

# **11th Compliance Conference, 24-11-2020, go-to-meeting**



# Biomass issues with regard to RED II

## 2. Revision MRR → Art. 38 Biomass source streams (1)

1. The operator may determine the activity data of a biomass source stream without using tiers and providing analytical evidence regarding the biomass content, where that source stream consists exclusively of biomass and the operator can ensure that it is not contaminated with other materials or fuels.  
For the purpose of this paragraph, Article 38(5) shall apply.
2. The emission factor of biomass shall be zero. For the purpose of this subparagraph, Article 38(5) shall apply.  
The emission factor of each fuel or material shall be calculated and reported as the preliminary emission factor, determined in accordance with Article 30, multiplied by the fossil fraction of the fuel or material.
3. Peat, xylite and fossil fractions of mixed fuels or materials shall not be considered biomass.

## 2. Revision MRR → Art. 38 Biomass source streams (2)

4. Where the biomass fraction of mixed fuels or materials is equal or higher than 97 %, or where, due to the amount of the emissions associated with the fossil fraction of the fuel or material, it qualifies as a de minimis source stream, the competent authority may allow the operator to apply no-tier methodologies, including the energy balance method, for determining activity data and relevant calculation factors.  
For the purpose of this paragraph, Article 38(5) shall apply.

## 2. Revision MRR → Art. 38 Biomass source streams (3)

5. Where reference is made to this paragraph, biofuels, bioliquids and biomass fuels **used for combustion** shall fulfil the sustainability and the greenhouse gas emissions saving criteria laid down in paragraphs 2 to 7 and 10 of Article 29 of Directive (EU) 2018/2001.

However, biofuels, bioliquids and biomass fuels produced from waste and residues, other than agricultural, aquaculture, fisheries and forestry residues are required to fulfil only the criteria laid down in Art. 29(10) of Directive (EU) 2018/2001. This subparagraph shall also apply to waste and residues that are first processed into a product before being further processed into biofuels, bioliquids and biomass fuels.

... [see next slide]

## 2. Revision MRR → Art. 38 Biomass source streams (4)

5. ...

Electricity, heating and cooling produced from municipal solid waste shall not be subject to the criteria laid down in Article 29(10) of Directive (EU) 2018/2001.

The criteria laid down in paragraphs 2 to 7 and 10 of Article 29 of Directive (EU) 2018/2001 shall apply irrespective of the geographical origin of the biomass.

Article 29(10) of Directive (EU) 2018/2001 shall apply to an installation as defined in Article 3(e) of Directive 2003/87/EC.

The compliance with the criteria laid down in paragraphs 2 to 7 and 10 of Article 29 of Directive (EU) 2018/2001 shall be assessed in accordance with Articles 30 and 31(1) of that Directive.

Where the biomass used for combustion does not comply with this paragraph, its carbon content shall be considered as fossil carbon.

Installation burns source stream with biomass fraction (liquid, solid, gaseous)

no waste or residues

waste or residues

agricultural, aquaculture, fisheries and forestry residues

municipal solid waste

other

sustainability criteria

no obligation

liquid

solid or gaseous

**producing**  
installation in  
operation before  
05.10.15 → GHG  
saving at least  
50%

**producing**  
installation in  
operation between  
06.10.15 and  
31.12.20 → GHG  
saving at least 60%

**producing**  
installation in  
operation from  
01.01.21 → GHG  
saving at least  
65%

**Using**  
installation in  
operation  
before  
01.01.21 → no  
GHG saving  
obligation

**Using** installation in  
operation between  
01.01.21 and  
31.12.25 → GHG  
saving at least 70%

**Using**  
installation in  
operation from  
01.01.26 → GHG  
saving at least  
80%

# Open questions (1)

## Is following conclusion correct?

- Due to the reference to the “in operation date” in Art. 29 (10) REDII  
→ there are usually no GHG saving obligation for solid and gaseous biomass fuels because EU ETS installations are generally installations existing since many years



## Open questions (2)

### How to enforce “biomass used for combustion”?

- Should combustion always be assumed in cases where a source stream has to be reported with a net calorific value (incl. proxy value for mass/volume based EF) ?

### How to deal with biomass which has dual use?

- Treatment of the biomass based on **purpose** or **physical reaction**?
- both approaches are difficult, e.g.
  - **porosifying agents in brick production**: all is combusted (oxidation with release of heat), however main purpose of source stream is not energy supply but to change the property of the material through change in porosity
  - **biomethane used for hydrogen production**: 80% is oxidised but without release of heat; 20% is oxidised and is used for energy supply

## Open questions (3)

**Do installations have to analyse the biomass fraction if the energy amount on the sustainability evidences is accepted?**

- In other cases the energy amount on certificates is accepted: e.g. biomethane from gas grid, biofuel for aircrafts → arithmetically calculated and reported biogenic energy content does not correspond to actually analysed biogenic energy content

# Open questions (4)

## Question in combination with Art. 19 (6) MRR

- There is no evidence of sustainability for biomass until the biomass was used (evidence is provided with the emissions report)  
→ At the time of approval of monitoring plans, information on sustainability is not available
- What does it mean for the approval practice of a MP before the trading period? Either to assume all biomass is fossil as evidence is not available at the time of approval or CAs believe in the provided operator information and all biomass is rated with an emission factor of zero
- Clarification in guidance is probably recommended.

## Open questions (5)

### Methodical differences between EU ETS reporting and national inventory reporting → is this a problem?

- Inventory: emissions from biomass are calculated separately (as biogenic emissions) → sustainability criteria are not relevant
- EU-ETS: non sustainable biomass is calculated as fossil emissions

**Thank you for your attention!**

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