Draft Consultation paper definition highly biodiverse grasslands

In accordance with Article 17.3 (c) of the Renewable Energy Directive (Directive 2009/28/EC), the Commission is required to establish the criteria and geographic ranges to determine what areas must be considered as highly biodiverse grassland (outside as well as inside the territory of the Community). Biofuels and bioliquids made with raw material produced in an area that fell under the definition of highly biodiverse grassland in or after January 2008 will (with minor exceptions[1]) not count towards the targets laid down in the Directive, not be eligible for important types of public support and (in the case of biofuels) not count towards the target laid down in the Fuel Quality Directive (Directive 2009/30/EC).

The Directives also provide protection for other land types because of their high biodiversity value or high carbon stocks: nature protection areas including those for the protection of rare, threatened or endangered ecosystems or species, primary forests and other wooded land, continuously forested areas, wetlands and undrained peatlands. The assessment of the Commission services is that these areas typically are defined on maps (e.g. as nature protection areas) or can be identified from satellite photographs – i.e. techniques that often impose a relatively low administrative burden. The initial assessment of the Commission services is that it is, however, problematic to identify highly biodiverse grasslands or ranges of such grasslands from satellite photographs alone. Given the scale of the task, the practicality of the possible approaches is an important element.

The Directives distinguish between natural and non-natural grasslands. For this purpose, the Commission services are considering proposing the following operational definitions[2]:

- Grassland: An area where a continuum of grasses or grass-like plants with few woody plants grows.

- Non-natural grassland: an area whose condition as grassland is maintained [for at least [5] years[3]] as a result of human intervention such as ploughing, sowing, mowing or livestock grazing.

- Natural grassland: grassland that has not been sown and is maintained as grassland by the influence of natural factors such as natural fires, grazing by wild animals, (periodic) drought or freezing temperatures.

This consultation paper seeks comments on three possible approaches for establishing the criteria and geographic ranges for highly biodiverse grassland:

Possible approaches:

1) To note that a certain proportion of highly biodiverse grasslands will be found within areas that are already protected under the sustainability criteria and thus thus to refrain from adding further requirements.

[1] Directive 2009/28/EC, Articles 17(3), 17(4)c ii and 17(5)
[2] Derived from White and all 2000 and CBD (2009)
[3] To distinguish between agricultural land/temporary grassland and grassland, based on 2000/115/EG, Annex I, D/18 (a)

Existing nature protection areas and primary wooded lands (including wooded savannah and other grasslands) are already "no-go areas" for the production of biofuels and bioliquids. Specific additional biodiverse areas, including grasslands, can be added to the list of no-go areas. New "no go areas" are added directly (when new areas become protected by law or the relevant authority as Article 17(3)(b)(i) of the Renewable Energy Directive stipulates) or through a comitology procedure decision under the Renewable Energy Directive as Article 17(3)(b)(ii) allows, for the protection of rare, threatened or endangered ecosystems or species. Areas that could be added through a comitology procedure decision could come from international agreements, work by intergovernmental organisations or work by the International Union for the Conservation of Nature.

2) To recognise that natural grasslands are more likely to be highly biodiverse than non-natural grassland and to propose an on-site assessment of biodiversity for all natural grasslands, but add no additional requirements for non-natural grasslands,

    a. Natural grassland: Requirement for an assessment including on-site verification to determine if these areas are highly biodiverse. Criteria for this assessment are suggested below. It should be noted that for a significant share of the global terrestrial surface, comprehensive information for the proposed assessment does not exist today and would need to be drawn up.

    b. Non-natural grasslands: as (1)

3) An on-site assessment of biodiversity for all grasslands: Same as under (2a), but for both natural and non-natural grasslands.

Where on-site assessment is required to establish the highly biodiverse nature of grassland, the following criteria are suggested:

a. a large variety of different species, taking into account seasonal and migrating effects where appropriate, OR

b. a large variety of the same species, taking into account seasonal and migrating effects where appropriate, OR

c. a natural occurrence of species that are of high importance for the species' conservation regionally or globally.

It could be appropriate to expand the proposed approach under a) and b) by also including (natural) grasslands that do not contain a large variety of different or the same species, but are important as a habitat to a limited number of species that contribute to high biodiversity in other areas and for which the site presents the physical and biological factors essential to their life and reproduction.

The following approach is suggested as a possible way of operationalising these criteria:

Key indicator species or quantified indices could be used to define no-go areas. Assessments could be based on national, regional and global lists of endangered or vulnerable species and on lists of species of special importance to regional or global biodiversity.

Stakeholders' comments are invited on the following questions:

1) Do you have comments on the suggested operational definition of the two categories of grassland?

2) Do you agree that it is not possible to define highly biodiverse grasslands in a way that would permit their identification through remote sensing data/satellite photographs?

3) Are you aware of, or would you suggest, possible ways of identifying (ranges) of highly biodiverse grasslands, other than through on-site assessments?

4) Which approach of the three possible approaches 1, 2 and 3 do you prefer? Please motivate your response and the implications in terms of economic burden, and efficiency.

5) Do you have comments on the suggested criteria for assessment of highly biodiverse grassland, including:

- Quantifiable indicators for the suggested operationalising approach, their reliability, precision and feasibility;
- The existence and status of possible suitable lists of species;
- The range of areas that would be currently covered by such lists?

6) Is there be a better suited alternative approach or can one be developed? Please bear in mind the end result has to be able to distinguish "go" and "no-go" on legally sound and objective bases.

Please submit your comments by the 8th of February 2010 to:
TREN-biodiverse-grasslands-biofuels@ec.europa.eu

You should be aware that comments will be published on:
http://ec.europa.eu/energy/consultations/index_en.htm