



Co-funded by the Intelligent Energy Europe
Programme of the European Union



Exploiting the potentialities of solid biomasses in EU Parks

D5.6.6 PROPOSITION OF LEGAL MEASURES AT INTERNATIONAL LEVEL Recommendations for Decision Makers





Acknowledgment

[Report prepared by The EUROPARC Federation, under the task 5.6.6 Proposition of Legal Measures at International Level](#)

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Introduction

The Climate & Energy strategy 2030 aims at paving the way towards a Zero Carbon Economy, and predicts ambitious Renewables & Efficiency targets. In October 2014, the European Council agreed on the EU 2030 targets: to reduce domestic greenhouse gas emissions at least 40% compared with 1990, to increase the share of renewable energy to at least 27% and to boost energy efficiency to at least 27% compared to projections. Nevertheless, these targets are not ambitious enough to keep Europe on track for its 2050 decarbonisation objective or to drive transformational change in Europe's energy system¹.

This document aims at providing policy recommendations for the development of small-scale supply chains of woody biomass in protected areas, and reflects the overall experience of the BioEUParks partners in setting up their supply chains. This document is a complement of the Proposition of Legal Measures at National Level, where the major difficulties found in each countries are explained in detail.

EU Policy on bioenergy

The success of the European Union's renewable energy policies during the past decade is undoubtable, with an increase of over 50% share of renewable energy. It is important to note that bioenergy makes up to 60% of EU's current renewable energy use and more than 90% of the renewables in the transport sector as biofuels.

According to the Commission's document *State of play on the sustainability of solid and gaseous biomass used for electricity, heating and cooling in the EU* (EU Commission, 28.07.2014), biomass has an important role in meeting EU renewable energy targets. Besides playing an important role mitigating climate change, by avoiding the use of fossil fuels, biomass is especially important in countries where other renewable energy sources are not strong. The document further advances that, according to the NREAPs estimates, biomass supply is projected to increase by nearly 37% to 132 Mtoe by 2020 and, although the policy objective focus on "a sustainable use of biomass for energy purposes"², the current situation is leading to unsustainable changes in land and forest management. It is crucial to consider that bioenergy is also a source of carbon emissions and can cause a number of other undesirable environmental and social impacts, such as biodiversity loss³.

¹ PITFALLS AND POTENTIALS THE ROLE OF BIOENERGY IN THE EU CLIMATE AND ENERGY POLICY POST 2020, NGO Recommendations

http://www.birdlife.org/sites/default/files/attachments/Bioenergy_post_2020_NGO%20recs.pdf

² Staff Working Document: *State of play on the sustainability of solid and gaseous biomass used for electricity, heating and cooling in the EU* https://ec.europa.eu/energy/sites/ener/files/2014_biomass_state_of_play_.pdf

³ PITFALLS AND POTENTIALS THE ROLE OF BIOENERGY IN THE EU CLIMATE AND ENERGY POLICY POST 2020, NGO Recommendations



Limit the use of biomass and cascading use

The target 2030 should be capped to sustainable levels, fixed on the basis of the EU's maximum sustainable potential of domestic biomass supply and take into consideration competing uses in other sectors.⁴ Indeed, following the cascading use principle and the waste hierarchy, biomass should be used to create, in first hand, materials and other products, and should only be considered for energy as the last possibility.

In other hand, waste material from conservation actions or, for example, road constructions or maintenance; invasive species removal or any other activity where wood biomass is a subproduct, should have a legal framework that enables the materials to be processed for energy production, and not considered regular waste.

Sustainability criteria

Sustainability criteria should ensure that biodiversity and landscape were preserved when producing biomass, thus, only biomass produced following the criteria should be eligible for any type of financial support. Biomass production should not cause direct or indirect degradation of forests or other ecosystems, nor prejudice species, habitats and soil. Human rights and labour protection should be considered, and local communities should benefit from the implementation of power plants in their region.

Carbon accounting

The carbon accounting should include a full carbon footprint taking into account: fossil fuel substitution, carbon debt, indirect land use change, displacement of other uses of biomass and, especially, foregone carbon sequestration.⁵

Solid biomass exploitation in Protected Areas (PAs)

Biomass represents important benefits, according to the EU Staff working document, mainly due its possibility of storage and, thus, the capacity of being converted in the highest-peaks of energy demand. In a broader perspective, by incentivising forest management, biomass markets can also contribute to reducing fire risks, thus, helping to reduce the amount of waste being landfilled⁶.

Protected Areas overlap most of the Natura 2000 network. They are the main guardians of Europe's nature and have already implemented (in some cases) forestry management actions, especially in areas there have been under some form of active land use in the past. Moreover, the removal of invasive species can also be a source of biomass within the region, by working with close cooperation with technicians from protected areas.

In the guideline *Natura 2000 and Forests*, the EU Commission refers that "the Habitats Directive supports the principle of sustainable development and integrated management (...) by not excluding socio-economic activities from Natura 2000 sites, but rather to ensure that they are undertaken in a

⁴ And ⁵ PITFALLS AND POTENTIALS THE ROLE OF BIOENERGY IN THE EU CLIMATE AND ENERGY POLICY POST 2020, NGO Recommendations

⁶ Staff Working Document: *State of play on the sustainability of solid and gaseous biomass used for electricity, heating and cooling in the EU* https://ec.europa.eu/energy/sites/ener/files/2014_biomass_state_of_play_.pdf



way that safeguards and supports the valuable species and habitats present, and maintains the overall health of natural ecosystems."⁷ On the level of forest management, the Commission has been proving coherent and complete framework; nonetheless, it is up to each Member State to decide the best management procedures of Natura 2000 sites, so a significant part of the procedures regarding forestry management should have been done at national level.

BioEUParks project showcased how forest management can preserve ecosystem whilst stimulating local economy. The use of waste material arising from pruning and other field management activities is a great opportunity for protected areas throughout Europe to have smarter and efficient heating systems within the park's infrastructures. At EU level there should be delivered specific guidelines for implementing resource efficient systems for energy production in and around Natura 2000 sites, mainly focused on the production of thermal energy (as generating electricity requires higher volume of biomass and large-scale plants).

Spatial planning and landownership

Excluding National Parks and specific countries, a great percentage of protected areas in Europe have private landownership, which is further aggravated, in some cases, with the unknown legal owner of the land. Moreover, the land is divided in small-scale properties, which increases the difficulty of implementing common management practices.

Besides, PAs are not recognised as renewable energy sources, thus, their management plans do not predict the use of waste material for energy production. Adding to these factors the lack of interest from small-size private forests, due to the low quantity of wood biomass extracted, the development of local supply chains in protected areas is a process difficult to implement.

Policy should recognise protected areas as renewable energy sources, with clear limits for exploitation without compromising biodiversity and following the sustainability criteria. Spatial planning should then take into consideration the potential of energy production within the region, merging agro and forest potential, and guidelines should not only indicate where is it possible to create plants, but also how much power the different territories can receive, according to its characteristics. By shifting the big-scale power plants to regional-scale, greenhouse gas emissions due to transport can be reduced and the management of local forests ensured, thus, bringing higher benefits for the environment. On the other hand, the preference of using regional biomass would lead to a decrease of imports, thus benefiting the local economy: providing a source of income for local foresters and farmers and delivering more accessible energy to the local community.

Market: price, vat and public procurement

Some of the bigger difficulties found by BioEUPark partners related to the difficult economic conditions on selling/buying biomass at local level. The first problem refers to the VAT implemented in biomass fuels (23% in countries like Greece), which is much higher than the 13% on thermal energy and electricity coming from fossil fuels. Input at EU level is needed, to force national governments

⁷ Natura 2000 and Forests, EU Commission,
http://ec.europa.eu/environment/nature/natura2000/management/faq_en.htm



giving priority and fiscal benefits to energy produced with renewable energy sources: increase taxation on fossil fuels, avoid subsidies for use of fossil energy (example: subsidies to buy oil boilers),

Moreover, the VAT directive enables enterprises to sell pellets to end-consumers in neighbouring countries without VAT, providing more competitive prices when compared with the local pellet production. Therefore, end-user clients tend to buy the product at the lowest price, compromising the sell of pellets produced locally.

Public organisations are obliged to follow public procurement procedures, meaning they need to follow the “best value for money”. In the case of biomass, happens frequently that the best price comes from outside the region (sometimes even outside the country). In a Europe striving for circular economy, it is essential that the EU legislation on public procurement and especially on green public procurement is revised in order to give priority to local products.