



Brussels, 12/04/2022

Dear Executive Vice-President Timmermans,
Dear Commissioner Simson,
Dear Commissioner Vălean,

The European Ombudsman recently [judged](#) that the European Commission was guilty of maladministration in case 1527/2020/DL. The complainant in this case wished to obtain access to a list of all countries of origin of used cooking oil (UCO) in the years 2016-2019, and the volumes involved for each country for each year. This information is made available to the European Commission under the voluntary certification scheme for biofuels under the Renewable Energy Directive. It is clear from the Ombudsman's case report that the Commission did not cooperate with either the complainant or the Ombudsman, despite the requirement to do so. This was deemed by the Ombudsman as being contrary to the principles of citizen-friendliness and service-mindedness.

It is particularly disappointing that the Commission does not disclose such information given the serious concerns over the origin of biofuels used in Europe and the fact that such information is in the public interest. As you know, Europe is not able to meet demand for UCO, which is why the biggest part is being imported from third countries. The EU's current certification cannot guarantee that UCO has not been adulterated. Only recently, a [report](#) by the International Council for Clean Transportation found discrepancies in the export and import figures for used cooking oil, with fraud the most likely explanation. There are fears that palm oil, which is linked to serious deforestation in Southeast Asia, is being used to bulk up batches of used cooking oil that is used in the transport sector in Europe. ICCT estimated that Malaysia collects about 70 million litres of domestic UCO annually but according to official UK and Irish data¹ these two countries consume more than twice that estimate: 151 million litres of domestic Malaysian UCO in 2020. The discrepancy would be much higher, if the volumes consumed in the other EU member states were added.

By refusing to disclose this information, the Commission only feeds concerns about such fraud, and ultimately undermines credibility in sustainability efforts in the field of transport, particularly as the Commission is proposing a serious ramp up of the use of biofuels under its Fit for 55 package legislative proposals. We have seen the mistakes made with first generation biofuels because of indirect land use change, and with advanced biofuels, the same and additional concerns have been raised. Advanced biofuels by their nature will be available only in limited quantities.

¹ www.gov.uk/government/statistics/renewable-fuel-statistics-2020-final-report; www.nora.ie/biofuels-obligation-scheme/bos-annual-reports.225.html



Given that work is ongoing on proposals that will encourage the use of biofuels in transport, we believe it is crucial that the Commission provide legislators with all available data on biofuels, as per the request dealt with by the Ombudsman above. This is crucially important information that can help legislators make informed decisions on proposals dealing with renewable energy and transport fuels.

We therefore request that all data the Commission has on biofuels, in particular the data provided under the voluntary certification schemes as per Directive (EU) 2018/2001, be made public and sent to the European Parliament. Considering that discussions on the relevant proposals are already quite advanced, we request that the Commission make this information available immediately so that it can be feed into internal discussions in the Council and the European Parliament. With shadows' meetings having already taken place, and more planned in the European Parliament in the month of April, we request that the Commission do so no later than Friday April 29th.

We look forward to your response and to receiving this information by the requested date at the latest.

Warmest regards

Ciarán Cuffe, Greens/EFA Shadow Rapporteur in TRAN on the ReFuelEU Aviation proposal 2021/0205(COD) and the TRAN opinion on the Renewable Energy Directive proposal 2021/0218(COD)

Jutta Paulus, Greens/EFA Rapporteur in ITRE on the ReFuelEU Aviation proposal 2021/0205(COD) and the Shadow Rapporteur on the ENVI opinion to this proposal; Greens/EFA Shadow Rapporteur in TRAN on the FuelEU Maritime Initiative 2021/0210(COD)

Ville Niinistö, Greens/EFA Shadow Rapporteur in ITRE on the Renewable Energy Directive proposal 2021/0218(COD)

Martin Häusling, Greens/EFA Shadow Rapporteur in ENVI on the Renewable Energy Directive proposal 2021/0218(COD)

Rasmus Andresen, Greens/EFA Rapporteur in ITRE on the FuelEU Maritime Initiative 2021/0210(COD)