

COMMISSION IMPLEMENTING DECISION (EU) 2022/2461**of 14 December 2022****recognising the ‘KZR INiG’ scheme for demonstrating compliance with the requirements set out in Directive (EU) 2018/2001 of the European Parliament and of the Council as regards biofuels, bioliquids, biomass fuels, renewable liquid and gaseous fuels of non-biological origin and recycled carbon fuels and repealing Commission Implementing Decision (EU) 2022/603****(Text with EEA relevance)**

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to Directive (EU) 2018/2001 of the European Parliament and of the Council of 11 December 2018 on the promotion of the use of energy from renewable sources ⁽¹⁾, and in particular Article 30(4) thereof,

Whereas:

- (1) Directive (EU) 2018/2001 lays down requirements for certain fuels, namely biofuels, bioliquids, biomass fuels, renewable liquid and gaseous fuels of non-biological origin and recycled carbon fuels. These requirements ensure that these fuels can only be counted towards the targets set in that Directive if they have been sustainably produced and save significant greenhouse gas emissions compared to fossil fuels. Article 29 of that Directive lays down sustainability and greenhouse gas emissions saving criteria for biofuels, bioliquids, and biomass fuels. Furthermore, Article 26 of the Directive and Commission Delegated Regulation (EU) 2019/807 ⁽²⁾ lay down the criteria to determine: (i) which feedstock for biofuels, bioliquids or biomass fuels has high indirect land-use change risk; and (ii) which high indirect land-use change-risk biofuels, bioliquids or biomass fuels that meet certain conditions can be certified as having low indirect land-use change risk. Article 25(2) of Directive (EU) 2018/2001 lays down greenhouse gas emissions saving criteria for renewable liquid and gaseous fuels of non-biological origin and recycled carbon fuels used in transport. Article 28(2) of that Directive requires economic operators to enter information in a Union database on the transactions made and the sustainability characteristics of some renewable fuels (biofuels, biogas and renewable liquid and gaseous fuels of non-biological origin) and recycled carbon fuels used in transport.
- (2) Directive (EU) 2018/2001 also lays down rules for calculating the contribution of renewable electricity to transport targets. In particular, Article 27(3) of that Directive sets out the rules on how to calculate this contribution when the electricity is directly used to power electric vehicles and when it is used to produce renewable liquid and gaseous fuels of non-biological origin that are used in transport.
- (3) Voluntary schemes have played a significant role in providing evidence of compliance with the sustainability and greenhouse gas emissions saving criteria for biofuels and bioliquids. Under Directive (EU) 2018/2001, voluntary schemes can be used to: (i) certify compliance of all fuels produced from biomass, including gaseous and solid fuels, with the sustainability criteria laid down in that Directive; (ii) provide accurate data on their greenhouse gas emissions savings; (iii) certify compliance of renewable liquid and gaseous transport fuels of non-biological origin and recycled carbon fuels with their greenhouse gas emissions saving criteria; and (iv) prove compliance with the

⁽¹⁾ OJ L 328, 21.12.2018, p. 82.

⁽²⁾ Commission Delegated Regulation (EU) 2019/807 of 13 March 2019 supplementing Directive (EU) 2018/2001 of the European Parliament and of the Council as regards the determination of high indirect land-use change-risk feedstock for which a significant expansion of the production area into land with high carbon stock is observed and the certification of low indirect land-use change-risk biofuels, bioliquids and biomass fuels (OJ L 133, 21.5.2019, p. 1).

provisions of Article 27(3) of that Directive on calculating the share of renewable electricity in transport. Voluntary schemes can also be used to prove that economic operators enter accurate information into the Union or national databases on some renewable fuels and recycled carbon fuels used in transport, in accordance with Article 28(4) of Directive (EU) 2018/2001. Furthermore, voluntary schemes can be used to certify biofuels, bioliquids and biomass fuels with low indirect land-use change risk. The Commission may decide that voluntary national or international schemes can serve all or some of these purposes.

- (4) Under Article 30(9) of Directive (EU) 2018/2001, where an economic operator provides proof of or data on compliance with the sustainability and greenhouse gas emissions saving criteria, obtained in accordance with a voluntary scheme that has been recognised by the Commission, to the extent covered by the recognition decision, a Member State is not to require the supplier to provide further evidence.
- (5) On 28 August 2020, the 'KZR INiG' scheme submitted a request for recognition to the Commission under Article 30(4) of Directive (EU) 2018/2001. The request led to an assessment of that scheme by the Commission, and some issues which prevented the scheme being considered as compatible with the sustainability criteria, as laid down in Article 29 of Directive (EU) 2018/2001 were identified. In its resubmission of 25 June 2021, the scheme correctly addressed those issues. The Commission's assessment concluded that the scheme: (i) covered adequately the sustainability criteria for agricultural biomass laid down in Article 29(2) to (5) of Directive (EU) 2018/2001; (ii) contained accurate data on greenhouse gas emission savings for the purpose of Article 29(10) of Directive (EU) 2018/2001; and (iii) applied a mass balance methodology in accordance with the requirements of Article 30(1) and (2) of Directive (EU) 2018/2001. However, the Commission did not consider the scheme to adequately cover the sustainability criteria for forest biomass, laid down in Article 29(6) and (7) of Directive (EU) 2018/2001. Therefore, the 'KZR INiG' scheme was only recognised for demonstrating compliance with the requirements set out in Article 29(2) to (5) and (10) of Directive (EU) 2018/2001 by Commission Implementing Decision (EU) 2022/603 ⁽³⁾.
- (6) The 'KZR INiG' scheme made further modifications to ensure that the sustainability criteria for forest biomass, laid down in Article 29(6) and (7) of Directive (EU) 2018/2001, were also adequately covered. After further amendments, all the remaining issues, which had previously been identified, were adequately addressed in a resubmission of 23 September 2022.
- (7) The 'KZR INiG' scheme covers the following feedstocks: agricultural biomass, forest biomass, and wastes and residues. The scheme also covers all types of fuels. It has a global geographic coverage and includes the entire chain of custody (for biomethane up to the production unit). The Commission has reassessed the 'KZR INiG' scheme since the resubmission of 23 September 2022 and has found that it: (i) covers adequately the sustainability criteria laid down in Article 29(2) to (7) of Directive (EU) 2018/2001; (ii) contains accurate data on greenhouse gas emission savings for the purposes of Article 29(10) of that Directive; and (iii) applies a mass balance methodology in accordance with the requirements of Article 30(1) and (2) of that Directive.
- (8) The Commission's assessment does not take into account the implementing act to be adopted in accordance with Article 29(8) of Directive (EU) 2018/2001 on providing guidance for demonstrating compliance with the sustainability criteria laid down in Article 29(6) and (7) of that Directive ⁽⁴⁾. The 'KZR INiG' scheme will therefore be re-assessed in this regard.

⁽³⁾ Commission Implementing Decision (EU) 2022/603 of 8 April 2022 on the recognition of the 'KZR INiG' scheme for demonstrating compliance with the requirements set in Directive (EU) 2018/2001 of the European Parliament and of the Council for biofuels, bioliquids, biomass fuels, renewable liquid and gaseous fuels of non-biological origin and recycled carbon fuels (OJ L 114, 12.4.2022, p. 185).

⁽⁴⁾ The Implementing Regulation on providing guidance for demonstrating compliance with the sustainability criteria laid down in Article 29(6) and (7) of Directive (EU) 2018/2001 has received a positive opinion from the Committee on the Sustainability of Biofuels, Bioliquids and Biomass Fuels on 14 September 2022 but has not been officially adopted yet.

- (9) Commission Implementing Regulation (EU) 2022/996 ⁽⁵⁾ will only apply from 30 December 2023. The 'KZR INiG' scheme should be re-assessed in light of the new Implementing Regulation.
- (10) In its assessment of the 'KZR INiG' scheme, the Commission found that it meets adequate standards of reliability, transparency and independent auditing and complies with the methodological requirements set out in Annex VI to Directive (EU) 2018/2001.
- (11) For reasons of transparency and legal certainty, it is appropriate that a single Commission act sets out in a comprehensive manner all the sustainability and greenhouse gas emissions criteria that the 'KZR INiG' scheme is considered to adequately cover. Therefore, Implementing Decision (EU) 2022/603 should be replaced.
- (12) The recognised 'KZR INiG' scheme should be made available in the section on voluntary schemes on Europa, the Commission's website
- (13) The measures provided for in this Decision are in accordance with the opinion of the Committee on the Sustainability of Biofuels, Bioliquids and Biomass fuels,

HAS ADOPTED THIS DECISION:

Article 1

The 'KZR INiG' voluntary scheme ('the scheme'), submitted for recognition to the Commission on 23 September 2022, demonstrates the following elements for the fuels audited under the scheme:

- (a) compliance of the consignments of biofuels, bioliquids and biomass fuels with the sustainability criteria laid down in Article 29(2) to (7) and (10) of Directive (EU) 2018/2001;
- (b) compliance of economic operators with the obligation to enter accurate information into the Union or national databases on renewable fuels and recycled carbon fuels used in transport in accordance with Article 28(4) of Directive (EU) 2018/2001.

The scheme also contains accurate data on greenhouse gas emission savings for the purpose of Article 29(10) of Directive (EU) 2018/2001 in as far as it ensures that all relevant information from economic operators upstream from the chain of custody is transferred to the economic operators downstream from the chain of custody.

Any changes to the contents of the 'KZR INiG' voluntary scheme, as submitted for recognition to the Commission on 23 September 2022, that might affect the basis of this Decision, shall be notified to the Commission without delay. The Commission shall assess the notified changes to determine whether the scheme still adequately complies with the sustainability criteria for which it is recognised.

Article 2

The Decision shall apply until 16 December 2027.

Article 3

This Decision shall be repealed, if:

- (a) it has been clearly demonstrated that the 'KZR INiG' voluntary scheme has not implemented elements considered to be important for this Decision or if a severe and structural breach of those elements has occurred;
- (b) the 'KZR INiG' voluntary scheme fails to submit annual reports to the Commission pursuant to Article 30(5) of Directive (EU) 2018/2001;

⁽⁵⁾ Commission Implementing Regulation (EU) 2022/996 of 14 June 2022 on rules to verify sustainability and greenhouse gas emissions saving criteria and low indirect land-use change-risk criteria (OJ L 168, 27.6.2022, p. 1).

- (c) the 'KZR INiG' voluntary scheme fails to implement standards of independent auditing and other requirements set out in implementing acts referred to in Article 29(8) or Article 30(8) of Directive (EU) 2018/2001 or improvements to other elements of the scheme considered to be important for continued recognition.

Article 4

Implementing Decision (EU) 2022/603 is repealed with effect from 16 December 2022.

Article 5

This Decision shall enter into force on the day following that of its publication in the *Official Journal of the European Union*.

Done at Brussels, 14 December 2022.

For the Commission
The President
Ursula VON DER LEYEN
