

**Cadre réglementaire, objectifs et
mécanismes de soutien du
biométhane en France**



**French regulatory framework, targets
and biomethane support mechanisms**

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SUMMARY

- 1) **Current purchase obligation mechanism**
- 2) **Foreesable legal framework**
- 3) **Call for tender**
- 4) **Main contribution of *Renewable Energy Acceleration Law***

Current biomethane financial support framework (1)

- In order to reach PPE targets for 2028 (Multiannual Energy Programming), development of biomethane production must accelerate to expect production of 14 to 22 TWh per year. Biomethane production increases but reserved capacity does not (2022).
- Transitionnal tariff measures by Ministerial Decree dated 23rd of November 2020 (*arrêté tarifaire du 23 novembre 2020 modifié*). It replaces the former Ministerial Decree, dated 23rd of November 2011.
- Open for « new » sites **whose projected annual production is under 25 GWh/year** (article D446-4 of French Energy Code) and **whose Cmax does not exceed 300Nm³/h** (article 1 Ministerial Decree)
- Installations whose equipments has already been used cannot pretend to this tariff
- Former sites that had entered a biomethane purchase contract under the 2020 conditions can terminate the contract and benefits from the new coefficient K condition, provided that the producer renew its prefectoral certificate.
- **Over 25 GWh/year or Cmax over 300Nm³/h : Call for tender is open.**

Current biomethane financial support framework (2)

- A ministerial Decree dated 13th of December 2021 modified a financial parameter: **inflation is taken into account through the “coefficient K”** (which was not the case before)
- **Tariff is degressive, depending on the PPE targets : 2200 Nm³/h per quarter i.**
- Degressivity is maximal (50% of the tariff) in 2 hypothesis:
 - 1) If the difference between
 - the maximal biomethane production capacity associated to purchase contracts entered during the quarter
 - And the PPE target for the quarterHas reached 44 000 NM³/hour.
 - 2) Or if the sum of maximal biomethane production capacity associated to purchase contracts entered during 2 quarters is superior to 22 000 NM³/h (cf Appendix IV).
- For transported biogas (biogaz porté) with a mutual injection station, tariff is calculated from the sum of each production unit’s maximal biomethane production capacity, limited to 25GWh/year (article 5)

Current biomethane financial support framework (3)

- Conditions relating to energy and environmental efficiency : Cf Appendix VI of the Ministerial Decree
- Energy need for heating the digester, biogas purification and events oxydation shall not come from fossil energy.
- Digester heating shall come from either
 - Energy coming from the biogas produced by the plant;
 - Waste heat coming from purification biogas system or compression of production process;
 - Waste heat coming from an equipment installed on the same site, in the case of biogas unit using water treatment plants effluents.;

Foreseeable financial support framework

- 4 projects of Ministerial Decree are under consultation – a new tariff is awaited

- Several modifications are foreseeable, for instance:
 - Tariff indexation relating to electricity consumption costs
 - Exceptionnal right for producers to increase the Cmax or the projected annual production one time per 12months period.
 - Modification of environmental and energy efficiency rules – control of electricity consumption
 - Precisions about financial compensation in case of early termination of the biomethane purchase contract (Article R446-3-4 Energy code)
 - Report of commissioning delay in case of recourse against administrative authorizations

- ⓘ **These texts are not in force yet and evolutions may affect them**
- ⓘ **Legal monitoring is necessary**

Call for tender – *AO PPE2 Biométhane injecté*

- A call for tender was supposed to be open for any projects of injected biomethane ("*AO PPE2 Biométhane injecté*")
- Article R446-12-2 and following of French Energy Code
- It is the only financial state support for units whose projected annual production exceeds 25GWh/year.
- Call for tender was launched in May 2022, puis Energy Minister suspended it for an undetermined length of time.
- Reason explained in the ministerial letter dated 1st of December 2022: the tender specifications did not take sufficiently into account French inflation and economical situation. The bid was likely to be unsuccessful.

Renewable energy acceleration Law – BPA for public entities

- Creation of private BPA legal framework : article L. 443-1 French Energy Code and following.
- Possibility to enter Biogas Purchase Agreement (BPA) for public authorities
- New article L. 441-6 in French Energy Code
- Public entities are entitled to enter public contracts in order to satisfy their need of biogas:
 - Either by auto-consumption
 - Or by direct BPA
- The duration of the contract shall be determined by the service's characteristics and the duration of plant's depreciation



Thank you for your attention

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