Paris, le 18 juin 2007

Consultation de la Commission européenne sur les biocarburants
dans le cadre de la nouvelle réglementation
sur les énergies renouvelables

Réponse de PROLEA
(Filière française des huiles et protéines végétales)

1. How should a biofuel sustainability system be designed?

The Commission intends to bring forward a proposal for a simple incentive/support system for biofuels. Its objective is to further increase the greenhouse gas benefits of EU biofuel policy and to minimise environmental risks. The system could discourage:

- the conversion of land with high biodiversity value for the purpose of cultivating biofuel feedstocks;
- the use of environmentally harmful systems for biofuel production.

It should avoid any discrimination between domestic production and imports and should not act as a barrier to trade. Its operation should be monitored with a view to making it more sophisticated in future.

A possible way forward

One option for the initial design of the scheme (before it is reviewed and steps are taken to make it more sophisticated) would be as follows :

a) The legislation would list the "sustainability criteria" to be fulfilled by the biofuels that are used to fulfil the biofuels target. There could be three of these criteria (see box 1).

b) Biofuels that failed to meet one of these criteria would not count towards national biofuel targets. They would not count towards national "biofuel obligations"[4]. They would not be eligible for tax reductions and similar types of financial support.

c) Member States would be responsible for ensuring that the criteria were respected.
The legislation would set out some procedural requirements (for example on reporting, verification and monitoring).
The legislation would define types of evidence that Member States would have to accept as evidence that the sustainability criteria were fulfilled (see box 2).

[4] *Biofuels obligation*: a measure requiring a fuel supplier to incorporate a given proportion of biofuel in the fuel it sells.

BOX 1

POSSIBLE ENVIRONMENTAL SUSTAINABILITY CRITERIA FOR BIOFUELS

Sustainability criterion 1 – achieving a minimum level of greenhouse gas savings

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 – or (to give a safety margin) should achieve at least a given amount of greenhouse gas savings (for example 10%).

The directive would define 'default values' for net greenhouse gas savings from different types of biofuel. These could, for example, be based on the ranges given in the JRC/EUCAR/Concawe "well-to-wheel" study.[5] They would cover greenhouse gases in general, not just carbon dioxide.

Biofuel suppliers could choose to use these default values, or to provide more precise information on the savings from their particular production process.

Sustainability criterion 2 – avoiding major reduction in carbon stocks through land use change

Biofuels used to fulfil the requirements of the directive should not use raw material from land that was in certain land uses before a certain date (for example, the date of the Commission proposal).[6] These land uses would be those that are associated with high carbon stocks (for example, wetlands). IPCC guidelines[7] could be used to identify them.

The directive would define the land uses in question.

Sustainability criterion 3 – avoiding major biodiversity loss from land use change

Biofuels used to fulfil the requirements of the directive should not use raw material from land that was in certain land uses before a certain date (for example, the date of the Commission proposal). These land uses would be those that are associated with exceptional biodiversity.

The directive would define the land uses in question.

[5] http://ies.jrc.cec.eu.int/wtw.html. The study shows that the main factors influencing biofuels' greenhouse gas balances are the raw material used, the energy source used in the transformation process and (in some cases) the use made of by-products.

[6] This wording is not meant to rule out different verification systems being used. Examples include:

- "track and trace", under which a certificate accompanies the raw material/biofuel from farm to filling station ;
- "book and claim", under which raw material/biofuel producers acquire certificates and fuel sellers have to obtain them, but the certificates are not necessarily transmitted along with the biofuel;
- "mass balance", based on figures for the proportion of material meeting the sustainability criteria that is contained in each load of raw material/biofuel.

[7] Intergovernmental Panel on Climate Change

BOX 2

POSSIBLE TYPES OF EVIDENCE TO SHOW THAT ENVIRONMENTAL SUSTAINABILITY CRITERIA ARE RESPECTED

1. Some EU Member States and other countries are developing national schemes to measure greenhouse gas impacts. Once accredited for EU use through a comitology process, these would be evidence of greenhouse gas emissions in production (for sustainability criterion 1). The same approach could apply to international schemes that may be developed.

2. There are voluntary, international schemes setting standards for the production of agricultural and forest products. Some include requirements that would prevent land use change of the types described by criteria 2 and/or 3. Once accredited for EU use through a comitology process, these would be evidence that these criteria have been respected.

3. The European Community could negotiate bilateral or multilateral agreements with third countries, confirming that these countries have in place procedures to ensure that the types of land use change described by criteria 2 and/or 3 do not happen. The existence of such an agreement would be evidence that these criteria have been respected.

4. In the absence of these types of evidence, it would be for Member States to determine how to verify the fulfilment of the criteria. The directive could lay down minimum requirements for how this should be done.

This option is put forward as a starting point for discussion and to give an indication of how a system could work in practice.

General questions

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

D'une manière générale, le pré projet qui nous est soumis ci-dessus consistant à établir un système de certification / traçabilité / contrôle, nous paraît cohérent dans l'ensemble.

Il convient toutefois de rappeler que le système de l'éco-conditionnalité établi lors de la réforme de la PAC de 2003 offre déjà un niveau élevé de garantie environnementale couvrant en grande partie les critères susmentionnés (et par voie de conséquence, fait peser d'importantes contraintes pour les agriculteurs européens).

Aussi, il est essentiel que les importations en provenance des pays tiers soient soumises aux mêmes exigences environnementales que la production communautaire.

S'agissant des critères de « durabilité » qui sont proposés, il convient que ceux-ci s'appliquent (pour les pays tiers comme pour l'Union européenne) à l'ensemble de la production agricole visée (à destination alimentaire comme non alimentaire), qu'elle soit consommée dans le pays ou qu'elle soit destinée à l'import/export.

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.)

Il est incontestable que la mise en place des critères de « durabilité » proposés ci-dessus aboutira à un alourdissement des contraintes administratives pour les producteurs agricoles européens.
A cet égard, il serait préférable d'encourager des ***démarches de progrès****, mises en place au niveau des Etats membres et faisant l'objet d'une certification.*

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.

Pour être véritablement efficace, le système proposé devrait impérativement prendre également en compte le critère ***d'efficacité énergétique*** *(rapport entre l'énergie produite et l'énergie fossile consommée).*

Par ailleurs, il convient de rappeler que le débat sur la méthodologie de quantification des répercussions sur l'effet de serre reste ouvert. Ainsi, l'analyse de cycle de vie (« du puits à la roue ») proposée par JRC ne fait pas l'unanimité. Et si cette dernière constitue malgré tout une référence, il convient d'y apporter une actualisation non seulement sur les biocarburants, mais aussi sur les carburants d'origine fossile.

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?

Les changements d'utilisation des terres sont déjà encadrés dans le cadre de la Politique agricole commune (éco-conditionnalité). Au niveau européen, cet encadrement garantit de façon satisfaisante la durabilité de la production agricole (qu'elle soit à vocation alimentaire ou non alimentaire).

Du point de vue du maintien du stock de carbone, il nous semble très important que l'impact que peut avoir la valorisation de la totalité de la biomasse dans le cadre du développement recherché pour les biocarburants de deuxième génération soit pris en compte.

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?

Non pour l'extension aux parcelles voisines des zones d'exceptionnelle biodiversité. Il est préférable de "surdimensionner" ces zones plutôt que d'introduire des contraintes sur les terres agricoles voisines.

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?

Si le caractère exceptionnel de la biodiversité peut être mis en évidence dans le cas de la protection d'espèces rares ou en voie d'extinction, il est beaucoup plus difficile à établir dans d'autres cas. Des travaux de recherche préalables semblent indispensables.

2. How should overall effects on land use be monitored?

The problem

Two of the sustainability criteria in the "possible way forward" in section 1 relate to the direct conversion of land for biofuel production from other uses.

Increased demand for biofuels is also likely to have an indirect effect on land use, leading to an increase in the total amount of land devoted to forestry and crop production.

This land use change will be associated with greenhouse gas savings from biofuel use. It will have other environmental effects. These could be positive or negative. The environmental effect of using land that would otherwise have been used for an out-of-town housing development is different from the effect of using land that would have been a biodiverse habitat.

It seems clear that these indirect effects cannot be linked to individual consignments of biofuel. But they should still be monitored.

Possible way forward
The legislation could ask the Commission to report regularly on:
-how land use would have developed if biofuel use had remained constant;
-how land use has in fact developed; and
-the estimated effect on overall land use of increasing biofuel use.

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.

Rien à signaler

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.

Rien à signaler

3. How should the use of second-generation biofuels be encouraged?

The Commission intends to bring forward a proposal to encourage the production and use of second-generation biofuels.

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")?

Au plan scientifique, ce critère peut être considéré comme efficient, notamment s'agissant de la lignocellulose (qui peut également être pris en compte pour la paille de colza, tournesol, etc…).

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")?

Oui, l'obtention de biocarburant de seconde génération dans des conditions de rentabilité économique est fonction des progrès des technologies employées et ce critère semble donc déterminant dans la définition de la seconde génération.

c) other criteria (please give details)?

Non

Possible way forward

The legislation could require Member States to give an advantage to second-generation biofuels in their support systems.
For example,
. • Under national biofuel obligations, second-generation biofuels would count extra (for example, double) – this would mean that an obligation to achieve a 2% share of first-generation biofuels could be fulfilled, instead, with a 1% share of second-generation.

. • The legislation would confirm that second-generation biofuels may receive higher subsidies than first-generation biofuels (subject to Community state aid rules and applicable Community tax legislation).

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.

La filière des huiles et protéines végétale n'est pas opposée à un soutien spécifique aux 2ème génération de biocarburants, pour autant qu'une évaluation des bénéfices environnementaux des carburants de 2ème génération permette d'assurer qu'ils soient au moins aussi performants sur les réductions de gaz à effet de serre et le bilan énergétique que les carburants de 1ère génération.
Tout traitement préférentiel accordé à la seconde génération doit être lié directement à de meilleures performances du point de vue environnemental et/ou de l'efficacité énergétique.
Cependant, une comptabilisation différenciée au regard de la réalisation des objectifs (Ex : compter 2 pour 1), ne nous paraît pas être une voie satisfaisante.

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?

Oui, car les carburants de 2ème génération, n'ont d'intérêt que dans la mesure où leurs résultats environnementaux améliorent les bilans en matière énergétique et gaz à effet de serre. Ils doivent donc bien évidemment respecter les critères de durabilité proposés par la Commission.

4. What further action is needed to make it possible to achieve a 10% biofuel share?

The problem

The proposed target for biofuels is a 10% share, by energy content, in 2020.
The easiest way to get biofuels into the market is by blending them directly with ordinary fuel and using them in low blends in ordinary vehicles.
The most widely available biofuels today are ethanol (replacing petrol) and biodiesel[8] (replacing diesel) -although other petrol and diesel replacers exist.
The fuel quality directive (directive 98/70/EC) limits the direct blending of ethanol in petrol to 5% by volume. This equates to 3.4% by energy content.
The diesel standard (EN590) limits the direct blending of biodiesel in diesel to 5% by volume. This equates to 4.4% by energy content.
If the 10% (energy content) target is to be met mainly by direct blending of ethanol and biodiesel, these limits will need to be changed. They will also need to be changed if the existing 5.75% (energy content) target for 2010 is to be met mainly by direct blending of these fuels.

The current situation

As a first step, the Commission has proposed amending the fuel quality directive to increase the maximum blending of ethanol in petrol to 10% by volume (6.8% by energy content). This proposal is under consideration by the Council and the European Parliament.
The Commission has given the European Committee on Standardisation (CEN) a mandate to amend the diesel standard to allow a 10% biodiesel blend (8.8% by energy content). This process may take a long time – perhaps 4 years – and may not lead to widespread availability of fuel

containing 10% biodiesel.

Question 4.1:
Should the legislation include measures to ensure that diesel containing 10% biodiesel (by volume) can be placed on the market, and is in fact placed on the market?

Afin de répondre à l'objectif européen de 10% d'incorporation de biocarburants, il convient de réviser l'EN590 dans le cadre d'une concertation avec l'industrie. Cette concertation doit être privilégiée, néanmoins, au cas où cette voie s'avérerait bloquée, il pourrait être nécessaire d'agir par voie législative pour assurer le respect de l'objectif fixé.

Par ailleurs, la spécification EN14214 doit être maintenue pour le biodiesel. Il faudrait en outre procéder aux ajustements réglementaires nécessaires pour ouvrir aux esters éthyliques (FAEE) l'utilisation comme biodiesel actuellement aux seuls esters de méthanol (FAME).

Other options for solving the problem
Even if the changes described in the last section come to fruition, they will not be enough for the 10% target to be met – if it is to be met mainly by direct blending of ethanol and biodiesel.

[8] The term "biodiesel" in this section refers to the fuel also known as FAME (Fatty Acid Methyl Ester).

The target could be met through other means than the direct blending of ethanol and biodiesel :

1. More ethanol can be added to petrol in the form of the fuel additive ETBE. However, limits on ETBE blending in the fuel quality directive mean that even with maximum use of ETBE, the 10% target will not be reached.

2. Ethanol and biodiesel can be used in high blends – 85% or 95% ethanol, 100% biodiesel, for example – outside the scope of the fuel quality directive and the diesel standard. However, unlike low blends, these fuels need specialised vehicles and distribution systems.

3. Other biofuels that can be used are biomethane (made from biogas), methanol (made from biomass-based synthesis gas) and dimethyl ether (DME). However, these fuels also need specialised vehicles and distribution systems.

4. New types of biofuel or ways of using them could avoid the blending constraints in the fuel quality directive and the diesel standard. An example is the second-generation biofuel "BTL" ("Biomass-to-liquid" or Fischer-Tropsch diesel). However, it is not certain when or if these fuels and technologies will come onto the market on a wide scale.

Question 4.2:
Should the legislation include measures to encourage the use of ethanol and biodiesel in high blends? If so, what?

Oui. Les opérateurs français ont d'ailleurs fait le choix de développer le B30 (incorporation de 30 % de biodiesel) qui constitue un optimum dans le rapport : pollution évitée / adaptation technique des moteurs.

Il convient également de noter que les pouvoirs publics français et les industriels réfléchissent à la définition d'une norme « B30 ». Il est essentiel que l'Union européenne contribue elle aussi à cette réflexion.

Question 4.3:

Should the legislation include measures to encourage the use of biomethane, methanol and DME in transport? If so, what?

Rien à signaler

Possible way forward

If none of these methods can be relied on to ensure that the target will be met, it will be necessary to allow a further increase in the share of ethanol that can be blended in ordinary petrol – up to 20%, for example – and perhaps also to allow a further increase in the share of biodiesel that can be blended in ordinary diesel – up to 15%, for example.

For manufacturers to take these requirements into account in designing the vehicles that will be on the roads in 2020, a decision should be made soon.

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?

Oui.

Nous sommes favorables à une "feuille de route" fixant des objectifs intermédiaires (en 2010, 2015 et 2020).

Par ailleurs, afin d'anticiper les éventuelles corrections à apporter, il nous paraît souhaitable qu'une évaluation annuelle permette de vérifier l'état de réalisation des objectifs.

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)?

La viabilité du secteur des biocarburants (compte tenu des cours actuels des matières premières agricoles et des matières fossiles) est conditionnée à une fiscalité adaptée.

Celle-ci est largement compensée par les externalités et autres effets induits par les filières biocarburants (environnement, emploi, aménagement du territoire, balance commerciale, etc…).

La mise en place d'obligation d'incorporation ne doit pas entraîner l'impossibilité d'incitations fiscales pour les biocarburants.

Les incitations fiscales permettent de compenser les disparités économiques entre les biocarburants et les carburants fossiles. Elles permettent également d'encourager de manière souple une diversité de formules de mélange entre biocarburants et carburants fossiles.