

Alla cortese attenzione dei:

Membri italiani della Commissione Ambiente del Parlamento Europeo

OGGETTO: APPELLO PER METTERE FINE ALLA POSSIBILITÀ DI BRUCIARE LE FORESTE PER PRODURRE ENERGIA NELLA REVISIONE DELLA DIRETTIVA SULLE ENERGIE RINNOVABILI. DISCUSSIONE E VOTO SUL PARERE DELLA COMMISSIONE AMBIENTE SULLA REVISIONE DELLA DIRETTIVA SULLE ENERGIE RINNOVABILI

2 febbraio 2022

Onorevoli Eurodeputati della Commissione Ambiente,

Vi esortiamo a cogliere l'opportunità di fermare i finanziamenti e gli incentivi usati per bruciare le foreste per produrre energia nel parere della Commissione Ambiente sulla revisione della Direttiva sulle Energie Rinnovabili.

Enormi cataste di tronchi d'albero sono in attesa di essere bruciate per produrre energia - con il risultato di emettere una quantità di gas serra maggiore, per unità di energia, rispetto alla combustione del carbone!

NON SONO SOLO "SEGATURA E RESIDUI DI SCARTO" A VENIRE BRUCIATI - MA ANCHE INTERI TRONCHI D'ALBERO.

Molte centrali a biomassa e fabbriche di pellet di legno, in tutta Europa, stanno bruciando alberi provenienti da foreste europee e di altri Stati del mondo - tali foreste sono patrimonio comune dell'umanità!

Ci aiuterete a fermare questa pratica dannosa e a proteggere le nostre foreste - e con esse i vitali serbatoi di carbonio che i nostri alberi rappresentano?

Purtroppo, la proposta di relazione del MEP Torvalds mantiene essenzialmente lo *status quo* della Direttiva e permetterebbe quello che viene previsto come un raddoppio della combustione della biomassa forestale. La sua proposta di fermare i sussidi finanziari per bruciare le foreste arriva solo a metà strada e lascia la porta aperta per sussidi e altri incentivi in un'altra parte della proposta della Commissione Europea (articolo 29 - ENVI).

Per un approfondimento rimandiamo alla nostra analisi degli emendamenti del MEP Torvalds, in allegato.

Vi preghiamo di voler sollevare la questione, in Commissione Ambiente, nel corso della discussione sulla Direttiva sulle Energie Rinnovabili di mercoledì 2 febbraio, e di presentare o sostenere gli emendamenti che escludono **COMPLETAMENTE** qualsiasi sostegno o incentivo per la combustione di alberi per l'energia. Questa pratica, infatti, è "rinnovabile" solo in teoria e non nei tempi entro cui è necessario tagliare le emissioni di CO₂; a ciò si aggiunge che **l'uso di biomassa forestale causa maggiori emissioni di CO₂ per caloria prodotta, causa un aumento dei tagli delle foreste europee e internazionali, con ingenti danni alla biodiversità, e determina la riduzione della capacità di sequestro del carbonio esercitata dalle foreste.**

Vi esortiamo a fare in modo che gli Stati membri spendano gli stimati 17 miliardi di euro di sussidi annuali, oggi destinati alle biomasse, per **incentivare le energie davvero rinnovabili**, come eolico, solare e geotermico, assicurandovi che ciò venga fatto **nel pieno rispetto delle norme ambientali e della biodiversità.**

Così facendo, la Commissione Ambiente potrà contribuire a mettere la parola fine alla possibilità di bruciare foreste per produrre energia.

Ringraziandovi anticipatamente per l'attenzione, porgiamo i nostri più cordiali saluti.

Gaia Angelini
Presidente
Green Impact
gaia.angelini@greenimpact.it

Federica Luoni
Responsabile settore Agricoltura
Lipu - BirdLife Italia
federica.luoni@lipu.it



ALLEGATO: ANALISI EMENDAMENTI MEP TORVALDS

FOREST DEFENDER ALLIANCE - ANALYSIS OF MEP TORVALDS DRAFT REPORT ON THE REVISION OF THE RENEWABLE ENERGY DIRECTIVE - ELEMENTS ON FOREST BIOMASS

SNAPSHOT ANALYSIS

Overall, with one key exception, the report is very problematic and seems to have essentially granted the bioenergy industry what they wanted. The one important exception is the exclusion of “primary biomass for forests” from national support schemes in Article 3. While this is a welcome move, the amendment is strangely worded – it would normally be “primary woody biomass” – and in Article 3 only, whereas the main provisions for support are in Article 29 and need exclusion from this Article.

The proposed amendments (ams) mostly weaken the (insufficient) COM proposal further by allowing MS to define themselves volumes of wood they can extract without sustainability conditions, and only regulate (a bit) wood extraction beyond that level.

The COM’s weak provisions on forest biomass limits, such as feedstock limitations, are further weakened to the point of uselessness.

The report:

- Adds an exclusion of “primary biomass for forests” from support (Am13) in Art. 3, where ITRE has lead competence.
- Defines “primary biomass from forests” using the JRC’s definition of “primary woody biomass” but unduly restricts its scope to only primary woody biomass from forests, whereas primary woody biomass comes from other trees (such as hedges trimming, cities etc).
- Ams 29-33 are systematically weakening the COM’s proposals and should be rejected.
- Deletes cascading principle in several ams and opposes its introduction in the whole text.
- Deletes option to limit support to forest biomass further after 2026 (Am21)
- Voids the impacts article (Am 32, 33).
- Weakens GHG saving criteria (Am35).
- Weakens reporting of forest biomass (Am36).
- Counts any new feedstocks added to the list of “advanced” feedstocks as having zero lifecycle emissions, even if similar to feedstocks known to have significant lifecycle emissions (AM39, 40).

Given that the report’s explanatory text itself acknowledges that

a) incentives for bioenergy are driving logging, and

b) bioenergy logging is a threat to MS being able to meet their land carbon sink targets, the report can and should be seen as yet more evidence that the most sensible approach should be to remove primary woody from the RED's incentives (national support schemes and counting towards renewables targets).

SUGGESTED PRIORITY RESPONSES

- 1.Support Forest Defender Alliance priority amendments to exclude primary woody biomass from the RED's incentives in Article 29, expanding Torvalds' positive move to exclude primary woody biomass from support schemes (such as subsidies) under Art 3.
- 2.Reinforce the protections included by the Commission for no-go areas etc (deleted by Torvalds am2 & 29-30).
- 3.Enshrine the Cascading Principle in all affected articles where deleted by Torvalds, especially in Article 3 where he deleted a proposal by the COM to introduce a new dedicated regulation to enforce the cascading principle.
- 4.Response to his proposal on National Energy Plans: include an option for the COM to limit the values for forest biomass with a regular phasing out going to 0 by 2030 (re Torvalds am1).
- 5.Add an option for quicker support change possibilities, instead of deleting possibility of COM to intervene after 2026 (am21).
- 6.Ensure Commission language stands (reject am35).
- 7.Ensure strong verification (reject am36).

ANALYSIS OF TORVALDS PROPOSED AMENDMENTS TO RED

TORVALDS AMENDMENT NUMBER	SHORT ANALYSIS
AM 1	<p>EC to assess new Natl Bioenergy Plans in context of EU Biodiversity and Soil Strategies</p> <p>Changes to recitals: EC to assess new National Bioenergy Plans (discussed further below) in context of climate and EU Biodiversity Strategy. It could indeed add an extra layer of protection if the EC had veto right on the level of biomass harvesting and could scrutinise energy plans for coherence with the biodiversity strategy (BDS). BDS includes inter alia 10% of strict protection as part of a 30% protected areas commitment. The National Bioenergy Plans are also referenced elsewhere in the amendments.</p>
AM 2	<p>Applies protection requirements only to countries where new EC harvesting criteria (para 6, Art 9) aren't met; removes requirement for existing facilities to meet GHG criteria (from harvesting, processing, transporting (HPT) biomass).</p> <p>Changes to Recitals: removes the application of GHG saving criteria to existing installations. Since the GHG criteria for harvesting, processing, and transporting (HPT) biomass currently only apply to new facilities, this means that 99% of the biomass burned in the EC is not subjected to the criteria and this will continue for a long time. The EC sought to fix this problem, but this am would roll that proposed fix back, thereby ensuring that an unlimited amount of fossil fuels can be burned during biomass harvesting, processing, and transport and that biomass will continue to be eligible for renewable energy subsidies.</p> <p>The am also kicks out protections of biodiverse, primary, or old-growth forests, grasslands and peat land except "when harvesting biomass from countries that do not meet the harvesting criteria at national level" (the "harvesting criteria" are para 6, Art 29 - and the report weakens the EC proposal there, too). So, it's up to MS to decide. What is done here is removing all the requirements from any country that basically has a</p>

a forest code, including every EU MS.

Also, see Am31, where the report specifically removes additional language the EC had inserted to protect peatlands. **Thus, the effect of Am 2, Am 31 and Am 32 for most countries is to ensure that peatlands and other carbon-rich, biodiverse ecosystems do not receive any protection from being logged for biomass fuel.**

AM 3

Recitals: **Increases number of plants that get to use “simplified verification” for meeting criteria.** The report weakens the application of “sustainability and greenhouse gas emissions saving criteria as well as other requirements set in this Directive“ from 5-10Mw to up to 20Mw installations.

The EC am essentially greenlighted commercial “sustainability certification” schemes like the “Sustainable Biomass Program (SBP)” as sufficient to indicate that biomass has met the EC’s sustainability criteria. This is really business as usual because currently, such schemes certify extremely damaging practices like widescale clearcutting as “sustainable” biomass. For instance, most of the big wood pellet plants in Estonia are “certified sustainable” under the SBP.

Torvald’s Am 3 increases the number of plants that will be allowed to use this rubberstamping of sustainability. 20MW are serious industrial installations.

The justification section states, *“Most of the forest biomass use takes place in large installations that already have to comply with the sustainability criteria.”*

This is false. In fact most of the wood burning in the EU (around 60%) is for residential and commercial heating and **none of these units are subject to any sustainability criteria or GHG criteria to restrict the amount of fossil fuels burned during biomass harvest, production, and transport.**

AM 9

Introduces a definition for ‘primary biomass from forests’.

It is indeed important to distinguish between primary and secondary biomass. However, it is not clear why this is “primary biomass from forests” and not “primary woody biomass.” The qualifier that biomass must be “removed from forests” leaves a lot open – what about trees that are harvested from roadsides, canal banks, parks, but not from forests? Also, it is not clear why it is necessary to have all the excess language about shape of wood, etc. The definition is good in the sense that it makes clear that primary biomass includes salvage wood, logging residues, thinnings, etc.

It is also not clear what categories the following materials would fall under:

- short rotation coppice
- landscape care – felling or cutting back of urban trees, hedgerows etc.

It is important to remember that there is no prohibition on burning hedge trimmings or even trees, nor are NGOs proposing this. We simply advocate for primary wood to no longer count toward renewable energy targets or to be eligible for renewable energy subsidies. However, we believe that the definitions of biomass included in legislation should be all-inclusive so it is clear what types of materials are excluded from qualifying under the RED. This amendment falls short of that standard.

AM 10

Introduces a definition for secondary forest biomass.

Seems to be OK, except the standard terminology is primary and secondary “woody” biomass (per Joint Research Centre); designating it as primary and secondary biomass “from forests” is probably intended to exclude all the sorts of landscaping trees, etc, that now seem to be under attack.

AM 11

Clarifies undue distortive effects on the biomass raw material market and harmful impacts on biodiversity should be taken into account, but only for support schemes and deletes the cascading principle.

In a climate emergency, the optimal use is one that keeps the carbon out of the atmosphere as long as possible (and reduces the need to continually cut new trees for products). The Torvalds Am deletes the reference to the cascading principle, despite having earlier cited the Joint Research Centre conclusion: “in general, prioritizing residues and a cascade use of wood remains a key overarching principle for maximizing the positive climate impact of bioenergy and limit the risks in the bioenergy LULUCF interface”. The deletion of references to the cascading principle is utterly against the established circular economy and waste hierarchy position of the EU. It also undermines competition, as providing the burning of wood with an unfair advantage over other uses of wood, creating competitive disadvantages for other wood using industries. Additionally, Am 11 weakens the provision by applying it only to support schemes, not use of the biomass per se.

The cascading use principle is worth fighting for. Even if the RED excluded all primary wood from qualifying, we would still need policies that incentivise using secondary woody biomass to make products like panels and insulation, rather than to burn it directly.

Some in the wood products industry do not like the cascading use principle because it forces prioritising an ecological principle over (subsidies-driven) profits, but others who have suffered due to biomass subsidies (such as the panelboard industry) may prefer to keep the cascading use principle.

AM 12

Appears to remove possibility of more sustainability requirements to be added. Again limits application to support schemes only. The “subparagraph” referred to in the EC amendment is the following: Member States shall take measures to ensure that energy from biomass is produced in a way that minimises undue distortive effects

on the biomass raw material market and harmful impacts on biodiversity. To that end, they shall take into account the waste hierarchy as set out in Article 4 of Directive 2008/98/EC and the cascading principle referred to in the third subparagraph.

As **part of the measures** referred to in the first subparagraph: The article then goes on to list the measures, which include the prohibition on use of saw logs, veneer logs, stumps and roots – a provision that Torvalds weakens, in Am 14.

Am 12 here appears to object to the implication that there might be additional measures that MS could take in addition to those listed that would reduce harms to the market and to biodiversity. It limits the restrictions to just those options listed.

AM 13

Excludes “primary biomass for forests” from Art 3.3.2a-support only.

This should read “primary biomass from forests” not “for forests.” While excluding primary woody biomass from any support is a good idea, it has to be noted that Art. 3 is not exclusive ENVI competence, and this can therefore easily be overturned by ITRE. It is notable that Torvalds has not included any provision for removing forest biomass from other parts of the RED, including Art. 29, which is under ENVI competence.

AM 14

Removes prohibition on using saw logs, etc; only if used in vol higher than MS guidance for avoiding raw material distortions. This weakens the (weak) Commission proposal on specific feedstocks use avoidance, thus allowing the use of saw logs, veneer logs, stumps and roots to produce energy, except if “*in volumes higher than the levels defined in each Member State’s strategy guidance to avoid raw material distortions.*” This basically means the volume is up to MS to decide, and therefore meaningless. The amendment is damaging. The EC at least excludes good quality wood. This Am just removes the whole thing- any MS can issue a guideline that says that what they do is fine, Torvalds wouldn’t even require these guidelines to be

based on anything or approved by the EC, as it's not clear what the MS "*strategy guidance to avoid raw material distortions*" is.

While use of stumps and roots is not that common, retaining a blanket prohibition on using these materials is important because incentivizing tearing them out is massively damaging to soils and biodiversity and can greatly increase GHG emissions from soil disturbance. In any case, harvesting of stumps and roots is not something that would appear in MS guidance to "avoid raw material distortions" because that's exactly the point: all stumps and roots are "good for" (in commodity terms) is for use as fuel.

AM 15

Another elimination of cascading wood provisions. This deletes reference to cascading principle, again, demonstrating that the report is not serious about prioritising material use.

AM 16

Requires MS to submit National Bioenergy Plans, makes NEW subsidies contingent on MS submitting a National Bioenergy Plan. Again, this is meaningless if these national bioenergy plans are useless, which would be likely. It is also not clear if "new" support means support to new facilities, or new support to existing facilities, e.g. continuing subsidies for another year. Assuming subsidies to existing plants are able to continue with no conditions, **this is a recipe for continuing damage to forests and the climate because it locks in in the existing levels of biomass harvesting that are already causing forest degradation, loss of habitat, and decline of the forest carbon sink. Allowing that existing level of harvesting to continue to qualify ensures that the same level of damage continues.** A far better approach would simply to have said that MS can't count bioenergy toward targets if haven't submitted a plan; and that the plan should explicitly acknowledge the use of wood in the residential sector (which comprises the majority of wood use for energy EU-wide); and the need for use of wood to decrease over time to help restore the forest carbon sink.

The “justification” section for this amendment is really damning it itself, admitting that subsidies for bioenergy are creating market distortions, and that MS planning for bioenergy is extremely poor.

AM 17

Establishes that MS must submit national bioenergy plans together with their NECPs, and what these must contain.

Forest biomass use and its impacts on forests have gone largely unexamined. Am 17 appears to require MS to assess needs, supply, and impacts, but requires this to be done in accordance with criteria in Article 29. Since Art 29 applies only to large installations, and not to residential heating, this provision could thus exclude analysis of the “needs and supply” of biomass for residential heating, which constitutes 60% of wood use in the EU. However, it’s not really clear.

A main concern about biomass is ignored in this am: the greenhouse gas emissions impact. The EU’s own scientists have repeatedly emphasised that burning biomass emits more net CO₂ than fossil fuels, and even this document admits that harvesting biomass can degrade the forest carbon sink (see Am 18). Yet despite calling for an assessment of impacts on biodiversity and soil, Am 17 is silent regarding the impact on net GHG emissions. What is also glaringly missing is a point (iv), requiring to show coherence with LULUCF and Paris GHG emission reduction commitments

AM 18

Establishes what the COM can do in relation to the MS Bioenergy plans

- Finally: an amendment that acknowledges that harvesting biomass impacts the forest carbon sink. But it does explicitly not state that COM can change MS proposed levels of bioenergy use, even if excessive...this could be useful if the EC could reject a plan that clearly reduces the carbon sink. However, the track record of the EC rejecting national plans is abysmal.

AM 19

EC to approve NBPs with implementing decisions

- Approval of National Bioenergy Plans by the EC would be a good thing for increasing accountability and transparency. This would still be advisable even if primary

	<p>woody biomass is removed as eligible fuel in the RED. Without such planning, you risk diverting all the waste material to burning. EC oversight would help enforce principles of cascading use. The am leaves unclear what approval criteria would be, and there is no limiting of volumes provided.</p>
AM 20	<p>Again deletes reference to cascading principle where binding legislation was foreseen</p>
AM 21	<p>Deletes the possibility that COM might further limit support for forest biomass after 2026. The EC proposed the most minor of scrutiny of how wood use might distort markets or harm biodiversity, with the possibility of a reduction in support after 2026 (keep in mind that the EU now spends around €17 billion per year on bioenergy – the majority of this being subsidies for wood-burning). Yet despite language elsewhere in this document paying lip service to these same principles, Amd 21 makes it clear that no EC-proposed scrutiny can be accompanied by even a hint of consequences.</p>
AM 25, 26, 27, 28	<p><i>Biofuels:</i> it creates exemptions weakening the provisions on biofuels.</p>
AM 29, 30	<p>For most biomass, removes prohibition on sourcing forest biomass from primary forest, highly biodiverse forest and land with high carbon stock – substitutes amended para 6 sourcing conditions instead. It weakens application of Article 29 – art. 29 doesn't apply to anyone fulfilling "<i>criteria set out in paragraph 6</i>" and Am 31 further increases exemptions.</p> <p>Am 29: As background: The REDII contained provisions restricting sourcing of agricultural biomass from certain ecosystems. The EC proposed with their new amendment to extend some of those protections to sourcing of forest biomass, e.g. for highly biodiverse or old growth forests. The Torvalds am would eliminate all those protections for forest biomass, and (am30) from areas of high carbon stock.</p>

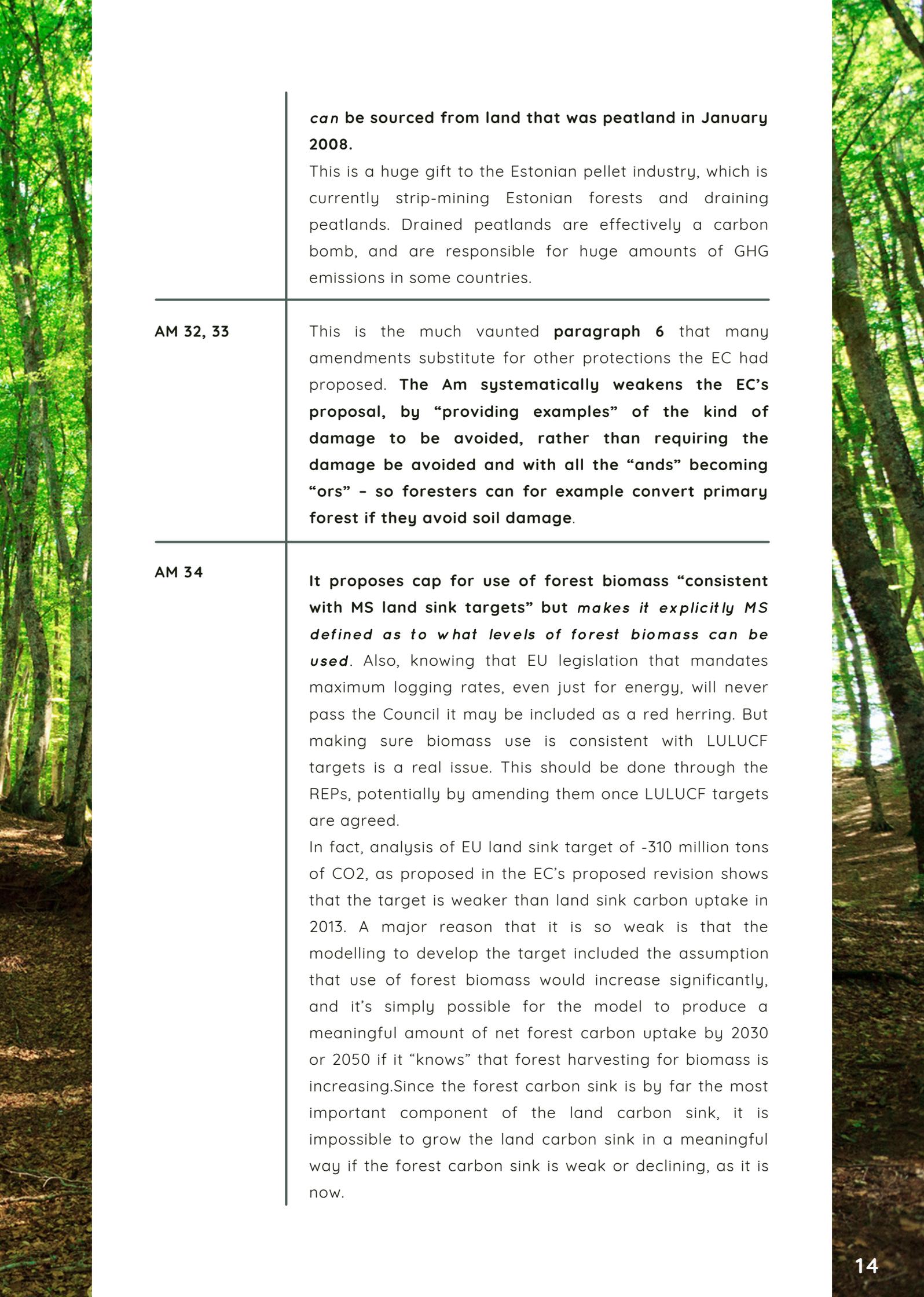
The EC Ams had two types of protections: the ones in Art 29 paras 3 & 4, extending some of the provisions that apply to agricultural biomass sourcing to forest biomass sourcing, plus the new para 6, which sets additional protections (see Am32). This report appears to collapse all these protections into a weakened version of para 6.

What the Torvalds am appears to do is remove all those restrictions on biomass sourcing in any country where there is compliance with paragraph 6. (And to reiterate, para 6 is also weakened by a Torvalds amendment - that occurs in Article 32.). Para 6 (spelled out in Art. 32) only contains weak protections. If para 6 contained all the protections listed above in Art 29 (3), then replacing these protections with para 6 would be acceptable. However, para 6 does not even come close to providing the same protections that Art. 29 (3) provides. That is why the EC included both provisions, extending the agricultural biomass provisions to forest biomass with one amendment, and adding para 6, which contains additional protections, in another. So this seems to be the manoeuvre of moving to safeguards to where ITRE can ignore them instead of where ENVI holds the pen...

The next amendment (**Am 30**) does the same thing, this time removing protections for high carbon areas that were newly extended to forest biomass by the EC for any country that complies with the weak paragraph 6.

AM 31

Removes prohibition on sourcing biomass from drained peatland. The Am is confusing. We interpret it this way: If a country doesn't meet the criteria of paragraph 6 (see Am 32), then biomass sourced from land that was peatland in January 2008 doesn't qualify under the RED, unless the operator provides evidence that sourcing the material doesn't involve drainage of undrained soil, and the state of compliance with paragraph 6 provisions can be reported by a "competent national authority." (This is written awkwardly and may have suffered in translation. We are only about 70% sure this interpretation is correct). **By extension, this appears to mean that if a country does meet the provisions of paragraph 6, then biomass**



The other alarming aspect of the modelling for the land sink target is that it assumed that the EU will be able to deploy BECCS to store -250 million tons of CO₂ per year by 2050. This is a dangerous fantasy, because relying on this unproven technology allows policymakers to propose carbon-liquidating schemes like burning forests for fuel [1]. **There does indeed need to be a cap for the use of biomass, but beyond that, there needs to be a reduction in the amount of forest biomass being harvested now. The EU's forest carbon sink is declining and ecosystems are collapsing at current levels of harvesting to meet current levels of demand. By definition, only reducing demand will allow forests to recover.**

AM 35

It removes the EC proposal of applying GHG savings criteria to existing installations and virtually kicks can of better level to 2026. Given that the biomass industry in the EU currently burns around 400 million tons of wood per year, **applying the requirement to new facilities only would mean that only a tiny fraction of biomass burned would be covered by the requirement** (and in any case the requirement does not apply at all to wood burned for residential heating, which constitutes the majority of wood qualifying toward renewable energy targets under the RED).

The justification of the am is absurd. There are lots of other examples of standard tightening - efficiency standards are not "retroactive legislation". Almost all environmental legislation is about banning the use of things that were perfectly legal when you started using them.

AM 36

This further weaken the reporting on forest biomass. It adds to the already EC simplified text to **re-institute the ability of loggers to monitor themselves, by allowing that "first or second party auditing may be used up to the first gathering point of the forest biomass."** Third party certification is already mostly a joke in forestry. This would allow foresters to certify themselves.

[1] see <https://www.pfpi.net/wp-content/uploads/2021/11/PFPI-EU-Land-Sink-Target-report-Nov-23-2021.pdf> for further explanation.

AM 37

This allows quite large biomass plants (everything up to 20MW) to employ simplified national verification schemes to ensure the fulfillment of the sustainability and greenhouse gas emissions criteria. This would weaken the application of the already weak criteria even further.

AM 38

This removes any reporting obligation for support schemes. This decreases transparency on the use of public funds, which is unacceptable, also as it would likely lead to subsidies being misused. Getting rid of this also decreases accountability. The entire regulation is concerned with ensuring these weak “sustainability” and GHG criteria are met – and here, the report seeks to remove any accounting if those criteria are being met. The justification for the change does not make sense. There is nothing in the proposal about requiring “constant updates,” but in any case, how bureaucratic can it be to declare the subsidies you’ve received? **EU member states are spending around €17 billion euro a year on subsidies for bioenergy. Shouldn’t there be as much oversight as possible to ensure the funds are allocated properly?**

AM 39

Ams 39 & 40 eliminate the requirement to assign fossil fuel GHG lifecycle emissions values for biomass production and transport to materials that are not currently included in the Annex IX list of feedstocks for “advanced biofuels”. Annex IX allows the addition of new types of biomass as feedstock for “advanced” biofuels. These are eligible for special treatment by being in this special group of wastes and residues that are generally considered to entail few costs of using them. By deleting this language in the EC proposal, the report ensures that new feedstocks added to the list will qualify for this special treatment, even if these materials actually have other uses, **even if using them entails significant costs and even if producing them entails significant fossil fuel GHG emissions.** They will be treated as having zero HPT emissions. In effect, this promotes the burning of food by decreasing barriers to its use as fuel.

AM 40

Ditto. The justification “As this poses a new requirement for GHG-calculation rules and changes the established definition of residue as defined in Article 2(43) of RED II and main principles of GHG-calculation” is false. It does not impose a new requirement. Biomass feedstocks included in these Annexes do have GHG “footprints” associated with them and these need to be taken into account. In fact the EC requirement explicitly does not impose a requirement for “calculation” because it explicitly says you just copy the GHG value for the feedstock most closely related to the new material being added to the list. Am 40 is based on a false premise.

CONTACT INFORMATION

Luke Chamberlain

EU Policy Director

Partnership for Policy Integrity

Vienna, Austria

lchambo@pfpi.net

www.pfpi.net

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