

**System Certyfikacji**



**KZR INiG**

**System KZR INiG/4**

	<b>Certification system of sustainable biofuels, biomass fuels and bioliquids production</b>	Issue: 1st
	<b>Land use for raw materials production – lands with high carbon stock</b>	Date: 25.06.2021

**Land use for raw materials production –  
lands with high carbon stock**

by The Oil and Gas Institute – National Research Institute

The KZR INiG System/4

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## **1. Introduction**

The document describes the KZR INiG System's requirements related to land with high carbon stock. These requirements provide guidelines on sustainable ways to produce, process, transport and use biofuel, bioliquids and biomass fuels produced from agricultural biomass, raw materials and feedstocks.

KZR INiG System regulations prohibit the use of raw materials obtained from categories of land listed below, unless the status of these lands has not changed in comparison with their status in January 2008:

1. Lands with high carbon stock:
  - a) wetlands,
  - b) continuously forested areas,
  - c) weakly forested areas

In the case of peatland, an exception is possible. Additional requirements are discussed later in this document.

If the land falls into to one of the three categories listed above, all of the criteria discussed below apply.

All of the requirements included in this document apply to agricultural producers participating in the KZR INiG System. Agricultural producers that receive direct payments pursuant to Regulation (EC) no. 73/2009 are obliged to meet Cross-Compliance requirements and therefore they must fulfill agricultural and environmental requirements and standards such as soil and water protection, Habitat and Birds Directives, good agricultural practice and management, etc. (for more information see System KZR INiG/6/ *Land for raw materials production – agricultural and environmental requirements and standards*). Whether or not farmers are covered by the direct support scheme, they are obliged to comply with sustainability criteria related to high carbon stock lands. Farmers within the EU who supply raw material for biofuels/ bioliquids production not covered by the EU control system or beyond the EU must meet all KZR INiG System requirements.

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## **2. Normative references**

The normative references, covering all aspects of the KZR INiG System, are the following linked documents, which should be read in conjunction.

*KZR INiG System /1/ Description of INiG System of Sustainability Criteria – general rules*

*KZR INiG System /2/ Definitions*

*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 life cycle per unit values of GHG emissions for biofuels, biomass fuels and bioliquids*

*KZR INiG System /9/ Requirements for certification bodies*

*KZR INiG System /10/ Guidelines for auditor and conduct of audit*

*KZR INiG System /11/ Forest biomass*

## **3. Definitions**

*KZR INiG System/2/ Definitions*

## **4. Description and requirements**

### **4.1 Wetlands**

Biofuels, bioliquids and biomass fuels produced from agricultural biomass shall not be made from raw materials obtained from land with high carbon stock, namely land that had wetland status in January 2008 and no longer has that status. Wetland is land covered by or saturated with water permanently or for a significant part of the year.

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Designation of wetlands requires definition of the geographical boundaries of areas so designated. Wetlands boundaries are often not defined precisely; they are movable and can change depending on climate and current precipitation conditions. This influences the precision of the land status classification. For instance, due to seasonal changes of wetland boundaries the requirements for assessments conducted on-site must be higher than for assessment of other types of agricultural land. This applies to all wetlands, not only those included in the Convention on Wetlands of International Importance.

In such cases it may be necessary to integrate data other than geospatial data with on-site assessment results.

System participants, especially agricultural producers, first gathering points and brokers (middlemen), are obliged to, among other things:

- prove that the land on which the raw material was cultivated and harvested did not have wetland status in January 2008 or, if it have such status in January 2008, during the harvest of the raw material, the land status did not change;
- define the status, boundaries and characteristics of wetlands defined as such in January 2008, and indicate the boundaries of nearby raw materials production, existing or planned.

#### **4.2. Continuously forested areas and forested areas with 10-30% canopy cover**

Biofuels, bioliquids and biomass fuels produced from agricultural biomass shall not be made from raw material obtained from land with high carbon stock, i.e. land that had one of the following statuses in January 2008 and no longer has that status:

- continuously forested areas, i.e. 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*
- land spanning 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 such that, when the methodology laid down in part C of Annex A is applied, the greenhouse gas (GHG) threshold would still be fulfilled
- forest according to respective national legal definition.

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This requirement shall not apply if, at the time the raw material was harvested, the land had the same status as it had in January 2008.

Continuously forested areas do not include land that is predominantly under agricultural or urban land use, because land under agricultural use in this context refers to trees standing in agricultural production systems, such as fruit tree plantations, oil palm plantations and agroforestry systems (crops are grown under tree cover).

Therefore, raw materials for biofuel, biomass fuel or bioliquid production may be harvested from continuously forested areas and weakly forested areas on condition that before and after January 2008, the area had preserved its status of continuously or weakly forested area. For weakly forested areas, it is necessary to ensure fulfillment of the requirements on GHG emissions, in accordance with the rules of System KZR INiG/8/ *Guidelines for determination of life cycle per unit values of GHG emissions for biofuels and bioliquids*. If in January 2008 this terrain would have been characterized by the same status after raw material harvest, the raw materials obtained from the land fulfill the sustainability criteria. This also applies to continuously forested areas, as well as wetlands. **From other naturally forested areas the harvesting of raw materials is prohibited.**

Continuously forested areas and weakly forested areas are characterized by the following definitions:

**a) continuously forested areas**

area: > 1 ha

height: > 5 m

canopy cover : > 30 %

**b) weakly forested areas**

area: > 1 ha

height: > 5 m

canopy cover: 10-30 %

System participants, especially agricultural producers, first gathering points and brokers (middlemen), may comply with this criterion by:

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- proving that the raw materials are obtained from areas which did not have the status of continuously forested land in or after January 2008 (e.g. the areas are agricultural lands);
- in the case of raw materials obtained from weakly forested areas, **providing evidence** of GHG emissions, including any changes since January 2008 in the carbon stock of the area concerned.

Additionally, the influence of land use on carbon stock level should be taken into account.

### **4.3 Peatlands**

Biofuels, bioliquids and biomass fuels produced from agricultural biomass taken into account for the purposes referred to in points (a), (b) and (c) of the first subparagraph of paragraph 1 of the RED II, shall not be made from raw material obtained from land that was peatland in January 2008, unless evidence is provided that the cultivation and harvesting of that raw material does not involve drainage of previously undrained soil.

The KZR INiG System prohibits, for biofuels, biomass fuel or bioliquids production, the use of raw materials obtained from land that was peatlands in January 2008, unless:

- the soil was completely drained in January 2008, or
- there has been no draining of the soil since January 2008.

Thus for peatland that was partially drained in January 2008, a subsequent deeper drainage affecting soil that was not already fully drained would constitute a breach of the criterion.

Peat itself is not considered biomass.

### **4.4 Land use change**

The term “land use change” refers to changes among the six land categories recognised by the IPCC (forest land, grassland, cropland, wetlands, settlements and other land). Cropland and perennial cropland shall be regarded as one land use. Perennial crops are defined as multi-annual crops, the stem of which is usually not annually harvested, such as short rotation coppice and oil palm. This means, for example, that a change from grassland to cropland is a

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land-use change, while a change from one crop (such as maize) to another (such as rapeseed) is not.

In order to determine the carbon stock (CS) per unit of surface area with ascribed values of  $CS_R$  and  $CS_A$ , the following rules should be followed:

- the entire area for which the land carbon stocks are calculated shall have similar:
  - biophysical conditions in terms of climate and soil types;
  - management history in terms of tillage;
  - history of change in carbon stock level in the soil.
- The following is considered a carbon stock at actual land use,  $CS_A$ :
  - in the case of a decrease in carbon stock – *the estimated equilibrium carbon stock that the land will reach in its new use*;
  - in the case of carbon stock accumulation – *the estimated carbon stock after 20 years or when the crop reaches maturity, whichever is the earlier* .

## **5. Criteria on Wastes and residues from agricultural land**

Article 29.2 of the RED II says that biofuels, bioliquids and biomass fuels produced from waste and residues derived not from forestry but from agricultural land shall be taken into account for the national renewable targets only where operators or national authorities have monitoring or management plans in place in order to address the impacts on soil quality and soil carbon.

According to the KZR INiG the burden of proof of compliance of meeting this criterion is placed on the first gathering point. This would be intended to avoid all farmers being obliged to assess and validate their residue extraction. This reduces the burden on the individual supplying farm to provide evidence of compliance, although each farm would nonetheless be required to have in place the management practices.

The implementation of “essential soil management practices” is deemed to protect soil quality and soil carbon on farm. Evidence of monitoring and management practices can be demonstrated either through rules set out in national legislation or, if not available, at the first gathering point (sourcing area level). The rules are set out in the recent EU Sustainable Finance Taxonomy (Technical Annex, March 2020) whereby a list of essential practices is set out for non-perennial crops which are deemed (in combination) to build soil carbon. According to the

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KZR INiG the list of essential practices set out in the taxonomy can be adapted to provide a consistent baseline for proofs of meeting this criterion.

In order to verify the implementation of soil management practice, two steps approach is required:

Tier 1 – The application of ‘essential soil management practices’ on all farms where agricultural residues are collected is required in the country of origin of feedstock supply, and that the implementation of these practises is monitored and enforced;

Or – if this is not the case in the country of origin,

Tier 2 – It must be demonstrated that ‘essential soil management practices’ are in place on the farms from which the agricultural residues are collected.

Tier 1 – Determine if the country of origin (Member State or third country) of agricultural residues requires the application of essential soil management practices that aim to address the potential impacts of harvesting such residues on soil quality and soil carbon and has in place mechanisms to monitor and enforce implementation of these practices.

It is required to check whether a country of origin of agricultural residues has established the essential soil management practices set out in Table 2. Evidence of establishment of such land management practices must be accompanied by evidence that their implementation on land where residues are collected for energy purposes is monitored and enforced.

Evidence of compliance would be determined through identification of relevant national laws and policies, for example through existing agriculture policy frameworks in the country of origin.

If Tier 1 is not met, demonstrating compliance at national level is not possible and an economic operator should proceed with demonstrating compliance in relation to the individual farm holdings that are supplying biomass. In this case guidance listed in Tier 2 apply.

Tier 2 – Essential soil management practices must be demonstrated (monitored/seen to be implemented) to be in place on the farm holdings supplying the biomass.

Farms where agricultural residues are sold for energy must demonstrate that crops are being produced in line with the essential soil management practices set out in Table 2.

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The first gathering point is required to collect self-declarations provided by the producers supplying the agricultural residues as proof of compliance. The declarations would be sent by each farm to the first gathering point annually in a standard format. See annex 1 to the document System KZR INiG/1.

The first gathering point is required to have in place an internal management system to check that the supplying farms are in compliance with the above-mentioned requirements. A fundamental component of such a system is an internal monitoring process, including implications for non-compliance of farms. Compliance of the sourcing area around the gathering point will be checked by KZR INiG certification bodies auditors. They will review the documentation provided by farms to the first gathering point and check for evidence that farms exist, that inputs and outputs of residual material tally (and apply rules for waste and residue management

## **6. Conformity check**

The KZR INiG System prohibits, for production of biofuels or bioliquids, obtaining raw materials from:

- a) wetlands,
- b) continuously forested areas
- c) weakly forested areas,
- d) peatlands [art. 29( 5)],

- as long as the status of lands a-c has not changed from its status in January 2008. In the case of peatland (li. d), an exception is possible according to section 6.1.3.

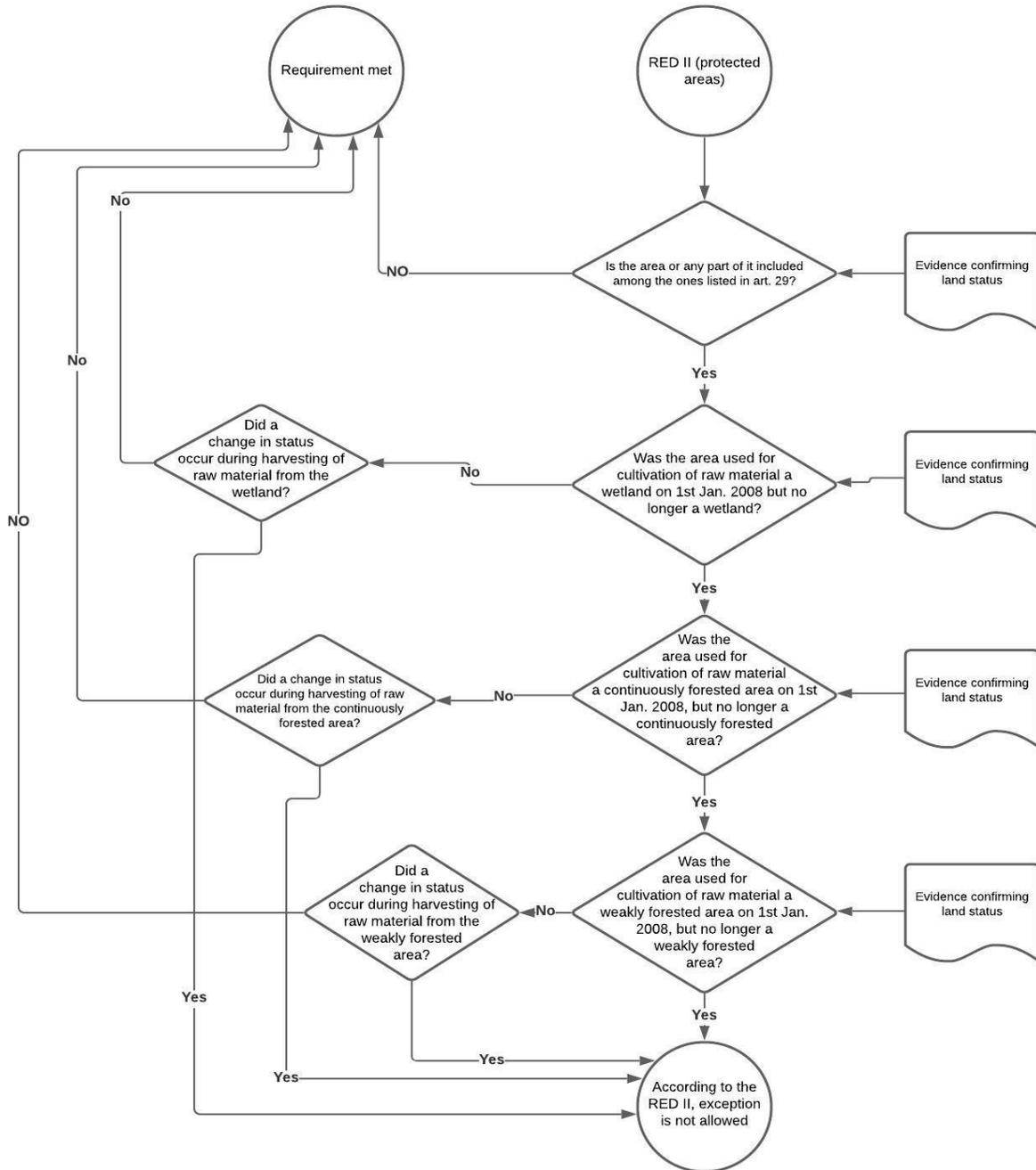
### NOTE

Proofs of compliance with land-related criteria are demonstrable in many different forms, including aerial photographs, satellite images, maps, land register entries/database, site surveys, and other reliable documents. The evidence can be ‘positive’ or ‘negative’. Geospatial and/or non-geospatial data may not always be sufficient to allow a firm conclusion on the status of the land for the RED II. In those cases, on-site assessments (interviews with local experts or communities) could provide the necessary additional information. Additional guidelines concerning verification of land status are given in the KZR System/9 document.

### 6.1 Criteria

Figure 1 shows the evaluation path for lands with high carbon stock.

**Figure 1 –Evaluation path for lands with high carbon stock**



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### **6.1.1 Wetlands**

Scenario 1 – the farm/plantation was established after January 2008;

In this case, the participant must credibly prove that in January 2008 the land did not have wetland status, or it had wetland status on that date but production of the raw material on the land cannot result in a change of its status.

Scenario 2 – the farm was established before January 2008;

In this case, the participant must credibly prove that in January 2008 the land did not have wetland status, or it had wetland status on that date but production of the raw material on the land cannot result in a change of its status.

Scenario 3 – establishing a new farm/plantation;

In this case, the participant may choose to obtain information about the land where the farm/plantation is to be established, in order to check whether the land has wetland status at present, and/or had it in January 2008.

To demonstrate compliance with this criterion, the agricultural producer may provide:

- a) satellite images, aerial photograph, maps or land-use plans. These means of verification may be considered as reliable sources on condition that they unequivocally show that the land was not a wetland area or indicating lack of existence of water reservoirs in comparison to January 2008 and after that date; **or**
- b) reports, lists of water and swamp areas with a description of, for example, land topography, **or**
- c) an excerpt and map extract from the water register. Based on this register, it may be checked whether or not defined wetland areas (e.g. intermediate peatland such as quagmire) occur in the given region in comparison to January 2008. Proof should be provided in the form of a document (a printout is acceptable) with an attached map, satellite image or map extract from the land register (containing information about land use), **or**
- d) other as defined in the KZR INiG/9.

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### **6.1.2 Continuously or weakly forested areas**

Claims that the land is not a continuously forested area (canopy cover exceeds 30 %) or a weakly forested area (canopy cover 10-30 %) are subject to evaluation of defined thresholds of canopy cover and the possibility of reaching those thresholds *in situ*. During the evaluation, changes in land use in comparison to January 2008 are taken into account.

To demonstrate compliance, the agricultural producer should provide:

- a) satellite images, aerial photographs, a map extract from the land register (containing information about land use) with borders marked, or other geospatial data. These means of verification may be considered reliable sources on condition that they unequivocally prove that the land was not a continuously forested area or a weakly forested area in comparison to January 2008 or after that date, **or**
- b) other as defined in the KZR INiG/9.

### **6.1.3 Peatlands**

The KZR INiG System prohibits the use of raw materials obtained from land that was peatland in January 2008. For biofuels, biomass fuels and bioliquids produced from raw materials grown on land that was peatland in January 2008, an exception is possible if evidence is provided that the soil was completely drained before January 2008 or there has been no draining of the soil since January 2008. This means that for peatland that was partially drained before January 2008, a subsequent more profound drainage, affecting soil that was not already fully drained, would constitute a breach of the criterion.

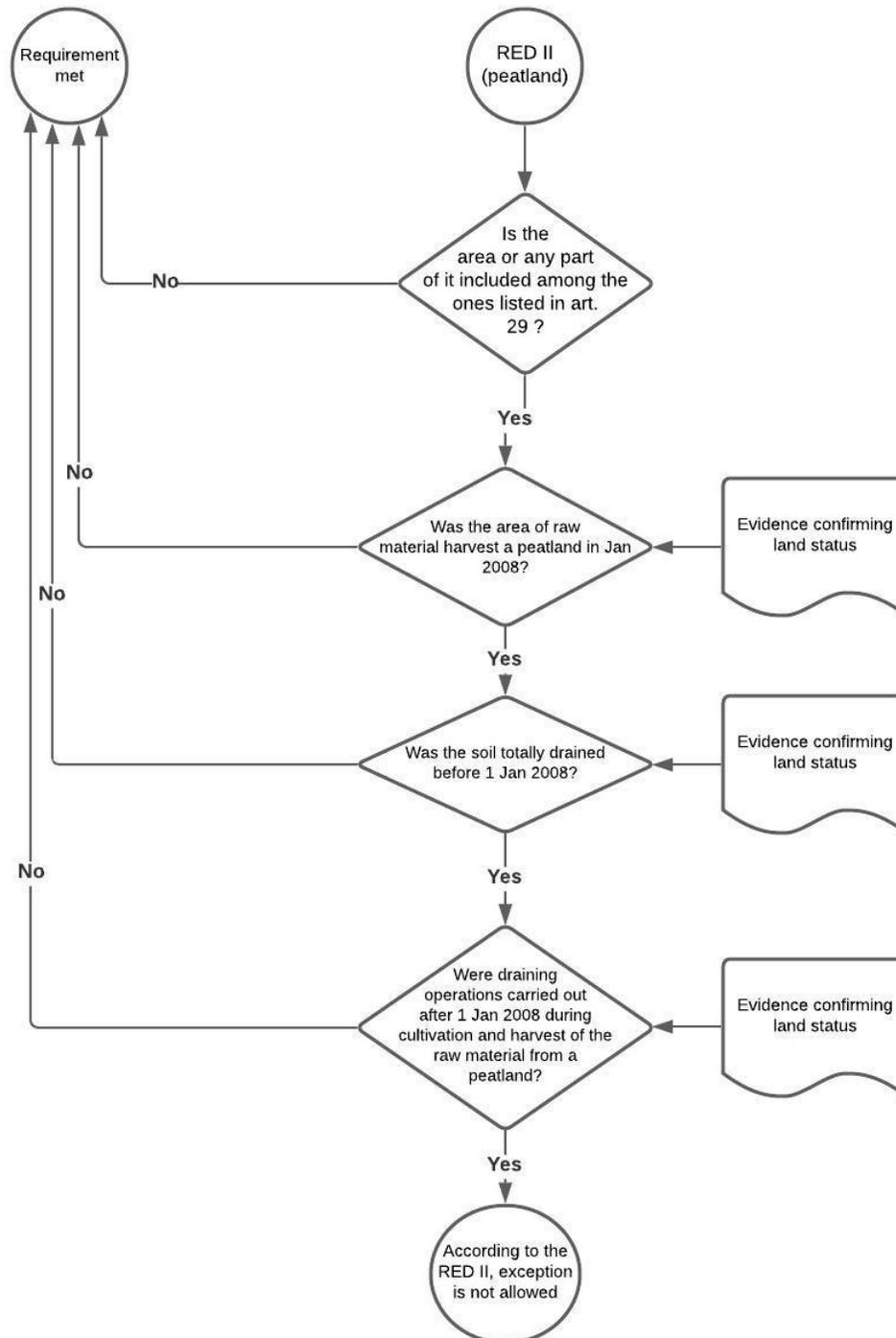
To demonstrate compliance, the agricultural producer may provide:

- a) satellite images, aerial photographs, a map with borders marked, or an excerpt and map extract from the register. These means of verification may be considered as reliable sources on condition that they unequivocally prove whether or not the land had peatland status in January 2008, **or**
- b) a document (e.g. drainage plans) indicating that after January 2008 the cultivation and harvesting of the raw material has not involved drainage of previously undrained soil, **or**
- c) other as defined in the KZR INiG/9.

Figure 2 shows the path for evaluating conformity with these requirements.



**Figure 2 – Evaluation check path for peatlands**



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#### **6.1.4 Soil quality management**

In order to demonstrate compliance with Article 29.2 of the RED II, following tools may be used.

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**Table. 1 Tools for demonstrating compliance**

<b>Tiers</b>	<b>Requirement</b>	<b>Evidence</b>	<b>Management</b>	<b>Monitoring</b>
<b>1</b>	<p>The country of origin of agricultural residues requires the application of essential soil management practices that aim to address the potential impacts of harvesting such residues on soil quality and soil carbon.</p> <p>This meets the requirements of Art. 29.2. of the REDII as follows:</p> <ul style="list-style-type: none"> <li>The country mandates the list of essential soil management practices to mitigate the impacts of residue harvesting on soil quality and soil carbon as part of wider legislation to manage agricultural land;</li> <li>It requires monitoring of the application of rules set out to provide evidence that essential soil management practices are in place.</li> </ul>	<p>Legal requirement for the essential soil management practices to be put in place and monitoring to demonstrate that practices are being put in place.</p>	<p>A Member State potentially as part of its obligations under the future Common Agricultural Policy (CAP) may require that essential management practices are applied.</p> <p>For Third countries where there are schemes or mandated requirements to implement the list of essential management practices on farms.</p>	<p>For rules on crop rotation and cover crops, remote sensing tools should be able to provide evidence of evolutions in crop cover and crop patterns. If this is not available aerial photographs or on site surveys will need to be relied on based on some form of systematic monitoring methodology. In the case of onsite surveys these would need to review a sample of farms and farm records for crop rotation evidence/infield photographic evidence. For bare soils a transect based methodology assessing the proportion of bare soil in a given area could be applied.</p> <p>For burning of arable stubble, there would need to be a mechanism of compliance to ensure stubble is not burnt and a mechanism to monitor infringements.</p> <p>Monitoring to assess types and level of agricultural residue use in the energy sector.</p>
<b>2</b>	<p>The entity acting as first gathering point or economic operator can demonstrate that the agricultural residues used to fulfil</p>	<p>The first gathering point/economic operator is required to demonstrate that residues used are produced on farms</p>	<p>On farm management of soils in line with the essential soil management</p>	<p>The KZR INiG certification bodies auditors to verify the self-declarations and audit on farm records to ensure</p>

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	<p>the requirements of Article 29.2 are harvested from within sourcing areas or on farms where essential soil management practices are in place and have in place monitoring systems to demonstrate compliance.</p> <p>This meets the requirements of Art. 29.2 of the REDII as follows:</p> <ul style="list-style-type: none"> <li>• It requires the first gathering point/economic operator to demonstrate that agricultural residues are sourced from areas/holdings where essential management practices are put in place to mitigate the impacts of residue harvesting on soil quality and soil carbon;</li> <li>• It requires third party verification of residue suppliers' reporting on the implementation of essential management practices on a sample of farms;</li> <li>• It requires monitoring of compliance along the chain of custody</li> </ul>	<p>that comply with the essential soil management practices. To do so there are a number of possible routes:</p> <ul style="list-style-type: none"> <li>- For all farms supplying residues a self-declaration is provided by the producers annually setting out compliance with the essential soil management practices, this is accompanied by a management system in place that can record sourcing and compliance of residues from the different suppliers (details on material, volume, date of acceptance; data recording on overall residue inputs and residue use/further sale).</li> <li>- A sourcing area approach ie a form of group certification could be undertaken based on mapping compliance in the local area using remote sensing and other resources and demonstrating that all residues are sourced from farms that meeting the essential management practice requirements. Management system rules above would still apply</li> </ul>	<p>practices set out in Table 2</p> <p>Management systems in place at the gathering point to ensure effective compliance systems</p>	<p>there is evidence of compliance. Evidence could include remote sensing, aerial photographs, on farm images of cropping patterns, evidence of purchase of seed eg for legume crops, cover crops, photographic evidence infield of crops insitu, infield assessment of bare soil proportions accompanied by photographic evidence.</p> <p>Monitoring at gathering point level of types of residues being processed and passed to energy users, proportions of residues being passed down energy supply chains, mapped extent and coverage of their sourcing area/farms, collated data on farm type and crop types covered</p>
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**Table. 2 Soil management best practices for soil quality and carbon mitigation impacts**

<b>Best practice</b>	<b>Mitigation impact</b>
Low or no-till	Improves soil function, soil organic matter, compaction, aggregates, and other important aspects of soil quality
Cover crops	Cover crops can reduce wind erosion
Conservation agriculture practices	Includes practices such as direct seeding or soil cover (mulch or cover crops) that maintain or improve soil quality, or the inclusion of manure or digestate (as a result of biogas production). Care needs to be taken to manage the amount of manure used to avoid negative consequences.
Soil management plan	A soil management plan outlines the strategies and is a preventative rather than reactive measure.
Crop rotation or intercropping	Can maintain and improve soil fertility and soil structure.

## **7. Checklist**

KZR INiG System/ 10/ Guidelines for auditors and conduct of audits

## **8. Changes compared to the previous edition**

<b>Date</b>	<b>Issue No.</b>	<b>Section</b>	<b>Previous requirement</b>	<b>Current requirement</b>

## **9. References**

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

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

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).

Acts on shaping the agricultural structure of 11.04.2003 (J. of Laws 2003 No. 64 item 592 as amended).

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

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)

Handbook on GHG inventory in land use change and forestry sector, Consultative Group Of Experts On National Communications From Parties Not Included In Annex and To The Convention, published by UNFCCC.

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<sup>i</sup>Commission Decision of 10 June 2010 on guidelines for the calculation of land carbon stocks for the purpose of Annex V to Directive 2009/28/EC (2010/335/EU).

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

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 (J. of Laws L 30 z 31.01.2009, s. 16–99).

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 (J. of Laws L 30 z 31.01.2009, s. 16–99).

*Cross-compliance rule – Minimum standards, Scope A and Scope B valid from 2011, information folder of Agencja Restrukturyzacji i Rozwoju Wsi, November 2010.*

Council Directive 91/414/EEC of 15 July 1991 concerning the placing of plant protection products on the market (J. of Laws WE L 230, z 19.8.1991 r.).

*Cross-compliance rule – Minimum standards, Scope A and Scope B valid from 2011, information folder of Agencja Restrukturyzacji i Rozwoju Wsi, November 2010.*