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EU Renewable Energy Policy Devastates Forests and Accelerates Climate Change, New Lawsuit Claims

US Southeast under extreme logging pressure to meet EU demand for wood fuels

BRUSSELS -- In a landmark lawsuit was filed today against the European Union, plaintiffs from six countries including the USA are charging that the EU's 2018 Renewable Energy Directive (RED II) will devastate forests and increase greenhouse gas emissions by promoting burning forest wood as renewable and carbon neutral. If successful, the case will slow the rapid growth of US-based companies like Enviva, which manufactures wood pellets for export to Europe.

The legal case, which was filed in the European General Court in Luxembourg, cites scientific evidence that wood-burning power plants pump more carbon into the atmosphere per unit of energy than coal plants. However, the EU policy does not count the CO₂ emissions from burning biomass fuels for heat or energy, making it appear that they are more climate-friendly than fossil fuels. The plaintiffs are asking the Court to annul the forest biomass provisions of the RED II in order to render forest wood ineligible for meeting EU Member State renewable energy targets and subsidies.

"The EU's policy relies on the false and reckless assumption that burning forest wood is carbon neutral," said Dr. Mary S. Booth, director of the US-based Partnership for Policy Integrity (PFPI) and lead science advisor on the case. "However, scientists from around the world, including the EU's own science advisors, warned that burning forest wood actually increases emissions relative to fossil fuels."

"The lawsuit we are filing today alleges the EU's policy fails to comply with nearly every one of the principles for environmental policy that are laid out in the Treaty of the Functioning of the EU, including that policy should be based on science, address climate change, and embrace the principle that polluters pay," said Raul Cazan, with 2Celsius in Romania, one of the NGO plaintiffs. "It's hard to imagine a more counter-productive policy than burning forests for fuel."

"We're in a climate emergency that the EU is exacerbating by treating forests, virtually our only carbon sink, as fuel," said Peter Lockley, legal counsel for the plaintiffs. "This favored treatment is expanding forest cutting, which in turn is impacting peoples' property, rights, and livelihoods. It's vital that people affected by this damaging policy are allowed to come before the EU court to challenge it."

In accordance with IPCC recommendations for maintaining a livable climate, the European Commission has called for a climate-neutral Europe by 2050, requiring that greenhouse gas emissions be balanced by uptake into carbon sinks by that point, primarily forests. Under the RED II, the EU is required to generate at least 32 percent of its energy from renewable sources by 2030, to help reduce carbon emissions by 30 percent below 1990 levels by 2030.

However, biomass energy is a large and growing part of EU's renewable energy mix. In 2016, nearly half the renewable energy produced in the EU came from woody biomass fuels, and demand is expected to increase with RED II. The case argues that not only are the uncounted CO₂ emissions from biomass burning undermining efforts to address climate

change, but subsidies for biomass are increasing demand and driving increased logging of forests in Europe and North America.

"Forests are living and interconnected ecosystems where the sum of the parts is greater than the whole," said Dominick DellaSala, PhD, President and Chief Scientist with Geos Institute and an expert witness for the case. "When forests are commodified for single products such as logs or biomass, the whole ecosystem suffers. This is taking place, barely noticed by the public, in British Columbia's inland wet forests."

Plaintiffs from Estonia, France, Ireland, Romania, Slovakia, and the US are bringing the case based on the harms from logging and biomass burning they have already suffered, and anticipation of future impacts as financial support for bioenergy continues to soar. The plaintiffs represent areas that have been particularly hard hit, such as the US Southeast, Estonia, and the Carpathian Mountain forests in eastern Europe, where some of Europe's last remaining primeval forests are being intensively logged.

"The EU government has conveniently ignored the impact that burning wood has on the global climate and more specifically on the forests and communities of the Southern United States," said Adam Colette of Dogwood Alliance, who is a witness for the case. "We do not have time for false solutions that are making things worse, we need the EU to stop burning our forests and invest in protecting forests around the world as our best defense against a changing climate."

In addition to PFPI, the Center for Climate Integrity (US) and Fern (EU) have provided support and assistance to the case and to the plaintiffs. The plaintiffs are represented by attorneys from Leigh Day, Matrix Chambers, and 11KBW, all with offices based in London. Six witnesses provided testimony, including Booth, Colette, and DellaSala, quoted above, and Gabriel Paun, President of Agent Green in Romania; Timothy Searchinger, Research Scholar at Princeton University; and Jeff Turner, Blackwater Nottoway RiverGuardian in Virginia.

For more information about the case, go to www.eubiomasscase.org.