

**To whom it may concern,**

OTOP is the BirdLife partner in Poland. Our mission is to protect birds and their habitats. One of the most important bird habitats in Poland are farmlands, holding the considerable populations of many threatened species. The growing area of biofuel crops could result the serious decline of many farmland birds in our country and the import of biofuels from overseas is well-documented threat for the world's biodiversity hotspots.

Due to arguments mentioned above, we agree with position of our partner organizations from BirdLife and other environmental NGO's concerning the indirect land use change.

Please find below our replay for the public consultation questions

**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?**

The Commission's analytical work shows that the expected land-use conversion resulting from the 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:**

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?**

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.**

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Marek Jobda