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List of Wastes and Residues that Serve for the Production of Biofuel such that the Proportion of that Biofuel is subject to Double Counting

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This Regulation is enacted under subsection 4 of § 2¹ of the Liquid Fuel Act.

§ 1. Scope of application of this Regulation

This Regulation provides the list of wastes and residues that serve for the production of biofuel such that the proportion of the energy content of that biofuel is subject to double counting for the purposes of calculating, under subsection 1 of § 2¹ of the Liquid Fuel Act, the proportion of the biofuel released for consumption by the supplier.

§ 2. Definitions

The terms used in this Regulation are defined as follows:

- 1) 'non-food cellulosic material' means feedstock that consists mainly of cellulose and hemicellulose and has a lignin content which falls below those of lignocellulosic material, residues of food and feed crops, low starch-content herbaceous energy crops, industrial residues, residues of food and feed crops after separation of vegetable oils, sugars, starches and proteins, as well as of matter obtained from bio-waste;
- 2) 'lignocellulosic material' – material which consists of lignin, cellulose and hemicellulose and which originates from the forest, from woody energy crops and from the wastes and residues of forestry.

§ 3. List of wastes and residues that serve for the production of fuel such that the proportion of that fuel is subject to double counting

Wastes and residues that serve for the production of biofuel such that the energy content of that biofuel is subject to double counting for the purposes of fulfilling the obligation mentioned in subsection 1 of § 2¹ of the Liquid Fuel Act are:

- 1) used food oil;
- 2) animal fat classified as Category 1 and Category 2 fat under Regulation (EU) 1069/2009 of the European Parliament and of the Council laying down health rules as regards animal by-products and derived products not intended for human consumption and repealing Regulation (EC) no. 1774/2002 (OJ L 300, 14.11.2009, pp. 1–33);
- 3) non-food cellulosic material;
- 4) lignocellulosic material, except for sawlogs and veneer logs;
- 5) algae, provided these have been grown in ponds or in photobioreactors;
- 6) the biomass part of mixed municipal waste but not of sorted household waste that have been collected for purposes falling under Article 11(2)(a) of Directive 2008/98/EC of the European Parliament and of the Council on waste and repealing certain Directives (OJ L 312, 22.11.2008, pp. 3–30);
- 7) the biomass fraction of industrial waste and residues, which is not fit for use in food or feed chains, material originating in retail or bulk trade and in agricultural food industry, fisheries and aquaculture;
- 8) straw;
- 9) animal manure and sewage sediment;
- 10) wastewater from palm oil production facilities, palm oil mud, as well as empty palm fruit bunches;
- 11) tall oil rosin;
- 12) crude glycerol;
- 13) sugarcane press residue;
- 14) grape marc and wine sediment;
- 15) nut shells;
- 16) grain husks;
- 17) maize cobs from which kernels have been removed;
- 18) tree bark, tree branches, leaves, sawdust and woodchips.

§ 4. Entry into force of this Regulation

This Regulation enters into force on 1 May 2018.

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