

EU biogas and biomethane inventory of regulatory framework



Number of legislative act with a link			BioKraftQuG: Biokraftstoffquotengesetz (Biofuel Quota Act)
Name of legislative act			BioKraftQuG: Biokraftstoffquotengesetz (Biofuel Quota Act) (Part of the Bundes-Immissionsschutzgesetzes - BImSchG (Federal Emissions Protection Act))
Date of Publication			18/12/2006
Date of Implementation			01/01/2007
Purpose			<p>Effective as of 01. January 2015, the energetic biofuel quota was changed to the greenhouse gas (GHG) quota. This means obligated companies in the oil industry have to place a minimum share of petrol- and diesel-replacing biofuels on the market. The greenhouse gas share of the total quantity of petrol, diesel and petrol- and diesel-replacing biofuels will be gradually reduced by the following</p> <p>To achieve this, GHG-emissions have to be calculated for each individual amount of biofuel and this has to be proven through a proof of sustainability.</p> <p>However, the GHG reduction quota of 35% in the Renewable Energy Directive will not be affected by the change to the GHG quota.</p> <p>Furthermore the possibility of double counting bio fuels produced from waste and residues (W+R) pursuant to 36. BImSchG does not apply anymore.</p> <p>Nonetheless, it is still possible to take biofuel produced from W+R into account when considering the German GHG quota on its GHG savings.</p> <p>The materials which are considered in the GHG quota are specified in the "List to validate any materials classified as waste and residues products on the greenhouse gas quota pursuant to § 37 a, para. 4 of the Federal Immission Control Act ( BImSchG) can be creditable". (<a href="http://www.ble.de/EN/02_Control/05_SustainableBiomassProduction/02_waste_and_residues/waste_residues_node.html">http://www.ble.de/EN/02_Control/05_SustainableBiomassProduction/02_waste_and_residues/waste_residues_node.html</a>)</p> <p>The obligation must be fulfilled by the end of each calendar year (§ 37 a BImSchG, in conjunction with § 8 EnergieStG). (<a href="http://www.res-legal.eu/search-by-country/germany/single/s/res-t/tr/promotion/aid/biofuel-quota-3/lastp/135/">http://www.res-legal.eu/search-by-country/germany/single/s/res-t/tr/promotion/aid/biofuel-quota-3/lastp/135/</a>)</p>
Relevance to the biomethane sector			<p>Since 2010 the sustainability criteria determined in the Biofuel-Sustainability Ordinance, Biokraf-NachV, apply also to Biomethane that is used for transport and which is credited for achieving the biofuel quota. Biomethane has a high potential to save GHG-emissions and can be used as any other biofuel to comply with the regulations of the BioKraftQuG</p> <p>Biomethane is now available at around 900 petrol stations in Germany.</p> <p>Burning an admixture containing 20 per cent biomethane emits 35 per cent less CO2 than does normal petrol. (<a href="http://www.erdgas-mobil.de/about-us/erdgas-mobil/">http://www.erdgas-mobil.de/about-us/erdgas-mobil/</a>)</p> <p><u>The introduced biomethane quota quantity can be traded and transferred.</u></p>
Relation to EU legislation			<p>The EU has defined a set of sustainability criteria to ensure that the use of biofuels (used in transport) and bioliquids (used for electricity and heating) is done in a way that guarantees real carbon savings and protects biodiversity. Only biofuels and bioliquids that comply with the criteria can receive government support or count towards national renewable energy targets.</p> <p>To be considered sustainable, biofuels must achieve greenhouse gas savings of at least 35% in comparison to fossil fuels. This savings requirement rises to 50% in 2017. In 2018, it rises again to 60% but only for new production plants. All life cycle emissions are taken into account when calculating greenhouse gas savings. This includes emissions from cultivation, processing, and transport.</p> <p>Biofuels cannot be grown in areas converted from land with previously high carbon stock such as wetlands or forests.</p> <p>Biofuels cannot be produced from raw materials obtained from land with high biodiversity such as primary forests or highly biodiverse grasslands. (<a href="http://ec.europa.eu/energy/node/73">http://ec.europa.eu/energy/node/73</a>)</p>
Scope			A quota obligation has been the main supporting measure for renewable energy sources used in transport. The mechanism obliged companies importing or producing petrol, gas or diesel fuels to ensure that biofuels make up a defined percentage of the company's total annual sale (§ 37a (1) BImSchG).
Specification of a legislative act	Targets		As of 2015, a greenhouse gas reduction quota is replacing the biofuel quota. By 2015, emissions have to be reduced by 3%, by 4,5% from 2017 on and by 6% from 2020 onwards.
	Support Systems for Biogas	Subsidies	No
		Feed in Tarrifs	No
		Premiums	No
	Support Systems for Biomethane	Tax exemption	No
		Subsidies	No
		Feed in Tarrifs	No
		Premiums	No
		Tax exemption	No
	Sustainability		Yes
	Non-discriminatory access to the grid		No
	Mass-balance		Yes
Transport		Yes	
Emissions		Yes	
Biowaste		Yes	
Digestate		No	