
EXPLANATORY NOTE

(This note is not part of the Order)

This Order amends the Renewables Obligation (Scotland) Order 2009 (“the 2009 Order”) and makes transitional provision.

The 2009 Order imposes an obligation (“the renewables obligation”) on all electricity suppliers which supply electricity in Scotland. Suppliers must produce, by a specified day, a certain number of renewables obligation certificates (“SROCs”) in respect of each megawatt hour of electricity that each supplies during a specified period known as an obligation period. The renewables obligation is administered by the Gas and Electricity Markets Authority (“the Authority”) who issue SROCs to renewable electricity generators in respect of their renewable output.

Article 3 amends article 2 of the 2009 Order to insert new definitions for different types of generating capacity, “advanced fuel”, “combustion unit”, and “qualifying power output” and to amend the definitions of “energy crop”, “microgenerator”, “Renewables Directive” and “total installed capacity”. The definition of “regular biomass” is amended to exclude all “advanced fuels”.

Article 4 amends article 4 of the 2009 Order to expand the definition of biomass to include all fossil derived bioliquids. Articles 6(2) and 22(2) and (4) make consequential amendments to articles 22(1) and 54 of the 2009 Order.

Article 5 amends article 13 of the 2009 Order to remove the limit on the SROCs issued for co-firing that suppliers can submit in each obligation period. It also inserts limits on the SROCs issued for electricity generated using bioliquids that suppliers can submit in each obligation period. Consequential amendments are made by article 20(4) to article 33 of the 2009 Order and by article 25 to article 60 of the 2009 Order.

Article 6(4) amends article 22(3) of the 2009 Order to add corrosion control and fouling reduction to the uses of fossil fuel or waste which are permitted ancillary purposes.

Article 7 inserts a new article 22B into the 2009 Order which restricts the issuing of SROCs in relation to biomass generating stations which are partly fuelled by wood biomass in certain circumstances.

Article 8 amends article 24 of the 2009 Order to prevent SROCs from being issued in respect of electricity generated from landfill gas unless the electricity meets certain conditions.

Article 9 amends article 25 of the 2009 Order to remove the minimum gross calorific value requirements applying to liquid fuels produced by means of pyrolysis. It also sets rules for how renewable output is to be apportioned between different generating capacity accredited or installed during different obligation periods and where electricity is generated in different ways. Article 10(3) to (5) makes consequential amendments to article 26 of the 2009 Order.

Article 10(2) amends article 26(1) of the 2009 Order to exclude all advanced fuels from the scope of that article.

Article 11 amends article 27 of the 2009 Order to change the provisions for determining the amount of electricity that must be generated by a generating station in order to be eligible for a SROC depending on the way in which it has been generated (“bands”). Article 26 amends Part 1 of Schedule 2 to the 2009 Order to insert some new bands, to remove some existing bands and to amend the definitions of some existing bands. Article 27 substitutes Part 2 of Schedule 2 to the 2009 Order to set out the levels of support for the bands applying to generating capacity accredited, and additional capacity added, before 1st April 2013. Article 28 inserts a new Part 2A of Schedule 2 to the 2009 Order to

set out the levels of support for the bands applying to generating capacity accredited, and additional capacity added on or after 1st April 2013. Consequential amendments are made by article 15 to article 30 of the 2009 Order, by article 18 to article 31 of the 2009 Order and by article 20 to article 33 of the 2009 Order.

Article 12 substitutes article 28 of the 2009 Order to replace the provisions for determining the amount of electricity which is eligible for a higher level of support by virtue of being generated by a qualifying combined heat and power generating station, and for determining what that higher level of support should be. The new bands are set out in Parts 2B to 2D of Schedule 2 to the 2009 Order, as inserted by article 28.

Article 13 inserts new articles 28A to 28E into the 2009 Order. New article 28A sets the level of support for electricity generated from high-range co-firing in the 2013/14 obligation period. New articles 28B and 28C set the level of support for electricity generated from co-firing of regular bioliquid and from low-range co-firing in the 2013/14 and 2014/15 obligation periods. New articles 28D and 28E set the level of support for low-range co-firing of energy crops supplied under contracts made before 7th September 2012. Article 19 makes consequential amendments to article 32 of the 2009 Order.

Article 14 amends article 29 of the 2009 Order to set the level of support for microgenerators.

Article 16 amends article 30A of the 2009 Order to set out the circumstances in which certain offshore wind generating stations will be entitled to 1.5 SROCs per megawatt hour.

Article 17 inserts a new article 30B into the 2009 Order to set out the circumstances in which electricity generated by certain wave and tidal stream generating stations will be entitled to 5 SROCs per megawatt hour.

Article 21 amends article 36 of the 2009 Order to enable the Authority to treat a notification by the operator of a generating station as sufficient evidence that the energy content of the biomass burned in a combustion unit makes up less than 50 per cent of the energy content of all the energy sources burned in that unit.

Article 23 amends article 54A of the 2009 Order to implement, in relation to the renewables obligation, Commission Decision 2011/13/EU on certain types of information about biofuels and bioliquids to be submitted by economic operators to Member States⁽¹⁾. Article 22(3) makes a consequential amendment to article 54 of the 2009 Order.

Article 24 inserts a new article 58ZA into the 2009 Order to enable generating stations to submit a request to the Authority to be registered as grace period generating stations, and so obtain the levels of support available to generating stations accredited on 31st March 2013. Requests may be submitted only in respect of stations first commissioned on or after 1st April 2013 and in respect of which an application for accreditation is made on or before 30th September 2013. The request must be accompanied by various documents, including a declaration that the station would have been commissioned on or before 31st March 2013 if the grid connection or certain radar works had been completed by the date specified in the agreement for the grid connection or the radar works.

Article 29 makes transitional provision in respect of the obligation period ending on 31st March 2013.

(1) O.J. L 9, 13.1.2011, p.11.