
DRAFT STATUTORY INSTRUMENTS

2018 No.

**The Renewable Transport Fuels and
Greenhouse Gas Emissions Regulations 2018**

PART 3

RENEWABLE TRANSPORT FUEL AMENDMENTS

Amendment of the Schedule

- 27.**—(1) The Schedule (sustainability criteria)(**1**) is amended as follows.
- (2) In paragraph 1 (interpretation)—
- (a) omit the definition of “emissions from land-use change”;
 - (b) omit the definition of “excluded land”;
 - (c) omit the definition of “fossil element”;
 - (d) omit the definition of “low emissions area”;
 - (e) in the definition of “new chain of installations”, for “begins on or after 1st January 2017” substitute “began after 5th October 2015”;
 - (f) in the definition of “old chain of installations”, for “23rd January 2008” substitute “or before 5th October 2015”;
 - (g) omit the definition of “relevant biofuel production pathway”;
 - (h) omit the definition of “relevant nature protection purposes”;
 - (i) omit the definition of “renewable element”.
- (3) In paragraph 2 (compliance with the sustainability criteria), for sub-paragraph (2) substitute—
- “(2) An amount of renewable transport fuel which—
- (a) is produced from residues (including processing residues) which are not residues from agriculture, aquaculture, fisheries or forestry;
 - (b) is produced from wastes which are not residues from agriculture, aquaculture, fisheries or forestry; or
 - (c) consists of RFNBO;
- meets the sustainability criteria if it meets the GHG emission saving threshold, whether or not it meets the land criteria.”.
- (4) In paragraph 3 (greenhouse gas emission saving threshold)—
- (a) in sub-paragraph (2), after “volume of that fuel which”, omit “is”;
 - (b) in sub-paragraph (2)(a)—
 - (i) before “attributable” insert “is”;

(1) The Schedule was revoked by [S.I. 2011/493](#) and re-inserted by [S.I. 2011/2937](#).

- (ii) omit the “or” at the end;
- (c) for sub-paragraph (2)(b), substitute—
 - “(b) is produced from residues (including processing residues) which are not residues from agriculture, aquaculture, fisheries or forestry;
 - (c) is produced from wastes which are not residues from agriculture, aquaculture, fisheries or forestry; or
 - (d) consists of RFNBO.”;
- (d) in sub-paragraph (3), after “renewable transport fuel” insert “of a type falling within sub-paragraph (2)”;
- (e) after sub-paragraph (3), insert—
 - “(4) The GHG emission saving from the use of an amount of renewable transport fuel which consists of RFNBO is determined by reference to any guidance produced by the Administrator under article 15(2)(b).”.
- (5) For paragraph 4, substitute—

“Minimum emission saving

- 4. For the purposes of this Schedule, the “minimum GHG emission saving”, in relation to renewable transport fuel supplied at, or for delivery to, places in the United Kingdom, is—
 - (a) if the fuel is produced in an old chain of installations, 50%;
 - (b) if the fuel is produced in a new chain of installations, 60%.”.
- (6) In paragraph 5 (default value)—
 - (a) for sub-paragraph (2), substitute—
 - “(2) If a value is specified in parts A and B of Annex V to the directive for a default GHG emission saving for a relevant biofuel production pathway, the default value is equal to that specified value if the emissions from land-use change are equal to or less than zero, where—
 - “relevant biofuel production pathway” means the biofuel production pathway (set out in parts A and B of Annex V to the directive) applicable to the renewable transport fuel in question or, where that renewable transport fuel is partially renewable transport fuel, the biofuel production pathway applicable to the part of that renewable transport fuel which is derived from relevant feedstock; and
 - “emissions from land-use change” means the annualised emissions from land-use change attributable to the renewable transport fuel as calculated in accordance with paragraph 7 of part C of Annex V to the directive.”.
 - (b) omit sub-paragraph (3).
- (7) In paragraph 6 (actual value), omit sub-paragraph (4).
- (8) In paragraph 8(1) (land criteria categories), after paragraph (d) insert—
 - “(e) land which is natural highly biodiverse grassland, or which has been natural highly biodiverse grassland at any time after December 2007.”.
- (9) In paragraph 9 (exceptions)—
 - (a) for sub-paragraph (1)(a), substitute—
 - “(a) the relevant land is not—
 - (i) primary forest;

- (ii) land that is covered with, or saturated by, water permanently or for a significant part of the year;
- (iii) land spanning more than one hectare with trees higher than five metres and a canopy cover of more than 30%, or trees able to reach those thresholds in situ.”;
- (b) after sub-paragraph (2)(c), insert—
 - “(d) land which is non-natural highly biodiverse grassland, or which has been non-natural highly biodiverse grassland at any time after December 2007.”;
- (c) in sub-paragraph (3)(a), for “relevant nature protection purposes” substitute “purposes, if any, for which the relevant land was designated as a nature protection area”;
- (d) in sub-paragraph (3)(b), omit the “and” at the end;
- (e) in sub-paragraph (3)(c), insert “; and” at the end;
- (f) after sub-paragraph (3)(c), insert—
 - “(d) in relation to land that is non-natural highly biodiverse grassland, or which has been non-natural highly biodiverse grassland at any time after December 2007, evidence that the harvesting of the raw material is necessary to preserve its status as grassland.”;
- (g) after sub-paragraph (4), insert—
 - “(5) “Natural highly biodiverse grassland” and “non-natural highly biodiverse grassland” have the meanings given in [Commission Regulation \(EU\) No 1307/2014](#) of 8 December 2014⁽²⁾ on defining the criteria and geographic ranges of highly biodiverse grassland for the purposes of Article 7b(3)(c) of [Directive 98/70/EC](#) of the European Parliament and of the Council of 13 October 1998⁽³⁾ relating to the quality of petrol and diesel fuels, etc. (also see Article 17(3)(c) of the directive).”.

(2) OJ L 351 9.12.2014 p. 3.

(3) OJ L 350 28.12.1998 p.58. The directive has been amended by Commission [Directive 2000/71/EC](#) of 7 November 2000 (OJ L 287 14.11.2000 p.46); [Directive 2003/17/EC](#) of the European Parliament and of the Council of 3 March 2003 (OJ L 76 22.3.2003 p.10); Regulation [\(EC\) No 1882/2003](#) of the European Parliament and of the Council of 29 September 2003 (OJ L 284 31.10.2003 p.1); [Directive 2009/30/EC](#) of the European Parliament and of the Council of 23 April 2009 (OJ L 140 5.6.2009 p.88); Commission [Directive 2011/63/EU](#) of 1 June 2011 (OJ L 147 2.6.2011 p.15); Commission [Directive 2014/77/EU](#) of 10 June 2014 (OJ L 170 11.6.2014 p.62); and Directive (EU) 2015/1513 of the European Parliament and of the Council of 9 September 2015 (OJ L 239 15.9.2015 p.1).