

ROADMAP			
TITLE OF THE INITIATIVE	Commission Regulation on detailed definitions for degraded and heavily contaminated land		
LEAD DG – RESPONSIBLE UNIT	ENER C1	DATE OF ROADMAP	07/2015
<p><b>This indicative roadmap is provided for information purposes only and is subject to change. It does not prejudice the final decision of the Commission on whether this initiative will be pursued or on its final content and structure.</b></p>			

### A. Context and problem definition

(1) What is the political context of the initiative?
(2) How does it relate to past and possible future initiatives, and to other EU policies?
(3) What ex-post analysis of existing policy has been carried out? What results are relevant for this initiative?
<p>The rules for calculating the greenhouse gas impact of biofuels, bioliquids and their fossil fuel comparators established by Directive 2009/28/EC and the rules for calculating life cycle greenhouse emissions from biofuels established by Directive 98/70/EC foresee that a bonus 29 gCO<sub>2</sub>eq/MJ biofuel is granted in case biomass is obtained from restored degraded land. This provision is relevant for establishing whether biofuels comply with the sustainability criteria for biofuels set out in both Directives. As specified in those Directives, this bonus can apply to severely degraded land and heavily contaminated land when that land was not in use for agriculture or any other activity in January 2008 and provided that a steady increase in carbon stocks as well as a sizeable reduction in erosion phenomena for severely degraded land are ensured and that soil contamination for heavily contaminated land is reduced.</p> <p>According to Article 19(8) of Directive 2009/28/EC and the equivalent Article in Directive 98/70/EC, the Commission is required to establish detailed definitions, including technical specifications, for the categories of severely degraded land and heavily contaminated land.</p>
What are the main problems which this initiative will address?
The provision related to the bonus is difficult to implement in a harmonised way without having more detailed definitions, including technical specifications, for the categories of severely degraded land and heavily contaminated land.
Who will be affected by it?
Member States, economic operators, consumers
Is EU action justified on grounds of subsidiarity? Why can Member States not achieve the objectives of the proposed action sufficiently by themselves? Can the EU achieve the objectives better?
N/A Action is a legal requirement.

### B. Objectives of the initiative

What are the main policy objectives?
Responding to the legal obligation the Commission Regulation establishes detailed definitions, including technical specifications, for the categories of severely degraded land and heavily contaminated land. It will facilitate to implemented one detailed provision of the GHG emission savings calculation methodology and thus help to verify in those particular cases whether biofuels achieve the minimum GHG emission savings requirement as set out in Directive 2009/28/EC and Directive 98/70/EC.
Do the objectives imply developing EU policy in new areas?
No

### C. Options

(1) What are the policy options (including exemptions/adapted regimes e.g. for SMEs) being considered?
(2) What legislative or 'soft law' instruments could be considered?
(3) How do the options respect the proportionality principle?

Being secondary legislation the content of the initiative is well described and limited to technical matters.

**D. Initial assessment of impacts**

What are the benefits and costs of each of the policy options?

Being secondary legislation the content of the initiative is well described and limited to technical matters. There is no scope to explore broad policy options.

Could any or all of the options have significant impacts on (i) simplification, (ii) administrative burden and (iii) on relations with other countries, (iv) implementation arrangements? And (v) could any be difficult to transpose for certain Member States?

(i) The proposal facilitates the implementation of the basic act by establishing detailed definitions

- (1) Will an IA be carried out for this initiative and/or possible follow-up initiatives?
- (2) When will the IA work start?
- (3) When will you set up the IA Steering Group and how often will it meet?
- (4) What DGs will be invited?

No

- (1) Is any option likely to have impacts on the EU budget above € 5m?
- (2) If so, will this IA serve also as an ex-ante evaluation, as required by the Financial Regulation? If not, provide information about the timing of the ex-ante evaluation.

No

**E. Evidence base, planning of further work and consultation**

- (1) What information and data are already available? Will existing IA and evaluation work be used?
- (2) What further information needs to be gathered, how will this be done (e.g. internally or by an external contractor), and by when?
- (3) What is the timing for the procurement process & the contract for any external contracts that you are planning (e.g. for analytical studies, information gathering, etc.)?
- (4) Is any particular communication or information activity foreseen? If so, what, and by when?

A study was conducted by ISRIC and Ecofys ("Background document for comitology with a proposal for a clear, unambiguous and practical definition of 'severely degraded land' and 'heavily contaminated land") setting out how detailed definitions, including technical specifications, for the categories of severely degraded land and heavily contaminated land can be established.

Which stakeholders & experts have been or will be consulted, how, and at what stage?

Committee members will be consulted.