

## Annex to Crops & Sugar Beet Checklist V4

### Standard EI.c and Appendix EI.c

#### LAND USED TO PRODUCE CROPS FOR BIOFUELS, BIOLIQUIDS AND BIOMASS

##### Summary of Requirements

Producers who may supply crops into the biofuel, bioliquid and biomass supply chains must not produce from areas of land with high biodiversity or of high carbon stock or peatland (unless evidence is provided that the cultivation and harvesting does not involve drainage of previously undrained soil. This is a requirement under the Renewable Energy Directive 2009/28/EC; articles 17(3), 17(4), 17(5).

Producers must be assessed for compliance against these requirements rather than the simplified requirements that are included in Standard EI.c

##### Definitions

**Biofuels** - means liquid or gaseous fuel for transport produced from biomass

**Bioliqids** - means liquid fuel for energy purposes other than for transport, including electricity and heating or cooling, produced from biomass

**Biomass** – means the biodegradable fraction of products, waste 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.

##### Requirements of Renewable Energy Directive Article 17(3)

Conservation of biodiversity

Biofuels and bioliqids shall not be made from raw material obtained from land with a high biodiversity value that is land that had one of the following statuses in or after January 2008 whether or not the land continues to have that status

- Land that was primary forest or other wooded land  
Primary forest and other wooded land is defined as 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
- Areas designated:
  - by law or by the relevant competent authority for nature protection purposes; or
  - for the protection of rare, threatened or endangered ecosystems or species recognised

by international agreements or included in lists drawn up by intergovernmental organisations or the International Union for the Conservation of Nature, subject to their recognition in accordance with the second subparagraph of Article 18(4) of the Renewable Energy Directive

An exception is possible if evidence is provided that the production of that raw material did not interfere with those nature protection purposes

- Land that was highly biodiverse grassland

Highly biodiverse grassland is defined as:

- natural, namely grassland that would remain grassland in the absence of human intervention and which maintains the natural species composition and ecological characteristics and processes or
- non-natural, namely grassland 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

Commission Regulation (EU) No1307/2014 establishes definitions of 'grassland', 'human intervention', 'degraded' and 'species-rich' and clarifies that grasslands in the following geographic ranges of the EU shall always be regarded as highly biodiverse grassland:

- habitats listed in Annex I to Council Directive 92/43/EEC (1)
- habitats of significant importance for animal and plant species of Union interest listed in Annexes II and IV to Directive 92/43/EEC
- habitats of significant importance for wild bird species listed in Annex I to Directive 2009/147/EC

### **Requirements of Renewable Energy Directive Article 17(4)**

Conservation of carbon stocks

Biofuels and bioliquids shall not be made from raw material obtained from land with high carbon stock that is, land that had one of the following statuses in January 2008 and no longer has that status

- Land that was wetland
  - A wetland is land that is covered with or saturated by water permanently or for a significant part of the year
- Land that was continuously forested
  - Continuously forested areas are defined as land spanning more than one hectare with trees higher than 5m and a canopy cover of more than 30% or trees able to reach those

thresholds in situ

- Continuously forested areas do not include land that is predominantly under agricultural or urban land use. Agricultural land use refers to tree stands in agricultural production systems, such as fruit tree plantations, oil palm plantations and agroforestry systems when crops are grown under tree cover
- Forested land with 10-30% canopy cover
  - Sparsely forested areas are defined as land spanning more than one hectare with trees higher than 5m 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 V is applied, the greenhouse gas threshold set out in the Directive would still be fulfilled.

These provisions shall not apply if, at the time the raw material was obtained, the land had the same status as it had in January 2008

### **Requirements of Renewable Energy Directive Article 17(5)**

Conservation of peatlands

Biofuels and bioliquids shall not be made from raw material obtained from land that was peatland in January 2008

- An exception is possible if evidence is provided that the cultivation and harvesting of that raw material does not involve drainage of previously undrained soil
- For peatland that was partially drained in January 2008 a subsequent deeper drainage, affecting soil that was not fully drained, would constitute a breach of the criterion

### **Renewable Energy Directive Documentation Requirements**

Documents for verification of previous land status must be retained for 5 years and made available for inspection by the assessor. Such documents may include Single Farm Payment documentation, maps or other of official records showing field location and classification/ use.

Where applicable, documents must be kept to show compliance with the Environmental Impact Assessment (Agriculture)(England)(no.2) Regulations 2006. These act to protect uncultivated land and semi-natural areas from being damaged by agricultural work, and to guard against possible negative environmental effects from the restructuring of rural land holdings. Records of an EIA must be kept for 5 years and made available for inspection by the assessor. EIA guidance can be found at Natural England <http://publications.naturalengland.org.uk/publication/4038539>

Documentation must include records of a mass balance system which specify the timeframe over which the system operates and include full details of any 'carry-over' stocks

Documentation relating to wetlands must reflect seasonal changes within a year.

**Post Harvest Declaration (Grain passport)**

For the purposes of the Renewable Energy Directive, the volume of RED- compliant raw material produced/leaving the farm must be recorded and producers must sign the related declaration on sustainability on the Post Harvest Declaration (grain passport) for crops produced on eligible land.