

# RETRAY CERTIFICATION SCHEME

## General Regulations



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[www.ecosensefoundation.org](http://www.ecosensefoundation.org)

Avda. de España 17, 2ª planta, Oficina 1. 28100 Alcobendas (Madrid) Spain  
T. +34 91 836 38 23



## **ECOSENSE FOUNDATION**

Avenida de España 17  
Planta 2, Oficina 1  
28100 Alcobendas (Madrid)  
SPAIN

[www.ecosensefoundation.org](http://www.ecosensefoundation.org)

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## 1. INTRODUCTION

Ecosense Foundation (hereinafter referred to as the “**Foundation**”), is a non-profit organization that promotes the use and recycling of thermoformed PET food packaging in line with the commitment to environmental care and initiatives related to circular economy policies.

RETRAY is a certification scheme to consolidate a circular economy model in the value chain of thermoformed PET packaging by means of the quantification of recycled material content and the verification of its recyclability.

This certification recognizes and disseminates the work of those companies that introduce, as a secondary raw material in their production processes of manufacture or use of sheet and/or thermoforming, both monolayer and multilayer, transparent recycled PET from recycling processes in the tray-to-tray circuit approved by the Foundation, as well as other recycled PET sources (e.g. Bottle).

**RETRAY is a process certification (RETRAY Process) and a product certification (RETRAY product)** and, therefore, the same company can obtain more than one certificate, depending on the number of facilities and products it wants to certify. Specifically:

1. **The RETRAY Process** is given to the manufacturing processes of sheet, sheet + thermoformed, thermoformed or packaging.
2. **The RETRAY Product** certification is granted to specific products made of PET sheet, rigid thermoformed bodies (base or lid) or packaging manufactured in the facilities that have the previously detailed processes already certified.

It is important to highlight that the RETRAY Process and RETRAY Product certifications incorporate the requirements of the EN 15343 standard. This allows companies that wish to use the certificates to justify the percentage content of recycled plastic incorporated in the products placed on the market throughout over a certain period of analysis.

The RETRAY certification was made available to companies in 2021 due to the need to expand the scope of the ECOSENSE certification and, as in 2016, with the launch of the latter, to respond to the added-value chain's own demand of the PET tray due to its desire and need for alignment with European environmental policy.

Thus, after the publication of the Action Plan for the Circular Economy by the European Commission in 2015 and its subsequent European Strategy for Plastic in 2018, sheet manufacturers that had already begun to incorporate recycled PET into their products detected the need to make this practice visible to its clients and to certify the process by an independent third party.

In this sense, as stated in the resolution of the European Parliament of September 13, 2018, both the activity of independent certification by third parties and the promotion of the certification of plastic materials are promoted by the European Commission as good practices

considering that verification is an essential matter to encourage confidence in the use of this type of materials by the sector and final consumers.

Additionally, the transposition of the Waste Directive<sup>1</sup> and the Directive to Reduce the Impact of Certain Plastic Products on the Environment<sup>2</sup> has led to the introduction of taxes on plastic containers in some member countries of the European Union, while exempting (totally or partially) those that introduce recycled material or where the systems of extended producer responsibility eco-regulate their drop-off rates by rewarding those materials that introduce recycled content.

In this legal context, the RETRAY certification is presented as a useful tool for companies since it allows them to demonstrate through an independent third party the incorporation of the amount of recycled content in their products, as well as their recyclability, being the latter a requirement that shall be essential for any container in the year 2030.

Additionally, in March 2022, the European Commission published a proposal for a Directive, which modifies Directives 2005/29/EC and 2011/83/EC with regard to the empowerment of consumers for the ecological transition through better protection against unfair practices and better information. The purpose of this Directive is for consumers to make informed purchasing decisions and thus contribute to more sustainable consumption. Specifically, among other issues, this proposal aims **to ban the display of a sustainability label that it is not based on a certification system**, or it is not established by public authorities.

**The RETRAY certification scheme implicitly has the MISSION to promote the development of the tray-to-tray recycling infrastructure necessary for all thermoformed PET containers to be recycled and recyclable by 2030 in Europe.**

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<sup>1</sup> DIRECTIVE (EU) 2018/851 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 30 May 2018 amending Directive 2008/98/EC on waste.

<sup>2</sup> DIRECTIVE (EU) 2019/904 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of June 5, 2019 on reducing the impact of certain plastic products on the environment.

## 2. DEFINITIONS

The definitions set out below are established for purely explanatory purposes to facilitate the understanding and interpretation, by the reader, for the purposes of this Regulation and, therefore, they do not replace those definitions that are included in technical standards or current legislation. which can also be consulted by the reader for these same purposes.

**Accreditation:** third-party attestation relating to a conformity assessment body stating the formal demonstration of its competence to carry out specific conformity assessment tasks.

**Process audit:** methodical and independent examination that is carried out to determine if the processes meet the previously established requirements, actually being carried out and sufficient to achieve the planned objectives.

**Product audit:** methodical and independent examination that is carried out to determine if the products meet the previously established requirements, actually being carried out and sufficient to achieve the planned objectives.

**PET tray:** plastic packaging obtained through a process of thermoforming Polyethylene Terephthalate (PET) sheet.

**Certification:** activity that allows establishing the conformity of a certain process or product of a company with the requirements defined in the procedures.

**Compliance:** recognition that the process meets all the requirements specified in the corresponding procedure(s).

**Right to Use Trademark Contract:** a contract signed by the Foundation with the company whose process or product is certified, making it a certified and authorized company for the use of the RETRAY trademark.

**Certification body:** third-party conformity assessment entity that operates certification schemes.

**Packer:** company that uses thermoformed PET containers for the packaging of food products obtained in its manufacturing process.

**Sheet manufacturer:** company whose production process consists of the manufacture by extrusion or coextrusion of rigid sheets from monolayer or multilayer PET.

**Packaging Format:** is defined as one that is characterized by a certain base (with a specific composition, dimension and weight), a specific lid (also with a specific composition, dimension and weight) and, if they exist, certain elements as accessories or additions.

**Sheet Format or Thermoformed Sheet Format:** is defined as one that is characterized by a certain design in terms of its composition, understood as all the materials and additives with

which the sheet is manufactured expressed in percentage by weight (of each material/additive) over the total.

**Monolayer PET sheet:** sheet made exclusively with PET that can also incorporate additives that favor the functional properties of the material for food packaging.

**Multilayer PET sheet:** sheet made of PET and Polyethylene (PE) that can also incorporate additives that favor the functional properties of the material for food packaging. The majority material by weight, over 90%, is PET.

**Accreditation body:** legal entity with authority to perform the accreditation.

**Conformity assessment body (Certification Body):** legal entity which performs conformity assessment activities and can be subject to accreditation.

**Recycled PET:** transparent and colorless PET flake obtained from the recycling of monolayer and multilayer waste from sheet manufacturing processes, thermoforming, packaging and final consumption of thermoformed PET packaging.

**Claim:** act by which a natural or legal person expresses his/her disagreement with the mode of action in any aspect of the activity carried out by the Certification Body or the Management Committee of the scheme.

**Post-industrial waste:** waste from foil, thermoformed foil and thermoformed PET packaging that has been generated by companies in the manufacturing and packaging processes of these products and does not enter into the municipal waste collection channel. Sometimes, these wastes are also called “pre-consumer wastes”.

**Post-consumer waste:** PET thermoformed packaging waste that has been generated by end consumers and enters the municipal waste collection channel.

**Thermoformer:** company whose manufacturing process consists of shaping a rigid PET sheet by means of heat and vacuum using a mold or matrix to obtain containers.

**Traceability:** search and follow the trace of waste and its recycled material through the stages of PET sheet production, thermoforming and packaging.



### 3. OBJECTIVE AND SCOPE OF APPLICATION

RETRAY is a **process and product certification** because it verifies, in the sheet manufacturing, thermoforming and packaging processes, compliance with the requirements that must be met in terms of:

- Traceability, both in the incorporation of recycled PET and in the management for its subsequent recycling of the generated PET waste.
- Quantification of recycled content under the requirements of the EN 15343 standard.
- Recyclability, by verifying the guidelines established by the European association Petcore, of which the Foundation is a member.

These requirements are established in the **documents that include the conformity assessment procedures** for this certification and are as follows:

- **Annex 1 - RETRAY procedure for Sheet Producers** for new certifications and renewals of sheet manufacturing companies and companies that, in addition to sheet manufacturing, also thermoform (sheet producers + thermoformers).
- **Annex 2 - RETRAY Procedure for Thermoformers** for new certifications and renewals of thermoforming companies
- **Annex 3 - RETRAY Procedure for Food Packers** for new certifications and renewals of packaging companies
- **Annex 4 - Test Protocol** to be followed by Tests Laboratories authorized for the **RETRAY Product Certification**.

The RETRAY certification scheme is defined in these **General Regulations**, through the procedures listed above, as well as through the **Regulation for the use of the RETRAY label (Annex 5)**.

The object of the RETRAY certification evaluation are **processes and products of three types of companies**:

#### 1. PET sheet manufacturing companies

As established in the corresponding evaluation procedure, **RETRAY Procedure for Sheet Producers**, for a company to be certified, all the production processes typical of a sheet

manufacturer must be developed in its facilities: acquisition of raw material, extrusion, forming of the sheets, storage and shipping.

To obtain the **RETRAY Process** certification, a complete audit must be carried out for each of the production centers of a company in which all of the above-mentioned production processes are carried out. The policy of 1 installation = 1 audit = 1 certificate shall be followed.

However, as established in the section 3.1 of the procedure, it is possible that a company that has several production centers does not have to undergo an audit of each and every one of them. A unified audit (“multi-site”) is possible for those specific requirements included in the procedure that, due to the nature of the checks that must be carried out, may be subject to centralized verification without the need to carry out a site-by-site check.

To obtain the **RETRAY Product** certification, the sheet manufacturer must be previously certified with the RETRAY Process. The RETRAY Product can be obtained for as many Sheet Formats (reels) or Thermoformed Sheet Formats (thermoformed rigid body) as desired. To determine the number of Formats to be certified, the definition of “Sheet Format” or “Thermoformed Sheet Format” that is included in the introductory section of the procedure must be followed.

## **2. Thermoforming companies (manufacturers of PET trays).**

As established in the section 3.1 of the **RETRAY Procedure for Thermoformers**, when the facilities where the PET tray manufacturing process is carried out are made up of more than one production center, it is possible not to undergo an audit of each and every one of them. A unified audit (“multi-site”) is possible for those specific requirements included in the procedure that, due to the nature of the checks that must be carried out, may be subject to centralized verification without the need to carry out a site-by-site check.

In those thermoforming companies that additionally develop sheet manufacturing processes, the criteria established in the aforementioned procedure shall apply, except in relation to the requirements related to the traceability of the production system, for which the provisions of section 7.A.1 of the RETRAY procedure for Sheet Producers apply. In any case, the auditing process of the requirements related to the traceability of the production system may be based on traceability exercises carried out, either on sheets considered as final products, or on products already thermoformed.

To obtain the **RETRAY Product** certification, the thermoformer must be previously certified with a RETRAY Process. The RETRAY Product can be obtained for as many Thermoformed Sheet Formats (thermoformed rigid body) as desired. To determine the number of Formats to be certified, the definition of "Thermoformed Sheet Format" that is included in the introductory section of the procedure must be followed.

### **3. Packaging companies (users of the PET tray)**

As established in the corresponding evaluation procedure (**RETRAY Procedure for Food Packers**), for the **RETRAY Process** certification a complete audit must be carried out for each of the production centers of a company in which all the production processes for food packaging are carried out in thermoformed PET containers. The policy of 1 installation = 1 audit = 1 certificate shall be followed.

However, as established in the section 3.1 of the procedure, it is possible that a company that has several production centers does not have to undergo an audit of each and every one of them. A unified audit ("multi-site") is possible for those specific requirements included in the 3.1. section of the procedure that, due to the nature of the checks that must be carried out, may be subject to centralized verification without the need to carry out a site-by-site check.

To obtain the **RETRAY Product** certification, the packaging company must be previously certified with the RETRAY Process. The RETRAY Product can be obtained for as many Packaging Formats as desired. To determine the number of Formats to be certified, the definition of "Packaging Format" that is included in the introductory section of the procedure must be followed.

In order to guarantee the circular model of the RETRAY certification scheme, one of the traceability requirements that must be met by sheet manufacturing companies is the incorporation of recycled PET from recyclers approved by the Foundation who, in turn, must recycle post-industrial waste generated both by these companies and by thermoformers and packers, as well as post-consumer waste from post-consumer PET tray recovery companies and from final consumers.

The participation of waste management companies, waste recovery companies and recyclers of thermoformed packaging waste in the RETRAY certification scheme is vital to guarantee traceability and to closing the loop of the material. For these reasons, the Foundation carries out a **specific authorization process for waste management, recovery and recycling companies** based on the provisions of the **Procedures** included in **Annex 6.1., 6.2. and 6.3.** respectively.

## 4. CONTROL BODIES AND TRADEMARK MANAGEMENT

The organizations that intervene in the RETRAY certification scheme to guarantee its impartiality and to manage and support its structure and resources, that are needed for its operation at European level, are the following:

- The Accreditation Bodies
- The Management Committee
- The Technical Committee
- The Certification Bodies
- The Testing Laboratories

### 4.1. The Accreditation Bodies

The RETRAY certification scheme operates at a European level and has been evaluated by ENAC to operate under accreditation. This means that the Certification Bodies (see section 4.4.) must be evaluated through a rigorous process based on an international standard in order to operate in this scheme.

Specifically, the Certification Bodies must be **accredited for the ISO/IEC 17065 standard by an Accreditation Body that is a member of EA (European Cooperation for Accreditation)<sup>3</sup> or IAF (International Accreditation Forum)<sup>4</sup>, which has signed mutual recognition agreements**. Both the new concessions of accreditations, as well as their suspensions and withdrawals, must be notified by the National Accreditation Bodies.

In this sense, the Foundation collaborates with ENAC<sup>5</sup>, the Accreditation Body that acts as the Home-AB of the certification scheme, holding regular meetings to guarantee the necessary feedback of relevant information, including any change in the requirements of the procedures under which the scheme operates.

RETRAY certificates must be issued by accredited Certification Bodies, **always including the label of the corresponding national accreditation body**.

### 4.2. The Management Committee

The Management Committee is the coordination and oversight body that has the following functions:

- Prepare and approve all the documentation that supports the certification scheme, such as the procedures, the regulations for the use of the trademark or these present Regulations.
- Publish and update the list of certified processes and products.

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<sup>3</sup> <https://european-accreditation.org/>

<sup>4</sup> <https://iaf.nu/en/home/>

<sup>5</sup> <https://www.enac.es/web/english>

- Authorize the Certification Bodies.
- Ensure compliance with the regulations for the use of the trademark by companies with certified processes.
- Withdraw the certificate and exclude from the list those companies that incur in some of the concepts of infractions included in this Regulation.

In general, the Management Committee is responsible for managing all those matters that are necessary to guarantee the correct operation of the certification scheme, representing its institutional interests vis-à-vis third parties, relying on the advice of the Technical Committee (see section 4.3.) and the Working Group of Certification Bodies (see section 4.4.).

The Management Committee is made up of **9 representatives of the Foundation**, including **7 members of the Board of Trustees** and **2 members of the Executive Team**. The appointment of the representatives must be carried out annually.

The Management Committee shall meet as many times as necessary throughout the year for the proper fulfillment of its functions, being mandatory the holding of at least 2 meetings a year.

#### 4.3. Technical Committee

The Technical Committee is the body for technical advice and impartiality assurance that has the following functions:

- Advise the Management Committee in the preparation and annual review of the procedures and technical documentation that support the certification scheme, ensuring their consistency in terms of the requirements of the processes to be certified.
- Act as an advisory body to the Management Committee in the event of specific discrepancies that may arise during the certification processes and subsequent use of the brand by certified companies.
- Inform the Management Committee those issues related to the content of the documentation or the operation of the Certification Bodies in which a possible lack of impartiality is detected in order to take the appropriate measures. Although the requirements of the certification scheme that are included in the procedures are developed by the Management Committee, the favorable opinion for its annual approval must be issued by the Technical Committee where the different interests of the value chain are represented.

In general, the Technical Committee is responsible for advising the Management Committee to ensure that both the documentary support and the operational support of the certification

scheme is consistent in terms of the requirements demanded of the processes to be certified and in terms of their impartiality.

In order to guarantee the representation of the entire value chain affected by the certification scheme, the Technical Committee is made up of at least **eight (8) members** of associations and experts from the sector they represent:

- **An Association of the PET Transformation and Recycling Sector** (1 representative)

If it is national in scope, the association or alternatively the Foundation, must be a member of a European-wide association acting as a bridge to maintain it regularly informed about the activity carried out in the Technical Committee.

- **Manufacture of rigid PET sheet** (1 representative)

The representative must belong to the technical, R&D or similar department of a company that manufactures PET sheet that markets its products at a European level.

- **Manufacture of thermoformed products** (1 representative)

The representative must belong to the technical, R&D or similar department of a company that manufactures PET thermoformed products marketed at a European level. As there are PET sheet producers that manufacture thermoformed products as well, the same member may represent both types of companies.

- **The manufacture of flexible sheet for thermoformed PET packaging lids** (1 representative)

The representative must belong to the technical, R&D or similar department of a company that manufactures flexible foil for thermoformed PET packaging lids that markets its products at a European level.

- **The manufacture of elements and/or compounds used in thermoformed PET containers** (1 representative)

The representative must belong to the technical, R&D or similar department of a company that manufactures elements and/or compounds used in thermoformed PET containers, such as adhesives, inks and/or labels among others that markets its products at a European level.

- **Food packer in PET thermoforming** (1 representative)

The representative must belong to the technical, packaging or similar department of a food packaging company in PET thermoforming that markets its products at a European level.

- **Recycling of thermoformed PET packaging** (1 representative)

The representative must belong to the technical, R&D or similar department of a company that recycles thermoformed PET packaging that markets its products at a European level.

○ **An association of final consumers** (1 representative)

The representative must belong to an association or confederation that usually represents consumers in different advisory and product standardization bodies and, if it is national, in turn belongs as a member to a European or international consumer association.

The Technical Committee shall meet as many times as necessary throughout the year for the proper fulfillment of its functions, being mandatory the holding of at least 1 meeting a year due to the annual review that must be carried out of the documents that support the certification scheme.

#### 4.4. Certification Bodies

The function of the Certification Bodies is to evaluate the suitability of the applicant companies to the requirements established in the Procedures for obtaining the RETRAY Process and/or RETRAY Product certification.

The **conditions that Certification Bodies must meet** in order to operate in the RETRAY certification scheme are the following:

1. The Certification Body must be accredited for the ISO/IEC 17065 standard within the scope of the RETRAY scheme by an Accreditation Body that is a member of EA (European Cooperation for Accreditation) or IAF (International Accreditation Forum), which has signed mutual recognition agreements.
2. If the Certification Body is not accredited for the ISO/IEC 17065 standard in the scope of the RETRAY scheme, but it is accredited in other environmental or plastic sector schemes, or it is accredited for the ISO/IEC 17020 standard within the scope of the ECOSENSE brand, it may be temporarily authorized by the Foundation, complying with the following requirements:
  - (a) It shall not issue more than 30 certificates under temporary authorization without accreditation.
  - (b) It must submit to the Foundation the letter of the accreditation request sent to the corresponding National Accreditation Body and has been accepted for the beginning of the evaluation process.
3. The Certification Body must have auditing personnel with the qualifications set out below:
  - (a) Degree and Academic Training

The auditor must have a minimum Bachelor's degree or equivalent and additionally the experience and qualifications indicated below.

(b) Experience and qualification

The auditor must have **at least 1 year experience** in audits of industrial processes with specific knowledge of the plastics conversion and recycling sector.

Additionally, the auditor must carry out an **initial qualification** as follows: **a)** performing as **observer** at least 1 audit of the RETRAY scheme **b)** carrying out the **first audit under the supervision** of an auditor belonging to a previously accredited Certification Body or, in the absence of the former, by a member of the Management Committee.

(c) Specific training

The auditor must receive a specific training course organized by the Foundation and taught by auditors already trained on the RETRAY certification scheme.

New auditors must receive an *initial training course* and previously trained auditors must receive an annual *refresher training course*.

4. The audit that the Certification Body carries out in the company for the granting of the RETRAY Process certificate should not be less than 1 working day per installation. This time may be longer depending on the size of the facilities, the production capacity of the center and the registration system of the documentary evidence that allows verifying the traceability of the process according to the requirements established in the procedure that applies in each case.

In the event that the estimated time is going to exceed 1 working day, either because it is necessary to certify more than one production center, because a unified audit is carried out for RETRAY Process and RETRAY Product, or for any other reason with a well-founded basis, it must be communicated and adequately justified to the Management Committee of the RETRAY certification scheme.

5. The audit that the Certification Body carries out in the company for the granting of the RETRAY Product certificate may only exceed 1 working day if more than 5 product formats are certified. In the event that the estimated time is going to exceed 1 working day for 5 or less product formats, the Certification Body must communicate and justify the reason on a well-founded basis to the Management Committee of the RETRAY certification scheme.

6. The audit reports issued by the Certification Bodies must include, as a minimum, the following information:

- Company name and logo of the Certification Body that has carried out the audit



- Identification number of the report
- Audit date
- Type of audit: initial, follow-up or renewal
- Time spent on the audit
- Address of the audited facility
- Type of audited process (Sheet manufacturer, Thermoformer or Packer)
- Reference procedure used in the audit
- Results of the audit, distinguishing three sections:
  - Non-compliances, if any, indicating the code of the section in breach of the procedure and the description of the non-compliances.
  - Opportunities for improvement, if any, indicating the code of the section of the affected procedure and the description of the opportunity for improvement.
  - Final result of the audit distinguishing whether it has been satisfactory or, on the contrary, non-conformities have arisen for which it is required to submit a Corrective Action Plan (see point 4 of section 6.1. of these regulations) or a new audit is required. In case that the company has opted for the calculation of the percentage of recycling for the RETRAY Process and/or RETRAY Product certification (requirement 7.B and/or 7.C of the procedures), the data on the minimum percentage of recycling obtained must be included in the report as well (total percentage and tray-to-tray circuit specific percentage) . The data on the percentage of recycling of post-consumer origin must also be indicated when applicable, in accordance with what is included in the procedures.
- Auditor's name, surname and signature
- Issue date of report
- In the case of RETRAY Product certification including 7.D requirement, the results report from the Testing Laboratory must be included in annex.

7. The Foundation shall carry out random supervision of the Certification Bodies that may coincide with the audits carried out by the accreditation bodies.

The Certification Body must request authorization from the Foundation to operate in the RETRAY certification scheme by submitting the corresponding **Authorization Request form (Annex 7)**. When the Certification Body signs this application, it automatically abides by the general conditions contained in the authorization form from the date of its resolution by the Foundation, that is, from its authorization date, and must be up to date with the corresponding economic obligations through the payment of the current rate to be able to operate in the RETRAY certification scheme. The favorable or unfavorable resolution of authorization shall be communicated within a maximum period of 30 calendar days from its date of presentation by the Certification Body.

The Foundation will promote the creation of a **Certification Bodies Cooperation Group** promoting and facilitating meetings between the entities that participate in the scheme to deal with all those matters that may arise regarding the implementation and interpretation of the procedures that support the RETRAY certification scheme. Between 1 and 3 representatives of this Cooperation Group may attend the meetings of the Technical Committee as well.

Additionally, as with ENAC as Home-AB of the scheme, the Foundation will hold regular meetings with this Cooperation Group to guarantee the necessary feedback of relevant information, including any change in the requirements of the procedures under which the scheme operates.

#### **4.5. The Testing Laboratories**

The Testing Laboratories have the function of carrying out the tests, following the Test Protocol established by the Foundation (**Annex 4**), to provide the Certification Body with the information needed to verify compliance with the recyclability guidelines for thermoformed PET containers established by Petcore and published by the Foundation on its website as well.

As the preferred means to demonstrate technical competence in conducting the tests, the Testing Laboratories selected by the Certification Bodies must be accredited for the Test Protocol (Annex 4) according to the requirements of the ISO/IEC 17025 standard by a National Accreditation Body signatory of the multilateral agreement of EA or ILAC (International Laboratory Accreditation Cooperation). However, in those cases in which the laboratory is not accredited, the Certification Body may use it as long as it has evidence that its competence has been evaluated to carry out the specific tests that it is entrusted with.

## 5. CERTIFIED COMPANIES

### 5.1. List of companies with certified or approved processes and products

The companies that obtain a RETRAY certification shall be included in the List of Certified Companies that is accessible through the section called CERTIFICATION from the website of the Foundation and it is updated by the Management Committee.

The list is divided into four sections:

1. COMPANIES WITH RETRAY PROCESS AND RETRAY PRODUCT CERTIFICATES IN FORCE: this section includes the facilities and products of companies that have obtained the certification and meet the conditions to keep it in force through successive renewals.
2. COMPANIES APPROVED TO OPERATE IN THE RETRAY CERTIFICATION SCHEME: this section includes the facilities of management, recovery and recycling companies that have been approved to operate in the RETRAY certification scheme.
3. COMPANIES WITH APPROVED PRODUCTS: this section includes products other than rigid sheets, thermoformed bases and complete containers, such as flexible lids, adhesives or labels, among others, that have been subjected to evaluation by the Ecosense Foundation to verify their compliance with recyclability guidelines. These types of products do not have a procedure for their “certification” and therefore can be subjected to an evaluation process that allows their “approval” to be used in thermoformed PET containers that can be certified with RETRAY.
4. COMPANIES WITH CERTIFICATIONS OR APPROVALS IN PROCESS: this is a section that, for informational and non-binding purposes, includes those facilities and products of companies that are in process of renewal or obtaining a new certification or approval.

At the same time, , companies that have current or pending RETRAY certifications, previous sections 1 and 4, are divided into two groups:

- Sheet manufacturers and thermoformers: this includes the facilities and products of companies that carry out the entire production process for the manufacture of PET sheet and, additionally or alternatively, the thermoforming of the sheet to obtain the packaging. They are licensees of the graphic use of the RETRAY Mark and concessionaires of the certificate of conformity.
- Food packers: includes the facilities and products of companies that carry out the process of packaging food in thermoformed PET packages from laminating and/or thermoforming companies certified with the RETRAY Process and, if applicable, RETRAY Product. The food packer can purchase the sheet and carry out the thermoforming

process themselves or purchase the already thermoformed PET packages. The food packers are licensees of the graphic use of the RETRAY trademark and concessionaires of the certificate of conformity.

The list includes the following information for each company:

- Registered Name
- Facility's address (in the case of certified and approved companies)
- Description of the format product (in the case of companies with the RETRAY Product certification and with approved products)
- Beginning and end of validity date of the certificate or approval
- Company logo

## 5.2. Obligations and rights of companies with certified processes and products

Companies that choose or have RETRAY certified processes and products have the following **obligations**:

- The certificate holder is responsible for compliance with the Regulation for the use of the RETRAY label.
- The certificate holder may not display the label on any advertising medium or product that does not refer to the certified process or product.
- If any part of the production process is carried out in another production center, the company must formally declare it to the Certification Body so that the scope of the audit and the certificate granted include the entire production process.
- The certificate holder must notify the Certification Body of any substantial change in the circumstances of the production process that led to the certification. Such is the case, for example, of the cessation of consumption by a manufacturer of recycled PET sheet from recyclers approved by the Foundation or the cessation of consumption by a packer of sheet from at least one certified supplier.
- The holder of the RETRAY certificate, both Process or Product, must submit the certified process and/or product to an annual follow-up audit that must be carried out by a Certification Body in order to maintain in force the certificate during three years.
- The certificate holder is responsible for the processes and products that they produce from them and the fact that a process or product is certified does not change that responsibility in any way.

Companies that choose or have RETRAY certified processes and products have the following **rights**:

- The certificate holder has the right to use the RETRAY trademark as long as it complies with the Regulation for the use of the RETRAY label.
- Companies have the right to freely choose the authorized Certification Body with which they are certified, so it is not mandatory to renew the initial or subsequent certification with the same Certification Body.
- All the information that the company provides to the Certification Body and/or the Foundation before, during and after the conformity assessment process, shall be strictly confidential and shall not be transmitted to third parties without the express consent of the same.
- Companies have the right to complain to the Certification Body as long as they follow the procedure established for this purpose in this Regulation.

## 6. PROCESS OF OBTAINING THE CERTIFICATE AND ITS SCOPE

### 6.1. Stages of the process

The process for obtaining the RETRAY Process and RETRAY Product certification, as well as the corresponding right to use the trademark, by interested companies is as follows:

1. New certifications: contact the Foundation and request the necessary information to be able to comply with the provisions of these General Regulations, as well as in the corresponding certification procedure that applies depending on the type of company in question.

After analyzing the information and confirming that they are in a position to meet the requirements for certification, inform the Foundation of its intention to start the process.

2. Initial audits for new certifications, follow-up audits (annually) and audits for the renewal of the certificate (triennially): request the audit from a Certification Body, authorized by the Foundation, who shall carry it out to assess the company's compliance with the requirements set forth in the corresponding Procedure. The scope and operation will be the same for both the initial audit and the annual follow-up and renewal audits of the certificates except in the case of the follow-up and renewal audits of requirement 7.D. for which it will not be necessary to repeat the laboratory tests as long as these two conditions are met:

a) the Foundation determines that there have been no substantial changes to the recyclability guidelines that were used in the initial certification of the product format

b) the Certification Body verifies during the audit of this requirement that there has been no variation in the composition of the certified product format, understood as any variation in the formulation that affects compliance with the recyclability guidelines.

3. Once the audit has been carried out, the Certification Body shall provide a report that reflects the results obtained. Non-conformities and opportunities for improvement may appear in the report. Non-conformities must necessarily be corrected to obtain a positive report as indicated in point 4.
4. The company shall submit to the Certification Body a documented/graphic Corrective Action Plan (CAP), which must demonstrate that every non-conformity has been corrected and the causes that led to them, have been eliminated shall. The Certification Body shall assess its suitability before approving or rejecting it, in which case the process of proposing a CAP

must be started again. In those cases, in which the non-conformities detected are related to deficiencies in the production traceability system, according to the requirements of the corresponding procedure section, the Certification Body must carry out a new audit. The initial term that shall be granted for the presentation of the CAP will be 1 month. If in this initial period the company has not had enough time to be able to provide solid evidence to demonstrate that all non-conformities have been corrected and the causes that originated them have been eliminated, an additional 2 months will be granted for the presentation of a satisfactory PAC. If after 3 months the PAC is not satisfactory, a new on-site visit to the facilities will be necessary to verify compliance with the procedure again. The opportunities for improvement shall constitute observations that the company can consider to minimize the possibility that, in the future, non-conformities arise.

5. The audit phase shall be satisfactorily completed, after issuing the corresponding positive report of which an exact copy shall be sent to both the company and the Foundation<sup>6</sup>. In the case of new certifications, modifications to certificates in force and renewals the Certification Body shall, sign and send three exact signed copies of the certificate to the Foundation for signing. The certificate must be issued based on the information and template indicated in section 6.2 of these regulations. One copy shall be for the Certification Body, another for the company and the third for the Foundation.
6. In the case of new certifications: the Foundation must deliver to the Certification Body its signed copy and to the company its copy of the certificate after having signed the contract for the right to use the RETRAY brand between both parties and the company has paid the invoice for payment for this right. The company may not start using the trademark until it has signed the aforementioned contract and paid the corresponding amount.
7. In the case of modifications to certificates in force and renewals: the Foundation will deliver its signed copy to the Certification Body and its copy of the certificate to the company, automatically renewing the contract for the right to use the RETRAY brand that was signed for initial certification between both parties. The company may continue to use the brand as long as it has paid the corresponding annual invoice for this right.
8. The validity of the RETRAY Process and RETRAY Product certificates will be three (3) years, as long as the certifications maintenance conditions are met in this period (see section 7 on renewal and certification control regime).

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<sup>6</sup> The Certification Body must also send the Foundation a copy of the audit report that includes, where appropriate, the correction of the non-conformities detected.

## 6.2. Certificate of conformity

The RETRAY Process certification is granted for a production center and for a specific production activity depending on the type of company in question (sheet manufacturer, thermoformer or packer). In the case of RETRAY Product, the certification is granted for a specific sheet, thermoformed or container format.

The certificate of conformity must be issued including the following information:

- Identification of the Certification Body (Company Name and Logo)
- Logo of the Accreditation Body and Accreditation Number of the Certification Body
- Certificate Number
- Identification of the company (Company Name)
- Full address of the production center where the certified process and/or product is carried out
- In the case of a RETRAY Product, identification (reference) of the sheet format, thermoforming or packaging that is certified
- Type of company (sheet manufacturer, thermoformer or packer)
- Reference to the normative document (Procedure) with respect to which the certification has been carried out.
- Date audited
- Certificate issue date (1) and expiration date (2) of the certificate
- Certification Body representative's name, surname and signature.

(1) Indications for the date of issuance of the first certificate and subsequent renewals:

- It can never be prior to the date of the satisfactory audit report.
- It must be the date of the satisfactory audit report, provided that this date is after the date of payment of the invoice issued by the Foundation for the use of the RETRAY brand.
- It must be the payment date of the invoice issued by the Foundation for the use of the RETRAY brand, provided that this date is after the date of the satisfactory audit report.

Additional indications for the date of issuance of certificate modifications: if after a follow-up audit of requirements 7.B and 7.C there is an increase or decrease of more than 5% in the percentage content of recycled material compared to the previous year, a certificate will be issued that modifies the current certificate by updating the issuance date based on the date of the follow-up audit report following the instructions set forth above. The expiration date will not be modified. The same action will be taken if, after a follow-up audit of requirement 7.D, a variation occurs in the composition of the certified product format, understood as any variation in the formulation that affects compliance with the recyclability guidelines.



(2) Indications for the expiration date of the certificate:

- For the first certificate, it will be 36 months from the date of issue.
- For renewal certificates, it will be 36 months from the expiration date of the previous certificate.
- For certificate modifications, the expiration date of the certificate in force that has been modified is maintained.

In **Annex 8.1 and 8.2 Certificate templates** to be used by the Certification Body for the issuance of the three copies (Foundation, Certification Body and Company) are included considering the audited requirements:

- Annex 8.1 – Template for RETRAY certificate Process Requirement 7.A and Template for RETRAY certificate Process Requirements 7.A and 7.B.
- Annex 8.2 – Template for RETRAY certificate Product Requirement 7.C and Template for RETRAY certificate Product Requirement 7.D.

As indicated in section 4.4., in the event that the company has opted to calculate the recycling percentage for the RETRAY Process and/or RETRAY Product certification (requirement 7.B. and/or 7.C. of the procedures), the data on the percentage of recycling obtained, both total and from the tray-to-tray circuit, must also be included in the audit report. The data on the percentage of recycling of post-consumer origin must also be indicated when applicable, in accordance with what is included in the procedures.

## 7. RENEWAL AND CONTROL REGIME OF CERTIFICATION

The validity of the RETRAY certificates, both Process and Product, is three (3) years and the **maintenance** of the certification throughout this period is subject to the company having passed an annual **follow-up audit** whose frequency and scope, regarding operations and compliance with the requirements established in the procedures, it will be the same as that of the initial audit to obtain the certificate and the audit for its renewal with the following exceptions:

- a) If before the end of the year for carrying out the follow-up audit there is a decrease of more than 5% in the percentage content of recycled material in a product format certified with requirement 7.C, the company must bring the date forward for the follow-up audit to continue using the RETRAY Product brand. In the event that what occurs is an increase in the percentage content of recycled material, the company will decide if it wishes to advance the audit or wait until the end of the annual validity of the RETRAY Product certificate to carry it out.
- b) If before the end of the year for carrying out the follow-up audit, a variation occurs in the composition of the certified product format with requirement 7.D, understood as any variation in the formulation that affects compliance with the recyclability guidelines, the company must bring the follow-up audit date forward if it wants to continue using the RETRAY Product brand.
- c) In the case of follow-up audits and renewal of requirement 7.D., it will not be necessary to repeat the laboratory tests as long as these two conditions are met:
  1. The Foundation determines that there have been no substantial changes to the recyclability guidelines used in the initial certification of the product format.
  2. The Certification Body verifies during the audit of this requirement that there has been no variation in the composition of the certified product format, understood as any variation in the formulation that affects compliance with the recyclability guidelines.

The annual follow-up audit by the Certification Body must be carried out within a maximum period of 3 months after one year since the last audit date.

The RETRAY certification scheme is not only based on the control carried out by the Foundation but also it is based on the self-control of companies with certified processes and products, since they must ensure continued compliance with the requirements set out in the procedures that apply to them. An example in the first case is the quarterly statement that the Foundation makes to control that sheet manufacturing companies comply with the requirement for acquiring the minimum amount of recycled material established in the “RETRAY Laminators Procedure” and, if necessary, compare the information with the approved recyclers from which the companies have purchased the recycled PET. And another example, in the second case, is the control by the

companies of the fundamental aspects that apply depending on the type of certification and that are related to the three groups of requirements that they must meet in terms of:

1. Traceability in the incorporation of recycled PET in the process from approved recyclers.
2. Management of monolayer and multilayer thermoformed PET waste generated in the process.
3. Compliance with recyclability guidelines.

The **renewal** of the certifications will be carried out on a triennial basis as long as the companies have made the corresponding request to the Certification Body when the end of the validity of the certificates approaches to undergo the corresponding **renewal audit** which must be carried out the last day of validity of the certificate at the latest.

The RETRAY certificates may be **suspended** by the Certification Body, for a limited period, if the appropriate rectifications or other corrective measures are not carried out by the company that has misused the certification incurring in a serious infraction, as described in section 9 of this Regulation.

Moreover, RETRAY certificates may be **withdrawn or canceled** if the company: 1) takes inadequate measures in the event of suspension, 2) terminates its contractual relationship with the Certification Body, or with the Foundation for the use of the brand not paying the rights for its use, 3) withdraws a certified product from the market, 4) ceases its activity, 5) notifies the Certification Body that it does not wish to renew the certification, 6) no longer offers a certified product in its portfolio or 7) does not request the renewal of the certificate on time. In any of the above cases, the Foundation will have the right to withdraw or cancel the certificate by informing the company in writing.

## 8. USE OF THE TRADEMARK

The Foundation is the owner of the RETRAY trademark, being registered in the Trademark Registry of the European Union under number 018161089 (hereinafter “**RETRAY Label**”).

In this sense, in relation to the use of the RETRAY Label, Once the audit report has been issued by the Certification Body, it must follow the procedure set forth in these General Regulations for signing and sending the three (3) copies of the certificate (company, Foundation and Certification Body). The delivery of the copy of the company's certificate must be made by the Foundation together with the agreement on the right to use the RETRAY Label. Said agreement shall entitle the company that has obtained it, to use, exclusively to accredit the forementioned obtention, the mention and logo corresponding to the RETRAY Process or RETRAY Product Certification, of which the Foundation is the exclusive owner.

Said right of use is limited to its use in the **processes and products manufactured in the facilities that have been certified** and can only be used as a physical identifying element in them, or in other supports for informational and/or advertising purposes always in compliance with the Regulation for the use of the RETRAY label (**Annex 5**), which the Foundation will deliver to the companies once the RETRAY Process or RETRAY Product certification has been obtained, and as long as they keep it in force and their loss has not occurred for any reason.

The use of the logo and the mention of the RETRAY Certification may only be carried out **by the company that has obtained it and only with respect to the process and specific product formats** for which it has been obtained. In the event of suspension, withdrawn or cancelation of the RETRAY certificates explained in the previous section, the company will automatically and definitively lose the right to use the trademark and logo of the RETRAY Label, and must immediately not continue to include it in the products that it commercializes or in any other support that it uses in the market or before third parties.

Additionally, the use of the RETRAY Certification trademark or logo may only be carried out respecting the **design established by its exclusive owner**, which is the Foundation. Failure to comply with this obligation shall imply the automatic and definitive loss of the right to use the reference and the logo corresponding to the certification, and the company that has obtained it must immediately stop including it in the products it markets or in any other medium used in the market or before third parties.

In the cases described above, the Foundation will notify the company of the automatic loss of the right to use the mention and logo of the RETRAY Label. In any case, the company that has obtained the RETRAY Certification, so the RETRAY Label, fully exonerates the Foundation from any responsibility for its use of the certification mention and logo and must at all times and all circumstance maintain the Foundation free of responsibility against any third-party claim.

The Management Committee is who stipulates the pricing policy for the use of the RETRAY trademark that must be paid by the companies at the signing of the contract in order to use it. The pricing policy is reviewed every two (2) years by the Management Committee.

## 9. INFRACTIONS, SANCTIONS AND CLAIMS

### 9.1. Infractions and claims

Failure to comply with the conditions established in this General Regulation or the Procedures for obtaining certification that correspond to administrative faults or defects in updating information shall be considered as **minor infractions**. Such is the case, for example, of the failure to update any of the minimum required information points that must be included in the technical sheets of products manufactured by certified processes, as stated in the Procedures.

Upon detection of a minor infringement, the Certification Body shall notify the company of a warning to which the company must propose a corrective action within a maximum period of one (1) month and implement it within a maximum period of three (3) months. In the event that the Certification Body considers that the proposed corrective action is not adequate, the Management Committee may intervene to agree with the company on the most appropriate solution and the period within which it should be carried out.

Failure to comply with the conditions established in these General Regulations or the Procedures for obtaining the certification that correspond to the faults described below will be considered as **serious infractions**:

- An expansion of the certified production process that entails the need to verify additional requirements established in procedures that apply to other types of companies. Such is the case, for example, of a company that, having certified as a sheet manufacturer, also becomes a thermoformer.
- Any action by a certified company that damages the image of the brand. Such is the case, for example, of the use of the RETRAY logo in products or advertising media that refer to non-certified products or processes and, therefore, without authorization for the use of the trademark.
- Failure to comply with the conditions established as mandatory requirements based on the provisions of this Regulation and the corresponding Procedures. Such is the case, for example, of the absence of at least one supplier certified with a RETRAY Process from which products are acquired by a certified packer.
- A systematic repetition of minor offenses: from three (3) minor infractions during a year.

Upon detection of a severe infringement, the Certification Body shall notify the company of a warning to which the company must propose a corrective action within a maximum period of one (1) month and implement it within a maximum period of three (3) months. The temporary suspension or not of the certification will be at the discretion of the Certification Body depending

on the nature of the infraction and the corrective action proposed. In the event that the infringement committed involves a risk to the image of the brand, the Management Committee of the Foundation may intervene to agree with the company on the most appropriate solution and the period within which it must be carried out.

Based on all of the above, the Certification Body must establish a regime of infractions and sanctions within its internal quality system that applies to non-compliance to the requirements of the certification process and use of the RETRAY trademark.

## 9.2. Appeals and claims

When there are disagreements in the evaluation of non-compliance between the company that is the object of certification and the Certification Body, or if it wants to report non-compliance by other companies that already have the right to use the RETRAY brand, a claim procedure may be initiated as long as the content of this Regulation and the corresponding Procedures are not contravened.

If a company wishes to appeal any of the decisions made by the Certification Body, it shall proceed as follows:

1. The company must notify the Certification Body in writing of its appeal and the latter must acknowledge receipt in writing within seven (7) days of receiving it.
2. The Certification Body must request the company to provide the information and data necessary to be able to review the appeal.
3. The appeal must be reviewed by an Appeals Committee, whose members shall be approved by the Management Committee of the scheme, to whom the Certification Body must present the evidence of the decision taken to resolve it. The final decision of the Appeals Committee shall be binding and cannot be modified by either party of the lawsuit.

If a company wishes to file a **complaint or claim** against the Certification Body, it must proceed as follows:

1. The company must notify the Certifying Body in writing of its complaint or claim as soon as possible, and the latter must acknowledge receipt in writing.
2. The complaint or claim shall be analysed and investigated by the Certification Body.
3. The complaint or claim will be closed after a satisfactory conclusion of the investigation informed to the company in writing.

In the event of any appeal, complaint or claim, the Certification Body must inform the Management Committee of the scheme, who shall keep a record describing the case, its resolution and the owner that generated it.