



COMMISSION OF THE EUROPEAN COMMUNITIES

Brussels, 22.04.2003
COM(2003) 193 final

2001/0265 (COD)

OPINION OF THE COMMISSION

**pursuant to Article 251 (2), third subparagraph, point (c) of the EC Treaty,
on the European Parliament's amendments
to the Council's common position regarding the
proposal for a**

**DIRECTIVE OF THE EUROPEAN PARLIAMENT
AND OF THE COUNCIL**

on the promotion of biofuels or other renewable fuels for transport

**AMENDING THE PROPOSAL OF THE COMMISSION
pursuant to Article 250 (2) of the EC Treaty**

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1. INTRODUCTION

Article 251(2), third subparagraph, point (c) of the EC Treaty provides that the Commission is to deliver an opinion on the amendments proposed by the European Parliament at second reading. The Commission sets out its opinion below on the 7 amendments proposed by Parliament.

2. BACKGROUND

- On 14 December 2001, the Commission transmitted to the European Parliament and to the Council its proposal for a Directive (COM(2001)547/2 final - 2001/0265(COD)).
- The European Economic and Social Committee delivered a favourable opinion on 25 April 2002.
- The Committee of the Regions delivered a favourable opinion on 15 May 2002.
- On 4 July 2002, the European Parliament, at its first reading, delivered its opinion, containing a number of amendments to the Commission proposal.
- On 12 September 2002 (COM(2002)580 final), the Commission adopted, in accordance with Article 250(2) of the Treaty, an amended proposal incorporating, wholly or in part, a large number of amendments adopted by the Parliament.
- The Council adopted its Common Position on 18 November 2002.
- On 2 December 2002, the Commission adopted its Communication to the European Parliament on the Council's Common Position, pursuant to the 2nd subparagraph of Article 251(2) of the Treaty.
- On 12 March 2003 the European Parliament adopted, at the second reading, a resolution containing 7 amendments to the Common Position.

3. PURPOSE OF THE PROPOSAL

The Commission's initiative is a response to the issues set out in its Green Paper "Towards a European Strategy for Energy Supply"¹ regarding the transport sector: its significant share of energy consumption, rising CO₂ emissions, current dependency on fossil fuel and the implications for security of supply and climate change. Several Member States have taken steps to promote the use of biofuels to address these issues, and it was considered that a European-level commitment to the promotion of biofuels would go a long way to creating a secure climate for the necessary investments in agricultural and industrial production.

The Commission therefore presented a proposal with the basic objective of promoting the use of biofuels by placing Member States under an obligation to take the necessary steps including legislation to ensure that, from 2005 onwards, a minimum share of transport fuel sold in their territory should be biofuels. In 2005, the minimum share proposed was 2%, rising year on year to 5.75% by 2010. The practical steps needed to achieve these targets should remain the responsibility of the Member States.

4. OPINION OF THE COMMISSION ON THE AMENDMENTS BY THE EUROPEAN PARLIAMENT

Parliament adopted 7 amendments to the Common Position of the Council at the second reading.

The Commission accepts all 7 amendments proposed by the European Parliament, which are in line with the objectives of the Commission's original proposal or constitute an acceptable compromise.

4.1. Amendments accepted by the Commission

- **Amendment 7** adds a new product, 'Pure Plant Oil' and an accompanying definition to the illustrative list of biofuels contained in Article 2(2).

The Commission can accept this amendment. The list in Article 2(2) is not exclusive but inclusion in it is conditional upon satisfying the definitions of 'biofuels' and 'biomass' in Article 2(1). The Commission agrees that pure plant oil fulfills these criteria and the additional criteria concerning engine compatibility and emissions standards set in the amendment are welcome.

- **Amendment 12** adds to Recital 9, which deals with the potential of captive fleets to be converted to run on biofuels and was accepted by the Commission and Council following the proposal of the Parliament at first reading. The amendment adds a statement to the effect that Member States could further promote the use of biofuels by public transport.

The Commission can accept this amendment. It is in line with the objectives of the Commission's original proposal.

- **Amendment 13** concerns Recital 13, which deals with the need for biofuels to adhere to existing technical standards and for appropriate monitoring and development to take place to ensure that biofuels are not subject to unnecessary barriers to market entry. The

¹ COM(2000) 769 final, 29/11/2000

amendment proposes that specific reference be made to the monitoring and adaptation of standards related to ‘volatility aspects’.

The Commission can accept this amendment. The Commission agrees that the performance of certain biofuels against volatility standards laid down in Community legislation should be monitored and any problems in this respect should be addressed.

- **Amendment 14** is an addition to Recital 15, which deals with the potential benefits of biofuel production to the EU agricultural sector. The amendment notes that this applies to both the existing and future EU Member States.

The Commission can accept this amendment that builds on the original proposal.

- **Amendments 15 and 16** bring Articles 3(4) and 3(5) into line with the revised title of the Directive by extending the reference to ‘biofuels’ to cover ‘other renewable fuels’.

The Commission can accept this amendment which reinforces the internal coherence of the text.

- **Amendment 17** is a redrafting of Article 4(1). The first paragraph of this article concerns the Member States’ reporting requirements. The amendment proposes two additional subjects to be covered by these reports: the measures taken by the Member State to promote biofuels for transport; and the national resources allocated to the production of biomass for energy uses other than transport.

The third paragraph of Article 4(1) lays down that a Member State wishing to set different targets from those set out in the Directive must provide reasons for this and could base these reasons on a limited number of factors. The amendment proposes a clearer list of factors.

The Commission can accept this amendment. The first change to the first paragraph in effect requires Member States to explain what they are doing to meet the objectives of the Directive. This is sensible. The second change to the first paragraph gives the Commission the information it needs to enable it to monitor compliance with the terms of the third paragraph.

The changes to the third paragraph are acceptable as a compromise. The Commission accepts the possibility that Member States could have valid reasons, additional to those set out in the amendment, that justify differentiated targets; however, it expects any such reasons to be of the same quality as those set out in the Directive.

4.2. Amendments rejected by the Commission

No amendments have been rejected by the Commission.

5. CONCLUSION

Pursuant to Article 250(2) of the EC Treaty, the Commission amends its proposal as set out above.