



2016/0382(COD)

24.7.2017

AMENDMENTS

684 - 916

Draft opinion

Bas Eickhout

(PE604.700v01-00)

on the proposal for a directive of the European Parliament and of the Council
on the promotion of the use of energy from renewable sources (recast)

Proposal for a directive

(COM(2016)0767 – C8-0000/2017 – 2016/0382(COD))

Amendment 684

Gerben-Jan Gerbrandy, Catherine Bearder, Carolina Punset

Proposal for a directive

Article 26 – paragraph 1 – subparagraph 1 – introductory part

Text proposed by the Commission

1. Energy from biofuels, bioliquids and biomass fuels shall be taken into account for the purposes referred to in points (a), (b) and (c) of this paragraph only if they fulfil the sustainability criteria set out in paragraphs 2 to 6 and the greenhouse gas emissions saving criteria set out in paragraph 7:

Amendment

1. ***Irrespective of whether the raw materials were cultivated inside or outside the territory of the Union,*** energy from biofuels, bioliquids and biomass fuels shall be taken into account for the purposes referred to in points (a), (b) and (c) of this paragraph only if they fulfil the sustainability criteria set out in paragraphs 2 to 6 and the greenhouse gas emissions saving criteria set out in paragraph 7:

Or. en

Amendment 685

Nils Torvalds, Fredrick Federley, Gerben-Jan Gerbrandy, Morten Helveg Petersen, Petri Sarvamaa

Proposal for a directive

Article 26 – paragraph 1 – subparagraph 1 – introductory part

Text proposed by the Commission

1. Energy from biofuels, bioliquids and biomass fuels shall be taken into account for the purposes referred to in points (a), (b) and (c) of this paragraph only if they fulfil the sustainability criteria set out in paragraphs 2 to 6 and the greenhouse gas emissions saving criteria set out in paragraph 7:

Amendment

1. Energy from biofuels, bioliquids and biomass fuels shall be taken into account for the purposes referred to in points (a), (b) and (c) of this paragraph only ***in line with the conditions set out in State Aid Guidelines and only*** if they fulfil the sustainability criteria set out in paragraphs 2 to 6 and the greenhouse gas emissions saving criteria set out in paragraph 7:

Or. en

Amendment 686
Pilar Ayuso, Pilar del Castillo Vera

Proposal for a directive
Article 26 – paragraph 1 – subparagraph 1 – point b

Text proposed by the Commission

(b) measuring compliance with renewable energy obligations, including the obligations set out in *Articles 23 and 25*;

Amendment

(b) measuring compliance with renewable energy obligations, including the obligations set out in *Article 25*;

Or. en

Amendment 687
Paul Brannen

Proposal for a directive
Article 26 – paragraph 1 – subparagraph 1 – point c

Text proposed by the Commission

(c) eligibility for financial support for the consumption of biofuels, bioliquids and biomass fuels.

Amendment

(c) eligibility for financial support, *fiscal incentives or other policy measures* for the consumption of biofuels, bioliquids and biomass fuels.

Or. en

Amendment 688
Piernicola Pedicini, Eleonora Evi, Dario Tamburrano, David Borrelli

Proposal for a directive
Article 26 – paragraph 1 – subparagraph 1 – point c

Text proposed by the Commission

(c) eligibility for financial support for the consumption of biofuels, bioliquids and biomass fuels.

Amendment

(c) eligibility for financial support, *fiscal incentives or other policy measures* for the consumption of biofuels, bioliquids and biomass fuels.

Or. en

Justification

The recast Renewable Energy Directive makes major changes to the coverage of the provisions on bioenergy sustainability, notably by extending many of the provisions, for the first time, to biomass fuels such as wood. It also proposes significant changes to the targets relating to biofuels and bioliquids. On this basis, changes are also required to clarify the coverage of the term 'financial support', which in some Member States either does not currently address or may not in future sufficiently address the multiple ways, in addition to direct subsidies, in which the production or use of biomass fuels and other types of bioenergy are promoted or encouraged. For example mechanisms such as tax breaks for the use of biomass fuels based on their supposed carbon neutrality, or blending mandates imposed on providers of biomass or other biofuels, are either already in operation or may be applied in future, and themselves have cost impacts. The terms of the provision on eligibility for financial support should therefore be broadened to ensure it is comprehensive and in line with the spirit of the original Directive.

Amendment 689 **Julie Girling**

Proposal for a directive **Article 26 – paragraph 1 – subparagraph 2**

Text proposed by the Commission

However, biofuels, bioliquids and biomass fuels produced from waste and residues, other than agricultural, aquaculture, fisheries and forestry residues, need only fulfil the greenhouse gas emissions saving criteria set out in paragraph 7 in order to be taken into account for the purposes referred to in points (a), (b) and (c) of this paragraph. This provision shall also apply to waste and residues that are first processed into a product before being further processed into biofuels, bioliquids and biomass fuels.

Amendment

Biofuels, bioliquids and biomass fuels produced from waste and residues *from agricultural land, whether within or outside the EU, shall* be taken into account for the purposes referred to in points (a), (b) and (c) of *the first subparagraph only if measures have been taken by the operators to avoid any negative impacts on soil quality and soil carbon, in particular regarding minimum soil cover, minimum land management reflecting site specific conditions to limit erosion and maintenance of soil organic matter level through appropriate practices.*

Or. en

Amendment 690 **Gerben-Jan Gerbrandy, Catherine Bearder**

Proposal for a directive
Article 26 – paragraph 1 – subparagraph 2

Text proposed by the Commission

However, biofuels, bioliquids and biomass fuels produced from waste and residues, other than agricultural, aquaculture, fisheries and forestry residues, need only fulfil the greenhouse gas emissions saving criteria set out in paragraph 7 in order to be taken into account for the purposes referred to in points (a), (b) and (c) of this paragraph. This provision shall also apply to waste and residues that are first processed into a product before being further processed into biofuels, bioliquids and biomass fuels.

Amendment

Biofuels, bioliquids and biomass fuels produced from waste and residues, other than agricultural, aquaculture, fisheries and forestry residues, need only fulfil the greenhouse gas emissions saving criteria set out in paragraph 7 in order to be taken into account for the purposes referred to in points (a), (b) and (c) of this paragraph. ***However, their production shall conform to the waste hierarchy as laid down in Directive 2008/98/EC.*** This provision shall also apply to waste and residues that are first processed into a product before being further processed into biofuels, bioliquids and biomass fuels. ***The Commission shall adopt delegated acts pursuant to Article 32 to supplement this Directive concerning detailed rules governing verification and certification of compliance with the waste hierarchy. In addition, the Commission shall, where necessary, adopt guidance on the application of the waste hierarchy to the list of feedstocks in Annex IX.***

Or. en

Amendment 691
Pilar Ayuso, Pilar del Castillo Vera

Proposal for a directive
Article 26 – paragraph 1 – subparagraph 2

Text proposed by the Commission

However, biofuels, bioliquids and biomass fuels produced from waste and residues, other than agricultural, aquaculture, fisheries and forestry residues, need only fulfil the greenhouse gas emissions saving criteria set out in paragraph 7 in order to be taken into account for the purposes referred

Amendment

However, biofuels, bioliquids and biomass fuels produced from waste and residues, other than agricultural, aquaculture, fisheries and forestry residues, ***as well as woody biomass fuels which have proven sustainability by means of an international voluntary scheme already in***

to in points (a), (b) and (c) *of this paragraph*. This provision shall also apply to waste and residues that are first processed into a product before being further processed into biofuels, bioliquids and biomass fuels.

place, recognised by the Commission and which provides verification throughout the entire chain of custody, need only fulfil the *sustainability* greenhouse gas emissions saving criteria set out in paragraph 7 in order to be taken into account for the purposes referred to in points (a), (b) and (c). This provision shall also apply to waste and residues that are first processed into a product before being further processed into biofuels, bioliquids and biomass fuels.

Or. en

Amendment 692

Christofer Fjellner, Gunnar Hökmark

Proposal for a directive

Article 26 – paragraph 1 – subparagraph 2

Text proposed by the Commission

However, biofuels, bioliquids and biomass fuels produced from waste and residues, other than agricultural, aquaculture, fisheries and forestry residues, need only fulfil the greenhouse gas emissions saving criteria set out in paragraph 7 in order to be taken into account for the purposes referred to in points (a), (b) and (c) of this paragraph. This provision shall also apply to waste and residues that are first processed into a product before being further processed into biofuels, bioliquids and biomass fuels.

Amendment

However, biofuels, bioliquids and biomass fuels produced from *forest biomass from thinnings and biodiversity enhancing management activities*, waste and residues, other than agricultural, aquaculture, fisheries and forestry residues, need only fulfil the greenhouse gas emissions saving criteria set out in paragraph 7 in order to be taken into account for the purposes referred to in points (a), (b) and (c) of this paragraph. This provision shall also apply to waste and residues that are first processed into a product before being further processed into biofuels, bioliquids and biomass fuels.

Or. en

Justification

As these are low risk and low volume biomass removals these should be excluded from the sustainability criteria.

Amendment 693

Jytte Guteland, Olle Ludvigsson, Pavel Poc

Proposal for a directive

Article 26 – paragraph 1 – subparagraph 2

Text proposed by the Commission

However, biofuels, bioliquids and biomass fuels produced from waste and residues, other than agricultural, aquaculture, fisheries and forestry residues, need only fulfil the greenhouse gas emissions saving criteria set out in paragraph 7 in order to be taken into account for the purposes referred to in points (a), (b) and (c) of this paragraph. This provision shall also apply to waste and residues that are first processed into a product before being further processed into biofuels, bioliquids and biomass fuels.

Amendment

However, biofuels, bioliquids and biomass fuels produced from ***forest biomass from thinnings and biodiversity enhancing management activities***, waste and residues, other than agricultural, aquaculture, fisheries and forestry residues, need only fulfil the greenhouse gas emissions saving criteria set out in paragraph 7 in order to be taken into account for the purposes referred to in points (a), (b) and (c) of this paragraph. This provision shall also apply to waste and residues that are first processed into a product before being further processed into biofuels, bioliquids and biomass fuels.

Or. en

Justification

As these low risk, low intensity and low volume biomass removals are regulated differently than the harvest permission/notification processes these shall also be excluded from sustainability criteria.

Amendment 694

Fredrick Federley, Ulrike Müller, Morten Helveg Petersen

Proposal for a directive

Article 26 – paragraph 1 – subparagraph 2

Text proposed by the Commission

However, biofuels, bioliquids and biomass fuels produced from waste and residues, other than agricultural, aquaculture, fisheries and forestry residues, need only fulfil the greenhouse gas emissions saving

Amendment

However, biofuels, bioliquids and biomass fuels produced from ***forest biomass from thinnings and biodiversity enhancing management activities***, waste and residues, other than agricultural, aquaculture,

criteria set out in paragraph 7 in order to be taken into account for the purposes referred to in points (a), (b) and (c) of this paragraph. This provision shall also apply to waste and residues that are first processed into a product before being further processed into biofuels, bioliquids and biomass fuels.

fisheries and forestry residues, need only fulfil the greenhouse gas emissions saving criteria set out in paragraph 7 in order to be taken into account for the purposes referred to in points (a), (b) and (c) of this paragraph. This provision shall also apply to waste and residues that are first processed into a product before being further processed into biofuels, bioliquids and biomass fuels.

Or. en

Amendment 695

Simona Bonafè, Massimo Paolucci, Damiano Zoffoli, Nicola Caputo, Patrizia Toia, Isabella De Monte

Proposal for a directive

Article 26 – paragraph 1 – subparagraph 2

Text proposed by the Commission

However, biofuels, bioliquids and biomass fuels produced from waste and residues, other than agricultural, aquaculture, fisheries and forestry residues, need **only** fulfil the greenhouse gas emissions saving criteria set out in paragraph 7 in order to be taken into account for the purposes referred to in points (a), (b) and (c) of this paragraph. This provision shall also apply to waste and residues that are first processed into a product before being further processed into biofuels, bioliquids and biomass fuels.

Amendment

However, biofuels, bioliquids and biomass fuels produced from waste and residues, other than agricultural, aquaculture, fisheries and forestry residues, need **to comply with the waste hierarchy, as laid down in Directive 2008/98/EC, and** fulfil the greenhouse gas emissions saving criteria set out in paragraph 7 in order to be taken into account for the purposes referred to in points (a), (b) and (c) of this paragraph. This provision shall also apply to waste and residues that are first processed into a product before being further processed into biofuels, bioliquids and biomass fuels.

Or. xm

Justification

When applied to waste, sustainability criteria must also take into account the principles of waste hierarchy set out in Article 4 of Directive 2008/98/EC.

Amendment 696

Karl-Heinz Florenz, Francesc Gambús, Ivo Belet, Elisabetta Gardini, Annie Schreijer-Pierik, Françoise Grossetête, Angélique Delahaye, Michel Dantin

Proposal for a directive

Article 26 – paragraph 1 – subparagraph 2

Text proposed by the Commission

However, biofuels, bioliquids and biomass fuels produced from waste and residues, other than agricultural, aquaculture, fisheries and forestry residues, need only fulfil the greenhouse gas emissions saving criteria set out in paragraph 7 in order to be taken into account for the purposes referred to in points (a), (b) and (c) of this paragraph. This provision shall also apply to waste and residues that are first processed into a product before being further processed into biofuels, bioliquids and biomass fuels.

Amendment

However, biofuels, bioliquids and biomass fuels produced from waste and residues, other than agricultural, aquaculture, fisheries and forestry residues, need only fulfil the greenhouse gas emissions saving criteria set out in paragraph 7 **and the sustainability criteria set in paragraph 8a** in order to be taken into account for the purposes referred to in points (a), (b) and (c) of this paragraph. This provision shall also apply to waste and residues that are first processed into a product before being further processed into biofuels, bioliquids and biomass fuels.

Or. en

Justification

See wording of Article 26 para 8 a new - adaptation in Article 26 is a logical consequence.

Amendment 697

Seb Dance

Proposal for a directive

Article 26 – paragraph 1 – subparagraph 3

Text proposed by the Commission

Biomass fuels shall have to fulfil the sustainability and greenhouse gas emissions saving criteria set out in paragraphs 2 to 7 only if used in installations producing electricity, heating and cooling or fuels with a fuel capacity equal to or exceeding 20 MW in case of solid biomass fuels and with an electrical

Amendment

Biofuels, bioliquids and biomass fuels produced from food and feed crops shall not be eligible for financial, or any other form of support measures.

capacity equal to or exceeding 0.5 MW in case of gaseous biomass fuels. Member States may apply the sustainability and greenhouse gas emission saving criteria to installations with lower fuel capacity.

Or. en

Justification

The Guidelines on State aid for Environmental Protection 2014-2020 prohibited investment and operating aid for food and feed crop-based biofuels and bioliquids, with the exception of aid to convert food and feed crop-based biofuel plants to advance biofuel plants, due to overcapacity on the market. Given the consumption reductions of food and feed crop-based biofuels and bioliquids in the Directive, this prohibition should be continue into the post-2020 period. Furthermore, it should be extended to cover also the financial support for the use of food and feed crops for electricity or heating, which has similar negative environmental impacts.

Amendment 698

Elisabeth Köstinger, Albert Deß, Herbert Dorfmann

Proposal for a directive

Article 26 – paragraph 1 – subparagraph 3

Text proposed by the Commission

Biomass fuels shall have to fulfil the sustainability and greenhouse gas emissions saving criteria set out in paragraphs 2 to 7 only if used in installations producing electricity, heating **and** cooling or fuels with a fuel capacity equal to or exceeding **20** MW in case of solid biomass fuels and with an electrical capacity equal to or exceeding **0.5** MW in case of gaseous biomass fuels. **Member States may apply the sustainability and greenhouse gas emission saving criteria to installations with lower fuel capacity.**

Amendment

Biomass fuels shall have to fulfil the sustainability and greenhouse gas emissions saving criteria set out in paragraphs 2 to 7 only if used in installations producing electricity, heating, cooling or fuels with a fuel capacity equal to or exceeding **50** MW in case of solid biomass fuels and with an electrical capacity equal to or exceeding **1** MW in case of gaseous biomass fuels.

Or. en

Justification

In order to minimize the administrative burden for the operators and the feedstock-producers, the Union sustainability and greenhouse gas saving criteria should apply only to electricity and heating from biomass fuels produced in installations with a fuel capacity equal or above to 50 MW.

Amendment 699

Elisabetta Gardini, Giovanni La Via

Proposal for a directive

Article 26 – paragraph 1 – subparagraph 3

Text proposed by the Commission

Biomass fuels shall have to fulfil the sustainability and greenhouse gas emissions saving criteria set out in paragraphs 2 to 7 only if used in installations producing electricity, heating and cooling or fuels with a fuel capacity equal to or exceeding 20 MW *in case of solid biomass fuels and with an electrical capacity equal to or exceeding 0.5 MW in case of gaseous biomass fuels*. Member States may apply the sustainability and greenhouse gas emission saving criteria to installations with lower fuel capacity.

Amendment

Biomass fuels shall have to fulfil the sustainability and greenhouse gas emissions saving criteria set out in paragraphs 2 to 7 only if used in installations producing electricity, heating and cooling or fuels with a fuel capacity equal to or exceeding 20 MW. Member States may apply the sustainability and greenhouse gas emission saving criteria to installations with lower fuel capacity.

Or. en

Justification

It doesn't appear justifiable a different treatment for solid biomass fuels and gaseous biomass fuels with regard to plant size threshold over which the sustainability and greenhouse gas emissions saving criteria fulfilment shall have to be proved. The plant size should be the same irrespective of the state (solid or gaseous) of the biomass. Moreover solid biomasses can raise more sustainability concern than gaseous' as they can be collected from forestry.

Amendment 700

Michel Dantin, Angélique Delahaye, Anne Sander

Proposal for a directive

Article 26 – paragraph 1 – subparagraph 3

Text proposed by the Commission

Biomass fuels shall have to fulfil the sustainability and greenhouse gas emissions saving criteria set out in paragraphs 2 to 7 only if used in installations producing electricity, heating and cooling or fuels with a fuel capacity equal to or exceeding 20 MW in case of solid biomass fuels and with ***an electrical*** capacity equal to or exceeding ***0.5*** MW in case of gaseous biomass fuels. ***Member States may apply the sustainability and greenhouse gas emission saving criteria to installations with lower fuel capacity.***

Amendment

Biomass fuels shall have to fulfil the sustainability and greenhouse gas emissions saving criteria set out in paragraphs 2 to 7 only if used in installations producing electricity, heating and cooling or fuels with a fuel capacity equal to or exceeding 20 MW in case of solid biomass fuels and with ***fuel*** capacity equal to or exceeding ***2.5*** MW in case of gaseous biomass fuels.

Or. fr

Justification

An agricultural methanisation plant - even an individual plant - rapidly achieves a fuel capacity of 2.5 MW, i.e. an electrical power of 1 MW. Reducing the administrative burden for farmers encourages agricultural methanisation, which has many climatic and environmental benefits.

In circular economics, methanisation promotes more sustainable management of effluents and the manufacture of organic fertilizers.

Amendment 701

Seán Kelly, Francesc Gambús, Gunnar Hökmark, Christofer Fjellner, Vladimir Urutchev, Krišjānis Kariņš

Proposal for a directive

Article 26 – paragraph 1 – subparagraph 3

Text proposed by the Commission

Biomass fuels shall have to fulfil the sustainability and greenhouse gas emissions saving criteria set out in paragraphs 2 to 7 only if used in installations producing electricity, heating and cooling or fuels with a fuel capacity equal to or exceeding 20 MW in case of solid biomass fuels and with an electrical

Amendment

Biomass fuels shall have to fulfil the sustainability and greenhouse gas emissions saving criteria set out in paragraphs 2 to 7 only if used in installations producing electricity, heating and cooling or fuels with a fuel capacity equal to or exceeding 20 MW in case of solid biomass fuels and with an electrical

capacity equal to or exceeding 0.5 MW in case of gaseous biomass fuels. **Member States may apply the sustainability and greenhouse gas emission saving criteria to installations with lower fuel capacity.**

capacity equal to or exceeding 0.5 MW in case of gaseous biomass fuels.

Or. en

Amendment 702

Matteo Salvini, Angelo Ciocca, Lorenzo Fontana

Proposal for a directive

Article 26 – paragraph 1 – subparagraph 3

Text proposed by the Commission

Biomass fuels shall have to fulfil the sustainability and greenhouse gas emissions saving criteria set out in paragraphs 2 to 7 only if used in installations producing electricity, heating and cooling or fuels with a fuel capacity equal to or exceeding 20 MW ***in case of solid biomass fuels and with an electrical capacity equal to or exceeding 0.5 MW in case of gaseous biomass fuels.*** Member States may apply the sustainability and greenhouse gas emission saving criteria to installations with lower fuel capacity.

Amendment

Biomass fuels shall have to fulfil the sustainability and greenhouse gas emissions saving criteria set out in paragraphs 2 to 7 only if used in installations producing electricity, heating and cooling or fuels with a fuel capacity equal to or exceeding 20 MW. Member States may apply the sustainability and greenhouse gas emission saving criteria to installations with lower fuel capacity.

Or. en

Justification

The plant size should be the same irrespective of the state (solid or gaseous) of the biomass. Moreover, solid biomasses can raise more sustainability concerns than gaseous.

Amendment 703

Pilar Ayuso, Pilar del Castillo Vera

Proposal for a directive

Article 26 – paragraph 1 – subparagraph 3

Text proposed by the Commission

Biomass fuels shall **have to** fulfil the sustainability and greenhouse gas emissions saving criteria set out in paragraphs 2 to 7 only if used in installations producing electricity, heating and cooling or fuels with a fuel capacity equal to or exceeding 20 MW in case of solid biomass fuels and with an electrical capacity equal to or exceeding 0.5 MW in case of gaseous biomass fuels. Member States may apply the sustainability and greenhouse gas emission saving criteria to installations with lower fuel capacity.

Amendment

Biomass fuels shall fulfil the sustainability and greenhouse gas emissions saving criteria set out in paragraphs 2 to 7 only if used in installations ***starting operation after 3 years from the date of the entry into force of this Directive*** producing electricity, heating and cooling or fuels with a fuel capacity equal to or exceeding 20 MW in case of solid biomass fuels and with an electrical capacity equal to or exceeding 0.5 MW in case of gaseous biomass fuels. Member States may apply the sustainability and greenhouse gas emission saving criteria to installations with lower fuel capacity.

Or. en

Amendment 704

Jo Leinen, Massimo Paolucci, Tibor Szanyi, Damiano Zoffoli, Tiemo Wölken, Claudiu Ciprian Tănăsescu, Simona Bonafè, Nicola Caputo, Christine Revault D'Allonnes Bonnefoy

Proposal for a directive

Article 26 – paragraph 1 – subparagraph 3

Text proposed by the Commission

Biomass fuels shall have to fulfil the sustainability and greenhouse gas emissions saving criteria set out in paragraphs 2 to 7 only if used in installations producing electricity, heating and cooling or fuels with a fuel capacity equal to or exceeding **20** MW in case of solid biomass fuels and with an electrical capacity equal to or exceeding 0.5 MW in case of gaseous biomass fuels. Member States may apply the sustainability and greenhouse gas emission saving criteria to installations with lower fuel capacity.

Amendment

Biomass fuels shall have to fulfil the sustainability and greenhouse gas emissions saving criteria set out in paragraphs 2 to 7 only if used in installations producing electricity, heating and cooling or fuels with a fuel capacity equal to or exceeding **5** MW in case of solid biomass fuels and with an electrical capacity equal to or exceeding 0.5 MW in case of gaseous biomass fuels. Member States may apply the sustainability and greenhouse gas emission saving criteria to installations with lower fuel capacity.

Or. en

Justification

A 20 MW threshold would only cover approximately 75% of wood biomass consumption for energy. Applying a threshold of 5 MW would ensure that 92% of wood biomass consumption would be required to fulfil the sustainability and greenhouse gas saving criteria while still exempting the smallest installations from the administrative burden.

Amendment 705

Piernicola Pedicini, Eleonora Evi, Dario Tamburrano, David Borrelli

Proposal for a directive

Article 26 – paragraph 1 – subparagraph 3

Text proposed by the Commission

Biomass fuels shall have to fulfil the sustainability and greenhouse gas emissions saving criteria set out in paragraphs 2 to 7 only if used in installations producing electricity, heating and cooling or fuels with a fuel capacity equal to or exceeding **20** MW in case of solid biomass fuels and with an electrical capacity equal to or exceeding 0.5 MW in case of gaseous biomass fuels. Member States may apply the sustainability and greenhouse gas emission saving criteria to installations with lower fuel capacity.

Amendment

Biomass fuels shall have to fulfil the sustainability and greenhouse gas emissions saving criteria set out in paragraphs 2 to 7 only if used in installations producing electricity, heating and cooling or fuels with a fuel capacity equal to or exceeding **1** MW in case of solid biomass fuels and with an electrical capacity equal to or exceeding 0.5 MW in case of gaseous biomass fuels. Member States may apply the sustainability and greenhouse gas emission saving criteria to installations with lower fuel capacity.

Or. en

Justification

Most biomass installations are below 20 MW and they should also meet the sustainability criteria.

Amendment 706

Sirpa Pietikäinen

Proposal for a directive

Article 26 – paragraph 1 – subparagraph 3

Text proposed by the Commission

Biomass fuels shall have to fulfil the

Amendment

Biomass fuels shall have to fulfil the

sustainability and greenhouse gas emissions saving criteria set out in paragraphs 2 to 7 only if used in installations producing electricity, heating and cooling or fuels with a fuel capacity equal to or exceeding **20** MW in case of solid biomass fuels and with an electrical capacity equal to or exceeding 0.5 MW in case of gaseous biomass fuels. Member States may apply the sustainability and greenhouse gas emission saving criteria to installations with lower fuel capacity.

sustainability and greenhouse gas emissions saving criteria set out in paragraphs 2 to 7 only if used in installations producing electricity, heating and cooling or fuels with a fuel capacity equal to or exceeding **5** MW in case of solid biomass fuels and with an electrical capacity equal to or exceeding 0.5 MW in case of gaseous biomass fuels. Member States may apply the sustainability and greenhouse gas emission saving criteria to installations with lower fuel capacity.

Or. en

Amendment 707
Merja Kyllönen

Proposal for a directive
Article 26 – paragraph 1 – subparagraph 3

Text proposed by the Commission

Biomass fuels shall have to fulfil the sustainability and greenhouse gas emissions saving criteria set out in paragraphs 2 to 7 only if used in installations producing electricity, heating and cooling or fuels with a fuel capacity equal to or exceeding **20** MW in case of solid biomass fuels and with an electrical capacity equal to or exceeding 0.5 MW in case of gaseous biomass fuels. Member States may apply the sustainability and greenhouse gas emission saving criteria to installations with lower fuel capacity.

Amendment

Biomass fuels shall have to fulfil the sustainability and greenhouse gas emissions saving criteria set out in paragraphs 2 to 7 only if used in installations producing electricity, heating and cooling or fuels with a fuel capacity equal to or exceeding **5** MW in case of solid biomass fuels and with an electrical capacity equal to or exceeding 0.5 MW in case of gaseous biomass fuels. Member States may apply the sustainability and greenhouse gas emission saving criteria to installations with lower fuel capacity.

Or. en

Amendment 708
Nessa Childers

Proposal for a directive
Article 26 – paragraph 1 – subparagraph 3

Text proposed by the Commission

Biomass fuels shall have to fulfil the sustainability and greenhouse gas emissions saving criteria set out in paragraphs 2 to 7 only if used in installations producing electricity, heating and cooling or fuels with a fuel capacity equal to or exceeding **20** MW in case of solid biomass fuels and with an electrical capacity equal to or exceeding 0.5 MW in case of gaseous biomass fuels. Member States may apply the sustainability and greenhouse gas emission saving criteria to installations with lower fuel capacity.

Amendment

Biomass fuels shall have to fulfil the sustainability and greenhouse gas emissions saving criteria set out in paragraphs 2 to 7 only if used in installations producing electricity, heating and cooling or fuels with a fuel capacity equal to or exceeding **1** MW in case of solid biomass fuels and with an electrical capacity equal to or exceeding 0.5 MW in case of gaseous biomass fuels. Member States may apply the sustainability and greenhouse gas emission saving criteria to installations with lower fuel capacity.

Or. en

Amendment 709

Jadwiga Wiśniewska, Evžen Tošenovský

Proposal for a directive

Article 26 – paragraph 1 – subparagraph 3

Text proposed by the Commission

Biomass fuels shall have to fulfil the sustainability and greenhouse gas emissions saving criteria set out in paragraphs 2 to 7 only if used in installations producing electricity, heating and cooling or fuels with a fuel capacity equal to or exceeding **20** MW in case of solid biomass fuels and with an electrical capacity equal to or exceeding **0.5** MW in case of gaseous biomass fuels. Member States may apply the sustainability and greenhouse gas emission saving criteria to installations with lower fuel capacity.

Amendment

Biomass fuels shall have to fulfil the sustainability and greenhouse gas emissions saving criteria set out in paragraphs 2 to 7 only if used in installations producing electricity, heating and cooling or fuels with a fuel capacity equal to or exceeding **50** MW in case of solid biomass fuels and with an electrical capacity equal to or exceeding **2** MW in case of gaseous biomass fuels. Member States may apply the sustainability and greenhouse gas emission saving criteria to installations with lower fuel capacity.

Or. en

Justification

Small plants up to 2MW are often run by small farmers for whom that kind of requirement

could be a significant burden. They also do not pose a big threat of adverse climate impact. In case of solid biomass even 50 MW could be considered as a local installation for which proving sustainability criteria set out in paragraphs 2 to 7 would constitute a heavy administrative burden.

Amendment 710

Julie Girling

Proposal for a directive

Article 26 – paragraph 1 – subparagraph 3

Text proposed by the Commission

Biomass fuels shall fulfil the sustainability and greenhouse gas emissions saving criteria set out in paragraphs 2 to 7 only if used in installations producing electricity, heating and cooling or fuels with a fuel capacity equal to or exceeding 20 MW in case of solid biomass fuels and with an electrical capacity equal to or exceeding 0.5 MW in case of gaseous biomass fuels. Member States may apply the sustainability and greenhouse gas emission saving criteria to installations with lower fuel capacity.

Amendment

Biomass fuels shall fulfil the sustainability and greenhouse gas emissions saving criteria set out in paragraphs 2 to 7 only if used in installations producing electricity, heating and cooling or fuels with a fuel capacity equal to or exceeding 20 MW in case of solid biomass fuels and with an electrical capacity equal to or exceeding 1 MW in case of gaseous biomass fuels. Member States may apply the sustainability and greenhouse gas emission saving criteria to installations with lower fuel capacity.

Or. en

Amendment 711

Julie Girling

Proposal for a directive

Article 26 – paragraph 1 – subparagraph 4

Text proposed by the Commission

The sustainability criteria set out in paragraphs 2 to 6 and the greenhouse gas emissions saving criteria set out in paragraph 7 shall apply irrespectively of the geographical origin of the biomass.

Amendment

The sustainability criteria set out in paragraphs 2 to 6 and the greenhouse gas emissions saving criteria set out in paragraph 7 shall apply irrespectively of the geographical origin of the biomass ***and only apply to biomass and biogas used in installations that intend to start operation after 1 January 2021.***

Amendment 712

Nils Torvalds, Fredrick Federley, Carolina Punset, Frédérique Ries, Gerben-Jan Gerbrandy, Morten Helveg Petersen, Petri Sarvamaa

Proposal for a directive

Article 26 – paragraph 1 – subparagraph 4

Text proposed by the Commission

The sustainability criteria set out in paragraphs 2 to 6 and the greenhouse gas emissions saving criteria set out in paragraph 7 shall apply irrespectively of the geographical origin of the biomass.

Amendment

The sustainability criteria set out in paragraphs 2 to 6 and the greenhouse gas emissions saving criteria set out in paragraph 7 shall apply irrespectively of the geographical origin of the biomass, ***whether inside or outside of the Union.***

Or. en

Amendment 713

Michel Dantin, Angélique Delahaye, Anne Sander, Maurice Ponga

Proposal for a directive

Article 26 – paragraph 1 – subparagraph 4 a (new)

Text proposed by the Commission

Amendment

By way of derogation from the previous subparagraphs, taking into account the specific features of these territories as provided for in Article 349 of the Treaty on the Functioning of the European Union, Article 26 shall not apply to the outermost regions. The Commission shall submit a legislative proposal to Parliament and the Council within 6 months of the entry into force of this Directive to define the criteria for sustainability and reduction of greenhouse gas emissions for the outermost regions. These criteria shall take into account local specificities. In particular, these regions should be able to use the full potential of their resources, in

accordance with the strict sustainability criteria in order to increase the production of renewable energies and strengthen their energy independence.

Or. fr

Justification

The supply of fossil energy in the outermost regions (80% or more in some regions) results in an additional cost that penalises the local economy and the inhabitants' purchasing power. At the same time, these regions have in part considerable biomass resources that they should be able to exploit.

Amendment 714
Elisabetta Gardini

Proposal for a directive
Article 26 – paragraph 1 – subparagraph 4 a (new)

Text proposed by the Commission

Amendment

By way of derogation from the previous paragraph, in the case of biomass used in residential heating and cooling, Member States shall ensure the application of the sustainability criteria set out in paragraphs 2 to 7, in order to not have detrimental environmental effects in terms of air quality.

Or. en

Justification

Member States should apply the sustainability criteria regardless of the power of the installation.

Amendment 715
Sirpa Pietikäinen

Proposal for a directive
Article 26 – paragraph 2 – subparagraph 1 – introductory part

Text proposed by the Commission

2. Biofuels, bioliquids and biomass fuels produced from agricultural biomass taken into account for the purposes referred to in points (a), (b) and (c) of paragraph 1 shall not be made from raw material obtained from land with high biodiversity value, namely land that had one of the following statuses in or after January 2008, whether or not the land continues to have that status:

Amendment

2. Biofuels, bioliquids and biomass fuels produced from agricultural biomass ***or forest biomass*** taken into account for the purposes referred to in points (a), (b) and (c) of paragraph 1 shall not be made from raw material obtained from land with high biodiversity value, namely land that had one of the following statuses in or after January 2008, whether or not the land continues to have that status:

Or. en

Amendment 716

Paul Brannen

Proposal for a directive

Article 26 – paragraph 2 – subparagraph 1 – introductory part

Text proposed by the Commission

2. Biofuels, bioliquids and biomass fuels produced from agricultural biomass taken into account for the purposes referred to in points (a), (b) and (c) of paragraph 1 shall not be made from raw material obtained from land with high biodiversity value, namely land that had one of the following statuses in or after January 2008, whether or not the land continues to have that status:

Amendment

2. Biofuels, bioliquids and biomass fuels produced from agricultural ***and forest*** biomass taken into account for the purposes referred to in points (a), (b) and (c) of paragraph 1 shall not be made from raw material obtained from land with high biodiversity value, namely land that had one of the following statuses in or after January 2008, whether or not the land continues to have that status:

Or. en

Amendment 717

Gerben-Jan Gerbrandy, Catherine Bearder, Carolina Punset

Proposal for a directive

Article 26 – paragraph 2 – subparagraph 1 – introductory part

Text proposed by the Commission

2. Biofuels, bioliquids and biomass fuels produced from agricultural biomass taken into account for the purposes referred to in points (a), (b) and (c) of paragraph 1 shall not be made from raw material obtained from land with high biodiversity value, namely land that had one of the following statuses in or after January 2008, whether or not the land continues to have that status:

Amendment

2. Biofuels, bioliquids and biomass fuels produced from **forest and** agricultural biomass taken into account for the purposes referred to in points (a), (b) and (c) of paragraph 1 shall not be made from raw material obtained from land with high biodiversity value, namely land that had one of the following statuses in or after January 2008, whether or not the land continues to have that status:

Or. en

Amendment 718

Piernicola Pedicini, Eleonora Evi, Dario Tamburrano, David Borrelli

Proposal for a directive

Article 26 – paragraph 2 – subparagraph 1 – introductory part

Text proposed by the Commission

2. Biofuels, bioliquids and biomass fuels produced from agricultural biomass taken into account for the purposes referred to in points (a), (b) and (c) of paragraph 1 shall not be made from raw material obtained from land with high biodiversity value, namely land that had one of the following statuses in or after January 2008, whether or not the land continues to have that status:

Amendment

2. Biofuels, bioliquids and biomass fuels produced from agricultural **or forest** biomass taken into account for the purposes referred to in points (a), (b) and (c) of paragraph 1 shall not be made from raw material obtained from land with high biodiversity value, namely land that had one of the following statuses in or after January 2008, whether or not the land continues to have that status:

Or. en

Justification

Sustainability criteria should apply also to forest biomass.

Amendment 719

Jo Leinen, Massimo Paolucci, Soledad Cabezón Ruiz, Christine Revault D'Allonnes Bonnefoy, Nessa Childers, Tiemo Wölken, Tibor Szanyi, Damiano Zoffoli, Claudiu

Proposal for a directive

Article 26 – paragraph 2 – subparagraph 1 – introductory part

Text proposed by the Commission

2. Biofuels, bioliquids and biomass fuels produced from agricultural biomass taken into account for the purposes referred to in points (a), (b) and (c) of paragraph 1 shall not be made from raw material obtained from land with high biodiversity value, namely land that had one of the following statuses in or after January 2008, whether or not the land continues to have that status:

Amendment

2. Biofuels, bioliquids and biomass fuels produced from agricultural ***or forest*** biomass taken into account for the purposes referred to in points (a), (b) and (c) of paragraph 1 shall not be made from raw material obtained from land with high biodiversity value, namely land that had one of the following statuses in or after January 2008, whether or not the land continues to have that status:

Or. en

Amendment 720

Bas Eickhout

Proposal for a directive

Article 26 – paragraph 2 – point a a (new)

Text proposed by the Commission

Amendment

(aa) highly biodiverse forest and other wooded land which is species-rich and not degraded, or has been identified as being highly biodiverse by the relevant competent authority, unless evidence is provided that the production of that raw material did not interfere with those nature protection purposes;

Or. en

Justification

Forests that are not primary forests can also host significant biodiversity.

Amendment 721

Paul Brannen

Proposal for a directive

Article 26 – paragraph 2 – point b – point ii a (new)

Text proposed by the Commission

Amendment

(iia) as area with high or exceptional conservation value by voluntary international and national certification schemes, including sites of outstanding universal value to humanity;

Or. en

Amendment 722

Gerben-Jan Gerbrandy, Catherine Bearder

Proposal for a directive

Article 26 – paragraph 2 – point b – point ii a (new)

Text proposed by the Commission

Amendment

(iia) as forest or area with high conservation value by voluntary international and national certification schemes;

Or. en

Amendment 723

Jo Leinen, Massimo Paolucci, Christine Revault D'Allonnes Bonnefoy, Nessa Childers, Tiemo Wölken, Simona Bonafè, Nicola Caputo

Proposal for a directive

Article 26 – paragraph 2 – point c – introductory part

Text proposed by the Commission

Amendment

(c) highly biodiverse grassland *spanning more than one hectare* that is:

(c) highly biodiverse grassland that is:

Or. en

Amendment 724

Paul Brannen

Proposal for a directive

Article 26 – paragraph 2 – point c – introductory part

Text proposed by the Commission

(c) highly biodiverse grassland spanning more than one hectare that is:

Amendment

(c) highly biodiverse grassland, ***including wooded meadows and pastures,*** spanning more than one hectare that is:

Or. en

Amendment 725

Jo Leinen, Massimo Paolucci, Nessa Childers, Tiemo Wölken, Damiano Zoffoli, Claudiu Ciprian Tănăsescu, Simona Bonafè, Nicola Caputo, Tibor Szanyi

Proposal for a directive

Article 26 – paragraph 2 – point c – point ii

Text proposed by the Commission

(ii) non-natural, namely grassland that would cease to be grassland in the absence of human intervention and which is species-rich and not degraded ***and*** has been identified as being highly biodiverse by the relevant competent authority, unless evidence is provided that the harvesting of the raw material is necessary to preserve its status as highly biodiverse grassland.

Amendment

(ii) non-natural, namely grassland that would cease to be grassland in the absence of human intervention and which is species-rich and not degraded ***or*** has been identified as being highly biodiverse by the relevant competent authority, unless evidence is provided that the harvesting of the raw material is necessary to preserve its status as highly biodiverse grassland.

Or. en

Amendment 726

Sirpa Pietikäinen

Proposal for a directive

Article 26 – paragraph 2 – point c – point ii

Text proposed by the Commission

(ii) non-natural, namely grassland that would cease to be grassland in the absence of human intervention and which is species-rich and not degraded **and** has been identified as being highly biodiverse by the relevant competent authority, unless evidence is provided that the harvesting of the raw material is necessary to preserve its status as highly biodiverse grassland.

Amendment

(ii) non-natural, namely grassland that would cease to be grassland in the absence of human intervention and which is species-rich and not degraded **or** has been identified as being highly biodiverse by the relevant competent authority, unless evidence is provided that the harvesting of the raw material is necessary to preserve its status as highly biodiverse grassland.

Or. en

Amendment 727

Gerben-Jan Gerbrandy, Catherine Bearder, Carolina Punset

Proposal for a directive

Article 26 – paragraph 3 – introductory part

Text proposed by the Commission

3. Biofuels, bioliquids and biomass fuels produced from agricultural biomass taken into account for the purposes referred to in points (a), (b) and (c) of paragraph 1 shall not be made from raw material obtained from land with high carbon stock, namely land that had one of the following statuses in January 2008 and no longer has that status:

Amendment

3. Biofuels, bioliquids and biomass fuels produced from **forest and** agricultural biomass taken into account for the purposes referred to in points (a), (b) and (c) of paragraph 1 shall not be made from raw material obtained from land with high carbon stock, namely land that had one of the following statuses in January 2008 and no longer has that status:

Or. en

Amendment 728

Jo Leinen, Jean-Paul Denanot, Massimo Paolucci, Soledad Cabezón Ruiz, Christine Revault D'Allonnes Bonnefoy, Nessa Childers, Tiemo Wölken, Damiano Zoffoli, Tibor Szanyi, Claudiu Ciprian Tănăsescu, Simona Bonafè, Nicola Caputo, Ismail Ertug

Proposal for a directive

Article 26 – paragraph 3 – introductory part

Text proposed by the Commission

3. Biofuels, bioliquids and biomass fuels produced from agricultural biomass taken into account for the purposes referred to in points (a), (b) and (c) of paragraph 1 shall not be made from raw material obtained from land with high carbon stock, namely land that had one of the following statuses in January 2008 and no longer has that status:

Amendment

3. Biofuels, bioliquids and biomass fuels produced from agricultural *or forest* biomass taken into account for the purposes referred to in points (a), (b) and (c) of paragraph 1 shall not be made from raw material obtained from land with high carbon stock, namely land that had one of the following statuses in January 2008 and no longer has that status:

Or. en

Amendment 729

Piernicola Pedicini, Eleonora Evi, Dario Tamburrano, David Borrelli

Proposal for a directive

Article 26 – paragraph 3 – introductory part

Text proposed by the Commission

3. Biofuels, bioliquids and biomass fuels produced from agricultural biomass taken into account for the purposes referred to in points (a), (b) and (c) of paragraph 1 shall not be made from raw material obtained from land with high carbon stock, namely land that had one of the following statuses in January 2008 and no longer has that status:

Amendment

3. Biofuels, bioliquids and biomass fuels produced from agricultural *or forest* biomass taken into account for the purposes referred to in points (a), (b) and (c) of paragraph 1 shall not be made from raw material obtained from land with high carbon stock, namely land that had one of the following statuses in January 2008 and no longer has that status:

Or. en

Justification

Sustainability criteria should apply also to forest biomass.

Amendment 730

Paul Brannen

Proposal for a directive

Article 26 – paragraph 4

Text proposed by the Commission

4. Biofuels, bioliquids and biomass fuels produced from agricultural biomass taken into account for the purposes referred to in points (a), (b) and (c) of paragraph 1 shall not be made from raw material obtained from land that was peatland in January 2008.

Amendment

4. Biofuels, **and** bioliquids and biomass fuels produced from agricultural **and forest** biomass taken into account for the purposes referred to in points (a), (b) and (c) of paragraph 1 shall not be made from raw material obtained from land that was **wetland, including** peatland in January 2008.

Or. en

Amendment 731

Piernicola Pedicini, Eleonora Evi, Dario Tamburrano, David Borrelli

Proposal for a directive

Article 26 – paragraph 4

Text proposed by the Commission

4. Biofuels, bioliquids and biomass fuels produced from agricultural biomass taken into account for the purposes referred to in points (a), (b) and (c) of paragraph 1 shall not be made from raw material obtained from land that was peatland in January 2008.

Amendment

4. Biofuels, bioliquids and biomass fuels produced from agricultural **or forest** biomass taken into account for the purposes referred to in points (a), (b) and (c) of paragraph 1 shall not be made from raw material obtained from land that was peatland **or wetlands** in January 2008.

Or. en

Justification

The inclusion of wetlands is deemed necessary to conform the text with LULUCF Regulation where the high value of wetlands for carbon sequestration has been recognized. Linked to the amendment on article 26, paragraph 5, introductory part, the amendment on article 26, paragraph 5, point a, the amendment on article 26, paragraph 5, point b and the amendment 45 on article 26, paragraph 5 a (new) modifying art. 26 (5).

Amendment 732

Gerben-Jan Gerbrandy, Catherine Bearder, Carolina Punset

Proposal for a directive
Article 26 – paragraph 4

Text proposed by the Commission

4. Biofuels, bioliquids and biomass fuels produced from agricultural biomass taken into account for the purposes referred to in points (a), (b) and (c) of paragraph 1 shall not be made from raw material obtained from land that was peatland in January 2008.

Amendment

4. Biofuels, bioliquids and biomass fuels produced from **forest and** agricultural biomass taken into account for the purposes referred to in points (a), (b) and (c) of paragraph 1 shall not be made from raw material obtained from land that was peatland in January 2008.

Or. en

Amendment 733

Jo Leinen, Jean-Paul Denanot, Massimo Paolucci, Soledad Cabezón Ruiz, Nessa Childers, Tiemo Wölken, Tibor Szanyi, Damiano Zoffoli, Claudiu Ciprian Tănăsescu, Simona Bonafè, Nicola Caputo, Ismail Ertug

Proposal for a directive
Article 26 – paragraph 4

Text proposed by the Commission

4. Biofuels, bioliquids and biomass fuels produced from agricultural biomass taken into account for the purposes referred to in points (a), (b) and (c) of paragraph 1 shall not be made from raw material obtained from land that was peatland in January 2008.

Amendment

4. Biofuels, bioliquids and biomass fuels produced from agricultural **or forest** biomass taken into account for the purposes referred to in points (a), (b) and (c) of paragraph 1 shall not be made from raw material obtained from land that was peatland in January 2008.

Or. en

Amendment 734

Marijana Petir, Mairead McGuinness, Peter Jahr, Albert Deß, Angélique Delahaye, Michel Dantin

Proposal for a directive
Article 26 – paragraph 4

Text proposed by the Commission

4. Biofuels, bioliquids and biomass

Amendment

4. Biofuels, bioliquids and biomass

fuels produced from agricultural biomass taken into account for the purposes referred to in points (a), (b) and (c) of paragraph 1 shall not be made from raw material obtained from land that was peatland in January 2008.

fuels produced from agricultural biomass taken into account for the purposes referred to in points (a), (b) and (c) of paragraph 1 shall not be made from raw material obtained from land that was peatland in January 2008 ***unless evidence is provided to show that the cultivation and harvesting of that raw material does not involve drainage of previously undrained soil.***

Or. en

Justification

Given the growth of the population and global food demand, agricultural soils need to be kept in a good production state in order to ensure food supply in all Member States. Also, the proposal assumes that the energy use of all agricultural biomass that is grown in peatlands is unsustainable. There are current and emerging practices to use peatlands that are already in agricultural use, which have climate and other environmental benefits e.g. on biodiversity and water protection.

Amendment 735

Nils Torvalds, Fredrick Federley, Ulrike Müller, Carolina Punset, Morten Helveg Petersen, Petri Sarvamaa

Proposal for a directive Article 26 – paragraph 4

Text proposed by the Commission

4. Biofuels, bioliquids and biomass fuels produced from agricultural biomass taken into account for the purposes referred to in points (a), (b) and (c) of paragraph 1 shall not be made from raw material obtained from land that was peatland in January 2008.

Amendment

4. Biofuels, bioliquids and biomass fuels produced from agricultural biomass taken into account for the purposes referred to in points (a), (b) and (c) of paragraph 1 shall not be made from raw material obtained from land that was peatland in January 2008, ***unless verifiable evidence is provided that the cultivation and harvesting of raw material does not involve drainage of previously undrained soil.***

Or. en

Justification

Reinstating 2009/28/EC Article 17 paragraph 5. Challenges related to verification need to be solved by other means than a general exclusion.

Amendment 736

Anneli Jäätteenmäki, Hannu Takkula

Proposal for a directive

Article 26 – paragraph 4

Text proposed by the Commission

4. Biofuels, bioliquids and biomass fuels produced from agricultural biomass taken into account for the purposes referred to in points (a), (b) and (c) of paragraph 1 shall not be made from raw material obtained from land that was peatland in January 2008.

Amendment

4. Biofuels, bioliquids and biomass fuels produced from agricultural biomass taken into account for the purposes referred to in points (a), (b) and (c) of paragraph 1 shall not be made from raw material obtained from land that was peatland in January 2008 ***unless evidence is provided that the cultivation and harvesting of that raw material does not involve drainage of previously undrained soil.***

Or. en

Justification

It is erroneous to assume that the energy use of agricultural biomass grown in peatlands is unsustainable per se. There are current and emerging practices to use peatlands that are already in agricultural use, which yield climate and other environmental benefits e.g. on biodiversity and water protection. The possibility of energy use can promote these practices.

Amendment 737

Jytte Guteland, Olle Ludvigsson, Pavel Poc

Proposal for a directive

Article 26 – paragraph 4

Text proposed by the Commission

4. Biofuels, bioliquids and biomass fuels produced from agricultural biomass taken into account for the purposes referred to in points (a), (b) and (c) of paragraph 1

Amendment

4. Biofuels, bioliquids and biomass fuels produced from agricultural biomass taken into account for the purposes referred to in points (a), (b) and (c) of paragraph 1

shall not be made from raw material obtained from land that was peatland in January 2008.

shall not be made from raw material obtained from land that was peatland in January 2008, ***unless evidence is provided that the cultivation and harvesting of raw material does not involve drainage of previously undrained soil.***

Or. en

Justification

Excluding already drained land will not reduce emissions from peat, which will continue to emit independently of what is cultivated on the land. Instead, the central issue is how to prevent drainage of previously undrained peatland. Peatland drainage requires permits from competent authorities.

Amendment 738

Christofer Fjellner, Gunnar Hökmark, Henna Virkkunen

Proposal for a directive

Article 26 – paragraph 4

Text proposed by the Commission

4. Biofuels, bioliquids and biomass fuels produced from agricultural biomass taken into account for the purposes referred to in points (a), (b) and (c) of paragraph 1 shall not be made from raw material obtained from land that was peatland in January 2008.

Amendment

4. Biofuels, bioliquids and biomass fuels produced from agricultural biomass taken into account for the purposes referred to in points (a), (b) and (c) of paragraph 1 shall not be made from raw material obtained from land that was peatland in January 2008, ***unless evidence is provided that the cultivation and harvesting of raw material does not involve drainage of previously undrained soil.***

Or. en

Justification

Exclusion of already drained land will not reduce emissions from peat. Such peat will emit regardless of cultivation. The crucial element is prevention of drainage of previously undrained peatland.

Amendment 739

Bas Eickhout

Proposal for a directive

Article 26 – paragraph 4

Text proposed by the Commission

4. Biofuels, bioliquids and biomass fuels produced from agricultural biomass taken into account for the purposes referred to in points (a), (b) and (c) of paragraph 1 shall not be made from raw material obtained from land that was peatland in January 2008.

Amendment

4. Biofuels, bioliquids and biomass fuels produced from agricultural ***or forest*** biomass taken into account for the purposes referred to in points (a), (b) and (c) of paragraph 1 shall not be made from raw material obtained from land that was peatland ***or wetland*** in January 2008, ***unless, in case of forest raw materials, forestry practices that protect the peat against oxidation are applied.***

Or. en

Justification

The proposal introduces sustainability criteria for forest biomass. The provisions for no-go areas for agricultural feedstocks should also apply to forest biomass, unless forestry practices that protect the peat against oxidation are applied. In extending the concept to forest biomass it is appropriate to include land that was wetland in addition to peatland. This amendment is inextricably linked to amendment to Article 26(5). [Replaces AM 58 in the draft report.]

Amendment 740

Angelika Niebler, Markus Pieper, Birgit Collin-Langen, Albert Deß, Peter Jahr

Proposal for a directive

Article 26 – paragraph 5

Text proposed by the Commission

5. ***Biofuels, bioliquids and biomass fuels produced from forest biomass taken into account for the purposes referred to in points (a), (b) and (c) of paragraph 1 shall meet the following requirements to minimise the risk of using unsustainable forest biomass production:***

(a) the country in which forest biomass was harvested has national

Amendment

deleted

and/or sub-national laws applicable in the area of harvest as well as monitoring and enforcement systems in place ensuring that:

- i) harvesting is carried out in accordance to the conditions of the harvesting permit within legally gazetted boundaries;*
- ii) forest regeneration of harvested areas takes place;*
- iii) areas of high conservation value, including wetlands and peatlands, are protected;*
- iv) the impacts of forest harvesting on soil quality and biodiversity are minimised; and*
- v) harvesting does not exceed the long-term production capacity of the forest;*

(b) when evidence referred to in the first subparagraph is not available, the biofuels, bioliquids and biomass fuels produced from forest biomass shall be taken into account for the purposes referred to in points (a), (b) and (c) of paragraph 1 if management systems are in place at forest holding level to ensure that:

- i) the forest biomass has been harvested according to a legal permit;*
- ii) forest regeneration of harvested areas takes place;*
- iii) areas of high conservation value, including peatlands and wetlands, are identified and protected;*
- iv) impacts of forest harvesting on soil quality and biodiversity are minimised;*
- v) harvesting does not exceed the long-term production capacity of the forest.*

Or. de

Justification

There is no need to set requirements for the sustainability of forest biomass at EU level. This is a Member State matter.

Amendment 741

Nessa Childers

Proposal for a directive Article 26 – paragraph 5

Text proposed by the Commission

5. Biofuels, bioliquids and biomass fuels produced from forest biomass taken into account for the purposes referred to in points (a), (b) and (c) of paragraph 1 ***shall meet the following requirements to minimise the risk of using unsustainable forest biomass production:***

(a) the country in which forest biomass was harvested has national and/or sub-national laws applicable in the area of harvest as well as monitoring and enforcement systems in place ensuring that:

- i) harvesting is carried out in accordance to the conditions of the harvesting permit within legally gazetted boundaries;***
- ii) forest regeneration of harvested areas takes place;***
- iii) areas of high conservation value, including wetlands and peatlands, are protected;***
- iv) the impacts of forest harvesting on soil quality and biodiversity are minimised; and***
- v) harvesting does not exceed the long-term production capacity of the forest;***

Amendment

5. Biofuels, bioliquids and biomass fuels produced from forest biomass ***shall only be considered sustainable and*** taken into account for the purposes referred to in points (a), (b) and (c) of paragraph 1 ***when produced from wastes and residues from forestry and forest-based industries, such as branches, leaves, needles, tree tops, bark, sawdust, cutter shavings, black liquor, brown liquor, fibre sludge and lignin.***

(b) when evidence referred to in the first subparagraph is not available, the biofuels, bioliquids and biomass fuels produced from forest biomass shall be taken into account for the purposes referred to in points (a), (b) and (c) of paragraph 1 if management systems are in place at forest holding level to ensure that:

- i) the forest biomass has been harvested according to a legal permit;*
- ii) forest regeneration of harvested areas takes place;*
- iii) areas of high conservation value, including peatlands and wetlands, are identified and protected;*
- iv) impacts of forest harvesting on soil quality and biodiversity are minimised;*
- v) harvesting does not exceed the long-term production capacity of the forest.*

Or. en

Amendment 742

Piernicola Pedicini, Eleonora Evi, Dario Tamburrano, David Borrelli

Proposal for a directive

Article 26 – paragraph 5

Text proposed by the Commission

5. Biofuels, bioliquids and biomass fuels produced from forest biomass taken into account for the purposes referred to in points (a), (b) and (c) of paragraph 1 shall ***meet the following requirements to minimise the risk of using unsustainable forest biomass production:***

- (a) the country in which forest biomass was harvested has national and/or sub-national laws applicable in the area of harvest as well as monitoring and enforcement systems in place ensuring*

Amendment

5. Biofuels, bioliquids and biomass fuels produced from forest biomass taken into account for the purposes referred to in points (a), (b) and (c) of paragraph 1 shall ***not be produced from stemwood or stumps.***

that:

i) harvesting is carried out in accordance to the conditions of the harvesting permit within legally gazetted boundaries;

ii) forest regeneration of harvested areas takes place;

iii) areas of high conservation value, including wetlands and peatlands, are protected;

iv) the impacts of forest harvesting on soil quality and biodiversity are minimised; and

v) harvesting does not exceed the long-term production capacity of the forest;

(b) when evidence referred to in the first subparagraph is not available, the biofuels, bioliquids and biomass fuels produced from forest biomass shall be taken into account for the purposes referred to in points (a), (b) and (c) of paragraph 1 if management systems are in place at forest holding level to ensure that:

i) the forest biomass has been harvested according to a legal permit;

ii) forest regeneration of harvested areas takes place;

iii) areas of high conservation value, including peatlands and wetlands, are identified and protected;

iv) impacts of forest harvesting on soil quality and biodiversity are minimised;

v) harvesting does not exceed the long-term production capacity of the forest.

Or. en

Justification

Only bioenergy from waste and residues should be promoted.

Amendment 743
Sirpa Pietikäinen

Proposal for a directive
Article 26 – paragraph 5

Text proposed by the Commission

5. Biofuels, bioliquids and biomass fuels produced from forest biomass taken into account for the purposes referred to in points (a), (b) and (c) of paragraph 1 shall ***meet the following requirements to minimise the risk of using unsustainable forest biomass production:***

(a) the country in which forest biomass was harvested has national and/or sub-national laws applicable in the area of harvest as well as monitoring and enforcement systems in place ensuring that:

i) harvesting is carried out in accordance to the conditions of the harvesting permit within legally gazetted boundaries;

ii) forest regeneration of harvested areas takes place;

iii) areas of high conservation value, including wetlands and peatlands, are protected;

iv) the impacts of forest harvesting on soil quality and biodiversity are minimised; and

v) harvesting does not exceed the long-term production capacity of the forest;

(b) when evidence referred to in the first subparagraph is not available, the biofuels, bioliquids and biomass fuels

Amendment

5. Biofuels, bioliquids and biomass fuels produced from forest biomass taken into account for the purposes referred to in points (a), (b) and (c) of paragraph 1 shall ***only be made from the biomass fraction of wastes and residues from forestry and forest-based industries, namely bark, branches, leaves, needles, saw dust, cutter shavings, black liquor, brown liquor, fibre sludge and lignin, and not from roundwood greater than 10 centimetres in diameter or from stumps.***

produced from forest biomass shall be taken into account for the purposes referred to in points (a), (b) and (c) of paragraph 1 if management systems are in place at forest holding level to ensure that:

- i) the forest biomass has been harvested according to a legal permit;*
- ii) forest regeneration of harvested areas takes place;*
- iii) areas of high conservation value, including peatlands and wetlands, are identified and protected;*
- iv) impacts of forest harvesting on soil quality and biodiversity are minimised;*
- v) harvesting does not exceed the long-term production capacity of the forest.*

Or. en

Amendment 744
Merja Kyllönen

Proposal for a directive
Article 26 – paragraph 5

Text proposed by the Commission

5. Biofuels, bioliquids and biomass fuels produced from forest biomass taken into account for the purposes referred to in points (a), (b) and (c) of paragraph 1 shall ***meet the following requirements to minimise the risk of using unsustainable forest biomass production:***

(a) the country in which forest biomass was harvested has national

Amendment

5. Biofuels, bioliquids and biomass fuels produced from forestry biomass taken into account for the purposes referred to in points (a), (b) and (c) of paragraph 1 shall ***not be produced from roundwood greater than 10 centimetres in diameter and stumps, and shall only be made from the biomass fraction of wastes and residues from forestry and forest-based industries, namely bark, branches, leaves, needles, tree tops, saw dust, cutter shavings, black liquor, brown liquor, fibre sludge and lignin.***

and/or sub-national laws applicable in the area of harvest as well as monitoring and enforcement systems in place ensuring that:

i) harvesting is carried out in accordance to the conditions of the harvesting permit within legally gazetted boundaries;

ii) forest regeneration of harvested areas takes place;

iv) the impacts of forest harvesting on soil quality and biodiversity are minimised; and

v) harvesting does not exceed the long-term production capacity of the forest;

(b) when evidence referred to in the first subparagraph is not available, the biofuels, bioliquids and biomass fuels produced from forest biomass shall be taken into account for the purposes referred to in points (a), (b) and (c) of paragraph 1 if management systems are in place at forest holding level to ensure that:

i) the forest biomass has been harvested according to a legal permit;

ii) forest regeneration of harvested areas takes place;

iii) areas of high conservation value, including peatlands and wetlands, are identified and protected;

iv) impacts of forest harvesting on soil quality and biodiversity are minimised;

v) harvesting does not exceed the long-term production capacity of the forest.

Or. en

Justification

Roundwood greater than 10 cm in diameter and stumps taken directly from forests are high risk sources of forest biomass from the emissions perspective, therefore their use should not

be counted towards the renewable energy targets or be eligible for financial support. Use of roundwood for energy is also likely to have distortive impacts on the wood markets and other sectors using it, and thus only waste and residue based forest biomass should be counted and be eligible for financial support.

Amendment 745

Merja Kyllönen

Proposal for a directive

Article 26 – paragraph 5 – introductory part

Text proposed by the Commission

5. Biofuels, bioliquids and biomass fuels produced from forest biomass taken into account for the purposes referred to in points (a), (b) and (c) of paragraph 1 shall meet the following requirements to minimise the risk of using unsustainable forest biomass production:

Amendment

5. Biofuels, bioliquids and biomass fuels produced from forest biomass taken into account for the purposes referred to in points (a), (b) and (c) of paragraph 1 shall meet the following requirements to minimise **and remove** the risk of using unsustainable forest biomass production:

Or. en

Amendment 746

Seán Kelly, Francesc Gambús, Vladimir Urutchev, Krišjānis Kariņš, Henna Virkkunen

Proposal for a directive

Article 26 – paragraph 5 – point a – point i

Text proposed by the Commission

i) harvesting is carried out ***in accordance to the conditions of the harvesting permit within legally gazetted boundaries***;

Amendment

i) harvesting is carried out legally;

Or. en

Amendment 747

Jadwiga Wiśniewska

Proposal for a directive

Article 26 – paragraph 5 – point a – point i

Text proposed by the Commission

Amendment

i) harvesting is carried out *in accordance to the conditions of the harvesting permit within legally gazetted boundaries*;

i) harvesting is carried out legally;

Or. en

Justification

There is no need to use the term "harvesting permit" at the EU level as harvesting should be always legal, but the way Member States define it may differ.

Amendment 748

Elisabeth Köstinger, Albert Deß, Herbert Dorfmann

Proposal for a directive

Article 26 – paragraph 5 – point a – point i

Text proposed by the Commission

Amendment

i) harvesting is carried out in accordance to the *conditions of the harvesting permit* within legally gazetted boundaries;

i) harvesting is carried out in accordance to the *legal right to harvest based on national rules and national circumstances* within *the* legally gazetted boundaries;

Or. en

Justification

The legal right to harvest is always based on national rules and national circumstances and on different approaches in each country. Legal requirements related to the harvesting process form a permit procedure, but does not necessarily require a harvesting permit.

Amendment 749

Merja Kyllönen

Proposal for a directive

Article 26 – paragraph 5 – point a – point i

Text proposed by the Commission

Amendment

i) harvesting is carried out in accordance to the **conditions** of the harvesting permit within legally gazetted boundaries;

i) harvesting is carried out in accordance to the **requirements** of the harvesting permit within legally gazetted boundaries;

Or. en

Amendment 750

Marijana Petir, Mairead McGuinness, Peter Jahr, Albert Deß, Angélique Delahaye, Michel Dantin

Proposal for a directive

Article 26 – paragraph 5 – point a – point i

Text proposed by the Commission

Amendment

i) harvesting is carried out in accordance to the conditions of the harvesting permit within legally gazetted boundaries;

i) harvesting is carried out in accordance to the conditions of the harvesting permit **or equivalent proof of the legal right to harvest** within **the** legally gazetted boundaries;

Or. en

Justification

There are different practices and procedures in different countries which guarantee the legality of harvesting.

Amendment 751

Christofer Fjellner, Gunnar Hökmark

Proposal for a directive

Article 26 – paragraph 5 – point a – point i

Text proposed by the Commission

Amendment

i) harvesting is carried out in accordance to the conditions of **the** harvesting permit within legally gazetted boundaries;

i) harvesting is carried out in accordance to the conditions of **a** harvesting permit **or equivalent procedure** within legally gazetted boundaries;

Justification

The right to harvest should be based on national processes. As per stated in Article 26 paragraph 1 this shall not apply to thinning and biodiversity enhancing activities.

Amendment 752**Jytte Guteland, Olle Ludvigsson, Pavel Poc****Proposal for a directive****Article 26 – paragraph 5 – point a – point i***Text proposed by the Commission*

i) harvesting is carried out in accordance to the conditions of the harvesting permit within legally gazetted boundaries;

Amendment

i) harvesting is carried out in accordance to the conditions of the harvesting permit ***or equivalent procedure*** within legally gazetted boundaries;

Or. en

Justification

National models already in place, such as notification systems, shall also be permitted. A change to a permission procedure would entail an unreasonable increase in administrative costs for the relevant national authorities.

Amendment 753**Merja Kyllönen****Proposal for a directive****Article 26 – paragraph 5 – point a – point ii***Text proposed by the Commission*

ii) forest regeneration of harvested areas takes place;

Amendment

ii) forest regeneration of harvested areas takes place, ***excluding forest sites on peatlands where the site will be designated to forest restoration for the purposes of biodiversity conservation;***

Or. en

Amendment 754
Anneli Jäätteenmäki, Hannu Takkula

Proposal for a directive
Article 26 – paragraph 5 – point a – point iii

Text proposed by the Commission

iii) areas of high conservation value, ***including wetlands and peatlands, are protected;***

Amendment

iii) areas of high conservation value, ***designated by law or by the relevant competent authority for nature conservation purposes, are identified and protected, and harvests in areas explicitly designated for the protection of biodiversity are carried out in accordance with the protection decision;***

Or. en

Justification

It is authorized to harvest from protected areas, if the protection decision allows it. Protections concerns different forest areas and in all cases a protection decision sets the conditions for harvesting processes. Therefore, peatlands and wetlands do not need to be mentioned separately.

Amendment 755
Jadwiga Wiśniewska

Proposal for a directive
Article 26 – paragraph 5 – point a – point iii

Text proposed by the Commission

iii) areas ***of high conservation value, including wetlands and peatlands, are protected;***

Amendment

iii) ***harvesting in areas explicitly designated for the protection of biodiversity is carried out in accordance with the protection decision;***

Or. en

Justification

The criterion must be written in a form which allows an operator to show the compliance. It may be possible to harvest from the protected areas if the protection decision allows it. The wording is also aligned with recital 76.

Amendment 756

Elisabeth Köstinger, Albert Deß, Herbert Dorfmann

Proposal for a directive

Article 26 – paragraph 5 – point a – point iii

Text proposed by the Commission

iii) areas **of high conservation value**, including wetlands and peatlands, are protected;

Amendment

iii) areas **designated to promote the maintenance of biodiversity**, including **areas designated to promote the maintenance of biodiversity in** wetlands and peatlands, are protected;

Or. en

Justification

It should be clear that the criteria means that certain areas are protected, however it should be noted that it may be possible to harvest in the protecting areas if the protecting decision allows it. Furthermore, the amendment clarifies the requirement and expresses the meaning of recital 76 which states that “...special attention is given to areas explicitly designated for the protection of biodiversity...”.

Amendment 757

Christofer Fjellner, Gunnar Hökmark, Henna Virkkunen

Proposal for a directive

Article 26 – paragraph 5 – point a – point iii

Text proposed by the Commission

iii) areas **of high conservation value**, including wetlands and peatlands, are protected;

Amendment

iii) areas **designate by national law or by relevant competent national authorities, for nature conservation purposes**, including wetlands and peatlands, are protected;

Or. en

Justification

The existing requirement for biomass from forestry used for production of biofuels should be maintained.

Amendment 758

Jytte Guteland, Olle Ludvigsson, Pavel Poc

Proposal for a directive

Article 26 – paragraph 5 – point a – point iii

Text proposed by the Commission

iii) areas **of high** conservation **value**, including wetlands and peatlands, are protected;

Amendment

iii) areas **designated, by law or the relevant competent national authority, for nature** conservation **purposes**, including wetlands and peatlands, are protected;

Or. en

Justification

Proposed wording derives from existing text 26.2b RED2 and also in current RED, i.e. a clarification of the criterion on high conservation value land. Proposed wording is already an existing requirement for biomass from forestry used for production of biofuels.

Amendment 759

Marijana Petir, Mairead McGuinness, Peter Jahr, Albert Deß

Proposal for a directive

Article 26 – paragraph 5 – point a – point iii

Text proposed by the Commission

iii) areas **of high** conservation **value**, including wetlands and peatlands, are protected;

Amendment

iii) areas **designated, by law or by the relevant competent authority, for nature** conservation **purposes**, including wetlands and peatlands, are protected;

Or. en

Justification

The amendment provides clarity for implementation and makes the text consistent with Article 26(2)(b) and recital 76.

Amendment 760

Nils Torvalds, Fredrick Federley, Ulrike Müller, Morten Helveg Petersen, Petri Sarvamaa

Proposal for a directive

Article 26 – paragraph 5 – point a – point iii

Text proposed by the Commission

iii) areas **of high conservation value**, including wetlands and peatlands, are protected;

Amendment

iii) areas **designated by law or by the relevant competent authority for nature protection purposes**, including wetlands and peatlands, are protected;

Or. en

Justification

Reinstating 2009/28/EC Article 17 paragraph 3 (b) (i).

Amendment 761

Julie Girling

Proposal for a directive

Article 26 – paragraph 5 – point a – point iii

Text proposed by the Commission

iii) areas of high conservation value, including wetlands and peatlands, are protected;

Amendment

iii) areas of high conservation value, including wetlands and peatlands, are **appropriately** protected, **for example, including through the use of sustainable harvesting, with the aim to ensure biodiversity through the conservation of natural habitats and wild flora and fauna**;

Or. en

Amendment 762

Jo Leinen, Seb Dance, Massimo Paolucci, Christine Revault D'Allonnes Bonnefoy, Tiemo Wölken, Tibor Szanyi, Damiano Zoffoli, Claudiu Ciprian Tănăsescu, Daciana Octavia Sârbu

Proposal for a directive
Article 26 – paragraph 5 – point a – point iii

Text proposed by the Commission

iii) areas of high conservation value, including wetlands and peatlands, are protected;

Amendment

iii) areas of high conservation value *in or after January 2008*, including *primary forests, protected areas, highly bio-diverse grasslands, highly biodiverse forests*, wetlands and peatlands, are *identified and* protected;

Or. en

Amendment 763

Seán Kelly, Francesc Gambús, Vladimir Urutchev, Krišjānis Kariņš

Proposal for a directive
Article 26 – paragraph 5 – point a – point iii

Text proposed by the Commission

iii) areas of high conservation value, including wetlands and peatlands, are protected;

Amendment

iii) areas of high conservation value, including *areas of high conservation value in* wetlands and peatlands, are protected;

Or. en

Amendment 764

Jadwiga Wiśniewska

Proposal for a directive
Article 26 – paragraph 5 – point a – point iv

Text proposed by the Commission

iv) *the impacts of forest harvesting on soil quality and biodiversity are minimised; and*

Amendment

deleted

Or. en

Justification

The requirement in point iv) is very vague and could be subject to differing interpretations.

Amendment 765

Elisabeth Köstinger, Albert Deß, Herbert Dorfmann

Proposal for a directive

Article 26 – paragraph 5 – point a – point iv

Text proposed by the Commission

Amendment

iv) the impacts of forest harvesting on soil quality and biodiversity are minimised; and *deleted*

Or. en

Justification

It was concluded in the Commission Impact Assessment that there is no need for EU criteria on soil quality, whereas biodiversity is covered in criterion iii. The criterion is not clear and practically implementable, as national legislation does not necessarily require to “minimize impact” and it is difficult to measure. Furthermore, sustainable forest management (SFM) is national competence and there is no need for EU legislation on detailed SFM requirements.

Amendment 766

Nils Torvalds, Fredrick Federley, Ulrike Müller, Gerben-Jan Gerbrandy, Morten Helveg Petersen, Petri Sarvamaa

Proposal for a directive

Article 26 – paragraph 5 – point a – point iv

Text proposed by the Commission

Amendment

iv) the impacts of forest harvesting on soil quality and biodiversity are minimised; and *iv) harvesting is carried out in a way that takes into account the maintenance of soil quality and biodiversity with the aim of minimizing negative impacts; and*

Or. en

Justification

The impact of harvesting can be both positive and negative, which should be better reflected. This rephrasing also better enables showing compliance with the criterion.

Amendment 767

Christofer Fjellner, Gunnar Hökmark, Henna Virkkunen

Proposal for a directive

Article 26 – paragraph 5 – point a – point iv

Text proposed by the Commission

iv) *the impacts of forest harvesting on soil quality and biodiversity are minimised; and*

Amendment

iv) *harvesting is carried out taking into account maintenance of soil quality and biodiversity; and*

Or. en

Justification

The effects of harvesting on biodiversity and soil quality can be both positive and negative. The legal text should refer to actions for maintaining biodiversity and soil quality, which are essential part of sustainable forest management practices.

Amendment 768

Anneli Jäätteenmäki, Hannu Takkula

Proposal for a directive

Article 26 – paragraph 5 – point a – point iv

Text proposed by the Commission

iv) *the impacts of forest harvesting on soil quality and biodiversity are minimised; and*

Amendment

iv) *harvesting is carried out considering the maintenance of soil quality and biodiversity;*

Or. en

Justification

'Minimise' is an unclear concept which may be difficult to demonstrate in practice. The criterion should be drafted in a form that provides greater legal certainty and allows the operator to show compliance.

Amendment 769

Norbert Lins

Proposal for a directive

Article 26 – paragraph 5 – point a – point iv

Text proposed by the Commission

iv) *the impacts of forest harvesting on soil quality and biodiversity are minimised*; and

Amendment

iv) *harvesting is carried out considering maintenance of* soil quality and biodiversity; and

Or. en

Justification

It is in the interest of the forest manager to keep a good soil quality and biodiversity in order to improve the growth of the forest.

Amendment 770

Marijana Petir, Peter Jahr, Albert Deß

Proposal for a directive

Article 26 – paragraph 5 – point a – point iv

Text proposed by the Commission

iv) *the impacts of forest harvesting on soil quality and biodiversity are minimised*; and

Amendment

iv) *harvesting is carried out considering maintenance of* soil quality and biodiversity; and

Or. en

Justification

'Minimise' is an unclear concept and hard to prove and supervise in practice. Therefore the term should be avoided in a legal text.

Amendment 771

Julie Girling

Proposal for a directive
Article 26 – paragraph 5 – point a – point iv

Text proposed by the Commission

iv) the impacts of forest harvesting on soil quality and biodiversity are minimised; and

Amendment

iv) the **negative** impacts of forest harvesting on soil **quality, water** quality and biodiversity are minimised; and

Or. en

Amendment 772

Jo Leinen, Jean-Paul Denanot, Massimo Paolucci, Christine Revault D'Allonnes Bonnefoy, Tiemo Wölken, Damiano Zoffoli, Tibor Szanyi, Daciana Octavia Sârbu, Simona Bonafè, Nicola Caputo

Proposal for a directive
Article 26 – paragraph 5 – point a – point iv

Text proposed by the Commission

iv) the impacts of forest harvesting on soil quality and biodiversity are minimised; and

Amendment

iv) the impacts of forest harvesting on soil quality, **soil carbon** and biodiversity are minimised; and

Or. en

Amendment 773

Merja Kyllönen

Proposal for a directive
Article 26 – paragraph 5 – point a – point iv

Text proposed by the Commission

iv) the impacts of forest harvesting on soil quality and biodiversity are minimised; and

Amendment

iv) the impacts of forest harvesting on soil **and water** quality and biodiversity are minimised; and

Or. en

Amendment 774

Jytte Guteland, Olle Ludvigsson, Pavel Poc

Proposal for a directive
Article 26 – paragraph 5 – point a – point iv

Text proposed by the Commission

Amendment

iv) the impacts *of* forest harvesting on soil quality and biodiversity are minimised; and

iv) the impacts *during* forest harvesting on soil quality and biodiversity are minimised; and

Or. en

Justification

The directive regulates impacts from harvesting operations and it should not require enforcement systems, operators, etc. during tree growth and when no forest operations are conducted.

Amendment 775
Elisabeth Köstinger

Proposal for a directive
Article 26 – paragraph 5 – point a – point v

Text proposed by the Commission

Amendment

v) *harvesting does not exceed the long-term production capacity of the forest;*

deleted

Or. en

Justification

This option was not a part of the Commission Impact Assessment and unnecessary criteria should not be added to the legislation. Long-term production capacity is not static, and with sustainable forest management, both productivity and harvesting can increase. Moreover, strict requirements of sustainable forest management criteria are not consistent with the subsidiarity principle and do not respect the competence of EU Member States on forests.

Amendment 776
Julie Girling

Proposal for a directive
Article 26 – paragraph 5 – point a – point v

Text proposed by the Commission

v) harvesting does not exceed the long-term production capacity of the forest;

Amendment

v) harvesting does not ***impact on the long term health of, nor*** exceed the long-term production capacity of, the forest;

Or. en

Amendment 777
Marijana Petir, Peter Jahr, Albert Deß

Proposal for a directive
Article 26 – paragraph 5 – point a – point v

Text proposed by the Commission

v) harvesting ***does not exceed*** the long-term production capacity of ***the forest***;

Amendment

v) harvesting ***maintains or improves*** the long-term production capacity of ***forests at country or regional level***;

Or. en

Justification

Production capacity is a static concept whereas productivity includes the idea that capacity is not linear and pre-determined, but with proper management one can harvest more and at the same time, grow more too. Taking also into consideration the multifunctional role of forests and the socio-economic services they provide in certain geographic regions, sustainable harvesting could be best achieved at regional or national level. This provision should concern all forests at country or regional level.

Amendment 778
Seán Kelly, Francesc Gambús, Gunnar Hökmark, Christofer Fjellner, Vladimir Urutchev, Krišjānis Kariņš, Henna Virkkunen

Proposal for a directive
Article 26 – paragraph 5 – point a – point v

Text proposed by the Commission

v) harvesting ***does not exceed*** the long-term ***production*** capacity of the

Amendment

v) harvesting ***maintains or improves*** the long-term ***productivity*** capacity of the

forest;

forest *at country level*;

Or. en

Amendment 779

Norbert Lins

Proposal for a directive

Article 26 – paragraph 5 – point a – point v

Text proposed by the Commission

Amendment

v) harvesting *does not exceed the* long-term production capacity of the forest;

v) harvesting *maintains or improves* long-term production capacity of the forest;

Or. en

Justification

Sustainable forest management can increase the increment and the harvest.

Amendment 780

Jadwiga Wiśniewska

Proposal for a directive

Article 26 – paragraph 5 – point a – point v

Text proposed by the Commission

Amendment

v) harvesting does not exceed the long-term production capacity *of the forest*;

v) harvesting does not exceed the long-term production capacity *at the Member State level*;

Or. en

Amendment 781

Jytte Guteland, Olle Ludvigsson, Pavel Poc

Proposal for a directive

Article 26 – paragraph 5 – point a – point v

Text proposed by the Commission

Amendment

v) harvesting does not exceed the long-term production capacity of *the forest*;

v) harvesting does not exceed the long-term production capacity of *forests*;

Or. en

Amendment 782
Julie Girling

Proposal for a directive
Article 26 – paragraph 5 – point a – point v a (new)

Text proposed by the Commission

Amendment

(va) harvesting is carried out in compliance with local and national legal requirements relevant to labour, welfare and health and safety with full regard for appropriate identification, documentation and respect of legal, customary and traditional tenure and land use rights related to the forest.

Or. en

Amendment 783
Christofer Fjellner, Gunnar Hökmark

Proposal for a directive
Article 26 – paragraph 5 – point b – introductory part

Text proposed by the Commission

Amendment

(b) when evidence referred to in the first subparagraph is not available, the biofuels, bioliquids and biomass fuels produced from forest biomass shall be taken into account for the purposes referred to in points (a), (b) and (c) of paragraph 1 if management *systems are in place at forest holding level* to ensure that:

(b) when evidence referred to in the first subparagraph is not available, the biofuels, bioliquids and biomass fuels produced from forest biomass shall be taken into account for the purposes referred to in points (a), (b) and (c) of paragraph 1 if *additional information of legality and forest management practices are provided at the supply base to demonstrate*

minimization of risk of using unsustainable forest biomass, to ensure that:

Or. en

Amendment 784

Anneli Jäätteenmäki, Hannu Takkula

Proposal for a directive

Article 26 – paragraph 5 – point b – introductory part

Text proposed by the Commission

(b) when evidence referred to in the first subparagraph is not available, the biofuels, bioliquids and biomass fuels produced from forest biomass shall be taken into account for the purposes referred to in points (a), (b) and (c) of paragraph 1 if management *systems are in place at forest holding* level to ensure that:

Amendment

(b) when evidence referred to in the first subparagraph is not available, the biofuels, bioliquids and biomass fuels produced from forest biomass shall be taken into account for the purposes referred to in points (a), (b) and (c) of paragraph 1 if *additional information of compliance and forest management practices are provided on the supply base* level to ensure that:

Or. en

Justification

See justification in article 2 amendment that replaces 'forest holding' with 'supply base'.

Amendment 785

Marijana Petir, Peter Jahr, Albert Deß

Proposal for a directive

Article 26 – paragraph 5 – point b – introductory part

Text proposed by the Commission

(b) when evidence referred to in the first subparagraph is not available, the biofuels, bioliquids and biomass fuels produced from forest biomass shall be taken into account for the purposes referred

Amendment

(b) when evidence referred to in the first subparagraph is not available, the biofuels, bioliquids and biomass fuels produced from forest biomass shall be taken into account for the purposes referred

to in points (a), (b) and (c) of paragraph 1 if management *systems are in place at forest holding* level to ensure that:

to in points (a), (b) and (c) of paragraph 1 if *additional information of legality and forest management practices are provided at the supply base* level to ensure that:

Or. en

Justification

The EU approach should build on best practices. There is no reason to introduce any exemptions, especially not for imports from countries that do not have national and/or sub-national laws applicable in the area of harvest as well as monitoring and enforcement systems in place. Assessments at supply base level allows a proper risk evaluation and taking appropriate measures if a risk is identified. The EU should not lower its sustainability criteria for imported wood.

Amendment 786

Christofer Fjellner, Gunnar Hökmark

Proposal for a directive

Article 26 – paragraph 5 – point b – introductory part

Text proposed by the Commission

(b) when evidence referred to in the first subparagraph is not available, the biofuels, bioliquids and biomass fuels produced from forest biomass shall be taken into account for the purposes referred to in points (a), (b) and (c) of paragraph 1 if management systems are in place at forest *holding* level to ensure that:

Amendment

(b) when evidence referred to in the first subparagraph is not available, the biofuels, bioliquids and biomass fuels produced from forest biomass shall be taken into account for the purposes referred to in points (a), (b) and (c) of paragraph 1 if management systems *or equivalent procedures* are in place at forest *supply based* level to ensure that:

Or. en

Amendment 787

Seán Kelly, Francesc Gambús, Vladimir Urutchev, Krišjānis Kariņš, Henna Virkkunen

Proposal for a directive

Article 26 – paragraph 5 – point b – introductory part

Text proposed by the Commission

Amendment

(b) when evidence referred to in the first subparagraph is not available, the biofuels, bioliquids and biomass fuels produced from forest biomass shall be taken into account for the purposes referred to in points (a), (b) and (c) of paragraph 1 if **management** systems are in place at **forest holding** level to ensure that:

(b) when evidence referred to in the first subparagraph is not available, the biofuels, bioliquids and biomass fuels produced from forest biomass shall be taken into account for the purposes referred to in points (a), (b) and (c) of paragraph 1 if **appropriate control** systems are in place at **the supply base** level to ensure that:

Or. en

Amendment 788

Elisabeth Köstinger, Albert Deß, Herbert Dorfmann

Proposal for a directive

Article 26 – paragraph 5 – point b – introductory part

Text proposed by the Commission

Amendment

(b) when evidence referred to in the first subparagraph is not available, the biofuels, bioliquids and biomass fuels produced from forest biomass shall be taken into account for the purposes referred to in points (a), (b) and (c) of paragraph 1 if management systems are in place at **forest holding** level to ensure that:

(b) when evidence referred to in the first subparagraph is not available, the biofuels, bioliquids and biomass fuels produced from forest biomass shall be taken into account for the purposes referred to in points (a), (b) and (c) of paragraph 1 if management systems are in place at **the supply base** level to ensure that:

Or. en

Amendment 789

Norbert Lins

Proposal for a directive

Article 26 – paragraph 5 – point b – introductory part

Text proposed by the Commission

Amendment

(b) when evidence referred to in the first subparagraph is not available, the biofuels, bioliquids and biomass fuels produced from forest biomass shall be

(b) when evidence referred to in the first subparagraph is not available, the biofuels, bioliquids and biomass fuels produced from forest biomass shall be

taken into account for the purposes referred to in points (a), (b) and (c) of paragraph 1 if management systems are in place at **forest holding** level to ensure that:

taken into account for the purposes referred to in points (a), (b) and (c) of paragraph 1 if management systems are in place at **the supply base** level to ensure that:

Or. en

Justification

Since forestry is not an EU competence this legislation should not require individual forest owners to provide information related to their forest management. Therefore, the assessment of sustainability should not be made at the forest holding level. We should build on existing systems and avoid additional burden on forest owners.

Amendment 790

Fredrick Federley, Ulrike Müller

Proposal for a directive

Article 26 – paragraph 5 – point b – introductory part

Text proposed by the Commission

(b) when evidence referred to in the first subparagraph is not available, the biofuels, bioliquids and biomass fuels produced from forest biomass shall be taken into account for the purposes referred to in points (a), (b) and (c) of paragraph 1 if management systems are in place at **forest holding** level to ensure that:

Amendment

(b) when evidence referred to in the first subparagraph is not available, the biofuels, bioliquids and biomass fuels produced from forest biomass shall be taken into account for the purposes referred to in points (a), (b) and (c) of paragraph 1 if management systems are in place at **supply base** level to ensure that:

Or. en

Amendment 791

Jytte Guteland, Olle Ludvigsson, Pavel Poc

Proposal for a directive

Article 26 – paragraph 5 – point b – introductory part

Text proposed by the Commission

(b) when evidence referred to in the first subparagraph is not available, the biofuels, bioliquids and biomass fuels

Amendment

(b) when evidence referred to in the first subparagraph is not available, the biofuels, bioliquids and biomass fuels

produced from forest biomass shall be taken into account for the purposes referred to in points (a), (b) and (c) of paragraph 1 if management systems are in place at forest holding level to ensure that:

produced from forest biomass shall be taken into account for the purposes referred to in points (a), (b) and (c) of paragraph 1 if management systems **or equivalent procedure** are in place at forest holding level to ensure that:

Or. en

Justification

National models already in place, such as notification systems, shall also be permitted.

Amendment 792

Marijana Petir, Peter Jahr, Albert Deß

Proposal for a directive

Article 26 – paragraph 5 – point b – point i

Text proposed by the Commission

i) *the forest biomass has been harvested according to a legal permit;*

Amendment

i) *harvesting is carried out in accordance with the conditions of the harvesting permit procedure or equivalent proof of the legal right to harvest;*

Or. en

Justification

There are different practices and procedures in different countries which guarantee the legality of harvesting.

Amendment 793

Gerben-Jan Gerbrandy, Catherine Bearder

Proposal for a directive

Article 26 – paragraph 5 – point b – point i

Text proposed by the Commission

i) the forest biomass has been harvested according to a legal permit;

Amendment

i) the forest biomass has been harvested according to a legal permit **in line with the Union's environmental and**

nature legislation;

Or. en

Amendment 794

Christofer Fjellner, Gunnar Hökmark

Proposal for a directive

Article 26 – paragraph 5 – point b – point i

Text proposed by the Commission

i) the forest biomass has been harvested according to a legal permit;

Amendment

i) the forest biomass has been harvested according to a legal permit ***or equivalent procedures within legally gazette boundaries;***

Or. en

Justification

The right to harvest should be based on national procedures.

Amendment 795

Jytte Guteland, Olle Ludvigsson, Pavel Poc

Proposal for a directive

Article 26 – paragraph 5 – point b – point i

Text proposed by the Commission

i) the forest biomass has been harvested according to a legal permit;

Amendment

i) the forest biomass has been harvested according to a legal permit ***or equivalent procedure within legally gazetted boundaries;***

Or. en

Justification

National models already in place, such as notification systems, shall also be permitted. A change to a permission procedure would entail an unreasonable increase in administrative costs for the relevant national authorities.

Amendment 796

Elisabeth Köstinger, Albert Deß, Herbert Dorfmann

Proposal for a directive

Article 26 – paragraph 5 – point b – point i

Text proposed by the Commission

i) *the forest biomass has been harvested according to a legal permit;*

Amendment

i) *harvesting is carried out according to the conditions of a harvesting permit procedure or equivalent legal right to harvest;*

Or. en

Justification

The legal right to harvest may be based on national rules and national circumstances. The criteria should be amended to better reflect the right of a forest owner to harvest on their property.

Amendment 797

Julie Girling

Proposal for a directive

Article 26 – paragraph 5 – point b – point i

Text proposed by the Commission

i) the forest biomass has been harvested *according to a* legal permit;

Amendment

i) the forest biomass has been harvested *in accordance with* legal *permission or a harvesting* permit;

Or. en

Amendment 798

Jadwiga Wiśniewska

Proposal for a directive

Article 26 – paragraph 5 – point b – point i

Text proposed by the Commission

Amendment

i) the forest biomass has been harvested ***according to a legal permit***;

i) the forest biomass has been harvested ***legally***;

Or. en

Amendment 799

Seán Kelly, Francesc Gambús, Vladimir Urutchev, Krišjānis Kariņš, Henna Virkkunen

Proposal for a directive

Article 26 – paragraph 5 – point b – point i

Text proposed by the Commission

Amendment

i) the forest biomass has been harvested ***according to a legal permit***;

i) the forest biomass has been harvested ***legally***;

Or. en

Amendment 800

Anneli Jäätteenmäki, Hannu Takkula

Proposal for a directive

Article 26 – paragraph 5 – point b – point i

Text proposed by the Commission

Amendment

i) the forest biomass has been harvested according to a ***legal*** permit;

i) the forest biomass has been harvested according to a ***harvesting*** permit;

Or. en

Justification

The legal text should follow definitions set in article 2.

Amendment 801

Nils Torvalds, Fredrick Federley, Ulrike Müller, Gerben-Jan Gerbrandy, Morten Helveg Petersen, Petri Sarvamaa

Proposal for a directive
Article 26 – paragraph 5 – point b – point i

Text proposed by the Commission

i) the forest biomass has been harvested according to *a* legal *permit*;

Amendment

i) the forest biomass has been harvested according to *the* legal *conditions of harvesting*;

Or. en

Amendment 802
Gerben-Jan Gerbrandy, Catherine Bearder

Proposal for a directive
Article 26 – paragraph 5 – point b – point ii

Text proposed by the Commission

ii) forest regeneration of harvested areas takes place;

Amendment

ii) forest regeneration of harvested areas *or areas that surround these areas and may indirectly be affected by the harvesting* takes place;

Or. en

Amendment 803
Jadwiga Wiśniewska

Proposal for a directive
Article 26 – paragraph 5 – point b – point iii

Text proposed by the Commission

iii) areas *of high conservation value, including peatlands and wetlands, are identified and protected*;

Amendment

iii) *harvesting in areas explicitly designated for the protection of biodiversity is carried out in accordance with the protection decision*;

Or. en

Amendment 804
Elisabeth Köstinger, Albert Deß, Herbert Dorfmann

Proposal for a directive
Article 26 – paragraph 5 – point b – point iii

Text proposed by the Commission

iii) areas **of high conservation value**, including **peatlands and** wetlands, are identified and protected;

Amendment

iii) areas **designated to promote the maintenance of biodiversity**, including **areas designated to promote the maintenance of biodiversity in** wetlands **and peatlands**, are identified and protected;

Or. en

Justification

It should be clear that the criteria mean that certain areas are protected, however it should be noted that it may be possible to harvest in the protecting areas if the protecting decision allows it. Furthermore, the amendment clarifies the requirement and expresses the meaning of recital 76 which states that “...special attention is given to areas explicitly designated for the protection of biodiversity...”.

Amendment 805
Jytte Guteland, Olle Ludvigsson, Pavel Poc

Proposal for a directive
Article 26 – paragraph 5 – point b – point iii

Text proposed by the Commission

iii) areas **of high conservation value**, including peatlands and wetlands, are identified and protected;

Amendment

iii) areas **designated, by law or the relevant competent national authority, for nature conservation purposes**, including peatlands and wetlands, are identified and protected;

Or. en

Justification

Proposed wording based on existing text 26.2b RED2 and also in current RED, i.e. a clarification of the criterion on high conservation value land. Based on existing requirement for biomass from forestry used for production of biofuels.

Amendment 806

Christofer Fjellner, Gunnar Hökmark, Henna Virkkunen

Proposal for a directive

Article 26 – paragraph 5 – point b – point iii

Text proposed by the Commission

iii) areas *of high conservation value*, including peatlands and wetlands, are *identified and* protected;

Amendment

iii) areas *designated, by national law or by relevant competent national authorities, for nature protection purposes*, including peatlands and wetlands, are protected;

Or. en

Justification

The existing requirement for biomass from forestry used for production of biofuels should be maintained.

Amendment 807

Nils Torvalds, Fredrick Federley, Ulrike Müller, Morten Helveg Petersen, Petri Sarvamaa

Proposal for a directive

Article 26 – paragraph 5 – point b – point iii

Text proposed by the Commission

iii) areas *of high conservation value*, including peatlands and wetlands, are identified and protected;

Amendment

iii) areas *designated by law or by the relevant competent authority for nature protection purposes*, including peatlands and wetlands, are identified and protected;

Or. en

Justification

Reinstating 2009/28/EC Article 17 paragraph 3 (b) (i).

Amendment 808

Anneli Jäätteenmäki, Hannu Takkula

Proposal for a directive
Article 26 – paragraph 5 – point b – point iii

Text proposed by the Commission

iii) areas of high conservation value, ***including peatlands and wetlands***, are identified and protected;

Amendment

iii) areas of high conservation value, ***designated by law or by the relevant competent authority for nature conservation purposes***, are identified and protected;

Or. en

Amendment 809
Marijana Petir, Mairead McGuinness, Peter Jahr, Albert Deß

Proposal for a directive
Article 26 – paragraph 5 – point b – point iii

Text proposed by the Commission

iii) areas ***of high*** conservation ***value***, including ***peatlands and wetlands***, ***are identified and*** protected;

Amendment

iii) areas ***designated, by law or by the relevant competent authority, for nature conservation purposes***, including ***wetlands and peatlands***, ***are*** protected;

Or. en

Justification

The amendment provides clarity for implementation and makes the text consistent with 26.2(b) and recital 76.

Amendment 810
Seán Kelly, Francesc Gambús, Vladimir Urutchev, Krišjānis Kariņš

Proposal for a directive
Article 26 – paragraph 5 – point b – point iii

Text proposed by the Commission

iii) areas of high conservation value, including peatlands and wetlands, are identified and protected;

Amendment

iii) areas of high conservation value, including ***areas of high conservation value in*** peatlands and wetlands, are identified

and protected;

Or. en

Amendment 811

Julie Girling

Proposal for a directive

Article 26 – paragraph 5 – point b – point iii

Text proposed by the Commission

iii) areas of high conservation value, including peatlands and wetlands, are identified and protected;

Amendment

iii) areas of high conservation value, including peatlands and wetlands, are identified and ***are appropriately*** protected, ***for example, including through the use of sustainable harvesting with the aim to ensure biodiversity through the conservation of natural habitats and wild flora and fauna;***

Or. en

Amendment 812

Jadwiga Wiśniewska

Proposal for a directive

Article 26 – paragraph 5 – point b – point iv

Text proposed by the Commission

iv) ***impacts of forest harvesting on soil quality and biodiversity are minimised;***

Amendment

deleted

Or. en

Amendment 813

Nils Torvalds, Fredrick Federley, Ulrike Müller, Gerben-Jan Gerbrandy, Morten Helveg Petersen, Petri Sarvamaa

Proposal for a directive

Article 26 – paragraph 5 – point b – point iv

Text proposed by the Commission

Amendment

iv) *impacts of forest harvesting on* soil quality and biodiversity *are minimised*;

iv) *harvesting is carried out in a way that takes into account the maintenance of soil quality and biodiversity with the aim of minimizing negative impacts*;

Or. en

Justification

The impact of harvesting can be both positive and negative, which should be better reflected. This rephrasing also better enables showing compliance with the criterion.

Amendment 814

Anneli Jäätteenmäki, Hannu Takkula

Proposal for a directive

Article 26 – paragraph 5 – point b – point iv

Text proposed by the Commission

Amendment

iv) *impacts of forest harvesting on* soil quality and biodiversity *are minimised*;

iv) *harvesting is carried out taking into account the maintenance of* soil quality and biodiversity;

Or. en

Justification

See justification for amendment in article 26.5 (a) iv)

Amendment 815

Marijana Petir, Mairead McGuinness, Peter Jahr, Albert Deß

Proposal for a directive

Article 26 – paragraph 5 – point b – point iv

Text proposed by the Commission

Amendment

iv) *impacts of forest harvesting on* soil quality and biodiversity *are minimised*;

iv) *harvesting is carried out considering maintenance of* soil quality

and biodiversity; **and**

Or. en

Justification

'Minimise' is an unclear concept and difficult to prove in practice. It is more practical to require an operator to prove that its forest management practices include consideration of the maintenance of soil quality and biodiversity during harvesting.

Amendment 816
Norbert Lins

Proposal for a directive
Article 26 – paragraph 5 – point b – point iv

Text proposed by the Commission

iv) *impacts of forest harvesting on soil quality and biodiversity are minimised;*

Amendment

iv) *harvesting is carried out considering maintenance of soil quality and biodiversity;*

Or. en

Justification

It is in the interest of the forest manager to keep a good soil quality and biodiversity in order to improve the growth of the forest.

Amendment 817
Julie Girling

Proposal for a directive
Article 26 – paragraph 5 – point b – point iv

Text proposed by the Commission

iv) *impacts of forest harvesting on soil quality and biodiversity are minimised;*

Amendment

iv) *negative impacts of forest harvesting on soil **quality, water** quality and biodiversity are minimised;*

Or. en

Amendment 818
Christofer Fjellner, Gunnar Hökmark

Proposal for a directive
Article 26 – paragraph 5 – point b – point iv

Text proposed by the Commission

Amendment

iv) impacts *of* forest harvesting on soil quality and biodiversity are minimised;

iv) impacts *during* forest harvesting on soil quality and biodiversity are minimised;

Or. en

Justification

It is the impact of harvesting operations which the Directive regulates. Therefore it should not require enforcement systems during tree growth or in situations where no forest operations are conducted.

Amendment 819
Jytte Guteland, Olle Ludvigsson, Pavel Poc

Proposal for a directive
Article 26 – paragraph 5 – point b – point iv

Text proposed by the Commission

Amendment

iv) impacts *of* forest harvesting on soil quality and biodiversity are minimised;

iv) impacts *during* forest harvesting on soil quality and biodiversity are minimised;

Or. en

Justification

The directive regulates impacts from harvesting operations and it should not require enforcement systems, operators, etc. during tree growth and when no forest operations are conducted.

Amendment 820
Merja Kyllönen

Proposal for a directive
Article 26 – paragraph 5 – point b – point iv

Text proposed by the Commission

Amendment

iv) impacts of forest harvesting on soil quality and biodiversity are minimised;

iv) impacts of forest harvesting on soil **and water** quality and biodiversity are minimised;

Or. en

Amendment 821

Elisabeth Köstinger, Albert Deß, Herbert Dorfmann

Proposal for a directive

Article 26 – paragraph 5 – point b – point v

Text proposed by the Commission

Amendment

v) *harvesting does not exceed the long-term production capacity of the forest.*

deleted

Or. en

Justification

Long-term production capacity is not static, and with sustainable forest management, both productivity and harvesting can increase. Moreover, strict requirements of sustainable forest management criteria are not consistent with the subsidiarity principle and do not respect the competence of EU Member States on forests.

Amendment 822

Marijana Petir, Mairead McGuinness, Peter Jahr, Albert Deß

Proposal for a directive

Article 26 – paragraph 5 – point b – point v

Text proposed by the Commission

Amendment

v) harvesting *does not exceed the long-term production* capacity of the forest.

v) harvesting *maintains or improves long-term productivity* capacity of forests at country or regional level.

Or. en

Justification

Production capacity is a static concept whereas productivity includes the idea that capacity is not linear and pre-determined, but with proper management one can harvest more and at the same time, grow more too. Taking also into consideration the multifunctional role of the forests and their socio-economic service in a certain geographic region sustainable harvesting could be best achieved at regional or national level. There should be no differences between Member States and third countries.

Amendment 823

Seán Kelly, Francesc Gambús, Vladimir Urutchev, Krišjānis Kariņš, Henna Virkkunen

Proposal for a directive

Article 26 – paragraph 5 – point b – point v

Text proposed by the Commission

v) harvesting *does not exceed* the long-term *production* capacity of the forest.

Amendment

v) harvesting *maintains or improves* the long-term *productivity* capacity of the forest.

Or. en

Amendment 824

Norbert Lins

Proposal for a directive

Article 26 – paragraph 5 – point b – point v

Text proposed by the Commission

v) harvesting *does not exceed* the long-term production capacity of the forest.

Amendment

v) harvesting *maintains or improves* the long-term production capacity of the forest.

Or. en

Justification

Sustainable forest management can increase the increment and the harvest.

Amendment 825

Christofer Fjellner, Gunnar Hökmark, Henna Virkkunen

Proposal for a directive
Article 26 – paragraph 5 – point b – point v

Text proposed by the Commission

v) harvesting does not exceed the long-term **production** capacity of **the forest**.

Amendment

v) harvesting does not exceed the long-term **productivity** capacity of **forests in Member States**.

Or. en

Justification

Sustainable forest management practices are emphasised in recital 76. The long-term production capacity of forests should be at focus and be ensured at supply based level.

Amendment 826
Jadwiga Wiśniewska

Proposal for a directive
Article 26 – paragraph 5 – point b – point v

Text proposed by the Commission

v) harvesting does not exceed the long-term production capacity **of the forest**.

Amendment

v) harvesting does not exceed the long-term production capacity **at the Member State level**.

Or. en

Amendment 827
Julie Girling

Proposal for a directive
Article 26 – paragraph 5 – point b – point v

Text proposed by the Commission

v) harvesting does not exceed the long-term production capacity of the forest.

Amendment

v) harvesting does not **impact on the health nor** exceed the long-term production capacity of the forest.

Or. en

Amendment 828

Jytte Guteland, Olle Ludvigsson, Pavel Poc

Proposal for a directive

Article 26 – paragraph 5 – point b – point v

Text proposed by the Commission

v) harvesting does not exceed the long-term production capacity of *the forest*.

Amendment

v) harvesting does not exceed the long-term production capacity of *forests*.

Or. en

Amendment 829

Julie Girling

Proposal for a directive

Article 26 – paragraph 5 – point b – point v a (new)

Text proposed by the Commission

Amendment

(va) harvesting is carried out in compliance with local and national legal requirements relevant to labour, welfare and health and safety with full regard for appropriate identification, documentation and respect of legal, customary and traditional tenure and land use rights related to the forest.

Or. en

Amendment 830

Piernicola Pedicini, Eleonora Evi, Dario Tamburrano, David Borrelli

Proposal for a directive

Article 26 – paragraph 5 a (new)

Text proposed by the Commission

Amendment

5a. Member States shall ensure that information is given to the public on the

availability and environmental benefits of all different renewable sources of energy for transport. When the percentages of biofuels, blended in mineral oil derivatives, exceed 10% by volume, Member States shall require this to be indicated at the sales points.

Or. en

Justification

Member States should provide information to the public on renewable energy used in transport.

Amendment 831

Piernicola Pedicini, Eleonora Evi, Dario Tamburrano, David Borrelli

Proposal for a directive

Article 26 – paragraph 6 – subparagraph 1 – introductory part

Text proposed by the Commission

6. Biofuels, bioliquids and biomass fuels produced from forest biomass shall be taken into account for the purposes referred to in points (a), (b) and (c) of paragraph 1 if the country or regional economic integration organisation of origin of the forest biomass meets the following LULUCF requirements:

Amendment

6. Biofuels, bioliquids and biomass fuels produced from forest biomass shall be taken into account for the purposes referred to in points (a), (b) and (c) of paragraph 1 if the country or regional economic integration organisation of origin of the forest biomass meets the following LULUCF requirements ***and it is not produced from roundwood greater than 8 centimetres in diameter and stumps:***

Or. en

Justification

Roundwood greater than 8 centimetres in diameter and stumps taken directly from forests are high risk sources of forest biomass from the emissions perspective and its use for energy is likely to have significant distortive impacts on the wood markets and other sectors using it.

Amendment 832

Nessa Childers, Jo Leinen

Proposal for a directive

Article 26 – paragraph 6 – subparagraph 1 – point ii

Text proposed by the Commission

(ii) has submitted a Nationally Determined Contribution (NDC) to the United Nations Framework Convention on Climate Change (UNFCCC), covering emissions and removals from agriculture, forestry and land use which ensures that either changes in carbon stock associated with biomass harvest are accounted towards the country's commitment to reduce or limit greenhouse gas emissions as specified in the NDC, or there are national or sub-national laws in place, in accordance with Article 5 of the Paris Agreement, applicable in the area of harvest, to conserve and enhance carbon stocks and sinks;

Amendment

(ii) has submitted a Nationally Determined Contribution (NDC) to the United Nations Framework Convention on Climate Change (UNFCCC), covering emissions and removals from agriculture, forestry and land use which ensures that either changes in carbon stock associated with biomass harvest are accounted towards the country's commitment to reduce or limit greenhouse gas emissions as specified in the NDC, or there are national or sub-national laws in place, in accordance with Article 5 of the Paris Agreement, ***and that land sector emissions do not exceed removals***, applicable in the area of harvest, to conserve and enhance carbon stocks and sinks;

Or. en

Amendment 833

Piernicola Pedicini, Eleonora Evi, Dario Tamburrano, David Borrelli

Proposal for a directive

Article 26 – paragraph 6 – subparagraph 2

Text proposed by the Commission

When evidence referred to in the first subparagraph is not available, the biofuels, bioliquids and biomass fuels produced from forest biomass shall be taken into account for the purposes referred to in points (a), (b) and (c) of paragraph 1 if management systems are in place at forest holding level to ensure that carbon stocks and sinks levels in the forest are maintained.

Amendment

deleted

Or. en

Justification

Only bioenergy from waste and residues should be promoted.

Amendment 834

Jo Leinen, Massimo Paolucci, Nessa Childers, Tiemo Wölken, Damiano Zoffoli, Tibor Szanyi, Simona Bonafè, Nicola Caputo

Proposal for a directive

Article 26 – paragraph 6 – subparagraph 2

Text proposed by the Commission

Amendment

When evidence referred to in the first subparagraph is not available, the biofuels, bioliquids and biomass fuels produced from forest biomass shall be taken into account for the purposes referred to in points (a), (b) and (c) of paragraph 1 if management systems are in place at forest holding level to ensure that carbon stocks and sinks levels in the forest are maintained.

deleted

Or. en

Amendment 835

Anneli Jäätteenmäki, Hannu Takkula

Proposal for a directive

Article 26 – paragraph 6 – subparagraph 2

Text proposed by the Commission

Amendment

When evidence referred to in the first subparagraph is not available, the biofuels, bioliquids and biomass fuels produced from forest biomass shall be taken into account for the purposes referred to in points (a), (b) and (c) of paragraph 1 if *management systems are in place at forest holding level to ensure that carbon stocks and sinks levels in the forest are maintained.*

When evidence referred to in the first subparagraph is not available, the biofuels, bioliquids and biomass fuels produced from forest biomass shall be taken into account for the purposes referred to in points (a), (b) and (c) of paragraph 1 if *additional information is provided based on adequate inventory data to demonstrate maintenance of long-term carbon stocks at the supply base;*

Justification

It is necessary to assess and measure carbon stocks at long-term intervals to get reliable data on growth and/or yield. The data should be based on adequate inventories from areas that are large enough to be reliable. This amendment is in line with the logic presented in article 2, replacing 'forest holding level' with 'supply base'.

Amendment 836**Christofer Fjellner, Gunnar Hökmark****Proposal for a directive****Article 26 – paragraph 6 – subparagraph 2***Text proposed by the Commission*

When evidence referred to in the first subparagraph is not available, the biofuels, bioliquids and biomass fuels produced from forest biomass shall be taken into account for the purposes referred to in points (a), (b) and (c) of paragraph 1 if management systems are in place at **forest holding** level to **ensure that carbon stocks and sinks levels in the forest are maintained**.

Amendment

When evidence referred to in the first subparagraph is not available, the biofuels, bioliquids and biomass fuels produced from forest biomass shall be taken into account for the purposes referred to in points (a), (b) and (c) of paragraph 1 if management systems are in place at **supply base** level to **manage long-term** carbon stocks.

Justification

It is technically impossible to maintain sinks and stocks at the same time. Forest carbon flows are dynamic over time. A concern for the risk of carbon emissions at forest supply base level should rather be addressed by regeneration and harvests not exceeding the long term production capacity. The crucial element is therefore the management of carbon stocks over time.

Amendment 837**Fredrick Federley, Ulrike Müller****Proposal for a directive****Article 26 – paragraph 6 – subparagraph 2**

Text proposed by the Commission

When evidence referred to in the first subparagraph is not available, the biofuels, bioliquids and biomass fuels produced from forest biomass shall be taken into account for the purposes referred to in points (a), (b) and (c) of paragraph 1 if management systems are in place at forest holding level to ***ensure that carbon stocks and sinks levels in the forest are maintained.***

Amendment

When evidence referred to in the first subparagraph is not available, the biofuels, bioliquids and biomass fuels produced from forest biomass shall be taken into account for the purposes referred to in points (a), (b) and (c) of paragraph 1 if management systems are in place at forest holding level to ***long-term maintain or increase forest carbon stocks.***

Or. en

Amendment 838
Paul Brannen

Proposal for a directive
Article 26 – paragraph 6 – subparagraph 2

Text proposed by the Commission

When evidence referred to in the first subparagraph ***is not available***, the biofuels, bioliquids and biomass fuels produced from forest biomass shall be taken into account for the purposes referred to in points (a), (b) and (c) of paragraph 1 if management systems are in place at forest holding level to ensure ***that*** carbon stocks and sinks levels in the forest ***are maintained.***

Amendment

In addition to evidence referred to in the first subparagraph, ***in order not to compromise the goal to maintain and enhance the sinks in the LULUCF sector,*** the biofuels, bioliquids and biomass fuels produced from forest biomass shall be taken into account for the purposes referred to in points (a), (b) and (c) of paragraph 1 if management systems are in place at forest holding level to ensure carbon stocks and sinks levels in the forest. ***Member States shall apply at national and, where appropriate, at regional level, management systems for ensuring carbon stocks in harvested wood products.***

Or. en

Amendment 839
Jadwiga Wiśniewska

Proposal for a directive
Article 26 – paragraph 6 – subparagraph 2

Text proposed by the Commission

When evidence referred to in the first subparagraph is not available, the biofuels, bioliquids and biomass fuels produced from forest biomass shall be taken into account for the purposes referred to in points (a), (b) and (c) of paragraph 1 if management systems are in place at forest holding level to ensure that carbon stocks and sinks levels in the forest are maintained.

Amendment

When evidence referred to in the first subparagraph is not available, the biofuels, bioliquids and biomass fuels produced from forest biomass shall be taken into account for the purposes referred to in points (a), (b) and (c) of paragraph 1 if management systems are in place at forest holding level to ensure that carbon stocks and sinks levels in the forest are maintained ***in the long term on the basis of the forest life cycle.***

Or. en

Justification

It is important to refer to “long term” of the carbon sink function in order to take into account the dynamics of ecosystems and the forest life cycle.

Amendment 840
Norbert Lins

Proposal for a directive
Article 26 – paragraph 6 – subparagraph 2

Text proposed by the Commission

When evidence referred to in the first subparagraph is not available, the biofuels, bioliquids and biomass fuels produced from forest biomass shall be taken into account for the purposes referred to in points (a), (b) and (c) of paragraph 1 if management systems are in place at ***forest holding*** level to ensure that carbon stocks and sinks levels in the forest are maintained.

Amendment

When evidence referred to in the first subparagraph is not available, the biofuels, bioliquids and biomass fuels produced from forest biomass shall be taken into account for the purposes referred to in points (a), (b) and (c) of paragraph 1 if management systems are in place at ***the supply base*** level to ensure that ***mid- and long-term*** carbon stocks and sinks levels in the forest are maintained.

Or. en

Justification

Since forestry is not an EU competence this legislation should not require individual forest owners to provide information related to their forest management. Therefore, the assessment of sustainability should not be made at the forest holding level. We should build on existing systems and avoid additional burden on forest owners.

Amendment 841

Seán Kelly, Francesc Gambús, Vladimir Urutchev, Krišjānis Kariņš, Henna Virkkunen

Proposal for a directive

Article 26 – paragraph 6 – subparagraph 2

Text proposed by the Commission

When evidence referred to in the first subparagraph is not available, the biofuels, bioliquids and biomass fuels produced from forest biomass shall be taken into account for the purposes referred to in points (a), (b) and (c) of paragraph 1 if **management** systems are in place at **forest holding** level to ensure that carbon stocks and sinks levels in the forest are maintained.

Amendment

When evidence referred to in the first subparagraph is not available, the biofuels, bioliquids and biomass fuels produced from forest biomass shall be taken into account for the purposes referred to in points (a), (b) and (c) of paragraph 1 if **appropriate control** systems are in place at **the supply base** level to ensure that carbon stocks and sinks levels in the forest are maintained.

Or. en

Amendment 842

Elisabeth Köstinger, Albert Deß, Herbert Dorfmann

Proposal for a directive

Article 26 – paragraph 6 – subparagraph 2

Text proposed by the Commission

When evidence referred to in the first subparagraph is not available, the biofuels, bioliquids and biomass fuels produced from forest biomass shall be taken into account for the purposes referred to in points (a), (b) and (c) of paragraph 1 if management systems are in place at **forest holding** level to ensure that carbon stocks and sinks levels in the forest are

Amendment

When evidence referred to in the first subparagraph is not available, the biofuels, bioliquids and biomass fuels produced from forest biomass shall be taken into account for the purposes referred to in points (a), (b) and (c) of paragraph 1 if management systems are in place at **supply base** level to ensure that **long-term** carbon stocks and sinks levels in the forest are

maintained.

maintained.

Or. en

Justification

It is unacceptable that assessments of sustainability are made at the forest holding level, i.e. the level of a forest owner, as this would inevitably pose a legal issue and undermine the existing systems already in place and create additional administrative burdens for all actors involved. This level should be replaced by a supply base level, where the operator is responsible for risk-based approach and is able to provide information from the areas of sourcing, which form a supply base, based on the systems it has developed.

Amendment 843

Marijana Petir, Peter Jahr, Albert Deß, Angélique Delahaye, Michel Dantin

Proposal for a directive

Article 26 – paragraph 6 – subparagraph 2

Text proposed by the Commission

When evidence referred to in the first subparagraph is not available, the biofuels, bioliquids and biomass fuels produced from forest biomass shall be taken into account for the purposes referred to in points (a), (b) and (c) of paragraph 1 if management systems are in place at **forest holding** level to ensure that carbon stocks and sinks levels in the forest are maintained.

Amendment

When evidence referred to in the first subparagraph is not available, the biofuels, bioliquids and biomass fuels produced from forest biomass shall be taken into account for the purposes referred to in points (a), (b) and (c) of paragraph 1 if management systems are in place at **supply base** level to ensure that carbon stocks and sinks levels in the forest are maintained.

Or. en

Justification

A supply base level should be maintained throughout the whole Directive.

Amendment 844

Christofer Fjellner, Gunnar Hökmark

Proposal for a directive

Article 26 – paragraph 6 – subparagraph 3

Text proposed by the Commission

Amendment

The Commission may establish the operational evidence for demonstrating compliance with the requirements set out in paragraphs 5 and 6, by means of implementing acts adopted in accordance with the examination procedure referred to in Article 31(2).

deleted

Or. en

Justification

Requirements should be dealt with in this Directive and decided by the European Parliament and Member States.

Amendment 845

Piernicola Pedicini, Eleonora Evi, Dario Tamburrano, David Borrelli

Proposal for a directive

Article 26 – paragraph 6 – subparagraph 3

Text proposed by the Commission

Amendment

The Commission *may* establish the operational evidence for demonstrating compliance with the requirements set out in paragraphs 5 and 6, by means of implementing acts adopted in accordance with the examination procedure referred to in Article 31(2).

By 2020, the Commission *shall* establish the operational evidence for demonstrating compliance with the requirements set out in paragraphs 5 and 6, by means of implementing acts adopted in accordance with the examination procedure referred to in Article 31(2).

Or. en

Amendment 846

Jo Leinen, Jean-Paul Denanot, Massimo Paolucci, Damiano Zoffoli, Tibor Szanyi, Tiemo Wölken, Daciana Octavia Sârbu, Simona Bonafè, Nicola Caputo

Proposal for a directive

Article 26 – paragraph 6 – subparagraph 3

Text proposed by the Commission

Amendment

The Commission *may* establish the operational evidence for demonstrating compliance with the requirements set out in paragraphs 5 and 6, by means of implementing acts adopted in accordance with the examination procedure referred to in Article 31(2).

By 1 January 2021, the Commission *shall* establish the operational evidence for demonstrating compliance with the requirements set out in paragraphs 5 and 6, by means of implementing acts adopted in accordance with the examination procedure referred to in Article 31(2).

Or. en

Amendment 847

Seán Kelly, Francesc Gambús, Gunnar Hökmark, Christofer Fjellner, Vladimir Urutchev, Krišjānis Kariņš, Henna Virkkunen

Proposal for a directive

Article 26 – paragraph 6 – subparagraph 4

Text proposed by the Commission

Amendment

By 31 December 2023, the Commission shall assess whether the criteria set out in paragraphs 5 and 6 effectively minimise the risk of using unsustainable forest biomass and address LULUCF requirements, on the basis of available data. The Commission shall, if appropriate, present a proposal to modify the requirements laid down in paragraphs 5 and 6.

deleted

Or. en

Amendment 848

Jo Leinen, Seb Dance, Tibor Szanyi, Tiemo Wölken, Daciana Octavia Sârbu

Proposal for a directive

Article 26 – paragraph 6 – subparagraph 4

Text proposed by the Commission

Amendment

By 31 December 2023, the Commission shall assess whether the criteria set out in

By 31 December 2023, the Commission shall assess whether the criteria set out in

paragraphs 5 and 6 effectively minimise the risk of using unsustainable forest biomass and address LULUCF requirements, on the basis of available data. ***The Commission shall, if appropriate,*** present a proposal to modify the requirements laid down in paragraphs 5 and 6.

paragraphs 5 and 6 effectively minimise the risk of using unsustainable forest biomass and address LULUCF requirements ***and negative climate impacts,*** on the basis of available data. ***If the assessment demonstrates the lack of effectiveness of the criteria, the Commission shall*** present a proposal to modify the requirements laid down in paragraphs 5 and 6 ***and shall consider the introduction of a cap fixed at national level on the use of roundwood and stumps for energy.***

Or. en

Amendment 849

Nessa Childers

Proposal for a directive

Article 26 – paragraph 6 – subparagraph 4

Text proposed by the Commission

By 31 December 2023, the Commission shall assess whether the criteria set out in paragraphs **5 and 6** effectively minimise the risk of using unsustainable forest biomass and address LULUCF requirements, on the basis of available data. The Commission shall, if appropriate, present a proposal to modify the requirements laid down in paragraphs **5 and 6**.

Amendment

By 31 December 2023, the Commission shall assess whether the criteria set out in paragraphs **2 to 7** effectively minimise the risk of using unsustainable forest ***and agricultural biomass use for energy, whether they support the principle of cascading use of biomass and whether they address its direct and indirect carbon emissions, including from the LULUCF sector, and this sector's*** requirements on the basis of available data. The Commission shall, if appropriate, present a proposal to modify the requirements laid down in paragraphs **2 to 7**.

Or. en

Amendment 850

Fredrick Federley, Ulrike Müller, Hannu Takkula

Proposal for a directive
Article 26 – paragraph 6 – subparagraph 4

Text proposed by the Commission

By 31 December **2023**, the Commission shall assess whether the criteria set out in paragraphs 5 and 6 effectively minimise the risk of using unsustainable forest biomass and address LULUCF requirements, on the basis of available data. The Commission shall, if appropriate, present a proposal to modify the requirements laid down in paragraphs 5 and 6.

Amendment

By 31 December **2026**, the Commission shall, ***in collaboration with the Standing Forestry Committee***, assess whether the criteria set out in paragraphs 5 and 6 effectively minimise the risk of using unsustainable forest biomass and address LULUCF requirements, on the basis of available data. The Commission shall, if appropriate, present a proposal ***for the period after 2030*** to modify the requirements laid down in paragraphs 5 and 6.

Or. en

Amendment 851
Elisabeth Köstinger, Albert Deß, Herbert Dorfmann

Proposal for a directive
Article 26 – paragraph 6 – subparagraph 4

Text proposed by the Commission

By 31 December **2023**, the Commission shall assess whether the criteria set out in paragraphs 5 and 6 effectively minimise the risk of using unsustainable forest biomass and address LULUCF requirements, on the basis of available data. The Commission shall, if appropriate, present a proposal to modify the requirements laid down in paragraphs 5 and 6.

Amendment

By 31 December **2026**, the Commission shall, ***in close collaboration with the Member States***, assess whether the criteria set out in paragraphs 5 and 6 effectively minimise the risk of using unsustainable forest biomass and address LULUCF requirements, on the basis of available data. The Commission shall, if appropriate, present a proposal to modify the requirements laid down in paragraphs 5 and 6 ***for the period post 2030***.

Or. en

Justification

The year 2023 is only two years after the new criteria have come into force, and simply too early for operators, which must develop new or modify their existing systems to fulfil new

criteria. The proposal for the RED (recast) emphasizes that the 2030 framework is an opportunity for the EU in terms of investments, creation of growth and jobs. In addition, the EU must make sure that long-term secure conditions for investments are in place. Therefore, much more time to apply new criteria must be given to operators. Forest carbon stocks and sinks should be evaluated at the landscape level on a long-term basis to be relevant.

Amendment 852

Jytte Guteland, Olle Ludvigsson, Pavel Poc

Proposal for a directive

Article 26 – paragraph 6 – subparagraph 4

Text proposed by the Commission

By 31 December 2023, the Commission shall assess whether the criteria set out in paragraphs 5 and 6 effectively minimise the risk of using unsustainable forest biomass and address LULUCF requirements, on the basis of available data. The Commission shall, if appropriate, present a proposal to modify the requirements laid down in paragraphs 5 and 6.

Amendment

Five years after the entry into force of this directive, the Commission shall assess whether the criteria set out in paragraphs 5 and 6 effectively minimise the risk of using unsustainable forest biomass and address LULUCF requirements, on the basis of available data. The Commission shall, if appropriate, present a proposal **for the post-2030 period** to modify the requirements laid down in paragraphs 5 and 6.

Or. en

Justification

Sets more feasible starting date for the first assessment, so as to increase stability and investor certainty.

Amendment 853

Jadwiga Wiśniewska

Proposal for a directive

Article 26 – paragraph 6 – subparagraph 4

Text proposed by the Commission

By 31 December **2023**, the Commission shall assess whether the criteria set out in paragraphs 5 and 6 effectively minimise the risk of using unsustainable forest

Amendment

By 31 December **2025**, the Commission shall assess, **in close collaboration with the Member States**, whether the criteria set out in paragraphs 5 and 6 effectively

biomass and address LULUCF requirements, on the basis of available data. The Commission shall, if appropriate, present a proposal to modify the requirements laid down in paragraphs 5 and 6.

minimise the risk of using unsustainable forest biomass and address LULUCF requirements, on the basis of available data. The Commission shall, if appropriate, present a proposal to modify the requirements laid down in paragraphs 5 and 6.

Or. en

Justification

The Commission is short of expertise to do such a check without Member States' experts. It is more appropriate to run such a review in the middle of the phase.

Amendment 854 **Kateřina Konečná**

Proposal for a directive **Article 26 – paragraph 6 – subparagraph 4**

Text proposed by the Commission

By 31 December 2023, the Commission shall assess whether the criteria set out in paragraphs 5 and 6 effectively minimise the risk of using unsustainable forest biomass and address LULUCF requirements, on the basis of available data. The Commission shall, if appropriate, present a proposal to modify the requirements laid down in paragraphs 5 and 6.

Amendment

In accordance with article 30(3) of this Directive, the Commission shall assess **in 2026** whether the criteria set out in paragraphs 5 and 6 effectively minimise the risk of using unsustainable forest biomass and address LULUCF requirements, on the basis of available data. The Commission shall, if appropriate, present a proposal to modify the requirements laid down in paragraphs 5 and 6.

Or. en

Justification

The revision of the new criteria by 2023 is only two years after the Directive will come into force, and far too early for operators, which will have to develop and/or modify their systems to fulfil the new requirements. Two years period is not enough to assess the effectiveness of the legislation and does not provide for a long-term stable regulatory framework. The review should be done in accordance with the general review of the Directive in 2026 as outlined in Article 30 paragraph 3.

Amendment 855

Nils Torvalds, Anneli Jäätteenmäki, Gerben-Jan Gerbrandy, Petri Sarvamaa

Proposal for a directive

Article 26 – paragraph 6 – subparagraph 4

Text proposed by the Commission

By 31 December **2023**, the Commission shall assess whether the criteria set out in paragraphs 5 and 6 effectively minimise the risk of using unsustainable forest biomass and address LULUCF requirements, on the basis of available data. The Commission shall, if appropriate, present a proposal to modify the requirements laid down in paragraphs 5 and 6.

Amendment

By 31 December **2025**, the Commission shall assess whether the criteria set out in paragraphs 5 and 6 effectively minimise the risk of using unsustainable forest biomass and address LULUCF requirements, on the basis of available data. The Commission shall, if appropriate, present a proposal to modify the requirements laid down in paragraphs 5 and 6 *for the post- 2030 period*.

Or. en

Justification

The proposed timeframe of 2023 is too narrow for a thorough assessment as it is only two years after the new criteria have entered into force. In order for operators to develop or modify existing practices and systems to fulfil these new criteria, and in order to have more data to base an assessment on, the time frame for the assessment should be re-considered and aligned with the second reporting period under LULUCF.

Amendment 856

Paul Brannen

Proposal for a directive

Article 26 – paragraph 6 – subparagraph 4 a (new)

Text proposed by the Commission

Amendment

When implementing the first subparagraph of this paragraph, the Commission with Member States experts shall evaluate the contribution of different types of feedstock to climate change mitigation based on in particular the payback period. The Commission is empowered to adopt delegated acts in

accordance with Article 32 to propose a maximum allowable payback period as a sustainability criterion to be consistent with the goals of the Paris Agreement and ensuring the contribution of the LULUCF sector to climate change mitigation and adaptation.

Or. en

Amendment 857
Seb Dance

Proposal for a directive
Article 26 – paragraph 6 a (new)

Text proposed by the Commission

Amendment

6a. Biofuels, bioliquids and biomass fuels produced from agricultural and forest biomass taken into account for the purposes referred to in points (a), (b) and (c) of paragraph 1 shall meet the following requirements:

(a) raw material is obtained from lands or forests for which third parties' rights concerning use and tenure of the land or forest are respected by obtaining free, prior and informed consent of these third parties, with the participation by representative institutions and organisations;

(b) human and labour rights of third parties are respected; and

(c) the availability of food and feed for third parties is not at risk.

For purposes of this paragraph, third parties refers to local and indigenous communities or any other persons involved in the production or harvesting of raw materials or affected by the operations to produce or extract raw material.

Or. en

Amendment 858
Merja Kyllönen

Proposal for a directive
Article 26 – paragraph 6 a (new)

Text proposed by the Commission

Amendment

6a. Biofuels, bioliquids and biomass fuels produced from forest biomass shall be taken into account for the purposes referred to in points (a), (b) and (c) of paragraph 1 if certified according to PEFC or FSC certification requirements.

Or. en

Amendment 859
Elisabetta Gardini, Giovanni La Via

Proposal for a directive
Article 26 – paragraph 7 – point a

Text proposed by the Commission

Amendment

(a) at least 50 % **for biofuels and bioliquids** produced in installations in operation on or before 5 October 2015;

(a) at least 50 % **if** produced in installations in operation on or before 5 October 2015;

Or. en

Amendment 860
Julie Girling

Proposal for a directive
Article 26 – paragraph 7 – subparagraph 1 – point a

Text proposed by the Commission

Amendment

(a) at least 50 % for biofuels and bioliquids produced in installations in operation on or before 5 October 2015;

(a) at least 50 % for biofuels and bioliquids, **and biomass fuels consumed in transport** produced in installations in operation on or before 5 October 2015;

Amendment 861

Angélique Delahaye, Françoise Grossetête, Anne Sander

Proposal for a directive

Article 26 – paragraph 7 – subparagraph 1 – point a

Text proposed by the Commission

(a) at least 50 % for biofuels and bioliquids produced in installations in operation on or before 5 October 2015;

Amendment

(a) at least 50 % for biofuels, ***fuel derived from biomethane for use in transport*** and bioliquids produced in installations in operation on or before 5 October 2015;

Or. fr

Amendment 862

Jytte Guteland, Olle Ludvigsson, Pavel Poc

Proposal for a directive

Article 26 – paragraph 7 – point a

Text proposed by the Commission

(a) at least 50 % for biofuels and bioliquids produced in installations in operation on or before 5 October 2015;

Amendment

(a) at least 50 % for biofuels, ***biogas consumed in transport*** and bioliquids produced in installations in operation on or before 5 October 2015;

Or. en

Justification

Also biogas for transport should be included in the efforts.

Amendment 863

Elisabetta Gardini, Giovanni La Via

Proposal for a directive

Article 26 – paragraph 7 – point b

Text proposed by the Commission

Amendment

(b) at least 60 % **for biofuels and bioliquids** produced in installations starting operation from 5 October 2015;

(b) at least 60 % **if** produced in installations starting operation from 5 October 2015;

Or. en

Amendment 864

Angélique Delahaye, Françoise Grossetête, Anne Sander

Proposal for a directive

Article 26 – paragraph 7 – point b

Text proposed by the Commission

Amendment

(b) at least 60 % for biofuels and bioliquids produced in installations starting operation from 5 October 2015;

(b) at least 60 % for biofuels, **fuels derived from biomethane for use in transport** and bioliquids produced in installations starting operation from 5 October 2015;

Or. fr

Amendment 865

Jytte Guteland, Olle Ludvigsson, Pavel Poc

Proposal for a directive

Article 26 – paragraph 7 – point b

Text proposed by the Commission

Amendment

(b) at least 60 % for biofuels and bioliquids produced in installations starting operation from 5 October 2015;

(b) at least 60 % for biofuels, **biogas consumed in transport** and bioliquids produced in installations starting operation from 5 October 2015;

Or. en

Justification

Also biogas for transport should be included in the efforts.

Amendment 866
Michel Dantin, Anne Sander

Proposal for a directive
Article 26 – paragraph 7 – point c

Text proposed by the Commission

(c) at least **70 %** for **biofuels** and **bioliquids** produced in installations starting operation after 1 January 2021;

Amendment

(c) at least **60 %** for **electricity, heating and cooling production from biogas** produced in installations starting operation after 1 January 2021 **and injected into the gas grid;**

Or. fr

Justification

Biogas from biomass and the agricultural bioeconomy, which promotes a 60% reduction in greenhouse gases, contributes to the Union's climate policy and to the objective of incorporating renewable energy into transport. It is also an outlet and a source of diversification beneficial for farmers.

In the present state of the technology, a higher threshold would freeze the deployment potential of this technology.

Amendment 867
Peter Jahr

Proposal for a directive
Article 26 – paragraph 7 – point c

Text proposed by the Commission

(c) at least **70 % for biofuels and bioliquids produced** in installations starting operation after 1 January 2021;

Amendment

(c) at least **60 % for electricity, heating and cooling production from gaseous biomass fuels injected in the gas grid** in installations starting operation after 1 January 2021;

Or. en

Justification

It could result in an arbitrary and unjustified increase in the GHG emission reduction thresholds from 2021 for biofuels and bioliquids and from 2026 for solid biomass fuels.

Amendment 868

Elisabetta Gardini, Giovanni La Via

Proposal for a directive

Article 26 – paragraph 7 – point c

Text proposed by the Commission

(c) at least 70 % **for biofuels and bioliquids** produced in installations starting operation after 1 January 2021;

Amendment

(c) at least 70 % **if** produced in installations starting operation after 1 January 2021;

Or. en

Amendment 869

Angélique Delahaye, Françoise Grossetête, Anne Sander

Proposal for a directive

Article 26 – paragraph 7 – point c

Text proposed by the Commission

(c) at least 70 % for biofuels and bioliquids produced in installations starting operation after 1 January 2021;

Amendment

(c) at least 70 % for biofuels, **fuels derived from biomethane for use in transport** and bioliquids produced in installations starting operation after 1 January 2021;

Or. fr

Amendment 870

Jytte Guteland, Olle Ludvigsson, Pavel Poc

Proposal for a directive

Article 26 – paragraph 7 – point c

Text proposed by the Commission

(c) at least 70 % for biofuels and

Amendment

(c) at least 70 % for biofuels, **biogas**

bioliquids produced in installations starting operation after 1 January 2021;

consumed in transport and bioliquids produced in installations starting operation after 1 January 2021;

Or. en

Justification

Also biogas for transport should be included in the efforts.

Amendment 871

Ismail Ertug, Soledad Cabezón Ruiz

Proposal for a directive

Article 26 – paragraph 7 – point c

Text proposed by the Commission

(c) at least **70** % for biofuels and bioliquids produced in installations starting operation after 1 January 2021;

Amendment

(c) at least **75** % for biofuels and bioliquids produced in installations starting operation after 1 January 2021;

Or. en

Amendment 872

Pilar Ayuso, Pilar del Castillo Vera

Proposal for a directive

Article 26 – paragraph 7 – point c

Text proposed by the Commission

(c) at least **70** % for biofuels and bioliquids produced in installations starting operation after 1 January 2021;

Amendment

(c) at least **65** % for biofuels and bioliquids produced in installations starting operation after 1 January 2021;

Or. en

Amendment 873

Ismail Ertug, Soledad Cabezón Ruiz

Proposal for a directive

Article 26 – paragraph 7 – point c a (new)

Text proposed by the Commission

Amendment

(ca) at least 70% for biofuels and bioliquids produced in all installations starting operation before 1 January 2021, by 1 January 2025;

Or. en

Amendment 874

Elisabetta Gardini, Giovanni La Via

Proposal for a directive

Article 26 – paragraph 7 – point d

Text proposed by the Commission

Amendment

(d) at least 80 % for electricity, heating and cooling production from biomass fuels used in installations starting operation after 1 January 2021 and 85% for installations starting operation after 1 January 2026.

deleted

Or. en

Justification

Setting differentiate greenhouse gas emission criteria according to the sector it unduly creates a disproportionate burden on the sectors of heating, cooling and electricity generation compared to other uses: the same product must meet different requirements according to the type of use. This is in contrast to a principle of technological neutrality and economic efficiency.

Amendment 875

Matteo Salvini, Angelo Ciocca, Lorenzo Fontana

Proposal for a directive

Article 26 – paragraph 7 – point d

Text proposed by the Commission

Amendment

(d) at least 80 % for electricity, heating and cooling production from

deleted

biomass fuels used in installations starting operation after 1 January 2021 and 85% for installations starting operation after 1 January 2026.

Or. en

Justification

This provision is in contrast with the principles of technological neutrality and economic efficiency: it should be the market and the technological progress to determine the best use of biofuels, bioliquids and biomass fuels in terms of their contributions to GHG emission reduction.

Amendment 876

Michel Dantin, Anne Sander

Proposal for a directive

Article 26 – paragraph 7 – point d

Text proposed by the Commission

(d) at least 80 % for electricity, heating and cooling production from biomass fuels used in installations starting operation after 1 January 2021 **and** 85 % for installations starting operation after 1 January 2026.

Amendment

(d) at least 80 % for electricity, heating and cooling production from biomass fuels, ***other than biogas injected into the gas grid***, used in installations starting operation after 1 January 2021. ***The Commission shall assess, in view of the state of technology, the possibility of integrating a threshold of at least 85 % for installations starting operation after 1 January 2026. The Commission shall, where appropriate, propose a revision of this paragraph by means of a delegated act.***

Or. fr

Justification

Biogases, such as biomethane from methanisation, is of interest in terms of greenhouse gases, but also in terms of the circular economy and sustainable agriculture. Methanisation is used to upgrade manure and to manage effluents more efficiently. This process makes it possible to manufacture effective organic fertilizers. Too high a threshold could limit the deployment of this technology, which has many economic, environmental and climatic benefits.

Amendment 877

Seán Kelly, Francesc Gambús, Vladimir Urutchev, Krišjānis Kariņš

Proposal for a directive

Article 26 – paragraph 7 – point d

Text proposed by the Commission

(d) at least **80 %** for electricity, heating and cooling production from biomass fuels used in installations starting operation after 1 January 2021 **and 85% for installations starting operation after 1 January 2026.**

Amendment

(d) at least **70 %** for electricity, heating and cooling production from biomass fuels used in installations starting operation after 1 January 2021 **when compared with the EU-wide fossil fuel comparators of 183 gCO₂eq/MJ for electricity, and 80 gCO₂eq/MJ for heating or cooling, or 124 gCO₂eq/MJ for heat produced by the direct substitution of coal.**

Or. en

Amendment 878

Jo Leinen, Soledad Cabezón Ruiz, Nessa Childers, Tiemo Wölken, Simona Bonafè, Nicola Caputo, Tibor Szanyi

Proposal for a directive

Article 26 – paragraph 7 – point d

Text proposed by the Commission

(d) at least **80 %** for electricity, heating and cooling production from biomass fuels used in installations starting operation after **1 January 2021** and 85% for installations starting operation after 1 January 2026.

Amendment

(d) at least **70%** for electricity, heating and cooling production from biomass fuels used in installations **in operation on or before [adoption of this Directive], 80 % for installations** starting operation after **[adoption of this Directive]** and 85% for installations starting operation after 1 January 2026.

Or. en

Amendment 879

Peter Jahr

Proposal for a directive

Article 26 – paragraph 7 – point d

Text proposed by the Commission

Amendment

(d) at least 80 % for electricity, heating and cooling production from biomass fuels used in installations starting operation after 1 January 2021 **and 85% for installations starting operation after 1 January 2026.**

(d) at least 80 % for electricity, heating and cooling production from **solid** biomass fuels used in installations starting operation after 1 January 2021.

Or. en

Justification

It could result in an arbitrary and unjustified increase in the GHG emission reduction thresholds from 2021 for biofuels and bioliquids and from 2026 for solid biomass fuels.

Amendment 880

Jadwiga Wiśniewska

Proposal for a directive

Article 26 – paragraph 7 – point d

Text proposed by the Commission

Amendment

(d) at least **80** % for electricity, heating and cooling production from biomass fuels used in installations starting operation after 1 January 2021 and **85%** for installations starting operation after 1 January 2026.

(d) at least **70** % for electricity, heating and cooling production from biomass fuels used in installations starting operation after 1 January 2021 and **75%** for installations starting operation after 1 January 2026.

Or. en

Justification

Too ambitious thresholds may negatively affect the development of the EU renewables market.

Amendment 881

Gerben-Jan Gerbrandy, Catherine Bearder, Carolina Punset

Proposal for a directive

Article 26 – paragraph 7 – subparagraph 1 a (new)

Text proposed by the Commission

Amendment

Member States may set higher ambitions for greenhouse gas emission savings.

Or. en

Amendment 882

Julie Girling

Proposal for a directive

Article 26 – paragraph 7 – subparagraph 2

Text proposed by the Commission

Amendment

An installation shall be considered to be in operation once the physical production of biofuels or bioliquids and of heating and cooling, and electricity for biomass fuels has started.

An installation shall be considered to be in operation once the physical production of biofuels or bioliquids and of heating and cooling, and electricity for biomass fuels has started. ***Member States may exempt research and demonstration projects for a period of up to five years provided that these can evidence that the installation will comply with the criteria once they reach commercial scale.***

Or. en

Amendment 883

Piernicola Pedicini, Eleonora Evi, Dario Tamburrano, David Borrelli

Proposal for a directive

Article 26 – paragraph 7 a (new)

Text proposed by the Commission

Amendment

7a. Feedstocks which are already used in other sectors for the production of food, feed and bio-based products, shall not be used for the production of biofuels, bioliquids and biomass fuels which are taken into account for the purposes referred to in points (a), (b) and (c) of paragraph 1.

The Commission shall assess the use of the feedstocks listed in Annex IX and shall adopt delegated acts pursuant to Article 32 to amend that Annex by adding or removing feedstocks from that list.

Or. en

Justification

This change is necessary to align the text with on recital 64 a (new) and the amendment on Article 2, paragraph 2, point ee.

Amendment 884

Elisabetta Gardini, Giovanni La Via

Proposal for a directive

Article 26 – paragraph 8

Text proposed by the Commission

Amendment

8. Electricity from biomass fuels produced in installations with a fuel capacity equal to or exceeding 20 MW shall be taken into account for the purposes referred to in points (a), (b) and (c) of paragraph 1 only if it is produced applying high efficient cogeneration technology as defined under Article 2(34) of Directive 2012/27/EU. For the purposes of points (a) and (b) of paragraph 1, this provision shall only apply to installations starting operation after [3 years from date of adoption of this Directive]. For the purposes of point (c) of paragraph 1, this provision is without prejudice to public support provided under schemes approved by [3 years after date of adoption of this Directive].

deleted

The first sub-paragraph shall not apply to electricity from installations which are the object of a specific notification by a Member State to the Commission based on the duly substantiated existence of risks for the security of supply of electricity. Upon assessment of the

notification, the Commission shall adopt a decision taking into account the elements included therein.

Or. en

Justification

Allowing subsidies to electricity production from biomass fuels in plant above 20 MW only when high generation technologies are applied is unduly restrictive as fail to take into consideration technologic reality and progress.

Amendment 885

Jadwiga Wiśniewska, Evžen Tošenovský

Proposal for a directive

Article 26 – paragraph 8

Text proposed by the Commission

Amendment

8. Electricity from biomass fuels produced in installations with a fuel capacity equal to or exceeding 20 MW shall be taken into account for the purposes referred to in points (a), (b) and (c) of paragraph 1 only if it is produced applying high efficient cogeneration technology as defined under Article 2(34) of Directive 2012/27/EU. For the purposes of points (a) and (b) of paragraph 1, this provision shall only apply to installations starting operation after [3 years from date of adoption of this Directive]. For the purposes of point (c) of paragraph 1, this provision is without prejudice to public support provided under schemes approved by [3 years after date of adoption of this Directive].

deleted

The first sub-paragraph shall not apply to electricity from installations which are the object of a specific notification by a Member State to the Commission based on the duly substantiated existence of risks for the security of supply of electricity. Upon assessment of the notification, the Commission shall adopt a

decision taking into account the elements included therein.

Or. en

Justification

EC proposal leads de facto to the exclusion of a large share of biomass as the source contributing towards achieving the RES targets in certain Member States. It is difficult to find justification why biomass should be excluded from targets or support, if sustainability criteria are met. Biomass is an important instrument of low emission transformation of the fuel mix creating an opportunity for best possible use of local RES resources for production of electricity.

Amendment 886

Matteo Salvini, Angelo Ciocca, Lorenzo Fontana

Proposal for a directive

Article 26 – paragraph 8

Text proposed by the Commission

Amendment

8. Electricity from biomass fuels produced in installations with a fuel capacity equal to or exceeding 20 MW shall be taken into account for the purposes referred to in points (a), (b) and (c) of paragraph 1 only if it is produced applying high efficient cogeneration technology as defined under Article 2(34) of Directive 2012/27/EU. For the purposes of points (a) and (b) of paragraph 1, this provision shall only apply to installations starting operation after [3 years from date of adoption of this Directive]. For the purposes of point (c) of paragraph 1, this provision is without prejudice to public support provided under schemes approved by [3 years after date of adoption of this Directive]. *deleted*

The first sub-paragraph shall not apply to electricity from installations which are the object of a specific notification by a Member State to the Commission based on the duly substantiated existence of risks for the security of supply of

electricity. Upon assessment of the notification, the Commission shall adopt a decision taking into account the elements included therein.

Or. en

Justification

This provision fails to take into account technological reality and progress.

Amendment 887

Seán Kelly, Francesc Gambús, Vladimir Urutchev, Krišjānis Kariņš, Gunnar Hökmark

**Proposal for a directive
Article 26 – paragraph 8**

Text proposed by the Commission

Amendment

Electricity from biomass fuels produced in installations with a fuel capacity equal to or exceeding 20 MW shall be taken into account for the purposes referred to in points (a), (b) and (c) of paragraph 1 only if it is produced applying high efficient cogeneration technology as defined under Article 2(34) of Directive 2012/27/EU. For the purposes of points (a) and (b) of paragraph 1, this provision shall only apply to installations starting operation after [3 years from date of adoption of this Directive]. For the purposes of point (c) of paragraph 1, this provision is without prejudice to public support provided under schemes approved by [3 years after date of adoption of this Directive].

deleted

The first sub-paragraph shall not apply to electricity from installations which are the object of a specific notification by a Member State to the Commission based on the duly substantiated existence of risks for the security of supply of electricity. Upon assessment of the notification, the Commission shall adopt a decision taking into account the elements

included therein.

Or. en

Amendment 888

Julie Girling

Proposal for a directive

Article 26 – paragraph 8 – subparagraph 1

Text proposed by the Commission

8. Electricity from biomass fuels produced in installations with a fuel capacity equal to or exceeding 20 MW shall be taken into account for the purposes referred to in points (a), (b) and (c) of paragraph 1 only if it is produced applying high efficient cogeneration technology as defined under Article 2(34) of Directive 2012/27/EU. ***For the purposes of points (a) and (b) of paragraph 1, this provision shall only apply to installations starting operation after [3 years from date of adoption of this Directive]. For the purposes of point (c) of paragraph 1, this provision is without prejudice to public support provided under schemes approved by [3 years after date of adoption of this Directive].***

Amendment

8. Electricity from ***cogeneration*** biomass fuels produced in installations with a fuel capacity equal to or exceeding 20 MW shall be taken into account for the purposes referred to in points (a), (b) and (c) of paragraph 1 only if it is produced applying high efficient cogeneration technology as defined under Article 2(34) of Directive 2012/27/EU.

Or. en

Amendment 889

Nessa Childers

Proposal for a directive

Article 26 – paragraph 8 – subparagraph 1

Text proposed by the Commission

8. Electricity from biomass fuels produced in installations with a fuel capacity equal to or exceeding ***20 MW*** shall be taken into account for the purposes

Amendment

8. Electricity from biomass fuels produced in installations with a fuel capacity equal to or exceeding ***1 MW*** shall be taken into account for the purposes

referred to in points (a), (b) and (c) of paragraph 1 only if it is produced **applying high efficient cogeneration technology as defined under Article 2(34) of Directive 2012/27/EU**. For the purposes of points (a) and (b) of paragraph 1, this provision shall only apply to installations starting operation **after [3 years from date of adoption of this Directive]**. For the purposes of point (c) of paragraph 1, this provision is without prejudice to public support provided under schemes approved by **[3 years after date of adoption of this Directive]**.

referred to in points (a), (b) and (c) of paragraph 1 only if it is produced **with a minimum energy conversion efficiency of 85% in installations using exclusively biomass fuels**. For the purposes of points (a) and (b) of paragraph 1, this provision shall only apply to installations starting operation **and using exclusively biomass fuels after 1 January 2021**. For the purposes of point (c) of paragraph 1, this provision is without prejudice to public support provided under schemes approved by **the** date of adoption of this Directive.

Or. en

Amendment 890

Elisabeth Köstinger, Albert Deß, Herbert Dorfmann

Proposal for a directive

Article 26 – paragraph 8 – subparagraph 1

Text proposed by the Commission

8. Electricity from biomass fuels produced in installations with a fuel capacity equal to or exceeding **20** MW shall be taken into account for the purposes referred to in points (a), (b) and (c) of paragraph 1 only if it is produced applying high efficient cogeneration technology as defined under Article 2(34) of Directive 2012/27/EU. For the purposes of points (a) and (b) of paragraph 1, this provision shall only apply to installations starting operation after [3 years from date of adoption of this Directive]. For the purposes of point (c) of paragraph 1, this provision is without prejudice to public support provided under schemes approved by [3 years after date of adoption of this Directive].

Amendment

8. Electricity from biomass fuels produced in installations with a fuel capacity equal to or exceeding **50** MW shall be taken into account for the purposes referred to in points (a), (b) and (c) of paragraph 1 only if it is produced applying high efficient cogeneration technology as defined under Article 2(34) of Directive 2012/27/EU. For the purposes of points (a) and (b) of paragraph 1, this provision shall only apply to installations starting operation after [3 years from date of adoption of this Directive]. For the purposes of point (c) of paragraph 1, this provision is without prejudice to public support provided under schemes approved by [3 years after date of adoption of this Directive].

Or. en

Justification

In order to minimize the administrative burden for the operators and the feedstock-producers, the Union sustainability and greenhouse gas saving criteria should apply only to electricity and heating from biomass fuels produced in installations with a fuel capacity equal or above to 50 MW.

Amendment 891

Piernicola Pedicini, Eleonora Evi, Dario Tamburrano, David Borrelli

Proposal for a directive

Article 26 – paragraph 8 – subparagraph 1

Text proposed by the Commission

8. Electricity from biomass fuels produced in installations with a fuel capacity equal to or exceeding **20** MW shall be taken into account for the purposes referred to in points (a), (b) and (c) of paragraph 1 only if it is produced applying high efficient cogeneration technology as defined under Article 2(34) of Directive 2012/27/EU. For the purposes of points (a) and (b) of paragraph 1, this provision shall only apply to installations starting operation after [3 years from date of adoption of this Directive]. For the purposes of point (c) of paragraph 1, this provision is without prejudice to public support provided under schemes approved by [3 years after date of adoption of this Directive].

Amendment

8. Electricity from biomass fuels produced in installations with a fuel capacity equal to or exceeding **1** MW shall be taken into account for the purposes referred to in points (a), (b) and (c) of paragraph 1 only if it is produced applying high efficient cogeneration technology as defined under Article 2(34) of Directive 2012/27/EU **and if it is produced without the use of fossil fuels**. For the purposes of points (a) and (b) of paragraph 1, this provision shall only apply to installations starting operation after [3 years from date of adoption of this Directive]. For the purposes of point (c) of paragraph 1, this provision is without prejudice to public support provided under schemes approved by [3 years after date of adoption of this Directive].

Or. en

Justification

Most biomass installations are below 20 MW and they should also meet the sustainability criteria.

Amendment 892

Jo Leinen, Massimo Paolucci, Tiemo Wölken, Damiano Zoffoli, Tibor Szanyi, Claudiu Ciprian Tănăsescu, Simona Bonafè, Nicola Caputo

Proposal for a directive
Article 26 – paragraph 8 – subparagraph 1

Text proposed by the Commission

8. Electricity from biomass fuels produced in installations with a fuel capacity equal to or exceeding **20** MW shall be taken into account for the purposes referred to in points (a), (b) and (c) of paragraph 1 only if it is produced applying high efficient cogeneration technology as defined under Article 2(34) of Directive 2012/27/EU. For the purposes of points (a) and (b) of paragraph 1, this provision shall only apply to installations starting operation after [3 years from date of adoption of this Directive]. For the purposes of point (c) of paragraph 1, this provision is without prejudice to public support provided under schemes approved by [3 years after date of adoption of this Directive].

Amendment

8. Electricity from biomass fuels produced in installations with a fuel capacity equal to or exceeding **5** MW shall be taken into account for the purposes referred to in points (a), (b) and (c) of paragraph 1 only if it is produced applying high efficient cogeneration technology as defined under Article 2(34) of Directive 2012/27/EU. For the purposes of points (a) and (b) of paragraph 1, this provision shall only apply to installations starting operation after [3 years from date of adoption of this Directive]. For the purposes of point (c) of paragraph 1, this provision is without prejudice to public support provided under schemes approved by [3 years after date of adoption of this Directive].

Or. en

Amendment 893
Gerben-Jan Gerbrandy, Catherine Bearder

Proposal for a directive
Article 26 – paragraph 8 – subparagraph 1

Text proposed by the Commission

8. Electricity from biomass fuels produced in installations with a fuel capacity equal to or exceeding 20 MW shall be taken into account for the purposes referred to in points (a), (b) and (c) of paragraph 1 only if it is produced applying high efficient cogeneration technology as defined under Article 2(34) of Directive 2012/27/EU. For the purposes of points (a) and (b) of paragraph 1, this provision shall only apply to installations starting operation after [**3 years** from date of

Amendment

8. Electricity from biomass fuels produced in installations with a fuel capacity equal to or exceeding 20 MW shall be taken into account for the purposes referred to in points (a), (b) and (c) of paragraph 1 only if it is produced applying high efficient cogeneration technology as defined under Article 2(34) of Directive 2012/27/EU. For the purposes of points (a) and (b) of paragraph 1, this provision shall only apply to installations starting operation after [**1 year** from date of

adoption of this Directive]. For the purposes of point (c) of paragraph 1, this provision is without prejudice to public support provided under schemes approved by [3 years after date of adoption of this Directive].

adoption of this Directive]. For the purposes of point (c) of paragraph 1, this provision is without prejudice to public support provided under schemes approved by [1 years after date of adoption of this Directive].

Or. en

Amendment 894
Kateřina Konečná

Proposal for a directive
Article 26 – paragraph 8 – subparagraph 1

Text proposed by the Commission

8. Electricity from biomass fuels produced in installations with a fuel capacity equal to or exceeding 20 MW shall be taken into account for the purposes referred to in points (a), (b) and (c) of paragraph 1 only if it is produced applying high efficient cogeneration technology as defined under Article 2(34) of Directive 2012/27/EU. For the purposes of points (a) and (b) of paragraph 1, this provision shall only apply to installations starting operation after [3 years from date of adoption of this Directive]. For the purposes of point (c) of paragraph 1, this provision is without prejudice to public support provided under schemes approved by [3 years after date of adoption of this Directive].

Amendment

8. Electricity from biomass fuels produced in installations with a fuel capacity equal to or exceeding 20 MW shall be taken into account for the purposes referred to in points (a), (b) and (c) of paragraph 1 only if it is produced applying high efficient cogeneration technology as defined under Article 2(34) of Directive 2012/27/EU. For the purposes of points (a) and (b) of paragraph 1, this provision shall only apply to installations starting operation after [3 years from date of adoption of this Directive]. For the purposes of point (c) of paragraph 1, this provision is without prejudice to public support provided under schemes approved by [date of adoption of this Directive].

Or. en

Justification

Support scheme can be approved for up to 10 years. Leaving another 3 years for approval of such a scheme provides for unacceptably long period for development of new condensing power plants using solid biomass fuels.

Amendment 895

Nessa Childers

Proposal for a directive

Article 26 – paragraph 8 – subparagraph 2

Text proposed by the Commission

Amendment

The first sub-paragraph shall not apply to electricity from installations which are the object of a specific notification by a Member State to the Commission based on the duly substantiated existence of risks for the security of supply of electricity. Upon assessment of the notification, the Commission shall adopt a decision taking into account the elements included therein.

deleted

Or. en

Amendment 896

Simona Bonafè, Massimo Paolucci, Damiano Zoffoli, Nicola Caputo

Proposal for a directive

Article 26 – paragraph 8 – subparagraph 2

Text proposed by the Commission

Amendment

The first sub-paragraph shall not apply to electricity from installations which are the object of a specific notification by a Member State to the Commission based on the duly substantiated existence of risks for the security of supply of electricity. Upon assessment of the notification, the Commission shall adopt a decision taking into account the elements included therein.

deleted

Or. en

Amendment 897

Julie Girling

Proposal for a directive
Article 26 – paragraph 8 – subparagraph 2

Text proposed by the Commission

Amendment

The first sub-paragraph shall not apply to electricity from installations which are the object of a specific notification by a Member State to the Commission based on the duly substantiated existence of risks for the security of supply of electricity. Upon assessment of the notification, the Commission shall adopt a decision taking into account the elements included therein.

deleted

Or. en

Amendment 898
Gerben-Jan Gerbrandy, Catherine Bearder

Proposal for a directive
Article 26 – paragraph 8 – subparagraph 2

Text proposed by the Commission

Amendment

The first sub-paragraph shall not apply to electricity from installations which are the object of a specific notification by a Member State to the Commission based on the duly substantiated existence of risks for the security of supply of electricity. Upon assessment of the notification, the Commission shall adopt a decision taking into account the elements included therein.

deleted

Or. en

Amendment 899
Clara Eugenia Aguilera García

Proposal for a directive
Article 26 – paragraph 8 – subparagraph 2

Text proposed by the Commission

The first sub-paragraph shall not apply to electricity from installations which are the object of a specific notification by a Member State to the Commission based on the duly substantiated existence of risks for the security of supply of electricity. Upon assessment of the notification, the Commission shall adopt a decision taking into account the elements included therein.

Amendment

The first sub-paragraph shall not apply to electricity from installations which are the object of a specific notification by a Member State to the Commission based on the duly substantiated existence of risks for the security of supply of electricity. Upon assessment of the notification, the Commission shall adopt a decision taking into account the *installations* included therein, ***or those that are not required to implement high efficiency cogeneration technology in accordance with Article 14 of Directive 2012/27/EU, provided that, under normal operating conditions, they use only biomass fuels produced using waste from agriculture aquaculture, fisheries and forestry.***

Or. es

Justification

While it is necessary to ensure conversion efficiency, a key consideration with regard to sustainable bioenergy, climatic and other factors may result in there being insufficient demand to justify combined heat and energy investments in line with Article 14 of the Energy Efficiency Directive (2012/27/EU). It is, however, necessary to ensure that the power plant in question is fuelled only by waste.

Amendment 900
Soledad Cabezón Ruiz

Proposal for a directive
Article 26 – paragraph 8 – subparagraph 2

Text proposed by the Commission

The first sub-paragraph shall not apply to electricity from installations which are the object of a specific notification by a Member State to the Commission based on the duly substantiated existence of risks for the security of supply of electricity. Upon assessment of the notification, the Commission shall adopt a decision taking

Amendment

The first sub-paragraph shall not apply to electricity from installations which are the object of a specific notification by a Member State to the Commission based on the duly substantiated existence of risks for the security of supply of electricity. Upon ***assessment*** of the notification, the Commission shall adopt a decision taking

into account the elements included therein.

into account the elements included therein, ***or are not required to apply high efficient cogeneration technology, in accordance with Article 14 of Directive 2012/27/EU^{49a}, as long as these installations employ exclusively biomass fuels produced from agricultural, aquaculture, fisheries and forestry residues under normal operating conditions.***

^{49a} OJ L 315, 14.11.2012, p.1-56

Or. en

Justification

While high conversion efficiency is a key component of bioenergy sustainability and should be ensured, there are circumstances such as climatic conditions, which lead to insufficient demand for heat for combined heat and power investments. These circumstances are already addressed in article 14 of the Energy Efficiency Directive (2012/27/EU), dealing with the promotion of efficiency in heating and cooling. However, it should be ensured that installations producing electricity only should use exclusively residues, as these are not in competition with material uses.

Amendment 901

Pilar Ayuso, Pilar del Castillo Vera

Proposal for a directive

Article 26 – paragraph 8 – subparagraph 2

Text proposed by the Commission

The first sub-paragraph shall not apply to electricity from installations which are the object of a specific notification by a Member State to the Commission based on the duly substantiated existence of risks for the security of supply of electricity. Upon ***assessment*** of the notification, the Commission shall adopt a decision taking into account the elements included therein.

Amendment

The first sub-paragraph shall not apply to electricity from installations which are the object of a specific notification by a Member State to the Commission based on the duly substantiated existence of risks for the security of supply of electricity. Upon ***assessment*** of the notification, the Commission shall adopt a decision taking into account the elements included therein, ***or are not required to apply high efficient cogeneration technology, in accordance with Article 14 of Directive***

2012/27/EU^{49a}, as long as these installations employ exclusively biomass fuels produced from agricultural, aquaculture, fisheries and forestry residues under normal operating conditions.

^{49a} OJ L 315, 14.11.2012, p.1-56

Or. en

Amendment 902

Karl-Heinz Florenz, Francesc Gambús, Ivo Belet, Elisabetta Gardini, Annie Schreijer-Pierik, Françoise Grossetête, Angélique Delahaye, Michel Dantin

Proposal for a directive

Article 26 – paragraph 8 a (new)

Text proposed by the Commission

Amendment

8a. The production of biofuels, bioliquids and biomass fuels produced from waste, (by)products and residues, other than agricultural, aquaculture, fisheries and forestry residues, taken into account for the purposes referred to in points (a), (b), and (c) of paragraph 1 shall be in line with the principle of the waste hierarchy and avoid significant distortive effects on markets for (by)products, wastes or residues.

The Commission shall adopt a delegated act set in accordance with article 32 establishing detailed rules on the application of this paragraph.

Or. en

Justification

The production of biofuels, bioliquids and biomass fuels can divert residues from existing material uses to energy, as well as it can divert waste from recycling to energy, in contradiction to the waste hierarchy and circular economy objectives. To ensure that transport decarbonisation supports objectives of the Circular Economy Action Plan and is in line with the EU waste hierarchy, it is necessary to introduce a new sustainability criteria.

Amendment 903

Bas Eickhout

Proposal for a directive

Article 26 – paragraph 8 a (new)

Text proposed by the Commission

Amendment

8a. The Commission shall, every two years, report to the European Parliament and to the Council on the impact of biofuels consumed in the Union, including on the production of food and feed and other materials, on the environment and on social sustainability both in the Union and in third countries.

Or. en

Justification

Reintroducing reporting provisions (Article 17(7) of the existing Directive) that have been removed in Commission proposal.

Amendment 904

Piernicola Pedicini, Eleonora Evi, Dario Tamburrano, David Borrelli

Proposal for a directive

Article 26 – paragraph 9

Text proposed by the Commission

Amendment

9. For the purposes referred to in points (a), (b) and (c) of paragraph 1, Member States shall not refuse to take into account, on other sustainability grounds, biofuels and bioliquids obtained in compliance with this Article.

deleted

Or. en

Justification

Biofuels and bioliquids should be accepted or refused only on the basis of the sustainability

criteria set in this directive and not on other sustainability grounds in order to avoid market distortion and to ensure a level playing field across EU.

Amendment 905

Jytte Guteland, Olle Ludvigsson, Pavel Poc

Proposal for a directive

Article 26 – paragraph 9

Text proposed by the Commission

9. For the purposes referred to in points (a), (b) and (c) of paragraph 1, Member States shall not refuse to take into account, on other sustainability grounds, biofuels and bioliquids obtained in compliance with this Article.

Amendment

9. For the purposes referred to in points (a), (b) and (c) of paragraph 1, Member States shall not refuse to take into account, on other sustainability grounds, biofuels, **biomass fuels** and bioliquids obtained in compliance with this Article.

Or. en

Justification

Include also biomass fuels to increase GHG reduction possibilities. Because the directive covers biomass fuels, biofuels and bioliquids, the term “biomass fuels” shall be added. There is a direct link to the purpose of the provisions applying in paragraph 1 of this article, in which “biomass fuels” is explicitly mentioned. The proposed change to Article 26 (9) is thus natural and interlinked with all other paragraphs of Article 26 [as well as our amendments 5-21].

Amendment 906

Christofer Fjellner, Gunnar Hökmark

Proposal for a directive

Article 26 – paragraph 9

Text proposed by the Commission

9. For the purposes referred to in points (a), (b) and (c) of paragraph 1, Member States shall not refuse to take into account, on other sustainability grounds, biofuels and bioliquids obtained in compliance with this Article.

Amendment

9. For the purposes referred to in points (a), (b) and (c) of paragraph 1, Member States shall not refuse to take into account, on other sustainability grounds, **biomass fuels**, biofuels and bioliquids obtained in compliance with this Article.

Justification

Since biomass fuels are covered by this Directive it should be mentioned here.

Amendment 907

Fredrick Federley, Ulrike Müller, Morten Helveg Petersen

Proposal for a directive

Article 26 – paragraph 9

Text proposed by the Commission

9. For the purposes referred to in points (a), (b) and (c) of paragraph 1, Member States shall not refuse to take into account, on other sustainability grounds, biofuels and bioliquids obtained in compliance with this Article.

Amendment

9. For the purposes referred to in points (a), (b) and (c) of paragraph 1, Member States shall not refuse to take into account, on other sustainability grounds, **biomass fuels**, biofuels and bioliquids obtained in compliance with this Article.

Or. en

Amendment 908

Seán Kelly, Francesc Gambús, Vladimir Urutchev, Krišjānis Kariņš, Henna Virkkunen

Proposal for a directive

Article 26 – paragraph 10

Text proposed by the Commission

10. For the purposes referred to in points (a), (b) and (c) of paragraph 1, Member States may place additional sustainability requirements for biomass fuels.

Amendment

deleted

Or. en

Amendment 909

Christel Schaldemose

Proposal for a directive
Article 26 – paragraph 10

Text proposed by the Commission

Amendment

10. For the purposes referred to in points (a), (b) and (c) of paragraph 1, Member States may place additional sustainability requirements for biomass fuels. **deleted**

Or. en

Justification

Cost effective utilisation of biomass at European level requires harmonised rules. Without harmonised rules there will not be a fully integrated market for biomass fuels, which would eventually reduce the potential outcome of biomass fuel

Amendment 910
Christofer Fjellner, Gunnar Hökmark, Seán Kelly

Proposal for a directive
Article 26 – paragraph 10

Text proposed by the Commission

Amendment

10. For the purposes referred to in points (a), (b) and (c) of paragraph 1, Member States may place additional sustainability requirements for biomass fuels. **deleted**

Or. en

Justification

A harmonised set of criteria should apply at EU level. It should therefore be prohibited for Member States to add additional criteria to biomass fuels, biofuels and bioliquids. If Member States allowed to go beyond this directive it would complicate the verification and negatively influence the functioning of the internal market.

Amendment 911
Jytte Guteland, Olle Ludvigsson, Pavel Poc

Proposal for a directive
Article 26 – paragraph 10

Text proposed by the Commission

Amendment

10. *For the purposes referred to in points (a), (b) and (c) of paragraph 1, Member States may place additional sustainability requirements for biomass fuels.*

deleted

Or. en

Justification

Risks undermining the internal market and increasing national barriers to trade.

Amendment 912
Anneli Jäätteenmäki, Hannu Takkula

Proposal for a directive
Article 26 – paragraph 10

Text proposed by the Commission

Amendment

10. *For the purposes referred to in points (a), (b) and (c) of paragraph 1, Member States may place additional sustainability requirements for biomass fuels.*

deleted

Or. en

Justification

The possibility to set higher national criteria than those commonly accepted would complicate verification and negatively influence the functioning of the internal market.

Amendment 913
Gerben-Jan Gerbrandy, Catherine Bearder

Proposal for a directive
Article 26 – paragraph 10

Text proposed by the Commission

10. For the purposes referred to in points (a), (b) and (c) of paragraph 1, Member States may place additional sustainability requirements for biomass fuels.

Amendment

10. For the purposes referred to in points (a), (b) and (c) of paragraph 1, Member States may place additional sustainability requirements for **biofuels, bioliquids and** biomass fuels. **These requirements shall be duly substantiated, measurable and verifiable.**

Or. en

Amendment 914

Fredrick Federley, Ulrike Müller, Morten Helveg Petersen

Proposal for a directive

Article 26 – paragraph 10

Text proposed by the Commission

10. For the purposes referred to in points (a), (b) and (c) of paragraph 1, Member States may place additional sustainability requirements for biomass fuels.

Amendment

10. For the purposes referred to in points (a), (b) and (c) of paragraph 1, Member States may place additional sustainability requirements for biomass fuels. **These additional criteria shall be justified taking into account the functioning of the internal market and be approved by the Commission.**

Or. en

Amendment 915

Elisabeth Köstinger, Albert Deß, Herbert Dorfmann

Proposal for a directive

Article 26 – paragraph 10 a (new)

Text proposed by the Commission

Amendment

10a. By 1 December 2018, the Commission shall adopt delegated acts in accordance with Article 32 setting up production criteria for fossil energies.

Justification

There is a strong need for production criteria to ensure fair competition and full transparency throughout all sectors of energy production.

Amendment 916

Simona Bonafè, Massimo Paolucci, Damiano Zoffoli, Nicola Caputo, Patrizia Toia

Proposal for a directive

Article 26 – paragraph 10 a (new)

Text proposed by the Commission

Amendment

10a. In order to inform the final costumer to what extent the sustainability and greenhouse gas emissions saving criteria for biofuels, bioliquids and biomass fuels laid down in this Article are met, that information shall, where appropriate, be included in the guarantee of origin in accordance with Article 19.

Or. xm

Justification

Guarantees of origin should inform consumers about compliance with sustainability criteria and savings in greenhouse gas emissions.