



**ISCC 201 / 36th BImSchV
System Basics**

Supplementary System Basics

**for the certification of liquid and gaseous biofuels
under the 36th BImSchV**

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Supplementary system basics for the certification of liquid and gaseous biofuels under the 36th BlmSchV

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1	Introduction.....	4
2	Scope	4
3	Normative references	5
4	Certification	6
4.1	Certification criteria under the 36th BImSchV	6
4.1.1	Fundamentals	6
4.1.2	Eligibility for double counting	6
4.1.3	Sustainability requirements.....	6
4.1.4	Requirements concerning the greenhouse gas emission savings.....	6
4.1.5	Requirements concerning traceability and the principles of product identity	7
4.2	Certification procedure.....	8
4.2.1	Participants in the certification system (relevant elements).....	8
4.2.2	Application for certification	9
4.2.3	Conduct of audits	9
4.2.4	Issuance of certificates and statements of conformity	10
4.3	Transitional rules	11
	Annex.....	12

1 Introduction

On 01/01/2013 the new regulations of the 36th BImSchV (Federal Immission Control Act) and of the Biokraft-NachV (Biofuel Sustainability Ordinance) came into force in Germany.

The requirements contained therein apply for all liquid and gaseous biofuels which shall be counted double against the biofuel quota and which are brought onto the market as of 01/01/2013. Biofuels are eligible for double counting against the biofuel quota if they are produced from materials in accordance with § 7 paragraph 1 no. 1 to 4 of the 36th BImSchV.

As part of the legislative changes the BLE (German Federal Office for Agriculture and Food) has recognised ISCC DE as an appropriate certification system in accordance with the 36th BImSchV, with publication in the Federal Bulletin on 27/12/2012.

The requirements of the 36th BImSchV described in this documents apply to all elements of the supply chain (points of origin, collecting points (first gathering points), warehouses, traders, conversion units) up to and including the last interface for activities under the 36th BImSchV.

For all elements of the supply chain after the last interface, the ISCC documents for the certification of sustainable biomass and bioenergy shall be applied.

First gathering points, warehouses and conversion units up to and including the last interface which collect, store and process sustainable biomass as well as materials in accordance with the 36th BImSchV must comply with the requirements of the 36th BImSchV as well as with the ISCC requirements for the certification of sustainable biomass and bioenergy.

2 Scope

The requirements described in the system basics and further documents of the certification system generally apply to all relevant elements of the supply chain.

The other ISCC requirements regarding each level of the supply chain for the proof of the sustainable production of biofuels under the 36th BImSchV and for the certification bodies are the same for all countries allowed by the BLE. Currently the BLE allows certification according to the 36th BImSchV in the following countries (ISCC will communicate any amendment of this list by the BLE to the system users and the certification bodies):

Germany, Belgium, Bulgaria, Denmark, Estonia, Finland, France, Italy, Latvia, Lithuania, Luxembourg, Netherlands, Austria, Poland, Sweden, Slovakia, Spain, Czech Republic, Hungary, United Kingdom of Great Britain and Northern Ireland, Norway, Switzerland, Canada, Malaysia, Peru, Cambodia, Republic of Korea (South Korea) and the USA.

The following documents shall always be respected for certifications under the 36th BImSchV. They supplement the existing ISCC system documents.

	No.	Name	Content
Technical documents	201/36th Blm-SchV	Supplementary System Basics	This document describes the basic functions and processes of the ISCC system for all liquid and gaseous biofuels that shall be counted double against the biofuel quota in Germany and that shall be brought onto the market as of January 1st of 2013.
	202-36	Self-declarations for points of origin	
		ISCC audit procedures	Detailed guidelines for the realisation of audits, for use during audits as well as for the preparation of audit reports. The audit procedures for the certification under the 36th BlmSchV of first gathering points, interfaces (conversion units) as well as for warehouses/suppliers before the last interface shall be applied.
Reference documents		36th Ordinance for the Implementation of the German Federal Immission Act (BlmSchV) as of 26/11/2012 (36. Verordnung zur Durchführung des Bundes-Immissionsschutzgesetzes, BlmSchV)	The Ordinance regulates the certification of liquid and gaseous biofuels that can be counted double against the biofuel quota in Germany. This Ordinance applies to all elements of the supply chain up to and including the last interface.

Table 1: Supplementary documents for the certification of liquid and gaseous biofuels under the 36th BlmSchV

3 Normative references

Apart from the documents listed in chapter 2, all ISCC documents applicable to this scope are to be considered as relevant references.

4 Certification

4.1 Certification criteria under the 36th BImSchV

4.1.1 Fundamentals

The relevant certification criteria that must be complied with to be eligible for the double counting of liquid and gaseous biofuels against the biofuel quota fall into four categories:

- (1) Eligibility for double counting,
- (2) sustainability requirements,
- (3) requirements concerning the greenhouse gas emission savings and its calculation-methodology,
- (4) requirements concerning the traceability and the principles of product identity.

4.1.2 Eligibility for double counting

Eligible for double counting against the biofuel quota are biofuels physically made of materials in accordance with § 7 paragraph 1, no. 1 to 4 of the 36th BImSchV. These materials are:

- Waste to which the provisions of the German waste and recycling law (Kreislaufwirtschaftsgesetz) apply, with the exception of vegetable fats or oils which have been used for frying/cooking food
- Residues (crude glycerine, tall oil pitch, slurry and farmyard manure, used fats and oils)
- Non-food cellulosic material
- Ligno-cellulosic material

The BLE maintains a detailed list of the materials in accordance with §7 paragraph 1 of the 36th BImSchV. This list can be downloaded in the client area of the ISCC website.

Biofuels that are entirely or partially produced from animal fats or oils cannot be counted single or double against the biofuel quota. The unintentional but unavoidable contamination of vegetable biofuels with animal ingredients does not prohibit the eligibility of the vegetable biofuels for double counting against the biofuel quota. A violation of the obligation to avoid waste (e.g. pretended utilization of vegetable oils for frying in order to obtain eligibility for double counting) means that there will be no eligibility for double counting against the biofuel quota.

4.1.3 Sustainability requirements

Liquid and gaseous biofuels that are produced from waste or residues deriving from farming, forestry and fishing or from aquacultures must comply with the sustainability requirements related to specific areas in accordance with § 3 paragraph 1 Biokraft-NachV (Biofuel Sustainability Ordinance).

4.1.4 Requirements concerning the greenhouse gas emission savings

Biofuels produced under the requirements of this certification system must have a greenhouse gas emission savings potential of at least 35 percent. In order to prove this savings

potential, each element of the supply chain has to calculate its greenhouse gas emissions (or use the respective default values) and to transmit this information to the next interface. The last interface in the supply chain has to calculate and to document the savings potential of the biofuels that are eligible for double counting.

4.1.5 Requirements concerning traceability and the principles of product identity

The provenance of the materials used for the production of biofuels eligible for double counting must be traceable throughout the whole production and supply chain up to the point of origin. This is done by using systems for traceability as well as identification numbers and proofs or attestations assuring that the provenance, the quantity and the respective greenhouse gas emissions can clearly be identified on each level. For the traceability of the materials used up to and including the last interface, the principles of product identity shall be applied. Product identity means that the materials permitting the eligibility of double counting have to be physically used for the production of the biofuel. Thus, a traceable link between the documents within the inventory management system and a concrete delivery is necessary and decisive. This traceable link must exist between the different levels of origin, sale and production of the biofuel as well as for intra-company processes from the moment of receipt of the goods to the moment of delivery. Delivery notes and proofs of sustainability must be issued with reference to the material and the country.

A batch is a certain amount of material that has been produced using the same materials of origin under the same circumstances. The requirements for the economic operators are in detail:

- Each batch of material in accordance with § 7 paragraph 1 of the BImSchV shall be provided with a unique identification number at its receipt and to be entered into the inventory management system.
- Under this identification number, the type of material (classification according to the materials listed in § 7 paragraph 1, no. 1 to 4 of the 36th BImSchV), the amount of the batch in t or m³ and the time of receipt shall be documented.
- All delivery documents, invoices and other shipping papers have to be provided with the identification number and the information concerning the material.
- When forwarding the material, this information as well as the time of departure (delivery) shall be documented.
- For intra-company processes, the conversion rates and the resulting quantity changes have to be assigned to each single batch.
- The documentation must allow to show at each moment where the batch is located.
- If different batches of the same material are mixed during intra-company processes, a new identification number can be assigned if the traceability to the original batches can be ensured.
- Non sustainable material and sustainable material that allows eligibility for double counting may not be mixed.
- Material that is eligible for double counting and material that is not eligible for double counting may be mixed.

The records may be written or electronic delivery notes, invoices or other shipping papers or IT-records. These records have to be stored during at least ten years by the economic operators, from the moment of preparation of the documents or the receipt of the goods.

From the outgoing delivery of the last interface onward, the provenance of the biofuel can be proved by using mass balance systems. In order to prove the evidence, the governmental web application Nabisy shall be used in addition to the written documentation from the last interface onward.

4.2 Certification procedure

4.2.1 Participants in the certification system (relevant elements)

Participants at the ISCC Certification System may be companies of the supply chain or the production of liquid and gaseous biofuels from material in accordance with § 7 of the 36th BImSchV:

- (1) **Point of origin:** Points of origin are all companies of private households where waste and residues occur. Points of origin do not have to be certified. Points of origin (companies) must fill in a self-declaration and provide a signed version to the collecting point. Private households do not have to fill in a self-declaration. Points of origin are checked by a certification body within the scope of the certification and the control of a collecting point, based on a sample. There are three options for the use of a self-declaration:
 1. The self-declaration is filled in and signed for each single delivery of waste and residues.
 2. The self-declaration is used for all deliveries within a contract between the point of origin and the collecting point. In this case, the contract number shall be indicated on the self-declaration.
 3. The content of the self-declaration can be transferred with exactly the same words into the contract of the collecting point with the point of origin.

The self-declaration as such or as part of a contract has a validity of one year at the most, starting from the date of issue.

- (2) **Collecting points:** Collecting points (first gathering points) of waste and residues under the 36th BImSchV are companies which receive the materials used for the production of biofuels that are eligible for double counting for the first time from the points of origin with the purpose of trading. Collecting points have to be certified. Collecting points have to receive a signed self-declaration from each point of origin (except private households) before they are allowed to collect material in accordance with the 36th BImSchV.

If the criterion of „trading“ is not fulfilled, the collecting point does not have to be certified. This includes companies collecting material solely on behalf of a (certified) collecting point, without the purpose of trading, and where the material does not become the company's property.

Collecting points that do not have to be certified themselves are controlled as storing site or warehouse within the certification of the first gathering point, on the basis of a sample size of at least 5%.

- (3) **Warehouses:** Warehouses under the 36th BImSchV are companies storing (liquid or gaseous) material that is eligible for double counting. They can be at the same time part of another element of the supply chain and also act independently.
- (4) **Conversion units:** Melting plants, biodiesel plants and other companies processing materials in accordance with § 7 of the 36th BImSchV or processing liquid and gaseous biofuels in a certain quality so that they can be brought onto the market as biofuels eligible for double counting.
- (5) **Suppliers:** A supplier under the 36th BImSchV is an element of the supply chain delivering materials in accordance with § 7 of the 36 BImSchV or delivering biofuels for which the eligibility for double counting as well as the sustainability can be documented by a double counting proof and a proof or partial proof of sustainability, to another supplier or a company that has to prove eligibility for double counting (company bringing biofuels onto the market).
- (6) **Transport:** Companies transporting biomass between the above mentioned companies and to production sites that generate electricity.

4.2.2 Application for certification

The relevant elements of the supply chain that want to participate in the ISCC system in accordance with the 36th BImSchV apply at a certification body cooperating with ISCC. This certification body has to be recognised by the BLE as appropriate for certification under the 36th BImSchV and published as such in the Federal Bulletin. Before application, the elements of the supply chain have to make sure that they comply with the respective requirements and provide the necessary documentation to the chosen certification body.

The requirements of the 36th BImSchV and the above mentioned requirements have to be fulfilled. Furthermore, the other standards of the ISCC system shall be respected.

4.2.3 Conduct of audits

The certification bodies carry out certification audits at all relevant elements of the supply chain.

- Points of origin (except private households) are controlled through on-site checks and bookkeeping examinations at the collecting point, based on a sample. The calculation of the sample-size (for on-site checks and bookkeeping examinations) is defined by the BLE, as described in the annex of this document.
- All entities (collecting points, warehouses/traders, conversion units) collecting, storing/trading or processing material, up to
- and including the last interface must be certified in accordance with the requirements of the 36th. BImSchV. Certificates issued before the controls under the 36th BImSchV do not fulfil the requirements. Such companies must be certified once again by a certification body or, in the case of already certified last interfaces, undergo an additional control.
- For activities falling under the 36th BImSchV, interfaces in accordance with § 2 paragraph 3 of the Biokraft-NachV (collecting points/first gathering points and conversion units) have to be controlled at least three times per year by a certification body re-

garding the fulfilment of the requirements, through on-site checks realised in addition to the original certification audit. These three on-site checks have to be evenly spread over the period between the yearly certification audits. At the collecting points, an on-site check of the sample of points of origin as well as of at least 5% of the dependent collecting points/warehouses is realised. Warehouses/trades up to the last interface not belonging to a collecting point/first gathering point shall be controlled at least once per year.

- During a certification of a collecting point, a **sample of points of origin** has to be controlled regarding the requirements of the BLE. At the first certification under the 36th BImSchV, **it is possible, as an exception**, to realise the control of the sample size after six months at the latest, within the period between the issuance of the certificate and a control. That means that the certification body can issue a certificate (for the collecting point) and catch up the control of the sample size of the points of origin within six months.
- Last interfaces in accordance with § 2 paragraph 3 no. 3 of the Biokraft-NachV issue a proof of sustainability and a related **double counting proof** within the Nabisy database, for biofuels that shall be double counted againsts the biofuel quota. The double counting proof has to be issued at the latest one month after the production of the biofuel. Before issuing a double counting proof, a certificate for the issuing company has to exist, fulfilling the requirements of the 36th BImSchV. This presumes an additional on-site control of the requirements by the certification body. For last Interfaces that have already been certified in accordance with § 26 of the Biokraft-NachV, the certification body will issue a statement of conformity regarding this control. This statement of conformity has to show the number of the valid certificate. These statements of conformity have to be communicated to the BLE and to ISCC within 24 hours after issuance. For biofuels being only partially produced from material eligible for double counting in accordance with § 7 of the 36th BImSchV, a double counting proof can only be issued for the part that is eligible for double counting. If a biofuel is produced from different materials eligible for double counting, a single proof of double counting has to be issued for each material and the respective quantity.
- A list of biofuels with the respective codes for Nabisy is available for download in the client section on the ISCC website. Before issuing a double counting proof, the whole supply chain from the collecting point up to the producer has to be certified in accordance with the 36th BImSchV.

For audits under the 36th BImSchV, the above mentioned ISCC audit procedures have always to be used, as they were officially recognised by the BLE for certification audits under the 36th BImSchV.

4.2.4 Issuance of certificates and statements of conformity

For the issuance of certificates and statements of conformity (for last interfaces prior to the issuance of the first double counting proof), solely the templates of the BLE shall be applied.

4.3 Transitional rule

As an exception, it is still possible that collecting points of material eligible for double counting can **collect and forward this material before the certification process is completed** (e.g. to conversion units like melting plants or to biodiesel plants). However, as a requirement for the posterior eligibility of double counting, the collecting point **has to show a valid certificate until 28/02/2013 at the latest**. If the collecting point did not receive the certificate until this due date, a specific contractual agreement has to be realised by the economic operators. Material deriving from a collecting point not being certified until 28/02/2013 and that has been delivered and/or processed is not eligible for double counting against the biofuel quota!

Annex

Calculation of the sample size for on-site checks and for the audit being the basis for a certificate for collecting points according to § 2 paragraph 3, no. 1b of the Biokraft-NachV.

Calculation of sample size						
Number of points of origin	Bookkeeping examination at the collecting point (first gathering point)			On-site checks at the points of origin		
	Inspection level			Inspection level		
	I (regular)	II (medium)	III (high)	I (regular)	II (medium)	III (high)
2 to 8	2	2	3	2	2	3
9 to 15	2	3	5	2	3	5
16 to 25	3	5	8	3	5	7
26 to 50	5	8	13	5	7	7
51 to 90	5	13	20	5	7	7
91 to 150	8	20	32	7	7	7
151 to 280	13	32	50	7	7	7
281 to 500	20	50	80	7	7	9
501 to 1.200	32	80	125	7	9	11
1.201 to 3.200	50	125	200	7	11	14
3.201 to 10.000	80	200	315	9	14	18
10.001 to 35.000	125	315	500	11	18	22
35.001 to 150.000	200	500	800	14	22	28
150.001 to 500.000	315	800	1.250	18	28	35
500.001 and more	500	1250	2.000	22	35	45

The sample size has to be calculated based on a risk assessment and shall contain big, medium as well as small points of origin, depending on the individual circumstances. Each point of origin shall have the same chance to be selected for the bookkeeping examination. This also applies to the calculation of the sample size for the on-site check of the points of origin. The sample type as well as its risk assessment shall be documented.