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2009 - 2014

Committee on Industry, Research and Energy

2012/0288(COD)

28.3.2013

DRAFT OPINION

of the Committee on Industry, Research and Energy

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

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

Rapporteur (*): Alejo Vidal-Quadras(*) Associated committee – Rule 50
of the Rules of Procedure

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SHORT JUSTIFICATION

I. Introduction

The promotion of biofuels has been one of the essential elements of EU policy in the areas of energy and climate change. The reasons behind this are diverse and sensible: biofuels not only increase transport sustainability but also improve security of energy supply and support economic development by creating new sources of income in rural areas.

The main driver for their development has been the fight against climate change. The transport sector has been a priority in the EU's efforts to reduce greenhouse gas emissions as it is responsible for almost 20% of them, which makes it the second biggest greenhouse gas emitting sector after energy. Although biofuels are not the only available means to progressively decarbonise this sector, they in practice constitute the main tool to switch from fossil fuel-fed transport to renewable based transport and the only possibility in the case of air and maritime transport.

In addition, biofuels represent an opportunity both to reduce the EU's energy dependency, which stands at around 50% and is expected to increase, and to promote development of the European agricultural sector.

In light of these advantages, the EU has adopted Directive [2003/30/EC](#) on the promotion of the use of biofuels or other renewable fuels for transport ("the Biofuels Directive") and Directive [2009/28/EC](#) on the promotion of the use of energy from renewable sources ("the Renewable Energy Directive"), which have boosted investments in biofuel production. The Biofuels Directive established a non-mandatory target of a 5.75% share of biofuels in transport by 2010. The Renewable Energy Directive, which repealed the Biofuels Directive, created a binding target: the share of energy from renewable sources in the transport sector must amount to at least 10 % of final energy consumption in the sector by 2020. This provision is complementary to the mandatory target set out in Directive [98/70/EC](#) ("the Fuel Quality Directive"), which demands a 6% reduction in the greenhouse gas intensity of fuels used in road transport and non-road mobile machinery.

However, as with any other energy source, biofuels have some negative impacts. Recognising this fact and in response to the Renewable Energy Directive mandate, the Commission has proposed to amend the latter and the Fuel Quality Directive in order to minimise the impact of indirect land-use change (ILUC)¹ on greenhouse gas emissions.

II. Main points identified by the rapporteur

The rapporteur acknowledges that ILUC is a phenomenon which must be addressed as its effects are harmful for the environment and thwart EU policy to reduce CO₂ emissions.

¹ When biofuels are produced on existing agricultural land, the demand for food and feed crops remains, and may lead to someone producing more food and feed somewhere else. This can imply land use change (by changing e.g. forest into agricultural land), which implies that a substantial amount of CO₂ emissions are released into the atmosphere.

However, the rapporteur believes measures adopted with regards to biofuels must be based on a balanced approach which takes into account all the interests at stake.

a) ILUC factors

The rapporteur agrees with the Commission that the ILUC science is imprecise because this phenomenon cannot be directly observed or measured and that the estimated indirect land-use change emissions are, despite better understanding and recent scientific improvements, vulnerable to the deficiencies and limits of the models used to give a specific value of emissions derived from ILUC to the different types of crops. Therefore, not enough scientific evidence is available to introduce ILUC factors into EU legislation.

Moreover, the use of ILUC factors would have significant negative impacts. On the one hand, their use would put an end to the EU biodiesel industry, which, apart from the obvious economic consequences, would ignore the ongoing dieselisation of the fleet in Europe and would make it impossible to comply with the Renewable Energy Directive and Fuel Quality Directive targets. On the other hand, the need to constantly update these values would create uncertainty for industry, preventing investments in any kind of conventional biofuel and thereby limiting the production of ethanol as well.

Hence, the rapporteur considers that, contrary to the Commission proposal, no mention of the ILUC factor should be included in the Directives, not even for a reporting obligation.

b) 5% cap on conventional biofuels

This measure would represent a major change in legislation which had created a stable and predictable regulatory framework and whose last milestone, the Renewable Energy Directive, was approved in 2009. The 5% cap would harm those who, relying on the Renewable Energy Directive, counted on biofuels as the only technologically viable fuel to enable Member States to comply with the targets set out for 2020. As the 5% figure makes reference to the average production level in the EU, there are several Member States such as Germany, Spain and France in which the current quota of conventional biofuels is higher than 5% and which would therefore be more affected than others.

In addition, if a ceiling is put on biofuels which are commercially available, the 10% renewable energy goal and the 6% greenhouse gas reduction goal would be out of reach because the other alternatives, including advanced biofuels, could not fill the gap for the moment.

For all these reasons and taking into account that biofuels on average still save emissions compared to fossil fuels, the rapporteur suggests a more constructive approach which would consist in setting a sub-target for advanced biofuels. This sub-target would boost advanced biofuel production and thus CO₂ savings, and would send a strong signal in support of a gradual transition from conventional to advanced biofuels, to the extent technological progress allows, whilst minimising harmful effects for European industry.

The rapporteur also considers that the Commission's proposal overlooks ILUC mitigation measures such as production on unused or degraded land, increased yield performance and production of co-products (especially protein for animal feed, of which Europe has a deficit).

Feedstocks that demonstrate that the risk of ILUC has been mitigated or avoided should be incentivised.

Finally, the rapporteur agrees with the Commission on strengthening the sustainability criteria for biofuels produced in new installations by demanding a 60% greenhouse gas emission saving for those starting operation after 1st July 2014.

c) Multiple counting

The laudable intention of multiple counting for second and third generation biofuels is to allow Member States to comply with the 10% renewable energy target as they would be able to count them twice or four times, filling the gap left by the 5% cap. However, if no cap is applied and a sub-target for advanced biofuels is established, multiple counting is no longer necessary.

Moreover, in the end multiple counting is counterproductive as it means fewer advanced biofuels are used. For a biofuel counted twice or four times towards the quota, twice or four times less would be used and the difference would have to be filled with fossil fuels. Also, less would be invested in production capacity as the actual market size would be reduced by somewhere between two and four times.

In fact, in order to mitigate the ILUC phenomenon, we would give up on our 10% target of renewables in transport energy consumption.

AMENDMENTS

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

Amendment 1 **Proposal for a directive** **Recital 5**

Text proposed by the Commission

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

Amendment

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

Or. en

Amendment 2 **Proposal for a directive** **Recital 6**

Text proposed by the Commission

(6) Liquid renewable fuels are likely to be required by the transport sector in order to reduce its greenhouse gas emissions.

Amendment

(6) Liquid renewable fuels are likely to be required by the transport sector in order to reduce its greenhouse gas emissions.

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

Advanced biofuels, such as those made from wastes and algae, provide high greenhouse gas savings with low risk of causing indirect land use change and do not compete directly for agricultural land for the food and feed markets. It is appropriate, therefore, to encourage greater production of such advanced biofuels as these are currently not commercially available in large quantities. Further incentives should be provided by increasing the weighting of advanced biofuels towards 10% target for transport set in Directive 2009/28/EC compared to conventional biofuels. ***Establishing progressively more ambitious mandatory targets for advanced biofuels will send a clear signal of support for them at Union level.*** In this context, advanced biofuels with ***estimated low*** indirect land use change impacts and high overall greenhouse gas savings should be ***especially*** supported as part of the post 2020 renewable energy policy framework.

Or. en

Amendment 3
Proposal for a directive
Recital 9

Text proposed by the Commission

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

Amendment

(9) To prepare for the transition towards advanced biofuels and minimise the overall indirect land use change impacts in the period to 2020, it is appropriate to ***establish mandatory targets for advanced biofuels according to a timetable that will provide predictability and stability for investors.***

can be counted towards the targets of Directive 2009/28/EC should be limited to the share of such biofuels and bioliquids consumed in 2011.

Or. en

Amendment 4
Proposal for a directive
Recital 10

Text proposed by the Commission

Amendment

(10) The 5% limit set up in Article 3(4)d does not affect the Member States' freedom to arrange their own trajectory as to compliance with this prescribed share of conventional biofuels within the overall 10% target. As a consequence, the access to the market of the biofuels produced by the installations in operation before the end of 2013 remains fully open. Therefore this amending directive does not affect the legitimate expectations of the operators of such installations.

deleted

Or. en

Amendment 5
Proposal for a directive
Recital 11

Text proposed by the Commission

Amendment

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

*(11) **The Commission's impact assessment has shown that** the estimated indirect land-use change emissions **are, despite better understanding and recent scientific improvements, vulnerable to the deficiencies and limits of the models used to give a specific value of emissions derived from ILUC to the different types of crops. Therefore, the figures are not certain enough to be introduced in a piece***

of legislation.

Or. en

Amendment 6
Proposal for a directive
Recital 12

Text proposed by the Commission

(12) The Commission should review the **methodology for estimating land-use change emission factors included in Annexes VIII and V to Directives 2009/28/EC and 98/70/EC respectively in the light of adaptation to** technical and scientific progress. **To this end, and if warranted by the latest available scientific evidence, the Commission should consider the possibility of revising the proposed crop group indirect land-use change factors, as well as introducing factors at further levels of disaggregation and including additional values should new biofuel feedstocks come to market.**

Amendment

(12) The Commission should **periodically** review the **list of available advanced biofuels as laid down in Annex IX in order to take account of** technical and scientific progress.

Or. en

Amendment 7
Proposal for a directive
Recital 13

Text proposed by the Commission

(13) Article 19(8) of Directive 2009/28/EC and Article 7d(8) of Directive 98/70/EC include provisions for encouraging the cultivation of biofuels in severely degraded and heavily contaminated land as **an interim** measure for mitigating against indirect land-use change. **These provisions are no longer adequate in their current form and need to be integrated in the approach laid out in this Directive to**

Amendment

(13) Article 19(8) of Directive 2009/28/EC and Article 7d(8) of Directive 98/70/EC include provisions for encouraging the cultivation of biofuels in severely degraded and heavily contaminated land as **a** measure for mitigating against indirect land-use change. **Other ILUC mitigation measures, such as the use of co-products, yield increases, manufacturing efficiencies and crop production on**

ensure that overall actions for minimising emission from indirect land-use change remain coherent.

abandoned or unused land, should be assessed by the Commission in view of incorporating them into the Directives in terms of a bonus like the one already set out in Annex IV part C point 7 of Directive 98/70/EC and in Annex V part C point 7 of Directive 2009/28/EC for biomass obtained from restored degraded land.

Or. en

Amendment 8
Proposal for a directive
Recital 18

Text proposed by the Commission

(18) In order to permit adaptation to technical and scientific progress of Directive 98/70/EC, the power to adopt acts in accordance with Article 290 of the Treaty on the Functioning of the European Union should be delegated to the Commission in respect of the mechanism to monitor and reduce greenhouse gas emissions, the methodological principles and values necessary for assessing whether sustainability criteria have been fulfilled in relation to biofuels, criteria and geographic ranges for determining highly diverse grassland, the methodology for the calculation and reporting of lifecycle greenhouse gas emissions, the ***methodology for the calculation of indirect land-use change emissions, the*** permitted level related to the metallic additives content in fuels, the permitted analytical methods related to the fuel specifications and the vapour pressure waiver permitted for petrol containing bioethanol.

Amendment

(18) In order to permit adaptation to technical and scientific progress of Directive 98/70/EC, the power to adopt acts in accordance with Article 290 of the Treaty on the Functioning of the European Union should be delegated to the Commission in respect of the mechanism to monitor and reduce greenhouse gas emissions, the methodological principles and values necessary for assessing whether sustainability criteria have been fulfilled in relation to biofuels, criteria and geographic ranges for determining highly diverse grassland, the methodology for the calculation and reporting of lifecycle greenhouse gas emissions, the permitted level related to the metallic additives content in fuels, the permitted analytical methods related to the fuel specifications and the vapour pressure waiver permitted for petrol containing bioethanol.

Or. en

Amendment 9
Proposal for a directive
Recital 19

Text proposed by the Commission

(19) In order to permit adaptation to technical and scientific progress of Directive 2009/28/EC, the power to adopt acts in accordance with Article 290 of the Treaty on the Functioning of the European Union should be delegated to the Commission in respect of the list of ***biofuel feedstocks that are counted multiple times towards the target set in Article 3(4)***, the energy content of transport fuels, criteria and geographic ranges for determining highly biodiverse grassland, ***the methodology for the calculation of indirect land-use change emissions***, and the methodological principles and values necessary for assessing whether sustainability criteria have been fulfilled in relation to biofuels and bioliquids.

Amendment

(19) In order to permit adaptation to technical and scientific progress of Directive 2009/28/EC, the power to adopt acts in accordance with Article 290 of the Treaty on the Functioning of the European Union should be delegated to the Commission in respect of the list of ***advanced biofuels***, the energy content of transport fuels, criteria and geographic ranges for determining highly biodiverse grassland, and the methodological principles and values necessary for assessing whether sustainability criteria have been fulfilled in relation to biofuels and bioliquids.

Or. en

Amendment 10
Proposal for a directive
Recital 20

Text proposed by the Commission

(20) The Commission should review the effectiveness of the measures introduced by this Directive, based on the best and latest available scientific evidence, in limiting indirect land-use change greenhouse gas emissions and addressing ways to further minimise that impact, ***which could include the introduction of estimated indirect land-use change emission factors in the sustainability scheme as of 1st January 2021.***

Amendment

(20) The Commission should review the effectiveness of the measures introduced by this Directive, based on the best and latest available scientific evidence, in limiting indirect land-use change greenhouse gas emissions and addressing ways to further minimise that impact.

Or. en

Amendment 11
Proposal for a directive
Article 1 – point 1 – point a
Directive 98/70/EC
Article 7a – paragraph 6

Text proposed by the Commission

Amendment

(a) the following paragraph 6 is inserted: *deleted*

"6. Fuel suppliers shall by 31 March each year report to the authority designated by the Member State, the biofuel production pathways, volumes, and the life cycle greenhouse gas emissions per unit of energy, including the estimated indirect land-use change emissions set out in Annex V Member States shall report these data to the Commission."

Or. en

Amendment 12

Proposal for a directive
Article 1 – point 2 – point -a (new)
Directive 98/70/EC
Article 7b – paragraph 1

Text proposed by the Commission

Amendment

(-a) in paragraph 1 the second subparagraph is deleted.

Or. en

Justification

Advanced biofuels must be subject to the same sustainability criteria as conventional biofuels. The exceptions with regard to the sustainability requirements for certain wastes and residual substances would result in the fact, for example, that biodiesel from palm oil wastes would then be subsidised even if the palm oil has been produced in an unsustainable way..

Amendment 13
Proposal for a directive
Article 1 – point 3 – point a
Directive 98/70/EC
Article 7d – paragraph 6

Text proposed by the Commission

Amendment

6. The Commission shall be empowered to adopt delegated acts pursuant to Article 10a concerning the adaptation to technical and scientific progress of Annex V, including by the revision of the proposed crop group indirect land-use change values; the introduction of new values at further levels of disaggregation; the inclusion of additional values should new biofuel feedstocks come to market as appropriate, review the categories of which biofuels are assigned zero indirect land-use change emissions; and the development of factors for feedstocks from non-food cellulosic and ligno-cellulosic materials.

deleted

Or. en

Amendment 14
Proposal for a directive
Article 1 – point 3 – point c a (new)
Directive 98/70/EC
Article 7d – paragraph 8 a (new)

Text proposed by the Commission

Amendment

(ca) the following paragraph 8a is inserted:

"8a. The Commission shall be empowered to adopt delegated acts in accordance with Article 10a concerning the establishment of detailed definitions, including technical specifications, required for the categories set out in point 9 of Part C of Annex IV".

Or. en

Amendment 15
Proposal for a directive
Article 1 – point 3 – point c b (new)
Directive 98/70/EC
Article 7d – paragraph 8 b (new)

Text proposed by the Commission

Amendment

(cb) the following paragraph 8b shall be inserted:

"8b. No later than 31 December 2015, the Commission shall submit a legislative proposal to incorporate further ILUC mitigation measures such as use of co-products, yield increases, manufacturing efficiencies and crop production on abandoned land by means of a similar bonus to the one set out for biomass obtained from land under the conditions provided for in Annex IV part C point 8."

Or. en

Amendment 16
Proposal for a directive
Article 1 – point 7
Directive 98/70/EC
Article 10 a – paragraph 2

Text proposed by the Commission

Amendment

The delegation of power referred to in Article 7a(5), the second subparagraph of Article 7b(3), Articles 7d(5), **7d(6)**, 7d(7), 8a(3) and 10(1) shall be conferred for an indeterminate period of time from the date of entry into force of this Directive.

The delegation of power referred to in Article 7a(5), the second subparagraph of Article 7b(3), Articles 7d(5), 7d(7), **7d(8a)**, 8a(3) and 10(1) shall be conferred for an indeterminate period of time from the date of entry into force of this Directive.

Or. en

Amendment 17
Proposal for a directive
Article 1 – point 7
Directive 98/70/EC
Article 10 a – paragraph 3

Text proposed by the Commission

The delegation of powers referred to in Articles 7a(5), the second subparagraph of Article 7b(3), Articles 7d(5), **7d(6)**, 7d(7), 8a(3) and 10(1) may be revoked at any time by the European Parliament or by the Council. A decision of revocation shall put an end to the delegation of the power specified in that decision. It shall take effect the day following the publication of the decision in the Official Journal of the European Union or at a later date specified therein. It shall not affect the validity of any delegated acts already in force.

Amendment

The delegation of powers referred to in Articles 7a(5), the second subparagraph of Article 7b(3), Articles 7d(5), 7d(7), **7d(8a)**, 8a(3) and 10(1) may be revoked at any time by the European Parliament or by the Council. A decision of revocation shall put an end to the delegation of the power specified in that decision. It shall take effect the day following the publication of the decision in the Official Journal of the European Union or at a later date specified therein. It shall not affect the validity of any delegated acts already in force.

Or. en

Amendment 18
Proposal for a directive
Article 1 – point 7
Directive 98/70/EC
Article 10 a – paragraph 5

Text proposed by the Commission

A delegated act adopted pursuant to Articles 7a(5), the second subparagraph of Article 7b(3), Articles 7d(5), **7d(6)**, 7d(7), 8a(3) and 10(1) shall enter into force only if no objection has been expressed either by the European Parliament or the Council within a period of 2 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 2 months at the initiative of the European Parliament or the

Amendment

A delegated act adopted pursuant to Articles 7a(5), the second subparagraph of Article 7b(3), Articles 7d(5), 7d(7), **7d(8a)**, 8a(3) and 10(1) shall enter into force only if no objection has been expressed either by the European Parliament or the Council within a period of 2 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 2 months at the initiative of the European Parliament or the

Council.

Council.

Or. en

Amendment 19
Proposal for a directive
Article 2 – point 1 a (new)
Directive 2009/28/EC
Article 2 – introductory part

Text proposed by the Commission

Amendment

***1a. Point oa (new) is inserted in Article 2:
"(oa) "advanced biofuels" means biofuels produced from feedstock that do not compete directly with food and feed crops. A non-exhaustive list of advanced biofuels is established in Annex IX. The Commission shall be empowered to adopt delegated acts in accordance with Article 25b in order to adapt this list to scientific and technical progress."***

Or. en

Amendment 20
Proposal for a directive
Article 2 – point 2 – point b
Directive 2009/28/EC
Article 3 – paragraph 1 – second subparagraph

Text proposed by the Commission

Amendment

(b) in paragraph 1, the following second subparagraph is added:

deleted

"For the purpose of compliance with target referred to in the first subparagraph, the maximum joint contribution from biofuels and bioliquids produced from cereal and other starch rich crops, sugars and oil crops shall be no more than the energy quantity corresponding to the maximum

contribution as set out in Article 3(4)d."

Or. en

Amendment 21

Proposal for a directive

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

Directive 2009/28/EC

Article 3 – paragraph 4

Text proposed by the Commission

Amendment

(-i) the following subparagraphs are inserted after the first subparagraph:

"In 2020, at least 2% of the final consumption of energy in transport shall be met with energy from advanced biofuels.

In 2025, at least 4% of the final consumption of energy in transport shall be met with energy from advanced biofuels."

Or. en

Amendment 22

Proposal for a directive

Article 2 – point 2 – point c – point i

Directive 2009/28/EC

Article 3 – paragraph 4 – point b

Text proposed by the Commission

Amendment

(i) in point b, the following phrase is added:

deleted

"This indent shall be without prejudice to Articles 17(1)a and 3(4)d;"

Or. en

Amendment 23
Proposal for a directive
Article 2 – point 2 – point c – point ii
Directive 2009/28/EC
Article 3 – paragraph 4 – point d

Text proposed by the Commission

Amendment

(ii) the following point (d) is added: *deleted*

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

Or. en

Amendment 24
Proposal for a directive
Article 2 – point 2 – point c – point iii
Directive 2009/28/EC
Article 3 – paragraph 4

Text proposed by the Commission

Amendment

(iii) the following point (e) is added: *deleted*

"(e) The contribution made by:

(i) biofuels produced from feedstocks listed in Part A of Annex IX shall be considered to be four times their energy content;

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

(iii) renewable liquid and gaseous fuels of non-biological origin shall be considered to be four times their energy content."

Or. en

Amendment 25
Proposal for a directive
Article 2 – point 5 – point -a (new)
Directive 2009/28/EC
Article 17 – paragraph 1

Text proposed by the Commission

Amendment

(-a) in paragraph 1, the second subparagraph is deleted.

Or. en

Justification

Advanced biofuels must be subject to the same sustainability criteria as conventional biofuels. The exceptions with regard to the sustainability requirements for certain wastes and residual substances would result in the fact, for example, that biodiesel from palm oil wastes would then be subsidised even if the palm oil has been produced in an unsustainable way.

Amendment 26
Proposal for a directive
Article 2 – point 7 – point c
Directive 2009/28/EC
Article 19 – paragraph 6

Text proposed by the Commission

Amendment

(c) paragraph 6 is replaced by the following:

(c) paragraph 6 is deleted

"6. The Commission shall be empowered to adopt delegated acts pursuant to Article 25(b) concerning the adaptation to technical and scientific progress of Annex VIII, including the revision of the proposed crop group indirect land-use change values; the introduction of new values at further levels of disaggregation (i.e. at a feedstock level); the inclusion of additional values should new biofuel feedstocks come to market as appropriate; and the development of factors for feedstocks from non-food cellulosic and ligno-cellulosic materials."

Amendment 27
Proposal for a directive
Article 2 – point 7 – point e a (new)
Directive 2009/28/EC
Article 19 – paragraph 8 a (new)

Text proposed by the Commission

Amendment

(ea) the following paragraph is inserted:
"8a. The Commission shall be empowered to adopt delegated acts in accordance with Article 25(b) concerning the establishment of detailed definitions, including technical specifications, required for the categories set out in point 9 of Part C of Annex V."

Or. en

Amendment 28
Proposal for a directive
Article 2 – point 7 – point e b (new)
Directive 2009/28/EC
Article 19 – paragraph 8 b (new)

Text proposed by the Commission

Amendment

(eb) the following paragraph is inserted:
"8b. No later than 31 December 2015, the Commission shall submit a legislative proposal to incorporate further ILUC mitigation measures such as use of co-products, yield increases, manufacturing efficiencies and crop production on abandoned land by means of a similar bonus to the one set out for biomass obtained from land under the conditions provided for in Annex V part C point 8."

Or. en

Amendment 29
Proposal for a directive
Article 2 – point 9
Directive 2009/28/EC
Article 22 – paragraph 2

Text proposed by the Commission

Amendment

9. In Article 22, paragraph 2 is replaced by the following:

deleted

"2. In estimating net greenhouse gas emission saving from the use of biofuels, the Member State may, for the purpose of the reports referred to in paragraph 1, use the typical values given in part A and part B of Annex V, and shall add the estimates for indirect land-use change emissions set out in Annex VIII".

Or. en

Amendment 30
Proposal for a directive
Article 2 – point 11
Directive 2009/28/EC
Article 25b – paragraph 2

Text proposed by the Commission

Amendment

2. The delegation of power referred to in Article **3(4)(d)**, Article 5(5), the third subparagraph of Article 17(3)(c), Articles 19(5), **19(6) and** 19(7) shall be conferred on the Commission for an indeterminate period of time from [the date of entry into force of this Directive].

2. The delegation of power referred to in **point (oa) of Article (2)**, Article 5(5), the third subparagraph of Article 17(3)(c), Articles 19(5), 19(7) **and 19(8)** shall be conferred on the Commission for an indeterminate period of time from [the date of entry into force of this Directive].

Or. en

Amendment 31
Proposal for a directive
Article 2 – point 11

Text proposed by the Commission

3. The delegation of power referred to in Article 3(4)(d), Article 5(5), the third subparagraph of Article 17(3)(c), Articles 19(5), **19(6) and** 19(7) may be revoked at any time by the European Parliament or by the Council. A decision of revocation shall put an end to the delegation of the power specified in that decision. It shall take effect the day following the publication of the decision in the Official Journal of the European Union or at a later date specified therein. It shall not affect the validity of any delegated acts already in force.

Amendment

3. The delegation of power referred to in **point (oa) of** Article 2, Article 5(5), the third subparagraph of Article 17(3)(c), Articles 19(5), 19(7) **and 19(8)** may be revoked at any time by the European Parliament or by the Council. A decision of revocation shall put an end to the delegation of the power specified in that decision. It shall take effect the day following the publication of the decision in the Official Journal of the European Union or at a later date specified therein. It shall not affect the validity of any delegated acts already in force.

Or. en

Amendment 32
Proposal for a directive
Article 2 – point 11
Directive 2009/28/EC
Article 25b – paragraph 5

Text proposed by the Commission

5. A delegated act adopted pursuant to Article 3(4)(d), Article 5(5), the third subparagraph of Article 17(3)(c), Articles 19(5), **19(6) and** 19(7) shall enter into force only if no objection has been expressed either by the European Parliament or the Council within a period of 2 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 2 months at the initiative of the European Parliament or the Council.

Amendment

5. A delegated act adopted pursuant to **point (oa) of** Article 2, Article 5(5), the third subparagraph of Article 17(3)(c), Articles 19(5), 19(7) **and 19(8)** shall enter into force only if no objection has been expressed either by the European Parliament or the Council within a period of 2 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 2 months at the initiative of the European Parliament or the Council.

Amendment 33
Proposal for a directive
Article 3

Text proposed by the Commission

The Commission shall, before 31 December **2017**, submit a report to the European Parliament and to the Council reviewing, on the basis of the best latest available scientific evidence, the effectiveness of the measures introduced by this Directive in limiting indirect land-use change greenhouse gas emissions associated with the production of biofuel and bioliquids. *The report shall, if appropriate, be accompanied by a legislative proposal based on the best available scientific evidence, for introducing estimated indirect land use change emissions factors into the appropriate sustainability criteria to be applied from 1st January 2021 and a review of the effectiveness of the incentives provided for biofuels from non-land using feedstocks and non-food crops under Article 3(4)d of Directive 2009/28/EC.*

Amendment

The Commission shall, before 31 December **2018**, submit a report to the European Parliament and to the Council reviewing, on the basis of the best latest available scientific evidence, the effectiveness of the measures introduced by this Directive in limiting indirect land-use change greenhouse gas emissions associated with the production of biofuel and bioliquids.

Amendment 34
Proposal for a directive
Annex I

Text proposed by the Commission

Annex I

Amendment

deleted

Amendment 35
Proposal for a directive
Annex II – point 1
Directive 2009/28/EC
Annex V – part C

Text proposed by the Commission

Amendment

(1) Annex V, part C is amended as follows: **deleted**

(a) point 7 is replaced by the following:

"7. Annualised emissions from carbon stock changes caused by land-use change, e_l , shall be calculated by dividing total emissions equally over 20 years. For the calculation of these emissions the following rule shall be applied:

$$e_l = (CSR - CSA) \times 3,664 \times 1/20 \times 1/P,$$

where

e_l = annualised greenhouse gas emissions from carbon stock change due to land-use change (measured as mass (grams) of CO₂-equivalent per unit biofuel energy (megajoules));

CS_R = the carbon stock per unit area associated with reference land use (measured as mass (tonnes) of carbon per unit area, including both soil and vegetation). The reference land-use shall be the land-use in January 2008 or 20 years before the raw material was obtained, whichever was the later;

CS_A = the carbon stock per unit area associated with actual land use (measured as mass (tonnes) of carbon per unit area, including both soil and vegetation). In cases where the carbon stock accumulates over more than one year, the value attributed to CS_A shall be the estimated stock per unit area after 20 years or when the crop reaches maturity, whichever the earlier; and

P = the productivity of the crop (measured as biofuel or bio liquid energy per unit area per year)."

(b) points 8 and 9 are deleted.

Or. en

Amendment 36
Proposal for a directive
Annex II – point 2
Directive 2009/28/EC
Annex VIII (new)

Text proposed by the Commission

Amendment

(2) The following Annex VIII is added: deleted

"Annex VIII

Part A. Estimated indirect land-use change emissions from biofuels and bioliquid feedstocks

<i>Feedstock group</i>	<i>Estimated indirect land-use change emissions (gCO_{2eq}/MJ)</i>
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<i>Cereals and other starch rich crops</i>	<i>12</i>
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<i>Sugars</i>	<i>13</i>
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<i>Oil crops</i>	<i>55</i>
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Part B. Biofuels for which the estimated indirect land-use change emissions are considered to be zero

Biofuels produced from the following feedstock categories will be considered to have estimated indirect land-use change emissions of zero:

a) feedstocks which are not included under Part A of this Annex.

b) feedstocks whose production has led to direct land use change, i.e. a change from one of the following IPCC land cover

categories; forest land, grassland, wetlands, settlements, or other land, to cropland or perennial cropland¹. In such a case a "direct land use change emission value (e_j) should have been calculated in accordance to Part C, paragraph 7 of Annex V."

¹ OJ L 273, 10.10.2002, p. 1

Or. en

Amendment 37
Proposal for a directive
Annex II – point 3
Directive 2009/28/EC
Annex IX (new)

Text proposed by the Commission

Annex IX

Part A. Feedstocks whose contribution towards the target referred to in Article 3(4) shall be considered to be four times their energy content

- (a) Algae.
- (b) Biomass fraction of mixed municipal waste, but not separated household waste subject to recycling targets under Article 11(2)(a) of Directive 2008/98/EC of the European Parliament and of the Council of 19 November 2008 on waste and repealing certain Directives.
- (c) Biomass fraction of industrial waste.
- (d) Straw.
- (e) Animal manure and sewage sludge.
- (f) Palm oil mill effluent and empty palm fruit bunches.
- (g) Tall oil pitch.

Amendment

Annex IX

List of advanced biofuels

The Biofuel coming from the following feedstocks will be considered advanced biofuels

- (a) Algae.
- (b) Biomass fraction of mixed municipal waste, but not separated household waste subject to recycling targets under Article 11(2)(a) of Directive 2008/98/EC of the European Parliament and of the Council of 19 November 2008 on waste and repealing certain Directives.
- (c) Biomass fraction of industrial waste.
- (d) Straw.
- (e) Animal manure and sewage sludge.
- (f) Palm oil mill effluent and empty palm fruit bunches.
- (g) Tall oil pitch.

(h) Crude glycerine.

(i) Bagasse.

(j) Grape marcs and wine lees.

(k) Nut shells.

(l) Husks.

(m) Cobs

(n) Bark, branches, leaves, saw dust and cutter shavings.

Part B. Feedstocks whose contribution towards the target referred to in Article 3(4) shall be considered to be twice their energy content

(a) Used cooking oil.

(b) Animal fats classified as category I and II in accordance with EC/1774/2002 laying down health rules concerning animal by-products not intended for human consumption¹.

(c) Non-food cellulosic material.

(d) Ligno-cellulosic material except saw logs and veneer logs.

(h) Crude glycerine.

(i) Bagasse.

(j) Grape marcs and wine lees.

(k) Nut shells.

(l) Husks.

(m) Cobs

(n) Bark, branches, leaves, saw dust and cutter shavings.

(o) Used cooking oil.

(p) Animal fats classified as category I and II in accordance with EC/1774/2002 laying down health rules concerning animal by-products not intended for human consumption².

(q) Non-food cellulosic material.

(r) Ligno-cellulosic material except saw logs and veneer logs.

Or. en

¹ OJ L 273, 10.10.2002, p. 1

² OJ L 273, 10.10.2002, p. 1