2BS voluntary scheme

GOVERNMENT AND MANAGEMENT
of 2BS voluntary scheme

Note on the status of this document

This reference document is an integral part of the 2BS voluntary scheme developed by the 2BS Association.

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1. **Introduction**


The 2BS voluntary scheme has been designed to cover all the requirements of the (EU) Directive 2009/28/EC amended by the (EU) Directive 2015/1513 by:


- 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 amended by the (EU) Directive 2015/1513.

- 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 biomass producers, 1st gathering entities and economic operators use an appropriate system for GHG calculation in conformity with the Directive 2009/28/EC modified by the Directive 2015/1513, article 19 and Annex V.

This procedure presents the principles of governance of the 2BS 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 amended by the (EU) Directive 2015/1513.

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1 Commission Regulation (EU) No 1307/2014 of the 8th of December 2014
Organisational structure and members

1.1. Board of Directors of the 2BS Association

1.1.1. Structure and Membership

The Board of Directors is formed by:

- Members from the entities that founded the 2BS Consortium in April 2010. The 2BS Consortium is an association of professional syndicates representing the biofuels industry in France. The entities and board members are:
  - AGPB (Mr Gildas COTTEN), represents the cereal producers in France
  - AGPM (Mr Gildas COTTEN), represents maize producers in France
  - CGB (Mr. Nicolas RIALLAND), represents 14 unions of sugar beet producers in France
  - COOP de France (Mr Vincent MAGDELAINE), represents cooperatives of French farmers
  - FNA (Mme Stéphanie TOURNOYS), represents private wholesalers/traders of agricultural crops
  - TERRES UNIVIA (Mr. Laurent ROSSO), represents interprofessional association of oilseed producers and related industries including biodiesel in France.
  - SNPAA (Mr. Sylvain DEMOURES), represents French industrial producers of alcohol from agricultural origin.

- An Ethics Committee of three members whose role is to guarantee that the rules defined in the ethics chart of the 2BS Association are duly respected. The members of the ethics committee possess a recognised expertise in scientific matters, agriculture / agronomy, ecology, traceability, supply chain, use of GHG calculation tools, legal and / or ethical, if possible applied to the field of sustainability of biofuels and bioliquids.

Members of the ethics have no direct interest, personal, family, patrimonial, financial or economic
- with the members of the Association 2BS,
- with the Secretary General of the Association,
- with the members or administrators of the Association,
- with the subscribers, subsidiaries or affiliated organisations of the members of the Association,
- with the auditors or certification organisations (independent verification organisations) which have an activity linked to the
verification of compliance with sustainability criteria for biofuels and bio liquids;

- A secretary general assisted by a technical steering committee with representatives issued from the biofuels industry, including, biomass producers, 1st gathering entities and biofuels processors.

1.1.2. Roles
The Board of the Directors is the governing entity of the Scheme, in charge of managing the voluntary scheme including all decisions. The Board of Directors can mandate relevant organisations for the purpose of implementing and developing the scheme.

Decisions of the Board of Directors are generally made on a consensus basis but can also be made based on the voting procedures or protocol developed and implemented by the articles of the 2BS Association.

The steering committee is a source of expertise and advice of the Secretary General. They meet once every month typically.

1.2. Secretary General of the 2BS Association
1.2.1. Structure
The Board of Directors for the management of the 2BS voluntary scheme mandates a Secretary General with appropriate technical and management competences and an Ethics Committee to ensure in particular that there are no conflicts of interest between the Association and one of its members or suppliers.

1.2.2. Role
Mandate of the Secretary General includes:
- Discussion with the European Commission, National Administration bodies and other regulatory entities on the 2BS Voluntary Scheme documents and procedures.
- Submission of the scheme’s annual report to the Commission
- 2BS website control and transparency management:
  1) The list of economic operators that are recognised under the scheme and those who no longer participate. Information on the withdrawal or suspension of certificates must be published without delay.
  2) The latest version of scheme documents including the guidelines for audits.
  3) The certification bodies that are permitted to conduct audits and if relevant where they are accredited.
  4) Publication of contact details for the scheme e.g. telephone number {+33 (0) 1 40 69 49 87}, email address
5) The names of the voluntary schemes that the scheme is recognising.

- Monitoring of the 2BS related certification activity of verification bodies
- Amendments of the Scheme documents and procedures.
- Training and qualification:
  1) Information for Economic Operators
  2) Training and Qualification of auditors
- Approval of Verification Bodies
- Operations of the Scheme:
  1) Registration of Qualified auditors
  2) Registration of endorsed independent Verification Bodies
  3) Registration of Economic Operators applying for recognition under the Scheme (entry point of the Verification Process)
  4) Registration of Economic Operators certified by an approved Verification Body and allocation of a certificate number (exit point of the Verification Process)
  5) Collection of fees from economic operators

- Technical Support:
  1) Addressing technical questions on the scheme arising from Economic Operators, Verification Bodies or other relevant stakeholders including Authorities and NGOs.
  2) Management of appeals and complaints
  3) Maintenance of the Scheme documents, regulatory watch, follow-up with Authorities
  4) Leading annual meetings with the representatives of the recognised verification bodies

These activities are reported to the Board of Directors that can be consulted when relevant.

1.3. Independent Verification Bodies
1.3.1. Attributes and selection

Accredited verification bodies shall be independent and reliable audit service providers endorsed by the Secretary General against requirements defined in the current procedure for the scheme verification process, 2BS- PRO-02. Verification bodies shall have the following attributes:

1) Accredited by bodies referred to in Article 4 of Regulation (EC) No 765/2008; or
2) Accredited by bodies having a bilateral agreement with the European Cooperation for Accreditation; or
3) Accredited by a national accreditation body affiliated to the International Accreditation Forum (IAF); or
4) Accredited by a full member or ‘associate’ member of ISEAL; or
5) ‘Commitment to comply’ with ISO 17011: 2004 (General requirements for accreditation bodies accrediting conformity assessment bodies), or justified equivalent, within 3 years (consistent with ISEAL associate member).

1.3.2. **Role**

Verification Body’s role is to:

- Sign a contract with the Economic Operators that have applied to join and be verified against the Scheme requirements.
- Perform the independent verification of the economic operator, report on conformity and grant a certificate on the basis of an independent verification audit and an independent decision. Verification audits shall be performed and a certificate awarded before the 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:
  1) Identify the activities undertaken by the economic operator relevant to the scheme’s criteria based on the information provided through the application process.
  2) Perform a risk analysis of the activities and operations to be audited, which could lead to a material misstatement, based on the verifier’s professional knowledge and the information submitted by the economic operator. The risk analysis shall at least include an identification of all the logistical sites and main activities covered by the certification unit.
  3) 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.
  4) 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.
  5) Carry out the verification plan by gathering documented and non-document (e.g. through interviews, etc.) evidence in accordance with the sampling method defined in the Procedure for the Verification Process.
  6) Ensure a minimum level of conformity against the sustainability criteria in compliance with the requirements of the 2BS voluntary scheme. Where non-conformities are identified, they shall be addressed through appropriate critical, major or minor non-conformities.
7) Analyse the risk that could lead to wrong sustainability claims made by the 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 non-conformities shall be raised. Whenever a high and systematic risk of misleading sustainability claims has been identified, the auditor shall issue a critical non-conformity and recommend the suspension of the economic operator.

8) Review the operator’s treatment of complaints which may have been addressed to it by interested parties.

9) Request that the economic operator address within a specified timeframe all the non-conformities identified and provide any missing elements of the audit trail, explain variations, or revise claims or calculations through appropriate non-conformities or before making a formal verification recommendation.

10) To issue a certificate further to an initial / renewal audit compliant with the 2BS voluntary scheme’s criteria.

11) To confirm the validity and the scope of the certificate at each surveillance audit.

12) To update and notify the scope of the certificate if required.

13) To suspend a certificate:
   - if a critical non-conformity is raised during a surveillance audit and a new audit is required before a certificate can be issued;
   - if a major non-conformity is not addressed within a timeframe of 3 months.

14) To withdraw a certificate if the root causes that led to a suspension of the certificate are not resolved within 30 days.

15) To inform the Secretary General when any economic operators found to be in major non-conformance are undergoing recertification with another voluntary scheme. This requirement also applies when economic operators previously certified under a different voluntary scheme are seeking certification under 2BS.

16) To inform the Secretary General of the withdrawal or suspension of certificates without delay.

17) To ensure that the annual verification audits are carried out at the anniversary date of the issuing of the certificate with a tolerance of +2 or – 2 months.

1.3.3. Monitoring of verification bodies

To verify compliance of verification bodies with the provisions of the scheme, an internal monitoring system is in place, as follows:
a. Review of audit files

A sample of audit files selected based on a risk analysis is verified against the scheme requirements. The Secretary General performs per verification body, on a regular basis (at least 3 times a year), a verification of 3 audit files. The records of an audit file to be submitted for monitoring are: audit plan, audit report, corrective action follow-up, 2BS checklists, auditors’ qualifications with the annual skills performance review.

b. Integrity audits

Integrity audits aimed at checking the accreditation and contractual requirements between 2BS and the verification bodies are carried out by a third party regularly²; the scope of these audits covers the audit activity and the auditor’s competences on-site (operator) and the services and the competences of the back-office services (verification body) and the accreditation status of nearby national accreditation authorities.

In addition and in case where relevant information on potential non-conformities has been brought to the attention of the scheme by external parties, an integrity audit shall be undertaken in order to cross check the work conducted by the verification bodies.

An independent, impartial and skilled third party from economic operators, recognised certification bodies interests, performs integrity audits. Contractual deontological rules signed by main contractor and Association 2BS give the framework in which the service is provided. Beyond of being familiar with 2BS standards and procedures and a GES lead verifier ISO 14064, the integrity auditor should be a previous or current COFRAC accreditation auditor.

Retrospective analysis of corrective action requirements & best practices audit findings raised further to integrity audits and desk study monitoring reviews, are brought for discussion anonymously every 6 months in a meeting gathering all verification bodies, and the 2BS Association. The objective is to guarantee harmonised approaches and review the effectiveness of actions decided in the previous meetings. This is the way 2BS manages the promotion of best practices and the typical corrective and preventive actions in the area of the audit of the verification bodies in connection with the 2BS standard.

² Typically each verification body is audited every two years, but the frequency may be reduced and correlated to previous audit results combined with the outcome of quarter monitoring of audit “packages”, i.e., audit report, audit plan corrective actions requests, auditor qualification records, etc.
1.3.4. Exclusion of Certification Body from the panel of verifiers recognised by 2BS

The Board of Directors, following a serious and recurrent breach of 2BS rules, can decide the termination of a Verification Body’s endorsement.

Escalating sanction levels for the verification body are:
- **A** – First notified warning
- **B** – Ban on signing new 2BS certification contracts for the following 3 months
- **C** – Ban on auditing for the following 3 months; audits can be performed / delegated to other recognised verification bodies at the discretion of the certified economic operator.
- **D** – Termination and two years exclusion of all recognition by 2BS; audits and certification transfer is delegated to other recognised verification bodies at the discretion of the certified operator.

Termination criteria encompass recurrent failures to comply with:
- articles 5, 6 and 7 of ISO 19011:2011
- applicable 2BS standards and procedures
- agreed time to close out notified corrective actions requests further to an integrity audit or a desk review performed by 2BS
- previously identified corrective action requests

1.4. Economic Operators

1.4.1. Type

Any legal entity acting as

- 1st gathering entity (agriculture biomass),
- collection point (wastes and residues),
- trader (biomass, biofuel, bioliquid and biogas) or
- production / processing units (biofuel, bioliquid and biogas)


The above entities, which want to be verified against the requirements of the 2BS voluntary scheme, will be required to develop and implement a documentation management system. They need to ensure that they have appropriated documented procedures and the records and documentary evidence to demonstrate their compliance.
2BS-STD-01 contains the requirements applicable to 1st gathering entities (agriculture biomass), collection points (wastes and residues) or both.

2BS-STD-02 contains the requirements applicable to

⇒ traders of agricultural biomass, wastes and residues, biofuels, bioliquids and biogas
⇒ production / processing plants of biofuels, bioliquids and biogas

1st gathering entities, collection points, and production/processing units, can only be included in a group auditing approach where the contractual basis on which they are operating avoids incentives to make false claims about the nature of the feedstock and the risk of fraudulent behaviour is low.

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.
- Keep evidence and records for a minimum of 5 years.
- And accept responsibility for preparing, obtaining and having available all related information needed for the independent Verification Body to perform a verification audit in conformity with the requirements of the 2BS voluntary scheme.
- Accept to declare the names of all schemes they participate in and accept to make available to the auditors all relevant information, including the mass balance data and the auditing reports (in the scheme user agreement);
- Accept and sign the scheme user agreement

2. Control of the Scheme’s documented procedures

To be valid the scheme’s documents are approved, controlled and recorded by the Secretary General on the 2BS website.

Scheme’s documents include:

- procedures
- standards
- training materials
- records
- news
Only the latest version of the documents is made available by the Secretary General. This latest version must show the appropriate reference number. Diffusion of the documents is managed by the Secretary General.

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 2BS 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

Verification bodies providing independent auditing services for the Scheme shall demonstrate their independence and competence, through formal accreditation against the criteria proposed in the § 1.3.1.

The decision to endorse an independent certification body is made by the Secretary General upon acceptance of the documented evidence of independence and competence through formal accreditation against the criteria proposed in the § 1.3.1.

Before making a decision to endorse an independent certification body, the Secretary General must review the following certification body’s procedures, forms and templates developed by the certification body specifically for the 2BS voluntary scheme:

- Current accreditation evidence.
- Certification procedure from the application process, to the certification decision, including procedures to register certificates issued and to control sustainability claims.
- Audit guidelines and training program for auditors to perform 2BS audits.
- Application form for 1st gathering entities, collection points, traders and processing operators.
- Contract template including clear clauses to ensure that unannounced surveillance audits can be performed, and the conditions under which a certificate can be suspended or terminated.
- Audit report template.
- Template for non-conformity form
- Certificate template.
- CVs of auditors proposed with the areas of expertise (Land use criteria, GHG verification and chain of custody systems)
- Procedures and records for 2BS auditor qualification and annual skills performance review
A written agreement with the 2BS Board of Directors is made which expresses:

- 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 2BS voluntary scheme;
- the engagement of independence and integrity of the verification body in the performance of auditing and certification activities related to the 2BS voluntary scheme;
- the commitment to meeting all requirements of the 2BS voluntary scheme in particular concerning impartiality, integrity and competence, including staffing with qualified auditors and personnel dealing with offer review, report verification, monitoring the audit program, conducting audio evaluation, maintaining and improving auditor competence, and management of certificates;
- the acceptance of the surveillance, monitoring and disciplinary procedures of 2BS.

4. Approval of auditors

Auditors as well as all the relevant personnel of independent verification bodies involved in activities related to the 2BS voluntary scheme must have the required 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 2BS-STD-01 (land use criteria) need to have academic qualifications or professional experience in agriculture, ecology or a similar field, experience in mass balance systems, traceability, data handling or similar areas, while auditors performing audits against 2BS-STD-02 (production units and trading) need to have additional sectoral skills based on education, experience or training.

Auditors performing audits against 2BS-PRO-03 (GHG methodology) need to have relevant experience in agriculture, natural science, engineering (chemical, process etc.), energy management or similar depending on the type of audits to be conducted by the individual auditor.

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:

- being a currently qualified Management System auditor according to internal processes of the verification body, in conformity with article 7 of ISO 19011:2011, with the applicable sectoral skills, before applying for a 2BS voluntary scheme training course.
- have followed an approved 2BS training course and have passed any examinations related to the training course.
o evidence should be provided through training certificates, audit logs and a detailed Curriculum Vitae

o evidence of a 2BS annual skills performance review

In the case of updates required by the European Commission, the Board of Directors can decide to impose, after having transposed those requirements to the applicable procedures of the 2BS voluntary scheme, an additional training session for all auditors wishing to remain qualified;

Requirements for auditors’ qualifications are described in the procedure for the scheme verification process, 2BSv- PRO-02.

5. Approval of experts

Whenever an expert is required to assess whether grassland maintains the natural species composition and ecological characteristics and processes and whether grassland is species-rich, the approval is granted by the Board of Directors on the basis of their scientific background, experience and knowledge to cope with the specific expertise needs of the geographical area under scrutiny. Verification bodies propose experts.

6. Registry of certificates, auditors and verification bodies

The Secretary General registers:
- Certificates of qualified auditors per area of expertise
- Experts per geographic zone
- Written agreement of endorsed Verification Bodies
- Active, suspended and withdrawn certificates of Economic Operators

7. Complaints

Responsiveness to complaints is one of the principles of the 2BS Association. Parties that rely on certification expect to have complaints investigated and, if these are found to be valid, should have confidence that the complaints will be appropriately addressed and that all reasonable efforts will be made to resolve the issues. Effective responsiveness to complaints is an important means of protection for the 2BS voluntary scheme, recognised verification bodies, its clients and other users of certification against errors, omissions or unreasonable behaviour.
7.1. **Role of the verification bodies**

The complaints-handling process and records regarding information received from third parties that are relevant for the 2BS certification, at the verification body level, shall be accessible at all times to the Secretary General and to the auditor mandated by 2BS to perform integrity audits. The process shall include as a minimum the following elements:

a) an outline of the process for receiving, validating and investigating the complaint, and for deciding what actions are to be taken in response to it;
b) tracking and recording complaints from customers, including actions undertaken to address them;
c) tracking and recording information from third parties that is relevant for the certification, including actions undertaken in the planning of future audits;
d) ensuring that any appropriate corrections and corrective action are taken;

7.2. **Role of the 2BS Association**

Any interested stakeholder can raise either a formal complaint or allegations of serious wrongdoing on the part of members of the scheme to the Secretary General regarding the performance of a certified entity or an independent verification body.

The Secretary General is responsible for gathering and verifying all necessary information to validate the complaint and whenever possible, acknowledge receipt of the complaint, and provide the complainant with progress reports and the outcome.

Whenever possible, the Board of Directors will give formal notice of the end of the complaints-handling process to the complainant and validate communication of the subject of the complaint and its resolution to answer information requests from competent authorities of EU Member States.

“Integrity” audits may be undertaken in order to cross check the work conducted by verification bodies and any complaint shall be addressed within a reasonable time, not exceeding 30 days.

“Integrity audits” may be conducted on site if required (depending on the nature of the complaint)

8. **Recognition of Other Voluntary Schemes**

Following the recommendation of the European Commission, the 2BS voluntary scheme may recognise other voluntary schemes officially endorsed by the European Commission in the context of the Directive 2009/28/EC providing that:

- in the case of a scheme fully recognised by the European Commission, an agreement of mutual recognition is signed between the Board of Directors and the owner of the other scheme.

The Board of directors can recognise other voluntary schemes approved by the European Commission, and for specific steps of the biofuels supply chain if needed.
A list of recognised voluntary schemes must be maintained up-to date by the Secretary General and is available on the 2BS website.

9. Recognition of National Schemes

The 2BS voluntary scheme recognises national schemes, duly recognised for compliance with the conditions set out in Directive 2009/28/EC amended by the Directive 2015/1513 EU as regards the verification of compliance with the sustainability criteria set out in Articles 17(2) to (5).

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

Information that may be made available to all interested stakeholders is as follows:

(1) The list of economic operators that are recognised under the scheme and those who no longer participate.
(2) The latest version of scheme documents including the guidelines for audits.
(3) List of endorsed Verification Bodies and their accreditation
(4) Contact details for the scheme e.g. telephone number, email address and correspondence address.
(5) The names of the voluntary schemes the scheme is recognising.

11. Annual reports – Legal reporting requirements

The first annual report has to be submitted by 6 October 2016 and annually thereafter by 30 April. Generally, the report shall cover the preceding calendar year. The first report shall cover at least six months from 9 September 2015.

The report includes relevant information concerning the operation of the scheme, namely:

(a) the independence, modality and frequency of audits, both in relation to what is stated regarding those aspects in the scheme documentation, at the time the scheme concerned was approved by the Commission, and in relation to industry best practice;
(b) the availability of, and experience and transparency in the application of, methods for identifying and dealing with non-compliance, with particular regard to dealing with situations or allegations of serious wrongdoing on the part of members of the scheme;
(c) transparency, particularly in relation to the accessibility of the scheme, the availability of translations in the applicable languages of the countries and regions from which raw materials originate, the accessibility of a list of certified operators and relevant certificates, and the accessibility of auditor reports;
(d) stakeholder involvement, particularly as regards the consultation of indigenous and local communities prior to decision making during the drafting and reviewing of the scheme as well as during audits and the response to their contributions;
(e) the overall robustness of the scheme, particularly in light of rules on the accreditation, qualification and independence of auditors and relevant scheme bodies;
(f) market updates of the scheme, the amount of feedstock’s and biofuels certified, by country of origin and type, the number of participants;
(g) the ease and effectiveness of implementing a system that tracks the proof of conformity with the sustainability criteria that the scheme gives to its member(s), such a system intended to serve as a means of preventing fraudulent activity with a view, in particular, to the detection, treatment and follow-up of suspected fraud and other irregularities and, where appropriate, the number of cases of fraud or irregularities detected;
(h) options for entities to be authorized to recognise and monitor certification bodies;
(i) criteria for the recognition or accreditation of certification bodies;
(j) rules on how the monitoring of the certification bodies is to be conducted;
(k) possibilities for facilitating or improving the promotion of best practice.

The Association 2BS and its staff have the responsibility to collect the information required to do and complete the reporting requirement from objective information sourced from the operations of the 2Bs voluntary scheme.

An independent lawyer collects all the information relating to 2BS market updates, namely the amount of feedstock’s and biofuels certified, by type and country of origin.

Typical sources of information are:

- 2BS Board meetings
- 2BS steering committees
- Review of data respecting at all times the confidentiality of the information from:
  - contract logs with verification bodies
  - integrity audits reviews
  - monitoring reviews of verification bodies
  - complaints review logs
  - annual meetings with verification bodies
  - auditor training log reviews

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