

THE DEFINITION OF «BIOMASS» IN LEGISLATION OF UKRAINE

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The paper investigates the existing doctrinal and legal definition of «biomass». Based on the analysis of their compliance with international law and identifies the main shortcomings of the author proposes a definition of this term.

Biomass, bioenergy, legislation, energy efficiency, renewable energy.

One way is to use energy efficiency instead of other exhaustive energy - renewable energy. In turn, one of the most promising alternative energy is biomass.

Ukraine has good conditions for the future development of bioenergy. It has a great potential of biomass available for energy production. The main components of this are agricultural waste, wood waste, and in the future - energy cultures that began to develop rapidly in recent years. Due to this potential can cover up to 18% of total primary energy consumption in Ukraine. However, at present, this area is developing very slowly and the share of biomass in total primary energy in our country is only 1.24%.

To improve the situation need to take many measures, including legal, but should begin with the study and improvement of basic categories, in particular of the concept.

In a broad sense biomass - the number of living matter (in mass units) attributable to unit area or volume (tons / sq m, g / sq m) [4, p. 88]. In

a narrow sense (for the purposes of bioenergy) some scholars define biomass as "carbon containing organic substances of plant and animal origin (wood, straw, vegetable residues of agricultural production, manure, organic part of municipal solid waste and sometimes peat)».

With regard to national legislation, the concept of "biomass" was first included in Article 17-1 of the Law of Ukraine "On Electricity" Law of Ukraine on April 1, 2009 № 1220-VI and defined as "products consisting wholly or partly of vegetable matter, which can be used as fuel for the purpose of converting energy contained in them ". This definition has been criticized due to the fact that it was smaller than the content because it does not include organic substances of animal origin, not meet the requirements of Directive 2001/77 / EC, in accordance with which favorable conditions should be created for the sale of electricity produced organic substances not only herbal and organic substances of animal origin and biological folding fraction of industrial and municipal waste. Experts suggested the following wording term "biomass" in Ukrainian legislation, "biomass is renewable bio-organic origin substance that undergoes biological decomposition (products, waste and residues forestry and agriculture, fisheries and related industries) and component or industrial waste, capable of biological decomposition.

The above makes it possible to conclude that the current Ukrainian legislation does not contain a clear definition of "biomass" and does not meet international requirements.

It needs to be fixed in law definition of biomass that would include not only wastes (besides agriculture), but appropriate bio-folding agricultural products and other related industries. We believe that the need in the art. 1 of the Law of Ukraine "On Alternative Fuels" define "biomass" as follows: "a biologically renewable, bio-folding part of products, waste and residues of biological origin, derived from agriculture (including substances of plant and animal), forestry and related industries, including fishing, and of industrial

and household waste that is capable of biological decomposition " .

Accordingly, it is necessary to unify the definition of biomass contained in the other legal acts.