



## RESPONSE TO THE DRAFT DELEGATED REGULATION

# High and low Indirect Land-Use Change (ILUC) - risks biofuels, bioliquids and biomass fuels

### INTRODUCTION

With this response, the ART Fuels Forum, a single policy and proven technology forum aiming at producing evidence-based opinions and conveying the collective interest of the ART Fuels industry towards informing European decision-makers and officials, contributes to the European Commission's [invitation form feedback](#) to the Delegated Regulation "High and low Indirect Land-Use Change (ILUC) - risks biofuels, bioliquids and biomass fuels".

The ART Fuels Forum welcomes the draft delegated act on high low ILUC risk as an important step in providing clarity and re-building trust to the sustainability of biofuels.

The Forum understands that at this stage the low-iLUC risk certification serves to get an exemption to the limits posed on high-iLUC risk biofuels (phasing out by 2030). So, for now it is only relevant for palm oil, which is currently the only crop qualified as high iLUC risk. In that sense, it is assumed not to be relevant for crops cultivated in the EU.

## INTRODUCTION

However, there is the possibility that some Member States decide to apply the low ILUC risk criteria for all biofuels feedstocks (not only high ILUC risk ones) and that in that case, a series of points need to be kept in mind regarding to European feedstocks.

The specific ART Fuels Forum comments are provided below.

## Yield increase

Recital (12) of the draft Delegated Act writes *“Biofuels, bioliquids or biomass fuels should be considered low indirect land-use change-risk only if the feedstock used for their production is cultivated as a result of the application of duly verifiable measures to increase productivity. In addition, these measures should ensure sustainability of feedstock in view of all requirements set in Directive 2009/28/EC or Directive (EU) 2018/2001 in relation to renewable energy targets, allow to cultivate crops on areas which were previously not used for cultivation of food and feed crops or are severely degraded, or be implemented by independent small farm holders.”*

### The ART Fuels Forum recommends:

\* *Duly verifiable measures to increase productivity* also include: ‘improved agricultural management and practices that can sequester carbon and/ or reduce GHG emissions. These include intermediate crops provided that the use of such crops does not trigger demand for additional land.’

This suggestion links with Article 2 (Paragraph 40) of RED II: *“food and feed crops’ means starch-rich crops, sugar crops or oil crops produced on agricultural land as a main crop excluding residues, waste or ligno-cellulosic material and intermediate crops, such as catch crops and cover crops, provided that the use of such intermediate crops does not trigger demand for additional land;”*

and with ANNEX V (paragraph 6): *“For the purposes of the calculation referred to in point 1(a), greenhouse gas emissions savings from improved agriculture management, such as shifting to reduced or zero-tillage, improved crop/rotation, the use of cover crops, including crop residue management, and the use of organic soil improver (e.g. compost, manure fermentation digestate), shall be taken into account only if solid and verifiable evidence is provided that the soil carbon has increased or that it is reasonable to expect to have increased over the period in which the raw materials concerned were cultivated while taking into account the emissions where such practices lead to increased fertiliser and herbicide use.”*

## Additionality

Article 5 of the draft Delegated Act on Additionality measures writes:

*“1. Biofuels, bioliquids and biomass fuels may only be certified as low indirect land-use change-risk fuels if:*

*(a) the additionality measures to produce the additional feedstock meet at least one of the following conditions:*

## Additionality

(i) [...]

(ii) they allow for cultivation of food and feed crops on unused land, including abandoned land, or severely degraded land;

(iii) [...]"

### The ART Fuels Forum recommends:

Unused/Abandoned/ Degraded Land: ‘...that was produced out of land that was not previously cultivated due to biophysical or socio-economic constraints or was not considered arable land.

Further, Article 5 stipulates that:

“(b)“the additionality measures take effect no longer than 10 years before the certification of the biofuels, bioliquids and biomass fuels as low indirect land-use change-risk fuels”.”

### The ART Fuels Forum recommends:

‘... the measures take effect no longer than 15 years...’ This will allow crop schemes, especially the ones from degraded land enough time to develop and become productive.

## ABOUT ART FUELS FORUM

The Alternative and Renewable Transportation (ART) Fuels Forum, financed by the European Commission, brings together more than 100 high-profile experts representing leading demand and supply Industries in the area of ART Fuels. It is a single policy and proven technology forum aiming at producing evidence-based opinions and conveying the collective interest of the ART Fuels industry towards informing European decision-makers and officials. The Forum supports the production and the utilization of sustainable advanced liquid and gaseous fuels towards decarbonization of key transport sectors: automotive, aviation and maritime and promotes the widespread market deployment of these fuels.

[www.artfuelsforum.eu](http://www.artfuelsforum.eu)

DISCLAIMER - The above contribution to the consultation on the draft Delegated Act has been prepared by the assigned committee of the Alternative & Renewable Transport Fuels Forum (ART Fuels Forum) after exchange of opinions and internal consultation among the Forum members. The content of the contribution does not necessarily reflect the views of all members of the ART Fuels Forum, but is a synthesis of the main positions. The positions and recommendations listed above are those of the members of the ART Fuels Forum and do not necessarily reflect either the official position of the Commission or the complete position of the members of the ART Fuels Forum.

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