



Notification Number: 2008/590/UK

## The quality protocol for the production and use of biodiesel derived from waste cooking oil and rendered animal fat (quality biodiesel)

Date received : 22/12/2008

End of Standstill : 23/03/2009

### Message

Message 001

Communication from the Commission - SG(2008) D/52537

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 : 2008/0590/UK - Notificare.

No abre el plazo - Nezahtuje odklady - Fristerne indledes ikke - Kein Fristbeginn - Viivituste perioodi ei avata - Καμία 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: 200802537.EN)

#### 1. Structured Information Line

MSG 001 IND 2008 0590 UK EN 23-03-2009 22-12-2008 UK NOTIF 23-03-2009

#### 2. Member State

UK

#### 3. Department Responsible

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#### 3. Originating Department

Department for Environment, Food and Rural Affairs



#### 4. Notification Number

2008/590/UK – N40E

#### 5. Title

The quality protocol for the production and use of biodiesel derived from waste cooking oil and rendered animal fat (quality biodiesel)

#### 6. Products Concerned

Quality biodiesel

#### 7. Notification Under Another Act

Not applicable

#### 8. Main Content

The biodiesel quality protocol has three main purposes: – (1) to provide greater certainty of the point at which quality biodiesel has undergone a complete recovery operation, has been fully recovered and has ceased to be waste within the meaning of Article 1(1)(a) of the Waste Framework Directive (2006/12/EC); (2) to provide users with confidence that the quality biodiesel they purchase conforms with an approved standard; and (3) to protect human health and the environment by setting standards for the production and use of quality biodiesel in specified end uses and describing acceptable good practice for its use. Quality biodiesel will be regarded as having been fully recovered and ceased to be waste, and therefore no longer subject to waste management controls, only when a) it has been produced using only those input materials specified in Section 2.3.2 of the protocol, b) it has been produced via a chemical process in accordance with Section 2 of the protocol, c) it meets the requirements of an approved standard so requires no further processing before use, d) it is destined for combustion as an automotive or heating fuel, and e) it is not used in such a way as to adversely affect human health or the environment, thus not undermining the aims of the Waste Framework Directive and Water Framework Directive (2000/60/EC). Producers must demonstrate that these criteria have been met by producing and keeping copies of customer supply documentation that include a declaration of conformance with the protocol. Where these conditions are met, the quality biodiesel will be regarded as having ceased to be waste when despatched to the customer.

#### 9. Brief Statement of Grounds

The Waste Framework Directive requires Member States to encourage the use of waste as a resource. The interpretation of EU legislation is ultimately a matter for the European Court of Justice (ECJ) and there is now a substantial body of case law on the interpretation of the definition of waste in Article 1(1)(a) of the Waste Framework Directive. Subject to ECJ case law, it rests with Member States' competent authorities to determine on a case-by-case basis when substances or objects are discarded and become waste, and when waste has been fully recovered and ceases to be waste. Based on the principles set by the ECJ in case law, the biodiesel Quality Protocol seeks to identify with greater certainty the point at which quality biodiesel has been fully recovered and ceases to be waste. In so doing, the biodiesel Quality Protocol's objective is to provide greater certainty for both establishments or undertakings producing quality biodiesel under the terms of a permit issued by the competent authority under Article 10 of the Waste Framework Directive, or a permit exemption registered under Article 11 of the Directive, and to users of quality biodiesel produced by such waste recovery operations. The greater certainty provided by the biodiesel Quality Protocol will fulfil the objectives of the Waste Framework Directive by making more effective use of waste as a resource.



**10. Reference Documents - Basic Texts**

e) No basic texts.

**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 assessment is attached.

**16. TBT and SPS aspects**

TBT Aspect

No

The draft does not have a significant effect on international trade.

SPS Aspect

No

The draft is not a sanitary or phytosanitary measure in the sense of Annex A of the SPS Agreement.

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GROWTH DIRECTORATE-GENERAL

**Single Market for goods**  
Prevention of Technical Barriers

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