

# Swedish Code of Statutes



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## **Ordinance amending the Ordinance (2011:1088) on sustainability criteria for biofuels and bioliquids;**

issued on xx 2018.

With respect to the Ordinance (2011:1088) on sustainability criteria for biofuels and bioliquids, the government lays down that

§ 17, including the preceding heading, shall read as set out below, and the following two new paragraphs set out below – §§ 3 a (including the preceding heading) and 3 b – are added.

### **The Act's provisions concerning residues**

**§ 3 a** A substance shall be considered to be an end product or a primary aim of a production process referred to in Chapter 1, § 2 a of the Act (2010:598) on sustainability criteria for biofuels and bioliquids if the process is usually optimised to produce the substance.

Even a substance for which a production process is not usually optimised to produce it shall be considered to be an end product or the main purpose of the process if the substance

1. has a use other than for energy purposes, and
2. over the last 2-year period or the shorter part of the time the substance has been on the market, has had an average retail price per kilo which, over the same period, exceeds 40 % of the average retail price per kilo of the substance for which the process is usually optimised.

The second paragraph does not apply to substances resulting directly from agricultural, aquaculture, fishing or forestry activities.

**§ 3 b** The substances mentioned in points (e), (f) and (h)–(o) of Annex IX to 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, worded in accordance with Directive (EU) 2015/1513 of the European Parliament and of the Council, shall not be considered to be end products directly produced by a production process or the main aim of the process.

### **Sustainability certificate for a limited period**

**§ 17** The Swedish Energy Agency may award a sustainability certificate for a limited period if those required to submit reports can demonstrate that

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1. the requirements for sustainability certificates have been met for the biofuels and bioliquids that, during this period, are the basis for deductions referred to in Chapter 7 of the Energy Tax Act (1994:1776), and for the bioliquids used for professional activities and which neither constitute nor are contained in fuel taxable under the same law, and

2. this has been checked in the manner specified in § 14.

The Swedish Energy Agency may issue additional regulations on what is required to demonstrate the sustainability of biofuels and bioliquids in connection with the award of sustainability certificates for a limited period.

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This ordinance shall enter into force on 1 January 2019.

On behalf of the Government

SIGNATURE1

Signature2  
(Ministry of the Environment and  
Energy)