



2BSvs Biomass Biofuels Sustainability voluntary scheme Governance and Management

Doc : 2BSvs-PRO-01
Rev. : V 1.8 EN
Ref. : V1.7

Date approved:
10/05/2011 (v1.7)
updated
27/02/2013

2BSvs voluntary scheme **GOVERNANCE AND MANAGEMENT**

Note on status of this document

This reference document is an integral part of the 2BSvs Voluntary Scheme developed by the Consortium 2BS with the technical support of Bureau Veritas. The current version of the document has been validated by the Consortium on 08 December 2010 to be presented to the European Commission for formal recognition in conformity with the requirements of the European Directive 2009/28/EC. It has been updated on 27th February 2013 (section 4.)



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Table of Content

Introduction..... 3

1. Organizational structure and members.....4

2. Control of the Scheme’s documented procedures..... 7

3. Endorsement of Independent Verification Bodies 7

4. Approval of auditors..... 9

5. Registry of certificates, auditors and verification bodies 9

6. Complaints and role of Steering Committee 9

7. Other Schemes recognition 10

8. Transparency, documents/information to be published, communication policy... 10



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Introduction

The objective of the 2BSvs voluntary scheme is, in conformity with the European Union Directive 2009/28/EC, to allow 1st gathering entities and economic operators along the biofuels supply chain to demonstrate the sustainability of their products in conformity with the European Union Directive 2009/28/EC.

The 2BSvs voluntary scheme has been designed to cover all the requirements of the Directive 2009/28/EC and related EC Communication with the exception of the requirements related to high biodiversity grassland (EU Directive 2009/28/EC, article 17.3.c) pending an official definition of high biodiversity grassland by the European Commission, by:

- Covering all the sustainability criteria of the Directive 2009/28/EC (GHG emission savings, Lands with high biodiversity values values with the exception of high biodiversity grassland, Lands with high carbon stocks and peatlands).
- Ensuring that 1st gathering entities and economic operators provide accurate and reliable information regarding the origin of the biomass and/or biofuels in conformity with the sustainability criteria of the Directive 2009/28/EC.
- Ensuring independent auditing of the systems used by 1st gathering entities and economic operators to verify that they are accurate, reliable and protected against fraud.
- Ensuring that 1st gathering entities and economic operators participating in the Scheme have an auditable system in conformity with points 2 & 5.2 of Module D1 of Annex II of the Decision on a Common Framework for the Marketing of Products, and have accepted the responsibility for preparing any information related to the auditing of such evidence.
- Ensuring that the 1st gathering entities and economic operators use an appropriate mass balance system in conformity with the Directive 2009/28/EC article 18.1.

This procedure presents the principles of governance of the 2BSvs voluntary scheme with the objective to guarantee the credibility of the system, truthfulness of the sustainability claims, through independent verification audits and independent decisions regarding the conformity of 1st gathering entities and other economic operators throughout the biofuels value chain as required under the European Directive 2009/28/EC.



1. Organizational structure and members

1.1. Steering Committee of the 2BSvs voluntary scheme

1.1.1. Structure and Membership

The Steering Committee is formed by members from:

- The entities that founded the Consortium 2BS in April 2010. The 2BS Consortium is an association of professional syndicates representing the biofuels industry in France including Biodiesel and Bioethanol (biomass producers, 1st gathering entities and biofuels processors).
- Technical Advisor representation,

Members of the Steering Committee are appointed by each organization independently. New members can be invited by the Steering Committee, on a case-by-case basis depending on the meeting's agenda and /or any specific technical requirement.

1.1.2. Role

The Steering Committee is the governing entity of the Scheme, in charge of managing the scheme including all decisions. The Steering Committee can mandate relevant organizations for the purpose of implementing and developing the scheme.

Decisions of the Steering Committee are generally made on a consensus basis but can also be made based on the voting procedures or protocol developed and implemented by the 2BS Consortium.

1.2. 2BSvs Voluntary Scheme's Technical Advisor

1.2.1. Structure

A Technical Advisor with appropriate technical competences is mandated by the Steering Committee for the technical management of the scheme.

1.2.2. Role

Mandate of the Technical Advisor includes:

- Discussion with the European Commission and other regulatory entity on the 2BSvs Voluntary Scheme documents and procedures.
- Amendments of the Scheme documents and procedures.
- Training and qualification:
 - Information to Economic Operators
 - Training and Qualification of auditors
 - Approval of Verification Bodies
- Operations of the Scheme :
 - Registration of Qualified auditors
 - Registration of endorsed independent Verification Bodies
 - Registration of Economic Operators applying for recognition under the Scheme (entry point of the Verification Process)



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- Registration of Economic Operators certified by an approved Verification Body and allocation of a certificate number (exit point of the Verification Process)
- Collection of fees from Verification Bodies
- Technical Support:
 - Addressing technical questions on the scheme arising from Economic Operators, Verification Bodies or other relevant stakeholders including Authorities and NGOs. These activities are reported to the Steering Committee which is consulted when relevant.
 - Management of appeals and complaints
 - Maintenance of the Scheme documents, regulatory watch, follow-up with Authorities

These activities are reported to the Steering Committee which can be consulted when relevant.

The exact mandate of the Technical Advisor is established in a formal contract with the Steering Committee covering the necessary confidentiality requirements. The Technical Advisor is required to ensure that sufficient resource is allocated to perform adequately the mandate.

The mandate of the Technical Advisor can be extended by the Steering Committee, provided that sufficient resource is available to perform the required tasks.

1.3. Independent Verification Bodies

1.3.1. Attributes

Verification Bodies shall be independent and reliable audit service providers endorsed by the Steering Committee against requirements defined in the procedure for the scheme verification process. Verifiers shall have the following attributes:

- Accredited against ISO guide 65, or
 - Accredited against ISO 17021.
- and
- Experienced in carrying out audits in conformity with ISO 19011, or
 - Accredited against ISO 14065, or
 - Experienced in carrying out audits in conformity with ISO 14064-3, or
 - Experienced in carrying out audits in conformity with ISAE 3000, or

1.3.2. Role

Verification Bodies' role is to:

- Sign a contract with the 1st gathering entity or Economic Operators that have applied to join and be verified against the Scheme requirements.
- Perform the independent verification of 1st gathering entities or economic operators, report on conformity and grant a certificate on the bases of an independent verification audit and independent decision. Verification



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- audits shall be performed and a certificate awarded before a 1st gathering entity or economic operator can make sustainability claim(s).
- The Verification Body shall also ensure that its approved auditors perform at least the following activities prior to and during audits:
 - Identify the activities undertaken by the economic operator relevant to the scheme's criteria based on the information provided through the application process.
 - Perform a risk analysis of the activities and operations to be audited. The risk analysis shall at least include an identification of all the logistical sites and main activities covered by the certification unit.
 - Draw up a verification plan and agenda that corresponds to the risk analysis and the scope and complexity of the sites and activities covered by the verification audit.
 - Identify the relevant systems of the economic operator and its overall organisation with respect to the scheme's criteria and checks the effective implementation of relevant group management and internal control systems by checking relevant written policies, procedures and instructions and reviewing a number of monitoring records during the audit.
 - Carry out the verification plan by gathering documented and non-documented (e.g. through interviews, etc) evidence in accordance with the sampling method defined in the Procedure for the Verification Process.
 - Ensure a minimum level of conformity against the sustainability criteria in compliance with the requirements of the 2BSvs voluntary scheme. Where nonconformities are identified, they shall be addressed through appropriate critical, major or minor nonconformities.
 - Analyse the risk that could lead to wrong sustainability claims made by the 1st gathering entity or economic operator. If such a risk has been identified by the auditor, then it shall be reported in the audit report and appropriate critical, major or minor nonconformities shall be raised. Whenever high and systematic risk of misleading sustainability claim has been identified, the auditor shall issue a critical nonconformity and recommend the suspension of the 1st gathering entity or economic operator.
 - Request the operator to address within a specified timeframe all the nonconformities identified and provide any missing elements of the audit trail, explain variations, or revise claims or calculations through appropriate nonconformities or before making a formal verification recommendation.



1.4. First Gathering Entity and Economic Operator

1.4.1. Type

Any legal entity acting as a 1st gathering entity or economic operator in the production of biomass or biofuels industry and willing to get verified for and demonstrate conformity with the European Directive 2009/28/CE.

1st gathering entities or economic operators who want to be verified against the requirements of the voluntary scheme 2BSvs will be required to develop and implement a documentation management system. 1st gathering entities will need to ensure that they have appropriate documented procedures to act as a group manager as indicated in the scheme requirements (2BSvs-STD-01).

1.4.2. Role

- Sign a verification contract with an endorsed Verification Body
- Provide access to information sufficient to enable the verification audit to be conducted by an endorsed Verification Body.
- Have an auditable system with relevant evidence related to the sustainability claims they make or rely on. The 1st gathering entity shall have appropriate documented procedures to act as a group manager as indicated in the scheme requirements (2BSvs-STD-01).
- Keep evidence and records for a minimum of 5 years.
- And accept responsibility for preparing, obtaining and having available all information related needed for the independent Verification Body to perform a verification audit in conformity with the requirements of the 2BSvs voluntary scheme.

2. Control of the Scheme's documented procedures

To be effective the scheme's documents are approved, controlled and recorded by the Technical Advisor.

Scheme's documents include:

- procedures
- standards
- training materials

Only the latest version of the documents is made available by the Technical Advisor. This last version must show appropriate reference number. Diffusion of the documents is managed by the Technical Advisor.

Whenever new information or official lists on protected areas are available from the EC, or any other similar update the standards and/or scheme documents shall be updated accordingly. Updates of the 2BSvs voluntary scheme normative documents must be reported to the European Commission prior to their publication or use in the field.

3. Endorsement of Independent Verification Bodies



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Verification bodies providing independent auditing services for the Scheme shall demonstrate their independence and competence, through formal accreditation against ISO Guide 65 (EN45011), or similar accreditation standard (ISO 17021), by an independent IAF member and in conformity with the following requirements:

Decision of endorsement of an independent certification body is made by the Steering Committee upon acceptance of the documented evidence provided to demonstrate the independence and competence of the certification body through formal accreditation against ISO Guide 65 (EN45011), or similar accreditation standard (ISO 17021), by an independent IAF member and to ensure that biofuels certification activities are performed in conformity with ISO standards, such as ISO 19011, ISO Guide 65 or ISO 17021 requirements. Before making a decision to endorse an independent certification body, the steering committee must review the following certification body's procedures, forms and templates developed by the certification body specifically for the 2BS scheme:

- Certification of accreditation against ISO Guide 65, EN 45011, ISO 17021 or similar emitted by an independent accreditation body member of IAF.
- Certification procedure from application process, to certification decision, including procedures to register certificates issued and to control sustainability claims.
- Audit guidelines for auditors to perform 2BS audits.
- Application form for 1st gathering entities and economic operators.
- Contract template including clear clauses to ensure that unannounced surveillance audit can be performed, and the conditions under which a certificate can be suspended or terminated.
- Audit report template.
- Template for nonconformity form.
- Certificate template.

A written agreement with the Steering Committee is made containing expression of:

- the commitment of the Verification Body to confidentiality regarding all elements and information that are made available to its staff for all the activities related to the implementation of the 2BSvs voluntary scheme
- engagement of independence and integrity of the Verifications Body in the performance of auditing and certification activities related to the 2BSvs voluntary scheme
- commitment to fulfill all requirements of the Scheme in particular concerning impartiality, integrity and competence, including staffing qualified auditors and personnel

The Steering committee can mandate a third party to check that the verification process of any 1st gathering entity or economic operator certified is in accordance with the scheme verification process.

Termination of an endorsed Verification Bodies can be decided by the Steering Committee following a breach of the 2BSvs voluntary scheme procedures.



4. Approval of auditors

Auditors as well as all the personnel of Independent Verification Bodies involved in activities related to the Scheme must have a sufficient level of knowledge and competence to perform their tasks in conformity with the Scheme requirements. Auditors shall be formally approved for their specific area of competence and shall have the relevant competency to perform specific audits. For example, auditors performing audits against 2BSvs-STD-001 need to have academic qualification or professional experience in agriculture, ecology or similar field, while auditors performing audits against 2BSvs-STD-002 need to have academic qualification or professional experience in traceability, chain of custody or similar.

Auditors performing audits against 2BSvs-PRO-03 need to have academic qualification or professional experience in undertaking GHG calculations using the RED methodology

In particular, Verification Bodies need to set-up a procedure to qualify their auditors in order to ensure that they satisfy the following minimum conditions:

- have followed an approved training course and have passed any examination related to the training course
- being a currently qualified Management System auditor according to internal processes of the certification body, in conformity with ISO 19011
- have the general skills necessary for conducting the audit related to the scheme's criteria; i.e. Evidence of having past an appropriate ISO 19011 training course (e.g. IRCA certificate, certificate of ISO 19011 training course), or evidence of experience in carrying audits in conformity with ISO 9001, 14001, 14065 and/or 14064-3 audits.
- have
- Evidence should be provided through training certificates, audit logs or detailed Curriculum Vitae.

In the case of major updates required by the European Commission, the Steering Committee can decide to impose an additional training session for all auditors to remain qualified.

Requirements for auditors' qualifications are described in the procedure for the scheme verification process.

5. Registry of certificates, auditors and verification bodies

The Technical Advisor registers:

- Certificates of qualified auditors
- Written agreement of endorsed Verification Bodies
- Certificates of Economic Operators

6. Complaints and role of Steering Committee

Any interested stakeholder can raise a formal complaint to the Steering Committee regarding the performance of a certified entity or independent verification body. A formal complaint shall be made in writing and addressed to the Steering Committee.

A complaint shall be addressed within a reasonable time, not exceeding 30 days. The Steering Committee shall review the complaint in order to define if corrective or preventive



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actions need to be carried out. The Steering Committee shall respond to the complaints in writing within 30 days.

7. Other Schemes recognition

Following recommendation of the European Commission, the 2BSvs voluntary scheme may recognize other voluntary verification schemes officially endorsed by the European Commission providing that:

- in the case of a scheme fully recognized by the European Commission, an agreement of mutual recognition is signed between the Steering Committee of the 2BSvs voluntary Scheme and the owner of the other scheme.
- in the case of a scheme partially recognized by the European Commission, a gap analysis is conducted by the Technical Advisor and a list of additional criteria to be audited is established. Requirements not covered by the partial recognition of the European Commission shall be audited by a Verification Body endorsed by the Technical Advisor.

The Steering Committee can recognize other Voluntary Verification Schemes approved by the European Commission, and for specific steps of the biofuels supply chain if needed.

A list of recognized voluntary schemes must be maintained up-to date by the Technical Advisor and can be made available on request.

8. Transparency, documents/information to be published, communication policy

Information that may be made available to all interested stakeholder is as follow:

- List of qualified auditors
- List of endorsed Verification Bodies
- List of certified Economic Operators
- List of voluntary verification scheme endorsed by the Steering Committee
- Procedure for the scheme verification process

Information which diffusion shall only be accessible to the Steering Committee:

- Governance procedure of the 2BSvs voluntary scheme

Information which diffusion is not accessed by the Steering Committee:

- Audit reports

Information which shall only be accessible to the Verification Bodies:

- Confidential information provided by Economic operators during the audits

The European Commission can have access to all documents of the scheme upon request.