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STATUTORY INSTRUMENTS

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**2018 No. 374**

**The Renewable Transport Fuels and  
Greenhouse Gas Emissions Regulations 2018**

**PART 4**

**GREENHOUSE GAS EMISSIONS AMENDMENTS**

**Amendment of regulation 5**

**32.**—(1) Regulation 5 (determinations of amounts and greenhouse gas intensity of energy products for relevant use) is amended as follows.

(2) For the heading, substitute “Determinations of amounts, energy content and GHGi of energy products”.

(3) In paragraph (1), for “at the time when the requirement to pay the duty of excise upon it takes effect,” substitute “, other than renewable transport fuel which is to be used as fuel for aircraft, at the assessment time,”.

(4) For paragraph (2), substitute—

“(2) Subject to paragraphs (2A) and (3)—

- (a) in the case of renewable transport fuel which meets the sustainability criteria, the GHGi referable to an amount of that fuel are to be calculated by reducing the fossil fuel comparator by the applicable percentage, with that percentage being calculated in accordance with paragraph 3(3) of the Schedule to the RTFO Order;
- (b) in the case of biofuel (including biofuel for use in aviation) where the fuel does not meet the sustainability criteria or in respect of which the supplier does not submit a verifier’s assurance report, the GHGi referable to an amount of that fuel—
  - (i) are the relevant weighted value; or
  - (ii) if there is no such relevant weighted value, are to be reported as “unknown”;
- (c) in the case of RFNBO in respect of which the supplier does not submit a verifier’s assurance report, the GHGi referable to an amount of that fuel—
  - (i) are the relevant weighted value; or
  - (ii) if there is no such relevant weighted value, are to be reported as “unknown”;
- (d) in the case of RFNBO which does not fall within sub-paragraph (a), but in respect of which the supplier submits a verifier’s assurance report, the GHGi of that fuel is the value verified by the verifier’s assurance report;
- (e) in the case of fuels other than renewable transport fuels or electricity, the GHGi referable to an amount of that fuel—
  - (i) are the relevant weighted value; or
  - (ii) if there is no such relevant weighted value, are to be reported as “unknown”.

- (2A) For the purposes of paragraph (2)(b), (c) and (e), the relevant weighted value used or to be used, and any decision as to whether there is an appropriate relevant weighted value, in relation to the fuel in question, is subject to the Administrator’s approval.”.
- (5) In paragraph (3)—
- (a) in sub-paragraph (a), for “(2)” substitute “(2)(a) to (d), which are relevant to the partially renewable transport fuel concerned,”;
  - (b) in sub-paragraph (b), after “purposes” insert “, and the calculations at paragraph (2)(e) apply to the percentage of the energy content of the fuel which is so treated”.
- (6) Omit paragraph (4).
- (7) After paragraph (5), insert—
- “(5A) For the purposes of paragraph (2) and (2A), “relevant weighted value” means—
- (a) in relation to paragraph (2)(b) and (c), the weighted life cycle GHG intensity value for the equivalent fossil fuel set out in paragraph 5 of Part 2 of Annex I to the GHG Directive;
  - (b) in relation to paragraph (2)(e), the weighted life cycle GHG intensity value for the fuel in question set out in paragraph 5 of Part 2 of Annex I to the GHG Directive.”.
- (8) In paragraph (6)—
- (a) before sub-paragraph (a), omit “is”;
  - (b) in sub-paragraph (a), at the beginning, insert “is”;
  - (c) in sub-paragraph (b), at the beginning, insert “is”;
  - (d) in sub-paragraph (c), at the beginning, insert “is”;
  - (e) in sub-paragraph (d), at the beginning, insert “is”;
  - (f) after sub-paragraph (d), insert—
- “(e) is hydrotreated vegetable oil derived from relevant feedstocks which is thermochemically treated with hydrogen derived from a non-biological origin, the percentage of the energy content of the fuel which is attributable to relevant feedstocks is deemed to be 100%;
- (f) contains RFNBO, where the process energy used to produce the RFNBO is electricity that is entirely taken from the national electricity grid of the country in which the RFNBO is or was produced, the percentage of the energy content of the fuel which is attributable to relevant feedstocks is deemed to be the annual average percentage of electricity for that country’s national grid which is produced from renewable sources other than biomass (within the meaning given in article 2(2) of the RTFO Order).
- (7) But if the Administrator considers that it is not appropriate to use the methodology in paragraph (6)(f) to determine the percentage of the energy content of the fuel which is attributable to relevant feedstocks, that percentage is to be determined in accordance with such other methodology as the Administrator may consider appropriate in a particular case.”.