

EBB position on
DRAFT RED II delegated act on low & high ILUC-risk biofuels



060/COM/19

February 2019

On February 8th 2019, the European Commission [published](#) a draft delegated act to define feedstocks with high risk of Indirect Land-Use Change (ILUC) and to set criteria to certify low ILUC-risk biofuels. The draft delegated act is open for stakeholders' feedback for a period of 4 weeks (i.e. until March 8th). Feedback will be considered by the Commission for finalising this initiative.

The EBB has prepared a position to contribute to the abovementioned consultation. Nevertheless, **it should be noted that several elements proposed in the draft delegated act are not sufficiently justified due to the lack of a proper impact assessment.** A proper **impact assessment is needed from the Commission** together with the delegated act, since this element is a crucial one to understand what quantities of low ILUC-risk biofuels may be certified in the future.

Considering the lack of an impact assessment, at this stage, the EBB cannot provide a fully detailed position. Instead, we would like to stress the main principles on which the delegated act should be based on:

- The 2019 cap on high ILUC-risk feedstocks, coupled with the 2023-2030 phase-out trajectory for these feedstocks and the low ILUC-risk certification, are **key instruments to drive an improvement of land-use practices around the world.** They should lead to rewarding good practices and agriculture improvements, and to the increase in the sourcing of more raw materials sustainable at global level, as these are necessary to achieve Europe's decarbonization goals.
- We take note of the Commission's approach to **start the high ILUC-risk assessment from a specific per crop type evaluation** (including all crops used as raw materials to produce the various biofuels involved (biodiesel, bioethanol, biogas, etc., etc.). This should be based on **transparent, peer-reviewed and publicly available scientific data**, to be regularly updated, concerning both land use, GHG impacts and yield developments.
- Moreover, **the change away from a previous logic of ILUC modelling is recognized and welcomed by the EBB** since models such as GLOBIOM will not be used to classify biofuels' ILUC risk.
- We also appreciate the approach followed in the delegated act, which respects what is stated in the RED II by looking at data regarding the expansion into land with high carbon stock to assess ILUC-risk and determine which feedstocks cause it.
- Nevertheless, the **delegated act should be based on a balanced approach and set robust criteria while providing incentives and opportunity for producers to improve their productivity and cultivate crops in a way that do not include an ILUC-risk.** It should ensure that the given quantity level of 2019 high ILUC-risk biofuels is maintained with the possibilities given to certify low ILUC-risk biofuels. This should protect security of investments and provide regulatory stability to the European industry.

- To allow for a better analysis of the impact of this delegated act, several elements need to be further explained. More specifically, the measures on which “**Low ILUC risk**” **certification** would be based need to be clarified further. “**Additionality measures**”, at this stage, are still relatively unclear and a better definition of their context of implementation (financial attractiveness only for non-food uses and application by small holders only) is needed in order to avoid an incorrect or misleading interpretation of the future Regulation.
- It should also be noted that **an effective traceability system is critical to ensure a strong methodology to certify low ILUC-risk biofuels**. Therefore, in connection with this delegated act, as well as the upcoming implementing act directed at the voluntary schemes, the foreseen traceability database in the RED II should track all raw materials since their origin to prevent any concerns with sustainability and only accept low ILUC-risk biofuels that are truly traceable and sustainable.
- Finally, since this delegated act is meant to determine those biofuels with high ILUC-risk (which then should be phased-out up to 2030), **the EBB welcomes the European Commission recognition that sustainable crop-based biofuels, including those classified as low ILUC-risk, have a key role to play in the decarbonization of the transport sector**. Therefore, provided that potential ILUC concerns are addressed, crop-based biofuels should remain a crucial instrument to comply with the goals of the Paris Agreement, decarbonize the transport sector and be potentially expanded in the future.

The **European Biodiesel Board (EBB)** is a non-profit organisation established in January 1997. Today, the EBB gathers 65 members across 21 Member-States, which represents 75% of the European output. Biodiesel is the main European solution to reduce emissions from transport and dependence on imported oil. EBB aims to promote the use of biodiesel in the European Union and is committed to fulfil International standards for sustainability in GHG emissions and sustainable feedstock. The EBB is constantly working towards the development of improved and greener technologies.