Practical Implementation of Sustainability Criteria in Austria



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Legal Implementation of Sustainability Criteria in Austria



Laws to transpose RED

➤ Regulation BGBL.II Nr. 250/2010

"Verordnung des BMLFUW über landwirtschaftliche Ausgangsstoffe für Biokraftstoffe und flüssige Biobrennstoffe"

Regulation for agricultural raw materials for biofuels and bioliquids

- published: 27 July 2010

- in force since: 1 December 2010

- Kraftstoffverordnung (sustainability of biofuels) coming soon
- ➤Ökostromgesetz (sustainability of bioliquids) coming

Regulation BGBL.II Nr. 250/2010 (1)



Criteria for agricultural raw materials in Austria

- <u>from</u> areas which are cultivated in line with Cross Compliance and GAEC provisions
- from areas which were agricultural areas already before 1 January 2008
- not from areas which are under nature protection by the federal countries (exception: production is admitted and does not interfere with the protection purpose)





Verification of compliance of sustainability for agricultural raw materials

- <u>origin Austria</u>: material has to be from agricultural holdings which are registered at AMA (= Agrarmarkt Austria)
- origin other Member States: acceptance of certificates out of national systems of other MS
- no assessment procedure, but national (bilateral) recognition!
- <u>origin third countries</u>: assessment procedure for private control bodies or certificates out of systems recognized by the Commission (urgently awaited!)
- No voluntary scheme is or will be developed by national authorities!

Practical Implementation - Organisation



Implementing Agency

Agrarmarkt Austria (AMA)

Web: www.ama.at "Nachhaltigkeit"

Email: nachhaltigkeit@ama.gv.at

Responsible for

- Primary products of agriculture such as wheat, corn, rapeseed, ...
- Co-products of agriculture such as straw, ...
- Vegetable oil such as sunflower oil, ... but only <u>if not directly</u> used as biofuel or bioliquid





Implementation in Austria is work in progress,

as

- many outstanding common issues not yet solved (EC! grassland, nuts-2 reports, recognition of voluntary schemes)
- different speed of implementation in MS
- lack of information between MS

Practical Implementation – State of the Play in Austria



- sustainable biomass ex harvest 2010 is available (self declaration by the farmers)
- system of self declaration by farmers will continue for harvest 2011
- list of average values for emissions from cultivation where no default values exist, was established
- up to now 120 traders/processors are temporary registered by AMA
- on the spot checks of registered traders/processors take place (mass balance system, collection of self declarations, certificates from other MS, silos, ...)
- national systems for agricultural raw materials are bilaterally recognized between Germany and Austria

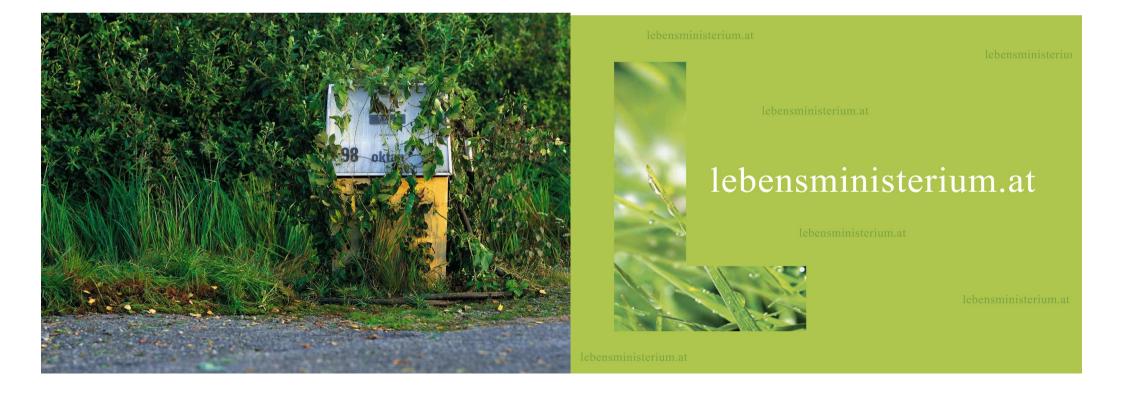
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Implementation RED / Legal framework



Fuel ordinance - "Kraftstoffverordnung 2011"

- Implementation of RED Sustainability criteria for biofuels (not for raw materials)
- Implementation of the FQD
- Status: Final draft, understanding of four ministries required

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How are sustainability criteria implemented?

- included into the fuel ordinance
- main topics
 - targets for the greenhouse gas emission savings
 - regulations concerning the national system
 - > registration of biofuel producers and traders
 - > sustainability certificates
 - ➤ mass balance system
 - > verification and inspections
 - > approval of sustainability certificates of member states and third countries



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How are sustainability criteria implemented?

- National sustainability scheme for biofuels will be run by the Environment Agency Austria - Umweltbundesamt
- Umweltbundesamt will give the guidance for calculation greenhouse gas emissions

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Verification of compliance with sustainability criteria

biofuels produced in Austria:

- certificate of the Austrian national system
- and by certificates of systems recognized by the Commission

biofuels produced in other Member Sates:

- certificates of Member States which are officially approved by the MS as their "national system" are accepted – (bilateral recognition)

• biofuels produced in third countries:

- Schemes for biofuels coming from third countries will be assessed and need a national recognition

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Voluntary schemes

No voluntary scheme is developed by national authorities

Double counting RED 21 (2)

Double counting is included (case by case recognition)

Compliance 2011

 For biofuels which shall be counted towards the national substitution target verification of sustainability criteria is not compulsory for 2011 (current draft)

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Next steps



- Bringing the fuel ordinance into force
- Getting the national sustainability scheme for biofuels started
- Looking forward to solve all the problems coming up, which we can not even imagine to exist by now

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