



*EU Environmental Policy Briefing**

Parliament's ITRE Committee Outlines Sustainability Criteria for the Renewable Energy Directive Proposal

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On 10 September 2008 the Parliament's Industry, Research and Energy (ITRE) Committee voted amendments to the proposed Directive on the promotion and use of energy from renewable sources (COM(2008)19). This development had been widely anticipated due to its inclusion of sustainability criteria for the production of transport fuels from biomass. The proposed amendments state that, irrespective of whether the raw materials were cultivated within the EU or imported, transport fuels from biomass shall only count towards targets for energy from renewable sources in road transport if their production satisfies certain sustainability criteria as outlined below.

Greenhouse Gas Emissions Savings Threshold and Calculations

The immediate target for greenhouse gas emissions savings ('savings') was increased from 35 per cent to 45 per cent, with an additional increase to 60 per cent by 1 January 2015. The date by which existing biofuels must meet the 45 per cent target is 1 April 2013.

Amendments were also made to the savings calculation method. Several default values were deleted, including those for direct and indirect land use change. Actual emission values for land use change shall now be added, unless production of the raw materials used did not require the use of arable, pasture, or permanent cropland. Other, 'de-segregated' default values remain, but are to be reviewed every two years from 31 December 2010. Regional and climatic conditions must be taken into account when defining default values for cultivation; this shall be done in consultation with producers and civil society experts.

Environmental Protection

Overall, definitions of high biodiversity value land were strengthened. Notably, the potential loophole 'forest undisturbed by significant human activity...' became 'primary forest and other wooded land...' Provisions were made for increased protection of ecosystems or species recognised as rare, threatened or endangered, as well as of areas providing basic ecosystem services in critical situations (as defined by the Millennium Ecosystem Assessment). The baseline date for land with high carbon

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stock status was moved to May 2003 from January 2008, and now includes in its remit all peatlands (not solely 'pristine' peatland), as well as savannah and scrubland. Permanent grassland is noticeably absent from the amendments.

Additionally, in order for biomass for energy to count towards the targets, effective measures must be taken during production of the raw materials to prevent: water pollution, including that of groundwater; excessive water consumption in areas of scarcity; air pollution; deterioration of soil quality; and the use of certain agrochemicals. Furthermore, the impact of EU biofuel policy on direct and indirect land use change shall be analysed by the Commission as part of its monitoring and reporting activities.

Social Responsibility

In an effort to make the production of raw materials for biomass for energy socially responsible, measures must be taken to ensure that: producers can demonstrate they have a legitimate right to use the land; no forced evictions have taken place to obtain the land; forced labour and child labour are neither used nor supported; and workers have legal contracts, fair remuneration and safe working conditions (in accordance with ILO conventions). Compliance with the provisions of the following International Conventions must be demonstrated: Convention on International Trade in Endangered Species of Wild Fauna and Flora; Convention of Biological Diversity; Cartagena Protocol on Biosafety; and United National Framework Convention on Climate Change and its related Kyoto Protocol. Furthermore, monitoring and reporting by the Commission shall now pay particular attention to the impact on food security, with a focus on developing countries.

Fuel Quality Directive

The proposed Directive on fuel quality sets a target for a 10 per cent decarbonisation of transport fuels by 2020. Biofuels are expected to contribute significantly to the achievement of this target and for this reason it is seen as beneficial to link the development of the fuel quality Directive with that of the proposed renewable energy Directive. Consequently, discussions on the fuel quality Directive had been delayed until the greenhouse gas emissions reduction threshold in the renewable energy Directive had been decided. There had also been some uncertainty over whether sustainability criteria for the production of biofuels should be included in one Directive or both. Now that these issues have been clarified – the sustainability criteria will be part of the renewable energy Directive only – the fuel quality directive will recommence its journey through the EU legislative procedure.

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