



Licensing

Application Policy

Contents

1. Purpose of this document.....	1
2. Definitions	1
3. Who needs to apply	2
3.1. Certification Services (FLOCERT).....	2
3.2. Licensees (Fairtrade Lëtzebuerg).....	2
4. Evaluation.....	3
4.1. Reconsideration	3
5. Subcontractors and Agents	4
5.1. Sub-contractors	4
5.2. Agents.....	4
6. Discontinuation of Applications.....	4
7. Reapplication after Decertification.....	4

1. Purpose of this document

The purpose of this document is to outline requirements for initial applications.

2. Definitions

A “**Producer**” is an organization that has been certified by FLOCERT as the original producer of Fairtrade Certified products.

A “**Licensee**” is an operator that has signed a contract with Fairtrade Lëtzebuerg allowing them to put the Fairtrade Mark on one or more products of a defined product category. Unless specified otherwise, Licensees pay license fees based on volume or value of sales.

A “**Trader**” is any other certified operator that is not a Producer, Licensee or Sub-licensee. Traders do not pay license fees and are not allowed to put the Fairtrade Mark on products. They may have a limited permission to use the Fairtrade Mark on communication materials. Traders pay trader certification fees.

A “**Sub-contractor**” is an operator or person that provides a service to a Fairtrade certified operator. Sub-contractors do not at any time buy or sell Fairtrade Certified products, and therefore at no time take legal ownership of Fairtrade certified goods. Subcontractors also do not handle the payment of the Fairtrade Minimum price and/or Fairtrade premium.

An “**Agent**” is a juristic or natural person who provides services to Fairtrade certified operators to facilitate trade. An agent does not under any circumstances buy or sell Fairtrade certified products, and therefore at no time takes legal ownership of Fairtrade Certified goods, An agent also does not handle the payment of the Fairtrade Minimum price and/ or Fairtrade premium.

3. Who needs to apply

3.1. Certification Services (FLOCERT)

FLOCERT policies cover who must be certified. In general, every operator buying or selling Fairtrade certified products up to the point where the product is in its final packaging and ready to sell to consumers must be certified.

Companies trading in fresh fruit, bananas, fresh vegetables or flowers up to and including the importer in the ‘Global North’ must be certified. Any company after the importer that is packaging or labelling the fruit must be certified.

3.2. Licensees (Fairtrade Lëtzebuerg)

All companies that will submit product packaging artwork to Fairtrade Lëtzebuerg should be a licensee. In the case of private labels where the private label manufacturer is responsible to provide the product packaging artwork to Fairtrade Lëtzebuerg, the private label manufacturer should be the licensee. Nevertheless, Fairtrade Lëtzebuerg reserves the right to determine which company will be the licensee. This is defined during the application process.

All potential licensees located in Luxembourg must be licensed by Fairtrade Lëtzebuerg.

All companies located outside Luxembourg who wish to sell labelled finished Fairtrade certified Products in Luxembourg must be covered by a licence contract with another National Fairtrade Organisation (NFO) or Fairtrade International and a cross border agreement signed between Fairtrade Lëtzebuerg and the Host NFO. In some cases Fairtrade Lëtzebuerg may require a direct license contract.

All Fairtrade Lëtzebuerg Licensees who wish to sell labelled finished Fairtrade Certified Products outside Luxembourg must ask Fairtrade Lëtzebuerg to get permission for them from the Destination National Fairtrade Organisation.

1.1.1 Delegation of Licensees Responsibilities

Licensees have a number of responsibilities:

- finished product artwork approval,
- promotional material artwork approval,
- recipe approval,
- supply chain approval,
- quarterly sales reporting (by SKU); and
- license fee payment.

One or more of these responsibilities can be delegated to an upstream supplier with the consent of Fairtrade Lëtzebuerg. The two parties sign a Delegation Agreement and provide a copy to Fairtrade Lëtzebuerg. The downstream licensee is ultimately responsible if the delegated party fails to perform the task on their behalf.

4. Evaluation

Applications may be denied if in the opinion of Fairtrade Lëtzebuerg the applicant does not have the capacity to comply with Fairtrade International Standards or Fairtrade Lëtzebuerg Policies.

Fairtrade Lëtzebuerg may also deny an application if the applicant's behaviour or activity is not in line with the [Fairtrade International Organisation Code](#). The decision is based on objective criteria, they apply equally to all applicants and are supported by evidence.

The criteria include where the applicant:

- has misused a certification mark or a trademark,
- has made demonstrably false or misleading statements regarding social or environmental certification or labelling,
- has or intends to incite hatred based on ethnic origin, sexual orientation, gender, religion or other such social group, or:
- has admitted or has been convicted of corrupt, fraudulent or other similar behaviour.

4.1. Reconsideration

There are no appeals of licensing application decisions, however application decisions can be reconsidered.

Requests for reconsideration must be made in writing within 14 days of the decision and addressed to the person who rendered the decision, to licensing@fairtrade.lu or

directly to the Executive Director. Fairtrade Lëtzebuerg acknowledges all requests within 2 days of receipt.

Reconsideration of licensing decisions are handled by the Executive Director who will review all the relevant evidence, Standards and Policies. The Executive Director, or her delegate, provides the applicant with a written response within 15 working days.

5. Subcontractors and Agents

5.1. Sub-contractors

Sub-contractors, as defined above, do not need to apply to Fairtrade Lëtzebuerg for licensing or certification. However, companies using them must disclose them to Fairtrade Lëtzebuerg and/or FLOCERT.

5.2. Agents

Agents, as defined above, do not need to apply to Fairtrade Lëtzebuerg for licensing or certification. However, companies using them must disclose them to Fairtrade Lëtzebuerg and/or FLOCERT.

6. Discontinuation of Applications

If the application process does not proceed due to the fact that the applicant does not submit missing information or fails to respond to Fairtrade Lëtzebuerg for more than 6 months after the application process has started the application will be discontinued.

If the applicant wishes to continue, a new application must be started from the beginning. All documents need to be resubmitted, a new invoice for the application fee will be issued and fees already paid cannot be taken into consideration.

7. Reapplication after Decertification

In general, operators that have lost the certification for their Fairtrade Certified products for failing to meet Fairtrade Standards may not reapply to Fairtrade Lëtzebuerg within one year of de-certification. This time period can be shorter if appropriate to the reason for decertification, but is never less than 3 months.

Although companies may reapply after the respective time period, there is no guarantee that the application will be accepted. Fairtrade Lëtzebuerg will evaluate each application to verify if the operator complies with Fairtrade Standards. Where there has been a serious non-compliance this will generally require an on-site audit before recertification. The cost of the audit must be covered by the applicant.