

Transposition note for

EU Directive 2015/1513 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 and Council Directive 2015/652 laying down calculation methods and reporting requirements pursuant to Directive 98/70/EC of the European Parliament

as transposed by

The Renewable Transport Fuels and Greenhouse Gas Emissions Regulations 2018

1. For the purposes of this note:

“Directive 2015/1513” means EU Directive 2015/1513 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;

“Directive 2015/652” means Council Directive 2015/652 laying down calculation methods and reporting requirements pursuant to Directive 98/70/EC of the European Parliament;

“FQD” means Directive 98/70/EC of the European Parliament and of the Council of 13 October 1998 relating to the quality of petrol and diesel fuels, as amended;

“GHG” means “greenhouse gas”;

“GHG intensity” means the lifecycle GHG emissions per unit of energy; “RED” 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, as amended;

“RTF obligation” means the Renewable Transport Fuel Obligation imposed upon transport fuel suppliers by the RTFO Order 2007;

“RTFO Order” means the Renewable Transport Fuel Obligations Order 2007 (S.I. 2007/3072) as amended prior to this Order; and

“2012 Regulations” means the Motor Fuel (Road Vehicle and Mobile Machinery) Greenhouse Gas Emissions Reporting Regulations 2012;

2. These Regulations transpose in full Directive 2015/1513 and Directive 2015/652.

Article in Directive 2015/652	Purpose and Obligations	Implementing Provision/ Measure
Article 1	Stipulates the fuels and energy products that are in scope of Directive 2015/652.	No transposition required. Regulation 4 of the 2012 Regulations already establishes reporting requirements for designated suppliers of fuels for relevant end uses.
Article 2	Definitions.	Regulation 29. The terms “natural bitumen”, “oil shale”, “fuel baseline standard” and “conventional crude” are not used in the RTFO Order or the 2012 Regulations.
Article 3 (1)	Requires Member States to ensure that suppliers use the calculation method set out in Annex I to Directive 2015/652 to report the GHG gas intensity of the fuels they supply.	Regulations 34 and 45. These Regulations also transpose article 7(a)(2) of the FQD.
Article 3 (2)	Obliges Member States to require suppliers to report data using the definitions and the calculation method set out in Annex I to the FQD and report this annually using the template set out in Annex IV to Directive 2015/652.	Regulations 32, 34, 40, 45 and 50. No specific transposition required regarding the template set out in Annex IV to Directive 2015/652.
Article 3 (3)	Member States shall ensure that a group of suppliers can meet their targets in Article 7(a)(2) of the FQD to reduce GHG intensity of fuel supplied jointly within that Member State.	Regulation 45. This also transposes FQD article 7(a)(4).
Article 3 (4)	Requires that for SMEs there shall be a simplified method as set out in Annex I to Directive 2015/652.	Regulations 40 and 50.
Article 4	Sets out that Member States must require suppliers to compare their achieved reductions of life cycle greenhouse gas emissions from fuels and from electricity with the fuel baseline standard.	Regulations 34 and 45.
Article 5	Sets new requirements on Member States for reporting data related to compliance with the FQD.	No transposition required.

Article in Directive 2015/652	Purpose and Obligations	Implementing Provision/ Measure
Article 6	Requires that Member States provide for penalties that must be effective, proportionate and dissuasive in respect of infringements of national provisions adopted pursuant to Directive 2015/652.	Regulation 47.
Article 7	Requirement to notify transposition of Directive 2015/652 to the Commission.	No transposition required.
Article 8	In force date of Directive 2015/652.	No transposition required.
Article 9	Sets out who Directive 2015/652 is addressed to.	No transposition required.
Annex I, Part 1, paragraphs 1 to 3	Explains how the greenhouse gas intensity of fuels and energy is to be calculated.	Regulations 32, 34 and 45.
Annex I, Part 1, paragraph 3(a)	Requires that suppliers are to be identified.	Regulations 34, 40 and 50.
Annex I, Part 1, paragraph 3(b)	Sets out the fuel and energy types which are subject to the methodology in Annex I Part 1 of Directive 2015/652.	<p>The definitions of “energy product” and “relevant use” in regulation 3 of the 2012 Regulations set out the fuels in scope of those Regulations.</p> <p>Regulation 45 allows renewable aviation fuel suppliers, suppliers of electricity for use in electric vehicles and those reducing upstream emissions to contribute to the GHG reduction target in article 7(a)(2) of the FQD. As such, this also transposes the requirement in article 7(a)(1) sub paragraph 2 of the FQD.</p>

Article in Directive 2015/652	Purpose and Obligations	Implementing Provision/ Measure
Annex I, Part 1, paragraph 3(c)	Explains how amounts of energy are to be calculated.	<p>Regulations 34, 45 and 50.</p> <p>The definition of “lower heating value” is provided in Regulation 29 and explains how the energy content is determined for biofuels and fuels from non-biological origin.</p> <p>Regulation 5 of the 2012 Regulations sets out how fuels produced partially from renewable sources and partially from fossil sources are to be treated.</p>
Annex I, Part 1, paragraph 3(d)	Sets rules for how the upstream emission reductions (UERs) of greenhouse gases claimed by a supplier are to be quantified and reported.	Regulations 40 and 50. Also see regulation 29 for relevant definitions.
Annex I, Part 1, paragraph 3(e)	Explains how suppliers shall calculate the greenhouse gas intensity of fuel and energy.	<p>Regulation 32.</p> <p>Regulation 5 of the 2012 Regulations sets out how fuels produced partially from renewable sources and partially from fossil sources are to be treated.</p>
Annex I, Part 1, paragraph 3(f)	Sets out the adjustment factors for certain conversion technologies.	Regulations 34 and 45.
Annex I, Part 2, paragraphs 1 to 4	Provides reporting requirements for UERs of fossil fuels, origin, place of purchase and SMEs.	Regulations 40 and 50.
Annex I, Part 2, paragraph 5	Provides the average life cycle greenhouse gas intensity default values for fuels other than biofuels and electricity.	Regulation 32.

Article in Directive 2015/652	Purpose and Obligations	Implementing Provision/ Measure
Annex I, Part 2, paragraph 6	Provides reporting requirements for energy suppliers of electricity consumed by electric vehicles.	Regulation 50. The methodology for determining the GHG intensity of electricity used in electric vehicles will be set out in guidance.
Annex I, Part 2, paragraph 7	Provides feedstock trade names.	Regulations 40 and 50.
Annex II	Sets out how the fuel baseline standard is calculated.	No transposition required.
Annex III	Explains what data needs to be reported to the Commission by Member States.	No transposition required.
Annex IV	Provides a template for reporting information for consistency of the reported data.	No transposition required.

Article in Directive 2015/1513	Purpose and Obligations	Implementing Provision/ Measure
Article 1 (1)	Amends article 2 of the FQD so as clarify the meaning of certain feedstocks applicable to the production of renewable fuel and defines renewable liquid and gaseous transport fuels of non-biological origin.	Regulations 7, 8, 29 and 30. The term 'low indirect land use change risk biofuels and bioliquids' is not used in the United Kingdom Regulations.
Article (1)(2)(a)	Amends article 7a(1) of the FQD so that Member States can provide that suppliers of biofuels used in aviation may contribute to the target in article 7(a)(2) to reduce GHG intensity of fuel supplied.	Regulations 32, 40, 45 and 50.
Article 1(2)(b)	Amends article 7(a)(2) of the FQD so that Member States may set a maximum contribution of biofuels produced from cereal and other starch rich crops, sugars and oil crops and from energy crops towards targets to reduce GHG intensity of fuel supplied.	Regulation 23.
Article 1(2)(c)	No obligation (confers powers on the Commission to adopt implementing acts under Article 7a of the FQD).	No transposition required.
Article 1(2)(d)	Introduces new reporting requirements that members states must ensure suppliers meet in respect of the reporting of biofuel production pathways, volumes of biofuels derived from the feedstocks, and life cycle greenhouse gas emissions per unit of energy, including the provisional mean values of the estimated indirect land use change emissions from biofuels.	Regulations 40 and 50
Article 1(3)	Amends Article 7(b)(2) of the FQD to change the minimum greenhouse gas emissions savings biofuels shall achieve in order to meet mandatory sustainability criteria.	Regulation 27.
Article 1(4)	No obligation (Article 1(4) confers implementing powers on the Commission to develop definitions for degraded/contaminated land, and powers to undertake investigations upon the request of a member state into sources of biofuel. It also places requirements on organisations who seek approval for voluntary schemes from the Commission).	No transposition required.

Article in Directive 2015/1513	Purpose and Obligations	Implementing Provision/ Measure
Article 1(5)	No obligation (Article 1(5) amends Commission powers to set GHG emission default values for biofuels, removes the requirement on the Commission to review the impact of indirect land use change on greenhouse gas emissions and enables the Commission to add GHG default values for new biofuel pathways and develop definitions of degraded/ contaminated land).	No transposition required.
Article 1(6)	No obligation (Article 1(6) aligns reporting requirements placed on the Commission in respect of the RED and FQD).	No transposition required.
Article 1(7)	Amends the deadline for Member States to report national fuel quality data for the preceding calendar year.	No transposition required.
Article 1(8)	No obligation (Amends the procedure by which the Commission may revise the limit for the additive MMT in fuel).	No transposition required.
Article 1(9)	No obligation (Amends reporting requirements placed on the Commission in respect of estimated indirect land-use change emissions).	No transposition required.
Article 1(10)	No obligation (Amends the procedure by which the Commission may update test methods in Annexes I and II, and vapour pressure waivers in Annex III, of the FQD).	No transposition required.
Article 1(11)	No obligation (Establishes rules for the exercise of powers to adopt delegated acts conferred on the Commission).	No transposition required.
Article 1(12)	No obligation (Sets the procedure for implementing acts).	No transposition required.
Article 1(13)	Amends Annex IV of the FQD and inserts a new Annex V into the FQD, amending the methodology for determining the greenhouse emissions associated with indirect land use change.	Regulations 40 and 50.
Article 2(1)	Amends Article 2 of the RED so as clarify the meaning of certain feedstocks used to produce renewable fuel and defines renewable liquid and gaseous transport fuels of non-biological origin.	Regulations 7, 8, 29 and 30. The term 'low indirect land use change risk biofuels and bioliquids' is not used in the United Kingdom Regulations.

Article in Directive 2015/1513	Purpose and Obligations	Implementing Provision/ Measure
Article 2(2)(a)	Amends Article 3 of the RED so as to set a maximum joint contribution from biofuels and bioliquids produced from specified crops toward targets for the consumption of energy from renewable sources, and clarifies that such biofuels and bioliquids supplied above any limit set may not count towards the targets in that Article.	Regulation 23.
Article 2(2)(b)(i) and 2(2)(b)(ii)	Amend Article 3 of the RED so targets for the consumption of energy from renewable sources take into account electricity used for the production of renewable liquid and gaseous transport fuels of non-biological origin.	Regulations 9 and 11.
Article 2(2)(b)(iii)	Amends Article 3 of the RED so as to increase multipliers applicable to calculating the contribution of electricity produced from renewable sources and consumed in electric vehicles towards targets for the consumption of energy from renewable sources.	No transposition required.
Article 2(2)(b)(iv)	Amends Article 3 of the RED so that the maximum joint contribution from biofuels and bioliquids produced from specified crops toward targets for the consumption of energy from renewable sources is 7% and specifies biofuels that will not count towards that limit.	Regulations 7 and 23.
Article 2(2)(b)(iv)	Amends Article 3 of the RED to require Member States to seek to achieve a minimum level of consumption of biofuels produced from feedstocks and of other fuels, listed in part A of Annex IX and provides that Member States may set a target of 0.5%. It also requires Member States to provide available information on the quantities of biofuels consumed from feedstocks and other fuels, listed in part A of Annex IX, and in setting policies for the promotion of such fuels to have due regard to the waste hierarchy as established in Article 4 of Directive 2008/98/EC.	Regulations 7, 8, 9 and 19.
Article 2(2)(b)(iv) and 2(13)	Amend Article 3 of the RED so that biofuels produced from feedstocks listed in Annex IX shall be considered to be twice their energy content for the purpose of complying with the target for the consumption of energy from renewable sources.	No transposition required.

Article in Directive 2015/1513	Purpose and Obligations	Implementing Provision/ Measure
Article 2(2)(c)	No obligation (requires the Commission to consider whether renewable energy sources used to produce renewable liquid fuels and in all types of electric vehicles can be counted towards targets in Article 3 of the RED).	No transposition required.
Article 2(2)(d)	Amends Article 3 of the RED to require Member States to ensure that when fraud is detected, by materials being modified to fall within Annex IX, appropriate action is taken, and that Member States report on the measures they have taken. (Also enables the Commission to amend the list of feedstocks in Part A of Annex IX in order to add feedstocks, but not to remove them).	No transposition required.
Article 2(3)	No obligation (enables the Commission to amend Annex III through delegated powers)	No transposition required.
Article 2(4)	Amends Article 6 of the RED to allow statistical transfers of a specified amount of energy from renewable sources from one Member State to another Member State in meeting targets in Article 3 of the RED.	No transposition required.
Article 2(5)(a)	Amends Article 6 of the RED to change the minimum greenhouse gas emissions savings biofuels shall achieve in order to meet mandatory sustainability criteria.	Regulation 27.
Article 2(5)(b)	No obligation (enables the Commission to adopt implementing acts establishing the criteria and geographic ranges to determine highly biodiverse grassland).	No transposition required.
Article 2(6)(a)	No obligation (requires the Commission to ensure that any implementing acts in respect of Article 18(3) of the RED do not represent an excessive administrative burden for operators in general or for smallholder farmers, producer organisations and cooperatives in particular).	No transposition required.
Article 2(6)(b), 2(6)(c) and 2(6)(d)	No obligation (these confer powers on the Commission to set standards in respect of the accuracy of data included in voluntary schemes, and place requirements on organisations who seek approval for voluntary and national schemes from the Commission).	No transposition required.
Article 2(6)(e)	No obligation (Article 2(6)(e) confers powers on the Commission to undertake investigations upon the request of a member state into sources of biofuel).	No transposition required.

Article in Directive 2015/1513	Purpose and Obligations	Implementing Provision/ Measure
Article 2(7)	No obligation (Article 2(7) amends Commission powers to set GHG emission default values for biofuels, removes the requirement on the Commission to review the impact of indirect land use change on greenhouse gas emissions and enables the Commission to add GHG default values for new biofuel pathways and develop definitions of degraded/ contaminated land).	No transposition required.
Article 2(8)	Removes the requirements in Article 21 of the RED for Member States to provide information to the public on the availability and environmental benefits of renewable sources of energy for transport and to ensure that where percentages of biofuels blended in fuel exceed 10% by volume require this is indicated at sales points.	No transposition required.
Article 2(9)	Amends the requirement placed on Member States by Article 22 of the RED to report on the use of energy from renewable sources so as to include reporting progress made and effect of biofuels made from feedstocks listed in Annex IX replacing biofuels and bioliquids produced from specified food crops, and requires Member States to report on the volume of biofuels produced from food crops.	No transposition required as this will be met by reports submitted by the UK under Article 22.
Article 2(10)	No obligation (amends requirements placed on the Commission by Article 23 of the RED to monitor, review and report on the greenhouse gas emission savings from the use of biofuels and bioliquids, the sustainability and availability of fuels and feedstocks included in Annex IX, underlying the estimations of indirect land-use change emissions and the environmental impacts of non-food energy crops grown primarily for energy purposes..).	No transposition required.
Article 2(11)	No obligation (Sets the procedure for implementing acts).	No transposition required.
Article 2(12)	No obligation (Establishes rules for the exercise of powers to adopt delegated acts conferred on the Commission).	No transposition required.

Article in Directive 2015/1513	Purpose and Obligations	Implementing Provision/ Measure
Article 2(13)	Amends Annex V and VII of the RED, and the methodology for determining the greenhouse emissions associated with indirect land use change.	No transposition required, the RTFO Order 2007 includes an ambulatory reference to Annex V which is relied upon for determining the greenhouse emissions associated with biofuels, and provides that suppliers submit information to the Administrator in respect of indirect land use change.
Article 3	No obligation (sets out the basis on which the Commission will review, monitor and report on the effects of Directive 2015/1513).	No transposition required.
Article 4	Requirement to notify transposition of Directive 2015/1513 to the Commission.	No transposition required.
Article 5	In force date of Directive 2015/1513.	No transposition required.
Article 6	Sets out who Directive 2015/1513 is addressed to.	No transposition required.