



# REDcert

Supplementary system principles for  
**waste and residual materials**  
for the implementation of  
the Biomass Sustainability Ordinances  
(BioSt-NachV and Biokraft-NachV)

**Version 07**

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## Introduction

To protect the climate and reduce current greenhouse gas emissions, the sustainable use of biomass for energy is to be encouraged. The 2009/28/EC Directive defines sustainability requirements for the use of biomass for energy. With the Biomass Electricity Sustainability Ordinance (BioSt-NachV) and the Biofuels Sustainability Ordinance (Biokraft-NachV), the framework of the Renewable Energy Sources directive stipulated by the European Union for sustainability criteria for biofuels and liquid fuels is transposed into national law (Germany). The specifications of the Sustainability Ordinances apply for companies along the entire production, processing and supply chain all the way to the plant operator and those responsible for providing proof that they satisfy the requirements pursuant to the Energy Taxation Act and the Federal Immissions Control Act (BImSchG). All operations engaged in the production and supply of biomass in compliance with these regulations must have pledged to comply with an approved certification scheme. REDcert is this type of certification scheme.

## 1 Scope of application

This document describes the supplementary requirements criteria as well as the documentation and verification for all interfaces and suppliers that participate in the REDcert system in the area of waste and residual materials. The valid system principles for first gathering points, (last) interfaces and suppliers are defined in detail by these requirements. Interfaces are:

- Operations that collect waste or residual materials for the first time from the supplying companies or private households are **first gathering points/collectors** as defined in the Biofuel Sustainability Ordinance (Biokraft-NachV). These are generally collection/treatment and processing operations. Private and municipal recycling depots are also classified as collection operations. Operations where waste and residual materials are processed by purely mechanical methods (sedimentation, filtration) are considered first gathering points/collectors and not conversion facilities as long as the input material and the material after mechanical processing is classified and declared using the same waste code. The terms "First gathering point", "Collector" and "Collection point" which are used in this document and in the REDcert checklists are used interchangeably.

- Operations that process biomass made from waste or residual materials with the required quality for use as fuel or liquid biomass to produce electricity are **last interfaces** as defined in the Biomass Sustainability Ordinances. These can be biodiesel, biogas facilities or corresponding treatment facilities.

Suppliers that are active before and after the interfaces above and are also registered in the REDcert system are required to undergo inspections and be certified.

REDcert's accreditation by the Federal Agency for Agriculture and Food (Bundesanstalt für Landwirtschaft und Ernährung – BLE) as a certification system pursuant to the Biomass Sustainability Ordinances (BioSt-NachV and Biokraft-NachV) covers all member states of the European Union and Ukraine. An overview of the countries in which activities in the area of waste and residuals are permitted can be found at: <http://www.redcert.de/> (Documents => Material).

## 2 Biofuel eligibility for crediting

### 2.1 General requirements

Only biofuels that were produced from biomass as defined in the Biomass Ordinance and that satisfy the requirements of the Biofuel Sustainability Ordinance can be credited towards the biofuel quota or receive tax concessions. For a biofuel to be credited toward the biofuel quota, proof of sustainability must be provided in accordance with Art. 37b(1) of the BImSchV.

Biofuels in the area of waste and residual materials that are eligible for crediting are biofuels that were either completely and partially produced from materials in accordance with Art. 2 (10) & (11) of the Biokraft-NachV in conjunction with Art. 2 (1) of the Ordinance on the List of Waste Materials (Abfallverzeichnis-Verordnung - AVV). The BLE keeps a list of materials according to Art. 2 (10) & (11) of the Biokraft-NachV in conjunction with Art. 2 (1) of the AVV. This list is final and went into effect in the REDcert system the day it was announced.

The definition of waste found in the Closed Substance Cycle and Waste Management Act (KrWG) is used to determine whether a substance is waste or not. If a substance is waste as defined in the KrWG, it must also be assigned to a waste code in accordance with the AVV. It must always be kept in mind that the groups of substances assigned to a waste code in the waste catalogue are not always waste. The specifications provided in Art. 4 and 5 of the KrWG must be complied with here. Accordingly, it must be determined on a case-by-case basis

whether the prerequisites of Art. 3 (1) of the KrWG are fulfilled and the substance is waste or not. The reverse, however, is also true: if specific batches are classified under a waste code by the competent authority, they are automatically waste. In terms of reusing the substance, the order of precedence provided in Art. 6 of the KrWG must be followed in conjunction with Art. 5 (1) sentence 1, no. 3 of the BImSchV. This means that the provisions in the KrWG are consistently applied in the event of waste according to Art. 2 (10) & (11) of the Biokraft-NachV in conjunction with Art. 2 (1) of the AVV. This also includes the documentation of approved waste cycles, the disposal/reuse channels and the respective waste code numbers. This also applies to waste and residuals produced abroad.

Biofuels that are produced entirely or partially from animal oils and fats are not credited toward satisfying the quota in accordance with Art. 37b of the BImSchG. A plant-based biofuel that is unintentionally and unavoidably contaminated with animal components is not prevented from being included in the satisfying the quota. A verified violation of the duty to prevent waste according to KrWG is viewed as a system violation. The biomass in question does not satisfy the conditions for reuse as waste within the framework of the biofuels chain.

The BLE keeps a list of the codes for liquid and gaseous biofuels made from the materials found in Art. 2 (10) & (11) of the Biokraft-NachV in conjunction with Art. 2 (1) of the AVV. These codes must be entered in the government web application Nabisy. REDcert participants can apply for changes to the lists via REDcert. The application must describe in detail why the change is necessary.

Any changes to the lists will only be made by the BLE with the approval of the Federal Ministry of Food and Agriculture (Bundesministerium für Ernährung und Landwirtschaft - BMEL).

## 2.2 Traceability and documentation requirements

Operations that supply waste or residual materials to collection/treatment or processing operations must confirm to the recipient that the supplied waste or residual material is only biomass as defined by the Biomass Ordinance. To this end, the REDcert form "Self-declaration for the supply of waste and residual materials for biofuel production" should be filled out and provided to the biomass recipient. This form can be found on the REDcert website <http://www.redcert.de/> under Documents. The form can be used for every individual delivery or all deliveries arising from an agreement or contract. If the self-declaration is used for all deliveries in an agreement or contract, the contract number or agreement number must be indicated. For the respective input materials listed in Art. 2 (10) & (11) of the Biokraft-NachV in conjunction with Art. 2 (1) of the AVV, it is possible to include the exact wording of the respective content found in the self-declaration as text in the collector's contract with the operation where the waste or residual material accumulates (waste producer). The self-declaration as such or as part of the contract is valid for a maximum of one year starting from the date of issue.

The collection point does not need a self-declaration for waste and residual materials that originates from private households. For the collection of cooking fats and oils, the collection point has to ensure that only used plant-based fats and oils are disposed of and that they are not mixed with animal waste/oil/fat. The following requirements therefore apply:

- The collection point ensures that the cooking fats and oils from private households are only disposed of under supervision – e.g. are poured into closed containers at the collector's site.
- The containers are clearly labelled to indicate that only used vegetable oil and fat may be disposed of and animal waste/fat/oil may not be disposed of in these containers.

The collection point must keep records on the quantities and type of waste and residuals gathered from private households. These records must clearly show which quantities were collected in the defined collection period in a mass balance system. The principles for mass balancing Version 05 in the REDcert-DE system must be applied accordingly. The records must be kept in such a way that the documentation clearly delineates the quantities of waste and residual materials collected in the same period by waste producers in accordance with Art. 2 (10) & (11) of the Biokraft-NachV in conjunction with Art. 2 (1) of the AVV.

In terms of waste and residue, the traceability of the biomass must be ensured by means of a mass balance system. The principles for mass balancing Version 05 in the REDcert-DE system must be applied accordingly.

The records can include written or electronic delivery slips, invoices or other shipping documents and electronic records. The records must be kept by the economic actor at least 10 years from the date the documents were created or from the date the biomass was accepted.

In accordance with the principles for mass balancing Version 05 in the REDcert-DE system, the requirements for managing continuous and transparent records to identify the quantity and type of incoming and outgoing waste and residuals are generally valid regardless of the type of operation and the individual system phases. For the purposes of verification, the government web application Nabisy must be used and documentation kept including delivery slips, invoices and other documents. A different database may not be used.

### **3 Other phase-specific documentation requirements**

The traceability and documentation requirements described under section 2 apply for all phases under the scope of the Biomass Sustainability Ordinances. Other specific REDcert system requirements for first gathering points, (last) interfaces and suppliers are described in the following section.

#### **3.1 First gathering points**

The first gathering point in the area of waste and residual materials must document the following for incoming goods:

- the name of all companies that he receives waste or residual materials from

- confirmation that the supplied waste or residual material is biomass as defined by the Biomass Ordinance (***self-declaration***)
- confirmation that the supplied waste or residual material only contains materials listed in Art. 2 (10) & (11) of the Biokraft-NachV in conjunction with Art. 2 (1) of the AVV (***self-declaration***)
- shipping documents for every recorded quantity of waste or residual material (***e.g. delivery slip***)
- If not included in the shipping documents, for every delivery:
  - the type of waste or residual material supplied, waste code if applicable
  - the date the waste or residual material was received
  - the quantity of waste or residual material
- if necessary, the GHG emissions<sup>1</sup> as an absolute value (for individual calculation or when requested by the biomass recipient) or it should be indicated whether partial or standard values should be applied to the incoming sustainable biomass.

Purchasing contracts or similar documents as well as contracts with third parties commissioned to handle waste or residual materials shall be provided for inspection by the certification body responsible.

The responsibilities for checking shipping documents and classifying and booking the waste and residual materials supplied as sustainable biomass in the ERP system also have to be defined and documented within the company.

### 3.2 Requirements for (last) interfaces

The requirements for (last) interfaces that are described in the REDcert document "System principles for the process step last interface for implementation of the Biomass Sustainability Ordinances (BioSt-NachV and Biokraft-NachV)" apply. The terms "sustainable biomass" and "waste

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<sup>1</sup> "The life cycle greenhouse gas emissions of waste, harvest residues such as straw, bagasse, husks, corn cobs and nutshells as well as production residues are set to zero until these materials are collected." (BioSt-NachV and Biokraft-NachV, Annex 1)



and residual materials" are used interchangeably in this document. The traceability of the biomass is ensured by a mass balance system in accordance with the principles for the mass balancing Version 05 in the REDcert-DE system.

Sustainability certificates can be issued within a mass balancing period plus 30 days. They are always issued by and managed in Nabisy. The certified interface must be inspected on-site by an approved certification body that has also been approved by the BLE under the scope of the Biomass Sustainability Ordinances before the sustainability certificate can be issued. A conformity certificate consistent with BLE specifications shall be issued via this inspection. The certificates shall be submitted to the BLE and REDcert within 24 hours after being issued. Last interfaces can only be activated once they have provided this conformity certificate for the creation of sustainability certificates in nabisy.

### 3.3 Supplier requirements

Certified REDcert system participants submit the application for access to the web application Nabisy to REDcert.

The respective form can be found under: <http://www.redcert.de/> => Documents => Material.

Other requirements are described in the phase-specific principles "System documents for the process step Supplier for implementation of the Biomass Sustainability Ordinances (BioSt-NachV and Biokraft-NachV)". Here, the terms "sustainable biomass" and "waste and residual materials" are also interchangeable.

## 4 Inspections for crediting eligibility

The certification body conducts an inspection no later than six months after the first certificate or the first inspection certificate (monitoring inspection) has been issued and otherwise, once a year, to validate that the operations continue to fulfil the requirements for issuance of a certificate. Ordinances in conjunction with the specifications set forth in Articles 3-5 of the KrWG and Art. 5 (1) (1) no. 3 and Art. 37b of the BImSchG are checked as part of these inspections. The main office or the collection point is inspected once a year. As is the case for first gathering points, non-autonomous sites (e.g. storage facilities) of a collection point must be inspected as part of certification (at least 5%).

As part of every on-site inspection of collection points, operations that supply waste and residual materials (known as waste producers) must be inspected by way of random sampling.

The minimum number of operations (waste producers) for random sampling is the square root of the total number of sites  $\sqrt{x}$  (where x is the number of sites) rounded up to the next whole number.

The random sample must be conducted with a view to risks taking into account the following factors: Type and size of the waste producers and type of waste and residue (e.g. multi-feedstock). The type of sample and the underlying risks as well as their assessment must be documented. Every waste producer must have the opportunity to be selected for the sample accounting check or for the on-site inspection. This means that every waste producer can be selected for sampling with the same probability. Waste producers that supply more than 10 tonnes of waste or residual materials a month (annual average) must be inspected on site by way of random sampling ( $\sqrt{x}$ ).

Waste producers that supply less than 10 tonnes of waste or residual materials a month (annual average) do not generally need to be inspected on site.

A risk-based, on-site inspection of these waste producers is, however, still necessary.

For biomass produced from waste or residual materials - as long as they did not originate from agriculture, forestry and fishing or from aquacultures - there is no requirement to provide verification related to the land-related criteria in accordance with Art. 4-7 of the Biokraft-NachV and BioSt-NachV.

## 4.1 Rules for small and very small operations

To prevent competitive disadvantages or even barriers to market access that can be caused for interfaces by the burdens associated with certification in accordance with Art. 2 para. 3 (1)(b) (collection points), inspections in what are known as "small and very small operations" may take place at longer intervals as an exception to the specifications in chapter 4. The following criteria are used to define "small and very small operations":

- the number of their "productive sites" (a site that needs a sustainability certificate as an "interface" in accordance with the Biomass Sustainability Ordinances)
- their position in a corporate group and
- their tonnage of waste/residual materials used to produce biofuels with the aim of crediting is **resold**. In addition to the number of "productive sites", taking into account the position of a legally independent company within a corporate group is intended to ensure that the rule for small and very small operations is not misused by corporate groups such as Group companies that assert a claim for their subsidiaries as "small and very small"

operations as a "controlling parent company" with its own sustainability certificate according to the German commercial codes (Handelsgesetzbuch Article 290 (2) and the Unternehmensgesetzbuch Article 244 (2)).

...for	Gathering/collection points are ...	
	"Small operation"	"Very small operation"
Number of productive sites	<b>1</b>	<b>1</b>
Controlling parent company with its own certification exists	<b>No</b>	<b>No</b>
Annual tonnage waste/residuals	<b>≤ 400 t</b>	<b>≤ 100 t</b>

The inspection intervals can be found in the system principles for neutral inspections Version 07 in the REDcert-DE system.

The validity period of the certificates for these operations must be adjusted to the intervals listed above.

Regardless of this, additional inspections, either follow-up inspections (to check corrective measures) or special inspections (for an urgent reason), are possible.

In justified cases, REDcert may set the inspection frequency that applies for "normal operations" for small and very small operations if facts come to light that show that the aim is to circumvent the intention of small and very small operations – protecting them unreasonable hardships – to gain an economic advantage.

If it turns out that no goods are traded or processed for an unforeseeable period at small and very small operations within the certificate's period of validity (3 or 5 years), the operation can inform the certification system and the certification body. The inspections stipulated in the provision for small and very small operations are then suspended. Once the operation begins to trade/process again, the certification system and the certification body must be informed immediately. The certification body then has a maximum of 3 months after notification to inspect the operation and resume the inspection intervals. The notifications forms can be found on the REDcert website under: [www.redcert.de](http://www.redcert.de) (Documents => Material).

## 5 Exception for transshipment points

Transshipment points (and the use of them) are not considered operating sites subject to sample inspections as long as none of the following activities take place at these sites:

- documentation of incoming and outgoing goods
- weighing of incoming biomass
- long-term storage (more than 24 hours)
- transfer of biomass from one container to another
- processing/treatment of the biomass supplied

transshipment points are defined accordingly as sites where goods are only provided for transport. This definition is oriented around the stipulations of the Closed Substance Cycle and Waste Management Act (KrWG), the Ordinance on Waste Recovery and Disposal Records (NachweisV) and the Hazardous Substances Ordinance (GefStoffV). Compliance must be ensured with the relevant stipulations arising from the laws above for the use of the transshipment point.

If transshipment points as described above are used, the following requirements do not apply:

1. registration as an operating site in the REDcert database and, as a result,
2. sample inspections

In addition to the provisions listed above and related provisions, the following requirements/conditions must be satisfied for the respective system participants to make use of the exception.

1. Short-term storage for transshipment purposes may not generally exceed 24 hours.
2. No changes of any kind are made to the container or the product itself at the transshipment site.

The certification body must be notified of the use of transshipment points for the transshipment of sustainable biomass in accordance with Art. 2 (10) & (11) of the Biokraft-NachV in conjunction with 2 (1) of the AVV. The certification body must verify compliance with the requirements above once on-site at the next opportunity and confirm this in written form to REDcert and the system participant. The continued use of the transshipment point is to be verified by the certification body

in every subsequent audit (e.g. by providing confirmation). In case of doubt, the certification body is authorised to inspect transshipment points at any time.

## 6 Exception to the BioSt-NachV scope of application

The Federal Ministry for the Environment, Nature Conservation and Nuclear Safety (BMU) announced an exception to the BioSt-NachV on 18 February 2010 that affects the required GHG emission savings potential. If, when cooking oils are used for electricity production, there are no interfaces for intermediate treatment steps between when the used cooking oil is produced (in accordance with proper use or storage of the used cooking oil or fat) and when it is used for energy to produce electricity, it is sufficient for the supplier of the used cooking oil to submit a written self-declaration instead of the sustainability certificate that would otherwise be necessary when generating electricity from this used cooking oil.

The minimum information required in the self-declaration is defined in the BMU's ruling above. Accordingly, the used cooking oil supplier has to confirm to the operator of the facility regulated by the Renewable Energy Sources Act:

- that the used cooking oil supplied is cooking oil or fat as defined by waste code 20 01 25 of the AVV
- that the used cooking oil supplied was accumulated as waste or residual material through proper use or storage of the cooking oil or fat and was not subject to any further processing steps (simple mechanical filtering of used cooking oil to separate out contaminants and heating up the used oil required before use depending on its viscosity do not represent intermediate steps in this sense)<sup>2</sup>
- that the used cooking oil supplied was at no time mixed with other liquid biomass (mixing with other quantities of used cooking oil is permitted by the BMU ruling from 18 February 2010.)

The used cooking oil supplier must keep this self-declaration until the end of the third calendar year after the self-declaration is issued (issue date) should any of the information in the self-declaration require checking.

The exception stipulated in a BMU ruling on 18 February 2010 does not apply to used cooking oil used under the scope of the Biofuel Sustainability Ordinance.

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<sup>2</sup> BMU ruling from 18 February 2010