



2016/0382(COD)

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COMPROMISE AMENDMENTS

1 - 8

Draft opinion

Bas Eickhout

(PE604.700v01-00)

on the proposal for a directive of the European Parliament and of the Council
on the promotion of the use of energy from renewable sources (recast)

Proposal for a directive

(COM(2016)0767 – C8-0000/2017 – 2016/0382(COD))

COMPROMISE AMENDMENT 1 on Article 1 – Mandatory Union and national renewables targets

On behalf of Greens/ALE, S&D, ALDE, GUE/NGL, EFDD

Amendments 25, 26, 28, 29, 153, 288-292, 382-389, 393, 395, 399, 458, 78, 79, 1-2, 91-102, 113-117 170-173 fall

Amendment 1

Proposal for a directive Article 1

Text proposed by the Commission

This Directive establishes a common framework for the promotion of energy from renewable sources. It sets **a binding** Union targets for the overall share of energy from renewable sources in gross final consumption of energy in 2030. It also lays down rules on financial support to electricity produced from renewable sources, self-consumption of renewable electricity, and renewable energy use in the heating and cooling and transport sectors, regional cooperation between Member States and with third countries, guarantees of origin, administrative procedures, and information and training. It establishes sustainability and greenhouse gas emissions saving criteria for biofuels, bioliquids and biomass fuels.

Amendment

This Directive establishes a common framework for the promotion of energy from renewable sources. It sets **mandatory** Union **and national** targets for the overall share of energy from renewable sources in gross final consumption of energy in 2030. It also lays down rules on financial support to electricity produced from renewable sources, self-consumption of renewable electricity, and renewable energy use in the heating and cooling and transport sectors, regional cooperation between Member States and with third countries, guarantees of origin, administrative procedures, and information and training. It establishes sustainability and greenhouse gas emissions saving criteria for biofuels, bioliquids and biomass fuels.

Or. en

Amendment 2 Proposal for a directive Article 3 – paragraph 1

Text proposed by the Commission

1. Member States shall collectively ensure that the share of energy from renewable sources in the Union's gross

Amendment

1. Member States shall collectively ensure that the share of energy from renewable sources in the Union's gross

final consumption of energy in 2030 is at least 27%.

final consumption of energy in 2030 is at least 35%.

Or. en

Amendment 3

Proposal for a directive Article 3 a (new)

Text proposed by the Commission

Amendment

Mandatory national overall targets

Each Member State shall ensure that the share of energy from renewable sources, calculated in accordance with Articles 7 to 13, in gross final consumption of energy in 2030, is equal to at least its national overall target for the share of energy from renewable sources in that year, as set out in the third column of the table in part A of Annex I. Such mandatory national overall targets shall be consistent with a target of at least a 35% share of energy from renewable sources in the Union's gross final consumption of energy in 2030. In order to achieve the targets laid down in this Article more easily, each Member State shall promote and encourage energy efficiency and energy saving.

Or. en

Amendment 4

Proposal for a directive Recital 7

Text proposed by the Commission

Amendment

(7) It is thus appropriate to establish a Union binding target of at least 27% share

(7) It is thus appropriate to establish a Union binding target of at least 35% share

of renewable energy. Member States should define their contribution to the achievement of this target as part of their Integrated National Energy and Climate Plans through the governance process set out in Regulation [Governance].

of renewable energy, ***to be accompanied by national binding targets***. Member States should define their contribution to the achievement of this target as part of their Integrated National Energy and Climate Plans through the governance process set out in Regulation [Governance].

Or. en

Amendment 5

Proposal for a directive

Recital 8

Text proposed by the Commission

(8) The establishment of ***a*** Union binding renewable energy target for 2030 would continue to encourage the development of technologies which generate renewable energy and provide certainty for investors. ***A target defined at the Union level would leave greater flexibility for Member States to meet their greenhouse gas reduction targets in the most cost-effective manner in accordance with their specific circumstances, energy mixes and capacities to produce renewable energy.***

Amendment

(8) The establishment of Union ***and national*** binding renewable energy targets for 2030 would continue to encourage the development of technologies which generate renewable energy and provide certainty for investors.

Or. en

Amendment 6

Proposal for a directive

Recital 10

Text proposed by the Commission

(10) Member States should take additional measures in the event that the share of renewables at the Union level does not meet the Union trajectory towards the at least 27% renewable energy target. As set out in Regulation [Governance], if an ambition gap is identified by the Commission during the assessment of the Integrated National Energy and Climate Plans, the Commission may take measures at Union level in order to ensure the achievement of the target. If a delivery gap is identified by the Commission during the assessment of the Integrated National Energy and Climate Progress Reports, Member States should apply the measures set out in Regulation [Governance], **which are giving them enough flexibility to choose.**

Amendment

(10) Member States should take additional measures in the event that the share of renewables at the Union level does not meet the Union trajectory towards the at least 35% renewable energy target. As set out in Regulation [Governance], if an ambition gap is identified by the Commission during the assessment of the Integrated National Energy and Climate Plans, the Commission may take measures at Union level in order to ensure the achievement of the target. If a delivery gap is identified by the Commission during the assessment of the Integrated National Energy and Climate Progress Reports, Member States should apply the measures set out in Regulation [Governance].

Or. en

Amendment 7

**Proposal for a directive
Recital 57**

Text proposed by the Commission

(57) Several Member States have implemented measures in the heating and cooling sector to reach their 2020 renewable energy target. **However, in the absence of binding national targets post-2020, the remaining national incentives may not be sufficient** to reach the long-term decarbonisation goals for 2030 and 2050. **In order to be in line with such goals**, reinforce investor certainty and foster the development of a Union-wide renewable heating and cooling market, while respecting the energy efficiency first

Amendment

(57) Several Member States have implemented measures in the heating and cooling sector to reach their 2020 renewable energy target. **In order to be in line with and in order** to reach the long-term decarbonisation goals for 2030 and 2050, reinforce investor certainty and foster the development of a Union-wide renewable heating and cooling market, while respecting the energy efficiency first principle, it is appropriate to encourage the effort of Member States in the supply of renewable heating and cooling to

principle, it is appropriate to encourage the effort of Member States in the supply of renewable heating and cooling to contribute to the progressive increase of the share of renewable energy. Given the fragmented nature of some heating and cooling markets, it is of utmost importance to ensure flexibility in designing such an effort. It is also important to ensure that a potential uptake of renewable heating and cooling does not have detrimental environmental side-effects.

contribute to the progressive increase of the share of renewable energy. Given the fragmented nature of some heating and cooling markets, it is of utmost importance to ensure flexibility in designing such an effort. It is also important to ensure that a potential uptake of renewable heating and cooling does not have detrimental environmental side-effects.

Or. en

Amendment 8

Proposal for a directive Recital 101

Text proposed by the Commission

(101) Since the objectives of this Directive, namely to achieve at least **27%** share of energy from renewable sources in the Union's gross final consumption of energy by 2030, cannot be sufficiently achieved by the Member States but can rather, by reason of the scale of the action, be better achieved at Union level, the Union may adopt measures, in accordance with the principle of subsidiarity as set out in Article 5 of the Treaty on European Union. In accordance with the principle of proportionality, as set out in that Article, this Directive does not go beyond what is necessary in order to achieve those objectives.

Amendment

(101) Since the objectives of this Directive, namely to achieve at least **35%** share of energy from renewable sources in the Union's gross final consumption of energy by 2030, cannot be sufficiently achieved by the Member States but can rather, by reason of the scale of the action, be better achieved at Union level, the Union may adopt measures, in accordance with the principle of subsidiarity as set out in Article 5 of the Treaty on European Union. In accordance with the principle of proportionality, as set out in that Article, this Directive does not go beyond what is necessary in order to achieve those objectives.

Or. en

COMPROMISE AMENDMENT 2A on Article 2 –

Definitions

On behalf of Greens/ALE, S&D, ALDE, GUE/NGL, EFDD

Amendments 27, 293-380 fall

(Points b, d-f, h-p, r, t, x, z, bb-cc, ff-ii, kk, ll, oo-uu remain as in the Commission proposal)

Amendment 9

Proposal for a directive

Article 2 – paragraph 2 – point a

Text proposed by the Commission

(a) ‘energy from renewable sources’ means energy from renewable non-fossil sources, namely wind, solar (solar thermal and solar photovoltaic) and, geothermal energy, ambient heat, tide, wave and other ocean energy, hydropower, biomass, landfill gas, sewage treatment plant gas and biogases;

Amendment

(a) ‘energy from renewable sources’ means energy from renewable non-fossil sources, namely wind, solar (solar thermal and solar photovoltaic) and, geothermal energy, ambient heat, tide, wave and other ocean energy, hydropower, biomass, **biomethane**, landfill gas, sewage treatment plant gas and biogases;

Or. en

Justification

Biomethane should be added in the main definition of energy from renewable sources.

Amendment 10

Proposal for a directive

Article 2 – paragraph 2 – point c

Text proposed by the Commission

(c) ‘biomass’ means the biodegradable fraction of products, waste and residues from biological origin from agriculture, including vegetal and animal substances, forestry and related industries including fisheries and aquaculture, as well as the biodegradable fraction of waste, including

Amendment

(c) biomass’ means the biodegradable fraction of products, waste and residues from biological origin from agriculture, including vegetal and animal substances, forestry and related industries including fisheries and aquaculture, **excluding peat and material embedded in geological**

industrial and municipal waste of biological origin;

formations and/or transformed to fossil,
as well as the biodegradable fraction of [waste, including industrial, ***commercial*** and municipal] waste of biological origin, ***and bacteria;***

Or. en

Justification

It should be clarified that peat and other material embedded in geological formations or transformed to fossil is excluded. Bacteria are a form of renewable biomass that grow with or without photosynthesis.

Amendment 11

Proposal for a directive
Article 2 – paragraph 2 – point g

Text proposed by the Commission

(g) ‘biofuels’ means liquid fuel for transport produced from biomass;

Amendment

(g) ‘biofuels’ means liquid ***or gaseous*** fuel for transport produced from biomass ***or by biomass;***

Or. en

Justification

The definition of biofuels should cover both liquid and gaseous biofuels. Biomass can act as the biological catalyst which produces fuel directly as a product of biomass growth.

Amendment 12

Proposal for a directive
Article 2 – paragraph 2 – point n a (new)

Text proposed by the Commission

Amendment

(na) ‘residual waste’ means waste resulting from a treatment or a recovery operation, including recycling, which

cannot be recovered further and, as result, has to be disposed of;

Or. en

Justification

The definition needs to be included in order to define the use of waste such as advanced biofuels as being solely waste that can no longer be recycled and recovered. This amendment is linked to the amendments to Annex IX.

Amendment 13

**Proposal for a directive
Article 2 – paragraph 2 – point q**

Text proposed by the Commission

(q) ‘non-food cellulosic material’ means feedstocks mainly composed of cellulose and hemicellulose, and having a lower lignin content than ligno-cellulosic material; it includes food and feed crop residues (such as straw, stover, husks and shells), grassy energy crops with a low starch content (such as ryegrass, switchgrass, miscanthus, giant cane and cover crops before and after main crops), industrial residues (including from food and feed crops after vegetal oils, sugars, starches and protein have been extracted), and material from biowaste;

Amendment

(q) ‘non-food cellulosic material’ means feedstocks mainly composed of cellulose and hemicellulose, and having a lower lignin content than ligno-cellulosic material; it includes food and feed crop residues (such as straw, stover, husks and shells), grassy energy crops with a low starch content (such as ryegrass, switchgrass, miscanthus, giant cane and cover crops before and after main crops **and ley crops such as grass, clover, alfalfa**), industrial residues (including from food and feed crops after vegetal oils, sugars, starches and protein have been extracted), and material from biowaste;

Or. en

Justification

Ley crops can be used for the production of biogas.

Amendment 14

Proposal for a directive

Article 2 – paragraph 2 – point s

Text proposed by the Commission

(s) ‘renewable liquid and gaseous transport fuels of non-biological origin’ means liquid or gaseous fuels other than biofuels whose energy content comes from renewable energy sources other than biomass, and which are used in transport;

Amendment

(s) ‘renewable liquid and gaseous transport fuels of non-biological origin’ means liquid or gaseous fuels other than biofuels whose energy content comes from renewable energy sources other than biomass, and ***where any carbon feedstock is captured from the ambient air, and*** which are used in transport;

Or. en

Justification

This provision should not apply to industrial carbon capture and reuse feedstocks as the carbon would not be permanent. The change made to the definition of renewable liquid and gaseous transport fuels of non-biological origin is linked to article 25 where it can be counted towards the new incorporation obligation.

Amendment 15

Proposal for a directive

Article 2 – paragraph 2 – point u

Text proposed by the Commission

(u) ‘low indirect land-use change-risk biofuels and bioliquids’ means biofuels and bioliquids, the feedstocks of which were produced within schemes which reduce the displacement of production for purposes other than for making biofuels and bioliquids and which were produced in accordance with the sustainability criteria for biofuels and bioliquids set out in Article 26;

Amendment

(u) ‘low indirect land-use change-risk biofuels and bioliquids’ means biofuels and bioliquids, the feedstocks of which were produced on ***unused, marginal land while improving its carbon capture*** within schemes which reduce the displacement of production for purposes other than for making biofuels and bioliquids, ***including for high protein feed products***, and which were produced in accordance with the sustainability criteria for biofuels and bioliquids set out in Article 26;

Justification

This amendment is inextricably linked to an amendment to Article 7(1).

Amendment 16

Proposal for a directive
Article 2 – paragraph 2 – point y

Text proposed by the Commission

(y) ‘waste heat or cold’ means heat or cold which is generated as by-product in industrial **or power generation** installations and which would be dissipated unused in air or water without access to a district heating or cooling system;

Amendment

(y) 'waste heat or cold' means heat or cold which is generated as by-product in industrial installations **or in tertiary sector** and which would be dissipated unused in air or water without access to a district **or other dedicated** heating or cooling **recovery** system;

Amendment 17

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

Text proposed by the Commission

(aa) ‘renewable self-consumer’ means an active customer as defined in Directive [MDI Directive] **who consumes** and may store and sell renewable electricity which is generated within his or its premises, including a multi-apartment block, a commercial or shared services site or a closed distribution system, provided that, for non-household renewable self-consumers, those activities do not constitute their primary commercial or

Amendment

(aa) ‘renewable self-consumer’ means an active customer as defined in Directive [MDI Directive] **or a group of customers, acting together, who consume** and may store and sell renewable electricity which is generated within his or its premises, including a multi-apartment block, a commercial or shared services site or a closed distribution system, **including through aggregators**, provided that, for non-household renewable self-consumers, those activities do not constitute their

professional activity;

primary commercial or professional activity;

Or. en

Amendment 18

Proposal for a directive

Article 2 – paragraph 2 – point d d

Text proposed by the Commission

(dd) ‘food and feed crops’ means starch-rich crops, sugars and oil crops **produced** on agricultural land as a main crop excluding residues, **waste or ligno-cellulosic material**;

Amendment

(dd) ‘food and feed crops’ means starch-rich crops, sugars and oil crops **and other crops grown primarily for energy purposes** on agricultural land as a main crop excluding residues **and waste**;

Or. en

Amendment 19

Proposal for a directive

Article 2 – paragraph 2 – point e e

Text proposed by the Commission

(ee) ‘advanced biofuels’ means biofuels that are produced from feedstocks listed in part A of Annex IX;

Amendment

(ee) ‘advanced biofuels’ means biofuels that are produced from **waste and residue** feedstocks listed in part A of Annex IX **that comply with the principle of the waste hierarchy and do not have significant displacement effects or significant distortive effects on markets for products, waste or residues based on a regional analysis**;

Or. en

Amendment 20

Proposal for a directive Article 2 – paragraph 2 – point e e

Text proposed by the Commission

(ff) ‘**waste-based fossil** fuels’ means **liquid and gaseous** fuels produced from waste streams of non-renewable origin, including waste processing gases and exhaust gases;

Amendment

(ff) ‘**recycled carbon** fuels’ means fuels produced from **unavoidable gaseous** waste streams of non-renewable origin, including waste processing gases and exhaust gases, **with substantial greenhouse gas savings over their entire lifecycle**;

Or. en

Amendment 21

Proposal for a directive Article 2 – paragraph 2 – point j j

Text proposed by the Commission

(jj) ‘harvesting permit’ means **an official document giving the** right to harvest the forest biomass;

Amendment

(jj) ‘harvesting permit’ means **a legal permit or similar** right **under national and/or regional legislation** to harvest the forest biomass;

Or. en

Amendment 22

Proposal for a directive Article 2 – paragraph 2 – point m m

Text proposed by the Commission

(mm) ‘**forest holding**’ means **one or more parcels of forest and other wooded land which constitute a single unit from the**

Amendment

(mm) ‘**supply base**’ means **the geographic region from which biomass feedstock**

point of view of management or utilisation;

originates;

Or. en

Amendment 23

Proposal for a directive Article 2 – paragraph 2 – point n n

Text proposed by the Commission

Amendment

(nn) 'biowaste' means ***biodegradable garden and park waste, food and kitchen waste from households, restaurants, caterers and retail premises, and comparable waste from the food processing industry;***

(nn) 'biowaste' means ***biowaste as defined in point (4) of Article 3 of Directive 2008/98/EC;***

Or. en

Amendment 24

Proposal for a directive Article 2 – paragraph 2 – point u u a (new)

Text proposed by the Commission

Amendment

(***uuu***) '***bacteria based fuels***' means ***liquid fuels produced through bacterial growth using the carbon oxides within gaseous waste and residue streams which are generated as an unavoidable and not intentional consequence of the manufacturing of products and are not credited under other emissions reduction schemes;***

Or. en

Justification

The amendment is inextricably linked to amendment to Annex IX

Amendment 25

Proposal for a directive

Article 2 – paragraph 2 – point u u b (new)

Text proposed by the Commission

Amendment

(uub) ‘waste hierarchy’ means the waste hierarchy defined in accordance with Article 4 (1) of Directive 2008/98/EC.

Or. en

Justification

In order to ensure consistency, this directive should use the same definition of waste hierarchy as the Directive 2008/98/EC.

COMPROMISE AMENDMENT 2B on Article 2 – Definitions

On behalf of EPP, ECR

Amendments 27, 293-380 fall

(Points b, d-f, h-p, r, t, x, z, bb-cc, ff-ii, kk, ll, oo-uu remain as in the Commission proposal)

Amendment 26

Proposal for a directive

Article 2 – paragraph 2 – point a

Text proposed by the Commission

Amendment

(a) ‘energy from renewable sources’ means energy from renewable non-fossil sources, namely wind, solar (solar thermal

(a) ‘energy from renewable sources’ means energy from renewable non-fossil sources, namely wind, solar (solar thermal

and solar photovoltaic) and, geothermal energy, ambient heat, tide, wave and other ocean energy, hydropower, biomass, landfill gas, sewage treatment plant gas and biogases;

and solar photovoltaic) and, geothermal energy, ambient heat, tide, wave and other ocean energy, hydropower, biomass, **biomethane**, landfill gas, sewage treatment plant gas and biogases;

Or. en

Justification

Biomethane should be added in the main definition of energy from renewable sources as it is a renewable and programmable source.

Amendment 27

Proposal for a directive

Article 2 – paragraph 2 – point c

Text proposed by the Commission

(c) ‘biomass’ means the biodegradable fraction of products, waste and residues from biological origin from agriculture, including vegetal and animal substances, forestry and related industries including fisheries and aquaculture, as well as the biodegradable fraction of waste, including industrial and municipal waste of biological origin;

Amendment

(c) biomass’ means the biodegradable fraction of products, waste and residues from biological origin from agriculture, including vegetal and animal substances, forestry and related industries including fisheries and aquaculture, ***excluding peat and material embedded in geological formations and/or transformed to fossil***, as well as the biodegradable fraction of [waste, including industrial, ***commercial*** and municipal] waste of biological origin, ***and bacteria***;

Or. en

Justification

Corresponds to standard EN14588, but complemented with the exclusion of peat. Bacteria are a form of renewable biomass that grow with or without photosynthesis.

Amendment 28

Proposal for a directive
Article 2 – paragraph 2 – point g

Text proposed by the Commission

(g) 'biofuels' means liquid fuel for transport produced from biomass;

Amendment

(g) 'biofuels' means liquid **or gaseous** fuel for transport produced from biomass **or by biomass**;

Or. en

Justification

The definition of biofuels should cover both liquid and gaseous biofuels. Widening the definition of advanced biofuels would help to ensure that waste and residue-based biofuels can contribute towards the objective of increasing the share of renewable energy in our final use. This will contribute to ensuring added investor certainty, encourage innovation, and promote the diversification of advanced biofuels technologies. Additionally, this widened definition will help to keep costs low for consumers.

Amendment 29

Proposal for a directive
Article 2 – paragraph 2 – point n a (new)

Text proposed by the Commission

Amendment

(na) 'residual waste' means waste resulting from a treatment or a recovery operation, including recycling, which cannot be recovered further and, as result, has to be disposed of;

Or. en

Justification

This definition needs to be included in order to define the use of waste such as advanced biofuels as being solely waste that can no longer be recycled and recovered. This definition incorporates the provisions approved by Parliament in the proposal to amend Directive 2008/98/EC. This amendment is linked to the amendments tabled to Annex IX.

Amendment 30

Proposal for a directive

Article 2 – paragraph 2 – point q

Text proposed by the Commission

(q) ‘non-food cellulosic material’ means feedstocks **mainly** composed of cellulose and hemicellulose, and having a lower lignin content than ligno-cellulosic material; it includes food and feed crop residues (such as straw, stover, husks and shells), grassy energy crops with a low starch content (such as ryegrass, switchgrass, miscanthus, giant cane and cover crops before and after main crops), industrial residues (including from food and feed crops after vegetal oils, sugars, starches and protein have been extracted), and material from biowaste;

Amendment

(q) ‘non-food cellulosic material’ means feedstocks **partly** composed of cellulose and hemicellulose, and having a lower lignin content than ligno-cellulosic material; it includes food and feed crop residues (such as straw, stover, husks and shells), grassy energy crops with a low starch content (such as ryegrass, switchgrass, miscanthus, giant cane and cover crops before and after main crops **and ley crops**), industrial residues (including from food and feed crops after vegetal oils, sugars, starches and protein have been extracted), and material from biowaste;

Or. en

Justification

Provided that there is no change to food production and no additional land use, when farmers introduce an additional second harvest for energy purposes, they should have the possibility to innovate into secondary crops with every starch content for energy use. Cover crops are already recognised in Directive 2015/1513 as eligible feedstock for advanced biofuels, but limited to “low starch content”, which constraints cover crop mix choice. This Directive should encourage the use of every kind of cover crop, rather than trying to restrict it. Also, ley crops can be used for the production of biogas.

Amendment 31

Proposal for a directive

Article 2 – paragraph 2 – point s

Text proposed by the Commission

(s) ‘renewable liquid and gaseous transport fuels of non-biological origin’ means liquid or gaseous fuels other than

Amendment

(s) ‘renewable liquid and gaseous transport fuels of non-biological origin’ means liquid or gaseous fuels other than

biofuels whose energy content comes from renewable energy sources other than biomass, and which are used in transport;

biofuels whose energy content comes from renewable energy sources other than biomass, and ***where any carbon feedstock is captured from the ambient air, and*** which are used in transport;

Or. en

Justification

Only when CO2 are captured the fuel can be considered renewable

Amendment 32

**Proposal for a directive
Article 2 – paragraph 2 – point u**

Text proposed by the Commission

Amendment

(u) ‘low indirect land-use change-risk biofuels and bioliquids’ means biofuels and bioliquids, the feedstocks of which were produced within schemes which reduce the displacement of production for purposes other than for making biofuels and bioliquids and which were produced in accordance with the sustainability criteria for biofuels and bioliquids set out in Article 26;

Deleted

Or. en

Justification

This definition is overly simplistic regarding the problem of indirect land-use change and is no longer needed.

Amendment 33

**Proposal for a directive
Article 2 – paragraph 2 – point y**

Text proposed by the Commission

(y) ‘waste heat or cold’ means heat or cold which is generated as by-product in industrial **or power generation** installations and which would be dissipated unused in air or water without access to a district heating or cooling system;

Amendment

(y) 'waste heat or cold' means heat or cold which is generated as by-product in industrial installations **or in tertiary sector** and which would be dissipated unused in air or water without access to a district **or other dedicated** heating or cooling **recovery** system;

Or. en

Amendment 34

Proposal for a directive

Article 2 – paragraph 2 – point a a

Text proposed by the Commission

(aa) ‘renewable self-consumer’ means an active customer as defined in Directive [MDI Directive] **who consumes** and may store and sell renewable electricity which is generated within his or its premises, including a multi-apartment block, a commercial or shared services site or a closed distribution system, provided that, for non-household renewable self-consumers, those activities do not constitute their primary commercial or professional activity;

Amendment

(aa) ‘renewable self-consumer’ means an active customer as defined in Directive [MDI Directive] **or a group of customers, acting together, who consume** and may store and sell renewable electricity which is generated within his or its premises, including a multi-apartment block, a commercial or shared services site or a closed distribution system, **including through aggregators**, provided that, for non-household renewable self-consumers, those activities do not constitute their primary commercial or professional activity;

Or. en

Amendment 35

Proposal for a directive

Article 2 – paragraph 2 – point d d

Text proposed by the Commission

(dd) ‘food and feed crops’ means starch-rich crops, sugars and oil crops **produced** on agricultural land as a main crop excluding residues, **waste or ligno-cellulosic material**,

Amendment

(dd) ‘food and feed crops’ means starch-rich crops, sugars and oil crops **and other crops grown primarily for energy purposes** on agricultural land as a main crop excluding residues **and waste**. **Intermediate crops such as catch crops and cover crops are not considered main crops;**

Or. en

Justification

Catch crops and cover crops should not be considered as main crops.

Amendment 36

Proposal for a directive
Article 2 – paragraph 2 – point e e

Text proposed by the Commission

(ee) ‘advanced biofuels’ means biofuels that are produced from feedstocks listed in part A of Annex IX;

Amendment

(ee) ‘advanced biofuels’ means biofuels that are produced from **waste and residue** feedstocks listed in part A of Annex IX **that comply with the principle of the waste hierarchy and do not have significant displacement effects or significant distortive effects on markets for products, waste or residues based on a regional analysis;**

Or. en

Justification

The definition of advanced biofuels should be consistent with legislation on the circular economy.

Amendment 37

Proposal for a directive
Article 2 – paragraph 2 – point d d a (new)

Text proposed by the Commission

Amendment

(dd a) 'Highly sustainable crop based biofuels' means biofuels that:

- are produced from cereals, other starch-rich crops, sugars and oil crops;

- save at least 65% GHG emissions compared to fossil fuel according to the methodology in article 28(1); and

- generate high value protein, other animal feed or cellulosic by-products; and

- are produced from feedstocks obtained in accordance with the requirements and standards laid down in Article 93 of Regulation (EU) No 1306/2013 of the European Parliament and of the Council of 17 December 2013 on the financing, management and monitoring of the Common Agricultural Policy.

Or. en

Justification

Crop based biofuels achieving GHG emissions in compliance with the criteria laid down in article 26, paragraph 7, and from feedstock produced in accordance with the Common Agricultural Policy's strict cross compliance rules, generating valuable co-products, should no count towards the cap in Article 3 and Article 7. This amendment is linked to amendment introducing a new provision in article 7(1)(4) a new.

Amendment 38

Proposal for a directive
Article 2 – paragraph 2 – point f f

Text proposed by the Commission

Amendment

(ff) '***waste-based fossil*** fuels' means ***liquid and gaseous*** fuels produced from waste streams of non-renewable origin, including

(ff) '***recycled carbon*** fuels' means fuels produced from ***unavoidable gaseous*** waste streams of non-renewable origin, including

waste processing gases and exhaust gases;

waste processing gases and exhaust gases,
***with substantial greenhouse gas savings
over their entire lifecycle;***

Or. en

Amendment 39

Proposal for a directive

Article 2 – paragraph 2 – point j j

Text proposed by the Commission

(jj) ‘harvesting permit’ means ***an official document giving the*** right to harvest the forest biomass;

Amendment

(jj) ‘harvesting permit’ means ***a legal permit or similar right under national and/or regional legislation*** to harvest the forest biomass;

Or. en

Amendment 40

Proposal for a directive

Article 2 – paragraph 2 – point m m

Text proposed by the Commission

(mm) ‘***forest holding***’ means ***one or more parcels of forest and other wooded land which constitute a single unit from the point of view of management or utilisation;***

Amendment

(mm) ‘***supply base***’ means ***the geographic region from which biomass feedstock originates;***

Or. en

Amendment 41

Proposal for a directive
Article 2 – paragraph 2 – point n n

Text proposed by the Commission

(nn) 'biowaste' means ***biodegradable garden and park waste, food and kitchen waste from households, restaurants, caterers and retail premises, and comparable waste from the food processing industry;***

Amendment

(nn) 'biowaste' means ***biowaste as defined in point (4) of Article 3 of Directive 2008/98/EC;***

Or. en

Amendment 42

Proposal for a directive
Article 2 – paragraph 2 – point q q a (new)

Text proposed by the Commission

Amendment

(qqa) 'biomethane' means a renewable gas with the same physical properties as natural gas and obtained either by the purification of biogas produced by methanisation or by gasification or CO₂ hydrogenation;

Or. en

Justification

Biomethane seems to have been overlooked in the Directive and the introduction of a definition therefore seems necessary in order to ensure that this Directive covers all production processes. Moreover, this definition is necessary because it is linked to the amendments relating to Article 26 (7) (d) in which we reintroduce the concept of biomethane in order to cover all situations.

Amendment 43

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

Text proposed by the Commission

Amendment

(uuc) ‘by-product’ means a by-product as defined in Article 5(1) of Directive 2008/98/EC, as amended by Directive XX/XX (COD 2015/0275);

Or. en

Justification

In order to achieve greater harmonisation and simplification of the legal framework and thereby legal certainty, coherence between the RED and other related EU legislative acts needs to be ensured. Thus, in order to further strengthen a coherent interpretation and application of the RED and other relevant EU legislation, references to the definitions of “by-product” and “waste hierarchy” as set out in the Waste Framework Directive, should be introduced in the RED, as is already the case regarding the definition of “waste”. This will also help to fulfil the objective of putting in place better regulation for citizens and companies.

Amendment 44

Proposal for a directive
Article 2 – paragraph 2 – point u u a (new)

Text proposed by the Commission

Amendment

(uua) ‘bacteria based fuels’ means liquid fuels produced through bacterial growth using the carbon oxides within gaseous waste and residue streams which are generated as an unavoidable and not intentional consequence of the manufacturing of products and are not credited under other emissions reduction schemes;

Or. en

Justification

The use of bacteria and waste or residue gases for biofuel will increase renewables access to the grid in cases where the gases are utilized for power production. Power from such gases must be generated continuously, blocking renewables until alternative use is available. Incentives to convert process gases from industry into bacteria based biofuels will enable marginal renewable electricity to take its place, while increasing biofuel volumes to displace conventional fossil fuels.

Amendment 45

Proposal for a directive

Article 2 – paragraph 2 – point u u b (new)

Text proposed by the Commission

Amendment

(uub) ‘waste hierarchy’ means the waste hierarchy defined in accordance with Article 4 (1) of Directive 2008/98/EC.

Or. en

Justification

In order to ensure legislative consistency, it is recommended that this Directive should be aligned with the other directives relating to the subject of renewable energies.

COMPROMISE AMENDMENT 3A on Article 7 – Food and feed crop cap, general transport obligation, part A of Annex VIII and part A of Annex X

On behalf of Greens/ALE, S&D, ALDE, GUE/NGL, EFDD

Amendments 10, 103, 90 153, 175-189, 277, 289, 290, 313, 382, 383, 388-390, 396, 428-461, 484, 548, 549, 550, 556, 682, 683, 1074 part I, 1075 part I, 1076-1095 fall

(7(1)(3), part A of Annex VIII remain as in the Commission proposal)

Amendment 46

Proposal for a directive
Article 7 – paragraph 1 – subparagraph 4

Text proposed by the Commission

For the calculation of a Member State's gross final consumption of energy from renewable energy sources, the contribution from biofuels and bioliquids, as well as from biomass fuels consumed in transport, if produced from food or feed crops, shall be no more than 7% of final consumption of energy in road and rail transport in that Member State. This limit shall be reduced to **3,8%** in 2030 following the trajectory set out in part A of Annex X. Member States may set a lower limit and may distinguish between different types of biofuels, bioliquids and biomass fuels produced from food and feed crops, for instance by setting a lower limit for the contribution from food or feed crop based biofuels produced from oil crops, taking into account indirect land use change.

Amendment

For the calculation of a Member State's gross final consumption of energy from renewable energy sources, the contribution from biofuels and bioliquids, as well as from biomass fuels consumed in transport, if produced from food or feed crops, shall be no more than 7% of final consumption of energy in road and rail transport in that Member State ***unless such fuels meet the greenhouse gas saving threshold in Article 26 (7) taking into account the mean estimated indirect land-use change emissions from biofuel and bioliquid feedstocks in part A of Annex VIII or are certified low indirect land-use change-risk biofuels and bioliquids based on a methodology developed by the Commission.*** This limit shall be reduced to **0 %** in 2030 following the trajectory set out in part A of Annex X. ***The contribution from biofuels and bioliquids produced from palm oil shall be 0% from 2021. The Commission shall develop a methodology to certify low indirect land-use change-risk biofuels and bioliquids as defined in Article 2(u) by 31 December 2019.*** Member States may set a lower limit and may distinguish between different types of biofuels, bioliquids and biomass fuels produced from food and feed crops, for instance by setting a lower limit for the contribution from food or feed crop based biofuels produced from oil crops, taking into account indirect land use change ***and other unintended sustainability impacts.***

Or. en

Amendment 47

Proposal for a directive
Article 7 – paragraph 1 – subparagraph 4 b (new)

Text proposed by the Commission

Amendment

The Commission is empowered to adopt delegated acts in accordance with Article 32 to amend the mean estimated indirect land-use change emissions from biofuel and bioliquid feedstocks in part A of Annex VIII on the basis of latest scientific evidence. The Commission shall review the mean estimated indirect land-use change emissions from biofuel and bioliquid feedstocks by 31 December 2019 taking into account any greenhouse gas savings related to protein feed by-products, and shall introduce as appropriate, separate values for palm oil, soy bean oil and other oil crops.

Or. en

Justification

The amendment is inextricably linked to amendments to previous subparagraphs and necessary to ensure the values in Annex VIII part A are kept up to date as regards latest scientific evidence.

Amendment 48

Proposal for a directive
Annex X – Part A

| | |
|--|---------------|
| <i>Text proposed by the Commission</i> | |
| Part A: Maximum contribution from liquid biofuels produced from food or feed crops to the EU renewable energy target as referred to in Article 7 paragraph 1 | |
| Calendar year | Minimum share |
| 2021 | 7.0% |
| 2022 | 6.7% |
| 2023 | 6.4% |

| | |
|--|---------------|
| 2024 | 6.1% |
| 2025 | 5.8% |
| 2026 | 5.4% |
| 2027 | 5.0% |
| 2028 | 4.6% |
| 2029 | 4.2% |
| 2030 | 3.8% |
| <i>Amendment</i> | |
| Part A: Maximum contribution from liquid biofuels produced from food or feed crops to the EU renewable energy target as referred to in Article 7 paragraph 1 | |
| Calendar year | Minimum share |
| 2021 | 7.0% |
| 2022 | 6.3% |
| 2023 | 5.6% |
| 2024 | 4.9% |
| 2025 | 4.2% |
| 2026 | 3.5% |
| 2027 | 2.8% |
| 2028 | 2.1% |
| 2029 | 1.4% |
| 2030 | 0% |

Or. en

Amendment 49

Proposal for a directive Recital 62

Text proposed by the Commission

(62) The European Strategy for a low-carbon mobility of July 2016 pointed out that food-based biofuels have a limited role in decarbonising the transport sector and

Amendment

(62) ***Where pasture or agricultural land previously destined for food and feed production is diverted to biofuel production, it will continue to be***

should be gradually phased out and replaced by advanced biofuels. To prepare for the transition towards advanced biofuels and minimise the overall indirect land-use change impacts, it is appropriate to reduce the amount of biofuels and bioliquids produced from food and feed crops that can be counted towards the Union target set out in this Directive.

necessary to satisfy the non-fuel demand by intensifying current production or bringing non-agricultural land into production elsewhere. The latter case constitutes indirect land-use change and when it involves the conversion of land with high carbon stock it can lead to significant greenhouse gas emissions. The European Strategy for a low-carbon mobility of July 2016 pointed out that food-based biofuels have a limited role in decarbonising the transport sector and should be gradually phased out and replaced by advanced biofuels. To prepare for the transition towards advanced biofuels and minimise the overall indirect land-use change impacts, it is appropriate to reduce the amount of biofuels and bioliquids produced from food and feed crops that can be counted towards the Union target set out in this Directive ***while distinguishing crop-based biofuels with high GHG efficiency and a low risk of indirect land use change. The deployment of advanced biofuels and electric mobility should be accelerated.***

Or. en

Amendment 50

Proposal for a directive Recital 95

Text proposed by the Commission

(95) Global demand for agricultural commodities is growing. Part of that increased demand will be met through an increase in the amount of land devoted to agriculture. The restoration of land that has been severely degraded and therefore cannot be used, in its present state, for agricultural purposes is a way of increasing the amount of land available for

Amendment

(95) Global demand for agricultural commodities is growing. Part of that increased demand will be met through an increase in the amount of land devoted to agriculture. The restoration of land that has been severely degraded and therefore cannot be used, in its present state, for agricultural purposes is a way of increasing the amount of land available for

cultivation. The sustainability scheme should promote the use of restored degraded land because the promotion of biofuels, bioliquids and biomass fuels will contribute to the growth in demand for agricultural commodities.

cultivation. The sustainability scheme should promote the use of restored degraded land because the promotion of biofuels, bioliquids and biomass fuels will contribute to the growth in demand for agricultural commodities, ***which may result in indirect land-use change emissions.***

Or. en

Justification

The amendment is inextricably linked to amendment to Article 7(1).

COMPROMISE AMENDMENT 3B on Article 7 – Food and feed crop cap, general transport obligation, part A of Annex VIII and part A of Annex X

On behalf of EPP, ECR

Amendments 10, 153, 175-189, 277, 289, 290, 382, 383, 388-390, 391, 396, 428-461, 484, 548, 549, 550, 556, 682, 683, 1074 part I, 1075 part II, 1076-1095 fall

(7(1)(3), part A of Annex VIII and part A of Annex X, recital 95 remain as in the Commission proposal)

Amendment 51

**Proposal for a directive
Article 7 – paragraph 1 – subparagraph 4**

Text proposed by the Commission

For the calculation of a Member State's gross final consumption of energy from renewable energy sources, the contribution from biofuels and bioliquids, as well as from biomass fuels consumed in transport, if produced from food or feed crops, shall be no more than 7% of final consumption of energy in road and rail transport in that Member State. This limit shall be reduced to **3,8%** in 2030 following the trajectory set

Amendment

For the calculation of a Member State's gross final consumption of energy from renewable energy sources, the contribution from biofuels and bioliquids, as well as from biomass fuels consumed in transport, if produced from food or feed crops, shall be no more than 7% of final consumption of energy in road and rail transport in that Member State. This limit shall be reduced to **3.8 %** in 2030 following the trajectory

out in part A of Annex X. Member States may set a lower limit and may distinguish between different types of biofuels, bioliquids and biomass fuels produced from food and feed crops, for instance by setting a lower limit for the contribution from food or feed crop based biofuels produced from oil crops, taking into account indirect land use change.

set out in part A of Annex X. ***The contribution from biofuels and bioliquids produced from palm oil shall be 0% from 2021.*** Member States may set a lower limit and may distinguish between different types of biofuels, bioliquids and biomass fuels produced from food and feed crops, for instance by setting a lower limit for the contribution from food or feed crop based biofuels produced from oil crops, taking into account indirect land use change ***and other unintended sustainability impacts.***

Or. en

Amendment 52

Proposal for a directive

Article 7 – paragraph 1 – subparagraph 4 a (new)

Text proposed by the Commission

Amendment

Any limits set by Member States pursuant to the fourth subparagraph shall not apply to highly sustainable crop based biofuels, as defined in article 2. The contribution from biofuels and bioliquids, as well as from biomass fuels consumed in transport, if produced from food or feed crops including highly sustainable crop based biofuels, shall be no more than 7% of final consumption of energy in road and rail transport in 2030.

For the highly sustainable crop based biofuels, Member States shall be entitled to apply national support schemes to favour their use, for example by setting a specific obligation of incorporation, even beyond the limit set out in part A of Annex X pending the effective availability of advanced biofuels.

Or. en

Justification

The limit on crop-based biofuels should not apply to crop-based biofuels achieving the GHG emissions savings criteria and produced from feedstock that is produced in accordance with the Common Agricultural Policy's cross compliance criteria, generating valuable co-products. The contribution from biofuels and bioliquids, as well as from biomass fuels consumed in transport, if produced from food or feed crops including highly sustainable crop based biofuels should be capped at 7%.

Amendment 56

Proposal for a directive

Recital 62

Text proposed by the Commission

(62) The European Strategy for a low-carbon mobility of July 2016 pointed out that food-based biofuels have a limited role in decarbonising the transport sector and should be gradually phased out and replaced by advanced biofuels. ***To prepare for the transition towards advanced biofuels and minimise the overall indirect land-use change impacts***, it is appropriate to ***reduce the amount*** of biofuels and bioliquids ***produced from food and feed crops that can be counted towards the Union target set out in this Directive.***

Amendment

(62) The European Strategy for a low-carbon mobility of July 2016 pointed out that food-based biofuels have a limited role in decarbonising the transport sector. ***However, given the fact that the development of advanced biofuels is often linked to investments in food-based biofuels the further uptake of the advanced biofuels is only possible if investor's confidence is not threatened. It also necessary to note that European biofuel production is an important income source for farming families and has encouraged investment and direct and indirect job creation in rural areas. The life-cycle assessment of biofuels should also take into consideration their role to play in the circular economy, which includes inter alia the supply of non-genetically modified high-protein animal feed, which helps address the overdependence on imported protein for animals in the EU. It should also be noted that advanced biofuels will not be available in the necessary amount in the near future. Therefore, to foster the uptake of advanced biofuels and restore investor confidence in the mid long term and ensure investor confidence in the consistency of Union policies, it is***

appropriate to *maintain the share* of biofuels and bioliquids *that generate high-protein animal feed. Further, measures should be taken to phase down the use of feedstocks that drive deforestation or peatland drainage as a component of biofuels as soon as possible.*

Or. en

COMPROMISE AMENDMENT 4A on Article 25, 7(5), and part B, Ba and C of Annex X – Transport incorporation obligation

On behalf of Greens/ALE, S&D, ALDE, GUE/NGL, EFDD

Amendments 7, 12, 13, 24, 31-32, 37-51, 75, 76, 77, 81-82, 108, 109, 112, 145-151, 194-196, 200-205, 208-218, 278-279, 315, 462-485, 548-683, 682, 285, 979, 973, 977, 978, 979, 980, 981, 982, 983, 1096-1111, part II of 1074, part II of 1075 fall

(25(1)(5)point (c), 25(7)(2), 25(7)(3), 25(7)(3)(a)(2), 25(7)(3)(b), 7(5)(1), part C of Annex X remain as in the Commission proposal)

Amendment 58

Proposal for a directive

Article 25 – paragraph 1 – subparagraph 1

Text proposed by the Commission

With effect from 1 January 2021, Member States shall require fuel suppliers to **include a minimum** share of energy from advanced biofuels and other biofuels and biogas produced from feedstock listed in Annex IX, from renewable liquid and gaseous transport fuels of non-biological origin, **from waste-based fossil fuels** and from renewable electricity in the total amount of transport fuels they supply for consumption or use on the market in the course of a calendar year.

Amendment

With effect from 1 January 2021, Member States shall require fuel suppliers to **increase gradually the** share of energy from advanced biofuels and other biofuels and biogas produced from feedstock listed in Annex IX, from renewable liquid and gaseous transport fuels of non-biological origin and from renewable electricity in the total amount of transport fuels they supply for consumption or use on the market in the course of a calendar year.

Or. en

Amendment 59

Proposal for a directive

Article 25 – paragraph 1 – subparagraph 2

Text proposed by the Commission

The minimum share shall be at least equal to 1.5% in 2021, increasing up to at least **6.8%** in 2030, following the trajectory set out in part B of Annex X. Within this total share, the contribution of advanced biofuels and biogas produced from feedstock listed in part A of Annex IX shall be at least 0.5% of the transport fuels supplied for consumption or use on the market as of 1 January 2021, increasing up to at least 3.6% by 2030, following the trajectory set out in part C of Annex X.

Amendment

The minimum share shall be at least equal to 1.5% in 2021, increasing up to at least **10%** in 2030 **and thereafter**, following the trajectory set out in part B of Annex X. Within this total share, the contribution of advanced biofuels and biogas produced from feedstock listed in part A of Annex IX shall be at least 0.5% of the transport fuels supplied for consumption or use on the market as of 1 January 2021, increasing up to at least 3.6% by 2030, following the trajectory set out in part C of Annex X. ***The minimum share of renewable energy supplied for aviation shall follow the trajectory set out in part Ba of Annex X.***

Or. en

Amendment 60

Proposal for a directive

Article 25 – paragraph 1 – subparagraph 3

Text proposed by the Commission

The greenhouse gas emission savings from the use of advanced biofuels and other biofuels and biogas produced from feedstock listed in Annex IX shall be at least 70% as of 1 January 2021.

Amendment

The greenhouse gas emission savings from the use of ***renewable liquid and gaseous transport fuels of non-biological origin***, advanced biofuels and other biofuels and biogas produced from feedstock listed in Annex IX, ***taking into account indirect emissions related to any displacement effects*** shall be at least 70% as of 1 January 2021. ***In order to take into account the***

greenhouse gas emissions related to displacement of existing uses of feedstocks listed in Annex IX, the Commission shall by 31 December 2019 adopt a delegated act in accordance with Article 32 to establish indirect emissions estimates for such feedstocks.

Or. en

Justification

All advanced fuels under the blending mandate should have the same minimum GHG savings threshold.

Amendment 61

Proposal for a directive

Article 25 – paragraph 1 – subparagraph 4 – point a

Text proposed by the Commission

a) for the calculation of the denominator, that is the energy content of road and rail transport fuels supplied for consumption or use on the market, petrol, diesel, natural gas, biofuels, biogas, renewable liquid and gaseous transport fuels of non-biological origin, *waste-based fossil* fuels and *non-renewable* electricity, shall be taken into account;

Amendment

a) for the calculation of the denominator, that is the energy content of road and rail transport fuels supplied for consumption or use on the market, petrol, diesel, natural gas, biofuels, biogas, renewable liquid and gaseous transport fuels of non-biological origin, *recycled carbon* fuels and electricity, shall be taken into account;

Or. en

Amendment 62

Proposal for a directive

Article 25 – paragraph 1 – subparagraph 4 – point b – subparagraph 1

Text proposed by the Commission

(b) for the calculation of the numerator,

Amendment

b) for the calculation of the numerator,

the energy content of advanced biofuels and other biofuels and biogas produced from feedstock listed in Annex IX, renewable liquid and gaseous transport fuels of non-biological origin, **waste based fossil fuels supplied to all transport sectors**, and renewable electricity supplied to **road vehicles**, shall be taken into account.

the energy content of advanced biofuels and other biofuels and biogas produced from feedstock listed in Annex IX, renewable liquid and gaseous transport fuels of non-biological origin, and renewable electricity supplied to **all transport sectors**, shall be taken into account.

Or. en

Amendment 63

Proposal for a directive

Article 25 – paragraph 1 – subparagraph 4 – point b – subparagraph 2

Text proposed by the Commission

For the calculation of the numerator, the contribution from biofuels and biogas produced from feedstock included in part B of Annex IX shall be limited to 1.7% of the energy content of transport fuels supplied for consumption or use on the market and the contribution of fuels supplied in the **aviation and** maritime sector shall be considered to be 1.2 times their energy content.

Amendment

For the calculation of the numerator, the contribution from biofuels and biogas produced from feedstock included in part B of Annex IX shall be limited to 1.7% of the energy content of transport fuels supplied for consumption or use on the market and the contribution of fuels supplied in the maritime sector shall be considered to be 1.2 times their energy content.

Or. en

Amendment 64

Proposal for a directive

Article 25 – paragraph 1 – subparagraph 4 – point b – subparagraph 2 a (new)

Text proposed by the Commission

Amendment

For the calculation of renewable electricity supplied to road vehicles, only

electricity from renewable energy sources consumed at dedicated charging stations shall be taken into account and shall be considered to be five times the energy content of the input.

Or. en

Justification

There is a need to promote the use of electricity in transport sector.

Amendment 65

**Proposal for a directive
Article 25 – paragraph 1 a (new)**

Text proposed by the Commission

Amendment

1a. Member States may design their national policies to meet the obligations under this Article as a greenhouse gas saving obligation and may apply those policies also to recycled carbon fuels, provided that this does not counteract circular economy objectives and that the share of energy from renewable sources under paragraph 1 is met.

Or. en

Amendment 66

**Proposal for a directive
Article 25 – paragraph 2**

Text proposed by the Commission

Amendment

2. *For* the purpose of paragraph 1, Member States shall set up a system allowing fuel suppliers to transfer the obligation set out in paragraph 1 to other

2. *From 1 January 2021, for* the purpose of paragraph 1, Member States shall set up a system allowing fuel suppliers to transfer the obligation set out

fuel suppliers and ensure that all transfers are documented in the *national databases* referred to in paragraph 4.

in paragraph 1 to other fuel suppliers, ***and to trade transport fuels contributions, including electricity, that are eligible for counting towards the numerator set out in point (b) of paragraph 1***, and ensure that all transfers are documented in the *database* referred to in paragraph 4. ***As regards electricity supplied to transport, Member States shall allow access to operators of connections supplying electricity exclusively to road transport and shall require any other entities to demonstrate separate accounting for the electricity supplied to transport. As regards electricity supplied to rail transport Member States shall consider the rail operators to be eligible.***

Or. en

Amendment 67

Proposal for a directive Article 25 – subparagraph 2 a (new)

Text proposed by the Commission

Amendment

2a. Fuel suppliers only supplying fuels in the form of electricity and renewable liquid and gaseous transport fuels of non-biological origin do not need to comply with the minimum share of advanced biofuels, other biofuels and biogas produced from feedstock listed in Annex IX.

Or. en

Amendment 68

Proposal for a directive
Article 25 – paragraph 3 – subparagraph 1

Text proposed by the Commission

3. To determine the share of renewable electricity for the purposes of paragraph 1 ***either the average share of electricity from renewable energy sources in the Union or*** the share of electricity from renewable energy sources in the Member State where the electricity is supplied, as measured two years before the year in question ***may*** be used. ***In both cases, an*** equivalent amount of guarantees of origin issued in accordance with Article 19 shall be cancelled.

Amendment

3. To determine the share of renewable electricity for the purposes of paragraph 1 the share of electricity from renewable energy sources in the Member State where the electricity is supplied, as measured two years before the year in question ***shall*** be used. ***However, electricity obtained from direct connection to an installation generating renewable electricity that is not connected to the grid may be fully counted as renewable electricity.*** An equivalent amount of guarantees of origin issued in accordance with Article 19 shall be cancelled.

Or. en

Amendment 69

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

Text proposed by the Commission

(a) When electricity is used for the production of renewable liquid and gaseous transport fuels of non-biological origin, ***either directly or for the production of intermediate products, either the average share of electricity from renewable energy sources in the Union or*** the share of electricity from renewable energy sources in the country of production, as measured two years before the year in question, ***may*** be used to determine the share of renewable energy. ***In both cases, an*** equivalent amount of guarantees of origin issued in accordance with Article 19 shall be cancelled.

Amendment

(a) When electricity is used ***directly*** for the production of renewable liquid and gaseous transport fuels of non-biological origin the share of electricity from renewable energy sources in the country of production, as measured two years before the year in question, ***shall*** be used to determine the share of renewable energy. ***An*** equivalent amount of guarantees of origin issued in accordance with Article 19 shall be cancelled.

Amendment 70

Proposal for a directive

Article 25 – paragraph 4 – subparagraph 1

Text proposed by the Commission

4. **Member States** shall put in place a database enabling tracing of transport fuels that are eligible for counting towards the numerator set out in paragraph 1 **(b)**, **and** require **the relevant economic operators** to enter information on the transactions made and the sustainability characteristics of the eligible fuels, including their life cycle greenhouse gas emissions, starting from **their point of production** to the fuel supplier that places the fuel on the market.

Amendment

4. **By 31 December 2021 the Commission** shall put in place a database enabling tracing of transport fuels **and renewable electricity** that are eligible for counting towards the numerator set out in **point (b) of** paragraph 1. **Member States shall require fuel suppliers to enter in the database the total annual quantities of energy they supply to the transport sector as defined in denominator in point (a) of paragraph 1. Suppliers of renewable energy in transport as defined in the numerator in point (b) of paragraph 1 shall be required** to enter information on the transactions made and the sustainability characteristics of the eligible fuels, including their life cycle greenhouse gas emissions, starting from **the source of the feedstocks** to the fuel supplier that places the fuel on the market.

Or. en

Amendment 71

Proposal for a directive

Article 25 – paragraph 4 – subparagraph 2

Text proposed by the Commission

The database shall include information on the requirement placed on fuel suppliers described in paragraph 1 and how the

Amendment

The database shall include information on the requirement placed on fuel suppliers described in paragraph 1 and how the

requirement is fulfilled.

requirement is fulfilled. ***The data, including transfers of obligations between fuel suppliers shall be made publicly available.***

Or. en

Amendment 72

Proposal for a directive Article 25 – paragraph 4 – subparagraph 3

Text proposed by the Commission

The ***national databases*** shall ***be interlinked so as to*** allow transactions of fuels between Member States to be traced. ***In order to ensure the compatibility of national databases, the Commission shall set out technical specifications of their content and use by means of implementing acts adopted in accordance with the examination procedure referred to in Article 31.***

Amendment

The ***database referred to in the first subparagraph of this paragraph*** shall allow transactions of fuels between Member States to be traced.

Or. en

Amendment 73

Proposal for a directive Article 25 – paragraph 5

Text proposed by the Commission

5. ***Member States*** shall ***report on the*** aggregated information from the ***national*** databases, including fuels' life cycle greenhouse gas emissions, in accordance with Annex VII of Regulation [Governance].

Amendment

5. ***The Commission*** shall ***publish, on an annual basis,*** aggregated information from the databases, including fuels' life cycle greenhouse gas emissions, in accordance with Annex VII of Regulation [Governance].

Amendment 74**Proposal for a directive
Article 25 – paragraph 6***Text proposed by the Commission*

6. The Commission is empowered to adopt delegated acts in accordance with Article 32 to further specify the methodology referred to in paragraph 3(b) of this Article to determine the share of biofuel resulting from biomass being processed with fossil fuels in a common process, to specify the methodology for assessing greenhouse gas emission savings from renewable liquid and gaseous transport fuels of non-biological origin and waste-based fossil fuels and to determine minimum greenhouse gas emission savings required for these fuels for the purpose of paragraph 1 of this Article.

Amendment

6. The Commission is empowered to adopt delegated acts in accordance with Article 32 to further specify the methodology referred to in paragraph 3(b) of this Article to determine the share of biofuel resulting from biomass being processed with fossil fuels in a common process, to specify the methodology for assessing greenhouse gas emission savings from renewable liquid and gaseous transport fuels of non-biological origin and **recycled carbon** fuels and to determine minimum greenhouse gas emission savings **and potential additional sustainability criteria** required for these fuels for the purpose of paragraph 1 of this Article.

Or. en

Amendment 75**Proposal for a directive
Article 25 – paragraph 7***Text proposed by the Commission*

7. By 31 December 2025, in the context of the biennial assessment of progress made pursuant to Regulation [Governance], the Commission shall assess whether the obligation laid down in paragraph 1 effectively stimulates innovation and promotes greenhouse gas

Amendment

7. By 31 December 2025, in the context of the biennial assessment of progress made pursuant to Regulation [Governance], the Commission shall assess whether the obligation laid down in paragraph 1 effectively stimulates innovation, **the transition towards a**

savings in the transport sector, and whether the applicable greenhouse gas savings requirements for biofuels and biogas are appropriate. The Commission shall, if appropriate, present a proposal to modify the obligation laid down in paragraph 1.

circular economy and promotes greenhouse gas savings in the transport sector, and whether the applicable greenhouse gas savings requirements for biofuels and biogas are appropriate. ***The Commission shall also review the methodology for accounting renewable electricity in road transport.*** The Commission shall, if appropriate, present a proposal to modify the obligation laid down in paragraph 1. ***Any modification should at least maintain levels reflecting advanced biofuels installed and under construction capacity in 2025.***

Or. en

Amendment 76

Proposal for a directive Article 7 – paragraph 5 – subparagraph 2

Text proposed by the Commission

The Commission is empowered to adopt delegated acts in accordance with Article 32 to amend the list of feedstocks in parts A and B of Annex IX in order to add *or e* feedstocks, ***but not to remove them***. Each delegated act shall be based on an analysis of the latest scientific and technical progress, taking due account of the principles of the waste hierarchy established in Directive 2008/98/EC, in compliance with the Union sustainability criteria, supporting the conclusion that the feedstock in question does not create an additional demand for land and promoting the use of wastes and residues, while avoiding significant distortive effects on markets for (by-)products, wastes or residues, delivering substantial greenhouse gas emission savings compared to fossil fuels and not creating risk of negative impacts on the environment and

Amendment

The Commission is empowered to adopt delegated acts in accordance with Article 32 to amend the list of feedstocks in parts A and B of Annex IX in order to add *or remove* feedstocks ***and to add or revise the corresponding indirect emission estimates***. Each delegated act shall be based on an analysis of the latest scientific and technical progress, taking due account of the principles of the waste hierarchy established in Directive 2008/98/EC, ***circular economy and the principle of cascading use***, in compliance with the Union sustainability criteria, supporting the conclusion that the feedstock in question does not create an additional demand for land and promoting the use of wastes and residues, while avoiding significant distortive effects on markets for (by-)products, wastes or residues, delivering substantial greenhouse gas emission

biodiversity.

savings compared to fossil fuels ***based on a life cycle assessment of emissions including emissions from the land sector and possible displacement effects***, and not creating risk of negative impacts on the environment and biodiversity.

Or. en

Amendment 77

Proposal for a directive Article 7 – paragraph 5 – subparagraph 3

Text proposed by the Commission

Every 2 years, the Commission shall carry out an evaluation of the list of feedstocks in parts A and B of Annex IX in order to add feedstocks in line with the principles set out in this paragraph. The first evaluation shall be carried out no later than 6 months after [date of entry into force of this Directive]. ***If appropriate***, the Commission shall ***adopt delegated acts to amend the list of feedstocks in parts A and B of Annex IX in order to add feedstocks, but not to remove them.***

Amendment

Every 2 years, the Commission shall carry out an evaluation of the list of feedstocks in parts A and B of Annex IX in order to add feedstocks ***or remove them***, in line with the principles set out in ***the first subparagraph of*** this paragraph. The first evaluation shall be carried out no later than 6 months after [date of entry into force of this Directive]. ***Until 1 January 2025***, the Commission shall ***not remove*** feedstocks from Annex IX ***and shall only reduce indirect emission values in annex VIII.***

Or. en

Amendment 78

Proposal for a directive Article 7 – paragraph 5 – subparagraph 3 a (new)

Text proposed by the Commission

Amendment

Biofuels made from feedstocks that have been removed from the Annex IX produced in existing installations prior to

[the date of entry into force of this Directive/ removal from Annex IX] may be taken into account at the level of feedstock use at the time of the removal of the feedstock of the Annex IX and that it is an advanced biofuel according to Article 2 of this Directive.

Or. en

Amendment 79

Proposal for a directive Annex X – Part B

| <i>Text proposed by the Commission</i> | |
|--|---------------|
| Part B: Minimum shares of energy from <i>advanced</i> biofuels and biogas produced from feedstock listed in Annex IX, renewable transport fuels of non-biological origin, <i>waste-based fossil fuels</i> and renewable electricity, as referred to in Article 25(1) | |
| Calendar year | Minimum share |
| 2021 | 1.5 % |
| 2022 | 1.85 % |
| 2023 | 2.2 % |
| 2024 | 2.55 % |
| 2025 | 2.9 % |
| 2026 | 3.6 % |
| 2027 | 4.4 % |
| 2028 | 5.2 % |
| 2029 | 6.0 % |
| 2030 | 6.8 % |
| <i>Amendment</i> | |
| Part B: Minimum shares of energy from biofuels and biogas produced from feedstock listed in Annex IX, renewable transport fuels of non-biological origin and renewable electricity, as referred to in Article 25(1) | |
| Calendar year | Minimum share |
| 2021 | 1.5 % |

| | |
|------|--------|
| 2022 | 1.9 % |
| 2023 | 2.3% |
| 2024 | 2.7% |
| 2025 | 3.4% |
| 2026 | 4.1% |
| 2027 | 4.8% |
| 2028 | 6.1% |
| 2029 | 8.0% |
| 2030 | 10.0 % |

Or. en

Justification

The annex defines the calendar year minimum as referred to in Article 25(1).

Amendment 80

**Proposal for a directive
Annex X – Part B a (new)**

| | |
|--|-----------------------------|
| <i>Text proposed by the Commission</i> | |
| | |
| <i>Amendment</i> | |
| <i>Part Ba: Minimum shares of energy from biofuels and biogas produced from feedstock listed in Annex IX, renewable transport fuels of non-biological origin and renewable electricity supplied for aviation, as referred to in Article 25(1)</i> | |
| <i>Calendar year</i> | <i>Minimum share</i> |
| <i>2021</i> | <i>1.5 %</i> |
| <i>2022</i> | <i>1.85 %</i> |
| <i>2023</i> | <i>2.2 %</i> |
| <i>2024</i> | <i>2.55 %</i> |
| <i>2025</i> | <i>2.9 %</i> |
| <i>2026</i> | <i>3.6 %</i> |
| <i>2027</i> | <i>4.4 %</i> |

| | |
|-------------|--------------|
| 2028 | 5.2 % |
| 2029 | 6.0 % |
| 2030 | 6.8 % |

Or. en

Justification

The annex defines the calendar year minimum as referred to in Article 25(1).

Amendment 81

Proposal for a directive Recital 25

Text proposed by the Commission

(25) In order to ensure that Annex IX takes into account the principles of the waste hierarchy established in Directive 2008/98/EC of the European Parliament and of the Council, the Union sustainability criteria, and the need to ensure that the Annex does not create additional demand for land while promoting the use of wastes and residues, the Commission, when regularly evaluating the Annex, should consider the inclusion **of additional feedstocks** that do not cause significant distortive effects on markets for (by-)products, wastes or residues.

Amendment

(25) In order to ensure that Annex IX takes into account the principles of **the circular economy**, the waste hierarchy, established in Directive 2008/98/EC of the European Parliament and of the Council¹, the Union sustainability criteria, **the principle of cascading use of biomass**, and the need to ensure that the Annex does not create additional demand for land while promoting the use of wastes and residues, the Commission, when regularly evaluating the Annex, should consider the inclusion **or exclusion of feedstocks based on their capacity to deliver significant GHG emission savings taking into account their life cycle assessment, indirect emissions related to any displacement effect, and make sure that they** do not cause significant distortive effects on markets for (by-)products, wastes or residues.

Or. en

¹ Directive 2008/98/EC of the European Parliament and of the Council of 19 November 2008 on waste and repealing certain Directives (OJ L 312, 22.11.2008, p. 3).

Amendment 82

Proposal for a directive Recital 63

Text proposed by the Commission

(63) Directive (EU) 2015/1513 of the European Parliament and of the Council¹ called on the Commission to present without delay a comprehensive proposal for a cost-effective and technology-neutral post-2020 policy in order to create a long-term perspective for investment in sustainable biofuels with a low risk of causing indirect land-use change and in other means of decarbonising the transport sector. **An** incorporation obligation on fuel suppliers can provide certainty for investors and encourage the continuous development of alternative renewable transport fuels including advanced biofuels, renewable liquid and gaseous transport fuels of non-biological origin, and renewable electricity in transport. It is appropriate to set the obligation on fuel suppliers at the same level in each Member State in order to ensure consistency in transport fuel specifications and availability. As transport fuels are traded easily, fuel suppliers in Member States with low endowments of the relevant resources should be able to easily obtain renewable fuels from elsewhere

Amendment

(63) Directive (EU) 2015/1513 of the European Parliament and of the Council² called on the Commission to present without delay a comprehensive proposal for a cost-effective and technology-neutral post-2020 policy in order to create a long-term perspective for investment in sustainable biofuels with a low risk of causing indirect land-use change and in other means of decarbonising the transport sector. **A mandatory 10%** incorporation obligation on fuel suppliers can provide certainty for investors and encourage the continuous development of alternative renewable transport fuels including advanced biofuels, renewable liquid and gaseous transport fuels of non-biological origin, and renewable electricity in transport. It is appropriate to set the obligation on fuel suppliers at the same level in each Member State in order to ensure consistency in transport fuel specifications and availability. As transport fuels are traded easily, fuel suppliers in Member States with low endowments of the relevant resources should be able to easily obtain renewable fuels from elsewhere

Or. en

¹ Directive (EU) 2015/1513 of the European Parliament and of the Council of 9 September 2015 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 (OJ L 239, 15.9.2015, p. 1).

² Directive (EU) 2015/1513 of the European Parliament and of the Council of 9 September 2015 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 (OJ L 239, 15.9.2015, p. 1).

Amendment 83

Proposal for a directive Recital 64

Text proposed by the Commission

(64) Advanced biofuels and other biofuels and biogas produced from feedstock listed in Annex IX, renewable liquid and gaseous transport fuels of non-biological origin, and renewable electricity in transport can contribute to low carbon emissions, stimulating the decarbonisation of the Union transport sector in a cost-effective manner, and improving inter alia energy diversification in the transport sector while promoting innovation, growth and jobs in the Union economy and reducing reliance on energy imports. The **incorporation** obligation on fuels suppliers should encourage continuous development of advanced fuels, including biofuels, and it is important to ensure that the incorporation obligation also incentivises improvements in the greenhouse gas performance of the fuels supplied to meet it. The Commission should assess the greenhouse gas performance, technical innovation and sustainability of those fuels.

Amendment

(64) Advanced biofuels and other biofuels and biogas produced from feedstock listed in Annex IX, renewable liquid and gaseous transport fuels of non-biological origin, and renewable electricity in transport can contribute to low carbon emissions, stimulating the decarbonisation of the Union transport sector in a cost-effective manner, and improving inter alia energy diversification in the transport sector while promoting innovation, growth and jobs in the Union economy and reducing reliance on energy imports. ***In order to account for indirect emissions related to the displacement of current uses for some of the feedstock, estimates should be included in the calculation of greenhouse gas emissions as regards the incorporation obligation. It is possible that those estimates change as additional data become available or as the markets for those non-food feedstocks change over time. They should therefore be kept under regular review.*** The obligation to ***incorporate 10% of renewables*** on fuels suppliers should encourage continuous development of advanced fuels, including biofuels, and it is important to ensure that the incorporation obligation also incentivises improvements in the greenhouse gas performance of the fuels supplied to meet it. The Commission should assess the greenhouse gas performance, technical innovation and sustainability of those fuels ***and make determined efforts to deal with a possible negative impact on biodiversity, air, soil and water quality.***

Or. en

Amendment 84

Proposal for a directive Recital 65

Text proposed by the Commission

(65) The promotion of **low carbon fossil** fuels that are produced from fossil waste streams can also contribute towards the policy objectives of energy diversification **and** transport decarbonisation. **It is therefore appropriate** to include those fuels in the incorporation obligation on fuel suppliers.

Amendment

(65) The promotion of **recycled carbon** fuels that are produced from **unavoidable gaseous** fossil waste streams can also contribute towards the policy objectives of energy diversification, transport decarbonisation, **and the promotion of a circular economy. Member states should be able** to include those fuels in the incorporation obligation on fuel suppliers **but not account them as renewables**.

Or. en

Amendment 85

Proposal for a directive Recital 66

Text proposed by the Commission

(66) Feedstocks which have low indirect land use change impacts when used for biofuels, should be promoted for their contribution to the decarbonisation of the economy. Especially feedstocks for advanced biofuels, for which technology is more innovative and less mature and therefore needs a higher level of support, should be included in an annex to this Directive. In order to ensure that this annex is up to date with the latest technological developments while avoiding unintended negative effects, **an** evaluation should take place after the adoption of the Directive in

Amendment

(66) Feedstocks which have low indirect land use change impacts when used for biofuels, should be promoted for their contribution to the decarbonisation of the economy. Especially feedstocks for advanced biofuels, for which technology is more innovative and less mature and therefore needs a higher level of support, should be included in an annex to this Directive. In order to ensure that this annex is up to date with the latest technological developments while avoiding unintended negative effects, **regular** evaluation should take place after the adoption of the

order to assess the possibility to the annex *to new feedstocks*.

Directive in order to assess the possibility to *review* the annex.

Or. en

Amendment 86

Proposal for a directive Recital 99

Text proposed by the Commission

(99) In order to amend or supplement non-essential elements of the provisions of this Directive, 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 feedstocks for the production of advanced biofuels, ***the contribution of which towards the fuel suppliers' obligation in transport is limited***; the adaptation of the energy content of transport fuels to scientific and technical progress; the methodology to determine the share of biofuel resulting from biomass being processed with fossil fuels in a common process; the implementation of agreements on mutual recognition of guarantees of origin; the establishment of rules to monitor the functioning of the system of guarantees of origin; and the rules for calculating the greenhouse gas impact of biofuels, bioliquids and their fossil fuel comparators. It is of particular importance that the Commission carry out appropriate consultations during its preparatory work, including at expert level, and that those consultations be conducted in accordance with the principles laid down in the Interinstitutional Agreement of 13 April 2016 on Better Law-Making. In particular, to ensure equal participation in the preparation of delegated acts, the European

Amendment

(99) In order to amend or supplement non-essential elements of the provisions of this Directive, 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 feedstocks for the production of advanced biofuels, ***including associated estimated indirect emissions, the mean estimated indirect land-use change emissions from biofuel and bioliquids***; the adaptation of the energy content of transport fuels to scientific and technical progress; the methodology to determine the share of biofuel resulting from biomass being processed with fossil fuels in a common process; the implementation of agreements on mutual recognition of guarantees of origin; the establishment of rules to monitor the functioning of the system of guarantees of origin; and the rules for calculating the greenhouse gas impact of biofuels, bioliquids and their fossil fuel comparators. It is of particular importance that the Commission carry out appropriate consultations during its preparatory work, including at expert level, and that those consultations be conducted in accordance with the principles laid down in the Interinstitutional Agreement of 13 April 2016 on Better Law-Making. In particular, to ensure equal participation in the

Parliament and the Council receive all documents at the same time as Member States' experts, and their experts systematically have access to meetings of Commission expert groups dealing with the preparation of delegated acts.

preparation of delegated acts, the European Parliament and the Council receive all documents at the same time as Member States' experts, and their experts systematically have access to meetings of Commission expert groups dealing with the preparation of delegated acts.

Or. en

COMPROMISE AMENDMENT 4B on Article 25, 7(5), part B, part Ba and C of Annex VIII and part B, Ba and C of Annex X – Transport incorporation obligation

On behalf of EPP, ECR

Amendments 7, 12, 13, 24, 31-32, 37-51, 75, 76, 77, 81-82, 108, 109, 112, 145-151, 194-196, 200-205, 208-218, 278-279, 315, 462-485, 548-683, 979, 973, 977, 978, 979, 980, 981, 982, 983, 1096-1111, part II of 1074, part II of 1075 fall

(25(1)(5)point (c), 25(7)(2), 25(7)(3), 25(7)(3)(a)(2), 25(7)(3)(b), 7(5) part C of Annex X remain as in the Commission proposal)

Amendment 87

Proposal for a directive

Article 25 – paragraph 1 – subparagraph 1

Text proposed by the Commission

With effect from 1 January 2021, Member States shall require fuel suppliers to include a minimum share of energy from advanced biofuels and other biofuels and biogas produced from feedstock listed in Annex IX, from renewable liquid and gaseous transport fuels of non-biological origin, **from waste-based fossil fuels** and from renewable electricity in the total amount of transport fuels they supply for consumption or use on the market in the course of a calendar year.

Amendment

With effect from 1 January 2021, Member States shall require fuel suppliers to include a minimum share of energy from **highly sustainable crop based biofuels**, advanced biofuels and other biofuels and biogas produced from feedstock listed in Annex IX, from renewable liquid and gaseous transport fuels of non-biological origin and from renewable electricity in the total amount of transport fuels they supply for consumption or use on the market in the course of a calendar year.

Or. en

Amendment 88

Proposal for a directive

Article 25 – paragraph 1 – subparagraph 2

Text proposed by the Commission

The minimum share shall be at least equal to **1.5%** in 2021, increasing up to at least **6.8%** in 2030, following the trajectory set out in part B of Annex X. Within this total share, the contribution of advanced biofuels and biogas produced from feedstock listed in part A of Annex IX shall be at least 0.5% of the transport fuels supplied for consumption or use on the market as of 1 January 2021, increasing up to at least 3.6% by 2030, following the trajectory set out in part C of Annex X.

Amendment

The minimum share shall be at least equal to **2.5%** in 2021, increasing up to at least **10%** in 2030 **and thereafter**, following the trajectory set out in part B of Annex X. Within this total share, the contribution of advanced biofuels and biogas produced from feedstock listed in part A of Annex IX shall be at least 0.5% of the transport fuels supplied for consumption or use on the market as of 1 January 2021, increasing up to at least 3.6% by 2030, following the trajectory set out in part C of Annex X. ***The minimum share of renewable energy supplied for aviation shall follow the trajectory set out in part Ba of Annex X.***

Or. en

Amendment 89

Proposal for a directive

Article 25 – paragraph 1 – subparagraph 3

Text proposed by the Commission

The greenhouse gas emission savings from the use of advanced biofuels and other biofuels and biogas produced from feedstock listed in Annex IX shall be at least 70% as of 1 January 2021.

Amendment

The greenhouse gas emission savings from the use of ***renewable liquid and gaseous transport fuels of non-biological origin***, advanced biofuels and other biofuels and biogas produced from feedstock listed in Annex IX, shall be at least 70% as of 1 January 2021.

Or. en

Amendment 90

Proposal for a directive

Article 25 – paragraph 1 – subparagraph 4 – point a

Text proposed by the Commission

a) for the calculation of the denominator, that is the energy content of road and rail transport fuels supplied for consumption or use on the market, petrol, diesel, natural gas, biofuels, biogas, renewable liquid and gaseous transport fuels of non-biological origin, **waste-based fossil** fuels and **non-renewable** electricity, shall be taken into account;

Amendment

a) for the calculation of the denominator, that is the energy content of road and rail transport fuels supplied for consumption or use on the market, petrol, diesel, natural gas, biofuels, biogas, renewable liquid and gaseous transport fuels of non-biological origin, **recycled carbon** fuels and electricity, shall be taken into account;

Or. en

Amendment 91

Proposal for a directive

Article 25 – paragraph 1 – subparagraph 4 – point b – subparagraph 1

Text proposed by the Commission

(b) for the calculation of the numerator, the energy content of advanced biofuels and other biofuels and biogas produced from feedstock listed in Annex IX, renewable liquid and gaseous transport fuels of non-biological origin, **waste based fossil fuels supplied to all transport sectors**, and renewable electricity supplied to **road vehicles**, shall be taken into account.

Amendment

b) for the calculation of the numerator, the energy content of advanced biofuels and other biofuels and biogas produced from feedstock listed in Annex IX, renewable liquid and gaseous transport fuels of non-biological origin, and renewable electricity supplied to **all transport sectors**, shall be taken into account.

Or. en

Amendment 92

Proposal for a directive

Article 25 – paragraph 1 – subparagraph 4 – point b – subparagraph 2

Text proposed by the Commission

For the calculation of the numerator, the contribution from biofuels and biogas produced from feedstock included in part B of Annex IX shall be limited to 1.7% of the energy content of transport fuels supplied for consumption or use on the market and the contribution of fuels supplied in the aviation and maritime sector shall be considered to be **1.2** times their energy content.

Amendment

For the calculation of the numerator, the contribution from biofuels and biogas produced from feedstock included in part B of Annex IX shall be limited to 1.7% of the energy content of transport fuels supplied for consumption or use on the market and the contribution of fuels supplied in the maritime sector shall be considered to be **1.5** times their energy content.

Or. en

Amendment 93

Proposal for a directive

Article 25 – paragraph 1 – subparagraph 4 – point b – subparagraph 2 a (new)

Text proposed by the Commission

Amendment

For the calculation of renewable electricity supplied to road vehicles, only electricity from renewable energy sources consumed at dedicated charging stations shall be taken into account and shall be considered to be five times the energy content of the input.

Or. en

Amendment 94

Proposal for a directive
Article 25 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1a. Member States may design their national policies to meet the obligations under this Article as a greenhouse gas saving obligation and may apply those policies also to recycled carbon fuels, provided that this does not counteract circular economy objectives and that the share of energy from renewable sources under paragraph 1 is met.

Or. en

Amendment 95

Proposal for a directive
Article 25 – paragraph 2

Text proposed by the Commission

Amendment

2. **For** the purpose of paragraph 1, Member States shall set up a system allowing fuel suppliers to transfer the obligation set out in paragraph 1 to other fuel suppliers and ensure that all transfers are documented in the **national databases** referred to in paragraph 4.

2. **From 1 January 2021, for** the purpose of paragraph 1, Member States shall set up a system allowing fuel suppliers to transfer the obligation set out in paragraph 1 to other fuel suppliers, **and to trade transport fuels contributions, including electricity, that are eligible for counting towards the numerator set out in point (b) of paragraph 1,** and ensure that all transfers are documented in the **database** referred to in paragraph 4. **As regards electricity supplied to transport, Member States shall allow access to operators of connections supplying electricity exclusively to road transport and shall require any other entities to demonstrate separate accounting for the electricity supplied to transport. As regards electricity supplied to rail transport Member States shall consider**

the rail operators to be eligible.

Or. en

Amendment 96

Proposal for a directive Article 25 – subparagraph 2 a (new)

Text proposed by the Commission

Amendment

2a. Fuel suppliers only supplying fuels in the form of electricity and renewable liquid and gaseous transport fuels of non-biological origin do not need to comply with the minimum share of advanced biofuels, other biofuels and biogas produced from feedstock listed in Annex IX.

Or. en

Justification

Fuel suppliers already fully supplying fuels that are to be promoted by this Directive should not face any burden to comply with the minimum share set out in Art. 25 paragraph 1.

Amendment 97

Proposal for a directive Article 25 – paragraph 3 – subparagraph 1

Text proposed by the Commission

Amendment

3. To determine the share of renewable electricity for the purposes of paragraph 1 ***either the average share of electricity from renewable energy sources in the Union or*** the share of electricity from renewable energy sources in the

3. To determine the share of renewable electricity for the purposes of paragraph 1 the share of electricity from renewable energy sources in the Member State where the electricity is supplied, as measured two years before the year in

Member State where the electricity is supplied, as measured two years before the year in question *may* be used. ***In both cases, an*** equivalent amount of guarantees of origin issued in accordance with Article 19 shall be cancelled.

question *shall* be used. ***However, electricity obtained from direct connection to an installation generating renewable electricity that is not connected to the grid may be fully counted as renewable electricity. An*** equivalent amount of guarantees of origin issued in accordance with Article 19 shall be cancelled.

Or. en

Amendment 98

Proposal for a directive

Article 25 – paragraph 3 – subparagraph 3 – point a – subparagraph 1

Text proposed by the Commission

(a) When electricity is used for the production of renewable liquid and gaseous transport fuels of non-biological origin, ***either directly or for the production of intermediate products, either the average share of electricity from renewable energy sources in the Union or*** the share of electricity from renewable energy sources in the country of production, as measured two years before the year in question, *may* be used to determine the share of renewable energy. ***In both cases, an*** equivalent amount of guarantees of origin issued in accordance with Article 19 shall be cancelled.

Amendment

(a) When electricity is used ***directly*** for the production of renewable liquid and gaseous transport fuels of non-biological origin the share of electricity from renewable energy sources in the country of production, as measured two years before the year in question, ***shall*** be used to determine the share of renewable energy. ***An*** equivalent amount of guarantees of origin issued in accordance with Article 19 shall be cancelled.

Or. en

Amendment 99

Proposal for a directive

Article 25 – paragraph 4 – subparagraph 1

Text proposed by the Commission

4. **Member States** shall put in place a database enabling tracing of transport fuels that are eligible for counting towards the numerator set out in paragraph 1 **(b)**, **and** require **the relevant economic operators** to enter information on the transactions made and the sustainability characteristics of the eligible fuels, including their life cycle greenhouse gas emissions, starting from **their point of production** to the fuel supplier that places the fuel on the market.

Amendment

4. **By 31 December 2021 the Commission** shall put in place a database enabling tracing of transport fuels **and renewable electricity** that are eligible for counting towards the numerator set out in **point (b) of** paragraph 1. **Member States shall require fuel suppliers to enter in the database the total annual quantities of energy they supply to the transport sector as defined in denominator in point (a) of paragraph 1. Suppliers of renewable energy in transport as defined in the numerator in point (b) of paragraph 1 shall be required** to enter information on the transactions made and the sustainability characteristics of the eligible fuels, including their life cycle greenhouse gas emissions, starting from **the source of the feedstocks** to the fuel supplier that places the fuel on the market.

Or. en

Amendment 100

Proposal for a directive

Article 25 – paragraph 4 – subparagraph 2

Text proposed by the Commission

The database shall include information on the requirement placed on fuel suppliers described in paragraph 1 and how the requirement is fulfilled.

Amendment

The database shall include information on the requirement placed on fuel suppliers described in paragraph 1 and how the requirement is fulfilled. **The data, including transfers of obligations between fuel suppliers shall be made publicly available.**

Or. en

Amendment 101

Proposal for a directive

Article 25 – paragraph 4 – subparagraph 3

Text proposed by the Commission

The *national databases* shall *be interlinked so as to* allow transactions of fuels between Member States to be traced. *In order to ensure the compatibility of national databases, the Commission shall set out technical specifications of their content and use by means of implementing acts adopted in accordance with the examination procedure referred to in Article 31.*

Amendment

The *database referred to in the first subparagraph of this paragraph* shall allow transactions of fuels between Member States to be traced.

Or. en

Amendment 102

Proposal for a directive

Article 25 – paragraph 5

Text proposed by the Commission

5. *Member States shall report on the* aggregated information from the *national* databases, including fuels' life cycle greenhouse gas emissions, in accordance with Annex VII of Regulation [Governance].

Amendment

5. *The Commission shall publish, on an annual basis,* aggregated information from the databases, including fuels' life cycle greenhouse gas emissions, in accordance with Annex VII of Regulation [Governance].

Or. en

Amendment 103

Proposal for a directive
Article 25 – paragraph 6

Text proposed by the Commission

6. The Commission is empowered to adopt delegated acts in accordance with Article 32 to further specify the methodology referred to in paragraph 3(b) of this Article to determine the share of biofuel resulting from biomass being processed with fossil fuels in a common process, to specify the methodology for assessing greenhouse gas emission savings from renewable liquid and gaseous transport fuels of non-biological origin and waste-based fossil fuels and to determine minimum greenhouse gas emission savings required for these fuels for the purpose of paragraph 1 of this Article.

Amendment

6. The Commission is empowered to adopt delegated acts in accordance with Article 32 to further specify the methodology referred to in paragraph 3(b) of this Article to determine the share of biofuel resulting from biomass being processed with fossil fuels in a common process, to specify the methodology for assessing greenhouse gas emission savings from renewable liquid and gaseous transport fuels of non-biological origin and **recycled carbon** fuels and to determine minimum greenhouse gas emission savings **and potential additional sustainability criteria** required for these fuels for the purpose of paragraph 1 of this Article.

Or. en

Amendment 104

Proposal for a directive
Article 25 – paragraph 7

Text proposed by the Commission

7. By 31 December 2025, in the context of the biennial assessment of progress made pursuant to Regulation [Governance], the Commission shall assess whether the obligation laid down in paragraph 1 effectively stimulates innovation and promotes greenhouse gas savings in the transport sector, and whether the applicable greenhouse gas savings requirements for biofuels and biogas are appropriate. The Commission shall, if appropriate, present a proposal to modify the obligation laid down in paragraph 1.

Amendment

7. By 31 December 2025, in the context of the biennial assessment of progress made pursuant to Regulation [Governance], the Commission shall assess whether the obligation laid down in paragraph 1 effectively stimulates innovation, **the transition towards a circular economy** and promotes greenhouse gas savings in the transport sector, and whether the applicable greenhouse gas savings requirements for biofuels and biogas are appropriate. **The Commission shall also review the**

methodology for accounting renewable electricity in road transport. The Commission shall, if appropriate, present a proposal to modify the obligation laid down in paragraph 1. ***Any modification should at least maintain levels reflecting advanced biofuels installed and under construction capacity in 2025.***

Or. en

Amendment 106

Proposal for a directive Annex X – Part B

| | |
|--|----------------------|
| <i>Text proposed by the Commission</i> | |
| Part B: Minimum shares of energy from advanced biofuels and biogas produced from feedstock listed in Annex IX, renewable transport fuels of non-biological origin, <i>waste-based fossil fuels</i> and renewable electricity, as referred to in Article 25(1) | |
| Calendar year | Minimum share |
| 2021 | 1.5 % |
| 2022 | <i>1.85 %</i> |
| 2023 | <i>2.2 %</i> |
| 2024 | <i>2.55 %</i> |
| 2025 | <i>2.9 %</i> |
| 2026 | <i>3.6 %</i> |
| 2027 | <i>4.4 %</i> |
| 2028 | <i>5.2 %</i> |
| 2029 | <i>6.0 %</i> |
| 2030 | <i>6.8 %</i> |
| <i>Amendment</i> | |
| Part B: Minimum shares of energy from <i>highly sustainable crop based biofuels</i> , from advanced biofuels and biogas produced from feedstock listed in Annex IX, renewable transport fuels of non-biological origin and renewable electricity, as referred to in Article 25(1) | |

| Calendar year | Minimum share |
|---------------|---------------|
| 2021 | 2.5 % |
| 2022 | 3.4 % |
| 2023 | 4.3% |
| 2024 | 5.2% |
| 2025 | 6.1% |
| 2026 | 6.9% |
| 2027 | 7.7% |
| 2028 | 8.4% |
| 2029 | 9.2% |
| 2030 | 10.0 % |

Or. en

Justification

The annex defines the calendar year minimum as referred to in Article 25(1).

Amendment 107

**Proposal for a directive
Annex X – Part B a (new)**

| <i>Text proposed by the Commission</i> | |
|---|-----------------------------|
| | |
| <i>Amendment</i> | |
| <i>Part Ba: Minimum shares of energy from advanced biofuels and biogas produced from feedstock listed in Annex IX, renewable transport fuels of non-biological origin and renewable electricity supplied for aviation, as referred to in Article 25(1)</i> | |
| <i>Calendar year</i> | <i>Minimum share</i> |
| <i>2021</i> | <i>1.5 %</i> |
| <i>2022</i> | <i>1.85 %</i> |
| <i>2023</i> | <i>2.2 %</i> |
| <i>2024</i> | <i>2.55 %</i> |
| <i>2025</i> | <i>2.9 %</i> |

| | |
|-------------|--------------|
| 2026 | 3.6 % |
| 2027 | 4.4 % |
| 2028 | 5.2 % |
| 2029 | 6.0 % |
| 2030 | 6.8 % |

Or. en

Justification

The annex defines the calendar year minimum as referred to in Article 25(1).

Amendment 108

Proposal for a directive Recital 25

Text proposed by the Commission

(25) In order to ensure that Annex IX takes into account the principles of the waste hierarchy established in Directive 2008/98/EC of the European Parliament and of the Council, the Union sustainability criteria, and the need to ensure that the Annex does not create additional demand for land while promoting the use of wastes and residues, the Commission, when regularly evaluating the Annex, should consider the ***inclusion of additional feedstocks*** that do not cause significant distortive effects on markets for (by-)products, wastes or residues.

Amendment

(25) In order to ensure that Annex IX takes into account the principles of ***the circular economy***, the waste hierarchy, established in Directive 2008/98/EC of the European Parliament and of the Council¹, the Union sustainability criteria, ***the principle of cascading use of biomass***, and the need to ensure that the Annex does not create additional demand for land while promoting the use of wastes and residues, the Commission, when regularly evaluating the Annex, should consider the ***GHG emission savings taking into account their life cycle assessment, indirect emissions related to any displacement effect, and make sure that they*** do not cause significant distortive effects on markets for (by-)products, wastes or residues.

Or. en

¹ Directive 2008/98/EC of the European Parliament and of the Council of 19 November 2008 on waste and repealing certain Directives (OJ L 312, 22.11.2008, p. 3).

Amendment 109

Proposal for a directive Recital 63

Text proposed by the Commission

(63) Directive (EU) 2015/1513 of the European Parliament and of the Council¹ called on the Commission to present without delay a comprehensive proposal for a cost-effective and technology-neutral post-2020 policy in order to create a long-term perspective for investment in sustainable biofuels with a low risk of causing indirect land-use change and in other means of decarbonising the transport sector. **An** incorporation obligation on fuel suppliers can provide certainty for investors and encourage the continuous development of alternative renewable transport fuels including advanced biofuels, renewable liquid and gaseous transport fuels of non-biological origin, and renewable electricity in transport. It is appropriate to set the obligation on fuel suppliers at the same level in each Member State in order to ensure consistency in transport fuel specifications and availability. As transport fuels are traded easily, fuel suppliers in Member States with low endowments of the relevant resources should be able to easily obtain renewable fuels from elsewhere

Amendment

(63) Directive (EU) 2015/1513 of the European Parliament and of the Council² called on the Commission to present without delay a comprehensive proposal for a cost-effective and technology-neutral post-2020 policy in order to create a long-term perspective for investment in sustainable biofuels with a low risk of causing indirect land-use change and in other means of decarbonising the transport sector. **A mandatory 10%** incorporation obligation on fuel suppliers can provide certainty for investors and encourage the continuous development of alternative renewable transport fuels including advanced biofuels, renewable liquid and gaseous transport fuels of non-biological origin, and renewable electricity in transport. It is appropriate to set the obligation on fuel suppliers at the same level in each Member State in order to ensure consistency in transport fuel specifications and availability. As transport fuels are traded easily, fuel suppliers in Member States with low endowments of the relevant resources should be able to easily obtain renewable fuels from elsewhere

Or. en

¹ Directive (EU) 2015/1513 of the European Parliament and of the Council of 9 September 2015 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 (OJ L 239, 15.9.2015, p. 1).

² Directive (EU) 2015/1513 of the European Parliament and of the Council of 9 September 2015 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 (OJ L 239, 15.9.2015, p. 1).

Amendment 110

Proposal for a directive Recital 64

Text proposed by the Commission

(64) Advanced biofuels and other biofuels and biogas produced from feedstock listed in Annex IX, renewable liquid and gaseous transport fuels of non-biological origin, and renewable electricity in transport can contribute to low carbon emissions, stimulating the decarbonisation of the Union transport sector in a cost-effective manner, and improving inter alia energy diversification in the transport sector while promoting innovation, growth and jobs in the Union economy and reducing reliance on energy imports. The **incorporation** obligation on fuels suppliers should encourage continuous development of advanced fuels, including biofuels, and it is important to ensure that the incorporation obligation also incentivises improvements in the greenhouse gas performance of the fuels supplied to meet it. The Commission should assess the greenhouse gas performance, technical innovation and sustainability of those fuels.

Amendment

(64) Advanced biofuels and other biofuels and biogas produced from feedstock listed in Annex IX, renewable liquid and gaseous transport fuels of non-biological origin, and renewable electricity in transport can contribute to low carbon emissions, stimulating the decarbonisation of the Union transport sector in a cost-effective manner, and improving inter alia energy diversification in the transport sector while promoting innovation, growth and jobs in the Union economy and reducing reliance on energy imports. ***It is possible that those estimates change as additional data become available or as the markets for those non-food feedstocks change over time. They should therefore be kept under regular review.*** The obligation ***to incorporate 10% of renewables*** on fuels suppliers should encourage continuous development of advanced fuels, including biofuels, and it is important to ensure that the incorporation obligation also incentivises improvements in the greenhouse gas performance of the fuels supplied to meet it. The Commission should assess the greenhouse gas performance, technical innovation and sustainability of those fuels ***and make determined efforts to deal with a possible negative impact on biodiversity, air, soil and water quality.***

Or. en

Amendment 111

Proposal for a directive
Recital 65

Text proposed by the Commission

(65) The promotion of **low carbon fossil** fuels that are produced from fossil waste streams can also contribute towards the policy objectives of energy diversification **and** transport decarbonisation. **It is therefore appropriate** to include those fuels in the incorporation obligation on fuel suppliers.

Amendment

(65) The promotion of **recycled carbon** fuels that are produced from **unavoidable gaseous** fossil waste streams can also contribute towards the policy objectives of energy diversification, transport decarbonisation, **and the promotion of a circular economy**. **Member states should be able** to include those fuels in the incorporation obligation on fuel suppliers **but not account them as renewables**.

Or. en

COMPROMISE AMENDMENT 5A on Article 26 - Sustainability criteria

On behalf of Greens/ALE, S&D, ALDE, GUE/NGL

Amendments 15, 16, 17, 18, 20, 21, 22, 62, 228-233, 235, 236-240, 245-246, 242-243, 244, 248-257, 261-264, 265-272, 684-916, 921, 974, 975, 976 fall

(26(1)(1) - chapeau, 26(1)(4), 26(2)(1), 26(2)(1)(a) and (b), 26(2)(1)(c)(i), 26(2)(2), 26(3), 26(6)(1) – chapeau and points (i) and (iii), 26(7)(2) and (3), 26(9), 26(10), recitals: 74, 75, 77 and 79 remain as in the Commission proposal)

Amendment 114

Proposal for a directive

Article 26 – paragraph 1 – subparagraph 1 – point c

Text proposed by the Commission

(c) eligibility for financial support for the consumption of biofuels, bioliquids and biomass fuels.

Amendment

(c) eligibility for financial support, **including fiscal incentives** for the consumption of biofuels, bioliquids and biomass fuels.

Or. en

Justification

The proposal includes major new elements for sustainability criteria and transport fuels. It is therefore necessary to clarify the coverage of the term financial support to include fiscal incentives.

Amendment 115

Proposal for a directive Article 26 – paragraph 1 – subparagraph 2

Text proposed by the Commission

However, biofuels, bioliquids and biomass fuels produced from waste and residues, other than agricultural, aquaculture, fisheries and forestry residues, need only fulfil the greenhouse gas emissions saving criteria set out in paragraph 7 in order to be taken into account for the purposes referred to in points (a), (b) and (c) of this paragraph. This provision shall also apply to waste and residues that are first processed into a product before being further processed into biofuels, bioliquids and biomass fuels.

Amendment

Biofuels, bioliquids and biomass fuels produced from waste and residues, other than agricultural, aquaculture, fisheries and forestry residues, need only fulfil the greenhouse gas emissions saving criteria set out in paragraph 7 in order to be taken into account for the purposes referred to in points (a), (b) and (c) of this paragraph. However, their production shall be in line with the principle of the waste hierarchy as laid down in Directive 2008/98/EC and shall avoid significant distortive effects on markets for (by)products, wastes or residues. This provision shall also apply to waste and residues that are first processed into a product before being further processed into biofuels, bioliquids and biomass fuels.

Or. en

Justification

The amendment is inextricably linked to the new transport fuel obligation in Article 25.

Amendment 116

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

Text proposed by the Commission

Amendment

Biofuels, bioliquids and biomass fuels produced from waste and residues from agricultural land shall be taken into account for the purposes referred to in points (a), (b) and (c) of the first subparagraph only if measures have been taken by the operators to minimise negative impacts on soil quality and soil carbon. Information about those measures shall be reported pursuant to Article 27(3).

Or. en

Justification

This amendment is inextricably linked to the new transport fuel obligation in Article 25.

Amendment 117

Proposal for a directive

Article 26 – paragraph 1 – subparagraph 3

Text proposed by the Commission

Amendment

Biomass fuels shall have to fulfil the sustainability and greenhouse gas emissions saving criteria set out in paragraphs 2 to 7 only if used in installations producing electricity, heating and cooling or fuels with a ***fuel capacity*** equal to or exceeding 20 MW in case of solid biomass fuels and with ***an electrical capacity*** equal to or exceeding ***0.5*** MW in case of gaseous biomass fuels. Member States may apply the sustainability and greenhouse gas emission saving criteria to installations with lower fuel capacity.

Biomass fuels shall have to fulfil the sustainability and greenhouse gas emissions saving criteria set out in paragraphs 2 to 7 only if used in installations producing electricity, heating and cooling or fuels with a ***total rated thermal input*** equal to or exceeding 20 MW in case of solid biomass fuels and with a ***total rated thermal input*** capacity equal to or exceeding ***2*** MW in case of gaseous biomass fuels. Member States may apply the sustainability and greenhouse gas emission saving criteria to installations with lower fuel capacity.

Or. en

Amendment 118

Proposal for a directive

Article 26 – paragraph 2 – point a a (new)

Text proposed by the Commission

Amendment

(aa) highly biodiverse forest and other wooded land which is species-rich and not degraded, or has been identified as being highly biodiverse by the relevant competent authority, unless evidence is provided that the production of that raw material did not interfere with those nature protection purposes;

Or. en

Justification

Forests that are not primary forests can also host significant biodiversity

Amendment 119

Proposal for a directive

Article 26 – paragraph 2 – point c – introductory part

Text proposed by the Commission

Amendment

(c) highly biodiverse grassland ***spanning more than one hectare*** that is:

(c) highly biodiverse grassland ***including wooded meadows and pastures*** that is:

Or. en

Amendment 120

Proposal for a directive

Article 26 – paragraph 2 – point c – point ii

Text proposed by the Commission

(ii) non-natural, namely grassland that would cease to be grassland in the absence of human intervention and which is species-rich and not degraded **and** has been identified as being highly biodiverse by the relevant competent authority, unless evidence is provided that the harvesting of the raw material is necessary to preserve its status as highly biodiverse grassland.

Amendment

(ii) non-natural, namely grassland that would cease to be grassland in the absence of human intervention and which is species-rich and not degraded **or** has been identified as being highly biodiverse by the relevant competent authority, unless evidence is provided that the harvesting of the raw material is necessary to preserve its status as highly biodiverse grassland.

Or. en

Amendment 121

**Proposal for a directive
Article 26 – paragraph 4**

Text proposed by the Commission

4. Biofuels, bioliquids and biomass fuels produced from agricultural biomass taken into account for the purposes referred to in points (a), (b) and (c) of paragraph 1 shall not be made from raw material obtained from land that was peatland in January 2008.

Amendment

4. Biofuels, bioliquids and biomass fuels produced from agricultural biomass taken into account for the purposes referred to in points (a), (b) and (c) of paragraph 1 shall not be made from raw material obtained from land that was peatland in January 2008, ***unless verifiable evidence is provided that the cultivation and harvesting of raw material does not involve drainage of previously undrained soil.***

Or. en

Amendment 122

**Proposal for a directive
Article 26 – paragraph 5**

Text proposed by the Commission

5. Biofuels, bioliquids and biomass fuels produced from forest biomass taken into account for the purposes referred to in points (a), (b) and (c) of paragraph 1 shall meet the following requirements to minimise the risk of using unsustainable forest biomass production:

(a) the country in which forest biomass was harvested has national and/or sub-national laws applicable in the area of harvest as well as monitoring and enforcement systems in place ensuring that:

- i) harvesting is carried out in accordance to the conditions of the harvesting permit within legally gazetted boundaries;
- ii) forest regeneration of harvested areas takes place;
- iii) areas of high conservation value, including wetlands and peatlands, are protected;
- iv) the impacts of forest harvesting on soil quality and biodiversity are minimised; and
- v) harvesting does not exceed the long-term production capacity of the forest;

(b) when evidence referred to in the first subparagraph is not available, the biofuels, bioliquids and biomass fuels produced from forest biomass shall be taken into account for the purposes referred to in points (a), (b) and (c) of paragraph 1 if management systems are in place at **forest holding** level to ensure that:

- i) the forest biomass has been harvested according to **a legal permit**;
- ii) forest regeneration of harvested

Amendment

5. Biofuels, bioliquids and biomass fuels produced from forest biomass taken into account for the purposes referred to in points (a), (b) and (c) of paragraph 1 shall **exclude stumps and stemwood other than pre-commercial thinnings and shall** meet the following requirements to minimise the risk of using unsustainable forest biomass production:

(a) the country in which forest biomass was harvested has national and/or sub-national laws applicable in the area of harvest as well as monitoring and enforcement systems in place ensuring that:

- i) harvesting is carried out in accordance to the conditions of the harvesting permit within legally gazetted boundaries;
- ii) forest regeneration of harvested areas takes place;
- iii) areas of high conservation value, including wetlands and peatlands, are protected;
- iv) the impacts of forest harvesting on soil quality and biodiversity are minimised; and
- v) harvesting does not exceed the long-term production capacity of the forest;

(b) when evidence referred to in the first subparagraph is not available, the biofuels, bioliquids and biomass fuels produced from forest biomass shall be taken into account for the purposes referred to in points (a), (b) and (c) of paragraph 1 if management systems are in place at **supply base** level to ensure that:

- i) the forest biomass has been harvested according to **legal conditions of harvesting**;
- ii) forest regeneration of harvested

areas takes place;

- iii) areas of high conservation value, including peatlands and wetlands, are identified and protected;
- iv) impacts of forest harvesting on soil quality and biodiversity are minimised;
- v) harvesting does not exceed the long-term production capacity of the forest.

areas takes place;

- iii) areas of high conservation value, including peatlands and wetlands, are identified and protected;
- iv) impacts of forest harvesting on soil quality and biodiversity are minimised;
- v) harvesting does not exceed the long-term production capacity of the forest.

Or. en

Amendment 123

Proposal for a directive

Article 26 – paragraph 6 – subparagraph 1 – point ii

Text proposed by the Commission

(ii) has submitted a Nationally Determined Contribution (NDC) to the United Nations Framework Convention on Climate Change (UNFCCC), covering emissions and removals from agriculture, forestry and land use which ensures that either changes in carbon stock associated with biomass harvest are accounted towards the country's commitment to reduce or limit greenhouse gas emissions as specified in the NDC, or there are national or sub-national laws in place, in accordance with Article 5 of the Paris Agreement, applicable in the area of harvest, to conserve and enhance carbon stocks and sinks;

Amendment

(ii) has submitted a Nationally Determined Contribution (NDC) to the United Nations Framework Convention on Climate Change (UNFCCC), covering emissions and removals from agriculture, forestry and land use which ensures that either changes in carbon stock associated with biomass harvest are accounted towards the country's commitment to reduce or limit greenhouse gas emissions as specified in the NDC, or there are national or sub-national laws in place, in accordance with Article 5 of the Paris Agreement, ***and that land sector emissions do not exceed removals***, applicable in the area of harvest, to conserve and enhance carbon stocks and sinks;

Or. en

Amendment 124

Proposal for a directive
Article 26 – paragraph 6 – subparagraph 2

Text proposed by the Commission

When evidence referred to in the first subparagraph is not available, the biofuels, bioliquids and biomass fuels produced from forest biomass shall be taken into account for the purposes referred to in points (a), (b) and (c) of paragraph 1 if management systems are in place at forest holding level to ensure that carbon stocks and sinks levels in the forest are maintained.

Amendment

Deleted

Or. en

Amendment 125

Proposal for a directive
Article 26 – paragraph 6 – subparagraph 3

Text proposed by the Commission

The Commission may establish the operational evidence for demonstrating compliance with the requirements set out in paragraphs 5 and 6, by means of implementing acts adopted in accordance with the examination procedure referred to in Article 31(2).

Amendment

By 1 January 2021, the Commission shall establish the modalities for implementing the requirements set out in paragraph 5 based on best practices in Member States, in particular as regards the classification of forest wastes and residues and pre-commercial thinnings, and shall establish the operational evidence for demonstrating compliance with the requirements set out in paragraphs 5 and 6, by means of implementing acts adopted in accordance with the examination procedure referred to in Article 31(2).

Or. en

Amendment 126

Proposal for a directive

Article 26 – paragraph 6 – subparagraph 4

Text proposed by the Commission

By 31 December 2023, the Commission shall assess whether the criteria set out in paragraphs 5 and 6 effectively minimise the risk of using unsustainable forest biomass and address LULUCF requirements, on the basis of available data. The Commission shall, if appropriate, present a proposal to modify the requirements laid down in paragraphs 5 and 6.

Amendment

By 31 December 2023, the Commission shall assess, ***in close collaboration with the Member States***, whether the criteria set out in paragraphs 5 and 6 effectively minimise the risk of using unsustainable forest biomass and address LULUCF requirements, on the basis of available data. The Commission shall, if appropriate, present a proposal to modify the requirements laid down in paragraphs 5 and 6 ***for the period post 2030***.

Or. en

Amendment 127

Proposal for a directive

Article 26 – paragraph 7 – point a

Text proposed by the Commission

(a) at least 50 % for biofuels and bioliquids produced in installations in operation on or before 5 October 2015;

Amendment

(a) at least 50 % for biofuels, ***fuel derived from biomethane for use in transport*** and bioliquids produced in installations in operation on or before 5 October 2015;

Or. en

Amendment 128

Proposal for a directive

Article 26 – paragraph 7 – point b

Text proposed by the Commission

(b) at least 60 % for biofuels and bioliquids produced in installations starting operation from 5 October 2015;

Amendment

(b) at least 60 % for biofuels, ***fuel derived from biomethane for use in transport*** and bioliquids produced in installations starting operation from 5 October 2015;

Or. en

Amendment 129

Proposal for a directive

Article 26 – paragraph 7 – point c

Text proposed by the Commission

(c) at least **70 %** for biofuels and bioliquids produced in installations starting operation after 1 January 2021;

Amendment

(c) at least **65 %** for biofuels, ***fuel derived from biomethane for use in transport*** and bioliquids produced in installations starting operation after 1 January 2021;

Or. en

Amendment 130

Proposal for a directive

Article 26 – paragraph 7 – point d

Text proposed by the Commission

(d) at least **80 %** for electricity, heating and cooling production from biomass fuels used in installations starting operation after 1 January 2021 and **85%** for installations starting operation after 1 January 2026.

Amendment

(d) at least at least **70 %** for electricity, heating and cooling production from biomass fuels used in installations ***in operation on or before*** 1 January 2021, ***80% for installations starting operation after 1 January 2021***, and 85% for installations starting operation after 1 January 2026.

Amendment 131**Proposal for a directive****Article 26 – paragraph 8 – subparagraph 1***Text proposed by the Commission*

8. Electricity from biomass fuels produced in installations with a fuel capacity equal to or exceeding 20 MW shall be taken into account for the purposes referred to in points (a), (b) and (c) of paragraph 1 only if it is produced applying high efficient cogeneration technology as defined under Article 2(34) of Directive 2012/27/EU. For the purposes of points (a) and (b) of paragraph 1, this provision shall only apply to installations starting operation after [3 years from date of adoption of this Directive]. For the purposes of point (c) of paragraph 1, this provision is without prejudice to public support provided under schemes approved by [3 **years** after date of adoption of this Directive].

Amendment

8. Electricity from biomass fuels produced in installations with a fuel capacity equal to or exceeding 20 MW shall be taken into account for the purposes referred to in points (a), (b) and (c) of paragraph 1 only if it is produced applying high efficient cogeneration technology as defined under Article 2(34) of Directive 2012/27/EU. For the purposes of points (a) and (b) of paragraph 1, this provision shall only apply to installations starting operation after [3 years from date of adoption of this Directive]. For the purposes of point (c) of paragraph 1, this provision is without prejudice to public support provided under schemes approved by [**1 year** after date of adoption of this Directive].

Or. en

Amendment 132**Proposal for a directive****Article 26 – paragraph 8 – subparagraph 2***Text proposed by the Commission*

The first sub-paragraph shall not apply to electricity from installations which are the object of a specific notification by a Member State to the Commission based on the duly substantiated existence of risks for

Amendment

The first sub-paragraph shall not apply to electricity from installations **which do not use fossil fuels and achieve a conversion efficiency of at least 40% or** which are the object of a specific notification by a

the security of supply of electricity. Upon assessment of the notification, the Commission shall adopt a decision taking into account the elements included therein.

Member State to the Commission based on the duly substantiated existence of risks for the security of supply of electricity. Upon assessment of the notification, the Commission shall adopt a decision taking into account the elements included therein.

^{49a} *OJ L 315, 14.11.2012, p.1-56*

Or. en

Amendment 133

Proposal for a directive

Article 26 – paragraph 8 a (new)

Text proposed by the Commission

Amendment

8a. The Commission shall, every two years, report to the European Parliament and to the Council on the impact of biofuels consumed in the Union, including on the production of food and feed and other materials, on the environment and on social sustainability both in the Union and in third countries.

Or. en

Justification

The amendment is linked to the deletion of paragraph 7 in the existing Directive.

Amendment 134

Proposal for a directive

Recital 68

Text proposed by the Commission

Amendment

(68) In order to exploit the full potential of biomass to contribute to the

(68) In order to exploit the full potential of biomass to contribute to the

decarbonisation of the economy through its uses for materials and energy, the Union and the Member States should promote greater sustainable mobilisation of *existing timber and agricultural resources and the development of new* forestry and agriculture production systems.

decarbonisation of the economy through its uses for materials and energy, the Union and the Member States should *only* promote *energy uses from* greater sustainable mobilisation of *waste and residue from sustainable* forestry and agriculture production systems *and provided that sustainability and greenhouse gas emissions saving criteria are met..*

Or. en

Amendment 135

Proposal for a directive Recital 69

Text proposed by the Commission

(69) *Biofuels, bioliquids and biomass fuels* should always be produced in a sustainable manner. Biofuels, bioliquids and biomass fuels used for compliance with the *Union target* laid down in this Directive, and those which benefit from support schemes, should therefore be required to fulfil sustainability and greenhouse gas emissions savings criteria.

Amendment

(69) *Renewable energy* should always be produced in a sustainable manner. Biofuels, bioliquids and biomass fuels used for compliance with the *targets* laid down in this Directive, and those *forms of renewable energy* which benefit from support schemes, should therefore be required to fulfil sustainability and greenhouse gas emissions savings criteria.

Or. en

Amendment 136

Proposal for a directive Recital 71

Text proposed by the Commission

(71) The production of agricultural raw material for biofuels, bioliquids and

Amendment

(71) The production of agricultural raw material for biofuels, bioliquids and

biomass fuels, and the incentives for their use provided for in this Directive, should not have effect *of encouraging the destruction of biodiverse lands*. Such finite resources, recognised in various international instruments to be of value to all mankind, should be preserved. It is therefore necessary to provide sustainability and greenhouse gas emissions savings criteria ensuring that biofuels, bioliquids and biomass fuels qualify for the incentives only when it is guaranteed that the agricultural raw material does not originate in biodiverse areas or, in the case of areas designated for nature protection purposes or for the protection of rare, threatened or endangered ecosystems or species, the relevant competent authority demonstrates that the production of the agricultural raw material does not interfere with such purposes. Forests should be considered as biodiverse according to the sustainability criteria, where they are primary forests in accordance with the definition used by the Food and Agriculture Organisation of the United Nations (FAO) in its Global Forest Resource Assessment, or where they are protected by national nature protection law. Areas where the collection of non-wood forest products occurs should be considered to be biodiverse forests, provided the human impact is small. Other types of forests as defined by the FAO, such as modified natural forests, semi-natural forests and plantations, should not be considered as primary forests. Having regard, furthermore, to the highly biodiverse nature of certain grasslands, both temperate and tropical, including highly biodiverse savannahs, steppes, scrublands and prairies, biofuels, bioliquids and biomass fuels made from agricultural raw materials originating in such lands should not qualify for the incentives provided for by this Directive. The Commission should establish appropriate criteria to define such highly biodiverse grasslands in accordance with the best

biomass fuels, and the incentives for their use provided for in this Directive, should not have, *or encourage, a detrimental effect on biodiversity within or outside the Union*. Such finite resources, recognised in various international instruments to be of value to all mankind, should be preserved. It is therefore necessary to provide sustainability and greenhouse gas emissions savings criteria ensuring that biofuels, bioliquids and biomass fuels qualify for the incentives only when it is guaranteed that the agricultural raw material does not originate in biodiverse areas or, in the case of areas designated for nature protection purposes or for the protection of rare, threatened or endangered ecosystems or species, the relevant competent authority demonstrates that the production of the agricultural raw material does not interfere with such purposes. Forests should be considered as biodiverse according to the sustainability criteria, where they are primary forests in accordance with the definition used by the Food and Agriculture Organisation of the United Nations (FAO) in its Global Forest Resource Assessment, or where they are protected by national nature protection law. Areas where the collection of non-wood forest products occurs should be considered to be biodiverse forests, provided the human impact is small. Other types of forests as defined by the FAO, such as modified natural forests, semi-natural forests and plantations, should not be considered as primary forests. *However, biodiversity, as well as the quality, health, viability and vitality of these forests should be guaranteed*. Having regard, furthermore, to the highly biodiverse nature of certain grasslands, both temperate and tropical, including highly biodiverse savannahs, steppes, scrublands and prairies, biofuels, bioliquids and biomass fuels made from agricultural raw materials originating in such lands should not qualify for the incentives provided for by this Directive. The Commission should

available scientific evidence and relevant international standards.

establish appropriate criteria to define such highly biodiverse grasslands in accordance with the best available scientific evidence and relevant international standards.

Or. en

Amendment 137

Proposal for a directive Recital 73

Text proposed by the Commission

(73) Agricultural feedstock for the production of biofuels, bioliquids and biomass fuels should not be produced on peatland as the cultivation of feedstock on peatland would result in significant carbon stock loss if the land was further drained for that purpose ***while the absence of such drainage cannot be easily verified.***

Amendment

(73) Agricultural feedstock for the production of biofuels, bioliquids and biomass fuels should not be produced on peatland ***or wetland where this would involve drainage of soil*** as the cultivation of feedstock on peatland ***or wetland*** would result in significant carbon stock loss if the land was further drained for that purpose.

Or. en

Amendment 138

Proposal for a directive Recital 76

Text proposed by the Commission

(76) To ensure that, despite the growing demand for forest biomass, harvesting is carried out in a sustainable manner in forests where regeneration is ensured, that special attention is given to areas explicitly designated for the protection of biodiversity, landscapes and specific natural elements, that biodiversity resources are preserved and that carbon

Amendment

(76) To ensure that, despite the growing demand for forest biomass, harvesting is carried out in a sustainable manner in forests where regeneration is ensured, that special attention is given to areas explicitly designated for the protection of biodiversity, landscapes and specific natural elements, that biodiversity resources are preserved and that carbon

stocks are tracked, woody raw material should come only from forests that are harvested in accordance with the principles of sustainable forest management developed under international forest processes such as Forest Europe and are implemented through national laws or the best management practices at the *forest holding* level. Operators should *take the appropriate steps in order to minimise the risk of using unsustainable forest biomass for the production of bioenergy*. To that end, operators should put in place a risk-based approach. In this context, it is appropriate for the Commission to develop operational guidance on the verification of compliance with the risk based approach, following the consultation of the Energy Union Governance Committee, and the Standing Forestry Committee established by Council Decision 89/367/EEC²⁴.

stocks are tracked, woody raw material should come only from forests that are harvested in accordance with the principles of sustainable forest management developed under international forest processes such as Forest Europe and are implemented through national laws or the best management practices at the *supply base* level. Operators should *ensure that measures are taken to avoid and limit negative consequences of harvesting on the environment*. To that end, operators should put in place a risk-based approach. In this context, it is appropriate for the Commission to develop *modalities for implementing the requirements based on best practices in Member States as well as* operational guidance on the verification of compliance with the risk based approach, following the consultation of the Energy Union Governance Committee, and the Standing Forestry Committee established by Council Decision 89/367/EEC²⁴.

Or. en

Amendment 139

Proposal for a directive Recital 78

Text proposed by the Commission

(78) Biomass fuels should be converted into electricity and heat in an efficient way in order to maximise energy security and greenhouse gas savings, as well as to limit emissions of air pollutants and minimise the pressure on limited biomass resources. For this reason, public support to installations with a fuel capacity equal to or exceeding [20] MW, if needed, should only be given to highly efficient combined power and heat installations as defined Article 2(34) of Directive 2012/27/EU.

Amendment

(78) Biomass fuels should be converted into electricity and heat in an efficient way in order to maximise energy security and greenhouse gas savings, as well as to limit emissions of air pollutants and minimise the pressure on limited biomass resources. ***Although cleaner than coal, biomass combustion still leads to higher emissions of particulates and Member States should require information about the impact on ambient air quality limit values from installations. Throughout the biomass***

Existing support schemes for biomass-based electricity should however be allowed until their due end date for all biomass installations. In addition electricity produced from biomass in new installations with a fuel capacity equal to or exceeding [20] MW should only count towards renewable energy targets and obligations in the case of highly efficient combined power and heat installations. In accordance with State aid rules, Member States should however be allowed to grant public support for the production of renewables to installations, and count the electricity they produce towards renewable energy targets and obligations, in order to avoid an increased reliance on fossil fuels with higher climate and environmental impacts where, after exhausting all technical and economic possibilities to install highly efficient combined heat and power biomass installations, Member States would face a substantiated risk to security of supply of electricity.

production process, biodiversity as well as air, soil and water quality should be maintained or strengthened, while indirect change of land-use and its consequences are prevented or limited.

For this reason, public support to installations with a fuel capacity equal to or exceeding [20] MW, if needed, should only be given to highly efficient combined power and heat installations as defined Article 2(34) of Directive 2012/27/EU. Existing support schemes for biomass-based electricity should however be allowed until their due end date for all biomass installations. In addition electricity produced from biomass in new installations with a fuel capacity equal to or exceeding [20] MW should only count towards renewable energy targets and obligations in the case of highly efficient combined power and heat installations. In accordance with State aid rules, Member States should however be allowed to grant public support for the production of renewables to installations, and count the electricity they produce towards renewable energy targets and obligations, in order to avoid an increased reliance on fossil fuels with higher climate and environmental impacts where, after exhausting all technical and economic possibilities to install highly efficient combined heat and power biomass installations, Member States would face a substantiated risk to security of supply of electricity. ***In particular, support for installations producing renewable energy from biomass in outermost regions heavily dependent on energy imports should be strengthened, provided that strict sustainability criteria are met for the production of such renewable energy, adapted to the specific features of these regions.***

Or. en

COMPROMISE AMENDMENT 5B on Article 26 -

Sustainability criteria

On behalf of EPP, ECR

Amendments 15, 16, 17, 18, 20, 21, 22, 62, 228-233, 235, 236-240, 245-246, 242-243, 244, 248-257, 261-264, 265-272, 684-916, 921, 974, 975, 976 fall

(26(1)(1) - chapeau, 26(1)(4), 26(2)(1), 26(2)(1)(a) and (b), 26(2)(1)(c)(i), 26(2)(2), 26(3), 26(6)(1) – chapeau and points (i) and (iii), 26(7)(2) and (3), 28(8)(2), 26(9), recitals: 74, 77 and 79 remain as in the Commission proposal)

Amendment 140

Proposal for a directive

Article 26 – paragraph 1 – subparagraph 1

Text proposed by the Commission

1. **Energy** from biofuels bioliquids and biomass fuels shall be taken into account for the purposes referred to in points (a), (b) and (c) of this paragraph only if they fulfil the sustainability criteria set out in paragraphs 2 to 6 and the greenhouse gas emissions saving criteria set out in paragraph 7 :

Amendment

1. **Irrespective of whether the raw materials were cultivated inside or outside the territory of the Union, energy** from biofuels, bioliquids and biomass fuels shall be taken into account for the purposes referred to in points (a), (b) and (c) of this paragraph only if they fulfil the sustainability criteria set out in paragraphs 2 to 6 and the greenhouse gas emissions saving criteria set out in paragraph 7 :

Or. en

Justification

The proposal includes major new elements for sustainability criteria and transport fuels. It is therefore necessary to clarify the coverage of the term financial support to include fiscal incentives.

Amendment 141

Proposal for a directive

Article 26 – paragraph 1 – subparagraph 1 – point c

Text proposed by the Commission

Amendment

(c) eligibility for financial support for the consumption of biofuels, bioliquids and biomass fuels.

(c) eligibility for financial support, **including fiscal incentives** for the consumption of biofuels, bioliquids and biomass fuels.

Or. en

Justification

The recast Renewable Energy Directive makes major changes to the coverage of the provisions on bioenergy sustainability, notably by extending many of the provisions, for the first time, to biomass fuels such as wood. It also proposes significant changes to the targets relating to biofuels and bioliquids. On this basis, changes are also required to clarify the coverage of the term 'financial support', which in some Member States either does not currently address or may not in future sufficiently address the multiple ways, in addition to direct subsidies, in which the production or use of biomass fuels and other types of bioenergy are promoted or encouraged. For example mechanisms such as tax breaks for the use of biomass fuels based on their supposed carbon neutrality, or blending mandates imposed on providers of biomass or other biofuels, are either already in operation or may be applied in future, and themselves have cost impacts. The terms of the provision on eligibility for financial support should therefore be broadened to ensure it is comprehensive and in line with the spirit of the original Directive.

Amendment 142

Proposal for a directive

Article 26 – paragraph 1 – subparagraph 2

Text proposed by the Commission

Amendment

However, biofuels, bioliquids and biomass fuels produced from waste and residues, other than agricultural, aquaculture, fisheries and forestry residues, need only fulfil the greenhouse gas emissions saving criteria set out in paragraph 7 in order to be taken into account for the purposes referred to in points (a), (b) and (c) of this paragraph. This provision shall also apply to waste and residues that are first processed into a product before being further processed into biofuels, bioliquids

Biofuels, bioliquids and biomass fuels produced from waste and residues, other than agricultural, aquaculture, fisheries and forestry residues, need only fulfil the greenhouse gas emissions saving criteria set out in paragraph 7 in order to be taken into account for the purposes referred to in points (a), (b) and (c) of this paragraph. **However, their production shall be in line with the principle of the waste hierarchy as laid down in Directive 2008/98/EC and shall avoid significant**

and biomass fuels.

distortive effects on markets for (by)products, wastes or residues. This provision shall also apply to waste and residues that are first processed into a product before being further processed into biofuels, bioliquids and biomass fuels.

Or. en

Justification

The production of biofuels, bioliquids and biomass fuels can divert residues from existing material uses to energy, as well as it can divert waste from recycling to energy, in contradiction to the waste hierarchy and circular economy objectives. To ensure that transport decarbonisation supports objectives of the Circular Economy Action Plan and is in line with the EU waste hierarchy, it is necessary to introduce a new sustainability criteria.

Amendment 143

Proposal for a directive

Article 26 – paragraph 1 – subparagraph 2 a (new)

Text proposed by the Commission

Amendment

Biofuels, bioliquids and biomass fuels produced from waste and residues from agricultural land shall be taken into account for the purposes referred to in points (a), (b) and (c) of the first subparagraph only if measures have been taken by the operators to minimise negative impacts on soil quality and soil carbon. Information about those measures shall be reported pursuant to Article 27(3).

Or. en

Justification

This amendment is inextricably linked to the new transport fuel obligation in Article 25.

Amendment 144

Proposal for a directive
Article 26 – paragraph 1 – subparagraph 3

Text proposed by the Commission

Biomass fuels shall have to fulfil the sustainability and greenhouse gas emissions saving criteria set out in paragraphs 2 to 7 only if used in installations producing electricity, heating and cooling or fuels with a ***fuel capacity*** equal to or exceeding 20 MW in case of solid biomass fuels and with ***an electrical capacity*** equal to or exceeding ***0.5*** MW in case of gaseous biomass fuels. Member States may apply the sustainability and greenhouse gas emission saving criteria to installations with lower fuel capacity.

Amendment

Biomass fuels shall have to fulfil the sustainability and greenhouse gas emissions saving criteria set out in paragraphs 2 to 7 only if used in installations producing electricity, heating and cooling or fuels with a ***total rated thermal input*** equal to or exceeding 20 MW in case of solid biomass fuels and with a ***total rated thermal input*** capacity equal to or exceeding ***2*** MW in case of gaseous biomass fuels. Member States may apply the sustainability and greenhouse gas emission saving criteria to installations with lower fuel capacity.

Or. en

Amendment 145

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

Text proposed by the Commission

Amendment

(aa) highly biodiverse forest and other wooded land which is species-rich and not degraded, or has been identified as being highly biodiverse by the relevant competent authority, unless evidence is provided that the production of that raw material did not interfere with those nature protection purposes;

Or. en

Justification

Forests that are not primary forests can also host significant biodiversity

Amendment 146

Proposal for a directive

Article 26 – paragraph 2 – point c – introductory part

Text proposed by the Commission

(c) highly biodiverse grassland *spanning more than one hectare* that is:

Amendment

(c) highly biodiverse grassland ***including wooded meadows and pastures*** that is:

Or. en

Amendment 147

Proposal for a directive

Article 26 – paragraph 2 – point c – point ii

Text proposed by the Commission

(ii) non-natural, namely grassland that would cease to be grassland in the absence of human intervention and which is species-rich and not degraded ***and*** has been identified as being highly biodiverse by the relevant competent authority, unless evidence is provided that the harvesting of the raw material is necessary to preserve its status as highly biodiverse grassland.

Amendment

(ii) non-natural, namely grassland that would cease to be grassland in the absence of human intervention and which is species-rich and not degraded ***or*** has been identified as being highly biodiverse by the relevant competent authority, unless evidence is provided that the harvesting of the raw material is necessary to preserve its status as highly biodiverse grassland.

Or. en

Amendment 148

Proposal for a directive

Article 26 – paragraph 4

Text proposed by the Commission

4. Biofuels, bioliquids and biomass fuels produced from agricultural biomass taken into account for the purposes referred to in points (a), (b) and (c) of paragraph 1 shall not be made from raw material obtained from land that was peatland in January 2008.

Amendment

4. Biofuels, bioliquids and biomass fuels produced from agricultural biomass taken into account for the purposes referred to in points (a), (b) and (c) of paragraph 1 shall not be made from raw material obtained from land that was peatland in January 2008, ***unless verifiable evidence is provided that the cultivation and harvesting of raw material does not involve drainage of previously undrained soil.***

Or. en

Amendment 149

**Proposal for a directive
Article 26 – paragraph 5**

Text proposed by the Commission

5. Biofuels, bioliquids and biomass fuels produced from forest biomass taken into account for the purposes referred to in points (a), (b) and (c) of paragraph 1 shall meet the following requirements to minimise the risk of using unsustainable forest biomass production:

(a) the country in which forest biomass was harvested has national and/or sub-national laws applicable in the area of harvest as well as monitoring and enforcement systems in place ensuring that:

i) harvesting is carried out in accordance to the conditions of the harvesting permit within legally gazetted boundaries;

ii) forest regeneration of harvested

Amendment

5. Biofuels, bioliquids and biomass fuels produced from forest biomass taken into account for the purposes referred to in points (a), (b) and (c) of paragraph 1 shall meet the following requirements to minimise the risk of using unsustainable forest biomass production:

(a) the country in which forest biomass was harvested has national and/or sub-national laws applicable in the area of harvest as well as monitoring and enforcement systems in place ensuring that:

i) harvesting is carried out in accordance to the conditions of the harvesting permit ***or equivalent proof of the legal right to harvest*** within ***the national or regional*** legally gazetted boundaries;

ii) forest regeneration of harvested

areas takes place;

iii) areas of **high** conservation **value**, including wetlands and peatlands, are protected;

iv) the impacts of forest harvesting on soil quality and biodiversity are minimised; and

v) harvesting does not exceed the long-term production capacity of the forest;

(b) when evidence referred to in the first subparagraph is not available, the biofuels, bioliquids and biomass fuels produced from forest biomass shall be taken into account for the purposes referred to in points (a), (b) and (c) of paragraph 1 if management **systems are in place at forest holding** level to ensure that:

i) the forest biomass has been harvested according to a legal permit;

ii) forest regeneration of harvested areas takes place;

iii) areas of **high** conservation **value**, including **peatlands and** wetlands, are identified and protected;

iv) **impacts of forest** harvesting on soil quality and biodiversity **are minimised**;

v) harvesting **does not exceed the** long-term production capacity of the forest.

areas takes place;

iii) areas **designated, by international or national law or by the relevant competent authority, to promote the maintenance of biodiversity or for nature conservation purposes**, including **in** wetlands and peatlands, are protected;

iv) **harvesting is carried out considering maintenance of** soil quality and biodiversity **with the aim of minimizing negative impacts**; and

v) harvesting **maintains or improves** the long-term production capacity of the forest **at country or regional level**;

b) when evidence referred to in the first subparagraph is not available, the biofuels, bioliquids and biomass fuels produced from forest biomass shall be taken into account for the purposes referred to in points (a), (b) and (c) of paragraph 1 if **additional information of legality and forest management practices are provided at the supply base** level to ensure that:

i) harvesting is carried out in accordance with the conditions of the harvesting permit procedure or equivalent national or regional proof of the legal right to harvest;

ii) forest regeneration of harvested areas takes place;

iii) areas **designated, by international or national law or by the relevant competent authority, to promote the maintenance of biodiversity or for nature conservation purposes**, including **in** wetlands **and peatlands**, are protected;

iv) harvesting **is carried out considering maintenance of** soil quality and biodiversity; **including surrounding areas provided that they are affected by the harvesting activities and**

v) harvesting **maintains or improves** long-term production capacity of the forest **at country or regional level, and**

vi) environmental and nature regulations or measures are in place and in line with the relevant Unions environmental and nature standards.

Or. en

Amendment 150

Proposal for a directive

Article 26 – paragraph 6 – subparagraph 1 – point ii

Text proposed by the Commission

(ii) has submitted a Nationally Determined Contribution (NDC) to the United Nations Framework Convention on Climate Change (UNFCCC), covering emissions and removals from agriculture, forestry and land use which ensures that either changes in carbon stock associated with biomass harvest are accounted towards the country's commitment to reduce or limit greenhouse gas emissions as specified in the NDC, or there are national or sub-national laws in place, in accordance with Article 5 of the Paris Agreement, applicable in the area of harvest, to conserve and enhance carbon stocks and sinks;

Amendment

(ii) has submitted a Nationally Determined Contribution (NDC) to the United Nations Framework Convention on Climate Change (UNFCCC), covering emissions and removals from agriculture, forestry and land use which ensures that either changes in carbon stock associated with biomass harvest are accounted towards the country's commitment to reduce or limit greenhouse gas emissions as specified in the NDC, or there are national or sub-national laws in place, in accordance with Article 5 of the Paris Agreement, ***and that land sector emissions do not exceed removals***, applicable in the area of harvest, to conserve and enhance carbon stocks and sinks;

Or. en

Amendment 151

Proposal for a directive

Article 26 – paragraph 6 – subparagraph 2

Text proposed by the Commission

When evidence referred to in the first subparagraph is not available, the biofuels, bioliquids and biomass fuels produced from forest biomass shall be taken into account for the purposes referred to in points (a), (b) and (c) of paragraph 1 if management systems are in place at **forest holding** level to ensure that carbon stocks and sinks levels in the forest are maintained.

Amendment

When evidence referred to in the first subparagraph is not available, the biofuels, bioliquids and biomass fuels produced from forest biomass shall be taken into account for the purposes referred to in points (a), (b) and (c) of paragraph 1 if management systems are in place at **supply base** level to ensure that carbon stocks and sinks levels in the forest are maintained **or increased**.

Or. en

Amendment 152

Proposal for a directive

Article 26 – paragraph 6 – subparagraph 3

Text proposed by the Commission

The Commission **may** establish the operational evidence for demonstrating compliance with the requirements set out in paragraphs 5 and 6, by means of implementing acts adopted in accordance with the examination procedure referred to in Article 31(2).

Amendment

By 1 January 2021, the Commission **shall** establish the operational evidence for demonstrating compliance with the requirements set out in paragraphs 5 and 6, by means of implementing acts adopted in accordance with the examination procedure referred to in Article 31(2).

Or. en

Amendment 153

Proposal for a directive

Article 26 – paragraph 6 – subparagraph 4

Text proposed by the Commission

By 31 December 2023, the Commission

Amendment

By 31 December 2023, the Commission

shall assess whether the criteria set out in paragraphs 5 and 6 effectively minimise the risk of using unsustainable forest biomass and address LULUCF requirements, on the basis of available data. The Commission shall, if appropriate, present a proposal to modify the requirements laid down in paragraphs 5 and 6.

shall assess, *in close collaboration with the Member States*, whether the criteria set out in paragraphs 5 and 6 effectively minimise the risk of using unsustainable forest biomass and address LULUCF requirements, on the basis of available data. The Commission shall, if appropriate, present a proposal to modify the requirements laid down in paragraphs 5 and 6 *for the period post 2030*.

Or. en

Amendment 154

Proposal for a directive Article 26 – paragraph 7 – point a

Text proposed by the Commission

(a) at least 50 % for biofuels and bioliquids produced in installations in operation on or before 5 October 2015;

Amendment

(a) at least 50 % for biofuels, *fuel derived from biomethane for use in transport* and bioliquids produced in installations in operation on or before 5 October 2015;

Or. en

Amendment 155

Proposal for a directive Article 26 – paragraph 7 – point b

Text proposed by the Commission

(b) at least 60 % for biofuels and bioliquids produced in installations starting operation from 5 October 2015;

Amendment

(b) at least 60 % for biofuels, *fuel derived from biomethane for use in transport* and bioliquids produced in installations starting operation from 5 October 2015;

Or. en

Amendment 156

Proposal for a directive Article 26 – paragraph 7 – point c

Text proposed by the Commission

(c) at least **70 %** for biofuels and bioliquids produced in installations starting operation after 1 January 2021;

Amendment

(c) at least **65 %** for biofuels, ***fuel derived from biomethane for use in transport*** and bioliquids produced in installations starting operation after 1 January 2021;

Or. en

Amendment 157

Proposal for a directive Article 26 – paragraph 7 – point d

Text proposed by the Commission

(d) at least **80 %** for electricity, heating and cooling production from biomass fuels used in installations starting operation after 1 January 2021 and **85%** for installations starting operation after 1 January 2026.

Amendment

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

Or. en

Amendment 158

Proposal for a directive Article 26 – paragraph 7 – subparagraph 1 a (new)

Text proposed by the Commission

Amendment

Member States may set higher ambitions

for greenhouse gas emission savings.

Or. en

Amendment 159

Proposal for a directive

Article 26 – paragraph 8 – subparagraph 1

Text proposed by the Commission

8. Electricity from biomass fuels produced in installations with a **fuel** capacity equal to or exceeding 20 MW shall be taken into account for the purposes referred to in points (a), (b) and (c) of paragraph 1 only if it is produced applying high efficient cogeneration technology as defined under Article 2(34) of Directive 2012/27/EU. For the purposes of points (a) and (b) of paragraph 1, this provision shall only apply to installations starting operation after [3 years from date of adoption of this Directive]. For the purposes of point (c) of paragraph 1, this provision is without prejudice to public support provided under schemes approved by [3 years after date of adoption of this Directive].

Amendment

8. Electricity from biomass fuels produced in installations with ***an installed electrical*** capacity equal to or exceeding 20 MW shall be taken into account for the purposes referred to in points (a), (b) and (c) of paragraph 1 only if it is produced applying high efficient cogeneration technology as defined under Article 2(34) of Directive 2012/27/EU ***or produced in installations which have been converted from solid fossil fuels fired plants.*** For the purposes of points (a) and (b) of paragraph 1, this provision shall only apply to installations starting operation after [3 years from date of adoption of this Directive]. For the purposes of point (c) of paragraph 1, this provision is without prejudice to public support provided under schemes approved by [3 years after date of adoption of this Directive].

Or. en

Amendment 160

Proposal for a directive

Article 26 – paragraph 8 – subparagraph 2

Text proposed by the Commission

The first sub-paragraph shall not apply to electricity from installations which are the object of a specific notification by a Member State to the Commission based on the duly substantiated existence of risks for the security of supply of electricity. Upon assessment of the notification, the Commission shall adopt a decision taking into account the elements included therein.

Amendment

The first sub-paragraph shall not apply to electricity from installations which are the object of a specific notification by a Member State to the Commission based on the duly substantiated existence of risks for the security of supply of electricity. Upon assessment of the notification, the Commission shall adopt a decision taking into account the elements included therein, ***or are not required to apply high efficient cogeneration technology, in accordance with Article 14 of Directive 2012/27/EU^{49a}, as long as these installations employ exclusively biomass fuels produced from agricultural, aquaculture, fisheries and forestry residues under normal operating conditions.***

^{49a} OJ L 315, 14.11.2012, p.1-56

Or. en

Justification

While high conversion efficiency is a key component of bioenergy sustainability and should be ensured, there are circumstances such as climatic conditions, which lead to insufficient demand for heat for combined heat and power investments. These circumstances are already addressed in article 14 of the Energy Efficiency Directive (2012/27/EU), dealing with the promotion of efficiency in heating and cooling. However, it should be ensured that installations producing electricity only should use exclusively residues, as these are not in competition with material uses.

Amendment 161

**Proposal for a directive
Article 26 – paragraph 8 a (new)**

Text proposed by the Commission

Amendment

8a. The Commission shall, every two years, report to the European Parliament and to the Council on the impacts and

benefits of biofuels consumed in the Union, including on the production of food and feed and other materials, the economic, environmental and social sustainability both in the Union and in third countries.

Or. en

Justification

Reintroducing reporting provisions (Article 17(7) of the existing Directive) that have been removed in Commission proposal.

Amendment 162

**Proposal for a directive
Article 26 – paragraph 8 b (new)**

Text proposed by the Commission

Amendment

(8b) By way of derogation from the preceding paragraphs, taking account of the special characteristics of these territories as established in Article 349 of the Treaty on the Functioning of the European Union, Article 26 shall not apply to the outermost regions. Within six months of the entry into force of this Directive, the Commission shall present to Parliament and the Council a legislative proposal which sets out the greenhouse gas sustainability and reduction criteria applicable to the outermost regions. Those criteria shall take into account specific local characteristics. In particular, these regions should be able to fully exploit their resources, in compliance with the strict sustainability criteria, to increase their generation of renewable energy and to boost their energy independence.

Or. en

Justification

The supply of fossil energy in the outermost regions (80% or more in some regions) results in

an additional cost that penalises the local economy and the inhabitants' purchasing power. At the same time, these regions have in part considerable biomass resources that they should be able to exploit.

Amendment 162

Proposal for a directive Article 26 – paragraph 10

Text proposed by the Commission

10. For the purposes referred to in points (a), (b) and (c) of paragraph 1, Member States may place additional sustainability requirements for biomass fuels.

Amendment

10. For the purposes referred to in points (a), (b) and (c) of paragraph 1, Member States may place additional sustainability requirements for **biofuels, bioliquids and** biomass fuels.

Or. en

Amendment 162

Proposal for a directive Recital 51

Text proposed by the Commission

(51) The specific situation of the outermost regions is recognised in Article 349 of the Treaty on the Functioning of the European Union. The energy sector in the outermost regions is often characterised by isolation, limited supply and dependence on fossil fuels while these regions benefit from important local renewable sources of energy. The outermost regions could thus serve as examples of the application of innovative energy technologies for the Union. It is therefore necessary to **promote the uptake of** renewable energy in order to achieve a higher degree of energy autonomy for those regions and recognise their specific situation in terms of renewable energy potential and public support needs.

Amendment

(51) The specific situation of the outermost regions is recognised in Article 349 of the Treaty on the Functioning of the European Union. The energy sector in the outermost regions is often characterised by isolation, limited **and more expensive** supply and dependence on fossil fuels while these regions benefit from important local renewable sources of energy, **in particular biomass**. The outermost regions could thus serve as examples of the application of innovative energy technologies for the Union. It is therefore necessary to **adjust** the renewable energy **strategy** in order to achieve a higher degree of energy autonomy for those regions, **strengthen security of supply** and recognise their specific situation in terms of renewable energy potential and public

support needs. *On the other hand, the outermost regions should be able to use the full potential of their resources, in accordance with the criteria of strict sustainability and in line with local conditions, in order to increase the production of renewable energies and strengthen their energy independence.*

Or. fr

Justification

The supply of fossil energy in the outermost regions (80% or more in some regions) results in an additional cost that penalises the local economy and the inhabitants' purchasing power. At the same time, these regions have in part considerable biomass resources that they should be able to exploit.

Amendment 163

Proposal for a directive Recital 68

Text proposed by the Commission

(68) In order to exploit the full potential of biomass to contribute to the decarbonisation of the economy through its uses for materials and energy, the Union and the Member States should promote greater sustainable mobilisation of existing timber and agricultural resources and the development of new forestry and ***agriculture production systems.***

Amendment

(68) In order to exploit the full potential of biomass to contribute to the decarbonisation of the economy through its uses for materials and energy, the Union and the Member States should ***only*** promote ***energy uses from*** greater sustainable mobilisation of existing timber and agricultural resources and the development of new forestry and agriculture production systems ***and provided that sustainability and greenhouse gas emissions saving criteria are met.***

Or. en

Amendment 164

Proposal for a directive
Recital 69

Text proposed by the Commission

(69) **Biofuels, bioliquids and biomass fuels** should always be produced in a sustainable manner. Biofuels, bioliquids and biomass fuels used for compliance with the **Union target** laid down in this Directive, and those which benefit from support schemes, should therefore be required to fulfil sustainability and greenhouse gas emissions savings criteria.

Amendment

(69) **Renewable energy** should always be produced in a sustainable manner. Biofuels, bioliquids and biomass fuels used for compliance with the **targets** laid down in this Directive, and those **forms of renewable energy** which benefit from support schemes, should therefore be required to fulfil sustainability and greenhouse gas emissions savings criteria.

Or. en

Amendment 165

Proposal for a directive
Recital 71

Text proposed by the Commission

(71) The production of agricultural raw material for biofuels, bioliquids and biomass fuels, and the incentives for their use provided for in this Directive, should not have effect **of encouraging the destruction of biodiverse lands**. Such finite resources, recognised in various international instruments to be of value to all mankind, should be preserved. It is therefore necessary to provide sustainability and greenhouse gas emissions savings criteria ensuring that biofuels, bioliquids and biomass fuels qualify for the incentives only when it is guaranteed that the agricultural raw material does not originate in biodiverse areas or, in the case of areas designated for nature protection purposes or for the protection of rare, threatened or endangered ecosystems or species, the

Amendment

(71) The production of agricultural raw material for biofuels, bioliquids and biomass fuels, and the incentives for their use provided for in this Directive, should not have, **or encourage, a detrimental effect on biodiversity within or outside the Union**. Such finite resources, recognised in various international instruments to be of value to all mankind, should be preserved. It is therefore necessary to provide sustainability and greenhouse gas emissions savings criteria ensuring that biofuels, bioliquids and biomass fuels qualify for the incentives only when it is guaranteed that the agricultural raw material does not originate in biodiverse areas or, in the case of areas designated for nature protection purposes or for the protection of rare, threatened or endangered ecosystems or species, the

relevant competent authority demonstrates that the production of the agricultural raw material does not interfere with such purposes. Forests should be considered as biodiverse according to the sustainability criteria, where they are primary forests in accordance with the definition used by the Food and Agriculture Organisation of the United Nations (FAO) in its Global Forest Resource Assessment, or where they are protected by national nature protection law. Areas where the collection of non-wood forest products occurs should be considered to be biodiverse forests, provided the human impact is small. Other types of forests as defined by the FAO, such as modified natural forests, semi-natural forests and plantations, should not be considered as primary forests. Having regard, furthermore, to the highly biodiverse nature of certain grasslands, both temperate and tropical, including highly biodiverse savannahs, steppes, scrublands and prairies, biofuels, bioliquids and biomass fuels made from agricultural raw materials originating in such lands should not qualify for the incentives provided for by this Directive. The Commission should establish appropriate criteria to define such highly biodiverse grasslands in accordance with the best available scientific evidence and relevant international standards.

relevant competent authority demonstrates that the production of the agricultural raw material does not interfere with such purposes. Forests should be considered as biodiverse according to the sustainability criteria, where they are primary forests in accordance with the definition used by the Food and Agriculture Organisation of the United Nations (FAO) in its Global Forest Resource Assessment, or where they are protected by national nature protection law. Areas where the collection of non-wood forest products occurs should be considered to be biodiverse forests, provided the human impact is small. Other types of forests as defined by the FAO, such as modified natural forests, semi-natural forests and plantations, should not be considered as primary forests. ***However, biodiversity, as well as the quality, health, viability and vitality of these forests should be guaranteed.*** Having regard, furthermore, to the highly biodiverse nature of certain grasslands, both temperate and tropical, including highly biodiverse savannahs, steppes, scrublands and prairies, biofuels, bioliquids and biomass fuels made from agricultural raw materials originating in such lands should not qualify for the incentives provided for by this Directive. The Commission should establish appropriate criteria to define such highly biodiverse grasslands in accordance with the best available scientific evidence and relevant international standards.

Or. en

Amendment 166

Proposal for a directive Recital 73

Text proposed by the Commission

(73) Agricultural feedstock for the production of biofuels, bioliquids and biomass fuels should not be produced on peatland as the cultivation of feedstock on peatland would result in significant carbon stock loss if the land was further drained for that purpose ***while the absence of such drainage cannot be easily verified.***

Amendment

(73) Agricultural feedstock for the production of biofuels, bioliquids and biomass fuels should not be produced on peatland ***or wetland where this would involve drainage of soil*** as the cultivation of feedstock on peatland ***or wetland*** would result in significant carbon stock loss if the land was further drained for that purpose.

Or. en

Justification

Drained peatlands do not act as a secure carbon stock. Therefore it seems unreasonable to exclude their use for the production of biofuels, bioliquids and biomass fuels.

Amendment 166

Proposal for a directive
Recital 75

Text proposed by the Commission

(75) It is appropriate to introduce Union-wide sustainability and greenhouse gas emission saving criteria for biomass fuels used in the electricity and heating and cooling generation, in order to continue to ensure high greenhouse gas savings compared to fossil fuel alternatives, to avoid unintended sustainability impacts, and to promote the internal market.

Amendment

(75) It is appropriate to introduce Union-wide sustainability and greenhouse gas emission saving criteria for biomass fuels used in the electricity and heating and cooling generation, in order to continue to ensure high greenhouse gas savings compared to fossil fuel alternatives, to avoid unintended sustainability impacts, and to promote the internal market.
Without prejudice to the strict respect of primary resources with high environmental value, the outermost regions should be able to use the potential of their resources in order to increase the production of renewable energies and their energy independence.

Or. en

Justification

This Directive should not prohibit the exploitation of biomass in the outermost regions, for example primary forests, which are one of the main resources of these territories. The exploitation of such resources is already framed by strict sustainability criteria that ensure the environmental integrity of such an activity.

Amendment 167

Proposal for a directive Recital 76

Text proposed by the Commission

(76) To ensure that, despite the growing demand for forest biomass, harvesting is carried out in a sustainable manner in forests where regeneration is ensured, that special attention is given to areas explicitly designated for the protection of biodiversity, landscapes and specific natural elements, that biodiversity resources are preserved and that carbon stocks are tracked, woody raw material should come only from forests that are harvested in accordance with the principles of sustainable forest management developed under international forest processes such as Forest Europe and are implemented through national laws or the best management practices at the **forest holding** level. Operators should **take the appropriate steps in order to minimise the risk of using unsustainable forest biomass for the production of bioenergy**. To that end, operators should put in place a risk-based approach. In this context, it is appropriate for the Commission to develop operational guidance on the verification of compliance with the risk based approach, following the consultation of the Energy Union Governance Committee, and the Standing Forestry Committee established by Council Decision 89/367/EEC²⁴.

Amendment

(76) To ensure that, despite the growing demand for forest biomass, harvesting is carried out in a sustainable manner in forests where regeneration is ensured, that special attention is given to areas explicitly designated for the protection of biodiversity, landscapes and specific natural elements, that biodiversity resources are preserved and that carbon stocks are tracked, woody raw material should come only from forests that are harvested in accordance with the principles of sustainable forest management developed under international forest processes such as Forest Europe and are implemented through national laws or the best management practices at the **supply base** level. Operators should **ensure that measures are taken to avoid and limit negative consequences of harvesting on the environment**. To that end, operators should put in place a risk-based approach. In this context, it is appropriate for the Commission to develop **modalities for implementing the requirements based on best practices in Member States as well as** operational guidance on the verification of compliance with the risk based approach, following the consultation of the Energy Union Governance Committee, and the Standing Forestry Committee established

Amendment 168

Proposal for a directive Recital 78

Text proposed by the Commission

(78) Biomass fuels should be converted into electricity and heat in an efficient way in order to maximise energy security and greenhouse gas savings, as well as to limit emissions of air pollutants and minimise the pressure on limited biomass resources. For this reason, public support to installations with **a fuel** capacity equal to or exceeding [20] MW, if needed, should only be given to highly efficient combined power and heat installations as defined Article 2(34) of Directive 2012/27/EU. Existing support schemes for biomass-based electricity should however be allowed until their due end date for all biomass installations. In addition electricity produced from biomass in new installations with **a fuel** capacity equal to or exceeding [20] MW should only count towards renewable energy targets and obligations in the case of highly efficient combined power and heat installations. In accordance with State aid rules, Member States should however be allowed to grant public support for the production of renewables to installations, and count the electricity they produce towards renewable energy targets and obligations, in order to avoid an increased reliance on fossil fuels with higher climate and environmental impacts where, after exhausting all technical and economic possibilities to install highly efficient combined heat and power biomass installations, Member States would face a

Amendment

(78) Biomass fuels should be converted into electricity and heat in an efficient way in order to maximise energy security and greenhouse gas savings, as well as to limit emissions of air pollutants and minimise the pressure on limited biomass resources. For this reason, public support to installations with **an installed electrical** capacity equal to or exceeding [20] MW, if needed, should only be given to highly efficient combined power and heat installations as defined Article 2(34) of Directive 2012/27/EU **or produced in installations which have been converted from solid fossil fuels fired plants**. Existing support schemes for biomass-based electricity should however be allowed until their due end date for all biomass installations. In addition electricity produced from biomass in new installations with **an installed electrical** capacity equal to or exceeding [20] MW should only count towards renewable energy targets and obligations in the case of highly efficient combined power and heat installations **or if produced in installations which have been converted from solid fossil fuels fired plants**. In accordance with State aid rules, Member States should however be allowed to grant public support for the production of renewables to installations, and count the electricity they produce towards renewable energy targets and obligations, in order to avoid an

substantiated risk to security of supply of electricity

increased reliance on fossil fuels with higher climate and environmental impacts where, after exhausting all technical and economic possibilities to install highly efficient combined heat and power biomass installations, Member States would face a substantiated risk to security of supply of electricity. *In particular, support for installations producing renewable energy from biomass in outermost regions heavily dependent on energy imports should be strengthened, provided that sustainability criteria are met for the production of such renewable energy, adapted to the specific features of these regions.*

Or. en

COMPROMISE AMENDMENT 6 on Article 27 - Verification of compliance

On behalf of Greens/ALE, EPP, S&D, ECR, ALDE, GUE/NGL, EFDD

Amendments 273, 274, 275 fall

(Remaining provisions in Article 27 and recital 81 remain as in the Commission proposal)

Amendment 169

Proposal for a directive

Article 27 – paragraph 1 – point a

Text proposed by the Commission

(a) allows consignments of raw material or biofuels, bioliquids or biomass fuels with differing sustainability and greenhouse gas emissions saving characteristics to be mixed for instance in a container, processing or logistical facility, transmission and distribution infrastructure or site;

Amendment

(a) allows consignments of raw material or biofuels, bioliquids or biomass fuels with differing sustainability and greenhouse gas emissions saving characteristics to be mixed for instance in a container, processing or logistical facility, transmission and distribution infrastructure or site *provided each consignment meets the requirements laid down in Article 26 in its own right and that suitable systems*

are in place to monitor and measure the compliance of the individual consignments;

Or. en

Amendment 170

Proposal for a directive Article 27 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1a. In order to facilitate cross border trade and disclosure to consumers, guarantees of origin for renewable energy injected into the grid shall contain information on the sustainability criteria and greenhouse gas emission savings as defined in Article 26(2) to (7) and may be transferred separately.

Or. en

Justification

Guarantees of origin should inform consumers about compliance with the sustainability criteria and savings in greenhouse gas emissions.

Amendment 171

Proposal for a directive Article 27 – paragraph 2 – point a

Text proposed by the Commission

Amendment

(a) when the processing of a consignment of raw material yields only one output that is intended for the production of biofuels, bioliquids or biomass fuels, the size of the consignment and the related quantities of sustainability and greenhouse gas

(a) when the processing of a consignment of raw material yields only one output that is intended for the production of biofuels, bioliquids or biomass fuels, the size of the consignment and the related quantities of sustainability and greenhouse gas

emissions saving characteristics shall be adjusted applying a conversion factor representing the ratio between the mass of the output that is intended for the production of biofuels, bioliquids or biomass fuels and the mass of the raw material entering the process;

emissions saving characteristics shall be adjusted applying a conversion factor representing the ratio between the mass of the output that is intended for the production of biofuels, bioliquids or biomass fuels and the mass of the raw material entering the process ***provided that each consignment which constitutes the mixture meets the requirements laid down in Article 26;***

Or. en

Amendment 172

Proposal for a directive Article 27 – paragraph 3

Text proposed by the Commission

3. Member States shall take measures to ensure that economic operators submit reliable information regarding the compliance with the sustainability and greenhouse gas emissions saving criteria set out in Article 26(2) to (7) and make available to the Member State, on request, the data that were used to develop the information. Member States shall require economic operators to arrange for an adequate standard of independent auditing of the information submitted, and to provide evidence that this has been done. The auditing shall verify that the systems used by economic operators are accurate, reliable and protected against fraud. It shall evaluate the frequency and methodology of sampling and the robustness of the data.

Amendment

3. Member States shall take measures to ensure that economic operators submit reliable information regarding the compliance with the sustainability and greenhouse gas emissions saving criteria set out in Article 26(2) to (7) and make available to the Member State, on request, the data that were used to develop the information. Member States shall require economic operators to arrange for an adequate standard of independent auditing of the information submitted, and to provide evidence that this has been done. The auditing shall verify that the systems used by economic operators are accurate, reliable and protected against fraud ***including verification ensuring that materials are not intentionally modified or discarded so that the consignment or part thereof could become a waste or residue under Article 26(2) to (7).*** It shall evaluate the frequency and methodology of sampling and the robustness of the data.

Or. en

Justification

This amendment is linked to ensuring compliance with the limit on the contribution from biofuels and biogas produced from feedstock included in part B of Annex IX in Article 25(1)

Amendment 173

Proposal for a directive

Article 27 – paragraph 3 – subparagraph 2

Text proposed by the Commission

The obligations laid down in this paragraph shall apply whether the biofuels, bioliquids, and biomass fuels are produced within the Union or imported.

Amendment

The obligations laid down in this paragraph shall apply whether the biofuels, bioliquids, and biomass fuels are produced within the Union or imported. ***The geographic origin of biofuels, bioliquids and biomass fuels shall be made available to consumers.***

Or. en

Justification

Linked to the transport fuel obligation in Article 25.

Amendment 174

Proposal for a directive

Article 27 – paragraph 4

Text proposed by the Commission

4. The Commission may decide that voluntary national or international schemes setting standards for the production of biomass products contain accurate data for the purposes of Article 26(7), and/or demonstrate that consignments of biofuels, bioliquids or biomass fuels comply with the sustainability criteria set out in Article 26(2), (3), (4), (5) and (6), and/or that no

Amendment

4. The Commission may decide that voluntary national or international schemes setting standards for the production of biomass products contain accurate data for the purposes of Article 26(7), and/or demonstrate that consignments of biofuels, bioliquids or biomass fuels comply with the sustainability criteria set out in Article 26(2), (3), (4), (5) and (6), and/or that no

materials have been intentionally modified or discarded so that the consignment or part thereof would fall under Annex IX. When demonstrating that requirements set out in Article 26(5) and (6) for forest biomass are met, the operators may decide to directly provide the required evidence at the *forest holding* level. The Commission may also recognise areas for the protection of rare, threatened or endangered ecosystems or species recognised by international agreements or included in lists drawn up by intergovernmental organisations or the International Union for the Conservation of Nature for the purposes of Article 26(2)(b)(ii).

materials have been intentionally modified or discarded so that the consignment or part thereof would fall under Annex IX. When demonstrating that requirements set out in Article 26(5) and (6) for forest biomass are met, the operators may decide to directly provide the required evidence at the *supply base* level. The Commission may also recognise areas for the protection of rare, threatened or endangered ecosystems or species recognised by international agreements or included in lists drawn up by intergovernmental organisations or the International Union for the Conservation of Nature for the purposes of Article 26(2)(b)(ii).

Or. en

Amendment 175

Proposal for a directive

Article 27 – paragraph 5 – subparagraph 3

Text proposed by the Commission

In order to ensure that compliance with the sustainability and greenhouse gas emissions saving criteria is verified in an efficient and harmonised manner and in particular to prevent fraud, the Commission may specify detailed implementing rules, including adequate standards of reliability, transparency and independent auditing and require all voluntary schemes to apply those standards. When specifying these standards, the Commission shall pay special attention to the need to minimize administrative burden. This shall be done by means of implementing acts adopted in accordance with the examination procedure referred to in Article 31 (3). Such acts shall set a time frame by which voluntary schemes need to implement the standards.

Amendment

In order to ensure that compliance with the sustainability and greenhouse gas emissions saving criteria is verified in an efficient and harmonised manner and in particular to prevent fraud, the Commission may specify detailed implementing rules, including adequate standards of reliability, transparency and independent auditing and require all voluntary schemes to apply those standards. When specifying these standards, the Commission shall pay special attention to the need to minimize administrative burden. This shall be done by means of implementing acts adopted in accordance with the examination procedure referred to in Article 31 (3). Such acts shall set a time frame by which voluntary schemes need to implement the standards.

The Commission may repeal decisions recognising voluntary schemes in the event that those schemes fail to implement such standards in the time frame provided for.

The Commission may repeal decisions recognising voluntary schemes in the event that those schemes fail to implement such standards in the time frame provided for.
Where a Member State raises a concern as to the operation of a voluntary scheme, the Commission shall investigate the matter and take appropriate action.

Or. en

Justification

Linked to the implementation of transport fuel obligation in Article 25.

Amendment 176

**Proposal for a directive
Article 27 – paragraph 7 a (new)**

Text proposed by the Commission

Amendment

7a. The Commission may, at any time, verify the reliability of the information relating to the fulfilment of the sustainability criteria or the greenhouse gas emission saving submitted by economic operators operating on the Union market or at the request of a Member State.

Or. en

Justification

Linked to the implementation of transport fuel obligation in Article 25.

Amendment 177

**Proposal for a directive
Recital 80**

Text proposed by the Commission

Amendment

(80) Based on experience in the practical implementation of the Union sustainability criteria, it is appropriate to **strengthen** the role of voluntary international and national certification schemes for verification of compliance with the sustainability criteria in a harmonised manner.

(80) Based on experience in the practical implementation of the Union sustainability criteria, it is appropriate to **take into account** the role of voluntary international and national certification schemes for verification of compliance with the sustainability criteria in a harmonised manner.

Or. en

Amendment 178

**Proposal for a directive
Recital 82**

Text proposed by the Commission

Amendment

(82) Voluntary schemes play an **increasingly** important role in providing evidence of compliance with the sustainability and greenhouse gas emissions saving criteria for biofuels, bioliquids and biomass fuels. It is therefore appropriate for the Commission to require voluntary schemes, including those already recognised by the Commission, to report regularly on their activity. Such reports should be made public in order to increase transparency and to improve supervision by the Commission. Furthermore, such reporting would provide the necessary information for the Commission to report on the operation of the voluntary schemes with a view to identifying best practice and submitting, if appropriate, a proposal to further promote such best practice.

(82) Voluntary schemes **can** play an important role in providing evidence of compliance with the **minimum** sustainability and greenhouse gas emissions saving criteria for biofuels, bioliquids and biomass fuels. It is therefore appropriate for the Commission to require voluntary schemes, including those already recognised by the Commission, to report regularly on their activity. Such reports should be made public in order to increase transparency and to improve supervision by the Commission. Furthermore, such reporting would provide the necessary information for the Commission to report on the operation of the voluntary schemes with a view to identifying best practice and submitting, if appropriate, a proposal to further promote such best practice.

Or. en

Justification

Guarantees of origin should inform consumers about compliance with the sustainability criteria and savings in greenhouse gas emissions.

COMPROMISE AMENDMENT 7 on Article 28 - Calculation of the GHG impact

On behalf of Greens/ALE, EPP, S&D, ECR, ALDE, GUE/NGL, EFDD

Amendments 23, 69-72, 276, 946-968, 983, 1000, 1001 fall

(28(1), 28(3), 28(5)(2)a,d (3); 28(6) remain as in the Commission proposal)

Amendment 179

Proposal for a directive

Article 28 – subparagraph 1 a (new)

Text proposed by the Commission

Amendment

Feedstocks, the production of which 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 and where a direct land-use change emission value (el) is calculated in accordance with point 7 of part C of Annex V, will be considered to have estimated indirect land-use change emissions of zero.

Or. en

Justification

This amendment is inextricably linked to amendment to Article 7(1).

Amendment 180

Proposal for a directive
Article 28 – paragraph 2

Text proposed by the Commission

2. Member States may submit to the Commission reports including information on the typical greenhouse gas emissions from cultivation of agricultural raw materials of those areas on their territory classified as level 2 in the nomenclature of territorial units for statistics (NUTS) or as a more disaggregated NUTS level in accordance with Regulation (EC) No 1059/2003 of the European Parliament and of the Council. The reports shall be accompanied by a description of the method and data sources used to calculate the level of emissions. That method shall take into account soil characteristics, climate and expected raw material yields.

Amendment

2. Member States may submit to the Commission reports including information on the typical greenhouse gas emissions from cultivation of agricultural **and forestry** raw materials of those areas on their territory classified as level 2 in the nomenclature of territorial units for statistics (NUTS) or as a more disaggregated NUTS level in accordance with Regulation (EC) No 1059/2003 of the European Parliament and of the Council. The reports shall be accompanied by a description of the method and data sources used to calculate the level of emissions. That method shall take into account soil characteristics, climate and expected raw material yields.

Or. en

Amendment 181

Proposal for a directive
Article 28 – paragraph 4

Text proposed by the Commission

4. The Commission may decide, by means of an implementing act adopted in accordance with the examination procedure referred to in Article 31(2), that the reports referred to in paragraphs 2 and 3 of this Article contain accurate data for the purposes of measuring the greenhouse gas emissions associated with the cultivation of agriculture biomass feedstocks produced in the areas included in such reports for the purposes of Article 26(7). These data may therefore be used instead of the

Amendment

4. The Commission may decide, by means of an implementing act adopted in accordance with the examination procedure referred to in Article 31(2), that the reports referred to in paragraphs 2 and 3 of this Article contain accurate data for the purposes of measuring the greenhouse gas emissions associated with the cultivation of agriculture **and forestry** biomass feedstocks produced in the areas included in such reports for the purposes of Article 26(7). These data may therefore be

disaggregated default values for cultivation laid down in part D or E of Annex V for biofuels and bioliquids and in Part C of Annex VI for biomass fuels.

used instead of the disaggregated default values for cultivation laid down in part D or E of Annex V for biofuels and bioliquids and in Part C of Annex VI for biomass fuels.

Or. en

Amendment 182

Proposal for a directive Article 28 – paragraph 5

Text proposed by the Commission

5. The Commission shall keep Annex V and Annex VI under review, with a view, where justified, to adding or revising values for biofuel, bioliquid and biomass fuel production pathways. That review shall also consider the modification of the methodology laid down in part C of Annex V and in part B of Annex VI.

Amendment

5. The Commission shall keep Annex V and Annex VI under review, with a view, where justified, to adding or revising values for biofuel, bioliquid and biomass fuel production pathways ***based on the latest technological developments and scientific evidence***. That review shall also consider the modification of the methodology laid down in part C of Annex V and in part B of Annex VI.

Or. en

Justification

Linked to the transport fuel obligation in Article 25.

Amendment 183

Proposal for a directive Recital 84

Text proposed by the Commission

(84) In order to avoid a disproportionate administrative burden, a list of default values should be laid down for common

Amendment

(84) In order to avoid a disproportionate administrative burden, a list of default values should be laid down for common

biofuel, bioliquid and biomass fuel production pathways and that list should be updated and expanded when further reliable data is available. Economic operators should always be entitled to claim the level of greenhouse gas emission saving for biofuels, bioliquids and biomass fuels established by that list. Where the default value for greenhouse gas emission saving from a production pathway lies below the required minimum level of greenhouse gas emission saving, producers wishing to demonstrate their compliance with this minimum level should be required to show that actual emissions from their production process are lower than those that were assumed in the calculation of the default values.

biofuel, bioliquid and biomass fuel production pathways and that list should be updated and expanded when further reliable data is available. Economic operators should always be entitled to claim the level of *direct* greenhouse gas emission saving for biofuels, bioliquids and biomass fuels established by that list. Where the default value for *direct* greenhouse gas emission saving from a production pathway lies below the required minimum level of greenhouse gas emission saving, producers wishing to demonstrate their compliance with this minimum level should be required to show that actual emissions from their production process are lower than those that were assumed in the calculation of the default values.

Or. en

Justification

This amendment is inextricably linked to amendment to Article 25(1).

Amendment 184

Proposal for a directive Recital 85

Text proposed by the Commission

(85) It is necessary to lay down clear rules for the calculation of greenhouse gas emission savings from biofuels, bioliquids and biomass fuels and their fossil fuel comparators.

Amendment

(85) It is necessary to lay down clear rules *based on objective and non-discriminatory criteria*, for the calculation of greenhouse gas emission savings from biofuels, bioliquids and biomass fuels and their fossil fuel comparators.

Or. en

COMPROMISE AMENDMENT 8 on Article 30 - Monitoring

On behalf of Greens/ALE, S&D, ECR, ALDE, GUE/NGL, EFDD

Amendments 73, 74, 969-972 fall

(article 30(3)(1) and 30(4) remain as in the Commission proposal)

Amendment 185

**Proposal for a directive
Article 30 – paragraph 1**

Text proposed by the Commission

1. The Commission shall monitor the origin of biofuels, bioliquids and biomass fuels consumed in the Union and the impact of their production, including impact as a result of displacement, on land use in the Union and the main third countries of supply. Such monitoring shall be based on Member States' integrated national energy and climate plans and corresponding progress reports required in Articles 3, 15 and 18 of Regulation [Governance], and those of relevant third countries, intergovernmental organisations, scientific studies and any other relevant pieces of information. The Commission shall also monitor the commodity price changes associated with the use of biomass for energy and any associated positive and negative effects on food security.

Amendment

1. The Commission shall monitor the origin of biofuels, bioliquids and biomass fuels consumed in the Union and the impact of their production, including impact as a result of displacement, on land use in the Union and the main third countries of supply. Such monitoring shall be based on Member States' integrated national energy and climate plans and corresponding progress reports required in Articles 3, 15 and 18 of Regulation [Governance], and those of relevant third countries, intergovernmental organisations, scientific studies, **satellite based data** and any other relevant pieces of information. The Commission shall also monitor the commodity price changes associated with the use of biomass for energy and any associated positive and negative effects on food security.

Or. en

Justification

Linked to enforcement of Article 26.

Amendment 186

**Proposal for a directive
Article 30 – paragraph 2**

Text proposed by the Commission

2. The Commission shall maintain a dialogue and exchange information with third countries and biofuel, bioliquid and biomass fuel producers, consumer organisations and civil society concerning the general implementation of the measures in this Directive relating to biofuels, bioliquids and biomass fuels. It shall, within that framework, pay particular attention to the impact that biofuel, **and** bioliquid production may have on food prices.

Amendment

2. The Commission shall maintain a dialogue and exchange information with third countries and biofuel, bioliquid and biomass fuel producers, consumer organisations and civil society concerning the general implementation of the measures in this Directive relating to biofuels, bioliquids and biomass fuels. It shall, within that framework, pay particular attention to the impact that biofuel, bioliquid **and biomass** production may have on food prices, **resource prices and material use**.

Or. en

Justification

Linked to implementation of Article 26.

Amendment 187

**Proposal for a directive
Article 30 – paragraph 2 a (new)**

Text proposed by the Commission

Amendment

2a. By 31 December 2018, in the context of policies for decarbonisation of the transport sector and the circular economy, the Commission shall publish a report, accompanied with legislative proposals as appropriate, on promoting waste-based fossil fuels for transport.

Or. en

Justification

This amendment is inextricably linked to amendment to Article 25(1).

Amendment 188

Proposal for a directive Article 30 – paragraph 2 b (new)

Text proposed by the Commission

Amendment

2b. By 31 December 2023, the Commission shall assess whether the criteria set out in Article 26 effectively prevent the use of unsustainable forest and agricultural biomass and address its direct and indirect carbon emissions including from the LULUCF sector, and shall, if appropriate, present a proposal to amend the relevant requirements.

Or. en

Justification

This amendment is inextricably linked to amendments to Article 26.

Amendment 189

Proposal for a directive Article 30 – paragraph 3 – subparagraph 2

Text proposed by the Commission

Amendment

This proposal shall take into account the experience of the implementation of this Directive, including its sustainability and greenhouse gas saving criteria, and technological developments in energy from renewable sources.

This proposal shall take into account the experience of the implementation of this Directive, including its sustainability and greenhouse gas saving criteria, and technological **and scientific** developments in energy from renewable sources.

Or. en

Justification

This amendment is inextricably linked to amendments to Article 25 and 26.

