

RENEWABLE SOURCES OF ENERGY IN THE AREA OF ANIMAL PRODUCTION - LEGAL ASPECTS

OBNOVLJIVI IZVORI ENERGIJE U PODRUČJU PROIZVODNJE ŽIVOTINJA - ZAKONSKI ASPEKTI

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SUMMARY

One of the most important EU policies nowadays is the policy of renewable sources of energy in other words wind power, solar power (thermal, photovoltaic and concentrated), hydro-electric power, tidal power, geothermal energy and biomass, which are essential alternatives to fossil fuels. Their use reduces our greenhouse gas emissions, diversifies our energy supply and reduces our dependence on unreliable and volatile fossil fuel markets (in particular oil and gas). In my contribution I will focus on the area of biomass¹, which also covers the terms biofuels² or bioenergy³ gained from animal production from the view of legal regulation in EU context. I will summarize the contemporary legislation and moreover I will aim at the new Directive 2009/28/EC of 23 April 2009 on the promotion of the use of energy from renewable sources and amending and subsequently repealing Directives 2001/77/EC⁴ and 2003/30/EC⁵. This Directive on renewable energy sets ambitious targets for all Member States, so that the EU will reach a 20% share of energy from renewable sources by 2020 and a 10% share of renewable energy specifically in the transport sector.

¹ Biomass can be defined as a mass which includes non-food products used for various purposes. The most important role is as a feedstock material for renewable energy generation. Biomass covers a wide range of products, by-products and waste streams from forestry and agriculture as well as municipal and industrial waste streams. It thus includes trees, arable crops, algae and other plants, agricultural and forest residues, effluents, sewage sludge, manure, industrial by-products and the organic fraction of municipal solid waste. After a conversion process, the biomass can be used to provide heat, electricity or transport fuel, depending on the conversion technology and the type of primary biomass.

² Biofuels can be defined as fuels produced from biomass, mainly if they are of agricultural origin.

³ Bio-energy can be defined as energy derived from biomass, including biofuels.

⁴ 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.

⁵ 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.

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Nowadays, the European Union as well as the whole world is standing at the crossroad regarding the energy future. The climate changes originating from anthropogenic emissions of greenhouse gases are causing increase of global average sea level, risks of coastal erosion and an expected increase in the severity of weather-related natural disasters and need to be tackled effectively and urgently. It is proposed that climate change will lead to important economic and social impacts with some regions and sectors likely to bear greater adverse affects. According to the European Commission we can recognize two types of responses in this field. Primarily, it is necessary to limit our greenhouse gas emissions and contemporaneously to take adaptation action to deal with the unavoidable impacts. Regarding what was mentioned before the EU has passed a new Directive 2009/28/EC of 23 April 2009 on the promotion of the use of energy from renewable sources, amending and subsequently repealing Directives 2001/77/EC and 2003/30/EC.⁶

The main goal of this Directive is set out in the Article 3. Each Member State shall ensure that the share of energy from renewable sources in gross final consumption of energy in 2020 is at least its national overall target for the share of energy from renewable sources in that year. Such mandatory national overall targets are consistent with the target of at least a 20 % share of energy from renewable sources in the Community's gross final consumption of energy in 2020. In order to achieve the targets laid down in this Article more easily, each Member State shall promote and encourage energy efficiency and energy saving. To fulfil this aim each Member State shall adopt a national renewable energy action plan setting out national targets for the share of energy from renewable sources consumed in transport, electricity and heating and cooling in 2020. This plan shall be sent to the Commission by the end of June 2010 at the latest.

⁶ Directives 2001/77/EC and 2003/30/EC shall be completely repealed with effect from 1 January 2012.

Concerning biomass Member States shall promote conversion technologies that achieve a conversion efficiency of at least 85 % for residential and commercial applications and at least 70 % for industrial applications. Each Member State shall submit a report to the Commission on progress in the promotion and use of energy from renewable sources by 31 December 2011, and every two years thereafter. The sixth report, to be submitted by 31 December 2021, shall be the last report required.

This new Directive also sets sustainability criteria for biofuels as well as for bioliquids, so that they shall be taken into account for special purposes⁷ only if they fulfil the sustainability criteria set out in this Directive. The greenhouse gas emission saving from the use of biofuels and bioliquids taken into account for the purposes mentioned above shall be at least 35 %.

With effect from 1 January 2017, the greenhouse gas emission saving from the use of biofuels and bioliquids taken into account for the purposes mentioned shall be at least 50 % and finally from 1 January 2018 that greenhouse gas emission saving shall be at least 60 % for biofuels and bioliquids produced in installations in which production started on or after 1 January 2017.

Despite this new Directive, the fate of biofuels and biomass is rather uncertain. According to new studies the biofuels are due to transformation of landscape to agricultural land worse than petrol and oil. It seems to be problematic if the obligatory proportion of bio units is higher than 5.6 %, which is the case of EU. Experts assert that using petrol and oil in cars is more favourable for environment and climate than the production of fuels from agricultural products.

⁷ These purposes are

(a) measuring compliance with the requirements of this Directive concerning national targets;

(b) measuring compliance with renewable energy obligations;

(c) eligibility for financial support for the consumption of biofuels and bioliquids.

SAŽETAK

Jedno od najvažnijih načela EU danas je načelo obnovljivih izvora energije, drugim riječima snaga vjetra, solarna energija (termalna, fotovoltaična i koncentrirana), hidroelektrična energija, energija plime i oseke, geotermalna energija i biomasa, bitne alternative fosilnim gorivima. Njihova upotreba smanjuje stakleničko emitiranje plinova, obogaćuje dostupnost energenata i smanjuje našu ovisnost o nepouzdanom i nesigurnom tržištu fosilnog goriva (osobito plina i nafte). U mom doprinosu usredotočit ću se na područje biomase, što također obuhvaća biogoriva ili bioenergiju, dobivene u proizvodnji životinja, sa stajališta zakonske regulative u vezi s EU. Ukratko ću se osvrnuti na sadašnje zakonodavstvo i usmjeriti se na nove Direktive 2009/28/EC od 23. travnja 2009. o promicanju energije obnovljivih izvora i poboljšanju te kasnijem ukidanju Direktiva 2001/77/EC i 2003/30/EC. Ova Direktiva o obnovljivoj energiji postavlja ambiciozne ciljeve svim državama članicama, tako da će EU postići 30%-tni udio energije iz obnovljivih izvora do 2020. i 10%-tni udio obnovljive energije posebice u sektoru prijevoza.