

EWABA Position Paper on certification of cover crops and intermediate crops

EWABA represents the interests of the EU waste-based and advanced biodiesel industry. In 2023 EWABA members produced more than 2,2 million tons of waste-based and advanced biodiesel for the road and maritime sectors, saving over 7 million tons of CO₂ equivalent emissions.

Waste-based and advanced biodiesel produced by our members reaches up to +90% greenhouse gas (GHG) savings when compared with fossil fuels and as such it is an essential tool to reduce immediately transport emissions and drive decarbonization while valorizing noxious wastes and residues that would otherwise end up polluting the environment or producing additional emissions in landfills.

EWABA welcomes the 2024 revision of Annex IX as feedstock expansion is a major necessity for the EU biofuel industry at a large. The revision creates wider availability of waste-based and advanced biofuels for all transport modes and somewhat alleviates the existing pressure on different feedstocks used to produce waste-based biofuels.

The potential availability of intermediate crops, including especially cover crops is significant as stated by the Commission in the report used as the basis for the Annex IX review¹. In fact, the combined potential volumes of the new proposed feedstocks for part B are well over 300 million tons in 2030, whereas the 1.7% limit currently represents only +6 million tons.

We believe that in order to enable wide deployment of these feedstocks while ensuring that they meet the highest sustainability certification requirements it is critical to set a sound and solid conditionality for intermediate and cover crops. In this context we believe that the following aspects must be taken into consideration:

1. To verify that intermediate crops only originate from areas with one possible main crop harvest per year, **the Commission should create a map of all global agricultural areas that allow more than one main crop harvest per year**. Certification bodies exclude biomass from certification as intermediate crops that originates from such areas. The map must be sufficiently detailed to allow farm-specific verification. Maps already available, e.g. from the FAO, do not meet this requirement.
2. Certification bodies shall **ensure that biomass actually results from intermediate crop cultivation and that a main crop was cultivated on the same area directly beforehand** by inspecting the management documentation of the farms of origin.
3. We advocate for **setting precise unified rules for certification in order to prevent different certification procedures or different interpretations of the rules which can lead to fraudulent acts**. For this purpose, the auditor should be given access to all relevant

¹ “The potential supply of cover and intermediate crops globally is likely quite large (likely much larger than 77 million tonnes per year)” – page 104, European Commission, Directorate-General for Energy, Haye, S., Panchaksharam, Y., Raphael, E. et al., *Assessment of the potential for new feedstocks for the production of advanced biofuels – Final report*, Publications Office of the European Union, 2022, <https://data.europa.eu/doi/10.2833/719121>

documents and records, in particular with regard to the type and yield of the main crop, sowing and harvesting time, as well as sowing of the intermediate crop.

4. **In the case of group audits** for agricultural points of origin growing intermediate crops, **the sample size - in addition to the existing square root rule - must be at least 25% of all points of origin assigned to the group manager.** All points of origin within the sample must be audited on site by the certification body. An alternative system would be self-certification that includes all the detail around the main crop (dates drilled, dates harvested, yield) and the intermediate crop (dates drilled, dates harvested, yield) and then this shall be verified via remote sensing.
5. **We oppose a positive list of approved intermediate crops (or alternatively a negative list of non-approved crops).** Such a distinction would not be practicable, as numerous crop species can be cultivated both as intermediate and main crops. Furthermore, mere categorization does not ensure that the species in question was actually grown as an intermediate crop. The decision as to whether a crop is intermediate should be the responsibility of the national authority.
6. **The length of time for crop cultivation is an important indicator from the farmer's perspective,** who would only grow crops for a longer period if the practice entails an additional economic value. If the occupation period of intermediate crops exceeds that of their respective main crop, there is an increased risk that producers will change their farming practices in favour of the intermediate crop yield. This also increases the risk of additional land demand due to intermediate crops, as main crop yields may be reduced.

To minimize this risk, certification bodies regularly compare at regional level (e.g. NUTS2 level) whether the average yields of intermediate crops have moved very close to those of main crops (per unit area) or even exceed them. In this case, the certification body is obliged to notify the certification scheme and the Commission immediately and to carry out special audits of the first gathering points and producers concerned. The Commission should determine the exact requirements of such special audits as binding for all certification systems.
7. The points of origin and the respective country of origin of the intermediate crops must allow **witness audits by the competent authorities of the Member States as a prerequisite to allow crediting of intermediate- and cover crop based biofuels towards the targets** of RED II, ReFuelEU Aviation and FuelEU Maritime.
8. **Mass balancing** for intermediate crops (with other intermediate crops or other raw materials) **shall be excluded** before the first interface (first gathering point) to ensure accuracy.
9. The definition of “severely degraded land” to be adopted by the Commission in the context of Annex IX must not lead to currently cultivated agricultural land being categorized as “severely degraded”. We therefore **oppose any definition of “severely degraded land” that includes less stringent threshold values** for the soil organic matter content, degree of surface erosion and salinity **than currently apply in the context of “low ILUC risk” certification.**
10. **Soil organic matter content must be maintained** as it plays a significant role in crop production and soil health by improving physical, chemical and biological functions of the soil. It increases levels of organic matter aid in soil structure, water-holding capacity, nutrient mineralization, biological activity, and water and air infiltration rates. Leaving residues of intermediate crops on the field could be a suitable solution that would also meet this condition.

11. Adequate penalty system should be introduced and clearly defined for non-compliance with the certification rules.

SUMMING UP

In order to ensure proper and adequate certification of intermediate crops and cover crops we recommend the following rules:

1. A map of all global agricultural areas that allow more than one main crop harvest per year should be created by the Commission.
2. The origin of biomass from intermediate and cover crop cultivation must be verified and confirmed that a main crop was cultivated on the same area directly beforehand.
3. Precise and unified rules for certification must be defined in order to prevent different certification procedures or different interpretations of the rules.
4. In the case of group audits the sample size - in addition to the existing square root rule - must be at least 25% of all points of origin assigned to the group manager.
5. No strictly defined list of intermediate and cover crops.
6. The length of time for crop cultivation should be an important indicator for certification.
7. Witness audits by the competent authorities of the Member States should be pre-condition to allow crediting of intermediate and cover crop based biofuels towards the legislative targets.
8. Mass balancing shall be excluded.
9. The definition of “severely degraded land” shall not include any less stringent threshold values than currently applied in the context of “low ILUC risk” certification.
10. Soil organic matter content must be maintained.
11. Adequate penalty system should be introduced.

About EWABA

EWABA is a Brussels-based association representing the interests of the European waste-based and advanced biofuels industry before EU institutions, national governments, industry, civil society and the media. We promote the inclusion of waste-based and advanced biofuels in the EU fuel mix as a sustainable means of reducing greenhouse gas emissions in EU transport. Our +60 members active in most EU Member States collect and use waste and advanced feedstocks listed in parts A and B of Annex IX of the Renewable Energy Directive (REDIII) to produce sustainable biodiesel with the highest GHG savings (up to +90%) when compared with fossil fuels, thus enabling “near-term decarbonization” of the EU road and maritime transport sectors. <https://www.ewaba.eu/>