

29 November 2013

EBA's comments on the Presidency's suggestions for the iLUC proposal

Dear Mrs Kostinaite – Grinkeviciene, dear Mrs Biraite – Juodvalkiene,

European Biogas Association (EBA) welcomes Member States' approach to the iLUC policy that is less 'black and white' than those of the Commission and the Parliament. However, many paragraphs are difficult to understand and implement in practice. Having regard to the suggestions from 28 October 2013, we would like to draw your attention particularly to the following aspects:

- **Classification of crop based biofuels: differences between crop growing techniques must be made**

While gladly noting that the Presidency's suggestions make a difference between crops – non-food cellulosic material is included in the feedstocks of advanced biofuels in Annex IX – we want to underline that it is also crucial to make a difference between the varied agricultural practices to grow 'starch rich crops' as well as other crops and process them to biofuels. We would like to cite a few examples for sustainable growth of such crops:

- Growing maize for biogas after cereals – the main crop – helps controlling black grass and reduces the need for environmentally harmful (and expensive) pesticides.
- Mixtures of fast growing species such as different pasture crops with nitrogen fixing plants (e.g. fodder beans and clover) not only cover the soil but also are partially refilling the soil with nitrogen as valuable fertiliser and are well suited for subsequent biogas production but do not compete with feed production.
- Catch crops grown together with the main crop have a potential as supplementary energy biomass, generating direct revenue for the farmers while fulfilling at the same time ecological functions, such as reduction of nitrate leaching, erosion reduction, and carbon sequestration.
- Flower stripes that are cut late in the season help to increase biodiversity.
- Production of food crops is enhanced by anaerobic digestion since the by-product, digestate (i.e. the digested substrate), enables closing the nutrients cycle: nutrients of the biogas feedstock are not lost during the digestion process which is why the digestate, when spread on fields as an organic fertiliser, brings the nutrients back to the soil.

Moreover it is essential to consider biogas produced in new agricultural plants as an advanced biofuel since the methods of mechanical-physical and/or chemical-biological pre-treatment are comparable to advanced ethanol production allowing increases in gas production by 20-50% with ligneous material included in the feedstock.

The Presidency commendably endeavours to acknowledge possible ways to mitigate iLUC in the recitals 7 and 8 (REV 8: pages 21-22). EBA recommends the Presidency to further elaborate on how this could be implemented in practice and incorporate such measures in the reporting requirements in Article 7a. EBA would be most happy to help developing such measures.

- **Remove multiple counting and set a sub-target for advanced biofuels**

EBA is strictly against introducing any quadruple counting for advanced biofuels and strongly supports the Council in deleting such inefficient policy mechanism. Instead of incentivising further production of advanced fuels, quadruple counting rather distorts the market with 'virtual' biofuels. At the same time, the share of fossil fuels is increased again. A sub-target for advanced fuels that could be gradually increased over the years would clearly be a better policy instrument. However, any voluntary target on national levels as suggested by the Presidency in Article 3(e) (REV 8) could hardly trigger any significantly higher production levels for the sake of innovative fuels. Even less understandable is the Presidency's willingness to count electrified rail transport 2.5 times towards the target since the most emissions clearly occur in the road transport. Also the fivefold counting of electricity in the road transport seems to be a mere statistical attempt to reach the 10% target.

- **Anaerobic digestion (AD) as a method of recycling nutrients has to be recognised**

EBA praises the Presidency for adding separate biodegradable waste to the list of advanced feedstocks in Annex IX (ba) which incentivises both, production of advanced biofuels and higher rates of recycling. Separate collection of bio-waste should be made mandatory EU-wide in order to facilitate higher levels of re-using and recycling waste. Anaerobic digestion is a closed loop technology recycling thus the valuable nutrients in the food and garden waste back to the soil. Therefore, AD should be explicitly acknowledged as a way of recycling.

- **Remove scientifically unsound iLUC factors**

EBA prompts the Council to remove the iLUC factors from the Directives as long as no international academic consensus is reached and published in peer-reviewed papers. There is no rush to introduce iLUC factors as in the EU the biofuel production does not threaten the food production in any way. There is enough surplus land to produce both food and fuel. This is also acknowledged in the Common Agricultural Policy (CAP): a mandatory set-aside land (7%) should be reserved for ecological focus areas where non-food crops are cultivated.

We remain at your disposal for any further questions.

Yours sincerely,



Arthur Wellinger

President
European Biogas Association