

## Demonstration of compliance with sustainability criteria for biofuels

The Act No. 201/2012 Coll., on air protection (hereinafter “new Air Protection Act”) came into effect on 01.09.2012 and replaced the Act No. 86/2002 Coll., on air protection (hereinafter “old Air Protection Act”). New Air Protection Act changed some obligations for demonstrating compliance with sustainability criteria. Old Air Protection Act established the obligation of sellers and importers of biomass, producers, importers and sellers of liquid or gas products designed for the production of biofuels, and producers, importers and sellers of biofuels to issue documents demonstrating compliance with sustainability criteria to individual supplies of biomass, liquid or gas products designed for the production of biofuels or supplies of biofuels. The new Air Protection Act extended the obligation to issue documents demonstrating compliance with sustainability criteria to importers and sellers of petrol and diesel fuels with a share of biofuels which have not been released for consumption in the tax territory of the Czech Republic.

Compliance with sustainability criteria at sellers and importers of biomass (person defined in § 21 sec. 3 of the Act No. 201/2012 Coll.) and at producers and importers or sellers of liquid or gas products designed for the production of biofuels (person defined in § 21 sec. 2 of the Act No. 201/2012 Coll.) is documented with the so-called **partial declaration of compliance with sustainability criteria** set by the Government Regulation No. 351/2012 Coll, on sustainability criteria of biofuels.

Compliance with sustainability criteria at producers and importers or sellers of biofuels (person defined in § 21 sec. 1 of the Act No. 201/2012 Coll.) is documented with the so-called **declaration of compliance with sustainability criteria** set by the Government Regulation No. 351/2012 Coll, on sustainability criteria of biofuels.

To enable the persons above to issue this documents to individual supplies of sustainable products that would demonstrate compliance with sustainability criteria, they must be holders of the certificate granted by authorised person under § 32 sec. 1 letter g) of the Act mentioned above. If the person is a holder of the certificate or other similar authorisation issued in compliance with legal regulations or other member state of the EU, declarations and partial declarations issued by such person may only be acknowledged under § 21 sec. 11, provided that the person is registered at the Ministry of the Environment. The Ministry shall make registration in the register without unnecessary delay after respective documents issued in compliance with legal regulations of the member state of the European Union were delivered.

To acknowledge a foreign certificate or similar authorisation, the applicant shall send an application for registration in the register to the Ministry of the Environment. The application for registration in the register should include:

1. Identification data of the applicant:
  - a) in case of physical entity, the name or names, surname, or also company name, date of birth, identification number; if assigned, permanent address or place of business, and contact e-mail address
  - b) in case of legal entity, company name or trade name, registered office and identification number, if assigned; for foreign entity also location of the organisational unit in the Czech Republic, if established, and contact e-mail address
2. Reason of the application. (e.g. "I am a holder of the certificate or other similar authorisation issued in compliance with the legislation of the member state of the EU (*fill in the name of the state*) that authorises me to issue a confirmation of compliance with

sustainability criteria included in the Directive 2009/28/EC, on the support of utilization of energies from renewable resources, and the Directive 2009/30/EC, on the quality of fuels. Therefore I apply for registration in the register to the Ministry of the Environment under § 21 sec. 11 of the Act No. 201/2012 Coll., on air protection, authorising to issue documents to individual supplies of sustainable products (*fill in the product type – biomass, liquid or gas product designed for the production of biofuels, biofuel*) in compliance with § 21 sec. 1, 2 and/or 3 (choose the relevant section) of the Act No. 201/2012 Coll., on air protection")

3. Copies of documents (certificate or other similar authorisation), based on which the applicant is authorised to issue documents on compliance with sustainable criteria according to the legislation of the member state of the EU in question.

The application for registration is sent to the Air Protection Department of the Ministry of the Environment. After processing the application, the applicant will be registered in the register administrated by the Ministry and published on websites of the Ministry. From the registration date, the applicant is allowed to issue declarations or partial declarations on compliance with sustainability criteria to individual supplies of sustainable products.