre-requisites for application

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

- a) the Operator holds a planning consent/permission in respect of its anaerobic digestion site(s), if required by the relevant planning authority; the Operator 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) in respect of each anaerobic digestion site; and
- b) if the process treats animal by-products, the Operator has obtained or is in the process of obtaining approval for the anaerobic digestion site from the Animal & Plant Health Agency or Veterinary Service to treat Animal By-Products. A certificate of conformance shall only be issued if the Operator holds a full approval issued by the Animal & Plant Health Agency or Veterinary Service to treat Animal By-Products in respect of each anaerobic digestion site.

#### 6.2 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 Certification Body or download the relevant application form from the Scheme website.

6.2.2 Each Operator who applies shall make clear whether his/her application is for 'BCS EoWE', 'BCS EoWW', 'BCS EoWNI', or 'BCS EoWS'.

6.2.3 The Operator shall apply for certification by completing the relevant form and submitting it to his/her choice out of BCS' contracted Certification Bodies, together with payment of the fee quoted by the Certification Body. The owner of the business or an employee duly authorised to sign on the owner's behalf 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).

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 fully completed application documents have been returned to the Certification Body, they will be assessed by a member of the certification team. 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 place 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 all the requirements of the Scheme (according to the category of certification).

## 7. Assessment Of Operator Compliance

### 7.1 Pre-certification and annual audits

- 7.1.1 For initial certification and each 12-month renewal phase thereafter, the Certification Body's assessment of compliance with 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 Operator 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 Certification Body. 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 its 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 removal from the Scheme if such failure persists.
- 7.1.5 The Certification Body's auditor 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 Time allocation shall provide for the necessary checks to be carried out in full. The site inspection visit shall be no longer than 8 hours save where additional time for assessment and further investigation is necessary, for example in the event of a major non-compliance(s), numerous non-compliances, or a complaint.
- 7.1.7 Each inspection visit 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
  - e) a closing meeting.
- 7.1.8 During the course of the inspection, the Certification Body's auditor may request the Operator's relevant personnel to carry out digestate sampling in his/her presence to verify the correct sampling procedures are followed.
- 7.1.9 During the course of the inspection, the Certification Body's auditor 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.
- 7.1.10 During the closing meeting, the auditor shall state his/her findings to the Operator, including all non-compliances 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 auditor should not comment on the likely outcome of the Certification Body's decision whether to award certification.

## **7.2 Non-compliances**

- 7.2.1 When the audit is finished, the auditor will explain any non-compliances found and will ask the Operator to commit to corrective actions. These may include carrying out further sampling and testing, improving quality systems or documentation. If any required information is not available for evaluation prior to or during the audit visit, it shall be recorded as a non-compliance.
- 7.2.2 A list of non-compliances 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-compliance 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 Operator shall also be provided with the following information:
- a) reference to the anaerobic digestion process,
  - b) specification 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 shall complete an audit report and ask the Operator to sign the summary, which contains the details in clauses 7.2.2 and 7.2.3. The auditor shall send the report to the Certification Body, where it is assessed by a member of the certification team together with any information supplied by the Operator before the audit.
- 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 Operator 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 Any information sent subsequently, as a result of the non-compliances noted by the auditor, is also taken into consideration to determine if the non-compliances can be closed.
- 7.2.7 The type of non-compliance 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.
- 7.2.8 The audit report and information on the closing of non-compliances is finally reviewed by a different member of the certification team for the certification decision.
- 7.2.9 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 Operator, but shall be kept as low as reasonably possible.
- 7.2.10 If during the course of an assessment the Certification Body identifies a non-compliance that is also relevant to the Regulator 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; BCS shall be copied in the communication.
  - b) inform the Regulator's relevant area 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 Check Visit will be carried out); BCS 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 Check 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 include but are not limited to:*

- a) Non-compliance or failure to meet Animal By-Product Regulations (the Competent Authority should also be informed in this case).*
- b) Non-conforming input wastes being processed in a PAS 110 anaerobic digestion process.*
- c) Non-permitted wastes being processed in a PAS 110 anaerobic digestion process.*
- d) 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.*
- e) Any non-compliance with operating processes already agreed as part of the Scheme where it influences the state of the material being considered non-waste.*

*Where appropriate, BCS 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**

8.1.1 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) and the relevant End of Waste position detailed in Annexes 1 to 4;
- f) The BCS 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.

8.1.2 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.

8.1.3 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.

8.1.4 During a certificate suspension or after the withdrawal of a certificate the anaerobic digestion process and the derived digestate to which the certificate relates shall not comply with the provisions of the Scheme Rules and the Operator shall not supply the derived digestate as product. Evidence that the Operator has remedied the deficiency resulting in the certificate suspension or withdrawal must be approved by the Certification Body before a suspended certificate may be reinstated or a new certificate re-awarded to replace the invalid certificate in accordance with the provisions of rule 12.

8.1.5 A certificate is not transferable and remains the property of the Certification Body. When a certificate has been issued, the Operator 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**

8.2.1 Operators registered on the 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 Scheme.

## **9. Marks Of Conformity**

### **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 with the Scheme Rules, and according to the category of certification. The appropriate conformity marks per category of certification can be found in Annexes 1 to 4.

- 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 Scheme and is to be used in accordance with the Scheme 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 Scheme 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 BCS. Any changes to the marks (e.g., aspect ratio, size, colours, etc.) must request permission and obtain approval from BCS.
- 9.1.4 Invoices, delivery dockets or other documents relating to certified digestates may state that the product is certified under the Scheme and display the Scheme 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 name of the Certification Body. 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 mark in any way outside the scope of the above consent unless that Operator has first obtained BCS written authorisation to do so.
- 9.1.5 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 BCS 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 the Scheme 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. The Operator shall:
- 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 shall 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-compliances identified by the auditor and Certification Body.
- 10.1.8 Failure to address all non-compliances within 45 days will result in certificate suspension until the expiry date.
- 10.1.9 Failure to address any outstanding non compliances 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 may reapply following a one month cooling off period.

## 11. Risk-Based Spot Check Visits

- 11.1.1 Certification Bodies shall arrange for auditors to carry out Spot Check Visits at AD facilities that are considered 'high risk' based on a standardised risk assessment provided to the Certification Bodies by BCS.
- 11.1.2 The notice period for the risk-based Spot Check Visits 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 rejection 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 applicant Operator's application for the anaerobic digestion process and its relevant digestate outputs.
- 12.1.3 Following rejection 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 A Certification Body may suspend a certificate with immediate effect in the event of a sufficiently serious non-compliance (or for any reason the Certification Body reasonably considers that certificate suspension is necessary). Examples of circumstances in which the non-compliance may have been identified include but are not limited to:

- during a routine inspection,
- during a Spot Check Visit as a result of targeted selection,
- during or following a Spot Check 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, BCS, and the Regulator (via the email address provided for communications) within 5 working days;
- 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; and
- record the suspension on BCS's database, which automatically updates the publicly available list on the Scheme website of anaerobic digestion processes and related digestate outputs registered on the Scheme.

12.2.3 Failure to supply satisfactory evidence of corrective action(s) taken in response to the non-compliances that invoked the suspension, and pass any necessary Spot Check Visit, by the certificate's expiry date will result in the immediate removal of the Operator, anaerobic digestion process and its relevant digestate outputs from the Scheme.

12.2.4 In the event that the certificate is re-instated, the Certification Body shall inform the Operator, BCS, and the Regulator (via the email address provided for communications) within 5 working days. The Certification Bodies shall record the re-instatement on BCS's database of anaerobic digestion processes and related digestate outputs registered on the Scheme.

12.2.5 The Certification Body is entitled to charge the Operator for any time and cost incurred in assessing such evidence.

12.2.6 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 of the certificate and removal of the Operator, anaerobic digestion process and its relevant digestate outputs registered on the Scheme.

12.2.7 In the event that a certificate is withdrawn, the Certification Body shall:

- inform the Regulator as soon as reasonably practicable and in any event within 5 working days; and
- record the withdrawal on BCS's database, which automatically updates the publicly available list on the Scheme website of anaerobic digestion processes and related digestate outputs registered on the Scheme.

12.2.8 During any period when the certificate is suspended or following withdrawal, the digestate shall not be placed on the market as a material with 'product' status.

12.2.9 In the event that a certificate is withdrawn, 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.

12.2.10 If the Certification Body is notified by the Regulator or Operator that any of the conditions in the authorisation to operate issued by a Regulator are 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 has compromised compliance with PAS 110, the applicable End of Waste position or the Scheme Rules.

## 13. Operator Information and Confidentiality

### 13.1 AD Operators' information

13.1.1 Operators shall record waste recovery returns data and other information for the Certification Bodies to collect during the annual audit. This shall include but is not limited to:

- a) the tonnage of waste from the anaerobic digestion process dispatched from the site annually (e.g., plastic contamination),

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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.

- b) the tonnage (or m<sup>3</sup> for liquids) of certified digestate per output (e.g., tonnage of separated fibre),
  - 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 product complaint investigations at the meeting of the Technical Advisory Committee.
- 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 Technical Advisory Committee), the Certification Body shall ensure that the applicant/Operator'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 BCS detailed information regarding each anaerobic digestion process and digestate output 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 Operators are held on a central database, which is owned by REAL.
- 13.1.6 BCS may produce and publish statistical reports drawing upon aggregated Scheme data so that individual data cannot be traced back to individual applicants or Operators.
- 13.1.7 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 left or been removed from the Scheme.
- 13.1.8 The Operator consents to the following information being made publicly available by BCS:
- a) Name and address of the AD facility and Operator
  - b) The certified digestate output(s) and BCS number for the process
  - c) The certification status (including certificate issue and expiry dates)
  - d) The Operator's 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 BCS if requested and to members of the Technical Advisory Committee, the Certification Body's accreditation body, the relevant 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 BCS, members of the Technical Advisory Committee,

the Certification Body's accreditation body, the relevant Regulator and/or the competent authority, according to which organisations are involved in the appeal.

## **13.2 PAS 110 test results**

13.2.1 The digestate sample test results of any Operators on the Scheme are supplied by the approved laboratory to the Certification Body and BCS

13.2.2 Approved laboratories are required to provide the test results by uploading them directly onto BCS's database (or by email if requested by BCS). The only test results the approved laboratories will upload to the database are those for samples sent for certification purposes, as listed below:

- 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 Digestate 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.

13.2.3 When joining the Scheme, the AD Operators agree for the approved laboratories to disclose all the above sample results to BCS, the Certification Bodies, and the Regulators.

13.2.4 BCS 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 participants.

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

13.2.6 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 participants.

## **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 any written agreement with a Digestate Customer 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 completing the BCS Complaint Form available on the Scheme website, [www.biofertiliser.org.uk/product-complaints](http://www.biofertiliser.org.uk/product-complaints).

14.1.2 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 BCS Complaint Form to ensure the information received is recorded consistently.

#### **AD Operator's responsibilities**

- 14.1.3 If an Operator receives a complaint about a digestate product, they shall investigate that complaint, and if necessary, take appropriate action. The Operator 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.
- 14.1.4 The Operator shall notify their Certification Body on receipt of the complaint, and once the investigation has been carried out.
- 14.1.5 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 Digestate Customer and subsequently returned to the site, this must be quarantined and not re-processed.

#### **14.2 BCS's responsibilities**

- 14.2.1 In the event that BCS is contacted by the complainant, he/she shall be instructed to make the complaint directly to the relevant Certification Body or complete the REAL BCS Complaint Form which is available on the Scheme website.
- 14.2.2 BCS 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.

#### **14.3 Certification Bodies' responsibilities**

- 14.3.1 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.
- 14.3.2 The Certification Body shall also notify REAL and the Regulator immediately on receipt of the product complaint and any in event within no more than 3 working days from receipt of the complaint.
- 14.3.3 The Certification Body may seek from BCS at any time technical interpretation of Scheme requirements and any relevant guidelines.
- 14.3.4 The Certification Body shall keep BCS informed about the progress and details of each investigation and shall also keep the relevant Regulator informed for each investigation that involves a Regulator.
- 14.3.5 Within 5 working days from receipt of the complaint, the Certification Body shall:

- a) Establish, with BCS guidance where appropriate, whether the investigation requires the involvement of any of the Regulators.

*NOTE: Examples of circumstances in which the investigation requires the Regulator's involvement include but are not limited to: 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 licence 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 pollution of the environment occurred or aspects related to digestate quality mean that the digestate may have to be regulated as waste.*

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

14.3.6 When the investigation requires one of the Regulators' involvement, within 3 working days from receipt of the complaint the Certification Body shall:

- a) notify the Regulator via the email address provided for communications and (within 5 working days),
- b) once provided with the contacts of the Regulator's 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 valid and not frivolous;
  - ii. whether the complaint alleges that one or more provisions in the site's environmental permit / waste management licence that are relevant to certified digestate 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 of the Scheme requirements have 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 (this is a matter for both the Regulator and the Certification Body to investigate); and
- vi. whether a Spot Check Visit or a Spot Sampling Visit are necessary.

14.3.7 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 BCS, the area officer(s) and the Regulator's team leader(s) in writing, within 3 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 3 working days from the discussion (e.g., teleconference);
- d) inform BCS, the area officer(s) and the Regulator's team leader(s) in writing about the progress made whenever a significant action occurs.

14.3.8 When the investigation does not require the Regulator's involvement, the Certification Body shall:

- a) begin the investigation within 3 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 BCS in writing of which actions will be taken to investigate into the complaint and when they will be carried out; and
- d) inform BCS in writing about the progress made whenever a significant action occurs.

14.3.9 Where it is considered appropriate by the investigating party/ies, the Certification Body shall carry out Spot Check 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.

14.3.10 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 a BCS Approved Laboratory for testing on the quality parameter(s) on which the digestate is alleged deficient.

14.3.11 There is no obligation for a Spot Check 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 Certification Body suspects that the Operator may attempt to remove evidence of a non-compliance.

14.3.12 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. BCS 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. BCS will upload the completed anonymous Product Complaint Investigation Report Form onto the Scheme website.

14.3.13 Regarding a Spot Check 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 Check Visit. The Certification Body's documentation shall clearly identify the fee payable by the Operator for a Spot Check Visit and refer him/her to this clause in the Scheme Rules.

14.3.14 Animal & Plant Health Agency (England, Scotland and Wales) and Veterinary Service (Northern Ireland) shall also be kept informed about the investigation if the complaint is relevant to them.

#### **14.4 Complaints about the Certification Bodies**

14.4.1 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:

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

14.4.2 Upon receipt of a complaint, the Certification Body shall follow its own complaint procedures and promptly inform REAL and investigate 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.

14.4.3 If the complainant remains unsatisfied of the outcome of the investigation, the complaint shall be referred to BCS and UKAS. The complainant shall be informed accordingly.

14.4.4 Each time it meets, or upon request, REAL's Biofertiliser Certification Scheme Technical Advisory Committee 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.

## **14.5 Appeal against Certification Bodies' decisions**

14.5.1 Any individual who or organisation that appeals a decision taken by the Certification Body shall follow the Certification Body's relevant appeal procedures.

14.5.2 An Operator must make known the reasons for the appeal and provide evidence to support it.

14.5.3 The Certification Body shall follow its own appeal procedures and shall keep REAL informed of all appeals received, their subjects and outcomes.

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

## **14.6 Complaints about the Scheme**

14.6.1 Written complaints concerning the Scheme shall be dealt with by BCS in conjunction, where appropriate, with the Technical Advisory Committee. The following procedure will be followed:

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

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

## **15. Wastes not included in the ADRF (England only)**

### **15.1 Provisions of wastes not included under Section 2 of the ADRF**

15.1.1 Any digestate produced from waste not eligible under section 2 of the ADRF but separately permitted by the relevant Regulator in agreement with BCS, shall only meet BCS EoWE requirements where the waste is to be considered for inclusion in Section 2 of the ADRF in any future review of the ADRF. The Operator shall meet any additional conditions or requirements set by the Regulator in agreement with BCS.

15.1.2 When any such condition or requirement is not complied with or relevant objectives are not met, the waste shall no longer be taken and composted.

## ANNEX 1 END OF WASTE ENGLAND

1. The Environment Agency's End of Waste position for digestate in England is the Anaerobic Digestate Resource Framework (ADRF). The ADRF is available here: <https://www.gov.uk/guidance/anaerobic-digestate-resource-framework>.
2. The four main purposes of the ADRF stated in the document are to help operators:
  - a. 'understand when you no longer need to follow waste management controls for digestate products
  - b. be confident that the quality of digestate produced meets an approved standard
  - c. be confident that the quality of digestate produced is suitable for use in appropriate markets
  - d. protect human health and prevent pollution of the environment, including soil'

*NOTE 1: These details can be found in the ADRF available through the link above.*

*NOTE 2: Certified digestate produced in England can be supplied to customers in Wales without extra assessments. It only needs to be evaluated and certified to the requirements specified in this annex. This is accepted by the Environment Agency, in accordance with the Internal Markets Act.*

3. The derived digestate(s) and anaerobic digestion process in this category are evaluated against the requirements of:
  - the PAS 110,
  - the ADRF, and
  - the Scheme Rules
4. Operators making use of the Environment Agency's Regulatory Position Statement 317 (RPS 317) may, during the period specified within said RPS, supply certified digestates that do not comply with the plastic limit specified in the ADRF. However, this is on the basis that they meet the conditions of the RPS.

*NOTE: This clause shall only remain applicable for the period the RPS is permitted to be used, and shall automatically expire on the date that RPS 317 reaches its stated expiry date or is retired by the EA. From that date onwards, all digestate certified to EoWE will be required to meet the plastic limit set out in the ADRF to maintain certification and 'product' status.*

5. Operators making use of the Environment Agency's Regulatory Position Statement 358 (RPS 358) may, during the period specified within said RPS, store certified digestates at the site of production or within storage under the operator's control without an additional storage permit. However, this is on the basis that they meet the conditions of the RPS.

*NOTE: This clause shall only remain applicable for the period the RPS is permitted to be used, and shall automatically expire on the date that RPS 358 reaches its stated expiry date or is retired by the EA.*

*From that date onwards, all PAS 110 compliant digestate is required to be stored as 'waste' with a permit before dispatch or to comply with the requirements of section 3.1 in the ADRF.*

6. Operators who qualify for certification in this category may use the "PAS 110 Product England" mark of conformity (displayed below) and are limited to using the entire designation "PAS 110 PRODUCT ENGLAND".



## ANNEX 2 END OF WASTE WALES

1. Natural Resources Wales's End of Waste position for digestate in Wales is the 'End of waste: Anaerobic digestate produced from anaerobic digestion of source-segregated biodegradable waste' Guidance Note (GN023). GN023 is available here:  
[https://www.biofertiliser.org.uk/upload/gn023\\_end\\_of\\_waste\\_anaerobic\\_digestate\\_produced\\_from\\_anaerobic\\_digestion\\_of\\_source-segregated\\_biodegradable\\_waste.pdf](https://www.biofertiliser.org.uk/upload/gn023_end_of_waste_anaerobic_digestate_produced_from_anaerobic_digestion_of_source-segregated_biodegradable_waste.pdf).
2. The four main purposes of GN023 stated in the document are to help operators:
  - a. 'be confident that the quality of digestate produced is suitable for use, for a specific purpose
  - b. protect human health and prevent pollution of the environment, including soil
  - c. understand when waste management controls no longer apply
  - d. be confident that the quality of digestate produced meets an approved standard'

*NOTE 1: These details can be found in GN023 available through the link above.*

*NOTE 2: Certified digestate produced in Wales can be supplied to customers in England without extra assessments. It only needs to be evaluated and certified to the requirements specified in this annex. This is accepted by Natural Resources Wales, in accordance with the Internal Markets Act.*

3. The derived digestate(s) and anaerobic digestion in this category are evaluated against the requirements of:
  - the PAS 110,
  - the GN023, and
  - the Scheme Rules

*NOTE: Certified operators in Wales shall demonstrate consideration of the relevant legislation outlined in Section 3 of GN023. This is to show that the operator has given due thought to their onward impacts and their duty of care to environmental legislation.*

4. Operators making use of NRW's Regulatory Statement 122 (RS 122) may, during the period specified within said Regulatory Statement, supply certified digestates that do not comply with the plastic limits specified in GN023. However, this is on the basis that they meet the conditions of the Regulatory Statement.

*NOTE: This clause shall only remain applicable for the period that RS 122 is permitted to be used and shall automatically expire on the date that RS 122 reaches its stated expiry date or is withdrawn by NRW. From that date onwards, all digestate certified to EoWW will be required to meet the plastic limits set out in GN023 to maintain certification and 'product' status.*

5. Operators who qualify for certification in this category may use the "PAS 110 Product Wales" mark of conformity (displayed below) and are limited to using the entire designation "PAS 110 PRODUCT WALES".



## ANNEX 3 END OF WASTE NORTHERN IRELAND

1. The Northern Ireland Environment Agency's End of Waste position for digestate in Northern Ireland is the Anaerobic Digestate Quality Protocol (ADQP). The ADQP is available here: <https://www.biofertiliser.org.uk/upload/anaerobic-digestion-quality-protocol.pdf>.
2. The three main purposes of the ADQP stated in the document are to:
  - a. 'clarify the point at which waste regulatory controls no longer apply to source-segregated biodegradable waste-derived digestates;
  - b. provide users with confidence that the biodegradable waste-derived digestate they purchase conforms with a British Standard Institution approved standard; and
  - c. protect the environment (including soil) and human health by setting criteria for good practice use of quality biodegradable waste-derived digestate on land used for agriculture or soil-grown horticulture.'

*NOTE: These details can be found in the ADQP available through the link above.*

3. The derived digestate(s) and anaerobic digestion process in this category are evaluated against the requirements of:
  - the PAS 110,
  - the ADQP, and
  - the Scheme Rules
4. Operators who qualify for certification in this category may use the "PAS 110 Product Northern Ireland" mark of conformity (displayed below) and are limited to using the entire designation "PAS 110 PRODUCT NORTHERN IRELAND".



## ANNEX 4 END OF WASTE SCOTLAND

1. The Scottish Environment Protection Agency's End of Waste position for digestate in Scotland is the 'End-of-waste for digestate' Guidance: WAS-G-DEF-07 (SEPA's Position). SEPA's Position is available here: <https://beta.sepa.scot/media/uokjxcbh/was-g-def-07-digestate.docx>.
2. The purpose of SEPA's Position stated in the document is 'This guidance sets out the end-of-waste criteria for digestate produced from the anaerobic digestion of waste.'
3. The derived digestate(s) and anaerobic digestion process in this category are evaluated against the requirements of:
  - the PAS 110,
  - SEPA's Position, and
  - the Scheme Rules

*NOTE: Certified operators in Scotland are not expected to demonstrate compliance with the section titled "Use of Digestate" in SEPA's Position. However, this note does not negate their obligation to consider the legislation outlined and to comply with them where necessary.*

4. Operators who qualify for certification in this category may use the "PAS 110 Product Scotland" mark of conformity (displayed below) and are limited to using the entire designation "PAS 110 PRODUCT SCOTLAND".

