

Practical Implementation of Sustainability Criteria in Austria



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Legal Implementation of Sustainability Criteria in Austria



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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)



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Criteria for agricultural raw materials in Austria

- from 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)

Regulation BGBl.II Nr. 250/2010 (2)



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Verification of compliance of sustainability for agricultural raw materials

- origin Austria: 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!
- origin third countries: 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



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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 if not directly used as biofuel or bioliquid

Practical Implementation – Challenges and Obstacles



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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



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- ❖ 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

Practical implementation of sustainability criteria in Austria - *Biograce* - 16 February 2011



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Implementation RED / Legal framework



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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



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

Kraftstoffverordnung 2011 (fuel ordinance)



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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

Kraftstoffverordnung 2011 (fuel ordinance)



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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 States:**
 - 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

Kraftstoffverordnung 2011 (fuel ordinance)



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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)

Next steps



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- 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