

CCS SCHEME RULES V.9 CONSULTATION RESPONSES - OCTOBER 2020

Clause, page, table, annex	Comment	REAL Comment (justification for change)	Proposed change	Accepted / Rejected
1	General – what is the timing of introduction of these revised Rules? There are references to accreditation which will only be applicable once one or more of the applicant certification bodies is accredited.	The Scheme Rules will be effective from March 2021 and we anticipate the first CBs will achieve accreditation around this time or within the following months. The requirement for accreditation and annual audits by UKAS will be met from then, so we do not consider a change to this clause is required.	No change	N/A
page 5, definition	The term "compost with no market" is used once in the document- in the definitions? Not sure of the relevance of this term if it isn't used anywhere else in the rules.	Agree that it is not relevant if not used anywhere else.	Remove term	Accepted
3	Under 'consignment' it mentions digestate instead of compost.	This is incorrect and should mention compost instead.	Replace with 'compost'	Accepted
3	PAS100 being defined as 'the standard' doesn't work. The QP and Scheme Rules are also standards. It made more sense when PAS100 was named throughout.	This was taken to the TAC. Members agreed and advised that the QP is an end of waste framework and PAS100 is a specification, not a standard e.g. British standard. This should be changed to 'specification' or referred to as the document name 'PAS 100'. REAL agrees with this suggested change.	Change to 'PAS 100'	Accepted
3	Similarly, the COP as 'the Protocol'. What was wrong with the fuller name?	This was taken to the TAC. Members agreed and advised that the QP is an end of waste framework and PAS 100 is a specification.	Change to 'CQP'	Accepted
4.1.1.	Not sure about the wording around 'point of use'. If a customer buys compost and then temporarily stores it prior to use, it is not normally considered still to be waste. Could change the wording to 'at the point of supply to a customer'?	This was taken to the TAC. Members agreed and advised that the 'point of supply' is more appropriate. REAL agrees with this suggested change.	Change to 'point of supply to customer'	Accepted
4.1.2	Why has reference to PAS 100 been removed?	All references to PAS 100 were replaced with one uniform term.	Add 'PAS 100' to definition section and reference within this clause	Accepted
4.1.7	Suggest removing 'some circumstances' - makes it sound like they don't often consider it. Could remove or say something like SEPA's position statement sets out the circumstances where compost may be considered to be fully recovered.	Agree	Change wording to reflect suggestion	Accepted
4.2.1	Need to be clear that it's the product that is certified not the process.	Agree this should be made clearer, in line with discussions between REAL, the CB's, and UKAS. The view is that the scheme certifies 'product' rather than 'process', although, certification can only be granted if the process is managed efficiently, in line with the requirements of PAS 100.	Change wording within clause to reflect this	Accepted
4.2.4	Is this option only available to those producers of compost whose input material in not waste derived, i.e. not subject to waste regulatory controls? The paragraph about how "compost certified under Quality Assurance is not a product and remains a waste" has been removed from the revised version of the Scheme Rules, but remains on the CCS website under the Compost certification mark link. Is this still the case?	The option of the 'Quality Assurance' certification category was only available to producers of compost not subject to waste regulatory controls. However, following discussions with TAC members, and subsequently with the environmental regulators, a decision was taken to remove this certification category for now.	Remove the 'Quality Assurance' category from the rules and continue discussions outside the revision process	N/A
4.2.10	"The certification body notifies the producer" ... - shouldn't it be the other way round? How will the certification body know?	Agree this clause could be clarified.	Change wording within clause to reflect the producer notifying their CB that the composts comply and the CB checking whether process revalidation has been completed	Accepted
4.2.14	Sentence 2 – change "must" to "shall".	Agree this is the appropriate term in the context of the certification scheme.	Change to 'shall'	Accepted
4.2.14	What is meant by the "resulting compost" – not sure what this sentence means?	Agree this sentence is not well placed here.	Delete sentence	Accepted
4.3.1.	Refers to PAS110 - need to amend.	This is incorrect and should refer to PAS 100 instead.	Change 'PAS110' to 'PAS100'	Accepted
4.3.1	refers to PAS 110 – should this be PAS 100?	This is incorrect and should refer to PAS 100 instead.	Change 'PAS110' to 'PAS100'	Accepted
4.3.1	"If the compost producer subscribes in the quality policy to any standard(s) or specification(s) in addition to PAS 110..." Should this not read PAS 100?	This is incorrect and should refer to PAS 100 instead.	Change 'PAS110' to 'PAS100'	Accepted
4.4.1.	Does this account for Scottish sites not requiring compliance with QP?	This accounts for Scottish sites. Additional text should be added here.	Add 'or SEPA's position'	Accepted
6.1.1.	Animal Health should be APHA	Noted	Change to 'Animal & Plant Health Agency'	Accepted
6.1.1b	Needs to be updated to 'Animal & Plant Health Agency'	Noted	Change to 'Animal & Plant Health Agency'	Accepted
6.1.2	This is a legal non-compliance. Suggest amending to read "the certification body will regard this a non conformity with the scheme requirements, leading to immediate suspension of certification. This suspension may lead to withdrawal of certification if the non conformity is not corrected within a timescale agreed between the certification body, REAL and the regulator".	UKAS and the CB's interpret this clause in the same way. Agree the clause can be clarified to reflect this.	Move clause out of the section on initial certification and add to section 12 'suspension and withdrawal from the scheme' and clarify that the CB may suspend, or withdraw, based on the severity of the breach.	Accepted
7.1.6	"Reasonable" etc – hard to assess.	Agree that this is difficult to quantify and the audit duration expectation is covered in clause 7.1.7.	Remove from the scheme rules and consider adding elsewhere e.g. to guidance for CB's	Accepted
7.1.7	Sentence 2 requires clarification. As written it appears to say that the audit shall be exactly one day, no more and no less. Should it say that the duration of an audit day shall be 8 hours, and the audit shall be not less than one day?	Agree that this can be clarified. The requirement is for the audit to be no longer than 8 hours to ensure that the assessment remains robust.	Remove the latter part of the clause	Accepted
7.1.8	Should there be a catch-all requirement to audit compliance with all the scheme requirements?	This was discussed with UKAS and the CB's. This clause does not omit specific requirements and it was clarified with UKAS that the CB's assess the QMS prior, and during, the on-site inspection and nothing is excluded from the full audit. Compliance with all the scheme requirements is assessed.	No change	N/A
7.2.3 a	a) and b) – why is this information being given to the producer? Shouldn't it be the other way round?	This information will be given to the producer, for their reference, by the CB in the report.	Change 'identification' to 'specification' in b	Rejected
7.2.4	What is meant by a valid report? What if the producers is not happy with the report? The certification body should not change report just because the producer is not happy with it. They may be asked to sign that they understand the report even if they don't accept it.	Agree this can be clarified. The producer will sign the provisional audit summary report/non-conformance report at the end of the audit. This confirms the audit has taken place and several declarations are made, which are detailed in the audit checklist template available on the CCS website.	Remove 'if they are content that it is a valid report' and replace with 'The auditor shall complete an audit report and ask the applicant to sign the summary, which contains the details in clauses 7.2.2 and 7.2.3'	Accepted
7.2.4	Care needed with evidence to clear non conformities – reviewer/decision maker can't clear non conformities otherwise they will not be independent.	Agree this clause is not clear with the latter sentence, which could be interpreted to mean the decision maker may be closing out non-compliances.	Remove term 'Certification Officer' and separate clause to show the sequence of events and involvement of different certification personnel	Accepted
8.1f	Presumably the Scottish position statement should also be included here where relevant.	Agree	Add 'SEPA's Position'	Accepted
10.1.1 and 10.1.5	Need to include "shall" in these 2 clauses.	Agree	Change relevant wording to 'shall'	Accepted
Section 13	Section 13 is headed "Confidentiality" but clauses 13.1.1-3 do not appear to relate to confidentiality. Maybe need an introductory statement that information will be kept confidential by all parties and then list exception – there are quite a lot of these.	This section encompasses producer information, some of which is made publicly available and specified in the rules. In all other cases, data remains confidential.	Change title of section to 'Producer information and confidentiality'	Accepted
13.1.1	a) Why does it say "possibly"? What does this mean?	'Possibly' was used to highlight a list of examples but note this was not clear. 'Possibly' was used in this case instead of 'for example'.	Change to 'e.g.'	Accepted
13.2.1 and 13.2.2	States sample results are supplied to REAL "whenever requested" but 13.2.2 states that labs supply results to REAL for all samples. Can this be clarified?	Agree this can be clarified.	Change to the wording in clause 13.2.2	Accepted
13.2	I would like to see more on the procedure when there is a test failure. There is a whole section on complaints but nothing on the responsibilities for notifying and investigating test failures.	The requirements for dealing with a test failure are specified in PAS 100, including the requirements to notify the regulator. However, there is scope for a range of timescales in which the regulator could be notified. The requirements around this could be tightened.	Add a new section to the CCS Position on Technical Requirements document	Accepted
14.1	Refers to "the agreement with the end user" – this is the first mention of such an agreement – what is this agreement?	This agreement refers to the requirement in PAS 100 where additional requirements are checked with the customer and a written agreement is put in place.	Change to 'any written agreement with a Customer'	Accepted
14.1.2	Where an operator receives a complaint they should notify the CB as soon as possible and then once the investigation has been carried out. This will ensure that these are not 'brushed under the carpet' until the yearly audit.	Agree as this will improve robustness of the scheme.	Add a clause to require the producer to notify their certification body of a complaint	Accepted
14.1.7	No timescale specified? This should be as quick as possible to make sure the regulator can take swift action if necessary.	Agree	Add 'immediately on receipt' or 'within no more than 3 working days'	Accepted
14.1.10 and 14.1.11	Can this time period be shortened? Regulators need to know as soon as possible in order to act quickly where environmental harm has or could occur.	Agree the current time period should be shorter.	Change to within 3 working days to notify the regulator	Accepted
14.1.10 Note	In (d) remove "but the complainant has alleged that". It should not be the decision of the complainant since they may not be aware of the environmental impacts of the digestate issue.	Agree	Remove suggested wording	Accepted
14.1.11	B iii – add in the Scottish position statement where relevant.	Noted	Replace with 'Scheme requirements' which now refer to 'SEPA's Position' if under EoW Scotland	Accepted
14.1.11	B v – how would the complainant/producer/certification body know if the product was not used as instructed by the composteer?	Agree that it may not be possible to know how the compost was used.	Remove the example	Accepted
14.1.12 and 14.1.13	Five working days to even start the investigation is too long. Even an initial phone call to establish the basic facts can take place reasonably quickly, e.g. 2 working days.	Agree the current time period should be shorter.	Change to 'within 3 working days'	Accepted
14.1.19	Needs to be updated to 'Animal & Plant Health Agency'	Noted	Change to 'Animal & Plant Health Agency'	Accepted
14.1.19.	Animal Health should be APHA	Noted	Change to 'Animal & Plant Health Agency'	Accepted
14.2.3	Should also refer to UKAS.	Noted	Add 'and UKAS' to clause	Accepted