



Bundesministerium für  
Ernährung, Landwirtschaft  
und Verbraucherschutz

# National strategies & measures on the implementation of sustainability criteria for biofuels in Germany

Presentation  
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## Main Topics of Presentation



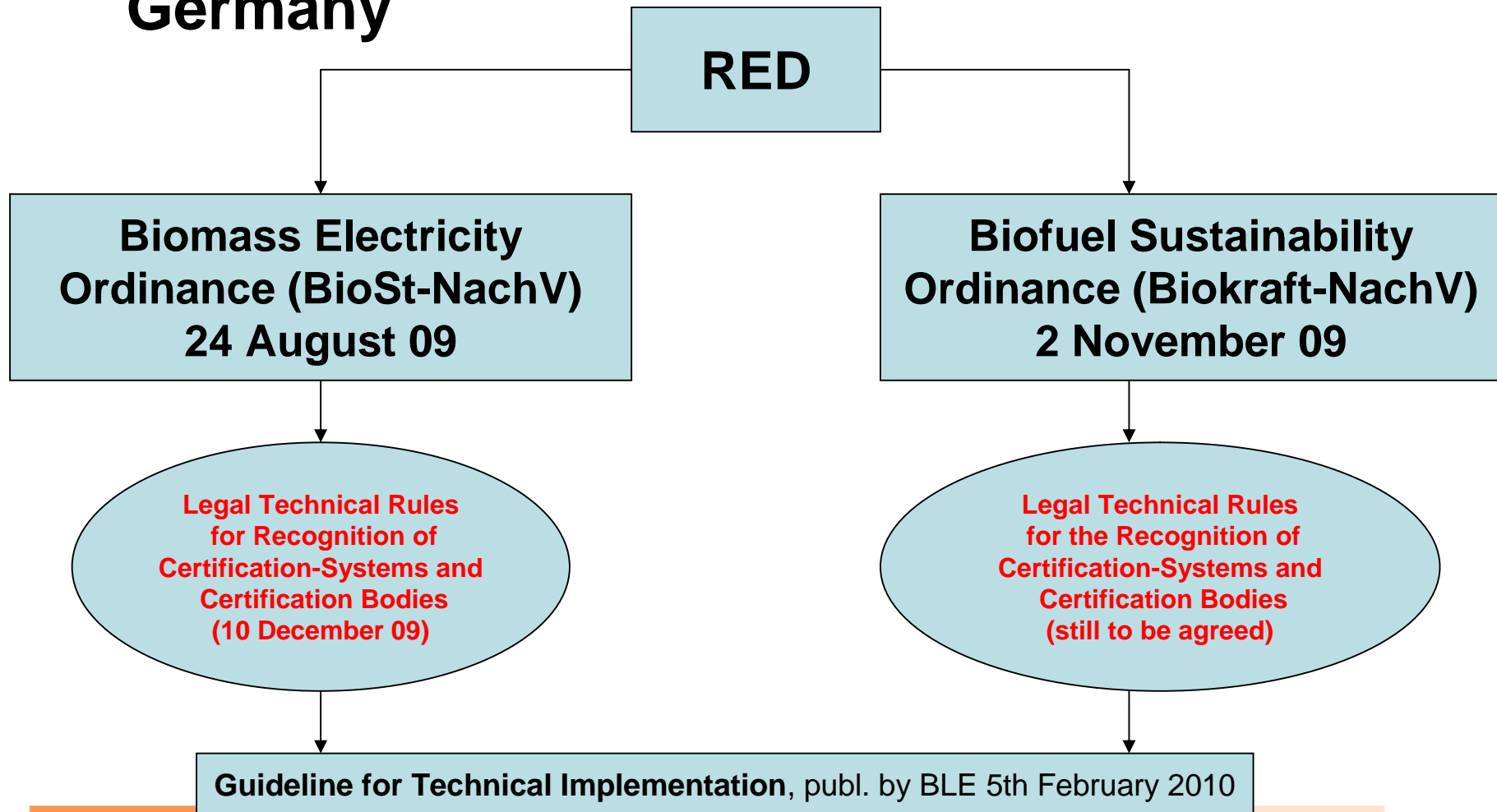
- **RED – Sustainability Criteria**
- **Legal framework in Germany**
- **Rules and procedures for proof and control**
- **Future challenges**

## RED 2009/28/EC (Art. 17 -19) Sustainability

### Criteria

- **Minimum GHG-emission savings of 35% compared with fossil fuels, from 2017 of 50% and from 2018 of 60% (new installations starting from 2017)**
- **For installations that were operational in January 2008, the minimum GHG-Emission savings of 35% does not apply until 1 April 2013**
- **No raw materials from nature conservation areas or from land with high biodiversity or land with a high carbon stock (status check: January 2008)**
- **Economic operators required to use a mass balance system**

# Implementation of RED Sustainability Criteria in Germany



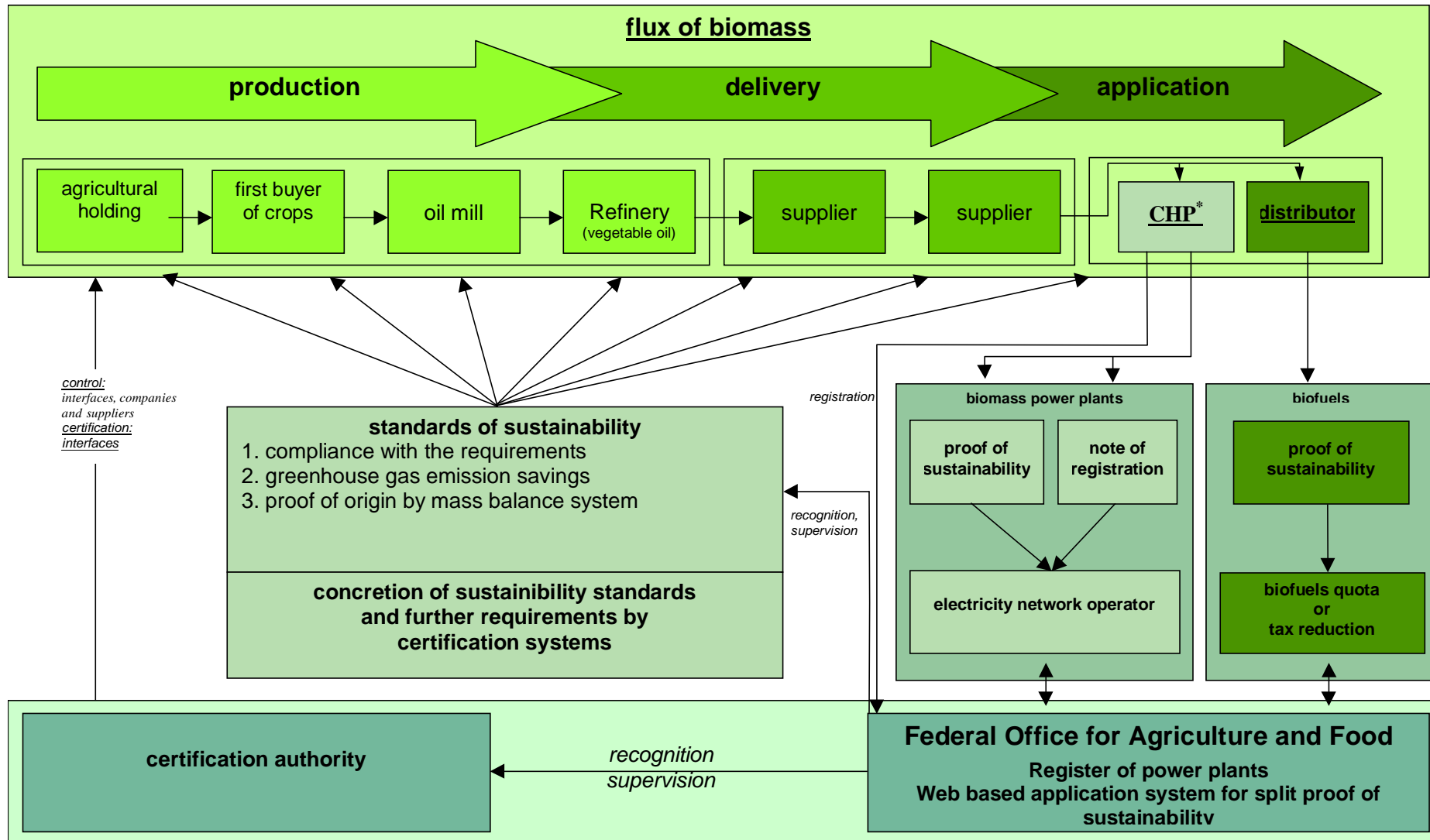
## Implementation of RED Sustainability Criteria in Germany

The german approach is based on:

- Private certification systems
- Private certification bodies
- The **BLE** as competent national authority for recognition and control

## Basic structure of the “national system”

- Sustainability evidence to be ensured via certification systems and bodies which, in turn, must be recognised by the Federal Agency for Agriculture and Food (BLE)
- Sustainability evidence examination focuses on so-called **interfaces**:
  1. **First enterer** (taking over of the biomass for the purposes of further trading)
  2. **Oil mills**
  3. **Refineries** and other installations that process liquid biomass to the quality grade required for use in combined heat-power plants or as biofuel.



## Basic structure of the “national system”

- The interfaces of this system (first enterer, oil mill, refinery where relevant) are audited by certification bodies and receive a certificate valid for 1 year.
- Certified interfaces must be monitored at least once a year (and within 6 months after the first issue of a certificate).
- Documentation of sustainability verification can only be issued by the last interface in the value-added chain (oil mill or refinery).
- This documentation accompanies the consignment to the plant operator with the last supplier having to confirm that the biomass supplied has been entered into a mass balance system.

# Rules and procedures for proof and control at the stage of the „First

## Enterer“ (I) **Definition: Who is a first enterer in the german model?**

- It is the economic operator (agricultural trader, cooperative, etc.) who firstly takes (buys) and registers the harvested biomass from the farmer
- **Important:** Area-related sustainability criteria of the RED have to be documented and controlled at the First Enterer´s stage. This means: **First Enterer is responsible for the fulfilment of the requirements also at farmers level** which includes:
  - = a field documentation (avoiding use of „no go-areas“)
  - = provision of GHG-emission values caused at this interface-level
  - = Application of mass balance recording

# Rules and procedures for proof and control at the stage of the „First

**Enterer“ (II)**  
With a view to a more practicable approach at farmers level we developed a self-declaration formular.

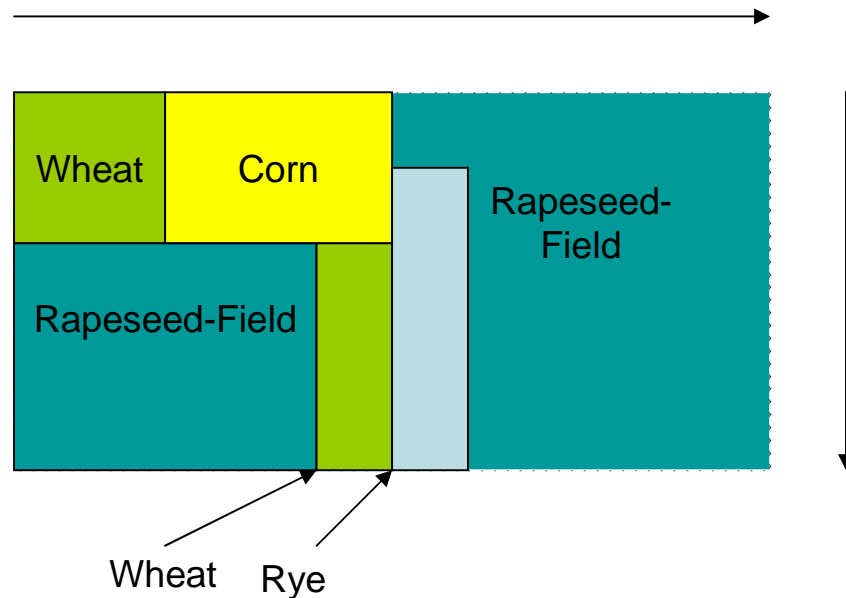
**Farmers declare that their biomass**

- stems from arable land which was arable land already before January 2008
- stems from protected areas, but the corresponding land use requirements are fulfilled
- can be documented with a clear indication of the geographical location using polygones in geographic coordinates or different area documents like field-blocks or land register extracts

# Rules and procedures for proof and control at the stage of the „First

## Enterer“ (III) Geographical identification of biomass area

### I. Simplified drawings of polygons

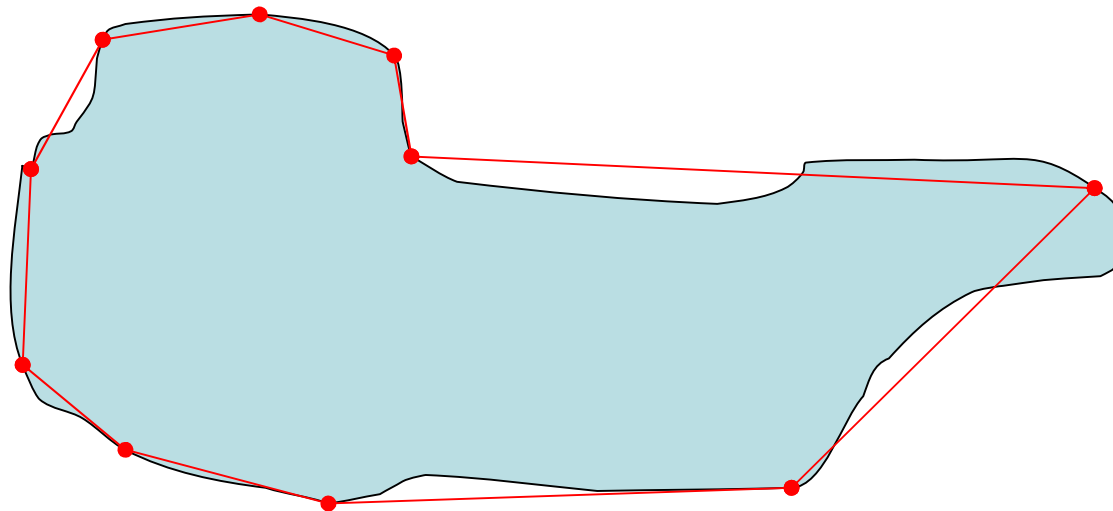


**Instead of mapping single field blocks, mapping the whole arable area (e.g. a square with a precision of 20 metres for each of the 4 individual points)**

# Rules and procedures for proof and control at the stage of the „First

## Enterer“ (IV) Geographical identification of biomass area

### I. Simplified drawings of polygons

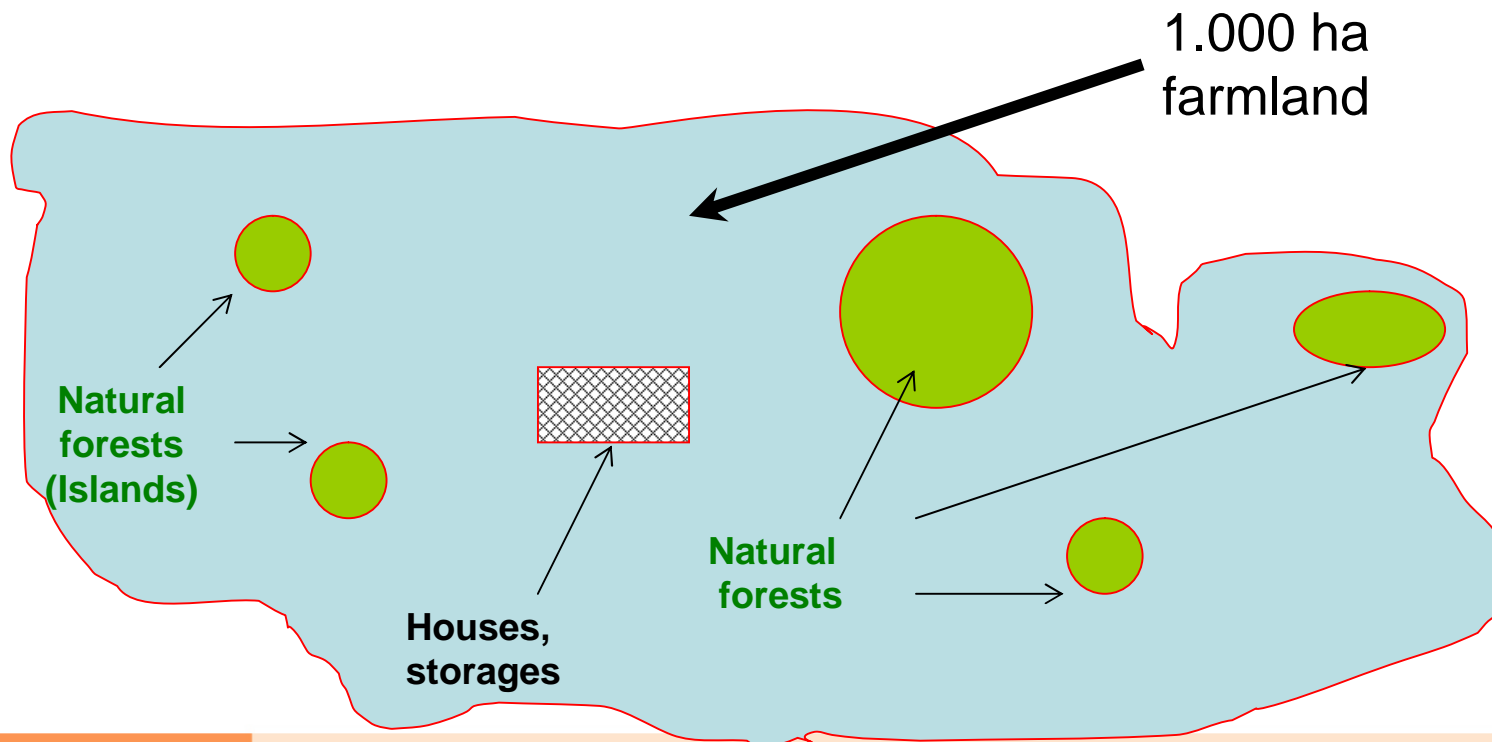


**With a few coordinates and lines simplifying real area without exceeding 10% of deviation from real area size**

# Rules and procedures for proof and control at the stage of the „First Enterer“ (V)

## Geographical identification of biomass area

- Realistic example of biomass areas in Latinamerica



# Rules and procedures for proof and control at the stage of the „First

## Enterer“ (VI)

### Lessons learned:

- **Technical implementation more complicated than estimated, especially on the area related criteria**
- **Still open determinations/questions**
  - = **what is highly biodiverse grassland? COM-proposal expected, but when and which content? A global mapping reference ore simply a complex definition?**
  - = **how can we use raw material from areas with high carbon stocks? (sustainable forest management systems)**
- **Do we all have the wright and identical mapping references?**

## Rules and procedures for proof and control at the stage of the last interface (oil mill or refinery)

- On the basis of documentation the last interfaces can issue a proof of sustainability
- This proof accompanies the delivery and contains the following information:
  - = number of proof
  - = **name of interface, number of certificate**
  - = name and register number of Certification System
  - = **type, quantity, origin and energy content of biomass**
  - = confirmation that biomass is documented in a mass balance system
  - = **GHG-emission calculation or application of grandfathering**

## Rules and procedures for proof and control at the latest stage

- **Proof of Sustainability can be split if the biofuel delivery is separated in partial quantities for different destinations**
- **The corresponding split proofs are normally issued by the BLE if economic operators ask for**
- **These operations have to be implemented quite rapidly (via E-Mail), because of rather complex market movements in the biofuels sector. BLE monitors movements of documents (proofs and split proofs) in an electronic database**

## Transitional regulations

Both, the Biomass Electricity Sustainability Ordinance and the Biofuels Sustainable Ordinance include a transitional provision which rules:

- Protection of legitimate expectations concerning the 2009 harvest
- Stored biomass can be used until 30 June 2010 without provision of evidence
- Actually, we are thinking of a prolongation of this transitional period up to 5 December 2010 to avoid
  - = lack of supply as a consequence of ongoing certifications
  - = market distortions because other MS are implementing later

## Where are we now ?

- **ISCC-system as the first certification system previously recognised by BLE the 18 of January 2010**
- **6 Certification bodies previously recognised by the end of February**
- **This means: Certification of interfaces started more or less in March 2010. Time until 1 of July seems to be to short for the whole certification process in Germany and abroad.**
- **Other member states ?? Tendence to implementation end of 2010**
- **Waiting for 4 Commission Communications dealing with technical rules for implementation of RED-Sustainability criteria**

## Future challenges

### ➤ **Wait for and discuss then the announced 4 Commission Communications:**

= on the practical implementation of the EU biofuels and bioliquids sustainability scheme and on counting rules for biofuels

= on guidelines for the calculation of land carbon stocks for the purpose of Annex V of Directive 2009/28/EC

= on certain types of information about biofuels and bioliquids to be submitted by economic operators to Member States

= on voluntary schemes and default values in the EU biofuels and bioliquids sustainability scheme

### ➤ **Looking for close cooperation with other MS and with the COM to harmonize the legal basis and control systems to create an EU-wide compatible sustainability scheme and control system**

