***I

REPORT

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

Committee on Industry, Research and Energy

Rapporteur: Claude Turmes

Rapporteur for opinion(*):
Anders Wijkman, Committee on the Environment, Public Health and Food Safety

(*) Associated committee - Rule 47 of the Rules of Procedure
Symbols for procedures

* Consultation procedure
  majority of the votes cast

**I Cooperation procedure (first reading)
  majority of the votes cast

**II Cooperation procedure (second reading)
  majority of the votes cast, to approve the common position
  majority of Parliament’s component Members, to reject or amend
  the common position

*** Assent procedure
  majority of Parliament’s component Members except in cases
  covered by Articles 105, 107, 161 and 300 of the EC Treaty and
  Article 7 of the EU Treaty

***I Codecision procedure (first reading)
  majority of the votes cast

***II Codecision procedure (second reading)
  majority of the votes cast, to approve the common position
  majority of Parliament’s component Members, to reject or amend
  the common position

***III Codecision procedure (third reading)
  majority of the votes cast, to approve the joint text

(The type of procedure depends on the legal basis proposed by the Commission.)

Amendments to a legislative text

In amendments by Parliament, amended text is highlighted in **bold italics**. In the case of amending acts, passages in an existing provision that the Commission has left unchanged, but that Parliament wishes to amend, are highlighted in **bold**. Any deletions that Parliament wishes to make in passages of this kind are indicated thus: [...]. Highlighting in **normal italics** is an indication for the relevant departments showing parts of the legislative text for which a correction is proposed, to assist preparation of the final text (for instance, obvious errors or omissions in a given language version). Suggested corrections of this kind are subject to the agreement of the departments concerned.
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(*) Associated committee - Rule 47 of the Rules of Procedure
DRAFT EUROPEAN PARLIAMENT LEGISLATIVE RESOLUTION


(Codecision procedure: first reading)

The European Parliament,

– having regard to the Commission proposal to the European Parliament and the Council (COM(2008)0019),
– having regard to Article 251(2), Article 175(1) and Article 95 of the EC Treaty, pursuant to which the Commission submitted the proposal to Parliament (C6-0046/2008),
– having regard to the opinion of the Committee on Legal Affairs on the proposed legal basis,
– having regard to Rules 51 and 35 of its Rules of Procedure,
– having regard to the report of the Committee on Industry, Research and Energy and the opinions of the Committee on the Environment, Public Health and Food Safety, the Committee on International Trade, the Committee on Economic and Monetary Affairs, the Committee on Transport and Tourism, the Committee on Regional Development and the Committee on Agriculture and Rural Development (A6-0369/2008),

1. Approves the Commission proposal as amended;

2. Calls on the Commission to refer the matter to Parliament again if it intends to amend the proposal substantially or replace it with another text;

3. Instructs its President to forward its position to the Council and the Commission.

Amendment 1

Proposal for a directive
Recital 1

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<th>Text proposed by the Commission</th>
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<tr>
<td>(1) The increased use of energy from renewable sources constitutes an important part of the package of measures needed to reduce greenhouse gas emissions and comply with the Kyoto Protocol to the United Nations Framework Convention on climate change</td>
<td>(1) The control and reduction of European energy consumption and the increased sustainable use of energy from renewable sources, together with energy savings, constitute important parts of the package of measures needed to reduce greenhouse gas emissions and comply with the Kyoto Protocol to the United Nations Framework Convention on climate change</td>
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Climate Change, and with further European and international greenhouse gas emission reduction commitments beyond 2012. It also has an important part to play in promoting security of energy supply, promoting technological development and providing opportunities for employment and regional development, especially in rural areas.

greenhouse gas emissions and comply with the Kyoto Protocol to the United Nations Framework Convention on Climate Change, and with further European and international greenhouse gas emission reduction commitments beyond 2012. It also has an important part to play in promoting security of energy supply, promoting technological development and providing opportunities for employment and regional development, especially in rural and isolated areas.

Amendment 2

Proposal for a directive
Recital 2

Text proposed by the Commission

(2) In particular, increased use of biofuels for transport is one of the most effective tools by which the Community can reduce its dependence on imported oil – where the security of supply problem is most acute - and influence the fuel market for transport.

Amendment

(2) In particular, increased technological improvements, incentives for the use and expansion of public transport, use of energy efficiency technologies and use of energy from renewable sources in transport are some of the most effective tools by which the Community can reduce its dependence on imported oil in the transport sector – where the security of supply problem is most acute - and influence the fuel market for transport.

Justification

Transport represents 30% of total energy consumption in the EU with dependency on petrol reaching 98%. It is not surprising therefore that it is the second largest polluter of greenhouse gas emissions in the EU. Hence, the EU should concentrate on increasing the use of energy from renewable sources, technological improvements and reducing traffic by transferring individual use to using public transport.

Amendment 3
Proposal for a directive
Recital 2 a (new)

Text proposed by the Commission

(2a) The Commission Communication of 7 November 2001 on alternative fuels for road transportation and on a set of measures to promote the use of biofuels set as a target for the EU to replace 20 % of diesel and gasoline fuels with alternative fuels in the road transport sector by 2020. The Commission should consider proposing a separate initiative to promote the penetration of clean and alternative road transport fuels such as synthetic fuels made of natural gas in addition to renewable energy in order to efficiently complement this Directive.

Justification

This proposal focuses solely on the promotion of renewables and biofuels, although other alternative road transport fuels can also critically contribute to achieve the objectives of sustainability, security of supply and competitiveness. Considering renewables for transport are now tackled as part of this Directive, it is therefore necessary to reformulate the targets for other alternative fuels in a separate initiative.

Amendment 4

Proposal for a directive
Recital 3 a (new)

Text proposed by the Commission

(3a) Solid renewable fuels such as energy wood are the European Union's largest renewable energy source. Despite this, no Community legislation on biomass-based heating and cooling networks has been adopted to date. Sustainability criteria therefore need to be laid down for the use of wood biomass for high-efficiency-boiler cogeneration and sustainable
Amendment 5
Proposal for a directive
Recital 3 b (new)

*Text proposed by the Commission*

(3b) The use of agricultural waste such as manure, slurry and other animal and organic waste for biogas production has, in view of the high greenhouse gas emission savings potential, significant environmental advantages in terms of heat and power production and its use as biofuel. Biogas installations can, as a result of their decentralised nature and the regional investment structure, contribute significantly to sustainable development in rural areas and offer farmers new income opportunities.

Amendment 6
Proposal for a directive
Recital 4

*Text proposed by the Commission*

(4) The Renewable Energy Roadmap demonstrated that a 20% target for the overall share of energy from renewable sources and a 10% target for renewable energy in transport would be appropriate and achievable objectives, and that a framework that includes mandatory targets should provide the business community with the long term stability it needs to make *rational investment decisions* in the renewable energy sector.

*Amendment*

(4) The Renewable Energy Roadmap demonstrated that a 20% target for the overall share of energy from renewable sources and a 10% target for renewable energy in transport would be appropriate and achievable objectives, and that a framework that includes mandatory targets should provide the business community with the long term stability it needs to make *sustainable investments* in the renewable energy sector which are capable of reducing dependence on imported fossil fuels and boosting the use of new energy technologies. Those targets exist in the context of the 20% improvement in energy efficiency by 2020 set out in the...


Justification

The European Union has the capacity to develop far-reaching innovations in the field of renewable energy, resulting in greater independence and smaller climate impact.

Amendment 7

Proposal for a directive
Recital 4 a (new)

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| (4a) The opportunities for establishing economic growth through innovation and a sustainable competitive energy policy have been recognised. Renewable energy production often depends on local or regional small and medium-sized enterprises (SMEs). The opportunities for growth and employment that regional and local renewable energy investments bring about in the Member States and their regions are important. The Commission and the Member States therefore should support national and regional development measures in those areas, encourage the exchange of best practices in renewable energy production between local and regional development initiatives and promote the use of structural funding in this area. | }
Amendment 8

Proposal for a directive
Recital 5 a (new)

Text proposed by the Commission

(5a) To obtain an energy model that supports renewable energies there is a need to establish strategic cooperation in which the regions and local authorities take part, together with the Member States, with the aim of involving them directly in its development.

Amendment 9

Proposal for a directive
Recital 6

Text proposed by the Commission

(6) The main purpose of binding targets is to provide certainty for investors. Deferring a decision about whether a target is binding until a future event takes place is thus not appropriate. In a statement to the minutes of the Council of 15 February 2007, the Commission therefore stated that it did not consider that the binding nature of the target should be deferred until second generation biofuels became commercially available.

Amendment

(6) The main purpose of binding targets is to provide certainty for investors and to encourage continuous development of technologies which generate energy from all types of renewable sources. Deferring a decision about whether a target is binding until a future event takes place is thus not appropriate. In a statement to the minutes of the Council of 15 February 2007, the Commission therefore stated that it did not consider that the binding nature of the target should be deferred until second generation biofuels became commercially available. In this connection there should be more support for promoting the development of second-generation biofuels, such as Biomass to Liquid (BTL), which not only permit greater greenhouse gas savings but also engender benefits in terms of other environmental effects. The many uncertainties in relation to biofuel production today, however, call for a more cautious
approach than that taken hitherto. The most advanced technologies, such as electricity or hydrogen from renewable sources, energy from waste, residues and ligno-cellulosic biomass or algae produced in vats, or energy from feedstock grown on degraded land with a net carbon benefit regarding land use emissions over 10 years, should therefore be promoted by defining their share within the 10 % target as a share of 40 % which should be adapted depending on their availability.

Amendment 10
Proposal for a directive
Recital 6 a (new)

Text proposed by the Commission

(6a) It will be incumbent upon Member States to make significant improvements in energy efficiency in all sectors in order more easily to achieve their renewable energy targets, which are expressed as a percentage of final energy consumption. The need for energy efficiency in the transport sector is imperative because a binding percentage target for renewable energy is likely to become increasingly difficult to achieve sustainably if overall demand for energy for transport continues to rise. The mandatory 10 % minimum target to be achieved by all Member States should therefore be defined as that share of final energy consumed in transport which is to be achieved from renewable sources, not from biofuels alone, and imposed in conjunction with a mandatory improvement in energy efficiency in the transport sector of 20% by 2020.

Justification

It will be very difficult to reach sustainably the 10% target for transport if the total amount of

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energy consumed in transport continues to rise. By making the indicative energy efficiency target of 20% by 2020 into a binding target for the transport sector, a reduction in energy demand in the transport sector will be achieved and therefore the quantitative requirement of the 10% target will be less.

Amendment 11
Proposal for a directive
Recital 6 b (new)

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<td>6b. Within the framework of this Directive, it is vital that each Member State employs the most efficient and effective support scheme to facilitate the achievement of the renewable energy targets, taking into account the specific characteristics of the electricity market within that Member State.</td>
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Amendment 12
Proposal for a directive
Recital 7

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<th>Text proposed by the Commission</th>
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<td>(7) The European Parliament, in its Resolution of 25 September 2007 on the Roadmap for Renewable Energy in Europe, has called on the Commission to present by the end of 2007 a proposal for a renewable energy legislative framework, referring to the importance of setting targets for the shares of energy from renewable sources at Community and Member State level.</td>
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Justification

The European Parliament under the INI report of MEP Britta Thomsen on the road map for renewable energy in Europe (EP resolution P6-TA(2007)0406 of 25 September 2007) was urging as well for clear and binding targets for the three different sectors.

Amendment 13

Proposal for a directive
Recital 8

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<td>(8) In the light of the positions taken by the Commission, the Council and the European Parliament, it is appropriate to establish mandatory targets for an overall 20% share of renewable energy and a 10% share of renewable energy in transport in the European Union's consumption in 2020.</td>
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<tr>
<td>(8) In the light of the positions taken by the European Parliament, the Council and the Commission, it is appropriate to establish mandatory targets for an overall 20% share of renewable energy and a share of renewable energy in transport in the European Union's final consumption of 5% in 2015 and 10% in 2020, of which 20% in 2015 and 40% in 2020 is met by the use of electricity or hydrogen from renewable sources, energy from waste, residues and ligno-cellulosic biomass or algae produced in vats, or energy from feedstock grown on degraded land with a net carbon benefit regarding land use emissions over 10 years. A review in 2014 should focus on consequences for food security, biodiversity and the availability of electricity or hydrogen from renewable sources, biogas or transport fuels from ligno-cellulosic biomass and algae. Depending on the conclusions of the review, the 2020 targets could be modified, but such modification should have no effect on the overall 2020 target for energy consumption from renewables.</td>
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Amendment 14
Proposal for a directive  
Recital 9  

Text proposed by the Commission  

(9) Member States' starting points, renewable energy potentials and energy mixes vary. It is therefore necessary to translate the overall 20% target into individual targets for each Member State, with due regard to a fair and adequate allocation taking account of different national starting points and potentials, including the existing level of renewable energies and energy mix. It is appropriate to do this 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 Gross Domestic Product, modulated to reflect national starting points, and by accounting in terms of final energy consumption.

Amendment  

Amendment 15  

Proposal for a directive  
Recital 10  

Text proposed by the Commission  

(10) By contrast, it is appropriate for the 10% target for renewable energy in transport to be set at the same level for each Member State in order to ensure consistency in transport fuel specifications and availability. Because transport fuels are traded easily, Member States with low endowments of the relevant resources will easily be able to obtain renewable transport fuels from elsewhere. **While it would technically be possible for the Community to meet its biofuel target solely from**

Amendment  

(10) By contrast, it is appropriate for the 5% and 10% target for renewable energy in transport, **in conjunction with a mandatory 20 % improvement in energy efficiency in transport**, to be set at the same level for each Member State in order to ensure consistency in transport fuel specifications and availability. Because transport fuels are traded easily, Member States with low endowments of the relevant resources will easily be able to obtain renewable transport fuels from
domestic production, it is both likely and desirable that the target will in fact be met through a combination of domestic production and imports. To this end, the Commission should monitor the supply of the Community market for biofuels, and should, as appropriate, propose relevant measures to achieve a balanced approach between domestic production and imports, taking into account the development of multilateral and bilateral trade negotiations as well as environmental, cost, energy security and other considerations.

Amendment 16
Proposal for a directive
Recital 10 a (new)

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<td>(10a) Member States should aim to diversify the renewable energy mix in each transport sector. The Commission should present a report to the European Parliament and to the Council by 1 June 2015 outlining the potential for increasing the use of renewable energy in each transport sector.</td>
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Justification

The potential for renewable energy from transport exists in all sectors, not only road transport, and needs to be developed.

Amendment 17
Proposal for a directive
Recital 11

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<th>Text proposed by the Commission</th>
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<td>(11) To ensure that the overall targets are achieved, Member States should work towards an indicative trajectory tracing a path towards the achievement of their</td>
<td>(11) To ensure that the mandatory overall targets are achieved, Member States should work towards mandatory minimum interim targets tracing a path towards the</td>
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</table>
targets, and should establish a national action plan including sectoral targets, while having in mind that there are different uses of biomass and therefore it is essential to mobilise new biomass resources.

In addition, they should set out their measures to achieve these targets, while having in mind policies and measures to reduce the final energy consumption, and the fact that there are different uses of biomass and therefore it is essential to mobilise new biomass resources. Assessments concerning the expected contribution of each renewable energy technology and a strategic environmental assessment should be included. Member States should take into account the optimal combination of energy efficiency technologies with renewables.

Amendment 18
Proposal for a directive
Recital 11 a (new)

Text proposed by the Commission

(11a) It is essential to ensure that Member States put in place cost-effective policies and measures in order to minimise the burden on energy consumers and society.

Justification

Renewable energy policies must be cost effective.

Amendment 19
Proposal for a directive
Recital 11 b (new)

Text proposed by the Commission

(11b) Biomass acts as a carbon reservoir in that, during their growth, plants
capture CO$_2$ in the atmosphere (chlorophyll photosynthesis) and sequester it until they are burned or reach an advanced state of decomposition. The use of wood as a building material enables that carbon sequestration period to be extended throughout the relevant product's life cycle, thus creating – subject to sustainable forestry management – a genuine carbon sink.

Amendment 20

Proposal for a directive
Recital 12

Text proposed by the Commission

(12) To permit the benefits of technological advance and economies of scale to be reaped, the indicative trajectory should take into account the possibility of a more rapid growth in the use of energy from renewable sources in later years. In this way, special attention can be given to sectors that disproportionately suffer from the absence of technological advance and economies of scale and therefore remain under-developed, but which in future could significantly contribute to reaching the targets for 2020.

Amendment

(12) To permit the benefits of technological advance and economies of scale to be reaped, the mandatory minimum interim targets should take into account the possibility of a more rapid growth in the use of energy from renewable sources in later years. In this way, special attention can be given to sectors that disproportionately suffer from the absence of technological advance and economies of scale and therefore remain under-developed, but which in future could significantly contribute to reaching the targets for 2020.

Justification

To ensure that Member States are truly progressing and not leaving decisions till the year 2020 the trajectory has to be binding and seen as a minimum level of ambition.

Amendment 21

Proposal for a directive
Recital 12 a (new)

Text proposed by the Commission

(12a) To ensure that the Member States
comply with the objectives pursued by this Directive, and particularly with the mandatory interim and final targets, as well as the overall Community target of 20% by 2020, and also to provide incentives for Member States to transcend those targets, this Directive should introduce a direct penalty mechanism. Penalties should be imposed by the Commission against Member States which fail to meet their targets. The revenue from such penalties should be used to finance a specific fund (assigned revenue), in accordance with Council Regulation (EC, Euratom) No 1605/2002 of 25 June 2002 on the Financial Regulation applicable to the general budget of the European Communities.

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**Justification**

The European Community has long been regulating the common market and imposing, in this context, production quotas and levies largely burdening Member States. Since quotas are now becoming tools of environmental policy, financial penalties should be adopted here to provide Member States with incentives to invest in renewable energy, while the revenue from the penalties may further be used to boost the development of renewable energy in the European Union.

**Amendment 22**

**Proposal for a directive**

**Recital 12 b (new)**

<table>
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<td>(12b) The penalty should be calculated on the basis of the Member State’s shortfall of MWh of renewable energy compared with its mandatory interim target, and should be set at an appropriate level to provide a strong incentive for Member States to invest in renewable energy, with a view to complying with, and even exceeding, national targets.</td>
<td></td>
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Justification

The assessment method and the price of the penalty should be such as to ensure that Member States have a real and strong incentive to invest in renewable energy, in order to comply with, and even go beyond, their targets- instead of finding in the penalty a cheap solution for evading their obligations. According to current economic considerations, 90 Euros per missed MWh of renewable energy would be an appropriate basis for calculating the penalty, in view of the abovementioned aims.

Amendment 23

Proposal for a directive
Recital 12 c (new)

Text proposed by the Commission
(12c) To increase the use of energy from renewable sources further, it is necessary to create a truly functioning energy market, the external costs of energy production and consumption need to be properly attributed to the different energy sources. If all social, environmental and health care costs are properly take into account, energy from most of the renewable sources available today is already fully cost competitive and often cheaper than energy from conventional sources. Support systems for energies from renewable sources therefore constitute political instruments to compensate for the lack of internalisation of external costs and for competitive disadvantages in distorted energy markets.

Justification

It is important to make a reference about external costs of conventional energy in comparison to renewable energies.

Amendment 24
(12d) The Community and Member States should dedicate a significant amount of financial resources to the research and development of renewable energy technologies, including out of the revenues from the European Emissions Trading Scheme. The European Institute of Innovation and Technology should give high priority to the research and development of renewable energy technologies.

(12e) Public support for electricity produced from renewable sources is based on the assumption that, in the long term, such electricity can compete with electricity produced conventionally. Public support is necessary to reach the Community's objectives with regard to the expansion of electricity produced from renewable sources, in particular for as long as electricity prices in the internal market do not reflect the full social and environmental costs and benefits of energy sources used. The Community guidelines and policies for State aid for environmental protection should take full account of the need to internalise all external costs of electricity until fair competition has been achieved.

Justification

In the context of the electricity market, the Commission's interest in revising the Community Guidelines for State aid for environmental protection must be to create fair competition for
all energy sources. Electricity from fossil sources and nuclear energy are still being sold at prices which do not reflect the real costs.

Amendment 26
Proposal for a directive
Recital 12 f (new)

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<th>Text proposed by the Commission</th>
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<td>(12f) When favouring the development of the market for renewable energy sources, it is necessary to take into account the positive impact on regional and local development opportunities, export prospects, social cohesion and employment opportunities, especially as concerns SMEs as well as independent power producers.</td>
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Amendment 27
Proposal for a directive
Recital 13

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<td>(13) The path should take 2005 as its starting point because that is the latest year for which reliable data on national renewable energy shares are available.</td>
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<tr>
<td>(13) The path should take 2005 as its starting point because that is the latest year for which reliable data on national renewable energy shares are available and is the baseline for the '20 % by 2020' energy efficiency target.</td>
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Justification

Because the Renewable Energy target is a percentage target it is essential to consider it alongside measures to reduce total energy demand.

Amendment 28
Proposal for a directive
Recital 13 a (new)

Text proposed by the Commission

(13a) It is necessary to set unambiguous definitions for renewable energy sources. Only those definitions specifically laid down in a category of renewable energies by Eurostat or the Intergovernmental Panel on Climate Change should be addressed in this Directive.

Justification

Only true renewable energies will have to be considered in this Directive.

Amendment 29

Proposal for a directive
Recital 13 b (new)

Text proposed by the Commission

(13b) Member States may encourage local and regional authorities to set targets in excess of national targets and to involve local and regional authorities in drawing up national action plans and in raising awareness of the benefits of renewable energy.

Justification

Implementation of the Renewable Energy Directive will involve many actions at local and regional level so local and regional authorities should be integrated as much as possible into planning and execution of national plans.

Amendment 30

Proposal for a directive
Recital 13 c (new)

Text proposed by the Commission

(13c) Peat should not be considered to be
a renewable energy.

Justification

Peat is considered as a separate category under the IPCC. According to the IPCC, peat is not a renewable energy and greenhouse gases emissions from peat must be reported by Parties as part of the fossil fuels emissions.

**Amendment 31**

Proposal for a directive
Recital 14

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<tr>
<td>(14) It is necessary to set unambiguous rules for calculating the share of energy from renewable sources.</td>
<td>(14) It is necessary to set <strong>transparent and</strong> unambiguous rules for calculating the share of energy from renewable sources.</td>
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**Amendment 32**

Proposal for a directive
Recital 14 a (new)

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<td><em>(14a) In order to cut greenhouse gas emissions within the European Union and reduce its dependence on energy imports, the development of renewable energies should be closely linked to increased energy efficiency.</em></td>
<td><strong>A precondition for the substantial development of renewable energies is that it should significantly reduce total energy consumption (particularly through measures to increase energy efficiency).</strong></td>
</tr>
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Justification

**Amendment 33**
Proposal for a directive
Recital 15

Text proposed by the Commission

(15) In calculating the contribution of hydropower, the effects of climatic variation should be smoothed through the use of a normalisation rule.

Amendment

(15) In calculating the contribution of hydro and wind power, the effects of climatic variation should be smoothed through the use of a normalisation rule.

Justification

Like hydropower, windpower is also dependent on weather conditions. A normalisation rule needs to be introduced for wind as well.

Amendment 34

Proposal for a directive
Recital 16

Text proposed by the Commission

(16) Heat pumps using geothermal resources from the ground or water, and heat pumps using ambient heat from the air to transfer the thermal energy to a useful temperature level, need electricity to function. Heat pumps using ambient heat from the air often require the use of significant amounts of conventional energy. Therefore, only useful thermal energy coming from heat pumps using ambient heat from the air that meet the minimum requirements of the coefficient of performance established in Commission Decision 2007/742/EC, in accordance with Regulation (EC) No 1980/2000 of the European Parliament and of the Council of 17 July 2000 on a revised Community eco-label award scheme, should be taken into account for the purpose of measuring compliance with the targets established by this Directive.

Amendment 35
Proposal for a directive
Recital 17 a (new)

Text proposed by the Commission

(17a) It is necessary to support the demonstration and commercialisation phase for decentralised renewable technologies. The move towards decentralised energy production has many benefits such as utilisation of local energy sources, shorter transport distances and reduced energy transmission losses. It also fosters community development and cohesion, by providing income sources and creating jobs locally.

Amendment 36
Proposal for a directive
Recital 17 b (new)

Text proposed by the Commission

(17b) The recycling of biomass, particularly timber, should always take precedence over its use for energy production.

Justification

The use of biomass for energy should not have a negative impact on its recycling, particularly in the case of wood.

Amendment 37
Proposal for a directive
Recital 17 c (new)

Text proposed by the Commission

(17c) In order to exploit the full potential of biomass, the Community and the Member States should ensure greater mobilisation of existing timber reserves and the development of new forestry.
systems.

Justification

In the Member States and in the EU only part of the biomass potential is actually used, particularly in the case of wood. The necessary forestry systems structures should be improved in order to increase the share of renewables in this sector.

Amendment 38
Proposal for a directive
Recital 17 d (new)

Text proposed by the Commission

(17d) The use of agriculture to produce high-quality foodstuffs should take precedence over its use for energy production.

Justification

The use of biomass for energy purposes must not be to the detriment of food production.

Amendment 39
Proposal for a directive
Recital 18

Text proposed by the Commission

(18) Imported electricity, produced from renewable energy sources outside the Community, may count towards Member States’ targets. However, to avoid a net increase in greenhouse gas emissions through the diversion of existing renewable sources and their complete or partial replacement by conventional energy sources, only electricity generated by renewable energy installations that become operational after the entry into force of this Directive should be eligible to be counted. To ensure that such imports can be tracked and accounted for in a reliable way, it is appropriate for them to
take place within the framework of a system of guarantees of origin. Agreements with third countries concerning the organisation of this trade in electricity from renewable energy sources will be considered.

Amendment 40
Proposal for a directive
Recital 18 a (new)

Text proposed by the Commission
(18a) Member States are responsible for meeting their individual targets for the share of energy from renewable sources. They operate different national support schemes for renewable energy sources, including green certificates, investment aid, tax exemptions or reductions, tax refunds and direct price support schemes. One important means of achieving the aim of this Directive is to guarantee the proper functioning of those mechanisms until a Community framework is put into effect, in order to maintain investor confidence.

Justification
Thanks to some proper well designed national support schemes combined with a functioning administration Europe is world leader in renewable energy. Therefore, it has to be ensured that these support schemes can guarantee the further development of renewables in Europe.

Amendment 41
Proposal for a directive
Recital 19

Text proposed by the Commission
(19) To create opportunities for reducing the cost of achieving the targets laid down in this Directive, it is appropriate both to facilitate the consumption in Member

Amendment
(19) To create opportunities for reducing the cost of achieving the targets laid down in this Directive, in addition to the national effort required it is appropriate
States of energy produced from renewable sources in other Member States, and also to enable Member States to count electricity, heating and cooling consumed in other Member States towards their own national targets. For this reason, **harmonised provisions for the design and transfer of guarantees of origin in these sectors should be adopted.**

both to facilitate the consumption in Member States of energy produced from renewable sources in other Member States, and also to enable Member States to count electricity, heating and cooling consumed in other Member States towards their own national targets. For this reason, **flexibility shall be allowed but remain under Member States control. It could take the form of statistical transfers and/or joint projects between Member States.**

Amendment 42

Proposal for a directive
Recital 20

**Text proposed by the Commission**

(20) The obligatory issuing, on request, of guarantees of origin for heating or cooling produced from renewable energy sources, should be limited to plants with a capacity of at least 5 MWth, in order to avoid the unnecessarily high administrative burdens that would be imposed if smaller installations, including those in households, were to be included.

**Amendment**

deleted

Amendment 43

Proposal for a directive
Recital 21

**Text proposed by the Commission**

(21) Member States should be able to establish systems of prior authorisation for the transfer of guarantees of origin to or from other Member States if they need to do so to ensure a secure and balanced energy supply, to achieve the environmental objectives that underlie their support scheme, or to comply with the targets laid down in this Directive. Such systems should be limited to what is
necessary and proportionate and should not constitute a means of arbitrary discrimination.

Amendment 44
Proposal for a directive
Recital 22

Text proposed by the Commission

(22) Once the system of harmonised guarantees of origin has been tested, the Commission should review whether any further changes are needed.

Amendment 45
Proposal for a directive
Recital 23

Text proposed by the Commission

(23) To avoid interference with support schemes granted to existing installations and to avoid overcompensation of renewable energy producers, only guarantees of origin issued to installations that were commissioned after the date of entry into force of this Directive, or for production due to an increase, after that date, in the renewable energy capacity of an installation, should be transferable between Member States.

Amendment 46
Proposal for a directive
Recital 24

Text proposed by the Commission

(24) The lack of transparent rules and coordination between the different authorisation bodies has been shown to
hinder the deployment of renewable energy. Therefore the specific structure of the renewable energy sector should be taken into account when national, regional and local authorities review their administrative procedures for giving permission to construct and operate plants producing electricity, heating and cooling or transport fuels from renewable energy sources. Administrative approval procedures should be streamlined with clear deadlines for installations using energy from renewable sources. Planning rules and guidelines should be adapted to take into consideration cost effective and environmentally beneficial renewable heating and cooling and electricity equipment.

**Justification**

The rapid deployment of Renewable energies is often hindered by complicated procedures too many layers of decision power and a lack of concentration. A one-stop shopping approach is desirable. But this should not mean that it is necessary that the permission authority would only lie on the national level. In case municipalities have set their own RE development planning they need to be encouraged and they should maybe in cooperation with the next higher administrative level become the responsible concentrating authority.

**Amendment 47**

**Proposal for a directive**

**Recital 26**

**Text proposed by the Commission**

(26) At national and regional level, rules and obligations for minimum requirements of renewable energy use in new and refurbished buildings have led to considerable increases in renewable energy use. These measures should be encouraged in a wider European context, while

**Amendment**

(26) At national and regional level, rules and obligations for minimum requirements of renewable energy in new and refurbished buildings have led to considerable increases in renewable energy. These measures should be encouraged in a wider European context,
promoting more energy-efficient renewable energy applications in building codes and regulations. while promoting more energy-efficient buildings.

Justification

Use of renewable energies, including passive ones, has to be encouraged in the building sector. This must however be part of a comprehensive approach aiming at reducing the overall energy consumption in this sector as in each individual building whether it is a new or a refurbished one.

Amendment 48

Proposal for a directive
Recital 26 a (new)

<table>
<thead>
<tr>
<th>Text proposed by the Commission</th>
<th>Amendment</th>
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<tbody>
<tr>
<td>(26a) The European Parliament, in its Resolution of 14 February 2006 with recommendations to the Commission on heating and cooling from renewable sources of energy, called for tax advantages, direct investment aid, regulatory measures and other mechanisms for the promotion of the utilisation of renewable energy systems and of local and remote district heating and cooling from renewable energies.</td>
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Justification

In its resolution on the Promotion of RES of 14 February 2006, the European Parliament recognised the importance of district heating and cooling for the achievement of the EU target of 20% energy share from RES.

Amendment 49

Proposal for a directive
Recital 28

<table>
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<th>Text proposed by the Commission</th>
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<td>(28) A coordinated approach is needed to</td>
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develop training and appropriate certification should be made available to small scale renewable energy equipment installers in order to avoid market distortions and to ensure high quality products and service provision for consumers. National certification schemes should be mutually recognised by Member States and should therefore be based on minimum harmonised principles, taking into account European technology standards, and existing training and qualification regimes for renewable energy equipment installers. Directive 2005/36/EC of the European Parliament and of the Council of 7 September 2005 on the recognition of professional qualifications should continue to apply to issues not governed by this Directive, such as the recognition of professional qualifications of installers not certified in one Member State.

Justification

Directive 2005/36/EC governs recognition of professional qualifications for regulated professions. It must continue to apply to installers who have voluntarily had themselves certified in accordance with the Directive on renewable energies. The installation of equipment using renewable energies constitutes only part of the work of, for example, heating engineers. Certification to exercise part of the work of a regulated profession cannot imply a right to exercise the whole profession. The legal basis for matters relating to the recognition of professional qualifications is Art. 47 of the EC Treaty.

Amendment 50

Proposal for a directive
Recital 28 a (new)

Text proposed by the Commission

(28a) Combined cycle power stations represent the best possible combination of the advantages of the various renewable
energy sources, while also being as reliable and efficient as a traditional large-scale power station. The Commission should make incentives available for the expansion of and further research into such combined cycle power stations. This would permit the growing energy production from renewable sources in Europe to be used more effectively, since combined cycle power stations are capable of linking and channelling energy produced all over Europe by wind, solar, biomass and hydroelectric power.

Justification

Combined cycle power stations are capable of combining the advantages and offsetting the disadvantages of renewable energy sources and thus of linking and channelling energy from wind and solar plants, which only produce energy subject to availability, together with top-up energy from biogas and hydroelectric power.

Amendment 51

Proposal for a directive
Recital 29

Text proposed by the Commission

(29) While Directive 2005/36/EC lays down requirements for the mutual recognition of professional qualifications, including for architects, there is a further need to ensure that architects and planners properly consider the use of energy from renewable sources in their plans and designs. Member States should therefore provide clear guidance. This should be done without prejudice to the provisions of Directive 2005/36/EC and in particular Articles 46 and 49 thereof.

Amendment

(29) While Directive 2005/36/EC lays down requirements for the mutual recognition of professional qualifications, including for architects, there is a further need to ensure that architects and planners properly consider an optimal combination of renewable energy sources and high-efficiency technologies in their plans and designs. Member States should therefore provide clear guidance. This should be done without prejudice to the provisions of Directive 2005/36/EC and in particular Articles 46 and 49 thereof.

Justification

Policies should be defined in terms of result-based obligations rather than in terms of means. It requires therefore an optimal combination of renewable energy sources and high-efficiency technologies.
technologies, rather than one or the other option. Furthermore, for a given building, there might not exist locally available renewable energy sources.

Energy efficiency is essential to meet the 2020 targets. This is all the more important for buildings, since they offer important energy efficiency potential.

Amendment 52
Proposal for a directive
Recital 29 a (new)

Text proposed by the Commission

(29a) There is a need for strong support for renewable energy utility grid integration as well as for the use of intermittent energy storage systems (such as batteries) for integrated renewable energy production.

Justification

The imbalance between the renewable energy supply and demand requires efficient intermediate energy storage capacity.

Amendment 53
Proposal for a directive
Recital 30

Text proposed by the Commission

(30) The costs of connecting new producers of electricity from renewable energy sources to the electricity grid should be objective, transparent and non-discriminatory and due account should be taken of the benefit embedded generators bring to the grid.

Amendment

(30) The costs of connecting new producers of electricity and gas from renewable energy sources to the electricity and gas grids should be objective, transparent and non-discriminatory and due account should be taken of the benefit embedded generators bring to the grid, in particular through a specific scheme for sharing connection costs.

Justification

The provisions should be extended to cover the production of gas from renewable energy sources, as well.
Amendment 54
Proposal for a directive
Recital 30 a (new)

Text proposed by the Commission

(30a) Electricity producers who want to exploit the potential of renewable energies in the peripheral regions of the Community, in particular in island regions and regions of low population density, should benefit from reasonable connection costs in order to ensure that they are not disadvantaged in comparison with producers situated in more central, more industrialised and more densely populated areas.

Justification

The text of the Commission's proposal underlines that connection costs to the grid must be 'transparent' and 'non-discriminatory'. This point is not questioned, but there is a risk of slippage, if there is a misinterpretation of the principle of 'non-discrimination'. Forbidding all policies not aimed at maintaining a level playing field will not take into account the special needs of isolated communities.

Amendment 55
Proposal for a directive
Recital 30 b (new)

Text proposed by the Commission

(30b) The administration responsible for supervising authorisation, certification and licensing renewable energy plants should be objective, transparent, non-discriminatory and proportionate when ruling specific projects. Any abuse or artificially created burden for renewables like the classification of renewable energy projects under the installations which represent a high health risk should therefore be rejected.
Un-due administrative barriers towards the development of renewable energies must be forbidden.

Amendment 56

Proposal for a directive
Recital 31

Text proposed by the Commission

(31) In certain circumstances it is not possible to fully ensure transmission and distribution of electricity produced from renewable energy sources without affecting the reliability and safety of the grid system. In these circumstances it may be appropriate for financial compensation to be given to those producers.

Justification

There is no reason for such a recital.

Amendment 57

Proposal for a directive
Recital 33 a (new)

Text proposed by the Commission

(33a) Energy produced by offshore wind power plants located outside territorial waters should be assigned to the Member State to whose network they are connected.

Justification

In some Member States offshore wind farms will lie outside territorial waters. These power plants should also be taken into account.

Amendment 58
(33b) The European Union and the Member States should ensure by all possible means that the total consumption of energy in transport falls substantially. The principal means of reducing the total consumption of energy in transport include transport planning, support for public transport, increasing the share of electric cars in production and producing cars which are more energy efficient and smaller both in size and in engine capacity.

Amendment 59

Proposal for a directive
Recital 34

(34) **Biofuel** production should be environmentally sustainable. **Biofuels** used for compliance with the targets laid down in this Directive, and those that benefit from national support systems, should therefore be required to fulfil criteria for environmental sustainability.

(34) **Biomass** production for energy should be environmentally and socially sustainable and should comply with labour legislation. **Biomass for energy** used for compliance with the targets laid down in this Directive, and those that benefit from national support systems, should therefore be required to fulfil criteria for environmental and social sustainability and to comply with International Labour Organisation conventions on the rights and working conditions of workers.

**Justification**

Environmental and social sustainability criteria should apply to all biomass applications. Compliance with labour legislation should be an essential criterion, on a par with environmental sustainability, and ratification and implementation of the principal labour standards laid down by the ILO should be verified.
Proposal for a directive
Recital 34 a (new)

Text proposed by the Commission

(34a) In order to react to increased food prices, the European Union should take steps to improve agricultural supply and guarantee food security, including the promotion of sustainability criteria for biofuels and the development of second and third-generation biofuels in the European Union and worldwide, and to strengthen agricultural research and knowledge creation.

Justification

On 20 May 2008 the Commission adopted a communication setting out political measures which might be taken to reduce the effects of rising food prices worldwide. These aspects form part of a proposed 3-point strategy.

Proposal for a directive
Recital 35

Text proposed by the Commission

(35) The introduction of environmental sustainability criteria for biofuels will not achieve its objective if it leads to products that do not fulfil the criteria and would otherwise have been used as biofuels being used, instead, as bioliquids in the heating or electricity sectors. For this reason, the environmental sustainability criteria should also apply to bioliquids in general.

Justification

Criteria should not only apply to bioliquids and biofuels, but also to biomass in general which is also being used in the heating or electricity sectors.
Amendment 62

Proposal for a directive
Recital 36

Text proposed by the Commission

(36) The Brussels European Council of March 2007 invited the Commission to propose a comprehensive Directive on the use of all renewable energy sources, which could contain criteria and provisions to ensure sustainable provision and use of bioenergy. These criteria should form a coherent part of a wider scheme covering also bioliquids and not biofuels alone. Such sustainability criteria should therefore be included in this Directive. In order to avoid the additional costs to business and the environmental incoherence that would be associated with an inconsistent approach, it is essential for sustainability criteria in respect of biofuels to be aligned between this Directive and Directive 98/70/EC. The Commission should in addition review in 2010 whether other biomass applications should be included.

Amendment

(36) The Brussels European Council of March 2007 invited the Commission to propose a comprehensive Directive on the use of all renewable energy sources, which could contain criteria and provisions to ensure sustainable provision and use of all biomass for energy. Such sustainability criteria should therefore be included in this Directive. In order to avoid the additional costs to business and the environmental incoherence that would be associated with an inconsistent approach, it is essential for sustainability criteria in respect of transport fuels from biomass to be aligned between this Directive and Directive 98/70/EC.

Justification

The sustainability criteria that are developed under this Directive must cover all solid, gaseous and liquid fuels which are produced from biomass for energy purposes. These criteria must be consistent with the ones set in other pieces of the EU legislation, in particular the Fuel Quality Directive for transport.

Amendment 63

Proposal for a directive
Recital 37

Text proposed by the Commission

(37) If land with high stocks of carbon in its soil or vegetation is converted for the cultivation of raw materials for biofuels and other bioliquids, some of the stored carbon will generally be released into the

Amendment

(37) If land with high stocks of carbon in its soil or vegetation is converted for the cultivation of raw materials for biomass for energy, some of the stored carbon will generally be released into the atmosphere,
atmosphere, leading to the formation of carbon dioxide. The negative greenhouse gas impact of this can offset the positive greenhouse gas impact of the biofuels or bioliquid, in some cases by a wide margin. The full carbon effects of such conversion should therefore be accounted for in calculating the greenhouse gas savings of particular biofuels and other bioliquids. This is necessary to ensure that the greenhouse gas saving calculation takes into account the totality of the carbon effects of the use of biofuels and other bioliquids.

Justification

The sustainability criteria that are developed under this Directive must cover all solid, gaseous and liquid fuels which are produced from biomass for energy purposes. As regards the carbon saving threshold, it is however astonishing that the Commission has only provided the EP and the Council with carbon comparators figures related to liquid fuels from biomass only. Similar figures need to be set in this Directive for gaseous and solid biomass for energy.

Amendment 64

Proposal for a directive
Recital 38

Text proposed by the Commission

(38) In order to prevent unnecessary burdensome research by economic operators and in order to prevent conversion of high-carbon-stock land that in hindsight would prove to be not eligible for producing raw materials for biofuels and other bioliquids, those types of land whose carbon stock loss upon conversion could not, within a reasonable period taking into account the urgency of tackling climate change, be compensated by the greenhouse gas savings of producing biofuels and other bioliquids, should not be converted for the production of biofuels and other bioliquids. Inventories of worldwide carbon stocks lead to the conclusion that wetlands and continuously

Amendment

(38) In order to prevent unnecessary burdensome research by suppliers of biomass for energy and in order to prevent conversion of high-carbon-stock land that in hindsight would prove to be not eligible for producing raw materials for biomass for energy, those types of land whose carbon stock loss upon conversion could not, within a reasonable period taking into account the urgency of tackling climate change, be compensated by the greenhouse gas savings of producing biomass for energy, should not be converted for the production of biomass for energy. Inventories of worldwide carbon stocks lead to the conclusion that, among other types of lands, wetlands and continuously
Amendment 65

Proposal for a directive
Recital 38 a (new)

Text proposed by the Commission

(38a) Land with high stocks of carbon in its soil or vegetation should also not be utilised for the development of other renewable energy projects such as the construction of wind turbines and their associated roads, including 'floating roads' and other infrastructure. The impact of such developments on peatland will inevitably lead to the drying out of the peat bog over large areas and the release of stored carbon into the atmosphere, leading to the formation of carbon dioxide.

Justification

Peatland is a carbon sink. The construction of wind farms, 'floating roads' and other infrastructure leads to the disruption of the natural drainage and the drying out of the peat, thus releasing vast quantities of carbon dioxide into the atmosphere, creating more carbon emissions than the wind farm will ever save.

Amendment 66

Proposal for a directive
Recital 39

Text proposed by the Commission

(39) The incentives provided for in this Directive for biofuels and other bioliquids, and the increasing worldwide demand for biofuels and other bioliquids, should not have the effect of encouraging the destruction of bio-diverse lands. Such exhaustible resources, recognised in various international instruments to be of
value to all mankind, should be preserved. Consumers in the Community, in addition, would find it morally unacceptable that their increased use of biofuels and other bioliquids could have the effect of destroying bio-diverse lands. For these reasons, it is necessary to provide criteria ensuring that biofuels and other bioliquids can only qualify for the incentives when it can be guaranteed that they do not originate in bio-diverse land. The criteria chosen consider forest as bio-diverse where it is undisturbed by significant human activity (following the definition used by the Food and Agriculture Organisation of the United Nations, the United Nations Economic Commission for Europe and the Ministerial Conference on the Protection of Forests in Europe) or where it is protected by national laws for nature protection purposes. Further, considering the highly biodiverse nature of certain grasslands, it is also appropriate that biofuels made from raw materials originating in such lands should not qualify for the incentives provided for by this Directive. The Commission should establish appropriate criteria and/or geographical ranges to define such highly biodiverse grasslands in accordance with the best available scientific evidence and relevant international norms.

value to all mankind, should be preserved. Consumers in the Community, in addition, would find it morally unacceptable that their increased use of fuel from biomass could have the effect of destroying bio-diverse lands. For these reasons, it is necessary to provide criteria ensuring that biofuels and other bioliquids can only qualify for the incentives when it can be guaranteed that they do not originate in bio-diverse land, or that the raw material extraction did not adversely affect biodiversity. The criteria chosen consider forest as bio-diverse where it is undisturbed by significant human activity (following the definition used by the Food and Agriculture Organisation of the United Nations, the United Nations Economic Commission for Europe and the Ministerial Conference on the Protection of Forests in Europe), unless evidence is provided that any human intervention has been and will continue to be of an intensity and periodicity which allows the natural species composition and processes to be retained, or where it is protected by national laws for nature protection purposes. Further, considering the highly biodiverse nature of certain grasslands, it is also appropriate that biofuels made from raw materials originating in such lands should not qualify for the incentives provided for by this Directive if it is harvested in a way that adversely affects biodiversity. The Commission should establish appropriate criteria and/or geographical ranges to define such highly biodiverse grasslands in accordance with the best available scientific evidence and relevant international norms.

Amendment 67
Proposal for a directive
Recital 40

Text proposed by the Commission

(40) Where biofuels and other bioliquids are made from raw material produced in the EU, they should also comply with EU environmental requirements for agriculture. Applying such criteria to imports from third countries is administratively and technically unfeasible.

Amendment

(40) Where raw material for biomass for energy is produced in the EU, it should meet the criteria that apply to imports in addition to EU environmental requirements for agriculture and should not endanger food production. There should be suitable certification schemes to guarantee minimum standards for the environmentally sustainable production of such fuels which, in order to promote global sustainability, should also be applied to imports from third countries.

Member States should, in addition, be encouraged to investigate to what extent integrating new types of lignocellulosic crops into the agricultural landscape can be instrumental in promoting improvements in relation to environmental legislation other than that specifically mentioned in the cross-compliance rules of the Common Agricultural Policy, for instance as regards the protection of the quality of groundwater and surface water, Directive 2000/60/EC of the European Parliament and of the Council of 23 October 2000 establishing a framework for Community action in the field of water policy.


Justification

Same sustainability criteria must be applied to biomass for energy coming from third countries or being produced in the EU.

Amendment 68
Recital 41

Text proposed by the Commission

(41) The environmental sustainability criteria will only be effective if they lead to changes in the behaviour of market actors. Market actors will only change their behaviour if biofuels and other bioliquids meeting the criteria command a price premium compared to those that do not. According to the mass balance method of verifying compliance, there is a physical link between the production of biofuels and other bioliquids meeting the criteria and the consumption of biofuels and other bioliquids in the Community, providing an appropriate balance between supply and demand and ensuring a price premium that is greater than in systems where there is no such link. Therefore to ensure that biofuels and other bioliquids meeting the environmental sustainability criteria can be sold at a higher price, maintaining the integrity of the system while at the same time avoiding imposing an unreasonable burden on industry, the mass balance system should be used to verify compliance. Other verification methods should however be reviewed.

Amendment

(41) The environmental sustainability criteria will only be effective if they lead to changes in the behaviour of market actors. Market actors will only change their behaviour if biomass for energy meeting the criteria command a price premium compared to those that do not. According to the mass balance method of verifying compliance, there is a physical link between the production of biomass for energy meeting the criteria and the consumption of biomass for energy in the Community, providing an appropriate balance between supply and demand and ensuring a price premium that is greater than in systems where there is no such link. Therefore to ensure that biomass for energy meeting the environmental sustainability criteria can be sold at a higher price, maintaining the integrity of the system while at the same time avoiding imposing an unreasonable burden on industry, the mass balance system should be used to verify compliance. Other verification methods should however be reviewed.

Justification

Compliance method should be applied to all biomass for energy.

Amendment 69

Recital 42

Text proposed by the Commission

(42) It is in the interest of the Community to encourage the development of multilateral and bilateral agreements, and voluntary international or national schemes setting

Amendment

(42) It is in the interest of the Community to encourage the development of multilateral agreements, and voluntary international or national schemes setting
setting standards for the production of sustainable biofuels and other bioliquids, and certifying that production of biofuels and other bioliquids meets those standards. For that reason, provision should be made to decide that such agreements or schemes provide reliable evidence and data, provided that they meet adequate standards of reliability, transparency and independent auditing.

Justification

To be consistent with the change of definition of ‘biofuels’.

Amendment 70
Proposal for a directive
Recital 43

Text proposed by the Commission
(43) It is necessary to lay down clear rules for the calculation of greenhouse gas emissions from biofuels and other bioliquids and their fossil fuel comparators.

Amendment
(43) It is necessary to lay down clear rules for the calculation of greenhouse gas emissions from biomass for energy and their fossil fuel comparators on the basis of recognised and current physical and technical information.

Justification

The Commission has only provided the EP and the Council with carbon comparators figures related to liquid fuels from biomass only. Similar figures need to be worked out and set in this Directive for gaseous and solid biomass for energy if we want to cover all biomass for energy.

Amendment 71
Proposal for a directive
Recital 47

Text proposed by the Commission
(47) The requirements for a sustainability scheme for energy uses of biomass, other

Amendment
deleted
than bioliquids and biofuels, should be analysed by the Commission by 2010, taking into account the need for biomass resources to be managed in a sustainable manner.

Justification

There is no fundamental reason to wait for establishing sustainability criteria for all biomass for energy. Most of the sustainability criteria which would apply to the transports fuels and other liquids from biomass can be directly transposed to solid biomass immediately. The calculation of greenhouse gas emissions from solid biomass for energy and their fossil fuels comparators must however be elaborated in order to get a full set of criteria for all biomass for energy.

Amendment 72

Proposal for a directive
Recital 47 a (new)

Text proposed by the Commission

(47a) Encouragement should be given to cost-effective sustainable use of biomass as an energy source. Given that the use of biomass for energy purposes might entail distortions on the market, deforestation, consumption of water resources, and higher food prices, it is necessary to develop other forms of biomass widely available at local level, promote their use, and enable them to penetrate the market.

Justification

To ensure that greater use of biomass for energy purposes will not pose risks in terms of higher food prices, mass deforestation, and water shortages, it is necessary to promote the use of other forms of biomass in plentiful supply at local level and enable them to penetrate the market.
Amendment 73
Proposal for a directive
Recital 48

Text proposed by the Commission

(48) In order to permit the achievement of a 10% share of biofuels, it is necessary to ensure the placing on the market of higher blends of biodiesel in diesel than those envisaged by standard EN590/2004.

Amendment

deleted

Amendment 74
Proposal for a directive
Recital 48 a (new)

Text proposed by the Commission

(48a) Particular attention should be given to the biofuels production and logistics chain, looking in particular at the available infrastructure and the transport and distribution of biofuels throughout the European Union. The logistics chain for the supply of biofuels is an important factor in complying with the objective of greenhouse gas reduction. Accordingly reducing the greenhouse gas emissions it generates should be a key priority. The creation of biofuels production, logistics and distribution infrastructure should thus be encouraged, particularly through projects funded in the context of trans-European energy networks.

Justification

The use of biofuels in the European Union should go hand in hand with investment efforts, e.g. in connection with trans-European energy networks in production, distribution and logistics infrastructures, so that the achievement of the objective is not delayed for want of infrastructure. Furthermore, if transport routes between the place of production and the place of distribution of biofuels are too long, they will be the cause of greenhouse gas emissions and risk diminishing the net benefit in terms of emissions reduction.
Amendment 75

Proposal for a directive
Recital 49

Text proposed by the Commission

(49) In order to ensure that biofuels that diversify the range of feedstocks used become commercially viable, these biofuels should receive an extra weighting under national biofuel obligations.

Amendment

deleted

Justification

If allowed this extra bonus towards the renewables energy targets would create a loophole in the sense that the total amount of renewables energy produced will be reduced to the equivalent of the bonus given. The so-called second generation could better be promoted through a high greenhouse gas saving threshold such as the one suggested in this report, i.e. at least 60%, without jeopardising the RES targets.

Amendment 76

Proposal for a directive
Recital 50 a (new)

Text proposed by the Commission

(50a) Member States operate different mechanisms of support for energy from renewable sources at the national level, which vary also among renewable energy sectors. A harmonised Community-wide framework for support schemes in any of the renewable energy sectors should be envisaged in the long term. [By December 2012] the Commission should assess the impacts of the existing support schemes and the possibility of proposing a harmonised market-based European renewable energy deployment support scheme.

Amendment

Justification

Reaching the RE-targets should be as cost-efficient as possible, but should also encourage the
development of as many technologies as possible. Today 27 different national support schemes exist, and there is a risk that Member States outbid each other to reach their targets, making it more expensive than necessary to reach targets. It is important for investor confidence, that national support schemes are not abruptly altered. For this reason the Commission should assess existing support schemes and the possibility for introducing a harmonised market based scheme.

Amendment 77

Proposal for a directive
Recital 50 b (new)

Text proposed by the Commission

(50b) In order to ensure a stable ongoing framework for the development of renewable energy, the Commission should, by 2016, publish a roadmap for renewable energy beyond 2020, which may include options for the harmonisation of national support schemes and for the full integration of renewable electricity and biogas into the wider EU electricity and gas markets.

Justification

The renewable energy industry is a new industry and currently requires support but in due course it will need to be integrated into the wider energy market. The renewable energy industry will need to have plenty of time to adjust to possible regulatory changes beyond 2020.

Amendment 78

Proposal for a directive
Recital 51

Text proposed by the Commission

(51) Support measures taken pursuant to this Directive that constitute State aid in the sense of Article 87 of the Treaty have to be notified to and approved by the Commission before their implementation, pursuant to Article 88(3) of the Treaty. Information

Amendment

(51) The Member States, regions and local authorities may establish public aid schemes to support renewable energies, as they are initially more expensive than those they replace, with the consequence that their penetration of the energy market does not result in short-term
provided to the Commission on the basis of this Directive does not substitute for the obligation of Member States under the notification obligation pursuant to Article 88(3) of the Treaty.

commercial benefits for the operators or lower prices for consumers. Support measures taken pursuant to this Directive that constitute State aid in the sense of Article 87 of the Treaty have to be notified to and approved by the Commission before their implementation, pursuant to Article 88(3) of the Treaty. Information provided to the Commission on the basis of this Directive does not substitute for the obligation of Member States under the notification obligation pursuant to Article 88(3) of the Treaty.

Justification

The best way of backing alternative energies in the Member States is to involve them in public aid to promote such energies.

Amendment 79

Proposal for a directive
Recital 52

Text proposed by the Commission

(52) When designing their support systems, Member States may encourage the use of biofuels which give additional benefits – including the benefits of diversification offered by biofuels made from wastes, residues, non-food cellulosic material, and ligno-cellulosic material – by taking due account of the different costs of producing energy from traditional biofuels on the one hand and of these biofuels which give additional benefits on the other hand. Member States may encourage investment in the development of renewable energy technologies that need time to become competitive.

Amendment

(52) When designing their support systems, Member States should encourage the use of biofuels which give additional benefits – based on documented inherent greenhouse gas emission reduction capabilities, and including the benefits of diversification offered by biofuels made from wastes, residues, non-food cellulosic material, ligno-cellulosic material and algae, as well as non-irrigated plants grown in arid areas to fight desertification – by taking due account of the different costs of producing energy from traditional biofuels on the one hand and of these biofuels which give additional benefits on the other hand. Member States should encourage investment in the research and development of these and other renewable energy technologies that need time to become competitive.
(55) In particular, power should be conferred on the Commission to adapt the methodological principles and values necessary for assessing whether environmental sustainability criteria have been fulfilled in relation to biofuels and other bioliquids and to adapt the energy content of transport fuels to technical and scientific progress. Since those measures are of general scope and are designed to amend non-essential elements of this Directive by the adaptation of the methodological principles and values, they must be adopted in line with the regulatory procedure with scrutiny provided for in Article 5a of Decision 1999/468/EC.

(55) In particular, the Commission should be empowered to adapt the methodological principles and values necessary for assessing whether environmental and social sustainability criteria have been fulfilled in relation to biomass for energy and to adapt the energy content of transport fuels to technical and scientific progress. The Commission should also be empowered to adopt the measures necessary for the implementation of the penalty mechanism. Those measures should be adopted by the end of 2010. They should specify the methods of calculation and collection of penalties, set out detailed provisions on the administrative handling of the penalties and the establishment of the fund, where the relevant revenues should be allocated and the management and use of the fund to support renewable energy projects in Member States which have exceeded their targets. They should also generally enhance and strengthen the research, production and use of renewable energies and increased energy efficiency in the European Union. Since those measures are of general scope and are designed to amend non-essential elements of this Directive, inter alia by supplementing it with new non-essential elements, they must be adopted in accordance with the regulatory procedure with scrutiny provided for in Article 5a of Decision 1999/468/EC.

Justification

The sustainability criteria as well as the greenhouse gas calculator and the typical and default values in Annex VII for all biomass for energy must be evaluated regularly by the Commission in accordance with the regulatory procedure with scrutiny.
Amendment 81
Proposal for a directive
Recital 57

Text proposed by the Commission
(57) Since the general objectives of achieving a 20% share of renewable energies in the Community’s overall energy consumption and a 10% share of biofuels in each Member State’s transport petrol and diesel consumption by 2020 cannot be sufficiently achieved by the Member States and can therefore, by reason of the scale of the action, be better achieved at Community level, the Community may adopt measures, in accordance with the principle of subsidiarity as set out in Article 5 of the Treaty. 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
(57) Since the objectives of achieving a binding 20% share of renewable energies in the Community’s overall final energy consumption and a binding 10% share of energy from renewable sources in each Member State’s transport sector by 2020 cannot be sufficiently achieved by the Member States and can therefore, by reason of the scale of the action, be better achieved at Community level, the Community may adopt measures, in accordance with the principle of subsidiarity as set out in Article 5 of the Treaty. 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.

Justification
The European Council of March 2007 agreed upon setting a binding target of 20% renewable energy by 2020. Additionally, this Directive sets a 10% target for energy from renewable sources in the transport sector by 2020. Therefore, this Recital must be changed accordingly to make it consistent.

Amendment 82
Proposal for a directive
Recital 57 a (new)

Text proposed by the Commission
(57a) The piecemeal transposition of environmental protection measures, such as Directive 2000/60/EC, may jeopardise overriding environmental and energy objectives, including climate protection. Legislative programmes, particularly in

Amendment
(57a) The piecemeal transposition of environmental protection measures, such as Directive 2000/60/EC, may jeopardise overriding environmental and energy objectives, including climate protection. Legislative programmes, particularly in
the environmental field, should therefore take account of the consequences for the use of renewable energy and as far as possible avoid conflicts of interest.

Justification

In the interest of a coherent overall strategy for environment and energy policy the reciprocal effects of implementing the EU’s environmental and climate objectives need respecting and conflicts avoiding.

Amendment 83

Proposal for a directive
Article 1

Text proposed by the Commission

This Directive establishes a common framework for the promotion of energy from renewable sources. It sets mandatory targets for the overall share of energy from renewable sources in energy consumption and for the share of energy from renewable sources in transport. It lays down rules relating to guarantees of origin, administrative procedures and electricity grid connections in relation to energy from renewable sources. It establishes environmental sustainability criteria for biofuels and other bioliquids.

Amendment

This Directive establishes a common framework for the promotion of energy from renewable sources and its integration into the internal energy market with a view to strengthening existing national support systems in the Member States while combining them in a European energy policy that is increasingly independent of third countries, with greater security of supply and more environmental protection, competitiveness and industrial leadership on the part of the European Union. It sets mandatory targets for the overall and interim share of energy from renewable sources in energy consumption and for the share of energy from renewable sources in transport. It lays down rules relating to guarantees of origin, flexibility instruments, administrative procedures and electricity grid connections in relation to energy from renewable sources in the European Union and the individual Member States. It establishes sustainability criteria for energy from biomass, including for transport fuels from biomass.

Amendment 84
<table>
<thead>
<tr>
<th>Amendment 85</th>
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<tbody>
<tr>
<td>Proposal for a directive</td>
</tr>
<tr>
<td>Article 2 – point a – subparagraph 1 a (new)</td>
</tr>
<tr>
<td><strong>Text proposed by the Commission</strong></td>
</tr>
<tr>
<td>(a) “energy from renewable sources” means renewable non-fossil energy sources: wind, solar, geothermal, wave, tidal, hydropower, biomass, landfill gas, sewage treatment plant gas and biogases;</td>
</tr>
<tr>
<td><strong>Amendment</strong></td>
</tr>
<tr>
<td>(a) “energy from renewable sources” means renewable non-fossil energy sources: wind, solar, geothermal, aerothermal, hydrothermal, wave, tidal, osmotic, hydropower, biomass, snow, landfill gas, sewage treatment plant gas and biogases;</td>
</tr>
</tbody>
</table>

**Justification**

*Based on the Renewable Electricity Directive 2001/77 the definition of renewable energy does not cover several sources and technologies such as wastewater sludge. In order to take into account future development of new technologies the Commission should be authorised to amend the definition through a Comitology procedure.*

**Amendment 86**

Proposal for a directive

Article 2 – point a a (new)

| **Text proposed by the Commission** |
| (aa) “aerothermal energy” means energy stored in form of heat in the air; |

| **Amendment** |
| (aa) “aerothermal energy” means energy stored in form of heat in the air; |
EU law does not have a harmonized definition of aerothermal, geothermal and hydrothermal energy. Therefore, the Directive should provide such definitions.

“Aerothermal energy” refers to the thermal energy present in the air (the earth’s atmosphere).

**Amendment 87**

*Proposal for a directive*

**Article 2 – point a b (new)**

<table>
<thead>
<tr>
<th>Text proposed by the Commission</th>
<th>Amendment</th>
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<tbody>
<tr>
<td></td>
<td>(ab) “geothermal energy” means energy stored in form of heat beneath the surface of solid earth;</td>
</tr>
</tbody>
</table>

**Justification**

EU law does not have a harmonized definition of aerothermal, geothermal and hydrothermal energy. Therefore, the Directive should provide such definitions.

“Geothermal energy” refers to the thermal energy present in the ground beneath the earth’s solid surface.

**Amendment 88**

*Proposal for a directive*

**Article 2 – point a c (new)**

<table>
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<tr>
<th>Text proposed by the Commission</th>
<th>Amendment</th>
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</thead>
<tbody>
<tr>
<td></td>
<td>(ac) “hydrothermal energy” means energy stored in form of heat in surface water;</td>
</tr>
</tbody>
</table>

**Justification**

EU law does not have a harmonized definition of aerothermal, geothermal and hydrothermal energy. Therefore, the Directive should provide such definitions.

“Hydrothermal energy” refers to the thermal energy present in surface water (such as rivers, lakes or sea).
Amendment 89
Proposal for a directive
Article 2 – point b
Text proposed by the Commission
(b) "biomass" means the biodegradable fraction of products, waste and residues from agriculture (including vegetal and animal substances), forestry and related industries, as well as the biodegradable fraction of industrial and municipal waste;

Amendment
(b) "biomass" means the biodegradable fraction of products, waste and residues from agriculture (including vegetal and animal substances), aquaculture, forestry and related industries, the separated collected biodegradable fraction of industrial and municipal waste and wastewater sludge;

Amendment 90
Proposal for a directive
Article 2 – point (c)
Text proposed by the Commission
(c) "final consumption of energy" means the energy commodities delivered for energy purposes to manufacturing industry, transport, households, services, agriculture, forestry and fisheries, including the consumption of electricity and heat by the energy branch for electricity and heat production and including losses of electricity and heat in distribution;

Amendment
(c) "final consumption of energy" means the energy commodities delivered for energy purposes to manufacturing industry, transport, households, private commerce and services, agriculture, forestry and fisheries, including the consumption of electricity and heat by the energy branch for electricity and heat production and including losses of electricity and heat in distribution;

Amendment 91
Proposal for a directive
Article 2 – point d
Text proposed by the Commission
(d) “district heating or cooling” means the distribution of thermal energy in the form of steam, hot water or chilled liquids, from a central source of production through a network to multiple buildings, for the use

Amendment
(d) “district heating or cooling” means the distribution of thermal energy in the form of steam, hot water or chilled liquids, from a central source of production through a network to
of space or process heating or cooling; multiple buildings or to an industrial customer, for the use of space or process heating or cooling or for the heating of water;

Justification

It should be clear that this definition covers the use of heating and cooling for industrial customers.

Amendment 92

Proposal for a directive
Article 2 – point e

Text proposed by the Commission

(c) "bioliquids" means liquid fuel for energy purposes produced from biomass;

Amendment

(e) "biomass for energy" means solid, gaseous or liquid fuel for energy purposes produced from biomass;

Justification

This legislation covers all energy produced from biomass, not just that used as fuel in the transport sector or used as liquid fuel in heat and power generation. It is therefore essential that this overarching term is defined.

Amendment 93

Proposal for a directive
Article 2 – point f

Text proposed by the Commission

(f) "biofuels" means liquid or gaseous fuel for transport produced from biomass;

Amendment

(f) "transport fuels from biomass" means liquid or gaseous fuel for transport produced from biomass;

Justification

Biomass for energy can have many applications such as heat and electricity generation as well as transport fuels. This term clearly defines this distinction.

Amendment 94
Proposal for a directive
Article 2 – point f a (new)

Text proposed by the Commission

(fa) “cellulosic biofuel” means biofuel derived from any cellulose, hemicellulose, or lignin, originating from renewable biomass;

Amendment

Proposal for a directive
Article 2 – point f b (new)

Text proposed by the Commission

(fb) “wetland” means land that is covered with or saturated by water permanently or for a significant part of the year;

Amendment

Justification

Wetland must be defined in this Directive. Wetlands are important carbon stores and if converted can result in the release of significant quantities of greenhouse gases. Non drained peatlands, e.g. pristine peatland, are definitely included in this definition.

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

Text proposed by the Commission

(fc) “degraded land” means land that is not, and has not since 1990 been, forest or wetland, that is not of High Conservation Value or in direct proximity of such land, or inside valuable nature or government protected areas, and that has not been used for agricultural purposes for at least 10 years;

Amendment

Justification

Idle, marginal and degraded lands must be defined in this Directive. This definition needs to
be set-out clearly to ensure that this land, if used for transport fuels from biomass, does not have conservation value or high carbon stock value or is otherwise used in the production of food. High Conservation Value is an internationally agreed status that protects biodiversity and ecological integrity. 1990 is the cut-off date for deforestation agreed under the Kyoto Protocol.

**Amendment 97**

**Proposal for a directive**

**Article 2 – point g**

<table>
<thead>
<tr>
<th>Text proposed by the Commission</th>
<th>Amendment</th>
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<tbody>
<tr>
<td>(g) “guarantee of origin” means an electronic document which has the function of providing proof that a given quantity of energy was produced from renewable sources;</td>
<td>(g) “guarantee of origin” means an electronic document which has the function of providing proof that a given quantity of energy was produced from renewable sources <strong>and is transferable in accordance with the provisions of this Directive</strong>;</td>
</tr>
</tbody>
</table>

**Justification**

*The transferability of guarantees of origin should be a standard requirement, to enable EU objectives to be achieved at the lowest possible cost to the citizen. Rules on cases where trading in guarantees of origin adversely affects a Member State’s security of supply are laid down in Article 9.*

**Amendment 98**

**Proposal for a directive**

**Article 2 – point g a (new)**

<table>
<thead>
<tr>
<th>Text proposed by the Commission</th>
<th>Amendment</th>
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<tr>
<td>(ga) &quot;transfer accounting certificate&quot; means a specially marked electronic document which can be used on a voluntary basis by Member States in order to transfer a given quantity of energy produced from renewable sources to another Member State exclusively for purposes of target accounting;</td>
<td></td>
</tr>
</tbody>
</table>

**Justification**

*A new flexible way for achieving the national renewable energy targets has been introduced*
in Articles 8 and 9 of this Directive for those Member States which want to opt-in for such a system. It is important to clearly distinguish between guarantees of origin, which are - if issued - for disclosure purposes only, and transfer accounting certificates, which are for target accounting purposes only.

Amendment 99

Proposal for a directive
Article 2 – point h

Text proposed by the Commission
(h) “support scheme” means a scheme, originating from a market intervention by a Member State, that helps energy from renewable sources to find a market by reducing the cost of production of this energy, increasing the price at which it can be sold, or increasing, by means of a renewable energy obligation or otherwise, the volume of such energy purchased;

Amendment
(h) “support scheme” means a scheme, originating from a policy intervention through which incentives for the expansion and increased use of energy from renewable sources are created or strengthened. National support schemes include in particular renewable energy obligations, investment aid, tax exemptions or tax breaks, tax refunds and direct price support schemes, especially feed-in and premium schemes;

Justification
The definition of "support scheme" must be clarified.

Amendment 100

Proposal for a directive
Article 2 – point i a (new)

Text proposed by the Commission

(ia) “biomethane” means methane produced from renewable sources that is upgraded to natural gas quality.

Amendment

(ia) “biomethane” means methane produced from renewable sources that is upgraded to natural gas quality.

Justification
Biomethane (methane produced from renewable sources that is upgraded to natural gas quality) is included in the definition of biofuels, it is constantly overlooked.

Amendment 101
Proposal for a directive

Article 3

Text proposed by the Commission

1. Each Member State shall ensure that the share of energy from renewable sources in final consumption of energy in 2020 is at least their 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.

2. Member States shall introduce appropriate measures to ensure that the share of energy from renewable sources equals or exceeds that shown in the indicative trajectory set out in Part B of Annex I.

3. Each Member State shall ensure that the share of energy from renewable sources in transport in 2020 is at least 10% of final consumption of energy in transport in that year.

Amendment

1. Each Member State shall ensure that the share of energy from renewable sources in final consumption of energy in 2020 is at least their 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 in order to ensure that the mandatory target of at least a 20% share of energy from renewable sources in Community’s final energy consumption in 2020 will be met.

2. Member States shall introduce appropriate measures to ensure that the share of energy from renewable sources equals or exceeds the mandatory minimal interim targets set out in Part B of Annex I.

2a. So long as an EU-wide support scheme is not in place and in order to guarantee that national support schemes are able to pursue the purposes of this Directive effectively, it each Member State may decide if and to what extent it grants energy from renewable sources that is produced in another Member State the right to benefit from its national support scheme and to decide if and to what extent it grants energy from renewable sources that is produced on its own territory the right to benefit from the national support scheme of a different Member State.

2b In addition to the national support schemes and in order to facilitate flexibility in achieving national targets pursuant to this Article, Member States may cooperate on a voluntary basis as set out in Articles 9a to 9d.

3. Each Member State shall ensure that:
Member State.

In calculating total energy consumed in transport for the purposes of the first subparagraph, petroleum products other than petrol and diesel shall not be taken into account.

(a) energy efficiency in transport in that Member State improves by at least 20 % by 2020 against a 2005 baseline;

(b) the share of energy from renewable sources in road transport in 2015 is at least 5 % of final consumption of energy in road transport in that Member State and that at least 20 % of that target shall be met from electricity or hydrogen from renewable sources, energy from waste, residues and ligno-cellulosic biomass or algae produced in vats, or energy from feedstock grown on degraded land with a net carbon benefit regarding land use emissions over 10 years.

(c) the share of energy from renewable sources in road transport in 2020 is at least 10 % of final consumption of energy in road transport in that Member State and that at least 40 % of that target shall be met from electricity or hydrogen from renewable sources, energy from waste, residues and ligno-cellulosic biomass or algae produced in vats, or energy from feedstock grown on degraded land with a net carbon benefit regarding land use emissions over 10 years.

By 2014, a review shall assess the 2020 target and the share as set out in (c). The review shall be based on an impact assessment which takes into account, in particular, all fuels used in all forms of transport (including maritime transport and aviation), the greenhouse gas emissions, the technological development, the consequences for food security, biodiversity and commercial availability of electricity or hydrogen from renewable sources, and of fuel from feedstock grown on degraded land as defined above and the sustainability criteria set out in Article 15.
Member States need to ensure that any energy counting towards the targets laid down in points (b) and (c) fulfil all the sustainability criteria set out in Article 15. The contribution from electricity produced by renewable sources and consumed in electric vehicles shall be considered to be twice the energy content of the renewable electricity input. The average share of renewable electricity for EU 27 shall be used for the calculation of the renewable electricity input for electric vehicles in all Member States.

Amendment 102

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

Text proposed by the Commission

3a. A Member State whose share of renewable energies fails to reach its interim targets shall be given subject to, proportionate and dissuasive penalties imposed by the Commission.

Justification

With no penalties, Member States may fail to meet their intermediate targets and this would go against a progressive deployment of renewable energy market and jeopardize the achievement of the 2020 objective.

Amendment 103

Proposal for a directive
Article 3 – paragraph 3 b (new)

Text proposed by the Commission

3b. The Commission shall establish, by 1 January 2010, a methodology for calculating the contribution of renewable electricity and hydrogen in the total fuel mix.
That measure, designed to amend non-essential elements of this Directive by supplementing it with new elements, shall be adopted in accordance with the regulatory procedure with scrutiny referred to in Article 21(3).

Justification

In order to facilitate the introduction of electric and hydrogen vehicles a methodology is needed to measure their impact on the contribution in the total fuel mix.

Amendment 104

Proposal for a directive

Article 4

Text proposed by the Commission

Article 4

National action plans

1. Each Member State shall adopt a national action plan.

The national action plans shall set out Member States' targets for the shares of energy from renewable sources in transport, electricity and heating and cooling in 2020, and adequate measures to be taken to achieve these targets, including national policies to develop existing biomass resources and mobilise new biomass resources for different uses, and the measures to be taken to fulfil the requirements of Articles 12 to 17.

The national action plans shall set out Member States' targets for the shares of energy from renewable sources in transport, electricity and heating and cooling in 2020, and adequate measures to be taken to achieve these targets, including national policies to develop existing biomass resources and mobilise new biomass resources for different uses, and the measures to be taken to fulfil the requirements of Articles 12 to 17.

Amendment

Article 4

Renewable energy action plans

1. Each Member State shall adopt a renewable energy action plan.

The national renewable energy action plans shall set out Member States' targets for the shares of energy from renewable sources in transport, electricity and heating and cooling, and adequate measures to be taken to achieve these targets, including cooperation between local, regional and national authorities, national policies to develop existing resources and mobilise new resources for different uses, policies and measures to reduce the final energy...
consumption, and the measures to be taken to fulfil the requirements of Articles 12 to 17.

1a. Where a Member State intends to achieve its target through the use of any flexible instruments as set in Articles 9a to 9d, it shall lay down the details of the related agreements in its national renewable energy action plan. The Member States shall indicate the method they intend to use to allocate possible income due to the transfers in line with criteria to be defined by the Commission before 31 December 2012 in accordance with the regulatory procedure with scrutiny referred to in Article 21(3).

1b. The Commission shall develop and make available to Member States, by 30 June 2009, a binding template for the national renewable energy action plans comprising at least the requirements set out in Annex VII A:

2. Member States shall notify their national renewable energy action plans to the Commission by 31 March 2010 at the latest.

2a. Within three months of notification of a national renewable energy action plan by a Member State under paragraph 2, the Commission may reject that plan, or any aspect thereof, on the basis that it does not contain all the elements required under this Article and Annex VII A or is incompatible with the mandatory targets set out in Annex I. In such a case, the Member State shall propose amendments. The national renewable energy action plan shall not be deemed to be adopted until the Commission has accepted the Member State's proposed amendments. The Commission shall give reasons in the event that it rejects the Member State's proposed amendments.

2b. The adopted national renewable action plans and the Commission's
3. A Member State whose share of energy from renewable sources fell below the indicative trajectory in Part B of Annex 1 in the immediately preceding two-year period shall submit a new national action plan to the Commission by 30 June of the following year at the latest, setting out adequate measures to ensure that in future the share of energy from renewable sources equals or exceeds the indicative trajectory in Part B of Annex I.

3. A Member State whose share of energy from renewable sources fell below the mandatory interim targets in Part B of Annex 1 in the immediately preceding two-year period shall submit a new national renewable energy action plan to the Commission by 31 March of the following year at the latest, setting out adequate measures to ensure that in future the share of energy from renewable sources achieves the targets in Part B of Annex I in the following period.

Amendment 105
Proposal for a directive
Article 5 – paragraph 1 – subparagraph 1

Text proposed by the Commission

1. The final consumption of energy from renewable sources in each Member State shall be calculated as the sum of
(a) final consumption of electricity from renewable energy sources,
(b) final consumption of energy from renewable sources for heating and cooling; and
(c) final energy from renewable sources consumed in transport.

Amendment

1. The final consumption of energy from renewable sources in each Member State shall be calculated as the sum of the:
(a) physical final consumption of electricity from renewable energy sources,
(b) physical final consumption of energy from renewable sources for heating and cooling; and
(c) physical final consumption of energy from renewable sources in transport.

Justification

A physical quantity is a quantifiable property of a physical object which can either be directly measured or calculated from measured quantities. This is consequently a clearer legal definition for calculating the final consumption of energy from renewable sources.
Amendment 106
Proposal for a directive
Article 5 – paragraph 1 – subparagraph 2

Text proposed by the Commission

**Biofuels and other bioliquids** that do not fulfil the environmental sustainability criteria in Article 15 shall not be taken into account.

Amendment

**Biomass for energy** that **does** not fulfil the environmental and social sustainability criteria in Article 15 shall not be taken into account.

Justification

_Sustainability criteria should apply for all energy uses from biomass._

Amendment 107
Proposal for a directive
Article 5 – paragraph 2

Text proposed by the Commission

2. **Member States may apply to the Commission** for account to be taken, for the purposes of paragraph 1, of the construction of renewable energy plants with very long lead-times on their territory under the following conditions:

(a) construction of the renewable energy plant must have started by 2016;

(b) the renewable energy plant must have a production capacity equal to or in excess of 5000 MW;

(c) it must not be possible for the plant to become operational by 2020;

(d) it must be possible for the plant to become operational by 2022.

The Commission shall decide what adjustment shall be made to the Member State's share of energy from renewable sources for the year 2020, taking into account the state of advancement of construction, the amount of financial support being provided to the plant, and
the quantity of renewable energy to be produced by the plant in an average year when completed.

Acting in accordance with the procedure referred to in Article 21(2), the Commission shall develop rules for the implementation of this provision by 31 December 2012 at the latest.

Justification

Member states should work intensively towards meeting their 2020 targets. Adjustments of the targets on the basis of "very long lead-times projects" and "force majeure" could be used by Member States to either water down the target, postpone or even avoid the achievement of their targets. It should therefore be deleted. 27 Member States have committed through their Heads of State to a mandatory 2020 target. It is not a 2022 or 2024 target. Member States should deliver on their commitment.

Amendment 108

Proposal for a directive
Article 5 – paragraph 3

Text proposed by the Commission

3. Where a Member State considers that, due to force majeure, it is under an impossibility to meet the share of energy from renewable sources in final consumption of energy in 2020 set out in the third column of the table in Annex 1, it shall inform the Commission as soon as possible. The Commission shall adopt a decision on whether force majeure has been demonstrated, in which case it shall decide what adjustment shall be made to the Member State's final consumption of energy from renewable sources for the year 2020.

Justification

The European Court of Justice has repeatedly recognised the principle of "force majeure" as being part of EC law, and has applied it in different contexts without any need that EC legislation makes reference to it.
Amendment 109

Proposal for a directive
Article 5 – paragraph 4 – subparagraph 1

Text proposed by the Commission

4. For the purposes of paragraph 1(a), final consumption of electricity from renewable sources shall be calculated as the quantity of electricity produced in a Member State from renewable energy sources, excluding the production of electricity by pumped storage units using water that has previously been pumped uphill, adjusted in accordance with Article 10.

Amendment

4. For the purposes of paragraph 1(a), final consumption of electricity from renewable sources shall be calculated as the quantity of electricity produced in a Member State from renewable energy sources, excluding the production of electricity in pumped storage units from water that has previously been pumped uphill, adjusted in accordance with Article 10.

Justification

The exclusion of electricity production from pump storage units in the Commission proposal could be read as meaning that all electricity production from pump storage units, including those using natural stream flow, is excluded from the achievement of the target. A clarification is therefore needed to show that only hydropower production from pump storage units is excluded.

Amendment 110

Proposal for a directive
Article 5 – paragraph 4 – subparagraph 3

Text proposed by the Commission

The electricity generated by hydropower shall be accounted for in accordance with the normalisation rule in Annex II.

Amendment

The electricity generated by hydropower and wind shall be accounted for in accordance with the normalisation rule in Annex II.

Justification

As for hydro, wind resource can show substantial variations in certain years. In order not to bias the 2-year mandatory minimum intermediary targets, wind performance should be 'normalised' to make EU minimum intermediary targets comparable.

Amendment 111
Proposal for a directive  
Article 5 – paragraph 5 – subparagraph 1  

Text proposed by the Commission  

5. For the purposes of paragraph 1(b), the final consumption of energy from renewable sources for heating and cooling shall be calculated as the *consumption of energy* from renewable sources delivered to manufacturing industry, transport, households, services, agriculture, forestry and fisheries for heating and cooling purposes, *including consumption from district heating or cooling of renewable origin*, adjusted in accordance with Article 10.

Amendment  

5. For the purposes of paragraph 1(b), the final consumption of energy from renewable sources for heating and cooling shall be calculated as the *quantity of district heating and cooling produced in a Member State* from renewable sources *plus the consumption of other energy from renewable sources in* industry, households, services, agriculture, forestry and fisheries for heating, cooling and process purposes, adjusted in accordance with Article 10.

Justification  

In Article 5 concerning calculations, it is important that the calculations should be consistent. The Commission proposes that the final consumption of (renewable) energy should include distribution losses: Sweden is in favour of this because the guarantees of origin in Article 6 are issued for the production of electricity, heating and cooling and this therefore includes distribution losses. In addition, there is an error in the Article, since transport is included in Article 5(1)(c), so it should be deleted from Article 5(5).

Amendment 112  

Proposal for a directive  
Article 5 – paragraph 5 – subparagraph 2  

Text proposed by the Commission  

Thermal energy generated by heat pumps using geothermal energy *from the ground or water* shall be taken into account for the purposes of paragraph 1(b). *Thermal energy generated by heat pumps using ambient heat from the air shall be taken into account for the purposes of paragraph 1(b)*, provided that the energy efficiency of such heat pumps meets the minimum requirements of eco-labelling laid down pursuant to Regulation (EC) No 1980/2000, where applicable, in particular the minimum coefficient of performance

Amendment  

Thermal energy generated by heat pumps using aerothermal, geothermal and hydrothermal energy shall be taken into account for the purposes of paragraph 1(b) provided that the primary energy input is less than the final energy output. For the calculation of renewable energy produced by heat pumps, only the share taken from the environment (aerothermal, geothermal and hydrothermal energy) shall be calculated, in accordance with the formula:
established in Decision 2007/742/EC, and reviewed in accordance with that Regulation.

\[ E_{\text{renew}} = Q_{\text{used}} \times (1 - \frac{1}{\text{seasonal performance factor}} \times \text{average power plant efficiency in a certain country}). \]

The average power plant efficiency will be calculated from verified Eurostat data. The details for the calculation of the seasonal performance factor (SPF) shall be elaborated before 31 December 2010 by the Standing Working Group on Renewable Energy Statistics established by the Commission (Eurostat). That working group shall also fix minimum SPF factors for geothermal, air-water and air-air heat pumps. For as long as no new decision has been taken by that committee, the minimum requirements of eco-labelling laid down pursuant to Regulation (EC) No 1980/2000, where applicable, in particular the minimum coefficient of performance established in decision 2007/742/EC, and reviewed in accordance with that Regulation shall apply.

Amendment 113

Proposal for a directive
Article 5 – paragraph 7 a (new)

Text proposed by the Commission

Amendment

7a. Member States shall promote and encourage energy efficiency and energy saving as virtuous methods of increasing the percentage share of renewable sources and more easily achieving the target laid down in this Directive.

Amendment 114
Proposal for a directive
Article 5 – paragraph 9

Text proposed by the Commission

9. Electricity produced from renewable energy sources in third countries shall only be taken into account for the purposes of measuring compliance with the requirements of this Directive concerning national targets if:

(a) it is consumed in the Community;

(b) the electricity is produced by an installation that became operational after the date of entry into force of this Directive; and

(c) the electricity is issued with a guarantee of origin that forms part of a system of guarantee of origin equivalent to that laid down by this Directive.

Amendment

9. Electricity produced from renewable energy sources in third countries shall only be taken into account for the purposes of measuring compliance with the requirements of this Directive concerning national targets if:

(a) it is physically imported and consumed in the Community;

Electricity produced from renewable energy sources in third countries shall be accounted as physically imported and consumed in the Community, if the importers in the respective Member States:

(i) have firmly booked the corresponding interconnector capacity between the third countries and the Community; and

(ii) have registered the imported energy in their balancing groups within the Community.

(aa) the third country has adopted binding targets for renewable energy comparable in ambition to the EU target and the proportion of energy from renewable sources in its total energy consumption is not reduced on account of the import energy into the Community;

(b) the electricity is produced by an installation that became operational after the date of entry into force of this Directive; and

(c) the electricity is issued and transferred with a guarantee of origin that forms part of a system of guarantee of origin equivalent to that laid down by this Directive.

Amendment 115
Proposal for a directive
Article 6 – paragraph 1 – subparagraph 1

Text proposed by the Commission
1. Member States shall ensure that the origin of electricity produced from renewable energy sources, and of heating or cooling produced from renewable energy sources in plants with a capacity of at least 5 MWh, can be guaranteed as such within the meaning of this Directive.

Amendment
1. Member States shall ensure that, for the purposes of disclosure, the origin of electricity produced from renewable energy sources, and of heating or cooling produced from renewable energy sources in plants with a capacity of at least 1 MWth, can be guaranteed as such within the meaning of this Directive in accordance with objective, transparent and non-discriminatory criteria.

Amendment 116
Proposal for a directive
Article 6 – paragraph 2 – point e a (new)

Text proposed by the Commission
(ea) the type of any support scheme used for the production of the respective unit of energy.

Amendment
Guarantees of origin shall also specify whether transfer accounting certificates have been issued for the respective unit of energy.

Amendment 118
Proposal for a directive
Article 6 – paragraph 3 – subparagraph 2

Text proposed by the Commission

In the event of refusal to recognise a guarantee of origin, the Commission may adopt a Decision requiring the Member State in question to recognise it.

Amendment

A Member State may only refuse to recognise a guarantee of origin when it has well-founded doubts about its accuracy, reliability or veracity. The Member State shall share its information relating to these doubts with the Commission.

If the Commission finds that a refusal to recognise a guarantee of origin is unfounded, the Commission may adopt a Decision requiring the Member State in question to recognise it. If, however, the Commission finds the refusal of a guarantee of origin to be well-founded, other Member States may refuse to recognise similar guarantees of origin from the issuing Member State until the grounds for doubts on the accuracy, reliability or veracity are addressed adequately.

Amendment 119

Proposal for a directive
Article 6 – paragraph 4 a (new)

Text proposed by the Commission

4a. Member States shall ensure that if a producer of renewable energy generated in a cogeneration plant is entitled to receive guarantees of origin under paragraph 1 and under Directive 2004/8/EC of the European Parliament and of the Council of 11 February 2004 on the promotion of cogeneration based on a useful heat demand in the internal energy market, then only one guarantee of origin shall be issued for each unit of energy that fulfils the requirements under this Directive and those under Directive
2004/8/EC. That guarantee of origin shall combine all the functions of separate guarantees of origin under this Directive and under Directive 2004/8/EC.

No guarantee of origin shall be issued for energy from renewable sources under this Article if any other evidence has been issued, which can be used for purposes of the electricity disclosure obligation in Directive 2003/54/EC.

\[OJ L 52, 21.2.2004, p. 50\]

Amendment 120
Proposal for a directive
Article 6 – paragraph 4 b (new)

<table>
<thead>
<tr>
<th>Text proposed by the Commission</th>
<th>Amendment</th>
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<tr>
<td>4b. Guarantees of origin do not by themselves confer a right to benefit from national support schemes.</td>
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Amendment 121
Proposal for a directive
Article 6 a (new)

<table>
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<th>Text proposed by the Commission</th>
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| Article 6a
Transfer accounting certificates of electricity, heating and cooling produced from renewable energy sources
1. Those Member States which voluntary decide to use the flexibility scheme provided for in Article 9(c) shall establish a system that ensures that a transfer accounting certificate is issued in response to a request from a producer of renewable energy according to objective, transparent and non-discriminatory |
criteria.

A transfer accounting certificate shall be of the standard size of 1 MWh. No more than one transfer accounting certificate shall be issued in respect of each MWh of energy produced.

2. Transfer accounting certificates shall be issued, transferred and cancelled electronically. They shall be accurate, reliable and fraud-resistant.

Transfer accounting certificates shall specify, at least:

(a) the energy source from which the energy was produced and the starting and ending dates of its production;

(b) whether the transfer accounting certificate relates to:

(i) electricity; or

(ii) heating and/or cooling;

(c) the identity, location, type and capacity of the installation where the energy was produced, and the date on which the installation became operational;

(d) the date and country of issue and a unique identification number for each transfer accounting certificate;

(e) the amount and type of any investment aid that has been given for the installation; and

(f) the type of any support scheme used for the production of the respective unit of energy.

Transfer accounting certificates shall also specify whether guarantees of origin have been issued for the respective unit of energy.

3. Those Member States applying Article 9(c) shall recognise transfer accounting certificates issued by other Member States applying the same Article in accordance with this Directive. Any refusal by a Member State referred to in this
paragraph to recognise a transfer accounting certificate shall be based on objective, transparent and non-discriminatory criteria.

A Member State that applies Article 9(c) may refuse to recognise a transfer accounting certificate only when it has well-founded doubts about its accuracy, reliability or veracity. The Member State shall share its information relating to these doubts with the Commission.

If the Commission finds that a refusal to recognise a transfer accounting certificate is unfounded, the Commission may adopt a Decision requiring the Member State in question to recognise it. If however the Commission finds the refusal of a transfer accounting certificate to be well-founded, other Member States that apply Article 9(c) may refuse to recognise similar transfer accounting certificates from the issuing Member State until the grounds for doubts on the accuracy, reliability or veracity are addressed adequately.

4. Member States shall ensure that all transfer accounting certificates to be issued in respect of renewable energy generated in a given calendar year are issued no later than three months after the end of that year.

5. Transfer accounting certificates do not per se imply a right to benefit from national support schemes.

Amendment 122

Proposal for a directive
Article 7

<table>
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<th>Text proposed by the Commission</th>
<th>Amendment</th>
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<tr>
<td>Competent bodies and registers of guarantees of origin</td>
<td>Competent bodies and registers of guarantees of origin and transfer accounting certificates</td>
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</table>
1. Each Member State shall designate a single competent body to undertake the following tasks:

(a) establish and maintain a national register of guarantees of origin; and, if they wish to use the flexible instruments set out in Article 9(c), transfer accounting certificates;

(b) issue guarantees of origin and, if they wish to use the flexible instruments set out in Article 9(c), transfer accounting certificates;

(c) record any transfer of guarantees of origin and, if they wish to use the flexible instruments set out in Article 9(c), transfer accounting certificates;

(d) cancel guarantees of origin and, if they rely on the flexible instruments set out in Article 9(c), transfer accounting certificates;

(e) publish an annual report on the quantities of guarantees of origin issued, transferred to or from each of the other competent bodies and cancelled.

2. The competent body shall not carry out any energy generation, trade, supply or distribution activities.

2a. The national competent body shall be independent of generation, trade, supply, and distribution activities.

3. The national register of guarantees of origin shall record the guarantees of origin held by each person. A guarantee of origin shall only be held in one register at one time.

3a. The national competent body shall be the only competent body for guarantees of origin and for transfer accounting certificates if chosen voluntarily by a Member State and for all plants using
renewable energy sources in the respective Member State. The competent body shall not be responsible for issuing guarantees of origin and transfer accounting certificates for plants using renewable energy sources in other Member States. Member States shall ensure that the sphere of responsibilities of the competent bodies established in other Member States pursuant to this Directive are not infringed.

Amendment 123

Proposal for a directive
Article 8

Text proposed by the Commission

1. A guarantee of origin, corresponding to the unit of energy in question, shall be submitted for cancellation to a competent body designated in accordance with Article 7 when:

(a) the production of a unit of electricity from renewable energy sources, or the production of a unit of heating or cooling from renewable energy sources in a plant with a capacity of at least 5 MWth, receives support in the form of feed-in tariff payments, premium payments, tax reductions or payments resulting from calls for tenders, in which case the guarantee shall be submitted to the competent body designated by the Member State that established the system of support;

(b) a unit of electricity produced from renewable energy sources, or a unit of heating or cooling produced from renewable energy sources in a plant with a capacity of at least 5 MWth, is taken into account for the purposes of assessing an entity’s compliance with a renewable energy obligation, in which case the guarantee of origin shall be submitted to
the competent body designated by the Member State that established the obligation; or

(c) an energy supplier or energy consumer chooses to use a guarantee of origin for the purpose of proving the share or quantity of renewable energy in its energy mix, without claiming the benefits of a support scheme in accordance with points (a) and (b); in this case, the guarantee of origin shall be submitted to the competent body designated by the Member State in which the energy described by the energy mix in question is consumed.

2. Where an operator has submitted one or more guarantees of origin to a competent body in accordance with paragraphs 1(a) or (b), the operator shall:

(a) request guarantees of origin, in accordance with Article 6(1), for all future production of renewable energy sources from the same installation;

(b) submit these guarantees of origin for cancellation to the same competent body.

2a. When a competent body cancels a guarantee of origin, an equivalent quantity of energy from renewable energy sources shall, for the purposes of ensuring compliance with the requirements of this Directive concerning disclosure of electricity and heating and cooling, be removed from the register. Such cancellation prevents double counting of disclosed electricity and heating and cooling from renewable energy sources.

3. Guarantees of origin shall not be submitted to a competent body for cancellation more than 1 year after their date of issue.
Amendment 124

Proposal for a directive
Article 8 a (new)

Text proposed by the Commission

Amendment

Article 8a

Submission of transfer accounting certificates for cancellation

1. Member States that decide to opt into the flexibilities schemes foreseen in Article 9(c) and as long as they rely on such schemes shall require the submission of a transfer accounting certificate for cancellation to a competent body designated in accordance with Article 7, corresponding to the unit of energy in question, if:

(a) the production of a unit of electricity from renewable energy sources, or the production of a unit of heating or cooling from renewable energy sources in a plant with a capacity of at least 1 MW<sub>th</sub>, receives support in the form of feed-in tariff payments, premium payments, tax reductions or payments resulting from calls for tenders, in which case the transfer accounting certificate shall be submitted to the competent body designated by the Member State that established the system of support;

(b) a unit of electricity produced from renewable energy sources, or a unit of heating or cooling produced from renewable energy sources in a plant with a capacity of at least 1 MW<sub>th</sub>, is taken into account for the purposes of assessing an entity’s compliance with a renewable energy obligation, in which case the transfer accounting certificate shall be submitted to the competent body designated by the Member State that established the obligation.

2. The competent body shall cancel transfer accounting certificates submitted
under paragraph 1, paragraph 3 and Article 8 (1) immediately after their submission.

3. Transfer accounting certificates shall not be submitted to a competent body for cancellation more than 2 years after their date of issue.

Amendment 125

Proposal for a directive
Article 9

Text proposed by the Commission

Article 9

Transfer of guarantees of origin

1. Member States whose share of energy from renewable sources equalled or exceeded the indicative trajectory in Part B of Annex I in the immediately preceding two-year period may request the competent bodies designated in accordance with Article 7 to transfer the guarantees of origin submitted for cancellation under Article 8(1) to another Member State. Such guarantees of origin shall immediately be cancelled by the competent body in the receiving Member State.

2. Member States may provide for a system of prior authorisation for the transfer of guarantees of origin to or from persons in other Member States if, in the absence of such a system, the transfer of guarantees of origin to or from the Member State concerned is likely to impair their ability to ensure a secure and balanced energy supply or is likely to undermine the achievement of the environmental objectives underlying their support scheme.

Member States may provide for a system of prior authorisation for the transfer of guarantees of origin to persons in other
Member States if in the absence of such a system, the transfer of guarantees of origin is likely to impair their ability to comply with Article 3(1) or to ensure that the share of energy from renewable sources equals or exceeds the indicative trajectory in Part B of Annex I.

The system of prior authorisation shall not constitute a means of arbitrary discrimination.

3. Subject to the provisions adopted pursuant to paragraph 2, guarantees of origin may be transferred between persons in different Member States provided they have been issued in relation to energy produced from renewable sources by installations that became operational after the date of entry into force of this Directive.

Such transfer may accompany the transfer of the energy to which the guarantee of origin relates, or may be separate from any such transfer.

4. Member States shall notify the Commission of any system of prior authorisation they intend to have in force pursuant to paragraph 2, and any subsequent changes thereto.

The Commission shall publish that information.

5. By 31 December 2014 at the latest, depending on data availability, the Commission shall assess the implementation of the provisions of this Directive for the transfer of guarantees of origin between Member States and the costs and benefits of this. It shall, if appropriate, submit proposals to the European Parliament and to the Council.

Amendment 126
Proposal for a directive
Article 9 a (new)

Text proposed by the Commission

Amendment

Article 9a

Statistical transfers between Member States

1. Two or more Member States may agree to transfer energy from renewable sources statistically between themselves with the effect of counting towards their national targets.

2. The volume which a Member State may transfer to other Member States under this Article is restricted to the total volume of energy from renewable sources which has benefited from a support scheme operated by the Member State in question in the respective year.

3. A Member State may transfer energy from renewable sources statistically to another Member State only if, at the moment of transfer, its share of energy from renewable sources has exceeded the trajectory as set out in Part B of Annex I.

4. Transfers under this Article must remain valid until at least 2020 and be effective for a minimum of one year. They shall become effective only after all Member States involved in the transfer have notified the transfer to the Commission.

Amendment 127

Proposal for a directive
Article 9 b (new)

Text proposed by the Commission

Amendment

Article 9b

Joint projects between Member States
1. Two or more Member States may cooperate on all types of joint projects using renewable energy and may provide for the undertaking of joint projects by operators and producers.

2. Member States shall notify the Commission of a proportion of renewable energy produced by any installations in their territory, that became operational after the date of entry into force of this Directive and constructed under the provisions of paragraph 1 which is to be regarded as counting towards the national target of another Member State for the purposes of measuring compliance with Article 3.

3. The notification shall:

(a) describe the installation;

(b) specify the proportion of renewable electricity or heating or cooling produced from the installation which is to be regarded as counting towards the national targets of another Member State;

(c) identify the Member State in whose favour the notification is being made; and

(d) specify the period during which the installation is to be regarded as counting towards the national target of the other Member State.

4. The period specified under paragraph 3(d) shall be equivalent to the depreciation period of the project or to a period of 10 years, whichever is the shortest. It shall be expressed in whole calendar years and may extend beyond 2020.

5. A notification made under this Article shall not be modified or withdrawn without the joint agreement of the Member State making the notification and the Member State identified in accordance with paragraph 3(c).

6. A Member State may transfer energy from renewable sources statistically to
another Member State only if in the two-year period immediately following notification of the joint project, its share of energy from renewable sources is projected on the basis of submitted evidence to exceed the interim mandatory targets as set in Part B of Annex I for at least the volume of energy from renewable sources to be produced in the joint project in question.

7. Within 3 months of the end of each year falling within the period specified under paragraph 3(d), the Member State that made the notification under paragraph 2 shall issue a letter of notification stating:

(a) the total amount of renewable electricity or heating or cooling produced during the year from renewable energy sources by the installation which was the subject of the notification; and

(b) the amount of renewable electricity or heating or cooling produced during the year from renewable energy sources by that installation which is to count towards the national target of another Member State in accordance with the terms of the notification.

8. The information according to paragraph 7(a) shall be confirmed by an independent, third-party verification. Rules for such verification as well as rules for the qualification of verifiers shall be defined by the Member States or their competent bodies according to Article 7 and shall be notified to the Commission.

9. The Member State shall send the letter of notification to the Member State in whose favour the notification under paragraph 2 was made, and to the Commission.
Proposal for a directive
Article 9 c (new)

Text proposed by the Commission

Amendment

Article 9c

Transfer Accounting Certificates

1. Member States may decide to issue transfer accounting certificates in accordance with Article 6a(1) in order to make them transferable between persons. Such transfers may accompany the transfer of the energy to which the transfer accounting certificate relates, or may be separate from any such transfer.

2. Transfers of transfer accounting certificates between persons in different Member States shall be possible only if:
   (a) the transfer accounting certificate emitting Member State is projected on the basis of submitted evidence to exceed its mandatory interim minimum targets as set out in Part B of Annex I in the two-year period immediately preceding the period for which the transfer is valid, and
   (b) the transfer accounting certificates have been issued in relation to energy produced from renewable sources by installations that became operational after the date of entry into force of this Directive.

3. Each Member State may provide for a system of prior authorisation for the transfer of transfer accounting certificate to or from persons in other Member States if, in the absence of such a system, the transfer is likely to impair their ability to ensure a secure and balanced energy supply, to undermine the achievement of the environmental objectives underlying their support scheme or to impair their ability to comply with Article 3(1) and (2). The system of prior authorisation shall not constitute a means of arbitrary
discrimination.

4. Member States shall notify the Commission of any system of prior authorisation they intend to have in force pursuant to paragraph 3, and any subsequent changes thereto. The Commission shall publish this information.

Amendment 129

Proposal for a directive
Article 9d (new)

Text proposed by the Commission

Amendment

Article 9d

Joint target compliance

1. Two or more Member States may agree to combine their targets and establish joint support schemes in order to achieve them jointly.

2. If two or more Member States decide, on voluntary basis, to pursue their targets according to Article 3 jointly, the overall target and the mandatory interim targets will be calculated jointly for the group of Member States involved as an average of their individual interim and overall minimum targets under Part A and Part B of Annex I, which is weighted with the expected final consumption of energy in each of the Member States involved in the years until 2020.

3. Cooperation under this paragraph shall be notified to the Commission by all Member States involved and the new target for the group of Member States and the method for its calculation shall be subject to approval by the Commission.
Amendment 130

Proposal for a directive
Article 10

Text proposed by the Commission

Effects of the cancellation of the guarantees of origin

When a competent body cancels a guarantee of origin that it did not itself issue, an equivalent quantity of energy from renewable sources shall, for the purposes of measuring compliance with the requirements of this Directive concerning national targets:

(a) be deducted from the quantity of energy from renewable sources that is taken into account, in relation to the year of production of the energy specified in the guarantee of origin, in measuring compliance by the Member State of the competent body that issued the guarantee of origin; and

(b) be added to the quantity of energy from renewable sources that is taken into account, in relation to the year of production of the energy specified in the guarantee of origin, in measuring compliance by the Member State of the competent body that cancelled the guarantee of origin.

1. In the event that an agreement between two Member States to transfer energy from renewable sources statistically among themselves under Article 9a has become effective, the respective quantity is to be:

(a) statistically deducted from the amount of energy from renewable sources that is taken into account in measuring compliance by one Member State with the requirements of Article 3 concerning national targets; and

(b) statistically added to the amount of energy from renewable sources that is
taken into account in measuring compliance by the other Member State with the requirements of Article 3 concerning national targets.

2. In the event that two or more Member States have undertaken joint projects under Article 9b, the amount of electricity or heating or cooling from renewable energy sources notified in accordance with Article 9b(7) shall be

(a) deducted from the amount of energy from renewable sources that is taken into account, in measuring compliance by the Member State which is issuing the letter of notification under Article 9b(7) with the requirements of Article 3 concerning national targets; and

(b) added to the amount of energy from renewable sources that is taken into account, in measuring compliance by the Member States which are receiving the letter of notification in accordance with Article 9b(8) with the requirements of Article 3 concerning national targets.

3. In the event that a competent body of a Member State cancels a transfer accounting certificate that was issued by the competent body of another Member State, an equivalent quantity of energy from renewable sources shall, for the purposes of measuring compliance with the requirements of this Directive concerning national targets are:

(a) deducted from the quantity of energy from renewable sources that is taken into account, in relation to the year of production of the energy specified in the transfer accounting certificate, in measuring compliance by the Member State of the competent body that issued the transfer accounting certificate; and

(b) added to the quantity of energy from renewable sources that is taken into account, in relation to the year of production of the energy specified in the
transfer accounting certificate, in measuring compliance by the Member State of the competent body that cancelled the transfer accounting certificate.

Amendment 131

Proposal for a directive
Article 10a (new)

**Text proposed by the Commission**

**Amendment**

**Article 10a**

Direct penalty mechanism

1. In order to ensure clear and robust compliance by the Member States with the objectives of this Directive the Commission shall establish a direct penalty mechanism against them.

2. The Commission shall impose direct penalties on Member States which fail to comply with the objectives of the Directive, by falling short of mandatory interim and 2020 targets set out in Part A and in Part B of Annex I in the immediately preceding two-year period after taking into account the potential use of flexibility mechanisms according to Article 10. In case that two or more Member States have agreed on joint targets according to Article 9d and fail to comply with their joint mandatory interim targets, the Commission shall jointly impose fines on all Member States involved in this agreement on joint target compliance.

3. The Commission shall adopt the necessary measures to implement paragraph 1, and more particularly to establish by the end of 2010 at the latest the necessary guidelines, methods for the calculation and the collection of non-compliance penalties and to adopt detailed provisions for the administrative handling and the establishment of a specific fund,
where these revenues should be allocated, according to Article 18(2) of Regulation (EC, Euratom) No 1605/2002 (assigned revenue). The implementing measures should also contain provisions on the management and use of the fund to support renewable energy projects in Member States which have exceeded their targets, and generally to enhance and strengthen the research, production and use of renewable energies and increased energy efficiency in the European Union.

4. The Commission shall start a direct penalty procedure immediately after the evaluation of a Member State’s report has disclosed that the said Member State has failed to comply, or after any evidence has been gathered at any time that a Member State does not comply with its obligations.

5. The penalty should be calculated on the basis of the Member State’s shortfall of MWh of renewable energy compared with its mandatory target, and should be set at an appropriate level to provide a strong incentive for Member States to invest in renewable energy, with view to complying with, and even exceeding, the national targets.

6. Those measures, designed to amend non-essential elements of this Directive, inter alia by supplementing it, shall be adopted in accordance with the regulatory procedure with scrutiny referred to in Article 21(3).

7. Payment of the penalty shall not release the Member State from the obligation to fulfil its mandatory interim targets set out in Part B of Annex I and the overall target set out in the third column of the table in Annex I. Article 4(3) shall also apply in these circumstances.
Amendment 132
Proposal for a directive
Article 11

Text proposed by the Commission

For the purpose of Article 5(9), Article 6(2), Article 8(2) and Article 9(3) units of renewable energy imputable to an increase in the capacity of an installation shall be treated as if they were produced by a separate installation becoming operational at the moment at which the increase of capacity occurred.

Amendment

For the purpose of Article 3 and Article 6(2) units of renewable energy imputable to an increase in the capacity of an installation shall be treated as if they were produced by a separate installation becoming operational at the moment at which the increase of capacity occurred.

Amendment 133
Proposal for a directive
Article 11 a (new)

Text proposed by the Commission

Article 11a
Protection of consumers

1. Member States that operate support schemes for energy from renewable sources shall require the issuing of guarantees of origin for the supported energy production. Member States shall also clarify how these guarantees of origin are allocated to the final consumers of energy or to their suppliers.

2. Where energy suppliers are marketing renewable energy to consumers with a reference to environmental or other benefits of renewable energy, Member States shall require the energy suppliers to provide evidence that at least one third of the renewable energy sold by the supplier is in excess of that required to fulfil the mandatory targets as set out in Part A and in Part B of Annex I. To this end, Member States shall require those suppliers to submit Guarantees of Origin.
for cancellation from installations that became operational after the date of entry into force of this Directive, which correspond to the required share of additionality and which have been issued for energy production which is not taken into account for measuring compliance of any Member State with the requirements of this Directive concerning national targets.

Amendment 134
Proposal for a directive
Article 12

**Text proposed by the Commission**

Administrative procedures, regulations and codes

1. Member States shall ensure that any national rules concerning the authorisation, certification and licensing procedures that are applied to plants for the production of electricity, heating or cooling from renewable sources, and to the process of transformation of biomass into biofuels or other energy products, are proportionate and necessary.

Member States shall, in particular, ensure that:

(a) the respective responsibilities of national, regional and local administrative bodies for authorisation, certification and licensing procedures are clearly defined, with precise deadlines for approving planning and building applications;

**Amendment**

Administrative procedures, regulations, codes and finances

1. Member States shall ensure that any national rules concerning the authorisation, certification and licensing procedures that are applied to plants and associated transmission and distribution network infrastructures for the production of electricity, heating or cooling from renewable sources, and to the process of transformation of biomass into biofuels or other energy products, are proportionate and necessary.

Member States shall, in particular, ensure that:

(a) the respective responsibilities of national, regional and local administrative bodies for authorisation, certification and licensing procedures are clearly defined, including land planning, with short and precise deadlines for approving planning and building applications;

(aa) a single administrative body is established for processing authorisation, certification and licensing applications for renewable energy installations and providing assistance to applicants;
(b) administrative procedures are streamlined and expedited at the appropriate administrative level;

(c) rules governing authorisation, certification and licensing are objective, transparent and non-discriminatory, and take fully into account the particularities of individual renewable energy technologies;

(d) clear guidelines are established for coordination between administrative bodies, concerning time limits and the receipt and handling of planning and permit applications;

(e) administrative charges paid by consumers, planners, architects, builders and equipment and system installers and

(b) administrative procedures are streamlined and expedited at the appropriate administrative level;

(c) rules and their applications governing authorisation, certification and licensing are objective, transparent, non-discriminatory, proportionate and necessary, and take fully into account the particularities of individual renewable energy technologies. Rules applying to polluting activities, such as those contained in the Directive 2008/1/EC of the European Parliament and of the Council of 15 January 2008 concerning integrated pollution prevention and control (Codified version) (the IPPC Directive), are not appropriate as regards renewable energy installations which do not produce polluting waste during their life cycle, and shall not apply to such installations;

(d) clear guidelines are established for coordination between administrative bodies, concerning time limits and the receipt and handling of planning and permit applications;

(da) coherence is achieved with the assessment, planning and licensing procedures under existing different pieces of EU environmental legislation while taking into account the contribution of renewable sources of energy towards their contribution to meeting the climate change objectives and those set by this Directive;

(db) automatic approval of planning and permit applications for renewable energy installations is guaranteed where the competent authorising body has not responded within the set time limits or where they have not been expressly refused by the competent authorising body;

(ec) administrative charges paid by consumers, planners, architects, builders and equipment and system installers and
suppliers are transparent and cost-related; (f) less burdensome and simplified authorisation procedures are established for smaller projects; and

(g) mediators are designated to act in disputes between applicants and authorities responsible for issuing authorisations, certificates and licenses.

2. Member States shall clearly define any technical specifications which must be met by renewable energy equipment and systems in order to benefit from support schemes. Where European standards exist, including eco-labels, energy labels and other technical reference systems established by the European standardisation bodies, such technical specifications shall be expressed in terms of those standards. Such technical specifications shall not prescribe where the equipment and systems are to be certified.

3. Member States shall require local and regional administrative bodies to consider the installation of equipment and systems for the use of heating, cooling and electricity from renewable sources and for district heating and cooling when planning, designing, building and refurbishing industrial or residential areas.

Member States shall, in particular, encourage local and regional administrative bodies to include heating and cooling from renewable energy
4. In their building regulations and codes Member States shall require the use of minimum levels of energy from renewable sources in new or refurbished buildings. Any exemption from those minimum levels shall be transparent and based on criteria relating to:

(a) the use of passive, low or zero energy buildings; or

(b) local limitations in the availability of renewable energy resources.

4a. Member States shall promote surplus-energy designs for public and private buildings from 2010 onwards and make surplus-energy designs a requirement at latest in 2015. Member States shall ensure that buildings of public bodies at national, regional and local levels comply with the standards for surplus-energy housing from 2012. Member States shall, by 2014, submit a scheme including details of how the roofs of public or mixed private-public buildings can be used by third parties for investments for the installations of renewable energy production.

5. With respect to their building regulations and codes, Member States shall promote the use of renewable energy heating and cooling systems and equipment that achieve a significant reduction of energy consumption. Member States shall use energy or eco-labels or other appropriate certificates or standards developed at national or European level, where these sources in the planning of the city infrastructure in cities with more than 50 000 inhabitants.

5. With respect to their building regulations and codes and in their support schemes for energy from renewable sources in heating and cooling, Member States shall promote and differentiate in favour of renewable energy heating and cooling systems and equipment that achieve a significant reduction of energy consumption. Member States shall use
exist, as the basis for encouraging such systems and equipment.

In the case of biomass, Member States shall promote conversion technologies that achieve a conversion efficiency of at least 85 % for residential and commercial applications and at least 70 % for industrial applications.

**In the case of heat pumps, Member States shall promote heat pumps which achieve the minimum requirements of eco-labelling established in Decision 2007/742/EC.**

**In the case of solar energy, Member States shall promote equipment and systems that achieve a conversion efficiency of at least 35%.**

In assessing the conversion efficiency and input/output ratio of systems and equipment for the purposes of this paragraph, Member States shall use Community or, failing these, international procedures if such procedures exist.

In assessing the conversion efficiency and input/output ratio of systems and equipment for the purposes of this paragraph, Member States shall use Community or, failing these, international procedures if such procedures exist.

5a. Easy access to public and private financing and renewables projects of Community interest shall be guaranteed.

Any financial support for construction, reconstruction and refurbishment of infrastructure, public and industrial buildings or housing should be linked to the promotion of energy saving and/or the use of energy from renewable sources.

In order to ease the financing of the achievement of the 20 % target, the Commission and the Member States shall, by 31 December 2009, present an analysis and plan aimed, in particular, at the:

(a) better use of structural funds and framework programmes for energy from renewable sources;
(b) better and increased use of funds from the European Investment Bank and other public finance institutions; and

c) better access to risk capital notably by analysing the feasibility of a risk sharing facility for investments in energy from renewable sources in the European Union similar to the Global Energy Efficiency and Renewable Energy Fund initiative which is reserved to energy from renewable sources and energy efficiency investments in third countries.

5b. The Commission shall, in particular, analyse how those new financing possibilities could be used for the speeding up of “renewable energy projects of European interest” through the acceleration of the:

(a) development of 100 % or high renewable energy communities and cities in the framework of the “covenant of majors initiative”;

(b) development of the required network infrastructure to develop off-shore wind and marine energy potentials in the various maritime areas of the European Union;

(c) take-up of biomass based district heating and cooling networks, solar or geothermal in the northern and eastern regions of the European Union in combination with a major retrofitting programme of the existing building stock;

(d) development of interconnectors with Mediterranean countries in order fully to tap into the vast potential of wind, wave, tidal and solar thermal electricity potential in Mediterranean and other neighbouring countries.

5c. The Commission and the Member States shall, by 31 December 2009, present an analysis and plan aimed at the coordinated targeting of Community and national funding, and other forms of support, at renewable energy and energy
efficient technology research centres; in particular at centres that cooperate with universities and enterprises (in particular SMEs) in applied and innovative breakthrough research; technological research shall take a special interest in decentralised and Community production. Such research shall aim to minimise usage conflicts, such as between fuel and food. Such centres will also aim to spread awareness among the general public about renewable energy, and, in particular, energy saving measures.


Amendment 135

Proposal for a directive
Article 13

Text proposed by the Commission

1. Member States shall ensure that information on support measures is made available to consumers, builders, installers, architects and suppliers of heating, cooling and electricity equipment and systems and of vehicles compatible with the use of high biofuel blends or pure biofuels.

2. Member States shall ensure that information on the net benefits, cost and energy efficiency of equipment and systems for the use of heating, cooling and electricity from renewable sources is made available either by the supplier of the equipment or system or by the national competent authorities.

3. Member States shall develop

Amendment

1. Member States shall ensure that information on support measures, and special services for vulnerable consumers are widely disseminated to consumers, builders, installers, architects, social housing organisations, real estate managers, local and regional decision-makers and suppliers of heating, cooling and electricity equipment and systems and of renewable driven hydrogen, hybrid and electric vehicles and other vehicles compatible with the use of high biofuels blends or pure biofuels.

2. Member States shall ensure that information on the net benefits, cost and energy efficiency of equipment and systems for the use of heating, cooling and electricity from renewable sources is made available by the supplier of the equipment or system and by the national competent authorities.

3. Member States shall ensure that
certification schemes for installers of small-scale biomass boilers and stoves, solar photovoltaic and solar thermal systems and heat pumps. Those schemes shall be based on the criteria laid down in Annex IV. Each Member State shall recognise certification awarded by other Member States in accordance with these criteria.

4. Member States shall develop guidance for planners and architects so that they are able properly to consider the use of energy from renewable sources and of district heating and cooling when planning, designing, building and renovating industrial or residential areas.

Amendment 136

Proposal for a directive
Article 14

Text proposed by the Commission

Article 14
Access to the electricity grid
1. Member States shall take the necessary

Amendment

Article 14
Access to and operation of the grids
1. Member States and the competent
steps to develop grid infrastructure to accommodate the further development of electricity production from renewable energy sources, including interconnectors between Member States.

authorities shall take all the necessary steps to develop transmission and distribution grid infrastructure, intelligent networks, storage facilities and the electricity system in order to allow the secure operation of the electricity system and to accommodate the further development of electricity production from renewable energy sources, as a minimum to ensure the targets set out in Annexes 1A and 1B are met, including interconnectors between Member States, as well as third countries. Member States shall also take appropriate measures to accelerate authorisation procedures for grid infrastructure and to coordinate approval of grid infrastructure with administrative and planning procedures.

In their national renewable energy action plans, Member States will assess the need to extend and/or to reinforce existing infrastructure to facilitate the integration of the quantities of renewables needed to achieve the 2020 national target and will present the measures they will take in order to accelerate the authorisation procedures.

2. Without prejudice to the maintenance of the reliability and safety of the grid, Member States shall ensure that transmission system operators and distribution system operators in their territory guarantee the transmission and distribution of electricity produced from renewable energy sources. They shall also provide for priority access to the grid system of electricity produced from renewable energy sources. When dispatching electricity generating installations, transmission system operators shall give priority to generating installations using renewable energy sources insofar as the security of the national electricity system permits.

2. Without prejudice to the maintenance of the reliability and safety of the grid and insofar as the security of the national electricity system permits:

(a) Member States shall ensure that transmission system operators and distribution system operators in their
priority access, priority connection, priority transmission and priority distribution of electricity produced from renewable energy sources and that the responsible system operators optimise, reinforce and extend the grid following a reasonable request from a renewable energy producer to ensure priority connection, access, transmission, distribution and dispatch of electricity produced from renewable energy sources;

(b) Member States shall ensure that the responsible system operators shall provide for priority to generating installations using renewable energy sources when dispatching, and take all appropriate grid and market related operational measures to minimise the curtailment of electricity produced from renewable energy sources due to grid and market related measures. Priority may also be given by transmission operators in order to allow the electricity produced to match certain heat volumes produced in high efficiency power plants to go to the system as in Article 8(1) of Directive 2004/8/EC.

Members States shall ensure that if measures are taken to curtail the electricity produced from renewable energy sources are indispensable in order to guarantee the security of the national electricity system and security of supply, the responsible system operators report publicly and without undue delay on the issues and measures taken.

3. Member States shall require transmission system operators and distribution system operators to set up and publish their standard rules relating to the bearing and sharing of costs of technical adaptations, such as grid connections and grid reinforcements, which are necessary in order to integrate new producers feeding electricity produced from renewable energy sources into the interconnected grid.

3. Member States or the competent regulatory authorities shall require transmission system operators and distribution system operators to publish their standard rules relating to the bearing and sharing of costs of technical adaptations, such as grid connections, grid reinforcements, improved operation of the grid and rules on the non-discriminatory implementation of the grid codes, which are necessary in order to integrate new producers feeding electricity produced
These rules shall be based on objective, transparent and non-discriminatory criteria taking particular account of all the costs and benefits associated with the connection of these producers to the grid and of the particular circumstances of producers located in peripheral regions and in regions of low population density. The rules may provide for different types of connection. Those rules shall be published by 30 June 2010.

These rules shall be based on objective, transparent and non-discriminatory criteria taking particular account of all the costs and benefits associated with the connection of these producers to the grid and of the particular circumstances of producers located in peripheral regions and in regions of low population density. The rules may provide for different types of connection and shall be set up or approved by the national regulatory authority.

3a. Member States or competent regulatory authorities shall require transmission system operators and distribution system operators to provide comprehensive and necessary information concerning the transmission systems to any new producers wishing to be connected to the transmission and distribution grid including unrestricted information on transmission capacity already allocated and that still available.

3b. The sharing of costs referred in paragraph 3 shall be enforced by a regulatory mechanism based on objective, transparent and non-discriminatory criteria taking into account the benefits which initially and subsequently connected producers as well as transmission system operators and distribution system operators derive from the connections.

4. Where appropriate, Member States may require transmission system operators and distribution system operators to bear, in full or in part, the costs referred to in paragraph 3. Member States shall review and take the necessary measures to improve the frameworks and rules for bearing and sharing of costs referred to in paragraph 3 by 30 June 2011 at the latest and every two years thereafter to ensure the integration of new producers as from renewable energy sources into the interconnected grid.

4. Member States shall require transmission system operators and distribution system operators to bear the costs for grid reinforcements related to the extension of both large scale and small scale renewable energies necessary to achieve the minimum national target established in Annexes 1A and 1B. These costs will be authorised by the national regulators and spread across all energy consumers.
referring to in that paragraph.

5. Member States shall require transmission system operators and distribution system operators to provide any new producer wishing to be connected to the system with a comprehensive and detailed estimate of the costs associated with the connection. Member States may allow producers of electricity from renewable energy sources wishing to be connected to the grid to issue a call for tender for the connection work.

5. Member States and the competent regulatory authorities shall require transmission system operators and distribution system operators to provide any new producer wishing to be connected to the system with:

a) a comprehensive and detailed estimate of the costs associated with the connection;

b) a reasonable and precise timetable for receipt and processing the request for grid connection;

c) a reasonable and precise timetable for an effective grid connection of no longer than two years;

Member States or the competent regulatory authorities shall define provisions imposing sanctions in case of non-compliance with the rules listed under (a), (b) and (c) of this paragraph.

Member States may allow producers of electricity from renewable energy sources wishing to be connected to the grid to provide for their own connection work through external experts.

6. The sharing of costs referred in paragraph 3 shall be enforced by a mechanism based on objective, transparent and non-discriminatory criteria taking into account the benefits which initially and subsequently connected producers as well as transmission system operators and distribution system operators derive from the connections.

Amendment 137
Proposal for a directive
Article 14 – paragraph 7

Text proposed by the Commission

7. **Member States** shall ensure that the charging of transmission and distribution feeds does not discriminate against electricity from renewable energy sources, including in particular electricity from renewable energy sources produced in peripheral regions, such as island regions, and in regions of low population density.

Amendment

7. **National regulatory authorities** shall require that the charging of transmission and distribution feeds does not discriminate against electricity or gas from renewable energy sources, and does not discriminate against electricity or gas from renewable energy sources produced in peripheral regions, such as island regions, and in regions of low population density. The Commission shall investigate alleged breaches of this paragraph and shall take the necessary corrective action in the event of such a breach.

Justification

Member States have consistently violated this clause, and the Commission has failed in its duty to enforce it. This amendment toughens the language to make the responsibilities of the competent authorities absolutely clear.

Amendment 138

Proposal for a directive
Article 14 – paragraph 8

Text proposed by the Commission

8. **Member States** shall ensure that fees charged by transmission system operators and distribution system operators for the transmission and distribution of electricity from plants using renewable energy sources reflect realisable cost benefits resulting from the plant's connection to the network. Such cost benefits could arise from the direct use of the low-voltage grid.

Amendment

8. **National regulatory authorities** shall ensure that fees charged by transmission system operators and distribution system operators for the transmission and distribution of electricity or gas from plants using renewable energy sources reflect the costs resulting from the plant's connection to the network. Such cost benefits could arise from the direct use of the low-voltage grid.
Proposal for a directive
Article 14 – paragraph 8 a (new)

Text proposed by the Commission

8a. The Commission and the Member States shall develop a coordinated approach to the development of off-shore wind and marine energies in the North Sea, Irish Sea, Atlantic and the Baltic Sea. That plan will comprise streamlined authorisation procedure and the necessary grid infrastructure both off-shore and on-shore will be a priority project in the Trans-European Network (TEN) initiative.

The Commission and Member States shall develop a coordinated approach to the development of wind and solar thermal electricity capacities in the Mediterranean region in Member States and third countries. The necessary grid infrastructure and an improved coordination between the different system operators on a European level will be a priority project in the Trans-European Network (TEN) initiative.

Justification

The development of the off-shore wind and marine potentials in the North Sea and Baltic Sea and the development of the solar thermal and wind energy potentials in the Mediterranean region will be eased by a coordinated approach and should be a priority in the TEN initiative.

Amendment 140

Proposal for a directive
Article 14 – paragraph 8 b (new)

Text proposed by the Commission

8b. Member States shall assess the necessities to extend existing gas network infrastructure to facilitate the integration of gas from renewable sources.
Justification

Gas networks should be opened for feed-in from gas produced from biomass in order to maximise the energy use of biogas by using it in places where heating and cooling demands exist.

Amendment 141

Proposal for a directive
Article 14 – paragraph 8 c (new)

Text proposed by the Commission

8c. Without prejudice to the maintenance of the reliability and safety of the gas network system, Member States shall ensure that transmission system operators and distribution system operators of gas networks in their territory guarantee the transmission and distribution of gas from renewable sources. The costs of the network connection, including the conjunction with the connecting point, the gas-pressure-measuring system, installations for pressure increase and the calibratable measurement, shall be borne by the network operator and socialised to consumers. Derogations from this requirement may be granted in the event that the installation producing gas from renewable energy sources is more than 15 kilometres away from the next available gas pipeline.

Transmission system operators and distribution system operators shall also provide for priority access to the network system of gas produced from renewable energy sources, if the gas is compatible with the network system.

Justification

A similar system to the priority access for renewables for electricity should be designed for gas from renewables sources.
Amendment 142
Proposal for a directive
Article 14 – paragraph 8 d (new)

Text proposed by the Commission

Amendment

8d. Member States shall require transmission system operators and distribution system operators in their territory to make available the quality requirements for gas from renewable energy sources for network integration, based on transparent and non-discriminatory standards. The network operator is responsible for the odoration and the measurement of the quality of the gas.

Amendment 143
Proposal for a directive
Article 14 – paragraph 8 e (new)

Text proposed by the Commission

Amendment

8e. Member States shall provide financial incentives for the construction and expansion of heating networks for the transmission of heat and cooling from renewable energy sources.

Justification
The large-scale uptake of renewables in heating and cooling will depend on the availability of the necessary district heating and cooling infrastructure. National, regional and local authorities have a crucial role to play in this respect.

Amendment 144
Proposal for a directive
Article 14 – paragraph 8 f (new)

Text proposed by the Commission

Amendment

8f. Member States shall take the necessary
steps to develop a district heating infrastructure to accommodate the development of central heating and cooling production from large biomass, solar and geothermal facilities. In their national action plans they will assess the necessities to build new infrastructure in order to facilitate the integration of the quantities of centrally produced renewable heating and cooling needed to achieve the 2020 national target.

Justification

The large-scale uptake of renewables in heating and cooling will depend on the availability of the necessary district heating and cooling infrastructure. National, regional and local authorities have a crucial role to play in this respect.

Amendment 145

Proposal for a directive
Article 14 – paragraph 8 g (new)

Text proposed by the Commission

8g. Member States shall develop obligations and incentives for existing and new to build district heating and cooling networks in order to facilitate the uptake of heating and cooling from renewables energy sources.

Justification

The huge biomass, geothermal and solar potential for heating and cooling needs to be faced in quicker into existing or to be build district heating and cooling infrastructure

Amendment 146

Proposal for a directive
Article 14 – paragraph 8 h (new)

Text proposed by the Commission

8h. Member States shall take appropriate measures to protect vulnerable energy
consumers from the full costs referred to in paragraph 8a and to reduce energy poverty.

Justification

The increase in costs, and therefore in final electricity bills, implied by the proposed Directive will potentially be very substantial for energy-intensive industry sectors and for households. Thus, it is important that the Commission carry out an assessment to more fully understand these potential costs, and that Member States address the possible impacts on vulnerable and poorer consumers by appropriate measures.

Amendment 147

Proposal for a directive
Article 14a (new)

<table>
<thead>
<tr>
<th>Text proposed by the Commission</th>
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<tbody>
<tr>
<td>Article 14a</td>
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<tr>
<td>1. Member States shall take the necessary measures for infrastructure development to take account of the development of district heating and cooling production from renewable energy sources.</td>
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<tr>
<td>2. Member States shall take the necessary steps to develop gas network infrastructure to accommodate the further development of gas from renewable energy sources, including interconnectors between Member States.</td>
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<tr>
<td>3. Without prejudice to the reliability of safety of the gas network, national authorities shall guarantee the intake and distribution of the gas produced from renewable energy sources, with access priority.</td>
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<tr>
<td>4. Member States shall require national gas network authorities to publish their standard rules relating to the investments for the necessary technical adaptation.</td>
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<tr>
<td>5. Member States shall ensure that the charging of transport and distribution fees does not discriminate against gas produced from renewable sources and</td>
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</table>
that the fees reflect possible cost benefits resulting from the connection of plants producing gas from renewable sources to the gas network.

Justification

Support for heating and cooling infrastructure is just as necessary as the provisions in Article 14. Provision for gas production as well as electricity should be planned.

Amendment 148

Proposal for a directive

Article 15 – paragraph 1

<table>
<thead>
<tr>
<th>Text proposed by the Commission</th>
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<tbody>
<tr>
<td><strong>Environmental sustainability</strong> criteria for biofuels and other bioliquids</td>
<td><strong>Sustainability</strong> criteria for biomass for energy</td>
</tr>
<tr>
<td>1. <em>Biofuels and other bioliquids</em> shall be taken into account for the purposes listed under letters (a), <em>(b)</em> and <em>(c)</em> below only if they fulfil the criteria set out in paragraphs 2 to 5:</td>
<td>1. Irrespective of whether the raw materials were cultivated inside or outside the territory of the Community, energy from biomass shall be taken into account for the purposes listed under letters <em>(a)</em> to <em>(c)</em> below only if it fulfils the criteria set out in paragraphs 2 to 8:</td>
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<tr>
<td>(a) measuring compliance with the requirements of this Directive concerning national targets;</td>
<td>(a) measuring compliance with the requirements of this Directive concerning national targets;</td>
</tr>
<tr>
<td><em>(b)</em> measuring compliance with renewable energy obligations;</td>
<td><em>(c)</em> eligibility for financial support for the consumption of biofuels and other bioliquids.</td>
</tr>
<tr>
<td><em>(c)</em> eligibility for financial support for the consumption of biomass for energy.</td>
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</tbody>
</table>

Amendment 149

Proposal for a directive
Article 15 – paragraph 2

Text proposed by the Commission

2. The greenhouse gas emission saving from the use of biofuels and other bioliquids taken into account for the purposes referred to in paragraph 1 shall be at least 35%.

Amendment

2. The greenhouse gas emission saving from the use of transport fuels from biomass taken into account for the purposes referred to in paragraph 1 shall be at least 45%.

With effect from 1 January 2015, the greenhouse gas emission saving from the use of transport fuels from biomass taken into account for the purposes referred to in paragraph 1 shall be at least 60%.

The greenhouse gas emission saving from the use of transport fuels from biomass shall be calculated as provided for in Article 17(1).

In the case of biofuels and other bioliquids produced by installations that were in operation in January 2008, the first subparagraph shall apply from 1 April 2013.

Amendment 150

Proposal for a directive
Article 15 – paragraph 2 a (new)

Text proposed by the Commission

2a. The use of land for the production of biofuels shall not be allowed to compete with the use of land for the production of foods.

Amendment

2a. The use of land for the production of biofuels shall not be allowed to compete with the use of land for the production of foods.

Justification

Greater care is needed to ensure that the use of biofuels does not worsen the food situation.

Amendment 151
Proposal for a directive
Article 15 – paragraph 3

Text proposed by the Commission

3. **Biofuels and other bioliquids** taken into account for the purposes referred to in paragraph 1 shall not be made from raw material obtained from land with recognised high biodiversity value, **that is to say land that had one of the following statuses in or after January 2008**, whether or not the land still has *this* status:

(a) **forest undisturbed by significant human activity**, *that is to say, forest where there has been no known significant human intervention or where the last significant human intervention was sufficiently long ago to have allowed the natural species composition and processes to have become re-established*;

(b) areas designated for nature protection purposes, unless evidence is provided that the production of that raw material did not interfere with those purposes;

Amendment

3. **Biomass for energy** taken into account for the purposes referred to in paragraph 1 shall not be made from raw material obtained from land with recognised high biodiversity value **unless consisting of legal and regulated waste streams or wood residues arising from legitimate conservation management practices. This includes land that had one of the following statuses in or after May 2003, whether or not the land still has *that* status**:

(a) **primary forest and other wooded land**: Forest and other wooded land of native species, where there are no clearly visible indications of human activities and the ecological processes are not significantly disturbed;

(aa) areas that provide basic ecosystem services in critical situations (such as watershed protection and erosion control) as defined by the Millennium Ecosystem Assessment;

(b) areas designated *by law or by the relevant competent authorities* for nature protection purposes, *including those designated for the protection of rare, threatened or endangered ecosystems or species recognised by international agreements*, unless evidence is provided that the production of that raw material did not interfere with those purposes;

(ba) areas with a substantial concentration in regional or global terms of rare, threatened or endangered ecosystems or species that are recognised by international agreements or form part of the IUCN “Red List”, unless proof is available that the production of this raw material does not conflict with those
(c) highly biodiverse grassland, that is to say grassland that is **species-rich, not fertilised and not degraded**.

The Commission shall establish the criteria and geographic ranges to determine which grassland shall be covered by point (c). Such a measure designed to amend non-essential elements of this Directive shall be adopted in accordance with the regulatory procedure with scrutiny referred to in Article 21(3).

**Amendment 152**

**Proposal for a directive**
**Article 15 – paragraph 4**

**Text proposed by the Commission**

4. **Biofuels and other bioliquids** taken into account for the purposes referred to in paragraph 1 shall not be made from raw material obtained from land with high carbon stock, that is to say land that had one of the following statuses in January 2008 and no longer has this status:

(a) wetlands, that is to say land that is covered with or saturated by water permanently or for a significant part of the year, **including pristine peatland**;

(b) continuously forested areas, that is to say land spanning more than 1 hectare with trees higher than 5 metres and a canopy cover of more than 30%, or trees able to reach these thresholds **in situ**;

**Amendment**

4. **Biomass for energy** taken into account for the purposes referred to in paragraph 1 shall not be made from raw material obtained from land with high carbon stock, that is to say land that had one of the following statuses in **May 2003** and no longer has this status:

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

(aa) peatlands;

(b) continuously forested areas, that is to say land spanning more than 0,5 hectare with trees higher than 5 metres and a canopy cover of more than 10%, or trees able to reach these thresholds **in situ**;

(ba) savannah and scrubland, that is to say areas of mixed tree, shrub and grassland that hold high carbon stock;
The provisions in this paragraph shall not apply if at the time the raw material was obtained, the land had the same status as it had in **January 2008**.

The provisions in this paragraph shall not apply if at the time the raw material was obtained, the land had the same status as it had in **May 2003**.

**Amendment 153**

**Proposal for a directive**

**Article 15 – paragraph 5**

**Text proposed by the Commission**

5. Agricultural raw materials cultivated in the Community and used for the production of biofuels and other bioliquids taken into account for the purposes referred to in paragraph 1, shall be obtained in accordance with the requirements and standards under the provisions listed in point A of Annex III to Council Regulation (EC) No 1782/2003 under the heading "Environment" and in accordance with the minimum requirements for good agricultural and environmental condition defined pursuant to Article 5(1) of that Regulation.

**Amendment**

5. Agricultural raw materials cultivated in the Community and used for the production of biofuels and other bioliquids taken into account for the purposes referred to in paragraph 1, shall be obtained in accordance with the requirements and standards under the provisions listed in point A of Annex III to Council Regulation (EC) No 1782/2003 under the heading "Environment" and in accordance with the minimum requirements for good agricultural and environmental condition defined pursuant to Article 5(1) of that Regulation.

5a. Irrespective of whether the raw materials were cultivated in the European Union or in a third country, biomass for energy shall be taken into account for the purposes referred to in paragraph 1 only if effective measures have been taken to prevent:

(a) water pollution, including groundwater;

(b) excessive water consumption in areas where water is scarce;

(c) air pollution;

(d) deterioration of the soil quality;

and

(e) use of agrochemicals categorised as World Health Organisation Type 1A or 1B and
Class 2 products, listed by the Stockholm and Rotterdam Conventions or controlled or on the candidate list under the Stockholm Convention on Persistent Organic Pollutants.

5b. With reference to paragraph 5a, biomass for energy shall be taken into account for the purposes referred to in paragraph 1 only under the following conditions:

(a) the right to use the land can be demonstrated and is not legitimately contested by local communities with demonstrable legal or customary rights;

(b) no raw material must be cultivated on land obtained for that purpose through forced eviction;

(c) the production of raw materials for biofuels, other bioliquids must not use or support forced labour including bonded labour or child labour as provided for in ILO Conventions 29, 105, 138, 182;

(d) all workers must have legal contracts, must be remunerated fairly and must have, inter alia, the right to organise and bargain collectively and freedom from discrimination as provided for in ILO Conventions 100, 111, 87, 98.

(e) there must be compliance with national law relating to health and safety of workers;

(f) the provisions of the following International Conventions must be complied with:

(i) Convention on International Trade in Endangered Species of Wild Fauna and Flora;

(ii) Convention of Biological Diversity;

(iii) Cartagena Protocol on Biosafety; and

Effective implementation of the Treaties listed in point (f) shall be ascertained having regard to signatory countries’ implementation record in accordance with the implementation provisions of the Treaties and, in particular, any recommendations made by bodies set up under the Treaties to monitor compliance.

If a signatory country has not ratified the Treaties listed in point (f) but the national authorities or the economic operator provides the Commission with reliable information showing that the standards of environmental protection in that country are equivalent to those laid down in the Treaties, the Commission may decide, in accordance with the regulatory procedure referred to in Article 21(2), that transport fuels from biomass produced in that country can be taken into account for the purposes referred to in paragraph 1.

5c. Where appropriate, smallholder farmers, producer organisations and cooperatives may apply for group certification schemes in order to protect them against disproportionate administrative burdens placed on them by designed auditing procedures.

Amendment 154

Proposal for a directive
Article 15 – paragraph 6

Text proposed by the Commission

6. Member States shall not refuse to take into account, for the purposes referred to in paragraph 1, biofuel and other bioliquids obtained in compliance with this Article, on other grounds of sustainability.

Amendment

deleted

Justification

Member States should be allowed to add additional criteria to the EU-criteria.
Amendment 155
Proposal for a directive
Article 15 – paragraph 7

Text proposed by the Commission

7. The Commission shall report on requirements for a sustainability scheme for energy uses of biomass, other than biofuels and other bioliquids, by 31 December 2010 at the latest. The report shall be accompanied, where appropriate, by proposals for a sustainability scheme for other energy uses of biomass, to the European Parliament and the Council.

Justification

Sustainability criteria for biomass energy use should be set by this directive.

Amendment 156
Proposal for a directive
Article 16 – title

Text proposed by the Commission

Verification of compliance with the environmental sustainability criteria for biofuels and other bioliquids

Amendment

Verification of compliance with the sustainability criteria for all biomass used for energy purposes

Amendment 157
Proposal for a directive
Article 16 – paragraph 1 – subparagraph 1

Text proposed by the Commission

1. Where biofuels and other bioliquids are to be taken into account for the purposes referred to in Article 15(1), Member States shall require economic operators to show that the environmental sustainability

Amendment

1. Where biomass, biofuels and other bioliquids are to be taken into account for the purposes referred to in Article 15(1), Member States shall require economic operators to show that the environmental
criteria set out in Article 15 have been fulfilled. For this purpose they shall require economic operators to use a mass balance system providing the following:

Amendment 158
Proposal for a directive
Article 16 - paragraph 1 - point (a)

Text proposed by the Commission
(a) consignments of raw material or biofuel with differing sustainability characteristics can be mixed;

Amendment
(a) consignments of raw material or biofuel with differing sustainability characteristics can be mixed provided all consignments meet the sustainability criteria laid down in Article 15;

Justification
All consignments should meet the criteria, otherwise there is an obvious risk that biofuels and bioliquids with a low GHG performance are simply mixed with high performing biofuels and bioliquids and thereby pass the criteria.

Amendment 159
Proposal for a directive
Article 16 – paragraph 2

Text proposed by the Commission
The Commission shall report to the European Parliament and the Council in 2010 and 2012 on the operation of the mass balance verification method described in paragraph 1 and on the potential to allow for other verification methods in relation to some or all types of raw material or biofuel. In its assessment the Commission shall consider those verification methods in which information about sustainability characteristics need not remain physically assigned to particular consignments or mixtures. The assessment shall take into account the need to maintain

Amendment
The Commission shall report to the European Parliament and the Council in 2010 and 2012 on the operation of the mass balance verification method described in paragraph 1 and on the potential to allow for other verification methods in relation to some or all types of raw material, biofuel or other bioliquids. In its assessment the Commission shall consider those verification methods in which information about sustainability characteristics need not remain physically assigned to particular consignments or mixtures. The assessment shall take into
the integrity and effectiveness of the verification system while avoiding imposing an unreasonable burden on industry. The report shall be accompanied, where appropriate, by proposals on allowing other verification methods, to the European Parliament and the Council. account the need to maintain the integrity and effectiveness of the verification system while avoiding imposing an unreasonable burden on industry. The report shall be accompanied, where appropriate, by proposals on allowing other verification methods, to the European Parliament and the Council.

**Justification**

*The future Commission report should also take account of bioliquids in order to cover the entire spectrum.*

**Amendment 160**

**Proposal for a directive**

**Article 16 – paragraph 2 – subparagraph 1 a (new)**

<table>
<thead>
<tr>
<th>Text proposed by the Commission</th>
<th>Amendment</th>
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</thead>
<tbody>
<tr>
<td>In its 2009 report the Commission shall propose a scheme for verification of compliance with the sustainability criteria in Article 15 for all forms of energy from biomass.</td>
<td></td>
</tr>
</tbody>
</table>

**Justification**

*While the criteria is proposed to be extended from biofuels to all energy uses of biomass, a robust methodology for verification of compliance is missing for other energy uses of biomass than biofuels. In a report in 2009 the Commission should therefore present such an extension.*

**Amendment 161**

**Proposal for a directive**

**Article 16 – paragraph 4 – subparagraph 1**

<table>
<thead>
<tr>
<th>Text proposed by the Commission</th>
<th>Amendment</th>
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<tbody>
<tr>
<td>4. The Commission may decide that bilateral and multilateral agreements between the Community and third countries demonstrate that biofuels and other bioliquids produced from raw materials cultivated in those countries</td>
<td></td>
</tr>
<tr>
<td>4. The Commission may decide that bilateral and multilateral agreements between the Community and third countries demonstrate that biomass, biofuels and other bioliquids produced from raw materials cultivated in those</td>
<td></td>
</tr>
</tbody>
</table>

*EN*
comply with the environmental sustainability criteria in paragraphs 3 or 4 of Article 15.

countries comply with the environmental and social sustainability criteria in paragraphs 3 or 4 of Article 15.

Justification

Any decision to override the sustainability criteria laid down in this directive in favour of other national, multinational or international schemes would constitute a supplementary measure beyond the scope of the directive and should therefore be subject to regulatory procedure with scrutiny.

Amendment 162

Proposal for a directive

Article 16 – paragraph 4 – subparagraph 2

Text proposed by the Commission

The Commission may decide that voluntary national or international schemes setting standards for the production of biomass products contain accurate data for the purposes of Article 15(2) or demonstrate that consignments of biofuel comply with the environmental sustainability criteria in paragraphs 3 or 4 of Article 15.

Amendment

The Commission shall encourage that voluntary national or international schemes setting standards for the production of biomass products contain accurate data for the purposes of Article 15(2) or demonstrate that consignments of biomass for energy comply with the sustainability criteria in Article 15. In such cases the use of standards shall be based on equal treatment of different standard setting schemes and may not lead to discrimination in any part of the biofuel production chain.

Amendment 163

Proposal for a directive

Article 16 – paragraph 6

Text proposed by the Commission

6. Decisions pursuant to paragraph 4 shall be adopted in accordance with the procedure referred to in Article 21(2). Such decisions shall be valid for a period of no more than 5 years.

Amendment

6. Decisions pursuant to paragraph 4, designed to amend non-essential elements of this Directive, shall be adopted in accordance with the regulatory procedure with scrutiny referred to in Article 21(3). Such decisions shall be valid for a period of no more than 5 years and may be
revoked at the initiative of the European Parliament, the Commission, or the Committee provided for in Article 21(2) at any time when there is significant concern over the reliability of a scheme.

Amendment 164
Proposal for a directive
Article 16 – paragraph 8

Text proposed by the Commission

8. At the request of a Member State or on its own initiative the Commission shall examine the application of Article 15 in relation to a source of biofuel or other bioliquid and, within six months of receipt of a request and in accordance with the procedure referred to in Article 21(2), decide whether the Member State concerned may take biofuel or bioliquid from that source into account for the purposes listed in Article 15(1).

Amendment

8. At the request of a Member State or on its own initiative the Commission shall examine the application of Article 15 in relation to a source of biomass, biofuel or other bioliquid and, within six months of receipt of a request and in accordance with the procedure referred to in Article 21(2), decide whether the Member State concerned may take biomass, biofuel or bioliquid from that source into account for the purposes listed in Article 15(1).

Justification

All plant-based energy for transport should be subject to the same environmental sustainability criteria. The word 'biomass' should be included in addition to 'biofuels' and 'bioliquids' in order to preclude any loophole which could arise as a result of technological development, for example biomass used to produce hydrogen for transport.

Amendment 165
Proposal for a directive
Article 17

Text proposed by the Commission

Calculation of the greenhouse gas impact of biofuels and other bioliquids

1. The greenhouse gas emission saving from the use of biofuel and other bioliquids for the purposes of Article 15(2) shall be calculated as follows:

Amendment

Calculation of the greenhouse gas impact of transport and liquid fuels from biomass

1. The greenhouse gas emission saving from the use of transport fuels from biomass for the purposes of Article 15(2) shall be calculated as follows:
(a) for biofuels, where a default value for greenhouse gas emission savings for the biofuel production pathway is laid down in Part A or B of Annex VII, by using that default value;

(b) by using an actual value calculated in accordance with the methodology laid down in Part C of Annex VII; or

(c) by using a value calculated in accordance with the methodology laid down in Part C of Annex VII as the sum of actual values for some of the steps of the production process and the disaggregated default values in Part D or E of Annex VII for the other steps of the production process.

Emissions caused by direct and indirect land use change, as specified in Part C of Annex VII, shall be added unless the production is based upon raw materials, including waste that do not require the use of arable, pasture or permanent crop land.

2. By 31 March 2010 at the latest, Member States shall submit to the Commission a report including a list of those entities of their territory classified as NUTS 2 level in Regulation (EC) No 1059/2003 of the European Parliament and of the Council where the typical greenhouse gas emissions from cultivation of agricultural raw materials can be expected to be lower than or equal to the emissions reported under the heading "cultivation" in part D of Annex VII to this Directive, accompanied by a description of the method and data used to establish that list. The method shall take into account soil characteristics, climate and expected raw material yields.


3. By 31 December 2009, Member States shall submit to the Commission a report including a list of degraded land where energy crop production could produce a net carbon benefit, and a list of those entities of their territory classified as NUTS 2 level in Regulation (EC) No 1059/2003 of the European Parliament and of the Council where the typical greenhouse gas emissions from cultivation of agricultural raw materials can be expected to be lower than or equal to the emissions reported under the heading "cultivation" in part D of Annex VII to this Directive, accompanied by a description of the method and data used to establish that list. The method shall take into account soil characteristics, climate and expected raw material yields.

3. The disaggregated default values for cultivation in Part D of Annex VII for transport and liquid fuels from biomass may apply only when their raw materials
bioliquids, shall apply only when their raw materials are cultivated:

(a) outside the Community; or

(b) in the Community in regions included in the lists referred to in paragraph 2.

For biofuels and other bioliquids falling under neither of the preceding subparagraphs actual values for cultivation shall be used.

4. The Commission shall report by 31 December 2012 at the latest on the estimated typical and default values in Annex VII Part B and Part E, paying special attention to emissions from transport and processing, and may, where necessary, decide to correct the values. Such a measure designed to amend non-essential elements of this Directive shall be adopted in accordance with the regulatory procedure with scrutiny referred to in Article 21(3).

are cultivated:

(a) outside the Community; or

(b) in the Community in regions included in the lists referred to in paragraph 2 or

Transport and liquid fuels from biomass falling under neither of the preceding subparagraphs actual values for cultivation shall be used.

4. By 31 December 2010 and every two years thereafter, the Commission, assisted by a committee of independent experts, shall report on and review the typical and default values in Annex VII, paying special attention to emissions from cultivation. With regard to typical and default values for cultivation, the Commission shall present by 31 December 2010 a new set of typical and default values that reflect regional and climatological conditions. In the review process the opinions of producers both in third countries and within the Community and of civil society experts shall be solicited. In addition, the Commission shall assess, and if necessary propose, typical and default values for cultivation using sustainable agricultural and organic farming methods.

By 31 December 2010, the Commission shall submit a report to the European Parliament and to the Council, containing proposals for the inclusion of the values for emissions caused by indirect change of land use, as specified in Part C of Annex VII, to land use and/or feedstock specific factors. Those proposals shall be based on the on the assessment of best available scientific evidence by a committee of independent experts. The European Parliament and the Council shall decide by 31 December 2011 on the proposals submitted by the Commission.

Every two years thereafter, the Commission shall assess whether a further review is necessary, on the basis of the advice of the committee of
independent experts.

Those measures, designed to amend non-essential elements of this Directive by supplementing it, shall be adopted in accordance with the regulatory procedure with scrutiny referred to in Article 21(3).

5. Annex VII may be adapted to technical and scientific progress. Such a measure designed to amend non-essential elements of this Directive shall be adopted in accordance with the regulatory procedure with scrutiny referred to in Article 21(3). Any adaptation of or addition to the list of default values in Annex VII shall respect the following rules:

(a) where the contribution of a factor to overall emissions is small, or where there is limited variation, or where the cost or difficulty of establishing actual values is high, default values shall be typical of normal production processes;

(b) in all other cases default values shall be conservative compared to normal production processes.

Amendment 166

Proposal for a directive
Article 18 - title

Text proposed by the Commission

Specific provisions related to biofuels

Amendment

Specific provisions related to promotion of renewable energy use in transport
Amendment 167

Proposal for a directive
Article 18 - paragraph 1

Text proposed by the Commission
1. Member States shall ensure that information is given to the public on the availability of biofuels and other renewable transport fuels. For percentages of biofuels, blended in mineral oil derivatives, exceeding the limit value of 10% by volume, Member States shall require this to be indicated at the sales points.

Amendment
1. Member States shall ensure that detailed information is given to the public on the availability and environmental benefits of all different sources of renewable energy for transport. When the percentages of biofuels, blended in mineral oil derivatives, exceed 10% by volume, Member States shall require this to be indicated at the sales points.

Justification
Information should be made available not only with regard to biofuels, but for all types of renewable energy for transport.

Amendment 168

Proposal for a directive
Article 18 – paragraph 2

Text proposed by the Commission
2. Member States shall ensure that diesel fuel complying with the specifications set out in Annex V is made available by 31 December 2010 at the latest in filling stations with more than two pumps that sell diesel fuel.

Amendment
deleted

Justification
Since the FAME limit is not a relevant parameter for improving air quality, there is no apparent justification to regulate FAME as part of diesel fuel specification. CEN is the appropriate body to establish the technical requirement to address “fit for purpose” specification parameters such as the FAME limit. Rather than creating a new and separate grades of diesel (Annex V+VI), the FAME limits should be reviewed and revised upwards within the existing CEN specification (EN590).

Amendment 169
Proposal for a directive
Article 18 – paragraph 3

Text proposed by the Commission

3. **Member States shall ensure that diesel fuel complying with the specifications set out in Annex VI, or other diesel fuel with at least 5% biofuel content by volume, is made available by 31 December 2014 at the latest in filling stations with more than two pumps that sell diesel fuel.**

Justification

The directive should be technology neutral and should not favour any individual biofuel option. Furthermore, the proposed values in annexes V and VI are not suitable for all conditions, for instance it would be impossible to use these fuels in Nordic winter conditions.

Amendment 170

Proposal for a directive
Article 18 – paragraph 3 a (new)

Text proposed by the Commission

3a. **Member States shall take measures to guarantee sufficient fuelling options for zero-emission vehicles.**

Justification

Breakthrough of promising technologies is often inhibited by lack of infrastructure. Lack of fuelling options for electric or hydrogen cars is one reason that consumers will not buy them.

Amendment 171

Proposal for a directive
Article 18 – paragraph 4

Text proposed by the Commission

4. **For the purposes of demonstrating compliance with national renewable**

deleted
energy obligations placed on operators, the contribution made by biofuels produced from wastes, residues, non-food cellulosic material, and ligno-cellulosic material shall be considered to be twice that made by other biofuels.

Justification

The purpose of applying a factor of two to the contribution by unconventional biofuels is, in accordance with recital No 49, to improve their profitability. This means that they are credited with a notional emission reduction. In other words, 50% of their calculated emission reduction is in fact not achieved. This seriously distorts competition between the biofuels to achieve optimal emission reductions in favour of unconventional biofuels.

Amendment 172

Proposal for a directive
Article 18 – paragraph 4 a (new)

Text proposed by the Commission

4a. Member States shall provide for specific financial incentives for cellulosic biofuel to compensate additional production costs of this type of biofuel, including tax exemption or reduction under fiscal control, avoiding over-compensation timely limited and in line with the general State aid rules.

Research and development in the area of renewable energy in transport as well as development of sustainable transport systems shall be strongly promoted at both Community and Member State level and may receive additional support.

Justification

Incentives should be given for the development of most advanced & best available alternatives in transport. Promoting cellulosic biofuel production encourages specifically regionally produced biomass thus minimising environmental burden. To promote cellulosic biofuels and to off-set the at least initially higher production costs Member States can take specific supportive measures in line with the energy taxation provisions and the general rules for state aid.
Amendment 173
Proposal for a directive
Article 18 – paragraph 4 b (new)

Text proposed by the Commission

4b. Any support mechanism, including financial incentives, established by Member States for large scale production and use or consumption of renewable energy in transport shall be proportional to the greenhouse gas emission saving. Research and development in the area of renewable energy in transport as well as development of sustainable transport systems shall be strongly promoted at both Community and Member State level and may receive additional support.

Justification

In order to give incentives to the best alternatives for renewable energy in transport (including also electricity and hydrogen) possible support schemes, including subsidies, in Member States should be proportional to the GHG saving.

Amendment 174
Proposal for a directive
Article 18 – paragraph 4 c (new)

Text proposed by the Commission

4c. When considering the use of bio-fuels for transport, the use of hybrid propulsion technologies should be promoted whereby the complementary production of energy by an internal combustion engine technology and by an electric motor powered by a rechargeable battery contributes significantly to a reduction of the fuel consumption during transport.

Justification

Currently, Hybrid Electric Vehicles offer a significant reduction in the fossil fuel consumption per km for road transportation vehicles. The use of such technologies should be considered as
a tool for achieving the overall and the targeted objectives proposed in this Directive.

Amendment 175

Proposal for a directive

Article 19

Text proposed by the Commission

1. Member States shall submit a report to the Commission on progress in the promotion and use of energy from renewable sources by 30 June 2011 at the latest, and every 2 years thereafter.

The report shall detail in particular:

(a) the sectoral and overall shares of energy from renewable sources in the preceding two calendar years and the measures taken or planned at national level to promote the growth of renewable energy taking into account the indicative trajectory in Part B of Annex 1;

(b) the introduction and functioning of support schemes and other measures to promote energy from renewable sources, and any developments in the measures used with respect to those set out in the Member State's national action plan;

(c) how, where applicable, Member States have structured their support schemes to take into account renewable energy applications that give additional benefits in relation to other, comparable applications, but may also have higher costs, including biofuels made from wastes, residues, non-food cellulosic material, and lignocellulosic material;

Amendment

1. Member States shall submit a report to the Commission on progress in the promotion and use of energy from renewable sources by 30 June 2011, and every two years thereafter.

The report shall detail in particular:

(a) the sectoral and overall shares of energy from renewable sources in the preceding two calendar years and the measures taken or planned at national level in accordance with the requirements of this Directive to promote the growth of renewable energy taking into account the mandatory minimum interim targets in Part B of Annex 1;

(aa) the involvement of regions in this process and the measures taken at local and regional level;

(b) the introduction and functioning of support schemes and other measures to promote energy from renewable sources, and subsequent changes thereof, and any developments in the measures used with respect to those set out in the Member State's renewable energy action plan, together with related costs and mechanisms;

(c) how, where applicable, Member States have structured their support schemes to take into account renewable energy applications that give additional benefits in relation to other, comparable applications, but may also have higher costs, including biofuels made from wastes, residues, non-food cellulosic material, and lignocellulosic material; algae in vats, as well
(d) the functioning of the system of guarantees of origin for electricity and heating and cooling from renewable energy sources and the measures taken to ensure the reliability and protection against fraud of the system;

(e) progress made in evaluating and improving administrative procedures to remove regulatory and non-regulatory barriers to the development of energy from renewable sources;

(f) measures taken to ensure the transmission and distribution of electricity produced from renewable energy sources, and to improve the framework or rules for bearing and sharing of costs referred to in Article 14(3);

(g) developments in the availability and use of biomass resources for energy purposes;

(h) commodity price and land use changes within the Member State associated with its increased use of biomass and other forms of energy from renewable sources;

(i) the development and share of biofuels made from wastes, residues, non-food cellulosic material, and ligno-cellulosic material;

(j) the estimated impact of biofuel production on biodiversity, water resources, water quality and soil quality;

as non irrigated plants grown in arid areas to fight desertification;

(d) the functioning of the system of guarantees of origin for electricity and heating and cooling from renewable energy sources and the measures taken to ensure the reliability and protection against fraud of the system;

(e) progress made in evaluating and improving administrative procedures to remove regulatory and non-regulatory barriers to the development of energy from renewable sources;

(f) measures taken to ensure the transmission and distribution of electricity produced from renewable energy sources, particularly, where appropriate, from offshore wind, and to improve the framework or rules for bearing and sharing of costs referred to in Article 14(3);

(g) developments in the availability and the specification of the use of and the proportion of biomass resources for energy purposes, including the nature, the quantity and the country of origin of these resources that are imported;

(h) commodity price and land use changes within the Member State associated with its increased use of biomass and other forms of energy from renewable sources;

(i) the development and share of biofuels made from wastes, residues, non-food cellulosic material, and ligno-cellulosic material, algae in vats, as well as non irrigated plants grown in arid areas to fight desertification;

(j) the estimated impact of biomass for energy production on biodiversity, water resources, water quality and soil quality;
and

(k) the estimated net greenhouse gas savings due to the use of energy from renewable sources.

and

(k) the estimated net greenhouse gas savings due to the use of energy from renewable sources including the impact on carbon stocks linked to direct or indirect land use change.

(ka) measures taken to ensure that new and refurbished buildings use a minimum level of energy from renewable sources, as referred to in Article 12(4);

1a. In addition, Member States shall submit any change in their support schemes for energy from renewable sources within four weeks after adoption of the respective change to the Commission. The information shall contain any up-date on national or regional support schemes for renewable energy including type of support and, where applicable, kind of specification for different technologies and the level of support.

2. In estimating net greenhouse gas savings from the use of biofuels, Member States may, for the purpose of the reports referred to in paragraph 1, use the typical values given in Annex VII, part A and part B.

2. In estimating net greenhouse gas savings from the use of transport fuels from biomass, Member States may, for the purpose of the reports referred to in paragraph 1, use the typical values given in Annex VII, part A and part B.

3. In their first report, Member States shall outline whether they intend to:

(a) establish a single administrative body responsible for processing authorisation, certification and licensing applications for renewable energy installations and providing assistance to applicants;

(b) provide for automatic approval of planning and permit applications for renewable energy installations where the authorising body has not responded within the set time limits; and

(c) indicate geographical locations suitable for exploitation of energy from renewable sources in land-use planning and for the establishment of district heating and

(c) indicate geographical locations suitable for exploitation of energy from renewable sources in land-use planning and for the establishment of district heating and
cooling.

3a. In each report, Member States should be given an opportunity to correct data in respect of previous years. Corrections to earlier reports shall be specifically indicated.

Amendment 176

Proposal for a directive
Article 20

Text proposed by the Commission

1. The Commission shall monitor the origin of biofuels and other bioliquids consumed in the Community and the impacts of their production on land use in the Community and the main third countries of supply. Monitoring shall be based on Member States’ reports, submitted pursuant to Article 19(1) and those of relevant third countries, intergovernmental organisations, scientific studies and any other relevant pieces of information. The Commission shall also monitor the commodity price changes associated with the use of biomass for energy and any associated positive and negative effects on food security.

2. The Commission shall maintain a dialogue and exchange information with third countries and biofuel producer and consumer organisations concerning the general implementation of the measures in this Directive relating to biofuels and other bioliquids.

3. On the basis of the reports submitted by Member States pursuant to Article 19(1) and the monitoring and analysis referred to in paragraph 1 of this Article, the Commission shall report every two years to

Amendment

1. The Commission shall monitor the origin of biofuels and other bioliquids consumed in the Community and the impacts of their production on land use in the Community and the main third countries of supply. Monitoring shall be based on Member States’ reports, submitted pursuant to Article 19(1) and those of relevant third countries, intergovernmental organisations, scientific studies and any other relevant pieces of information. The Commission shall also monitor the commodity price changes associated with the use of biomass for energy and any associated positive and negative effects on food security.

2. The Commission shall maintain a dialogue and exchange information with third countries and biofuel producer, consumer organisations and civil society concerning the general implementation of the measures in this Directive relating to biofuels and other bioliquids. The Commission shall pay particular attention to the impact biofuels and other bioliquids production may have on food prices.

3. On the basis of the reports submitted by Member States pursuant to Article 19(1) and the monitoring and analysis referred to in paragraph 1 of this Article, the Commission shall report every two years to

4. In reporting on greenhouse gas savings from the use of biofuels, the Commission shall use the values reported by Member States and shall evaluate whether and how the estimate would change if co-products were accounted for using the substitution approach.

5. In its reports, the Commission shall analyse:

(a) the relative environmental benefits and costs of different biofuels, the effects of the Community's import policies thereon, the security of supply implications and the ways of achieving a balanced approach between domestic production and imports;

(b) the impact of increased demand for biofuel on sustainability in the Community and in third countries;

(c) the impact of EU biofuel policy on the availability of foodstuffs in exporting countries, the ability of people in developing countries to afford these foodstuffs, and wider development issues; and

(d) the impact of increased demand for biomass on biomass using sectors.


4. In reporting on greenhouse gas savings from the use of biofuels, the Commission shall use the values reported by Member States and shall evaluate whether and how the estimate would change if co-products were accounted for using the substitution approach.

5. In its reports, the Commission shall analyse:

(a) the relative environmental and social benefits and costs of different biofuels, the effects of the Community's import policies thereon, the security of supply implications and the ways of achieving a balanced approach between domestic production and imports;

(b) the economic, environmental and social impact of increased demand for biofuel and other bioliquids on sustainability in the Community and in third countries;

(c) the impact of EU biofuel policy on the availability of foodstuffs in exporting countries and on the price development of raw materials, the impact report shall in particular focus on Low Income Food Deficit Countries and Least Developed Countries, the ability of and access to people in developing countries to afford and access these foodstuffs, and wider development issues;

(ca) the impact of EU biofuel policy on direct and indirect land use change, an estimate of the associated carbon emissions and the implications for land use rights;

(d) the impact of increased demand for biomass on biomass using sectors.

(da) the availability of biofuels that derived from any cellulose, hemicellulose, or lignin, originating from renewable biomass, algae, as well as non
irrigated plants grown in arid areas to fight desertification;

It shall, if appropriate, propose corrective action.

5a. In its reports the Commission shall also analyse the policies implemented by those Member States where there is a potential for offshore wind development, particularly whether those Member States have:

(a) established a single administrative body responsible for processing authorisation, certification and licensing applications for offshore wind installations and providing assistance to applicants;

(b) identified the need for long-term and strategic grid planning, including interconnections to incorporate large amounts of electricity from offshore wind farms and established an offshore grid support scheme;

(c) established marine spatial planning instruments to reach optimal site selection.

It shall, if appropriate, propose further legislation to ensure the timely deployment of offshore wind and shall promote the introduction of a European offshore transmission system operator.

5b. The Commission shall dedicate a website as tool for detailed up-to-date information about Member States' national or regional support schemes for energy from renewable sources and any changes thereof. Based on the reporting by the Member States as set out in Art. 19 1a (new) the Commission shall update the respective website at the latest four weeks after the submission of a report.

5c. By 31 December 2018 the Commission shall publish a Renewable Energy Roadmap for the post-2020 period,
accompanied by the necessary legislative proposals. This Roadmap may assess the need for proposing a harmonised European renewable energy support scheme taking into account:

(a) the liberalisation of electricity markets across the EU;
(b) barriers for RES development in each Member State;
(c) progress made in reflecting the external costs of energy from non-renewable sources and the level of support mechanisms received;
(d) level of harmonised grid access, administrative and planning procedures.

Amendment 177

Proposal for a directive
Annex I – part B – title

<table>
<thead>
<tr>
<th>Text proposed by the Commission</th>
<th>Amendment</th>
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<tbody>
<tr>
<td>B. <strong>Indicative</strong> trajectory</td>
<td>B. <strong>Mandatory interim target</strong> trajectory</td>
</tr>
</tbody>
</table>

**Justification**

In order to ensure that the overall 2020 EC and Member States targets are met, it is necessary that mandatory interim targets are also adopted. The trajectory proposed under this annex IB is starting very low and leaves the biggest uptake of renewables for the last years before 2020. Not fulfilling this curb will make it very difficult for Member States to reach their 2020 target. In that sense it should be considered as the absolute necessary minimum.

Amendment 178

Proposal for a directive
Annex I – point B - introductory part

<table>
<thead>
<tr>
<th>Text proposed by the Commission</th>
<th>Amendment</th>
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<tbody>
<tr>
<td>The <strong>indicative trajectory</strong> referred to in Article 3(2) shall respect the following shares of energy from renewable sources:</td>
<td>The <strong>mandatory minimum interim targets</strong> referred to in Article 3(2) shall respect the following shares of energy from renewable sources:</td>
</tr>
</tbody>
</table>
sources:

Justification

In order to ensure that the overall 2020 ECand Member States targets are met, it is necessary that mandatory interim targets are also adopted. The trajectory proposed under this annex 1B is starting very low and leaves the biggest uptake of renewables for the last years before 2020. Not fulfilling this curb will make it very difficult for Member States to reach their 2020 target. In that sense it should be considered as the absolute necessary minimum.

Amendment 179

Proposal for a directive
Annex II

Text proposed by the Commission

Annex II – Normalisation rule for accounting for electricity generated from hydropower

The following rule shall be applied for the purpose of accounting for electricity generated from hydropower in a given Member State:

\[
Q_{N \text{ (norm)}} = C_N \times \left[ \sum_{i=N-14}^{N} \frac{Q_i}{C_i} \right]/15
\]

where

- \( N = \) reference year;
- \( Q_{N \text{ (norm)}} = \) normalised electricity generated by all hydropower plants of the Member State in year \( N \), for accounting purposes;
- \( Q_i = \) the quantity of electricity actually generated in year \( i \) by all plants of the Member State measured in GWh;

Amendment

Annex II –

A. Normalisation rule for accounting for electricity generated from hydropower

The following rule shall be applied for the purpose of accounting for electricity generated from hydropower in a given Member State:

\[
Q_{N \text{ (norm)}} = C_N \times \left[ \sum_{i=N-14}^{N} \frac{Q_i}{C_i} \right]/15
\]

where

- \( N = \) reference year;
- \( Q_{N \text{ (norm)}} = \) normalised electricity generated by all hydropower plants of the Member State in year \( N \), for accounting purposes;
- \( Q_i = \) the quantity of electricity actually generated in year \( i \) by all plants of the Member State measured in GWh;
\[ C_i = \text{the total installed capacity of all the plants of the Member State in year } i, \text{ measured in MW.} \]

\[ C_i = \text{the total installed capacity of all the plants of the Member State in year } i, \text{ measured in MW.} \]

**B. Normalisation rule for accounting for electricity generated from wind-power**

The following rule shall be applied for the purpose of accounting for electricity generated from wind-power in a given Member State:

\[ Q_{N\text{ (norm)}} = C_N * \left( \sum_{i=N-7}^{N} \frac{Q_i}{C_i} \right) / 7 \]

where

\[ N = \text{reference year;} \]

\[ Q_{N\text{ (norm)}} = \text{normalised electricity generated by all wind-power plants of the Member State in year } N, \text{ for accounting purposes;} \]

\[ Q_i = \text{the quantity of electricity actually generated in year } i \text{ by all plants of the Member State measured in GWh;} \]

\[ C_i = \text{the total installed capacity of all the plants of the Member State in year } i, \text{ measured in MW.} \]

**Justification**

As for hydro, wind resource can show substantial variations in certain years. In order not to bias the 2-year mandatory minimum intermediary targets, wind performance should be 'normalised' to make EU minimum intermediary targets comparable.

**Amendment 180**

**Proposal for a directive**

**Annex III - row 10**

**Text proposed by the Commission**

Hydrotreated vegetable oil (vegetable oil thermochemically treated with hydrogen)

**Amendment**

Hydrotreated vegetable oil and animal fats (vegetable oil and animal fats)
"Green petrol" and "green diesel" for the purposes of Article 18 can be produced from a number of processes, including the treatment of animal and vegetable oils with hydrogen (hydrotreated in the amendment), the Fischer-Tropsch treatment of biomass and from refining pyrolysis oil from biomass.

**Amendment 181**

**Proposal for a directive**

**Annex III - row 13**

<table>
<thead>
<tr>
<th>Text proposed by the Commission</th>
<th>Amendment</th>
</tr>
</thead>
<tbody>
<tr>
<td>Petrol</td>
<td><strong>Fossil fuel</strong> Petrol</td>
</tr>
</tbody>
</table>

**Justification**

*The source of this petrol should be made clear.*

**Amendment 182**

**Proposal for a directive**

**Annex III - row 14**

<table>
<thead>
<tr>
<th>Text proposed by the Commission</th>
<th>Amendment</th>
</tr>
</thead>
<tbody>
<tr>
<td>Diesel</td>
<td><strong>Fossil fuel</strong> Diesel</td>
</tr>
</tbody>
</table>

**Justification**

*The source of this diesel should be made clear.*

**Amendment 183**

**Proposal for a directive**

**Annex III - row 14 a (new)**

<table>
<thead>
<tr>
<th>Text proposed by the Commission</th>
<th>Amendment</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Fossil fuel heavy fuel oil</strong></td>
<td></td>
</tr>
</tbody>
</table>
Amendment 184

Proposal for a directive
Annex IV – introductory part

Text proposed by the Commission

The criteria referred to in Article 13(3) shall be as follows:

For certification systems only, the criteria referred to in Article 13(3) shall apply:

Justification

The certification of installers regulated by Annex IV is only necessary where there are no reliable vocational qualifications in Member States. From the point of view of economic operators, a further obligatory certification system alongside vocational training that is very demanding in terms of content and time would only give rise to unnecessary additional bureaucratic constraints. To the extent that additional qualifications or refresher courses are required, these can be provided in the context of voluntary training in the market.

Amendment 185

Proposal for a directive
Annex IV – paragraph 1

Text proposed by the Commission

1. The certification process shall be transparent and clearly defined by the Member State or the administrative body they appoint.

1. The certification process shall be transparent and clearly defined by a certification body to be appointed and accredited by the Member States (according to EN ISO 17024).

Justification

Certification of personnel according to EN ISO 17024 secures continuous updated training (new technology developments or rules and regulations can be easily implemented). Additionally the EN ISO accreditation secures clear rules so that training, qualification and skills would be comparable over Europe.

This approach allows for the mutual recognition of skills across Members States.

Amendment 186
Proposal for a directive  
Annex IV – paragraph 2

Text proposed by the Commission
2. Biomass, heat pump and solar photovoltaic and solar thermal installers shall be certified by an accredited training programme or training provider.

Amendment
2. Biomass, heat pump, shallow geothermal and solar photovoltaic and solar thermal installers shall be offered the opportunity to be certified by third party certifier.

Justification
It is essential that the quality of the installations is guaranteed.

Amendment 187

Proposal for a directive  
Annex IV – paragraph 2 a (new)

Text proposed by the Commission
2a. The installer certification shall be time restricted in a similar way as foreseen by the certification procedures for installers of ordinary heating equipment, or for the case of photovoltaic, of ordinary electrical equipment.

Amendment
2a. The installer certification shall be time restricted in a similar way as foreseen by the certification procedures for installers of ordinary heating equipment, or for the case of photovoltaic, of ordinary electrical equipment.

Justification
In order to avoid creating unnecessary barriers for the development of electricity from renewable energy sources, certification time limits should not be stricter than for conventional electrical equipments.

Amendment 188

Proposal for a directive  
Annex IV – paragraph 3

Text proposed by the Commission
3. The accreditation of the training programme or provider shall be done by Member States or administrative bodies they appoint. The accrediting body shall

Amendment
3. The quality assurance of the training programme or provider shall be done by the certification bodies. These bodies shall ensure that the training programme offered
ensure that the training programme offered by the training provider has continuity and regional or national coverage. The training provider shall have adequate technical facilities to provide practical training, including some laboratory equipment or corresponding facilities to provide practical training. The training provider shall also offer in addition to the basic training, shorter refresher courses on topical issues, including on new technologies, to enable life-long learning in installations. The training provider may be the manufacturer of the equipment or system, institutes or associations.

by the training provider has continuity and regional or national coverage. The training provider shall have adequate technical facilities to provide practical training, including some laboratory equipment or corresponding facilities to provide practical training. The training provider shall also offer in addition to the basic training, shorter refresher courses on topical issues, including on new technologies, to enable life-long learning in installations. The training provider may be the manufacturer of the equipment or system, institutes or associations.

Justification

The appointment of accredited certification bodies by the Members States is easy and very efficient while a required accreditation of each training centre would require too many bureaucratic requirements and cost. It will impose an administrative burden that slows down the market development of renewable energies.

Amendment 189

Proposal for a directive
Annex IV – paragraph 4 – introductory part

Text proposed by the Commission

4. Accredited training programmes shall be offered to installers with working experience, who have undergone, or are undergoing, the following types of training:

Amendment

4. Training programmes shall be offered to installers with working experience, who have undergone, or are undergoing, the following types of training:

Justification

The appointment of accredited certification bodies by the Members States is easy and very efficient while a required accreditation of each training centre would require too many bureaucratic requirements and cost. It will impose an administrative burden that slows down the market development of renewable energies.

Amendment 190
Proposal for a directive
Annex IV – paragraph 4 – point b a (new)

Text proposed by the Commission

(ba) in the case of shallow geothermal installers: training as a driller or pipe layer and have basic geological skills as a prerequisite;

Amendment 191

Proposal for a directive
Annex IV – paragraph 9

Text proposed by the Commission

9. The training course shall end with an examination leading to a certificate. The examination shall include a practical assessment of successfully installing biomass boilers or stoves, heat pumps, solar photovoltaic or solar thermal installations.

Amendment

9. The training course shall end with an examination and a certification process (according to EN ISO 17024). The examination shall include the testing of practical skills. Part of the certification requirements shall be the proof of the successful installation of biomass boilers or stoves, heat pump systems, solar photovoltaic or solar thermal installations by the installer.

Justification

It is difficult to test a real installation on-site in an examination. However it is possible to test practical skills with regard to the identification of installation errors in existing installations. Such a practical part should thus be part of the examination. In order to assess the installation skills, the installer shall then provide documents showing that he has installed a number of systems in reality.

Amendment 192

Proposal for a directive
Annex V

Text proposed by the Commission

Annex deleted
Justification

Since the FAME limit is not a relevant parameter for improving air quality, there is no apparent justification for regulating FAME as part of diesel fuel specifications. CEN is the appropriate body to establish the technical requirement to address ‘fit for purpose’ specification parameters such as the FAME limit. Rather than creating new and separate grades of diesel (Annexes V+VI), the FAME limits should be reviewed and revised upwards within the existing CEN specification (EN590).

Amendment 193

Proposal for a directive
Annex VI

Text proposed by the Commission Amendment

Annex deleted

Justification

The technical specifications for fuels and biofuels are the responsibility of CEN, which has the task of developing them. So the Fuels Directive should either specify the parameters with environmental relevance or the labelling required for fuels that do not comply with CEN standards EN228 and EN590.

Amendment 194

Proposal for a directive
Annex VII – Part A

Text proposed by the Commission Amendment

Annex VII part A deleted

Amendment 195

Proposal for a directive
Annex VII – Part B

Text proposed by the Commission Amendment

Annex VII part B deleted

Amendment 196
Proposal for a directive  
Annex VII – Part C – Paragraph 1

**Text proposed by the Commission**

1. Greenhouse gas emissions from the production and use of transport fuels, biofuels and other bioliquids shall be calculated as:

\[
E = e_{ec} + e_{l} + e_{p} + e_{ud} + e_{u} - e_{ccs} - e_{ccr} - e_{ee},
\]

where

\( E \) = total emissions from the use of the fuel;

\( e_{ec} \) = emissions from the extraction or cultivation of raw materials;

\( e_{l} \) = annualised emissions from carbon stock changes caused by land use

\( e_{p} \) = emissions from processing;

\( e_{ud} \) = emissions from transport and distribution;

\( e_{u} \) = emissions from the fuel in use;

\( e_{ccs} \) = emission savings from carbon capture and sequestration;

\( e_{ccr} \) = emission savings from carbon capture and replacement; and

\( e_{ee} \) = emission savings from excess electricity from cogeneration.

Emissions from the manufacture of machinery and equipment shall not be taken into account.

**Amendment**

1. Greenhouse gas emissions from the production and use of transport fuels from biomass shall be calculated as:

\[
E = e_{ec} + e_{l} + e_{luc} + e_{p} + e_{ud} + e_{u} - e_{sca} - e_{ccs} - e_{ccr} - e_{ee},
\]

where

\( E \) = total emissions from the use of the fuel;

\( e_{ec} \) = emissions from the extraction or cultivation of raw materials;

\( e_{l} \) = annualised emissions from carbon stock changes caused by land use

\( e_{luc} \) = annualised emissions from carbon stock changes caused by indirect land use change;

\( e_{p} \) = emissions from processing;

\( e_{ud} \) = emissions from transport and distribution;

\( e_{u} \) = emissions from the fuel in use;

\( e_{sca} \) = emission savings from soil carbon accumulation via improved agricultural management

\( e_{ccs} \) = emission savings from carbon capture and geological storage; and

\( e_{ccr} \) = emission savings from carbon capture and replacement; and

\( e_{ee} \) = emission savings from excess electricity from cogeneration.

Emissions from the manufacture of machinery and equipment shall not be taken into account.

Amendment 197
Proposal for a directive
Annex VII – part C – paragraph 7

Text proposed by the Commission

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

$$ e_l = (CS_R - CS_A) \times \frac{MW_{CO2}}{MW_C} \times \frac{1}{20} \times \frac{1}{P}, $$

where

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

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

$CS_A =$ the carbon stock per unit area associated with the actual land use (measured as mass of carbon per unit area, including both soil and vegetation);

$MW_{CO2} =$ molecular weight of CO$_2 =$ 44.010 g/mol;

$MW_C =$ molecular weight of carbon = 12.011 g/mol; and

$P =$ the productivity of the crop (measured as biofuel or other bioliquid energy per unit area per year).

Amendment

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

$$ e_l = (CS_R - CS_A) \times \frac{MW_{CO2}}{MW_C} \times \frac{1}{10} \times \frac{1}{P}, $$

where

$e_l =$ annualised greenhouse gas emissions from carbon stock change due to land use change (measured as mass of CO2-equivalent per unit transport fuel from biomass energy);

$CS_R =$ the carbon stock per unit area associated with the reference land use (measured as mass of carbon per unit area, including above and below ground biomass, litter, soils, deadwood and harvested wood products, following the “2006 IPCC Guidelines for National Greenhouse Gas Inventories - volume 4”). The reference land use shall be the land use in May 2003;

$CS_A =$ the carbon stock per unit area associated with the actual land use (measured as mass of carbon per unit area, including above and below ground biomass, litter, soils, deadwood and harvested wood products, following the “2006 IPCC Guidelines for National Greenhouse Gas Inventories - volume 4”);

$MW_{CO2} =$ molecular weight of CO$_2 =$ 44.010 g/mol;

$MW_C =$ molecular weight of carbon = 12.011 g/mol; and

$P =$ the productivity of the crop (measured as transport fuels and other liquid fuels from biomass energy per unit area per year).
Amendment 198

Proposal for a directive
Annex VII – part C – paragraph 8

Text proposed by the Commission

8. For the purposes of paragraph 7, the following values may be used for both CSR and CSA

Table land use

Alternatively, actual values may be used for both CSR and CSA.

The following values may be used to calculate P:

Table

Amendment 199

Proposal for a directive
Annex VII – part C – paragraph 8 a (new)

Text proposed by the Commission

8a. Annual emissions from carbon stock changes caused by indirect land use change, \( e_{\text{iluc}} \), shall have a value of 0 g CO2eq/MJ until 31 December 2011. In the absence of a decision by 31 December 2011 on proposals for specific \( e_{\text{iluc}} \) values for individual biofuel production pathways as set out in Article 17, \( e_{\text{iluc}} \) shall have a value of 40g CO2eq/MJ, except where

(i) the production of transport fuels from biomass is based upon raw materials, including waste, that do not require the use of arable, pasture or permanent crop land,

or
(ii) where the Commission has deemed that the production of biofuels can be shown not to have an indirect land-use impact

in which case the e\textsubscript{\text{lduc}} shall have a value of 0.

Amendment 200

Proposal for a directive
Annex VII – part C – paragraph 10

Text proposed by the Commission

10. Emissions from transport and distribution, e\textsubscript{\text{ld}} shall include emissions from the transport and storage of raw and semi-finished materials and from the storage and distribution of finished materials.

Amendment

10. Emissions from transport and distribution, e\textsubscript{\text{ld}} shall include emissions from the transport and storage of raw and semi-finished materials and from the storage and distribution of finished materials. Emissions from transport and distribution to be taken into account under point 6 shall not be covered by point 10.

Amendment 201

Proposal for a directive
Annex VII – part C – paragraph 11

Text proposed by the Commission

11. Emissions from the fuel in use, e\textsubscript{\text{fu}} shall be taken to be zero for biofuels and other bioliquids.

Amendment

11. Emissions from the fuel in use, e\textsubscript{\text{fu}} shall be taken to be zero for transport fuels from biomass.

Amendment 202

Proposal for a directive
Annex VII – part C – paragraph 12

Text proposed by the Commission

12. Emission savings from carbon capture and sequestration, e\textsubscript{\text{ccs}}, shall be limited to

Amendment

12. Emission savings from carbon capture and sequestration e\textsubscript{\text{ccs}}, that have not
emissions avoided through the capture and sequestration of emitted CO₂ directly related to the extraction, transport, processing and distribution of fuel.

already been accounted for in \( e_p \), shall be limited to emissions avoided through the capture and sequestration of emitted CO₂ directly related to the extraction, transport, processing and distribution of fuel.

Amendment 203
Proposal for a directive
Annex VII – part C – paragraph 13

Text proposed by the Commission

13. Emission savings from carbon capture and replacement, \( e_{ccr} \), shall be limited to emissions avoided through the capture of CO₂ of which the carbon originates from biomass and which is used to replace fossil-derived CO₂ used in commercial products and services.

Amendment

deleted

Amendment 204
Proposal for a directive
Annex VII – part C – paragraph 14

Text proposed by the Commission

14. Emission savings from excess electricity from cogeneration, \( e_{cc} \), shall be taken into account in relation to the excess electricity produced by fuel production systems that use cogeneration except where the fuel used for the cogeneration is a co-product other than an agricultural crop residue. In accounting for this excess electricity, the size of the cogeneration unit shall be assumed to be the minimum necessary for the cogeneration unit to supply the heat that is needed to produce the fuel. The greenhouse gas emission savings associated with this excess electricity shall be taken to be equal to the amount of greenhouse gas that would be emitted when an equal amount of electricity was generated in a power plant.

Amendment

14. Emission savings from excess electricity from cogeneration, \( e_{cc} \), shall be taken into account except where the fuel used for the cogeneration is a co-product of the transport fuel from biomass production process. The greenhouse gas emission savings associated with this excess electricity shall be taken to be equal to the amount of greenhouse gas that would be emitted by the EU average specific emission from electricity generation for electricity produced in the Community, and the average emission for electricity production in the country where the electricity is produced for electricity produced in non-EU states.
using the same fuel as the cogeneration unit.

Amendment 205

Proposal for a directive
Annex VII – part C – paragraph 15

Text proposed by the Commission

15. Where a fuel production process produces, in combination, the fuel for which emissions are being calculated and one or more other products (“co-products”), greenhouse gas emissions shall be divided between the fuel or its intermediate product and the co-products in proportion to their energy content (determined by lower heating value in the case of co-products other than electricity).

Amendment

15. Where a fuel production process produces, in combination, the fuel for which emissions are being calculated and one or more other products (“co-products”), greenhouse gas emissions shall be divided between the fuel or its intermediate product and the co-products based on substitution method. Member States shall provide for regularly reviewed default values for typical co-products.

Amendment 206

Proposal for a directive
Annex VII – part C – paragraph 16 – subparagraph 2

Text proposed by the Commission

In the case of biofuels and other bioliquids, all co-products, including electricity that does not fall under the scope of paragraph 14, shall be taken into account for the purposes of this calculation, except for agricultural crop residues, including straw, bagasse, husks, cobs and nut shells. Co-products that have a negative energy content shall be considered to have an energy content of zero for the purpose of the calculation.

Amendment

In the case of biofuels and other bioliquids, all co-products, including electricity that does not fall under the scope of paragraph 14, shall be taken into account for the purposes of this calculation, except for agricultural crop residues, including straw, bagasse, husks, cobs and nut shells. When agricultural crop residues are processed into biofuels or other bioliquid fuels they shall be taken into account in accordance with their respective contributions. Co-products that have a negative energy content shall be considered to have an energy content of zero for the purpose of the calculation.
Amendment 207

Proposal for a directive
Annex VII – part C – paragraph 17 – subparagraph 1

Text proposed by the Commission

17. For biofuels, for the purposes of the calculation referred to in paragraph 4, the fossil fuel comparator $E_F$ shall be the latest available actual average emissions from petrol and diesel consumed in the Community as reported under [Directive 98/70/EC]. If no such data are available, the value used shall be 83.8 gCO$_{2eq}$/MJ.

Amendment

17. For transport fuels from biomass, for the purposes of the calculation referred to in paragraph 4, the fossil fuel comparator $E_F$ shall be the latest available actual average emissions from petrol and diesel consumed in the Community as reported under [Directive 98/70/EC] or 83.8 gCO$_{2eq}$/MJ, whichever is the lowest.

Amendment 208

Proposal for a directive
Annex VII A (new)

Text proposed by the Commission

Annex VII A

REQUIREMENTS FOR A HARMONISED TEMPLATE FOR NATIONAL RENEWABLE ENERGY ACTION PLANS (RAP)

PART A: DEFINITION OF FINAL ENERGY CONSUMPTION

(a) solid fuels, oil, gas, renewable energy sources, electricity and heat (derived heat, district heating and cooling); heat and electricity produced from renewable and non-renewable resources;
(b) the industry, household and services as well as transport sectors;
(c) electricity (excluding electricity for heating and cooling), heat (including electricity for heating and cooling), and transport; in any event from renewable and non-renewable resources;

PART B: BINDING NATIONAL 2020 AND INTERIM TARGETS FOR THE
SHARE OF ENERGY FROM RENEWABLE SOURCES

(a) binding national target as regards the share of energy from renewable resources in final energy consumption of energy by 2020, as set out in Part A of Annex I;

(b) binding national interim targets, as set out in Part B of Annex I;

PART C: DEFINITION OF BINDING NATIONAL 2020 AND INTERIM TARGETS FOR THE SHARES OF ENERGY FROM RENEWABLE SOURCES IN ELECTRICITY; HEATING AND COOLING AND TRANSPORT

(a) binding targets for the share of energy from renewable resources in electricity:

(i) national target for the share of energy from renewable resources in electricity in 2020 in order to contribute to the compliance of Part A of Annex I;

(ii) national interim targets for the share of energy from renewable resources in electricity in order to contribute to the compliance of Part B of Annex I;

(b) binding targets for the share of energy from renewable resources in heating and cooling:

(i) national target for the share of energy from renewable resources in heating and cooling in 2020 in order to contribute to the compliance of Part A of Annex I;

(ii) national interim targets for the share of energy from renewable sources in heating and cooling in order to contribute to the compliance of Part B of Annex I;

(c) binding targets for the share of energy from renewable resources in transport:

(i) national target for the share of energy from renewable sources in transport in 2020 in order to comply with Part A of Annex I;
(ii) national interim targets for the share of energy from renewable resources in transport in order to comply with Part B of Annex I;

(iii) national energy efficiency targets for transport in order to contribute to comply with Part A and B of Annex I;

PART D: CONCRETE MEASURES FOR ACHIEVING THE TARGETS

(a) overview table of all measures concerning the promotion of the use of energy from renewable resources;

(b) general and specific measures on reducing the final energy consumption and on promoting energy efficiency and energy efficiency in each relevant sector, i.e. electricity, heating and cooling and transport

(c) measures on the promotion of the use of energy from renewable resources in electricity:

(i) general measures including tax, financial, legal and other policies promoting the use of energy from renewable sources, especially in remote and isolated areas rich in renewable energy potential, such as scarcely populated mountainous regions or islands;

(ii) specific measures to fulfil the requirements of Articles 12, 13 and 14.

(d) measures on the promotion of the use of energy from renewable resources in heating and cooling:

(i) general measures including tax, financial, legal and other policies promoting the use of energy from renewable sources, especially in remote and isolated areas rich in renewable energy potential, such as scarcely populated mountainous regions or islands

(ii) specific measures to fulfil the requirements of Articles 12 and 13;
(e) measures on the promotion of the use of energy from renewable resources in transport:

(i) general measures including tax, financial, legal and other policies promoting the use of energy from renewable resources;

(ii) specific measures to fulfil the requirements of Articles 12 and 13 and Articles 15, 16 and 17;

(f) specific measures on the promotion of the use of energy from biomass:

(i) general measures including tax, financial, legal and other policies promoting the use of energy from renewable resources;

(ii) specific measures for new biomass mobilisation taking into account the following principles:

(iii) the amount of biomass needed to meet the objectives;

(iv) the type and origin of biomass shall be defined;

(v) biomass availability/potential/import and objective should fit together;

(vi) measures shall be defined to increase biomass availability, taking into account other biomass users (agriculture and forest based sectors);

PART E: ASSESSMENTS

(a) the total contribution expected of each renewable energy technology to meet the binding 2020 and binding interim targets for the shares of energy from renewable resources in electricity, heating and cooling and transport;

(b) the total contribution expected of the energy efficiency and energy saving measures to meet the binding 2020 and binding interim targets for the shares of energy from renewable resources in electricity, heating and cooling and
transport;

(c) the gross and final energy consumption for 2020 according to a business as usual scenario and an efficiency scenario;

(d) a Strategic Environmental Assessment as set out in the SEA Directive 2001/42/EC which incorporates the environmental benefits of the use of energy from renewable sources as well as the impacts.

(e) an analysis of the costs and ecological and economical benefits.
EXPLANATORY STATEMENT

Stepping into the renewable energy century

This report is written at a moment when the oil price is around 120 $/barrel and where the world governments are preparing for the 2009 Copenhagen climate conference. The world energy regime is in a major crisis but as Jeremy Rifkin describes eloquently - this crisis situation can also trigger new opportunities - the third industrial revolution through the development of sun raise technologies.

The EU can be the industrial leader of that revolution under three conditions: getting this directive right, bringing "resource intelligence" and renewables to the heart of our future energy and climate security strategy and creating the framework conditions for 4 renewables projects of European interest, which are:

- a strategic alliance with progressive cities and regions for a "bottom up" deployment of the huge diversity of technologies described in the report for the EP "21 renewables energy technologies for the XXI century" notably the "buildings as power plants cluster"

- a coordinated approach to harvest the enormous off-shore wind and marine energy in the North and Baltic Sea

- a master plan for large scale renovation of the cities in Central/Eastern Europe (building stock, district heating systems, public transport) combined with the phasing in of their big biomass potential

- a partnership with the Mediterranean countries on energy efficiency and solar thermal electric and wind power plants.

These four projects have to get priority in the TEN - Energy infrastructure revision and in EU finances (Structural Funds, EIB,...).

Some will argue that such a strategy comes with too high costs for the EU economy. But these voices often underestimate the future price for oil and they ignore recent academic findings on the huge indirect benefits of quick renewable energy penetration like reduced prices on the electricity power exchanges through the merit order effect (Bode & Groscurth - 2006 (1 & 2); Sensfuß.- 2008 (3))

The Rapporteur’s view on the proposal of Commission

The proposal is welcomed for the way in which targets have been set i.e. the mandatory nature of targets both at the EU and at national level and that the heating and cooling sector is finally incorporated. Furthermore, good proposals have also been made for reducing administrative burdens for renewable investments and on grid related issues.
The weakest points of the proposal are clearly in the area of the so called goO’s (guarantees of origin) and in the area of agro-fuels.

The key issues and changes proposed by the Rapporteur

1) Step by step to the 20% - strengthening the nature of the targets

On the Spring Summit 2007 the 27 Heads of State have clearly underlined the binding nature of their engagement to achieve the 20% renewable energy target. We are proposing to make this even clearer by creating a more binding nature for the 2020 and the intermediary targets. In addition we ask the Commission to introduce a scheme to give those over-achieving Member States a financial reward and those which fail a financial penalty.

2) National frameworks matter: the key role of national renewables action plans

The EU success story on renewable energies is today reliant on a too small number of countries that have introduced effective policy. The achievement of the new directive will depend on broadening these positive experiences to all EU countries. The rapid deployment of renewable energies needs a well developed national framework including: potential analyses; reliable support schemes; planning; access to infrastructure; but also soft factors like appropriate authorisation process and knowledge/skills.

The disappointing results of the national energy efficiency action plans triggered by loose wording in the respective directive shows the importance of detailed and ambitious blueprints in the national action plans being enshrined and enforced in the directive’s text. The Commission will receive the power to reject badly designed national renewables action plans.

3) Effective flexibility instead of legal uncertainty and windfall profits

As governments are under a legal obligation to achieve their national targets and as target will be met above all by national efforts, a priority is to enable governments to keep control of their national support schemes. The legal uncertainties arising from the flexibility instruments introduced by the Commission text through its confusing and complex new concept of goO (guaranties of origin) have been well analysed by a number of legal expertises (Neuhoff and others 2008 (4); EFET open letter (5)).

The triple function given in Article 8 to the goOs – disclosure, support accounting/trade and target accounting generates legal difficulties and undermines national support schemes by creating a mandatory good for which trade can not be limited, as foreseen in Article 9, without impeding the fundamental rights as guaranteed in the EU Treaty Articles 28 and 30. Such legal uncertainties could potentially trigger huge uncertainties for investors.

However, the concept favoured by the large power producers (e.g. EURELECTRIC) and the traders of electricity (EFET) to bring legal certainty by creating an EU wide renewables certificate market is not the way forward. Such a scheme would not only undermine the existing national support schemes, but also potentially generate €30 billion in windfall profits for traders and generators by moving from the technology specific average price support schemes to a marginal market where the most expensive marginal renewable certificate would
set the price. This would by far exceed the potential €8 billion "flexibility" benefits identified in Commission's impact assessment. The EU wide certificate market approach has been refuted by a number of academics (Ragwitz, 2008 (6)), consumers (e.g. German Chemical Industry) and by a number of governments (e.g. Poland, Germany, Spain, Greece, France...).

The solution to this legal problem is to separate the three functions given to goO's:

- GoO's should be limited to their original "disclosure" function as foreseen in the 2001 renewables electricity directive and for the labelling of green electricity (internal electricity market). The system has to be improved in order to exclude the "double trading" with goO's and to guarantee the "additionality" of voluntary green electricity purchases. Misleading consumers by allowing cheap electricity from existing hydropower plants to be re-packaged as “green electricity” and suggesting added value for the consumer and therefore requiring a premium price must end,

- Target accounting should not be done through goO's but on the basis of verified data from EUROSTAT. Early availability and detailed data will be substantially enhanced by the recent agreement on a new EU regulation for energy statistics,

- Transfer accounting certificates (TACs) will be introduced for those governments wanting to achieve flexibility by transfers between companies and by joint projects. These TACs allow the same facilities as foreseen by the Commission text, but without the legal uncertainties.

4) Creating additional flexibilities to achieve the targets

The flexibility schemes foreseen in the directive should also be broadened. Governments should have the option to cooperate by exchanging volumes of renewables based on energy statistics, because this is simpler, robust, results in lower transaction costs and can be extended to all renewable technologies. Two or more governments may create regionally integrated renewables markets by sharing their targets and support schemes.

Imports of electricity from non-EU neighbouring countries should be allowed on the basis of physical exchanges and be dependent on concrete national renewable energy and energy efficiency policy targets of the selling countries. Creating a scheme importing hydro or wind electricity into the EU while building coal power plants in neighbourhood countries to meet their demand would neither serve the EU’s climate nor security of supply policy. For Norway, Iceland and Lichtenstein as EEA countries the provisions of the directive will apply.

Finally it is important to remind that the biggest and cheapest "flexibility" instrument for Member States is national efficiency measures in buildings, transport, industry and electricity use. Governments should link their national efficiency and renewables energy policies.

5) Development of infrastructures and priority access to them are key for renewable energies

We welcome the Commission's proposal to guarantee priority access and dispatching for electricity from renewables. This concept must be broadened to gas in order to favour biogas feed-in to the gas pipelines, a concept which enables the highest of all biomass conversion
efficiencies.

The directive must address a major point of discrimination against renewable energies investors, the non-socialisation of grid adaptation costs for renewables. In order to harvest the huge potential of on-shore and off-shore wind and to take up power from embedded renewables generators the grid infrastructure has to be adapted and extended. This is part of our future energy system. Why should these costs be paid exclusively by renewables investors whereas in the 1960s, 70s and 80s the costly grid infrastructure for the big centralised systems were not paid by the energy companies?

The development of heating and cooling renewables will depend on two infrastructures: district systems and buildings. The big large scale potential of biomass, geothermal and solar will depend on the extension of district heating and cooling systems. They must be a key focus of this directive. The notion of infrastructure development should also be extended to buildings. The interface between building materials, decentralised solar and biomass based renewables, smart metering and grids will create a change of paradigm to buildings as power generators. Strict obligations on the building codes will speed this development. The roofs of public buildings should be made available for renewable energies third party investors.

6) Organisational innovation instead of red tape

Investments are often hindered by unnecessary and over-bureaucratic procedures. Learning from positive experiences with “one stop shops” in other areas of policy making, governments should establish coordinating offices for authorisations above all for larger scale wind and biomass production facilities. A maximum deadline for granting permissions should be introduced. Decentralised smaller renewable investments should no longer be subjected to heavy authorisations but fall under a notification scheme.

The development of renewable energies also requires knowledge and skills. The human factor is important and the obligations on governments play the role of catalysts for training and life-long learning needs to be strengthened.

7) From a badly designed agro-fuel to a sustainable use of energy from biomass policy

The rapporteur considers that there is overwhelming evidence to drop the mandatory 10% target for fuels from renewables. The focus on fuels from biomass should be a qualitative rather than purely quantitative. Through the implementation of ambitious and dynamic sustainability criteria the use of biomass should be orientated into non contentious areas - so called "go" -categories and to those conversion technologies like biogas and biomass for electricity and heating which have far higher efficiencies than first and second generation of fuels from biomass. Such a policy will have the advantage to make it easier and cheaper to achieve the 20% overall target.

We need a clear hierarchy for the use of biomass for energy:

A) define "go" categories
a lot of biomass uses are not problematic and should be identified as “go-categories” in order to attract necessary investments. This would apply to
- biomass from waste streams (organic fraction from household and industry),
- residues (from agriculture, fisheries and forestry)
- use of degraded land, dual land use like biodiversity/flooding or forest fire management regimes and
- new non-food/feed raw materials like algae.

**B) Define "no-go" categories**

The limitation of competition between energy and food/feed can only be achieved through the definition of a no-go category e.g. agro-fuel. Depending on the world food situation, a complete restriction on the use of arable land for energy production or a limitation to certain volumes will be requested. The level of use will be fixed on a yearly basis by the EU Commission in consultation with the respective responsible organisations like FAO, UNDP and the World Food Program.

**C) Define "no-go" areas**

"no-go" areas stand for special non-use. Protection of biodiversity or of cultural value related landscapes can only be achieved by a strict bottom-up regime of protection. For that efforts outside this directive will be needed to strengthening the international biodiversity convention and proposals to halt deforestation at a global scale.

**D) Define strict sustainability criteria**

A set of sustainability criteria has to be enforced notably:

- A dynamic GHG threshold should be introduced (requiring minimum overall GHG savings) which should target at least 55 or 60% GHG savings combined with a system, like the one foreseen in the fuel quality directive, that creates a financial incentive for the best performing GHG fuels. The indirect land use changes (LUC) have also to be part of this methodology.

- Minimum requirements for “good agricultural practice” have to be more specific than the proposed cross-compliance regime (notably on water, pesticide and fertilizer use). The Commission’s proposal for using the existing cross-compliance regime is too vague to be applied to non-EU-27 imports and creates a competitive disadvantage for EU farmers.

- Social criteria to protect e.g. small farmers in third world countries.

The details on sustainability criteria will be defined in close partnership with Mr. Wijkman (EPP) the draftsman of the ENVI opinion on renewables and with Mrs Corbey (PSE), the Rapporteur for the fuel quality directive (ENVI committee).
References:

(1) Bode & Groscurth (2006): The effect of the German Renewable Energy Act (EEG) on "the electricity price", HWWA discussion paper 358
(2) Bode & Groscurth (2008): Incentives to invest in electricity production from renewable energy under different support schemes, ARRHENIUS Institute for energy and climate policy discussion paper 1E
(4) Neuhoff & al, 2008 - The proposed new EU renewables directive: an interpretation
(5) EFET - open letter to Claude Turmes, 16 April 2008 - The risk of Internal Energy Market distortions arising from the Commission proposal for a RES Directive
Annex I - List of consulted independent experts & non exhaustive list of stakeholders

The Author would like to thank the following list of independent experts for their contributions during the preparation of the draft report, as well as the numerous stakeholders that have been providing their views and suggestions to the rapporteur.

Angus Johnston M.A. - Director of Studies in Law, Faculty of Law, Cambridge

Bart Dehue - Consultant Bio Energy - Ecofys Netherlands BV

Bernard Laponche - independent consultant, France

Christiane Egger (Mag.) - deputy manager - O.Oe. Energiesparverband

Christof Timpe - Energy & Climate Division - Oeko-Institut e.V. - Institute for Applied Ecology - Germany

Jean-Michel Glachant (Prof.) - Head of the Department of Economics - Faculty of Law & Economics - University Paris Sud, France

Jorge Vasconcelos - former chairman of the Portuguese Energy Regulator and of ERGEG

Karsten Neuhoff - faculty of economics - University of Cambridge, UK

Mario Ragwitz - Fraunhofer Institute Systems and Innovation Research

Peter Lund (Prof.) - Helsinki University of Technology

Uwe Leprich (Prof. Dr.) - Fachbereichsvorsitzender - Fachbereich Wirtschaftsingenieurwesen - Hochschule für Technik und Wirtschaft - Saarbrücken

Uwe R. Fritsche - Energy & Climate Division - Oeko-Institut e.V. - Institute for Applied Ecology - Germany

Veit Bürger - Energy & Climate Division - Oeko-Institut e.V. - Institute for Applied Ecology - Germany

Other stakeholders consulted (non-exhaustive list)

ADEME, BEE-ev (German Renewable Energy Federation), Bundesverband Wind-Energie, Birdlife, Corporate Europe Observatory, Danish Energy Industries Federation, Danish renewable energy resources network, Business Europe, Econcern, EFET, Energie-Control GmbH Austria, EPAGMA, EPIA, EREC, EREF, ESTIF, EUREC, Eurelectric, Eurosolar, EWEA, FoE, Greenpeace, Iberdrola, International Fuel Quality Center (IFQC), Misereor, Oxfam, UEPA, NSF - Bureau of Nordic Family Forestry, Vattenfall, Verbund - Österreichische Elektrizitätswirtschafts-Aktiengesellschaft, WWF, and many more
OPINION OF THE COMMITTEE ON LEGAL AFFAIRS ON THE LEGAL BASIS

Mrs Angelika Niebler
Chairwoman
Committee on Industry, Research and Energy
BRUSSELS


Dear Mr Chairman,

By letter of 29 May 2008 you asked the Committee on Legal Affairs pursuant to Rule 35(2), to consider whether the legal basis of the above Commission proposal was valid.

The committee considered the above question at its meeting of 26 June 2008.

According to your letter, an amendment tabled by the your committee's Rapporteur seeks to delete Article 95, leaving Article 175(1) of the EC Treaty as the sole legal basis. The justification given by the author of the amendment is that a dual basis is reserved for extreme cases where several goals are equally important; the main aim of the proposed directive is environmental protection and the current Directive on Energy from Renewable Sources and the Biofuels Directive have both been adopted under Article 175. Besides, according to the Rapporteur, biofuels provisions do not principally aim at facilitating trade - as the prescribed standards are far from harmonised - but at defining sustainability criteria.

Legal basis

All Community acts must be founded upon a legal basis laid down in the Treaty (or in another legal act which they are intended to implement). The legal basis defines the Community's competence ratione materiae and specifies how that competence is to be exercised, namely the legislative instrument(s) which may be used and the decision-making procedure.

According to the Court of Justice the choice of legal basis is not a subjective one, but "must be based on objective factors which are amenable to judicial review"\(^1\), such as the aim and content of the measure in question\(^2\). Furthermore, the decisive factor should be the main object of a measure.\(^3\)

According to the case-law of the Court of Justice, a general Treaty article constitutes a

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sufficient legal basis even though the measure in question also seeks, in a subordinate manner, to attain an aim sought by a specific Treaty article\(^1\).

As far as recourse to multiple legal bases is concerned, it is only where a measure has several contemporaneous objectives which are indissolubly linked with each other without one being secondary and indirect in respect of the others that multiple legal bases must be used\(^2\).

*The legal basis proposed by the Commission*

The Commission proposes to use two legal bases, namely Article 175(1)\(^3\) and Article 95\(^1\). Its

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\(^3\) Article 175

1. The Council, acting in accordance with the procedure referred to in Article 251 and after consulting the Economic and Social Committee and the Committee of the Regions, shall decide what action is to be taken by the Community in order to achieve the objectives referred to in Article 174.

2. By way of derogation from the decision-making procedure provided for in paragraph 1 and without prejudice to Article 95, the Council, acting unanimously on a proposal from the Commission and after consulting the European Parliament, the Economic and Social Committee and the Committee of the Regions, shall adopt:

   (a) provisions primarily of a fiscal nature;

   (b) measures affecting:

      — town and country planning,

      — quantitative management of water resources or affecting, directly or indirectly, the availability of those resources,

      — land use, with the exception of waste management;

   (c) measures significantly affecting a Member State's choice between different energy sources and the general structure of its energy supply.

   The Council may, under the conditions laid down in the first subparagraph, define those matters referred to in this paragraph on which decisions are to be taken by a qualified majority.

3. In other areas, general action programmes setting out priority objectives to be attained shall be adopted by the Council, acting in accordance with the procedure referred to in Article 251 and after consulting the Economic and Social Committee and the Committee of the Regions.

4. Without prejudice to certain measures of a Community nature, the Member States shall finance and implement the environment policy.

5. Without prejudice to the principle that the polluter should pay, if a measure based on the provisions of paragraph 1 involves costs deemed disproportionate for the public authorities of a Member State, the Council shall, in the act adopting that measure, lay down appropriate provisions in the form of:

   — temporary derogations, and/or

   — financial support from the Cohesion Fund set up pursuant to Article 161.

*Article 174*

1. Community policy on the environment shall contribute to pursuit of the following objectives:

   — preserving, protecting and improving the quality of the environment,

   — protecting human health,

   — prudent and rational utilisation of natural resources,

   — promoting measures at international level to deal with regional or worldwide environmental problems.

2. Community policy on the environment shall aim at a high level of protection taking into account the diversity of situations in the various regions of the Community. It shall be based on the precautionary principle and on the principles that preventive action should be taken, that environmental damage should as a priority be rectified at source and that the polluter should pay.
In this context, harmonisation measures answering environmental protection requirements shall include, where appropriate, a safeguard clause allowing Member States to take provisional measures, for non-economic environmental reasons, subject to a Community inspection procedure.

3. In preparing its policy on the environment, the Community shall take account of:
— available scientific and technical data,
— environmental conditions in the various regions of the Community,
— the potential benefits and costs of action or lack of action,
— the economic and social development of the Community as a whole and the balanced development of its regions.

4. Within their respective spheres of competence, the Community and the Member States shall cooperate with third countries and with the competent international organisations. The arrangements for Community cooperation may be the subject of agreements between the Community and the third parties concerned, which shall be negotiated and concluded in accordance with Article 300.

The previous subparagraph shall be without prejudice to Member States’ competence to negotiate in international bodies and to conclude international agreements.

1 Article 95

1. By way of derogation from Article 94 and save where otherwise provided in this Treaty, the following provisions shall apply for the achievement of the objectives set out in Article 14. The Council shall, acting in accordance with the procedure referred to in Article 251 and after consulting the Economic and Social Committee, adopt the measures for the approximation of the provisions laid down by law, regulation or administrative action in Member States which have as their object the establishment and functioning of the internal market.

2. Paragraph 1 shall not apply to fiscal provisions, to those relating to the free movement of persons nor to those relating to the rights and interests of employed persons.

3. The Commission, in its proposals envisaged in paragraph 1 concerning health, safety, environmental protection and consumer protection, will take as a base a high level of protection, taking account in particular of any new development based on scientific facts. Within their respective powers, the European Parliament and the Council will also seek to achieve this objective.

4. If, after the adoption by the Council or by the Commission of a harmonisation measure, a Member State deems it necessary to maintain national provisions on grounds of major needs referred to in Article 30, or relating to the protection of the environment or the working environment, it shall notify the Commission of these provisions as well as the grounds for maintaining them.

5. Moreover, without prejudice to paragraph 4, if, after the adoption by the Council or by the Commission of a harmonisation measure, a Member State deems it necessary to introduce national provisions based on new scientific evidence relating to the protection of the environment or the working environment on grounds of a problem specific to that Member State arising after the adoption of the harmonisation measure, it shall notify the Commission of the envisaged provisions as well as the grounds for introducing them.

6. The Commission shall, within six months of the notifications as referred to in paragraphs 4 and 5, approve or reject the national provisions involved after having verified whether or not they are a means of arbitrary discrimination or a disguised restriction on trade between Member States and whether or not they shall constitute an obstacle to the functioning of the internal market. In the absence of a decision by the Commission within this period the national provisions referred to in paragraphs 4 and 5 shall be deemed to have been approved.

7. When justified by the complexity of the matter and in the absence of danger for human health, the Commission may notify the Member State concerned that the period referred to in this paragraph may be extended for a further period of up to six months.

8. When, pursuant to paragraph 6, a Member State is authorised to maintain or introduce national provisions derogating from a harmonisation measure, the Commission shall immediately examine whether to propose an adaptation to that measure.

9. By way of derogation from the procedure laid down in Articles 226 and 227, the Commission and any Member State may bring the matter directly before the Court of Justice if it considers that another Member State is making improper use of the powers provided for in this Article.
unusually lengthy justification for the use of this dual legal basis is as follows:

"The Proposal will be made on the basis of Article 175(1) of the Treaty in combination with Article 95. While a single legal base is preferred, it is recognised that a dual legal base is appropriate where a measure contains provisions based on different parts of the Treaty. Both these legal bases imply the use of the co-decision procedure.

The majority of the Proposal falls under Article 175(1) (environment). This Article gives the Community power to act to preserve, protect and improve the quality of the environment, protect human health and make prudent and rational use of natural resources. These objectives are pursued by this Directive.

However, Articles 15, 16 and 17 of the Proposal impose binding obligations on Member States regarding the sustainability of biofuels and other bioliquids. While the sustainability criteria themselves obviously pursue an aim of environmental protection, the Directive also prevents Member States from adopting certain measures which would obstruct trade in biofuels or raw materials. The Directive thus aims for a complete harmonisation of biofuel sustainability criteria in order to ensure that no criteria adopted individually by Member States may constitute an obstacle to trade between Member States. For this element of the Directive, the internal market is therefore considered to be the primary objective. This assessment is not altered by the fact that environmental protection is also an important goal, since Article 95(3) EC expressly provides for a high level of protection of the environment to be aimed for in measures to complete the internal market. The Commission therefore considers that the provisions of harmonised standards for biofuel sustainability fall under Article 95 (internal market).

In general, renewable energy is a close substitute for conventional energy and is supplied through the same infrastructure and logistic systems. All Member States already use renewable energy and all have already decided to increase renewable energy's share. For these reasons, the proposal will not significantly affect Member States' choice between different energy sources or the general structure of their energy supply and does not fall under Article 175(2) of the Treaty."

**Aim and content of the proposal for a regulation**

The proposed directive seeks to establish a common framework for the promotion of energy from renewable sources. It sets mandatory targets for the overall share of energy from renewable sources in energy consumption and for the share of energy from renewable sources in transport. It lays down rules relating to guarantees of origin, administrative procedures and electricity grid connections in relation to energy from renewable sources. It establishes environmental sustainability criteria for biofuels and other bio liquids

The future directive aims to establish an overall binding target of a 20% share of renewable energy sources in energy consumption and a 10% binding minimum target for biofuels in

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10. *The harmonisation measures referred to above shall, in appropriate cases, include a safeguard clause authorising the Member States to take, for one or more of the non-economic reasons referred to in Article 30, provisional measures subject to a Community control procedure.*
transport to be achieved by each Member State, as well as binding national targets by 2020 in line with the overall EU target of 20%.

Of the 57 recitals, only one, recital (53), refers specifically to the internal market: it states that Articles 15 to 17 should be considered as being based on Article 95 EC because they ensure the proper functioning of internal market by harmonising the conditions of sustainability that biofuels and other bioliquids must meet for certain purposes and thus facilitating trade between Member States in compliant biofuels and bioliquids.

The remainder of the recitals and the enacting terms (apart from the final provisions on reporting, monitoring, amendments and repeal, comitology and entry into force) are all concerned with preserving, protecting and improving the quality of the environment and the prudent and rational utilisation of natural resources within the meaning of Article 174 of the EC Treaty. Even Articles 15 to 17, which the Commission claims should be based on Article 95, are concerned with environment protection.

In view of the strictures of the Court of Justice to the effect (a) that a general Treaty article constitutes a sufficient legal basis even though the measure in question also seeks, in a subordinate manner, to attain an aim sought by a specific Treaty article and (b) that it is only where a measure has several contemporaneous objectives which are indissolubly linked with each other without one being secondary and indirect in respect of the others that multiple legal bases must be used, it is considered that Article 175(1) EC can be used as the sole legal basis.

At its meeting of 27 June 2008 the Committee on Legal Affairs accordingly decided, unanimously\(^1\), to recommend that you that the most appropriate legal basis is Article 175(1) of the EC Treaty and that there is no need to add any reference to Article 95.

Yours sincerely,

Giuseppe Gargani

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\(^1\) The following were present for the final vote: Giuseppe Gargani (chairman), Titus Corlățean (vice-chairman), Diana Wallis (draftswoman), Sharon Bowles, Carlo Casini, Monica Frassoni, Neena Gill, Piia-Noora Kauppi, Klaus-Heiner Lehne, Eva Lichtenberger, Hans-Peter Mayer, Manuel Medina Ortega, Aloyzas Sakalas, József Szájer and Ieke van den Burg.
15.7.2008

OPINION OF THE COMMITTEE ON THE ENVIRONMENT, PUBLIC HEALTH AND FOOD SAFETY (*)

for the Committee on Industry, Research and Energy


Draftsman (*): Anders Wijkman

(*) Associated committees - Rule 47 of the Rules of Procedure

SHORT JUSTIFICATION

Fossil fuels have been the lifeblood of society for a long period of time. Modernisation as we know it would not have been possible without abundant supplies of cheap oil, coal and gas. However, this period will soon be over. A thorough transformation of our energy and transportation systems is needed – for the sake of energy security and economics, but first and foremost because of Climate Change.

For many years, Climate Change was seen primarily as an environmental issue. Today, however, there is broad recognition that Climate Change affects all sectors of society and, if not tackled vigorously, may lead to catastrophic consequences for society.

EU at the crossroad

The EU is at a crossroad concerning the future of energy. There is no silver bullet to the energy and climate challenge. A multi-pronged approach must be pursued where the main pillars will be:

- enhanced energy efficiency,
- the gradual phase-out of fossil fuels and
- massive investments in research, development and deployment of alternative energy sources, first and foremost renewable energy.

The EU Commission Renewables Directive is a follow-up to the European Council decision from March, 2007. The proposal aims to establish an overall binding target of a 20% share of renewable energy sources in energy consumption in 2020 and an equally binding target of a 10% share of renewable energy in the transport sector by 2020, as well as binding national targets by 2020 in line with the overall EU target of 20%.
The Commission proposal is welcome. Parliament has in several reports recently asked for an increase in the level of renewable energy in the EU energy mix, and even considered a binding target of 25%.

This opinion from ENVI is prepared under the provision of enhanced cooperation with the lead committee, ITRE. In agreement with the rapporteur in ITRE, the ENVI opinion will focus mainly on the proposed sustainability criteria for biofuels.

**Bioenergy – part of the solution**

Like other renewable sources, bioenergy can make valuable contributions in climate mitigation and energy security. It has two decisive advantages. First, biomass is stored energy; like fossil fuels, it can be drawn on at any time. Second, biomass can produce all forms or carriers of energy for modern economies: electricity, gas, liquid fuels, and heat. Bio-energy provides rural jobs, and can increase profitability in the agriculture, food-processing and forestry sectors. Biomass plantations can help to restore degraded lands and growing trees, shrubs or grasses can reverse damage to soils, with energy production and sales as a valuable bonus.

Bio-energy is at the same time inherently land-intensive and the associated environmental impacts are significant. Some key concerns relate to deforestation, loss of biodiversity, depletion of soil nutrients, and excessive use of water. Some positive environmental impacts include restoration of degraded land, creation of complementary land use options, and synergies in the provision of fibre and other non-energy products. The modern concept of a bio-refinery is a highly efficient agro-industrial complex that creates multiple products—food, feed, fuel, fiber and more—thus maximizing the value of land resources and bio-based materials.

There are a range of technologies for efficient conversion of biomass, especially in the case of heat and power. Biomass used for these purposes is generally favoured because they are both more economically competitive and environmentally effective.

The fact that biomass can be more effectively used for heat and electricity production, does not rule out its use for transport fuels. GHG emissions from transport constitute a difficult challenge in the EU and are on the increase in most Member States. There is no way transport emissions can continue to increase, while, at the same time, the overall objective for the EU is to reduce GHG emissions to 2020 by 30% or more. Alternative ways have to be pursued, like:

- enhanced fuel efficiency , - increased efforts to develop electric vehicles, hybrids and plug-in hybrids and fuel cell cars run on hydrogen, - a modal shift, giving a boost to public transport, rail transport etc. and - the use of bio-fuels,

While alternatives like hydrogen, electricity and hybrids etc are promising, nobody can tell today which of the technologies at play that will present the most effective response to the energy and climate challenge. All options should be kept open.

**Bio-fuels increasingly questioned**

Only a few years ago bio-fuels were seen by some to be a panacea for a range of global energy, environment and rural development issues. Today they are widely questioned, both from the point of view of the expected GHG savings but, as well, for a host of perceived adverse effects. Among them are fears that the intensification of bio-fuels production will increase pressures on soil, water and biodiversity. Concerns are also expressed that the
expansion of bio-fuels production will negatively affect food security as well as accelerate the destruction of rainforests.

Currently, the amount of land devoted to growing bio-fuels is only 25 million hectares, or about 0.5% of the 5 billion hectares of global agricultural land. With regard to food prices, there are a host of factors affecting them – like adverse weather conditions, reductions in grain stocks, trade restrictions, speculative investment in commodities, growing demand from emerging economies, higher oil prices leading to higher prices on agricultural inputs etc. The only discernable influence on food prices, related to bio-fuels so far, is the highly controversial corn for ethanol program in the US.

In assessing the availability of land for energy crops, it is generally assumed that food and feed requirements should be met first. But energy crops need not grow on arable land. Instead they can grow on degraded lands, thereby minimizing land use conflicts. In other cases, the same crop may result in multiple products—including food, feed, fuel, fibre and other categories. The provision of economic incentives for bio-energy crops should therefore be concentrated on degraded, abandoned, or marginal lands where possible, and should aim to encourage multiple products.

The fact that bio-fuels production up till now has not had an overall negative effect on food prices does not preclude it from causing such problems in the future, should bio-fuels production reach much higher levels and/or move into sensitive regions. Furthermore, as the world faces dwindling and/or more costly supplies of fossil fuels - in combination with increasing population and changing diet - there will inevitably be more land pressures.

The potential tension between, on the one hand, increased bio-fuels production and, on the other hand, food production, biodiversity loss and deforestation have to be taken seriously. Difficult trade-offs have to be made. A particular challenge will be to avoid contributing to further deforestation. The risk for displacement is obvious. For instance, when vegetable oils are increasingly used for bio-diesel, forest lands in the tropics present themselves as alternatives immediately. The only effective way to balance such pressures would be through some kind of a compensation scheme for “avoided deforestation”.

**Major potential in tropical countries**

Biomass crops grown in tropical and sub-tropical regions, in terms of energy per unit of land, are *4-6 times more productive* on average than typical crops grown in temperate climates. Tropical countries have been impacted negatively by the heavily-subsidized agricultural sectors in OECD countries. Agricultural reform could offer real opportunities, not least for the LDCs, to modernize their agricultural sectors, using bio-fuels as somewhat of a driver.

The underlying logic for North-South bio-energy trade arises mainly from the large differences in productivity and cost of production. It is therefore natural to recognize the *huge potential for effective bio-fuels production offered by many African and Latin American countries*. Imports from these continents ought to be a favored alternative for the European Union, provided the production is guided by strict sustainability criteria. However, to develop a bio-fuels industry most low-income countries are in great need of capacity building. The recent Commission Initiative, the Global Climate Change Alliance, should be a perfect instrument for this.
Cautious approach recommended

Being draftsman of this report therefore feels like a huge responsibility. The sustainability criteria for bio-fuels are urgently needed, at the same time immensely complex to develop. If done the right way, bio-fuels should be able to contribute positively to climate change mitigation and energy security. If not, the risk is obvious that the bio-fuels initiative could end in a big failure.

We are presently in the early stages of bio-fuel developments. The policy pursued has to be closely integrated with the efforts for enhanced fuel efficiency as well as the development of electric vehicles, fuel-cells etc. Moreover, the policy must provide strong incentives for innovation in the way biomass is used.

While research efforts into the next generation of bio-fuels look promising, the problem is the time perspective. Most experts doubt that technologies based on ligno-cellulose will be commercially viable in a significant way within the next ten to fifteen years. If this prediction is right - and the EU would maintain the 10% binding target – bio-fuels production will expand rapidly, based primarily on agro-fuels. This could have serious implications for food security, for biodiversity as well as for the rate of rainforest destruction.

Because of all the unknowns – both with regard to technology developments but also to land use changes – there is a compelling argument for caution and a step-by-step approach. The proposed 10% binding target appears too optimistic. The objective should not be to reach the target at all costs, rather to implement policies which result in a significant benefit for the climate.

The Commission Proposal – a critical review

The Commission proposal on sustainability criteria for bio-fuels has its clear merits. However, there is need for significant changes.

At the outset, an important point has to be made. By establishing the sustainability criteria, the EU is creating a premium market for transport fuels based on renewable energy. From this naturally follows, that the EU should have all the right to introduce specific demands on such fuels.

A further general comment concerns the fact that EU is not alone in making efforts to regulate the introduction of transport fuels based on renewable energy. The ultimate goal ought to be the adoption of sustainability criteria that are widely accepted internationally. The Commission is called upon to broaden the dialogue with other major actors, the objective being to reach as common an understanding as possible.

Revise the binding target

When the target was first agreed upon by the European Council it was conditional. The three conditions set were: 1) the establishment of the sustainability criteria, 2) the commercial availability of second generation bio-fuels, and 3) the amendment of the Fuel Quality Directive.

When taking stock of recent scientific reports the uncertainties linked to the expansion of bio-fuels are many. This is the background why both the EEA Scientific Committee as well as the JRC went as far as recommending a suspension of the 10% target.
Major questionmarks concern the commercial availability of second generation bio-fuels and the direct as well as indirect land use effects of bio-fuels production. Given the many unknowns today, the responsible way forward seems to be to reverse the decision about the 10% renewable target and, instead, go for a lower target – like 8% - and undertake regular reviews of the whole policy, including the target.

**Introduce sustainable categories of renewable energy**

The purpose of the Directive is to promote renewable energy. To reach the 20% target, everything possible should be done to facilitate the rules and regulations pertaining to renewables production, including access to the grid and simplified administrative procedures. Planning rules need to be made more flexible, not least for such types of renewable energy projects that a priori can be defined as sustainable.

**Expand the sustainability criteria to biomass for energy**

The need is strong for sustainability criteria guiding bio-fuels production. However, it is not logical to single out only one part of the use of biomass for energy purposes from the rest. It is therefore proposed to extend the sustainability criteria to all uses of biomass for energy.

**Criteria for GHG savings**

*The proposed GHG saving of 35% is, in the opinion of your draftsman, too little ambitious.*

By setting such a low target, the majority of biofuels in the market today will qualify, with a risk of locking production into inefficient production with limited climate benefits and potential large in-direct land use effects. Moreover, with a GHG threshold of only 35%, the significant potential for efficient bio-fuels production in the tropics is being downplayed. Lastly, but not the least, no real incentive for innovation and GHG performance improvement is offered in the Commission proposal.

In order for future biofuels to deliver more in terms of climate benefits the proposal of your draftsman is a GHG saving threshold of **50%** from the entry into force. In addition, in order to give incentives to the best alternatives for renewable energy in transport (including also electricity and hydrogen) possible support schemes, including subsidies, in Member States should be proportional to the GHG saving.

**Criteria for "No-go areas"**

The Commission proposal excludes certain types of land for the production of bio-fuels – in the form of “no-go” areas - like undisturbed forests, areas designated for nature protection, highly bio-diverse grassland etc. This is positive. However, the proposed list of “no-go” areas does omit certain sensitive areas and ought to be complemented, for instance by adopting the High Conservation Value Land categories.

The Commission proposal paints the world too much in black and white with regard to land use. Land areas are either open to full production or prohibited for use. In European forests, as well as in tropical forests, sustainable management ought to be possible, so that limited amounts of biomass can be used, if it is done in a sustainable way.

**Social criteria**

Social criteria were not included in the Commission proposal, one of the reasons given that introducing such criteria could be in conflict with WTO rules. The proposal of this report is for the Commission to draw up a special report every second year, pertaining to a whole range of social impacts of the increased demand and use of bio-fuels.
Methodology for calculation of GHG savings

The called-for GHG saving is calculated through a LCA methodology, described in annex VII. The methodology is in principle sound and sufficiently flexible to allow for adjustments after the Directive has been agreed upon.

Specific default values are suggested for the cultivation, production and transport of bio-fuels - as well as for land use changes - to be used as reference points. The generalized way by which the default values are established must be questioned - in relation to land use and land use change, but, as well, to cultivation. The logic of the Commission proposal seems to be that a certain type of land use, like cultivating grasslands, will lead to the same GHG savings and/or the same carbon losses, regardless of where production takes place. *But grasslands differ in the amount of carbon stored*, and hence cannot be described through a single default value. In Brazil alone, there are an estimated ten different types of grasslands (cerrados) with different characteristics.

Considering that the whole science around bio-fuels production is enormously complex, in particular when it comes to the potentially large effects of direct and indirect land use changes, there is need for a more regional approach.

In particular with regard to emissions from land use change a superior methodology is proposed, drawing upon work by the IPCC which provides specific default values for different regions. There are strong reasons to make use of the IPCC methodology. It provides more flexibility and is likely to meet with broad approval since it is already being used widely.

*The role of soil carbon* needs to be accounted for more explicitly. Some production, based in particular on perennial crops, will increase the carbon stored in soils and can thus help turn degraded or marginal land into productive land.

In the methodology the Commission has left out potential GHG emissions from indirect land use change, like when the production of bio-fuels leads to displacement of previously grown food crops on-to other lands. Such effects are by many experts considered to be significant. However, no global model exists to provide us with precise estimates of the scale of such effects. It appears essential to complement the LCA methodology with an estimate for such effects. One possibility, developed by the OKO-Institut, would be to use a so-called risk adder, i.e. a penalty for the expected indirect land use changes that is added to the GHG emissions calculations for the production of biofuels on arable land.

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 incorporate the following amendments in its report:

Amendment 1
Proposal for a directive

Citation 1

*Text proposed by the Commission*

Having regard to the Treaty establishing the European Community, and in particular Article 175(1) thereof and Article 95 thereof

*Amendment*

Having regard to the Treaty establishing the European Community, and in particular Article 175(1) thereof and Article 95 thereof *in relation to Articles 12(6) and 15, 16 and 17.*

Amendment 2

Proposal for a directive

Recital 2

*Text proposed by the Commission*

(2) *In particular,* increased use of biofuels for transport is one of the most effective tools by which the Community can reduce its dependence on imported oil – where the security of supply problem is most acute - and *influence the fuel market for transport.*

*Amendment*

(2) *In addition to energy efficiency improvements,* increased use of energy from biomass and other renewable sources in the transport sector are some of the most effective tools by which the Community can reduce its dependence on imported oil *in the transport sector* – where the security of supply problem is most acute - and *lead the sector towards a sustainable pathway.*

Amendment 3

Proposal for a directive

Recital 4

*Text proposed by the Commission*

(4) The Renewable Energy Roadmap demonstrated that a 20% target for the overall share of energy from renewable sources *and a 10% target for renewable energy in transport* would be appropriate and achievable objectives, and that a framework that includes mandatory targets should provide the business community with the long term stability it needs to make rational investment decisions in the

*Amendment*

(4) The Renewable Energy Roadmap demonstrated that a 20% target for the overall share of energy from renewable sources would be appropriate, and that a framework that includes mandatory targets should provide the business community with the long term stability it needs to make rational investment decisions in the renewable energy sector. *While the arguments in favour of the 20% target for*
renewable energy sector.

the overall share of energy from renewable sources have grown considerably stronger, the target for renewables in transport is increasingly being questioned.

Amendment 4

Proposal for a directive
Recital 5

Text proposed by the Commission

(5) The Brussels European Council of March 2007 reaffirmed the Community's commitment to the Community-wide development of renewable energies beyond 2010. It endorsed a mandatory target of a 20% share of renewable energies in overall Community energy consumption by 2020 and a mandatory 10% minimum target to be achieved by all Member States for the share of biofuels in transport petrol and diesel consumption by 2020, to be introduced in a cost-effective way. It stated that the binding character of the biofuel target is appropriate subject to production being sustainable, second-generation biofuels becoming commercially available and Directive 98/70/EC of the European Parliament and of the Council of 13 October 1998 relating to the quality of petrol and diesel fuels and amending Council Directive 93/12/EEC being amended to allow for adequate levels of blending.

Amendment

(5) The Brussels European Council of March 2007 reaffirmed the Community's commitment to the Community-wide development of renewable energies beyond 2010. It endorsed a mandatory target of a 20% share of renewable energies in overall Community energy consumption by 2020 and a mandatory 10% minimum target to be achieved by all Member States for the share of biofuels in transport petrol and diesel consumption by 2020, to be introduced in a cost-effective way. It stated that the binding character of the biofuel target is appropriate subject to production being sustainable, second-generation biofuels becoming commercially available and Directive 98/70/EC of the European Parliament and of the Council of 13 October 1998 relating to the quality of petrol and diesel fuels and amending Council Directive 93/12/EEC being amended to allow for adequate levels of blending. Since a commercial breakthrough for second-generation biofuels, particularly lignocellulosic crops, seems unlikely before 2020, the risk is obvious that agro-fuels will totally dominate the market – a development that might lead to unintended consequences with regard to food security, biodiversity, deforestation, etc.
Amendment 5
Proposal for a directive
Recital 6

Text proposed by the Commission

(6) The main purpose of binding targets is to provide certainty for investors. **Deferring a decision about whether a target is binding until a future event takes place is thus not appropriate. In a statement to the minutes of the Council of 15 February 2007, the Commission therefore stated that it did not consider that the binding nature of the target should be deferred until second generation biofuels became commercially available.**

Amendment

(6) The main purpose of binding targets is to provide certainty for investors and to encourage a continuous development of technologies which generate energy from all types of renewable sources. However, the many unknowns with regard to biofuel production today calls for a more cautious approach than the one hitherto envisaged. The binding target should therefore be reconsidered.

Amendment 6
Proposal for a directive
Recital 8

Text proposed by the Commission

(8) In the light of the positions taken by the Commission, the Council and the European Parliament, it is appropriate to establish mandatory targets for an overall 20% share of renewable energy and a 10% share of renewable energy in transport in the European Union's consumption in 2020.

Amendment

(8) In the light of the positions taken by the Commission, the Council and the European Parliament, it is appropriate to establish mandatory targets for an overall 20% share of renewable energy and a share of renewable energy in transport in the European Union's consumption of 4% in 2015 and 8-10% in 2020, of which 20% in 2015 and 40-50% in 2020 is met by the use of electricity or hydrogen from renewable sources, biogas or transport fuels from lignocellulosic biomass and algae.

The targets for 2020 should be finally decided on in 2015, subject to a review with a special focus on consequences for food security, biodiversity and the availability of electricity or hydrogen from renewable sources, biogas or transport fuels from lignocellulosic biomass and algae.
The targets – as well as the overall policy framework, not least the methodology for calculating the greenhouse gas saving – should be subject to regular reviews.

Amendment 7
Proposal for a directive
Recital 10

Text proposed by the Commission

(10) By contrast, it is appropriate for the 10% target for renewable energy in transport to be set at the same level for each Member State in order to ensure consistency in transport fuel specifications and availability. Because transport fuels are traded easily, Member States with low endowments of the relevant resources will easily be able to obtain renewable transport fuels from elsewhere. While it would technically be possible for the Community to meet its biofuel target solely from domestic production, it is both likely and desirable that the target will in fact be met through a combination of domestic production and imports. To this end, the Commission should monitor the supply of the Community market for biofuels, and should, as appropriate, propose relevant measures to achieve a balanced approach between domestic production and imports, taking into account the development of multilateral and bilateral trade negotiations as well as environmental, cost, energy security and other considerations.

Amendment

(10) By contrast, it is appropriate for the 4% target for renewable energy in transport to be set at the same level for each Member State in order to ensure consistency in transport fuel specifications and availability. Because transport fuels are traded easily, Member States with low endowments of the relevant resources will easily be able to obtain renewable transport fuels from elsewhere. While it would technically be possible for the Community to meet its renewable energy in transport target solely from domestic production, the much higher potential for efficient production of biofuels in the tropics, and the objective of achieving maximum greenhouse gas savings, militate in favour of a significant share of the target being met through imports. To this end, the Commission should monitor the supply of the Community market for biofuels, and should, as appropriate, propose relevant measures to achieve a balanced approach between domestic production and imports, taking into account the development of multilateral and bilateral trade negotiations as well as environmental, cost, energy security, greenhouse gas savings and other considerations.
Proposal for a directive
Recital 10 a (new)

Text proposed by the Commission

(10a) Member States should aim to diversify the renewable energy mix in all transport sectors. By 2011, the Commission should present proposals for a strategy on increasing the use of renewable energy in all transport sectors to the Council and the European Parliament.

Justification

So far there has been a very strong focus on renewable energy in road transport, but it is important to promote the use of renewable energy in all transport sectors. 2011 is suggested as the deadline so the proposals can be included in the next financial perspectives.

Amendment 9

Proposal for a directive
Recital 11

Text proposed by the Commission

(11) To ensure that the overall targets are achieved, Member States should work towards a an indicative trajectory tracing a path towards the achievement of their targets, and should establish a national action plan including sectoral targets, while having in mind that there are different uses of biomass and therefore it is essential to mobilise new biomass resources.

Amendment 10

Proposal for a directive
Recital 12 a (new)

Text proposed by the Commission

(12a) The Community and Member States should dedicate significant financial
resources to the research and development of renewable energy technologies. An obvious source of funding is the revenue from the EU Emissions Trading Scheme. Furthermore, the European Institute of Technology should give high priority to the research and development of renewable energy technologies.

Amendment 11
Proposal for a directive
Recital 14

Text proposed by the Commission
(14) It is necessary to set unambiguous rules for calculating the share of energy from renewable sources.

Amendment
(14) It is necessary to set transparent and unambiguous rules for calculating the share of energy from renewable sources.

Amendment 12
Proposal for a directive
Recital 15

Text proposed by the Commission
(15) In calculating the contribution of hydropower, the effects of climatic variation should be smoothed through the use of a normalisation rule.

Amendment
(15) In calculating the contribution of hydropower and wind power, the effects of climatic variation should be smoothed through the use of a normalisation rule.

Justification
The production of wind power fluctuates greatly due to climatic variation and should therefore also be subject to the normalisation rule.

Amendment 13
Proposal for a directive

Recital 28

Text proposed by the Commission

(28) A coordinated approach is needed to develop training and appropriate certification should be made available to small scale renewable energy equipment installers in order to avoid market distortions and to ensure high quality products and service provision for consumers. National certification schemes should be mutually recognised by Member States and should therefore be based on minimum harmonised principles, taking into account European technology standards, and existing training and qualification regimes for renewable energy equipment installers. Directive 2005/36/EC of the European Parliament and of the Council of 7 September 2005 on the recognition of professional qualifications should continue to apply to issues not governed by this Directive, such as the recognition of professional qualifications of installers not certified in one Member State.

Amendment

(28) A coordinated approach is needed to develop training and appropriate certification should be made available to small scale renewable energy equipment installers in order to avoid market distortions and to ensure high quality products and service provision for consumers. National certification schemes should be mutually recognised by Member States and should therefore be based on minimum harmonised principles, taking into account European technology standards, and existing training and qualification regimes for renewable energy equipment installers. Directive 2005/36/EC of the European Parliament and of the Council of 7 September 2005 on the recognition of professional qualifications should continue to govern the recognition of professional qualifications for regulated professions. In so far as entering or exercising the profession of installer is regulated, the preconditions for recognition of professional qualifications are laid down in Directive 2005/36/EC; these preconditions should also apply to installers certified in a Member State.

Justification

Directive 2005/36/EC governs recognition of professional qualifications for regulated professions, for which it lays down comprehensive and definitive provisions. It must continue to apply to installers who have voluntarily had themselves certified in accordance with the Directive on renewable energies. The installation of equipment using renewable energies constitutes only part of the work of, for example, heating engineers or roofers.
Amendment 14

Proposal for a directive
Recital 30

**Text proposed by the Commission**

(30) The costs of connecting new producers of electricity from renewable energy sources to the electricity grid should be objective, transparent and non-discriminatory and due account should be taken of the benefit embedded generators bring to the grid.

**Amendment**

(30) The costs of connecting new producers of electricity from renewable energy sources to the electricity grid should be objective, transparent and non-discriminatory and due account should be taken of the benefit embedded generators bring to the grid, ensuring full use of the generation capacity. The costs of connecting new producers of gas from renewable energy sources to the gas network should be objective, transparent and non-discriminatory.

**Justification**

Provisions should be planned for gas production too, not only for electricity.

Amendment 15

Proposal for a directive
Recital 33 a (new)

**Text proposed by the Commission**

(33a) The European Union and the Member States should ensure by all possible means that the total consumption of energy in transport falls substantially. The principal means of reducing the total consumption of energy in transport include transport planning, support for public transport, increasing the share of electric cars in production and producing cars which are more energy efficient and smaller both in size and in engine capacity.

**Amendment**


Amendment 16
Proposal for a directive
Recital 34

Text proposed by the Commission

(34) Biofuel production should be environmentally sustainable. Biofuels used for compliance with the targets laid down in this Directive, and those that benefit from national support systems, should therefore be required to fulfil criteria for environmental sustainability.

Amendment

(34) Biofuel production, like production of other renewable energy sources, should be environmentally sustainable. Biofuels used for compliance with the targets laid down in this Directive, and those that benefit from national support systems, should therefore be required to fulfil criteria for environmental sustainability.

Amendment 17
Proposal for a directive
Recital 39

Text proposed by the Commission

(39) The incentives provided for in this Directive for biofuels and other bioliquids, and the increasing worldwide demand for biofuels and other bioliquids, should not have the effect of encouraging the destruction of bio-diverse lands. Such exhaustible resources, recognised in various international instruments to be of value to all mankind, should be preserved. Consumers in the Community, in addition, would find it morally unacceptable that their increased use of biofuels and other bioliquids could have the effect of destroying bio-diverse lands. For these reasons, it is necessary to provide criteria ensuring that biofuels and other bioliquids can only qualify for the incentives when it can be guaranteed that they do not originate in bio-diverse land. The criteria chosen consider forest as bio-diverse where it is undisturbed by significant human activity (following the definition used by the Food and Agriculture Organisation of the United Nations, the United Nations

Amendment

(39) The incentives provided for in this Directive for biofuels and other bioliquids, and the increasing worldwide demand for biofuels and other bioliquids, should not have the effect of encouraging the destruction of bio-diverse lands. Such exhaustible resources, recognised in various international instruments to be of value to all mankind, should be preserved. Consumers in the Community, in addition, would find it morally unacceptable that their increased use of biofuels and other bioliquids could have the effect of destroying bio-diverse lands. For these reasons, it is necessary to provide criteria ensuring that biofuels and other bioliquids can only qualify for the incentives when it can be guaranteed that they do not originate in bio-diverse land, or that the raw material extraction did not adversely affect biodiversity. The criteria chosen consider forest as bio-diverse where it is undisturbed by significant human activity (following the definition used by the Food
Economic Commission for Europe and the Ministerial Conference on the Protection of Forests in Europe) or where it is protected by national laws for nature protection purposes. Further, considering the highly biodiverse nature of certain grasslands, it is also appropriate that biofuels made from raw materials originating in such lands should not qualify for the incentives provided for by this Directive. The Commission should establish appropriate criteria and/or geographical ranges to define such highly biodiverse grasslands in accordance with the best available scientific evidence and relevant international norms.

Amendment 18

Proposal for a directive
Recital 39 a (new)

Text proposed by the Commission

(39a) While energy from biomass should not be made from raw materials obtained from land with recognised high biodiversity or from land with high carbon stock, such as forests undisturbed by significant human activity and/or continuously forested areas, the pressure on natural forests may nonetheless be great as an unintended consequence of the increased production of biofuels. For instance, when demand for vegetable oils increases, because of an increase in demand for bio-diesel, one possible consequence may be that forest land is cleared for the production of soy beans or palm oil. In some cases, such clearing may occur even though it is illegal under national or international regulations. Furthermore, land pressures of one kind or another are an inevitable consequence
of increasing the scale or scope of virtually any land-intensive activity. Nevertheless, it is important that the EU provide incentives to minimise the risk of such impacts; in particular, promoting schemes for the protection of tropical rainforests, such as compensation for “avoided deforestation”, ought to be a high priority for the EU.

Amendment 19

Proposal for a directive
Recital 40

Text proposed by the Commission

(40) Where biofuels and other bioliquids are made from raw material produced in the EU, they should also comply with EU environmental requirements for agriculture. Applying such criteria to imports from third countries is administratively and technically unfeasible.

Amendment

(40) Where biofuels and other bioliquids are made from raw material produced in the EU, they should also comply with EU environmental requirements for agriculture. Applying such criteria to imports from third countries is administratively and technically unfeasible.

Member States are in addition encouraged to investigate to what extent integrating new types of lignocellulosic crops into the agricultural landscape can be instrumental in promoting improvements in relation to environmental legislation other than that specifically mentioned in the cross-compliance rules of the Common Agricultural Policy, for instance as regards the protection of the quality of groundwater and surface water, Directive 2000/60/EC.

Amendment 20

Proposal for a directive
Recital 47

Text proposed by the Commission

(47) The requirements for a sustainability

Amendment

(47) The requirements for a sustainability
scheme for energy uses of biomass, other than bioliquids and biofuels, should be analysed by the Commission by 2010, taking into account the need for biomass resources to be managed in a sustainable manner.

Amendment 21
Proposal for a directive
Recital 48

Text proposed by the Commission

(48) In order to permit the achievement of a 10% share of biofuels, it is necessary to ensure the placing on the market of higher blends of biodiesel in diesel than those envisaged by standard EN590/2004.

Justification

In accordance with the premises that exclusive use of biofuels should be avoided but a wider range of renewable energy sources should be assigned priority.

Amendment 22
Proposal for a directive
Recital 52

Text proposed by the Commission

(52) When designing their support systems, Member States may encourage the use of biofuels which give additional benefits – including the benefits of diversification offered by biofuels made from wastes, residues, non-food cellulosic material, and ligno-cellulosic material – by taking due account of the different costs of producing energy from traditional biofuels on the one hand and of these biofuels which give additional benefits on the other hand. Member States may encourage investment in the development of renewable energy technologies that need time to become

scheme for energy uses of biomass, other than bioliquids and biofuels, should be analysed by the Commission by 2009, taking into account the need for all biomass resources to be managed in a sustainable manner. This must eventually include agricultural practices as well.
competitive.

time to become competitive.

Amendment 23

Proposal for a directive
Recital 57

Text proposed by the Commission

(57) Since the general objectives of achieving a 20% share of renewable energies in the Community's overall energy consumption and a 10% share of biofuels in each Member State's transport petrol and diesel consumption by 2020 cannot be sufficiently achieved by the Member States and can therefore, by reason of the scale of the action, be better achieved at Community level, the Community may adopt measures, in accordance with the principle of subsidiarity as set out in Article 5 of the Treaty. 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

(57) Since the general objectives of achieving a binding 20% share of renewable energies in the Community's overall final energy consumption and a binding 4% share of renewable energy in transport in each Member State by 2015 cannot be sufficiently achieved by the Member States and can therefore, by reason of the scale of the action, be better achieved at Community level, the Community may adopt measures, in accordance with the principle of subsidiarity as set out in Article 5 of the Treaty. 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 24

Proposal for a directive
Recital 57 a (new)

Text proposed by the Commission

(57a) In order to facilitate the expedient development of renewable infrastructure it is important to ensure full coherence with Directives 2000/60/EC, 79/409/EEC, 92/43/EEC.

Amendment

(57a) In order to facilitate the expedient development of renewable infrastructure it is important to ensure full coherence with Directives 2000/60/EC, 79/409/EEC, 92/43/EEC.

Justification

Renewable energy development should be developed as quickly and coherently as possible. The choice of renewable technologies is often determined by local natural conditions; therefore, the appropriate local siting for installations is important.
Amendment 25

Proposal for a directive
Article 1

Text proposed by the Commission

This Directive establishes a common framework for the promotion of energy from renewable sources. It sets mandatory targets for the overall share of energy from renewable sources in energy consumption and for the share of energy from renewable sources in transport. It lays down rules relating to guarantees of origin, administrative procedures and electricity grid connections in relation to energy from renewable sources. It establishes environmental sustainability criteria for biofuels and other bioliquids.

Amendment

This Directive establishes a common framework for the promotion of energy from renewable sources which strengthens the existing national support schemes of the Member States and makes it possible for them to attain the development objectives. It sets mandatory EU and national targets for the overall share of energy from renewable sources in energy consumption and for the share of energy from renewable sources in transport. It lays down rules relating to guarantees of origin, administrative procedures and electricity grid connections in relation to energy from renewable sources. It establishes environmental sustainability criteria for energy from renewable sources and in particular for energy from biomass and permits the joint attainment of the binding development objectives by more than one Member State.

Justification

The scope of the sustainability criteria should be expanded beyond biofuels, which is a small part of renewable energy, to cover sustainable categories of renewable energy as well as all biomass use for energy.

Member States are responsible for the attainment of their national development objectives. The Directive should therefore allow them, as hitherto, to attain these objectives by means of appropriate incentives.

Amendment 26
Proposal for a directive
Article 2 – point (a a) (new)

Text proposed by the Commission

(aa) The definition may be adapted to technical progress by the Commission acting in accordance with the procedure referred to in Article 21(3);

Justification

Based on the Renewable Electricity Directive 2001/77 the definition of renewable energy does not cover several sources and technologies such as wastewater sludge. In order to take into account future development of new technologies the Commission should be authorised to amend the definition through a Comitology procedure.

Amendment 27

Proposal for a directive
Article 2 – point (b)

Text proposed by the Commission

(b) "biomass" means the biodegradable fraction of products, waste and residues from agriculture (including vegetal and animal substances), forestry and related industries, as well as the biodegradable fraction of industrial and municipal waste;

Amendment

(b) "biomass" means the biodegradable fraction of products, waste and residues from agriculture (including vegetal and animal substances) and aquaculture, forestry and related industries, as well as the biodegradable fraction of industrial and municipal waste;

Justification

The existing definition excludes biomass from aquacultural products such as algae. Furthermore, biodegradable waste is generally much better recycled or composted, while the process gases can of course be used for energy generation. Also, since the biodegradable fraction of municipal and industrial waste typically has a low net energy output, this Directive should therefore promote the separation of this type of waste.

Amendment 28
Proposal for a directive
Article 2 – point (c)

(c) "final consumption of energy" means the energy commodities delivered for energy purposes to manufacturing industry, transport, households, services, agriculture, forestry and fisheries, including the consumption of electricity and heat by the energy branch for electricity and heat production and including losses of electricity and heat in distribution;

Amendment
(c) "final consumption of energy" means the energy commodities delivered for energy purposes to manufacturing industry, transport, households, private commerce and services, agriculture, forestry and fisheries, including the consumption of electricity and heat by the energy branch for electricity and heat production and including losses of electricity and heat in distribution;

Amendment 29
Proposal for a directive
Article 2 – point (d)

(d) "district heating or cooling" means the distribution of thermal energy in the form of steam, hot water or chilled liquids, from a central source of production through a network to multiple buildings, for the use of space or process heating or cooling;

Amendment
(d) "district heating or cooling" means the distribution of thermal energy in the form of steam, hot water or chilled liquids, from a central source of production through a network to multiple buildings or to an industrial consumer, for the use of space or process heating or cooling and stemming from renewable energy sources;

Amendment 30
Proposal for a directive
Article 2 – point (e)

(e) "bioliquids" means liquid fuel for energy purposes produced from biomass;

Amendment
(e) "biomass for energy" means solid, gaseous or liquid fuel for energy purposes produced from biomass;

Justification
This legislation covers all energy produced from biomass, not just that used as fuel in the
transport sector or used as liquid fuel in heat and power generation. It is therefore essential that this overarching term is defined.

Amendment 31
Proposal for a directive
Article 2 – point (f)

<table>
<thead>
<tr>
<th>Text proposed by the Commission</th>
<th>Amendment</th>
</tr>
</thead>
<tbody>
<tr>
<td>(f) <em>biofuels</em> means liquid or gaseous fuel for transport produced from biomass;</td>
<td>(f) <em>transport fuels from biomass</em> means liquid or gaseous fuel for transport produced from biomass;</td>
</tr>
</tbody>
</table>

Justification

Horizontal amendment to change the term 'biofuel' to a more appropriate and accurate one, i.e. transport fuel from biomass. The term biofuel is misleading to consumers as ‘bio’ is in many countries associated with organic production and environmentally friendly products.

Amendment 32
Proposal for a directive
Article 2 – point (f a) (new)

<table>
<thead>
<tr>
<th>Text proposed by the Commission</th>
<th>Amendment</th>
</tr>
</thead>
<tbody>
<tr>
<td>(fa) <em>wetland</em> means land that is covered with or saturated by water permanently or for a significant part of the year;</td>
<td></td>
</tr>
</tbody>
</table>

Justification

Wetland must be defined in this Directive. Wetlands are important carbon stores and if converted can result in the release of significant quantities of greenhouse gases. Non drained peatlands, e.g. pristine peatland, are definitely included in this definition.

Amendment 33
Proposal for a directive
Article 2 – point (g a) (new)

<table>
<thead>
<tr>
<th>Text proposed by the Commission</th>
<th>Amendment</th>
</tr>
</thead>
<tbody>
<tr>
<td>(ga) <em>Target Accounting Certificate (TAC)</em> means a specially marked</td>
<td></td>
</tr>
</tbody>
</table>

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electronic document which serves as evidence that a particular quantity of energy has been produced from renewable sources and may be credited towards the binding targets in the issuing Member State or other Member States;

Justification

Member States are responsible for the attainment of their national development objectives. The Directive should therefore allow them, as hitherto, to attain these objectives by means of appropriate incentives.

Amendment 34
Proposal for a directive
Article 2 – point (h)

Text proposed by the Commission
(h) “support scheme” means a scheme, originating from a market intervention by a Member State, that helps energy from renewable sources to find a market by reducing the cost of production of this energy, increasing the price at which it can be sold, or increasing, by means of a renewable energy obligation or otherwise, the volume of such energy purchased;

Amendment
(h) “support scheme” means a scheme which creates or enhances incentives for the further development and use of energy from renewable sources. Such national support schemes comprise in particular green certificates, investment grants, tax exemptions or concessions, tax rebates and direct price support systems, particularly feed-in remuneration and feed-in premium systems;

Justification

Member States are responsible for the attainment of their national development objectives. The Directive should therefore allow them, as hitherto, to attain these objectives by means of appropriate incentives.

Amendment 35
Proposal for a directive
Article 2 - point i a (new)

Text proposed by the Commission
(ia) "high conservation value land"

Amendment
means
- areas containing globally, regionally or nationally significant concentrations of biodiversity values (e.g. endemism, endangered species, refugia);
- globally, regionally or nationally significant large landscape level areas where viable populations of most if not all naturally occurring species exist in natural patterns of distribution and abundance;
- areas that are in or contain rare, threatened or endangered ecosystems;
- areas that provide basic services of nature in critical situations (e.g. watershed protection, erosion control);
- areas fundamental to meeting basic needs of local communities (e.g. subsistence, health);
- areas critical to local communities’ traditional cultural identity (areas of cultural, ecological, economic or religious significance identified in cooperation with such local communities).

Justification

A definition of High Conservation Value land is needed for Article 15.3. The High Conservation Value framework was originally developed by Forest Stewardship Council (now included in the FSC certification scheme) and provides a robust framework for identifying lands of high conservation value that may or may not be protected under national legislation or international conventions.

Amendment 36

Proposal for a directive
Article 3 - paragraph - 1 (new)

Text proposed by the Commission

Amendment

-1. The ultimate objective shall be the progressive elimination of greenhouse gas emissions from fossil fuel use within the European Union by 1 January 2050.
Justification

In order to combat climate change emissions from fossil fuels within the EU has to come down to close to zero in the future.

Amendment 37

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

Text proposed by the Commission Amendment

1a. Two or more Member States may jointly meet the targets indicated in Annex I, Part A, in order to exploit synergetic effects.

(a) For this purpose, Member States may create a system which allows people to transfer to third parties TAC, which, pursuant to Article 10, can be credited towards national targets.

(b) Two or more Member States may agree to statistically transfer energy from renewable sources between themselves in order to credit it towards their national targets.

(c) Member States may agree to carry out joint projects in which one or more Member States support projects to promote renewable energies in another Member State with a view to having the renewable energy which has thus been obtained credited to themselves proportionally.

(d) Two or more Member States may agree to meet targets jointly, in particular by creating joint cross-border support schemes or opening up their national schemes to energy from other Member States. In this case they must jointly prove the share of renewable energy in their final energy consumption which they would achieve cumulatively if they were to meet their targets individually.
Justification

Member States are responsible for the attainment of their national development objectives. The Directive should therefore allow them, as hitherto, to attain these objectives by means of appropriate incentives.

Amendment 38

Proposal for a directive
Article 3 – paragraph 2

Text proposed by the Commission

2. Member States shall introduce appropriate measures to ensure that the share of energy from renewable sources equals or exceeds that shown in the indicative trajectory set out in Part B of Annex I.

Amendment

2. Member States shall introduce appropriate measures to ensure that the share of energy from renewable sources equals or exceeds the binding interim minimum targets set out in Part B of Annex I.

Justification

In order to ensure that the overall targets of the EC and the Member States for 2002 are attained, compulsory interim targets must also be set. The indicative trajectory set out in Part B of Annex I begins very low, with the largest increase in renewable sources being provided for in the last years before 2020. If Member States do not comply with these requirements, it will become very difficult for them to attain their target for 2020. This should therefore be regarded as the absolutely necessary minimum.

Amendment 39

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

Text proposed by the Commission

3. Each Member State shall ensure that the share of energy from renewable sources in transport in 2020 is at least 10% of final consumption of energy in transport in that Member State.

Amendment

3. Each Member State shall ensure that the share of energy from renewable sources in road transport is at least 4% in 2015 of final consumption of energy in road transport, of which at least 20% is met by the use of electricity or hydrogen from renewable sources, biogas or transport fuels from lignocellulosic biomass and algae, and that the share is at least 8-10% in 2020, of which 40-50% is met by the use of electricity or hydrogen from...
renewable sources, biogas or transport fuels from lignocellulosic biomass and algae.

The target for 2020 shall be decided in 2015, subject to a major review of the overall experience of the policy for renewable energy for transport, with a special focus on the possible negative consequences for food security and biodiversity as well as the commercial availability of transport fuels from lignocellulosic biomass and/or algae, biogas and the use of electricity or hydrogen from renewable sources.

Member States shall ensure that any energy counting towards the targets in the first and second sub-paragraph fulfil the environmental and social sustainability criteria set out in Article 15.

The overall target shall be subject to regular reviews every three years starting in 2015 on the basis of Commission reporting as provided for in Article 20.

Amendment 40

Proposal for a directive
Article 3 - paragraph 3 a (new)

Text proposed by the Commission

3a. Not later than 1 January 2010, the Commission shall present to the Council and the European Parliament a single White Paper setting out a comprehensive list of all the relevant legislation necessary for implementation of the objective set out in paragraph -1.

Justification

The legislative work is often fragmented. Having a single document, prepared by the Commission, that outlines all necessary legislation in order to achieve the target of progressive elimination of GHG emissions from fossil fuel use within the European Union
would be very useful and would make the legislative work in connection to climate change mitigation much more transparent and clear.

Amendment 41

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

Text proposed by the Commission

Amendment

3a. The Commission shall, before 1 January 2010, establish a methodology for calculating the contribution of renewable electricity and hydrogen to the total fuel mix.

This measure, designed to amend non-essential elements of this Directive, by supplementing it, shall be adopted in accordance with the regulatory procedure with scrutiny referred to in Article 21, paragraph 3.

Justification

Widespread concern exists on the desirability of the 10% target. The EEA advised in a recent report to keep the consumption of so called first generation biofuels below 10 percent. Electricity and hydrogen should be part of the solution. Currently however it is difficult to measure the contribution of these fuels in the total fuel mix. In order to facilitate the use of electricity or hydrogen in transport fuels a calculation methodology has to be introduced.

Amendment 42

Proposal for a directive
Article 4 – paragraph 3

Text proposed by the Commission

Amendment

3. A Member State whose share of energy from renewable sources fell below the indicative trajectory in Part B of Annex 1 in the immediately preceding two-year period shall submit a new national action plan to the Commission by 30 June of the following year at the latest, setting out adequate measures to ensure that in future the share of energy from renewable sources

3. A Member State whose share of energy from renewable sources fell short of the binding interim targets set out in Part B of Annex 1 in the immediately preceding two-year period shall submit a new national action plan to the Commission by 30 June of the following year at the latest, setting out adequate measures to ensure that in future the share of energy from renewable
equals or exceeds the indicative trajectory in Part B of Annex I.

Amendment 43

Proposal for a directive
Article 4 – paragraph 3 a (new)

Text proposed by the Commission

3a. Member States must provide incentives for the development of refuelling infrastructures of gaseous fuels for transport and in the short-to-mid term guarantee incentives to the potential customers of those vehicles in order to promote a widespread market and create the conditions for a wide sustainable mobility.

Justification

In any country where gaseous alternative fuels powered vehicles have been introduced successfully, strong support from the country’s national Government—and frequently local Authorities —has been absolutely essential. In the short-mid term without governmental support it is difficult to succeed in promoting a wide-spread market for those vehicles.

Amendment 44

Proposal for a directive
Article 5 – paragraph 9

Text proposed by the Commission

9. Electricity produced from renewable energy sources in third countries shall only be taken into account for the purposes of measuring compliance with the requirements of this Directive concerning national targets if:

(a) it is consumed in the Community;

(b) the electricity is produced by an installation that became operational after

Amendment

9. Electricity and energy in the transport sector produced from renewable energy sources in third countries shall only be taken into account for the purposes of measuring compliance with the requirements of this Directive concerning national targets if:

(a) they are physically imported and consumed in the Community;

(b) they are produced by an installation that became operational after the date of
the date of entry into force of this Directive; and

(c) the electricity is issued with a guarantee of origin that forms part of a system of guarantee of origin equivalent to that laid down by this Directive.

(c) they are issued with a guarantee of origin that forms part of a system of guarantee of origin equivalent to that laid down by this Directive.

Amendment 45

Proposal for a directive
Article 5 – paragraph 9 – point (b) a (new)

Text proposed by the Commission

(ba) the proportion of energy from renewable sources in total energy production in the third country is not reduced on account of the import of energy into the Community; and

Amendment

Justification

Member States are responsible for the attainment of their national development objectives. The Directive should therefore allow them, as hitherto, to attain these objectives by means of appropriate incentives.

Amendment 46

Proposal for a directive
Article 6 – paragraph 4 a (new)

Text proposed by the Commission

4a. As an alternative to guarantees of origin, Member States may voluntarily issue TAC, on which this Directive does not base any legal entitlement. Member States shall ensure that TAC accord with paragraphs 1 to 4. In addition, Member States shall ensure that TAC are explicitly marked as such and are cancelled electronically.

Amendment

Justification

Member States are responsible for the attainment of their national development objectives. The Directive should therefore allow them, as hitherto, to attain these objectives by means of appropriate incentives.

Amendment 47

Proposal for a directive
Article 6 – paragraph 4 b (new)

Text proposed by the Commission

Amendment

4b. Guarantees of origin (GO) and TAC shall not in themselves give rise to any entitlement to support from national support schemes.

Justification

Member States are responsible for the attainment of their national development objectives. The Directive should therefore allow them, as hitherto, to attain these objectives by means of appropriate incentives.

Amendment 48

Proposal for a directive
Article 7 – heading and paragraph 1

Text proposed by the Commission

Amendment

Competent bodies and registers of guarantees of origin
Competent bodies and registers for Target Accounting Certificates (TAC)

1. Each Member State shall designate a single competent body to undertake the following tasks:

1. Each Member State shall designate a single competent body to undertake the following tasks:
(a) establish and maintain a national register of guarantees of origin;
(b) issue guarantees of origin;
(c) record any transfer of guarantees of origin;
(d) cancel guarantees of origin;
(e) publish an annual report on the quantities of guarantees of origin issued, transferred to or from each of the other competent bodies and cancelled.

(a) establish and maintain a national register of TAC,
(b) issue TAC,
(c) record any transfer of TAC,
(d) cancel TAC,
(e) publish an annual report on the quantities of TAC issued, transferred to or from each of the other competent bodies and cancelled.

(Horizontal amendment: throughout the Directive, the term 'guarantees of origin' should be replaced with 'Target Accounting Certificates (TAC)').

Justification

Member States are responsible for the attainment of their national development objectives. The Directive should therefore allow them, as hitherto, to attain these objectives by means of appropriate incentives.

Amendment 49

Proposal for a directive
Article 7 – paragraph 3

<table>
<thead>
<tr>
<th>Text proposed by the Commission</th>
<th>Amendment</th>
</tr>
</thead>
<tbody>
<tr>
<td>3. The national register of guarantees of origin shall record the guarantees of origin held by each person. A guarantee of origin shall only be held in one register at one time.</td>
<td>3. The national register of TAC shall record the TAC held by each person. TAC shall only be held in one register at one time.</td>
</tr>
</tbody>
</table>

Justification

Member States are responsible for the attainment of their national development objectives. The Directive should therefore allow them, as hitherto, to attain these objectives by means of appropriate incentives.

Amendment 50
Proposal for a directive
Article 7 – paragraph 3 a (new)

Text proposed by the Commission

3a. The competent body shall bear sole responsibility for each installation operated in the Member State concerned. It shall not be responsible for the issuing of TAC from installations which are operated in another Member State. Member States shall ensure that the competence which this Directive vests in competent bodies in other Member States is not violated.

Justification

Member States are responsible for the attainment of their national development objectives. The Directive should therefore allow them, as hitherto, to attain these objectives by means of appropriate incentives.

Amendment 51

Proposal for a directive
Article 8 – paragraph 3 a (new)

Text proposed by the Commission

3a. Member States which do not issue any TAC may decide that TAC issued in other Member States must be cancelled pursuant to paragraph 1. In this case they shall designate a single competent body to take responsibility for this.

Justification

Member States are responsible for the attainment of their national development objectives. The Directive should therefore allow them, as hitherto, to attain these objectives by means of appropriate incentives.

Amendment 52
Proposal for a directive
Article 10 – heading and introduction

Text proposed by the Commission

Effects of the cancellation of the guarantees of origin

Amendment

Effects of the cancellation of TAC

1. Member States which issue TAC may credit TAC from other Member States towards their national targets in accordance with paragraph 2.

2. When a competent body cancels a TAC that it did not itself issue, an equivalent quantity of energy from renewable sources shall, for the purposes of measuring compliance with the requirements of this Directive concerning national targets:

Justification

Member States are responsible for the attainment of their national development objectives. The Directive should therefore allow them, as hitherto, to attain these objectives by means of appropriate incentives.

Amendment 53

Proposal for a directive
Article 10a (new)

Text proposed by the Commission

Article 10a

Direct penalty mechanism

1. In order to ensure clear and robust compliance by the Member States with the objectives of this Directive the Commission shall establish a direct penalty mechanism against them.

2. The Commission shall impose direct penalties on Member States which fail to comply with the objectives of the Directive, by falling short of mandatory interim targets set out in Part B of Annex I in the immediately preceding two-year
period and which cannot prove having received Target Accounting Certificates from a third Member State (which has exceeded its targets) in line with Articles 3 and 9. In the case of joint projects or joint National Plans of two or more Member States, the Commission shall jointly impose fines on those Member States which participate in the respective joint implementation or joint Plan, and which have fallen short of the joint mandatory trajectory targets.

3. The Commission shall adopt the measures necessary to implement paragraph 1, and more particularly to establish by the end of 2010 at the latest the necessary guidelines, methods for calculation and collection of non-compliance penalties and to adopt detailed provisions for the administrative handling and the establishment of a specific fund, where these revenues should be allocated, according to Article 18(2) of the Council Regulation (EC, Euratom) No 1605/2002 of 25 June 2002 on the Financial Regulation applicable to the general budget of the European Communities (assigned revenue). These implementing measures should also contain provisions on the management and use of the fund to support renewable energy projects in Member States which have exceeded their targets, and generally to enhance and strengthen the research, production and use of renewable energies and increased energy efficiency in the European Union.

4. The Commission shall start a direct penalty procedure immediately after the evaluation of a Member State’s report has disclosed that that Member State has failed to comply, or after any evidence has been gathered at any time that a Member State does not comply with its obligations.

5. The penalty should be calculated on the basis of the Member State's shortfall of MWh of renewable energy compared with its mandatory target, and should be set at
an appropriate level to provide a strong incentive for Member States to invest in renewable energy, with view to complying with, and even exceeding, the national targets.

6. The measures designed to amend non-essential elements of this Directive, inter alia, by supplementing it, shall be adopted in accordance with the regulatory procedure with scrutiny provided for in Article 5a of Decision 1999/468/EC.

7. Payment of the penalty shall not release the Member State from the obligation to fulfil its mandatory interim targets set out in Part B of Annex I and the overall target set out in the third column of the table in Annex I. Article 4(3) will also apply in this case.

Justification

Quotas and levies have long been used as regulatory tools in EC law; now, as part of environmental policy, a penalty should be adopted to provide incentives for Member State compliance. This should be calculated so as to ensure that Member States have a strong incentive to invest in renewable energy, in order to comply with, and even go beyond, their targets. According to current economic considerations, EUR 90 per missed MWh of renewable energy would be an appropriate penalty basis.

Amendment 54

Proposal for a directive
Article 12 – paragraph 1 – point (aa) (new)

Text proposed by the Commission  
Amendment

(aa) coherence is achieved with the assessment, planning and licensing procedures under existing different pieces of EU environmental legislation;

Justification

Procedures for assessing impacts, handing out licenses are established under a significant number of EU directives. For reasons of ensuring a smooth development of renewables, procedures under the new Renewables Directive should be coherent with existing rules and procedures.
Amendment 55

Proposal for a directive
Article 12 – paragraph 2

Text proposed by the Commission

2. Member States shall clearly define any technical specifications which must be met by renewable energy equipment and systems in order to benefit from support schemes. Where European standards exist, including eco-labels, energy labels and other technical reference systems established by the European standardisation bodies, such technical specifications shall be expressed in terms of those standards. Such technical specifications shall not prescribe where the equipment and systems are to be certified.

Amendment

2. Member States shall clearly define any technical specifications which must be met by renewable energy equipment and systems in order to benefit from support schemes. Where European standards exist, including eco-labels, energy labels and other technical reference systems established by the European standardisation bodies, such technical specifications shall be expressed in terms of those standards. Such technical specifications shall not prescribe where the equipment and systems are to be certified and shall not close national markets.

Justification

National technical specifications should not be used to protect national markets. Existing restrictions within the internal market are already preventing the development of renewable energies now.

Amendment 56

Proposal for a directive
Article 12 – paragraph 4 – (a) (b) (ba) (new)

Text proposed by the Commission

(a) the use of passive, low or zero energy buildings; or
(b) local limitations in the availability of renewable energy resources.

Amendment

(a) the use of passive, low or zero energy buildings;
(b) local limitations in the availability of renewable energy resources; or

(ba) conditions relating to economic efficiency and technical feasibility.
Amendment 57

Proposal for a directive
Article 12 – paragraph 4 – point (b) a (new)

Text proposed by the Commission

(1) the use of heat from combined heat and power plants, provided that they are highly efficient as defined in EU Directive 2004/8/EC.

Amendment

(ba) the use of heat from combined heat and power plants, provided that they are highly efficient as defined in EU Directive 2004/8/EC.

Justification

District heating from combined heat and power plants makes an important contribution to efficient use of raw materials and to reducing CO₂ emissions. As the heat cannot be conveyed over long distances, maximum use should be made of it wherever district heating networks exist. The use of district heating should not, therefore, be restricted by requiring the use of renewable energy sources.

Amendment 58

Proposal for a directive
Article 12 – paragraph 5a (new)

Text proposed by the Commission

5a. Member States shall not prohibit, restrict or impede the placing on the market and/or putting into service in their territory of renewable energy technologies that comply with directives leading to CE conformity marking or European technical standards or are lawfully marketed in another Member State.

Amendment

5a. Member States shall not prohibit, restrict or impede the placing on the market and/or putting into service in their territory of renewable energy technologies that comply with directives leading to CE conformity marking or European technical standards or are lawfully marketed in another Member State.

Amendment 59

Proposal for a directive
Article 13 – paragraph 3

Text proposed by the Commission

3. Member States shall develop certification schemes for installers of small-scale biomass boilers and stoves,

Amendment

3. Member States shall ensure that certification schemes or equivalent qualification schemes for installers of
solar photovoltaic and solar thermal systems and heat pumps. Those schemes shall be based on the criteria laid down in Annex IV. Each Member State shall recognise certification awarded by other Member States in accordance with these criteria.

small-scale biomass boilers and stoves, solar photovoltaic and solar thermal systems and heat pumps are available. The certification schemes shall be based on the criteria laid down in Annex IV. Each Member State shall recognise certification awarded by other Member States in accordance with these criteria; this shall be without prejudice to Directive 2005/36/EC.

Amendment 60
Proposal for a directive
Article 14 – title

Text proposed by the Commission

Access to the electricity grid

Amendment

Access to the grid

Justification

It is essential that support schemes offered for use of biogas for heat and power generation should be matched with financially neutral support schemes for the production of biomethane of a quality fit for pipeline injection and use in vehicles.

Amendment 61
Proposal for a directive
Article 14 – paragraph 1

Text proposed by the Commission

1. Member States shall take the necessary steps to develop grid infrastructure to accommodate the further development of electricity production from renewable energy sources, including interconnectors between Member States.

Amendment

1. Member States shall take the necessary steps to develop grid infrastructure to accommodate the further development of electricity and gaseous fuels for transport (such as biogas/biomethane) and district heating and/or cooling production from renewable energy sources, including, when suitable, interconnectors between Member States.

Justification

It is essential that support schemes offered for use of biogas for heat and power generation
should be matched with financially neutral support schemes for the production of biomethane of a quality fit for pipeline injection and use in vehicles.

Amendment 62

Proposal for a directive
Article 14 –paragraph 2

2. Without prejudice to the maintenance of the reliability and safety of the grid, Member States shall ensure that transmission system operators and distribution system operators in their territory guarantee the transmission and distribution of electricity produced from renewable energy sources. They shall also provide for priority access to the grid system of electricity produced from renewable energy sources. When dispatching electricity generating installations, transmission system operators shall give priority to generating installations using renewable energy sources insofar as the security of the national electricity system permits.

Justification

Priority grid access is important to meet the 20% renewables target and is justified on the basis of: discrimination faced by renewables in the electricity market. Wind power has a beneficial effect on power prices due to the low marginal cost of electricity from wind. This benefit was worth EUR 4.98 billion to German electricity consumers in 2006 alone (German Environment Ministry study http://www.erneuerbare-energien.de/inhalt/39649/).

Amendment 63

Proposal for a directive
Article 14a (new)

1. Member States shall take the necessary
steps to develop gas network infrastructure to accommodate the further development of gas from renewable energy sources, including interconnectors between Member States.

2. Without prejudice to the reliability of safety of the gas network, national authorities shall guarantee the intake and distribution of the gas produced from renewable energy sources, with access priority.

3. Member States shall require national gas network authorities to publish their standard rules relating to the investments for the necessary technical adaptation.

4. Member States shall ensure that the charging of transport and distribution fees does not discriminate against gas produced from renewable energy sources and that these reflect possible cost benefits resulting from the plants' connection to the gas network.

Justification

Provision for gas production as well as electricity should be planned.

Amendment 64

Proposal for a directive
Article 14 a (new)

Text proposed by the Commission

Amendment

Article 14a

Sustainable categories of renewable energy

1. For the purposes of this Directive, renewable energy projects shall be deemed environmentally sustainable if they meet the provisions of this Article.

2. Subject to the national planning rules and regulations implementing the provisions of this Directive, the following
categories of renewable energy shall be deemed to be compatible with this Article:

(a) all forms of photovoltaic electricity, except where Member States establish a maximum limit above which an environmental impact assessment is required, which may not be less than 1MW for all the units of a single planning application;

(b) electricity from wind turbines, subject to the provisions of paragraph 5;

(c) large-scale concentrated solar power plants on condition that they are not sited on currently productive arable land; however Member States may require environmental impact assessments for plants in excess of 5MW in the sensitive zones listed in this Article and on small islands;

(d) combined heat and power plants using any form of biomass with a capacity of less than 5MW;

(e) all forms of non-fossil fuel electricity generated on farms, subject to the provisions of Articles 12 and 14;

(f) the industrial-scale conversion of CO\textsubscript{2} into fuel via the vector of algae or a comparable technology, in particular where this is an integral part of a carbon capture, use and storage scheme by a fossil-fuel sourced electricity generating plant or an intensive energy industrial plant.

Novel renewable energy technologies that had not been demonstrated on the entry into force of this Directive and demonstrably meet the criteria contained in this Article may provisionally be added to this paragraph pursuant to the procedure referred to in Article 21(2), pending the review of this Directive.

3. Any plant or project not meeting the criteria set out in paragraph 2 may nonetheless be deemed to be consistent
with the terms of this Article and Article 15 subject to an environmental impact assessment confirming that it complies with the provisions of this Article.

4. In line with the provisions of Article 12(5), the Commission shall propose legislation relating to the energy conversion efficiency of fuels produced in accordance with Article 15 for use in the transport sector.

5. Member States may designate specific parts of their territories, such as national or regional parks, areas of high biodiversity value, bird migration areas, areas of outstanding natural beauty or national heritage landscapes, zones designated under the Habitats Directive and/or other relevant international biodiversity regulations, that may be excluded from the implementation of this Article, either for the production of all energy production or for specific renewable technologies.

Justification

In the Commission's proposal its treatment of the sustainability criteria is almost entirely negative, characterised as establishing "no-go areas". This new Article attempts to redress this negative balance by highlighting those renewable technologies which, subject to certain conditions as to scale and location, do not raise any significant sustainability issues, thus reversing the burden of proof in certain Member States. The draft is not intended to be a definitive list and explicitly allows technologies, whether existing or future, that meet the same level of sustainability, to be "fast-tracked" for planning and investment purposes.

Amendment 65

Proposal for a directive
Article 15 – title

Text proposed by the Commission

Environmental sustainability criteria for biofuels and other bioliquids

Amendment

Environmental and social sustainability criteria for energy from biomass
Besides environmental criteria also social criteria are necessary.

Amendment 66
Proposal for a directive
Article 15 – paragraph 1 – introduction

Text proposed by the Commission
1. Biofuels and other bioliquids shall be taken into account for the purposes listed under letters (a), (b) and (c) below only if they fulfil the criteria set out in paragraphs 2 to 5:

Amendment
1. Energy from biomass shall be taken into account for the purposes listed under letters (a), (b) and (c) below only if it fulfils the criteria set out in paragraphs 2 to 8:

Justification
Sustainable production should not be limited to environmental sustainability. The well documented social problems and human rights abuses of biofuels production show that social standards should be incorporated into the EU’s sustainability criteria for biofuels.

Amendment 67
Proposal for a directive
Article 15 – paragraph 1 – point (a a) (new)

Text proposed by the Commission
(aa) measuring compliance of transport fuels with the requirements of the Fuel Quality Directive;

Amendment

Justification
Rules for biofuels for the transport sector should be harmonised in both the Renewable Energy Directive and the Fuel Quality Directive. Therefore, a cross-reference is needed to make sure one set of rules apply under both Directives.

Amendment 68
Proposal for a directive
Article 15 – paragraph 2

Text proposed by the Commission

2. The greenhouse gas emission saving from the use of biofuels and other bioliquids taken into account for the purposes referred to in paragraph 1 shall be at least 35%.

Amendment

2. The greenhouse gas emission saving from the use of transport fuels from biomass taken into account for the purposes referred to in paragraph 1 shall be at least 45% from entry into force of this directive and at least 60% from 1 January 2015.

In the case of biofuels and other bioliquids produced by installations that were in operation in January 2008, the first subparagraph shall apply from 1 April 2013.

Amendment 69

Proposal for a directive
Article 15 - paragraph 3 - subparagraph 1 - introductory part

Text proposed by the Commission

3. Biofuels and other bioliquids taken into account for the purposes referred to in paragraph 1 shall not be made from raw material obtained from land with recognised high biodiversity value, that is to say land that had one of the following statuses in or after January 2008, whether or not the land still has this status:

Amendment

3. Energy from biomass taken into account for the purposes referred to in paragraph 1 shall not be made from raw material obtained from land with recognised high biodiversity value, unless evidence provided shows that it originates from sustainable management practices and that the production and extraction of that raw material does not negatively interfere with biodiversity, and/or evidence provided shows that the natural species composition and processes will become re-established following an intervention. This includes land that had one of the following statuses in or after November 2005, whether or not the land still has this status:

Justification
The proposed list of “no-go” areas omits certain sensitive areas and ought to be complemented, for instance by adopting the High Conservation Value Land categories. In the original proposal land areas are either open to full production of bio-fuels or they are prohibited for use. In Europe, as well as elsewhere, sustainable management ought to be possible, so that limited amounts of biomass can be used, if it is done in a sustainable manner.

Amendment 70

Proposal for a directive
Article 15 – paragraph 3 – point -a (new)

Text proposed by the Commission
(-a) High Conservation Value land;

Amendment

Justification

While biomass for transport should be limited to feedstock without land use impacts or where an improvement of carbon capture can be proven, the use of biomass for other energy uses needs to be regulated in order to avoid negative environmental impacts.

Amendment 71

Proposal for a directive
Article 15 – paragraph 3 – point a

Text proposed by the Commission
(a) forest undisturbed by significant human activity, that is to say, forest where there has been no known significant human intervention or where the last significant human intervention was sufficiently long ago to have allowed the natural species composition and processes to have become re-established;

Amendment
(a) forest undisturbed by significant human activity, that is to say, forest where there has been no known significant human intervention or where the last significant human intervention was sufficiently long ago to have allowed the natural species composition and processes to have become re-established; unless evidence is provided that any human intervention has been and will continue to be of an intensity and periodicity which allows the natural species composition and processes to be retained;

Justification

While biomass for transport should be limited to feedstock without land use impacts or where an improvement of carbon capture can be proven, the use of biomass for other energy uses
needs to be regulated in order to avoid negative environmental impacts.

**Amendment 72**

**Proposal for a directive**  
**Article 15 – paragraph 3 – point b**

*Text proposed by the Commission*

(b) areas designated for nature protection purposes, unless evidence is provided that the production of that raw material did not interfere with those purposes;

*Amendment*

(b) areas designated for nature protection purposes, *including those designated for the protection of rare, threatened or endangered ecosystems or species recognised by international agreements*, unless evidence is provided that the production of that raw material did not interfere with those purposes;

*Justification*

While biomass for transport should be limited to feedstock without land use impacts or where an improvement of carbon capture can be proven, the use of biomass for other energy uses needs to be regulated in order to avoid negative environmental impacts.

**Amendment 73**

**Proposal for a directive**  
**Article 15 – paragraph 4 – introductory part**

*Text proposed by the Commission*

4. *Biofuels and other bioliquids* taken into account for the purposes referred to in paragraph 1 shall not be made from raw material obtained from land with high carbon stock, that is to say land that had one of the following statuses in *January 2008* and no longer has this status:

*Amendment*

4. *Energy from biomass* taken into account for the purposes referred to in paragraph 1 shall not be made from raw material obtained from land with high carbon stock, that is to say land that had one of the following statuses in *November 2005* and no longer has this status:

**Amendment 74**
Proposal for a directive
Article 15 – paragraph 4 – point b a (new)

Text proposed by the Commission

(ba) savannah and scrubland, that is to say areas of mixed tree, shrub and grassland that hold high carbon stock;

Amendment

Justification

While biomass for transport should be limited to feedstock without land use impacts or where an improvement of carbon capture can be proven, the use of biomass for other energy uses needs to be regulated in order to avoid negative environmental impacts.

Amendment 75

Proposal for a directive
Article 15 - paragraph 4 - subparagraph 2

Text proposed by the Commission

The provisions in this paragraph shall not apply if at the time the raw material was obtained, the land had the same status as it had in January 2008.

Amendment

The provisions in this paragraph shall not apply if at the time the raw material was obtained, the land had the same status as it had in November 2005.

Amendment 76

Proposal for a directive
Article 15 – paragraph 4 a (new)

Text proposed by the Commission

4a. Irrespective of whether the raw materials were cultivated inside or outside the territory of the Community, biomass for energy shall only be taken into account for the purposes referred to in paragraph 1 if effective measures have been taken to prevent:

(a) deterioration of surface and groundwater quality by inputs of pollutants and excessive amounts of
nutrients;
(b) excessive water consumption in areas where water is scarce;
(c) air pollution;
(d) deterioration of soil quality.

Amendment 77
Proposal for a directive
Article 15 - paragraph 5

Text proposed by the Commission

5. Agricultural raw materials cultivated in the Community and used for the production of biofuels and other bioliquids taken into account for the purposes referred to in paragraph 1, shall be obtained in accordance with the requirements and standards under the provisions listed in point A of Annex III to Council Regulation (EC) No 1782/200317 under the heading "Environment" and in accordance with the minimum requirements for good agricultural and environmental condition defined pursuant to Article 5(1) of that Regulation.

Amendment

5. Agricultural raw materials cultivated in the Community and used for the production of energy from biomass taken into account for the purposes referred to in paragraph 1, shall be obtained in accordance with the requirements and standards under the provisions listed in point A of Annex III to Council Regulation (EC) No 1782/2003 under the heading "Environment" and in accordance with the minimum requirements for good agricultural and environmental condition defined pursuant to Article 5(1) of that Regulation.

Amendment 78
Proposal for a directive
Article 15 - paragraph 7

Text proposed by the Commission

7. The Commission shall report on requirements for a sustainability scheme for energy uses of biomass, other than biofuels and other bioliquids, by 31 December 2010 at the latest. The report shall be accompanied, where appropriate, by proposals for a sustainability scheme for other energy uses of biomass, to the European Parliament and the Council.

Amendment

7. The Commission shall report on any further requirements for a sustainability scheme for energy uses of biomass, other than biofuels and other bioliquids, by 31 December 2009 at the latest. The report shall take into account the existing regulations and standards and principles on sustainable forestry and the ongoing work to develop standards in this area.
The report shall be accompanied, where appropriate, by proposals for a sustainability scheme for other energy uses of biomass, to the European Parliament and the Council.

Justification

The possible extension of sustainability criteria for biomass must recognise the existing principles and regulation on sustainable forestry as well as the standards under development.

Amendment 79

Proposal for a directive
Article 15—paragraph 7 a (new)

Text proposed by the Commission

Amendment

7a. Biomass for energy shall not be taken into account for the purposes referred to in paragraph 1 unless it can be shown by economic operators that the production of raw material took place in accordance with the following criteria:

(a) respect of land rights of local communities and indigenous peoples as set out in the United Nations conventions, declarations and recommendations such that:

- the right to use the land can be demonstrated;
- the use of the land does not diminish the legal, customary or traditional rights of other users without their free, prior and informed consent,

(b) respect of United Nations-derived child protection norms;

(c) compliance with national laws relating to health and safety of workers as well as minimum wages;

(d) compliance with standards in relevant conventions and recommendations of the International Labour Organisation;
Compliance with the criteria listed in this paragraph shall be verified in accordance with Article 16, or through participation in voluntary international or national schemes certifying that production meets the standards of this paragraph. Group certification for small-scale producers should be approved.

Amendment 80

Proposal for a directive
Article 15 - paragraph 7 a (new)

Text proposed by the Commission

7a. The Commission shall appoint a committee of independent experts that shall develop a mechanism to accurately assess and address the indirect effects of bioenergy on land-use change and indirect effect on degradation of natural forests or other natural ecosystems, to be applied from 31 December 2010 at the latest. It is essential that indirect effects are included.

Justification

Sustainable production should not be limited to environmental sustainability. The well documented social problems and human rights abuses of biofuels production show that social standards should be incorporated into the EU’s sustainability criteria for biofuels.

Amendment 81

Proposal for a directive
Article 16 - paragraph 1 - introductory part

Text proposed by the Commission

1. Where biofuels and other bioliquids are to be taken into account for the purposes referred to in Article 15(1), Member States shall require economic operators to show that the environmental sustainability criteria set out in Article 15 have been

Amendment

1. Where energy from biomass is to be taken into account for the purposes referred to in Article 15(1), Member States shall require economic operators to show that the sustainability criteria set out in Article 15 have been fulfilled. For this purpose
fulfilled. For this purpose they shall require economic operators to use a mass balance system providing the following:

**Amendment 82**

**Proposal for a directive**
**Article 16 - paragraph 1 - point (a)**

<table>
<thead>
<tr>
<th>Text proposed by the Commission</th>
<th>Amendment</th>
</tr>
</thead>
<tbody>
<tr>
<td>(a) consignments of raw material or biofuel with differing sustainability characteristics can be mixed;</td>
<td>(a) consignments of raw material or biofuel with differing sustainability characteristics can be mixed provided <strong>all consignments meet the sustainability criteria laid down in Article 15</strong>;</td>
</tr>
</tbody>
</table>

**Justification**

*All consignments should meet the criteria, otherwise there is an obvious risk that biofuels and bioliquids with a low GHG performance are simply mixed with high performing biofuels and bioliquids and thereby pass the criteria.*

**Amendment 83**

**Proposal for a directive**
**Article 16 - paragraph 2 - subparagraph 1 a (new)**

<table>
<thead>
<tr>
<th>Text proposed by the Commission</th>
<th>Amendment</th>
</tr>
</thead>
<tbody>
<tr>
<td>In its 2009 report the Commission shall further propose a scheme for verification of compliance with the sustainability criteria in Article 15 for all forms of energy from biomass.</td>
<td></td>
</tr>
</tbody>
</table>

**Justification**

*While the criteria is proposed to be extended from biofuels to all energy uses of biomass, a robust methodology for verification of compliance is missing for other energy uses of biomass than biofuels. In a report in 2009 the Commission should therefore present such an extension.*

**Amendment 84**
### Proposal for a directive

**Article 16 – paragraph 4**

<table>
<thead>
<tr>
<th>Text proposed by the Commission</th>
<th>Amendment</th>
</tr>
</thead>
<tbody>
<tr>
<td>4. The Commission <strong>may decide that</strong> bilateral and multilateral agreements between the Community and third countries <strong>demonstrate</strong> that <strong>biofuels and other bioliquids</strong> produced from raw materials cultivated in those countries comply with the environmental sustainability criteria in paragraphs 3 or 4 of Article 15.</td>
<td>4. The Commission <strong>shall conclude</strong> bilateral and multilateral agreements between the Community and third countries <strong>to guarantee</strong> that <strong>energy from biomass</strong> produced from raw materials cultivated in those countries comply with the environmental sustainability criteria in paragraphs 3, 4, <strong>7a and 8</strong> of Article 15. <strong>The agreements shall include measures to guarantee the participation of SMEs.</strong></td>
</tr>
</tbody>
</table>

The Commission may decide that voluntary national or international schemes setting standards for the production of biomass products contain accurate data for the purposes of Article 15(2) or demonstrate that consignments of **biofuel** comply with the environmental sustainability criteria in paragraphs 3 or 4 of Article 15.

The Commission may decide that national, multinational or international schemes to measure greenhouse gas savings contain accurate data for the purposes of Article 15(2).

### Justification

*Relates to amendment 33 by Anders Wijkman adding article 15 paragraph 7a and by the amendment tabled by Wijkman, Bowis and Corbey on article 15 paragraph 8 (new).*

### Amendment 85

### Proposal for a directive

**Article 16 – paragraph 6**

<table>
<thead>
<tr>
<th>Text proposed by the Commission</th>
<th>Amendment</th>
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</thead>
<tbody>
<tr>
<td>6. Decisions pursuant to paragraph 4 shall</td>
<td>(6) Decisions pursuant to paragraph 4 shall</td>
</tr>
</tbody>
</table>
be adopted in accordance with the procedure referred to in Article 21(2). Such decisions shall be valid for a period of no more than 5 years.

These decisions may also be revoked earlier, if evidence shows that sustainability standards are violated or if the schemes or agreements fail to ensure adequate standards of reliability, transparency and independent auditing on a regular and frequent basis.

Justification

Article 16.6 says that the decisions to include international agreements and schemes will not be valid for more than 5 years. These decisions should also be revoked earlier, if evidence occurs that the agreements and schemes do not meet the necessary criteria or adequate standards of reliability, transparency and independent auditing.

Amendment 86

Proposal for a directive
Article 17 – title

<table>
<thead>
<tr>
<th>Text proposed by the Commission</th>
<th>Amendment</th>
</tr>
</thead>
<tbody>
<tr>
<td>Calculation of the greenhouse gas impact of biofuels and other bioliquids</td>
<td>Calculation of the greenhouse gas impact of energy from biomass</td>
</tr>
</tbody>
</table>

Justification

Indirect land use changes mean that when land is used for biofuel production instead of food production somewhere else in the world food production increases at the expense of tropical forests or other non-agricultural land to substitute the lost food production. This has a negative impact on the GHG-performance of biofuels, the Commission does not take this into account. Therefore it is necessary to introduce a factor that deducts the impact of indirect land use change from the default or actual GHG-values of biofuels. The factor will provide an incentive to use more efficient crops and to more efficient land use.

Amendment 87
Proposal for a directive
Article 17 – paragraph 1

Text proposed by the Commission

1. The greenhouse gas emission saving from the use of biofuel and other bioliquids for the purposes of Article 15(2) shall be calculated as follows:

Amendment

1. The greenhouse gas emission saving from the use of energy from biomass for the purposes of Article 15(2) shall be calculated as follows:

Justification

Indirect land use changes mean that when land is used for biofuel production instead of food production somewhere else in the world food production increases at the expense of tropical forests or other non-agricultural land to substitute the lost food production. This has a negative impact on the GHG-performance of biofuels, the Commission does not take this into account. Therefore it is necessary to introduce a factor that deducts the impact of indirect land use change from the default or actual GHG-values of biofuels. The factor will provide an incentive to use more efficient crops and to more efficient land use.

Amendment 88

Proposal for a directive
Article 17 – paragraph 1 – point a

Text proposed by the Commission

(a) for biofuels, where a default value for greenhouse gas emission savings for the biofuel production pathway is laid down in Part A or B of Annex VII, by using that default value;

Amendment

deleted

Justification

The use of actual values must be preferred. The use of disaggregated default values is possible for certain steps of the production process.

Amendment 89

Proposal for a directive
Article 17 – paragraph 1 – point c a (new)

Text proposed by the Commission

Amendment

(ca) Emissions caused by indirect land
use change, as specified in Part C of Annex VII, shall be added unless the production is based upon raw materials that do not require the use of arable, pasture or permanent crop land, including waste.

Justification

Emissions from indirect land use change are not covered by the Commissions proposal. Recent research shows that these emissions may be significant. Emissions therefore need to be added to default values, as well as to any calculated value.

Amendment 90

Proposal for a directive
Article 17 - paragraph 2

Text proposed by the Commission

2. By 31 March 2010 at the latest, Member States shall submit to the Commission a report including a list of those entities of their territory classified as NUTS 2 level in Regulation (EC) No 1059/2003 of the European Parliament and of the Council where the typical greenhouse gas emissions from cultivation of agricultural raw materials can be expected to be lower than or equal to the emissions reported under the heading "cultivation" in part D of Annex VII to this Directive, accompanied by a description of the method and data used to establish that list. The method shall take into account soil characteristics, climate and expected raw material yields.

Amendment

2. By 31 March 2010 at the latest, Member States shall submit to the Commission a report including a list of those entities of their territory classified as NUTS 2 level in Regulation (EC) No 1059/2003 of the European Parliament and of the Council where the typical greenhouse gas emissions from cultivation of agricultural raw materials can be expected to be lower than or equal to the emissions reported under the heading "cultivation" in part D of Annex VII to this Directive, accompanied by a description of the method and data used to establish that list.

Amendment 91

Proposal for a directive
Article 17 – paragraph 3 – introductory part

Text proposed by the Commission

3. The default values in Part A of Annex

Amendment

3. The disaggregated default values for
VII for biofuels, and the disaggregated default values for cultivation in Part D of Annex VII for biofuels and other bioliquids, shall apply only when their raw materials are cultivated:

cultivation in Part D of Annex VII for transport and liquid fuels from biomass may apply only when their raw materials are cultivated:

Justification

Actual values must be the preferable option. Disaggregated default values for cultivation should only be used when the raw materials originate from third countries and from idle, marginal and degraded lands that have been identified in paragraph 2.

Amendment 92

Proposal for a directive
Article 17 – paragraph 4

Text proposed by the Commission

4. The Commission shall report by 31 December 2012 at the latest on the estimated typical and default values in Annex VII Part B and Part E, paying special attention to emissions from transport and processing, and may, where necessary, decide to correct the values. Such a measure designed to amend non-essential elements of this Directive shall be adopted in accordance with the regulatory procedure with scrutiny referred to in Article 21(3).

Amendment

4. The Commission shall every three years from the entry into force of this Directive, review the typical and default values in Annex VII, paying special attention to emissions from cultivation. With regard to typical and default values for cultivation, the Commission shall present values that reflect regional and climatological conditions. In the review process the opinions of producers both in third countries and within the Community shall be sought. In addition, the Commission shall assess, and if necessary propose, typical and default values for cultivation using sustainable agricultural and organic farming methods. Such a measure designed to amend non-essential elements of this Directive shall be adopted in accordance with the regulatory procedure with scrutiny referred to in Article 21(3). Values for emissions caused by indirect land-use change, as specified in Part C of Annex VII, shall be reviewed every three years based on the latest scientific evidence and may be adapted to land-use and/or feedstock specific values.
Amendment 93

Proposal for a directive
Article 17 – paragraph 5 – point b

*Text proposed by the Commission*

(b) in all other cases default values shall *be conservative compared to normal* production processes.

*Amendment*

(b) in all other cases default values shall *represent the 90% percentile of values for* production processes.

*Justification*

Default values should be set according to a consistent rule and in order to not benefit worst performers, they should be conservative.

Amendment 94

Proposal for a directive
Article 18 - title

*Text proposed by the Commission*

Specific provisions related to *biofuels*

*Amendment*

Specific provisions related to *promotion of renewable energy use in transport*

Amendment 95

Proposal for a directive
Article 18 - paragraph 1

*Text proposed by the Commission*

1. Member States shall ensure that information is given to the public on the availability of *biofuels and other renewable transport fuels. For* percentages of biofuels, blended in mineral oil derivatives, *exceeding the limit value of* 10% by volume, Member States shall require this to be indicated at the sales points.

*Amendment*

1. Member States shall ensure that *detailed* information is given to the public on the availability *and environmental benefits of all different sources of renewable energy for transport. When the* percentages of biofuels, blended in mineral oil derivatives, *exceed* 10% by volume, Member States shall require this to be indicated at the sales points.

*Justification*

Information should be made available not only with regard to biofuels, but for all types of
renewable energy for transport.

Amendment 96

Proposal for a directive
Article 18 - paragraph 1 a (new)

<table>
<thead>
<tr>
<th>Text proposed by the Commission</th>
</tr>
</thead>
<tbody>
<tr>
<td>1a. Member States shall designate petrol and diesel fuels that are derived from the hydrotreatment of vegetable oils and animal fats or from pyrolysis oils derived from any form of biomass, and which are chemically and, in terms of performance, indistinguishable from or superior to petrol and diesel derived from fossil fuel, as “EuroBio Petrol” and “EuroBio Diesel”, provided that the share of biofuels in the total fuel equals or exceeds 50% and that the hydrogen used is not derived from fossil fuel.</td>
</tr>
</tbody>
</table>

Justification

As is well-known from the introduction of lead-free petrol in the 1980s and 1990s and subsequent market research by the oil companies and fuel retailers, consumers respond well and rapidly to the introduction of "green" fuels. This paragraph is designed to provide a big consumer demand boost to the best and most sustainable of the alternatives to fossil fuels, while recognizing that it will take time for the fuel manufacturers to scale production up to the fully "green" standard, blends of 50-100% of non-fossil fuels.

Amendment 97

Proposal for a directive
Article 18 - paragraph 1 b (new)

<table>
<thead>
<tr>
<th>Text proposed by the Commission</th>
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</thead>
<tbody>
<tr>
<td>1b. Member States shall designate any blend of petrol or diesel referred to in paragraph 1a in which the proportion of biofuel in the blend is at least 10%, but less than 50%, as “EuroBioblend Petrol” and “EuroBioblend Diesel”. The proportion of the biofuels used for the</td>
</tr>
</tbody>
</table>
purposes of this paragraph shall be raised in line with that set out in Article 15(2).

Amendment 98
Proposal for a directive
Article 18 - paragraph 2

Text proposed by the Commission

2. Member States shall ensure that diesel fuel complying with the specifications set out in Annex V is made available by 31 December 2010 at the latest in filling stations with more than two pumps that sell diesel fuel.

Amendment

Proposal for a directive
Article 18 - paragraph 3

Text proposed by the Commission

3. Member States shall ensure that diesel fuel complying with the specifications set out in Annex VI, or other diesel fuel with at least 5% biofuel content by volume, is made available by 31 December 2014 at the latest in filling stations with more than two pumps that sell diesel fuel.

Amendment

Proposal for a directive
Article 18 – paragraph 3 a (new)

Text proposed by the Commission

3a. Member States shall take measures to guarantee sufficient fuelling options for zero-emission vehicles
Justification

Breakthrough of promising technologies is often inhibited by lack of infrastructure. Lack of fuelling options for electric or hydrogen cars is one reason that consumers will not buy them.

Amendment 101

Proposal for a directive
Article 18 - paragraph 4

<table>
<thead>
<tr>
<th>Text proposed by the Commission</th>
<th>Amendment</th>
</tr>
</thead>
<tbody>
<tr>
<td>4. For the purposes of demonstrating compliance with national renewable energy obligations placed on operators, the contribution made by biofuels produced from wastes, residues, non-food cellulosic material, and ligno-cellulosic material shall be considered to be twice that made by other biofuels.</td>
<td>deleted</td>
</tr>
</tbody>
</table>

Amendment 102

Proposal for a directive
Article 18 - paragraph 4 a (new)

<table>
<thead>
<tr>
<th>Text proposed by the Commission</th>
<th>Amendment</th>
</tr>
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<tbody>
<tr>
<td>4a. Any support mechanism, including financial incentives, established by Member States for large-scale production and use/consumption of renewable energy in transport shall be proportional to the greenhouse gas emission saving. Research and development in the area of renewable energy in transport, as well as development of sustainable transport systems, shall be strongly promoted both at Member State and Community level and may receive additional support.</td>
<td></td>
</tr>
</tbody>
</table>

Justification

In order to give incentives to the best alternatives for renewable energy in transport (including also electricity and hydrogen) possible support schemes, including subsidies, in Member States should be proportional to the GHG saving.
Amendment 103

Proposal for a directive
Article 19 – paragraph 2 – point b

**Text proposed by the Commission**

(b) the introduction and functioning of support schemes and other measures to promote energy from renewable sources, and any developments in the measures used with respect to those set out in the Member State's national action plan;

**Amendment**

(b) the introduction and functioning of support schemes and other measures to promote energy from renewable sources, in particular measures to inform citizens about the availability of renewable energy, and any developments in the measures used with respect to those set out in the Member State's national action plan;

Amendment 104

Proposal for a directive
Article 19 – paragraph 2 – point k

**Text proposed by the Commission**

(k) the estimated net greenhouse gas savings due to the use of energy from renewable sources.

**Amendment**

(k) the estimated net greenhouse gas savings due to the use of energy from renewable sources including the impact on carbon stocks linked to direct or indirect land use change.

Amendment 105

Proposal for a directive
Article 19 - paragraph 3 - introductory part

**Text proposed by the Commission**

3. In their first report, Member States shall outline whether they intend to:

**Amendment**

3. In their first report, Member States shall outline whether, and if so by when, they intend to:

Amendment 106
Proposal for a directive
Article 20 – paragraph 2

Text proposed by the Commission

2. The Commission shall maintain a dialogue and exchange information with third countries and biofuel producer and consumer organisations concerning the general implementation of the measures in this Directive relating to biofuels and other bioliquids.

Amendment

2. The Commission shall maintain a dialogue and exchange information with third countries, environmental and social non-governmental organisations and biofuel producer and consumer organisations concerning the general implementation of the measures in this Directive relating to biomass for energy.

Amendment 107

Proposal for a directive
Article 20 - paragraph 5 - point (a)

Text proposed by the Commission

(a) the relative environmental benefits and costs of different biofuels, the effects of the Community's import policies thereon, the security of supply implications and the ways of achieving a balanced approach between domestic production and imports;

Amendment

(a) the relative environmental and social benefits and costs of different biofuels, the effects of the Community's import policies thereon, the security of supply implications and the ways of achieving a balanced approach between domestic production and imports;

Amendment 108

Proposal for a directive
Article 20 - paragraph 5 - point (c)

Text proposed by the Commission

(c) the impact of EU biofuel policy on the availability of foodstuffs in exporting countries, the ability of people in developing countries to afford these foodstuffs, and wider development issues; and

Amendment

(c) the impact of EU policy regarding energy from biomass on food security in developing countries including potential impacts on Low-Income Food Deficit Countries and Least Developed Countries, and availability of, and access to, food within exporting countries, and wider development issues; and
Amendment 109

Proposal for a directive
Article 20 – paragraph 5 – point c a (new)

Text proposed by the Commission

Amendment

(ca) the impact of EU biofuel policy on
direct and indirect land use change and
an estimate of the associated carbon
emissions, and

Amendment 110

Proposal for a directive
Article 20 – paragraph 5 – point d

Text proposed by the Commission

Amendment

(d) the impact of increased demand for
biomass on biomass using sectors.

(d) the impact of EU biofuel policy on
land conflict and displacement of peoples
within exporting countries.

Justification

The Commission fails to take any account of social impacts in its monitoring. In addition, when considering food security impacts, it is important to distinguish between effects within countries producing biofuels for export to the EU, and third countries that may be impacted via inflation in global commodity prices.

Amendment 111

Proposal for a directive
Article 20 – paragraph 5 – point d a (new)

Text proposed by the Commission

Amendment

(da) the availability and research into
biofuels made from wastes, residues,
algae, non-food cellulosic material and
lignocellulosic material and sustainability
issues related with the use of these
biofuels while taking into account the
waste hierarchy.
Second generation biofuels may prove to bring about some sustainability issues. Many of these biofuels are listed as invasive species or require large quantities of water. Also biofuels from waste may raise some sustainability issues, i.e. lead to further soil degradation, as waste is often used to return nutrients and carbon to the land. The waste hierarchy which gives priority to re-use and recycling over the use for energy purposes should be taken as a guiding principle here. At present, there is very limited technology for biofuels from waste, so there is time to clarify which waste and residues can be taken into account and what are the measures to assure sustainable harvesting of these materials.

Amendment 112

Proposal for a directive
Article 20 – paragraph 5 – subparagraph 2

<table>
<thead>
<tr>
<th>Text proposed by the Commission</th>
<th>Amendment</th>
</tr>
</thead>
<tbody>
<tr>
<td>It shall, if appropriate, propose corrective action.</td>
<td>If any negative impact occurs, the Commission shall propose corrective action to adjust the biomass target as laid down in Article 3. It shall suspend the target immediately if the EU biofuel target has an adverse impact as mentioned under point (c). The Commission shall – after consultation of the Food and Agriculture Organisation (FAO) – publish a communication which states the specific conditions under which the target shall be suspended.</td>
</tr>
</tbody>
</table>

Justification

It should be clear that food production prevails over biofuel production.

Amendment 113

Proposal for a directive
Annex I – point B – title and introductory part

<table>
<thead>
<tr>
<th>Text proposed by the Commission</th>
<th>Amendment</th>
</tr>
</thead>
<tbody>
<tr>
<td>B. Indicative trajectory</td>
<td>B. Mandatory interim target trajectory</td>
</tr>
</tbody>
</table>

The indicative trajectory referred to in Article 3(2) shall respect the following shares of energy from renewable sources:

Mandatory interim target trajectory referred to in Article 3(2) shall respect the following shares of energy from renewable sources:
Justification

In order to ensure that the overall 2020 EC and Member States targets are met, it is necessary that mandatory interim targets are also adopted. The trajectory proposed under this annex 1B is starting very low and leaves the biggest uptake of renewables for the last years before 2020. Not fulfilling this curb will make it very difficult for Member States to reach their 2020 target. In that sense it should be considered as the absolute necessary minimum.

Amendment 114

Proposal for a directive
Annex III - row 8

Text proposed by the Commission

Biodiesel (methyl-ester produced from vegetable or animal oil, of diesel quality, to be used as biofuel)

Amendment

FAME (methyl-ester produced from vegetable or animal oil, of diesel quality, to be used as biofuel)

Justification

Fatty Acid Methyl Ester (FAME) is only one form of "biodiesel" and so should not be favoured to the exclusion of all others for the purposes of EU legislation.

Amendment 115

Proposal for a directive
Annex III - row 10

Text proposed by the Commission

Hydrotreated vegetable oil (vegetable oil thermochemically treated with hydrogen)

Amendment

Hydrotreated vegetable oil and animal fats (vegetable oil and animal fats thermochemically treated with hydrogen)

Justification

"Green petrol" and "green diesel" for the purposes of Article 18 can be produced from a number of processes, including the treatment of animal and vegetable oils with hydrogen (hydrotreated in the amendment), the Fischer-Tropsch treatment of biomass and from refining pyrolysis oil from biomass.
Amendment 116
Proposal for a directive
Annex III - row 13

Text proposed by the Commission

Amendment

Petrol

Fossil fuel Petrol

Justification

The source of this petrol should be made clear.

Amendment 117
Proposal for a directive
Annex III - row 14

Text proposed by the Commission

Amendment

Diesel

Fossil fuel Diesel

Justification

The source of this diesel should be made clear.

Amendment 118
Proposal for a directive
Annex III - row 14 a (new)

Text proposed by the Commission

Amendment

Fossil fuel heavy fuel oil

Amendment 119
Proposal for a directive
Annex IV – introductory part

Text proposed by the Commission

Amendment

The criteria referred to in Article 13(3) shall be as follows:

For certification systems only, the criteria

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referred to in Article 13(3) shall apply:

Justification

The certification of installers regulated by Annex IV is only necessary where there are no reliable vocational qualifications in Member States. From the point of view of economic operators, a further obligatory certification system alongside vocational training that is very demanding in terms of content and time would only give rise to unnecessary additional bureaucratic constraints. To the extent that additional qualifications or refresher courses are required, these can be provided in the context of voluntary training in the market.

Amendment 120

Proposal for a directive
Annex V

Text proposed by the Commission

Amendment

Annex V is deleted

Justification

These standards should be set by CEN.

Amendment 121

Proposal for a directive
Annex VI

Text proposed by the Commission

Amendment

Annex VI is deleted

Justification

These standards should be set by CEN.

Amendment 122

Proposal for a directive
Annex VII – part A

Text proposed by the Commission

Amendment

Annex VII part A is deleted
**Justification**

GHG calculations should be based on actual values in order to drive innovation to best GHG performance. Disaggregated values for different steps may be used under certain conditions.

**Amendment 123**

Proposal for a directive
Annex VII – part B

*Text proposed by the Commission*  
*Amendment*

*Annex VII part B is deleted*

**Justification**

Especially for the new generation of liquid fuels from biomass, the GHG calculation must be based on actual values in order to drive innovation to best GHG performance. To set default values in the Directive for products which are not commercially available is questionable, would only reward worse performance and could seriously misguide consumers and policy.

**Amendment 124**

Proposal for a directive
Annex VII – part C – paragraph 1 – subparagraph 1

*Text proposed by the Commission*  
*Amendment*

1. Greenhouse gas emissions from the production and use of transport fuels, biofuels and other bioliquids shall be calculated as:

\[ E = e_{cc} + e_l + e_p + e_{ld} + e_{ua} - e_{ccs} - e_{ccr} - e_{ee}, \]

where

\[ E \] = total emissions from the use of the fuel;

\[ e_{cc} \] = emissions from the extraction or cultivation of raw materials;

\[ e_l \] = annualised emissions from carbon stock changes caused by land use

\[ e_{ld} \] = emissions from processing;

\[ e_{ua} \] = annualised emissions from carbon stock changes caused by indirect land use change;

\[ e_{ccs} \] = emissions from the extraction or cultivation of raw materials;

\[ e_{ccr} \] = annualised emissions from carbon stock changes caused by land use

\[ e_{ee} \] = emissions from processing;
Amendment 125

Proposal for a directive
Annex VII - part C - paragraph 7

Text proposed by the Commission

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

\[
e_l = (CS_R - CS_A) \times MW_{CO2}/MW_C \times 1/20 \times 1/P,
\]

where

\( e_l \) = annualised greenhouse gas emissions from carbon stock change due to land use change (measured as mass of \( CO_2 \)-equivalent per unit *biofuel* energy);

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

\( CS_A \) = the carbon stock per unit area associated with the reference land use (measured as mass of carbon per unit area, including *above and below ground biomass, litter, soils, deadwood and harvested wood products*, following the 2006 *IPCC Guidelines for National Greenhouse Gas Inventories, Volume 4*). The reference land use shall be the land use

Amendment

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

\[
e_l = (CS_R - CS_A) \times MW_{CO2}/MW_C \times 1/20 \times 1/P,
\]

where

\( e_l \) = annualised greenhouse gas emissions from carbon stock change due to land use change (measured as mass of \( CO_2 \)-equivalent per unit *transport fuel from biomass* energy);

\( CS_R \) = the carbon stock per unit area associated with the reference land use (measured as mass of carbon per unit area, including *above and below ground biomass, litter, soils, deadwood and harvested wood products*, following the 2006 *IPCC Guidelines for National Greenhouse Gas Inventories, Volume 4*). The reference land use shall be the land use
in January 2008

\[ CS_a = \text{the carbon stock per unit area} \]
\[ \text{associated with the actual land use} \]
\[ \text{(measured as mass of carbon per unit area,} \]
\[ \text{including} \text{ } \text{both soil and vegetation);} \]
\[ CS_a = \text{the carbon stock per unit area} \]
\[ \text{associated with the actual land use} \]
\[ \text{(measured as mass of carbon per unit area,} \]
\[ \text{including} \text{ } \text{above and below ground} \]
\[ \text{biomass, litter, soils, deadwood and} \]
\[ \text{harvested wood products, following the} \]
\[ \text{2006 IPCC Guidelines for National} \]
\[ \text{Greenhouse Gas Inventories, Volume 4);} \]

\[ MW_{CO_2} = \text{molecular weight of CO}_2 = \]
\[ 44.010 \text{ g/mol;} \]
\[ MW_C = \text{molecular weight of carbon} = \]
\[ 12.011 \text{ g/mol; and} \]

\[ P = \text{the productivity of the crop (measured} \]
\[ \text{as} \text{ } \text{biofuel or other bioliquid} \]
\[ \text{energy per} \]
\[ \text{unit area per year).} \]
\[ P = \text{the productivity of the crop (measured} \]
\[ \text{as} \text{ } \text{transport fuels and other liquid fuels} \]
\[ \text{from biomass} \text{ energy per unit area per} \]
\[ \text{year).} \]

\[ \text{Under conditions where a significant part} \]
\[ \text{of the exchange of carbon between soil} \]
\[ \text{and atmosphere is in the form of CH}_4 \text{ this} \]
\[ \text{should be taken into account by amending} \]
\[ \text{the calculation for this part of the} \]
\[ \text{exchange. For this purpose the molecular} \]
\[ \text{weight of CO}_2 \text{ should be substituted with} \]
\[ \text{that of CH}_4 (MW_{CH_4}) \text{ and multiplied with} \]
\[ \text{the CO}_2 \text{ equivalent of CH}_4 \text{ in paragraph 5} \]
\[ (MW_{CH_4} = \text{molecular weight of methane} = \]
\[ 16.043 \text{ g/mol}).} \]

Justification

\[ \text{Methane is a very strong green house gas, 23 times stronger than CO}_2. \text{ Where methane} \]
\[ \text{emissions correspond to a large part of the total GHG emissions caused by land use change,} \]
\[ \text{these emissions should be taken into account.} \]

\[ \text{There is no reason to reinvent the wheel. The 2006 Intergovernmental Panel on Climate} \]
\[ \text{Change (IPCC) guidelines on how to report the greenhouse gas emissions gives the values for} \]
\[ \text{the carbon stock per unit area. They are used by Member States under the UN Framework} \]
\[ \text{Convention on Climate Change.} \]
Amendment 126
Proposal for a directive
Annex VII - part C - paragraph 8

Text proposed by the Commission

8. For the purposes of paragraph 7, the following values may be used for both CS\textsubscript{R} and CS\textsubscript{A}.

Table land use
Alternatively, actual values may be used for both CS\textsubscript{R} and CS\textsubscript{A}.

The following values may be used to calculate \( P \):

Table
Alternatively, actual values may be used.

Justification
With regard to emissions from land use change an improved methodology is proposed. The IPCC already in 1996 presented a detailed but scalable methodology for land use change, updated in 2006, that is already in use for reporting under the Kyoto protocol. Using this methodology for calculation emissions from land use would constitute a major improvement of the methodology. There are strong reasons to make use of the IPCC methodology. It provides more flexibility and is likely to meet with approval since many countries around the world are already using the methodology.

Amendment 127
Proposal for a directive
Annex VII – part C – paragraph 8 a (new)

Text proposed by the Commission

8a. Emissions caused by indirect land use change, \( e_{\text{fuel}} \) shall have a value of 0 where the production of transport fuels from biomass is based upon raw materials that do not require the use of arable, pasture or permanent crop land, including waste. \( e_{\text{fuel}} \) shall have a value of 10g CO\textsubscript{2}/MJ in all other cases.
Amendment 128

Proposal for a directive
Annex VII - part C - paragraph 9 - subparagraph 1

Text proposed by the Commission

9. Emissions from processing, $e_p$, shall include emissions from the processing itself; from waste and leakages; and from the production of chemicals or products used in processing.

Amendment

9. Emissions from processing, $e_p$, shall include emissions from the processing itself; from waste and leakages; and from the production of chemicals or products used in processing, but shall exclude emissions from combustion of crop residue.

Amendment 129

Proposal for a directive
Annex VII – part C – paragraph 10

Text proposed by the Commission

10. Emissions from transport and distribution, $e_{td}$, shall include emissions from the transport and storage of raw and semi-finished materials and from the storage and distribution of finished materials.

Amendment

10. Emissions from transport and distribution, $e_{td}$, shall include emissions from the transport and storage of raw and semi-finished materials and from the storage and distribution of finished materials. Emissions from transport and distribution to be taken into account under point 6 shall not be covered by point 10.

Justification

Emissions from transport and distribution include emissions from the transport and storage of raw materials. This definition makes it impossible to establish a clear distinction between those emissions and emissions from the extraction or cultivation of raw materials dealt with in point 6. Emissions from the cultivation of agricultural raw materials should be taken into account only at that stage, so as to ensure that they are not counted twice.
Amendment 130
Proposal for a directive
Annex VII - part C - paragraph 12

Text proposed by the Commission

12. Emission savings from carbon capture and sequestration, $e_{ccs}$, shall be limited to emissions avoided through the capture and sequestration of emitted CO$_2$ directly related to the extraction, transport, processing and distribution of fuel.

Amendment

12. Emission savings from carbon capture and sequestration $e_{ccs}$, that have not already been accounted for in $e_p$, shall be limited to emissions avoided through the capture and sequestration of emitted CO$_2$ directly related to the extraction, transport, processing and distribution of fuel.

Amendment 131
Proposal for a directive
Annex VII - part C - paragraph 13

Text proposed by the Commission

13. Emission savings from carbon capture and replacement, $e_{ccr}$, shall be limited to emissions avoided through the capture of CO$_2$ of which the carbon originates from biomass and which is used to replace fossil-derived CO$_2$ used in commercial products and services.

Amendment

13. Emission savings from carbon capture and use, $e_{ccu}$, shall be limited to emissions avoided through the capture of CO$_2$ of which the carbon originates from biomass and which is used to replace fossil-derived CO$_2$ or fossil fuels used in commercial products and services.

Justification

CO$_2$ captured can replace CO$_2$ derived from fossil sources, but it may also be a part of a fossil fuel replacement if used e.g. in an algae biofuel production.

Amendment 132
Proposal for a directive
Annex VII - part C - paragraph 14

Text proposed by the Commission

14. Emission savings from excess electricity from cogeneration, $e_{eec}$, shall be taken into account in relation to the excess electricity produced by fuel production systems that use cogeneration except

Amendment

14. Emission savings from excess electricity from cogeneration, $e_{eec}$, when fulfilling a useful heat demand in the fuel production processes, and electricity generated from waste heat from the fuel.
where the fuel used for the cogeneration is a co-product other than an agricultural crop residue. In accounting for this excess electricity, the size of the cogeneration unit shall be assumed to be the minimum necessary for the cogeneration unit to supply the heat that is needed to produce the fuel. The greenhouse gas emission savings associated with this excess electricity shall be taken to be equal to the amount of greenhouse gas that would be emitted when an equal amount of electricity was generated in a power plant using the same fuel as the cogeneration unit.

Production processes, shall be taken into account except where the fuel used for the cogeneration is a co-product of the transport fuel from biomass production process. The greenhouse gas emission savings associated with this excess electricity shall be taken to be equal to the amount of greenhouse gas that would be emitted by the EU average specific emission from electricity generation for electricity produced in the Community, and the average emission for electricity production in the country where the electricity is produced for electricity produced in non-EU states.

Justification

The greenhouse gas emission savings associated with excess electricity should be counted as having average emissions, alternatively calculated using a marginal approach. Otherwise, as in the COM proposal, the directive would favour plants using fossil fuel over plants using biomass as the former gets a significant credit for applying high efficiency cogeneration while the latter do not. Instead the use of less GHG emitting energy sources should be rewarded.

Amendment 133

Proposal for a directive
Annex VII - part C - paragraph 15

Text proposed by the Commission

15. Where a fuel production process produces, in combination, the fuel for which emissions are being calculated and one or more other products ("co-products"), greenhouse gas emissions shall be divided between the fuel or its intermediate product and the co-products in proportion to their energy content (determined by lower heating value in the case of co-products other than electricity).

Amendment

15. Where a fuel production process produces, in combination, the fuel for which emissions are being calculated and one or more other products ("co-products"), greenhouse gas emissions shall be divided between the fuel or its intermediate product and the co-products in proportion to their energy content (determined by lower heating value in the case of co-products other than electricity, heat or cooling).

The Commission shall, by 1 January 2010 at the latest, assess whether it is appropriate, for the purpose of the first
subparagraph, to use a substitution method. On the basis of the result of this assessment the Commission may propose necessary changes.

Justification

Emissions savings from co-products can be calculated with the energy-method as is proposed by the COM. However, co-products may have an important role in another process, and may save GHG emissions in that process without necessarily having a high "lower heating value". The amendment calls upon the Commission to assess if the energy-method can be exchanged for the more complex substitution approach that may give a truer picture of the real GHG savings.

Amendment 134

Proposal for a directive
Annex VII – part C – paragraph 16

Text proposed by the Commission 16. For the purposes of the calculation referred to in paragraph 15, the emissions to be divided shall be $e_{ec} + e_i$, + those fractions of $e_p$, $e_{ed}$ and $e_{ee}$ that take place up to and including the process step at which a co-product is produced. If any allocation to co-products has taken place at an earlier process step in the life-cycle, the fraction of those emissions assigned in the last such process step to the intermediate fuel product shall be used for this purpose instead of the total of those emissions.

In the case of biofuels and other bioliquids, all co-products, including electricity that does not fall under the scope of paragraph 14, shall be taken into account for the purposes of this calculation, except for agricultural crop residues, including straw, bagasse, husks, cobs and nut shells. Co-products that have a negative energy content shall be considered to have an energy content of zero for the purpose of the calculation.

Amendment 16. For the purposes of the calculation referred to in paragraph 15, the emissions to be divided shall be $e_{ec} + e_i$, + those fractions of $e_p$, $e_{ed}$ and $e_{ee}$ that take place up to and including the process step at which a co-product is produced. If any allocation to co-products has taken place at an earlier process step in the life-cycle, the fraction of those emissions assigned in the last such process step to the intermediate fuel product shall be used for this purpose instead of the total of those emissions.

In the case of biofuels and other bioliquids, all co-products, including electricity that does not fall under the scope of paragraph 14, shall be taken into account for the purposes of this calculation, except for agricultural crop residues, including straw, bagasse, husks, cobs and nut shells. If co-products of the manufacture of biofuels have a high protein content, the mass allocation method on the basis of the dry-matter content shall be applied pro rata to these co-products for the purpose of the calculation.
Wastes, agricultural crop residues, including straw, bagasse, husks, cobs and nut shells, and residues from processing chains, other than biofuel processing chains, \textit{with no potential food or feed use shall be considered to have zero life-cycle greenhouse gas emissions up to the process of collection of these materials.}

In the case of fuels produced in refineries, the unit of analysis for the purposes of the calculation referred to in paragraph 15 shall be the refinery

\textit{The term 'co-product' must be defined on the basis of the biofuel production process. 'Co-product' shall mean any product resulting from the extraction from the raw material of the components required for biofuel production.}

\textit{Justification}

\textit{The Commission considers that greenhouse gas emissions from biofuels produced from waste or crop residues are also equal to zero. However, if materials such as straw are produced for the purpose of acting as a raw material for biofuel production, it is not appropriate to classify them as crop residues. The energy allocation method must be used to divide up between straw and grain the emissions resulting from agricultural production. The definition of the term 'co-product' proposed by the Commission is not clear.}

\textbf{Amendment 135}

\textbf{Proposal for a directive}
\textbf{Annex VII – part C – paragraph 16 – subparagraph 2}

\textit{Text proposed by the Commission}\n
In the case of biofuels and other bioliquids, all co-products, including electricity that does not fall under the scope of paragraph 14, shall be taken into account for the purposes of this calculation, except for agricultural crop residues, including straw, bagasse, husks, cobs and nut shells. \textit{Co-products that have a negative energy}

\textit{Amendment}\n
In the case of biofuels and other bioliquids, all co-products, including electricity that does not fall under the scope of paragraph 14, shall be taken into account for the purposes of this calculation, except for agricultural crop residues, including straw, bagasse, husks, cobs and nut shells, \textit{except where biofuels are produced from such}
content shall be considered to have an energy content of zero for the purpose of the calculation.

Justification

The planned exclusion of crop residues from the by-product allocation or their being credited with zero greenhouse gas emissions seems methodologically sound, provided they stay in the system, for example by being ploughed in.

However, if crops such as straw are grown specifically as raw materials for biofuel production, it is not correct to class them as crop residues. In that case straw and corn as raw materials for biofuel production should be placed in two separate categories.

Amendment 136

Proposal for a directive
Annex VII – part C – paragraph 17 – subparagraph 1

<table>
<thead>
<tr>
<th>Text proposed by the Commission</th>
<th>Amendment</th>
</tr>
</thead>
<tbody>
<tr>
<td>17. For biofuels, for the purposes of the calculation referred to in paragraph 4, the fossil fuel comparator $E_F$ shall be the latest available actual average emissions from petrol and diesel consumed in the Community as reported under [Directive 98/70/EC]. If no such data are available, the value used shall be 83.8 gCO$_{2eq}$/MJ.</td>
<td>17. For transport fuels from biomass, for the purposes of the calculation referred to in paragraph 4, the fossil fuel comparator $E_F$ shall be the latest available actual average emissions from petrol and diesel consumed in the Community as reported under [Directive 98/70/EC] or 83.8 gCO$_{2eq}$/MJ, whichever is the lowest.</td>
</tr>
</tbody>
</table>
## PROCEDURE

<table>
<thead>
<tr>
<th>Title</th>
<th>Energy produced from renewable sources</th>
</tr>
</thead>
<tbody>
<tr>
<td>Committee responsible</td>
<td>ITRE</td>
</tr>
<tr>
<td>Opinion by</td>
<td>ENVI 19.2.2008</td>
</tr>
<tr>
<td>Associated committee(s) - date announced in plenary</td>
<td>10.4.2008</td>
</tr>
<tr>
<td>Drafts(wo)man</td>
<td>Anders Wijkman 5.3.2008</td>
</tr>
<tr>
<td>Date adopted</td>
<td>7.7.2008</td>
</tr>
<tr>
<td>Result of final vote</td>
<td>+: 36  --: 0  0: 8</td>
</tr>
<tr>
<td>Members present for the final vote</td>
<td>Adamos Adamou, Johannes Blokland, John Bowis, Frieda Brepoels, Hiltrud Breyer, Dorette Corbey, Magor Imre Csibi, Chris Davies, Jill Evans, Anne Ferreira, Karl-Heinz Florenz, Alessandro Foglietta, Matthias Groote, Cristina Gutiérrez-Cortines, Satu Hassi, Gyula Hegyi, Jens Holm, Marie Anne Isler Béguin, Caroline Jackson, Dan Jørgensen, Christa Klaß, Eija-Riitta Korhola, Urszula Krupa, Peter Liese, Roberto Musacchio, Riitta Myller, Péter Olajos, Miroslav Ouzký, Vittorio Prodi, Dagmar Roth-Behrendt, Guido Sacconi, Kathy Sinnott, Maria Sornosa Martinez, Salvatore Tatarella, Thomas Ulmer, Anders Wijkman, Glenis Willmott</td>
</tr>
<tr>
<td>Substitute(s) present for the final vote</td>
<td>Inés Ayala Sender, Christofer Fjellner, Erna Hennicot-Schoepges, Johannes Lebech, Bart Staes, Claude Turmes</td>
</tr>
<tr>
<td>Substitute(s) under Rule 178(2) present for the final vote</td>
<td>Bilyana Ilieva Raeva</td>
</tr>
</tbody>
</table>
25.6.2008

OPINION OF THE COMMITTEE ON INTERNATIONAL TRADE

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

Draftsperson: Béla Glattfelder

SHORT JUSTIFICATION

As the Parliament has recognised in a series of resolutions, including some based on reports from its Committee on International Trade, the promotion of renewable energy and energy efficient technology have an important role to play in combating climate change and reducing the EU’s dependence on external energy sources. Trade policy can make a significant contribution to encouraging the spread of new, environmentally-friendly technologies and ensuring that renewable energy is available to the greatest possible number of firms and households at a reasonable cost.

Nonetheless the contribution of trade policy is essentially supportive – avoiding unnecessary barriers and reducing energy-dependence. For this reason, the opinion seeks to adopt a modest approach, restricting itself to the aspects of the Commission’s proposal that are most relevant to international trade. Equally some of the amendments are intended to indicate a broad political orientation, whilst recognising that there can be multiple routes to achieving a particular objective. In these cases, it did not seem practical or useful to seek to trace through all the potential consequential amendments.

Most importantly, whilst accepting that renewable energy can make a significant contribution to the fight against climate change, this opinion takes as its starting point the maxim "first, do no harm".

Biofuels

In this respect, it is clear that the situation has changed significantly since January 2007 when the Commission proposed a binding 10% target for the share of renewable energy in petrol and diesel in 2020. Food prices have soared (with the World Bank estimating an average 83%
increase in the last three years) while a number of developing countries are becoming increasingly concerned about whether their populations will have adequate food supplies.

As World Bank President Robert Zoellick recently observed, “soaring food prices and their impact on hunger, malnutrition and development threaten to push 100 million people further into poverty. For more than 2 billion people, high food prices are now a matter of daily struggle, sacrifice, and, for some, even survival, with no apparent relief in sight. Malnutrition threatens to harm not only this generation but the generation to come.” In addition, successive UN rapporteurs on the right to food have expressed concern that diverting foodstuffs for fuel production risks causing increased malnutrition.

At the same time, it is estimated that around a quarter of the 2007 US maize crop was used for biofuels while the journal *Science* suggests that the use of maize-based ethanol doubles greenhouse gas (GHG) emissions over 30 years. For these reasons, it seems essential to reconsider the binding 10% target and recall that, in its conclusions of March 2007, the European Council made this target conditional on the emergence of commercially available “second generation” biofuels (from waste products rather than food crops).

This opinion therefore proposes to delay the date for the 10% target and to introduce a review clause to allow the target to be revised in the light of progress towards second generation fuels. It also seeks to strengthen the sustainability criteria proposed by the Commission so as to avoid the absurd situation of a policy, which purports to combat climate change, having the opposite effect by encouraging deforestation.

In doing this, it acknowledges that, while certification is important, its effectiveness is limited. The problem is not only to avoid undisturbed forest being converted for biofuel production – which the Commission acknowledges as undesirable – but also to avoid existing agricultural land being used for biofuel with the food crops or livestock previously occupying that land shifting to environmentally sensitive areas. As a result the certification process needs to be much more comprehensive than in the Commission proposal.

Finally it is important that the transport of biofuels or their inputs does not create GHG emissions on a scale that undermines the overall environmental benefit. The most flagrant example of this is the so-called “splash and dash” trade whereby biofuels are exported to the US and, after the addition of a small amount of mineral oil, re-exported, collecting multiple subsidies. However, as existing anti-dumping and anti-subsidy rules appear to allow action against this practice, it appears unnecessary to table specific amendments on that point.

**Other issues**

While biofuels and their implications for agricultural trade and food security are the most important international trade issue raised by this proposal, the trade advantages of advances in renewable energy technology should not be overlooked. We already have examples where European firms have gained “first mover” advantages in wind or solar technology which has subsequently provided a sound basis for exports and licensing deals.

The 20% overall renewables target will continue to provide incentives for research and technological advances. However care should be taken that nothing in the energy and climate change package undermines the ability of member states to use feed-in tariffs, which have
already demonstrated their effectiveness in promoting renewable energy. Consideration should also be given to using multilateral and bilateral trade negotiations to promote the widest possible diffusion of new advances in renewable energy technology.

AMENDMENTS

The Committee on International Trade calls on the Committee on Industry, Research and Energy, as the committee responsible, to incorporate the following amendments in its report:

Amendment 1

Proposal for a directive

Recital 6

<table>
<thead>
<tr>
<th>Text proposed by the Commission</th>
<th>Amendment</th>
</tr>
</thead>
<tbody>
<tr>
<td>(6) <em>The main purpose of binding targets is to provide certainty for investors.</em></td>
<td>(6) <em>Rising food prices and food shortages, particularly in vulnerable developing countries, combined with doubts about the likelihood of second-generation biofuels being commercially available by 2020 provide strong grounds for questioning the appropriateness of the binding 10% biofuels target.</em></td>
</tr>
<tr>
<td>Deferring a decision about whether a target is binding until a future event takes place is thus not appropriate. In a statement to the minutes of the Council of 15 February 2007, the Commission therefore stated that it did not consider that the binding nature of the target should be deferred until second generation biofuels became commercially available.</td>
<td></td>
</tr>
</tbody>
</table>

Justification

The European Council’s decision to make the biofuels target conditional on the availability of sustainable, commercially viable second generation biofuels provided a necessary safety valve whose importance has become ever more apparent as commodity prices have soared. The Commission’s determination to maintain its target without regard for changed circumstances should not be accepted.
Amendment 2

Proposal for a directive
Recital 8

Text proposed by the Commission

(8) In the light of the positions taken by the Commission, the Council and the European Parliament, it is appropriate to establish mandatory targets for an overall 20% share of renewable energy and a 10% share of renewable energy in transport in the European Union's consumption in 2020.

Amendment

(8) In the light of the positions taken by the Commission, the Council and the European Parliament, it is appropriate to establish a mandatory target for an overall 20% share of renewable energy in the European Union's consumption in 2020 and to review any target for the share of renewable energy in transport by 2015.

Justification

See previous amendment.

Amendment 3

Proposal for a directive
Recital 10

Text proposed by the Commission

(10) By contrast, it is appropriate for the 10% target for renewable energy in transport to be set at the same level for each Member State in order to ensure consistency in transport fuel specifications and availability. Because transport fuels are traded easily, Member States with low endowments of the relevant resources will easily be able to obtain renewable transport fuels from elsewhere. While it would technically be possible for the Community to meet its biofuel target solely from domestic production, it is both likely and desirable that the target will in fact be met through a combination of domestic production and imports. To this end, the Commission should monitor the supply of the Community market for biofuels, and should, as appropriate, propose relevant measures to achieve a balanced approach

Amendment

(10) By contrast, it is appropriate for the target for renewable energy in transport to be set at the same level for each Member State in order to ensure consistency in transport fuel specifications and availability. Because transport fuels are traded easily, Member States with low endowments of the relevant resources will easily be able to obtain renewable transport fuels from elsewhere. While it would technically be possible for the Community to meet its biofuel target solely from domestic production, it is both likely and desirable that the target will in fact be met through a combination of domestic production and imports. To this end, the Commission should monitor the supply of the Community market for biofuels, and should, as appropriate, propose a revised target and/or relevant measures to achieve
between domestic production and imports, taking into account the development of multilateral and bilateral trade negotiations as well as environmental, cost, energy security and other considerations. A balanced approach between domestic production and imports, taking into account the development of multilateral and bilateral trade negotiations as well as environmental, and social costs, energy security and other considerations.

Amendment 4
Proposal for a directive
Recital 35 a (new)

Text proposed by the Commission

(35a) In order to maximise the contribution of biofuels in combating climate change, measures should be taken to ensure that the input crops are grown as near as possible to the fuel-production facility;

Justification

Transport of raw materials and biofuels to production facilities causes additional greenhouse gas emissions. This could be avoided by using the nearest possible production facility

Amendment 5
Proposal for a directive
Recital 40

Text proposed by the Commission

(40) Where biofuels and other bioliquids are made from raw material produced in the EU, they should also comply with EU environmental requirements for agriculture. Applying such criteria to imports from third countries is administratively and technically unfeasible.

Justification

The Commission’s proposal would put European farmers at a competitive disadvantage and reduce the overall environmental benefits of a shift to biofuels. Whilst it may not always be
possible to require third country exporters to meet European standards, this approach should not be ruled out a priori.

Amendment 6

Proposal for a directive
Article 3 - paragraph 1

Text proposed by the Commission

3. Each Member State shall ensure that the share of energy from renewable sources in final consumption of energy in 2020 is at least their 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.

Amendment

3. In order to achieve the 20% overall target, each Member State shall ensure that the share of energy from renewable sources in final consumption of energy in 2020 is at least their 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.

Justification

Although a binding overall EU target of a 20% share of renewable energies by 2020 was agreed at the European Council held in Brussels on 8-9 March 2007 on a binding overall EU target of a 20% share of renewable energies by 2020, this target is not clearly stated in the Commission's proposal.

Amendment 7

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

Text proposed by the Commission

3. Each Member State shall ensure that the share of energy from renewable sources in transport in 2020 is at least 10% of final consumption of energy in transport in that Member State.

Amendment

3. Each Member State shall ensure that the share of energy from renewable sources in transport in 2025 is at least 10% of final consumption of energy in transport in that Member State.

Justification

The 2020 target date no longer seems appropriate in view of the rapid increase in food prices, concern about the availability of adequate food in many developing countries and doubts about the date when second generation biofuels will become available on commercially viable terms.
Amendment 8

Proposal for a directive
Article 3a (new)

Text proposed by the Commission

Amendment

Article 3a

Review of availability of second generation biofuels

By 1 September 2015 the Commission shall present a report on progress made in relation to the availability of commercially viable second generation biofuels to the European Parliament and Council, accompanied, as appropriate, by proposals to revise the target in Article 3(3), first subparagraph.

Justification

The Brussels European Council of March 2007 having made the 10% target conditional on the commercial availability of sustainable, second generation biofuels, it seems desirable to introduce a review clause to allow the target to be adjusted in the light of technological developments.

Amendment 9

Proposal for a directive
Article 4a (new)

Text proposed by the Commission

Amendment

Article 4a

Suspension of national action plans

Member States may modify the application of their national action plan and suspend their obligation to comply with Article 3(3) if food and feed prices have risen significantly.

Justification

The growing use of agricultural raw materials should not lead to a significant increase in the prices of food and feed.
Amendment 10

Proposal for a directive
Article 12 – paragraph 5 – subparagraph 5

<table>
<thead>
<tr>
<th>Text proposed by the Commission</th>
<th>Amendment</th>
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<tbody>
<tr>
<td>In assessing the conversion efficiency and input/output ratio of systems and equipment for the purposes of this paragraph, Member States shall use <strong>Community</strong> or, failing these, <strong>international</strong> procedures if such procedures exist.</td>
<td>In assessing the conversion efficiency and input/output ratio of systems and equipment for the purposes of this paragraph, Member States shall use <strong>international procedures</strong> or, failing these, <strong>Community</strong> procedures if such procedures exist.</td>
</tr>
</tbody>
</table>

**Justification**

*A preference for international standards, where available, is less likely to encounter difficulties with regard to the WTO’s Technical Barriers to Trade agreement. The promotion of common international standards should also yield scale economies and thereby encourage more rapid international adoption of best-practice technology.*

Amendment 11

Proposal for a directive
Article 15 – paragraph 3

<table>
<thead>
<tr>
<th>Text proposed by the Commission</th>
<th>Amendment</th>
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<tbody>
<tr>
<td>3. Biofuels and other bioliquids taken into account for the purposes referred to in paragraph 1 shall <strong>not be made from raw material obtained from land with recognised high biodiversity value</strong>, that is to say land that had one of the following statuses in or after January 2008, whether or not the land still has this status:</td>
<td>3. Biofuels and other bioliquids taken into account for the purposes referred to in paragraph 1 shall <strong>only be obtained from sustainable sources</strong>, requiring fuel feedstock to be traceable to its source, used or added to fossil fuel in the nearest possible fuel production facilities and for production chains to be certified so as to ensure, inter alia, that:</td>
</tr>
</tbody>
</table>

*etc.*
(a) forest undisturbed by significant human activity, that is to say, forest where there has been no known significant human intervention or where the last significant human intervention was sufficiently long ago to have allowed the natural species composition and processes to have become re-established;

(a) there is no significant negative impact on biodiversity;

(aa) deforestation has not been caused indirectly as a result of biofuels being produced on land previously used for food production with that activity being displaced to environmentally sensitive areas such as forests;

(b) areas designated for nature protection purposes, unless evidence is provided that the production of that raw material did not interfere with those purposes;

(b) the feedstock does not come from areas designated for nature protection purposes, unless evidence is provided that the production of that raw material did not interfere with those purposes;

(c) highly biodiverse grassland, that is to say grassland that is species-rich, not fertilised and not degraded.

(c) the feedstock does not come from highly biodiverse grassland, that is to say grassland that is species-rich, not fertilised and not degraded;

(ca) there are no significant negative effects on water resources.

The Commission shall establish the criteria and geographic ranges to determine which grassland shall be covered by point (c). Such a measure designed to amend non-essential elements of this Directive shall be adopted in accordance with the regulatory procedure with scrutiny referred to in Article 21(3).

The Commission shall establish the criteria to determine which feedstocks shall be covered by points (a), (aa), (c) and (ca). Such a measure designed to amend non-essential elements of this Directive shall be adopted in accordance with the regulatory procedure with scrutiny referred to in Article 21(3).

Justification

To be confident that their impact on the environment will be positive, biofuels should be required to meet a positive test of sustainability. In addition to the points in the Commission proposal, it is essential to tackle the risk of biofuels displacing existing food production which then relocates to environmentally sensitive regions. The question of water usage is also crucial if food security is to be assured.
Amendment 12
Proposal for a directive
Article 15 – paragraph 4 a (new)

Text proposed by the Commission

4a. Biofuels and other bioliquids taken into account for the purposes referred to in paragraph 1 shall not be imported from, or made from raw material imported from, countries that apply export taxes or quantitative restrictions on those commodities or that receive international food aid, or that are the subject of anti-dumping or anti-subsidy investigations initiated by the Commission;

Justification

The renewable energy directive will provide incentives – in the form of higher prices – for EU and third country producers of biofuels. However those countries that are already extracting economic rents by means of export taxes or restrictions should not have the possibility of taking a second financial incentive by means of access to the European market at the expense of European taxpayers.

Amendment 13
Proposal for a directive
Article 15 – paragraph 6

Text proposed by the Commission

6. Member States shall not refuse to take into account, for the purposes referred to in paragraph 1, biofuel and other bioliquids obtained in compliance with this Article, on other grounds of sustainability.

Amendment

6. Member States wishing to introduce more stringent protective measures on grounds of sustainability, for the purposes referred to in paragraph 1, concerning biofuel and other bioliquids shall ensure that such measures are compatible with the Treaties and notify them to the Commission.

Justification

Given the considerable uncertainty about the effectiveness of sustainability standards, Member States should have the possibility of setting higher standards, in line with the principle of subsidiarity, so that there can be a process of learning from best practice. This
would not distort the market given all would still be subject to the obligation in Article 3(3), as amended. This approach is in line with the possibility provided by Article 176 of the Treaty.

Amendment 14

Proposal for a directive
Article 16 – paragraph 8 a (new)

Text proposed by the Commission

Amendment

8a. The Commission shall report annually to the European Parliament and Council on the agreements it has accepted under paragraph 4.

Justification

Regular reports are required to ensure openness and transparency and to give European farmers confidence that they are competing on a level playing field with third country producers benefiting from the agreements that may be concluded by the Commission.
## PROCEDURE

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<thead>
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<td>INTA</td>
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<td>Date announced in plenary</td>
<td>19.2.2008</td>
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<tr>
<td><strong>Drafts(wo)man</strong></td>
<td>Béla Glattfelder</td>
</tr>
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<td>Date appointed</td>
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<td><strong>Discussed in committee</strong></td>
<td>8.4.2008 – 28.5.2008</td>
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<td><strong>Date adopted</strong></td>
<td>24.6.2008</td>
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<td><strong>Members present for the final vote</strong></td>
<td>Francisco Assis, Graham Booth, Carlos Carnero González, Daniel Caspary, Françoise Castex, Christofer Fjellner, Béla Glattfelder, Ignasi Guardans Cambó, Jacky Hénin, Syed Kamall, Marusya Ivanova Lyubecheva, Erika Mann, David Martin, Vural Öger, Georgios Papastamkos, Godeliever Quisthoudt-Rowohl, Tokia Saïfi, Peter Šťastný, Robert Sturdy, Gianluca Susta, Iuliu Winkler, Corien Wortmann-Kool</td>
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<tr>
<td><strong>Substitute(s) present for the final vote</strong></td>
<td>Vittorio Agnoletto, Eugenijus Maldeikis, Jan Tadeusz Masiel, Salvador Domingo Sanz Palacio</td>
</tr>
<tr>
<td><strong>Substitute(s) under Rule 178(2) present for the final vote</strong></td>
<td>Malgorzata Handzlik</td>
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5.6.2008

OPINION OF THE COMMITTEE ON ECONOMIC AND MONETARY AFFAIRS

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

Draftswoman: Mariela Velichkova Baeva

SHORT JUSTIFICATION

The proposal for a Directive on the promotion of the use of energy from renewable sources constitutes a proposal for an important piece of legislation.

The Directive should ensure the maximum use of flexible market-based mechanisms in order to reach the ambitious targets for the share of renewable energy sources (RES) in the total energy consumption.

The factors having impact on the energy sector - demand, supply, scarcity of resources and their rational, efficient management, the effects on the environment and climate stresses, to name but a few, drive the need for alternative modes of energy generation and their integration into power supply systems. Renewable technologies provide benefits to tackling the insufficiency of indigenous fossil fuels and to contributing to steady economic development in a long-term perspective. Efforts to harmonise and align energy policies on the EU level proves complex and requires a critical mass of support and investment. Stakeholders argue for clear, consistent and harmonised common policies directed to tackling the inefficiencies stemming from some national standards, regulations and practices.

A driver of the development of the renewable energy market is the creation of specific financial supporting instruments. The idea of a European market of Guarantees of Origin (GO) provides a support mechanism which is to complement the national support schemes, while ensuring the preservation of commitments within the national support framework, focusing of national authorities on specific local RES applications, developing RES while minimizing the impact on their national budget and, at European level, developing RES at least cost, thanks to efficient market operation.
The proposed directive should ensure the proper functioning of this support mechanism. Therefore, the proposal is amended in order to enable some necessary conditions for the emergence of a well functioning GO-market, a review of which should be undertaken in due future.

The GO-system might cover all renewable sources. Different types of GO (for electricity form renewable energy sources (RES-E), renewable heating and cooling (RES-H) and renewable energy sources for transportation (RES-T) should be interchangeable and traded on the market. GO should, as far as possible, be the instrument for measuring the RES-share of the different Member States, a Member State overall target between sectors (electricity, heating & cooling, transportation) and possible split of obligations between the same sectors - for instance, the transport sector could finance the development of RES-E, via the purchase of GO from the electricity sector to meet its obligations.

The ambitious European RES-target can also be achieved if the Directive properly tackles main obstacles to the development of renewables and their integration into power supply systems taking into due account the physical network capacities. Security of supply, an important factor for the entire energy chain, and the complex interactions within the boundaries of the transmission system should direct efforts to maintaining an infeed of renewable energy sources by sophisticated allocation mechanisms for conventional generation.

The assumption that energy generation from RES-E is more costly than non-RES-E power generation should be taken into consideration so that additional direct cost to generating electricity be distinguished from additional indirect costs related to the construction of the necessary transmission and distribution grid infrastructure.

At national level, RES-E development requires additional local investments for grid connections and grid extensions and reinforcements.

The lengthy timescales for planning, licensing, and constructing new energy infrastructure should be tackled and considered in a direction of simplification and shortening, when possible. At European level, investments in necessary cross-border transport network infrastructure should be encouraged.

For the RES-E potential being available in areas different from consumption areas, the new network infrastructure is needed to evacuate large energy flows from RES-E production locations to consumption locations.

Furthermore, as mentioned above, RES-development entails direct costs as well as indirect costs (e.g. power grid reinforcements, etc). A well-functioning European GO-market shall contribute to a large extent to minimize the additional direct costs. On the other hand, the additional indirect costs require specific encouraging provisions that are difficult to be addressed by a GO-market.

In accordance with the solidarity principle, more use of the Cohesion Fund, European Regional Development Fund, or the creation of an EU RES Fund should be envisaged.

Alternative energy sources are not a silver bullet and alone shall not be enough to resolve
supply-demand equation. However, their development shall contribute to sustainability and quality of life. Consistent energy policy shall pay dividends in the long run and synergy of policies is in the fundament.

AMENDMENTS

The Committee on Economic and Monetary Affairs calls on the Committee on Industry, Research and Energy, as the committee responsible, to incorporate the following amendments in its report:

Amendment 1

Proposal for a directive
Recital 2

Text proposed by the Commission
(2) In particular, increased use of biofuels for transport is one of the most effective tools by which the Community can reduce its dependence on imported oil - where the security of supply problem is most acute - and influence the fuel market for transport.

Amendment
(2) In particular, increased use of sustainable and second-generation biofuels for transport is one of the tools by which the Community can reduce its dependence on imported oil - where the security of supply problem is most acute - and influence the fuel market for transport.

Amendment 2

Proposal for a directive
Recital 9

Text proposed by the Commission
(9) Member States' starting points, renewable energy potentials and energy mixes vary. It is therefore necessary to translate the overall 20% target into individual targets for each Member State, with due regard to a fair and adequate allocation taking account of different national starting points and potentials, including the existing level of renewable energies and energy mix. It is appropriate to do this by sharing the required total increase in the use of energy from renewable sources between Member States

Amendment
(9) Member States' starting points, renewable energy potentials and energy mixes vary. It is therefore necessary to translate the overall 20% target into individual targets for each Member State, with due regard to a fair and adequate allocation taking account of different national starting points and potentials, including the existing level of renewable energies and energy mix. It is appropriate to do this 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 Gross Domestic Product, modulated to reflect national starting points, and by accounting in terms of final energy consumption, with account being taken of Member States’ past efforts with regard to the use of energy from renewable sources.

Justification

It needs to be ensured that the Member States’ past commitment is taken into account.

Amendment 3

Proposal for a directive
Recital 30

Text proposed by the Commission

(30) The costs of connecting new producers of electricity from renewable energy sources to the electricity grid should be objective, transparent and non-discriminatory and due account should be taken of the benefit embedded generators bring to the grid.

Justification

The principles of transparency, objectivity and non-discrimination as well as economic logic are essential for the efficient functioning of the European electricity market. Connections to the grid ("last mile") are solely of benefit to the respective generators which is not faced by other grid customers. Furthermore, costs of connecting new producers mainly depend on the locations of generation sites which are determined by generators.

Amendment 4

Proposal for a directive
Recital 31

Text proposed by the Commission

(31) In certain circumstances it is not

Amendment

(31) In certain circumstances it is not
possible to fully ensure transmission and distribution of electricity produced from renewable energy sources without affecting the reliability and safety of the grid system. In these circumstances it may be appropriate for financial compensation to be given to those producers.

In those circumstances it may be appropriate to curtail the infeed without providing for any financial compensation.

Justification

The transmission and distribution of renewably energy is constrained by the physical network capacities. Therefore, under certain circumstances such generation has to be scaled down in order to meet the physical limitations of the network. The constraint is a consequence of Kirchhoff’s laws. Reductions of the generation of renewable energy producers should go to their own expenses. The same also happens to conventional plants. Any compensation payments are inappropriate.

Amendment 5

Proposal for a directive
Recital 33

Text proposed by the Commission

(33) Interconnection among countries eases integration of electricity from renewable energy sources. Besides smoothing variability, interconnection can reduce balancing costs, encourage true competition bringing about lower prices, and support the development of networks. Also, the sharing and optimal use of transmission capacity could help avoid excessive new build.

Amendment

deleted

Justification

The concept is wrong. Variability has to be handled within a control block, the structure of blocks being part of an interconnected power system. Balance power has to be provided predominantly on a local basis. If it is travelling on long distances, free capacity has to be reserved, because the emergency of balancing is not predictable. Grid development is based, inter alia, on investment incentives. Due to an obligation for operators to transport renewables they have to strengthen the grid for the peak amount of this infeed. It is this development that should be well estimated.

Amendment 6
### Proposal for a directive

#### Recital 40

<table>
<thead>
<tr>
<th>Text proposed by the Commission</th>
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<tr>
<td>(40) Where biofuels and other bioliquids are made from raw material produced in the EU, they should also comply with EU environmental requirements for agriculture. Applying such criteria to imports from third countries is administratively and technically unfeasible.</td>
<td>(40) Where biofuels and other bioliquids are made from raw material produced in the EU, they should also comply with EU environmental requirements for agriculture and should not endanger food production. Applying such criteria to imports from third countries is administratively and technically unfeasible.</td>
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</table>

**Justification**

The production of biofuels and bioliquids should be carefully approached in the context of increasing food prices and global challenges.

### Amendment 7

#### Proposal for a directive

#### Recital 41

<table>
<thead>
<tr>
<th>Text proposed by the Commission</th>
<th>Amendment</th>
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<tr>
<td>(41) The environmental sustainability criteria will only be effective if they lead to changes in the behaviour of market actors. Market actors will only change their behaviour if biofuels and other bioliquids meeting the criteria command a price premium compared to those that do not. According to the mass balance method of verifying compliance, there is a physical link between the production of biofuels and other bioliquids meeting the criteria and the consumption of biofuels and other bioliquids in the Community, providing an appropriate balance between supply and demand and ensuring a price premium that is greater than in systems where there is no such link. Therefore to ensure that biofuels and other bioliquids meeting the environmental sustainability criteria can be sold at a higher price, maintaining the integrity of the system</td>
<td>deleted</td>
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</table>
while at the same time avoiding imposing an unreasonable burden on industry, the mass balance system should be used to verify compliance. Other verification methods should however be reviewed.

Justification

Biofuels must meet the criteria for environmental sustainability.

Amendment 8
Proposal for a directive
Recital 50

Text proposed by the Commission
(50) Regular reporting is needed to ensure a continuing focus on progress in the development of renewable energy at national and Community level.

Amendment
(50) A regular, unbureaucratic reporting requirement is needed to ensure a focus on progress in the development of renewable energy at national and Community level.

Justification

Reporting should take place without bureaucracy.

Amendment 9
Proposal for a directive
Article 2 – point a

Text proposed by the Commission
(a) "energy from renewable sources" means renewable non-fossil energy sources: wind, solar, geothermal, wave, tidal, hydropower, biomass, landfill gas, sewage treatment plant gas and biogases;

Amendment
(a) "energy from renewable sources" means renewable non-fossil energy sources: wind, solar, air, water, ground, geothermal, wave, tidal, hydropower, biomass, landfill gas, sewage treatment plant gas and biogases;

Justification

Air, water and ground are renewable energy sources broadly used by heat-pumps and were recognised as such in the EU criteria set for the eco labelling of heat pumps. The technological characteristics of heat-pumps allows for such sources to yield and supply highly efficient heating, and therefore broadening the definition to include these energy sources.
media will clarify the potential to be exploited. Additionally, the specific technology used by heat-pumps permit to transfer energy from air, water and ground by using their temperature, positive or negative, for heating and cooling. In the objective of reaching the 20% of energy from renewables by 2020, the Commission's proposal should include a more exhaustive list of renewable sources. In this perspective, air, water and ground should be included in the Commission's text.

Amendment 10
Proposal for a directive
Article 6 – title

Text proposed by the Commission
Guarantees of origin of electricity, heating and cooling produced from renewable energy sources

Amendment
Guarantees of origin of electricity, heating and cooling and transport produced from renewable energy sources

Justification
The GO-system should cover all renewable sources.

Amendment 11
Proposal for a directive
Article 6 – paragraph 2 – point b – point i

Text proposed by the Commission
(i) electricity; or

Amendment
(i) electricity;

Amendment 12
Proposal for a directive
Article 6 – paragraph 2 – point b – point ii

Text proposed by the Commission
(ii) heating and/or cooling;

Amendment
(ii) heating and/or cooling; or

Amendment 13
Proposal for a directive
Article 6 – paragraph 2 – point b – point ii a (new)

Text proposed by the Commission

Amendment

(iia) transport;

Justification

The GO-system should cover all renewable sources.

Amendment 14

Proposal for a directive
Article 9 – paragraph 1

Text proposed by the Commission

Amendment

1. Member States whose share of energy from renewable sources equalled or exceeded the indicative trajectory in Part B of Annex I in the immediately preceding two-year period may request the competent bodies designated in accordance with Article 7 to transfer the guarantees of origin submitted for cancellation under Article 8(1) to another Member State. Such guarantees of origin shall immediately be cancelled by the competent body in the receiving Member State.

Justification

National action plans should be the yardstick for the Member States.

Amendment 15

Proposal for a directive
Article 9 – paragraph 2

Text proposed by the Commission

Amendment

2. Member States may provide for a system of prior authorisation for the transfer of guarantees of origin to or from persons in other Member States if, in the

deleted
absence of such a system, the transfer of guarantees of origin to or from the Member State concerned is likely to impair their ability to ensure a secure and balanced energy supply or is likely to undermine the achievement of the environmental objectives underlying their support scheme.

Member States may provide for a system of prior authorisation for the transfer of guarantees of origin to persons in other Member States if in the absence of such a system, the transfer of guarantees of origin is likely to impair their ability to comply with Article 3(1) or to ensure that the share of energy from renewable sources equals or exceeds the indicative trajectory in Part B of Annex I.

The system of prior authorisation shall not constitute a means of arbitrary discrimination.

Justification

Trading by persons would run counter to national support strategies and push up prices for the use of renewables, leading to significant energy price inflation.

Amendment 16

Proposal for a directive
Article 9 – paragraph 4

Text proposed by the Commission

4. Member States shall notify the Commission of any system of prior authorisation they intend to have in force pursuant to paragraph 2, and any subsequent changes thereto.

The Commission shall publish that information.

Justification

Trading by persons would run counter to national support strategies and push up prices for the use of renewables, leading to significant energy price inflation.
Amendment 17

Proposal for a directive
Article 14 – paragraph 1

*Text proposed by the Commission*

1. Member States shall take the necessary steps to develop grid infrastructure to accommodate the further development of electricity production from renewable energy sources, including interconnectors between Member States.

*Amendment*

1. Member States shall take the necessary steps to develop, *and provide incentives to develop*, grid infrastructure to accommodate the further development of electricity production from renewable energy sources, including interconnectors between Member States.

*Justification*

*It is an obligation and task of the grid operators to care for the most efficient grid topology to secure the national supply. On the basis of efficiency, judged by the national regulator, they have benefits. Additional interconnectors will enhance trade. However, these assets should be recognized by the regulator.*

Amendment 18

Proposal for a directive
Article 14 – paragraph 2

*Text proposed by the Commission*

2. Without prejudice to the maintenance of the reliability and safety of the grid, Member States shall ensure that transmission system operators and distribution system operators in their territory guarantee the transmission and distribution of electricity produced from renewable energy sources. They shall also provide for priority access to the grid system of electricity produced from renewable energy sources. When dispatching electricity generating installations, transmission system operators shall give priority to generating installations using renewable energy sources insofar as the security of the

*Amendment*

2. Without prejudice to the maintenance of the reliability and safety of the grid, Member States shall ensure that transmission system operators and distribution system operators in their territory guarantee the transmission and distribution of electricity produced from renewable energy sources *while guaranteeing security of supply*. They shall also provide for priority access to the grid system of electricity produced from renewable energy sources. When dispatching electricity generating installations, transmission system operators shall give priority to generating installations using renewable energy sources.
national electricity system permits.

Justification

Security of supply must not be put at risk.

Amendment 19

Proposal for a directive
Article 14 – paragraph 3 – subparagraph 1

Text proposed by the Commission

3. Member States shall require transmission system operators and distribution system operators to set up and publish their standard rules relating to the bearing and sharing of costs of technical adaptations, such as grid connections and grid reinforcements, which are necessary in order to integrate new producers feeding electricity produced from renewable energy sources into the interconnected grid.

Amendment

3. Member States shall require transmission system operators and distribution system operators to set up and publish their standard rules relating to the bearing and sharing of costs of technical adaptations, such as grid connections and grid reinforcements, which are necessary in order to integrate new producers feeding electricity produced from renewable energy sources into the interconnected grid. The cost of connection to the grid (last mile connection) shall be borne by the producer.

Justification

Grid operators have to indicate the most appropriate connection point based on technical objectives. The “last mile” solely serves the generator. Therefore according to the rules for conventional generators this refers to renewables and CHP as well. If a generator stops the generation facility for whatever reason, the “last mile” will become a stranded asset. So it has to be part of the business plan of the generator and not be borne by any other party.

Amendment 20

Proposal for a directive
Article 14 – paragraph 4

Text proposed by the Commission

4. Where appropriate, Member States may require transmission system operators and distribution system operators to bear, in

Amendment

4. Where appropriate, Member States may require transmission system operators and distribution system operators to bear, in
full or in part, the costs referred to in paragraph 3. Member States shall review and take the necessary measures to improve the frameworks and rules for bearing and sharing of costs referred to in paragraph 3 by 30 June 2011 at the latest and every two years thereafter to ensure the integration of new producers as referred to in that paragraph.

Justification

If the political will to subsidize particular sources results in additional investment needs for the grid operator, these costs have to be recognized as granted independent on what incentive regulation scheme is in place. As far as the realization scheme of the grid operator has to be efficient an ex ante check by the regulator is preferable.

Amendment 21

Proposal for a directive
Article 14 – paragraph 6

6. The sharing of costs referred in paragraph 3 shall be enforced by a mechanism based on objective, transparent and non-discriminatory criteria taking into account the benefits which initially and subsequently connected producers as well as transmission system operators and distribution system operators derive from the connections.

Amendment 22

6. The sharing of costs referred in paragraphs 3 and 4 shall be enforced by a mechanism based on objective, transparent and non-discriminatory criteria taking into account the benefits which initially and subsequently connected producers as well as transmission system operators and distribution system operators derive from the connections, and the contribution made by the new plants to achieving the EU’s objectives in fighting climate change.
Proposal for a directive  
Article 15 – paragraph 1 – introductory part

1. Biofuels and other bioliquids shall be taken into account for the purposes listed under letters (a), (b) and (c) below only if they fulfil the criteria set out in paragraphs 2 to 5:

Justification

Necessary change, since a new criterion is being defined.

Amendment 23

Proposal for a directive  
Article 15 – paragraph 1 a (new)

1a. The use of land for the production of biofuels and other bioliquids shall not compete with the use of land for the production of food.

Justification

Extra attention needs to be paid to ensure that the food situation is not exacerbated by the use of bio-fuels.
## PROCEDURE

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<td>Mariela Velichkova</td>
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<td>Baeva</td>
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<tr>
<td>Substitute(s) present for the final vote</td>
<td>Mia De Vits, Harald Ettl, Margaritis Schinas, Theodor Dumitru Stolojan</td>
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26.6.2008

OPINION OF THE COMMITTEE ON TRANSPORT AND TOURISM

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

Draftswoman: Inés Ayala Sender

SHORT JUSTIFICATION

I. The proposal for a directive: provisions relating to the transport sector

On 23 January 2008 the Commission submitted a series of initiatives for combating climate change, including this proposal for a directive on the promotion of the use of energy from renewable sources. In it, the Commission sets out a framework for promoting the use of renewables, targeting the electricity, heating and refrigeration, and transport sectors.

In the transport sector the directive sets specific objectives for the use of renewables, particularly biofuels and other bioliquids, to reach a share of 10% of total consumption by 2020. This would make it possible to guarantee uniformity of the technical specifications applicable to fuels and their availability, to permit supply both by internal production and by imports, to reduce oil dependency and to stimulate European biofuels production, which is still quite low owing to high production costs.

The proposal for a directive also puts in place a system for ensuring the environmental sustainability of biofuels by means of a set of criteria (Article 15) which must be met if they are to comply with the stated aims of the directive and be eligible for financial aid:

- A reduction in greenhouse gas emissions of at least 35%;
- No production from biofuel feedstock obtained from land with high biodiversity value (forest undisturbed by human activity, areas designated for nature protection purposes or highly biodiverse grassland);
No conversion of land with high carbon stock, such as wetlands or forests, into biofuel production areas.

Article 16 sets up a system for the verification of these criteria for EU-produced and imported biofuels.

Article 17 defines the method for calculating the reduction of greenhouse gas emissions for the biofuels sector, in accordance with values and methods defined in Annex VII taking account of the positive and negative effects of land conversion, such as the uncompensated release of some of the carbon contained in the soil.

Article 18 requires the Member States to provide the public with sufficient information on the availability of biofuels for transport (indication at sales points of percentages of biofuels, blended in mineral oil derivatives, exceeding the limit value of 10%). Diesel containing at least 7% by volume of biodiesel must be placed on sale in all filling stations with at least two pumps by 31 December 2010, and diesel with at least 10% biodiesel by 31 December 2014.

II. Draftswoman’s position

Your draftswoman has tried to respond to questions concerning the use of biofuels in transport and their environmental and economic sustainability, while taking into account the current situation both globally, with the rise of raw material prices blamed partly on biofuels, and in Europe, with recent decisions by some Member States to suspend production of biofuels. The 10% target is thus increasingly being called into question.

Biofuels should significantly reduce the emission of greenhouse gases, but they also have to comply with environmental and social requirements in the agriculture sector and economic requirements specific to transport. Biofuels should also be the fuels of the future for all modes of transport, including by air and sea, and should not be confined to road transport.

Concentrating on the articles on biofuels, your draftswoman wishes to deal as a priority with a number of particular points:

- The objective of biofuels constituting 10% of the fuel needed for transport by 2020 is not achievable without a massive use of first-generation biofuels, which give rise to major environmental and social problems. Second-generation biofuels still face technical and economic uncertainties over their use before 2020. Your draftswoman therefore proposes a flexible and progressive approach to achieving this 10% objective.

- On environmental and social sustainability criteria, your draftswoman wishes these to be compatible with the criteria currently under discussion in the proposal for amending Directive 98/70/EC on fuel quality, in line with the report adopted at first reading in the ENVI committee on 6 December 2007. In the interests of better lawmaking, it would seem necessary to have identical criteria providing a high level of social and environmental protection in both proposals.

- Other energy sources besides biofuels should be incorporated into the proposal.
Regarding comitology, the regulatory procedure with scrutiny should be applied to the sustainability criteria in the context of international agreements.

**AMENDMENTS**

The Committee on Transport and Tourism calls on the Committee on Industry, Research and Energy, as the committee responsible, to incorporate the following amendments in its report:

**Amendment 1**

*Proposal for a directive*

**Recital 2**

<table>
<thead>
<tr>
<th>Text proposed by the Commission</th>
<th>Amendment</th>
</tr>
</thead>
<tbody>
<tr>
<td><em>In particular, increased</em> use of <em>biofuels</em> for transport is one of the most effective tools by which the Community can reduce its dependence on imported oil – where the security of supply problem is most acute - and influence the fuel market for transport.</td>
<td><em>Increased</em> use of <em>renewable energy sources, particularly biofuels but also hydrogen produced from renewable sources, such as fuel cells</em>, for transport is one of the most effective tools by which the Community can reduce its dependence on imported oil – where the security of supply problem is most acute - and influence the fuel market for transport.</td>
</tr>
</tbody>
</table>

*Justification*

*Biofuels are not the only technology which should be taken into account in the calculation of the 10% share of renewable energy sources in the transport sector. Other technologies, such as hydrogen, also need to be encouraged.*

**Amendment 2**

*Proposal for a directive*

**Recital 14 a (new)**

<table>
<thead>
<tr>
<th>Text proposed by the Commission</th>
<th>Amendment</th>
</tr>
</thead>
<tbody>
<tr>
<td><em>(14a) In order to cut greenhouse gas emissions within the European Union and to reduce its dependence on energy imports, the development of renewable energies should be closely linked to</em></td>
<td></td>
</tr>
</tbody>
</table>

EN
increased energy efficiency.

Justification

A precondition for the substantial development of renewable energies is that it should significantly reduce total energy consumption (particularly through measures to increase energy efficiency).

Amendment 3

Proposal for a directive
Recital 36

Text proposed by the Commission

(36) The Brussels European Council of March 2007 invited the Commission to propose a comprehensive Directive on the use of all renewable energy sources, which could contain criteria and provisions to ensure sustainable provision and use of bioenergy. These criteria should form a coherent part of a wider scheme covering also bioliquids and not biofuels alone. Such sustainability criteria should therefore be included in this Directive. In order to avoid the additional costs to business and the environmental incoherence that would be associated with an inconsistent approach, it is essential for sustainability criteria in respect of biofuels to be aligned between this Directive and Directive 98/70/EC. The Commission should in addition review in 2010 whether other biomass applications should be included

Amendment

(36) The Brussels European Council of March 2007 invited the Commission to propose a comprehensive Directive on the use of all renewable energy sources, which could contain criteria and provisions to ensure sustainable provision and use of bioenergy. These criteria should form a coherent part of a wider scheme covering also bioliquids and not biofuels alone. Such sustainability criteria should therefore be included in this Directive. In order to avoid the additional costs to business and, with a view to improving Community lawmaking, to avoid the environmental incoherence that would be associated with an inconsistent approach, it is essential for the sustainability criteria in respect of biofuels in this Directive and in Directive 98/70/EC to be identical. The Commission should in addition review in 2010 whether other biomass applications should be included

Justification

The environmental viability criteria proposed by the Commission must be identical with those of Directive 98/70/EC on fuel quality, the first reading of which is at a more advanced stage than this proposal. It is necessary to avoid any contradiction between the provisions of two directives concerning the same sector but based approaching it from different angles.
Amendment 4

Proposal for a directive
Recital 48

Text proposed by the Commission

(48) In order to permit the achievement of a 10% share of biofuels, it is necessary to ensure the placing on the market of higher blends of biodiesel in diesel than those envisaged by standard EN590/2004.

Amendment

(48) In order to permit the achievement of a 10% share of energy from renewable sources in the transport sector, it is necessary with regard to biofuels to ensure the placing on the market of higher blends of biodiesel in diesel than those envisaged by standard EN590/2004.

Justification

Biofuels are not the only technology which needs to be taken into account in calculating the 10% share of energy from renewables in the transport sector. Other technologies, such as hydrogen, should also be encouraged.

Amendment 5

Proposal for a directive
Recital 48 b (new)

Text proposed by the Commission

(48b) Particular attention should be given to the biofuels production and logistics chain, looking in particular at the available infrastructure and the transport and distribution of biofuels throughout the European Union. The logistics chain for the supply of biofuels is an important factor in complying with the objective of greenhouse gas reduction. Accordingly reducing the greenhouse gas emissions it generates should be a key priority. The creation of biofuels production, logistics and distribution infrastructure should thus be encouraged, particularly through projects funded in the context of trans-European energy networks.

Amendment

(48b) Particular attention should be given to the biofuels production and logistics chain, looking in particular at the available infrastructure and the transport and distribution of biofuels throughout the European Union. The logistics chain for the supply of biofuels is an important factor in complying with the objective of greenhouse gas reduction. Accordingly reducing the greenhouse gas emissions it generates should be a key priority. The creation of biofuels production, logistics and distribution infrastructure should thus be encouraged, particularly through projects funded in the context of trans-European energy networks.
Justification

The use of biofuels in the European Union should go hand in hand with investment efforts, e.g. in connection with trans-European energy networks in production, distribution and logistics infrastructures, so that the achievement of the objective is not delayed for want of infrastructure. Furthermore, if transport routes between the place of production and the place of distribution of biofuels are too long, they will be the cause of greenhouse gas emissions and risk diminishing the net benefit in terms of emissions reduction.

Amendment 6

Proposal for a directive
Article 3 – paragraph 3 – subparagraph 2 a (new)

Text proposed by the Commission

Amendment

In calculating energy from renewable sources in the transport sector, account shall be taken of alternative energies such as biofuels and other bioliquids, hydrogen from renewable energy sources, such as fuel cells, or electricity from renewable energy sources.

Justification

Biofuels are not the only technology which needs to be taken into account in calculating the 10% share of energy from renewables in the transport sector. Other technologies, such as hydrogen, also need be encouraged.

Amendment 7

Proposal for a directive
Article 4 – paragraph 1 – indent 2 a (new)

Text proposed by the Commission

Amendment

In the field of transport, national action plans must, in addition to the measures referred to in the previous subparagraph, contain more specific measures to promote the renewable energy production and logistics chain, including biofuels, gaseous fuels (such as biomethane), hydrogen and electricity produced from renewable sources. These measures, eligible for funding under the trans-
European energy networks, must, through investment in infrastructure, facilitate the production of renewable energy throughout the European Union and its transport and distribution direct to the consumer. It should also be envisaged that Member States must provide incentives for the development of refuelling infrastructures in order to create the necessary conditions for widespread sustainable mobility.

Justification

The use of energy produced from renewable sources must be supported by investment, for example through the trans-European energy networks, in production and distribution infrastructure and logistics, so that attainment of the objective is not held back by a lack of infrastructure.

Amendment 8

Proposal for a directive
Article 14 – Title

Text proposed by the Commission

Access to the electricity grid

Amendment

Access to the grid

Justification

It's essential that the support scheme offered for the use of biogas for heat and power generation should be matched with financially neutral support schemes for the production of biomethane of a quality fit for pipeline injection and use in vehicles.

Amendment 9

Proposal for a directive
Article 15 – Title

Text proposed by the Commission

Environmental sustainability criteria for biofuels and other bioliquids

Amendment

Environmental and social sustainability criteria for biofuels and other bioliquids

Justification

Requirements regarding social criteria must be incorporated into Article 15, in line with the
report adopted at first reading by Parliament’s ENVI committee on the amendment of Directive 98/70/EC on fuel quality, to ensure that the criteria in the two directives are identical. It is necessary to avoid any contradiction between the provisions of two directives concerning the same sector but approaching it from different angles.

Amendment 10

Proposal for a directive
Article 16 - Title

<table>
<thead>
<tr>
<th>Text proposed by the Commission</th>
<th>Amendment</th>
</tr>
</thead>
<tbody>
<tr>
<td>Verification of compliance with the environmental sustainability criteria for biofuels and other bioliquids</td>
<td>Verification of compliance with the environmental and social sustainability criteria for biofuels and other bioliquids</td>
</tr>
</tbody>
</table>

Justification

The production of biofuels may cause serious social problems in production areas, particularly in non-EU countries. The verification of compliance with criteria by the Member States and the Commission must therefore also cover all social as well as environmental aspects of biofuels production.

Amendment 11

Proposal for a directive
Article 16 – paragraph 3

<table>
<thead>
<tr>
<th>Text proposed by the Commission</th>
<th>Amendment</th>
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<tbody>
<tr>
<td>3. Member States shall require economic operators to submit reliable information and to make available to the Member State, on request, the data that were used to develop the information. Member States shall require economic operators to arrange for an adequate standard of independent auditing of the information they submit, and to provide evidence that this has been done. The auditing shall verify that the systems used by economic operators are accurate, reliable and fraud-resistant. It shall evaluate the frequency and methodology of sampling and the robustness of the data.</td>
<td>3. Member States shall require economic operators to submit reliable information on the environmental and social sustainability of biofuels and other bioliquids and to make available to the Member State, on request, the data that were used to develop the information. Member States shall require economic operators to arrange for an adequate standard of independent auditing of the information they submit, and to provide evidence that this has been done. The auditing shall verify that the systems used by economic operators are accurate, reliable and fraud-resistant. It shall evaluate the frequency and methodology of</td>
</tr>
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</table>

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The production of biofuels may cause serious social problems in production areas, particularly in non-EU countries. The verification of compliance with criteria by the Member States and the Commission must therefore also cover all social as well as environmental aspects of biofuels production.

**Amendment 12**

**Proposal for a directive**  
**Article 16 – paragraph 6**

<table>
<thead>
<tr>
<th>Text proposed by the Commission</th>
<th>Amendment</th>
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</thead>
<tbody>
<tr>
<td>6. Decisions pursuant to paragraph 4 shall be adopted in accordance with the procedure referred to in Article 21(2). Such decisions shall be valid for a period of no more than 5 years.</td>
<td>6. Decisions pursuant to paragraph 4 shall be adopted in accordance with the procedure referred to in Article 21(3). Such decisions shall be valid for a period of no more than 5 years.</td>
</tr>
</tbody>
</table>

**Justification**

Parliament must be involved, via the regulatory procedure with scrutiny, in ensuring that bi- and multilateral agreements comply with environmental and social sustainability criteria.

**Amendment 13**

**Proposal for a directive**  
**Article 18 – paragraph 3 a (new)**

<table>
<thead>
<tr>
<th>Text proposed by the Commission</th>
<th>Amendment</th>
</tr>
</thead>
<tbody>
<tr>
<td>3a. Paragraphs 2 and 3 shall apply equally to petrol fuels containing bioethanol.</td>
<td></td>
</tr>
</tbody>
</table>

**Justification**

Widespread availability of petrol fuels containing biofuels at all filling stations is essential for achieving the target for biofuels.

sampling and the robustness of the data.

**Justification**
Amendment 14

Proposal for a directive
Article 20 – paragraph 5 – point (a)

Text proposed by the Commission

(a) the relative environmental benefits and costs of different biofuels, the effects of the Community's import policies thereon, the security of supply implications and the ways of achieving a balanced approach between domestic production and imports;

Amendment

(a) the relative environmental and social benefits and costs of different biofuels, the effects of the Community's import policies thereon, the security of supply implications and the ways of achieving a balanced approach between domestic production and imports

Justification

In its reports to the Parliament and Council the Commission should take account of the above-mentioned social criteria, not merely the environmental criteria.

Amendment 15

Proposal for a directive
Article 20 – paragraph 5 – subparagraph 2

Text proposed by the Commission

It shall, if appropriate, propose corrective action

Amendment

It shall, if appropriate, and taking into account the information referred to in points (a) to (d), propose corrective action on the share of energy from renewable sources in the transport sector and on the environmental and social criteria for biofuels.

Justification

The nature of the corrective action needs to be specified, both as regards the share of energy produced from renewable sources to be achieved in the transport sector, which may vary depending on market developments and scientific progress, and as regards the environmental and social criteria to be complied with.
Amendment 16

Proposal for a directive
Annex III – line 2 – column 1

<table>
<thead>
<tr>
<th>Text proposed by the Commission</th>
<th>Amendment</th>
</tr>
</thead>
<tbody>
<tr>
<td>Bioethanol (ethanol produced from biomass)</td>
<td>Bioethanol (ethanol produced from biomass and/or the biodegradable fraction of waste, to be used as biofuel)</td>
</tr>
</tbody>
</table>

Justification

The definition of bioethanol in the annex to the directive should be brought in line with the definition of Directive 2003/30/EC on the promotion of the use of biofuels or other renewable fuels for transport, by adding the reference to the use of waste in the production of biofuels.
## PROCEDURE

<table>
<thead>
<tr>
<th>Title</th>
<th>Energy produced from renewable sources</th>
</tr>
</thead>
<tbody>
<tr>
<td>Committee responsible</td>
<td>ITRE</td>
</tr>
<tr>
<td>Opinion by</td>
<td>TRAN</td>
</tr>
<tr>
<td>Date announced in plenary</td>
<td>19.2.2008</td>
</tr>
<tr>
<td>Drafts(wo)man</td>
<td>Inés Ayala Sender</td>
</tr>
<tr>
<td>Date appointed</td>
<td>26.2.2008</td>
</tr>
<tr>
<td>Discussed in committee</td>
<td>29.5.2008</td>
</tr>
<tr>
<td>Date adopted</td>
<td>24.6.2008</td>
</tr>
<tr>
<td>Result of final vote</td>
<td>+: 24</td>
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<tr>
<td></td>
<td>–: 17</td>
</tr>
<tr>
<td></td>
<td>0: 2</td>
</tr>
<tr>
<td>Members present for the final vote</td>
<td>Gabriele Albertini, Inés Ayala Sender, Etelka Barsi-Pataky, Paolo Costa, Michael Cramer, Luis de Grandes Pascual, Arūnas Degutis, Christine De Veyrac, Petr Duchoň, Saïd El Khadraoui, Robert Evans, Francesco Ferrari, Brigitte Fouré, Mathieu Grosch, Georg Jarzembowski, Timothy Kirkhope, Dieter-Lebrecht Koch, Jaromír Kohlíček, Boguslaw Liberdzki, Eva Lichtenberger, Seán Ó Neachtain, Josu Ortuondo Larrea, Pawel Bartlomiej Piskorski, Reinhard Rack, Brian Simpson, Renate Sommer, Dirk Sterckx, Silvia-Adriana Țițcău, Yannick Vaugrenard</td>
</tr>
<tr>
<td>Substitute(s) present for the final vote</td>
<td>Margrete Auken, Philip Bradbourn, Lily Jacobs, Elisabeth Jeggle, Maria Eleni Koppa, Helmut Markov, Rosa Miguélez Ramos, Vural Öger, Marie Panayotopoulos-Cassiotou, Corien Wortmann-Kool</td>
</tr>
<tr>
<td>Substitute(s) under Rule 178(2) present for the final vote</td>
<td>Ioannis Gklavakis, Helmut Kuhne, Maria Petre, Eoin Ryan</td>
</tr>
</tbody>
</table>
OPINION OF THE COMMITTEE ON REGIONAL DEVELOPMENT

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

Draftsman: Samuli Pohjamo

SHORT JUSTIFICATION

In its opinion for the Committee on Industry, Research and Energy on "a roadmap for renewable energy in Europe of 2007, the Committee on Regional Development urged the European Commission to come forward as soon as possible with a proposal for a Directive on renewable energies, together with tools for promotion, technology transfer and the dissemination of best practices in the exploitation of this potential.

It should be also recalled that the Committee was in favour of an average target of 25% renewables by 2020 and clear binding targets for the electricity, transport, heating and cooling sectors. The Committee called on the EU to clarify the roles, rights and responsibilities of the regions and local authorities in policy implementation, in line with the principle of subsidiarity.

The 'New Energy Policy for Europe' should be supported, as it fully respects Member States' choice of energy mix and their sovereignty over primary energy sources, while at the same time, the policy is underpinned with a spirit of solidarity amongst Member States, to ensure an integrated approach to climate change and the challenge of promoting environmental sustainability. It should be stressed that an energy policy using renewables offers the opportunity for a decentralised energy policy through the exploitation of regional potential and meeting regions' needs. Therefore, the competent authorities should be given the means to achieve these objectives. It is important that Member States consider all possible renewable energy technologies.

The Commission should be requested to make cogeneration compulsory, when
technically possible, where renewable energy is produced from biomass. Furthermore, the Commission should study the impact of wood burning furnace projects on the local and sustainable development of the timber sector, given that this sector plays a major role in contributing to regional development and the dynamism of rural economies.

In this context, Members States and regions should support the initiatives and activities of all local stakeholders involved in the development of renewable energy sources – local and regional authorities, farmers and foresters, businesspeople and planners, universities, researchers and private individuals. They should also encourage the establishment of public-private partnerships and improve the supply and marketing circuits for the renewable energy produced.

Regional and local authorities should set an example for the European public by adopting renewable energy technologies on their premises, encouraging the use of biofuels in their vehicles and saving energy by means of energy efficient installations.

It must be underlined that the use of renewables, as well as the production of equipment and machines, can provide development opportunities to many regions across Europe, especially in regions with limited job creation options.

Making full use of renewable energy sources still requires a great deal of research activity, product development, publicity and exchange of best practices.

The value of renewable energy sources from the regional point of view must be strongly stressed. Therefore, it is important that the use of renewables serves a purpose with demonstrable added value.

**AMENDMENTS**

The Committee on Regional Development calls on the Committee on Industry, Research and Energy, as the committee responsible, to incorporate the following amendments in its report:

**Amendment 1**

**Proposal for a directive**

**Recital 5 a (new)**

<table>
<thead>
<tr>
<th>Text proposed by the Commission</th>
<th>Amendment</th>
</tr>
</thead>
<tbody>
<tr>
<td>5a. To obtain an energy model that supports renewable energies there is a need to establish strategic cooperation in which the regions and local authorities take part, together with the Member States, with the aim of involving them</td>
<td>5a. To obtain an energy model that supports renewable energies there is a need to establish strategic cooperation in which the regions and local authorities take part, together with the Member States, with the aim of involving them</td>
</tr>
</tbody>
</table>
directly in its development.

Amendment 2
Proposal for a directive
Recital 38 a (new)

Text proposed by the Commission

38a. Deep undrained peatland with high stocks of carbon in its soil or vegetation should also not be utilised for the development of other renewable energy projects such as the construction of wind turbines and their associated roads, including ‘floating roads’ and other infrastructure. The impact of such developments on peatland would inevitably lead to the drying out of the peat bog over large areas and the release of stored carbon into the atmosphere, leading to the formation of carbon dioxide.

Justification

Peat land is a carbon sink. The construction of windfarms, ‘floating roads’ and other infrastructure leads to the disruption of the natural drainage and the drying out of the peat thus releasing vast quantities of carbon dioxide into the atmosphere, creating more carbon emissions than the wind farm will ever save.

Amendment 3
Proposal for a directive
Recital 45

Text proposed by the Commission

(45) In order to avoid a disproportionate administrative burden, a list of default values should be laid down for common biofuel production pathways. Biofuels and other bioliquids should always be entitled to claim the level of greenhouse gas savings established by this list. Where the

Amendment

(45) In order to avoid a disproportionate administrative burden, a list of default values should be laid down for common biofuel production pathways. Biofuels and other bioliquids should always be entitled to claim the level of greenhouse gas savings established by this list, albeit that
default value for greenhouse gas savings from a production pathway lies below the required minimum level of greenhouse gas savings, 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.

that should in no case lead to discrimination against Member States and regions whose territories are relatively unproductive because of the nature of their soil, climate or output of raw materials. Where the default value for greenhouse gas savings from a production pathway lies below the required minimum level of greenhouse gas savings, 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.

Justification

Avoiding discrimination between Member States and third countries.

Amendment 4

Proposal for a directive

Recital 51

Text proposed by the Commission

(51) Support measures taken pursuant to this Directive that constitute State aid in the sense of Article 87 of the Treaty have to be notified to and approved by the Commission before their implementation, pursuant to Article 88(3) of the Treaty. Information provided to the Commission on the basis of this Directive does not substitute for the obligation of Member States under the notification obligation pursuant to Article 88(3) of the Treaty.

Amendment

(51) The Member States, regions and local authorities may set up public aid to support renewable energies, as they are initially more expensive than those they replace, with the consequence that their penetration of the energy market is not resulting in short-term commercial benefits or lower prices for consumers. Support measures taken pursuant to this Directive that constitute State aid in the sense of Article 87 of the Treaty have to be notified to and approved by the Commission before their implementation, pursuant to Article 88(3) of the Treaty. Information provided to the Commission on the basis of this Directive does not substitute for the obligation of Member States under the notification obligation pursuant to Article 88(3) of the Treaty.
Justification

The best way of backing alternative energies in the Member States is to involve them in public aid to promote such energies.

Amendment 5

Proposal for a directive
Recital 51a (new)

Text proposed by the Commission

51a. The opportunities for establishing economic growth through innovation and a sustainable competitive energy policy have been recognised. Often, renewable energy production depends on local or regional SMEs. The opportunities for growth and employment that regional and local renewable energy investments bring about in the Member States and their regions are important. The Commission and the Member States therefore should support national and regional development measures in these areas, encourage the exchange of best practices in renewable energy production between local and regional development initiatives and promote the use of structural funding in this area;

Amendment 6

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

Text proposed by the Commission

3. Each Member State shall ensure that the share of energy from renewable sources in transport in 2020 is at least 10% of final consumption of energy in transport in that Member State.

Amendment

3. Each Member State shall ensure that the share of energy from renewable sources and from sustainable peat sources in transport in 2020 is at least 10% of final consumption of energy in transport in that Member State.
Justification

In several EU Member States sustainable peat is an important regional and local source of heat and power responding to the needs of decentralized and diversified energy systems. Transport fuel produced from peat would fulfil the greenhouse gas emission saving requirement, the benefits for climate are same as for other biofuels. Transport fuel produced from peat would enhance also the commercialization of 2nd generation Fischer Tropsch technology. Transport fuel produced from peat would also decrease the import dependency and the oil dependency of the European Union.

Amendment 7

Proposal for a directive

Article 4 – paragraph 1

Text proposed by the Commission

1. Each Member State shall adopt a national action plan.

Amendment

1. Each Member State shall adopt a national action plan, based on energy action plans draw up at local and regional level and coordinated with regional and land use policies; Member States shall actively consult and involve regional planning and local authorities at an early stage in the preparation of their national action plans.

The national action plans shall set out Member States’ targets for the shares of energy from renewable sources in transport, electricity and heating and cooling in 2020, and adequate measures to be taken to achieve these targets, including national policies to develop existing biomass resources and mobilise new biomass resources for different uses, and the measures to be taken to fulfil the requirements of Articles 12 to 17.

1a. The Commission shall provide local and regional authorities with detailed guidelines concerning the active role and competences they have in the implementation of the national action plans, using practical examples of the use of renewable energies, based on existing
**Amendment 8**

Proposal for a directive  
Article 12– paragraph 1 – point e a (new)

<table>
<thead>
<tr>
<th>Text proposed by the Commission</th>
<th>Amendment</th>
</tr>
</thead>
<tbody>
<tr>
<td>(ea) national legislation and administrative procedures allow and support the establishment of public-private partnerships and foster cooperation between businesses, the public sector, schools and universities in order to create regional innovation clusters, in the spirit of the Lisbon Strategy.</td>
<td></td>
</tr>
</tbody>
</table>

**Amendment 9**

Proposal for a directive  
Article 12 – paragraph 1 – subparagraph f

<table>
<thead>
<tr>
<th>Text proposed by the Commission</th>
<th>Amendment</th>
</tr>
</thead>
<tbody>
<tr>
<td>(f) less burdensome authorisation procedures are established for smaller projects; and</td>
<td>(f) less burdensome authorisation procedures are established for smaller projects and for decentralized renewable devices such as photovoltaic, solar thermal, small biomass stoves, small biogas microcogen, for which authorisation procedures will be replaced by a simple notification to the competent government body; and</td>
</tr>
</tbody>
</table>

*Justification*

Simple notification instead of burdensome authorisations will speed up penetration of small and decentralised renewables.
Amendment 10
Proposal for a directive
Article 12 – paragraph 4 – point a

Text proposed by the Commission

(a) the use of passive, low or zero energy buildings; or

Amendment

(a) building energy efficiency, defined by a combination of insulating standards and heating technology used, including combined heat and power generation.

Justification

In new building construction the use of renewable energies is feasible in many cases without great additional cost. But further technology options should be open to investors, as they often contribute to the aims of security of supply and climate protection even more cost-effectively. With existing buildings, however, there are often high extra costs involved in the subsequent installation of equipment to use renewable energies and they vary considerably from case to case. Here financial support by government makes more sense than building regulations that would greatly increase the cost in the case of existing buildings and involve bureaucratic inspection procedures.

Amendment 11
Proposal for a directive
Article 12 – paragraph 5 – sub-paragraph 1

Text proposed by the Commission

5. With respect to their building regulations and codes, Member States shall promote the use of renewable energy heating and cooling systems and equipment that achieve a significant reduction of energy consumption. Member States shall use energy or eco-labels or other appropriate certificates or standards developed at national or European level, where these exist, as the basis for encouraging such systems and equipment.

Amendment

5. With respect to their building regulations and codes, Member States shall promote the use of renewable energy heating and cooling systems and equipment, mainly in urban areas where these systems are of a particular utility, that achieve a significant reduction of energy consumption. Member States shall use energy or eco-labels or other appropriate certificates or standards developed at national or European level, where these exist, as the basis for encouraging such systems and equipment.
Justification

It is important from the point of view of EU regional policy to underline, in connection with the encouragement of energy heating and cooling systems, the urban dimension of the promotion of renewable energy sources.

Amendment 12

Proposal for a directive
Article 13 – title

<table>
<thead>
<tr>
<th>Text proposed by the Commission</th>
<th>Amendment</th>
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<tbody>
<tr>
<td>Information and training</td>
<td>Information, training and research</td>
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</tbody>
</table>

Amendment 13

Proposal for a directive
Article 13 – paragraph 4 a (new)

<table>
<thead>
<tr>
<th>Text proposed by the Commission</th>
<th>Amendment</th>
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</thead>
<tbody>
<tr>
<td>4a. Member States shall support research into renewable energies and the development of links between research centres and industry in a way that will facilitate the implementation of new technology and further product development.</td>
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</table>

Amendment 14

Proposal for a directive
Article 13 – paragraph 3

<table>
<thead>
<tr>
<th>Text proposed by the Commission</th>
<th>Amendment</th>
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<tbody>
<tr>
<td>3. Member States shall develop certification schemes for installers of small-scale biomass boilers and stoves, solar photovoltaic and solar thermal systems and heat pumps. Those schemes shall be based on the criteria laid down in Annex IV. Each</td>
<td></td>
</tr>
<tr>
<td>3. Member States shall develop certification schemes, insofar as they are not already available in the relevant national training programmes, for installers of small-scale biomass boilers and stoves, solar photovoltaic and solar thermal systems</td>
<td></td>
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</tbody>
</table>
Member State shall recognise certification awarded by other Member States in accordance with these criteria.

and heat pumps. Those schemes shall be based on the criteria laid down in Annex IV. Each Member State shall recognise certification awarded by other Member States in accordance with these criteria.

Justification

In view of the high standard of craft training in most Member States this proposed certification scheme is too far-reaching.

Amendment 15

Proposal for a directive
Article 13 – paragraph 4 a (new)

Text proposed by the Commission

Amendment

4a. Member States shall agree to establish principles of cooperation involving regional and local authorities, to enable them to participate fully in the development of information, awareness-raising, guidance and training programmes.

Justification

The regional and local authorities play an important role in education and training and are increasingly being asked by citizens to improve the quality of information currently provided.

Amendment 16

Proposal for a directive
Article 14 – paragraph 2

Text proposed by the Commission

Amendment

2. Without prejudice to the maintenance of the reliability and safety of the grid, Member States shall ensure that transmission system operators and distribution system operators in their territory guarantee the transmission and distribution of electricity produced from renewable
energy sources. They shall also provide for priority access to the grid system of electricity produced from renewable energy sources. When dispatching electricity generating installations, transmission system operators shall give priority to generating installations using renewable energy sources insofar as the security of the national electricity system permits.

Justification

The promotion and use of renewable energies and combined heat and power generation both aim to increase security of supply and climate protection and should be regarded as equally important instruments for fulfilling those aims. In individual cases the contribution of the plant concerned to security of supply and climate protection should be evaluated while also considering the economic aspects.

Amendment 17

Proposal for a directive

Article 15 – paragraph 3

3. Biofuels and other bioliquids taken into account for the purposes referred to in paragraph 1 shall not be made from raw material obtained from land with recognised high biodiversity value, that is to say land that had one of the following statuses in or after January 2008, whether or not the land still has this status:

(a) forest undisturbed by significant human activity, that is to say, forest where there has been no known significant human intervention or where the last significant human intervention was sufficiently long ago to have allowed the natural species composition and processes to have become re-established;

(b) areas designated for nature protection

Amendment

3. Biofuels and other bioliquids taken into account for the purposes referred to in paragraph 1 shall not be made from raw material obtained from:

(a) areas designated by law for nature
purposes, unless evidence is provided that the production of that raw material did not interfere with those purposes;

(c) highly biodiverse grassland, that is to say grassland that is species-rich, not fertilised and not degraded.

The Commission shall establish the criteria and geographic ranges to determine which grassland shall be covered by point (c). Such a measure designed to amend non-essential elements of this Directive shall be adopted in accordance with the regulatory procedure with scrutiny referred to in Article 21(3).

Justification

The original definition "Forest undisturbed by significant human activity" in art.15(3)a is an inaccurate term used mainly for statistical purposes, which leaves room for ambiguous interpretation as to which forests would belong to this category. In some cases, sustainably managed forests in normal economic use could be regarded as untouched, biodiverse forest and fall outside the 10% biofuel target.

Amendment 18

Proposal for a directive
Article 15 – paragraph 4

Text proposed by the Commission

4. Biofuels and other bioliquids taken into account for the purposes referred to in paragraph 1 shall not be made from raw material obtained from land with high carbon stock, that is to say land that had one of the following statuses in January 2008 and no longer has this status:

(a) wetlands, that is to say land that is covered with or saturated by water permanently or for a significant part of

Amendment

4. Wood based raw materials used for the production of biofuels and other bioliquids taken into account for the purposes referred to in paragraph 1, shall be obtained from:

(a) forests that are managed and harvested according to MCPFE criteria for sustainable forest management or
the year, including pristine peatland;

(b) continuously forested areas, that is to say land spanning more than 1 hectare with trees higher than 5 metres and a canopy cover of more than 30%, or trees able to reach these thresholds in situ;

The provisions in this paragraph shall not apply if at the time the raw material was obtained, the land had the same status as it had in January 2008.

(c) wetlands, that is to say land that is covered with or saturated by water permanently or for a significant part of the year, including pristine peatland; the peat obtained for the purposes referred to in paragraph 1 shall not exceed its natural annual acquisition.

Justification

Ministerial Conferences on the Protection of Forests in Europe (MCPFE), has listed an extensive set of criteria and indicators for sustainable forest management on which all the signatories have to report. These criteria have also been implemented at national level and are nowadays an essential part of national forest legislation in many EU countries. Corresponding criteria and indicators have also been created in different parts of the world and should be used for forest-based raw materials outside Europe.

Amendment 19

Proposal for a directive
Article 19 – paragraph 1 – point a a (new)

Text proposed by the Commission

Amendment

(aa) the involvement of regions in this process and the measures taken at local and regional level;

Amendment 20

Proposal for a directive
Article 19 – paragraph 1 – subparagraph c a (new)

Text proposed by the Commission

Amendment

(ca) Public aid to support these energies, which may include the use of Structural Funds for research and development of energy technologies
in accordance with the provisions of the European Strategic Energy Technology Plan.

Justification

The use of Community instruments such as the Structural Funds should strengthen research, development and innovation capacity in these areas.

Amendment 21

Proposal for a directive
Article 19 – paragraph 1 – subparagraph k a (new)

<table>
<thead>
<tr>
<th>Text proposed by the Commission</th>
<th>Amendment</th>
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<tr>
<td>(ka) the estimated impact of investments in renewable energy production on regional development goals.</td>
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Amendment 22

Proposal for a directive
Article 20 – paragraph 5 – point a

<table>
<thead>
<tr>
<th>Text proposed by the Commission</th>
<th>Amendment</th>
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<tr>
<td>(a) the relative environmental benefits and costs of different biofuels, the effects of the Community's import policies thereon, the security of supply implications and the ways of achieving a balanced approach between domestic production and imports;</td>
<td></td>
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<tr>
<td>(aa) the effects of the Community's import policies thereon, the security of supply implications and the ways of achieving a balanced approach between domestic production and imports;</td>
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Amendment 23

Proposal for a directive
Article 20 – paragraph 5 – subparagraph d a (new)

<table>
<thead>
<tr>
<th>Text proposed by the Commission</th>
<th>Amendment</th>
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<td>(da) the impact of Member State and regional investments in renewable energy production on regional growth and employment.</td>
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</table>
**PROCEDURE**

<table>
<thead>
<tr>
<th>Title</th>
<th>Energy produced from renewable sources</th>
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<tbody>
<tr>
<td>Committee responsible</td>
<td>ITRE</td>
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<tr>
<td>Opinion by</td>
<td>REGI</td>
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<tr>
<td>Date announced in plenary</td>
<td>19.2.2008</td>
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<tr>
<td>Drafts(wo)man</td>
<td>Samuli Pohjamo</td>
</tr>
<tr>
<td>Date appointed</td>
<td>26.3.2008</td>
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<tr>
<td>Discussed in committee</td>
<td>8.4.2008, 29.5.2008</td>
</tr>
<tr>
<td>Date adopted</td>
<td>25.6.2008</td>
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<tr>
<td>Result of final vote</td>
<td>+: 29, -: 5, 0: 11</td>
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**Members present for the final vote**


**Substitute(s) present for the final vote**

Bernadette Bourzai, Jan Březina, Jill Evans, Emanuel Jardim Fernandes, Ramona Nicole Mănescu, Francisca Pleguezuelos Aguilar, Žita Plešťinská, Samuli Pohjamo, Christa Prets, Richard Seeber, László Surján, Iuliu Winkler

**Substitute(s) under Rule 178(2) present for the final vote**

Anneli Jäätteenmäki, Glenis Willmott
26.6.2008

OPINION OF THE COMMITTEE ON AGRICULTURE AND RURAL DEVELOPMENT

for the Committee on Industry, Research and Energy

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

Draftswoman: Bernadette Bourzai

SHORT JUSTIFICATION

In response to the calls made at the European Council meetings in March 2006 and 2007 for the establishment of a European energy policy and action to combat climate change through a policy of promoting renewable energies, the Commission put forward a renewable energy road map, which has now been given legislative form in this proposal for a directive.

Substance of the proposal for a directive
To date, there have been directives on electricity produced from renewable energy sources (RESs) and on agrifuels, but no legislation on heating and cooling energy produced from RESs.

The proposal for a directive lays down principles intended to ensure that RESs will account for 20% of final energy consumption within the EU by 2020 and sets overall national targets for each Member State, while allowing Member States to determine the precise contribution that each of the three main sectors targeted – namely electricity, heating and cooling and transport – is to make towards achieving the national target. At the same time, it proposes a binding minimum target of a 10% share for RESs (mainly agrifuels) in the transport sector.

There are to be two flexibility mechanisms enabling the efforts required of Member States to be adjusted in line with their 'natural' potential, namely:
- guarantee-of-origin trading within the EU;
- imports of renewable energies from third countries.

Rapporteur's position
Firstly, the rapporteur regrets that the proposal fails to deal specifically with the wood energy
sector and the issue of sustainability criteria therefor. She takes the view that, for the EU to reduce its energy dependency and increase supplies of plant biomass, it must strike a balance between domestic production and imports. Action nonetheless needs to be taken to promote decentralised and local production of renewable energy and the development of short economic circuits fostering better energy, environmental and territorial balances and the creation of jobs in rural areas.

The EU must also apply equivalent sustainability criteria to domestic products and imports.

Given the current food price rises and food crisis, it is important to avoid any conflict between food production and energy production. The rapporteur therefore believes that the 10% target should be non-mandatory and should be achieved mainly through the use of non-food renewable organic materials, and calls on the Commission to shift the focus to second-generation agrifuel research and development. At the same time, the criteria for the production of agrifuels should include a reference to economic, environmental and social sustainability.

Lastly, with a view to meeting the main target of a 20% share of total energy consumption, action should also be taken to stabilise and then reduce fossil fuel use by 2020, thus impacting on both renewable energy supply and total final energy consumption at the same time.

AMENDMENTS

The Committee on Agriculture and Rural Development calls on the Committee on Industry, Research and Energy, as the committee responsible, to incorporate the following amendments in its report:

Amendment 1
Proposal for a directive
Recital 1

<table>
<thead>
<tr>
<th>Text proposed by the Commission</th>
<th>Amendment</th>
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<tbody>
<tr>
<td>(1) The increased use of energy from renewable sources constitutes an important part of the package of measures needed to reduce greenhouse gas emissions and comply with the Kyoto Protocol to the United Nations Framework Convention on Climate Change, and with further European and international greenhouse gas emission reduction commitments beyond 2012. It also has an important part to play</td>
<td>(1) The control and reduction of European energy consumption and the increased use of energy from renewable sources constitute an important part of the package of measures needed to reduce greenhouse gas emissions and comply with the Kyoto Protocol to the United Nations Framework Convention on Climate Change, and with further European and international greenhouse gas emission</td>
</tr>
</tbody>
</table>
in promoting security of energy supply, promoting technological development and providing opportunities for employment and regional development, especially in rural areas.

**Amendment 2**

*Proposal for a directive*

**Recital 2**

*Text proposed by the Commission*  
(2) In particular, increased use of biofuels for transport is one of the most effective tools by which the Community can reduce its dependence on imported oil – where the security of supply problem is most acute - and influence the fuel market for transport.

*Amendment*  
(2) With transport being the economic sector in which greenhouse gas emissions are rising most rapidly and in which the EU’s energy dependence is acute, the quality of fuel for transport needs to be improved, fuel-based CO₂ emissions need to be reduced, fuels produced from non-fossil renewable organic materials need to be developed and more sustainable and energy-efficient means of transport, such as public transport and piggyback transport, need to be promoted.

**Amendment 3**

*Proposal for a directive*

**Recital 3 a (new)**

*Text proposed by the Commission*  
(3a) Solid renewable fuels such as energy wood are the EU’s largest renewable energy source. Despite this, no European legislation on biomass-based heating and cooling networks has been enacted to date. Sustainability criteria therefore need to be laid down for the use of wood biomass for high-efficiency-boiler cogeneration and sustainable forestry management.

*Amendment*  
(3a) Solid renewable fuels such as energy wood are the EU’s largest renewable energy source. Despite this, no European legislation on biomass-based heating and cooling networks has been enacted to date. Sustainability criteria therefore need to be laid down for the use of wood biomass for high-efficiency-boiler cogeneration and sustainable forestry management.
Amendment 4
Proposal for a directive
Recital 3 b (new)

Text proposed by the Commission

Amendment

(3b) The use of agricultural waste such as manure, slurry and other animal and organic waste for biogas production has, in view of the high greenhouse gas emission savings potential, significant environmental advantages in terms of heat and power production and its use as biofuel. Biogas installations can, as a result of their decentralised nature and the regional investment structure, contribute significantly to sustainable development in rural areas and offer farmers new income opportunities.

Amendment 5
Proposal for a directive
Recital 4 a (new)

Text proposed by the Commission

Amendment

(4a) EU research funding for the development of efficient, sustainable renewable energy sources should, more than ever before, support the development of second- and third-generation biofuels and other biofuels with high greenhouse gas savings potential.

Amendment 6
Proposal for a directive
Recital 6 a (new)

Text proposed by the Commission

Amendment

(6a) The increase in food prices stems
from a combination of factors such as the unprecedented development of stock-market speculation on agricultural futures markets, stronger demand from emerging countries, the development of agrifuel production and, at the same time, crop losses caused by extreme weather events. Given the extreme seriousness of the situation, the Union has a duty to prevent any competition between food production and energy production, with priority being given to food security.

Amendment 7
Proposal for a directive
Recital 6 b (new)

Text proposed by the Commission

(6b) Against this background, the Commission's proposal to discontinue, as part of the common agricultural policy (CAP) 'health check', the EUR 45-per-hectare energy crop aid is significant. The monies thus saved should be used to fund second-generation agrifuel research and development.

Amendment 8
Proposal for a directive
Recital 11

Text proposed by the Commission

(11) To ensure that the overall targets are achieved, Member States should work towards an indicative trajectory tracing a path towards the achievement of their targets, and should establish a national action plan including sectoral targets, while having in mind that there are different uses of biomass and therefore it is essential to mobilise new biomass resources.

Amendment
(11) To ensure that the overall targets are achieved, Member States should work towards a an indicative trajectory tracing a path towards the achievement of their targets, and should establish a national action plan including sectoral targets, while having in mind that there are different uses of biomass and therefore it is essential to mobilise new biomass resources. All new biomass resources should, however,
comply with current EU environmental standards.

Justification

Imports of biomass and biofuels from countries that do not meet current EU environmental standards should be banned. Such imports are unwarranted, and the target share of the EU’s energy mix set for renewable energy sources should be met by exploiting the Community's potential.

Amendment 9
Proposal for a directive
Recital 11 a (new)

Text proposed by the Commission

(11a) Biomass acts as a carbon reservoir in that, during their growth, plants capture CO$_2$ in the atmosphere (chlorophyll photosynthesis) and sequester it until they are burned or reach an advanced state of decomposition. The use of wood as a building material enables this carbon sequestration period to be extended throughout the relevant product's life cycle, thus creating – subject to sustainable forestry management – a genuine carbon sink.

Amendment 10
Proposal for a directive
Recital 14 a (new)

Text proposed by the Commission

(14a) The development of renewable energies and improvements to energy efficiency should be closely linked, in order to reduce the emission of climate gases and dependence on energy imports.

Justification

Large-scale development of renewable energies presupposes that total energy consumption
will be significantly reduced, precisely by such means as improving energy efficiency.

Amendment 11
Proposal for a directive
Recital 18

Text proposed by the Commission

(18) Imported electricity, produced from renewable energy sources outside the Community, may count towards Member States' targets. However, to avoid a net increase in greenhouse gas emissions through the diversion of existing renewable sources and their complete or partial replacement by conventional energy sources, only electricity generated by renewable energy installations that become operational after the entry into force of this Directive should be eligible to be counted. To ensure that such imports can be tracked and accounted for in a reliable way, it is appropriate for them to take place within the framework of a system of guarantees of origin. Agreements with third countries concerning the organisation of this trade in electricity from renewable energy sources will be considered.

Amendment

(18) Imported electricity, produced from renewable energy sources outside the Community, may count towards Member States' targets. However, to avoid a net increase in greenhouse gas emissions through the diversion of existing renewable sources and their complete or partial replacement by conventional energy sources, only electricity generated by renewable energy installations that become operational after the entry into force of this Directive should be eligible to be counted. To ensure that such imports can be tracked and accounted for in a reliable way, it is appropriate for them to take place within the framework of a system of guarantees of origin. Only agreements with third countries which meet current EU environmental standards should be considered.

Justification

Importing biomass and biofuels from third countries is not cost-effective and has an adverse impact on the environment, particularly since some third countries produce such materials unsustainably.

Amendment 12
Proposal for a directive
Recital 34 a (new)

Text proposed by the Commission

(34a) In order to react to increased food prices, the Union should take steps to improve agricultural supply and

Amendment
guarantee food security, including the promotion of sustainability criteria for biofuels and the development of second- and third-generation biofuels in the Union and worldwide, and to strengthen agricultural research and knowledge creation.

Justification

On 20 May 2008 the Commission adopted a communication setting out political measures which might be taken to reduce the effects of rising food prices worldwide. These aspects form part of a proposed 3-point strategy.

Amendment 13

Proposal for a directive

Recital 36

Text proposed by the Commission

(36) The Brussels European Council of March 2007 invited the Commission to propose a comprehensive Directive on the use of all renewable energy sources, which could contain criteria and provisions to ensure sustainable provision and use of bioenergy. These criteria should form a coherent part of a wider scheme covering also bioliquids and not biofuels alone. Such sustainability criteria should therefore be included in this Directive. In order to avoid the additional costs to business and the environmental incoherence that would be associated with an inconsistent approach, it is essential for sustainability criteria in respect of biofuels to be aligned between this Directive and Directive 98/70/EC. The Commission should in addition review in 2010 whether other biomass applications should be included.

Amendment

(36) The Brussels European Council of March 2007 invited the Commission to propose a comprehensive Directive on the use of all renewable energy sources, which could contain criteria and provisions to ensure sustainable provision and use of bioenergy. These criteria should form a coherent part of a wider scheme covering also bioliquids and not biofuels alone. Such sustainability criteria should therefore be included in this Directive. In order to avoid the additional costs to business and the environmental incoherence that would be associated with an inconsistent approach, it is essential for sustainability criteria in respect of biofuels to be aligned between this Directive and Directive 98/70/EC. The Commission should in addition, before this Directive is implemented, lay down sustainability criteria for other biomass applications and assess potential usage conflicts with, in particular, industrial uses for wood.
Amendment 14

Proposal for a directive
Recital 38

**Text proposed by the Commission**

(38) In order to prevent unnecessary burdensome research by economic operators and in order to prevent conversion of high-carbon-stock land that in hindsight would prove to be not eligible for producing raw materials for biofuels and other bioliquids, those types of land whose carbon stock loss upon conversion could not, within a reasonable period taking into account the urgency of tackling climate change, be compensated by the greenhouse gas savings of producing biofuels and other bioliquids, should not be converted for the production of biofuels and other bioliquids. Inventories of worldwide carbon stocks lead to the conclusion that wetlands and *continuously forested* areas should be included in this category.

**Amendment**

(38) In order to prevent unnecessary burdensome research by economic operators and in order to prevent conversion of high-carbon-stock land that in hindsight would prove to be not eligible for producing raw materials for biofuels and other bioliquids, those types of land whose carbon stock loss upon conversion could not, within a reasonable period taking into account the urgency of tackling climate change, be compensated by the greenhouse gas savings of producing biofuels and other bioliquids, should not be converted for the production of biofuels and other bioliquids. Inventories of worldwide carbon stocks lead to the conclusion that wetlands and *primary forest* areas should be included in this category.

Amendment 15

Proposal for a directive
Recital 38 a (new)

**Text proposed by the Commission**

(38a) Land with high stocks of carbon in its soil or vegetation should also not be utilised for the development of other renewable energy projects such as the construction of wind turbines and their associated roads, including 'floating roads' and other infrastructure. The impact of such developments on peatland will inevitably lead to the drying out of the peat bog over large areas and the release of stored carbon into the atmosphere, leading to the formation of carbon dioxide.

**Amendment**

(38a) Land with high stocks of carbon in its soil or vegetation should also not be utilised for the development of other renewable energy projects such as the construction of wind turbines and their associated roads, including 'floating roads' and other infrastructure. The impact of such developments on peatland will inevitably lead to the drying out of the peat bog over large areas and the release of stored carbon into the atmosphere, leading to the formation of carbon dioxide.
Justification

Peatland is a carbon sink. The construction of wind farms, 'floating roads' and other infrastructure leads to the disruption of the natural drainage and the drying out of the peat, thus releasing vast quantities of carbon dioxide into the atmosphere, creating more carbon emissions than the wind farm will ever save.

Amendment 16

Proposal for a directive

Recital 39

Text proposed by the Commission

(39) The incentives provided for in this Directive for biofuels and other bioliquids, and the increasing worldwide demand for biofuels and other bioliquids, should not have the effect of encouraging the destruction of bio-diverse lands. Such exhaustible resources, recognised in various international instruments to be of value to all mankind, should be preserved. Consumers in the Community, in addition, would find it morally unacceptable that their increased use of biofuels and other bioliquids could have the effect of destroying bio-diverse lands. For these reasons, it is necessary to provide criteria ensuring that biofuels and other bioliquids can only qualify for the incentives when it can be guaranteed that they do not originate in bio-diverse land. The criteria chosen consider forest as bio-diverse where it is undisturbed by significant human activity (following the definition used by the Food and Agriculture Organisation of the United Nations, the United Nations Economic Commission for Europe and the Ministerial Conference on the Protection of Forests in Europe) or where it is protected by national laws for nature protection purposes. Further, considering the highly biodiverse nature of certain grasslands, it is also appropriate that biofuels made from raw materials originating in such lands should not qualify

Amendment

(39) The incentives provided for in this Directive for biofuels and other bioliquids, and the increasing worldwide demand for biofuels and other bioliquids, should not have the effect of encouraging the destruction of bio-diverse lands. Such exhaustible resources, recognised in various international instruments to be of value to all mankind, should be preserved. Consumers in the Community, in addition, would find it morally unacceptable that their increased use of biofuels and other bioliquids could have the effect of destroying bio-diverse lands and food security in Member States and exporting third countries. For these reasons, it is necessary to provide criteria ensuring that biofuels and other bioliquids can only qualify for the incentives or be imported into the Union when it can be guaranteed that they do not originate in bio-diverse land or do not distort the food security in the producing countries. The criteria chosen consider forest as bio-diverse where it is undisturbed by significant human activity (following the definition used by the Food and Agriculture Organisation of the United Nations, the United Nations Economic Commission for Europe and the Ministerial Conference on the Protection of Forests in Europe) or where it is protected by national laws for nature protection purposes. Further, considering the highly biodiverse nature of certain grasslands, it is also appropriate that biofuels made from raw materials originating in such lands should not qualify
for the incentives provided for by this Directive. The Commission should establish appropriate criteria and/or geographical ranges to define such highly biodiverse grasslands in accordance with the best available scientific evidence and relevant international norms.

**Amendment 17**

**Proposal for a directive**

**Recital 40**

*Text proposed by the Commission*

(40) Where biofuels and other bioliquids are made from raw material produced in the EU, they should also comply with EU environmental requirements for agriculture. *Applying such criteria to imports from third countries is administratively and technically unfeasible.*

*Amendment*

(40) Where biofuels and other bioliquids are made from raw material produced in the EU, they should also comply with EU environmental requirements for agriculture. *There should be suitable certification schemes to guarantee minimum standards for the ecologically sustainable production of such fuels which, in order to promote global sustainability, should also be applied to imports from third countries.*

**Amendment 18**

**Proposal for a directive**

**Recital 46 a (new)**

*Text proposed by the Commission*

(46a) In order to increase the production of biofuels in the Union in a sustainable way, compulsory set-aside in agriculture should be discontinued as soon as possible and Regulation (EC) No 1782/2003 repealed. The repeal should be accompanied by measures to safeguard biodiverse nature of certain grasslands, it is also appropriate that biofuels made from raw materials originating in such lands should not qualify for the incentives provided for by this Directive. The Commission should establish appropriate criteria and/or geographical ranges to define such highly biodiverse grasslands in accordance with the best available scientific evidence and relevant international norms.
biodiversity.

__________


Justification

There should be a general repeal of compulsory set-aside, in line with Council Regulation (EC) No 1107/2007 derogating from Regulation (EC) No 1782/2003 establishing common rules for direct support schemes under the common agricultural policy.

Amendment 19
Proposal for a directive Recital 47

Text proposed by the Commission

(47) The requirements for a sustainability scheme for energy uses of biomass, other than bioliquids and biofuels, should be analysed by the Commission by 2010, taking into account the need for biomass resources to be managed in a sustainable manner.

Amendment

(47) The requirements for a sustainability and food security impact assessment for energy uses of biomass should be analysed by the Commission before this Directive is implemented, taking into account the need for biomass resources to be managed in a sustainable manner.

Amendment 20
Proposal for a directive Recital 47 a (new)

Text proposed by the Commission

(47a) Agriculture and forestry in the Union have substantially contributed to mitigating the effects of climate change, as evidenced by the reduction in greenhouse gas emissions from agriculture by 10% between 1990 and 2004 in the EU-15, and by 14% in the EU-25, and it is expected that, by 2010, EU agriculture emissions will be 16% below their 1990 level. Nevertheless, all efforts are welcome to promote new, energy efficient ways of production and further reduce the greenhouse gas emissions.

Amendment

(47a) Agriculture and forestry in the Union have substantially contributed to mitigating the effects of climate change, as evidenced by the reduction in greenhouse gas emissions from agriculture by 10% between 1990 and 2004 in the EU-15, and by 14% in the EU-25, and it is expected that, by 2010, EU agriculture emissions will be 16% below their 1990 level. Nevertheless, all efforts are welcome to promote new, energy efficient ways of production and further reduce the greenhouse gas emissions.
emissions by financing investment and research to achieve this objective.

Amendment 21
Proposal for a directive
Recital 47 b (new)

Text proposed by the Commission

(47b) The Commission, in its communication of 26 November 1997 entitled 'Energy for the future: renewable sources of energy - White Paper for a Community strategy and action plan' (COM(1997)0599), stated that, to achieve the goal of increasing the use of renewable energy resources within the energy mix, the amount of energy produced from biomass would need to more than double.

Amendment 22
Proposal for a directive
Recital 47 c (new)

Text proposed by the Commission

(47c) In its resolution of 12 March 2008 on sustainable agriculture and biogas: a need for review of EU legislation, the European Parliament stated that there is a significant potential in biogas in particular among the renewable energies. There is a high potential for a considerable increase in biogas production, particularly given the contributions from livestock production (livestock manure), sludge, waste, and plants unsuitable for food and feed production as preferred biogas materials. In order to realise this potential, there is a need for a coherent biogas policy in the Union by coordinating between the relevant European policies such as the
renewable energy policy, the Common Agricultural Policy and the Rural and Regional Development policies. Measures are needed for the construction and promotion of biogas installations based on a national or regional impact assessment, promoting those installations that, nationally and/or regionally, are most beneficial to the environment and which are economically sustainable. If regional and rural development regulations do not allow funding of such measures, they must be amended. Member States should engage in national and regional planning in order to limit legal and administrative impediments. Natural gas or other fossil fuels should not be preferred in areas in which it is feasible to sell heat generated from biogas to local heating providers. Annual statistics and reports on agricultural biogas production are needed in order to be able to follow up on the targets.

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biofuels and other bioliquids. as for heating and cooling energy produced from renewable energy sources.

Justification

The directive must include economic, environmental and social sustainability criteria.

Amendment 24

Proposal for a directive
Article 2 – point b

Text proposed by the Commission

(b) "biomass" means the biodegradable fraction of products, waste and residues from agriculture (including vegetal and animal substances), forestry and related industries, as well as the biodegradable fraction of industrial and municipal waste;

Amendment

(b) "biomass" means the fraction of products, waste and residues from agriculture (including vegetal and animal substances), forestry and related industries, as well as the fraction of industrial and municipal waste, whether or not they are biodegradable;

Justification

The directive should refine the definition of biomass so as to avoid confusion between the concept of biodegradability, since non-renewable products may be biodegradable, and the renewable origin of the product.

Amendment 25

Proposal for a directive
Article 2 – point f

Text proposed by the Commission

(f) "biofuels" means liquid or gaseous fuel for transport produced from biomass;

Amendment

(f) "biofuels" means liquid or gaseous fuel for transport produced from biomass; the following products, among others, qualify as biofuels:

i) "Bioethanol": Ethanol under subheading 2207 10 00 of the Combined Nomenclature pursuant to Council Regulation (EEC) No 2658/87 of 23 July 1987 on the tariff and statistical nomenclature and on the Common Customs Tariff with an alcohol content
of at least 99% by volume, produced from biomass and/or the biodegradable fraction of waste, meeting at least the requirements of European Standard 15376 and to be used as biofuel;
ii) "Biodiesel": methyl ester of a vegetable or animal oil of diesel fuel quality, intended for use as biofuel;
iii) "Biogas": fuel gas, produced from biomass and/or the biodegradable fraction of waste that can be purified to natural gas quality, to be used as biofuel, or woodgas;
v) "Biodimethyl ether": dimethylether produced from biomass, to be used as biofuel;
vi) "Bio-ETBE (ethyl-tertio-butyl-ether)": ETBE produced on the basis of bioethanol; the percentage by volume of bio-ETBE that is calculated as biofuel is 47%;
vii) "bio-MTBE (methyl-tertio-butyl-ether)": a fuel produced on the basis of biomethanol; the percentage by volume of bio-MTBE that is calculated as biofuel is 36%;
viii) "synthetic biofuels": synthetic hydrocarbons or mixtures of synthetic hydrocarbons, which have been produced from biomass;
ix) "biohydrogen": hydrogen produced from biomass, and/or from the biodegradable fraction of waste, to be used as biofuel;
x) "pure vegetable oil": oil produced from oil plants through pressing, extraction or comparable procedures, crude or refined but chemically unmodified, when compatible with the type of engines involved and the corresponding emission requirements.

Justification

The definitions according to Article 2 of Directive 2003/30 should be used to ensure continuity and legal clarity. The definition of bioethanol should be brought into line with the current nomenclature.

Amendment 26

Proposal for a directive
Article 3 – paragraph 1

Text proposed by the Commission
1. Each Member State shall ensure that the share of energy from renewable sources in final consumption of energy in 2020 is at least their 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.

Amendment
1. Each Member State shall ensure that the share of energy from renewable sources in final consumption of energy in 2020 is at least their 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, it being understood that each Member State is also required to make efforts in the field of energy efficiency.

Amendment 27

Proposal for a directive
Article 3 – paragraph 2

Text proposed by the Commission
2. Member States shall introduce appropriate measures to ensure that the share of energy from renewable sources equals or exceeds that shown in the indicative trajectory set out in Part B of Annex I.

Amendment
2. With due regard for the conditions laid down in Articles 15 and 18, Member States shall introduce appropriate measures to ensure that the share of energy from renewable sources equals or exceeds that shown in the indicative trajectory set out in Part B of Annex I.

Justification

The directive must stipulate that the 10% target for the inclusion of biofuels is subject to compliance with the sustainability criteria laid down in Article 15 and the use of second-generation biofuels as provided for in Article 18(4).
Amendment 28

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

Text proposed by the Commission

3. Each Member State shall ensure that the share of energy from renewable sources in transport in 2020 is at least 10% of final consumption of energy in transport in that Member State.

Amendment

3. Each Member State shall ensure that the share of energy from renewable sources in transport in 2020 is at least 10% of final consumption of energy in transport in that Member State. **That share shall be achieved first and foremost by exploiting the Community’s potential.**

Amendment 29

Proposal for a directive
Article 4 – paragraph 1

Text proposed by the Commission

1. Each Member State shall adopt a national action plan.

The national action plans shall set out **Member States’ targets for the shares of energy from renewable sources in transport, electricity and heating and cooling in 2020, and adequate measures to be taken to achieve these targets, including national policies to develop existing biomass resources and mobilise new biomass resources for different uses, and the measures to be taken to fulfil the requirements of Articles 12 to 17.**

Amendment

1. Each Member State shall adopt a national action plan.

The national action plans shall **first assess the availability of biomass resources at national level and then set out targets for the shares of energy from renewable sources in transport, electricity and heating and cooling in 2020, and adequate measures to be taken to achieve these targets, including national policies to develop existing biomass resources and sustainably mobilise new biomass resources for different uses, and the measures to be taken to fulfil the requirements of Articles 12 to 17.**
Amendment 30
Proposal for a directive
Article 4 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1a. The national action plans shall also set out the share of raw materials required for energy production and the share of energy produced from renewable energy sources using only resources available nationally or elsewhere within the Community. Those resources shall account for at least 80% of final consumption of energy from renewable sources in each Member State.

Justification

Member States must be able to set out in their national action plans the means by which they intend to meet the target using their own resources and raw materials available nationally and/or elsewhere in the Community, as opposed to imports from outside the EU.

Amendment 31
Proposal for a directive
Article 5 – paragraph 2 – point a a (new)

Text proposed by the Commission

Amendment

(aa) at least 80% of the raw materials or natural resources required to operate the plant must be sourced nationally or elsewhere within the Community;

Justification

The commitment by Member States to use a majority of own resources and/or raw materials needs to be clarified, and compliance with that commitment needs to be notified to and taken into consideration by the Commission.
Amendment 32
Proposal for a directive
Article 5 – paragraph 3

Text proposed by the Commission

3. Where a Member State considers that, due to force majeure, it is under an impossibility to meet the share of energy from renewable sources in final consumption of energy in 2020 set out in the third column of the table in Annex 1, it shall inform the Commission as soon as possible. The Commission shall adopt a decision on whether force majeure has been demonstrated, in which case it shall decide what adjustment shall be made to the Member State's final consumption of energy from renewable sources for the year 2020.

Amendment

3. Where a Member State considers that, due to force majeure or major usage conflicts that disrupt food production and industrial activities that traditionally make use of wood, it is under an impossibility to meet the share of energy from renewable sources in final consumption of energy in 2020 set out in the third column of the table in Annex 1, it shall inform the Commission as soon as possible. The Commission shall adopt a decision on whether force majeure or a major usage conflict has been demonstrated, in which case it shall decide what adjustment shall be made to the Member State's final consumption of energy from renewable sources for the year 2020.

Amendment 33
Proposal for a directive
Article 5 – paragraph 4 – subparagraph 1

Text proposed by the Commission

For the purposes of paragraph 1(a), final consumption of electricity from renewable sources shall be calculated as the quantity of electricity produced in a Member State from renewable energy sources, excluding the production of electricity by pumped storage units using water that has previously been pumped uphill, adjusted in accordance with Article 10.

Amendment

For the purposes of paragraph 1(a), final consumption of electricity from renewable sources shall be calculated as the quantity of electricity produced in a Member State from renewable energy sources, excluding the production of electricity by non-cogeneration biomass heating networks and pumped storage units using water that has previously been pumped uphill, adjusted in accordance with Article 10.
Amendment 34

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

Text proposed by the Commission
1. Member States shall ensure that the origin of electricity produced from renewable energy sources, and of heating or cooling produced from renewable energy sources in plants with a capacity of at least 5 MW\textsubscript{th}, can be guaranteed as such within the meaning of this Directive.

Amendment
1. Member States shall ensure that the origin of electricity produced from renewable energy sources, and of heating or cooling produced from renewable energy sources in plants with a capacity of at least 5 MW\textsubscript{th}, can be guaranteed as such within the meaning of this Directive.

Member States shall introduce an exemption on the basis of the support systems already in place for plants with a capacity of less than 5 MW\textsubscript{th} for the production of electricity and heat from biomass.

Justification
This amendment seeks to ensure that the production of energy from agricultural and forestry biomass is not ruled out as a result of the plant capacity limit that the Commission is proposing.

Amendment 35

Proposal for a directive
Article 6 – paragraph 1 – subparagraph 2 a (new)

Text proposed by the Commission
However, by way of derogation from the first and second subparagraphs, Member States may apply lower limit values in justified circumstances where local production of energy from renewable sources is important for the promotion of the economically, environmentally and socially sustainable development of the region.

Amendment
Amendment 36
Proposal for a directive
Article 6 – paragraph 2 – point a a (new)

Text proposed by the Commission
(aa) the composition and origin – if outside the Community – of the raw materials used, in accordance with Article 4;

Amendment

Justification
The guarantee-of-origin system should include notification of the origin of intermediate products and/or raw materials, in accordance with Article 4.

Amendment 37
Proposal for a directive
Article 9 – paragraph 3 a (new)

Text proposed by the Commission
3a. The Member States shall produce an assessment of the overall ratio of energy produced from renewable sources that is transferred (i.e. transported) between Member States over medium and long distances. Wherever possible, they shall promote decentralised and local production of renewable energy and the development of short economic circuits fostering better energy, environmental and territorial balances and job creation in rural areas.

Amendment 38
Proposal for a directive
Article 13 – paragraph 3

Text proposed by the Commission
3. Member States shall develop certification schemes for installers of

Amendment
3. Member States shall develop certification schemes for installers of
small-scale biomass boilers and stoves, solar photovoltaic and solar thermal systems and heat pumps. Those schemes shall be based on the criteria laid down in Annex IV. Each Member State shall recognise certification awarded by other Member States in accordance with these criteria.

**Justification**

*Given the high standard of training in the craft industries in most Member States, the proposed certification is excessive.*

**Amendment 39**

**Proposal for a directive**

**Article 14 – Title**

*Text proposed by the Commission*  
Access to the electricity grid

*Amendment*  
Access to the electricity and gas grid

**Amendment 40**

**Proposal for a directive**

**Article 14 – paragraph 1**

*Text proposed by the Commission*  
1. Member States shall take the necessary steps to develop grid infrastructure to accommodate the further development of electricity production from renewable energy sources, including interconnectors between Member States.

*Amendment*  
1. Member States shall take the necessary steps to develop grid infrastructure to accommodate the further development of electricity and gas production from renewable energy sources, including interconnectors between Member States.

**Justification**

*In view of the forecast increase in demand for natural gas between now and 2020, the proposal for a directive should include a section on access for biogas to the gas grid, along the same lines as the provisions on electricity produced from renewable sources.*
Amendment 41
Proposal for a directive
Article 14 – paragraph 2

Text proposed by the Commission

2. Without prejudice to the maintenance of the reliability and safety of the grid, Member States shall ensure that transmission system operators and distribution system operators in their territory guarantee the transmission and distribution of electricity produced from renewable energy sources. They shall also provide for priority access to the grid system of electricity produced from renewable energy sources. When dispatching electricity generating installations, transmission system operators shall give priority to generating installations using renewable energy sources insofar as the security of the national electricity system permits.

Amendment

2. Without prejudice to the maintenance of the reliability and safety of the grids, Member States shall ensure that transmission system operators and distribution system operators in their territory guarantee the transmission and distribution of electricity and gas produced from renewable energy sources. They shall also provide for priority access to the grid system of electricity and gas produced from renewable energy sources. When dispatching electricity and gas generating installations, transmission system operators shall give priority to generating installations using renewable energy sources insofar as the security of the national electricity and gas system permits.

Justification

In view of the forecast increase in demand for natural gas between now and 2020, the proposal for a directive should include a section on access for biogas to the gas grid, along the same lines as the provisions on electricity produced from renewable sources.

Amendment 42
Proposal for a directive
Article 14 – paragraph 3

Text proposed by the Commission

3. Member States shall require transmission system operators and distribution system operators to set up and publish their standard rules relating to the bearing and sharing of costs of technical adaptations, such as grid connections and grid reinforcements, which are necessary in order to integrate new producers feeding electricity produced from renewable

Amendment

3. Member States shall require transmission system operators and distribution system operators to set up and publish their standard rules relating to the bearing and sharing of costs of technical adaptations, such as grid connections and grid reinforcements, which are necessary in order to integrate new producers feeding electricity or gas produced from renewable
energy sources into the interconnected grid.

These rules shall be based on objective, transparent and non-discriminatory criteria taking particular account of all the costs and benefits associated with the connection of these producers to the grid and of the particular circumstances of producers located in peripheral regions and in regions of low population density. The rules may provide for different types of connection.

Justification

In view of the forecast increase in demand for natural gas between now and 2020, the proposal for a directive should include a section on access for biogas to the gas grid, along the same lines as the provisions on electricity produced from renewable sources.

Amendment 43

Proposal for a directive
Article 14 – paragraph 5

Text proposed by the Commission

5. Member States shall require transmission system operators and distribution system operators to provide any new producer wishing to be connected to the system with a comprehensive and detailed estimate of the costs associated with the connection. Member States may allow producers of electricity from renewable energy sources wishing to be connected to the grid to issue a call for tender for the connection work.

Amendment

5. Member States shall require transmission system operators and distribution system operators to provide any new producer wishing to be connected to the system with a comprehensive and detailed estimate of the costs associated with the connection. Member States may allow producers of electricity or gas from renewable energy sources wishing to be connected to the grid to issue a call for tender for the connection work.

Justification

In view of the forecast increase in demand for natural gas between now and 2020, the proposal for a directive should include a section on access for biogas to the gas grid, along the same lines as the provisions on electricity produced from renewable sources.
Amendment 44

Proposal for a directive
Article 14 – paragraph 7

Text proposed by the Commission

7. Member States shall ensure that the charging of transmission and distribution fees does not discriminate against electricity from renewable energy sources, including in particular electricity from renewable energy sources produced in peripheral regions, such as island regions, and in regions of low population density.

Amendment

7. Member States shall ensure that the charging of transmission and distribution fees does not discriminate against electricity or gas from renewable energy sources, including in particular electricity or gas from renewable energy sources produced in peripheral regions, such as island regions, and in regions of low population density.

Justification

In view of the forecast increase in demand for natural gas between now and 2020, the proposal for a directive should include a section on access for biogas to the gas grid, along the same lines as the provisions on electricity produced from renewable sources.

Amendment 45

Proposal for a directive
Article 14 – paragraph 8

Text proposed by the Commission

8. Member States shall ensure that fees charged by transmission system operators and distribution system operators for the transmission and distribution of electricity from plants using renewable energy sources reflect realisable cost benefits resulting from the plant's connection to the network. Such cost benefits could arise from the direct use of the low-voltage grid.

Amendment

8. Member States shall ensure that fees charged by transmission system operators and distribution system operators for the transmission and distribution of electricity or gas from plants using renewable energy sources reflect realisable cost benefits resulting from the plant's connection to the network. Such cost benefits could arise from the direct use of the low-voltage grid.

Justification

In view of the forecast increase in demand for natural gas between now and 2020, the proposal for a directive should include a section on access for biogas to the gas grid, along the same lines as the provisions on electricity produced from renewable sources.
Amendment 46

Proposal for a directive
Article 5 – heading

Text proposed by the Commission

Environmental sustainability criteria for biofuels and other bioliquids

Amendment

Sustainability criteria for biofuels and other bioliquids and for heating and cooling energy produced from renewable energy sources

Amendment 47

Proposal for a directive
Article 15 – paragraph 1 – introductory part

Text proposed by the Commission

1. Biofuels and other bioliquids shall be taken into account for the purposes listed under letters (a), (b) and (c) below only if they fulfil the criteria set out in paragraphs 2 to 5:

Amendment

1. Biofuels and other bioliquids and heating and cooling energy produced from renewable energy sources shall be taken into account for the purposes listed under letters (a), (b) and (c) below only if they fulfil the criteria set out in paragraphs 2 to 5:

Amendment 48

Proposal for a directive
Article 15 – paragraph 1 – point a

Text proposed by the Commission

(a) measuring compliance with the requirements of this Directive concerning national targets;

Amendment

(a) measuring compliance with the requirements of this Directive concerning national targets, including compliance with the breakdown between national or Community production and quantities imported, including raw materials and intermediate products imported from outside the Community;

Justification

The sustainability criteria for biofuels and other bioliquids should take due account of
compliance with the breakdown of products by origin, including the raw materials and intermediate products used.

Amendment 49

Proposal for a directive
Article 15 – paragraph 1 – point (c)

Text proposed by the Commission

(c) eligibility for financial support for the consumption of biofuels and other bioliquids.

Amendment

(c) eligibility for financial support for the consumption of biofuels and other bioliquids and for heating and cooling energy produced from renewable energy sources.

Amendment 50

Proposal for a regulation
Article 15 – paragraph 2 – subparagraph 1

Text proposed by the Commission

2. The greenhouse gas emission saving from the use of biofuels and other bioliquids taken into account for the purposes referred to in paragraph 1 shall be at least 35%.

Amendment

2. The greenhouse gas emission saving from the use of biofuels and other bioliquids taken into account for the purposes referred to in paragraph 1 shall be at least 50%.

Justification

Biomass must be used in an as efficient and climate-friendly way as possible, given the possible competition for its use. The limited funding available must, therefore, be awarded to renewable energies which make a significant contribution to climate protection.

Amendment 51

Proposal for a directive
Article 15 – paragraph 2 – subparagraph 2 a (new)

Text proposed by the Commission

In the case of biomass, the Member States
shall promote conversion technologies with a conversion efficiency of at least 85% for residential and commercial applications and at least 70% for industrial applications.

Amendment 52
Proposal for a directive
Article 15 – paragraph 3 – introductory part

Text proposed by the Commission
3. Biofuels and other bioliquids taken into account for the purposes referred to in paragraph 1 shall not be made from raw material obtained from land with recognised high biodiversity value, that is to say land that had one of the following statuses in or after January 2008, whether or not the land still has this status:

Amendment
3. Biofuels and other bioliquids and heating and cooling energy produced from renewable energy sources taken into account for the purposes referred to in paragraph 1 shall not be made from raw material obtained from land with recognised high biodiversity value, that is to say land that had one of the following statuses in or after January 2008, whether or not the land still has this status:

Amendment 53
Proposal for a directive
Article 15 – paragraph 3 – subparagraph 1 – point a

Text proposed by the Commission
(a) forest undisturbed by significant human activity, that is to say, forest where there has been no known significant human intervention or where the last significant human intervention was sufficiently long ago to have allowed the natural species composition and processes to have become re-established;

Amendment
(a) forest undisturbed by significant human activity, that is to say, forest where there has been no known significant human intervention or where the last significant human intervention was sufficiently long ago to have allowed the natural species composition and processes to have become re-established, unless it can be shown that human intervention is, and will continue to be, of an intensity and frequency such as to ensure throughout the exploitation process the permanent conservation of natural species in terms of biodiversity, in the context of forest exploitation;
Justification

While exploitation of available biomass should be allowed, particularly for forests which have been heavily exploited in the past, this should be done only under extremely stringent conditions, taking full account of the need to preserve biodiversity in the long term.

Amendment 54

Proposal for a directive
Article 15 – paragraph 3 – subparagraph 1 – point c a (new)

Text proposed by the Commission

(c) farming areas that are highly biodiverse and thus afford the variety of agricultural products that is essential in order to meet food and feed requirements.

Amendment

Justification

Areas given over to crops whose high biodiversity value meets food and feed needs must be protected, as must the various specific regional features and crops, together with food supplies.

Amendment 55

Proposal for a directive
Article 15 – paragraph 3 – subparagraph 2

Text proposed by the Commission

The Commission shall establish the criteria and geographic ranges to determine which grassland shall be covered by point (c).

Such a measure designed to amend non-essential elements of this Directive shall be adopted in accordance with the regulatory procedure with scrutiny referred to in Article 21(3).

Amendment

The Commission shall submit proposals to the European Parliament and the Council on the criteria and geographic ranges to determine which grassland shall be covered by point (c).

Justification

The article as it stands extends the Commission's powers excessively. It is the responsibility of the European Union's decision-making bodies, in other words Parliament and the Council, to decide on selection criteria and areas to be protected.
Amendment 56
Proposal for a directive
Article 15 – paragraph 4 – introductory part

Text proposed by the Commission

4. Biofuels and other bioliquids taken into account for the purposes referred to in paragraph 1 shall not be made from raw material obtained from land with high carbon stock, that is to say land that had one of the following statuses in January 2008 and no longer has this status:

Amendment

4. Biofuels and other bioliquids and heating and cooling energy produced from renewable energy sources taken into account for the purposes referred to in paragraph 1 shall not be made from raw material obtained from land with high carbon stock, that is to say land that had one of the following statuses in January 2008 and no longer has this status:

Amendment 57
Proposal for a directive
Article 15 – paragraph 4 – subparagraph 1 – point a a (new)

Text proposed by the Commission

(aa) peatlands,

Amendment

Amendment 58
Proposal for a directive
Article 15 – paragraph 4 – subparagraph 1 – point b

Text proposed by the Commission

(b) continuously forested areas, that is to say land spanning more than 1 hectare with trees higher than 5 metres and a canopy cover of more than 30%, or trees able to reach these thresholds in situ.

Amendment

(b) continuously forested areas, that is to say land spanning more than 1 hectare with trees higher than 5 metres and a canopy cover of more than 10%, or trees able to reach these thresholds in situ.

Justification

Although the definition of forest proposed by the Commission can be considered to be consistent with the one used in the climate change negotiations (Kyoto Protocol), it nevertheless raises an implementing problem, since it opens the way for cultivation of
grassland.

To avoid this happening, use should be made of the more rigorous definition appearing in the Annex to Decision 11/CP.7 of the Marrakesh Agreements (FCCP/CP/2001/13/Add.1):

'Forest is a minimum area of land of 0.05-1.0 hectares with tree crown cover (or equivalent stocking level) of more than 10-30 per cent with the potential to reach a minimum height of 2-5 metres at maturity in situ.'

That is why the 10% criterion should be adopted.

Amendment 59

Proposal for a directive
Article 15 – paragraph 5

Text proposed by the Commission

5. Agricultural raw materials cultivated in the Community and used for the production of biofuels and other bioliquids taken into account for the purposes referred to in paragraph 1, shall be obtained in accordance with the requirements and standards under the provisions listed in point A of Annex III to Council Regulation (EC) No 1782/2003 under the heading "Environment" and in accordance with the minimum requirements for good agricultural and environmental condition defined pursuant to Article 5(1) of that Regulation.

Amendment

5. Agricultural raw materials cultivated in the Community and used for the production of biofuels and other bioliquids and heating and cooling energy produced from renewable energy sources taken into account for the purposes referred to in paragraph 1, shall be obtained in accordance with the requirements and standards under the provisions listed in point A of Annex III to Council Regulation (EC) No 1782/2003 under the heading "Environment" and in accordance with the minimum requirements for good agricultural and environmental condition defined pursuant to Article 5(1) of that Regulation respecting existent coexistence requirements.

Amendment 60

Proposal for a directive
Article 15 – paragraph 5 - subparagraph 1 a (new)

Text proposed by the Commission

Biofuels and other bioliquids taken into account in the targets referred to in paragraph 1, and which are cultivated outside the Union, shall be obtained in
accordance with similar rules. Where similar rules are not applicable, the agricultural raw materials used for the production of biofuels and other bioliquids taken into account for the purposes referred to in paragraph 1, produced outside the Union and having an impact on global natural resources, shall be obtained in accordance with the following requirements:

(a) no significant increase in emissions liable to cause acidification, eutrophication or destruction of ozone, or which are toxic;

(b) no significant deterioration in soil functions or soil fertility (e.g. preservation of levels of organic matter or measures to combat erosion);

(c) no significant deterioration in water quality or water resources;

(d) environmentally reasonable use of fertilisers and pesticides.

The national authorities and/or economic operator shall provide the Commission with reliable information certifying that the environmental protection criteria in the country concerned meet these requirements.

Justification

The directive must establish conditions of fair competition by extending the CAP’s environmental conditionality provisions to third countries.

Amendment 61

Proposal for a directive
Article 15 – paragraph 5 a (new)

Text proposed by the Commission

Amendment

5a. The following conditions shall apply to biofuels and other bioliquids produced in third countries:

(a) Biofuels and other bioliquids shall be
taken into account in the targets referred to in paragraph 1 only if the third country in which they were cultivated has ratified and effectively implemented all the following environmental treaties:

- Convention on International Trade in Endangered Species of Wild Fauna and Flora;
- Convention on Biological Diversity;

Effective implementation of these treaties shall be established in the light of the implementation reports for the third countries concerned, pursuant to the implementing provisions of these treaties and, in particular, the recommendations issued by the bodies set up under these treaties to monitor compliance with them.

(b) If a third country has not ratified the treaties set out in point (a), but if the national authorities or economic operator provide the Commission with reliable information certifying that, in the third country concerned, the environmental protection criteria are equivalent to those set out in these treaties, the Commission may decide, in accordance with the procedure laid down in Article 21, paragraph 2, that the biofuels and other bioliquids produced in these third countries may be taken into account in the targets referred to in paragraph 1.

(c) The Commission shall report every two years to the European Parliament and the Council on the impact of increased demand for biofuels on social sustainability in the Community and in third countries, and on the impact of the Union’s biofuels policy on the availability of foodstuffs in exporter third countries, the ability of the population of the developing countries to gain access to these foodstuffs, and wider development
questions. The first report shall be submitted in 2012. It shall deal in particular with respect for land use rights. The report shall establish, for each third country that is a significant source of raw materials intended for the manufacture of biofuels consumed in the Union, whether the third country has ratified each of the following International Labour Organisation conventions:

(i) Convention concerning the minimum age for admission to employment (No 138);

(ii) Convention concerning the prohibition and immediate action for the elimination of the worst forms of child labour (No 182);

(iii) Convention concerning the abolition of forced labour (No 105);

(iv) Convention concerning forced labour (No 29);

(v) Convention concerning equal remuneration for men and women workers for work of equal value (No 100);

(vi) Convention concerning discrimination in respect of employment and occupation (No 111);

(vii) Convention concerning freedom of association and protection of the right to organise (No 87);

(viii) Convention concerning the application of the principles of the right to organise and to bargain collectively (No 98).

The Commission shall propose remedial measures, where appropriate.

Justification

The directive must include social sustainability criteria.
Amendment 62
Proposal for a directive
Article 15 – paragraph 6

Text proposed by the Commission

6. Member States shall not refuse to take into account, for the purposes referred to in paragraph 1, biofuel and other bioliquids obtained in compliance with this Article, on other grounds of sustainability.

Amendment

6. Member States may refuse to take into account, for the purposes referred to in paragraph 1, biofuel and other bioliquids and heating and cooling energy produced from renewable energy sources whose production fails to satisfy economic, social and environmental sustainability criteria, gives rise to serious usage conflicts and poses a food security risk.

Amendment 63
Proposal for a directive
Article 15 – paragraph 7

Text proposed by the Commission

7. The Commission shall report on requirements for a sustainability scheme for energy uses of biomass, other than biofuels and other bioliquids, by 31 December 2010 at the latest. The report shall be accompanied, where appropriate, by proposals for a sustainability scheme for other energy uses of biomass, to the European Parliament and the Council.

Amendment

7. The Commission shall, before this Directive is implemented, report on requirements for a sustainability scheme for energy uses of biomass, other than biofuels and other bioliquids and heating and cooling energy produced from renewable energy sources. The report shall be accompanied, where appropriate, by proposals for a sustainability scheme for other energy uses of biomass, to the European Parliament and the Council.

Amendment 64
Proposal for a directive
Article 16 – heading

Text proposed by the Commission

Verification of compliance with the environmental sustainability criteria for biofuels and other bioliquids

Amendment

Verification of compliance with the sustainability criteria for biofuels and other bioliquids and for heating and cooling
energy produced from renewable energy sources

Amendment 65
Proposal for a directive
Article 16 – paragraph 1 – introductory part

Text proposed by the Commission

1. Where biofuels and other bioliquids are to be taken into account for the purposes referred to in Article 15(1), Member States shall require economic operators to show that the environmental sustainability criteria set out in Article 15 have been fulfilled. For this purpose they shall require economic operators to use a mass balance system providing the following:

Amendment

1. Where biofuels and other bioliquids and heating and cooling energy produced from renewable energy sources are to be taken into account for the purposes referred to in Article 15(1), Member States shall require economic operators to show that the environmental sustainability criteria set out in Article 15 have been fulfilled. For this purpose they shall require economic operators to use a mass balance system providing the following:

Amendment 66
Proposal for a directive
Article 16 – paragraph 1 - introductory part

Text proposed by the Commission

1. Where biofuels and other bioliquids are to be taken into account for the purposes referred to in Article 15(1), Member States shall require economic operators to show that the environmental sustainability criteria set out in Article 15 have been fulfilled. For this purpose they shall require economic operators to use a mass balance system providing the following:

Amendment

1. Where biofuels and other bioliquids are to be taken into account for the purposes referred to in Article 15(1), Member States shall require a breakdown between national or Community production and imports from outside the Community and shall require economic operators to show that the environmental sustainability criteria set out in Article 15 have been fulfilled. For this purpose they shall require economic operators to use a mass balance system providing the following:
Justification

Member States undertake to show that the criteria and the thresholds set for the breakdown between national and/or Community production and imports from outside the EU have been complied with.

Amendment 67

Proposal for a directive
Article 16 – paragraph 4 – subparagraph 2

Text proposed by the Commission

The Commission _may decide_ that voluntary national or international schemes setting standards for the production of biomass products contain accurate data for the purposes of Article 15(2) or demonstrate that consignments of _biofuel_ comply with the environmental sustainability criteria in _paragraphs 3 or 4 of_ Article 15.

Amendment

4. The Commission _will encourage_ that voluntary national or international schemes setting standards for the production of biomass products contain accurate data for the purposes of Article 15(2) or demonstrate that consignments of _biomass for energy_ comply with the environmental and social sustainability criteria in Article 15.

Amendment 68

Proposal for a directive
Article 16 – paragraph 4 – subparagraph 3

Text proposed by the Commission

The Commission may decide that national, multinational or international schemes to measure greenhouse gas savings contain accurate data for the purposes of Article 15(2).

Amendment

The Commission may decide that national, multinational or international schemes to measure greenhouse gas savings contain accurate data for the purposes of Article 15 _under the regulatory procedure with scrutiny referred to in Article 21 (3)_.

Amendment 69

Proposal for a directive
Article 16 – paragraph 6

Text proposed by the Commission

6. Decisions pursuant to paragraph 4 shall

Amendment

6. Decisions pursuant to paragraph 4 shall
be adopted in accordance with the procedure referred to in Article 21(2). Such decisions shall be valid for a period of no more than 5 years.

be adopted in accordance with the regulatory procedure with scrutiny referred to in Article 21(3). Such decisions shall be valid for a period of no more than 5 years and can be revoked at the initiative of the Commission, the Committee provided for in Article 21(2) or the European Parliament at any time when there is significant concern over a scheme’s reliability.

Amendment 70

Proposal for a directive
Article 16 – paragraph 8

Text proposed by the Commission

8. At the request of a Member State or on its own initiative the Commission shall examine the application of Article 15 in relation to a source of biofuel or other bioliquid and, within six months of receipt of a request and in accordance with the procedure referred to in Article 21(2), decide whether the Member State concerned may take biofuel or bioliquid from that source into account for the purposes listed in Article 15(1).

Amendment

8. At the request of a Member State or on its own initiative the Commission shall examine the application of Article 15 in relation to a source of biofuel or other bioliquid and heating and cooling energy produced from renewable energy sources and, within six months of receipt of a request and in accordance with the procedure referred to in Article 21(2), decide whether the Member State concerned may take biofuel or bioliquid from that source and heating and cooling energy produced from renewable energy sources into account for the purposes listed in Article 15(1).

Amendment 71

Proposal for a directive
Article 17 – heading

Text proposed by the Commission

Calculation of the greenhouse gas impact of biofuels and other bioliquids

Amendment

Calculation of the greenhouse gas impact of biofuels and other bioliquids and of heating and cooling energy produced from renewable energy sources
Amendment 72

Proposal for a directive
Article 17 – paragraph 2

Text proposed by the Commission

By 31 March 2010 at the latest, Member States shall submit to the Commission a report including a list of those entities of their territory classified as NUTS 2 level in Regulation (EC) No 1059/2003 of the European Parliament and of the Council where the typical greenhouse gas emissions from cultivation of agricultural raw materials can be expected to be lower than or equal to the emissions reported under the heading "cultivation" in part D of Annex VII to this Directive, accompanied by a description of the method and data used to establish that list. The method shall take into account soil characteristics, climate and expected raw material yields.

Amendment

By 31 March 2010 at the latest, Member States shall submit to the Commission a report including a list of those areas of their territory where the typical greenhouse gas emissions (N₂O) from cultivation of agricultural raw materials are lower than or equal to the emissions reported under the heading "cultivation" in part D of Annex VII to this Directive, accompanied by a description of the method and data used to establish that list. The method shall take into account soil characteristics, climate and expected raw material yields.

Justification

The directive should confine the requirement to assess emissions by region to the main greenhouse gas (N₂O), while respecting the level of geographical accuracy required, so as to ensure that data acquisition and traceability costs do not prove excessive.

Amendment 73

Proposal for a directive
Article 17 – paragraph 2 - subparagraph 1 a (new)

Text proposed by the Commission

By 31 March 2010 at the latest, the Commission shall submit a list of territories in third countries where the typical greenhouse gas emissions from cultivation of agricultural raw materials can be expected to be lower than or equal to the emissions reported under the heading ‘Cultivation’ in part D of Annex

Amendment

By 31 March 2010 at the latest, the Commission shall submit a list of territories in third countries where the typical greenhouse gas emissions from cultivation of agricultural raw materials can be expected to be lower than or equal to the emissions reported under the heading ‘Cultivation’ in part D of Annex
VII, accompanied if possible by a description of the method and data used to establish that list. Where appropriate, the Commission shall attach to its report relevant proposals concerning the values laid down in Annex VII.

Justification

The directive must extend to third countries the requirement for accurate regional assessment of N₂O emissions.

Amendment 74

Proposal for a directive
Article 17 – paragraph 4

Text proposed by the Commission

4. The Commission shall report by 31 December 2012 at the latest on the estimated typical and default values in Annex VII Part B and Part E, paying special attention to emissions from transport and processing, and may, where necessary, decide to correct the values. Such a measure designed to amend non-essential elements of this Directive shall be adopted in accordance with the regulatory procedure with scrutiny referred to in Article 21(3).

Amendment

4. The Commission shall report by 31 December 2012 at the latest, and thereafter every two years, on the estimated typical and default values in Annex VII Part B and Part E, paying special attention to emissions from transport and processing, and correct the values. Such a measure designed to amend non-essential elements of this Directive shall be adopted in accordance with the regulatory procedure with scrutiny referred to in Article 21(3).

Justification

The aim is to ensure regular assessment of reference data.

Amendment 75

Proposal for a directive
Article 17 – paragraph 5 a (new)

Text proposed by the Commission

5a. Before this Directive is implemented, the Commission shall supply data on the reduction in greenhouse gas emissions

Amendment

5a. Before this Directive is implemented, the Commission shall supply data on the reduction in greenhouse gas emissions
brought about by the use of heating and cooling energy produced from renewable energy sources, by raw material used.

Amendment 76
Proposal for a directive
Article 17 a (new)

Text proposed by the Commission

Amendment

Article 17 a
Obligations in respect of similar imported products
1. The obligations relating to sustainable production of biofuels and sustainable use of renewable sources, which are applicable to Community products, shall also be taken into account in respect of similar imported products, in accordance with the commitments undertaken by the countries of origin.
2. Where the countries of origin do not honour the obligations referred to in paragraph 1, the Commission shall apply tariffs or other measures to imports and/or shall empower Member States to apply tax or other measures to safeguard Community preference and prevent unfair competition from imported products against Community products.

Amendment 77
Proposal for a regulation
Article 18 – paragraph 4

Text proposed by the Commission

Amendment

4. For the purposes of demonstrating compliance with national renewable energy obligations placed on operators, the contribution made by biofuels produced from wastes, residues, non-food cellulosic material, and ligno-cellulosic material shall be considered to be twice

deleted
that made by other biofuels.

Justification

The need to improve the profitability of unconventional biofuels does not constitute a proper justification for double discharge. Climate protection can only be achieved through an actual reduction in emissions. The legal sustainability of double discharge seems doubtful, since any intervention in competition for reasons of bogus emission reductions would be adjudged arbitrary.

Amendment 78

Proposal for a directive
Article 18 a (new)

<table>
<thead>
<tr>
<th>Text proposed by the Commission</th>
<th>Amendment</th>
</tr>
</thead>
<tbody>
<tr>
<td>Article 18a</td>
<td>Amendment</td>
</tr>
<tr>
<td>Fuel tax differentiation</td>
<td>Amendment</td>
</tr>
<tr>
<td>Member States may introduce a dynamic system of fuel tax differentiation, based on the relative greenhouse gas emission savings of the respective (bio)fuels and other (bio)liquids as calculated in accordance with Article 17. The system should grant progressively lower fuel taxes for biofuels and bioliquids with higher greenhouse gas emission savings. Only biofuels and bioliquids that fulfil the environmental sustainability criteria as laid down in Article 15 shall benefit from such a system. Such a system shall be aimed to be budget neutral. Member States introducing such a system shall notify the Commission.</td>
<td></td>
</tr>
</tbody>
</table>

Justification

Member States may take an additional measure of fuel tax differentiation in order to stimulate the use of biofuels in general and specifically the most efficient biofuels. Introducing such a system will stimulate producers and fuel companies to produce and use ever more efficient biofuels (with the highest greenhouse gas emission savings). Thus it will stimulate a fast transition to the second generation biofuels and therewith reduce competition of biofuels production with food production.
Amendment 79

Proposal for a directive
Article 19 – paragraph 1 – point (g)

Text proposed by the Commission
(g) developments in the availability and use of biomass resources for energy purposes;

Amendment
(g) developments in the availability and the various uses of biomass resources;

Amendment 80

Proposal for a directive
Article 20 – paragraph 1

Text proposed by the Commission
1. The Commission shall monitor the origin of biofuels and other bioliquids consumed in the Community and the impacts of their production on land use in the Community and the main third countries of supply. Monitoring shall be based on Member States’ reports, submitted pursuant to Article 19(1) and those of relevant third countries, intergovernmental organisations, scientific studies and any other relevant pieces of information. The Commission shall also monitor the commodity price changes associated with the use of biomass for energy and any associated positive and negative effects on food security.

Amendment
1. The Commission shall monitor the origin of biofuels and other bioliquids consumed in the Community and the impacts of their production on land use in the Community and the main third countries of supply. Monitoring shall be based on Member States’ reports, submitted pursuant to Article 19(1) and those of relevant third countries, intergovernmental organisations, scientific studies and any other relevant pieces of information. The Commission shall also monitor the commodity price changes associated with the use of biomass for energy and any associated positive and negative effects on food security and on traditional industrial activities.

Amendment 81

Proposal for a directive
Article 20 – paragraph 2 a (new)

Text proposed by the Commission
2a. The Commission shall monitor imports of biomass and biofuels intended for energy purposes from third countries

Amendment

as well as the compliance with current EU environmental standards of the methods used to produce them.

Amendment 82
Proposal for a regulation
Annex VII – Part C – paragraph 15

Text proposed by the Commission

15. Where a fuel production process produces, in combination, the fuel for which emissions are being calculated and one or more other products ("co-products"), greenhouse gas emissions shall be divided between the fuel or its intermediate product and the co-products in proportion to their energy content (determined by lower heating value in the case of co-products other than electricity).

Amendment

15. Where a fuel production process produces, in combination, the fuel for which emissions are being calculated and one or more other products ("co-products"), greenhouse gas emissions shall be properly divided between the fuel or its intermediate product and the co-products in proportion to their energy content (determined, in principle, by lower heating value in the case of co-products other than electricity).

Justification

In combination with the system limits which can be selected with considerable leeway, this can lead to serious distortion of the greenhouse gas results in individual cases, since the emissions of the system as a whole are not allocated according to each product in the way that they would be assigned to each product in a process-specific way. In individual cases such as wet and dry spent grain, a proper allocation, e.g. on the basis of specific system limits or of dry matter content, which is significant for the animal feed value, should therefore be made possible.

Amendment 83
Proposal for a directive
Annex VII – part C – paragraph 16 – subparagraph 2

Text proposed by the Commission

In the case of biofuels and other bioliquids, all co-products, including electricity that does not fall under the scope of paragraph 14, shall be taken into account for the purposes of this calculation, except for agricultural crop residues, including straw, bagasse, husks, cobs and nut shells. Co-

Amendment

In the case of biofuels and other bioliquids, all co-products, including electricity that does not fall under the scope of paragraph 14, shall be taken into account for the purposes of this calculation, except for agricultural crop residues remaining in fields, including straw, bagasse, husks,
products that have a negative energy content shall be considered to have an energy content of zero for the purpose of the calculation.

cobs and nut shells. Co-products that have a negative energy content shall be considered to have an energy content of zero for the purpose of the calculation.

**Justification**

*The directive must take into account the energy value of straw and crop residues which can be taken from fields.*

**Amendment 84**

**Proposal for a directive**

Annex VII – part C – paragraph 16 – subparagraph 3

<table>
<thead>
<tr>
<th>Text proposed by the Commission</th>
<th>Amendment</th>
</tr>
</thead>
<tbody>
<tr>
<td>Wastes, agricultural crop residues, including straw, bagasse, husks, cobs and nut shells, and residues from processing chains, other than biofuel processing chains, with no potential food or feed use shall be considered to have zero life-cycle greenhouse gas emissions up to the process of collection of these materials.</td>
<td>Wastes, agricultural crop residues, including straw, bagasse, husks, cobs and nut shells, and residues from processing chains, other than biofuel processing chains, with no potential food, feed or energy use shall be considered to have zero life-cycle greenhouse gas emissions up to the process of collection of these materials.</td>
</tr>
</tbody>
</table>

**Justification**

*The directive must take into account the energy value of straw and crop residues which can be taken from fields.*
### PROCEDURE

<table>
<thead>
<tr>
<th>Title</th>
<th>Energy produced from renewable sources</th>
</tr>
</thead>
<tbody>
<tr>
<td>Committee responsible</td>
<td>ITRE</td>
</tr>
<tr>
<td>Opinion by</td>
<td>AGRI</td>
</tr>
<tr>
<td>Date announced in plenary</td>
<td>19.2.2008</td>
</tr>
<tr>
<td>Drafts(wo)man</td>
<td>Bernadette Bourzai</td>
</tr>
<tr>
<td>Date appointed</td>
<td>25.2.2008</td>
</tr>
<tr>
<td>Date adopted</td>
<td>25.6.2008</td>
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<tr>
<td>Result of final vote</td>
<td>++: 34, --: 3, 0: 1</td>
</tr>
<tr>
<td>Substitute(s) present for the final vote</td>
<td>Katerina Batzeli, Ilda Figueiredo, Wiesław Stefan Kuc, Astrid Lulling, Maria Petre, Markus Pieper, Brian Simpson</td>
</tr>
<tr>
<td>Substitute(s) under Rule 178(2) present for the final vote</td>
<td>Paulo Casaca, Brigitte Fouré, Helga Trüpel</td>
</tr>
</tbody>
</table>
## PROCEDURE

<table>
<thead>
<tr>
<th><strong>Title</strong></th>
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<tbody>
<tr>
<td><strong>Date submitted to Parliament</strong></td>
<td>23.1.2008</td>
</tr>
<tr>
<td><strong>Committee responsible</strong></td>
<td>ITRE 19.2.2008</td>
</tr>
<tr>
<td><strong>Associated committee(s)</strong></td>
<td>ENV 10.4.2008</td>
</tr>
<tr>
<td><strong>Rapporteur(s)</strong></td>
<td>Claude Turmes 25.2.2008</td>
</tr>
<tr>
<td><strong>Legal basis disputed</strong></td>
<td>JURI</td>
</tr>
<tr>
<td><strong>Date adopted</strong></td>
<td>11.9.2008</td>
</tr>
<tr>
<td><strong>Result of final vote</strong></td>
<td>+: 50, –: 2, 0: 0</td>
</tr>
<tr>
<td><strong>Members present for the final vote</strong></td>
<td>Jerzy Buzek, Dragoș Florin David, Pilar del Castillo Vera, Den Dover, Lena Ek, Nicole Fontaine, Adam Gierek, András Gyürk, Fiona Hall, Rebecca Harms, Erna Hennicot-Schoepges, Mary Honeyball, Romana Jordan Cizelj, Werner Langen, Anne Laperrouze, Patrick Louis, Eugenijus Maldeikis, Eluned Morgan, Angelika Niebler, Reino Paasilinna, Aldo Patriciello, Francisca Pleguezuelos Aguilar, Anni Podimata, Miloslav Ransdorf, Vladimir Remek, Herbert Reul, Teresa Riera Madurell, Mechtild Rothe, Paul Rübig, Britta Thomsen, Catherine Trautmann, Claude Turmes, Nikolaos Vakalis, Adina Ioana Vâlean, Alejo Vidal-Quadras</td>
</tr>
<tr>
<td><strong>Substitute(s) present for the final vote</strong></td>
<td>Ivo Belet, Dorette Corbey, Avril Doyle, Göran Färm, Juan Fraile Cantón, Neena Gill, Matthias Groote, Françoise Grossetête, Satu Hassi, Toine Manders, Pierre Pribetich, Vittorio Prodi, Esko Seppänen, Lambert van Nistelrooij</td>
</tr>
<tr>
<td><strong>Substitute(s) under Rule 178(2) present for the final vote</strong></td>
<td>Giovanna Corda, Árpád Duka-Zólyomi, Johannes Lebech</td>
</tr>
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