

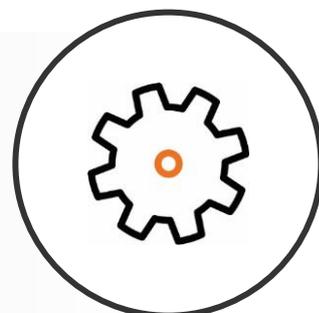


The world-leading  
Wood pellet certification

## **ENplus<sup>®</sup> Procedural Document**

*Investigation and resolution of  
fraudulent use of the ENplus<sup>®</sup>  
trademarks*

ENplus<sup>®</sup> PD 2007:2022, first edition



Valid globally, except Germany

EPC/ Bioenergy Europe  
Place du Champ de Mars 2  
1050 Brussels, Belgium  
Tel: + 32 2 318 40 35,  
E-mail: [enplus@bioenergyeurope.org](mailto:enplus@bioenergyeurope.org)

**Name of the Document:** Investigation and resolution of the fraudulent use of the ENplus® trademarks

**Title of the Document:** ENplus® PD 2007:2022, first edition

**Approved by:** European Pellet Council General Assembly

**Approval Date:** 27.09.2022

**Publication date:** 01.10.2022

**Entry into force date:** 01.01.2023

### Copyright notice

© Bioenergy Europe 2022

This document is copyright-protected by Bioenergy Europe. This document is freely available from the official ENplus® website ([www.enplus-pellets.eu](http://www.enplus-pellets.eu)) or upon request.

No part of this document, covered by the copyright, may be changed or amended, reproduced or copied in any form or by any means, for commercial purposes, without the permission of Bioenergy Europe.

The only official version of this document is in English. Translations of this document can be provided by EPC/ Bioenergy Europe or a National Licenser/National Promoting Association. In case of any doubt, the English version prevails.

## Foreword

The European Pellet Council (EPC), founded in 2010 and a network of Bioenergy Europe AISBL, is an umbrella organisation that represents the interests of the European wood pellet sector. Its members are national pellet-, or pellet-related associations from numerous countries in and outside of Europe. The EPC provides a platform for the pellet sector to discuss issues that must be managed in the transition from a niche product to a major energy commodity. These issues include standardisation and certification of pellet quality, safety, security of supply, education and training, and pellet quality measuring devices.

Deutsches Pelletinstitut GmbH (German Pellet Institute) (**DEPI**) was founded in 2008 as a subsidiary of Deutscher Energieholz- und Pellet-Verband e. V. (German Wood Fuel and Pellet Association) (DEPV), and provides a communication platform and competence centre for topics related to heating with wood pellets. In 2010, **DEPI** created, in cooperation with German Biomass Research Center Leipzig (DBFZ) and proPellets Austria, the ENplus® scheme. In 2011, the trademark rights for all countries, except Germany, transferred to the EPC.

In this regard, the EPC is the governing body of the ENplus® quality certification scheme in all countries except Germany and is constantly adapting this system according to market needs.

This document replaces the ENplus® Handbook, version 3.0 and comes into force on 1 January 2023.

## Contents

Foreword .....	3
Introduction .....	5
1. Scope .....	6
2. Normative references .....	7
3. Terms and Definitions .....	8
4. General requirements .....	13
5. Eligibility of fraud notification .....	14
6. ENplus® fraud resolution process .....	15
7. Enforcement and resolution of ENplus® fraud.....	17
8. Complaints and appeals relating to the resolution and investigation of ENplus® fraud.....	19

## Introduction

The key objective of the ENplus® scheme is to manage an ambitious certification scheme that thrives for consistent, high quality wood pellets. The **ENplus® logo** allows pellet quality to be communicated to customers and consumers in a transparent and verifiable way.

Wood pellets are a renewable fuel produced primarily from sawmill residues. Wood pellets are used as a fuel for residential heating systems as well as for industrial burners. They are a refined fuel that can be damaged during handling. Due to this, quality management is a necessity and should cover the entirety of the supply chain, from the choice of raw material to the final delivery to the end-user.

The ENplus® scheme covers technical properties of pellets, quality management related to the properties of the pellets, and customer satisfaction within the entire supply chain, from pellet production to end use.

The ENplus® scheme is primarily focused on the domestic and commercial heating sector, but the ENplus® certification is also available to all other actors within the pellet industry.

The **ENplus® trademarks** and related labels provide information relating to the quality of certified pellets; allowing producers to communicate the quality aspects and encourage purchasers to use this information in choosing the products that consistently satisfy their quality expectations.

The **ENplus® trademarks** is a protected registered trademark and its use by **companies** within the pellet supply chain is only allowed based on valid ENplus® certification and a trademark license that has been issued by **ENplus® scheme management**.

The term 'shall' is used throughout this document to indicate those provisions that are mandatory. The term 'should' is used to indicate those provisions which, although not mandatory, are expected to be adopted and implemented. The term 'may' is used throughout to indicate those permission(s) which are expressed within this document. The term 'can' refers to both the ability of a user or to a possibility open to the user as stated within this document.

The terms written in bold characters are defined in the chapter 3, 'Terms and definitions'.

# 1. Scope

This document describes the requirements and procedures for the resolution and investigation of illegal and fraudulent use of the **ENplus® trademarks** by any entity in the pellets supply chain located in any country, except Germany, that is violating legal rights related to the **ENplus® trademarks** and ENplus® ST 1003. The procedures shall be applied by **ENplus® International Management** or by **ENplus® National Licensers** based on location of the **company** involved in the fraudulent activities.

NOTE: Any **fraud** relating to the ENplus® certification in Germany shall be addressed to **DEPI** that operates as the ENplus® governing body for Germany.

## 2. Normative references

The following referenced documents are indispensable for the application of this document as defined in its specific requirements. For dated references, only the relevant edition applies. For undated references, the latest edition of the referenced document (including any amendment) applies.

ENplus® ST 1001, *ENplus® wood pellets – Requirements for companies*

ENplus® ST 1003, *Usage of the ENplus® trademarks – Requirements*

ENplus® PD 2002, *Complaints and appeals procedure*

### 3. Terms and Definitions

#### 3.1 appeal

A written request by any person or organisation (the appellant) for reconsideration of any decision affecting the appellant made by the **ENplus® scheme management** where the appellant considers such decisions have been taken in breach of the ENplus® requirements or procedures.

NOTE: Such adverse decisions may include:

- a) rejection of an application for usage of the **ENplus® trademarks**;
- b) refusal of an application for the ENplus® listing of certification and testing bodies.

#### 3.2 bagged pellets

Pellets in a packaging unit that protect the pellets from quality degradation with a filling weight between 5 kg and 50 kg.

NOTE 1: A plastic bag is a typical example of a packaging unit for **bagged pellets**.

NOTE 2: Requirements for usage of the ENplus® bag design are defined in ENplus® ST 1003.

#### 3.3 big bag

A flexible intermediate bulk container (FIBC) made of flexible fabric that is designed for storing and transporting **bulk pellets** with a typical capacity of 1,500L. A delivery of pellets in **big bags** is considered a delivery of **bulk pellets**.

NOTE 1: A **big bag** can be sealed or unsealed.

NOTE 2: Delivery of pellets in **big bags** is considered as a **large-scale delivery**.

#### 3.4 bulk pellets

Pellets other than **bagged pellets** produced, stored, handled, or transported loose.

NOTE: **Bulk pellets** also includes pellets in **big bags**.

#### 3.5 company

An entity that implements the requirements of ENplus® ST 1001.

#### 3.6 complaint

A written expression of dissatisfaction (other than **appeal**) by any person or organisation which relates to the activities of the **ENplus® scheme management**, the **ENplus® certification bodies**, **ENplus® testing bodies**, and/or the ENplus® certified **company**.

#### 3.7 consensus

General agreement characterised by the absence of sustained opposition to substantial issues by any important part of the concerned interest and by a process that involves seeking to take into account the views of all parties concerned and to reconcile any conflicting arguments.

NOTE: A **consensus** need not imply unanimity [ISO/IEC Guide 2].

### 3.8 DEPI

**DEPI** (Deutsches Pelletinstitut GmbH) is ENplus® governing body for Germany, certification body responsible for all certification activities within Germany and acts as inspection body within Germany.

### 3.9 ENplus® certification body

A body that is recognised to perform certification within the ENplus® certification scheme.

### 3.10 ENplus® certification seal

A distinctive graphic consisting of the **ENplus® logo** and unique **ENplus® ID**.

NOTE: The use of the **ENplus® certification seal** is described in ENplus® ST 1003.

### 3.11 ENplus® fraud

Intentional deception to secure unfair or unlawful gain by the use of the **ENplus® trademarks**, or to deprive **ENplus® International Management** or **ENplus® National Licensers** of a legal right related to the **ENplus® trademarks**.

NOTE: Typical examples of **ENplus® fraud** are:

- a) usage of the **ENplus® trademarks** without an official ENplus® trademark license;
- b) counterfeit ENplus® official documents – concerns the falsification of ENplus® official documents, such as certificates, ENplus® trademark license contracts, approvals, laboratory reports;
- c) marketing fraud – concerns the **off-product use of ENplus® trademarks**, such as marketing campaigns, websites, and any other communicative material published by an ENplus® certified or non-certified **company**;
- d) product misuse – concerns the **on-product use of ENplus® trademarks**, such as bag branding usage by an ENplus® certified or non-certified **company**.

### 3.12 ENplus® ID

Unique alpha-numerical code issued by the relevant **ENplus® scheme management** to every ENplus® certified **company**.

NOTE: The use of the **ENplus® ID** is described in ENplus® ST 1003.

### 3.13 ENplus® International Management

Bioenergy Europe AISBL represented by the European Pellet Council (EPC), is the governing body of the ENplus® certification scheme with overall responsibility for the management of the ENplus® scheme outside Germany.

### 3.14 ENplus® logo

A distinctive graphic design that is a registered trademarked material and that is also part of the **ENplus® certification seal**, **ENplus® quality seal** and of the **ENplus® service sign** along with the **ENplus® ID**.

NOTE: The use of the **ENplus® logo** is described in ENplus® ST 1003.

### 3.15 ENplus® National Licenser

A governing body of the ENplus® certification scheme appointed by **ENplus® International Management** to manage the ENplus® scheme within a specific country.

NOTE: Contact details for **ENplus® National Licensers** are available by country on the **official ENplus® website**.

### 3.16 ENplus® quality class logo

A distinctive graphic referring to the ENplus® quality classes.

NOTE: The use of the **ENplus® quality class logo** is described in ENplus® ST 1003.

### 3.17 ENplus® quality seal

A distinctive graphic referring to the ENplus® quality classes consisting of the **ENplus® logo**, **ENplus® quality class logo** and unique **ENplus® ID**.

NOTE: The use of the **ENplus® quality seal** is described in ENplus® ST 1003.

### 3.18 ENplus® scheme management

A governing body of the ENplus® certification scheme that is either **ENplus® International Management**, an **ENplus® National Licenser**, or **DEPI** operating within their respective regions.

NOTE: Contact details for the **ENplus® scheme management** are available by country on the **official ENplus® website**.

### 3.19 ENplus® service sign

A distinctive graphic issued by the relevant **ENplus® scheme management** to every ENplus® certified **service provider** that includes the ENplus® **service provider** logo and the **ENplus® ID**.

NOTE: The use of the **ENplus® service sign** is described in ENplus® ST 1003.

### 3.20 ENplus® testing body

A body that is recognised to perform testing within the ENplus® certification scheme.

[source: modified from ISO 17020]

### 3.21 ENplus® trademarks

ENplus® copyright and trademark protected material (ENplus® figurative marks and wordmarks) that refers to the quality of pellets according to the ENplus® certification scheme.

### 3.22 large-scale delivery

A delivery of **bulk pellets** to a customer other than the **small-scale delivery**.

NOTE: Examples of **large-scale delivery**: a delivery of a complete truck load to one end-user above 20 tonnes, a delivery to a **trader**, a delivery by trains or vessels, a delivery of **big bags**.

### 3.23 non-conformity

Referring to the non-fulfilment of an ENplus® requirement.

### 3.24 official ENplus® website

The official website of the ENplus® scheme managed by the **ENplus® International Management** (www.enplus-pellets.eu) for all countries except Germany and by **DEPI** (www.enplus-pellets.de) for Germany.

### 3.25 off-product use of ENplus® trademarks

Referring to the use of **ENplus® trademarks** other than on-product use which is not referring to a final product.

### 3.26 on-product use of ENplus® trademarks

The use of **ENplus® trademarks** in connection with, or reference to ENplus® certified pellets including:

- a) the use directly related to the individual certified pellets i.e. tangible products (bulk products), products in individual packaging, containers or bags, as well as vehicles for the transport of products;
- b) the use on documentation associated with pellets (an invoice/ packaging list/ advertisement/ brochure/ website/ social media, etc.), where the use of **ENplus® trademarks** refers to the individual certified pellets.

NOTE: Any use which can be received or understood by buyers or the public as referring to a specific product included in the product is considered as **on-product use**.

### 3.27 producer

A **company** producing wood pellets.

NOTE: A **producer** trading its own pellets through **large-scale delivery** is not considered a **trader**. A **producer** is considered a **trader** where its trading activities include **small-scale delivery**, or trades pellets procured from other **companies**.

### 3.28 service provider

A **company** offering the following services without having ownership over the pellets.

- a) bagging of pellets;
- b) **small-scale delivery** of pellets;
- c) storage of **bulk pellets** in a facility from which the pellets are delivered to the end-users.

NOTE: The **producer** or **trader** can also become a **service provider** for another **company** where they do not have ownership over the pellets and conduct activities defined above.

### 3.29 small-scale delivery

A delivery of **bulk pellets** to an end-user that does not exceed 20 tonnes. This excludes deliveries of pellets in **big bags** and **vending machines**.

NOTE: A typical example of a **small-scale delivery** is a delivery of pellets to more end-users (households) along a single route (multi-drop).

### 3.30 standard

A document established by **consensus** and approved by a recognised body that provides, for common and repeated use, rules, guidelines or characteristics for activities or their results, aimed at the achievement of the optimum degree or order in a given context.

NOTE: **Standards** should be based on the consolidated results of science, technology, and experience, and aimed at the promotion of optimum benefits [ISO/IEC Guide 2].

### 3.31 trader

A **company** trading wood pellets. It can include the storage and / or delivery of pellets.

NOTE: The term "**trader**" also covers the term "**producer**" where the **producer's** trading activities include **small-scale delivery** or trades pellets procured from other **companies**.

### 3.32 vending machine

A self-service machine for the supply of small-scale quantities of **bulk pellets** to end-users.

NOTE: Self-service machines for the collection of pellets by **traders, service providers** or subcontractors are no **vending machines** in terms of this **standard**.

## 4. General requirements

**4.1 ENplus® International Management** shall establish and maintain an online Certification Platform dedicated to **ENplus® fraud** that includes:

- a) the description of **ENplus® fraud** and its detection;
- b) a form for notification of **ENplus® fraud**;
- c) a list of **companies** that have been blacklisted from the ENplus® certification as a result of **ENplus® fraud** investigation.

**4.2 ENplus® National Licensers** shall ensure translation of the ENplus® website portal into their national language.

**4.3** The results of a fraud investigation that relate to ENplus® certified **companies** will also be considered in the ENplus® trademark license contract (as defined by ENplus® PD 2003) as well as in the certification process as **non-conformity** with the ENplus® certification requirements.

## 5. Eligibility of fraud notification

**5.1** All fraud notifications shall be submitted using the fraud website portal (<https://enplus-pellets.eu>). Where fraud notifications are submitted by other means, **ENplus® International Management** or the **ENplus® National Licensor** shall directly enter the received fraud notification via the website's fraud portal.

**5.2** Where the fraud notification does not satisfy the definition of “**ENplus® fraud**” (see 3.11), the notification is considered a “**complaint**” according to ENplus® PD 2002.

**5.3** Where the fraud notification concerns an ENplus® certified **company**, **ENplus® International Management** or the relevant **ENplus® National Licensor**, shall forward the **ENplus® fraud** notification to the relevant **ENplus® certification body** with a request for relevant information and cooperation, where appropriate.

**5.4** **ENplus® International Management** or the relevant **ENplus® National Licensor** shall without delay:

- a) acknowledge the fraud notifier with a receipt and acceptance/rejection of the fraud notification, including its justification in written form;
- b) provide the fraud notifier with documentation detailing ENplus® procedures for fraud investigation to ensure that they are clearly understood.

## 6. ENplus® fraud resolution process

**6.1** Fraud that is investigated by either **ENplus® International Management** or by the **ENplus® National Licensor** is based on the country where the fraud occurred or based on the location of the **company** involved in the fraudulent activities. Where more entities from more countries are involved in the notified fraud, **ENplus® International Management** shall decide whether the notified fraud investigation shall be conducted either by **ENplus® International Management**, the relevant **ENplus® National Licensor**, or together.

**6.2** **ENplus® International Management** or the **ENplus® National Licensor**, as relevant, shall contact the entity responsible for the notified fraud with request to provide information and explanation relating to the notified fraud.

**6.3** **ENplus® International Management** or the **ENplus® National Licensor**, as relevant, shall investigate the notified fraud based on:

- a) information included in the fraud notification (see 5.1);
- b) information provided by the entity responsible for the fraud (see 6.2);
- c) information from other parties (e.g. the **ENplus® certification body**, see 5.3);
- d) other sources of relevant information, e.g. websites, public registers, etc.

**6.4** The results of the investigation shall be reported in a written fraud investigation report that shall include at least:

- a) the entity(ies) involved in the notified fraud;
- b) a description of the notified fraud;
- c) the results of the investigation including a clear statement on the **ENplus® fraud**;
- d) the corrective measures, including the timeframe for their implementation and signing the 'Cease and Desist Letter' where required.

**6.5** The results of the investigation shall be communicated to the entity(ies) involved in the fraud.

**6.6** Where the investigation confirms **ENplus® fraud**, the communication under 6.5 shall also include the:

- a) request for implementation of corrective measures within a specified timeframe;
- b) request to submit evidence confirming the implementation of corrective measures;
- c) request to sign the 'Cease and Desist Letter' where required (see 6.4 d)).

**6.7** **ENplus® International Management** or the **ENplus® National Licensor**, as relevant, shall verify the implementation of the corrective measures.

**6.8** Where the fraud notification concerns an **ENplus® certified company**, **ENplus® International Management** or the **ENplus® National Licensor**, as relevant, shall communicate the results of the investigation (see 6.5 and 6.6) to the relevant **ENplus® certification body** with the request to consider the information in its evaluation activities. This shall be done through the **ENplus® Certification Platform** or by other means specified by **ENplus® International Management**.

**6.9** Where the notified fraud is investigated by an **ENplus® National Licensor**, the **ENplus® National Licensor** shall forward the results of the investigation and results of verification of the corrective measures to **ENplus® International Management**. This shall be done through the

ENplus® Certification Platform or by other means specified by **ENplus® International Management**.

**6.10** Where the fraud also concerns ENplus® certification and/or **ENplus® trademarks** use in Germany, **ENplus® International Management** / the **ENplus® National Licensor** shall consult **DEPI**.

## 7. Enforcement and resolution of ENplus® fraud

**7.1** Where the entity(ies) involved in **ENplus® fraud** do (does) not communicate and/or co-operate with **ENplus® International Management** or the **ENplus® National Licensor**, as relevant, or do (does) not effectively implement the corrective measures (as described in [chapter 6](#)), **ENplus® International Management** or the **ENplus® National Licensor** shall apply the sanctions and procedures defined in [Table 1](#).

**7.2** Where **ENplus® fraud** has taken place via social, trading or other multimedia platforms such as a website, Facebook, Twitter, LinkedIn, Amazon, eBay, etc. and the **ENplus® fraud** continues after the **ENplus® fraud** resolution process described in [chapter 6](#), **ENplus® International Management** or the **ENplus® National Licensor**, as relevant, shall file a Trademark **Complaint** (TC) either through an internal abuse form on the specific platform, or by sending an abuse email and/or letter to the website host(s).

**7.3** Where **ENplus® fraud** is investigated by an **ENplus® National Licensor**, the **ENplus® National Licensor** shall communicate the last warning and its results ([Table 1](#), step 2) to **ENplus® International Management**. This shall be done through the ENplus® Certification Platform or by other means specified by **ENplus® International Management**.

### ● **Table 1**

#### Sanctions and procedures relating to ENplus® fraud

Step	Type of sanction	Procedures	Related actions
<b>Step 1</b>	1 <sup>st</sup> Warning (by e-mail, fax or post mail or a registered letter)	Decided by <b>ENplus® International Management</b> or the <b>ENplus® National Licensor</b> , as relevant, where the entity(ies) involved in the <b>ENplus® fraud</b> does not respond to requests for corrective measures or those are not implemented in time.	Temporary suspension of the ENplus® trademark license contract where <b>ENplus® fraud</b> relates to an ENplus® certified <b>company</b> .  Information to the <b>ENplus® certification body</b> to temporarily suspend the ENplus® certificate based on suspended invalid ENplus® trademark license contract where the <b>ENplus® fraud</b> relates to an ENplus® certified <b>company</b> .
<b>Step 2</b>	Last warning (by a registered letter)	Decided by <b>ENplus® International Management</b> or the <b>ENplus® National Licensor</b> , as relevant, where the entity (ies) involved in <b>ENplus® fraud</b> does not respond to the 1 <sup>st</sup> warning or where it does not implement measures stipulated in the 1 <sup>st</sup> warning.	The entity(ies) involved within <b>ENplus® fraud</b> is listed on the <b>official ENplus® website</b> amongst the "blacklisted <b>companies</b> " that are not eligible for ENplus® certification. The <b>company</b> is delisted when the requested corrective measures ( <a href="#">6.4 d</a> ) are implemented, and the implementation verified by <b>ENplus® International Management</b> or the <b>ENplus® National Licensor</b> , as relevant,  Termination of the ENplus® trademark license contract where the <b>ENplus® fraud</b> relates to an ENplus® certified <b>company</b> .  Information to an <b>ENplus® certification body</b> to terminate the ENplus® certificate based on terminated ENplus® trademark license contract where the <b>ENplus® fraud</b> relates to an ENplus® certified <b>company</b> .

<b>Step 3</b>	Legal action	<p>Decided by <b>ENplus® International Management</b> (the EPC Board of Directors in consultation with the Bioenergy Europe Board of Directors) or by the <b>ENplus® National Licensor</b>, as relevant, whereby the last warning is ignored or measures taken by the entity(ies) involved in the <b>ENplus® fraud</b> are not implemented in time or are not sufficient.</p> <p>When the decision is taken by the <b>ENplus® National Licensor, ENplus® International Management</b> shall be informed about proposed legal actions in a timely manner.</p>	<p>Legal actions initiated by <b>ENplus® International Management</b> or the <b>ENplus® National Licensor</b>, as relevant.</p> <p>Information on the legal action to be communicated to <b>DEPI</b>.</p>
---------------	--------------	--	---

## **8. Complaints and appeals relating to the resolution and investigation of ENplus® fraud**

**8.1** The entity notifying the fraud or the entity(ies) involved in the fraud may submit a **complaint** or **appeal** to **ENplus® International Management** or the **ENplus® National Licensor**, as relevant.

**8.2** The resolution of the received **complaints** and **appeals** shall follow ENplus® PD 2002.



The world-leading  
Wood pellet certification

We are a world-leading, transparent, and independent certification scheme for wood pellets. From production to delivery, we guarantee quality and combat fraud along the entire supply chain.

ENplus® c/o Bioenergy Europe  
Place du Champ de Mars 2  
1050 Brussels, Belgium  
✉ [enplus@bioenergyeurope.org](mailto:enplus@bioenergyeurope.org)  
☎ +32 2 318 40 35  
📠 +32 2 318 41 93