



EUROPEAN PARLIAMENT

2009 - 2014

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

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**2012/0288(COD)**

15.4.2013

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## **DRAFT REPORT**

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

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

Committee on the Environment, Public Health and Food Safety

Rapporteur: Corinne Lepage

Rapporteur for the opinion (\*):

Alejo Vidal-Quadras, Committee on Industry, Research and Energy

(\*) Associated committee – Rule 50 of the Rules of Procedure

### ***Symbols for procedures***

- \* Consultation procedure
- \*\*\* Consent procedure
- \*\*\*I Ordinary legislative procedure (first reading)
- \*\*\*II Ordinary legislative procedure (second reading)
- \*\*\*III Ordinary legislative procedure (third reading)

(The type of procedure depends on the legal basis proposed by the draft act.)

### ***Amendments to a draft act***

In amendments by Parliament, amendments to draft acts are highlighted in ***bold italics***. Highlighting in normal italics is an indication for the relevant departments showing parts of the draft act which may require correction when the final text is prepared – for instance, obvious errors or omissions in a language version. Suggested corrections of this kind are subject to the agreement of the departments concerned.

The heading for any amendment to an existing act that the draft act seeks to amend includes a third line identifying the existing act and a fourth line identifying the provision in that act that Parliament wishes to amend. Passages in an existing act that Parliament wishes to amend, but that the draft act has left unchanged, are highlighted in **bold**. Any deletions that Parliament wishes to make in such passages are indicated thus: [...].

## CONTENTS

	Page
DRAFT EUROPEAN PARLIAMENT LEGISLATIVE RESOLUTION.....	4
EXPLANATORY MEMORANDUM .....	62
ANNEX.....	65

## **DRAFT EUROPEAN PARLIAMENT LEGISLATIVE RESOLUTION**

**on the proposal for a directive of the European Parliament and of the Council amending Directive 98/70/EC relating to the quality of petrol and diesel fuels and amending Directive 2009/28/EC on the promotion of the use of energy from renewable sources (COM(2012)0595 – C7-0337/2012 – 2012/0288(COD))**

**(Ordinary legislative procedure: first reading)**

*The European Parliament,*

- having regard to the Commission proposal to Parliament and the Council (COM(2012)0595),
  - having regard to Article 294(2) and Articles 192(1) and 114 of the Treaty on the Functioning of the European Union, pursuant to which the Commission submitted the proposal to Parliament (C7-0337/2012),
  - having regard to Article 294(3) of the Treaty on the Functioning of the European Union,
  - having regard to the opinion of the European Economic and Social Committee of ...<sup>1</sup>,
  - after consulting the Committee of the Regions,
  - having regard to Rule 55 of its Rules of Procedure,
  - having regard to the report of the Committee on the Environment, Public Health and Food Safety and the opinions of the Committee on Industry, Research and Energy, the Committee on Development, the Committee on Agriculture and Rural Development, the Committee on Regional Development, the Committee on International Trade and the Committee on Transport and Tourism (A7-0000/2013);
1. Adopts its position at first reading hereinafter set out;
  2. Calls on the Commission to refer the matter to Parliament again if it intends to amend its proposal substantially or replace it with another text;
  3. Instructs its President to forward its position to the Council, the Commission and the national parliaments.

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<sup>1</sup> Not yet published in the Official Journal.

## Amendment 1

### Proposal for a directive

#### Recital 4

*Text proposed by the Commission*

(4) Where pasture or agricultural land previously destined for the food, feed and fibre markets is diverted to biofuel production, the non-fuel demand will still need to be satisfied either through intensification of current production or by bringing non-agricultural land into production elsewhere. The latter case represents indirect land-use change and when it involves the conversion of high carbon stock land it can lead to significant greenhouse gas emissions. Directives 98/70/EC and 2009/28/EC should therefore include provisions to address indirect land use change given that current biofuels are mainly produced from crops grown on existing agricultural land.

*Amendment*

(4) When pasture or agricultural land previously destined for the food, feed and fibre markets is diverted to biofuel production, the non-fuel demand will still need to be satisfied. ***That demand may be satisfied*** either through intensification of current production, ***achieved by raising agricultural productivity, which can have negative environmental impacts including a loss of biodiversity, water scarcity, soil erosion and water and soil pollution***, or by bringing non-agricultural land into production elsewhere. The latter case represents indirect land-use change and when it involves the conversion of high carbon stock land it can lead to significant greenhouse gas emissions, ***as well as a loss of biodiversity in cases where the land is of high biodiversity value***. Directives 98/70/EC and 2009/28/EC should therefore include provisions to address indirect land use change given that current biofuels are mainly produced from crops grown on existing agricultural land.

Or. fr

## Amendment 2

### Proposal for a directive

#### Recital 4 a (new)

*Text proposed by the Commission*

*Amendment*

***(4a) Article 19(6) of Directive 2009/28/EC and Article 7d(6) of Directive 98/70/EC require the impact of indirect land-use***

*change on greenhouse gas emissions to be taken into account and appropriate steps to be taken to address that impact, while taking due account of the need to protect investments already made.*

Or. fr

### Amendment 3

#### Proposal for a directive

##### Recital 5

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

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

###### *Amendment*

(5) Based on forecasts of biofuel demand provided by the Member States and estimates of indirect land-use change emissions for different biofuel feedstocks, greenhouse gas emissions linked to indirect land use change are significant, and could negate some or all of the greenhouse gas savings of individual biofuels. This is because almost the entire biofuel production in 2020 is expected to come from crops grown on land that could be used to satisfy food and feed markets. *Furthermore, the growth in biofuel use in the Member States is a contributory factor to food price volatility and could have repercussions for global food security. Indirect land-use change therefore needs to be taken into account so as to prevent these potential sources of emissions from undermining efforts to meet the Union's renewable energy and greenhouse gas emission targets.* In order to reduce *indirect land-use change*, it is appropriate to distinguish between crop groups such as oil crops, cereals, sugars and other starch containing crops accordingly.

Or. fr

## Amendment 4

### Proposal for a directive Recital 6

#### *Text proposed by the Commission*

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

#### *Amendment*

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

Or. fr

## Amendment 5

### Proposal for a directive Recital 7

#### *Text proposed by the Commission*

(7) In order to ensure the long-term competitiveness of bio-based industrial sectors, and in line with the 2012 Communication "Innovating for

#### *Amendment*

(7) In order to ensure the long-term competitiveness of bio-based industrial sectors, and in line with the 2012 Communication "Innovating for

Sustainable growth: A Bioeconomy for Europe" and the Roadmap to a Resource Efficient Europe, promoting integrated and diversified biorefineries across Europe, enhanced incentives under Directive 2009/28/EC should be set in a way that gives preference to the use of biomass feedstocks that do not have a high economic value for other uses than biofuels.

Sustainable growth: A Bioeconomy for Europe" and the Roadmap to a Resource Efficient Europe, promoting integrated and diversified biorefineries across Europe, enhanced incentives under Directive 2009/28/EC should be set in a way that gives preference to the use of biomass feedstocks that do not have a high economic value for other uses than biofuels. *It is also essential to make sure that EU waste policies remain consistent and that the waste hierarchy set out in Article 4 of Directive 2008/98/EC is applied. No negative incentives that could jeopardise proper implementation of this directive should be created.*

Or. fr

## Amendment 6

### Proposal for a directive

#### Recital 9

*Text proposed by the Commission*

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

*Amendment*

*deleted*

Or. fr



### *Justification*

*There are good grounds for capping first-generation biofuel production, but this must not be done in an indiscriminate manner and must involve taking indirect land-use change factors into account when calculating greenhouse gas emission savings.*

### **Amendment 7**

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

*Text proposed by the Commission*

*Amendment*

*(10) The 5% limit set up in Article 3(4)d does not affect the Member States' freedom to arrange their own trajectory as to compliance with this prescribed share of conventional biofuels within the overall 10% target. As a consequence, the access to the market of the biofuels produced by the installations in operation before the end of 2013 remains fully open. Therefore this amending directive does not affect the legitimate expectations of the operators of such installations.*

*deleted*

Or. fr

### *Justification*

*There are good grounds for capping first-generation biofuel production, but this must not be done in an indiscriminate manner and must involve taking indirect land-use change factors into account when calculating greenhouse gas emission savings.*

### **Amendment 8**

#### **Proposal for a directive Recital 11**

*Text proposed by the Commission*

*Amendment*

*(11) The estimated indirect land-use change emissions should be included in the reporting of greenhouse gas emissions from biofuels under Directives 98/70/EC and 2009/28/EC. Biofuels made from*

*(11) In order to make sure that EU targets for greenhouse gas emission savings and biofuels are well-founded and comprehensive, indirect land-use change emissions should be taken into account*

feedstocks that do not lead to additional demand for land, such as those from waste feedstocks, should be assigned a zero emissions factor.

*when calculating the greenhouse gas emission savings required under the sustainability criteria set out in Directive 2009/28/EC and Directive 98/70/EC. Indirect land-use change emissions should also be counted towards the target set in Article 7a(2) of Directive 98/70/EC, in order to offer incentives for the production of biofuels with a low indirect land-use change impact.* Biofuels made from feedstocks that do not lead to additional demand for land, such as those from waste feedstocks, should be assigned a zero emissions factor. .

Or. fr

#### *Justification*

*Indirect land-use change factors need to be taken into account when calculating the greenhouse gas emission savings, so as not to penalise biofuels with a low negative impact and provide an incentive for the production of the types of biofuel that offer the largest greenhouse gas emission savings.*

#### **Amendment 9**

##### **Proposal for a directive Recital 11 a (new)**

*Text proposed by the Commission*

*Amendment*

*(11a) With a view to meeting the target for renewable energies in the transport sector while minimising the negative impacts of land-use change, renewable electricity and energy efficiency should be encouraged. Member States should therefore seek to secure greater energy efficiency and reduce overall energy consumption in transport and at the same time to enhance the market penetration of electric vehicles and the take-up of renewable electricity in transport systems. Member States should also be allowed to channel financial resources currently deployed with a view to achieving, either*

*wholly or in part, their share of energy from biofuels produced from cereal and other starch-rich crops, sugars, oil crops and other land-based energy crops into renewable energies – in particular wind, solar, wave and geothermal energy – that have demonstrated their renewability and sustainability.*

Or. fr

## **Amendment 10**

### **Proposal for a directive Recital 11 b (new)**

*Text proposed by the Commission*

*Amendment*

*(11b) Forests provide a wide variety of environmental, economic and social benefits and services of key importance to humanity, such as maintaining biodiversity and ecosystem functions and protecting the climate system. Growing demand for forest biomass, including timber and forestry residues, for pulp and paper, construction, heating and electricity, combined with institutional and governance deficiencies present in many regions, is continuing to undermine sustainable management of forests and pose a threat to biodiversity, as a result of forest degradation and deforestation. The same holds true for wetlands. These are threats which the current sustainability criteria were not designed to address. In the absence of sustainability criteria tailored to address these specific issues, in particular forest degradation, raw materials from existing forests, other wooded land and wetlands should not be used for the production of biofuels or bioliquids unless it can be established that they are sustainable. Since forestry plantations grown for biofuel production risk generating indirect land-use change*

*emissions, this risk should also be addressed in the sustainability criteria.*

Or. fr

## **Amendment 11**

### **Proposal for a directive Recital 11 c (new)**

*Text proposed by the Commission*

*Amendment*

*(11c) The use of land for growing biofuel feedstocks should not result in the displacement of local and indigenous communities. Special land protection measures therefore need to be introduced in the Union.*

Or. fr

## **Amendment 12**

### **Proposal for a directive Recital 11 d (new)**

*Text proposed by the Commission*

*Amendment*

*(11d) Appropriate steps should be taken to protect investments already made. Part of current production volumes should therefore be temporarily exempted from the revised greenhouse gas saving requirements set out in this Directive. This Directive therefore does not affect the legitimate expectations of the operators of the installations concerned.*

Or. fr

## Amendment 13

### Proposal for a directive Recital 11 e (new)

*Text proposed by the Commission*

*Amendment*

***(11e) Directives 98/70/EC and 2009/28/EC provide for different treatment for feedstocks according to whether they are classified as wastes, residues or co-products. However, the current lack of definitions for these categories is a source of uncertainty which could hamper proper implementation and compliance. An indicative list of the feedstocks coming into each category should therefore be drawn up.***

Or. fr

## Amendment 14

### Proposal for a directive Recital 19

*Text proposed by the Commission*

*Amendment*

(19) In order to permit adaptation to technical and scientific progress of Directive 2009/28/EC, the power to adopt acts in accordance with Article 290 of the Treaty on the Functioning of the European Union should be delegated to the Commission in respect of the list of biofuel feedstocks that are counted multiple times towards the target set in Article 3(4), the energy content of transport fuels, criteria and geographic ranges for determining highly biodiverse grassland, the methodology for the calculation of indirect land-use change emissions, and the methodological principles and values necessary for assessing whether sustainability criteria have been fulfilled in

(19) In order to permit adaptation to technical and scientific progress of Directive 2009/28/EC, the power to adopt acts in accordance with Article 290 of the Treaty on the Functioning of the European Union should be delegated to the Commission in respect of the list of biofuel feedstocks that are counted multiple times towards the target set in Article 3(4), the energy content of transport fuels, ***rules concerning compliance with the waste hierarchy***, criteria and geographic ranges for determining highly biodiverse grassland, the methodology for the calculation of indirect land-use change emissions, and the methodological principles and values necessary for

relation to biofuels and bioliquids.

assessing whether sustainability criteria have been fulfilled in relation to biofuels and bioliquids.

Or. fr

## Amendment 15

### Proposal for a directive Recital 20

#### *Text proposed by the Commission*

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

#### *Amendment*

(20) The Commission should review the effectiveness of the measures introduced by this Directive, based on the best and latest available scientific evidence, in limiting indirect land-use change greenhouse gas emissions and addressing ways to further minimise that impact, which could include the introduction of ***measures geared to ensuring the sustainability of advanced biofuels*** in the sustainability scheme.

Or. fr

## Amendment 16

### Proposal for a directive Article 1 – point -1 (new) Directive 98/70/EC Article 2 – point 9 a (new)

#### *Text proposed by the Commission*

#### *Amendment*

***-1. In Article 2, the following point is added:***

***‘9a. ‘non-food cellulosic material’ means land-based non-food energy crops grown for bio-energy production purposes, including miscanthus, other energy grasses, certain varieties of sorghum and industrial hemp, but excluding crops with***

*a high lignin content, such as trees.'*

Or. fr

## **Amendment 17**

### **Proposal for a directive**

#### **Article 1 – point -1 a (new)**

Directive 98/70/EC

#### **Article 2 – point 9 b (new)**

*Text proposed by the Commission*

*Amendment*

***-1a. In Article 2, the following point is added:***

***'9b. 'non-food ligno-cellulosic material' means land-based woody energy crops such as short-rotation coppice and short-rotation forestry crops.'***

Or. fr

## **Amendment 18**

### **Proposal for a directive**

#### **Article 1 – point -1 b (new)**

Directive 98/70/EC

#### **Article 2 – point 9 c (new)**

*Text proposed by the Commission*

*Amendment*

***-1b. In Article 2, the following point is added:***

***'9c. 'direct land-use change' means any change in the use of a piece of land from one to another of the six IPCC land cover categories (forest land, cropland, grazing land, wetlands, settlements, other land) plus a seventh category for perennial crops, covering in particular multiannual crops whose stem is usually not annually harvested, such as short-rotation coppice and palm oil.'***

## Amendment 19

### Proposal for a directive

#### Article premier – point -1 c (new)

Directive 98/70/EC

Article 2 – point 9 d (new)

*Text proposed by the Commission*

*Amendment*

***-1c. In Article 2, the following point is added:***

***‘9d. ‘renewable liquid and gaseous fuels of non-biological origin’ means gaseous or liquid fuels other than biofuels whose energy content comes from renewable energy sources other than biomass and which are used in transport.’***

Or. fr

### *Justification*

*The rapporteur considers that the status of renewable liquid and gaseous fuels of non-biological origin, which, under the Commission proposal, would count four times, needs to be clarified. Power-to-gas and power-to-liquid technologies will have a crucial role to play in the future in decarbonising the transport sector.*

## Amendment 20

### Proposal for a directive

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

Directive 98/70/EC

Article 7 a – paragraph 2

*Text proposed by the Commission*

*Amendment*

***-a) Paragraph 2 is replaced by the following:***

***‘2. Member States shall require suppliers to reduce as gradually as possible life cycle greenhouse gas emissions per unit of energy from fuel***



**and energy supplied by up to 10 % by 31 December 2025, compared with the fuel baseline standard referred to in paragraph 5(b). This reduction shall consist of:**

**(a) 6 % by 31 December 2025. Member States *shall* require suppliers, for this reduction, to comply with the following intermediate targets: 2 % by 31 December 2018 and 4 % by 31 December 2022;**

**(b) an indicative additional target of 2 % by 31 December 2025, subject to Article 9(1)(h), to be achieved through one or both of the following methods:**

**(i) the supply of energy for transport supplied for use in any type of road vehicle, non-road mobile machinery (including inland waterway vessels), agricultural or forestry tractor or recreational craft;**

**(ii) the use of any technology (including carbon capture and storage) capable of reducing life cycle greenhouse gas emissions per unit of energy from fuel or energy supplied;**

**(c) an indicative additional target of 2 % by 31 December 2025, subject to Article 9(1)(i), to be achieved through the use of credits purchased through the Clean Development Mechanism of the Kyoto Protocol, under the conditions set out in Directive 2003/87/EC of the European Parliament and of the Council of 13 October 2003 establishing a scheme for greenhouse gas emission allowance trading within the Community, for reductions in the fuel supply sector.'**

Or. fr

### *Justification*

*To make it easier for fuel suppliers to meet the 6% emission savings target laid down by Directive 98/70/EC on fuel quality, the deadline for meeting the target should be put back*

*from 2020 to 2025 and a clear path towards achieving it should be set out.*

## **Amendment 21**

### **Proposal for a directive**

#### **Article 1 – point 2 – point -a (new)**

Directive 98/70/EC

Article 7 b – paragraph 1 – indent 2 a (new)

*Text proposed by the Commission*

*Amendment*

***(-a) in paragraph 1, the following subparagraph is added:***

***‘An indicative list of wastes, residues and co-products is set out in Annex Va.’***

Or. fr

*Justification*

*This new annex clarifies the status of the various wastes, residues and co-products that may be used.*

## **Amendment 22**

### **Proposal for a directive**

#### **Article 1 – point 2 – point b a (new)**

Directive 98/70/EC

Article 7 b – paragraph 4

*Text proposed by the Commission*

*Amendment*

***(ba) paragraph 4 is replaced by the following:***

***‘4. Biofuels and bioliquids taken into account for the purposes referred to in 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 or after January 2008, whether or not the land continues to have that status:***

***(a) wetlands, namely land that is covered with or saturated by water permanently***

**or for a significant part of the year, unless evidence is provided that extraction of this raw material has a beneficial effect on biodiversity;**

**(b) other naturally regenerated forests, namely, land spanning more than 0.5 hectares with trees higher than five metres and a canopy cover of more than 10 %, or trees able to reach those thresholds in situ, predominantly composed of native or introduced species, in which there are clearly visible indications of human activities, unless evidence is provided that the forested area concerned is sustainably managed and has a sufficiently high growth rate to meet existing demand for use of the forest products obtained therefrom and additional demand for use in meeting the target set in Article 3(4) of Directive 2009/28/EC, without jeopardising its good ecological status or the sustainability of its management;**

**(c) planted forests, namely forest predominantly composed of trees established through planting and/or deliberate seeding, unless evidence is provided that the forested area concerned is sustainably managed and has a sufficiently high growth rate to meet existing demand for use of the forest products obtained therefrom and additional demand for use in meeting the target set in Article 3(4) of Directive 2009/28/EC, without jeopardising its good ecological status or the sustainability of its management.'**

Or. fr

### *Justification*

*The current sustainability criteria need to be altered in order to guard against forest degradation occurring as a result of new demand and competition for forest biomass between energy generators and product manufacturers. The definitions should also be brought into line with the latest international nomenclature (FAO) for forests.*

## **Amendment 23**

### **Proposal for a directive**

#### **Article 1 – point 1 – point b b (new)**

Directive 98/70/EC

#### **Article 7 b – paragraph 5 a (new)**

*Text proposed by the Commission*

*Amendment*

***(bb) the following paragraph 5a is added:***

***‘5a. Biofuels and bioliquids taken into account for the purposes referred to in paragraph 1 shall not be made from raw material obtained from forestry plantations, including short-rotation coppices and short-rotation forests, until a specific indirect land-use change value has been set for ligno-cellulosic material for the purpose of calculating the greenhouse gas impact of biofuels and bioliquids in accordance with Article 7d and until specific sustainability criteria concerning the use of forest biomass for energy, including biofuels and bioliquids, are established.’***

Or. fr

### *Justification*

*The use of forestry residues from new forestry plantations (post-2008) should not be permitted until a specific ILUC value is included in the calculation method and sustainability criteria are laid down for the use of forest biomass for energy purposes.*

## **Amendment 24**

### **Proposal for a directive**

#### **Article 1 – point 1 – point b c (new)**

Directive 98/70/EC

#### **Article 7 b – paragraph 5 b (new)**

*Text proposed by the Commission*

*Amendment*

***(bc) the following paragraph 5b is added:***

***‘5b. Biofuels and bioliquids taken into account for the purposes referred to in paragraph 1 shall not be made from raw material obtained from agricultural residues unless evidence is provided that this does not result in a degradation of agricultural and ecosystem functions. The volume of agricultural residues that must remain on the land for ecological reasons shall be established on the basis of regional and, where appropriate, sub-regional bio-geographical characteristics including, but not limited to, the organic content of the soil, the fertility of the soil, water retention capacity and carbon sequestration. Raw material obtained from agricultural residues produced during off-field processing of crops into food or other products is not covered by this paragraph.’***

Or. fr

#### *Justification*

*Agricultural residues have an ecological and agronomic value in that they are a source of nutrients and guard against soil erosion and biodiversity loss. These ecological functions can be undermined by the removal of excessive volumes of the agricultural residues produced during harvesting, such as straw and stover. The volume of such residues that is available for biofuel production therefore varies from region to region.*

#### **Amendment 25**

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

##### **Article 1 – point 1 – point b d (new)**

Directive 98/70/EC

Article 7 b – paragraph 5 c (new)

*Text proposed by the Commission*

*Amendment*

***(bd) the following paragraph 5c is added:***

***‘5c. Biofuels and bioliquids taken into account for the purposes referred to in paragraph 1 shall not be made from land-based raw material unless third parties’ legal rights regarding use and tenure of***

*the land are respected, inter alia by obtaining the free prior and informed consent of the third parties, with the involvement of their representative institutions.'*

Or. fr

## **Amendment 26**

### **Proposal for a directive**

#### **Article 1 – point 3 – point -a (new)**

Directive 98/70/EC

Article 7 d – paragraph 1

*Text proposed by the Commission*

*Amendment*

***(-a) paragraph 1 is replaced by the following:***

**'1. For the purposes of Article 7a and Article 7b(2), the greenhouse gas emission saving from the use of biofuels and bioliquids shall be calculated as follows:**

**(a) where a default value for greenhouse gas emission saving for the production pathway, including indirect land-use change values referred to in Annex V, is laid down in Part A or B of Annex IV and where the ei value for those biofuels or bioliquids calculated in accordance with point 7 of Part C of Annex IV is equal to or less than zero, by using that default value;**

**(b) by using an actual value calculated in accordance with the methodology laid down in Part C of Annex IV; or**

**(c) by using a value calculated as the sum of the factors of the formula referred to in point 1 of Part C of Annex IV, where disaggregated default values in Part D or E of Annex IV may be used for some factors, and actual values, calculated in accordance with the**

methodology laid down in Part C of Annex IV, for all other factors, *with the exception of the  $e_{iluc}$  value, for which the values referred to in Annex V shall be used.*'

Or. fr

*Justification*

*Adjustment to the calculation method to take account of the ILUC factor.*

**Amendment 27**

**Proposal for a directive**

**Article 1 – point 3 – point -a a (new)**

Directive 2009/28/EC

Article 7 d – paragraph 1 a (new)

*Text proposed by the Commission*

*Amendment*

*(-aa) the following paragraph 1a is added:*

*'1a. The Commission shall be empowered to adopt delegated acts pursuant to Article 10a concerning the inclusion in Annex IV of a procedure for calculating greenhouse gas emissions from renewable liquid and gaseous fuels of non-biological origin for the purpose of verifying their compliance with Article 7b. Those delegated acts shall be adopted by 31 December 2015.'*

Or. fr

**Amendment 28**

**Proposal for a directive**

**Article 1 – point 3 – point a**

Directive 98/70/EC

Article 7 d – paragraph 6

*Text proposed by the Commission*

*Amendment*

'6. The Commission shall be empowered to

'6. The Commission shall be empowered to

adopt delegated acts pursuant to Article 10a concerning the adaptation to technical and scientific progress of Annex V, including by the revision of the proposed crop group indirect land-use change values; the introduction of new values at further levels of disaggregation; the inclusion of additional values should new biofuel feedstocks come to market as appropriate, review the categories of which biofuels are assigned zero indirect land-use change emissions; and the development of factors for feedstocks from non-food cellulosic and ligno-cellulosic materials.'

adopt delegated acts pursuant to Article 10a concerning the adaptation to technical and scientific progress of Annex V, including by the revision of the proposed crop group indirect land-use change values; the introduction of new values at further levels of disaggregation; the inclusion of additional values should new biofuel feedstocks come to market as appropriate, ***the inclusion of greenhouse gas emissions resulting from the transport of raw materials***, review the categories of which biofuels are assigned zero indirect land-use change emissions; and the development of factors for feedstocks from non-food cellulosic and ligno-cellulosic materials.'

Or. fr

## Amendment 29

### Proposal for a directive

#### Article 1 – point 3 – point a

Directive 98/70/EC

Article 7 d – paragraph 6 – indent 1 a (new)

*Text proposed by the Commission*

*Amendment*

***By 31 December 2015 the Commission shall set out in Annex V values for indirect land-use change emissions for feedstocks from non-food cellulosic and ligno-cellulosic materials and shall include those values in the method for calculating the greenhouse gas impact of biofuels and bioliquids provided for in this Article.***

Or. fr

### *Justification*

*Biofuel production from non-food crops such as trees and grasses also involves indirect land-use change which must be taken into account in order to avoid any unwarranted discrimination against other feedstock types.*



## Amendment 30

### Proposal for a directive

#### Article 1 – point 3 – point a a (new)

Directive 98/70/EC

#### Article 7 d – paragraph 6 a (new)

*Text proposed by the Commission*

*Amendment*

***(aa) the following paragraph 6a is inserted:***

***‘6a. In order to protect investments already made, until 31 December 2017 the indirect land-use change emissions referred to in Annex V to this Directive shall not be taken into account in calculations performed under paragraph 1 in respect of the share of overall consumption of biofuels produced from cereal and other starch-rich crops, sugars and oil crops or other types of land-based energy crops that corresponds to the level of consumption recorded in 2010 in each Member State, provided that those biofuels offer a greenhouse gas emission saving of at least 45%. Member States shall establish arrangements for implementing this exemption in installations producing biofuels, on the basis of those installations’ average production in the period 2010 to 2012. Member States shall report to the Commission each year on those implementing arrangements and the biofuels volumes to which they apply.’***

Or. fr

### *Justification*

*Existing investments should be protected and the biofuel produced in the relevant installations should not be covered by the ILUC factor requirements laid down in Article 7d(6) of Directive 98/70/EC until 2017.*

## Amendment 31

### Proposal for a directive

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

Directive 98/70/EC

#### Article 7 d – paragraph 6 b (new)

*Text proposed by the Commission*

*Amendment*

***(ab) the following paragraph 6b is inserted:***

***‘6b. Between 1 January 2018 and 31 December 2020 the indirect land-use change emissions referred to in Annex V to this Directive shall not be taken into account in calculations performed under paragraph 1 in respect of the share of overall consumption of biofuels produced from cereal and other starch-rich crops, sugars and oil crops or other types of land-based energy crops that corresponds to the level of consumption recorded in 2008, provided that those biofuels offer a greenhouse gas emission saving of at least 50%. However, if, once the indirect land-use change emissions referred to in Annex V are taken into account, these feedstocks do not meet the sustainability criteria provided for in Article 7b(2), the biofuel volumes produced therefrom shall not be eligible for financial support under Article 17(1)(c) of Directive 2009/28/EC.’***

Or. fr

### *Justification*

*The rapporteur proposes that the exemption should run until 2020, but without any public funding being provided for feedstocks that fail to offer sufficiently large greenhouse gas emission savings.*

## Amendment 32

### Proposal for a directive

#### Article 1 – point 7

Directive 98/70/EC

Article 10 a

#### *Text proposed by the Commission*

##### ‘Article 10a

##### Exercise of the delegation

1. The power to adopt delegated acts is conferred on the Commission subject to the conditions laid down in this Article.
2. The delegation of power referred to in Article 7a(5), the second subparagraph of Article 7b(3), Articles 7d(5), 7d(6), 7d(7), 8a(3) and 10(1) shall be conferred for an indeterminate period of time from the date of entry into force of this Directive.
3. The delegation of powers referred to in Articles 7a(5), the second subparagraph of Article 7b(3), Articles 7d(5), 7d(6), 7d(7), 8a(3) and 10(1) may be revoked at any time by the European Parliament or by the Council. A decision of revocation shall put an end to the delegation of the power specified in that decision. It shall take effect the day following the publication of the decision in the Official Journal of the European Union or at a later date specified therein. It shall not affect the validity of any delegated acts already in force.
4. As soon as it adopts a delegated act, the Commission shall notify it simultaneously to the European Parliament and to the Council.
5. A delegated act adopted pursuant to Articles 7a(5), the second subparagraph of Article 7b(3), Articles 7d(5), 7d(6), 7d(7), 8a(3) and 10(1) shall enter into force only if no objection has been expressed either by the European Parliament or the Council within a period of 2 months of notification

#### *Amendment*

##### ‘Article 10a

##### Exercise of the delegation

1. The power to adopt delegated acts is conferred on the Commission subject to the conditions laid down in this Article.
2. The delegation of power referred to in Article 7a(5), the second subparagraph of Article 7b(3), Articles **7d(1a)**, 7d(5), 7d(6), 7d(7), 8a(3) and 10(1) shall be conferred for an indeterminate period of time from the date of entry into force of this Directive.
3. The delegation of powers referred to in Articles 7a(5), the second subparagraph of Article 7b(3), Articles **7d(1a)**, 7d(5), 7d(6), 7d(7), 8a(3) and 10(1) may be revoked at any time by the European Parliament or by the Council. A decision of revocation shall put an end to the delegation of the power specified in that decision. It shall take effect the day following the publication of the decision in the Official Journal of the European Union or at a later date specified therein. It shall not affect the validity of any delegated acts already in force.
4. As soon as it adopts a delegated act, the Commission shall notify it simultaneously to the European Parliament and to the Council.
5. A delegated act adopted pursuant to Articles 7a(5), the second subparagraph of Article 7b(3), Articles **7d(1a)**, 7d(5), 7d(6), 7d(7), 8a(3) and 10(1) shall enter into force only if no objection has been expressed either by the European Parliament or the Council within a period of 2 months of

of that act to the European Parliament and the Council or if, before the expiry of that period, the European Parliament and the Council have both informed the Commission that they will not object. That period shall be extended by 2 months at the initiative of the European Parliament or the Council.'

notification of that act to the European Parliament and the Council or if, before the expiry of that period, the European Parliament and the Council have both informed the Commission that they will not object. That period shall be extended by 2 months at the initiative of the European Parliament or the Council.'

Or. fr

### Amendment 33

#### Proposal for a directive

##### Article 2 – point 1

Directive 2009/28/EC

Article 2 – point p

#### *Text proposed by the Commission*

'p) 'waste' ***shall be defined*** as in Article 3(1) of Directive 2008/98/EC of the European Parliament and of the Council of 19 November 2008 on waste and repealing certain Directives. Substances that have been intentionally modified or contaminated to meet that definition are not covered by this category.

#### *Amendment*

'p) 'waste' ***means any substance or object which the holder discards or intends or is required to discard, as defined in Article 3(1) of Directive 2008/98/EC of the European Parliament and of the Council of 19 November 2008 on waste and repealing certain Directives, and whose status is subject to independent verification and certification as to its compliance with the waste hierarchy established in Article 4 of that Directive or with a comparable waste prevention and management programme.*** Substances that have been intentionally modified or contaminated to meet that definition are not covered by this category.

Or. fr

#### *Justification*

*Waste needs to be defined in line with the Waste Framework Directive (WFD) and must comply with the waste hierarchy established in Article 4 of that directive. Such compliance also needs to be independently verified and certified both within and outside the EU, particularly in the light of the concerns that have arisen about fraud in connection with used cooking oils.*

## **Amendment 34**

### **Proposal for a directive**

#### **Article 2 – point 1 a (new)**

Directive 2009/28/EC

Article 2 – point p a (new)

*Text proposed by the Commission*

*Amendment*

***1a. In Article 2, the following point is added:***

***‘pa) ‘non-food cellulosic material’ means land-based non-food energy crops grown for bio-energy production purposes, including miscanthus, other energy grasses, certain varieties of sorghum and industrial hemp, but excluding crops with a high lignin content, such as trees.’***

Or. fr

## **Amendment 35**

### **Proposal for a directive**

#### **Article 2 – point 1 b (new)**

Directive 2009/28/EC

Article 2 – point p b (new)

*Text proposed by the Commission*

*Amendment*

***1b. In Article 2, the following point is added:***

***‘pb) ‘non-food ligno-cellulosic material’ means land-based woody energy crops such as short-rotation coppice and short-rotation forestry crops.’***

Or. fr

## **Amendment 36**

### **Proposal for a directive**

#### **Article 2 – point 1 c (new)**

Directive 2009/28/EC

#### **Article 2 – point p c (new)**

*Text proposed by the Commission*

*Amendment*

***1c. In Article 2, the following point is added:***

***‘pc) ‘co-products’ means raw materials which have a market value or alternative uses and materials that constitute a significant outcome of a process in terms of economic value or where the main process has been deliberately modified to produce a larger quantity or another quality of the material at the expense of the main product.’***

Or. fr

## **Amendment 37**

### **Proposal for a directive**

#### **Article 2 – point 1 d (new)**

Directive 2009/28/EC

#### **Article 2 – point p d (new)**

*Text proposed by the Commission*

*Amendment*

***1d. In Article 2, the following point is added:***

***‘pd) ‘renewable liquid and gaseous fuels of non-biological origin’ means gaseous or liquid fuels other than biofuels which are obtained from renewable energy sources and are used in transport.’***

Or. fr

### *Justification*

*The rapporteur considers that the status of renewable liquid and gaseous fuels of non-*

*biological origin, which, under the Commission proposal, would count four times, needs to be clarified. Power-to-gas and power-to-liquid technologies will have a crucial role to play in the future in decarbonising the transport sector.*

## **Amendment 38**

### **Proposal for a directive**

#### **Article 2 – point 1 e (new)**

Directive 2009/28/EC

Article 2 – point p e (new)

*Text proposed by the Commission*

*Amendment*

***1e. In Article 2, the following point is added:***

***‘pe) ‘renewable fuels’ means biofuels and renewable liquid and gaseous fuels of non-biological origin.’***

Or. fr

## **Amendment 39**

### **Proposal for a directive**

#### **Article 2 – point 1 f (new)**

Directive 2009/28/EC

Article 2 – point p f (new)

*Text proposed by the Commission*

*Amendment*

***1f. In Article 2, the following point is added:***

***‘pf) ‘direct land-use change’ means any change in the use of a piece of land from one to another of the six IPCC land cover categories (forest land, cropland, grazing land, wetlands, settlements, other land) plus a seventh category for perennial crops, covering in particular multiannual crops whose stem is usually not annually harvested, such as short-rotation coppice and palm oil.’***

## **Amendment 40**

### **Proposal for a directive**

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

Directive 2009/28/EC

Article 3 – paragraph 1 – subparagraph 2

*Text proposed by the Commission*

*Amendment*

***(b) in paragraph 1, the following second subparagraph is added:*** ***deleted***

***'For the purpose of compliance with target referred to in the first subparagraph, the maximum joint contribution from biofuels and bioliquids produced from cereal and other starch rich crops, sugars and oil crops shall be no more than the energy quantity corresponding to the maximum contribution as set out in Article 3(4)d.'***

Or. fr

### *Justification*

*There are good grounds for capping first-generation biofuel production, but this must not be done in an indiscriminate manner and must involve taking indirect land-use change factors into account when calculating greenhouse gas emission savings.*

## **Amendment 41**

### **Proposal for a directive**

#### **Article 2 – point 2 – point c – point i**

Directive 2009/28/EC

Article 3 – paragraph 4 – point b

*Text proposed by the Commission*

*Amendment*

***(i) in point (b), the following phrase is added:*** ***deleted***

***"This indent shall be without prejudice to Articles 17(1)a and 3(4)d;"***



*Justification*

*There are good grounds for capping first-generation biofuel production, but this must not be done in an indiscriminate manner and must involve taking indirect land-use change factors into account when calculating greenhouse gas emission savings.*

**Amendment 42**

**Proposal for a directive**

**Article 2 – point 2 – point c – point ii**

Directive 2009/28/EC

Article 3 – paragraph 4 – point d

*Text proposed by the Commission*

*Amendment*

*(ii) the following point (d) is added:* *deleted*

*‘(d) for the calculation of biofuels in the numerator, the share of energy from biofuels produced from cereal and other starch rich crops, sugars and oil crops shall be no more than 5%, the estimated share at the end of 2011, of the final consumption of energy in transport in 2020.*

*Justification*

*There are good grounds for capping first-generation biofuel production, but this must not be done in an indiscriminate manner and must involve taking indirect land-use change factors into account when calculating greenhouse gas emission savings.*

**Amendment 43**

**Proposal for a directive**

**Article 2 – point 2 – point c – point iii a (new)**

Directive 2009/28/EC

Article 3 – paragraph 4 – point e a (new)

*Text proposed by the Commission*

*Amendment*

*(iiia) the following point (ea) is added:*

*‘(ea) Member States may meet part of the target set in paragraph 4 by increasing the use of energy produced from renewable sources by any amount that exceeds the national targets set out in their national renewable energy action plans established in accordance with Article 4.’*

Or. fr

*Justification*

*To introduce a flexibility mechanism for any Member States which exceed their overall renewable energy use target in 2020.*

#### **Amendment 44**

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

##### **Article 2 – point 2 – point c a (new)**

Directive 2009/28/EC

Article 3 – paragraph 4 a (new)

*Text proposed by the Commission*

*Amendment*

*(ca) the following paragraph 4a is added:*

*‘4a. With a view to meeting the target set in paragraph 4, Member States shall reduce overall energy consumption in the transport sector so as to increase energy efficiency in that sector by at least 12% with respect to their current projections for overall energy consumption in the transport sector by 2020.’*

Or. fr

*Justification*

*A 12% energy efficiency target should be set for the transport sector to create synergies with vehicle CO<sub>2</sub> emission reduction measures and encourage Member States to review transport policies.*

## **Amendment 45**

### **Proposal for a directive**

#### **Article 2 – point 2 – point c b (new)**

Directive 2009/28/EC

Article 3 – paragraph 4 b (new)

*Text proposed by the Commission*

*Amendment*

***(cb) the following paragraph 4b is added:***

***‘4b. With a view to meeting the target set in paragraph 4, Member States shall ensure that electricity generated from renewable sources accounts for at least 1.5% of overall energy consumption in the transport sector by 2020.’***

Or. fr

### *Justification*

*With a view to encouraging the use of electricity from renewable sources in the transport sector, the rapporteur proposes that a 1.5% sub-target should be set for electricity. Given that national projections already indicate a 1.4% share by 2020, this is a realistic target.*

## **Amendment 46**

### **Proposal for a directive**

#### **Article 2 – point 2 a (new)**

Directive 2009/28/EC

Article 4 – paragraph 3 a (new)

*Text proposed by the Commission*

*Amendment*

***2a. In Article 4, the following paragraph 3a is inserted:***

***‘3a. Each Member State shall publish and notify to the Commission by [one year after the date on which this Directive enters into force] a forecast document indicating the steps it intends to take to meet the target set in Article 3(4a).’***

## **Amendment 47**

### **Proposal for a directive**

#### **Article 2 – point 2 b (new)**

Directive 2009/28/EC

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

*Text proposed by the Commission*

*Amendment*

***2b. In Article 4, the following paragraph 3b is inserted:***

***‘3b. Each Member State shall publish and notify to the Commission by [one year after the date on which this Directive enters into force] a forecast document indicating the steps it intends to take to meet the target set in Article 3(4b).’***

Or. fr

## **Amendment 48**

### **Proposal for a directive**

#### **Article 2 – point 4 a (new)**

Directive 2009/28/EC

#### **Article 15 – paragraph 2 – subparagraph 4**

*Text proposed by the Commission*

*Amendment*

***4a. Subparagraph 4 of Article 15(2) is replaced by the following:***

***‘The guarantee of origin shall have no function in terms of a Member State’s compliance with Article 3(1). Transfers of guarantees of origin, separately or together with the physical transfer of energy, shall have no effect on the decision of Member States to use statistical transfers, joint projects or joint support schemes for target compliance or on the calculation of the gross final consumption of energy from***

**renewable sources in accordance with  
Article 5.'**

Or. fr

*Justification*

*With a view to demonstrating that renewable liquid and gaseous fuels of non-biological origin comply with the sustainability criteria, with particular reference to the use of electricity from renewable sources and greenhouse gas emission savings, producers should be able to make use of the guarantee-of-origin system.*

**Amendment 49**

**Proposal for a directive**

**Article 2 – point 5 – point -a (new)**

Directive 2009/28/EC

Article 17 – paragraph 1 – subparagraph 2 a (new)

*Text proposed by the Commission*

*Amendment*

***(-a) in paragraph 1, the following  
subparagraph is added:***

***‘An indicative list of wastes, residues and  
co-products is set out in Annex IXa.’***

Or. fr

*Justification*

*This new annex clarifies the status of the various wastes, residues and co-products that may be used.*

**Amendment 50**

**Proposal for a directive**

**Article 2 – point 5 – point b a (new)**

Directive 2009/28/EC

Article 17 – paragraph 4

*Text proposed by the Commission*

*Amendment*

***(ba) paragraph 4 is replaced by the  
following:***

**‘4. Biofuels and bioliquids taken into account for the purposes referred to in 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 or after January 2008, whether or not that land continues to have that status:**

**(a) wetlands, namely land that is covered with or saturated by water permanently or for a significant part of the year, unless it evidence is provided that extraction of this raw material has a beneficial effect on biodiversity;**

**(b) other naturally regenerated forests and planted forests, namely, land spanning more than 0.5 hectares with trees higher than five metres and a canopy cover of more than 10 %, or trees able to reach those thresholds in situ, predominantly composed of native or introduced species, in which there are clearly visible indications of human activities, unless evidence is provided that the forested area concerned is sustainably managed and has a sufficiently high growth rate to meet existing demand for use of the forest products obtained therefrom and additional demand for use in meeting the target set in Article 3(4), without jeopardising its good ecological status or the sustainability of its management;**

**(c) planted forests, namely forest predominantly composed of trees established through planting and/or deliberate seeding, unless evidence is provided that the forested area concerned is sustainably managed and has a sufficiently high growth rate to meet existing demand for use of the forest products obtained therefrom and additional demand for use in meeting the target set in Article 3(4), without jeopardising its good ecological status or the sustainability of its management.’**

*Justification*

*The current sustainability criteria need to be altered in order to guard against forest degradation occurring as a result of new demand and competition for forest biomass between energy generators and product manufacturers. The definitions should also be brought into line with the latest international nomenclature (FAO) for forests.*

**Amendment 51****Proposal for a directive****Article 2 – point 5 – point b b (new)**

Directive 2009/28/EC

Article 17 – paragraph 5 a (new)

*Text proposed by the Commission**Amendment*

***(bb) the following paragraph 5a is added:***

***‘5a. Biofuels and bioliquids taken into account for the purposes referred to in paragraph 1(a), (b) and (c) shall not be made from raw material obtained from forestry plantations, including short-rotation coppices and short-rotation forests, until a specific indirect land-use change value has been set for ligno-cellulosic material for the purpose of calculating the greenhouse gas impact of biofuels and bioliquids in accordance with Article 19 and until specific sustainability criteria concerning the use of forest biomass for energy, including biofuels and bioliquids, are established.’***

*Justification*

*The use of forestry residues from new forestry plantations (post-2008) should not be permitted until a specific ILUC value is included in the calculation method and sustainability criteria are laid down for the use of forest biomass for energy purposes.*

## Amendment 52

### Proposal for a directive

#### Article 2 – point 5 – point b c (new)

Directive 2009/28/EC

#### Article 17 – paragraph 5 b (new)

*Text proposed by the Commission*

*Amendment*

***(bc) the following paragraph 5b is added:***

***‘5b. Biofuels and bioliquids taken into account for the purposes referred to in paragraph 1(a), (b) and (c) shall not be made from raw material obtained from agricultural residues unless evidence is provided that this does not result in a degradation of agricultural and ecosystem functions. The volume of agricultural residues that must remain on the land for ecological reasons shall be established on the basis of regional and, where appropriate, sub-regional bio-geographical characteristics, including, but not limited to, the organic content of the soil, the fertility of the soil, water retention capacity and carbon sequestration. Raw material obtained from agricultural residues produced during off-field processing of crops into food or other products is not covered by this paragraph.’***

Or. fr

### *Justification*

*Agricultural residues have an ecological and agronomic value in that they are a source of nutrients and protect against soil erosion and biodiversity loss. These ecological functions can be undermined by the removal of excessive volumes of the agricultural residues produced during harvesting, such as straw and stover. The volume of such residues that is available for biofuel production therefore varies from region to region.*



## **Amendment 53**

### **Proposal for a directive**

**Article 2 – point 5 – point b d (new)**

Directive 2009/28/EC

Article 17 – paragraph 5 c (new)

*Text proposed by the Commission*

*Amendment*

***(bd) the following paragraph 5c is added:***

***‘5c. Biofuels and bioliquids taken into account for the purposes referred to in paragraph 1(a), (b) and (c) shall not be made from land-based raw material unless third parties’ legal rights regarding use and tenure of the land are respected, inter alia by obtaining the free prior and informed consent of the third parties, with the involvement of their representative institutions.’***

Or. fr

## **Amendment 54**

### **Proposal for a directive**

**Article 2 – point 6 a (new)**

Directive 2009/28/EC

Article 18 – paragraph 9 a (new)

*Text proposed by the Commission*

*Amendment*

***6a. In Article 18, the following paragraph 9a is added:***

***‘9a. The Commission shall be empowered to adopt delegated acts pursuant to Article 25b concerning detailed rules governing independent verification and certification of compliance with the waste hierarchy established in Article 4 of Directive 2008/98/EC or with a comparable waste prevention and management programme. Those delegated acts shall be adopted by 31 December 2015.’***

*Justification*

*The Commission should lay down detailed rules on independent verification and certification of conformity with Article 4 of the Waste Framework Directive, including in respect of imported waste such as used cooking oils.*

**Amendment 55**

**Proposal for a directive**

**Article 2 – point 7 – point -a (new)**

Directive 2009/28/EC

Article 19 – paragraph 1

*Text proposed by the Commission*

*Amendment*

***(-a) paragraph 1 is replaced by the following:***

**‘1. For the purposes of Article 17(2), the greenhouse gas emission saving from the use of biofuel and bioliquids shall be calculated as follows:**

**(a) where a default value for greenhouse gas emission saving for the production pathway, including indirect land-use change values as referred to in Annex VIII, is laid down in Part A or B of Annex V and where the  $e_l$  value for those biofuels or bioliquids calculated in accordance with point 7 of Part C of Annex V is equal to or less than zero, by using that default value;**

**(b) by using an actual value calculated in accordance with the methodology laid down in Part C of Annex V; or**

**(c) by using a value calculated as the sum of the factors of the formula referred to in point 1 of Part C of Annex V, where disaggregated default values in Part D or E of Annex V may be used for some factors, and actual values, calculated in accordance with the methodology laid down in Part C of Annex V, for all other factors, with the**

*exception of the  $e_{iluc}$  value, for which the values referred to in Annex VIII shall be used.'*

Or. fr

*Justification*

*Adjustment to the calculation method to take account of the ILUC factor.*

**Amendment 56**

**Proposal for a directive**

**Article 2 – point 7 – point -a a (new)**

Directive 2009/28/EC

Article 19 – paragraph 1 a (new)

*Text proposed by the Commission*

*Amendment*

*(-aa) the following paragraph 1a is added:*

*'1a. The Commission shall be empowered to adopt delegated acts pursuant to Article 25b concerning the inclusion in Annex V of a procedure for calculating greenhouse gas emissions from renewable liquid and gaseous fuels of non-biological origin for the purpose of verifying their compliance with Article 17. Those delegated acts shall be adopted by 31 December 2015.'*

Or. fr

**Amendment 57**

**Proposal for a directive**

**Article 2 – point 7 – point c**

Directive 2009/28/EC

Article 19 – paragraph 6

*Text proposed by the Commission*

*Amendment*

'The Commission shall be empowered to adopt delegated acts pursuant to Article 25(b) concerning the adaptation to

'The Commission shall be empowered to adopt delegated acts pursuant to Article 25(b) concerning the adaptation to

technical and scientific progress of Annex VIII, including the revision of the proposed crop group indirect land-use change values; the introduction of new values at further levels of disaggregation (i.e. at a feedstock level); the inclusion of additional values should new biofuel feedstocks come to market as appropriate; and the development of factors for feedstocks from non-food cellulosic and ligno-cellulosic materials.'

technical and scientific progress of Annex VIII, including the revision of the proposed crop group indirect land-use change values; the introduction of new values at further levels of disaggregation (i.e. at a feedstock level); ***the inclusion of greenhouse gas emissions resulting from the transport of raw materials***; the inclusion of additional values should new biofuel feedstocks come to market as appropriate; and the development of factors for feedstocks from non-food cellulosic and ligno-cellulosic materials.'

Or. fr

## Amendment 58

### Proposal for a directive

#### Article 2 – point 7 – point c a (new)

Directive 2009/28/EC

Article 19 – paragraph 6 – subparagraph 1 a (new)

*Text proposed by the Commission*

*Amendment*

***(ca) In paragraph 6, the following subparagraph is inserted:***

***‘By 31 December 2015 the Commission shall set out in Annex VIII values for indirect land-use change emissions for feedstocks from non-food cellulosic and ligno-cellulosic materials and shall include those values in the method for calculating the greenhouse gas impact of biofuels and bioliquids provided for in this Article.’***

Or. fr

### *Justification*

*Biofuel production from non-food crops such as trees and grasses also involves indirect land-use change which must be taken into account in order to avoid any unwarranted discrimination against other feedstock types.*

## Amendment 59

### Proposal for a directive

Article 2 – point 7 – point c b (new)

Directive 2009/28/EC

Article 19 – paragraph 6 a (new)

*Text proposed by the Commission*

*Amendment*

***(cb) the following paragraph 6a is inserted:***

***‘6a. In order to protect investments already made, until 31 December 2017 the indirect land-use change emissions referred to in Annex VIII to this Directive shall not be taken into account in calculations performed under paragraph 1 in respect of the share of overall consumption of biofuels produced from cereal and other starch-rich crops, sugars and oil crops or other types of land-based energy crops that corresponds to the level of consumption recorded in 2010 in each Member State, provided that those biofuels offer a greenhouse gas emission saving of at least 45%. Member States shall establish arrangements for implementing this exemption in installations producing biofuels, on the basis of those installations’ average production in the period 2010 to 2012. Member States shall report to the Commission each year on those implementing arrangements and the biofuels volumes to which they apply.’***

Or. fr

### *Justification*

*Existing investments should be protected and the biofuel produced in the relevant installations should not be covered by the ILUC factor requirements laid down in Article 19(6) of Directive 2009/28/EC until 2017.*

## Amendment 60

### Proposal for a directive

#### Article 2 – point 7 – point c c (new)

Directive 2009/28/EC

#### Article 19 – paragraph 6 b (new)

*Text proposed by the Commission*

*Amendment*

***(cc) the following paragraph 6b is inserted:***

***‘6b. Between 1 January 2018 and 31 December 2020 the indirect land-use change emissions referred to in Annex VIII to this Directive shall not be taken into account in calculations performed under paragraph 1 in respect of the share of overall consumption of biofuels produced from cereal and other starch-rich crops, sugars and oil crops or other types of land-based energy crops that corresponds to the level of consumption recorded in 2008, provided that those biofuels offer a greenhouse gas emission saving of at least 50%. However, if, once the indirect land-use change emissions referred to in Annex VIII are taken into account, these feedstocks do not meet the sustainability criteria provided for in Article 17(2) of this Directive, the biofuel volumes produced therefrom shall not be eligible for financial support under Article 17(1)(c).’***

Or. fr

### *Justification*

*The rapporteur proposes that the exemption should run until 2020, but without any public funding being provided for feedstocks that fail to offer sufficiently large greenhouse gas emission savings.*

## **Amendment 61**

### **Proposal for a directive**

#### **Article 2 – point 9 a (new)**

Directive 2009/28/EC

#### **Article 23 – paragraph 8 a (new)**

*Text proposed by the Commission*

*Amendment*

**9a. In Article 23, the following paragraph 8a is inserted:**

**‘8a. By 31 December 2015 the Commission shall submit a report on the positive and negative environmental and economic impacts of biofuels produced from waste, residues, co-products or non-land using feedstocks. The environmental impacts to be assessed shall include greenhouse gas emissions, biodiversity, water, and soil fertility. The potential or forfeited benefits of using these feedstocks for other purposes, in particular the manufacture of products, shall be taken into account. The economic impacts to be assessed shall include production costs, the opportunity cost of using the feedstocks for other purposes and the life-cycle energy return on investment that may be obtained from using the feedstocks to produce advanced biofuels and bioliquids.’**

Or. fr

### *Justification*

*In order to provide potential investors with the clearest possible picture, the feasibility and sustainability of using these feedstocks for the production of advanced biofuels need to be assessed at the earliest opportunity.*

## **Amendment 62**

### **Proposal for a directive**

#### **Article 2 – point 11**

Directive 2009/28/EC

#### **Article 25 a**

‘Article 25b

Exercise of the delegation

1. The powers to adopt delegated acts are conferred on the Commission subject to the conditions laid down in this Article.

2. The delegation of power referred to in Article 3(4)(d), Article 5(5), the third subparagraph of Article 17(3)(c), Articles 19(5), 19(6) and 19(7) shall be conferred on the Commission for an indeterminate period of time from [the date of entry into force of this Directive].

3. The delegation of power referred to in Article 3(4)(d), Article 5(5), the third subparagraph of Article 17(3)(c), Articles 19(5), 19(6) and 19(7) may be revoked at any time by the European Parliament or by the Council. A decision of revocation shall put an end to the delegation of the power specified in that decision. It shall take effect the day following the publication of the decision in the Official Journal of the European Union or at a later date specified therein. It shall not affect the validity of any delegated acts already in force.

4. As soon as it adopts a delegated act, the Commission shall notify it simultaneously to the European Parliament and to the Council.

5. A delegated act adopted pursuant to Article 3(4)(d), Article 5(5), the third subparagraph of Article 17(3)(c), Articles 19(5), 19(6) and 19(7) shall enter into force only if no objection has been expressed either by the European Parliament or the Council within a period of 2 months of notification of that act to the European Parliament and the Council or if, before the expiry of that period, the European Parliament and the Council have

‘Article 25b

Exercise of the delegation

1. The powers to adopt delegated acts are conferred on the Commission subject to the conditions laid down in this Article.

2. The delegation of power referred to in Article 3(4)(d), Article 5(5), the third subparagraph of Article 17(3)(c), **Article 18(9a) and** Articles **19(1a)**, 19(5), 19(6) and 19(7) shall be conferred on the Commission for an indeterminate period of time from [the date of entry into force of this Directive].

3. The delegation of power referred to in Article 3(4)(d), Article 5(5), the third subparagraph of Article 17(3)(c), **Article 18(9a) and** Articles **19(1a)**, 19(5), 19(6) and 19(7) may be revoked at any time by the European Parliament or by the Council. A decision of revocation shall put an end to the delegation of the power specified in that decision. It shall take effect the day following the publication of the decision in the Official Journal of the European Union or at a later date specified therein. It shall not affect the validity of any delegated acts already in force.

4. As soon as it adopts a delegated act, the Commission shall notify it simultaneously to the European Parliament and to the Council.

5. A delegated act adopted pursuant to Article 3(4)(d), Article 5(5), the third subparagraph of Article 17(3)(c), **Article 18(9a) and** Articles **19(1a)**, 19(5), 19(6) and 19(7) shall enter into force only if no objection has been expressed either by the European Parliament or the Council within a period of 2 months of notification of that act to the European Parliament and the Council or if, before the expiry of that period, the European Parliament and the



both informed the Commission that they will not object. That period shall be extended by 2 months at the initiative of the European Parliament or the Council.'

Council have both informed the Commission that they will not object. That period shall be extended by 2 months at the initiative of the European Parliament or the Council.'

Or. fr

## Amendment 63

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

#### *Text proposed by the Commission*

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

#### *Amendment*

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

Or. fr

## Amendment 64

### Proposal for a directive

#### Annex I – point 1 – point -a (new)

Directive 98/70/EC

Annexe IV – part C – point 1

*Text proposed by the Commission*

*Amendment*

*(-a) point 1 is replaced by the following:*

**‘1. Greenhouse gas emissions from the production and use of biofuels shall be calculated as:**

$$E = e_{ec} + e_l + e_{iluc} + e_p + e_{td} + e_u - e_{sca} - e_{ccs} - e_{ccr} - e_{ee}$$

**where**

**E = total emissions from the use of the fuel;**

**$e_{ec}$  = emissions from the extraction or cultivation of raw materials;**

**$e_l$  = annualised emissions from carbon stock changes caused by *direct* land-use change;**

**$e_{iluc}$  = *annualised emissions from carbon stock changes caused by indirect land-use change*;**

**$e_p$  = emissions from processing;**

**$e_{td}$  = emissions from transport and distribution;**

**$e_u$  = emissions from the fuel in use;**

**$e_{sca}$  = emission saving from soil carbon accumulation via improved agricultural management;**

**$e_{ccs}$  = emission saving from carbon capture and geological storage;**

**$e_{ccr}$  = emission saving from carbon capture and replacement; and**

**$e_{ee}$  = emission saving from excess electricity from cogeneration.**

**Emissions from the manufacture of machinery and equipment shall not be**

**taken into account.’**

Or. fr

*Justification*

*Adjustment to the calculation method to take account of the ILUC factor.*

**Amendment 65**

**Proposal for a directive**

**Annexe I – point 1 – point b a (new)**

Directive 98/70/EC

Annex IV – part C – point 19 a (new)

*Text proposed by the Commission*

*Amendment*

***(ba) the following point is added:***

***‘19a. Emissions from indirect land-use change,  $e_{iluc}$ , shall be calculated in accordance with Annex V.’***

Or. fr

*Justification*

*Adjustment to the calculation method to take account of the ILUC factor.*

**Amendment 66**

**Proposal for a directive**

**Annexe I – point 1 – point b a (new)**

Directive 2009/28/EC

Annex IV – part C – point 19 b (new)

*Text proposed by the Commission*

*Amendment*

***(bb) the following point is added:***

***‘19b. Emissions from extraction or cultivation ( $e_{ec}$ ), direct land-use change ( $e_l$ ) and indirect land-use change ( $e_{iluc}$ ), shall be apportioned to co-products on the basis of their energy content. Emissions apportioned to co-products shall be***

*additional to the emissions apportioned to the principal product.'*

Or. fr

## **Amendment 67**

### **Proposal for a directive**

#### **Annex I – point 2**

Directive 98/70/EC

Annex V – part B – point b

#### *Text proposed by the Commission*

(b) feedstocks whose production has *led to direct land use change, i.e. a change from one of the following IPCC land cover categories; forest land, grassland, wetlands, settlements, or other land, to cropland or perennial cropland. In such a case a "direct land use change emission value (el) should have been calculated in accordance to Part C, paragraph 7 of Annex IV.'*

#### *Amendment*

(b) feedstocks whose production has *not taken place on cropland, perennial cropland or land in any other IPCC land cover category (forest land, grassland, wetlands) used for food production, whether managed or unmanaged, such as agricultural and silvipastoral systems.'*

Or. fr

#### *Justification*

*While there is good reason not to assign an ILUC factor to feedstocks whose production entails direct land-use change, attention should be drawn to the fact that direct and indirect land-use change is not always mutually exclusive.*

## **Amendment 68**

### **Proposal for a directive**

#### **Annex I – point 2 a (new)**

Directive 98/70/EC

Annex V a (new)

#### *Text proposed by the Commission*

#### *Amendment*

*(2a) The following Annex Va is added:  
'Annex Va*

***Wastes, residues and co-products***

***A. Indicative list of agricultural residues***

- (a) Straw.***
- (b) Stover, husks and cobs.***
- (c) Palm oil mill effluent and empty palm fruit bunches.***
- (d) Presscake, such as rapeseed cake and soya cake.***
- (e) Marcs and lees, such as those derived from grapes, olives and other fruits.***
- (f) Bagasse.***
- (g) Nut shells.***

***B. Indicative list of forestry residues***

- (a) Treetops.***
- (b) Branches.***
- (c) Stumps.***
- (d) Leaves.***
- (e) Sawdust.***
- (f) Cutter shavings and scrapwood.***
- (g) Wood pulp.***

***C. Indicative list of aquaculture and fisheries residues***

- (a) Algae.***
- (b) Fish scales, viscera and scrap.***

***D. Indicative list of processing residues***

- (a) Crude glycerine.***
- (b) Tall oil pitch.***
- (c) Animal fats classified as category I and II in accordance with Regulation (EC) No 1774/2002 of the European Parliament and of the Council of 3 October 2002 laying down health rules concerning animal by-products not intended for human consumption.***

***E. Indicative list of wastes***

- (a) Used cooking oil.***

*(b) Biomass fraction of mixed municipal waste, but not separated household waste subject to recycling targets under Article 11(2)(a) of Directive 2008/98/EC of the European Parliament and of the Council of 19 November 2008 on waste.*

*(c) Biomass fraction of industrial waste.*

*(d) Manure and sewage sludge.*

***F. Indicative list of wastes and residues considered to be co-products***

*(a) Agricultural residues.*

*(b) Forestry residues.*

*(c) Animal fats classified as category III in accordance with Regulation (EC) No 1774/2002.*

*(d) Animal manure.*

*(e) Crude glycerine.'*

Or. fr

#### *Justification*

*This new annex clarifies the status of the various wastes, residues and co-products that may be used in the production of advanced biofuels.*

#### **Amendment 69**

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

##### **Annex II – point 1 – point -a (new)**

Directive 2009/28/EC

Annex V – part C – point 1

*Text proposed by the Commission*

*Amendment*

***(-a) point 1 is replaced by the following:***

***‘1. Greenhouse gas emissions from the production and use of biofuels shall be calculated as:***

$$E = e_{ec} + e_l + e_{iluc} + e_p + e_{td} + e_u - e_{sca} - e_{ccs} - e_{ccr} - e_{ee}$$

***where***

**E = total emissions from the use of the fuel;**

**$e_{ec}$  = emissions from the extraction or cultivation of raw materials;**

**$e_l$  = annualised emissions from carbon stock changes caused by *direct* land-use change;**

**$e_{iluc}$  = annualised emissions from carbon stock changes caused by *indirect* land-use change;**

**$e_p$  = emissions from processing;**

**$e_{td}$  = emissions from transport and distribution;**

**$e_u$  = emissions from the fuel in use;**

**$e_{sca}$  = emission savings from soil carbon accumulation via improved agricultural management;**

**$e_{ccs}$  = emission savings from carbon capture and geological storage;**

**$e_{ccr}$  = emission savings from carbon capture and replacement; and**

**$e_{ee}$  = emission savings from excess electricity from cogeneration.**

**Emissions from the manufacture of machinery and equipment shall not be taken into account.'**

Or. fr

### *Justification*

*Adjustment to the calculation method to take account of the ILUC factor.*

## **Amendment 70**

### **Proposal for a directive**

**Annex II – point 1 – point b a (new)**

Directive 2009/28/EC

Annex V – part C – point 19 a (new)

*Text proposed by the Commission*

*Amendment*

*(ba) the following point is added:*

*‘19a. Emissions from indirect land-use change,  $e_{iluc}$ , shall be calculated in accordance with Annex VIII.’*

Or. fr

*Justification*

*Adjustment to the calculation method to take account of the ILUC factor.*

## **Amendment 71**

**Proposal for a directive**

**Annexe II – point 1 – point b b (new)**

Directive 2009/28/EC

Annex V – part C – point 19 b (new)

*Text proposed by the Commission*

*Amendment*

*(bb) the following point is added:*

*‘19b. Emissions from extraction or cultivation ( $e_{ec}$ ), direct land-use change ( $e_l$ ) and indirect land-use change ( $e_{iluc}$ ), shall be apportioned to co-products on the basis of their energy content. Emissions apportioned to co-products shall be additional to the emissions apportioned to the principal product.’*

Or. fr

## **Amendment 72**

**Proposal for a directive**

**Annex II – point 2**

Directive 2009/28/EC

Annexe VIII – part B – point b



*Text proposed by the Commission*

*Amendment*

(b) feedstocks whose production has ***led to direct land use change, i.e. a change from one of the following IPCC land cover categories; forest land, grassland, wetlands, settlements, or other land, to cropland or perennial cropland. In such a case a "direct land use change emission value (el) should have been calculated in accordance to Part C, paragraph 7 of Annex IV."***

(b) feedstocks whose production has ***not taken place on cropland, perennial cropland or land in any other IPCC land cover category (forest land, grassland, wetlands) used for food production, whether managed or unmanaged, such as agricultural and silvipastoral systems.'***

Or. fr

*Justification*

*While there is good reason not to assign an ILUC factor to feedstocks whose production entails direct land-use change, attention should be drawn to the fact that direct and indirect land-use change is not always mutually exclusive.*

**Amendment 73**

**Proposal for a directive**

**Annex II – point 3**

Directive 2009/28/EC

Annex IX – part A – point f

*Text proposed by the Commission*

*Amendment*

***(f) Palm oil mill effluent and empty palm fruit bunches.***

***deleted***

Or. fr

*Justification*

*The production of palm oil co-products should not be encouraged.*

## **Amendment 74**

### **Proposal for a directive**

#### **Annex II – point 3**

Directive 2009/28/EC

Annex IX – part A – point n

*Text proposed by the Commission*

*Amendment*

**(n) Bark, branches, leaves, saw dust and  
cutter shavings.**

**deleted**

Or. fr

*Justification*

*In the absence of sustainability criteria, the use of co-products obtained directly from forestry should not be encouraged.*

## **Amendment 75**

### **Proposal for a directive**

#### **Annex II – point 3**

Directive 2009/28/EC

Annex IX – part B – point d

*Text proposed by the Commission*

*Amendment*

**(d) Ligno-cellulosic material except saw  
logs and veneer logs.**

**(d) Ligno-cellulosic material except saw  
logs, veneer logs *and pulpwood*.**

Or. fr

*Justification*

*In line with the cascading use principle, the use of pulpwood intended for paper making should not be encouraged.*

## **Amendment 76**

### **Proposal for a directive**

#### **Annex II – point 3**

Directive 2009/28/EC

Annex IX – part B – point d a (new)

*Text proposed by the Commission*

*Amendment*

***(da) Sawdust and cutter shavings.***

Or. fr

*Justification*

*Sawdust and cutter shavings should count twice, not four times.*

## **Amendment 77**

**Proposal for a directive**

**Annex II – point 3 a (new)**

Directive 2009/28/EC

Annex IX a (new)

*Text proposed by the Commission*

*Amendment*

***(3a) The following Annex IXa is added:***

***‘Annex IXa***

***Wastes, residues and co-products***

***A. Indicative list of agricultural residues***

***(a) Straw.***

***(b) Stover, husks and cobs.***

***(c) Palm oil mill effluent and empty palm fruit bunches.***

***(d) Presscake, such as rapeseed cake and soya cake.***

***(e) Marcs and lees, such as those derived from grapes, olives and other fruits.***

***(f) Bagasse.***

***(g) Nut shells.***

***B. Indicative list of forestry residues***

***(a) Treetops.***

***(b) Branches.***

***(c) Stumps.***

***(d) Leaves.***

*(e) Sawdust.*

*(f) Cutter shavings and scrapwood.*

*(g) Wood pulp.*

***C. Indicative list of aquaculture and fisheries residues***

*(a) Algae.*

*(b) Fish scales, viscera and scrap.*

***D. Indicative list of processing residues***

*(a) Crude glycerine.*

*(b) Tall oil pitch.*

*(c) Animal fats classified as category I and II in accordance with Regulation (EC) No 1774/2002 of the European Parliament and of the Council of 3 October 2002 laying down health rules concerning animal by-products not intended for human consumption.*

***E. Indicative list of wastes***

*(a) Used cooking oil.*

*(b) Biomass fraction of mixed municipal waste, but not separated household waste subject to recycling targets under Article 11(2)(a) of Directive 2008/98/EC of the European Parliament and of the Council of 19 November 2008 on waste.*

*(c) Biomass fraction of industrial waste.*

*(d) Manure and sewage sludge.*

***F. Indicative list of wastes and residues considered to be co-products***

*(a) Agricultural residues.*

*(b) Forestry residues.*

*(c) Animal fats classified as category III in accordance with Regulation (EC) No 1774/2002.*

*(d) Animal manure.*

*(e) Crude glycerine.'*

Or. fr

### *Justification*

*This new annex clarifies the status of the various wastes, residues and co-products that may be used in the production of advanced biofuels.*

## EXPLANATORY MEMORANDUM

The Renewable Energy Directive sets a target share for renewable energy of 20% of overall EU energy consumption and 10% of energy consumption in the transport sector by 2020. Alongside this, the Fuel Quality Directive sets the mandatory target of a 6% reduction in the greenhouse gas intensity of fuels used in road transport and non-road mobile machinery.

With regard to the role to be played by biofuels in meeting these targets, the two directives lay down sustainability criteria including minimum greenhouse gas (GHG) saving thresholds and acknowledge the need to take indirect land-use change (ILUC) into account. In 2008, Parliament clearly stated its support for ILUC factors being taken into account when calculating the GHG emission savings attributable to biofuels. Following negotiations with the Council, this resulted in the Commission being instructed in the final text to frame a methodology for taking ILUC into account.

ILUC impacts are not directly observable, so modelling techniques must be used to gauge their scale. Different models produce different results, depending on the initial assumptions made, but all of the studies conducted show that ILUC is a very real phenomenon, the scale of which varies according to the feedstock used, and that indirect land-use change can cancel out a significant proportion of the GHG emission savings offered by biofuels and bioliquids. In particular, all of the studies show the ILUC impact to be greater for biodiesel feedstock than for ethanol feedstock.

Given that modelling techniques are being used, it is obviously impossible for the various studies conducted to provide a totally accurate picture of the situation. It should be pointed out that the IFPRI study, on which the figures provided by the Commission are based, is the study that contains the lowest ILUC values, largely owing to the assumptions it makes regarding agricultural productivity gains, which are felt to be over-optimistic. The Mirage model used by the IFPRI gives the lowest mean value for direct and indirect land-use change (38.4 grCO<sub>2</sub>eq/MJ), while the highest is 107. The ADEME-INRA study entitled *Revue critique des études évaluant l'effet des changements d'affectation des sols sur les bilans environnementaux des biocarburants* (Land-use change and environmental consequences of biofuels: a quantitative review of the literature), which was published in 2012, involved the compilation of 49 studies on the subject and the development of a meta-model. That meta-model produced a mean ILUC value of 72 grCO<sub>2</sub>eq/MJ.

It should also be pointed out that demand for biofuels in the EU is an additional pressure on food prices which could restrict some population groups' access to food.

Lastly, proper account needs to be taken of the investments made by first-generation biofuel producers, so that those producers may remain profitable and continue to provide jobs.

## COMMISSION PROPOSAL

The Commission acknowledges that ILUC does have an impact, but instead of proposing that ILUC factors be incorporated into GHG emission saving calculations, it proposes placing a

5% limit on biofuels produced from food crops. This cap is welcome, but has one major drawback, namely that it makes no distinction between biofuels which have a major ILUC impact and those which are more effective. In its proposed changes to the Fuel Quality Directive, the Commission provides solely for an ILUC emissions reporting requirement, without taking those emissions into account in connection with the target of a 6% GHG emission saving.

The Commission also seeks to speed up the switch to advanced biofuels, produced from waste and residues, which are considered to have no land-use change impact. To this end, it sets out a list of eligible feedstocks which will count double or four times, in order to offer additional incentives to potential investors.

Lastly, it is proposing that the introduction of the minimum greenhouse gas saving threshold for biofuels produced in new installations should be brought forward from 1 January 2018 to 1 July 2014.

## **RAPPORTEUR'S POSITION**

The rapporteur considers the failure to take account of ILUC impacts to be at odds with the Union's climate change objectives. GHG emission reduction policy cannot be based on incomplete accounting and must not help to support practices that actually increase, rather than reduce, GHG emissions. It is essential for GHG emissions to be accurately accounted for. ILUC emissions must therefore be incorporated into the sustainability criteria and it must become compulsory for account to be taken of GHG emissions linked to changes in the carbon stock of land resulting from indirect land-use change.

The science on which ILUC impact calculations are based is sufficiently robust to be incorporated into EU legislation. The fact that all modelling processes contain a degree of uncertainty must not be used as an excuse for denying that the problem exists and failing to take proper action.

Incorporating ILUC factors into calculations will also have the advantage of ensuring that biofuels will not all be treated as equivalent and will provide an incentive for producing biofuels with a low ILUC factor.

The Commission rightly proposes that no ILUC emissions should be apportioned to biofuel feedstocks grown on new, previously uncultivated, land (e.g. marginal or degraded land).

In the future, an ILUC factor will also need to be assigned to non-food energy crops, because their production entails a direct or indirect land-use change.

However, in order to safeguard investments made in first-generation biofuel production, as well as the jobs it provides, no ILUC factor should be applied to a production volume corresponding to the overall output for the year 2012 – which would represent approximately 5% of the target and 80% of which would be accounted for by biodiesel. The rapporteur would also suggest that the industry should be given more time – until 2020, instead of 2017 as originally planned – on the basis of the production figures for 2008.

There is general agreement on the need to speed up the switch to advanced biofuels, and this is one of the aims of the Commission proposal. It is essential for the industry to be given the clear message that the Union is backing advanced biofuels, in order to offer secure long-term investment prospects. In this connection, the 'multiple counting' system proposed by the Commission has the support of a large number of stakeholders.

However, it is essential to ensure that the mistakes made with first-generation biofuels are not repeated. As things stand, there is little reliable information on the availability of the feedstocks required for the production of second-generation biofuels, on their sustainability and on competing uses. There is also a need to make sure that the decisions made on biofuels do not conflict with EU waste policy, which is why the rapporteur is proposing that a new Annex X should be inserted in the text. In general, appropriate safeguards and sustainability criteria need to be put in place for advanced biofuels, in order to make sure that they do not have adverse economic and environmental impacts.

Special attention needs to be paid to the issue of forest biomass. Recent scientific findings have placed a question mark over the GHG emission savings that may be achieved by using wood as an energy source (Joint Research Centre technical report entitled *Carbon accounting of forest bioenergy*, published in 2013). In the absence of sustainability criteria for solid biomass, it is out of the question to support the conversion of land into energy plantations. Wood should be used for biofuel production only in areas where the forest growth rate is high enough to meet both the existing demand and the new demand without undermining sustainable forestry management.

With a view to encouraging the use of electricity from renewable sources in the transport sector, the rapporteur proposes that a 1.5% sub-target should be set for electricity. Given that national projections already indicate a 1.4% share by 2020, this is a realistic target.

The rapporteur also considers that the status of renewable liquid and gaseous fuels of non-biological origin, which, under the Commission proposal, would count four times, needs to be clarified. Power-to-gas and power-to-liquid technologies will have a crucial role to play in the future in decarbonising transport.

A 12% energy efficiency target should be set for the transport sector in order to create synergies with vehicle CO<sub>2</sub> emission reduction measures and encourage Member States to review transport policies.

Lastly, to make it easier for fuel suppliers to meet the 6% GHG emission savings target laid down by Directive 98/70/EC on fuel quality, the deadline for meeting the target should be put back from 2020 to 2025.

The rapporteur believes that the amendments tabled to the Commission proposal will make it possible for the 10%-renewable-energy target set for the transport sector to be met by 2020 without undermining the Union's climate change policy or making it more difficult for the GHG targets to be achieved.



## **ANNEX**

### **LEGISLATIVE FOOTPRINT**

The rapporteur and/or her collaborators met with representatives from the following stakeholders during the preparation of this draft report:

Ethanol Europe, Neste Oil, Copa-Cogeca, Représentation Permanente de la France, Confederation of European Paper Industries (CEPI), Transport & Environment (T&E) - European Environmental Bureau (EEB) - Birdlife, Oxfam - Peuples Solidaires - Réseau Action Climat (RAC), Association générale des producteurs de maïs (AGPM) - Association générale des producteurs de blé (AGPB) - Confédération Générale des Planteurs de Betteraves (CGB), Sofiproteol, European Biodiesel Board (EBB), Représentation Permanente de la Grande-Bretagne, Greenpeace, TOTAL, Ambassade du Canada, Ambassade du Brésil, Représentation Permanente de la Suède, ePure, IFPRI, Comité Economique et Social Européen, Action Aid, Exxon Mobil, Représentation Permanente de l'Irlande, UPM, Client Earth, Carlyle/Ensus, Novozymes, UNICA, DONG Danish Energy Association, European Panel Federation (EPF) - European Confederation of Woodworking Industries (CEI-Bois), Pangea African Bioenergy Association, Scania, WWF, Food Drink Europe, Südzucker, Renault-PSA-Renault Trucks, Shell, European Biomass Association (AEBIOM), st1 1st Biofuel, Conseil Européen des Fédérations de l'Industrie Chimique (CEFIC), Pannonia Ethanol, Arizona Chemical, Représentation Permanente du Danemark, Hart Energy, Carbon Recycling International, Solvay, Preem, Europia, Lyondell, Boeing, Confederation of the French Pulp, Paper and Broad (COPACEL), GECAM