



13.11.2017

OPINION

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

for the Committee on Industry, Research and Energy

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

Rapporteur: Bas Eickhout

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SHORT JUSTIFICATION

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

The Commission proposal comes forward with an overall EU target of at least 27% renewables, representing a mere 6% increase from the expected share of renewables in 2020 over 10 years and in fact slowing down the rate of uptake of renewables from previous period. The Rapporteur proposes to increase the level of ambition to 35% RES share in 2030, with national mandatory targets, with priority access and with a system of guarantees of origin that only serves as a traceability and accounting tool.

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

For transport, the proposal aims at slowly shifting EU support from crop-based biofuels towards better renewable transport fuels such as advanced biofuels and renewable electricity. The cap on crop-based biofuels that can be counted towards the renewable energy targets is gradually reduced from 7 to 0% in 2030. The contribution from biofuels and bioliquids produced from palm oil should be 0 from 2021. The Commission should develop a methodology to certify low indirect land-use change-risk biofuels and bioliquids.

The proposal also sets an obligation on fuel suppliers to incorporate gradually up to 9% advanced biofuels, renewable electricity and carbon capture and utilisation fuels to the transport fuels they provide by 2030. This minimum share should equal a reduction of greenhouse gas emission intensity of at least 7% compared to 2020. It is important to make sure that those biofuels represent significant greenhouse gas emission reductions. Few feedstock materials are truly available emissions free. If materials are diverted from their current uses to produce biofuel, the other users will be impacted. Indirect carbon estimates based on a displacement analysis identifying what materials would be used to replace the feedstock, and the emissions associated with it, should be used in the calculation towards the greenhouse gas savings threshold of advanced fuels.

It is not appropriate to include fossil fuels mandates - even waste based - to the Renewable Energy Directive. Waste-based fossil fuels should be promoted through other instruments in the context of Union Circular Economy Strategy.

Renewable electricity is the cleanest fuel available for the transport sector and is currently the most sustainably scalable solution. Wide-scale deployment of electric transportation, however, needs incentives at both the demand and the supply side. A sufficient recharging network is a key element in promoting the uptake of electric vehicles.

Advanced biofuels are expected in the long term, mainly to play an important role in reducing greenhouse gas emissions of aviation. The renewable energy supplied to aviation will count towards the overall transport incorporation obligation.

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

AMENDMENTS

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

Amendment 1

Proposal for a directive Recital 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 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. ***In its resolution on the renewable energy progress report, the European Parliament went further, stressing that, in light of the Paris Agreement, a Union target significantly more ambitious was desirable.***

Amendment 2

Proposal for a directive Recital 7

Text proposed by the Commission

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

Amendment

(7) It is thus appropriate to establish a Union binding target of at least 35 % share of renewable energy, ***to be accompanied by national binding targets***. Member States should define their contribution to the achievement of this target as part of their Integrated National Energy and Climate Plans through the governance process set out in Regulation [Governance].

Amendment 3

Proposal for a directive Recital 8

Text proposed by the Commission

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

Amendment

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

Amendment 4

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 power to adopt acts in that respect should be delegated to the Commission to assess the contribution to these 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 lingo-cellulosic biomass.

Justification

Amendment is linked to the sustainability criteria in Art. 26, which is one of the crucial elements of the recast of the Renewable Energy Directive.

Amendment 5

Proposal for a directive

Recital 10

Text proposed by the Commission

(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.***

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 **35 %** 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].

Amendment 6

Proposal for a directive Recital 10 a (new)

Text proposed by the Commission

Amendment

(10a) The promotion of energy from renewable sources should be based on the principles of the circular economy and the cascading use of resources in order to increase resource efficiency for products and materials and minimise the generation of waste. This Directive should therefore be consistent with these principles and further promote the reprocessing of waste into secondary raw materials in accordance with the targets established in Directive 2008/98/EC.

Justification

The renewables directive should embrace circular economy principles and promote the secondary raw materials market.

Amendment 7

Proposal for a directive Recital 11

Text proposed by the Commission

Amendment

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

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

Amendment 8

Proposal for a directive Recital 13

Text proposed by the Commission

Amendment

(13) The Commission should facilitate the exchange of best practices between the competent national or regional authorities or bodies, for instance through regular meetings to find a common approach to promote a higher uptake of cost-efficient renewable energy projects, encourage investments in new, flexible and clean technologies, and set out an adequate strategy to manage the retirement of technologies which do not contribute to the reduction of emissions or deliver sufficient flexibility, based on transparent criteria and reliable market price signals.

(13) The Commission should facilitate the exchange of best practices between the competent national or regional **and local** authorities or bodies, for instance through regular meetings to find a common approach to promote a higher uptake of cost-efficient renewable energy projects, encourage investments in new, flexible and clean technologies, and set out an adequate strategy to manage the retirement of technologies which do not contribute to the reduction of emissions or deliver sufficient flexibility, based on transparent criteria and reliable market price signals.

Amendment 9

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. ***In the case of biomass sources, where competition with material manufacturers may exist, support schemes should be as non-distortive as possible to the functioning of the biomass supply market.***

Justification

With a view to phasing in a circular economy, renewable energy support schemes should not distort intersectoral competition for biomass supply.

Amendment 10

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 **with the best possible cost-efficiency** 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, **including the development of high-voltage, electric power transmission systems**, the resulting energy mix, and the long term potential of technologies.

Amendment 11

Proposal for a directive
Recital 16 a (new)

Text proposed by the Commission

Amendment

(16a) The planning of the infrastructure needed for electricity generation from renewable sources should pay due respect to policies related to the participation of those affected by the projects, including any indigenous populations, and paying due respect to their land rights.

Amendment 12

Proposal for a directive
Recital 16 b (new)

Text proposed by the Commission

Amendment

(16b) 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 regards to renewable energies and avoid technological lock-in.

Amendment 13

Proposal for a directive Recital 17

Text proposed by the Commission

(17) The opening of support schemes to cross-border participation limits negative impacts on the internal energy market and can, under certain conditions, help Member States achieve the Union target more cost-efficiently. Cross-border participation is also the natural corollary to the development of the Union renewables policy, with a Union-level binding target **replacing** national binding targets. It is therefore appropriate to require Member States to progressively and partially open support to projects located in other Member States, and define several ways in which such progressive opening may be implemented, ensuring compliance with the provisions of the Treaty on the Functioning of the European Union, including Articles 30, 34 and 110.

Amendment

(17) The opening of support schemes to cross-border participation limits negative impacts on the internal energy market and can, under certain conditions, help Member States achieve the Union target more cost-efficiently. Cross-border participation is also the natural corollary to the development of the Union renewables policy, with a Union-level binding target **accompanying** national binding targets. It is therefore appropriate to require Member States to progressively and partially open support to projects located in other Member States, and define several ways in which such progressive opening may be implemented, ensuring compliance with the provisions of the Treaty on the Functioning of the European Union, including Articles 30, 34 and 110.

Amendment 14

Proposal for a directive Recital 20

Text proposed by the Commission

(20) It is necessary to set transparent and unambiguous rules for calculating the share of energy from renewable sources and for defining those sources.

Amendment

(20) It is necessary to set transparent and unambiguous rules for calculating the share of energy from renewable sources and for defining those sources. ***In that context, the energy present in oceans and other bodies of water in the form of waves, marine currents, tides, ocean thermal energy gradients or salinity gradients should be***

included.

Justification

In the light of the potential offered by renewable marine energies, it is important to keep this reference in the current Directive.

Amendment 15

**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 CO₂ 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 should therefore strive to create the regulatory and economic conditions conducive to their deployment.

Amendment 16

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

Text proposed by the Commission

Amendment

(24a) The Commission Communication 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 nor certified alternative for the civil aircraft industry.

Amendment 17

Proposal for a directive

Recital 25

Text proposed by the Commission

(25) In order to ensure that Annex IX takes into account the principles of the waste hierarchy established in Directive 2008/98/EC of the European Parliament and of the Council¹⁷, 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.

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

Amendment

(25) In order to ensure that Annex IX takes into account the principles of the ***circular economy***, the waste hierarchy established in Directive 2008/98/EC of the European Parliament and of the Council¹⁷, the Union sustainability criteria, ***a lifecycle 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***.

¹⁷ 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 18

Proposal for a directive Recital 25 a (new)

Text proposed by the Commission

Amendment

(25a) The European Parliament resolution 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 19

Proposal for a directive Recital 26

Text proposed by the Commission

(26) To create opportunities for reducing the cost of meeting the **Union target** laid down in this Directive and to give flexibility to Member States to comply with their obligation not to go below their 2020 national targets after 2020, it is appropriate both to facilitate the consumption in Member States of energy produced from renewable sources in other Member States, and to enable Member States to count energy from renewable sources consumed in other Member States towards their own renewable energy share. For this reason, cooperation mechanisms are required to complement the obligations to open up support to projects located in other Member States. Those mechanisms include statistical transfers, joint projects between Member States or joint support schemes.

Amendment 20

Proposal for a directive Recital 27

Text proposed by the Commission

(27) Member States should be encouraged to pursue all appropriate forms of cooperation in relation to the objectives set out in this Directive. Such cooperation can take place at all levels, bilaterally or multilaterally. Apart from the mechanisms with effect on target renewable energy share calculation and target compliance, which are exclusively provided for in this Directive, namely statistical transfers between Member States, joint projects and joint support schemes, cooperation can also take the form of, for example, exchanges of information and best practices, as provided for, in particular, in the e-platform established by Regulation [Governance], and other voluntary coordination between

Amendment

(26) To create opportunities for reducing the cost of meeting the **targets** laid down in this Directive and to give flexibility to Member States to comply with their obligation not to go below their 2020 national targets after 2020, it is appropriate both to facilitate the consumption in Member States of energy produced from renewable sources in other Member States, and to enable Member States to count energy from renewable sources consumed in other Member States towards their own renewable energy share. For this reason, cooperation mechanisms are required to complement the obligations to open up support to projects located in other Member States. Those mechanisms include statistical transfers, joint projects between Member States or joint support schemes.

Amendment

(27) Member States should be encouraged to pursue all appropriate forms of cooperation in relation to the objectives set out in this Directive. Such cooperation can take place at all levels, bilaterally or multilaterally. Apart from the mechanisms with effect on target renewable energy share calculation and target compliance, which are exclusively provided for in this Directive, namely statistical transfers between Member States, joint projects and joint support schemes, cooperation ***should also take place within the framework of macro-regional partnership as established by Regulation (EU) ... [Governance]*** and can also take the form of, for example, exchanges of information and best

all types of support schemes.

practices, as provided for, in particular, in the e-platform established by Regulation [Governance], and other voluntary coordination between all types of support schemes. ***The Commission's Trans-European Networks for Energy (TEN-E) strategy should support the objectives of this Directive and set out additional incentives for cross-border cooperation as well as regional cooperation between Member States in the area of renewable energy.***

Justification

One of the aims of the European Energy Union is to promote a better exchange and coordination between the Member States on their energy policies. This should also be reflected by this Directive in coherence with other EU tools for cross-border infrastructure projects like the TEN-E strategy.

Amendment 21

Proposal for a directive

Recital 28

Text proposed by the Commission

(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 Treaty¹⁸ 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

(28) It should be possible for imported electricity, produced from renewable energy sources outside the Union to count towards Member States' ***targets***. 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 Treaty¹⁸ 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 22

Proposal for a directive

Recital 33

Text proposed by the Commission

(33) At national **and regional** 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 through building regulations and codes.

Amendment

(33) At national, **regional and local** 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 through building regulations and codes.

Justification

Especially in view of this Directive's objective to promote Renewable Energy Communities, the local level has and will play a crucial role in delivering on the EU's targets for energy savings and renewable deployment.

Amendment 23

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

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

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 Council²¹. 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**.

²¹ 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).

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 Council²¹. 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.

²¹ 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 24

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

Amendment

(45) It is important to provide information on how the **renewable energy sources injected into** electricity **and gas grids are** 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 **and injected into both electricity and gas grid**. In addition, with a view to avoiding double compensation, renewable energy producers already receiving financial support should not receive

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

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 **renewable energy** that received support, the guarantees of origin should be auctioned to the market and the revenues should be used to reduce public subsidies for renewable energy.

Justification

Member States must ensure that guarantees of origin are issued for all units of both electricity and gas from renewable sources.

Amendment 25

Proposal for a directive Recital 49 a (new)

Text proposed by the Commission

Amendment

(49a) 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 26

Proposal for a directive Recital 51

Text proposed by the Commission

Amendment

(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

(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 **and more expensive** supply and dependence on fossil fuels while these regions benefit from important local renewable sources of energy, **in**

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

particular biomass. The outermost regions could thus serve as examples of the application of innovative energy technologies for the Union. It is therefore necessary to **adjust** the renewable energy **strategy** in order to achieve a higher degree of energy autonomy for those regions, **strengthen security of supply** and recognise their specific situation in terms of renewable energy potential and public support needs. **On the other hand, the outermost regions should be able to use the full potential of their resources, in accordance with the criteria of strict sustainability and in line with local conditions, in order to increase the production of renewable energies and strengthen their energy independence.**

Justification

The supply of fossil energy in the outermost regions (80% or more in some regions) results in an additional cost that penalises the local economy and the inhabitants' purchasing power. At the same time, these regions have in part considerable biomass resources that they should be able to exploit.

Amendment 27

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 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.

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 **for** citizens living in apartments **who can, for example**, benefit from consumer empowerment to the same extent as households in single family homes.

Justification

Collective self-consumption should be allowed for citizens living in apartments without exemptions. By removing ‘in certain cases’, consumers will be empowered and be provided with the option to choose for collective self-consumption.

Amendment 28

Proposal for a directive Recital 53 a (new)

Text proposed by the Commission

Amendment

(53a) Since energy poverty affects around 11 % of the population and around 50 million households of the Union, renewable energy policies have an essential role to play in addressing energy poverty and consumer vulnerability.

Justification

Within an integrated EU energy policy, sectoral legislation needs to address also the social risks of the energy transition and should urge Member States to give support to those consumers affected by energy poverty.

Amendment 29

Proposal for a directive Recital 53 b (new)

Text proposed by the Commission

Amendment

(53b) Member States should therefore actively support policies that focus especially on low-income households at risk of energy poverty or in social housing.

Justification

Within an integrated EU energy policy, sectoral legislation needs to address also the social risks of the energy transition and should urge Member States to give support to those consumers affected by energy poverty.

Amendment 30

Proposal for a directive
Recital 55

Text proposed by the Commission

(55) The specific characteristics of local renewable energy communities in terms of size, ownership structure and the number of projects can hamper their competition on equal footing with large-scale players, namely competitors with larger projects or portfolios. Measures to offset those disadvantages include enabling energy communities to operate in the energy system and *easing* their market integration.

Amendment

(55) The specific characteristics of local renewable energy communities in terms of size, ownership structure and the number of projects can hamper their competition on equal footing with large-scale players, namely competitors with larger projects or portfolios. Measures to offset those disadvantages include enabling energy communities to operate in the energy system, *aggregate their offers*, and *to ease* their market integration *and participation*.

Amendment 31

Proposal for a directive
Recital 57

Text proposed by the Commission

(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

Amendment

(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 and in order* to reach the long-term decarbonisation goals for 2030 and 2050, *to* reinforce investor certainty and *to* 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.

cooling does not have detrimental environmental side-effects.

Amendment 32

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 33

Proposal for a directive

Recital 63 a (new)

Text proposed by the Commission

Amendment

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

Justification

Linked to amendments to article 25.

Amendment 34

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

Text proposed by the Commission

Amendment

(63b) 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.

Justification

Restore idea of 2009/28/EC Recitals 28 and 29. Increased GHG emission savings require

measures across the transport sector in both the production and supply chains.

Amendment 35

Proposal for a directive Recital 63 c (new)

Text proposed by the Commission

Amendment

(63c) 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.

Justification

Increased GHG emission savings require measures across the transport sector. Fuel efficiency standards for road transport can be an effective way to boost the uptake of renewable alternatives.

Amendment 36

Proposal for a directive Recital 64

Text proposed by the Commission

Amendment

(64) Advanced biofuels and other biofuels and biogas produced from feedstock listed in Annex IX, renewable liquid and gaseous transport fuels of non-biological origin, and renewable electricity in transport can contribute to low carbon emissions, stimulating the decarbonisation of the Union transport sector in a cost-effective manner, and improving inter alia energy diversification in the transport sector while promoting innovation, growth and jobs in the Union economy and reducing reliance on energy imports. The incorporation obligation on fuels suppliers

(64) Advanced biofuels and other biofuels and biogas produced from feedstock listed in Annex IX, renewable liquid and gaseous transport fuels of non-biological origin, and renewable electricity in transport can contribute to low carbon emissions, stimulating the decarbonisation of the Union transport sector in a cost-effective manner, and improving inter alia energy diversification in the transport sector while promoting innovation, growth and jobs in the Union economy and reducing reliance on energy imports. ***The cascading use principle should be taken***

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

into account in order to make sure that the use of feedstock for advanced biofuel production does not compete with other uses in which the feedstock would have to be replaced with more emission intensive raw materials. The incorporation obligation on fuels suppliers should encourage continuous development of advanced fuels, including biofuels, and it is important to ensure that the incorporation obligation also incentivises improvements in the greenhouse gas performance of the fuels supplied to meet it. The Commission should assess the greenhouse gas performance, technical innovation and sustainability of those fuels.

Amendment 37

Proposal for a directive Recital 65

Text proposed by the Commission

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

Amendment

(65) The promotion of low carbon fossil fuels that are produced from ***gaseous*** waste streams can also contribute towards the policy objectives of energy diversification and transport decarbonisation. It ***would*** therefore ***be*** appropriate to ***develop a methodology on their possible contribution towards the aims of this Directive and the Union decarbonisation policy objectives in general.***

Amendment 38

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 39

Proposal for a directive

Recital 66

Text proposed by the Commission

(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.*

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, *it should be regularly evaluated.*

Amendment 40

Proposal for a directive

Recital 67

Text proposed by the Commission

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

Amendment

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

Justification

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

Amendment 41

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 42

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.

Justification

The renewables directive should embrace circular economy and bio-economic principles and promote the secondary raw materials market.

Amendment 43

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 44

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

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.

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. ***However, biodiversity, as well as the quality, health, viability and vitality of those 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 45

Proposal for a directive Recital 72 a (new)

Text proposed by the Commission

Amendment

(72a) Union sustainability criteria for biofuel, bioliquids and biomass fuels have to ensure that the transition to a low-carbon economy supports the objectives of the Circular Economy Action Plan and is firmly guided by the Union waste hierarchy.

Justification

To ensure that the Renewables Energy Directive is in line with the Circular Economy Action Plan and the EU waste hierarchy, it is necessary to introduce a new sustainability criteria.

Amendment 46

**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.

Justification

Drained peatlands do not act as a secure carbon stock. Therefore it seems unreasonable to exclude their use for the production of biofuels, bioliquids and biomass fuels.

Amendment 47

**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.

Justification

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

Amendment 48

**Proposal for a directive
Recital 75**

Text proposed by the Commission

(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.

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.
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.

Justification

This Directive should not prohibit the exploitation of biomass in the outermost regions, for example primary forests, which are one of the main resources of these territories. The exploitation of such resources is already framed by strict sustainability criteria that ensure the environmental integrity of such an activity.

Amendment 49

Proposal for a directive

Recital 75 a (new)

Text proposed by the Commission

Amendment

(75a) In order to ensure full transparency throughout all sectors of energy production the Commission should, by 31 December 2018, set up, by means of delegated acts, production criteria for fossil fuels and fossil energies.

Justification

There is a strong need for production criteria to guarantee a level playing field between biofuels and fossil fuels.

Amendment 50

Proposal for a directive

Recital 76

Text proposed by the Commission

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 ***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

(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***

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/EEC²⁴.

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/EEC²⁴.

Amendment 51

Proposal for a directive Recital 76 a (new)

Text proposed by the Commission

Amendment

(76a) If a single criterion relating to forest biomass sustainability is not met by a the national and/or sub-national law or monitoring of a Member State, 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 on Member State level.

Justification

The risk-based approach is carried out criterion by criterion. The proposed practice would safeguard the purpose of the risk-based approach while reducing the risk of using unsustainable biomass due to shortcomings on one single criterion.

Amendment 52

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 requirements of a single criterion cannot be fulfilled by national and/or subnational 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 53

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 54

Proposal for a directive

Recital 78

Text proposed by the Commission

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

(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 *an installed electrical* 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 *or produced in installations which have been converted from solid fossil fuels fired plants*. Existing support schemes for biomass-based electricity should however be allowed until their due end date for all biomass installations. In addition electricity

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.

produced from biomass in new installations with ***an installed electrical*** 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 ***or if produced in installations which have been converted from solid fossil fuels fired plants***. 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 55

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 56

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.

Justification

Guarantees of origin should inform consumers about compliance with the sustainability criteria and savings in greenhouse gas emissions.

Amendment 57

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

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 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.

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.

Justification

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

Amendment 58

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 59

Proposal for a directive

Recital 95

Text proposed by the Commission

(95) Global demand for agricultural commodities is growing. Part of that

Amendment

(95) Global demand for agricultural commodities is growing. Part of that

increased demand will be met through an increase in the amount of land devoted to agriculture. The restoration of land that has been severely degraded and therefore cannot be used, in its present state, for agricultural purposes is a way of increasing the amount of land available for cultivation. The sustainability scheme should promote the use of restored degraded land because the promotion of biofuels, bioliquids and biomass fuels will contribute to the growth in demand for agricultural commodities.

increased demand will be met through an increase in the amount of land devoted to agriculture. The restoration of land that has been severely degraded and therefore cannot be used, in its present state, for agricultural purposes is a way of increasing the amount of land available for cultivation. The sustainability scheme should promote the use of restored degraded land because the promotion of biofuels, bioliquids and biomass fuels will contribute to the growth in demand for agricultural commodities, ***which may result in indirect land-use change emissions.***

Justification

The amendment is inextricably linked to amendment to Article 7(1).

Amendment 60

Proposal for a directive Recital 101

Text proposed by the Commission

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

Amendment

(101) Since the objectives of this Directive, namely to achieve at least **35 %** share of energy from renewable sources in the Union's gross final consumption of energy by 2030, cannot be sufficiently achieved by the Member States but can rather, by reason of the scale of the action, be better achieved at Union level, the Union may adopt measures, in accordance with the principle of subsidiarity as set out in Article 5 of the Treaty on European Union. In accordance with the principle of proportionality, as set out in that Article, this Directive does not go beyond what is necessary in order to achieve those objectives.

Amendment 61

Proposal for a directive

Article 1

Text proposed by the Commission

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

Amendment

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

Amendment 62

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 heat, tide, wave and other ocean energy, hydropower, biomass, **biomethane**, landfill gas, sewage treatment plant gas and biogases;

Justification

Biomethane should be added in the main definition of energy from renewable sources.

Amendment 63

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**;

Justification

It should be clarified that peat and other material embedded in geological formations or transformed to fossil is excluded. Bacteria are a form of renewable biomass that grow with or without photosynthesis.

Amendment 64

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;

Justification

The definition of biofuels should cover both liquid and gaseous biofuels. Biomass can act as the biological catalyst which produces fuel directly as a product of biomass growth.

Amendment 65

Proposal for a directive

Article 2 – paragraph 2 – point n a (new)

Text proposed by the Commission

Amendment

(na) 'residual waste' means waste resulting from a treatment or a recovery operation, including recycling, which cannot be recovered further and, as a result, has to be disposed of;

Justification

The definition needs to be included in order to define the use of waste such as advanced biofuels as being solely waste that can no longer be recycled and recovered.

Amendment 66

Proposal for a directive

Article 2 – paragraph 2 – point q

Text proposed by the Commission

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), industrial residues (including from food and feed crops after vegetal oils, sugars, starches and protein have been extracted), and material from biowaste;

(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, alfalfa**), industrial residues (including from food and feed crops after vegetal oils, sugars, starches and protein have been extracted), and material from biowaste;

Justification

Ley crops can be used for the production of biogas.

Amendment 67

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** ;

Justification

This provision should not apply to industrial carbon capture and reuse feedstocks as the carbon would not be permanent. The change made to the definition of renewable liquid and gaseous transport fuels of non-biological origin is linked to article 25 where it can be counted towards the new incorporation obligation.

Amendment 68

Proposal for a directive

Article 2 – paragraph 2 – point u

Text proposed by the Commission

(u) ‘low indirect land-use change-risk biofuels and bioliquids’ means biofuels and bioliquids, the feedstocks of which were produced within schemes which reduce the displacement of production for purposes other than for making biofuels and bioliquids and which were produced in accordance with the sustainability criteria for biofuels and bioliquids set out in Article 26;.

Amendment

(u) ‘low indirect land-use change-risk biofuels and bioliquids’ means biofuels and bioliquids, the feedstocks of which were produced **on unused, marginal land while improving its carbon capture** within schemes which reduce the displacement of production for purposes other than for making biofuels and bioliquids, **including for high protein feed products**, and which were produced in accordance with the sustainability criteria for biofuels and bioliquids set out in Article 26;

Justification

This amendment is inextricably linked to an amendment to Article 7(1).

Amendment 69

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 heat or cold which is generated as by-product in industrial installations **or in tertiary sector** and which would be dissipated unused in air or water without access to a district **or other dedicated** heating or cooling **recovery** system;

Amendment 70

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 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;

Amendment

(aa) ‘renewable self-consumer’ means an active customer as defined in Directive [MDI Directive] **or a group of customers, acting together, who consume** and may 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, **including through aggregators**, provided that, for non-household renewable self-consumers, those activities do not constitute their primary commercial or professional activity;

Amendment 71

Proposal for a directive

Article 2 – paragraph 2 – point dd

Text proposed by the Commission

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

Amendment

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

Amendment 72

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 **waste and residue** feedstocks listed in Part A of Annex IX **that comply with the principle of the waste hierarchy and do not have significant displacement effects or significant distortive effects on markets for products, waste or residues based on a regional analysis**;

Amendment 73

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

(ff) ‘**recycled carbon** fuels’ means fuels produced from **unavoidable gaseous** waste streams of non-renewable origin, including waste processing gases and exhaust gases, **with substantial greenhouse gas savings over their entire lifecycle**;

Amendment 74

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 75

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 76

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 77

Proposal for a directive

Article 2 – paragraph 2 – point uu a (new)

Text proposed by the Commission

Amendment

(uua) ‘bacteria based fuels’ means liquid fuels produced through bacterial growth using the carbon oxides within gaseous waste and residue streams which are generated as an unavoidable and not intentional consequence of the manufacturing of products and are not credited under other emissions reduction schemes;

Justification

The amendment is inextricably linked to amendment to Annex IX

Amendment 78

Proposal for a directive

Article 2 – paragraph 2 – point uu b (new)

Text proposed by the Commission

Amendment

(uub) ‘waste hierarchy’ means the waste hierarchy laid down in Article 4(1) of Directive 2008/98/EC.

Justification

In order to ensure consistency, this directive should use the same definition of waste hierarchy as the Directive 2008/98/EC.

Amendment 79

Proposal for a directive

Article 3 – paragraph 1

Text proposed by the Commission

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 **27%**.

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 80

Proposal for a directive

Article 3 – paragraph 2

Text proposed by the Commission

Amendment

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].* *deleted*

Amendment 81

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 are designed to conform to the waste hierarchy, as set out in Article 4 of Directive 2008/98/EC. To that end, Member States shall regularly review their national policies and justify any deviations in the reports required under Article 18(c) of Regulation ... [Governance].*

Justification

Member States must assess whether their policies in support of renewable energy are consistent with the legislation on waste, in particular with regard to the implementation of the waste hierarchy.

Amendment 82

Proposal for a directive

Article 3 – paragraph 5

Text proposed by the Commission

Amendment

5. *In case the Commission finds in* *deleted*

the context of the assessment of the Integrated National Energy and Climate Plans in accordance with Article 25 of Regulation [Governance] that the Union trajectory is not collectively met or that the baseline referred to in paragraph 3 is not maintained, Article 27(4) of that Regulation shall apply.

Amendment 83

Proposal for a directive Article 3 a (new)

Text proposed by the Commission

Amendment

Article 3a

Mandatory national overall targets

Each Member State shall ensure that the share of energy from renewable sources, calculated in accordance with Articles 7 to 13, in gross final consumption of energy in 2030, is equal to at least its national overall target for the share of energy from renewable sources in that year, as set out in the third column of the table in Part A of Annex I. Such mandatory national overall targets shall be consistent with a target of at least a 35 % share of energy from renewable sources in the Union's gross final consumption of energy in 2030. In order to achieve the targets laid down in this Article more easily, each Member State shall promote and encourage energy efficiency and energy saving.

Amendment 84

Proposal for a directive Article 4 – paragraph 1

Text proposed by the Commission

Amendment

1. *Subject to State aid rules*, in order

1. In order to reach the Union *and*

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.

national targets established in Articles 3 and 3a or to achieve higher targets, 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 85

Proposal for a directive Article 4 – paragraph 2

Text proposed by the Commission

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.

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. ***Member States may provide for exemptions for small-scale installations, where Member States can demonstrate that the administrative cost of directly or indirectly selling produced electricity in the market would be disproportionate, as well as for demonstration projects.***

Amendment 86

Proposal for a directive Article 4 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2a. Support schemes for electricity from biomass sources shall be designed to avoid unnecessary distortions of material markets.

Justification

With a view to phasing in a circular economy, renewable energy support schemes should not distort intersectoral competition for biomass supply.

Amendment 87

Proposal for a directive

Article 4 – paragraph 3

Text proposed by the Commission

3. Member States shall ensure that support for renewable electricity is granted ***in an*** open, transparent, competitive, non-discriminatory ***and cost-effective manner***.

Amendment

3. Member States shall ensure that support for renewable electricity is granted ***through*** open, transparent, competitive, non-discriminatory ***tenders, except for small-scale installations, demonstration projects, and where Member States can demonstrate that tenders cannot be made competitive or would lead to a sub-optimal outcome, such as higher support levels and/or lower project realisation rates. The support may include technology-specific tender procedures.***

Amendment 88

Proposal for a directive

Article 4 – paragraph 4 a (new)

Text proposed by the Commission

Amendment

4a. 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.

Justification

Support schemes for renewable energy should not promote waste which does not comply with the waste hierarchy; in particular, no support should be given to mixed waste. The only support schemes should concern residual municipal waste, i.e. municipal waste that is collected separately and that can no longer be further recycled or recovered and which is

solely designed to be disposed of.

Amendment 89

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

Justification

Introducing a mandatory cross-border opening of support schemes to installation located in other Member States does not necessarily represent a cost-effective solution. It furthermore leads to a market concentration in Member States where the highest returns can be obtained. Investors will be aiming for the most efficient and cheapest place of operation. Certain Member States, in particular those that are lagging behind in integrating renewable energies, would thus be disadvantaged. The necessary expansion of cross-border transmission of electricity linked to the obligatory opening of support schemes would lead to an increase in transmission costs. As a result, additional support would be required, which would entail increased costs. Moreover, as the monitoring of the use of support schemes available for generators located in another country is not yet developed, the cross-border authority of National Regulatory Authorities (NRAs) would need to be clarified first.

Amendment 90

Proposal for a directive Article 6

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 renewable energy projects are not revised in a way that negatively impacts the rights conferred thereunder and the economics of supported projects.

Amendment 91

Proposal for a directive

Article 7 – paragraph 1 – subparagraph 4

Text proposed by the Commission

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

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 ***unless such fuels meet the greenhouse gas saving threshold set out in Article 26(7), taking into account the mean estimated indirect land-use change emissions from biofuel and bioliquid feedstocks in Part A of Annex VIII or are certified low indirect land-use change-risk biofuels and bioliquids based on a methodology developed by the Commission.*** This limit shall be reduced to 0 % in 2030 following the trajectory set out in Part A of Annex X. ***The contribution from biofuels and bioliquids produced from palm oil shall be 0 % from 2021. The Commission shall develop a methodology to certify low indirect land-use change-risk biofuels and bioliquids as defined in point (u) of Article 2(2) by 31 December 2019.*** 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 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 92

Proposal for a directive

Article 7 – paragraph 1 – subparagraph 4 a (new)

Text proposed by the Commission

Amendment

The Commission is empowered to adopt delegated acts in accordance with Article 32 to amend the mean estimated indirect land-use change emissions from biofuel and bioliquid feedstocks in Part A of Annex VIII on the basis of latest scientific evidence. The Commission shall review the mean estimated indirect land-use change emissions from biofuel and bioliquid feedstocks by 31 December 2019 taking into account any greenhouse gas savings related to protein feed by-products, and shall introduce as appropriate, separate values for palm oil, soy bean oil and other oil crops.

Justification

The amendment is inextricably linked to amendments to previous subparagraphs and necessary to ensure the values in Annex VIII part A are kept up to date as regards latest scientific evidence.

Amendment 93

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 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 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. Each delegated act shall be based on an analysis of the latest scientific and technical progress, taking due account of the 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

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.

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 lifecycle assessment of emissions***, and not creating risk of negative impacts on the environment and biodiversity.

Amendment 94

Proposal for a directive Article 7 – paragraph 5 – subparagraph 3

Text proposed by the Commission

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

Amendment

Every ***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 ***or remove*** 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 ***or*** to remove them.

Amendment 95

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

Text proposed by the Commission

Amendment

When a feedstock is removed from the list in Annex IX, installations producing advanced biofuels from that feedstock shall be permitted to use it for five years after the entry into force of the delegated act removing the feedstock from Annex IX, provided it is an advanced biofuel in accordance with Article 2 of this Directive.

Justification

While the Commission should be permitted to propose to remove a feedstock from Annex IX, operators should have the possibility to adjust their production process within a transition period to safeguard investments to a certain extent.

Amendment 96

**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 as established in Article 4 of 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.

Justification

Restoring wording from (EU) 2015/1513 Article 2

Amendment 97

**Proposal for a directive
Article 8 – paragraph 1 – point a**

Text proposed by the Commission

Amendment

(a) deducted from the amount of energy from renewable sources that is taken into account in measuring the ***renewable energy share*** of the Member State making the transfer for the purposes of this Directive; and

(a) deducted from the amount of energy from renewable sources that is taken into account in measuring the ***compliance with the national target*** of the Member State making the transfer for the purposes of this Directive; and

Justification

The proposed change is necessary in order to adapt the directive to the reintroduction of national binding targets in Article 3a.

Amendment 98

Proposal for a directive

Article 8 – paragraph 1 – point b

Text proposed by the Commission

(b) added to the amount of energy from renewable sources that is taken into account in measuring ***the renewable energy share of*** Member State accepting the transfer for the purposes of this Directive .

Amendment

(b) added to the amount of energy from renewable sources that is taken into account in measuring ***compliance with the national target of the*** Member State accepting the transfer for the purposes of this Directive.

Justification

The proposed change is necessary in order to adapt the directive to the reintroduction of national binding targets in Article 3a.

Amendment 99

Proposal for a directive

Article 10 – paragraph 3 – point a

Text proposed by the Commission

(a) deducted from the amount of electricity or heating or cooling from renewable energy sources that is taken into account, in measuring ***the renewable energy share*** of the Member State issuing the letter of notification under paragraph 1; and

Amendment

(a) deducted from the amount of electricity or heating or cooling from renewable energy sources that is taken into account, in measuring ***compliance with the national target*** of the Member State issuing the letter of notification under paragraph 1; and

Justification

The proposed change is necessary in order to adapt the directive to the reintroduction of national binding targets in Article 3a.

Amendment 100

Proposal for a directive

Article 11 – paragraph 2 – introductory part

Text proposed by the Commission

2. Electricity from renewable energy sources produced in a third country shall be

Amendment

2. Electricity from renewable energy sources produced in a third country shall be

taken into account only for the purposes of measuring Member States' renewable energy *shares* if the following conditions are met:

taken into account only for the purposes of measuring *compliance with* Member States' renewable energy *targets* if the following conditions are met:

Justification

The proposed change is necessary in order to adapt the directive to the reintroduction of national binding targets in Article 3.

Amendment 101

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 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 ***and shall encourage relevant local and regional authorities to include heating and cooling solutions based on renewable energy sources in the planning of city infrastructure.***

Amendment 102

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

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 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*.

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 and other local energy infrastructure*** using a significant proportion of renewable energy.

Justification

In order to ensure technological neutrality minimum levels of renewable energy should be possible to fulfil also through district heating and cooling or other local energy infrastructure using a significant proportion of renewable energy sources.

Amendment 103

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 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

8. Member States shall carry out an assessment of their ***sustainable*** potential of renewable energy sources ***which includes a spatial analysis of areas suitable for low ecological risk deployment, and the potential for*** the use of waste heat and cold for heating and cooling. 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 104

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

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.

application process in a transparent manner, provide the applicant with all necessary information, coordinate and involve, where appropriate, other authorities, and deliver, **for each application**, a legally binding decision at the end of the process.

Amendment 105

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 **a legitimate** request for repowering is submitted to the single administrative contact point. **In the case of repowering, Members States shall ensure that rights to the grid are maintained for the original project without prejudice of the applicable technical requirements for grid connection.**

Amendment 106

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

Text proposed by the Commission

Amendment

5a. By 31 December 2020, Member States shall ensure via their permit or concession granting processes that all 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 charging points for electric vehicles. The Commission is empowered to adopt delegated acts in accordance with Article 32 of this Directive to extend the scope of

this paragraph to fuels falling under Article 25 of this Directive.

Justification

The European Commission's study "Clean Transport - Support to the Member States for the Implementation of the Directive on the Deployment of Alternative Fuels Infrastructure", considers a requirement for conventional fuelling stations to offer charging points for EVs or refuelling points with CNG or biomethane, as a very effective and low-cost measure to foster the use of EV and alternative fuels. An EU-wide approach on charging and fuelling infrastructure along the core TEN-T network can be crucial to accommodate cross border long distance travellers making use of this kind of vehicles.

Amendment 107

Proposal for a directive

Article 17 – paragraph 2 – subparagraph 1

Text proposed by the Commission

Repowering shall be allowed following a notification to the single administrative contact point established in accordance with Article 16, where no *significant* negative environmental or social impact is expected. The single administrative contact point shall decide within six months of the receipt of the notification *if this is sufficient*.

Amendment

Repowering shall be allowed following a notification to the single administrative contact point established in accordance with Article 16 *of this Directive*, where *compliance with the requirements of Directive 2011/92/EU of the European Parliament and of the Council^{1a} and Council Directive 92/43/EEC^{1b} has been ensured, and where* no significant negative environmental or social impact is expected. The single administrative contact point shall decide within six months of the receipt of the notification.

^{1a} *Directive 2011/92/EU of the European Parliament and of the Council of 13 December 2011 on the assessment of the effects of certain public and private projects on the environment (OJ L 26, 28.1.2012, p. 1).*

^{1b} *Council Directive 92/43/EEC of 21 May 1992 on the conservation of natural habitats and of wild fauna and flora (OJ L 206, 22.7.1992, p. 7).*

Amendment 108

Proposal for a directive Article 18 – paragraph 6

Text proposed by the Commission

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.

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, ***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.***

Justification

As the Commission's proposal focusses on self-consumption and renewable energy communities, this should be reflected in this paragraph to make citizens aware of the options and benefits in this area. The Commission has identified a lack of public support as one reason for the reluctance of Member States to make use of cooperation mechanisms like joint projects set out in Art. 7 of the current Directive. Therefore, information and awareness rising programmes should not just focus on the benefits of renewable energies, but also of cross-border cooperation.

Amendment 109

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

Text proposed by the Commission

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

Amendment

deleted

of renewables support.

Justification

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

Amendment 110

Proposal for a directive

Article 19 – paragraph 7 – subparagraph 1 – point b – point ii a (new)

Text proposed by the Commission

Amendment

(ii a) green hydrogen; or

Justification

Renewable energies are highly volatile. In linking different sectors together the efficiency of renewables can be maximised. Excess energy can be used to produce renewable liquid and gaseous transport fuels of non-biological origin and can later be used for instance in the transport or cooling sector.

Amendment 111

Proposal for a directive

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

Text proposed by the Commission

Amendment

(fa) whether and to what extent the energy source from which the energy was produced met sustainability criteria and greenhouse gas emissions savings referred to in Article 26.

Justification

Guarantees of origin should inform consumers about compliance with sustainability criteria and savings in greenhouse gas emissions.

Amendment 112

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 [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 **sustainable biomass, ambient heat in large heat pumps**, solar and geothermal facilities **as well as surplus heat from industry and other sources**.

Justification

Adds sustainable energy sources unmentioned in original text.

Amendment 113

**Proposal for a directive
Article 20 – paragraph 3 a (new)**

Text proposed by the Commission

Amendment

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

(a) ensure that transmission system operators and distribution system operators in their territory guarantee the transmission and distribution of electricity produced from renewable energy sources;

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

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

Justification

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

Amendment 114

Proposal for a directive

Article 22 – paragraph 1 – subparagraph 2 – introductory part

Text proposed by the Commission

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:

Amendment

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, ***which may take place across Member States' borders***, fulfilling at least four out of the following criteria:

Amendment 115

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 of renewable energy;

Amendment

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

Amendment 116

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

Amendment 117

Proposal for a directive

Article 23 – paragraph 5 – point b

Text proposed by the Commission

(b) the total amount of renewable energy supplied for heating and cooling;

Amendment

(b) the total amount of renewable energy **and waste heat and cold** supplied for heating and cooling;

Amendment 118

Proposal for a directive

Article 23 – paragraph 5 – point c

Text proposed by the Commission

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

Amendment

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

Amendment 119

Proposal for a directive

Article 23 – paragraph 5 – point d

Text proposed by the Commission

(d) the type of renewable energy source.

Amendment

(d) the type of renewable energy **and/or waste heat or cold** source.

Justification

To help Member States fully embrace the potential of waste heat and provide necessary support for its exploitation, a right policy framework must be in place. Waste heat should be treated in a similar manner as renewable energy and allow Member States to achieve their RES target for heating incorporating more waste heat in their systems. Waste heat or cold should therefore be fully accounted for when fulfilling obligation according to article 23.

Amendment 120

Proposal for a directive

Article 25 – paragraph 1 – subparagraph 1

Text proposed by the Commission

1. 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

1. 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 **carbon capture and utilisation** 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.

Justification

The definition of waste based fossil fuel is misleading and could result in fossil fuels or all waste being considered as renewable energy. In line with what the Commission has proposed, it was decided to rename this category.

Amendment 121

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 **9%** in 2030, following the trajectory set out in part B of Annex X. ***The 2030 minimum share shall be equal to a reduction of greenhouse gas emission intensity of at least 7 % compared to 2020.*** Within this total share, the contribution of advanced biofuels and biogas produced from feedstock listed in part A of Annex IX shall be at least 0.5% of the transport fuels supplied for consumption or use on the market as of 1 January 2021, increasing up to at least 3.6% by 2030, following the trajectory set out in part C of Annex X. ***The minimum share of renewable energy supplied for aviation and shipping shall follow the trajectory set out in Part B of Annex X.***

Amendment 122

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***

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 and

fossil fuels and electricity, shall be taken into account;

electricity, shall be taken into account;

Amendment 123

Proposal for a directive

Article 25 – paragraph 1 – subparagraph 4 – point b – subparagraph 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, **from low carbon** fuels, **which are generated as an unavoidable and not intentional consequence of the manufacturing or production of products that is intended for commercial use and/or for sale**, supplied to all transport sectors, and renewable electricity supplied to road vehicles, shall be taken into account.

Justification

Capturing them thanks to Carbon Capture and Use (CCU) Technologies, allows industry to reuse low carbon fuel for fuelling sectors that are not apt to electrification, such as jet fuel and chemicals production. Therefore, they can play an important role in reducing the amount of extracted fossil carbon in the EU energy mix in addition to indirectly enhancing the share of renewables in the electricity grid by diverting gases from power generation.

Amendment 124

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.

Justification

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

Amendment 125

Proposal for a directive

Article 25 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2a. From 1 January 2021, Member States shall require fuel suppliers to reduce life cycle greenhouse gas emissions per unit of energy from fuel and energy supplied by up to 20 % by 31 December 2030, compared with the fuel baseline standard referred to in Council Directive (EU) 2015/652^{1a}.

^{1a} Council Directive (EU) 2015/652 of 20 April 2015 laying down calculation methods and reporting requirements pursuant to Directive 98/70/EC of the European Parliament and of the Council relating to the quality of petrol and diesel fuels (OJ L 107, 25.4.2015, 26).

Justification

The ambitious target of reducing GHG intensity of fuels by up to 20 % by 2030 is justified taking into account the high GHG savings from already established crop-based biofuels as well as a stronger market penetration of advanced biofuels and alternative renewable energies in transport. The obligation to reduce GHG emissions from fuels based on fuel providers has proven to be an effective tool for greater climate efficiency.

Amendment 126

Proposal for a directive

Article 25 – paragraph 3 – subparagraph 1

Text proposed by the Commission

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

Amendment

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

Amendment 127

Proposal for a directive

Article 25 – paragraph 3 – subparagraph 2

Text proposed by the Commission

The share of renewable energy in liquid and gaseous transport fuels shall be determined on the basis of the share of renewable energy in the total energy input used for the production of the fuel.

Amendment

The share of renewable energy in liquid and gaseous transport fuels shall be determined on the basis of the share of renewable energy in the total energy input used for the production of the ***transport*** fuel. ***An equivalent amount of guarantees of origin issued in accordance with Article 19 shall be cancelled.***

Justification

It is proposed that an equivalent certificate of origin be cancelled for biofuels and bioliquids used in the transport sector.

Amendment 128

Proposal for a directive

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

Text proposed by the Commission

(a) 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

(a) 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 share of electricity from renewable energy sources in the country of production, as measured two years before the year in question, ***shall*** be used to determine the share of renewable energy. An equivalent amount of guarantees of origin issued in accordance with Article 19 shall be cancelled.

Amendment 129

Proposal for a directive

Article 25 – paragraph 3 – subparagraph 3 – point a – subparagraph 2

Text proposed by the Commission

However, electricity obtained from direct connection to an installation generating renewable electricity (i) that comes into operation after or at the same time as the installation producing the renewable liquid and gaseous transport fuel of non-biological origin and (ii) is not connected to the grid, can be fully counted as renewable electricity for the production of that renewable liquid and gaseous transport fuel of non-biological origin.

Amendment

However, electricity obtained from direct connection to an installation generating renewable electricity ***exclusively from renewable energy*** (i) that comes into operation after or at the same time as the installation producing the renewable liquid and gaseous transport fuel of non-biological origin and (ii) is not connected to the grid, can be fully counted as renewable electricity for the production of that renewable liquid and gaseous transport fuel of non-biological origin.

Amendment 130

Proposal for a directive

Article 25 – paragraph 4 – subparagraph 1

Text proposed by the Commission

Member States shall put in place a

Amendment

The Commission 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.

database enabling tracing of transport fuels, *including electricity*, that are eligible for counting towards the numerator set out in *point (b) of paragraph 1*. *Member States shall require fuel suppliers to enter in the database the total annual quantities of energy they supply to the transport sector as defined in denominator in point (a) of paragraph 1*. *Suppliers of renewable energy in transport as defined in the numerator in point (b) of paragraph 1 shall be required* to enter information on the transactions made and the sustainability characteristics of the eligible fuels, including their life cycle greenhouse gas emissions, starting from their point of production to the fuel supplier that places the fuel on the market.

Justification

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

Amendment 131

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

Text proposed by the Commission

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

Amendment

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

Amendment 132

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

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

Amendment 133

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 paragraph 1.

Amendment

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 **low carbon** fossil fuels, **which are generated from gases effluents produced 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**.

Justification

The Renewable Energy Directive should ensure that the Commission has the necessary powers to promote the use of low carbon fuels, as these play an important role in reducing the amount of extracted fossil carbon in the EU energy mix in addition to indirectly promoting production of renewable electricity.

Amendment 134

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, ***unless the latest technological developments or scientific evidence require an earlier adjustment of the obligation laid down in paragraph 1 of this Article***, in the context of the biennial assessment of progress made pursuant to Regulation [Governance], the Commission shall assess whether the obligation 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 assessment shall also analyse if the provisions of this Article effectively avoid double accounting of renewable energy.*** The Commission shall, if appropriate, present a proposal to modify the obligation laid down in paragraph 1 ***of this Article***.

Amendment 135

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

Text proposed by the Commission

1. 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

1. ***Irrespective of whether the raw 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:

Justification

The proposal includes major new elements for sustainability criteria and transport fuels. It is

therefore necessary to clarify the coverage of the term financial support to include fiscal incentives.

Amendment 136

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.

Justification

The recast Renewable Energy Directive makes major changes to the coverage of the provisions on bioenergy sustainability, notably by extending many of the provisions, for the first time, to biomass fuels such as wood. It also proposes significant changes to the targets relating to biofuels and bioliquids. On this basis, changes are also required to clarify the coverage of the term 'financial support', which in some Member States either does not currently address or may not in future sufficiently address the multiple ways, in addition to direct subsidies, in which the production or use of biomass fuels and other types of bioenergy are promoted or encouraged. For example mechanisms such as tax breaks for the use of biomass fuels based on their supposed carbon neutrality, or blending mandates imposed on providers of biomass or other biofuels, are either already in operation or may be applied in future, and themselves have cost impacts. The terms of the provision on eligibility for financial support should therefore be broadened to ensure it is comprehensive and in line with the spirit of the original Directive.

Amendment 137

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

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

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.

points (a), (b) and (c) of this paragraph. ***However, their production shall be in line with the principle of the waste hierarchy as laid down in Directive 2008/98/EC and shall avoid significant distortive effects on markets for (by)products, wastes or residues.*** 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.

Justification

The production of biofuels, bioliquids and biomass fuels can divert residues from existing material uses to energy, as well as it can divert waste from recycling to energy, in contradiction to the waste hierarchy and circular economy objectives. To ensure that transport decarbonisation supports objectives of the Circular Economy Action Plan and is in line with the EU waste hierarchy, it is necessary to introduce a new sustainability criteria.

Amendment 138

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).

Justification

This amendment is inextricably linked to the new transport fuel obligation in Article 25.

Amendment 139

Proposal for a directive

Article 26 – paragraph 1 – subparagraph 3

Text proposed by the Commission

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.

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 ***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 140

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;

Justification

Forests that are not primary forests can also host significant biodiversity

Amendment 141

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 142

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 143

Proposal for a directive

Article 26 – paragraph 4

Text proposed by the Commission

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

Amendment

4. Biofuels, bioliquids and biomass fuels produced from agricultural 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, ***unless verifiable evidence is provided that the cultivation and harvesting of raw material does not involve drainage of previously undrained soil.***

Amendment 144

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;

(b) when evidence referred to in the first subparagraph is not available, the biofuels, bioliquids and biomass fuels produced from forest biomass shall be

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 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 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.

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 145

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 emissions and removals from agriculture, forestry and land use which ensures that

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;

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 146

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

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 147

Proposal for a directive

Article 26 – paragraph 6 – subparagraph 3

Text proposed by the Commission

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

Amendment

By 1 January 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 148

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 149

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 150

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 151

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 152

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 153

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.

Amendment 154

Proposal for a directive

Article 26 – paragraph 8 – subparagraph 1

Text proposed by the Commission

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

Amendment

Electricity from biomass fuels produced in installations with **an installed electrical** 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 efficient cogeneration technology as defined under Article 2(34) of Directive 2012/27/EU **or produced in installations which have been converted from solid fossil fuels fired plants**. 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 [3 years after date of adoption of this Directive].

Amendment 155

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^{1a}, provided that those installations exclusively employ biomass fuels produced from agricultural, aquaculture, fisheries and forestry residues under normal operating conditions.

^{1a} 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).

Justification

While high conversion efficiency is a key component of bioenergy sustainability and should be ensured, there are circumstances such as climatic conditions, which lead to insufficient demand for heat for combined heat and power investments. These circumstances are already addressed in article 14 of the Energy Efficiency Directive (2012/27/EU), dealing with the promotion of efficiency in heating and cooling. However, it should be ensured that installations producing electricity only should use exclusively residues, as these are not in competition with material uses.

Amendment 156

Proposal for a directive

Article 26 – paragraph 8 a (new)

Text proposed by the Commission

Amendment

8a. The Commission shall, every two years, 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.

Justification

Reintroducing reporting provisions (Article 17(7) of the existing Directive) that have been removed in Commission proposal.

Amendment 157

Proposal for a directive

Article 26 – paragraph 8 b (new)

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 of the Treaty on the Functioning of the European Union, 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.

Justification

The supply of fossil energy in the outermost regions (80% or more in some regions) results in an additional cost that penalises the local economy and the inhabitants' purchasing power. At the same time, these regions have in part considerable biomass resources that they should be able to exploit.

Amendment 158

**Proposal for a directive
Article 26 – paragraph 10**

Text proposed by the Commission

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

Amendment

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

Amendment 159

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 160

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.

Justification

Guarantees of origin should inform consumers about compliance with the sustainability criteria and savings in greenhouse gas emissions.

Amendment 161

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 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;

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 ***provided that each consignment which constitutes the mixture meets the requirements laid down in Article 26;***

Amendment 162

Proposal for a directive

Article 27 – paragraph 3

Text proposed by the Commission

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,

Amendment

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.

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.

Justification

This amendment is linked to ensuring compliance with the limit on the contribution from biofuels and biogas produced from feedstock included in part B of Annex IX in Article 25(1)

Amendment 163

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

Amendment

The obligations laid down in this paragraph shall apply whether the biofuels, bioliquids, and biomass fuels are produced within the Union or imported. ***The information on geographic origin of biofuels, bioliquids and biomass fuels shall be made available to consumers.***

Justification

Linked to the transport fuel obligation in Article 25.

Amendment 164

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

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 *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).

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 165

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 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.

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.

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.

Justification

Linked to the implementation of transport fuel obligation in Article 25.

Amendment 166

**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.

Justification

Linked to the implementation of transport fuel obligation in Article 25.

Amendment 167

**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.

Justification

This amendment is inextricably linked to amendment to Article 7(1).

Amendment 168

**Proposal for a directive
Article 28 – paragraph 2**

Text proposed by the Commission

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.

Amendment

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 169

**Proposal for a directive
Article 28 – paragraph 4**

Text proposed by the Commission

4. The Commission may decide, by

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 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.

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 170

Proposal for a directive

Article 28 – paragraph 5 - subparagraph 1

Text proposed by the Commission

5. 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

5. 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.

Justification

Linked to the transport fuel obligation in Article 25.

Amendment 171

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 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.

Amendment

1. The Commission shall monitor the origin of biofuels, bioliquids and biomass 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, **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.

Justification

Linked to enforcement of Article 26.

Amendment 172

**Proposal for a directive
Article 30 – paragraph 2**

Text proposed by the Commission

2. The Commission shall maintain a dialogue and exchange information with third countries and biofuel, bioliquid and biomass fuel producers, consumer organisations and civil society concerning the general implementation of the measures in this Directive relating to biofuels, bioliquids and biomass fuels. It shall, within that framework, pay particular attention to the impact that biofuel, **and** bioliquid production may have on food prices.

Amendment

2. The Commission shall maintain a dialogue and exchange information with third countries and biofuel, bioliquid and biomass fuel producers, consumer organisations and civil society concerning the general implementation of the measures in this Directive relating to biofuels, bioliquids and biomass fuels. It shall, within that framework, pay particular attention to the impact that biofuel, bioliquid **and biomass** production may have on food prices, **resource prices and**

material use.

Justification

Linked to implementation of Article 26.

Amendment 173

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

Text proposed by the Commission

Amendment

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

Justification

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

Amendment 174

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

Text proposed by the Commission

Amendment

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

Justification

This amendment is inextricably linked to amendments to Article 26.

Amendment 175

Proposal for a directive

Article 30 – paragraph 3 – subparagraph 2

Text proposed by the Commission

This proposal shall take into account the experience of the implementation of this Directive, including its sustainability and greenhouse gas saving criteria, and technological developments in energy from renewable sources.

Amendment

This proposal shall take into account the experience of the implementation of this Directive, including its sustainability and greenhouse gas saving criteria, and technological **and scientific** developments in energy from renewable sources.

Justification

This amendment is inextricably linked to amendments to Article 25 and 26.

Amendment 176

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 1st January 2021 .

Amendment

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

Justification

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

Amendment 177

Proposal for a directive

Article 32 – paragraph 3

Text proposed by the Commission

3. The delegation of power referred to in Articles 7(5), 7(6); 19(11), 19(14), 25(6) and 28(5) may be revoked at any time by

Amendment

3. The delegation of power referred to in Articles 7(5), 7(6); 19(11), 19(14), **25(4)**, 25(6) and 28(5) may be revoked at

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.

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.

Justification

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

Amendment 178

Proposal for a directive Article 32 – paragraph 6

Text proposed by the Commission

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

Amendment

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

Justification

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

Amendment 179

Proposal for a directive Annex V – Part C – paragraph 3 – point a – formula

Text proposed by the Commission

Amendment

SAVING = (E F(t) – E B) /E F(t)

SAVING = (E F(t) – E B) /E F(t)

Justification

The proposed formula is mathematically incorrect. The existing formula is mathematically correct: its result is a dimensionless proportion which, expressed in relation to 100%, yields a percentage for GHG reduction.

Amendment 180

Proposal for a directive

Annex V – Part C – paragraph 15

Text proposed by the Commission

Amendment

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 CO₂ of which the carbon originates from biomass and which is used in ***the energy or transport sector***.

15. Emission saving from carbon capture and replacement, eCCR, shall be limited to emissions avoided through the capture of CO₂ of which the carbon originates from biomass and which is used ***to replace fossil-derived CO₂ used in commercial products and services***.

Justification

The current legal situation should be retained. Emission savings in sectors other than transport should also not be neglected.

Amendment 181

Proposal for a directive

Annex IX – Part A – point b

Text proposed by the Commission

Amendment

(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.***

deleted

Justification

This increases the coherence of the targets for emissions reduction.

Amendment 182

Proposal for a directive Annex IX – Part A – point c

Text proposed by the Commission

(c) Bio-waste as defined in Article 3(4) of Directive 2008/98/EC **from private households** subject to separate collection as defined in Article 3(11) of that Directive.

Amendment

(c) Bio-waste as defined in Article 3(4) of Directive 2008/98/EC subject to separate collection as defined in Article 3(11) of that Directive.

Amendment 183

Proposal for a directive Annex IX – Part A – point d

Text proposed by the Commission

(d) Biomass **fraction of** industrial **waste** not fit for use in the food **or** feed chain, **including** material from retail and wholesale and the agro-food and fish and aquaculture industry, **and** excluding feedstocks listed in part B of this Annex.

Amendment

(d) Biomass **residues resulting from other renewable industrial production** not fit for use in the food **chain**, feed chain **or for reprocessing into non-food material. This includes** material **resulting** from retail and wholesale and the **bio-based chemical productions**, agro-food and fish and aquaculture industry, excluding feedstocks listed in part B of this Annex.

Justification

Only production residues not fit for reuse in food, feed or non-food products may be considered advanced biofuels, in line with the principles of a circular economy and the efficient use of resources.

Amendment 184

Proposal for a directive Annex IX – Part A – point g

Text proposed by the Commission

Amendment

(g) Palm oil mill effluent and empty palm fruit bunches. deleted

Justification

The residues generating from the production of vegetable oils with a high ILUC effect should not be counted as an appropriate feedstock for advanced biofuels.

Amendment 185

Proposal for a directive Annex IX – Part A – point h

Text proposed by the Commission

Amendment

(h) Tall oil and tall oil pitch. deleted

Justification

Tall oil has a wide industrial use. Without any impact assessment we can not evaluate the effect of its displacement use

Amendment 186

Proposal for a directive Annex IX – Part A – point j

Text proposed by the Commission

Amendment

(j) Bagasse. deleted

Justification

Feedstocks, which serve existing industrial uses and which have a limited availability should not be promoted as advanced biofuel as negative climate and economic impacts are likely to appear as they have to be replaced with other materials in their existing applications.

Amendment 187

Proposal for a directive Annex IX – Part A – point o

Text proposed by the Commission

Amendment

(o) Biomass fraction of wastes and residues from ***forestry and forest-based industries***, i.e. bark, branches, pre-commercial thinnings, leaves, needles, tree tops, saw dust, cutter shavings, black liquor, brown liquor, fibre sludge, lignin .

(o) Biomass fraction of ***residual*** wastes and residues from ***forest-based industries that does not cause displacement of the existing material use of the residues***, i.e. bark, branches, pre-commercial thinnings, leaves, needles, tree tops, saw dust, cutter shavings, black liquor, brown liquor, fibre sludge, lignin.

Justification

This provides coherence, strengthens implementation and further enforcement of the amendment of article 26 for a hierarchy of the use of wood products.

Amendment 188

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

Text proposed by the Commission

Amendment

(p) Other non-food cellulosic material as defined in point (s) of the second paragraph of Article 2.

(p) Other non-food cellulosic material as defined in point (s) of the second paragraph of Article 2, ***excluding energy crops produced on productive agricultural land***.

Justification

Energy crops grown on productive agricultural land must be excluded, as they cause comparable land use displacement as food and feed crop production for biofuels.

Amendment 189

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

Text proposed by the Commission

Amendment

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

(q) Ligno-cellulosic ***biomass from short rotation coppice established on marginal agricultural land, and waste and residues from agroforestry systems on utilised agricultural area***.

Justification

The definition was too broad, as everything woody from forestry as waste and residue is already covered by the point o. The amendment proposes only limited scope of letter q covering utilized agricultural area, marginal land for the main use, and residues and waste from agroforestry systems, branches, bark, leaves etc.

Amendment 190

Proposal for a directive Annex IX – Part A – point q a (new)

Text proposed by the Commission

Amendment

(qa) Carbon capture and utilisation for transport purposes, if the energy source is renewable in accordance with point (a) of Article 2(2).

Justification

Continuation of the current rule. The existing legal provisions should be maintained. Substitution of fossil carbon and its cascade use are relevant and increasingly important contributions to climate protection.

Amendment 191

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***

Justification

Molasses are a by-product of sugar cane used in the agri-food industry, particularly for the production of yeast. Including them in Annex IX would lead to a shortage of raw materials, whereas the non-energy output of molasses offers a higher level of exploitation in line with the hierarchy of waste.

Amendment 192

Proposal for a directive Annex X – Part A

Text proposed by the Commission

Part A: Maximum contribution from liquid biofuels produced from food or feed crops to the EU renewable energy target as referred to in Article 7 paragraph 1

Calendar year	Minimum share
2021	7.0%
2022	6.7%
2023	6.4%
2024	6.1%
2025	5.8%
2026	5.4%
2027	5.0%
2028	4.6%
2029	4.2%
2030	3.8%

Amendment

Part A: Maximum contribution from liquid biofuels produced from food or feed crops to the EU renewable energy target as referred to in Article 7 paragraph 1

Calendar year	Minimum share
2021	7.0%
2022	6.3%
2023	5.6%
2024	4.9%
2025	4.2%
2026	3.5%
2027	2.8%
2028	2.1%
2029	1.4%
2030	0%

PROCEDURE – COMMITTEE ASKED FOR OPINION

Title	Promotion of the use of energy from renewable sources (recast)
References	COM(2016)0767 – C8-0500/2016 – 2016/0382(COD)
Committee responsible Date announced in plenary	ITRE 1.3.2017
Opinion by Date announced in plenary	ENVI 1.3.2017
Rapporteur Date appointed	Bas Eickhout 7.3.2017
Discussed in committee	29.6.2017
Date adopted	23.10.2017
Result of final vote	+: 32 –: 29 0: 4
Members present for the final vote	Marco Affronte, Margrete Auken, Pilar Ayuso, Catherine Bearder, Ivo Belet, Simona Bonafè, Biljana Borzan, Paul Brannen, Soledad Cabezón Ruiz, Nessa Childers, Birgit Collin-Langen, Miriam Dalli, Seb Dance, Angélique Delahaye, Mark Demesmaeker, Stefan Eck, Bas Eickhout, José Inácio Faria, Francesc Gambús, Elisabetta Gardini, Gerben-Jan Gerbrandy, Arne Gericke, Jens Gieseke, Julie Girling, Sylvie Goddyn, Françoise Grossetête, Andrzej Grzyb, Jytte Guteland, György Hölvényi, Anneli Jäätteenmäki, Benedek Jávor, Kateřina Konečná, Urszula Krupa, Jo Leinen, Peter Liese, Norbert Lins, Rupert Matthews, Joëlle Mélin, Susanne Melior, Rory Palmer, Massimo Paolucci, Gilles Pargneaux, Piernicola Pedicini, Bolesław G. Piecha, Pavel Poc, Daciana Octavia Sârbu, Annie Schreijer-Pierik, Renate Sommer, Estefanía Torres Martínez, Nils Torvalds, Adina-Ioana Vălean, Jadwiga Wiśniewska, Damiano Zoffoli
Substitutes present for the final vote	Guillaume Balas, Mireille D'Ornano, Christofer Fjellner, Eleonora Forenza, Martin Häusling, Esther Herranz García, Jan Huitema, Peter Jahr, Merja Kyllönen, Gesine Meissner, Marijana Petir, Bart Staes

FINAL VOTE BY ROLL CALL IN COMMITTEE ASKED FOR OPINION

32	+
ALDE	Catherine Bearder, Gerben-Jan Gerbrandy, Nils Torvalds
ECR	Julie Girling, Rupert Matthews
GUE/NGL	Stefan Eck, Eleonora Forenza, Kateřina Konečná, Merja Kyllönen, Estefanía Torres Martínez
S&D	Guillaume Balas, Simona Bonafè, Biljana Borzan, Paul Brannen, Soledad Cabezón Ruiz, Nessa Childers, Miriam Dalli, Seb Dance, Jo Leinen, Susanne Melior, Rory Palmer, Massimo Paolucci, Pavel Poc, Evelyn Regner, Daciana Octavia Sârbu, Damiano Zoffoli
VERTS/ALE	Marco Affronte, Margrete Auken, Bas Eickhout, Martin Häusling, Benedek Jávor, Bart Staes

29	-
ALDE	Jan Huitema, Anneli Jäätteenmäki, Gesine Meissner
ECR	Arne Gericke, Urszula Krupa, Bolesław G. Piecha, Jadwiga Wiśniewska
EFDD	Mireille D'Ornano, Piernicola Pedicini
ENF	Sylvie Goddyn, Joëlle Mélin
PPE	Pilar Ayuso, Birgit Collin-Langen, Angélique Delahaye, Christoffer Fjellner, Francesc Gambús, Elisabetta Gardini, Jens Gieseke, Françoise Grossetête, Andrzej Grzyb, Esther Herranz García, György Hölvényi, Peter Jahr, Peter Liese, Norbert Lins, Marijana Petir, Annie Schreijer-Pierik, Renate Sommer, Adina-Ioana Vălean

4	0
ECR	Mark Demesmaeker
PPE	José Inácio Faria
S&D	Jytte Guteland, Gilles Pargneaux

Key to symbols:

+ : in favour

- : against

0 : abstention