

Reply on behalf of the Bulgarian Society for the Protection of Birds/BirdLife Bulgaria

BSPB is registered charity, civil non-for-profit Nature conservation organization. BSPB works for the conservation of the wild birds, for the important for them sites and habitats as well as for the biodiversity as a whole, and thus for the sustainable use of natural resources and for the welfare of people.

1) Do you consider that the analytical work referred to above, and/or other analytical work in this field, provides a good basis for determining how significant indirect land use change resulting from the production of biofuels is?

In answering this question you may for example wish to comment on:

- projected volumes of conventional and advanced biofuels in 2020
- assumptions around EU vehicle fleet and infrastructure in 2020, including diesel/petrol split and pace of introduction of new technologies
- models' treatment of crop yield growth "in the baseline" and in response to growth in demand;
- the underlying land use data
- the carbon stock values used in modelling and type of converted land
- models' treatment of co-products
- significance of the results in terms of hectares of land use change and emissions

The Commission's analytical work shows that the expected land-use conversion resulting from the bioenergy policy is very significant. Importantly, none of the studies comes out with zero or negative ILUC emissions for any land-using biofuel feedstock. Nor does any study show that moving from today's levels of biofuels use to levels expected by 2020 would, without additional safeguards, result in net GHG emission reductions. As a result, there is a clear need for corrective action.

2) On the basis of the available evidence, do you think that EU action is needed to address indirect land use change?

Yes, action on ILUC is needed. Taken together, these studies represent the best available scientific evidence to date on ILUC impacts of EU biofuel policies upon which the legislative proposal should be based.

3) If action is to be taken, and if it is to have the effect of encouraging greater use of some categories of biofuel and/or less use of other categories of biofuel than would otherwise be the case, it would be necessary to identify these categories of biofuel on the basis of the analytical work. As such, do you think it is possible to draw sufficiently reliable conclusions on whether indirect land use change impacts of biofuels vary according to:

- * feedstock type?
- * geographical location?
- * land management?

If so, please say which, and indicate the evidence used to reach your conclusion.

Yes, it is possible to choose feedstock based ILUC factors. These differentiated ILUC factors would have to be initially chosen somewhere within the ranges provided in the studies to date, which represent the best available science, addressing any differences by applying the precautionary principle. These values should, however, be regularly updated as science progresses and a transparent and independent process for doing this should be set up.

4) Based on your responses to the above questions, what course of action do you think appropriate?

A. Take no action for the time being, while monitoring impacts including trends in certain key parameters and, if appropriate, proposing corrective action at a later date

Please say how the monitoring should be done and what these parameters should be.

B. Take action by encouraging greater use of some categories of biofuel

Please say which biofuels, why and what sort of encouragement should be given.

C. Take action by discouraging the use of some categories of biofuel

Please say which biofuels and why, as well as what sort of measure should be taken, for

example:

- increasing the minimum greenhouse gas saving threshold for biofuels
- imposing additional sustainability requirements on certain categories of biofuel (these could, for example, require the use of practices that can help mitigate indirect land use change impacts)
- attributing a quantity of greenhouse gas emissions from indirect land use change to

all biofuels that use land

If the latter, please say how this should be calculated, and demonstrated - for example:

- a factor based on the estimated (modelled) land use change from a marginal extra quantity of crop production;
- a factor based on the average land use change from crops over some recent period;
- a factor based on any other consideration.

Please also say

- whether it should be reviewed and if so how often
- whether it should be implemented with any accompanying measures

D. Take some other form of action

Please say what action and why

The European Commission should come out with a proposal on a feedstock based ILUC factor to put into the GHG calculations of the sustainability criteria. Attached to this, certain carefully reviewed exceptions could be put in place to encourage those biofuels that are not causing displacement or otherwise harming the climate, biodiversity, indigenous people's rights, etc.

BirdLife International together with ClientEarth, the European Environmental Bureau and, Transport & Environment have submitted a more detailed response to the communication. The above response is meant to support this common response and would like to refer to it for further details and scientific background.