



EUROPEAN PARLIAMENT

2009 - 2014

Committee on International Trade

2012/0288(COD)

21.6.2013

OPINION

of the Committee on International Trade

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

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))

Rapporteur: Josefa Andrés Barea

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SHORT JUSTIFICATION

The European Parliament has recognised the importance of the promotion of renewable energy in the fight against climate change and the reduction of the EU's dependence on external energy sources. The Renewable Energy Directive 2009/28/EC and the Fuel Quality Directive 98/70/EC aim precisely at achieving these objectives by establishing renewable energy targets that have created additional demand for biofuels. However the main purpose of the two directives is at risk to be undermined by the indirect-land use change (ILUC) effect which can negate the greenhouse gas savings of individual biofuels relative to the fossil fuels they replace.

This opinion on the one hand recognises the importance of factoring in the ILUC in order to ensure an actual reduction of greenhouse gas emissions and in doing so, of promoting the consumption of advanced biofuels to which no ILUC effect is associated; on the other hand it aims at protecting the investment that the Union industry has made in conventional biofuels under the incentives provided by the EU.

The opinion reviews the targets proposed by the Commission for conventional and advanced biofuels to be complied with until 31st December 2020.

The share of conventional biofuels within the 10% target for consumption of renewable energy in transport in 2020 in each Member State is proposed to be increased from 5% to approximately 6,5% whilst the remaining 3,5% should be left for advanced biofuels and renewable electricity. These figures take into account on the one side the production capacity of the Union planned until 2020 in conventional biofuels and therefore the need to protect existing investment in the sector; especially in a context of high unemployment and economic crisis as the one we are experiencing nowadays; on the other the very limited current production capacity of the Union industry in advanced biofuels that therefore cannot realistically meet the target proposed by the Commission i.e. 5%.

By establishing a sub-quota for ethanol out of the final consumption of conventional biofuels, the proposal also recognises its higher environmental efficiency than biodiesels.

AMENDMENTS

The Committee on International Trade calls on the Committee on the Environment, Public Health and Food Safety, as the committee responsible, to incorporate the following amendments in its report:

Amendment 1

Proposal for a directive

Citation 1 a (new)

Text proposed by the Commission

Amendment

Having regard to the Treaty on European Union (TEU) and in particular Article 21 thereof and the Treaty on the Functioning

Amendment 2

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 **by introducing a separate target for advanced biofuels of at least 2,5%** for transport set in Directive 2009/28/EC compared to conventional biofuels. In this context, only biofuels with high overall greenhouse gas savings should be supported as part of the post 2020 renewable energy policy framework.

Justification

The target of 2,5% for advanced biofuels within the overall target of 10% for consumption of energy from renewable sources in transport represents a threshold that can realistically be met by the Union industry production. As a matter of fact the advanced biofuels will be commercialised by the Union industry not before 2019.

In addition, investments made by the Union industry in conventional biofuels need to be protected. The Union production capacity is actually above 5% and imports would also need

to be taken into account.

Amendment 3

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 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.

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 ***and bioliquids.***

Amendment 4

Proposal for a directive

Recital 7 a (new)

Text proposed by the Commission

Amendment

(7a) The production and import of biofuels into the European Union should not contribute to deforestation and food insecurity in producer countries.

Amendment 5

Proposal for a directive Recital 8 a (new)

Text proposed by the Commission

Amendment

(8a) The Commission should take appropriate measures to ensure fair competition by third countries' exporters of biofuels into the Union in accordance with the Union's rules on trade defence instruments.

Justification

The biofuels market is subject to unfair practices by third countries (e.g. anti-dumping duties were imposed by the EU on imports of bioethanol from the US on 18 February 2013 and on 29 August 2012 the Commission launched an anti-dumping investigation on imports of biodiesel from Argentina and Indonesia). Therefore it is important to stress that fair competition in the biofuels market needs to be ensured.

Amendment 6

Proposal for a directive Recital 9

Text proposed by the Commission

Amendment

(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

(9) To prepare for the transition towards advanced ***and sustainable*** 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 ***those Directives.*** 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 ***or receive public funding pursuant to*** Directive 2009/28/EC should be limited to the share of such biofuels and bioliquids consumed

consumed in 2011.

in 2011. *Biofuels and Bioliquids imported from third countries are counted towards this target. For the same reason and in order to avoid unequal treatment of biofuels and bioliquids from raw materials with similar impacts, it is appropriate to apply the same treatment to advanced biofuels.*

Amendment 7

Proposal for a directive Recital 9 a (new)

Text proposed by the Commission

Amendment

(9a) Considering the significant contribution of ethanol to the objective of reducing the green house gas emissions in particular in road transport, a specific target of at least 30% out of the overall consumption of conventional biofuels in transport should be established.

Justification

The emerging science confirms that ethanol makes a strong contribution to the decarbonisation of road transport. Therefore to avoid that the entire share of conventional biofuels is covered mainly by biodiesel a specific sub-quota needs to be established for ethanol.

Amendment 8

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

(10) The **6,5% limit** set up in Article 3(4)d **allows Member States to comply with** the overall 10% target **without undermining the full** access to the market of the biofuels produced by the installations in operation before the end of 2013. Therefore this amending directive does not affect the legitimate expectations of the operators of

of 2013 ***remains fully open***. Therefore this amending directive does not affect the legitimate expectations of the operators of such installations.

such installations.

Justification

The 6,5% limit for conventional biofuels does not undermine the access to the biofuels market by the installations in operation before the end of 2013.

Amendment 9

Proposal for a directive Recital 11 c (new)

Text proposed by the Commission

Amendment

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

Amendment 10

Proposal for a directive Recital 12

Text proposed by the Commission

Amendment

(12) The Commission should review the methodology for estimating land-use change emission factors included in Annexes VIII and V to Directives 2009/28/EC and 98/70/EC respectively in the light of adaptation to technical and scientific progress. To this end, and if warranted ***by*** the latest available ***scientific*** evidence, the Commission should ***consider*** the possibility of revising the proposed crop group indirect land-use change factors, as well as introducing factors at further levels of disaggregation and including additional values should new

(12) The Commission should review the methodology for estimating land-use change emission factors included in Annexes VIII and V to Directives 2009/28/EC and 98/70/EC respectively in the light of adaptation to technical and scientific progress. To this end, and if warranted ***on the basis of*** the latest available evidence ***based on the most reliable scientific model***, the Commission should ***submit legislative proposals to the European Parliament and the Council in case it considers*** the possibility of revising the proposed crop group indirect land-use

biofuel feedstocks come to market.

change factors, as well as introducing factors at further levels of disaggregation and including additional values should new biofuel feedstocks come to market.

Justification

It is crucial that the most reliable scientific model is used to calculate the ILUC values.

Amendment 11

Proposal for a directive

Article 1 – point 2 – point b a (new)

Directive 98/70/EC

Article 7b – paragraph 5 a (new)

Text proposed by the Commission

Amendment

(ba) In Article 7 b the following paragraph 5 a is added:

"5a. Biofuels taken into account for the purposes referred to in paragraph 1 shall not be made from raw materials obtained from agricultural residues unless evidence is provided that this does not result in a degradation of agricultural land and the functioning of the ecosystem. The volume of agricultural residues that must remain on the land for ecological reasons shall be established on the basis of local 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."

Justification

a new subparagraph is added

Amendment 12

Proposal for a directive

Article 1 – point 2 – point b b (new)

Directive 98/70/EC

Article 7b – paragraph 5 b (new)

Text proposed by the Commission

Amendment

(bb) In Article 7b the following paragraph 5 b is added:

"5b. Biofuels taken into account for the purposes referred to in paragraph 1 shall not be made from raw material obtained from land the tenure of which is contested or violates the rights of third parties, notably local communities, regarding the tenure and use of land. Free, prior and informed consent of relevant third parties shall be obtained prior to starting the production or harvesting of raw material. Relevant third parties or representatives recognised by those parties shall be involved in giving free prior and informed consent."

Amendment 13

Proposal for a directive

Article 1 – point 2 a (new) – point aa (new)

Directive 98/70/EC

Article 7 c – paragraph 3 – subparagraph 1

Text proposed by the Commission

Amendment

2a. Article 7c is amended as follows:

(aa) in paragraph 3, the first subparagraph is replaced by the following:

"1. Member States shall take measures to ensure that economic operators submit reliable information and make available to the Member State [...] the data that were used to develop the information. Member States shall

require economic operators to arrange for an adequate standard of independent auditing of the information submitted, and to provide evidence that this has been done. The auditing shall verify that the systems used by economic operators are accurate, reliable and protected against fraud. It shall evaluate the frequency and methodology of sampling and the robustness of the data."

Amendment 14

Proposal for a directive

Article 1 – point 2 a (new) – point ab (new)

Directive 98/70/EC

Article 7 c – paragraph 3 – subparagraph 3

Text proposed by the Commission

Amendment

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

"The Commission shall, in accordance with the advisory procedure referred to in Article 11(3), establish the list of appropriate and relevant information referred to in the first two subparagraphs. It shall seek to ensure maximum compliance with the substantive obligations of this paragraph, while seeking to minimise excessive administrative burden for operators, notably the smaller ones."

Amendment 15

Proposal for a directive

Article 1 – point 2 a (new) – point ac (new)

Directive 98/70/EC

Article 7 c – paragraph 3 – subparagraph 5

Text proposed by the Commission

Amendment

(ac) in paragraph 3, subparagraph 5 is replaced by the following:

"Member States shall submit to the Commission, in aggregated form, the information referred to in the first subparagraph of this paragraph, including the reports carried out by the independent auditors. The Commission shall publish that information on the transparency platform referred to in Article 24 of Directive 2009/28/EC [...]."

Amendment 16

Proposal for a directive

Article 1 – point 2 a (new) – point ad (new)

Directive 98/70/EC

Article 7 c – paragraph 4 – first subparagraph

Text proposed by the Commission

Amendment

(ad) in paragraph 4, the first subparagraph is replaced by the following:

"1. The EU shall endeavour to conclude bilateral or multilateral agreements with third countries containing mandatory commitments on provisions on sustainability criteria that correspond to those of this Directive. Such agreements should also set out rules in order to ensure that third countries' customs procedures do not lead to fraud related to the import and export of biofuels and bioliquids, as well as on provisions on trade facilitation. The EU should also endeavour to conclude agreements with third countries containing commitments on the ratification and enforcement of ILO Conventions and MEAs as referred to in Article 7(b)7. Where the EU has concluded agreements containing

mandatory commitments on provisions relating to matters covered by the sustainability criteria set out in Article 7b(2) to (5), the Commission may decide that those agreements demonstrate that biofuels and bioliquids produced from raw materials cultivated in those countries comply with the sustainability criteria in question. When those agreements are concluded, due consideration shall be given to measures taken for the conservation of areas that provide, in critical situations, basic ecosystem services (such as watershed protection and erosion control), for soil, water and air protection, indirect land-use changes, the restoration of degraded land, the avoidance of excessive water consumption in areas where water is scarce and to the issues referred to in the second subparagraph of Article 7b(7)."

Amendment 17

Proposal for a directive

Article 1 –point 2 a (new) – point ae (new)

Directive 98/70/EC

Article 7 c – paragraph 9 a (new)

Text proposed by the Commission

Amendment

(ae) In Article 7c the following paragraph 9 a is added:

"9a. By three years [from the entry into force of this Directive] the Commission shall submit a report to the European Parliament and the Council reviewing the operation of voluntary schemes for which a decision under paragraph 4 has been adopted and identifying best practices. The report shall be based on the best information available, including from consultation with stakeholders, and shall be based on practical experience in the application of the schemes. The report

shall take into account the evolution of relevant internationally recognised standards and guidelines, including those developed by the International Organization for Standardization and the ISEAL Alliance. In relation to each scheme, the report shall analyse, inter alia, the following:

- Independency, modality and frequency of audits;*
- Availability and experience in the application of methods for identifying and dealing with non-compliance;*
- Transparency, particularly in relation to the accessibility of the scheme, the availability of translations in the official languages of the countries and regions from which raw materials originate, accessibility of a list of certified operators and relative certificates, accessibility of auditor reports;*
- Stakeholders' involvement, particularly as regards the consultation of indigenous and local communities during the drafting and reviewing of the scheme as well as during audits;*
- Overall robustness of the scheme, particularly in light of rules on the accreditation, qualification and independence of auditors and relevant scheme bodies;*
- Market update of the scheme.*

The Commission shall, if appropriate in light of the report, submit a proposal to the European Parliament and the Council to modify the criteria listed in Article 7c(5)."

Amendment 18

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

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.

Amendment 19

Proposal for a directive

Article 2 – point 2 – point c – point -i (new)

Directive 2009/28/EC

Article 3 – paragraph 4 – subparagraph 1

Text proposed by the Commission

Amendment

(-i) in paragraph 4, subparagraph 1 is replaced by the following:

(4) Each Member State shall ensure that the share of energy from renewable sources in all forms of transport in 2020 is at least 10 % of the final consumption of energy in transport in that Member State, and that due to the significant contribution of ethanol to the objective of reducing the green house gas emissions in particular in road transport, the share of ethanol constitutes at least 30% of the overall consumption in conventional biofuels.

Justification

The emerging science confirms that ethanol makes a strong contribution to the decarbonisation of road transport. Therefore to avoid that the entire share of conventional biofuels is covered mainly by biodiesel a specific sub-quota needs to be established for

ethanol.

Amendment 20

Proposal for a directive

Article 2 – point 2 – point c – point i a (new)

Directive 2009/28/EC

Article 3 – paragraph 4 – second subparagraph (new)

Text proposed by the Commission

Amendment

(i a) a second subparagraph is added to Article 3, paragraph 4:

Each Member State shall ensure that the share of electricity from renewable energy sources used in all forms of transport is at least 2% of the final consumption of energy in transport in that Member State by 2020.

Amendment 21

Proposal for a directive

Article 2 – point 2 – point c – point ii

Directive 2009/28/EC

Article 3 – paragraph 4 – subparagraph 2 – point d

Text proposed by the Commission

Amendment

(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.***

(d) for the calculation of biofuels in the numerator,

(i) the share of energy from biofuels produced from feedstock listed in Annex IX shall be at least 2,5% of the final consumption of energy in transport in 2020 and

(ii) the share of energy from biofuels produced from food crops shall be at least

6,5% of the final consumption of energy.

Justification

The target of 2,5% for advanced biofuels within the overall target of 10% for consumption of energy from renewable sources in transport represents a threshold that can realistically be met by the Union industry production. As a matter of fact the advanced biofuels will be commercialised by the Union industry not before 2019.

In addition, investments made by the Union industry in conventional biofuels need to be protected. The Union production capacity is actually above 5% and imports would also need to be taken into account.

Amendment 22

Proposal for a directive

Article 2 – point 2 – point c – point iii

Directive 2009/28/EC

Article 3 – paragraph 4 – point e – point iii

Text proposed by the Commission

Amendment

(iii) renewable liquid and gaseous fuels of non-biological origin shall be considered to be four times their energy content. ***deleted***

Justification

As stated in its Article 1, the scope of the Renewable Energy Directive "establishes a common framework for the promotion of energy from renewable sources". There is therefore no reason to open this Directive to fuels produced from non-renewable energy feedstock.

Amendment 23

Proposal for a directive

Article 2 – point 5 – point -aa (new)

Directive 2009/28/EC

Article 17 – paragraph 1

Text proposed by the Commission

Amendment

(-aa) The introductory part of Article 17 paragraph 1 is amended as follows:

"1. Irrespective of whether the raw

materials were cultivated inside or outside the territory of the Community, energy from biofuels and bioliquids shall be taken into account for the purposes referred to in points (a), (b) and (c) only if they fulfil the sustainability criteria set out in paragraphs 2 to 7:"

Justification

This amendment includes paragraph 7 of the sustainability criteria as a precondition to be taken into account for the purposes referred to in points (a), (b) and (c)

Amendment 24

Proposal for a directive

Article 2 – point 5 – point -ab (new)

Directive 2009/28/EC

Article 17 – paragraph 1 – subparagraph 2

Text proposed by the Commission

Amendment

(-ab) in paragraph 1, second subparagraph is deleted.

Justification

Advanced biofuels receive the same incentive as conventional biofuels and should therefore in order to create a level playing field be subject to the same requirements where applicable.

Amendment 25

Proposal for a directive

Article 2 – point 5 – point ba (new)

Directive 2009/28/EC

Article 17 – paragraph 5 a (new)

Text proposed by the Commission

Amendment

(ba) In Article 17 the following paragraph 5 a is added:

"Biofuels taken into account for the purposes referred to in paragraph 1 shall not be made from raw materials obtained

from agricultural residues unless evidence is provided that this does not result in a degradation of agricultural land and the functioning of the ecosystem. The volume of agricultural residues that must remain on the land for ecological reasons shall be established on the basis of local 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."

(this amendment also applies to Article 7b, paragraph 5 of Directive 98/70/EC)

Amendment 26

Proposal for a directive

Article 2 – point 5 – point bb (new)

Directive 2009/28/EC

Article 17 – paragraph 5 b (new)

Text proposed by the Commission

Amendment

(bb) In Article 17 the following paragraph 5b is added:

"Biofuels taken into account for the purposes referred to in paragraph 1 shall not be made from raw material obtained from land the tenure of which is contested or violates the rights of third parties, notably local communities, regarding the tenure and use of land. Free, prior and informed consent of relevant third parties shall be obtained prior to starting the production or harvesting of raw material. Relevant third parties or representatives recognised by those parties shall be involved in giving free prior and informed consent."

(this amendment also applies to Article 7b, paragraph 5 of Directive 98/70/EC)

Amendment 27

Proposal for a directive

Article 2 – point 5 a (new)

Directive 2009/28/EC

Article 18 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

5a. In Article 18 the following paragraph 2 a is added:

"Eurostat shall gather and publish detailed trade related information on biofuels produced from food crops, such as those based on cereals and other starch rich crops, sugars and oil crops. Available information shall be disaggregated trade data for both ethanol and biodiesel as current data is published in an aggregated format with ethanol and biodiesel imports and exports combined under one data set labelled biofuels. Import and export data shall identify the type and volumes of biofuels imported and consumed by EU Member States. Data shall also include the country of origin or the country exporting those products into the EU. Data on the import and export of biofeedstock or semi-processed products shall be improved with Eurostat gathering and publishing information on import or export of feedstocks, type and country of origin, including internally traded feedstocks or semi-traded feedstocks."

Justification

The new paragraph will allow for improved data collection and improve the sustainability criteria for biofuels and bioliquids

Amendment 28

Proposal for a directive

Article 2 – points 5b – 5e

Directive 2009/28/EC

Article 18 – paragraphs 3 and 3 a (new)

Text proposed by the Commission

Amendment

5b. In Article 18 paragraph 3, the first subparagraph is replaced by the following:

"3. Member States shall *set up reporting mechanisms at national level in order to ensure that economic operators submit reliable information and make available to the Member State [...] the data that were used to develop the information. Member States shall require economic operators to arrange for an adequate standard of independent auditing of the information submitted, and to provide evidence that this has been done. The auditing shall verify that the systems used by economic operators are accurate, reliable and protected against fraud. It shall evaluate the frequency and methodology of sampling and the robustness of the data.*"

5c. In Article 18 paragraph 3, the third subparagraph is replaced by the following:

"The Commission shall, in accordance with the advisory procedure referred to in Article 25(3), establish the list of appropriate and relevant information referred to in the first two subparagraphs. It shall *seek to ensure maximum compliance with the substantive obligations of this paragraph, while seeking to minimise excessive administrative burden for operators, notably the smaller ones.*"

5d. In Article 18 paragraph 3, the fifth subparagraph is replaced by the following:

"Member States shall submit to the Commission, in aggregated form, the information referred to in the first subparagraph of this paragraph, *including the reports carried out by the independent auditors.* The Commission shall publish that information on the transparency platform referred to in Article 24 [...]."

5e. In Article 18 the following paragraph is inserted after paragraph 3:

3a. The Commission shall ensure that commitments and measures to monitor compliance with sustainability criteria for biofuels and bioliquids, and in particular for imported biofuels and bioliquids, are honoured and properly implemented through the overall supervision of the reporting and auditing mechanisms set up at national level. The Commission shall take appropriate measures to ensure fair competition by third countries' exporters of biofuels into the Union in accordance with the Union's rules on trade defence instruments.

Amendment 29

Proposal for a directive

Article 2 – point 5 f (new)

Directive 2009/28/EC

Article 18 – paragraph 4 – first subparagraph

Text proposed by the Commission

Amendment

5f. In Article 18 paragraph 4, the first subparagraph is replaced by the following:

"4. The EU shall endeavour to conclude bilateral or multilateral agreements with third countries containing mandatory commitments on provisions on sustainability criteria that correspond to those of this Directive. Such agreements

should also set out rules in order to ensure that third countries' customs procedures do not lead to fraud related to the import and export of biofuels and bioliquids, as well as on provisions on trade facilitation. The EU should also endeavour to conclude agreements with third countries containing commitments on the ratification and enforcement of ILO Conventions and MEAs as referred to in Article 17(7). Where the EU has concluded agreements containing mandatory commitments on provisions relating to matters covered by the sustainability criteria set out in Article 17(2) to (7), the Commission may decide that those agreements demonstrate that biofuels and bioliquids produced from raw materials cultivated in those countries comply with the sustainability criteria in question. When those agreements are concluded, due consideration shall be given to measures taken for the conservation of areas that provide, in critical situations, basic ecosystem services (such as watershed protection and erosion control), for soil, water and air protection, indirect land-use changes, the restoration of degraded land, the avoidance of excessive water consumption in areas where water is scarce and to the issues referred to in the second subparagraph of Article 17(7)."

Amendment 30

Proposal for a directive

Article 2 – point 6 a (new)

Directive 2009/28/EC

Article 18 – paragraph 4 – third subparagraph (new)

Text proposed by the Commission

Amendment

6a. In Article 18 (4), a new third

subparagraph is added:

The Commission and the member states ensure the mutual recognition of verification schemes safeguarding the compliance with the sustainability criteria for biofuels and bioliquids, where those schemes concerned have been established in accordance with this Directive.

Amendment 31

Proposal for a directive

Article 2 – point 6 b (new)

Directive 2009/28/EC

Article 18 – paragraph 9 a (new)

Text proposed by the Commission

Amendment

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

"9 a. By three years [from the entry into force of this Directive] the Commission shall submit a report to the European Parliament and the Council reviewing the operation of voluntary schemes for which a decision under paragraph 4 has been adopted and identifying best practices. The report shall be based on the best information available, including from consultation with stakeholders, and shall be based on practical experience in the application of the schemes. The report shall take into account the evolution of relevant internationally recognised standards and guidelines, including those developed by the International Organization for Standardization and the ISEAL Alliance. In relation to each scheme, the report shall analyse, inter alia, the following:

- Independency, modality and frequency of audits;***
- Availability and experience in the application of methods for identifying and***

dealing with non-compliance;

- Transparency, particularly in relation to the accessibility of the scheme, the availability of translations in the official languages of the countries and regions from which raw materials originate, accessibility of a list of certified operators and relative certificates, accessibility of auditor reports;

- Stakeholders' involvement, particularly as regards the consultation of indigenous and local communities during the drafting and reviewing of the scheme as well as during audits;

- Overall robustness of the scheme, particularly in light of rules on the accreditation, qualification and independence of auditors and relevant scheme bodies;

- Market update of the scheme.

The Commission shall, if appropriate in light of the report, submit a proposal to the European Parliament and the Council to modify the criteria listed in Article 18(5)."

Amendment 32

Proposal for a directive

Article 2 – point 9

Directive 2009/28/EC

Article 22 – paragraph 2

Text proposed by the Commission

2. In estimating net greenhouse gas emission saving from the use of biofuels, the Member State may, for the purpose of the reports referred to in paragraph 1, use the typical values given in part A and part B of Annex V, *and shall add the estimates for indirect land-use change emissions set out in Annex VIII.*

Amendment

2. In estimating net greenhouse gas emission saving from the use of biofuels, the Member State may, for the purpose of the reports referred to in paragraph 1, use the typical values given in part A and part B of Annex V.

Amendment 33

Proposal for a directive

Annex 2 – point 2

Directive 2009/28/EC

Annex VIII – 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 (e_l)” should have been calculated in accordance to Part C, paragraph 7 of Annex V.***

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.***

Amendment 34

Proposal for a directive

Annex 2 – point 3

Directive 2009/28/EC

Annex IX

Text proposed by the Commission

Part A. Feedstocks whose contribution towards the target referred to in Article 3(4) shall be considered to be four times their energy content

(a) Algae.

(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 and repealing certain Directives.

Amendment

Feedstocks ***contributing*** towards the 2,5% target referred to in Article 3 ***(4) d (i) are as followed.***

(a) Algae.

(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 and repealing certain Directives.

- (c) Biomass fraction of industrial waste.
- (d) Straw.
- (e) Animal manure and sewage sludge.
- (f) Palm oil mill effluent and empty palm fruit bunches.
- (g) Tall oil pitch.
- (h) Crude glycerine.
- (i) Bagasse.
- (j) Grape marcs and wine lees.
- (k) Nut shells.
- (l) Husks.
- (m) Cobs
- (n) Bark, branches, leaves, saw dust and cutter shavings.

Part B. Feedstocks whose contribution towards the target referred to in Article 3(4) shall be considered to be twice their energy content

- (a) Used cooking oil.
- (b) Animal fats classified as category I and II in accordance with EC/1774/2002 laying down health rules concerning animal by-products not intended for human consumption.
- (c) Non-food cellulosic material.
- (d) Ligno-cellulosic material except saw logs and veneer logs.

- (c) Biomass fraction of industrial waste.
- (d) Straw.
- (e) Animal manure and sewage sludge.
- (f) Palm oil mill effluent and empty palm fruit bunches.
- (g) Tall oil pitch.
- (h) Crude glycerine.
- (i) Bagasse.
- (j) Grape marcs and wine lees.
- (k) Nut shells.
- (l) Husks.
- (m) Cobs
- (n) Bark, branches, leaves, saw dust and cutter shavings.

- (na) Used cooking oil.
- (nb) Animal fats classified as category I and II in accordance with EC/1774/2002 laying down health rules concerning animal by-products not intended for human consumption.
- (nc) Non-food cellulosic material.
- (nd) Ligno-cellulosic material except saw logs and veneer logs.

PROCEDURE

Title	Amendment to the fuel quality directive and the renewable energy directive (Indirect Land Use Change)		
References	COM(2012)0595 – C7-0337/2012 – 2012/0288(COD)		
Committee responsible Date announced in plenary	ENVI 19.11.2012		
Opinion by Date announced in plenary	INTA 19.11.2012		
Rapporteur Date appointed	Josefa Andrés Barea 26.11.2012		
Discussed in committee	20.3.2013	24.4.2013	28.5.2013
Date adopted	18.6.2013		
Result of final vote	+: 14 -: 8 0: 4		
Members present for the final vote	Maria Badia i Cutchet, David Campbell Bannerman, María Auxiliadora Correa Zamora, George Sabin Cutaş, Christofer Fjellner, Yannick Jadot, Metin Kazak, Franziska Keller, Bernd Lange, David Martin, Vital Moreira, Paul Murphy, Cristiana Muscardini, Helmut Scholz, Peter Šťastný, Robert Sturdy, Henri Weber, Iuliu Winkler, Paweł Zalewski		
Substitute(s) present for the final vote	Josefa Andrés Barea, Catherine Bearder, Albert Deß, Elisabeth Köstinger, Emma McClarkin, Mario Pirillo, Miloslav Ransdorf, Peter Skinner, Jarosław Leszek Wałęsa		
Substitute(s) under Rule 187(2) present for the final vote	Paul Rübig		