STATUTORY RULES OF NORTHERN IRELAND

2014 No. 146

ELECTRICITY

The Renewables Obligation (Amendment) Order (Northern Ireland) 2014

Laid before the Assembly in draft

Made - - - -	*20th May 2014*
Coming into operation	*1st June 2014*

The Department of Enterprise, Trade and Investment ("the Department") makes the following Order in exercise of the powers conferred upon it by Articles 52 to 55F and 66(3) of the Energy (Northern Ireland) Order 2003(**1**).

The Department has had regard to those matters stated in Article 54B(4) of the 2009 Order and has held a review by virtue of Article 54B(8) of that Order.

The Department has consulted the Northern Ireland Authority for Utility Regulation, the General Consumer Council for Northern Ireland, electricity suppliers to whom this Order applies, and such generators of electricity from renewable sources in Northern Ireland and other persons as it considered appropriate in accordance with Article 55E of that Order.

In accordance with Article 66(2) of that Order a draft of this instrument was laid before and approved by a resolution of the Assembly.

Citation, commencement, extent and interpretation

1.—(1) This Order may be cited as the Renewables Obligation (Amendment) Order (Northern Ireland) 2014 and comes into operation on 1st June 2014.

(2) In this Order, "the 2009 Order" means the Renewables Obligation Order (Northern Ireland) 2009(**2**).

Amendments to Article 2 of the 2009 Order (interpretation)

2.—(1) Article 2 of the 2009 Order(**3**) is amended as follows.

(2) In paragraph (1), at the appropriate place insert—

(**1**) S.I. 2003/419 (N.I.6) Articles 52 to 55F were substituted by S.R. 2009 No. 35
(**2**) S.R. 2009 No. 154 as amended by S.R. 2010 No. 134, S.R. 2011 No. 169, S.R. 2013 No. 116 and S.R. 2013 No. 174
(**3**) Article 2 was amended by paragraph 68 of S.R. 2011 No. 127, Article 3 of S.R. 2011 No. 169, and Article 2 of S.R. 2013 No. 116.

""ISAE 3000" means the International Standard on Assurance Engagements 3000(**4**) published by the International Federation of Accountants;"

""municipal waste" means—

(a) waste from households; and

(b) other waste that, because of its nature or composition, is similar to waste from households;";

(3) In paragraph (1), for the definition of "CHPQA" substitute—

""CHPQA" means the Combined Heat and Power Quality Assurance Standard, Issue 5 published by the Department of Energy and Climate Change in November 2013 and Guidance Note 44 (Use of CHPQA to obtain support for electrical output from renewable CHP under the renewables obligation), Issue 4, published by the Department of Energy and Climate Change in December 2013(**5**);"

Amendments to Article 46 of the 2009 Order (information to be provided to the Authority where electricity is generated from biomass)

3.—(1) Article 46 of the 2009 Order(**6**) is amended as follows.

(2) In paragraph (1)(a), for "waste, biomass wholly derived from waste" substitute "municipal waste".

(3) For paragraphs (2) and (3) substitute—

"(2) In relation to each consignment of biomass (other than landfill gas, sewage gas or municipal waste) used in a generating station to which this Article applies, the operator of the station must, by the 30th June immediately following the obligation period during which the biomass is used ("the relevant date"), provide the Authority with—

(a) the information specified in paragraph (3),

(b) other than in the case of biomass which was gas formed by the anaerobic digestion of material which was—

(i) excreta produced by animals, or

(ii) waste,

the information specified in paragraph (3ZA), and

(c) other than in the case of biomass which was—

(i) bioliquid,

(ii) excreta produced by animals,

(iii) waste, or

(iv) wholly derived from waste,

the information specified in paragraph (3ZB).

(3) The information specified in this paragraph is information identifying, to the best of the operator's knowledge and belief—

(a) the material from which the biomass was composed;

(**4**) The International Standard on Assurance Engagements 3000 is set out from page 87 of Part II of the publication entitled "Handbook of International Quality Control, Auditing, Review, Other Assurance, and Related Services Pronouncements" (2013 edition) (ISBN 978-1-60815-152-3) published by the International Federation of Accountants. Copies can be obtained from www.ifac.org.

(**5**) Copies can be obtained from the Department of Energy and Climate Change and are available at http://chpqa.decc.gov.uk/chpqa-documents.

(**6**) Article 46 was amended by Article 14 of S.R. 2010 No. 134, Article 12 of S.R. 2011 No. 169 and Articles 26 and 26A of S.R. 2013 No. 116.

(b) where the biomass was solid and can take different forms, the form of the biomass;

(c) whether the biomass was waste or wholly derived from waste;

(d) whether the biomass was excreta produced by animals;

(e) where the biomass was plant matter or derived from plant matter, the country where the plant matter was grown; and

(f) where the information specified in sub-paragraph (e) is not known or the biomass was not plant matter or derived from plant matter, the country from which the operator obtained the biomass.

(3ZA) The information specified in this paragraph is information identifying, to the best of the operator's knowledge and belief—

(a) where the biomass was solid, its mass (in tonnes);

(b) where the biomass was liquid, its volume (in litres) when measured at 25 degrees Celsius and 0.1 megapascals;

(c) where the biomass was gas, its volume (in cubic metres) when measured at 25 degrees Celsius and 0.1 megapascals;

(d) where the biomass was an energy crop and was not a bioliquid—

(i) the type of energy crop in question, and

(ii) the use of the land on which the biomass was grown in the year before the land was first used to grow energy crops; and

(e) where the biomass was wood or derived from wood and was not waste or bioliquid —

(i) the name of the forest or other location where that wood was grown;

(ii) a description of the forestry management practices or land management practices used in the forest or other location where that wood was grown;

(iii) the species of wood in question; and

(iv) the proportion of the biomass (if any) that was composed of, or derived from, saw logs.

(3ZB) The information specified in this paragraph is information identifying, to the best of the operator's knowledge and belief—

(a) the greenhouse gas emissions from the use of the biomass to generate one mega joule of electricity;

(b) where the biomass was wood or derived from wood—

(i) whether the biomass meets the timber standard or an equivalent standard, and

(ii) where the biomass does not meet the timber standard or an equivalent standard, the main reasons why biomass meeting the timber standard or an equivalent standard was not used;

(c) where the biomass was not wood or derived from wood—

(i) whether the biomass meets the land criteria; and

(ii) where the biomass does not meet the land criteria, the main reasons why biomass meeting the land criteria was not used;

(d) where—

(i) the biomass was used in a post-2013 dedicated biomass station, and

(ii) the greenhouse gas emissions from the use of the biomass to generate one mega joule of electricity are greater than 66.7 grams,

the main reason why biomass with lower greenhouse gas emissions was not used;

(e) where—

(i) the biomass was used in a generating station other than a post-2013 dedicated biomass station, and

(ii) the greenhouse gas emissions from the use of the biomass to generate one mega joule of electricity are greater than 79.2 grams,

the main reasons why biomass was lower greenhouse gas emissions was not used; and

(f) where the biomass was wood or derived from wood and any of the information specified in sub-paragraphs (a) and (b)(i) is not known or where the biomass was not wood or derived from wood and any of the information specified in sub-paragraphs (a) and (c)(i) is not known—

(i) the main reasons why that information is not known, and

(ii) the main reasons why biomass for which that information is known was not used.".

(4) In paragraph (3A), for "paragraph (3)(1)" substitute "paragraph (3ZB)(a)".

(5) In paragraph (3B), before sub-paragraph (a) insert—

"(za) the biomass was used in a generating station with a total installed capacity of less than 1 megawatt;".

(6) For paragraph (4) substitute—

"(4) Where, in relation to biomass used in a generating station to which this Article applies, the operator of the station fails to provide the Authority with the information required by paragraph (2) by the relevant date, the Authority must, in relation to any NIROCs to which the operator would otherwise be entitled, postpone the issue of those NIROCs (up to the specified number) until such time as the information is provided.".

(7) In paragraph (5), for "specified in paragraph (3)" substitute "required by paragraph (2)".

(8) In paragraph (6)—

(a) after the definition of "default value method" omit "and"; and

(b) for the definition of "environmental quality assurance scheme" substitute—

""post-2013 dedicated biomass station" means a generating station which—

(a) was not accredited on or before 31st March 2013, and

(b) has, in any month after March 2013, generated electricity in the way described as "dedicated biomass" in Schedule 2;

"saw logs" means wood which formed part of the trunk of a tree which grew for at least 10 years;

"timber standard" means the Timber Standard for Heat & Electricity: woodfuel used under the Renewable Heat Incentive and Renewables Obligation published by the Department of Energy and Climate Change in February 2014(**7**); and

"waste" does not include excreta produced by animals.".

(**7**) Copies can be obtained from the Department of Energy and Climate Change, 3 Whitehall Place, London, SW1A 2AW and are available at https//www.gov.uk/government/publications

Amendments to Article 46A of the 2009 Order (bioliquid sustainability audit report)

4.—(1) Article 46A of the 2009 Order(**8**) is amended as follows.

(2) In paragraph (3), for sub-paragraphs (b) to (d) substitute—

"(b) consider whether the systems used to produce the relevant sustainability information are likely to produce information which is reasonably accurate and reliable;

(ba) consider whether there are controls in place to help protect the relevant sustainability information against material misstatements due to fraud or error;

(c) consider the frequency and methodology of any sampling carried out for the purpose of obtaining or checking the data on which the operator relied in preparing the relevant sustainability information;

(d) consider the robustness of the data on which the operator relied in preparing the relevant sustainability information;

(da) state whether anything has come to the attention of the person preparing the report to indicate that the relevant sustainability information is not accurate;".

(3) For paragraph (5) substitute—

"(5) A sustainability audit report shall be deemed to have been prepared to an adequate standard if it has been prepared in accordance with the requirements in respect of limited assurance engagements prescribed in ISAE 3000, or an equivalent standard.".

(4) In paragraph (8), for the definition of "environmental quality assurance scheme" substitute—

""environmental quality assurance scheme" means a voluntary scheme which establishes environmental or social standards in relation to the production of bioliquid or matter from which a bioliquid is derived;".

Solid and gaseous biomass sustainability audit report

5. After Article 46A of the 2009 Order insert—

"**Solid and gaseous biomass sustainability audit report**

46B.—(1) This Article applies to a generating station which—

(a) has a total installed capacity of at least 1 megawatt, and

(b) generates electricity (wholly or partly) from biomass.

(2) In relation to each consignment of biomass used in a generating station to which this Article applies, and in respect of which the operator of the station has—

(a) in the case of biomass which is waste or wholly derived from waste, provided the information specified in Article 46(3)(c);

(b) in the case of biomass which is not waste or wholly derived from waste, provided the information specified in Article 46(3ZB)

the operator of the station must, by the 30th June immediately following the obligation period during which the biomass was used ("the relevant date"), provide the Authority with a sustainability audit report meeting the requirements specified in paragraph (3).

(3) The requirements specified in this paragraph are that the sustainability audit report must—

(a) be prepared by a person who is not—

(**8**) Article 46A was inserted by Article 13 of S.R. 2011 No. 169 and amended by Article 27 of S.R. 2013 No. 116.