For this document, relevant passages are marked with grey

DRAFT Order on sustainability and greenhouse gas emissions saving for biomass fuels and bioliquids for energy purposes, etc.[1)]

Pursuant to Sections 3(4), 56c(1–3), 56d, 56f, 58b(1), 68, No 1, and 73(1) of the Act on the promotion of renewable energy, cf. Consolidation Act No 1031 of 6 September 2024, and Sections 12(4), 14(10) and 35d(4), second and third sentences, of the Act on the supply of gas, cf. Consolidation Act No 1100 of 16 August 2023, the following is laid down pursuant to Section 4(1) of Order No 1705 of 30 December 2024 on the tasks and powers of the Danish Energy Agency:

Chapter 1

Purpose, scope, and definitions

Purpose

Section 1. The purpose of this Order is to reduce the risk that the production of solid and gaseous biomass fuels and bioliquids used for the production of electricity, heating, cooling or for energy purposes in households is carried out using unsustainable biomass and without sufficient greenhouse gas emissions saving compared to fossil fuels. In connection with rules on greenhouse gas emissions saving, the Order also contains rules on the limitation, monitoring and control of methane releases from installations producing, upgrading, purifying or using biogas and from installations for the production of methane through a

methanisation process. Furthermore, the Order is to ensure that Denmark is able to fulfil its reporting obligations regarding the use of biomass for energy purposes in accordance with the Regulation of the European Parliament and of the Council on the Governance of the Energy Union and Climate Action.

Scope

Section 2. This Order applies to the following:

1) Companies using solid and gaseous biomass fuels or bioliquids in installations for the production of electricity, upgraded or purified biogas, gasification gas or biogas produced through a methanisation process, heating or cooling, or using biogas for process purposes.

2) Importers and producers of wood pellets, wood briquettes and firewood for energy purposes in households.

3) Verifiers carrying out an independent control on evidence submitted pursuant to this Order or in accordance with the Handbook.

4) Certification bodies carrying out independent controls and issuing declarations of conformity (certificates) in the framework of a voluntary scheme.

5) For the purposes of the EU database for renewable fuels in Section 36, companies covered by the definition of ‘economic operators’ in Commission Implementing Regulation (EU) 2022/996, as amended, Article 2(11), except for economic operators supplying the transport sector.

Definitions

Section 3. The following definitions apply for the purposes of this Order:

1) Waste: Waste as defined in Article 3(1) of the Directive of the European Parliament and of the Council on waste (the Waste Directive), with the exception of substances which have been intentionally modified or contaminated to meet that definition.

2) Other production: A production process that is not operated for agricultural land, forestry or the timber industry. Includes livestock production and waste water treatment.

3) Other wooded land: Land spanning more than 0.5 hectares not classified as ‘forest’ with trees higher than 5 metres and a canopy cover of 5–10%, or trees able to reach these thresholds *in situ*, or with a combined cover of shrubs, bushes and trees higher than 10%, with the exception of land predominantly used for agricultural or urban purposes.

4) Installation: A technical unit that generates electricity, heating and cooling from biomass fuels or bioliquids, or produces, upgrades or purifies gaseous biomass fuels.

5) Biomass: The biodegradable fraction of primary products, waste and residues of biological origin from agriculture, including vegetable and animal substances, forestry and related industries, fishing and aquaculture, as well as the biodegradable fraction of waste, including industrial waste, and wood waste and municipal solid waste of biological origin.

6) Agricultural biomass: Biomass produced from the agricultural use of cultivated land.

7) Forest biomass: Biomass produced by forestry. This includes woody biomass from land defined as ‘forest’ in the present Order.

8) Biomass fuels: Gaseous and solid fuels produced from biomass.

9) Biomass type: The subcategory to which the biomass belongs and which may have an impact on the requirements to be met by the company for that biomass. An overview of biomass types can be found on the Danish Energy Agency's website.
10) Biogas: Gaseous fuels produced from biomass. This includes biogas produced by anaerobic conversion of organic material as well as by thermal gasification of biomass.
11) Greenhouse gas emissions: Emissions of CO2 (carbon dioxide), CH4 (methane) and N2O (nitrous oxide).
12) Deadwood: As defined in Commission Implementing Regulation (EU) 2022/2448 of 13 December 2022 on establishing operational guidance on the evidence for demonstrating compliance with the sustainability criteria for forest biomass laid down in Article 29 of Directive (EU) 2018/2001 of the European Parliament and of the Council.
13) EU fossil reference: The saving in terms of greenhouse gases calculated as a percentage in relation to a fossil reference as specified in the Renewable Energy Directive.
14) Solid biomass fuels: Biomass fuels made from forest, agricultural and non-forest wood, wood waste and municipal solid waste, straw and other solid agricultural biomass, as well as wood industry residues and solid waste and residues from other production.
15) Bioliquids: Liquid fuels for energy purposes, other than transport, including electricity, heating and cooling, produced from biomass.
16) Voluntary scheme: As defined in 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.

17) Gasification gas: Gas produced through the thermal gasification of biomass.

18) Degradation of forests: Structural changes to forest cover in the form of conversion from primary or old-growth forests to planted forests, including plantation forests, or other wooded areas.

19) Old-growth forests as defined in the country where the forest is located: An old-growth forest in Denmark is a forest stand or a forest area composed of native tree species that have evolved primarily through natural processes, structures, and dynamics normally associated with late successional development stages in primary or undisturbed forests of the same type. Signs of past human activities may be visible, but they gradually disappear or are too limited to significantly interfere with natural processes.

20) Geographical origin: The country or sourcing area where the biomass originated as the current biomass type, e.g. where the biomass was harvested or where it became waste or residue. Depending on the specific biomass type and the specific sustainability requirement, it may also be necessary to specify the current state, region, or sourcing area.

21) Approved certification scheme: A scheme that the European Commission or the Danish Energy Agency has determined companies can use to document compliance with certain requirements.

22) Handbook: Order on the Handbook on compliance with sustainability requirements and greenhouse gas emissions saving requirements for biomass fuels and bioliquids for energy purposes.

23) Thermal input: The maximum amount of fuel input per time unit, measured in megawatts, which can be supplied to an installation and which is either combusted

at the installation to generate electricity, heating or for process purposes, or which is part of the biomass fuel produced by the installation.

24) Cascading use: Prioritise the use of biomass for biomass materials over energy recovery where possible, thus increasing the amount of biomass available in the system.

25) Sourcing area: Geographically defined area from which feedstock in biomass form originates, from where reliable and independent information is available and where conditions are sufficiently homogeneous to assess the risks associated with the sustainability and legality characteristics of the biomass.

26) Municipal solid waste: Mixed waste and separately collected waste from households, including paper and cardboard, glass, metal, plastic, bio-waste, wood, textiles, packaging, waste electrical and electronic equipment, waste batteries and accumulators and bulky waste, including mattresses and furniture, as well as mixed waste and separately collected waste from other sources, where such waste is comparable in type and composition to waste from households. Municipal solid waste does not include waste from other production, agriculture, forestry, fishing, septic tanks, sewage pipes and sewage treatment, including sewage sludge, end-of-life vehicles or construction and demolition waste.

27) Methanisation: Production of methane using carbon dioxide from biogas production, with the addition of hydrogen produced by electrolysis.

28) Upgrade installation: A technical unit in which biogas is upgraded to gas quality to meet the applicable requirements for it to be technically and safely injected and transported through the gas system, cf. Section 2(1) of the Act on the supply of gas.

29) Heating: Building heating (also called space heating) and hot water supplied to buildings (also called domestic hot water).

30) Plantation forest: As defined in Article 2, No 11, of Regulation (EU) 2023/1115 of the European Parliament and of the Council.

31) Planted forest: As defined in Commission Implementing Regulation (EU) 2022/2448 of 13 December 2022 on establishing operational guidance on the evidence for demonstrating compliance with the sustainability criteria for forest biomass laid down in Article 29 of Directive (EU) 2018/2001 of the European Parliament and of the Council.

32) Primary forest: Naturally regenerated forest with native species, where there is no clearly visible sign of human activity, and the ecological processes are not significantly disturbed.

33) Production capacity in the long term: As defined in Commission Implementing Regulation (EU) 2022/2448 of 13 December 2022 on establishing operational guidance on the evidence for demonstrating compliance with the sustainability criteria for forest biomass laid down in Article 29 of Directive (EU) 2018/2001 of the European Parliament and of the Council.

34) Clear-cut: A contiguous area in a forest where all or almost all trees are harvested simultaneously.

35) Residue: A substance that is not the end product(s) which is the primary purpose of the production process and where the process has not been intentionally modified to produce it.

36) Agricultural, aquaculture, fishing and forestry residues: Residues which are directly generated by agriculture, aquaculture, fishing and forestry and which do not include residues from related sectors of activity or processing.

37) Agricultural land residues: Residues from the cultivation and harvesting of crops on agricultural land.

38) Industrial grade roundwood: Sawmill logs, veneer logs, paperwood (round or split) and all other round wood suitable for industrial purposes, except roundwood whose characteristics, such as species, dimensions, straightness and knot density, render it unsuitable for industrial use, as defined and duly justified by the Member States in accordance with the relevant forest and market conditions.

39) Raw material: As defined in 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.

40) Forest: Land spanning more than 0.5 hectares with trees higher than 5 metres and a canopy cover of more than 10%, or trees able to reach these thresholds on the spot, with the exception of land predominantly used for agricultural or urban purposes. In addition, areas defined as forest by the competent authority in the country are considered as forest. In Denmark, among other things, wooded land subject to a protected forest obligation is regarded as forest. This also applies when they are less than 0.5 hectares and when they contain forest clearings which are not wooded. In addition, forest in Denmark is defined by a minimum width of 20 meters.

41) Forest certification scheme: A certification scheme containing a standard for forest management criteria, which takes into account biological, economic and social conditions and which the owner or manager of the forest undertakes to follow.

42) Traceability certification: Certification of systems for transmitting information in the production chain on the origin and sustainability characteristics of biomass, which ensures that the mass balance principle is complied with and that the characteristics of the output biomass are documented in accordance with corresponding inputs.

43) Wood waste: Wood from gardens, parks and infrastructure, source or sorted unclean wood waste, as well as wood packaging and other pure wood waste.

44) Woody biomass: Forest biomass, wood industry residues and non-forest wood.

45) Non-forest wood: Wood from land that is similar in nature to "forest" but with the difference that it is too small in size to be "forest", including hedges.

46) Independent competent company: One of the requirements for companies to identify methane losses is the engagement of an independent entity that is competent to carry out the identification, mapping, and assessment of sources of methane losses occurring in connection with the production, upgrading, purification, and use of biogas at the companies covered by the rules. The company must also be competent to draw up a self-monitoring programme to minimise the risk of methane loss.

47) Unsustainable bioenergy pathways: Sources of bioenergy where biodiversity or the state of the ecosystem is at risk of deteriorating while greenhouse gas emissions are not mitigated or only mitigated in the long term, cf. the 2021 report of the Commission's Joint Research Centre entitled 'The use of woody biomass for energy production in the EU'.

48) Renewable Energy Directive Directive 2018/2001/EU of the European Parliament and of the Council on the promotion of the use of energy from renewable sources (recast), as amended by Directive 2023/2413/EU of the European Parliament and of the Council, Official Journal 2023, L of 18 October 2023.

49) Renewable Energy Act: Act on the promotion of renewable energy.

50) Renewable fuels: Biofuels, bioliquids, biomass fuels and renewable fuels of non-biological origin.

51) Economic operator: As defined in 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, as amended, Article 2, No 11.

Chapter 2

Sustainability requirements for bioliquids, solid and gaseous biomass fuels used for the production of electricity, heating and cooling, as well as for wood pellets, wood briquettes and firewood produced or imported for energy purposes in households

Solid and gaseous biomass fuels produced from agricultural land biomass, including agricultural land waste and residues

Section 4. A company using solid or gaseous biomass fuels produced from biomass obtained from agricultural land for the production of electricity, heating, cooling or for the production of upgraded biogas, purified biogas or gasification gas shall ensure that the biomass fuels used comply with the sustainability criteria set out in Sections 5–9 if they are used:

1) for solid biomass fuels, in installations for the production of electricity, heating and cooling with a total ratedthermal input equal to or exceeding 7.5 MW;
2) for gaseous biomass fuels, in installations producing electricity, heating and cooling with a total rated thermal input of 2 MW or more; and
3) in installations producing gaseous biomass fuels, with the following average flow rate for biomethane:

- a) over 200 m3 methane equivalent/h measured at standard temperature and pressure, i.e. 0 °C and 1 bar atmospheric pressure; and
- b) if the biogas consists of a mixture of methane and other non-combustible gas, for the flow rate of methane, the threshold set out in point (a), recalculated proportionally to the volumetric share of methane in the mixture.

Section 5. It must be ensured that biomass fuels and bioliquids produced from agricultural biomass are not made from raw materials obtained from highly biodiverse land. For the purposes of this provision, highly biodiverse land is land which had one of the following statuses in January 2008 or later, whether or not the land continues to have that status:

1) Primary forest and other wooded land, which means forest and other wooded land of native species, where there is no clearly visible indication of human activity and where the ecological processes are not significantly disturbed, and old-growth forests as defined in the country where the forest is located.

2) Forest and highly biodiverse other wooded land that is species-rich and not degraded and has been designated as highly biodiverse land by the relevant competent authority of the country concerned, unless evidence is provided that the production of that raw material did not interfere with those nature protection purposes.

3) Areas designated as nature protection areas by international or national law or by the relevant competent authority, unless evidence is provided that the production of that raw material did not interfere with those nature protection purposes.

4) Areas for the protection of rare, threatened or endangered ecosystems or species recognised by international agreements or included in lists drawn up by intergovernmental organisations or the International Union for Conservation of Nature (IUCN), unless evidence is provided that the production of this raw material has not interfered with these nature conservation purposes.
5) Highly biodiverse grassland over one hectare that is natural, meaning grassland that would remain grassland in the absence of human intervention and maintains the natural species composition, ecological characteristics and processes.
6) Highly biodiverse grassland above one hectare that is non-natural, meaning grassland that would cease to be grassland in the absence of human intervention, and which is species-rich and not degraded and has been designated as highly biodiverse land by a relevant competent authority, unless it is demonstrated that harvesting the raw material is necessary to maintain its status as highly biodiverse grassland.
7) Heaths unless it is documented that the harvesting of the raw material is necessary to maintain their status as heaths.

Section 6. It shall be ensured that biomass fuels and bioliquids produced from agricultural biomass are not made from raw materials obtained from land with high carbon stock. High carbon stock land is land that had one of the following statuses in January 2008 and no longer has that status:
1) Wetlands, meaning land which is covered with or saturated by water permanently or for a significant part of the year.

2) Continuous land spanning more than one hectare with trees higher than five metres and canopy cover of more than 30%, or trees able to reach those thresholds *in situ*.

3) Land spanning more than one hectare with trees higher than five metres and a canopy cover of between 10% and 30%, or trees able to reach those thresholds *in situ*, unless evidence is provided that the carbon stock of the land before and after conversion is such that, when the methodology laid down in Annex B to the Handbook, the conditions laid down in Section 22 of this Order would be fulfilled.

Section 7. It must be ensured that biomass fuels and bioliquids produced from agricultural biomass are not produced from raw materials from land that was peatland in January 2008 unless it is demonstrated that cultivation and harvesting of this raw material do not involve the drainage of previously undrained soil.

Sustainability requirements for agricultural land waste and residues

Section 8. It must be ensured that monitoring or management plans are in place at farm or supplier level for biomass fuels and bioliquids produced from waste or residues derived from agricultural land, in order to remedy the effects on soil quality and the carbon content of the soil on the agricultural land from which the waste or residue originates.

Other sustainability requirements for biogas

Section 9. *Paragraph 1.* In addition to the criteria set out in Sections 5–8, biogas shall comply with paragraph 2, cf. paragraphs 3–6.

Paragraph 2. Biogas production shall be based mainly on the use of residues and waste. During the period from 1 August 2018 to 31 July 2023 inclusive, no more

than 12% of energy crops may be used per period for the production of eligible biogas measured in terms of weight input per biogas production installation. During the period from 1 August 2023 to 31 July 2024 inclusive, no more than 9% of energy crops may be used in the production of biogas measured in terms of weight input per installation for the production of biogas. During the period from 1 August 2024 to 31 July 2025 inclusive, no more than 4% of energy crops may be used in the production of biogas measured in terms of weight input per installation for the production of biogas. A maximum of 4% of energy crops may also be used in the production of biogas measured in terms of weight input per installation for the production of biogas in the period from 1 August 2025 to 31 July 2026 inclusive and in subsequent reporting periods. For the periods referred to, however, special basic allowances apply, cf. paragraph 3.

Paragraph 3. In the period from 1 August 2023 to 31 July 2024 inclusive, and in the period from 1 August 2024 to 31 July 2025, installations for the first 50 000 tonnes of biomass (basic allowance) may use up to 12% of energy crops. In the period from 1 August 2025 to 31 July 2026 inclusive and in subsequent reporting periods, plants for the first 36 000 tonnes of biomass (basic allowance) may use up to 12 % of energy crops. The conditions for energy crops apply to all biogas production, regardless of the size of the biogas installation and the size of the installations using the biogas for the production of electricity, process, heating or fuels.

Paragraph 4. The use of energy crops in accordance with paragraphs 2 and 3 shall be calculated as an average per reporting period.

Paragraph 5. For the purposes of this provision, ‘energy crops’ means energy crops covered by Annex 1 to this Order. However, as from 1 August 2025, maize

shall not be used as an energy crop, cf. paragraphs 2–4. Catch and intermediate crops are not subject to the requirements for energy crops. Catch crops and intermediate crops are crops grown in the field with the primary aim of reducing nitrogen leaching from the main crop and until the establishment of a new main crop.

Paragraph 6. Crops which, by their nature, cannot be used for the purpose for which they were grown and must therefore be discarded are not included in the calculation of energy crops.

Solid and gaseous biomass fuels and bioliquids produced from forest biomass and solid and gaseous biomass fuels produced from wood industry residues and non-forest wood

Section 10. *Paragraph 1.* By the use, production, and import of solid and gaseous biomass fuels produced from forest biomass, companies must ensure that the sustainability criteria laid down in Sections 12–14 and Section 16 are met, cf. Section 11.

Paragraph 2. When using, producing and importing solid and gaseous biomass fuels produced from wood industry residues, companies shall ensure that the sustainability criteria set out in Sections 12 and 13 and Section 16 are met, without prejudice to Section 11.

Paragraph 3. When using, producing, and importing solid and gaseous biomass fuels produced from non-forest wood, companies shall ensure that the sustainability criteria set out in Section 15 are met, without prejudice to Section 11.

Section 11. *Paragraph 1.* A company using solid or gaseous biomass fuels produced from woody biomass for the production of electricity, heating and cooling, or producing or importing wood pellets, wood briquettes or firewood for energy purposes in households, shall ensure that the biomass fuels used comply with the sustainability criteria laid down in Sections 12–16, cf. Section 10, where:

1) The company uses solid biomass fuels, cf. Section 10, for the production of electricity, heating or cooling, when the installation has a total rated thermal input of 2.5 megawatts or more, cf. paragraph 2.

2) The company annually produces or imports at least 5 000 tonnes of wood pellets, 5 000 tonnes of wood briquettes or 5 000 tonnes of firewood, cf. paragraphs 3–4.

3) The company uses gaseous biomass fuels in the cases referred to in Section 4(1) (2) and (3).

Paragraph 2. From 1 January 2028, the rules shall apply to companies, cf. paragraph 1(1), using solid biomass fuels, cf. Section 10, in installations for the production of electricity, heating or cooling with a total rated thermal input of 1 megawatt or more.

Paragraph 3. From 1 January 2028, the rules shall apply to companies, cf. paragraph 1(2), which in total annually produce or import at least 5 000 tonnes of wood pellets, wood briquettes and firewood, without prejudice to paragraph 4.

Paragraph 4. Where there is evidence that a specified amount of wood pellets, wood briquettes, or firewood will be used for purposes other than energy, compliance with the sustainability criteria in Sections 12–16 may be omitted for that amount.

Sustainability requirements for forest biomass and wood industry residues

Section 12. *Paragraph 1.* Without prejudice to paragraph 2, in order to minimise the risk of using biomass from forests with unsustainable production, it shall be ensured that the country where the biomass was harvested has in place national or regional legislation applicable in the harvesting area, as well as monitoring and enforcement systems that ensure:

1) the legality of harvesting operations;

2) forest regeneration of harvested land;

3) that areas designated by international or national law or by the relevant competent authority of the country concerned as nature protection areas, including wetlands, grassland, heaths, and peatlands, are protected in order to preserve biodiversity and prevent the destruction of habitats;

4) that harvesting is carried out considering the maintenance of soil quality and biodiversity in accordance with the principles of sustainable forest management for the purpose of preventing all adverse impacts in such a way as to avoid harvesting of stumps and roots, degradation of primary forests and old-growth forests as defined in the country where the forest is located, or conversion into plantation forests and harvesting on vulnerable soils, that harvesting is carried out in accordance with maximum thresholds for large clear-cuts as defined in the country where the forest is located, cf. paragraph 5, for Danish forests, and with locally and ecologically appropriate thresholds for deadwood harvesting, cf. paragraph 6, for Danish forests, and that harvesting is carried out in accordance with requirements on the use of harvesting systems that minimise all adverse impacts on soil quality, including soil compaction, and on biodiversity elements and habitats;

5) that harvesting maintains or improves the long-term production capacity of the forest;

6) that forests in which the biomass is harvested do not originate from land which has the status referred to in Section 5, Nos 1, 2 and 5–7, Section 6, No 1, and Section 7 respectively, under the same conditions for determining the status of land as laid down in those paragraphs;

7) that producers of bioliquids or solid or gaseous biomass fuels from forests shall issue an audit opinion supported by internal processes at company level for the purposes of the control carried out pursuant to Section 32 that biomass from forests and residues from the wood industry do not originate from the land referred to in No 6.

Paragraph 2. If the evidence, cf. paragraph 1, is not available at country level for one or more of the criteria listed in paragraph 1(1–5), management systems must be introduced instead at sourcing area level to ensure compliance with the relevant criteria.

Paragraph 3. If the conditions laid down in paragraph 1(6) and (7), are not met, then Section 5, Nos 1, 2 and 5–7, Section 6, No 1, and Section 7 shall apply to bioliquids produced from forest biomass and to solid and gaseous biomass fuels produced from forest biomass or from wood industry residues. If the evidence referred to in the first sentence is not available for one or more of the criteria listed in the first sentence, systems for management at sourcing area level must instead be in place to ensure that the criteria in question are complied with.

Paragraph 4. The company must be able to document that the relevant potential adverse impacts associated with the harvesting of biomass for energy production, cf. paragraph 1(4), including on biodiversity elements and habitats, have been identified in advance by an expert and that appropriate mitigation measures have been implemented.

Paragraph 5. For biomass from Danish forests, in connection with harvesting, cf. paragraph 1(4), compliance with maximum thresholds for large clear-cuts shall be ensured by placing and limiting clear-cuts in size so that adverse impacts on biodiversity elements and habitats associated with long continuity of forest cover or stable hydrology are prevented, including adverse impacts into stands around the harvesting area, and so that adverse impacts on soil qualities associated with water, nutrition and structure are minimised, without prejudice to paragraph 7.

Paragraph 6. For biomass from Danish forests, in connection with harvesting, cf. paragraph 1(4), compliance with local, ecologically appropriate thresholds for the removal of deadwood shall be ensured in such a way that deadwood is actively left during the removal of biomass in a quantity and quality that contributes to maintaining and improving the forest's function as a habitat for endangered species. This includes a focus on trees of native species of large dimensions or old age, trees with cavities, standing trees without crowns, living trees with large dead branches, and locations near areas with more deadwood, such as forest edges, and ensuring that deadwood, which has been dead for more than a year, is left, without prejudice to paragraph 7.

Paragraph 7. The requirements of paragraphs 5 and 6 may be derogated from if there is a written statement from an expert that the derogation is done in the interests of nature restoration or in connection with the prevention of or action after fire, storms, pest infestation and the like.

Climate requirements for forest biomass, including LULUCF

Section 13. *Paragraph 1.* For forest biomass and wood industry residues, it shall be ensured that the country or regional economic integration organisation from which the biomass originates is a Party to the Paris Agreement and either:

1) has submitted a nationally determined contribution to the United Nations Framework Convention on Climate Change (UNFCCC), which includes emissions and removals in agriculture, forestry and land use, ensuring that changes in carbon stocks associated with biomass harvesting are counted towards its greenhouse gas emission reduction commitment under the nationally determined contribution; or

2) has national or regional laws in place in accordance with Article 5 of the Paris Agreement, applicable in the area of harvest, to conserve and enhance carbon stocks and sinks, and it is demonstrated that reported emissions from the LULUCF sector do not exceed removals.

Paragraph 2. If the evidence referred to in paragraph 1 is not available, management systems must be introduced instead at the sourcing area level to ensure that the level of carbon stocks and sinks in forests is maintained or improved in the long term.

Section 14. For solid and gaseous biomass fuels produced from forest biomass, it shall be ensured that:

1) the forest carbon stock is not in decline in the country of origin or sourcing area of the biomass; or

2) that the forests in the sourcing area are forest-certified.

Sustainability requirements for biomass fuel produced from non-forest wood

Section 15. For the use and import, as well as for the production of fuels consisting of non-forest wood, cf. Section 11, the following requirements must be met:

1) Requirements for regeneration

2) Requirements for risk assessment and risk minimisation in relation to natural values.

Requirements for sustainable cascading use of woody biomass

Section 16. *Paragraph 1.* Companies using solid or gaseous biomass fuels produced from woody biomass for the production of electricity, heating or cooling, as well as companies producing or importing wood pellets, wood briquettes or firewood for energy purposes in households, cf. Section 11, shall carry out an overall systematic qualitative assessment of their supply chains in order to identify general risks of purchasing wood for energy purposes that:

a) could alternatively be allocated to wood-based materials in an economically sustainable and environmentally friendly manner; or

b) could cause harmful impacts on biodiversity, the environment, and the climate, including on national carbon sinks and forest ecosystems, thus constituting an unsustainable biomass pathway.

Paragraph 2. This assessment, cf. paragraph 1, must be conducted through a management system in the company, which must be documented and supported by internal processes at company level.

Paragraph 3. The assessment, cf. paragraph 1, shall be made on the basis of

1) the geographical origin, type of biomass, and overall physical characteristics of the raw material; and

2) the market for the sale of wood from the sourcing area for wood-based materials.

Paragraph 4. Companies shall actively minimise identified risks, cf. paragraph 1, in their supply chains.

Paragraph 5. The management system, cf. paragraph 2, shall be in place by 31 December 2025 and the overall systematic assessment, cf. paragraph 1, shall be carried out for biomass fuels applied from 1 January 2026.

Paragraph 6. The Danish Energy Agency may derogate from paragraphs 1–4, where necessary to ensure security of energy supply.

Section 17. Companies that have been granted direct financial aid after 20 May 2025 shall not use sawmill logs, veneer logs, industrial grade roundwood, stumps and roots to produce energy.

Sustainability requirements for bioliquids

Section 18. A company that uses bioliquids for the production of electricity, heating or cooling must ensure that the bioliquids used comply with the following sustainability criteria:

1) The criteria in Sections 5–8 for bioliquids produced from biomass from agricultural land, including agricultural land waste and residues.

2) The criteria in Sections 12 and 13 for bioliquids produced from biomass from forest, including forestry waste and residues.

Section 19. *Paragraph 1.* For the purpose of meeting the EU target in Article 3(1) of the Renewable Energy Directive or in connection with eligibility for financial aid for the consumption of bioliquids, it cannot be refused to take into account

bioliquids produced in accordance with Section 18 for sustainability reasons other than those mentioned in the Order.

Paragraph 2. Paragraph 1 shall not apply to public aid granted under aid schemes approved before 24 December 2018.

Solid and gaseous biomass fuels for electricity generation

Section 20. *Paragraph 1.* A company using biomass fuels for the production of electricity shall ensure that one or more of the following requirements are met when this is done to meet the EU target in Article 3(1) of the Renewable Energy Directive or when assessing eligibility for financial aid:

1) the electricity is produced in installations with a total rated thermal input of less than 50 MW;

2) in the case of installations with a total rated thermal input between 50 and 100, the electricity shall be produced using high-efficiency cogeneration technology or, in the case of electricity-only installations, comply with a level of energy efficiency corresponding to the best available techniques (BAT-AEELs) as defined in European Commission Implementing Decision (EU) 2017/1442;

3) in the case of installations with a total rated thermal input exceeding 100 MW, the electricity shall be produced using high-efficiency cogeneration technology or, in the case of electricity-only installations, achieve a net electrical efficiency level of at least 36%; or

4) the electricity is produced with the capture and storage of CO_2 from biomass, without prejudice to paragraph 5.

Paragraph 2. Without prejudice to paragraph 5, a company using biomass fuels in an electricity-only installation shall not use fossil fuels as a main fuel for the

purpose of meeting the Union target set out in Article 3(1) of the Renewable Energy Directive or for the purpose of assessing eligibility for financial aid, and shall only be taken into account for that purpose if there is no cost-effective potential for using high-efficiency cogeneration technology in accordance with the assessment carried out in accordance with Article 14 of Directive 2012/27/EU.

Paragraph 3. The requirements set out in paragraphs 1 and 2 shall apply only to installations starting operation or converting to the use of biomass fuels after 25 December 2021 and shall also be without prejudice to aid granted under aid schemes in accordance with Article 4 approved by 25 December 2021.

Paragraph 4. The requirements set out in paragraph 1 shall not apply to electricity from installations covered by special notification from the Minister for Climate, Energy and Utilities to the European Commission on the basis of a duly documented occurrence of risks to the security of electricity supply.

Paragraph 5. No commitment to support or to extend the commitment to support the production of electricity from forest biomass in purely electricity-generating installations may be given, unless

1) the electricity is produced with the capture and storage of CO_2 from biomass and
2) no fossil fuel is used as the main fuel and there is no cost-effective potential for the application of high-efficiency cogeneration technology in accordance with the assessment carried out in accordance with Article 14 of Directive 2012/27/EU.

Chapter 3

Greenhouse gas emissions savings requirements for solid and gaseous biomass fuels and bioliquids

Solid and gaseous biomass fuels produced from agricultural biomass and waste and residues from other production, including livestock, aquaculture, and fishing

Section 21. *Paragraph 1.* Without prejudice to paragraphs 3 and 4, a company using solid or gaseous biomass fuels produced from agricultural biomass and waste and residues from other production in installations producing electricity, heating and cooling, or producing upgraded biogas, purified biogas or gasification gas from agricultural biomass, as well as waste and residues from other production, shall meet the following greenhouse gas emissions saving compared to the EU fossil reference:

1) For the production of electricity, heating and cooling from solid and gaseous biomass fuels, as well as for the production of upgraded biogas, purified biogas or gasification gas, in installations that start operation after 20 November 2023, at least 80%.
2) For the production of electricity, heating and cooling from solid biomass fuels in installations with a total rated thermal input equal to or greater than 7.5 MW and from gaseous biomass fuels used in installations with a total rated thermal input equal to or exceeding 10 MW, and for the production of upgraded biogas, purified biogas, or gasification gas, in installations that commenced operation between 1 January 2021 and 20 November 2023, at least 70% until 31 December 2029 and at least 80% from 1 January 2030.
3) For the production of electricity, heating and cooling from gaseous biomass fuels in installations with a total rated thermal input equal to or less than 10

MW put into operation between 1 January 2021 and 20 November 2023, at least 70% until 31 December 2029 and at least 80% from 1 January 2030.

4) For the production of electricity, heating and cooling from solid and gaseous biomass fuels in installations with a total rated thermal input equal to or greater than 10 MW, and for the production of upgraded biogas, purified biogas or gasification gas, in installations put into operation before 1 January 2021, at least 80% when they have been in operation for 15 years, but not earlier than 1 January 2026 and not later than 31 December 2029.

5) For the production of electricity, heating and cooling from gaseous biomass fuels used in installations with a total rated thermal input equal to or less than 10 MW, and put into operation before 1 January 2021, at least 80% when they have been in operation for 15 years, but not earlier than 1 January 2026, and at the latest from 31 December 2029.

Paragraph 2. An installation shall be considered to be in operation if the physical production of electricity, heating and cooling produced by using biomass fuel or the production of upgraded biogas, purified biogas or gasification gas has started.

Paragraph 3. Installations with a total thermal input below 7.5 MW for solid biomass fuels and below 2 MW for gaseous biomass fuels, and installations for the production of upgraded biogas, purified biogas or gasification gas with a capacity of less than 200 m3 of biomethane per hour, cf. Section 4(1)(3), are not subject to compliance with greenhouse gas emissions saving criteria.

Paragraph 4. Electricity, heating, cooling and fuels produced using municipal solid waste shall not be subject to compliance with greenhouse gas emissions saving criteria.

Paragraph 5. The greenhouse gas emissions saving must be calculated in accordance with the rules set out in Chapter 9 of the Handbook.

Biomass fuels produced from wood biomass in the form of forest biomass, wood industry residues and non-forest wood

Section 22. *Paragraph 1.* A company, cf. Section 11, using solid or gaseous biomass fuels produced from woody biomass for the production of electricity, heating and cooling, or importing or producing wood pellets, wood briquettes or firewood shall meet the following greenhouse gas emissions saving in relation to the EU fossil reference, without prejudice to paragraphs 2 and 3:

1) at least 75% up to and including 31 December 2024;

2) at least 80% from 1 January 2025; and

3) at least 83% from 1 January 2028.

Paragraph 2. The greenhouse gas emissions saving must be calculated in accordance with the rules in Chapter 9 of the Handbook.

Greenhouse gas emissions savings requirements for bioliquids

Section 23. *Paragraph 1.* A company which uses bioliquids for the production of electricity, heating or cooling must meet the following greenhouse gas emissions saving in relation to the EU fossil reference:

1) at least 50% for bioliquids produced in installations in operation no later than 5 October 2015;

2) at least 60% for bioliquids produced in installations in operation from 6 October 2015 until 31 December 2020; and

3) at least 65% for bioliquids produced in installations in operation from 1 January 2021.

Paragraph 2. An installation must be deemed to have been in operation if the physical production of bioliquids has started.

Paragraph 3. The greenhouse gas emissions saving must be calculated in accordance with the rules in Chapter 9 of the Handbook.

Chapter 4

Minimisation of methane losses for biogas

Section 24. *Paragraph 1.* A company producing, upgrading, purifying or using biogas shall ensure that, in order to identify methane losses, a review of the company's installations for the production, upgrading, purification or use of biogas, or from installations for the production of methane through a methanisation process is carried out at least once a year. The first review of an installation shall be completed by 1 January 2024. The use of biogas from the biodegassing of landfills shall not be subject to the requirements of this Chapter.

Paragraph 2. A company for whose installations it is documented that the rules laid down in this Chapter are complied with consistently and effectively may have the frequency, cf. paragraph 1, for the mandatory review to identify methane losses reduced to every two years at that installation. The Danish Energy Agency shall decide on this if the company applies for it in connection with the reporting of information, cf. paragraph 4. The Danish Energy Agency's decision cannot be appealed to the Minister for Climate, Energy and Utilities or the Danish Energy Board of Appeal.

Paragraph 3. The review, cf. paragraph 1, shall be carried out by a competent company independent of the installation, and the review containing leak detection shall cover the technical operation of the installation where biogas is produced, upgraded, purified or used.

Paragraph 4. Upon completion of the review of the installation, the independent competent company, cf. paragraph 3, shall prepare a report for the company containing a list of identified sources of methane losses at the installation and a plan of actions that should be implemented so as to avoid methane losses as far as possible, as well as an indication of the time period within which the actions would normally be feasible. The Danish Energy Agency's template for a report, which can be found on the website www.ens.dk, must be used for reporting. The report shall be handed over to the company upon completion of the review, cf. paragraph 1. The company shall send a copy of the report to the Danish Energy Agency no later than 3 months after the date of completion of the mandatory review of the company's installations, cf. paragraph 1.

Paragraph 5. The company, cf. paragraph 1, shall ensure that the sources of methane losses identified at the company’s installations are rectified in accordance with the indications in the report, cf. paragraph 4.

Paragraph 6. The Danish Energy Agency may order that sources of methane losses identified by the independent competent company’s review of the installation and mentioned in the report to the company, cf. paragraph 4, be rectified within a period of time. The Danish Energy Agency shall issue orders if sources of methane losses at the installation are not planned to be handled appropriately in accordance with the instructions in the self-monitoring

programme, cf. Section 25, or are not handled as part of the company's immediate follow-up to the report in relation to repairs that may take place during operation.

Self-monitoring programme for methane losses

Section 25. *Paragraph 1.* A company which produces, upgrades, purifies or uses biogas, cf. Section 24, shall, with the involvement of the independent competent company, cf. Section 24(3), draw up a programme for the self-monitoring of methane losses at the installation. The independent competent company shall demonstrate its involvement in the elaboration of the self-monitoring programme by signing it. Annex 2 to this Order sets out the elements that a self-monitoring programme must contain information on as a minimum. A self-monitoring programme shall be updated in the event of changes at the installation affecting the risk of methane losses occurring at the installation.

Paragraph 2. The company shall carry out self-monitoring in accordance with the instructions in the programme, cf. paragraph 1.

Limitation of methane losses from point sources

Section 26. From 1 January 2024, a company, cf. Section 24(1), with one or more upgrade installations may have a maximum methane loss of 1% from each upgrade installation during normal operation.

Consequences of the rules on minimising methane losses for price supplements or subsidies under the Renewable Energy Act and the right of appeal

Section 27. *Paragraph 1.* It is a condition for receiving price supplements or subsidies under the aid schemes laid down in Sections 43b–43g of the Renewable

Energy Act, that the rules on minimising methane losses in this Chapter are complied with.

Paragraph 2. If a company that receives price supplements or has a subsidy commitment violates one or more of the provisions of this Chapter on minimising methane losses, the Danish Energy Agency may stop the payment of the aid until the requirements are complied with. The same applies where a company repeatedly fails to comply with the Danish Energy Agency's orders under this Chapter on minimising methane losses. From the date on which the infringement ceases and the Danish Energy Agency has taken note of this, the Danish Energy Agency shall resume payment of the aid. In particularly serious cases of non-compliance with the provisions on methane losses, the Danish Energy Agency may permanently deprive a company of the right to future aid by withdrawing the price supplement or subsidy commitment.

Paragraph 3. An appeal may be brought before the Danish Energy Board of Appeal against the decision of the Danish Energy Agency, on the basis of which aid payments may be suspended temporarily or permanently, cf. paragraph 2, and may not be brought before any other administrative authority.

Access to quantification of methane loss

Section 28. *Paragraph 1.* Installations covered by Section 24(1) shall provide a company designated by the Danish Energy Agency with the task of quantifying methane losses with access to relevant production facilities in order to carry out work on the quantification of methane losses on the company’s land or on land which the company has access to use for that purpose.

Paragraph 2. In carrying out the quantification, the installation shall give a designated company, cf. paragraph 1, access to the production information requested by the company for the purpose of an accurate quantification of the methane losses of the installation, and the installation shall assist the company with the work, cf. paragraph 1, as necessary.

Chapter 5

Reporting and evidence

Solid biomass fuels and bioliquids

Section 29. *Paragraph 1.* A company covered by Chapters 2 or 3 that uses solid biomass fuels or bioliquids to produce electricity, heating and cooling, or that imports or produces wood pellets, wood briquettes or firewood for energy purposes in households shall report the following information to the Danish Energy Agency on an annual basis:

1) Information on the geographical origin, quantity and type of biomass used for the previous calendar year.

2) Information on how the company has met requirements for compliance with sustainability and greenhouse gas emissions saving criteria under Chapters 2 and 3 in the previous calendar year.

Paragraph 2. The information referred to in paragraph 1 shall, before reporting, be verified by a third party, cf. Section 32.

Paragraph 3. The company must also make the data used to prepare the information available to the Danish Energy Agency on request.

Paragraph 4. Information on geographical origin, quantity and type of biomass, cf. paragraph 1(1), is published in aggregate form on the Danish Energy Agency's website.

Paragraph 5. The Danish Energy Agency shall set a deadline for reporting the information and publish it on the Danish Energy Agency's website.

Gaseous biomass fuels (biogas)

Section 30. *Paragraph 1.* A company covered by Chapters 2 or 3 that uses biogas to produce electricity, upgraded or purified biogas, or uses biogas for process purposes, heating or cooling shall annually and before 31 March each year report the following information to the Danish Energy Agency, without prejudice to paragraph 5:

1) Information on the geographical origin, quantity and type of biomass used for the previous reporting period.

2) Information on how the company has met requirements for compliance with sustainability and greenhouse gas emissions saving criteria under Chapters 2 and 3 in the previous reporting period.

Paragraph 2. The information referred to in paragraph 1 shall, before reporting, be verified by a third party, cf. Section 32.

Paragraph 3. The company must also make the data used to prepare the information available to the Danish Energy Agency on request.

Paragraph 4. Information on geographical origin, quantity and type of biomasses, cf. paragraph 1(1), is published in aggregate form on the Danish Energy Agency's website.

Paragraph 5. For the reporting year 1 August 2020 to 31 July 2021, all beneficiaries must report by 1 September 2021 all types and quantities of biomass used in biogas production from 1 August 2020 to 31 July 2021.

Paragraph 6. When reporting for the reporting year 1 August 2021 to 31 July 2022, all companies using biogas for the purposes referred to in Section 2, whether or not they are beneficiaries, must submit two separate reports by 1 September 2022. One report must contain the information referred to in paragraph 1 and must relate to the period from 1 August 2021 to 31 July 2022. The second report must contain the information referred to in paragraph 1 and must relate to the period from 1 July 2021 to 31 July 2021.

Paragraph 7. When reporting for the period from 1 August 2022 to 31 December 2023, all companies using biogas for the purposes referred to in Section 2, whether or not they are beneficiaries, shall submit two separate reports for the period no later than 31 March 2024. One report must contain the information referred to in subsection 1 and must relate to the period from 1 August 2022 to 31 December 2022. The second report must contain the information referred to in subsection 1 and must relate to the period from 1 January 2023 to 31 December 2023. For reports on 1 March 2025 onwards, the previous calendar year (January-December) shall be reported.

Paragraph 8. The following also applies to the reporting of compliance with requirements pursuant to Section 9:

1) The Danish Energy Agency may require the company to submit, at its own expense, an auditor’s statement confirming matters relating to the biomass used and the production and delivery of biogas, which shall be endorsed by an approved auditor.

2) Producers of biogas shall make the necessary information on the type and weight of biomass used available to the company subject to the reporting obligation. The information must be continuously recorded in a logbook for the purpose of regular controls.

3) The Danish Energy Agency may obtain further information from companies subject to the obligation to report, producers of biogas or gasification gas, and the Danish Agricultural Agency's supplier register for fertiliser deliveries.

4) The report shall be certified by the biogas producer.

Paragraph 9. The Danish Energy Agency must lay down an audit instruction for the approved auditor's audit under paragraph 7(1).

Section 31. The costs of reporting and taking measurements under Sections 29 and 30 are borne by the company.

Independent controls

Section 32. *Paragraph 1.* The company shall demonstrate to the Danish Energy Agency that an ex ante independent control (verification) of the information it reports to the Danish Energy Agency pursuant to Sections 29 and 30 has been established and that this control is of a sufficient standard, cf. Section 33.

Paragraph 2. The independent control shall confirm that the systems used by the company are accurate, reliable, and fraud-proof, including that the biomass is not intentionally modified or discarded so that the lot or part thereof may become waste or a residue.

Requirements for verifiers

Section 33. In order to be able to carry out independent controls of companies' reports, cf. Sections 29 and 30, for solid and gaseous biomass fuels as well as bioliquids produced from forest biomass, wood industry residues, or non-forest wood, a verifier must be approved or accredited to carry out certification in accordance with:

1) at least one forest certification scheme, such as FSC or PEFC;
2) at least one certification scheme for biomass production, e.g. SBP;
3) at least one traceability certification scheme.

Paragraph 2. In order to be able to carry out independent controls of companies' reports, cf. Sections 29 and 30, for solid and gaseous biomass fuels and bioliquids produced from agricultural biomass, the verifier shall be approved or accredited to carry out certification under at least one voluntary scheme, which includes certification of agricultural biomass.

Paragraph 3. A verifier meeting the requirements set out in paragraph 1 or 2 may carry out independent controls of companies' reports for solid and gaseous biomass fuels as well as bioliquids produced from biomass from waste and residues from other production and wood waste.

Paragraph 4. The Danish Energy Agency may decide on exemptions from one or more of the requirements set out in subsections 1 and 2.

Paragraph 5. A decision under paragraph 4 may not be appealed to the Minister for Climate, Energy and Utilities or the Energy Board of Appeal.

Requirements and guidelines for information and evidence in the Handbook

Section 34. *Paragraph 1.* Information and evidence reported or submitted to the Danish Energy Agency pursuant to Sections 9, 29–30 and 32–33 must be

prepared in accordance with the requirements and guidelines laid down in the Handbook.

Paragraph 2. Evidence of compliance with the requirements of Sections 4-15 must be provided in accordance with the requirements laid down in the Handbook.

Voluntary national or international schemes

Section 35. *Paragraph 1.* Where the European Commission has decided, pursuant to Article 30(4), first subparagraph, first sentence, of the Renewable Energy Directive, that a national or international certification scheme setting standards for the production of solid or gaseous biomass fuels or bioliquids contains accurate data on greenhouse gas savings for the purpose of complying with the criteria set out in Article 29(10) of the Renewable Energy Directive, or demonstrates that consignments of solid or gaseous biomass fuels or bioliquids comply with the sustainability criteria set out in Article 29(2–7), the company may use such a scheme to demonstrate compliance with Sections 5–8, 12 and 13. However, for Sections 12 and 13, the verifier must continue to confirm the information on the certified quantities.

Paragraph 2. The Danish Energy Agency may decide that enterprises may use certain national or international certification schemes to demonstrate compliance with certain requirements.

Paragraph 3. The Danish Energy Agency shall maintain on its website a list of approved certification schemes, cf. paragraphs 1 and 2.

EU Database for renewable fuels

Section 36. *Paragraph 1.* The relevant economic operator shall, in a timely manner, enter accurate data on transactions conducted with liquid and gaseous renewable fuels and the sustainability characteristics of those fuels into the EU database referred to in Article 31a(1) of Directive 2018/2001, enabling the tracing of those renewable fuels and recycled carbon fuels ('EU database') once the EU database has become operational. The economic operator shall contribute information to the EU database referred to in paragraphs 2–4.

Paragraph 2. For the purposes of entering data into the EU database referred to in paragraph 1, the interconnected gas system shall be considered to be a single mass balance system. Data on input and off-take of renewable gaseous fuels shall be provided in the EU database.

Paragraph 3. Information on whether aid has been granted for the production of a specific batch of fuel and, if so, from what type of aid scheme, shall also be entered in the EU database.

Paragraph 4. Data referred to in paragraphs 1–3 may be entered into the EU database through national databases.

Paragraph 5. For renewable gaseous fuels entering the Union's interconnected gas infrastructure, the economic operator shall provide data on the transactions made, sustainability characteristics, and other relevant data, such as greenhouse gas emissions of the fuels up to the point of entry into the interconnected gas infrastructure.

Paragraph 6. The Danish Energy Agency may process data in the EU database for monitoring and control purposes.

Paragraph 7. The economic operator shall ensure that the accuracy and completeness of the information they enter into the EU database is controlled by

independent third parties, for example by means of certification bodies in the framework of voluntary or national schemes recognised by the European Commission or approved or accredited verifiers, cf. Section 33(1) or (2).

Section 37. Gas transmission companies and gas distribution companies shall control measurements of the amount of gaseous renewable fuels injected into the gas system and reported by economic operators to the EU database, cf. Section 36. A transmission company or a distribution company may carry out controls on measurements of the amount of gaseous renewable fuels reported by economic operators to the EU database on behalf of another transmission system operator or distribution system operator.

Chapter 6

Digital communication

Section 38. *Paragraph 1.* Without prejudice to paragraph 2, the Danish Energy Agency may require that reports which companies are required to make pursuant to this Order or the Handbook be made using a form or digital solution to which the Danish Energy Agency refers.

Paragraph 2. Legal entities which are exempted from mandatory connection to Digital Post pursuant to the Order exempting legal entities with a CVR number, as well as natural persons with business activities from connecting to Digital Post, are exempt from the requirement set out in paragraph 1.

Chapter 7

Supervision

Section 39. *Paragraph 1.* The Danish Energy Agency or the person authorised to do so by the Minister for Climate, Energy and Utilities must monitor the enterprises' compliance with the requirements of this Order and the Handbook.

Paragraph 2. Companies must provide from time to time material to be used for the Danish Energy Agency's supervision, which includes evidence of the requirements of Sections 4–23.

Paragraph 3. The Danish Energy Agency supervises the operation of certification bodies which conduct independent audits under a voluntary scheme.

Paragraph 4. At the request of the Danish Energy Agency, the certification bodies shall provide all relevant information necessary to supervise the operation, including the exact date, time, and place of the audit.

Paragraph 5. If problems of non-compliance are detected in connection with the supervision of certification bodies, the Danish Energy Agency shall immediately inform the voluntary scheme.

Chapter 8

Obtaining information on the use and consumption of energy from renewable sources

Section 40. In order to ensure Denmark's compliance with the Regulation of the European Parliament and of the Council on the Governance of the Energy Union and Climate Action, the Minister for Climate, Energy and Utilities may obtain from any legal and natural person the necessary information on matters relating to the use and consumption of energy from renewable sources.

Chapter 9

Penal provisions

Section 41. *Paragraph 1.* Unless higher penalties are stipulated under other legislation, penalties will be imposed on those who:

1) fail to comply with one or more of the sustainability criteria set out in Sections 5–9 or Sections 12–18;

2) fail to comply with one or more of the greenhouse gas emissions savings criteria set out in Sections 21–23;

3) fail to have a review of the company's installations conducted to identify methane losses by an independent competent company, cf. Section 24(1–3);

4) fail to comply with orders to rectify identified sources of methane loss in accordance with Article 24(6);

5) fail to draw up a programme for the self-monitoring of methane losses in accordance with the guidelines for this, cf. Section 25;

6) fail to comply with orders to limit methane losses from an upgrade installation, cf. Section 26;

7) deny a company, which the Danish Energy Agency has tasked with quantifying methane losses, access to the installation's relevant production facilities, cf. Section 28;

8) provide incorrect information or fails to provide information in accordance with Sections 29–30 and Section 36;

9) fail to comply with the requirements of an independent control in accordance with Section 32 or Section 33; or

10) fail to provide material to the Danish Energy Agency in accordance with Section 39(2).

Paragraph 2. A fine shall be imposed on anyone who fails to comply with orders issued pursuant to § 71 of the Act on the promotion of renewable energy, including an order to rectify an unlawful act.

Paragraph 3. Companies etc. (legal persons) may be rendered criminally liable in accordance with the provisions in Chapter 5 of the Danish Penal Code.

Chapter 10

Entry into force

Section 42. *Paragraph 1.* This Order shall enter into force on 21 May 2025.

Paragraph 2. Order No 530 of 28 May 2024 on sustainability and greenhouse gas emissions saving for biomass fuels and bioliquids for energy purposes, etc., is hereby repealed.

Paragraph 3. For conditions prior to 21 May 2025, the rules previously in force in Order No 530 of 28 May 2024 on sustainability and greenhouse gas emissions saving for biomass fuels and bioliquids for energy purposes, etc., shall apply.

The Danish Energy Agency, xxx

Peter Christian Baggesgaard Hansen
(VD)

/ Lisbet Ølgaard

Annex 1

List of energy crops

Crop	
Corn[1)]	Cobs
	Whole crop[2)]
Beets	Root
Cereals	Grains
	Whole crop
Grass[3)]	Whole crop from land in rotation
Clover grass[4)]	Whole crop from non-organic land in rotation
Jerusalem artichokes	Root

1) Corn shall be deleted from the list of energy crops on 1 August 2025.

2) Whole crop means a crop in which the whole installation is harvested and used together.

3) Grass and clover grass from perennial land, i.e. land that has not been ploughed up for 5 years is excluded.

4) Clover grass from organic land is exempt.

Annex 2

Self-monitoring programme to avoid methane loss

A self-monitoring programme shall include the following elements to ensure that the biogas production installation is adequately reviewed to limit and capture possible sources of methane losses associated with biogas production:

– A reference to the overall installation component and which parts of it have been controlled

– Description of the part for which the search is conducted, frequency of control, and date of the last control conducted

– Whether methane losses have been detected

– Action to rectify any methane loss

The installation components to be included in the self-monitoring programme can be derived from the system delimitation for the type of installation in question. As a minimum, the self-monitoring shall cover all gas-bearing components, joints in general, transitions between welded and non-welded parts, and openings such as covers, valves, etc.

Official notes

[1)] This Order implements parts of Directive 2018/2001/EU of the European Parliament and of the Council of 11 December 2018 on the promotion of the use of energy from renewable sources (recast), OJ 2018, L 328, p. 82, as amended by Directive 2023/2413/EU of the European Parliament and of the Council, OJ 2023, L of 18 October 2023. A draft of this Order has been notified in accordance with Directive (EU) 2015/1535 of the European Parliament and of the Council laying down a procedure for the provision of information in the field of technical regulations and of rules on Information Society services (codification).