

REGULATION
OF THE MINISTER FOR CLIMATE AND ENVIRONMENT¹⁾

of

on requirements for the measurement, registration, and calculation of quantities of biogas, agricultural biogas, and biomethane produced in renewable energy installations from renewable energy sources and transported by means of transport other than gas networks²⁾

Pursuant to Article 62 of the Renewable Energy Sources Act of 20 February 2015 (Journal of Laws of 2023, items 1436, 1597, 1681, and 1762), the following is hereby decreed:

§ 1. The Regulation lays down:

- 1) requirements for the measurement, registration, and calculation of quantities of biogas, agricultural biogas, and biomethane, produced in renewable energy installations from renewable energy sources and transported by means of transport other than gas networks, hereinafter referred to as ‘biogas, agricultural biogas, and biomethane’;
- 2) place of measurement of biogas, agricultural biogas, and biomethane;
- 3) method of conversion of quantities of biogas, agricultural biogas, and biomethane into energy quantity expressed in MWh.

§ 2. The quantities of biogas, agricultural biogas, and biomethane shall be measured:

- 1) on the basis of indications of measuring and billing devices whose metrological characteristics have been certified in the calibration certificate referred to in Article 6a(3) of the Measures Law Act of 11 May 2001 (Journal of Laws of 2022, item 2063);
- 2) continuously during the periods when biogas, agricultural biogas, and biomethane are transported for further use or processing;
- 3) in a location immediately before the point of further use or processing of biogas, agricultural biogas, and biomethane.

¹⁾ The Minister for Climate and the Environment heads the government department for climate pursuant to Article 1(2)(2) of the Regulation of the Prime Minister of 19 December 2023 on the detailed scope of activities of the Minister for Climate and the Environment (Journal of Laws, item 2726).

²⁾ The notification of this Regulation was made to the European Commission on ..., under No ..., pursuant to § 4 of the Cabinet Regulation of 23 December 2002 concerning the manner in which the national notification system of standards and legal acts functions (Journal of Laws, item 2039, and of 2004, item 597), which implements the provisions of Directive (EU) 2015/1535 of the European Parliament and of the Council of 9 September 2015 laying down a procedure for the provision of information in the field of technical regulations and of rules on Information Society services (codification) (OJ EU L 241, 17.9.2015, p. 1).

§ 3. 1. Data on the quantity of biogas, agricultural biogas, and biomethane shall be recorded in the register book containing numbered pages or using an electronic data-processing system.

2. Registration of the data referred to in paragraph 1 in the register book containing numbered pages shall be carried out on the daily basis in the following manner:

- 1) each item of the data to be recorded shall be separated by a horizontal line after the entry has been made;
 - 2) amendments shall be made in a manner enabling reading the amended or deleted entry
- and shall be confirmed by the signature of the registrant.

3. Registration of the data referred to in paragraph 1 using an electronic data-processing system shall be carried out on the daily basis in the following manner:

- 1) chronological;
- 2) enabling:
 - a) consultation of the content of the entries made and the protection of stored data against deletion or distortion,
 - b) making printouts for each day.

§ 4. The quantity of biogas, agricultural biogas, and biomethane shall be calculated by totalling the indications of the measuring and billing equipment referred to in § 2(1).

§ 5. 1. In order to convert the quantity of biogas, agricultural biogas, and biomethane into energy quantity expressed in MWh, the heat of combustion of biogas, agricultural biogas, and biomethane, respectively, shall be determined and recorded, and the daily weighted average value of heat of combustion of biogas, agricultural biogas, and biomethane, respectively, shall be determined.

2. The provisions of § 3 shall apply to the registration of biogas, agricultural biogas, and biomethane combustion heat, respectively, whereby the data on the quantity of biogas, agricultural biogas, and biomethane and the data on biogas, agricultural biogas, and biomethane combustion heat, respectively, shall be recorded in a single register book as referred to in § 3(2) or using a single electronic data processing system as referred to in § 3(3).

3. The biogas, agricultural biogas, and biomethane combustion heat, respectively, shall be determined:

- 1) based on the indications of measuring and billing devices referred to in par. 5;
- 2) at least every hour during periods when biogas, agricultural biogas, and biomethane is transported for further use or processing, subject to § 6(4);
- 3) in the place referred to in § 2(3).

4. To determine the daily weighted average value of biogas, agricultural biogas, and biomethane combustion heat, respectively:

- 1) at regular intervals and at least every hour, concentrations of at least methane, nitrogen, carbon dioxide, and oxygen shall be measured in a sample of biogas, agricultural biogas, and biomethane, respectively, and the biogas, agricultural biogas, and biomethane combustion heat, respectively, shall be calculated from those measurements in accordance with the current state of knowledge and the best practice, in particular the guidelines contained in 'PN-EN ISO 6976 Natural gas — Calculation of calorific values, density, relative density and Wobbe indices from composition';
- 2) the values of biogas, agricultural biogas, and biomethane combustion heat, respectively, calculated in accordance with point 1 over the daily cycle shall be averaged using a weighted average.

5. Concentrations of at least methane, nitrogen, carbon dioxide, and oxygen referred to in paragraph 4(1) shall be measured on the basis of the chemical composition of the certified reference mixture using measuring and billing equipment whose measurement-analytical accuracy shall be checked at least once a year by inter-laboratory comparisons with a laboratory accredited in this regard.

§ 6. 1. The quantity of biogas, agricultural biogas, and biomethane shall be converted into the quantity of energy expressed in MWh at daily intervals.

2. The daily quantity of biogas, agricultural biogas, and biomethane, in the case of volumetric measurement, shall be converted into the quantity of energy expressed in MWh according to the following formula:

$$E = \frac{H_{s_v} \times V}{3600}$$

where the individual symbols mean:

- E — daily quantity of energy contained in biogas, agricultural biogas, and biomethane expressed in MWh;
- H_{s_v} — daily volume-weighted average value of biogas, agricultural biogas, and biomethane combustion heat, respectively expressed in MJ/m³ for the following reference conditions: 25 °C and 101.325 kPa — for combustion process, and: 0 °C and 101.325 kPa — for volume measurement;
- V — volume being the total of the values used to determine the daily weighted average value of biogas, agricultural biogas, and biomethane combustion heat, respectively, expressed in m³ for the reference conditions of: 0 °C and 101.325 kPa — for volume measurement, the volume being converted to the indicated reference conditions using

generally accepted compressibility and the current state of knowledge and the best practice;

1/3,600 — conversion factor resulting from the conversion of MJ to MWh.

3. The daily quantity of biogas, agricultural biogas, and biomethane, in the case of weight measurement, shall be converted into the quantity of energy expressed in MWh according to the following formula:

$$E = \frac{Hs_m \times m}{3600}$$

where the individual symbols mean:

E — daily quantity of energy contained in biogas, agricultural biogas, and biomethane expressed in MWh;

Hs_m — daily weight- weighted average value of biogas, agricultural biogas, and biomethane combustion heat, respectively, expressed in MJ/kg for the reference conditions of: 25 °C and 101.325 kPa — for combustion process;

m — weight being the total of the values used to determine the daily weighted average value of biogas, agricultural biogas, and biomethane combustion heat, respectively, expressed in kg;

1/3,600 — conversion factor resulting from the conversion of MJ to MWh.

4. In the event of failure of the measuring and billing equipment referred to in § 5(5) used to determine the biogas, agricultural biogas, and biomethane combustion heat, respectively, for the purpose of converting the quantity of energy contained in biogas, agricultural biogas, and biomethane in accordance with paragraph 2 or 3, the weighted average of the daily weighted average values of the biogas, agricultural biogas, and biomethane combustion heat, respectively, from the 30 days preceding the date of the failure incident shall be used. The value of biogas, agricultural biogas, and biomethane combustion heat, respectively, calculated in accordance with the methodology set out in the preceding sentence shall be applied for no more than 30 consecutive days from the date of the failure of this measuring and billing equipment.

§ 7. This Regulation shall enter into force 14 days after its publication.

**MINISTER FOR CLIMATE AND
ENVIRONMENT**

Deputy Director of the Legal Department
at the Ministry of Climate and the Environment
Dominik Gajewski
(– signed with a qualified electronic signature)