



**COUNCIL OF
THE EUROPEAN UNION**

Brussels, 17 September 2013

12900/13

**Interinstitutional File:
2012/0288 (COD)**

**CODEC 1869
ENV 764
ENER 383
ENT 238
TRANS 430
AGRI 519
POLGEN 153
PE 375**

INFORMATION NOTE

from: General Secretariat
to: Permanent Representatives Committee/Council
Subject: Proposal for a Directive of the European Parliament and of the Council amending Directive 98/70/EC relating to the quality of petrol and diesel fuels and amending Directive 2009/28/EC on the promotion of the use of energy from renewable sources
- Outcome of the European Parliament's first reading
(Strasbourg, 9 to 12 September 2013)

I. INTRODUCTION

The Committee on the Environment, Public Health and Food Safety tabled 122 amendments to the proposal for a Directive (amendments 1-122) and the Committee on Industry, Research and Energy tabled 43 amendments (amendments 123-165). In addition, the following political groups and members tabled the following amendments:

- the Greens/EFA tabled amendment 166;
- the ECR tabled amendment 167;
- the EUL/NGL tabled amendments 168-173;
- forty or more members tabled amendments 174-177;
- the S&D tabled amendments 178-180; and
- the ALDE tabled amendments 181-190.

II. DEBATE

The Rapporteur opened the debate, which took place on 9 September 2013, and:

- noted that discussions had been very difficult because the various economic interests had made their views very strongly felt;
- stated that the report of the Committee on the Environment, Public Health and Food Safety already contained a compromise, involving both a reduction to 5.5% for first-generation biofuels and a requirement to take account of ILUC in the Fuel Quality Directive from 2020;
- recalled that the Committee's report had gone a little further than this compromise and that further negotiations had resulted in an agreement both within her ALDE political group and with the Committee on Industry, Research and Energy:
 - setting a figure of 6% for first-generation biofuels, including energy crops;
 - requiring ILUC only to apply for the Fuel Quality Directive from 2020 and not in sustainability criteria; and
 - introducing a 2016-7 review clause on methodology.
- recalled the considerable controversy on the question whether first-generation biofuels should be continued;
- referred to the study published by the Commission in July 2013;
- detailed her compromise proposal to:
 - set a figure of 2.5% for advanced biofuels (a suggestion of the Committee on Industry, Research and Energy) and 1.5% for electricity generated by those means;
 - reduce the multiplication coefficient, retaining a factor of four only for the most advanced biofuels and a factor of two for animal fats and certain other oils; and
 - prolong the Fuel Quality Directive to 2025 with a 9% objective.
- noted that some believe that her proposal does not go far enough, but that some in the EPP political group think that it goes too far. She regretted the fact that the EPP had not been able to agree to this compromise proposal.

Commissioner OETTINGER:

- stressed the need to keep up with market changes;
- emphasised the importance of ensuring that biofuels reach a stable level, regardless of country of origin and regardless of which raw material is used;
- recalled that the Commission had proposed an upper limit of 5% with a view to ultimately reaching the ultimate goal of 10%;
- stressed the need to balance ILUC emissions on the one hand and the protection of investments that have already been made in agriculture on the other hand;
- emphasised the need to meet the general public's expectations;
- noted that less progress is being made in the field of electromobility than had been hoped. It will still be able to make a contribution in the future, but this will take longer than expected and the switch-over will be slower. It is necessary to decide whether to tackle electromobility at the national or the European level;
- expressed the Commission's scepticism regarding multiple calculations for electric railways;
- argued that biofuels can indeed make a contribution in the area of transport, but that they must be both sustainable and reasonably priced; and
- called for further negotiation with a view to securing an agreement on this proposal before the end of the Parliament's current term.

Speaking on behalf of the Committee on Development, Mr Filip KACZMAREK (EPP – PL) argued that land should not be taken away from poor people and stated that his amendments were intended to avert the need to choose between fuel and food.

Speaking on behalf of the Committee on International Trade, Mrs Josefa ANDRÉS BAREA (S&D - ES):

- stressed the need for a proper measurement method and called for an agreement on this aspect before the 2014 parliamentary elections;
- hoped, in the meantime, to promote the use of the least polluting biofuel sources, because of their limited impact on trade; and
- called for a sustainability safeguard with regard to third countries.

Speaking on behalf of the Committee on Industry, Research and Energy, Mr Alejo VIDAL-QUADRAS (EPP – ES):

- noted that there is general agreement on the need to set limits and to promote biofuels;
- stressed the crucial importance of the measurement method, which has led to all sorts of discrepancies;
- noted that binding legislation could have unwanted or unpredicted effects; and
- stressed the need to get the methodology right before adopting legislation.

Speaking on behalf of the Committee on Transport and Tourism, Mr Jaromir KOHLÍČEK (EUL/NGL - CZ) stated that his political group wants to use arable land for food production and to use only waste by-products for fuel creation.

Speaking on behalf of the Committee on Regional Development, Mr Giommaria UGGIAS (ALDE – IT) stressed the need to take due account of the impact on regions. SMEs are crucial to regional employment. Structural funds should be used, including for the promotion of research.

Speaking on behalf of the Committee on Agriculture and Rural Development, Mr Béla GLATTFELDER (EPP – HU):

- stated that the current proposal creates a dangerous precedent for investors in new forms of energy;
- argued, with regard to ILUC, that proper account was not being taken of proteins;
- proposed a figure of 8% for second-generation biofuels in order to guarantee a return on investment;
- proposed no multipliers for second-generation biofuels except for electric energy (for which he proposed a multiplier of four); and
- recalled that those who had suffered from the sugar and maize reforms had been promised that they would be compensated through biofuels.

Speaking on behalf of the EPP political group, Mrs Christa KLAß (EPP - DE):

- argued that environmental and economic imperatives are not conflicting, but complementary; and
- argued that it would be premature to set limits for 2016 and 2020. There should be a fresh review of the scientific evidence in 2015.

Mr Jens ROHDE (ALDE - DK):

- called for sufficient incentives to promote second-generation biofuels. There is a need for ambitious and binding long-term objectives;
- warned that impairing the value of existing investments in first-generation biofuels would discourage potential investors in second-generation biofuels;
- called for ILUC to be taken into account;
- argued that the Committee on Industry, Research and Energy had found a good balance; and
- called for a compromise agreement.

Mr Bas EICKHOUT (Greens/EFA - NL):

- agreed that the final text of the Regulation must be credible;
- argued that the time to introduce a review clause was at the time of the adoption of the original legislation;
- noted that lobbyists will always try to argue that more evidence is needed before action can be taken, but argued that there is already enough evidence to justify action; and
- supported the compromises that had been reached before the summer break.

Mr Kriton ARSENIS (S&D - GR):

- stressed the negative impact of European biofuels policy on the third world and called for past mistakes to be corrected; and
- stated that his political group supports a 5.5% limit, 2.5% for second-generation biofuels, and the inclusion of ILUC for both categories from 2018 onward.

Mrs Julie GIRLING (ECR - UK):

- argued that there is currently insufficient evidence to justify a major change to the existing legislation;
- argued that the ILUC model that is currently proposed has serious deficiencies;
- supported in principle the idea of promoting advanced biofuel technologies, but called for a clear target to be set for 2020 – rather than the proposed approach of multiple factors; and
- argued that the package of amendments proposed by the Committee on the Environment, Public Health and Food Safety is too complicated and could well lead to unreasonable legislation.

Mr Paul MURPHY (EUL/NGL – IE):

- argued that biofuels have increased food poverty in the third world;
- condemned lobbying by agribusiness; and
- called for the deletion of the 10% target that has greatly encouraged first-generation biofuels.

Mrs Britta THOMSEN (S&D – DK):

- stressed the need to use agricultural waste to create biofuels; and
- opposed the application of double and quadruple factors.

Mr Claude TURMES (Greens/EFA - LU):

- argued that the application of ILUC criteria would reinforce the European Union's position in WTO cases; and
- argued that 5% was too high, but recognised the need for compromise.

Mr James NICHOLSON (ECR - UK) argued that the pendulum has swung too far towards first-generation biofuels, though he nonetheless conceded that they do have an important part to play. The right balance has to be found.

Mr Paul NUTTALL (EFD - UK):

- called for the abolition of all biofuels subsidies, which increase the price of food throughout the world; and
- stated his rejection of climate change theory.

Mrs Patrizia TOIA (S&D - IT):

- supported the 5% limit; and
- stressed the need for proper investment in first-generation biofuels, for which there is still plenty of scope for growth and investment.

Mrs Mairead McGUINNESS (EPP - IE) recalled that the ecological set-aside element in CAP reform also includes an ILUC factor. She therefore called for a holistic cross-sectoral approach to ILUC.

Mrs Anneli JÄÄTTEENMÄKI (ALDE - FI) argued that wood-based biofuels are not problematic, unlike other biofuels. She further noted that subsidies for wood-based biofuels create employment.

Commissioner HEDEGAARD:

- argued that the Commission's proposal represents the best balance between the various competing interests;
- argued that limits should be maintained at current consumption levels;
- argued that a sub-target does not by itself mitigate the negative environmental impact of conventional biofuels;
- emphasised that research in advanced biofuels is a key priority for the Commission;
- called for the ILUC challenge to be addressed;
- argued that Member States should be required to report on ILUC. The values in question reflect the best available science. The Commission cannot, however, accept the methodologies proposed in some of the amendments, because it believes them to be flawed;
- argued that suitable grandfathering provisions are needed to allow industry to adjust;
- stated that the 20% target for overall renewable share, the 10% transport target and the Fuel Quality Directive's 6% target are vital. The Commission would oppose attempts to reduce them;
- expressed strong reservations on increased multipliers for biofuels used to produce electricity for trains;
- called for a first-reading agreement before the end of the current parliamentary term; and
- argued that the constant evolution of scientific knowledge should not be used to block action that is already proven to be necessary.

The Rapporteur once more took the floor and:

- stated that biofuels policy is clearly having an impact on food prices and on the third world; and
- opposed those who wanted to delay tackling ILUC until 2020. ILUC is already having an impact.

III. VOTE

When it voted on 11 September 2013, the Parliament adopted 73 amendments (amendments 2, 4, 8, 11-13, 16-17, 22-25, 27, 29-30, 34-40, 49-50, 53-55, 58-62, 65-66, 69-72, 74-76, 88-89, 96-103, 106-107, 109, 111, 123-124, 126, 129, 133, 139, 149, 152-154, 164, 181, 183-186 and 189-190).

Fuel quality directive and renewable energy *I**

European Parliament legislative resolution of 11 September 2013 on the proposal for a directive of the European Parliament and of the Council amending Directive 98/70/EC relating to the quality of petrol and diesel fuels and amending Directive 2009/28/EC on the promotion of the use of energy from renewable sources (COM(2012)0595 – C7-0337/2012 – 2012/0288(COD))

(Ordinary legislative procedure: first reading)

The European Parliament,

- having regard to the Commission proposal to Parliament and the Council (COM(2012)0595),
 - having regard to Article 294(2) and Articles 192(1) and 114 of the Treaty on the Functioning of the European Union, pursuant to which the Commission submitted the proposal to Parliament (C7-0337/2012),
 - having regard to Article 294(3) of the Treaty on the Functioning of the European Union,
 - having regard to the opinion of the European Economic and Social Committee of 17 April 2013¹,
 - after consulting the Committee of the Regions,
 - having regard to Rule 55 of its Rules of Procedure,
 - having regard to the report of the Committee on the Environment, Public Health and Food Safety and the opinions of the Committee on Industry, Research and Energy, the Committee on Development, the Committee on International Trade, the Committee on Transport and Tourism, the Committee on Regional Development and the Committee on Agriculture and Rural Development(A7-0279/2013);
1. Adopts its position at first reading hereinafter set out;
 2. Calls on the Commission to refer the matter to Parliament again if it intends to amend its proposal substantially or replace it with another text;
 3. Instructs its President to forward its position to the Council, the Commission and the national parliaments.

¹ OJ C 198, 10.7.2013, p. 56.

Amendment 123

Proposal for a directive

Recital 1

Text proposed by the Commission

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

Amendment

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

Amendment 2

Proposal for a directive

Recital 2

Text proposed by the Commission

(2) In view of the Union's objectives to further reduce greenhouse gas emissions and the significant contribution that road transport fuels make to those emissions, Article 7a(2) of Directive 98/70/EC relating to the quality of petrol and diesel fuels and amending Council Directive 93/12/EC requires fuel suppliers to reduce

Amendment

(2) In view of the Union's objectives to further reduce greenhouse gas emissions and the significant contribution that road transport fuels make to those emissions, Article 7a(2) of Directive 98/70/EC relating to the quality of petrol and diesel fuels and amending Council Directive 93/12/EC requires fuel suppliers to reduce

by at least 6% by 31 December 2020 the life cycle greenhouse gas emissions per unit of energy ('greenhouse gas intensity') of fuels used in the Union by road vehicles, non-road mobile machinery, agricultural and forestry tractors and recreational craft when not at sea. The blending of biofuels *is one of* the methods available for fossil fuel suppliers to reduce the greenhouse gas intensity of the fossil fuels supplied.

by at least 6% by 31 December 2020 the life cycle greenhouse gas emissions per unit of energy ('greenhouse gas intensity') of fuels used in the Union by road vehicles, non-road mobile machinery, agricultural and forestry tractors and recreational craft when not at sea. The blending of ***zero or low greenhouse gas emissions biofuels and other fuels derived from unavoidable waste gas using carbon capture and utilisation for transport purposes are among*** the methods available for fossil fuel suppliers to reduce the greenhouse gas intensity of the fossil fuels supplied.

Amendment 4

Proposal for a directive

Recital 3 a (new)

Text proposed by the Commission

Amendment

(3a) Although Directives 98/70/EC and 2009/28/EC refer to 'biofuels and bioliquids', their provisions, including the relevant sustainability criteria, apply to all renewable fuels defined therein.

Amendment 124

Proposal for a directive

Recital 4

Text proposed by the Commission

Amendment

(4) Where pasture or agricultural land previously destined for the food, feed and fibre markets is diverted to biofuel production, the non-fuel demand will still need to be satisfied either through intensification of current production or by bringing non-agricultural land into production elsewhere. The latter case represents indirect land-use change and when it involves the conversion of high carbon stock land it can lead to significant greenhouse gas emissions. ***Directives***

(4) Where pasture or agricultural land previously destined for the food, feed and fibre markets is diverted to biofuel production, the non-fuel demand will still need to be satisfied either through intensification of current production or by bringing non-agricultural land into production elsewhere. The latter case represents indirect land-use change and when it involves the conversion of high carbon stock land it can lead to significant

98/70/EC and 2009/28/EC should therefore include provisions to address indirect land use change given that current biofuels are mainly produced from crops grown on existing agricultural land.

greenhouse gas emissions.

Amendment 126

Proposal for a directive Recital 4 b (new)

Text proposed by the Commission

Amendment

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

Amendment 8

Proposal for a directive Recital 5

Text proposed by the Commission

Amendment

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

(5) Based on forecasts of biofuel demand provided by the Member States and estimates of indirect land-use change emissions for different biofuel feedstocks greenhouse gas emissions linked to indirect land use change are significant, and ***will*** negate some or all of the greenhouse gas savings of individual biofuels. This is because ***land-based biofuels have received a large amount of public subsidies (EUR 10 billion a year) and therefore,*** almost the entire biofuel production in 2020 is expected to come from crops grown on land that could be used to satisfy food and feed markets. ***Furthermore, biofuel production from food crops contributes to food price volatility and may have a significant negative social impact on***

livelihoods and the ability to implement human rights including the right to food or access to land for local communities living in poverty in countries outside the Union. In order to reduce such emissions and such negative social impact and mitigate such negative effects on food security, it is appropriate to focus, in particular, on reducing the projected use of biofuels grown on land as well as taking into account indirect land-use change emissions when calculating the greenhouse gas emission savings required under the sustainability criteria set out in Directives 2009/28/EC and 98/70/EC. Furthermore, in order to find medium and long-term solutions, it is necessary to encourage research and development in new advanced biofuels sectors that are not in competition with food crops and to further study the impact of different groups of crops on both direct and indirect land-use changes.

Amendment 11

Proposal for a directive

Recital 6 a (new)

Text proposed by the Commission

Amendment

(6a) In order to ensure the efficiency of incentivising measures, particularly those aimed at promoting advanced biofuels, it is essential that the support policies and mechanisms established by Member States provide for the identification, authentication and quality control of biofuel volumes to prevent fraudulent or misleading claims about the origin of a biofuel product, and deter the submission of multiple declarations of biofuels volumes under two or more national systems or international accreditation schemes.

Amendment 12

Proposal for a directive Recital 6 b (new)

Text proposed by the Commission

Amendment

(6b) While biofuels and bioliquids produced from waste and residues have the potential to achieve high greenhouse gas emission savings while causing low adverse environmental, social and economic impacts, further assessment of their availability, benefits and risks is appropriate inter alia to inform post-2020 policy. At the same time, further information is needed about the energy security benefits of both conventional and advanced biofuels, particularly insofar as fossil fuels are directly or indirectly used for their production. A mandate should be given to the Commission to submit a report and, if appropriate, make proposals to the European Parliament and the Council in relation to these matters. The report should take into account the environmental, social and economic opportunity cost of using raw materials for purposes other than biofuel and bioliquid production in order to ensure that overall positive and adverse impacts are reflected in the report.

Amendment 13

Proposal for a directive Recital 6 c (new)

Text proposed by the Commission

Amendment

(6c) In all Member States, conventional and advanced biofuels of a consistent and high quality should be available. To help achieve this goal, the Commission should, as a matter of urgency, give a clear

mandate to the European Committee for Standardisation (CEN) for preparing technical performance standards for advanced biofuels and final fuel blends and, where necessary, for revising conventional biofuel standards to ensure that the quality of the final fuel product will not reduce the CO2 emissions performance or the overall operational performance of vehicles.

Amendment 129

Proposal for a directive

Recital 7

Text proposed by the Commission

(7) In order to ensure the long-term competitiveness of bio-based industrial sectors, and in line with the 2012 Communication ‘Innovating for Sustainable growth: A Bioeconomy for Europe’ and the Roadmap to a Resource Efficient Europe, promoting integrated and diversified biorefineries across Europe, enhanced incentives under Directive 2009/28/EC should be set in a way that gives preference to the use of biomass feedstocks that do not have a high economic value for other uses than biofuels.

Amendment

(7) In order to ensure the long-term competitiveness of bio-based industrial sectors, and in line with the 2012 Communication “Innovating for Sustainable growth: A Bioeconomy for Europe” and the Roadmap to a Resource Efficient Europe, promoting integrated and diversified biorefineries across Europe, enhanced incentives under Directive 2009/28/EC should be set in a way that gives preference to the use of biomass feedstocks that do not have a high economic value for other uses than biofuels ***or which do not impact on the environment in such a way as to compromise local ecosystems by depriving food crops of land and water.***

Amendment 16

Proposal for a directive

Recital 7 a (new)

(7a) Coherence between Directive 98/70/EC, Directive 2009/28/EC and legislation in other areas of Union policy should be improved in order to exploit synergies and improve legal certainty. Definitions of waste and residues for the purposes of Directive 98/70/EC and Directive 2009/28/EC should be harmonised with those established by Directive 2008/98/EC of the European Parliament and of the Council of 19 November 2008 on waste¹. The waste and residues streams listed in Directive 98/70/EC and Directive 2009/28/EC should be better identified by means of the waste codes in the European catalogue of waste established by Commission Decision 2000/532/EC of 3 May 2000 replacing Decision 94/3/EC establishing a list of wastes pursuant to Article 1(a) of Council Directive 75/442/EEC on waste and Council Decision 94/904/EC establishing a list of hazardous waste pursuant to Article 1(4) of Council Directive 91/689/EEC on hazardous waste² in order to facilitate the application of those Directives by competent authorities in the Member States. Promotion of biofuels and bioliquids in accordance with Directive 98/70/EC and Directive 2009/28/EC should be consistent with the objectives and purpose of Directive 2008/98/EC. In order to achieve the Union's goal to move towards a recycling society, the waste hierarchy set out in Article 4 of Directive 2008/98/EC should be fully implemented. With a view to facilitating this, the use of waste and residues for the production of biofuels and bioliquids should become part of the waste management plans and waste prevention programmes established by Member States in accordance with Chapter V of Directive 2008/98/EC. The application of Directive 98/70/EC and Directive 2009/28/EC should not jeopardise the full implementation of

¹ *OJ. L 312, 22.11.2008, p. 3.*

² *OJ L 226, 6.9.2000, p. 3.*

Amendment 17

Proposal for a directive Recital 8 a (new)

Text proposed by the Commission

Amendment

(8a) In promoting the development of the market in renewable energy carriers and fuels, account should be taken of their impact not only on climate but also on regional and local development opportunities and employment. Production of second-generation and advanced biofuels has the potential to create employment and generate growth, particularly in rural areas. The regions' energy self-sufficiency and security of supply are also objectives of the promotion of markets in renewable energy and fuels.

Amendment 183

Proposal for a directive Recital 10

Text proposed by the Commission

Amendment

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

(10) The **6 %** limit set up in Article 3(4)d does not affect the Member States' freedom to arrange their own trajectory as to compliance with this prescribed share of conventional biofuels within the overall 10% target. As a consequence, the access to the market of the biofuels produced by the installations in operation before the end

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

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

Amendment 133

Proposal for a directive Recital 10 a (new)

Text proposed by the Commission

Amendment

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

Amendment 22

Proposal for a directive Recital 11 a (new)

Text proposed by the Commission

Amendment

(11a) Member States should be allowed to channel financial resources currently deployed with a view to achieving, either wholly or in part, their share of energy from biofuels produced from cereal and other starch-rich crops, sugars, oil crops and other land-based energy crops into renewable energies – in particular wind, solar, wave and geothermal energy – that have demonstrated their renewability and sustainability.

Amendment 23

Proposal for a directive Recital 11 b (new)

Text proposed by the Commission

Amendment

(11b) Voluntary schemes recognised by the Commission are the main instruments that are used by economic operators to show compliance with the sustainability criteria set out in Article 7b of Directive 98/70/EC and Article 17 of Directive 2009/28/EC. However, there is a lack of criteria that those schemes need to comply with in order to obtain recognition. Clearer rules should therefore be laid down. Only schemes that provide effective mechanisms for guaranteeing the independence and reliability of audits and the involvement of local and indigenous communities should be considered as compliant with this Directive. Those schemes should further include clear and stringent rules on the exclusion of consignments of biofuels and bioliquids from the scheme in case of non-compliance with its provisions. In order to monitor and enforce the effective operation of the schemes, the Commission should be able to access and disclose all relevant documents that give rise to concerns about malpractices.

Amendment 24

Proposal for a directive Recital 11 c (new)

Text proposed by the Commission

Amendment

(11c) Directive 98/70/EC and Directive 2009/28/EC do not contain any provisions concerning the recognition process of those voluntary schemes, thereby failing to ensure they are effective in ensuring compliance with sustainability criteria

and transparent. It is therefore appropriate for the Commission to set mandatory minimum requirements for those schemes to be considered as giving presumption of compliance with sustainability criteria.

Amendment 25

Proposal for a directive

Recital 11 d (new)

Text proposed by the Commission

Amendment

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

Amendment 27

Proposal for a directive

Recital 11 e (new)

Text proposed by the Commission

Amendment

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

Amendments 29 and 139

Proposal for a directive Recital 14 a (new)

Text proposed by the Commission

Amendment

(14a) With a view to meeting the target for renewable energies in the transport sector while minimising the negative impacts of land-use change, renewable electricity, modal shift, greater use of public transport and energy efficiency should be encouraged. In line with the White Paper on Transport, Member States should therefore seek to secure greater energy efficiency and reduce overall energy consumption in transport and at the same time to enhance the market penetration of electric vehicles and the take-up of renewable electricity in transport systems.

Amendment 30

Proposal for a directive Recital 15

Text proposed by the Commission

Amendment

(15) The objectives of this Directive, ***to*** ensure a single market for fuel for ***road transport and non-road mobile machinery*** and ensure ***respect for*** minimum levels of environmental protection ***from use of this fuel***, cannot be sufficiently achieved by the Member States and can therefore 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 *the Functioning of the 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.

(15) The objectives of this Directive ***should*** ensure a single market for fuel for ***the transport sector*** and ensure ***that*** minimum levels of environmental protection ***are respected and adverse effects on food security and land-use rights are avoided in connection with the production and use of such fuel. Since these objectives*** cannot be sufficiently achieved by the Member States and can therefore 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 34

Proposal for a directive

Article 1 – point -1 (new)

Directive 98/70/EC

Article 2 – point 9 a (new)

Text proposed by the Commission

Amendment

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

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

Amendment 35

Proposal for a directive

Article 1 – point -1 a (new)

Directive 98/70/EC

Article 2 – point 9 b (new)

Text proposed by the Commission

Amendment

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

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

Amendment 36

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

Text proposed by the Commission

Amendment

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

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

Amendment 37

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

Text proposed by the Commission

Amendment

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

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

Amendment 38

Proposal for a directive
Article 1 – point -1 d (new)
Directive 98/70/EC
Article 3 – paragraph 3

Text proposed by the Commission

Amendment

-1d. In Article 3, paragraph 3 is replaced by the following:

‘3. Member States shall require suppliers to ensure the placing on the market of petrol with a maximum oxygen content of 2,7 % and a maximum ethanol content of 5 % until the end of 2018 and may require the placing on the market of such petrol for a longer period if they consider it necessary. They shall ensure the provision of appropriate information to consumers directly at the fuel filler pump concerning the biofuel content of petrol and, in particular, on the appropriate use of different blends of petrol. In this respect, the marking recommendations of EN228: 2012 shall be followed at all fuel filling stations across the Union.’

Amendment 39

Proposal for a directive
Article 1 – point -1 e (new)
Directive 98/70/EC
Article 4 – paragraph 1 – subparagraph 3

Text proposed by the Commission

Amendment

-1e. In Article 4(1), the third subparagraph is replaced by the following:

‘When the percentage of FAME blended in diesel exceeds 7% by volume, Member States shall ensure the provision of

appropriate information concerning the FAME content to consumers directly at the fuel filler pump.'

Amendment 40

Proposal for a directive

Article 1 – point 1 – point -a (new)

Directive 98/70/EC

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

Text proposed by the Commission

Amendment

(-a) the following subparagraph is added to paragraph 1:

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

Amendment 184/REV

Proposal for a directive

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

Directive 98/70/EC

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

Text proposed by the Commission

Amendment

(-aa) the following subparagraph is added to paragraph 2:

'Member States shall ensure that the maximum contribution of biofuels produced from cereal and other starch rich crops, sugars and oil crops or dedicated energy crops for the purpose of compliance with the target referred to in

the first subparagraph does not exceed the maximum contribution established in Article 3(4)(d) of Directive 2009/28/EC."

Amendment 49

Proposal for a directive

Article 1 – point 2 – point b a (new)

Directive 98/70/EC

Article 7 b – paragraph 4 a (new)

Text proposed by the Commission

Amendment

(ba) the following paragraph is inserted:

‘4a. Biofuels and bioliquids taken into account for the purposes referred to in paragraph 1 shall not be made from land-based raw material unless third parties’ legal rights regarding use and tenure of the land are respected, inter alia by obtaining the free prior and informed consent of the third parties, with the involvement of their representative institutions.’

Amendment 50

Proposal for a directive

Article 1 – point 2 – point b b (new)

Directive 98/70/EC

Article 7b – paragraph 7 – subparagraph 2

Text proposed by the Commission

Amendment

(bb) In paragraph 7, the first sentence of the second subparagraph is replaced by the following:

‘The Commission shall report every two years to the European Parliament and the Council on the impact on social sustainability in the Union and in third

countries of increased demand for biofuel, on the contribution of biofuel production to reducing the Union's shortage of vegetable protein and on the impact of Union biofuel policy on the availability of foodstuffs at affordable prices, in particular for people [...] in developing countries, and [...] wider development issues.'

Amendment 53

Proposal for a directive

Article 1 – point 2 a – point a (new)

Directive 98/70/EC

Article 7c – paragraph 3 – subparagraph 3

Text proposed by the Commission

Amendment

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

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

Amendment 54

Proposal for a directive

Article 1 – point 2 a – point b (new)

Directive 98/70/EC

Article 7c – paragraph 3 – subparagraph 5

Text proposed by the Commission

Amendment

(b) in paragraph 3, the fifth subparagraph is replaced by the following:

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

Amendment 55

Proposal for a directive

Article 1 – point 2 a – point c (new)

Directive 98/70/EC

Article 7 c – paragraph 4 – subparagraph 1

Text proposed by the Commission

Amendment

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

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

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

Amendment 58

Proposal for a directive

Article 1 – point 2 a – point d (new)

Directive 98/70/EC

Article 7c – paragraph 9 a (new)

Text proposed by the Commission

Amendment

(d) the following paragraph is added :

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

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

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

The Commission shall, if appropriate in light of the report, submit a proposal to the European Parliament and the Council for amending the provisions of this Directive relating to voluntary schemes with a view to promoting best practice.'

Amendment 59

Proposal for a directive
Article 1 – point 2 a – point e (new)
Directive 98/70/EC
Article 7c – paragraph 9 b (new)

Text proposed by the Commission

Amendment

(e) the following paragraph is added:

'9b. The Commission shall be empowered to adopt delegated acts pursuant to Article 10a concerning detailed rules governing independent verification and certification of compliance with the waste hierarchy established in Article 4 of Directive 2008/98/EC. Those delegated acts shall be adopted by 30 June 2016.'

Amendment 60

Proposal for a directive

Article 1 – point 3 – point -a (new)

Directive 98/70/EC

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

Text proposed by the Commission

Amendment

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

'For the purposes of Article 7a, from 2020 onwards the lifecycle greenhouse gas emissions from biofuels shall be calculated by adding the respective value in Annex V to the result obtained pursuant to the first subparagraph.'

Amendment 61

Proposal for a directive

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

Directive 2009/28/EC

Article 7d – paragraph 1 a (new)

Text proposed by the Commission

Amendment

(-aa) the following paragraph is inserted:

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

Amendment 62

Proposal for a directive
Article 1 – point 3 – point a
Directive 98/70/EC

Article 7d – paragraph 5 – subparagraph 1

Text proposed by the Commission

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

Amendment

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

Amendment 189

Proposal for a directive
Article 1 – point 3 – point a
Directive 98/70/EC

Article 7d – paragraph 6

Text proposed by the Commission

6. The Commission shall be empowered to adopt delegated acts pursuant to Article 10a concerning the adaptation to technical and scientific progress of Annex V, including the revision of the proposed crop group indirect land-use change values; the introduction of new values at further levels

Amendment

6. The Commission shall be empowered to adopt delegated acts pursuant to Article 10a concerning the adaptation to technical and scientific progress of Annex V, including the revision of the proposed crop group indirect land-use change values. **For the purpose of the evaluation of the**

of disaggregation; the inclusion of additional values should new biofuel feedstocks come to market as appropriate, review the categories of which biofuels are assigned zero indirect land-use change emissions; and the development of factors for feedstocks from non-food cellulosic and ligno-cellulosic materials.

economic models used to estimate such indirect land-use change values, the Commission, shall, in its review, include latest available information with regards to key assumptions influencing modelling results including measured trends in agricultural yields and productivity, co-product allocation and observed global land use change and deforestation rates. The Commission shall ensure that stakeholders are involved in such a review process. The first such review shall be concluded no later than 30 June 2016.

The Commission shall, if appropriate, propose new indirect land-use change values at further levels of disaggregation; the inclusion of additional values should new biofuel feedstocks come to market as appropriate, review the categories of which biofuels are assigned zero indirect land-use change emissions; and the development of factors for feedstocks from non-food cellulosic and ligno-cellulosic materials.

Amendment 65

Proposal for a directive

Article 1 – point 3 – point c a (new)

Directive 98/70/CE

Article 7d – paragraph 8 a (new)

Text proposed by the Commission

Amendment

(ca) the following paragraph is added:

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

Amendment 66

Proposal for a directive

Article 1 – point 5 a (new)

Directive 98/70/EC

Article 9 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

5a. In Article 9, the following paragraph is added:

‘2a. The Commission should keep under review the performance of biofuels under all seasonal conditions experienced across the Union to ensure that the quality of biofuels used in vehicles does not result in a deterioration of pollutant emissions, CO₂ or overall vehicle performance.

If necessary the Commission shall be empowered to adopt delegated acts pursuant to Article 10a concerning the adaptation to technical and scientific progress of Annex I or II of this Directive to introduce specific parameters, test limits and test methods.’

Amendment 149

Proposal for a directive

Article 1 – point 7

Directive 98/70/EC

Article 10 a (new)

Text proposed by the Commission

Amendment

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

2. The delegation of power referred to in Article 7a(5), the second subparagraph of Article 7b(3), Articles 7d(5), **7d(6)**, 7d(7), 8a(3) and 10(1) shall be conferred for an indeterminate period of time from the date of entry into force of this Directive.

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

2. The delegation of power referred to in Article 7a(5), the second subparagraph of Article 7b(3), Articles 7d(5), 7d(7), **7d(8b)**, 8a(3) and 10(1) shall be conferred for an indeterminate period of time from the date of entry into force of this Directive.

3. The delegation of powers referred to in Articles 7a(5), the second subparagraph of Article 7b(3), Articles 7d(5), **7d(6)**, 7d(7), 8a(3) and 10(1) may be revoked at any time by the European Parliament or by the Council. A decision of revocation shall put an end to the delegation of the power specified in that decision. It shall take effect the day following the publication of the decision in the Official Journal of the European Union or at a later date specified therein. It shall not affect the validity of any delegated acts already in force.

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

5. A delegated act adopted pursuant to Articles 7a(5), the second subparagraph of Article 7b(3), Articles 7d(5), **7d(6)**, 7d(7), 8a(3) and 10(1) shall enter into force only if no objection has been expressed either by the European Parliament or the Council within a period of 2 months of notification of that act to the European Parliament and the Council or if, before the expiry of that period, the European Parliament and the Council have both informed the Commission that they will not object. That period shall be extended by 2 months at the initiative of the European Parliament or the Council.

3. The delegation of powers referred to in Articles 7a(5), the second subparagraph of Article 7b(3), Articles 7d(5), 7d(7), **7d(8b)**, 8a(3) and 10(1) may be revoked at any time by the European Parliament or by the Council. A decision of revocation shall put an end to the delegation of the power specified in that decision. It shall take effect the day following the publication of the decision in the Official Journal of the European Union or at a later date specified therein. It shall not affect the validity of any delegated acts already in force.

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

5. A delegated act adopted pursuant to Articles 7a(5), the second subparagraph of Article 7b(3), Articles 7d(5), 7d(7), **7d(8b)**, 8a(3) and 10(1) shall enter into force only if no objection has been expressed either by the European Parliament or the Council within a period of 2 months of notification of that act to the European Parliament and the Council or if, before the expiry of that period, the European Parliament and the Council have both informed the Commission that they will not object. That period shall be extended by 2 months at the initiative of the European Parliament or the Council.

Amendment 69

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

Article 2 – point p a (new)

Text proposed by the Commission

Amendment

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

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

Amendment 70

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

Text proposed by the Commission

Amendment

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

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

Amendment 71

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

Text proposed by the Commission

Amendment

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

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

the main product.'

Amendment 72

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

Text proposed by the Commission

Amendment

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

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

Amendment 74

Proposal for a directive
Article 2 – point 1 e (new)
Directive 2009/28/EC
Article 2 – point p f (new)

Text proposed by the Commission

Amendment

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

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

Amendment 75

Proposal for a directive
Article 2 – point 1 f (new)
Directive 2009/28/EC
Article 2 – point p g (new)

Text proposed by the Commission

Amendment

If. In Article 2, the following point is added:

“(pg) ‘carbon capture and utilisation (CCU) for transport purposes’ means a process that captures carbon (CO/CO₂) rich waste and residues gas streams from non-renewable energy sources and transforms them into fuels that are used in the transport sector;”

Amendment 76

Proposal for a directive
Article 2 – point 1 g (new)
Directive 2009/28/EC
Article 2 – point p h (new)

Text proposed by the Commission

Amendment

Ig. In Article 2, the following point is added:

“(ph) ‘processing residue’ is a substance that is not the end product(s) that the production process directly seeks to produce. It is not a primary aim of the production process and the process has not been deliberately modified to produce it.”

Amendment 152/rev

Proposal for a directive

Article 2 – point 2 – point c – points -i and -ii (new)

Directive 2009/28/EC

Article 3 – paragraph 4

Text proposed by the Commission

Amendment

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

"Each Member State shall ensure that the share of energy from renewable sources in petrol in 2020 is at least 7,5% of the final consumption of energy in petrol in that Member State."

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

"In 2016, at least 0,5% of the final consumption of energy in transport shall be met with energy from advanced biofuels.

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

Amendment 181

Proposal for a directive

Article 2 – point 2 – point c – point ii

Directive 2009/28/EC

Article 3 – paragraph 4 – subparagraph 2 – point d

Text proposed by the Commission

Amendment

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

(d) for the calculation of biofuels in the numerator, the share of energy from biofuels produced from cereal and other starch rich crops, sugars, oil **and other energy** crops **grown on land** shall be no more than **6 %** of the final consumption of energy in transport in 2020.

The share of energy from advanced biofuels listed in part A and part C of Annex IX shall be no less than 2,5 % of the final consumption of energy in transport in 2020.

Amendment 185

Proposal for a directive

Article 2 – point 2 – point c – point iii

Directive 2009/28/EC

Article 3 – paragraph 4 – subparagraph 2 – point e

Text proposed by the Commission

"The contribution made by:

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

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

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

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

Amendment

"(e) The contribution made by:

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

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

(iii) **biofuels produced from feedstocks listed in Part C of Annex IX** shall be considered to be four times their energy content.

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

With a view to minimising the risk of single consignments being claimed more than once in the Union, Member States and the Commission shall endeavour to strengthen cooperation among national systems and between national systems and voluntary schemes established pursuant to Article 18, including where appropriate the exchange of data. To prevent materials from being intentionally modified in order to fall under Annex IX, Member States shall encourage the development and use of systems which track and trace feedstocks and the

resulting biofuels over the whole value chain. Member States shall ensure that when fraud is detected, appropriate action is taken.

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

The list of feedstock set out in Annex IX may be adapted to scientific and technical progress, in order to ensure a correct implementation of the accounting rules set out in this Directive. The Commission shall be empowered to adopt delegated acts in accordance with Article 25b concerning the list of feedstock set out in Annex IX"

Amendment 153

Proposal for a directive

Article 2 – point 2 – point c a (new)

Directive 2009/28/EC

Article 3 – paragraph 4 a (new)

Text proposed by the Commission

Amendment

(ca) the following paragraph 4a is added:

"4a. By [one year after the date on which this Directive enters into force], the Commission shall make recommendations for additional measures that Member State may take to promote and encourage energy efficiency and energy saving in transport. The recommendations shall include estimates of the quantity of energy that can be saved by implementing each of those measures. The energy quantity corresponding to the measures implemented by a Member State shall be taken into account for the purposes of the calculation referred to in point (b)."

Amendment 154

Proposal for a directive

Article 2 – point 2 a (new)

Directive 2009/28/EC

Article 4 – paragraph 3 a (new)

Text proposed by the Commission

Amendment

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

"3a. Each Member State shall publish and notify to the Commission by [one year after the date on which this Directive enters into force] a forecast document indicating the additional measures it intends to take in accordance with Article 3(4a)"

Amendment 88

Proposal for a directive
Article 2 – point 4 a (new)
Directive 2009/28/EC

Article 15 – paragraph 2 – subparagraph 4

Text proposed by the Commission

Amendment

4a. In Article 15(2), the fourth subparagraph is replaced by the following:

‘The guarantee of origin shall have no function in terms of a Member State’s compliance with Article 3(1). Transfers of guarantees of origin, separately or together with the physical transfer of energy, shall have no effect on the decision of Member States to use statistical transfers, joint projects or joint support schemes for target compliance or on the calculation of the gross final consumption of energy from renewable sources in accordance with Article 5.’

Amendment 89

Proposal for a directive

Article 2 – point 5 – point -a (new)

Directive 2009/28/EC

Article 17 – paragraph 1 – subparagraph 1 – introductory part

Text proposed by the Commission

Amendment

(-a) in paragraph 1, the introductory part of the first subparagraph is replaced by the following:

'1. Irrespective of whether the raw materials were cultivated inside or outside the territory of the Community, energy from biofuels and bioliquids shall be taken into account for the purposes referred to in points (a), (b) and (c) only if they fulfil the sustainability criteria set out in paragraphs 2 to 7 and do not exceed contributions set out in Article 3(4)(d):'

Amendment 96

Proposal for a directive

Article 2 – point 5 – point b a (new)

Directive 2009/28/EC

Article 17 – paragraph 4 e (new)

Text proposed by the Commission

Amendment

(ba) the following paragraph is inserted:

'4e. Biofuels and bioliquids taken into account for the purposes referred to in paragraph 1(a), (b) and (c) shall not be made from land-based raw material unless third parties' legal rights regarding use and tenure of the land are respected, inter alia by obtaining the free prior and informed consent of the third parties, with the involvement of their representative institutions.'

Amendment 97

Proposal for a directive

Article 2 – point 5 – point b b (new)

Directive 2009/28/EC

Article 17 – paragraph 5 a (new)

Text proposed by the Commission

Amendment

(bb) the following paragraph is inserted:

'5a. Raw materials used for biofuels and bioliquids for the purposes of paragraph 1 shall be produced through sustainable land management practices.'

Amendment 98

Proposal for a directive

Article 2 – point 5 a (new)

Directive 2009/28/EC

Article 18 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

5a. In Article 18, the following paragraph is inserted:

'2a. Eurostat shall gather and publish detailed trade related information on biofuels produced from food crops, such as those based on cereals and other starch rich crops, sugars and oil crops. Available information shall be disaggregated trade data for both ethanol and biodiesel as current data is published in an aggregated format with ethanol and biodiesel imports and exports combined under one data set labelled biofuels. Import and export data shall identify the type and volumes of biofuels imported and consumed by Member States. Data shall also include the country of origin or the country exporting those products into the Union.'

Data on the import and export of biofeedstock or semi-processed products shall be improved with Eurostat gathering and publishing information on import or export of feedstocks, type and country of origin, including internally traded feedstocks or semi-traded feedstocks.'

Amendment 99

Proposal for a directive

Article 2 – point 5 b (new)

Directive 2009/28/EC

Article 18 – paragraph 2 b (new)

Text proposed by the Commission

Amendment

5b. In Article 18, the following paragraph is inserted:

'2b. Eurostat shall gather and publish detailed employment information on the numbers, duration and salaries associated with direct, indirect and induced employment generated by the Union's biofuels industry. The European Commission should develop an agreed methodology for measuring jobs which should systematically assess and monitor employment levels in member states and at Union level. Employment figures should be disaggregated by ethanol and biodiesel sectors and clearing identifying the location of the job within the biofuel supply chain. Currently biofuel employment data is not included in official statistics with the employment estimates available to policy-makers varying depending on the underlying definition or methodology adopted by the particular study, the job counting approach applied, and the extent to which studies link agricultural activity to the biofuels industry. A formal process requiring employment figures to be supported by underlying data and transparent assumptions would improve

the availability of information.'

Amendment 100

Proposal for a directive
Article 2 – point 5 c (new)
Directive 2009/28/EC

Article 18 – paragraph 4 – subparagraph 1

Text proposed by the Commission

Amendment

5c. In Article 18(4), the first subparagraph is replaced by the following:

'4. The Union shall endeavour to conclude bilateral or multilateral agreements with third countries containing *mandatory commitments on provisions on sustainability criteria that correspond to those of this Directive. Such agreements should also set out rules in order to ensure that third countries' customs procedures do not lead to fraud related to the import and export of biofuels and bioliquids, as well as on provisions on trade facilitation. The Union shall also endeavour to conclude agreements with third countries containing commitments on the ratification and enforcement of ILO Conventions and MEAs as referred to in Article 17(7). Where the Union has concluded agreements containing mandatory commitments on provisions relating to matters covered by the sustainability criteria set out in Article 17(2) to (7), the Commission may decide that those agreements demonstrate that biofuels and bioliquids produced from raw materials cultivated in those countries comply with the sustainability criteria in question. When those agreements are concluded, due consideration shall be given to measures taken for the conservation of areas that provide, in critical situations, basic*

ecosystem services (such as watershed protection and erosion control), for soil, water and air protection, indirect land-use changes, the restoration of degraded land, the avoidance of excessive water consumption in areas where water is scarce and to the issues referred to in the second subparagraph of Article 17(7).'

Amendment 101

Proposal for a directive

Article 2 – point 6

Directive 2009/28/EC

Article 18 – paragraph 4 – subparagraph 2

Text proposed by the Commission

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 17(2) or demonstrate that consignments of biofuel or bioliquid comply with the sustainability criteria set out in Article 17(3) to (5). The Commission may decide that those schemes contain accurate data for the purposes of information on measures taken for the conservation of areas that provide, in critical situations, basic ecosystem services (such as watershed protection and erosion control), for soil, water and air protection, the restoration of degraded land, the avoidance of excessive water consumption in areas where water is scarce and on the issues referred to in the second subparagraph of Article 17(7). 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 17 (3)(b)

Amendment

The Commission *shall* decide that voluntary national or international schemes setting standards for the production of biomass products contain accurate data for the purposes of Article 17(2) or demonstrate that consignments of biofuel or bioliquid comply with the sustainability criteria set out in Article 17(3) to (5a), **and that no materials have been intentionally modified in order to be covered by Article 3(4)(e)(i) to (iii)**. The Commission may decide that those schemes contain accurate data for the purposes of information on measures taken for the conservation of areas that provide, in critical situations, basic ecosystem services (such as watershed protection and erosion control), for soil, water and air protection, the restoration of degraded land, the avoidance of excessive water consumption in areas where water is scarce and on the issues referred to in the second subparagraph of Article 17(7). 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

(ii).

International Union for the Conservation of Nature for the purposes of Article 17 (3)(b) (ii).

Amendment 102

Proposal for a directive
Article 2 – point 6 a (new)
Directive 2009/28/EC

Article 18 – paragraph 4 – subparagraph 2 a (new)

Text proposed by the Commission

Amendment

6a. In Article 18 (4), the following subparagraph is inserted after the second subparagraph:

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

Amendment 103

Proposal for a directive
Article 2 – point 6 b (new)
Directive 2009/28/EC

Article 18 – paragraph 9 a (new)

Text proposed by the Commission

Amendment

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

'9a. By three years [from the entry into force of this Directive] the Commission shall submit a report to the European Parliament and the Council reviewing the operation of voluntary schemes for which a decision under paragraph 4 has been

adopted and identifying best practices. The report shall be based on the best information available, including from consultation with stakeholders, and shall be based on practical experience in the application of the schemes. The report shall take into account the evolution of relevant internationally recognised standards and guidelines, including those developed by the International Organization for Standardization and the ISEAL Alliance. In relation to each scheme, the report shall analyse, inter alia, the following:

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

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

Amendment 106

Proposal for a directive

Article 2 – point 7 – point -a (new)

Directive 2009/28/EC

Article 19 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

(-a) the following paragraph is inserted:

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

Amendments 107 and 190

Proposal for a directive

Article 2 – point 7 – point c

Directive 2009/28/EC

Article 19 – paragraph 6

Text proposed by the Commission

Amendment

6. The Commission shall be empowered to adopt delegated acts pursuant to Article 25(b) concerning the adaptation to technical and scientific progress of Annex VIII, including the revision of the proposed crop group indirect land-use change values; the introduction of new values at further levels of disaggregation (*i.e. at a feedstock level*); the inclusion of additional values should new biofuel feedstocks come to market as appropriate; and the development of factors for feedstocks from non-food cellulosic and ligno-cellulosic materials.

6. The Commission shall be empowered to adopt delegated acts pursuant to Article 25b concerning the adaptation to technical and scientific progress of Annex VIII, including the revision of the proposed crop group indirect land-use change values. *For the purpose of the evaluation of the economic models used to estimate such indirect land-use change values, the Commission, shall, in its review, include latest available information with regards to key assumptions influencing modelling results including measured trends in agricultural yields and productivity, co-product allocation and observed global land use change and deforestation rates. The Commission shall ensure that*

stakeholders are involved in such review process. The first such review shall be concluded no later than 30 June 2016.

The Commission shall, if appropriate, propose new indirect land-use change values at further levels of disaggregation; the inclusion of greenhouse gas emissions resulting from the transport of raw materials; the inclusion of additional values should new biofuel feedstocks come to market as appropriate; and the development of factors for feedstocks from non-food cellulosic and ligno-cellulosic materials.

The Commission shall be empowered to adopt delegated acts pursuant to Article 25b to set out in Annex VIII values for indirect land-use change emissions for feedstocks from non-food cellulosic and ligno-cellulosic materials and shall include those values in the method for calculating the greenhouse gas impact of biofuels and bioliquids provided for in this Article. Those delegated acts shall be adopted by 30 June 2016.

Amendment 109

Proposal for a directive

Article 2 – point 9 a (new)

Directive 2009/28/EC

Article 23 – paragraph 8 a (new)

Text proposed by the Commission

Amendment

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

‘8a. By 31 December 2015 the Commission shall submit a report on the positive and negative environmental and economic impacts of biofuels produced from waste, residues, co-products or non-land using feedstocks. The environmental impacts to be assessed shall include greenhouse gas emissions, biodiversity,

water, and soil fertility. The potential or forfeited benefits of using these feedstocks for other purposes, in particular the manufacture of products, shall be taken into account. The economic impacts to be assessed shall include production costs, the opportunity cost of using the feedstocks for other purposes and the life-cycle energy return on investment that may be obtained from using the feedstocks to produce advanced biofuels and bioliquids.'

Amendment 111

Proposal for a directive Article 3

Text proposed by the Commission

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

Amendment

The Commission shall, before 31 December 2017, submit a report to the European Parliament and to the Council reviewing, on the basis of the best latest available scientific evidence, the effectiveness of the measures introduced by this Directive in limiting indirect land-use change greenhouse gas emissions associated with the production of biofuel and bioliquids. The report shall, if appropriate, be accompanied by a legislative proposal based on the best available scientific evidence, for introducing estimated indirect land use change emissions factors into the appropriate sustainability criteria to be applied from 1st January 2021.

The report shall also include a review of the effectiveness of the incentives provided for biofuels from non-land using feedstocks and non-food crops under Article 3(4)d of Directive 2009/28/EC. ***It shall include an assessment of the***

availability of such biofuels and of their environmental, economic and social impacts. It shall inter alia assess the impact of biofuel production on the availability of wood as a resource and on sectors using biomass.

The report shall, if appropriate, be accompanied by a legislative proposal for establishing appropriate sustainability criteria for biofuels from non-land using feedstocks and non-food crops.

Investors shall take into account that biofuel production technologies are still under development and further measures to mitigate negative impacts may be adopted at a later stage.

Amendment 164

Proposal for a directive

Annex 2 – point 2

Directive 2009/28/EC

Annex VIII (new)

Text proposed by the Commission

Amendment

(2) The following Annex VIII is added:

deleted

"Annex VIII

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

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

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

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

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

b) feedstocks whose production has led to direct land use change, i.e. a change from one of the following IPCC land cover categories; forest land, grassland, wetlands, settlements, or other land, to cropland or perennial cropland¹. In such a case a "direct land use change emission value (e_1) should have been calculated in accordance to Part C, paragraph 7 of Annex V."

¹ OJ L 273, 10.10.2002, p. 1

Amendment 186

Proposal for a directive

Annex II – point 3

Directive 2009/28/EC

Annex IX

Text proposed by the Commission

(3) The following Annex IX is added:

"Annex IX

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

(a) Algae

(b) Biomass fraction of mixed municipal

Amendment

(3) The following Annex IX is added:

"Annex IX

Part A. Feedstocks **from waste and residues** whose contribution towards the target referred to in Article 3(4) shall be considered to be **once** their energy content **and which contribute towards the 2,5% target referred to in Article 3(d)(i)**

(b) Biomass fraction of mixed municipal

waste, but not separated household waste subject to recycling targets under Article 11(2)(a) of Directive 2008/98/EC of the European Parliament and of the Council of 19 November 2008 on waste and repealing certain Directives.

(c) **Biomass** fraction of industrial waste.

(d) Straw.

(e) Animal manure and sewage sludge.

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

(g) Tall oil pitch.

(h) Crude glycerine.

(i) Bagasse.

(j) Grape marcs and wine lees.

(k) Nut shells.

(l) Husks.

(m) Cobs

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

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

(a) Used cooking oil.

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

(c) Non-food cellulosic material.

waste, but not separated household waste subject to recycling targets **or separate collection** under Article 11(1) and (2)(a) of Directive 2008/98/EC of the European Parliament and of the Council of 19 November 2008 on waste and repealing certain Directives; **derogations may be granted by Member States for separate biowaste where processes allow the production of both compost and biofuels.**

(c) **Biodegradable** fraction of industrial, **retail and wholesale** waste, **but not waste subject to separate collection under Article 11(1) of Directive 2008/98/EC, and provided that the waste hierarchy and the principle of cascading use are respected.**

(d) Straw.

(e) Animal manure and sewage sludge.

(g) Tall oil pitch.

(h) Crude glycerine.

(i) Bagasse.

(j) Grape marcs and wine lees.

(k) Nut shells.

(l) Husks.

(m) Cobs

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

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

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

(a) Used cooking oil.

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

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

Part C. Feedstocks whose contribution towards the target referred to in Article 3(4) shall be considered to be four times their energy content and which contribute towards the 2,5% target referred to in Article 3(d)(i)

(a) Algae (autotrophic).

(b) Renewable liquids and gaseous fuels of non-biological origin.

(c) Carbon Capture and Utilisation for transport purposes.

(d) Bacteria."