

# BIOGRACE workshop

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## *Practical implementation of sustainability criteria for biofuels and bioliquids in France*

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Ministère  
de l'Écologie,  
du Développement  
durable,  
des Transports  
et du Logement

Ministère de l'Industrie, de l'Énergie et de l'Économie  
Numérique

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# I - Context

## Legal framework in France before RED and FQD

✍ **French Biofuels Plan** (2004) : translation of the indicative targets for biofuels set by the Directive 2003/30/EC

✍ **Energy Act** (July 2005) : statutory definition of objectives and major orientations of France's Energy Policy.

« the state creates [...] the conditions to bring in line with our European commitments, the share of biofuels and other renewable fuels in the energy content of all petrol and diesel for sale on the national market for transport at 5.75% at December 31 2008, 7% at 31 December 2010 and 10% at 31 December 2015 .»

### ✍ **Financial laws**

1) until 2013, reduction of additional costs related to biofuels production through a *partial exemption from the tax on domestic consumption* ;

2) in 2005, introduction of a taxation system for fuels to favour the use of biofuels (*general tax on polluting activities* : its rate decreases according to the share of incorporated biofuels by energetic content).

## Legal framework in France before RED

✂ **other regulations** : increase of the rate of biofuels incorporation in diesel (7% since 1 January 2007), creation of new fuels (eg, SP95-E10, which can contain up to 10% by volume of bioethanol ; non-road diesel ; E85, specially designed for flex fuel vehicles ; B30 in captive fleets)

➡ These policies have led to a significant increase in the use of biofuels.

	Diesel (% LCV)	Gasoline (% LCV)	Total incorporation (% LCV)	National objectives (% LCV)	Energy (ktep)
2006	1,77%	1,75%	1,76%	1,75%	682
2008	5,75%	5,55%	5,71%	5,75%	2 400
2010	6,00 %	6,80 %		7%	

## *“Grenelle” Environment Round Table (2007)*

The aim of the Environment Round Table was to define the key points of government policy on ecological and sustainable development issues for the coming years.

**The development of biofuels has been identified as one of the priority sectors for green growth and for fighting against climate change.**

### Outputs of the round table :

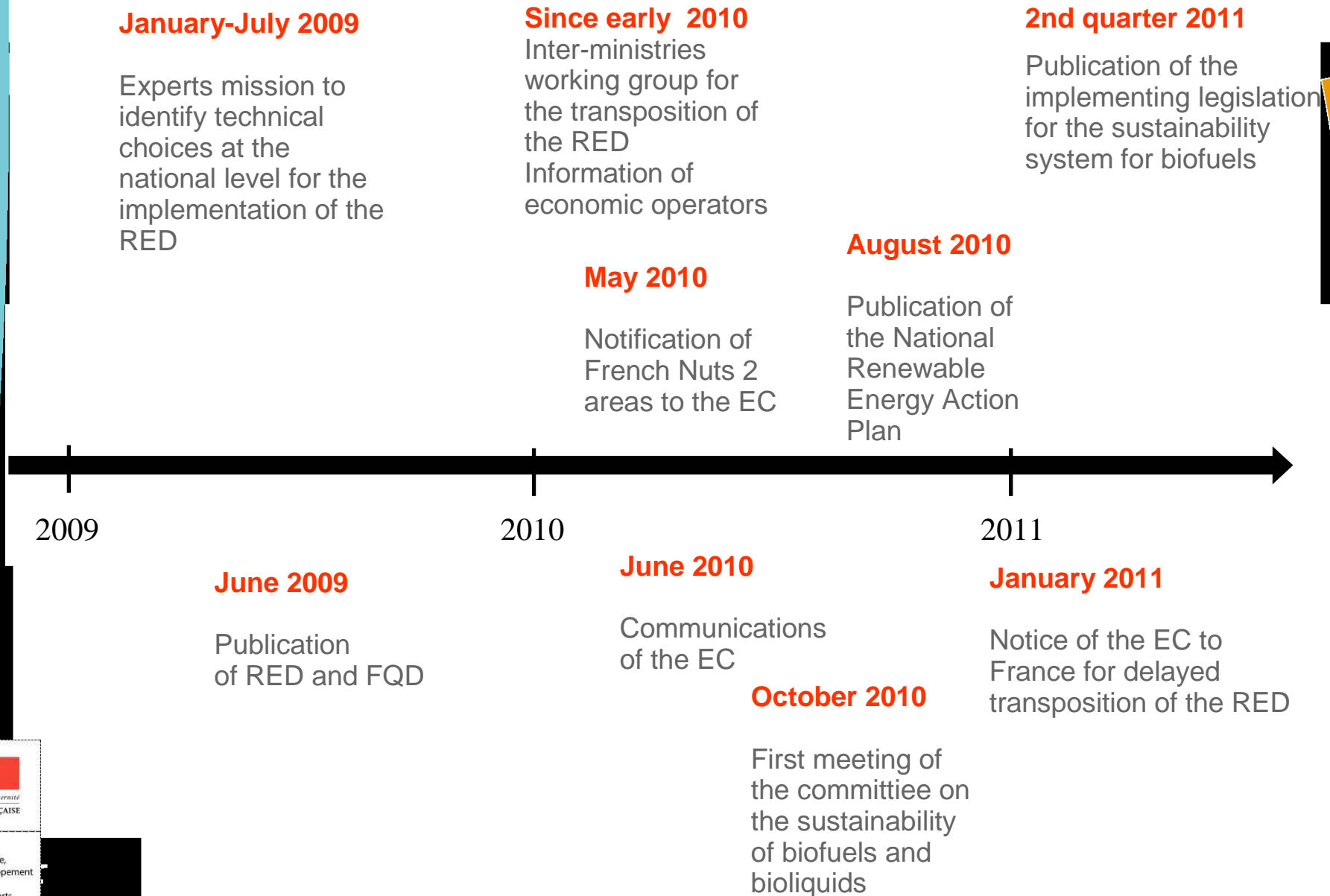
- realization of a **study about life cycle analyses** applied to first generation biofuels used in France (ADEME)

→ Biofuels used in France allow, in most cases, GHG reductions above 50% (without land use change).

- introduction into law of the **principle of biofuels sustainability**, without identifying specific criteria

# II - Transposition

## Calendar



## Specific legislation for the transposition of the sustainability system

- ✍ August 2009 : transposition of the **23% renewable energy national target** (Grenelle Law)
- ✍ January 2011 : publication of a law allowing the government to transpose the RED and the FQD by an **ordinance**
  - renewable energy national targets for transport (*art 3.4 of RED*) ;
  - sustainability criteria (*art 17 of RED*) ;
  - demonstration of sustainability to take into account biofuels and to allocate tax incentives ;
  - implementation of the sustainability system, economic operators' responsibilities (*art 18 of RED*).

The application of this ordinance shall be specified by a **decree** and an **order**.

- June 2011 (expected) : publication of the ordinance and of the implementing texts (procedure through the Council of State).

## Description of the sustainability system : main principles (1)

- **Sustainability criteria** :

GHG : for the cultivation phase, economic operators could use regional values which were calculated for the definition of Nuts 2 areas ; for the entire process, they could refer to the national study about LCA.

Biodiversity / Carbon stocks : areas have been identified at the national level (distinction between « red », « orange » and « green » zones). Mapping will be directly accessible to economic operators (level : 1/5 000).

- **Chain of custody** : from agricultural cooperatives to fuel distributors.



## Description of the sustainability system : main principles (2)

- **Compliance with sustainability criteria** : fuel distributors have to prove that the requirements of sustainability for biofuels are respected through a “claim of sustainability”.

To establish this “claim of sustainability”, they can use one of the following methods :

Voluntary schemes : application of schemes recognized by the European commission

Agreements between third countries and the EU

National system : economic operators who do not use a voluntary scheme should join the national system.

A national commission will be charged with reviewing the application for membership of economic operators in the national system.

Mutual recognition of national systems between France and other Members States should be possible.

## *Description of the sustainability system : main principles (3)*

- **Recognition of certification bodies** : accreditation

- **Provisions for 2011**

Direct recognition of certification bodies by the ministry for the environment.

- **Competent authority**

A competent authority should be created to provide support to the administration for the following tasks :

- establishing and managing databases ("statements of sustainability", information compiled under the national system) ;
- providing information and tools to economic operators (GHG calculator, mapping) ;
- administrative control ;
- reporting to the EC.

## Conclusions

- The legislative framework for the implementation of the sustainability system for biofuels will be ready **mi-2011**.
- Applicable to the 2011 crops
- **Full operationality for products that will be consumed from 2012.**
- Major suppliers of biofuels have already come together to establish a voluntary scheme that should be soon recognized by the European Commission.