

EU biogas and biomethane inventory of regulatory framework



Number of regulatory act	COM (2010) 11
Name of regulatory act	Report from the Commission to the Council and the European Parliament on sustainability requirements for the use of solid and gaseous biomass sources in electricity, heating and cooling
Link	http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex:52010DC0011
Date of Publication	25/02/2010
Date of Implementation	n.a
Purpose	The Report provides an overview of sustainability requirements for biomass and recommendations for appropriate actions to address sustainability issues in electricity, heating and cooling sectors.
Relevance for the biomethane sector	The Commission decided not to introduce EU binding criteria for the electricity, heating and cooling sectors but to adopt non-binding recommendations to Member States that had already introduced or planned to introduce national biomass sustainability requirements.
Scope	Appropriate actions to address sustainability issues in the biomass sector. It is recommended that sustainability schemes apply only to larger energy producers of 1 MW thermal or 1MW electrical capacity or above.
Targets	
Sustainability Criteria	Section 3 states that "the wide variety of biomass feedstocks make it difficult to put forward a harmonised scheme at this stage. Different feedstocks present different challenges to sustainable production, greenhouse gas performance or efficient energy conversion. It is also considered that the sustainability risks relating to domestic biomass production originating from wastes and agricultural and forestry residues, where no land use change occurs, are currently low" and, therefore, sets a non-binding recommendations on the sustainability criteria for the MS. The Report recommends that national sustainability schemes for solid and gaseous biomass used in electricity, heating and cooling, ensure that they correspond to the RED and establishes cases when the differences are appropriate. Section 4 concludes that MS "must ensure that national sustainability schemes do not constitute a means of arbitrary discrimination or a disguised restriction on trade" and that it is therefore recommended to those MS that have already developed different sustainability criteria, to duly integrate the recommendations of the Report.
Mass-balance	The Report recalls that Article 18(1) of RED "requires that economic operators show compliance with the criteria using the 'mass balance' method for verifying the chain of custody. [Compliance with the criteria can be proven in one of three ways: (1) EU-level recognition of voluntary schemes which address one or more of the sustainability criteria (2) through bilateral or multilateral agreements with third countries and (3) by Member States' national verification methods.]"
Support Systems (subsidies, feed in tariffs, etc)	
Non-discriminatory access to the grid	
Transport sector	
Waste regulation	In Section 3.1 it is considered that "the sustainability risks relating to domestic biomass production originating from wastes and agricultural and forestry residues, where no land use change occurs, are currently low".
Emission Regulation	Section 2.3 recognises that "the potential environmental benefits, including in terms of GHG savings that can be obtained from replacing fossil fuels with biomass sources, are one of the main driving forces for the promotion of bio-energy." Life Cycle Assessment (LCA) is considered to be the appropriate method to evaluate the GHG performance of bio-energy compared to that of fossil alternatives, however there is no single LCA methodology. For consistency, it is encouraged to use the RED methodology for all types of bio-energy, which follows the energy chain from source to final energy, i.e. in the case of transport the final fuel. In the case of solid and gaseous biomass used for electricity, heating and cooling, the final energy is not the final fuel; it is electricity, heat and cooling. Annex I establishes a methodology for calculating greenhouse gas performance of solid and gaseous biomass used in electricity, heating and cooling.