


System Certyfikacji

**ZRÓWNOWAŻONY ROZWÓJ
W PRODUKCJI BIOPALIW I BIOPŁYNÓW**




INSTYTUT NAFTY I GAZU
Państwowy Instytut Badawczy

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By the Oil and Gas Institute

The KZR INiG-PIB System/3/

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1. Introduction

The production of biofuels and bioliquids shall comply with all applicable laws and regulations of the European Union and country in which the production occurs and with relevant international laws and agreements. Precedent legal act in the area of sustainable biofuels and bioliquids is *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 (referred to as the RED)*. Consequently, it is transposed and enforced by national legislation, reflected in national laws, regulations and other legal provisions. This document provides the list of legal acts that regulate ecological and social aspects of work, supervised in the framework of state control.

2. Scope

Requirements indicated in this document, as well as other system documents, refer to economic operators involved in the INiG certification system (KZR INiG). These economic operators are:

- Agricultural producer (farmer),
- First gathering point, broker, middleman,
- Intermediate producer, biofuel and bioliquids manufacturer,
- Fuel producer, final supplier, others economic operators (first waste collection points),

however:

- Certifying bodies,
- Auditors

are not system participants, but are verifiers.

3. 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 /2/ Definitions

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

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4. Definitions

KZR INiG System /2/Definitions

5. Description and requirements

Economic operators present on the European Union's raw materials and feedstock market operate within the EU and national legislative framework. Given that the sustainability criteria are of a global character, they are defined in the RED in such a manner that they encompass with their scope the ecological and social aspects of biofuels and bioliquids production. It is especially important in third countries, where national legislation on these issues is not as stringent as it is in the EU. The KZR INiG System covers the EU territory; therefore, especially in the areas of health protection and work safety it may use the fact that supervision over proper work conditions lies within the responsibility of state authorities such as the National Labour Inspectorate, the National Sanitary Inspectorate, etc.

Below are listed legal acts that regulate the ecological and social aspects of work, supervised in the framework of state control. Given that, and in order to avoid double control of the same area, the KZR INiG System places less emphasis on the control of activities in these areas.

5.1 EU and international law


Agricultural producers who produce raw materials on the EU territory,

- In accordance with Directive **2009/147/EC** of the European Parliament and of the Council of 30 November 2009 on the conservation of wild birds and **Council Directive 92/43/EEC** of 21 May 1992 on the conservation of natural habitats and of wild fauna and flora, are obliged to protect the threatened species and wild fauna and flora habitats and to preserve them in conditions propitious for most natural habitats.
- In accordance with **Council Directive 80/68/EEC** of 17 December 1979 on the protection of groundwater against pollution caused by certain dangerous substances, it is prohibited to discharge directly or indirectly **into groundwater, hazardous substances** e.g.: mercury, mineral oils, crude oils, etc.
- In accordance with **Council Directive of 12 June 1986 on the protection of the environment, and in particular of the soil, when sewage sludge is used in agriculture (86/278/EEC)**, are required to **correctly treat sewage-sludge in agriculture.**

In accordance with **Council Directive of 12 December 1991 concerning the protection of waters against pollution caused by nitrates from agricultural sources (91/676/EEC)**, are required to follow the requirements of action programmes aimed at **reducing nitrates from agricultural sources for designated vulnerable zones**, where the farm or part of the farm is located.

- In accordance with **Convention on Biological Biodiversity**, regulated parties must obey determined rules and requirements relating to environmental protection and natural environment.

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- In accordance with **Convention on water-mud areas** of international significance regulated parties are obliged to follow the requirements on the protection of habitats of water birds.

5.2 National law

Production of raw materials and feedstocks by economic operators involved in the system, for the purposes of biofuels and bioliquids production, should be in compliance with the national legislation, unless they are not in line with Directive 2009/28/EC and – consequently – the KZR INiG System. The directive's provisions have been already transposed into the national legal system or are under the transposition process. The most significant documents are, amongst others:

- **Law on biocomponents and liquid biofuels** (currently, work is being carried out on the *Project of assumptions for the law on biocomponents and liquid biofuels and amending certain other laws*). This project of assumptions includes, amongst others:
 - Transposition of provisions on the sustainability criteria,
 - Precise explanation that the law's provisions are applicable exclusively to biocomponents and biofuels intended for use in all forms of transport.
- **Regulation of the Council of Ministers of 15 June 2007 on National Indicative Targets for 2008 – 20013** (*Official Journal 2007, No 110, item 757 with amendments*).
- **Law on Environmental Protection (Official Journal 2001, No 62, item 627, with amendments)**, defining rules concerning environmental protection and conditions for natural environment exploitation under the conditions of sustainable development.
- **Law on Conservation of Nature** (Official Journal 2004, No 92, item 880 with amendments) defining goals, rules and forms of protection of life and non-life nature, aimed at sustainable use and renewable resources, forms and elements of nature.
- **Waste Law of 27 April 2001** (Official Journal 2001, No 62, item 628 with amendments) defining rules of waste handling in a manner ensuring human life and health protection and environmental protection in line with sustainability rules, and in particular preventing or limiting waste generation and its negative impact on environment, as well as recycling or neutralizing waste.
- **Labour Code of 26 June 1974** (Official Journal 1974, No 24, item 24 with amendments) regulating:
 - Rights and obligations of employees and employers
 - Authority responsible for supervision and control of the adherence to labour laws, including rules on safety and hygienic conditions at work (National Labour Inspectorate),
 - Authority responsible for supervision and control of hygienic conditions at work and the work environment (National Sanitary Inspectorate).

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Moreover; economic operators involved in the system should have valid licenses and permits, respectively for their activities, and permitted derogations, according to relevant national legislation.

6. Calculations

Not applicable

7. Conformity verification

Raw materials production by agricultural producers within the KZR INiG System should be compliant with valid national and local laws, as long as they do not violate the rules of the KZR INiG System and the RED. For example, if national law of some countries allows for certain derogations in contrary to the system's and the RED requirements, this is considered a violation of rules and requirements of the KZR INiG System and the RED.

For EU farmers a support programme, which has been/ must be implemented, the authority responsible for detailed controls of agricultural producers covered by this programme, is a/ should be a governmental Agency. The KZR INiG System allows for recognition of results of controls conducted by this Agency and considers them as a reliable source of information.

The KZR INiG System covers European Union's territory. The KZR INiG System follows national legislation and agrees that the supervision over safety and hygienic conditions at work lies within governmental bodies such as the National Labour Inspectorate. Thus, the KZR INiG System places less emphasis on control activities of conditions and safety at work, considering that they are controlled by state authorities.

8. Check list

Not applicable.