
DRAFT STATUTORY INSTRUMENTS

2015 No.

The Renewables Obligation Order 2015

PART 9

Provision of information

Bioliqum sustainability audit report

83.—(1) This article applies to a generating station which generates electricity (wholly or partly) from bioliqum.

(2) In relation to each consignment of bioliqum used in a generating station to which this article applies, and in respect of which the operator has submitted sustainability information, the operator of the station must, by the 31st May immediately following the obligation period during which the bioliqum was used (“the relevant date”), provide the Authority with a sustainability audit report meeting the requirements specified in paragraph (3).

- (3) The requirements specified in this paragraph are that the sustainability audit report must—
- (a) be prepared by a person who is not—
 - (i) the owner or operator of the generating station; or
 - (ii) a connected person, in relation to the owner or operator of the generating station;
 - (b) consider whether the systems used to produce the sustainability information are likely to produce information which is reasonably accurate and reliable;
 - (c) consider whether there are controls in place to help protect the sustainability information against material misstatements due to fraud or error;
 - (d) consider the frequency and methodology of any sampling carried out for the purpose of obtaining or checking the data on which the operator relied in preparing the sustainability information;
 - (e) consider the robustness of the data on which the operator relied in preparing the sustainability information;
 - (f) state whether anything has come to the attention of the person preparing the report to indicate that the sustainability information is not accurate;
 - (g) be prepared to an adequate standard;
 - (h) identify whether the bioliqum was certified under an environmental quality assurance scheme, and if so—
 - (i) state the name of the scheme, and
 - (ii) identify whether the European Commission has adopted a decision under Article 18(4) of the Renewables Directive in respect of the scheme; and
 - (i) where the bioliqum was not derived from waste or residue and the actual value method or the mixed value method was used for the purpose of calculating the greenhouse gas emissions from the use of the bioliqum, identify—

- (i) whether a restored degraded land bonus was included in the calculation of the greenhouse gas emissions from the use of the bioliquid, and
- (ii) whether an emission saving from soil carbon accumulation via improved agricultural management was included in the calculation of the greenhouse gas emissions from the use of the bioliquid.

(4) Subject to paragraph (5), it is for the operator of the generating station to demonstrate to the Authority's satisfaction that the sustainability audit report was prepared to an adequate standard.

(5) A sustainability audit report shall be deemed to have been prepared to an adequate standard if it has been prepared in accordance with the requirements in respect of limited assurance engagements prescribed in ISAE 3000, or an equivalent standard.

(6) Where, in relation to bioliquid used in a generating station to which this article applies, the operator of the station fails to provide the Authority with a sustainability audit report meeting the requirements specified in paragraph (3) by the relevant date, the Authority must, in relation to any ROCs to which the operator would otherwise be entitled, postpone the issue of those ROCs (up to the specified number) until such time as the sustainability audit report is provided.

(7) For the purposes of paragraph (6), the specified number is the number of ROCs which the Authority has or estimates that it has or, but for this article, would have issued in respect of the electricity generated by the bioliquid in relation to which a sustainability audit report meeting the requirements specified in paragraph (3) should have been provided.

(8) In this article—

“actual value method” has the same meaning as in Schedule 1;

“emission saving from soil carbon accumulation via improved agricultural management” has the same meaning as in Part C of Annex 5 to the Renewables Directive;

“environmental quality assurance scheme” means a voluntary scheme which establishes environmental or social standards in relation to the production of a bioliquid or matter from which the bioliquid is derived;

“mixed value method” has the same meaning as in Schedule 1;

“restored degraded land bonus” means the bonus referred to in paragraphs 7 and 8 of Part C of Annex 5 to the Renewables Directive;

“sustainability information”, in relation to a consignment of bioliquid, means the information submitted to the Authority by the operator of a generating station for the purpose of demonstrating that the bioliquid meets the greenhouse gas criteria and the land criteria.