



EECS Rules

Subsidiary Document

AIB-EECS-SD09 Independent Criteria Schemes and Label Schemes

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**INDEPENDENT CRITERIA SCHEMES****AIB-EECS-SD09: Independent Criteria Schemes
Release 3.0****Status of this document**

This document, AIB-EECS-SD09 Independent Criteria Schemes and Label Schemes, is a subsidiary document to the Principles and Rules of Operation (the EECS Rules) of the Association of Issuing Bodies (AIB) for The European Energy Certification System.

In the event of conflict between the text of the EECS Rules and the text of this document, the EECS Rules shall always take precedence.

This EECS Rules subsidiary document was formally approved by the EECS Unit meeting held on 22 September 2022.

The effective date of this EECS Rules subsidiary document is 23 September 2022.

Signed by the General Secretary:

Liesbeth Switten

22 September 2022

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A INTRODUCTION AND PURPOSE

A1 Introduction

A1.1 This document is a subsidiary document to the Principles and Rules of Operation (the EECS Rules) of the Association of Issuing Bodies (AIB) for The European Energy Certification System (EECS).

A1.2 Specific reference is made to the EECS Rules Sections:

- (a) C – Harmonisation Measures
- (b) L – Change Procedures
- (c) M - General

A1.3 This document is subject to the change management procedures set out in Section L of the EECS Rules and related subsidiary documents.

A2 Purpose

A2.1 The purpose of this EECS Rules subsidiary document is set out the detailed procedural and technical matters associated with Independent Criteria Schemes and Labels. This will specifically include:

- Role of EECS in supporting an ICS or a Label
- Recognition of an ICS or a Label by the AIB
- Support of an ICS or a Label by a Scheme Member
- Cessation of support for an ICS or a Label.

A2.2 This document is also intended to provide further explanation of the procedures associated with Independent Criteria Schemes and Labels set out in the EECS Rules.

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B Definitions

B1 In this Subsidiary Document, unless the context otherwise requires or there is express provision to the contrary, terms shall have the meanings respectively ascribed to them in the EECS Rules:

TERM	MEANING
Label (or Label Flag)	Attribute on a Certificate reflecting that the Output and/or Production Device and/or Input to which a Certificate relates, conforms to a specific set of qualities defined in a Label Scheme, following an agreement between the Authorised Issuing Body and the corresponding Label Scheme Operator;
Independent Criteria Scheme (ICS)	A scheme for Certificates that provides assurance that the Output certified by an EECS Certificate, and/or the relevant Production Device with which it is associated, conforms to a specific set of qualities. ICS Certificates can be either Legislative Certificates or Non-Governmental Certificates;
ICS Operator	An organisation that offers one or more Independent Criteria Schemes
Label Scheme	Scheme with criteria independent from the criteria for Certificate Issuing, that provides assurance that the Output and/or the Production Device to which a Certificate relates, conforms to specific requirements which are additional to those established for the EECS Product
Label Scheme Operator	In relation to a Label Scheme, the body responsible for the rules establishing the operation of that Label Scheme
Legislative Certificate (LC)	A Certificate issued under a Legislative Certification Scheme
Legislative Certification Scheme	A Certification Scheme implemented pursuant to the law of any EU Member State or a State bound to the EU by a Treaty requiring the recognition of GOs or of any other State accepted by the AIB
Non-Governmental Certificate (NGC)	A type of Certificate, issued under an Independent Criteria Scheme which is not issued in the framework of a Legislative Certification Scheme

C EECS in relation to Labels and ICSs

C1 Role of EECS

C1.1 The EECS Transfer System facilitates a Label by associating it with an EECS Certificate to provide traceability. Accreditation of Production Devices to a Label Scheme and any activities required at the point of consuming that Certificate beyond Cancellation are outside the scope of the EECS Transfer System.

C1.2 The EECS framework facilitates certificates to be acknowledged under EECS as ICS Certificates. These may be either Legislative Certificates that are not yet otherwise defined in the EECS Rules or Non-governmental Certificates (NGCs).

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- C1.3 Experience gained with the operation of NGCs may support the development of Legislative Certificates Schemes. NGCs in EECS allow pioneering certificate markets to develop.
- C1.4 A Certificate, whether legislative or non-governmental, can only be called an EECS Certificate, if it is issued by a Member to the relevant EECS Scheme.
- C2 Label Flag**
- C2.1 The presence of a Label Flag on an EECS Certificate indicates that the corresponding Output fulfils the additional criteria of a specific Label Scheme. An EECS Certificate may carry more than one Label Flag.
- C3 ICS**
- C3.1 An ICS that is acknowledged by AIB is an EECS Product issued under a scheme for Certificates that provides assurance that the Output certified by an EECS Certificate, and/or the relevant Production Device with which it is associated, conforms to a specific set of criteria/requirements/conditions. If the ICS is not operated by AIB and thus not explicitly included in the EECS Rules, the Scheme Operator must have entered into an agreement with the AIB regarding the operation of that ICS Scheme. In this regard, the criteria set-out in section G must be met.

D Recognition of a Label or an ICS by the AIB

D1 Application

- D1.1 The organisation applying for recognition of its Label Scheme or its ICS shall complete respectively a Label/ICS application form (see Appendix 2) which requires the applicant to:
- Confirm that it agrees to the contractual conditions specified by the AIB;
 - Provide details of the organisation that operates respectively the Label or the ICS, including contact and financial details;
 - Provide a definition of the Label or ICS, including criteria and verification procedures; and
 - Provide a list of those Domains in which Scheme Members have agreed to place Label Flags for this Label Scheme onto EECS Certificates at Issue (note: the list of domains can be updated later), or a list of those Domains that issue Certificates under this ICS.
- D1.2 The applicant shall send the completed application form to the AIB Secretary General.
- D1.2.1 For Label Schemes this shall go along with confirmation of agreement to place Label Flags for this Label Scheme onto EECS Certificates at Issue from at least one of the Scheme Members whose Domains are listed according to section D1.1(d), and that at least one additional Scheme Member confirms to grant access to its Account Holders to the respective Label information on the EECS Certificate.
- D1.2.2 For an ICS it shall be confirmed that the criteria set out in section G are met and that at least one (applying) EECS Scheme Member will issue EECS Certificates under this ICS and at least one other (applying) EECS Scheme Member will import those EECS Certificates, unless otherwise agreed by the relevant Scheme Group.
- D1.3 On receipt of the completed application and supporting documents, the Secretary General will convene an Assessment Panel to review the application for the ICS/Label Scheme.

D2 Approval

- D2.1 The Assessment Panel for the ICS/Label Scheme will determine whether the operational requirements of the proposed ICS or Label Scheme are consistent with the EECS Rules as apply to the Legislative Certification Scheme or Non-Governmental Certificate to which the Label Flag association or ICS acceptance is proposed. For Labels, it will also verify that the applicant has established an agreement with the relevant Scheme Members to Issue EECS Certificates with

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the relevant Label Flag. For an ICS, it will also verify whether the conditions set out in section G are met.

D2.2 The Assessment Panel for the ICS/Label Scheme shall not unreasonably withhold recommendation for approval.

D2.3 The submitted Assessment Panel report will be placed on the agenda of the next Scheme Group meeting for acceptance decision after the EECS Unit has been consulted and any advice from the EECS Unit is taken into account in the decision of the relevant Scheme Group. When the ICS/Label Scheme application relates to more than one EECS Scheme, the assessment report will be for acceptance decision to the EECS Unit. The decision paper will include an implementation date from which the Label Flag for this Label Scheme can be used or from which production period start date the Certificates Issued under this ICS can be considered EECS Certificates.

D3 Implementation

D3.1 Prior to the implementation date of the Label/ICS in connection with EECS, the General Secretary will update the EECS Rules Fact Sheet “*EECS Scheme Members and EECS Products*” to include the new Label/ICS, with hyperlinks to any relevant documents.

D3.2 The Label Scheme/ICS Operator will notify each Scheme Member listed under section D1.1(d) of the Production Devices located in that Scheme Member’s Domain and their effective dates of accreditation.

D3.3 The Scheme Member for each Domain listed in accordance with Section D1.1(d) shall make the appropriate adjustments to its Registry and its operating procedures to facilitate Issuing EECS Certificates with the Label Flag or, for an ICS, as the relevant EECS Product. It will also amend its Domain Protocol to include the issuance of the relevant EECS Product(s) with a Label Flag, where relevant. All Members to an EECS Scheme are entitled to import and export the respective ICS Certificates. All Scheme Members shall ensure their Registries can maintain the Label information of any imported certificates, in accordance with the Immutability principle of EECS.

D3.4 A Scheme Member listed in Section D1.1(d) must display the relevant Label or ICS on its registry and any relevant Cancellation Statements that it produces in relation to an EECS Certificate held on its registry; and a Scheme Member that is not listed in Section D1.1(d) may do so at its own discretion.

D4 Changes to the Label Scheme / ICS Criteria

D4.1 In the event of a proposed change to the criteria or use of a Label or an ICS, the Label Scheme or ICS Operator must reapply for approval of the Label/ICS in advance of the implementation of that change.

E Cessation of Support for a Label or an ICS

E1 Conditions of Cessation

E1.1 The conditions under which the AIB may cease to support a Label or ICS include (*inter alia*):

- (a) Notification of cessation to the AIB by the Scheme Operator of the Label or ICS;
- (b) Insolvency or cessation of operation of the Scheme Operator of the Label or ICS;
- (c) No Scheme Members have Issued EECS Certificates with the relevant Label Flag in the last 12 months;
- (d) For the relevant ICS, the criteria in section G below are no longer met or there no longer exists a Scheme Member that is/will be issuing EECS Certificates under this ICS;
- (e) Absence of any evidence from the Operator of the Label or ICS of the use of the Label/ICS by energy suppliers or consumers in the last 12 months;

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- (f) A change to the criteria applied by the Operator of the Label or ICS from the information given in the latest application form without the approval of the AIB prior to implementation;
- (g) Failure by the Operator of the Label or ICS to pay the annual ICS or Label fee;
- (h) Failure to comply with the conditions of support identified in the Application; or
- (i) A substantiated complaint by a Scheme Member that is upheld by the Scheme Group.

E2 Determination of Cessation

- E2.1 Except where the Label Scheme or ICS ceases to operate by notification of the Operator of the Label or ICS, or that Operator is no longer in operation, the determination to cease support will be by a decision of the Scheme Group.
- E2.2 The General Secretary will instruct all Scheme Members to stop Issuing EECS Certificates with the relevant Label Flag(s) respectively ICS following:
- (a) A decision of the Scheme Group to cease support; or
 - (b) Notification from the Operator of the Label or ICS of his intent to stop; or
 - (c) Non-payment of annual fee where one is due; or
 - (d) An official report of the insolvency or cessation of operation of the Operator of the Label or ICS.
- E2.3 The General Secretary will determine an appropriate effective date of cessation and include this in the instruction in section E2.2.

E3 Actions upon Cessation of Support for a Label or an ICS

- E3.1 From the effective date of cessation of support for a Label or an ICS, no Scheme Member may Issue an EECS Certificate with the relevant Label Flag nor consider a Certificate issued under this ICS to be an EECS Certificate.
- E3.2 An existing EECS Certificate under an ICS, or carrying a Label Flag for a Label Scheme which is no longer supported, may retain the Label Flag or exist as such EECS ICS Certificate until such time as that Certificate is Cancelled, or Expires, or is Withdrawn.
- E3.3 No further Label Scheme or ICS fees will become due.

F Fees for Label Schemes or ICSs

F1 Application Fee

- F1.1 The Application fee for a Label Scheme or ICS shall be calculated as sufficient to cover the AIB's cost of administering the application. This shall not include any costs of its Scheme Members except in relation to the participation in an ICS Assessment Panel.
- F1.2 The Scheme Group will determine the application fee on an annual basis. When the ICS/Label Scheme application relates to all EECS Schemes, this is determined by the EECS Unit.

F2 Annual Fee

- F2.1 The annual fee for a Label Scheme or ICS shall be calculated as sufficient to cover the ongoing administration of support provided by the AIB itself and shall not include the costs of any of its Scheme Members.
- F2.2 The Scheme Group will determine the annual fee for a Label Scheme or ICS on an as required basis. When the ICS/Label Scheme application relates to all EECS Schemes, this is determined by the EECS Unit.

F3 Payment of fees for a Label Scheme or ICS

- F3.1 The application fee will be payable on application.

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F3.2 The annual fee will become payable on 1st April for the ongoing year.

G Criteria for acceptance as EECS Product for an ICS operated externally to the AIB

In execution of EECS Rules section D2.4.1 (b), the requirements below shall be part of an agreement with the operator of an Independent Criteria Scheme.

G1 Clear scope

G1.1 The ICS should present clear boundaries with regard to Energy Carrier, Geographical Scope, purpose, technology. This enables to identify any areas of overlap.

G2 Shared geographical scope

G2.1 The agreement between AIB and the ICS Scheme operator would take place inside the “smallest” joint geographical scope, i.e. at maximum the AIB scope. This implies that only in AIB’s geographical scope, the respective ICS Certificates may be called EECS Certificates. Once they are leaving outside the control of an AIB Member or outside AIB’s geographical scope, they can no longer be called EECS Certificates.

G2.2 A reliable operation outside this scope is also of relevance for maintenance of the status of the EECS standard. Therefore, AIB shall retain the right to step out of the agreement in case of the ICS Scheme being operated in any geographical scope in a way that would cause harm to the credibility of the NGC, AIB or the EECS standard.

G3 EECS Compliance

G3.1 The ICS must show compliance with the EECS rules. The ICS scheme must show strong internal operations and compliance of its processes with the schemes in the EECS rules. Avoid double counting: ensure in the ICS Rules that ICSs should avoid that the attributes of the same energy can be claimed as such more than once.

G4 Not competing with GO schemes and other legislative schemes

G4.1 For an NGC, when a GO Scheme, or other Legislative Certificate Scheme for the same Purpose and the same Energy Carrier, is being set up in a Domain, this prevails over the NGC. The NGC Scheme Operator shall withdraw its operations for the area where a respective issuing Body is mandated by its legislative framework. The NGC Issuing Body for Certificates with the Purpose of Disclosure shall withdraw once a GO issuing body is appointed for a Domain, however a phase-out period may be agreed. Exception: If the NGC continues to exist in a GO Domain, there shall be a clear agreement with the GO issuing body avoiding double counting.

G5 Clear authorisation and compliance criteria for issuing bodies under the ICS

G5.1 The ICS must describe its authorisation criteria for issuing bodies under the ICS. It shall also clarify how IBs under the ICS are audited (or how quality is reassured).

G6 Use of AIB’s facilities and role in AIB’s decision making

G6.1 The agreement between AIB and the ICS operator must define whether and under what conditions the ICS operator may use the facilities provided by the AIB, such as the Hub or the Secretariat and its staff.

G7 Scheme updating framework

G7.1 The ICS must describe its procedures for Scheme updates and inform AIB of every scheme update. The agreement between AIB and the ICS operator must describe the maintenance of

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alignment between the ICS rules and the (relevant part of the) EECS Rules in case any of the two are updated.

G7.2 The ICS or its operator should clarify the structure of decision making under the ICS.

G8 **Legal entity operating the Scheme**

G8.1 In order to be able to enter into an agreement with the Scheme Operator of an ICS, this scheme operator shall be a legal entity. Only then, the party entering into an agreement with AIB, can be held liable for its commitments under the agreement.

G9 **Exit conditions**

G9.1 The agreement between AIB and the ICS operator should describe the conditions for ending the agreement, how the cooperation will be phased out, etc.



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Appendix 1 – Assessment Report for [an ICS / a Label Scheme]

Operator of the [ICS/ Label Scheme]	
Domains of Members that have formally agreed to issue EECS Certificates bearing Label Flags for this Label Scheme or to issue EECS Certificates under this ICS	

The following [ICS/Label Scheme] has been reviewed for the Organisation and Domains given in the above table.

[ICS/Label Scheme] Name	
-------------------------	--

Observations/comments from the assessment panel: _____

Recommendation: _____

Signed on behalf of the [ICS/Label Scheme] Assessment Panel

Reviewer and Member represented:	Date:	Signature:

Appendix 2 - [ICS/Label Scheme] Application Form

Pro forma [Independent Criteria/Label] Scheme Application

Association of Issuing Bodies
Visverkoperstraat 13
1000 Brussels
BELGIUM

Date: _____

For the attention of the Secretary General, AIB

Application for Recognition as an Independent Criteria Scheme

Dear ,

_____ (the Applicant) wishes to apply for recognition of
_____ (the relevant Label / Criteria Scheme¹) as [an
Independent Criteria Scheme (ICS)]¹ of the Association of Issuing Bodies (the AIB)/ Label Scheme
associated with EECS Certificates]¹. For that purpose, I confirm that the Applicant:

- acknowledges receipt of a copy of the EECS Rules, approves it and agrees to be bound by those terms, including EECS Subsidiary Document AIB-EECS-SD09 Independent Criteria Schemes and Label Schemes, that are relevant to a Label/ an ICS;
- has a legal personality according to the laws of the country of _____
- operates this [Label/ICS]¹, in that it is responsible for guaranteeing certain qualities in relation to a specific unit of energy regarding the source of the energy or the means of its production and which are to be recorded on a Non-Governmental Certificate or a Certificate issued within a Legislative Certification Scheme;
- will not change the purpose, use or meaning of the scheme rules of the [ICS/Label]¹ without prior consultation with the AIB;
- acknowledges that the AIB is not responsible for the display or otherwise of Label information on Certificates held within a Member's registry;
- commits to pay the yearly fee for [ICS/Label Schemes]¹;
- will support the mission of the AIB;

¹ Delete what is not applicable

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- commits itself to contributing to the mission and vision of the Association in general and complying with the provisions laid down in the EECS Rules in accordance with its responsibilities; and
- commits itself to further the objectives set out in section A (“Core Principles”) of the EECS Rules.

The person with responsibility for representing the wishes of the Applicant in dealings with the AIB (the Representative) will be:

Name: _____

Company: _____

Position: _____

Tel: _____

Fax: _____

Email: _____

Should the Representative be unavailable, then the following person (the Alternate) will replace him:

Name: _____

Company: _____

Position: _____

Tel: _____

Fax: _____

Email: _____

The visit address of the Applicant is:

The postal address of the Applicant is:

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The financial details of the Applicant are as follows.

Company Registration Number: _____

Registered name and address:

VAT registration number: _____

Accounts contact: Name: _____

Position: _____

Tel: _____

Fax: _____

Email: _____

Bank details: Bank: _____

BIC/Swift code _____

Account name: _____

Account number: _____

As required, I attach a completed copy of the AIB ICS/Label Questionnaire.

Yours faithfully,

Signed: _____

Name: _____

Position: _____

Company: _____

Date: _____

AIB ICS APPLICATION FORM



ICS/Label Scheme Application Questionnaire

Responses to questions asked on this questionnaire are for the information of AIB and its members, and will not necessarily influence the decision taken on your application.

Please feel free to continue your response on a separate sheet of paper.

1. Basic Information

- 1.1. Corporate name (according to national company register)..... _____
- 1.2. Organisation number on national company register..... _____
- 1.3. Trading name(s) (if trading under a different name to corporate name) _____
- 1.4. Address of registration..... _____

City / Town..... _____
- Postcode..... _____
- 1.5. Phone (switchboard)..... _____
- 1.6. Web site _____

2. SUPPORTING DOCUMENTS

- 2.1. Please attach a copy of your audited annual report for the last 3 years (original document and a translation in English).

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2.2. Please attach a business plan of your certificate transfer facilitation activity over the next 3 years.

3. IDENTITY

3.1. What is your company type?

- Governmental agency
- Non-Governmental Not-For-Profit Organisation
- Commercial firm (Utilities, industry)
- Other (describe status): _____

3.2. Unless you are a governmental agency:

- 3.2.1. When was your company founded? _____
- 3.2.2. Where was your company established? _____
- 3.2.3. Please indicate the number of employees that work for your company? _____

3.3. Please indicate in which countries your company is active.

3.4. Please describe the main business of your company.

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3.5. Please give an overview of your member or shareholder (as applicable) structure (indicate their respective shares if >10%).

3.6. Please give an overview of the changes of your member or shareholder (as applicable) structure over the past 3 years.

4. Description of the Scheme

4.1. Name of [Label/ Independent Criteria] Scheme: _____

4.2. Please attach a description of the Scheme

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5. ICS / Label Scheme ACTIVITIES

5.1. Identity of certificate issuers that have formally agreed to [record the Label on EECS Certificates that they issue OR to issue the respective ICS Certificates] and the countries in which they operate

5.1.1. For a Label Scheme, there must be at least one Domain of which the Scheme Member agrees to place Label Flags for this Label Scheme onto EECS Certificates at Issue, and that at least one additional Scheme Member confirms to grant access to its Account Holders to the respective Label information on the EECS Certificate

5.1.2. For an ICS it shall be confirmed at least one (applying) EECS Scheme Member will issue EECS Certificates under this ICS and at least one other (applying) EECS Scheme Member will import those EECS Certificates, unless otherwise agreed by the relevant Scheme Group.

- [NB: (1) Feel free to add a list of further countries as an attachment
(2) Each certificate issuer listed must be a member of the AIB
(3) This application form must be accompanied by a letter from at least one certificate issuer per activity type, formally undertaking the mentioned activity

<u>Country / Domain</u>	<u>Name of the Issuer</u>	<u>Activity type:</u> <u>(Issue ICS / Import ICS / Issue Certificates with Label / Display Label)</u>
1		
2		
3		

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4		
5		
6		

5.2. What qualification criteria will apply to production devices, operation mode, and/or energy source? For example: age of plant, type(s) of fuel, type(s) of technology, carbon footprint threshold, criteria used by auditors:

5.3. Describe the qualities of your process

5.3.1. Description of verification process

5.3.2. Degree of auditor discretion or subjectivity

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6. FOR AN INDEPENDENT CRITERIA SCHEME

- 6.1. Scope: What boundaries does the ICS apply with regard to Energy Carrier, Geographical Scope, purpose, technology?
- 6.2. Geographical Scope:
 - 6.2.1. In which geographical area is the ICS operator active within the AIB geographical scope?
 - 6.2.2. In which geographical area is the ICS operator active outside of the AIB geographical scope?
 - 6.2.3. For operation outside of the AIB geographical scope, what are the main differences in the principles of the operation of the scheme compared to the operation inside AIB's geographical scope?
- 6.3. How is compliance of the ICS with the EECS Rules assured?
- 6.4. What are the main principles of the scheme operation?
- 6.5. How is it ensured that the ICSs avoid that the attributes of the same energy can be claimed as such more than once?
- 6.6. For an NGC: When a GO Scheme, or other Legislative Certificate Scheme for the same Purpose and the same Energy Carrier, is being set up in a Domain where this NGC is active, what consequent reaction will this have on the Non-Governmental Scheme? Will the NGC Scheme Operator then withdraw its operations for the area where a respective issuing Body is mandated by its legislative framework?
- 6.7. What are the authorisation criteria for issuing bodies under the ICS?
- 6.8. How are Issuing Bodies under the ICS audited (or how is the quality of their operation reassured)?
- 6.9. What are the procedures for Scheme updates? How will AIB be informed of ICS updates?
- 6.10. What is the decision making structure for updating and operating the ICS?
- 6.11. Is the ICS operator a legal entity?

7. OTHER INFORMATION THAT MIGHT ASSIST YOUR APPLICATION