

Greenpeace responses to the public consultation "Biofuel issues in the new legislation on the promotion of renewable energy", 18 June 2007

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.

The "possible way forward" does not give an adequate level of assurance that biofuels will be produced in an ecological and socially responsible way. The use of biofuels can be considered sustainable only if fuels are produced in a sustainable way and if they are used as efficiently as possible. The use of biofuels should therefore only be supported as part of a wider energy policy to reduce energy demand dramatically. This includes, for the transport sector, extensive improvements in vehicle fuel-efficiency, a shift of the transport of goods from road to rail and changes in mobility related behaviour patterns.

Also, the use of biofuels in the transport sector must not prejudice the more efficient utilisation of biomass and biofuels for CHP, heating & cooling and electricity production.

Within that broader framework, we believe that a system of effective sustainability standards is essential for biofuels. There are significant challenges to this approach and it is not clear that the mechanisms outlined as 'a possible way forward' can ensure the sustainable production of biofuels. In particular, indirect land-use changes and the impact on food markets are complex issues that the criteria cannot address. Additional measures will be necessary (see also answer to question 2). The implementation of sustainability criteria must be monitored closely for any negative impacts, and undesired outcomes must be addressed rapidly when they occur. If a system of sustainability standards fails to prevent damage to natural ecosystems, additional greenhouse gas emissions or food shortages, biofuel targets should be suspended, or postponed, until sustainability can be guaranteed.

In addition to the three sustainability criteria suggested as a 'possible way forward', biofuels production must not include the release of genetically modified organisms into the environment.

There is reason to assume that the 'possible types of evidence to show that environmental sustainability criteria are respected', as outlined in box 2, cannot give sufficient assurance that biofuels are sourced in a sustainable way. Voluntary, international schemes setting standards for the production of agricultural and forest products, are unproven and contain fundamental flaws. The Round Table on Sustainable Palm Oil, for example, has yet to demonstrate whether it will be an effective mechanism for preventing deforestation. It will also not address the problem of leakage. For certain commodities that are also produced for other uses than biofuels, it may be insufficient to apply sustainability standards solely for biofuel production. The application of criteria for the entire commodity, not just the biofuel part, may be required to prevent an increase in unsustainable production of such commodities.

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?

It must be the general goal of any land use practices to prevent the reduction of terrestrial carbon stocks. This should be reflected in criterion 1.

The sustainability threshold in criterion 1 and 2 should be 60% carbon-equivalent savings, based on a full lifecycle assessment. Above this threshold, any support for biofuels should be proportional to the greenhouse gas savings achieved.

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?

Buffer zones have to be created to safeguard areas with high conservation value. These buffer zones should be large enough to prevent ecological edge effects from encroaching into areas with high ecological significance.

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?

High conservation value areas could be defined, building on the HCVF-concept for High conservation value forest defined by the Forest Stewardship Council.

The HCVF-concept comprises of six criteria:

- 1) Forest areas containing globally, regionally or nationally significant concentration of biodiversity values (e.g. endemism, endangered species).
- 2) Forest areas containing globally, regionally or nationally significant large landscape level forests, contained within, or containing the management unit, where viable populations of most if not all naturally occurring species exist in natural patterns of distribution and abundance.
- 3) Forest areas that are in or contain rare, threatened or endangered ecosystems.
- 4) Forest areas that provide basic services of nature in critical situations (e.g. watershed protection, erosion control)
- 5) Forest areas fundamental to meeting basic needs of local communities (e.g. subsistence, health).
- 6) Forest areas critical to local communities' traditional cultural identity (areas of cultural, ecological, economic or religious significance identified in cooperation with such local communities).

These criteria should be extended from forest land to other areas with high conservation value.

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.

Independent monitoring of the wider effects of biofuels production is essential, but it will not be sufficient to prevent ecologically and socially detrimental effects of land use change. A wider approach is required, but how this can be achieved effectively is not clear at present. Until a more comprehensive system is implemented, effective and solid mechanisms for rapidly addressing bad outcomes must be in place, including the option to suspend or postpone biofuel targets and support instruments.

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.

An elaborate and comprehensive monitoring system is necessary. Biennial assessments should be undertaken, based on solid mechanisms for monitoring and rapidly addressing bad outcomes. If negative indirect land use effects occur, adequate measures have to be taken to stop biofuel imports of respective fuels/ from the respective countries. As it seems impossible to quantify all indirect effects and link them to individual consignments of biofuels, the assessments have to be treated with adequate precaution.

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)?**

The definition of second-generation biofuels should be based on the type of raw material from which biofuels are made. Only ligno-cellulosic and waste-based biofuels should be considered as second generation.

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.

To encourage the development of second-generation biofuels, these fuels should receive extra support for research and development activities. However, second-generation biofuels have to comply with the same sustainability criteria as first-generation biofuels.

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?

Like first-generation biofuels, second-generation biofuels should also comply with a minimum level of greenhouse gas savings of 60%, compared to petrol or diesel. Higher emissions savings should be rewarded with higher support.

Question 4.5:

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?

Greenpeace has serious doubts whether a 10% target can be achieved with sustainably sourced biofuels until 2020. Further research should be conducted by the Commission before promoting a biofuels target through legislation. The legislation itself should include a robust monitoring and review mechanism to assess whether progress towards the 10% target is made in a sustainable way. This would include an assessment of the availability of options listed in points a) – c).

If the target cannot be met with sustainably sourced biofuels, it should be suspended.

Question 4.6

More generally, what role should taxation play in the promotion of biofuels (considering different situations such as low blends, high blends and second-generation biofuels)?

The amount of support for biofuels should depend on their sustainable production and the amount of greenhouse gas savings they accomplish. Taxation is one policy option that could encourage higher greenhouse gas savings.