

Annex IX Coalition – views on draft IR 996 Article 53

Updated on 9 June 2026

Article 53.3 (53.4 in the 1st draft)

Previous text (1 st draft)	Revised text (2 nd draft)	Comments / suggested changes
3. For the purposes of the first paragraph, a crop shall be considered as a main crop if at least one of the following conditions is met:		
a) the crop is the sole crop cultivated on the land throughout the agricultural season;	f) [no change]	
b) the crop represents the highest economic value of all crops grown during the growing season;	g) the crop represents the highest economic value of all crops grown during the growing season; the economic value should be assessed using average annual prices per hectare accounting for market variations;	Whilst intermediate crop yields are expected to be lower than those of main crops in the short to medium term, we would suggest the following change: “the crop is representative for the region’s recognised cropping calendar, irrespective of economic value”
c) the crop is present on the land during a typical growing season on 31 May in the northern hemisphere and on 30 November in the southern hemisphere;	h) [no change]	Instead of strict dates, flexibility should be allowed taking into account actual, local agronomic practices, in line with the text under point i) but not limited to the EU only.
d) where the crop is grown in an area where the conditions set out under paragraph 4 are not met, the crop is one of the two crops that occupies the land for the longest period during the agricultural season;	i) Member States may set dates based on national regional, or local conditions. Where such dates have been established these shall be used instead of the date set out under point c.	Positive change , but similar flexibility should be afforded to non-EU regions and set by Certification Bodies. Suggested revision: “ Member states certification bodies may ...”

Implications of revised text under 53.3:

- The revised wording under 53.3 (i) is a step closer to having certification rules that are **agronomically grounded** based on practices across the EU, helping Member States fully utilise their potential to grow the new feedstocks for biofuel production.
- The **additional text on further defining how the economic value** should be assessed is still relatively open to interpretation. In the shorter term, it is potentially low impact as intermediate crop yields are expected to be lower than those of main crops.

Article 53.5 (previously 53.6)

Previous text (1 st draft)	Current proposal (2 nd draft)	Comments / suggested changes
5. For the purposes of the first paragraph, regions where food and feed crop production is restricted to a single annual harvest due to a short vegetation period shall encompass areas meeting the following criteria:		
a) cultivation of agricultural commodity crops, in no combination, allows more than one crop to reach maturity during a single growing season .	(j) [no change]	Suggested revision: “ <i>There is no more than one main crop reaching maturity during a single growing cycle, considering actual cropping practices.</i> ”
b) the restriction to one harvest is attributable solely to the duration of the vegetation period and not to other factors such as water scarcity .	(a) [no change]	Suggested revision: “ <i>the restriction to one harvest is attributable solely to the established crop rotation practices.</i> ”
For verifying point (a), auditors may rely on reliable data sources such as on the FAO map on ‘multiple cropping zones under rainfed conditions in currently available land’ .	For verifying point (a), auditors may rely on reliable data sources such as on <i>the FAO map on ‘multiple cropping zones under rainfed conditions in currently available land’ or data on actual cultivation practices in the region.</i> <i>Intermediate crops may only be certified in regions where agro-climatic conditions allow no more than one food or feed crop to reach maturity per vegetation period. In all other regions, no crop shall qualify as an intermediate crop regardless of its classification as main or non-main crop.</i>	Significant change from previous draft: <ul style="list-style-type: none"> Text in green: significant improvement from previous draft. Recognition of actual cultivation practices on the ground. Text in red: extremely restrictive language, particularly if interpreted in a way that supersedes the flexibility laid out in the text above. It risks excluding entire regions and countries from growing crops that could be certified as ICs. Suggested revision: Either delete the text in red or change to “ <i>Intermediate crops may only be certified in regions where additional cropping is not extensively practiced, regardless of theoretical capability</i> ”

Implications of revised text under 53.5:

- The provisions in the first draft defined single-harvest regions primarily through **theoretical biophysical potential** and static assumptions about vegetation periods. This approach does not reflect **actual cropping practices and rotation patterns, regional climatic realities, local adaptation strategies and the diversity of main crop systems across different geographies**.
- The **additional language** in the **second draft** is overall **confusing and contradictory**. Whilst it recognises actual cultivation practices, it imposes **overly harsh regional restrictions**.

- Referring to “**data on actual cultivation practices in the region**” when verifying point a) and not just pointing to FAO or other maps is a good step forward compared to the first draft.

Unfortunately, the last sentence added under point 53.3 potentially points to **de facto exclusion of several regions / countries** around the world where *any* double cropping takes place, irrespective of the extent of such practices and local conditions in the area or farm considered.

- The proposed text in practice rules out intermediate cropping in any region where double cropping (the growing of two food and feed crops) is possible. There are regions where double cropping can in theory be practiced and or where some farmers engage in double cropping, while most farmers do not adopt it because of practical agronomic or climatic constraints. Excluding these farmers would unnecessarily limit the potential of intermediate cropping.
- A more proportionate approach would be to allow certification of intermediate crops in regions where cultivating more than one food or feed crop to maturity within the same growing season is not widely practiced. Areas where cultivating more than one food or feed crop is predominant are then excluded from certification.

Article 53.8 (previously 53.9)

Previous text (1 st draft)	Current proposal (2 nd draft)	Comments / suggested changes
(c) the feedstock is grown in an area that qualified as severely degraded land before cultivation of biofuel feedstocks was started. The relevant provisions set out in Article 26(4) of Directive (EU) 2018/2001 apply;	(c) the feedstock is grown in an area that qualified as severely degraded land before cultivation of biofuel feedstocks was started;	<p>(c) <i>the feedstock is grown in an area that qualified as severely degraded land before cultivation of biofuel feedstocks was started.</i> The relevant provisions set out in Article 26(4) Annex V, Part c, Paragraph 9 of Directive (EU) 2018/2001 apply. The provisions set out under paragraph 6 of the present article do not apply to crops grown on severely degraded lands, except food and feed crops;</p> <p>[...]</p> <p>(e) (new) <i>Criteria for verification set out under Articles 51.1 and 51.5 shall apply for the purposes of point 8 of the present Article.</i></p> <p>(f) (new) <i>Feedstocks grown on areas that were severely degraded land and abandoned before the cultivation of the crops started do not qualify as food and feed crops.</i></p>

- As regards Annex IX eligibility criteria for crops grown on severely degraded lands, it is critical to incentivise potential cultivation of biomass on severely degraded lands, particularly when abandoned. The updated version revision removes the principle whereby severely degraded and abandoned land cease to be classified as “agricultural land.” As a result, opportunities would be limited for eligibility of energy biomass on agricultural areas that have remained abandoned for at least five years, unless a primary food crop is produced first, followed by an intermediate energy crop. With a view to achieve the benefits from soil regeneration and land restoration, the draft should fully harness opportunities to valorise production of feedstocks grown on areas that were severely degraded land and abandoned.
- Furthermore, the guidelines should clarify that additional crop production that does not qualify as food or feed crop, when grown on severely degraded lands that are not abandoned, should be eligible for Annex IX, without the need to verify the criteria mentioned under article 53.5.
- The text should explicitly confirm that the criteria for the certification of severely degraded lands set out under art. 51.5 remain valid for Annex IX certification under art. 53.8, and that the criteria for the qualification of ‘abandoned land’ set out under article 51.1 remain valid for Annex IX certification under art. 53.8.

Article 53.9 (previously 53.8)

Previous text (1 st draft)	Current proposal (2 nd draft)	Comments / suggested changes
For the purposes of determining whether a feedstock qualifies as a crop under Annex IX, Part A, point (u), to Directive (EU) 2018/2001 or under Annex IX, Part B, point (e) to that Directive, voluntary schemes and certification bodies shall verify the following:		
d) measures were taken to make the land suitable for crop production.	[no change]	<p>The focus on severely degraded land (SDL) should be on restoring the productivity. Past measures are hard to quantify.</p> <p>Suggested revision: <i>d) measures are taken to return the land to productivity.</i></p>

Article 2 – Definitions

Previous text (1 st draft)	Current proposal (2 nd draft)	Comments / suggested changes
39) ‘agricultural land’ means land used for the cultivation of arable crops and permanent crops, grassland and pasture, excluding areas that were severely degraded land and abandoned before the cultivation of crops started;	<i>Deleted</i>	Suggested definition: ‘agricultural land’ means land used for the cultivation of arable crops and permanent crops, grassland and pasture, excluding areas that were severely degraded land, abandoned or unused before the cultivation of crops started;
(46) ‘vegetation period’ means period of the year during which temperature and daylight are typically suitable for plant growth.	[no change]	Suggested revision: ‘vegetation period’ means period of the year during which temperature and daylight are typically suitable for plant crop growth during which due to the existing agronomic and climatic conditions, including economic and market realities, availability of crop management options, temperature, water availability, and daylight.

- **‘Agricultural land’ definition:** RED fails to define agricultural land and consequently non-agricultural land but refers to the concept for example in the food and feed definition in RED II (2018/2001) Article 2(40). A definition is needed for clarity. The excluded areas should cover SDL, abandoned and unused lands.
- **‘Vegetation period’ definition:** The term “plant growth” is overly broad, as many plant species can grow under a wide range of conditions. “Crop growth” more accurately reflects the focus of this Regulation on the cultivation of intermediate and main crops under agricultural conditions. In addition, crop growth depends on more than temperature and daylight alone, and this should be reflected in the definition of “vegetation period”. As currently used in Article 53(5), the proposed definition would considerably reduce the land area eligible for intermediate cropping, particularly in eastern, central and southern Europe (e.g. France, Italy, Spain, Romania). Adding broader agronomic and climatic conditions to temperature and daylight would better capture the realities of crop production and enable intermediate cropping in areas where factors such as market constraints, crop economics, crop management options, insufficient irrigation infrastructure, crop genetics, and limited precipitation currently limit intermediate cropping.