

**System Certyfikacji**

**ZRÓWNOWAŻONY ROZWÓJ  
W PRODUKCJI BIOPALIW I BIOPLYNÓW**



**INSTYTUT NAFTY I GAZU**  
Państwowy Instytut Badawczy



**Certification system of sustainable biofuels and  
bioliquids production**


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**Definitions**

**Definitions**


by the Oil and Gas Institute

The KZR INiG-PIB System/2

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## **1. Introduction**

This document defines the terminology to be used in the field of certification of sustainable biofuels and bioliquids production. It specifically considers some relevant terms and definitions used in the Directive 2009/28/EC of the European Parliament and of the Council of 23 April 2009 on the promotion of the use of energy from renewable sources and amending and subsequently repealing Directives 2001/77/EC and 2003/30/EC (further referred to as the RED or Renewable Energy Directive) and the KZR INiG System. Definitions arranged in alphabetical order.

## **2. Normative References**


All relevant KZR INiG System documents are valid for the scope of application. The normative references display the documents which contents are linked and have to be considered as common points.

- KZR INiG System /1/ Description of INiG System of Sustainability Criteria – general rules*
- KZR INiG System /3/ Reference with national legislation*
- KZR INiG System /4/ Land use for raw materials production – lands with high carbon stock*
- KZR INiG System /5/ Land use for raw materials production – biodiversity*
- KZR INiG System /6/ Land use for raw materials production – agricultural and environmental requirements and standards*
- KZR INiG System /7/ Guidance for proper functioning of mass balance system*
- KZR INiG System /8/ Guidelines for the determination of the lifecycle per unit values of GHG emissions for biofuels and bioliquids*
- KZR INiG System /9/ Requirements for certification bodies*
- KZR INiG System /10/ Guidelines for auditor and conduct of audit*

Scope of abovementioned KZR INiG System's documents is based on the following documents

*EN 16214-1 Sustainably produced biomass for energy applications – Principles, criteria, indicators and verifies for biofuels and bioliquids – Part 1: Terminology.*

*PrEN 16214-2 Sustainably produced biomass for energy applications – Principles, criteria, indicators and verifies for biofuels and bioliquids – Part 2: conformity assessment including chain of custody and mass balance.*

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*EN 16214-3 Sustainably produced biomass for energy applications – Principles, criteria, indicators and verifies for biofuels and bioliquids – Part 3: Biodiversity and environmental aspects.*

*EN 16214-4 Sustainably produced biomass for energy applications – Principles, criteria, indicators and verifies for biofuels and bioliquids – Part 4: Calculation methods of the greenhouse gas emission balance using a life cycle analysis.*

*CEN/TR EN 16214-5 Sustainably produced biomass for energy applications – Principles, criteria, indicators and verifies for biofuels and bioliquids – Part 5: Guidance towards definition of residue and waste via positive list.*

*Directive 2009/28/EC of the European Parliament and of the Council of 23 April 2009 on the promotion of the use of energy from renewable sources and amending and subsequently repealing Directives 2001/77/EC and 2003/30/EC*

### **3. Definitions**

#### **Actual value**

means greenhouse gas emission saving for some or all of the steps of production and processing of: raw materials, biomass conversion feedstocks for biofuels/bioliquids and fuels, calculated in accordance with a methodology laid down in part C of Annex V of Directive 2009/28/EC of the European Parliament and of the Council of 23 April 2009 on the promotion of the use of energy from renewable sources and amending and subsequently repealing Directives 2001/77/EC and 2003/30/EC (and implemented into the *KZR INiG System /8/ Guidelines for the determination of the lifecycle per unit values of GHG emissions for biofuels and bioliquids*).

#### **Agricultural area**

means any area taken up by arable land, permanent pasture or permanent crops (based on Regulation No. 73/2009/EC<sup>i</sup>).


#### **Agricultural land**

whole areas within a farm or a given region used for plant, horticultural or animal production. Agricultural lands include<sup>ii</sup>:

- arable lands,
- permanent orchards, meadows,

<sup>i</sup> Council Regulation (EC) No 73/2009 of 19 January 2009 establishing common rules for direct support schemes for farmers under the common agricultural policy and establishing certain support schemes for farmers, amending Regulations (EC) No 1290/2005, (EC) No 247/2006, (EC) No 378/2007 and repealing Regulation (EC) No 1782/2003.

<sup>ii</sup> Acts on shaping the agricultural structure of 11.04.2003 (*J. of Laws 2003 No. 64 item 592 as amended*).

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- permanent pastures,
- agricultural lands built over,
- lands under ponds and land under ditches.

Agricultural lands do not include forested lands, forested nurseries or inland waters.

**Agricultural producer (farmer)**

means a natural person, legal person, or an organizational unit without the status of a legal person, being an owner of a farm or an animal farm.

**Allocation**

means partitioning the input or output streams of a process or a product system between the product system under study and one or more other product systems.

**Arable land**

beyond agricultural lands it also includes land:

- under fish ponds and other water reservoirs used solely for agriculture;
- under dwelling-houses on a farm and other buildings and structures used solely for agricultural production and agricultural-food processing;
- under buildings and structures used directly for agricultural production considered a special type of economic activity, according to the income tax laws on natural persons and legal persons;
- of rural parks and under field arboreal sites and field bush sites, including those under wind-break zones and anti-erosion systems;
- of allotment gardens and botanical gardens;
- under melioration, flood control and firefighting systems, agricultural water supply systems, sewage, wastewater and solid waste treatment systems for agriculture;
- of peatlands and ponds;
- under roads leading to agricultural lands

(definition according to Act on Protection of Agricultural and Forest Lands<sup>i</sup><sup>ii</sup>)


**Audit**

systematic, independent and documented process for obtaining audit evidence and evaluating it objectively by auditee included in the scope of certification (PN-EN ISO 19011).

<sup>i</sup> Act on protection of agricultural and forest lands of 03.02.1995 (J. of Laws 1995 No. 16 item 78 as amended)

<sup>ii</sup> Agricultural land protection consists in:

- limitation of allocating them for non-agricultural and non-forest purposes,
- prevention of degradation and devastation processes of agricultural lands and damages in agricultural production, arising from non-agricultural activity,
- reclamation and allocation of lands for agricultural purposes,
- preservation of peatlands and ponds as natural water reservoirs.

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**Auditor**

a person with competence to conduct an audit, in the scope of conformity with the certification system used.

**Biodiversity**

the variability among living organisms from all sources including, inter alia, terrestrial, marine and other aquatic ecosystems and the ecological complexes of which they are part; this includes diversity within species, between species and of ecosystems (according to Convention on Biological Diversity<sup>1</sup>).

**Biofuel/bioliquid manufacturer**

organization or unit responsible for the production of the biofuel/bioliquids according to the Act of 02.07.2004 on freedom of business activity, undertaking business activity.

**Biofuels**

mean liquid or gaseous transport fuel produced from biomass.

**Bioliquids**

mean liquid fuel used for energy purposes other than transport, including electricity and heating and cooling, produced from biomass.

**Biomass**

the biodegradable fraction of products, wastes and residues from biological origin from agriculture (including vegetal and animal substances), forestry and related industries including fisheries and aquaculture, as well as the biodegradable fraction of industrial and municipal waste (definition according to the RED).

**Broker (middleman)**


means an economic operator according to the Act of 02.07.2004 on freedom of business activity, undertaking business activity in the scope of purchase and turnover, and import, purchase on internal EC market, storage and sale of biomass or biofuels/bioliquids.

**Certificate**

document issued by an authorized certification body, confirming that the participant of KZR INiG System meets the fundamental RED and KZR INiG System requirements.

**Certification body**

<sup>1</sup> Convention on Biological Diversity, developed in Rio de Janeiro on 05.06.1992, ratified by Poland in 1996 (J. of Laws 2002, No. 184, item 1532)

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are impartial, independent organizations with freedom of economic activities (according to the Act of 2 July 2004 on freedom of economic activities), which operates within a framework chosen by that body and recognized by the certification System, and is authorized to issue KZR INiG certificates and carries out control and management of processes and conformity with the KZR INiG System requirements of system participants.

**Certification body authorization**

authorization by the KZR INiG Administrator to issue certificates and collect documentation, and to carry out other operations ensuring proper implementation of the KZR INiG System requirements and 2009/28/WE (the RED) guidelines.

**Certification of sustainable biofuels, bioliquids production**

action of a certification body proving that a properly identified product or process of its production comply with the fundamental or detailed requirements of the KZR INiG System.

**Certified economic operator (system participant)**

participating economic operator who obtained a KZR INiG System certificate issued by an authorized certification body.

**Chain of custody**

method by which a connection is made between information or claims concerning raw materials or intermediate products and claims concerning final products, including all the stages from primary production at the crop harvesting site to the user along the supply chain, where progress to the next stage of the supply chain involves a change of legal/physical control of the materials or the products.

**Co processing**

means simultaneous conversion of feedstocks of different origins e.g. biomass and fossil feedstocks.

**CO<sub>2</sub> equivalent – CO<sub>2eq</sub>**


means CO<sub>2</sub> concentration that would result in the same level of radiative forcing as a given compared GHG concentration.

**Code of good agricultural practice**

full set of rules and recommendations for managing farms in a way limiting pollution and degradation of the environment (according to the definition provided by the Ministry of Agriculture and Rural Development<sup>1</sup>).

<sup>1</sup> <http://www.minrol.gov.pl/pol/Wsparcie-rolnictwa-i-rybolowstwa/Plan-Rozwoju-Obszarow-Wiejskich/Definicje-pojec-PROW>



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**Cogeneration (CHP)**

means a process of simultaneous generation of thermal energy, and electrical and/or mechanical energy

**Continuously forested area**

land spanning more than one hectare with trees higher than five metres and a canopy cover of more than 30 %, or trees able to reach those thresholds *in situ* (definition based on article 17 (4b) of the RED)<sup>i</sup>

**Co-product**

means a substance or object resulting from a production process, the primary aim of which is not the production of that item, may be regarded as co-product and not as a waste only if the following conditions are met:

- a) further use of the substance or object is certain;
- b) the substance or object can be used directly without any further processing other than normal industrial practice;
- c) the substance or object is produced as an integral part of a production process; and
- d) further use is lawful, i.e. the substance or object fulfils all relevant product, environmental and health protection requirements for the specific use and will not lead to overall adverse environmental or human health impacts.

**Cross compliance**

means the amount of the obtained direct payments that links compliance by payee with requirements concerning good agriculture and environmental conditions; food safety; environment protection; human and animal health, and requirements for plants; animal welfare (based on Regulation No. 73/2009/EC).

**Default value**


means a value derived from the typical value using predefined factors, which may be used instead of the actual value under conditions laid down in the RED.

**Designated areas/protected areas**

area legally designated by law<sup>ii</sup> or other equivalent competent legal authority for nature protection or areas designated for protection of rare, endangered or critically endangered ecosystems or species, considered as such by international treaties or included in lists prepared by inter-governmental organizations or International Union for Conservation of Nature, under the condition that they are recognized according to article 18 (4, second paragraph) of the RED unless evidence is produced showing that production of raw materials does not infringe the principles of nature protection;

<sup>i</sup> Lands intended in the first place for agricultural or urban use are not taken under consideration.

<sup>ii</sup> Act on Nature Conservation of 16.04.2004 (J. of Laws 2004, No. 92, item 880 as amended)

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Protected area means also a geographically defined area which is designated or regulated and managed to achieve specific protection purposes (according to the Convention on Biological Diversity)<sup>i</sup>

#### **Economic operator**

means everyone (excluding farmers) who participate in economic activity, exists in supply chain, operates with sustainable raw material (biomass), feedstock (processed biomass), biofuels, bioliquids, fuels, wastes and residues (first waste collection points) and is interested in obtaining the KZR INiG certificate.

#### **Ecosystem**

dynamic group consisting of plants, animals and micro-organisms with their abiotic environment functioning together as a unit<sup>ii</sup>.


#### **Energy from renewable sources**

energy obtained as a result of processing of wind, solar, aerothermal, geothermal, and hydrothermal energy, hydropower, energy obtained from biomass, energy obtained from landfill

<sup>i</sup> NOTE: According to art. 6 par. 1 of Act on Nature Conservation, forms of nature protection are as follows:

- **national parks** (zone distinguished by particular natural, scientific, social, cultural and educational values, with area of at least 1 000 ha, where all nature and landscape qualities are protected)
- **nature reserves** (encompasses areas preserved in natural or slightly changed state, ecosystems, refuges and habitats: natural, plant, animal, fungal, and formations and elements of abiotic nature, distinguished by particular natural, scientific, cultural or landscape values)
- **landscape parks** (area protected for reasons of natural, historical, cultural, and landscape values in order to preserve and popularization of these values under conditions of sustained development)
- **protected landscape areas** (area protected for reasons of distinguished landscape with diverse ecosystems, valuable because of a possibility to satisfy needs connected with tourism and recreation or because of the function of ecological corridors)
- **Natura 2000 areas** (includes areas of special protection of birds; special protection of habitats and areas of importance for the EU). Natura 2000 areas may encompass protected areas and objects as a whole or in part. From these it follows that this form of nature protection may integrate the individual forms of nature protection earlier separated.
- **natural monuments** (single formations of biotic and abiotic nature or their complexes with particular natural, scientific, cultural, historical or landscape value, e.g. trees of imposing size, bushes of native of foreign species etc.)
- **documentation sites** (non distinguishable on the surface or isolable locations of geological formations, complexes of fossils or mineral formations, caves or rock-clad shelters or fragments of pits and excavations being exploited or closed)
- **ecological grounds** (residues of ecosystems important for preservation of biodiversity, e.g. water reservoirs, swamps, peatlands etc. worthy of protection)
- **nature-landscape complexes** (fragments of natural and cultural landscape, distinguished by their scenic or aesthetic values)
- **protection of plant, animal and fungi species** (includes species specimens, habitats and refuges of plants, animals and fungi)

<sup>ii</sup> Maria M. Kenig-Witkowska, *Międzynarodowe prawo środowiska*, Wolters Kluwer Polska 2009

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gas, sewage treatment plant gas and gas from biological (biogas), energy obtained from agricultural biogas and from bioliquids.

**Fallow land**

arable land spanning at least 0,3 hectares and 20 metres wide, cultivated for harvest, now withdrawn from agricultural production or used for non-food production (based on the Act of 25.07.2001 on national register of farms and farm animals, and amending other acts<sup>i</sup>).

**Feedstock**

the raw material that is required for processing or manufacturing during the industrial process.

**First gathering point**

is an economic operator engaged in purchase of biomass (such as grain, sugar beet, etc.) from agricultural producers.

**Forest**

land spanning more than 0,10 hectare with forest plants (forest plant cultivations) – trees and bushes, and undergrowth – or temporarily devoid of them; intended for forest production or being a natural preserve, included into a national park or entered in a monument register. It means also land connected with forestry, occupied for forestry structures, melioration systems, forest zoning lines, forest roads, areas under power lines, nurseries, wood storage sites, and also used for forest car parks and tourist systems (definition according to Act on Forests<sup>ii</sup>).

**Forested lands**

lands defined as:

- forests in Polish regulations on forests,
- retrieved for forestry,
- under roads or pathways leading towards forested lands

(definition according to Act on Protection of Agricultural and Forested Lands).

**Fuel producer, final supplier, other economic operators (first waste collection points)**


This is a group of economic operators handling wastes and residues, biofuel, bioliquid, blending with conventional fuel and supplying the product to fuel stations and the final user.

**Greenhouse gas emission savings**

ratio (expressed in percentages) of a difference between total greenhouse gas emission in the lifecycle of a fossil equivalent of a biofuel/bioliquid and total emission in the lifecycle of the biofuel to total emission in the lifecycle of the fossil equivalent of a biofuel/bioliquid.

<sup>i</sup> Acts of 25.07.2001 on national register of farms and farm animals, and on changes in some acts (J. of Laws z 2001 r. No. 125 item 1363)

<sup>ii</sup> Act on Forests of 28.09.1991 (J. of Laws 1991, No. 101, item 444 as amended)

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**Greenhouse gases, CO<sub>2</sub> equivalent (CO<sub>2eq</sub>),**

according to provisions of the RED, greenhouse gases include carbon dioxide (CO<sub>2</sub>), dinitrogen oxide (N<sub>2</sub>O), methane (CH<sub>4</sub>). Total emission expressed as CO<sub>2</sub> equivalent, is calculated according to the equation:

$$massCO_{2eq} = mass CO_2 + GWP_{CH_4} * mass CH_4 + GWP_{N_2O} * mass N_2O$$

where:

GWP<sub>CH<sub>4</sub></sub> and GWP<sub>N<sub>2</sub>O</sub> means global warming potential of the gases, referred to carbon dioxide. GWP<sub>CH<sub>4</sub></sub> amounts to 23, while GWP<sub>N<sub>2</sub>O</sub> – to 296.

**Group Audit**

audit of agriculture producer group with similar production system for compliance with the KZR INiG System requirements. Group audit is not applied to economic operators further down the supply chain.

**Highly biodiverse natural grasslands**

natural grasslands that would remain grassland in the absence of human intervention and which maintains the composition of natural species, ecological characteristics and processes (definition based on article 17 3c) (i) of the RED).

**Highly biodiverse non-natural grassland**

non-natural grasslands that would cease to be grassland in the absence of human intervention and which is species-rich and not degraded, unless evidence is provided that the harvesting of the raw material is necessary to preserve its grassland status (definitions based on article 17 3c) (ii) of the RED).

**Intermediate producer**

means an economic operator according to the Act of 02.07.2004 on freedom of business activity, undertaking business activity in the scope of biomass processing and sale, also in the form of processed products.

**KZR Certification System**


set of procedural interconnections of organizational character, involving economic operators, administration bodies and other economic operators, with the aim of confirming that the sustainability criteria are met according to the requirements of the RED.

**Land status**

characteristics of the land taking into consideration its physical features and categories.

**Land with high carbon stock**

means wetlands, continuously forested areas, weakly forested areas, peatlands.

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**Life cycle greenhouse gas emissions**

means all net emissions of CO<sub>2</sub>, CH<sub>4</sub> and N<sub>2</sub>O that can be assigned to the fuel (including any blended components) or energy supplied. This includes all relevant stages from extraction or cultivation, including land-use changes, transport and distribution, processing and combustion, irrespective of where those emissions occur.

**Lower heating value**

means the amount of heat released by complete combustion of a unit of fuel mass (containing only carbon, hydrogen, nitrogen, and sulfur), in atmosphere of oxygen, and the combustion products are the following: carbon dioxide, sulfur dioxide, and nitrogen in gaseous, and water in vapor state, and both the material and all combustion products are under standard conditions<sup>1</sup>.

**Manufacture**

means a production process, in which biofuels/bioliquid meeting the quality requirements stated in relevant regulations, are produced through physical or chemical methods.

**Manufacturer**

means an economic operator according to the Act of 02.07.2004 on freedom of business activity, undertaking business activity in the scope of biofuel/bioliquid production.

**Mass balance system**

means a tracking system, in which the sustainability characteristic is attributed to a given batch of the product. In the system, every economic operator monitors and records: the quantities of: biomass, biofuels, bioliquids, complying with the sustainability criteria, recording both purchased and sold quantities.

**Mixture**

means a mixture of substances (possibly agricultural products, intermediate products, biofuels, bioliquids) coming from various batches of the product.


**Peatlands**

area of peat presence<sup>ii</sup>. According to Communication from the Commission on the practical implementation of the EU biofuels and bioliquids sustainability scheme and taking into account rules for biofuels<sup>iiiiv</sup>, *peat itself is not considered as biomass*, because it does not fall within the scope of the definition of biomass which means biodegradable fraction of products, wastes and residues from biological origin from agriculture (including vegetal and animal sub-

<sup>i</sup> based on PN-86 C-04062

<sup>ii</sup> Depending on the type of peat, low, high, and meadow peatlands are distinguished.

<sup>iii</sup> Communication from the Commission on the practical implementation of the EU biofuels and bioliquids sustainability scheme and on counting rules for biofuels (2010/C 160/02).

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stances), forestry and related industries including fisheries and aquaculture, as well as the biodegradable fraction of industrial and municipal waste (according to article 2 of the RED).

**Permanent pasture**

lands taken up for cultivation of grass or other herbaceous natural crops (self-seeding) or formed as a result of agricultural activity (sown), not included into crop rotation for five years or longer<sup>i</sup> (definition based on informative materials published by Agency for Restructuring and Modernisation of Agriculture<sup>ii</sup>).

**Primary data**

mean quantified value of a unit process or an activity within the product system obtained from a direct measurement or a calculation based on direct measurements at its original source, from a process unit or other activity within the product system.

**Primary forest and other primary wooded land**

forest and other wooded land of native species where there is no clearly visible indication of human activity and the ecological processes are not significantly disturbed (based on article 17 (3 a) of the RED).

**Processing**

means a production process that is not generated, in which biomass is processed using physical or chemical methods, in order to change or adapt its energetic status, aggregation state, and properties, given the requirements of biofuel/bioliquid generation process itself; in particular, processes aiming at keeping proper physico-chemical parameters of biomass related to its storage and transport, are not considered processing.

**Processing unit**

means a plant or installation for processing and/or sale of biomass also in the form of processed products.

**Product lifecycle**


consecutive and interlinked stages of a product system, from raw material acquisition or generation from natural resources to final disposal.

**Regional default value**

means estimate of the emission for a particular biofuel/bioliquid production pathway, specific for a given region and not specified in the RED, approved for application by authorized bodies.

<sup>i</sup> At the same time, “grasses or other herbaceous natural crops”, mean all herbaceous crops, growing on natural pastures or usually contained in seed mixtures intended for sowing on pastures or meadow in a Member State.

<sup>ii</sup> [http://www.arimr.gov.pl/fileadmin/pliki/zdjecia\\_strony/366/zarz\\_TUZ\\_180209.pdf](http://www.arimr.gov.pl/fileadmin/pliki/zdjecia_strony/366/zarz_TUZ_180209.pdf)

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**Residues**

mean substance or object that is not deliberately produced in a production process and that is neither a co-product nor a waste; includes agricultural, aquaculture, fisheries and forestry residues and processing residues.

**Secondary data**

mean quantified value of a unit process or an activity within the product system obtained from sources other than direct measurement at its original source or a calculation based on such results, from a process unit or other activity within the product system.

**Self-declaration for agricultural producer**

a document, in which an agricultural producer describes the origin and identification data of biomass at the beginning step of the chain of custody.

**Supply chain**

sequence of interconnected operations on the flow of raw material, feedstock, products, residues and wastes, carried out by System's participants in order to obtain the final product.

**Site**

geographical location with precise boundaries within which products can be mixed.

**System Administrator**

an economic operator or a contractor according to the Act of 2 July 2004 on freedom of economic activity, having the right to administer the certification system. In the case of the KZR INiG System, the Oil and Gas Institute in Cracow is the System Administrator.

**System boundaries**

means a set of criteria defining which elementary processes are included in the product system. They define elementary processes that shall be included in a mass balance system, and how detailed the examination of these processes must be.


**System participant (certified economic operator)**

means everyone who provide economic activity, exists in the supply chain, operates with sustainable raw material (biomass), feedstock (processed biomass), biofuels, bioliquids, waste and residues (first waste collection points) and received the KZR INiG certificate.

**Typical value**

means an estimate of the representative greenhouse gas emission saving for a particular bio-fuel production pathway.

**Traceability**

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means an ability to monitor each product and its origin to all the different stages of the supply chain. This makes it possible to obtain data from previous stages of the chain, while being able to link the information to the next stage.

**Undrained peatland**

peatland not drained before 1 January 2008 or not affected by previous drainage on 1<sup>st</sup> January 2008 (based on EN 16214-1).

**Waste**

means every substance or object which the holder discards or intends or is required to discard.

**Weakly forested area**

land spanning an area more than one hectare with trees higher than five metres and a canopy cover of between 10 % and 30 %, or trees able to reach those thresholds in situ, unless evidence is provided that the carbon stock of the area before and after conversion is of such that, when the methodology laid down in part C of Annex V is applied, the conditions laid down in paragraph 2 of this Article, pertaining to limitation of greenhouse gases emission would be fulfilled, definition based on article 17 (4c) of the RED).

**Wetlands (water & swamp areas)<sup>i</sup>**

land that is covered with or saturated by water permanently or for a significant part of the year (according to RED Directive). For the agriculture producer, they are a transition zone between terrestrial ecosystems located on higher elevation, and typically aquatic ecosystems.

Areas included on the List of Wetlands of International Importance, according to regulations of art. 2 Convention on Wetlands of International Importance especially as waterfowl habitat<sup>ii</sup>, are of particular significance.

<sup>i</sup> ATTENTION: A detailed definition of wetlands is contained in Convention on Wetlands of International Importance especially as waterfowl habitat (J. of Laws 1978 No. 7 item 24), where wetlands are defined as *areas of marsh, fen, peatland or water, whether natural or artificial, permanent or temporary, with water that is static or flowing, fresh, brackish or salt, including areas of marine water the depth of which at low tide does not exceed six metres.*

<sup>ii</sup> Convention on Wetlands of International Importance especially as waterfowl habitat (J. of Laws 1978 No. 7 item 24).