




**BIOGRACE**

Harmonised Calculations of  
Biofuel Greenhouse Gas Emissions in Europe



# 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, Luxemburg, the Netherlands
- RED close to transposition:  
Slovakia, Denmark, Austria, Hungary, France, Ireland,  
Portugal, Spain, UK, Malta, Belgium...
- 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 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)

The law, decree and regulation have been published early 2011 (latest the regulation on May 11, 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?:  
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

### Malta (1/3)

- RED is/will be transposed by:
  - Promotion of Energy from Renewable Sources Regulations (Dec-2010)
  - Biofuels (Sustainability Criteria) Regulations (Dec-2010)
  - Guarantees of Origin of Electricity from High Efficiency
  - Cogeneration and Electricity, Heating and, or Cooling from Renewable Energy Sources Regulations (Feb-2010)
  - Electricity Market Regulations (May-2011)
- How are sustainability criteria implemented?:  
Based on RED

## Implementation of the RED in MS

### Malta (2/3)

- Authority:  
Malta Resources Authority
- Is double counting included?:  
Yes, included in the Petroleum for the Inland (Wholesale) Fuel Market Regulations, imposing an obligation on importers/wholesalers of petroleum to place on the market minimum amounts of biofuel (last amended in February 2011)
- Are voluntary schemes being (1) developed, (2) assessed?:  
To be decided

## Implementation of the RED in MS

### Malta (3/3)

- How to show compliance:  
Economic operators shall:
  - submit independently audited information on compliance with the sustainability criteria;
  - provide proof or data obtained in accordance with an agreement or scheme that has been the subject of a decision by the Commission
- Is compliance required in 2011?:  
Compliance is not compulsory for 2011



## Overview of developments

- Tendency is that MS choose for:
  - biofuel obligation (majority of MS)
  - independent authority for administration (12 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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## 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 implementation  
Expected to be published in 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;

## Implementation of the RED in MS

### Belgium (1/3)

- RED is/will be transposed by:  
Royal decree implements the sustainability criteria on biofuels and fixes guidelines to recognition voluntary scheme (to be published in September 2011).
- How are sustainability criteria implemented?:  
Biofuels : Included in federal regulation

## Implementation of the RED in MS

### Belgium (2/3)

- Authority:  
Biofuels : Federal public service public Health, Food chain safety and Environment  
Electricity and Heat : regional Authorities
- Is double counting included?:  
Biofuels : yes, in line with RED
- Are voluntary schemes being (1) developed, (2) assessed?:
  1. National system is being developed based on prEN16214
  2. yes

## Implementation of the RED in MS

### Belgium (3/3)

- How to show compliance:
  - Recognition voluntary scheme by competent authority then Minister based on the Royal decree ;
  - Control by accredited and agreed organism ;
  - Obligation by biofuel producer to fulfil product declaration for all lot of biofuels
- Is compliance required in 2011?:  
No



## Implementation of the RED in MS

### Luxemburg (1/3)

- RED is transposed by:
  - by law: fixing a minimum amount of 2 % biofuel calculated on basis of the energy content and requesting that these biofuels respect the criteria of sustainability of the RED (17.12.2010)
  - by a grand-ducal regulation transposing the sustainability criteria of the RED into national law (27.02.2011)
- How are sustainability criteria implemented?:  
included into national legislation

## Implementation of the RED in MS

### Luxemburg (2/3)

- Authority:  
Administration de l'environnement (Ministry of sustainable Development and Infrastructures)  
Ministry of the Economy and Foreign Trade
- Is double counting included?:  
The law of the 17.12.2010 makes a reference to the RED,  
but the double counting isn't put into practice until now
- Are voluntary schemes being (1) developed, (2) assessed?:
  1. No
  2. No

## Implementation of the RED in MS

### Luxembourg (3/3)

- How to show compliance:
  - The supplier provides a proof of sustainability

- Is compliance required in 2011?:  
Yes