

Proposal for a Directive of the European Parliament and of the Council on the promotion of the use of energy from renewable sources (recast)

EURELECTRIC voting recommendations (ENVI Committee)

September 2017

EURELECTRIC is the voice of the electricity industry in Europe.

We speak for more than 3,500 companies in power generation, distribution, and supply.

We Stand For:

Carbon-neutral electricity by 2050

We have committed to making Europe's electricity cleaner. To deliver, we need to make use of **all low-carbon technologies**: more renewables, but also clean coal and gas, and nuclear. Efficient electric technologies in **transport and buildings**, combined with the development of smart grids and a major push in **energy efficiency** play a key role in reducing fossil fuel consumption and making our electricity more sustainable.

Competitive electricity for our customers

We support well-functioning, distortion-free **energy and carbon markets** as the best way to produce electricity and reduce emissions cost-efficiently. Integrated EU-wide electricity and gas markets are also crucial to offer our customers the **full benefits of liberalisation**: they ensure the best use of generation resources, improve **security of supply**, allow full EU-wide competition, and increase **customer choice**.

Continent-wide electricity through a coherent European approach

Europe's energy and climate challenges can only be solved by **European – or even global – policies**, not incoherent national measures. Such policies should complement, not contradict each other: coherent and integrated approaches reduce costs. This will encourage **effective investment** to ensure a sustainable and reliable electricity supply for Europe's businesses and consumers.

Dépôt légal: D/2017/12.105/44

Introduction

EURELECTRIC supports the overall approach taken by the European Commission in its proposal on the sustainability criteria for biomass. The adherence to EU-wide principles will provide reliable evidence to the general public that biomass is a sustainable energy source.

Sustainability and GHG savings criteria for biomass

This document contains a more detailed list of voting recommendations, from our sector's perspective, concerning a selection of key amendments, relating to the sustainability criteria for biomass.

The following issues are particularly crucial:

- **Risk-based approach**

Reject Amendments 59 and 741-744.

In practice, it is difficult to prove the sustainability of defined lists of materials. A risk-based approach as proposed by the Commission allows for proving compliance and ensures a sustainable use of biomass.

- **Harmonised EU criteria and additional national criteria**

Support Amendments 908-912.

Reject Amendments 740, 881 and 914.

A harmonised set of criteria should apply at the EU level. Additional criteria are explicitly prohibited for biofuels and bioliquids (Article 26(9)). This rule should also apply to biomass fuels. Establishing new national or contradictory sets of sustainability principles and criteria will impede biomass trade and deter investment in biomass cultivation, biomass-powered electricity (dedicated and co-fired plants) and heat generation, as this would give rise to a changing and less predictable regulatory environment.

- **Electricity produced from biomass**

Support Amendments 884-887.

Reject Amendments 888-889 and 891-901.

If the biomass used meets sustainability criteria, it is unclear why these units should be excluded from targets or support. CHP installations are only suitable where there is a significant local heat load. This high efficiency criterion would therefore effectively rule out the use of biomass in new 'biopower only' plants that could be used to supply essential system services and flexible generation to complement intermittent and variable generating technologies.

Member States should be able to choose from all renewable energy sources to produce electricity, either because it allows the best possible use of local biomass resources, or

because other renewable energy sources have a limited potential. Priority should be given to climate mitigation efforts. Besides, under the EU ETS in particular, non-compliance with the CHP requirement would imply that the respective biomass would not be sustainable and, therefore, the assumption of a “Zero- emission factor” could no longer be taken.

The CHP requirement would also threaten the incineration or co-incineration of waste in municipal solid waste incinerators or other fossil fuel-fired power plants. In both cases, for obvious reasons, the incineration of waste cannot be interrupted during the summer season or other occasions of low heat demand that would not allow for feeding CHP heat into the relevant district heat networks

- **Review process**

[Support Amendments 847, 850-855.](#)

There should be a regulatory framework established up to 2030. With a 2023 deadline, assessment could start as early as 2021-2022, shortly after the expected entry into force of the Directive. Amendments 850-852 and 854 streamline the review process.

This paper complements [EURELECTRIC's position paper](#) on the European Commission's legislative proposal to revise the Renewable Energy Directive, available on the EURELECTRIC website.

Amendment	Article	EURELECTRIC Recommendation	Justification
SUSTAINABILITY AND GHG SAVINGS CRITERIA FOR BIOMASS			
Requirements for thinning			
692-694	Art. 26 (1) 2	Reject	In light of challenges in defining thinning and biodiversity enhancing management practices, EURELECTRIC suggests keeping the holistic approach of sustainable forest management that takes individual circumstances into account. A risk-based approach is preferred over defining single biomass types to be used.
Capacity threshold			
697	Art. 26 (1) 3	Reject	The Amendment deletes the whole paragraph and hence the sustainability requirements.
698, 709 704-708	Art. 26 (1) 3	Reject	The 20MW capacity thresholds is in line with the EU ETS threshold and will help to minimise the overall administrative burden placed on plant operators. However for gaseous biomass fuels a threshold of at least 2 MW would be adequate to keep administrative burden for small plants at a proportionate level
Applicability to new installations only			
703, 711	Art. 26 (1) 3	Reject	There is no reason to limit the application of these criteria to new sites only as, in practice, operators already comply with national regulations or voluntary schemes. The adherence to EU-wide principles will provide reliable evidence to the general public that biomass is a sustainable energy source.
Definition of no-go areas			
715-719	Art. 26 (2) 1 intro	Reject	The Commission proposal is focused on agricultural biomass. The provisions for no-go areas for agricultural feedstocks should not be applied to forest biomass.
727-729	Art. 26 (3) intro		
730-733, 739	Art. 26 (4)		

734-738		Support	Keeps wording of the 2009 RES Directive.
EU harmonised criteria/additional national criteria			
740	Art. 26 (5)	Reject	EU criteria will provide a more predictable regulatory environment and improve investment in biomass cultivation, biomass-powered electricity (dedicated and co-fired plants) and heat generation. The adherence to EU-wide principles will provide reliable evidence to the general public that biomass is a sustainable energy source.
881	Art. 26 (7) 1 (a) new	Reject	Harmonised set of criteria should apply at the EU level. Additional criteria are explicitly prohibited for biofuels and bioliquids (Article 26(9)) and this rule should also apply to biomass fuels. Establishing new national or contradictory sets of sustainability principles and criteria will impede biomass trade and deter investment in biomass cultivation, biomass-powered electricity (dedicated and co-fired plants) and heat generation, as this would give rise to a changing and less predictable regulatory environment.
908-912	Art. 26 (10)	Support	
914		Reject	
Replacement of risk-based approach			
59, 741-744	Art. 26 (5)	Reject	Proposed lists of materials to be considered sustainable prove difficult in practice. A risk-based approach as proposed by the Commission allows proving compliance and ensures a sustainable use of biomass.
Clarification of harvesting rights (procedure)			
746-748, 750-752	Art. 26 (5) a (i)	Support	In some Member States there are no harvesting permits as such. The Directive must ensure that evidence is provided that harvesting is legally allowed.
792, 794-799, 801	Art. 26 (5) b (i)	Support	In some Member States there are no harvesting permits as such. The Directive must ensure that evidence is provided that harvesting is legally allowed.
Clarification of sustainability requirements			
753	Art. 26 (5) a (ii)	Support	In line with Article 26(3), harvesting from peat land should be allowed provided that forest practices that protect peat against oxidation are applied.

754-760	Art. 26 (5) a (iii)	Support	It may be possible to harvest in the protected areas if the protecting decision allows for it.
761, 763		Reject	There is no scientific definition of “high conservation value”.
762		Reject	This is a copy of criteria for agricultural biomass but it is unclear how this can be implemented.
775	Art. 26 (5) a (v)	Reject	EU criteria will provide a more predictable environment and improve investment in biomass cultivation, biomass-powered electricity (dedicated and co-fired plants) and heat generation. The adherence to EU-wide principles will provide reliable evidence to the general public that biomass is a sustainable energy source.
777-778		Support	Productivity describes a more dynamic approach compared to just looking at production levels. Please note that Amendment 777 intends to introduce “productivity” but still states “production”.
802	Art. 26 (5) b (ii)	Reject	Formulation is unclear.
803, 805-809	Art. 26 (5) b (iii)	Support	There is no scientific definition of “high conservation value”.
804, 810-811		Reject	
812-820	Art. 26 (5) b (iv)	Reject	Preference for wording of amendment 766 as it highlights that the aim is to minimise negative impacts and applying harvesting practice taking soil quality into account.
821	Art. 26 (5) b (v)	Reject	Harmonised EU criteria increase credibility of the sector. See comments to amendment 775 above.
822		Support	Preference for wording of amendment 822 (compared to Amendments 823-828). <i>See comments on Amendments 777-778 above.</i>
Introducing supply base			
783-790	Art. 26 (5) b intro	Support	We welcome that the level wherein the value chain the verification and application of mitigation measures takes place is broadened and amendments propose to add “ <i>supply base</i> ”. Demonstrating that management systems are in place can take place at different levels. <i>See Amendments 840-843.</i>
LULUCF requirements			
831	Art. 26(6) 1 intro	Reject	There is no uniform definition of roundwood as it is highly context specific.
832	Art. 26(6) 1	Reject	Formulation is unclear.

	(ii)		
60, 833-834	Art. 26(6) 2	Reject	The deletion is disproportionate. This risks excluding sourcing from outside of the EU.
835-839		Support	Preference for wording of Amendment 835. It is necessary to assess and measure carbon stocks at long-term intervals to get reliable data on growth and/or yield. The data should be based on adequate inventories from areas that are large enough to be reliable.
840-843		Support	We welcome that the level where in the value chain the verification and application of mitigation measures takes place is broadened and amendments propose to add “supply base”. Demonstrating that management systems are in place can take place at different levels. <i>See Amendments 783-790 and 835.</i>
Review process			
847, 850-855	Art. 26(6) 4	Support	There should be a stable regulatory framework up to 2030. With a 2023 deadline, assessment could start as early as 2021-2022, shortly after the expected entry into force of the Directive. Preference for Amendments 850-852 and 854 as they streamline the review process for the Directive.
848-849		Reject	A cap on round wood if the assessment shows a lack of effectiveness of the criteria is difficult to implement as there is no uniform definition of roundwood which is highly context specific.
GHG savings thresholds for new installations using biomass to produce electricity or heating and cooling			
874-875	Art. 26 (7) d	Reject	Not applying a GHG reduction requirement does not increase credibility of the sector.
877		Support	Defining the reference for the GHG reduction requirement within the Directive allows for stability of the regulatory framework. This is a very much welcome addition.
878		Reject	Applying this requirement to existing installations undermines the stability of the regulatory framework.
1007	Annex VI B (11)	Support	Pellet mills should be enabled to use the actual value of the CO ₂ intensity of their regional or national electricity mix to reflect decarbonisation efforts of countries.

Electricity produced from biomass			
884-887	Art. 26(8)	Support	<p>If the biomass used meets sustainability criteria, it is unclear why these units should be excluded from targets or support. CHP installations are only suitable where there is a significant local heat load. This high efficiency criterion would therefore effectively rule out the use of biomass in new 'biopower only' plants that could be used to supply essential system services and flexible generation to complement intermittent and variable generating technologies.</p> <p>Member States should be able to choose from all renewable energy sources to produce electricity, either because it allows the best possible use of local biomass resources or because other renewable energy sources have a limited potential. Priority should be given to climate mitigation efforts. Besides, in the ETS in particular, not complying with the CHP requirement would imply that the respective biomass would not be sustainable and, therefore, the assumption of a "Zero- emission factor" could no longer be taken.</p> <p>The CHP requirement would also threaten the incineration or co-incineration of waste in municipal solid waste incinerators or other fossil fuel-fired power plants. In both cases, for obvious reasons, the incineration of waste cannot be interrupted during the summer season or other occasions of low heat demand that would not allow for feeding CHP heat into the relevant district heat networks</p>
888- 889, 891-901		Reject	
Verification of compliance			
919	Art. 27(1) a	Reject	The proposal would create a heavy administrative burden.
921	Art. 27(1) da (new)	Reject	There is a separate legislative regulatory framework for emission of pollutants into air. This would create an overlap.
929-934	Art. 27 (4)(1)	Support	<p>We welcome that the level where in the value chain the verification and application of mitigation measures takes place is broadened and amendments propose to add "supply base". Demonstrating that management systems are in place can take place at different levels.</p> <p><i>See Amendments 783-790 and 840-843.</i></p>

EURELECTRIC pursues in all its activities the application of the following sustainable development values:

Economic Development

▶ Growth, added-value, efficiency

Environmental Leadership

▶ Commitment, innovation, pro-activeness

Social Responsibility

▶ Transparency, ethics, accountability



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