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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	
Text proposed by the Commission	Proposed from ENVI Rapporteur	Proposal from Swedenergy
	(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'.	(3a) When assessing the National Bioenergy Plans, the Commission should assess the <u>risk</u> that unsustainable biomass is used to fulfil the Bioenergy Plans or that the raw material markets are significantly distorted by feed-in tariffs. 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'.
	Justification	2050 -
to minimize the negative in using unsustainable bioma	criteria together with risk-l npacts on climate and biodi uss or significant distortions ' in the Bioenergy Plan and	iversity. Potential risks of in the raw material

Proposal for a directive Article 1 – paragraph 1 – point 2 – point b Directive (EU) 2018/2001 Article 3 – paragraph 3	-	
Text proposed by the Commission	Proposed from ENVI Rapporteur	Proposal from Swedenergy
(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-</u> <u>recyclable residual</u> <u>wastes, that are left</u> <u>after collection, sorting</u> <u>and material recovery</u> <u>and need to be treated,</u> <u>must be regarded as</u> <u>waste heat.</u>
	Justification	
Demand efficient use of bioenergy and encourage cogeneration of heat and electricity. Industrial waste heat and heat recovery of residual wastes that cannot be		

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.

Proposal for a directive Recital 36	Amendment 2	
Text proposed by the Commission	Proposed from ENVI Rapporteur	Proposal from Swedenergy
 (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

criteria for all end-use	criteria for all end-use	criteria for all end-use	
sectors. It set out specific	sectors. It set out	sectors. It set out	
rules for biofuels,	specific rules for	specific rules for	
bioliquids and biomass	biofuels, bioliquids and	biofuels, bioliquids and	
fuels produced from	biomass fuels produced	biomass fuels produced	
forest biomass, requiring	from forest biomass,	from forest biomass,	
the sustainability of	requiring the	requiring the	
harvesting operations and	sustainability of	sustainability of	
the accounting of land-	harvesting operations	harvesting operations	
use change emissions. To	and the accounting of	and the accounting of	
achieve an enhanced	land-use change	land-use change	
protection of especially	emissions. To achieve	emissions. To achieve	
biodiverse and carbon-	an enhanced protection	an enhanced protection	
rich habitats, such as	of especially biodiverse	of especially biodiverse	
primary forests, highly	and carbon-rich habitats,	and carbon-rich habitats,	
biodiverse forests,	such as primary forests,	such as primary forests,	
grasslands and peat	highly biodiverse	highly biodiverse	
lands, exclusions and	forests, grasslands and	<i>forests</i> , grasslands and	
limitations to source	peat lands, exclusions	peat lands, exclusions	
forest biomass from	and limitations to source	and limitations to source	
those areas should be	forest biomass from	forest biomass from	
introduced, in line with	those areas should be	those areas should be	
the approach for biofuels,	introduced, when	introduced, when	
bioliquids and biomass	harvesting biomass	harvesting biomass	
fuels produced from	from countries that do	<u>specifically for energy</u>	
agricultural biomass. In	not meet the harvesting	<u>purposes</u> from countries	
addition, the greenhouse	criteria at national level	that do not meet the	
gas emission saving	in line with the approach	harvesting criteria at	
criteria should also	for biofuels, bioliquids	national level <u>.</u> in line	
apply to existing	and biomass fuels	with the approach for	
biomass-based	produced from	biofuels, bioliquids and	
installations to ensure	agricultural biomass.	biomass fuels produced	
that bioenergy		from agricultural	
production in all such		biomass.	
installations leads to			
greenhouse gas emission			
reductions compared to			
energy produced from			
fossil fuels.			
	Justification		
	iodiverse forests" in not cle		
only apply to biomass spec	ifically harvested for energ	y purposes, not residues	
from hamporting for other	from harvesting for other purposes.		

Proposal for a directive	Amendment 9	
Article 1 – paragraph 1		
– point 1 – point c		

Directive (EU)		
Directive (EU) 2018/2001 Article 2 –		
paragraph 2 – point 26 a		
(new)		
<i>Text proposed by the</i>	Proposed from ENVI	Proposal from
Commission	Rapporteur	Swedenergy
	(26a) 'primary biomass	Delete
	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;	
There is also a large 1 and 1	Justification	lindrature mart to an in 1
current directive and furth secondary have the same c	stinction between forest and er clarification is not needed climate benefit, and both clin ssed in REDII. In terms of c	d. Residues, primary or nate and biodiversity

aspects are already addressed in REDII. In terms of cascading use, there is 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.

Proposal for a directive	Amendment 10	
Article 1 – paragraph 1		
– point 1 – point c		
Directive (EU)		
2018/2001 Article 2 –		
paragraph 2 – point 26 b		
(new)		

Text proposed by the	Proposed from ENVI	Proposal from
Commission	Rapporteur	Swedenergy
	(26b) 'secondary	Delete
	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;	
	Justification	
There is already a clear	distinction between forest an	d industry residues in the

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.

Proposal for a directive	Amendment 11	
Article 1 – paragraph 1		
– point 2 – point b		
Directive (EU)		
2018/2001 Article 3 –		
paragraph 3		
Text proposed by the	Proposed from ENVI	Proposal from
Commission	Rapporteur	Swedenergy
3. Member States shall	3. Member States shall	3. Member States shall
take measures to ensure	take measures to ensure	take measures to ensure
that energy from biomass	that energy from	that energy from
is produced in a way that	biomass is produced in a	biomass is produced in a
minimises undue	way that minimises	way that minimises
distortive effects on the	undue distortive effects	undue distortive effects
biomass raw material	on the biomass raw	on the biomass raw
market and harmful	material market and	material market and
impacts on biodiversity.	harmful impacts on	harmful impacts on
To that end, they shall	biodiversity, in their	biodiversity on a
take into account the	support schemes. To	<u>national or regional</u>
waste hierarchy as set out	that end, they shall take	<u>level</u> , in their support
in Article 4 of Directive	into account the waste	schemes. To that end,
2008/98/EC and the	hierarchy as set out in	they shall take into
cascading principle	Article 4 of Directive	account the waste
referred to in the third	2008/98/EC;	hierarchy as set out in
subparagraph.		Article 4 of Directive
		2008/98/EC;

Justification

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

Proposed from ENVI	Proposal from
Rapporteur	Swedenergy
(-i) primary biomass for	Delete
forests	
Justification	
	Rapporteur (-i) primary biomass for forests

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.

ent 16	
from ENVI r ber States rant new bioenergy ns if they ubmitted a Bioenergy ferred to in (new).	Proposal from <u>Swedenergy</u> (aa) Member States may not grant new <u>feed-in tariff support</u> <u>schemes support</u> to bioenergy installations if they have not submitted a National Bioenergy Plan as referred to in point (ba)(new).
	new). fication

	Proposed from ENVI	Proposal from
	Rapporteur	Swedenergy
	ba) Each Member	(ba) Member State <u>s</u>
	State shall submit to the	shall submit to the
	Commission a National	Commission a National
	Bioenergy Plan	Bioenergy Plan
	ogether with the pdate of its latest	together with the update of its latest integrated
	ntegrated national	national energy and
	nergy and climate	climate plan, as
	lan, as referred to in	referred to in Article
	Article 14(2) of	14(2) of Regulation
	Regulation (EU)	(EU) 2018/1999, and in
	018/1999, and in	accordance with the
	ccordance with the	procedure and timeline
-	rocedure and timeline	laid down in that
	aid down in that	Article. The National
	Article. The National	Bioenergy Plan shall
	Bioenergy Plan shall ontain: (i) an	contain: (i) an assessment of the
	ssessment of the needs	<u>potential</u> needs and
	and supply of forest	potential supply of
	iomass available for	forest biomass available
	nergy purposes in	for energy purposes in
	ccordance with the	accordance with the
	riteria laid down in	criteria laid down in
	Article 29 of this	Article 29 of this
	Regulation (ii) an	Regulation (ii) an
	ssessment of the	assessment of <u>the risk</u>
	ompatibility of forest	of unsustainable
	iomass used for	<u>biomass being used</u> the
	nergy purposes with he indicative trajectory	compatibility of forest biomass used for energy
	or the contribution of	purposes with the
0	lifferent categories of	indicative trajectory for
	nergy to the national	the contribution of
	argets in Regulation	different categories of

	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.
Justification		
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.

Duon ogol for o	A me on due on 4 19	
Proposal for a	Amendment 18	
directive Article 1 –		
paragraph 1 – point 2		
– point b		
Directive (EU)		
2018/2001 Article 3 –		
paragraph 3 –		
subparagraph 2 – point		
bb (new)		
Text proposed by the	Proposed from ENVI	Proposal from
Commission	Rapporteur	Swedenergy
	(bb) The Commission	(bb) The Commission
	shall assess the National	shall assess the National
	Bioenergy Plan. When	Bioenergy Plan. When
	carrying out this	carrying out this
	assessment, the	assessment, the
	Commission shall act in	Commission shall act in
	close cooperation with	close cooperation with
	the Member State	the Member State
	concerned. The	concerned. The
	Commission may make	Commission may make
	observations or seek	observations or seek
	additional information	additional information
	and may ask a Member	and may ask a Member
	State to revise the Plan if	State to revise the Plan if
	needed, including after	needed, including after
	the submission of the	the submission of the
	Plan. The Commission	Plan. The Commission
	shall assess the Plan as	shall assess the Plan as
	regards its completeness,	regards its completeness,
	regurus us completeness,	regulus us completeness,

Regulation (EU)) 21/1119 of the uropean Parliament
nd of the Council of 30 une 2021-establishing e framework for whieving climate cutrality and amending egulations (EC) No 01/2009 and (EU) 018/1999
e e e e

sustainability criteria and well-functioning raw material markets. Simplified assumptions on the connection between carbon sinks and bioenergy use should be avoided.

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

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.

Proposal for a directive Article 1 – paragraph 1	Amendment 29	
– point 18 – point b		
Directive (EU)		
2018/2001 Article 29 –		
paragraph 3 –		
subparagraph 1a		
Text proposed by the	Proposed from ENVI	Proposal from
Commission	Rapporteur	Swedenergy
This paragraph, with the exception of the first subparagraph, point (c), also applies to biofuels, bioliquids and biomass fuels produced from forest biomass.;	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</i> <i>country which does not</i> <i>meet the criteria set out</i> <i>in paragraph 6.</i>	This paragraph, with the exception of the first subparagraph, point <u>(b)</u> <u>and</u> (c), also applies to biofuels, bioliquids and biomass fuels produced from forest biomass originating from a country which does not meet the criteria set out in paragraph 6 <u>and that</u> <u>was grown or harvested</u> <u>specifically for energy</u> purposes.
	Justification	puiposes.
The torm "highly highly or	0	ofined and should not be
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		

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.

Proposal for a directive Article 1 – paragraph 1	Amendment 30	
– point 18 – point c		
Directive (EU)		
2018/2001 Article 29 -		

paragraph 4 – subparagraph 2a			
Text proposed by the	Proposed from ENVI	Proposal from	
Commission	Rapporteur	Swedenergy	
The first subparagraph,	The first subparagraph,	The first subparagraph,	
with the exception of	with the exception of	with the exception of	
points (b) and (c), and	points (b) and (c), and	points (b) and (c), and	
the second subparagraph	the second subparagraph	the second subparagraph	
also apply to biofuels,	also apply to biofuels,	also apply to biofuels,	
bioliquids and biomass	bioliquids and biomass	bioliquids and biomass	
fuels produced from	fuels produced from	fuels produced from	
forest biomass.;	forest biomass <i>from a</i>	forest biomass <i>from a</i>	
	country which does not	country which does not	
	meet the criteria set out	meet the criteria set out	
	in paragraph 6.	in paragraph 6 <u>and that</u>	
		was grown or harvested	
		specifically for energy	
		purposes.	
	Justification		
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.			

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

		from 1 - 1 - 1 - 1 - 1	
material does not involve	provided that the	from land that was	
drainage of previously	cultivation and	peatland in January	
undrained soil.;	harvesting of that raw	2008, unless evidence is	
	material does not	provided that the	
	involve drainage of	cultivation and	
	previously undrained	harvesting of that raw	
	soil and compliance on	material does not	
	national level, in line	involve drainage of	
	with the criteria to	previously undrained	
	minimise the risk of	soil and compliance on	
	using forest biomass	national level, in line	
	derived from	with the criteria to	
	unsustainable	minimise the risk of	
	production referred to	using forest biomass	
	in paragraph 6, can be	derived from	
	reported by competent	unsustainable	
	national authority.;	production referred to	
		in paragraph 6, can be	
		reported by competent	
		national authority.;	
	Justification		
Swedenergy amends no-go areas on biomass that is grown or harvested for			

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.

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

soils; minimises 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:;	<i>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:;	<u>stumps and roots on a</u> <u>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
		logging systems that
	Justification	biodiversity features and habitats:;
5		
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-		

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.

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

impacts, in a way that avoids harvesting of stumps and roots, degradation of primary forests or their conversion into plantation forests, and harvesting on vulnerable soils; minimises large clear-cuts and ensures locally appropriate thresholds for deadwood extraction and requirements to use logging systems that minimise negative including soil compaction, and on biodiversity features and habitats:;impacts, e.g. by avoiding harvesting of stumps and roots, degradation of plantation forests or avoiding damage on avoiding damage on avoiding damage on avoiding damage on or requirements to use logging systems that minimise negative including soil compaction, and on biodiversity features and habitats:;impacts, e.g. by avoiding and considering sustainabile levels of sustainabile forests or and avoid gamage on of requirements to use logging systems that minimise negative including soil compaction, and on biodiversity features and habitats:;impacts, e.g. by avoiding and roots, degradation of primary forests or and roots, degradation of primary forests or avoiding damage on vulnerable soils; by minimising large clear- cuts or ensuring locally appropriate thresholds for deadwood extraction and habitats:;impacts, e.g. by avoiding and norests on a logging systems that minimise negative including soil compaction, and on biodiversity features and habitats:;impacts, e.g. by avoiding and roots, degradation of primary forests or and roots, degradation of primary forests or avoiding damage on vulnerable soils; by minimising large clear- cuts or ensuring locally appropriate thresholds for deadwood extraction or sustificationSustainability criteria are not mean		1	ſ		
stumps and roots, degradation of primary forests or their conversion into plantation forests, and harvesting on vulnerable 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:;	-	1 0 0			
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Proposal for a directive Article 1 – paragraph 1 – point 18 – point f a	Amendment 34	
(new)		
Directive (EU)		
2018/2001 Article 29 -		
paragraph 7 a (new)		

Proposed from ENVI	Proposal from
Rapporteur	Swedenergy
(f a) the following	Delete
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the Member State's	
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2018/841. By 1 January	
2026, the Commission	
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these maximal values	
for the use of forest	
purposes at Member	
State level."	
	Rapporteur(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

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.

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.

For more information

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