DRAFT OPINION

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

for the Committee on Industry, Research and Energy


Rapporteur for opinion: Nils Torvalds
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.
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 3 a (new)**

<table>
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<tr>
<th>Text proposed by the Commission</th>
<th>Amendment</th>
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<tbody>
<tr>
<td>(3a) When assessing the National Bioenergy Plans, the Commission should assess the consistency with and contribution to the Union’s environmental and climate legislation and commitments and, in particular, to the Union targets for 2030 set out in the Commission communication of 20 May 2020 entitled 'EU Biodiversity Strategy for 2030: Bringing nature back into our lives' ('EU Biodiversity Strategy') and in the Commission communication of 17 November 2021 entitled ‘EU soil strategy for 2030’.</td>
<td></td>
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</table>

**Justification**

According to the European Commission impact assessment of REDII, the increase in the share of bioenergy in the EU renewable energy sources is mostly attributable to financial support. Moreover, bioenergy subsidies and other fiscal support schemes are likely to create market distortions for forest products and could exacerbate competition between the energy sector and the panel and paper sectors. The Commission’s assessment of the National Energy and Climate Plans (NECPs) found that most Member States have not sufficiently assessed the negative impacts of using bioenergy on carbon sinks and biodiversity.

**Amendment 2**

**Proposal for a directive**

**Recital 36**

<table>
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<tr>
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(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 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.

Amendment 3
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 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.

installations, Member States should establish a simplified verification mechanism for installations of between 5 and 20MW.

Or. en

Justification

All new installations between 5 to 20 MW (i.e. in the scope of application of the criteria) should be verified under a simplified national verification. Most of the forest biomass use takes place in large installations that already have to comply with the sustainability criteria. Higher environmental effectiveness can also be achieved through a simplified verification while ensuring a lower administrative burden for small energy producing installations.

Amendment 4

Proposal for a directive
Article 1 – paragraph 1 – point 1 – point c
Article 2 – paragraph 2 – point 14f

Text proposed by the Commission
(14f) ‘domestic battery’ means a stand-alone rechargeable battery of rated capacity greater than 2 kwh, which is suitable for installation and use in a domestic environment;

Amendment
deleted

Or. en

Justification

Amendments to the directive concerning batteries should be moved to other, more specific legislation.

Amendment 5

Proposal for a directive
Article 1 – paragraph 1 – point 1 – point c
Article 2 – paragraph 2 – point 14g
Text proposed by the Commission

Amendment

(14g) ‘electric vehicle battery’ means an electric vehicle battery as defined in Article 2, point (12) of [the proposed Regulation concerning batteries and waste batteries, repealing Directive 2006/66/EC and amending Regulation (EU) No 2019/102022];

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Justification

Amendments to the directive concerning batteries should be moved to other, more specific legislation.

Amendment 6

Proposal for a directive

Article 1 – paragraph 1 – point 1 – point c


Article 2 – paragraph 2 – point 14h

Text proposed by the Commission

Amendment

(14h) ‘industrial battery’ means industrial battery as defined in Article 2, point (11) of [the proposed Regulation concerning batteries and waste batteries, repealing Directive 2006/66/EC and amending Regulation (EU) No 2019/1020];

Justification

Amendments to the directive concerning batteries should be moved to other, more specific legislation.
Amendment 7

Proposal for a directive
Article 1 – paragraph 1 – point 1 – point c
Article 2 – paragraph 2 – point 14i

Text proposed by the Commission

(14i) ‘state of health’ means state of health as defined in point (25) of Article 2, point (25) of the proposal for a Regulation concerning batteries and waste batteries, repealing Directive 2006/66/EC and amending Regulation (EU) No 2019/1020\(^{23}\); deleted


Or. en

Justification

Amendments to the directive concerning batteries should be moved to other, more specific legislation.

Amendment 8

Proposal for a directive
Article 1 – paragraph 1 – point 1 – point c
Article 2 – paragraph 2 – point 14j

Text proposed by the Commission

(14j) ‘state of charge’ means state of charge as defined in Article 2, point (24) of the proposal for a Regulation concerning batteries and waste batteries, repealing Directive 2006/66/EC and amending Regulation (EU) 2019/1020; deleted
Amendments to the directive concerning batteries should be moved to other, more specific legislation.

Amendment 9

Proposal for a directive
Article 1 – paragraph 1 – point 1 – point c
Article 2 – paragraph 2 – point 26 a (new)

Text proposed by the Commission

(26a) ‘primary biomass from forests’ 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;

Justification

Making a differentiation between primary forest biomass and secondary forest biomass would help to design a framework incentivising the use of residues in accordance with principle of cascade use. It is in line with the JRC conclusion that states "in general, prioritizing residues and a cascade use of wood remains a key overarching principle for maximizing the positive climate impact of bioenergy and limit the risks in the bioenergy LULUCF interface".

Amendment 10

Proposal for a directive
Article 1 – paragraph 1 – point 1 – point c
Article 2 – paragraph 2 – point 26 b (new)
Text proposed by the Commission

(26b) ‘secondary biomass from forests’ means residues from forest-based industry, including bark, sawdust and wood shavings that result from sawmilling or wood milling, and recovered post-consumer wood;

Or. en

Justification

Making a differentiation between primary forest biomass and secondary forest biomass would help to design a framework incentivising the use of residues in accordance with principle of cascade use. It is in line with the JRC conclusion that states "in general, prioritizing residues and a cascade use of wood remains a key overarching principle for maximizing the positive climate impact of bioenergy and limit the risks in the bioenergy LULUCF interface".

Amendment 11

Proposal for a directive
Article 1 – paragraph 1 – point 2 – point b
Article 3 – paragraph 3

Text proposed by the Commission

3. 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

3. 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, in their support schemes. To that end, they shall take into account the waste hierarchy as set out in Article 4 of Directive 2008/98/EC

Or. en

Justification

No legislation should be introduced on the cascading principle, as this could inhibit innovations for the optimal use of wood.
### Amendment 12

**Proposal for a directive**  
**Article 1 – paragraph 1 – point 2 – point b**  
Article 3 – paragraph 3 – subparagraph 2 – introductory part

<table>
<thead>
<tr>
<th>Text proposed by the Commission</th>
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<tbody>
<tr>
<td>As <em>part of the</em> measures referred to in the first subparagraph:</td>
<td>As measures referred to in the first subparagraph:</td>
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</table>

*Justification*

*The listed measures to demonstrate compliance with paragraph 1 should be exhaustive and solely related to support schemes.*

### Amendment 13

**Proposal for a directive**  
**Article 1 – paragraph 1 – point 2 – point b**  
Article 3 – paragraph 3 – subparagraph 2 – point a – point (-i) (new)

<table>
<thead>
<tr>
<th>Text proposed by the Commission</th>
<th>Amendment</th>
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<tbody>
<tr>
<td>(-i) <em>primary biomass for forests</em></td>
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### Amendment 14

**Proposal for a directive**  
**Article 1 – paragraph 1 – point 2 – point b**  
Article 3 – paragraph 3 – subparagraph 2 – point a – point (i)

<table>
<thead>
<tr>
<th>Text proposed by the Commission</th>
<th>Amendment</th>
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<tbody>
<tr>
<td>(i) the use of saw logs, veneer logs, stumps and roots to produce energy.</td>
<td>(i) the use of saw logs, veneer logs, stumps and roots to produce energy, <em>if such materials are used for energy</em></td>
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</table>
production in volumes higher than the levels defined in each Member State's strategy guidance to avoid raw material distortions.

Amendment 15

Proposal for a directive
Article 1 – paragraph 1 – point 2 – point b
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

deleted

Justification

No legislation should be introduced on cascading use since at worst it can inhibit innovations and optimal use of wood. See comment on justification in AM 11.

Amendment 16

Proposal for a directive
Article 1 – paragraph 1 – point 2 – point b
Article 3 – paragraph 3 – subparagraph 2 – point a a (new)

Text proposed by the Commission

(aa) Member States may not grant new support to bioenergy installations if they have not submitted a National Bioenergy Plan as referred to in point (ba)(new).

Amendment

Or. en
Justification

According to the European Commission impact assessment of REDII, the increase in the share of bioenergy in the EU renewable energy sources is mostly attributable to financial support. Moreover, bioenergy subsidies and other fiscal support schemes are likely to create market distortions for forest products and could exacerbate competition between the energy sector and the panel and paper sectors. The Commission’s assessment of the National Energy and Climate Plans (NECPs) found that most Member States have not sufficiently assessed the negative impacts of using bioenergy on carbon sinks and biodiversity.

Amendment 17

Proposal for a directive
Article 1 – paragraph 1 – point 2 – point b
Article 3 – paragraph 3 – subparagraph 2 – point b a (new)

Text proposed by the Commission

(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

Or. en
Justification

According to the European Commission impact assessment of REDII, the increase in the share of bioenergy in the EU renewable energy sources is mostly attributable to financial support. Moreover, bioenergy subsidies and other fiscal support schemes are likely to create market distortions for forest products and could exacerbate competition between the energy sector and the panel and paper sectors. The Commission’s assessment of the National Energy and Climate Plans (NECPs) found that most Member States have not sufficiently assessed the negative impacts of using bioenergy on carbon sinks and biodiversity.

Amendment 18

Proposal for a directive
Article 1 – paragraph 1 – point 2 – point b
Article 3 – paragraph 3 – subparagraph 2 – point b b (new)

Text proposed by the Commission

(b) 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.

According to the European Commission impact assessment of REDII, the increase in the share of bioenergy in the EU renewable energy sources is mostly attributable to financial support. Moreover, bioenergy subsidies and other fiscal support schemes are likely to create market distortions for forest products and could exacerbate competition between the energy sector and the panel and paper sectors. The Commission’s assessment of the National Energy and Climate Plans (NECPs) found that most Member States have not sufficiently assessed the negative impacts of using bioenergy on carbon sinks and biodiversity.

Amendment 19

Proposal for a directive
Article 1 – paragraph 1 – point 2 – point b
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.

Justification

According to the European Commission impact assessment of REDII, the increase in the share of bioenergy in the EU renewable energy sources is mostly attributable to financial support. Moreover, bioenergy subsidies and other fiscal support schemes are likely to create market distortions for forest products and could exacerbate competition between the energy sector and the panel and paper sectors. The Commission’s assessment of the National Energy and Climate Plans (NECPs) found that most Member States have not sufficiently assessed the negative impacts of using bioenergy on carbon sinks and biodiversity.

Amendment 20

Proposal for a directive
Article 1 – paragraph 1 – point 2 – point b
Article 3 – paragraph 3 – subparagraph 3
Text proposed by the Commission

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.

Amendment

deleted

Justification

No legislation should be introduced on cascading use since at worst it can inhibit innovations and optimal use of wood. See comment on justification in AM 11.

Amendment 21

Proposal for a directive

Article 1 – paragraph 1 – point 2 – point b
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 possible market distortions;

Justification

Re-evaluations of the regulation increase uncertainty within the energy sector and increase investment risks while slowing down the promotion of renewable energy.
Amendment 22

Proposal for a directive
Article 1 – paragraph 1 – point 10
Article 20 a – 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 recharging points, heating and cooling systems and building energy management systems.

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 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.

Or. en

Amendment 23

Proposal for a directive
Article 1 – paragraph 1 – point 10
Article 20 a – paragraph 2
2. 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 setpoint, 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.

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.

Justification

Such technical details should not be described and required in the RED. Overlaps with regulation concerning guarantees of origin and the electricity market regulation and RED should be closely evaluated.
Amendment 24

Proposal for a directive
Article 1 – paragraph 1 – point 10
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

deleted

Or. en

Justification

Already regulated in the Directive and Regulation on the internal market for electricity.

Amendment 25

Proposal for a directive
Article 1 – paragraph 1 – point 14
Article 25 – paragraph 1 – point b – subparagraph 1

Text proposed by the Commission

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

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. Member States may exempt, or distinguish between, different fuel suppliers and different energy carriers when setting the obligation on the fuel suppliers, ensuring that the varying degrees of maturity and the cost of
different technologies are taken into account.

Justification

The provision on exemption/distinction of different fuel suppliers and different energy carriers should be reintroduced to this article. It is important to enable MS to choose the means of measures to achieve the targets (flexibility) and to ensure that MS have the possibility to take into account their specific circumstances whilst setting the obligations referred to in points (a) and (b) of the first subparagraph.

Amendment 26

Proposal for a directive
Article 1 – paragraph 1 – point 14
Directive (EU) 2018/2021
Article 25 – paragraph 1 – point b – subparagraph 2

Text proposed by the Commission

For the calculation of the reduction referred to in point (a) and the share referred to in point (b), Member States shall take into account renewable fuels of non-biological origin also when they are used as intermediate products for the production of conventional fuels. For the calculation of the reduction referred to in point (a), Member States may take into account recycled carbon fuels.

Amendment

For the calculation of the reduction referred to in point (a) and the share referred to in point (b), Member States shall take into account renewable fuels of non-biological origin also when they are used as intermediate products for the production of transport fuels. For the calculation of the reduction referred to in point (a), Member States may take into account recycled carbon fuels.

Justification

Renewable fuels of non-biological origin, which are used as intermediate products for the production of biofuels should be taken into account in a similar way as they are taken into account in the production of conventional, i.e. fossil, fuels for the calculation of the a) transport fuel GHG intensity reduction and b) for the RFNBO subtarget.

Amendment 27

Proposal for a directive
Article 1 – paragraph 1 – point 14
Article 25 – paragraph 1 – point b – subparagraph 3

Text proposed by the Commission
When setting the obligation on fuel suppliers, Member States may exempt fuel suppliers supplying electricity or renewable liquid and gaseous transport fuels of non-biological origin from the requirement to comply with the minimum share of advanced biofuels and biogas produced from the feedstock listed in Part A of Annex IX with respect to those fuels.

Amendment
When setting the obligation on fuel suppliers, Member States may exempt fuel suppliers supplying electricity or renewable liquid and gaseous transport fuels of non-biological origin from the requirement to comply with the minimum share of advanced biofuels and biogas produced from the feedstock listed in Part A of Annex IX with respect to those fuels.

When setting the obligation referred to in points (a) and (b) of the first subparagraph to ensure the achievement of the targets set out 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.

Justification
The provision on means of measures should be reintroduced in the article. MS should have the possibility to choose the means of measures achieving the targets and it should be clearly stated in the article (as in Article 25(1)(5) of RED II).

Proposal for a directive
Article 1 – paragraph 1 – point 16 – point b
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

Amendment
(iii) for renewable electricity, by multiplying the amount of renewable electricity that is supplied to all transport
modes by the fossil fuel comparator $EC_F(t)$; modes by the fossil fuel comparator $EF(t)$; set out in in Annex V;

Justification

The GHG intensity reduction equation in the Commission proposal grants a disproportionately high GHG saving for renewable electricity in transport: $EC_F(e)$ refers to 183 gCO2/MJ which leads to a -195% GHG saving for renewable electricity, and which compares renewable electricity in transport to power generation by fossil fuels, not to use of gasoline or diesel in transport. Renewable electricity should be subject to a GHG saving referring to the same fossil fuel comparator as other renewable energies, i.e. $EF(t)$ which is 94 gCO2/MJ, noting that this also leads to a very high, 100% GHG saving value, for renewable electricity.

Amendment 29

Proposal for a directive

Article 1 – paragraph 1 – point 18 – point b


Article 29 – paragraph 3 – subparagraph 1a

Text proposed by the Commission

This paragraph, with the exception of the first subparagraph, point (c), also applies to biofuels, bioliquids and biomass fuels produced from forest biomass.

Amendment

This paragraph, with the exception of the first subparagraph, point (c), also applies to biofuels, bioliquids and biomass fuels produced from forest biomass originating from a country which does not meet the criteria set out in paragraph 6.

Amendment 30

Proposal for a directive

Article 1 – paragraph 1 – point 18 – point c


Article 29 – paragraph 4 – subparagraph 2a

Text proposed by the Commission

The first subparagraph, with the exception of points (b) and (c), and the second

Amendment

The first subparagraph, with the exception of points (b) and (c), and the second
subparagraph also apply to biofuels, bioliquids and biomass fuels produced from forest biomass.

subparagraph also apply to biofuels, bioliquids and biomass fuels produced from forest biomass from a country which does not meet the criteria set out in paragraph 6.

Or. en

**Amendment 31**

**Proposal for a directive**

**Article 1 – paragraph 1 – point 18 – point d**

**Directive (EU) 2018/2001**

**Article 29 – paragraph 5**

<table>
<thead>
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<th>Text proposed by the Commission</th>
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<tr>
<td>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.;</td>
<td>5. Biofuels, bioliquids and biomass fuels produced from agricultural or forest biomass from a country which does not meet the criteria set out in paragraph 6, 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 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.;</td>
</tr>
</tbody>
</table>

Or. en

**Amendment 32**

**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 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 considering maintenance of soil quality and biodiversity with the aim of minimising negative impacts, e.g. by avoiding harvesting of stumps and roots, degradation of primary forests or their conversion into plantation forests or avoiding damage on vulnerable soils; by minimising large clear-cuts or ensuring locally appropriate thresholds for deadwood extraction or requirements to use logging systems that minimise negative impacts on soil quality, including soil compaction, and on biodiversity features and habitats;

Justification

Too detailed legislation increases the risk to be quickly outdated and does not sufficiently take into account the national specific circumstances and legislative frameworks/structures. An exemplary list is more suitable to take into account national conditions and specific characteristics related to forest management and does not unnecessarily limit options that achieve the same result.

Amendment 33

Proposal for a directive
Article 1 – paragraph 1 – point 18 – point f
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

Amendment

(iv) that harvesting is carried out considering maintenance of soil quality and biodiversity with the aim of minimising negative impacts, e.g. by avoiding harvesting of stumps and roots, degradation of primary forests or their conversion into plantation forests or avoiding harvesting on vulnerable soils; by minimising large clear-cuts or ensuring
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;

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

Or. en

Justification

Too detailed legislation increases the risk for quickly outdated legislation and takes very little into account the national specific circumstances and legislative frameworks/structures. An exemplary list takes better into account national conditions and specific characteristics related to forest management and does not unnecessarily limit options that achieve the same result. See comment on AM 32.

Amendment 34

Proposal for a directive
Article 1 – paragraph 1 – point 18 – point f a (new)
Article 29 – paragraph 7 a (new)

Text proposed by the Commission

Amendment

(f a) 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. By 1 January 2026, the Commission shall adopt a legislative proposal establishing these maximal values for the use of forest biomass for energy purposes at Member State level.”

Or. en

Justification

The European Climate law objectives rely partially but crucially on forests. Therefore, the LULUCF criteria laid down in point (a) of Article 29 (7) of REDII should be strengthened to
ensure that the increase in bioenergy in the MS is compatible with the sink targets set in LULUCF Regulation.

**Amendment 35**

**Proposal for a directive**  
**Article 1 – paragraph 1 – point 18 – point g**  
Article 29 – paragraph 10 – subparagraph 1 – point d

*Text proposed by the Commission*  
(d) at least 70 % for electricity, heating and cooling production from biomass fuels used in installations until 31 December 2025, and at least 80 % from 1 January 2026.;

*Amendment*  
(d) at least 70 % for electricity, heating and cooling production from biomass fuels used in installations *starting operation from 1 January 2021* until 31 December 2025, and at least 80 % for installations *starting operation* from 1 January 2026.;

*Or. en*

**Justification**

The greenhouse gas emission reduction criteria should not be retroactively extended to the plants that are already in operation. Retroactive regulation is particularly problematic from the point of view of the protection of fundamental rights (in particular the protection of property).

**Amendment 36**

**Proposal for a directive**  
**Article 1 – paragraph 1 – point 20 – point b**  
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

*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), Article 29(10), Article 29a(1) and Article 29a(2), and that economic operators make available to the relevant Member State,
to develop that information. 

upon request, the data used to develop that information. **Member States shall require economic operators to arrange for an adequate standard of independent auditing of the information submitted, and to provide evidence that this has been done. 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.**

Or. en

**Justification**

The exemption rule on the first/second party auditing of forest biomass should be extended to the auditing of the new criteria.

**Amendment 37**

**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

**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
All new installations between 5 to 20 MW (i.e. in the scope of application of the criteria) should be verified under a simplified national verification. Most of the forest biomass use takes place in large installations that already have to comply with the sustainability criteria. Higher environmental effectiveness can also be achieved through a simplified verification while ensuring a lower administrative burden for small energy producing installations.

Amendment 38

Proposal for a directive
Article 1 – paragraph 1 – point 22
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

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.

Justification

It is essential to keep the administrative burden proportional to the benefits of the database. Current proposal is not in line with the proportionality principle to require constant updates along every part of the supply chain as soon as there is a change.
**Amendment 39**

**Proposal for a directive**

**Annex I – paragraph 1 – point 5 – point c**

**Directive (EU) 2018/2001**

**Annex V – point 18**

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**Text proposed by the Commission**

18. For the purposes of the calculations referred to in point 17, the emissions to be divided shall be \( \text{eec} + \text{el} + \text{esca} + \) those fractions of ep, etc, eccs and eccr 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.

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**Amendment**

18. For the purposes of the calculations referred to in point 17, the emissions to be divided shall be \( \text{eec} + \text{el} + \text{esca} + \) those fractions of ep, etc, eccs and eccr 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 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;
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;

**Justification**

Sustainable biofuels and bioliquids need a broad feedstock pool and they should not be unnecessarily restricted.

**Amendment 40**

**Proposal for a directive**

Annex I – paragraph 1 – point 6 – point c


Annex VI – 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 new GHG emission calculation rule for residues that are not included in Annex IX and fit for use in the food and feed market and should not be included. As this poses a new requirement for GHG-calculation rules and changes the established definition of residue as
defined in Article 2(43) of RED II and main principles of GHG-calculation