

EU biogas and biomethane inventory of regulatory framework



Number of regulatory act	COM 2010/C 160/02
Name of regulatory act	The Communication from the Commission on the practical implementation of the EU biofuels and bioliquids sustainability scheme and on counting rules for biofuels
Link	http://eur-lex.europa.eu/legal-content/EN/ALL/?uri=OJ:C:2010:160:TOC
Date of Publication	19/06/2010
Date of Implementation	n.a
Purpose	The Communication provides non-binding guidelines for the practical implementation of the EU biofuels and bioliquids sustainability scheme and of counting rules for biofuels.
Relevance for the biomethane sector	The Communication provides guidelines for the implementation of the sustainability criteria and GHG emissions counting.
Scope	Sustainability scheme and counting rules. Sustainability criteria related to GHG savings, land with high biodiversity value, land with high carbon stock and agro-environmental practices. Section 2.2. states that the criterion related to agricultural and environmental requirements and standards for EU farmers applies only to biofuels/bioliquids produced from raw materials originating in the EU. Verification of compliance for this criterion is outside the scope.
Targets	Section 1.1. establishes that only biofuels and bioliquids that comply with the criteria can be counted towards national renewable energy targets or can receive government support.
Sustainability Criteria	Section 2.3. establishes that the sustainability criteria apply only to biogas for transport (i.e. biomethane) and not to biogas used for heating or electricity. Section 2.1. explains sustainability criteria related to greenhouse gas savings. Section 2.5. explains publication of sustainability information. Section 3 contains a methodology for calculating GHG savings ('actual value') as well as 'default values', including 'disaggregated default values', that can be used in certain cases to show compliance with the criterion. Section 4 is on compliance of land related criteria. Section 5.1. contains rules for accounting that apply for fuels that come partly from nonrenewable sources. Section 5.2. sets that biofuels from waste and residues should be counted double and provides the definitions on waste and residues.
Mass-balance	
Support Systems (subsidies, feed in tariffs, etc)	Section 2.4 on the Harmonisation of sustainability criteria and forbidding for MS to set an additional criteria. However, "where certain biofuels/bioliquids are both more beneficial than others and more expensive to produce, national support schemes may take their higher production costs into account".
Non-discriminatory access to the grid	
Transport sector	Section 5.2 notes that "Certain biofuels count double for demonstrating compliance with the 10 % target for the share of energy in all forms of transport in 2020 and for compliance with national renewable energy obligations" (Art. 21(2) of the RED). To note, "Where biofuels are produced only in part from materials that count double, the double counting only applies to that part of the biofuel".
Waste regulation	Section 2.3 notes that "For biofuels/bioliquids produced from waste, and from residues other than agricultural, aquaculture, fisheries and forestry residues, only the sustainability criterion relating to greenhouse gas savings applies" (Art. 17(1) of the RED). Section 5(2) explains biofuels that counts double are the ones produced from waste and residues. It notes that although the RED does not contain definitions of 'waste' and 'residues', it is considered that these concepts should be interpreted in line with the objectives of the RED, i.e., for the double counting: diversification of feedstocks; for the GHG methodology: no emissions are allocated to co-products which production did not aim for (such as straw in the case of wheat production). Therefore, "in this context waste can be understood as any substance or object which the holder discards or intends or is required to discard" and "in this context residues can include: agricultural, aquaculture, fisheries and forestry residues, and processing residues. A processing residue is a substance that is not the end product(s) that a production process directly seeks to produce. It is not a primary aim of the production process and the process has not been deliberately modified to produce it. Examples of residues include crude glycerine, tall oil pitch and manure."
Emission Regulation	Section 3 notes that the RED "requires a greenhouse gas emission saving of 35 % (rising to 50 % in January 2017, and 60 % in January 2018 for installations in which production started from 2017 onwards). It contains a methodology for calculating this saving ('actual value') as well as 'default values', including 'disaggregated default values', that can be used in certain cases to show compliance with the criterion." Annex I to this Communication gives guidance on when default values for the compliance with GHG saving criterion can be used. Section 3.3 also explains calculation of an actual values.