

【欧州】【自動車】

New legal instruments on environment for vehicles: Palm oil in diesel specified as unsustainable in European Commission's delegated act setting out the sustainability criteria for biofuels

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【概要 : Summary】

The EU's Renewable Energy Directive 2009/28/EC (RED) established a regulatory framework for the promotion of the use of energy from renewable sources. It sets binding national targets on the share of renewable energy in energy consumption and in the transport sector to be met by 2020. Based on the Clean Energy for All Europeans package of November 2016, the European Commission proposed a recast of this renewable energy directive in December 2018, Directive (EU) 2018/2001 on the promotion of the use of energy from renewable sources (REDII). The RED II's main achievements are to set a new, binding, renewable energy target for the EU for 2030 of 32%, including a review clause by 2023 for an upward revision of the target. It improves the design and stability of support schemes for renewables and increases the level of ambition for the transport and heating/cooling sectors, among others. On 13 March 2019, as foreseen by the recast Renewable Energy Directive (Directive (EU) 2018/2001), the Commission adopted a delegated act setting out the criteria for determining high indirect land-use change (ILUC)-risk feedstock for biofuels, bioliquids and biomass fuels. The delegated act also defines the criteria for certifying low ILUC. The European Commission's Delegated Act was needed in order to implement this new approach and to set out criteria both, the high

ILUC-risk feedstocks and for certifying low ILUC-risk biofuels, bioliquids and biomass fuels.

Therefore, under the REDII, bioenergy producers must prove that they use biomass from sustainably managed forests, maintaining a carbon sink and achieving significant levels of GHG emissions savings as compared to fossil fuels. The newly adopted sustainability criteria in RED II will bring additional safeguards and the European Commission must provide guidance to allow for clarity during this phase.

After the European Parliament in particular pushed for restrictions on the use of palm oil on concerns its production caused deforestation and aggravated climate change, the delegated act and its annex defines the type of biofuels from palm oil that may be counted toward the EU's renewable-energy goals and introduces a certification system. The REDII obliges the Commission also to specify the criteria to ensure that biofuels used in the transport sector are sustainable, including sustainability criteria for palm oil, among others. Under the delegated act and annex adopted by the Commission, palm oil is classified as "unsustainable." Indonesia and Malaysia, which together account for 85% of the global palm oil supply could decide to retaliate against "discriminatory" measures to curb palm oil shipments to the EU.

【記事 : Article】

The Renewable Energy Directive 2009/28/EC (RED) established a regulatory framework for the promotion of the use of energy from renewable sources. The 2009 Renewable Energy Directive sets a binding target of 20% final energy consumption from renewable sources by 2020. In order to achieve this, the EU Member States have committed to reaching their own national renewables targets. They are also required to have at least 10% of their transport fuels come from renewable sources by 2020. Considering the commitments under the 2015 Paris Agreement on Climate Change and the EU's 2030 energy and climate framework, including the binding target to cut emissions by at least 40% below 1990 levels by 2030, the EU intends to boosting renewable energy, and to achieve a more sustainable energy production. Furthermore, the EU intends to reduce its dependence on imported fossil fuels.

More sustainable energy can be produced from a wide variety of sources including wind, solar, hydro, tidal, geothermal, and biomass, and to achieve a production. The EU has already adopted a number of measures to foster renewable energy in Europe and the latest was the recast of the renewable energy directive in December 2018, with Directive (EU) 2018/2001 on the promotion of the use of energy from renewable sources (REDII), based on the European Commission's Clean Energy for All Europeans package of November 2016. The EU Member States will have to transpose the new Directive (EU) 2018/2001 and its new elements regarding renewable energies into national law 18 months after its entry into force. The RED II's main achievements are to set a new, binding, renewable energy target of 32% for the EU for 2030, including a review clause by 2023 for an upward revision of the EU level target. It improves the design and stability of support schemes for renewables and increases the level of ambition for the transport and heating/cooling sectors, among others.

The REDII introduces a new approach to address emissions from indirect land-use change ("ILUC")

associated to the production of biofuels, bioliquids and biomass fuels. The Directive (EU) 2018/2001 sets national limits at Member States' 2019 levels for the period 2021 - 2023, which after 31 December 2023 will gradually decrease to zero by 2030, for high ILUC-risk biofuels, bioliquids and biomass fuels. High-risk biofuels, bioliquids and biomass fuels are those for which a significant expansion of the production area into land with high-carbon stock is observed. This expansion releases a considerable amount of GHG emissions and therefore negates emission savings from the use of biofuels instead of fossil fuels, which justifies their limitation to count towards the renewable energy target. The EU Member States will still be able to import and use fuels affected by the limits, but they will be able to consider them as renewable energy and count them for their renewable targets only up to the limits set in the Directive. The Directive (EU) 2018/2001 also introduces an exemption from these limits for those biofuels, bioliquids and biomass fuels certified as low ILUC-risk.

On 13 March 2019, as foreseen by the recast Renewable Energy Directive (Directive (EU) 2018/2001), the Commission adopted the delegated act setting out the criteria for determining high ILUC-risk feedstock for biofuels (biofuels and the criteria for certifying low indirect land-use change (ILUC)-risk biofuels, bioliquids and biomass fuels.

The Delegated act and its annex set out the criteria both for determining high ILUC-risk feedstock and for certifying low ILUC-risk biofuels, bioliquids and biomass fuels.

The Commission has also adopted an accompanying report on the status of production expansion of relevant food and feed crops worldwide, based on the best available scientific data. The delegated act aims for a harmonised implementation by Member States of the provisions on high and low ILUC-risk fuels ensuring that the share of high ILUC-risk fuels will be gradually reduced in all Member States' contributions to the renewable energy targets as required by the Directive.

The main biofuels are bioethanol, made from sugar and cereal crops, to replace petrol, and biodiesel, made from vegetable oil, such as palm, soybean or rapeseed oils. The Commission set 10% as the dividing line between less and more harmful feedstocks. The Commission concluded that 45% of the expansion of palm oil production since 2008 led to destruction of forests, wetlands or peatlands and resultant GHG releases, compared to 8% for soybeans and 1% for sunflowers and rapeseed. The European Commission has concluded that palm oil cultivation results in excessive deforestation and its use in transport fuel should be phased out. However, there are some exemptions designed to placate producer countries, such as the possibility to count under the EU green goals palm oil coming from small farms. The EU decided to set a limit on the size of those farms at 2 hectares, which was the lower end of the 2-5 hectares range it considered when drafting the regulation.

Indonesia is considering a World Trade Organization challenge, and Malaysia is looking into restricting imports of French products over French plans to remove palm oil from biofuel in 2020. The EU argues the new measure and palm oil sustainability criteria are compatible with WTO rules and the decision to label palm oil as unsustainable is considered a breakthrough. However it is criticised by environmental groups that soy and some palm oil can still be labelled low-risk.

Following the adoption of the Delegated Act by the Commission, the European Parliament and the Council of Ministers have, during a two-month scrutiny period, a right to express an objection. If no objection is received during the next two months, the text will be published in the Official Journal of the European Union. The two-month period can be extended for two additional months if requested by the European Parliament or the Council. Currently, despite a strong negative reaction from EU farmers and industry, the European Parliament is not likely to oppose the Commission's delegated act on sustainability criteria for biofuels.

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