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2009 - 2014

Committee on Development

2012/0288(COD)

26.6.2013

OPINION

of the Committee on Development

for the Committee on the Environment, Public Health and Food Safety

on the proposal for a directive of the European Parliament and of the Council amending Directive 98/70/EC relating to the quality of petrol and diesel fuels and amending Directive 2009/28/EC on the promotion of the use of energy from renewable sources
(COM(2012)0595 – C7-0337/2012 – 2012/0288(COD))

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SHORT JUSTIFICATION

Climate change is set to produce ever greater damage to humankind and the planet, having the most devastating effects in the developing world. Reducing greenhouse gas emissions (GHG) is an absolute necessity. The EU in 2007 committed itself to reduce its emissions by at least 20% by 2020, as compared to 1990. Increased use of renewable energy would deliver much of this reduction. A target that by 2020, 10% of the energy used in the transport sector would come from renewable energy was set. In parallel, a target to reduce the lifecycle greenhouse gas emissions of fuels by 6% by 2020 was introduced. Both targets were made binding upon each Member State.

Together with subsidies, these targets have led to a rapid increase in the production and use of biofuels. For various reasons, this increase now looks more threatening than promising for the developing world.

Firstly, biofuels tend to deliver much smaller GHG emission reductions than hoped for. One reason is that carbon stocks are lost if forests are cut down to make room for production of biomass for biofuels or for delocalised food production: Land Use Change (LUC) or Indirect Land Use Change (ILUC) emissions. ILUC emissions currently do *not* enter calculations of the GHG performance of biofuels for the purpose of targets and subsidies in the EU. Emissions occur also in connection with the production of fertilizers, the harvesting of biomass, the transformation of biomass into biofuels and all transports involved. In the case of biofuels, “renewable” does not necessarily mean friendly to the environment and to the climate. The very point with stimulating the use of biofuels is sometimes completely -lost.

Secondly, turning food crops like maize and wheat into fuel reduces the availability of food. There is a **food-or-fuel problem** and this problem does not go away if biofuels are made from non-food crops or farmed wood instead. Almost all the biomass used comes from land which could instead be used for food production, so the competition continues.

The dramatic food crisis in 2008 and the volatile and rather high food prices also thereafter have drawn attention on this problem. It is generally recognised that the EU’s biofuel policy plays a role, but the size of it is highly contested. The European Commission claims that the impact of the EU’s promotion of biofuels on food prices is very small¹. The picture emerging from research reviews and from some statements by major international organisations with relevant responsibilities are less comforting².

Thirdly, in addition to leading to GHG-emissions through LUC and ILUC and competing with food production, the start of production of biomass for biofuels sometimes involves

¹ SWD(2013) 102, [Staff working document accompanying a recently published Renewable Energy Progress Report](#) p. 22-24.

² See for example the study [Production and use of biofuels in developing countries](#), commissioned by the EP in 2009, [Price Volatility in Food and Agricultural Markets: Policy Responses](#), FAO, IFAD, IMF, OECD, UNCTAD, WFP, the World Bank, the WTO, IFPRI and the UN HLTF, 2 June 2011 (recommendation 6 on page 27 recommends removal of subsidies and binding targets (“mandates”) for biofuel production and consumption), [Q & A: What are the impacts of agrofuels on the right to food?](#) at the website of the UN Special Rapporteur on the Right to Food and ActionAid: [Adding Fuel to the Flame: The real impact of EU biofuels policy on developing countries](#), March 2013, p. 5.

deprivation of land use rights on which people depend for their livelihoods. Farmers in developing countries generally do not possess any title to the lands they cultivate or let their cattle graze on. Deals struck by foreign companies with states acting as formal owners or with local leaders led by other interests than those of the local communities may amount to land-grabs and be followed by forceful eviction of poor people from their lands¹.

So called marginal lands normally exercise little attraction on investors looking to set up biomass production. If biomass production is concentrated on such lands, livelihoods of local people may still be very badly affected. Plantations may use up scarce water resources and their use of fertilizers may lead to serious pollution. Collection of firewood, construction material and plants used for food or medicines may no longer be possible. Ecosystem services may be lost and deforestation may alter the local climate, in addition to contributing to global climate change.

NGOs report that land grabs occur in Sub-Saharan Africa on an important scale and provide documentation from a database called Matrix². The Commission dismisses this database as unreliable but makes little attempt to acquire more insight into ongoing developments.

The revision of the Renewable Energy Directive (RED) and the Fuel Quality Directive (FQD) must ensure that the EU's biofuel policy:

- does not harm food security but fully respects the human right to food,
- does not lead to destruction of livelihoods of vulnerable people through deprivation of land use rights or other developments,
- only stimulates the emergence and use of biofuels which are efficient in reducing GHG emissions, while conforming with the above requirements.

For the Development Committee, it is natural to focus on the two first points. The amendments in this draft opinion should help address the food-or-fuel and deprivation-of-land-use-rights problems. These amendments uphold positions taken by the EP in relevant resolutions³. The GHG performance issue is a key concern for the Environment Committee, extensively dealt with in its draft report.

AMENDMENTS

The Committee on Development calls on the Committee on the Environment, Public Health and Food Safety, as the committee responsible, to incorporate the following amendments in its report:

¹ The study [Impact of EU bioenergy policy on developing countries](#), prepared for EP's Development Committee in 2012, mentions on page 10 Cameroun and Ghana as problematic in this context.

² See for example GRAIN: [Land Grabbing for Biofuels Must Stop: EU biofuel policies are displacing communities and starving the planet](#), Feb 2013.

³ Including in Texts adopted, P7_TA(2011)0320, [Impact of EU development policy](#), 5 July 2011, paragraph 67; P7_TA(2011)0430, [Rio+20 earth summit](#), 29 Sep 2011, paragraphs 51 and 55, P7_TA(2012)0399, [EU report on policy coherence for development \(2011\)](#), 25 Oct 2012, paragraphs 74 and 77 and in P7_TA(2012)0238, [Energy policy cooperation with partners beyond our borders](#), 12 June 2012, paragraphs 86 and 87.

Amendment 1

Proposal for a directive Recital 1 a (new)

Text proposed by the Commission

Amendment

(1a) The need to reduce energy consumption in the transport sector is imperative because a percentage target for energy from renewable sources is likely to become increasingly difficult to achieve sustainably if overall demand for energy for transport continues to rise. The use of electricity from renewable energy sources and blending of zero and low iLUC biofuels are other methods available for Member States to meet this target.

Justification

The need to reduce consumption in the transport sector and to increase energy efficiency in this sector has already been highlighted in the existing RED. This amendment restates this, emphasising the importance of developing renewable electricity as well as advanced biofuels to enable the Union and the MS to reduce the carbon footprint of the transport sector.

Amendment 2

Proposal for a directive Recital 2

Text proposed by the Commission

Amendment

(2) In view of the Union's objectives to further reduce greenhouse gas emissions and the significant contribution that road transport fuels make to those emissions, Article 7a(2) of Directive 98/70/EC relating to the quality of petrol and diesel fuels and amending Council Directive 93/12/EC requires fuel suppliers to reduce by at least 6% by 31 December 2020 the life cycle greenhouse gas emissions per unit of energy ('greenhouse gas intensity') of fuels used in the Union by road vehicles, non-road mobile machinery, agricultural

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and forestry tractors and recreational craft when not at sea. The blending of biofuels is one of the methods available for fossil fuel suppliers to reduce the greenhouse gas intensity of the fossil fuels supplied.

and forestry tractors and recreational craft when not at sea. The blending of ***zero or low direct and indirect greenhouse gas emissions*** biofuels is one of the methods available for fossil fuel suppliers to reduce the greenhouse gas intensity of the fossil fuels supplied.

Amendment 3

Proposal for a directive Recital 4 a (new)

Text proposed by the Commission

Amendment

(4a) The vast majority of large-scale land purchase investments is taking place in developing countries. Of these, sub-Saharan Africa is a key target, in particular for cultivating biofuel feedstocks. Between 2009 and 2013 an estimated six million hectares of land were purchased by European companies for biofuel crops to be exported.

Amendment 4

Proposal for a directive Recital 5

Text proposed by the Commission

Amendment

(5) Based on forecasts of biofuel demand provided by the Member States and estimates of indirect land-use change emissions for different biofuel feedstocks ***it is likely that*** greenhouse gas emissions linked to indirect land use change are significant, and could negate some or all of the greenhouse gas savings of individual biofuels. This is because almost the entire biofuel production in 2020 is expected to come from crops grown on land that could be used to satisfy food and feed markets. In

(5) Based on forecasts of biofuel demand provided by the Member States and estimates of indirect land-use change emissions for different biofuel feedstock,s greenhouse gas emissions linked to indirect land use change are significant, and could negate some or all of the greenhouse gas savings of individual biofuels. This is because almost the entire biofuel production in 2020 is expected to come from crops grown on land that could be used to satisfy food and feed markets.

order to reduce *such emissions*, it is appropriate to *distinguish between crop groups such as oil crops, cereals, sugars and other starch containing crops accordingly*.

Indirect land-use changes therefore need to be taken into account so as to prevent these potential sources of emissions from undermining efforts to meet the Union's renewable energy and greenhouse gas emission targets. In order to reduce indirect land-use change and land grabbing, it is therefore appropriate to distinguish between land-based energy crops (oil crops, cereals, sugars and other starch containing crops) on the one hand, and non-land-based biofuels on the other hand. Furthermore, increased use of biofuels produced from food crops contributes to food price volatility, and may have a significant negative social impact on livelihoods and the ability to implement human rights including the right to food or access to land for local communities living in poverty in countries outside the Union. In order to reduce such emissions and such negative social impact, it is appropriate to focus, in particular, on reducing the projected use of biofuels grown on land.

Amendment 5

Proposal for a directive Recital 5 a (new)

Text proposed by the Commission

Amendment

(5a) The indirect land use change effects are not only environmental, but also social, and are placing additional pressure on land use, particularly in developing countries, which is having a negative impact on the food security of local people, in particular women.

Amendment 6

Proposal for a directive

Recital 6

Text proposed by the Commission

(6) Liquid renewable fuels are likely to be required by the transport sector in order to reduce its greenhouse gas emissions. Advanced biofuels, such as those made from wastes and algae, provide high greenhouse gas savings with **low** risk of causing indirect land use change and do not compete directly for agricultural land for the food and feed markets. It is appropriate, therefore, to encourage greater production of such advanced biofuels as these are currently not commercially available in large quantities, in part due to competition for public subsidies with established food crop based biofuel technologies. Further incentives should be provided by increasing the weighting of advanced biofuels towards 10% target for transport set in Directive 2009/28/EC compared to conventional biofuels. In this context, only advanced biofuels **with low** estimated indirect land use change impacts and high overall greenhouse gas savings should be supported as part of the post 2020 renewable energy policy framework.

Amendment

(6) Liquid renewable fuels are likely to be required by the transport sector in order to reduce its greenhouse gas emissions. Advanced biofuels, such as those made from wastes and algae, provide high greenhouse gas savings with **no** risk of causing indirect land use change and do not compete directly for agricultural land for the food and feed markets. It is appropriate, therefore, to encourage greater production of such advanced biofuels as these are currently not commercially available in large quantities, in part due to competition for public subsidies with established food crop based biofuel technologies. Further incentives should be provided by increasing the weighting of advanced biofuels towards 10% target for transport set in Directive 2009/28/EC compared to conventional biofuels. In this context, only advanced biofuels **which meet sustainability criteria, which do not compete with food for land, water or other resources and which have no** estimated indirect land use change impacts and high overall greenhouse gas savings should be supported as part of the post 2020 renewable energy policy framework

Amendment 7

Proposal for a directive

Recital 7

Text proposed by the Commission

(7) In order to ensure the long-term competitiveness of bio-based industrial sectors, and in line with the 2012 Communication "Innovating for Sustainable growth: A Bioeconomy for Europe" and the Roadmap to a Resource

Amendment

In order to ensure the long-term competitiveness of bio-based industrial sectors, and in line with the 2012 Communication "Innovating for Sustainable growth: A Bioeconomy for Europe' and the Roadmap to a Resource

Efficient Europe, promoting integrated and diversified biorefineries across Europe, enhanced incentives under Directive 2009/28/EC should be set in a way that gives preference to the use of biomass feedstocks that do not have a high economic value for other uses than biofuels.

Efficient Europe, promoting integrated and diversified biorefineries across Europe, enhanced incentives under Directive 2009/28/EC should be set in a way that gives preference to the use of biomass feedstocks that do not have a high economic value for other uses than biofuels, *that use waste materials for energy purposes only in accordance with the waste hierarchy set out in Article 4 of Directive 2008/98/EC , that do not compete for the use of land and water and hence protect land and food rights and that do not reduce organic matter, thereby having adverse environmental repercussions on the local ecosystem.*

Amendment 8

Proposal for a directive Recital 7 a (new)

Text proposed by the Commission

Amendment

(7 a) The use of biomass resources involves significant opportunity costs linked to the depletion or loss of ecosystem services. Member States should refrain from subsidizing or mandating energy use of feedstocks where their diversion from existing uses would have a negative impact on land rights, food rights, biodiversity, soil or overall carbon balance. Policies should also ensure a cascade of biomass use, with safeguards to ensure that resources are not diverted from high societal added value applications to low value energy use.

Amendment 9

Proposal for a directive Recital 9

Text proposed by the Commission

(9) To ***prepare for the transition towards advanced biofuels and minimise*** the overall indirect land use change impacts in the period to 2020, it is appropriate to limit the amount of biofuels and bioliquids obtained from food crops as set out in part A of Annex VIII to Directive 2009/28/EC and part A of Annex V to Directive 98/70/EC ***that can be counted towards targets set out in Directive 2009/28/EC. Without restricting the overall use of such biofuels, the share of biofuels and bioliquids produced from cereal and other starch rich crops, sugar and oil crops that can be counted towards the targets of Directive 2009/28/EC should be limited to the share of such biofuels and bioliquids consumed in 2011.***

Amendment

(9) To ***minimise the negative impacts on land rights and land speculation, food rights and food commodities prices, biodiversity, soil and*** the overall indirect land use change impacts in the period to 2020, it is appropriate to limit the amount of biofuels and bioliquids obtained from food ***and other energy*** crops as set out in part A of Annex VIII to Directive 2009/28/EC and part A of Annex V to Directive 98/70/EC.

Amendment 10

Proposal for a directive Recital 10 a (new)

Text proposed by the Commission

Amendment

(10a) Account must be taken of the greater than expected difficulties to achieve substantial reductions in greenhouse gas emissions through the use of biofuels, as well as of worrying evidence that the expansion of the production of biofuels is harming food security and land use rights of vulnerable people in developing countries. The applicability of the 10% renewable energy target in Directive 2009/28/EC should therefore depend on whether substantial reductions in greenhouse gas emissions can be achieved and whether adverse effects on food security and land-use rights can be avoided.

Justification

The 10% target should not be strictly upheld if it does not contribute to reducing GHG emissions in an effective way. Neither should it take precedence over food security and respect for land use rights of vulnerable people.

Amendment 11

Proposal for a directive Recital 11

Text proposed by the Commission

(11) *The estimated* indirect land-use change emissions should be ***included in the reporting of*** greenhouse gas ***emissions from biofuels under Directives 98/70/EC and 2009/28/EC***. Biofuels made from feedstocks that do not lead to additional demand for land, such as those from waste ***feedstocks***, should be assigned a zero emissions factor.

Amendment

(11) ***In order to make sure that Union targets for greenhouse gas emission savings and biofuels are meaningful and effectively met,*** indirect land-use change emissions should be ***taken into account when calculating the*** greenhouse gas ***emission savings required under the sustainability criteria set out in Directive 2009/28/EC and Directive 98/70/EC.*** ***Indirect land-use change emissions should also be counted towards the target set in Article 7a(2) of Directive 98/70/EC, in order to offer incentives for the production of biofuels with a lower indirect land-use change impact.*** Biofuels made from feedstocks that do not lead to additional demand for land, such as those from waste ***and residues***, should be assigned a zero emissions factor ***provided they meet adequate sustainability standards.***

Amendment 12

Proposal for a directive Recital 11 a (new)

Text proposed by the Commission

Amendment

(11 a) The use of land for growing biofuel

feedstocks should not result in the displacement of local and indigenous communities, therefore special land protection measures should be put in place in the Union and third countries to prevent this from occurring. Only biofuels and bioliquids whose production does not impinge on the rights of local and indigenous communities should be considered as sustainable.

Justification

Ample evidence is available of the negative social impacts of biofuels in relation to land rights and food rights, in particular of women in developing countries. Displacement of local and indigenous populations to make way for biofuels plantations must be prevented.

Amendment 13

Proposal for a directive Recital 15

Text proposed by the Commission

(15) The objectives of this Directive, *to* ensure a single market for fuel for *road* transport *and non-road mobile machinery* and ensure *respect for* minimum levels of environmental protection *from use of this fuel*, cannot be sufficiently achieved by the Member States and can therefore be better achieved at Union level, the Union may adopt measures, in accordance with the principle of subsidiarity as set out in Article 5 of the Treaty on the Functioning of the European Union. In accordance with the principle of proportionality, as set out in that Article, this Directive does not go beyond what is necessary in order to achieve those objectives.

Amendment

(15) The objectives of this Directive *should* ensure a single market for fuel for *the* transport *sector* and ensure *that* minimum levels of environmental protection *are respected and adverse effects on food security and land use rights are avoided in connection with the production and use of such fuel. Since these objectives* cannot be sufficiently achieved by the Member States and can therefore be better achieved at Union level, the Union may adopt measures, in accordance with the principle of subsidiarity as set out in Article 5 of the Treaty on the Functioning of the European Union. In accordance with the principle of proportionality, as set out in that Article, this Directive does not go beyond what is necessary in order to achieve those objectives.

Justification

The description of the objectives of the Directive should be adapted so that also the amendments to the Directive are reflected.

Amendment 14

Proposal for a directive Recital 15 a (new)

Text proposed by the Commission

Amendment

(15 a) Public incentives for biofuels inject significant additional demand into the commodities markets and, therefore, impact prices significantly, both on international markets and on the domestic markets of net-food importing countries. This is of serious concern in particular for poor people who spend a significant proportion of their household income on food. The EU biofuels policy is alleged to favour large-scale industrial models of agricultural production that appear to offer limited benefits to local populations.

Amendment 15

Proposal for a directive Article 1 – point 1 – point b a (new) Directive 98/70/CE Article 7a – paragraph 2 – last subparagraph (new)

Text proposed by the Commission

Amendment

*(ba) In paragraph 2 the following subparagraph is inserted after point c:
"Member States shall ensure that the maximum contribution of biofuels produced from cereal and other starch rich crops, sugars and oil crops or dedicated energy crops for the purpose of compliance with the target referred to in the first subparagraph shall not exceed an*

energy quantity corresponding to 5%, the estimated share at the end of 2011, of the final consumption of energy in transport in 2020."

Amendment 16

Proposal for a directive

Article 1 – point 2 – point b a (new)

Directive 98/70/CE

Article 7 b – paragraph 5a (new)

Text proposed by the Commission

Amendment

(ba) The following paragraph is inserted:

'5a. The biofuels and bioliquids taken into account for the purposes of paragraph 1 may not be produced on land, in the Union or in third countries where the legal or common land rights have been contested or violated or no free, prior and informed consent was given with the participation of the institutions representing the local people.'

Amendment 17

Proposal for a directive

Article 1 – point 2 – point b b (new)

Directive 98/70/EC

Article 7 b – paragraph 5b (new)

Text proposed by the Commission

Amendment

(bb) The following paragraph is inserted

"5b. The Biofuels and bioliquids taken into account for the purposes referred to in paragraph 1 shall not be made from waste, unless independently verified as conforming to the waste hierarchy, namely prevention, preparation for re-use and recycling before recovery for energy purposes, as outlined in Directive

Amendment 18

Proposal for a directive

Article 1 – point 3 – point -a (new)

Directive 98/70/CE

Article 7d – paragraph 1

Text proposed by the Commission

Amendment

(-a) Paragraph 1 is replaced by the following:

"1. For the purposes of Article 7a and Article 7b(2), life cycle greenhouse gas emissions from biofuels shall be calculated as follows:

(a) where a default value for greenhouse gas emission savings for the production pathway is laid down in part A or B of Annex IV and where the e_l value for those biofuels or bioliquids calculated in accordance with point 7 of part C of Annex IV is equal to or less than zero, and where the estimated indirect land-use change emissions are zero in accordance with part B of Annex V, by using that default value;

(b) by using an actual value calculated in accordance with the methodology laid down in part C of Annex IV, adding the estimates for indirect land-use change emissions set out in Annex V;

(c) by using a value calculated as the sum of the factors of the formula referred to in point 1 of part C of Annex IV, where disaggregated default values in part D or E of Annex IV may be used for some factors, and actual values, calculated in accordance with the methodology laid down in part C of Annex IV, for all other factors, adding the estimates for indirect land-use change emissions set out in Annex V."

Justification

Adjustment to the calculation method to take account of the iLUC estimates in accordance with the newly proposed Annex V of the FQD.

Amendment 19

Proposal for a directive

Article 2 – point 2 – point b

Directive 2009/28/CE

Article 3 – paragraph 1 – subparagraph 2 (new)

Text proposed by the Commission

"For the purpose of compliance with target referred to in the first subparagraph, the maximum joint contribution from biofuels and bioliquids ***produced*** from cereal and other starch rich crops, sugars and oil crops shall be no more than the energy quantity corresponding to the maximum contribution as set out in Article 3(4)d."

Amendment

"For the purpose of compliance with target referred to in the first subparagraph, the maximum joint contribution from biofuels and bioliquids from cereal and other starch rich crops, sugars and oil crops ***or dedicated energy crops*** shall be no more than the energy quantity corresponding to the maximum contribution as set out in Article 3(4)d."

Amendment 20

Proposal for a directive

Article 2 – point 2 – point c – point -i (new)

Directive 2009/28/EC

Article 3 – paragraph 4

Text proposed by the Commission

Amendment

(-i) the first subparagraph is amended as follows:

"Each Member State shall ensure that the share of energy from renewable sources in all forms of transport in 2020 is at least 10% of the final consumption of energy in transport in that Member State, ***while avoiding both sources which do not deliver substantial reductions in greenhouse gas emissions as well as adverse effects of the production of biofuels on food security and on land use***

rights of vulnerable people in developing countries."

Justification

Implements what is said in several of the amendments above, in particular in amendment 6.

Amendment 21

Proposal for a directive

Article 2 – point 2 – point c – point ii

Directive 2009/28/CE

Article 3 – paragraph 4 – second subparagraph – point d (new)

Text proposed by the Commission

"(d) for the calculation of biofuels in the numerator, the share of energy from biofuels produced *from cereal and other starch rich* crops, *sugars and oil* crops shall be no more than 5%, the estimated share at the end of 2011, of the final consumption of energy in transport in 2020."

Amendment

"(d) for the calculation of biofuels in the numerator, the share of energy from biofuels produced *produced from food* crops *and dedicated energy* crops shall be no more than 5%, the estimated share at the end of 2011, of the final consumption of energy in transport in 2020."

Amendment 22

Proposal for a directive

Article 2 – point 2 – point c – point iii

Directive 2009/28/EC

Article 3 – paragraph 4 – point e – subpoint ii (new)

Text proposed by the Commission

(ii) biofuels produced from feedstocks listed in *Part B of* Annex IX shall be considered to be twice their energy content;

Amendment

(ii) biofuels produced from feedstocks listed in Annex IX shall be considered to be twice their energy content *after prior scientific assessment of their environmental and social sustainability*;

Justification

The feedstocks listed in the Annex IX should be considered to be twice their energy content.

Amendment 23

Proposal for a directive

Article 2 – point 2 – point c – point iii

Directive 2009/28/EC

Article 3 – paragraph 4 – point e – second subparagraph (new)

Text proposed by the Commission

Member States shall ensure that no raw materials are intentionally modified to be covered by categories (i) to (iii).

Amendment

Materials that have been intentionally modified to count as waste shall not be covered by categories (i) to (iii). Member States shall ensure that when fraud is detected, the feedstock or biofuel in question shall not be counted towards the target referred to in Article 3 paragraph 4 and shall ensure that appropriate action is taken in order to prevent any further fraudulent action.

Justification

Biofuels or feedstocks that are intentionally modified in order to take advantage of this Directive should be definitely excluded from the scope of both the RED and the FQD.

Amendment 24

Proposal for a directive

Article 2 – point 5 – point -a (new)

Directive 2009/28/EC

Article 17 – paragraph 1 – third subparagraph (new)

Text proposed by the Commission

Amendment

(-a) at the end of paragraph 1 the following subparagraph is added:

"Energy from biofuels and bioliquids produced from cereal and other starch rich crops, sugars and oil crops or dedicated energy crops taken into account for the purposes referred to in points (a), (b) and (c) shall be no more than 5%, the estimated share at the end of 2011, of the final consumption of energy in transport

in 2020."

Amendment 25

Proposal for a directive

Article 2 – point 5 – point b a (new)

Directive 2009/28/EC

Article 17 – paragraph 5a (new)

Text proposed by the Commission

Amendment

(ba) the following paragraph is inserted

"5a. Biofuels and bioliquids taken into account for the purposes referred to in points (a), (b) and (c) of paragraph 1 shall not be made from waste, unless independently verified as conforming to the waste hierarchy, namely prevention, preparation for re-use and recycling before recovery for energy purposes, as outlined in Directive 2008/98/EC."

Justification

Waste should be subject to the waste hierarchy in Article 4 of the Waste Framework Directive, which requires prevention, preparation for re-use and recycling before a waste can be recovered for energy purposes (i.e. biofuels and bioliquids). In addition, independent verification of compliance should be required.

Amendment 26

Proposal for a directive

Article 2 – point 5 – point b b (new)

Directive 2009/28/CE

Article 17 – paragraph 5b (new)

Text proposed by the Commission

Amendment

(ba) the following paragraph is inserted:

"5b. The biofuels and bioliquids considered for the purposes of points a, b and c of paragraph 1 may not be produced from raw material obtained on

land, in the Union or in third countries where the legal or common land rights have been contested or violated or no adequate free, prior and informed consent with the participation of the relevant representative institutions and consultations with affected communities were given."

Justification

Given the impact of the EU's Renewable Energy Directive (RED) on land rights particularly in countries beyond the EU, it is important to ensure that no violations of these are caused by the production of biofuels for the European market.

Amendment 27

Proposal for a directive

Article 2 – point 6

Directive 2009/28/EC

Article 18 – paragraph 4 – second subparagraph

Text proposed by the Commission

"The Commission *may* decide that voluntary national or international schemes setting standards for the production of biomass products contain accurate data for the purposes of Article 17(2) or demonstrate that consignments of biofuel or bioliquid comply with the sustainability criteria set out in Article 17(3) to (5). The Commission may decide that those schemes contain accurate data for the purposes of information on measures taken for the conservation of areas that provide, in critical situations, basic ecosystem services (such as watershed protection and erosion control), for soil, water and air protection, the restoration of degraded land, the avoidance of excessive water consumption in areas where water is scarce and on the issues referred to in the second subparagraph of Article 17(7). The Commission may also recognise areas for the protection of rare, threatened or

Amendment

"The Commission *shall* decide that voluntary national or international schemes setting standards for the production of biomass products contain accurate data for the purposes of Article 17(2) or demonstrate that consignments of biofuel or bioliquid comply with the sustainability criteria set out in Article 17(3) to (5a), *and that no materials have been intentionally modified in order to be covered by Article 3(4)(e)(i) to (iii)*. The Commission may decide that those schemes contain accurate data for the purposes of information on measures taken for the conservation of areas that provide, in critical situations, basic ecosystem services (such as watershed protection and erosion control), for soil, water and air protection, the restoration of degraded land, the avoidance of excessive water consumption in areas where water is scarce and on the issues referred to in the second subparagraph of

endangered ecosystems or species recognised by international agreements or included in lists drawn up by intergovernmental organisations or the International Union for the Conservation of Nature for the purposes of Article 17 (3)(b) (ii)."

Article 17(7). The Commission may also recognise areas for the protection of rare, threatened or endangered ecosystems or species recognised by international agreements or included in lists drawn up by intergovernmental organisations or the International Union for the Conservation of Nature for the purposes of Article 17 (3)(b) (ii)."

Amendment 28

Proposal for a directive

Article 2 – point 7 – point -a (new)

Directive 2009/28/EC

Article 19 – paragraph 1

Text proposed by the Commission

Amendment

(-a) paragraph 1 is replaced by the following:

"1. For the purposes of Article 17(2), the greenhouse gas emission saving from the use of biofuel and bioliquids shall be calculated as follows:

(a) where a default value for greenhouse gas emission saving for the production pathway is laid down in part A or B of Annex V and where the e_l value for those biofuels or bioliquids calculated in accordance with point 7 of part C of Annex V is equal to or less than zero, and where the estimated indirect land-use change emissions are zero in accordance with part B of Annex VIII, by using that default value;

(b) by using an actual value calculated in accordance with the methodology laid down in part C of Annex V adding the estimates for indirect land-use change emissions set out in Annex VIII;

(c) by using a value calculated as the sum of the factors of the formula referred to in point 1 of part C of Annex V, where

disaggregated default values in part D or E of Annex V may be used for some factors, and actual values, calculated in accordance with the methodology laid down in part C of Annex V, for all other factors, adding the estimates for indirect land-use change emissions set out in Annex VIII."

Amendment 29

Proposal for a directive

Annex 1 – point 2

Directive 98/70/EC

Annex V – Part A – additional line in the table (new)

Text proposed by the Commission

Amendment

an additional line is added to the table in Part A. Estimated indirect land-use change emissions from biofuel and bioliquid feedstocks:

Feedstock Group: Non-food energy crops

Estimated indirect land-use change emissions (gCO₂eq/MJ): 15

Justification

Non-food energy crops can contribute to ILUC if produced on land that was used for food production. The Impact Assessment (p. 26) identifies the average estimated ILUC emissions for these other land-using feedstocks as 15 gCO₂/MJ.

Amendment 30

Proposal for a directive

Annex 1 – point 2

Directive 98/70/EC

Annex V – part B – point b (new)

Text proposed by the Commission

Amendment

*(b) feedstocks whose production has **led to direct land use change, i.e. a change from***

*(b) feedstocks whose production has **not taken place on cropland, perennial***

one of the following IPCC land cover categories; forest land, grassland, wetlands, settlements, or other land, to cropland or perennial cropland . In such a case a “direct land use change emission value (el)” should have been calculated in accordance to Part C, paragraph 7 of Annex IV.

cropland or land in any other IPCC land cover category (forest land, grassland, wetlands) used for food production, whether managed or unmanaged, such as agricultural and silvopastoral systems.

Justification

While there is good reason to assign an ILUC factor to feedstocks whose production entails direct land-use changes, attention should be drawn to the fact that direct and indirect land-use changes are not always mutually exclusive.

Amendment 31

Proposal for a directive

Annex 2 – point 2

Directive 2009/28/EC

Annex VIII – Part A – additional line in the table (new)

Text proposed by the Commission

Amendment

an additional line is added to the table in Part A. Estimated indirect land-use change emissions from biofuel and bioliquid feedstocks:

Feedstock Group: Non-food energy crops

Estimated indirect land-use change emissions (gCO₂eq/MJ): 15

Justification

Non-food energy crops can contribute to ILUC if produced on land that was used for food production. The Impact Assessment (p. 26) identifies the average estimated ILUC emissions for these other land-using feedstocks as 15 gCO₂/MJ.

Amendment 32

Proposal for a directive

Annex 2 – point 2

Text proposed by the Commission

(b) feedstocks whose production has ***led to direct land use change, i.e. a change from one of the following IPCC land cover categories; forest land, grassland, wetlands, settlements, or other land, to cropland or perennial cropland. In such a case a “direct land use change emission value (e_l)” should have been calculated in accordance to Part C, paragraph 7 of Annex V.***

Amendment

(b) feedstocks whose production has ***not taken place on cropland, perennial cropland or land in any other IPCC land cover category (forest land, grassland, wetlands) used for food production, whether managed or unmanaged, such as agricultural and silvopastoral systems.***

Justification

While there is good reason to assign an ILUC factor to feedstocks whose production entails direct land-use changes, attention should be drawn to the fact that direct and indirect land-use changes are not always mutually exclusive.

PROCEDURE

Title	Amendment to the fuel quality directive and the renewable energy directive (Indirect Land Use Change)
References	COM(2012)0595 – C7-0337/2012 – 2012/0288(COD)
Committee responsible Date announced in plenary	ENVI 19.11.2012
Opinion by Date announced in plenary	DEVE 19.11.2012
Rapporteur Date appointed	Filip Kaczmarek 16.1.2013
Discussed in committee	28.5.2013
Date adopted	24.6.2013
Result of final vote	+: 20 –: 1 0: 3
Members present for the final vote	Thijs Berman, Michael Cashman, Leonidas Donskis, Charles Goerens, Catherine Grèze, Mikael Gustafsson, Eva Joly, Michał Tomasz Kamiński, Norbert Neuser, Bill Newton Dunn, Maurice Ponga, Jean Roatta, Keith Taylor, Patrice Tirolien, Anna Záborská
Substitute(s) present for the final vote	Kriton Arsenis, Agustín Díaz de Mera García Consuegra, Fiona Hall, Edvard Kožušník, Krzysztof Lisek, Csaba Óry, Patrizia Toia
Substitute(s) under Rule 187(2) present for the final vote	Luigi Berlinguer, Claudiu Ciprian Tănăsescu