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*Committee on Industry, Research and Energy*

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**2012/0288(COD)**

4.7.2013

## **OPINION**

of the Committee on Industry, Research and Energy

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 (\*): Alejo Vidal-Quadras

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

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## SHORT JUSTIFICATION

### I. Introduction

The promotion of biofuels has been one of the essential elements of EU policy in the areas of energy and climate change. The reasons behind this are diverse and sensible: biofuels not only increase transport sustainability but also improve security of energy supply and support economic development by creating new sources of income in rural areas.

The main driver for their development has been the fight against climate change. The transport sector has been a priority in the EU's efforts to reduce greenhouse gas emissions as it is responsible for almost 20% of them, which makes it the second biggest greenhouse gas emitting sector after energy. Although biofuels are not the only available means to progressively decarbonise this sector, they in practice constitute the main tool to switch from fossil fuel-fed transport to renewable based transport and the only possibility in the case of air and maritime transport.

In addition, biofuels represent an opportunity both to reduce the EU's energy dependency, which stands at around 50% and is expected to increase, and to promote development of the European agricultural sector.

In light of these advantages, the EU has adopted Directive [2003/30/EC](#) on the promotion of the use of biofuels or other renewable fuels for transport ("the Biofuels Directive") and Directive [2009/28/EC](#) on the promotion of the use of energy from renewable sources ("the Renewable Energy Directive"), which have boosted investments in biofuel production. The Biofuels Directive established a non-mandatory target of a 5.75% share of biofuels in transport by 2010. The Renewable Energy Directive, which repealed the Biofuels Directive, created a binding target: the share of energy from renewable sources in the transport sector must amount to at least 10 % of final energy consumption in the sector by 2020. This provision is complementary to the mandatory target set out in Directive 98/70/EC ("the Fuel Quality Directive"), which demands a 6% reduction in the greenhouse gas intensity of fuels used in road transport and non-road mobile machinery.

However, as with any other energy source, biofuels have some negative impacts. Recognising this fact and in response to the Renewable Energy Directive mandate, the Commission has proposed to amend the latter and the Fuel Quality Directive in order to minimise the impact of indirect land-use change (ILUC)<sup>1</sup> on greenhouse gas emissions.

### II. Main points identified by the rapporteur

The rapporteur acknowledges that ILUC is a phenomenon which must be addressed as its effects are harmful for the environment and thwart EU policy to reduce CO<sub>2</sub> emissions.

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<sup>1</sup> When biofuels are produced on existing agricultural land, the demand for food and feed crops remains, and may lead to someone producing more food and feed somewhere else. This can imply land use change (by changing e.g. forest into agricultural land), which implies that a substantial amount of CO<sub>2</sub> emissions are released into the atmosphere.

However, the rapporteur believes measures adopted with regards to biofuels must be based on a balanced approach which takes into account all the interests at stake.

#### **a) ILUC factors**

The rapporteur agrees with the Commission that the ILUC science is imprecise because this phenomenon cannot be directly observed or measured and that the estimated indirect land-use change emissions are, despite better understanding and recent scientific improvements, vulnerable to the deficiencies and limits of the models used to give a specific value of emissions derived from ILUC to the different types of crops. Therefore, not enough scientific evidence is available to introduce ILUC factors into EU legislation.

Moreover, the use of ILUC factors would have significant negative impacts. On the one hand, their use would put an end to the EU biodiesel industry, which, apart from the obvious economic consequences, would ignore the ongoing dieselisation of the fleet in Europe and would make it impossible to comply with the Renewable Energy Directive and Fuel Quality Directive targets. On the other hand, the need to constantly update these values would create uncertainty for industry, preventing investments in any kind of conventional biofuel and thereby limiting the production of ethanol as well.

Hence, the rapporteur considers that, contrary to the Commission proposal, no mention of the ILUC factor should be included in the Directives, not even for a reporting obligation.

#### **b) 5% cap on conventional biofuels**

This measure would represent a major change in legislation which had created a stable and predictable regulatory framework and whose last milestone, the Renewable Energy Directive, was approved in 2009. The 5% cap would harm those who, relying on the Renewable Energy Directive, counted on biofuels as the only technologically viable fuel to enable Member States to comply with the targets set out for 2020. As the 5% figure makes reference to the average production level in the EU, there are several Member States such as Germany, Spain and France in which the current quota of conventional biofuels is higher than 5% and which would therefore be more affected than others.

In addition, if a ceiling is put on biofuels which are commercially available, the 10% renewable energy goal and the 6% greenhouse gas reduction goal would be out of reach because the other alternatives, including advanced biofuels, could not fill the gap for the moment.

For all these reasons and taking into account that biofuels on average still save emissions compared to fossil fuels, the rapporteur suggests a more constructive approach which would consist in setting a sub-target for advanced biofuels. This sub-target would boost advanced biofuel production and thus CO<sub>2</sub> savings, and would send a strong signal in support of a gradual transition from conventional to advanced biofuels, to the extent technological progress allows, whilst minimising harmful effects for European industry.

The rapporteur also considers that the Commission's proposal overlooks ILUC mitigation measures such as production on unused or degraded land, increased yield performance and production of co-products (especially protein for animal feed, of which Europe has a deficit).

Feedstocks that demonstrate that the risk of ILUC has been mitigated or avoided should be incentivised.

Finally, the rapporteur agrees with the Commission on strengthening the sustainability criteria for biofuels produced in new installations by demanding a 60% greenhouse gas emission saving for those starting operation after 1<sup>st</sup> July 2014.

### **c) Multiple counting**

The laudable intention of multiple counting for second and third generation biofuels is to allow Member States to comply with the 10% renewable energy target as they would be able to count them twice or four times, filling the gap left by the 5% cap. However, if no cap is applied and a sub-target for advanced biofuels is established, multiple counting is no longer necessary.

Moreover, in the end multiple counting is counterproductive as it means fewer advanced biofuels are used. For a biofuel counted twice or four times towards the quota, twice or four times less would be used and the difference would have to be filled with fossil fuels. Also, less would be invested in production capacity as the actual market size would be reduced by somewhere between two and four times.

In fact, in order to mitigate the ILUC phenomenon, we would give up on our 10% target of renewables in transport energy consumption.

## AMENDMENTS

The Committee on Industry, Research and Energy 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** **Recital 1**

#### *Text proposed by the Commission*

(1) Article 3(4) of Directive 2009/28/EC on the promotion of the use of energy from renewable energy sources and amending and subsequently repealing Directives 2001/777/EC and 2003/30/EC requires Member States to ensure that the share of energy from renewable energy sources in all forms of transport in 2020 is at least 10% of their final energy consumption. The blending of biofuels is one of the methods available for Member States to meet this target, and is expected to be the main contributor

#### *Amendment*

(1) Article 3(4) of Directive 2009/28/EC on the promotion of the use of energy from renewable energy sources and amending and subsequently repealing Directives 2001/777/EC and 2003/30/EC requires Member States to ensure that the share of energy from renewable energy sources in all forms of transport in 2020 is at least 10% of their final energy consumption. The blending of biofuels is one of the methods available for Member States to meet this target, and is expected to be the main contributor. ***Other methods to meet the target are reducing energy consumption, which is imperative because a mandatory percentage target for energy from renewable sources is likely to become increasingly difficult to achieve sustainably if overall demand for energy for transport continues to rise, and the use of electricity from renewable energy sources.***

### **Amendment 2** **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) 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.

**Amendment 3**

**Proposal for a directive  
Recital 4 a (new)**

*Text proposed by the Commission*

*Amendment*

***(4a) In addition, it should not be forgotten that biofuel production from arable crops in the Union helps to reduce the Union shortage of vegetable protein.***

**Amendment 4**

**Proposal for a directive  
Recital 4 b (new)**

*Text proposed by the Commission*

*Amendment*

***(4b) Article 19(7) of Directive 2009/28/EC and Article 7d(6) of Directive 98/70/EC require appropriate steps to be taken to address the impact of indirect land-use changes on greenhouse gas emissions, while taking due account of the need to***

*protect investments already made.*

**Amendment 5**  
**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 *there exists a risk* that greenhouse gas emissions linked to indirect land use change could be *significant. 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 *avert this risk in the short, medium and long term, research and development should be encouraged into the production of new forms of advanced biofuels that do not directly compete with food crops.*

**Amendment 6**  
**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*

*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, *residues*, algae, *microorganisms and biodegradation by bacteria*, 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



*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.

currently not commercially available in large quantities. 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.

***Establishing progressively more ambitious mandatory targets for advanced biofuels in the transport sector will send a clear signal of support for them at Union level.***

In this context, advanced biofuels with *estimated low* indirect land use change impacts and high overall greenhouse gas savings should be *especially* supported as part of the post 2020 renewable energy policy framework *provided that this does not result in yet greater dependence of Member States on foreign sources of energy carriers and raw materials.*

*However, to avoid market distortions and frauds related to the production of advanced biofuels also the latter should comply with relevant sustainability criteria.*

## Amendment 7

### 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 ***or which do not impact on the environment in such a way as to***

*compromise local ecosystems by depriving food crops of land and water.*

## Amendment 8

### 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*

(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 *establish mandatory targets for advanced biofuels to be phased in gradually and according to a timetable that will provide predictability and stability for investors and to* limit the amount of biofuels and bioliquids obtained from food crops 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 10% target for transport set in Directive 2009/28/EC* should be limited *by introducing a 6.5% cap on such biofuels and bioliquids in 2020. 1% out of the 10% target could be achieved by counting the use of renewable energy in electric transport or the use of hydrogen in transport.*

## Amendment 9

### Proposal for a directive Recital 9 a (new)

*Text proposed by the Commission*

*Amendment*

*(9a) Considering that the present Union installed conventional ethanol production capacity is equal to 6% by energy of the*

*expected 2020 gasoline market and that there is a legitimate need to protect the existing investments in conventional biofuel production capacity done in good faith and that there is the need to begin to commercialise ethanol from lignocellulose, a dedicated target of at least 7,5% renewable energy of the final consumption of energy in transport in petrol in 2020 should be introduced of which 8% should be from biofuel produced from sugars and starch crops.*

#### *Justification*

*The emerging science confirms that ethanol makes a strong contribution to the decarbonisation of road transport. A 5% ceiling on conventional biofuels, as proposed by the Commission, is not a sufficient safeguard for investments undertaken in European bioethanol, since all of the ceiling can be incorporated into biodiesel. To avoid factory closures, there needs to be a separate target for petrol. Existing EU bioethanol capacity is equal to at least 6% of the expected petrol market by 2020 (according to the European Commission (DG JRC) and the European auto and oil industries). Imports (on average 20-25% of the market) need to be added to this 6%. By allowing a consumption of conventional biofuel from sugars and starch crops of maximum 8% in petrol and targeting at least 7,5% renewable energy in petrol, a market is created for the commercialisation of new production technology that converts lignocellulose into bioethanol.*

### **Amendment 10**

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

#### **Recital 10**

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

(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.

##### *Amendment*

(10) The 6.5% 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 and does not compromise any investments already made.

## Amendment 11

### Proposal for a directive Recital 10 a (new)

*Text proposed by the Commission*

*Amendment*

***(10a) Incentives should be provided to stimulate the use of electricity from renewable sources in the transport sector. Furthermore, energy efficiency and energy saving measures in the transport sector should be encouraged.***

## Amendment 12

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

(11) The ***Commission's impact assessment has shown that the models used to estimate the*** indirect land-use change emissions ***of biofuels production deliver results with significant variations, limitations and uncertainties. The results of modelling emissions from indirect land-use change are therefore still too uncertain to be included in legislation. The Commission should, before 31 December 2015, submit a report to the European Parliament, incorporating experience from ILUC-models implemented in other countries and developed in close corporation with all relevant stakeholders, on the progress on the robustness and reliability of scientific evidence for the use of indirect land use change factors; the report should, if appropriate, be accompanied by a legislative proposal introducing a requirement for fuel suppliers to regularly report on the estimated indirect land-use change emissions of the biofuels they***

*market, based on ILUC factors and with effect from September 2016.*

## **Amendment 13**

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

*Text proposed by the Commission*

*Amendment*

*(11a) The use of land for growing biofuel feedstocks should not result in the displacement of local and indigenous communities. To this end, only biofuels and bioliquids whose production does not impinge on the rights of local and indigenous communities should be considered as sustainable.*

## **Amendment 14**

### **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 biofuel feedstocks come to market.*

*(12) The Commission should periodically review the methodology for estimating land-use change emission factors and the list of available advanced biofuels as laid down in Annex IX taking into account consolidated, peer-reviewed, technical and scientific progress – and continuously report on the development of models used to estimate indirect land-use change emissions.*

## **Amendment 15**

### **Proposal for a directive**

## Recital 12 a (new)

*Text proposed by the Commission*

*Amendment*

***(12a) The review and adaptation of this methodology should take into account the fact that undertakings have already made wholesale investments based on the current legislation;***

## Amendment 16

### Proposal for a directive

#### Recital 13

*Text proposed by the Commission*

*Amendment*

(13) Article 19(8) of Directive 2009/28/EC and Article 7d(8) of Directive 98/70/EC include provisions for encouraging the cultivation of biofuels in severely degraded and heavily contaminated land as ***an interim*** measure for mitigating against indirect land-use change. ***These provisions are no longer adequate in their current form and need to be integrated in the approach laid out in this Directive to ensure that overall actions for minimising emission from indirect land-use change remain coherent.***

(13) Article 19(8) of Directive 2009/28/EC and Article 7d(8) of Directive 98/70/EC include provisions for encouraging the cultivation of biofuels in severely degraded and heavily contaminated land as ***a*** measure for mitigating against indirect land-use change. ***Other ILUC mitigation measures such as the use of co-products, yield increases, manufacturing efficiencies and production on vulnerable, abandoned or unused land, should be assessed by the Commission with the purpose of incorporating them into the Directives in terms of a bonus like the one already set out in Annex IV part C point 7 of Directive 98/70/EC and in Annex V part C point 7 of Directive 2009/28/EC for biomass obtained from restored degraded land.***

## Amendment 17

### Proposal for a directive

#### Recital 14 a (new)

*Text proposed by the Commission*

*Amendment*

***(14a) 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, modal shift, greater use of public transport and energy efficiency should be encouraged. In line with the White Paper on transports, 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.*

## Amendment 18

### Proposal for a directive Recital 18

#### *Text proposed by the Commission*

(18) In order to permit adaptation to technical and scientific progress of Directive 98/70/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 mechanism to monitor and reduce greenhouse gas emissions, the methodological principles and values necessary for assessing whether sustainability criteria have been fulfilled in relation to biofuels, criteria and geographic ranges for determining highly diverse grassland, the methodology for the calculation and reporting of lifecycle greenhouse gas emissions, *the methodology for the calculation of indirect land-use change emissions*, the permitted level related to the metallic additives content in fuels, the permitted analytical methods related to the fuel specifications and the vapour pressure waiver permitted for petrol containing bioethanol.

#### *Amendment*

(18) In order to permit adaptation to technical and scientific progress of Directive 98/70/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 mechanism to monitor and reduce greenhouse gas emissions, the methodological principles and values necessary for assessing whether sustainability criteria have been fulfilled in relation to biofuels, criteria and geographic ranges for determining highly diverse grassland, the methodology for the calculation and reporting of lifecycle greenhouse gas emissions, the permitted level related to the metallic additives content in fuels, the permitted analytical methods related to the fuel specifications and the vapour pressure waiver permitted for petrol containing bioethanol.

## Amendment 19

### Proposal for a directive Recital 19

#### *Text proposed by the Commission*

(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 relation to biofuels and bioliquids.

#### *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 ***advanced biofuels***, the energy content of transport fuels, criteria and geographic ranges for determining highly biodiverse grassland, and the methodological principles and values necessary for assessing whether sustainability criteria have been fulfilled in relation to biofuels and bioliquids.

## Amendment 20

### 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 ***should*** include ***sustainability criteria to be met for advanced biofuels***. ***The Commission should also review mitigation measures such as use of co-products, yield increases, manufacturing efficiencies and crop production on abandoned, unused or vulnerable land***.



*The Commission may furthermore assess the impact on biomass-using sectors.*

## Amendment 21

### Proposal for a directive Recital 21

#### *Text proposed by the Commission*

(21) It is of particular importance that the Commission in application of this Directive carry out appropriate consultations during its preparatory work, including at expert level. The Commission, when preparing and drawing up delegated acts, should ensure a simultaneous, timely and appropriate transmission of relevant documents to the European Parliament and to the Council.

#### *Amendment*

(21) It is of particular importance that the Commission in application of this Directive carry out appropriate consultations during its preparatory work, including at ***forestry and agricultural expert and stakeholder level, including the industrial sectors concerned***. The Commission, when preparing and drawing up delegated acts, should ensure a simultaneous, timely and appropriate transmission of relevant documents to the European Parliament and to the Council.

## Amendment 22

### Proposal for a directive Article 1 – point 1 – point a Directive 98/70/EC Article 7a – paragraph 6

#### *Text proposed by the Commission*

6. Fuel suppliers shall by 31 March each year report to the authority designated by the Member State, ***the biofuel production pathways, volumes, and the life cycle greenhouse gas emissions per unit of energy, including the estimated indirect land-use change emissions set out in Annex V Member States shall report these data to the Commission.***

#### *Amendment*

6. Fuel suppliers shall by 31 March each year report to the authority designated by the Member State, ***following procedures established with an eye to avoiding administrative burdens, on progress made towards reaching the mandatory targets referred to in Article 3(4) of Directive 2009/28/EC for advanced biofuels. The suppliers shall document that the biofuels are produced from feedstocks in accordance with the definition of advanced biofuels in Article 2 of Directive 2009/28/EC which includes in particular the production from feedstocks listed in***

***Annex IX. Member States shall report these data to the Commission.***

## **Amendment 23**

### **Proposal for a directive**

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

Directive 98/70/EC

Article 7b – paragraph 4 a (new)

*Text proposed by the Commission*

*Amendment*

***(ba) The following paragraph 4a is inserted:***

***"4a. Biofuels and bioliquids from countries or regions in which emissions from land-use changes amount to more than 35% of the emissions of fossil fuels (30 g CO<sub>2</sub>eq / MJ) calculated for the whole country or region in accordance with point 7 of part C of Annex IV shall not be taken into account for the purposes referred to in paragraph 1."***

## **Amendment 24**

### **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) the following paragraph 5a is inserted:.***

***"5a. Raw materials, used to produce biofuels and bioliquids, should not be taken into account for the purposes referred to in points (a), (b) and (c) of paragraph 2 of article 7a if, in the year of the raw material production, the use of land covered by paragraphs 4 and 5 has been changed considerably."***

## *Justification*

*Raw materials, produced at land that used to be forest areas and peat bogs, are according to estimates accounting for more than 70% of the total greenhouse gas emissions from biofuels and bioliquids. If EU decides not to use biofuels and bioliquids from countries where such a considerably change in use of forest areas and peat bogs have taken place the majority of European greenhouse gas emissions caused by indirect land-use changes can be prevented. Such measure will strengthen already existing European legislation. In this directive, Article 7c paragraph 4, there is already arranged sustainability conditions for entering bilateral or multilateral agreements with third countries that will be reinforced by adding the suggested paragraph 5a. In accordance with Articles 2.1 and 2.2 of the WTO Agreement on Technical Barriers to Trade (TBT Agreement) such an exclusion from promotion in the European Union is permissible under WTO regulations.*

## **Amendment 25**

### **Proposal for a directive**

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

Directive 98/70/EC

Article 7b – paragraph 7 – subparagraph 2

*Text proposed by the Commission*

*Amendment*

***(ba) In paragraph 7, the first sentence of the second subparagraph is amended as follows:***

***‘The Commission shall report every two years to the European Parliament and the Council on the impact on social sustainability in the Union and in third countries of increased demand for biofuel, on the contribution of biofuel production to reducing the Union's shortage of vegetable protein and on the impact of Union biofuel policy on the availability of foodstuffs at affordable prices, in particular for people in developing countries, and wider development issues.’***

## **Amendment 26**

### **Proposal for a directive**

#### **Article 1 – point 3 – point a**

Directive 98/70/EC

Article 7d – paragraph 6

*Text proposed by the Commission*

*Amendment*

**"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."**

**deleted**

#### **Amendment 27**

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

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

Directive 98/70/EC

Article 7d – paragraph 8 a (new)

*Text proposed by the Commission*

*Amendment*

**(ca) after paragraph 8, the following paragraph 8a is inserted:**

**"8a. No later than 31 December 2015, the Commission shall submit a legislative proposal to incorporate further ILUC mitigation measures such as use of co-products, yield increases, manufacturing efficiencies and crop production on abandoned, unused or vulnerable land by means of a similar bonus to the one set out for biomass obtained from land under the conditions provided for in Annex IV part C point 8."**

## Amendment 28

### Proposal for a directive

#### Article 1 – point 7

Directive 98/70/EC

Article 10 a (new)

#### *Text proposed by the Commission*

##### 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 of that act to the European Parliament and the Council or if, before the expiry of that period, the European Parliament and the

#### *Amendment*

##### 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(7), **7d(8b)**, 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(7), **7d(8b)**, 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(7), **7d(8b)**, 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 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.

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.

## **Amendment 29**

**Proposal for a directive**  
**Article 2 – point 1 a (new)**  
Directive 2009/28/EC  
Article 2 – point k

*Text proposed by the Commission*

*Amendment*

***1a. Article 2 point (k) is amended as follows:***

***"(k) "support scheme" means any instrument, scheme or mechanism applied by a Member State or a group of Member States, that promotes the use of energy from renewable sources by reducing the cost of this energy, increasing the price at which it can be sold, or increasing, by means of a renewable energy obligation or otherwise, the volume of such energy purchased; this includes, but is not restricted to, investment aid, tax exemptions or reductions, tax refunds, renewable energy obligation support schemes including those using green certificates, and direct price support schemes including feed-in tariffs and premium payments; support schemes must not distort the markets in raw materials of other manufacturing sectors in which the same raw materials are traditionally used."***

## **Amendment 30**

**Proposal for a directive**  
**Article 2 – point 1 b (new)**

*Text proposed by the Commission*

*Amendment*

***1b. The following point (oa) is inserted in Article 2:***

***"(oa) "advanced biofuels" means biofuels produced from feedstock that do not compete directly with food and feed crops such as wastes, residues and algae. A non-exhaustive list of advanced biofuels is established in Annex IX. The Commission shall be empowered to adopt delegated acts in accordance with Article 25b in order to adapt this list to scientific and technical progress."***

## **Amendment 31**

**Proposal for a directive**  
**Article 2 – point 2 – point c**  
Directive 2009/28/EC  
Article 3 – paragraph 4

*Text proposed by the Commission*

*Amendment*

(c) paragraph 4 is amended as follows:

(c) paragraph 4 is amended as follows:

***(-i) the following sentence is added to the first paragraph:***

***"Each Member State shall ensure that the share of energy from renewable sources in petrol in 2020 is at least 7.5% of the final consumption of energy in petrol in that Member State.***

***(-ii) the following subparagraphs are added after the first subparagraph:***

***"In 2016, at least 0.5% of the final consumption of energy in transport shall be met with energy from advanced biofuels.***

***In 2020, at least 2,5% of the final consumption of energy in transport shall be met with energy from advanced***

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

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

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

(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.

(iii) the following point (e) is added:

***The contribution made by:***

***(i) biofuels produced from feedstocks listed in Part A of Annex IX shall be considered to be four times their energy content;***

***(ii) biofuels produced from feedstocks listed in Part B of Annex IX shall be considered to be twice their energy content;***

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

***Member States shall ensure that no raw materials are intentionally modified to be covered by categories (i) to (iii). The list of feedstock set out in Annex IX may be adapted to scientific and technical***

***biofuels.***

***In 2025, at least 4% of the final consumption of energy in transport shall be met with energy from advanced biofuels."***

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

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

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

(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 **6.5%** of the final consumption of energy in transport in 2020 ***and the share of energy from advanced biofuels shall be no less than 2,5% of the final consumption of energy in transport in 2020.***

(iii) the following point (e) is added:

***Materials that have been intentionally modified to count as waste shall not be taken into account in order to comply with the targets set out in this Article. Member States shall ensure that when fraud is detected, appropriate action is taken.***



*progress, in order to ensure a correct implementation of the accounting rules set out in this Directive. The Commission shall be empowered to adopt delegated acts in accordance with Article 25 (b) concerning the list of feedstock set out in Annex IX'*

## **Amendment 32**

### **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. By [one year after the date on which this Directive enters into force], the Commission shall make recommendations for additional measures that Member State may take to promote and encourage energy efficiency and energy saving in transport. The recommendations shall include estimates of the quantity of energy that can be saved by implementing each of those measures. The energy quantity corresponding to the measures implemented by a Member State shall be taken into account for the purposes of the calculation referred to in point (b)."*

## **Amendment 33**

### **Proposal for a directive**

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

Directive 2009/28/EC

Article 4 – paragraph 3 a (new)

*Text proposed by the Commission*

*Amendment*

*(ca) In Article 4, the following paragraph 3a is added:*

***"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 additional measures it intends to take in accordance with Article 3(4a)"***

## **Amendment 34**

### **Proposal for a directive**

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

Directive 2009/28/EC

Article 4 – paragraph 3 b (new)

*Text proposed by the Commission*

*Amendment*

***(cb) In Article 4, the following paragraph 3b is added:***

***"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 in intends to take to meet the target set in the first subparagraph of Article 3(4)."***

## **Amendment 35**

### **Proposal for a directive**

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

Directive 2009/28/EC

Article 17 – paragraph 4 a (new)

*Text proposed by the Commission*

*Amendment*

***(ba) The following paragraph 4a is inserted:***

***"4a. Biofuels and bioliquids from countries or regions in which emissions from land-use changes amount to more than 35% of the emissions of fossil fuels (30 g CO<sub>2</sub>eq / MJ) calculated for the whole country or region in accordance with point 7 of part C of Annex V shall***

*not be taken into account for the purposes referred to in points (a), (b) and (c) of paragraph 1."*

## **Amendment 36**

### **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 inserted:*

*"5a. Raw materials, used to produce biofuels and bioliquids, should not be taken into account for the purposes referred to in points (a), (b) and (c) of paragraph 1 if, in the year of the raw material production, the use of land covered by paragraphs 4 and 5 has been changed considerably."*

### *Justification*

*Raw materials, produced at land that used to be forest areas and peat bogs, are according to estimates accounting for more than 70% of the total greenhouse gas emissions from biofuels and bioliquids. If EU decides not to use biofuels and bioliquids from countries where such a considerably change in use of forest areas and peat bogs have taken place the majority of European greenhouse gas emissions caused by indirect land-use changes can be prevented. Such measures will strengthen already existing European legislation. In this directive, Article 18 paragraph 4, there is already arranged sustainability conditions for entering bilateral or multilateral agreements with third countries that will be reinforced by adding the suggested paragraph 5a. In accordance with Articles 2.1 and 2.2 of the WTO Agreement on Technical Barriers to Trade (TBT Agreement) such an exclusion from promotion in the European Union is permissible under WTO regulations.*

## **Amendment 37**

### **Proposal for a directive**

#### **Article 2 – point 7**

Directive 2009/28/EC

Article 19 – paragraph 6

*Text proposed by the Commission*

*Amendment*

(c) paragraph 6 is ***replaced by the following:***

(c) paragraph 6 is ***deleted***

***"6. 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."***

#### **Amendment 38**

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

##### **Article 2 – point 7**

Directive 2009/28/EC

Article 19 – paragraph 8 a (new)

*Text proposed by the Commission*

*Amendment*

***(f) after paragraph 8, the following paragraph is inserted:***

***"8a. No later than 31 December 2015, the Commission shall submit a legislative proposal to incorporate further ILUC mitigation measures such as use of co-products, yield increases, manufacturing efficiencies and crop production on abandoned, unused or vulnerable land by means of a similar bonus to the one set out for biomass obtained from land under the conditions provided for in Annex IV part C point 8."***

## Amendment 39

### Proposal for a directive

#### Article 2 – point 9

Directive 2009/28/EC

Article 22 – paragraph 2

*Text proposed by the Commission*

*Amendment*

**9. In Article 22, paragraph 2 is replaced by the following:**

**deleted**

**"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 40

### Proposal for a directive

#### Article 2 – point 11

Directive 2009/28/EC

Article 25b

*Text proposed by the Commission*

*Amendment*

11. The following Article 25b is inserted:

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Article 25 b

Article 25 b

Exercise of the delegation

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.

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].

2. The delegation of power referred to in **point (oa) of Article 2**, Article 3(4)(d), Article 5(5), the third subparagraph of Article 17(3)(c), Articles 19(5), 19(7) **and 19(8)** 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

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 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.

## Amendment 41

### Proposal for a directive Article 3

#### *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

**point (oa) of Article 2**, Article 3(4)(d), Article 5(5), the third subparagraph of Article 17(3)(c), Articles 19(5), 19(7) **and 19(8)** 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 **point (oa) of Article 2**, Article 3(4)(d), Article 5(5), the third subparagraph of Article 17(3)(c), Articles 19(5), 19(7) **and 19(8)** 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 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.

#### *Amendment*

The Commission shall, before 31 December **2018**, submit a report to the European Parliament and to the Council **analyzing**, on the basis of the best **evidence that adheres to the** scientific **method**, 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.*

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 include an impact assessment of biofuel production on the timber industry and the availability of wood. The Commission shall, before 31 December 2015, submit a report to the European Parliament, incorporating experience from ILUC-models implemented in other countries and developed in close corporation with all relevant stakeholders, on the progress on the robustness and reliability of scientific evidence for the use of indirect land use change factors; the report shall, if appropriate, be accompanied by a legislative proposal introducing a requirement for fuel suppliers to regularly report on the estimated indirect land-use change emissions of the biofuels they market, based on ILUC factors and with effect from September 2016.*

## Amendment 42

### Proposal for a directive Annex I

*Text proposed by the Commission*

*Amendment*

*Annex I*

*deleted*

## Amendment 43

### Proposal for a directive Annex II – point 1 Directive 2009/28/EC Annex V – part C

*Text proposed by the Commission*

*Amendment*

*(1) Annex V, part C is amended as follows:*

*deleted*

*(a) point 7 is replaced by the following:*

*"7. Annualised emissions from carbon stock changes caused by land-use change,  $e_l$ , shall be calculated by dividing total emissions equally over 20 years. For the calculation of these emissions the following rule shall be applied:*

$$e_l = (CSR - CSA) \times 3,664 \times 1/20 \times 1/P,$$

*where*

*$e_l$  = annualised greenhouse gas emissions from carbon stock change due to land-use change (measured as mass (grams) of CO<sub>2</sub>-equivalent per unit biofuel energy (megajoules));*

*$CSR$  = the carbon stock per unit area associated with reference land use (measured as mass (tonnes) of carbon per unit area, including both soil and vegetation). The reference land-use shall be the land-use in January 2008 or 20 years before the raw material was obtained, whichever was the later;*

*$CSA$  = the carbon stock per unit area associated with actual land use (measured as mass (tonnes) of carbon per unit area, including both soil and vegetation). In cases where the carbon stock accumulates over more than one year, the value attributed to  $CSA$  shall be the estimated stock per unit area after 20 years or when the crop reaches maturity, whichever the earlier; and*

*$P$  = the productivity of the crop (measured as biofuel or bio liquid energy per unit area per year)."*

*(b) points 8 and 9 are deleted.*

#### **Amendment 44**

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

##### **Annex II – point 2**

Directive 2009/28/EC

Annex VIII (new)



(2) *The following Annex VIII is added:* **deleted**

**"Annex VIII**

**Part A. Estimated indirect land-use change emissions from biofuels and bioliquid feedstocks**

<b>Feedstock group</b>	<b>Estimated indirect land-use change emissions (gCO<sub>2</sub>eq/MJ)</b>
<b>Cereals and other starch rich crops</b>	<b>12</b>
<b>Sugars</b>	<b>13</b>
<b>Oil crops</b>	<b>55</b>

**Part B. Biofuels for which the estimated indirect land-use change emissions are considered to be zero**

**Biofuels produced from the following feedstock categories will be considered to have estimated indirect land-use change emissions of zero:**

**a) feedstocks which are not included under Part A of this Annex.**

**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<sup>1</sup>. 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 V."**

**Amendment 45**

**Proposal for a directive  
Annex II – point 3**

(3) The following Annex IX is added:

Annex IX

***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.
- (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***

(3) The following Annex IX is added:

Annex IX

***List of advanced biofuels***

***The biofuel coming from the following feedstocks will be considered advanced biofuels***

- (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 and ***biodegradable fraction*** of industrial waste.
- (d) Straw.
- (e) Animal manure and sewage sludge.
- (f) Palm oil mill effluent and empty palm fruit bunches.
- (g) ***Processing residues from pulp and paper industry such as black liquor, crude sulphate soap, crude tall oil and tall oil pitch.***
- (h) Crude glycerine.
- (i) Bagasse.
- (j) Grape marcs and wine lees.
- (k) Nut shells.
- (l) Husks.
- (m) Cobs
- (n) Bark, branches, ***thinnings***, leaves, saw dust and cutter shavings.

*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.*

*(p) Animal fats classified as category I, II and III in accordance with EC/1774/2002 laying down health rules concerning animal by-products not intended for human consumption.*

*(q) Non-food cellulosic material.*

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

*(s) Triglycerides, free fatty acids and fatty distillates and off-specification oils from oleochemical, biodiesel, vegetable oil refining, food processing and animal fat rendering industries.*

*(t) Animal fats not intended for human consumption.*

*(u) Technical corn oil.*

*(w) Waste fat from fish processing industry.*

*(y) Renewable liquids and gaseous fuels of non-biological origin*

## PROCEDURE

<b>Title</b>	Amendment to the fuel quality directive and the renewable energy directive (Indirect Land Use Change)		
<b>References</b>	COM(2012)0595 – C7-0337/2012 – 2012/0288(COD)		
<b>Committee responsible</b> Date announced in plenary	ENVI 19.11.2012		
<b>Opinion by</b> Date announced in plenary	ITRE 19.11.2012		
<b>Associated committee(s) - date announced in plenary</b>	14.3.2013		
<b>Rapporteur</b> Date appointed	Alejo Vidal-Quadras 21.11.2012		
<b>Discussed in committee</b>	19.3.2013	24.4.2013	30.5.2013
<b>Date adopted</b>	20.6.2013		
<b>Result of final vote</b>	+: -: 0:	47 8 0	
<b>Members present for the final vote</b>	Josefa Andrés Barea, Jean-Pierre Audy, Ivo Belet, Bendt Bendtsen, Fabrizio Bertot, Jan Březina, Maria Da Graça Carvalho, Giles Chichester, Jürgen Creutzmann, Pilar del Castillo Vera, Dimitrios Droutsas, Vicky Ford, Adam Gierak, Robert Goebbels, Fiona Hall, Jacky Hénin, Edit Herczog, Kent Johansson, Romana Jordan, Krišjānis Kariņš, Lena Kolarska-Bobińska, Philippe Lamberts, Marisa Matias, Judith A. Merkies, Jaroslav Paška, Aldo Patriciello, Vittorio Prodi, Herbert Reul, Teresa Riera Madurell, Jens Rohde, Paul Rübig, Francisco Sosa Wagner, Konrad Szymański, Britta Thomsen, Patrizia Toia, Ioannis A. Tsoukalas, Niki Tzavela, Marita Ulvskog, Vladimir Urutchev, Kathleen Van Brempt, Alejo Vidal-Quadras		
<b>Substitute(s) present for the final vote</b>	Antonio Cancian, Ioan Enciu, Andrzej Grzyb, Roger Helmer, Jolanta Emilia Hibner, Gunnar Hökmark, Seán Kelly, Bernd Lange, Hannu Takkula		
<b>Substitute(s) under Rule 187(2) present for the final vote</b>	Pilar Ayuso, Nikos Chrysogelos, Bas Eickhout, Indrek Tarand, Keith Taylor		