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Biofuel issues in the new legislation on the promotion of renewable energy

How should a biofuel sustainability system be designed?

Question 1.1: Do you think the "possible way forward" described above is feasible?

The "possible way forward" seems feasible in principle, however it should be noted that the "default values" for net greenhouse gas savings from different types of biofuel as mentioned in Box 1 would need to be better defined throughout the sustainable global supply chains that the European Commission (EC) wants suppliers to develop. We recognise that it will take time to develop a clearer picture of the actual net greenhouse gas savings for each type of biofuel.

Question 1.2: What do you think the administrative burden of an approach like the "possible way forward" would be? (If possible, please quantify your answer.)

Initially the system in place will be in the form of a "learning by doing" process until such time as a robust system for evaluating the greenhouse gas saving of each biofuel for road transport use is introduced.

Due to the detailed and prescriptive nature of the EC's environmental sustainability criteria for biofuels and the types of evidence acceptable to prove that sustainability criteria are being adhered to, the administrative burden will be large on biofuel producers and suppliers to meet the standards on sustainable biofuel set out in the "way forward". During the initial years of development, the paper trail that accompanies the criteria for biofuels and the evidence required would need to be streamlined to make it more manageable.

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.

Countries recognised for producing sustainable biofuels by the EC and accredited via the appropriate body and used by suppliers to source their needs to meet their national obligations could require less information through the supply chain to accompany their products than countries not yet established as sustainable biofuel suppliers.

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?

Whilst not directly mentioned in criterion 1, it is made clear that the biofuels used to fulfil the requirements of the legislation should not emit more greenhouse gases in production than they save by avoiding the use of petrol or diesel. However, as all three criteria need to be satisfied in order for a biofuel to qualify as sustainable and thus meet a supplier's obligation, there is no need to repeat the needs of criterion 2 in criterion 1.

Question 1.5: 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?

No, as long as the adjacent land was already in use for biofuel production (or suitable for such production) and environmental impact assessments carried out on that land show it qualifies as a sustainable production site under the criteria and definitions described in Boxes 1 and 2.

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?

We would suggest that the EC take a lead on a definition for "exceptional biodiversity" which is scientifically based, transparent and non-discriminatory which can then receive comments on its suitability from respondents. We would expect to see such a definition in the directive when defining the land uses in connection with criterion 3.

How should overall effects on land use be monitored?

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.

The legislation should require the EC to compile an annual report on land use development and the overall effect on land use due to increasing biofuel use. The data for this report should be provided by the accrediting bodies for each fuel type. The outcomes of the report could be used to independently verify the sustainable practices of approved biofuel producers which are used by suppliers to meet their national obligations in the EU.

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.

We do not think it is possible to link indirect land use effects to individual consignments of biofuel. However, over a period of time, consignments



from a biofuel producer in one or multiple locations within a region/country could be monitored as part of the European Commissions reporting remit.

The administrative burden of such monitoring and reporting and how this would be shared between the producer, accrediting body, supplier and the European Commission is an area where further guidance is needed from the Commission.

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