



Exploiting the potentialities of solid biomasses in EU Parks

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

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Preface

In the dynamic political area of biomass production and natural conservation of ecologically valuable land, recommendation for policy shifts and enhancement of national regulations is a moving target. Thus the in this paper presented recommendations can only show a snapshot from the project duration of BIOEUPARKS and some more *general* observations in the field of biomass exploitation with the focus towards the special needs of natural parks.

Relevant regional and national stakeholders have been involved in discussions in the BIOEUPARKS' National Conference, in the Capacity Building Sessions and National Workshops. Main feedback has been gathered in the workshop „Wood Mobilisation – Biomass from Nature Parks“. Over 50 stakeholders from the forestry and bioenergy sector, from local and regional administration, universities and wood producers participated in the event organised by the Agency for Renewable Resources (FNR) and the Centre for Bioenergy (ZebiO) in the beginning of 2016. These experts, policy and decision makers all along the supply chain of biomass obtained from nature protected areas pointed to a series of national challenges, that will be presented here and recommendations will be given for solutions.

In the bottom-up approach these experts were asked for hindering factors for wood mobilization and possible measures to support the set-up of supply chains to support the sustainable extraction of biomass for energetic use from nature parks and similarly protected areas in Germany. Some of the below challenges may sound contradictory but it needs to be considered, that they are specific observations coming from different actors with different needs and individual environmental circumstances. Applied to specific cases the obstacles are evident.

Recommendations have been developed based on the above mentioned consultations, the discussions among the BIOEUPARKS partners and partners' in-house experts.

German challenges in policy and administration

Missing knowledge for the value of forest stands and its chances for profit

In Germany different types of forest owners do exist. The forest can be in the hand of public owners, like German federal states or more locally by public communities or NGOs. But forests are also owned by institutional owners like churches or by private actors with huge but also with small forests. Some of these forest owners strive for economic benefit by extracting and selling woody biomass but others may strive for natural conservation or public recreation, like nature parks.

Nature parks as well as private forest owners with small woodlands do often not own these woods for economic reasons. For the latter forests are just part of their bought or inherited property. These forest owners generate income by other means than selling their woody biomass. They are not focused on the economic value of the biomass and they are not aware of the value of their woods and the benefits they could obtain by the sustainable harvest and usage.

Respective nature parks, depending on their respective size, their aims for protection and the professionalism of its management will in some cases not consider the economic value of the sustainable surplus of woody biomass.

Global competition on woody biomass

Woody biomass is a globally traded good. Globally the prices for wood based resources face some economic pressure due to e.g. low labour cost in several exporting countries, huge availability of land for woody biomass production (economy of scale) or eventually low ecological standards in the international markets. Although the German wood market is typically local and only some coniferous woods are in reasonable manner internationally traded, it is a fact that German forest owners can hardly compete in the world market. Germany, as a relatively small country (compared to several territorial states like e.g. Canada or even Ukraine and other Eastern Europe states), with some small, fragmented woodlands, cannot compete in economy of scale. Furthermore labour costs in Germany are high and profound sustainability standards are in place. Due to this competition some German forest owners claim that the harvest of German wood at least for the international market is not profitable.

Natural parks are often small economical entities, who act locally. They are also not in the position to compete with global markets.

Public perception for conservation of forests

Civil society and environmental NGOs are strong agenda setting actors in Germany. Public debate and participation often dominate and shape policy and economic i.e. investment decisions. Especially ('natural, wild') forests do have an important role in German culture and social self-reflection. Any manmade interventions in forests are regularly judged as dangerous for the preservation of the 'natural' forest habitats. Debates on the economic value and the extraction of wood from the forests are mostly broad emotional discussions with only small forestry science foundation. The use of wood from forests is often misunderstood as destruction of nature and ecosystems. Public criticism of conversions of primary forest or at least of wild (generally not primary) forests into commodities hinders economic exploitation of German woods. Protected natural parks face even stronger observation in this regard.

Legal treatment of maintenance residues

The German legal framework to declare residues from maintenance work as waste or recyclable fraction is very heterogeneous. Main source of regulation in Germany is the Recycling Act (KrWG), parliamentary descriptions and the Ordinance on Systems for Handling Water-polluting Substances (AwSV). Additionally all German federal states do have different regulations. A very profound legal consultation is often needed to clarify the status of the extracted biomass from maintenance work.

But the definition of the biomass as waste or recyclable residue is of utmost importance for the possibility of its conversion. Biomass titled as waste need to be dumped in special certified facilities outlined in the KrWG in most of the cases. Some kind of "waste" is forbidden to be converted e.g. into wood pellets. But other still can be used energetically, like (processed) wood waste.

Natural parks may face the challenge to conquer these complex legal barrier and administrative regulations to successfully accomplish this duty.

Recommendations for policy and administration

Professional support to overcome knowledge gaps

It is already common practice by federal forest administrations to inform and support private forest owners with small areas and with actual little interest in the economic value of their woods - although the situation varies widely from federal state to federal state. Also the Government set-up funding programmes to train small-forests' managements in workshops and by the preparation of guidelines to achieve better wood mobilisations. Further, in Germany associations of small forest owners exist (e.g. "Forstbetriebsgemeinschaft") as a collective exploitation of a larger stand of wood is economically more viable than a small stand. And finally, there are private service providers who manage small forest stands on behalf of the forest owners who might not be able to.

To also support natural parks in this regard, it is recommended to rise resources and to put regulations in place to also support and inform natural park managements to sustainably use the biomass resources in their parks, if they are not yet attached to the public Forest Service. Beyond *forest* management support –depending on the type of park and type of renewable resources– further public support should be given to also help park's management to develop supply chains from other resources, as e.g. grass, straw or other maintenance residues. This support should include the first contact and activation of the parks, awareness rising of the value of their biomass, giving advice for cooperation with other stakeholders and biomass suppliers and helping to start biomass supply chain networks. The support of bioenergy supply chain networks and associations can have an important impact in this regard.

Overcome global competition

Natural parks have often the advantage that their primary income does not depend on the selling of goods coming from the parks. To activate the selling of biomass can then be seen as an additional income that can reduce other means of funding. In this regard natural parks do have an advantage in the competitive market. To become even more competitive regarding biomass utilisation, the natural park managements should organise bigger cooperative economic communities with biomass producers and biomass supply chain stakeholders in their region to share machinery, experience and networks and to especially achieve a higher economy of scale. To further raise the wood sales, these communities should not only focus to energetic use of biomass but also consider the market for biobased products. Recently it has been shown that at least forest owners could improve their income by diversifying the usage applications.

Policy should strongly support such communities and secure to strengthen administrative procedures to facilitate the set-up of these communities.

Public deliberation

Nature parks are sensitive not only in their position of nature protection but also in the observation by the public. Any human made intervention in the natural habitat can easily rise strong public opposition. It is even more recommended than in other areas of biomass production to start already in a very early stage an informed and transparent discussion with civil society. Pros and cons should be presented clearly in target group tailored speech. Different levels of communicational means

should secure to reach the relevant groups. Tools of classical deliberation should be used. As understanding and learning will have a big influence to the debate, additional workshops and information/learning days could be a tool to prepare the public opinion already in advance. Knowledge building on all sides and reconciliation can reduce the tension between strict nature park and forest protection and sustainable utilisation of resources from those areas.

Modify laws and regulation on maintenance residues

For Biomass supply chains concerning landscaping and road maintenance, policy measures should be implemented to improve the legal situation for the energetic use of biomass from these sources. Biomass for maintenance work needs often to be declared as waste by German law. If the residue is declared as waste, it is often forbidden by law to produce e.g. wood pellets from waste. In general those regulations need more flexibility so that supply chains can be set up more effectively. Regulation need to be adapted to changed environmental threats, e.g. it is to be expected that contamination by traffic diminish. Higher standards on pollution reduction in the transport sector will raise the amount of unpolluted maintenance biomass. Regulations need to consider this progress of environmental protection in their risk evaluation of biomass from maintenance work. Case by case decision should be possible to either use maintenance feedstocks as waste or renewable fractions. Those case by case evaluations will also support the extraction of biomass from nature parks under certain conditions.