

Brussels, 5th December 2018,

To: Mr. Miguel Arias Cañete, Commissioner for Climate Action and Energy

Re: NGO recommendations regarding the delegated act on high and low ILUC biofuels

Dear Commissioner,

We write you regarding the question of biofuels in the recently agreed Renewable Energy Directive (RED II). The Directive requires the European Commission to adopt, by 1 February 2019, a delegated act for determining the high indirect land-use change risk biofuels feedstocks “for which a significant expansion of the production area into land with high carbon stock is observed” as well as setting out the criteria for certification of low indirect land-use change-risk biofuels. The share of the identified high ILUC risk biofuels’ feedstocks will be firstly frozen until 2023, based on their 2019 levels, and then will be completely phased out of the renewable targets by the year 2030. Biofuels can escape the phase out if they are certified low ILUC risk.

The undersigned NGOs think it is crucial to phase out the support for all food-based biofuels. In the context of the upcoming delegated act, we urge you to take into account, at the minimum, the following considerations when drafting the final act.

First, regarding the category of high ILUC risk biofuels, modelling of Indirect Land Use Change at EU level shows the highest land use impacts for biodiesel produced from oil crops. Within the category of oil crops, [existing literature](#) shows that 40 to 53% of palm expansion in Indonesia & Malaysia between 1990 and 2015 occurred on land with high carbon stocks and that this is likely to continue to 2030. There is also evidence of direct and indirect link between soy and conversion of forest and savannah in South America. For instance, in Brazil's newest agricultural hotspot, the eastern Cerrado region, [nearly 40% of total soy expansion](#) (2007–2013) occurred at the expense of native vegetation.

Regarding the criteria for low ILUC biofuels, we are concerned that this category could keep the door open for biofuels feedstocks that trigger deforestation. For example, under a set of weak criteria, EU consumption of palm oil based biofuels could actually increase without mitigating ILUC impacts. This is pointed out in a [recent briefing by the ICCT](#), which includes some useful recommendations for more robust low ILUC criteria.

We therefore ask for the delegated act to ensure that:

- Palm oil based biodiesel and soy biodiesel are included in the category of high indirect land-use change risk biofuels feedstocks “for which a significant expansion of the production area into land with high carbon stock is observed”.

- Criteria around low ILUC risk biofuels are set in the most stringent manner, to avoid the continuation and increase in the use of food-based biofuels that drive deforestation and land use.

We remain at your disposal, should you have any questions.

Sincerely,

