

Re: Consultations on changes to the Renewable Transport Fuel Obligation to transpose the Renewable Energy Directive and changes to the Fuel Quality Directive.

Submitted by Ian Lander for Biofuelwatch (<http://www.biofuelwatch.org.uk/index.php>)

I am responding on changes to the Renewable Transport Fuel Obligation to transpose the EU RED and FQD on behalf of Biofuelwatch. From the quotes in text in italics are taken from the consultation document:

The consultation states: *'The RED requires Member States to ensure that 10% of the energy used in transport is from renewable sources in 2020, as well as requiring the introduction of mandatory sustainability criteria for biofuels'*. - It is clear then, that member states do not have to use biofuels, but if they do, they must introduce mandatory sustainability criteria.

It then states: *'The most expedient way of transposing the RED is through amendment of the RTFO'*. We would not agree that amendment of the RTFO is expedient, i.e. advisable or advantageous given that various studies show that industrial biofuel monocultures create more greenhouse gas emissions than the fossil fuels they replace, once direct and indirect land use change and nitrous oxide emissions from fertiliser use are fully taken into account. Please see following references: <http://tinyurl.com/2bn5mn> <http://tinyurl.com/2dhfss> <http://tinyurl.com/6l47txb> <http://tinyurl.com/6d8m8lx> <http://tinyurl.com/2elcyc>

'This consultation seeks views on proposed amendments to the scheme in order to implement the RED and changes that aim to improve administration of the scheme'.

As such and given such a narrow remit we assert that this is not a meaningful consultation. Its approach is predicated on the false assertions that biofuels reduce carbon emissions and sustainability criteria can take account of macro-impacts of the commodity markets and real-politic.

Furthermore the RTFO is based on conflicting and mutually opposed goals. The 2004 RTFO feasibility report stated: <http://tinyurl.com/3p3v682> *'People want to travel more for business and leisure and expect to be able to buy more goods and services from across the globe. This means that good transport is vital. But it is essential that we balance the increasing demand for travel fuelled by increased economic prosperity, with our goals for protecting the environment and improving the quality of life for everyone, in line with the UK's strategy for sustainable development'*. And *'In 2003 the Government made a commitment in the Energy White Paper that the UK should put itself on a path towards a reduction in CO2 emissions of some 60 per cent by around 2050. It also recognised that the transport sector, currently responsible for some 25 per cent of UK emissions, could contribute to emissions reductions in a number of areas. Improving the efficiency of vehicles and reducing the need to travel are essential parts of this strategy, but the White Paper also stated that deeper carbon reductions would also need low carbon fuels.'*

So to begin with, the government appears to be accepting growth in transport, whilst suggesting it should be reduced. And in doing so the government recognise that reducing emissions in the transport sector can be achieved by improving vehicle energy efficiency and reducing the need to travel. We call upon the dft to scrap the RTFO biofuel targets and incentivise measures to increase fuel efficiency and reduce the need to travel, especially private car use

'The Government wishes to ensure that the transport target is met by continuing to obligate fuel suppliers to supply renewable energy for transport through the RTFO. The UK's National Action Plan⁴ set out a central scenario for meeting the RED renewable energy targets and showed that for transport the majority of the target is expected to be met through the increased supply of biofuels with some contribution from renewable electricity'.

This is confusing, given DECCs 2050 Pathways Analysis (<http://tinyurl.com/3lxu4f5>) indicates that the long term decarbonisation of transport lies with renewable electricity (please note this definition should not include from biomass & bio-liquids) rather than from biofuels. Given that the UK goes into ecological debt after a third of a calendar year, it is perhaps unwise to increase resource demand with electric cars. A more sensible course to comply with RED would be increased efficiency and reduced demand and finally electric public transport, if this didn't compete with renewable electricity for power. It also illustrates that the government has a choice in how to deliver RED. It is not acceptable that it has chosen a course that has an adverse affect on the environment and human rights. We should remind you, that there is no interim RED transport target until 2010 and we would urge that the Government should instead work towards amending the RED over the next 9 years in view of the growing evidence of the disastrous impacts of biofuels.

'In addition to the transport renewable energy target there are two other key requirements in the RED that apply if biofuels are to be counted towards meeting the RED target and/or a national renewable energy obligation (such as the RTFO):

Biofuels are required to meet certain sustainability criteria. These criteria address issues such as minimum greenhouse gas savings and ensure that biofuels are not produced from areas of high carbon stock or high biodiversity'.

Your own reports claim that transport biofuels used in the UK currently produce an overall Greenhouse Gas saving of 52%. Yet this figure excludes the effects of all direct or indirect land use change as well as indirect nitrous oxide emissions and almost certainly the effects . It is also inflated by the current high proportion of biodiesel made from by-products like used cooking oil and tallow – most of it imported from countries which in turn rely on imported soya, palm oil and sugar cane for the biofuels they use. When the full impacts of land-use change are factored in, biofuels have been shown to produce higher levels of greenhouse gas emissions than fossil fuels. By increasing the level of biofuel usage, UK policy will perversely be increasing the likelihood of catastrophic climate change.

'We expect the requirements of the FQD to be predominantly delivered through the supply of the same sustainable biofuel that will simultaneously make up the majority of the renewable energy required to meet the transport target imposed by the RED'. - Once again this exposes the fact that the RED target could be delivered by non biofuels.

The consultation makes reference to: *'This Stakeholder Advisory Group was made up of representatives from the fossil and biofuel industries, environmental bodies and other interested parties. The main purpose of the Group was to consider how best the RED might be implemented and the suitability of modifying the RTFO scheme. The, group along with other interested parties and delivery agents, has helped to inform the Department on issues such as:*

- *The transposition of the RED in the most effective and sustainable way (including data provision for impact assessment purposes). Also on the interaction between the RED and the FQD, and how to input into the EU comitology process*
- *Development of the transport content of a UK National Action Plan by June 2010, including an indicative trajectory for the UK share of energy from renewable sources by 2020.*
- *Future debate with the European Commission, regarding the development of additional biofuel sustainability criteria, including further consultation on potential indirect land use change methodologies'.*

This means that only 3 out of 36 consulted stakeholders' were NGOs. The rest of the group is made up of industry or government agencies. None of the 'interested parties' are from the scientific community that has shown in peer-reviewed papers that current biofuels do not mitigate climate change. Nor have any organisations which can claim to represent communities in producer countries affected by biofuels been consulted. Crucially this consultation is only concerned with administration, even though the EC debate on ILUC could effectively conclude that biofuels exacerbate rather than mitigate climate change. The DfT should have been minded to implement the recommendations of the EAC, when it called for a moratorium on biofuels.

Crucially this group was not asked to consider human rights. We contend that the DfT, HMG and the EC have also failed to consider human rights under 'sustainability criteria' for RED. The UK government is a signatory to the European Court of Human Rights, Convention for the Protection of Human Rights and Fundamental Freedoms: <http://tinyurl.com/brqd9>

It states: *'Considering the Universal Declaration of Human Rights proclaimed by the General Assembly of the United Nations on 10 December 1948; Considering that this Declaration aims at securing the universal and effective recognition and observance of the Rights therein declared; Considering that the aim of the Council of Europe is the achievement of greater unity between its members and that one of the methods by which that aim is to be pursued is the maintenance and further realisation of human rights and fundamental freedoms; Reaffirming their profound belief in those fundamental freedoms which are the foundation of justice and peace in the world and are best maintained on the one hand by an effective political democracy and on the other by a common understanding and observance of the human rights upon which they depend; Being resolved, as*

the governments of European countries which are likeminded and have a common heritage of political traditions, ideals, freedom and the rule of law, to take the first steps for the collective enforcement of certain of the rights stated in the Universal Declaration,

We would suggest that biofuels, used to satisfy RTFO and RED targets, traded as an international commodity are implicated in Articles 1, 2, 3, 4, 5, 6, 7, 9, 10, 11, 13, 14, 17. Namely, the: Obligation to respect human rights, Right to life, Prohibition of torture, Prohibition of slavery and forced labour, Right to liberty and security, Right to a fair trial, No punishment without law, Freedom of thought, conscience and religion, Freedom of expression, Freedom of assembly and association, Right to an effective remedy, Prohibition of discrimination, Prohibition of abuse of rights.

Clearly this is intended to protect the human rights of those living within the EU, however, we would suggest that the introduction is talking about the planets citizens.

The right to food is also a fundamental human right. EU RED and RTFO 'sustainability criteria' wholly fail to take account of this -impact of the using biofuels in transport.

The current use of biofuels in transport is damaging to the climate, the environment and to social conditions in overseas countries. You have acknowledged in the consultation documents that you have doubts about the value of biofuels by saying that there is still scientific uncertainty about their sustainability and their wider socio-economic impacts. Increasing the volume of biofuels in transport to 5% in 2013-14 will clearly worsen these impacts, since fuel suppliers will continue to use cheaper imported feedstocks that compete with food production and result in land-grabbing and eco-system destruction. Using UK land to grow fuel is little better since that land is taken out of global food production, indirectly leading to more land-grabbing and deforestation elsewhere.

Global food supplies are under ever-increasing pressure, and overall levels of hunger are still unacceptably high. It is highly immoral to divert land, water and fertiliser resources to fuel our vehicles when millions of people are going hungry.

Evidence continues to come to light that land-grabbing for industrial agriculture and biofuel production is prevalent in many of the countries supplying the UK. For example, the BBC reported last month that in Argentina's Salta Province at least ten children from the Indigenous Wichi community have died from malnutrition in the first three months of this year. Wichi communities' livelihood has always depended on the forest, yet between 2000 and 2006, at least 600,000 hectares of forest was destroyed by corporations to grow soy and other grains (<http://tinyurl.com/454jntm>). Argentinean Soy is a key feedstock for UK biodiesel.

We draw your attention to three further examples of biofuels and human rights abuses:

Grupo Dinant's oil palm plantations in Bajo Aguan, Honduras

Miguel Facusse, owner of Grupo Dinant, is one of the the most notorious landowners in Honduras and an important supporter of the military coup in June 2000 and of the repressive illegitimate government brought to power by that coup. Grupo Dinant is one of the largest palm oil companies in the country. Grupo Dinant controls over 21,000 hectares of land, much of it oil palm plantations in the Bajo Aguan Valley in the north of the country. Land conflicts date back to the 1990s, when Facusse obtained land titles from farmers' cooperatives who were subjected to violence and intimidation. Agrarian reform legislation under the former elected government should have allowed landless farmers to recover much of that land. Since the coup, it has been set aside, leading to peasant organisations deciding that their only option was a peaceful re-occupation of some of the lands in question. Miguel Facusse responded with violence, hiring armed paramilitaries, some of them reported to have worked in notorious death squads in Colombia. The illegitimate government, since the coup, has not only allowed the violence to continue with impunity but has sent in police and military – to help repress the peasants, against condemnation from national and international human rights organisations. In 2010 alone, 15 murders of peasants and their supporters have been documented and there are reports of as many as 35, many of them attributed to Miguel Facusse's paramilitaries and their state supporters.

Grupo Dinant and EU 'sustainability standards':

Most of the land controlled by Grupo Dinant's is fertile farmland taken from peasants, much of it illegally. Since it has not been forested, is not peatland and not 'highly biodiverse grassland', the palm oil does not contravene EU 'sustainability standards'. Under EU greenhouse gas criteria, palm oil produced without methane capture may not qualify – but Grupo Dinant managed to get multi-million dollar loans from the World Bank and the Inter-American Development Bank, partly for biogas plants to avoid methane emissions. Biogas

plants will allow them to meet the EU greenhouse gas criteria as well. Despite implication in murders, kidnapping, torture and brutal mass evictions, Grupo Dinant's palm oil is a clear example of 'sustainable palm oil' under the EU's and UK's definition.

Palm oil from Sinar Mas subsidiary PT KDA in Jambi Province, Sumatra, Indonesia

Farmers in the village of Karang Mandapo in Sumatra's Jambi Province used to grow rubber trees and food and had use of a biodiverse community forest, until Sinar Mas subsidiary PT Kresna Duta Agroindo (KDA) arrived around 2003, cut down the forest and the rubber trees and illegally occupied villagers' land to establish oil palm plantations. Villagers found themselves destitute. After years of unsuccessful attempts to assert their land rights, they decided to re-occupy their own land in 2007 and began to harvest oil nuts themselves and to grow food and plant rubber trees again on some of the land. Since then, they have suffered intimidation and maltreatment at the hands of persons believed to be working for the company. In 2009, the mayor was arrested on trumped-up charges and held in prison for eight months, during which period hundreds of peasants demonstrated and many camped outside the prison. He was initially given a 10-month prison sentence and forbidden to hold office, including as a mayor, for the rest of his life. However, in summer 2010, his appeal against the conviction succeeded and all charges were dropped. In January 2011, paramilitary forces began shooting at peasants who were about to harvest palm nuts on their land. Six men were injured, some of them seriously. Seven others were arrested and only released after demonstrations in Jakarta and Sumatra as well as international protests.

PTA KDA and EU 'Sustainability standards'

Although PTA KDA cleared rainforest for the oil palm plantation around Karang Mandapo, this happened well before January 2008 and therefore does not contravene EU biofuel standards. The parent company, Sinar Mas, is responsible for ongoing large-scale deforestation as well as land conflicts, including violent ones, however under EU standards palm oil from older plantations or ones on land taken from farmers will generally be classed as 'sustainable', regardless of what is happening on other plantations belonging to the company. The only question possible hurdle faced by PT KDA are methane emissions – but Sinar Mas can well afford methane capture/biogas to 'remedy' this and they remain free to sell palm oil linked to human rights abuses as 'sustainable biofuels'.

Daabon's palm oil from Colombia:

Daabon Group prides itself of being “the pioneer and leading grower of organic ingredients in South America” and of holding eleven different 'organic' and 'fair trade' certificates, as well as the first certificate granted by the Roundtable on Sustainable Palm Oil for palm oil from Colombia and indeed all of Latin America. The reality on their oil palm plantations is very different from their image. In the Colombian region of Las Pavas, Daabon has, almost certainly illegally, evicted 123 peasant families to make way for new plantations. They did so by asking the courts to remove the farmers, knowing that the judiciary, government and police in Colombia tend to be biased in favour of agribusiness firms and against peasants. Police in riot gear arrived to evict the families in July 2009. The company had bought Las Pavas in 2006, even though it was being farmed by peasants who were not consulted and used to grow food, such as plantain, maize and squash. Having evicted the families, Daabon destroyed farmers' fields and shelters and burned down their crops and trees. The company then started to dry up the ecologically sensible and valuable river banks and swamps. Following protests by Christian Aid, the Body Shop, together with the NGO, commissioned an independent field report which confirmed the failures of Daabon. As Daabon did not react to the findings and recommendations of the field report, the Body Shop announced to cut their business partnership with the palm oil company in September 2010. Following a report by Christian Aid, the Body Shop responded to protests against their use of Daabon palm oil by cutting their business partnership with the company. Yet the 123 evicted families remain homeless – living in a camp set up in a nearby school yard and dependent on food aid, while Daabon has announced new plantations.

Daabon and EU 'Sustainability standards':

The illegal and violent eviction of 123 families will be no reason for classing biofuels made from Daabon's palm oil as 'unsustainable' under the UK Government's decision in the Bristol case and under EU biofuel standards. In theory, Daabon's palm oil should never have been certified by the Roundtable on Sustainable Palm Oil (RSPO): Not only do the human rights abuses violate RSPO standards, but the company has also been shown to be responsible for ongoing illegal deforestation, damming of rivers in order to irrigate oil palm plantations in a dry area threatened by desertification, disastrous palm oil spills in the Caribbean and misuse of subsidies directed at small farmers. Yet they have been certified by the RSPO. A European Commission announcement is expected shortly under which all RSPO-certified palm oil must be deemed to meet EU

'sustainability standards'. Daabon has applied for a CDM project to capture methane from palm oil and methane capture will allow them to overcome any possible hurdle under EU legislation.

The mandatory sustainability criteria to be transposed into the RTFO from the RED, and the 'additional sustainability information' required in fuel supplier's reporting under the revised RTFO will not address such impacts – instead they will class biofuels directly linked to human rights abuses, hunger and pesticide poisoning as 'sustainable'.

Further more we note that there are no provisions for verifying or auditing claims made by biofuel suppliers. Instead, the proposal is for unverified self-reporting by companies. 'Auditing' can be done by any consultant chosen and paid for by a company, without public scrutiny, even in cases where biofuel suppliers themselves may not even know the full supply chain.

Regarding: '5. Geographical coverage

This consultation, and the proposed amendments to the RTFO Order 2007 ("the RTFO Order"), applies across the whole of the United Kingdom'. - Once again we are required to make the point in the UK consultation process, that in a public consultation that effects the public in the majority world this geographical coverage is too small and devalues the findings.

Regarding: '6. Who should read this consultation?

This consultation will be of particular interest if you are:

- a supplier of fossil fuel, including those who supply fuels not currently covered by the RTFO, or who currently fall below the minimum threshold in the RTFO;*
- a supplier of biofuel, including both non-obligated account holders under the existing RTFO and those entities that don't participate in the current RTFO;*
- involved in growing or producing feedstocks for biofuels;*
- involved in converting feedstocks into biofuels;*
- involved in environmental or social standards for biofuels;*
- a body or individual with an interest in biofuels;*
- a body or individual with an interest in environmental and social concerns related to use and production of biofuels.*

This consultation may be of interest to other parties and all are welcome to comment on our proposals.'

However the communities directly affected by biofuel production in the Global South have been precluded from having a voice by '5. Geographical coverage.'

The consultations states: *'For biofuels to be beneficial in contributing towards reducing climate change and improving energy security, they must provide a sustainable alternative to fossil fuels'. - No large-scale biofuels can be shown to fulfil this condition at present.*

'We recognise that there are legitimate concerns about the sustainability of some biofuels. The environmental benefits of biofuels can only be realised if they are produced in a sustainable way, i.e. that they meet minimum economic, social and environmental criteria including that they deliver real GHG savings. Biofuels are a continually developing technology; there is still scientific uncertainty about the sustainability of biofuels and their wider socio-economic impacts and we are aware that there are some unsustainable biofuels that deliver no environmental benefit'. -We believe that the evidence about the harm caused by large-scale biofuels is such that the precautionary principle must be applied, which means suspending or scrapping the RTFO target and advocating for the same to happen with regards to the 2020 RED transport target.

'While both the RED and FQD include sustainability criteria that must be met for most⁶ biofuels, these criteria only refer to direct impacts such as emissions from fertilizers used in the production of the biofuel, and some immediate biodiversity impacts. They do not reflect indirect land use change (ILUC) concerns, which can arise when the cultivation of biofuel feedstocks on existing agricultural land results in the displacement of production on to previously uncultivated land. ILUC is a particular problem if the previously uncultivated land has high carbon stocks such as rainforest or is of high biodiversity value. These indirect effects, which are not yet fully understood, may result in the carbon saving from some biofuels being less than originally thought (or even, in some cases, having a greater carbon footprint than the fossil fuel they are replacing), once accounted for in a full lifecycle GHG analysis.

Work is ongoing, in the UK, the EU and more widely, to better understand indirect sustainability effects. It is important that we establish strong sustainability criteria and robust lifecycle carbon analysis to ensure first that biofuels deliver real greenhouse gas reductions and second, do not cause unacceptable environmental side effects in the process. The European Commission reported on the issue of ILUC in December 2010⁷ and is now undertaking further assessment of whether and how to address ILUC through European legislation. The UK Government will continue to work with the European Commission on this issue'.

Crucially, the EC has not so far agreed to take ILUC into account at all and there is no guarantee that they will do so in future, let alone that it will be addressed in line with science. Further the ILUC assessment does not consider any non-greenhouse gas direct impacts of biofuels

'In addition to concerns regarding the sustainability of biofuels, we must also consider where biofuels would be best deployed across the transport sector. We are clear that sustainable biofuels do have a role in our efforts to tackle climate change, particularly where there is no clear viable alternative fuel, as with aviation and heavy goods vehicles.' This contention is troubling. How can you be clear that sustainable biofuels have a role in tackling climate change without clear findings on ILUC? How can you talk about sustainability only in terms of climate change, without considering, biodiversity & habitat loss, soil, water, food, pesticides and human rights?

'In April 2010, the Department commissioned work to determine how best biofuels should be deployed across all transport modes. In addition, the Government tasked the Committee on Climate Change to review current targets for renewable energy. These pieces of work are due to conclude over the coming months. As we are still gathering evidence about the best use across modes, it would not be sensible to assume any particular level of uptake in vehicle fleets'.

We are alarmed by government pronouncements in favour of the development of aviation biofuels, which would be additional to the demand being created by the RTFO and also to the demand for biofuels created as a result of Renewable Obligation Certificates available for bioliquids. We are also worried that a government concerned about carbon emissions has referred to heavy good vehicles, given that transporting goods by train produces 92% less CO₂¹. In the UK only 12% of our freight travels by train <http://tinyurl.com/3uduvmd>. An aggregate train can remove 120 HGVs from our roads². And HGVs are up to 160,000 times more damaging to our roads than the average car³. Trains can also be powered by renewable electricity.

'Given the continuing uncertainties regarding the sustainability of biofuels and the need to ensure that we put in place a framework for biofuel policy that can take into account on-going work regarding the best deployment of biofuels across transport sectors, we do not propose to make any changes to the current biofuel supply trajectory that is set out in the RTFO'. The logic of this approach appears somewhat problematic, given that having admitted there is a problem you intend to carry-on. *'However, there will be a legal obligation on the Secretary of State for Transport to keep this issue under review and to consider what additional measures will be required to ensure that the UK delivers the requirements of the RED and FQD in the period 2014 to 2020. This approach should enable us to establish a stable biofuel policy that will allow industry to robustly plan for the period 2014 to 2020.'*

Again, this is contradictory, insofar as it recognises that RED can be delivered without biofuels (especially given further adverse findings on sustainability) but then goes on to reassure the biofuels industry that regardless, they will be here until 2020.

'We propose to amend the current RTFO to meet the transport related requirements of the RED. Most notably, we will introduce the mandatory sustainability criteria specified in the RED and introduce double rewards for biofuels made from wastes, residues, non-food cellulosic material and ligno-cellulosic material'. We are very concerned about the definition of wastes and residues, given the RFA commissioned report which shows that many of those, if diverted from other sectors to biofuels, can result in high indirect ghg emissions. We are

also concerned about support for cellulosic biofuels, which currently have a negative energy balance and many of which require the use of genetically engineered microbes and trees. These will take the form of mono-cultures, such as eucalyptus. These plantations will be low in biodiversity and are often an invasive species that present a fire-risk. These plantations will take the place of more biodiverse ecosystems, such as grasslands or primary forests, which will release carbon, due to Land Use Change (LUC). They will also lead to ILUC. Both LUC & ILUC are involved in human rights and food rights issues.

'For biofuels to be beneficial in contributing towards reducing climate change and improving energy security, they must provide a sustainable alternative to fossil fuels'. They do not.

'We do not propose, at this stage, to amend the current RTFO biofuel supply targets. Instead we propose to place an obligation on the Secretary of State for Transport to come forward with proposals for measures to ensure delivery of the transport requirements of the RED for the period 2014 to 2020 at a later date. This will enable decisions about those measures to be made once there is a greater evidence base regarding biofuel sustainability and deployment issues'. If the government were ever to accept the scientific consensus regarding carbon debt and food & human rights issues how is it defensible to continue with a policy where the policy document already admits there are so many uncertainties?

There are a number of aspects of the RED that are still to be decided through discussion and agreement between the European Commission and Member States, for example the exact nature of the sustainability criteria related to the protection of highly biodiverse grasslands.

Question 1: *Do you agree to the proposed approach to developing the RTFO technical guidance? If not, please can you explain why?*

No, because it ignores peer-reviewed science, human rights and food issues as well as calls from civil society to drop targets and subsidies for biofuels.

Question 2: *Do you agree that we have correctly transposed the RED sustainability criteria in Article 25 of the draft amendment Order?*

No as RED does not include ILUC, human rights and food issues.

Question 4: *Do you have any views on alternative approaches to implementing the sustainability monitoring and verification in a least burdensome manner?*

Only that this seems like rather a callous question, given the seriousness of the omissions in question 2.

11.3.1.1. Minimum GHG saving thresholds

Table 1 details the minimum GHG savings that biofuels must deliver. These increase during the lifetime of the RED and are subject to grandfathering clauses.

Table 1. Minimum GHG saving thresholds and grandfathering periods for biofuel installations Period	Date production started at an installation		
	Pre 23/01/2008	Post 23/01/2008	Post 01/01/2017
05/12/2010 to 31/03/2013	No criteria	35%	N/A
01/04/2013 to 31/12/2016	35%	35%	N/A
01/01/2017 to 31/12/2017	50%	50%	50%
01/01/2018 to 31/12/2020	50%	50%	60%

These are meaningless as they take no account of ILUC, carbon debt and we believe nitrous oxide emissions from fertilizer use.

11.3.1.2. Areas of high biodiversity

The RED requires that biofuels must not be made from feedstocks that have been grown on areas of high biodiversity, specifically: primary forest and other wooded land, areas designated for nature protection purposes and highly biodiverse grassland.’ Unfortunately certification does not guarantee this is the case and can never take account of ILUC, which includes all those areas that RED requires biofuels must NOT come from.

‘However, feedstocks grown in areas designated for nature protection purposes can be used where it can be shown that the production of the feedstock did not interfere with the nature protection purposes’. This is extremely problematical.

‘The criteria and geographic ranges that determine what land counts as highly biodiverse grassland will be defined by the European Commission¹⁰. Until this has occurred, we will not be able to include criteria related to highly biodiverse grassland in the amending Order. If the European Commission does not publish the criteria and geographic ranges before the draft Order is laid before Parliament, we will need to make a further amendment to the RTFO Order at a later date to introduce this provision’. Once again this should be grounds for abeyance.

11.3.1.3. Peatland and areas of high carbon stock

The RED requires that biofuels must not be made from feedstocks that have been grown on peatland, unless the supplier can demonstrate that cultivation and harvesting of the feedstock did not involve drainage of previously undrained soil. The RED provides a reference date of January 2008 for determining whether land has “peatland” status.’

One month later, in the paper, Land Clearing and Biofuel Carbon Debt published in Science, 7th February 2008, Fargoine et al, <http://tinyurl.com/2dhfss> calculated that converting tropical peatland rainforest to palm would release CO₂ that would take 840 years to repay – its carbon debt. The cut-off point is therefore completely meaningless and dangerous from the point of view of tackling climate change.

‘The RED also requires that biofuels must not be made from feedstocks that have been grown on land that has high carbon stock, which is defined as wetland or a continuously forested area. Article 17(3) second subparagraph places a requirement on the Commission to establish criteria and geographic ranges. Member States are involved via the regulatory procedure. However, there are two exceptions to the above requirement. Biofuel feedstocks can be grown on wetlands and continuously forested areas if the supplier can demonstrate that at the time that the feedstock was obtained, the land had the status it had in January 2008. Biofuel feedstocks can also be grown on continuously forested areas with canopy cover of between 10% and 30% if the supplier can demonstrate that the carbon stock of the area before and after it was converted for the production of biofuels was such that there is no breach of the GHG emission saving thresholds mentioned at paragraph 11.3.1.1 above’.

The same comments apply, as above, although the carbon debt will be smaller, but still significant.

11.3.2. Additional sustainability information

Article 18(3) of the RED requires that suppliers provide additional sustainability information termed “appropriate and relevant” information on:

- measures taken for soil, water and air protection;
- the restoration of degraded land;
- the avoidance of excessive water consumption in areas where water is scarce; and
- measures taken in order to take into account a range of social issues¹³.

The RED does not impose any minimum requirements related to these issues.’ In which case they are of little value.

Question 7: Do you agree our proposed approach for requiring information on the “appropriate and relevant information”?

No, as we contend that the required information is neither “appropriate or relevant”. If it were, then there would be no use of industrial bioenergy.

Question 8: Are there any other approaches that might be more appropriate?

Yes. Refer to calls for an end to biofuels by civil society in the global south <http://tinyurl.com/2bn5mn> and the EAC; use peer-reviewed science and listen to calls from aid agencies regarding food and fuel.

11.4. Double reward

The RED incentivises the use of certain feedstocks that don’t compete with food production or contribute to indirect land use change. Article 21(2) requires that biofuels made from wastes, residues, non-food cellulosic material, and ligno-cellulosic material are counted twice towards meeting the 10% renewable energy in transport target and national renewable energy obligations.

We propose to allow any biofuel that is produced wholly from such feedstocks to be eligible for two RTFCs per litre of renewable fuel (or kg of renewable gas). Where it is made partially from such materials, the reward will reflect this (see section 11.4.1)’.

We consider that non-food cellulosic material, and ligno-cellulosic material compete with food production or contribute to indirect land use change. We certainly do not agree that these feedstocks should be given a ‘double reward’.

In conclusion, the adverse effects of biofuel use already exceed any possible benefits, and nothing in the proposed changes to the RTFO will make a difference to this. Expansion will make the situation worse. We urge instead you scrap the targets for biofuels and incentivise other means to reduce emissions from transport.

References:

1. Freight on Rail and TRANSform Scotland, submission to the Freight Transport Inquiry by the Local Government and Transport Committee, Scottish Parliament, 2 December 2005
2. Network Rail 2005
3. Freight on Rail - Getting goods on the tracks