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**TEXTS ADOPTED**

*Provisional edition*

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**P8\_TA-PROV(2018)0009**

**Promotion of the use of energy from renewable sources \*\*\*I**

**Amendments adopted by the European Parliament on 17 January 2018 on the proposal for a directive of the European Parliament and of the Council on the promotion of the use of energy from renewable sources (recast) (COM(2016)0767 – C8-0500/2016 – 2016/0382(COD))<sup>1</sup>**

**(Ordinary legislative procedure – recast)**

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<sup>1</sup> The matter was referred back for interinstitutional negotiations to the committee responsible, pursuant to Rule 59(4), fourth subparagraph (A8-0392/2017).

## Amendment 2

### Proposal for a directive

#### Recital 2

*Text proposed by the Commission*

(2) Promoting renewable forms of energy is one of the goals of the Union energy policy. The increased use of energy from renewable sources, together with energy savings and increased energy efficiency, constitutes ***an important*** part of the package of measures needed to reduce greenhouse gas emissions and comply with the 2015 Paris Agreement on Climate Change, and the ***Union 2030 energy and climate framework, including the binding target to cut emissions in the Union by at least 40% below 1990 levels by 2030***. It also has ***an important*** part to play in promoting the security of energy supply, technological development and innovation ***and*** providing opportunities for employment and regional development, especially in rural and isolated areas ***or*** regions with low population density.

*Amendment*

(2) Promoting renewable forms of energy is one of the goals of the Union energy policy ***in accordance with Article 194(1) of the Treaty on the Functioning of the European Union (TFEU)***. The increased use of energy from renewable sources, together with energy savings and increased energy efficiency, constitutes the essential part of the package of measures needed to reduce greenhouse gas emissions and comply ***with the Union's commitment under the 2015 Paris Agreement on Climate Change following the 21st Conference of the Parties to the United Nations Framework Convention on Climate Change (COP 21) (the 'Paris Agreement'), and the necessity to reach net-zero emission domestically by 2050 at the latest***. It also has ***a fundamental*** part to play in promoting the security of energy supply, ***sustainable energy at affordable prices***, technological development and innovation ***as well as technological and industrial leadership while providing environmental, social and health benefits as well as major*** opportunities for employment and regional development, especially in rural and isolated areas, ***in*** regions with low population density and ***in territories undergoing partial deindustrialisation***.

## Amendment 3

### Proposal for a directive

#### Recital 2 a (new)

*Text proposed by the Commission*

*Amendment*

***(2a) The Paris Agreement substantially increased the level of global ambition on climate change mitigation, with***

*signatories committing to holding the increase in the global average temperature to well below 2°C above pre-industrial levels and to pursuing efforts to limit the temperature increase to 1,5°C above pre-industrial levels. The Union needs to prepare for much deeper and faster cuts in emissions than previously foreseen, in order to shift to a highly energy efficient and renewables-based energy system at the latest by 2050. At the same time, such reductions are feasible at a lower cost than previously assessed, given the pace of development and deployment of renewable energy technologies such as wind and solar.*

#### **Amendment 4**

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

##### **Recital 3**

*Text proposed by the Commission*

(3) In particular, increasing technological improvements, *incentives for the use and expansion of* public transport, the use of energy efficiency technologies and the promotion of the use of energy from renewable sources in the electricity, heating and cooling sectors as well as in the transport sector are very effective tools, together with energy efficiency measures, for reducing greenhouse gas emissions in the Union and the Union's *dependence on imported gas and oil*.

*Amendment*

(3) In particular, *reducing energy consumption*, increasing technological improvements, *expanding* public transport, the use of energy efficiency technologies and the promotion of the use of energy from renewable sources in the electricity, heating and cooling sectors as well as in the transport sector are very effective tools, together with energy efficiency measures for reducing greenhouse gas emissions in the Union and the Union's *energy dependence*.

#### **Amendment 5**

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

##### **Recital 4**

*Text proposed by the Commission*

(4) Directive 2009/28/EC established a regulatory framework for the promotion of the use of energy from renewable sources which set binding national targets on the share of renewable energy sources in

*Amendment*

(4) Directive 2009/28/EC established a regulatory framework for the promotion of the use of energy from renewable sources which set binding national targets on the share of renewable energy sources in

energy consumption and transport to be met by 2020. *Commission Communication of 22 January 2014*<sup>12</sup> established a framework for future Union energy and climate policies and promoted a common understanding of how to develop those policies after 2020. The Commission proposed that the Union 2030 target for the share of renewable energy consumed in the Union should be at least 27%.

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<sup>12</sup> "A policy framework for climate and energy in the period from 2020 to 2030" (COM/2014/015 final).

## Amendment 6

### Proposal for a directive Recital 5

*Text proposed by the Commission*

(5) *The European Council of October 2014 endorsed that target, indicating that Member States may set their own more ambitious national targets.*

*Amendment*

*deleted*

## Amendment 7

### Proposal for a directive Recital 6

*Text proposed by the Commission*

(6) The European Parliament, in its *Resolutions* on "A policy framework for climate and energy *in the period from 2020 to 2030*" and on "*the Renewable energy progress report*", has favoured a binding Union 2030 target of at least 30% of total final energy consumption from renewable energy sources, stressing that that target should be implemented by means of individual national targets taking into account the individual situation and potential of each Member State.

*Amendment*

(6) The European Parliament, in its *resolution of 5 February 2014* on "A 2030 framework for climate and energy *policies*", favoured a binding Union 2030 target of at least 30 % of total final energy consumption from renewable energy sources, stressing that that target should be implemented by means of individual national targets taking into account the individual situation and potential of each Member State. *In its resolution of 23 June 2016 on "The renewable energy progress*

energy consumption and transport to be met by 2020.

*report”, the European Parliament went further, noting its previous position regarding a Union target of at least 30 % and stressing that, in light of the Paris Agreement and the recent renewable technology costs reductions, it was desirable to be significantly more ambitious.*

## **Amendment 8**

### **Proposal for a directive Recital 6 a (new)**

*Text proposed by the Commission*

*Amendment*

*(6a) The ambition set out in the Paris Agreement and technological developments, including cost reductions for investments in renewable energy, should therefore be taken into account.*

## **Amendment 324**

### **Proposal for a directive Recital 7**

*Text proposed by the Commission*

*Amendment*

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

(7) It is thus appropriate to establish a Union binding target of at least 35% share of renewable energy *to be accompanied by national targets*. Member States should *only exceptionally be allowed to deviate from the foreseen level of their target by a maximum of 10% in duly substantiated, measurable and verifiable circumstances, based on objective and non-discriminatory criteria*.

## **Amendment 10**

### **Proposal for a directive Recital 7 a (new)**

*Text proposed by the Commission*

*Amendment*

*(7a) Member States' renewable energy targets should be set taking into account the obligations set out in the Paris*

*Agreement, the high potential that still exists for renewable energy and the investments necessary to realise the energy transition.*

## **Amendment 11**

### **Proposal for a directive Recital 7 b (new)**

*Text proposed by the Commission*

*Amendment*

*(7b) The translation of the Union's 35 % target into individual targets for each Member State, should be effected with due regard to a fair and adequate allocation, taking account of Member States' GDP and the different starting points and potentials, including the level of energy from renewable sources to be reached by 2020.*

## **Amendment 12**

### **Proposal for a directive Recital 8**

*Text proposed by the Commission*

*Amendment*

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

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

## **Amendment 13**

### **Proposal for a directive Recital 8 a (new)**

*Text proposed by the Commission*

*Amendment*

*(8a) The Member States should consider the extent to which the use of different types of energy sources is compatible with the target of limiting warming to 1,5°C above pre-industrial levels, and compatible with the goal of a fossil-free economy and at the same time a low-carbon economy. The Commission should assess the contribution to those goals of different types of renewable energy sources based on the payback period and results compared to fossil fuels and to consider proposing a maximum allowable payback period as a sustainability criterion, in particular for ligno-cellulosic biomass.*

#### **Amendment 14**

##### **Proposal for a directive Recital 10**

*Text proposed by the Commission*

*Amendment*

*(10) Member States should take additional measures in the event that the share of renewables at the Union level does not meet the Union trajectory towards the at least 27% renewable energy target. As set out in Regulation [Governance], if an ambition gap is identified by the Commission during the assessment of the Integrated National Energy and Climate Plans, the Commission may take measures at Union level in order to ensure the achievement of the target. If a delivery gap is identified by the Commission during the assessment of the Integrated National Energy and Climate Progress Reports, Member States should apply the measures set out in Regulation [Governance], which are giving them enough flexibility to choose.*

*deleted*

## Amendment 15

### Proposal for a directive

#### Recital 15

*Text proposed by the Commission*

(15) Support schemes for electricity generated from renewable sources have proved to be an effective way of fostering deployment of renewable electricity. If and when Member States decide to implement support schemes, such support should be provided in a form that is as non-distortive as possible for the functioning of electricity markets. To this end, an increasing number of Member States allocate support in a form where support is granted in addition to market revenues.

*Amendment*

(15) Support schemes for electricity generated from renewable sources have proved to be an effective way of fostering deployment of renewable electricity. If and when Member States decide to implement support schemes, such support should be provided in a form that is as non-distortive as possible for the functioning of electricity markets. To this end, an increasing number of Member States allocate support in a form where support is granted in addition to market revenues ***while taking into account the particularities of different technologies and the different abilities of small and large producers to respond to market signals.***

## Amendment 16

### Proposal for a directive

#### Recital 16

*Text proposed by the Commission*

(16) Electricity generation from renewable sources should be deployed ***at the lowest possible cost*** for consumers and taxpayers. When designing support schemes and when allocating support, Member States should seek to minimise the overall system cost ***of deployment***, taking full account of grid and system development needs, the resulting energy mix, and the long term potential of technologies.

*Amendment*

(16) Electricity generation from renewable sources, ***including energy storage***, should be deployed ***so as to minimise the long-term cost of the energy-transition*** for consumers and taxpayers. When designing support schemes and when allocating support, Member States should seek to minimise the overall system cost of deployment, taking full account of grid and system development needs, the resulting energy mix, and the long term potential of technologies. ***Member States should also award support to installations using tenders, which may be either technology specific or neutral.***



## **Amendment 17**

### **Proposal for a directive Recital 16 a (new)**

*Text proposed by the Commission*

*Amendment*

***(16a) In its conclusions of 24 October 2014 on “2030 Climate and Energy Policy Framework”, the European Council stressed the importance of a more interconnected internal energy market and the need of sufficient support to integrate ever increasing levels of variable renewable energy and thus allow the Union to fulfil its leadership ambitions for the energy transition. It is therefore important urgently to increase the level of interconnection and make progress towards the European Council's agreed objectives, in order to maximise the Energy Union's full potential.***

## **Amendment 18**

### **Proposal for a directive Recital 16 b (new)**

*Text proposed by the Commission*

*Amendment*

***(16b) When developing support schemes for renewable sources of energy, Member States should take into account the principles of the Circular Economy and of the waste hierarchy established in Directive 2008/98/EC of the European Parliament and of the Council<sup>1a</sup>. Waste prevention and recycling of waste should be the priority option. Member States should avoid creating such support schemes, which would be counter to targets on treatment of waste and would lead to inefficient use of recyclable waste. Member States should also ensure that measures introduced under this Directive will not be counter to the objectives of the Directive 2008/98/EC.***

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<sup>1a</sup> ***Directive 2008/98/EC of the European Parliament and of the Council of 19***

*November 2008 on waste and repealing certain Directives (OJ L 312, 22.11.2008, p. 3).*

## **Amendment 19**

### **Proposal for a directive Recital 16 c (new)**

*Text proposed by the Commission*

*Amendment*

***(16c) With regard to the use of biotic energy sources, Member States should introduce safeguards in order to protect biodiversity and prevent the depletion or loss of ecosystems and any diversion from existing uses that would have a negative indirect or direct impact on biodiversity, soil or the overall greenhouse gas balance.***

## **Amendment 20**

### **Proposal for a directive Recital 16 d (new)**

*Text proposed by the Commission*

*Amendment*

***(16d) Member States should promote and prefer use of indigenous renewable resources, to the extent possible, and avoid distortive situations resulting in extensive import of resources from third countries. A life cycle approach should be considered and promoted in this respect.***

## **Amendment 21**

### **Proposal for a directive Recital 16 e (new)**

*Text proposed by the Commission*

*Amendment*

***(16e) Renewable energy communities, cities and local authorities should be entitled to participate in available support schemes on an equal footing with other large participants. To that end, Member***

*States should be allowed to take measures, including provision of information, technical and financial support through single administrative contact points, reduce administrative requirements, include community-focused bidding criteria, create tailored bidding windows for renewable energy communities, or allow them to be remunerated through direct support.*

## **Amendment 22**

### **Proposal for a directive Recital 16 f (new)**

*Text proposed by the Commission*

*Amendment*

*(16f) The planning of the infrastructure needed for electricity generation from renewable sources should take into account policies relating to the participation of those affected by the projects, including any indigenous populations, paying due respect to their land rights.*

## **Amendment 23**

### **Proposal for a directive Recital 16 g (new)**

*Text proposed by the Commission*

*Amendment*

*(16g) Consumers should be provided with comprehensive information, including information on the energy efficiency gains of heating and cooling systems and lower running costs of electric vehicles, to allow them to make individual consumer choices with regard to renewable energies and avoid technological lock-in.*

## **Amendment 24**

### **Proposal for a directive Recital 16 h (new)**

*Text proposed by the Commission*

*Amendment*

***(16h) When fostering the development of the market for renewable energy resources, the negative impact on other market participants should be taken into account. Support schemes should therefore reduce the risk of market distortion and distortions of competition.***

## **Amendment 25**

### **Proposal for a directive Recital 17 a (new)**

*Text proposed by the Commission*

*Amendment*

***(17a) While Member States should be required to progressively and partially open support to projects located in other Member States to a level that reflects the physical flows between Member States, the opening of support schemes should remain voluntary beyond this mandatory share. Member States have different renewable energy potentials and operate different schemes of support for energy from renewable sources at national level. The majority of Member States apply support schemes that grant benefits solely to energy from renewable sources that is produced on their territory. For the proper functioning of national support schemes it is vital that Member States can control the effect and costs of their national support schemes according to their different potentials. One important means by which to achieve the aim of this Directive is to guarantee the proper functioning of national support schemes, as provided for in Directives 2001/77/EC and 2009/28/EC, in order to maintain investor confidence and allow Member States to design effective national measures for target compliance. This Directive aims to facilitate cross-border support of energy from renewable sources without affecting national support schemes in a disproportionate manner. It thus introduces, in addition to the***

*mandatory partial opening of support schemes, optional cooperation mechanisms between Member States which allow them to agree on the extent to which one Member State supports the energy production in another and on the extent to which the energy production from renewable sources should count towards the national overall target of one or the other. In order to ensure the effectiveness of both measures of target compliance, i.e. national support schemes and cooperation mechanisms, it is essential that Member States are able to determine, beyond the minimum mandatory opening share, if and to what extent their national support schemes apply to energy from renewable sources produced in other Member States and to agree on this by applying the cooperation mechanisms provided for in this Directive.*

## Amendment 26

### Proposal for a directive Recital 18

*Text proposed by the Commission*

(18) ***Without prejudice to adaptations of support schemes to bring them in line with State aid rules***, renewables support policies should be stable and avoid frequent changes. ***Such changes*** have a direct impact on capital financing costs, the costs of project development and therefore on the overall cost of deploying renewables in the Union. Member States should prevent the revision of any support granted to renewable energy projects from having a negative impact on their economic viability. In this context, Member States should promote cost-effective support policies and ensure their financial sustainability.

*Amendment*

(18) ***Subject to Articles 107 and 108 TFEU***, renewables support policies should be ***predictable***, stable and avoid frequent ***or retroactive*** changes. ***Policy unpredictability and instability*** have a direct impact on capital financing costs, the costs of project development and therefore on the overall cost of deploying renewables in the Union. ***Member States should announce any change in support policy in due time before the intended change and they should consult stakeholders in an adequate manner. In any case***, Member States should prevent the revision of any support granted to renewable energy projects from having a negative impact on their economic viability. In this context, Member States should promote cost-effective support policies and ensure their financial sustainability.

## Amendment 27

### Proposal for a directive

#### Recital 19

*Text proposed by the Commission*

(19) Member States' obligations to draft renewable energy action plans and progress reports and the Commission's obligation to report on Member States' progress are essential in order to increase transparency, provide clarity to investors and consumers and allow for effective monitoring. Regulation [Governance] integrates those obligations in the Energy Union governance system, where planning, reporting and monitoring obligations in the energy and climate fields are streamlined. The transparency platform on renewable energy is also integrated in the broader e-platform established in Regulation [Governance].

*Amendment*

(19) Member States' obligations to draft renewable energy action plans and progress reports and the Commission's obligation to report on Member States' progress are essential in order to increase transparency, provide clarity to investors and consumers and allow for effective monitoring. ***In order to ensure that citizens are at the centre of the energy transition, Member States should develop long-term strategies facilitating the generation of renewable energy by cities, renewable energy communities and self-consumers, within their renewable energy action plans.*** Regulation ... ***of the European Parliament and of the Council [on the Governance of the Energy Union, 2016/0375(COD)]*** integrates those obligations in the Energy Union governance system, where ***long-term strategies***, planning, reporting and monitoring obligations in the energy and climate fields are streamlined. The transparency platform on renewable energy is also integrated in the broader e-platform established in Regulation ... ***of the European Parliament and of the Council [on the Governance of the Energy Union, 2016/0375(COD)]***.

## Amendment 28

### Proposal for a directive

#### Recital 20 a (new)

*Text proposed by the Commission*

*Amendment*

***(20a) Renewable marine energies offer the Union a unique opportunity to reduce its dependency on fossil fuels, help achieve its CO<sub>2</sub> emissions reduction targets and create a new branch of economic activity that generates jobs***

*across large swathes of its territory, including in the outermost regions. The Union must therefore strive to create economic and regulatory conditions propitious to their deployment.*

## Amendment 29

### Proposal for a directive Recital 24 a (new)

*Text proposed by the Commission*

*Amendment*

*(24a) The communication of the Commission of 20 July 2016 entitled "A European Strategy for Low-Emission mobility" highlighted the particular importance, in the medium-term, of advanced biofuels for aviation. Commercial aviation is entirely reliant on liquid fuels as there is no safe or certified alternative for the civil aircraft industry.*

## Amendment 30

### Proposal for a directive Recital 25

*Text proposed by the Commission*

*Amendment*

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

(25) In order to ensure that Annex IX takes into account the principles of the *circular economy*, *the* waste hierarchy established in Directive 2008/98/EC of the European Parliament and of the Council<sup>17</sup>, the Union sustainability criteria, *a life cycle assessment of emissions* and the need to ensure that the Annex does not create additional demand for land while promoting the use of wastes and residues, the Commission *should* regularly *evaluate* the Annex *and* consider the effects on markets for (by-)products, wastes or residues *in any amendments that it proposes*.

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<sup>17</sup> Directive 2008/98/EC of the European Parliament and of the Council of 19 November 2008 on waste and repealing

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<sup>17</sup> Directive 2008/98/EC of the European Parliament and of the Council of 19 November 2008 on waste and repealing

certain Directives (OJ L 312, 22.11.2008, p. 3).

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### **Amendment 31**

#### **Proposal for a directive Recital 25 a (new)**

*Text proposed by the Commission*

*Amendment*

***(25a) The resolution of the European Parliament of 4 April 2017 on palm oil and deforestation of rainforests called on the Commission to take measures to phase out the use of vegetable oils that drive deforestation, including palm oil, as a component of biofuels, preferably by 2020.***

### **Amendment 32**

#### **Proposal for a directive Recital 28**

*Text proposed by the Commission*

*Amendment*

(28) It should be possible for imported electricity, produced from renewable energy sources outside the Union to count towards Member States' renewable energy shares. In order to guarantee an adequate effect of energy from renewable sources replacing conventional energy in the Union as well as in third countries it is appropriate to ensure that such imports can be tracked and accounted for in a reliable way. Agreements with third countries concerning the organisation of such trade in electricity from renewable energy sources will be considered. If, by virtue of a decision taken under the Energy Community Treaty<sup>18</sup> to that effect, the contracting parties to that Treaty are bound by the relevant provisions of this Directive, the measures of cooperation between Member States provided for in this Directive should be applicable to them.

(28) It should be possible for imported electricity, produced from renewable energy sources outside the Union to count towards Member States' renewable energy shares. In order to guarantee an adequate effect of energy from renewable sources replacing conventional energy in the Union as well as in third countries it is appropriate to ensure that such imports can be tracked and accounted for in a reliable way ***and that they are in full respect of international law***. Agreements with third countries concerning the organisation of such trade in electricity from renewable energy sources will be considered. If, by virtue of a decision taken under the Energy Community Treaty<sup>18</sup> to that effect, the contracting parties to that Treaty are bound by the relevant provisions of this Directive, the measures of cooperation between Member States provided for in this Directive should be applicable to them.



### **Amendment 33**

#### **Proposal for a directive Recital 28 a (new)**

*Text proposed by the Commission*

*Amendment*

*(28a) When Member States undertake joint projects with one or more third countries regarding the production of electricity from renewable energy sources, it is appropriate that those joint projects relate only to newly constructed installations or to installations with newly increased capacity. This will help ensure that the proportion of energy from renewable sources in the third country's total energy consumption is not reduced due to the importation of energy from renewable sources into the Union. In addition, the Member States concerned should facilitate the domestic use by the third country concerned of part of the production of electricity by the installations covered by the joint project. Furthermore, the third country concerned should be encouraged by the Commission and Member States to develop a renewable energy policy, including ambitious targets.*

### **Amendment 34**

#### **Proposal for a directive Recital 28 b (new)**

*Text proposed by the Commission*

*Amendment*

*(28b) While this Directive establishes a Union Framework for the promotion of energy from renewable sources, it also contributes to the potential positive impact which the Union and the Member States can have in boosting the development of renewable energy sector in third countries. The Union and the Member States should promote research,*

*development and investment in the renewable energy production in developing and other partner countries, thereby strengthening their environmental and economic sustainability and their export capacity of renewable energy. Furthermore, import of renewable energy from partner countries can help the Union and the Member States to reach their ambitious goals for decreasing carbon emissions.*

### **Amendment 35**

#### **Proposal for a directive Recital 28 c (new)**

*Text proposed by the Commission*

*Amendment*

*(28c) Developing countries have increasingly adopted renewable energy policies at the national level, as they aim to produce energy from renewable sources to meet growing energy demand. More than 173 countries, including 117 developing or emerging economies, had established renewable energy targets by the end of 2015.*

### **Amendment 36**

#### **Proposal for a directive Recital 28 d (new)**

*Text proposed by the Commission*

*Amendment*

*(28d) Energy use in developing countries is closely linked to a range of social issues: poverty alleviation, education, health, population growth, employment, enterprise, communication, urbanisation and a lack of opportunities for women. Renewable energies have the important potential of allowing development and environmental challenges to be dealt with jointly. In recent years there has been a significant development of alternative energy technologies, both in terms of*

*performance and cost reduction.  
Moreover, many developing countries are particularly well positioned when it comes to developing a new generation of energy technologies. Apart from development and environmental benefits, renewable energies have the potential to provide increased security and economic stability. Increased use of renewable energy sources would reduce dependence on expensive fossil fuel imports and would help many countries improve their balance of payments.*

## **Amendment 37**

### **Proposal for a directive Recital 31 a (new)**

*Text proposed by the Commission*

*Amendment*

*(31a) Depending on the geological characteristics of an area, geothermal energy production may release greenhouse gases and other substances from underground fluids and other subsoil geological formations. Investment should be directed only towards geothermal energy production with low environmental impact and resulting in greenhouse gas saving compared to conventional sources. Therefore, the Commission should assess, by December 2018, whether there is a need for a legislative proposal aiming to regulate geothermal plants emissions of all substances, including CO<sub>2</sub>, which are harmful for health and the environment, both during exploration and operational phases.*

## **Amendment 38**

### **Proposal for a directive Recital 33**

*Text proposed by the Commission*

*Amendment*

(33) At national and regional level, rules

(33) At national, regional and *local*

and obligations for minimum requirements for the use of energy from renewable sources in new and renovated buildings have led to considerable increases in the use of energy from renewable sources. Those measures should be encouraged in a wider Union context, while promoting the use of more energy-efficient applications of energy from renewable sources through building regulations and codes.

level, rules and obligations for minimum requirements for the use of energy from renewable sources in new and renovated buildings have led to considerable increases in the use of energy from renewable sources. Those measures should be encouraged in a wider Union context, while promoting the use of more energy-efficient applications of energy from renewable sources ***in combination with energy saving and energy efficiency measures*** through building regulations and codes.

## Amendment 39

### Proposal for a directive

#### Recital 35

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

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

##### *Amendment*

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

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<sup>21</sup> Directive 2012/27/EU of the European Parliament and of the Council of 25 October 2012 on energy efficiency, amending Directives 2009/125/EC and 2010/30/EU and repealing Directives 2004/8/EC and 2006/32/EC (OJ L 315, 14.11.2012, p. 1).

## **Amendment 40**

### **Proposal for a directive**

#### **Recital 36**

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

(36) The lack of transparent rules and coordination between the different authorisation bodies has been shown to hinder the deployment of energy from renewable sources. The establishment of a single administrative contact point integrating or coordinating all permit-granting processes should reduce complexity and increase efficiency and transparency. Administrative approval procedures should be streamlined with transparent timetables 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. This Directive, in particular the provisions on the organisation and duration of the permit granting process, should apply without prejudice to international and Union law, including provisions to protect the environment and human health.

## **Amendment 41**

### **Proposal for a directive**

#### **Recital 43**

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<sup>21</sup> Directive 2012/27/EU of the European Parliament and of the Council of 25 October 2012 on energy efficiency, amending Directives 2009/125/EC and 2010/30/EU and repealing Directives 2004/8/EC and 2006/32/EC (OJ L 315, 14.11.2012, p. 1).

##### *Amendment*

(36) The lack of transparent rules and coordination between the different authorisation bodies has been shown to hinder the deployment of energy from renewable sources. The establishment of a single administrative contact point integrating or coordinating all permit-granting processes should reduce complexity and increase efficiency and transparency, ***including for renewable self-consumers and renewable energy communities***. Administrative approval procedures should be streamlined with transparent timetables 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. This Directive, in particular the provisions on the organisation and duration of the permit granting process, should apply without prejudice to international and Union law, including provisions to protect the environment and human health.

*Text proposed by the Commission*

(43) Guarantees of origin issued for the purpose of this Directive have the sole function of showing to a final customer that a given share or quantity of energy was produced from renewable sources. A guarantee of origin can be transferred, independently of the energy to which it relates, from one holder to another. However, with a view to ensuring that a unit of renewable energy is disclosed to a customer only once, double counting and double disclosure of guarantees of origin should be avoided. Energy from renewable sources in relation to which the accompanying guarantee of origin has been sold separately by the producer should not be disclosed or sold to the final customer as energy from renewable sources.

## **Amendment 42**

### **Proposal for a directive Recital 45**

*Text proposed by the Commission*

(45) It is important to provide information on how the supported electricity is allocated to final customers. In order to improve the quality of that information to consumers, Member States should ensure that guarantees of origin are issued for all units of renewable energy produced. ***In addition, with a view to avoiding double compensation, renewable energy producers already receiving financial support should not receive guarantees of origin. However, those guarantees of origin should be used for disclosure so that final consumers can receive clear, reliable and adequate evidence on the renewable origin of the relevant units of energy. Moreover, for electricity that received support, the guarantees of origin should be auctioned***

*Amendment*

(43) Guarantees of origin issued for the purpose of this Directive have the sole function of showing to a final customer that a given share or quantity of energy was produced from renewable sources. A guarantee of origin can be transferred, independently of the energy to which it relates, from one holder to another. However, with a view to ensuring that a unit of renewable energy is disclosed to a customer only once, double counting and double disclosure of guarantees of origin should be avoided. Energy from renewable sources in relation to which the accompanying guarantee of origin has been sold separately by the producer should not be disclosed or sold to the final customer as energy from renewable sources. ***It is important to distinguish between green certificates used for support schemes and guarantees of origin.***

*Amendment*

(45) It is important to provide information on how the supported electricity is allocated to final customers. In order to improve the quality of that information to consumers, Member States should ensure that guarantees of origin are issued for all units of renewable energy produced.

*to the market and the revenues should be used to reduce public subsidies for renewable energy.*

#### **Amendment 43**

##### **Proposal for a directive Recital 49**

*Text proposed by the Commission*

(49) The opportunities for establishing economic growth through innovation and a sustainable competitive energy policy have been recognised. Production of energy from renewable sources often depends on local or regional SMEs. The opportunities for growth and employment that investments in regional and local production of energy from renewable sources bring about in the Member States and their regions are important. The Commission and the Member States should therefore support national and regional development measures in those areas, encourage the exchange of best practices in production of energy from renewable sources between local and regional development initiatives and *promote* the use of cohesion policy funding in this area.

*Amendment*

(49) The opportunities for establishing economic growth through innovation and a sustainable competitive energy policy have been recognised. Production of energy from renewable sources often depends on local or regional SMEs. The opportunities for *local business development, sustainable* growth and *high-quality* employment that investments in regional and local production of energy from renewable sources bring about in the Member States and their regions are important. The Commission and the Member States should therefore *foster and* support national and regional development measures in those areas, encourage the exchange of best practices in production of energy from renewable sources between local and regional development initiatives and *enhance the provision of technical assistance and training programmes, in order to strengthen regulatory, technical and financial expertise on the ground and foster knowledge on available funding possibilities, including a more targeted use of Union funds, such as* the use of cohesion policy funding in this area.

#### **Amendment 44**

##### **Proposal for a directive Recital 49 a (new)**

*Text proposed by the Commission*

*Amendment*

*(49a) Local and regional authorities often set more ambitious renewable targets in excess of national targets.*

*Regional and local commitments to stimulating development of renewables and energy efficiency are currently supported through networks, such as the Covenant of Mayors, Smart Cities or Smart Communities initiatives, and the development of sustainable energy action plans. Such networks are indispensable and should be expanded, as they raise awareness and facilitate exchanges of best practices and available financial support. In that context, the Commission should also support interested frontrunner regions and local authorities to work across borders by assisting in setting up cooperation mechanisms, such as European Grouping of Territorial Cooperation that enables public authorities of various Member States to team up and deliver joint services and projects, without requiring a prior international agreement to be signed and ratified by national parliaments.*

#### **Amendment 45**

**Proposal for a directive  
Recital 49 b (new)**

*Text proposed by the Commission*

*Amendment*

*(49b) Local authorities and cities are at the forefront of driving energy transition and increasing renewable energy deployment. As the closest level of government to citizens, local governments play a crucial role in building public support for the Union's energy and climate goals, while deploying more decentralised and integrated energy systems. It is important to ensure better access to finance for cities, towns, and regions to foster investments in local renewable energy.*

#### **Amendment 46**

**Proposal for a directive  
Recital 49 c (new)**



*Text proposed by the Commission*

*Amendment*

**(49c) *Other innovative measures to attract more investment into new technologies, such as energy performance contracts and standardisation processes in public financing should also be considered.***

#### **Amendment 47**

##### **Proposal for a directive Recital 50**

*Text proposed by the Commission*

(50) 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, in particular as concerns SMEs and independent energy producers.

*Amendment*

(50) 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, in particular as concerns SMEs and independent energy producers, ***including renewable self-consumers and renewable energy communities.***

#### **Amendment 48**

##### **Proposal for a directive Recital 51**

*Text proposed by the Commission*

(51) The specific situation of the outermost regions is recognised in Article 349 ***of the Treaty on the Functioning of the European Union***. The energy sector in the outermost regions is often characterised by isolation, limited supply and dependence on fossil fuels while these regions benefit from important local renewable sources of energy. The outermost regions could thus serve as examples of the application of innovative energy technologies for the Union. It is therefore necessary to ***promote the uptake of renewable energy*** in order to achieve a higher degree of energy autonomy for

*Amendment*

(51) The specific situation of the outermost regions is recognised in Article 349 ***TFEU***. The energy sector in the outermost regions is often characterised by isolation, limited ***and more costly*** supply and dependence on fossil fuels while these regions benefit from important local renewable sources of energy, ***particularly biomass, and marine energies***. The outermost regions could thus serve as examples of the application of innovative energy technologies for the Union ***and become 100 % renewable territories***. It is therefore necessary to ***adapt the renewable energy strategy*** in order to achieve a higher

those regions and recognise their specific situation in terms of renewable energy potential and public support needs.

degree of energy autonomy for those regions, ***to strengthen the security of supply***, and recognise their specific situation in terms of renewable energy potential and public support needs. ***Moreover, the outermost regions should be able to fully exploit their resources, in compliance with strict sustainability criteria and in line with local conditions and needs, in order to increase the production of renewable energies and strengthen their energy independence.***

## **Amendment 49**

### **Proposal for a directive Recital 52**

#### *Text proposed by the Commission*

(52) It is appropriate to allow for the development of decentralised renewable energy technologies under non-discriminatory conditions and without hampering the financing of infrastructure investments. The move towards decentralised energy production has many benefits, including the utilisation of local energy sources, increased local security of energy supply, shorter transport distances and reduced energy transmission losses. Such decentralisation also fosters community development and cohesion by providing income sources and creating jobs locally.

#### *Amendment*

(52) It is appropriate to allow for the development of decentralised renewable energy technologies ***and storage*** under non-discriminatory conditions and without hampering the financing of infrastructure investments. The move towards decentralised energy production has many benefits, including the utilisation of local energy sources, increased local security of energy supply, shorter transport distances and reduced energy transmission losses. Such decentralisation also fosters community development and cohesion by providing income sources and creating jobs locally.

## **Amendment 50**

### **Proposal for a directive Recital 53**

#### *Text proposed by the Commission*

(53) With the growing importance of self-consumption of renewable electricity, there is a need for a definition of renewable self-consumers and a regulatory framework which would empower self-consumers to generate, store, consume and sell electricity

#### *Amendment*

(53) With the growing importance of self-consumption of renewable electricity, there is a need for a definition of renewable self-consumers and a regulatory framework which would empower self-consumers to generate, store, consume and sell electricity

without facing disproportionate burdens. ***Collective*** self-consumption should ***be allowed in certain cases so that citizens living in apartments for example can benefit from consumer empowerment to the same extent as households in single family homes.***

without facing disproportionate burdens. ***Tariffs and remuneration for*** self-consumption should ***provide incentives for the development of smarter renewables integration technologies and motivate renewable self-consumers to make investment decisions that mutually benefit the consumer and the grid. To allow for such a balance, it is necessary to ensure that renewable self-consumers and renewable energy communities are entitled to receive remuneration for the self-generated renewable electricity they feed into the grid which reflects the market value of the electricity fed in, as well as the long-term value to the grid, the environment and society. This must include both long-term costs and benefits of self-consumption in terms of avoided costs to the grid, society and the environment, especially when combined with other distributed energy resources such as energy efficiency, energy storage, demand response and community networks. Such remuneration should be determined on the basis of the cost benefit analysis of distributed energy resources under Article 59 of Directive ... of the European Parliament and of the Council [on common rules for the internal market in electricity (recast), 2016/0380(COD)].***

## **Amendment 51**

### **Proposal for a directive Recital 53 a (new)**

*Text proposed by the Commission*

*Amendment*

***(53a) Collective self-consumption should be allowed in certain cases so that citizens living in apartments for example can benefit from consumer empowerment to the same extent as households in single family homes. Enabling collective self-consumption also provides opportunities for renewable energy communities to advance energy efficiency at household level and help fight energy poverty through reduced consumption and lower***

*supply tariffs. Member States should take advantage of this opportunity by, inter alia, assessing the possibility to enable participation by households that might otherwise not be able to participate, including vulnerable consumers and tenants.*

## Amendment 52

### Proposal for a directive Recital 53 b (new)

*Text proposed by the Commission*

*Amendment*

*(53b) Member States must ensure compliance with the rules on consumption and on the introduction or strengthening of measures to combat forced sales, unfair selling and misleading claims in respect of the installation of renewable energy equipment predominantly affecting the most vulnerable groups (such as elderly people and people living in rural areas).*

## Amendment 53

### Proposal for a directive Recital 54

*Text proposed by the Commission*

*Amendment*

(54) Local *citizen participation* in renewable energy projects through renewable energy communities has resulted in substantial added value in terms of local acceptance of renewable energy and access to additional private capital. This local involvement will be all the more crucial in a context of increasing renewable energy capacity in the future.

(54) *The participation of local citizens and local authorities* in renewable energy projects through renewable energy communities has resulted in substantial added value in terms of local acceptance of renewable energy and access to additional private capital *which results in local investment, more choice for consumers and greater participation by citizens in the energy transition, namely by encouraging the participation by households that might not otherwise be able to, the advancement of energy efficiency at household level, and helping to fight energy poverty through reduced consumption and lower supply tariffs.* This local involvement will be all the more crucial in a context of

increasing renewable energy capacity in the future.

## Amendment 54

### Proposal for a directive

#### Recital 55 a (new)

*Text proposed by the Commission*

*Amendment*

***(55a) It is important that Member States ensure a fair and non-distortionary allocation of networks costs and levies to all users of the electricity system. All network tariffs should be cost reflective.***

## Amendment 55

### Proposal for a directive

#### Recital 57

*Text proposed by the Commission*

*Amendment*

(57) Several Member States have implemented measures in the heating and cooling sector to reach their 2020 renewable energy target. ***However, in the absence of binding national targets post-2020, the remaining national incentives may not be sufficient to reach the long-term decarbonisation goals for 2030 and 2050.*** In order to be in line with such goals, reinforce investor certainty and foster the development of a Union-wide renewable heating and cooling market, while respecting the energy efficiency first principle, it is appropriate to encourage the effort of Member States in the supply of renewable heating and cooling to contribute to the progressive increase of the share of renewable energy. Given the fragmented nature of some heating and cooling markets, it is of utmost importance to ensure flexibility in designing such an effort. It is also important to ensure that a potential uptake of renewable heating and cooling does not have detrimental ***environmental*** side-effects.

(57) Several Member States have implemented measures in the heating and cooling sector to reach their 2020 renewable energy target. In order to be in line with such goals, reinforce investor certainty and Foster the development of a Union-wide renewable heating and cooling market, while respecting the energy efficiency first principle, it is appropriate to encourage the effort of Member States in the supply of renewable heating and cooling to contribute to the progressive increase of the share of renewable energy. Given the fragmented nature of some heating and cooling markets, it is of utmost importance to ensure flexibility in designing such an effort. It is also important to ensure that a potential uptake of renewable heating and cooling does not have detrimental environmental side-effects ***on the environment and public health.***

## Amendment 56

### Proposal for a directive Recital 59 a (new)

*Text proposed by the Commission*

*Amendment*

***(59a) Household consumers and communities engaging in the trading of their flexibility, self-consumption or selling of their self-generated electricity, shall maintain their rights as consumers, including the rights to have a contract with a supplier of their choice and switching supplier.***

## Amendment 57

### Proposal for a directive Recital 60

*Text proposed by the Commission*

*Amendment*

(60) The potential synergies between ***an effort*** to increase the uptake of renewable heating and cooling and the existing schemes under Directives 2010/31/EU and 2012/27/EU should be emphasised. Member States should, to the extent possible, have the possibility to use existing administrative structures to implement such effort, in order to mitigate the administrative burden.

***(60) The use of efficient renewable-based heating or cooling systems should go hand in hand with a deep renovation of buildings, thereby reducing energy demand and costs for consumers and contributing to alleviating energy poverty as well as creating qualified local jobs. To that end,*** the potential synergies between ***the need*** to increase the uptake of renewable heating and cooling and the existing schemes under Directives 2010/31/EU and 2012/27/EU should be emphasised. Member States should, to the extent possible, have the possibility to use existing administrative structures to implement such effort, in order to mitigate the administrative burden.

## Amendment 58

### Proposal for a directive Recital 61 a (new)

*Text proposed by the Commission*

*Amendment*

***(61a) In the area of Intelligent Transport it is important to increase the development and deployment of electric mobility for road, as well as to accelerate the integration of advanced technologies into innovative rail by bringing forward the Shift2Rail initiative benefiting clean public transport.***

## **Amendment 59**

### **Proposal for a directive Recital 62**

*Text proposed by the Commission*

(62) The European Strategy for a low-carbon mobility of July 2016 pointed out that food-based biofuels have a limited role in decarbonising the transport sector and should be gradually phased out and replaced by advanced biofuels. To prepare for the transition towards advanced biofuels and minimise the overall indirect land-use change impacts, it is appropriate to reduce the amount of biofuels and bioliquids produced from food and feed crops that can be counted towards the Union target set out in this Directive.

*Amendment*

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

*electric mobility should be accelerated.*

## **Amendment 60**

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

*Text proposed by the Commission*

*Amendment*

*(63a) The Union and the Member States should aim to increase the mix of energy from renewable sources, reduce the total consumption of energy in transport and increase energy efficiency in all transport sectors. Measures to do this could be promoted in transport planning as well as in the production of cars with higher energy efficiency.*

## **Amendment 61**

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

*Text proposed by the Commission*

*Amendment*

*(63b) Fuel efficiency standards for road transport would provide an effective way of promoting the uptake of renewable alternatives in the transport sector and of achieving further greenhouse gas emission savings and decarbonisation of the transport sector in the long run. Fuel efficiency standards should be advanced in line with developments in technology and climate and energy targets.*

## **Amendment 286**

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

*Text proposed by the Commission*

*Amendment*

*(63c) Advanced biofuels are expected to have an important role in reducing greenhouse gas emissions of aviation, and therefore the incorporation obligation should also be met specifically in relation*



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

## **Amendment 63**

### **Proposal for a directive Recital 65 a (new)**

*Text proposed by the Commission*

*Amendment*

*(65a) In order to more accurately account for the share of renewable electricity in transport, a suitable methodology should be developed and different technical and technological solutions for that purpose should be explored.*

## **Amendment 64**

### **Proposal for a directive Recital 66**

*Text proposed by the Commission*

*Amendment*

(66) Feedstocks which have low indirect land use change impacts when used for biofuels, should be promoted for their contribution to the decarbonisation of the economy. Especially feedstocks for advanced biofuels, for which technology is more innovative and less mature and therefore needs a higher level of support, should be included in an annex to this Directive. In order to ensure that this annex is up to date with the latest technological developments while avoiding unintended negative effects, *an evaluation should take place after the adoption of the Directive in order to assess the possibility to extend the annex to new feedstocks.*

(66) Feedstocks which have low indirect land use change impacts when used for biofuels, should be promoted for their contribution to the decarbonisation of the economy. Especially feedstocks for advanced biofuels, for which technology is more innovative and less mature and therefore needs a higher level of support, should be included in an annex to this Directive. In order to ensure that this annex is up to date with the latest technological developments while avoiding unintended negative effects, *it should be regularly evaluated.*

## Amendment 65

### Proposal for a directive Recital 68

#### *Text proposed by the Commission*

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

#### *Amendment*

(68) In order to exploit the full potential of biomass to contribute to the decarbonisation of the economy through its uses for materials and energy, the Union and the Member States should promote ***energy uses only from*** greater sustainable mobilisation of existing timber and agricultural resources and the development of new forestry and agriculture production systems ***provided that sustainability and greenhouse gas emissions saving criteria are met.***

## Amendment 287

### Proposal for a directive Recital 68 a (new)

#### *Text proposed by the Commission*

#### *Amendment*

***(68a) The synergy between the circular economy, the bio-economy and the promotion of renewable energy should be further emphasised in order to ensure the most valuable use of the raw materials and the best environmental outcome. Policy measures adopted by the Union and the Member States in support of renewable energy production should always take into account the principle of resource efficiency and of optimised use of biomass.***

## Amendment 66

### Proposal for a directive

## Recital 69

*Text proposed by the Commission*

(69) **Biofuels, bioliquids and biomass fuels** should always be produced in a sustainable manner. Biofuels, bioliquids and biomass fuels used for compliance with the **Union target** laid down in this Directive, and those which benefit from support schemes, should therefore be required to fulfil sustainability and greenhouse gas emissions savings criteria.

*Amendment*

(69) **Renewable energy** should always be produced in a sustainable manner. Biofuels, bioliquids and biomass fuels used for compliance with the **targets** laid down in this Directive, and those **forms of renewable energy** which benefit from support schemes, should therefore be required to fulfil sustainability and greenhouse gas emissions savings criteria.

## Amendment 67

### Proposal for a directive

#### Recital 71

*Text proposed by the Commission*

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

*Amendment*

(71) The production of agricultural raw material for biofuels, bioliquids and biomass fuels, and the incentives for their use provided for in this Directive, should not have, **or encourage, a detrimental effect on biodiversity within or outside the Union**. Such finite resources, recognised in various international instruments to be of value to all mankind, should be preserved. It is therefore necessary to provide sustainability and greenhouse gas emissions savings criteria ensuring that biofuels, bioliquids and biomass fuels qualify for the incentives only when it is guaranteed that the agricultural raw material does not originate in biodiverse areas or, in the case of areas designated for nature protection purposes or for the protection of rare, threatened or endangered ecosystems or species, the relevant competent authority demonstrates that the production of the agricultural raw material does not interfere with such purposes. Forests should be considered as biodiverse according to the sustainability criteria, where they are primary forests in accordance with the definition used by the Food and Agriculture Organisation of the United Nations (FAO) in its Global Forest

Resource Assessment, or where they are protected by national nature protection law. Areas where the collection of non-wood forest products occurs should be considered to be biodiverse forests, provided the human impact is small. Other types of forests as defined by the FAO, such as modified natural forests, semi-natural forests and plantations, should not be considered as primary forests. Having regard, furthermore, to the highly biodiverse nature of certain grasslands, both temperate and tropical, including highly biodiverse savannahs, steppes, scrublands and prairies, biofuels, bioliquids and biomass fuels made from agricultural raw materials originating in such lands should not qualify for the incentives provided for by this Directive. The Commission should establish appropriate criteria to define such highly biodiverse grasslands in accordance with the best available scientific evidence and relevant international standards.

## **Amendment 68**

### **Proposal for a directive Recital 72 a (new)**

*Text proposed by the Commission*

Resource Assessment, or where they are protected by national nature protection law. Areas where the collection of non-wood forest products occurs should be considered to be biodiverse forests, provided the human impact is small. Other types of forests as defined by the FAO, such as modified natural forests, semi-natural forests and plantations, should not be considered as primary forests. ***However, biodiversity, as well as the quality, health, viability and vitality of such forests should be guaranteed.*** Having regard, furthermore, to the highly biodiverse nature of certain grasslands, both temperate and tropical, including highly biodiverse savannahs, steppes, scrublands and prairies, biofuels, bioliquids and biomass fuels made from agricultural raw materials originating in such lands should not qualify for the incentives provided for by this Directive. The Commission should establish appropriate criteria to define such highly biodiverse grasslands in accordance with the best available scientific evidence and relevant international standards.

*Amendment*

***(72a) Union sustainability criteria for biofuel, bioliquids and biomass fuels should ensure that the transition to a low-carbon economy supports the objectives in the communication of the Commission of 2 December 2015 entitled ‘Closing the loop - An EU action plan for the Circular Economy’ and is firmly guided by the waste hierarchy established in Directive 2008/98/EC.***

## **Amendment 69**

### **Proposal for a directive**

## Recital 73

*Text proposed by the Commission*

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

*Amendment*

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

## Amendment 70

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

*Text proposed by the Commission*

*Amendment*

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

## Amendment 71

### Proposal for a directive Recital 75

*Text proposed by the Commission*

*Amendment*

(75) It is appropriate to introduce Union-wide sustainability and greenhouse gas emission saving criteria for biomass fuels used in the electricity and heating and cooling generation, in order to continue to ensure high greenhouse gas savings compared to fossil fuel alternatives, to avoid unintended sustainability impacts, and to promote the internal market.

(75) It is appropriate to introduce Union-wide sustainability and greenhouse gas emission saving criteria for biomass fuels used in the electricity and heating and cooling generation, in order to continue to ensure high greenhouse gas savings compared to fossil fuel alternatives, to avoid unintended sustainability impacts, and to promote the internal market.  
***Without prejudice to the strict respect of primary resources with high environmental value, the outermost regions should be able to use the potential***

*of their resources in order to increase the production of renewable energies and their energy independence.*

## Amendment 73

### Proposal for a directive Recital 76

#### *Text proposed by the Commission*

(76) To ensure that, despite the growing demand for forest biomass, harvesting is carried out in a sustainable manner in forests where regeneration is ensured, that special attention is given to areas explicitly designated for the protection of biodiversity, landscapes and specific natural elements, that biodiversity resources are preserved and that carbon stocks are tracked, woody raw material should come only from forests that are harvested in accordance with the principles of sustainable forest management developed under international forest processes such as Forest Europe and are implemented through national laws or the best management practices at the *forest holding* level. Operators should *take the appropriate steps in order to minimise the risk of using unsustainable forest biomass for the production of bioenergy*. To that end, operators should put in place a risk-based approach. In this context, it is appropriate for the Commission to develop operational guidance on the verification of compliance with the risk based approach, following the consultation of the Energy Union Governance Committee, and the Standing Forestry Committee established by Council Decision 89/367/EEC<sup>24</sup>.

## Amendment 74

### Proposal for a directive Recital 76 a (new)

#### *Amendment*

(76) To ensure that, despite the growing demand for forest biomass, harvesting is carried out in a sustainable manner in forests where regeneration is ensured, that special attention is given to areas explicitly designated for the protection of biodiversity, landscapes and specific natural elements, that biodiversity resources are preserved and that carbon stocks are tracked, woody raw material should come only from forests that are harvested in accordance with the principles of sustainable forest management developed under international forest processes such as Forest Europe and are implemented through national laws or the best management practices at the *supply base* level. Operators should *ensure that measures are taken to avoid or limit negative consequences of harvesting on the environment*. To that end, operators should put in place a risk-based approach. In this context, it is appropriate for the Commission to develop *arrangements for implementing the requirements based on best practices in Member States as well as* operational guidance on the verification of compliance with the risk based approach, following the consultation of the Energy Union Governance Committee, and the Standing Forestry Committee established by Council Decision 89/367/EEC<sup>24</sup>.

*Text proposed by the Commission*

*Amendment*

***(76a) If a single criterion relating to forest biomass sustainability is not provided for in national law or practice, more information corresponding to that criterion should be provided at supply base level without the requirement to provide further information on criteria that are already met at Member State level.***

#### **Amendment 75**

**Proposal for a directive  
Recital 76 b (new)**

*Text proposed by the Commission*

*Amendment*

***(76b) A risk-based approach should be carried out starting at national level. If the requirements of a single criterion are not provided for in national law or monitoring, the information regarding that part should be provided at supply base level in order to reduce the risk of unsustainable forest biomass production.***

#### **Amendment 76**

**Proposal for a directive  
Recital 76 c (new)**

*Text proposed by the Commission*

*Amendment*

***(76c) Harvesting for energy purposes has increased and is expected to continue to grow, resulting in higher imports of raw materials from third countries as well as an increase of the production of those materials within the Union. Operators should ensure that the harvesting is done in accordance with the sustainability criteria.***

#### **Amendment 77**

**Proposal for a directive**

## Recital 78

### *Text proposed by the Commission*

(78) Biomass fuels should be converted into electricity and heat in an efficient way in order to maximise energy security and greenhouse gas savings, as well as to limit emissions of air pollutants and minimise the pressure on limited biomass resources. For this reason, public support to installations with a fuel capacity equal to or exceeding [20] MW, if needed, should only be given to highly efficient combined power and heat installations as defined Article 2(34) of Directive 2012/27/EU. Existing support schemes for biomass-based electricity should however be allowed until their due end date for all biomass installations. In addition electricity produced from biomass in new installations with a fuel capacity equal to or exceeding [20] MW should only count towards renewable energy targets and obligations in the case of highly efficient combined power and heat installations. In accordance with State aid rules, Member States should however be allowed to grant public support for the production of renewables to installations, and count the electricity they produce towards renewable energy targets and obligations, in order to avoid an increased reliance on fossil fuels with higher climate and environmental impacts where, after exhausting all technical and economic possibilities to install highly efficient combined heat and power biomass installations, Member States would face a substantiated risk to security of supply of electricity.

### *Amendment*

(78) Biomass fuels should be converted into electricity and heat in an efficient way in order to maximise energy security and greenhouse gas savings, as well as to limit emissions of air pollutants and minimise the pressure on limited biomass resources. For this reason, public support to installations with a fuel capacity equal to or exceeding [20] MW, if needed, should only be given to highly efficient combined power and heat installations as defined Article 2(34) of Directive 2012/27/EU. Existing support schemes for biomass-based electricity should however be allowed until their due end date for all biomass installations. In addition electricity produced from biomass in new installations with a fuel capacity equal to or exceeding [20] MW should only count towards renewable energy targets and obligations in the case of highly efficient combined power and heat installations. In accordance with State aid rules, Member States should however be allowed to grant public support for the production of renewables to installations, and count the electricity they produce towards renewable energy targets and obligations, in order to avoid an increased reliance on fossil fuels with higher climate and environmental impacts where, after exhausting all technical and economic possibilities to install highly efficient combined heat and power biomass installations, Member States would face a substantiated risk to security of supply of electricity. ***In particular, support for installations producing renewable energy from biomass in outermost regions heavily dependent on energy imports should be strengthened, provided that sustainability criteria are met for the production of such renewable energy, adapted to the specific features of those regions.***



## Amendment 78

### Proposal for a directive Recital 80

#### *Text proposed by the Commission*

(80) Based on experience in the practical implementation of the Union sustainability criteria, it is appropriate to **strengthen** the role of voluntary international and national certification schemes for verification of compliance with the sustainability criteria in a harmonised manner.

#### *Amendment*

(80) Based on experience in the practical implementation of the Union sustainability criteria, it is appropriate to **take into account** the role of voluntary international and national certification schemes for verification of compliance with the sustainability criteria in a harmonised manner.

## Amendment 79

### Proposal for a directive Recital 82

#### *Text proposed by the Commission*

(82) Voluntary schemes play an **increasingly** important role in providing evidence of compliance with the sustainability and greenhouse gas emissions saving criteria for biofuels, bioliquids and biomass fuels. It is therefore appropriate for the Commission to require voluntary schemes, including those already recognised by the Commission, to report regularly on their activity. Such reports should be made public in order to increase transparency and to improve supervision by the Commission. Furthermore, such reporting would provide the necessary information for the Commission to report on the operation of the voluntary schemes with a view to identifying best practice and submitting, if appropriate, a proposal to further promote such best practice.

#### *Amendment*

(82) Voluntary schemes **can** play an important role in providing evidence of compliance with the **minimum** sustainability and greenhouse gas emissions saving criteria for biofuels, bioliquids and biomass fuels. It is therefore appropriate for the Commission to require voluntary schemes, including those already recognised by the Commission, to report regularly on their activity. Such reports should be made public in order to increase transparency and to improve supervision by the Commission. Furthermore, such reporting would provide the necessary information for the Commission to report on the operation of the voluntary schemes with a view to identifying best practice and submitting, if appropriate, a proposal to further promote such best practice.

## Amendment 80

### Proposal for a directive

## Recital 84

*Text proposed by the Commission*

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

*Amendment*

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

## Amendment 81

**Proposal for a directive**

### Recital 85

*Text proposed by the Commission*

(85) It is necessary to lay down clear rules for the calculation of greenhouse gas emission savings from biofuels, bioliquids and biomass fuels and their fossil fuel comparators.

*Amendment*

(85) It is necessary to lay down clear rules ***based on objective and non-discriminatory criteria***, for the calculation of greenhouse gas emission savings from biofuels, bioliquids and biomass fuels and their fossil fuel comparators.

## Amendment 72

**Proposal for a directive**

### Recital 99

*Text proposed by the Commission*

*Amendment*

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

(99) In order to amend or supplement non-essential elements of the provisions of this Directive, the power to adopt acts in accordance with Article 290 of the Treaty on the Functioning of the European Union should be delegated to the Commission in respect of the list of feedstocks for the production of advanced biofuels, the contribution of which towards the fuel suppliers' obligation in transport is limited; the adaptation of the energy content of transport fuels to scientific and technical progress; the methodology to determine the share of biofuel resulting from biomass being processed with fossil fuels in a common process; the implementation of agreements on mutual recognition of guarantees of origin; the establishment of rules to monitor the functioning of the system of guarantees of origin; the rules for calculating the greenhouse gas impact of biofuels, bioliquids and their fossil fuel comparators; *the establishment of a maximum allowable payback period as a sustainability criterion, in particular for ligno-cellulosic biomass; and, in order to ensure full transparency throughout all sectors of energy production, the establishment, by 31 December 2018, of production criteria for fossil fuels and fossil energies.* It is of particular importance that the Commission carry out appropriate consultations during its preparatory work, including at expert level, and that those consultations be conducted in accordance with the principles laid down in the Interinstitutional Agreement of 13 April 2016 on Better Law-Making. In particular, to ensure equal participation in the preparation of delegated acts, the European Parliament and the Council receive all documents at the same time as Member States' experts, and their experts systematically have access to meetings of Commission expert groups dealing with the preparation of delegated acts.

## Amendment 288

### Proposal for a directive

#### Article 2 – paragraph 2 – point a

*Text proposed by the Commission*

(a) ‘energy from renewable sources’ means energy from renewable non-fossil sources, namely wind, solar (solar thermal and solar photovoltaic) and, geothermal energy, ambient heat, tide, wave and other ocean energy, hydropower, biomass, landfill gas, sewage treatment plant gas and biogases;

*Amendment*

(a) ‘energy from renewable sources’ means energy from renewable non-fossil sources, namely wind, solar (solar thermal and solar photovoltaic) and, geothermal energy, ambient **energy**, tide, wave and other ocean energy, hydropower, biomass, **biomethane**, landfill gas, sewage treatment plant gas and biogases;

## Amendment 85

### Proposal for a directive

#### Article 2 – paragraph 2 – point b

*Text proposed by the Commission*

(b) ‘ambient **heat**’ means **heat** energy at a useful temperature level which **is extracted or captured by means of heat pumps that need electricity or other auxiliary energy to function, and which** can be stored in the ambient air, **beneath the surface of solid earth or** in surface water. The reported values shall be established on the basis of the same methodology used for the reporting of heat energy extracted or captured by heat pumps;

*Amendment*

(b) ‘ambient **energy**’ means **thermal** energy at a useful temperature level which can be stored in the ambient air, **excluding exhaust air**, in surface **water or in sewage** water. The reported values shall be established on the basis of the same methodology used for the reporting of heat energy extracted or captured by heat pumps;

## Amendment 86

### Proposal for a directive

#### Article 2 – paragraph 2 – point b a (new)

*Text proposed by the Commission*

*Amendment*

**(ba) ‘geothermal energy’ means energy stored in the form of heat beneath the surface of solid earth;**

## Amendment 289

### Proposal for a directive

#### Article 2 – paragraph 2 – point c

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

(c) ‘biomass’ means the biodegradable fraction of products, waste and residues from biological origin from agriculture, including vegetal and animal substances, forestry and related industries including fisheries and aquaculture, as well as the biodegradable fraction of waste, including industrial and municipal waste of biological origin;

##### *Amendment*

(c) ‘biomass’ means the biodegradable fraction of products, waste and residues from biological origin from agriculture – including vegetal and animal substances, forestry and related industries including fisheries and aquaculture ***but excluding peat and material embedded in geological formations and/or transformed to fossil***, – as well as the biodegradable fraction of waste, including industrial, ***commercial*** and municipal waste of biological origin, ***and bacteria***;

## Amendment 88

### Proposal for a directive

#### Article 2 – paragraph 2 – point d

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

(d) ‘gross final consumption of energy’ means the energy commodities delivered for energy purposes to industry, transport, households, services including public 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 and transmission;

##### *Amendment*

(d) ‘gross final consumption of energy’ means the energy commodities delivered for energy purposes to industry, transport, households, services including public services, agriculture, forestry and fisheries, including the consumption of electricity and heat by the energy branch for electricity, heat ***and transport fuel*** production and including losses of electricity and heat in distribution and transmission;

## Amendment 89

### Proposal for a directive

#### Article 2 – paragraph 2 – point e

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

(e) ‘district heating’ or ‘district cooling’ means the distribution of thermal

##### *Amendment*

(e) ‘district heating’ or ‘district 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 sites, for the use of space or process heating or cooling;

energy in the form of steam, hot water or chilled liquids, from central *or decentralised sources* of production through a network to multiple buildings or sites, for the use of space or process heating or cooling;

## Amendment 90

### Proposal for a directive Article 2 – paragraph 2 – point f

*Text proposed by the Commission*

(f) ‘bioliquids’ means liquid fuel for energy purposes other than for transport, including electricity and heating and cooling, produced from biomass;

*Amendment*

(f) ‘bioliquids’ means liquid fuel for energy purposes other than for transport, including electricity and heating and cooling, produced from biomass *or by biomass*;

## Amendment 290

### Proposal for a directive Article 2 – paragraph 2 – point g

*Text proposed by the Commission*

(g) ‘biofuels’ means liquid fuel for transport produced from biomass;

*Amendment*

(g) ‘biofuels’ means liquid *or gaseous* fuel for transport produced from *or by* biomass;

## Amendment 91

### Proposal for a directive Article 2 – paragraph 2 – point i

*Text proposed by the Commission*

(i) ‘support scheme’: means any instrument, scheme or mechanism applied by a Member State or a group of Member States, that promotes the use of energy from renewable sources by reducing the cost of that 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

*Amendment*

(i) ‘support scheme’: means any instrument, scheme or mechanism applied by a Member State or a group of Member States, that promotes the use of energy from renewable sources by reducing the cost of that 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. This includes, but is not restricted to, investment aid, tax exemptions or reductions, tax refunds, renewable energy obligation support schemes including those using green certificates, and direct price support schemes including feed-in tariffs and premium payments;

purchased. This includes, but is not restricted to, **research and** investment aid, tax exemptions or reductions, tax refunds, renewable energy obligation support schemes including those using green certificates, and direct price support schemes including feed-in tariffs and premium payments;

## Amendment 93

### Proposal for a directive Article 2 – paragraph 2 – point q

#### *Text proposed by the Commission*

(q) ‘non-food cellulosic material’ means feedstocks mainly composed of cellulose and hemicellulose, and having a lower lignin content than ligno-cellulosic material; it includes food and feed crop residues (such as straw, stover, husks and shells), grassy energy crops with a low starch content (such as ryegrass, switchgrass, miscanthus, giant cane and cover crops before and after main crops), industrial residues (including from food and feed crops after vegetal oils, sugars, starches and protein have been extracted), and material from biowaste;

#### *Amendment*

(q) ‘non-food cellulosic material’ means feedstocks mainly composed of cellulose and hemicellulose, and having a lower lignin content than ligno-cellulosic material; it includes food and feed crop residues (such as straw, stover, husks and shells), grassy energy crops with a low starch content (such as ryegrass, switchgrass, miscanthus, giant cane and cover crops before and after main crops **and ley crops such as grass, clover and alfalfa**), industrial residues (including from food and feed crops after vegetal oils, sugars, starches and protein have been extracted), and material from biowaste;

## Amendment 291

### Proposal for a directive Article 2 – paragraph 2 – point s

#### *Text proposed by the Commission*

(s) ‘renewable liquid and gaseous transport fuels of non-biological origin’ means liquid or gaseous fuels other than biofuels whose energy content comes from renewable energy sources other than biomass, **and which are used in transport**;

#### *Amendment*

(s) ‘renewable liquid and gaseous transport fuels of non-biological origin’ means liquid or gaseous fuels **which are used in transport** other than biofuels whose energy content comes from renewable energy sources other than

biomass, *where any carbon feedstock is captured from the ambient air*;

## Amendment 95

### Proposal for a directive

#### Article 2 – paragraph 2 – point z

*Text proposed by the Commission*

(z) ‘repowering’ means renewing power plants producing renewable energy, including the full or partial replacement of installations *or* operation systems and equipment, in order to replace capacity or increase efficiency;

*Amendment*

(z) ‘repowering’ means renewing power plants producing renewable energy, including the full or partial replacement of installations operation systems and equipment, in order to *increase or* replace capacity or increase efficiency;

## Amendment 96

### Proposal for a directive

#### Article 2 – paragraph 2 – point y

*Text proposed by the Commission*

(y) ‘waste heat or cold’ means heat or cold which is generated as by-product in industrial or power generation installations and which would be dissipated unused in air or water without access to a district heating or cooling system;

*Amendment*

(y) ‘waste heat or cold’ means *unavoidable* heat or cold which is generated as by-product in industrial *installations* or power generation installations (*after the use of high-efficiency cogeneration or where cogeneration is not feasible*), or from the *tertiary sector*, and which would be dissipated unused in air or water without access to a district heating or cooling system;

## Amendment 97

### Proposal for a directive

#### Article 2 – paragraph 2 – point aa

*Text proposed by the Commission*

(aa) ‘renewable self-consumer’ means an active customer as defined in Directive [MDI Directive] who *consumes* and may

*Amendment*

(aa) ‘renewable self-consumer’ means an active customer *or a group of customers acting together* as defined in



store and sell renewable electricity which is generated within *his or its* premises, including a multi-apartment block, a commercial or shared services site or *a* closed distribution system, provided that, for non-household renewable self-consumers, those activities do not constitute their primary commercial or professional activity;

Directive ... *of the European Parliament and of the Council [on common rules for the internal market in electricity (recast), 2016/0380(COD)]* who *consume* and may store and sell renewable electricity which is generated within *their* premises, including a multi-apartment block, *residential area*, a commercial, *industrial* or shared services site or *in the same* closed distribution system, provided that, for non-household renewable self-consumers, those activities do not constitute their primary commercial or professional activity;

## **Amendment 98**

### **Proposal for a directive**

#### **Article 2 – paragraph 2 – point aa a (new)**

*Text proposed by the Commission*

*Amendment*

*(aaa) ‘renewable energy community’ means a local energy community as defined in Article 2 of Directive ... of the European Parliament and of the Council [on common rules for the internal market in electricity (recast), 2016/0380(COD)] that meets the requirements set out in Article 22(1) of this Directive;*

## **Amendment 99**

### **Proposal for a directive**

#### **Article 2 – paragraph 2 – point b b**

*Text proposed by the Commission*

*Amendment*

(bb) ‘renewable self-consumption’ means the generation and consumption, and, where applicable, storage, of renewable *electricity* by renewable self-consumers;

(bb) ‘renewable self-consumption’ means the generation and consumption, and, where applicable, storage, of renewable *energy* by renewable self-consumers;

## **Amendment 100**

### **Proposal for a directive**

#### **Article 2 – paragraph 2 – point cc**

*Text proposed by the Commission*

(cc) ‘power purchase agreement’ means a contract under which a legal person agrees to purchase renewable electricity directly from an energy generator;

*Amendment*

(cc) ‘**renewables** power purchase agreement’ means a contract under which a legal **or natural** person agrees to purchase renewable electricity directly from an energy generator

**Amendment 305**

**Proposal for a directive**

**Article 2 – paragraph 2 – point ee**

*Text proposed by the Commission*

(ee) ‘advanced biofuels’ means biofuels that are produced from feedstocks listed in part A of Annex IX;

*Amendment*

(ee) ‘advanced biofuels’ means biofuels that are produced from feedstocks listed in part A of Annex IX, **and from waste and residual biomass not originating from food/feed crops where such biomass fulfils the sustainability criteria as set out in Article 26;**

**Amendment 103**

**Proposal for a directive**

**Article 2 – paragraph 2 – point ff**

*Text proposed by the Commission*

(ff) ‘**waste-based fossil fuels**’ means **liquid and gaseous fuels produced from waste streams of non-renewable origin, including waste processing gases and exhaust gases;**

*Amendment*

**deleted**

**Amendment 104**

**Proposal for a directive**

**Article 2 – paragraph 2 – point ff a (new)**

*Text proposed by the Commission*

*Amendment*

(ffa) ‘**recycled carbon fuels**’ means **liquid and gaseous fuels produced from unavoidable waste streams of non-**

*renewable origin, including waste processing gases and exhaust gases, with substantial greenhouse gas savings over their entire life cycle; if produced from solid waste streams, only waste that is not reusable and not mechanically recyclable shall be used, with full respect of the waste hierarchy established in Directive 2008/98/EC; if produced from gaseous process emissions, these must be emitted as an unavoidable and not intentional consequence of the manufacturing process; the proportion of gaseous waste used for the production of these recycled carbon fuels cannot be credited under other emissions reduction schemes, such as the EU Emission Trading System;*

## **Amendment 105**

### **Proposal for a directive**

#### **Article 2 – paragraph 2 – point jj**

*Text proposed by the Commission*

(jj) ‘harvesting permit’ means *an official document giving the* right to harvest the forest biomass;

*Amendment*

(jj) ‘harvesting permit’ means *a legal permit or similar right under national and/or regional law* to harvest the forest biomass;

## **Amendment 106**

### **Proposal for a directive**

#### **Article 2 – paragraph 2 – point mm**

*Text proposed by the Commission*

(mm) ‘*forest holding*’ means *one or more parcels of forest and other wooded land which constitute a single unit from the point of view of management or utilisation;*

*Amendment*

(mm) ‘*supply base*’ means *the geographic region from which biomass feedstock originates;*

## **Amendment 107**

### **Proposal for a directive**

## Article 2 – paragraph 2 – point nn

*Text proposed by the Commission*

(nn) '*biowaste*' means *biodegradable garden and park waste, food and kitchen waste from households, restaurants, caterers and retail premises, and comparable waste from the food processing industry*;

*Amendment*

(nn) '*bio-waste*' means *bio-waste as defined in point (4) of Article 3 of Directive 2008/98/EC*;

## Amendment 108

### Proposal for a directive Article 3 – Title

*Text proposed by the Commission*

Union binding overall target for 2030

*Amendment*

Union binding overall target *and national targets* for 2030

## Amendment 109

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

*Text proposed by the Commission*

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

*Amendment*

1. Member States shall collectively ensure that the share of energy from renewable sources in the Union's gross final consumption of energy in 2030 is at least **35 %**.

## Amendment 306

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

*Text proposed by the Commission*

*Amendment*

*1a. Each Member State shall ensure that the share of energy from renewable sources in all forms of transport in 2030 is at least 12% of the final consumption of*

*energy in transport in that Member State. In order to achieve the target of 12% of final energy consumption from renewable sources, Member States shall require, with effect from 1 January 2021, fuel suppliers to include a minimum share of renewable energy referred to in Article 25.*

*In order to count towards this target, the greenhouse gas emissions savings from the use of biofuels and biogas shall comply with the criteria laid down in Article 26(7) when compared to fossil fuels in accordance with the methodology referred to in Article 28(1).*

*Where the contribution from biofuels produced from food and feed crops in a Member State is below 2 % and thus not sufficient to cover the difference between the fuel supplier obligation and the 12 % transport target, that Member State may, accordingly, adjust their cap set out in Article 7(1) up to a maximum of 2 %.*

## Amendment 111

### Proposal for a directive Article 3 – paragraph 2

*Text proposed by the Commission*

2. Member States' *respective contributions to* this overall 2030 target *shall be set and notified to the Commission* as part of their Integrated National Energy and Climate Plans in accordance with Articles 3 to 5 and Articles 9 to *11* of Regulation [Governance].

*Amendment*

2. Member States *shall set targets to meet* this overall 2030 target as part of their Integrated National Energy and Climate Plans in accordance with Articles 3 to 5 and Articles 9 to *13* of Regulation ... *of the European Parliament and of the Council [on the Governance of the Energy Union, 2016/0375(COD)]. If, on the basis of the assessment of the final integrated national energy and climate plans submitted pursuant to Article 3 of Regulation ... of the European Parliament and of the Council [on the Governance of the Energy Union, 2016/0375(COD)], the Commission concludes that Member States' targets are insufficient for the collective achievement of the Union's binding overall target, Member States*

*with a target below that resulting from applying the formula set out in Annex Ia shall increase their target accordingly.*

*Where a Member State cannot meet its target because of exceptional and duly justified circumstances, it may deviate from its target by a maximum of 10 %, notifying the Commission by 2025.*

*Should this put at risk the achievement of the Union binding overall target, the Commission and Member States shall take corrective measures as those set out in Article 27(4) of Regulation ... of the European Parliament and of the Council [on the Governance of the Energy Union, 2016/0375(COD)], to effectively cover the gap.*

**Amendment 321**  
**Proposal for a directive**  
**Article 3 – paragraph 2 a (new)**

*Text proposed by the Commission*

*Amendment*

*2a. Member States shall ensure that their national policies, including support schemes, are designed to conform to the waste hierarchy, as set out in Article 4 of Directive 2008/98/EC and avoid significant distortive effects on markets for (by)products, wastes and residues. To that end, Member States shall regularly review their national policies and justify any deviation in the reports required under Article 18(c) of Regulation ...of the European Parliament and of the Council [on the Governance of the Energy Union, 2016/0375(COD)].*

**Amendment 113**

**Proposal for a directive**  
**Article 3 – paragraph 4**

*Text proposed by the Commission*

*Amendment*

4. The Commission shall support the high ambition of Member States through an enabling framework comprising the

4. The Commission shall support the high ambition of Member States through an enabling framework comprising the

enhanced use of Union funds, in particular financial instruments, especially in view of reducing the cost of capital for renewable energy projects.

enhanced use of Union funds, in particular financial instruments, especially in view of reducing the cost of capital for renewable energy projects ***and supporting renewable generation projects of cross-border dimension.***

#### **Amendment 114**

##### **Proposal for a directive Article 4 – title**

*Text proposed by the Commission*

***Financial*** support for ***electricity*** from renewable sources

*Amendment*

Support for ***energy*** from renewable sources

#### **Amendment 322/rev Proposal for a directive Article 4 – paragraph 1**

*Text proposed by the Commission*

1. Subject to ***State aid rules***, in order to reach the Union ***target*** set in Article 3(1), Member States may apply support schemes. Support schemes for electricity from renewable sources shall be ***designed*** so as to avoid ***unnecessary distortions*** of electricity markets and ensure that producers take into account the supply and demand of electricity as well as possible grid constraints.

*Amendment*

1. ***Pursuant to Article 195 TFEU and subject to Articles 107 and 108 thereof***, in order to reach ***or exceed*** the Union ***and national targets*** set in Article 3, Member States may apply support schemes. ***To avoid unnecessary distortions of raw material markets, support schemes for renewable energy from biomass shall be designed to avoid encouraging inappropriate use of biomass primarily for energy production if there exists industrial or material uses providing higher added-value, which could include giving priority to the use of wastes and residues. Members States should take into account available sustainable supply of biomass.*** Support schemes for electricity from renewable sources shall be ***market-based*** so as to avoid ***the distortion*** of electricity markets and ***shall*** ensure that producers take into account the supply and demand of electricity as well as possible ***system integration costs or*** grid constraints.

## Amendment 116

### Proposal for a directive Article 4 – paragraph 1 a (new)

*Text proposed by the Commission*

*Amendment*

***1a. Member States may apply technology-neutral or technology-specific support schemes. Technology-specific support schemes may be applied in particular on the basis of one or more of the following grounds:***

- (a) the long-term potential of a particular technology;***
- (b) the need to achieve technological or regional diversification of the energy mix;***
- (c) efficient system planning and grid integration;***
- (d) network constraints and grid stability;***
- (e) environmental constraints.***

## Amendment 117

### Proposal for a directive Article 4 – paragraph 2

*Text proposed by the Commission*

*Amendment*

2. Support for electricity from renewable sources shall be designed so as to ***integrate*** electricity from renewable sources in the electricity market and ensure that renewable energy producers are responding to market price signals and maximise their market revenues.

2. Support for electricity from renewable sources shall be designed so as to ***maximise the integration of*** electricity from renewable sources in the electricity market and ensure that renewable energy producers are responding to market price signals and maximise their market revenues, ***while offering renewable energy sources compensation for market distortions.***

***Member States may provide for exemptions benefiting small-scale installations of less than 500 kW and demonstration projects. However, electricity from wind energy shall be subject to a threshold of 3 MW of installed electricity capacity or 3***



*generation units.*

*Without prejudice to the thresholds mentioned in the second subparagraph, Member States may support renewable energy communities through other mechanisms and procedures.*

## **Amendment 118**

### **Proposal for a directive**

#### **Article 4 – paragraph 3 – subparagraph 1 a (new)**

*Text proposed by the Commission*

*Amendment*

*Where support for renewable energy is granted by means of a tendering procedure, paragraph 3a shall apply unless the support is intended for small-scale installations of less than 1 MW, wind energy projects of up to 6 generating units or 6 MW, or demonstration projects.*

## **Amendment 119**

### **Proposal for a directive**

#### **Article 4 – paragraph 3 a (new)**

*Text proposed by the Commission*

*Amendment*

**3a.** *Where support for renewable energy is granted by means of a tendering procedure, in order to ensure a high project realisation rate, Member States shall:*

- (a) establish and publish non-discriminatory and transparent pre-qualification criteria and rules on the delivery period of the project;*
- (b) consult stakeholders to review the draft tender specifications;*
- (c) publish information about past tenders including project realisation rates.*

## **Amendment 120**

### **Proposal for a directive Article 4 – paragraph 3 b (new)**

*Text proposed by the Commission*

*Amendment*

**3b.** *Member States shall publish a long-term schedule in relation to the expected allocation of support, covering at least the next five years and including the indicative timing, including frequency of tenders where appropriate, the capacity, the budget or the maximum unitary support expected to be allocated and the eligible technologies.*

## **Amendment 121**

### **Proposal for a directive Article 4 – paragraph 3 c (new)**

*Text proposed by the Commission*

*Amendment*

**3c.** *Member States shall take into account the specificities of renewable energy communities and self-consumers when designing support schemes in order to enable them to compete on an equal footing.*

## **Amendment 122**

### **Proposal for a directive Article 4 – paragraph 3 d (new)**

*Text proposed by the Commission*

*Amendment*

**3d.** *In order to increase the generation of energy from renewable sources in the outermost regions and small islands, Member States may adapt financial support for projects located in those regions in order to take into account the production costs associated with their specific conditions of isolation and external dependence.*

## Amendment 123

### Proposal for a directive

#### Article 4 – paragraph 4

*Text proposed by the Commission*

4. Member States shall assess the effectiveness of their support for electricity from renewable sources at least every four years. Decisions ***on the continuation or prolongation of*** support and design of new support shall be based on the results of the assessments.

*Amendment*

4. Member States shall assess the effectiveness of their support for electricity from renewable sources ***and its distributive effects on different consumer groups, including on industrial competitiveness,*** at least every four years.

***That assessment shall take into account the effect of possible changes to the support schemes on investments. Member States shall include the assessment in their national energy and climate plans and updates of those plans in compliance with the Regulation ... of the European Parliament and of the Council [on the Governance of the Energy Union, 2016/0375(COD)].***

***Long-term planning governing the decisions of the support and design of new support shall be based on the results of the assessments, considering their overall effectiveness in reaching renewable targets and other goals, such as affordability and the development of energy communities, and considering its distributive effects on different consumer groups, including on industrial competitiveness.***

## Amendment 124

### Proposal for a directive

#### Article 4 – paragraph 4 a (new)

*Text proposed by the Commission*

*Amendment*

***4a. By ... [2021] and every three years thereafter, the Commission shall report to the European Parliament and to the Council on the performance of support granted by means of tendering procedures in the Union, analysing, in particular the***

*ability of tenders to:*

- (a) achieve cost-reduction;*
- (b) achieve technological improvement;*
- (c) achieve high realisation rates;*
- (d) provide non-discriminatory participation of small actors and local authorities.*

## **Amendment 125**

**Proposal for a directive**

**Article 4 – paragraph 4 b (new)**

*Text proposed by the Commission*

*Amendment*

***4b. By ... [six months after the date of entry into force of this Directive], the Commission shall review the Guidelines on State aid for environmental protection and energy 2014-2020 (2014/C 200/01) in order to incorporate fully the general principles laid down in Article 4 of this Directive.***

## **Amendment 126**

**Proposal for a directive**

**Article 4 – paragraph 4 c (new)**

*Text proposed by the Commission*

*Amendment*

***4c. By way of derogation from paragraph 1 of this Article, Member States shall ensure that no support scheme for energy from renewable sources is provided for municipal waste which does not comply with the separate collection obligations set out in Directive 2008/98/EC.***

## **Amendment 127**

**Proposal for a directive**

**Article 5 – paragraph 1**

*Text proposed by the Commission*

1. Member States shall open support for electricity generated from renewable sources to generators located in other Member States under the conditions laid down in this Article.

*Amendment*

1. Member States shall open support for electricity generated from renewable sources to generators located in other Member States Under the conditions laid down in this Article. ***Member States may limit their support to installations in Member States to which there is a direct connection via interconnectors.***

**Amendment 128**

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

*Text proposed by the Commission*

2. Member States shall ensure that support for at least **10%** of the newly-supported capacity in each year between 2021 and 2025 and at least **15%** of the newly-supported capacity in each year between 2026 and 2030 is open to installations located in other Member States.

*Amendment*

2. Member States shall ensure that support for at least **8 %** of the newly-supported capacity in each year between 2021 and 2025 and at least **13 %** of the newly-supported capacity in each year between 2026 and 2030 is open to installations located in other Member States. ***Beyond those minimum levels, Member States shall have the right to decide, in accordance with Articles 7 to 13 of this Directive, to which extent they support energy from renewable sources which is produced in a different Member State.***

**Amendment 129**

**Proposal for a directive  
Article 5 – paragraph 2 a (new)**

*Text proposed by the Commission*

*Amendment*

***2a. Member States may request the Commission to exempt them from the obligations laid down in this Article, including the decision to not allow installations located in their territory to participate in support schemes organised in other Member States on one or more of the following grounds:***

- (a) *insufficient interconnection capacity;*
- (b) *insufficient natural resources;*
- (c) *detrimental effects on energy security or the smooth functioning of the energy market of the Member State requesting the exemption.*

*Any such exemption shall be published in the Official Journal of the European Union and shall be reviewed by 31 December 2025.*

## Amendment 130

### Proposal for a directive Article 5 – paragraph 3

*Text proposed by the Commission*

3. Support schemes may be opened to cross-border participation through, inter alia, opened tenders, joint tenders, opened certificate schemes or joint support schemes. The allocation of renewable electricity benefiting from support under opened tenders, joint tenders *or* opened certificate schemes towards Member States respective contributions shall be subject to a cooperation agreement setting out rules for the cross-border disbursement of funding, following the principle that energy should be counted towards the Member State funding the installation.

*Amendment*

3. Support schemes may be opened to cross-border participation through, inter alia, opened tenders, joint tenders, opened certificate schemes, or joint support schemes. The allocation of renewable electricity benefiting from support under opened tenders, joint tenders, opened certificate schemes towards Member States respective contributions shall be subject to a cooperation agreement setting out rules for the cross-border *scheme, including conditions for participation and disbursement of funding taking into account different taxes and fees*, following the principle that energy should be counted towards the Member State funding the installation. *The cooperation agreement shall aim to harmonise the administrative framework conditions in the cooperation countries to ensure a level playing field.*

## Amendment 131

### Proposal for a directive Article 5 – paragraph 4

*Text proposed by the Commission*

4. The Commission shall assess by 2025 the benefits on the cost-effective deployment of renewable electricity in the Union of provisions set out in this Article. On the basis of this assessment, the Commission may propose to **increase** the percentages set out in paragraph 2.

*Amendment*

4. ***The Commission shall assist Member States throughout the negotiation process and the setting up of the cooperation arrangements by providing information and analysis, including quantitative and qualitative data on direct and indirect cost and benefits of cooperation, as well as guidance and technical expertise throughout the process. To that end, the Commission shall encourage the exchange of best practice and develop templates for cooperation agreements facilitating the process.***

The Commission shall assess by 2025 the benefits on the cost-effective deployment of renewable electricity in the Union of provisions set out in this Article. On the basis of this assessment, the Commission may propose to **modify** the percentages set out in paragraph 2.

**Amendment 132**

**Proposal for a directive  
Article 6 – paragraph 1**

*Text proposed by the Commission*

***Without prejudice to adaptations necessary to comply with State aid rules,*** Member States shall ensure that the level of, and the conditions attached to, the support granted to renewable energy projects are not revised in a way that negatively impacts the rights conferred thereunder and the economics of supported projects.

*Amendment*

Member States shall ensure that the level of, and the conditions attached to, the support granted to ***new or existing*** renewable energy projects are not revised in a way that negatively impacts the rights conferred thereunder and ***their economics***.

***When other regulatory instruments are changed and those changes affect supported renewable energy projects, Member States shall ensure that regulatory changes do not have a negative impact on the economics of the supported projects.***

## Amendment 133

### Proposal for a directive Article 6 – paragraph 1 a (new)

*Text proposed by the Commission*

*Amendment*

***Member States shall ensure that any modification of support schemes is carried out on the basis of long-term planning in accordance with Article 4(4), is publicly announced at least nine months before it is to enter into force and is subject to a transparent and inclusive public consultation process. Any substantial change to an existing support scheme shall include an appropriate transitional period before the new support scheme enters into force.***

***Where regulatory or grid operation changes impact negatively on the economics of supported projects in a significant or discriminatory manner, Member States shall ensure that those supported projects receive compensation.***

## Amendment 307

### Proposal for a directive Article 7 – paragraph 1 – subparagraph 4

*Text proposed by the Commission*

*Amendment*

For the calculation of a Member State's gross final consumption of energy from renewable energy sources, the contribution from biofuels and bioliquids, as well as from biomass fuels consumed in transport, if produced from food or feed crops, shall be no more than **7% of** final consumption of energy in road and rail transport ***in that Member State. This limit shall be reduced to 3,8% in 2030 following the trajectory set out in part A of Annex X.*** Member States may set a lower limit and may distinguish between different types of biofuels, bioliquids and biomass fuels produced from food and feed crops, for instance by setting a lower limit for the

For the calculation of a Member State's gross final consumption of energy from renewable energy sources, the contribution from biofuels and bioliquids, as well as from biomass fuels consumed in transport, if produced from food or feed crops, shall be no more than ***the contribution from those to the gross*** final consumption of energy ***from renewable energy sources in 2017 in that Member State, with a maximum of 7 % of gross final consumption*** in road and rail transport. ***The contribution from biofuels and bioliquids produced from palm oil shall be 0 % from 2021.*** Member States may set a lower limit and may distinguish between



contribution from food or feed crop based biofuels produced from oil crops, taking into account indirect land use change.

different types of biofuels, bioliquids and biomass fuels produced from food and feed crops, for instance by setting a lower limit for the contribution from food or feed crop based biofuels produced from oil crops, taking into account indirect land use change *and other unintended sustainability impacts*.

## Amendment 136

### Proposal for a directive Article 7 – paragraph 2 – subparagraph 1

*Text proposed by the Commission*

For the purposes of paragraph 1(a), gross final consumption of electricity from renewable energy sources shall be calculated as the quantity of electricity produced in a Member State from renewable energy sources, including the production of electricity from renewable self-consumers and energy communities and excluding the production of electricity in pumped storage units from water that has previously been pumped uphill.

*Amendment*

For the purposes of paragraph 1(a), gross final consumption of electricity from renewable energy sources shall be calculated as the quantity of electricity produced in a Member State from renewable energy sources, including the production of electricity from renewable self-consumers and **renewable** energy communities and excluding the production of electricity in pumped storage units from water that has previously been pumped uphill.

## Amendment 137

### Proposal for a directive Article 7 – paragraph 3 – subparagraph 3

*Text proposed by the Commission*

Ambient **heat** energy **captured** by heat pumps shall be taken into account for the purposes of paragraph 1(b) provided that the final energy output significantly exceeds the primary energy input required to drive the heat pumps. The quantity of heat to be considered as energy from renewable sources for the purposes of this Directive shall be calculated in accordance with the methodology laid down in Annex VII.

*Amendment*

Ambient **energy and geothermal** energy **transferred** by heat pumps **for the production of heating or cooling** shall be taken into account for the purposes of paragraph 1(b) provided that the final energy output significantly exceeds the primary energy input required to drive the heat pumps. The quantity of heat to be considered as energy from renewable sources for the purposes of this Directive shall be calculated in accordance with the methodology laid down in Annex VII.

## Amendment 138

### Proposal for a directive

#### Article 7 – paragraph 3 – subparagraph 4 a (new)

*Text proposed by the Commission*

*Amendment*

*The Commission is empowered to adopt delegated acts in accordance with Article 32 in order to supplement this Directive by establishing a methodology for calculating the quantity of renewable energy used for heating and cooling and district heating and cooling and to revise Annex VII on calculation of energy from heat pumps.*

## Amendment 139

### Proposal for a directive

#### Article 7 – paragraph 4 – point b a (new)

*Text proposed by the Commission*

*Amendment*

*(ba) For the purpose of complying with the target set out in Article 3(1)(a), the contribution of fuels supplied in aviation and maritime sector shall be considered to be 2 times and 1,2 times their energy content respectively, and the contribution of renewable electricity supplied to road vehicles shall be considered to be 2.5 times its energy content.*

## Amendments 140 and 308

### Proposal for a directive

#### Article 7 – paragraph 5 – subparagraph 2

*Text proposed by the Commission*

*Amendment*

The Commission is empowered to adopt delegated acts in accordance with Article 32 to amend the list of feedstocks in parts A and B of Annex IX *in order to add feedstocks, but not to remove them*. Each delegated act shall be based on an analysis of the latest scientific and technical

The Commission is empowered to adopt delegated acts in accordance with Article 32 *in order* to amend the list of feedstocks in parts A and B of Annex IX. Each delegated act shall be based on an analysis of the latest scientific and technical progress, taking due account of the

progress, taking due account of the principles of the waste hierarchy established in Directive 2008/98/EC, in compliance with the Union sustainability criteria, supporting the conclusion that the feedstock in question does not create an additional demand for land and promoting the use of wastes and residues, while avoiding significant distortive effects on markets for (by-)products, wastes or residues, delivering substantial greenhouse gas emission savings compared to fossil fuels, and not creating risk of negative impacts on the environment and biodiversity.

**Amendment 309**  
**Proposal for a directive**  
**Article 7 – paragraph 5 – subparagraph 3**

*Text proposed by the Commission*

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

**Amendment 310**  
**Proposal for a directive**  
**Article 7 – paragraph 5 – subparagraph 3 a (new)**

*Text proposed by the Commission*

principles of the ***circular economy***, ***the*** waste hierarchy established in Directive 2008/98/EC, in compliance with the Union sustainability criteria, supporting the conclusion that the feedstock in question does not create an additional demand for land and promoting the use of wastes and residues, while avoiding significant distortive effects on markets for (by-)products, wastes or residues, delivering substantial greenhouse gas emission savings compared to fossil fuels ***based on a life cycle assessment of emissions***, and not creating risk of negative impacts on the environment and biodiversity.

*Amendment*

Every ***two*** years, the Commission shall carry out an evaluation of the list of feedstocks in parts A and B of Annex IX in order to add feedstocks, in line with the principles set out in this paragraph. The first evaluation shall be carried out no later than ***six*** months after [date of entry into force of this Directive]. If appropriate, the Commission shall adopt delegated acts to amend the list of feedstocks in parts A and B of Annex IX in order to add feedstocks. ***The Commission shall carry out a special evaluation in 2025 with a view to deleting feedstocks in Annex IX, and any resulting delegated act shall be adopted within one year of that evaluation.***

***Feedstocks shall only be deleted in Annex IX following a public consultation and in accordance with the principles of stability of financial support established in Article 6. Without prejudice to Article 26, where***

*feedstocks are deleted, existing installations producing biofuels from that feedstock shall be permitted to count that energy as renewable energy and count it towards the fuel supplier obligation in Article 25, up to, but not beyond, their historic levels of production.*

#### **Amendment 143**

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

*Text proposed by the Commission*

*Amendment*

*5a. When setting policies for the promotion of production of fuels from feedstocks listed in Annex IX to this Directive, Member States shall ensure that the waste hierarchy established in Directive 2008/98/EC is complied with, including its provisions regarding life cycle thinking on the overall impacts of the generation and management of different waste streams.*

#### **Amendment 144**

##### **Proposal for a directive Article 9 – paragraph 5 a (new)**

*Text proposed by the Commission*

*Amendment*

*5a. The Commission shall facilitate the establishment of joint projects between Member States, notably via dedicated technical assistance and project development assistance.*

#### **Amendment 145**

##### **Proposal for a directive Article 11 – paragraph 1**

*Text proposed by the Commission*

1. One or more Member States may cooperate with one or more third countries on all types of joint projects regarding the production of electricity from renewable energy sources. Such cooperation may involve private operators.

**Amendment 146**

**Proposal for a directive**

**Article 11 – paragraph 2 – point c a (new)**

*Text proposed by the Commission*

**Amendment 147**

**Proposal for a directive**

**Article 11 – paragraph 3 – point e**

*Text proposed by the Commission*

(e) the application relates to a joint project that fulfils the criteria in points (b) **and** (c) of paragraph 2 and that will use the interconnector after it becomes operational, and to a quantity of electricity that is no greater than the quantity that will be exported to the Union after the interconnector becomes operational.

**Amendment 148**

**Proposal for a directive**

**Article 11 – paragraph 5 – point d**

*Text proposed by the Commission*

(d) include a written acknowledgement of points (b) **and** (c) by the third country in whose territory the installation is to

*Amendment*

1. One or more Member States may cooperate with one or more third countries on all types of joint projects regarding the production of electricity from renewable energy sources. Such cooperation may involve private operators **and shall take place in full respect of international law.**

*Amendment*

**(ca) the electricity has been produced in accordance with international law, with a particular focus on human rights law.**

*Amendment*

(e) the application relates to a joint project that fulfils the criteria in points (b), (c) **and (ca)** of paragraph 2 and that will use the interconnector after it becomes operational, and to a quantity of electricity that is no greater than the quantity that will be exported to the Union after the interconnector becomes operational.

*Amendment*

(d) include a written acknowledgement of points (b), (c) **and (ca) of paragraph 2** by the third country in whose territory the

become operational and the proportion or amount of electricity produced by the installation which will be used domestically by that third country.

installation is to become operational and the proportion or amount of electricity produced by the installation which will be used domestically by that third country.

## **Amendment 149**

### **Proposal for a directive Article 13 – paragraph 3 a (new)**

*Text proposed by the Commission*

*Amendment*

***3a. The Commission shall facilitate the establishment of joint support schemes between Member States, in particular via the dissemination of guidelines and best practices.***

## **Amendment 150**

### **Proposal for a directive Article 15 – paragraph 1 – subparagraph 1**

*Text proposed by the Commission*

*Amendment*

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 energy sources, and to the process of transformation of biomass into biofuels or other energy products, are proportionate and necessary.

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 ***networks*** for the production of electricity, heating or cooling from renewable energy sources, and to the process of transformation of biomass into biofuels, ***bioliquids and biomass fuels*** or other energy products, ***and to renewable liquids and gaseous transport fuels of non-biological origin*** are proportionate and necessary ***and comply with the energy efficiency first principle.***

## **Amendment 151**

### **Proposal for a directive Article 15 – paragraph 1 – subparagraph 2 – point a**

*Text proposed by the Commission*

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

*Amendment*

(a) administrative procedures are streamlined and expedited at the appropriate administrative level ***and predictable timeframes for the issue of the necessary permits and licenses are established;***

**Amendment 152**

**Proposal for a directive**

**Article 15 – paragraph 1 – subparagraph 2 – point d**

*Text proposed by the Commission*

(d) simplified and less burdensome authorisation procedures, including through simple notification ***if allowed by the applicable regulatory framework***, are established for decentralised devices for producing energy from renewable sources.

*Amendment*

(d) simplified and less burdensome authorisation procedures, including through simple notification are established ***for small projects and*** for decentralised devices for producing ***and storing*** energy from renewable sources, ***including renewable self-consumers and renewable energy communities.***

**Amendment 153**

**Proposal for a directive**

**Article 15 – paragraph 3**

*Text proposed by the Commission*

***3. Member States shall ensure that investors have sufficient predictability of the planned support for energy from renewable sources. To this aim, Member States shall define and publish a long-term schedule in relation to expected allocation for support, covering at least the following three years and including for each scheme the indicative timing, the capacity, the budget expected to be allocated, as well as a consultation of stakeholders on the design of the support.***

*Amendment*

***deleted***

## Amendment 154

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

*Text proposed by the Commission*

4. Member States shall ensure that their competent authorities at national, regional and local level include provisions for the integration and deployment of renewable energy and the use of unavoidable waste heat or cold when planning, designing, building and renovating urban infrastructure, industrial or residential *areas* and energy infrastructure, including electricity, district heating and cooling, natural gas and alternative fuel networks.

*Amendment*

4. Member States shall ensure that their competent authorities at national, regional and local level include provisions for the integration and deployment of renewable energy, ***including for early spatial planning, needs and adequacy assessments taking account of the energy efficiency and demand response, as well as specific provisions on renewable self-consumption and renewable energy communities***, and the use of unavoidable waste heat or cold when planning, designing, building and renovating urban infrastructure, industrial, ***commercial*** or residential *areas* and energy infrastructure, including electricity, district heating and cooling, natural gas and alternative fuel networks. ***Member States shall, in particular, encourage local and regional administrative bodies to include heating and cooling from renewable energy sources in the planning of city infrastructure, where appropriate.***

## Amendment 155

### Proposal for a directive Article 15 – paragraph 5 – subparagraph 2

*Text proposed by the Commission*

In establishing such measures or in their support schemes, Member States may take into account national measures relating to substantial increases in energy efficiency and relating to cogeneration and to passive, low or zero-energy buildings.

*Amendment*

In establishing such measures or in their support schemes, Member States may take into account national measures relating to substantial increases in ***renewable self-consumption, local energy storage***, energy efficiency and relating to cogeneration and to passive, low or zero-energy buildings.



## Amendment 156

### Proposal for a directive

#### Article 15 – paragraph 5 – subparagraph 3

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

Member States shall, in their building regulations and codes or by other means with equivalent effect, require the use of minimum levels of energy from renewable sources in new buildings and in existing buildings that are subject to major renovation, reflecting the results of the cost-optimal calculation carried out pursuant to Article 5(2) of Directive 2010/31/EU. Member States shall permit those minimum levels to be fulfilled, inter alia, using a significant proportion of renewable energy sources.

##### *Amendment*

Member States shall, in their building regulations and codes or by other means with equivalent effect, require the use of minimum levels of energy from renewable sources ***or of renewable generation installations*** in new buildings and in existing buildings that are subject to major renovation, reflecting the results of the cost-optimal calculation carried out pursuant to Article 5(2) of Directive 2010/31/EU. Member States shall permit those minimum levels to be fulfilled, inter alia, ***through district heating and cooling produced*** using a significant proportion of renewable energy sources, ***through individual or collective self-consumption of renewable energy, in accordance with Article 21, or through renewable based cogeneration and wasted heat and cold.***

## Amendment 157

### Proposal for a directive

#### Article 15 – paragraph 6

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

6. Member States shall ensure that new public buildings, and existing public buildings that are subject to major renovation, at national, regional and local level fulfil an exemplary role in the context of this Directive from 1 January 2012 onwards. Member States may, inter alia, allow that obligation to be fulfilled by providing that the roofs of public or mixed private-public buildings are used by third parties for installations that produce energy from renewable sources.

##### *Amendment*

6. Member States shall ensure that new public buildings, and existing public buildings that are subject to major renovation, at national, regional and local level fulfil an exemplary role in the context of this Directive from 1 January 2012 onwards. Member States may, inter alia, allow that obligation to be fulfilled by ***complying with standards for nearly zero energy building as required in Directive ... of the European Parliament and of the Council [on the energy performance of buildings, 2016/0381(COD)], or by*** providing that the roofs of public or mixed

private-public buildings are used by third parties for installations that produce energy from renewable sources.

## Amendment 158

### Proposal for a directive Article 15 – paragraph 7

#### *Text proposed by the Commission*

7. 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 Union level, where these exist, ***as the basis for encouraging such systems and equipment.***

#### *Amendment*

7. 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. ***To that end*** Member States shall use energy or eco-labels or other appropriate certificates or standards developed at national or Union level, where these exist, ***and ensure the provision of adequate information and advice on renewable, highly energy efficient alternatives as well as eventual financial instruments and incentives available in the case of replacement, in view of promoting an increased replacement rate of old heating systems and an increased switch to renewable energy based solutions in accordance with Directive ... of the European Parliament and of the Council [on the energy performance of buildings, 2016/0381(COD)].***

## Amendment 159

### Proposal for a directive Article 15 – paragraph 8

#### *Text proposed by the Commission*

8. Member States shall carry out an assessment of their potential of renewable energy sources and of the use of waste heat and cold for heating and cooling. That assessment shall be included in the second

#### *Amendment*

8. Member States shall carry out an assessment of their potential of renewable energy sources and of the use of waste heat and cold for heating and cooling. That assessment ***shall specifically consider***

comprehensive assessment required pursuant to Article 14(1) of Directive 2012/27/EU for the first time by 31 December 2020 and in the updates of the comprehensive assessments thereafter.

*spatial analysis of areas suitable for low ecological risk deployment and the potential for small-scale households projects. That assessment shall be included in the second comprehensive assessment required pursuant to Article 14(1) of Directive 2012/27/EU for the first time by 31 December 2020 and in the updates of the comprehensive assessments thereafter.*

## **Amendment 160**

### **Proposal for a directive Article 15 – paragraph 8 a (new)**

*Text proposed by the Commission*

*Amendment*

**8a. Member States shall ensure that their competent authorities at national, regional and local level include provisions in their mobility and transport plans for the integration and deployment of modes of transport using renewable energy sources.**

## **Amendment 161**

### **Proposal for a directive Article 15 – paragraph 9**

*Text proposed by the Commission*

*Amendment*

9. Member States shall **remove** administrative barriers **to** corporate long-term power purchase agreements to finance renewables and facilitate their uptake.

9. Member States shall **carry out an assessment of the regulatory and administrative barriers and potential of the purchase of energy from renewable sources by corporate customers in their territories and shall set up an enabling regulatory and administrative framework for enhancing** corporate long-term **renewables** power purchase agreements to finance renewables and facilitate their uptake, **ensuring that those agreements are not subject to disproportionate procedures and charges that are not cost reflective. With the conclusion of such**

*agreements, the equivalent amount of guarantees of origin issued in accordance with Article 19 shall be cancelled on behalf of the corporate customer. The enabling framework shall be part of the integrated national energy and climate plans in accordance with Regulation ... of the European Parliament and of the Council [on the Governance of the Energy Union, 2016/0375(COD)].*

## **Amendment 162**

### **Proposal for a directive Article 16 – paragraph 2**

*Text proposed by the Commission*

2. The single administrative contact point shall guide the applicant through the application process in a transparent manner, provide the applicant with all necessary information, coordinate and involve, where appropriate, other authorities, and deliver a legally binding decision at the end of the process.

*Amendment*

2. The single administrative contact point shall guide the applicant through the application process in a transparent manner, provide the applicant with all necessary information, coordinate and involve, where appropriate, other authorities, and deliver a legally binding decision at the end of the process.  
***Applicants should be able to submit all relevant documents in digital form.***

## **Amendment 163**

### **Proposal for a directive Article 16 – paragraph 3**

*Text proposed by the Commission*

3. The single administrative contact point, in collaboration with transmission and distribution system operators, shall ***publish a manual of*** procedures for renewable project developers, including for small scale projects ***and*** renewable self-consumers projects.

*Amendment*

3. ***In order to facilitate access to the relevant information,*** the single administrative contact point ***or the Member State,*** in collaboration with transmission and distribution system operators, shall ***set up a single online information platform explaining the*** procedures for renewable project developers, including for small scale

projects, renewable self-consumers projects **and renewable energy community projects**. ***If the Member State decides to have more than one single administrative contact point the information platform shall guide the applicant to the contact point relevant for the applicant's application.***

## **Amendment 164**

### **Proposal for a directive Article 16 – paragraph 4**

*Text proposed by the Commission*

4. The permit granting process referred to in paragraph 1 shall not exceed a period of three years, except for the cases set out in Article 16(5) and Article 17.

*Amendment*

4. The permit granting process referred to in paragraph 1 shall not exceed a period of three years, except for the cases set out in Article **16(4a) and** (5) and Article 17.

## **Amendment 165**

### **Proposal for a directive Article 16 – paragraph 4 a (new)**

*Text proposed by the Commission*

*Amendment*

***4a. For installations with an electricity capacity between 50kW and 1MW, the permit granting process shall not exceed one year. In case of extraordinary circumstances, which should be duly justified, this time limit can be extended for three additional months.***

***The periods referred to in paragraphs 4 and 4a shall be without prejudice to judicial appeals and remedies and may be extended at most by the duration of the judicial appeals and remedies procedures.***

***Member States shall ensure applicants have access to out of court resolution mechanism or simple and accessible judicial procedures for the settlements of disputes concerning permit granting***

*processes and the issuance of permit to build and operate renewable energy plants.*

## **Amendment 166**

### **Proposal for a directive Article 16 – paragraph 5**

*Text proposed by the Commission*

5. Member States shall facilitate ***the repowering*** of existing renewable energy plants by, inter alia, ensuring a simplified and swift permit granting process, which shall not exceed one year from the date on which the request for repowering is submitted to the single administrative contact point.

*Amendment*

5. Member States shall facilitate ***the repowering*** of existing renewable energy plants by, inter alia, ensuring a simplified and swift permit granting process, which shall not exceed one year from the date on which the request for repowering is submitted to the single administrative contact point. ***Without prejudice to Article 11(4) of the Regulation ... of the European Parliament and of the Council [common rules for the internal market in electricity (recast), 2016/0379(COD)], Member States shall ensure that access and connection rights to the grid are maintained for repowered projects at least in cases in which there is no change in capacity.***

## **Amendment 354**

### **Proposal for a directive Article 16 – paragraph 5 a (new)**

*Text proposed by the Commission*

*Amendment*

***5a. Member States shall ensure via their permit or concession granting processes that, by 31 December 2022, 90 % of fuel stations along the roads of the core network established by Regulation (EU) No 1315/2013 ('TEN-T Core Network') are equipped with public accessible high-power recharging points for electric vehicles. The Commission is empowered to adopt delegated acts in accordance with Article 32 to extend the scope of this paragraph to fuels falling under Article 25.***

## Amendment 167

### Proposal for a directive Article 17 – paragraph 1

*Text proposed by the Commission*

1. Demonstration projects and installations with an electricity capacity of less than 50 kW shall be allowed to connect to the grid following a notification to the distribution system operator.

*Amendment*

1. Demonstration projects and installations with an electricity capacity of less than 50 kW shall be allowed to connect to the grid following a notification to the distribution system operator.

***By way of derogation from the first subparagraph, for demonstration projects and installations with a capacity of between 10.8 kW and 50 kW, the distribution system operator may decide to refuse the simple notification on justified grounds or propose an alternative solution. If so, it shall do so within two weeks of the notification and the applicant may then request connection through the standard procedures. In the absence of a negative decision by the distribution system operator within that time frame the installation may be connected.***

## Amendment 168

### Proposal for a directive Article 18 – paragraph 1

*Text proposed by the Commission*

1. Member States shall ensure that information on support measures is made available to all relevant actors, such as consumers, **builders**, installers, architects, and suppliers of heating, cooling and electricity equipment and systems and of vehicles compatible with the use of energy from renewable sources.

*Amendment*

1. Member States shall ensure that information on support measures is made available to all relevant actors, such as consumers, **in particular low-income, vulnerable consumers, renewable self-consumers, renewable energy communities builders**, installers, architects, and suppliers of heating, cooling and electricity equipment and systems and of vehicles compatible with the use of energy from renewable sources.

## Amendment 169

### Proposal for a directive Article 18 – paragraph 2 a (new)

*Text proposed by the Commission*

*Amendment*

**2a. Member States shall ensure information on intelligent transport systems and connected vehicles in relation to its benefits regarding road safety, congestion reduction and fuel efficiency.**

## Amendment 170

### Proposal for a directive Article 18 – paragraph 6

*Text proposed by the Commission*

*Amendment*

6. Member States, with the participation of local and regional authorities, shall develop suitable information, awareness-raising, guidance or training programmes in order to inform citizens of the benefits and practicalities of developing and using energy from renewable sources.

6. Member States, with the participation of local and regional authorities, shall develop suitable information, awareness-raising, guidance or training programmes in order to inform citizens ***on how to exercise their rights as active customers, and*** of the benefits and practicalities, ***including technical and financial aspects,*** of developing and using energy from renewable sources, ***including by self-consumption or in the framework of renewable energy communities, as well as of the benefits of cooperation mechanisms between Member States and different kinds of cross-border cooperation.***

## Amendment 171

### Proposal for a directive Article 19 – paragraph 2 – subparagraph 3

*Text proposed by the Commission*

*Amendment*

Member States shall ensure that no guarantees of origin are issued to a producer that receives financial support

Member States shall ensure that ***in the case of renewable energy installations commissioned after ... [date of the entry***



from a support scheme for the same production of energy from renewable sources. Member States shall issue *such guarantees of origin and transfer them to the market by auctioning them. The revenues raised as a result of the auctioning shall be used to offset the costs of renewables support.*

*into force of this Directive]* no guarantees of origin are issued to a producer that receives financial support from a support scheme for the same production of energy from renewable sources, *unless there is no double compensation.*

*It shall be presumed that there is no double compensation where:*

- (a) financial support is granted by way of a tender procedure or a tradable green certificate system;*
- (b) the market value of the guarantees of origin is administratively taken into account in the level of financial support; or*
- (c) the guarantees of origin are not issued directly to the producer but to a supplier or consumer who buys the renewable energy either in a competitive setting or in a long-term corporate renewables power purchase agreement.*

*In cases other than those referred to in the fourth subparagraph, Member States shall issue the Guarantee of Origin for statistical reasons and cancel them immediately.*

## **Amendment 172**

### **Proposal for a directive**

#### **Article 19 – paragraph 7 – subparagraph 1 – point a a (new)**

*Text proposed by the Commission*

*Amendment*

*(aa) whether the energy source from which the energy was produced met the sustainability criteria and the greenhouse gas emissions saving criteria referred to in Article 26.*

## Amendment 173

### Proposal for a directive

#### Article 19 – paragraph 7 – subparagraph 1 – point b – point ii

*Text proposed by the Commission*

(ii) gas, or

*Amendment*

(ii) gas, ***including hydrogen***, or

## Amendment 174

### Proposal for a directive

#### Article 19 – paragraph 8

*Text proposed by the Commission*

8. Where an electricity supplier is required to prove the share or quantity of energy from renewable sources in its energy mix for the purposes of Article 3 of Directive 2009/72/EC, it shall do so by using guarantees of origin. Likewise, guarantees of origin created pursuant to Article 14(10) of Directive 2012/27/EC shall be used to substantiate any requirement to prove the quantity of electricity produced from high-efficiency cogeneration. Member States shall ensure that transmission losses are fully taken into account when guarantees of origin are used to demonstrate consumption of renewable energy or electricity from high efficiency cogeneration.

*Amendment*

8. Where an electricity supplier is required to prove the share or quantity of energy from renewable sources in its energy mix for the purposes of Article 3 of Directive 2009/72/EC, it shall do so by using guarantees of origin. Likewise, guarantees of origin created pursuant to Article 14(10) of Directive 2012/27/EC shall be used to substantiate any requirement to prove the quantity of electricity produced from high-efficiency cogeneration. ***In relation to paragraph 2, where electricity is generated from high efficiency cogeneration using renewable sources only one guarantee of origin specifying both characteristics, shall be issued.*** Member States shall ensure that transmission losses are fully taken into account when guarantees of origin are used to demonstrate consumption of renewable energy or electricity from high efficiency cogeneration.

## Amendment 175

### Proposal for a directive

#### Article 20 – paragraph 1

*Text proposed by the Commission*

1. Where relevant, Member States shall assess the need to extend existing gas network infrastructure to facilitate the integration of gas from renewable energy sources.

*Amendment*

1. Where relevant, Member States shall assess the need to extend existing gas network infrastructure to facilitate the integration of gas from renewable energy sources. ***Transmission system operators and distribution system operators shall be responsible for guaranteeing a smooth functioning of the gas network infrastructure, including its maintenance and regular cleaning.***

**Amendment 176**

**Proposal for a directive  
Article 20 – paragraph 3**

*Text proposed by the Commission*

3. Subject to their assessment included in the integrated national energy and climate plans in accordance with Annex I of Regulation [Governance], on the necessity to build new infrastructure for district heating and cooling produced from renewable energy sources in order to achieve the Union target referred to in Article 3(1) of this Directive, Member States shall, where relevant, take steps with a view to developing a district heating infrastructure to accommodate the development of heating and cooling production from large biomass, solar and geothermal facilities.

*Amendment*

3. Subject to their assessment included in the integrated national energy and climate plans in accordance with Annex I of Regulation ... ***of the European Parliament and of the Council [on the Governance of the Energy Union, 2016/0375(COD)]***, on the necessity to build new infrastructure for district heating and cooling produced from renewable energy sources in order to achieve the Union target referred to in Article 3(1) of this Directive, Member States shall, where relevant, take steps with a view to developing a district heating infrastructure to accommodate the development of heating and cooling production from large ***sustainable biomass, ambient heat in large heat pumps, solar and geothermal facilities as well as surplus heat from industry and other sources.***

**Amendment 177**

**Proposal for a directive  
Article 21 – paragraph 1 – subparagraph 1 – introductory part**

*Text proposed by the Commission*

Member States shall ensure that renewable self-consumers, individually or through aggregators:

*Amendment*

***Member States shall ensure that consumers are entitled to become renewable self-consumers. To that end,*** Member States shall ensure that renewable self-consumers, individually or through aggregators:

**Amendment 178**

**Proposal for a directive**

**Article 21 – paragraph 1 – subparagraph 1 – point a**

*Text proposed by the Commission*

(a) are entitled to carry out self-consumption and sell, including through power purchase agreements, their excess production of renewable electricity without being subject to disproportionate procedures and charges that are not cost-reflective;

*Amendment*

(a) are entitled to carry out self-consumption and sell, including through power purchase agreements ***and peer-to-peer trading arrangements***, their excess production of renewable electricity without being subject to ***discriminatory or*** disproportionate procedures and charges that are not cost-reflective;

**Amendment 179**

**Proposal for a directive**

**Article 21 – paragraph 1 – subparagraph 1 – point a a (new)**

*Text proposed by the Commission*

*Amendment*

***(aa) are entitled to consume their self-generated renewable electricity, which remains within their premises, without liability for any charge, fee, or tax;***

**Amendment 180**

**Proposal for a directive**

**Article 21 – paragraph 1 – subparagraph 1 – point a b (new)**

*Text proposed by the Commission*

*Amendment*

*(ab) are entitled to install and operate electricity storage systems combined with installations generating renewable electricity for self-consumption without liability for any charge, including taxation and double grid fees for stored electricity which remains within their premises;*

## **Amendment 181**

### **Proposal for a directive**

#### **Article 21 – paragraph 1 – subparagraph 1 – point c**

*Text proposed by the Commission*

*Amendment*

(c) are not considered as energy suppliers according to Union or national legislation in relation to the renewable electricity they feed into the grid not exceeding 10 MWh for households and 500 MWh for legal persons on an annual basis; *and*

(c) are not considered as energy suppliers according to Union or national legislation in relation to the renewable electricity they feed into the grid not exceeding 10 MWh for households and 500 MWh for legal persons on an annual basis *without prejudice to the procedures established for the supervision and approval of connection of generation capacity to the grid by distribution system operators pursuant to Articles 15 to 18;*

## **Amendment 182**

### **Proposal for a directive**

#### **Article 21 – paragraph 1 – subparagraph 1 – point d**

*Text proposed by the Commission*

*Amendment*

(d) receive a remuneration for the self-generated renewable electricity they feed into the grid which *reflects* the market value of the electricity *fed in*.

(d) receive a remuneration for the self-generated renewable electricity they feed into the grid which *is equivalent to at least* the market *price and may take into account the long-term value to the grid, the environment and society in line with the cost benefit analysis of distributed energy resources under [Article 59] of Directive ... of the European Parliament*

*and of the Council [on common rules for the internal market in electricity (recast), 2016/0380(COD)].*

### **Amendment 183**

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

#### **Article 21 – paragraph 1 – subparagraph 2 a (new)**

*Text proposed by the Commission*

*Amendment*

*Member States shall ensure that the distribution of the costs for network management and development is fair, and proportionate and reflects the system-wide benefits of self-generation, including the long-term value to the grid, environment and society.*

### **Amendment 184**

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

#### **Article 21 – paragraph 2**

*Text proposed by the Commission*

*Amendment*

2. Member States shall ensure that renewable self-consumers living in the same multi-apartment block, or located *in* the same commercial, or shared services, site or closed distribution system, are allowed to jointly engage in self-consumption as if they were an individual renewable self-consumer. In this case, the threshold set out in paragraph 1(c) shall apply to each renewable self-consumer concerned.

2. Member States shall ensure that renewable self-consumers living in the same multi-apartment block, *residential area* or located *within* the same commercial, *industrial* or shared services, site or *in the same* closed distribution system, are allowed to jointly engage in self-consumption as if they were an individual renewable self-consumer. In this case, the threshold set out in paragraph 1(c) shall apply to each renewable self-consumer concerned.

### **Amendment 185**

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

#### **Article 21 – paragraph 2 a (new)**

**2a. Member States shall carry out an assessment of the existing barriers to and development potential of self-consumption in their territories in order to put in place an enabling framework to promote and facilitate the development of renewable self-consumption.**

**That enabling framework shall include, inter alia:**

**(a) specific measures to ensure that self-consumption is accessible to all consumers, including those in low-income or vulnerable households, or those living in social or rented housing;**

**(b) tools to facilitate access to finance;**

**(c) incentives to building owners to create opportunities for self-consumption for tenants;**

**(d) the removal of unjustified regulatory barriers to renewable self-consumption, including for tenants.**

**The enabling framework shall be part of the national energy and climate plans in accordance with Regulation ... of the European Parliament and of the Council [on the Governance of the Energy Union, 2016/0375(COD)].**

## **Amendment 186**

### **Proposal for a directive Article 21 – paragraph 3**

*Text proposed by the Commission*

3. The renewable *self-consumer's* installation may be managed by a third party for installation, operation, including metering, and maintenance.

*Amendment*

3. **With their consent**, the renewable *self-consumer's* installation **may be owned by a third party or it** may be managed by a third party for installation, operation, including metering, and maintenance. **The third party shall not be considered a renewable self-consumer itself.**

## Amendment 187

### Proposal for a directive

#### Article 22 – paragraph 1 – subparagraph -1 (new)

*Text proposed by the Commission*

*Amendment*

***Member States shall ensure that final customers, particularly household customers, are entitled to participate in a renewable energy community without losing their rights as final customers, and without being subject to unjustified conditions or procedures that would prevent or discourage their participation in a renewable energy community, provided that for private undertakings, their participation does not constitute their primary commercial or professional activity.***

## Amendment 188

### Proposal for a directive

#### Article 22 – paragraph 1 – subparagraph 1

*Text proposed by the Commission*

*Amendment*

Member States shall ensure that renewable energy communities are entitled to generate, consume, store and sell renewable energy, including through power purchase agreements, without being subject to disproportionate procedures and charges that are not cost-reflective.

Member States shall ensure that renewable energy communities are entitled to generate, consume, store and sell renewable energy, including through power purchase agreements, without being subject to ***discriminatory or*** disproportionate procedures and charges that are not cost-reflective.

## Amendment 189

### Proposal for a directive

#### Article 22 – paragraph 1 – subparagraph 2 – introductory part

*Text proposed by the Commission*

*Amendment*

For the purposes of this Directive, a renewable energy community shall be an

For the purposes of this Directive, a renewable energy community shall be an



SME or a not-for-profit organisation, the shareholders or members of which cooperate in the generation, distribution, storage or supply of energy from renewable sources, *fulfilling* at least *four* out of the following criteria:

SME or a not-for-profit organisation, the shareholders or members of which cooperate in the generation, distribution, storage or supply of energy from renewable sources.

*To benefit from treatment as a renewable energy community, at least 51 % of the seats in the board of directors or managing bodies of the entity shall be reserved for local members, i.e. representatives of local public and local private socio-economic interests or individual citizens.*

*In addition, a renewable energy community shall fulfil at least three out of the following criteria:*

#### **Amendment 190**

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

##### **Article 22 – paragraph 1 – subparagraph 2 – point a**

*Text proposed by the Commission*

(a) shareholders or members are natural persons, local authorities, including municipalities, or SMEs *operating in the fields or renewable energy*;

*Amendment*

(a) shareholders or members are natural persons, local authorities, including municipalities, or SMEs;

#### **Amendment 191**

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

##### **Article 22 – paragraph 1 – subparagraph 2 – point b**

*Text proposed by the Commission*

(b) at least 51% of the shareholders or members with voting rights of the entity are natural persons;

*Amendment*

(b) at least 51 % of the shareholders or members with voting rights of the entity are natural persons *or public bodies*;

#### **Amendment 192**

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

## Article 22 – paragraph 1 – subparagraph 2 – point c

*Text proposed by the Commission*

(c) at least 51% of the shares or participation rights of the entity are owned by local members, i.e. representatives of local public and local private socio-economic interests or *citizen having a direct interest in the community activity and its impacts*;

*Amendment*

(c) at least 51 % of the shares or participation rights of the entity are owned by local members, i.e. representatives of local public and local private socio-economic interests or *individual citizens*;

## Amendment 193

**Proposal for a directive**

**Article 22 – paragraph 1 – subparagraph 2 – point d**

*Text proposed by the Commission*

(d) *at least 51% of the seats in the board of directors or managing bodies of the entity are reserved to local members, i.e. representatives of local public and local private socio-economic interests or citizens having a direct interest in the community activity and its impacts*;

*Amendment*

*deleted*

## Amendment 194

**Proposal for a directive**

**Article 22 – paragraph 1 – subparagraph 2 a (new)**

*Text proposed by the Commission*

*Amendment*

*Member States shall monitor the application of these criteria and take measures to avoid any abuse or adverse effects on competition.*

## Amendment 195

**Proposal for a directive**

**Article 22 – paragraph 2**

*Text proposed by the Commission*

2. ***Without prejudice to State aid rules***, when designing support schemes, Member States shall take into account the specificities of renewable energy communities.

*Amendment*

2. When designing support schemes, Member States shall take into account the specificities of renewable energy communities ***while ensuring a level playing field between generators of electricity from renewable energy sources.***

## **Amendment 196**

### **Proposal for a directive Article 22 – paragraph 2 a (new)**

*Text proposed by the Commission*

*Amendment*

***2a. Member States shall carry out an assessment of the existing barriers and potential of development of renewable energy communities in their territories in order to put in place an enabling framework to promote and facilitate participation by renewable energy communities in the generation, consumption, storage and sale of renewable energy.***

***That enabling framework shall include:***

***(a) objectives and specific measures to help public authorities enable the development of renewable energy communities, and to participate directly;***

***(b) specific measures to ensure that participation in renewable energy communities is accessible to all consumers, including those in low-income or vulnerable households or in social housing or who are tenants;***

***(c) tools to facilitate access to finance and information;***

***(d) regulatory and capacity-building support to public authorities in setting up renewable energy communities;***

***(e) the removal of unjustified regulatory and administrative barriers to renewable energy communities;***

*(f) rules to secure the equal and non-discriminatory treatment of consumers that participate in the energy community, ensuring consumer protection equivalent to that of those connected to the distribution grids.*

*The enabling framework shall be part of the integrated national energy and climate plans in accordance with Regulation ... of the European Parliament and of the Council [on the Governance of the Energy Union, 2016/0375(COD)].*

## **Amendment 197**

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

*Text proposed by the Commission*

1. In order to facilitate the penetration of renewable energy in the heating and cooling sector, each Member State shall endeavour to increase the share of renewable energy supplied for heating and cooling by at least **1** percentage *point* (pp) every year, expressed in terms of national share of final energy consumption and calculated according to the methodology set out in Article 7.

*Amendment*

1. In order to facilitate the penetration of renewable energy in the heating and cooling sector, each Member State shall endeavour to increase the share of renewable energy supplied for heating and cooling by at least **2** percentage *points* (pp) every year, expressed in terms of national share of final energy consumption and calculated according to the methodology set out in Article 7. ***Where a Member State is unable to achieve this percentage, it shall make public and provide the Commission with a justification for its non-compliance. Member States shall prioritise the best available technologies***

## **Amendment 198**

### **Proposal for a directive Article 23 – paragraph 1 a (new)**

*Text proposed by the Commission*

*Amendment*

***1a. For the purposes of paragraph 1, when calculating the share of renewable energy supplied for heating and cooling***

*and their required yearly increases,  
Member States:*

*(a) may count any increase achieved in a given year as if it had instead been partially or entirely achieved in any of the two previous or two following years, within the period between 1 January 2021 and 31 December 2030;*

*(b) may count waste heat and cold towards the yearly increase in paragraph 1, subject to a limit of 50 % of the annual increase;*

*(c) shall, where they have a share of renewable energy and waste heat and cold sources in the heating and cooling sector between 50 % and 80 %, reduce the increase to 1 percentage point every year;*

*(d) may define their own level of yearly increase, including whether to apply to cap for waste heat and cold in point (b), as from the year in which they reach a share of renewable energy and waste heat and cold sources in the heating and cooling sector above 80 %.*

## **Amendment 199**

### **Proposal for a directive Article 23 – paragraph 2**

*Text proposed by the Commission*

2. Member States *may* designate and make public, on the basis of objective and non-discriminatory criteria, a list of measures and the implementing entities, such as fuel suppliers, which shall contribute to the increase set out in paragraph 1.

*Amendment*

2. Member States *shall* designate and make public, on the basis of objective and non-discriminatory criteria, a list of measures and the implementing entities, such as fuel suppliers, which shall contribute to the increase set out in paragraph 1.

## **Amendment 200**

### **Proposal for a directive Article 23 – paragraph 3 – introductory part**

*Text proposed by the Commission*

3. The increase set out in paragraph 1 may be implemented through one or more of the following options:

*Amendment*

3. The increase set out in paragraph 1 may *inter alia* be implemented through one or more of the following options:

**Amendment 201**

**Proposal for a directive  
Article 23 – paragraph 3 – point a**

*Text proposed by the Commission*

(a) physical incorporation of renewable energy in the energy and energy fuel supplied for heating and cooling;

*Amendment*

(a) physical incorporation of renewable energy *or waste heat and cold* in the energy and energy fuel supplied for heating and cooling;

**Amendment 202**

**Proposal for a directive  
Article 23 – paragraph 3 – point b**

*Text proposed by the Commission*

(b) direct mitigation measures such as installation of highly efficient renewable heating and cooling systems in buildings or renewable energy use for industrial heating and cooling processes;

*Amendment*

(b) direct mitigation measures such as installation of highly efficient renewable heating and cooling systems in buildings or renewable energy use *or the use of waste heat and cold* for industrial heating and cooling processes;

**Amendment 203**

**Proposal for a directive  
Article 23 – paragraph 3 – point c a (new)**

*Text proposed by the Commission*

*Amendment*

(ca) *other policy measures with an equivalent effect to reach the yearly increase set out in paragraph 1 or 1a.*

## Amendment 204

### Proposal for a directive Article 23 – paragraph 3 a (new)

*Text proposed by the Commission*

*Amendment*

**3a.** *When implementing the measures referred to in points (a) to (d) above, Member States shall require the measures to be designed in such a way so as to ensure they are accessible to all consumers, in particular those in low-income or vulnerable households, who may not possess sufficient up-front capital to benefit otherwise.*

## Amendment 205

### Proposal for a directive Article 23 – paragraph 5 – point b a (new)

*Text proposed by the Commission*

*Amendment*

**(ba)** *the amount of waste heat or cold supplied for heating and cooling;*

## Amendment 206

### Proposal for a directive Article 23 – paragraph 5 – point c

*Text proposed by the Commission*

*Amendment*

(c) the share of renewable energy in the total amount of energy supplied for heating and cooling; and

(c) the share of renewable energy **and waste heat or cold** in the total amount of energy supplied for heating and cooling; and

## Amendment 207

### Proposal for a directive Article 24 – paragraph 1

*Text proposed by the Commission*

1. Member States shall ensure that district heating and cooling suppliers provide information to end-consumers on their energy performance and the share of renewable energy in their systems. Such information shall be in accordance with standards used under Directive 2010/31/EU.

*Amendment*

1. Member States shall ensure that district heating and cooling suppliers provide information to end-consumers on their energy performance and the share of renewable energy in their systems. Such information shall be ***provided on an annual basis or upon request*** in accordance with standards used under Directive 2010/31/EU.

**Amendment 208**

**Proposal for a directive  
Article 24 – paragraph 2**

*Text proposed by the Commission*

2. Member States shall lay down the necessary measures to allow customers of those district heating or cooling systems which are not 'efficient district heating and cooling' within the meaning of Article 2(41) of Directive 2012/27/EU to disconnect from the system in order to produce heating or cooling from renewable energy sources themselves, ***or to switch to another supplier of heat or cold which has access to the system referred to in paragraph 4.***

*Amendment*

2. Member States shall lay down the necessary measures to allow customers of those district heating or cooling systems which are not 'efficient district heating and cooling' within the meaning of Article 2(41) of Directive 2012/27/EU, ***or will not become such a system within the next five years according to their investment plans,*** to disconnect from the system in order to produce heating or cooling from renewable energy sources themselves.

**Amendment 209**

**Proposal for a directive  
Article 24 – paragraph 3**

*Text proposed by the Commission*

3. Member States may restrict the right to disconnect ***or switch supplier*** to customers who can prove that the planned alternative supply solution for heating or cooling results in a significantly better energy performance. The performance assessment of the alternative supply solution may be based on the Energy Performance Certificate as defined in

*Amendment*

3. Member States may restrict the right to disconnect to customers who can prove that the planned alternative supply solution for heating or cooling results in a significantly better energy performance. The performance assessment of the alternative supply solution may be based on the Energy Performance Certificate as defined in Directive 2010/31/EU.



## Amendment 210

### Proposal for a directive Article 24 – paragraph 4

#### *Text proposed by the Commission*

4. Member States shall lay down the necessary measures to ensure non-discriminatory access to district heating or cooling systems for heat or cold produced from renewable energy sources and for waste heat or cold. ***This non-discriminatory access shall enable direct supply of heating or cooling from such sources to customers connected to the district heating or cooling system by suppliers other than the operator of the district heating or cooling system.***

## Amendment 211

### Proposal for a directive Article 24 – paragraph 5

#### *Text proposed by the Commission*

5. An operator of a district heating or cooling system may refuse access to suppliers where the system lacks the necessary capacity due to other supplies of waste heat or cold, of heat or cold from renewable energy sources or of heat or cold produced by high-efficiency cogeneration. Member States shall ensure that where such a refusal takes place the operator of the district heating or cooling system provides relevant information to the competent authority according to paragraph 9 on measures that would be necessary to reinforce the system.

#### *Amendment*

4. Member States shall lay down the necessary measures to ensure non-discriminatory access to district heating or cooling systems for heat or cold produced from renewable energy sources, and for waste heat or cold, ***based on non-discriminatory criteria set by the competent authority of the Member State. Such criteria shall take into account the economic and technical feasibility for the district heating or cooling system operators and connected customers.***

#### *Amendment*

5. An operator of a district heating or cooling system may refuse access to suppliers where ***one or more of the following conditions are met:***

(a) the system lacks the necessary capacity due to other supplies of waste heat or cold, of heat or cold from renewable energy sources or of heat or cold produced by high-efficiency cogeneration ***or such access would jeopardise the safe operation***

*of the district heating system;*

*(b) the system constitutes an 'efficient district heating and cooling system' within the meaning of Article 2(41) of Directive 2012/27/EU;*

*(c) providing access would lead to an excessive heat or cold price increase for final customers compared to the price of using the main local heat supply with which the renewable energy source or waste heat or cold would compete.*

Member States shall ensure that where such a refusal takes place the operator of the district heating or cooling system provides relevant information to the competent authority according to paragraph 9 on measures that would be necessary to reinforce the system *including the economic consequences of the measures.*

## **Amendment 212**

### **Proposal for a directive Article 24 – paragraph 6**

#### *Text proposed by the Commission*

6. New district heating or cooling systems may, upon request, be exempted from the application of paragraph 4 for a defined period of time. The competent authority shall decide on such exemption requests on a case-by-case basis. An exemption shall only be granted if the new district heating or cooling system constitutes 'efficient district heating and cooling' *within the meaning of* Article 2(41) of Directive 2012/27/EU and if it exploits the potential for the use of renewable energy sources and of waste heat or cold identified in the comprehensive assessment made in accordance with Article 14 of *Directive 2012/27/EU*.

#### *Amendment*

6. New district heating or cooling systems may, upon request, be exempted from the application of paragraph 4 for a defined period of time. The competent authority shall decide on such exemption requests on a case-by-case basis. An exemption shall only be granted if the new district heating or cooling system constitutes 'efficient district heating and cooling' within the meaning of Article 2(41) of Directive 2012/27/EU and if it exploits the potential for the use of renewable energy sources, *'high efficiency cogeneration'* *within the meaning of Article 2(34) of Directive 2012/27/EU*, and of waste heat or cold identified in the comprehensive assessment made in accordance with Article 14 of *Directive 2012/27/EU*.

## Amendment 213

### Proposal for a directive Article 24 – paragraph 7

*Text proposed by the Commission*

7. The right to disconnect **or switch supplier** may be exercised by individual customers, by joint undertakings formed by customers or by parties acting on the behalf of customers. For multi-apartment blocks, such disconnection may only be exercised at whole building level.

*Amendment*

7. The right to disconnect may be exercised by individual customers, by joint undertakings formed by customers or by parties acting on the behalf of customers. For multi-apartment blocks, such disconnection may only be exercised at whole building level.

## Amendment 214

### Proposal for a directive Article 24 – paragraph 8

*Text proposed by the Commission*

8. Member States shall require electricity distribution system operators to assess at least **biennially**, in cooperation with the operators of district heating or cooling systems in their respective area, the potential of district heating or cooling systems to provide balancing and other system services, including demand response and storing of excess electricity produced from renewable sources and if the use of the identified potential would be more resource- and cost-efficient than alternative solutions.

*Amendment*

8. Member States shall require electricity distribution system operators to assess at least **every four years**, in cooperation with the operators of district heating or cooling systems in their respective area, the potential of district heating or cooling systems to provide balancing and other system services, including demand response and storing of excess electricity produced from renewable sources and if the use of the identified potential would be more resource- and cost-efficient than alternative solutions.

## Amendment 215

### Proposal for a directive Article 24 – paragraph 9

*Text proposed by the Commission*

9. Member States shall designate one or more **independent** authorities to ensure that the rights of consumers and the rules for operating district heating and cooling systems in accordance with this Article are

*Amendment*

9. Member States shall designate one or more **competent** authorities to ensure that the rights of consumers and the rules for operating district heating and cooling systems in accordance with this Article are

clearly defined and enforced.

clearly defined and enforced.

## Amendment 216

### Proposal for a directive

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

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

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

##### *Amendment*

***In order to achieve the target of 12 % of final energy consumption from renewable sources referred to in Article 3*** Member States shall require, with effect from 1 January 2021, fuel suppliers to include a minimum share of energy from advanced biofuels and other biofuels and biogas produced from feedstock listed in Annex IX, from renewable liquid and gaseous transport fuels of non-biological origin, from ***recycled carbon*** fuels and from renewable electricity in the total amount of transport fuels they supply for consumption or use on the market in the course of a calendar year

## Amendment 217

### Proposal for a directive

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

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

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

##### *Amendment*

The minimum share shall be at least equal to ***1,5 %*** in 2021, increasing up to at least ***10 %*** in 2030, following the trajectory set out in part B of Annex X. Within this total share, the contribution of advanced biofuels and biogas produced from feedstock listed in part A of Annex IX shall be at least ***0,5 %*** of the transport fuels supplied for consumption or use on the market as of 1 January 2021, increasing up to at least ***3,6 %*** by 2030, following the trajectory set out in part C of Annex X.

***Fuel suppliers supplying only fuels in the form of electricity and renewable liquid and gaseous transport fuels of non-biological origin do not need to comply***

*with the minimum share of advanced biofuels, other biofuels and biogas produced from feedstock listed in Annex IX.*

## **Amendment 218**

### **Proposal for a directive**

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

*Text proposed by the Commission*

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

*Amendment*

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

## **Amendment 219**

### **Proposal for a directive**

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

*Text proposed by the Commission*

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

*Amendment*

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

## **Amendment 220**

### **Proposal for a directive**

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

*Text proposed by the Commission*

For the calculation of the numerator, the

*Amendment*

For the calculation of the numerator, the

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

contribution from biofuels and biogas produced from feedstock included in part B of Annex IX shall be limited to **1,7** % of the energy content of transport fuels supplied for consumption or use on the market.

***Member States can modify the limit set on feedstock included in part B of Annex IX if justified taking into account the availability of feedstock. Any modification shall be subject to the approval of the Commission.***

***The contribution of fuels supplied in the aviation and maritime sector shall be considered to be 2 times and 1,2 times their energy content respectively, and the contribution of renewable electricity supplied to road vehicles shall be considered to be 2.5 times its energy content.***

#### **Amendment 221**

##### **Proposal for a directive Article 25 – paragraph 1 a (new)**

*Text proposed by the Commission*

*Amendment*

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

#### **Amendment 223**

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

*Text proposed by the Commission*

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

*Amendment*

3. To determine the share of renewable electricity for the purposes of paragraph 1 the share of electricity from renewable energy sources in the Member State where the electricity is supplied, as measured two years before the year in question ***is used provided that there is sufficient proof that the renewable electricity is additional. The Commission is empowered to adopt delegated acts*** in accordance with Article 32 ***in order to supplement this Directive by establishing a methodology, including a methodology for the Member State to set their baseline, in order to prove additionality.***

**Amendment 224**

**Proposal for a directive**

**Article 25 – paragraph 3 – subparagraph 1 a (new)**

*Text proposed by the Commission*

*Amendment*

***By way of derogation from the first subparagraph, to determine the share of electricity for the purposes of paragraph 1 in the case of electricity obtained from a direct connection to an installation generating renewable electricity and supplied to road vehicles, that electricity shall be fully counted as renewable. Similarly, electricity obtained through long-term power purchase agreements for renewable electricity shall be fully counted as renewable electricity. In any event, an equivalent amount of guarantees of origin issued in accordance with Article 19 shall be cancelled.***

**Amendment 225**

**Proposal for a directive**

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

*Text proposed by the Commission*

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

*Amendment*

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

**Amendment 226**

**Proposal for a directive**  
**Article 25 – paragraph 4 – subparagraph 1**

*Text proposed by the Commission*

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

*Amendment*

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

**Amendment 227**

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

*Text proposed by the Commission*

***The national databases shall be interlinked so as to allow transactions of***

*Amendment*

The Commission shall set out technical specifications of their content and use by



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

## Amendment 228

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

*Text proposed by the Commission*

5. Member States shall report on the aggregated information *from the national databases*, including fuels' life cycle greenhouse gas emissions, in accordance with Annex VII of Regulation [Governance].

## Amendment 229

### Proposal for a directive Article 25 – paragraph 6

*Text proposed by the Commission*

6. The Commission is empowered to adopt delegated acts in accordance with Article 32 to further *specify* the methodology referred to in paragraph 3(b) of this Article to determine the share of biofuel resulting from biomass being processed with fossil fuels in a common process, to specify the methodology for assessing greenhouse gas emission savings from renewable liquid and gaseous transport fuels of non-biological origin and *waste-based* fossil fuels and to determine minimum greenhouse gas emission savings required for these fuels for the purpose of

means of implementing acts adopted in accordance with the examination procedure referred to in Article 31.

*Amendment*

5. Member States shall report on the aggregated information, including fuels' life cycle greenhouse gas emissions, in accordance with Annex VII of Regulation *... of the European Parliament and of the Council [on the Governance of the Energy Union, 2016/0375(COD)]. The Commission shall publish, on an annual basis, aggregated information from the database.*

*Amendment*

6. The Commission is empowered to adopt delegated acts in accordance with Article 32 *in order to supplement this Directive by further specifying* the methodology referred to in paragraph 3(b) of this Article to determine the share of biofuel resulting from biomass being processed with fossil fuels in a common process, to specify the methodology for assessing greenhouse gas emission savings from renewable liquid and gaseous transport fuels of non-biological origin and *low carbon* fossil fuels, *which are generated from gases effluents produced*

paragraph 1.

*as an unavoidable and not intentional consequence of the manufacturing or production of products that is intended for commercial use and/or for sale, and to determine minimum greenhouse gas emission savings required for these fuels for the purpose of paragraph 1 of this Article.*

## Amendment 230

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

*Text proposed by the Commission*

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

*Amendment*

7. By 31 December 2025, in the context of the biennial assessment of progress made pursuant to Regulation ... *of the European Parliament and of the Council [on the Governance of the Energy Union, 2016/0375(COD)]*, the Commission shall assess whether the obligation laid down in paragraph 1 effectively stimulates innovation and *ensure* greenhouse gas savings in the transport sector, and whether the applicable greenhouse gas savings requirements for biofuels and biogas are appropriate. *The assessment shall also analyse if the provisions in this article effectively avoids double accounting of renewable energy.* The Commission shall, if appropriate, present a proposal to modify the obligation laid down in paragraph 1. *The modified obligations shall at least maintain levels that correspond to advanced biofuel capacity installed and under construction in 2025.*

## Amendment 231

### Proposal for a directive Article 26 – paragraph 1 – subparagraph 1 – introductory part

*Text proposed by the Commission*

1. Energy from biofuels bioliquids

*Amendment*

1. *Irrespective of whether the raw*

and biomass fuels shall be taken into account for the purposes referred to in points (a), (b) and (c) of this paragraph only if they fulfil the sustainability criteria set out in paragraphs 2 to 6 and the greenhouse gas emissions saving criteria set out in paragraph 7 :

*materials were cultivated inside or outside the territory of the Union*, energy from biofuels, bioliquids and biomass fuels shall be taken into account for the purposes referred to in points (a), (b) and (c) of this paragraph only if they fulfil the sustainability criteria set out in paragraphs 2 to 6 and the greenhouse gas emissions saving criteria set out in paragraph 7:

## **Amendment 232**

### **Proposal for a directive**

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

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

(c) eligibility for financial support for the consumption of biofuels, bioliquids and biomass fuels.

##### *Amendment*

(c) eligibility for financial support, ***including fiscal incentives***, for the consumption of biofuels, bioliquids and biomass fuels.

## **Amendment 323**

### **Proposal for a directive**

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

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

***However***, biofuels, bioliquids and biomass fuels produced from waste and residues, other than agricultural, aquaculture, fisheries and forestry residues, need only fulfil the greenhouse gas emissions saving criteria set out in paragraph 7 in order to be taken into account for the purposes referred to in points (a), (b) and (c) of this paragraph . This provision shall also apply to waste and residues that are first processed into a product before being further processed into biofuels, bioliquids and biomass fuels.

##### *Amendment*

Biofuels, bioliquids and biomass fuels produced from waste and residues, other than agricultural, aquaculture, fisheries and forestry residues, need only fulfil the greenhouse gas emissions saving criteria set out in paragraph 7 in order to be taken into account for the purposes referred to in points (a), (b) and (c) of this paragraph . ***However, their production from waste and residues covered by Directive 2008/98/EC shall be in line with the principle of the waste hierarchy as laid down in Directive 2008/98/EC.*** This provision shall also apply to waste and residues that are first processed into a product before being further processed into biofuels, bioliquids and biomass fuels.

## Amendment 234

### Proposal for a directive

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

*Text proposed by the Commission*

*Amendment*

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

## Amendment 235

### Proposal for a directive

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

*Text proposed by the Commission*

*Amendment*

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

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

## Amendment 236

### Proposal for a directive

#### Article 26 – paragraph 2 – point a a (new)

*Text proposed by the Commission*

*Amendment*

***(aa) highly biodiverse forest and other***

*wooded land which is species-rich and not degraded, or has been identified as being highly biodiverse by the relevant competent authority, unless evidence is provided that the production of that raw material did not interfere with those nature protection purposes;*

#### **Amendment 237**

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

##### **Article 26 – paragraph 2 – point c – introductory part**

*Text proposed by the Commission*

(c) highly biodiverse grassland *spanning more than one hectare* that is:

*Amendment*

(c) highly biodiverse grassland, *including wooded meadows and pastures*, that is:

#### **Amendment 238**

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

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

*Text proposed by the Commission*

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

*Amendment*

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

#### **Amendment 239**

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

##### **Article 26 – paragraph 4**

*Text proposed by the Commission*

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

*Amendment*

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

obtained from land that was peatland in January 2008.

obtained from land that was peatland in January 2008, ***unless verifiable evidence is provided that the cultivation and harvesting of raw material does not involve drainage of previously undrained soil.***

## Amendment 240

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

#### *Text proposed by the Commission*

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

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

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

ii) forest regeneration of harvested areas takes place;

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

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

v) harvesting ***does not exceed*** the long-term production capacity of the forest;

#### *Amendment*

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

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

i) harvesting is carried out in accordance to the conditions of the harvesting permit ***or equivalent proof of the legal right to harvest*** within ***the national or regional*** legally gazetted boundaries;

ii) forest regeneration of harvested areas takes place;

iii) areas ***designated, by international or national law or by the relevant competent authority, to promote the maintenance of biodiversity or for nature conservation purposes***, including ***in*** wetlands and peatlands, are protected;

iv) harvesting ***is carried out considering maintenance of*** soil quality and biodiversity ***with the aim of minimising negative impacts***; and

v) harvesting ***maintains or improves*** the long-term production capacity of the

(b) when evidence referred to in the first subparagraph is not available, the biofuels, bioliquids and biomass fuels produced from forest biomass shall be taken into account for the purposes referred to in points (a), (b) and (c) of paragraph 1 if management **systems are in place at forest holding** level to ensure that:

i) **the forest biomass has been harvested according to a legal permit;**

ii) forest regeneration of harvested areas takes place;

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

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

v) harvesting **does not exceed the** long-term production capacity of the forest.

forest **at national or regional level;**

b) when evidence referred to in the first subparagraph is not available, the biofuels, bioliquids and biomass fuels produced from forest biomass shall be taken into account for the purposes referred to in points (a), (b) and (c) of paragraph 1 if **additional information of legality and forest management practices are provided at the supply base** level to ensure that:

i) **harvesting is carried out in accordance with the conditions of the harvesting permit procedure or equivalent national or regional proof of the legal right to harvest;**

ii) forest regeneration of harvested areas takes place;

iii) areas **designated, by international or national law or by the relevant competent authority, to promote the maintenance of biodiversity or for nature conservation purposes**, including **in** wetlands **and peatlands**, are protected;

iv) harvesting **is carried out considering maintenance of** soil quality and biodiversity; **including surrounding areas provided that they are affected by the harvesting activities;**

v) harvesting **maintains or improves** long-term production capacity of the forest **at national or regional level; and**

(vi) **environmental and nature regulations or measures are in place and in line with the relevant Union environmental and nature standards.**

## Amendment 241

### Proposal for a directive

#### Article 26 – paragraph 6 – subparagraph 1 – point ii

*Text proposed by the Commission*

(ii) has submitted a Nationally Determined Contribution (NDC) to the United Nations Framework Convention on Climate Change (UNFCCC), covering

*Amendment*

(ii) has submitted a Nationally Determined Contribution (NDC) to the United Nations Framework Convention on Climate Change (UNFCCC), covering

emissions and removals from agriculture, forestry and land use which ensures that either changes in carbon stock associated with biomass harvest are accounted towards the country's commitment to reduce or limit greenhouse gas emissions as specified in the NDC, or there are national or sub-national laws in place, in accordance with Article 5 of the Paris Agreement, applicable in the area of harvest, to conserve and enhance carbon stocks and sinks;

#### **Amendment 242**

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

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

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

When evidence referred to in the first subparagraph is not available, the biofuels, bioliquids and biomass fuels produced from forest biomass shall be taken into account for the purposes referred to in points (a), (b) and (c) of paragraph 1 if management systems are in place at **forest holding** level to ensure that carbon stocks and sinks levels in the forest are maintained.

#### **Amendment 243**

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

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

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

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

emissions and removals from agriculture, forestry and land use which ensures that either changes in carbon stock associated with biomass harvest are accounted towards the country's commitment to reduce or limit greenhouse gas emissions as specified in the NDC, or there are national or sub-national laws in place, in accordance with Article 5 of the Paris Agreement, **and that land sector emissions do not exceed removals**, applicable in the area of harvest, to conserve and enhance carbon stocks and sinks;

###### *Amendment*

When evidence referred to in the first subparagraph is not available, the biofuels, bioliquids and biomass fuels produced from forest biomass shall be taken into account for the purposes referred to in points (a), (b) and (c) of paragraph 1 if management systems are in place at **supply base** level to ensure that carbon stocks and sinks levels in the forest are maintained **or increased**.

###### *Amendment*

**By 1 January 2021**, the Commission **shall** establish the operational evidence for demonstrating compliance with the requirements set out in paragraphs 5 and 6, by means of implementing acts adopted in accordance with the examination procedure referred to in Article 31(2).



## Amendment 244

### Proposal for a directive

#### Article 26 – paragraph 6 – subparagraph 4

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

By 31 December 2023, the Commission shall assess whether the criteria set out in paragraphs 5 and 6 effectively minimise the risk of using unsustainable forest biomass and address LULUCF requirements, on the basis of available data. The Commission shall, if appropriate, present a proposal to modify the requirements laid down in paragraphs 5 and 6.

##### *Amendment*

By 31 December 2023, the Commission shall assess, ***in close collaboration with the Member States***, whether the criteria set out in paragraphs 5 and 6 effectively minimise the risk of using unsustainable forest biomass and address LULUCF requirements, on the basis of available data. The Commission shall, if appropriate, present a proposal to modify the requirements laid down in paragraphs 5 and 6 ***for the period after 2030***.

## Amendment 245

### Proposal for a directive

#### Article 26 – paragraph 7 – point a

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

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

##### *Amendment*

(a) at least 50 % for biofuels, ***fuel derived from biomethane for use in transport*** and bioliquids produced in installations in operation on or before 5 October 2015;

## Amendment 246

### Proposal for a directive

#### Article 26 – paragraph 7 – point b

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

(b) at least 60 % for biofuels and bioliquids produced in installations starting operation from 5 October 2015;

##### *Amendment*

(b) at least 60 % for biofuels, ***fuel derived from biomethane for use in transport*** and bioliquids produced in installations starting operation from 5 October 2015;

## Amendment 247

### Proposal for a directive

## Article 26 – paragraph 7 – point c

*Text proposed by the Commission*

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

*Amendment*

(c) at least **65 %** for biofuels, ***fuel derived from biomethane for use in transport*** and bioliquids produced in installations starting operation after 1 January 2021;

## Amendment 248

### Proposal for a directive

#### Article 26 – paragraph 7 – point d

*Text proposed by the Commission*

(d) at least **80 %** for electricity, heating and cooling production from biomass fuels used in installations starting operation after 1 January 2021 and **85%** for installations starting operation after 1 January 2026.

*Amendment*

(d) at least **70 %** for electricity, heating and cooling production from biomass fuels used in installations starting operation after 1 January 2021 and **80 %** for installations starting operation after 1 January 2026.

## Amendment 249

### Proposal for a directive

#### Article 26 – paragraph 7 – subparagraph 1 a (new)

*Text proposed by the Commission*

*Amendment*

***Member States may establish higher greenhouse gas emission savings than those provided for in this paragraph.***

## Amendments 297 and 356

### Proposal for a directive

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

*Text proposed by the Commission*

Electricity from biomass fuels produced in installations with a fuel capacity equal to or exceeding 20 MW shall be taken into account for the purposes referred to in points (a), (b) and (c) of paragraph 1 only if it is produced applying high efficient

*Amendment*

Electricity from biomass fuels produced in installations with a fuel capacity equal to or exceeding 20 MW shall be taken into account for the purposes referred to in points (a), (b) and (c) of paragraph 1 ***of this Article*** only if it is produced applying high

cogeneration technology as defined under Article 2(34) of Directive 2012/27/EU. For the purposes of points (a) and (b) of paragraph 1, this provision shall only apply to installations starting operation after [3 years from date of adoption of this Directive]. For the purposes of point (c) of paragraph 1, this provision is without prejudice to public support provided under schemes approved by [3 years after date of adoption of this Directive].

efficient cogeneration technology as defined under Article 2(34) of Directive 2012/27/EU **or produced in electricity-only installations which achieve a net-electrical efficiency of at least 40% and do not use fossil fuels**. For the purposes of points (a) and (b) of paragraph 1 **of this Article**, this provision shall only apply to installations starting operation after [3 years from date of adoption of this Directive]. For the purposes of point (c) of paragraph 1 **of this Article**, this provision is without prejudice to public support provided under schemes approved by [1 year after date of adoption of this Directive].

## **Amendment 251**

### **Proposal for a directive Article 26 – paragraph 8 – subparagraph 2 a (new)**

*Text proposed by the Commission*

*Amendment*

***The first subparagraph shall not apply to electricity from installations that are not required to apply high-efficient cogeneration technology pursuant to Article 14 of Directive 2012/27/EU of the European Parliament and of the Council<sup>1a</sup>, provided that those installations exclusively employ biomass fuels produced from residues under normal operating conditions.***

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***<sup>1a</sup> Directive 2012/27/EU of the European Parliament and of the Council of 25 October 2012 on energy efficiency, amending Directives 2009/125/EC and 2010/30/EU and repealing Directives 2004/8/EC and 2006/32/EC (OJ L 315, 14.11.2012, p. 1).***

## **Amendment 252**

### **Proposal for a directive**

**Article 26 – paragraph 8 a (new)**

*Text proposed by the Commission*

*Amendment*

**8a.** *By ... [2 years after the date of entry into force of this Directive] and every two years thereafter, the Commission shall submit a report to the European Parliament and to the Council on the impacts and benefits of biofuels consumed in the Union, including on the production of food and feed and other materials, the economic, environmental and social sustainability both in the Union and in third countries.*

**Amendment 253**

**Proposal for a directive**

**Article 26 – paragraph 8 b (new)**

*Text proposed by the Commission*

*Amendment*

**8b.** *By way of derogation from paragraphs 1 to 8a of this Article, taking account of the special characteristics of the outermost regions as established in Article 349 TFEU, Article 26 of this Directive shall not apply to those regions. By ... [six months after the date of entry into force of this Directive], the Commission shall submit to the European Parliament and to the Council a legislative proposal which sets out criteria for the outermost regions relating to the sustainability of greenhouse gases and the reduction of their use. Those criteria shall take into account the specific local characteristics. In particular, the outermost regions should be able to fully exploit their resources, in compliance with the strict sustainability criteria, to increase their generation of renewable energy and to boost their energy independence.*

**Amendment 255**

**Proposal for a directive**

## Article 27 – paragraph 1 – point a

*Text proposed by the Commission*

(a) allows consignments of raw material or biofuels, bioliquids or biomass fuels with differing sustainability and greenhouse gas emissions saving characteristics to be mixed for instance in a container, processing or logistical facility, transmission and distribution infrastructure or site;

*Amendment*

(a) allows consignments of raw material or biofuels, bioliquids or biomass fuels with differing sustainability and greenhouse gas emissions saving characteristics to be mixed for instance in a container, processing or logistical facility, transmission and distribution infrastructure or site, ***provided that each consignment meets the requirements laid down in Article 26 in its own right and that suitable systems are in place to monitor and measure the compliance of the individual consignments;***

## Amendment 256

### Proposal for a directive

#### Article 27 – paragraph 1 a (new)

*Text proposed by the Commission*

*Amendment*

***1a. In order to facilitate cross-border trade and disclosure to consumers, guarantees of origin for renewable energy injected into the grid shall contain information on the sustainability criteria and greenhouse gas emission savings as defined in Article 26(2) to (7) and may be transferred separately.***

## Amendment 257

### Proposal for a directive

#### Article 27 – paragraph 2 – point a

*Text proposed by the Commission*

(a) when the processing of a consignment of raw material yields only one output that is intended for the production of biofuels, bioliquids or biomass fuels, the size of the consignment and the related quantities of sustainability and greenhouse gas emissions saving characteristics shall be adjusted applying a

*Amendment*

(a) when the processing of a consignment of raw material yields only one output that is intended for the production of biofuels, bioliquids or biomass fuels, the size of the consignment and the related quantities of sustainability and greenhouse gas emissions saving characteristics shall be adjusted applying a

conversion factor representing the ratio between the mass of the output that is intended for the production of biofuels, bioliquids or biomass fuels and the mass of the raw material entering the process;

conversion factor representing the ratio between the mass of the output that is intended for the production of biofuels, bioliquids or biomass fuels and the mass of the raw material entering the process ***provided that each consignment which constitutes the mixture meets the requirements laid down in Article 26;***

## **Amendment 258**

### **Proposal for a directive Article 27 – paragraph 3**

#### *Text proposed by the Commission*

3. Member States shall take measures to ensure that economic operators submit reliable information regarding the compliance with the sustainability and greenhouse gas emissions saving criteria set out in Article 26(2) to (7) and 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 submitted, and to provide evidence that this has been done. The auditing shall verify that the systems used by economic operators are accurate, reliable and protected against fraud. It shall evaluate the frequency and methodology of sampling and the robustness of the data.

#### *Amendment*

3. Member States shall take measures to ensure that economic operators submit reliable information regarding the compliance with the sustainability and greenhouse gas emissions saving criteria set out in Article 26(2) to (7) and 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 submitted, and to provide evidence that this has been done. The auditing shall verify that the systems used by economic operators are accurate, reliable and protected against fraud ***including verification ensuring that materials are not intentionally modified or discarded so that the consignment or part thereof could become a waste or residue under Article 26(2) to (7).*** It shall evaluate the frequency and methodology of sampling and the robustness of the data.

## **Amendment 259**

### **Proposal for a directive Article 27 – paragraph 3 – subparagraph 2**

#### *Text proposed by the Commission*

The obligations laid down in this paragraph shall apply whether the biofuels,

#### *Amendment*

The obligations laid down in this paragraph shall apply whether the biofuels,

bioliquids, and biomass fuels are produced within the Union or imported.

bioliquids, and biomass fuels are produced within the Union or imported. ***Information on geographic origin of biofuels, bioliquids and biomass fuels shall be made available to consumers.***

## **Amendment 260**

### **Proposal for a directive Article 27 – paragraph 4**

#### *Text proposed by the Commission*

4. 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 26(7), and/or demonstrate that consignments of biofuels, bioliquids or biomass fuels comply with the sustainability criteria set out in Article 26(2), (3), (4), (5) and (6), and/or that no materials have been intentionally modified or discarded so that the consignment or part thereof would fall under Annex IX. When demonstrating that requirements set out in Article 26(5) and (6) for forest biomass are met, the operators may decide to directly provide the required evidence at the ***forest holding*** level. The Commission may also recognise areas for the protection of rare, threatened or endangered ecosystems or species recognised by international agreements or included in lists drawn up by intergovernmental organisations or the International Union for the Conservation of Nature for the purposes of Article 26(2)(b)(ii).

#### *Amendment*

4. 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 26(7), and/or demonstrate that consignments of biofuels, bioliquids or biomass fuels comply with the sustainability criteria set out in Article 26(2), (3), (4), (5) and (6), and/or that no materials have been intentionally modified or discarded so that the consignment or part thereof would fall under Annex IX. When demonstrating that requirements set out in Article 26(5) and (6) for forest biomass are met, the operators may decide to directly provide the required evidence at the ***supply base*** level. The Commission may also recognise areas for the protection of rare, threatened or endangered ecosystems or species recognised by international agreements or included in lists drawn up by intergovernmental organisations or the International Union for the Conservation of Nature for the purposes of Article 26(2)(b)(ii).

## **Amendment 261**

### **Proposal for a directive Article 27 – paragraph 5 – subparagraph 3**

#### *Text proposed by the Commission*

In order to ensure that compliance with the sustainability and greenhouse gas emissions saving criteria is verified in an

#### *Amendment*

In order to ensure that compliance with the sustainability and greenhouse gas emissions saving criteria is verified in an

efficient and harmonised manner and in particular to prevent fraud, the Commission may specify detailed implementing rules, including adequate standards of reliability, transparency and independent auditing and require all voluntary schemes to apply those standards. When specifying these standards, the Commission shall pay special attention to the need to minimize administrative burden. This shall be done by means of implementing acts adopted in accordance with the examination procedure referred to in Article 31 (3). Such acts shall set a time frame by which voluntary schemes need to implement the standards. The Commission may repeal decisions recognising voluntary schemes in the event that those schemes fail to implement such standards in the time frame provided for.

efficient and harmonised manner and in particular to prevent fraud, the Commission may specify detailed implementing rules, including adequate standards of reliability, transparency and independent auditing and require all voluntary schemes to apply those standards. When specifying these standards, the Commission shall pay special attention to the need to minimize administrative burden. This shall be done by means of implementing acts adopted in accordance with the examination procedure referred to in Article 31 (3). Such acts shall set a time frame by which voluntary schemes need to implement the standards. The Commission may repeal decisions recognising voluntary schemes in the event that those schemes fail to implement such standards in the time frame provided for. ***Where a Member State raises a concern as to the operation of a voluntary scheme, the Commission shall investigate the matter and take appropriate action.***

## **Amendment 262**

### **Proposal for a directive Article 27 – paragraph 7 a (new)**

*Text proposed by the Commission*

*Amendment*

***7a. The Commission may, at any time, verify the reliability of the information relating to the fulfilment of the sustainability criteria or the greenhouse gas emission saving submitted by economic operators operating on the Union market or at the request of a Member State.***

## **Amendment 263**

### **Proposal for a directive**



## Article 28 – paragraph 1 – subparagraph 1 a (new)

*Text proposed by the Commission*

*Amendment*

***Feedstocks, the production of which has led to direct land-use change, such as a change from one of the following IPCC land cover categories: forest land, grassland, wetlands, settlements, or other land, to cropland or perennial cropland and where a direct land-use change emission value (el) is calculated in accordance with point 7 of part C of Annex V, shall be considered to have estimated indirect land-use change emissions of zero.***

## Amendment 264

### Proposal for a directive Article 28 – paragraph 2

*Text proposed by the Commission*

*Amendment*

2. Member States may submit to the Commission reports including information on the typical greenhouse gas emissions from cultivation of agricultural raw materials of those areas on their territory classified as level 2 in the nomenclature of territorial units for statistics (NUTS) or as a more disaggregated NUTS level in accordance with Regulation (EC) No 1059/2003 of the European Parliament and of the Council. The reports shall be accompanied by a description of the method and data sources used to calculate the level of emissions. That method shall take into account soil characteristics, climate and expected raw material yields.

2. Member States may submit to the Commission reports including information on the typical greenhouse gas emissions from cultivation of agricultural ***and forestry*** raw materials of those areas on their territory classified as level 2 in the nomenclature of territorial units for statistics (NUTS) or as a more disaggregated NUTS level in accordance with Regulation (EC) No 1059/2003 of the European Parliament and of the Council. The reports shall be accompanied by a description of the method and data sources used to calculate the level of emissions. That method shall take into account soil characteristics, climate and expected raw material yields.

## Amendment 265

### Proposal for a directive

## Article 28 – paragraph 4

### *Text proposed by the Commission*

4. The Commission may decide, by means of an implementing act adopted in accordance with the examination procedure referred to in Article 31(2), that the reports referred to in paragraphs 2 and 3 of this Article contain accurate data for the purposes of measuring the greenhouse gas emissions associated with the cultivation of agriculture biomass feedstocks produced in the areas included in such reports for the purposes of Article 26(7). These data may therefore be used instead of the disaggregated default values for cultivation laid down in part D or E of Annex V for biofuels and bioliquids and in Part C of Annex VI for biomass fuels.

### *Amendment*

4. The Commission may decide, by means of an implementing act adopted in accordance with the examination procedure referred to in Article 31(2), that the reports referred to in paragraphs 2 and 3 of this Article contain accurate data for the purposes of measuring the greenhouse gas emissions associated with the cultivation of agriculture **and forestry** biomass feedstocks produced in the areas included in such reports for the purposes of Article 26(7). These data may therefore be used instead of the disaggregated default values for cultivation laid down in part D or E of Annex V for biofuels and bioliquids and in Part C of Annex VI for biomass fuels.

## Amendment 266

### Proposal for a directive

#### Article 28 – paragraph 5 – subparagraph 1

### *Text proposed by the Commission*

The Commission shall keep Annex V and Annex VI under review, with a view, where justified, to adding or revising values for biofuel, bioliquid and biomass fuel production pathways. That review shall also consider the modification of the methodology laid down in part C of Annex V and in part B of Annex VI.

### *Amendment*

The Commission shall keep Annex V and Annex VI under review, with a view, where justified, to adding or revising values for biofuel, bioliquid and biomass fuel production pathways **based on the latest technological developments and scientific evidence**. That review shall also consider the modification of the methodology laid down in part C of Annex V and in part B of Annex VI.

## Amendment 267

### Proposal for a directive

#### Article 30 – paragraph 1

### *Text proposed by the Commission*

1. The Commission shall monitor the origin of biofuels, bioliquids and biomass

### *Amendment*

1. The Commission shall monitor the origin of biofuels **and** bioliquids, and

fuels consumed in the Union **and** the impact of **their** production, including impact as a result of displacement, on land use in the Union and the **main** third countries of supply. Such monitoring shall be based on Member States' integrated national energy and climate plans and corresponding progress reports required in Articles 3, 15 and 18 of Regulation [Governance] , , 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.

biomass fuels consumed in the Union **as well as** the impact of **the** production of **renewable energy from those and other sources**, including impact as a result of displacement, on land use in the Union and the third countries of supply. Such monitoring shall be based on Member States' integrated national energy and climate plans and corresponding progress reports required in Articles 3, 15 and 18 of Regulation ... **of the European Parliament and of the Council [on the Governance of the Energy Union, 2016/0375(COD)]**, and those of relevant third countries, intergovernmental organisations, scientific studies, **satellite-based data** 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 competing material uses**.

## **Amendment 268**

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

*Text proposed by the Commission*

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

*Amendment*

2. The power to adopt delegated acts referred to in Articles **7(3)**, 7(5) , 7(6); 19(11), 19(14), 25(6) and 28(5) shall be conferred on the Commission for a period of five years from 1<sup>st</sup> January 2021.

## **Amendment 269**

### **Proposal for a directive Article 32 – paragraph 3 – subparagraph 1**

*Text proposed by the Commission*

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

*Amendment*

The delegation of power referred to in Articles **7(3)**, 7(5) , 7(6); 19(11), 19(14),

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

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

## **Amendment 270**

### **Proposal for a directive Annex I a (new)**

*Text proposed by the Commission*

*Amendment*

#### ***Annex Ia***

***1. A Member State's targets for 2030 shall be the sum of the following components, each expressed in percentage points:***

***(a) the Member State's national binding target for 2020 as set out in Annex I;***

***(b) a flat rate contribution ("C<sub>Flat</sub>");***

***(c) a GDP-per-capita based contribution ("C<sub>GDP</sub>");***

***(d) a potential-based contribution ("C<sub>Potential</sub>");***

***(e) a contribution reflecting the interconnection level of the Member State ("C<sub>Interco</sub>").***

***2. C<sub>Flat</sub> shall be the same for each Member State. All Member States' C<sub>Flat</sub> shall together contribute 30 % of the difference between the Union's targets for 2030 and 2020.***

***3. C<sub>GDP</sub> shall be allocated between Member States based on a GDP per capita index to the Union average, where for each Member State individually the index is capped at 150 % of the Union average. All Member States' C<sub>GDP</sub> shall together contribute 30 % of the difference between***

*the Union targets for 2030 and 2020.*

**4.** *C<sub>Potential</sub> shall be allocated between Member States based on the difference between a Member State's RES share in 2030 as shown in PRIMES EUCO3535 scenario and its national binding target for 2020. All Member States' C<sub>Potential</sub> shall together contribute 30 % of the difference between the Union targets for 2030 and 2020.*

**5.** *C<sub>Interco</sub> shall be allocated between Member States based on an electricity interconnection share index to EU average, where for each Member State individually the interconnection share index is capped at 150% of the EU average. All Member States' C<sub>Interco</sub> shall together contribute 10% of the difference between the EU targets for 2030 and 2020.*

## **Amendment 271**

### **Proposal for a directive**

#### **Annex V – Part C – paragraph 3 – point a – formula**

*Text proposed by the Commission*

SAVING = (E F(t) – E B) / E F(t)

*Amendment*

SAVING = (E F(t) – E B) / E F(t)

## **Amendment 272**

### **Proposal for a directive**

#### **Annex V – Part C – paragraph 15**

*Text proposed by the Commission*

15. Emission saving from carbon capture and replacement, eccr, shall be ***related directly to the production of biofuel or bioliquid they are attributed to, and shall be*** limited to emissions avoided through the capture of CO<sub>2</sub> of which the carbon originates from biomass and which

*Amendment*

15. Emission saving from carbon capture and replacement, eccr, shall be limited to emissions avoided through the capture of CO<sub>2</sub> of which the carbon originates from biomass and which is used ***to replace fossil-derived CO<sub>2</sub> used in commercial products and services.***

is used in *the energy or transport sector*.

### Amendment 319

#### Proposal for a directive

#### Annex VI – part B – paragraph 3 – point a – formula 1

*Text proposed by the Commission*

SAVING = (E-F(t) – EB(t)/ E-F(t)

*Amendment*

SAVING = (E-F(t) – EB(t))/ E-F (t)

### Amendment 273

#### Proposal for a directive

#### Annex VII – paragraph 1 – subparagraph 2 – indent 1

*Text proposed by the Commission*

- Qusable = the estimated total usable heat delivered by heat pumps fulfilling the criteria referred to in Article 7 (4), implemented as follows: Only heat pumps for which  $SPF > 1,15 * 1/\eta$  shall be taken into account,

*Amendment*

- Qusable = the estimated total usable heat delivered by heat pumps *for the production of heating and cooling* fulfilling the criteria referred to in Article 7 (4), implemented as follows: Only heat pumps for which  $SPF > 1,15 * 1/\eta$  shall be taken into account,

### Amendment 274

#### Proposal for a directive

#### Annex IX – Part A – point b

*Text proposed by the Commission*

(b) *Biomass fraction of mixed municipal waste, but not separated household waste subject to recycling targets under point (a) of Article 11(2) of Directive 2008/98/EC.*

*Amendment*

*deleted*

### Amendments 284 and 311

#### Proposal for a directive

#### Annex IX – Part B – point c

*Text proposed by the Commission*

*Amendment*

*(c) Molasses that are produced as a by-product from of refining sugarcane or sugar beets provided that the best industry standards for the extraction of sugar has been respected.*

*deleted*

**Amendment 312**  
**Proposal for a directive**  
**Annex X – part A**

*Text proposed by the Commission*

*Amendment*

*Part A: [...]*

*deleted*