



PEFC
PEFC/01-00-01

PEFC RED II GD 5004:2025

Operations of the PEFC RED II Scheme



**PEFC RED II
PROCEDURE
DOCUMENT**

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The official version of the document is in English. Translations of the document can be obtained from the PEFC Council or PEFC National Governing Bodies. When there is doubt in regard to language interpretation, the English version is the reference.

Document name: Operations of the PEFC RED II Scheme
Document title: PEFC RED II GD 5004:2025
Approved by: PEFC Board of Directors **Date:** 2025-02-03
Issue date: 2025-02-03
Application date: 2025-02-03

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Foreword

PEFC, the Programme for the Endorsement of Forest Certification, is a worldwide organisation promoting sustainable forest management through forest certification and labelling of forest-based products. Products with a PEFC claim and/or label offer assurances that the raw materials used in their manufacture originate from sustainably managed forests and Trees outside Forests (TOF) areas, recycled and controlled sources.

The PEFC Council endorses national and regional forest certification systems that comply with PEFC Council requirements. Systems are subject to regular evaluations.

The PEFC Council is the owner of the PEFC forest certification scheme. The PEFC Council has extended the existing scheme developing new technical documentation, (the PEFC RED scheme), to be used by PEFC chain of custody certified organisations to comply with the obligations from the Renewable Energy Directive (RED) of the European Commission. The RED recognises the use of forest biomass and ligno-cellulosic material from residues and waste for the production of electricity, heating and cooling.

The European Commission assessed the PEFC RED scheme and granted its recognition as a RED II recognised voluntary scheme on 19 December 2024.

Introduction

To ensure the scheme's continued operation and ongoing recognition by the European Commission, PEFC has developed this procedural document that outlines procedures, processes, actions, and activities to conduct the operations of the PEFC RED II scheme by the PEFC Council, the PEFC National Governing Bodies, certification bodies, and PEFC RED II certified organisations. PEFC GD 5004 also introduces a new PEFC RED II fee system.

This procedural document builds upon a "Bridging Document" previously submitted to the European Commission to demonstrate the PEFC scheme's alignment with the RED II Voluntary Scheme Assessment Protocol Requirements for the assessment conducted by the European Commission. The Bridging Document synthesised existing PEFC framework elements, including governance, internal monitoring, certification scheme approach, complaint resolution, documentation management, information publication, acceptance of other certification systems, supervision mechanisms, annual reporting, and market data collection.

The governance of the PEFC scheme is based on the principle of a subsidiarity and decentralised organisational structure. The operations of the PEFC scheme are therefore executed by the PEFC Council and the PEFC authorised bodies.

The PEFC Council is responsible to ensure the harmonised implementation of the PEFC scheme to satisfy the needs and expectations of PEFC scheme users; to ensure consistency for those users operating in more than one country; and to avoid discrimination of PEFC scheme users operating in different countries.

1. Scope

This procedure document covers requirements for the operations of the PEFC RED II scheme including the following tasks:

- a) Operation of the PEFC RED II scheme by the PEFC RED II authorised body
- b) Procedure for the PEFC RED II notification of certification bodies
- c) Procedure for the PEFC RED II notification of organisations
- d) Quality management system
 - a. Resources management
 - b. Internal monitoring
 - c. Complaint procedures
 - d. Conflict of interest
 - e. Documented management system
 - f. Performance evaluation
 - g. Management review
 - h. Nonconformity and corrective action
- e) PEFC RED II database
- f) Reporting and maintenance of the RED II recognition by the European Commission
- g) Communication and promotion
- h) PEFC RED II fee structure and tariffs and process

The requirements of this guidance are applicable to the PEFC Council and the PEFC RED II authorised bodies operating the PEFC RED II tasks on behalf of the PEFC Council. In addition, some requirements are also applicable to the PEFC RED II notified certification bodies and PEFC RED II certified organisations.

2. Normative references

PEFC ST 2002, *Chain of Custody of Forest and Tree Based Products, Requirements*

PEFC ST 2003, *Requirements for Certification Bodies operating Certification against the PEFC International Chain of Custody Standard*

PEFC GD 1004, *Administration of PEFC scheme*

PEFC ST 5002, *Additional requirements for organisations sourcing forest biomass - RED II*

PEFC ST 5003, *Additional requirements for certification bodies providing certification against PEFC ST 5002 – RED II*

PEFC ST 5004, *Requirements for the development of Level A risk assessments and its recognition by PEFC as per Article 29 (6a) and (7a) of the RED II Directive*

PEFC GD 5005, *PEFC Council complaints procedure for the PEFC RED II scheme*

PEFC Council Statutes

ISO 19011, *Guidelines for auditing management systems*

ISO/IEC 17065, *Conformity assessment – Requirements for bodies certifying products, processes and services*

ISO 14065 *General principles and requirements for bodies validating and verifying environmental information*

Directive (EU) 2018/2001 *on the promotion of the use of energy from renewable sources (RED II Directive)*

Commission Implementing Regulation (EU) 2022/2448 of 13 December 2022 *on establishing operational guidance on the evidence for demonstrating compliance with the sustainability criteria for forest biomass laid down in Article 29 of Directive (EU) 2018/2001 of the European Parliament and of the Council (IR on establishing operational guidance)*

Commission Implementing Regulation (EU) 2022/996 of 14 June 2022 *on rules to verify sustainability and greenhouse gas emissions saving criteria and low indirect land-use change-risk criteria apply and its annexes (IR on rules to verify sustainability and greenhouse)*

Directive 2008/98/EC of the European Parliament and of the Council of 19 November 2008 *on waste and repealing certain Directives.*

3. Terms and Definitions

3.1 Certification body

A certification body is an independent accredited or recognised conformity assessment body that concludes an agreement with a voluntary scheme to provide certification services for raw materials or fuels by carrying out audits of **economic operators** and issuing certificates on behalf of the voluntary schemes using the voluntary scheme's certification system.

Note 1: Certification bodies shall sign a PEFC RED II notification contract with the PEFC Council.

Note 2: A certification body holding a valid PEFC RED II notification contract is referred to as PEFC RED II notified certification body.

3.2 Economic operator/Organisation

A producer of raw material, a collector of waste and residues, an operator of installations processing raw material into final fuels or intermediate products, an operator of installations producing energy (electricity, heating or cooling) or any other operator, including of storage facilities or traders that are in physical possession of raw material or fuels, provided that they process information on the sustainability and greenhouse gas emissions saving characteristics of those raw materials or fuels.

Note 1: Organisations shall sign a PEFC RED II contract with the **PEFC authorised body** or with the PEFC Council in countries without **PEFC authorised body**.

Note 2: The term “economic operator” is equivalent to the term “organisation” used in PEFC ST 2002.

Note 3: An organisation that holds a valid **RED II certificate** issued under the **PEFC RED II scheme** (a **PEFC RED II certificate**) is called a PEFC RED II certified organisation.

3.3 First gathering point

A storage or processing facility managed directly by an **economic operator** or other counterpart under contractual agreement that is sourcing raw material directly from producers of agricultural biomass, forest biomass, wastes and residues or, in the case of renewable fuels of non-biological origin, the plant producing such fuels.

Note 1: The first gathering point for waste and residues is the collection point. A collection point is a storage or processing facility managed directly by an **economic operator** that is sourcing ligno-cellulosic material from wastes and residues.

Note 2: Within the scope of this PEFC ST 5002, the first gathering point only covers **organisations** sourcing raw material directly from producers of forest biomass and waste and residues from ligno-cellulosic material.

3.4 PEFC authorised body

An entity authorised by the PEFC Council to perform the administration of the PEFC scheme on behalf of the PEFC Council.

Note: The authorised body is either the **PEFC National Governing Body** operating within its country or other entity which has been authorised by the PEFC Council to perform the administration of the PEFC scheme.

3.5 PEFC National Governing Bodies (NGBs)

The PEFC National Governing Bodies (PEFC NGBs) are independent, national organisations established to develop and implement a PEFC system within their country(ies). A list of the PEFC NGBs and their contact details can be found on the [PEFC website](#).

3.6 PEFC RED II authorised body

A **PEFC authorised body** authorised by the PEFC Council to perform the operations of the **PEFC RED II scheme** on behalf of the PEFC Council.

Note 1: The authorised body is either the **PEFC National Governing Body** (PEFC NGB) operating within its country(ies) or other entity which has been authorised by the PEFC Council to perform the operations of the PEFC or **PEFC RED II scheme**.

Note 2: In countries where the PEFC Council has not authorised a **PEFC authorised body**, the PEFC Council secretariat, on behalf of the PEFC Council, operates the tasks assigned to the PEFC authorised bodies.

3.7 PEFC RED II contract between PEFC Council or PEFC RED II authorised body and an organisation applying for PEFC RED II certification (PEFC RED II contract)

The PEFC RED II contract is a formal agreement between the PEFC Council or the **PEFC RED II authorised body** and the **organisation** applying for PEFC RED II certification. It defines the obligations and responsibilities of both the **organisation** and the PEFC Council or **PEFC RED II authorised body** in relation to this notification process.

Note: The PEFC RED II contract can be found in Appendix 3 of this document.

3.8 PEFC RED II database

The PEFC RED II database is a central repository of information related to the PEFC RED II certification scheme to help ensure its integrity and operability. PEFC RED II database users are: PEFC Council secretariat, **PEFC RED II authorised body**, PEFC RED II notified **certification body** and the PEFC RED II certified **organisations**.

3.9 PEFC RED II notification contract between the PEFC Council and a certification body (PEFC RED II notification contract)

The PEFC RED II notification contract is a formal agreement between the PEFC Council and a PEFC notified **certification body** that wants to operate the PEFC RED II certification. It defines the obligations and responsibilities of both the **certification body** and the PEFC Council in relation to this notification process.

Note: The PEFC RED II notification contract can be found in Appendix 2 of this document.

3.10 PEFC RED II operations contract between the PEFC Council and a PEFC RED II authorised body (PEFC RED II operations contract)

PEFC RED II operations contract is a formal agreement between the PEFC Council and a **PEFC authorised body** that grants the **PEFC authorised body** the authority to operate the tasks outlined in PEFC GD 5004 related to the PEFC RED II scheme within a specific country, and to receive a portion of the PEFC RED II fee for those PEFC **RED II certificates** issued in its country.

Note: The PEFC RED II operations contract can be found in Appendix 1 of this document.

3.11 PEFC RED II scheme

Set of rules and procedures for the management of the PEFC RED II conformity assessment system, and the maintenance of its recognition by the European Commission. The PEFC RED II certification scheme is owned and maintained by the PEFC Council level and adopted by the corresponding bodies of the PEFC endorsed national and regional certification systems.

3.12 Recognised voluntary scheme

A voluntary scheme recognised pursuant to Article 30(4) of RED II:

The Commission may decide that voluntary national or international schemes setting standards for the production of biofuels, bioliquids or biomass fuels, or other fuels that are eligible for counting towards the numerator referred to in point (b) of Article 27(1), provide accurate data on greenhouse gas emission savings for the purposes of Article 25(2) and Article 29(10), demonstrate compliance with Article 27(3) and Article 28(2) and (4), or demonstrate that consignments of biofuels, bioliquids or biomass fuels comply with the sustainability criteria laid down in Article 29(2) to (7). When demonstrating that the criteria laid down in Article 29(6) and (7) are met, the operators may provide the required evidence directly at sourcing area level.

The Commission may recognise areas for the protection of rare, threatened or endangered ecosystems or species recognised by international agreements or included in lists drawn up by intergovernmental organisations or the International Union for the Conservation of Nature for the purposes of point (c)(ii) of the first subparagraph of Article 29(3). The Commission may decide that those schemes contain accurate information on measures taken for soil, water and air protection, for the restoration of degraded land, for the avoidance of excessive water consumption in areas where water is scarce, and for certification of biofuels, bioliquids and biomass fuels with low indirect land-use change-risk.

3.13 RED II certificate

A conformity statement by a **certification body** within the framework of a voluntary scheme, certifying that an **economic operator** complies with the requirements of RED II.

Note: A conformity statement by a **certification body** within the framework of the PEFC voluntary scheme recognised by the European Commission under the RED II, certifying that an **economic operator** complies with the requirements of RED II is called a PEFC RED II certificate. An **organisation** holding a valid PEFC RED II certificate is referred to as a PEFC RED II certified **organisation**.

4. Operations of the PEFC RED II scheme by the PEFC Council secretariat and PEFC RED II authorised bodies

4.1 General requirements

- 4.1.1 The PEFC Council is the owner of the **PEFC RED II scheme** and is the only body allowed to issue clarifications, interpretations, and guidance on the PEFC RED II technical documentation.
- 4.1.2 The PEFC RED II scheme operations are performed by the PEFC Council secretariat and **PEFC RED II authorised bodies** according to the procedural requirements described in this document.
- 4.1.3 For a **PEFC National Governing Body** to become the **PEFC RED II authorised body** for the **PEFC RED II scheme** in a country, the corresponding decision body at the **PEFC National Governing Body** shall adopt the PEFC RED II technical documentation as part of their national or regional system.
- 4.1.4 The PEFC Council authorises each **PEFC authorised body** to conduct the specific tasks of the **PEFC RED II scheme** within their respective countries. This authorisation is based on a **PEFC RED II operations contract** signed between the PEFC Council and the **PEFC authorised body** to become the **PEFC RED II authorised body**. The template of the contract can be found in Appendix 1 of this document.
- 4.1.5 In countries where the PEFC Council has not authorised a **PEFC authorised body** for PEFC RED II operations purposes, the PEFC Council secretariat, on behalf of the PEFC Council, shall conduct the tasks assigned to the **PEFC RED II authorised body** within the country.
- 4.1.6 The PEFC Council may temporarily suspend the **PEFC RED II operations contract** with a **PEFC RED II authorised body** if there are reasons to believe that any of the terms of the contract are not being adhered to. If the suspension is lifted, this contract will be valid again. If the suspension is not lifted, the contract will be automatically terminated.
- 4.1.7 The PEFC Council may terminate the **PEFC RED II operations contract** with a **PEFC RED II authorised body** with immediate effect if there is evidence that any of the terms of the contract are not being adhered to.
- 4.1.8 Either party may terminate the **PEFC RED II operations contract** with three month's prior notice by a registered letter.
- 4.1.9 If the **PEFC RED II operations contract** is terminated, all **PEFC RED II contracts** signed between that **PEFC RED II authorised body** and PEFC RED II certified **organisations** shall be replaced by new **PEFC RED II contracts** signed between the PEFC Council and the PEFC RED II certified **organisations**, within three months, using the template in Appendix 3 of this document.
- 4.1.10 If a PEFC RED II certified **organisation** refuses to sign the new **PEFC RED II contract** with the PEFC Council, the PEFC Council secretariat shall immediately inform the PEFC RED II notified **certification body** so it can take necessary measures.
- 4.1.11 The PEFC Council is not obliged to pay compensation for any costs or other damages that a temporary suspension or termination of the **PEFC RED II operations contract** with a **PEFC RED II authorised body** causes to that body or any other body.

4.2 Finance of the PEFC RED II scheme

- 4.2.1 The maintenance of the European Commission's recognition and the operations and running of the **PEFC RED II scheme** shall be financed through the PEFC RED II fees.
- 4.2.2 The PEFC RED II fee structure, tariffs, and process displayed in Appendix 4 of this document shall apply to any PEFC **RED II certificates** issued globally.
- 4.2.3 The PEFC Council shall be responsible for collecting the PEFC RED II fees from the PEFC RED II certified **organisations** globally.
- 4.2.4 The PEFC Council shall pay back a portion of such fees to the **PEFC RED II authorised bodies** according to the tasks conducted and the cost incurred, as determined on an annual basis by the Board of Directors of the PEFC Council, after consultation with the **PEFC RED II authorised bodies**.

5. Procedure for the PEFC RED II notification of certification bodies

5.1 General

- 5.1.1** PEFC RED II notification of **certification bodies** is conducted globally by the PEFC Council secretariat, on behalf of the PEFC Council.
- 5.1.2** PEFC RED II notification of **certification bodies** shall be based on the signature of a **PEFC RED II notification contract** between the PEFC Council and the **certification body**.
- 5.1.3** The **PEFC RED II notification contract** with a **certification body** shall be signed before the **certification body** starts operating PEFC RED II certification.
- 5.1.4** The content of the **PEFC RED II notification contract** between the PEFC Council and the **certification body** shall include all the requirements outlined in Appendix 2 of this document.
- 5.1.5** The PEFC notification of a **certification body** shall not include any discriminatory measures, such as the certification body's country of origin, affiliation to an association, etc.
- 5.1.6** To notify a **certification body**, the PEFC Council secretariat shall receive proof of evidence from the **certification body** that the **certification body**:
- Is a legal entity and can legally operate in the country/ies where they want to operate PEFC RED II certification.
 - Is accredited to operate PEFC chain of custody certification in compliance with *PEFC ST 2003, Requirement for Certification Bodies operating Certification against the PEFC International Chain of Custody Standard* and holds a valid PEFC chain of custody notification from the country/ies where they want to operate PEFC RED II certification.
 - Holds a valid accreditation issued by a national accreditation body against ISO/IEC 17065 and in accordance with Regulation (EC) 765/2008, covering the scope of Directive (EU) 2018/2001 or the specific scope of the voluntary scheme, or
 - is recognised by a competent authority to cover the scope of Directive (EU) 2018/2001 or the specific scope of the voluntary scheme.

Note 1: a) and b) are both mandatory. The **certification body** shall be able to provide proof of evidence of either c) or d).

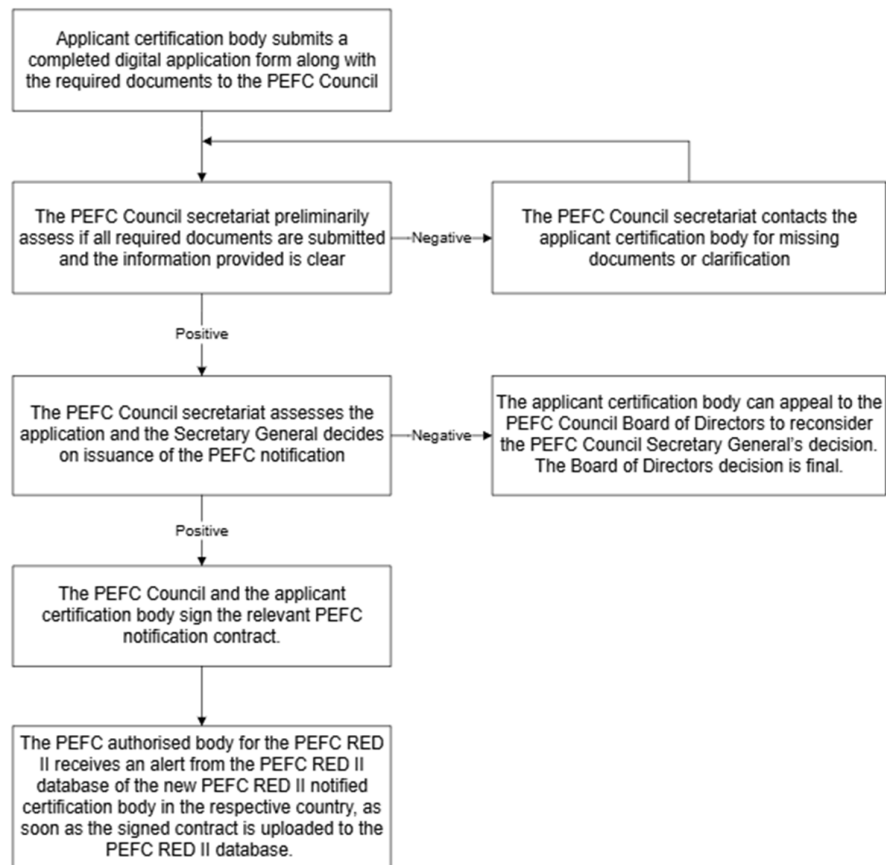
Note 2: The proof of evidence of the accreditation/recognition-related requirements described in c) and d) may be postponed if and during the time that the European Commission may postpone the accreditation/recognition-related requirements. Once the European Commission reinstates the accreditation/recognition requirements, the PEFC Council secretariat will make sure to receive in due course the proof of evidence of the accreditation/recognition for the **PEFC RED II notification contract** with the **certification body** to remain valid.

Note 3: Competent authorities mentioned in the PEFC RED II standards are referred to EU Member States.

- 5.1.7** In addition, for **certification bodies** auditing against requirements for GHG emissions calculations based on actual values, the PEFC Council secretariat shall receive proof of evidence from the **certification body** that it holds a valid accreditation against ISO 14065.
- 5.1.8** The PEFC Council secretariat shall monitor regularly that the **certification body** complies with the requirements to be PEFC RED II notified and with the conditions outlined in the **PEFC RED II notification contract**.
- 5.1.9** The PEFC Council secretariat shall take immediate action if there is evidence of a violation of the **PEFC RED II notification contract** by a **certification body**.

5.2 PEFC RED II notification of certification body issuance procedures

Figure 1: PEFC RED II notification of certification body issuance procedures



- 5.2.1** To start a PEFC RED II notification process, the PEFC Council shall receive an application from the applicant **certification body** including all required documents listed in 5.1.6 and 5.1.7 of this document. The application will be made by the **certification body** using an [online application form](#).
- 5.2.2** The PEFC Council secretariat shall carry out a preliminary assessment of the application to ensure that all the required documents are submitted, and that the information provided is clear.
- 5.2.3** If any documents are missing or clarifications are needed, the PEFC Council secretariat shall contact the applicant **certification body** to request the missing documents or clarification.
- 5.2.4** The PEFC Council secretariat shall assess the application, and the Secretary General will decide on the issuance of the PEFC RED II notification of the **certification body**.
- 5.2.5** If the PEFC Council secretariat rejects the application, the applicant **certification body** can appeal to the PEFC Council Board of Directors to reconsider the decision. The Board of Directors' decision is final.
- 5.2.6** If the PEFC Council approves the application, the PEFC Council and the applicant **certification body** shall proceed to sign a **PEFC RED II notification contract**.
- 5.2.7** The **PEFC RED II authorised body** shall receive an alert from the **PEFC RED II database** of the new PEFC RED II notified **certification body** in the respective country, as soon as the signed contract is uploaded to the **PEFC RED II database**.

6. Procedure for the PEFC RED II notification of organisations

6.1 General

- 6.1.1 PEFC RED II notification of **organisations** is conducted by the **PEFC RED II authorised body** for their respective country/ies, on behalf of the PEFC Council, and by the PEFC Council in countries without a **PEFC RED II authorised body**.
- 6.1.2 The PEFC RED II notification of **organisations** shall not include discriminatory measures, such as the organisation's country of origin, affiliation to an association, etc.
- 6.1.3 The PEFC RED II notification of **organisations** shall be based on the signature of a contract between the PEFC Council or the **PEFC RED II authorised body** and the **organisation** (the **PEFC RED II contract**).
- 6.1.4 The **PEFC RED II contract** shall be signed before the issuance of the initial **PEFC RED II certificate** by the **certification body**.
- 6.1.5 The content of the **PEFC RED II contract** between the PEFC Council or the **PEFC RED II authorised body** and the **organisation** shall include all the requirements outlined in Appendix 3 of this document.
- 6.1.6 To notify the **organisation**, the PEFC Council secretariat or the **PEFC RED II authorised body**, as applicable, shall ensure that the **organisation** holds a valid PEFC chain of custody certificate, or obtains a PEFC chain of custody certificate at the same time as the **PEFC RED II certificate**.
- 6.1.7 The PEFC Council secretariat or the **PEFC RED II authorised body**, as applicable, shall upload the signed **PEFC RED II contract** to the **PEFC RED II database**.
- 6.1.8 The PEFC Council secretariat or the **PEFC RED II authorised body**, as applicable, shall take immediate action if there is evidence of a violation of the **PEFC RED II contract** by an **organisation**.

6.2 Responsibilities of the PEFC RED II authorised body

- 6.2.1 **PEFC RED II authorised bodies** may translate the **PEFC RED II contract** into their language. However, the contract signed by the **organisation** shall always include the English version together with the translated version and indicate that the English version is the official one.
- 6.2.2 **PEFC RED II authorised bodies** shall adapt Article 8 of the **PEFC RED II contract** in Appendix 3 of this document to the jurisdiction of the country/ies where they operate the **PEFC RED II scheme**.
- 6.2.3 **PEFC RED II authorised bodies** are responsible for ensuring that the **PEFC RED II contract** complies with applicable legislation in their countries.

7. Quality management system

7.1 General

- 7.1.1 The PEFC Council secretariat shall establish a quality management system to maintain the European Commission's recognition of the **PEFC RED II scheme**.
- 7.1.2 **PEFC RED II authorised bodies** shall support the PEFC Council secretariat to maintain the quality management system.
- 7.1.3 The quality management system shall verify PEFC RED II certified organisations' compliance with the scheme's provisions and ensure the quality of the work carried out by the PEFC RED II notified certification body auditors.

7.2 Resource management

- 7.2.1 The PEFC Council secretariat and **PEFC RED II authorised bodies** shall determine and provide the resources needed to establish, implement, maintain, and continually improve the quality management system.
- 7.2.2 The PEFC Council secretariat and **PEFC RED II authorised bodies** shall define roles and assign responsibilities related to the operations of the **PEFC RED II scheme** to staff members, to ensure the effective implementation of the **PEFC RED II scheme** and the operation and control of the process.
- 7.2.3 The PEFC Council secretariat and **PEFC RED II authorised bodies** shall ensure that the assigned staff is competent to conduct the assigned tasks.
- 7.2.4 Each **PEFC RED II authorised body** shall ensure that PEFC RED II authorised body's staff participate and coordinate with the PEFC Council secretariat.

7.3 Internal monitoring

7.3.1 General

7.3.1.1 Responsibilities of the PEFC Council secretariat

- 7.3.1.1.1 The PEFC Council secretariat shall have in place a monitoring system to verify compliance of **organisations** with the provisions of the scheme and to ensure the quality of work carried out by the certification body auditors.
- 7.3.1.1.2 The PEFC Council secretariat shall coordinate with the **PEFC RED II authorised bodies** to keep regular contact with external stakeholders.
- 7.3.1.1.3 The PEFC Council Secretariat shall share any clarification, interpretations, guidance, or information with the relevant stakeholders.
- 7.3.1.1.4 The PEFC Council secretariat shall collect and evaluate information on the scheme compliance.
- 7.3.1.1.5 The PEFC Council secretariat shall summarise and report the results of internal monitoring to the European Commission on an annual basis.
- 7.3.1.1.6 The PEFC Council secretariat shall use the results of internal monitoring for various activities that allow the strengthening of the PEFC certification system, including, providing technical guidance and interpretations on certification requirements, and improving training content.

7.3.1.2 Responsibilities of the PEFC RED II authorised body

7.3.1.2.1 PEFC RED II authorised bodies shall keep regular contact and support stakeholders based in their country, in coordination with the PEFC Council secretariat, as per 7.3.1.1.2.

7.3.1.2.2 PEFC RED II authorised bodies should share any technical clarification, interpretation, guidance, or information provided by the PEFC Council secretariat to the relevant stakeholders in their country/ies.

7.3.1.2.3 PEFC RED II authorised bodies should inform PEFC RED II certified **organisations** of any changes to the PEFC requirements and documentation issued by the PEFC Council concerning the **PEFC RED II scheme** that affect the **PEFC RED II contract** with the **organisation**.

7.3.2 Monitoring of accreditation and recognition activities

7.3.2.1 Responsibilities of the PEFC Council secretariat

7.3.2.1.1 The PEFC Council secretariat shall maintain regular contact with accreditation bodies through meetings, trainings, exchanges, and webinars in coordination with the **PEFC RED II authorised bodies**.

7.3.2.1.2 The PEFC Council secretariat shall organise annual meetings with accreditation bodies and competent authorities who accredit or recognise PEFC RED II notified **certification bodies** providing certification services against the **PEFC RED II scheme**. The PEFC Council secretariat shall make sure that during these meetings, RED II notified certification body performance in relation to PEFC RED II certification is discussed.

7.3.2.1.3 The PEFC Council secretariat shall maintain a training programme for accreditation bodies.

7.3.2.2 Responsibilities of the PEFC RED II authorised body

PEFC RED II authorised bodies based in the European Union shall maintain regular contact with competent authorities in their country.

7.3.3 Monitoring of certification bodies

7.3.3.1 Responsibilities of PEFC Council secretariat

7.3.3.1.1 The PEFC Council secretariat shall maintain regular contact with PEFC RED II notified **certification bodies** and coordinate with the **PEFC RED II authorised bodies**.

7.3.3.1.2 The PEFC Council secretariat shall publish a list of PEFC RED II notified **certification bodies** with their associated notification and accreditation status on the PEFC RED II website.

7.3.3.1.3 The PEFC Council secretariat shall maintain a specific training programme for **certification bodies**.

7.3.3.1.4 The PEFC Council secretariat shall monitor the training status of the auditors providing PEFC RED II audits.

7.3.3.1.5 The PEFC Council secretariat shall organise bi-annual meetings with all PEFC RED II notified **certification bodies**. These meetings shall cover scheme effectiveness, appropriateness of the scheme, harmonisation of verification services by the PEFC RED II notified **certification bodies**, potential conflict of interest of PEFC RED II notified **certification bodies** identified through the PEFC internal monitoring system, as well as the performance of PEFC RED II certified **organisations**, and their potential nonconformities, and complaints raised by third parties.

7.3.3.1.6 The PEFC Council secretariat shall review annual internal audit reports of the PEFC RED II notified **certification bodies**, limited to the performance of the PEFC RED II certification activities, mentioned in 4.2.6 of PEFC ST 5003 on an annual basis and act accordingly, for example, by contacting **certification bodies** if there are any issues, or clarifications needed.

7.3.3.1.7 The PEFC Council secretariat shall make sure the PEFC RED II notified certification body's internal audit reports include information on the declaration of free from conflict of interest of auditors, certification reviewers, and decision-makers.

7.3.3.1.8 The PEFC Council secretariat shall monitor to ensure that **certification bodies** send the audit report, the summary audit report, and all relevant documents and GHG emission calculations, including related background evidence on the application of GHG emission saving credits where applicable, together with the certificate, to the PEFC Council and/or the **PEFC RED II authorised body**, in English, and any other language as appropriate. Any other necessary audit records may need to be provided, under request, in English, to the PEFC Council and/or a **PEFC RED II authorised body**, in accordance with requirement 4.5 of PEFC ST 2003:2020.

7.3.3.2 Responsibilities of the PEFC RED II authorised body

When a PEFC RED II notified **certification body** operates PEFC RED II certification in one country or in countries where the same language is spoken other than English, the tasks mentioned under 7.3.3.1.6, 7.3.3.1.7, and 7.3.3.1.8 can be conducted by the **PEFC RED II authorised body** of the country/ies where the PEFC RED II notified **certification body** operates.

7.3.4 Monitoring of organisations

7.3.4.1 Responsibilities of the PEFC Council secretariat

7.3.4.1.1 The PEFC Council secretariat shall conduct, with the support of the **PEFC RED II authorised bodies**, annual reviews of the PEFC RED II certified organisation's performance based on the annual certification audit reports provided by PEFC RED II notified **certification body** by using a random and risk-based sample basis.

7.3.4.1.2 The PEFC Council shall determine the sample considering, as minimum, the following criteria:

- a) geographical and raw material coverage of the scheme
- b) the level of risk of the activities conducted by the PEFC RED II certified **organisations**

7.3.4.1.3 When selecting the sample, the PEFC Council secretariat shall consider PEFC RED II certified **organisations** to which major nonconformities have been raised by the PEFC RED II notified **certification body** during the audit.

7.3.4.1.4 The PEFC Council secretariat shall determine the tasks that the **PEFC RED II authorised bodies** shall conduct to support the review of the audit reports and inform the respective **PEFC RED II authorised bodies**.

7.3.4.1.5 If the review identifies non-compliances, the PEFC Council secretariat shall inform the PEFC RED II certified **organisation** and the PEFC RED II notified **certification body**, in coordination with the **PEFC RED II authorised body** from the country where the **organisation** is based.

7.3.4.2 Responsibilities of the PEFC RED II authorised body

7.3.4.2.1 **PEFC RED II authorised bodies** shall support the PEFC Council secretariat in the review of the PEFC RED II certified organisation's performance.

7.3.5 Monitoring of corruption

7.3.5.1 Responsibilities of PEFC Council secretariat

The PEFC Council secretariat shall put in place a process to detect corruption.

7.3.5.2 Responsibilities of the PEFC RED II authorised body

PEFC RED II authorised bodies shall report to the PEFC Council secretariat if they are aware of any substantiated concerns of corruption and support the PEFC Council secretariat with the investigation.

7.3.6 Results of internal monitoring

7.3.6.1 The PEFC Council secretariat shall use the results of the PEFC internal monitoring for, and not limited to, the following activities:

- a) Discuss and exchange with PEFC RED II notified **certification bodies** and auditors on key issues during the regular meetings between PEFC and PEFC RED II notified **certification bodies** and during training sessions, to improve effectiveness and appropriateness of the schemes and verification activities.
- b) Issue technical guidance and/or interpretations on the certification process, as required, and communicate them through appropriate channels.
- c) Revise and develop training materials to improve the PEFC RED II training framework.
- d) Implement corrective measures, if applicable, including suspension or termination of the **PEFC RED II notification contract** with the PEFC RED II notified **certification body**.
- e) Use the internal monitoring results as inputs for strengthening PEFC governance and structure and technical framework for the continuous improvement process.
- f) Report and establish the relevant resolutions to the PEFC Board of Directors and the PEFC members, as appropriate.

7.4 Complaint procedure

7.4.1 General

7.4.1.1 The PEFC Council shall have in place a consistent, impartial, non-discriminatory, and effective procedure for dealing with complaints relating to the decisions and/or activities of the **PEFC RED II scheme**, made by a third party against PEFC RED II certified **organisations**, PEFC RED II notified **certification bodies**, the PEFC Council, and **PEFC RED II authorised bodies**.

7.4.1.2 The PEFC RED II complaints procedure shall only consider complaints against PEFC RED II-related decisions and/or activities of the following:

- a) The PEFC Council secretariat or the **PEFC RED II authorised body** that implements the **PEFC RED II scheme** in their territory, including the recognition and approval process of Level A risk assessments.
- b) PEFC RED II notified **certification bodies**
- c) PEFC RED II certified **organisations**.

7.4.1.3 Handling of any complaints against PEFC RED II-related decisions and/or activities listed under 7.4.1.2 of this document shall follow the procedure described under PEFC RED II GD 5005 - *PEFC Council complaint procedure for the PEFC RED II scheme*.

7.4.2 Responsibilities of the PEFC Council secretariat

- 7.4.2.1 The PEFC Council secretariat shall keep a register of all complaints, including complaints against **PEFC RED II authorised bodies**, RED II notified **certification bodies**, and the RED II certified **organisations**, on the **PEFC RED II database**.
- 7.4.2.2 The PEFC Council secretariat shall provide a summary of all complaints and documents related to the complaints and their handling, within the scope mentioned under 7.4.1.2 of this document, to the European Commission in the annual activity report.
- 7.4.2.3 The PEFC Council secretariat shall ensure that personal data processed to handle complaints are processed in compliance with applicable data protection legislation.
- 7.4.2.4 The PEFC Council secretariat shall follow the procedure described under PEFC RED II GD 5005 - *PEFC Council complaint procedure for the PEFC RED II scheme*, when dealing with PEFC RED II related complaints.
- 7.4.2.5 The PEFC Council secretariat shall monitor to ensure that all complaints within the scope of the PEFC RED II complaint procedure are registered correctly in the **PEFC RED II database**.

7.4.3 Responsibilities of the PEFC RED II authorised body

- 7.4.3.1 **PEFC RED II authorised bodies** shall ensure that personal data processed to handle complaints are processed in compliance with the applicable data protection legislation.
- 7.4.3.2 **PEFC RED II authorised bodies** shall follow the procedure described under PEFC RED II GD 5005 - *PEFC Council complaint procedure for the PEFC RED II scheme*, when dealing with PEFC RED II related complaints.
- 7.4.3.3 **PEFC RED II authorised bodies** shall register a summary of each complaint handled by them in the **PEFC RED II database**, together with all documents related to the complaint and its handling process, including any declaration of conflict of interests.

7.4.4 Responsibilities of the PEFC RED II certification body

- 7.4.4.1 PEFC RED II notified **certification bodies** shall ensure that personal data processed to handle complaints are processed in compliance with the applicable data protection legislation.
- 7.4.4.2 PEFC RED II notified **certification bodies** shall follow the procedure described under PEFC RED II GD 5005 - *PEFC Council complaint procedure for the PEFC RED II scheme*, when dealing with PEFC RED II related complaints.
- 7.4.4.3 PEFC RED II notified **certification bodies** shall register a summary of each complaint handled by them in the **PEFC RED II database**, together with all documents related to the complaint and its handling process, including any declaration of conflict of interests.

7.4.5 Responsibilities of the PEFC RED II certified organisation

- 7.4.5.1 PEFC RED II certified **organisations** shall ensure that personal data processed to handle complaints are processed in compliance with the applicable data protection legislation.
- 7.4.5.2 PEFC RED II certified **organisations** shall follow the procedure described under PEFC RED II GD 5005 - *PEFC Council complaint procedure for the PEFC RED II scheme*, when dealing with PEFC RED II related complaints.
- 7.4.5.3 PEFC RED II certified **organisations** shall register a summary of each complaint handled by them in the **PEFC RED II database**, together with all documents related to the complaint and its handling process, including declarations of conflict of interest.

7.5 Conflict of interest

7.5.1 Responsibilities of the PEFC Council

- 7.5.1.1 The PEFC Council shall have in place a process to ensure personnel having a potential conflict of interest are excluded from decision-making in the **PEFC RED II scheme**. The process shall require personnel involved in decision making to declare any conflict of interest, and to commit to be independent and free from conflict of interest, prior to make any decision.
- 7.5.1.2 The PEFC Council secretariat shall monitor all declarations on conflicts of interest to the **PEFC RED II scheme** and document them as part of the internal monitoring system.
- 7.5.1.3 The PEFC Council secretariat shall request from **certification bodies** information on their declaration of conflict of interest and document on the internal monitoring system, as appropriate.
- 7.5.1.4 The result of the internal monitoring system in relation to potential conflict of interest at the certification body level will be discussed at the bi-annual meetings between PEFC and PEFC RED II notified **certification bodies**.

7.6 Documented Management System

7.6.1 Responsibilities of the PEFC Council secretariat

- 7.6.1.1 The PEFC Council secretariat shall have a documentation management system in place that ensures control of all the documents and records related to the **PEFC RED II scheme**.
- 7.6.1.2 The PEFC Council secretariat shall follow *PEFC GD 1001, Structure of the PEFC technical documentation – general requirements*, and *PEFC GD 1003, Development of PEFC technical documentation* to ensure control of all documents and records under the **PEFC RED II scheme** across all stages from development, management, and revision.
- 7.6.1.3 The PEFC Council secretariat shall keep the PEFC RED II scheme documentation for a minimum of five (5) years or longer where it is required by the relevant national authority.
- 7.6.1.4 The PEFC Council secretariat may develop guidance documents and additional documents for **certification bodies** and their auditors and the PEFC RED II certified **organisations**, if required.
- 7.6.1.5 The PEFC Council secretariat shall notify the European Commission of any adjustments or changes related to the PEFC RED II scheme documentation that were recognised by the European Commission.
- 7.6.1.6 The PEFC Council secretariat shall communicate all changes and adjustments of **the PEFC RED II scheme** to relevant stakeholders.
- 7.6.1.7 The PEFC Council secretariat shall ensure that all the latest PEFC RED II scheme documentation is available on the PEFC RED II website.

7.7 Performance Evaluation

7.7.1 Responsibilities of the PEFC Council secretariat

- 7.7.1.1 The PEFC Council secretariat shall determine key performance indicators to monitor the performance of PEFC RED II operations at least on an annual basis.
- 7.7.1.2 The PEFC Council secretariat shall analyse, evaluate, and make aware of those key performance indicators during regular meetings with **PEFC RED II authorised bodies**.
- 7.7.1.3 The PEFC Council secretariat shall use the result of the key performance indicators to evaluate the performance and effectiveness of the quality management system and the internal monitoring and the need for improvements to the quality management system.
- 7.7.1.4 The PEFC Council secretariat shall complete progress reports on a quarterly basis, including an analysis of the evolution of the planned tasks according to time. This progress report is provided to the PEFC Board of Directors for review. In cases where tasks may not have been conducted (nonconformities), reviews are conducted to identify the reason and any measures to be taken.
- 7.7.1.5 The PEFC Council secretariat shall retain appropriate documented information as evidence of the results.

7.7.2 Responsibilities of the PEFC RED II authorised body

- 7.7.2.1 **PEFC RED II authorised bodies** shall support the PEFC Council secretariat to monitor the performance of PEFC RED II operations, as indicated by the secretariat.

7.8 Management Review

7.8.1 Responsibilities of the PEFC Council secretariat

- 7.7.1.1 The PEFC Council secretariat shall organise regular meetings of the RED II management team to discuss and review the performance of the PEFC RED II operations.
- 7.7.1.2 Any staff member can raise concerns regarding PEFC RED II management at any time to the corresponding line manager or the Secretary General.
- 7.7.1.3 The PEFC Council secretariat shall establish a management review of the management system.
- 7.7.1.4 The PEFC Council secretariat shall use the results of the management review to include decisions and actions related to:
 - a) opportunities for improvement
 - b) any need for changes to the quality management system
 - c) resource needs
- 7.7.1.5 The PEFC Council secretariat shall retain documented information as evidence of the results of management reviews.
- 7.7.1.6 The PEFC Council secretariat shall organise twice per year a meeting with the **PEFC RED II authorised bodies** that have adopted PEFC RED II certification to discuss and assess the PEFC RED II scheme operations and discuss various topics. Those meetings may happen as part of the PEFC Alliance Online/PEFC Forest Forum organised by the PEFC Council twice per year.

7.9 Nonconformity and corrective action

7.9.1 Responsibilities of the PEFC Council secretariat

7.9.1.1 When a nonconformity with the requirements of this procedural document is identified, including any arising from complaints, the PEFC Council secretariat shall:

- a) React to the nonconformity and, as applicable:
 - i. take action to control and correct it
 - ii. deal with the consequences
- b) Evaluate the need for action to eliminate the cause(s) of the nonconformity, in order that it does not recur or occur elsewhere, by:
 - i. reviewing and analysing the nonconformity
 - ii. determining the causes of the nonconformity
 - iii. determining if similar nonconformities exist, or could potentially occur
- c) Implement any action needed.
- d) Review the effectiveness of any corrective action taken.
- e) Make changes to the quality management system, if necessary.

7.9.1.2 The PEFC Council secretariat shall ensure that the corrective actions shall be appropriate to the effects of the nonconformities encountered.

7.9.1.3 The PEFC Council secretariat shall retain documented information as evidence of:

- a) the nature of the nonconformities and any subsequent actions taken
- b) the results of any corrective action

7.9.2 Responsibilities of the PEFC RED II authorised body

PEFC RED II authorised bodies shall cooperate with the PEFC Council secretariat to react to any nonconformities that may be identified, implement any actions as requested by the PEFC Council secretariat, support evaluation, review of effectiveness and make any changes to their management system, as appropriate.

8. PEFC RED II Database

8.1 General

- 8.1.1** To access the **PEFC RED II database**, and for the PEFC RED II notified **certification body** and the PEFC RED II certified **organisation** to appear under the PEFC RED II database public search, the following requirements shall be met:
- a) **PEFC RED II authorised body**: shall sign a **PEFC RED II operations contract** and respect the terms and conditions outlined under the contract in Appendix 1 of this document.
 - b) PEFC RED II notified **certification body**: shall sign a **PEFC RED II notification contract** and respect the terms and conditions outlined under the contract in Appendix 2 of this document.
 - c) PEFC RED II certified **organisation** shall: sign a **PEFC RED II contract**, pay the PEFC RED II fee, and respect the terms and conditions outlined under the contract in Appendix 3 of this document.
- 8.1.2** The PEFC Council secretariat, **PEFC RED II authorised body**, PEFC RED II notified **certification body**, and PEFC RED II certified **organisation** shall register, verify the accuracy and maintain the required information listed in Appendix 5 of this document in the **PEFC RED II database**.
- 8.1.3** The PEFC Council secretariat, **PEFC RED II authorised body**, PEFC RED II notified **certification body**, and PEFC RED II certified **organisation** shall monitor to ensure that all complaints related to the **PEFC RED II scheme** are registered correctly in the **PEFC RED II database**.

9. Reporting and maintenance of the RED II recognition by the European Commission

9.1 Responsibilities of the PEFC Council secretariat

9.1.1 To maintain the RED II recognition, the PEFC Council secretariat shall prepare an annual activity report to submit to the European Commission, latest by 30 April of each year.

9.1.2 The PEFC Council secretariat shall make the annual activity report public to provide information about the PEFC RED II operations on the PEFC RED II website.

9.1.3 The PEFC Council secretariat shall provide the following information for the annual activity report to the Commission:

- a) Rules on the independence, method and frequency of audits as approved by the Commission upon accreditation of the voluntary scheme and any changes to them over time to reflect Commission guidance, the modified regulatory framework, findings from internal monitoring on the auditing process of PEFC RED II notified **certification bodies** and evolving industry best practice.
- b) Rules and procedures for identifying and dealing with noncompliance by **economic operators**.
- c) Evidence of fulfilling the legal requirements on transparency and publication of information in line with Article 6 of Implementing Regulation (EU) 2022/996.
- d) Stakeholder involvement, in particular on the consultation of indigenous and local communities prior to decision-making during the drafting and review of the scheme as well as during audits and the response to their contributions.
- e) Overview of the activities carried out by the voluntary scheme authorised bodies in cooperation with the **certification bodies** in order to improve the overall certification process and the qualification and independence of auditors and relevant scheme bodies.
- f) Market updates of the scheme, the amount of feedstock, biofuels, bioliquids and biomass fuels certified, by country of origin and type, and the number of participants.
- g) Overview of the effectiveness of the implementing system put in place by the voluntary scheme in order to track proof of conformity with the sustainability criteria that the scheme gives to its member(s). This shall cover, in particular, how the system effectively prevents fraudulent activities by ensuring timely detection, treatment and follow-up of suspected fraud and other irregularities and where appropriate, the number of cases of fraud or irregularities detected.
- h) Criteria for the recognition of **certification bodies**.
- i) Rules on how the internal monitoring system is conducted and the results of its periodic review, specifically on oversight of the work of **certification bodies** and their auditors as well as on the system of handling complaints against **economic operators** and **certification bodies**.
- j) Possibilities to facilitate or improve the promotion of best practices.
- k) Voluntary schemes certifying forest biomass must include information on the way the risk assessment required in article 29 (6) and (7) of the Directive (EU) 2018/2011 is made.
- l) Summary of every complaint made against PEFC RED II-related decisions and/or activities

Note: From 9.4 a) to k) of this document, the term “certification body” is understood as “PEFC RED II notified certification body” and the term “economic operator” is understood as “PEFC RED II certified **organisation**”.

9.2 Responsibilities of the PEFC RED II authorised body

PEFC RED II authorised bodies shall support the PEFC Council secretariat in the preparation of the annual activity report.

10. Communication and promotion

10.1 General

10.1.1 To ensure effective communication on PEFC RED II scheme operations and news, the PEFC Council secretariat and the **PEFC RED II authorised body** shall determine:

- a) what it will communicate (the content)
- b) when to communicate
- c) with whom to communicate
- d) how to communicate (the various channels and tools to use)

10.2 Responsibilities of the PEFC Council secretariat

10.2.1 The PEFC Council secretariat shall make the marketing and communication materials readily available for **PEFC RED II authorised bodies** to access on an internal communication platform.

10.2.2 The PEFC Council secretariat shall provide marketing and communication materials through different communication platforms and events to keep stakeholders up to date with information relating to the **PEFC RED II scheme**.

10.3 Responsibilities of the PEFC RED II authorised body

10.3.1 **PEFC RED II authorised bodies** shall be proactive and keep up to date with the information and materials related to the **PEFC RED II scheme** shared by the PEFC Council secretariat.

10.3.2 **PEFC RED II authorised bodies** shall inform the PEFC Council secretariat immediately if any miscommunication at national level could potentially have an impact on PEFC integrity.

Appendix 1: Template – Content of PEFC RED II operations contract between the PEFC Council and the PEFC RED II authorised body

Between

- (1) **PEFC Council**, hereafter the “PEFC Council”, having its registered office at ICC Building C, Route de Pré-Bois 20, 1215 Geneva 15, Switzerland

And

- (2) **[Name of the PEFC authorised body]**, hereafter “the PEFC RED II authorised body”, having its registered office at

Whereas the PEFC Council is the governing body of the Programme for the Endorsement of Forest Certification schemes, including the PEFC RED II scheme, and is the owner of the registered PEFC trademarks and PEFC claims.

Whereas the PEFC Council achieved the formal recognition as a voluntary scheme under the 2018 Renewable Energy Directive (RED II) by the European Commission.

Whereas the PEFC RED II authorised body is an entity authorised by the PEFC Council to perform the operations of the PEFC RED II scheme on behalf of the PEFC Council in *[name of the country]*.

Now, therefore the above said parties agree to the following:

Article 1: Normative references

1. These normative references, form part of the contractual documentation that the PEFC RED II authorised body acknowledges having read:

PEFC ST 2002:2020, *Chain of Custody of Forest and Tree Based Products – Requirements*

PEFC ST 2003:2020, *Requirements for Certification Bodies providing certification against the PEFC International Chain of custody Standard*

PEFC ST 5002, *Additional requirements for organisations sourcing forest biomass - RED II*

PEFC ST 5003, *Additional requirements for certification bodies providing certification against PEFC ST 5002 – RED II*

PEFC Bridging Document, *PEFC compliance with RED II requirements at scheme owner level*

PEFC GD 5004, *Operations of the PEFC RED II scheme*

PEFC GD 5005, *PEFC Council complaints procedure for the PEFC RED II scheme*

Directive (EU) 2018/2001 *on the promotion of the use of energy from renewable sources (RED II Directive)*

Commission Implementing Regulation (EU) 2022/2448 of 13 December 2022 *on establishing operational guidance on the evidence for demonstrating compliance with the sustainability criteria for forest biomass laid down in Article 29 of Directive (EU) 2018/2001 of the European Parliament and of the Council (Implementation Regulation on establishing operational guidance)*

Commission Implementing Regulation (EU) 2022/996 of 14 June 2022 *on rules to verify sustainability and greenhouse gas emissions saving criteria and low indirect land-use change-risk criteria apply and its annexes (Implementation Regulation on rules to verify sustainability and greenhouse)*

Directive 2008/98/EC of the European Parliament and of the Council of 19 November 2008 *on waste and repealing certain Directives.*

2. The rights and obligations contained in these normative references are valid and binding for PEFC RED II authorised body as stated now, and as those normative references may be from time to time altered by the PEFC Council and the European Commission respectively. The PEFC RED II authorised body undertakes to keep itself informed of any amendments that may be made to them, if necessary, by requesting this information directly from the PEFC Council and accepts that the said modifications will be enforceable against it.

Article 2: Operations of the PEFC RED II scheme

1. The PEFC RED II authorised body is obligated to perform the PEFC RED II scheme operations according to the procedural requirements described in the PEFC GD 5004, *Operations of the PEFC RED II scheme*.
2. The PEFC RED II authorised body is obligated to implement and apply the PEFC RED II technical documentation as part of their national or regional system and in accordance with its national and regional legal framework.
3. PEFC RED II notification of organisations is conducted by the PEFC RED II authorised body in its country/ies on behalf of the PEFC Council, and by the PEFC Council in countries without a PEFC RED II authorised body.
4. The PEFC Council shall be responsible for invoicing and collecting the PEFC RED II fee from organisations having entered a PEFC RED II contract with the PEFC RED II authorised body. PEFC Council shall pay back a portion of such fee to the PEFC RED II authorised body, as determined on an annual basis by the Board of Directors of PEFC Council after consultation with PEFC RED II authorised bodies.

Article 3: Contract termination and penalties

1. Either party may terminate the contract with three (3) months prior notice provided in writing and/or by registered letter to the latest known address. Article 404 of Swiss code of Obligations is reserved.
2. The PEFC Council may suspend this contract temporarily if there are reasons to believe that any of the terms of the contract is not being adhered to. If the suspension is lifted this contract will once again be in full effect. If the suspension turns into a termination, this contract will be automatically terminated.
3. The PEFC Council may terminate the contract with immediate effect if there is evidence that any of the terms of the contract is not being adhered to.
4. The parties agree that the PEFC Council shall not be liable for any costs or damages incurred directly or indirectly to the PEFC RED II authorised body as a result of the suspension or termination of this contract by the PEFC Council, except in the case of misconduct.

Article 4: Data processing

1. For the purpose of the signature of this contract, the PEFC RED II authorised body accepts data collection and processing by the PEFC Council of personal data of its employees and other auxiliaries.
2. The PEFC RED II authorised body agrees that:
 - i. The personal data collected includes full name of the contact person, job title, signature, and email address.
 - ii. Individual's name, job title and email address may be published on the PEFC Council website and shared with limited third parties that are directly involved in the implementation of the PEFC RED II certification scheme. This sharing is strictly limited to the purpose of the PEFC RED II certification programme operation.

- iii. Personal data on individuals working for the PEFC RED II authorised body are kept public as long as this contract is valid, and that data will then be kept for a maximum of 10 years.
3. PEFC RED II authorised body informs its employees and other auxiliaries of the above (art. 4.1 and 4.2) and that:
 - i. This information is necessary for the transfer of the operations of the PEFC RED II scheme from the PEFC Council to the PEFC RED II authorised body.
 - ii. Upon request, data subjects have the right to access or verify their personal data and to have them modified, transferred, corrected, or deleted at any time.
 - iii. If they would like to exercise one of these data protection rights, they can contact the PEFC Council at privacy@pefc.org.
 4. The PEFC RED II authorised body undertakes to incorporate the foregoing commitments (art. 4.1, 4.2 and 4.3) into its contracts with its employees and auxiliaries.

Article 5: Entry into force and duration

1. The present contract enters into force when it has been signed by all parties.
2. It is concluded for an undetermined period and shall remain valid, unless (i) fulfilment of Article 2 is not confirmed by PEFC at the end of one year, or (ii) suspension or termination according to Article 3.

Article 6: Applicable law and place of jurisdiction

1. This contract is subject to Swiss law
2. This contract must be signed by a representative of the PEFC RED II authorised body who has the authority to legally bind the PEFC RED II authorised body.
3. Any disputes arising out of this agreement shall be finally and exclusively settled by the courts of the Canton of Geneva, subject to a right of appeal to the Swiss Federal Supreme Court.

Signed in duplicate.

In _____ on _____

For and on behalf of the PEFC Council

In _____ on _____

For and on behalf of the PEFC RED II authorised body

Organisation name, position

Organisation name, position

Appendix 2: Template - Content of PEFC RED II notification contract between the PEFC Council and certification body

Between

(1) **PEFC Council**, hereafter the “PEFC Council” having its officially registered address at ICC Building C, Route de Pré-Bois 20, 1215 Geneva 15, Switzerland

And

(2) **[Name of the certification body]**, hereafter the “PEFC RED II notified certification body”, having its officially registered office at XXX

Whereas the PEFC Council is the governing body of the Programme for the Endorsement of Forest Certification schemes, including the PEFC RED II scheme, and is the owner of, and has the copy right on, the registered PEFC trademarks and PEFC claims.

Whereas the PEFC Council achieved the formal recognition as a voluntary scheme under the 2018 Renewable Energy Directive (RED II) by the European Commission.

Whereas the PEFC RED II notified certification body operates PEFC chain of custody certification with a valid PEFC chain of custody notification contract that is recognised by the PEFC Council or by a PEFC authorised body.

Whereas the PEFC RED II notified certification body is to be granted PEFC RED II notification.

Whereas the PEFC Council recognises PEFC RED II certificates issued to PEFC RED II certified organisations worldwide by the PEFC RED II notified certification body within the scope of its valid accreditation.

Now, therefore the above said parties agree to the following:

Article 1: Normative references

1. These normative references, appended to this contract, form part of the contractual documentation that the PEFC RED II Notified Certification Body acknowledges having read:

PEFC ST 2002, *Chain of Custody of Forest and Tree Based Products – Requirements*

PEFC ST 2003, *Requirements for Certification Bodies providing certification against the PEFC International Chain of custody Standard*

PEFC ST 5002, *Additional requirements for organisations sourcing forest biomass - RED II*

PEFC ST 5003, *Additional requirements for certification bodies providing certification against PEFC ST 5002 – RED II*

PEFC Bridging Document, *PEFC compliance with RED II requirements at scheme owner level*

PEFC GD 5004, *Operations of the PEFC RED II scheme*

PEFC GD 5005, *PEFC Council complaints procedure for the PEFC RED II scheme*

Directive (EU) 2018/2001 *on the promotion of the use of energy from renewable sources (RED II Directive)*

Commission Implementing Regulation (EU) 2022/2448 of 13 December 2022 *on establishing operational guidance on the evidence for demonstrating compliance with the sustainability criteria for forest biomass laid down in Article 29 of Directive (EU) 2018/2001 of the European Parliament and of the Council (Implementation Regulation on establishing operational guidance)*

Commission Implementing Regulation (EU) 2022/996 of 14 June 2022 *on rules to verify sustainability and greenhouse gas emissions saving criteria and low indirect land-use change-risk criteria apply and its annexes (Implementation Regulation on rules to verify sustainability and greenhouse)*

Directive 2008/98/EC of the European Parliament and of the Council of 19 November 2008 *on waste and repealing certain Directives.*

2. These normative references are valid and binding for the PEFC RED II notified certification body as stated now and as may be from time to time altered by the PEFC Council and the European Commission respectively, which the PEFC RED II notified certification body accepts, so that the said modifications will be enforceable against it.

Article 2: Definitions

1. Chain of Custody of Forest and Tree- Based Products – Requirements

This is PEFC ST 2002:2020, *Chain of Custody of Forest and Tree Based Products – Requirements*. PEFC ST 2002:2020 can be altered or replaced with another document by the PEFC Council.

2. Certification and accreditation procedures

These are PEFC ST 2003, Requirements for Certification Bodies operating Certification against the PEFC International Chain of Custody Standard, and PEFC ST 5003, Additional requirements for certification bodies providing certification against PEFC 5002 – RED II. PEFC ST 2003 and PEFC ST 5003 can be altered or replaced with another document by the PEFC Council.

3. Certification body

A certification body is an independent accredited or recognised conformity assessment body that concludes an agreement with a voluntary scheme to provide certification services for raw materials or fuels by carrying out audits of economic operators and issuing certificates on behalf of the voluntary schemes using the voluntary scheme's certification system.

Note 1: Certification bodies shall sign a PEFC RED II notification contract with the PEFC Council.

Note 2: A certification body holding a valid PEFC RED II notification contract is referred to as PEFC RED II notified certification body.

4. PEFC authorised body

An entity authorised by the PEFC Council to perform the administration of the PEFC scheme on behalf of the PEFC Council.

Note: The authorised body is either the PEFC National Governing Body operating within its country or other entity which has been authorised by the PEFC Council to perform the administration of the PEFC scheme.

5. PEFC RED II authorised body

A PEFC authorised body authorised by the PEFC Council to perform the operations of the PEFC RED II scheme on behalf of the PEFC Council.

Note: The authorised body is either the PEFC National Governing Body (PEFC NGB) operating within its country(ies) or another entity that has been authorised by the PEFC Council to perform the operations of the PEFC or PEFC RED II scheme.

Note: In countries where the PEFC Council has not authorised a PEFC authorised body, the PEFC Council secretariat, on behalf of the PEFC Council, operates the tasks assigned to the PEFC authorised bodies.

6. RED II certificate

A conformity statement by a certification body within the framework of a voluntary scheme, certifying that an economic operator complies with the requirements of RED II.

Note: A conformity statement by a certification body within the framework of the PEFC voluntary scheme recognised by the European Commission under the RED II, certifying that an economic operator complies with the requirements of RED II is called a PEFC RED II certificate. An organisation holding a valid PEFC RED II certificate is referred to as a PEFC RED II certified organisation.

Article 3: Responsibilities of the PEFC RED II notified certification body

The PEFC RED II notified certification body shall:

1. Comply with pertaining requirements to certification bodies, including submission to the competent authorities of the European Union Member States and the European Commission, upon their request, of all relevant information necessary for the supervision of the certification body operation, as specified by PEFC RED II requirements, RED II Directive, IR on establishing operational guidance, IR on rules to verify sustainability and greenhouse and Directive 2008/98/EC of the European Parliament and of the Council of 19 November 2008 on waste and repealing certain Directives.
2. Hold and maintain a valid accreditation, issued by a national accreditation body against ISO/IEC 17065 and in accordance with Regulation (EC) 765/2008, covering the scope of Directive (EU) 2018/2001 or the specific scope of the voluntary scheme; or be recognised by a competent authority to cover the scope of Directive (EU) 2018/2001 or the specific scope of the voluntary scheme.
3. In addition to requirements mentioned in clause 2 above, the certification body shall hold and maintain a valid accreditation issued by a national accreditation body against ISO 14065:2020 if it provides certification services of GHG emission calculations based on actual values.
4. Is a legal entity and can legally operate in the country/ies where they want to operate PEFC RED II certification.
5. Carry out and ensure the processing of the PEFC RED II certification within the scope of the valid accreditation or recognition, by issuing, renewing, or revoking PEFC RED II certificates in accordance with the requirements in the normative references highlighted in this contract.
6. Inform the PEFC Council immediately about any changes in its accreditations or recognitions. After regular surveillance by an accreditation body or competent authority or upon request, it shall provide evidence that it still meets the requirements of valid accreditation or recognition.
7. Cooperate with the Commission and the competent authorities of the Member States, including granting access to them when 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, the PEFC RED II notified certification body 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, including submitting upon the request of competent authorities the exact date, time, and location of audits
 - 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
8. Verify the accuracy of information entered into the Union database or relevant database pursuant to Article 31(a) of the Directive (EU) 2018/2001.

9. Provide the information required by the European Commission to comply with Article 30(8) of Directive (EU) 2018/2001.
10. Conduct a cross-check of the applicant organisation against other recognised voluntary schemes or recognised national systems and undertake Customer Due Diligence.
11. Ensure that a PEFC RED II contract between the organisation and the PEFC Council has been signed by both parties before issuing the PEFC RED II certificate.
12. Provide to the PEFC Council immediately and truthfully with the PEFC RED II certificate, together with a copy of the audit report, the summary audit report, all relevant documents and GHG emission calculations, including related background evidence on the application of GHG emission saving credits where applicable of each certificate, for the purpose of maintaining the PEFC recognition as a RED II voluntary scheme by the European Commission; implementing its internal monitoring system and other specific tasks as per the Implementation Regulation and Directive (EU) 2018/2001.
13. Register to the PEFC RED II database the required information listed under Appendix 5 of PEFC GD 5004, *Operations of the PEFC RED II scheme*.
14. Follow the procedure for the PEFC RED II notification of certification body outlined under PEFC GD 5004, *Operations of the PEFC RED II scheme*.
15. Participate in activities organised by the PEFC Council or PEFC RED II authorised bodies for which PEFC RED II notified certification bodies are one of the target audiences.
16. Agree to be listed on the publicly available PEFC Council database including the PEFC RED II notified certification body's identification data, summary of audit report of each RED II certificate and other data as may be specified by the PEFC Council with the exception of information considered as confidential.
17. Inform PEFC RED II certified organisations about the range of information that is required to report to the PEFC Council or PEFC RED II authorised body, and that this information (except the certified organisation's turnover) will be made publicly available on the PEFC RED II database.
18. Inform PEFC RED II certified organisations about their obligation to cooperate with the European Commission and the competent authorities of the European Member States, including granting access to them where requested, as well as making available to the Commission and the competent authorities of the European Union Member States, all information needed to fulfil their tasks under Directive (EU) 2018/2001.
19. If the PEFC RED II notified certification body delegates all or part of its tasks to a third party, the PEFC RED II notified certification body shall be fully and totally responsible for the latter's actions and shall be liable for them as if they were its own.

Article 4: Responsibilities of the PEFC Council

The PEFC Council shall:

1. Recognise the RED II certificates issued by the PEFC RED II notified certification body in compliance with this contract once the contract has been signed by both parties and as long as the PEFC RED II fee and the PEFC chain of custody notification fee is paid within the timeframe indicated in the invoice.
2. Inform the PEFC RED II notified certification body of any changes to the PEFC RED II certification scheme recognition status, PEFC Council requirements, and documentation that affect this contract.
3. Maintain a regular communication with PEFC RED II notified certification body.

Article 5: Contract termination

1. The PEFC Council and the PEFC RED II notified certification body may terminate the contract with three (3) months prior notice provided in writing and/or by registered letter to the latest known address. Article 404 of Swiss code of Obligations is reserved.
2. The PEFC Council may revoke the contract with immediate effect if there are reasons to believe that any provision of the PEFC RED II notification contract is not being adhered to.
3. If the PEFC RED II notified certification body fails or is unwilling to comply with the requirement on supervision pertaining to certification bodies, set out in clause 7, 8, and 9 of Article 3 of this document, it shall be excluded from participating in and conducting RED II audits according to PEFC ST 5002 and PEFC ST 5003, and the PEFC RED II notification contract shall be suspended.
4. Suspension of validity of the PEFC notified certification body's RED II accreditation or recognition, will result in automatic suspension of the contract with effect on the same date as the suspension of the validity of the accreditation or recognition.
5. Withdrawal or termination of validity of the PEFC notified certification body's RED II accreditation or recognition, will result in automatic termination of the contract with effect on the same date as the withdrawal or the end of the validity of the accreditation or recognition.
6. Withdrawal or termination of the PEFC RED II contract between a PEFC RED II authorised body or PEFC Council and an organisation certified by the PEFC RED II notified certification body shall result in the withdraw of the PEFC RED II certificate of the organisation by the PEFC RED II notified certification body, with effect on the same date as the termination of the contract.
7. Suspension of the PEFC RED II contract between a PEFC RED II authorised body or the PEFC Council and an organisation certified by the PEFC RED II notified certification body will result in automatic suspension of the validity of the PEFC RED II certificate by the PEFC RED II notified certification body with effect on the same date as the suspension of the PEFC RED II contract between the organisation and the PEFC RED II authorised body or the PEFC Council, until the suspension is lifted. If the suspension of the PEFC RED II contract between the organisation and the PEFC RED II authorised body or the PEFC Council is lifted, the PEFC RED II notified certification body will reinstall the validity of the PEFC RED II certificate on the same date as of the validity of the PEFC RED II contract between the organisation and the PEFC RED II authorised body or the PEFC Council.
8. If an organisation certified by the PEFC RED II notified certification body fails to pay the PEFC RED II fee to the PEFC Council after the second reminder from the PEFC Council, the PEFC RED II notified certification body will suspend the validity of the PEFC RED II certificate of the organisation. If the PEFC RED II fee is paid after the second reminder, the PEFC RED II notified certification body will reinstall the validity of the PEFC RED II certificate of the organisation.
9. If an organisation certified by the PEFC RED II notified certification body fails to pay the PEFC RED II fee to the PEFC Council after the third reminder from the PEFC Council, the PEFC RED notified certification body will withdraw the validity of the PEFC RED II certificate of the organisation.
10. The termination of validity of the certification body's PEFC chain of custody notification contract will result in automatic termination of this contract, with effect on the same date as the end of validity of its PEFC chain of custody notification contract.
11. The end of the PEFC recognition as a RED II voluntary scheme by the European Commission will result in automatic termination of this contract, and of all PEFC RED II certificates issued by the certification body, with effect on the same date as the end of the PEFC's recognition by the European Commission.
12. The PEFC Council is not obliged to pay compensation to the PEFC RED II notified certification body for any costs or other damages arising out whatsoever or in connection with a suspension or termination, provided such suspension or termination is given according to the Article 5, clause 3, 4, 5, 6 and 7.

Article 6: Data processing

1. The PEFC Council and/or the PEFC RED II authorised body may collect some personal data on the individuals working for certification bodies. The personal data collected includes full name of the contact person, email address and telephone number. They are made publicly available on the PEFC “Find Certified” online search engine and the PEFC Council and/or the PEFC RED II authorised body may share them with third parties limited to and exclusively for certification purposes. These data are indispensable to ensure the PEFC RED II certification system operations, such as to trace validity of certificates, certification bodies notification and accreditation. In case the individuals working for certification bodies do not want this information to be publicly available, we advise to provide generic contact details or the PEFC RED II notification contract shall be cancelled.
2. Personal data on individuals working for certification bodies are kept public for a duration of a minimum of five (5) years, or longer where it is required by the relevant national authority of the European Member States, and for five (5) years after the end of the PEFC RED II notification contract validity. Data will then be deleted. Upon request, the PEFC Council and PEFC RED II authorised body may provide data subjects with information about the personal data it holds. Individuals working for certification bodies have the right to access or verify their personal data and to have them modified, transferred, corrected, or deleted at any time. If the individuals working for certification bodies would like to exercise one of these data protection rights, they can contact PEFC Council at data@pefc.org or the PEFC RED II authorised body at [*PEFC authorise body's email address*].
3. By signing the PEFC RED II notification contract, the individuals working for certification bodies agree to this data treatment procedure.
4. Further information on PEFC data processing is available from the PEFC Council or from the PEFC RED II authorised body.

Article 7: Entry into force and duration

1. The PEFC RED II notification contract between the PEFC Council and the certification body enters into force when it has been signed by all parties and it is automatically renewed annually after fulfilment of Article 3, unless it is terminated according to Article 5.

Article 8: Applicable law and place of jurisdiction

1. This contract is subject to Swiss law or the law of the country where the PEFC RED II authorised body is based.
2. Any disputes arising out of this agreement shall be finally and exclusively settled by the courts of the Canton of Geneva, subject to a right of appeal to the Swiss Federal Supreme Court; or by the courts of the country where the corresponding PEFC RED II authorised body is based.

Signed in duplicate.

In _____ on _____
For and on behalf of the PEFC Council

In _____ on _____
For and on behalf of the PEFC RED II notified
certification body

Organisation name, position

Organisation name, position

Appendix 3: Template - Content of the PEFC RED II Contract between PEFC Council or PEFC RED II authorised body and the Organisation Applying for PEFC RED II Certification

Between

(1) **PEFC Council or Name of the PEFC RED II authorised body**], hereafter the “PEFC Council or PEFC RED II authorised body” having its officially registered address at

And

(2) **[Name of the organisation]**, hereafter the “organisation”, having its officially registered office at

Whereas the PEFC Council is the governing body of the Programme for the Endorsement of Forest Certification schemes, including PEFC RED II scheme, and is the owner of, and has the copyright on, the registered PEFC trademarks and PEFC claims.

Whereas the PEFC Council achieved full recognition as a voluntary scheme under the 2018 Renewable Energy Directive (RED II) by the European Commission.

Whereas the PEFC Council secretariat or PEFC RED II authorised body who is authorised by the PEFC Council through a contractual agreement to perform operations of the PEFC RED II certification scheme on behalf of the PEFC Council in *[name of the country]*, as per PEFC GD 5004, *Operations of the PEFC RED II Scheme*

Whereas *[Name of the organisation]* is a PEFC certified chain of custody organisation which is in the process to become a PEFC RED II certified organisation; or

Whereas *[Name of the organisation]* is in the process to become a PEFC certified chain of custody organisation and to become a PEFC RED II certified organisation at the same time.

Now, therefore the above said parties agree to the following:

Article 1: Normative references

1. These normative references, appended to this contract, form part of the contractual documentation that the organisation acknowledges having read:

PEFC ST 2002, *Chain of Custody of Forest and Tree Based Products – Requirements*

PEFC ST 2001, *Trademarks Rules – Requirements*

PEFC GD 1005, *Issuance of PEFC trademarks usage licences by the PEFC Council*

PEFC ST 5002, *Additional requirements for organisations sourcing forest biomass - RED II*

PEFC ST 5003, *Additional requirements for certification bodies providing certification against PEFC ST 5002 – RED II*

PEFC Bridging Document, *PEFC compliance with RED II requirements at scheme owner level*

PEFC GD 5004, *Operations of the PEFC RED II scheme*

PEFC GD 5005, *PEFC Council complaints procedure for the PEFC RED II scheme*

Directive (EU) 2018/2001 *on the promotion of the use of energy from renewable sources (RED II Directive)*

Commission Implementing Regulation (EU) 2022/2448 of 13 December 2022 *on establishing operational guidance on the evidence for demonstrating compliance with the sustainability criteria for forest biomass laid*

down in Article 29 of Directive (EU) 2018/2001 of the European Parliament and of the Council (IR on establishing operational guidance)

Commission Implementing Regulation (EU) 2022/996 of 14 June 2022 on rules to verify sustainability and greenhouse gas emissions saving criteria and low indirect land-use change-risk criteria apply and its annexes (IR on rules to verify sustainability and greenhouse)

Directive 2008/98/EC of the European Parliament and of the Council of 19 November 2008 on waste and repealing certain Directives.

2. These normative references are valid and binding for PEFC RED II certified organisations as stated now and as may be from time to time altered by the PEFC Council and the European Commission respectively, which the organisation accepts, so that the said modifications will be enforceable against it.

Article 2: Definitions

1. Chain of Custody of Forest and Tree- Based Products – Requirements

They are specified in PEFC ST 2002, *Chain of Custody of Forest and Tree Based Products – Requirements*. PEFC ST 2002 can be altered or replaced with another document by the PEFC Council.

2. Economic operator/Organisation

A producer of raw material, a collector of waste and residues, an operator of installations processing raw material into final fuels or intermediate products, an operator of installations producing energy (electricity, heating or cooling) or any other operator, including of storage facilities or traders that are in physical possession of raw material or fuels, provided that they process information on the sustainability and GHG emissions saving characteristics of those raw materials or fuels.

Note 1: The term “economic operator” is equivalent to the term “organisation” used in PEFC ST 2002.

Note 2: An organisation that holds a valid PEFC RED II certificate issued under the PEFC RED II scheme is called a PEFC RED II certified organisation.

3. RED II certificate

A conformity statement by a certification body within the framework of a voluntary scheme, certifying that an economic operator complies with the requirements of RED II.

Note: A conformity statement by a certification body within the framework of the PEFC voluntary scheme recognised by the European Commission under the RED II, certifying that an economic operator complies with the requirements of RED II is called a PEFC RED II certificate. An organisation holding a valid PEFC RED II certificate is referred to as a PEFC RED II certified organisation.

4. PEFC RED II certified organisation

An organisation holding a valid PEFC RED II certificate is referred to as a PEFC RED II certified organisation.

5. PEFC authorised body

An entity authorised by the PEFC Council to perform the administration of the PEFC scheme on behalf of the PEFC Council.

Note: The authorised body is either the PEFC National Governing Body operating within its country or other entity which has been authorised by the PEFC Council to perform the administration of the PEFC scheme.

6. PEFC RED II authorised body

A PEFC authorised body authorised by the PEFC Council to perform the operations of the PEFC RED II scheme on behalf of the PEFC Council.

Note: The authorised body is either the PEFC National Governing Body (PEFC NGB) operating within its country(ies) or other entity which has been authorised by the PEFC Council to perform the operations of the PEFC or PEFC RED II scheme.

Note: In countries where the PEFC Council has not authorised a PEFC authorised body, the PEFC Council secretariat, on behalf of the PEFC Council, operates the tasks assigned to the PEFC authorised bodies.

7. PEFC RED II scheme

Set of rules and procedures for the management of the PEFC RED II conformity assessment system, and the maintenance of its recognition by the European Commission. The PEFC RED II certification scheme is owned and maintained by the PEFC Council level and adopted by the corresponding bodies of the PEFC endorsed national and regional certification systems.

Article 3: Responsibilities of the organisation

The organisation shall:

1. Comply with pertaining requirements to the organisation as specified by PEFC RED II requirements, RED II Directive, IR on establishing operational guidance, IR on rules to verify sustainability and greenhouse and Directive 2008/98/EC of the European Parliament and of the Council of 19 November 2008 on waste and repealing certain Directives.
2. Sign the PEFC RED II contract with PEFC Council or the PEFC RED II authorised body before obtaining its PEFC RED II certificate.
3. Cooperate with the European Commission and the competent authorities of the European Union Member States, including granting access to them where requested, as well as making available to the European Commission and the competent authorities of the European Union Member States, all relevant and necessary information needed to fulfil their tasks under Articles 30(8), 30(9) and 30(10) of Directive (EU) 2018/2001 and Article 17 of the Implementing Regulation 2022/996.
4. Inform the PEFC Council or PEFC RED II authorised body immediately and truthfully on any changes concerning the organisation's identification data including contact details and certification status.
5. Provide any related information, to PEFC Council or the PEFC RED II authorised body, for the purpose of maintaining the PEFC recognition as a RED II voluntary scheme by the European Commission; implementing its internal monitoring system and other specific tasks as per the Implementation Regulation and Directive (EU) 2018/2001.
6. Register to the PEFC RED II database the required information outlined under Appendix 5 of PEFC GD 5004, *Operations of the PEFC RED II Scheme*.
7. Follow the procedure for the PEFC RED II notification of organisation outlined under PEFC GD 5004, *Operations of the PEFC RED II scheme*.
8. Pay the PEFC RED II fee for its PEFC RED II certificate within the timeframe indicated in the invoice, issued by the PEFC Council. The annual amount of the fees is specified in Appendix IV of PEFC GD 5004, *Operations of the PEFC RED II scheme*. The tariff can be changed by the PEFC Council during the validity of the contract. Any change to the contract between the PEFC Council and the organisation resulting from changes related to the PEFC RED II fee tariff will take effect the year following that in which the PEFC Council has informed the organisation, in writing, of the change. The PEFC RED II fee is independent of the PEFC chain of custody notification fee.

9. Be responsible for keeping themselves informed and adapt their compliance to any changes to PEFC RED II documents made by the PEFC Council.
10. Agree to be listed on the PEFC Council database, which is publicly available, including the organisation's identification data, summary of audit report of its PEFC RED II certificate and/or other data may be specified by the PEFC Council, with the exception of information considered as confidential.
11. In the event that the organisation delegates all or part of its tasks to a third party, the organisation shall be fully and totally responsible for the latter's actions and shall be liable for them as if they were its own.

Article 4: Responsibilities of the PEFC Council or the PEFC RED II authorised Body

The PEFC Council or the PEFC RED II authorised body shall:

1. Inform the organisation on any changes to the PEFC requirements and documentation concerning the PEFC RED II certification scheme which affect this contract in writing and/or by registered letter to the latest known address. If the organisation does not accept the modification, the organisation can terminate the contract, as per article 5, clause 1.
2. Recognise the organisation's PEFC RED II certificate issued by the PEFC RED II Notified Certification Body within its validity and as long as PEFC RED II contract has been signed, and the PEFC RED II fee and the PEFC chain of custody fee have been paid within the timeframe indicated in the invoice.
3. Ensure information of the organisation's certificate is up-to-date on PEFC website.

Article 5: Contract Termination

1. The PEFC Council or the PEFC RED II authorised body and the organisation may terminate the contract with three (3) months prior notice provided in writing and/or by registered letter to the latest known address. Article 404 of Swiss code of Obligations is reserved [Only for PEFC Council].
2. The PEFC Council or the PEFC RED II authorised body may suspend the contract with immediate effect while a suspicion of contravention of the contract or the PEFC ST 5002, *Additional requirements for organisations sourcing forest biomass – RED II*, is being investigated. The suspension will last until the certification body has finished its investigation.
3. The PEFC Council or the corresponding PEFC RED II authorised body may suspend or terminate the contract, depending on the seriousness of the alleged breaches, with immediate effect if there are reasons to believe that the organization is failing or unwilling to comply with the requirements on supervision (set out in clause 3 of Article 3 of this document).
4. The PEFC Council or the PEFC RED II authorised body may suspend or terminate the contract, depending on the seriousness of the alleged breaches, with immediate effect where there is a suspicion of misuse of the PEFC RED II certification by the organisation investigated by the PEFC RED II Notified Certification Body. The suspension will last until the certification body has finished its investigation. If the certification body decides to keep the validity of the organisation's PEFC RED II certificate, the contract will be reinstated. On the contrary, this contract will be terminated on the same date as the termination date of the PEFC RED II certificate.
5. The PEFC Council or the corresponding PEFC RED II authorised body may suspend or revoke the contract, depending of the seriousness of the alleged breaches, with immediate effect if there are reasons to believe that any of the terms of the contract or the PEFC ST 5002, *Additional requirements for organisations sourcing forest biomass – RED II*, in its valid version are not being adhered to; or the organisation may be bringing PEFC to dispute.
6. The PEFC Council or the corresponding PEFC RED II authorised body will suspend the contract If the organisation fails to pay the PEFC RED II fee to the PEFC Council after the second reminder from the PEFC Council, If the PEFC RED II fee is paid after the reminder, the PEFC RED II contract will be reinstalled.

7. The PEFC Council or the corresponding PEFC RED II authorised body will terminate the contract if the organisation fails to pay the PEFC RED II fee to the PEFC Council after the third reminder from the PEFC Council.
8. Withdrawal or termination of the validity of the PEFC recognised chain of custody certificate and/or PEFC RED II certificate will result in automatic termination of this contract, with effect on the same date as the termination of the validity of the PEFC recognised chain of custody certificate and/or the PEFC RED II certificate.
9. Suspension of either the PEFC recognised chain of custody certificate and/or of the PEFC RED II certificate will result in automatic suspension of this contract with effect on the same date as the suspension of the PEFC recognised chain of custody certificate and/or of the RED II certificate, until the suspension is lifted. If the suspension is lifted and the PEFC chain of custody certificate's validity is recognised, therefore the PEFC RED II certificate is valid again, this contract's validity will be reinstated on the same date as of the PEFC RED II certificate. If the suspension turns into a termination or withdrawal of the PEFC recognised chain of custody certificate and/or of the PEFC RED II certificate, this contract will be automatically terminated on the same date of termination or withdrawal of the PEFC RED II certificate.
10. The end of the PEFC recognition as a RED II voluntary scheme by the European Commission will result in an automatic termination of this contract, and therefore, of the PEFC RED II certificate, with effect on the same date as the end of the European Commission's recognition.
11. No PEFC RED II is refunded to the organisation in case of suspension or termination of the contract according to the Article 5, clause 1 to 7 above.
12. The PEFC Council or the PEFC RED II authorised body is not obliged to pay compensation to the organisation for any costs or other damages arising out or in connection with a suspension or termination, provided such suspension or termination is given in accordance with the Article 5, clause 3, 4, 5, 6, 7, 8 and 9.

Article 6: Data treatment

1. The PEFC Council or the PEFC RED II authorised body may collect some personal data on individuals working for the organisation. The personal data collected include full name of the contact person, email address and telephone number. They are made publicly available on the PEFC "Find Certified" online search engine and PEFC may share them with third parties limited to and exclusively for the RED II certification purposes. These data are indispensable to ensure the PEFC RED II certification system operations, such as to trace validity of PEFC RED II certificate holders, and certified products, by consumers and third parties. In case the individuals working for the organisation do not want this information to be publicly available, we encourage to provide generic contact details or the contract shall be cancelled.
2. Personal data on the organisation are kept public for a duration of a minimum of five (5) years, or longer where it is required by the relevant national authority of the European Member States, after the end of the contract's validity. Data will then be stored in an in-house database in order to keep track of the trademarks licences. Upon request, PEFC Council or the PEFC RED II authorised body may provide the organisation with information about the personal data it holds. The organisation has the right to access or verify its personal data and to have them modified, corrected or deleted at any time. If the individuals working for the organisation would like to exercise one of these data protection rights, they can contact PEFC Council at data@pefc.org or the PEFC RED II authorised body at [*PEFC RED II authorised body's email address*]
3. By the signature of this contract the organisation agrees to this data treatment procedure.
4. Further information on the PEFC Council or the PEFC RED II authorised body data treatment is available from the PEFC Council or the PEFC RED II authorised body.

Article 7: Entry into force and duration

1. The contract between PEFC Council or the PEFC RED II authorised body and the organisation applying for PEFC RED II certification enters into force when it has been signed by all parties and it is automatically renewed annually after fulfilment of Article 3, unless it is terminated according to Article 5

Article 8: Applicable law and place of jurisdiction

1. This contract is subject to Swiss law /Or the law of the country where the corresponding PEFC RED II authorised body is based.
2. Any disputes arising out of this agreement shall be finally and exclusively settled by the courts of the Canton of Geneva, subject to a right of appeal to the Swiss Federal Supreme Court; or by the courts of the country where the corresponding PEFC RED II authorised body is based.

Signed in duplicate.

In _____ on _____
For and on behalf of the PEFC Council or
the PEFC RED II authorised body

Organisation name, position

In _____ on _____
For and on behalf of the organisation

Organisation name, position

Appendix 4: PEFC RED II fee structure and tariffs and process

1. General

- 1.1 The PEFC RED II fee process, structure, and tariffs are established to cover the expenses of operating the **PEFC RED II scheme** and maintaining the European Commission's recognition of the **PEFC RED II scheme**.
- 1.2 This document sets up the PEFC RED II fee process, structure, and tariffs globally.
- 1.3 The PEFC RED II fees are charged and collected by the PEFC Council from PEFC RED II certified **organisations** worldwide.
- 1.4 The PEFC RED II fee process, structure, and/or tariffs can be changed by the PEFC Council Board of Directors. Any changes affecting the tariffs will take effect the year following that in which the PEFC Council has informed the PEFC RED II certified **organisations** of the change.

2. PEFC RED II fee structure and tariffs

- 2.1 Applicant PEFC RED II certified **organisations** obtaining RED II certification for the first time shall pay the PEFC Council a fee of 238 CHF upon the signature of the **PEFC RED II contract**.

Note: An applicant PEFC RED II certified **organisation** is an **organisation** that has applied for PEFC RED II certification and is in the process of obtaining a **PEFC RED II certificate**.

- 2.2 For PEFC RED II certified **organisations** declaring $\leq 5,000$ tons of total PEFC RED II compliant sustainable biomass per year, the only applicable fee is an annual PEFC RED II flat fee of 238 CHF.
- 2.3 For PEFC RED II certified **organisations** declaring > 5000 tons of total PEFC RED II compliant sustainable biomass per year, and for **organisations** transferring their RED II certification from another RED II recognised scheme to the **PEFC RED II scheme**, the annual PEFC RED II fee comprises two components:
 - a) a basic fee
 - b) a quantity and type-based fee

Table 2: Summary of applicable PEFC RED II fee from the second PEFC RED II audit onwards and for organisations transferring their existing RED II certification from other RED II recognised schemes to PEFC RED II certification

	PEFC RED II fee composition	Amount
Organisations declaring $\leq 5,000$ tons of PEFC RED II compliant sustainable biomass	Flat fee/per year	238 CHF
All other organisations	Basic fee + Quantity and type fee	Applicable amount in Table 3 + applicable amount in Table 4

2.4 The basic fee component is a flat fee amount that charges PEFC RED II certified **organisations** according to the size of the business. The size of the business is measured through thresholds based on the annual tons of PEFC RED II compliant biomass (total sum of woodchips and pellets) declared by the PEFC RED II certified **organisation**.

Note: The PEFC RED II compliant biomass declared is registered by the **organisation** in the **PEFC RED II database** and verified by the **certification body** during the annual audit.

Table 3: Basic fee according to size of business. Thresholds defined according to the PEFC RED II compliant biomass declared by the organisation

Thresholds	BASIC FEE
	Fee tariff per year
> 5 000 tons and ≤ 10,000 tons of sustainable biomass	100 CHF
≤ 20,000 tons of sustainable biomass	150 CHF
≤ 25,000 tons of sustainable biomass	200 CHF
≤ 50,000 tons of sustainable biomass	500 CHF
≤ 100,000 tons of sustainable biomass	1'000 CHF
> 100,000 tons of sustainable biomass	2'000 CHF

2.5 The quantity and type-based fee component is obtained as follows:

- a) tons of PEFC RED II compliant wood chips declared * 0.0286 CHF, and/or
- b) tons of PEFC RED II compliant wood pellets and wood briquettes declared * 0.0858CHF

Note: The PEFC RED II compliant biomass declared is registered by the **organisation** in the **PEFC RED II database** and verified by the **certification body** during the annual audit.

Table 4: Quantity and type-based fee per ton and type of PEFC RED II compliant biomass declared

TYPE OF BIOMASS/BIOFUEL	QUANTITY AND TYPE BASED FEE	
	PEFC (CHF) MULTIPLIER	UNIT
Wood chips	0.0286 CHF	Per Ton/per year
Wood pellets and wood briquettes	0.0858 CHF	Per Ton/per year

2.6 For **organisations** acting as **first gathering point** that do not directly produce wood chips or wood pellets and wood briquettes, the applicable multiplier from the previous table shall be the one for wood chips.

2.7 For **organisations** transferring their RED II certification from another scheme to PEFC, the amount of RED II wood chips and/or pellets or briquettes (RED II compliant biomass) declared shall be based on the last RED II annual declaration under the other RED II scheme.

2.8 If a PEFC RED II certified **organisation** did not trade any PEFC RED II forest biomass during the year, the applicable PEFC RED II fee shall be the annual flat fee of 238 CHF.

3. PEFC RED II fee process

3.1 The year of the first PEFC RED II audit, applicant PEFC RED II certified **organisations** shall pay the PEFC RED II fee before:

- a) the PEFC **RED II certificate** is visible on the PEFC RED II public search; and
- b) accessing full functionalities of their PEFC RED II database account.

Note: An applicant PEFC RED II certified **organisation** is an **organisation** that has applied for PEFC RED II certification and is in the process of obtaining a PEFC **RED II certificate**.

3.2 The applicant **organisation** shall pay the PEFC RED II fee upon the signature of the **PEFC RED II contract** (Appendix 3) with the **PEFC RED II authorised body** or the PEFC Council secretariat, as applicable.

Note: The **PEFC RED II contract** is to be signed once the first PEFC RED II audit has taken place.

3.3 In the following PEFC RED II audits, PEFC RED II certified **organisations** shall pay the PEFC RED II fee straight after taking their annual PEFC RED II audit. The payment of the fee is required to maintain the validity of their PEFC **RED II certificate**.

3.4 Applicant PEFC RED II certified **organisations** and PEFC RED II certified **organisations** shall log in to the **PEFC RED II database** to proceed with the payment of the PEFC RED II fee.

3.5 Applicant PEFC RED II certified **organisations** and PEFC RED II certified **organisations** shall pay the PEFC RED II fee by credit card, logging into their account on the **PEFC RED II database**. Under certain circumstances, the **PEFC RED II database** may accept the payment through bank transfer.

3.6 Failure to pay the PEFC RED II fee on time shall result in a first payment reminder free of charge.

3.7 Failure to pay the PEFC RED II fee after the first reminder shall result in a second reminder with an additional charge of 20 CHF over the corresponding PEFC RED II fee.

3.8 Failure to pay the PEFC RED II fee after the second reminder shall result in a third reminder with:

- a) an additional charge of 50 CHF over the corresponding PEFC RED II fee
- b) suspension of the **PEFC RED II contract**
- c) automatic change of the status of the **PEFC RED II certificate** on the PEFC RED II database public interface to “Not PEFC RED II recognised”, followed by a communication to the **certification body** for the **certification body** to suspend the certificate until the PEFC RED II fee is paid.

3.9 Failure to pay the PEFC RED II fee after the third reminder shall result in:

- a) the termination of the **PEFC RED II contract** between the PEFC RED II certified **organisation** and the **PEFC RED II authorised body**, and
- b) the withdrawal of the PEFC **RED II certificate** by the **certification body**.

Appendix 5: Registration of information to the PEFC RED II database

1. General

1.1 The PEFC Council secretariat, **PEFC RED II authorised bodies**, PEFC RED II notified **certification bodies**, and PEFC RED II certified **organisations** shall register information required by the PEFC Council in the **PEFC RED II database** to maintain the operation and recognition of the **PEFC RED II scheme**.

2. Information required to be registered in the PEFC RED II database

2.1 Responsibilities of the PEFC Council secretariat

2.1.1 The PEFC Council secretariat shall register and verify the accuracy of the following information in the **PEFC RED II database**:

- a) **PEFC RED II operations contracts**
- b) **PEFC RED II notification contracts**
- c) Accreditation certificates against ISO/IEC 17065 and in accordance with Regulation (EC) 765/2008 and the scope of PEFC ST 5002.
- d) Proof that the **certification bodies** are recognised by a competent authority to cover the scope of PEFC ST 5002.
- e) Accreditation certificates against ISO 14065:2020 for **certification bodies** auditing against requirements for GHG emissions calculations based on actual values.
- f) Summary of all documents related to complaints against the PEFC Council, and the handling of those complaints, within the scope of the **PEFC RED II scheme**.

2.1.2 To ensure data integrity within the **PEFC RED II database**, the PEFC Council secretariat shall monitor all data registered by the PEFC Council secretariat, **PEFC RED II authorised bodies**, PEFC RED II notified **certification bodies**, and PEFC RED II certified **organisations**, as required in Appendix 5.

2.2 Responsibilities of PEFC RED II authorised bodies

2.2.1 The PEFC Council secretariat or the **PEFC RED II authorised bodies** shall register and verify the accuracy of the following information in the **PEFC RED II database**:

- a) **PEFC RED II contracts with organisations**.
- b) Summary of all documents related to complaints against the **PEFC RED II authorised body**, and the handling of those complaints, within the scope of **PEFC RED II scheme**.

2.3 Responsibilities of PEFC RED II notified certification bodies

2.3.1 PEFC RED II notified **certification bodies** shall register and verify the accuracy of the following information in the **PEFC RED II database**:

- a) Name, address, and contact details related to PEFC RED II notified **certification bodies**.
- b) Information related to the PEFC RED II certification. As a minimum, this includes:
 - i. type of audit (first RED II audit, second RED II audit, etc.)
 - ii. certificate number

- iii. certificate status
 - iv. copy of issued certificate
 - v. non-conformance data
 - vi. copy of annual audit reports
 - vii. copy of summary of audit reports for public use and the associated audit timeline against a specific audit year
 - viii. trading data (market updates of the scheme, the amount of feedstock, biofuels, bioliquids and biomass fuels certified according to PEFC in the previous calendar year by country of origin and type) (until the organisation has access to the **PEFC RED II database**).
- c) Copy of the report on the results of the annual internal audit of the PEFC RED II notified **certification body** limited to the performance of the PEFC RED II certification activities. The report shall include information on the declaration of free from conflict of interest of auditors, certification reviewers, and decision-makers and the declaration of conflict of interest and how it was addressed.
- d) Summary of all documents related to complaints against the PEFC RED II notified certification body, and the handling of those complaints, within the scope of the PEFC RED II scheme.

2.3.1.1 In addition, PEFC RED II notified **certification bodies** are required to verify the accuracy of the following information through the **PEFC RED II database**:

- a) Trading data (market updates of the scheme, the amount of feedstock, biofuels, bioliquids and biomass fuels certified according to PEFC in the previous calendar year by country of origin and type) registered by organisations in the **PEFC RED II database** and inform PEFC Council secretariat through the **PEFC RED II database** once the verification is completed.
- b) Name, address, and contact details of PEFC RED II certified organisations.

2.4 Responsibilities of PEFC RED II certified organisations

2.4.1 PEFC RED II certified **organisations** shall register and verify the accuracy of the following information in the **PEFC RED II database**:

- a) Name, address, and contact details of the PEFC RED II certified **organisation**.
- b) Trading data (market updates of the scheme, the amount of feedstock, biofuels, bioliquids and biomass fuels certified according to PEFC in the previous calendar year by country of origin and type), once per year, before their annual audit.
- c) Summary of all documents related to complaints against the PEFC RED II certified **organisation**, and the handling of those complaints, within the scope of **PEFC RED II scheme**.

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