



Biomass Suppliers List

Land Criteria Guidance

Issue 1.3

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1.Introduction

1.1 Land Criteria overview

The BSL is about meeting the sustainability requirements for the RHI at a fuel level. There are two parts to this: the greenhouse gas criteria, which have been part of BSL since the scheme launched in April 2014; and Woodfuel Land Criteria (in this document, 'the land criteria', which were defined in the [Timber Standard for Heat and Electricity](#) February 2014 and clarified in the [Woodfuel Advice Note](#) in December 2014.

The land criteria are part of the sustainability requirements for the Renewable Heat Incentive. For the BSL, they are sustainable forest management measures for woodfuel.

This guidance document outlines the BSL-specific requirements for a supplier to show that their BSL-registered fuel meets the land criteria. Refer to section 2 to understand whether you are required to demonstrate compliance with the land criteria for your application.

Self-reporters to Ofgem and claimants under the Renewables Obligation (RO) should refer to Ofgem.

1.2 Scope of the BSL in relation to land criteria

The BSL is responsible for defining the evidence required from BSL suppliers for land criteria, and for any issues or queries relating directly to applications for land criteria authorisation.

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For queries related to policy around land criteria, and for queries about RHI, suppliers should contact the relevant organisations identified at the end of this document.

Please note the BSL Administrator cannot answer queries relating to RHI eligibility or claims.

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2. Who needs to demonstrate compliance with the land criteria?

The land criteria apply only to certain BSL suppliers and fuel types, as set out in the table below in the right-hand column.

Self-suppliers, suppliers sourcing 100% waste and Traders sourcing from BSL authorised Producers do not need to demonstrate compliance with the land criteria.

Supplier type	Virgin or waste	What proportion of the fuel had already been BSL- authorised by the Producer? (applies to Traders only)	Need to provide land criteria information?
Self-Supplier	Either	n/a	No
Producer or Producer-Trader	100% virgin	n/a	Yes
Producer or Producer-Trader	100% waste	n/a	No
Producer or Producer-Trader	Waste-virgin blend	n/a	Yes (for the virgin portion only)
Trader	100% virgin	All of the fuel is sourced from BSL- authorised Producers / Producer-Traders	No. It is the responsibility of the

			Producer /Producer- Trader. ¹
Trader	100% virgin	Some or all of the fuel is sourced from Producers or Producer-Traders who are not BSL- authorised in their own right	Yes
Trader	100% waste	n/a	No Exempt
Trader	Waste-virgin blend	All of the fuel is sourced from BSL- authorised Producers or Producer-Traders	No
Trader	Waste-virgin blend	Some or all of the fuel is sourced from Producers or Producer-Traders who are not BSL- authorised in their own right	Yes (for the virgin portion only)

¹ As with all other aspects of BSL compliance, if the Producer or Producer-Trader fail to comply with land criteria, then the fuel's authorisation may be removed. In such instances, Traders would be notified in advance by the BSL Administrator.

3.Land criteria requirements

To comply with the land criteria suppliers must demonstrate that their BSL registered fuel is:

- 100% from legal sources; and
- At least 70% from sustainable or deemed sustainable sources.

This is often referred to as '70% legal and sustainable'.

BSL suppliers must be compliant with both of the above. For example, if a fuel is deemed 100% sustainable but only 90% legally sourced, it would not meet the land criteria. This fuel must be 100% legal to comply with the land criteria.

3.1 Legality

3.1.1 Legal sourcing

To prove that a fuel meets the requirement that it is 100% from legal sources, the BSL registered supplier needs to demonstrate that the timber has been legally harvested for the fuel.

The term 'legally harvested' is defined in Article 2 of the [EU Timber Regulation \(EUTR\)](#) and means harvested in accordance with the applicable legislation in the country of harvest.

The EUTR states that 'applicable legislation' means the legislation in force in the country of harvest and covers the following matters:

- Rights to harvest timber within legally gazetted boundaries;
- Payments for harvest rights and timber including duties related to timber harvesting;

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- Timber harvesting including environmental and forest management including forest legislation and biodiversity conservation, where directly related to timber harvesting;
- Third parties’ legal rights concerning use and tenure that are affected by timber harvesting; and
- Trade and customers insofar as the forest sector is concerned.

EUTR is enforced in the UK by the Timber and Timber Products (Placing on the Market) Regulations 2013. The EUTR applies to timber or timber products – including woodfuel. The EUTR applies irrespective of whether a participant is seeking financial support, such as RHI.

3.1.2 Illegal sourcing

Any fuel that is not 100% legally sourced in accordance with the requirements above will not fulfil the land criteria. The EUTR makes it an offence to place illegal timber on the EU market. It requires those companies who place timber or timber products on the EU market for the first time to assess the risk that those products may have come from an illegal source and to mitigate any risks. This is known as due diligence (see article 6 of the EUTR) and must happen before the product is bought. It has to be undertaken even if the product is certified (e.g. Forest Stewardship Council (FSC) or Programme for the Endorsement of Forest Certification (PEFC)).

3.2 Sustainable sources

In order to show that a fuel meets the requirement that it is sustainably sourced, the suppliers will need to demonstrate that at least 70% of each fuel is from a ‘sustainable source’ as defined in the Timber Standard. The Standard states that woodfuel originates from a sustainable source if it comes from a forest which is managed in accordance with a definition of sustainable that meets the requirements set out below:

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S1. The definition must be consistent with a widely accepted set of international principles and criteria defining sustainable or responsible forest management at the forest management unit level.

S2. The definition must be performance-based, meaning that measurable outputs must be included and cover all of the issues set out in S5 to S10.

S3. The process of defining sustainable must seek to ensure balanced representation and input from the economic, environmental and social interest

S4. The process of defining sustainable must seek to ensure: no single interest can dominate the process for setting or changing the policy; and no decision on the contents of the policy can be made in the absence of agreement from the majority of an interest category.

S5. Management of the forest must ensure that harm to ecosystems is minimised. In order to do this the policy must include requirements for: appropriate assessment of impacts and planning to minimise impacts; protection of soil, water and biodiversity; controlled and appropriate use of chemicals and use of Integrated Pest Management wherever possible; and proper disposal of wastes to minimise any negative impacts.

S6. Management of the forest must ensure that productivity of the forest is maintained. In order to achieve this, the policy must include requirements for: management planning and implementation of management activities to avoid significant negative impacts on forest productivity; monitoring which is adequate to check compliance with all requirements, together with review and feedback into planning; operations and operational procedures which minimise impacts on the range of forest resources and services; adequate training of all personnel, both employees and contractors; and harvest levels that do not exceed the long-term production capacity of the forest based on adequate inventory and growth and yield data.

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S7. Management of the forest must ensure that ecosystem health and vitality is maintained. In order to achieve this, the definition of sustainable must include requirements for: management planning which aims to maintain or increase the health and vitality of ecosystems; management of natural processes, fires, pests and diseases; and adequate measures to protect the forest from unauthorised activities such as illegal logging, mining and encroachment.

S8. Management of the forest must ensure that biodiversity is maintained. In order to achieve this, the policy must include requirements for: implementation of safeguards to protect rare, threatened and endangered species; the conservation/set-aside of key ecosystems or habitats in their natural state; and the protection of features and species of outstanding or exceptional value.

S9. The forest management organisation and any contractors must comply with local and national legal requirements relevant to: labour and welfare; and health and safety.

S10. Management of the forest must have full regard for: identification, documentation and respect of legal, customary and traditional tenure and use rights related to the forest; mechanisms for resolving grievances and disputes including those relating to tenure and use rights, to forest (or land) management practices and to work conditions; and safeguarding the basic labour rights and health and safety of forest workers.

The types of evidence that suppliers are required to have to demonstrate compliance with the above are set out in the [BSL Evidence for Land Criteria](#) document.

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4.Land criteria evidence

The information and evidence you will need to provide to the BSL Administrator for land criteria falls into two categories:

- 'Category A' - see section 4.1 for what evidence is Category A
- 'Category B'- see section 4.2 for what evidence is Category B

These are defined in the Timber Standard and detailed in the Woodfuel Advice Note. Both approaches are rigorous and depend on the evidence you can provide to demonstrate compliance with land criteria. An overview of this is provided below.

Refer to the [BSL Evidence for Land Criteria](#) document for more information on Category A and Category B evidence requirements. You would only need to provide Category A or B evidence, not both.

4.1 Category A

Category A evidence is provided where a fuel is certified under either of the below Timber Standard approved schemes:

- Programme for the Endorsement of Forest Certification (PEFC) certification; or
- Forest Stewardship Council (FSC) certification.
- Sustainable Biomass Program (SBP)

The following PEFC and FSC certification claims are considered sufficient for Category A:

- FSC Forest Management or Forest Management Unit
- FSC Chain of Custody that is equal to, or greater than, 70% (FSC Mix 70%)
- PEFC Forest certification or Forest Management Unit

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- PEFC Chain of Custody that is equal to, or greater than, 70% (PEFC 70%)
- Sustainable Biomass Program (SBP)

Note that the following cannot be accepted as Category A evidence:

- FSC / PEFC Chain of Custody for controlled wood (FSC CW)
- If you are purchasing from a Supplier that has a valid Category A PEFC, FSC or SBP certification evidence but you are not certified yourself.

If you have one of the above Category A certification types under the FSC, PEFC or SBP schemes for their fuel, you will be requested to provide the certification type and number to the BSL Administrator during the online application process.

If you have provided Category A evidence for your fuel, you must be able to demonstrate that your fuel when sold with a BSL number, is FSC, PEFC or SBP certified as described in our guidance (controlled wood and controlled sources are insufficient for Category A). This should be displayed on your invoice and any other transfer documents when selling the fuel.

If you purchased fuel that has been imported into the UK or is made from raw materials which that do not originate in the UK, you must make sure that the fuel you are supplied with has a BSL number and is either FSC, PEFC or SBP certified fuel (this certification will be declared on your suppliers invoice (note controlled wood or controlled sources is insufficient)).

4.2 Category B

If you cannot demonstrate that your fuel is compliant through Category A evidence, then Category B allows you instead to have the following evidence, in one of the following forms:

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- A felling licence and UK Forestry Standard compliant management plan (UK only); or
- Use of a Risk-Based Regional Assessment (RBRA) to demonstrate that there is a low risk they do not meet the land criteria requirements. You can download this form from the [BSL website](#) and upload it with your application.

The following PEFC and FSC certifications are considered **insufficient** for category A and will therefore require the Category B bespoke evidence approach as they are considered legal only:

- FSC Chain of Custody for controlled wood (FSC CW)
- FSC Chain of Custody for FSC Mix that is less than 70% (however, there can be other sustainable sources added to this to make up the 'sustainable portion')
- PEFC Chain of Custody that is less than 70%
- PEFC Chain of Custody controlled sources

If you are purchasing from a Supplier that that has Category A PEFC / FSC certification evidence, but you are not certified yourself, you cannot provide this as Category A evidence, but can use this as Category B evidence as supporting evidence with the Risk-Based Regional Assessment (RBRA), to demonstrate compliance with the land criteria.

If you are importing fuels from a country that is considered to have 'unspecified risk' by the Global Forestry Registry (see: www.globalforestryregistry.org), that is not covered by Category A, you have the option to provide an external audit report as evidence for Land Criteria; this must be from recognised, independent auditor.

At present, the independent auditors recognised by the BSL are FSC or PEFC. There are currently no other independent certification bodies that have been

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assessed by the BSL as being able to provide a robust audit. A bespoke RBRA is only appropriate for raw materials that come from a country that has been deemed to have a low-risk level for illegal and unsustainable forestry via the Global Forestry Registry (see above).

Purchasing or selling certified material does not automatically mean that a fuel complies with EUTR, so suppliers with fuels that have either Category A or B evidence must be able to provide at audit sufficient and credible evidence of EUTR compliance.

4.2.1 Felling licence and UK Management Plan

According to the Central Point of Expertise on Timber (CPET) Guidance for the Growers of Timber in the UK, timber traceable to a forest with a fully implemented Forest Management Plan in line with the UK Forestry Standard (UKFS) Requirements and Guidelines meets the UK-TPP as suitable Category B evidence for legality and sustainability in the forest. Wood complying with the UK TPP automatically complies with the Timber Standard.

If you can demonstrate you are sourcing raw materials only from woodlands with a UK Forestry Standard compliant Forest Management Plan and with a felling licence for that timber, you will comply with the land criteria and can confirm this in your online application. You will not be required to complete a Risk Based Regional Assessment (RBRA).

4.2.2 Risk Based Regional Assessment (RBRA) and mass balance

If you do not have sufficient Category A evidence and/or you do not source solely from woodlands with a felling licence and UK Forestry Standard compliant Forest Management Plan, then you will be required to submit an RBRA to demonstrate compliance with the land criteria.

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A quick guide to find out whether you will need to complete and upload an RBRA:

Statement	RBRA required
The chain of custody for my fuel is fully certified in accordance with the Category A evidence explained above	No
Some, but not all, of my fuel is certified in accordance with the Category A evidence explained above, and/or that certification does not cover the full chain of custody	Yes
My raw materials / fuel are exclusively sourced in the UK and 100% covered by a Felling Licence and a UK Forestry Standard compliant Forest Management Plan	No

If you submit an RBRA, to facilitate subsequent accurate reporting to the BSL, if you are sourcing fuel that is less than 100% sustainable, you will be required to use a mass balance approach for all of your raw materials (at a company or fuel level) to demonstrate that your fuel complies with the 70% sustainability threshold. A Mass Balance is not required to be submitted with an application to the BSL, however this will be checked at audit.

Please refer to the [Consignments and Mass Balance Approach](#) guidance for detailed guidance on the mass balance approach and calculations, and to the [Risk Based Regional Approach: A Checklist Approach](#) for further information on submitting an RBRA.

5.Reporting

5.1 Quarterly reporting (QR)

Every January, April, July and October, all Producers, Traders and Producer-Traders on the BSL are required to submit a quarterly report (QR) of the volume of the fuel sold in the previous quarter, e.g. in January, woodfuel sales data for the period 1 October to 31 December will be submitted. The data will need to be submitted for each BSL authorised fuel via the online supplier account on the BSL website. These suppliers will also be required to maintain information to report on sustainability data for each fuel. This will be checked at audit.

5.2 Consignments

The land criteria allow fuels to meet the '70% sustainable' requirement across one or a combination of several consignments. For a full explanation please refer to the [Woodfuel Advice Note](#). For the purposes of BSL, a consignment is considered to be the volume of raw materials as reported in quarterly reporting (please see above).

The BSL Administrator therefore requires that fuels achieve the '70% sustainability' criteria either within each quarter, or as a minimum over any four consecutive quarters.

Suppliers are required to maintain a regularly-updated mass balance calculation, in order that they can demonstrate at audit that they are continuing to monitor the situation and that they are able to meet this requirement.

Refer to the [Consignment and Mass Balance Approach](#) guidance for more information. Suppliers completing an RBRA and mass balance calculations should refer to the [Mass Balance and Bespoke RBRA Guidance](#).

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5.3 Ongoing compliance

If your fuel undergoes a material change in the sourcing of raw materials for that fuel, you are required to notify the BSL Administrator of this change.

A material change is any change that may affect the validity of a fuel's authorisation – i.e. a change that might mean that the fuel no longer meets the RHI sustainability requirements. A material change must be informed to the BSL Administrator within one month of the change or at the quarterly report, whichever is soonest. It may mean that you would need to submit a new application and the BSL Administrator will advise whether a new application is required. Failure to do so may result in removal from the list.

An example of a material change that affects land criteria compliance is:

- Expiry/cancellation/removal of PEFC/FSC certification, or felling licence and management plan;
- A change from sourcing raw materials from a Producer on the BSL to a Producer that is not on the BSL; and/or
- Sourcing a greater proportion of virgin materials and reduced proportion from waste material

Suppliers should note the above is not an exhaustive list and that suppliers will need to use their discretion to determine what constitutes a material change. If in doubt, suppliers should consult with the BSL Administrator.

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6.Audit

6.1 Producing evidence

All suppliers on the BSL are subject to audit. When you are audited, you are required to provide evidence to support the claims made on your application and other correspondence with the BSL Administrator and the information provided in quarterly reports, including demonstrating compliance with the land criteria.

The land criteria evidence that you are required to produce will be dependent on whether you submitted Category A or B evidence. Further details on the evidence required for each Category can be found in the [Land Criteria Evidence](#) document.

6.2 Traders

If you are a Trader, you should ensure that your contractual arrangements with any Producer(s) you source from that are **not** BSL authorised, enables access for the BSL Administrator to verify that the Producer's credentials you used as evidence in your application are valid. This may include relevant certificates/licences/documented systems and processes that show a full chain of custody, which demonstrates compliance with the land criteria.

6.3 Records

If you buy woodfuel from within the EU for which due diligence has taken place, then in accordance with the [Land Criteria Evidence](#) document, you are required to keep records of who you bought the product from and (where applicable) to whom you have sold the woodfuel. The chain of custody between Producers, Traders and customers must be documented fully. All sales documentation must have the BSL number for the fuel purchased and if this is not present

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then the load must be rejected. Suppliers' procedures and documentation for this will be checked at audit. This information must be kept for at least five years, and be provided for checks or at audit if requested.

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7. Further Information

Links to the references used in this document are found below.

- BEIS has four key woodfuel guidance documents on its website on which the BSL guidance is based; these are:
 - [Timber Standard for Heat and Electricity](#)
 - [Woodfuel Advice Note](#)
 - [Consignment and Mass Balance Approach](#)
 - [Risk Based Regional Assessment: A checklist approach](#)
- The BSL guidance documents available on the [BSL Guidance and Documents webpage](#).

Further information can be found at:

- [Ofgem](#) can advise on enquiries regarding the RO scheme and RHI (domestic and non-domestic) application and reporting processes. Ofgem also provides advice on enquiries regarding fuel classification.
- [The Forestry Commission](#) provides information on management plans, felling licences and sustainable forest management practices. [The UK Forestry Standard \(UKFS\)](#) is the reference standard for sustainable forest management in the UK. The UKFS, supported by its series of guidelines, outlines the context for forestry in the UK, sets out the approach of the UK governments to sustainable forest management, defines standards and requirements, and provides a basis for regulation and monitoring.
- [The National Measurement and Regulation Office \(NMRO\)](#) answers enquiries related to compliance with the EU timber regulation (EUTR).

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Version Control

Version	Update	Date
1.0	First published	9 April 2015
1.1	Updated to reflect current requirements	22 June 2017
1.2	Updated to reflect current requirements	17 January 2018
1.3	4.1 and 4.2 is updated to reflect current requirements. <ul style="list-style-type: none">• Suppliers sourcing outside the UK without CAT A evidence• Selling or purchasing fuels based outside the UK with CAT A evidence	15 January 2019