

**Q1.1 Do you think the "possible way forward" described above is feasible?**

(1) The proposed way forward seems broadly workable. However, traceability requirements would disqualify many small scale operators whose practices are not necessarily less sustainable. Remarkable quantities of household wood fuel are locally and informally procured and would be screened off any reporting system that requires comprehensive landfireplace traceability. As this represents the vast majority of biofuel consumption in Europe, it would be awkward to exclude it from performance indicators toward national biofuel obligations.

(2) The description of sustainability criteria should be more precise to avoid situations where wood coming from protected areas (where sustainable forest management is still allowed) or areas in which land-use is changed according to legislation, is not in accordance with launched criteria.

**Q1.2 What do you think the administrative burden of an approach like the "possible way forward" would be? (If possible, please quantify your answer.)**

**Q1.3 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.**

Setting up European or worldwide biomass sustainability criteria is a very complex and challenging task. If it has to be done, one would want to set realistic objectives and avoid undue inclusions and exclusions. Criteria listed in Box 1 seem to focus on narrow aspects of sustainability (environmental sustainability). At the same time it could be interpreted as requiring total land-traceability, which would be excessively cumbersome.

**Q1.4 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?**

On top of criteria 1, 2 and 3, one would probably want Member States to demonstrate with the latest available forest inventory data that the standing stock of biomass is not decreasing at the landscape, regional or national level where the biomass is extracted. Even in locations where overall biomass stocks are decreasing due to neighbouring degradation/deforestation, certain biomass production practices may still be sustainable and there should be ways to justify that. Additionally although the FI data available from different member states does exist, it is variable in terms of data quality and therefore it is questionable as to whether or not this data can be used for such purposes.

**Q1.5 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?**

(1) No, it should not be extended. Extracting limited amounts of wood from buffer zones of an ecologically sensitive piece of land does not represent a sustainability problem so long as the harvesting practices do not threaten the ecological balance of the place.

**Q1.6 How could the term "exceptional biodiversity" (in criterion 3) be defined in a way that is scientifically based, transparent and non-discriminatory?**

(1) It is very difficult if not impossible to draft an internationally-valid, scientifically based, transparent and non-discriminatory definition of the term "exceptional biodiversity". These terms will therefore have to allow for national interpretations pending on country-specific contexts.

(2) Strictly protected forest areas (like reserves) could be considered as "exceptional biodiversity" areas with some reservations. It is necessary to avoid in this context use of terms "NATURA 2000-areas" or "protected areas", where normally forest management is allowed and trees are harvested according to management plans.

**Q2.1 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.**

(1) It remains to be proven whether the European Commission can and should concern itself with land use decisions in the European Union in the context of the subsidiary principle and of individuals' right to use their lands at will within the boundaries of relevant national legislations and regulations.

(2) Reporting of land use change (especially establishing forest land instead of agricultural land) is not common practice on an annual bases. There is a need to agree a concept for mid-term reporting. The credibility of reports "*how land use would have developed if bio-fuel use had remained constant*" should also be considered.

**Q2.2 Do you think it is possible to link indirect land use effects to individual consignments of biofuel? If so, please say how.**

It is not possible because biomass markets are too complex and decision drivers too diverse.

**Q3.1 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)?**

Option (a): "*biofuel from cellulosic material*" seems to be the most straight-forward and closest to the purpose.

**Q3.2 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.**

(1) The "possible way forward" is generally feasible. Additionally the member states should introduce public procurement policies to favor second-generation biofuels (and specialized vehicles and distribution systems).

(2) Making 2<sup>nd</sup> generation biofuels count extra towards national targets is awkward because the total biofuel value would not have any practical meaning anymore. The national objective would then be difficult to explain to the general public.

(3) A separate 2<sup>nd</sup> generation indicative objective could be more useful.

(4) It would be a positive move to confirm through legislation that second-generation biofuels

may receive higher subsidies than first-generation biofuels.

**Q3.3 Should second-generation biofuels only be able to benefit from these advantages if they also achieve a defined level of greenhouse gas savings?**

Not necessarily because second-generation biofuels would always have superior greenhouse gas savings and land management benefits than first generation biofuels.

**Q4.1 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?**

Yes, it should.

**Q4.2 Should the legislation include measures to encourage the use of ethanol and biodiesel in high blends? If so, what?**

Yes, it should. No opinion on the appropriate measures.

**Q4.3 Should the legislation include measures to encourage the use of biomethane, methanol and DME in transport? If so, what?**

Yes, it should. No opinion on the appropriate measures.

**Q4.5 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?**

Yes, the legislation should ask this. No opinion on the appropriate date or alternative measures.

**Q4.6 More generally, what role should taxation play in the promotion of biofuels (considering different situations such as low blends, high blends and secondgeneration biofuels)?**

Fiscal incentives should drive the earliest possible market penetration of second-generation biofuels.