



Notification Number: 2011/267/UK

## Renewable Transport Fuel Obligations (Amendment) Order 2011

Date received : 02/06/2011

End of Standstill : 05/09/2011

### Message

Message 001

Communication from the Commission - SG(2011) D/51326

Directive 98/34/EC

Notificación - Oznámení - Notifikation - Notifizierung - Teavitamine - Γνωστοποίηση - Notification - Notification - Notifica - Pieteikums - Pranešimas - Bejelentés - Notifika - Kennisgeving - Zawiadomienie - Notificação - Hlásenie-Obvestilo - Ilmoitus - Anmälan - Нотификация : 2011/0267/UK - Notificare.

No abre el plazo - Nezahtuje odklady - Fristerne indledes ikke - Kein Fristbeginn - Viivituste perioodi ei avata - Καμμία έναρξη προθεσμίας - Does not open the delays - N'ouvre pas de délais - Non fa decorrere la mora - Neietekmē atlikšanu - Atidėjimai nepradedami - Nem nyitja meg a késések - Ma' jiftaħ il-perijodi ta' dawmien - Geen termijnbegin - Nie otwiera opóźnień - Nao inicia o prazo - Neotvorí oneskorenia - Ne uvaja zamud - Määräaika ei ala tästä - Inleder ingen frist - Не се предвижда период на прекъсване - Nu deschide perioadele de stagnare - Nu deschide perioadele de stagnare.

(MSG: 201101326.EN)

#### 1. Structured Information Line

MSG 001 IND 2011 0267 UK EN 02-06-2011 UK NOTIF

#### 2. Member State

UK

#### 3. Department Responsible

Department for Business, Innovation and Skills  
Innovation & Enterprise Group  
1 Victoria Street, London, SW1H 0ET.

Email: 9834@bis.gsi.gov.uk.

#### 3. Originating Department

Department for Transport



#### 4. Notification Number

2011/0267/UK - S00E

#### 5. Title

Renewable Transport Fuel Obligations (Amendment) Order 2011

#### 6. Products Concerned

The use of biomass in biofuel.

#### 7. Notification Under Another Act

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#### 8. Main Content

Directive 2009/28/EC on the promotion of the use of energy from renewable sources ('the Renewable Energy Directive' (RED)), was adopted on 23 April 2009.

The RED requires Member States to increase the amount of energy sourced from renewable sources. It requires the UK to ensure that 15% of its overall energy, and 10% of the total energy used in transport, is sourced from renewable sources by 2020.

The requirements of the transport elements of the Directive are likely to be met primarily through the supply of biofuels. The Directive requires that Member States must ensure that any biofuels used to meet targets in the Directive, or in a national obligation scheme, meet mandatory sustainability criteria in the RED.

The UK proposes to meet the requirements of the RED through amendment to its national obligation scheme, as prescribed in the Renewable Transport Fuel Obligations Order 2007 ("the RTFO Order"). The RTFO Order imposes an obligation on suppliers of fossil fuel for road transport to produce renewable transport fuel certificates ("RTFCs") showing that in each obligation year a specified proportion of fuel supplied is renewable fuel.

Article 2(e) of the RED defines biomass as being the biodegradable fraction of products, wastes and residues that originate from biological sources. However, the UK proposes to allow non-biodegradable, renewable feedstocks to be eligible for reward under the amended RTFO - see the definitions of "relevant feedstock", "sustainable feedstock", "sustainable wastes" and "renewable transport fuel" at Articles 2(1) and 3 (inserted by Articles 4(1)(a) and Article 5(5) of the amending Order). Nevertheless, these non-biodegradable, renewable feedstocks will not be counted towards the RED targets to ensure full compliance with the Directive.

#### 9. Brief Statement of Grounds

While the RED definition of biomass would appear to exclude non-biodegradable renewable material, we are aware that some fuels can be made from non-biodegradable biological sources (for example biofuel produced from waste that might include crop-derived plastics that are not biodegradable). In addition, we understand that it will be very difficult for companies that produce such biofuel to distinguish between biodegradable and non-biodegradable feedstocks at the time of biofuel production. They will however be able to distinguish how much of their feedstock is renewable.

Currently, there is no significant volume of non-biodegradable renewable feedstock. However, it is likely that the volume will rise as more crop-derived (i.e. renewable) plastics are used - some of which are non-biodegradable.



The UK believes that the definition in the RED does not capture the diversity of modern feedstocks. We believe that the primary criterion for whether a fuel should be rewarded under our national obligation scheme (the RTFO) should be its renewability, and in order to reduce the burden upon industry (by ensuring that they do not have to determine the biodegradability of their feedstocks for individual consignments of feedstock) we propose to allow non-biodegradable, renewable feedstocks to be eligible for reward.

The UK proposes to allow biofuels derived from non-biodegradable biological sources to be eligible for RTFCs. However, we will not count such fuels towards the UK's 10% renewable energy in transport target (and neither, therefore, the overall 15% renewable energy target). Given the practical problems around determining exactly how much non-biodegradable feedstock is used in the production of biofuel we intend to carry out research into how much of these feedstocks are used on average and use this as a default value across biofuel made using biological sources.

#### **10. Reference Documents - Basic Texts**

No Basic Text exists

#### **11. Invocation of the Emergency Procedure**

No

#### **12. Grounds for the Emergency**

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#### **13. Confidentiality**

No

#### **14. Fiscal measures**

No

#### **15. Impact assessment**

The impact of including non-biodegradable fractions of products, wastes and residues that originate from biological sources within the definition of biomass would be so negligible as to be impossible to measure.

#### **16. TBT and SPS aspects**

TBT aspect

No - The draft has no significant impact on international trade

SPS aspect

No - The draft is not a sanitary or phytosanitary measure

No - The draft has no significant impact on international trade



**EUROPEAN COMMISSION**  
GROWTH DIRECTORATE-GENERAL

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