



EUROPEAN PARLIAMENT

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

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**2012/0288(COD)**

3.6.2013

# **AMENDMENTS**

## **364 - 482**

**Draft report**  
**Corinne Lepage**  
(PE508.236v01-00)

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

Proposal for a directive  
(COM(2012)0595 – C7-0337/2012 – 2012/0288(COD))

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PE513.034v01-00

**EN**

*United in diversity*

**EN**



**Amendment 364**  
**Britta Reimers**

**Proposal for a directive**

**Article 2 – point 2 – point c – point iii**

Directive 2009/28/EC

Article 3 – paragraph 4 – subparagraph 2 – point e

*Text proposed by the Commission*

*Amendment*

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

***"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.***

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

***The list of feedstock set out in Annex IX may be adapted to scientific and technical progress, in order to ensure a correct implementation of the accounting rules set out in this Directive. The Commission shall be empowered to adopt delegated acts in accordance with Article 25 (b) concerning the list of feedstock set out in Annex IX"***

Or. en

**Amendment 365**  
**Christa Klaß**

**Proposal for a directive**

**Article 2 – point 2 – point c – point iii**

Directive 2009/28/EC

Article 3 – paragraph 4 – subparagraph 2 – point e

*Text proposed by the Commission*

*Amendment*

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

***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.***

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

***The list of feedstock set out in Annex IX may be adapted to scientific and technical progress, in order to ensure a correct implementation of the accounting rules set out in this Directive. The Commission shall be empowered to adopt delegated acts in accordance with Article 25 (b) concerning the list of feedstock set out in Annex IX'***

Or. de

*Justification*

*Double and fourfold counting would create distortions on vital raw materials markets, and existing methods of recycling of raw material waste would be supplanted. Increased waste production and global waste tourism to the EU would be the result.*

**Amendment 366**

**Erik Bánki**

**Proposal for a directive**

**Article 2 – point 2 – point c – point iii**

Directive 2009/28/EC

Article 3 – paragraph 4 – subparagraph 2 – point e

*Text proposed by the Commission*

*Amendment*

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

**"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.**

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

**The list of feedstock set out in Annex IX may be adapted to scientific and technical progress, in order to ensure a correct implementation of the accounting rules set out in this Directive. The Commission shall be empowered to adopt delegated acts in accordance with Article 25 (b) concerning the list of feedstock set out in Annex IX"**

Or. en

*Justification*

*Multiple counting is a statistical trickery that would mislead the public about the real contribution of advanced biofuels and would compromise the 2020 climate objectives, call into question the aims of Directives 98/70/EC and 2009/28/EC, reduce the availability of renewable energy sources for the transport sector, increase the EU's energy dependence and delay the reduction of greenhouse gas emissions in the transport sector. Advanced biofuels are still under development and, according to a draft study of the FAO, they will not become*

*fully commercial in the current decade.*

**Amendment 367**  
**Horst Schnellhardt**

**Proposal for a directive**  
**Article 2 – point 2 – point c – point iii**  
Directive 2009/28/EC  
Article 3 – paragraph 4 – subparagraph 2 – point e

*Text proposed by the Commission*

*Amendment*

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

***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.***

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

***The list of feedstock set out in Annex IX may be adapted to scientific and technical progress, in order to ensure a correct implementation of the accounting rules set out in this Directive. The Commission shall be empowered to adopt delegated acts in accordance with Article 25 (b) concerning the list of feedstock set out in Annex IX'***

Or. de

*Justification*

*Amendments to legislation in force should not result in discrimination against particular*

biofuels. Moreover, multiple counting of biofuels belonging to the latest generation would result in a relaxation of the 10% target for the year 2020.

**Amendment 368**  
**Anja Weisgerber**

**Proposal for a directive**  
**Article 2 – point 2 – point c – point iii**  
Directive 2009/28/EC  
Article 3 – paragraph 4 – subparagraph 2 – point e

*Text proposed by the Commission*

*Amendment*

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

***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.***

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

***The list of feedstock set out in Annex IX may be adapted to scientific and technical progress, in order to ensure a correct implementation of the accounting rules set out in this Directive. The Commission shall be empowered to adopt delegated acts in accordance with Article 25 (b) concerning the list of feedstock set out in Annex IX'***

Or. de





**Amendment 370**

**Åsa Westlund, Marita Ulvskog**

**Proposal for a directive**

**Article 2 – point 2 – point c – point iii**

Directive 2009/28/EC

Article 3 – paragraph 4 – subparagraph 2 – point e – subparagraph 1

*Text proposed by the Commission*

*Amendment*

***The contribution made by:***

***deleted***

***(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.***

**Amendment 371**

**Julie Girling**

**Proposal for a directive**

**Article 2 – point 2 – point c – point iii**

Directive 2009/28/EC

Article 3 – paragraph 4 – subparagraph 2 – point e – subparagraph 1

*Text proposed by the Commission*

*Amendment*

***The contribution made by:***

***deleted***

***(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

*Justification*

*Multiple counting is not an effective tool in achieving the targets set out in this Directive, and therefore should be removed from this Directive*

**Amendment 372**  
**Pilar Ayuso**

**Proposal for a directive**

**Article 2 – point 2 – point c – point iii**

Directive 2009/28/EC

Article 3 – paragraph 4 – subparagraph 2 – point e – subparagraph 1

*Text proposed by the Commission*

*Amendment*

*The contribution made by:*

*deleted*

*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. es

**Amendment 373**  
**Paolo Bartolozzi**

**Proposal for a directive**

**Article 2 – point 2 – point c – point iii**

Directive 2009/28/EC

Article 3 – paragraph 4 – subparagraph 2 – point e – subparagraph 1

*Text proposed by the Commission*

*Amendment*

***The contribution made by:***

***deleted***

***(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 374**

**Jolanta Emilia Hibner, Bogusław Sonik, Filip Kaczmarek, Jarosław Kalinowski, Tadeusz Cymański, Andrzej Grzyb**

**Proposal for a directive**

**Article 2 – point 2 – point c – point iii**

Directive 2009/28/EC

Article 3 – paragraph 4 – subparagraph 2 – point e – subparagraph 1 – point i

*Text proposed by the Commission*

*Amendment*

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

***deleted***

Or. en

**Amendment 375**

**Sari Essayah**

**Proposal for a directive**

**Article 2 – point 2 – point c – point iii**

Directive 2009/28/EC

Article 3 – paragraph 4 – subparagraph 2 – point e – subparagraph 1 – point i

*Text proposed by the Commission*

*Amendment*

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

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

Or. en

*Justification*

*Only one level of multiple accounting should be applied since two levels would be problematic in terms of technology and competition neutrality. Why is some material better than the other and who is the judge? Quadruple counting discourages to invest in double counted biofuels, jeopardising adequate volumes to meet the target. Two levels create uncertainty among investors and financiers, especially when market is close to or over the target.*

**Amendment 376**

**Kriton Arsenis, Nessa Childers, Mario Pirillo**

**Proposal for a directive**

**Article 2 – point 2 – point c – point iii**

Directive 2009/28/EC

Article 3 – paragraph 4 – subparagraph 2 – point e – subparagraph 1 – point i

*Text proposed by the Commission*

*Amendment*

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

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

Or. en

**Amendment 377**

**Sari Essayah**

**Proposal for a directive**

**Article 2 – point 2 – point c – point iii**

Directive 2009/28/EC

Article 3 – paragraph 4 – subparagraph 2 – point e – subparagraph 1 – point ii

*Text proposed by the Commission*

*Amendment*

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

***deleted***

Or. en

*Justification*

*Only one level of multiple accounting should be applied since two levels would be problematic in terms of technology and competition neutrality. Why is some material better than the other and who is the judge? Quadruple counting discourages to invest in double counted biofuels, jeopardising adequate volumes to meet the target. Two levels create uncertainty among investors and financiers, especially when market is close to or over the target.*

**Amendment 378**

**Bas Eickhout, Sabine Wils**

**Proposal for a directive**

**Article 2 – point 2 – point c – point iii**

Directive 2009/28/EC

Article 3 – paragraph 4 – subparagraph 2 – point e – subparagraph 1 – point ii

*Text proposed by the Commission*

*Amendment*

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

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

Or. en

*Justification*

*The feedstocks in Part B of Annex IX should not be subject to a multiplier towards the 3% advanced transport energy sources target.*

**Amendment 379**

**Jolanta Emilia Hibner, Bogusław Sonik, Filip Kaczmarek, Jarosław Kalinowski,  
Tadeusz Cymański, Andrzej Grzyb**

**Proposal for a directive**

**Article 2 – point 2 – point c – point iii**

Directive 2009/28/EC

Article 3 – paragraph 4 – subparagraph 2 – point e – subparagraph 1 – point ii

*Text proposed by the Commission*

*Amendment*

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

(ii) biofuels produced from feedstocks listed in Annex IX shall be considered to be twice their energy content **with the exception of used cooking oil and animal fats**;

Or. en

**Amendment 380**

**Kriton Arsenis, Nessa Childers, Mario Pirillo**

**Proposal for a directive**

**Article 2 – point 2 – point c – point iii**

Directive 2009/28/EC

Article 3 – paragraph 4 – subparagraph 2 – point e – subparagraph 1 – point ii

*Text proposed by the Commission*

*Amendment*

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

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

Or. en

**Amendment 381**

**Sabine Wils**

**Proposal for a directive**

**Article 2 – point 2 – point c – point iii**

Directive 2009/28/EC

Article 3 – paragraph 4 – subparagraph 2 – point e – subparagraph 1 – point iii

*Text proposed by the Commission*

*Amendment*

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

Or. en

*Justification*

*As stated in its Article 1, the scope of the Renewable Energy Directive "establishes a common framework for the promotion of energy from renewable sources". There is therefore no reason to open this Directive to fuels produce from non-renewable energy feedstock of origin.*

**Amendment 382**

**Sari Essayah**

**Proposal for a directive**

**Article 2 – point 2 – point c – point iii**

Directive 2009/28/EC

Article 3 – paragraph 4 – subparagraph 2 – point e – subparagraph 1 – point iii

*Text proposed by the Commission*

*Amendment*

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

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

Or. en

*Justification*

*Renewable liquid and gaseous fuels of non-biological origin" is a term difficult to understand, and should be defined in this directive, but for the purposes of this directive they could be understood as for example hydrogen or oxygen produced using wind or solar energy.*

**Amendment 383**

**Bas Eickhout**

**Proposal for a directive**

**Article 2 – point 2 – point c – point iii**

Directive 2009/28/EC

Article 3 – paragraph 4 – subparagraph 2 – point e – subparagraph 1 – point iii

*Text proposed by the Commission*

*Amendment*

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

**(iii) Carbon Capture and Utilisation for transport purposes** shall be considered to be four times their energy content.

Or. en

*Justification*

*Renewable liquid and gaseous fuels of non-biological origin has been moved to part A of Annex IX and as such considered to be four times their energy content towards the 3% advanced transport energy sources target.*

#### **Amendment 384**

**Vladko Todorov Panayotov**

#### **Proposal for a directive**

**Article 2 – point 2 – point c – point iii**

Directive 2009/28/EC

Article 3 – paragraph 4 – subparagraph 2 – point e – subparagraph 1 – point iii

*Text proposed by the Commission*

*Amendment*

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

(iii) renewable liquid and gaseous fuels of non-biological origin shall be considered to be four times their energy content **only when for their production is used non-potable water and/or water that can not be used for irrigation.**

Or. en

*Justification*

*Potable water and water for irrigation is already problem and will be one of the most important worldwide problems in the near future. It should not be wasted in immature power-to-gas and power-to-liquid technologies with low efficiency of conversion.*



**Amendment 385**  
**Gaston Franco, Dominique Vlasto**

**Proposal for a directive**

**Article 2 – point 2 – point c – point iii**

Directive 2009/28/EC

Article 3 – paragraph 4 – subparagraph 2 – point e – subparagraph 1 – point iii a (new)

*Text proposed by the Commission*

*Amendment*

***(iiia) biofuels produced from ligno-cellulosic materials shall account for at least 1% of final energy consumption in the transport field in 2020;***

Or. fr

**Amendment 386**  
**Gaston Franco, Dominique Vlasto**

**Proposal for a directive**

**Article 2 – point 2 – point c – point iii**

Directive 2009/28/EC

Article 3 – paragraph 4 – subparagraph 2 – point e – subparagraph 1 – point iii b (new)

*Text proposed by the Commission*

*Amendment*

***(iiib) biofuels produced from the materials listed in Part A of Annex IX shall account for at least 2% of final energy consumption in the transport field in 2020.***

Or. fr

**Amendment 387**  
**Gilles Pargneaux**

**Proposal for a directive**

**Article 2 – point 2 – point c – point iii**

Directive 2009/28/EC

Article 3 – paragraph 4 – subparagraph 2 – point e – subparagraph 1 a (new)

*Text proposed by the Commission*

*Amendment*

***Materials which have been intentionally modified in order to count as waste shall not be taken into account under categories (i) to (iii).***

Or. fr

**Amendment 388**  
**Sari Essayah**

**Proposal for a directive**

**Article 2 – point 2 – point c – point iii**

Directive 2009/28/EC

Article 3 – paragraph 4 – subparagraph 2 – point e – subparagraph 2

*Text proposed by the Commission*

*Amendment*

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

***deleted***

Or. en

*Justification*

*Not necessary if there is only one level of multiple accounting.*

**Amendment 389**  
**Pilar Ayuso**

**Proposal for a directive**

**Article 2 – point 2 – point c – point iii**

Directive 2009/28/EC

Article 3 – paragraph 4 – subparagraph 2 – point e – subparagraph 2

*Text proposed by the Commission*

*Amendment*

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

Member States shall ensure that no raw materials are intentionally modified to be ***counted as waste and shall take***

*appropriate measures to combat fraud.*

Or. es

**Amendment 390**

**Julie Girling**

**Proposal for a directive**

**Article 2 – point 2 – point c – point iii**

Directive 2009/28/EC

Article 3 – paragraph 4 – subparagraph 2 – point e – subparagraph 2

*Text proposed by the Commission*

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

*Amendment*

Member States shall ensure that no raw materials are intentionally modified.

Or. en

**Amendment 391**

**Jolanta Emilia Hibner, Bogusław Sonik, Filip Kaczmarek, Jarosław Kalinowski, Tadeusz Cymański, Andrzej Grzyb**

**Proposal for a directive**

**Article 2 – point 2 – point c – point iii**

Directive 2009/28/EC

Article 3 – paragraph 4 – subparagraph 2 – point e – subparagraph 2

*Text proposed by the Commission*

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

*Amendment*

***The Commission submit a procedure, according to which*** Member States shall ensure that no raw materials are intentionally modified to be covered by categories **(ii)** to (iii).

Or. en

**Amendment 392**

**Gilles Pargneaux**

**Proposal for a directive**

**Article 2 – point 2 – point c – point iii**

Directive 2009/28/EC

Article 3 – paragraph 4 – subparagraph 2 – point e – subparagraph 2

*Text proposed by the Commission*

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

*Amendment*

Member States shall ensure that ***appropriate action is taken when fraud is detected.***

***Member States and the Commission shall make sure, by introducing a single European registration system, that biofuels covered under categories (i) to (iii) are not counted several times in an effort to meet the targets referred to in this Article.***

***Member States and the Commission shall ensure the traceability of the biofuels covered under categories (i) to (iii) by means of the waste management system established under Directive 2008/98/EC. A similar system shall be developed for imported waste.***

Or. fr

**Amendment 393**

**Giancarlo Scottà, Oreste Rossi**

**Proposal for a directive**

**Article 2 – point 2 – point c – point iii**

Directive 2009/28/EC

Article 3 – paragraph 4 – subparagraph 2 – point e – subparagraph 2

*Text proposed by the Commission*

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

*Amendment*

Member States shall ***refer to an independent European-wide registration system for verifying the origin and the traceability of all biofuels and particularly of advanced biofuels listed under Annex IX or eligible for an extra-incentive or for a separate target at EU or national level: such register should consist in a single***

*database certifying all biofuels volumes from their origin until their final consumption. The register shall be aimed to avoid untrustworthy multiple declarations of the same volumes under two or more national or European schemes, shall register biofuels as from their origination and shall ensure that no raw materials are intentionally modified to be covered by categories (i) to (iii).*

Or. en

**Amendment 394**  
**Corinne Lepage**

**Proposal for a directive**

**Article 2 – point 2 – point c – point iii**

Directive 2009/28/EC

Article 3 – paragraph 4 – subparagraph 2 – point e – subparagraph 2

*Text proposed by the Commission*

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

*Amendment*

Member States shall **establish an independent registration system at European level to guarantee the origin and traceability of all the advanced biofuels which are listed in Annex IX or which are eligible for incentives. The system shall consist of a single database used to certify volumes of advanced biofuels from their point of origin to their point of final consumption. The system shall be designed in particular to prevent fraudulent multiple declarations of the same volumes under two or more national or European systems, to ensure the traceability of biofuels from their point of origin and to guarantee** that no raw materials are intentionally modified to be covered by categories (i) to (iii).

Or. fr

**Amendment 395**

**Kriton Arsenis, Jo Leinen, Nessa Childers**

**Proposal for a directive**

**Article 2 – point 2 – point c – point iii**

Directive 2009/28/EC

Article 3 – paragraph 4 – subparagraph 2 – point e – subparagraph 2

*Text proposed by the Commission*

*Amendment*

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

Member States shall ensure that no raw materials are intentionally modified to be covered by categories (i) to (iii). ***The Commission shall report to the European Parliament and to the Council before 31 December 2017 with regard to the implementation of point (e) and the measures taken by the Member States in order to ensure that raw materials covered by categories (i) to (iii) are not intentionally modified.***

Or. en

**Amendment 396**

**Julie Girling**

**Proposal for a directive**

**Article 2 – point 2 – point c – point iii**

Directive 2009/28/EC

Article 3 – paragraph 4 – subparagraph 2 – point e – subparagraph 3

*Text proposed by the Commission*

*Amendment*

***The list of feedstock set out in Annex IX may be adapted to scientific and technical progress, in order to ensure a correct implementation of the accounting rules set out in this Directive. The Commission shall be empowered to adopt delegated acts in accordance with Article 25 (b) concerning the list of feedstock set out in Annex IX***

***deleted***

Or. en

### *Justification*

*Article 3 contains essential elements of the Directive and therefore does not fall within the scope of delegated acts.*

#### **Amendment 397**

**Jolanta Emilia Hibner, Bogusław Sonik, Filip Kaczmarek, Jarosław Kalinowski, Tadeusz Cymański, Andrzej Grzyb**

#### **Proposal for a directive**

**Article 2 – point 2 – point c – point iii**

Directive 2009/28/EC

Article 3 – paragraph 4 – subparagraph 2 – point e – subparagraph 3

#### *Text proposed by the Commission*

The list of feedstock set out in Annex IX may be adapted to scientific and technical progress, in order to ensure a correct implementation of the accounting rules set out in this Directive. The Commission shall be empowered to adopt *delegated* acts in accordance with Article 25 (b) concerning the list of feedstock set out in Annex IX'

#### *Amendment*

The list of feedstock set out in Annex IX may be adapted to scientific and technical progress, in order to ensure a correct implementation of the accounting rules set out in this Directive. The Commission shall be empowered to adopt *implementing* acts in accordance with Article 25 (b) concerning the list of feedstock set out in Annex IX'

Or. en

#### **Amendment 398**

**Gaston Franco, Dominique Vlasto, Françoise Grossetête**

#### **Proposal for a directive**

**Article 2 – point 2 – point c – point iii**

Directive 2009/28/EC

Article 3 – paragraph 4 – subparagraph 2 – point e – subparagraph 3

#### *Text proposed by the Commission*

The list of feedstock set out in Annex IX may be adapted to scientific and technical progress, in order to ensure a correct implementation of the accounting rules set out in this Directive. The Commission shall be empowered to adopt delegated acts in accordance with Article 25 (b) concerning

#### *Amendment*

The list of feedstock set out in Annex IX may be adapted to scientific and technical progress, in order to ensure a correct implementation of the accounting rules set out in this Directive. The Commission shall be empowered to adopt delegated acts in accordance with Article 25 (b) concerning

the list of feedstock set out in Annex IX'

the list of feedstock set out in Annex IX,  
*provided that those acts encourage  
research into and development of  
innovative technologies in Member States  
and take account of the need to improve  
security of supply for diesel-type fuels.*

Or. fr

**Amendment 399**  
**Sari Essayah**

**Proposal for a directive**

**Article 2 – point 2 – point c – point iii**

Directive 2009/28/EC

Article 3 – paragraph 4 – subparagraph 2 – point e – subparagraph 3 a (new)

*Text proposed by the Commission*

*Amendment*

*In order to promote technologies and  
processes which provide high greenhouse  
gas savings without causing indirect land  
use change the energy content of those  
biofuels and bioliquids reaching at least  
75% greenhouse gas emission savings and  
using feedstocks whose estimated indirect  
land-use change emissions are considered  
to be zero as described in Annex V Part B  
shall be considered twice in the national  
accounting.*

Or. en

**Amendment 400**  
**Kriton Arsenis, Nessa Childers**

**Proposal for a directive**

**Article 2 – point 2 – point c – point iii**

Directive 2009/28/EC

Article 3 – paragraph 4 – subparagraph 2 – point e – subparagraph 3 a (new)

*Text proposed by the Commission*

*Amendment*

*The implementation of this point shall not*



*be implemented for specific residues as laid down by Annex IX until the adoption of sustainability criteria at EU level.*

Or. en

**Amendment 401**  
**Gilles Pargneaux**

**Proposal for a directive**

**Article 2 – point 2 – point c – point iii**

Directive 2009/28/EC

Article 3 – paragraph 4 – subparagraph 2 – point e – subparagraph 3 a (new)

*Text proposed by the Commission*

*Amendment*

*The Commission shall propose to the European Parliament and the Council harmonised solutions to the problem of double-counting fraud arising from the incorrect application of the criteria set out in point (iii).*

Or. fr

**Amendment 402**  
**Kriton Arsenis, Nessa Childers**

**Proposal for a directive**

**Article 2 – point 2 – point c – point iii a (new)**

Directive 2009/28/EC

Article 3 – paragraph 4 – subparagraph 2 – point e a (new)

*Text proposed by the Commission*

*Amendment*

*(iiia) the following point (ea) is added:*

*"(ea) for purposes of compliance with the target referred to in this paragraph, Member States may meet their share of energy from biofuels produced from cereal and other starch rich crops, sugars, oil crops and other energy crops grown on land through increases in non-biomass renewable energy from wind, solar,*

*geothermal or tidal, if additional to projections contained in their national renewable energy action plans notified under Article 4(2)."*

Or. en

**Amendment 403**  
**Eija-Riitta Korhola**

**Proposal for a directive**  
**Article 2 – point 2 – point c a (new)**  
Directive 2009/28/EC  
Article 3 – paragraph 4 a (new)

*Text proposed by the Commission*

*Amendment*

*(ca) the following paragraph 4a is added:*  
*"4a. Each Member State shall ensure that the share of energy from renewables sources in Aviation is 2 % of the final consumption of the energy in aviation sector by 31 December 2020. This reduction shall consist of:*  
*(a) 0,5 % by 31 December 2016;*  
*(b) 1 % by 31 December 2018."*

Or. en

*Justification*

*It is important to specially support sustainable biofuels in aviation sector, as there is no other alternative for this transport sector. Separate target for aviation biofuels will help achieve CO2- reduction targets in transport. This target is also a reflection of the European Commission's "Flight Path Initiative" with the aim of producing 2 million tons of biofuels for the aviation sector by 2020.*

**Amendment 404**  
**Hannu Takkula, Cristian Silviu Buşoi**

**Proposal for a directive**  
**Article 2 – point 2 – point c a (new)**

Directive 2009/28/EC  
Article 3 – paragraph 4 a (new)

*Text proposed by the Commission*

*Amendment*

***(ca) the following paragraph 4a is added:***

***"4a. With a view to meeting the target set in paragraph 4, Member States shall ensure that by 2020 the share of renewable energy in aviation amounts to at least 1% of the overall energy consumption of the transport sector."***

Or. en

*Justification*

*Biofuels are the best means to reduce greenhouse gas emission in the aviation sector. Biojet fuels should be included in the target of overall energy consumption of 10 % from renewable sources. Advanced biofuel technology is required when producing aviation quality biofuel. At the moment, this type of technology needs further incentives to ensure wider commercial production and uptake.*

#### **Amendment 405**

**Jolanta Emilia Hibner, Bogusław Sonik, Filip Kaczmarek, Jarosław Kalinowski, Tadeusz Cymański, Andrzej Grzyb**

#### **Proposal for a directive**

##### **Article 2 – point 3**

Directive 2009/28/EC

Article 5 – paragraph 5 – second sentence

*Text proposed by the Commission*

*Amendment*

The Commission shall be empowered to adopt ***delegated*** acts in accordance with Article 25 (b) concerning the adaptation of the energy content of transport fuels as set out in Annex III to scientific and technical progress.

The Commission shall be empowered to adopt ***implementing*** acts in accordance with Article 25***b*** concerning the adaptation of the energy content of transport fuels as set out in Annex III to scientific and technical progress.

Or. en

**Amendment 406**  
**Elisabetta Gardini**

**Proposal for a directive**

**Article 2 – point 3**

Directive 2009/28/EC

Article 5 – paragraph 5 – second sentence

*Text proposed by the Commission*

The Commission shall be empowered to adopt delegated acts in accordance with Article 25 (b) concerning the adaptation of the energy content of transport fuels as set out in Annex III to scientific and technical progress.

*Amendment*

The Commission shall be empowered to adopt delegated acts in accordance with Article 25b concerning the adaptation of the energy content of transport fuels as set out in Annex III to scientific and technical progress. ***New values for energy content may be taken into consideration in Annex III of the Directive 2009/28/EC by adding lower heating accounting for the entire field-to- wheel bio energy contribution based on sound scientific principles, with values to be reported to one decimal place.***

Or. en

*Justification*

*Therefore, each individual biofuel must be evaluated on its own merit and by its bio-energy performance based on sound scientific principles.*

**Amendment 407**

**Kriton Arsenis, Jo Leinen, Nessa Childers, Britta Thomsen**

**Proposal for a directive**

**Article 2 – point 5 – point -a (new)**

Directive 2009/28/EC

Article 17 – paragraph 1 – subparagraph 1 – introductory part

*Text proposed by the Commission*

*Amendment*

***(-a) in paragraph 1, the introductory part of the first subparagraph is replaced by the following:***

***"1. Irrespective of whether the raw materials were cultivated inside or***

outside the territory of the Community, energy from biofuels and bioliquids shall be taken into account for the purposes referred to in points (a), (b) and (c) only if they fulfil the sustainability criteria set out in paragraphs 2 to 6 *and do not exceed contributions set out in Article 3(4)(d):*"

Or. en

**Amendment 408**

**Christa Kläß**

**Proposal for a directive**

**Article 2 – point 5 – point -a (new)**

Directive 2009/28/EC

Article 17 – paragraph 1 – subparagraph 2

*Text proposed by the Commission*

*Amendment*

***(-a) In Article 17(1), the second subparagraph is deleted;***

Or. de

*Justification*

*In order to establish credible sustainability systems, strict and uniform checks are needed, which must apply equally to both conventional and advanced biofuels in all Member States. Exceptions for certain wastes and residues would have the effect of particularly promoting biofuel from raw materials which do not comply with the sustainability criteria.*

**Amendment 409**

**Sabine Wils**

**Proposal for a directive**

**Article 2 – point 5 – point -a (new)**

Directive 2009/28/EC

Article 17 – paragraph 1 – subparagraph 2 a (new)

*Text proposed by the Commission*

*Amendment*

***(-a) the following subparagraph is added to paragraph 1:***

***"An indicative list of waste and residues that may be used for the production of biofuels is set out in Annex X. By [one year after the date on which this Directive enters into force], the Commission shall establish a list of waste codes corresponding to each of the feedstocks listed in Annex X by means of an implementing act adopted in accordance with the advisory procedure referred to in Article 25(3). Those codes shall correspond to the harmonised list of waste set out in the Annex to Commission Decision 2000/532/EC."***

Or. en

**Amendment 410**

**Giancarlo Scottà, Oreste Rossi**

**Proposal for a directive**

**Article 2 – point 5 – point -a (new)**

Directive 2009/28/EC

Article 17 – paragraph 1 – subparagraph 2 a (new)

*Text proposed by the Commission*

*Amendment*

***(-a) the following subparagraph is added to paragraph 1:***

***"Energy from biofuels and bioliquids produced from cereal and other starch rich crops, sugars and oil crops or dedicated energy crops taken into account for the purposes referred to in points (a), (b) and (c) shall be no more than 5%, the estimated share at the end of 2011, of the final consumption of energy in transport in 2020."***

Or. en

## Amendment 411

Erik Bánki

### Proposal for a directive

#### Article 2 – point 5 – point a

Directive 2009/28/EC

Article 17 – paragraph 2 – subparagraph 1

#### *Text proposed by the Commission*

2. The greenhouse gas emission saving from the use of biofuels and bioliquids taken into account for the purposes referred to in paragraph 1 shall be at least **60 % for biofuels and bioliquids produced in installations starting operation after 1st July 2014. An installation is “in operation” if the physical production of biofuels or bioliquids has taken place.**

#### *Amendment*

2. The greenhouse gas emission saving from the use of biofuels and bioliquids taken into account for the purposes referred to in paragraph 1 shall be at least **35 % (but with greenhouse gas emissions of not more than 54,47 gCO<sub>2eq</sub>/MJ).**

Or. en

#### *Justification*

*The Commission proposal would push the 50% 2017 requirement back by a year, which would result in a smaller greenhouse gas saving, and therefore would compromise the EU 2020 climate policy targets. This provision would also undermine the regulatory certainty.*

## Amendment 412

Gaston Franco, Dominique Vlasto

### Proposal for a directive

#### Article 2 – point 5 – point a

Directive 2009/28/EC

Article 17 – paragraph 2 – subparagraph 1

#### *Text proposed by the Commission*

2. The greenhouse gas emission saving from the use of biofuels and bioliquids taken into account for the purposes referred to in paragraph 1 shall be at least **60 %** for biofuels and bioliquids produced in installations starting operation after 1st

#### *Amendment*

2. The greenhouse gas emission saving from the use of biofuels and bioliquids taken into account for the purposes referred to in paragraph 1 shall be at least **50 %** for biofuels and bioliquids produced in installations starting operation after 1st

July 2014. An installation is “in operation” if the physical production of biofuels or bioliquids has taken place.

July 2014. An installation is “in operation” if the physical production of biofuels or bioliquids has taken place.

Or. fr

*Justification*

*A threshold of 60% is too high and would discourage research into and investment in innovative methods for advanced biofuel production. This would also reduce the potential for carrying out such production on an industrial scale and, by extension, the scope for mitigating climate change by blending biofuels with other fuels.*

**Amendment 413**

**Sabine Wils**

**Proposal for a directive**

**Article 2 – point 5 – point a**

Directive 2009/28/EC

Article 17 – paragraph 2 – subparagraph 1

*Text proposed by the Commission*

2. The greenhouse gas emission saving from the use of biofuels and bioliquids taken into account for the purposes referred to in paragraph 1 shall be at least 60 % for biofuels and bioliquids produced in installations *starting* operation *after 1st July 2014*. An installation is “in operation” if the physical production of biofuels or bioliquids has taken place.

*Amendment*

2. The greenhouse gas emission saving from the use of biofuels and bioliquids taken into account for the purposes referred to in paragraph 1 shall be at least 60 % for biofuels and bioliquids produced in installations *in* operation. An installation is “in operation” if the physical production of biofuels or bioliquids has taken place.

Or. en

**Amendment 414**

**Vladko Todorov Panayotov**

**Proposal for a directive**

**Article 2 – point 5 – point a**

Directive 2009/28/EC

Article 17 – paragraph 2 – subparagraph 1



*Text proposed by the Commission*

2. The greenhouse gas emission saving from the use of biofuels and bioliquids taken into account for the purposes referred to in paragraph 1 shall be at least 60 % for biofuels and bioliquids produced in installations starting operation after **1st July 2014**. An installation is “in operation” if the physical production of biofuels or bioliquids has taken place.

*Amendment*

2. The greenhouse gas emission saving from the use of biofuels and bioliquids taken into account for the purposes referred to in paragraph 1 shall be at least 60 % for biofuels and bioliquids produced in installations starting operation after **1st January 2015**. An installation is “in operation” if the physical production of biofuels or bioliquids has taken place.

Or. en

*Justification*

*Since this Directive will enter in force at the earliest at the end of 2013, half year is not enough to adapt the technology available to requirements of this Directive. Even more, the industry is not prepared, since Directive 2009/28/EC envisaged that greenhouse gas emissions saving shall be at least 60 % for biofuels produced in installations in which production has started on or after 1 January 2017.*

**Amendment 415**  
**Sabine Wils**

**Proposal for a directive**

**Article 2 – point 5 – point a**

Directive 2009/28/EC

Article 17 – paragraph 2 – subparagraph 2

*Text proposed by the Commission*

***In the case of installations that were in operation on or before 1<sup>st</sup> of July 2014, for the purposes referred to in paragraph 1, biofuels and bioliquids shall achieve a greenhouse gas emission saving of at least 35% until 31 December 2017 and at least 50% from 1 January 2018.***

*Amendment*

***deleted***

Or. en

**Amendment 416**

**Erik Bánki**

**Proposal for a directive**

**Article 2 – point 5 – point a**

Directive 2009/28/EC

Article 17 – paragraph 2 – subparagraph 2

*Text proposed by the Commission*

***In the case of installations that were in operation on or before 1<sup>st</sup> of July 2014, for the purposes referred to in paragraph 1, biofuels and bioliquids shall achieve a greenhouse gas emission saving of at least 35% until 31 December 2017 and at least 50% from 1 January 2018.***

*Amendment*

***With effect from 1 January 2017, the greenhouse gas emission saving from the use of biofuels and bioliquids taken into account for the purposes referred to paragraph 1 shall be at least 50 % (but with greenhouse gas emissions of not more than 41,9 gCO<sub>2eq</sub>/MJ). From 1 January 2018 that greenhouse gas emission saving shall be at least 60 % (but with greenhouse gas emissions of not more than 33,52 gCO<sub>2eq</sub>/MJ) for biofuels and bioliquids produced in installations in which production started on or after 1 January 2017.***

Or. en

*Justification*

*The Commission proposal would push the 50% 2017 requirement back by a year, which would result in a smaller greenhouse gas saving, and therefore would compromise the EU 2020 climate policy targets. This provision would also undermine the regulatory certainty.*

**Amendment 417**

**Vladko Todorov Panayotov**

**Proposal for a directive**

**Article 2 – point 5 – point a**

Directive 2009/28/EC

Article 17 – paragraph 2 – subparagraph 2

*Text proposed by the Commission*

In the case of installations that were in operation on or before ***1<sup>st</sup> of July 2014***, for

*Amendment*

In the case of installations that were in operation on or before ***1st January 2015***,

the purposes referred to in paragraph 1, biofuels and bioliquids shall achieve a greenhouse gas emission saving of at least 35% until 31 December 2017 and at least 50% from 1 January 2018.

for the purposes referred to in paragraph 1, biofuels and bioliquids shall achieve a greenhouse gas emission saving of at least 35% until 31 December 2017 and at least 50% from 1 January 2018.

Or. en

#### *Justification*

*Since this Directive will enter in force at the earliest at the end of 2013, half year is not enough to adapt the technology available to requirements of this Directive. Even more, the industry is not prepared, since Directive 2009/28/EC envisaged that greenhouse gas emissions saving shall be at least 60 % for biofuels produced in installations in which production has started on or after 1 January 2017.*

#### **Amendment 418**

**Erik Bánki**

#### **Proposal for a directive**

#### **Article 2 – point 5 – point b**

Directive 2009/28/EC

Article 17 – paragraph 3 – subparagraph 2

*Text proposed by the Commission*

*Amendment*

***(b) in paragraph 3, the second subparagraph is replaced by the following:***

***deleted***

***"The Commission shall be empowered to adopt delegated acts in accordance with Article 25 (b) to establish the criteria and geographic ranges to determine which grassland shall be covered by point (c) of the first subparagraph."***

Or. en

#### *Justification*

*The Commission seeks to be empowered to adopt delegated acts concerning issues which affect the entire biofuel industry; these should therefore remain in the ordinary legislative procedure.*

**Amendment 419**

**Jolanta Emilia Hibner, Bogusław Sonik, Filip Kaczmarek, Jarosław Kalinowski,  
Tadeusz Cymański, Andrzej Grzyb**

**Proposal for a directive**

**Article 2 – point 5 – point b**

Directive 2009/28/EC

Article 17 – paragraph 3 – subparagraph 2

*Text proposed by the Commission*

*Amendment*

***(b) in paragraph 3, the second  
subparagraph is replaced by the  
following:***

***deleted***

***"The Commission shall be empowered to  
adopt delegated acts in accordance with  
Article 25 (b) to establish the criteria and  
geographic ranges to determine which  
grassland shall be covered by point (c) of  
the first subparagraph."***

Or. en

**Amendment 420**

**Jo Leinen**

**Proposal for a directive**

**Article 2 – point 5 – point b a (new)**

Directive 2009/28/EC

Article 17 – paragraph 4

*Text proposed by the Commission*

*Amendment*

***(ba) paragraph 4 is replaced by the  
following:***

***"4. Biofuels and bioliquids taken into  
account for the purposes referred to in  
points (a), (b) and (c) of paragraph 1  
shall not be made from raw material  
obtained from land with high carbon  
stock, namely land that had one of the  
following statuses in or after January  
2008, whether or not the land continues to***

*have that status:*

**(a) wetlands, namely land that is covered with or saturated by water permanently or for a significant part of the year;**

**(b) *other naturally regenerated forests;***

**(c) *planted forests.*"**

Or. en

**Amendment 421**

**Christa Klaß**

**Proposal for a directive**

**Article 2 – point 5 – point b a (new)**

Directive 2009/28/EC

Article 17 – paragraph 5 a (new)

*Text proposed by the Commission*

*Amendment*

***(ba) Paragraph 5a is added:***

***‘5a. With due regard for the provisions referred to in paragraph 1(a), (b) and (c), raw materials for the production of biofuels for crediting towards the admixture target shall not be derived from countries whose cultivated land areas that fall under paragraphs 4 and 5 have undergone significant changes in the year of production of the raw materials.’***

Or. de

*Justification*

*More than 70% of greenhouse gas emissions generated as a result of biofuels and bioliquids originate in land use change in rainforest areas and marshland. Biofuels manufactured with the aid of such land use changes should therefore not be taken into account. In this way, both GHG emissions arising in those countries and GHG emissions caused by indirect land use change could be reduced.*

**Amendment 422**

**Radvilė Morkūnaitė-Mikulėnienė**

**Proposal for a directive**  
**Article 2 – point 5 – point b a (new)**  
Directive 2009/28/EC  
Article 17 – paragraph 5 a (new)

*Text proposed by the Commission*

*Amendment*

*(ba) the following paragraph is inserted:*  
*‘5a. For the cultivation of raw materials used to manufacture biofuels and bioliquids taken into account for the purposes referred to in paragraph 1(a), (b) and (c), priority must be assigned to following.’*

Or. It

**Amendment 423**  
**Vladko Todorov Panayotov**

**Proposal for a directive**  
**Article 2 – point 5 – point b a (new)**  
Directive 2009/28/EC  
Article 17 – paragraph 5 a (new)

*Text proposed by the Commission*

*Amendment*

*(ba) the following paragraph 5a is added:*  
*"5a. Biofuels and bioliquids taken into account for the purposes referred to in paragraph 1 shall not be made from raw material obtained from agricultural or forest residues unless evidence is provided that this does not result in a degradation of agricultural and ecosystem functions. The volume of agricultural residues that must remain on the land for agricultural and ecological reasons shall be established on the basis of regional and, where appropriate, sub-regional, eco-agro-geographical characteristics including, but not limited to, the organic content of the soil, the fertility of the soil, soil microbiology, water retention capacity and carbon sequestration. Raw material*

*obtained from agricultural residues produced during off-field processing of crops into food or other products is not covered by this paragraph. Biofuels and bioliquids taken into account for the purposes referred to in paragraph 1 shall not be made from raw material obtained from forest management residues unless evidence is provided that this does not result in a degradation of ecosystem functions."*

Or. en

*Justification*

*Agricultural and forest residues are a source of nutrients for agricultural plants and protect against soil erosion and biodiversity loss. These ecological functions can be undermined by the removal of excessive volumes of the agricultural residues produced during harvesting. The volume of such residues that is available for biofuel production varies depending on regional conditions.*

**Amendment 424**

**Kathleen Van Brempt, Judith A. Merkies**

**Proposal for a directive**

**Article 2 – point 5 – point b a (new)**

Directive 2009/28/EC

Article 17 – paragraph 5 a (new)

*Text proposed by the Commission*

*Amendment*

*(ba) the following paragraph 5a is added:*

*"5a. Raw materials used for biofuels and bioliquids for the purposes of paragraph 1 shall be produced through sustainable land management practices that maintain the growth of carbon stock of ecosystems, safeguard biodiversity, protect soil fertility and soil organic carbon, avoid soil erosion, and promote conservation of water quality, nutrient levels and mineral balances."*

Or. en

**Amendment 425**

**Jolanta Emilia Hibner, Bogusław Sonik, Filip Kaczmarek, Jarosław Kalinowski,  
Tadeusz Cymański, Andrzej Grzyb**

**Proposal for a directive**

**Article 2 – point 5 – point b a (new)**

Directive 2009/28/EC

Article 17 – paragraph 6

*Text proposed by the Commission*

*Amendment*

***(ba) paragraph 6 is replaced by the following:***

***"6. Biofuels and bioliquids taken into account for the purposes referred to in points (a), (b) and (c) of paragraph 1 obtained from agricultural raw materials cultivated in the Community obtained in accordance with the requirements and standards under the provisions referred to under the common rules for direct support schemes for farmers under the common agricultural policy and establishing certain support schemes for farmers and in accordance with the minimum requirements for good agricultural and environmental condition defined pursuant to Council Regulation (EC) No 73/2009 of 19 January 2009, comply with the sustainability criteria set out in Article 17(3) to (5)."***

Or. en

**Amendment 426**

**Sabine Wils**

**Proposal for a directive**

**Article 2 – point 5 – point b a (new)**

Directive 2009/28/EC

Article 17 – paragraph 6 – subparagraphs 1 a, 1 b and 1 c (new)



*Text proposed by the Commission*

*Amendment*

***(ba) the following subparagraphs are added to paragraph 6:***

***"Biofuels and bioliquids taken into account for the purposes referred to in points (a), (b) and (c) of paragraph 1 shall not be made from waste or residues where doing so would undermine the application and objectives of Directive 2008/98/EC of the European Parliament and Council on waste and repealing certain Directives.***

***In particular, biofuels and bioliquids taken into account for the purposes referred to in paragraph 1(a), (b) and (c) shall not be made from waste or residues which are subject to re-use and recycling targets in accordance with Article 11(2) of Directive 2008/98/EC or to measures adopted by Member States in relation to bio-waste in accordance with Article 22 of that Directive.***

***The waste management plans and the waste prevention programmes established by Member States in accordance with the provisions of Chapter V of Directive 2008/98/EC shall take into account the use of waste and residues for the production of biofuels and bioliquids."***

Or. en

**Amendment 427**

**Sabine Wils**

**Proposal for a directive**

**Article 2 – point 5 a (new)**

Directive 2009/28/EC

Article 18 – paragraph 2 a (new)

*Text proposed by the Commission*

*Amendment*

***5a. In Article 18, the following paragraph***

*2a is inserted:*

*"2a. Eurostat shall gather and publish detailed trade related information on biofuels produced from food crops, such as those based on cereals and other starch rich crops, sugars and oil crops. Available information shall be disaggregated trade data for both ethanol and biodiesel as current data is published in an aggregated format with ethanol and biodiesel imports and exports combined under one data set labelled biofuels. Import and export data shall identify the type and volumes of biofuels imported and consumed by EU Member States. Data shall also include the country of origin or the country exporting those products into the EU. Data on the import and export of biofeedstock or semi-processed products shall be improved with Eurostat gathering and publishing information on import or export of feedstocks, type and country of origin, including internally traded feedstocks or semi-traded feedstocks."*

Or. en

**Amendment 428**  
**Sabine Wils**

**Proposal for a directive**  
**Article 2 – point 5 b (new)**  
Directive 2009/28/EC  
Article 18 – paragraph 2 b (new)

*Text proposed by the Commission*

*Amendment*

*5b. In Article 18, the following paragraph 2b is inserted:*

*"2b. Eurostat shall gather and publish detailed employment information on the numbers, duration and salaries associated with direct, indirect and induced employment generated by the EU biofuels industry. The European Commission*

*should develop an agreed methodology for measuring jobs which should systematically assess and monitor employment levels in member states and at the EU level. Employment figures should be disaggregated by ethanol and biodiesel sectors and clearing identifying the location of the job within the biofuel supply chain. Currently biofuel employment data is not included in official statistics with the employment estimates available to policy-makers varying depending on the underlying definition or methodology adopted by the particular study, the job counting approach applied, and the extent to which studies link agricultural activity to the biofuels industry. A formal process requiring employment figures to be supported by underlying data and transparent assumptions would improve the availability of information."*

Or. en

#### **Amendment 429**

**Erik Bánki**

#### **Proposal for a directive**

#### **Article 2 – point 6**

Directive 2009/28/EC

Article 18 – paragraph 4 – subparagraph 2

#### *Text proposed by the Commission*

The Commission may decide that voluntary national or international schemes setting standards for the production of biomass products contain accurate data for the purposes of Article 17(2) or demonstrate that consignments of biofuel or bioliquid comply with the sustainability criteria set out in Article 17(3) to (5). The Commission may decide that those schemes contain accurate data for the purposes of information on measures taken

#### *Amendment*

The Commission may decide that, ***without prejudice to Article 21a***, voluntary national or international schemes setting standards for the production of biomass products contain accurate data for the purposes of Article 17(2) or demonstrate that consignments of biofuel or bioliquid comply with the sustainability criteria set out in Article 17(3) to (5). The Commission may decide that those schemes contain accurate data for the

for the conservation of areas that provide, in critical situations, basic ecosystem services (such as watershed protection and erosion control), for soil, water and air protection, the restoration of degraded land, the avoidance of excessive water consumption in areas where water is scarce and on the issues referred to in the second subparagraph of Article 17(7). The Commission may also recognise areas for the protection of rare, threatened or endangered ecosystems or species recognised by international agreements or included in lists drawn up by intergovernmental organisations or the International Union for the Conservation of Nature for the purposes of Article 17(3)(b) (ii).

purposes of information on measures taken for the conservation of areas that provide, in critical situations, basic ecosystem services (such as watershed protection and erosion control), for soil, water and air protection, the restoration of degraded land, the avoidance of excessive water consumption in areas where water is scarce and on the issues referred to in the second subparagraph of Article 17(7). The Commission may also recognise areas for the protection of rare, threatened or endangered ecosystems or species recognised by international agreements or included in lists drawn up by intergovernmental organisations or the International Union for the Conservation of Nature for the purposes of Article 17(3)(b) (ii).

Or. en

**Amendment 430**  
**Sabine Wils**

**Proposal for a directive**  
**Article 2 – point 6 a (new)**  
Directive 2009/28/EC  
Article 18 – paragraph 5

*Text proposed by the Commission*

*Amendment*

***6a. In Article 18, paragraph 5 is replaced by the following:***

***"5. The Commission shall adopt decisions under paragraph 4 only if the agreement or scheme in question meets adequate standards of reliability, transparency and independent auditing and adequately protects the rights of third parties.***

***Third parties shall be local and indigenous communities or any other persons who are affected by the operations, insofar as they have a right to***

*the ownership or use of the land from which the raw materials used to produce biofuels and bioliquids originate.*

*The agreement or scheme shall not be considered as meeting the standards referred to in the first subparagraph unless it requires that:*

*(a) Protection of third party rights*

*(i) Prior to operations receiving approval from the agreement or scheme, the rights of third parties are surveyed. The survey is documented.*

*(ii) The free, prior and informed consent of those parties is obtained prior to the beginning of the operations.*

*(iii) The rights of third parties are respected.*

*(iv) Third parties whose rights are negatively affected by the operations are adequately compensated.*

*(b) Minimum standards of reliability and independent auditing*

*(v) Auditors are accredited against relevant international standards.*

*(vi) Conflict of interests between auditors and economic operators are identified, handled and resolved in accordance with clear and effective procedures.*

*(vii) Field audits are conducted at least every year in accordance with clear, documented and published procedures. Audits are documented.*

*(viii) Third parties are consulted during audits. Consultations are documented.*

*(ix) Situations of non-compliance are identified and resolved in accordance with clear and effective procedures. Those procedures include deadlines for compliance and provide for the exclusion of individual operations or consignments of biofuels or bioliquids from the agreement or scheme in case compliance*

*is not achieved within the deadline.*

*(c) Minimum standards of transparency*

*(x) The agreement or scheme is published on a web site. All the constituent parts of the agreement or scheme are collated in a single document.*

*(xi) A list of economic operators covered by the agreement or scheme is published on the same web site, together with copies of relevant certificates.*

*(xii) Decisions adopted by the Commission under paragraph 4 are published on the same website.*

*A translation of all documents referred to in points x to xii shall be made available, notably to third parties, in the official language(s) of the countries from which the raw materials originate.*

*In the activities referred to in points (i) to (iii) and (viii), third parties may be assisted by their representatives.*

*Documents referred to in points (i), (vii) and (viii) are kept for at least five years and accessible to the Commission upon request.*

*The agreement or scheme shall include provisions allowing the Commission to exercise the powers referred to in the first paragraph of Article 19(6d).*

*In the case of schemes to measure greenhouse gas emission saving, such schemes shall also comply with the methodological requirements in Annex V. Lists of areas of high biodiversity value as referred to in Article 17(3)(b)(ii) shall meet adequate standards of objectivity and coherence with internationally recognised standards and provide for appropriate appeal procedures."*

Or. en

**Amendment 431**  
**Sabine Wils**

**Proposal for a directive**  
**Article 2 – point 6 b (new)**  
Directive 2009/28/EC  
Article 18 – paragraph 6

*Text proposed by the Commission*

*Amendment*

***6b. In Article 18, paragraph 6 is replaced by the following:***

***"6. Subject to paragraph 6a, decisions under paragraph 4 shall be adopted in accordance with the advisory procedure referred to in Article 25(3), taking into account observations received from the public pursuant to paragraph 6a. Without prejudice to paragraph 6d, such decisions shall be valid for a period of no more than five years.***

***When the Commission envisages that a decision under paragraph 4 may be adopted, it shall publish the agreement or scheme on the transparency platform referred to in Article 24. All the constituent parts of the agreement or scheme shall be collated in a single document. The Commission shall publish a notice inviting the public to submit observations in relation to the agreement or scheme. The period for observations shall not be shorter than two months as from the date of the notice.***

***The Commission shall publish a report on the agreement or scheme on the transparency platform. In preparing the report, the Commission may rely on the expertise of third parties. Any conflict of interest in relation to any person involved in the preparation of the report shall be identified and resolved.***

***After the adoption of a decision under paragraph 4, the agreement or scheme shall be published on the transparency platform. All the constituent parts of the***

*agreement or scheme shall collated in a single document.*

*Decisions under paragraph 4 shall indicate that any natural or legal person may submit substantiated concerns to the Commission in relation to the operation of the agreement or scheme. The Commission shall respond, within two months, by indicating whether it intends to take further action.*

*When the information available raises doubts about whether an agreement or scheme in respect of which a decision under paragraph 4 has been adopted continues to fulfil the requirements of paragraph 5, the Commission shall assess the practical operation of the agreement or scheme. To this end, the Commission shall be empowered to access any relevant document produced or held for the purposes of the operation of the agreement or scheme.*

*When justified by preliminary evidence of serious shortcomings in the operation of the agreement or scheme, the Commission shall immediately suspend the decision under paragraph 4 by means of an implementing act adopted in accordance with the advisory procedure referred to in Article 25b. The suspension shall be revoked in the same manner when the Commission assessment concludes that the matter has been solved."*

Or. en

**Amendment 432**  
**Sabine Wils**

**Proposal for a directive**  
**Article 2 – point 6 c (new)**  
Directive 2009/28/EC  
Article 18 – paragraph 9 a (new)



**6c. The following paragraph 9a is added to Article 18:**

**"9a. By [one year from the entry into force of this Directive] the Commission shall submit a report to the European Parliament and the Council reviewing the operation of agreements or voluntary schemes for which a decision under paragraph 4 has been adopted and identifying best practices. The report shall be based on the best information available, including from consultation with stakeholders, and shall be based on practical experience in the application of the agreements or schemes. The report shall take into account relevant internationally recognised standards and guidelines, including those developed by the International Organization for Standardization and the ISEAL Alliance. In relation to each agreement and scheme, the report shall analyse, inter alia, the following:**

- Independency, modality and frequency of audits;**
- Availability and experience in the application of methods for identifying and dealing with non-compliance;**
- Transparency, particularly in relation to the accessibility of the scheme, the availability of translations in the official languages of the countries and regions from which raw materials originate, accessibility of a list of certified operators and relative certificates, accessibility of auditor reports;**
- Stakeholder involvement, particularly as regards the consultation of indigenous and local communities during the drafting and reviewing of the scheme as well as during audits;**
- Overall robustness of the scheme,**

*particularly in light of rules on the accreditation, qualification and independence of auditors and relevant scheme bodies;*

*- Market update of the scheme.*

*The Commission shall, if appropriate in light of the report, submit a proposal to the European Parliament and the Council for amending the provisions of this Directive relating to voluntary schemes with a view to promoting best practice."*

Or. en

**Amendment 433**  
**Jo Leinen**

**Proposal for a directive**  
**Article 2 – point 6 a (new)**  
Directive 2009/28/EC  
Article 18 – paragraph 9 a (new)

*Text proposed by the Commission*

*Amendment*

**6a. The following paragraph 9a is added to Article 18:**

**"9a. The Commission shall be empowered to adopt delegated acts in accordance with Article 25(b) to prevent the fraudulent classification of raw materials as waste when not in compliance with Article 4 of Directive 2008/98/EC or a comparable waste prevention and management programme. Those delegated acts shall be adopted by 31 December 2015, pending which raw materials shall not be considered as waste for purposes of this Directive."**

Or. en

**Amendment 434**  
**Bas Eickhout**

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**Proposal for a directive**  
**Article 2 – point 7 – point -a (new)**  
Directive 2009/28/EC  
Article 19 – paragraph 1

*Text proposed by the Commission*

*Amendment*

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

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

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

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

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

Or. en

**Amendment 435**  
**Kriton Arsenis, Dan Jørgensen, Nessa Childers**

**Proposal for a directive**  
**Article 2 – point 7 – point -a (new)**  
Directive 2009/28/EC  
Article 19 – paragraph 1

*Text proposed by the Commission*

*Amendment*

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

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

- (a) where a default value for greenhouse gas emission saving for the production pathway, *including indirect land-use change values as referred to in Annex VIII*, is laid down in Part A or B of Annex V and where the  $e_i$  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, by using that default value;**
- (b) by using an actual value calculated in accordance with the methodology laid down in Part C of Annex V; or**
- (c) by using a value calculated as the sum of the factors of the formula referred to in point 1 of Part C of Annex V, where disaggregated default values in Part D or E of Annex V may be used for some factors, and actual values, calculated in accordance with the methodology laid down in Part C of Annex V, for all other factors, *with the exception of the  $e_{ituc}$  value, for which the values referred to in Annex VIII shall be used.*"**

Or. en

**Amendment 436**  
**Anne Delvaux**

**Proposal for a directive**  
**Article 2 – point 7 – point -a (new)**  
Directive 2009/28/EC  
Article 19 – paragraph 1 – point a

*Text proposed by the Commission*

*Amendment*

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

***“(a) where a default value for greenhouse gas emission saving for the production pathway is laid down in part A or B of Annex V and where the  $e_{dl}$  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, by using that default value, with the addition of emissions from indirect land-use change as set out in point 19a of part C of Annex V;”***

Or. en

*Justification*

*Inclusion of ILUC emissions in the calculation of greenhouse gas emissions from biofuels from 2018 onward.*

**Amendment 437**  
**Anne Delvaux, Romana Jordan**

**Proposal for a directive**  
**Article 2 – point 7 – point -a (new)**  
Directive 2009/28/EC  
Article 19 – paragraph 1 – point a

*Text proposed by the Commission*

*Amendment*

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

***“(a) where a default value for greenhouse gas emission saving for the***

production pathway is laid down in part A or B of Annex V and where the *e<sub>dl</sub>* 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, by using that default value;"

Or. en

**Amendment 438**

**Anne Delvaux, Romana Jordan**

**Proposal for a directive**

**Article 2 – point 7 – point -a a (new)**

Directive 2009/28/EC

Article 19 – paragraph 1 – subparagraph 1 a (new)

*Text proposed by the Commission*

*Amendment*

***(-aa) the following subparagraph is added to paragraph 1:***

***"Member States shall ensure that the calculations referred to in points (a), (b) and (c) include emissions from indirect land-use change in accordance with Annex VIII when in excess of the maximum contribution as set out in Article 3(4)(d)."***

Or. en

*Justification*

*Reference to inclusion of indirect land-use emissions in the calculation of greenhouse gas emissions from biofuels above the cap.*

**Amendment 439**

**Jolanta Emilia Hibner, Bogusław Sonik, Filip Kaczmarek, Jarosław Kalinowski, Tadeusz Cymański, Andrzej Grzyb**

**Proposal for a directive**

**Article 2 – point 7 – point b**

Directive 2009/28/EC  
Article 19 – paragraph 5 – second sentence

*Text proposed by the Commission*

*Amendment*

***(b) in paragraph 5, the last sentence is replaced by the following:*** *deleted*

***"To this end, the Commission shall be empowered to adopt delegated acts in accordance with Article 25 (b)."***

Or. en

**Amendment 440**  
**Erik Bánki**

**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:*** *deleted*

***"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."***

Or. en

*Justification*

*The ILUC factors as they are defined in Annex VIII have no solid scientific basis, therefore they should be deleted.*

**Amendment 441**

**Gaston Franco**

**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: '2.*

*deleted*

*'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.'*

Or. fr

**Amendment 442**

**Jolanta Emilia Hibner, Bogusław Sonik, Filip Kaczmarek, Jarosław Kalinowski, Tadeusz Cymański, Andrzej Grzyb**

**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:**

**deleted**

***"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."***

Or. en

**Amendment 443**  
**Julie Girling**

**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:**

**deleted**

***"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."*

Or. en

*Justification*

*Article 19 (5) contains essential elements of the Directive and therefore does not fall within the scope of delegated acts.*

**Amendment 444**

**Pilar Ayuso**

**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*.

*'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.'*

Or. es

**Amendment 445**

**Christa Kläß**

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

*Text proposed by the Commission*

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*

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, **the establishment** of the indirect land-use change values **for each legal year according to Annex VIII**; 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.

Or. en

*Justification*

*Annual establishment of the indirect land-use change values.*

**Amendment 446**  
**Kriton Arsenis, Nessa Childers**

**Proposal for a directive**  
**Article 2 – point 7 – point c a (new)**  
Directive 2009/28/EC  
Article 19 – paragraph 6 a (new)

*Text proposed by the Commission*

*Amendment*

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

**"6a. In order to protect investments already made, regarding installations that were in operation on or before 1st July 2014 the indirect land-use change emissions referred to in Annex VIII to**

*this Directive shall not be taken into account in calculations performed under paragraph 1 in respect of the share of overall consumption of biofuels produced from cereal and other starch-rich crops, sugars and oil crops or other types of land-based energy crops until 31 December 2017."*

Or. en

**Amendment 447**

**Gaston Franco**

**Proposal for a directive**

**Article 2 – point 7 – point d**

Directive 2009/28/EC

Article 19 – paragraph 7 – subparagraph 1

*Text proposed by the Commission*

*Amendment*

*(d) in paragraph 7, the first subparagraph is replaced by the following:*

*deleted*

*«7. The Commission shall be empowered to adopt delegated acts pursuant to Article 25 (b) concerning the adaptation of Annex V to technical and scientific progress, including by the addition of values for further biofuel production pathways for the same or for other raw materials and by modifying the methodology laid down in part C'.*

Or. fr

**Amendment 448**

**Jolanta Emilia Hibner, Bogusław Sonik, Filip Kaczmarek, Jarosław Kalinowski, Tadeusz Cymański, Andrzej Grzyb**

**Proposal for a directive**

**Article 2 – point 7 – point d**

Directive 2009/28/EC

Article 19 – paragraph 7 – subparagraph 1

*Text proposed by the Commission*

*Amendment*

**(d) in paragraph 7, the first subparagraph is replaced by the following:**

**deleted**

**"7. The Commission shall be empowered to adopt delegated acts pursuant to Article 25 (b) concerning the adaptation of Annex V to technical and scientific progress, including by the addition of values for further biofuel production pathways for the same or for other raw materials and by modifying the methodology laid down in part C."**

Or. en

**Amendment 449**

**Pilar Ayuso**

**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) laying down the detailed definitions, including technical specifications, required for the categories set out in point 9 of Part C of Annex V.'**

Or. es

**Amendment 450**

**Pilar Ayuso**

**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 incorporating further indirect land-use change mitigation measures such as use of co-products, yield increases, manufacturing efficiencies, and crop production on abandoned or unused land by means of a bonus similar to the one set out for biomass obtained from land under the conditions provided for in point 8 of part C of Annex V.’*

Or. es

**Amendment 451**

**Jolanta Emilia Hibner, Bogusław Sonik, Filip Kaczmarek, Jarosław Kalinowski, Tadeusz Cymański, Andrzej Grzyb**

**Proposal for a directive**

**Article 2 – point 8**

Directive 2009/28/EC

Article 21

*Text proposed by the Commission*

*Amendment*

8. Article 21 is deleted.

8. **Paragraph 2 of** Article 21 is deleted.

Or. en

**Amendment 452**

**Erik Bánki**

**Proposal for a directive**

**Article 2 – point 8 a (new)**

Directive 2009/28/EC

Article 21 a (new)

**8a. The following Article is inserted:**

**"Article 21a**

***Biofuels and bioliquids having zero ILUC-emissions***

***1. Biofuels and bioliquids will be considered to have estimated indirect land-use change emissions of zero in the following cases:***

***(a) conventional biofuels up to the amount which corresponds to not more than 5 % of the final consumption of energy in transport in 2020 and in the subsequent years;***

***(b) conventional biofuels which exceed the amount as defined in point (a) of this paragraph, if they are produced from non-ILUC biomass as defined in Annex VIII;***

***(c) advanced biofuels.***

***2. The Commission shall, by 31 December 2014, determine and publish guidelines for national schemes to issue certifications of non-ILUC biomass to the growers or producers of such biomass. By 31 December 2014, each Member State shall submit its national scheme for the issuance of certifications of non-ILUC biomass to the growers or producers of such biomass, and the Commission shall evaluate the national schemes, notably the adequacy of the measures envisaged by the Member State in consideration of the need for such certifications to be incorporated into voluntary sustainability schemes approved by the Commission."***

Or. en

*Justification*

*Conventional biofuels up to the amount produced actually in the EU have no indirect land-*

*use change whatsoever, as acknowledged by the Commission. Any additional amount of conventional biofuel, however, should be produced from biomass which represents no indirect land use change effects as defined in Annex VIII.*

**Amendment 453**

**Britta Reimers**

**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 454**

**Pilar Ayuso, Pablo Arias Echeverría**

**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. es

**Amendment 455**

**Jolanta Emilia Hibner, Bogusław Sonik, Filip Kaczmarek, Jarosław Kalinowski, Tadeusz Cymański, Andrzej Grzyb**

**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:***

9. In Article 22, paragraph 2 is ***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 456**

**Gaston Franco**

**Proposal for a directive**

**Article 2 – point 11**

Directive 2009/28/EC

Article 25b

*Text proposed by the Commission*

*Amendment*

***11. The following Article 25b is inserted:***  
***'Article 25b***

***deleted***

### ***Exercise of the delegation***

- 1. The powers to adopt delegated acts are conferred on the Commission subject to the conditions laid down in this Article.***
- 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].***
- 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.***
- 4. As soon as it adopts a delegated act, the Commission shall notify it simultaneously to the European Parliament and to the Council.***
- 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 457**

**Julie Girling**

**Proposal for a directive**

**Article 2 – point 11**

Directive 2009/28/EC

Article 25b – paragraph 2

*Text proposed by the Commission*

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**].

*Amendment*

2. The delegation of power referred to in Article 5(5), the third subparagraph of Article 17(3)(c), Articles 19(6) and 19(7) shall be conferred on the Commission for **a** period of **5 years from** [**Publications Office is to fill in** the date of entry into force of this **amending Act**]. **The Commission shall draw up a report in respect of the delegation of power not later than nine months before the end of five-year period. The delegation of power shall be tacitly extended for periods of identical duration unless the European Parliament or Council opposes such an extension not later than 3 months before the end of each period.**

Or. en

*Justification*

*Consistent with the European Parliament's standard wording on delegated acts.*

**Amendment 458**

**Jolanta Emilia Hibner, Bogusław Sonik, Filip Kaczmarek, Jarosław Kalinowski, Tadeusz Cymański, Andrzej Grzyb**

**Proposal for a directive**

**Article 2 – point 11**

Directive 2009/28/EC

Article 25b – paragraph 2

*Text proposed by the Commission*

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].

*Amendment*

2. The delegation of power referred to in Article 3(4)(d), Article 5(5) shall be conferred on the Commission for **5 years** from [the date of entry into force of this Directive] **with the possibility of extending this period.**

Or. en

**Amendment 459**  
**Giancarlo Scottà, Oreste Rossi**

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

*Text proposed by the Commission*

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].

*Amendment*

2. The delegation of power referred to in 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 **a period of five years** from [the date of entry into force of this Directive].

Or. it

**Amendment 460**  
**Pilar Ayuso**

**Proposal for a directive**  
**Article 2 – point 11**  
Directive 2009/28/CE  
Article 25b – paragraph 2

*Text proposed by the Commission*

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].

*Amendment*

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

Or. es

**Amendment 461**

**Pilar Ayuso**

**Proposal for a directive**

**Article 2 – point 11**

Directive 2009/28/EC

Article 25b – paragraph 3

*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), *and Article 19(5), (7) and (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. es

**Amendment 462**

**Jolanta Emilia Hibner, Bogusław Sonik, Filip Kaczmarek, Jarosław Kalinowski, Tadeusz Cymański, Andrzej Grzyb**

**Proposal for a directive**

**Article 2 – point 11**

Directive 2009/28/EC

Article 25b – paragraph 3

*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 Article 3(4)(d), Article 5(5) 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 463**

**Julie Girling**

**Proposal for a directive**

**Article 2 – point 11**

Directive 2009/28/EC

Article 25b – paragraph 3

*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 Article 5(5), the third subparagraph of Article 17(3)(c), Articles 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 464**  
**Giancarlo Scottà, Oreste Rossi**

**Proposal for a directive**

**Article 2 – point 11**

Directive 2009/28/EC

Article 25b – paragraph 3

*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 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.

Or. it

**Amendment 465**  
**Pilar Ayuso**

**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

*Amendment*

5. A delegated act adopted pursuant to **point (oa) of Article 2**, Article 5(5), the third subparagraph of Article 17(3)(c), **and Article 19(5), (7) and (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.'

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.

Or. es

#### **Amendment 466**

**Jolanta Emilia Hibner, Bogusław Sonik, Filip Kaczmarek, Jarosław Kalinowski, Tadeusz Cymański, Andrzej Grzyb**

#### **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 Article 3(4)(d), Article 5(5) 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.

Or. en

#### **Amendment 467**

**Giancarlo Scottà, Oreste Rossi**



**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 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.

Or. it

**Amendment 468**

**Sabine Wils**

**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***

*Amendment*

***By [one year after the date of entry into force of this Directive], the Commission shall submit a report to the European Parliament and the Council reviewing the positive and negative environmental, social and economic impacts of conventional and advanced biofuels and bioliquids. The report shall be based on the best available scientific information.***

*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.*

*The report shall review the environmental impacts of biofuels and bioliquids on, inter alia, greenhouse gas emissions, biodiversity, soils and use.*

*In assessing the economic impacts of biofuels and bioliquids, the report shall take into account the costs directly and indirectly borne by European consumers and taxpayers, notably deriving from support schemes and fuel prices, as well as employment directly created in the biofuel and bioliquid industry.*

*The review of the social impacts of biofuels and bioliquids shall examine the sharing of benefits and risks with third parties in the regions from which raw materials originate, notably indigenous and local communities. The application and effectiveness of existing rules on social sustainability, inter alia as laid down in recognised voluntary schemes, shall also be reviewed.*

*In assessing the environmental, social and economic impacts of biofuels and bioliquids, the report shall consider the technical and economical availability of sustainable raw materials and the benefits foregone from diverting them from other uses, notably in food and feed production, in products or as natural fertilisers. The whole life cycle of conventional and advanced biofuels and bioliquids shall be considered. The use of fossil fuels at each step of the life cycle, notably for the production of fertilisers, process and transport energy, shall be analysed with a view to evaluating the energy return on*

*energy invested of both conventional and advanced biofuels and bioliquids and to verifying the energy security impact of biofuels and bioliquids.*

*If appropriate in light of the report, the Commission shall make proposals to the European Parliament and the Council.*

Or. en

**Amendment 469**  
**Bas Eickhout, Dan Jørgensen**

**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, *by* 31 December **2015**, submit a report to the European Parliament and to the Council reviewing *the progress on developing a certification scheme for biofuel and bioliquid feedstocks produced under low risk of ILUC and its effectiveness, with a view of applying zero estimated indirect land-use change emissions in the calculation of life cycle greenhouse gas emissions pursuant to Directives 2009/30/EC and 2009/28/EC*. The report shall, if appropriate, be accompanied by a legislative proposal 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.

Or. en

**Amendment 470**  
**Kriton Arsenis, Nessa Childers**

**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 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 **establishing** appropriate sustainability criteria for biofuels from non-land using feedstocks and non-food crops under Article 3(4)d of Directive 2009/28/EC.

Or. en

**Amendment 471**  
**Pilar Ayuso**

**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

*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. ***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.***

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.

Or. es

**Amendment 472**  
**Sophie Auconie**

**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-***

*Amendment*

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.

*land using feedstocks and non-food crops under Article 3(4)d of Directive 2009/28/EC.*

Or. fr

**Amendment 473**  
**Giancarlo Scottà, Oreste Rossi**

**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 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 *include an impact assessment analysis of the biofuels production on the forestry-based industries and wood availability. The report shall*, if appropriate, be accompanied by a legislative proposal based on the best available scientific evidence, for introducing sustainability criteria to be applied *for incentivising* biofuels from non-land using feedstocks under Article 3(4)d of Directive 2009/28/EC.

Or. en

**Amendment 474**  
**Jolanta Emilia Hibner, Bogusław Sonik, Filip Kaczmarek, Jarosław Kalinowski, Tadeusz Cymański, Andrzej Grzyb**

**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*

**1. In accordance with the advisory procedure referred to in Article 25(2)**, the Commission shall, before 31 December 2017, **work out the best scientific evidence on ILUC greenhouse gas emission associated with the production of biofuels and bioliquids.**

**2. On the basis of the best available scientific evidence *the commission shall, before 31 December 2018, submit a report to the European Parliament and to the Council including an assessment of the availability of cost-efficient biofuels from non-land using feedstocks and non-food crops by 2020 and*** indirect land-use change greenhouse gas **emission** associated with the production of **biofuels** 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) **and (e)** of Directive

**Amendment 475**  
**Horst Schnellhardt**

**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 2020**, submit a report to the European Parliament and to the Council reviewing, on the basis of the best evidence **obtained in accordance with the scientific method**, 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 evidence **obtained in accordance with the scientific method** 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. ***The application of the factors referred to in the first paragraph for estimated emissions arising from indirect land use change to biofuel plants which entered into service before 2017 may not have the effect of categorising the biofuels produced there in such a way that they no longer comply with the sustainability criteria. However, this must be conditional on these biofuels achieving an emissions saving of at least 45%. By the end of 2017, this provision should***



*enter into force for all biofuel plants.*

Or. de

*Justification*

*The scientific evidence put to use for purposes of the law must accord with the scientific method. Expert reports are therefore essential. To enable the sustainability criteria to be supplemented with ILUC factors, they must first be shown to be viable on the market. In this case, adequate grandfathering clauses would have to be included in the law.*

**Amendment 476**  
**Julie Girling**

**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. 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.

Or. en

**Amendment 477**  
**Giancarlo Scottà, Oreste Rossi**

**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) of Directive 2009/28/EC.***

*Amendment*

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.

Or. it

**Amendment 478**  
**Gaston Franco, Dominique Vlasto, Françoise Grossetête**

**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

*Amendment*

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.

by this Directive in:

- limiting indirect land-use change greenhouse gas emissions associated with the production of biofuel and bioliquids;

***- encouraging research into and development of innovative technologies in Member States, and taking account of the need to improve security of supply for diesel-type fuels.***

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.

Or. fr

#### *Justification*

*One of the three objectives of this revision of the directive is to encourage greater market penetration for advanced biofuels. The report the Commission submits on the effectiveness of the measures should therefore also cover this key aspect of the revision.*

**Amendment 479**  
**Gaston Franco**

**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 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. ***That report shall include an assessment of the impact of biofuel production on the timber industry, on the availability of wood as a resource and on sectors using biomass.*** 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.

Or. fr

**Amendment 480**

**Kriton Arsenis, Dan Jørgensen, Judith A. Merkies, Nessa Childers, Mario Pirillo, Britta Thomsen**

**Proposal for a directive**  
**Article 3 – paragraph 1 a (new)**

*Text proposed by the Commission*

*Amendment*

***Investors shall take into account that biofuel production technologies are still under development and further measures to mitigate negative impacts may be adopted at a later stage.***

Or. en

**Amendment 481**

**Jolanta Emilia Hibner, Bogusław Sonik, Filip Kaczmarek, Jarosław Kalinowski, Tadeusz Cymański, Andrzej Grzyb**

**Proposal for a directive**

**Article 4 – paragraph 1 – subparagraph 1**

*Text proposed by the Commission*

*Amendment*

1. Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive by [**twelve months** after adoption] at the latest. They shall forthwith communicate to the Commission the text of those provisions.

1. Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive by [**2 years** after adoption] at the latest. They shall forthwith communicate to the Commission the text of those provisions.

Or. en

**Amendment 482**

**Jean-Pierre Audy**

**Proposal for a directive**

**Article 5**

*Text proposed by the Commission*

*Amendment*

This Directive shall enter into force on the twentieth day following that of its publication in the Official Journal of the European Union.

The Directive shall enter into force on the twentieth day following that of its publication in the Official Journal of the European Union. ***It shall be made available in consolidated form within three months of its entry into force.***

