

**L.N. 324 of 2019**

**REGULATOR FOR ENERGY AND WATER SERVICES ACT  
(CAP. 545)**

**Biofuels (Sustainability Criteria) (Amendment) Regulations, 2019**

IN EXERCISE of the powers conferred by article 37(1) of the Regulator for Energy and Water Services Act, the Minister responsible for Energy and Water Management, after consultation with the Regulator for Energy and Water Services, has made the following regulations:-

**1.** (1) The title of these regulations is the Biofuels (Sustainability Criteria) (Amendment) Regulations, 2019 and these regulations shall be read and construed as one with the Biofuels (Sustainability Criteria) Regulations, hereinafter referred to as "the principal regulations".

Citation and  
scope.  
S.L. 545.28.

(2) The scope of these regulations is to transpose points (p), (t) and (v) added by Article 2(1) of Directive (EU) 2015/1513 of the European Parliament and of the Council of 9 September 2015 amending Directive 98/70/EC relating to the quality of petrol and diesel fuels and amending Directive 2009/28/EC on the promotion of the use of energy from renewable sources.

**2.** In sub-article (2) of article 1 of the principal regulations, the words "as amended by Directive 2009/30/EC.", shall be substituted by the words "as amended by Directive 2009/30/EC" and immediately thereafter there shall be added the words "and to points (p), (t) and (v) added by Article 2(1) of Directive (EU) 2015/1513 of the European Parliament and of the Council of 9 September 2015 amending Directive 98/70/EC relating to the quality of petrol and diesel fuels and amending Directive 2009/28/EC on the promotion of the use of energy from renewable sources."

Amends  
regulation 1 of  
the principal  
regulations.

**3.** Regulation 2 of the principal regulations shall be amended as follows:

Amends  
regulation 2 of  
the principal  
regulations.

(a) immediately after the definition "aerothermal energy" there shall be added the following new definition:

" "agricultural, aquaculture, fisheries and forestry residues" means residues that are directly generated by agriculture, aquaculture, fisheries and forestry; they do not include residues from related industries or processing;"

(b) immediately after the definition "the Minister" there shall be added the following new definition:

" "processing residue" means a substance that is not the end product(s) that a production process directly seeks to produce; it is not a primary aim of the production process and the process has not been deliberately modified to produce it;"

(c) in the definition "typical value", for the words "production pathway." there shall be substituted the words "production pathway;" and immediately thereafter there shall be added the following new definition:

" "waste" means any substance or object which the holder discards or intends or is required to discard:

Provided that, substances that have been intentionally modified or contaminated to meet that definition are not covered by this definition;"