



Notification Number: 2015/197/UK

Renewables Obligation (Scotland) Order 2015

Date received : 15/04/2015

End of Standstill : 16/07/2015

Message

Message 001

Communication from the Commission - TRIS/(2015) 01096

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 : 2015/0197/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: 201501096.EN)

1. Structured Information Line

MSG 001 IND 2015 0197 UK EN 15-04-2015 UK NOTIF

2. Member State

UK

3. Department Responsible

Department for Business, Innovation and Skills
European Reform Directorate
1 Victoria Street, London, SW1H 0ET.

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

3. Originating Department

Scottish Government - Electricity Division

4. Notification Number



2015/0197/UK - N20E

5. Title

Renewables Obligation (Scotland) Order 2015

6. Products Concerned

Solid biomass and biogas used to generate electricity by generating stations of one megawatt and above that are accredited under the Renewables Obligation in Scotland (ROS).

The Renewables Obligation Scotland is a scheme that provides support for the generation of renewable electricity and works in tandem with two other Renewables Obligations across the United Kingdom: the Renewables Obligation (RO) in England and Wales and the Northern Ireland Renewables Obligation (NIRO).

This notification for Scotland reflects the notification submitted by the UK Government in September 2014 in respect of the Renewables Obligation in England and Wales.

7. Notification Under Another Act

-

8. Main Content

The Renewables Obligation Scotland (ROS) is designed to support the generation of renewable electricity from eligible renewable sources. The eligibility criteria include sustainability criteria for solid biomass and biogas which are notifiable technical regulations as follows:

Under the Renewables Obligation Order (Scotland) 2015, electricity generated from solid biomass or biogas by a generating station of one megawatt and above will not be eligible for support unless the fuel meets the sustainability criteria. There are exceptions for waste, animal excreta, landfill gas and sewage gas.

Greenhouse gas criteria:

This criterion sets the following limits for the greenhouse gas emissions from the use of the fuel:

- 285kg CO₂eq per MWh up to 31 March 2020 (for new build dedicated biomass stations, the target is set at 240kg CO₂eq per MWh up to 31 March 2020);
- 200kg CO₂eq per MWh from 1 April 2020 to 31 March 2025;
- 180kg CO₂eq per MWh from 1 April 2025 to 31 March 2030.

The targets are set as an annual average, but no consignments of fuel may exceed the following limits:

- 285kg CO₂eq per MWh up to 31 March 2020;
- 270kg CO₂eq per MWh from 1 April 2020 to 31 March 2025;
- 260kg CO₂eq per MWh from 1 April 2025 to 31 March 2030.

Land criteria for fuels other than wood:

This criterion is breached if the fuel is obtained from a protected source. The list of protected sources covers:

- primary forest;
- land designated for nature protection purposes (unless the production of the biomass did not interfere with the nature protection purposes);



- highly biodiverse grassland (unless the harvesting of the biomass was necessary to preserve its grassland status);
- peatland (unless the cultivation and harvesting of the biomass did not involve the drainage of previously undrained soil);
- former continuously forested areas;
- former lightly forested areas (subject to certain exceptions);
- former wetland area.

Land criteria for woodfuels:

This criterion requires the wood to have come from a forest or other land that is managed in accordance with a sustainable management plan.

The management plan must require the land to be managed in a way that ensures:

- harm to ecosystems is minimised;
- its productivity is maintained;
- the health and vitality of ecosystems is maintained;
- biodiversity is maintained.

The management plan must also require the managers of the land to:

- comply with local and national laws relating to labour, health and safety and welfare of workers;
- have regard to rights of tenure and land use, dispute resolution mechanisms and safeguarding the health and safety and rights of workers;
- be regularly assessed as to the extent to which they are meeting the requirements set by the management plan.

The management plan must have been adopted following a process that seeks to ensure a balanced representation of economic, environmental and social interest groupings. It must seek to ensure that no single interest can dominate the process and that no decisions on its contents can be made in the absence of agreement from a majority of an interest grouping.

The management plan must be consistent with the Forest Europe's sustainable forest management criteria (Lisbon resolution L2, 1998) or an equivalent set of international principles for the sustainable management of land.

9. Brief Statement of Grounds

The Scottish Government, in line with the UK Government, is committed to supporting sustainably produced biomass that delivers real greenhouse gas savings, is cost effective, takes account of wider impacts across the economy and manages possible risks such as food security and biodiversity. The sustainability criteria are part of that strategy.

The greenhouse gas criteria are based on the Renewable Energy Directive (2009/28/EC) and reflecting the recommendations made in the 2010 report from the European Commission on sustainability requirements for the use of solid and gaseous biomass sources in electricity, heating and cooling (COM(2010) 11). However, the greenhouse gas targets are more in line with the July 2014 European Commission staff working document (SWD (2014) 259) and are set out in section 8 above (Main Content). The default values in annex II of the European Commission's 2010 report cannot be used by stations of one megawatt and above. There is also an exemption for up to 2% of the fuel added to act as a binding agent or to reduce various emissions.

The land criteria for fuels other than wood are based on the land criteria for bioliquids set out in article 17(3) to (5) of the Renewable Energy Directive. However, there are additional exemptions for energy crops supported



under a financial assistance scheme and for up to 2% of the fuel added to act as a binding agent or to reduce various emissions.

The land criteria for woodfuels are based on the UK Timber Standard for Heat and Electricity, which draws upon the principles set under the UK Government Timber Procurement Policy. The principles cover a range of social, economic and environmental considerations that are part of good sustainable forest management practices and are based on international principles, such as the Pan-European Criteria and Indicators, and Operational Level Guidelines for Sustainable Forest Management as endorsed by the Lisbon Ministerial Conference on the Protection of Forests in Europe (June 1998).

10. Reference Documents - Basic Texts

References of the Basic Texts: Details of the Renewables Obligation Scotland and the development of the sustainability criteria for solid biomass and biogas under the ROS are set out in the attached:

1. Scottish Government Response to the consultation on proposals to enhance the sustainability criteria for the use of biomass feedstocks under the Renewables Obligation published by the Scottish Government in November 2013.
2. Government Response to the consultation on adjustments to sustainability and reporting provisions for biomass published by Scottish Government in February 2015.
3. Timber Standard for Heat & Electricity published by Department of Energy and Climate Change (DECC) on 10 February 2014.

11. Invocation of the Emergency Procedure

No

12. Grounds for the Emergency

-

13. Confidentiality

No

14. Fiscal measures

No

15. Impact assessment

The costs and impacts associated with introducing the changes to biomass sustainability criteria in the Renewables Obligation (Scotland) are as published by DECC in July 2013, and apply at a pan-UK level. http://www.legislation.gov.uk/ukia/2014/30/pdfs/ukia_20140030_en.pdf

This reflects both the combined and near identical nature of the Obligations as well as the consistent approach taken across the UK as regards these issues.

16. TBT and SPS aspects

TBT aspect

No - The draft has no significant impact on international trade



EUROPEAN COMMISSION
GROWTH DIRECTORATE-GENERAL

Single Market for goods
Prevention of Technical Barriers

SPS aspect

No - The draft is not a sanitary or phytosanitary measure

European Commission

Contact point Directive 98/34

Fax: +32 229 98043

email: dir83-189-central@ec.europa.eu