
EXPLANATORY NOTE

(This note is not part of the Order)

This Order amends the Renewables Obligation (Scotland) Order 2009 (“the 2009 Order”) and makes transitional provision.

The 2009 Order imposes an obligation (“the renewables obligation”) on electricity suppliers who supply electricity in Scotland. Suppliers must produce, by a specified day, a certain number of renewables obligation certificates (“SROCs”) in respect of each megawatt hour of electricity that each supplies during a specified period known as an obligation period. The renewables obligation is administered by the Gas and Electricity Markets Authority (“the Authority”) who issue SROCs to renewable electricity generators in respect of their eligible renewable output.

Article 3 amends some of the definitions in article 2 of the 2009 Order and adds some new definitions, including “CFD”, “excluded capacity”, “investment contract” and “RO eligible renewable output”. Consequential amendments are made to article 3(7) of the 2009 Order by article 4 and to article 30B of the 2009 Order by article 12.

Article 5 substitutes article 17AB of the 2009 Order. Article 6 inserts articles 21A and 21B into the 2009 Order, to widen the cases and circumstances in which SROCs must not be issued. A consequential amendment is made by article 24(2)(a) to article 60 of the 2009 Order.

Article 7 amends article 22C of the 2009 Order so that it refers to a “qualifying combined heat and power generating station”, which is defined in article 2 of that Order.

Article 8 inserts article 23A into the 2009 Order to give the meaning of “RO input electricity”, “RO output electricity” and the generation of electricity from an ineligible renewable source. A consequential amendment is made by article 24(2)(b) to article 60 of the 2009 Order.

Article 9 amends article 24 of the 2009 Order to set out additional circumstances in which SROCs are to be issued in respect of a proportion only of the electricity generated by a station. Amendments are also made as a consequence of the new definitions in articles 2 and 23A of the 2009 Order.

Article 10 substitutes article 25 of the 2009 Order. This sets out how the RO eligible renewable output of a generating station is to be calculated, and how it is to be apportioned when electricity is generated in two or more ways (e.g. anaerobic digestion, advanced gasification/pyrolysis, co-firing of regular bioliquid etc) or by two or more types of generating capacity (e.g. pre-2013 capacity, 2013/14 capacity, 2014/15 capacity etc).

Article 11 amends article 26 of the 2009 Order as a consequence of the substitution of article 25 of the 2009 Order.

Article 13 inserts articles 30C and 30D in the 2009 Order. Article 30C provides for a new band set at 2.5 SROCS for offshore wind generating stations using test and demonstration wind turbines. Article 30D provides for a new band set at 3.5 SROCS for offshore floating wind turbines.

Article 14 substitutes article 41(5) of the 2009 Order, and article 15 amends article 53 of the 2009 Order, as a consequence of the new definitions in articles 2 and 23A of the 2009 Order.

Article 16 amends article 54 of the 2009 Order, which sets out information to be provided where electricity is generated from biomass. Article 16(2) widens the types of biomass to which article 54 of the 2009 Order applies. Article 16(3) changes the date by which the information must be provided and changes the nature of some of the information requirements (including the types of biomass to which some of the information requirements apply).

Article 16(5) adds a new restriction on the circumstances in which the default value method can be used to calculate the greenhouse gas emissions from the use of biomass.

Article 16(6) substitutes article 54(4) of the 2009 Order to remove the requirement on the Authority to refuse the issue of SROCs if the information is not provided by the 31st August immediately following the obligation period in which the biomass was used. A consequential amendment is made by article 19(3) to article 57 of the 2009 Order.

Article 16(8) omits the definition of “environmental quality assurance scheme” and inserts some new definitions.

Article 17 amends article 54A of the 2009 Order, which relates to the bioliquid sustainability audit report and which implements, in relation to the renewables obligation, the first two sub-paragraphs of Article 18(3) of [Directive 2009/28/EC](#) of the European Parliament and of the Council on the promotion of the use of energy from renewable sources⁽¹⁾ and Commission Decision 2011/13/EU on certain types of information about biofuels and bioliquids to be submitted by economic operators to Member States⁽²⁾. Article 17(2) changes some of the requirements that must be met by a bioliquid sustainability audit report. Article 17(3) substitutes article 54A(5) of the 2009 Order so that the audit report is deemed to have been prepared to an adequate standard if it is has been prepared in accordance with the ISAE 3000 standard for limited assurance engagements. Article 17(4) inserts a definition for “environmental quality assurance scheme”.

Article 18 inserts article 54B into the 2009 Order to require a sustainability audit report to be provided to the Authority in respect of the information submitted by the operator of a generating station in accordance with article 54(3)(c) of the 2009 Order (in the case of biomass which is waste or wholly derived from waste) or article 54(3ZB) of the 2009 Order (in the case of other biomass). There are exceptions for certain types of biomass and the requirement does not apply in the case of generating stations with a total installed capacity of less than 1 megawatt.

Article 20 substitutes article 58 of the 2009 Order and inserts articles 58ZZA and 58ZZB into the 2009 Order. These articles set out the process and preconditions for preliminary accreditation and accreditation of generating stations. Consequential amendments are made by article 19(2) to article 57 of the 2009 Order and by article 21 to article 58ZA of the 2009 Order.

Article 22 amends article 58A of the 2009 Order to require certain declarations to be made by the operator of the generating station before an offshore wind turbine can be registered under that article.

Article 23 inserts article 58B into the 2009 Order to create a procedure for the registration of additional capacity at an accredited generating station.

Article 25 amends Schedule A2 to the 2009 Order to set out additional circumstances in which fuel (other than bioliquid) meets the land criteria.

Article 26 amends Schedule 3A to the 2009 Order, which sets out the actual value method for the calculation of greenhouse gas emissions from the use of solid or gaseous biomass. Article 26(2) amends Schedule 3A to ensure that certain residues are treated as having zero life-cycle greenhouse gas emissions up to the process of collection of those materials. Article 26(3) amends Schedule 3A so that certain additives are treated as having zero life-cycle greenhouse gas emissions, provided that they do not exceed 2% by weight of the biomass.

Article 27 makes transitional provision in respect of the obligation period ending on 31st March 2014.

A full business and regulatory impact assessment of the effect this Order will have on the costs of business and the voluntary sector is available from the Scottish Government Energy Markets Unit, Directorate for Energy and Climate Change, 5 Atlantic Quay, 150 Broomielaw, Glasgow, G2 8LU.

(1) OJ L 140, 5.6.2009, p.16.

(2) OJ L 9, 13.1.2011, p.11.

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Draft Legislation: This is a draft item of legislation and has not yet been made as a Scottish Statutory Instrument. This draft has been replaced by a new draft, The Renewables Obligation (Scotland) Amendment Order 2015 ISBN 978-0-11-102947-3