



# Scheme Document

CertifHy EU RFNBO Voluntary Scheme

**Dissemination level: public**

**Last update: 2024-05-02**

## Contents

1	Introduction .....	5
2	Purpose of this document .....	6
3	Scope and Normative References .....	7
4	Definitions .....	8
5	Organisational Structure of the CertifHy Voluntary Scheme .....	11
5.1	Membership .....	11
5.1.1	Membership .....	11
5.1.2	Rights and obligations of Members .....	12
5.1.3	Membership fees .....	12
5.2	CertifHy Voluntary Scheme Bodies .....	12
5.2.1	CertifHy Stakeholder Platform .....	12
5.2.2	CertifHy Steering Committee .....	14
5.2.3	CertifHy Scheme Operator .....	15
5.2.4	CertifHy Working Groups .....	16
5.3	Avoiding conflicts of interest .....	17
6	CertifHy Voluntary Scheme documents and update processes .....	19
6.1	CertifHy Voluntary Scheme Documents .....	19
6.2	Adjustments and Scheme Updates .....	19
7	Competent Authority, Reporting and other Voluntary Schemes .....	23
7.1	Recognition by the European Commission .....	23
7.2	Reporting to the European Commission .....	23
7.3	Publication of Information .....	24
7.4	Investigations and information provision .....	25
7.5	Union Database .....	25
7.6	Other certification schemes .....	25
8	Transparency .....	26
9	Quality and Risk Management .....	28
9.1	General provisions .....	28
9.2	Documentation system .....	29
9.3	Internal Audits and Monitoring .....	29
10	Non-conformities, Non-compliances and Sanctions .....	31
10.1	General provisions .....	31

---

10.2	Economic Operators .....	32
10.2.1	Non-Conformities and Sanctions .....	32
10.2.2	Fraud Investigations or Suspicion of critical Non-Conformities .....	35
10.3	Certification Bodies.....	35
10.3.1	Warning .....	36
10.3.2	Yellow Card.....	37
10.3.3	Red Card .....	37
10.3.4	Contract cancelation .....	38

## Status of this document

---

This document is part of the CertifHy EU RFNBO Voluntary Scheme.

All CertifHy EU RFNBO Voluntary Scheme documents in their latest applicable version are valid and must be considered for the scope of application.

## Change History

---

Version	Date	Description
1.0	28.02.2023	Version 1.0
1.1	10.07.2023	Version 1.1 (adjustments following the publication of an updated version of the Assessment Protocol for Voluntary Schemes for RFNBOs)
1.2	15.01.2024	Version 1.2 (adjustments taking up the Q&A Document of the European Commission of 26.07.2023)
1.3	02.05.2024	Version 1.3 (adjustments taking up the Q&A Document of the European Commission of 14.03.2024 and feedback from DG ENER)

# 1 Introduction

---

The CertifHy EU RFNBO Voluntary Scheme defined in this document and further scheme documents has the objective of demonstrating compliance of Economic Operators with the legal requirements specified in the Renewable Energy Directive recast (RED II) for renewable fuels of non-biological origin (RFNBO). Within this regulatory framework, CertifHy EU RFNBO Voluntary Scheme is recognised by the European Commission as “Voluntary Scheme”, as referred to in RED II Article 30.4.

The CertifHy EU RFNBO Voluntary Scheme is an independent multi-stakeholder initiative that has been developed and is continuously improved through the involvement of its stakeholders.

## 2 Purpose of this document

---

This CertifHy Scheme Document lays down the general principles according to which the CertifHy EU RFNBO Voluntary Scheme is governed. It defines the goal and internal structure of the CertifHy Stakeholder Platform, as well as the relationship between the CertifHy Scheme Operator and its stakeholders. The principles and requirements specified in this document must be considered for all activities related to the CertifHy EU RFNBO Voluntary Scheme and the CertifHy Stakeholder Platform. These principles and requirements apply to cooperating Certification Bodies, to Economic Operators, other stakeholders as well as to the CertifHy Scheme Operator as an organisation itself.

### 3 Scope and Normative References

---

All obligations and requirements stated in the CertifHy EU RFNBO Voluntary Scheme documents and any corresponding adjustments communicated through CertifHy scheme updates will be referred to as “requirements” or “CertifHy EU RFNBO Voluntary Scheme requirements”. Economic Operators have to comply with the CertifHy EU RFNBO Voluntary Scheme requirements to receive a CertifHy EU RFNBO Voluntary Scheme certification. Compliance with the respective CertifHy EU RFNBO Voluntary Scheme requirements is verified including through Audits by Certification Bodies recognised by and cooperating with the CertifHy Scheme Operator.

The legal basis for the provisions laid down in this document consists of:

- the Renewable Energy Directive recast<sup>1</sup>;
- Commission Implementing Regulation on rules to verify sustainability and greenhouse gas emissions saving criteria and low indirect land-use change-risk criteria<sup>2</sup>.

---

<sup>1</sup> Directive (EU) 2018/2001 of the European Parliament and of the Council of 11 December 2018 on the promotion of the use of energy from renewable sources (recast); OJ L 328, 21.12.2018, p. 82

<sup>2</sup> Commission Implementing Regulation (EU) 2022/996 of 14 June 2022 on rules to verify sustainability and greenhouse gas emissions saving criteria and low indirect land-use change-risk criteria, OJ L 168, 27.06.2022, p. 1

## 4 Definitions

Term	Definition
Accreditation	Third party attestation related to a Certification Body conveying formal demonstration of its competence to carry out certification tasks (Adapted from ISO/IEC 17011:2017).
Accreditation Body	Authoritative body that performs accreditation (ISO/IEC 17011/2017)
Affiliate	means as regards a Member any individual or entity directly or indirectly controlling, controlled by or under common control such Member, whereby the direct or indirect ownership of over fifty percent (50%) of the outstanding voting securities of an entity, or the right to receive over fifty percent (50%) of the profits or earnings of an entity shall be deemed to constitute control.
Audit	Systematic, independent, and documented process for obtaining audit evidence and evaluating it objectively to determine the extent to which the audit criteria are fulfilled (ISO 19011:2011)
Auditor	A natural person with competence necessary to conduct an evaluation of an operation against the CertifHy EU RFNBO Voluntary Scheme. A CertifHy EU RFNBO Voluntary Scheme Auditor is a natural person who has been appointed by a Certification Body to perform CertifHy EU RFNBO Voluntary Scheme Audits
CertifHy EU RFNBO Voluntary Scheme Certificate	Attestation of conformity with the CertifHy EU RFNBO Voluntary Scheme requirements and the CertifHy EU RFNBO Voluntary Scheme, issued to an Economic Operator by a CertifHy EU RFNBO Voluntary Scheme recognised Certification Body
CertifHy EU RFNBO Voluntary Scheme Requirement	Objective of performance defined by the CertifHy EU RFNBO Voluntary Scheme which is specific and measurable
CertifHy Stakeholder Platform	means the Stakeholder Platform set up with a view to managing, maintaining and updating the CertifHy EU RFNBO Voluntary Scheme set up by the CertifHy Scheme Operator.
Member(s)	means the members of the Stakeholder Platform.



Certification Body	Accredited conformity assessment body recognized by the CertifHy EU RFNBO Voluntary Scheme
Certification Scheme	Certification system related to specified products, to which the same specified requirements, specific rules and procedures apply (ISO/IEC 17065:2012)
Certification Scope	Identification of <ul style="list-style-type: none"> <li>- the product(s) for which the certification is granted;</li> <li>- the sites and facilities that the certification is covering;</li> <li>- the applicable certification scheme; and</li> <li>- the standards and other normative document(s), including their date of publication, to which it is judged that the product(s) comply</li> </ul> (ISO/IEC 17065:2012)
Chain of Custody	Process by which inputs and outputs and associated information are transferred, monitored, and controlled as they move through each step in the relevant supply chain (ISO/DIS 22095)
Consignment	A specific quantity of a product that is intended to have uniform characteristics and qualities
Economic Operator	Legal entity or natural person <ul style="list-style-type: none"> <li>a) being a producer of raw material, an operator of installations processing raw material into final fuels or intermediate products, an operator of installations producing energy (electricity, heating or cooling) or any other operator, including of storage facilities or traders that are in physical possession of raw material or fuels, provided that they process information on the sustainability and greenhouse gas emissions saving characteristics of those raw materials or fuels; and</li> <li>b) That is responsible for the implementation of all applicable CertifHy EU RFNBO Voluntary Scheme requirements in all organisations listed in the scope of certification</li> </ul>
RED II	Directive (EU) 2018/2001 of the European Parliament and of the Council of 11 December 2018 on the promotion of the use of energy from renewable sources (recast), OJ L 328/82, 21.12.2018  <u>and</u>

	any and all amendments, changes, communications, decisions and other actions thereto by the duly authorised representatives of the European Union
Input	An amount of a product, material or energy consumed by a Production Device
Non-compliance	Non-fulfilment or violation of a CertifHy EU RFNBO Voluntary Scheme requirement by a Certification Body
Non-conformity	Non-fulfilment or violation of a CertifHy EU RFNBO Voluntary Scheme requirement by an Economic Operator
RFNBO	Renewable Fuel of Non-Biological Origin (RFNBO) means liquid and gaseous fuels the energy content of which is derived from renewable sources other than biomass, as defined in RED II
Site	A single functional unit of an Economic Operator, which is geographically and/ or functionally distinct from other units of the same Economic Operator
Stakeholder	Persons, groups, or organisations who are directly or indirectly affected by an activity or who can affect an activity, but also including people and organisations who have concerns about the activity, or who might be responsible agents
Surveillance Audit	Limited Audit where an Economic Operator is evaluated against a limited number of CertifHy EU RFNBO Voluntary Scheme requirements
CertifHy Scheme Operator	means RegistrHy SRL, a limited liability company, incorporated and existing under the laws of Belgium, having its registered office at Boulevard Saint-Lazare 4, 1210 Saint-Josse-ten-Noode, registered with the Crossroads Bank for Enterprises under number 1007.080.427  Can also be referenced as “Scheme Operator”.

## 5 Organisational Structure of the CertifHy Stakeholder Platform

---

### 5.1 Membership

#### 5.1.1 Membership

Only legal entities with legal capacity may be admitted as members of the CertifHy Stakeholder Platform.

Certification Bodies (CBs) cannot be members of the the CertifHy Stakeholder Platform.

The Members are divided into three stakeholder pools as follows:

- (1) one stakeholder pool “producers and processors”, composed of Corporate Members and Trade Associations;
- (2) one stakeholder pool “traders, logistic operators and users” composed of Corporate Members and Trade Associations; and
- (3) one stakeholder pool “NGOs, research, public sector” composed of (i) Non-Profit Members, (ii) Public Members and (iii) Academia Members.

The application for membership shall be submitted in writing via the website to the CertifHy Scheme Operator. The application for membership shall be accompanied by information on the professional activities of the entity, which shall also include information on the interests in the field of sustainability. The application for membership must contain the designation of a natural person who actively and passively represents the applicant vis-à-vis the CertifHy Scheme Operator (representative).

Each Member shall be admitted to one of the above-mentioned stakeholder pools upon written request to the Scheme Operator and provided that they meet the qualifications for admittance to such stakeholder pool.

At the option of the Scheme Operator, membership of the Stakeholder Platform can be refused if an Affiliate of the applicant is already a Member. Applicants that are denied membership can submit a complaint to the CertifHy Steering Committee against the denial.

The membership will end in any of the following cases:

- **Withdrawal:** Resignation must be submitted and justified in writing to the Steering Committee. Resignation will come into effect upon receipt.
- **Exclusion:** A member can be suspended or excluded by the Steering Committee if the member does not attend to its duties stated in this document, or if its actions have had a severe negative impact on the CertifHy’s reputation and image.
- **Cancellation:** the membership can be cancelled by the Steering Committee if the payment of annual fees is more than one year delayed.

- Dissolution of the member without legal succession.

Upon termination of membership, the membership fee for the current year remains due and will not be refunded pro rata temporis.

### 5.1.2 Rights and obligations of Members

Rights:

- Participation with voting rights in the CertifHy Stakeholder Platform;
- Participation with voting rights in CertifHy’s Working Groups;
- Right to submit proposals for Scheme improvements or amendments;

Obligations:

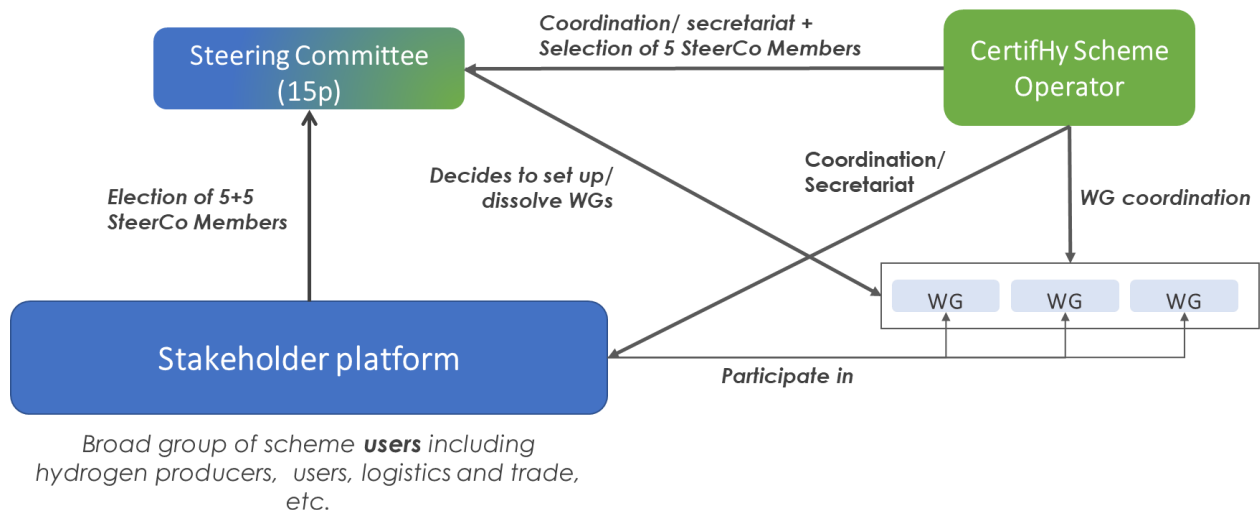
- Protecting and contributing to the reputation of the CertifHy Scheme Operator;
- Payment of membership fees;
- Notification of changes in contact details and in the person or contact details of the representative;

### 5.1.3 Membership fees

The membership fees are decided by the CertifHy Scheme Operator in accordance with the annual budget.

## 5.2 CertifHy Stakeholder Platform Bodies

Overview of CertifHy Stakeholder Platform Bodies (for illustrative purposes only)



### 5.2.1 CertifHy Stakeholder Platform

The CertifHy Stakeholder Platform is the highest decision-making body of CertifHy. All members of CertifHy are members of the CertifHy Stakeholder Platform. The CertifHy Stakeholder Platform holds plenary sessions at least once a calendar year. An extraordinary CertifHy Stakeholder Platform meeting may be convened at the

request of the CertifHy Steering Committee or of at least 20% of CertifHy Stakeholder Platform members.

The CertifHy Stakeholder Platform is convened by the CertifHy Steering Committee and is facilitated by the CertifHy Scheme Operator. The invitation is sent in writing (including fax and e-mail) and shall be posted four weeks in advance of the meeting at the latest. The invitation shall include the place and date of the meeting and the agenda proposed by the CertifHy Steering Committee. Changes to the agenda shall be taken up by the CertifHy Steering Committee if at least 20% of CertifHy Stakeholder Platform members request such changes.

The CertifHy Steering Committee may also invite members to a CertifHy Stakeholder Platform meeting in digital format (e.g. telephone or video conference). The CertifHy Steering Committee shall be authorised to determine how members may exercise their rights by means of electronic communication in the case of a digital meeting format and, in particular, to determine how votes shall be taken. These provisions shall be announced with the invitation.

During CertifHy Stakeholder Platform plenary sessions, only topics included in the agenda are discussed and admitted for resolution.

The CertifHy Stakeholder Platform plenary session may include in particular:

- Decisions on any items put forward by the CertifHy Steering Committee;
- Election of the Steering Committee Members from two of the three stakeholder pools ((1) Producers & Processors; (2) Traders, Logistic operators and users);

The CertifHy Stakeholder Platform plenary sessions shall be chaired by the chair of the CertifHy Steering Committee. In case the chair of the Steering Committee is not able to attend the plenary session, it will be chaired by the vice-chair of the Steering Committee.

Minutes of the CertifHy Stakeholder Platform plenary sessions shall be kept and signed or confirmed otherwise by the chair. The Scheme Operator shall send copies of the minutes of the Stakeholder Platform plenary sessions to each Member by email.

The CertifHy Stakeholder Platform shall aim to reach a consensus on decisions. If a decision must be taken by vote, a simple majority is adequate as long as at least 20% of the CertifHy Stakeholder Platform members are represented in the plenary session. Every member has one vote. Participation in the CertifHy Stakeholder Platform plenary sessions via online tools is also admitted if the invitation specifies this, provided the chair of the CertifHy Stakeholder Platform is convinced of the identity of the participant.

The CertifHy Stakeholder Platform elects a maximum of five members each from the two stakeholder pools (1) “Producers and processors” and (2) “Traders, logistic

operators and users” for the CertifHy Steering Committee. Each CertifHy member can be admitted to one of these two pools upon request to the CertifHy Scheme Operator in writing. Voting shall be organized per stakeholder pool, whereby each stakeholder pool shall only be able to vote on the representatives in the Steering Committee for its stakeholder pool.

### **5.2.2 CertifHy Steering Committee**

The CertifHy Steering Committee consists of a maximum of 15 representatives consisting of a maximum of 5 representatives each from the following three stakeholder pools, thus ensuring a balanced representation of interests:

- (1) Producers & Processors
- (2) Traders, Logistic operators and users
- (3) NGOs, research, public sector

The tasks of the Steering Committee are as follows:

- To convene the Plenary Sessions of the CertifHy Stakeholder Platform: define agenda, date, time, type of meeting, and location;
- To set-up and/ or dissolve Working Groups according to the needs of the Scheme for handling specific topics;
- To exclude Members (details to be found in Chapter 5.1.1). An exclusion must be reported to the CertifHy Stakeholder Platform at the next plenary session;
- To manage, with reasonable justification, urgent affairs of the CertifHy Stakeholder Platform if the next CertifHy Stakeholder Platform plenary session cannot be called upon in time;
- To coordinate and validate internal Audits & take action when needed based on Audit results;
- To finally approve or disapprove proposed fundamental and non-fundamental scheme document adjustments and updates (see chapter 6.2).

Information on the current CertifHy Steering Committee is available on the CertifHy website including the names of its members, which stakeholder pool each member represents and a summary of their relevant experience.

The CertifHy Steering Committee is accountable to the Stakeholder Platform.

The CertifHy Steering Committee members shall be in part (two thirds) elected by the CertifHy Stakeholder Platform. One third of its members shall be selected by the CertifHy Scheme Operator (see also Chapter 5.2.3). CertifHy will select members from Pool 3 to ensure a broad group of representatives in the Steering Committee. Details of the election process and selection process (including for the selection of Pool 3 members) will be published on CertifHy’s website. CertifHy Steering Committee members are elected or selected for a period that ends on the day of the first plenary session two calendar years after the election or selection. This period cannot be altered by the CertifHy Steering Committee, but solely by the CertifHy Stakeholder Platform. A re-election or re-selection is allowed.

The CertifHy Steering Committee elects a chair and a vice-chair by simple vote in the constituting CertifHy Steering Committee meeting after the election of CertifHy Steering Committee members by the CertifHy Stakeholder Platform, and the selection of CertifHy Steering Committee members by the CertifHy Scheme Operator. Election requires simple majority.

The Chair, supported by the CertifHy Scheme Operator, calls a meeting (in person meeting or in digital format) of the CertifHy Steering Committee at least twice a year. The agenda and the preparatory documents must be made available to the CertifHy Steering Committee members at least 14 days prior to the meeting. An extraordinary meeting of the Steering Committee may be held at the request of 10 Steering Committee representatives following notice sent at least 14 days prior to the requested meeting.

The Steering Committee may validly vote on a resolution if at least the majority of the members of each stakeholder pool are present or validly represented.

All decisions of the Steering Committee shall be taken by consensus. If a vote is necessary, the resolution shall be adopted if it is approved by a simple majority by the members of each stakeholder pool.

The Chair presides over the meetings. In case of absence, the vice-chair takes over this role. Minutes of the meetings will be issued containing the results of the meetings, and signed or confirmed otherwise by the person having presided over the meeting.

The constituting CertifHy Steering Committee meetings are presided by the eldest CertifHy Steering Committee member.

The Steering Committee may meet physically or virtually.

The mandate of a representative of the Steering Committee may be terminated at any time:

- i. following the resignation of the Steering Committee representative notified in writing to the Scheme Operator; or

### ***5.2.3 upon a reasoned decision of the body that (s) elected the Steering Committee representative in question. CertifHy Scheme Operator***

The CertifHy Scheme Operator is in charge of the day-to-day scheme operations, coordination, and management.

The CertifHy Scheme Operator is the coordinator of the CertifHy Stakeholder Platform and responsible for the coordination of the Working Groups.

The CertifHy Scheme Operator selects five members of the Steering Committee from the Stakeholder Pool (3) “NGOs, research, public sector”. In order to be admitted to this Stakeholder Pool, interested stakeholders shall submit a written application



to the CertifHy Scheme Operator. The CertifHy Scheme Operator selects the five members of the CertifHy Steering Committee based on personal expertise and experience of the candidates in the pool while ensuring balance and diversity. The CertifHy Scheme Operator justifies the selection during the CertifHy Stakeholder Platform plenary session following the selection.

The CertifHy Scheme Operator can also issue change requests for adjustments to the CertifHy EU RFNBO Voluntary Scheme documents and is involved in the development of CertifHy EU RFNBO Voluntary Scheme document adjustments as described in Chapter 6.2.

The CertifHy Scheme Operator delivers an annual activity report to the CertifHy Steering Committee.

#### **5.2.4 CertifHy Working Groups**

Working Groups contribute to the development and update of the CertifHy EU RFNBO Voluntary Scheme (see Chapter 6.2).

If required, the CertifHy Steering Committee can establish Working Groups to support it in the handling of selected topics. Members can apply for being accepted by the CertifHy Scheme Operator as members of specific CertifHy Working Groups. They contribute with professional know-how related to achieving the specific targets of the CertifHy Working Groups.

The Working Groups shall have a clearly defined objective and are set-up and dissolved by the CertifHy Steering Committee. However, Working Group 1 represents a permanent body responsible for the development of CertifHy EU RFNBO Voluntary Scheme documents.

Any CertifHy Stakeholder Platform member registered to a Working Group may present his/ her application to become Chair or Vice-Chair of the Working Group. Organisations may only hold one Chair or Vice-Chair position.

Working Group Chairs and Vice-Chairs are elected by the members of the Working Groups at a majority vote. Voting is done anonymously.

The constituting Working Group meeting shall be presided over by the eldest Working Group member.

The chair of a Working Group, supported by the Scheme Operator, shall call meetings of such Working Group as often as necessary. The agenda and the preparatory documents must be made available to the Working Group members at least 14 days prior to the meeting. An extraordinary meeting of the Working Group may be held at the request of half of the Working Group members following notice sent at least 14 days prior to the requested meeting.

The chair of a Working Group shall preside over all meetings of such Working Group. In case of absence, the vice-chair takes over this role. Minutes of the meetings will



be issued containing the results of the meetings, and signed or confirmed otherwise by the person having presided over the meeting.

A Working Group may meet physically or virtually.

A Working Group may validly vote on a resolution if at least the majority of the members of the Working Group are present or validly represented.

All decisions of a Working Group shall be taken by consensus. If a vote is necessary, the resolution shall be adopted if it is approved by a simple majority of the members of the Working Group.

In case an error (such as erroneous information or hypotheses taken in the context of the work undertaken in one of the Working Groups) is made in a Working Group, all possible remedies will be taken to remedy the incorrect information relayed to the Members, and the content of the error as well as remediation means taken will be communicated towards all of the Members.

### 5.3 Avoiding conflicts of interest

CertifHy is committed to the highest standards of personal and professional integrity. This applies to all layers of persons involved in the framework, meaning CertifHy Stakeholder Platform members, Steering Committee members, as well as staff of the CertifHy Scheme Operator. Personal gain of any person involved in a decision-making process shall not conflict with the interest and duty within the CertifHy Scheme.

The situation of conflict of interest may take many different forms that include, but are not limited to:

- Using the position within CertifHy to any personal advantage;
- Accepting payment from another company for information about CertifHy;
- Making a purchase or a business choice to boost business that a member has stake in;
- Taking advantage of confidential information learned during work for CertifHy for own personal benefit;
- Acting in a way that might compromise CertifHy's legality (e.g. taking or giving bribes).

As a general rule, a person shall abstain or withdraw from taking part in any activities where conflicts of interest exist or might arise.

Due to their unique position within CertifHy, Steering Committee members and CertifHy Scheme Operator employees shall furthermore disclose all relevant information that might lead to potential conflict of interest or shall refuse the circumstances creating the conflict of interest. If a potential conflict exists due to a person's personal interest in a matter, this person shall inform the CertifHy Scheme Operator immediately.

---

Any person who breaches these guidelines could face according sanctions.

Third parties who violate this policy are subject to termination of all commercial relationships with CertifHy.

## 6 CertifHy EU RFNBO Voluntary Scheme documents and update processes

### 6.1 CertifHy EU RFNBO Voluntary Scheme Documents

The CertifHy EU RFNBO Voluntary Scheme relies on the full set of CertifHy EU RFNBO Voluntary Scheme documents. The CertifHy EU RFNBO Voluntary Scheme documents contain general requirements, procedures, and guidelines applicable to CertifHy, Economic Operators, and Certification Bodies.

#### Scheme basics

- CertifHy EU RFNBO VS Scheme Document

#### CertifHy requirements documents

- CertifHy EU RFNBO VS - GHG Emissions & Sustainability
- CertifHy EU RFNBO VS - Traceability & Chain of Custody
- CertifHy EU RFNBO VS - Requirements for Certification Bodies and Auditors
- CertifHy EU RFNBO VS - Risk Management

#### CertifHy procedure documents

- CertifHy EU RFNBO VS - Registration & Certification Procedure
- CertifHy EU RFNBO VS - Grievance, Complaint & Appeal Procedure
- CertifHy EU RFNBO VS - Logos, Labels & Claims

The CertifHy Scheme Document constitutes the basis of the CertifHy EU RFNBO Voluntary Scheme from which all other requirements and procedure documents are derived.

The latest version of the CertifHy EU RFNBO Voluntary Scheme documents is available on the CertifHy EU RFNBO Voluntary Scheme website.

### 6.2 Adjustments and Scheme Updates

The CertifHy EU RFNBO Voluntary Scheme relies on the full set of scheme documents, including this document. These documents need to be adjusted over time either to further develop the scheme or to comply with new requirements. An overview of the adjustment and scheme update process is provided in the figure at the end of this sub-section.

Here, a distinction is made in the type of adjustments:

#### Editorial adjustment

- Adjustment of wording or of formulations in order to correct language errors (e.g. spelling, grammar, punctuation) or to improve the clarity and comprehensibility.

### **Non-fundamental adjustment**

- Relates to an adjustment in a process or way of operating the CertifHy EU RFNBO Voluntary Scheme in a minor way;
- Does not fundamentally change the content of a requirement;
- Includes improvements, clarifications, guidance, etc.

### **Fundamental adjustment**

- Includes strategic changes to a scheme document or process;
- Includes major revisions of requirements in terms of content;
- Has significant impacts, either in terms of number of stakeholders significantly affected or in terms of severity of impact.

Editorial adjustments to the CertifHy EU RFNBO Voluntary Scheme documents are made by the CertifHy Scheme operator. Editorial changes do not require a consultation process and can be implemented directly by the CertifHy Scheme Operator. Corresponding adjustments, however, are indicated in the document history. All stakeholders will be informed about editorial changes via CertifHy EU RFNBO Voluntary Scheme Updates (see below).

The procedure for making non-fundamental or fundamental CertifHy EU RFNBO Voluntary Scheme document adjustments is initialized by a change request. A change request can be made either by one of the Working Groups or by the CertifHy Scheme Operator, both termed “sponsor” of the change request in the following. The CertifHy Scheme Operator assesses the change request. If it rejects the request, the sponsor of the change request is informed of the reasons for the rejection. The sponsor can either drop the change request, or adjust and re-submit it, or call on the CertifHy Steering Committee to accept the change request.

Where the CertifHy Scheme Operator accepts the change request, it will together with Working Group 1 and the sponsor develop a draft adjustment. Once completed, the CertifHy Scheme Operator will decide, based on the draft and its implications, whether this is a fundamental change or a non-fundamental change. In both cases, the CertifHy Scheme Operator will report to the CertifHy Steering Committee explaining the motivation for the decision.

In case the adjustment is considered fundamental, a public consultation will be launched by the CertifHy Scheme Operator in order to gather feedback from stakeholders (see below for the consultation process). The Scheme Operator shall manage and execute the public consultation and shall take all relevant decisions in this regard.

In the event of non-fundamental adjustments to the content of CertifHy EU RFNBO Voluntary Scheme documents, the CertifHy Steering Committee decides on the approval of the adjustments. The CertifHy Scheme Operator communicates the adjustments to all relevant stakeholders via CertifHy EU RFNBO Voluntary Scheme Updates. These CertifHy EU RFNBO Voluntary Scheme Updates are provided via the

e-mail distribution system set up by the CertifHy Scheme Operator for involved stakeholders. Updates are also provided via the CertifHy website.

If adjustments or changes are required to ensure compliance with legal requirements and/ or to maintain the recognition of the CertifHy EU RFNBO Voluntary Scheme by the European Commission, a public consultation does not apply. In case of adjustments or changes in relation to the CertifHy EU RFNBO Voluntary Scheme being recognised by the European Commission as a Voluntary Scheme, the European Commission will be notified of these adjustments. Only after approval by the European Commission can such adjustments or changes be implemented. Final versions of adjustments (fundamental as well as non-fundamental) and/ or new documents must still be approved by the CertifHy Steering Committee.

The procedure of the public consultation is as follows:

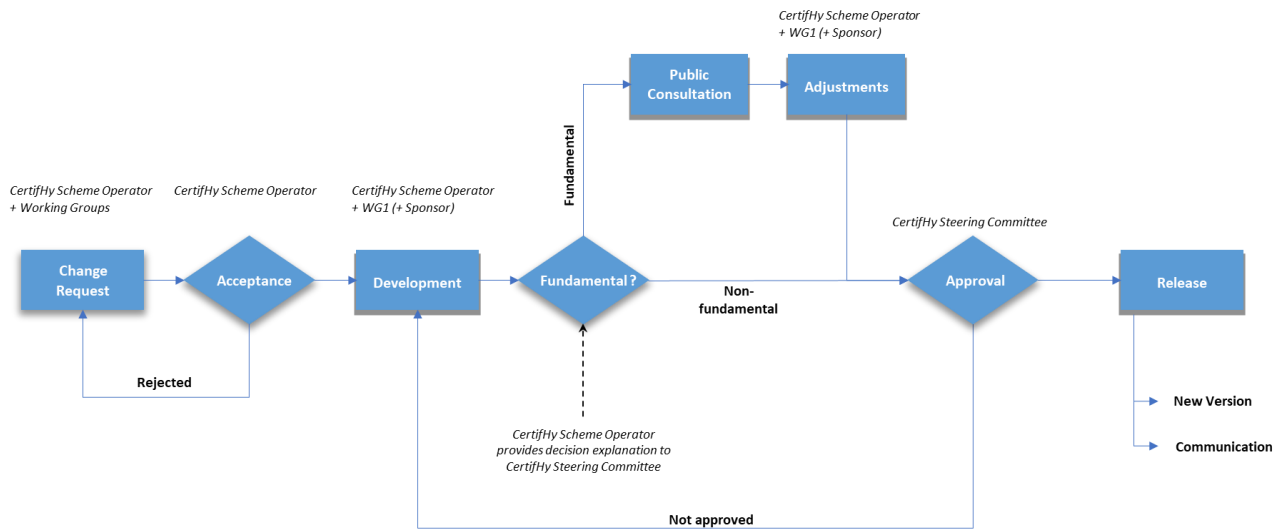
- 1) The CertifHy EU RFNBO Voluntary Scheme invites all interested parties to send their feedback. Documents in the Public Consultation will be announced by the CertifHy Scheme Operator via various communication channels (including, but not limited to, CertifHy EU RFNBO Voluntary Scheme Updates) in order to ensure wide coverage of stakeholders and stakeholder groups.
- 2) The first round of public consultation will last 45 calendar days from the date of publication. A contact form to provide feedback will be available on the CertifHy website.
- 3) The CertifHy Scheme Operator will publish the feedback, respecting confidentiality, during the public consultation phase to ensure transparency.
- 4) If insufficient feedback was received (for example, inadequate representation of relevant stakeholder groups), the CertifHy Scheme Operator will carry out an additional round of consultation that lasts 30 calendar days. In this case, the CertifHy Scheme Operator will provide a synopsis of the feedback received in the previous round. If feedback is still deemed insufficient, the CertifHy Scheme Operator may carry out additional consultation rounds.

After the final round of public consultation, the CertifHy Scheme Operator will together with Working Group 1, and the sponsor of the change request, analyse and consider the feedback received and develop draft adjustments to the scheme documents. All feedback is handled impartially. Once the feedback from public consultation has been taken into consideration, the documents will be forwarded to the CertifHy Steering Committee for approval.

In case the CertifHy Steering Committee rejects the proposed adjustments, the documents will be reverted back to the CertifHy Scheme Operator for revision. The CertifHy Scheme Operator may involve Working Group 1 and the sponsor in the revision. It will re-submit the revised scheme documents to the CertifHy Steering Committee for approval.

If the CertifHy Steering Committee approves the proposed adjustments, the adjusted documents will be released under a new version number and the CertifHy EU RFNBO Voluntary Scheme will announce the date from which the documents will be valid.

### Adjustment and scheme update process (for illustrative purposes only)



## 7 Competent Authority, Reporting and other Voluntary Schemes

### 7.1 Recognition by the European Commission

The European Commission decides on the recognition of ‘Voluntary Schemes’, which can be used to demonstrate compliance with the legal requirements specified in the RED II and monitors them. Within this regulatory framework, the CertifHy EU RFNBO Voluntary Scheme is considered as such a Voluntary Scheme. The recognition of the CertifHy EU RFNBO Voluntary Scheme by the European Commission therefore enables Economic Operators to use the CertifHy EU RFNBO Voluntary Scheme to demonstrate that consignments of renewable fuels of non-biological origin (RFNBO) comply with the respective legal requirements and criteria specified in the RED II.

In the case that the RED II is replaced or amended, the repealing Directive(s) shall be taken as basis for the relevant terminology. According to the RED II, the CertifHy EU RFNBO Voluntary Scheme must apply for re-recognition of the CertifHy EU RFNBO Voluntary Scheme by the European Commission every five years. If the CertifHy EU RFNBO Voluntary Scheme undergoes changes to its contents in a way that might affect the basis of the decision of recognition, such changes will be notified to the European Commission without delay.

### 7.2 Reporting to the European Commission

The CertifHy Scheme Operator reports at least annually to the European Commission on its activities and the status of the CertifHy EU RFNBO Voluntary Scheme. Reporting shall comply with the requirements specified in RED II. The reporting provides information about the operation of the Voluntary Scheme and will be made public in order to increase transparency and to improve oversight by the Commission.

Reporting to the European Commission includes the following aspects:

- Rules on the independence, method, and frequency of Audits, as approved by the Commission upon accreditation of the CertifHy EU RFNBO Voluntary Scheme and any changes to them over time to reflect Commission guidance, the modified regulatory framework, findings from internal monitoring on the auditing process of Certification Bodies and evolving industry best practice;
- Rules and procedures for identifying and dealing with Non-compliance by Economic Operators and members of CertifHy;
- Evidence of fulfilling the legal requirements on transparency and publication of information in line with Article 6 of the Commission Implementing Regulation (EU) 2022/996;
- Stakeholder involvement;
- Overview of the activities carried out by the CertifHy Scheme Operator in cooperation with the Certification Bodies in order to improve the overall

certification process and the qualification and independence of Auditors and relevant bodies;

- Market updates of the CertifHy EU RFNBO Voluntary Scheme, as well as the amount of RFNBO certified, by country of origin and type, and the number of participants;
- Overview of the effectiveness of the system put in place by the CertifHy Scheme Operator in order to track proof of conformity with the sustainability criteria. This covers, in particular, how the CertifHy Scheme Operator effectively prevents fraudulent activities by ensuring timely detection, treatment and follow-up of suspected fraud and other irregularities and where appropriate, the number of cases of fraud or irregularities detected;
- Criteria for the recognition of Certification Bodies;
- Rules on how the CertifHy EU RFNBO Voluntary Scheme internal monitoring system is conducted and the results of its periodic review, specifically on oversight of the work of Certification Bodies and their Auditors as well as on the procedure of handling complaints against Economic Operators and Certification Bodies;
- Possibilities to facilitate or improve the promotion of best practices.

Besides this, a summary of Grievances, Complaints and Appeals received in the previous year will also be included in the report.

In order to ensure the completeness and quality of the yearly report, Certification Bodies must send to CertifHy Scheme Operator no later than the end of February an annual report containing all the information listed in “Certification Body Requirements” document, section 6.3.

Based on the information provided by Certification Bodies, CertifHy will provide a summary, including:

- The CertifHy requirements and associated non-conformities detected by Certification Bodies, indicating what corrective measures have been taken to address these and where appropriate, a timeline for addressing them.

In the case where the European Commission investigates whether voluntary schemes are operating according to the established regulations, CertifHy will facilitate the information transfer to the European Commission.

The report shall be submitted to the Commission annually by 30 April.

### **7.3 Publication of Information**

Where Audits identify critical or major Non-conformities, the CertifHy Scheme Operator will publish on its website an aggregated list of these Non-conformities together with a respective action plan and timing for their correction as agreed with the Economic Operators concerned.



Economic Operators whose certificates are withdrawn, terminated, or expired will be listed on the CertifHy website for at least 24 months after the withdrawal, termination or expiration date. Changes in the certification status of Economic Operators will be made public without delay.

## 7.4 Investigations and information provision

The European Commission is entitled to investigate whether recognised Voluntary Schemes are operating according to the established regulations and rules and whether all requirements have been met. Those investigations can be conducted upon the European Commission's own initiative or on request of a Member State. In this context the CertifHy Scheme Operator is required to support the European Commission and to provide the relevant and requested information in a timely manner.

In the framework of the registration, Audit and certification process, Economic Operators and CBs must provide specific information and documents to the CertifHy Scheme Operator. If the CertifHy Scheme Operator is legally required to do so, certain information may be provided to the European Commission or competent authorities of EU Member States. This may include individual greenhouse gas emissions calculations that are covered by CertifHy EU RFNBO Voluntary Scheme certification and Audit procedures carried out by the Certification Body (CB) during the Audit.

Besides the European Commission, the CertifHy Scheme Operator works together with competent national authorities to ensure compliance with national requirements, especially those regarding the implementation and transposition of the relevant European Directives into national law.

## 7.5 Union Database

The "Union Database" (UDB) aims to ensure the tracing of RFNBO fuels that are eligible for being counted towards the share of renewable energy in the transport sector in any Member State, or for the contribution of RFNBOs in Member States used for final energy and non-energy purposes in industry (further information to be found in the CertifHy EU RFNBO Voluntary Scheme Document 'Traceability & Chain of Custody').

## 7.6 Other certification schemes

The CertifHy EU RFNBO Voluntary Scheme accepts all national schemes that are recognised by the European Commission in the context of RED II, as well as all Voluntary Schemes that are recognised by the European Commission in the framework of RED II. Acceptance of Voluntary Schemes is limited to the scope which is recognised by the European Commission.

## 8 Transparency

---

Transparent provision of information is important for the CertifHy Scheme Operator to offer a high-level certification scheme that is feasible, secure, and credible. The CertifHy Scheme Operator publishes relevant information about the CertifHy EU RFNBO Voluntary Scheme, which is freely accessible on the CertifHy website. Publicly available information about the CertifHy EU RFNBO Voluntary Scheme explicitly includes, but is not limited to:

- CertifHy EU RFNBO Voluntary Scheme documents, including fees and the CertifHy EU RFNBO Voluntary Scheme Terms of Use, in the latest applicable version;
- An archive of the CertifHy EU RFNBO Voluntary Scheme updates informing about adjustments and clarifications of CertifHy EU RFNBO Voluntary Scheme requirements;
- Information for Economic Operators on how to participate in the CertifHy EU RFNBO Voluntary Scheme;
- Information on the governance structure of the CertifHy EU RFNBO Voluntary Scheme, including details on the relevant bodies, ownership structure, and composition and experience of the CertifHy Steering Committee, as well as a list of CertifHy members with voting rights;
- CertifHy Scheme Operator contact details;
- Options for stakeholders to give feedback about the scheme and developments of the scheme (public consultation);
- Contact form to submit Grievances, Complaints or Appeals and a description of the related process;
- A list of all Certification Bodies recognised by the CertifHy Scheme Operator which are therefore permitted to conduct CertifHy EU RFNBO Voluntary Scheme Audits, including contact details, the body responsible for accreditation or the entity or national public authority responsible for the recognition and monitoring of the Certification Body;
- A list of Economic Operators certified by the CertifHy EU RFNBO Voluntary Scheme, the scope of certification, information about the status of the certification (valid, expired, suspended, or withdrawn) and copies of the certificates and summary Audit Reports as issued by the Certification Bodies;
- A list of Economic Operators being excluded from CertifHy EU RFNBO Voluntary Scheme certification due to serious Non-conformities with CertifHy EU RFNBO Voluntary Scheme requirements and the period of the exclusion;
- A list, for at least 12 months after the last Audit, of Certification Bodies that are no longer entitled to conduct independent Audits under the CertifHy EU RFNBO Voluntary Scheme;
- Reference to Voluntary Schemes recognised by the European Commission;
- Documentation of CertifHy EU RFNBO Voluntary Scheme stakeholder meetings and other events;

- Documentation of participation of the CertifHy Scheme Operator in external events;
- Announcement of all CertifHy trainings and events;
- Regular updates informing all stakeholders about the latest CertifHy activities and opportunities to get involved with CertifHy.

CertifHy publishes all certificates on the CertifHy website together with Summary Audit Reports as issued by cooperating CBs. Furthermore, the CertifHy publishes all withdrawn, suspended, and fake certificates and information on companies that are temporarily or permanently excluded from CertifHy EU RFNBO Voluntary Scheme certification. Customers of Economic Operators certified by the CertifHy EU RFNBO Voluntary Scheme, or other interested parties, can verify via the CertifHy website if a company or supplier holds a valid CertifHy EU RFNBO Voluntary Scheme certificate and is eligible to make sustainability claims according to the CertifHy EU RFNBO Voluntary Scheme.

An annual CertifHy activity report will be made available on the CertifHy website, including an aggregated list of non-conformities that occurred during this period.

## 9 Quality and Risk Management

---

### 9.1 General provisions

The CertifHy Scheme Operator is committed to continuously improving its scheme. The quality and risk management in the CertifHy EU RFNBO Voluntary Scheme framework contributes to this continuous improvement process. It aims to ensure consistency in all activities related to the CertifHy EU RFNBO Voluntary Scheme, especially with regards to the practical implementation and the secure and credible verification of compliance with the CertifHy EU RFNBO Voluntary Scheme. The principles for quality and risk management apply to the CertifHy EU RFNBO Voluntary Scheme management and all operations of the CertifHy EU RFNBO Voluntary Scheme (see also CertifHy EU RFNBO Voluntary Scheme document “Risk Management”).

The development of the CertifHy EU RFNBO Voluntary Scheme is based on an open multi-stakeholder process. Aspects of the multi-stakeholder dialogue include the Stakeholder Platform, regular Steering Committee meetings and meetings with cooperating CBs. This enables the identification, evaluation and implementation of stakeholder requirements and risk prevention measures.

CBs cooperating with the CertifHy Scheme Operator must have an adequate quality management system in place, reflecting the relevant aspects of the CertifHy EU RFNBO Voluntary Scheme appropriately. The specific requirements for CBs are specified in the CertifHy EU RFNBO Voluntary Scheme document “Requirements for Certification Bodies and Auditors”. The CertifHy Scheme Operator organises regular meetings with representatives of recognised CBs. The aim of those meetings is to exchange practical feedback and experiences from the application of the CertifHy EU RFNBO Voluntary Scheme, to discuss best practices, to identify potential risks to the certification scheme and to facilitate improvements of the scheme. The CBs having conducted audits on the basis of the CertifHy EU RFNBO Voluntary Scheme annually provide a report to the CertifHy Scheme Operator regarding important Non-conformities, corrective actions, and risks, which have been detected during Audits and activities over the previous year. The results of both the regular meetings with the CBs and the annual reports are evaluated by the CertifHy Scheme Operator and used for improvements.

As a reliable partner for the competent legislative bodies, the CertifHy Scheme Operator remains in close contact and dialogue with the authorities providing feedback and valuable information, which are also used for continuously improving the certification scheme.

Economic Operators and stakeholders of the CertifHy EU RFNBO Voluntary Scheme can always contact and engage with the CertifHy Scheme Operator directly via email or telephone to submit questions, Grievances, Complaints, Appeals, concerns, and general feedback (see also CertifHy EU RFNBO Voluntary Scheme document “Grievances, Complaints & Appeals”).

Furthermore, the CertifHy Scheme Operator continuously compares different schemes for sustainability certification. The CertifHy Scheme Operator uses the learnings of those processes to learn and improve continuously.

The CertifHy Scheme Operator regularly participates in international conferences, presenting its latest developments. During conferences, the CertifHy Scheme Operator also receives valuable feedback which is relevant for the continuous improvement of the scheme.

## 9.2 Documentation system

CertifHy relies on an internal documentation system that addresses the following elements:

- a) general management system documentation (e.g. manuals, policies, definition of responsibilities);
- b) control of documents and records;
- c) management review of management system;
- d) internal auditing/internal monitoring;
- e) procedures for identification and management of non-conformities; and
- f) procedures for taking preventive actions to eliminate the causes of potential non-conformities.

CertifHy keeps documentation for a minimum of 5 years, or longer if required by the relevant national authority.

## 9.3 Internal Audits and Monitoring

The CertifHy Scheme Operator constantly takes measures to prevent scheme non-compliant conduct or activities, which are intended to prevent the occurrence of undesirable incidents or even more so to systematically eliminate the cause of these incidents. The CertifHy Scheme Operator collects and evaluates information related to compliance with the scheme requirements and in order to guarantee transparency.

In order to verify compliance of Economic Operators with the provisions of the CertifHy EU RFNBO Voluntary Scheme and to ensure the quality of the work carried out by the CBs and their Auditors, the CertifHy Scheme Operator continuously monitors and documents their compliance internally.

The CertifHy Scheme Operator constantly reviews and cross checks all certification documents submitted to the CertifHy Scheme Operator by the CBs, such as registrations or individual GHG calculations. The CertifHy Scheme Operator also reviews a random and risk-based sample of Audit reports prepared by each CB.

Irregularities or Non-conformities found during these reviews will be documented and directly addressed to the respective party.

In case the CertifHy Scheme Operator receives substantiated information about irregularities or Non-conformity of Economic Operators or Non-compliances of CBs

---

from external stakeholders, the CertifHy Scheme Operator immediately investigates such information. This can lead for example to Surveillance Audits to be conducted (see also CertifHy EU RFNBO Voluntary Scheme document ‘Risk Management’).

The internal monitoring of the CertifHy EU RFNBO Voluntary Scheme is done on an annual basis and reflects the level of risk of the activities conducted by the Economic Operators. The results of the internal monitoring can, for example, lead to the development of specific guidance documents in order to clarify uncertainties or to sanctions for CBs and Economic Operators, based on the insights gained (see also Chapter 10).

The results of the internal monitoring activities will be summarised in the annual activity report submitted to the European Commission.

## 10 Non-conformities, Non-compliances and Sanctions

### 10.1 General provisions

“Non-conformity” means the non-fulfilment or violation of a CertifHy EU RFNBO Voluntary Scheme requirement by an Economic Operator and “Non-compliance” the non-fulfilment or violation of a CertifHy EU RFNBO Voluntary Scheme requirement by a CB, including its Auditors and representative.

A CertifHy EU RFNBO Voluntary Scheme certificate can only be issued if there are no major or critical Non-conformities at the time of issuance and all prior existing Non-conformities are resolved. All required evidence to prove conformity or removal of prior Non-conformity, respectively, must be made available to the CB at the latest 40 days after the date on which the Audit was conducted.

Non-conformities and Non-compliances with CertifHy EU RFNBO Voluntary Scheme requirements are classified according to the impact of the Non-conformity or Non-compliance and the fault of the responsible actor. The impact of a Non-conformity or a Non-compliance is severe if it:

- has led to any kind of input, intermediate product or final product declared as sustainable that does not meet the CertifHy EU RFNBO Voluntary Scheme requirements entering the downstream supply chain or being placed on the market, or
- has had, has or may have an adverse impact on the reliability, integrity, recognition by the European Commission, functioning or performance of the CertifHy EU RFNBO Voluntary Scheme.

Categories of Non-conformities and Non-compliances are:

- **Minor:** They have no severe impact and can be corrected or have been corrected after detection. If such Non-conformities are repeated after they have been detected, they may not be considered minor;
- **Major:** They a) have a severe impact or have no severe impact but are not minor, and b) are not critical. They cannot always be corrected after detection. If major Non-conformities are repeated after they have been detected, they may be considered as critical;
- **Critical:** They have a severe impact, are systematic, or intentional, for example fraud.

Based on this classification the CB assesses Non-conformities of Economic Operators as minor, major, or critical and applies the respective sanctions and measures as described in Chapter 10.2.

The CertifHy Scheme Operator takes the necessary measures to establish the facts needed for its assessments. CBs and/ or Economic Operators are obliged to cooperate with and support the CertifHy Scheme Operator in such measures. The CertifHy Scheme Operator is entitled to demand explanations, statements and the



submission of documents and other evidence from CBs and Economic Operators regarding the Non-conformity and its circumstances. If the responsible actor notifies the CB or the CertifHy Scheme Operator proactively and in time of a committed Non-conformity, this can be taken into account as a mitigating circumstance in the assessment. If the Non-conformity has been revealed during or as result of an Audit or an Integrity Assessment the respective communication cannot be regarded as proactive and timely notification.

Breaches of contract are found to be the case when a CB or an Economic Operator does not act according to contractual agreements between the CB and the CertifHy Scheme Operator. In the event of contractual breaches, the CertifHy Scheme Operator is entitled to suspend the services offered by CertifHy. This includes customer service via telephone or e-mail and the participation in CertifHy events. The CertifHy Scheme Operator may also not accept new registrations for additional sites of an Economic Operator with contractual breaches.

## 10.2 Economic Operators

### 10.2.1 *Non-Conformities and Sanctions*

If minor, major or critical Non-conformities are found with an Economic Operator, for example during an Audit, the CB and the CertifHy Scheme Operator will impose specific measures and sanctions as described in the following.

Critical Non-conformities of Economic Operators include but are not limited to:

- Non-conformity with a mandatory requirement of Directive (EU) 2018/2001;
- Fraudulent issuance of a proof of sustainability or self-declarations, for example, intentional duplication of a proof of sustainability to seek financial benefit;
- Deliberate misstatement of input description or falsification of GHG values
- Intentional violations of CertifHy EU RFNBO Voluntary Scheme requirements, for example fraud;
- Missing or delayed cooperation in surveillance Audits ordered by the CB and/ or by the CertifHy Scheme Operator.

In the case of critical Non-conformities, the issuing CB must declare the certificate invalid and withdraw it with immediate effect and must inform the CertifHy Scheme Operator immediately. The CertifHy Scheme Operator may exclude the Economic Operator from re-certification with the CertifHy EU RFNBO Voluntary Scheme for a period of up to 60 months.

Major Non-conformities of Economic Operators include but are not limited to:

- Systematic problems with mass balance or GHG data reported for example, incorrect documentation is identified in more than 10 % of the claims included in the representative sample;
- The omission of an Economic Operator to declare its participation in other Voluntary Schemes during the certification process;



- Failure to provide relevant information to Auditors for example, mass balance data and Audit reports;
- Issuance of Proofs of Sustainability according to CertifHy EU RFNBO Voluntary Scheme requirements despite no valid certificate being available at the time of dispatch of the renewable product;
- Selling one consignment of a sustainable product multiple times (double-counting);
- Counting or declaring RFNBOs as renewable, although the sustainability of the product cannot be fully traced, verified or validated (e.g. due to missing, incomplete or incorrect self-declarations, Proofs of Sustainability and/ or mass balance calculations or negative mass balances);
- False declaration or re-labelling of products;
- Provision of false carbon footprint information to recipients of sustainable products;
- Claiming the amount or the sustainability characteristics (e.g. the GHG savings) of a consignment of a sustainable product multiple times, for example, in different EU Member States or under different regimes that cover the same sustainability characteristics;
- Making false claims with a direct reference to the CertifHy EU RFNBO Voluntary Scheme or using the CertifHy label without the consent of the CertifHy Scheme Operator (violation of the guidelines stated in CertifHy EU RFNBO Voluntary Scheme document “Logos, Labels & Claims”);
- Non-conformity with the EU reporting requirements.

Failure to comply with a mandatory requirement of Directive (EU) 2018/2001, where the non-conformity is potentially reversible, repeated and reveals systematic problems, or aspects that alone, or in combination with further non-conformities, may result in a fundamental system failure, shall be considered to be a major non-conformity.

In case of major Non-conformities by an Economic Operator the issuing CB must suspend the validity of the certificate (suspension) with immediate effect for a period of 40 days. Within this period all Non-conformities must be corrected by implementing appropriate corrective measures as determined by the CB. The CB shall end the suspension within or after this period if it confirms the successful implementation of the corrective measures. If corrective measures cannot be implemented within this period for exceptional reasons the suspension can be extended up to 30 days with the consent of the CertifHy Scheme Operator. If not, all major Non-conformities are corrected within the period of suspension the CB must declare the certificate invalid and withdraw the certificate with immediate effect. The CB must inform the CertifHy Scheme Operator immediately about any suspension, its intended extension, its end or a withdrawal of a certificate. In case of withdrawal, the CertifHy EU RFNBO Voluntary Scheme may exclude the Economic Operator from re-certification (exclusion) for up to 12 months.

A non-conformity that has a limited impact, constitutes an isolated or temporary lapse, is not systematic and does not result in a fundamental failure if not corrected, shall be considered to be a minor non-conformity.

Minor Non-conformities must be corrected by implementing appropriate corrective measures until the next Audit. The corrections must be verified by the CB during the next Audit at the latest. In addition, the CertifHy Scheme Operator may issue a warning to the Economic Operator. A warning may be accompanied by reasonable measures (e.g. additional training for employees at critical control points) to ensure future compliance with the CertifHy EU RFNBO Voluntary Scheme requirements.

In case of suspension or withdrawal of a certificate, the CertifHy Scheme Operator will immediately update the status of the certificate on the CertifHy website accordingly. Exclusions from re-certification and their duration are also published on the CertifHy website. The CertifHy Scheme Operator will not publish specific reasons for the suspension and withdrawal of a certificate or the exclusion of Economic Operators.

The CertifHy Scheme Operator is entitled to notify authorities, other certification schemes and CBs about the suspension and withdrawal of certificates as well as the exclusion of Economic Operators.

If any Non-conformities are detected with an Economic Operator, the CertifHy Scheme Operator and the CB are entitled to impose conditions for the re-certification of the Economic Operator which are suitable for preventing future Non-conformities and for ensuring future compliance with CertifHy EU RFNBO Voluntary Scheme requirements. This also applies if certificates were suspended or withdrawn or if the Economic Operator was excluded from re-certification. Examples for conditions are the application of a higher risk level for Audits, the obligation of additional surveillance audits after a specified period of time, the submission of specified documents to the CB and/ or the CertifHy Scheme Operator for a specified period of time (e.g. one mass balance period), or the obligation of trainings for relevant members of staff. Unless the Economic Operator is excluded from re-certification, immediate re-certification is possible after the withdrawal of a certificate. For this, the Economic Operator has to pass a certification Audit successfully.

During the time of a suspension of the certificate or the exclusion from certification the (former) Economic Operator is not allowed to handle products declared as renewable under the CertifHy EU RFNBO Voluntary Scheme or to use the CertifHy EU RFNBO Voluntary Scheme label or make any claims referring to a CertifHy EU RFNBO Voluntary Scheme certification or CertifHy certified products (see CertifHy EU RFNBO Voluntary Scheme document “Logos, Labels & Claims”). This implies that the (former) Economic Operator is not permitted to act for other CertifHy EU RFNBO Voluntary Scheme certified Economic Operators. Economic Operators certified according to the CertifHy EU RFNBO Voluntary Scheme are obligated to ensure that

all service providers, such as storage facilities, comply with the CertifHy EU RFNBO Voluntary Scheme requirements.

Where an Economic Operator that was previously found to be in critical or major non-conformity applies for re-certification, the Auditor shall bring that fact to the attention of all Voluntary Schemes in which the Economic Operator is currently participating, or to which it has applied for re-certification.

### **10.2.2 Fraud Investigations or Suspicion of critical Non-Conformities**

Economic Operators are obliged to immediately inform their CB and the CertifHy Scheme Operator in text form (e-mail or mail) if they or their operations related to the CertifHy EU RFNBO Voluntary Scheme in any way are subject to fraud investigations by competent authorities.

If the CertifHy Scheme Operator learns that an Economic Operator is subject to a fraud investigation, or if the CertifHy Scheme Operator receives substantiated information that give rise to the suspicion of a major or critical Non-conformity or fraud, the CertifHy Scheme Operator shall request a statement from the Economic Operator regarding the investigations and/ or these suspicions. The Economic Operator must submit a substantiated statement refuting all suspicions of Non-conformity and fraud and explaining the reasons for the investigations within three working days.

Otherwise, and if the CertifHy Scheme Operator concludes that there is a well-founded and urgent suspicion of a critical Non-conformity or of fraud involving the violation of CertifHy EU RFNBO Voluntary Scheme requirements, the CB must suspend the validity of the certificate with immediate effect for a period of 40 days. The CB shall end the suspension in consent with the CertifHy Scheme Operator within or after this period if compliance with the CertifHy EU RFNBO Voluntary Scheme requirements can be demonstrated or if the suspicion is otherwise cleared or the investigations are terminated. The CB shall extend this period in consent with the CertifHy Scheme Operator if compliance with the CertifHy EU RFNBO Voluntary Scheme requirements cannot be demonstrated or the suspicion is otherwise still pending, or the investigations are continued.

The CertifHy Scheme Operator may assess the Economic Operator or request the issuing CB to conduct an Audit of the Economic Operator. In case of findings the sanctions as described in this chapter apply.

## **10.3 Certification Bodies**

In the event of non-compliant behaviour of a CB, its Auditors, or representative, the CertifHy Scheme Operator may impose sanctions against the CB or the individuals responsible for the Non-compliance.

The CertifHy Scheme Operator assesses the type and level of Non-compliance and determines the level of sanction on a case-by-case basis. The principles specified in section 10.1 shall be applied.

There are four levels of sanctioning:

- 1) Warning,
- 2) Yellow Card,
- 3) Red Card, and
- 4) Contract Cancellation.

Furthermore, the CertifHy Scheme Operator reserves the right to impose a contractual penalty if there is a violation against the CertifHy EU RFNBO Voluntary Scheme requirements.

In addition, the CertifHy Scheme Operator is also entitled to impose measures which are suitable for preventing future Non-compliance or for ensuring future compliance of the CB with CertifHy EU RFNBO Voluntary Scheme requirements. Examples for measures include additional training of Auditors and/ or members of staff, specific measures for Auditors for a specified period of time (e.g. Audits can only be conducted if accompanied by other Auditors or the suspension from conducting CertifHy EU RFNBO Voluntary Scheme Audits). The CertifHy Scheme Operator is entitled to set a time frame for the implementation of the measures by the CB. The CB has to provide evidence to the CertifHy Scheme Operator that the measures have been implemented within the set time.

### **10.3.1 Warning**

The CertifHy Scheme Operator may issue a Warning if minor Non-compliances with CertifHy EU RFNBO Voluntary Scheme requirements are detected.

Examples of minor Non-compliances include but are not limited to:

- Certification documents submitted to the CertifHy Scheme Operator are delayed or incomplete;
- Delayed notification to the CertifHy Scheme Operator about suspended or withdrawn certificates;
- Missing or delayed notification to the CertifHy Scheme Operator about failed Audits;
- Missing notification to the CertifHy Scheme Operator about the change of CB of an Economic Operator (i.e. when an Economic Operator contracts a new CB for the re-certification Audit). The notification has to be done by the CB the Economic Operator changed to;
- Incorrect determination of the sample size for Audits (if applicable);
- Conditions for the certification of an Economic Operator imposed by the CertifHy EU RFNBO Voluntary Scheme were not taken into account during the Audit;

- CB did not detect minor Non-conformities of an Economic Operator (see also chapter 10.2) although the Non-conformity should have been detected during the Audit.

Only the CB will be informed about the Warning. After a Warning the CB must submit a statement of explanation to the CertifHy Scheme Operator within two weeks upon notification of the Warning. This statement has to include a description of suitable measures taken by the CB for preventing future Non-conformities or for ensuring future compliance with CertifHy EU RFNBO Voluntary Scheme requirements.

### **10.3.2 Yellow Card**

The CertifHy Scheme Operator may issue a Yellow Card in case of repeated or systematic minor Non-conformities, especially if the CertifHy Scheme Operator has already issued a Warning to the CB before regarding the same type of Non-conformities. A Yellow Card can also be issued in case of major Non-conformities, or if the CB does not react to or does not report in response to written requests for, e.g. evidence or statements by the CertifHy Scheme Operator.

Examples of major Non-conformities include but are not limited to:

- CB did not detect major Non-conformities of an Economic Operator (see also chapter 10.2) although the Non-conformity should have been detected during the Audit;
- Certificates are not issued according to the CertifHy EU RFNBO Voluntary Scheme requirements (e.g. one certificate issued for more than one Economic Operator).

The CertifHy Scheme Operator shall inform the Accreditation Body or respective national authority that has accredited or recognised the CB and is responsible for monitoring the CB of the Yellow Card and the circumstances that led to the Yellow Card. The CB shall submit a statement of explanation to the CertifHy Scheme Operator within two weeks upon notification of the Yellow Card. This statement has to include a description of suitable measures taken by the CB for preventing future Non-conformities or for ensuring future compliance with CertifHy EU RFNBO Voluntary Scheme requirements. The CertifHy Scheme Operator is entitled to impose further measures that have to be implemented by the CB within a set time frame.

### **10.3.3 Red Card**

The CertifHy Scheme Operator may issue a Red Card in case of critical Non-conformities with CertifHy EU RFNBO Voluntary Scheme requirements, or if measures required due to a Yellow Card have not been completely implemented within a set time, or if the CB does not react to or report on repeated written requests for, e.g. evidence or statements by the CertifHy Scheme Operator, or if the Accreditation Body or competent national public authority has suspended the accreditation or recognition of the CB.

An example of critical Non-conformities can be, but is not limited to, that a CB did not detect critical Non-conformities of an Economic Operator (see also chapter 10.2) although the Non-conformity should have been detected during the Audit.

The Red Card can have a duration of up to 12 months and lead to the following consequences:

- The CertifHy Scheme Operator will inform the Accreditation Body or respective national authority that has accredited or recognised the CB and is responsible for monitoring the CB of the Red Card and the circumstances that led to the Red Card;
- The CertifHy Scheme Operator will publish the issuance of the Red Card, including the duration of the Red Card on the CertifHy website;
- The CB is not permitted to issue CertifHy EU RFNBO Voluntary Scheme certificates for the duration of the Red Card.

#### **10.3.4 Contract cancellation**

In cases of verified fraud or if a Red Card could not be lifted after the second extension, or in cases of bankruptcy or loss of the required recognition or accreditation of the CB by a national authority or Accreditation Body, the CertifHy Scheme Operator may terminate the Cooperation Agreement with the CB.

##### **Sanction:**

- The CertifHy Scheme Operator shall inform the Accreditation Body or respective national authority that has accredited or recognised the CB and is responsible for monitoring the CB of the contract cancellation and the circumstances that led to the contract cancellation;
- Cancellation of the contract is made public on the CertifHy website and all Economic Operators are informed;
- The CB is not allowed to issue CertifHy EU RFNBO Voluntary Scheme certificates;
- Cancellation of the Cooperation Agreement by the CertifHy Scheme Operator.