

EU biogas and biomethane inventory of regulatory framework



Number of regulatory act	2009/28/EC
Name of regulatory act	Renewable Energy Directive (RED)
Link	http://eur-lex.europa.eu/legal-content/EN/ALL/?uri=CELEX%3A32009L0028
Date of Publication	23/04/2009
Date of Implementation	13/05/2009
Purpose	The Directive establishes an overall policy for the production and promotion of energy from renewable sources in the EU.
Relevance for the biomethane sector	The RED sets a mandatory RES target in overall energy consumption and in transport fuels and GHG emission reduction target (which could be achieved through use of the RES such as biomethane). It establishes sustainability criteria for biofuels and describes mass-balance system.
Scope	Mandatory national targets for the overall share of energy from renewable sources. Rules relating to the national renewable energy action plans, joint projects between Member States and with third countries, guarantees of origin, administrative procedures, information and training, and access to the electricity grid for energy from renewable sources. Sustainability criteria for biofuels and bioliquids.
Targets	Art. 3.1 sets binding national targets to create 20% of energy consumption from renewables, increase energy efficiency by 20% and reduce GHG emissions by 20% by 2020. Art. 3.4 obliges all Member States to ensure that at least 10% of their transport fuels come from renewable sources by 2020.
Sustainability Criteria	Art. 17 sets out sustainability criteria for all biofuels and bioliquids produced or consumed in the EU to ensure that they guarantee real GHG savings and protects biodiversity. Art. 17.1 defines that biofuels and bioliquids produced from waste and residues, other than agricultural, aquaculture, fisheries and forestry residues, need only fulfil the sustainability criteria in relation the GHG savings. Art. 21(2) establishes the "double-counting" system, i.e. the contribution made by biofuels produced from wastes, residues, non-food cellulosic material, and lingo-cellulosic material is considered to be twice that made by other biofuels.
Mass-balance	Art. 18 defines a mass balance system, which allows consignments of raw material or biofuel with differing sustainability characteristics to be mixed and requires information about the sustainability characteristics and sizes of the consignments.
Support Systems (subsidies, feed in tariffs, etc)	The RED encourages development of renewable energy through support schemes. Recital 89 : "When designing their support systems, Member States may encourage the use of biofuels which give additional benefits, including the benefits of diversification offered by biofuels made from waste, residues, non-food cellulosic material, ligno-cellulosic material and algae, as well as nonirrigated plants grown in arid areas to fight desertification, by taking due account of the different costs of producing energy from traditional biofuels on the one hand and of those biofuels that give additional benefits on the other. Member States may encourage investment in research and development in relation to those and other renewable energy technologies that need time to become competitive." Art. 2(k) provides a definition of 'support scheme'. Art. 11 foresees a possibility of joint support schemes between MS and MS and the third countries.
Non-discriminatory access to the grid	Art. 16.7 sets an obligation to MS to ensure that the charging of transmission and distribution tariffs does not discriminate against electricity from renewable energy sources and against gas from renewable energy sources.
Transport sector	Recital 29 sets an aim for the MS to "aim to diversify the mix of energy from renewable sources in all transport sectors". Art. 3.4 sets 10% transport target for RES by 2020. In relation to RES in transport, Art. 21(2) establishes double-counting in case of "biofuels produced from wastes, residues, non-food cellulosic material, and ligno-cellulosic material" for the share of energy in all forms of transport (see ILUC Directive amendments).
Waste regulation	Art. 17(1) establishes that biofuels produced from waste and residues (other than agricultural, aquaculture, fisheries and forestry residues) need only to fulfil the sustainability criteria in relation to GHG emissions savings. Recital 12 recognises that biogas produced from waste has big GHG saving potential, environmental and other benefits: "The use of agricultural material such as manure, slurry and other animal and organic waste for biogas production has, in view of the high greenhouse gas emission saving potential, significant environmental advantages in terms of heat and power production and its use as biofuel. Biogas installations can, as a result of their decentralised nature and the regional investment structure, contribute significantly to sustainable development in rural areas and offer farmers new income opportunities."
Emission Regulation	As a sustainability criteria, Art. 17(2) establishes 35% GHG emission reduction level. It will be raised up to at least 50% from 2017 and at least 60% from 2018. Art. 19 provides a calculation of GHG emissions.