



---

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

---

**2016/0382(COD)**

2.6.2017

## **DRAFT OPINION**

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

for the Committee on Industry, Research and Energy

on the proposal for a directive of the European Parliament and of the Council  
on the promotion of the use of energy from renewable sources (recast)  
(COM(2016)0767 – C8-0500/2016 – 2016/0382(COD))

Rapporteur: Bas Eickhout

(\*) Associated committee – Rule 54 of the Rules of Procedure



## SHORT JUSTIFICATION

The Union and its Member States have ratified the Paris Agreement, with the commitment to holding the increase of global average temperature to well below 2°C while pursuing efforts to limit to 1.5°C. Fast transition to renewable energy is of key importance to meet these objectives.

The Commission proposal comes forward with an overall EU target of at least 27% renewables, representing a mere 6% increase from the expected share of renewables in 2020 over 10 years and in fact slowing down the rate of uptake of renewables from previous period. The Rapporteur proposes to increase the level of ambition to 45% RES share in 2030, with national mandatory targets, with priority access and with a system of guarantees of origin that only serves as a traceability and accounting tool.

When legislators drive the use of certain energy sources through targets and subsidies, they bear the responsibility for eventual negative consequences to the environment or the economy as a whole, hence sufficient safeguards in line with the precautionary principle must be foreseen. From the climate perspective only bioenergy produced from wastes and residues should be promoted, with appropriate safeguards regarding the protection of soil quality, soil carbon and biodiversity, and displacing other uses. A policy that risks increasing emissions or reducing the natural forest carbon sink will be counterproductive to meeting Paris Agreement objectives.

The Rapporteur proposes to bring down the threshold for applying the sustainability criteria to installations with a fuel capacity equal or above to 1 MW to avoid significant leakage effect. The threshold of 1 MW is consistent with the Medium Combustion Plants Directive and already represents a large installation (1 MW plant can power approximately 400-900 homes).

The Rapporteur also strengthens the requirements under which Member States can give financial support to large scale biomass plants. In line with the recommendation in the current Directive, only conversion technologies that can achieve a conversion efficiency of at least 85 % for residential and commercial applications with 100% renewable fuels should be supported.

For transport, the proposal aims at slowly shifting EU support from crop-based biofuels towards better renewable transport fuels such as advanced biofuels and renewable electricity. The cap on crop-based biofuels that can be counted towards the renewable energy targets is gradually reduced from 7 to 3.8% in 2030. According to the Rapporteur, emissions from indirect land-use change should be included in the calculation for greenhouse gas savings and as regards the saving threshold in the sustainability criteria.

The proposal also sets an obligation on fuel suppliers to incorporate gradually up to 6.8% advanced biofuels, renewable electricity and waste-based fossil fuels to the transport fuels they provide by 2030. According to the Rapporteur, it is important to make sure that those biofuels represent significant greenhouse gas emission reductions. Few feedstock materials are truly available emissions free. If materials are diverted from their current uses to produce biofuel, the other users will be impacted. Indirect carbon estimates based on a displacement analysis identifying what materials would be used to replace the feedstock, and the emissions associated with it, should be used in the calculation towards the greenhouse gas savings threshold of advanced fuels.

According to the Rapporteur it is not appropriate to include fossil fuels mandates - even waste based - to the Renewable Energy Directive. The Rapporteur considers that waste-based fossil fuels should be promoted through other instruments in the context of Union Circular Economy Strategy.

Renewable electricity is the cleanest fuel available for the transport sector and is currently the most sustainably scalable solution. Wide-scale deployment of electric transportation, however, needs incentives at both the demand and the supply side. A sufficient recharging network is a key element in promoting the uptake of electric vehicles. The Rapporteur proposes to use a multiplier of 5 for electricity charged at dedicated stations for incorporating electric road transport into the renewable fuel obligation to incentivise investments into recharging network, while the great majority of the energy used by electric vehicles would otherwise not be captured under the obligation (well below 20% charging at dedicated stations).

Advanced biofuels are expected in the long term, mainly to play an important role in reducing greenhouse gas emissions of aviation. Fuels supplied for aviation should contain the same share of renewables as is required for the transport sector as a whole, i.e. 6,8% in 2030 to ensure the sector bears its responsibility for developing such fuels. The renewable energy supplied to aviation will count towards the overall transport incorporation obligation.

The draft report also aims at simplifying and reducing administrative burden. One of the measures that the Rapporteur proposes in this regard is the introduction of an EU wide database instead of 28 national databases in which fuel suppliers document the transfers made to fulfil their incorporation obligation.

## AMENDMENTS

The Committee on the Environment, Public Health and Food Safety calls on the Committee on Industry, Research and Energy, as the committee responsible, to take into account the following amendments:

### Amendment 1

#### Proposal for a directive Recital 7

*Text proposed by the Commission*

(7) It is thus appropriate to establish a Union binding target of at least **27%** share of renewable energy. Member States should *define* their *contribution to* the achievement of this target as part of their Integrated National Energy and Climate Plans through the governance process set out in Regulation [Governance].

*Amendment*

(7) It is thus appropriate to establish a Union binding target of at least **45 %** share of renewable energy, *to be accompanied by national binding targets*. Member States should *demonstrate* their *policies and measures for* the achievement of this target as part of their Integrated National Energy and Climate Plans through the governance process set out in Regulation [Governance].

**Amendment 2****Proposal for a directive****Recital 8**

*Text proposed by the Commission*

(8) The establishment of ***a Union*** binding renewable energy ***target*** for 2030 would continue to encourage the development of technologies which generate renewable energy and provide certainty for investors. ***A target defined at the Union level would leave greater flexibility for Member States to meet their greenhouse gas reduction targets in the most cost-effective manner in accordance with their specific circumstances, energy mixes and capacities to produce renewable energy.***

*Amendment*

(8) The establishment of ***Union and national*** binding renewable energy ***targets*** for 2030 would continue to encourage the development of technologies which generate renewable energy and provide certainty for investors.

Or. en

**Amendment 3****Proposal for a directive****Recital 8 a (new)**

*Text proposed by the Commission*

*Amendment*

***(8a) The renewable energy potential and the energy mix of each Member State vary. It is therefore necessary to translate the Union's 45 % target for 2030 into individual targets for each Member State, with due regard to a fair and adequate allocation taking account of Member States' different starting points and potentials, including the existing level of energy from renewable sources and the energy mix. It is appropriate to do that by sharing the required total increase in the use of energy from renewable sources between Member States on the basis of an***

*equal increase in each Member State's share weighted by their GDP, modulated to reflect their starting points, and by accounting in terms of gross final consumption of energy, with account being taken of the Member States' past efforts with regard to the use of energy from renewable sources.*

Or. en

*Justification*

*Reinstates principles from recital 15 of current Directive 2009/28/EC.*

**Amendment 4**

**Proposal for a directive**

**Recital 11**

*Text proposed by the Commission*

(11) In order to support Member States' ***ambitious contributions to the Union target***, a financial framework aiming to facilitate investments in renewable energy projects in those Member States should be established, also through the use of financial instruments.

*Amendment*

(11) In order to support Member States ***in reaching their targets***, a financial framework aiming to facilitate investments in renewable energy projects in those Member States should be established, also through the use of financial instruments.

Or. en

**Amendment 5**

**Proposal for a directive**

**Recital 15**

*Text proposed by the Commission*

(15) Support schemes for electricity generated from renewable sources have proved to be an effective way of fostering deployment of renewable electricity. If and when Member States decide to implement support schemes, such support should be provided in a form that is as non-distortive

*Amendment*

(15) Support schemes for electricity generated from renewable sources have proved to be an effective way of fostering deployment of renewable electricity. If and when Member States decide to implement support schemes, such support should be provided in a form that is as non-distortive

as possible for the functioning of electricity markets. To this end, an increasing number of Member States allocate support in a form where support is granted in addition to market revenues.

as possible for the functioning of electricity markets. To this end, an increasing number of Member States allocate support in a form where support is granted in addition to market revenues. ***Support schemes for electricity from renewable sources should not undermine the principles of the circular economy and the waste hierarchy which rank waste management options according to their sustainability and give the highest priority to preventing and recycling of waste. As noted in the Commission Communication of 27 January 2017 on “The role of waste to energy in the circular economy”, recovery of energy from waste in the Union should support the objectives of the circular economy action plan and should be firmly guided by the Union’s waste hierarchy. Therefore, as of 2021, Member States should not be allowed to provide financial support for the incineration of municipal waste.***

Or. en

## Amendment 6

### Proposal for a directive Recital 17

#### *Text proposed by the Commission*

(17) The opening of support schemes to cross-border participation limits negative impacts on the internal energy market and can, under certain conditions, help Member States achieve the Union target more cost-efficiently. Cross-border participation is also the natural corollary to the development of the Union renewables policy, with a Union-level binding target **replacing** national binding targets. It is therefore appropriate to require Member States to progressively and partially open support to projects located in other Member States, and define several ways in

#### *Amendment*

(17) The opening of support schemes to cross-border participation limits negative impacts on the internal energy market and can, under certain conditions, help Member States achieve the Union target more cost-efficiently. Cross-border participation is also the natural corollary to the development of the Union renewables policy, with a Union-level binding target **accompanying** national binding targets. It is therefore appropriate to require Member States to progressively and partially open support to projects located in other Member States, and define several ways in

which such progressive opening may be implemented, ensuring compliance with the provisions of the Treaty on the Functioning of the European Union, including Articles 30, 34 and 110.

which such progressive opening may be implemented, ensuring compliance with the provisions of the Treaty on the Functioning of the European Union, including Articles 30, 34 and 110.

Or. en

## Amendment 7

### Proposal for a directive Recital 25

#### *Text proposed by the Commission*

(25) In order to ensure that Annex IX takes into account the principles of the waste hierarchy established in Directive 2008/98/EC of the European Parliament and of the Council<sup>17</sup>, the Union sustainability criteria, and the need to ensure that **the** Annex does not create additional demand for land while promoting the use of wastes and residues, the Commission, when regularly evaluating **the** Annex, should consider the inclusion of additional feedstocks that do not cause significant distortive effects on markets for (by-)products, wastes or residues.

---

<sup>17</sup> Directive 2008/98/EC of the European Parliament and of the Council of 19 November 2008 on waste and repealing certain Directives (OJ L 312, 22.11.2008, p. 3).

#### *Amendment*

(25) In order to ensure that Annex IX takes into account the principles of the waste hierarchy established in Directive 2008/98/EC of the European Parliament and of the Council<sup>17</sup>, the Union sustainability criteria, **the biomass cascading use principle**, and the need to ensure that **that** Annex does not create additional demand for land while promoting the use of wastes and residues, the Commission, when regularly evaluating **that** Annex, should consider the inclusion of additional feedstocks **that are able to deliver substantial greenhouse gas emission savings based on a life cycle assessment, taking into account indirect emissions related to any displacement effects, and** that do not cause significant distortive effects on markets for (by-)products, wastes or residues.

---

<sup>17</sup> Directive 2008/98/EC of the European Parliament and of the Council of 19 November 2008 on waste and repealing certain Directives (OJ L 312, 22.11.2008, p. 3).

Or. en



## Justification

*Few feedstock materials are truly available emissions free. If materials are diverted from their current uses to produce biofuel, the other users will be impacted. A displacement analysis identifying what materials would be used to replace the feedstock, and the emissions associated with it, is necessary for understanding the climate impact of using that material for alternative fuel. In line with EU Circular Economy and Forest Strategies, the biomass cascading use principle should be taken into account.*

### Amendment 8

#### Proposal for a directive

#### Recital 35

##### *Text proposed by the Commission*

(35) To ensure that national measures for developing renewable heating and cooling are based on comprehensive mapping and analysis of the national renewable and waste energy potential and provide for increased integration of renewable energy and waste heat and cold sources, it is appropriate to require that Member States carry out an assessment of their national potential of renewable energy sources and the use of waste heat and cold for heating and cooling, in particular to facilitate mainstreaming renewable energy in heating and cooling installations and promote efficient and competitive district heating and cooling as defined by Article 2(41) of Directive 2012/27/EU of the European Parliament and of the Council<sup>21</sup>. To ensure consistency with energy efficiency requirements for heating and cooling and reduce administrative burden this assessment should be included in the comprehensive assessments carried out and notified in accordance with Article 14 of that Directive.

---

<sup>21</sup> Directive 2012/27/EU of the European

##### *Amendment*

(35) To ensure that national measures for developing renewable heating and cooling are based on comprehensive mapping and analysis of the national renewable and waste energy potential and provide for increased integration of renewable energy, ***in particular by supporting innovative technologies such as heat pumps, geothermal and solar thermal technologies***, and waste heat and cold sources, it is appropriate to require that Member States carry out an assessment of their national potential of renewable energy sources and the use of waste heat and cold for heating and cooling, in particular to facilitate mainstreaming renewable energy in heating and cooling installations and promote efficient and competitive district heating and cooling as defined by Article 2(41) of Directive 2012/27/EU of the European Parliament and of the Council<sup>21</sup>. To ensure consistency with energy efficiency requirements for heating and cooling and reduce administrative burden this assessment should be included in the comprehensive assessments carried out and notified in accordance with Article 14 of that Directive.

---

<sup>21</sup> Directive 2012/27/EU of the European

Parliament and of the Council of 25 October 2012 on energy efficiency, amending Directives 2009/125/EC and 2010/30/EU and repealing Directives 2004/8/EC and 2006/32/EC (OJ L 315, 14.11.2012, p. 1).

Parliament and of the Council of 25 October 2012 on energy efficiency, amending Directives 2009/125/EC and 2010/30/EU and repealing Directives 2004/8/EC and 2006/32/EC (OJ L 315, 14.11.2012, p. 1).

Or. en

## Amendment 9

### Proposal for a directive Recital 48

#### *Text proposed by the Commission*

(48) There is a need to support the integration of energy from renewable sources into the transmission and distribution grid and the use of energy storage systems for integrated variable production of energy from renewable sources, in particular as regards the rules regulating dispatch and access to the grid. ***Directive [Electricity Market Design] lays down the framework for the integration of electricity from renewable energy sources. However, this framework does not include provisions on the integration of gas from renewable energy sources into the gas grid. It is therefore necessary to keep them in this Directive .***

#### *Amendment*

(48) There is a need to support the integration of energy from renewable sources into the transmission and distribution grid and the use of energy storage systems for integrated variable production of energy from renewable sources, in particular as regards the rules regulating dispatch and access to the grid.

Or. en

## Amendment 10

### Proposal for a directive Recital 62

#### *Text proposed by the Commission*

(62) The European Strategy for a low-carbon mobility of July 2016 pointed out that food-based biofuels have a limited role

#### *Amendment*

(62) ***Where pasture or agricultural land previously destined for food and feed production is diverted to biofuel***

in decarbonising the transport sector and should be gradually phased out and replaced by advanced biofuels. To prepare for the transition towards advanced biofuels and minimise the overall indirect land-use change impacts, it is appropriate to reduce the amount of biofuels and bioliquids produced from food and feed crops that can be counted towards the Union target set out in this Directive.

*production, it will continue to be necessary to satisfy the non-fuel demand by intensifying current production or bringing non-agricultural land into production elsewhere. The latter case constitutes indirect land-use change and when it involves the conversion of land with high carbon stock it can lead to significant greenhouse gas emissions.* The European Strategy for a low-carbon mobility of July 2016 pointed out that food-based biofuels have a limited role in decarbonising the transport sector and should be gradually phased out and replaced by advanced biofuels. To prepare for the transition towards advanced biofuels and minimise the overall indirect land-use change impacts, it is appropriate to reduce the amount of biofuels and bioliquids produced from food and feed crops that can be counted towards the Union target set out in this Directive, *and to include an estimate for indirect land-use changes in the calculation of greenhouse gas emissions.*

Or. en

## **Amendment 11**

### **Proposal for a directive Recital 63 a (new)**

*Text proposed by the Commission*

*Amendment*

*(63a) Energy efficiency and energy saving policies are some of the most effective methods by which Member States can increase the share of renewable energy in their economy. Fuel efficiency and modal shift should be prioritised in the transport sector, along with full incorporation of external costs into fuel prices. Advanced biofuels are expected to have an important role in reducing greenhouse gas emissions of aviation, and therefore the incorporation obligation*

*must be met also specifically in relation to fuels supplied to aviation. Policies should be developed at Union and Member States level to encourage operational measures to save fuels in shipping, along with research and development efforts to increase wind and solar powered marine transport.*

Or. en

### *Justification*

*Linked to amendments to article 25.*

## **Amendment 12**

### **Proposal for a directive**

#### **Recital 64**

##### *Text proposed by the Commission*

(64) Advanced biofuels and other biofuels and biogas produced from feedstock listed in Annex IX, renewable liquid and gaseous transport fuels of non-biological origin, and renewable electricity in transport can contribute to low carbon emissions, stimulating the decarbonisation of the Union transport sector in a cost-effective manner, and improving inter alia energy diversification in the transport sector while promoting innovation, growth and jobs in the Union economy and reducing reliance on energy imports. The incorporation obligation on fuels suppliers should encourage continuous development of advanced fuels, including biofuels, and it is important to ensure that the incorporation obligation also incentivises improvements in the greenhouse gas performance of the fuels supplied to meet it. The Commission should assess the greenhouse gas performance, technical innovation and sustainability of those fuels.

##### *Amendment*

(64) Advanced biofuels and other biofuels and biogas produced from feedstock listed in Annex IX, renewable liquid and gaseous transport fuels of non-biological origin, and renewable electricity in transport can contribute to low carbon emissions, stimulating the decarbonisation of the Union transport sector in a cost-effective manner, and improving inter alia energy diversification in the transport sector while promoting innovation, growth and jobs in the Union economy and reducing reliance on energy imports. ***However, non-food feedstocks can have associated land use change emissions or other indirect emissions. In order to account for indirect emissions related to the displacement of current uses for some of the feedstock, estimates should be included in the calculation of greenhouse gas emissions. It is possible that those estimates change as additional data become available or as the markets for those non-food feedstocks change over time. They should therefore be kept under regular review.*** The incorporation

obligation on fuels suppliers should encourage continuous development of advanced fuels, including biofuels, and it is important to ensure that the incorporation obligation also incentivises improvements in the greenhouse gas performance of the fuels supplied to meet it. The Commission should assess the greenhouse gas performance, technical innovation and sustainability of those fuels.

Or. en

### *Justification*

*A displacement analysis identifying what materials would be used to replace the feedstock, and the emissions associated with it, is necessary for understanding the climate impact of using that material for alternative fuel. E.g. diverting molasses from use as livestock feed and input for yeast production will increase demand for sugarbeet juice, corn and barley, with associated land and fertilizer emissions. Animal fats are used in soaps and other oleochemicals; sawdust to make paper or particleboard.*

## **Amendment 13**

### **Proposal for a directive**

#### **Recital 65**

##### *Text proposed by the Commission*

(65) The promotion of low carbon fossil fuels that are produced from fossil waste streams can also contribute towards the policy objectives of energy diversification and transport decarbonisation. ***It is therefore appropriate to include those fuels in the incorporation obligation on fuel suppliers.***

##### *Amendment*

(65) The promotion of low carbon fossil fuels that are produced from fossil waste streams can also contribute towards the policy objectives of energy diversification and transport decarbonisation. ***Member States should consider incorporating fuels in the policies they introduce to implement the obligation on fuel suppliers. The Commission should assess further incentives for such fuels in the context of policies for decarbonisation of the transport sector and circular economy.***

Or. en

## Amendment 14

### Proposal for a directive Recital 67

*Text proposed by the Commission*

(67) The costs of connecting new producers of gas from renewable energy sources to the gas grids should be based on objective, transparent and non-discriminatory criteria and due account should be taken of the benefit that embedded local producers of gas from renewable sources bring to the gas grids.

*Amendment*

(67) The costs of connecting new producers of **electricity and** gas from renewable energy sources to the **electricity and** gas grids should be based on objective, transparent and non-discriminatory criteria and due account should be taken of the benefit that embedded **producers of electricity from renewable energy sources and** local producers of gas from renewable sources bring to the **electricity and** gas grids.

Or. en

*Justification*

*This amendment reinstates the wording of recital 62 of Directive 2009/28/EC.*

## Amendment 15

### Proposal for a directive Recital 68

*Text proposed by the Commission*

(68) In order to exploit the full potential of biomass to contribute to the decarbonisation of the economy through its uses for materials and energy, the Union and the Member States should promote **greater** sustainable mobilisation of **existing timber and agricultural** resources **and the development of new forestry** and agriculture **production systems**.

*Amendment*

(68) In order to exploit the full potential of biomass to contribute to the decarbonisation of the economy through its uses for materials and energy, the Union and the Member States should **only** promote **energy uses from** sustainable mobilisation of **waste and residue** resources **from timber** and agriculture.

Or. en

*Justification*

*Bioenergy should only be promoted when produced from wastes and residues. Bioenergy produced from roundwood and stumps should not be considered sustainable under Union*

*policy. This amendment is inextricably linked to the amendment on Article 26(5).*

## **Amendment 16**

### **Proposal for a directive**

#### **Recital 71**

##### *Text proposed by the Commission*

(71) The production of agricultural raw material for biofuels, bioliquids and biomass fuels, and the incentives for their use provided for in this Directive, should not have the effect of encouraging the destruction of biodiverse lands. Such finite resources, recognised in various international instruments to be of value to all mankind, should be preserved. It is therefore necessary to provide sustainability and greenhouse gas emissions savings criteria ensuring that biofuels, bioliquids and biomass fuels qualify for the incentives only when it is guaranteed that the agricultural raw material does not originate in biodiverse areas or, in the case of areas designated for nature protection purposes or for the protection of rare, threatened or endangered ecosystems or species, the relevant competent authority demonstrates that the production of the agricultural raw material does not interfere with such purposes. Forests should be considered as biodiverse according to the sustainability criteria, where they are primary forests in accordance with the definition used by the Food and Agriculture Organisation of the United Nations (FAO) in its Global Forest Resource Assessment, or where they are protected by national nature protection law. Areas where the collection of non-wood forest products occurs should be considered to be biodiverse forests, provided the human impact is small. Other types of forests as defined by the FAO, such as modified natural forests, semi-natural forests and plantations, should not be considered as primary forests. Having

##### *Amendment*

(71) The production of agricultural raw material for biofuels, bioliquids and biomass fuels, and the incentives for their use provided for in this Directive, should not have the effect of encouraging the destruction of biodiverse lands. Such finite resources, recognised in various international instruments to be of value to all mankind, should be preserved. It is therefore necessary to provide sustainability and greenhouse gas emissions savings criteria ensuring that biofuels, bioliquids and biomass fuels qualify for the incentives only when it is guaranteed that the agricultural *or forest* raw material does not originate in biodiverse areas or, in the case of areas designated for nature protection purposes or for the protection of rare, threatened or endangered ecosystems or species, the relevant competent authority demonstrates that the production of the agricultural *or forest* raw material does not interfere with such purposes. Forests should be considered as biodiverse according to the sustainability criteria, where they are primary forests in accordance with the definition used by the Food and Agriculture Organisation of the United Nations (FAO) in its Global Forest Resource Assessment, or where they are protected by national nature protection law. Areas where the collection of non-wood forest products occurs should be considered to be biodiverse forests, provided the human impact is small. Other types of forests as defined by the FAO, such as modified natural forests, semi-natural forests and plantations, should not

regard, furthermore, to the highly biodiverse nature of certain grasslands, both temperate and tropical, including highly biodiverse savannahs, steppes, scrublands and prairies, biofuels, bioliquids and biomass fuels made from agricultural raw materials originating in such lands should not qualify for the incentives provided for by this Directive. The Commission should establish appropriate criteria to define such highly biodiverse grasslands in accordance with the best available scientific evidence and relevant international standards.

be considered as primary forests. Having regard, furthermore, to the highly biodiverse nature of certain grasslands, both temperate and tropical, including highly biodiverse savannahs, steppes, scrublands and prairies, biofuels, bioliquids and biomass fuels made from agricultural raw materials originating in such lands should not qualify for the incentives provided for by this Directive. The Commission should establish appropriate criteria to define such highly biodiverse grasslands in accordance with the best available scientific evidence and relevant international standards.

Or. en

### *Justification*

*The proposal introduces sustainability criteria for forest biomass. The provisions for no-go areas for agricultural feedstocks should also apply to forest biomass. This amendment is inextricably linked to amendment to Article 26(5).*

## **Amendment 17**

### **Proposal for a directive**

#### **Recital 73**

##### *Text proposed by the Commission*

(73) Agricultural feedstock for the production of biofuels, bioliquids and biomass fuels should not be produced on peatland as the cultivation of feedstock on peatland would result in significant carbon stock loss if the land was further drained for that purpose while the absence of such drainage cannot be easily verified.

##### *Amendment*

(73) Agricultural feedstock for the production of biofuels, bioliquids and biomass fuels should not be produced on peatland **or wetland** as the cultivation of feedstock on peatland **or wetland** would result in significant carbon stock loss if the land was further drained for that purpose while the absence of such drainage cannot be easily verified.

Or. en



## Amendment 18

### Proposal for a directive Recital 74

*Text proposed by the Commission*

(74) In the framework of the Common Agricultural Policy Union, farmers should comply with a comprehensive set of environmental requirements in order to receive direct support. Compliance with those requirements can be most effectively verified in the context of agricultural policy. ***Including those requirements in the sustainability scheme is not appropriate as the sustainability criteria for bioenergy should set out rules that are objective and apply globally. Verification of compliance under this Directive would also risk causing unnecessary administrative burden.***

*Amendment*

(74) In the framework of the Common Agricultural Policy Union, farmers should comply with a comprehensive set of environmental requirements in order to receive direct support. Compliance with those requirements can be most effectively verified in the context of agricultural policy. ***Cross compliance should therefore continue to be included in the sustainability criteria in this Directive.***

Or. en

## Amendment 19

### Proposal for a directive Recital 74 a (new)

*Text proposed by the Commission*

*Amendment*

***(74a) Agricultural feedstock for the production of biofuels, bioliquids and biomass fuels should be produced using practices that are consistent with the protection of soil quality and soil organic carbon.***

Or. en

#### *Justification*

*According to the Commission Impact Assessment the production of agricultural biomass can result in negative impacts on soils (e.g. loss of nutrients and soil organic matter, erosion, peatland drainage), water availability and biodiversity. The cross compliance requirements under CAP alone are not sufficient to ensure protection of soil quality and maintenance of*

*soil organic carbon.*

## **Amendment 20**

### **Proposal for a directive Recital 77**

#### *Text proposed by the Commission*

(77) In order to minimise the administrative burden, the Union sustainability and greenhouse gas saving criteria should apply only to electricity and heating from biomass fuels produced in installations with a fuel capacity equal or above to **20** MW.

#### *Amendment*

(77) In order to minimise the administrative burden, the Union sustainability and greenhouse gas saving criteria should apply only to electricity and heating from biomass fuels produced in installations with a fuel capacity equal or above to **1** MW.

Or. en

#### *Justification*

*Setting a 20MW threshold risks to allow biomass that doesn't meet the sustainability requirements to be used in smaller installations, while biomass meeting the requirements would be reserved for larger installations ('leakage effect'). The threshold of 1 MW is consistent with the Medium Combustion Plants Directive and already represents a large installation (1 MW plant can power approximately 400-900 homes).*

## **Amendment 21**

### **Proposal for a directive Recital 78**

#### *Text proposed by the Commission*

(78) Biomass fuels should be converted into electricity and heat in an efficient way in order to maximise energy security and greenhouse gas savings, as well as to limit emissions of air pollutants and minimise the pressure on limited biomass resources. For this reason, public support to installations with a fuel capacity equal to or exceeding **20** MW, if needed, should only be given to highly efficient combined power and heat installations as defined Article 2(34) of Directive 2012/27/EU. Existing support schemes for biomass-based electricity should however be

#### *Amendment*

(78) Biomass fuels should be converted into electricity and heat in an efficient way in order to maximise energy security and greenhouse gas savings, as well as to limit emissions of air pollutants and minimise the pressure on limited biomass resources. For this reason, public support to installations with a fuel capacity equal to or exceeding **1** MW, if needed, should only be given to highly efficient combined power and heat installations as defined Article 2(34) of Directive 2012/27/EU. Existing support schemes for biomass-based electricity should however be allowed until

allowed until their due end date for all biomass installations. In addition electricity produced from biomass in new installations with a fuel capacity equal to or exceeding 20 MW should only count towards renewable energy targets and obligations in the case of highly efficient combined power and heat installations. ***In accordance with State aid rules, Member States should however be allowed to grant public support for the production of renewables to installations, and count the electricity they produce towards renewable energy targets and obligations, in order to avoid an increased reliance on fossil fuels with higher climate and environmental impacts where, after exhausting all technical and economic possibilities to install highly efficient combined heat and power biomass installations, Member States would face a substantiated risk to security of supply of electricity.***

their due end date for all biomass installations. In addition electricity produced from biomass in new installations with a fuel capacity equal to or exceeding 1 MW should only count towards renewable energy targets and obligations in the case of highly efficient combined power and heat installations.

Or. en

#### *Justification*

*Setting a 20MW threshold risks to allow biomass that doesn't meet the sustainability requirements to be used in smaller installations, while biomass meeting the requirements would be reserved for larger installations ('leakage effect'). The threshold of 1 MW is consistent with the Medium Combustion Plants Directive and already represents a large installation (1 MW plant can power approximately 400-900 homes).*

#### **Amendment 22**

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

##### **Recital 79**

###### *Text proposed by the Commission*

(79) The minimum greenhouse gas emission savings threshold for biofuels and bioliquids produced in new installations should be increased in order to improve their overall greenhouse gas balance ***as well as to discourage further investments in*** installations with a low greenhouse gas

###### *Amendment*

(79) The minimum greenhouse gas emission savings threshold for biofuels and bioliquids produced in new installations should be increased in order to improve their overall greenhouse gas balance. ***Similarly, the modernisation of*** installations with a low greenhouse gas

emission savings performance. ***This increase provides investment safeguards for biofuels and bioliquids production capacities.***

emission savings performance ***should be encouraged by setting a higher threshold for all installations as of 2025.***

Or. en

## Amendment 23

### Proposal for a directive Recital 84

#### *Text proposed by the Commission*

(84) In order to avoid a disproportionate administrative burden, a list of default values should be laid down for common biofuel, bioliquid and biomass fuel production pathways and that list should be updated and expanded when further reliable data is available. Economic operators should always be entitled to claim the level of greenhouse gas emission saving for biofuels, bioliquids and biomass fuels established by that list. Where the default value for greenhouse gas emission saving from a production pathway lies below the required minimum level of greenhouse gas emission saving, producers wishing to demonstrate their compliance with this minimum level should be required to show that actual emissions from their production process are lower than those that were assumed in the calculation of the default values.

#### *Amendment*

(84) In order to avoid a disproportionate administrative burden, a list of default values should be laid down for common biofuel, bioliquid and biomass fuel production pathways and that list should be updated and expanded when further reliable data is available. Economic operators should always be entitled to claim the level of ***direct*** greenhouse gas emission saving for biofuels, bioliquids and biomass fuels established by that list. Where the default value for ***direct*** greenhouse gas emission saving from a production pathway lies below the required minimum level of greenhouse gas emission saving, producers wishing to demonstrate their compliance with this minimum level should be required to show that actual emissions from their production process are lower than those that were assumed in the calculation of the default values.

Or. en

#### *Justification*

*This amendment is inextricably linked to the amendment on Article 25 (1).*

## Amendment 24

### Proposal for a directive Recital 99

*Text proposed by the Commission*

(99) In order to amend or supplement non-essential elements of the provisions of this Directive, the power to adopt acts in accordance with Article 290 of the Treaty on the Functioning of the European Union should be delegated to the Commission in respect of the list of feedstocks for the production of advanced biofuels, ***the contribution of which towards the fuel suppliers' obligation in transport is limited***; the adaptation of the energy content of transport fuels to scientific and technical progress; the methodology to determine the share of biofuel resulting from biomass being processed with fossil fuels in a common process; the implementation of agreements on mutual recognition of guarantees of origin; the establishment of rules to monitor the functioning of the system of guarantees of origin; and the rules for calculating the greenhouse gas impact of biofuels, bioliquids and their fossil fuel comparators. It is of particular importance that the Commission carry out appropriate consultations during its preparatory work, including at expert level, and that those consultations be conducted in accordance with the principles laid down in the Interinstitutional Agreement of 13 April 2016 on Better Law-Making. In particular, to ensure equal participation in the preparation of delegated acts, the European Parliament and the Council receive all documents at the same time as Member States' experts, and their experts systematically have access to meetings of Commission expert groups dealing with the preparation of delegated acts.

*Amendment*

(99) In order to amend or supplement non-essential elements of the provisions of this Directive, the power to adopt acts in accordance with Article 290 of the Treaty on the Functioning of the European Union should be delegated to the Commission in respect of the list of feedstocks for the production of advanced biofuels ***including associated estimated indirect emissions***; the adaptation of the energy content of transport fuels to scientific and technical progress; the methodology to determine the share of biofuel resulting from biomass being processed with fossil fuels in a common process; the implementation of agreements on mutual recognition of guarantees of origin; the establishment of rules to monitor the functioning of the system of guarantees of origin; and the rules for calculating the greenhouse gas impact of biofuels, bioliquids and their fossil fuel comparators. It is of particular importance that the Commission carry out appropriate consultations during its preparatory work, including at expert level, and that those consultations be conducted in accordance with the principles laid down in the Interinstitutional Agreement of 13 April 2016 on Better Law-Making. In particular, to ensure equal participation in the preparation of delegated acts, the European Parliament and the Council receive all documents at the same time as Member States' experts, and their experts systematically have access to meetings of Commission expert groups dealing with the preparation of delegated acts.

Or. en

## Amendment 25

### Proposal for a directive Recital 101

#### *Text proposed by the Commission*

(101) Since the objectives of this Directive, namely to achieve at least **27%** share of energy from renewable sources in the Union's gross final consumption of energy by 2030, cannot be sufficiently achieved by the Member States but can rather, by reason of the scale of the action, be better achieved at Union level, the Union may adopt measures, in accordance with the principle of subsidiarity as set out in Article 5 of the Treaty on European Union . In accordance with the principle of proportionality, as set out in that Article, this Directive does not go beyond what is necessary in order to achieve those objectives.

#### *Amendment*

(101) Since the objectives of this Directive, namely to achieve at least **45 %** share of energy from renewable sources in the Union's gross final consumption of energy by 2030, cannot be sufficiently achieved by the Member States but can rather, by reason of the scale of the action, be better achieved at Union level, the Union may adopt measures, in accordance with the principle of subsidiarity as set out in Article 5 of the Treaty on European Union. In accordance with the principle of proportionality, as set out in that Article, this Directive does not go beyond what is necessary in order to achieve those objectives.

Or. en

## Amendment 26

### Proposal for a directive Article 1 – paragraph 1

#### *Text proposed by the Commission*

This Directive establishes a common framework for the promotion of energy from renewable sources. It sets **a binding** Union **target** for the overall share of energy from renewable sources in gross final consumption of energy in 2030 . It also lays down rules on financial support to electricity produced from renewable sources, self-consumption of renewable electricity, and renewable energy use in the heating and cooling and transport sectors, regional cooperation between Member States and with third countries, guarantees of origin, administrative procedures and

#### *Amendment*

This Directive establishes a common framework for the promotion of energy from renewable sources. It sets **mandatory** Union **and national targets** for the overall share of energy from renewable sources in gross final consumption of energy in 2030. It also lays down rules on financial support to electricity produced from renewable sources, self-consumption of renewable electricity, and renewable energy use in the heating and cooling and transport sectors, regional cooperation between Member States and with third countries, guarantees of origin, administrative procedures, and

information and training. It establishes sustainability and greenhouse gas emissions saving criteria for biofuels, bioliquids and biomass fuels .

information and training, **and access to the electricity grid for energy from renewable sources**. It establishes sustainability and greenhouse gas emissions saving criteria for biofuels, bioliquids and biomass fuels.

Or. en

*Justification*

*The priority access to the grid for renewables should be retained in the Directive.*

**Amendment 27**

**Proposal for a directive  
Article 2 – paragraph 2 – point dd**

*Text proposed by the Commission*

(dd) ‘food and feed crops’ means starch-rich crops, sugars and oil crops **produced** on agricultural land as a main crop excluding residues, **waste or ligno-cellulosic material**;

*Amendment*

(dd) ‘food and feed crops’ means starch-rich crops, sugars and oil crops **and other crops grown primarily for energy purposes** on agricultural land as a main crop excluding residues **and waste**;

Or. en

*Justification*

*Restores the definition as agreed in the ILUC revision, which includes energy crops.*

**Amendment 28**

**Proposal for a directive  
Article 3 – paragraph 1**

*Text proposed by the Commission*

1. Member States shall collectively ensure that the share of energy from renewable sources in the Union's gross final consumption of energy in 2030 is at least **27%**.

*Amendment*

1. Member States shall collectively ensure that the share of energy from renewable sources in the Union's gross final consumption of energy in 2030 is at least **45 %**.

Or. en

## *Justification*

*In order to decarbonise the Union energy sector well before 2050 the rate of growing renewables share needs to increase not slow down. A target representing 6% increase from the expected share of renewables in 2020 over 10 years would not provide investor certainty nor maintain EU leadership in renewables development.*

### **Amendment 29**

#### **Proposal for a directive Article 3 a (new)**

*Text proposed by the Commission*

*Amendment*

#### **Article 3a**

##### ***Mandatory national overall targets***

***Each Member State shall ensure that the share of energy from renewable sources, calculated in accordance with Articles 7 to 13, in gross final consumption of energy in 2030, is equal to at least its national overall target for the share of energy from renewable sources in that year, as set out in the third column of the table in part A of Annex I. Such mandatory national overall targets shall be consistent with a target of at least a 45 % share of energy from renewable sources in the Union's gross final consumption of energy in 2030. In order to achieve the targets laid down in this Article more easily, each Member State shall promote and encourage energy efficiency and energy saving.***

Or. en

### **Amendment 30**

#### **Proposal for a directive Article 4 – paragraph 4 a (new)**

*Text proposed by the Commission*

*Amendment*

***4a. By way of derogation from paragraph 1, Member States shall ensure***



*that no financial support is provided for the extraction of energy from incineration of municipal waste by 2021.*

Or. en

*Justification*

*Climate and energy policies should support Union circular economy objectives.*

**Amendment 31**

**Proposal for a directive**

**Article 7 – paragraph 5 – subparagraph 2**

*Text proposed by the Commission*

The Commission is empowered to adopt delegated acts in accordance with Article 32 to amend the list of feedstocks in parts A and B of Annex IX in order to add feedstocks, ***but not to remove them***. Each delegated act shall be based on an analysis of the latest scientific and technical progress, taking due account of the principles of the waste hierarchy established in Directive 2008/98/EC, in compliance with the Union sustainability criteria, ***supporting*** the conclusion that the feedstock in question does not create an additional demand for land and ***promoting*** the use of wastes and residues, while avoiding ***significant*** distortive effects on markets for (by-)products, wastes or residues, ***delivering*** substantial greenhouse gas emission savings compared to fossil fuels, ***and not creating*** risk of negative impacts on the environment and biodiversity.

*Amendment*

The Commission is empowered to adopt delegated acts in accordance with Article 32 to amend the list of feedstocks in parts A and B of Annex IX in order to add ***or remove*** feedstocks ***and to add or revise the corresponding indirect emission values in part Ba of Annex VIII***. Each delegated act shall be based on an analysis of the latest scientific and technical progress, taking due account of the principles of the waste hierarchy established in Directive 2008/98/EC, ***the biomass cascading use principle and*** in compliance with the Union sustainability criteria. ***That analysis shall support*** the conclusion that the feedstock in question does not create an additional demand for land and ***promotes*** the use of wastes and residues, while avoiding distortive effects on markets for (by-)products, wastes or residues, ***and delivers*** substantial greenhouse gas emission savings compared to fossil fuels. ***Adding any new feedstock shall be based on a life cycle assessment including emissions from the land sector and including indirect emission values in part Ba of Annex VIII for any displacement effects, and shall not create any*** risk of negative impacts on the environment and biodiversity.

**Amendment 32****Proposal for a directive****Article 7 – paragraph 5 – subparagraph 3***Text proposed by the Commission*

Every 2 years, the Commission shall carry out an evaluation of the list of feedstocks in parts A and B of Annex IX in order to add feedstocks, in line with the principles set out in this paragraph. The first evaluation shall be carried out no later than 6 months after [date of entry into force of this Directive]. ***If appropriate***, the Commission shall ***adopt delegated acts to amend the list of feedstocks in parts A and B of Annex IX in order to add feedstocks, but not to remove them.***

*Amendment*

Every 2 years, the Commission shall carry out an evaluation of the list of feedstocks in parts A and B of Annex IX in order to add ***or remove*** feedstocks, in line with the principles set out in ***the first subparagraph of*** this paragraph. The first evaluation shall be carried out no later than 6 months after [date of entry into force of this Directive]. ***Until 1 January 2025***, the Commission shall ***not remove*** feedstocks ***from Annex IX and shall only reduce indirect emission values in Annex VIII.***

Or. en

**Amendment 33****Proposal for a directive****Article 19 – paragraph 2 – subparagraph 3***Text proposed by the Commission*

***Member States shall ensure that no guarantees of origin are issued to a producer that receives financial support from a support scheme for the same production of energy from renewable sources. Member States shall issue such guarantees of origin and transfer them to the market by auctioning them. The revenues raised as a result of the auctioning shall be used to offset the costs of renewables support.***

*Amendment****deleted***

Or. en

### *Justification*

*The system of GOs should not be mixed with support schemes for renewables, but should only serve as a traceability and accounting tool for sales of renewable production.*

## **Amendment 34**

### **Proposal for a directive**

#### **Article 19 – paragraph 2 – subparagraph 4**

##### *Text proposed by the Commission*

The guarantee of origin shall have no function in terms of a Member State's compliance with Article 3. Transfers of guarantees of origin, separately or together with the physical transfer of energy, shall have no effect on the decision of Member States to use statistical transfers, joint projects or joint support schemes for target compliance or on the calculation of the gross final consumption of energy from renewable sources in accordance with Article 7.

##### *Amendment*

The guarantee of origin shall have no function in terms of a Member State's compliance with Article 3 **or 3a**. Transfers of guarantees of origin, separately or together with the physical transfer of energy, shall have no effect on the decision of Member States to use statistical transfers, joint projects or joint support schemes for target compliance or on the calculation of the gross final consumption of energy from renewable sources in accordance with Article 7.

Or. en

### *Justification*

*This amendment is linked to the introduction of national binding targets in Article 3a.*

## **Amendment 35**

### **Proposal for a directive**

#### **Article 20 – paragraph 3 a (new)**

##### *Text proposed by the Commission*

##### *Amendment*

**3a. Subject to requirements relating to the maintenance of the reliability and safety of the grid, based on transparent and non-discriminatory criteria defined by the competent national authorities Member States shall:**

**(a) ensure that transmission system operators and distribution system operators in their territory guarantee the**

*transmission and distribution of electricity produced from renewable energy sources;*

*(b) provide for either priority access or guaranteed access to the grid-system of electricity produced from renewable energy sources;*

*(c) ensure that when dispatching electricity-generating installations, transmission system operators shall give priority to generating installations using renewable energy sources in so far as the secure operation of the national electricity system permits and based on transparent and non-discriminatory criteria. Member States shall ensure that appropriate grid and market-related operational measures are taken in order to minimise the curtailment of electricity produced from renewable energy sources. If significant measures are taken to curtail the renewable energy sources in order to guarantee the security of the national electricity system and security of energy supply, Member States shall ensure that the responsible system operators report to the competent regulatory authority on those measures and indicate which corrective measures they intend to take in order to prevent inappropriate curtailments.*

Or. en

#### *Justification*

*The priority access to the grid for renewables should be retained in the Directive.*

### **Amendment 36**

#### **Proposal for a directive Article 23 – paragraph 1**

##### *Text proposed by the Commission*

1. In order to facilitate the penetration of renewable energy in the heating and cooling sector, each Member State shall

##### *Amendment*

1. In order to facilitate the penetration of renewable energy in the heating and cooling sector, each Member State shall

endeavour to increase the share of renewable energy supplied for heating and cooling by at least 1 percentage point (pp) every year, expressed in terms of national share of final energy consumption and calculated according to the methodology set out in Article 7.

endeavour to increase the share of renewable energy supplied for heating and cooling, *in particular by supporting innovative technologies such as heat pumps, geothermal and solar thermal technologies*, by at least 1 percentage point (pp) every year, expressed in terms of national share of final energy consumption and calculated according to the methodology set out in Article 7.

Or. en

### **Amendment 37**

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

#### **Article 25 – paragraph 1 – subparagraph 1**

##### *Text proposed by the Commission*

With effect from 1 January 2021, Member States shall require fuel suppliers to include a minimum share of energy from advanced biofuels and other biofuels and biogas produced from feedstock listed in Annex IX, from renewable liquid and gaseous transport fuels of non-biological origin, *from waste-based fossil fuels* and from renewable electricity in the total amount of transport fuels they supply for consumption or use on the market in the course of a calendar year.

##### *Amendment*

With effect from 1 January 2021, Member States shall require fuel suppliers to include a minimum share of energy from advanced biofuels and other biofuels and biogas produced from feedstock listed in Annex IX, from renewable liquid and gaseous transport fuels of non-biological origin and from renewable electricity in the total amount of transport fuels they supply for consumption or use on the market in the course of a calendar year.

Or. en

##### *Justification*

*It is not appropriate to include fossil fuels mandates - even waste based - to the Renewable Energy Directive. The Rapporteur considers that waste-based fossil fuels should be promoted through other instruments in the context of Union Circular Economy Strategy, and has included an amendment to the effect in the review article (Article 30 – paragraph 2 a (new)).*

### **Amendment 38**

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

#### **Article 25 – paragraph 1 – subparagraph 2**

*Text proposed by the Commission*

*Amendment*

The minimum share shall be at least equal to 1.5% in 2021, increasing up to at least 6.8% in 2030, following the trajectory set out in part B of Annex X. Within this total share, the contribution of advanced biofuels and biogas produced from feedstock listed in part A of Annex IX shall be at least 0.5% of the transport fuels supplied for consumption or use on the market as of 1 January 2021, **increasing up to at least 3.6% by 2030, following the trajectory set out in part C of Annex X.**

The minimum share shall be at least equal to 1.5% in 2021, increasing up to at least 6.8% in 2030, following the trajectory set out in part B of Annex X. Within this total share, the contribution of advanced biofuels and biogas produced from feedstock listed in part A of Annex IX shall be at least 0.5% of the transport fuels supplied for consumption or use on the market as of 1 January 2021. ***The minimum share of renewable energy in fuels supplied for aviation shall be at least equal to the overall minimum share for transport fuels.***

Or. en

*Justification*

*Advanced biofuels are expected to have an important role in reducing greenhouse gas emissions of aviation, but a multiplier is not an appropriate nor sufficient incentive for the sector to bear its responsibility for developing such fuels. Fuels supplied for aviation should contain the same share of renewables as is required for transport sector as a whole, i.e. 6,8% in 2030. The renewable energy supplied to aviation will count towards the overall transport incorporation obligation.*

**Amendment 39**

**Proposal for a directive**

**Article 25 – paragraph 1 – subparagraph 3**

*Text proposed by the Commission*

*Amendment*

The greenhouse gas emission savings from the use of advanced biofuels and other biofuels and biogas produced from feedstock listed in Annex IX shall be at least 70% as of 1 January 2021.

The greenhouse gas emission savings from the use of advanced biofuels and other biofuels and biogas produced from feedstock listed in Annex IX, ***taking into account indirect carbon factors in part Ba of Annex VIII*** shall be at least 70% as of 1 January 2021.

Or. en

## Amendment 40

### Proposal for a directive

#### Article 25 – paragraph 1 – subparagraph 4 – point a

*Text proposed by the Commission*

a) for the calculation of the denominator, that is the energy content of road and rail transport fuels supplied for consumption or use on the market, petrol, diesel, natural gas, **biofuels, biogas, renewable liquid and gaseous transport fuels of non-biological origin**, waste-based fossil fuels and electricity, shall be taken into account;

*Amendment*

a) for the calculation of the denominator, that is the energy content of road and rail transport fuels supplied for consumption or use on the market, petrol, diesel, natural gas, waste-based fossil fuels and electricity, shall be taken into account;

Or. en

*Justification*

*In order to simplify the implementation, the incorporation obligation should be calculated as a share of fossil fuels for transport.*

## Amendment 41

### Proposal for a directive

#### Article 25 – paragraph 1 – subparagraph 4 – point b – paragraph 1

*Text proposed by the Commission*

for the calculation of the numerator, the energy content of advanced biofuels and other biofuels and biogas produced from feedstock listed in Annex IX, renewable liquid and gaseous transport fuels of non-biological origin, **waste based fossil fuels** supplied to all transport sectors, **and renewable electricity supplied to road vehicles**, shall be taken into account.

*Amendment*

for the calculation of the numerator, the energy content of advanced biofuels and other biofuels and biogas produced from feedstock listed in Annex IX, renewable liquid and gaseous transport fuels of non-biological origin, **and renewable electricity** supplied to all transport sectors, shall be taken into account.

Or. en

*Justification*

*It is not appropriate to include fossil fuels mandates - even waste based - to the Renewable Energy Directive. The Rapporteur considers that waste-based fossil fuels should be promoted through other instruments in the context of Union Circular Economy Strategy, and has*

*included an amendment to the effect in the review article (Article 30 – paragraph 2 a (new)).*

## **Amendment 42**

### **Proposal for a directive**

#### **Article 25 – paragraph 1 – subparagraph 4 – point b – paragraph 2**

*Text proposed by the Commission*

For the calculation of the numerator, the contribution from biofuels and biogas produced from feedstock included in part B of Annex IX shall be limited to 1.7% of the energy content of transport fuels supplied for consumption or use on the market ***and the contribution of fuels supplied in the aviation and maritime sector shall be considered to be 1.2 times their energy content.***

*Amendment*

For the calculation of the numerator, the contribution from biofuels and biogas produced from feedstock included in part B of Annex IX shall be limited to 1.7% of the energy content of transport fuels supplied for consumption or use on the market.

Or. en

*Justification*

*Advanced biofuels are expected to have an important role in reducing greenhouse gas emissions of aviation, but a multiplier is not an appropriate nor sufficient incentive for the sector to bear its responsibility for developing such fuels.*

## **Amendment 43**

### **Proposal for a directive**

#### **Article 25 – paragraph 1 – subparagraph 4 – point b – subparagraph 2 a (new)**

*Text proposed by the Commission*

***For the calculation of renewable electricity supplied to road vehicles, only electricity from renewable energy sources consumed at dedicated charging stations shall be taken into account and shall be considered to be five times the energy content of the input.***

*Amendment*

Or. en

*Justification*

*Renewable electricity for electric road vehicles should be included when charged at dedicated*



*charging stations. The average share of charging electric vehicles at charging stations is well below 20% total consumption, the rest being done at home or in facilities that do not have separate accounting. In order to reflect the total energy consumed by the electric vehicle fleet, it is appropriate to multiply the electricity charged at dedicated charging stations by five. This will incentivise investments to the charging stations to facilitate the take-up of electric vehicles.*

#### **Amendment 44**

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

##### **Article 25 – paragraph 1 a (new)**

*Text proposed by the Commission*

*Amendment*

***1a. Member States may design their national policies to meet the obligations under this Article as a greenhouse gas saving obligation and may apply those policies also to waste based fossil fuels, provided that this does not counteract circular economy objectives and that the share of energy from renewable sources under paragraph 1 is met.***

Or. en

*Justification*

*A greenhouse gas saving obligation would be more optimal from the climate perspective, but has been considered to be more administratively burdensome by the Commission. Member States should nevertheless have the option of designing their policies implementing the renewable energy incorporation obligation as a greenhouse gas saving target, taking into account also the saving potential of waste based fossil fuels, provided that the minimum renewables share is met.*

#### **Amendment 45**

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

##### **Article 25 – paragraph 2**

*Text proposed by the Commission*

*Amendment*

2. For the purpose of paragraph 1, Member States shall set up a system allowing fuel suppliers to transfer the obligation set out in paragraph 1 to other fuel suppliers and ensure that all transfers are documented in the *national databases*

2. For the purpose of paragraph 1, Member States shall set up a system allowing fuel suppliers to transfer the obligation set out in paragraph 1 to other fuel suppliers, ***and to trade transport fuels, including electricity, that are eligible for***

referred to in paragraph 4.

***counting towards the numerator set out in point (b) of paragraph 1, and ensure that all transfers are documented in the database referred to in paragraph 4. As regards electricity supplied to transport, Member States shall allow access to operators of connections supplying electricity exclusively to road transport and shall require any other entities to demonstrate separate accounting for the electricity supplied to transport.***

Or. en

#### **Amendment 46**

##### **Proposal for a directive Article 25 – paragraph 3 – subparagraph 1**

*Text proposed by the Commission*

To determine the share of renewable electricity for the purposes of paragraph 1 ***either the average share of electricity from renewable energy sources in the Union or*** the share of electricity from renewable energy sources in the Member State where the electricity is supplied, as measured two years before the year in question ***may*** be used. ***In both cases***, an equivalent amount of guarantees of origin issued in accordance with Article 19 shall be cancelled.

*Amendment*

To determine the share of renewable electricity for the purposes of paragraph 1 the share of electricity from renewable energy sources in the Member State where the electricity is supplied, as measured two years before the year in question ***shall*** be used. ***However, electricity obtained from direct connection to an installation generating renewable electricity that is not connected to the grid may be fully counted as renewable electricity.*** An equivalent amount of guarantees of origin issued in accordance with Article 19 shall be cancelled.

Or. en

#### **Amendment 47**

##### **Proposal for a directive Article 25 – paragraph 3 – subparagraph 3 – point a – paragraph 1**

*Text proposed by the Commission*

When electricity is used for the production of renewable liquid and gaseous transport fuels of non-biological origin, ***either directly or for the production of intermediate products, either the average share of electricity from renewable energy sources in the Union or*** the share of electricity from renewable energy sources in the country of production, as measured two years before the year in question, ***may*** be used to determine the share of renewable energy. ***In both cases***, an equivalent amount of guarantees of origin issued in accordance with Article 19 shall be cancelled.

*Amendment*

When electricity is used ***directly*** for the production of renewable liquid and gaseous transport fuels of non-biological origin, the share of electricity from renewable energy sources in the country of production, as measured two years before the year in question, ***shall*** be used to determine the share of renewable energy. An equivalent amount of guarantees of origin issued in accordance with Article 19 shall be cancelled.

Or. en

*Justification*

*Only electricity used directly for the production of renewable liquid and gaseous transport fuels of non-biological origin should be used to determine the share of renewable energy. Allowing electricity used for the production of intermediate products, such as hydrogen by refineries, has the effect of supporting the production of fossil fuels and should not be considered renewable energy.*

**Amendment 48**

**Proposal for a directive**

**Article 25 – paragraph 4 – subparagraph 1**

*Text proposed by the Commission*

***Member States*** shall put in place a database enabling tracing of transport fuels that are eligible for counting towards the numerator set out in paragraph ***1(b)***, and require ***the relevant economic operators*** to enter information on the transactions made and the sustainability characteristics of the eligible fuels, including their life cycle greenhouse gas emissions, starting from their point of production to the fuel supplier that places the fuel on the market.

*Amendment*

***The Commission*** shall put in place a database enabling tracing of transport fuels, ***including electricity***, that are eligible for counting towards the numerator set out in ***point (b) of paragraph 1***. ***Member States shall require fuel suppliers to enter in the database the total annual quantities of energy they supply to the transport sector as defined in denominator in point (a) of paragraph 1. Suppliers of renewable energy in transport as defined in the numerator in point (b) of paragraph 1***

*shall be required* to enter information on the transactions made and the sustainability characteristics of the eligible fuels, including their life cycle greenhouse gas emissions, starting from their point of production to the fuel supplier that places the fuel on the market.

Or. en

#### *Justification*

*In order to simplify and reduce administrative burden, a database should be set up at Union level by the Commission.*

#### **Amendment 49**

##### **Proposal for a directive Article 25 – paragraph 4 – subparagraph 3**

###### *Text proposed by the Commission*

The *national databases* shall *be interlinked so as to* allow transactions of fuels between Member States to be traced. *In order to ensure the compatibility of national databases, the Commission shall set out* technical specifications of *their* content and use *by means of implementing acts adopted in accordance with the examination procedure referred to in Article 31.*

###### *Amendment*

The *database referred to in the first subparagraph of this paragraph* shall allow transactions of fuels between Member States to be traced. *The Commission is empowered to adopt delegated acts in accordance with Article 32 in order to supplement this Directive by establishing* technical specifications of *the* content and use *of the database.*

Or. en

#### **Amendment 50**

##### **Proposal for a directive Article 25 – paragraph 5**

###### *Text proposed by the Commission*

5. *Member States* shall *report on the* aggregated information from the *national databases*, including fuels' life cycle greenhouse gas emissions, *in accordance*

###### *Amendment*

5. *The Commission* shall *publish, on an annual basis*, aggregated information from the *database*, including fuels' life cycle greenhouse gas emissions.

*with Annex VII of Regulation  
[Governance].*

Or. en

## **Amendment 51**

### **Proposal for a directive Article 25 – paragraph 7**

*Text proposed by the Commission*

7. By 31 December 2025, in the context of the biennial assessment of progress made pursuant to Regulation [Governance], the Commission shall assess whether the obligation laid down in paragraph 1 effectively stimulates innovation and *promotes* greenhouse gas savings in the transport sector, and whether the applicable greenhouse gas savings requirements for biofuels and biogas are appropriate. The Commission shall, if appropriate, present a proposal to modify the obligation laid down in paragraph 1.

*Amendment*

7. By 31 December 2025, in the context of the biennial assessment of progress made pursuant to Regulation [Governance], the Commission shall assess whether the obligation laid down in paragraph 1 effectively stimulates innovation and *ensures* greenhouse gas savings in the transport sector, and whether the applicable greenhouse gas savings requirements for biofuels and biogas are appropriate. The Commission shall, if appropriate, present a proposal to modify the obligation laid down in paragraph 1.

Or. en

## **Amendment 52**

### **Proposal for a directive Article 26 – paragraph 1 – subparagraph 2 a (new)**

*Text proposed by the Commission*

*Amendment*

***Biofuels, bioliquids and biomass fuels  
produced from food and feed crops shall  
not be eligible for financial support.***

Or. en

## Amendment 53

### Proposal for a directive

#### Article 26 – paragraph 1 – subparagraph 2 b (new)

*Text proposed by the Commission*

*Amendment*

***Biofuels, bioliquids and biomass fuels produced from waste and residues from agricultural land shall be taken into account for the purposes referred to in points (a), (b) and (c) of the first subparagraph only if measures have been taken by the operators to avoid any negative impacts on soil quality and soil carbon. Information about those measures shall be reported pursuant to Article 27(3).***

Or. en

## Amendment 54

### Proposal for a directive

#### Article 26 – paragraph 1 – subparagraph 3

*Text proposed by the Commission*

*Amendment*

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

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

Or. en

*Justification*

*Setting a 20MW threshold risks to allow biomass that doesn't meet the sustainability*

*requirements to be used in smaller installations, while biomass meeting the requirements would be reserved for larger installations ('leakage effect'). The threshold of 1 MW is consistent with the Medium Combustion Plants Directive and already represents a large installation (1 MW plant can power approximately 400-900 homes).*

## **Amendment 55**

### **Proposal for a directive**

#### **Article 26 – paragraph 2 – subparagraph 1 – introductory part**

##### *Text proposed by the Commission*

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

##### *Amendment*

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

Or. en

##### *Justification*

*The proposal introduces sustainability criteria for forest biomass. The provisions for no-go areas for agricultural feedstocks should also apply to forest biomass. This amendment is inextricably linked to amendment to Article 26(5).*

## **Amendment 56**

### **Proposal for a directive**

#### **Article 26 – paragraph 2 – subparagraph 1 – point c – point ii**

##### *Text proposed by the Commission*

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

##### *Amendment*

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

**Amendment 57****Proposal for a directive  
Article 26 – paragraph 3***Text proposed by the Commission*

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

*Amendment*

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

Or. en

*Justification*

*The proposal introduces sustainability criteria for forest biomass. The provisions for no-go areas for agricultural feedstocks should also apply to forest biomass. This amendment is inextricably linked to amendment to Article 26(5).*

**Amendment 58****Proposal for a directive  
Article 26 – paragraph 4***Text proposed by the Commission*

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

*Amendment*

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

Or. en

*Justification*

*The proposal introduces sustainability criteria for forest biomass. The provisions for no-go*



areas for agricultural feedstocks should also apply to forest biomass. In extending the concept to forest biomass it is appropriate to include land that was wetland in addition to peatland. This amendment is inextricably linked to amendment to Article 26(5).

## Amendment 59

### Proposal for a directive Article 26 – paragraph 5

#### *Text proposed by the Commission*

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

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

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

ii) **forest regeneration of harvested areas takes place;**

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

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

#### *Amendment*

5. Biofuels, bioliquids and biomass fuels produced from forest biomass **shall be considered to be sustainable and** taken into account for the purposes referred to in points (a), (b) and (c) of paragraph 1 **when produced from wastes and residues from forestry and forest-based industries, such as bark, branches, leaves, needles, tree tops, saw dust, cutter shavings, black liquor, brown liquor, fibre sludge, lignin provided that measures have been taken by the operators to avoid any negative impact of forest harvesting on soil quality, soil carbon and biodiversity. Information on those measures shall be reported pursuant to Article 27(3).**

- v) *harvesting does not exceed the long-term production capacity of the forest;*
- (b) *when evidence referred to in the first subparagraph is not available, the biofuels, bioliquids and biomass fuels produced from forest biomass shall be taken into account for the purposes referred to in points (a), (b) and (c) of paragraph 1 if management systems are in place at forest holding level to ensure that:*
- i) *the forest biomass has been harvested according to a legal permit;*
- ii) *forest regeneration of harvested areas takes place;*
- iii) *areas of high conservation value, including peatlands and wetlands, are identified and protected;*
- iv) *impacts of forest harvesting on soil quality and biodiversity are minimised;*
- v) *harvesting does not exceed the long-term production capacity of the forest.*

Or. en

#### *Justification*

*Bioenergy should only be promoted when produced from wastes and residues, and provided that there are appropriate safeguards regarding soil quality, soil carbon and biodiversity. Bioenergy produced from roundwood and stumps should not be considered sustainable under Union policy.*

#### **Amendment 60**

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

##### **Article 26 – paragraph 6 – subparagraph 2**

*Text proposed by the Commission*

*Amendment*

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

*deleted*

*referred to in points (a), (b) and (c) of paragraph 1 if management systems are in place at forest holding level to ensure that carbon stocks and sinks levels in the forest are maintained.*

Or. en

## **Amendment 61**

### **Proposal for a directive**

#### **Article 26 – paragraph 6 – subparagraph 3**

*Text proposed by the Commission*

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

*Amendment*

*By 1 January 2020, the Commission shall establish the operational evidence for demonstrating compliance with the requirements set out in paragraphs 5 and 6, by means of implementing acts adopted in accordance with the examination procedure referred to in Article 31(2).*

Or. en

## **Amendment 62**

### **Proposal for a directive**

#### **Article 26 – paragraph 6 a (new)**

*Text proposed by the Commission*

*Amendment*

*6a. Agricultural raw materials cultivated in the Union and used for the production of biofuels and bioliquids taken into account for the purposes referred to in points (a), (b) and (c) of paragraph 1 shall be obtained in accordance with the requirements and standards under the provisions referred to in the area 'Environment' in Annex II to Regulation (EU) No 1306/2013 of the European Parliament and of the Council<sup>1a</sup> and in accordance with the rules on cross-compliance and the*

*obligations of Member States relating to good agricultural and environmental condition set in Articles 93 and 94 of that Regulation.*

---

*<sup>1a</sup> Regulation (EU) No 1306/2013 of the European Parliament and of the Council of 17 December 2013 on the financing, management and monitoring of the common agricultural policy and repealing Council Regulations (EEC) No 352/78, (EC) No 165/94, (EC) No 2799/98, (EC) No 814/2000, (EC) No 1290/2005 and (EC) No 485/2008 (OJ L 347, 20.12.2013, p. 65).*

Or. en

*Justification*

*Maintaining the cross compliance rules, with references to the current regulation.*

**Amendment 63**

**Proposal for a directive**

**Article 26 – paragraph 7 – subparagraph 1 – point a**

*Text proposed by the Commission*

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

*Amendment*

(a) **until 1 January 2025**, at least 50 % for biofuels and bioliquids produced in installations in operation on or before 5 October 2015;

Or. en

**Amendment 64**

**Proposal for a directive**

**Article 26 – paragraph 7 – subparagraph 1 – point b**

*Text proposed by the Commission*

(b) at least 60 % for biofuels and bioliquids produced in installations starting

*Amendment*

(b) **until 1 January 2025**, at least 60 % for biofuels and bioliquids produced in installations starting operation from 5

operation from 5 October 2015;

October 2015;

Or. en

## Amendment 65

### Proposal for a directive

#### Article 26 – paragraph 7 – subparagraph 1 – point c

##### *Text proposed by the Commission*

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

##### *Amendment*

(c) at least 70 % for biofuels and bioliquids produced in installations starting operation after 1 January 2021, **and, from 1 January 2025, produced in all installations;**

Or. en

##### *Justification*

*Modernisation of installations with a low greenhouse gas emission savings performance should be encouraged by setting a higher threshold for all installations as of 2025.*

## Amendment 66

### Proposal for a directive

#### Article 26 – paragraph 8 – subparagraph 1

##### *Text proposed by the Commission*

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

##### *Amendment*

Electricity from biomass fuels produced in installations with a fuel capacity equal to or exceeding **1** MW shall be taken into account for the purposes referred to in points (a), (b) and (c) of paragraph 1 only if it is produced applying high efficient cogeneration technology as defined under Article 2(34) of Directive 2012/27/EU **achieving a conversion efficiency of at least 85 % and if it is produced without the use of fossil fuels**. For the purposes of points (a) and (b) of paragraph 1, this provision shall only apply to installations starting operation after **1 January 2021**. For the purposes of point (c) of paragraph

schemes approved by [3 years after date of adoption of this Directive].

1, this provision is without prejudice to public support provided under schemes approved by [date of adoption of this Directive].

Or. en

#### *Justification*

*The 2009 renewables directive already requires that in the case of biomass, Member States promote conversion technologies that achieve a conversion efficiency of at least 85 % for residential and commercial applications. Co-firing biomass with fossil fuels should not be supported.*

#### **Amendment 67**

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

##### **Article 26 – paragraph 8 – subparagraph 2**

*Text proposed by the Commission*

*Amendment*

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

*deleted*

Or. en

#### **Amendment 68**

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

##### **Article 26 – paragraph 10**

*Text proposed by the Commission*

*Amendment*

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

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

**Amendment 69****Proposal for a directive  
Article 28 – paragraph 1 – point a***Text proposed by the Commission*

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

*Amendment*

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

Or. en

*Justification*

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

**Amendment 70****Proposal for a directive  
Article 28 – paragraph 1 – point b***Text proposed by the Commission*

(b) by using an actual value calculated in accordance with the methodology laid down in part C of Annex V for biofuels

*Amendment*

(b) by using an actual value calculated in accordance with the methodology laid down in part C of Annex V for biofuels

and bioliquids and in part B of Annex VI for biomass fuels ;

and bioliquids and in part B of Annex VI for biomass fuels **and deducting from it the default reduction of greenhouse gas emissions savings from indirect land-use change in part A of Annex VIII or from indirect carbon in part Ba of Annex VIII;**

Or. en

#### *Justification*

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

### **Amendment 71**

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

##### *Text proposed by the Commission*

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

##### *Amendment*

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

Or. en

#### *Justification*

*Few feedstock materials are truly available emissions free. If materials are diverted from their current uses to produce biofuel, the other users will be impacted. Indirect carbon estimates based on a displacement analysis identifying what materials would be used to replace the feedstock, and the emissions associated with it, should be used in the calculation*



*for GHG savings to reflect the climate impact of using that material for alternative fuel. This amendment is inextricably linked to the amendment on Article 25 (1).*

## **Amendment 72**

### **Proposal for a directive**

#### **Article 28 – paragraph 1 – point d**

*Text proposed by the Commission*

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

*Amendment*

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

Or. en

## **Amendment 73**

### **Proposal for a directive**

#### **Article 30 – paragraph 2 a (new)**

*Text proposed by the Commission*

*Amendment*

***2a. By 31 December 2018, in the context of policies for decarbonisation of the transport sector and the circular economy, the Commission shall publish a report, accompanied with legislative proposals as appropriate, on promoting waste-based fossil fuels for transport.***

Or. en

*Justification*

*This amendment is inextricably linked to amendments to Article 25(1).*

## Amendment 74

### Proposal for a directive Article 30 – paragraph 2 b (new)

*Text proposed by the Commission*

*Amendment*

**2b.** *By 31 December 2023, the Commission shall assess whether the criteria set out in Article 26 effectively prevent the use of unsustainable forest and agricultural biomass, support cascading use of biomass and address its direct and indirect carbon emissions including from the LULUCF sector, and shall, if appropriate, present a proposal to amend the relevant requirements.*

Or. en

*This amendment is inextricably linked to the introduction of new sustainability criteria for forest and agricultural bioenergy and amendments to Article 26.*

## Amendment 75

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

*Text proposed by the Commission*

*Amendment*

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

2. The power to adopt delegated acts referred to in Articles 7(5), 7(6); 19(11), 19(14), **25(4)**, 25(6) and 28(5) shall be conferred on the Commission for a period of five years from 1<sup>st</sup> January 2021.

Or. en

*Justification*

*This amendment is inextricably linked to the amendment on Article 25 (1).*

## Amendment 76

### Proposal for a directive Article 32 – paragraph 3

*Text proposed by the Commission*

The delegation of power referred to in Articles 7(5), 7(6); 19(11), 19(14), 25(6) and 28(5) may be revoked at any time by the European Parliament or by the Council. A decision of revocation shall put an end to the delegation of the power specified in that decision. It shall take effect the day following the publication of the decision in the *Official Journal of the European Union* or at a later date specified therein. It shall not affect the validity of any delegated acts already in force.

*Amendment*

The delegation of power referred to in Articles 7(5), 7(6); 19(11), 19(14), **25(4)**, 25(6) and 28(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

*Justification*

*This amendment is inextricably linked to the amendment on Article 25 (1).*

**Amendment 77**

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

*Text proposed by the Commission*

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

*Amendment*

6. A delegated act adopted pursuant to Articles 7(5), 7(6); 19(11), 19(14), **25(4)**, 25(6) and 28(5) shall enter into force only if no objection has been expressed either by the European Parliament or the Council within a period of two months of notification of that act to the European Parliament and the Council or if, before the expiry of that period, the European Parliament and the Council have both informed the Commission that they will not object. That period shall be extended by two months at the initiative of the European Parliament or of the Council.

Or. en

## *Justification*

*This amendment is inextricably linked to the amendment on Article 25 (1).*

### **Amendment 78**

#### **Proposal for a directive Annex I – Title**

##### *Text proposed by the Commission*

National overall targets for the share of energy from renewable sources in gross final consumption of energy in 2020<sup>1</sup>

---

<sup>1</sup> In order to be able to achieve the national objectives set out in this Annex, it is underlined that the State aid guidelines for environmental protection recognise the continued need for national mechanisms of support for the promotion of energy from renewable sources.

##### *Amendment*

National overall targets for the share of energy from renewable sources in gross final consumption of energy in 2020 **and 2030**<sup>1</sup>

---

<sup>1</sup> In order to be able to achieve the national objectives set out in this Annex, it is underlined that the State aid guidelines for environmental protection recognise the continued need for national mechanisms of support for the promotion of energy from renewable sources.

Or. en

### **Amendment 79**

#### **Proposal for a directive Annex I – Part A – National Overall Targets – column 4 (new)**

##### *Text proposed by the Commission*

##### *Amendment*

***Target for share of energy from renewable sources in gross final consumption of energy, 2030 (S2030)***

Or. en

## Amendment 80

### Proposal for a directive Annex VIII – Part A

<i>Text proposed by the Commission</i>		
<b>PROVISIONAL ESTIMATED INDIRECT LAND-USE CHANGE EMISSIONS FROM BIOFUEL AND BIOLIQUID FEEDSTOCKS (GCO<sub>2</sub>EQ/MJ)<sup>33</sup></b>		
Feedstock group	Mean <sup>34</sup>	<i>Interpercentile range derived from the sensitivity analysis<sup>35</sup></i>
Cereals and other starch-rich crops	<b>12</b>	<b>8 to 16</b>
Sugars	<b>13</b>	<b>4 to 17</b>
Oil crops	<b>55</b>	<b>33 to 66</b>
<p><sup>33</sup> The mean values reported here represent a weighted average of the individually modelled feedstock values. The magnitude of the values in the Annex is sensitive to the range of assumptions (such as treatment of co-products, yield developments, carbon stocks and displacement of other commodities) used in the economic models developed for their estimation. Although it is therefore not possible to fully characterise the uncertainty range associated with such estimates, a sensitivity analysis conducted on the results based on a random variation of key parameters, a so-called Monte Carlo analysis, was conducted.</p>		
<p><sup>34</sup> The mean values included here represent a weighted average of the individually modelled feedstock values.</p>		
<p><sup>35</sup> <i>The range included here reflects 90 % of the results using the fifth and ninety-fifth percentile values resulting from the analysis. The fifth percentile suggests a value below which 5 % of the observations were found (i.e. 5 % of total data used showed results below 8, 4, and 33 gCO<sub>2</sub>eq/MJ). The ninety-fifth percentile suggests a value below which 95 % of the observations were found (i.e. 5 % of total data used showed results above 16, 17, and 66 gCO<sub>2</sub>eq/MJ).</i></p>		
<i>Amendment</i>		
<b>ESTIMATED INDIRECT LAND-USE CHANGE EMISSIONS FROM BIOFUEL AND BIOLIQUID FEEDSTOCKS (GCO<sub>2</sub>EQ/MJ)</b>		
Feedstock group	Mean <sup>34</sup>	<i>Default reduction of greenhouse gas emission savings</i>
Cereals and other starch-rich crops	<b>29</b>	<b>30,85 %</b>
Sugars	<b>11</b>	<b>11,70 %</b>

Oil crops	<b>101</b>	<b>107,45 %</b>
<p><sup>33</sup> The mean values reported here represent a weighted average of the individually modelled feedstock values. The magnitude of the values in the Annex is sensitive to the range of assumptions (such as treatment of co-products, yield developments, carbon stocks and displacement of other commodities) used in the economic models developed for their estimation. Although it is therefore not possible to fully characterise the uncertainty range associated with such estimates, a sensitivity analysis conducted on the results based on a random variation of key parameters, a so-called Monte Carlo analysis, was conducted.</p> <p><sup>34</sup> The mean values included here represent a weighted average of the individually modelled feedstock values.</p>		

Or. en

### *Justification*

*The revised ILUC estimates are based on the Commission GLOBIOM study (The land use change impact of biofuels consumed in the EU; Quantification of area and greenhouse gas impacts) ([https://ec.europa.eu/energy/sites/ener/files/documents/Final%20Report\\_GLOBIOM\\_publication.pdf](https://ec.europa.eu/energy/sites/ener/files/documents/Final%20Report_GLOBIOM_publication.pdf))*

### **Amendment 81**

#### **Proposal for a directive Annex VIII – Part B a (new)**

<i>Text proposed by the Commission</i>		
<i>Amendment</i>		
<b><i>PART Ba. ESTIMATED INDIRECT EMISSIONS FROM BIOFUEL AND BIOLIQUID FEEDSTOCKS (GCO<sub>2</sub>EQ/MJ)</i></b>		
<b><i>Feedstock</i></b>	<b><i>Indirect emissions (range)</i></b>	<b><i>Default reduction of greenhouse gas emission savings</i></b>
<i>Straw</i>	<i>1 (0 to 3)</i>	<i>1,06 %</i>
<i>Tall oil</i>	<i>87 (87 to 87)</i>	<i>92,55 %</i>
<i>Crude glycerine</i>	<i>88 (84 to 93)</i>	<i>93,62 %</i>
<i>Sawdust and cutter shavings</i>	<i>39 (34 to 42)</i>	<i>41,49 %</i>

<b>Thinnings</b>	<b>76 (72 to 76)</b>	<b>80,85 %</b>
<b>Black liquor</b>	<b>4 (3 to 8)</b>	<b>4,26 %</b>
<b>Animal fats</b>	<b>11 (10 to 13)</b>	<b>11,70 %</b>
<b>Molasses</b>	<b>32 (29 to 36)</b>	<b>34,04 %</b>

Or. en

*Justification*

*This amendment is inextricably linked to the amendment on Article 25 (1). The estimates are based on research by the International Council on Clean Transportation (ICCT) (<http://theicct.org/potential-savings-2030-GHG-reduction-target-EU>). Given that the estimates are based on limited number of studies, it should be possible for the Commission to review the numbers only downwards in the period up to 2025.*

**Amendment 82**

**Proposal for a directive  
Annex IX – Part A – point q**

*Text proposed by the Commission*

*Amendment*

**(q) Other ligno-cellulosic material as defined in point (r) of the second paragraph of Article 2 except saw logs and veneer logs.** **deleted**

Or. en

*Justification*

*This amendment is inextricably linked to the amendment on Article 26 (5). Waste and residues from forest and forest based industries are already covered under other points in Annex IX – Part A.*

**Amendment 83**

**Proposal for a directive  
Annex X – Part C**

*Text proposed by the Commission*

**Part C Minimum shares of energy from advanced biofuels and biogas produced from**

<i>feedstock listed in Part A of Annex IX as referred to in Article 25(1)</i>	
<i>Calendar year</i>	<i>Minimum share</i>
<i>2021</i>	<i>0.5 %</i>
<i>2022</i>	<i>0.7%</i>
<i>2023</i>	<i>0.9 %</i>
<i>2024</i>	<i>1.1 %</i>
<i>2025</i>	<i>1.3 %</i>
<i>2026</i>	<i>1.75 %</i>
<i>2027</i>	<i>2.2 %</i>
<i>2028</i>	<i>2.65 %</i>
<i>2029</i>	<i>3.1 %</i>
<i>Amendment</i>	
<i>deleted</i>	

Or. en