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SCOTTISH STATUTORY INSTRUMENTS

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**2011 No. 225**

**The Renewables Obligation (Scotland) Amendment Order 2011**

**Circumstances in which no SROCs are to be issued in respect of electricity generated from bioliquid**

10. After article 22 (circumstances in which no SROCs are to be issued in respect of electricity generated from renewable sources) insert—

**“Circumstances in which no SROCs are to be issued in respect of electricity generated from bioliquid**

**22A.—**(1) No SROCs are to be issued in respect of any electricity generated by a generating station from bioliquid unless the bioliquid meets the greenhouse gas emission criteria and the land criteria.

(2) It is for the operator of the generating station to demonstrate to the Authority’s satisfaction that the bioliquid meets the greenhouse gas emission criteria and the land criteria.

(3) Where paragraph (4) applies to a consignment of bioliquid, a mass balance system must be used for the purpose of demonstrating that the bioliquid meets the greenhouse gas emission criteria and the land criteria.

(4) This paragraph applies to a consignment of bioliquid where—

- (a) the consignment of bioliquid was withdrawn from a mixture containing consignments of bioliquid with differing sustainability profiles; or
- (b) consignments of the biomaterial from which the consignment of bioliquid was made were withdrawn from a mixture containing consignments of biomaterial with differing sustainability profiles.

(5) For the purposes of paragraph (3), a mass balance system is a system which—

- (a) provides for the sustainability profiles of the consignments of biomaterial or bioliquid added to a mixture to be attributed to the consignments withdrawn from that mixture; and
- (b) requires the sustainability profile attributed to the sum of all the consignments withdrawn from a mixture to be the same, and in the same quantities, as the sustainability profile of the sum of all the consignments added to that mixture.

(6) For the purposes of paragraphs (4) and (5)—

- (a) the sustainability profile of a consignment of biomaterial is—
  - (i) information identifying the material of which the biomaterial is composed; and
  - (ii) information relating to the biomaterial to be used for the purpose of determining whether bioliquid made from the biomaterial meets the greenhouse gas emission criteria and the land criteria;
- (b) the sustainability profile of a consignment of bioliquid is information identifying—

- (i) the material of which the bioliquid is composed; and
- (ii) the proportion that meets the greenhouse gas emission criteria and the land criteria.

### **Common agricultural policy requirements**

**22B.** No SROCs are to be issued in respect of any electricity generated by a generating station from bioliquid if—

- (a) the bioliquid is derived from biomaterial which—
  - (i) is of agricultural origin;
  - (ii) was cultivated in the EU; and
  - (iii) is not waste; and
- (b) the Authority is satisfied that the biomaterial referred to in sub-paragraph (a) was—
  - (i) cultivated in a manner that breached a statutory management requirement identified in entries 1 to 5 and 9 of the list in Annex 2 to Council Regulation (EC) No 73/2009<sup>(1)</sup> (“the 2009 Regulation”); or
  - (ii) obtained from land which does not meet the minimum requirements for good agricultural and environmental condition defined pursuant to Article 6(1) of the 2009 Regulation<sup>(2)</sup>.”.

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(1) O.J. L 30, 31.1.2009, p.16. Council Regulation (EC) No. 73/2009 of 19th January 2009 establishing common rules for direct support schemes for farmers under the common agricultural policy and establishing certain support schemes for farmers.

(2) Article 6(1) requires Member States to define, at national or regional level, minimum requirements for good agricultural and environmental condition on the basis of the framework established in Annex 3 to the 2009 Regulation.