

Dear colleagues,

we hereby submit our contribution to the consultation in answering the questions raised as follows:

re 1): We consider the current state of scientific knowledge on ILUC, including the studies mentioned in the consultation paper, but also referring to results from the UK ILUC Study (www.ilucstudy.com) and ongoing work in the CARB Expert Group on Indirect Effects (<http://www.arb.ca.gov/fuels/lcfs/workgroups/ewg/expertworkgroup.htm>), and taking into account the **precautionary principle**, to be "good enough" to allow for determining a reasonably narrow bandwidth of ILUC-related GHG emissions from biofuel feedstock production.

To substantiate this, we submit the **attached paper** (available online at <http://www.oeko.de/oekodoc/1030/2010-082-en.pdf>) and **underline** that its conclusions on ILUC are similar to those of an **upcoming paper from IEA Bioenergy** (Bioenergy, Land Use Change and Climate Change Mitigation; Report for Policy Advisors and Policy Makers; lead author: Göran Berndes, Chalmers University of Technology; contributing authors: Neil Bird, Joanneum Research and Annette Cowie, University of New England), and to those given in the **IEA Bioenergy/IEA RETD Position Paper** "Better Use of Biomass for Energy" which was presented in a draft version at last year's COP-15 in Copenhagen, and yesterday in a final version at an IEA RETD side event at DIREC2010 in New Delhi (available online at <http://www.iea-ret.org/files/2010%20BUBE%20position%20paper%20FOR%20WEB.pdf>).

With regard to "treatment of co-products", we underline that according to the RED accounting rules, GHG emissions from ILUC should be treated **consistently with those from direct LUC**, i.e. the energy-based allocation should be used. For **analytical** purposes, the modelling of possible "credits" from co-products is reasonable and has been subject to intense discussion (see especially PBL report cited in the attached paper, and the UK ILUC study).

With regard to "significance of the results in terms of hectares of land use change and emissions", we refer to the results of the attached paper, especially **Section 3**.

re 2): We conclude in the attached paper that on the basis of the available evidence, EU action **is needed** to address ILUC. We also underline that similar action is needed by other bodies regulating biomass markets until an adequate **global regime** to include GHG emissions from **any** LUC in GHG accounting would be in practice (see **Section 6.3** of the attached paper).

re 3): In the attached paper and the modelling referred to in our response to 1) (see above), sufficiently detailed data is made available to differentiate between ILUC effects of feedstocks, regions, and land management practices. We conclude that the current state of knowledge should be seen as a starting point for more detailed future analysis which should follow the "tier approach" of the IPCC (see **Section 7.1** of the attached paper).

re 4:) The action to be taken by the EU should be a combination of the options B, C and D. Details are given in the attached paper (**Sections 4-6**).

We also would like to refer to the upcoming paper "Direct and indirect land use competition issues for energy crops and their sustainable production – an overview" by Uwe R. Fritsche, Ralph E. H. Sims and Andrea Monti (accepted for publishing in the BIOFPR Special Issue "Biofuels: reconciling environmental and economic concerns").

We hope that this brief response will contribute in substance to the consultation.

Feel free to get back to us for any remaining questions.

Best regards,

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