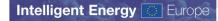


# Practical implementation of sustainability criteria in the EU

Bregje van Keulen Agentschap NL Public workshop Utrecht March 21, 2011





#### : Contents

- Introduction
- Implementation of the RED in Member States
- Overview of developments
- Voluntary certification schemes
- Standardization

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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"
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## Introduction

- Two forums have been created for exchange of information on implementation of (biofuels parts of) the RED:
  - o <u>CA-RES</u>
    - Concerted Action on Renewable Energy Sources
      - see <u>www.ca-res.eu</u>
      - Working Group 8 : RES in transport and biofuels
  - o <u>REFUREC</u>
    - Renewable Fuel Regulators Club
    - see <u>www.refurec.org</u>

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#### 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

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#### 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

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#### Germany (2/3)

- <u>Authority:</u>
  - 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)

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#### 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





#### 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
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## Implementation of the RED in MS Austria (2/3)

- <u>Authority</u>:
  - 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

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#### 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

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#### 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

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- Sweden (2/3)
- <u>Authority:</u>
- 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

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#### Sweden (3/3)

- How to show compliance:
  - Control system according to the Swedish legislation or a
  - voluntary scheme approved by the commission
- <u>Is compliance required in 2011?:</u> Yes

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## 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

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## Implementation of the RED in MS

#### Spain (2/3)

- <u>Authority:</u>
  - 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
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#### Spain (3/3)

No

- 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?:

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## Implementation of the RED in MS France (1/3)

- <u>RED is/will be transposed by</u>:
  - 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
  - To be published before end of June 2011
- How are sustainability criteria implemented?:
  - Included in national legislation

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# Implementation of the RED in MS

#### France (2/3)

- <u>Authority:</u>
  - 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

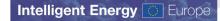




#### France (3/3)

- How to show compliance:
  - providing sustainability declaration;
  - control under voluntary scheme or national system by
  - verifier which check accuracy of information
- <u>Is compliance required in 2011?</u>: No, no full compliance required;

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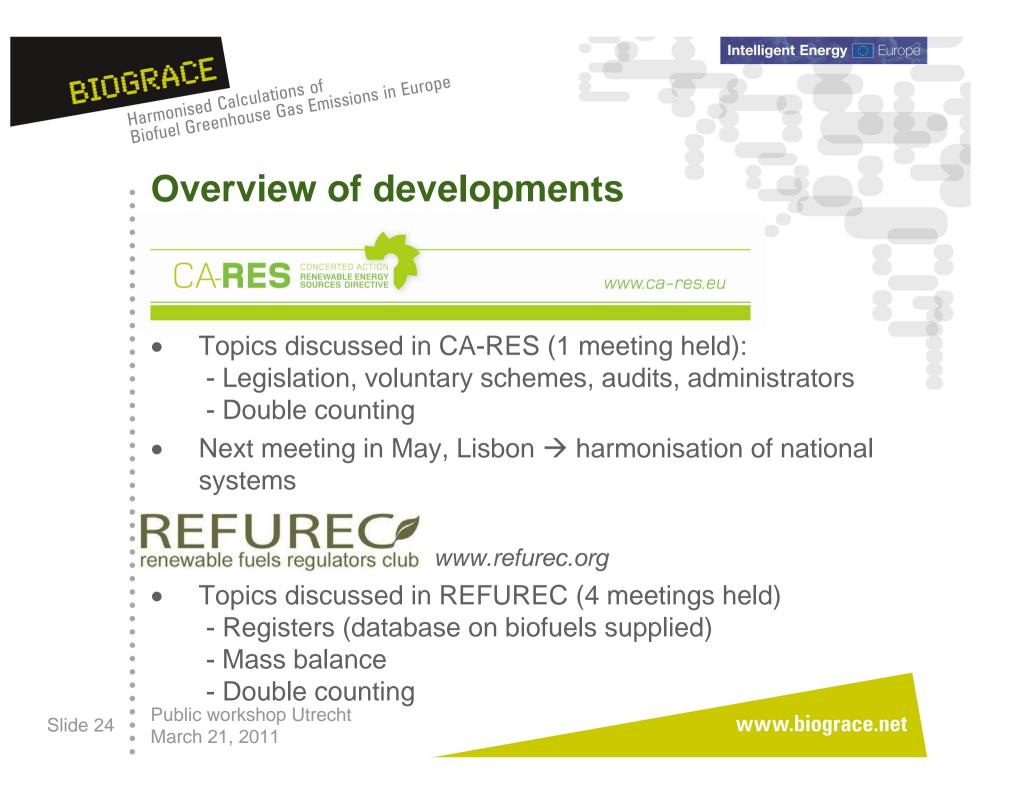
#### **Overview of developments**

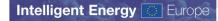
- Tendency is that MS choose for:
  - biofuel obligation (majority of MS)
  - independent authority for administration (11 MS, increasing)
  - not developing a national voluntary scheme (majority of MS)
  - using the voluntary schemes developed by roundtables and industry for showing compliance with 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)

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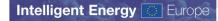
#### Voluntary certification schemes

- o The European Commission will recognise voluntary certification schemes
  - Commission has hired an advisor for assessments
  - Many schemes were sent in, first recognitions May 2011?
  - GHG calculation tools are also "voluntary schemes"
- o Many certification schemes exist
  - A recent study identified 67 certification initiatives on the
    - sustainability of bio-energy
    - Van Dam, Junginger & Faaij,
    - Renewable and Sustainable Energy Reviews 14 (2010) 2445–2472
    - Most of these initiatives are not specifically developed for
      - biofuels (e.g. forestry, agriculture)
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#### Voluntary certification schemes







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## **Standardization: CEN TC 383**

- Scope: Sustainability produced biomass for energy
- applications Principles, criteria, indicators and verifiers
- for biofuels and bioliquids
- EC agreed with CEN work May 2009
- Six Working groups under TC 383
  - WG1: Terminology & cross cutting issues
  - WG2: GHG emission balance
  - WG3: Biodiversity and environmental issues
  - WG4: Economic and social aspects (work stopped)
  - WG5: Verification and auditing
  - WG6: Indirect effects (work stopped)

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### Standardization: CEN TC 383

- prEN 16214-1 Part 1: Terminology
  - Relevant terms and definitions in RED
- prEN 16214-2 Part 2: Conformity assessment including chain of custody and mass balance
  - Mass balance boundaries, accredited conformity assessment, product declarations and management system requirements
- prEN 16214-3 Part 3: Biodiversity and environmental aspects
  - Areas with nature protection purposes, highly biodiverse nonnatural grasslands and peat lands
- March 2012/ May 2012 availability of final
  - standards

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## Standardization: ISO/PC 248

- Scope: Sustainability for bioenergy
- Four working groups approved
  - WG1: Cross cutting issues (incl. terminology and verification
  - and auditing)
  - WG2: Greenhouse gases
  - -WG3: Environmental, economic and social aspects
  - -WG4: Indirect effects (work has not yet started)
- Will result in ISO 13065 standard
- Publication of ISO standard: May 2014

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