



Implementing regulation – operational guidance on the evidence for demonstrating compliance with the sustainability criteria for forest biomass

Workshop on policies for sustainable bioenergy

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Role of bioenergy

- Bioenergy plays an important role in the renewable energy mix of the EU with a share of **58.1% in 2020**.

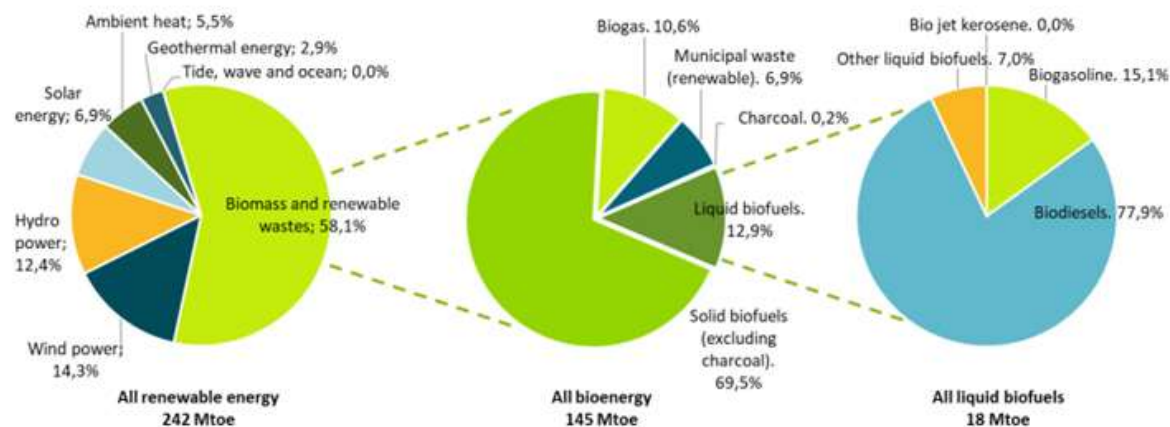


Figure 3. Gross EU consumption of renewable energy per type (2020, % and Mtoe).
Source: Eurostat

- Solid biofuels → largest share of all bioenergy with a 69.5%.
- Heating and cooling sector is the largest end-user



Brussels, XXXX
[...](2022)XXXX draft

COMMISSION IMPLEMENTING REGULATION (EU) .../...

of XXXX

on establishing operational guidance on the evidence for demonstrating compliance with the sustainability criteria for forest biomass laid down in Article 29 of Directive (EU) 2018/2001 of the European Parliament and of the Council

(Text with EEA relevance)

EN

EN

Implementing Regulation on the sustainability criteria for forest biomass



REDII empowerment - Article 29(8)

By 31 January 2021, the Commission shall adopt implementing acts establishing the operational guidance on the evidence for demonstrating compliance with the criteria laid down in paragraphs 6 and 7 of this Article. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 34(3).

- The Implementing Regulation should provide **uniform conditions for the implementation** by Member States

BUT: The IR cannot go beyond the RED II criteria and the RED II mandate

Uniform implementation

To be compliant with the empowerment, the best option was to follow a **non-exhaustive approach** in the IR.

The IR gives **guidance** on how to comply with the criteria set out in the Directive.



BUT the IR does not exclude that there are **other ways and evidence**, which **could be used** by the economic operators to prove compliance with the criteria set in the Directive



Overview – Structure of the Implementing Regulation

Article 1: Subject matter

Article 2: Definitions

*Article 3: Assessment of compliance with the **harvesting criteria** at **national or sub-national level***

*Article 4: Assessment of compliance with the **harvesting criteria** at the **forest sourcing area level***

*Article 5: Assessment of compliance with the **LULUCF criteria** at **national level***

*Article 6: Assessment of compliance with the **LULUCF criteria** at the **forest sourcing area level***

Article 7: Verification and auditing

Article 8: Entry into force and application



RED II Article
29(6)



RED II Article
29(7)

Articles 1 & 2

Article 1

Subject matter and scope

The Regulation **lays down operational guidance** to be applied by Member States to **ensure a robust and harmonised implementation of the risk-based sustainability criteria for the production of biofuels**, bioliquids and biomass from forest biomass set out in Article 29 (6) and (7) of Directive (EU) 2018/2001.

Article 2

Definitions

- ✓ Already included in RED II
- ✓ Direct reference to either the LULUCF Regulation (EU) 2018/841 **or** the IR on certification (EU) 2022/996
- ✓ International definitions (e.g. FAO)

Article 3 – Level A harvesting criteria

- Describes the evidence for demonstrating compliance with the sustainability criteria at national level, as set out in RED II
- There is a need to **demonstrate** that the relevant national and sub-national legislation, applicable to forest biomass, complies with the **five criteria** included in **Article 29 (6) point (a)**
- It is sufficient that there exists national or sub-national legislation containing these sustainability requirements
- In addition, it should be demonstrated that monitoring and enforcement systems of the relevant national or sub-national legislation are in place
- It is also required that evidence is provided that there is no systematic lack of enforcement, including through the relevant EU infringement procedures concerning Member States

Article 4 – Level B harvesting criteria

- Describes the evidence for demonstrating compliance at the forest sourcing area level (Level B)
- Compliance at sourcing area level includes **more detailed guidance** on the required evidence, given the lack of required evidence in (sub) national legislation
- For this Article, the approach remains the same: for each criterion that is not met at Level A, some examples are included on **how** it could be met at Level B
- For instance, a non-exhaustive list of examples is included under **point (b) (iv)** on how negative impacts on soil quality and biodiversity could be prevented
- This Article was drafted in line with the findings of the JRC report which has identified some negative harvesting practices

Articles 5 and 6 - LULUCF criteria

Level A – LULUCF criteria

- Biomass is sourced from a country that is Party to the Paris Agreement + has submitted a NDC covering emissions and removals from forestry and agriculture sectors
- **Or** there are national or sub-national laws applicable to the areas of harvest to **conserve and enhance carbon stock and sinks**. For this alternative the IR sets out **how evidence can be provided**

Level B – LULUCF criteria

- When compliance cannot be demonstrated at national level → sourcing area level
- Additional evidence that management systems are in place at the sourcing area level → forest carbon stocks and sinks levels are maintained or strengthened, over the long-term
- This article describes:
 - ✓ the information such management systems should include
 - ✓ the different steps that should be followed by bioenergy operators

Article 7 – Auditing and verification

- Sets out the requirements for certification and auditing
- This Article is complemented by the Implementing Regulation (EU) (EU) 2022/996 on certification which was officially adopted in June
- The approach for forest biomass verification was heavily influenced by the approach used and applied to biofuels under RED I
- For Level A only and **in order to minimize the administrative burden, first-party or second-party auditing** *may be provided* for **up to the first gathering point of the forest biomass**
- **Group auditing** may be performed under the conditions laid down in the IR (EU) 2022/996 **to alleviate the administrative burden in particular on small economic operators.**
- Voluntary Schemes recognised by the Commission remain the main compliance mechanism under RED II

Article 8 – Entry into force and application

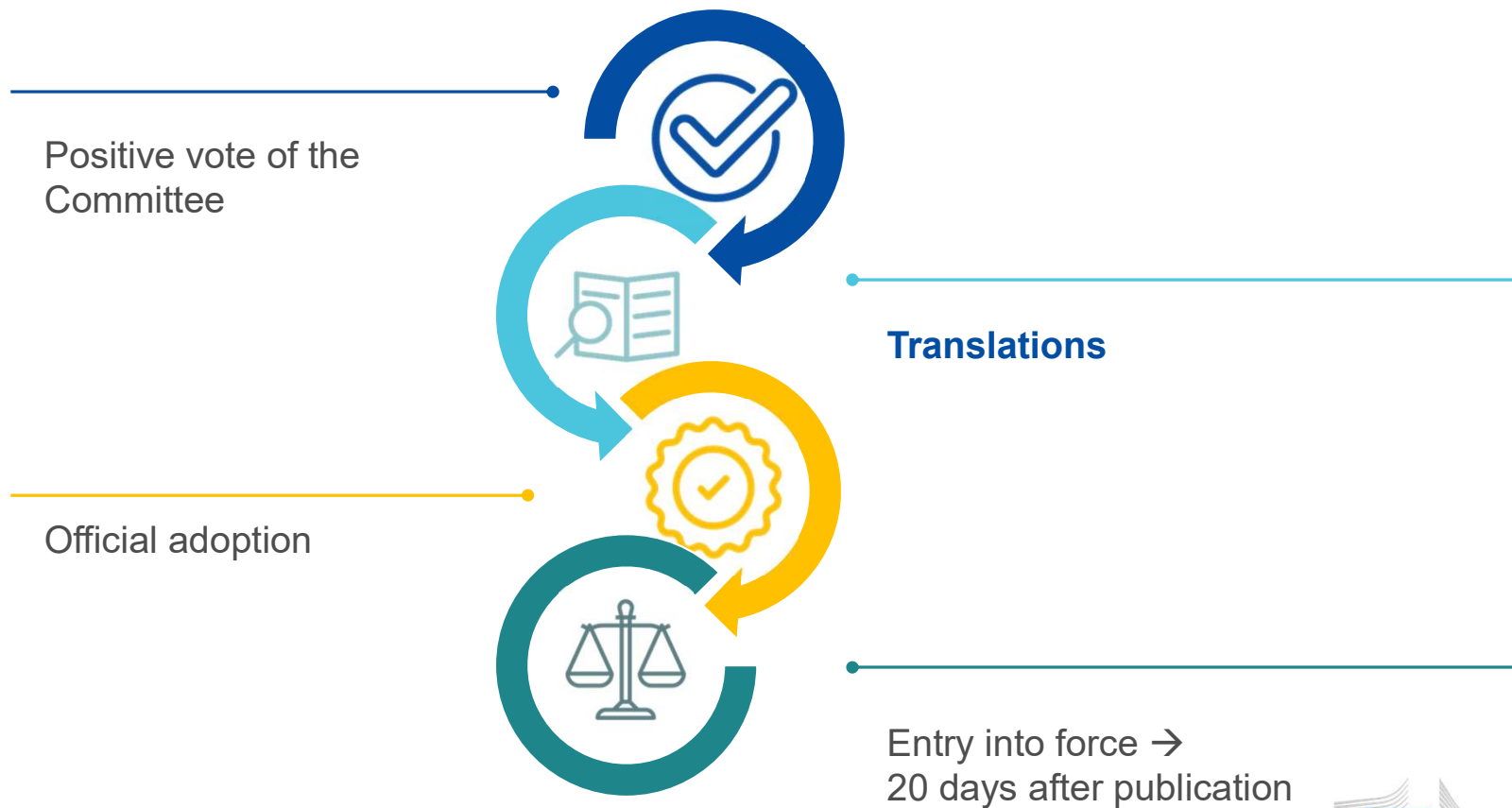
Article 8

Entry into force and application

This Regulation shall enter into force **on the twentieth day** following that of its publication in the *Official Journal of the European Union*.

This Regulation **shall be binding in its entirety and directly applicable in all Member States**.

Next Steps?



Implementing Regulation on Certification

- Adopted pursuant to **Article 30 (8) of REDII**
- Rules on certification and auditing are [addressed in detail](#)



[Implementing Regulation \(EU\) \(EU\) 2022/996 of 14 June 2022 \(europa.eu\)](#)

- The **updated content of the assessment protocol** was sent to voluntary schemes and published on the EC dedicated website (link in the next slide);
- Voluntary schemes updated their documentation and sent the amended version to the Commission for assessment and approval;
- With **the official adoption of the IR on forest biomass, the same approach will be followed** and the schemes will be re-assessed accordingly.

EC- recognised voluntary schemes

Approved voluntary schemes and national certification schemes

The European Commission has so far formally recognized 14 voluntary schemes, namely

Voluntary scheme	Annual report 2021
Biomass Biofuels voluntary scheme (ZBSVs)	link
Better Biomass	link
Bonsucro EU	link
International Sustainability and Carbon Certification (ISCC EU)	link
KZR INiG system	link
REDcert	link
Red Tractor Farm Assurance Combinable Crops & Sugar Beet Scheme (Red Tractor)	link
Roundtable of Sustainable Biofuels EU RED (RSB EU RED)	link
Round Table on Responsible Soy EU RED (RTRS EU RED)	link
Scottish Quality Farm Assured Combinable Crops (SQC)	link
Trade Assurance Scheme for Combinable Crops TASCC	link
Universal Feed Assurance Scheme UFAS	link
Sustainable Resources (SURE) voluntary scheme	link

Sustainable Biomass Program (SBP) (only for certification of solid biomass fuels, ligno-cellulosic material derived from forest and non-forest land and processing residues from forest and agriculture related industries outside forest and agricultural land)

Schemes recognised for compliance with Article 29 (6) and (7) sustainability criteria:

- Recognised schemes:

1. SURE
2. SBP (certification of solid biomass fuels, ligno-cellulosic material derived from forest and non-forest land and processing residues from forest and agriculture related industries outside forest and agricultural land)

- Applications received:

1. KZR INiG (positive technical assessment)
2. Better Biomass (extension of the scope to also cover forest biomass)
3. PEFC



[Voluntary schemes
\(europa.eu\)](https://ec.europa.eu/euro-observatory/)



Thank you



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