



2021/0218(COD)

24.5.2022

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 amending Directive (EU) 2018/2001 of the European Parliament and of the Council, Regulation (EU) 2018/1999 of the European Parliament and of the Council and Directive 98/70/EC of the European Parliament and of the Council as regards the promotion of energy from renewable sources, and repealing Council Directive (EU) 2015/652
(COM(2021)0557 – C9-0329/2021 – 2021/0218(COD))

Rapporteur for opinion(*): Nils Torvalds

(*) Associated committee – Rule 57 of the Rules of Procedure

PA_Legam

SHORT JUSTIFICATION

Introduction

The Green Deal is at the heart of Europe's strategy for new sustainable growth and jobs, and a catalyst for a transition with climate neutrality and the well-being of our citizens as key objectives. The Fit for 2030 package sets the framework for this transformation through a coherent set of proposals that builds on the existing climate and energy laws but takes them to a new level while ensuring synergies with other EU policies. The revised Renewable Energy Directive is a key component of this package, as we need to get it right, there is no time for second chances. It addresses, together with other interlinked proposals from the package one of the biggest challenges we are facing: the ever increasing demand for energy, whilst at the same time making sure that energy comes from renewable sources in order to reach the targets as set out by the European Climate Law and protecting our environment and well-being of our citizens at the same time.

The European Climate Law writes into law the goal set out in the European Green Deal for Europe's economy and society to become climate-neutral by 2050. The law also sets the intermediate target of reducing net greenhouse gas emissions by at least 55% by 2030, compared to 1990 levels. Climate neutrality by 2050 means achieving net zero greenhouse gas emissions for EU by cutting emissions, investing in green technologies and protecting our natural environment. This entails a transition of historic dimensions, which Europe will undergo in the coming decades.

A stable and predictable regulatory investment framework

The Glasgow Pact calls to accelerate the development, deployment and dissemination of technologies, and the adoption of policies, to transition towards low-emission energy systems, including by rapidly scaling up the deployment of clean power generation and energy efficiency measures, including accelerating efforts towards the phasedown of unabated coal power and phase-out of inefficient fossil fuel subsidies, while providing targeted support to the poorest and most vulnerable in line with national circumstances and recognizing the need for support towards a just transition.

In order to decarbonize European energy production and use, which jointly are responsible for more than 75% of EU greenhouse gas emissions, we need to accelerate the move away from fossil fuels and into zero carbon solutions, which currently generate just under one third of EU's electricity. Europe has an enormous potential for developing all types of sustainable and renewable energy sources, and our aim should be a renewables-based and integrated energy-system throughout the continent. This will require ambitious targets for renewable energy in all member states. Renewable hydrogen is a promising technology, but availability at an acceptable price point before 2035 despite the best intentions of the Commission is far from guaranteed. The Union should enable the right conditions for new investments, so that the right choices will be made, not only this investment cycle, but also the next. This would also ensure a balanced transition. Therefore, the European Union needs to provide a stable and predictable regulatory environment, which will not only ensure the target of 55% in 2030 is met, but also climate neutrality by 2050. We also need to provide our citizens with improved transparency of the origin of electricity.

Proportionality and subsidiarity

The principles of proportionality and of subsidiarity are laid down in Article 5 TFEU. The principle of proportionality means that, to achieve its aims, the EU will only take the action it needs to and no more. The principle of subsidiarity should safeguard the ability of the Member States to take decisions and action and authorises intervention by the Union when the objectives of an action cannot be sufficiently achieved by the Member States, but can be better achieved at Union level. It furthermore ensures that powers are exercised as close to the citizen as possible. Therefore, when it comes to this legislation the Rapporteur supports the use of a Directive. The Commission rightly points out an EU approach is needed to provide the right incentives to Member States with different levels of ambition to accelerate, in a coordinated way, the energy transition from the traditional fossil fuel based energy system towards a more integrated and more energy-efficient energy system, based on renewables. As the cost-efficient accelerated development of sustainable renewable energy within a more integrated energy system cannot be sufficiently achieved by Member States alone. However, the use of delegated acts in the Directive is not in line with the general aim of the principles of proportionality and subsidiarity according to the Rapporteur. As the Union is justified in exercising its powers only when Member States are unable to achieve the objectives of a proposed action satisfactorily and an added value can be provided if the action is carried out at Union level.

Sustainability criteria

The Rapporteur welcomes the proposal of the European Commission, but feels this revision should guarantee also policy coherence and consistency. Therefore, he proposes to limit support for the use of primary forest biomass, whilst recognizing the need of continued support for the use of secondary forest biomass in order to ensure the EU climate targets for 2030 can be met. In order to do that he also introduces the necessary definitions. These measures will also better safeguard the ambition laid down in the Biodiversity Strategy, whilst recognising the differences, and different starting points, between Member States and regions regarding biodiversity.

Carbon sinks

It is essential that we protect and increase the valuable carbon sinks we have in the Union. In order to ensure consistency with the objectives of increased sinks in the Climate Law and the proposal of the Commission on LULUCF it is essential that Member States improve their monitoring and reporting on the carbon sinks and the use of biomass. Therefore, this draft opinion proposes to introduce National Bioenergy Plans, which will enable Member States different starting points and specific situations to be taken into account whilst at the same time ensuring that carbon sinks will increase whilst using biomass. Furthermore, the draft opinion introduces the obligation for the European Commission to adopt a dedicated legislative proposal establishing maximal values for the use of forest biomass for energy purposes at Member State level.

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 1

Text proposed by the Commission

(1) The European Green Deal⁵ establishes the objective of the Union becoming climate neutral in 2050 in a manner that contributes to the European **economy, growth** and job creation. That objective, and the objective of **a** 55% reduction in greenhouse gas emissions by 2030 as set out in the **2030 Climate Target Plan⁶ that was endorsed both by the European Parliament⁷ and by the European Council⁸**, requires an energy transition and significantly higher shares of renewable energy sources in an integrated energy system.

⁵ Communication from the Commission COM(2019) 640 final of 11.12.2019, The European Green Deal.

⁶ **Communication from the Commission COM(2020) 562 final of 17.9.2020, Stepping up Europe's 2030 climate ambition Investing in a climate-neutral future for the benefit of our people**

⁷ **European Parliament resolution of 15 January 2020 on the European Green Deal (2019/2956(RSP))**

⁸ **European Council conclusions of 11 December 2020, <https://www.consilium.europa.eu/media/47296/1011-12-20-euco-conclusions-en.pdf>**

Amendment

(1) The European Green Deal⁵ establishes the objective of the Union becoming climate neutral in 2050 **at the latest** in a manner that contributes to the European **sustainable economic, environmental and social development, prosperity** and job creation. That objective, and the objective of **an at least** 55% reduction in greenhouse gas emissions by 2030 as set out in the **European Climate law**, requires an energy transition **based on reducing energy and resource consumption and increased efficiency** and significantly higher shares of renewable energy sources in an integrated energy system.

⁵ Communication from the Commission COM(2019) 640 final of 11.12.2019, The European Green Deal.

Amendment 2

Proposal for a directive
Recital 1 a (new)

Text proposed by the Commission

Amendment

(1a) The General Union Environment Action Programme to 2030 (8th EAP) sets out thematic priority objectives for 2030 in the areas of climate change mitigation, adaptation to climate change, protecting and restoring biodiversity, a non-toxic circular economy, a zero pollution environment and minimising environmental pressures from production and consumption across all sectors of the economy and recognises that these objectives, which address both drivers and impacts of environmental damage, are inherently interlinked. The 8th EAP also has a long-term priority objective that by 2050 at the latest, people live well, within the planetary boundaries in a well-being economy where nothing is wasted, growth is regenerative, climate neutrality in the Union has been achieved and inequalities have been significantly reduced. A healthy environment underpins the well-being of all people and is an environment in which biodiversity is conserved, ecosystems thrive, and nature is protected and restored, leading to increased resilience to climate change, weather and climate-related disasters and other environmental risks.

Amendment 3

Proposal for a directive
Recital 1 b (new)

Text proposed by the Commission

Amendment

(1b) The General Union Environment Action Programme to 2030 ('8th EAP'), the framework for Union action in the field of the environment and climate, aims to accelerate the green transition to a climate-neutral, sustainable, non-toxic,

resource-efficient, renewable energy-based, resilient and competitive circular economy in a just, equitable and inclusive way, and to protect, restore and improve the state of the environment by, inter alia, halting and reversing biodiversity loss. It supports and strengthens an integrated policy and implementation approach, building upon the European Green Deal. The 8th EAP recognises that achieving this transition will require systemic change which, according to the EEA, entails a fundamental, transformative and cross-cutting change that implies major shifts and reorientation in system goals, incentives, technologies, social practices and norms, as well as in knowledge systems and governance approaches.

Amendment 4

Proposal for a directive Recital 1 c (new)

Text proposed by the Commission

Amendment

(1c) Ensuring that legislative initiatives, programmes, investments, projects and their implementation are consistent with, contribute where relevant, and do no harm to any of the 8th EAP objectives is necessary for the objectives' achievement. Furthermore, ensuring that social inequalities resulting from climate- and environmental-related impacts and policies are minimised and that measures taken to protect the environment and climate are carried out in a socially fair and inclusive way, as well as gender mainstreaming throughout climate and environmental policies, including by incorporating a gender perspective at all stages of the policy-making process, will be required to meet the objectives of the 8th EAP and, as such, are also laid down as enabling conditions in the 8th EAP.

Amendment 5

Proposal for a directive Recital 1 d (new)

Text proposed by the Commission

Amendment

(1d) The 2030 climate mitigation objective of the 8th EAP is swift and predictable reduction of greenhouse gas emissions and, at the same time, enhancement of removals by natural sinks in the Union to attain the 2030 greenhouse gas emission reduction target as laid down in Regulation (EU) 2021/1119, in line with the Union's climate and environment objectives, whilst ensuring a just transition that leaves no one behind. To help achieve its objectives, the 8th EAP also lays down the enabling condition of phasing out of environmentally harmful subsidies, including through setting a deadline for the phasing out of fossil fuel subsidies consistent with the ambition of limiting global warming to 1,5°C as well as a binding Union framework to monitor and report on Member States' progress towards phasing out fossil fuel subsidies, based on an agreed methodology.

Amendment 6

Proposal for a directive Recital 2

Text proposed by the Commission

Amendment

(2) Renewable energy plays a fundamental role in delivering the European Green Deal and for achieving climate neutrality by 2050, given that the energy sector contributes over 75% of total greenhouse gas emissions in the Union. By reducing those greenhouse gas emissions, renewable energy also contributes to tackling environmental-related challenges such as biodiversity loss.

(2) Renewable energy plays a fundamental role in delivering the European Green Deal and for achieving climate neutrality by 2050, given that the energy sector contributes over 75% of total greenhouse gas emissions in the Union. By reducing those greenhouse gas emissions, renewable energy also contributes to tackling environmental-related challenges **which are exacerbated by climate change** such as biodiversity loss, **land, water and air pollution, contributing to**

improvements in air quality and human health. At the same time, it is necessary that effective sustainability criteria are put into place in order to avoid that the use of renewable energy exacerbates these challenge instead of reducing them.

Amendment 7
Proposal for a directive
Recital 3

Text proposed by the Commission

(3) Directive (EU) 2018/2001 of the European Parliament and of the Council⁹ sets a binding Union target to reach a share of at least 32 % of energy from renewable sources in the Union's gross final consumption of energy by 2030. Under the Climate Target Plan, the share of renewable energy in gross final energy consumption would need to increase to **40%** by 2030 in order to achieve the Union's greenhouse gas emissions reduction target¹⁰. Therefore, the target set out in Article 3 of that Directive needs to be increased.

⁹ Directive (EU) 2018/2001 of the European Parliament and of the Council of 11 December 2018 on the promotion of the use of energy from renewable sources, OJ L 328, 21.12.2018, p. 82–209

¹⁰ Point 3 of the Communication from the Commission COM(2020) 562 final of 17.9.2020, Stepping up Europe's 2030 climate ambition Investing in a climate-neutral future for the benefit of our people

Amendment

(3) Directive (EU) 2018/2001 of the European Parliament and of the Council⁹ sets a binding Union target to reach a share of at least 32 % of energy from renewable sources in the Union's gross final consumption of energy by 2030. Under the Climate Target Plan, the share of renewable energy in gross final energy consumption would need to increase to **at least 45%** by 2030 in order to achieve the Union's greenhouse gas emissions reduction target. Therefore, the target set out in Article 3 of that Directive needs to be increased.

⁹ Directive (EU) 2018/2001 of the European Parliament and of the Council of 11 December 2018 on the promotion of the use of energy from renewable sources, OJ L 328, 21.12.2018, p. 82–209

¹⁰ Point 3 of the Communication from the Commission COM(2020) 562 final of 17.9.2020, Stepping up Europe's 2030 climate ambition Investing in a climate-neutral future for the benefit of our people

Amendment 8
Proposal for a directive
Recital 4

(4) There is a growing recognition of the need for alignment of bioenergy policies with the cascading principle of biomass use¹¹, with a view to ensuring fair access to the biomass raw material market for the development of innovative, high value-added bio-based solutions and a sustainable circular bioeconomy. When developing support schemes for bioenergy, Member States should therefore take into consideration the available sustainable supply of biomass for energy and non-energy uses and the maintenance of the national forest carbon sinks and ecosystems as well as the principles of the circular economy and the biomass cascading use, and the waste hierarchy established in Directive 2008/98/EC of the European Parliament and of the Council¹². For this, they should grant no support to the production of energy from **saw logs, veener logs, stumps and roots and avoid promoting the use of quality roundwood for energy except in well-defined circumstances**. In line with the cascading principle, woody biomass should be used according to its highest economic and environmental added value in the following order of priorities: 1) wood-based products, 2) extending their service life, 3) re-use, 4) recycling, 5) bio-energy and 6) disposal. Where no other use for woody biomass is economically viable or environmentally appropriate, energy recovery helps to reduce energy generation from non-renewable sources. Member States' support schemes for bioenergy should therefore be directed to such feedstocks for which little market competition exists with the material sectors, and whose sourcing is considered positive for both climate and biodiversity, in order to avoid negative incentives for unsustainable bioenergy pathways, as identified in the JRC report 'The use of woody biomass for energy production in the EU'¹³. On the other hand, in defining

(4) There is a growing recognition of the need for alignment of bioenergy policies with the cascading principle of biomass use, with a view to ensuring fair access to the biomass raw material market for the development of innovative, high value-added bio-based solutions and a sustainable circular bioeconomy, **and with a view to contributing to climate objectives**. When developing support schemes for bioenergy, Member States should therefore take into consideration the available sustainable supply of biomass for energy and non-energy uses and the maintenance of the national forest carbon sinks and ecosystems as well as the principles of the circular economy and the biomass cascading use, and **implement** the waste hierarchy established in Directive 2008/98/EC of the European Parliament and of the Council. For this, they should grant no support to the production of energy from **primary woody biomass**. In line with the cascading principle, **secondary** woody biomass should be used according to its highest economic and environmental added value in the following order of priorities: 1) wood-based products, 2) extending their service life, 3) re-use, 4) recycling, 5) bio-energy and 6) disposal. Where no other use for **secondary** woody biomass is economically viable or environmentally appropriate, energy recovery helps to reduce energy generation from non-renewable sources. Member States' support schemes for bioenergy should therefore be directed to such feedstocks for which little market competition exists with the material sectors, and whose sourcing is considered positive for both climate and biodiversity, in order to avoid negative incentives for unsustainable bioenergy pathways, as identified in the JRC report 'The use of woody biomass for energy production in the EU'. On the other hand, in defining the

the further implications of the cascading principle, it is necessary to recognise the national specificities which guide Member States in the design of their support **schemes**. Waste prevention, reuse and recycling of waste should be the priority option. Member States should avoid creating support schemes which would be counter to targets on treatment of waste and which would lead to the inefficient use of recyclable waste. Moreover, in order to ensure a more efficient use of bioenergy, from 2026 on Member States should not give support anymore to electricity-only plants, unless the installations are in regions with a specific use status as regards their transition away from fossil fuels or if the installations use carbon capture and storage.

further implications of the cascading principle, it is necessary to recognise the national specificities which guide Member States in the design of their support **schemes**. *The Commission should adopt an implementing act on how to apply the cascading principle for biomass in order to use all biomass according to its highest environmental and economical added value, while taking into account technological innovations, available volumes of feedstock and share of pre-existing competing industrial uses other than energy recovery, with a focus on support schemes and with due regard to national specificities, and natural disturbances such as, natural fires, pests, and diseases, whilst maximising the positive climate impact of bioenergy and to minimise harmful impacts on the biodiversity.* Waste prevention, reuse and recycling of waste should be the priority option. Member States should avoid creating support schemes which would be counter to targets on treatment of waste and which would lead to the inefficient use of recyclable waste. Moreover, in order to ensure a more efficient use of bioenergy, from 2026 on Member States should not give support anymore to **the use of woody biomass in** electricity-only plants, unless the installations are in regions with a specific use status as regards their transition away from fossil fuels or if the installations use carbon capture and storage. *At COP26, the Commission together with global leaders elevated the global ambition level for the preservation and recovery of global forests, and for an accelerated transition to zero emissions transportation.*

¹¹ The cascading principle aims to achieve resource efficiency of biomass use through prioritising biomass material use to energy use wherever possible, increasing thus the amount of biomass available within the system. In line with the cascading

¹¹ The cascading principle aims to achieve resource efficiency of biomass use through prioritising biomass material use to energy use wherever possible, increasing thus the amount of biomass available within the system. In line with the cascading

principle, woody biomass should be used according to its highest economic and environmental added value in the following order of priorities: 1) wood-based products, 2) extending their service life, 3) re-use, 4) recycling, 5) bio-energy and 6) disposal.

¹² 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).

¹³

<https://publications.jrc.ec.europa.eu/repository/handle/JRC122719>

principle, woody biomass should be used according to its highest economic and environmental added value in the following order of priorities: 1) wood-based products, 2) extending their service life, 3) re-use, 4) recycling, 5) bio-energy and 6) disposal.

¹² 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).

¹³

<https://publications.jrc.ec.europa.eu/repository/handle/JRC122719>

Amendment 9

Proposal for a directive

Recital 5

Text proposed by the Commission

(5) The rapid growth and increasing cost-competitiveness of renewable electricity production can be used to satisfy a growing share of energy demand, for instance using heat pumps for space heating or low-temperature industrial processes, electric vehicles for transport, or electric furnaces in certain industries. Renewable electricity can also be used to produce synthetic fuels for consumption in hard-to-decarbonise transport sectors such as aviation and maritime transport. A framework for electrification needs to enable robust and efficient coordination and expand market mechanisms to match both supply and demand in space and time, stimulate investments in flexibility, and help integrate large shares of variable renewable generation. Member States should therefore ensure that the deployment of renewable electricity continues to increase at an adequate pace to meet growing demand. For this, Member States should establish a framework that includes market-compatible mechanisms to

Amendment

(5) The rapid growth and increasing cost-competitiveness of renewable electricity production can be used to satisfy a growing share of energy demand, for instance using heat pumps for space heating or low-temperature industrial processes, electric vehicles for transport, or electric furnaces in certain industries. Renewable electricity can also be used to produce synthetic fuels for consumption in hard-to-decarbonise transport sectors such as aviation and maritime transport. ***Innovative technologies should be developed, as they could contribute towards the 2030 climate goals as well as the 2050 climate targets.*** A framework for electrification needs to enable robust and efficient coordination and expand market mechanisms to match both supply and demand in space and time, stimulate investments in flexibility, and help integrate large shares of variable renewable generation. Member States should therefore ensure that the deployment of renewable electricity continues to increase

tackle remaining barriers to have secure and adequate electricity systems fit for a high level of renewable energy, as well as storage facilities, fully integrated into the electricity system. In particular, this framework shall tackle remaining barriers, including non-financial ones such as insufficient digital and human resources of authorities to process a growing number of permitting applications.

at an adequate pace to meet growing demand. For this, Member States should establish a framework that includes market-compatible mechanisms to tackle remaining barriers to have secure and adequate electricity systems fit for a high level of renewable energy, as well as storage facilities, fully integrated into the electricity system. In particular, this framework shall tackle remaining barriers, including non-financial ones such as insufficient digital and human resources of authorities **and guidance** to process **more efficiently and cost-effectively** a growing number of permitting applications **in a timely manner**.

Amendment 10

Proposal for a directive

Recital 5 a (new)

Text proposed by the Commission

Amendment

(5a) The rollout of hybrid heat pumps, that can use both heat as an energy source, as well as gas, should be incentivized within the Renewable Energy Directive criteria to achieve the 2030 and 2050 climate targets. It gives the flexibility to use warmth as an energy source and gas as a transitional energy source towards 2030 climate targets, as well as green gas and hydrogen gas towards the 2050 climate targets. Innovative technologies, such as hybrid heat pumps, need to be developed and used within the criteria of the revised Renewable Energy Directive, as they can be used as a transition technology towards the 2030 climate goals as well as giving a contribution to the 2050 climate targets.

Amendment 11

Proposal for a directive

Recital 5 b (new)

Text proposed by the Commission

Amendment

(5b) The future EU's economic governance framework should encourage Member States to implement the reforms necessary to accelerate the green transition, and enable investments in needed technologies.

Amendment 12

Proposal for a directive Recital 5 c (new)

Text proposed by the Commission

Amendment

(5c) The Commission should present guidelines to help Member States bring down administrative barriers, in particular with a view to simplify and accelerate permitting procedures for renewable energy projects, including Key Performance Indicators (KPIs) to assess their progress. The simplification of administrative permit granting processes and sufficient digital and human resources of authorities are essential to accelerate the deployment of renewables and thus achieve the objectives laid down in this Directive.

Amendment 13

Proposal for a directive Recital 8 a (new)

Text proposed by the Commission

Amendment

(8a) In order to enhance broad public acceptance, Member States should ensure the possibility of including renewable energy communities in joint cooperation projects on offshore renewable energy. In addition, Member States should increasingly consider the possibility of combining offshore renewable energy generation with transmission lines

interconnecting several Member States, in the form of hybrid projects or, at a later stage, a more meshed grid. This would allow electricity to flow in different directions, thus maximising socio-economic welfare, optimising infrastructure expenditure and enabling a more sustainable use of the sea.

Amendment 14

Proposal for a directive Recital 9

Text proposed by the Commission

(9) The market for renewable power purchase agreements is rapidly growing and provides a complementary route to the market of renewable power generation in addition to support schemes by Member States or to selling directly on the wholesale electricity market. At the same time, the market for renewable power purchase agreements is still limited to a small number of Member States and large companies, with significant administrative, technical and financial barriers remaining in large parts of the Union's market. The existing measures in Article 15 to encourage the uptake of renewable power purchase agreements should therefore be strengthened further, by exploring the use of credit guarantees to reduce these agreements' financial risks, taking into account that these guarantees, where public, should not crowd out private financing.

Amendment

(9) The market for renewable power purchase agreements is rapidly growing and provides a complementary route to the market of renewable power generation in addition to support schemes by Member States or to selling directly on the wholesale electricity market. At the same time, the market for renewable power purchase agreements is still limited to a small number of Member States and large companies, with significant administrative, technical and financial barriers remaining in large parts of the Union's market. The existing measures in Article 15 to encourage the uptake of renewable power purchase agreements should therefore be strengthened further, by exploring the use of credit guarantees to reduce these agreements' financial risks, taking into account that these guarantees, where public, should not crowd out private financing. ***Both sovereigns and private investors should also be encouraged to issue European Green bonds to finance projects or subsidy schemes for renewable energy installations.***

Amendment 15

Proposal for a directive
Recital 11

Text proposed by the Commission

(11) Buildings have a large untapped potential to contribute effectively to the reduction in greenhouse gas emissions in the Union. The decarbonisation of heating and cooling in this sector through an increased share in production and use of renewable energy will be needed to meet the ambition set in the Climate Target Plan to achieve the Union objective of climate neutrality. However, progress on the use of renewables for heating and cooling has been stagnant in the last decade, largely relying on increased use of biomass. Without the establishment of targets to increase the production and use of renewable energy in buildings, there will be no ability to track progress and identify bottlenecks in the uptake of renewables. Furthermore, the creation of targets will provide a long-term signal to investors, including for the period immediately after 2030. This will complement obligations related to energy efficiency and the energy performance of buildings. Therefore, indicative targets for the use of renewable energy in buildings should be set to guide and incentivise Member States' efforts to exploit the potential of using and producing renewable energy in buildings, encourage the development of and integration of technologies which produce renewable energy while providing certainty for investors and local level engagement.

Amendment 16

Proposal for a directive
Recital 12

Text proposed by the Commission

(12) Insufficient numbers of skilled

PE703.044v02-00

Amendment

(11) Buildings have a large untapped potential to contribute effectively to the reduction in greenhouse gas emissions in the Union. The decarbonisation of heating and cooling in this sector through an increased share in production and use of renewable energy, ***as well as energy efficiency measures***, will be needed to meet the ambition set in the Climate Target Plan to achieve the Union objective of climate neutrality. However, progress on the use of renewables for heating and cooling has been stagnant in the last decade, largely relying on increased use of biomass. Without the establishment of targets to increase the production and use of renewable energy in buildings, there will be no ability to track progress and identify bottlenecks in the uptake of renewables. Furthermore, the creation of targets will provide a long-term signal to investors, including for the period immediately after 2030. This will complement obligations related to energy efficiency and the energy performance of buildings. Therefore, indicative targets for the use of renewable energy in buildings should be set to guide and incentivise Member States' efforts to exploit the potential of using and producing renewable energy in buildings, encourage the development of and integration of ***innovative*** technologies which produce renewable energy while providing certainty for investors and local level engagement.

(12) Insufficient numbers of skilled

Amendment

AD\1254777.docx

workers, in particular installers and designers of renewable heating and cooling systems, slow down the replacement of fossil fuel heating systems by renewable energy based systems and is a major barrier to integrating renewables in buildings, industry and agriculture. Member States should cooperate with social partners and renewable energy communities to anticipate the skills that will be needed. A sufficient number of high-quality training programmes and certification possibilities ensuring proper installation and reliable operation of a wide range of renewable heating and cooling systems should be made available and designed in a way to attract participation in such training programmes and certification systems. Member States should consider what actions should be taken to attract groups currently under-represented in the occupational areas in question. The list of trained and certified installers should be made public to ensure consumer trust and easy access to tailored designer and installer skills guaranteeing proper installation and operation of renewable heating and cooling.

workers, in particular installers and designers of renewable heating and cooling systems, slow down the replacement of fossil fuel heating systems by renewable energy based systems and is a major barrier to integrating renewables in buildings, industry and agriculture. Member States should ***partner and*** cooperate with ***business, regional and educational authorities***, social partners and renewable energy communities to anticipate the skills that will be needed. A sufficient number of high-quality training programmes and certification possibilities ensuring proper installation and reliable operation of a wide range of renewable heating and cooling systems should be made available and designed in a way to attract participation in such training programmes and certification systems. Member States should consider what actions should be taken to attract groups currently under-represented in the occupational areas in question ***and how to incentivise the promotion of new and improved skills, aiming to specifically support stable, local and high-quality employment in rural communities***. The list of trained and certified installers should be made public to ensure consumer trust and easy access to tailored designer and installer skills guaranteeing proper installation and operation of renewable heating and cooling.

Amendment 17

Proposal for a directive

Recital 16

Text proposed by the Commission

(16) In order for flexibility and balancing services from the aggregation of distributed storage assets to be developed in a competitive manner, real-time access to basic battery information such as state of health, state of charge, capacity and power

Amendment

(16) In order for flexibility and balancing services from the aggregation of distributed storage assets to be developed in a competitive manner, real-time access to basic battery information such as state of health, state of charge,

set point should be provided under non-discriminatory terms and free of charge to the owners or users of the batteries and the entities acting on their behalf, such as building energy system managers, mobility service providers and other electricity market participants. It is therefore appropriate to introduce measures addressing the need of access to such data for facilitating the integration-related operations of domestic batteries and electric vehicles, complementing the provisions on access to battery data related to facilitating the repurposing of batteries in [the proposed Commission regulation concerning batteries and waste batteries, repealing Directive 2006/66/EC and amending Regulation (EU) No 2019/1020]. The provisions on access to battery data of electric vehicles should apply in addition to any laid down in Union law on type approval of vehicles.

capacity and power set point should be provided under non-discriminatory terms, ***in full compliance with the relevant provisions in Regulation (EU) 2016/679 of the European Parliament and of the Council^{1a}*** and free of charge to the owners or users of the batteries and the entities acting on their behalf, such as building energy system managers, mobility service providers and other electricity market participants, ***such as electric vehicle users***. It is therefore appropriate to introduce measures addressing the need of access to such data for facilitating the integration-related operations of domestic batteries and electric vehicles, complementing the provisions on access to battery data related to facilitating the repurposing of batteries in [the proposed Commission regulation concerning batteries and waste batteries, repealing Directive 2006/66/EC and amending Regulation (EU) No 2019/1020]. The provisions on access to battery data of electric vehicles should apply in addition to any laid down in Union law on type approval of vehicles.

^{1a} Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation) (OJ L 119, 4.5.2016, p. 1).

Justification

Art 20a(new).2 - These requirements should be maintained in the regulation, to also benefit electric vehicle users

Amendment 18

Proposal for a directive

Recital 18

Text proposed by the Commission

(18) Electric vehicle users entering into contractual agreements with electromobility service providers and electricity market participants should have the right to receive information and explanations on how the terms of the agreement will affect the use of their vehicle and the state of health of its battery. Electromobility service providers and electricity market participants should explain clearly to electric vehicle users how they will be remunerated for the flexibility, balancing and storage services provided to the electricity system and market by the use of their electric vehicle. Electric vehicle users also need to have their consumer rights secured when entering into such agreements, in particular regarding the protection of their personal data such as location and driving habits, in connection to the use of their vehicle. Electric vehicle users' preference regarding the type of electricity purchased for use in their electric vehicle, as well as other preferences, can also be part of such agreements. For the above reasons, it is important ***that electric vehicle users can use their subscription at multiple*** recharging ***points***. This will also allow the electric vehicle user's service provider of choice to optimally integrate the electric vehicle in the electricity system, through predictable planning and incentives based on the electric vehicle user preferences. This is also in line with the principles of a consumer-centric and prosumer-based energy system, and the right of supplier choice of electric vehicle users as final customers as per the provisions of Directive (EU) 2019/944.

Amendment

(18) Electric vehicle users entering into contractual agreements with electromobility service providers and electricity market participants should have the right to receive information and explanations on how the terms of the agreement will affect the use of their vehicle and the state of health of its battery. Electromobility service providers and electricity market participants should explain clearly to electric vehicle users how they will be remunerated for the flexibility, ***how their aggregated data is used***, balancing and storage services provided to the electricity system and market by the use of their electric vehicle. Electric vehicle users also need to have their consumer rights secured when entering into such agreements, in particular regarding the ***privacy and*** protection of their personal data such as location and driving habits, in connection to the use of their vehicle. Electric vehicle users' preference regarding the type of electricity purchased for use in their electric vehicle, as well as other preferences, can also be part of such agreements. For the above reasons, it is important ***to ensure that the charging infrastructure that is to be deployed, is used most effectively, and in order to improve consumer confidence in e-mobility, it is essential that the use of publicly accessible recharging stations is open to all users, regardless of the car brand and whether or not they are part of a contract-based payment scheme and that they accept payment cards widely used in the Union***. This will also allow the electric vehicle user's service provider of choice to optimally integrate the electric vehicle in the electricity system, through predictable planning and incentives based on the electric vehicle user preferences. This is also in line with the principles of a consumer-centric and prosumer-based

energy system, and the right of supplier choice of electric vehicle users as final customers as per the provisions of Directive (EU) 2019/944.

Amendment 19

Proposal for a directive Recital 20

Text proposed by the Commission

(20) Recharging points where electric vehicles typically park for extended periods of time, such as where people park for reasons of residence or employment, are highly relevant to energy system integration, therefore smart charging functionalities need to be ensured. In this regard, the operation of non-publicly accessible normal charging infrastructure is particularly important for the integration of electric vehicles in the electricity system as it is located where electric vehicles are parked repeatedly for long periods of time, such as in buildings with restricted access, employee parking or parking facilities rented out to natural or legal persons.

Amendment

(20) Recharging points where electric vehicles typically park for extended periods of time, such as where people park for reasons of residence or employment, are highly relevant to energy system integration, therefore smart ***and bi directional*** charging functionalities need to be ensured. In this regard, the operation of non-publicly accessible normal charging infrastructure is particularly important for the integration of electric vehicles in the electricity system as it is located where electric vehicles are parked repeatedly for long periods of time, such as in buildings with restricted access, employee parking or parking facilities rented out to natural or legal persons.

Amendment 20

Proposal for a directive Recital 21

Text proposed by the Commission

(21) Industry accounts for 25% of the Union's energy consumption, and is a major consumer of heating and cooling, which is currently supplied 91% by fossil fuels. However, 50% of heating and cooling demand is low-temperature (<200 °C) for which there are cost-effective renewable energy options, including through electrification. In addition, industry uses non-renewable sources as

Amendment

(21) Industry accounts for 25% of the Union's energy consumption, and is a major consumer of heating and cooling, which is currently supplied 91% by fossil fuels. However, 50% of heating and cooling demand is low-temperature (<200 °C) for which there are cost-effective renewable energy options, including through electrification. In addition, industry uses non-renewable sources as

raw materials to produce products such as steel or chemicals. Industrial investment decisions today will determine the future industrial processes and energy options that can be considered by industry, so it is important that those investments decisions are future-proof. Therefore, benchmarks should be put in place to incentivise industry to switch to a renewables-based production processes that not only are fueled by renewable energy, but also use renewable-based raw materials such as renewable hydrogen. Moreover, a common methodology for products that are labelled as having been produced partially or fully using renewable energy or using renewable fuels of non-biological origin as feedstock is required, taking into account existing Union product labelling methodologies and sustainable product initiatives. This would avoid deceptive practices and increase consumers trust. Furthermore, given consumer preference for products that contribute to environmental and climate change objectives, it would stimulate a market demand for those products.

raw materials to produce products such as steel or chemicals. Industrial investment decisions today will determine the future industrial processes and energy options that can be considered by industry, so it is important that those investments decisions are future-proof. Therefore, benchmarks should be put in place to incentivise industry to switch to a renewables-based production processes that not only are fueled by renewable energy, but also use renewable-based raw materials such as renewable hydrogen. ***As demand for renewable hydrogen is expected to exceed supply in the near future, it is important to make efficient use of all available sustainable feedstocks for the production of hydrogen and to this end to allow the use of both hydrogen from renewable sources, as well as from renewable fuels of non-biological origin for all relevant purposes of this directive.*** Moreover, a common methodology for products that are labelled as having been produced partially or fully using renewable energy or using renewable fuels of non-biological origin as feedstock is required, taking into account existing Union product labelling methodologies and sustainable product initiatives. This would avoid deceptive practices and increase consumers trust. Furthermore, given consumer preference for products that contribute to environmental and climate change objectives, it would stimulate a market demand for those products.

Amendment 21

Proposal for a directive Recital 22

Text proposed by the Commission

(22) Renewable fuels of non-biological origin can be used for energy purposes, but also for non-energy purposes as feedstock or raw material in industries such as steel

Amendment

(22) Renewable fuels of non-biological origin can be used for energy purposes, but also for non-energy purposes as feedstock or raw material in industries such as steel

or chemicals. The use of renewable fuels of non-biological origin for both purposes exploits their full potential to replace fossil fuels used as feedstock and to reduce greenhouse gas emissions in **industry** and should therefore be included in a target for the use of renewable fuels of non-biological origin. National measures to support the uptake of renewable fuels of non-biological origin in **industry** should not result in net pollution increases due to an increased demand for electricity generation that is satisfied by the most polluting fossil fuels, such as coal, diesel, lignite, oil peat and oil shale.

or chemicals, **where they often are the only option to decarbonise and where they reduce more greenhouse gases per unit of hydrogen than in transport or heating. In line with the energy efficiency first principle**, the use of renewable fuels of non-biological origin for both purposes exploits their full potential to replace fossil fuels used as feedstock and to reduce greenhouse gas emissions in **industrial processes that cannot be directly electrified with renewables** and should therefore be included in a target for the use of renewable fuels of non-biological origin. National measures to support the uptake of renewable fuels of non-biological origin in **those industrial sectors** should not result in net pollution increases due to an increased demand for electricity generation that is satisfied by the most polluting fossil fuels, such as coal, diesel, lignite, oil peat and oil shale.

Amendment 22

Proposal for a directive Recital 22 a (new)

Text proposed by the Commission

Amendment

(22a) Emission reduction and climate neutrality objectives should not come at the expense of biodiversity. According to the European Environmental Agency report on the “State of the Water” the Union’s rivers are in bad state with only 44% being in a good or high ecological state. In addition to chemical pollution, “energy-related pressures and hydropower installations” are the biggest threat to these important ecosystems. Moreover, European rivers are thought to be the most fragmented freshwater ecosystems in the world. Small hydropower plants in particular can jeopardise the goal of restoring 25.000 km free flowing rivers laid down in the Biodiversity Strategy. Hydropower’s effect

on biodiversity has been considerable: since 1970, migratory freshwater fish species have declined by 93 percent. All new hydropower plants should be excluded from the possibility of getting support or counting towards the targets. Furthermore, in order to receive support, existing plants should be able to fulfil a number of requirements: they should, inter alia, be greater than 10 MW and meet the minimum ecological requirements laid down in Union legislation.

Amendment 23

Proposal for a directive

Recital 29

Text proposed by the Commission

(29) The use of renewable fuels and renewable electricity in transport can contribute to the decarbonisation of the Union transport sector in a cost-effective manner, and improve, amongst other, energy diversification in that sector while promoting innovation, growth and jobs in the Union economy and reducing reliance on energy imports. With a view to achieving the increased target for greenhouse gas emission savings defined by the Union, the level of renewable energy supplied to all transport modes in the Union should be increased. Expressing the transport target as a greenhouse gas intensity reduction target would stimulate an increasing use of the most cost-effective and performing fuels, in terms of greenhouse gas savings, in transport. In addition, a greenhouse gas intensity reduction target would stimulate innovation and set out a clear benchmark to compare across fuel types and renewable electricity depending on their greenhouse gas intensity. Complementary to this, increasing the level of the energy-based target on advanced biofuels and biogas and introducing a target for renewable fuels of

Amendment

(29) The use of renewable fuels and renewable electricity in transport can contribute to the decarbonisation of the Union transport sector in a cost-effective manner, and improve, amongst other, energy diversification in that sector while promoting innovation, growth and jobs in the Union economy and reducing reliance on energy imports. With a view to achieving the increased target for greenhouse gas emission savings defined by the Union, the level of renewable energy supplied to all transport modes in the Union should be increased. Expressing the transport target as a greenhouse gas intensity reduction target would stimulate an increasing use of the most cost-effective and performing fuels, in terms of greenhouse gas savings, in transport. In addition, a greenhouse gas intensity reduction target would stimulate innovation and set out a clear benchmark to compare across fuel types and renewable electricity depending on their greenhouse gas intensity. Complementary to this, increasing the level of the energy-based target on advanced biofuels and biogas and introducing a target for renewable fuels of

non-biological origin would ensure an increased use of the renewable fuels with smallest environmental impact in transport modes that are difficult to electrify. The achievement of those targets should be ensured by obligations on fuel suppliers as well as by other measures included in [Regulation (EU) 2021/XXX on the use of renewable and low-carbon fuels in maritime transport - FuelEU Maritime and Regulation (EU) 2021/XXX on ensuring a level playing field for sustainable air transport]. Dedicated obligations on aviation fuel suppliers should be set only pursuant to [Regulation (EU) 2021/XXX on ensuring a level playing field for sustainable air transport].

non-biological origin would ensure an increased use of the renewable fuels with smallest environmental impact in transport modes that are difficult to electrify. ***The development of advanced biofuels in all modes of transport in line with Article 29 (2) to (7) and the criteria set out in Article 28(6), should be based on the previous assessments of potential additional feedstocks to be listed in Annex IX, in particular in view to the necessity of feedstocks that have been previously found to not fit the criteria for inclusion into Annex IX to the principles set out in the third subparagraph of Article 28(6). This stresses the need for an effective use of advanced biofuels to the whole European industry and makes sure the right cascading principle and waste hierarchy is being used for advanced biofuels.*** The achievement of those targets should be ensured by obligations on fuel suppliers as well as by other measures included in [Regulation (EU) 2021/XXX on the use of renewable and low-carbon fuels in maritime transport - FuelEU Maritime and Regulation (EU) 2021/XXX on ensuring a level playing field for sustainable air transport]. Dedicated obligations on aviation fuel suppliers should be set only pursuant to [Regulation (EU) 2021/XXX on ensuring a level playing field for sustainable air transport].

Amendment 24
Proposal for a directive
Recital 30

Text proposed by the Commission

(30) Electromobility will play an essential role in decarbonising the transport sector. To foster the further development of electromobility, Member States should establish a credit mechanism enabling operators of charging points accessible to the public to contribute, by supplying renewable electricity, towards the fulfilment of the obligation set up by

Amendment

(30) Electromobility will play an essential role in decarbonising the transport sector. To foster the further development of electromobility, Member States should establish a credit mechanism enabling operators of charging points accessible to the public, ***and where this is technically feasible, via private and semi-public charging points***, to contribute, by

Member States on fuel suppliers. While supporting electricity in transport through such a mechanism, it is important that Member States continue setting a high level of ambition for the decarbonisation of their liquid fuel mix in transport.

supplying renewable electricity, towards the fulfilment of the obligation set up by Member States on fuel suppliers. While supporting electricity in transport through such a mechanism, it is important that Member States continue setting a high level of ambition for the decarbonisation of their liquid fuel mix in transport.

Amendment 25
Proposal for a directive
Recital 31

Text proposed by the Commission

(31) The Union's renewable energy policy aims to contribute to achieving the climate change mitigation objectives of the European Union in terms of the reduction of greenhouse gas emissions. In the pursuit of this goal, it is essential to also contribute to wider environmental objectives, and in particular the prevention of biodiversity loss, which is negatively impacted by the indirect land use change associated to the production of certain biofuels, bioliquids and biomass fuels. Contributing to these climate and environmental objectives constitutes a deep and longstanding intergenerational concern for Union citizens and the Union legislator. As a consequence, the changes in the way the transport target is calculated should not affect the limits established on how to account toward that target certain fuels produced from food and feed crops on the one hand and high indirect land-use change-risk fuels on the other hand. In addition, in order not to create an incentive to use biofuels and biogas produced from food and feed crops in transport, Member States should continue to be able to choose whether count them or not towards the transport target. If they do not count them, they may reduce the greenhouse gas intensity reduction target accordingly, assuming that food and feed crop-based biofuels save 50% greenhouse gas

Amendment

(31) The Union's renewable energy policy aims to contribute to achieving the climate change mitigation objectives of the European Union in terms of the reduction of greenhouse gas emissions. In the pursuit of this goal, it is essential to also contribute to wider environmental objectives, and in particular the prevention of biodiversity loss, which is negatively impacted by the indirect land use change associated to the production of certain biofuels, bioliquids and biomass fuels. Contributing to these climate and environmental objectives constitutes a deep and longstanding intergenerational concern for Union citizens and the Union legislator. ***It is necessary to put an end to the use of high indirect land-use change-risk fuels, such as palm oil, soy and their byproducts and lower the maximum share of fuels produced from crops. With regards to feedstocks listed in Annex IX, it should be ensured that the competing uses of the raw materials are considered, to avoid diverting a raw material from a higher value use. It is therefore appropriate to enable the Commission to remove feedstocks from the list in Annex IX;*** As a consequence, the changes in the way the transport target is calculated should not affect the limits established on how to account toward that target certain fuels produced from food and feed crops on the

emissions, which corresponds to the typical values set out in an annex to this Directive for the greenhouse gas emission savings of the most relevant production pathways of food and feed crop-based biofuels as well as the minimum savings threshold applying to most installations producing such biofuels.

one hand and high indirect land-use change-risk fuels on the other hand. In addition, in order not to create an incentive to use biofuels and biogas produced from food and feed crops in transport, Member States should continue to be able to choose whether count them or not towards the transport target. If they do not count them, they may reduce the greenhouse gas intensity reduction target accordingly, assuming that food and feed crop-based biofuels save 50% greenhouse gas emissions, which corresponds to the typical values set out in an annex to this Directive for the greenhouse gas emission savings of the most relevant production pathways of food and feed crop-based biofuels as well as the minimum savings threshold applying to most installations producing such biofuels.

Amendment 26

Proposal for a directive Recital 32

Text proposed by the Commission

(32) Expressing the transport target as a greenhouse gas intensity reduction target makes it unnecessary to use multipliers to promote certain renewable energy sources. This is because different renewable energy sources save different amounts of greenhouse gas emissions and, therefore, contribute differently to a target. Renewable electricity should be considered to have zero emissions, meaning it saves 100% emissions compared to electricity produced from fossil fuels. This will create an incentive for the use of renewable electricity since renewable fuels and recycled carbon fuels are unlikely to achieve such a high percentage of savings. Electrification relying on renewable energy sources would therefore become the most efficient way to decarbonise road transport. In addition, in order to promote the use of advanced biofuels and biogas and

Amendment

(32) Expressing the transport target as a greenhouse gas intensity reduction target makes it unnecessary to use multipliers to promote certain renewable energy sources. This is because different renewable energy sources save different amounts of greenhouse gas emissions and, therefore, contribute differently to a target. Renewable electricity should be considered to have zero emissions, meaning it saves 100% emissions compared to electricity produced from fossil fuels. This will create an incentive for the use of renewable electricity since renewable fuels and recycled carbon fuels are unlikely to achieve such a high percentage of savings. Electrification relying on renewable energy sources would therefore become the most efficient way to decarbonise road transport. In addition, in order to promote the use of advanced biofuels and biogas and

renewable fuels of non-biological origin in the aviation and maritime modes, which are difficult to electrify, it is appropriate to **keep** the multiplier for those fuels supplied in those modes when counted towards the specific targets set for those fuels.

Amendment 27
Proposal for a directive
Recital 35

Text proposed by the Commission

(35) To ensure higher environmental effectiveness of the Union sustainability and greenhouse emissions saving criteria for solid biomass fuels in installations producing heating, electricity and cooling, the minimum threshold for the applicability of such criteria should be lowered from the current 20 MW to **5 MW**.

Amendment 28
Proposal for a directive
Recital 36

Text proposed by the Commission

(36) Directive (EU) 2018/2001 strengthened the bioenergy sustainability and greenhouse gas savings framework by setting criteria for all end-use sectors. It set out specific rules for biofuels, bioliquids and biomass fuels produced from forest biomass, requiring the sustainability of harvesting operations and the accounting of land-use change emissions. To achieve an enhanced protection of especially biodiverse and carbon-rich habitats, such as primary forests, highly biodiverse forests, grasslands **and** peat lands, exclusions and limitations to source forest biomass from those areas should be introduced, in line with the approach for

renewable fuels of non-biological origin in the aviation and maritime modes, which are difficult to electrify, it is appropriate to **increase** the multiplier for those fuels supplied in those modes when counted towards the specific targets set for those fuels.

Amendment

(35) To ensure higher environmental effectiveness of the Union sustainability and greenhouse emissions saving criteria for solid biomass fuels in installations producing heating, electricity and cooling, the minimum threshold for the applicability of such criteria should be lowered from the current 20 MW to **7.5 MW**.

Amendment

(36) Directive (EU) 2018/2001 strengthened the bioenergy sustainability and greenhouse gas savings framework by setting criteria for all end-use sectors. It set out specific rules for biofuels, bioliquids and biomass fuels produced from forest biomass, requiring the sustainability of harvesting operations and the accounting of land-use change emissions. To achieve an enhanced protection of especially biodiverse and carbon-rich habitats, such as primary **and old-growth** forests, highly biodiverse forests, grasslands, peat lands **and heathlands**, exclusions and limitations to source forest biomass from those areas should be introduced, in line with the

biofuels, bioliquids and biomass fuels produced from agricultural biomass. In addition, the greenhouse gas emission saving criteria should also apply to existing biomass-based installations to ensure that bioenergy production in all such installations leads to greenhouse gas emission reductions compared to energy produced from fossil fuels.

approach for biofuels, bioliquids and biomass fuels produced from agricultural biomass. In addition, the greenhouse gas emission saving criteria should also apply to existing biomass-based installations to ensure that bioenergy production in all such installations leads to greenhouse gas emission reductions compared to energy produced from fossil fuels. ***Semi-natural forests as forests or other wooded land that are neither primary forest nor plantation forest and composed predominantly of native trees and shrub species which have not been planted have a high biodiversity and climate value and should not be transformed into plantation forests or otherwise degraded. Special attention should be given towards forest science to address open questions and provide data, as they are key for understanding better the role of our trees for climate, environment, economy and society. Biofuels, bioliquids and biomass fuels produced from agricultural and forest biomass and Renewable Fuels of Non-Biological Origin should be obtained from lands or forests for which third parties' rights concerning use and tenure of the land or forest are respected by obtaining free, prior and informed consent of these third parties, with the participation by representative institutions and organisations, while human and labour rights of third parties are respected and the availability of food and feed for third parties is not at risk.***

Amendment 29
Proposal for a directive
Recital 37

Text proposed by the Commission

(37) In order to reduce the administrative burden for producers of renewable fuels and recycled carbon fuels and for Member States, where voluntary or national schemes have been recognised by

Amendment

(37) In order to reduce the administrative burden for producers of renewable fuels and recycled carbon fuels and for Member States, where voluntary or national schemes have been recognised by

the Commission through an implementing act as giving evidence or providing accurate data regarding the compliance with sustainability and greenhouse gas emissions saving criteria as well as other requirements set in this Directive, Member States should accept the results of the certification issued by such schemes within the scope of the Commission's recognition. In order to reduce the burden on small installations, Member States should establish a simplified verification mechanism for installations of between 5 and **10MW**.

the Commission through an implementing act as giving evidence or providing accurate data regarding the compliance with sustainability and greenhouse gas emissions saving criteria as well as other requirements set in this Directive, Member States should accept the results of the certification issued by such schemes within the scope of the Commission's recognition. In order to reduce the burden on small installations, Member States should establish a simplified verification mechanism for installations of between 5 and **20 MW**.

Amendment 30

Proposal for a directive Recital 45 a (new)

Text proposed by the Commission

Amendment

(45a) A greater use of renewable energy can also increase energy security and self-sufficiency by, amongst other things, reducing dependence on fossil fuels. However, further reinforcement and interconnection of the transmission system is essential for the fair and efficient use of this transition, so that the resulting benefits are spread evenly across the population of the Union and do not lead to energy poverty.

Amendment 31

Proposal for a directive Article 1 – paragraph 1 – point 1 – point -a (new) Directive (EU) 2018/2001 Article 2 – paragraph 2 – point 23

Present text

(23) ‘waste’ means **waste** as defined in point (1) of Article 3 of Directive 2008/98/EC, **excluding** substances that have been intentionally modified or contaminated **in order** to meet **this** definition;

Amendment

(-a) point 23 is replaced by the following:

"(23) ‘waste’ means **any substance or object which the holder discards or intends or is required to discard** as defined in point (1) of Article 3 of Directive 2008/98/EC **and subject to independent verification and certification of compliance with Article 4 of Directive 2008/98/EC or comparable programme on waste prevention and management** excluding substances that have been intentionally modified or contaminated in order to meet this definition’;

(Directive (EU) 2018/2001)

Amendment 32

Proposal for a directive

Article 1 – paragraph 1 – point 1 – point -a (new)

Directive (EU) 2018/2001

Article 2 – paragraph 2 – point 24

Text proposed by the Commission

‘(24) ‘biomass’ means the biodegradable fraction of products, waste and residues from biological origin from agriculture, including vegetal and animal substances, from 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

(-a) point 24 is replaced by the following:

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

(Directive (EU) 2018/2001)

Amendment 33

Proposal for a directive

Article 1 – paragraph 1 – point 1 – point c

Directive (EU) 2018/2001

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

Text proposed by the Commission

Amendment

(26a) ‘primary woody biomass’ means all roundwood felled or otherwise harvested and removed. It comprises all wood obtained from removals, i.e., the quantities removed from forests, including wood recovered due to natural mortality and from felling and logging. It includes all wood removed with or without bark, including wood removed in its round form, or split, roughly squared or in other form, e.g., branches, roots, stumps and burls (where these are harvested) and wood that is roughly shaped or pointed. This does not include woody biomass obtained from sustainable wildfire prevention measures in high-risk fire prone areas and woody biomass extracted from forests affected by active pests or diseases to prevent their spread, whilst minimising wood extraction and protecting biodiversity, resulting in more diverse and resilient forests, and shall be based on guidelines from the Commission.

(Directive (EU) 2018/2001)

Amendment 34

Proposal for a directive

Article 1 – paragraph 1 – point 1 – point c

Directive (EU) 2018/2001

Article 2 – paragraph 2 – point 26 b (new)

Text proposed by the Commission

Amendment

(26b) ‘secondary woody biomass’ means residues from forest-based industry,

including bark, sawdust and wood shavings that result from sawmilling or wood milling, and recovered post-consumer wood; it excludes primary woody biomass, including when it is processed into chips, briquettes or pellets;”

(Directive (EU) 2018/2001)

Amendment 35

Proposal for a directive

Article 1 – paragraph 1 – point 2 – point a

Directive (EU) 2018/2001

Article 3 – paragraph 1

Text proposed by the Commission

“1. Member States shall collectively ensure that the share of energy from renewable sources in the Union’s gross final consumption of energy in 2030 is at least **40%**.;”

Amendment

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

(Directive (EU) 2018/2001)

Amendment 36

Proposal for a directive

Article 1 – paragraph 1 – point 2 – point b

Directive (EU) 2018/2001

Article 3 – paragraph 3 – subparagraph 1

Text proposed by the Commission

Member States shall take measures to ensure that energy from biomass is produced in a way that **minimises undue** distortive effects on the biomass raw material market and harmful impacts on biodiversity. To that end, they shall **take into account** the waste hierarchy as set out in Article 4 of Directive 2008/98/EC and the cascading principle referred to in the third subparagraph.

Amendment

Member States shall take measures to ensure that energy from biomass is produced **in a sustainable manner which minimises undue** distortive effects on the biomass raw material market and harmful impacts on biodiversity and **the environment or the climate in their support schemes**. To that end, they shall **implement** the waste hierarchy as set out in Article 4 of Directive 2008/98/EC and **take into account** the cascading principle

referred to in the third subparagraph
ensuring the highest possible material use.

Amendment 37

Proposal for a directive

Article 1 – paragraph 1 – point 2 – point b

Directive (EU) 2018/2001

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

Text proposed by the Commission

(ii) the production of renewable energy produced from the incineration of waste if the separate collection obligations laid down in Directive 2008/98/EC have not been complied with.

Amendment

(ii) the production of renewable energy produced from the incineration of waste if the separate collection ***and re-use and recycling*** obligations laid down in Directive 2008/98/EC have not been complied with.

Amendment 38

Proposal for a directive

Article 1 – paragraph 1 – point 2 – point b

Directive (EU) 2018/2001

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

Text proposed by the Commission

(iii) practices which are not in line with ***the delegated*** act referred to in the third subparagraph

Amendment

(iii) practices which are not in line with ***the implementing*** act referred to in the third subparagraph.

Amendment 39

Proposal for a directive

Article 1 – paragraph 1 – point 2 – point b

Directive (EU) 2018/2001

Article 3 – paragraph 3 – subparagraph 2 – point a a (new)

Text proposed by the Commission

Amendment

(aa) Member States may not grant new support to bioenergy installations if they have not submitted a National Bioenergy Plan together with the update of its latest integrated national energy and climate plan, as referred to in Article 14(2) of Regulation (EU) 2018/1999, as referred to

in point (ba).

Amendment 40

Proposal for a directive

Article 1 – paragraph 1 – point 2 – point b

Directive (EU) 2018/2001

Article 3 – paragraph 3 – subparagraph 2 – point b

Text proposed by the Commission

(b) From 31 December 2026, and without prejudice to the obligations in the first sub-paragraph, Member States shall grant no support to the production of electricity from **forest** biomass in electricity-only-installations, unless such electricity meets at least one of the following conditions:

Amendment

(b) From 31 December 2026, and without prejudice to the obligations in the first sub-paragraph, Member States shall grant no support to the production of electricity from **woody** biomass in electricity-only-installations, unless such electricity meets at least one of the following conditions **and is produced in installations of a maximum capacity of 20MW**:

Amendment 41

Proposal for a directive

Article 1 – paragraph 1 – point 2 – point b

Directive (EU) 2018/2001

Article 3 – paragraph 3 – subparagraph 2 – point b a (new)

Text proposed by the Commission

Amendment

(ba) Each Member State shall submit to the Commission a National Bioenergy Plan together with the update of its latest integrated national energy and climate plan, as referred to in Article 14(2) of Regulation (EU) 2018/1999, and in accordance with the procedure and timeline laid down in that Article. The National Bioenergy Plan shall contain:

(i) an assessment of the needs and supply of forest biomass available for energy purposes in accordance with the criteria laid down in Article 29 of this Regulation;

(ii) an assessment of the compatibility of forest biomass used for energy purposes

with the indicative trajectory for the contribution of different categories of energy to the national targets in Regulation 2018/841;

(iii) an assessment of the impacts of the forest biomass used for energy purposes trajectory on biodiversity and soil.

Amendment 42

Proposal for a directive

Article 1 – paragraph 1 – point 2 – point b

Directive (EU) 2018/2001

Article 3 – paragraph 3 – subparagraph 2 – point b b (new)

Text proposed by the Commission

Amendment

(bb) The Commission shall assess the National Bioenergy Plan. When carrying out this assessment, the Commission shall act in close cooperation with the Member State concerned. The Commission may make observations or seek additional information and may ask a Member State to revise the Plan if needed, including after the submission of the Plan. The Commission shall assess the Plan as regards its completeness, its consistency and coherence with:

(i) the objectives laid down in the Regulation (EU) 2021/1119 of the European Parliament and of the Council*;

(ii) the national targets on carbon sink growth as defined in the revised Regulation 2018/841.

****Regulation (EU) 2021/1119 of the European Parliament and of the Council of 30 June 2021 establishing the framework for achieving climate neutrality and amending Regulations (EC) No 401/2009 and (EU) 2018/1999 (OJ L 243, 9.7.2021, p. 1)***

Amendment 43

Proposal for a directive

Article 1 – paragraph 1 – point 2 – point b

Directive (EU) 2018/2001

Article 3 – paragraph 3 – subparagraph 2 – point b c (new)

Text proposed by the Commission

Amendment

(bc) Each National Bioenergy Plan shall be approved by the Commission by means of an implementing decision.

(Directive (EU) 2018/2001)

Amendment 44

Proposal for a directive

Article 1 – paragraph 1 – point 2 – point b

Directive (EU) 2018/2001

Article 3 – paragraph 3 – subparagraph 3

Text proposed by the Commission

Amendment

No later than one year after [the entry into force of this amending Directive], the Commission shall adopt **a delegated act in accordance with Article 35** on how to apply the cascading principle for biomass, **in particular on how to minimise the use of quality roundwood for energy production**, with a focus on support schemes and with due regard to national specificities.

No later than one year after [the entry into force of this amending Directive], the Commission shall adopt **an implementing act** on how to apply the cascading principle for biomass **in order to use all biomass according to its highest environmental and economical added value, while taking into account available volumes of feedstock and share of pre-existing competing industrial uses other than energy recovery**, with a focus on support schemes and with due regard to national specificities, **and natural disturbances such as, natural fires, pests and diseases**.

Amendment 45

Proposal for a directive

Article 1 – paragraph 1 – point 2 – point b

Directive (EU) 2018/2001

Article 3 – paragraph 3 – subparagraph 4

Text proposed by the Commission

By 2026 the Commission shall present a report on the impact of the Member States' support schemes for biomass, including on biodiversity and possible market distortions, and will assess the possibility for further **limitations** regarding support schemes to **forest** biomass.;

Amendment

By 2026 the Commission shall present a report on the impact of the Member States' support schemes for biomass, including on biodiversity **and the environment** and possible market distortions, and will assess the possibility for further **measures** regarding support schemes **and other incentives, to use woody biomass for energy**;

Amendment 46

Proposal for a directive

Article 1 – paragraph 1 – point 2 – point c

Directive (EU) 2018/2001

Article 3 – paragraph 4a

Text proposed by the Commission

4a. Member States shall establish a framework, which may include support schemes and facilitating the uptake of renewable power purchase agreements, enabling the deployment of renewable electricity to a level that is consistent with the Member State's national contribution referred to in paragraph 2 and at a pace that is consistent with the indicative trajectories referred to in Article 4(a)(2) of Regulation (EU) 2018/1999. In particular, that framework shall tackle remaining barriers, including **those related to** permitting procedures, to a high level of renewable electricity supply. When designing that framework, Member States shall take into account the additional renewable electricity required to meet demand in the transport, industry, building and heating and cooling sectors and for the production of renewable fuels of non-biological origin.;

Amendment

4a. ***In accordance with the energy efficiency first principle as defined in point (18) of Article 2 of Regulation (EU) 2018/1999***, Member States shall establish a framework, which may include support schemes and facilitating the uptake of renewable power purchase agreements, enabling the deployment of renewable electricity to a level that is consistent with the Member State's national contribution referred to in paragraph 2 and at a pace that is consistent with the indicative trajectories referred to in Article 4(a)(2) of Regulation (EU) 2018/1999. In particular, that framework shall tackle remaining barriers ***to a high level of renewable electricity supply, including measures to accelerate and simplify*** permitting procedures, to a high level of renewable electricity supply ***and ensure long term price signals for investment decisions, including investments in system adequacy, stability and flexibility through competitive, transparent and non discriminatory bidding process, which provide for a remuneration of the awarded recipients***

based on market prices. When designing that framework, Member States shall take into account the additional renewable electricity required to meet demand in the transport, industry, building and heating and cooling sectors and for the production of renewable fuels of non-biological origin;

Amendment 47

Proposal for a directive

Article 1 – paragraph 1 – point 3 – point b a (new)

Directive (EU) 2018/2001

Article 7 – paragraph 3 – subparagraph 3

Present text

Ambient and geothermal energy used for heating and cooling by means of heat pumps and district cooling systems shall be taken into account for the purposes of point (b) of the first subparagraph of paragraph 1, provided that the final energy output significantly exceeds the primary energy input required to drive the heat pumps. The quantity of heat or cold to be considered to be energy from renewable sources for the purposes of this Directive shall be calculated in accordance with the methodology set out in Annex VII and shall take into account energy use in all end-use sectors.

Amendment

(ba) in paragraph 3, the third subparagraph is replaced by the following:

"Ambient and geothermal energy used for heating and cooling by means of heat pumps and district cooling systems shall be taken into account for the purposes of point (b) of the first subparagraph of paragraph 1 ***using a multiplier of at least 3 in order to reflect the higher efficiency ambient and geothermal heat compared to heat from combustion*** provided that the final energy output significantly exceeds the primary energy input required to drive the heat pumps. The quantity of heat or cold to be considered to be energy from renewable sources for the purposes of this Directive shall be calculated in accordance with the methodology set out in Annex VII and shall take into account energy use in all end-use sectors."

Justification

All major GHG emission reduction scenarios see heat pumps as the key heating technology for transitioning heating to climate-neutrality, in particular in the residential and services sectors. Whilst the RED II revision provides clear incentives for e-mobility, this is not the case for electrified heating despite its massive efficiency advantages. In this context, it must be taken into account, however, that combustion boilers are fundamentally less energy efficient than heat pumps by a factor of at least 3, so they will dominate any calculation that involves the overall amounts of final energy consumed. Therefore, a correcting factor should

be introduced on the methodology on how to calculate the renewables target contribution for heat..

Amendment 48

Proposal for a directive

Article 1 – paragraph 1 – point 4 – point a

Directive (EU) 2018/2001

Article 9 – paragraph 1a

Text proposed by the Commission

1a. By 31 December 2025, each Member State shall agree to establish at least one joint project with one or more other Member States for the production of renewable energy. The Commission shall be notified of such an agreement, including the date on which the project is expected to become operational. Projects financed by national contributions under the Union renewable energy financing mechanism established by Commission Implementing Regulation (EU) 2020/1294²⁵ shall be deemed to satisfy this obligation for the Member States involved.;

²⁵ Commission Implementing Regulation (EU) 2020/1294 of 15 September 2020 on the Union renewable energy financing mechanism (OJ L 303, 17.9.2020, p. 1).

Amendment

1a. By 31 December 2025, each Member State shall agree to establish at least one joint project ***and by 2030 at least three joint projects***, with one or more other Member States for the production of renewable energy. The Commission shall be notified of such an agreement, including the date on which the project is expected to become operational. Projects financed by national contributions under the Union renewable energy financing mechanism established by Commission Implementing Regulation (EU) 2020/1294²⁵ ***or using the European Green Bond instrument to finance subsidy schemes and projects for renewable energy installations*** shall be deemed to satisfy this obligation for the Member States involved.;

²⁵ Commission Implementing Regulation (EU) 2020/1294 of 15 September 2020 on the Union renewable energy financing mechanism (OJ L 303, 17.9.2020, p. 1).

Amendment 49

Proposal for a directive

Article 1 – paragraph 1 – point 4 – point b b (new)

Directive (EU) 2018/2001

Article 9 – paragraph 7 c (new)

Text proposed by the Commission

Amendment

(bb) the following paragraph 7c is added:

‘(7c) In order to reduce complexity, to increase efficiency and transparency and to help enhance cooperation among Member States there should be a unique point of contact (‘one stop shop’) per priority offshore grid corridor, facilitating the permit granting process for offshore renewable energy projects of common interest.’

Amendment 50

Proposal for a directive

Article 1 – paragraph 1 – point 5 – point - a (new)

Directive (EU) 2018/2001

Article 15 – paragraph 1 – subparagraph 2 – point d

Present text

(d) simplified and less burdensome authorisation procedures, including a simple-notification procedure, are established for decentralised devices, and for producing and storing energy from renewable sources.

Amendment

(-a) in paragraph 1, second subparagraph, point (d) is replaced by the following:

"(d) simplified and less burdensome authorisation procedures, including a simple-notification procedure **and single-contact points**, are established for decentralised devices, and for producing and storing energy from renewable sources."

(Directive 2018/2001)

Justification

The Single Contact Points are mentioned in the impact assessment, but not in the operative text. This rectifies this omission.

Amendment 51

Proposal for a directive

Article 1 – paragraph 1 – point 5 – point d

Directive (EU) 2018/2001

Article 15 – paragraph 9

Text proposed by the Commission

9. By **one year** after the entry into force of this amending Directive, the Commission shall **review, and where appropriate, propose modifications to**, the rules on administrative procedures set out in Articles 15, 16 and 17 **and their application, and may take additional measures to support Member States in their implementation.**;

Amendment

9. By **six months** after the entry into force of this amending Directive, the Commission shall **issue guidelines to national Governments on permitting practices to accelerate and simplify the process for new and repowered projects. These guidelines shall include recommendations on how to implement and apply** the rules on administrative procedures set out in Articles 15, 16 and 17, **together with a set of key process indicators (KPIs) to enable a transparent assessment and monitoring of both progress and effectiveness. Such guidance shall also include information on digital and human resources of permitting authorities, compliance with environmental legislation and areas protected under Union law, effective single contact points, spatial planning, military and civil aviation constraints, court proceedings and civil resolution and mediation cases, among others.**;

Amendment 52

Proposal for a directive

Article 1 – paragraph 1 – point 5 – point d a (new)

Directive (EU) 2018/2001

Article 15 – paragraph 9 a (new)

Text proposed by the Commission

Amendment

(da) the following paragraph 9a is added:

‘9a. Member States shall present an assessment of their permitting process and the measures for improvement to be taken in line with the guidelines in the updated integrated national energy and climate plan referred to in Article 14(2) of Regulation (EU) 2018/199 in accordance with the procedure and timeline laid down in that Article.’;

Amendment 53

Proposal for a directive

Article 1 – paragraph 1 – point 5 – point d b (new)

Directive (EU) 2018/2001

Article 15 – paragraph 9 b (new)

Text proposed by the Commission

Amendment

(db) the following paragraph 9b is added:

‘9b. Member States shall be required to develop strategic planning processes to identify available land to deploy renewable energy projects, in particular degraded land and land available for multiple uses, such as agricultural land and inland water bodies where renewable energy projects can be deployed.’;

Amendment 54

Proposal for a directive

Article 1 – paragraph 1 – point 5 – point d c (new)

Directive (EU) 2018/2001

Article 15 – paragraph 9 c (new)

Text proposed by the Commission

Amendment

(dc) the following paragraph 9c is added:

‘9c. The Commission shall assess the measures for improvement and score the KPIs of Member States. This information shall be made publicly available. The Commission shall introduce incentives for Member States scoring higher in accordance with the KPIs assessment, including priority access to Union funds dedicated to renewable energy projects.’;

Amendment 55

Proposal for a directive

Article 1 – paragraph 1 – point 5 – point d d(new)

Directive (EU) 2018/2001

(dd) the following paragraph 9d is added:

‘9d Member States shall adopt strategic planning for renewable energy projects developments that prioritise the use of available areas with low ecological sensitivity and avoid using strictly protected areas for energy developments, as these areas are fundamental instruments to stop biodiversity loss.’;

Amendment 56

Proposal for a directive

Article 1 – paragraph 1 – point 6

Directive (EU) 2018/2001

Article 15a – paragraph 1

1. In order to promote the production and use of renewable energy in the building sector, Member States shall set an indicative target for the share of renewables in final energy consumption in their buildings sector in 2030 that is consistent with an indicative target of at least a 49 % share of energy from renewable sources in the buildings sector in the Union’s final consumption of energy in 2030. The national target shall be expressed in terms of share of national final energy consumption and calculated in accordance with the methodology set out in Article 7. Member States shall include their target in the updated integrated national energy and climate plans submitted pursuant to Article 14 of Regulation (EU) 2018/1999 as well as information on how they plan to achieve it.

1. In order to promote the production and use of renewable energy in the building sector, Member States shall set an indicative target for the share of renewables ***on-site or nearby or connected to renewable energy sources*** in final energy consumption in their buildings sector in 2030 that is consistent with an indicative target of at least a 49 % share of energy from renewable sources in the buildings sector in the Union’s final consumption of energy in 2030. The national target shall be expressed in terms of share of national final energy consumption and calculated in accordance with the methodology set out in Article 7. Member States shall include their target in the updated integrated national energy and climate plans submitted pursuant to Article 14 of Regulation (EU) 2018/1999 as well as information on how they plan to achieve it ***guided by inter alia the principle of cost-effectiveness***.

Amendment 57

Proposal for a directive

Article 1 – paragraph 1 – point 6

Directive (EU) 2018/2001

Article 15a – paragraph 2 – subparagraph 1

Text proposed by the Commission

Member States shall introduce measures in their building regulations and codes and, where applicable, in their support schemes, to increase the share of electricity and heating and cooling from renewable sources in the building stock, including national measures relating to substantial increases in renewables self-consumption, renewable energy communities and local energy storage, in combination with energy efficiency improvements relating to cogeneration and passive, nearly zero-energy and zero-energy buildings.

Amendment

Member States shall introduce measures in their building regulations and codes and, where applicable, in their support schemes, to increase the share of electricity and heating and cooling from renewable sources in the building stock, including national measures relating to substantial increases in renewables self-consumption, renewable energy communities, ***local renewable energy sharing*** and local energy storage, in combination with energy efficiency improvements relating to cogeneration and passive, nearly zero-energy and zero-energy buildings ***and taking into account innovative technologies***.

Amendment 58

Proposal for a directive

Article 1 – paragraph 1 – point 6

Directive (EU) 2018/2001

Article 15a – paragraph 2 – subparagraph 2

Text proposed by the Commission

To achieve the indicative share of renewables set out in paragraph 1, Member States shall, in their building regulations and codes and, where applicable, in their support schemes or by other means with equivalent effect, require the use of minimum levels of energy from renewable sources in buildings, in line with the provisions of Directive 2010/31/EU. Member States shall allow those minimum levels to be fulfilled, among others,

Amendment

To achieve the indicative share of renewables set out in paragraph 1, Member States shall, in their building regulations and codes and, where applicable, in their support schemes or by other means with equivalent effect, require ***in accordance with the energy efficiency first principle as defined in point (18) of Article 2 of Regulation (EU) 2018/1999*** the use of minimum levels of energy from renewable sources in buildings, in line with the

through efficient district heating and cooling.

provisions of Directive 2010/31/EU. Member States shall allow those minimum levels to be fulfilled, among others, through efficient district heating and cooling.

Amendment 59

Proposal for a directive

Article 1 – paragraph 1 – point 6

Directive (EU) 2018/2001

Article 15a – paragraph 3

Text proposed by the Commission

3. Member States shall ensure that public buildings at national, regional and local level, fulfil an exemplary role as regards the share of renewable energy used, in accordance with the provisions of Article 9 of Directive 2010/31/EU and Article 5 of Directive 2012/27/EU. Member States may, among others, allow that obligation to be fulfilled by providing for the roofs of public or mixed private-public buildings to be used by third parties for installations that produce energy from renewable sources.

Amendment

3. Member States shall ensure that public buildings at national, regional and local level, fulfil an exemplary role as regards the share of renewable energy used, in accordance with the provisions of Article 9 of Directive 2010/31/EU and Article 5 of Directive 2012/27/EU. Member States may, among others, allow that obligation to be fulfilled by providing for the roofs ***and other useful surfaces and sub-surfaces*** of public or mixed private-public buildings to be used by third parties for installations that produce energy from renewable sources. ***Member States shall promote and support cooperation between local authorities and renewable energy communities in the building sector.***

Amendment 60

Proposal for a directive

Article 1 – paragraph 1 – point 6

Directive (EU) 2018/2001

Article 15a – paragraph 4

Text proposed by the Commission

4. In order to achieve the indicative share of renewable energy set out in paragraph 1, Member States shall promote the use of renewable heating and cooling systems and equipment. To that end, Member States shall use all appropriate

Amendment

4. In order to achieve the indicative share of renewable energy set out in paragraph 1 ***and facilitate their efficient integration***, Member States shall promote the use of ***the most sustainable and energy efficient*** renewable heating and cooling

measures, tools and incentives, including, among others, energy labels developed under Regulation (EU) 2017/1369 of the European Parliament and of the Council²⁶, energy performance certificates pursuant to Directive 2010/31/EU, or other appropriate certificates or standards developed at national or Union level, and shall ensure the provision of adequate information and advice on renewable, highly energy efficient alternatives as well as on financial instruments and incentives available to promote an increased replacement rate of old heating systems and an increased switch to solutions based on renewable energy.;

systems and equipment *for the given local context, including smart and renewable-based electrified heating and cooling systems and equipment and including innovative technologies*. To that end, Member States shall use all appropriate measures, tools and incentives, including, among others, energy labels developed under Regulation (EU) 2017/1369 of the European Parliament and of the Council²⁶, energy performance certificates pursuant to Directive 2010/31/EU, or other appropriate certificates or standards developed at national or Union level, and shall ensure the provision of adequate information and advice on renewable, highly energy efficient alternatives as well as on financial instruments and incentives available to promote an increased replacement rate of old heating systems and an increased switch to solutions based on renewable energy.;

Amendment 61

Proposal for a directive

Article 1 – paragraph 1 – point 10

Directive (EU) 2018/2001

Article 20a – paragraph 1

Text proposed by the Commission

1. Member States shall require transmission system operators **and** distribution system operators in their territory to make available information on the share of renewable electricity and the greenhouse gas emissions content of the electricity supplied in each bidding zone, as accurately as possible and as close to real time as possible but in time intervals of no more than one hour, with forecasting where available. This information shall be made available digitally in a manner that ensures it can be used by electricity market participants, aggregators, consumers and end-users, and that it can be read by electronic communication devices such as smart metering systems, electric vehicle

Amendment

1. Member States shall require transmission system operators **or** distribution system operators in their territory to make available information on the share of renewable electricity and the greenhouse gas emissions content of the electricity supplied in each bidding zone, as accurately as possible and as close to real time as possible but in time intervals of no more than one hour, with forecasting where available. **Member States shall require distribution system operators to assist transmission system operators to gather needed information, in case the transmission operator does not have access, according to national legislation, to all information needed.** This

recharging points, heating and cooling systems and building energy management systems.

information shall be made available digitally in a manner that ensures it can be used by electricity market participants, aggregators, consumers and end-users, and that it can be read by electronic communication devices such as smart metering systems, electric vehicle recharging points, heating and cooling systems and building energy management systems.

Amendment 62

Proposal for a directive

Article 1 – paragraph 1 – point 10

Directive (EU) 2018/2001

Article 20a – paragraph 2 – subparagraph 1

Text proposed by the Commission

In addition to the requirements in [the proposal for a Regulation concerning batteries and waste batteries, repealing Directive 2006/66/EC and amending Regulation (EU) No 2019/1020], Member States shall ensure that manufacturers of domestic and industrial batteries enable real-time access to basic battery management system information, including battery capacity, state of health, state of charge and power set point, to battery owners and users as well as to third parties acting on their behalf, such as building energy management companies and electricity market participants, under non-discriminatory terms and at no cost.

Amendment

In addition to the requirements in [the proposal for a Regulation concerning batteries and waste batteries, repealing Directive 2006/66/EC and amending Regulation (EU) No 2019/1020], Member States shall ensure that manufacturers of domestic and industrial batteries enable ***in a transparent manner*** real-time access to basic battery management system information, including battery capacity, state of health, state of charge and power set point, to battery owners and users as well as to third parties acting on their behalf, such as building energy management companies and electricity market participants, under non-discriminatory terms and at no cost.

Justification

These requirements should be maintained in the regulation.

Amendment 63

Proposal for a directive

Article 1 – paragraph 1 – point 10
Directive (EU) 2018/2001
Article 20a – paragraph 2 – subparagraph 2

Text proposed by the Commission

Member States shall ensure that vehicle manufacturers make available, in real-time, in-vehicle data related to the battery state of health, battery state of charge, battery power setpoint, battery capacity, as well as the location of electric vehicles to electric vehicle owners and users, as well as to third parties acting on the owners' and users' behalf, such as electricity market participants and electromobility service providers, under non-discriminatory terms and at no cost, in addition to further requirements in the type approval and market surveillance regulation.

Amendment

Member States shall ensure that vehicle manufacturers make available ***in a transparent manner***, in real-time, in-vehicle data related to the battery state of health, battery state of charge, battery power setpoint, battery capacity, as well as the location of electric vehicles to electric vehicle owners and users, as well as to third parties acting on the owners' and users' behalf, such as electricity market participants and electromobility service providers, under non-discriminatory terms and at no cost, in addition to further requirements in the type approval and market surveillance regulation.

Justification

These requirements should be maintained in the regulation.

Amendment 64

Proposal for a directive
Article 1 – paragraph 1 – point 10
Directive (EU) 2018/2001
Article 20a – paragraph 4

Text proposed by the Commission

4. Member States shall ensure that the national regulatory framework does not discriminate against participation in the electricity markets, including congestion management and the provision of flexibility and balancing services, of small or mobile systems such as domestic batteries ***and*** electric vehicles, both directly and through aggregation.;

Amendment

4. Member States shall ensure that the national regulatory framework does not discriminate against participation in the electricity markets, including congestion management and the provision of flexibility and balancing services ***of district heating and cooling networks***, of small or mobile systems such as domestic batteries, electric vehicles, ***thermal energy storage units and smart electric heating and cooling appliances and systems, and other smart devices facilitating consumers'***

flexible renewable electricity consumption both directly and through aggregation.
Member States shall provide a level playing field for smaller market actors, in particular renewable energy communities, so that they are able to participate in the market without facing disproportionate administrative or regulatory burden.

Justification

Regulatory frameworks on electricity markets should not discriminate against the participation of household consumers vis-à-vis other actors, regardless of whether they are providing demand response through their electric vehicle, batteries or other devices facilitating it (e.g. heating and cooling appliances). Moreover new Article 20a of the RED II proposes a number of measures aiming to facilitate integration of renewable electricity into the energy system. We support more transparency in the grid, both for system operators and for users of the grid, and we would support strengthening language to ensure that system operators are able to measure what is going on in real-time. Nevertheless, we regret that most of the measures contained in this article focus on the interaction between electric vehicles and the electricity grid. This neglects a general approach to foster interaction between renewable electricity in heating and cooling and in industry. Such links need to be addressed in order to make Article 20a a more meaningful tool to promote system integration, particularly at the local level. Furthermore, paragraph 4 of Article 20a should mention the need to ensure national regulatory frameworks provide a level playing field for smaller market actors such as RECs.

Amendment 65

Proposal for a directive

Article 1 – paragraph 1 – point 11

Directive (EU) 2018/2001

Article 22a – paragraph 1 – subparagraph 1

Text proposed by the Commission

Member States shall endeavour to increase the share of renewable sources in the amount of energy sources used for final energy and non-energy purposes in the industry sector by an indicative average minimum annual increase of 1.1 percentage points by 2030.

Amendment

Member States shall endeavour to ***promote electrification and*** increase the share of renewable sources in the amount of energy sources used for final energy and non-energy purposes in the industry sector by an indicative average minimum annual increase of 1.1 percentage points by 2030.

Amendment 66

Proposal for a directive

Article 1 – paragraph 1 – point 11

Directive (EU) 2018/2001

Article 22a – paragraph 1 – subparagraph 3 – introductory part

Text proposed by the Commission

Member States shall ensure that the contribution of renewable fuels of non-biological origin used for final energy and non-energy purposes shall be 50 % of the hydrogen used for final energy and non-energy purposes in industry by 2030. For the calculation of that percentage, the following rules shall apply:

Amendment

Member States shall ensure that the contribution of renewable fuels of non-biological origin used for final energy and non-energy purposes shall be 50 % of the hydrogen used for final energy and non-energy purposes in ***the hard-to-abate high-temperature industry, aviation and shipping sectors where electrification is not a feasible solution*** by 2030. For the calculation of that percentage, the following rules shall apply:

Justification

Renewable hydrogen is presently lacking scale, maturity and is still more expensive than other alternatives. Therefore, their integration must target end-use sectors where there are no other efficient alternatives such as aviation, shipping and high temperature industry.

Amendment 67

Proposal for a directive

Article 1 – paragraph 1 – point 12 – point a

Directive (EU) 2018/2001

Article 23 – paragraph 1 – subparagraph 1

Text proposed by the Commission

In order to promote the use of renewable energy in the heating and cooling sector, each Member State shall, increase the share of renewable energy in that sector by at least ***1.1*** percentage points as an annual average calculated for the periods 2021 to 2025 and 2026 to 2030, starting from the share of renewable energy in the heating and cooling sector in 2020, expressed in terms of national share of gross final energy consumption and calculated in accordance with the methodology set out in Article 7.

Amendment

In order to promote the use of renewable energy in the heating and cooling sector, each Member State shall, increase the share of renewable energy in that sector by at least ***2*** percentage points as an annual average calculated for the periods 2021 to 2025 and 2026 to 2030, starting from the share of renewable energy in the heating and cooling sector in 2020, expressed in terms of national share of gross final energy consumption and calculated in accordance with the methodology set out in Article 7.

Justification

The 2 percentage point binding target that is required in order to decarbonise renewable heating and cooling in 2030, as per EC IA.

Amendment 68

Proposal for a directive

Article 1 – paragraph 1 – point 12 – point b

Directive (EU) 2018/2001

Article 23 – paragraph 1a

Text proposed by the Commission

1a. Member States shall carry out an assessment of their potential of energy from renewable sources and of the use of waste heat and cold in the heating and cooling sector including, **where appropriate**, an analysis of areas suitable for their deployment at low ecological risk and of the potential for small-scale household projects. The assessment shall set out milestones and measures to increase renewables in heating and cooling and, where appropriate, the use of waste heat and cold through district heating and cooling with a view of establishing a long-term national strategy to decarbonise heating and cooling. The assessment shall be part of the integrated national energy and climate plans referred to in Articles 3 and 14 of Regulation (EU) 2018/1999, and shall accompany the comprehensive heating and cooling assessment required by Article 14(1) of Directive 2012/27/EU.;

Amendment

1a. Member States shall carry out an assessment of their potential of energy from renewable sources and of the use of waste heat and cold in the heating and cooling sector including an analysis of areas suitable for their deployment at low ecological risk, **especially in relation to drinking water sources**, and of the potential for small-scale household projects **and shall produce a detailed map of those areas to empower local and regional authorities**. The assessment shall set out milestones and measures to increase renewables in heating and cooling and, where appropriate, the use of waste heat and cold through district heating and cooling with a view of establishing a long-term national strategy to decarbonise heating and cooling. The assessment shall **make use of the data of measurements established in accordance with the Article 6 of Directive 2008/50/EC on ambient air quality with respect to PM_{2,5} in particular. Member States shall as part of this assessment prepare a colour coding map of their zones and agglomerations establishing areas where certain type of renewables in heating and cooling may create disproportionate costs to ensure that concentrations of PM_{2,5} in ambient air do not exceed the target value. In these areas the district heating and cooling shall not be based on the respective**

renewable sources. The assessment shall be part of the integrated national energy and climate plans referred to in Articles 3 and 14 of Regulation (EU) 2018/1999, and shall accompany the comprehensive heating and cooling assessment required by Article 14(1) of Directive 2012/27/EU.;

Amendment 69

Proposal for a directive

Article 1 – paragraph 1 – point 12 – point b

Directive (EU) 2018/2001

Article 23 – paragraph 1a – subparagraphs 1 a and 1 b (new)

Text proposed by the Commission

Amendment

Member States shall ensure regional and local authorities with an urban population greater than 20,000 inhabitants or a rural population greater than 5,000 inhabitants prepare local renewable heating and cooling plans, outlining any infrastructure requirements.

Member States may also use the support of the Fund established under [the Social Climate Fund Regulation] to finance these plans.

Amendment 70

Proposal for a directive

Article 1 – paragraph 1 – point 12 – point c b (new)

Directive (EU) 2018/2001

Article 23 – paragraph 3 – subparagraph 1 a (new)

Text proposed by the Commission

Amendment

(cb) in paragraph 3, the following subparagraph 1a is added:

“In accordance with Article 15 of the Energy Performance of Buildings Directive, Member States shall ensure the establishment of technical assistance facilities, including through one-stop-shops, targeting all actors involved in

building renovations along with renewable heating and cooling renovations and replacements including home owners and administrative, financial and economic factors, including small and medium-sized enterprises.;"

Amendment 71

Proposal for a directive

Article 1 – paragraph 1 – point 12 – point d

Directive (EU) 2018/2001

Article 23 – paragraph 4 – subparagraph 1 – point b

Text proposed by the Commission

(b) installation of highly efficient renewable heating and cooling systems in buildings, **or** use of renewable energy or waste heat and cold in industrial heating and cooling processes;

Amendment

(b) installation of highly efficient renewable heating and cooling systems in buildings **and** use of renewable energy or waste heat and cold in industrial heating and cooling processes;

Amendment 72

Proposal for a directive

Article 1 – paragraph 1 – point 12 – point d

Directive (EU) 2018/2001

Article 23 – paragraph 4 – subparagraph 1 – point d

Text proposed by the Commission

(d) capacity building for national and local authorities to **plan and** implement renewable projects and infrastructures;

Amendment

(d) capacity building for national, **regional** and local authorities to **map local renewable heating and cooling potential, to plan,** implement **and advise on** renewable projects and infrastructures;

Amendment 73

Proposal for a directive

Article 1 – paragraph 1 – point 12 – point d

Directive (EU) 2018/2001

Article 23 – paragraph 4 – subparagraph 1 – point f

Text proposed by the Commission

(f) promotion of **heat** purchase

Amendment

(f) promotion of **renewable heat and**

agreements for corporate and collective small consumers;

cold purchase agreements for corporate and collective small consumers, **including SMEs**;

Amendment 74

Proposal for a directive

Article 1 – paragraph 1 – point 12 – point d

Directive (EU) 2018/2001

Article 23 – paragraph 4 – subparagraph 1 – point g

Text proposed by the Commission

(g) **planned** replacement schemes of fossil heating systems **or** fossil phase-out schemes with milestones;

Amendment

(g) **introduction and/or acceleration of** replacement schemes of fossil heating systems **and** fossil phase-out schemes with milestones;

Justification

Over half of the EU individual oil and gas boiler stock is older or in the second half of its technical lifetime (lifetime 20 years). These will have to be changed in the period until 2030 and replaced with renewable solutions to avoid fossil lock-in.

Amendment 75

Proposal for a directive

Article 1 – paragraph 1 – point 12 – point d

Directive (EU) 2018/2001

Article 23 – paragraph 4 – subparagraph 2

Text proposed by the Commission

When adopting and implementing those measures, Member States shall ensure their accessibility to all consumers, in particular those in low-income or vulnerable households, who would not otherwise possess sufficient up-front capital to benefit.;

Amendment

When adopting and implementing those measures, Member States shall ensure their accessibility to all consumers, in particular those in low-income or vulnerable households, who would not otherwise possess sufficient up-front capital to benefit **from efficient renewables heating and cooling solutions. To further streamline uptake of relevant measures, the Commission shall, by ... [one year after the entry into force of this amending Directive], issue harmonised guidelines on, but not limited to, the design and**

Amendment 76

Proposal for a directive

Article 1 – paragraph 1 – point 13 – point -a (new)

Directive (EU) 2018/2001

Article 24 – paragraph –1 (new)

Text proposed by the Commission

Amendment

(-a) the following paragraph -1 is inserted:

‘-1. Member States shall support the renovation of existing and the development of renewable district heating and cooling networks fuelled exclusively by renewable energy sources and waste heat or cold, following a positive economic and environmental cost/benefit analysis undertaken in partnership with local authorities involved’;

Amendment 77

Proposal for a directive

Article 1 – paragraph 1 – point 13 – point a

Directive (EU) 2018/2001

Article 24 – paragraph 1

Text proposed by the Commission

Amendment

1. Member States shall ensure that information on the energy performance and the share of **renewable** energy in their district heating and cooling systems **is** provided to final consumers in an easily accessible manner, **such as** on bills **or** on the suppliers' **websites and on request**. The information on the renewable energy share shall be expressed at least as a percentage of gross final consumption of heating and cooling assigned to the customers of a given district heating and cooling system, including information on how much energy was used to deliver one unit of heating to

1. Member States shall ensure that information on the energy performance and the share of **each type of energy and waste heat used** in their district heating and cooling systems **and the associated greenhouse gas emissions are** provided to final consumers in an easily accessible manner, **at least** on bills **and** on the suppliers' **website**. The information on the renewable energy share **and type** shall be expressed at least as a percentage of gross final consumption of heating and cooling assigned to the customers of a given district heating and cooling system,

the customer or *end-user*.

including information on how much energy *and waste heat* was used to deliver one unit of heating to the customer or *end-user*.

Amendment 78

Proposal for a directive

Article 1 – paragraph 1 – point 13 – point e

Directive (EU) 2018/2001

Article 24 – paragraph 8 – subparagraph 1

Text proposed by the Commission

Member States shall establish a framework under which electricity distribution system operators will assess, at least every **four** years, in cooperation with the operators of district heating and cooling systems in their respective areas, the potential for district heating and cooling systems to provide balancing and other system services, including demand response and thermal storage of excess electricity from renewable sources, and whether the use of the identified potential would be more resource- and cost-efficient than alternative solutions.

Amendment

Member States shall establish a framework under which electricity distribution system operators will assess, at least every **two** years, in cooperation with the operators of district heating and cooling systems in their respective areas, the potential for district heating and cooling systems to provide balancing and other system services, including demand response and thermal storage of excess electricity from renewable sources, and whether the use of the identified potential would be more resource- and cost-efficient than alternative solutions. ***The assessment, shall consider in priority alternatives to network development in compliance with the Energy Efficiency First Principle.***

Justification

Periodicity of assessment should be aligned with article 32 of Electricity Directive on Distribution network development plans (at least every 2 years). Since this assessment done by electricity DSOs on the potential for district heating and cooling is used to inform system operators' decision for grid planning, grid investment and infrastructure development, the periodicity of this assessment should be aligned with the one (at least every 2 years) of network development plans required under article 32(2) of the Electricity Directive 2019/944.

Amendment 79

Proposal for a directive

Article 1 – paragraph 1 – point 13 – point e

Directive (EU) 2018/2001

Article 24 – paragraph 8 – subparagraph 3

Text proposed by the Commission

Member States shall facilitate coordination between operators of district heating and cooling systems and electricity transmission and distribution system operators to ensure that balancing, storage and other flexibility services, such as demand response, provided by district heating and district cooling system operators, can participate in their electricity markets.

Amendment

Member States shall facilitate coordination between operators of district heating and cooling systems and electricity transmission and distribution system operators to ensure that balancing, storage and other flexibility services, such as demand response, provided by district heating and district cooling system operators, can participate in their electricity markets ***on a non-discriminatory basis***.

Amendment 80

Proposal for a directive

Article 1 – paragraph 1 – point 14

Directive (EU) 2018/2001

Article 25 – paragraph 1 – subparagraph 1 – point b

Text proposed by the Commission

(b) the share of advanced biofuels and biogas produced from the feedstock listed in Part A of Annex IX in the energy supplied to the transport sector is at least 0,2 % in 2022, 0,5 % in 2025 and 2,2 % in 2030, and the share of renewable fuels of non-biological origin is at least 2,6 % in 2030.

Amendment

(b) the share of advanced biofuels and biogas produced from the feedstock listed in Part A of Annex IX in the energy supplied to the transport sector is at least 0,2 % in 2022, 0,5 % in 2025 and 2,2 % in 2030, and the share of renewable fuels of non-biological origin is at least 2,6 % in 2030.

Fuel suppliers shall deliver at least 0.8% of renewable fuels of non-biological origin to maritime modes. A Member State which has no maritime ports in its territory may choose not to apply this provision. Any Member State that intends to avail itself of that derogation shall notify the Commission no later than one year after ... [the entry into force of this amending Directive]. Any subsequent change shall also be communicated to the Commission.

Amendment 81

Proposal for a directive

Article 1 – paragraph 1 – point 14

Directive (EU) 2018/2001

Article 25 – paragraph 1 – subparagraph 2 a (new)

Text proposed by the Commission

Amendment

When setting the obligation referred to in points (a) and (b) of the first subparagraph to ensure the achievement of the targets set therein, Member States may do so, inter alia, by means of measures targeting volumes, energy content or greenhouse gas emissions, provided that it is demonstrated that the greenhouse gas intensity reduction and minimum shares referred to in points (a) and (b) of the first subparagraph are achieved.

Amendment 82

Proposal for a directive

Article 1 – paragraph 1 – point 14

Directive (EU) 2018/2001

Article 25 – paragraph 2

Text proposed by the Commission

Amendment

2. Member States shall establish a mechanism allowing fuel suppliers in their territory to exchange credits for supplying renewable energy to the transport sector. Economic operators that supply renewable electricity to electric vehicles through public recharging stations shall receive credits, irrespectively of whether the economic operators are subject to the obligation set by the Member State on fuel suppliers, and may sell those credits to fuel suppliers, which shall be allowed to use the credits to fulfil the obligation set out in paragraph 1, first subparagraph.’;

2. Member States shall establish a mechanism allowing fuel suppliers in their territory to exchange credits for supplying renewable energy to the transport sector. Economic operators that supply renewable electricity to electric vehicles, through public recharging stations, ***and where this is technically feasible, via private and semi-public charging points***, shall receive credits, irrespectively of whether the economic operators are subject to the obligation set by the Member State on fuel suppliers, and may sell those credits to fuel suppliers, which shall be allowed to use the credits to fulfil the obligation set out in paragraph 1, first subparagraph.’;

Amendment 83

Proposal for a directive

Article 1 – paragraph 1 – point 15 – point a

Directive (EU) 2018/2001

Article 26 – paragraph 1 – subparagraph 1

Text proposed by the Commission

For the calculation of a Member State's gross final consumption of energy from renewable sources referred to in Article 7 and of the greenhouse gas intensity reduction target referred to in Article 25(1), first subparagraph, point (a), the share of biofuels and bioliquids, as well as of biomass fuels consumed in transport, where produced from food and feed crops, shall be no more than ***one percentage point higher than*** the share of such fuels in the final consumption of energy in the transport sector in 2020 in that Member State, ***with a maximum of 7 % of final consumption of energy in the transport sector in that Member State.***

Amendment

For the calculation of a Member State's gross final consumption of energy from renewable sources referred to in Article 7 and of the greenhouse gas intensity reduction target referred to in Article 25(1), first subparagraph, point (a), the share of biofuels and bioliquids, as well as of biomass fuels consumed in transport, where produced from food and feed crops ***other than high indirect land use change risk feedstock for which a significant expansion of the production area into land with high carbon stock is observed,*** shall be no more than ***half*** the share of such fuels in the final consumption of energy in the transport sector in 2020 in that Member State.

Amendment 84

Proposal for a directive

Article 1 – paragraph 1 – point 15 – point a – point i a (new)

Directive (EU) 2018/2001

Article 26 – paragraph 1 – subparagraph 3

Present text

Member States may set a lower limit and may distinguish, for the purposes of Article 29(1), between different biofuels, bioliquids and biomass fuels produced from food and feed crops, taking into account best available evidence on indirect land use change impact. Member States may, for example, set a lower limit for the share of biofuels, bioliquids and biomass fuels produced from oil crops.

Amendment

(ia) the third subparagraph is replaced by the following:

"Member States may set a lower limit and may distinguish, for the purposes of Article 29(1), between different biofuels, bioliquids and biomass fuels produced from food and feed crops, taking into account best available evidence on indirect land use change impact ***and the cascading principle.*** Member States may, for example, set a lower limit for the share of biofuels, bioliquids and biomass fuels produced from oil crops."

Amendment 85

Proposal for a directive

Article 1 – paragraph 1 – point 15 – point a – point ii

Directive (EU) 2018/2001

Article 26 – paragraph 1 – subparagraph 4 – point ii

Text proposed by the Commission

Amendment

(ii) the fourth subparagraph is **replaced by the following:**

(ii) the fourth subparagraph is **deleted.**

Where the share of biofuels and bioliquids, as well as of biomass fuels consumed in transport, produced from food and feed crops in a Member State is limited to a share lower than 7 % or a Member State decides to limit the share further, that Member State may reduce the greenhouse gas intensity reduction target referred to in Article 25(1), first subparagraph, point (a), accordingly, in view of the contribution these fuels would have made in terms of greenhouse gas emissions saving. For that purpose, Member States shall consider those fuels save 50 % greenhouse gas emissions.';

Amendment 86

Proposal for a directive

Article 1 – paragraph 1 – point 15 – point b a (new)

Directive (EU) 2018/2001

Article 26 – paragraph 2

Present text

Amendment

2. For the calculation of a Member State's gross final consumption of energy from renewable sources referred to in Article 7 and the minimum share referred to in the first subparagraph of Article 25(1), the share of high indirect land-use change-risk biofuels, bioliquids or biomass fuels produced from food and feed crops for which a significant expansion of the production area into land with high-carbon

(ba) paragraph 2 is replaced by the following:

"2. For the calculation of a Member State's gross final consumption of energy from renewable sources referred to in Article 7 and the minimum share referred to in the first subparagraph of Article 25(1), the share of high indirect land-use change-risk biofuels, bioliquids or biomass fuels produced from food and feed crops for which a significant expansion of the production area into land with high-carbon

stock is observed shall not exceed the level of consumption of such fuels in that Member State in 2019, ***unless they are certified to be low indirect land-use change-risk biofuels, bioliquids or biomass fuels pursuant to this paragraph.***

From 31 December 2023 until 31 December 2030 at the latest, that limit shall gradually decrease to 0 %.

By 1 February 2019, the Commission shall adopt a delegated act in accordance with Article 35 to supplement this Directive by setting out the criteria for ***certification of low indirect land-use change-risk biofuels, bioliquids and biomass fuels and for determining the high indirect land-use change-risk feedstock for which a significant expansion of the production area into land with high-carbon stock is observed. The report and the accompanying delegated act shall be based on the best available scientific data.***

By 1 September 2023, the Commission shall review the criteria laid down in the delegated act referred to in the fourth subparagraph based on the best available scientific data and shall adopt delegated acts in accordance with Article 35 to amend such criteria, where appropriate, and to include a trajectory to gradually decrease the contribution to the Union target set in Article 3(1) and to the minimum share referred to in the first subparagraph of Article 25(1), of high indirect land-use change-risk biofuels, bioliquids and biomass fuels produced from feedstock for which a significant expansion of the production into land with high-carbon stock is observed.

stock is observed shall not exceed the level of consumption of such fuels in that Member State in 2019.

By 1 July 2023, that limit shall decrease to 0 %. This provision shall also apply to soy and its byproducts and to byproducts of palm oil production.

By 1 February 2019, the Commission shall adopt a delegated act in accordance with Article 35 to supplement this Directive by setting out the criteria for determining the high indirect land-use change-risk feedstock for which a significant expansion of the production area into land with high-carbon stock is observed. The report and the accompanying delegated act shall be based on the best available scientific data.

By 1 July 2022, the Commission shall submit to the European Parliament and to the Council an update of the report on the status of worldwide production expansion of the relevant food and feed crops. This update must include the most recent data from the last two years with regards to deforestation, particularly in South America, and must address other high risk commodities in the category of high indirect land use change risk feedstocks and their by-products.

For the purpose of the delegated act the Commission shall evaluate a decrease of the threshold in Article 3(b) Regulation 2019/807 as regards the maximum share of the average annual expansion of the global production area in high carbon stocks in line with the latest scientific

evidence. If appropriate, the list of high landuse changerisk feedstock shall be amended accordingly.

Amendment 87

Proposal for a directive

Article 1 – paragraph 1 – point 16 – point b

Directive (EU) 2018/2001

Article 27 – paragraph 1 – point a – point iii

Text proposed by the Commission

(iii) for renewable electricity, by multiplying the amount of renewable electricity that is supplied to all transport modes by the fossil fuel comparator $EC_{F(e)}$ set out in in Annex V

Amendment

(iii) for renewable electricity, by multiplying the amount of renewable electricity that is supplied to all transport modes by the fossil fuel comparator $EF(t)$ set out in in Annex V *to properly account for the emission reductions achieved; Member States implementing the greenhouse gas intensity reduction target in Article 25(1) by means of a national target for the share of renewable energy within the final consumption of energy in the transport sector shall consider the share of renewable electricity to be four times its energy content;*

Amendment 88

Proposal for a directive

Article 1 – paragraph 1 – point 16 – point c

Directive (EU) 2018/2001

Article 27 – paragraph 1 – point c

Text proposed by the Commission

(c) the shares of advanced biofuels and biogas produced from the feedstock listed in Part A of Annex IX and of renewable fuels of non-biological origin supplied in the aviation and maritime modes shall be considered to be **1,2** times their energy content.;

Amendment

(c) the shares of advanced biofuels and biogas produced from the feedstock listed in Part A of Annex IX and of renewable fuels of non-biological origin supplied in the aviation and maritime modes, *including for voyages to or from third countries*, shall be considered to be **2** times their energy content.;

Amendment 89

Proposal for a directive

Article 1 – paragraph 1 – point 17 – point b a (new)

Directive (EU) 2018/2001

Article 28 – paragraph 6

Present text

By 25 June 2019 and every two years thereafter, the Commission shall review the list of feedstock set out in Parts A and B of Annex IX with a view to adding feedstock in accordance with the principles set out in the third subparagraph.

The Commission is empowered to adopt delegated acts in accordance with Article 35 to amend the list of feedstock set out in Parts A and B of Annex IX by adding, **but not** removing, feedstock. Feedstock that can be processed only with advanced technologies shall be added to Part A of Annex IX. Feedstock that can be processed into biofuels, or biogas for transport, with mature technologies shall be added to Part B of Annex IX.

Such delegated acts shall be based on an analysis of the potential of the raw material as feedstock for the production of biofuels and biogas for transport, taking into account all of the following:

- (a) the principles of the circular economy and of the waste hierarchy established in Directive 2008/98/EC;
- (b) the Union sustainability criteria laid down in Article 29(2) to (7);
- (c) the need to avoid significant distortive effects on markets for (by)products, wastes or residues;
- (d) the potential for delivering substantial greenhouse gas emissions savings compared to fossil fuels based on a life cycle assessment of emissions;
- (e) the need to avoid negative impacts on the environment and biodiversity;
- (f) the need to avoid creating an additional demand for land.

Amendment

By 25 June 2019 and every two years thereafter, the Commission shall review the list of feedstock set out in Parts A and B of Annex IX with a view to adding **and removing** feedstock in accordance with the principles set out in the third subparagraph.

The Commission is empowered to adopt delegated acts in accordance with Article 35 to amend the list of feedstock set out in Parts A and B of Annex IX by adding **or** removing, feedstock. Feedstock that can be processed only with advanced technologies shall be added to Part A of Annex IX. Feedstock that can be processed into biofuels, or biogas for transport, with mature technologies shall be added to Part B of Annex IX.

Such delegated acts shall be based on an analysis of the potential of the raw material as feedstock for the production of biofuels and biogas for transport, taking into account all of the following:

- (a) the principles of the circular economy and of the waste hierarchy established in Directive 2008/98/EC;
- (b) the Union sustainability criteria laid down in Article 29(2) to (7);
- (c) the need to avoid significant distortive effects on markets for (by)products, wastes or residues;
- (d) the potential for delivering substantial greenhouse gas emissions savings compared to fossil fuels based on a life cycle assessment of emissions;
- (e) the need to avoid negative impacts on the environment and biodiversity;
- (f) the need to avoid creating an additional demand for land;

(g) the principle of investment security, including investment cycles in the Member States.

Amendment 90

Proposal for a directive

Article 1 – paragraph 1 – point 18 – point a – point i a (new)

Directive (EU) 2018/2001

Article 29 – paragraph 1 – subparagraph 1

Present text

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 subparagraph only if they fulfil the sustainability and the greenhouse gas emissions saving criteria laid down in paragraphs 2 to 7 and 10:

Amendment

(ia) – in paragraph 1, the first subparagraph is replaced by the following:

"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 subparagraph only if they fulfil the sustainability and the greenhouse gas emissions saving criteria laid down in paragraphs 2 to 7 and 10, and if they respect the waste hierarchy as set out in Article 4 of Directive 2008/98/EC and take into account the cascading principle referred to in Article 3;

Amendment 91

Proposal for a directive

Article 1 – paragraph 1 – point 18 – point a – point i a (new)

Directive (EU) 2018/2001

Article 29 – paragraph 1 – subparagraph 1 a (new)

Text proposed by the Commission

Amendment

(ia) in paragraph 1, the following subparagraph 1a is inserted:

“Energy from solid biomass fuels shall not be taken into account for the purposes referred to in points (a), (b) and (c) of this subparagraph if these are derived from primary woody biomass as defined in Article 2 of this Directive”;

Amendment 92

Proposal for a directive

Article 1 – paragraph 1 – point 18 – point a – point i b (new)

Directive (EU) 2018/2001

Article 29 – paragraph 1 – subparagraph 2

Present text

However, biofuels, bioliquids and biomass fuels produced from waste and residues, other than agricultural, aquaculture, fisheries and forestry residues, are required to fulfil only the greenhouse gas emissions saving criteria laid down in paragraph 10 in order to be taken into account for the purposes referred to in points (a), (b) and (c) of the first subparagraph. This subparagraph shall also apply to waste and residues that are first processed into a product before being further processed into biofuels, bioliquids and biomass fuels.

Amendment

"However, biofuels, bioliquids and biomass fuels produced from waste and residues, other than agricultural, aquaculture, fisheries and forestry residues, are required to fulfil only the greenhouse gas emissions saving criteria laid down in paragraph 10 in order to be taken into account for the purposes referred to in points (a), (b) and (c) of the first subparagraph. ***In the case of the use of mixed wastes, however, the operators are required to apply mixed waste sorting systems of defined quality aimed at removing fossil materials.*** This subparagraph shall also apply to waste and residues that are first processed into a product before being further processed into biofuels, bioliquids and biomass fuels.

Amendment 93

Proposal for a directive

Article 1 – paragraph 1 – point 18 – point a – point ii

Directive (EU) 2018/2001

Article 29 – paragraph 1 – subparagraph 4 – point a

Text proposed by the Commission

— (a) in the case of solid biomass fuels, in installations producing electricity, heating and cooling with a total rated thermal input equal to or exceeding 5 MW,

Amendment

— (a) in the case of solid biomass fuels, in installations producing electricity, heating and cooling with a total rated thermal input equal to or exceeding 7.5 MW,

Amendment 94

Proposal for a directive

Article 1 – paragraph 1 – point 18 – point a – point ii

Directive (EU) 2018/2001

Article 29 – paragraph 1 – subparagraph 4 – point c – point i

Text proposed by the Commission

- (i) above **200** m³ methane equivalent/h measured at standard conditions of temperature and pressure (i.e. 0°C and 1 bar atmospheric pressure);

Amendment

- (i) above **500** m³ methane equivalent/h measured at standard conditions of temperature and pressure (i.e. 0°C and 1 bar atmospheric pressure);

Amendment 95

Proposal for a directive

Article 1 – paragraph 1 – point 18 – point a b (new)

Directive (EU) 2018/2001

Article 29 – paragraph 3 – subparagraph 1

Present text

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

(a) primary forest and other wooded land, namely forest and other wooded land of native species, where there is no clearly visible indication of human activity and the ecological processes are not significantly disturbed;

(b) 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;

(c) areas designated:

(i) by law or by the relevant competent authority for nature protection purposes; or

(ii) for the protection of rare, threatened or endangered ecosystems or species recognised by international agreements or

Amendment

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

(a) primary **and old-growth** forest and other wooded land, namely forest and other wooded land of native species, where there is no clearly visible indication of human activity and the ecological processes are not significantly disturbed;

(b) highly biodiverse forest and other wooded land 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 production of that raw material did not interfere with those nature protection purposes;

(c) areas designated:

(i) by law or by the relevant competent authority for nature protection purposes; or

(ii) 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, subject to their recognition in accordance with the first subparagraph of Article 30(4), unless evidence is provided that the production of that raw material did not interfere with those nature protection purposes;

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

(i) natural, namely grassland that would remain grassland in the absence of human intervention and that maintains the natural species composition and ecological characteristics and processes; or

(ii) non natural, namely grassland that would cease to be grassland in the absence of human intervention and that 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.

included in lists drawn up by intergovernmental organisations or the International Union for the Conservation of Nature, subject to their recognition in accordance with the first subparagraph of Article 30(4), unless evidence is provided that the production of that raw material did not interfere with those nature protection purposes;

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

(i) natural, namely grassland that would remain grassland in the absence of human intervention and that maintains the natural species composition and ecological characteristics and processes; or

(ii) non natural, namely grassland that would cease to be grassland in the absence of human intervention and that 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.

(iii) heathland that maintains the natural species composition and ecological characteristics and processes."

Amendment 96

Proposal for a directive

Article 1 – paragraph 1 – point 18 – point c a (new)

Directive (EU) 2018/2001

Article 29 – paragraph 4 – subparagraph 1

Present text

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

Amendment

(ca) – in paragraph 4, subparagraph 1 is replaced by the following

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

land with high carbon stock, namely land that had one of the following statuses in January 2008 and no longer has that status:

- (a) wetlands, namely land that is covered with or saturated by water permanently or for a significant part of the year;
- (b) continuously forested areas, namely land spanning more than one hectare with trees higher than five metres and a canopy cover of more than 30 %, or trees able to reach those thresholds in situ;
- (c) land spanning more than one hectare with trees higher than five metres and a canopy cover of between 10 % and 30 %, or trees able to reach those thresholds in situ, unless evidence is provided that the carbon stock of the area before and after conversion is such that, when the methodology laid down in Part C of Annex V is applied, the conditions laid down in paragraph 10 of this Article would be fulfilled.

land with high carbon stock, namely land that had one of the following statuses in January 2008 and no longer has that status:

- (a) wetlands, namely land that is covered with or saturated by water permanently or for a significant part of the year;
- (b) continuously forested areas, namely land spanning more than one hectare with trees higher than five metres and a canopy cover of more than 30 %, or trees able to reach those thresholds in situ;
- (c) land spanning more than one hectare with trees higher than five metres and a canopy cover of between 10 % and 30 %, or trees able to reach those thresholds in situ, unless evidence is provided that the carbon stock of the area before and after conversion is such that, when the methodology laid down in Part C of Annex V is applied, the conditions laid down in paragraph 10 of this Article would be fulfilled.

(ca) heathland that maintains the natural species composition and ecological characteristics and processes.

Amendment 97

Proposal for a directive

Article 1 – paragraph 1 – point 18 – point d

Directive (EU) 2018/2001

Article 29 – paragraph 5

Text proposed by the Commission

5. Biofuels, bioliquids and biomass fuels produced from agricultural or forest biomass taken into account for the purposes referred to in paragraph 1, first subparagraph, points (a), (b) and (c), shall not be made from raw material obtained from land that was peatland in January 2008, unless evidence is provided that the cultivation and harvesting of that raw material does not involve drainage of previously undrained soil.;

Amendment

5. Biofuels, bioliquids and biomass fuels produced from agricultural or forest biomass taken into account for the purposes referred to in paragraph 1, first subparagraph, points (a), (b) and (c), shall not be made from raw material obtained from land that was peatland in January 2008, unless evidence is provided that the cultivation and harvesting of that raw material does not involve drainage of previously undrained soil ***and compliance on national or subnational level, in line***

with the criteria to minimise the risk of using forest biomass derived from unsustainable production referred to in paragraph 6, can be reported by competent national authority.;

Amendment 98

Proposal for a directive

Article 1 – paragraph 1 – point 18 – point d a (new)

Directive (EU) 2018/2001

Article 29 – paragraph 5 a

Text proposed by the Commission

Amendment

(da) the following paragraph 5a is inserted:

“5a. Biofuels, bioliquids and biomass fuels produced from agricultural biomass taken into account for the purposes referred to in points (a), (b) and (c) of the first subparagraph of paragraph 1 shall not be made from raw material obtained in a country that is not Party to the Paris Agreement”;

Amendment 99

Proposal for a directive

Article 1 – paragraph 1 – point 18 – point d b (new)

Directive (EU) 2018/2001

Article 29 – paragraph 6 – subparagraph 1 – introductory part

Present text

Amendment

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

(db) in paragraph 6, first subparagraph, the introductory part is replaced by the following:

"Biofuels, bioliquids and biomass fuels produced from forest biomass, taken into account for the purposes referred to in points (a), (b) and (c) of the first subparagraph of paragraph 1 shall not be derived from primary woody biomass, fully respect the waste hierarchy as set out in Article 4 of Directive 2008/98/EC, take into account the cascading principle referred to in Article 3, and shall meet the

following criteria to minimise the risk of using **woody** biomass derived from unsustainable production.";

Amendment 100

Proposal for a directive

Article 1 – paragraph 1 – point 18 – point e b (new)

Directive (EU) 2018/2001

Article 29 – paragraph 6 – subparagraph 1 – point a – point iii

Present text

(iii) that areas designated by international or national law or by the relevant competent authority for nature protection purposes, including in wetlands and peatlands, are protected;

Amendment

(eb) in paragraph 6, subparagraph 1, point (a), point (iii) is replaced by the following:

"(iii) that areas designated by international or national law or by the relevant competent authority for nature protection purposes, including in wetlands, **grassland, heathland** and peatlands, are protected **with the aim of preserving biodiversity and to prevent habitat destruction as set out in Directive 2009/147/EC and Directive 92/43/EEC, the environmental status of oceans as set out in Directive 2008/56/EC as well as the ecological status of rivers as set out in Directive 2000/60/EC;**";

Amendment 101

Proposal for a directive

Article 1 – paragraph 1 – point 18 – point e

Directive (EU) 2018/2001

Article 29 – paragraph 6 – subparagraph 1 – point a – point iv

Text proposed by the Commission

(iv) that harvesting is carried out **considering** maintenance of soil quality and biodiversity with the aim of **minimising** negative impacts, in a way that **avoids** harvesting of stumps and roots, degradation of primary forests or their conversion into plantation forests, and harvesting on vulnerable soils; **minimises large** clear-cuts and ensures locally

Amendment

(iv) that harvesting is carried out **ensuring** maintenance of soil quality and biodiversity with the aim of **preventing** negative impacts, in a way that **prevents** harvesting of stumps and roots **not suitable for material use e.g. through the use of sustainable forest management practices**, degradation of primary **and old-growth** forests or their conversion into plantation

appropriate thresholds for deadwood extraction **and** requirements to use logging systems that minimise impacts on soil quality, including soil compaction, and on biodiversity features and habitats:

forests, and harvesting on vulnerable soils; ***prevents*** clear-cuts, ***unless this leads to favourable and appropriate ecosystem conditions***, ensures locally ***and ecologically*** appropriate thresholds for deadwood extraction, ***and ensures*** requirements to use logging systems that minimise impacts on soil quality, including soil compaction, and on biodiversity features and habitats:

Amendment 102

Proposal for a directive

Article 1 – paragraph 1 – point 18 – point f

Directive (EU) 2018/2001

Article 29 – paragraph 6 – subparagraph 1 – point b – point iv

Text proposed by the Commission

(iv) that harvesting is carried out ***considering*** maintenance of soil quality and biodiversity with the aim of ***minimising*** negative impacts, in a way that ***avoids*** harvesting of stumps and roots, degradation of primary forests or their conversion into plantation forests, and harvesting on vulnerable soils; ***minimises large*** clear-cuts and ensures locally appropriate thresholds for deadwood extraction ***and*** requirements to use logging systems that minimise impacts on soil quality, including soil compaction, and on biodiversity features and habitats;;

Amendment

(iv) that harvesting is carried out ***ensuring*** maintenance of soil quality and biodiversity with the aim of ***preventing*** negative impacts, in a way that ***prevents*** harvesting of stumps and roots ***not suitable for material use e.g. through the use of sustainable forest management practices***, degradation of primary ***and old-growth*** forests or their conversion into plantation forests, and harvesting on vulnerable soils; ***prevents*** clear-cuts, ***unless this leads to favourable and appropriate ecosystem conditions***, ensures locally ***and ecologically*** appropriate thresholds for deadwood extraction, ***and ensures*** requirements to use logging systems that minimise impacts on soil quality, including soil compaction, and on biodiversity features and habitats:

Amendment 103

Proposal for a directive

Article 1 – paragraph 1 – point 18 – point f a (new)

Directive (EU) 2018/2001

Article 29 – paragraph 7 a (new)

Text proposed by the Commission

Amendment

(fa) *the following paragraph 7a is inserted:*

“7a. Biofuels, bioliquids and biomass fuels produced from forest biomass shall not exceed the cap defined at national level for the use of forest biomass that is consistent with the Member State’s targets on carbon sink growth as defined in the revised Regulation 2018/841.”;

Amendment 104

Proposal for a directive

Article 1 – paragraph 1 – point 18 – point g b (new)

Directive (EU) 2018/2001

Article 29 – paragraph 11 – subparagraph 1 – introductory part

Present text

Electricity from biomass fuels shall be taken into account for the purposes referred to in points (a), (b) and (c) of the first subparagraph of paragraph 1 only if it meets one or more of the following requirements:

Amendment

(gb) *paragraph 11, subparagraph 1 is replaced by the following:*

"Electricity from biomass fuels shall be taken into account for the purposes referred to in points (a), (b) and (c) of the first subparagraph of paragraph 1 only if ***the fuels in use do not include primary woody biomass and*** it meets one or more of the following requirements:

Amendment 105

Proposal for a directive

Article 1 – paragraph 1 – point 18 – point g d (new)

Directive (EU) 2018/2001

Article 29 – paragraph 14

Text proposed by the Commission

14. For the purposes referred to in points (a), (b) and (c) of the first subparagraph of paragraph 1, Member States may establish additional

Amendment

(gd) *paragraph 14 is replaced by the following:*

"14. For the purposes referred to in points (a), (b) and (c) of the first subparagraph of paragraph 1, Member States may establish additional

sustainability criteria for biomass fuels

sustainability criteria for **biofuels, bioliquids and** biomass fuels"

Amendment 106

Proposal for a directive

Article 1 – paragraph 1 – point 19

Directive (EU) 2018/2001

Article 29a – paragraph 3

Text proposed by the Commission

3. The Commission is empowered to adopt delegated acts in accordance with Article 35 to supplement this Directive by specifying the methodology for assessing greenhouse gas emissions savings from renewable fuels of non-biological origin and from recycled carbon fuels. The methodology shall ensure that credit for avoided emissions is not given for CO₂ the capture of which has already received an emission credit under other provisions of law.;

Amendment

3. The Commission is empowered to adopt delegated acts in accordance with Article 35 to supplement this Directive by specifying the methodology for assessing greenhouse gas emissions savings from renewable fuels of non-biological origin and from recycled carbon fuels. The methodology shall ensure that credit for avoided emissions is not given for CO₂ the capture of which has already received an emission credit under other provisions of law. ***The carbon content of the wastes and their release to the atmosphere shall be included in the methodology.***

In any case, the methodology for assessing greenhouse gas emissions savings from recycled carbon fuels shall consider, in a life-cycle approach, the embedded carbon.

Amendment 107

Proposal for a directive

Article 1 – paragraph 1 – point 19 a (new)

Directive (EU) 2018/2001

Article 29 b (new)

Text proposed by the Commission

Amendment

(19a) the following Article 29b is inserted:

“Article 29b

Sustainability criteria for hydropower plants

For the purposes referred to in points (a), (b) and (c) of the first subparagraph of paragraph 1 of Article 29 energy generated by hydropower shall be produced at a plant which in accordance with Directive 2000/60/EC and in particular Articles 4 and 11 of that Directive has implemented all technically feasible and ecologically relevant mitigation measures to reduce adverse impacts on water as well measures to enhance protected habitats and species directly dependent on water, which include at least the following measures:

- (a) enabling efficient and effective upstream and downstream fish migration*
- (b) contributing to the objectives and measures of the Pan -European Action Plan for Sturgeons, where applicable*
- (c) ensuring minimum ecological flow at all times.*

Hydropower plants that were commissioned after 31 December 2022 shall further comply with the following conditions:

- (a) shall not be located at a site prioritised for a barrier removal to achieve longitudinal connectivity to reach the target of free flowing rivers under the Biodiversity Strategy*
- (b) shall have an installed capacity of 10 MW or greater. ”;*

Amendment 108

Proposal for a directive

Article 1 – paragraph 1 – point 20 – point a

Directive (EU) 2018/2001

Article 30 – paragraph 1 – subparagraph 1 – introductory part

Text proposed by the Commission

Where renewable fuels and recycled carbon fuels are to be counted towards the targets referred to in Articles 3(1), 15a(1),

Amendment

Where renewable fuels and recycled carbon fuels are to be counted towards the targets referred to in Articles 3(1), 15a(1),

22a(1), 23(1), 24(4) and 25(1), Member States shall require economic operators to show that the sustainability and greenhouse gas emissions saving criteria laid down in Articles 29(2) to (7) and (10) and 29a(1) and (2) for renewable fuels and recycled-carbon fuels have been fulfilled. For that purpose, they shall require economic operators to use a mass balance system which;

22a(1), 23(1), 24(4) and 25(1), Member States shall require economic operators to show ***via mandatory independent and publicly available audits*** that the sustainability and greenhouse gas emissions saving criteria laid down in Articles 29(2) to (7) and (10) and 29a(1) and (2) for renewable fuels and recycled-carbon fuels have been fulfilled. For that purpose, they shall require economic operators to use a mass balance system which;

Amendment 109

Proposal for a directive

Article 1 – paragraph 1 – point 20 – point b

Directive (EU) 2018/2001

Article 30 – paragraph 3 – subparagraph 1

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 laid down in Articles 29(2) to (7) and (10) and 29a(1) and (2), and that economic operators make available to the relevant Member State, upon request, the data used to develop that information.

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 laid down in Articles 29(2) to (7) and (10) and 29a(1) and (2), ***take into account EU biodiversity targets***, and that economic operators make available to the relevant Member State, upon request, ***and to the public*** the data used to develop that information. ***Member States shall accredit independent assurance service providers in accordance with Regulation (EC) No 765/2008 to provide an opinion on the information submitted, and to provide evidence that this has been done. In order to comply with Article 29(3), points (a), (b) and (d), Article 29(4), point (a), Article 29(5), Article 29(6), point (a) and Article 29(7), point (a), the first or second party auditing may be used up to the first gathering point of the forest biomass. The auditing shall verify that the systems used by economic operators are accurate, reliable and protected against fraud, including verification ensuring that***

materials are not intentionally modified or discarded so that the consignment or part thereof could become waste or residue. It shall evaluate the frequency and methodology of sampling and the robustness of the data.

Amendment 110

Proposal for a directive

Article 1 – paragraph 1 – point 20 – point b

Directive (EU) 2018/2001

Article 30 – paragraph 3 – subparagraph 2

Text proposed by the Commission

The obligations laid down in this paragraph shall apply regardless of whether renewable fuels and recycled carbon fuels are produced within the Union or are imported. Information about the geographic origin and feedstock type of biofuels, bioliquids and biomass fuels per fuel supplier shall be made available to consumers on the websites of operators, suppliers **or** the relevant competent authorities and shall be updated on an annual basis.;

Amendment

The obligations laid down in this paragraph shall apply regardless of whether renewable fuels and recycled carbon fuels are produced within the Union or are imported. Information about the geographic origin and feedstock type of biofuels, bioliquids and biomass fuels per fuel supplier shall be made available to consumers ***in an up to date, easily accessible, and user-friendly manner*** on the websites of operators, suppliers ***and*** the relevant competent authorities ***as well as at refuelling stations*** and shall be updated on an annual basis.;

Amendment 111

Proposal for a directive

Article 1 – paragraph 1 – point 20 – point c a (new)

Directive (EU) 2018/2001

Article 30 – paragraph 4 – subparagraph 2

Present text

The Commission may decide that those schemes contain accurate information on measures taken for soil, water and air protection, for the restoration of degraded land, for the avoidance of excessive water consumption in areas where water is

Amendment

(ca) in paragraph 4, subparagraph 2 is replaced by the following:

"The Commission may decide that those schemes contain accurate information on measures taken for soil, water and air protection, for the restoration of degraded land ***and*** for the avoidance of excessive water consumption in areas where water is

scarce, *and for certification of biofuels, bioliquids and biomass fuels with low indirect land use change risk*

scarce."

Amendment 112

Proposal for a directive

Article 1 – paragraph 1 – point 20 – point d

Directive (EU) 2018/2001

Article 30 – paragraph 6 – subparagraph 4

Text proposed by the Commission

For installations producing electricity heating and cooling with a total rated thermal input between 5 and **10** MW, Member States shall establish simplified national verification schemes to ensure the fulfillment of the sustainability and greenhouse gas emissions criteria set out in paragraphs (2) to (7) and (10) of Article 29.;

Amendment

For installations producing electricity heating and cooling with a total rated thermal input between 5 and **20** MW, Member States shall establish simplified national verification schemes to ensure the fulfillment of the sustainability and greenhouse gas emissions criteria set out in paragraphs (2) to (7) and (10) of Article 29.

Amendment 113

Proposal for a directive

Article 1 – paragraph 1 – point 21

Directive (EU) 2018/2001

Article 31 – paragraph 2, 3 and 4

Text proposed by the Commission

(21) in Article 31, paragraphs 2, 3 and 4 are deleted:

Amendment

deleted

Amendment 114

Proposal for a directive

Article 1 – paragraph 1 – point 22

Directive (EU) 2018/2001

Article 31a – paragraph 1

Text proposed by the Commission

1. The Commission shall ensure that a Union database is set up to enable the tracing of liquid and gaseous renewable

Amendment

1. The Commission shall ensure that a Union database is set up to enable the tracing of liquid and gaseous renewable fuels, **including the tracing of the**

fuels and recycled carbon fuels.

feedstocks listed in Annex IX used in their production, and recycled carbon fuels.

Amendment 115

Proposal for a directive

Article 1 – paragraph 1 – point 22

Directive (EU) 2018/2001

Article 31a – paragraph 2 – subparagraph 1

Text proposed by the Commission

Member States shall require the relevant economic operators to enter in a timely manner accurate information into that database on the transactions made and the sustainability characteristics of the fuels subject to those transactions, including their life-cycle greenhouse gas emissions, starting from their point of production to the moment it is consumed in the Union.

Information on whether support has been provided for the production of a specific consignment of fuel, and if so, on the type of support scheme, shall also be included in the database.

Amendment 116

Proposal for a directive

Article 2 a (new)

Regulation (EU) 2019/943

Article 55 – paragraph 1 – point b

Present text

b) facilitating the integration of renewable energy resources, distributed generation and other resources embedded in the distribution network such as energy storage;

Amendment

Member States shall require the relevant economic operators to enter in a timely manner accurate information into that database on the transactions made and the sustainability characteristics of the fuels subject to those transactions, including their ***raw materials and its origins*** life-cycle greenhouse gas emissions, starting from their point of production to the moment it is consumed in the Union.

Amendment

Article 2a

Amendments to Regulation (EU) 2019/943

In Article 55, paragraph 1, point (b) is replaced by the following :

"b) facilitating the integration of renewable energy resources, distributed generation and other resources embedded in the distribution network such as energy storage, ***low to medium temperature***

renewable heating and cooling district heating systems or renewable community heating and cooling systems as outlined in Article 2 of [amended Directive 2018/2001/EC];"

(Regulation 2019/943)

Amendment 117

Proposal for a directive

Annex I – paragraph 1 – point 5 – point c

Directive (EU) 2018/2001

Annex V – part C – point 18

Text proposed by the Commission

18. For the purposes of the calculation referred to in point 17, the emissions to be divided shall be $e_{ec} + e_l + e_{sca}$ + those fractions of e_p , e_{td} , e_{ccs} , and e_{ccr} that take place up to and including the process step at which a co-product is produced. If any allocation to co-products has taken place at an earlier process step in the life-cycle, the fraction of those emissions assigned in the last such process step to the intermediate fuel product shall be used for those purposes instead of the total of those emissions. In the case of biogas and biomethane, all co-products that do not fall under the scope of point 7 shall be taken into account for the purposes of that calculation. No emissions shall be allocated to wastes and residues. Co-products that have a negative energy content shall be considered to have an energy content of zero for the purposes of the calculation. Wastes and residues including all wastes and residues included in Annex IX shall be considered to have zero life-cycle greenhouse gas emissions up to the process of collection of those materials irrespectively of whether they are processed to interim products before being transformed into the final product.

Residues that are not included in Annex

Amendment

18. For the purposes of the calculation referred to in point 17, the emissions to be divided shall be $e_{ec} + e_l + e_{sca}$ + those fractions of e_p , e_{td} , e_{ccs} , and e_{ccr} that take place up to and including the process step at which a co-product is produced. If any allocation to co-products has taken place at an earlier process step in the life-cycle, the fraction of those emissions assigned in the last such process step to the intermediate fuel product shall be used for those purposes instead of the total of those emissions. In the case of biogas and biomethane, all co-products that do not fall under the scope of point 7 shall be taken into account for the purposes of that calculation. No emissions shall be allocated to wastes and residues. Co-products that have a negative energy content shall be considered to have an energy content of zero for the purposes of the calculation. Wastes and residues including all wastes and residues included in Annex IX shall be considered to have zero life-cycle greenhouse gas emissions up to the process of collection of those materials irrespectively of whether they are processed to interim products before being transformed into the final product. In the case of biomass fuels produced in

IX and fit for use in the food or feed market shall be considered to have the same amount of emissions from the extraction, harvesting or cultivation of raw materials, eec as their closest substitute in the food and feed market that is included in the table in part D. In the case of biomass fuels produced in refineries, other than the combination of processing plants with boilers or cogeneration units providing heat and/or electricity to the processing plant, the unit of analysis for the purposes of the calculation referred to in point 17 shall be the refinery’;

refineries, other than the combination of processing plants with boilers or cogeneration units providing heat and/or electricity to the processing plant, the unit of analysis for the purposes of the calculation referred to in point 17 shall be the refinery’;

Amendment 118

Proposal for a directive

Annex I – paragraph 1 – point 6 – point c

Directive (EU) 2018/2001

Annex VI – part B – point 18 – subparagraph 3

Text proposed by the Commission

Wastes and residues including all wastes and residues included in Annex IX shall be considered to have zero life-cycle greenhouse gas emissions up to the process of collection of those materials irrespectively of whether they are processed to interim products before being transformed into the final product.

Residues that are not included in Annex IX and fit for use in the food or feed market shall be considered to have the same amount of emissions from the extraction, harvesting or cultivation of raw materials, e_{ec} as their closest substitute in the food and feed market that is included in the table in part D of Annex V.

Amendment

Wastes and residues including all wastes and residues included in Annex IX shall be considered to have zero life-cycle greenhouse gas emissions up to the process of collection of those materials irrespectively of whether they are processed to interim products before being transformed into the final product.

Justification

The proposals regarding the calculation rules for residues that are not listed in annex IX are unacceptable and risk hampering the development of advanced biofuels, biogas and

biomethane. This is because the greenhouse gas emissions of waste and residues not listed in annex IX would no longer be neutral at the collection point.

Amendment 119

Proposal for a directive

Annex I – paragraph 1 – point 6 a (new)

Directive (EU) 2018/2001

Annex VI – part B a (new)

Text proposed by the Commission

Amendment

(6a) In Annex VI, part Ba is added:

“Part Ba.

***Biomass fuel feedstocks for use
in stationary installations outside the
transport sector, including the following
points:***

***1. Biomass fraction of residues and waste
in the primary food processing industry:***

***(a) beet pulp (only self-use internal to
sector)***

(b) herbs & leaves from beet washing

(c) cereal husks and fruit shells

***(d) biomass fraction of industrial waste
not fit for use in the food and feed chain***

***(e) the fibrous fraction of sugar beet after
extraction of the diffusion juice, leaves
and tails and other liquors obtained after
sugar extraction***

***2. Biomass fraction of sludge from waste
water treatment in the primary food
processing industry;***

PROCEDURE – COMMITTEE ASKED FOR OPINION

Title	Amending Directive (EU) 2018/2001 of the European Parliament and of the Council, Regulation (EU) 2018/1999 of the European Parliament and of the Council and Directive 98/70/EC of the European Parliament and of the Council as regards the promotion of energy from renewable sources, and repealing Council Directive (EU) 2015/652
References	COM(2021)0557 – C9-0329/2021 – 2021/0218(COD)
Committee responsible Date announced in plenary	ITRE 13.9.2021
Opinion by Date announced in plenary	ENVI 13.9.2021
Associated committees - date announced in plenary	11.11.2021
Rapporteur for the opinion Date appointed	Nils Torvalds 15.9.2021
Discussed in committee	2.2.2022
Date adopted	17.5.2022
Result of final vote	+: 58 –: 20 0: 9
Members present for the final vote	Mathilde Androuët, Margrete Auken, Simona Baldassarre, Marek Paweł Balt, Traian Băsescu, Aurélia Beigneux, Monika Beňová, Hildegard Bentele, Sergio Berlato, Alexander Bernhuber, Malin Björk, Simona Bonafè, Delara Burkhardt, Pascal Canfin, Sara Cerdas, Mohammed Chahim, Tudor Ciuhodaru, Nathalie Colin-Oesterlé, Esther de Lange, Christian Doleschal, Marco Dreosto, Bas Eickhout, Cyrus Engerer, Agnès Evren, Pietro Fiocchi, Raffaele Fitto, Andreas Glück, Catherine Griset, Jytte Guteland, Teuvo Hakkarainen, Martin Hojsík, Pär Holmgren, Jan Huitema, Yannick Jadot, Adam Jarubas, Petros Kokkalis, Ewa Kopacz, Peter Liese, Sylvia Limmer, Javi López, César Luena, Marian-Jean Marinescu, Fulvio Martusciello, Liudas Mažylis, Joëlle Mélin, Tilly Metz, Silvia Modig, Dolors Montserrat, Alessandra Moretti, Ville Niinistö, Ljudmila Novak, Grace O’Sullivan, Jutta Paulus, Stanislav Polčák, Jessica Polfjård, Nicola Procaccini, Luisa Regimiento, Frédérique Ries, María Soraya Rodríguez Ramos, Sándor Rónai, Rob Rooken, Silvia Sardone, Christine Schneider, Günther Sidl, Ivan Vilibor Sinčić, Linea Søgaaard-Lidell, Maria Spyraiki, Nicolae Ștefănuță, Nils Torvalds, Edina Tóth, Véronique Trillet-Lenoir, Petar Vitanov, Alexandr Vondra, Mick Wallace, Pernille Weiss, Emma Wiesner, Michal Wiezik, Tiemo Wölken, Anna Zalewska
Substitutes present for the final vote	Michael Bloss, Manuel Bompard, Milan Brglez, Stelios Kympouropoulos, Manuela Ripa, Christel Schaldemose, Vincenzo Sofo, Idoia Villanueva Ruiz

FINAL VOTE BY ROLL CALL IN COMMITTEE ASKED FOR OPINION

58	+
NI	Ivan Vilibor Sinčić
PPE	Hildegard Bentele, Nathalie Colin-Oesterlé, Agnès Evren, Adam Jarubas, Ewa Kopacz, Stelios Kypourouopoulos, Esther de Lange, Peter Liese, Liudas Mažylis, Dolors Montserrat, Ljudmila Novak, Stanislav Polčák, Maria Spyrali, Pernille Weiss
Renew	Pascal Canfin, Martin Hojsík, Jan Huitema, Frédérique Ries, María Soraya Rodríguez Ramos, Nicolae Ștefănuță, Linea Sogaard-Lidell, Nils Torvalds, Véronique Trillet-Lenoir, Michal Wiezik
S&D	Marek Paweł Balt, Monika Beňová, Simona Bonafè, Milan Brglez, Delara Burkhardt, Sara Cerdas, Mohammed Chahim, Cyrus Engerer, Jytte Guteland, Javi López, César Luena, Alessandra Moretti, Sándor Rónai, Christel Schaldemose, Günther Sidl, Petar Vitanov, Tiemo Wölken
The Left	Malin Björk, Manuel Bompard, Petros Kokkalis, Silvia Modig, Idoia Villanueva Ruiz, Mick Wallace
Verts/ALE	Margrete Auken, Michael Bloss, Bas Eickhout, Pär Holmgren, Yannick Jadot, Tilly Metz, Ville Niinistö, Grace O'Sullivan, Jutta Paulus, Manuela Ripa

20	-
ECR	Sergio Berlato, Pietro Fiocchi, Raffaele Fitto, Nicola Procaccini, Rob Rooken, Vincenzo Sofo, Alexandr Vondra, Anna Zalewska
ID	Simona Baldassarre, Marco Dreosto, Teuvo Hakkarainen, Sylvia Limmer, Silvia Sardone
NI	Edina Tóth
PPE	Traian Băsescu, Alexander Bernhuber, Marian-Jean Marinescu, Jessica Polfjård
Renew	Andreas Glück, Emma Wiesner

9	0
ID	Mathilde Androuët, Aurélia Beigneux, Catherine Griset, Joëlle Mélin
PPE	Christian Doleschal, Fulvio Martusciello, Luisa Regimenti, Christine Schneider
S&D	Tudor Ciuhodaru

Key to symbols:

+ : in favour

- : against

0 : abstention

