

2009 - 2014

Committee on Regional Development

2012/0288(COD)

21.6.2013

OPINION

of the Committee on Regional Development

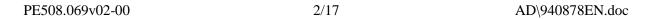
for the Committee on the Environment, Public Health and Food Safety

on the proposal for a directive of the European Parliament and of the Council amending Directive 98/70/EC relating to the quality of petrol and diesel fuels and amending Directive 2009/28/EC on the promotion of the use of energy from renewable sources

(COM(2012)0595 - C7-0337/2012 - 2012/0288(COD))

Rapporteur: Riikka Manner

AD\940878EN.doc PE508.069v02-00



SHORT JUSTIFICATION

Directive 2009/28/EC of the European Parliament and of the Council states that in many cases production of energy from renewable sources is based on the operations of local and regional SMEs. Renewable energy and biofuels for transport use have a significant impact on the regions of the European Union, and this must not be forgotten when drafting legislation.

According to research, however, biofuel production has been found to have adverse effects on the price of food and on climate change. So-called indirect land-use changes can lead to substantial greenhouse gas emissions. This problem has been tackled by recommending limits on so-called conventional biofuels, which use food crops as their raw material.

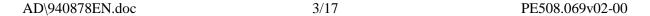
Although the Commission proposal does not entirely exclude conventional biofuel production, note should be taken of the significant impact which the proposal will have on the sector. The Commission's impact assessment indicates that the proposal will affect the stability of financial investment if conventional biofuel feedstocks are limited. The proposal may therefore have a significant impact on the existing biofuels industry, and it should be borne in mind that the first-generation biofuels industry also produces second-generation biofuels.

An important objective of the promotion of renewable energy and biofuels is development of rural areas and of the regions. The Commission proposal will affect the viability of rural areas and the regions, as it limits the cultivation of energy crops. The proposal may affect Europe's self-sufficiency in protein, as protein feeds are by-products of many biofuel plants. Developing a genuinely new generation of biofuels will generate demand for other biofuel feedstocks derived from farms and forestry holdings, for example for straw and wood. The use of wood biomass as a biofuel feedstock will also promote the energy self-sufficiency of the regions. Account should also be taken of the substantial potential of agricultural waste and residues as feedstocks for biogas and biofuels.

As the proposal is likely to have a significant impact on current biofuel production and hence also on regional employment, the Commission should assess more precisely than hitherto the social and economic impact of the proposal both on the sector itself and on rural areas and other regions.

Advanced biofuels generate growth

According to the Commission's impact assessment, there is a risk that the transport target of the renewable energy directive may not be attained unless technical development ensures significant growth in the introduction of advanced biofuels. The Committee on Regional Development considers that the European Union should invest in many ways in advanced second-generation biofuel production and also in promoting demand, as the EU should not relinquish its ambitious target for transport biofuels for the year 2020. In addition to this directive, the use of the EU's structural and research funds to develop new-generation biofuel production should be promoted. It should be borne in mind that advanced second-generation biofuel production and demand ought to be promoted more comprehensively than the



Commission proposes. The vehicle park and the infrastructure of current production plants will not change overnight but will require, for example, measures to adapt equipment to operate with blends of fuel containing more bioethanol, and other adaptive measures.

The Commission proposal for supporting advanced biofuels by placing greater emphasis on them in complying with obligations is commendable, although attaining the 10% target purely in relative terms cannot be the only aim of the directive. The directive should promote as much as possible more advanced second generation biofuels and their production. As it currently stands, the Commission proposal still requires amendment, so that the directive provides the strongest possible incentives. The categorical and exhaustive listing of feedstocks to be counted multiple times, which the Commission proposes, is not entirely justified, because at this stage it is not yet possible to identify all the feedstocks which might be exploited in the near future. From the point of view of regional development, it is absolutely vital to invest in new-generation biofuel production, as it is assumed that the development of production will create substantial numbers of new jobs.

Finally, the Committee on Regional Development wishes to stress the importance of taking a long-term view in the Union's policy. EU legislation should ensure the most stable possible operating environment and policy should be predictable so that businesses dare to invest in Europe and thus to create jobs and generate economic growth.

AMENDMENTS

The Committee on Regional Development calls on the Committee on the Environment, Public Health and Food Safety, as the committee responsible, to incorporate the following amendments into its report:

Amendment 1

Proposal for a directive Recital 4

Text proposed by the Commission

(4) Where pasture or agricultural land previously destined for the food, feed and fibre markets is diverted to biofuel production, the non-fuel demand will still need to be satisfied either through intensification of current production or by bringing non-agricultural land into production elsewhere. The latter case represents indirect land-use change and when it involves the conversion of high carbon stock land it can lead to significant

Amendment

(4) Where pasture or agricultural land previously destined for the food, feed and fibre markets is diverted to biofuel production, the non-fuel demand will still need to be satisfied either through intensification of current production or by bringing non-agricultural land into production elsewhere. The latter case represents indirect land-use change and when it involves the conversion of high carbon stock land it can lead to significant

greenhouse gas emissions. Directives 98/70/EC and 2009/28/EC should therefore include provisions to address indirect land use change given that current biofuels are mainly produced from crops grown on existing agricultural land.

greenhouse gas emission. Directives 98/70/EC and 2009/28/EC should therefore include provisions to address indirect land use change given that current biofuels are mainly produced from crops grown on existing agricultural land. Owing to the specific features of European regions, these changes may have a strong impact at regional level, and it is therefore recommended that an impact assessment be carried out as soon as possible on the economic and social effects that this directive may have at regional level. If quantities of emissions are compared over a life cycle, sugar and starch crops on the one hand and oil crops on the other differ in their environmental performance. In order to achieve benefits to the environment as effectively as possible, the focus must be on limiting the biofuels and production which have the most adverse environmental impact.

Amendment 2

Proposal for a directive Recital 5

Text proposed by the Commission

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

Amendment

(5) Based on the Union's objectives to increase the overall share of energy from renewable sources to 20% by 2020, and to 10 % in the transport sector, forecasts of biofuel demand provided by the Member States, centralised at European level, and estimates of indirect land-use change emissions for different biofuel feedstocks it is likely that greenhouse gas emissions linked to indirect land use change are significant, and could negate some or all of the greenhouse gas savings of individual biofuels. This is because almost the entire biofuel production in 2020 is expected to come from crops grown on land that could

and other starch containing crops accordingly.

be used to satisfy food and feed markets. Such practices can have unfavourable impact on local communities especially in the developing countries. Emission reduction strategies should accordingly take into account of the social impact. In order to reduce such emissions, it is appropriate to distinguish between crop groups such as oil crops, cereals, sugars and other starch containing crops accordingly.

Amendment 3 Proposal for a directive Recital 6

Text proposed by the Commission

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

Amendment

(6) Liquid renewable fuels will become increasingly important in the transport sector in order to reduce its greenhouse gas emissions. Greenhouse gas savings from many biofuels are still substantial in comparison with fossil fuels, including if the impact of indirect land-use changes is taken into account. Advanced biofuels, such as those made from wastes. wood residues and algae, provide high greenhouse gas savings with low risk of causing indirect land use change and do not compete directly for agricultural land for the food and feed markets. It is appropriate, therefore, to encourage greater production of such advanced biofuels as these are currently not commercially available in large quantities, in part due to competition for public subsidies with established food crop based biofuel technologies. Further incentives should be provided by increasing the weighting of advanced biofuels towards 10% target for transport set in Directive 2009/28/EC compared to conventional biofuels. However, this directive should not result in the genuine greenhouse gas savings in transport fall short of forecasts. In order for Member

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States to be able as flexibly as possible to develop innovative and new feedstocks and to promote their use in biofuel production, it is important to lay down in this directive general principles and provisions with regard to second generation and advanced biofuel feedstocks. This would give Member States and hence also the regions the opportunity to decide on the treatment of feedstocks on the basis of their own strengths. In this context, only advanced biofuels with low estimated indirect land use change impacts and high overall greenhouse gas savings should be supported as part of the post 2020 renewable energy policy framework.

Amendment 4 Proposal for a directive Recital 7

Text proposed by the Commission

(7) In order to ensure the long-term competitiveness of bio-based industrial sectors, and in line with the 2012 Communication "Innovating for Sustainable growth: A Bioeconomy for Europe" and the Roadmap to a Resource Efficient Europe, promoting integrated and diversified biorefineries across Europe, enhanced incentives under Directive 2009/28/EC should be set in a way that gives preference to the use of biomass feedstocks that do not have a high economic value for other uses than biofuels.

Amendment

(7) In order to ensure the long-term competitiveness of bio-based industrial sectors, and in line with the 2012 Communication "Innovating for Sustainable growth: A Bioeconomy for Europe" and the Roadmap to a Resource Efficient Europe, promoting integrated and diversified biorefineries across Europe, enhanced incentives under Directive 2009/28/EC should be set in a way that promotes resource-efficient use of biomass feedstocks and gives preference to the use of second generation and advanced biofuels. The Union's Structural Funds should be assigned a key role in promoting and developing second generation and advanced biofuels.

Amendment 5

Proposal for a directive Recital 7 a (new)

Text proposed by the Commission

Amendment

(7a) Similarly, more support is required both from public funds and European research, regional and structural programmes and from attracting private investment through public-private partnerships, which will help ensure greater coherence between research and innovation efforts and the future needs of European industry.

Amendment 6 Proposal for a directive Recital 8 a (new)

Text proposed by the Commission

Amendment

(8a) In promoting the development of the market in renewable energy carriers and fuels, account should be taken of their impact not only on climate but also on regional and local development opportunities and employment. Production of second generation and advanced biofuels has a potential to create employment and generate growth, particularly in rural areas. The regions' energy self-sufficiency and security of supply are also objectives of the promotion of markets in renewable energy and fuels.

Amendment 7

Proposal for a directive Recital 9

Text proposed by the Commission

(9) To prepare for the transition towards advanced biofuels and minimise the overall indirect land use change impacts in the period to 2020, it is appropriate to limit the amount of biofuels and bioliquids obtained from food crops as set out in part A of Annex VIII to Directive 2009/28/EC and part A of Annex V to Directive 98/70/EC that can be counted towards targets set out in Directive 2009/28/EC. Without restricting the overall use of such biofuels, the share of biofuels and bioliquids produced from cereal and other starch rich crops, sugar and oil crops that can be counted towards the targets of Directive 2009/28/EC should be limited to the share of such biofuels and bioliquids consumed in 2011.

Amendment

(9) To prepare for the transition towards advanced biofuels and minimise the overall indirect land use change impacts in the period to 2020, it is appropriate to limit the amount of biofuels and bioliquids obtained from food crops as set out in part A of Annex VIII to Directive 2009/28/EC and part A of Annex V to Directive 98/70/EC that can be counted towards targets set out in Directive 2009/28/EC. Such a limit should primarily focus on the biofuels which have the most adverse impact on the environment and climate. Without restricting the overall use of such biofuels, the share of biofuels and bioliquids produced from oil crops that can be counted towards the targets of Directive 2009/28/EC should be limited.

Justification

As the emissions calculated as being caused by indirect land use change are 12 gCO2eq/MJ for cereal and other starch-rich crops and 13 gCO2eq/MJ for sugar, as against 55 gCO2eq/MJ for oil crops, it is appropriate first to limit the use of those crops which have the greatest environmental impact.

Amendment 8 Proposal for a directive Recital 11

Text proposed by the Commission

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

Amendment

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

Justification

It is important to insert the word 'residue' in the text, as there is still much potential, for example, in the exploitation of industrial by-products and residues.

Amendment 9

Proposal for a directive Recital 11 a (new)

Text proposed by the Commission

Amendment

(11a) Land-use change for the production of biofuels should not lead to the displacement of local or indigenous communities.

Amendment 10 Proposal for a directive Recital 20

Text proposed by the Commission

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

Amendment

(20) The Commission should review the effectiveness of the measures introduced by this Directive and their impact at all levels, based on the best and latest available scientific evidence, in limiting indirect land-use change greenhouse gas emissions and addressing ways to further minimise that impact, which could include the introduction of estimated indirect landuse change emission factors in the sustainability scheme as of 1st January 2021. The Commission should also review the wider economic and social impact of the proposal on the Union's regions, the countryside and also the operations of existing biofuel producers.

Amendment 11

Proposal for a directive

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Recital 21

Text proposed by the Commission

(21) It is of particular importance that the Commission in application of this Directive carry out appropriate consultations during its preparatory work, including *at expert level*. The Commission, when preparing and drawing up delegated acts, should ensure a simultaneous, timely and appropriate transmission of relevant documents to the European Parliament and to the Council.

Amendment

(21) It is of particular importance that the Commission in application of this Directive carry out appropriate consultations during its preparatory work, including with researchers, end users, policy-makers and civil society. The Commission, when preparing and drawing up delegated acts, should ensure a simultaneous, timely and appropriate transmission of relevant documents to the European Parliament and to the Council.

Amendment 12

Proposal for a directive Recital 21 a (new)

Text proposed by the Commission

Amendment

(21a) It is also recommended that regional working parties be set up, which will help to improve synergies, ensure greater coherence among regional policies and promote examples of best practice in the Union.

Amendment 13
Proposal for a directive
Article 2 – paragraph 1 – point 2 – point c – point iii 2009/28/EC
Article 3 – paragraph 4 – point e – point i

Text proposed by the Commission

Amendment

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

(i) Part A of Annex IX contains, by way of example, lists of feedstocks, biofuels produced from which shall be considered to be twice their energy content;

Justification

The approach of listing exhaustively in the annex all the individual feedstocks, biofuels produced from which are to be counted with a four- or twofold weighting, is not right, as it is difficult to identify all the feedstocks which could be used either now or in the future and which do not entail any ILUC risk. A fourfold weighting could result in the actual quantity of advanced biofuels falling short of what was hoped, so that the estimated impact on the regions would also be reduced.

Amendment 14
Proposal for a directive
Article 2 – paragraph 1 – point 2 – point c – point iii 2009/28/EC
Article 3 – paragraph 4 – point e – point ii

Text proposed by the Commission

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

Amendment

(ii) Part B of Annex IX contains, by way of example, lists of feedstocks, biofuels produced from which shall be considered directly in accordance with their energy content;

Justification

The approach of listing exhaustively in the annex all the individual feedstocks, biofuels produced from which are to be counted with a four- or twofold weighting, is not right, as it is difficult to identify all the feedstocks which could be used either now or in the future and which do not entail any ILUC risk. A fourfold weighting could result in the actual quantity of advanced biofuels falling short of what was hoped, so that the estimated impact on the regions would also be reduced.

Amendment 15
Proposal for a directive
Article 2 – paragraph 1 – point 2 – point c – point iii
2009/28/EC
Article 3 – paragraph 4 – point e – point iii

Text proposed by the Commission

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

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

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Justification

A fourfold weighting could result in the actual quantity of advanced biofuels falling short of what was hoped, so that the estimated impact on the regions would also be reduced.

Amendment 16 Proposal for a directive Article 3

Text proposed by the Commission

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

Amendment

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

Justification

In its impact assessment, the Commission considered the broader social and economic impact of the proposal rather summarily, although one important aim of the renewable energy directive is to develop the regions and rural areas. It is therefore desirable to examine the socioeconomic impact of the proposal, for example on employment, more thoroughly than hitherto once the proposal has entered into force.

Amendment 17
Proposal for a directive
Annex 2 – paragraph 1 – point 1 – point b a (new)
2009/28/EC
Annex V – Part C – Point 11

Text proposed by the Commission

Amendment

(ba) In point 11, the following subparagraph is added:

'If renewable electricity generated elsewhere which is of guaranteed origin as referred to in Article 15 is used in a fuel production plant, the greenhouse gas emission level of the electricity shall be deemed to be zero. The greenhouse gas emission level of renewable electricity generated at the production plant shall likewise be deemed to be zero.'

Justification

It is desirable to encourage production plants to use renewable electricity as an energy source if the plant uses energy generated elsewhere. This will also benefit renewable energy plants in the region by increasing demand for renewable electricity.

Amendment 18 Proposal for a directive Annex 2 Directive 2009/28/EC Annex IX

Text proposed by the Commission

3) The following Annex IX is added:

'Annex IX

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

Amendment

3) The following Annex IX is added:

'Annex IX

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

All feedstocks based on waste, algae and residues and biological material in the case of which relevant alternative uses are associated with significant emissions of

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- (a) Algae.
- (b) Biomass fraction of mixed municipal waste, but not separated household waste subject to recycling targets under Article 11(2)(a) of Directive 2008/98/EC of the European Parliament and of the Council of 19 November 2008 on waste and repealing certain Directives.
- (c) Biomass fraction of industrial waste.
- (d) Straw.
- (e) Animal manure and sewage sludge.
- (f) Palm oil mill effluent and empty palm fruit bunches.
- (g) Tall oil pitch.
- (h) Crude glycerine.
- (i) Bagasse.
- (j) Grape marcs and wine lees.
- (k) Nut shells.
- (1) Husks
- (m) Cobs
- (n) Bark, branches, leaves, saw dust and cutter shavings.

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

- (a) Used cooking oil.
- (b) Animal fats classified as category I and

methane or nitrous oxide without usable energy being generated, including following:

- (a) Algae.
- (b) Biomass fraction of mixed municipal waste, *including separated biowaste*, but not *other* separated household waste *and waste paper* subject to recycling targets under Article 11(2)(a) of Directive 2008/98/EC of the European Parliament and of the Council of 19 November 2008 on waste and repealing certain Directives.
- (c) Biomass fraction of industrial waste, waste from the retail and wholesale trade and process residues.
- (d) Straw.
- (e) Animal manure and sewage sludge.
- (f) Palm oil mill effluent and empty palm fruit bunches.
- (g) Black liquor and its derivatives, such as crude sulphate soap, lignin, crude tall oil and tall oil pitch.
- (h) Crude glycerine.
- (i) Bagasse.
- (j) Grape marcs and wine lees.
- (k) Nut shells.
- (1) Husks
- (m) Cobs
- (n) Timber harvesting residues, such as bark, branches, crown mass, small-sized wood, leaves, saw dust and cutter shavings.
- (na) Non-food cellulosic material.
- (nb) Ligno-cellulosic material except saw logs and veneer logs.

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

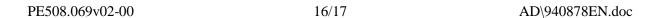
- (a) Used cooking oil.
- (b) Animal fats classified as category I and

II in accordance with EC/1774/2002 laying down health rules concerning animal byproducts not intended for human consumption.

- II in accordance with EC/1774/2002 laying down health rules concerning animal byproducts not intended for human consumption.
- (c) Non-food cellulosic material.
- (d) Ligno-cellulosic material except saw logs and veneer logs.

Justification

The approach of listing exhaustively in the annex all the individual feedstocks, biofuels produced from which are to be counted with a four- or twofold weighting, is not right, as it is difficult to identify all the feedstocks which could be used either now or in the future and which do not entail any ILUC risk. A fourfold weighting could result in the actual quantity of advanced biofuels falling short of what was hoped, so that the estimated impact on the regions would also be reduced.



PROCEDURE

Title	Amendment to the fuel quality directive and the renewable energy directive (Indirect Land Use Change)
References	COM(2012)0595 - C7-0337/2012 - 2012/0288(COD)
Committee responsible Date announced in plenary	ENVI 19.11.2012
Opinion by Date announced in plenary	REGI 19.11.2012
Rapporteur Date appointed	Riikka Pakarinen 27.11.2012
Discussed in committee	22.4.2013
Date adopted	20.6.2013
Result of final vote	+: 34 -: 6 0: 0
Members present for the final vote	François Alfonsi, Luís Paulo Alves, Francesca Barracciu, Jean-Jacob Bicep, Victor Boştinaru, John Bufton, Alain Cadec, Nikos Chrysogelos, Rosa Estaràs Ferragut, Brice Hortefeux, Danuta Maria Hübner, Filiz Hakaeva Hyusmenova, Vincenzo Iovine, María Irigoyen Pérez, Seán Kelly, Mojca Kleva Kekuš, Constanze Angela Krehl, Petru Constantin Luhan, Ramona Nicole Mănescu, Vladimír Maňka, Iosif Matula, Erminia Mazzoni, Ana Miranda, Jens Nilsson, Jan Olbrycht, Wojciech Michał Olejniczak, Markus Pieper, Tomasz Piotr Poręba, Monika Smolková, Georgios Stavrakakis, Nuno Teixeira, Lambert van Nistelrooij, Kerstin Westphal, Hermann Winkler, Joachim Zeller, Elżbieta Katarzyna Łukacijewska
Substitute(s) present for the final vote	Giommaria Uggias
Substitute(s) under Rule 187(2) present for the final vote	Susy De Martini, Miroslav Ouzký, Marit Paulsen