

EFOA Response to Biofuels Issues in the New Legislation on the Promotion of Renewable Energy Public Consultation

Question 1.1:

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

EFOA supports the systems being developed by the LowCVP and wishes to stress that whatever criteria are used they need to be based on sound science and emission benefits from well-to-wheel which comprehend all greenhouse gases not just CO₂, include the expert input of all relevant stakeholders of at a minimum all the current biofuels used, and not stop at the production of the raw material only. The different biofuels although based on similar raw materials can and will have differential effects on the overall performance of the bio molecule for CO₂ emissions, air quality (ozone and exhaust emissions) and energy efficiency.

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.)

What ever system is chosen it is essential that it is the same system in every Member State so as to keep the administrative burden as low as possible.

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.

EFOA considers that sustainability criteria are essential if consumers are to have confidence in the environmental benefits of the biofuels they use. Whilst recognizing that this issue is highly complex we would call for a single EU wide system which does not further fragment or distort the fuel market and which is as simple as is practical.

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?

EFOA believes that for biofuels to retain public support it is essential that they are seen as good for the environment. To exclude or in any way marginalize potentially important elements in the carbon life cycle of a raw material could drive inappropriate choices with all the attendant risks.

Question 1.5

As described in the "possible way forward", criterion 3 focusses 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?

The Commission proposal to specifically identify and exclude areas with exceptional biodiversity is we believe appropriate. The extent of these areas needs to be defined by the relevant experts on the basis of sound science.

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?

This again should be defined by the relevant experts on the basis of sound science.

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.

The quantification of indirect effects on land use would seem to be a particularly arbitrary exercise as it is open to substantial manipulation. EFOA prefers the system being developed by the LowCVP.

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.

Same answer as for 2.1. The quantification of indirect effects on land use would seem to be a particularly arbitrary exercise as it is open to substantial manipulation. EFOA prefers the system being developed by the LowCVP.

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)?**

Rather than focusing on arbitrary definitions of 1st, 2nd or 3rd generation biofuels EFOA believes that the Commission should seek to define a system which increasingly rewards improvements in life-cycle greenhouse gas savings. In this regard we note that the ether

industry is able to enhance the carbon balance of any “generation” of bio-ethanol by converting it to bio-ETBE.

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.

As the goal of using biofuels is to reduce greenhouse gas emissions it would seem only sensible to allow Member States to encourage the development of those biofuels which offer the greatest savings.

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?

EFOA believes that a biofuel of any “generation” which offers greenhouse gas savings above a defined “gold standard” should be rewarded either with additional certificates, credits or subsidies as appropriate.

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?

In 1998 under Directive 98/70/EC, the European Union adopted its first harmonized petrol and diesel fuel quality legislation. The new requirements for more environmentally friendly fuels were set after a rigorous scientific programme to enable engine improvements and meet ambient air quality targets. This approach has been widely copied around the world. EFOA thus supports the continued use of fuels of the quality defined in the relevant EU directive. Any changes to the fuel quality directive should only be done after consultation with all the key stakeholders and should not exclusively promote one biofuel component to the detriment of other bio components.

Question 4.2:

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

Any biofuels legislation should not be fuel or technology specific.

Question 4.3:

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

No comment.