
DRAFT STATUTORY INSTRUMENTS

2015 No.

The Renewables Obligation Order 2015

PART 9

Provision of information

Provision of information required by the Authority to carry out its functions

78.—(1) The Authority may, by the date (if any) specified by it, require any person who—

- (a) is the operator of a generating station generating electricity in respect of which a ROC has been or may be issued,
- (b) supplies, distributes or transmits such electricity, or
- (c) buys or sells (as a trader) such electricity or ROCs,

to provide it with such information as in its opinion it requires in order to carry out any of its functions under this Order.

(2) Information requested under paragraph (1) must be given to the Authority in whatever form it requires.

Provision of information to determine whether a supplier is discharging its renewables obligation

79.—(1) Without prejudice to article 78, the Authority may, by the date (if any) specified by it, require a designated electricity supplier to provide it with information which in its opinion is relevant to the question whether the supplier is discharging, or has discharged, its renewables obligation.

(2) Without prejudice to paragraph (1) and article 78, each designated electricity supplier must provide the Authority with—

- (a) estimates of the amount of electricity it has supplied to customers in England and Wales during each month of an obligation period by no later than the 1st June following that period;
- (b) figures showing the amount of electricity it has actually supplied to customers in England and Wales during each month of an obligation period by no later than the 1st July following that period; and
- (c) an estimate of the number of UK ROCs it believes it would be required to produce to the Authority in order to discharge its renewables obligation for an obligation period if it did not discharge its renewables obligation for that period (in whole or in part) by some other means by no later than the 1st July following that period.

(3) When giving the information referred to in paragraph (2)(a) and (b), a designated electricity supplier must have regard to any sales figures relating to the electricity in respect of which it is

giving that information which it has provided (or intends to provide) to the Department of Energy and Climate Change for publication in “Energy Trends”(1).

(4) Information requested under or required to be provided by this article must be given to the Authority in whatever form it requires.

(5) Any information provided to the Authority under this article must be provided to the Secretary of State at the same time.

Provision of information to determine whether a ROC is to be, or should have been, issued

80.—(1) Without prejudice to article 78, the Authority may, by the date (if any) specified by it, require a person to provide it with information which in its opinion is relevant to the question whether a ROC is, or was or will in future be, required to be issued to the person.

(2) Without prejudice to paragraph (1) and article 78, for the purposes of determining the RO eligible renewable output of a generating station in a month (“the relevant month”) the operator of the station must provide the Authority with figures showing—

- (a) the total input electricity and the RO input electricity used by the station in the relevant month, and
- (b) the total output electricity and the RO output electricity of the station in that month,

by the end of the second month following the relevant month (and those figures may be estimated if the Authority has agreed to estimates being provided and to the way in which those estimates are to be calculated).

(3) Nothing in paragraph (2) prevents the Authority from accepting figures, or further figures, provided after the end of the second month following the relevant month if the Authority considers it appropriate to do so.

(4) Without prejudice to paragraph (1) and article 78, for the purposes of determining whether a ROC certifying the matters within section 32B(5), (6) or (8) of the Act should be issued the person to whom any such ROC would be issued must provide the Authority with—

- (a) a figure representing the amount of electricity in respect of which ROCs should (in that person’s opinion) be issued, and
- (b) the data on which that person relied in arriving at that figure.

(5) Information requested under or required to be provided by this article must be given to the Authority in whatever form it requires.

(6) Any information which—

- (a) is relevant to the question whether a ROC is to be issued, and
- (b) is requested by or required to be provided to the Authority under this article or article 78,

must be (in the Authority’s opinion) accurate and reliable.

(7) Where such information relates to the fuel used in the generation of that electricity and the fuel did not originate at the generating station, in determining whether that information is accurate and reliable the Authority must have regard to—

- (a) the distance over which the fuel was transported, and
- (b) the conditions under which the fuel was prepared and transported.

(1) ‘Energy trends’ is a quarterly bulletin published by the Department of Energy and Climate Change containing statistics on major aspects of energy in the UK.

Notification by the operator of a low-range co-firing combustion unit

81.—(1) The operator of a generating station which generates electricity by burning fuel in a combustion unit may notify the Authority in writing that, until such time as the notification is withdrawn, the energy content of any biomass burned in that combustion unit will be less than 50% of the energy content of all of the energy sources burned in that combustion unit.

(2) A notification under paragraph (1) constitutes sufficient evidence of the fact that the energy content of the biomass burned in the combustion unit referred to in the notification is less than 50% of the energy content of all the energy sources burned in that combustion unit.

(3) A notification under paragraph (1) may be withdrawn by a notice—

- (a) in writing from the operator of the generating station to the Authority, and
- (b) which specifies a date from which the withdrawal of the notification is to take effect.

Information to be provided to the Authority where electricity is generated from biomass

82.—(1) This article applies to a generating station—

- (a) which generates electricity (wholly or partly) from biomass (other than municipal waste, landfill gas or sewage gas), and
- (b) which is not a microgenerator.

(2) In relation to each consignment of biomass (other than municipal waste, landfill gas or sewage gas) used in a generating station to which this article applies, the operator of the station must, by the 30th June immediately following the obligation period during which the biomass is used (“the relevant date”), provide the Authority with—

- (a) the information specified in paragraph (3),
- (b) other than in the case of biomass which was gas formed by the anaerobic digestion of material which was—
 - (i) animal excreta, or
 - (ii) waste,the information specified in paragraph (4), and
- (c) other than in the case of biomass which—
 - (i) was used in a generating station with a total installed capacity of at least 1 megawatt, or
 - (ii) was animal excreta, bioliquid or waste,the information specified in paragraph (5).

(3) The information specified in this paragraph is information identifying, to the best of the operator’s knowledge and belief—

- (a) the material from which the biomass was composed;
- (b) where the biomass was solid and can take different forms, the form of the biomass;
- (c) whether the biomass was animal excreta or waste;
- (d) where the biomass was plant matter or derived from plant matter, the country where the plant matter was grown; and
- (e) where the information specified in sub-paragraph (d) is not known or the biomass was not plant matter or derived from plant matter, the country from which the operator obtained the biomass.

(4) The information specified in this paragraph is information identifying, to the best of the operator’s knowledge and belief—

- (a) where the biomass was solid, its mass (in tonnes);
 - (b) where the biomass was liquid, its volume (in litres) when measured at 25 degrees Celsius and 0.1 megapascals;
 - (c) where the biomass was gas, its volume (in cubic metres) when measured at 25 degrees Celsius and 0.1 megapascals;
 - (d) where the biomass was an energy crop and was not a bioliquid—
 - (i) the type of energy crop in question, and
 - (ii) the use of the land on which the biomass was grown in the year before the land was first used to grow energy crops; and
 - (e) where the biomass was, or was derived from, wood and was not waste or bioliquid—
 - (i) the name of the forest or other location where that wood was grown,
 - (ii) a description of the forestry management practices or land management practices used in the forest or other location where that wood was grown,
 - (iii) where any of the wood was likely to be a protected or threatened species, the name of that species and the proportion of the biomass that is likely to be composed of, or derived from, that species,
 - (iv) the proportion of the biomass that was, or was derived from, a saw log, and the specification adopted by the operator in accordance with paragraph (6) for the purpose of determining the proportion of the biomass that was, or was derived from, a saw log, and
 - (v) the proportion of the biomass that was, or was derived from, hardwood and the proportion that was, or was derived from, softwood.
- (5) The information specified in this paragraph is information identifying, to the best of the operator’s knowledge and belief—
- (a) the greenhouse gas emissions from the use of the biomass to generate one megajoule of electricity;
 - (b) where the biomass does not meet the greenhouse gas criteria, the main reasons why biomass meeting the greenhouse gas criteria was not used;
 - (c) whether the biomass meets the land criteria;
 - (d) where the biomass does not meet the land criteria, the main reasons why biomass meeting the land criteria was not used; and
 - (e) where any of the information specified in sub-paragraphs (a) and (c) is not known—
 - (i) the main reasons why that information is not known, and
 - (ii) the main reasons why biomass for which that information is known was not used.
- (6) For the purposes of paragraph (4)(e)(iv), the operator of the generating station must adopt a specification which is identical to—
- (a) a specification for determining whether wood is a saw log—
 - (i) used by the sawmill closest to where the wood was grown, or
 - (ii) issued by a body exercising functions of a public nature and issued for use by sawmills in the area in which the wood was grown, or
 - (b) the specification in the second column of Table 1 of Forestry Commission Field Book 9 (other than the parts of that specification relating to “log category” and “species” set out in the first and second rows of that table).

(7) For the purposes of paragraph (5)(a), the operator of the generating station must calculate the greenhouse gas emissions from the use of the biomass in accordance with paragraphs 3(a), 4 and 5 of Schedule 2.

(8) Where, in relation to biomass used in a generating station to which this article applies, the operator of the station fails to provide the Authority with the information required by paragraph (2) 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 information is provided.

(9) For the purposes of paragraph (8), the specified number is the number of ROCs which the Authority has or estimates that it has or, but for this article, it would have issued in respect of the electricity generated by the biomass in relation to which the information required by paragraph (2) should have been provided.

(10) In this article—

“Forestry Commission Field Book 9” means Forestry Commission Field Book 9, 2nd edition 1993, entitled “Classification and Presentation of Softwood Sawlogs”(2);

“protected or threatened species” means—

- (a) a species listed in Appendices I, II or III of the Convention on International Trade in Endangered Flora and Fauna(3), or
- (b) a species which is at risk of extinction; and

“saw log” means wood which is suitable for processing at a sawmill.

Bioliqid sustainability audit report

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

(2) In relation to each consignment of bioliqid 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 bioliqid 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;

(2) ISBN 0 11 710322 5. Copies are available at <https://www.gov.uk/government/consultations/biomass-sustainability>. Hard copies are available from the Department of Energy and Climate Change.

(3) Available at <http://www.cites.org/eng/disc/text.php#texttop>.

- (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 bioliquid 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 bioliquid 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 bioliquid, 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.

Solid and gaseous biomass sustainability audit report

- 84.**—(1) This article applies to a generating station which—

- (a) has a total installed capacity of at least 1 megawatt, and
- (b) generates electricity (wholly or partly) from biomass.

(2) In relation to each consignment of biomass used in a generating station to which this article applies, and in respect of which the operator of the station has submitted sustainability information, the operator of the station must, by the 30th June immediately following the obligation period during which the biomass 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; and
 - (g) be prepared in accordance with the requirements in respect of limited assurance engagements prescribed in ISAE 3000, or an equivalent standard.

(4) Where, in relation to biomass 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.

(5) For the purposes of paragraph (4), 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 biomass in relation to which a sustainability audit report meeting the requirements specified in paragraph (3) should have been provided.

- (6) In this article, “sustainability information” means—
- (a) in relation to a consignment of biomass which is waste, the information specified in article 82(3)(c) that is provided to the Authority by the operator of the generating station in respect of the biomass;
 - (b) in relation to a consignment of biomass which is not waste, any information submitted to the Authority by the operator of a generating station for the purpose of demonstrating that the biomass meets the greenhouse gas criteria and the land criteria.

(7) References in this article to biomass do not include animal excreta, bioliquid, landfill gas, municipal waste or sewage gas.