

Dear Sir/Madam,

We wish to respond to the consultation on the Draft Renewable Transport Fuel Obligations (Amendment) Order 2009. We would appreciate it if you could acknowledge receipt of this submission.

Before setting out our response to specific questions, we would like to express our very serious concern about the fact that issues raised about mandatory biofuel blending expressed by respondents to two previous RTFO consultations in 2007 appear to have been entirely ignored, as have been representations made before the introduction of mandatory biofuel blending in April 2008. We also wish to express our serious concerns about the fact that the UK government, by agreeing to the European Council's position on the Renewable Energy Directive appears to have prejudiced the outcome of the consultation on domestic biofuels targets.

Previous responses:

During the consultation on the RTFO Order, which closed in May 2007, well over 6,000 members of the public expressed their serious concerns about the proposed introduction of mandatory biofuel blending, either in principle or in the absence of binding sustainability and greenhouse gas reduction standards. The same concerns were shared by a range of environmental and development NGOs, who quoted detailed evidence of the disastrous impact which biofuel expansion was having (and continues to have) on communities and food supplies, on biodiversity, rainforests and other ecosystems and on the climate. The government chose to entirely ignore the evidence and the concerns. They concluded that mandatory sustainability and greenhouse gas standards were not practicable at the time, yet decided to proceed with the introduction of mandatory biofuel blending regardless.

We would particularly like to point out that the 'summary of responses' of that consultation on the Department for Transport website does not even acknowledge a response by five African NGOs which had called on the UK government to "refrain from promoting and using biofuels and raising targets for now", and which had stated: "We note with regret the failure of the RTFO consultation to consult with organisations outside of the UK, in particular the organisations representing the communities most likely to be affected by increased biofuels targets."(<http://tech.groups.yahoo.com/group/biofuelwatch/message/599>). Not only has the UK government continuously failed to seek the views of organisations representing communities in the global South directly affected by biofuel production, but a response from five African NGOs has been entirely ignored, whereas industry associations have been invited to contribute to all three RTFO consultations. In our view, this raises very serious issues over the legitimacy of the consultation process.

In September 2007, we submitted a detailed response on the consultation on Carbon and Sustainability Accounting in the RTFO. The evidence which we submitted about serious scientific flaws in the proposals appears to have been ignored. The Department for Transport failed to publish a summary of responses on this occasion.

Prior to the introduction of the RTFO in April 2008, over 14,000 UK residents emailed the UK government to call for the measure not to be introduced at that time. We submitted a joint letter with other organisations, again setting out our concerns (http://www.biofuelwatch.org.uk/files/rtfo_letter.pdf). Friends of the Earth, Cafod, Greenpeace, the RSPB, IIED, Operation Noah, Oneworld Net and Oxfam sent an open letter to the Ruth Kelly on 24th March 2008 (<http://www.greenpeace.org.uk/files/pdfs/forests/kelly-rtfo-letter-20080324.pdf>) reaffirming: "We believe that the introduction of biofuels targets will, in the absence of robust and enforceable sustainability standards and a clear understanding of the indirect impacts of large-scale production of biofuels, have a devastating impact on vulnerable peoples' livelihoods, the climate and biodiversity", and calling for the RTFO to be postponed.

UK Government's agreement to the Renewable Energy Directive and the Fuel Quality Directive

The RTFO consultation does not give respondents the option to call for current targets to be dropped or suspended, but it does consult on the possibility of a 'more cautious' approach to biofuels, as suggested by the Gallagher Review – albeit one which we feel itself does not in any way comply with the precautionary principle. The consultation text refers to future obligations

under the Renewable Energy Directive which may restrict the UK government's scope for making their own decisions.

There is no acknowledgment of the fact that the Renewable Energy Directive can only become law with the consent of all member states, and that the UK government has agreed to a compromise within the European Council which includes a 10% renewable energy for transport target which is understood to be a 10% biofuel target, and which at the same time strikes out virtually all of the measures which the European Parliament's ITRE Committee had voted on in the hope that they would mitigate the impacts of biofuels. Amongst those are most of the sustainability standards put forward by ITRE, sub-targets, interim-targets, a mandatory review of the 2020 target in 2014 (rather than a mere report by the European Commission), and the requirement to take indirect land use change into account. The UK government, as members of the European Council, has so far agreed to a Renewable Energy Directive which relies on greenhouse gas default values that do not account for any, direct or indirect, land-use change, while at the same time allowing the conversion of drained peatlands to biofuels. As Wetlands International have confirmed (<http://news.mongabay.com/2008/1209-wetlands.html>), this will result in much deeper peat drainage and very high greenhouse gas emissions linked directly (not just indirectly) to biofuel production. Given that, from 2010 onwards, the EU default values will be used in all member states, any references to 'greenhouse gas savings' under the RTFO are misleading.

Furthermore, the UK government has also so far agreed to a Fuel Quality Directive which will provide for biannual increases in biofuel use to meet a 'greenhouse gas reduction target', again from biofuels, based on the fact that all land use change emissions are ignored. This renders debate about a possible 'cautionary approach' to biofuels within the UK irrelevant and misleading.

Response to questions:

For Questions 1-4 we would reiterate the need for an immediate moratorium on agrofuels and suspension of all biofuel targets in the UK and the EU.

For Question 5 we would again stress that the UK government has just consented to the UK losing the right to develop sustainability and greenhouse gas standards, in favour of EU 'criteria' which will directly allow for the conversion of partially drained peatlands, forests other than primary forests or 'protected areas', and many areas of savannah, grassland and scrubland to biofuel production, and which are not accompanied by any credible mechanism for enforcing any type of standards at all. The Renewable Energy Directive will render discussion of Question 5 irrelevant, yet it will only become law with the UK government's consent.

We would like to refer to the call for an EU Agrofuel Moratorium, supported by over 200 organisations from North and South (www.econexus.info/biofuels.html), the call for an African Agrofuel Moratorium, which opposes agrofuel targets in Europe and elsewhere (www.gaiafoundation.org/documents/Africaagrofuelmoratorium.pdf), the agrofuel moratorium call by Via Campesina, an international network of peasants and small farmers (http://www.viacampesina.org/main_en/index.php?option=com_content&task=view&id=568&Itemid=1), a large number of declarations against agrofuels from large-scale monocultures from organisations in the global South (www.biofuelwatch.org.uk/declarations.php).

We also request that the detailed evidence available on the social, environmental and climate impacts of large-scale biofuel production is taken into account, including the evidence in "Agrofuels: Towards a Reality Check in 9 Key Areas" (http://www.biofuelwatch.org.uk/docs/agrofuels_reality_check.pdf), "The real cost of agrofuels" by the Global Forest Coalition and Global Justice Ecology Project (http://www.globalforestcoalition.org/img/userpics/File/publications/The_real_cost_of_agrofuels.pdf) and the peer-reviewed scientific evidence on climate impacts of agrofuel production, which is extensively discussed in the Gallagher Review.

Yours faithfully,

Almuth Ernsting,
Biofuelwatch