

GUIDANCE NOTE:

Requirements for certification schemes under the EU Empowering Consumers for the Green Transition Directive

February 2026

400+ Lawyers & Professionals | 9 Offices | vedder.com

Vedder Price P.C. is affiliated with Vedder Price LLP (England and Wales), Vedder Price (CA), LLP (California), Vedder Price Pte. Ltd. (Singapore), and Vedder Price (FL) LLP (Florida).

Vedder

Table of Contents

1	SUMMARY	3
2	HOW TO USE THIS GUIDANCE NOTE	5
3	DEFINITIONS	6
4	REQUIREMENT 1: TRANSPARENT, FAIR, AND NON-DISCRIMINATORY TERMS	10
5	REQUIREMENT 2: CONSULTATION WITH RELEVANT EXPERTS AND STAKEHOLDERS	12
6	REQUIREMENT 3: PROCEDURES FOR DEALING WITH NON-COMPLIANCE	14
7	REQUIREMENT 4: MONITORING OF COMPLIANCE BY A THIRD PARTY	16

GUIDANCE NOTE: Requirements for certification schemes under the EU Empowering Consumers for the Green Transition Directive

This Guidance Note does not represent legal advice.

If you are unsure about your obligations, you should consider seeking independent legal advice.

Publication date: 3 February 2026

This Guidance Note takes no account of any changes in relevant law, published practices or relevant standards that may occur after today's date.

1 SUMMARY

1.1 Background

1.1.1 EU Directive 2024/825, commonly known as the Empowering Consumers for the Green Transition Directive (the **ECGT**),¹ was introduced to empower consumers to make more sustainable consumption choices by providing them with clearer information about the environmental and social impacts of their purchases.

1.1.2 The ECGT also aims to harmonise consumer protection against unfair commercial practices across the EU by requiring businesses to be honest, clear and transparent about the environmental, social and circularity aspects of their products and services.

1.1.3 The ECGT amends two existing EU directives, the Consumer Rights Directive (**CRD**)² and the Unfair Commercial Practices Directive (**UCPD**),³ and expands upon a list of prohibited commercial practices which were established by the existing directives. Crucially, this includes a prohibition on displaying sustainability labels that are not established by a public authority or not based on a certification scheme.

1.1.4 In order to ensure compliance with the ECGT when displaying sustainability labels, scheme owners should therefore take steps to ensure that their certification schemes meet the ECGT criteria. These criteria are explored in further detail at sections 4 to 7 below.

1.2 Scope

1.2.1 The ECGT will only apply in business-to-consumer contexts. The European Commission has confirmed that business-to-business practices will fall outside of the ECGT's remit.⁴

¹ For the complete text of the ECGT, see: <https://eur-lex.europa.eu/eli/dir/2024/825/oj/eng>.

² Directive 2011/83/EU of the European Parliament and of the Council of 25 October 2011 on consumer rights. See: <https://eur-lex.europa.eu/eli/dir/2011/83/oj/eng>.

³ Directive 2005/29/EC of the European Parliament and of the Council of 11 May 2005 concerning unfair business-to-consumer commercial practices in the internal market. See: <https://eur-lex.europa.eu/eli/dir/2005/29/oj/eng>.

⁴ EU FAQs, (1). See: https://commission.europa.eu/document/download/3c257883-bb2a-4dd9-a6dc-501d587bb34f_en?filename=faq-empowering-consumers-gtd.pdf.

1.3 Timing

1.3.1 Please note the following key dates:

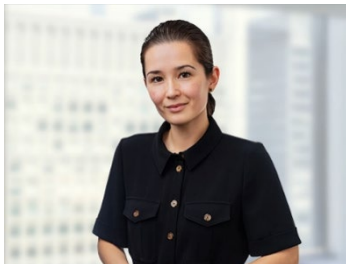
- (a) **27 March 2026:** Deadline for EU Member States to transpose the ECGT into national law.
- (b) **27 September 2026:** Date from which EU Member States must apply the adopted measures.

For further information, please contact Henrietta Worthington and Rachel Green.



Henrietta Worthington

Counsel
+44 (0)20 3667 2905
hworthington@vedder.com



Rachel Green

Associate
+44 (0)20 3667 2862
rsgreen@vedder.com

2 HOW TO USE THIS GUIDANCE NOTE

2.1 Purpose

2.1.1 The purpose of this Guidance Note is to assist scheme owners in better understanding the requirements for certification schemes under the ECGT.

2.1.2 The ECGT is new legislation and it is possible that additional formal guidance will be provided over time. We reserve the right to update this Guidance Note in the future.

2.2 Structure

2.2.1 This Guidance Note is structured as follows:

- (a) section 3 sets out key definitions which are included in the ECGT, as well as other definitions of particular relevance in the context of certification schemes; and
- (b) sections 4 to 7 set out the four requirements which a scheme must meet in order to be classified as a “certification scheme” under the ECGT, and include guidance on how schemes can demonstrate compliance with these requirements.

2.3 Additional guidance

2.3.1 To the extent that the ECGT does not in itself contain sufficient (or any) guidance regarding the requirements in sections 4 to 7 below, we have referred to additional guidance in the following sources:

- (a) The ISEAL Code of Good Practice for Sustainability Systems (the **ISEAL Code**). The ISEAL Code is used globally by credible sustainability systems (including certification schemes) and acts as a valuable reference point in assessing the reliability of certification schemes.
- (b) The ISEAL Credibility Principles define the core values of credible and effective sustainability systems and underpin the ISEAL Code.
- (c) ISO/IEC 17065:2012 Conformity assessment – Requirements for bodies certifying products, processes and services (**ISO 17065**), which is a globally recognised benchmark for organisations that certify products, processes and services.
- (d) The Guidance on the interpretation and application of Directive 2005/29/EC of the European Parliament and of the Council concerning unfair business-to-consumer practices in the internal market (the **UCPD Guidance**). As the UCPD is one of the directives that is amended by the ECGT, the UCPD Guidance may offer some additional assistance in understanding the terms of the ECGT.

- (e) The European Commission ‘Questions & Answers’ in respect of the ECGT, dated 27 November 2025 (the **EU FAQs**).
- 2.3.2 For further information, please contact Henrietta Worthington (hworthington@vedder.com) and Rachel Green (rsgreen@vedder.com) at Vedder.

3 DEFINITIONS

3.1 ECGT definitions

3.1.1 The below terms are used throughout this Guidance Note and are defined in the ECGT as follows:

“certification scheme” means a third-party verification scheme that certifies that a product, process or business complies with certain requirements, that allows for the use of a corresponding sustainability label, and the terms of which, including its requirements, are publicly available and meet the following criteria:

(i) the scheme is open under transparent, fair, and non-discriminatory terms to all traders willing and able to comply with the scheme’s requirements;

(ii) the scheme’s requirements are developed by the scheme owner in consultation with relevant experts and stakeholders;

(iii) the scheme sets out procedures for dealing with non-compliance with the scheme’s requirements and provides for the withdrawal or suspension of the use of the sustainability label by the trader in case of non-compliance with the scheme’s requirements; and

(iv) the monitoring of a trader’s compliance with the scheme’s requirements is subject to an objective procedure and is carried out by a third party whose competence and independence from both the scheme owner and the trader are based on international, Union or national standards and procedures.⁵

“environmental claim” means any message or representation which is not mandatory under Union or national law, in any form, including text, pictorial, graphic or symbolic representation, such as labels, brand names, company names or product names, in the context of a commercial communication, and which states or implies that a product, product category, brand or trader has a positive or zero impact on the environment or is less damaging to the environment than other products, product categories, brands or traders, or has improved its impact over time.⁶

“sustainability label” means any voluntary trust mark, quality mark or equivalent, either public or private, that aims to set apart and promote a product, a process or a business by reference to its

⁵ ECGT, Article 1(1)(b)(r).

⁶ ECGT, Article 1(1)(b)(o).

environmental or social characteristics, or both, and excludes any mandatory label required under Union or national law.⁷

3.2 Other definitions

3.2.1 The following terms are not defined in the ECGT, but are relevant in the context of certification schemes.

3.2.2 Where possible, definitions have been taken from:

- (a) the CRD or UCPD, due to the interplay between these directives and the ECGT;
- (b) the ISO, which provides clear, internationally agreed terms that ensure universal understanding and promote consistency; and
- (c) Regulation 765/2008 of the European Parliament and of the Council of 9 July 2008 setting out the requirements for accreditation and market surveillance relating to the marketing of products (**Regulation 765/2008**).

“accreditation” is defined by the ISO as a “third-party attestation related to a conformity assessment body conveying formal demonstration of its competence to carry out specific conformity assessment tasks”.⁸

is defined in Regulation 765/2008 as “an attestation by a national accreditation body that a conformity assessment body meets the requirements set by harmonised standards and, where applicable, any additional requirements including those set out in relevant sectoral schemes, to carry out a specific conformity assessment activity”.⁹

“accreditation body” is defined by the ISO as an “authoritative body that performs accreditation”.¹⁰

Note 1 to entry: “The authority of an accreditation body is generally derived from government”.

“certification body” is defined by the ISO as a “third party conformity assessment body operating certification schemes”.¹¹

Note 1 to entry: “A certification body can be non-governmental or governmental (with or without regulatory authority)”.

⁷ ECGT, Article 1(1)(b)(q).

⁸ ISO/IEC 17011:2017, 3.1. See: <https://www.iso.org/obp/ui/#iso:std:iso-iec:17011:ed-2:v1:en:term:3.1>.

⁹ Regulation 765/2008, Article 2(10). See: <https://eur-lex.europa.eu/eli/reg/2008/765/oj/eng>.

¹⁰ ISO/IEC 17011:2017, 3.2. See: <https://www.iso.org/obp/ui/#iso:std:iso-iec:17011:ed-2:v1:en:term:3.2>.

¹¹ ISO/IEC 17065:2012, 3.12. See: <https://www.iso.org/obp/ui/#iso:std:iso-iec:17065:ed-1:v1:en:term:3.12>.

“conformity assessment”	is defined in Regulation 765/2008 as “the process demonstrating whether specified requirements relating to a product, process, service, system, person or body have been fulfilled”. ¹²
“conformity assessment activity”	is defined by the ISO as an “activity conducted by a conformity assessment body when assessing conformity”. ¹³ <i>Note 1 to entry:</i> “In the context of this document, activities covered by accreditation include, but are not limited to, testing, calibration, inspection, certification of management systems, persons, products, processes and services, provision of proficiency testing, production of reference materials, validation and verification. For simplicity, these are referred to as conformity assessment activities being performed by conformity assessment bodies”.
“conformity assessment body”	is defined by the ISO as a “body that performs conformity assessment activities and that can be the object of accreditation”. ¹⁴ is defined in Regulation 765/2008 as “a body that performs conformity assessment activities including calibration, testing, certification and inspection”. ¹⁵
“consumer”	is defined in the UCPD as “any natural person who, in commercial practices covered by this Directive, is acting for purposes which are outside his trade, business, craft or profession”. ¹⁶
“scheme owner”	is defined by the ISO as a “person or organization responsible for developing and maintaining a specific certification scheme”. ¹⁷ <i>Note 1 to entry:</i> “The scheme owner can be the certification body itself, a governmental authority, a trade association, a group of certification bodies or others”.
“trader”	is defined in the UCPD as “any natural or legal person who is acting for purposes relating to his trade, craft, business or profession and any one acting in the name of or on behalf of a trader”. ¹⁸

¹² Regulation 765/2008, Article 2(12).

¹³ ISO/IEC 17011:2017, 3.5. See <https://www.iso.org/obp/ui/#iso:std:iso-iec:17011:ed-2:v1:en:term:3.5>.

¹⁴ ISO/IEC 17011:2017, 3.4. See: <https://www.iso.org/obp/ui/#iso:std:iso-iec:17011:ed-2:v1:en:term:3.4>.

¹⁵ Regulation 765/2008, Article 2(13).

¹⁶ UCPD, Article 2(1). See also CRD, Article 2(1) which defines a “consumer” as “any natural person who, in contracts covered by this Directive, is acting for purposes which are outside his trade, business, craft or profession”.

¹⁷ ISO/IEC 17065:2012, 3.11. See: <https://www.iso.org/obp/ui/#iso:std:iso-iec:17065:ed-1:v1:en:term:3.11>.

¹⁸ UCPD, Article 14(2). See also the definition in the CRD, Article 2(2): “any natural person or any legal person, irrespective of whether privately or publicly owned, who is acting, including through any other person acting in his name or on his behalf, for purposes relating to his trade, business, craft or profession in relation to contracts covered by this Directive”.

4 REQUIREMENT 1: TRANSPARENT, FAIR, AND NON-DISCRIMINATORY TERMS

4.1 Requirement under the ECGT

*“The scheme is open under transparent, fair, and non-discriminatory terms to all traders willing and able to comply with the scheme’s requirements”.*¹⁹

4.2 Relevant guidance

4.2.1 The ECGT does not in itself define what would constitute “transparent, fair, and non-discriminatory” terms, however this may be deduced from other sources. It is also important to note that the EU FAQs state that each certification scheme is “responsible for setting its own requirements”, and that this approach “allows for **flexibility and adaptation** to sector-specific or product-specific circumstances”.²⁰ In short, whilst all certification schemes must abide by the ECGT, there is a degree of flexibility as to how they choose to do so.

4.2.2 “Transparency” constitutes one of the ISEAL Credibility Principles, which states that “[a] credible sustainability system earns trust by being **open and honest**”.²¹ The ISEAL Credibility Principles provide, amongst other things, that a credible sustainability system “makes important information **publicly available** and **easily accessible**, while protecting confidential and private information”.

4.2.3 The ISEAL Code expands upon this principle by requiring scheme owners to define and make publicly available their **criteria for accepting clients**, where any criteria that excludes clients is **justified**.²² This aligns with the guidance provided in the EU FAQs, which states that traders must check “the **publicly available** terms of the scheme” in order to ensure that sustainability labels are based on certification schemes which meet the minimum conditions of transparency and credibility.²³ This approach of displaying the scheme’s terms publicly also provides protection against any unfair or discriminatory terms, and can be used as guidance for scheme owners when seeking to comply with the ECGT requirements.

4.2.4 The UCPD Guidance refers to an obligation to draft terms “transparently”, meaning “**in plain, intelligible language**”.²⁴ Coupled with the ISEAL Credibility Principle of “transparency”, this can be seen as broadening the scope of the ECGT requirement to include not only publicly available and easily accessible information, but also to have that information written in a way that is easy for traders to understand.

¹⁹ ECGT, Article 1(b)(r)(i).

²⁰ EU FAQs, (8).

²¹ ISEAL Credibility Principles, Version 2 (June 2021), page 3. See: https://isealalliance.org/sites/default/files/resource/2021-06/ISEAL-Credibility-Principles-V2-2021_EN_ISEAL_June-21.pdf. A “sustainability system” is defined as “The collective set of decisions and activities carried out by an organisation to: establish standards or similar tools focused on one or more sustainability issues; measure, monitor or verify performance or progress against these tools; and allow for claims”.

²² ISEAL Code of Good Practice for Sustainability Systems, clause 7.23: “The scheme owner makes the following information about its assurance system publicly available and easily accessible: [...] (2) criteria and procedures for accepting assurance providers and clients to the scheme, including the rationale behind any restrictions on access [...]”.

²³ EU FAQs, (8).

²⁴ UCPD Guidance, 1.2.4 (Interplay with the Unfair Contract Terms Directive).

4.2.5 The requirement for certification schemes to be open under fair and non-discriminatory terms also aligns with the ISO 17065 standard, which states that:

- (a) “The certification body shall make its services accessible to **all applicants whose activities fall within the scope** of its operations”,²⁵ and
- (b) “Access to the certification process **shall not be conditional upon** the size of the client or membership of any association or group, nor shall certification be conditional upon the number of certifications already issued. There shall be **no undue financial or other conditions**”.²⁶

4.3 How to comply with this requirement

4.3.1 The guidance highlighted at paragraph 4.2 above indicates that to ensure compliance with Requirement 1:

- (a) the conditions for certification must be publicly accessible online;
- (b) these conditions should be set out in simple and unambiguous language, to enable all traders to understand clearly the requirements for certification; and
- (c) all traders who are committed to meeting these conditions should be able to apply for certification, regardless of other factors such as the size or financial status of that trader.

4.3.2 It is also advisable for scheme owners to define their criteria for accepting traders onto their certification schemes, and to make this criteria publicly available (e.g. on their websites). To ensure that the terms of the certification schemes do not go against the requirements of fairness and non-discrimination, any criteria that would exclude certain trader(s) must be set out alongside a justification for such exclusion.

²⁵ ISO 17065:2012, 4.4.2.

²⁶ ISO 17065:2012, 4.4.3.

5 REQUIREMENT 2: CONSULTATION WITH RELEVANT EXPERTS AND STAKEHOLDERS

5.1 Requirement under the ECGT

*“The scheme’s requirements are developed by the scheme owner in consultation with relevant experts and stakeholders”.*²⁷

5.2 Relevant guidance

5.2.1 The ECGT sets out a list of requirements for third party experts who are used to verify claims forming part of implementation plans showing how organisations will meet their transitions to carbon, climate neutrality or similar objectives. These requirements also serve as useful guidance when it comes to selecting experts in the context of developing certification scheme requirements, although given that they do not relate directly to Requirement 2, not all of these requirements are necessarily relevant or required for the purpose of complying with Requirement 2.

5.2.2 The ECGT provides that such third party experts should be:²⁸

- (a) **independent** from the trader;
- (b) free from any conflicts of interest;
- (c) with **experience and competence** in environmental issues; and
- (d) who should be able to monitor the progress of the trader regularly and with regard to the commitments and targets, including the milestones for achieving them.

5.2.3 In respect of stakeholder engagement, the ISEAL Credibility Principles address the importance of involving a “**balanced and diverse** group of stakeholders” in decisions that will affect them. The ISEAL Code also requires scheme owners to ensure that a consultation process:

- (a) is open to all stakeholders;
- (b) aims to gather input from a balanced and diverse group of stakeholders with an interest in the subject matter and geographic scope of the standard, or who are affected by its implementation; and
- (c) addresses barriers faced by stakeholder groups who are under-engaged or under-represented and proactively seeks their contributions.²⁹

²⁷ ECGT, Article 1(b)(r)(ii).

²⁸ ECGT, Recital (4).

²⁹ ISEAL Code of Good Practice for Sustainability Systems, clause 6.6. See: <https://isealalliance.org/get-involved/resources/iseal-code-good-practice-sustainability-systems-v11>.

5.3 How to comply with this requirement

5.3.1 The guidance in paragraph 5.2 above suggests that, when developing their schemes, scheme owners should:

- (a) consult with experts who:
 - (i) are independent from the scheme owner and free from any conflicts; and
 - (ii) are experienced and knowledgeable in respect of the specific requirements of the certification scheme; and
- (b) engage with multiple stakeholders who are in some capacity interested in and/or affected by the certification scheme, for example through working groups, public consultations, surveys and bilateral communications.

5.3.2 However and as stated above, the ECGT requirements in respect of experts who are both independent from the trader and free from any conflicts of interest do not directly relate to Requirement 2. On this basis, it may not be strictly necessary for experts who are consulted as part of the scheme's development to meet all of the criteria described at paragraph 5.2.2 above.

5.3.3 Notwithstanding, the participation of all interested and affected parties is vital in ensuring that all information, knowledge and experience is integrated into the development of certification schemes.

6 REQUIREMENT 3: PROCEDURES FOR DEALING WITH NON-COMPLIANCE

6.1 Requirement under the ECGT

*“The scheme sets out procedures for dealing with non-compliance with the scheme’s requirements and provides for the withdrawal or suspension of the use of the sustainability label by the trader in case of non-compliance with the scheme’s requirements”.*³⁰

6.2 Relevant guidance

6.2.1 The ECGT does not provide any further guidance as to what procedures for dealing with non-compliance should look like, although as stated at paragraph 4.2.1 above, it is important to note that the EU FAQs emphasise that each certification scheme is responsible for setting its own requirements.

6.2.2 The ISEAL Code, which requires scheme owners to have documented policies and procedures for managing non-compliance with a scheme’s requirements, sets out clear requirements as to what such procedures should contain. The ISEAL Code requires that, at a minimum, the procedures:

- (a) define the action required to **address** different types of **non-conformity**, and whose **responsibility** it is to take that action (e.g. scheme owners have a legal obligation to report some types of non-conformities to local authorities);
- (b) include guidelines for determining whether corrective actions **adequately address** non-conformities;
- (c) define **time limits** for implementing corrective actions;
- (d) define steps for **verifying** corrective actions; and
- (e) define **repercussions** where non-conformities are not adequately addressed.³¹

6.2.3 The ISEAL Code requirements are supported by guidance provided by the Information Commissioner’s Office (**ICO**), the UK’s independent regulatory body responsible for upholding information rights. Although the ICO’s remit involves areas such as data protection and freedom of information legislation (as opposed to sustainable consumption and environmental protection), its guidance is still relevant in the general context of certification scheme requirements.

6.2.4 The ICO states that:

- (a) if it becomes aware of any compliance issues that might affect certification, it may notify the certification body, and they will be required to carry out checks to assess if the organisation still meets the certification criteria; and

³⁰ ECGT, Article 1(b)(r)(iii).

³¹ ISEAL Code of Good Practice for Sustainability Systems, clause 7.9. See <https://isealalliance.org/get-involved/resources/iseal-code-good-practice-sustainability-systems-v11>.

- (b) if the organisation no longer meets the criteria, its certification can be withdrawn.³²
- 6.2.5 Similarly, ISO 17065 states that when non-conformity with certification requirements is substantiated, the certification body will consider and decide upon the “appropriate action”. According to the standard, such actions could include:
- (a) continuation of certification under **conditions** specified by the certification body (e.g. increased surveillance);
 - (b) **reduction in the scope** of certification to remove nonconforming product variants;
 - (c) suspension of the certification pending remedial action by the client;
 - (d) withdrawal of the certification.³³
- 6.3 How to comply with this requirement**
- 6.3.1 Certification schemes should maintain a clear and enforceable framework for addressing non-compliance with the scheme’s requirements.
- 6.3.2 In order to comply with Requirement 3, this must include provisions that state that:
- (a) certification may be suspended if the scheme’s requirements are not upheld, or progress against conditions is insufficient; and
 - (b) a sustainability label can no longer be displayed if certification is suspended or withdrawn.
- 6.3.3 It is also advisable for these frameworks to include steps for certification schemes to implement corrective actions and time limits for completing these actions.
- 6.3.4 In order to uphold the integrity of a certification scheme, scheme owners may also consider implementing a complaints process and a mechanism to report misuse of its name or label.

³² See: <https://ico.org.uk/for-organisations/advice-and-services/certification-schemes/certification-schemes-detailed-guidance/how-do-we-apply-for-gdpr-certification/>.

³³ ISO/IEC 17065:2012, 7.11.1.

7 REQUIREMENT 4: MONITORING OF COMPLIANCE BY A THIRD PARTY

7.1 Requirement under the ECGT

*“The monitoring of a trader’s compliance with the scheme’s requirements is subject to an objective procedure and is carried out by a third party whose competence and independence from both the scheme owner and the trader are based on international, Union or national standards and procedures”.*³⁴

7.2 Relevant guidance

7.2.1 The ECGT highlights that a certification scheme can meet this requirement by demonstrating compliance with “relevant international standards” such as:³⁵

- (a) ISO 17065 ‘Conformity assessment – Requirements for bodies certifying products, processes and services’ (**ISO 17065**); or
- (b) through the mechanisms provided for in Regulation (EC) No 765/2008 of the European Parliament and of the Council (**Regulation 765/2008**).³⁶

7.2.2 For example, ISO 17065 provides for periodic “surveillance” (i.e. monitoring) of certification marked products to ensure “ongoing validity of the demonstration of fulfilment” of product or process/service requirements.³⁷

7.2.3 While Regulation 765/2008 does not explicitly provide detailed guidelines on how to monitor a trader’s compliance with the requirements of a certification scheme, it offers a framework for using accredited, independent third parties to monitor trader compliance.

7.2.4 As stated above, the EU FAQs state that the approach set out in Requirement 4 allows for “flexibility and adaptation to sector-specific or product-specific circumstances”.³⁸ In short, there is an element of discretion as to how the third party monitoring procedure is carried out, provided that this does not fall short of the ECGT’s competence and independence requirements.

7.2.5 Finally, the EU FAQs also address the subject of third party monitoring, albeit in the context of the prohibition of environmental claims related to future environmental performance.³⁹ This requires verification to be carried out by a third party expert. Although this section of the EU FAQs is not directly relevant to Requirement 4, it does include a number of requirements in respect of third party monitoring which may serve as helpful guidance in the context of Requirement 4. For example:

- (a) the EU FAQs provide that the third party expert must be able to provide “credible, objective, and regular assessments” and that the trader is

³⁴ ECGT, Article 1(b)(r)(iv).

³⁵ ECGT, Recital (7).

³⁶ Regulation (EC) No 765/2008 of the European Parliament and of the Council of 9 July 2008 setting out the requirements for accreditation and market surveillance relating to the marketing of products. For the full text, see: <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A02008R0765-20210716>.

³⁷ ISO/IEC 17065, 7.9.3 and 7.9.4.

³⁸ EU FAQs, (8).

³⁹ EU FAQs, (12).

responsible for “ensuring that the chosen expert fulfils all requirements set out in the [ECGT], particularly regarding independence and competence”; and

- (b) in respect of the ECGT requirement that monitoring should be conducted “regularly”, the EU FAQs state that “[i]t is left to be determined what constitutes ‘regular’ verification, taking into account the nature of the commitments and the specific circumstances. Best practices would suggest annual or biennial reviews, or additional verification if significant changes occur”.

7.3 How to comply with this requirement

7.3.1 In order to comply with the ECGT criteria, scheme owners should ensure that:

- (a) certification is based upon independent third party audits,
- (b) conducted on a regular (annual or biennial) basis by accredited certification bodies (e.g. the British Standards Institution⁴⁰),
- (c) who meet internationally recognised standards (e.g. certification bodies who hold ISO 17065 accreditation).

7.3.2 It is advisable for scheme owners to familiarise themselves with the requirements of international standards such as ISO 17065 and Regulation 765/2008 to ensure that the monitoring procedure carried out by the third party is compliant with these standards.

⁴⁰ Note that accreditation of certification bodies is not specifically required, but will ensure best practice.



Chicago

222 North LaSalle Street
Chicago, IL 60601

T +1 312 609 7500

F +1 312 609 5005



Los Angeles

1925 Century Park
East Suite 1900
Los Angeles, CA 90067

T +1 424 204 7700

F +1 424 204 7702



San Francisco

1 Post Street
Suite 2400
San Francisco, CA 94104

T +1 415 749 9500

F +1 415 749 9502



Dallas

300 Crescent Court
Suite 400
Dallas, TX 75201

T +1 469 895 4800

F +1 469 895 4802



Miami

600 Brickell Avenue
Suite 1500
Miami, FL 33131

T +1 786 741 3200

F +1 786 741 3202



Singapore

10 Collyer Quay
#37-30/36.
Ocean Financial Centre
Singapore 049315

T +65 6206 1300

F +65 6491 5426



London

4 Coleman Street
London EC2R 5AR
England

T +44 020 3667 2900

F +44 (0)20 3667 2901



New York

1633 Broadway
31st Floor
New York, NY 10019

T +1 212 407 7700

F +1 212 407 7799



Washington, DC

1401 New York Avenue NW
Suite 500
Washington, DC 20005

T +1 202 312 3320

F +1 202 312 3322

Vedder



222 North LaSalle Street, Chicago, IL 60601 | vedder.com

This Vedder Price communication should not be construed as legal advice or legal opinion on any specific facts or circumstances. The contents are intended for general informational purposes only, and you are urged to consult your lawyer concerning your specific situation and any legal questions you may have.