



2016/0382(COD)

24.7.2017

AMENDMENTS

917 - 982

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 917

Piernicola Pedicini, Eleonora Evi, Dario Tamburrano, David Borrelli

Proposal for a directive

Article 27 – paragraph 1 – introductory part

Text proposed by the Commission

1. Where biofuels, bioliquids and biomass fuels are to be taken into account for the purposes referred to in Articles 23 and 25 and in points (a), (b) and (c) of Article 26(1), Member States shall require economic operators to show that the sustainability and greenhouse gas emissions saving criteria set out in Article 26(2) to (7) have been fulfilled. For that purpose they shall require economic operators to use a mass balance system which:

Amendment

1. Where biofuels, bioliquids and biomass fuels are to be taken into account for the purposes referred to in Articles 23 and 25 and in points (a), (b) and (c) of Article 26(1), Member States shall require economic operators to show that the sustainability and greenhouse gas emissions saving criteria set out in Article 26(2) to (8) have been fulfilled. For that purpose they shall require economic operators to use a mass balance system which:

Or. en

Justification

This is linked to amendment on recital 25 proposing changes in new part of the text proposing changes in new part of the text.

Amendment 918

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

Proposal for a directive

Article 27 – paragraph 1 – introductory part

Text proposed by the Commission

1. Where biofuels, bioliquids and biomass fuels are to be taken into account for the purposes referred to in Articles 23 and 25 and in points (a), (b) and (c) of Article 26(1), Member States shall require economic operators to show that the sustainability and greenhouse gas emissions saving criteria set out in Article 26(2) to (7) have been fulfilled. For that

Amendment

1. Where biofuels, bioliquids and biomass fuels are to be taken into account for the purposes referred to in Articles 23 and 25 and in points (a), (b) and (c) of Article 26(1), Member States shall require economic operators to show that the sustainability and greenhouse gas emissions saving criteria set out in Article 26(2) to (8 a) have been fulfilled. For that

purpose they shall require economic operators to use a mass balance system which:

purpose they shall require economic operators to use a mass balance system which:

Or. en

Justification

See wording of Article 26 para 8 a new - adaptation in Article 27 para 1 is a logical consequence.

Amendment 919

Julie Girling

Proposal for a directive

Article 27 – paragraph 1 – point a

Text proposed by the Commission

(a) allows consignments of raw material or biofuels, bioliquids or biomass fuels with differing sustainability and greenhouse gas emissions saving characteristics to be mixed for instance in a container, processing or logistical facility, transmission and distribution infrastructure or site ;

Amendment

(a) allows consignments of raw material or biofuels, bioliquids or biomass fuels with differing sustainability and greenhouse gas emissions saving characteristics to be mixed for instance in a container, processing or logistical facility, transmission and distribution infrastructure or site ***provided each consignment meets the requirements laid down in Article 26 in its own right and (b) that suitable systems are in place to monitor and measure the compliance of the individual consignments;***

Or. en

Amendment 920

Elisabetta Gardini, Giovanni La Via

Proposal for a directive

Article 27 – paragraph 1 – point d – point d a (new)

Text proposed by the Commission

Amendment

(da) For biomethane, mass balance

system obligations shall apply from the original feedstock till the point of injection into the gas grid. In order to facilitate cross border trade and disclosure to consumers, guarantees of origin for biomethane injected into the grid shall contain information on the sustainability and greenhouse gas emission saving criteria set out in Article 26(2) to (7) and may be transferred separately from the physical gas. In order to avoid double counting Member State shall make guarantees of origin for biomethane injected into the grid the only accepted mean for origin disclosure purposes.

Or. en

Justification

For biomethane and other renewable gases injected into the gas grid, the mass balance system should be applied only to the first part of its chain of custody, from the feedstock production till the injection into the grid. After the injection into the grid, the traceability criterion becomes the one that applies to renewable electricity.

Amendment 921

Gerben-Jan Gerbrandy, Catherine Bearder, Carolina Punset

Proposal for a directive

Article 27 – paragraph 1 – point d a (new)

Text proposed by the Commission

Amendment

(da) provides information about the emissions of ambient air pollutants and impact on limit values as set in Directive 2008/50 on Ambient Air Quality.

Or. en

Justification

Although cleaner than coal, biomass combustion still leads to higher emissions of particulates. These particulates may have a negative impact on the immediate environment. In

many areas in the Union, the European standards for particulates are already violated. Therefore, to avoid potential environmental problems will rather be transferred rather than limited or prevented, the possible negative impact on air quality should be considered. In accordance with Directive 2008/50 on Ambient Air Quality.

Amendment 922

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

Proposal for a directive

Article 27 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1a. In order to facilitate cross border trade and disclosure to consumers, guarantees of origin for renewable energy injected into the grid shall contain information on the sustainability criteria and greenhouse gas emission savings as defined in Article 26(2) to (7) and may be transferred separately.

Or. xm

Justification

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

Amendment 923

Matteo Salvini, Angelo Ciocca, Lorenzo Fontana

Proposal for a directive

Article 27 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1a. For bio-methane, mass balance system obligations shall apply from the original feedstock to the point of injection into the gas grid.

Guarantees of origin for bio-methane injected into the grid shall contain information on the sustainability and GHG emission saving criteria set out in

Article 26(2) to 26(7).

Member States shall make guarantees of origin for bio-methane injected into the grid the only accepted mean for origin disclosure purposes.

Or. en

Justification

After injection into the grid, the traceability criterion should become the "book and claim" system that applies to renewable electricity: the guarantee of origin should be a sufficient proof for the fulfilment of sustainability and GHG emission savings criteria.

Amendment 924

Julie Girling

Proposal for a directive

Article 27 – paragraph 2 – subparagraph 1 – point a

Text proposed by the Commission

(a) when the processing of a consignment of raw material yields only one output that is intended for the production of biofuels, bioliquids or biomass fuels, the size of the consignment and the related quantities of sustainability and greenhouse gas emissions saving characteristics shall be adjusted applying a conversion factor representing the ratio between the mass of the output that is intended for the production of biofuels, bioliquids or biomass fuels and the mass of the raw material entering the process;

Amendment

(a) when the processing of a consignment of raw material yields only one output that is intended for the production of biofuels, bioliquids or biomass fuels, the size of the consignment and the related quantities of sustainability and greenhouse gas emissions saving characteristics shall be adjusted applying a conversion factor representing the ratio between the mass of the output that is intended for the production of biofuels, bioliquids or biomass fuels and the mass of the raw material entering the process ***provided that each consignment which constitutes the mixture meets the requirements laid down in Article 26;***

Or. en

Amendment 925

Fredrick Federley, Morten Helveg Petersen

Proposal for a directive
Article 27 – paragraph 3 – subparagraph 1

Text proposed by the Commission

3. Member States shall take measures to ensure that economic operators submit reliable information regarding the compliance with the sustainability and greenhouse gas emissions saving criteria set out in Article 26(2) to (7) and make available to the Member State, on request, the data that were used to develop the information. Member States shall require economic operators to arrange for an adequate standard of independent auditing of the information submitted, and to provide evidence that this has been done. The auditing shall verify that the systems used by economic operators are accurate, reliable and protected against fraud. It shall evaluate the frequency and methodology of sampling and the robustness of the data.

Amendment

3. Member States shall take measures to ensure that economic operators submit reliable information regarding the compliance with the sustainability and greenhouse gas emissions saving criteria set out in Article 26(2) to (7) and make available to the Member State, on request, the data that were used to develop the information. Member States shall require economic operators to arrange for an adequate standard of independent auditing of the information submitted, and to provide evidence that this has been done. ***Up to the first gathering point of the biomass, first or second party auditing could be used.*** The auditing shall verify that the systems used by economic operators are accurate, reliable and protected against fraud. It shall evaluate the frequency and methodology of sampling and the robustness of the data.

Or. en

Amendment 926
Jytte Guteland, Olle Ludvigsson, Pavel Poc

Proposal for a directive
Article 27 – paragraph 3 – subparagraph 1

Text proposed by the Commission

3. Member States shall take measures to ensure that economic operators submit reliable information regarding the compliance with the sustainability and greenhouse gas emissions saving criteria set out in Article 26(2) to (7) and make available to the Member State, on request, the data that were used to develop the information. Member States shall require economic operators to arrange for an

Amendment

3. Member States shall take measures to ensure that economic operators submit reliable information regarding the compliance with the sustainability and greenhouse gas emissions saving criteria set out in Article 26(2) to (7) and make available to the Member State, on request, the data that were used to develop the information. Member States shall require economic operators to arrange for an

adequate standard of independent auditing of the information submitted, and to provide evidence that this has been done. The auditing shall verify that the systems used by economic operators are accurate, reliable and protected against fraud. It shall evaluate the frequency and methodology of sampling and the robustness of the data.

adequate standard of independent auditing of the information submitted, and to provide evidence that this has been done. ***First or second party auditing may be used up to the first gathering point of the biomass.*** The auditing shall verify that the systems used by economic operators are accurate, reliable and protected against fraud. It shall evaluate the frequency and methodology of sampling and the robustness of the data.

Or. en

Justification

The implementation of RED I amply shows that third party auditing at forest holding level is neither cost-effective nor proportional, especially for biomass produced in countries fulfilling 26.5a. Biomass flows are segregated up the first gathering point in the chain of custody. In this specific part of the chain of custody, first and second party auditing should be allowed. Third party auditing shall start from the first gathering point of the biomass.

Amendment 927

Gerben-Jan Gerbrandy, Catherine Bearder, Carolina Punset

Proposal for a directive

Article 27 – paragraph 3 – subparagraph 2

Text proposed by the Commission

The obligations laid down in this paragraph shall apply whether the biofuels, bioliquids, and biomass fuels are produced within the Union or imported.

Amendment

The obligations laid down in this paragraph shall apply whether the biofuels, bioliquids, and biomass fuels are produced within the Union or imported. ***When the biofuels, bioliquids and biomass fuels are produced outside of the Union or imported, their geographic origin shall be made available.***

Or. en

Amendment 928

Julie Girling

Proposal for a directive
Article 27 – paragraph 4 – subparagraph 1

Text proposed by the Commission

4. The Commission may decide that voluntary national or international schemes setting standards for the production of biomass products contain accurate data for the purposes of Article 26(7), and/or demonstrate that consignments of biofuels, bioliquids or biomass fuels comply with the sustainability criteria set out in Article 26(2), (3), (4), (5) and (6), and/or that no materials have been intentionally modified or discarded so that the consignment or part thereof would fall under Annex IX. When demonstrating that requirements set out in Article 26(5) and (6) for forest biomass are met, the operators may decide to directly provide the required evidence at the forest holding level. ***The Commission may also recognise areas for the protection of rare, threatened or endangered ecosystems or species recognised by international agreements or included in lists drawn up by intergovernmental organisations or the International Union for the Conservation of Nature for the purposes of Article 26(2)(b)(ii).***

Amendment

4. The Commission may decide that voluntary national or international schemes setting standards for the production of biomass products contain accurate data for the purposes of Article 26(7), and/or demonstrate that consignments of biofuels, bioliquids or biomass fuels comply with the sustainability criteria set out in Article 26(2), (3), (4), (5) and (6), and/or that no materials have been intentionally modified or discarded so that the consignment or part thereof would fall under Annex IX. When demonstrating that requirements set out in Article 26(5) and (6) for forest biomass are met, the operators may decide to directly provide the required evidence at the ***regional, county or*** forest holding level.

Or. en

Amendment 929
Christofer Fjellner, Gunnar Hökmark

Proposal for a directive
Article 27 – paragraph 4 – subparagraph 1

Text proposed by the Commission

4. The Commission may decide that voluntary national or international schemes setting standards for the production of biomass products contain accurate data for the purposes of Article 26(7), and/or

Amendment

4. The Commission may decide that voluntary national or international schemes setting standards for the production of biomass products contain accurate data for the purposes of Article 26(7), and/or

demonstrate that consignments of biofuels, bioliquids or biomass fuels comply with the sustainability criteria set out in Article 26(2), (3), (4), (5) and (6), **and/or that no materials have been intentionally modified or discarded so that the consignment or part thereof would fall under Annex IX**. When demonstrating that requirements set out in Article 26(5) and (6) for forest biomass are met, the operators may decide to directly provide the required evidence at the forest **holding** level. The Commission may also recognise areas for the protection of rare, threatened or endangered ecosystems or species recognised by international agreements or included in lists drawn up by intergovernmental organisations or the International Union for the Conservation of Nature for the purposes of Article 26(2)(b)(ii).

demonstrate that consignments of biofuels, bioliquids or biomass fuels comply with the sustainability criteria set out in Article 26(2), (3), (4), (5) and (6). When demonstrating that requirements set out in Article 26(5) and (6) for forest biomass are met, the operators may decide to directly provide the required evidence at the forest **supply base** level. The Commission may also recognise areas for the protection of rare, threatened or endangered ecosystems or species recognised by international agreements or included in lists drawn up by intergovernmental organisations or the International Union for the Conservation of Nature for the purposes of Article 26(2)(b)(ii).

Or. en

Amendment 930

Elisabeth Köstinger, Albert Deß, Herbert Dorfmann

Proposal for a directive

Article 27 – paragraph 4 – subparagraph 1

Text proposed by the Commission

4. The Commission may decide that voluntary national or international schemes setting standards for the production of biomass products contain accurate data for the purposes of Article 26(7), and/or demonstrate that consignments of biofuels, bioliquids or biomass fuels comply with the sustainability criteria set out in Article 26(2), (3), (4), (5) and (6), and/or that no materials have been intentionally modified or discarded so that the consignment or part thereof would fall under Annex IX. When demonstrating that requirements set out in Article 26(5) and (6) for forest biomass are met, the operators may decide

Amendment

4. The Commission may decide that voluntary national or international schemes setting standards for the production of biomass products contain accurate data for the purposes of Article 26(7), and/or demonstrate that consignments of biofuels, bioliquids or biomass fuels comply with the sustainability criteria set out in Article 26(2), (3), (4), (5) and (6), and/or that no materials have been intentionally modified or discarded so that the consignment or part thereof would fall under Annex IX. When demonstrating that requirements set out in Article 26(5) and (6) for forest biomass are met, the operators may decide

to directly provide the required evidence at *the forest holding* level. The Commission may also recognise areas for the protection of rare, threatened or endangered ecosystems or species recognised by international agreements or included in lists drawn up by intergovernmental organisations or the International Union for the Conservation of Nature for the purposes of Article 26(2)(b)(ii).

to directly provide the required evidence at *supply base* level. The Commission may also recognise areas for the protection of rare, threatened or endangered ecosystems or species recognised by international agreements or included in lists drawn up by intergovernmental organisations or the International Union for the Conservation of Nature for the purposes of Article 26(2)(b)(ii).

Or. en

Justification

Assessments of sustainability should not be 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. This is to avoid administrative burden, which the Commission has emphasized.

Amendment 931

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

Proposal for a directive

Article 27 – paragraph 4 – subparagraph 1

Text proposed by the Commission

4. The Commission may decide that voluntary national or international schemes setting standards for the production of biomass products contain accurate data for the purposes of Article 26(7), and/or demonstrate that consignments of biofuels, bioliquids or biomass fuels comply with the sustainability criteria set out in Article 26(2), (3), (4), (5) and (6), and/or that no materials have been intentionally modified or discarded so that the consignment or part thereof would fall under Annex IX. When demonstrating that requirements set out in Article 26(5) and (6) for forest

Amendment

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biomass are met, the operators may decide to directly provide the required evidence at the **forest holding** level. The Commission may also recognise areas for the protection of rare, threatened or endangered ecosystems or species recognised by international agreements or included in lists drawn up by intergovernmental organisations or the International Union for the Conservation of Nature for the purposes of Article 26(2)(b)(ii).

biomass are met, the operators may decide to directly provide the required evidence at the **supply base** level. The Commission may also recognise areas for the protection of rare, threatened or endangered ecosystems or species recognised by international agreements or included in lists drawn up by intergovernmental organisations or the International Union for the Conservation of Nature for the purposes of Article 26(2)(b)(ii).

Or. en

Amendment 932

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

Proposal for a directive

Article 27 – paragraph 4 – subparagraph 1

Text proposed by the Commission

4. The Commission may decide that voluntary national or international schemes setting standards for the production of biomass products contain accurate data for the purposes of Article 26(7), and/or demonstrate that consignments of biofuels, bioliquids or biomass fuels comply with the sustainability criteria set out in Article 26(2), (3), (4), (5) and (6), and/or that no materials have been intentionally modified or discarded so that the consignment or part thereof would fall under Annex IX. When demonstrating that requirements set out in Article 26(5) and (6) for forest biomass are met, the operators may decide to directly provide the required evidence at the **forest holding** level. The Commission may also recognise areas for the protection of rare, threatened or endangered ecosystems or species recognised by international agreements or included in lists drawn up by intergovernmental organisations or the International Union for the Conservation of Nature for the

Amendment

4. The Commission may decide that voluntary national or international schemes setting standards for the production of biomass products contain accurate data for the purposes of Article 26(7), and/or demonstrate that consignments of biofuels, bioliquids or biomass fuels comply with the sustainability criteria set out in Article 26(2), (3), (4), (5) and (6), and/or that no materials have been intentionally modified or discarded so that the consignment or part thereof would fall under Annex IX. When demonstrating that requirements set out in Article 26(5) and (6) for forest biomass are met, the operators may decide to directly provide the required evidence at the **supply base** level. The Commission may also recognise areas for the protection of rare, threatened or endangered ecosystems or species recognised by international agreements or included in lists drawn up by intergovernmental organisations or the International Union for the Conservation of Nature for the

purposes of Article 26(2)(b)(ii).

purposes of Article 26(2)(b)(ii).

Or. en

Justification

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

Amendment 933

Seán Kelly, Francesc Gambús, Vladimir Urutchev, Krišjānis Kariņš

Proposal for a directive

Article 27 – paragraph 4 – subparagraph 1

Text proposed by the Commission

4. The Commission may decide that voluntary national or international schemes setting standards for the production of biomass products contain accurate data for the purposes of Article 26(7), and/or demonstrate that consignments of biofuels, bioliquids or biomass fuels comply with the sustainability criteria set out in Article 26(2), (3), (4), (5) and (6), and/or that no materials have been intentionally modified or discarded so that the consignment or part thereof would fall under Annex IX. When demonstrating that requirements set out in Article 26(5) and (6) for forest biomass are met, the operators may decide to directly provide the required evidence at the *forest holding* level. The Commission may also recognise areas for the protection of rare, threatened or endangered ecosystems or species recognised by international agreements or included in lists drawn up by intergovernmental organisations or the International Union for the Conservation of Nature for the purposes of Article 26(2)(b)(ii).

Amendment

4. The Commission may decide that voluntary national or international schemes setting standards for the production of biomass products contain accurate data for the purposes of Article 26(7), and/or demonstrate that consignments of biofuels, bioliquids or biomass fuels comply with the sustainability criteria set out in Article 26(2), (3), (4), (5) and (6), and/or that no materials have been intentionally modified or discarded so that the consignment or part thereof would fall under Annex IX. When demonstrating that requirements set out in Article 26(5) and (6) for forest biomass are met, the operators may decide to directly provide the required evidence at the *supply base* level. The Commission may also recognise areas for the protection of rare, threatened or endangered ecosystems or species recognised by international agreements or included in lists drawn up by intergovernmental organisations or the International Union for the Conservation of Nature for the purposes of Article 26(2)(b)(ii).

Or. en

Amendment 934
Norbert Lins

Proposal for a directive
Article 27 – paragraph 4 – subparagraph 1

Text proposed by the Commission

4. The Commission may decide that voluntary national or international schemes setting standards for the production of biomass products contain accurate data for the purposes of Article 26(7), and/or demonstrate that consignments of biofuels, bioliquids or biomass fuels comply with the sustainability criteria set out in Article 26(2), (3), (4), (5) and (6), and/or that no materials have been intentionally modified or discarded so that the consignment or part thereof would fall under Annex IX. When demonstrating that requirements set out in Article 26(5) and (6) for forest biomass are met, the operators may decide to directly provide the required evidence at the *forest holding* level. The Commission may also recognise areas for the protection of rare, threatened or endangered ecosystems or species recognised by international agreements or included in lists drawn up by intergovernmental organisations or the International Union for the Conservation of Nature for the purposes of Article 26(2)(b)(ii).

Amendment

4. The Commission may decide that voluntary national or international schemes setting standards for the production of biomass products contain accurate data for the purposes of Article 26(7), and/or demonstrate that consignments of biofuels, bioliquids or biomass fuels comply with the sustainability criteria set out in Article 26(2), (3), (4), (5) and (6), and/or that no materials have been intentionally modified or discarded so that the consignment or part thereof would fall under Annex IX. When demonstrating that requirements set out in Article 26(5) and (6) for forest biomass are met, the operators may decide to directly provide the required evidence at the *supply base* level. The Commission may also recognise areas for the protection of rare, threatened or endangered ecosystems or species recognised by international agreements or included in lists drawn up by intergovernmental organisations or the International Union for the Conservation of Nature for the purposes of Article 26(2)(b)(ii).

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 935
Piernicola Pedicini, Eleonora Evi, Dario Tamburrano, David Borrelli

Proposal for a directive
Article 27 – paragraph 4 – subparagraph 1

Text proposed by the Commission

4. The Commission may decide that voluntary national or international schemes setting standards for the production of biomass products contain accurate data for the purposes of Article 26(7), and/or demonstrate that consignments of biofuels, bioliquids or biomass fuels comply with the sustainability criteria set out in Article 26(2), (3), (4), (5) **and** (6), and/or that no materials have been intentionally modified or discarded so that the consignment or part thereof would fall under Annex IX. When demonstrating that requirements set out in Article 26(5) and (6) for forest biomass are met, the operators may decide to directly provide the required evidence at the forest holding level. The Commission may also recognise areas for the protection of rare, threatened or endangered ecosystems or species recognised by international agreements or included in lists drawn up by intergovernmental organisations or the International Union for the Conservation of Nature for the purposes of Article 26(2)(b)(ii).

Amendment

4. The Commission may decide that voluntary national or international schemes setting standards for the production of biomass products contain accurate data for the purposes of Article 26(7), and/or demonstrate that consignments of biofuels, bioliquids or biomass fuels comply with the sustainability criteria set out in Article 26(2), (3), (4), (5), (6) **and (8)**, and/or that no materials have been intentionally modified or discarded so that the consignment or part thereof would fall under Annex IX. When demonstrating that requirements set out in Article 26(5) and (6) for forest biomass are met, the operators may decide to directly provide the required evidence at the forest holding level. The Commission may also recognise areas for the protection of rare, threatened or endangered ecosystems or species recognised by international agreements or included in lists drawn up by intergovernmental organisations or the International Union for the Conservation of Nature for the purposes of Article 26(2)(b)(ii).

Or. en

Justification

This is linked to the amendment on article 26, paragraph 8, subparagraph 1 a (new) proposing changes in new part of the text.

Amendment 936

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

Proposal for a directive
Article 27 – paragraph 4 – subparagraph 1

Text proposed by the Commission

4. The Commission may decide that voluntary national or international schemes setting standards for the production of biomass products contain accurate data for the purposes of Article 26(7), and/or demonstrate that consignments of biofuels, bioliquids or biomass fuels comply with the sustainability criteria set out in Article 26(2), (3), (4), (5) **and** (6), and/or that no materials have been intentionally modified or discarded so that the consignment or part thereof would fall under Annex IX. When demonstrating that requirements set out in Article 26(5) and (6) for forest biomass are met, the operators may decide to directly provide the required evidence at the forest holding level. The Commission may also recognise areas for the protection of rare, threatened or endangered ecosystems or species recognised by international agreements or included in lists drawn up by intergovernmental organisations or the International Union for the Conservation of Nature for the purposes of Article 26(2)(b)(ii).

Amendment

4. The Commission may decide that voluntary national or international schemes setting standards for the production of biomass products contain accurate data for the purposes of Article 26(7), and/or demonstrate that consignments of biofuels, bioliquids or biomass fuels comply with the sustainability criteria set out in Article 26(2), (3), (4), (5), (6) **and (8a)**, and/or that no materials have been intentionally modified or discarded so that the consignment or part thereof would fall under Annex IX. When demonstrating that requirements set out in Article 26(5) and (6) for forest biomass are met, the operators may decide to directly provide the required evidence at the forest holding level. The Commission may also recognise areas for the protection of rare, threatened or endangered ecosystems or species recognised by international agreements or included in lists drawn up by intergovernmental organisations or the International Union for the Conservation of Nature for the purposes of Article 26(2)(b)(ii).

Or. en

(see wording of Article 26 para 8 a new - adaptation in Article 27 para 4 is a logical consequence)

Amendment 937

Julie Girling

Proposal for a directive

Article 27 – paragraph 4 – subparagraph 2

Text proposed by the Commission

The Commission may decide that those schemes contain accurate information on measures taken for soil, water and air protection, the restoration of degraded

Amendment

The Commission may decide that those schemes contain accurate information on measures taken for soil, water and air protection, the restoration of degraded

land, the avoidance of excessive water consumption in areas where water is scarce, and for certification of biofuels and bioliquids with low indirect land-use change-risk.

land, the avoidance of excessive water consumption in areas where water is scarce, and for certification of biofuels and bioliquids with low indirect land-use change-risk. ***Verification shall also ensure that materials are not intentionally modified or discarded so that the consignment or part thereof could become a waste or residue, in order to change their obligations under Article 26(2) - (7).***

Or. en

Amendment 938

Jytte Guteland, Olle Ludvigsson, Pavel Poc

Proposal for a directive

Article 27 – paragraph 5 – subparagraph 1

Text proposed by the Commission

5. The Commission shall adopt decisions under paragraph 4 only if the scheme in question meets adequate standards of reliability, transparency and independent auditing. In the case of schemes to measure greenhouse gas emission saving, such schemes shall also comply with the methodological requirements in Annex V or Annex VI. Lists of areas ***of high biodiversity value*** as referred to in Article 26(2)(b)(ii) shall meet adequate standards of objectivity and coherence with internationally recognised standards and provide for appropriate appeal procedures.

Amendment

5. The Commission shall adopt decisions under paragraph 4 only if the scheme in question meets adequate standards of reliability, transparency and independent auditing. In the case of schemes to measure greenhouse gas emission saving, such schemes shall also comply with the methodological requirements in Annex V or Annex VI. Lists of areas ***designated, by law or by relevant competent national authority for nature conservation purposes***, as referred to in Article 26(2)(b)(ii) shall meet adequate standards of objectivity and coherence with internationally recognised standards and provide for appropriate appeal procedures.

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 939
Julie Girling

Proposal for a directive
Article 27 – paragraph 5 – subparagraph 3

Text proposed by the Commission

In order to ensure that compliance with the sustainability and greenhouse gas emissions saving criteria is verified in an efficient and harmonised manner and in particular to prevent fraud, the Commission may specify detailed implementing rules, including adequate standards of reliability, transparency and independent auditing and require all voluntary schemes to apply those standards. When specifying these standards, the Commission shall pay special attention to the need to minimize administrative burden. This shall be done by means of implementing acts adopted in accordance with the examination procedure referred to in Article 31 (3). Such acts shall set a time frame by which voluntary schemes need to implement the standards. The Commission may repeal decisions recognising voluntary schemes in the event that those schemes fail to implement such standards in the time frame provided for.

Amendment

In order to ensure that compliance with the sustainability and greenhouse gas emissions saving criteria is verified in an efficient and harmonised manner and in particular to prevent fraud, the Commission may specify detailed implementing rules, including adequate standards of reliability, transparency and independent auditing and require all voluntary schemes to apply those standards. When specifying these standards, the Commission shall pay special attention to the need to minimize administrative burden. This shall be done by means of implementing acts adopted in accordance with the examination procedure referred to in Article 31 (3). Such acts shall set a time frame by which voluntary schemes need to implement the standards. The Commission may repeal decisions recognising voluntary schemes in the event that those schemes fail to implement such standards in the time frame provided for.
Where a Member State raises a concern as to the operation of a voluntary scheme, the Commission shall investigate the matter and take appropriate action.

Or. en

Amendment 940
Fredrick Federley, Morten Helveg Petersen

Proposal for a directive
Article 27 – paragraph 5 – subparagraph 3

Text proposed by the Commission

In order to ensure that compliance with the sustainability and greenhouse gas emissions saving criteria is verified in an efficient and harmonised manner and in particular to prevent fraud, the Commission may specify detailed implementing rules, including adequate standards of reliability, transparency and independent auditing and require all voluntary schemes to apply those standards. When specifying these standards, the Commission shall pay special attention to the need to minimize administrative burden. This shall be done by means of implementing acts adopted in accordance with the examination procedure referred to in Article 31 (3). Such acts shall set a time frame by which voluntary schemes need to implement the standards. The Commission may repeal decisions recognising voluntary schemes in the event that those schemes fail to implement such standards in the time frame provided for.

Amendment

In order to ensure that compliance with the sustainability and greenhouse gas emissions saving criteria is verified in an efficient and harmonised manner and in particular to prevent fraud, the Commission may specify detailed implementing rules, including adequate standards of reliability, transparency and independent auditing and require all voluntary schemes to apply those standards. When specifying these standards, the Commission shall pay special attention to the need to minimize administrative burden ***and the possibility to use first or second party auditing up to the first gathering point of the biomass***. This shall be done by means of implementing acts adopted in accordance with the examination procedure referred to in Article 31 (3). Such acts shall set a time frame by which voluntary schemes need to implement the standards. The Commission may repeal decisions recognising voluntary schemes in the event that those schemes fail to implement such standards in the time frame provided for.

Or. en

Amendment 941

Jytte Guteland, Olle Ludvigsson, Pavel Poc

Proposal for a directive

Article 27 – paragraph 5 – subparagraph 3

Text proposed by the Commission

In order to ensure that compliance with the sustainability and greenhouse gas emissions saving criteria is verified in an efficient and harmonised manner and in particular to prevent fraud, the Commission may specify detailed implementing rules, including adequate

Amendment

In order to ensure that compliance with the sustainability and greenhouse gas emissions saving criteria is verified in an efficient and harmonised manner and in particular to prevent fraud, the Commission may specify detailed implementing rules, including adequate

standards of reliability, transparency and independent auditing and require all voluntary schemes to apply those standards. When specifying these standards, the Commission shall pay special attention to the need to minimize administrative burden. This shall be done by means of implementing acts adopted in accordance with the examination procedure referred to in Article 31 (3). Such acts shall set a time frame by which voluntary schemes need to implement the standards. The Commission may repeal decisions recognising voluntary schemes in the event that those schemes fail to implement such standards in the time frame provided for.

standards of reliability, transparency and independent auditing and require all voluntary schemes to apply those standards. When specifying these standards, the Commission shall pay special attention to the need to minimize administrative burden, ***thus allowing first or second party auditing up to the first gathering point of the biomass***. This shall be done by means of implementing acts adopted in accordance with the examination procedure referred to in Article 31 (3). Such acts shall set a time frame by which voluntary schemes need to implement the standards. The Commission may repeal decisions recognising voluntary schemes in the event that those schemes fail to implement such standards in the time frame provided for.

Or. en

Justification

The implementation of RED I amply shows that third party auditing at forest holding level is neither cost-effective nor proportional, especially for biomass produced in countries fulfilling 26.5a. Biomass flows are segregated up the first gathering point in the chain of custody. In this specific part of the chain of custody, first and second party auditing should be allowed. Third party auditing shall start from the first gathering point of the biomass.

Amendment 942

Gerben-Jan Gerbrandy, Catherine Bearder, Carolina Punset

Proposal for a directive

Article 27 – paragraph 5 – subparagraph 3

Text proposed by the Commission

In order to ensure that compliance with the sustainability and greenhouse gas emissions saving criteria is verified in an efficient and harmonised manner and in particular to prevent fraud, the Commission may specify detailed implementing rules, including adequate standards of reliability, transparency and

Amendment

In order to ensure that compliance with the sustainability and greenhouse gas emissions saving criteria is verified in an efficient and harmonised manner and in particular to prevent fraud, the Commission may, ***after the consultation of experts***, specify detailed implementing rules, including adequate standards of

independent auditing and require all voluntary schemes to apply those standards. When specifying these standards, the Commission shall pay special attention to the need to minimize administrative burden. This shall be done by means of implementing acts adopted in accordance with the examination procedure referred to in Article 31 (3). Such acts shall set a time frame by which voluntary schemes need to implement the standards. The Commission may repeal decisions recognising voluntary schemes in the event that those schemes fail to implement such standards in the time frame provided for.

reliability, transparency and independent auditing and require all voluntary schemes to apply those standards. When specifying these standards, the Commission shall pay special attention to the need to minimize administrative burden. This shall be done by means of implementing acts adopted in accordance with the examination procedure referred to in Article 31 (3). Such acts shall set a time frame by which voluntary schemes need to implement the standards. The Commission may repeal decisions recognising voluntary schemes in the event that those schemes fail to implement such standards in the time frame provided for.

Or. en

Amendment 943
Julie Girling

Proposal for a directive
Article 27 – paragraph 6 – subparagraph 1

Text proposed by the Commission

6. Decisions under paragraph 4 of this Article shall be adopted in accordance with the examination procedure referred to in Article 31(3). Such decisions shall be valid for a period of no more than five years.

Amendment

6. Decisions under paragraph 4 of this Article shall be adopted in accordance with the examination procedure referred to in Article 31(3). Such decisions shall be valid for a period of no more than five years.
Where legislative amendments to this Directive affect the operation of voluntary schemes, the Commission shall review and, if appropriate, amend its decision to take account of such changes, having due regard to the relevant transposition period.

Or. en

Amendment 944
Julie Girling

Proposal for a directive
Article 27 – paragraph 6 – subparagraph 5

Text proposed by the Commission

A Member State may notify its national scheme to the Commission. The Commission shall give priority to the assessment of such a scheme. A decision on the compliance of such a notified national scheme with the conditions set out in this Directive shall be adopted in accordance with the examination procedure referred to in Article 31(3), in order to facilitate mutual bilateral and multilateral recognition of schemes for verification of compliance with the sustainability and greenhouse gas emissions saving criteria for biofuels, bioliquids and biomass fuels. Where the decision is positive, schemes established in accordance with this Article shall not refuse mutual recognition with that Member State's scheme, as regards the verification of compliance with the sustainability and greenhouse gas emissions saving criteria set out in Article 26(2) to (7).

Amendment

A Member State may notify its national scheme to the Commission ***where this scheme has been introduced after the date on which the GHG requirements of this Directive come into force.*** The Commission shall give priority to the assessment of such a scheme. A decision on the compliance of such a notified national scheme with the conditions set out in this Directive shall be adopted in accordance with the examination procedure referred to in Article 31(3), in order to facilitate mutual bilateral and multilateral recognition of schemes for verification of compliance with the sustainability and greenhouse gas emissions saving criteria for biofuels, bioliquids and biomass fuels. Where the decision is positive, schemes established in accordance with this Article shall not refuse mutual recognition with that Member State's scheme, as regards the verification of compliance with the sustainability and greenhouse gas emissions saving criteria set out in Article 26(2) to (7). ***Where national schemes are recognised by Member States prior to the adoption of this Directive, such schemes shall be recognised by the Commission, together with the energy generated from those schemes for the purposes of meeting national and European renewable generation targets.***

Or. en

Amendment 945

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

Proposal for a directive
Article 27 – paragraph 7 a (new)

Text proposed by the Commission

Amendment

7a. The Commission may, at any time, verify the reliability of the information relating to the fulfilment of the sustainability criteria or the greenhouse gas emission saving submitted by economic operators operating on the Union market or at the request of a Member State.

Or. en

Justification

It should be made clear that the Commission should have the power and the ability to take the necessary action on its own or at the request of the Member States to ensure the credibility of the system, respect the law and to prevent any fraud.

Amendment 946

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

Proposal for a directive

Article 28 – paragraph 1 – introductory part

Text proposed by the Commission

Amendment

1. For the purposes of Article 26 (7), the greenhouse gas emission saving from the use of biofuel, bioliquids and biomass fuels shall be calculated **as follows**:

1. For the purposes of Article 26 (7), the greenhouse gas emission saving from the use of biofuel, bioliquids and biomass fuels shall be calculated **by applying one of the following methodologies**:

Or. en

Amendment 947

Bas Eickhout

Proposal for a directive

Article 28 – paragraph 1 – point a

Text proposed by the Commission

Amendment

(a) where a default value for

(a) where a default value for

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greenhouse gas emission saving for the production pathway is laid down in part A or B of Annex V for biofuels and bioliquids and in part A of Annex VI for biomass fuels where the el value for those biofuels or bioliquids calculated in accordance with point 7 of part C of Annex V and for those biomass fuels calculated in accordance with point 7 of part B of Annex VI is equal to or less than zero, by using that default value;

greenhouse gas emission saving for the production pathway is laid down in part A or B of Annex V for biofuels and bioliquids and in part A of Annex VI for biomass fuels where the el value for those biofuels or bioliquids calculated in accordance with point 7 of part C of Annex V and for those biomass fuels calculated in accordance with point 7 of part B of Annex VI is equal to or less than zero, by using that default value ***and for biofuels and bioliquids deducting from it the default reduction of greenhouse gas emissions savings from indirect land-use change in part A of Annex VIII or from indirect carbon in part Ba of Annex VIII;***

Or. en

Justification

Few feedstock materials are truly available emissions free. If materials are diverted from their current uses to produce transport biofuel, the other users will be impacted. Indirect carbon estimates based on a displacement analysis identifying what materials would be used to replace the feedstock, and the emissions associated with it, should be used in the calculation for GHG savings to reflect the climate impact of using that material for alternative fuel. This amendment is inextricably linked to the amendment on Article 25 (1). [Replaces AM 69 of the draft report]

Amendment 948

Piernicola Pedicini, Eleonora Evi, Dario Tamburrano, David Borrelli

Proposal for a directive

Article 28 – paragraph 1 – point a

Text proposed by the Commission

(a) where a default value for greenhouse gas emission saving for the production pathway is laid down in part A or B of Annex V for biofuels and bioliquids and in part A of Annex VI for biomass fuels where the el value for those biofuels or bioliquids calculated in accordance with point 7 of part C of Annex V ***and*** for those biomass fuels calculated in

Amendment

(a) where a default value for greenhouse gas emission saving for the production pathway is laid down in part A or B of Annex V for biofuels and bioliquids and in part A of Annex VI for biomass fuels where the el value for those biofuels or bioliquids calculated in accordance with point 7 of part C of Annex V ***is equal to or less than zero and***

accordance with point 7 of part B of Annex VI is equal to or less than zero, by using that default value;

estimated indirect land-use change emissions are zero in accordance with part B of Annex VIII, and where the el value for those biomass fuels calculated in accordance with point 7 of part B of Annex VI is equal to or less than zero, by using that default value;

Or. en

Justification

ILUC effect should be accounted in the GHG emission savings of biofuels.

Amendment 949

Gerben-Jan Gerbrandy, Catherine Bearder

Proposal for a directive

Article 28 – paragraph 1 – point a

Text proposed by the Commission

(a) where a default value for greenhouse gas emission saving for the production pathway is laid down in part A or B of Annex V for biofuels and bioliquids and in part A of Annex VI for biomass fuels where the el value for those biofuels or bioliquids calculated in accordance with point 7 of part C of Annex V **and** for those biomass fuels calculated in accordance with point 7 of part B of Annex VI is equal to or less than zero, by using that default value;

Amendment

(a) where a default value for greenhouse gas emission saving for the production pathway is laid down in part A or B of Annex V for biofuels and bioliquids and in part A of Annex VI for biomass fuels where the el value for those biofuels or bioliquids calculated in accordance with point 7 of part C of Annex V, ***including indirect land-use change values as referred to in part B of Annex VIII, and where the e(I) value*** for those biomass fuels calculated in accordance with point 7 of part B of Annex VI is equal to or less than zero, by using that default value;

Or. en

Amendment 950

Seb Dance

Proposal for a directive
Article 28 – paragraph 1 – point a

Text proposed by the Commission

(a) where a default value for greenhouse gas emission saving for the production pathway is laid down in part A or B of Annex V for biofuels and bioliquids and in part A of Annex VI for biomass fuels where the el value for those biofuels or bioliquids calculated in accordance with point 7 of part C of Annex V **and** for those biomass fuels calculated in accordance with point 7 of part B of Annex VI is equal to or less than zero, by using that default value;

Amendment

(a) where a default value for greenhouse gas emission saving for the production pathway is laid down in part A or B of Annex V for biofuels and bioliquids and in part A of Annex VI for biomass fuels where the el value for those biofuels or bioliquids calculated in accordance with point 7 of part C of Annex V ***including indirect land-use change values as referred to in part B of Annex VIII, and where the El value*** for those biomass fuels calculated in accordance with point 7 of part B of Annex VI is equal to or less than zero, by using that default value;

Or. en

Amendment 951
Bas Eickhout

Proposal for a directive
Article 28 – paragraph 1 – point b

Text proposed by the Commission

(b) by using an actual value calculated in accordance with the methodology laid down in part C of Annex V for biofuels and bioliquids and in part B of Annex VI for biomass fuels ;

Amendment

(b) by using an actual value calculated in accordance with the methodology laid down in part C of Annex V for biofuels and bioliquids and in part B of Annex VI for biomass fuels ***and for biofuels and bioliquids deducting from it the default reduction of greenhouse gas emissions savings from indirect land-use change in part A of Annex VIII or from indirect carbon in part Ba of Annex VIII;***

Or. en

Justification

Few feedstock materials are truly available emissions free. If materials are diverted from their current uses to produce transport biofuel, the other users will be impacted. Indirect carbon estimates based on a displacement analysis identifying what materials would be used to replace the feedstock, and the emissions associated with it, should be used in the calculation for GHG savings to reflect the climate impact of using that material for alternative fuel. This amendment is inextricably linked to the amendment on Article 25 (1). [Replaces AM 70 of the draft report]

Amendment 952 **Bas Eickhout**

Proposal for a directive **Article 28 – paragraph 1 – point c**

Text proposed by the Commission

(c) by using a value calculated as the sum of the factors of the formulas referred to in point 1 of part C of Annex V, where disaggregated default values in part D or E of Annex V may be used for some factors, and actual values, calculated in accordance with the methodology laid down in part C of Annex V, for all other factors; or

Amendment

(c) by using a value calculated as the sum of the factors of the formulas referred to in point 1 of part C of Annex V, where disaggregated default values in part D or E of Annex V may be used for some factors, and actual values, calculated in accordance with the methodology laid down in part C of Annex V, for all other factors **and for biofuels and bioliquids deducting from the value calculated the default reduction of greenhouse gas emissions savings from indirect land-use change in part A of Annex VIII or from indirect carbon in part Ba of Annex VIII**; or

Or. en

Justification

Few feedstock materials are truly available emissions free. If materials are diverted from their current uses to produce transport biofuel, the other users will be impacted. Indirect carbon estimates based on a displacement analysis identifying what materials would be used to replace the feedstock, and the emissions associated with it, should be used in the calculation for GHG savings to reflect the climate impact of using that material for alternative fuel. This amendment is inextricably linked to the amendment on Article 25 (1). [Replaces AM 71 of the draft opinion]

Amendment 953

Piernicola Pedicini, Eleonora Evi, Dario Tamburrano, David Borrelli

Proposal for a directive

Article 28 – paragraph 1 – point c

Text proposed by the Commission

(c) by using a value calculated as the sum of the factors of the formulas referred to in point 1 of part C of Annex V, where disaggregated default values in part D or E of Annex V may be used for some factors, and actual values, calculated in accordance with the methodology laid down in part C of Annex V, for all other factors; or

Amendment

(c) by using a value calculated as the sum of the factors of the formulas referred to in point 1 of part C of Annex V, where disaggregated default values in part D or E of Annex V may be used for some factors, and actual values, calculated in accordance with the methodology laid down in part C of Annex V, for all other factors ***and deducting from it the default reduction of greenhouse gas emissions savings from indirect land-use change in part A of Annex VIII***; or

Or. en

Justification

This is linked to the amendment on Article 26, paragraph 8, subparagraph 1 a (new) proposing changes in new part of the text.

Amendment 954

Gerben-Jan Gerbrandy, Catherine Bearder

Proposal for a directive

Article 28 – paragraph 1 – point c

Text proposed by the Commission

(c) by using a value calculated as the sum of the factors of the formulas referred to in point 1 of part C of Annex V, where disaggregated default values in part D or E of Annex V may be used for some factors, and actual values, calculated in accordance with the methodology laid down in part C of Annex V, for all other factors; or

Amendment

(c) by using a value calculated as the sum of the factors of the formulas referred to in point 1 of part C of Annex V, where disaggregated default values in part D or E of Annex V may be used for some factors, and actual values, calculated in accordance with the methodology laid down in part C of Annex V, for all other factors, ***with the exception of the e(iluc) value, for which the values referred to in Annex VIII shall***

be used; or

Or. en

Justification

JUSTIFICATION.

Amendment 955
Seb Dance

Proposal for a directive
Article 28 – paragraph 1 – point c

Text proposed by the Commission

(c) by using a value calculated as the sum of the factors of the formulas referred to in point 1 of part C of Annex V, where disaggregated default values in part D or E of Annex V may be used for some factors, and actual values, calculated in accordance with the methodology laid down in part C of Annex V, for all other factors; *or*

Amendment

(c) by using a value calculated as the sum of the factors of the formulas referred to in point 1 of part C of Annex V, where disaggregated default values in part D or E of Annex V may be used for some factors, and actual values, calculated in accordance with the methodology laid down in part C of Annex V, for all other factors, *with the exception of the iluc value, for which the values referred to in Annex VIII shall be used;*

Or. en

Justification

ILUC should be accounted for.

Amendment 956
Bas Eickhout

Proposal for a directive
Article 28 – paragraph 1 – point d

Text proposed by the Commission

(d) by using a value calculated as the sum of the factors of the formulas referred

Amendment

(d) by using a value calculated as the sum of the factors of the formulas referred

to in point 1 of part B of Annex VI, where disaggregated default values in part C of Annex VI may be used for some factors, and actual values, calculated in accordance with the methodology laid down in part B of Annex VI, for all other factors.

to in point 1 of part B of Annex VI, where disaggregated default values in part C of Annex VI may be used for some factors, and actual values, calculated in accordance with the methodology laid down in part B of Annex VI, for all other factors **and for biofuels and bioliquids deducting from the value calculated the default reduction of greenhouse gas emissions savings from indirect land-use change in part A of Annex VIII.**

Or. en

Justification

Few feedstock materials are truly available emissions free. If materials are diverted from their current uses to produce transport biofuel, the other users will be impacted. Indirect carbon estimates based on a displacement analysis identifying what materials would be used to replace the feedstock, and the emissions associated with it, should be used in the calculation for GHG savings to reflect the climate impact of using that material for alternative fuel. This amendment is inextricably linked to the amendment on Article 25 (1). [Replaces AM 72 of the draft report]

Amendment 957

Piernicola Pedicini, Eleonora Evi, Dario Tamburrano, David Borrelli

Proposal for a directive

Article 28 – paragraph 1 – point d

Text proposed by the Commission

(d) by using a value calculated as the sum of the factors of the formulas referred to in point 1 of part B of Annex VI, where disaggregated default values in part C of Annex VI may be used for some factors, and actual values, calculated in accordance with the methodology laid down in part B of Annex VI, for all other factors.

Amendment

(d) by using a value calculated as the sum of the factors of the formulas referred to in point 1 of part B of Annex VI, where disaggregated default values in part C of Annex VI may be used for some factors, and actual values, calculated in accordance with the methodology laid down in part B of Annex VI, for all other factors **and deducting from it the default reduction of greenhouse gas emissions savings from indirect land-use change in part A of Annex VIII.**

Or. en

Justification

ILUC effect need to be accounted in the calculation of GHG emission saving of biofuels.

Amendment 958

Gerben-Jan Gerbrandy, Catherine Bearder

Proposal for a directive

Article 28 – paragraph 1 – point d

Text proposed by the Commission

(d) by using a value calculated as the sum of the factors of the formulas referred to in point 1 of part B of Annex VI, where disaggregated default values in part C of Annex VI may be used for some factors, and actual values, calculated in accordance with the methodology laid down in part B of Annex VI, for all other factors.

Amendment

(d) by using a value calculated as the sum of the factors of the formulas referred to in point 1 of part B of Annex VI, where disaggregated default values in part C of Annex VI may be used for some factors, and actual values, calculated in accordance with the methodology laid down in part B of Annex VI, for all other factors, ***with the exception of the $e(iluc)$ value, for which the values referred to in Annex VIII shall be used.***

Or. en

Amendment 959

Seb Dance

Proposal for a directive

Article 28 – paragraph 1 – point d

Text proposed by the Commission

(d) by using a value calculated as the sum of the factors of the formulas referred to in point 1 of part B of Annex VI, where disaggregated default values in part C of Annex VI may be used for some factors, and actual values, calculated in accordance with the methodology laid down in part B of Annex VI, for all other factors.

Amendment

(d) by using a value calculated as the sum of the factors of the formulas referred to in point 1 of part B of Annex VI, where disaggregated default values in part C of Annex VI may be used for some factors, and actual values, calculated in accordance with the methodology laid down in part B of Annex VI, for all other factors, ***with the exception of the $eiluc$ value, for which the values referred to in Annex VIII shall be used.***

Amendment 960**Bas Eickhout****Proposal for a directive****Article 28 – paragraph 1 – subparagraph 1 a (new)***Text proposed by the Commission**Amendment*

Feedstocks, the production of which has led to direct land-use change, i.e. a change from one of the following IPCC land cover categories: forest land, grassland, wetlands, settlements, or other land, to cropland or perennial cropland and where a direct land-use change emission value (e_l) is calculated in accordance with point 7 of part C of Annex V, will be considered to have estimated indirect land-use change emissions of zero.

Or. en

Justification

It should be clarified that where abandoned land is converted to cropland or perennial cropland for the production of feedstocks for biofuels or bioliquids and where the resulting direct land use change values are calculated in accordance with point 7 of part C of Annex V, ILUC estimates do not apply.

Amendment 961**Jytte Guteland, Olle Ludvigsson, Pavel Poc****Proposal for a directive****Article 28 – paragraph 2***Text proposed by the Commission**Amendment*

2. Member States may submit to the Commission reports including information on the typical greenhouse gas emissions from cultivation of agricultural raw materials of those areas on their territory

2. Member States may submit to the Commission reports including information on the typical greenhouse gas emissions from cultivation of agricultural **and forestry** raw materials of those areas on

classified as level 2 in the nomenclature of territorial units for statistics (NUTS) or as a more disaggregated NUTS level in accordance with Regulation (EC) No 1059/2003 of the European Parliament and of the Council³⁵ The reports shall be accompanied by a description of the method and data sources used to calculate the level of emissions. That method shall take into account soil characteristics, climate and expected raw material yields.

³⁵ Regulation (EC) No 1059/2003 of the European Parliament and of the Council of 26 May 2003 on the establishment of a common classification of territorial units for statistics (NUTS) (OJ L 154, 21.6.2003, p. 1).

their territory classified as level 2 in the nomenclature of territorial units for statistics (NUTS) or as a more disaggregated NUTS level in accordance with Regulation (EC) No 1059/2003 of the European Parliament and of the Council³⁵ The reports shall be accompanied by a description of the method and data sources used to calculate the level of emissions. That method shall take into account soil characteristics, climate and expected raw material yields.

³⁵ Regulation (EC) No 1059/2003 of the European Parliament and of the Council of 26 May 2003 on the establishment of a common classification of territorial units for statistics (NUTS) (OJ L 154, 21.6.2003, p. 1).

Or. en

Justification

Similar opportunity for Member States to provide typical emission data is provided in Annex VI, B5. It is more appropriate to mention it in art 28 which covers the same procedure for agricultural biomass.

Amendment 962

Jytte Guteland, Olle Ludvigsson, Pavel Poc

Proposal for a directive Article 28 – paragraph 4

Text proposed by the Commission

4. The Commission may decide, by means of an implementing act adopted in accordance with the examination procedure referred to in Article 31(2), that the reports referred to in paragraphs 2 and 3 of this Article contain accurate data for the purposes of measuring the greenhouse gas emissions associated with the cultivation of agriculture biomass feedstocks produced in

Amendment

4. The Commission may decide, by means of an implementing act adopted in accordance with the examination procedure referred to in Article 31(2), that the reports referred to in paragraphs 2 and 3 of this Article contain accurate data for the purposes of measuring the greenhouse gas emissions associated with the cultivation of agriculture *and forestry* biomass

the areas included in such reports for the purposes of Article 26(7). These data may therefore be used instead of the disaggregated default values for cultivation laid down in part D or E of Annex V for biofuels and bioliquids and in Part C of Annex VI for biomass fuels.

feedstocks produced in the areas included in such reports for the purposes of Article 26(7). These data may therefore be used instead of the disaggregated default values for cultivation laid down in part D or E of Annex V for biofuels and bioliquids and in Part C of Annex VI for biomass fuels.

Or. en

Justification

Similar opportunity for Member States to provide typical emission data is provided in Annex VI, B5. It is more appropriate to mention it in art 28 which covers the same procedure for agricultural biomass.

Amendment 963

Julie Girling

Proposal for a directive

Article 28 – paragraph 5 – subparagraph 1

Text proposed by the Commission

5. The Commission shall keep Annex V and Annex VI under review, ***with a view, where justified, to adding or revising values for biofuel, bioliquid and biomass fuel production pathways. That review shall also consider the modification of the methodology laid down in part C of Annex V and in part B of Annex VI.***

Amendment

5. The Commission shall keep Annex V and Annex VI under review.

Or. en

Amendment 964

Marijana Petir, Peter Jahr, Albert Deß

Proposal for a directive

Article 28 – paragraph 5 – subparagraph 1

Text proposed by the Commission

5. The Commission shall keep Annex

Amendment

5. The Commission shall keep Annex

V and Annex VI under review, with a view, where justified, to **adding or revising** values for biofuel, bioliquid and biomass fuel production pathways. That review shall also consider the modification of the methodology laid down in part C of Annex V and in part B of Annex VI.

V and Annex VI under review, with a view, where justified, to **add, but not to revise**, values for biofuel, bioliquid and biomass fuel production pathways. That review shall also consider the modification of the methodology laid down in part C of Annex V and in part B of Annex VI.

Or. en

Justification

The Commission should not have the power to revise values for biofuel, bioliquid and biomass fuel production pathways nor to modify the methodology laid down in part C of Annex V and in part B of Annex VI without discussing the proposals with the European Parliament and the Council as co-legislators.

Amendment 965

Gerben-Jan Gerbrandy, Catherine Bearder, Carolina Punset

Proposal for a directive

Article 28 – paragraph 5 – subparagraph 1

Text proposed by the Commission

5. The Commission shall keep Annex V and Annex VI under review, with a view, where justified, to adding or revising values for biofuel, bioliquid and biomass fuel production pathways. That review shall also consider the modification of the methodology laid down in part C of Annex V and in part B of Annex VI.

Amendment

5. The Commission shall keep Annex V and Annex VI under review, with a view, where justified, to adding or revising values for biofuel, bioliquid and biomass fuel production pathways ***based on the latest technological developments and scientific evidence***. That review shall also consider the modification of the methodology laid down in part C of Annex V and in part B of Annex VI.

Or. en

Amendment 966

Marijana Petir, Peter Jahr, Albert Deß

Proposal for a directive

Article 28 – paragraph 5 – subparagraph 2

Text proposed by the Commission

In the event that the Commission's review concludes that changes to Annex V or Annex VI should be made, the Commission **is empowered to adopt delegated acts pursuant to Article 32.**

Amendment

In the event that the Commission's review concludes that changes to Annex V or Annex VI should be made, the Commission **shall submit a report to the European Parliament and to the Council. The report shall be accompanied, where appropriate, by legislative proposals amending Annex V or VI.**

Or. en

Justification

The Commission should not have the power to revise values for biofuel, bioliquid and biomass fuel production pathways nor to modify the methodology laid down in part C of Annex V and in part B of Annex VI without discussing the proposals with the European Parliament and the Council as co-legislators.

Amendment 967

Marijana Petir, Peter Jahr, Albert Deß

Proposal for a directive

Article 28 – paragraph 6

Text proposed by the Commission

6. Where necessary in order to ensure the uniform application of Part C of Annex V and Part B of Annex VI, the Commission may adopt implementing acts setting out detailed technical specifications including definitions, **conversion factors, calculation of annual cultivation emissions and/ or emission savings caused by changes above and below-ground carbon stocks on already cultivated land, calculation of emission savings from carbon capture, carbon replacement and carbon geological storage.** Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 31 (2).

Amendment

6. Where necessary in order to ensure the uniform application of Part C of Annex V and Part B of Annex VI, the Commission may adopt implementing acts setting out detailed technical specifications including definitions. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 31(2).

Justification

The Commission should not have the power to revise values for biofuel, bioliquid and biomass fuel production pathways nor to modify the methodology laid down in part C of Annex V and in part B of Annex VI without discussing the proposals with the European Parliament and the Council as co-legislators.

Amendment 968
Kateřina Konečná

Proposal for a directive
Article 28 – paragraph 6 a (new)

Text proposed by the Commission

Amendment

6a. The Commission shall take immediate measures to phase vegetable oils including palm oil as a component of biofuels, that drive deforestation and increase competition for land for the production of food and feed, put at risk our ecosystems or do not significantly reduce greenhouse gas emissions, as soon as possible but at latest by 2020. Furthermore, the contribution of transport fuels from palm oil and its derivatives to the share of renewables in transport shall be limited until global peatland conversion is halted.

Or. en

Amendment 969
Gerben-Jan Gerbrandy, Catherine Bearder, Carolina Punset

Proposal for a directive
Article 30 – paragraph 1

Text proposed by the Commission

Amendment

1. The Commission shall monitor the origin of biofuels, bioliquids and biomass fuels consumed in the Union and the

1. The Commission shall monitor the origin of biofuels, bioliquids and biomass fuels consumed in the Union and the

impact of their production, including impact as a result of displacement, on land use in the Union and the main third countries of supply. Such monitoring shall be based on Member States' integrated national energy and climate plans and corresponding progress reports required in Articles 3, 15 and 18 of Regulation [Governance], and those of relevant third countries, intergovernmental organisations, scientific studies and any other relevant pieces of information. The Commission shall also monitor the commodity price changes associated with the use of biomass for energy and any associated positive and negative effects on food security.

impact of their production, including impact as a result of displacement, on land use in the Union and the main third countries of supply. Such monitoring shall be based on Member States' integrated national energy and climate plans and corresponding progress reports required in Articles 3, 15 and 18 of Regulation [Governance], and those of relevant third countries, intergovernmental organisations, scientific studies, **satellite based data** and any other relevant pieces of information. The Commission shall also monitor the commodity price changes associated with the use of biomass for energy and any associated positive and negative effects on food security.

Or. en

Amendment 970

Gerben-Jan Gerbrandy, Catherine Bearder, Carolina Punset

Proposal for a directive

Article 30 – paragraph 2

Text proposed by the Commission

2. The Commission shall maintain a dialogue and exchange information with third countries and biofuel, bioliquid and biomass fuel producers, consumer organisations and civil society concerning the general implementation of the measures in this Directive relating to biofuels, bioliquids and biomass fuels. It shall, within that framework, pay particular attention to the impact that biofuel **and bioliquid** production may have on food prices.

Amendment

2. The Commission shall maintain a dialogue and exchange information with third countries and biofuel, bioliquid and biomass fuel producers, consumer organisations and civil society concerning the general implementation of the measures in this Directive relating to biofuels, bioliquids and biomass fuels. It shall, within that framework, pay particular attention to the impact that biofuel, **bioliquid and biomass** production may have on food prices.

Or. en

Amendment 971

Mark Demesmaeker

Proposal for a directive
Article 30 – paragraph 2

Text proposed by the Commission

2. The Commission shall maintain a dialogue and exchange information with third countries and biofuel, bioliquid and biomass fuel producers, consumer organisations and civil society concerning the general implementation of the measures in this Directive relating to biofuels, bioliquids and biomass fuels. It shall, within that framework, pay particular attention to the impact that biofuel and bioliquid production may have on food prices.

Amendment

2. The Commission shall maintain a dialogue and exchange information with third countries and biofuel, bioliquid and biomass fuel producers, consumer organisations and civil society concerning the general implementation of the measures in this Directive relating to biofuels, bioliquids and biomass fuels. It shall, within that framework, pay particular attention to the impact that biofuel and bioliquid production may have on food prices, ***resource prices and material use***.

Or. en

Justification

Respecting the waste hierarchy is crucial. Therefore, the impact on resource prices and material use should also be taken into account.

Amendment 972

Gerben-Jan Gerbrandy, Catherine Bearder, Carolina Punset

Proposal for a directive
Article 30 – paragraph 3 – subparagraph 2

Text proposed by the Commission

This proposal shall take into account the experience of the implementation of this Directive, including its sustainability and greenhouse gas saving criteria, and technological developments in energy from renewable sources.

Amendment

This proposal shall take into account the experience of the implementation of this Directive, including its sustainability and greenhouse gas saving criteria, and technological ***and scientific*** developments in energy from renewable sources.

Or. en

Amendment 973
Marijana Petir, Peter Jahr, Albert Deß

Proposal for a directive
Article 32 – paragraph 2

Text proposed by the Commission

2. The power to adopt delegated acts referred to in Articles 7(5), 7(6); 19(11), 19(14), 25(6) and 28(5) shall be conferred on the Commission for a period of five years from 1st January 2021.

Amendment

2. The power to adopt delegated acts referred to in Articles 19(11), 19(14), 25(6) and 28(5) shall be conferred on the Commission for a period of five years from 1st January 2021.

Or. en

Justification

The delegated acts referred to in Articles 7(5), 7(6) should be deleted from this paragraph.

Amendment 974
Piernicola Pedicini, Eleonora Evi, Dario Tamburrano, David Borrelli

Proposal for a directive
Article 32 – paragraph 2

Text proposed by the Commission

2. The power to adopt delegated acts referred to in Articles 7(5), 7(6); 19(11), 19(14), 25(6) **and** 28(5) shall be conferred on the Commission for a period of five years from 1st January 2021.

Amendment

2. The power to adopt delegated acts referred to in Articles 7(5), 7(6); 19(11), 19(14), 25(6), 28(5) **and 26(8)** shall be conferred on the Commission for a period of five years from 1st January 2021.

Or. en

Justification

This is linked to the amendment on recital 64 a (new), 24 on article 2, paragraph 2, point ee and on the amendment on article 26, paragraph 8, subparagraph 1 a (new) making changes in modified parts of the text.

Amendment 975
Karl-Heinz Florenz, Francesc Gambús, Ivo Belet, Elisabetta Gardini, Annie Schreijer-

Pierik, Françoise Grossetête, Angélique Delahaye, Michel Dantin

**Proposal for a directive
Article 32 – paragraph 2**

Text proposed by the Commission

2. The power to adopt delegated acts referred to in Articles 7(5), 7(6); 19(11), 19(14), 25(6) **and** 28(5) shall be conferred on the Commission for a period of five years from 1st January 2021.

Amendment

2. The power to adopt delegated acts referred to in Articles 7(5), 7(6); 19(11), 19(14), 25(6), 28(5) **and 26(8a)** shall be conferred on the Commission for a period of five years from 1st January 2021.

Or. en

Justification

See wording of Article 26 para 8 a new - adaptation in Article 32 para 2 is a logical consequence.

**Amendment 976
Paul Brannen**

**Proposal for a directive
Article 32 – paragraph 2**

Text proposed by the Commission

2. The power to adopt delegated acts referred to in Articles 7(5), 7(6); 19(11), 19(14), 25(6) and 28(5) shall be conferred on the Commission for a period of five years from 1st January 2021.

Amendment

2. The power to adopt delegated acts referred to in Articles 7(5), 7(6); 19(11), 19(14), 25(6), **26(6)** and 28(5) shall be conferred on the Commission for a period of five years from 1st January 2021.

Or. en

Justification

This amendment is linked to amendment on article 26(6).

**Amendment 977
Marijana Petir, Peter Jahr, Albert Deß**

Proposal for a directive
Article 32 – paragraph 3 – subparagraph 1

Text proposed by the Commission

The delegation of power referred to in Articles 7(5), 7(6); 19(11), 19(14), 25(6) and 28(5)

Amendment

The delegation of power referred to in Articles 19(11), 19(14), 25(6) and 28(5)

Or. en

Justification

The delegated acts referred to in Articles 7(5), 7(6) should be deleted from this paragraph.

Amendment 978

Piernicola Pedicini, Eleonora Evi, Dario Tamburrano, David Borrelli

Proposal for a directive
Article 32 – paragraph 3 – subparagraph 1

Text proposed by the Commission

The delegation of power referred to in Articles 7(5), 7(6); 19(11), 19(14), 25(6) and 28(5)

Amendment

The delegation of power referred to in Articles 7(5), 7(6); 19(11), 19(14), 25(6) **26 (8)** and 28(5)

Or. en

Justification

This is linked to amendment on article 26(8).

Amendment 979

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

Proposal for a directive
Article 32 – paragraph 3 – subparagraph 1

Text proposed by the Commission

The delegation of power referred to in Articles 7(5), 7(6); 19(11), 19(14), 25(6)

Amendment

The delegation of power referred to in Articles 7(5), 7(6); 19(11), 19(14), 25(6),

Justification

See wording of Article 26 para 8 new - adaptation in Article 32 para 3 is a logical consequence.

Amendment 980

Mireille D'Ornano, Jean-François Jalkh, Sylvie Goddyn

Proposal for a directive**Article 32 – paragraph 4***Text proposed by the Commission*

4. Before adopting a delegated act, the Commission shall consult experts designated by each Member State in accordance with the principles laid down in the Interinstitutional Agreement of 13 April 2016 on Better Law-Making.

Amendment

4. Before adopting a delegated act, the Commission shall consult experts designated by each Member State in accordance with the principles laid down in the Interinstitutional Agreement of 13 April 2016 on Better Law-Making. *As far as possible, the Commission shall take into account the views of the experts of the Member States in its delegated acts.*

Justification

This amendment is in conformity with the better law-making agreement, often quoted in the directive itself. Indeed, it aims at serving the citizens better.

Amendment 981

Mireille D'Ornano, Jean-François Jalkh, Sylvie Goddyn

Proposal for a directive**Article 32 – paragraph 6***Text proposed by the Commission*

6. A delegated act adopted pursuant to Articles 7(5) , 7(6); 19(11), 19(14), 25(6)

Amendment

6. A delegated act adopted pursuant to Articles 7(5) , 7(6); 19(11), 19(14), 25(6)

and 28(5) shall enter into force only if no objection has been expressed either by the European Parliament or the Council within a period of *two* months of notification of that act to the European Parliament and the Council or if, before the expiry of that period, the European Parliament and the Council have both informed the Commission that they will not object. *That period shall be extended by two months at the initiative of the European Parliament or of the Council.*

and 28(5) shall enter into force only if no objection has been expressed either by the European Parliament or the Council within a period of *four* months of notification of that act to the European Parliament and the Council or if, before the expiry of that period, the European Parliament and the Council have both informed the Commission that they will not object.

Or. xm

Justification

This amendments is in conformity with the better law-making agreement, often quoted in the directive itself. It simplifies the procedures of delegated acts.

Amendment 982 **Paul Brannen**

Proposal for a directive **Article 32 – paragraph 6**

Text proposed by the Commission

6. A delegated act adopted pursuant to Articles 7(5), 7(6); 19(11), 19(14), 25(6) and 28(5) shall enter into force only if no objection has been expressed either by the European Parliament or the Council within a period of two months of notification of that act to the European Parliament and the Council or if, before the expiry of that period, the European Parliament and the Council have both informed the Commission that they will not object. That period shall be extended by two months at the initiative of the European Parliament or of the Council.

Amendment

6. A delegated act adopted pursuant to Articles 7(5), 7(6); 19(11), 19(14), 25(6), **26(6)** and 28(5) shall enter into force only if no objection has been expressed either by the European Parliament or the Council within a period of two months of notification of that act to the European Parliament and the Council or if, before the expiry of that period, the European Parliament and the Council have both informed the Commission that they will not object. That period shall be extended by two months at the initiative of the European Parliament or of the Council.

Or. en

Justification

This amendment is linked to amendment on article 26(6).