



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

Version 9

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

The Compost 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, Brettenham House, 2-19 Lancaster Place, London, WC2E 7EN. Email address: [info@realschemes.org.uk](mailto:info@realschemes.org.uk).

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

- A. This document sets out version 9 of the Compost Certification Scheme Rules (‘Scheme Rules’) which shall come into effect on 1<sup>st</sup> March 2021. 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 compost producers registered on the Scheme, including any necessary transitional period to give the compost producers sufficient time to implement such changes.
- C. Regarding changes to the Scheme Rules that affect compost producers, its implementation shall allow the affected producers who have achieved certification a reasonable time to incorporate such changes in order to maintain it and other producers 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.

#### ***'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 composting of catering waste and animal by-products is the Veterinary Service. See

<https://www.daera-ni.gov.uk/articles/animal-products-governance-and-legislation>.

#### ***'Composting Process'***

All activities undertaken for the production of compost, including but not limited to: delivery of feedstocks on site, pre-treatment activities such as mixing and shredding, sanitisation, stabilization, Maturation (if applicable), and any post-treatment activities such as screening and final storage prior to product dispatch.

#### ***'Consignment'***

All compost loads that correspond with the order of an organisation or individual receiving the delivery of compost from the compost producer.

#### ***'CQP'***

The Compost Quality Protocol which first came into effect on 11 May 2007 as in force from time to time and whose current terms are set out in the 2012 edition (available here <http://www.qualitycompost.org.uk/standards/cqp>).

#### ***'Customer'***

Organisation or individual receiving the compost consignment from the compost producer.

### ***'Disposal operation'***

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

### ***'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-user'***

The organisation or individual who obtains the compost with the intention of using it.

### ***'Fit for purpose'***

Compost that has all the properties and characteristics necessary for its intended purposes. In the context of PAS 100, the compost shall pass all PAS 100 obligatory tests and any additional parameter tests and limits that the compost producer has committed to fulfilling in his/her Quality Policy or in a written agreement with a Customer.

### ***'Maturation'***

An optional composting process step during which the biodegradation rate is lower than it is during any preceding step. It may precede or follow batch screening. Within the terms of these rules, 'maturation' refers to a minimum defined composting period following the actively managed phase, that is clearly defined within the compost producer's Standard Operating Procedures. As per clause 2.6.1 of the CQP, if a minimum maturation period is required to ensure the compost produced is fit for purpose, the compost can only cease to be waste after completion of such a maturation period.

### ***'PAS 100'***

The British Standard Institution's Publicly Available Specification (PAS) for composted materials in force from time to time.

### ***'Quality Policy'***

The document in which the compost producer sets out quality criteria demonstrating how it will meet the requirements of PAS 100.

### ***'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>

**'Re-grading of CQP compost carried out by a supply chain company, manufacturer or end-user'**

The process step during which compost produced to a product manufacturer's specification is re-graded at the product manufacturer's site or an end-user's site to produce compost products (e.g. coarse mulch) and/or products that contain compost (e.g. multi-purpose growing medium or topsoil), which are fit-for-purpose.

The primary purpose of this activity is not to remove physical contaminants but to carry out particle size grading, grade refinement and blending in order to manufacture a range of products to supply to one or more markets designated in the CQP, based on market demand or the end-user's own needs. It normally takes place after temporary storage, in line with good practice for storing and handling compost.

**'Satisfactory evidence'**

The compost producer demonstrates full compliance with all requirements of 'PAS 100, the Scheme Rules, and the CQP' or 'PAS 100, the Scheme Rules, and SEPA's Position' according to the scope of certification sought. This is evaluated by the certification body.

**'Separate'**

A composting process set apart from any other treatment process, including materials reception area, composting area (sanitisation, stabilisation and Maturation), mechanical treatment area (e.g. shredding & screening) and compost storage area, and with a liquor collection and storage system that keeps each composting process's liquor set apart from all other on-site process's liquor, or, if the composting process's liquor cannot be set apart from any other on-site process's liquor, the liquor shall not be added to any material fed into, treated and stored in PAS 100 & CQP area(s).

***‘Screening or re-screening carried out by the producer at the compost production site’***

The process step during which composted material is screened, within the permitted area of the compost producer’s site, to remove physical contaminants, in order to produce the quality of graded compost required and to ensure it has the particle size range required by the customer.

***‘SEPA’s Position’***

The Scottish Environment Protection Agency’s (SEPA’s) end of waste regulatory position for compost in force from time to time.

***‘Storage’***

The on-site or off-site retention of compost batches prior to their dispatch to the compost recipients. Within the terms of this Scheme, storage does not mean Maturation.

***‘Trader’ or ‘Merchant’***

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

***‘UKAS’***

United Kingdom Accreditation Service.



# COMPOST CERTIFICATION SCHEME OVERVIEW

## 4 INTRODUCTION

### 4.1 Background

- 4.1.1 The use and production of compost derived from biodegradable wastes is controlled by regulation (to prevent harm to the environment and human health). It is possible for high quality composts to be supplied, stored, and used as 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 Customer.
- 4.1.2 In the United Kingdom, PAS 100 sets minimum compost quality criteria. REAL has worked with the Waste and Resources Action Programme (“WRAP”), and subsequently with industry, to develop PAS 100 and also to provide complementary specifications covering additional quality criteria for composts used in soft landscape operations, growing media manufacture, edible and non-food crop production, turf maintenance and other applications. These and other market-specific specifications supplementary to PAS 100 now exist in the UK.
- 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 Business Resource Efficiency and Waste (“BREW”) Programme, WRAP, and the Environment Agency for England in consultation with industry and other regulatory stakeholders, developed a Quality Protocol for the Production and Use of Quality Compost from Source-Segregated Biowaste (the CQP).
- 4.1.4 The three main purposes of the CQP are to:
- a) clarify the point at which waste regulatory controls no longer apply to source-segregated biodegradable waste-derived composts;
  - b) provide users with confidence that the biodegradable waste-derived compost 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 compost on land used for agriculture or soil-grown horticulture.

4.1.5 The CQP has been adopted by the Environment Agency, Natural Resource Wales, and the NIEA.<sup>1</sup>

4.1.6 Fundamental requirements of the CQP are that:

- a) compost is produced in compliance with an approved standard or specification (at present, only PAS 100 is recognised as an approved specification);
- b) compost is produced using only those source-segregated input materials listed in Appendix B of the CQP and must be destined for appropriate use in one of the market sectors designated by the CQP;
- c) compliance with the CQP is assessed by an independent certification body; and
- d) these Scheme Rules are approved by the Regulator(s).

4.1.7 To date, Scotland has not adopted the CQP. SEPA's Position sets out the circumstances where compost may be considered fully recovered. SEPA requires additional quality requirements to the minimum quality criteria specified in PAS 100. Such circumstances are clarified in SEPA's Position available at:

<https://www.sepa.org.uk/media/219843/wst-g-050-regulation-of-outputs-from-composting-processes.pdf>.

4.1.8 The Scheme provides a framework for independent assessment and certification of compost to PAS 100, the Scheme Rules, the CQP, and SEPA's Position.

## **4.2 Categories of certification**

4.2.1 Compost producers may obtain certification for one or more compost particle size grades resulting from a defined composting process ('compost grades') (provided that the process is kept Separate from any other processes carried out at the same site).

4.2.2 Compost producers shall ensure any compost grades for which certification is not sought or held, shall be kept Separate from and not compromise the quality of the compost grade(s) for which certification under the Scheme is sought or held.

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<sup>1</sup> The Environment Agency has reviewed the CQP and concluded that it needs revising. While the CQP is being revised industry may continue using it until either a new resources framework is agreed or the revision concludes without resolution and the QP is withdrawn.

4.2.3 The Scheme offers compost producers two different categories of certification:

- a) 'End of Waste' (England, Wales, and Northern Ireland) (CCS EoW); or
- b) 'End of Waste Scotland' (CCS EoW Scotland).

#### **CCS EoW**

4.2.4 The derived compost(s) and Composting Process in this category are evaluated against the requirements of:

- the PAS 100,
- the CQP, and
- the Scheme Rules

Compost producers producing compost for supply to Customers in England, Wales, and Northern Ireland may apply for certification in this category whether or not the composts are subject to waste regulatory controls.

Compost certified in this category has End of Waste status.

Compost producers who qualify for certification in this category may use the "PAS 100 Product" mark of conformity.

#### **CCS EoW Scotland**

4.2.5 The derived compost(s) and Composting Process of a compost producer applying for certification in this category is evaluated against the requirements of:

- the PAS 100,
- the SEPA's Position, and
- the Scheme Rules

Compost producers producing compost for supply to Customers in Scotland may apply for certification in this category whether or not the composts are subject to waste regulatory controls.

Compost certified in this category has End of Waste status.

Compost producers who qualify for certification in this category may use the “PAS 100 Product Scotland” mark of conformity.

- 4.2.6 The requirements specified in clauses 4.2.4 and 4.2.5 are referred to hereafter as the ‘Scheme requirements’.
- 4.2.7 In order to meet the Scheme requirements, every batch of compost produced must comply with PAS 100, the CQP (if applicable), SEPA’s Position (if applicable), and the Scheme Rules. Production of non-conforming batches is only allowed under exceptional circumstances.
- 4.2.8 The compost producer shall immediately notify the certification body in the event that compost produced and dispatched fails to comply with Scheme requirements for whatever reason. Such notification shall include the date from which the site has stopped production of compost that complies with the Scheme requirements.
- 4.2.9 Production of compost that fails to meet the conditions specified in clause 4.2.4 or 4.2.5 shall result in the immediate suspension of any certificate awarded under the Scheme. The suspension shall remain in place until the compost producer notifies the certification body that the composts derived from the Composting Process comply with the Scheme requirements. The certification body shall check whether process revalidation has been completed.
- 4.2.10 Where a compost producer undertakes more than one composting process on a single site, he/she shall notify to the certification body the composting 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 compost derived from processes certified under the Scheme shall be kept separate from any other compost, material, waste or any other substance stored and/or treated at the same site.
- 4.2.11 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.
- 4.2.12 The Scheme does not have any geographical restriction. Compost producers 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.

#### 4.2.13 Provisions for wastes not included under Appendix B of the CQP

Any compost produced from waste not eligible under Appendix B, but separately permitted by the relevant Regulator in agreement with REAL, shall only meet CCS EoW requirements where the waste is to be considered for inclusion to Appendix B in any future review of the CQP. The compost producer shall meet any additional conditions or requirements set by the Regulator in agreement with REAL. 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.

#### 4.2.14 Derogation for temporary processing of non-permitted waste materials

A compost producer producing compost certified under CCS EoW may use a waste in the Composting Process that is not currently listed in the Appendix B of the CQP, following approval from the Regulator in conjunction with REAL and the relevant certification body, under the conditions specified in Annex I to the Scheme Rules. The resulting compost is classed as waste.

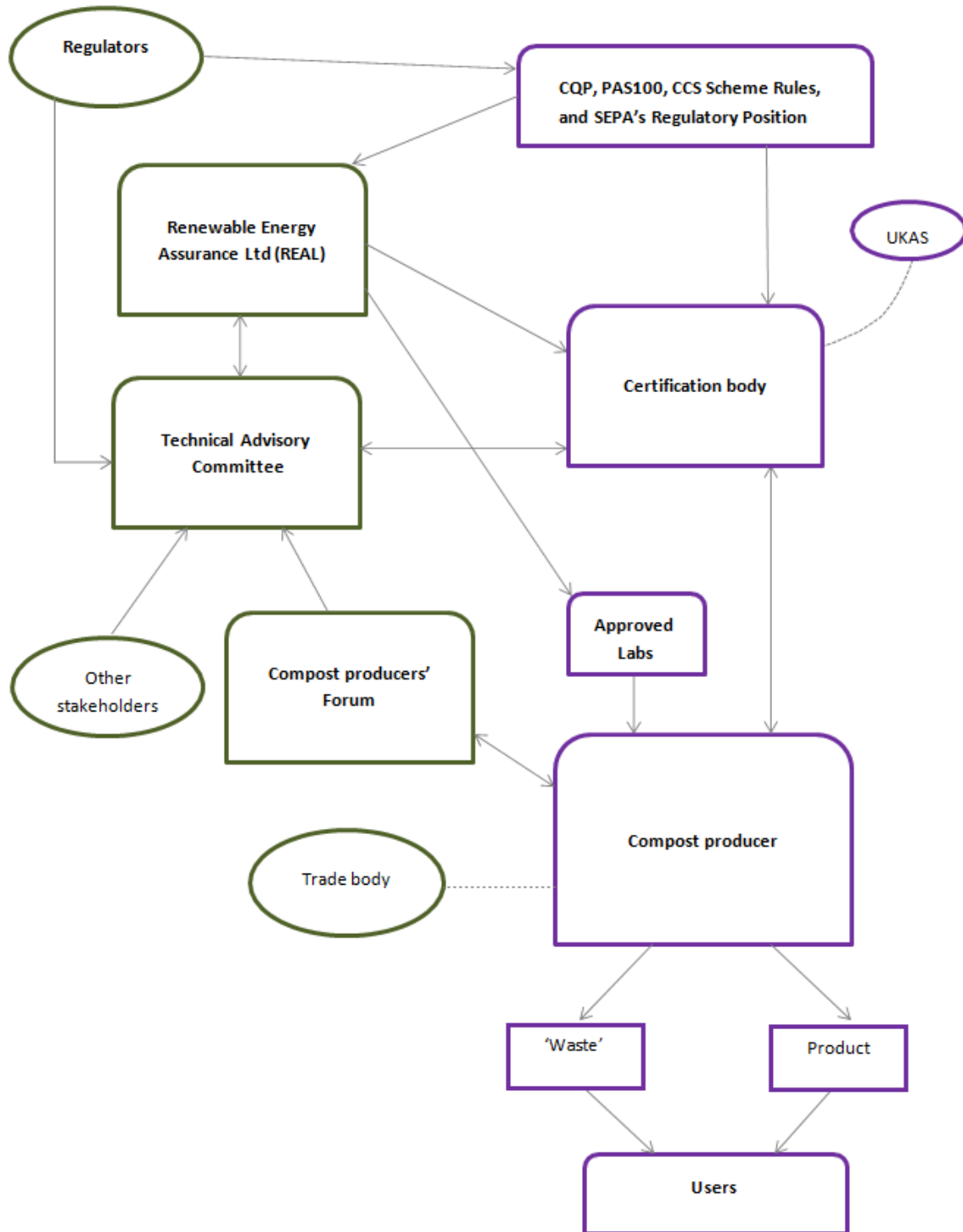
### 4.3 Beyond the PAS 100 minimum compost quality baseline

4.3.1 If the compost producer subscribes in their Quality Policy to any standard(s) or specification(s) in addition to PAS 100, these shall be treated as additional to the minimum compost quality criteria specified in PAS 100. In such cases, the compost producer shall provide evidence of compliance with any such additional standards or specifications. Examples are compost sample test results that comply with the additional quality criteria or a valid certificate from an appropriate certification body.

### 4.4 Editions of standards

4.4.1 Compost producers shall comply with the Scheme requirements and any additional compost quality criteria the producer has committed to achieving in their Quality Policy in respect of the compost grades 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 100, CQP (or SEPA's Position), or criteria in force at the time of assessment (subject to any transitional arrangements set by REAL).

# SCHEME STRUCTURE



## 5 OVERALL STRUCTURE

### 5.1 Scheme's owner

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

- 1) promotion of the Scheme,
- 2) development of the Scheme and these Scheme Rules,
- 3) management of information displayed publicly in respect of compost producers' certification status,
- 4) selection and appointment of certification bodies to the Scheme,
- 5) contractual arrangements with certification bodies,
- 6) monitoring the performance of certification bodies,
- 7) providing feedback to the certification bodies on their performance,
- 8) updating certification bodies on any changes to standards, Scheme Rules, and associated documentation,
- 9) updates to compost producers on the Scheme on changes to standards, Scheme Rules, and associated documentation,
- 10) selection and monitoring of laboratories approved by REAL to test composts on this Scheme,
- 11) provide technical support to certification bodies and approved laboratories,
- 12) co-ordination of the Scheme's Technical Advisory Committee meetings, and
- 13) 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 REAL.

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

[www.qualitycompost.org.uk/upload/terms\\_of\\_reference\\_for\\_the\\_ccs\\_tac\\_jan15.pdf](http://www.qualitycompost.org.uk/upload/terms_of_reference_for_the_ccs_tac_jan15.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 Compost Producers' Forum**

5.3.1 The Compost Producers' Forum is the body recognised by REAL to provide compost producers with the opportunity to discuss issues associated with operating a facility producing compost under the Scheme.

The terms & references for the Compost Producers' Forum are available in the Information/Governance section on the scheme website,  
<http://www.qualitycompost.org.uk/information/governance/producers-forum>.

### **5.4 Certification bodies**

5.4.1 The certification bodies are appointed by REAL to provide compost producers' independent assessment for compliance with the Scheme requirements.

5.4.2 The certification body shall have composting expertise within its structure, or utilise technical support from REAL, such that the certification bodies' personnel can gain technical interpretation of the Scheme requirements when requested.

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

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

5.4.5 A certification body or any of its sub-contractors, auditors, consortium partners or related organisations shall not provide consultancy services, or any services, that might compromise the certification body's impartiality in respect of the Scheme.



- 5.4.6 The certification body can 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 Compost producers must co-operate and host witnessed audits for UKAS accreditation when requested.

## **5.6 Approved laboratories**

- 5.6.1 The Scheme requires participating compost producers to send compost samples for testing only at independent laboratories approved by REAL. The criteria for approved laboratories are detailed in REAL's Terms and Conditions (T&Cs) for laboratories approved under the Scheme. Such laboratories operate in accordance with the T&Cs and are listed on the Scheme website.
- 5.6.2 The list of approved laboratories and the T&Cs for laboratories testing under the Scheme are available in the Information/Governance section on the Scheme website, [www.qualitycompost.org.uk/information/governance/laboratories](http://www.qualitycompost.org.uk/information/governance/laboratories).

## **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 Scheme 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.qualitycompost.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 compost producers 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 compost producer holds a planning consent/permission in respect of its composting site(s), if required by the relevant planning authority; the compost producer 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 composting site; and
- b) if the process treats animal by-products, the compost producer has obtained or is in the process of obtaining approval for the composting 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 compost producer holds a full approval issued by the Animal & Plant Health Agency or Veterinary Service to treat Animal By-Products in respect of each composting site.

### 6.2 Information on the application procedures

6.2.1 Any compost producer 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 compost producer who applies shall make clear whether his/her application is for 'CCS EoW' or 'CCS EoW Scotland'.

6.2.3 The compost producer shall apply for certification by completing the relevant form and submitting it to his/her choice out of REAL's contracted certification bodies, together with payment of the fee quoted by the certification body. The owner of the business or 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 the Scheme, the compost producer:

- 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 compost producer 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 COMPOST PRODUCER 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 compost production site, during which the composting process and relevant compost grades are checked as well as the producer'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 compost producer but shall be kept as low as reasonably possible.
- 7.1.3 The notice period for routine and extra inspections shall be decided by the certification body, having taken account of any notification from the compost producer 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 compost producer shall give employees and agents of the certification body sufficient access to its business and relevant composting 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 compost producer 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 composting process, compost grade(s) and any product(s) that contain them,
  - c) review of the compost producer's Quality Management System for compliance with the scheme requirements (according to the category of certification),
  - d) Review of PAS 100 test results, and
  - e) a closing meeting.
- 7.1.8 During the course of the inspection, the certification body's auditor may request the compost producer's relevant personnel to carry out compost 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 compost producer, 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 producer 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 compost producer 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 compost producer 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 compost producer shall also be provided with the following information:
- a) reference to the composting process,
  - b) specification of each compost grade 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 compost producer 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 producer 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 compost producer to the certification body in advance

of the inspection. The report shall identify any required evidence that has not been submitted in advance or during the inspection.

- 7.2.6 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 compost samples tested were of the compost grade. Assessment of effective corrective action(s) may be done during an extra visit instead of via documented evidence supplied to the certification body, as deemed appropriate by the certification body. The costs associated with these procedures, including any additional visits shall be borne by the producer, but shall be kept as low as reasonably possible.
- 7.2.10 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 composting takes place or the compost is stored and/or used, within 5 working days the certification body shall:
- a) notify the Regulator, via the email address provided by the Regulator for communications, of the non-compliance and its nature; REAL shall be copied in the communication.
  - b) inform the Regulator's relevant area regulatory officer(s) and team leader in writing of the actions that will be taken by the certification body in light of the non-compliance (e.g., whether the certificate will be suspended as a result of the non-compliance and whether a Spot Checks Visit will be carried out); REAL shall be copied in the communication.
  - c) keep the above stakeholders informed, in writing, of the progress made by the compost producer to resolve the non-compliance, and

- d) when evaluation of corrective action(s) and/or Spot Checks Visit evidence has been completed and a decision on certificate status has been made, inform the above stakeholders of the outcome.

*Examples of instances where the Regulator would need to be informed by the certification body 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) *Batch test failure, if the compost producer has not already notified the Regulator according to PAS 100:2018.*
- c) *Non-conforming input wastes being processed in a PAS 100 composting process.*
- d) *Non-permitted wastes being processed in a PAS 100 composting process.*
- e) *Failure of physical contamination levels in the compost produced or failure to address or adopt a control process resulting in compost produced not conforming to PAS 100 minimum quality criteria.*
- f) *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, REAL can be consulted to identify additional instances where the Regulator should be involved.*

## **8 CERTIFICATION**

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

### **8.1 Certificates**

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

- A. name and contact details of the compost producing organisation;
- B. address of the composting site;
- C. reference to the composting process (e.g. in-vessel for green and catering wastes) and each certified grade;
- D. particle size range (e.g. approx. 0 – 10 mm);



- E. certification assessment code;
- F. statement of compost conformance to BSI PAS 100 (latest version) and the CQP or to BSI PAS 100 and SEPA's Position;
- G. REAL's compost conformity mark;
- H. certificate issue and 'valid from' date;
- I. certificate 'valid to' or expiry date;
- J. certification body name and address; and,
- K. signature of person who authorised the certificate.

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

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

8.1.3 During a certificate suspension or after the withdrawal of a certificate the Composting Process and the derived compost to which the certificate relates shall not comply with the provisions of the Scheme Rules and the compost producer shall not supply the derived compost as product. Evidence that the compost producer 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.

8.1.4 A certificate is not transferable and remains the property of the certification body. When a certificate has been issued, the compost producer shall only promote the certified composting process and its certified compost grade(s) as appropriate to the specific type of certification.

## **8.2 Obligation to inform certification bodies of changes**

Compost producers 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 Scheme procedures and complying with the Scheme requirements;
- c) person or contact details of the person that is responsible for compost sales or related contact details; and
- d) any other details relevant to this Scheme.

## 9 MARKS OF CONFORMITY



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

### 9.1 Use of the conformity marks

- 9.1.1 The Scheme's appropriate conformity mark shall only be used in clear association with the specific composting process and the compost grade(s) for which the compost producer holds a valid certificate of conformity with the Scheme Rules.
- 9.1.2 The mark shall only be used in association with a product that contains a certified compost grade if Scheme requirements on providing information about the compost ingredient are fulfilled.
- 9.1.3 The Scheme requirements regarding use of the conformity marks are stated in the 'Conformity declaration and conformity mark' document, available on the Scheme website: <https://www.qualitycompost.org.uk/certification/compost-certification-mark>.
- 9.1.4 The above consent, in so far as it applies to use of the conformity mark, is limited to using the entire designations "PAS 100 PRODUCT" or "PAS 100 PRODUCT SCOTLAND" (whichever is applicable to the scope of certification) and to using the appropriate conformity mark in an identical form to that supplied by REAL. The consent is specific to

the compost producer's certified compost grade(s) and composting process and shall not be transferred or licensed to any other business.

- 9.1.5 Any compost producer who holds a valid certificate of conformity shall not use (or authorise or license others to use) the conformity mark in any way outside the scope of the above consent, unless that compost producer has first obtained REAL's written authorisation to do so. Any such compost producer shall not use or authorise or license others to use any name, mark, sign or device confusingly similar to the conformity mark nor file or cause to be filed any conformity mark, trade mark or company name registration applications containing or confusingly similar to this Scheme's conformity marks. Any such compost producers shall not oppose or cause any opposition to any conformity mark applications filed by REAL, register the conformity marks anywhere in the world nor otherwise cause any question to be raised concerning REAL's ownership of this scheme's conformity marks.
- 9.1.6 If a certificate is refused for any compost, 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 compost that is not certified. Notification will be made in writing and delivered by registered post.
- 9.1.7 A supply chain organisation (as defined in the 'Conformity declaration and conformity mark' document) may use the appropriate conformity mark, subject to:
- a) meeting the requirements associated with its use, set out in this document, and
  - b) compliance being verified and confirmed in writing by the certification body.

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

- 9.2.1 REAL reserves the right to withdraw from any compost producer with a valid certificate of compliance the permission granted hereunder, after giving one month's notice or upon immediate notice if the compost producer 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 compost producer to achieve and maintain valid certification. The compost producer shall:
- a) swiftly apply and pay for renewal assessment;
  - b) produce compost according to the validated Quality Management System (including the HACCP and SOPs); and
  - c) carry out on-going testing according to PAS 100 minimum requirements and any additional specifications applicable to the compost grade (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 compost producers a reminder and all relevant documents prior to the annual re-audit date.
- 10.1.5 The compost producer 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 compost producer 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, a compost producer may reapply following a one month cooling off period.

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

11.1.1 Certification bodies shall arrange for auditors to carry out spot checks at compost sites that are considered 'high risk' based on a standardised risk assessment provided to the certification bodies by REAL.

11.1.2 This standardised risk assessment includes criteria on responses to compliance notices issued following a test failure and responses to product complaints.

11.1.3 The notice period for the risk-based spot checks is between 24 and 48 hours.

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

### **12.1 Applicants**

12.1.1 When caused by the compost producer, failure of an inspection to occur within 2 months of the application acceptance date shall result in the immediate rejection of the compost producer's application for the composting process and its relevant compost grades.

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 rejection of the compost producer's application for the composting process and its relevant compost grades.

12.1.3 Following rejection of the compost producer's application, the producer 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 Checks Visit as a result of targeted selection,
- during or following a Spot Checks Visit carried out when investigating a complaint,

- as a result of information / evidence supplied to the certification body by the Regulator or when investigating a complaint,
- during an independent sampling visit or during a spot check visit following an independent sampling visit.

12.2.2 In the event that a certificate is suspended, the certification body shall

- inform the compost producer, REAL, 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 compost producer dealt with any compost stored on site during the suspension period, including any batches that completed production during the suspension period; and
- record the suspension on REAL's database, which automatically updates the publicly available list on the Scheme website of composting processes and related compost grades 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 compost producer, composting process and its relevant compost grades from the Scheme.

12.2.4 In the event that the certificate is re-instated, the certification body shall inform the compost producer, REAL, and the Regulator (via the email address provided for communications) within 5 working days. The certification bodies shall record the reinstatement on REAL's database of composting processes and related compost grades registered on the Scheme.

12.2.5 The certification body is entitled to charge the producer 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 compost producer, composting process and its relevant compost grades from 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 REAL's database, which automatically updates the publicly available list on the Scheme website of composting processes and related compost grades registered on the Scheme.

12.2.8 During any period when the certificate is suspended or withdrawn, the compost 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 compost producer 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 compost produced, sampled, and tested prior to the non-compliance that caused withdrawal, depending on the type and severity of such non-compliance<sup>2</sup>. A pre-application evaluation shall be carried out by the certification body to review the compost producer's intention to re-apply and specify what pre-withdrawal evidence would be acceptable (if any). Pre-application is subject to the compost producer'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 compost producer that any of the conditions in the authorisation to operate issued by the Regulator are breached and/or the authorisation is partially or fully suspended, the certification body may suspend the certificate, or withdraw the Composting 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 compost produced has compromised compliance with PAS 100, the CQP (or SEPA's Position) or the Scheme Rules.

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<sup>2</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 compost producer's re-application date. On the other hand, if the Composting Process was withdrawn because sham recovery occurred, the assessment will require starting again to obtain evidence after the cause of withdrawal has been fully resolved and closed.

## 13 COMPOST PRODUCER INFORMATION AND CONFIDENTIALITY

### 13.1 Compost producers' information

13.1.1 Compost producers 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 composting process dispatched from the site annually (e.g., as rejected fractions of oversize),
- b) the input tonnage split between the PAS process and the non-PAS process,
- c) the tonnage of PAS compost per grade,
- d) the markets that each certified compost grade is supplied to,
- e) the number of product complaints received since the last inspection and the nature of each complaint (e.g. plastic contamination).

13.1.2 During the audit, the auditor shall ask the compost producer whether they use certified compostable liners and/or certified compostable packaging in their process, and whether the compost producer agrees for their publicly available site contact details to be shared by REAL with individuals or organisations interested in identifying compost producers that use certified compostable materials in their composting process.

13.1.3 The certification bodies will present a summary of the data on product complaints at the meeting of the Technical Advisory Committee.

13.1.4 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/compost producer's identity is not revealed. All persons who receive confidential information will be obliged to sign a confidentiality agreement.

13.1.5 The certification body shall provide to REAL detailed information regarding each composting process and compost grade 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.

13.1.6 Details of compost producers are held on a central database, which is owned by REAL.

13.1.7 REAL may produce and publish statistical reports drawing upon aggregated Scheme data so that individual data cannot be traced back to individual applicants or compost producers.

13.1.8 Data may be retained on the above-mentioned databases and will be treated as specified above for up to 3 years after a compost producer has left or been removed from the Scheme.

13.1.9 The compost producer consents to the following information being made publicly available by REAL:

- a) Name and address of the compost site and compost producer
- b) Information about the composting process, PR number, and certified compost grade(s)
- c) The certification status (including certificate issue, and expiry dates)
- d) The compost producer's company website address (if applicable).

13.1.10 If the assessment is selected for review, details of the information gained during the course of the certification body's assessment shall be supplied to REAL if requested and to members of the Technical Advisory Committee, the certification body's accreditation body, the Regulator and/or the competent authority as relevant.

13.1.11 Information gained during investigation of a complaint or suspected/reported 'sham recovery', or information associated with an appeal made by a compost producer shall be supplied to REAL, members of the Technical Advisory Committee, the certification body's accreditation body, the Regulator and/or the competent authority, according to which organisations are involved in the appeal.

## **13.2 PAS 100 test results**

13.2.1 The compost sample test results and sample codes of any compost producers on the Scheme are supplied by the approved laboratory to the certification body and REAL.

13.2.2 Approved laboratories are required to provide the test results by uploading them directly onto REAL's database (or by email if requested by REAL). 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 100 quality management system and compost compliance with PAS 100 minimum quality criteria and any other criteria specified and agreed with the Customer;
- c) Archive samples that have been tested to verify compliance with PAS100; and
- d) Re-sample test results that have been tested to verify corrective actions efficacy.

When joining the Scheme, the compost producers agree for the approved laboratories to disclose all the above sample results to REAL, the certification bodies, and the Regulators.

13.2.3 REAL may produce and publish statistical reports drawing upon aggregated PAS 100 test results data so that individual data cannot be traced back to individual applicants or participants.

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

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

## **14 COMPLAINTS AND APPEALS**

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

The responsibility for compliance with the Scheme requirements and fulfilling the obligations of any written agreement with a Customer rests with the compost producer.

14.1.1 Where possible, any complaint about the quality of certified compost should be submitted to the relevant certification body by completing the REAL CCS Complaint Form available on the Scheme website, [www.qualitycompost.org.uk/product-complaints](http://www.qualitycompost.org.uk/product-complaints).

However, complaints submitted verbally or by email shall also be accepted and dealt with according to the procedures described below. In any case, the person receiving the

complaint shall record the details of the complaint onto the REAL CCS Complaint Form to ensure the information received is recorded consistently.

#### **Compost producer's responsibilities**

- 14.1.2 If a compost producer receives a complaint about a compost product, they shall investigate that complaint, and if necessary, take appropriate action. The compost producer shall record all complaints received and the action taken to investigate it and any remedial action taken. These records will be examined as part of the audit process.
- 14.1.3 The compost producer shall notify their certification body on receipt of the complaint, and once the investigation has been carried out.
- 14.1.4 On receipt of the complaint, the compost producer is under a duty to take steps to identify, locate, preserve and recover evidence. If the batch of compost under investigation is dispatched to a Customer and subsequently returned to the site, this must be quarantined and not re-processed.

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

- 14.1.5 In the event that REAL is contacted by the complainant, he/she shall be instructed to make the complaint directly to the relevant certification body or complete the REAL CCS Complaint Form which is available on the Scheme website.
- 14.1.6 REAL is not responsible for organising and carrying out the investigation nor for liaising with any involved parties; it is the certification body's responsibility to lead the investigation and liaise with each relevant party.

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

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

14.1.8 The certification body shall also notify REAL and the Regulator immediately on receipt of the product complaint and in any event within no more than 3 working days from receipt of the complaint.

14.1.9 The certification body may seek from REAL at any time technical interpretation of Scheme requirements and any relevant guidelines.

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

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

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

*NOTE: Examples of circumstances in which the investigation requires the Regulator's involvement 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 license is not / are not complied with AND the operational issue is relevant to PAS 100 production requirements; and d) when a) or b) does not apply but pollution of the environment occurred or aspects related to compost quality mean that the compost 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 compost producer in writing that a complaint has been made and the nature of the complaint. REAL 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.

14.1.12 When the investigation requires the Regulator's 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 PAS 100 / CQP 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 compost 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 compost 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 Checks Visit or a Spot Sampling Visit are necessary.

14.1.13 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 composting activity takes place, or the compost is stored or used;
- b) inform REAL, 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 REAL, the area officer(s) and the Regulator team leader(s) in writing about the progress made whenever a significant action occurs.

14.1.14 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 composting takes place or the compost is stored or used;
- c) inform REAL in writing of which actions will be taken to investigate into the complaint and when they will be carried out; and
- d) inform REAL in writing about the progress made whenever a significant action occurs.

14.1.15 Where it is considered appropriate by the investigating party/ies, the certification body shall carry out Spot Checks Visits or Spot Sampling Visits promptly and normally within 10 working days from the discussion. This physical inspection might occur if a document investigation is not conclusive.

14.1.16 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 compost grade and send it/them to an REAL approved laboratory for testing on the quality parameter(s) on which the compost is alleged deficient.

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

14.1.18 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 compost producer in writing whether the complaint was upheld and the key reason(s) for that decision. REAL shall be copied into the written communication, as too shall the Regulator if involved in the investigation. These parties will be informed of the results of the investigation and the actions taken. REAL will upload the completed anonymous Product Complaint Investigation Report Form onto the Scheme website.

14.1.19 Regarding a Spot Checks Visit or a Spot Sampling Visit, the compost producer against whom the complaint has been made shall pay the certification body any fee charged; this fee is payable whether or not the complaint is upheld. The approved laboratory's fee for compost sample testing will be paid by the compost producer, regardless of whether or not the complaint is upheld. If the complaint is upheld, the compost producer shall also pay the certification body any investigation costs it has incurred in addition to, or instead of, a Spot Checks Visit. The certification body's documentation shall clearly identify the

fee payable by the compost producer for a Spot Checks Visit and refer him/her to this clause in the Scheme Rules.

14.1.20 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.

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

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

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

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

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

14.2.4 Each time it meets, or upon request, REAL's Compost 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.

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

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

14.3.2 A compost producer must make known the reasons for the appeal and provide evidence to support it.

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

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

#### **14.4 Complaints about the Scheme**

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

- a) The complaint will be acknowledged in writing;
- b) The complaint will be investigated, and a report prepared which will be considered by the 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.

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



## **ANNEX 1 DEROGATION FOR THE TEMPORARY PROCESSING OF NON-PERMITTED WASTE MATERIALS**

1. A compost producer who has applied for initial certification or renewal of certification may apply to REAL for a time- and/or tonnage-limited derogation to feed into his/her PAS 100 and CQP composting process a specific waste from a specific source, if:
  - a) that waste type and appropriate description is not included in the CQP's Appendix B;
  - b) that waste is biodegradable and complies with clauses 5.1.1 to 5.1.6 in PAS 100:2018;
  - c) that waste is assessed for acceptance or rejection and managed as per clauses 5.1.1 to 5.1.10 in PAS 100:2018 and the SOPs applicable to the composting process.
2. Any application for derogation shall be assessed by REAL and the Regulator. Relevant regulators are those responsible for waste regulatory controls in the country in which the composting process is located, may include the Regulator responsible for waste regulatory controls in any UK country in which 'waste' compost derived from the derogation waste is intended to be placed on the market or disposed of, and shall include the organisation responsible for animal by-products regulatory controls if the derogation waste is within the scope of European Union or national animal by-products regulations.
3. The terms and conditions of any derogation allowed by REAL shall be adhered to throughout the derogation period. Such terms shall include that:
  - A. an appropriate code and description of the derogated waste is in the permit or registered exemption applicable to the composting process;
  - B. batches that contain the derogated waste are:
    - i. composted in accordance with the applicable permit, animal by-products approval (if applicable) and SOPs,
    - ii. kept Separate from composting batches and graded compost that comprises only input materials allowed in the CQP's Appendix B),
    - iii. traceable through the composting process, during screening, in storage and through to dispatch;
    - iv. placed on the market as 'waste' status compost;
  - C. liquor arising from batches that contain the derogated waste is managed as per the specific conditions in the derogation (if approved);
  - D. compost derived from the derogated waste is dispatched only to recipients who have an environmental permit for use or registered exemption appropriate to the quantity of 'waste' status compost supplied and how it will be managed;
  - E. compost derived from the derogated waste is dispatched only to recipients who are

aware that they must comply with waste regulation and the Regulator's appropriate guidance (e.g. Environment Agency Technical Guidance Note, No. EPR 8.01);

- F. the compost producer provides information to the officer who is responsible for regulating the composting process that enables the Regulator to check whether the dispatch, transportation, storage, use and/or disposal of the compost derived from the derogated waste has been carried out in accordance with waste regulatory controls; and
  - G. the compost producer makes and keeps records that enable the certification body to check whether the compost producer has managed the derogated waste in accordance with the specific derogation issued; and
  - H. the compost producer informs the Regulator(s) of any corrective actions (relevant to the derogation) that are required. Information will be shared between the Regulator and the certification body
4. Waste that is the subject of an application for derogation shall not be taken on to the permitted composting site until the start date in the derogation issued by REAL. Similarly, it shall not be taken and composted after the derogation's end date. If the application is unsuccessful, REAL will not issue derogation and the waste referred to in the application shall not be fed into the PAS and CQP composting process.
  5. When any condition of the derogation is not complied with, or if REAL terminates the derogation, the waste subject to the derogation shall no longer be taken and composted.
  6. REAL reserves the right to terminate derogation at any time, with immediate effect or on a specified date, by email or letter sent to the compost producer. Other parties named in the derogation shall be copied into REAL's communication; those parties include the relevant Regulator(s).
  7. The compost producer shall pay REAL's charge for assessing an application for derogation, regardless of whether derogation is issued (see REAL's current schedule of charges for assessing derogation applications).
  8. These Scheme Rules cover the compost production and quality scope stated above in this document. Certification bodies shall only offer certification within the defined scope of this scheme. Thus, the certification body shall confine its requirements, evaluation and decision on certification to those matters specifically related to the scope of the certification being considered.