

Swedenergy's comments on the draft report by ENVI MEP Nils Torvalds on the sustainability of biofuels in REDIII

Swedenergy is a non-profit industry and special interest organisation for companies that supply, distribute, sell, and store energy. Mainly electricity, heating, and cooling. Swedenergy monitors and promotes the interests of its members and the Swedish energy sector in general. The organisation has a total of 400 members, which includes state-owned, municipal, and private companies as well as associations within the energy sector.

Swedenergy's comments on the sustainability of biofuels can be summarised as follows:

- It is too early to revise the bioenergy sustainability provisions. Too frequent revision of sustainability criteria increases the uncertainty of the bioenergy regulatory framework.
- Imposing the cascading principle and no-go-areas for forest biomass increases the uncertainty of the bioenergy regulatory framework and it reduces stakeholders' willingness to make long-term investments in bioenergy.
- Swedenergy rather suggests that the Risk-Based Approach is maintained as the core principle of biomass sustainability. Current sustainability criteria together with risk-based assessment should be used as a tool to minimize the negative impacts on climate and biodiversity. Potential risks of using unsustainable biomass or significant distortions in the raw material markets could be assessed in the Bioenergy Plan, as (suggested by the rapporteur) and reviewed by the Commission. Member States shall not grant new feed-in tariff support schemes to bioenergy installations if they have not submitted a National Bioenergy Plan.
- The current feed-in tariffs could potentially have caused raw material market distortions in other Member States than in Sweden. It is important to support a functioning market, for instance by review and prevention of harmful feed-in tariffs in the national Bioenergy Plan.
- Swedenergy warns against setting up regulations governing the use of biomass. Cascading use of resources is a reasonable principle that in practice already applies through market forces in Sweden. It is however not appropriate or customary to legislate on how to use a certain raw material. Forest value chains differ between and within Member States. The "correct use" of raw material cannot be defined centrally by the EU, and it is not possible to find a definition that would be relevant for all Member States. Any attempt to define forest biomass and industry use could severely hamper effective use of biomass as well as innovation and investments in the bioeconomy. In practice, market forces will always steer towards the material use that has the best return on investment.
- No-go areas for agricultural biomass must not be applied for forest-based bioenergy without justification. Moreover, the criteria should be based on relevant, understandable, and broadly accepted forest definitions. They must also be connected to the Risk-Based Approach for forest biomass.
- No-go areas for biofuels must not be applied for solid bioenergy. Among others, these conditions have been added to prevent the cultivation of energy crops on land that was previously forest. There is no evaluation of what this means in practice and how it affects forest legislation in Member States.
- Further measures should concentrate on electrification in the industry and transport sectors.
- Demand efficient use of bioenergy and encourage cogeneration of heat and electricity.

Industrial waste heat as well as energy recovery of residual wastes that cannot be recovered are other instruments to increase the overall efficient use of bioenergy.

Detailed proposals

Proposal for a directive Recital 3 a (new)	Amendment 1	
<i>Text proposed by the Commission</i>	<i>Proposed from ENVI Rapporteur</i>	<i>Proposal from Swedenergy</i>
	<i>(3a) When assessing the National Bioenergy Plans, the Commission should assess the consistency with and contribution to the Union's environmental and climate legislation and commitments and, in particular, to the Union targets for 2030 set out in the Commission communication of 20 May 2020 entitled 'EU Biodiversity Strategy for 2030: Bringing nature back into our lives' ('EU Biodiversity Strategy') and in the Commission communication of 17 November 2021 entitled 'EU soil strategy for 2030'.</i>	<i>(3a) When assessing the National Bioenergy Plans, the Commission should assess the <u>risk that unsustainable biomass is used to fulfil the Bioenergy Plans or that the raw material markets are significantly distorted by feed-in tariffs.</u> consistency with and contribution to the Union's environmental and climate legislation and commitments and, in particular, to the Union targets for 2030 set out in the Commission communication of 20 May 2020 entitled 'EU Biodiversity Strategy for 2030: Bringing nature back into our lives' ('EU Biodiversity Strategy') and in the Commission communication of 17 November 2021 entitled 'EU soil strategy for 2030'.</i>
<i>Justification</i>		
<i>Use current sustainability criteria together with risk-based assessment as a tool to minimize the negative impacts on climate and biodiversity. Potential risks of using unsustainable biomass or significant distortions in the raw material markets could be assessed in the Bioenergy Plan and reviewed by the Commission.</i>		

Proposal for a directive Article 1 – paragraph 1 – point 2 – point b Directive (EU) 2018/2001 Article 3 – paragraph 3	-	
<i>Text proposed by the Commission</i>	<i>Proposed from ENVI Rapporteur</i>	<i>Proposal from Swedenergy</i>
(ii) the production of renewable energy produced from the incineration of waste if the separate collection obligations laid down in Directive 2008/98/EC have not been complied with.		(ii) the production of renewable energy produced from the incineration of waste if the separate collection obligations laid down in Directive 2008/98/EC have not been complied with. <u>Heat from non-recyclable residual wastes, that are left after collection, sorting and material recovery and need to be treated, must be regarded as waste heat.</u>
<i>Justification</i>		
<i>Demand efficient use of bioenergy and encourage cogeneration of heat and electricity. Industrial waste heat and heat recovery of residual wastes that cannot be recovered in another way increase the overall efficient use of bioenergy. The recovered heat must be regarded as waste heat for a long transitional period.</i>		

Proposal for a directive Recital 36	Amendment 2	
<i>Text proposed by the Commission</i>	<i>Proposed from ENVI Rapporteur</i>	<i>Proposal from Swedenergy</i>
(36) Directive (EU) 2018/2001 strengthened the bioenergy sustainability and greenhouse gas savings framework by setting	(36) Directive (EU) 2018/2001 strengthened the bioenergy sustainability and greenhouse gas savings framework by setting	(36) Directive (EU) 2018/2001 strengthened the bioenergy sustainability and greenhouse gas savings framework by setting

<p>criteria for all end-use sectors. It set out specific rules for biofuels, bioliquids and biomass fuels produced from forest biomass, requiring the sustainability of harvesting operations and the accounting of land-use change emissions. To achieve an enhanced protection of especially biodiverse and carbon-rich habitats, such as primary forests, highly biodiverse forests, grasslands and peat lands, exclusions and limitations to source forest biomass from those areas should be introduced, in line with the approach for biofuels, bioliquids and biomass fuels produced from agricultural biomass. <i>In addition, the greenhouse gas emission saving criteria should also apply to existing biomass-based installations to ensure that bioenergy production in all such installations leads to greenhouse gas emission reductions compared to energy produced from fossil fuels.</i></p>	<p>criteria for all end-use sectors. It set out specific rules for biofuels, bioliquids and biomass fuels produced from forest biomass, requiring the sustainability of harvesting operations and the accounting of land-use change emissions. To achieve an enhanced protection of especially biodiverse and carbon-rich habitats, such as primary forests, highly biodiverse forests, grasslands and peat lands, exclusions and limitations to source forest biomass from those areas should be introduced, <i>when harvesting biomass from countries that do not meet the harvesting criteria at national level</i> in line with the approach for biofuels, bioliquids and biomass fuels produced from agricultural biomass.</p>	<p>criteria for all end-use sectors. It set out specific rules for biofuels, bioliquids and biomass fuels produced from forest biomass, requiring the sustainability of harvesting operations and the accounting of land-use change emissions. To achieve an enhanced protection of especially biodiverse and carbon-rich habitats, such as primary forests, <i>highly biodiverse forests</i>, grasslands and peat lands, exclusions and limitations to source forest biomass from those areas should be introduced, <i>when harvesting biomass specifically for energy purposes from countries that do not meet the harvesting criteria at national level, in-line with the approach for biofuels, bioliquids and biomass fuels produced from agricultural biomass.</i></p>
<p><i>Justification</i></p>		
<p><i>The definition of “highly biodiverse forests” is not clear. “No-go areas” must only apply to biomass specifically harvested for energy purposes, not residues from harvesting for other purposes.</i></p>		

<p>Proposal for a directive Article 1 – paragraph 1 – point 1 – point c</p>	<p>Amendment 9</p>	
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Directive (EU) 2018/2001 Article 2 – paragraph 2 – point 26 a (new)		
<i>Text proposed by the Commission</i>	<i>Proposed from ENVI Rapporteur</i>	<i>Proposal from Swedenergy</i>
	(26a) ‘primary biomass from forests’ means all roundwood felled or otherwise harvested and removed. It comprises all wood obtained from removals, i.e., the quantities removed from forests, including wood recovered due to natural mortality and from felling and logging. It includes all wood removed with or without bark, including wood removed in its round form, or split, roughly squared or in other form, e.g., branches, roots, stumps and burls (where these are harvested) and wood that is roughly shaped or pointed;	Delete
<i>Justification</i>		
<i>There is already a clear distinction between forest and industry residues in the current directive and further clarification is not needed. Residues, primary or secondary have the same climate benefit, and both climate and biodiversity aspects are already addressed in REDII. In terms of cascading use, there is no difference between primary or secondary biomass. The proposal to enforce cascading use would decrease the efficiency and resource availability of biomass used in all sectors in Europe.</i>		

Proposal for a directive Article 1 – paragraph 1 – point 1 – point c Directive (EU) 2018/2001 Article 2 – paragraph 2 – point 26 b (new)	Amendment 10	
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<i>Text proposed by the Commission</i>	<i>Proposed from ENVI Rapporteur</i>	<i>Proposal from Swedenergy</i>
	(26b) ‘secondary biomass from forests’ means residues from forest-based industry, including bark, sawdust and wood shavings that result from sawmilling or wood milling, and recovered postconsumer wood;	Delete
<i>Justification</i>		
<p><i>There is already a clear distinction between forest and industry residues in the current directive and further clarification is not needed. Residues, primary or secondary has the same climate benefit, and both climate and biodiversity aspects are already addressed in REDII. In terms of cascading use, there is no difference between primary or secondary biomass. The proposal to enforce cascading use would decrease the efficiency and resource availability of biomass used in all sectors in Europe.</i></p>		

Proposal for a directive Article 1 – paragraph 1 – point 2 – point b Directive (EU) 2018/2001 Article 3 – paragraph 3	Amendment 11	
<i>Text proposed by the Commission</i>	<i>Proposed from ENVI Rapporteur</i>	<i>Proposal from Swedenergy</i>
3. 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.	3. 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, in their support schemes. To that end, they shall take into account the waste hierarchy as set out in Article 4 of Directive 2008/98/EC;	3. 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 <u>on a national or regional level, in their support schemes.</u> To that end, they shall take into account the waste hierarchy as set out in Article 4 of Directive 2008/98/EC;

<i>Justification</i>
<i>This Amendment agrees with the Rapporteurs AM, but also clarifies that biodiversity should be evaluated on a national or regional level.</i>

Proposal for a directive Article 1 – paragraph 1 – point 2 – point b Directive (EU) 2018/2001 Article 3 – paragraph 3 – subparagraph 2 – point a – point (-i) (new)	Amendment 13	
<i>Text proposed by the Commission</i>	<i>Proposed from ENVI Rapporteur</i>	<i>Proposal from Swedenergy</i>
	<i>(-i) primary biomass for forests</i>	<i>Delete</i>
<i>Justification</i>		
<i>Residues, primary or secondary has the same climate benefit, and both climate and biodiversity aspects are already addressed in REDII. In terms of cascading use, there is no difference between primary or secondary biomass. There is also already a clear distinction between forest and industry residues in the current directive and further clarification is not needed. The proposal to enforce cascading use would decrease the efficiency and resource availability of biomass for use I all sectors in Europe.</i>		

Proposal for a directive Article 1 – paragraph 1 – point 2 – point b Directive (EU) 2018/2001 Article 3 – paragraph 3 – subparagraph 2 – point a a (new)	Amendment 16	
<i>Text proposed by the Commission</i>	<i>Proposed from ENVI Rapporteur</i>	<i>Proposal from Swedenergy</i>
	<i>(aa) Member States may not grant new support to bioenergy installations if they have not submitted a National Bioenergy Plan as referred to in point (ba)(new).</i>	<i>(aa) Member States may not grant new <u>feed-in tariff support schemes</u> support to bioenergy installations if they have not submitted a National Bioenergy Plan as referred to in point (ba)(new).</i>
<i>Justification</i>		

This AM clarifies that it is specifically the feed-in tariffs that potentially could have caused raw material market distortions.

<p>Proposal for a directive Article 1 – paragraph 1 – point 2 – point b Directive (EU) 2018/2001 Article 3 – paragraph 3 – subparagraph 2 – point ba (new)</p>	<p>Amendment 17</p>	
<p><i>Text proposed by the Commission</i></p>	<p><i>Proposed from ENVI Rapporteur</i></p>	<p><i>Proposal from Swedenergy</i></p>
	<p><i>(ba) Each Member State shall submit to the Commission a National Bioenergy Plan together with the update of its latest integrated national energy and climate plan, as referred to in Article 14(2) of Regulation (EU) 2018/1999, and in accordance with the procedure and timeline laid down in that Article. The National Bioenergy Plan shall contain: (i) an assessment of the needs and supply of forest biomass available for energy purposes in accordance with the criteria laid down in Article 29 of this Regulation (ii) an assessment of the compatibility of forest biomass used for energy purposes with the indicative trajectory for the contribution of different categories of energy to the national targets in Regulation</i></p>	<p><i>(ba) Member States shall submit to the Commission a National Bioenergy Plan together with the update of its latest integrated national energy and climate plan, as referred to in Article 14(2) of Regulation (EU) 2018/1999, and in accordance with the procedure and timeline laid down in that Article. The National Bioenergy Plan shall contain: (i) an assessment of the <u>potential</u> needs and <u>potential</u> supply of forest biomass available for energy purposes in accordance with the criteria laid down in Article 29 of this Regulation (ii) an assessment of <u>the risk of unsustainable biomass being used</u> the <u>compatibility of forest biomass used for energy purposes with the indicative trajectory for the contribution of</u></i></p>

	2018/841; (iii) an assessment of the impacts of the forest biomass used for energy purposes trajectory on biodiversity and soil	energy to the national targets in Regulation 2018/841; (iii) an assessment of the impacts of the forest biomass used for energy purposes trajectory on biodiversity and soil; (iii) an assessment if feed-in tariffs have caused any significant distortions in raw material markets.
<i>Justification</i>		
<i>The Bioenergy Plan should be submitted before new feed-in tariffs for biomass are introduced. The plan should focus on risks of use of unsustainable biomass or any distortions of raw material markets.</i>		

Proposal for a directive Article 1 – paragraph 1 – point 2 – point b Directive (EU) 2018/2001 Article 3 – paragraph 3 – subparagraph 2 – point bb (new)	Amendment 18	
<i>Text proposed by the Commission</i>	<i>Proposed from ENVI Rapporteur</i>	<i>Proposal from Swedenergy</i>
	<i>(bb) The Commission shall assess the National Bioenergy Plan. When carrying out this assessment, the Commission shall act in close cooperation with the Member State concerned. The Commission may make observations or seek additional information and may ask a Member State to revise the Plan if needed, including after the submission of the Plan. The Commission shall assess the Plan as regards its completeness,</i>	<i>(bb) The Commission shall assess the National Bioenergy Plan. When carrying out this assessment, the Commission shall act in close cooperation with the Member State concerned. The Commission may make observations or seek additional information and may ask a Member State to revise the Plan if needed, including after the submission of the Plan. The Commission shall assess the Plan as regards its completeness,</i>

	<p><i>its consistency and coherence with: (i) the objectives laid down in the Regulation (EU) 2021/1119 of the European Parliament and of the Council*; (ii) the national targets on carbon sink growth as defined in the revised Regulation 2018/841.</i></p> <hr/> <p><i>*Regulation (EU) 2021/1119 of the European Parliament and of the Council of 30 June 2021 establishing the framework for achieving climate neutrality and amending Regulations (EC) No 401/2009 and (EU) 2018/1999</i></p>	<p><i>its consistency and coherence with <u>the sustainability criteria and well-functioning raw material markets</u>. -(i) the objectives laid down in the Regulation (EU) 2021/1119 of the European Parliament and of the Council*; (ii) the national targets on carbon sink growth as defined in the revised Regulation 2018/841.</i></p> <hr/> <p><i>*Regulation (EU) 2021/1119 of the European Parliament and of the Council of 30 June 2021 establishing the framework for achieving climate neutrality and amending Regulations (EC) No 401/2009 and (EU) 2018/1999</i></p>
<i>Justification</i>		
<p><i>The assessment of Bioenergy Plans should focus on coherence with the sustainability criteria and well-functioning raw material markets. Simplified assumptions on the connection between carbon sinks and bioenergy use should be avoided.</i></p>		

<p>Proposal for a directive Article 3 – paragraph 3 – subparagraph b (ii)</p>	
<p><i>Text proposed by the Commission</i></p>	<p><i>Proposal from Swedenergy</i></p>
<p>No later than one year after [the entry into force of this amending Directive], the Commission shall adopt a delegated act in accordance with Article 35 on how to apply the cascading principle for biomass, in particular on how to minimise the use of quality roundwood for energy production, with a focus on support schemes and with due regard to national specificities.</p>	<p>No later than one year after [the entry into force of this amending Directive], the Commission shall adopt a delegated act in accordance with Article 35 on how to apply the cascading principle for biomass, in particular on how to minimise the use of quality roundwood for energy production, with a focus on support schemes and with due regard to national specificities.</p>
<i>Justification</i>	

Cascading use of resources is a reasonable principle that in practice already applies through market forces in Sweden,.It is not appropriate or customary to legislate on how to use a certain raw material. Forest value chains differ between and within Member States. The “correct use” of raw material cannot be defined centrally by the EU, and it is not possible to find a definition that would be relevant for all Member States. Any attempt to define forest biomass and industry use could severely hamper effective use of biomass as well as innovation and investments in the bioeconomy. In practice, market forces will always steer towards the material use that has the best return on investment. Instead, the Risk-Based Approach should be maintained as the core principle of biomass sustainability.

<p>Proposal for a directive Article 1 – paragraph 1 – point 18 – point b Directive (EU) 2018/2001 Article 29 – paragraph 3 – subparagraph 1a</p>	<p>Amendment 29</p>	
<p><i>Text proposed by the Commission</i></p>	<p><i>Proposed from ENVI Rapporteur</i></p>	<p><i>Proposal from Swedenergy</i></p>
<p>This paragraph, with the exception of the first subparagraph, point (c), also applies to biofuels, bioliquids and biomass fuels produced from forest biomass.;</p>	<p>This paragraph, with the exception of the first subparagraph, point (c), also applies to biofuels, bioliquids and biomass fuels produced from forest biomass <i>originating from a country which does not meet the criteria set out in paragraph 6.</i></p>	<p>This paragraph, with the exception of the first subparagraph, point <i>(b) and (c)</i>, also applies to biofuels, bioliquids and biomass fuels produced from forest biomass <i>originating from a country which does not meet the criteria set out in paragraph 6 and that was grown or harvested specifically for energy purposes.</i></p>
<p><i>Justification</i></p>		
<p><i>The term “highly biodiverse forest” is broad and undefined and should not be used. Swedenergy suggests that the focus should be on the no-go areas on biomass that was specifically grown or harvested for energy purposes, while making exceptions for residues to be used in a sustainable way.</i></p>		

<p>Proposal for a directive Article 1 – paragraph 1 – point 18 – point c Directive (EU) 2018/2001 Article 29 –</p>	<p>Amendment 30</p>	
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paragraph 4 – subparagraph 2a		
<i>Text proposed by the Commission</i>	<i>Proposed from ENVI Rapporteur</i>	<i>Proposal from Swedenergy</i>
The first subparagraph, with the exception of points (b) and (c), and the second subparagraph also apply to biofuels, bioliquids and biomass fuels produced from forest biomass.;	The first subparagraph, with the exception of points (b) and (c), and the second subparagraph also apply to biofuels, bioliquids and biomass fuels produced from forest biomass from a country which does not meet the criteria set out in paragraph 6.	The first subparagraph, with the exception of points (b) and (c), and the second subparagraph also apply to biofuels, bioliquids and biomass fuels produced from forest biomass from a country which does not meet the criteria set out in paragraph 6 <u>and that was grown or harvested specifically for energy purposes.</u>
<i>Justification</i>		
<i>This AM focuses the no-go areas on biomass that was specifically grown or harvested for energy purposes, and still allows for residues to be used in a sustainable way.</i>		

Proposal for a directive Article 1 – paragraph 1 – point 18 – point d Directive (EU) 2018/2001 Article 29 – paragraph 5	Amendment 31	
<i>Text proposed by the Commission</i>	<i>Proposed from ENVI Rapporteur</i>	<i>Proposal from Swedenergy</i>
5. Biofuels, bioliquids and biomass fuels produced from agricultural or forest biomass taken into account for the purposes referred to in paragraph 1, first subparagraph, points (a), (b) and (c), shall not be made from raw material obtained from land that was peatland in January 2008, unless evidence is provided that the cultivation and harvesting of that raw	5. Biofuels, bioliquids and biomass fuels produced from agricultural or forest biomass from a country which does not meet the criteria set out in paragraph 6, taken into account for the purposes referred to in paragraph 1, first subparagraph, points (a), (b) and (c), shall not be made from raw material obtained from land that was peatland in January 2008, unless evidence is	5. Biofuels, bioliquids and biomass fuels produced from agricultural or forest biomass from a country which does not meet the criteria set out in paragraph 6 <u>and specifically grown or harvested for energy purposes,</u> taken into account for the purposes referred to in paragraph 1, first subparagraph, points (a), (b) and (c), shall not be made from raw material obtained

material does not involve drainage of previously undrained soil.;	provided that the cultivation and harvesting of that raw material does not involve drainage of previously undrained soil and compliance on national level, in line with the criteria to minimise the risk of using forest biomass derived from unsustainable production referred to in paragraph 6, can be reported by competent national authority.;	from land that was peatland in January 2008, unless evidence is provided that the cultivation and harvesting of that raw material does not involve drainage of previously undrained soil and compliance on national level, in line with the criteria to minimise the risk of using forest biomass derived from unsustainable production referred to in paragraph 6, can be reported by competent national authority.;
<i>Justification</i>		
<i>Swedenergy amends no-go areas on biomass that is grown or harvested for energy purposes, and still allows for residues to be used in a sustainable way.</i>		

Proposal for a directive Article 1 – paragraph 1 – point 18 – point e Directive (EU) 2018/2001 Article 29 – paragraph 6 – subparagraph 1 – point a – point (iv)	Amendment 32	
<i>Text proposed by the Commission</i>	<i>Proposed from ENVI Rapporteur</i>	<i>Proposal from Swedenergy</i>
(iv) that harvesting is carried out considering maintenance of soil quality and biodiversity with the aim of minimising negative impacts, <i>in a way that avoids</i> harvesting of stumps and roots, degradation of primary forests or their conversion into plantation forests, <i>and harvesting</i> on vulnerable	(iv) that harvesting is carried out considering maintenance of soil quality and biodiversity with the aim of minimising negative impacts, <i>e.g. by avoiding</i> harvesting of stumps and roots, degradation of primary forests or their conversion into plantation forests <i>or avoiding damage</i> on vulnerable soils; <i>by</i>	(iv) that harvesting is carried out considering maintenance of soil quality and biodiversity with the aim of minimising negative impacts, <i>while applying locally appropriate sustainable forest management practices and considering sustainable levels of deadwood extraction and harvesting of</i>

soils; minimises large clear-cuts and ensures locally appropriate thresholds for deadwood extraction and requirements to use logging systems that minimise impacts on soil quality, including soil compaction, and on biodiversity features and habitats;;	minimising large clear-cuts or ensuring locally appropriate thresholds for deadwood extraction or requirements to use logging systems that minimise negative impacts on soil quality, including soil compaction, and on biodiversity features and habitats;;	<u>stumps and roots on a local and regional level.</u> , e.g. by avoiding harvesting of stumps and roots, degradation of primary forests or their conversion into plantation forests or avoiding damage on vulnerable soils; by minimising large clear-cuts or ensuring locally appropriate thresholds for deadwood extraction or requirements to use logging systems that minimise negative impacts on soil quality, including soil compaction, and on biodiversity features and habitats;;
<i>Justification</i>		
<i>Sustainability criteria are not meant to govern forestry in detail but meant to minimize the risks of negative impacts on biodiversity and climate. The Risk-Based assessment is a suitable tool to minimize the negative impacts on climate and biodiversity while it reduces the cost for economic operators by referring to locally appropriate forest management practices and take into account national conditions. Too detailed legislation does not sufficiently take into account the national specific circumstances and legislative frameworks/structures.</i>		

Proposal for a directive Article 1 – paragraph 1 – point 18 – point f Directive (EU) 2018/2001 Article 29 – paragraph 6 – subparagraph 1 – point b – point (iv)	Amendment 33	
<i>Text proposed by the Commission</i>	<i>Proposed from ENVI Rapporteur</i>	<i>Proposal from Swedenergy</i>
(iv) that harvesting is carried out considering maintenance of soil quality and biodiversity with the aim of minimising negative	(iv) that harvesting is carried out considering maintenance of soil quality and biodiversity with the aim of minimising negative	(iv) that harvesting is carried out considering maintenance of soil quality and biodiversity with the aim of minimising negative

<p>impacts, <i>in a way that avoids</i> harvesting of stumps and roots, degradation of primary forests or their conversion into plantation forests, <i>and harvesting</i> on vulnerable soils; <i>minimises</i> large clear-cuts <i>and ensures</i> locally appropriate thresholds for deadwood extraction <i>and</i> requirements to use logging systems that minimise impacts on soil quality, including soil compaction, and on biodiversity features and habitats;;</p>	<p>impacts, <i>e.g.by avoiding</i> harvesting of stumps and roots, degradation of primary forests or their conversion into plantation forests <i>or avoiding damage</i> on vulnerable soils; <i>by minimising</i> large clear-cuts <i>or ensuring</i> locally appropriate thresholds for deadwood extraction <i>or</i> requirements to use logging systems that minimise <i>negative</i> impacts on soil quality, including soil compaction, and on biodiversity features and habitats;;</p>	<p>impacts, <i>by using locally appropriate sustainable forest management practices and considering sustainable levels of deadwood extraction and harvesting of stumps and roots on a local and regional level.</i> <i>, e.g.by avoiding harvesting of stumps and roots, degradation of primary forests or their conversion into plantation forests or avoiding damage on vulnerable soils; by minimising large clear-cuts or ensuring locally appropriate thresholds for deadwood extraction or requirements to use logging systems that minimise negative impacts on soil quality, including soil compaction, and on biodiversity features and habitats;;</i></p>
<p><i>Justification</i></p>		
<p><i>Sustainability criteria are not meant to govern forestry in detail but meant to minimize the risks of negative impacts on biodiversity and climate. The risk-based assessment is a suitable tool to minimize the negative impacts on climate and biodiversity while it reduces the cost for economic operators by referring to locally appropriate forest management practices and take into account national conditions. Too detailed legislation does not sufficiently take into account the national specific circumstances and legislative frameworks/structures.</i></p>		

<p>Proposal for a directive Article 1 – paragraph 1 – point 18 – point f a (new) Directive (EU) 2018/2001 Article 29 – paragraph 7 a (new)</p>	<p>Amendment 34</p>	
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<i>Text proposed by the Commission</i>	<i>Proposed from ENVI Rapporteur</i>	<i>Proposal from Swedenergy</i>
	<i>(f a) the following paragraph 7a is inserted: “7a. Biofuels, bioliquids and biomass fuels produced from forest biomass shall not exceed the cap defined at national level for the use of forest biomass that is consistent with the Member State’s targets on carbon sink growth as defined in the revised Regulation 2018/841. By 1 January 2026, the Commission shall adopt a legislative proposal establishing these maximal values for the use of forest biomass for energy purposes at Member State level.”</i>	<i>Delete</i>
<i>Justification</i>		
<p><i>LULUCF already addresses the carbon sink and RED addresses sustainability aspects of forest biomass. A cap on biofuels, bioliquids and biomass fuels in a specific Member State is not directly related to increasing the carbon sink but will limit the use of residues from other sectors. A cap does not take into account free trade or the national competence on forestry or the shared competence on energy.</i></p> <p><i>Current sustainability criteria together with Risk-Based assessment and assessment of National Bioenergy Plans are suitable tools to minimize the negative impacts on climate and biodiversity.</i></p>		

For more information

Raziyeh Khodayari

Sara Emanuelsson

Senior Adviser Sustainability

Acting Head of Brussels Office

raziyeh.khodayari@energiforetagen.sesara.emmanuelsson@swedenergy.se

+46 (0) 73 425 25 61

+46 (0) 70 164 44 45