

Position paper

On the Commission's proposal to amend Directive 2009/28/EC (RED) and Directive 98/70/EC (FQD)

Berlin, 23.4.2013



The German Renewable Energy Federation (BEE) welcomes the intention of the European Commission to strengthen the sustainability of agricultural production, to improve the protection of rainforests and to reduce greenhouse gas emissions in the transport sector. The current proposal, however, does not meet these objectives.

The Commission proposes the following measures:

- ILUC factors for Member States' reporting;
- 5% cap for biofuels from agricultural products;
- Double- and quadruple-counting of certain waste feedstocks and residues;
- End of support for biofuels from agricultural products after 2020.

The concept of indirect land use change (ILUC) on which the proposal is based is highly disputable. It does not properly take into account the benefits of domestic biofuels production from agricultural goods. With regard to protein feed, the increase in rapeseed production in Europe and especially Germany raised the self-supply significantly.

The calculation of ILUC factors has to be viewed with a critical eye as well. There is consensus in the scientific community that ILUC factors are highly uncertain, as they are based on theoretical models using hypothetical assumptions and market predictions.

Applying ILUC factors to only biofuels lacks consistency, as the general methodological requirement "ILUC for all or ILUC for none" is highly accepted in the scientific community (see Laborde, IFPRI, Assessing the Land Use Change Consequences of European Biofuel Policies, 2011). ILUC is a leakage effect deriving from the incomplete treatment of agriculture regarding sustainability and forest protection. Moreover, for a fair comparison, indirect effects of fossil fuels (land use, nature destruction, wars) should also be considered. Therefore, the proposed ILUC factors and their revision should be removed from the proposal.

The proposed measures will not have a substantial impact on agricultural practices around the world. As only a small part of agricultural commodities is used for biofuel purposes in the EU, the impact on biomass production as a whole is rather limited. Though the implementation of sustainability criteria for biofuels was a needed and essential step, now it is of utmost importance to broaden the application of sustainability requirements to include all agricultural products for all usages (food, feed, energy, chemistry).

The current proposal is not likely to lead to substantial improvements in the protection of rainforests and other highly valuable natural habitats, such as peatlands. Alternatives with an increased effectiveness, such as direct measures, are needed for forest protection. A proactive policy for the mitigation of negative effects from land use change is essential. It is furthermore necessary to improve the enforcement of the existing legal framework in the affected areas.

Looking at the global land use, approximately 75% of land use change takes place in only three countries (Brazil, Indonesia and Malaysia). Therefore, an approach concentrating on the improvement of the situation in these affected countries is more sensible. Here, regulation at the regional level is needed, as already stated by the European Parliament in paragraph 44 of the resolution of 15 March 2012 on a Roadmap for moving to a competitive low carbon economy in 2050 (2011/2095(INI)).

We are supporting an approach that monitors land use change throughout the world and assigns greenhouse gas emissions to it. If emissions from land use change in a particular country exceed the fossil fuel comparator from the RED, imports of biofuels from those countries should be excluded from counting towards the mandatory targets. With this regula-

tion, land use changes are addressed directly and countries that do not comply with their own nature protection regulations are penalized. As a consequence, natural habitats are safeguarded.

To reduce greenhouse gas emissions from land use change and to maintain the existing sustainable biofuel production, following measures should be combined as a strategy:

- Implementation of a regional approach to lower greenhouse gas emissions and reduce land use change in the respective hot spot areas;
- No cap for biofuels from agricultural products and ongoing support after 2020 for biofuels from areas complying with the regional approach;
- Promotion of so-called advanced biofuels through R&D for technology development and a sub-quota for their market introduction as well as reasonable promotion of waste feedstocks – but no further multiple-counting.

For questions please contact:

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