
SCOTTISH STATUTORY INSTRUMENTS

2009 No. 140

The Renewables Obligation (Scotland) Order 2009

PART 4

Cases and circumstances when a SROC must not be issued

[^{F1}Common agricultural policy requirements

22B.—[

^{F2}(1)] No SROCs are to be issued in respect of any electricity generated by a generating station from bioliquid if—

- (a) the bioliquid is derived from biomaterial which—
 - (i) is of agricultural origin;
 - (ii) was [^{F3}cultivated in the United Kingdom or the EU]; and
 - (iii) is not waste; and
- (b) the Authority is satisfied that the biomaterial referred to in sub-paragraph (a) was—
 - [^{F4}(i) cultivated in a manner that breached a requirement or standard listed in the third column of the table in Annex 2 to Regulation (EU) No 1306/2013 of the European Parliament and of the Council on the financing, management and monitoring of the common agricultural policy (“the 2013 Regulation”) and corresponding to the entry in the first column of that table for “environment, climate change, good agricultural condition of land”;
 - (ii) cultivated in a manner that breached statutory management requirement number 10 in Annex 2 to the 2013 Regulation; or
 - (iii) obtained from land which does not meet the minimum requirements for good agricultural and environmental condition defined pursuant to Article 94 of the 2013 Regulation.]

[
^{F5}(2) In paragraph (1), a reference to the 2013 Regulation is a reference to—

- (a) in relation to biomaterial cultivated in the United Kingdom on or after IP completion day, the 2013 Regulation as it forms part of domestic law;
- (b) in any other case, the 2013 Regulation as it has effect in EU law.]]

F1 Arts. 22A, 22B inserted (1.4.2011) by [The Renewables Obligation \(Scotland\) Amendment Order 2011 \(S.S.I. 2011/225\)](#), arts. 1, **10** (with art. 19)

F2 Art. 22B renumbered as art. 22B(1) (31.12.2020) by [The Renewables Obligation \(Amendment\) \(EU Exit\) Regulations 2019 \(S.I. 2019/35\)](#), reg. 1(2), **Sch. 2 para. 2(2)**; 2020 c. 1, Sch. 5 para. 1(1)

F3 Words in art. 22B(1)(a)(ii) substituted (31.12.2020) by [The Renewables Obligation \(Amendment\) \(EU Exit\) Regulations 2019 \(S.I. 2019/35\)](#), reg. 1(2), **Sch. 2 para. 2(3)**; 2020 c. 1, Sch. 5 para. 1(1)

Changes to legislation: *There are currently no known outstanding effects for the The Renewables Obligation (Scotland) Order 2009, Section 22B. (See end of Document for details)*

- F4** Art. 22B(b)(i)-(iii) substituted for art. 22B(b)(i)(ii) (1.12.2015) by [The Renewables Obligation \(Scotland\) Amendment Order 2015 \(S.S.I. 2015/384\)](#), arts. 1(1), **7** (with art. 16)
- F5** Art. 22B(2) inserted (31.12.2020) by [The Renewables Obligation \(Amendment\) \(EU Exit\) Regulations 2019 \(S.I. 2019/35\)](#), reg. 1(2), **Sch. 2 para. 2(4)** (as amended by [The Guarantees of Origin of Electricity Produced from High-efficiency Cogeneration and Renewables Obligation \(Amendment\) \(EU Exit\) Regulations 2020 \(S.I. 2020/849\)](#), regs. 1(2), **3(3)**); 2020 c. 1, Sch. 5 para. 1(1)

Changes to legislation:

There are currently no known outstanding effects for the The Renewables Obligation (Scotland) Order 2009, Section 22B.