



# What is the Value of Climate Law and Policy on Renewable Energy Sources for Sustainable Forest Management

**Perspectives from the European Union and the Russian Federation**

Nikolay Kichigin  
Institute of Legislation and  
Comparative Law

Yelena M. Gordeeva  
Law Faculty,  
Hasselt University

# International Forest Law

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...reversing the loss of forest cover world - wide, forest protection and SFM:

- United Nations Framework Convention on Climate Change (UNFCCC);
- Convention on Biological Diversity;
- World Heritage Convention...
- 1992 Forest Principles;
- Chapter 11 of Agenda XXI;
- 2007 UN Forest Instrument...
- Forest Certification...

# Climate Law and Policy on RES

- Utilization of renewable energy sources (RES) contributes to climate change mitigation
- Wood (biomass) – is the most important source of renewable energy world-wide
- What is the value of Climate Law and Policy for Sustainable Forest Management?



# EU Climate Law and Policy on RES

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- **2009 RES Directive:**

- for the 28 MS to increase their share of renewable energy to 20% of the EU's primary energy consumption by 2020 (2002 – 6%);

- to increase renewable energy used by the transportation sector to “at least” 10% by 2020 (2004 - 1%).

- A tremendous increase in the share of renewable energy consumption in comparison to previous years.

- How do the 2009 RES binding targets impact forests?

# 2009 RES Targets and Forests

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- Wood biomass: 47% of the EU's gross inland energy consumption of renewables in 2012;
- Wood as the most important single source of energy from renewables (e.g. Hungary, Poland, Finland, Latvia, Lithuania, and Estonia);
- European Commission: if 2020 RES target is achieved – the amount of wood used only for energy purposes would be equivalent to the total wood harvest today – intensification, expansion, GHG emissions (?).

# RED Sustainability Criteria and Wood

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- Efficient and sustainable use of natural resources for energy purposes (?);
- “Biological fuels used for compliance with the targets should be required to fulfill sustainability criteria” (rec. 65).
- European Commission: RES Directive introduces the most comprehensive and advanced binding sustainability scheme of its kind anywhere in the world (?)

# Wood Biomass: Regulatory Gap

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- Wood biomass is not subject to the RES sustainability requirements: wood biomass may be taken into account for the purposes of the RES Directive without references to its sustainability criteria (e.g. the ability of wood biomass to contribute to the reduction of GHG emissions).
1. Threat to the protection of forests (inside and outside the EU);
  2. Threat to the efforts to achieve the EU wide GHG emissions reduction target.

# 2016 Proposal for a RES Directive (Recast)

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- November, 2016 – the EU Commission adopts a Proposal for a RES Directive (Recast): promotion of energy from RES for the period after 2020;
- Binding EU target for the overall share of energy from RES in gross final consumption of energy in 2030: “MS shall collectively ensure that the share of energy from RES in the Union’s gross final consumption of energy in 2030 is at least 27 percent”.



# 2016 RES Directive Sustainability Criteria

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- Sustainability criteria for “biofuels, bioliquids and biomass fuels” (art. 26).
- Exemption: biomass fuels need to fulfill the sustainability and GHG emissions saving criteria only if used in installations producing electricity, heating and cooling or fuels with a fuel capacity equal to or exceeding 20 MW – [small biomass-based heating/cooling and electricity installations]...

# “Forest Biomass” Sustainability Criteria

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- Novelty of the 2016 Proposal.
  - Sustainability criterion: [...] the country in which forest biomass was harvested has national and/or sub-national laws applicable in the area of harvest as well as monitoring and enforcement systems in place [...];
  - Land Use Change Land Use and Forestry Criterion (LULUCF): “ [...] biofuels, bioliquids and biomass fuels”, produced from forest biomass must originate from the country [...] which meets the LULUCF criterion: e.g. is a Party and has ratified the Paris agreement, submitted a NDC to the UNFCCC process [...].
- Further implementing acts (?)

# Forests under the EU Climate Law and Policy

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- Ambitious RES targets – increase in RES in the EU;
- No (explicit) binding sustainability requirements for wood biomass;
- Sustainability risks for forests;
- 2016 RES Directive – attempt to address the regulatory gap;
- Weak sustainability and LULUCF criteria for wood biomass;
- Small biomass based installations are exempted from the requirement to comply with the criteria.

# RF Climate Law and Policy

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- The RF has approved a number of strategic documents on climate change.
- Forests under Climate Doctrine (2009): as a sink for GHG and as one of the objects of the negative impacts of climate change (in particular, the risks from fires, droughts).
- The function of absorption of GHG is elaborated by the forest legislation of the RF, especially the Forest Code: e.g. reforestation is ensured by: a) tenants (in forest areas leased for wood harvesting); b) public authorities, local self-government authorities in other forest areas.

# Forests under RF Climate Law and Policy

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- 2017 – RF Ministry of natural resources and ecology adopted Guidelines for the quantitative determination of the amount of GHG absorption, primarily by forests.
- An important influence on RF climate and forest law and policy may have the ratification of the Paris agreement.
- 2016: the RF Government adopted a Plan on the implementation of measures which would improve state regulation on GHG emissions reduction.
- Challenges: a significant gap in the regulation of the adaptation of forests to negative climate change, illegal deforestation, forest fires.

# Forests as RES

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- Forests in the context of the use of RES have not been regulated in the RF.
- The RF Government adopted the comprehensive state Program of biotechnology development for the period from 2012 until 2020 and the Action plan ("roadmap") "Development of biotechnologies and genetic engineering".
- In recent years there has been a number of national standards dealing with the biofuels adopted as the object of technical regulation.

# Concluding Remarks

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- Focus on “stabilization of GHG in the atmosphere” (e.g. wood as RES);
- Conflict of implementation – the conflict is rooted in the international regime, but realizes its potential at the implementation level.
- Forest specific objectives may be disregarded;
- May lead to forest sustainability concerns (intensification of forest practices);
- **How to manage the forest-related interactions at the international level?**

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Thank you!