

**Question for written answer E-011487/2013  
to the Commission**  
Rule 117  
**Sergio Berlato (PPE)**

Subject: Definition of palm stearin with regard to Directives 2009/28/EC and 2008/98/EC

Article 2(h) of Directive 2009/28/EC of the European Parliament and of the Council defines 'bioliquids' as liquid fuel for energy purposes other than for transport, including electricity and heating and cooling, produced from biomass. This definition covers the liquid form of fuel, which has to be obtained via a biomass conversion process. Article 2(e) of the same Directive defines 'biomass' as the biodegradable fraction of products, waste and residues from biological origin from agriculture, forestry and related industries. Article 5 of Directive 2008/98/EC classifies substances or objects resulting from a production process as by-products if the primary aim of the process is not the production of those items and if: i) further use of the substance or object is certain; ii) the substance or object can be used directly without any further processing other than normal industrial practice; iii) the substance or object is produced as an integral part of a production process; and lastly iv) further use is lawful.

Palm stearin is obtained by fractionation of palm oil, which produces two substances: olein, a liquid, and stearin, a solid. The solid state of stearin is recognised, inter alia, at EU level in the 'Explanatory Notes to the Combined Nomenclature' of the European Communities and subsequently of the European Union, published by the Commission in the Official Journal of the European Union of 30 May 2008 and 6 May 2011 respectively. These notes clarify that stearin is included in the 'solid fractions' of palm oil, under customs code 1511 90 19. Stearin meets all the requirements laid down in Article 5 of Directive 2008/98/EC: i) it is reused, among other things, for generating electricity; ii) it can be reused directly without any further processing other than normal industrial practice; iii) it is the residue of a normal industrial process aimed primarily at producing olein for food use; and iv) its use is perfectly lawful and meets all the requirements relating to products and the protection of human health and the environment, and does not harm the latter in any way.

In view of the above, can the Commission confirm that, in accordance with EU legislation, palm stearin:

- should be regarded as a type of biomass and not as a bioliquid pursuant to Directive 2009/28/EC and national implementing legislation;
- should be regarded as a by-product pursuant to Directive 2008/98/EC?