



Mr José Manuel Barroso
President of the European Commission
1049 Brussels
Belgium

Brussels, 23 November 2009

Re: the need for binding biomass sustainability criteria

Dear President Barroso,

We strongly support your ambition towards EU leadership in fighting climate change and your call in the September manifesto for the next Commission to maintain the momentum towards a low emission economy. In order for this commitment to become a reality, it will be necessary to ensure that the production of feedstock for bio-energy (including liquid biofuels and solid biomass) does not inadvertently cause a net increase in greenhouse gas (GHG) emissions or negative environmental or social impacts. In this context we consider that *legally binding* sustainability criteria are needed - addressing carbon lifecycles, environmental and social impacts. However, we were informed that the European Commission intends to propose *voluntary* recommendations.

The need for strong criteria for biomass used in heat and electricity production is not a new issue. The public consultation on the requirements for a sustainability scheme for energy uses of biomass in July – September 2008, showed that a large majority of the respondents advocated for a legally binding biomass sustainability scheme. Biomass criteria were also requested by members of the European Parliament and NGOs during discussions on the Directive on the promotion of use of energy from renewable sources (Directive 2009/28) in the course of 2008. In response, the European Commission was mandated to report on the requirements for a sustainability scheme for energy uses of biomass (other than biofuels and bioliquids).

Legally binding sustainability criteria for biofuels and bioliquids have already been agreed upon. The undersigning NGOs urge you to ensure the development and adoption of criteria for biomass with the same status and guaranteeing a high level of sustainability. This will be especially important as the Renewable Energy Directive is expected to give the use of biomass for energy purposes a significant boost until 2020. The current option of voluntary recommendations will have negative impacts, in our view, for the following reasons:

- * Having a binding target for renewable energy in place but no binding sustainability criteria for biomass will threaten to create a race to the cheapest and often most destructive forms of biomass, discouraging Member States' efforts to ensure 'cleaner' forms of biomass.
- * The lack of legally binding criteria for biomass used in heat and electricity production might lead to perverse incentives and unfair competition between biomass sources. For example woody biomass used for the production of second generation biofuels (needs to comply with legally binding sustainability criteria, whereas woody biomass used for co-firing in power plants to produce heat and electricity do not need to fulfil sustainability criteria.

- * Increased demand for wood for energy production could further jeopardise the EU achieving its stated aim to halt biodiversity loss by 2010. Current national forest legislation and non-legally binding regional processes have not been sufficient to guarantee sustainable forest management in all EU Member States, so they will not be able to deal with the increasing pressure on forests. In addition, there will be nothing to stop the import of unsustainably produced wood from outside the EU. Additionally to biodiversity impacts, this development would undermine the formal EU position to halt deforestation.
- * There needs to be clarity on GHG accounting methodology at the EU level. Reducing GHG emissions by increasing biomass use for heat and energy production will only work if all emissions are taken into account. If the bioenergy regulatory framework does not fully capture all emissions related to the production and use of biomass, including those from forest management, increased biomass use may lead to more, not less emissions from energy production.

Suggestions to wait for conclusions from international climate negotiations are flawed, as it is likely that any decision could be months or even a year away. Judging from the current status of negotiations on forest carbon accounting, the forest carbon accounting schemes are unlikely to adequately report the emissions from forest management.

Producing voluntary criteria now, while introducing binding criteria at a later stage, is not a viable solution. It would lead to a climate of uncertainty and differentiated national rules, hampering investment and failing to deliver sustainability at the same time. In addition, it needs to be taken into account, what impacts the introduction of only voluntary criteria could have:

- conversion of land with high biodiversity values or values for local communities towards land that is only used to produce biomass (fast growth plantations etc.);
- the unsustainable production of biomass on agricultural land or on forest land, which could lead to serious degradation;
- an increase instead of a reduction of GHG emissions.

We appreciate you taking the time to address this key issue to find a viable solution to announce legally binding sustainability criteria in December 2009. We ask you to take an active role in ensuring the EU adopts binding sustainability criteria for biomass, -based on a proper consultation process- that are beneficial to the climate, the environment and people.

Yours sincerely,

Saskia Ozinga, Campaign Co-ordinator FERN

John Hontelez, Secretary General European Environmental Bureau

Angelo Caserta, Regional Director Birdlife International

Magda Stoczkiewicz, Director Friends of the Earth Europe

Tony Long, Director WWF European Policy Office

cc Commissioner Andris Piebalgs; Commissioner Stavros Dimas