

Wednesday 12 March 2008

Sustainable agriculture and biogas: review of EU legislation

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European Parliament resolution of 12 March 2008 on sustainable agriculture and biogas: a need for review of EU legislation (2007/2107(INI))

(2009/C 66 E/05)

The European Parliament,

- having regard to the Communication from the Commission of 7 December 2005 entitled 'Biomass action plan' (COM(2005)0628),
- having regard to the Communication from the Commission to the Council and the European Parliament of 10 January 2007 entitled 'Renewable Energy Road Map — Renewable energies in the 21st century: building a more sustainable future' (COM(2006)0848),
- having regard to the Communication from the Commission of 26 November 1997 entitled 'Energy for the future: renewable sources of energy — White Paper for a Community strategy and action plan' (COM(1997)0599),
- having regard to Directive 2001/77/EC of the European Parliament and of the Council of 27 September 2001 on the promotion of electricity produced from renewable energy sources in the internal electricity market ⁽¹⁾,
- having regard to the Communication from the Commission to the Council and the European Parliament of 26 May 2004 entitled 'The share of renewable energy in the EU — Commission Report in accordance with Article 3 of Directive 2001/77/EC, evaluation of the effect of legislative instruments and other Community policies on the development of the contribution of renewable energy sources in the EU and proposals for concrete actions' (COM(2004)0366),
- having regard to Decision No 1230/2003/EC of the European Parliament and of the Council of 26 June 2003 adopting a multiannual programme for action in the field of energy: 'Intelligent Energy — Europe' (2003-2006) ⁽²⁾ and the Communication from the Commission of 8 February 2006 entitled 'An EU Strategy for Biofuels' (COM(2006)0034),
- having regard to Directive 2003/30/EC of the European Parliament and of the Council of 8 May 2003 on the promotion of the use of biofuels or other renewable fuels for transport ⁽³⁾,
- having regard to Council Regulation (EC) No 1782/2003 ⁽⁴⁾ of 29 September 2003 establishing common rules for direct support schemes under the common agricultural policy and establishing certain support schemes for farmers, and Council Regulation (EC) No 1698/2005 of 20 September 2005 on support for rural development by the European Agricultural Fund for Rural Development (EAFRD) ⁽⁵⁾,
- having regard to Decision No 280/2004/EC of the European Parliament and of the Council of 11 February 2004 concerning a mechanism for monitoring Community greenhouse gas emissions and for implementing the Kyoto Protocol ⁽⁶⁾,
- having regard to Council Directive 2003/96/EC of 27 October 2003 restructuring the Community framework for the taxation of energy products and electricity ⁽⁷⁾,

⁽¹⁾ OJ L 283, 27.10.2001, p. 33. Directive last amended by Directive 2006/108/EC (OJ L 363, 20.12.2006, p. 414).

⁽²⁾ OJ L 176, 15.7.2003, p. 29. Decision last amended by Decision No 787/2004/EC (OJ L 138, 30.4.2004, p. 12).

⁽³⁾ OJ L 123, 17.5.2003, p. 42.

⁽⁴⁾ OJ L 270, 21.10.2003, p. 1. Regulation last amended by Regulation (EC) No 146/2008 (OJ L 46, 21.2.2008, p. 1).

⁽⁵⁾ OJ L 277, 21.10.2005, p. 1. Regulation last amended by Regulation (EC) No 146/2008.

⁽⁶⁾ OJ L 49, 19.2.2004, p. 1.

⁽⁷⁾ OJ L 283, 31.10.2003, p. 51. Directive last amended by Directive 2004/75/EC (OJ L 157, 30.4.2004, p. 100).

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- having regard to its resolution of 29 September 2005 on the share of renewable energy in the EU and proposals for concrete actions ⁽¹⁾,
 - having regard to its resolution of 23 March 2006 on the promotion of crops for non-food purposes ⁽²⁾,
 - having regard to Rule 45 of its Rules of Procedure,
 - having regard to the report of the Committee on Agriculture and Rural Development and the opinions of the Committee on Industry, Research and Energy and the Committee on the Environment, Public Health and Food Safety (A6-0034/2008),
- A. whereas the above-mentioned Commission Communication of 26 November 1997 sets the target of increasing energy from renewable sources from 6 % in 1995 to 12 % by 2010,
- B. whereas the Commission stated, in its above-mentioned Communication of 7 December 2005 that, to achieve this goal, the amount of energy produced from biomass would need to more than double,
- C. whereas agriculture and forestry in the EU have substantially contributed to mitigating the effects of climate change, as evidenced by the reduction in greenhouse gas emissions from agriculture by 10 % between 1990 and 2004 in the EU-15, and by 14 % in the EU-25; whereas it is expected that, by 2010, EU agriculture emissions will be 16 % below their 1990 level,
- D. whereas there is significant potential for a considerable increase in biogas production, particularly given the potential contributions from livestock production (livestock manure), sludge, waste, and plants unsuitable for food and feed production as preferred biogas materials; whereas, however, account must be taken of the impact of using farm manure for energy on soil structure and soil life,
- E. whereas so far only 50 PJ of biogas are produced yearly using livestock manure, energy plants, sludge and organic waste, while the potential from manure alone is 827 PJ,
- F. whereas the production of biogas and biogas installations are unevenly distributed in the EU, further demonstrating the fact that this potential is not used to its full extent,
- G. whereas biogas can be exploited in many useful ways, including electricity production, heating, cooling, fuelling cars, etc.,
- H. whereas the use of biomass for electricity can contribute to reducing greenhouse gas emissions, and it is considered to be one of the cheapest energy sources for heating,
- I. whereas the development of biogas installations based on energy plants has slowed considerably due to fast-rising grain prices, food supply and environmental concerns,
- J. whereas concerns in relation to the connection between bioenergy production (primarily bioethanol and biodiesel) and rising grain and food prices on the world market do not relate to biogas production using livestock manure, sludge, organic waste and crop by-products unsuitable for food and feed production, and safe processing of these materials is, in any event, a necessary task,
- K. whereas livestock manure in the new Member States comes mainly in the mixed form of 20 % straw, or more, and there can be lengthy periods between manure production and manure removal, which is not suitable for any type of fermentation,

Biogas as a vital resource

1. Recognises that biogas is a vital energy source that contributes to sustainable economic, agricultural and rural development and environmental protection;

⁽¹⁾ OJ C 227 E, 21.9.2006, p. 599.

⁽²⁾ OJ C 292 E, 1.12.2006, p. 140.

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2. Stresses the contribution that biogas can make to reducing the EU's energy dependence;
3. Stresses that biogas production from livestock manure, sludge and municipal, animal and organic waste contributes to energy diversification and can, therefore, not only contribute increasingly to the security, competitiveness and sustainability of energy supply, but also offer farmers new income opportunities;
4. Believes that the use of biogas, especially for heat and electricity production, could contribute significantly to the binding target of 20 % renewable energy in overall EU energy consumption by 2020;
5. Stresses that, in the long term, renewable energy sources such as biogas and biofuels, together with solar power and wind energy, subject to further intensified research efforts, can bring about a higher degree of independence from fossil-fuel energy sources;
6. Encourages both the EU and Member States to exploit the huge potential of biogas by creating a favourable environment, as well as maintaining and developing support schemes to promote investment in, and sustenance of, biogas installations;

Environment, energy-efficiency and sustainability

7. Emphasises that biogas from livestock manure has numerous environmental advantages, such as the reduction of methane and CO₂-emissions, reduction of emissions of particulate matter and nitrous oxides, a far less obnoxious odour, hygienisation of slurry and better fertilising capacity of the nitrogen in the treated manure, which means that less nitrogen is needed to achieve the same fertilising effect;
8. Stresses that producing agrofuels from waste should not become a goal in itself; notes that reducing waste should continue to be a priority in the environmental policy of the EU and in that of Member States;
9. Calls for greater use to be made of slurry as a source of biogas, since there is immense potential for greater use thereof, while also encouraging the decentralisation of energy-producing biogas installations; notes that the increased use of slurry to this end can lead to a significant reduction in the release of methane in slurry storage;
10. Stresses that livestock manure, municipal sewage and agro-industrial waste can contain substances (bacteria, viruses, parasites, heavy metals, harmful organic substances) that can potentially be a threat to public health or the environment; urges the Commission to ensure that adequate precautions are taken to avoid contamination and the spreading of these substances and any diseases they induce;
11. States that the use of sludge and animal or organic waste will improve efficiency of biogas installations; states that hygienic problems in the use of animal waste can, in most cases, be relatively easily kept under control;
12. Calls also for the products of first-stage processing, such as potato peelings or fruit flesh, to be used as biomass for biogas installations;
13. Stresses that technical and management developments are expected in the near future which will further increase environmental and health benefits of biogas installations which use livestock manure, slurry and organic waste;
14. Believes that, for biogas installations just as for livestock farms, sustainability and a size that is adapted to the particular region are essential if the environmental benefits are to also lead to greater acceptance of livestock farms, which encounter many problems due to an increased number of complaints from neighbours and the general public;
15. Points out that biogas installations which use livestock manure, sludge or organic waste may lead to higher rates of leaching of ammonia; states, however, that this side effect can be contained relatively easily, and preventive measures ought to be incorporated into national laws concerning biogas installations as well as into aid grants for such installations;
16. Urges Member States and the Commission to ensure that biogas installations do not leak methane, as that could compromise their positive effect on global warming;

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Economic viability and support schemes

17. Reiterates that all financial support for biogas installations ought to be based on efficiency, technical development, a positive greenhouse gas balance, the creation of added value for livestock farms and in rural regions, and other economic and environmental advantages of such installations; stresses that security of food supply to the population must not be jeopardised;
18. Notes with deep concern the increasing competition in many Member States between energy use and use in the food and feed chain of certain agricultural products like maize; emphasises the fact that such competition has led to a considerable increase in feedingsstuff prices;
19. Calls on the Commission and Member States, when presenting future proposals on regulation of the biogas sector, to examine not only the environmental aspects but also the effect on high-quality, sustainable food production;
20. Emphasises that biogas production based on livestock manure, sludge and animal and organic waste should be prioritised as the sustainability and environmental benefits of these methods are unequivocal;
21. Notes that the optimal size of a biogas installation depends on various circumstances determining the economics of scale, that should be thoroughly studied; considers that, in addition to an economic assessment and the greenhouse gas balance, it is above all necessary to assess the effect of the size of the installation on the surrounding landscape with regard to expansion of monoculture in respect of certain crops;
22. Stresses that it would be best for biogas installation operators to combine and use all available organic matter both from an environmental and an economic perspective;
23. Considers that, whilst the young and innovative biogas sector needs start-up support, such support schemes should only last until the sector has become commercially viable;
24. States that funding for solely plant-based biogas installations needs to be continued under careful monitoring and refocusing on the most advanced and efficient installations or systems to ensure the EU's economic and technical advantage in the field and to explore options for the future;
25. Asks the Commission to report on how criteria on economic and environmental efficiency and sustainability can be introduced for energy crops, which would lead to this relatively new technique becoming more environmentally friendly, and which would ensure that the concerns relating to food production and supply are properly addressed;
26. Calls for greater effort to be put into researching and promoting new technologies for biogas, particularly into the exploitation of biomass (second generation biogas) as a biofuel and improving the profitability of biogas installations that offer the greatest environmental benefits, since it is only by means of innovative technology, such as gas recovery techniques, that the effectiveness of biogas installations can be significantly increased;
27. Reminds Member States and the Commission that further advancement of biogas is not possible without additional funding; recalls that funding needs to be provided for research and development, for the promotion of results from specific projects, for installations and for the increased support of 'green electricity' and 'green gas';
28. Recalls that those Member States that are providing extra incentives for 'green energy', by means of adequate price subsidies or through other measures, are also the most successful in promoting biogas;
29. Considers that 'green gas' production should be subsidised in the same way as 'green electricity';
30. Urges the Commission and Member States to ensure that funds from EU and national programmes go to the most efficient and sustainable installations, especially to installations that produce electricity and heat, or to the installation of facilities and grids for upgrading and feeding biogas into the natural gas network;

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31. Stresses in this regard that the supply of electricity, heat and natural gas to networks must be non-discriminatory, and calls for biogas to be treated in the same way as natural gas to enable it to achieve its full potential once it has been introduced into the natural gas network;
32. Believes that simplification of the procedures for trade in CO₂ can significantly contribute to the economic viability and sustainability of biogas installations;
33. Stresses that biogas installations may assist farmers who do not yet have enough storage capacity for livestock manure to solve this problem in an economically viable manner;
34. Asks the Commission and Member States to ensure that the setting up of biogas installations, as well as authorisation of the use of organic waste and sludge, is not impeded by unnecessarily lengthy administrative procedures and regulations;
35. Draws attention to the major differences in terms of length and content that exist between national approval procedures for biogas installations, and calls on Member States to ensure that national requirements in the area of regional planning and the granting of licences and approvals do not form an unnecessary hindrance;
36. Calls for a simplified planning permission procedure to be introduced for the construction of biogas installations;
37. Calls on the Commission to establish a common positive list of products which are permitted for use in biogas installations, so as to ensure a level playing field between farmers in different Member States;
38. Encourages farmers to cooperate in setting up and operating biogas installations;

The need for review of EU legislation

39. Urges the Commission and Member States to develop a coherent biogas policy; asks the Commission to present a specific report on biogas and its promotion in the EU, outlining the necessary changes in Community and national law to facilitate further expansion of the biogas sector and pointing out the most efficient ways of using EU funds and programmes, as well as giving best practice examples; asks also, in this regard, for an impact assessment of the various forms of biogas production on climate, the ecology of the landscape, rural incomes and worldwide security of food supply;
40. Proposes that the promotion of biogas be fully included in the framework of the proposed Directive on the promotion of the use of energy from renewable sources (COM(2008)0019), with special emphasis on the following:
 - a) annual statistics and reports on agricultural biogas production in order to be able to follow up on the targets,
 - b) measures for the construction and promotion of biogas installations based on a national or regional impact assessment, promoting those installations that, nationally and/or regionally, are most beneficial to the environment and which are economically sustainable; measures for the dissemination and promotion of results gained from prior experiences or demonstration projects need to be included in all plans; if regional and rural development regulations do not allow funding of such measures, they must be amended,
 - c) provisions encouraging or requiring Member States to engage in national and regional planning in order to limit legal and administrative impediments, for instance natural gas or other fossil fuels should not be preferred in areas in which it is feasible to sell heat generated from biogas to local heating providers;
41. Urges the Commission to present as soon as possible a proposal for a biowaste directive, which shall include quality standards; invites the Commission to explore the possibility for a joint biogas and biowaste directive;
42. Asks the Commission to present proposals for legislation on the use of residues from biogas installations; asks the Commission to ensure that only organic material that allows residues to be used without endangering the environment may be used in biogas installations; asks the Commission to consider banning growth enhancers in animal feed containing heavy metals if this should prove to be a EU-wide problem for subsequent use of biogas residues in fields;

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43. Asks the Commission to ensure that Directive 2008/1/EC of the European Parliament and of the Council of 15 January 2008 concerning integrated pollution prevention and control ⁽¹⁾, the Nitrates Directives ⁽²⁾, the Sewage Sludge Directive ⁽³⁾, the Water Framework Directive ⁽⁴⁾, the Birds Directive ⁽⁵⁾, the Habitats Directive ⁽⁶⁾ and the Heavy Metals legislation are enforced effectively in all Member States and regions, thereby making biogas installations which use livestock manure and sludge more attractive;
44. Urges the Commission to present as soon as possible a strategy to include biogas installations in the Kyoto Mechanisms, for example through 'green certificates', special premiums or tax credits for electricity and heat generated in biogas installations or other measures; points out that this would increase the cost-efficiency of biogas installations and, at the same time, make efforts in the area of agriculture to combat climate change more transparent;
45. Calls for an assessment of whether or not the Nitrates Directive will be superfluous once the Water Framework Directive is fully implemented;
46. Re-emphasises that the use of artificial fertilisers should not be favoured in EU legislation over the use of livestock manure and by-products of biogas installations; calls urgently, therefore, as a first step, for a review of the definition of livestock manure under the Nitrates Directive;
47. Asks the Commission to promote the feeding of biogas into natural gas networks by way of recommendations or a directive;
48. Asks the Commission to present as soon as possible its proposals for further enhancing the use of animal and agricultural crop by-products for the production of biogas as announced in the above-mentioned Commission Communication of 7 December 2005;
49. Urges Member States that have not incorporated any measures or have not incorporated sufficient measures in existing national development programmes to include biogas in their mid-term evaluation of existing rural and regional development programmes, and to propose actions for the future;
50. Calls on the Commission to ensure cooperation and coordination between Member States, including those who currently have no biogas installations, or just a small number thereof, so that they may learn about each other's best practices in relation to biogas installations through the sharing of knowledge and technology;
51. Asks the Commission to present a coherent report on EU biogas production and future prospects in this area, including an impact assessment, to Parliament by 15 December 2008 at the latest, which will take into account Parliament's proposals and progress made;
52. Invites the current and future Presidencies of the Council of the European Union to advance further discussions on how to promote sustainable biogas production; notes that, in this regard, the sustainable promotion of biogas facilities should also include combined heat and electricity production;

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53. Instructs its President to forward this resolution to the Council, the Commission and the governments and parliaments of the Member States.

⁽¹⁾ OJ L 24, 29.1.2008, p. 8.

⁽²⁾ Council Directive 91/676/EEC of 12 December 1991 concerning the protection of waters against pollution caused by nitrates from agricultural sources (OJ L 375, 31.12.1991, p. 1). Directive amended by Regulation (EC) No 1882/2003 (OJ L 284, 31.10.2003, p. 1).

⁽³⁾ Council Directive 86/278/EEC of 12 June 1986 on the protection of the environment, and in particular of the soil, when sewage sludge is used in agriculture (OJ L 181, 4.7.1986, p. 6). Directive last amended by Regulation (EC) No 807/2003 (OJ L 122, 16.5.2003, p. 36).

⁽⁴⁾ Directive 2000/60/EC of the European Parliament and of the Council of 23 October 2000 establishing a framework for Community action in the field of water policy (OJ L 327, 22.12.2000, p. 1). Directive amended by Decision No 2455/2001/EC (OJ L 331, 15.12.2001, p. 1).

⁽⁵⁾ Council Directive 79/409/EEC of 2 April 1979 on the conservation of wild birds (OJ L 103, 25.4.1979, p. 1). Directive last amended by Directive 2006/105/EC (OJ L 363, 20.12.2006, p. 368).

⁽⁶⁾ Council Directive 92/43/EEC of 21 May 1992 on the conservation of natural habitats and of wild fauna and flora (OJ L 206, 22.7.1992, p. 7). Directive last amended by Directive 2006/105/EC.