

Annex C: Draft Amendment Order

STATUTORY INSTRUMENTS

2011 No.

TRANSPORT

ENERGY

SUSTAINABLE AND RENEWABLE FUELS

Renewable Transport Fuel Obligations (Amendment) Order 2011

<i>Made</i>	- - - -	***
<i>Laid before Parliament</i>		***
<i>Coming into force</i>	- -	***

The Secretary of State makes the following Order in exercise of the powers conferred by sections 124 to 130, 132(1), 132(4) and 192(4)(c) of the Energy Act 2004⁽¹⁾ (“the 2004 Act”) and by section 2(2)(a) of, and paragraph 1A(1) of schedule 2 to, the European Communities Act 1972⁽²⁾ (“the 1972 Act”).

The Secretary of State is a Minister designated⁽³⁾ for the purposes of section 2(2) of the 1972 Act in relation to energy and energy sources.

This Order makes provision for a purpose mentioned in section 2(2) of the 1972 Act and it appears to the Secretary of State that it is expedient for any reference in this Order to an Annex to Directive 2009/28/EC of the European Parliament and of the Council (on the promotion of the use of energy from renewable sources)⁽⁴⁾ to be construed as a reference to that Annex as amended from time to time.

[A draft of this Order was laid before Parliament in accordance with sections 124(5) and 192(3) of the 2004 Act and approved by a resolution of each House.]

[In accordance with section 124(4) of the 2004 Act, the Secretary of State has consulted such persons appearing to him to represent persons whose interests will be affected by this Order, and such other persons, as he considers appropriate.]

Citation and commencement

1. This Order may be cited as the Renewable Transport Fuel Obligations (Amendment) Order 2011 and comes into force on [date].

⁽¹⁾ 2004 c. 20.
⁽²⁾ 1972 c. 68.
⁽³⁾ S.I. 2010/761.
⁽⁴⁾ OJ No L 140, 5.6.2009, p 16.

Amendment of the Energy Act 2004

2.—a) The 2004 Act is amended as provided in paragraphs (2) and (3).

(1) For section 132(3), substitute—

“(3) For the purposes of this section fuel is used for transport purposes if—

(a) it is used as fuel for one or more of the following—

- (i) vehicles, vessels, aircraft or trains;
- (ii) any mode of transport;
- (iii) agricultural or forestry tractors;
- (iv) non-road mobile machinery; or

(b) it is used for producing fuel that is intended to be so used.”

(2) In section 132(4), insert the following definitions at the appropriate alphabetical positions—

““agricultural or forestry tractor” has the meaning given by article 1(1) of Council Directive 74/150/EEC of 4 March 1974 on the approximation of the laws of the Member States relating to the type-approval of wheeled agricultural or forestry tractors⁽⁵⁾;

“non-road mobile machinery” has the meaning given by article 2 of Directive 97/68/EC of the European Parliament and of the Council of 16 December 1997 on the approximation of the laws of the Member States relating to measures against the emission of gaseous and particulate pollutants from internal combustion engines to be installed in non-road mobile machinery⁽⁶⁾.”

Amendment of the Renewable Transport Fuel Obligations Order 2007

3. The Renewable Transport Fuel Obligations Order 2007⁽⁷⁾ is amended as follows.

Amendment of article 2: interpretation

4.—b) In article 2(1)—

(a) insert the following definitions at the appropriate alphabetical positions—

““additional sustainability information” means the information specified in Article 1 of Commission Decision 2011/13/EU of 12th January 2011 on certain types of information about biofuels and bioliquids to be submitted by economic operators to Member States⁽⁸⁾;

“the cross compliance requirements” means—

(a) the statutory management requirements under the provisions referred to under the heading ‘Environment’ in point A of Annex II to Council Regulation (EC) No 73/2009 of 19 January 2009 establishing common rules for direct support schemes for farmers under the common agricultural policy and establishing certain support schemes for farmers, amending Regulations (EC) No 1290/2005, (EC) No 247/2006, (EC) No 378/2007 and repealing Regulation (EC) No 1782/2003⁽⁹⁾ (“the CAP regulation”), and in row 9 of the table in that Annex; and

(b) the minimum requirements for good agricultural and environmental condition defined pursuant to Article 6(1) of the CAP regulation;

“diesel” has the meaning given to “diesel fuel” in regulation 2 of the Motor Fuel Regulations;

⁽⁵⁾ OJ No L 84, 28.3.1974, p 10.

⁽⁶⁾ OJ No L 59, 27.2.98, p 1.

⁽⁷⁾ S.I. 2007/3072, amended by the Finance Act 2008, section 13(10), and S.I. 2009/843.

⁽⁸⁾ OJ No L 15, 20.1.2011, p. 12.

⁽⁹⁾ OJ No L 30, 31.1.2009, p 16.

“the directive” 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 and amending and subsequently repealing Directives 2001/77/EC and 2003/30/EC⁽¹⁰⁾, and references in this Order to an Annex to the directive is a reference to that Annex as amended from time to time;

“gas oil” has the same meaning as in regulation 2 of the Motor Fuel Regulations;

“ISAE 3000” means the International Standard on Assurance Engagements 3000⁽¹¹⁾ promulgated by the International Federation of Accountants;

“inland waterway vessel” has the meaning given by Article 2 of Council Directive 97/68/EC⁽¹²⁾;

“mass balance system” is to be construed in accordance with article 13A(5)⁽¹³⁾;

“the Motor Fuel Regulations” means the Motor Fuel (Composition and Content) Regulations 1999⁽¹⁴⁾;

“notional volume” means, in relation to an amount of renewable transport fuel, the notional volume of that amount of renewable transport fuel determined in accordance with article 5(4A);

“petrol” has the same meaning as in regulation 2 of the Motor Fuel Regulations;

“recreational craft” has the meaning given by Article 1(3) of Council Directive 94/25/EC⁽¹⁵⁾;

“relevant feedstock” means—

- (a) products, wastes or residues of biological origin from—
 - (i) agriculture (including both vegetal and animal substances);
 - (ii) forestry;
 - (iii) related industries including fisheries and aquaculture;
- (b) industrial or municipal waste of biological origin;

“renewable energy obligation” has the same meaning as in the directive;

“sustainability criteria” means the criteria set out in Schedule 2;

“sustainable feedstock” means a relevant feedstock which meets the criteria set out in paragraphs 7 to 9 of schedule 2 (land criteria);

“sustainable wastes” means relevant feedstocks which are—

- (a) wastes or residues other than residues from agriculture, aquaculture, fisheries or forestry; or
- (b) wastes, residues, non-food cellulosic material or ligno-cellulosic material which meet the criteria set out in paragraphs 7 to 9 of Schedule 2 (land criteria);

“verifier’s assurance report” means a report which meets the requirements of article 16A⁽¹⁶⁾;

⁽¹⁰⁾ OJ No L 140, 5.6.2009, p 16.

⁽¹¹⁾ The International Standard on Assurance Engagements 3000 is set out from page 292 of Part II of the publication entitled “Handbook of International Quality Control, Auditing, Review, Other Assurance, and Related Services Pronouncements” (2010 edition) (ISBN 978-1-60815-052-6) published by the International Federation of Accountants. Copies can be obtained from www.ifac.org.

⁽¹²⁾ OJ L 59, 27.2.1998, p1; relevant amending instruments are Council Directive 2004/26/EC of the European Parliament and of the Council of 21st April 2004, OJ L 146, 30.4.2004, p1 and the Corrigendum in respect of Directive 2004/26/EC, OJ L 225, 25.6.2004, p3.

⁽¹³⁾ Article 13A is inserted by article 12 of this Order.

⁽¹⁴⁾ S.I. 1999/3107; relevant amending instruments are S.I. 2003/3078, 2010/3035.

⁽¹⁵⁾ OJ L 164, 30.6.1994, p15; amended by Directive 2003/44/EC of the European Parliament and of the Council of 16th June 2003, OJ L 214, 26.8.2003, p18; there are other amending instruments but none is relevant.

⁽¹⁶⁾ Article 16A is inserted by article 17 of this Order.

- (b) omit the definition of “buy-out fund”;
 - (c) in the definition of “Chief Executive”, for “the Schedule” substitute “Schedule 1”.
- (2) After article 2(2), insert—
- “(3) For the purposes of this Order, a verifier’s assurance report confirms a fact if it confirms that the systems by which, or by means of which, that fact was established are accurate, reliable and protected against fraud.
- (4) For the purposes of this Order, an inland waterway vessel or a recreational craft does not normally operate at sea if it does not normally operate—
- (a) beyond the limits of waters in categories A and B, or
 - (b) in waters in category C, but excluding deep lakes and lochs where the significant wave height (calculated as four times the square root of the area under the wave energy spectrum) could not be expected to exceed 1.2 metres at any time,
- where categories A, B and C have the meanings given to them in Merchant Shipping Notice 1776(M) issued by the Maritime and Coastguard Agency.”

Amendment of article 3: definitions of fuels and fuel products

- 5.—c) After article 3(7), insert—
- “(7A) “Partly renewable transport fuel” means renewable transport fuel other than wholly renewable transport fuel.”
- (1) For article 3(10), substitute—
- “(10) “Relevant hydrocarbon oil” means hydrocarbon oil which—
- (a) is chargeable to the duty of excise on hydrocarbon oil under section 6 of the 1979 Act;
 - (b) is for use as fuel in road vehicles, non-road mobile machinery (including inland waterway vessels which do not normally operate at sea), agricultural or forestry tractors, or recreational craft which do not normally operate at sea; and
 - (c) falls within one of the following categories—
 - (i) petrol,
 - (ii) diesel,
 - (iii) gas oil,
 - (iv) renewable transport fuel.”
- (2) Omit articles 3(11), (13) and (14).
- (3) After article 3(10), insert
- “(11A) “Wholly renewable transport fuel” means renewable transport fuel which is produced wholly from a sustainable feedstock.”
- (4) For article 3(12), substitute—
- “(12) For the purposes of this Order and of paragraph (d) of the definition of “renewable transport fuel” in section 132(1) of the 2004 Act, solid, liquid, or gaseous fuel which—
- (a) is produced wholly or partly from a relevant feedstock, and
 - (b) does not fall within paragraph (a), (b) or (c) of that definition,
- is designated as renewable transport fuel.”

Amendment of article 4: the renewable transport fuel obligation

- 6.—d) For article 4(3)(b), substitute—
- “(b) the “specified date” means 29th November (or the next working day after 29th November, if 29th November is not a working day) following the end of the obligation period in question; and”.

(1) For article 4(4), substitute—

“(4) For the purposes of section 124(2) of the 2004 Act and this Order, “the specified amount” of renewable transport fuel is determined in accordance with paragraphs (5) and (6).”

(2) After article 4(4), insert—

“(5) The specified amount of renewable transport fuel for the obligation period beginning on 15th April 2011 is determined as follows—

- (a) calculate the volume of relevant hydrocarbon oil which the supplier has supplied at or for delivery to places in the United Kingdom during the period beginning on 15th April 2011 and ending on [*day before commencement date*];
- (b) calculate the notional amount of the relevant hydrocarbon oil which the supplier has supplied at or for delivery to places in the United Kingdom during the period beginning on [*commencement date*] and ending on 14th April 2012;
- (c) in any case where the sum of the amount calculated in accordance with sub-paragraph (a) and the amount calculated in accordance with sub-paragraph (b) exceeds 10 million litres—
 - (i) deduct [*insert amount*] from the amount calculated in accordance with sub-paragraph (a);
 - (ii) deduct [*insert amount*] from the amount calculated in accordance with sub-paragraph (b);
- (d) the specified amount is an amount equal to 4.1667% of the amount calculated in accordance with sub-paragraph (c)(i) plus 3.9128% of the amount calculated in accordance with sub-paragraph (c)(ii).

(6) The specified amount of renewable transport fuel for any other obligation period is determined as follows—

- (a) calculate the notional amount of the relevant hydrocarbon oil which the supplier has supplied at or for delivery to places in the United Kingdom during the obligation period in question;
- (b) in any case where that notional amount is less than 10 million litres, deduct the first 450,000 litres of that amount; and
- (c) in relation to the amount calculated in accordance with sub-paragraphs (a) and (b) (“the obligated amount”)—
 - (i) for the obligation period beginning on 15th April 2008, the specified amount is an amount equal to 2.5641% of the obligated amount;
 - (ii) for the obligation period beginning on 15th April 2009, the specified amount is an amount equal to 3.3592% of the obligated amount;
 - (iii) for the obligation period beginning on 15th April 2010, the specified amount is an amount equal to 3.6269% of the obligated amount;
 - (iv) for the obligation period beginning on 15th April 2012, the specified amount is an amount equal to 4.4237% of the obligated amount; and
 - (v) for each subsequent obligation period, the specified amount is an amount equal to 4.9375% of the obligated amount.

(7) For the purposes of paragraphs (5)(b) and (6)(a), the notional amount of the relevant hydrocarbon oil which the supplier has supplied at or for delivery to places in the United Kingdom during any period is determined in accordance with the following formula—

$$F_N = H_A - (E \times S)$$

where—

F_N is that notional amount of relevant hydrocarbon oil;

H_A is the total amount of relevant hydrocarbon oil which the supplier has supplied at or for delivery to places in the United Kingdom during that period;

E is the amount of the eligible oil; and

S is the percentage of the energy content of the eligible oil which is attributable to sustainable feedstocks.

- (8) In paragraph (7), “the eligible oil” means the relevant hydrocarbon oil which—
- (a) the supplier supplied at or for delivery to places in the United Kingdom during the period in question;
 - (b) is for use as fuel in road vehicles, non-road mobile machinery (including inland waterway vessels which do not normally operate at sea) agricultural or forestry tractors, or recreational craft which do not normally operate at sea;
 - (c) meets the sustainability criteria; and
 - (d) was owned by the supplier at the time when the requirement to pay the duty of excise with which that relevant hydrocarbon oil is chargeable took effect.”

Duty of the Secretary of State in respect of the directive

7. After article 4, insert—

“Duty of the Secretary of State in respect of the directive

4A.—(1) The Secretary of State must keep under review whether further steps must be taken in order to meet the requirements of the directive in respect of transport.

(2) Without prejudice to the generality of paragraph (1), the Secretary of State must keep under review—

- (a) whether it is necessary to amend the way in which the specified amount is determined in respect of the obligation periods⁽¹⁷⁾ beginning on or after 15th April 2014;
- (b) the extent to which agricultural raw materials cultivated in the United Kingdom and used for the production of renewable transport fuel have been obtained in accordance with the cross compliance requirements.

(3) Where the Secretary of State determines that steps must be taken under paragraph (1) or (2), the Secretary of State must take those steps.”

Amendment of article 5: determinations of amounts of transport fuel

8.—e) For article 5(2)(a) and (b), substitute—

- “(a) it is for use as fuel in road vehicles, non-road mobile machinery (including inland waterway vessels which do not normally operate at sea), agricultural or forestry tractors, or recreational craft which do not normally operate at sea,
- (b) it meets the sustainability criteria.”.

(1) After article 5(4), insert—

“(4A) For the purposes of discharging a person’s renewable transport fuel obligation⁽¹⁸⁾ for an obligation period, the volume of an amount of renewable transport fuel is deemed to be the notional volume determined in accordance with the following formula—

$$R_N = R_A \times (S + W)$$

where—

⁽¹⁷⁾ “Obligation period” is defined in article 2(1) of the Renewable Transport Fuel Obligations Order 2007.

⁽¹⁸⁾ “Renewable transport fuel obligation” is defined in section 124(1) of the 2004 Act.

R_N is the notional volume;

R_A is the actual volume of the amount of renewable transport fuel;

S is the percentage of the energy content of the amount of renewable transport fuel which is attributable to sustainable feedstocks;

W is the percentage of the energy content of the amount of renewable transport fuel which is attributable to sustainable wastes.

(4B) For the purposes of paragraph (4A)—

- (a) where the fuel is of a type in respect of which a percentage from renewable sources is specified in Annex III⁽¹⁹⁾ to the directive, the percentage of the energy content of the fuel which is attributable to sustainable feedstocks is equal to that percentage;
- (b) the energy content of fatty-acid-methyl-ester is deemed to be wholly attributable to relevant feedstocks.”

(2) Omit articles 5(3) and (6).

(3) For article 5(5), substitute—

“(5) For the purposes of calculating the specified amount under article 4(5) and (6), one kilogram of gaseous renewable transport fuel must be treated as equivalent to one litre of liquid renewable transport fuel.”

(4) After article 5(6), insert—

“(7) Where fossil fuel is blended with other fuel, the fossil fuel element of the blend is to be disregarded for the purposes of—

- (a) the definitions of “partly renewable fuel” and “wholly renewable transport fuel” in article 3(7A) and (11A);(b)
- (b) calculating the notional volume of an amount of renewable transport fuel in accordance with paragraph (4A);
- (c) determining whether an amount of renewable transport fuel meets the sustainability criteria;
- (d) article 15(1)(a)(i), (b) and (c).”

Amendment of article 6: the Administrator

9. In article 6(2), for “The Schedule” substitute “Schedule 1”.

Amendment of article 12: duty to require information from obligated suppliers

10.—f) For articles 12(1) and (2), substitute—

“(1) The Administrator must impose a requirement on an obligated supplier⁽²⁰⁾ to provide the Administrator with—

- (a) information as to—
 - (i) whether the supplier has supplied any relevant hydrocarbon oil at or for delivery to places in the United Kingdom during each relevant period;
 - (ii) whether the supplier has supplied any renewable transport fuel at or for delivery to places in the United Kingdom during each relevant period;
 - (iii) the amount of any relevant hydrocarbon oil which has been supplied by the supplier at or for delivery to places in the United Kingdom, or received by the

⁽¹⁹⁾ Annex III is entitled “Energy content of transport fuels”.

⁽²⁰⁾ “Obligated supplier” is defined in article 2(1) of the Renewable Transport Fuel Obligations Order 2007.

- supplier from another transport fuel supplier⁽²¹⁾ at places in the United Kingdom, during each relevant period;
- (iv) how much of that relevant hydrocarbon oil is—
 - (aa) fossil fuel (including fossil fuel blended with other fuel);
 - (bb) wholly renewable transport fuel (excluding fossil fuel blended with wholly renewable transport fuel);
 - (cc) partly renewable transport fuel (excluding fossil fuel blended with partly renewable transport fuel);
 - (v) how much of the energy content of the partly renewable transport fuel referred to in paragraph (1)(a)(iv)(cc) is attributable to relevant feedstocks;
 - (vi) the amount of any relevant renewable transport fuel in respect of each relevant period;
 - (vii) the composition and energy content of that relevant renewable transport fuel and, where applicable, the energy content attributable to the different components;
 - (viii) the compliance of that relevant renewable transport fuel with the sustainability criteria;
 - (ix) the energy content of that relevant renewable transport fuel which is attributable to—
 - (aa) sustainable feedstocks;
 - (bb) sustainable wastes; and
- (b) the additional sustainability information in respect of any relevant renewable transport fuel.
- (2) In paragraph (1)—
- (a) a “relevant period” means such period as the Administrator may notify to the obligated supplier for the purposes of that paragraph or, in the absence of such notice, a period during an obligation period which—
 - (i) begins on 15th December and ends on the 31st December immediately following,
 - (ii) begins on 1st January and ends on the 14th January immediately following, or
 - (iii) begins on the 15th day of any month other than December and ends on the 14th day of the immediately following month, and
 - (b) “relevant renewable transport fuel” means in respect of a relevant period renewable transport fuel which—
 - (i) is for use as fuel in road vehicles, non-road mobile machinery (including inland waterway vessels which do not normally operate at sea), agricultural or forestry tractors, or recreational craft which do not normally operate at sea,
 - (ii) meets the sustainability criteria, and
 - (iii) meets one of the following conditions, namely that—
 - (aa) the fuel is owned by the supplier at the time when the requirement to pay the duty of excise with which the fuel is chargeable takes effect, and supplied by the supplier at or for delivery to places in the United Kingdom during that relevant period; or
 - (bb) the fuel is received by the supplier from another transport fuel supplier at places in the United Kingdom during that relevant period.”

(1) In article 12(4)(a), omit “to the best of the supplier’s knowledge and belief”.

(2) For article 12(6), substitute—

⁽²¹⁾ “Transport fuel supplier” is defined in section 132(1) of the 2004 Act.

“(6) The Administrator may impose requirements as to—

- (a) the form in which the evidence must be produced,
- (b) the methodology to be used in compiling and producing the evidence, and
- (c) the period within which the evidence must be produced.”

(3) After article 12(6), insert—

“(7) Where the Administrator imposes a requirement under this article on a transport fuel supplier to produce evidence, the supplier must produce that evidence and ensure that it is—

- (a) accurate; and
- (b) produced in such form, and using such methodology, and within such period, as the Administrator requires.”

Amendment of article 13: power to require information

11. In article 13(3), for “paragraph (1)(a) to (d)” substitute “paragraph (1)(a)”.

Mass balance system

12. After article 13, insert—

“Mass balance system

13A.—(1) When providing information pursuant to article 12(4), a supplier must use a mass balance system in accordance with this article.

(2) In using a mass balance system, a supplier may not report that raw material or fuel has sustainability characteristics other than its actual sustainability characteristics unless the condition specified in paragraph (3) is satisfied.

(3) That condition is that none of the raw material or fuel which is subject to that mass balance system is reported to have sustainability characteristics other than those attributed to it by that system.

(4) In paragraph (3), “reported” means reported under article 12(4) or otherwise for the purposes of demonstrating compliance with a renewable energy obligation.

(5) A mass balance system is a system which—

- (a) allows amounts of raw material or fuel with different sustainability characteristics to be mixed (“the mixture”);
- (b) provides for the sustainability characteristics of amounts added to the mixture to be attributed to other amounts withdrawn from the mixture; and
- (c) requires the sustainability characteristics attributed to the sum of the amounts withdrawn from the mixture to be the same, and in the same quantities, as the sustainability characteristics attributed to the sum of the amounts added to the mixture.

(6) Where a supplier reports that fuel meets the sustainability criteria in accordance with this article, that fuel may be regarded as meeting those criteria for the purposes of this Order (subject to confirmation by a verifier’s assurance report which meets the conditions specified in article 16(3)(da)).

(7) For the purposes of paragraphs (2) to (5), the sustainability characteristics of raw material or fuel include—

- (a) its type;
- (b) its place of origin; and
- (c) any other matter relevant to its compliance with the sustainability criteria.”

Omission of article 14: duty to report to Parliament

13. Article 14 is omitted.

Amendment of article 15: other powers and duties conferred and imposed on the Administrator

14.—g) In article 15(1)(a)(i), after “renewable transport fuel” insert “which meets the sustainability criteria”.

(1) For article 15(1)(c), substitute—

“(c) to report to the Secretary of State as requested on—

- (i) the percentage of such fuel, or the energy in such fuel, which is attributable to sustainable feedstocks;
- (ii) the percentage of such fuel, or the energy in such fuel, which is attributable to sustainable wastes;
- (iii) the lifecycle greenhouse gas emission savings from the use of such fuel instead of fossil fuel;
- (iv) the percentage of such fuel which is of a description specified by the Secretary of State;
- (v) such other matters relating to such fuel as the Secretary of State may specify;”

(2) For article 15(1)(g), substitute—

“(g) where an account holder who is a transport fuel supplier has supplied information as to volumes of fuel supplied by that supplier pursuant to article 12(1), 13(1), (3) or (4) or 16(3), to verify that information so far as reasonably practicable;”.

(3) In article 15(1)(g), for “article 12(1), 13(1), (3) or (4) or 16(3) by each account holder who is a transport fuel supplier” substitute “article 12(1)(a)(i) to (iv)”.

(4) Omit article 15(1)(i).

(5) For article 15(1)(h), substitute—

“(h) to process sums received pursuant to article 21(6);”.

(6) In article 15(3)(a)—

- (a) omit “as to the amount of relevant hydrocarbon oil or renewable transport fuel”;
- (b) for “article 12(1)(c) or (d)” substitute “article 12(1)(a)(iii) to (ix)”.

(7) In article 15(3)(b), for “amount” substitute “information”.

Amendment of article 16: application for RTF certificates

15.—h) For article 16(2)(a), substitute—

“(a) a declaration from a person nominated by the supplier which confirms that—

- (i) the information submitted in the application or referred to in paragraph (3)(b), (c) or (d) is accurate;
- (ii) the renewable transport fuel has not already been counted towards discharging any renewable energy obligation, and no application has been made for it to count towards discharging any renewable energy obligation other than the renewable transport fuel obligation of the supplier; and”.

(1) In article 16(3)(c), for “paragraph (1)(d)” substitute “paragraph (1)(a)(vi) to (ix)”.

(2) After article 16(3)(c), insert—

“(da) the supplier has provided the Administrator with a verifier’s assurance report confirming that—

- (i) the renewable transport fuel meets the sustainability criteria; and

- (ii) the information provided by the supplier under article 12(4) in respect of the renewable transport fuel is accurate;”.
- (3) After article 16(3)(e), insert—
 - “(ea) the Administrator is satisfied that the renewable transport fuel has not already been counted towards discharging any renewable energy obligation, and that no application has been made for it to count towards discharging any renewable energy obligation other than the renewable transport fuel obligation of the supplier, ”.
- (4) For article 16(3)(g), substitute—
 - “(g) the supplier makes the application for the RTF certificate by the 12th August immediately following the obligation period during which the renewable transport fuel was supplied, or such later date as the Administrator may notify to the supplier for the purposes of this sub-paragraph.”
- (5) After article 16(3), insert—
 - “(3A) For the purposes of this article, “the renewable transport fuel” is the renewable transport fuel in respect of which the RTF certificate has been applied for.”
- (6) In article 16(4), omit “to the best of the person’s knowledge and belief”.

Verifier’s assurance reports

- 16.** After article 16, insert—

“Verifier’s assurance reports

- 16A.**—(1) A verifier’s assurance report must—

- (a) meet the requirements in respect of limited assurance engagements prescribed in ISAE 3000, or an equivalent standard, and be prepared in accordance with those requirements or that standard;
- (b) be produced by a person with appropriate expertise who is not the supplier or a connected person of the supplier;
- (c) confirm that the relevant systems are accurate, reliable and protected against fraud; and
- (d) evaluate the frequency and methodology of sampling and the robustness of the relevant data.

- (2) In paragraph (1)—

“relevant data” means—

- (a) the information confirmed by the verifier’s assurance report; and
- (b) any other information or data on which that information is based;

“relevant systems” means the systems by which, or by means of which, the relevant data were produced;

“sampling” means sampling for the purposes of obtaining or checking the relevant data.

Annual verifier’s assurance report

16B.—(1) A transport fuel supplier which has made an application for RTF certificates in respect of renewable transport fuel supplied during an obligation period must submit a verifier’s assurance report confirming the additional sustainability information which that supplier is required to provide under article 12(4) in respect of that obligation period.

(2) The verifier’s assurance report referred to in paragraph (1) must be submitted to the Administrator by the 12th August immediately following that obligation period or such later date as the Administrator may notify to the supplier for the purposes of this paragraph.

(3) A verifier's assurance report submitted under paragraph (1) need not confirm matters already confirmed by another verifier's assurance report submitted to the Administrator."

Amendment of article 17: issue of RTF certificates

17.—i) For article 17(1), substitute—

"(1) Where each of the requirements in article 16(1) to (3) has been met, the Administrator must issue an RTF certificate to a transport fuel supplier for each whole litre of renewable transport fuel which—

- (a) is for use as fuel in road vehicles, non-road mobile machinery (including inland waterway vessels which do not normally operate at sea), agricultural or forestry tractors, or recreational craft which do not normally operate at sea,
- (b) meets the sustainability criteria,
- (c) is owned by the supplier at the time when the requirement to pay the duty of excise with which the fuel is chargeable takes effect, and
- (d) is supplied by the supplier at or for delivery to places in the United Kingdom during an obligation period."

(1) After article 17(1), insert—

"(1A) For the purposes of paragraph (1) the volume of an amount of renewable transport fuel is deemed to be the notional volume of that fuel determined in accordance with article 5(4A)."

Amendment of article 19: use of an RTF certificate in a later obligation period

18.—j) For article 19(2), substitute—

"(2) The circumstances are that—

- (a) the certificate is produced in relation to the obligation period ("the later period") which immediately follows the obligation period stated in the certificate;
- (b) the renewable transport fuel in respect of which the certificate was issued would have met the greenhouse gas emission saving threshold established in accordance with paragraph 3 of Schedule 2 if that fuel had been used on the first day of the later period; and
- (c) the certificate was issued on or after [*commencement date*]."

(1) After article 19(2), insert—

"(2A) Sub-paragraphs (b) and (c) of paragraph (2) do not apply if the obligation period stated in certificate is the obligation period beginning on 15th April 2010.

(2B) In the circumstances referred to in paragraph (2C) the production of an RTF certificate by a supplier to the Administrator may count as evidence that the amount of renewable transport fuel specified in paragraph (2D) was supplied at or for delivery to places in the United Kingdom during the obligation period beginning on 15th April 2012.

(2C) The circumstances are that—

- (a) the obligation period stated in the certificate is the obligation period beginning on 15th April 2011;
- (b) the certificate was issued before [*commencement date*]; and
- (c) the supplier has provided the Administrator with a verifier's assurance report confirming that the fuel in respect of which the certificate was issued meets the sustainability criteria.

(2D) The amount of renewable transport fuel in respect of which the certificate counts as evidence is an amount equal to the notional volume of the amount of renewable transport fuel in respect of which the certificate was issued."

(2) For article 19(3), substitute—

“(3) But a renewable transport fuel certificate, or a set of renewable transport fuel certificates in which the same obligation period is stated, may not count in relation to more than 25% of a supplier’s renewable transport fuel obligation for the obligation period following the obligation period stated in the certificates.”

Amendment of article 20: revocation of an RTF certificate

19.—k In article 20(1)(b), for “the transport fuel supplier to whom it was issued or any connected person” substitute “the transport fuel supplier to whom it was issued, any connected person or any person who has produced a verifier’s assurance report”.

(1) In article 20(1)(c), after “the certificate” insert “pursuant to article 12(1)(a) or in a verifier’s assurance report”.

(2) In article 20(1)(d), for “the information” substitute “the information referred to in subparagraph (c)”.

(3) In article 20(4)(c)(ii), for “the 28th August” substitute “the 16th October”.

(4) In article 20(5), for “the 29th August” substitute “the 21st October”.

(5) In article 20(7)(a), for “the 12th September” substitute “the 3rd November”.

(6) In article 20(8)(b), for “the 28th September” substitute “the 16th November”.

(7) In article 20(14), omit “to the best of the person’s knowledge or belief”.

Amendment of article 21: payments

20. In article 21(8), for “5th November” substitute “10th January”.

Omission of article 22: re-cycling of buy-out payments

21. Omit article 22.

Amendment of article 23: civil penalties

22.—l In article 23(1)—

(a) for “article 12(4) and (6)” substitute “article 12(4) and (7)”;

(b) after “16(4),” insert “16B(1) and (2),”.

(2) After article 23(2), insert—

“(2A) A supplier or other person is liable to a civil penalty if that supplier or other person fails to submit a verifier’s assurance report as required by article 16B(1) and (2).”

(3) For article 23(3), substitute—

“(3) A supplier or other person is liable to a civil penalty if at the time that supplier or other person provides the information or produces the evidence (as the case may be) referred to in article 7(6), 8(3), 12(4) or (7), 13(5) or(7), 16(4) or 20(14)—

(a) that supplier or other person has not taken reasonable steps to ensure that the information or evidence is accurate, or

(b) that supplier or other person has taken reasonable steps to ensure that the information or evidence is accurate, but the condition set out in paragraph (4) or (5) is subsequently satisfied.”

(4) In articles 23(4)(a) and (5)(a), for “five” substitute “twenty”.

(5) In article 23(5)—

(a) for “article 12(4) or (6)” substitute “article 12(4) or (7)”;

(b) for “the 28th September” substitute “the 16th November”.

(6) In paragraph (a) of the definition of “applicable turnover” in article 23(13), for “road” substitute “petrol, diesel, gas oil and renewable”.

Transitional provisions

23. After article 24, insert—

“Transitional provisions

25.—(1) This article applies to fuel supplied at or for delivery to places in the United Kingdom before [*commencement date*].

(2) For the purposes of this article, an amount of fuel supplied by a transport fuel supplier on more than one occasion is deemed to have been supplied by that supplier before [*commencement date*] if the last date on which it was supplied by that supplier is before [*commencement date*].

Determination of the specified amount

(3) For the purposes of calculating the volume of the relevant hydrocarbon oil which a supplier has supplied at or for delivery to places in the United Kingdom during the period beginning on 15th April 2011 and ending on [*day before commencement date*] under article 4(5)(a), relevant hydrocarbon oil supplied by the supplier before [*commencement date*] is not to be taken into account unless that fuel is—

- (a) within paragraph (4); and
- (b) for use as fuel in road vehicles (whether or not it may also be used in other vehicles).

(4) Relevant hydrocarbon oil is within this paragraph if it is of one of the following descriptions—

- (a) hydrocarbon oil which is chargeable to the duty of excise on hydrocarbon oil under section 6 of the 1979 Act, other than the renewable diesel component in hydrocarbon oil comprising a mixture of heavy oil which is not renewable diesel and heavy oil which is renewable diesel;
- (b) the heavy oil component in bioblend, where a duty of excise is chargeable in relation to that bioblend under the 1979 Act, other than any renewable diesel component which is included in the heavy oil component;
- (c) the hydrocarbon oil component in bioethanol blend, where a duty of excise is chargeable in relation to that bioethanol blend under the 1979 Act.

Discharging a renewable transport fuel obligation

(5) For the purposes of discharging a person’s renewable transport fuel obligation for the obligation period beginning on 15th April 2011, article 5(4A) does not apply to renewable transport fuel supplied by that person before [*commencement date*].

(6) An amount of renewable transport fuel supplied by a person at or for delivery to places in the United Kingdom on or after 15th April 2011 but before [*commencement date*] counts towards discharging that person’s renewable transport fuel obligation for the obligation period beginning on 15th April 2011 if—

- (a) it is for use as fuel in road vehicles (whether or not it may also be used in other vehicles);
- (b) it is of one of the following descriptions—
 - (i) biodiesel in relation to which a duty of excise is chargeable under the 1979 Act;
 - (ii) the biodiesel component in bioblend, where a duty of excise is chargeable in relation to that bioblend under the 1979 Act;
 - (iii) bioethanol in relation to which a duty of excise is chargeable under the 1979 Act;
 - (iv) the bioethanol component of bioethanol blend, where a duty of excise is chargeable in relation to that bioethanol blend under the 1979 Act;

- (v) natural road fuel gas—
 - (aa) in relation to which a duty of excise is chargeable under the 1979 Act; and
 - (bb) which is produced wholly from biomass;
- (vi) biobutanol in relation to which a duty of excise is chargeable under the 1979 Act;
- (vii) renewable diesel in relation to which a duty of excise is chargeable under the 1979 Act;
- (viii) the renewable diesel component in bioblend which contains renewable diesel, being bioblend in relation to which a duty of excise is chargeable under the 1979 Act; or
- (ix) the renewable diesel component in hydrocarbon oil, being hydrocarbon oil—
 - (aa) comprising a mixture of heavy oil which is not renewable diesel and heavy oil which is renewable diesel, and
 - (bb) in relation to which a duty of excise is chargeable under the 1979 Act;
- (c) that person owns the fuel at the time when the requirement to pay the duty of excise with which the fuel is chargeable takes effect.

(7) Where—

- (a) the biodiesel component referred to in paragraph (6)(b)(ii), or the bioethanol component referred to in paragraph (6)(b)(iv), is counted towards discharging a person's renewable transport fuel obligation for the obligation period beginning 15th April 2011; and
- (b) that component was supplied by that person at or for delivery to places in the United Kingdom before [*commencement date*],

the amount of that component must be measured by its volume.

Information from obligated suppliers

(8) The Administrator need not impose any requirement under article 12(1) to provide information in respect of any period ending before [*commencement date*].

(9) The Administrator must impose a requirement on an obligated supplier to provide the Administrator with information as to—

- (a) the amount of any relevant hydrocarbon oil which—
 - (i) is within paragraph (4);
 - (ii) is for use as fuel in road vehicles (whether or not it may also be used in other vehicles); and
 - (iii) has been—
 - (aa) supplied by the supplier at or for delivery to places in the United Kingdom during each relevant period, or
 - (bb) received by the supplier from another transport fuel supplier at places in the United Kingdom during each relevant period;
- (b) the amount of any renewable transport fuel supplied by that supplier at or for delivery to places in the United Kingdom which—
 - (i) is for use as fuel in road vehicles (whether or not it may also be used in other vehicles);
 - (ii) is of one of the descriptions set out in paragraph (6)(b); and
 - (iii) meets one of the conditions set out in paragraph (10) in respect of each relevant period.

(10) The conditions are that the fuel is—

- (a) owned by the supplier at the time when the requirement to pay the duty of excise with which the fuel is chargeable takes effect, and supplied by the supplier at or for delivery to places in the United Kingdom during the relevant period in question; or
- (b) received by the supplier from another transport fuel supplier at places in the United Kingdom during the relevant period in question.

(11) In paragraphs (9)(a)(iii), (b)(iii) and (10), a “relevant period” means a period beginning on the 15th day of each month before [*month of commencement date*] and ending on the 14th day of the following month during an obligation period.

(12) An obligated supplier must comply with any requirement imposed on it under paragraph (9).

(13) Paragraphs (3) to (7) of article 12 apply to information required by the Administrator pursuant to paragraph (9) in the same way that they apply to information required by the Administrator pursuant to article 12(1).

(14) The references to article 12, or to paragraphs or sub-paragraphs of article 12, in articles 15(1)(a) and (g), 20(1)(c) and 23(1), (3) and (5) include paragraph (12).

Application for RTF certificates

(15) Where a transport fuel supplier applies for an RTF certificate in respect of renewable transport fuel supplied by that supplier before [*commencement date*]—

- (a) the conditions in article 16(3)(b), (c), (d), (da), (e) and (ea) do not apply;
- (b) before an RTF certificate may be issued in respect of that fuel—
 - (i) the supplier must have provided the Administrator with the information required by the Administrator pursuant to paragraph (9);
 - (ii) the Administrator must be satisfied that the information provided by the supplier pursuant to paragraph (12)—
 - (aa) is accurate, and
 - (bb) has been provided in such form, using such methodology and within such period as the Administrator notifies for the purposes of article 12(3), or failing such notification, as the Administrator notifies for the purposes of this paragraph;
- (c) the declaration made pursuant to article 16(2)(a)—
 - (i) need not refer to the information referred to in article 16(3)(b), (c) or (d);
 - (ii) need not confirm the matters specified in article 16(2)(a)(ii);
 - (iii) must confirm that the information provided by the supplier pursuant to paragraph (12) is accurate.

Issue of RTF certificates

(16) Where the requirements of article 16(1), (2) and (3)(a), (f) and (g) and paragraph 15(b) and (c) have been met, the Administrator must issue an RTF certificate to a transport fuel supplier for each litre of renewable transport fuel which is—

- (a) for use as fuel in road vehicles (whether or not it may also be used in other vehicles),
- (b) of one of the descriptions set out in paragraph (6)(b),
- (c) owned by the supplier at the time when the requirement to pay the duty of excise with which the fuel is chargeable takes effect, and
- (d) supplied by the supplier at or for delivery to places in the United Kingdom during the period beginning on 15th April 2011 and ending on [*day before commencement date*].

(17) Paragraphs (2) to (6) of article 17 apply in respect of RTF certificates issued under paragraph (16) as they apply in respect of RTF certificates issued under article 17(1).

(18) Article 17(1) does not require an RTF certificate to be issued to a transport fuel supplier in respect of fuel supplied by that supplier during the period beginning on 15th April 2011 and ending on [*day before commencement date*].”

Amendment of the Schedule: the Office of the Renewable Fuels Agency

24. The Schedule is renamed “Schedule 1”.

Sustainability criteria

25. After the Schedule, insert—

“SCHEDULE 2

Article 2(1)

SUSTAINABILITY CRITERIA

Interpretation

1. In this Schedule—

“emissions from land use change” means the annualised emissions from land-use change attributable to the renewable transport fuel as calculated in accordance with paragraph 7 of part C of Annex V to the directive;

“fossil element” means, in respect of an amount of renewable transport fuel, part of that fuel, or of the material used to produce that fuel, which is or derives from fossil fuel;

“GHG” means greenhouse gas;

[“highly biodiverse grassland” means land falling within the criteria and geographic ranges specified in [*refer to the Commission document issued under the second subparagraph of article 17(3)(c) of the directive*];

“low emissions area” means an area listed in a report submitted in accordance with article 19(2) of the directive as an area in which the typical GHG emissions from cultivation of agricultural raw materials can be expected to be lower than or equal to the emissions reported under the heading ‘Disaggregated default values for cultivation’ in part D of Annex V to the directive;

“nature protection area” means an area which is—

(a) designated by law or the relevant competent authority for nature protection purposes; or

(b) included in [*insert reference to any list which has been recognised in accordance with the second subparagraph of article 18(4) of the directive for the purposes of article 17(3)(b)(ii) of the directive*];

“new installation” means an installation in which production of renewable transport fuel began on or after 1st January 2017;

“old installation” means an installation which was in operation on 23rd January 2008;

“primary forest” means forest and other wooded land of native species, where there is no clearly visible indication of human activity and the ecological processes are not significantly disturbed;

“relevant biofuel production pathway” means the biofuel production pathway applicable to the renewable transport fuel in question or, where that renewable transport fuel is partially renewable transport fuel, the biofuel production pathway applicable to the part from renewable sources of that renewable transport fuel;

“relevant forest” means land spanning more than one hectare with trees higher than five metres and a canopy cover of between 10% and 30% or trees able to reach those thresholds in situ;

“relevant grassland” means grassland that would cease to be grassland in the absence of human intervention and which is species rich and not degraded;

“relevant land” means the land from which the relevant raw material was obtained;

“relevant nature protection purposes” means the nature protection purposes, if any, for which the relevant land was designated as a nature protection area;

“relevant raw material” means the raw material from which the renewable transport fuel was produced;

“renewable element” means, in respect of an amount of renewable transport fuel, part of that fuel, or of the material used to produce that fuel, which is or derives from a sustainable feedstock;

“strictly excluded land” means—

- (a) primary forest;
- (b) [highly biodiverse grassland other than relevant grassland;]
- (c) land that is covered with or saturated by water permanently or for a significant part of the year;
- (d) land spanning more than one hectare with trees higher than five metres and a canopy cover of more than 30% or trees able to reach those thresholds in situ.

Compliance with the sustainability criteria

2.—(1) An amount of renewable transport fuel meets the sustainability criteria if—

- (a) it meets the GHG emission saving threshold established in accordance with paragraph 3; and
- (b) it was produced wholly or partly from relevant feedstocks which meet the land criteria referred to in paragraph 7.

(2) An amount of renewable transport fuel which is produced from wastes or residues other than residues from agriculture, aquaculture, fisheries or forestry meets the sustainability criteria if it meets the GHG emission saving threshold, whether or not it meets the land criteria.

Greenhouse gas emission saving threshold

3.—(1) An amount of renewable transport fuel meets the GHG emission saving threshold if the GHG emission saving from its use is equal to or greater than the minimum GHG emission saving applicable to that fuel at the time when it is used, as specified in paragraph 4.

(2) The GHG emission saving from the use of an amount of renewable transport fuel is the greater of—

- (a) the default value determined in accordance with paragraph 5; and
- (b) the actual value determined in accordance with paragraph 6.

Minimum emission saving

4.—(1) Except as provided for in sub-paragraph (2), for the purposes of paragraphs 3(1) and 9(3)(c), the “minimum GHG emission saving” is—

- (a) before 1st April 2013 in respect of renewable transport fuel produced in an old installation, nil;

- (b) before 1st April 2013 in respect of renewable transport fuel not produced in an old installation, 35%;
- (c) on or after 1st April 2013 but before 1st January 2017 in respect of all renewable transport fuel, 35%;
- (d) on or after 1st January 2017 but before 1st January 2018 in respect of all renewable transport fuel, 50%;
- (e) on or after 1st January 2018 in respect of renewable transport fuel not produced in a new installation, 50%;
- (f) on or after 1st January 2018 in respect of renewable transport fuel produced in a new installation, 60%.

(2) But if the fuel is produced partly from raw materials other than sustainable feedstocks, the minimum GHG emission saving for the purposes of paragraphs 3(1) and 9(3)(c) is the applicable percentage specified in sub-paragraph (1) multiplied by the percentage of the energy content of the fuel which is attributable to sustainable feedstocks.

Default value

5.—(1) The default value referred to in paragraph 3(2)(a) is determined as follows.

(2) Where in parts A⁽²²⁾ and B⁽²³⁾ of Annex V to the directive, a value is specified for a default GHG emission saving for the relevant biofuel production pathway, the default value is equal to that specified value provided that—

- (a) the emissions from land-use change are equal to or less than zero; and
- (b) if the relevant biofuel production pathway is listed in part A of Annex V to the directive, the condition specified in sub-paragraph (4) is satisfied.

(3) Otherwise, the default value is zero.

(4) The condition referred to in sub-paragraph (2)(b) (and paragraph 6(4)) is that the raw materials from which the renewable transport fuel was produced were—

- (a) cultivated outside the European Union;
- (b) cultivated in a low emissions area; or
- (c) wastes or residues other than residues from agriculture, aquaculture or fisheries.

Actual value

6.—(1) The actual value referred to in paragraph 3(2)(b) is determined as follows.

(2) The actual value is the GHG emission saving from the use of the renewable transport fuel as calculated in accordance with part C⁽²⁴⁾ of Annex V to the directive.

(3) For the purposes of sub-paragraph (2), if the renewable transport fuel is partially renewable transport fuel—

- (a) variables in the formula set out in paragraph 1 of Part C of Annex V to the directive⁽²⁵⁾ which relate only to emissions before the renewable and fossil elements of the fuel were first combined are to be calculated by reference to the renewable elements only;

⁽²²⁾ Part A is entitled “Typical and default values for biofuels if produced with no net carbon emissions from land-use change”.

⁽²³⁾ Part B is entitled “Estimated typical and default values for future biofuels that were not on the market or were on the market only in negligible quantities in January 2008, if produced with no net carbon emissions from land-use change”.

⁽²⁴⁾ Part C is entitled “Methodology”.

⁽²⁵⁾ The formula set out in paragraph 1 of part C of Annex V to the directive is used to calculate the GHG emission saving from the use of fuel for the purposes of that part.

- (b) other variables in that formula are to be calculated by reference to both the renewable and the fossil elements of the fuel and adjusted in accordance with paragraph (4).

(4) The adjustment referred to in paragraph 6(3)(b) is performed by multiplying the variable by the percentage of the energy content of the fuel which is attributable to sustainable feedstocks.

(5) Where in parts D⁽²⁶⁾ and E⁽²⁷⁾ of Annex V to the directive a default GHG emissions value is specified in respect of a variable in the formula set out in paragraph 1 of Part C of Annex V to the directive, that GHG emissions value may be used in determining the GHG emission saving from the use of the renewable transport fuel for the purposes of sub-paragraph (2).

(6) But a default value for emissions from cultivation specified in part D of Annex V to the directive may only be used where the condition specified in paragraph 5(4) is satisfied.

Land criteria

7. A relevant feedstock meets the land criteria if—

- (a) it was not obtained from land falling within any of the categories specified in paragraph 8(1); or
- (b) the exception set out in paragraph 9 applies.

8.—(1) The categories referred to in paragraph 7(a) are—

- (a) primary forest,
- (b) nature protection areas,
- (c) [highly biodiverse grassland],
- (d) land which was formerly wetland or forest,
- (e) land which was peatland at any time in January 2008.

(2) For the purposes of sub-paragraph (1)(d), land shall formerly have been wetland or forest if it—

- (a) fell within a category specified in sub-paragraph (3) at any time in January 2008; and
- (b) did not fall within that category when the raw material was obtained from it.

(3) The categories referred to in sub-paragraph (2)(a) are—

- (a) land that is covered with or saturated by water permanently or for a significant part of the year;
- (b) land spanning more than one hectare with trees higher than five metres and a canopy cover of more than 10% or trees able to reach those thresholds in situ.

9.—(1) The exception referred to in paragraph 7(b) applies if—

- (a) the relevant land is not strictly excluded land;
- (b) the relevant land falls within one or more of the categories specified in sub-paragraph (2);

⁽²⁶⁾ Part D is entitled “Disaggregated default values for biofuels and bioliquids”. The values specified in part D are required for the purposes of the determination made under part C of Annex V to the directive.

⁽²⁷⁾ Part E is entitled “Estimated disaggregated default values for future biofuels and bioliquids that were not on the market or were only on the market in negligible quantities in January 2008”. The values specified in part E are required for the purposes of the determination made under part C of Annex V to the directive.

- (c) the evidence specified in sub-paragraph (3) is provided to the Administrator in respect of each of those categories within which the relevant land falls; and
 - (d) any requirement imposed under sub-paragraph (4) in respect of the provision of that evidence is complied with.
- (2) The categories referred to in sub-paragraph (1)(b) are—
- (a) nature protection areas;
 - (b) relevant grassland;
 - (c) relevant forest;
 - (d) land that was peatland at any time in January 2008.
- (3) The evidence referred to in sub-paragraph (1)(c) is—
- (a) in respect of land within a nature protection area, evidence that the production of the relevant raw material did not interfere with the relevant nature protection purposes;
 - (b) in respect of relevant grassland, evidence that the harvesting of the relevant raw material (and, if applicable, other raw material) is necessary to preserve the status of the relevant grassland as grassland;
 - (c) in respect of relevant forest, evidence that the GHG emission saving from the use of the renewable transport fuel, as calculated in accordance with part C of Annex V to the directive, is equal to or greater than the minimum GHG emission saving applicable to the fuel at the time when it is used, as set out in paragraph 4; and
 - (d) in respect of land which was peatland at any time in January 2008, evidence that the cultivation and harvesting of the relevant raw material did not involve the drainage of previously undrained soil.
- (4) The Administrator may impose requirements as to—
- (a) the form in which the evidence referred to in sub-paragraph (1)(c) must be provided;
 - (b) the methodology to be used in compiling and providing that evidence; and
 - (c) the period within which that evidence must be provided.”

Signed by authority of the Secretary of State for Transport

[date]

[Name]
[Parliamentary Under Secretary of State/Minister of State]
Department for Transport