




**BIOGRACE**

Harmonised Calculations of  
Biofuel Greenhouse Gas Emissions in Europe



# **Practical implementation of biofuels sustainability criteria in the EU**



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- Introduction
- Implementation of the RED in Member States
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## Introduction

- MS must transpose RED regulation into national law by December 5, 2010
- RED and FQD first legislation to include sustainability criteria (Articles 17, 18, 19 & 21)
- Some aspects are not yet clear
  - Definition of highly diverse grassland
  - If/how to include ILUC
- Some aspects give rise to many questions
  - What are “residues and wastes”
  - Details on interpretation of “mass balance system”

## Introduction

- Two forums have been created for exchange of information on implementation of (biofuels parts of) the RED:
  - o CA-RES  
Concerted Action on Renewable Energy Sources  
see [www.ca-res.eu](http://www.ca-res.eu)  
Working Group 8: RES in transport and biofuels
  - o REFUREC  
Renewable Fuel Regulators Club  
see [www.refurec.org](http://www.refurec.org)

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## Implementation of the RED in MS

### Overview

- RED transposed into national law:  
Germany, Sweden
- RED close to transposition:  
Slovakia, Denmark, Austria, Hungary, France, Ireland,  
Portugal, Spain, The Netherlands, UK, Malta, ...
- Other MS lag further behind

## Implementation of the RED in MS

### Germany (1/3)

- RED is/will be transposed by:
  - Biomassestrom-NachhaltigkeitsV (BioSt-NachV) - (Biomass-electricity-sustainability ordinance)
  - Biokraftstoff-NachhaltigkeitsV (Biokraft-NachV) - (Biofuel-sustainability ordinance)both published in July 2009, binding from 2011 on
- How are sustainability criteria implemented?  
included in national legislation (adopted from RED one-to-one);  
the BLE guidance provides further practical specification

## Implementation of the RED in MS

### Germany (2/3)

- Authority:  
Bundesanstalt für Ernährung und Landwirtschaft (BLE)  
(Federal Agency for Food and Agriculture)
- Is double counting included?  
No; 36. BImSchV (Regulation on details of biofuels quota)  
will be amended in 2011 to implement this
- Are voluntary schemes being (1) developed, (2) assessed?
  1. No, the government does not develop systems;
  2. Yes, BLE is the authority to recognize systems, two  
systems are recognized so far:
    - ISCC (basically financed by Min. of Agric.)
    - REDCert (private initiative, companies, associations)



## Implementation of the RED in MS

### Germany (3/3)

- How to show compliance:  
The proof is issued by the last interface of the supply chain.  
All interfaces have to be certified by a recognized system and need to implement a mass balance system.  
Cultivators have to sign a self-declaration committing to the requirements of Art. 17 (3 - 6)
- Is compliance required in 2011?  
Yes, since 1 Jan 2011, including the harvest of feedstock crops in 2010

## Implementation of the RED in MS

### Austria (1/3)

- RED is/will be transposed by:
  - “Verordnung des BMLFUW über landwirtschaftliche Ausgangsstoffe für Biokraftstoffe und flüssige Biobrennstoffe” (BGBL.II Nr. 250/2010) published: 27 July 2010, in force since: 1 December 2010
  - Kraftstoffverordnung 2011 (Fuel ordinance 2011)
    - final draft
- How are sustainability criteria implemented?
  - Separate ordinance and authority for raw materials
  - National sustainability scheme for biofuels
  - Technical guidance for GHG calculations

## Implementation of the RED in MS

### Austria (2/3)

- Authority:
  - Agrarmarkt Austria (for raw materials)
  - Umweltbundesamt (Environment Agency Austria)
- Is double counting included?
  - Yes, case by case recognition
- Are voluntary schemes being (1) developed, (2) assessed?
  1. No
  2. No

## Implementation of the RED in MS

### Austria (3/3)

- How to show compliance?
  - Farmers have to be registered at the Agrarmarkt Austria that controls EU farming standards
  - Austrian scheme or voluntary scheme approved by EC
  - Bilateral recognition of schemes of others MS
- Is compliance required in 2011?
  - Compliance is not compulsory for 2011
  - Declaration of farmers has started in 2010

## Implementation of the RED in MS

### Sweden (1/3)

- RED is/will be transposed by:
  - Law on Sustainability Criteria, Aug 2010
  - Regulation on Sustainability Criteria, Dec 2010
  - Detailed regulations from Swedish Energy Agency, Feb 2011
  - Changes in the law for Energy tax and in the law for Electricity green certificates
- How are sustainability criteria implemented?  
Included in national legislation

## Implementation of the RED in MS

### Sweden (2/3)

- Authority:  
Swedish Energy Agency
- Is double counting included?  
No; Tax reduction for all sustainable biofuels
- Are voluntary schemes being (1) developed, (2) assessed?
  1. No
  2. No

## Implementation of the RED in MS

### Sweden (3/3)

- How to show compliance:  
Control system according to the Swedish legislation or a voluntary scheme approved by the Commission
- Is compliance required in 2011?  
Yes

## Implementation of the RED in MS

### Spain (1/3)

- RED is/will be transposed by:
  - Royal Decree 1088/2010, September 2010, transposing partially FQD and regulating the technical specifications of petrol and diesel, use of biofuels and sulphur content of marine use fuels
  - Royal decree 1738/2010, December 2010, transposing partially RED and setting the minimum obligatory objectives for biofuel consumption in 2011, 2012 and 2013
- How are sustainability criteria implemented?

Not enough information available;  
National authority is waiting for CTN303 report (Sustainable Production of Biomass)



## Implementation of the RED in MS

### Spain (2/3)

- Authority:  
CNE (National Energy Commission)
- Is double counting included?  
Yes, according to IDAE, there is the commitment to include it and currently they are working on the definitions of wastes and residues
- Are voluntary schemes being (1) developed, (2) assessed?
  1. No, no voluntary scheme is developed by government, but a Spanish company (Abengoa) has developed a voluntary scheme and has sent it for recognition;
  2. To be decided

## Implementation of the RED in MS

### Spain (3/3)

- How to show compliance:  
According to the national authority, there is still not enough information on requirements to show compliance
- Is compliance required in 2011?  
No

## Implementation of the RED in MS

### France (1/3)

- RED is/will be transposed by:
  - Law 2011-12 (5/01/2011): adaptation to EU regulation
  - Ordinance modifying energy law of July 2007, decree in State Council and order detailing terms of implementationTo be published before end of June 2011
- How are sustainability criteria implemented?  
Included in national legislation

## Implementation of the RED in MS

### France (2/3)

- Authority:  
To be decided
- Is double counting included?  
Yes, included in the decree under preparation
- Are voluntary schemes being (1) developed, (2) assessed?
  1. Yes, a national scheme will be set up;
  2. Yes, recognition of other national systems of MS

## Implementation of the RED in MS

### France (3/3)

- How to show compliance:
  - providing sustainability declaration;
  - control under voluntary scheme or national system by verifier which check accuracy of information
- Is compliance required in 2011?  
No, no full compliance required

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## Overview of developments

- Tendency is that MS choose:
  - biofuel obligation (majority of MS)
  - independent authority for administration (11 MS, increasing)
  - not developing a national voluntary scheme (majority of MS)
  - using the voluntary schemes developed by roundtables and industry for showing compliance with sustainability criteria
- Some MS benchmark voluntary schemes and/or accept schemes nationally (DE) but most MS wait for recognition by EC
- Late MS learn from other MS (CA-RES, REFUREC)

## Overview of developments

**CA-RES**CONCERTED ACTION  
RENEWABLE ENERGY  
SOURCES DIRECTIVE[www.ca-res.eu](http://www.ca-res.eu)

- Topics discussed in CA-RES (1 meeting held):
  - Legislation, voluntary schemes, audits, administrators
  - Double counting
- New meeting held in 11-12 May, Lisbon → harmonisation of national systems

**REFUREC** renewable fuels regulators club [www.refurec.org](http://www.refurec.org)

- Topics discussed in REFUREC (4 meetings held)
  - Registers (database on biofuels supplied)
  - Mass balance
  - Double counting



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## Voluntary certification schemes

- o The European Commission will recognise voluntary certification schemes
  - Commission has hired an advisor for assessments
  - Many schemes were sent in, first recognitions May 2011?
  - GHG calculation tools are also “voluntary schemes”
- o Many certification schemes exist
  - A recent study identified 67 certification initiatives on the sustainability of bio-energy  
*Van Dam, Junginger & Faaij,  
Renewable and Sustainable Energy Reviews 14 (2010) 2445–2472*
  - Most of these initiatives are not specifically developed for biofuels (e.g. forestry, agriculture)

## Voluntary certification schemes

- o Schemes being developed by consortia / roundtables
  - **Bonsucro** (formerly BSI, sugarcane) – [www.bettersugarcane.com](http://www.bettersugarcane.com)
  - **ISCC** – [www.iscc-system.org](http://www.iscc-system.org)
  - **NTA 8080/8081** – [www.sustainable-biomass.org](http://www.sustainable-biomass.org)
  - **REDcert** – [www.redcert.org](http://www.redcert.org)
  - **RSB** – [www.rsb.epfl.ch](http://www.rsb.epfl.ch)
  - **RSPO** (palm oil) – [www.rspo.org](http://www.rspo.org)
  - **RTRS** (soy) – [www.responsiblesoy.org](http://www.responsiblesoy.org)
- o Schemes being developed by companies
  - **Abengoa** (RED Bioenergy Sustainability Assurance)
  - **French stakeholders** – 2BSvs
  - **Greenenergy** - [www.greenenergy.com/Biofuel\\_sustainability](http://www.greenenergy.com/Biofuel_sustainability)
  - **Nesté Oil**
  - **Red Tractor** – [www.nfuonline.com/News/Red-Tractor-scheme-proposed-for-biofuels/](http://www.nfuonline.com/News/Red-Tractor-scheme-proposed-for-biofuels/)
  - **SEKAB/UNICA** – [www.sustainableethanolinitiative.com](http://www.sustainableethanolinitiative.com)

**Red colour:**  
Send to EC  
for recognition

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## Standardization: CEN TC 383

- Scope: *Sustainably produced biomass for energy applications – Principles, criteria, indicators and verifiers for biofuels and bioliquids*
- EC agreed with CEN work May 2009
- Six Working groups under TC 383
  - WG1: Terminology & cross cutting issues
  - WG2: GHG emission balance
  - WG3: Biodiversity and environmental issues
  - WG4: Economic and social aspects (*work stopped*)
  - WG5: Verification and auditing
  - WG6: Indirect effects (*work stopped*)

## Standardization: CEN TC 383

- prEN 16214-1 Part 1: Terminology
  - Relevant terms and definitions in RED
- prEN 16214-2 Part 2: Conformity assessment including chain of custody and mass balance
  - Mass balance boundaries, accredited conformity assessment, product declarations and management system requirements
- prEN 16214-3 Part 3: Biodiversity and environmental aspects
  - Areas with nature protection purposes, highly biodiverse non-natural grasslands and peat lands
- March 2012/ May 2012 availability of final standards

## Standardization: ISO/PC 248

- Scope: Sustainability for bioenergy
- Four working groups approved
  - WG1: Cross cutting issues (incl. terminology and verification and auditing)
  - WG2: Greenhouse gases
  - WG3: Environmental, economic and social aspects
  - WG4: Indirect effects (*work has not yet started*)
- Will result in ISO 13065 standard
- Publication of ISO standard: May 2014

*Thank you for your attention*

**Intelligent Energy**  **Europe**

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