A sustainable bioenergy policy for the period after 2020

Fields marked with * are mandatory.

Introduction

EU Member States have agreed on a new policy framework for climate and energy, including EU-wide targets for the period between 2020 and 2030. The targets include reducing the Union's greenhouse gas (GHG) emissions by 40 % relative to emissions in 2005 and ensuring that at least 27 % of the EU's energy comes from renewable sources. They should help to make the EU's energy system more competitive, secure and sustainable, and help it meet its long-term (2050) GHG reductions target.

In January 2014, in its Communication on A policy framework for climate and energy in the period from 2020 to 2030,[1] the Commission stated that '[a]n improved biomass policy will also be necessary to maximise the resource-efficient use of biomass in order to deliver robust and verifiable greenhouse gas savings and to allow for fair competition between the various uses of biomass resources in the construction sector, paper and pulp industries and biochemical and energy production. This should also encompass the sustainable use of land, the sustainable management of forests in line with the EU's forest strategy and address indirect land-use effects as with biofuels'.

In 2015, in its Energy Union strategy,[2] the Commission announced that it would come forward with an updated bioenergy sustainability policy, as part of a renewable energy package for the period after 2020.

Bioenergy is the form of renewable energy used most in the EU and it is expected to continue to make up a significant part of the overall energy mix in the future. On the other hand, concerns have been raised about the sustainability impacts and competition for resources stemming from the increasing reliance on bioenergy production and use.

Currently, the Renewable Energy Directive[3] and the Fuel Quality Directive[4] provide an EU-level sustainability framework for biofuels[5] and bioliquids.[6] This includes harmonised sustainability criteria for biofuels and provisions aimed at limiting indirect land-use change,[7] which were introduced in 2015.[8]

In 2010, the Commission issued a Recommendation[9] that included non-binding sustainability criteria for solid and gaseous biomass used for electricity, heating and cooling (applicable to installations with a capacity of over 1 MW). Sustainability schemes have also been developed in a number of Member States.

The Commission is now reviewing the sustainability of all bioenergy sources and final uses for the period after 2020. Identified sustainability risks under examination include lifecycle greenhouse gas emissions from bioenergy production and use; impacts on the carbon stock of forests and other ecosystems; impacts on biodiversity, soil and water, and emissions to the air; indirect land use change impacts; as well as impacts on the competition for the use of biomass between different sectors (energy, industrial uses, food). The Commission has carried out a number of studies to examine these issues more in detail.

The development of bioenergy also needs to be seen in the wider context of a number of priorities for the Energy Union, including the ambition for the Union to become the world leader in renewable energy, to lead the fight against global warming, to ensure security of supply and integrated and efficient energy markets, as well as broader EU objectives such as reinforcing Europe's industrial base, stimulating research and innovation and promoting competitiveness and job creation, including in rural areas. The Commission also stated in its 2015 Communication on the circular economy[10] that it will 'promote synergies with the circular economy when examining the sustainability of bioenergy under the Energy Union'. Finally, the EU and its Member States have committed themselves to meeting the 2030 Sustainable Development Goals.

[1] COM(2014) 15.

[2] COM/2015/080 final.

[3] Directive 2009/28/EC of the European Parliament and of the Council of 23 April 2009 on the promotion of the use of energy from renewable sources and amending and subsequently repealing Directives 2001/77/EC and 2003/30/EC (OJ L 140, 5.6.2009, p. 16).

[4] Directive 98/70/EC of the European Parliament and of the Council of 13 October 1998 relating to the quality of petrol and diesel fuels and amending Council Directive 93/12/EEC (OJ L 350, 28.12.1998, p. 58).

[5] Used for transport.

[6] Used for electricity, heating and cooling.

[7] Biomass production can take place on land that was previously used for other forms of agricultural production, such as growing food or feed. Since such production is still necessary, it may be (partly) displaced to land not previously used for crops, e.g. grassland and forests. This process is known as indirect land use change (ILUC); see http://ec.europa.eu/energy/en/topics/renewable-energy/biofuels/land-use-change.

[8] See more details on the existing sustainability framework for biofuels and bioliquids in section 5.

[9] COM/2010/0011 final.

[10] Closing the loop – an EU action plan for the circular economy (COM(2015) 614/2).

1. General information about respondents

* 1.1. In what capacity are you completing this questionnaire?

- ○ academic/research institution
- ○ as an individual / private person
- ◉ civil society organisation
- ○

international organisation
- other
- private enterprise
- professional organisation
- public authority
- public enterprise

* 1.6. If you are a civil society organisation, please indicate your main area of focus.

- Agriculture
- Energy
- (•) Environment & Climate
- Other
- Technology & Research

1.8. If replying as an individual/private person, please give your name; otherwise give the name of your organisation

200 character(s) maximum

```
Quercus - Associação Nacional de Conservação da Natureza
```

1.9. If your organisation is registered in the Transparency Register, please give your Register ID number.

(If your organisation/institution responds without being registered, the Commission will consider its input as that of an individual and will publish it as such.)

200 character(s) maximum

```
269613521588-12
```

1.10. Please give your country of residence/establishment

- Austria
- Belgium
- Bulgaria
- Croatia
- Cyprus
- Czech Republic
- Denmark
- Estonia
- Finland
- France
- Germany
- Greece
- Hungary
- Ireland

- Italy
- Latvia
- Lithuania
- Luxembourg
- Malta
- Netherlands
- Poland
- Portugal
- Romania
- Slovakia
- Slovenia
- Spain
- Sweden
- United Kingdom
- Other non-EU European country
- Other non-EU Asian country
- Other non-EU African country
- Other non-EU American country

* 1.11. Please indicate your preference for the publication of your response on the Commission's website:
(Please note that regardless the option chosen, your contribution may be subject to a request for access to documents under Regulation 1049/2001 on public access to European Parliament, Council and Commission documents. In this case the request will be assessed against the conditions set out in the Regulation and in accordance with applicable data protection rules.)

- Under the name given: I consent to publication of all information in my contribution and I declare that none of it is subject to copyright restrictions that prevent publication.
- Anonymously: I consent to publication of all information in my contribution and I declare that none of it is subject to copyright restrictions that prevent publication.
- Please keep my contribution confidential. (it will not be published, but will be used internally within the Commission)

Perceptions of bioenergy

2.1. Role of bioenergy in the achievement of EU 2030 climate and energy objectives

Please indicate which of the statements below best corresponds to your perception of the role of bioenergy in the renewable energy mix, in particular in view of the EU's 2030 climate and energy objectives:

- Bioenergy should continue to play a dominant role in the renewable energy mix.
- Bioenergy should continue to play an important role in the renewable energy mix, but the share of other renewable energy sources (such as solar, wind, hydro and geothermal) should increase significantly.
-

Bioenergy should not play an important role in the renewable energy mix: other renewable energy sources should become dominant.

2.2. Perception of different types of bioenergy

Please indicate, for each type of bioenergy described below, which statement best corresponds to your perception of the need for public (EU, national, regional) policy intervention (tick one option in each line):

	Should be further promoted	Should be further promoted, but within limits	Should be neither promoted nor discouraged	Should be discouraged	No opinion
Biofuels from food crops	○	○	○	●	○
Biofuels from energy crops (grass, short rotation coppice, etc.)	○	○	○	●	○
Biofuels from waste (municipal solid waste, wood waste)	○	●	○	○	○
Biofuels from agricultural and forest residues	○	○	●	○	○
Biofuels from algae	○	○	●	○	○
Biogas from manure	●	○	○	○	○
Biogas from food crops (e.g. maize)	○	○	○	●	○
Biogas from waste, sewage sludge, etc.	○	●	○	○	○
Heat and power from forest					

biomass (except forest residues)	○	○	○	◉	○
Heat and power from forest residues (tree tops, branches, etc.)	○	○	◉	○	○
Heat and power from agricultural biomass (energy crops, short rotation coppice)	○	○	○	◉	○
Heat and power from industrial residues (such as sawdust or black liquor)	○	◉	○	○	○
Heat and power from waste	○	○	◉	○	○
Large-scale electricity generation (50 MW or more) from solid biomass	○	○	○	◉	○
Commercial heat generation from solid biomass	○	○	◉	○	○
Large-scale combined heat and power generation from solid biomass	○	○	◉	○	○
Small-scale combined heat and power generation from solid biomass	○	◉	○	○	○
Heat generation from biomass in					

domestic (household) installations	○	○	◉	○	○
Bioenergy based on locally sourced feedstocks	○	○	◉	○	○
Bioenergy based on feedstocks sourced in the EU	○	○	◉	○	○
Bioenergy based on feedstocks imported from non-EU countries	○	○	○	◉	○
Other	○	◉	○	○	○

Please specify the "other" choice

200 character(s) maximum

```
Energy conversion of separated biobased waste could be promoted to a limited
extent but not as part energy generation from mixed waste.
```

3. Benefits and opportunities from bioenergy

3.1. Benefits and opportunities from bioenergy

Bioenergy (biofuel for transport, biomass and biogas for heat and power) is currently promoted as it is considered to be contributing to the EU's renewable energy and climate objectives, and also having other potential benefits to the EU economy and society.

Please rate the contribution of bioenergy, as you see it, to the benefits listed below (one answer per line):

	of critical importance	important	neutral	negative	No opinion
Europe's energy security: safe, secure and affordable energy for European citizens	○	○	◉	○	○
Grid balancing including through storage of biomass					

(in an electricity system with a high proportion of electricity from intermittent renewables)	○	○	◉	○	○
Reduction of GHG emissions	○	○	○	◉	○
Environmental benefits (including biodiversity)	○	○	○	◉	○
Resource efficiency and waste management	○	○	○	◉	○
Boosting research and innovation in bio-based industries	○	○	◉	○	○
Competitiveness of European industry	○	○	◉	○	○
Growth and jobs, including in rural areas	○	○	◉	○	○
Sustainable development in developing countries	○	○	○	◉	○
Other	○	○	○	◉	○

Please specify the "other" choice

200 character(s) maximum

```
Bioenergy production with co-benefits should be prioritized in comparison to
biomass use only for energy. E.g. anaerobic digestion of waste-based biomass
harvested for nature conservation purp
```

3.2. Any additional views on the benefits and opportunities from bioenergy? Please explain

2500 character(s) maximum

```
Bioenergy production with co-benefits should be prioritized in comparison to
biomass use only for energy. Examples include anaerobic digestion of waste
based biomass that allows to return nutrients to the soil and use of biomass
that is harvested for nature conservation purposes such as grassland
management.
```

4. Risks from bioenergy production and use

4.1. Identification of risks

A number of risks have been identified (e.g. by certain scientists, stakeholders and studies) in relation to bioenergy production and use. These may concern specific biomass resources (agriculture, forest, waste), their origin (sourced in the EU or imported) or their end-uses (heat, electricity, transport).

Please rate the relevance of each of these risks as you see it (one asnwer per line):

	critical	significant	not very significant	non-existent	No opinion
Change in carbon stock due to deforestation and other direct land-use change in the EU	○	●	○	○	○
Change in carbon stock due to deforestation and other direct land-use change in non-EU countries	●	○	○	○	○
Indirect land-use change impacts	●	○	○	○	○
GHG emissions from the supply chain (e.g. cultivation, processing and transport)	○	●	○	○	○
GHG emissions from combustion of biomass (‘biogenic emissions’)	●	○	○	○	○
Impacts on air quality	○	●	○	○	○
Impacts on water and soil	○	●	○	○	○
Impacts on biodiversity	○	●	○	○	○
Varying degrees of efficiency of biomass conversion to energy	●	○	○	○	○
Competition between different uses of biomass (energy, food, industrial uses) due to limited	●	○	○	○	○

availability of land and feedstocks and/or subsidies for specific uses					
Internal market impact of divergent national sustainability schemes	○	●	○	○	○
Other	●	○	○	○	○

Please specify the "other" choice

200 character(s) maximum

Land use conflicts, land grabs and human rights conflicts, in and outside of Europe.
Additional critical risk: wasteful use of limited biomass resources contrary to the idea of circular economy.

4.2. Any additional views on the risks from bioenergy production and use? Please explain

2500 character(s) maximum

The key risks which EU policies need to address and mitigate are:
• Exceeding the limits of sustainably available biomass, land and forest resources due to the increasing, policy driven demand for biomass energy that comes on top of other, existing demands;
• Failing to reduce carbon emissions sufficiently due to the flawed zero rating of carbon emissions from bioenergy;
• Inefficient and wasteful use of biomass resources that is not in line with the cascading use principle or the circular economy.
• Negative environmental and social impacts e.g. impacts on air quality, land use, biodiversity, land right conflicts and land grabs.

High risks of carbon emissions from bioenergy due to changes in nature's carbon stocks are not linked just to deforestation or direct land use change as suggested by question 4.1. Risks are even bigger due to 1) time delay in the (assumed) recapture by biomass growth, and 2) decrease in carbon stocks because increased harvesting for energy.

Risks of negative social impacts such as land use conflicts, land rights, livelihoods of local communities, volatility of food prices and food security have not been appropriately considered in this consultation even if they should be considered as a significant risk, especially in relation to land based crops.

5. Effectiveness of existing EU sustainability scheme for biofuels and bioliquids

In 2009, the EU established a set of sustainability criteria for biofuels (used in transport) and bioliquids (used for electricity and heating). Only biofuels and bioliquids that comply with the criteria can receive government support or count towards national renewable energy targets. The main criteria are as follows:

- Biofuels produced in new installations must achieve GHG savings of at least 60 % in comparison with fossil fuels. In the case of installations that were in operation before 5 October 2015, biofuels must achieve a GHG emissions saving of at least 35 % until 31 December 2017 and at least 50 % from 1 January 2018. Lifecycle emissions taken into account when calculating GHG savings from biofuels include emissions from cultivation, processing, transport and direct land-use change;
- Biofuels cannot be grown in areas converted from land with previously (before 2008) high carbon stock, such as wetlands or forests;
- Biofuels cannot be produced from raw materials obtained from land with high biodiversity, such as primary forests or highly biodiverse grasslands.

In 2015, new rules[1] came into force that amend the EU legislation on biofuel sustainability (i.e. the Renewable Energy Directive and the Fuel Quality Directive) with a view to reducing the risk of indirect land-use change, preparing the transition to advanced biofuels and supporting renewable electricity in transport. The amendments:

- limit to 7 % the proportion of biofuels from food crops that can be counted towards the 2020 renewable energy targets;
- set an indicative 0.5 % target for advanced biofuels as a reference for national targets to be set by EU countries in 2017;
- maintain the double-counting of advanced biofuels towards the 2020 target of 10 % renewable energy in transport and lay down a harmonised EU list of eligible feedstocks; and
- introduce stronger incentives for the use of renewable electricity in transport (by counting it more towards the 2020 target of 10 % renewable energy use in transport).

[1] Directive (EU) 2015/1513 of the European Parliament and of the Council of 9 September 2015 amending Directive 98/70/EC relating to the quality of petrol and diesel fuels and amending Directive 2009/28/EC on the promotion of the use of energy from renewable sources (OJ L 239, 15.9.2015, p. 1).

5.1. Effectiveness in addressing sustainability risks of biofuels and bioliquids

In your view, how effective has the existing EU sustainability scheme for biofuels and bioliquids been in addressing the risks listed below? (one answer per line)

	effective	partly effective	neutral	counter-productive	No opinion
GHG emissions from cultivation, processing and transport	○	◉	○	○	○

GHG emissions from direct land-use change	○	●	○	○	○
Indirect land-use change	○	○	○	●	○
Impacts on biodiversity	○	○	○	●	○
Impact on soil, air and water	○	○	○	●	○

Any additional comments?

2500 character(s) maximum

```
Biofuels sustainability scheme from 2009 ignored ILUC emissions and therefore
did not prevent the deployment of biofuels with potentially higher GHG
emissions than fossil fuels they were meant to replace and hence have been
counterproductive.

Revision of the sustainability scheme in 2015 and the 7% cap on food based
biofuels is expected to partly address indirect land use change impacts but is
still not effective enough because a) it does not include ILUC factors, b) it
doesn't cover all land based crops, c) it is not extended to the Fuel Quality
Directive and d) still allows a growth in food based biofuel use until 2020 as
the 7% cap is higher than current consumption levels.

Existing sustainability criteria have been partly effective in preventing
direct land use change and other negative impacts, however compliance of the
sector with existing criteria cannot be claimed since these are enforced
through verification systems that are often not sufficiently robust.

Effectiveness of sustainability criteria on biodiversity (Art 17(3)) has been
limited by unclear or loose definitions of areas such as primary forests, high
biodiversity grasslands etc.
```

5.2. Effectiveness in promoting advanced biofuels

In your view, how effective has the sustainability framework for biofuels, including its provisions on indirect land-use change, been in driving the development of 'advanced' biofuels, in particular biofuels produced from ligno-cellulosic material (e.g. grass or straw) or from waste material (e.g. waste vegetable oils)?

- ○ very effective
- ○ effective
- ● neutral
- ○ counter-productive
- ○ no opinion

What additional measures could be taken to further improve the effectiveness in promoting advanced biofuels?

2500 character(s) maximum

The 7% cap on land based biofuels (as agreed in the ILUC decision of 2015) should be maintained also after 2020 and these biofuels phased out completely. Advanced, non-land based biofuels could play a role in the phase out of land based biofuels but other measures to decarbonize the transport sector (e.g. efficiency and electrification) should be prioritized.

There should be no volume / percentage target for advanced (or any other) biofuels as this approach only focuses on quantity and not on quality and impacts of those biofuels.

There should be a level playing field for all forms of bioenergy, including advanced biofuels, which would apply the same sustainability requirements for all bioenergy (see response 8.2) and provide a consistent and more secure policy framework for investments.

5.3. Effectiveness in minimising the administrative burden on operators

In your view, how effective has the EU biofuel sustainability policy been in reducing the administrative burden on operators placing biofuels on the internal market by harmonising sustainability requirements in the Member States (as compared with a situation where these matter would be regulated by national schemes for biofuel sustainability)?

- ○ very effective
- ◉ effective
- ○ not effective
- ○ no opinion

What are the lessons to be learned from implementation of the EU sustainability criteria for biofuels? What additional measures could be taken to reduce the administrative burden further?

2500 character(s) maximum

Concerns on negative societal, climate and environmental impacts of policies, raised by the scientific community and civil society should be addressed in a precautionary manner when the policy is first introduced to avoid flawed or constantly changing policy incentives.

A robust, coherent and binding EU level policy for all forms of bioenergy (biofuels, solid and gaseous bioenergy) is needed to give a harmonized basis for sustainability and clear direction for public incentives.

Sustainability policies need to go beyond regulating land and forest management practices. They need to also address natural resource use and our ecological footprint, resource efficiency, full carbon emission impacts, social issues and overall volume of demand created.

More transparent requirements for the approval of different verification schemes for the sustainability policy are needed and should be introduced by the Commission.

5.4. Deployment of innovative technologies

In your view, what is needed to facilitate faster development and deployment of innovative technologies in the area of bioenergy? What are the lessons to be learned from the existing support mechanisms for innovative low-carbon technologies relating to bioenergy?

2500 character(s) maximum

Targets and mandates for bigger volumes of biofuel or bioenergy use only produce quantities without encouraging more effective, innovative or environmentally beneficial use of bioenergy.

Policy needs to give a clear preference for the kinds of bioenergy (biomass source, conversion technologies etc.) that deliver societal and environmental benefits and exclude bioenergy with negative impacts, so that development of more innovative uses and forms of bioenergy is incentivized.

Stringent requirements, for example, for higher conversion efficiency can also facilitate technological innovation.

6. Effectiveness of existing EU policies in addressing solid and gaseous biomass sustainability issues

6.1. In addition to the non-binding criteria proposed by the Commission in 2010, a number of other EU policies can contribute to the sustainability of solid and gaseous bioenergy in the EU. These include measures in the areas of energy, climate, environment and agriculture.

In your view, how effective are current EU policies in addressing the following risks of negative environmental impacts associated with solid and gaseous biomass used for heat and power? (one answer per line)

	effective	partly effective	neutral	counter-productive	No opinion
Change in carbon stock due to deforestation, forest degradation and other direct land-use change in the EU	○	○	○	◉	○
Change in carbon stock due to deforestation, forest degradation and other					

direct land-use change in non-EU countries	○	○	○	◉	○
Indirect land-use change impacts	○	○	○	◉	○
GHG emissions from supply chain, e.g. cultivation, processing and transport	○	○	○	◉	○
GHG emissions from combustion of biomass ('biogenic emissions')	○	○	○	◉	○
Air quality	○	○	○	◉	○
Water and soil quality	○	○	○	◉	○
Biodiversity impacts	○	○	○	◉	○
Varying degrees of efficiency of biomass conversion to energy	○	○	○	◉	○
Competition between different uses of biomass (energy, food, industrial uses) due to limited availability of land and feedstocks	○	○	○	◉	○
Other	○	○	○	◉	○

Please specify the "other" choice

200 character(s) maximum

```
Social impacts such a land use rights, human rights and food security.
```

6.2. Any additional views on the effectiveness of existing EU policies on solid and gaseous biomass? Please explain

2500 character(s) maximum

```
Existing policies in the field agriculture (like the CAP or rural development)
or in the field of forestry (such as national legislation on sustainable
forest management) or waste management have not been effective in limiting the
use of biomass for energy or ensuring it's done in a sustainable way - on the
contrary. Clear sustainability requirements need to be placed on energy
```

producers.

Measures to report for emissions in the LULUCF sector (EU Decision) or account from the under the Kyoto Protocol have not been effective in capturing the emissions of increased bioenergy use or excluding high-carbon bioenergy sources and ensuring effective carbon emission savings.

There's particularly a gap in policies (both EU and national) to ensure that bioenergy use delivers true GHG savings and that biomass is used in a resource efficient way in line with the cascading use principle. Sustainability requirements on agriculture or forestry won't be enough to ensure these gaps in policy are addressed.

Use of biomass for energy is also driven by the EU ETS that erroneously assumes all bioenergy emissions to be zero without any requirements to prove that emission savings actually take place. To avoid misguiding policies, other EU climate and energy policies should also be aligned with the requirements of the bioenergy sustainability policy.

7. Policy objectives for a post-2020 bioenergy sustainability policy

7.1. In your view, what should be the key objectives of an improved EU bioenergy sustainability policy post-2020? Please rank the following objectives in order of importance: most important first; least important 9th/10th (you can rank fewer than 9/10 objectives):

	1st	2nd	3rd	4th	5th	6th	7th	8th	9th	10th
Contribute to climate change objectives	◉	○	○	○	○	○	○	○	○	○
Avoid environmental impacts (biodiversity, air and water quality)	◉	○	○	○	○	○	○	○	○	○
Mitigate the impacts of indirect land-use change	◉	○	○	○	○	○	○	○	○	○
Promote efficient use of the biomass resource, including efficient energy conversion	◉	○	○	○	○	○	○	○	○	○
Promote free trade and competition in										

the EU among all end-users of the biomass resource	○	○	○	○	●	○	○	○	○	○
Ensure long-term legal certainty for operators	○	○	●	○	○	○	○	○	○	○
Minimise administrative burden for operators	○	○	○	○	○	○	●	○	○	○
Promote energy security	○	○	○	○	○	○	●	○	○	○
Promote EU industrial competitiveness, growth and jobs	○	○	○	○	○	○	●	○	○	○
Other	●	○	○	○	○	○	○	○	○	○

Please specify the "other" choice

200 character(s) maximum

Avoid negative impacts on food security, land and human rights and land grabs.

7.2. Any other views? Please specify

2500 character(s) maximum

Bioenergy use needs to contribute to climate change mitigation, the circular economy and resource efficiency without negative impacts on the environmental or on land use and human rights. In all these areas, concerns are already raised and evidence of negative impacts exist. Neglecting any of these policy objectives can easily lead to discrediting of the future sustainability policy. Therefore we don't find it meaningful to prioritize between these, equally important objectives.

Extent and scale of negative impacts is not just a matter of quality of biomass used but also the quantity of its use. Studies have shown that the EU is already starting to reach the limits of wood and land resources available for the various growing needs of different sectors, including the policy driven energy demand. The EU should evaluate the sustainable potential of domestic biomass supply for energy use, taking into consideration competing uses in other sectors and environmental protection and cap the use of biomass for energy accordingly.

Further, the use of land, water and forests to grow or extract bioenergy feedstocks should not put at risk the livelihoods of local and indigenous communities or result in their forced eviction. Bioenergy producers must be able to provide evidence that, throughout their supply chain they do not compromise the access to land, water and forests of local and indigenous communities without their Free, Prior and Informed Consent (FPIC). FPIC of all potentially affected communities must be secured throughout the entire lifecycle of the bioenergy project, respecting international standards and best practices.

Sustainability criteria must include the absence of negative impacts on food security in the regions of origin of the feedstocks used to produce bioenergy. The impacts on the main dimensions of food security - availability, access, adequacy and stability - must be periodically and independently assessed at local and regional level.

Producers of bioenergy should be obliged to demonstrate that they have exerted due diligence to avoid violations of human and labour rights throughout their supply chains, including the labour rights enshrined in the ILO conventions currently covered by the reporting obligations in art. 17.7 of the RED and ILO Convention 169 on Indigenous and Tribal Peoples.

8. EU action on sustainability of bioenergy

8.1. In your view, is there a need for additional EU policy on bioenergy sustainability?

- ○ No: the current policy framework (including the sustainability scheme for biofuels and bioliquids, and other EU and national policies covering solid and gaseous biomass) is sufficient.
- ○ Yes: additional policy is needed for solid and gaseous biomass, but for biofuels and bioliquids the existing scheme is sufficient.
- ○ Yes: additional policy is needed on biofuels and bioliquids, but for solid and gaseous biomass existing EU and national policies are sufficient.
- ◉ Yes: a new policy is needed covering all types of bioenergy.

8.2. In your view, and given your answers to the previous questions, what should the EU policy framework on the sustainability of bioenergy include? Please be specific

5000 character(s) maximum

The EU bioenergy sustainability after 2020 should be based on the following principles:
1-phase out the use of land using bioenergy made from food crops and dedicated energy crops over time,
2-introduce a cap to limit the use of biomass for energy production to levels that can be supplied in a socially and environmentally sustainable way considering limited land and water availability and environmental costs of biodiversity loss and deforestation;
3-ensure efficient and optimal use of biomass resources, in line with the principle of cascading use;
4-correct carbon accounting for biomass, including life-cycle emissions, smoke-stack emissions and ILUC;
5-introduce comprehensive binding social and environmental sustainability criteria.
To send a clear signal to industry, no new volume target should be set for renewable energy in transport after 2020 and all incentives for land-based biofuels (made from food crops, energy crops or dedicated plants and trees) should be ended. Building on 7% cap on land-based biofuel that can be used in transport that was introduced in 2015, the amount of these biofuels that can be put on EU market should be reduced after 2020 with the aim of phasing out. The same measure should be applied to biogas made from the same feedstocks.
An EU wide cap on bioenergy that can be counted towards EU wide RE target and publicly incentivized should be introduced and implemented in a coherent way with EU's RE target. The cap should be expressed in the amount of energy content of the bioenergy rather than in percentages of energy consumption which is sensitive to the level of overall energy demand. Earlier research indicates that a cap should correspond to the projected level of biomass use for energy in 2020 which has been estimated to still be within the limits of what Europe can sustainable supply.
An assessment of other uses of the targeted biomass resources must be provided together with evidence that there isn't any significant displacement of existing non-energy uses of the biomass and that the use of biomass is in line with the cascading use principle. Cascading use is a strategy to use raw

materials such as wood, or other biomass, in chronologically sequential steps as long, often and efficiently as possible for materials and only to recover energy from them at the end of the product life cycle. Public incentives for use of organic waste as energy can be applied only when a MS has implemented the targets (art. 11) and hierarchy (art. 4) of the Waste Framework Directive. Only bioenergy produced in the most energy efficient installations will be counted towards the renewables targets.
Correct carbon accounting of all forms of bioenergy is essential. The full carbon footprint must be taken into account to determine whether greenhouse gas emission savings thresholds have been met. This includes: life-cycle emissions from the production, transport and processing feedstocks; biogenic emissions released when burning biofuels, bioliquids, biogas and solid biomass; emissions from indirect land use change. Correct carbon accounting of bioenergy throughout the EU climate and energy package, applying to both traded sectors (ETS) and non-traded sectors (ESD).
More concretely, the policy should result in exclusion of the kinds of biomass sources that have the highest risk of negative social, climate and environmental impacts and support only the use of lower risk sources such as waste and residue based biomass, while still respecting the principle of waste hierarchy. The following binding environmental and social sustainability safeguards must be considered:
•No biomass from land with high biodiversity value and high carbon stocks as defined in RED Article 17 (3-5).
•No biomass from areas for nature protection is used unless harvested strictly in line with the management plan of the area and contributes to its objectives.
•No use of stumps or stemwood (whole trees) unless harvesting is for nature conservation purposes
•Limitations to extraction of agricultural and forest harvesting residues
•Limitations on the use of hazardous chemicals
•Provide robust evidence that there has been no displacement of material uses of biomass through energy use
•Only permit the use of separated organic waste for RE, and ensure use for energy is compliant with the waste hierarchy
•No growing of invasive alien species
•Enact minimum efficiency requirements for bioenergy installation
•Bioenergy producers must be able to provide evidence that their operations comply with Applicable Laws and Regulations in the country concerned.
•The free prior and informed consent (FPIC) of all communities affected by land deals to produce bioenergy must be secured.
•Bioenergy producers must provide evidence that are not operating on contested land, there is no negative impact on food security of local communities and they have exerted due diligence to avoid violations of human and labour rights.

9. Additional contribution

Do you have other specific views that could not be expressed in the context of your replies to the above questions?

5000 character(s) maximum

Information to consumers to enable consumers to choose the most sustainable energy sources. Particularly where energy is marketed as ‘green’ or ‘renewable’ information must be available e.g. on whether the energy has been produced by burning feedstock or not and the origin of such feedstock. Information on greenhouse gas emissions should be part of this information for consumers as climate benefits are one of the main selling points of renewable energy. Such emission information must account for the full life cycle analysis and changes to carbon stocks, forgone sequestration and ILUC.

Policies on sustainable forest management and agriculture have so far failed to stop biodiversity decline in these habitats and have also not been effective in stopping environmentally and climate wise negative bioenergy uses so far. While these policies should be improved, additional policies and requirements for the energy sector are needed to ensure especially that GHG savings from bioenergy use are delivered and that biomass resources are used in an efficient way.

Policies for emissions from the land use and forestry sector (LULUCF) such as EU’s LULUCF Decision and the Kyoto Protocol have not effectively captured the biogenic emission related to bioenergy use or succeeded in limiting them. Accounting rules and targets for the land sector today are inconsistent globally and allow the hiding of emissions in projected reference levels (forest management especially). Carbon emissions need to be minimized by applying sustainability requirements on the policies driving bioenergy use i.e. the renewable energy policies. As operators in the energy sector benefit from support schemes on renewable energy, they should also be responsible for ensuring emissions savings are actually delivered.

The sustainability requirements of bioenergy need to be linked to other EU climate and energy policies, such as the EU Emission Trading Scheme, the Effort Sharing Decision and the Commission’s State Aid Guidelines to ensure that also all the other policies incentivize only bioenergy proven to be sustainable.

As competition for natural resources is on the rise and increasingly generates conflicts, the EU should seek to reduce its land and water footprint outside Europe, rather than increasing it since land and water are indispensable ingredients of food security. The EU bioenergy policy should not incentivise large-scale scale industrial schemes and tree monoculture plantations. These involve large scale land acquisitions in developing countries, displace food production, exacerbate food insecurity, destroy rural livelihoods and displace or disempower local communities.

The EU should make sure that its future energy policy will not hamper the transition towards Climate resilient sustainable agriculture in Europe and in developing countries. CRSA is based on agroecology and participation of local communities, with a focus on women. When compared to industrial agriculture, agroecology has a lower climate change impact, and builds the resilience of local communities to climate change, which is key to ensuring their food

```
security.

Large scale land transactions do generally not involve genuine consultation of
local communities in respect of Free, Prior and Informed Consent (FPIC) -
which includes the possibility for affected people to refuse a project that
would not meet their aspirations or that would not benefit them. In countries
with weak land governance and limited room for civil society's participation,
the risk of large scale land deals turning into land grabs is even more
important.
```

Finally, you may upload here any relevant documents, e.g. position papers, that you would like the European Commission to be aware of.

Thank you for participation to the consultation!

Contact

✉ SG-D3-BIOENERGY@ec.europa.eu