

Practical implementation of sustainability criteria in the EU 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”

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 biofuel
- 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

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

UK (1/3)

- RED is/will be transposed by:
 - Renewable Fuels Transport Obligation (RTFO)
published 2007, regularly updated
- How are sustainability criteria implemented?:
Included in national legislation (RTFO meta standard);
Details given in Carbon & Sustainability (C&S) Technical
Guidance;
Currently: consultation on Guidance for 2011/2012 obligation
year

Implementation of the RED in MS

UK (2/3)

- Authority:
Renewable Fuels Agency
- Is double counting included?:
No
- Are voluntary schemes being (1) developed, (2) assessed?:
 1. Yes, UK has RTFO meta standard;
 2. Yes, UK assesses (benchmarks) voluntary schemes

Implementation of the RED in MS

UK (3/3)

- How to show compliance:
By using an accepted voluntary certification scheme or by using the RTFO meta standard
- Is compliance required in 2011?:
Not fully: Information must be provided. But not fully RED-proof (as details of RED not yet clear). Fuels that do not meet criteria are accepted under RTFO in 2011.

Implementation of the RED in MS

The Netherlands (1/3)

- RED is/will be transposed by:
 - “Wet milieubeheer” – (Environment protection law)
 - Besluit hernieuwbare energie vervoer - (Decree on renewable energy in transport)
 - Regeling hernieuwbare energie vervoer - (Regulation on renewable energy in transport)

To be published in February or March 2011
- How are sustainability criteria implemented?:
Reference to RED

Implementation of the RED in MS

The Netherlands (2/3)

- Authority:
NEa = Dutch Emission Authority
- Is double counting included?:
Yes, a double counting regulation that was in force 2009 and 2010 is moved into the new Regulation
- Are voluntary schemes being (1) developed, (2) assessed?:
 1. Yes, the double counting regulation will be assessed;
 2. Yes, an assessment protocol has been made, for assessing voluntary schemes:
 - a) that are not yet recognised
 - b) that have been recognised by other MS
 - c) that have been sent to the Commission for recognition

Implementation of the RED in MS

The Netherlands (3/3)

- How to show compliance:
By providing a verifier statement.
The verifier gives a statement after checking that
 - sustainability information is delivered for all batches supplied
 - information on quantity & quality of biofuels is correct
(mass balance is also fulfilled after the point of issuing sustainability certificates)
- Is compliance required in 2011?:
No, no full compliance is required in transition year 2011.
Requirements in 2011 are to provide information on:
 - the (voluntary) certification scheme(s) used
 - the verifier of the information
 - crop/feedstock, country of origin and GHG reduction

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;

Overview of developments

- Tendency is that MS choose for:
 - 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 (UK, GER, NL) but most MS wait for recognition by EC
- Late MS learn from other MS (CA-RES, REFUREC)

Thank you for your attention

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