

East of England Regional Assembly response to the EC consultation on biofuel issues in the new legislation on the promotion of renewable energy.

Question 1.1:

Do you think the "possible way forward" described above is feasible?

The "possible way forward" does sound appropriate, although the feasibility depends on how the sustainability criteria are measured, reported and monitored.

Question 1.2

What do you think the administrative burden of an approach like the "possible way forward" would be? (If possible, please quantify your answer.)

No comment.

Question 1.3

Please give your general comments on the "possible way forward", and on how it could be implemented. Does it give an adequate level of assurance that biofuels will be sustainably produced?

If you think the problem should be tackled in a different way, please say how, giving details of the procedures that would be used.

It is important that the overall effects on biodiversity, landscape use and the mix of agricultural crops are constantly monitored, preferably by an independent body, as well as ensuring there is a clear and transparent system for reporting and monitoring sustainability criteria of biofuels by each member state.

As well as protecting biodiversity, the standards must also protect soil and water quality, prevent miss-use of scarce water supplies and ensure that distinctive landscape characters are not compromised.

Clause b is particularly important, that all sustainability criteria must be met for a biofuel to qualify for national biofuel obligations, tax reductions and other forms of financial support. It is equally important, however, that these criteria are challenging enough to be meaningful, that the criteria are comparable across the EU and can also be applied to feedstocks and biofuels being imported into Europe.

We would express caution with the suggestion that Biofuel suppliers could choose to report default values of greenhouse gas savings rather than provide more precise information (sustainability criterion 1). This would not take into account different conditions that the same crops may be grown in (e.g. varying amounts of pesticides and fertilizers), and would not allow for detailed monitoring of both the positive and negative effects of biofuel production. Indeed, it could even be used to mask bad practice in biofuel production.

Question 1.4

Carbon stock differences between land uses would be taken into account under criterion 2. Should they also be taken into account under criterion 1? If so, what method should be used to determine how the land in question would have been used if it had not been used to produce raw material for biofuels?

As all sustainability criteria will have to be met for biofuels to be eligible to qualify for biofuel obligations, it should not be necessary to account for land use change in

sustainability criterion 1, nor would it be possible to devise a simple mechanism to assign these greenhouse gas emissions to each consignment of biofuels produced from such land.

Question 1.5

As described in the "possible way forward", criterion 3 focuses on land uses associated with exceptional biodiversity. Should the criterion be extended to apply to land that is adjacent to land uses associated with exceptional biodiversity? If so, why? How could this land be defined?

If the sustainability standards are to refer equally to biofuels imported from outside the EU, then this criterion may become particularly relevant to those areas where biofuels are produced from areas of former primary rainforest and other similarly exceptional areas of biodiversity in tropical zones. Production that is from land adjacent to areas of exceptional biodiversity should be similarly unacceptable, as buffer zones are required to protect these vulnerable habitats.

Question 1.6

How could the term "exceptional biodiversity" (in criterion 3) be defined in a way that is scientifically based, transparent and non-discriminatory?

Exceptional biodiversity will mean different things in different geographical areas. It is therefore necessary to consider both number/diversity of species and vulnerability of habitats (where number/diversity of species may be less).

For example, in the UK a new biodiversity action plan has been developed which lists 1,149 species of plants, mammals, birds and insects, and 67 types of habitat that are under threat, which is due to be considered by the UK Government. It would seem appropriate that habitats and species identified within this document are protected from agricultural practices that could damage their environment. However, this would require participating nations to produce an equivalent action plan and to identify species and habitats under threat.

Question 2.1:

Please give your comments on the "possible way forward" described above. If you think the problem should be tackled in a different way, please say how.

It is important that the positive and negative effects on land-use is monitored, and as stated in response to question 1.3, the overall effects on biodiversity and the mix of agricultural crops must also be monitored.

Question 2.2

Do you think it is possible to link indirect land use effects to individual consignments of biofuel? If so, please say how.

Sustainability criteria 2 should prevent use of land associated with high carbon stocks, but it will be difficult to devise a simple system to assign indirect emissions from land use change to individual biofuel consignments.

Question 3.1:

How should second-generation biofuels be defined? Should the definition be based on:

- a) the type of raw materials from which biofuels are made (for example, "biofuel from cellulosic material")?**
- b) the type of technology used to produce the biofuel (for example, "biofuels produced using a production technique that is capable of handling cellulosic material")?**
- c) other criteria (please give details)?**

Defining second generation biofuels by raw materials or technology is too restrictive. They should be defined by offering an advantage over first generation biofuels in the amount of greenhouse gas emissions saved, whether through identifying novel raw materials or developing new processes.

Question 3.2:

Please give your comments on the "possible way forward" described above. If you think the problem should be tackled in a different way, please say how.

We agree that biofuels should count for biofuel obligations relative to the amount of greenhouse gases saved compared to the same energy content of petrol or diesel. However, prior to this, second generation biofuels need appropriate support for research and development, in the form of research grants, and support for additional infrastructure that may be needed for large scale production and supply of these new fuels.

Question 3.3

Should second-generation biofuels only be able to benefit from these advantages if they also achieve a defined level of greenhouse gas savings?

These benefits should be available to any biofuel that offers improved savings in greenhouse gases that can be produced within the sustainability standards.

Question 4.1:

Should the legislation include measures to ensure that diesel containing 10% biodiesel (by volume) can be placed on the market, and is in fact placed on the market?

Biofuel content of transport fuel should be increased only if the subsequent demand can be met within the sustainability standards. This is why it is so important to encourage and support the development of second generation biofuels.

Use of alternative fuels is only one way to address greenhouse gas emissions from transport, and an integrated transport strategy is needed if other transport issues, such as congestion, are to be addressed. As well as looking to increase the amount of biofuels blended with fossil fuel to 10%, it is equally as important to:

- Increase the fuel efficiency of vehicles
- make the transport system as a whole (buses, trains, cars etc) more efficient by ensuring that people and goods are transported in a way that minimises fuel use
- and reduce the need to travel.

Question 4.2:

Should the legislation include measures to encourage the use of ethanol and biodiesel in high blends? If so, what?

Vehicles that run on E85 are already commercially available, however the relative lack of stations that supply the fuel is a major limiting factor to their sale. If additional support for E85 was provided, whether through legislation or in grants to encourage additional supply infrastructure, there would provide greater market certainty to both car manufactures and fuel suppliers to continue developing these products..

Question 4.3:

Should the legislation include measures to encourage the use of biomethane, methanol and DME in transport? If so, what?

No comment

Question 4.5:

Should the legislation ask the Commission to review, by a given date, whether it is possible to be confident that the 10% target can be achieved through:

**a) rules that allow 10% blending by volume of ethanol in ordinary petrol, plus
b) rules that allow 10% blending by volume of biodiesel in ordinary diesel, plus
c) the four options listed under 'other options for solving the problem'; If so, what should the date be?**

If the review were to conclude that the target is unlikely to be met, what action should the Commission take?

This question again highlights the need for an independent body to monitor the effects biofuel production are having on carbon emissions, biodiversity, land use and character, soil, water and other agricultural crops. This body could then provide independent advice as to whether increased blending should be supported, sustainability standards were being met, whether the policy to use biofuels for transport was successful, or whether the biofuels would be better diverted to provide heat or electricity.

There are also other low carbon fuel alternatives, not considered in this biofuels consultation, such as hydrogen. These alternatives can also contribute to reducing greenhouse gas emissions, so should be given an equivalent level support through EU legislation.

If a review were to conclude the target is unlikely to be met, the Commission should direct greater attention on the other ways for reducing transport emissions listed in response to question 4.1.

Question 4.6

More generally, what role should taxation play in the promotion of biofuels (considering different situations such as low blends, high blends and second-generation biofuels)?

No comment.