

## Transposition Note for the Renewables Obligation (Amendment) Regulations 2017

1. In this note:
  - a. the “2015 Directive” means Directive (EU) 2015/1513 of the European Parliament and of the Council of 9 September 2015 amending Directive 98/70/EC relating to the quality of petrol and diesel fuels and amending Directive 2009/28/EC on the promotion of the use of energy from renewable sources;
  - b. the “Renewables Directive” means Directive 2009/28/EC of the European Parliament and of the Council of 23 April 2009 on the promotion of the use of energy from renewable sources.
2. This transposition note sets out the way in which certain new definitions inserted by the 2015 Directive into Article 2 of the Renewables Directive and certain other amendments made by the 2015 Directive to the Renewables Directive are transposed for bioliquids (i.e., liquid fuel for energy purposes other than transport produced from biomass) in relation to the following Orders (together “the Renewables Obligation Orders”):
  - a. the Renewables Obligation Order 2015 (the “ROO”);
  - b. the Renewables Obligation (Scotland) Order 2009 (the “ROSO”); and
  - c. the Renewables Obligation Order (Northern Ireland) 2009 (the “ROONI”).
3. The 2015 Directive makes other amendments to the Renewables Directive (including inserting a number of other definitions into Article 2 of the Directive). These have not been transposed because the amendments relate to liquid fuel for transport; relate to functions of the European Commission or Member States; are amendments to Annex 5 to the Renewables Directive that are made automatically because references in the Renewables Obligation Orders are ambulatory; or are otherwise not relevant to the Renewables Obligation scheme established by the Renewables Obligation Orders.

### New definitions inserted into Article 2 of the Renewables Directive

New definition	Transposition
“waste”	Amendment to definition of “waste” in- <ul style="list-style-type: none"><li>• article 2(1) of the ROO;</li><li>• article 2(1) of the ROSO;</li><li>• article 2(1) of the ROONI.</li></ul>

“starch-rich crops”	<p>New definition of “starch-rich crops” in-</p> <ul style="list-style-type: none"> <li>• article 82(10) of the ROO;</li> <li>• article 54(10) of the ROSO;</li> <li>• article 46(10) of the ROONI.</li> </ul>
“processing residue”	<ul style="list-style-type: none"> <li>• New article 2(7) of the ROO.</li> <li>• New article 2(9) of the ROSO.</li> <li>• New article 2(8) of the ROONI.</li> </ul>
“agricultural, aquaculture, fisheries and forestry residues”	<ul style="list-style-type: none"> <li>• New paragraph 1(2) of Schedule 3 to the ROO.</li> <li>• New paragraph 1(2) of Schedule A2 to the ROSO.</li> <li>• New paragraph 1(2) of Schedule A2 to the ROONI.</li> </ul>

### Amendments to certain other provisions of the Renewables Directive

Amendment to provision of Renewables Directive	Objective	Transposition
Article 17(2) replaced	The new paragraph sets out new minimum greenhouse gas emission savings.	<p>New definition of “relevant percentage” in-</p> <ul style="list-style-type: none"> <li>• paragraph 1 of Schedule 1 to the ROO;</li> <li>• paragraph 1 of Schedule A1 to the ROSO;</li> <li>• paragraph 1 of Schedule A1 to the ROONI.</li> </ul>
Article 19(3) replaced	<p>This original paragraph provided for restrictions on using the default values for bioliquids set out in Part D of Annex 5 to the Renewables Directive for the purpose of calculating greenhouse gas emission savings. These restrictions are now removed.</p> <p>The new paragraph provides for what may be reported to the Commission under Article 19(2).</p>	<p>Amendments to omit paragraph 5, and substitute paragraph 6, of-</p> <ul style="list-style-type: none"> <li>• Schedule 1 to the ROO;</li> <li>• Schedule A1 to the ROSO;</li> <li>• Schedule A1 to the ROONI.</li> </ul> <p>(Paragraph 6, as substituted, transposes Article 19(1) of the Renewables Directive.)</p> <p>No transposition needed.</p>

<p>Article 22(1) – new subparagraph (o) added</p>	<p>New Article 22(1)(o) provides that the report that Member States are required under Article 22(1) to submit to the Commission every two years must detail the amounts of bioliquids in energy units corresponding to each category of feedstock group listed in Part A of Annex 8 taken into account for the purpose of complying with the targets set out in Article 3(1), (2) and (4).</p> <p>The feedstock groups listed in Part A of Annex 8 are (i) cereals and other starch-rich crops; (ii) sugars; and (iii) oil crops.</p> <p>The target in Article 3(1) is that the UK’s share of energy from renewable sources in 2020 must be at least 15%.</p> <p>An amendment to Article 3(1) makes it clear that, for the purpose of meeting the target, the maximum joint contribution from biofuels and bioliquids produced from (i) cereal and other starch-rich crops; (ii) sugars; (iii) oil crops; and (iv) crops grown as main crops primarily for energy purposes on agricultural land is restricted.</p>	<ul style="list-style-type: none"> <li>• New article 82(4)(f) of the ROO;</li> <li>• new article 54(4)(f) of the ROSO; and</li> <li>• new article 46(4)(f) of the ROONI</li> </ul> <p>require operators of generating stations to provide Ofgem, in relation to each consignment of bioliquid used to generate electricity, with details of its energy content produced from (i) starch-rich crops; (ii) sugars; (iii) oil crops; and (iv) any other crops grown as a main crop primarily for energy purposes on agricultural land. This will enable the UK to compile the information needed for the report required by Article 22(1) and to ascertain whether the target in Article 3(1) is met.</p>
---	---	--