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2009 - 2014

Committee on Transport and Tourism

2012/0288(COD)

20.6.2013

OPINION

of the Committee on Transport and Tourism

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: Sabine Wils

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SHORT JUSTIFICATION

1. Introduction

The use of biofuels has steadily increased over the last ten years as a result of EU policy aiming at limiting the environmental impact of transport and at reducing the dependence of Europe on oil-based fuels; while the Fuel Quality Directive (Directive 98/70/EC) set a target of 6% greenhouse gas reduction in the transport sector by 2020, the Renewable Energy Directive (Directive 2009/28/EC) established mandatory target by 2020 for a 20% share of renewable energy in the EU and 10% share of renewable energy in transport.

Both directives include sustainability criteria for Biofuels which have proven to be insufficient to achieve the desired greenhouse gas emission reductions due to indirect changes in land use (ILUC) caused. Scientific work shows that emissions from indirect land-use change can vary substantially between feedstocks relative to the fossil fuel they replace and that greenhouse gas emissions linked to indirect land use change are significant and could negate some or all of the gas savings of individual biofuels.

The Commission's proposal aims at amending both the Fuel Quality Directive and the Renewable Energy Directive in order to start the transition to biofuels that deliver greenhouse gas savings when also estimated indirect land-use change emissions are reported.

2. 'Transport' dimension in the proposal

The proposal introduces new provisions in Directive 2009/28/EC regarding transport, in particular, the introduction of a limit of 5% to the contribution made by biofuels produced from food crops.

3. Rapporteur's observations

First the Rapporteur would like to stress the urgent need to make progress on the reduction of CO₂ emissions from transport, not only through fuel substitution but also through steep changes in vehicle energy efficiency and other measures aiming at reducing fuel consumption. For this reason the Rapporteur proposes to include the deployment of electricity from renewable energy sources in rail transport and energy efficiency and energy saving measures within the 10% target of renewable energy in transport.

The Rapporteur would like to stress that the environmental impact of transport will not be solved by the sole substitution of fuel types but by fundamental societal changes aiming at a sustainable society where transport is streamlined. Measures need to be taken to reduce transport needs, improve spatial planning and behavioural changes with regard to individual transport. She also thinks that global societal impacts should be taken into account, such as the raise of price of cereals and other starch rich crops, the loss of biodiversity, rain forests and other valuable lands and social consequences on the local populations.

With more than 870 million of people undernourished as estimated by the FAO (Food and Agriculture Organization of the United Nations), the Rapporteur firmly believes that mobility in Europe cannot be ensured at the expense of malnourished people in the world. Therefore the increase in the use of land-based biofuels whose production competes with that of food and feed products should be stalled.

On this background, the Rapporteur welcomes the Commission's proposal to limit the contribution made from biofuels produced from food crops -such as those based on cereals, and other starch rich crops, sugars and oil crops- to the Renewable Energy Directive targets.

Nevertheless the Rapporteur is concerned that the directive does not prevent the further increase in the use of land-based biofuels. Taking into consideration current investments in the Europe Union and impacts on third countries economies, the Rapporteur thinks that the share of land-based biofuels should be stalled to the current level of production and shall be phased out together with the respective subsidies. The use of land-based biofuels should be substituted by advanced biofuels with accurate environmental safeguards in place depending on their technological development without increasing the overall limit of 5% the contribution made by biofuels and bioliquids.

Furthermore while supporting the overall target of 10% share of renewable energy in the transport sector, the Rapporteur is of the opinion that the Commission's proposal does not adequately address the challenge of CO2 reduction as some biofuels likely to increase CO2 emissions compared to fossil fuels are still eligible for the 10% renewable energy target. Therefore the Rapporteur suggests to raise the GHG-saving threshold for all installations in operation to 60% in order to encourage best performance for all biofuels recalling the Parliament's demand from 2008.

AMENDMENTS

The Committee on Transport and Tourism 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

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.*

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 *need for reducing the energy consumption in the transport sector 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. The use of electricity from renewable energy sources and blending of zero and low ILUC biofuels are other methods available for Member States to meet this target.*

Justification

The need to reduce the total consumption in the transport sector and increase energy efficiency in this sector in order to reach the 10% target for transport has already been highlighted in the existing RED. This amendment restates this and emphasises the importance of developing renewable electricity as well as advanced biofuels to enable the Union and the MS to achieved this transport target in a sustainable way.

Amendment 2

Proposal for a directive Recital 4 a (new)

Text proposed by the Commission

Amendment

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

Amendment 3

Proposal for a directive Recital 5

Text proposed by the Commission

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

Amendment

(5) Based on forecasts of biofuel demand provided by the Member States and estimates of indirect land-use change emissions for different biofuel feedstocks 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 ***land-based biofuels have received a large amount of public subsidies (10 billion a year) and therefore***, 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. ***Indirect land-use changes, according to the recommendations of the Commission Impact Assessment, need to be taken into account so as to prevent these potential sources of emissions.*** In order to reduce ***indirect land-use changes***, it is appropriate to distinguish between crop groups such as oil crops, cereals, sugars and other starch containing crops accordingly. ***Furthermore, in order to find medium and long-term solutions, it is necessary to encourage research and development in new advanced biofuels sectors that are not in competition with food crops and to further study the impact of different groups of crops on both direct and indirect land use changes.***

Amendment 4

Proposal for a directive

Recital 6

Text proposed by the Commission

(6) Liquid renewable fuels are likely to be required by the transport sector in order to reduce its greenhouse gas emissions. Advanced biofuels, such as those made from wastes and algae, provide high

Amendment

(6) Liquid renewable fuels are likely to be required by the transport sector in order to reduce its greenhouse gas emissions. Advanced biofuels, such as those made from wastes and algae, provide high

greenhouse gas savings with low risk of causing indirect land use change and do not compete directly for agricultural land for the food and feed markets. It is appropriate, therefore, to encourage greater production of such advanced biofuels as these are currently not commercially available in large quantities, ***in part due to competition for public subsidies with established food crop based biofuel technologies.*** Further incentives should be provided by increasing the weighting of advanced biofuels ***towards 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.***

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.

Further incentives should be provided by increasing the weighting of ***advanced biofuels produced from feedstock listed in Annex IX, which shall be up to 3% of the final consumption of energy in transport in 2020.***

Incentives should also be provided for other types of renewable energy sources as well as for energy efficiency and energy saving measures in all forms of transport.

While the contribution of biofuels from agricultural food products should be limited to 6,5% up to 2020, incentives shall cease to be provided for biofuels that do not lead to substantial greenhouse gas savings and that are produced from crops used for food and feed.

Amendment 5

Proposal for a directive Recital 7

Text proposed by the Commission

(7) In order to ensure the long-term competitiveness of bio-based industrial sectors, and in line with the 2012 Communication 'Innovating for 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 ***to provide a stable regulatory environment for existing and new investments***, 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, ***a commitment should be made that the levels of biofuels encouraged by Directive 2009/28/EC will be maintained in the subsequent years after 2020. Ligno-cellulosic residues are among the rare forms of biomass in large supply in Europe. The setting of a blending sub-target for ligno-cellulosic biofuels would provide investors with the visibility needed to build on their potential.***

Justification

The setting of a blending sub-target for ligno-cellulosic biofuels will help reduce imports of diesel fuel thanks to the production of advanced biodiesel and encourage investment in promising biomass production in Europe.

Amendment 6

**Proposal for a directive
Recital 8**

Text proposed by the Commission

(8) The minimum greenhouse gas saving threshold for biofuels and bioliquids produced in new installations should be increased with effect from 1st July **2014** in order to improve their overall greenhouse gas balance as well as ***discouraging further*** investments in installations with ***low*** greenhouse gas savings performance. ***This increase*** provides for investment safeguards in biofuels and bioliquids production capacities in conformity with

Amendment

(8) The minimum greenhouse gas threshold for biofuels and bioliquids produced in new installations ***in operation*** should be increased with effect from 1st July **2015** in order to improve their overall greenhouse gas balance as well as ***encouraging*** investments in installations with ***high*** greenhouse gas savings performance. ***A 60% minimum threshold*** provides for investment safeguards in biofuels and bioliquids production capacities in

Article 19(6) second subparagraph.

conformity with Article 19(6) second subparagraph.

Amendment 7

Proposal for a directive Recital 8 a (new)

Text proposed by the Commission

Amendment

(8 a) 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 8

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***

(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 according to a timetable that will provide predictability and stability for investors.***

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

Proposal for a directive Recital 10 a (new)

Text proposed by the Commission

Amendment

(10 a) 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 10

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 estimated indirect land-use change emissions in *accordance with the current scientific knowledge are not reliable enough to be the basis of policy-making. Taking into account that the development of the biofuels industry in the EU is predominantly policy-driven, it is particularly important to ensure consistency, basing the changes in legislature on solid scientific facts.*

Amendment 11

Proposal for a directive Recital 12

Text proposed by the Commission

(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.

Amendment

(12) ***Although land-use change emissions are a recognised phenomenon, no objective and harmonised procedures yet exist to measure them.*** The Commission should ***therefore*** review ***regularly*** 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 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. ***In order to increase legal security regarding investment in biofuel production, the Commission should establish an objective and harmonised methodology for estimating land-use change emission factors.***

Amendment 12

Proposal for a directive
Recital 12 a (new)

Text proposed by the Commission

Amendment

(12 a) 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 13

Proposal for a directive Recital 13

Text proposed by the Commission

(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.***

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 ***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 crop production on abandoned or unused land, should be assessed by the Commission in view 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. Support must nevertheless continue to be provided for the use of degraded land to grow biofuels, where this does not cause any indirect land use change.***

Amendment 14

Proposal for a directive Recital 14 a (new)

Text proposed by the Commission

Amendment

(14 a) 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 Transport, 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 15

Proposal for a directive Recital 14 b (new)

Text proposed by the Commission

Amendment

(14 b) The use of electricity from renewables should be encouraged in the transport sector. Member States should therefore work to increase over time the percentage of electricity from renewables in the energy sector, while at the same time encouraging the market penetration of electric vehicles.

Member States should also be allowed to channel financial resources currently deployed with a view to achieving, either wholly or in part, their share of energy from biofuels produced from cereal and other starch-rich crops, sugars, oil crops and other land-based energy crops into renewable energies – in particular wind, solar, wave and geothermal energy – that have demonstrated their renewability and sustainability.

Amendment 16

Proposal for a directive Recital 20

Text proposed by the Commission

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

(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.*

greenhouse gas emissions and addressing ways to further minimise that impact.

Amendment 17

Proposal for a directive

Article 1 – point 1 – point 1 a (new)

Directive 98/70/EC

Article 1 – point b a (new)

Text proposed by the Commission

Amendment

(b a) In addition, this Directive permits biofuels used in aviation to count towards the target mentioned in paragraph (b)

Amendment 18

Proposal for a directive

Article 1 – point 1 – subpoint a a (new)

Directive 98/70/EC

Article 7a – paragraph 1 – subparagraph 2 a (new)

Text proposed by the Commission

Amendment

In the case of suppliers of biofuels for use in aviation, Member States shall permit such suppliers to choose to become contributors to the reduction obligation laid down in paragraph 2 to the extent that the biofuels supplied satisfy the sustainability criteria set out in Article 7b.

Amendment 19

Proposal for a directive

Article 1 – point 2 – point a a (new)

Directive 98/70/EC

Article 7b – paragraph 1

Text proposed by the Commission

Amendment

In paragraph 1, the last sentence shall be deleted.

Justification

The sustainability criteria that biofuels and bioliquids must satisfy in order to be counted towards the targets and receive public funding must also apply to all biofuels obtained from waste and residue. Any continued exemption may distort competition.

Amendment 20

Proposal for a directive

Article 1 – point 2 – subpoint a

Directive 98/70/EC

Article 7b – paragraph 2

Text proposed by the Commission

Amendment

(a) paragraph 2 is replaced by the following:

'2. The greenhouse gas emission saving from the use of biofuels and bioliquids taken into account for the purposes referred to in paragraph 1 shall be at least 60 % for biofuels and bioliquids produced in installations starting operation after 1st July **2014**. An installation is “in operation” if the physical production of biofuels or bioliquids has taken place.

In the case of installations that were in operation on or before 1st of July **2014**, for the purposes referred to in paragraph 1, biofuels and bioliquids shall achieve a greenhouse gas emission saving of at least 35% until 31 December 2017 and at least **50%** from 1 January 2018.

The greenhouse gas emission saving from the use of biofuels and bioliquids shall be calculated in accordance with Article 7d(1).'

(a) paragraph 2 is replaced by the following:

'2. The greenhouse gas emission saving from the use of biofuels and bioliquids taken into account for the purposes referred to in paragraph 1 shall be at least 60 % for biofuels and bioliquids produced in all installations starting operation after 1st July **2015**. An installation is “in operation” if the physical production of biofuels or bioliquids has taken place.

In the case of installations that were in operation on or before 1st of July **2015**, for the purposes referred to in paragraph 1, biofuels and bioliquids shall achieve a greenhouse gas emission saving of at least 35% until 31 December 2017 and at least **60%** from 1 January 2018.

The greenhouse gas emission saving from the use of biofuels and bioliquids shall be calculated in accordance with Article 7d(1).'

Amendment 21

Proposal for a directive

Article 1 – point 3 – subpoint a

Directive 98/70/EC

Article 7d – paragraph 5

Text proposed by the Commission

'5. By 31 December 2012 at the latest and every two years thereafter, the Commission shall draw up a report on the estimated typical and default values in Parts B and E of Annex IV, paying special attention to greenhouse gas emissions from transport and processing.

Amendment

'5. By 31 December 2012 at the latest and every two years thereafter, the Commission shall draw up **and publish** a report on the estimated typical and default values in Parts B and E of Annex IV, paying special attention to greenhouse gas emissions from transport and processing.

Justification

Publishing the report by the European Commission will make these data more accessible what will improve future works on reducing the gas emissions.

Amendment 22

Proposal for a directive

Article 1 – point 3 – subpoint a

Directive 98/70/EC

Article 7d – paragraph 6

Text proposed by the Commission

'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.

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, ***provided they encourage research and development***

in respect of innovative technologies in the Member States and reflect the need to improve the security of supply in diesel-type fuels.

Justification

In order to avoid creating uncertainty which would discourage investment, the envisaged measures will seek to encourage research and development in the Member States and meet market requirements.

Amendment 23

Proposal for a directive

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

Directive 98/70/EC

Article 7d – paragraph 8 a (new)

Text proposed by the Commission

Amendment

(c a) the following paragraph 8a is inserted:

"8 a. The Commission shall be empowered to adopt delegated acts in accordance with Article 10a concerning the establishment of detailed definitions, including technical specifications, required for the categories set out in point 9 of Part C of Annex IV".

Amendment 24

Proposal for a directive

Article 1 – point 7

Directive 98/70/EC

Article 10a – paragraph 2

Text proposed by the Commission

Amendment

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.

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), **7d(8 a)**, 8a(3) and 10(1) shall be conferred for an indeterminate period of time from the date of entry into force of this

Amendment 25

Proposal for a directive

Article 1 – point 7

Directive 98/70/EC

Article 10a – paragraph 3

Text proposed by the Commission

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.

Amendment

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), **7d(8 a)**, 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.

Amendment 26

Proposal for a directive

Article 1 – point 7

Directive 98/70/EC

Article 10a – paragraph 5

Text proposed by the Commission

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 Council have both informed the Commission that they will not object. That

Amendment

5. A delegated act adopted pursuant to Articles 7a(5), the second subparagraph of Article 7b(3), Articles 7d(5), 7d(6), 7d(7), **7d(8 a)**, 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

period shall be extended by 2 months at the initiative of the European Parliament or the Council.

will not object. That period shall be extended by 2 months at the initiative of the European Parliament or the Council.

Amendment 27

Proposal for a directive

Article 2 – point 1 a (new)

Directive 2009/28/EC

Article 2 – point o a (new)

Text proposed by the Commission

Amendment

1 a. A new point o a is inserted in Article 2:

‘(o a) “advanced biofuels” means biofuels produced from feedstocks that do not compete directly with food and feed crops. A non-exhaustive list of advanced biofuels is set out in Annex IX. The Commission shall be empowered to adopt delegated acts in accordance with Article 25b in order to adapt that list to scientific and technical progress.’

Amendment 28

Proposal for a directive

Article 2 – point 2 – subpoint b

Directive 2009/28/EC

Article 3 – paragraph 1 – subparagraph 2

Text proposed by the Commission

Amendment

'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.'

'For the purpose of compliance with target referred to in the first subparagraph, the maximum joint contribution from biofuels and bioliquids produced from **vegetable oil and sugar ethanol**, 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.'

Justification

Biofuels have a lever effect on innovation in the biotechnology and vegetable chemistry fields. R&D should therefore be encouraged in all promising areas thereof.

Amendment 29

Proposal for a directive

Article 2 – point 2 – subpoint c – subpoint i a new

Directive 2009/28/EC

Article 3 – paragraph 4 – subparagraph 1 a (new)

Text proposed by the Commission

(c) paragraph 4 is amended as follows:

Amendment

(c) paragraph 4 is amended as follows:

a second sub-paragraph 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 in 2020 is at least 2% of the final consumption of energy in transport in that Member State.

Amendment 30

Proposal for a directive

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

Directive 2009/28/EC

Article 3 – paragraph 4 – point b

Text proposed by the Commission

Amendment

(i a) in paragraph 4, the first subparagraph 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, given the significant contribution of ethanol to the objective of

reducing greenhouse gas emissions, especially in road transport, the share of ethanol constitutes at least 3% of conventional biofuel consumption overall.

Justification

The emerging science confirms that ethanol is doing much to decarbonise road transport. Therefore, and to prevent the entire share to be accounted for by conventional biofuels from being covered mainly by biodiesel, a specific sub-quota needs to be established for ethanol.

Amendment 31

Proposal for a directive

Article 2 – point 2 – subpoint c – subpoint ii

Directive 2009/28/EC

Article 3 – paragraph 4 – point d

Text proposed by the Commission

(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.’

Amendment

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

‘(d) for the calculation of the numerator, the share of energy **shall be the following:**

- from biofuels produced from cereal and other starch rich crops, sugars and oil crops, **it** shall be no more than **6,5%** of the final consumption of energy in transport in 2020;

- **from advanced biofuels produced from feedstock listed in Annex IX, it shall be up to 3% of the final consumption of energy in transport in 2020;**

- **from other types of renewable energy sources consumed as well as from energy efficiency and energy saving measures in all forms of transport.’**

Amendment 32

Proposal for a directive

Article 2 – point 2 – subpoint c – indent iii a (new)

Directive 2009/28/EC

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

Text proposed by the Commission

Amendment

(iii a) the following point (f) is added:

(f) for the calculation of the contribution from electricity produced from renewable energy sources and consumed in all types of rail transport for the purposes of point (a) and (b), Member States may choose to use either the average share of electricity from renewable energy sources in the community or the share of electricity from renewable energy sources in their own country. Furthermore, for the calculation of the electricity from renewable energy sources consumed by all forms of rail transport, that consumption shall be considered to be 2.5 times the energy content of the input of electricity from renewable energy sources.

Justification

The use of electricity from renewable sources for the rail sector should be incentivised and reflect the higher energy efficiency.

Amendment 33

Proposal for a directive

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

Directive 2009/28/EC

Article 3 – paragraph 4 a (new)

Text proposed by the Commission

Amendment

(c a) paragraph 4 a is inserted as follows:

4 a. In order to achieve the target laid down in paragraph 4 more easily, each Member State shall promote and encourage energy efficiency and energy saving measures.

By 31 December 2014, the Commission shall make recommendations for appropriate measures to improve energy

efficiency and energy savings for the purposes of the first subparagraph. The recommendations shall include estimates of the potential of energy efficiency and energy saving measures that can be obtained from their implementation. Member States shall on this basis come up with National Action Plans for the adoption of any such measures, and may decide to count the energy efficiency and energy saving achieved for the purposes of paragraph (b).

Justification

Reduction of CO2 emissions should be achieved not only through fuel substitution but also through energy efficiency and energy saving measures.

Amendment 34

Proposal for a directive

Article 2 – point 2 – subpoint c – subpoint ii a (new)

Directive 2009/28/EC

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

Text proposed by the Commission

Amendment

(ii a) in paragraph 4 the following point (d a) is inserted:

'(d a) The share of energy from renewable sources shall be maintained by Member States at least at the level provided in the first subparagraph in the subsequent years after 2020.'

Amendment 35

Proposal for a directive

Article 2 – point 2 – subpoint c – subpoint iii

Directive 2009/28/EC

Article 3 – paragraph 4 – point e

Text proposed by the Commission

Amendment

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

‘The contribution made by:

(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 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'

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

(ii) biofuels produced from feedstocks listed in Part B of Annex IX shall be considered to be **1,2** their energy content;

Member States shall ensure that no raw materials are intentionally modified to be covered by categories (i) to (iii).

Advanced Biofuels produced from materials listed in Annex IX must be up to 3% of the final consumption of energy in transport by 2020.

The list of feedstock set out in Annex IX may be adapted to scientific and technical progress. 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, ***subject to their encouraging research and development into innovative technologies in Member States.***

The Commission shall propose to the European Parliament and the Council harmonised solutions to the problem of fraud and double counting arising from poor application of the criteria set out in paragraph in point (e).'

Amendment 36

Proposal for a directive
Article 2 – point 5 – subpoint a
Directive 2009/28/EC
Article 17 – paragraph 2

Text proposed by the Commission

(a) paragraph 2 is replaced by the following:

'2. The greenhouse gas emission saving from the use of biofuels and bioliquids

Amendment

(a) paragraph 2 is replaced by the following:

'2. The greenhouse gas emission saving from the use of biofuels and bioliquids

taken into account for the purposes referred to in paragraph 1 shall be at least 60 % for biofuels and bioliquids produced in installations starting operation after 1st July **2014**. An installation is “in operation” if the physical production of biofuels or bioliquids has taken place.

In the case of installations that were in operation on or before 1st of July **2014**, for the purposes referred to in paragraph 1, biofuels and bioliquids shall achieve a greenhouse gas emission saving of at least 35% until 31 December 2017 and at least **50%** from 1 January 2018.

The greenhouse gas emission saving from the use of biofuels and bioliquids shall be calculated in accordance with Article 19(1).'

taken into account for the purposes referred to in paragraph 1 shall be at least 60 % for biofuels and bioliquids produced in all installations starting operation after 1st July **2015**. An installation is “in operation” if the physical production of biofuels or bioliquids has taken place.

In the case of installations that were in operation on or before 1st of July **2015**, for the purposes referred to in paragraph 1, biofuels and bioliquids shall achieve a greenhouse gas emission saving of at least 35% until 31 December 2017 and at least **60%** from 1 January 2018.

The greenhouse gas emission saving from the use of biofuels and bioliquids shall be calculated in accordance with Article 19(1).'

Amendment 37

Proposal for a directive

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

Directive 2009/28/EC

Article 17 – paragraph 6

Text proposed by the Commission

Amendment

(b a) Paragraph 6 is replaced by the following:

6. Biofuels and bioliquids taken into account for the purposes referred to in points (a), (b) and (c) of paragraph 1 obtained from agricultural raw materials cultivated in the Community obtained in accordance with the requirements and standards under the provisions referred to under the common rules for direct support schemes for farmers under the common agricultural policy and establishing certain support schemes for farmers and in accordance with the minimum requirements for good agricultural and environmental condition defined pursuant to Council Regulation

*(EC) No 73/2009 of 19 January 2009,
comply with the sustainability criteria set
out in Article 17(3) to (5).*

Amendment 38

Proposal for a directive

Article 2 – point 7 – point e a (new)

Directive 2009/28/EC

Article 19 – paragraph 8 a (new)

Text proposed by the Commission

Amendment

(e a) the following paragraph is inserted:

‘8 a. The Commission shall be empowered to adopt delegated acts in accordance with Article 25(b) laying down the detailed definitions, including technical specifications, required for the categories set out in point 9 of Part C of Annex V.’

Amendment 39

Proposal for a directive

Article 2 – point 7 – point e b (new)

Directive 2009/28/EC

Article 19 – paragraph 8 a (new)

Text proposed by the Commission

Amendment

(e b) the following paragraph is inserted:

‘8 b. No later than 31 December 2015, the Commission shall submit a legislative proposal incorporating further indirect land-use change mitigation measures such as use of co-products, yield increases, manufacturing efficiencies, and crop production on abandoned land by means of a bonus similar to the one set out for biomass obtained from land under the conditions provided for in point 8 of part C of Annex V.’

Amendment 40

Proposal for a directive

Article 2 – point 11

Directive 2009/28/EC

Article 25b – paragraph 2

Text proposed by the Commission

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].

Amendment

2. The delegation of power referred to in **Article 2 (o a)**, Article 3(4)(d), Article 5(5), the third subparagraph of Article 17(3)(c), Articles 19(5), 19(6) 19(7) **and 19(8 a)** shall be conferred on the Commission **for a period of four years** from [the date of entry into force of this Directive]. **The Commission shall draw up a report in respect of the delegation of power not later than nine months before the end of the four-year period. The delegation of power shall be tacitly extended for periods of an identical duration unless the European Parliament or the Council opposes such extension not later than three months before the end of each period.**

Amendment 41

Proposal for a directive

Article 2 – point 11

Directive 2009/28/EC

Article 25b – paragraph 3

Text proposed by the Commission

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

Amendment

3. The delegation of power referred to in **Article 2 (o a)**, Article 3(4)(d), Article 5(5), the third subparagraph of Article 17(3)(c), Articles 19(5), 19(6), 19(7) **and 19(8 a)** 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. **The decision** shall take effect **on** the day following **its** publication in the Official Journal of the European Union or

or at a later date specified *therein*. It shall not affect the validity of any delegated acts already in force.

at a later date specified *in the text of the decision*. It shall not affect the validity of any delegated acts already in force.

Amendment 42

Proposal for a directive

Article 2 – point 11

Directive 2009/28/EC

Article 25b – paragraph 5

Text proposed by the Commission

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

5. A delegated act adopted pursuant to *Article 2(o a)*, Article 3(4)(d), Article 5(5), the third subparagraph of Article 17(3)(c), Articles 19(5), 19 (6), 19(7) *and 19(8 a)* 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. *The* period shall be extended by 2 months at the initiative of the European Parliament or the Council.

Amendment 43

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 effectiveness of the measures introduced by this Directive in limiting indirect land-use change greenhouse gas emissions associated with the production of biofuel and bioliquids.

The report shall, if appropriate, be accompanied by a legislative proposal based on the **best available** scientific evidence, for introducing estimated indirect land use change emissions factors into the appropriate sustainability criteria **to be applied from 1st January 2021** and a review of the effectiveness of the incentives provided for biofuels from non-land using feedstocks and non-food crops under Article 3(4)d of Directive 2009/28/EC.

Amendment

The Commission shall, before 31 December 2017, submit a report to the European Parliament and to the Council **analysing**, on the basis of the latest available scientific evidence **available, based on the most reliable scientific model**, the effectiveness of the measures introduced by this Directive in:

a) limiting indirect land-use change greenhouse gas emissions associated with the production of biofuel and bioliquids;

b) encouraging research and development into new production pathways for advanced biofuels, which do not compete with crops intended for human or animal consumption;

c) encouraging the collection of reliable and comparable data on indirect land use change greenhouse gas emissions;

The report shall, if appropriate, be accompanied by a legislative proposal based on scientific evidence **obtainable using the most reliable scientific model**, for introducing estimated indirect land use change emissions factors into the appropriate sustainability criteria 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. **Also, having regard to the indirect land use change estimates, from 1 January 2021, incentives shall cease to be provided for biofuels that do not lead to substantial greenhouse gas savings and that are produced from crops used for food and feed.**

Amendment 44

Proposal for a directive

Annex II – point 3

Directive 2009/28/EC

Annex IX

Text proposed by the Commission

(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.

Amendment

(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 **two** 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.

(e) Animal manure and sewage sludge.

(g) Tall oil pitch.

(h) Crude glycerine.

(j) Grape marcs and wine lees.

(o) Used cooking oil

(p) Ligno-cellulosic material including straw, bagasse, nut shells, husks and cobs

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.

but excluding sawdust, sawlogs and veneer logs.

Part B. Feedstocks whose contribution towards the target referred to in Article 3(4) shall be considered to be *1,2* their energy content

(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.

Amendment 45

Proposal for a directive

Annex II – point 3 – Part B a (new)

Directive 2009/28/EC

Annex IX – Part B a (new)

Text proposed by the Commission

Amendment

The Commission shall bear in mind that the value of the coefficients set out in Annex IX is not apt for all products, and that further discussions must be held with a view to removing any legal uncertainty.

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	TRAN 19.11.2012
Rapporteur Date appointed	Sabine Wils 12.12.2012
Discussed in committee	6.5.2013
Date adopted	18.6.2013
Result of final vote	+: 32 –: 6 0: 1
Members present for the final vote	Magdi Cristiano Allam, Georges Bach, Izaskun Bilbao Barandica, Philip Bradbourn, Antonio Cancian, Michael Cramer, Joseph Cuschieri, Luis de Grandes Pascual, Christine De Veyrac, Saïd El Khadraoui, Ismail Ertug, Carlo Fidanza, Knut Fleckenstein, Jacqueline Foster, Mathieu Grosch, Jim Higgins, Dieter-Lebrecht Koch, Georgios Koumoutsakos, Bogusław Liberadzki, Eva Lichtenberger, Gesine Meissner, Hubert Pirker, Dominique Riquet, Petri Sarvamaa, David-Maria Sassoli, Brian Simpson, Keith Taylor, Silvia-Adriana Țicău, Gionmmaria Uggias, Dominique Vlasto, Artur Zasada, Roberts Zile
Substitute(s) present for the final vote	Phil Bennion, Spyros Danellis, Eider Gardiazábal Rubial, Gilles Pargneaux, Ioan Mircea Pașcu, Alfreds Rubiks, Sabine Wils