

FINAL Report

CA-RES4



Task Force Supervision on Voluntary Schemes

An overview of tasks and possible ways forward for implementation of article 17 of EC/2022/996 by EU member states

CT4 Biomass Mobilisation and Sustainability

CT5 Decarbonising Transport

Contributions from: Netherlands (task force lead), Austria, Belgium, Denmark, France, Ireland, Portugal and Spain

Date: 25 September 2023

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1. Introduction

Governance of compliance to the sustainability criteria for biomass in the RED is a still evolving topic. Since the beginning of the criteria in RED, private certification played an important role in the governance of sustainability. Main reason to involve these parties was their experience with the topic and their position in the chains of biomass even outside the EU.

During the last decade, it became more and more clear that more criteria and restrictions were needed to govern this market. This was implemented in a number of revisions of the RED, in 2015 and 2018 and another revision will be published shortly. Verification of compliance developed at the same time, with a more and more elaborated assessment protocol for the voluntary schemes and an increasing role of public supervision on top of the existing supervising structure in the voluntary schemes. In June 2022, the EC published a package with detailed new rules setting requirements for the structure of certification schemes, audit requirements, mass balance, low iLUC certification and the role of public supervision (EC/2022/996). The importance of cooperation between Member States was addressed by a number of requirements for them as a group. However, the practical implication of these requirements were not settled in the regulation.

The question of the practical implementation was addressed in a task force funded in the CA-RES4 project during the second Plenary Meeting in May 2022. In this task force, Member States on a voluntary basis shared their insights on this topic in order to tackle these questions and bring more clarity in the required cooperation between Member States in this field. Task Forces in CA-RES have a limited scope in time (max 1 year) and hours available for the members.

Therefore, it was decided that the task force would discuss the different options for coordination of supervision as required by the implementing regulation. The scope of the task force was to provide an overview of:

- The tasks as defined in the implementing regulation and their current status.
- The existing actors and forums in the field, their current role and interaction, (Committee on sustainability, CA-RES, REFUREC ,....)
- Options for organizing coordination of the supervision between Member States.

This report gives the outcomes of those discussions and includes a short introduction, with the questions the task force started with, some insight found during the discussions of the first meetings of the task force and an overview of the results.

1.1. Topics in CIR 2022/996

An inventory available via the European regulators network REFUREC (figure 1) shows the relation between a number of topics that should be addressed. A clear central register is the first topic in order to have more transparency. Further, the CIR defines a lead audit supervisor (further mentioned *lead auditor*). It should be clear how member states come to a decision on this role. The third topic is the establishment of a procedure and the required cooperation by the CIR. And finally, in those cases where the work field of a CB is completely outside the EU, some extra cooperation with third countries could be required. Chapter 2 will elaborate on these four topics.

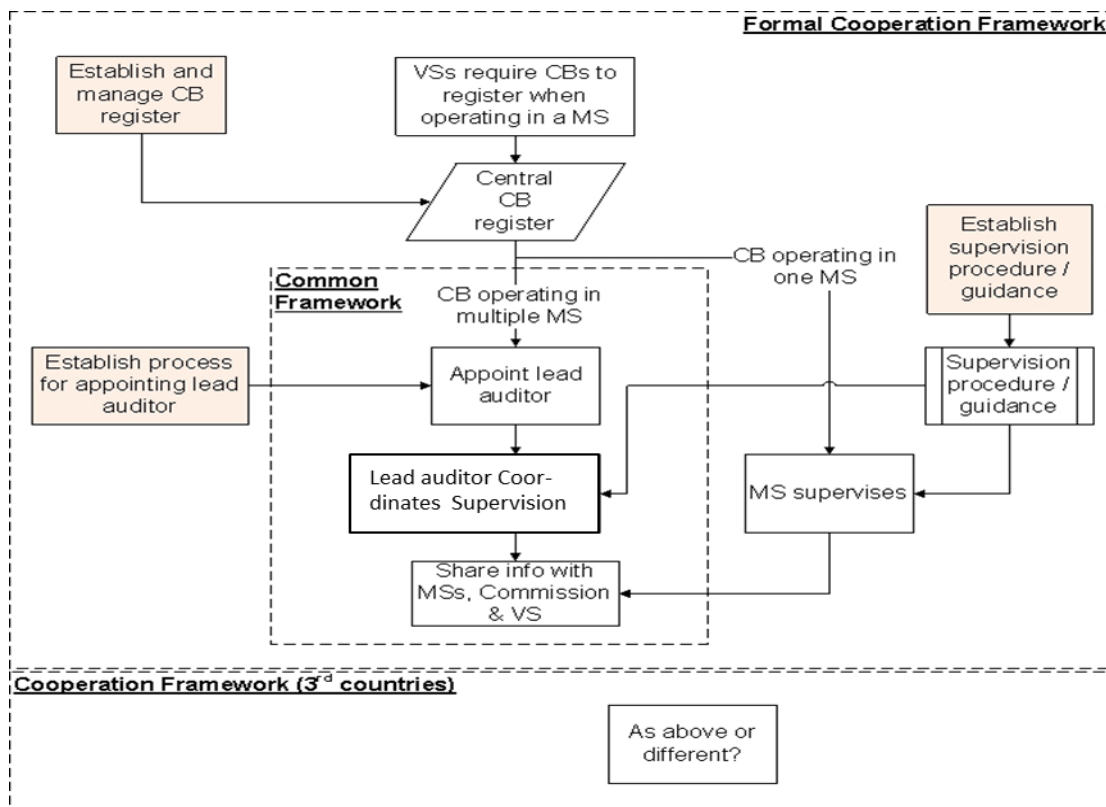


Figure 1: Overview of topics

1.2. Results

Table 1 summarizes the results of the task force. The results are split in 4 columns for the 4 topics addressed. During the discussion, it became clear that on some points cooperation does require more formal framework that should be part of the CIR. In those cases table 1 states that for this topic new rules (e.g. in an addendum) are required.

The second column summarises the results of the task force, where the third column reflects the discussion on the need for more investigation/decision taking in this field. The need for formal decision taking (and therewith a role for another party than CA-RES or REFUREC) is put in the last column.

Table 1: Results Task Force

Topic	New rules in CIR needed	Results TF	Need for more investigation/ decision making	Formal decision(s) needed in future ?
Register	Likely	UDB best place, UDB still under discussion	Yes, several questions concerning UDB that should be part of the UDB development.	no
Lead audit supervisor	Yes. Formal procedure needed for appointing lead auditor	Procedure proposal	No	Every new CB should be appointed a lead supervising country
Guidance	Yes Some basic elements of guidance should be defined. Further, it is important to define the existence of party responsible for coordination.	Basic common rules for supervision, including the use of common and uniformised documents (Checklist, Report, Guidance) by all MSs. These could be adapted from existing documents already in use Discussion on a more formal party for cooperation by creating an Expert group linked to the Committee to share/discuss situations related with Supervision and coordinate the Lead Audit supervisors.	Yes. The required cooperation needs a new party to act in the field of supervision to ensure the cooperation will have the impact needed. In formal decision taking, the committee on sustainability is closest to the required party	Yes. Coordinated lead-supervisors should be able to take decisions on the required quality and coordination between MS. Interaction with Accreditation Board and Voluntary Schemes on this level is recommended.
Third country	Yes	Basic rules for: 1.access to third countries 2.Use of local CB's in case of low-medium risk countries	Yes/no. There is experience mainly in Germany that can be used as a starting point.	No. With some additional rules in the CIR it is up to the MS to implement and cooperate in existing parties.

1.3. Discussion

During the discussions, a number of topics were addressed that complicate the work in the field and should be addressed in the development of a further framework.

- Differences transport and electricity/heat.
 - For transport discussion with voluntary schemes started with the introduction of sustainability in RED 1 in 2008 and the recognition of the first schemes on EU level in 2011. Supervision is under debate in the transport-sector since them and an important topic of the European regulations network (REFUREC). The electricity/heat support for biomass had been without sustainability requirements on EU level so far.
- Different authorities
 - Supervision is in many countries organised by more than one authority. Since the transport fuels and electricity/ heat are regulated in a different way, in many countries the responsibility for supervision is organised in a different way. For economic operators and certifying bodies this distinction is not relevant, but the new implementing regulation demands that one authority is responsible for the supervision.
- Cooperation all countries
 - It is still open how to ensure that all countries cooperate. This will need more guidance/discussion between member states and might even need an extension of the CIR.
- Limitations
 - The framework is restricted to the voluntary schemes. National schemes, even in the case they are recognised by the EC fall under the responsibility of the member state that owns the system.

During the May 2022 session of CA-RES the first outline of the CIR was discussed with 3 voluntary schemes. Their main message for the implementation of the new supervision requirements was:

- Built on the available knowledge within the voluntary schemes. E.g. the integrity program of ISCC
- Ensure clear communication on responsibilities. Make a list of public authorities and the CB's they supervise, so everybody has a clear picture of responsibilities
- Cooperate in supervision approach. Avoid the use of different protocols for the same system.
- Avoid too much translations. Supervisors often want documentation in their national language, which within in the EU can lead to an overload of translations.

1.4. Follow up

During the May 2023 session, the results were discussed with Member States and the European Commission (EC).

They see the results as a very good basis for an addendum to the regulation. For the EC, supervision is seen as a Member State task. The EC is glad that the MS are taking this role and are willing to bring this further. Therefore, the EC will come with a proposal for an addendum to the CIR. This will follow the normal procedure, which means it requires approval by the Committee on the Sustainability of Biofuels, Bioliquids and Biomass fuels, where all member states have their say.

The Union Database (UDB) is still work in progress, making it hard to exact define how the role can be in registering CB's. However, given the current discussions the solid biomass fuels and biogas outside transport can be taken into account if required for the supervision register. The other technical issues regarding access to the database by CB's and supervisors will be considered. For the lead supervisor appointment, an expert group is needed for the preparation of the addendum (could be the committee), but also for the supervisors cooperation. The addendum could also be used to formalise the role of such an expert group. Further, this addendum will go in more detail and make sure there is a minimum standard template for the supervision. The work of the task force will be very helpful for this. For third countries there is certain a role for the expert group to organise this. Cooperation with voluntary schemes is important. Their formal role should be discussed.

Given the implementation period of 18 month written in the CIR the EC considers it reasonable to have a proposal of an addendum end of this year. Member States during the CA-RES session raised concerns about the workload given the limited capacity in some countries and the timeframe of the work.

2. Background information Sub-tasks

The chapter provides more background information and discussion as gathered during the task force discussions. Much of the discussion in the task force was beyond the direct scope, however important to understand the topic and to ensure that the members understand each other. Differences in supervision experiences and expectations between member states makes this necessary to come to a common picture and advise.

For each topic, the following elements are defined:

- Relation to the CIR-text. Where the topic is addressed.
- Analyses of the topic/background information, if applicable
- Recommendation for implementation, actions and parties to be involved.

The figure below gives the relation between the four sub topics, based on the figure provided in chapter 1.

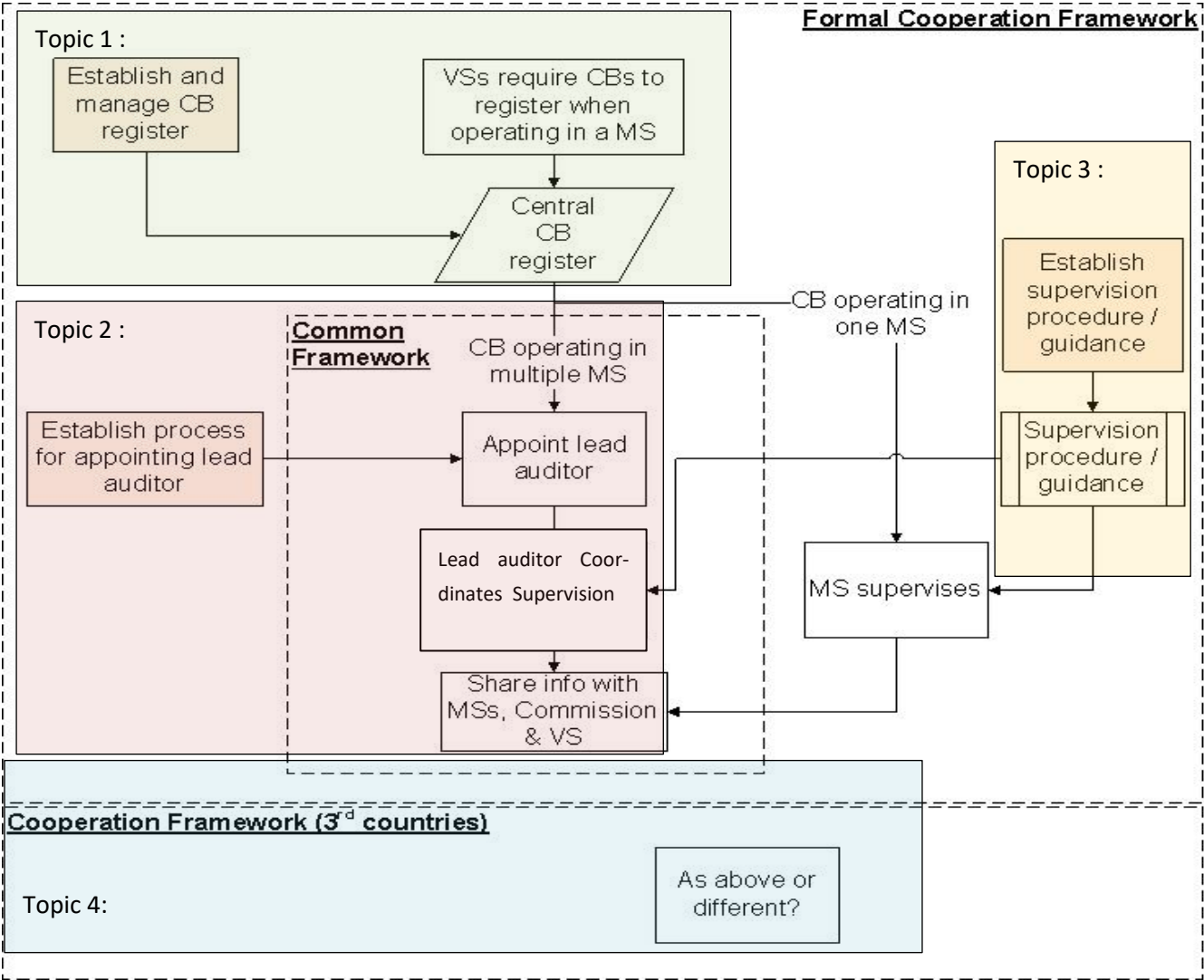


Figure 2: Relation between the four sub topics

2.1. Register

2.1.1. Relevant CIR -text:

17.2: In the context of the supervision provided for in Article 30(9) of Directive (EU) 2018/2001, Member States shall establish procedures allowing certification bodies, regardless of whether their head office is located in a Member State or in a third country, to register for supervision and for carrying out the supervision.

2.1.2. Analyses/ Background Register

Considering the role of the Member State

The REDII article 30.9 obliges the MSs to conduct supervision of CBs, while the implementing regulation 2022/996 article 17.2 states that the MSs shall establish a procedure for CBs to sign up for supervision. Considering that the IR will have a directly binding effect in national law, the MSs' establishment of procedures allowing CB to register for supervision will therefore be a task independent of how the requirements for supervision as a whole will be defined.

Following article 17 of the IR it fall upon the voluntary schemes which are using the certification bodies to require that the CBs will cooperate in full with the MS who is going to supervise the relevant CB.

Once a procedure has been established by a MS or all Member States as a whole, it should fall upon the voluntary schemes to require that the CBs, who are issuing certificates on behalf of the voluntary scheme, register for supervision by a Member States. Establishing the procedure for CBs to sign up for supervision must be considered the primary step, if the competent authority of a MS receives reporting of batches of renewable fuels where the MS finds reasons to question the compliance with the sustainability requirements of the RED.

The setup of the requested procedure for signing up for supervision will largely depend on the agreed procedure/requirements for conducting a supervision of a CB as well as the process for appoint a lead supervisor among the Member States. In order for a MS to assume the role as lead supervisor, it would most likely require a public assessable application form for CBs to apply for supervision.

Considering the role of the Union Database (UDB)

For cooperation between national and voluntary schemes and certifying bodies and verifiers, for the transport domain the Renewable Energy Directive defines the introduction of a union database (UDB). (article 28.1 and 28.2)

This database will contain a number of elements that are required for the register and will, at least for transport, enable easy access to information for supervising countries.

Therefore, it was recommended that the UDB would be able to give an overview of supervising authorities as requested in the implementing regulation. Further information on the (lead) supervising country should be available on a central website, linked to the UDB.

Scope of the database:

The scope of the register would have to be expanded compared with the scope of transactions to be covered by the UDB. This should include CBs, which are only certifying solid biomass, which falls outside the scope of the UDB, but which are still covered under the responsibility of CB-supervision under article 30.9 of the REDII. So the register could be coupled to the UDB for most information, but should also be accessible outside the database for those solely using solid biofuels.

Implementation phase of the register:

Whether such additions to the UDB can be considered realistic seems uncertain at the moment due to the general status of the UDB-implementation. Before we have seen any CB onboarded into the UDB, it is difficult to assess whether additional CBs could be registered in the UDB.

It should further be clarified which types of actors that will have a writing access in the UDB. If the MSs will have able to enter information themselves, it would make logical that the MS conducting the supervision of a CB would also have the access for confirming this supervision in the UDB.

Scope of register:

Still open whether or not the database should be solely used for linking CBs to countries, or also should contain information of the economic operators, which a CB certifies, and the countries that are covered by the activities of the Certifying Body.

2.1.3. Recommendation register:

- Member States shall establish a procedure for CBs to register for supervision.
- Access to relevant information for MS and CB's should be formally organized before the database can play an important role as a register. Further, the setup of the UDB is still developing. This makes it difficult to give a final conclusion on how this might work, but it seems to be reasonable to use the UDB for this purpose.

2.2. Lead auditor ¹

2.2.1. Relevant CIR-text:

17.3...(…) ...Where certification bodies carry out the certification of raw materials, biofuels, bioliquids, biomass or other fuels in more than one Member State, the Member States concerned shall set up a common framework to supervise such certification bodies, including **appointing one Member State as lead audit supervisor**.

17.4 The lead audit supervisor shall be responsible, in cooperation with the other Member States concerned, for consolidating and sharing information about the outcome of the supervision of the certification bodies.

2.2.2. Analyses/ Background Lead auditor

The core question asked in this sub-group was: How should a lead auditor be appointed?

Article 17 of Implement Regulation 2022/996 requires a common framework to be established to supervise CBs, to avoid duplication of effort and avoid CBs being 'supervised' by multiple Member States. It is under this framework that Member States need to appoint a lead auditor. The Implementing Regulation does not prescribe how a single Member State should be appointed within this framework. The objective of this sub-group was to agree a proposal on how a lead auditor could be appointed.

There were many matters considered by the Task Force, but the central principle agreed upon was that there should be an equitable division of responsibility among Member States and that duplication of effort should be avoided. To these ends, an outline proposal was agreed.

The appointment of a lead auditor is a single task within the proposed system established to supervise CBs. As such, it relies on other activities, such as establishing a register of CBs, and a procedure for performing the supervision, as illustrated in the figure 1.

The proposed process established by the sub-group for appointing a lead auditor is as follows.

Step 1: Using the register of CBs, establish which CBs are formally 'recognised' by Member States.

We have established that some Member States, e.g. Germany, Poland and Spain, formally recognise CBs. These Member States exercise some control over the CBs and maintain a register/list of the CBs they have recognised.

The concept of recognition was discussed at length by the Task Force and it was agreed that 'recognition' and 'accreditation' are two distinct activities carried out by different parties. In summary, there is a separate and formal process for accreditation that is governed by Regulations sitting outside the framework of the Renewable Energy Directive (RED)². Given there is no 'accreditation' to a RED

¹ In text CIR it is mentioned a *lead audit supervisor*. In the rest of the document the term lead auditor is used.

² In referring to the RED, we include the recast RED and RED III.

standard, those involved in accrediting CBs have no role in supervising CBs in accordance with Article 30 (9).

This role can be taken by a Member State recognising a CB in the context of the RED. Thus, it was the Task Force's opinion that Member States recognising CBs have a responsibility to supervise those CBs. In this procedure it is important to start with the lead auditor.

Consequently, the first step in our proposal is to allocate the responsibility for acting as lead auditor to the Member State that has recognised it. Where a CB has been recognised by two or more Member States, then the Member States will need to agree between them who should act as the lead auditor.

Step 2: Using the register (or the Union Database), establish if a CB carries out its certification activities in just one Member State.

The Task Force agreed that where such situations arise, then it would be illogical to appoint another Member State to act as lead auditor to supervise the activities of such CBs.

Step 3: The remaining CBs are allocated to the remaining Member States based on the share of renewable fuels consumed in their Member States.

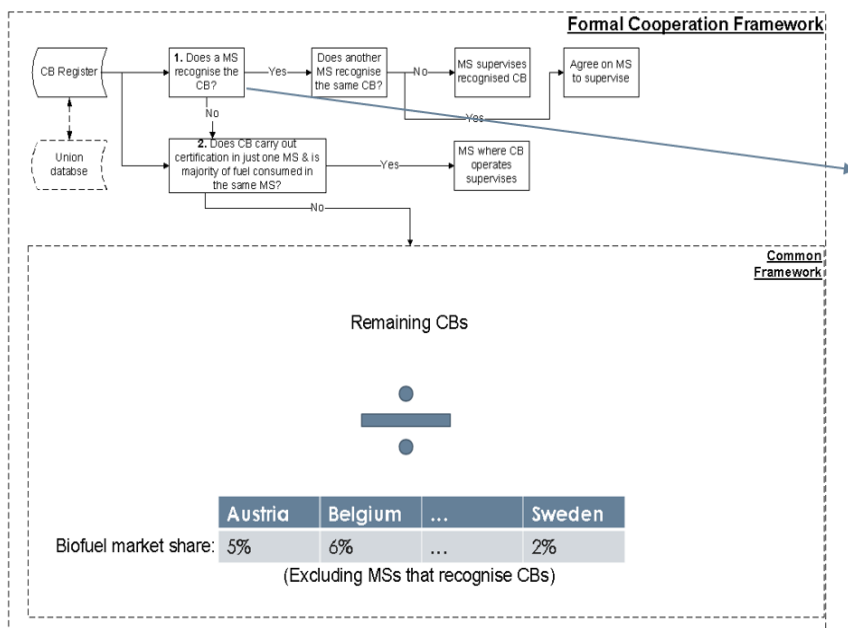
Based on the guiding principle of a fair division of supervision duties, the simplest approach to appointing a lead auditor for the remaining CBs is to allocate them to Member States in proportion to national renewable fuel consumption. For, example, if Ireland was responsible for 5% of the EU 27 renewable fuel market, 5% of the remaining CBs would be allocated to Ireland to act as the lead auditor. So, if there were 100 CBs remaining after steps 1 & 2, Ireland would act as lead auditor for 5 CBs.

Deciding on which CBs are allocated to each Member State will be an exercise to be completed, but it will take into consideration criteria such as:

- The language spoken;
- The number of economic operators certified; and
- The quantity of biofuel produced by certified economic operators.

While we have not devised an exact method for specifying which Member States are responsible for acting as lead auditor for which CBs, there is a relatively small number of CBs (approximately 100 to 150) active in the market. Thus, the work involved in allocating CBs to a Member State is not a significant undertaking.

The two following flowcharts illustrate the concept.



Certification Body	Step 1
AGRIZERT Zertifizierungs GmbH	Germany
AgroVet GmbH	Germany
Alko-Cert GmbH	Germany
ASG Cert GmbH	Germany
Bureau Veritas Polska Sp. z o. o.	Spain
Certificadora Gallega del Noroeste SL (CGN Certification)	Spain
Control Union Certifications Germany GmbH	Germany
Control Union Poland Sp. z o. o.	Spain
Delkra Certification GmbH	Germany
DIN CERTCO	Germany
DQS CFS GmbH	Germany
ELUcert GmbH Umweltgutachter	Germany
Global-Creative-Energy GmbH	Germany
GUT Zertifizierungsgesellschaft für Managementsysteme m	Germany
IFTA AG	Germany
LACON GmbH	Germany
ÖHMI EuroCert GmbH	Germany
proTerraUmweltschutz-und Managementberatung GmbH	Germany
QAL Umweltgutachter GmbH	Germany
sc@pe international ltd.	Germany
SGS Germany GmbH	Germany
sicZert Zertifizierungen GmbH	Germany
TUV NORD CERT GmbH	Germany
TUV SÜD Industrie Service GmbH	Germany

Figure 3: Step 1 - Identify CBs are recognised

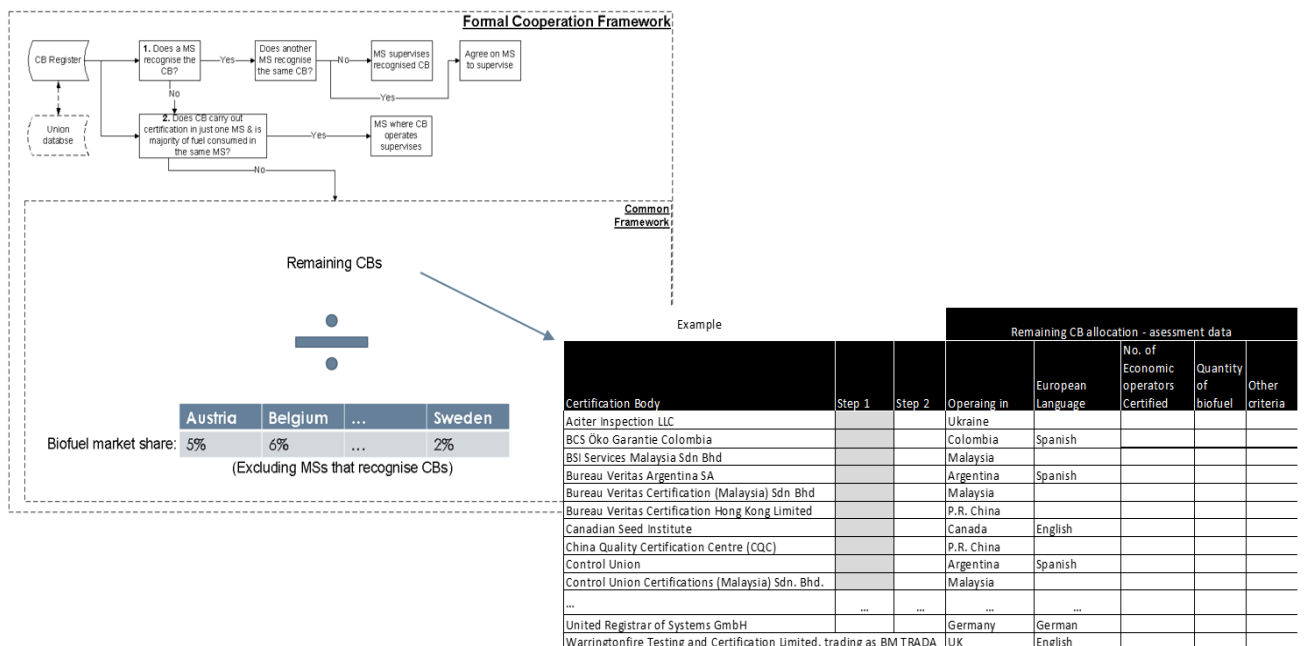


Figure 4: Step 3 - Allocate remaining CBs to Member States

As experience is gathered in acting as the lead auditor and supervising CBs, the process can be refined and improved upon.

The following list provides some further commentary on the process and highlights some details that may need to be considered further.

It does not automatically follow that being appointed as lead auditor means that your Member States carries out the supervision activities. While we envisage that the Member State appointed as a lead auditor will also conduct the supervision, it may require a more flexible approach in some instances. For example, Member States may already have national laws, which require them to supervise CBs operating in their countries, regardless of who is appointed as a lead auditor. In such cases, it may be necessary to either swap the lead auditor or to share supervision duties, or for Member States to amend their laws.

1. Member States may wish to participate in supervising some CBs for which they are not appointed as the lead auditor – the proposed approach does not rule this out.
2. A forum will need to be established to coordinate and manage the Formal Cooperation Framework and the activities carried out within the Framework. For example, new CBs will join and other CBs will leave so the register will need to be updated, and a lead auditor either allocated or reassigned. The supervision procedure will also need to be maintained and kept up to date with good practice and lessons learned from supervision activities.
3. In relation to solid biomass (and RFNBOs), it may be the case that within Member States there are different competent authorities responsible for supervising CBs that certify economic operators responsible for solid biomass and those responsible for liquids and gases. It is our opinion that there should be no differentiation between CBs when appointing a lead auditor within the Formal Cooperation Framework. Therefore, where there are CBs that specialise in certifying solid biomass, it will be an internal decision within a Member State on which competent authority should act as lead auditor and supervise the CB.

2.2.3. Recommendation lead auditor:

Member States shall cooperate in the framework required in the CIR. For this purpose, a procedure should be established that is followed by the Member States. Cooperation of all member states is key to make this work.

For appointing a lead supervisor it essential to establish those cases where a certifying body is active in only 1 country and if any formal recognition is already in place. In those cases, the relevant country is the most likely lead supervisor. Further, a process to allocate the CB's under the member states should be organised, including a mechanism for new CB's in the market.

2.3. Guidance/ cooperation on guidance

2.3.1. Relevant text in CIR and considerations, which concrete tasks require an organised approach or cooperation between member states.

17.3.: Member States shall exchange information and share best practices on how to supervise the operation of the certification bodies in the context of a formal cooperation framework

2.3.2. Considerations in discussion:

The next elements were taken into considering during the discussions in the task force and the preparation of the document. This chapter describes the following elements:

- i. Knowledge of the universe of CBs acting on behalf of VSs:
 - a. How many certificates are currently valid for the EU recognised VSs?
 - b. How many CBs issued those certificates?
 - c. Where are those CBs headquartered?
 - d. In how many countries is each CB acting?
 - e. How many CBs acting on behalf of VSs are already accredited by ISO 17065 for VSs procedures? And how many are only recognised by BLE (DE) or KOWR (PL)?
- ii. Learn from ongoing Supervision experiences in MSs
- iii. Proposal for a Supervision procedure/Guidance to achieve harmonization

1A: How many certificates are currently valid for the EU recognised VSs?

As far 14-04-2023, from the public sites of 8 of the EU-recognised VSs (2BSvs, Better Biomass, ISCC, KZR INiG system, REDcert, RTRS EU RED, SBP and SURE) there were 11774 valid certificates, issued by 86 CBs in 110 countries.

From those valid certificates:

- A. 91% were issued by European CBs, 4% by American CBs and 5% by Asian CBs:

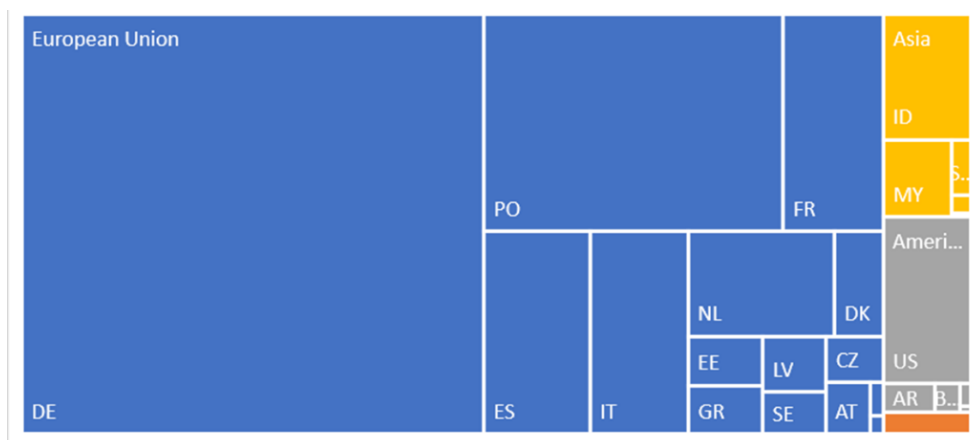


Figure 5: Number of certificates issued by country per year for 8 Voluntary Schemes (2BSvs, Better Biomass, ISCC, KZR INiG system, REDcert, RTRS EU RED, SBP and SURE)

1B: How many CBs issued those certificates?

75% of all certificates hold an accreditation by ISO 17065, although only 4% of the certificates were issued by CBs that hold an accreditation by ISO 17065 for VS procedures, 21% were recognised by BLE (DE) and 4% by KOWR (PL):

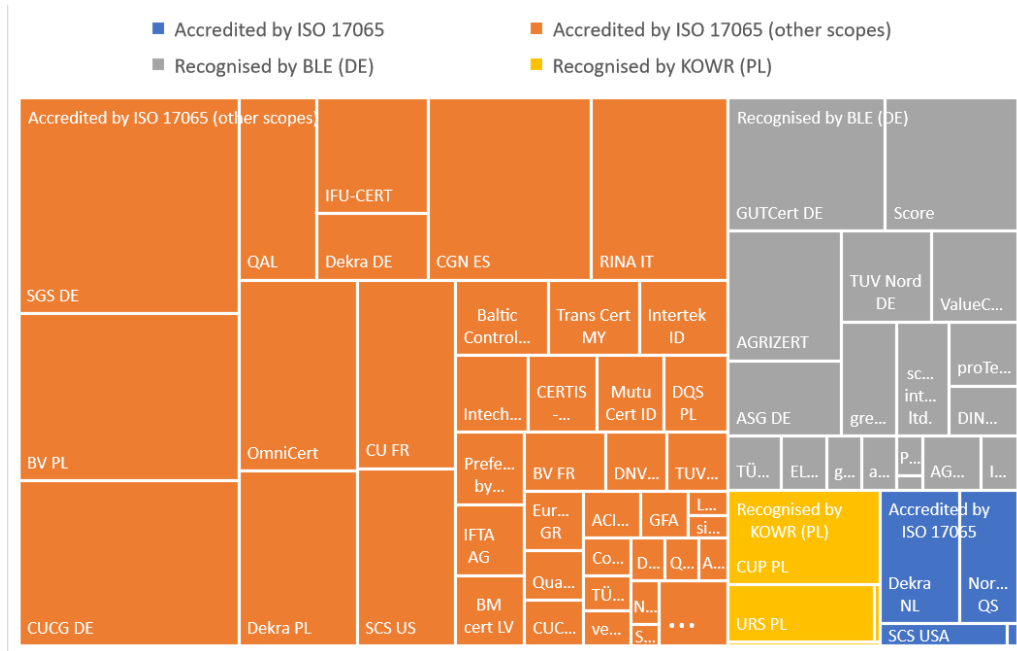


Figure 6: Accreditation and Recognition of the CBs acting on behalf of 8 Voluntary Schemes (2BSvs, Better Biomass, ISCC, KZR INiG system, REDcert, RTRS EU RED, SBP and SURE)

In the moment that is only a restrict number of CBs that are accredited by ISO 17065 for the VSs procedures.

1C. Where are those CBs headquartered?

The main CBs headquarters countries by number of issued certificates were Germany (49%), Poland (16%), France (5%), Spain (5%), Italy (5%), The Netherlands (4%), United States of America (4%) and Indonesia (3%), representing over 90% of the total:



Figure 7: CBs headquarters for the certificates issued by 8 Voluntary Schemes (2BSvs, Better Biomass, ISCC, KZR INiG system, REDcert, RTRS EU RED, SBP and SURE)

1D. In how many countries is each CB acting?

The amount of certificates issued per year by each CB may range from less than 25 to much higher than 100 certificates (Figure 8):

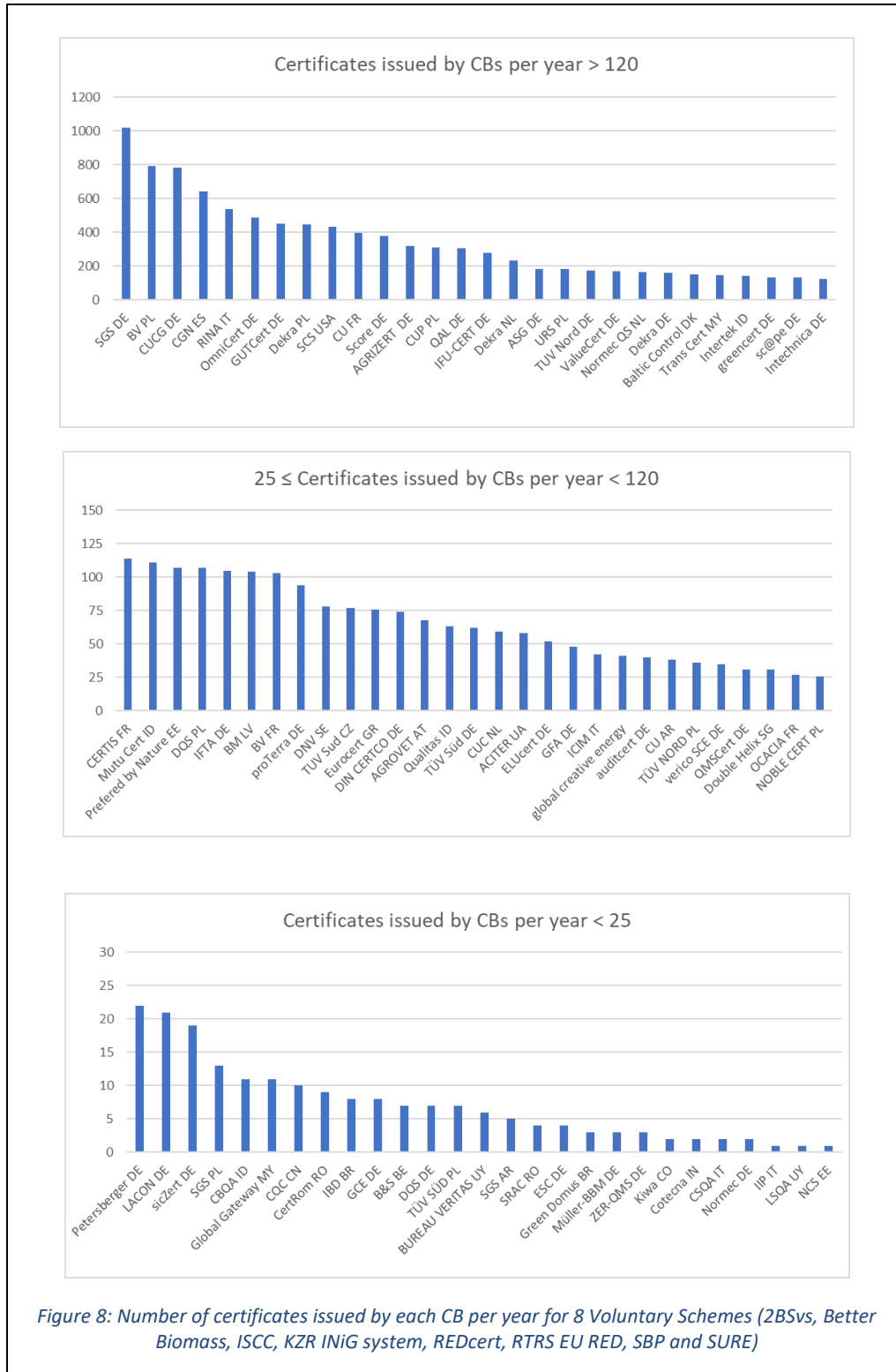


Figure 8: Number of certificates issued by each CB per year for 8 Voluntary Schemes (2BSvs, Better Biomass, ISCC, KZR INiG system, REDcert, RTRS EU RED, SBP and SURE)

Due the different ranges in number of certifications carried out by each CB different procedures should be followed: e.g., <25/year; 25/year - 100/year; > 100/year.

1d. There is not a direct correlation between the number of certificates issued by a CB and the number of countries where the CB is acting, as is illustrated in figure 9.

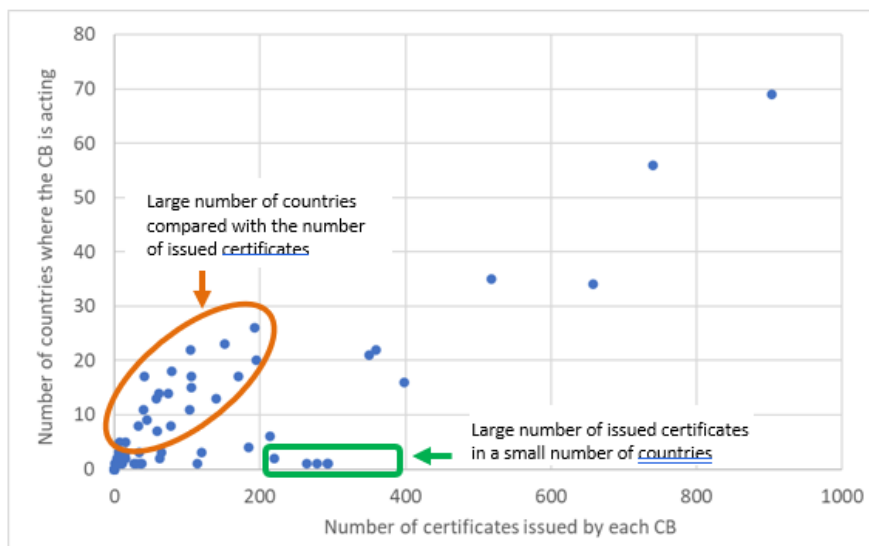


Figure 9: Correlation between number of issued certificates and the number of countries where that CBs acts.

The number of countries where a CB is acting should be taken into account, independently of the number of certificates issued by that CB.

I. Overview from Supervision Experiences

The main outcomes from the shared experiences of Portugal, Netherlands and Germany on Supervisions were:

1. Supervision is preferably done by the MS where the certification audit is carried out and the result (report) should be sent to the Lead auditor. This was an outcome from Supervision experience in PT: although there are no CB operating in PT that as the Head Office, during Supervision of an accredited ISO 17065 CB a situation was identified.
2. Where the national law requires Supervision, a CB is operating in that MS should register near the national authority so it can be supervised.
3. When a Recognition authority is supervising the CB in a different MS, it is recommended to inform and coordinate with the national authority of the MS where the audit will take place.
4. Main focus in the supply-chain analysis: Risks imply highly variable audit quality/intensity for the same voluntary scheme.
5. German BLE has checklists/report/guidance documents and will share them, if required.

6. Cooperation and harmonization will be a key issue for the success of Supervision.

II. Establishing a Supervision procedure / Guidance

Supervision of CBs on the scope of RED2 is a complex topic and there were different perspectives among the different MSs. From the conclusions from the overview section above as well as the contents of CIR 2022/996, it was clear that the Supervision activity may benefit from establishing a shared procedure / guidance between MSs.

For this purpose, the following assumptions were considered:

1. Each CB register (according to section 2.1) in each country where it is acting, wherever the headquarter is located.
2. A Lead Supervisor is appointed according to section 2.2, to coordinate the Supervision of that CB in case the CB is active in more than 1 country.
3. If an EU headquarter CB is acting in a 3rd country or if the CB is headquartered in a 3rd country, the procedures established in 2.4 should be followed.
4. The VSs are cooperative with the national competent authorities.

With the purpose of reaching harmonization, and taking into account the ongoing experiences of Supervision, it is proposed that the shared procedure / guidance between MSs should include the following contents:

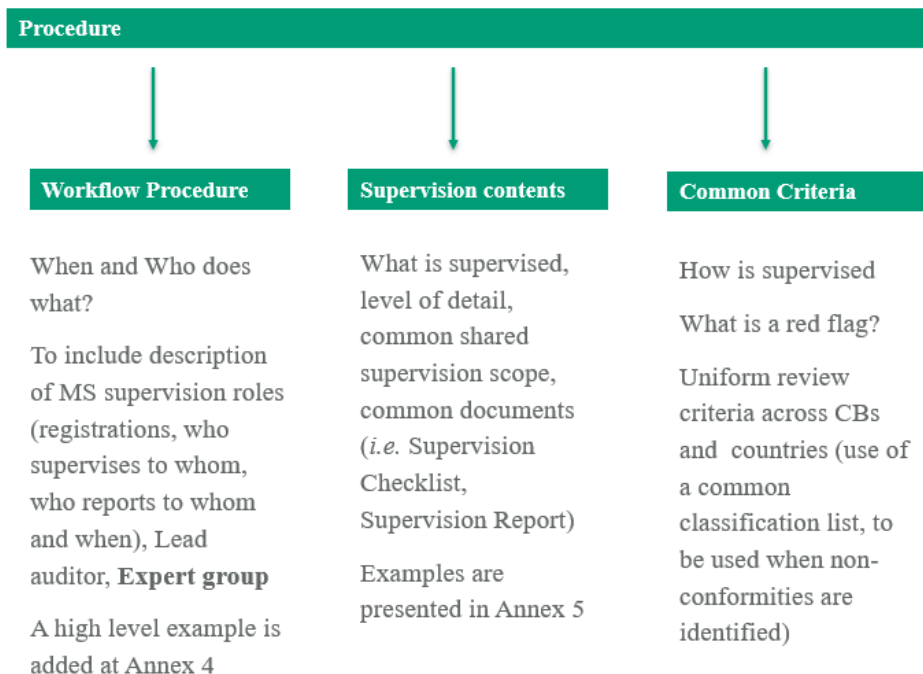


Figure 10: Scheme of the proposed Supervision procedure

An Expert group

Given its complexity and broad scope the need for establishing an expert group is debated. This Expert group, based on its experience and knowledge, would fulfil an advisory role, supporting decision-making throughout the entire process. Their expertise would be instrumental in formulating a robust and well-designed supervision system. Their functions as an example could be:

- Making sure lead auditors apply a common supervision workflow, criteria and scope.
- Annual review of the supervision contents, workflow, and criteria.
- Support lead auditor coordination with Commission.
- This Expert group could/should include members of the MSs competent authorities involved in Supervision or could be assumed by an outsourcing company. Additionally, the expert group should be supported by an Accreditation Board (European Accreditation? IAF? ISEAL?)

The interrelations between the different functions of Supervision are illustrated in table 11.

Table 2: Proposed Supervision /guidance procedure

Establishing a Supervision procedure / Guidance	
Why?	To assure that the implementing rules are verified in an efficient and harmonised manner, thus increasing credibility to the system.
What?	On-site audits Office audits Both on-site and office audits
How?	Define a Supervision Workflow Following a common <i>Supervision Checklist</i> Issuing of a common <i>Supervision Report</i> and, in case of non-conformities, selected the severity of the situation through a common <i>Deviations classification list</i> (to be build) Report to the Lead Auditor; in the case of being a Lead Auditor, report to VSs or EC, if necessary

When?	On-site supervisions: simultaneously with the CB annual audit (and with National accreditation Body, if it is the case); Office audits: according to the national competent authority planning
Who? Is supervised	Supervised CBs to be selected by indication of the Lead Auditor, randomly sampled, or selected according with a common risk-based criteria (to be defined) for: - the different ranges of certifications carried out by each CB (e.g., <25/year; 25/year - 100/year; > 100/year) - number of countries where the CB is acting - number of scopes that certifies - doubts from previous audits - countries (EU or 3 rd countries) where is operating
Who? Coordinates Supervision outputs	An EXPERT GROUP : members of the MSs competent authorities involved in Supervision or an outsourcing company (to be defined) interacting with an Accreditation Board and with Voluntary Schemes

2.3.3. Recommendations for the organisation of the task.

The main issues to continue are:

1. Create an Expert group linked to the Committee on sustainability (RED 34.2) to share/discuss situations related with Supervision and coordinate the Lead Auditors. This Expert group should have an advisory role, supporting decision-making throughout the entire process and coordination of Supervision task.
2. Involvement of Poland: Since Poland is the second country with a higher number of certifications issued by national CBs and also has a recognition authority (KOWR) of CBs.
3. Select and adapt the checklist and report template documents shared by Germany, to become the common documents to be used by MSs.
4. Adapt, if necessary, the German Guidance document, including how to select the number of CBs that should be supervised, according to range of number of certificates issued and origin (EU or 3rd countries), risk-based methodology to select the CBs to be supervised.
5. Define common criteria to be followed, including a list of classification of deviations; this list should be dynamic, *i.e.*, it can be fed and updated, as new deficiencies and weaknesses are detected, with possible (re)solutions that can be implemented.
6. These Expert group members of the MSs competent authorities involved in Supervision or by an outsourcing company (to be defined). In any case, the Expert group should be closely interacting with an Accreditation Board (European Accreditation? IAF? ISEAL?)
7. As this is a new system that is “starting up”, the creation of a support and follow-up communication channel for questions and doubts as they arise, could be important, thus promotion regular meetings and even a bi-monthly or annual forum between MSs authorities involved in Supervision (including the Lead Auditors) for discussion and assessment of the general results obtained, good practices and possible adjustments, deficiencies found in the supervision system itself.

2.4. Cooperation framework third countries (NL)

2.4.1. Relevant text in CIR and considerations , which concrete tasks require an organised approach or cooperation between members states

17.5: Member States shall to the extent possible establish cooperation frameworks with third countries for the supervision of certification bodies auditing in their territories, where relevant, in order to ensure the same level of information flow and the application of audit supervision standards to certification bodies operating in third countries.

2.4.2. Risks to be considered

Some risks related to supervision of certification bodies in third countries are identified, including but not limited to:

- Language barriers;
- Unfamiliarity of local authority *and* certification body operating in a third country with EU legislation and EU statutory abilities;
- Reduced interest in compliance with EU legislation;
- Unfamiliarity of supervising MS with local legislation relevant to the task;
- Information cannot be obtained *via* third country local competent authority (contrary to EU MS authority);
- Risk signals are less likely to reach appointed EU MS authority;
- Safety risks of MS personnel;
- High associated costs.

2.4.3. Recommendations for the organisation of the task

For the following recommendations, addition to the CIR is recommended:

1. If a third country authority does not grant access to their territory, by definition, recommendation 4 can't be fulfilled and certification of such economic operators is not possible;
2. A collective protocol may be drafted by the MSs which may be used by a local conformity assessment organisation to perform the surveillance audit on behalf of the appointed MS:
 - a. Such remote surveillance audits shall only be conducted in countries, which can be classified as low *or* medium risk according to the rule of law methodology applied in the ENER C1 2019-412 report.
3. All relevant documentation used by the certification body to assess compliance with a EC-approved voluntary schemes shall be drafted in the language the appointed supervising MS requires;
4. The surveillance audit conducted by or on behalf of the supervising MS shall be conducted in the language the appointed supervising MS requires;
5. Certification bodies performing audits in order to assess compliance with an EC-approved voluntary scheme shall:
 - a. Be registered for supervision by their appointed MS;
 - b. Provide information to their appointed MS;
 - c. Cooperate with their appointed MS.
6. Economic operators shall, in order to be certified for an EC-approved voluntary scheme:

- a. Provide information to a MS when requested to do so for assessment of their certification body;
 - b. Cooperate, and grant on-site access to MS personnel when requested to do so for assessment of their certification body. In case permission is required from local authorities for MS personnel access, the economic operator shall arrange the permission.
7. Voluntary schemes shall explicitly take these requisites up in the system requirements for a certified economic operator;
8. If a third country authority does not grant access to their territory, by definition, recommendation 4 can't be fulfilled and certification of such economic operators is not possible;
9. A collective protocol may be drafted by the MSs which may be used by a local conformity assessment organisation to perform the surveillance audit on behalf of the appointed MS:
 - a. Such remote surveillance audits shall only be conducted in countries, which can be classified as low *or* medium risk according to the rule of law methodology applied in the ENER C1 2019-412 report.
10. Expenses made by a MS in order to perform a surveillance audit may be covered by the certification body, which is subjected to the assessment.

Actions and parties involved: These practical arrangements and the permission for MS performing supervision have long been in place for both CBs and the auditor performing integrity audits on behalf of the voluntary schemes, and are explicitly noted in scheme documents. Inclusion of MS authorities/personnel on the scheme documents is highly desirable.

3. Annex : CIR article 17. Supervision by the Member States and the Commission

1. Voluntary schemes shall require economic operators participating in the scheme as well as certification bodies conducting audits under the scheme to cooperate with the Commission and the competent authorities of the Member States, including granting access to the premises of economic operators where requested as well as making available to the Commission and the competent authorities of the Member States all information needed to fulfil their tasks under Directive (EU) 2018/2001. For those purposes, certification bodies shall also be required to:

- a) provide the information needed by Member States to supervise the operation of certification bodies pursuant to Article 30(9) of Directive (EU) 2018/2001;
- b) provide the information required by the Commission to comply with Article 30(10) of Directive (EU) 2018/2001;
- c) verify the accuracy of information entered into the Union database or relevant national database pursuant to Article 28(4) of Directive (EU) 2018/2001.

2. In the context of the supervision provided for in Article 30(9) of Directive (EU) 2018/2001, Member States shall establish procedures allowing certification bodies, regardless of whether their head office is located in a Member State or in a third country, to register for supervision and for carrying out the supervision.

3. Member States shall exchange information and share best practices on how to supervise the operation of the certification bodies in the context of a formal cooperation framework. Where certification bodies carry out the certification of raw materials, biofuels, bioliquids, biomass or other fuels in more than one Member State, the Member States concerned shall set up a common framework to supervise such certification bodies, including appointing one Member State as lead audit supervisor.

4. The lead audit supervisor shall be responsible, in cooperation with the other Member States concerned, for consolidating and sharing information about the outcome of the supervision of the certification bodies.

5. Member States shall to the extent possible establish cooperation frameworks with third countries for the supervision of certification bodies auditing in their territories, where relevant, in order to ensure the same level of information flow and the application of audit supervision standards to certification bodies operating in third countries.

6. Where a Member State has reasonable doubts about the ability of a specific certification body, located in the Union or in a third country, to carry out its audit work, it shall share that information with the other Member States, the Commission and the voluntary scheme under which the certification body operates. The voluntary scheme concerned shall immediately investigate the case. Upon completion of its investigation, the voluntary scheme shall inform the Member States and the Commission of the outcome of the investigation and of any corrective actions taken.

7. Economic operators and certification bodies failing or unwilling to comply with the requirements set out in paragraphs 1 to 6 of this Article shall be respectively excluded from participating in and conducting audits under voluntary schemes. Voluntary schemes shall submit annual activity reports to the Commission pursuant to Article 30(5) of Directive (EU) 2018/2001. The structure and content of the annual activity reports provided for in Article 30(5) of Directive (EU) 2018/2001 shall follow the minimum requirements set out in Annex III to this Regulation. The main report shall not contain confidential information and shall be published in full. Data shall be supplied separately in a format to be determined by the Commission.

8. Voluntary schemes shall notify the Commission without delay, about all substantial changes to the content of the scheme that might affect the basis for the recognition of the scheme. Such changes may include any of the following:

- (a) changes to the mandatory sustainability criteria covered by the scheme;
- (b) extension of the scope of the scheme beyond what is described in the Implementing act, recognising the scheme;
- (c) extension of the scope of feedstock or biofuels referred to in the original scheme documents where the risk profile of added feedstock differs, for example, with the inclusion of wastes or residues, or where specific procedures are applied;
- (d) changes to the mass balance rules;
- (e) changes to auditing procedures or requirements for auditors;
- (f) changes in, or extension of the GHG calculation methodology;

any other change that could be considered to affect the basis for the recognition of the sc

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