



For immediate release

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European Commission sued for lack of transparency on biofuels policy

The European Commission was sued today, accused of violating European transparency laws. Environmental law organisation [ClientEarth](#), [Friends of the Earth Europe \(FOEE\)](#), [FERN](#) and [Corporate Europe Observatory \(CEO\)](#) filed the lawsuit following the Commission's refusal to provide access to information in decisions relating to the sustainability of Europe's biofuels policy.

The case before the General Court of the EU seeks to annul the Commission's decision to refuse public access to information about voluntary certification schemes used to ensure compliance with EU criteria on biofuel sustainability. In 2010 a request for information about organisations that had applied to operate the schemes, and how they are chosen, was rejected by the Commission. This was challenged in December, but despite a deadline of 4 February 2011, the Commission has still not responded.

The Renewable Energy Directive sets a 10 per cent target for use of renewable energy in the transport sector - expected to be met by increased production of biofuels. Increased pressure on land driven by the surge in demand for biofuels is resulting in increased greenhouse gas emissions as well as threatening vulnerable communities and biodiversity. The sustainability criteria are intended to prevent the most severe environmental impacts by requiring biofuels to protect high carbon stock areas and biodiversity standards set out in the Directive – social impacts are ignored.

Compliance is monitored by accredited voluntary certification schemes. These are accredited by the Commission to gauge whether consignments of biofuels meet sustainability criteria set out in the Renewable Energy Directive. The EU is currently considering which of these schemes it will accredit, but the process has lacked transparency.

James Thornton, ClientEarth CEO, said: "The amount of money at stake over Europe's biofuels policy is colossal, and so is the potential for environmental devastation. These policies are too important to shield from scrutiny, decision making processes need to be more participatory. We need to know which organisations have applied to run voluntary certification schemes, and how they've been chosen, so that we can be certain that they will provide robust and reliable information."

Robbie Blake, Friends of the Earth Europe's campaigner on agrofuels, said: "The European Commission has continually evaded its legal responsibility to disclose even the most basic information about voluntary certification schemes for Europe's biofuels. The stakes are high – ineffective certification schemes will give the green light to environmental abuse. We need transparency and participation in EU policy making – not secrecy and suspicion."

Nina Holland, Corporate Europe Observatory, said: "Voluntary schemes, including the roundtables on palm oil and responsible soy, allow industry to greenwash damaging monoculture crops without taking account of the environmental or social costs. The Commission must lift the veil of secrecy or companies will continue to use these schemes to improve their image, without changing the way they operate."

Case study on the negative effects of biofuels

Kenya Jatropha Energy Ltd, owned by Nuove Iniziative Industriali, has applied to plant 50,000 hectares of jatropha in Dakatcha on the North Eastern coast of Kenya, to make biodiesel principally destined for European markets.

It has been shown that the Dakatcha proposal would negatively affect greenhouse gas savings, once the land-use change consequences are considered. The area also qualifies as land with a high ability to retain and release carbon (high carbon stock) and so would violate EU law. It would also violate EU law because the area is home to globally threatened birds – it is classified as an 'Important Bird Area'.

Dakatcha is home to 20,000 people who are reliant on small-scale farming and the woodlands for their livelihoods. These people would face eviction if the proposal was accepted.

This case study illustrates the need for a clear, transparent, accountable and effective compliance framework to ensure that the EU's policy-driven market for biofuels does not do more harm than good.

ENDS

Notes to editors:

- An EU comitology committee on the sustainability of biofuels will meet on Friday 27 May to discuss a first series of 7 voluntary certification schemes. Information on the basis of which these schemes have been assessed is not publically available. Nor is any information available on the other schemes that are still under assessment.

- ClientEarth launched two other law-suits against the EU Commission for lack of transparency over biofuels policy in 2010. For details read this [press release](#)

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