

REGULATIONS GOVERNING USE OF CERTIFIED OXOPAK PTY LTD REGISTERED TRADEMARKS

*GENERAL REQUIREMENTS FOR THE OXOPAK ASSESSMENT SCHEME ("OPAS")
SPECIFIC REQUIREMENTS FOR THE REGISTRATION OF OXO-BIODEGRADABLE PLASTIC BAGS
AND OTHER RELATED PACKAGING MATERIALS ACCORDING TO THE STANDARDS for TESTING
OXO-BIODEGRADABLE PLASTICS;*

I. INTRODUCTION

This document specifies the rules for implementation of registration of mandatory and voluntary products under the OxoPak (oxo-biodegradable packaging) Assessment Scheme (OPAS) in accordance with *Trade marks Act 1953* and *Australian Competition and Consumer Commission* and governs the use of the Trade Mark for Mutual Recognition of Test Certificates for plastic-based packaging products that affects the life, health and safety of consumers, the environment and products that affect the economy of the country are complying with the relevant Australian or its adopted or recognised Standards, such as USA, Food Drug & Alcohol (FDA) standards. Suppliers and manufacturers of mandatory and voluntary products under OxoPak Assessment Scheme (OPAS) shall comply with these requirements set forth before such product is registered and/or certified under the OxoPak Certification Scheme (OPCS).

The differentiator therefore is that PlanetOxoPositive® products degrade, whereas normal ordinary plastic do not and as a consequence, it has an adverse impact on our environment and marine life. If not collected and recycled efficiently, it will continue to heavily add to Climate Change and increasing Global Warming challenges around the world.

More and more countries around the world are now addressing their "Plastic Waste" legislation with oxo-biodegradable solutions. Countries such as United Arab Emirates, Pakistan and 7 other heavy populated countries have made it mandatory that all plastic products must be oxo-biodegradable manufactured if being imported or exported to the country and can see the true benefits of the sustainable technology that is available today.

Major national and international purchasers are increasingly demanding that suppliers of single life plastic products have an approved quality management and food safety scheme with alternatives to ordinary plastics to help enhance their corporate environmentally strategies. As all governments around the world move to 'zero waste' solutions by 2050 entailed within the Paris Agreement. Organisations are looking for tangible evidence that the suppliers are participants in an internationally recognised approved scheme. Providing the confidence in suppliers packaging with certified environmental benefits to the planet and life, better quality products and of course food safety assurance the objective of OPAS. The OPCS has been structured so that certificated applicants are eligible to claim that they have been certified by OxoPak Company, as being an active and diligent participant in a environmental quality management and food safety scheme approved by OxoPak Company and that the prescribed minimum quality standards have been achieved where applicable. PlanetOxoPositive certification will thus be recognised by Government purchasing authorities and many commercial purchasing bodies throughout Australia and overseas markets. The Federal Government is continuing to develop mutual recognition agreements with overseas bodies that accredit approved schemes. Approved schemes promote the management and philosophy behind quality assurances and this leads to increased productivity of Australian enterprises and improved competitiveness of imports and exports from Australia.

The PlanetOxoPositive Certified Oxo-Biodegradable Plastics Mark is to provide the plastics industry with a clear and public demonstration that an approved scheme is in place, meeting the requirements of a recognised environmental quality management standards and food safety scheme as approved by the OxoPak company. Such an approved scheme will entail practices and procedures for achieving effective control over organisations manufacturing processes and systems, operations and procedures with the aim of enhancing the consistency of oxo-biodegradable technology, maintains same or a better quality products and up keep the reputation of certified products supplied by organisations and businesses.

II. OXOPAK BACKGROUND AND OBJECTIVE

1. **Objective.** OXOPAK Pty Ltd (Oxo-Biodegradable Packaging) was established to help assist large corporate retailers and manufacturers with PlanetOxoPositive® solutions that operates in a marketplace that uses short-life plastics **which are valued in the tens of billions of dollars.** The plastic therefore, the value for us working together with corporate retailers is being a participant in many sectors but offering a far more "Environmentally friendly" alternative. The barrier to entry in most cases is not high, as most products are everyday goods of a generic nature. The changing paradigm for most companies is the inclusion of a "Sustainability Program" and indeed many of the corporates have either personnel or entire divisions working on their sustainability programs.
2. **Ownership of Trademarks.** OxoPak is a private limited company organised under the laws in Australia and is the manufacturer and trader of eco-friendly plastic packaging products. Oxopak is the owner of the trademark PlanetOxoPositive® Certified Oxo-Biodegradable Plastics.
3. **Environment Friendly Solutions.** The function of PlanetOxoPositive® certified trademarks enforcing oxo-biodegradable technology has a mission to successfully be a major supplier and/or participant in as many sectors as possible over time. These trademarks create consumer environmental awards and improve the safety and quality of standard plastics being used daily that are the pollutant to the environment, waterways and oceans. **PlanetOxoPositive** solutions guarantee planet-safer solutions for all Marine life and Wildlife by moving forward with positive scientific solutions. Our solutions, also enable the use of recovered recycled materials with the oxo-biodegradable technology without contaminations to the recycling streams, they are also safe when in contact with food and are certified to breakdown or degrade safely without leaving toxins in the soil or water during their degradation process. **PlanetOxoPositive** solutions eliminate plastic pollution in the environment and ocean as an insurance to retailers, manufacturers and consumers, and has proven to be superior against any ordinary plastics that do not safely break down and are seen as a major concern for Governments worldwide. Ordinary plastics take years to break down and remain in the environment for decades emitting dangerous gasses such as Methane that is more hazardous to the atmosphere generating global warming and negative climate change than CO2 emissions from oxo-biodegradable plastics.
4. **Certification.** The PlanetOxoPositive® certification trademark provides the client and consumer with a guarantee that oxo-biodegradable products will degrade safely without polluting the environment. OxoPak intend to work towards this standard, by providing an environment friendly packaging solutions and fulfil those functions by maintaining an OxoPak Certification Scheme (OPAS) under which manufacturers and traders complying with these rules may distinguish their organisations from other competitors in the marketplace by the use of PlanetOxoPositive trademarks shown in schedule I;

("PlanetOxoPositive Certified Oxo-Biodegradable Plastic Mark")

("PlanetOxoPositive® Mark")

("Food Fresh Food Safe Certified® Solutions Mark")

("Landfill Zero Waste Certified® Solutions Mark")

("Land Zero Waste Certified Solutions Mark")

("Marine Life Safe Certified® Solutions Mark")

2. SCOPE OF CERTIFICATION RULES

a. General

- i. This document defines the Criteria for product registration of oxo-biodegradable plastic bags and other packaging materials under the PlanetOxoPositive® Certified Oxo-Biodegradable Plastics Trademark being implemented by OxoPak Company.
- ii. The requirements defined in this document are issued for the information, guidance and compliance of Manufacturers and Traders intending to promote and sell single-life plastics that end up as pollution such as carry bags within Australia.
- iii. The PlanetOxoPositive® certification is to be seen as the 'Heart Tick for Planet Positive Plastic Solutions'.
- iv. Clients will want to include PlanetOxoPositive® certified trademarks with their own brands to reinforce their products' positioning and enhance their corporate image and raise real consumer awareness. It is a prerequisite to include PlanetOxoPositive® to contract supplying all products. It benefits both parties as all relevant information about the processes of Oxo-Biodegradable additives can be located on our website and Facebook page under PlanetOxoPositive® network of solutions, along with information from our scientists, Oxo-Biodegradable Plastics Association with up to date outside Government challenges with solutions and where to from here, to up keep a positive planet with safer plastics.
- v. This document is applicable to all products which has been identified by any Ministerial Cabinet decision to be considered as mandatory/regulated product. Voluntary Standards can also use this requirement whenever a trader or manufacturer wanted their product to be registered by OxoPak Company and/or to be certified under the OPCS.

b. Products Covered by this Specific Requirement. This specific requirement shall cover all oxo-biodegradable plastic bags and other related packaging materials and technology such as shopping bags, semi-rigid plastic packaging for food, magazine wraps, consumer-durables, garbage bags for commercial use, bin-liners for household use, shrink wraps, pallet wraps, cling food films and all other single life plastics etc.

1. This guide provides a framework or road map to compare and rank the controlled laboratory rates of degradation and degree of physical property losses of polymers by thermal and photooxidation processes as well as the biodegradation and ecological impacts in defined applications and disposal environments after degradation. Disposal environments range from exposure in soil, landfill, and compost in which thermal oxidation may occur and land cover and agricultural use in which photooxidation may also occur.
2. In this guide, established ASTM International standards are used in three tiers for accelerating and measuring the loss in properties and molecular weight by both thermal and photooxidation processes and other abiotic processes (Tier 1), measuring biodegradation (Tier 2), and assessing ecological impact of the products from these processes (Tier 3).
3. The Tier 1 conditions selected for thermal oxidation and photooxidation accelerate the degradation likely to occur in a chosen application and disposal environment. The conditions should include a range of humidity or water concentrations based on the application and disposal environment in mind. The measured rate of degradation at typical oxidation temperatures is required to compare and rank the polymers being evaluated in that chosen application to reach a molecular weight that constitutes a demonstrable biodegradable residue (using ASTM International biometer tests for CO₂ evolution appropriate to the chosen environment). By way of example, accelerated oxidation data must be obtained at temperatures and humidity ranges typical in that chosen application and disposal environment, for example, in soil (20 to 30°C), landfill (20 to 35°C), and com-

posting facilities (30 to 65°C). For applications in soils, local temperatures and humidity ranges must be considered as they vary widely with geography. At least one temperature must be reasonably close to the end use or disposal temperature, but under no circumstances should this be more than 20°C away from the approved temperature. It must also be established that the polymer does not undergo a phase change, such as glass transition temperature (T_g) within the temperature range of testing.

4. The residues resulting from the oxidations are then exposed to appropriate disposal or use environments in standard biometric test methods to measure the rate and degree of biodegradation (Tier 2).
5. The data generated under Tier 1 evaluation and the determined time for the biodegradation in the chosen environment (Tier 2) allow ranking relative to other polymers evaluated under similar environmental conditions with this guide. The degree and time for biodegradation should be consistent with ASTM International methods, and any residues from the intermediate oxidation stage and from biodegradation must be shown to be environmentally benign and not persistent (Tier 3).

Note 1—The intended use of this guide is for comparison and ranking of data to aid in the design and development and the reduction of environmental impacts of polymers that require no more than 24 months to oxidise and biodegrade in the intended use and disposal options and create no harmful or persistent residues under the appropriate disposal conditions (for example, two seasons of crop-growing conditions in soil).

6. It is cautioned that the results of any laboratory exposure in this guide cannot be directly extrapolated to actual disposal environments; confirmation to real world exposure is ultimately required as with all ASTM International standards.
7. The values stated in SI units are to be regarded as standard.

Note 2—There is no ISO standard that is the equivalent of this standard guide.

Note this changed all subsequent Note numbers.

8. Disclaimer. *This standard does not purport to address all of the safety concerns, if any, associated with its use. It is the responsibility of the user of this standard to establish appropriate safety and health practices and determine the applicability of regulatory requirements prior to use.*

3. SIGNIFICANCE AND USES

1. This guide is a sequential assembly of extant but unconnected standard tests and practices for the oxidation and biodegradation of plastics, which will permit the comparison and ranking of the overall rate of environmental degradation of plastics that require thermal or photooxidation to initiate degradation. Each degradation stage is independently evaluated to allow a combined evaluation of a polymer's environmental performance under a controlled laboratory setting. This enables a laboratory assessment of its disposal performance in, soil, compost, landfill, and water and for use in agricultural products such as mulch film without detriment to that particular environment.

Note 5—For determining biodegradation rates under composting conditions, Specification D6400 is to be used, including test methods and conditions as specified.

2. The correlation of results from this guide to actual disposal environments (for example, agricultural mulch films, composting, or landfill applications) has not been determined, and as such, the results should be used only for comparative and ranking purposes.
3. The results of laboratory exposure cannot be directly extrapolated to estimate absolute rate of deterioration by the environment because the acceleration factor is material dependent and can be significantly different for each material and for different formulations of the same material. However, exposure of a similar material of known outdoor performance, a control, at the same time as the test specimens allows comparison of the durability relative to that of the control under the test conditions.

4. DEFINITION OF TERMS

For the purpose of this document, the following definitions shall apply:

1. OPCS - OxoPak Certification Scheme, the approval of Trademark certification to manufacturers and retailers using the marks on their packaging complying with oxo-biodegradable standards.
2. Product – refers to all the products covered by the OPAS General requirements.
3. Initial Testing (or Type Testing)- refers to the verification of product conformance to a specified Technical Requirements prior to the Registration of the Product.
4. Technical Requirements – a document specifying the set of rules in implementing these General Requirements to be met by a specific product.
5. PlanetOxoPositive Registration Certificate – a certificate issued by OxoPak indicating that a product is conforming to an Approved Standard passing the OPAS and OPCS
6. OPAS – The OxoPak Assessment Scheme Standards body to assess registered products apart of the OPCS. It is the competent entity responsible for implementing this Specific Requirement for Oxo-biodegradable Plastic Bags / plastic materials /technology within products from organisations and businesses.
7. Oxo-Biodegradable Plastic Bag – plastic bags which will degrade when subjected to environmental conditions to produce water, carbon dioxide and biomass.
8. Approved Supplier – a manufacturer and/or trader responsible for the product covered by this Specific Requirement.
9. Initial Testing - refers to the verification of product conformance to a specified Product Standards and/or Specific Requirements prior to the registration of Product.
10. Specific Requirements - a document specifying the set of rules in order for a product to be registered under OPAS.
11. Certificate of Conformity – a certificate issued by OxoPak indicating that a product complies with the requirements of the OxoPak Certification Scheme.
12. Approved Standard – refers to a Product Standard approved by OPCS to be used in verifying conformity of a product.
13. Recognised Conformity Assessment Body- a competent body recognised by OPAS to carry out factory inspection and/or testing of product.
14. PlanetOxoPositive Certified Oxo-biodegradable Plastic- An approved mark owned by OxoPak indicating conformity of product to an Approved Safety Standard. It is granted to an approved product once requested by the client and passes OPAS and OPCS.
15. Approved Standard – refers to a Product Standard approved by OxoPak to be used in verifying conformity of a product.
16. Recognised Conformity Assessment Body- a competent body recognised by OxoPak to carry out factory inspection and/or testing of product.
17. Approved Supplier – a trader or manufacturer responsible for the Registered Product.

All other general definitions are given in Terminology as outlined in American Standard ASTM D6954-04 – “Standard Guide for Plastics that Degrade in the Environment by a Combination of Oxidation and Biodegradation.”

5. PRIMARY STIPULATIONS FOR REGISTERING UNDER OXOPAK CERTIFICATION SCHEME

1. **Eligible Business Entities.** Locally manufactured or imported products and the company responsible to the product shall register and comply with this General Requirements and the relevant approved standard for the product to be registered under the OxoPak Certification Scheme. It is the responsibility of the Manufacturer for locally manufactured product or the importer for the imported products to register the product/s to OxoPak.
2. **Registration Requirements.** A prospective approved supplier shall fulfil the requirements set forth below in order to be eligible for registration:
 - i) Valid Australian Industry/Trade License.
 - ii) Use of additives which are approved by OxoPak in manufacturing the plastic products.
 - iii) Test report from an accredited laboratory for plastic objects as per the requirement of American Standard ASTM D6954-04 – “Standard Guide for Plastics that Degrade in the Environment by a Combination of Oxidation and Biodegradation” : • Abiotic Degradation Test reports • residual material on the non-degradable fraction • Ultimate Aerobic Biodegradability
 - iv) Copy of Quality management system according ISO 9001.
 - v) Vicinity Map of the Factory and warehouse where the product is stored.
 - vi) Distributor ownership (for Traders only)
 - vii) Declaration of using Plastic additives with Oxo-Biodegradable master batch additives for each batch with percentage of additives being used within each product being assessed.
 - viii) Use of the PlanetOxoPositive Certified Oxo-biodegradable Plastic trademark, Marine Life Safe Solutions, Landfill Zero Waste Certified Solution and Food Fresh Food Safe certified Solutions where applicable per products use and end life, objects as stated in Schedule 1.
 - ix) Electronic Declaration of Conformity Certificate.
 - x) Fees

6. OBLIGATIONS OF CERTIFIED APPLICANTS:

Each certified applicant shall have the following obligations met to recite authority to use the PlanetOxoPositive Certification and OxoPak Trade Marks; Oxo-biodegradation is officially defined by CEN1 as “degradation resulting from oxidative and cell-mediated phenomena, either simultaneously or successively.”

a. General Standards

OXO-BIODEGRADABLE plastic can be tested according to:

- i. American Standard ASTM D6954-04 – “Standard Guide for Plastics that Degrade in the Environment by a Combination of Oxidation and Biodegradation”
- ii. British Standard 8472 Packaging – Method for determining the degradability, oxo- biodegradability and phytotoxicity of plastics
- iii. French Accord T51-808 Plastics Assessment of oxo-biodegradability of polyolefin materials in the form of films
- iv. Swedish Standard SPCR 141 Polymeric waste degradable by abiotic and subsequent biological degradation – Requirements and test methods
- v. UAE Standard 5009:2009 Standard & Specification for Oxo-biodegradation of Plastic bags and other disposable Plastic objects

- vi. ISO 17556 Plastics — Determination of the ultimate aerobic biodegradability in soil by measuring the oxygen demand in a respirometer or the amount of carbon dioxide evolved
- vii. There are also standards in Singapore, Jordan, Iran, and other countries.
- viii. There is also a French Standard XP_T_54-980__F for oxo-biodegradable plastics in agriculture
- ix. Oxo-Biodegradable Standards MUST measure:
 - Tier 1 – Degradability
 - Tier 2 - Biodegradability
 - Tier 3 - Eco-toxicity
- x. See also OECD 201-208 (Eco-toxicity tests)
- xi. Oxo-biodegradable plastic products are bio-assimilated in the same way as nature's wastes after their molecular weight has reduced to 40,000 Daltons or less.
- xii. There are two types of Standards – Standard Guides and Standard Specifications ASTM 6954 is an acknowledged and respected Standard Guide for performing laboratory tests on oxo- biodegradable plastic. It has been developed and published by ASTM International – the American standards organisation, ASTM D 6954 and BS 8472 have no less than six pass/fail criteria. 1 - for the abiotic phase of the test (6.3 - 5% e-o-b and 5,000DA) 2 - the tests for metal content and other elements (6.9.6), 3 - Gel content (6.6.1), 4 - Ecotoxicity (6.9.6 -6.9.10), 5 - PH value (6.9.6) and 6 - for the biodegradation phase, (for unless 60 % of the organic carbon is converted to carbon dioxide the test cannot be considered completed and has therefore failed)
- xiii. The tests performed according to ASTM D6954-04 tell industry and consumers what they need to know – namely whether the plastic is (a) degradable (b) biodegradable and (c) non eco-toxic. It is not necessary to refer to a Standard Specification unless it is desired to use the material for a particular purpose such as composting for which a specification is available. Note 3 to ASTM D6954-04 provides that if composting is the designated disposal route, ASTM D6400 should be used.
- xiv. Conditions in the laboratory are designed to simulate so far as possible conditions in the real world, but have to be accelerated in order that tests may be done in a reasonable time and at reasonable cost. This does not invalidate the results in relation to real-world conditions.
- xv. There is no requirement in ASTM D6954-04 for the plastic to be converted to CO₂ in 180 days because, while timescale is critical in an industrial composting process, it is not critical for biodegradation in the environment. Timescale in the natural environment depends on the amount of heat, light, and stress to which the material is subjected. Nature's wastes such as leaves twigs and straw may take ten years or more to biodegrade, but oxo-bio plastics will biodegrade more quickly than that, and much more quickly than ordinary plastic.
- xvi. In oxo-biodegradable plastics there are anti-oxidants mixed with the resins, and they must be consumed before degradation starts. People sometimes do not understand this sequence. An induction period must therefore elapse before degradation starts, due to the presence of the anti-oxidants, which have been included to give the product a pre-determined service-life.
- xvii. Packaging made from oxo-biodegradable plastic complies with paras. 1, 2 3(a), (b) and (d) of Annex II of the European Parliament and Council Directive 94/62/EC (as amended) on Packaging and Packaging Waste. This Annex specifies the essential requirements

for the composition and the reusable and recoverable, including recyclable, nature of packaging.

- xviii. Oxo-biodegradable plastic satisfies para. 3(a) because it can be recycled. It satisfies para. 3(b) because it can be incinerated. It satisfies para. 3(d) because it is capable of undergoing physical, chemical, thermal or biological decomposition such that most of the finished compost ultimately decomposes into carbon dioxide, biomass and water. It can even satisfy para. 3(c) if composted in an "in-vessel" process.²

b. Standards For Compostable Plastics

(Biodegradation in the environment is NOT the same thing as composting)

- i. EN13432, ASTM D6400, D6868, ISO 14855, 17088 and Australian Standard 4736-06 are designed for compostable plastic and are NOT appropriate for plastic which is designed to degrade then biodegrade if it gets into the open environment. Composting is an artificial process operated according to a much shorter timescale than the processes of nature, and EN13432 itself says that is not appropriate for waste which may end up in the environment through uncontrolled means.
- ii. The requirement in EN13432 and similar standards for 90% conversion to CO₂ gas within 180 days is not useful even for composting, because it contributes to climate change instead of contributing to the improvement of the soil. "Compostable" plastic, 90% of which has been converted to CO₂ gas, is therefore virtually useless in compost. Nature's lignocellulosic wastes, such as leaves and straw do not behave in this way.
- iii. "Compostable" plastic is compliant with EN13432 and similar standards precisely because it emits CO₂ (a greenhouse gas) at a high rate.
- iv. The Note to paragraph 5 of EN 13432 says: "It is important to recognise that it is not necessary that biodegradation of packaging material or packaging be fully completed by the end of biological treatment in technical plants but that it can subsequently be completed during the use of the compost produced." This is what oxo-biodegradable plastic does, and it is consistent with the behaviour of nature's waste products such as twigs, leaves and straw, which take years to biodegrade fully. Oxo-biodegradable plastics will biodegrade much more quickly than these natural materials.
- v. If a leaf were subjected to the CO₂ emission tests included in EN13432 it would not pass. Leaves are not of course required to pass any such test, but it shows how artificial the standard is.
- vi. Conversion of organic materials to CO₂ at a rapid rate during the composting process is not "recovery" as required³ by the European Directive on Packaging and Packaging Waste (94/62/EC as amended),⁴ and should not really be part of a standard for composting. Nature's lignocellulosic wastes do not behave in this way, and if they did they would have little value as soil improvers and fertilisers, having lost most of their carbon.
- vii. The EU Directive does NOT require that when a packaging product is marketed as "degradable" or "compostable" conformity with the Directive must be assessed by reference to EN13432. The Directive⁵ provides that conformity with its essential requirements may be presumed if EN 13432 is complied with, but it does not exclude proof of conformity by other evidence. Indeed Annex Z of EN13432 itself says that it provides only one means of conforming with the essential requirements.
- viii. 1 the European Standards Organisation
2 EU law does not require compliance with EN13432 even for compostable plastics
3 Annex II para. 3

7. OXOPAK ASSESSMENT SCHEME (OPAS) APPLICATION PROCESS

Documents required to be submitted for Registration of Products

- i. Application Form. Application from an applicant other than the manufacturer shall be done online by both the applicant and the manufacturer of the product. By applying online, the applicant and the manufacturer agrees to comply with these General Rules and with the Specific Product Standard for the product covered by Registration / Certification
- ii. Separate applications shall be submitted for each product type or group of products that refers to a different Product Standard.
- iii. Valid Trade / Industrial License issued by relevant Authorities
- iv. Location Map of the company and its warehouse where the product is stored.
- v. Form of undertaking of responsibility and accountability to comply with the requirements of the OxoPak Assessment Schemes.
- vi. Quality Manual, Quality Plan and other documents as required by the specific scheme.
- vii. Exclusive Distributorship authorisation from the manufacturer or owner of the product.
- viii. Set of Samples of product for registration. Sampling has to be conducted by OxoPak authorised personnel.
- ix. Valid Third Party Test Report annually. Critical food items or products shall be tested once a year based on the previous history of non-conformities in similar products.

8. OPAS APPLICATION SUBMISSION:

Manufacturers / Traders shall submit a filled OPAS application form together with the following:

- i. Manufacturer's Declaration of Conformity for oxo-biodegradable plastic bags and other related packaging materials.
- ii. List of components such as polymers, organic additives (plasticisers, impact modifiers, fibres, etc....) inorganic fillers, pigments, stabilisers, pro-oxidants etc. shall be declared with chemical, trade name and where possible the percentage of each component. Note: None of included components constituting $\geq 0.1\%$ may be used if officially classified as environmentally hazardous.
- iii. Abiotic Degradation Test Report
- iv. Chemical Analysis of residual material and Non-degradable fraction Ultimate Aerobic Biodegradability Test Report.
- v. Quality Manual.
- vi. Valid Industry License.
- vii. Proof of Exclusive Distributorship from the manufacturer in case the applicant is a trader or an agent.
- viii. Location Map of the factory and/or warehouse where the product is stored. Application Fee.
- ix. Factory Inspection, Sampling and Testing of Product.
- x. Upon the submission of application for Registration, OPAS authorised personnel or representative shall conduct a factory audit to check the implementation of the Quality Management System and draw samples for testing.

- xi. Samples shall be tested independently by an OPAS recognised third party testing laboratory.
- xii. It is the responsibility of the applicant to pay the necessary fees for the sampling and testing of product together with the cost of sending the samples to the laboratory where necessary.
- xiii. Issuance of Certificate of Conformity.
- xiv. OPAS Certificate of Conformity which is valid for five (5) years shall be issued after a full confirmation that product is complying with the requirements of ASTM D6954-04, by this Specific Requirement and is manufactured by a company implementing a quality management system.
- xv. A Mark of Conformity shall be issued to products having Certificate of Conformity.
- xvi. Where the results of test showed that product is not complying with the requirements, the client needs to rectify the observed non-compliances and can reapply once rectification is made.

9. CONFORMITY ASSESSMENT OF PRODUCT

- i. Upon acceptance of the application form and all the necessary documents, OxoPak shall carry out a conformity assessment based from the identified scheme for a particular product as defined by the approved regulation.
- ii. Assessment, Testing and Evaluation of product shall be conducted by OxoPak Company or its recognised conformity assessment bodies.
- iii. Compliance of oxo-biodegradable plastic bags and other related packaging materials to the requirements of American Standard ASTM D6954-04.
- iv. Effective Implementation of Quality Management System based on ISO 9001.
- v. Use of OxoPak Certification Scheme of approved additives to make plastic bags and related packaging materials oxo-biodegradable safe solutions.

10. REGISTRATION OF PRODUCT

- i. When the results of conformity assessment demonstrate that the relevant requirements are met, OxoPak shall issue an OPCS Registration Certificate to the product and organisation.
- ii. The OPCS Registration Certificate shall serve as an approval of the product and can be used by the trader in marketing their registered product with OxoPak certified trademarks.
- iii. The OPCS Registration Certificate shall conform with OxoPak and/or its registered Conformity Assessment Bodies.
- iv. Registration Certificate is not transferable and is valid only for the product being evaluated and manufactured in a particular facility.
- v. The Registration Certificate shall be valid for one year subject to renewal.

11. EXTENDING THE SCOPE OF REGISTRATION.

A registered supplier can extend the registration to other types or models of products made in the same factory to the same Technical Regulation. In cases like this, OxoPak shall decide a product shall undergo Conformity Assessment or is waived for a particular model. Other products being manufactured in the same factory shall be treated independently.

12. MONITORING AND CONTINUED EVALUATION

- i. Registered Products are subjected to an annual inspection visit and/or monitoring to ensure that the product is consistently complying with the defined Technical Regulations. Inspections visit may include factory assessment and product testing to be conducted by OxoPak and/or its registered Conformity Assessment Bodies.
- ii. OxoPak shall prepare a market-monitoring plan to verify that only Registered Products are being sold in the market and that the registered products shall be complying with the

relevant Technical Regulations. The market monitoring involves a random inspection of the items at point of sale and/or at the warehouse.

- iii. Samples shall be withdrawn during monitoring for further testing if necessary.

13. OPCS AUTHORISATION AND TRADEMARKS LICENSING AGREEMENT

- i. After obtaining the OPCS Registration Certificate, the approved applicant has the right to use the registered **PlanetOxoPositive** Certified Mark and Trademarks in promoting the registered certified product being oxo-biodegradable.
- ii. The OPCS Certificate is the exclusive property of the OxoPak. Its correct use is a contractual obligation. Intentional misuse of the Certificate may be grounds for corrective actions that may include withdrawing the Registration.
- iii. After obtaining the Certificate of Conformity, the supplier is required to attach:
 - 1) The Mark of Conformity together with the Certificate Number on the product.
 - 2) The Certificate of Conformity can be used as a clearance releasing imported products from Ports and Customs Authorities.
 - 3) The supplier can use the Certificate in trading their product as a proof that the product has been approved by OxoPak company.
 - 4) The Certificate of Conformity and Mark of Conformity shall only be used on oxo-biodegradable products approved by OxoPak company. Care should be taken so as not to misuse the certificate and mark of conformity to use it in such a manner that OxoPak company may consider misleading.
 - 5) OPCS Certificate of Conformity shall be valid for five (5). Renewal of registration shall be required three (3) months before the expiration of the Registration Certificate.
- iv. Licensing and Royalty.
 - a) A royalty rate under corporate licensing of trademarks such as a consumer awareness fee (CAF) will be paid directly to OxoPak company for any organisations manufacturing or retailing plastic packaging products using OxoPak trademarks and certification scheme and its processes. The organisations under license will continue to pay royalties for the licensing terms and any license renewals to OxoPak company as long as the trademarks are being used on oxo-biodegradable products.
 - b) On executing the License Agreement, paying the License Fee (CAF) and all costs of review and certification, a producer to whom certification has been granted by OxoPak company in accordance with Regulation 7 becomes an Authorised User of the trademarks in respect of the Approved Product.
 - c) The terms of the use of trademark are set out in the license agreement.
 - d) OxoPak will maintain a current register of all Authorised Users. This register may be inspected at OxoPak's registered office or on its website.
 - e) The trademarks may not be used for restrictive trade practices as defined under the Commerce Act 1986

14. PUBLICITY FOR REGISTERED PRODUCTS

- i. OxoPak shall maintain and publish a list of Registered Products.
- ii. Suppliers of Registered Products have the right to publish and advertise once registration has been granted. However, care should be taken so that there is no confusion between registered and non-registered products.
- iii. Manufacturers and suppliers are required that only complying products are distributed in the market.
- iv. It is the responsibility of the manufacturer / supplier to continually comply with the relevant Oxo-Biodegradable Standards and by this Specific Requirements.
- v. Manufacturers / Suppliers shall allow OxoPak authorised representative to conduct factory inspection if necessary and conduct sampling of the products related to the implementation of this Specific Requirements.

15. SUSPENSION, REVOCATION AND CANCELATION OF REGISTRATION

- a. **Suspension.** Registration may be suspended if inspections show non-conformance with the requirements unless of such nature that immediate withdrawal is not-necessary such as:
 - i. Defects detected in the product caused by temporary disturbance in the production process.
 - ii. 12.1.2 Improper use of Certificate that is not solved by remedial measures by the supplier of the registered product.
 - iii. 12.1.3 Mutual agreement between OxoPak and the Supplier for whatever reason.
 - iv. The suspension shall be lifted upon satisfactory implementation of the corrective action(s).
- b. **Revocation.** Registration may be revoked permanently under the following conditions:
 - i. The product defect is not corrected within the agreed period. 13.2.2 OPCS Certificate is being used for the unregistered products 13.2.4 Failure of the supplier to settle financial obligation to OxoPak
 - ii. 12.2.5 Inadequate corrective actions taken to rectify the reasons for suspension
- c. **Cancellation.** Registration can be canceled if:
 - i. Registration is terminated by the Supplier
 - ii. The standard or rules are changed and the Supplier cannot ensure compliances with the new requirements.
 - iii. Product is no longer produced or if the supplier goes out of business. 13.4 Upon suspension, withdrawal or cancellation of Registration.
 - iv. If required, the Supplier shall inform its clients about the non-conformities in the products.
 - v. The Approved suppliers shall take all the necessary steps to ensure that all interested parties are not misled to believe that the Registration has not been suspended, withdrawn or cancelled.

16. APPEALS AGAINST IMPUGNED DECISIONS

- i. The applicant or the Approved Supplier may appeal any decision by OxoPak by writing to the Director General within 14 days from receiving the decision.
- ii. For each appeal received, the relevant section shall recommend to the Director General the formation of an Ad-Hoc Appeals Committee comprising of impartial qualified members to review and study the appeal. The Committee shall set a schedule for a decision meeting and inform the appellant of the date of the meeting and the composition of the Committee. During the meeting, the appellant and OxoPak are entitled to state their case confidentially.
- iii. A consensus decision by the Committee is considered final. Until such decision is made, the relevant decision shall remain in force.

17. FEES

- i. The applicant shall pay the necessary fees in accordance with the Schedule of Fees issued by OxoPak;
- ii. OxoPak has the right to invoice for any additional work related to repeated or additional testing and/or factory assessments due to non-compliances found;
- iii. OxoPak reserves the right to amend the fees if necessary;
- iv. Paid fees are not refundable under general circumstances;
- v. For all overseas related activities, the applicant shall bear all the cost necessary for the transportation, accommodation and allowances of OxoPak personnel;
- vi. OxoPak shall collect the following fees for the processing of OPAS registration for Oxo-biodegradable Plastic Bags / plastic materials.
 - a. Application for Registration
 - b. Operational fees
 - c. Certification Decision Fee

Total Fees 1650 AUD:
250 AUD Application fees
300 AUD document review fees
900 AUD Assessment fees.
200 AUD Conformity certificate fees

18. LIABILITY/DISCLAIMER

- i. OxoPak shall not be held responsible for any action (legal or otherwise) raise by any party against the supplier of the registered product on matters resulting from the implementation of the OxoPak Certification Schemes
- ii. 15.2 The Approved Supplier is ultimately responsible for ensuring that the product meets the requirements of other applicable regulations that were not assessed during the process. This includes quality, safety, health and environmental regulations that are not necessarily covered by the relevant Standards and or the Specific Technical Requirements.
- iii. OxoPak shall not be held responsible for any action (legal or otherwise) raise by any party against the manufacturers / suppliers on matters resulting from the implementation of OPCS for Oxo-biodegradable Plastic Bags and other related packaging materials.
- iv. The manufacturer / supplier are ultimately responsible for ensuring that the product meets the requirements of other applicable regulations that were not assessed during the process. This includes quality, safety, health and environmental regulations that are not necessarily covered by the relevant Standards and or the Specific Requirements.

19. REVISION OF RULES

OxoPak has the right to change these General Rules and specific Technical Rules. Interested parties shall be informed accordingly of the changes.

20. CONFIDENTIALITY

OxoPak is responsible for ensuring that confidentiality of information is maintained by its personnel and of and those of its subcontractors concerning all information obtained as a result of the inspection and testing carried out.

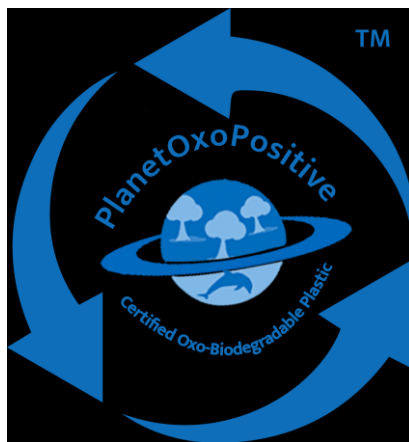
21. PRODUCT COMPLAINTS

The OPCS registered certificate holder shall keep records of all complaints relating to product compliance and report all complaints to OxoPak upon request including all corrective actions done with respect to such complaints.

22. USE OF OPCS MARK OF CONFORMITY

The applicant shall affix or print the appropriate OPCS Mark of Conformity on the certified product according to the approved technical regulations. Use of Mark shall be govern by the usage policy of OxoPak and this shall be agreed with the applicant.

SCHEDULE I



PlanetOxoPositive - Certified OxoBiodegradable Plastic Mark



PlanetOxoPositive® Mark





Landfill Zero Waste Certified® So-

lution Mark

Land Zero Waste Certified Solution Mark



Marine Life Safe Certified® Solution Mark



Food Fresh Food Safe Certified® Solution