



Council of the
European Union

Brussels, 20 December 2017
(OR. en)

15893/17

**Interinstitutional File:
2016/0382(COD)**

**ENER 522
CLIMA 357
CONSOM 407
TRANS 571
AGRI 710
IND 384
ENV 1082
CODEC 2114**

OUTCOME OF PROCEEDINGS

From:	General Secretariat of the Council
To:	Delegations
No. prev. doc.:	15236/17 ENER 486 CLIMA 335 CONSOM 383 TRANS 532 AGRI 666 IND 352 ENV 1015 CODEC 1969 +COR1 +ADD1 +ADD1COR1
No. Cion doc.:	15120/1/17 ENER 417 CLIMA 168 CONSOM 298 TRANS 479 AGRI 650 IND 261 ENV 757 IA 130 CODEC 1802 REV 1 (en) + ADD 1 REV 1 (en)
Subject:	Proposal for a DIRECTIVE OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL on the promotion of the use of energy from renewable sources (recast)

On 18 December 2017, the Council agreed on a general approach on the above proposal, on the basis of the documents ST 15236/17 +ADD1 +COR1 +ADD1COR1, complemented by the changes as reflected in the Annex.

N.B. Proposed changes compared to doc. 15236/17 + COR 1 are reflected in **underlined bold text**.

- On p. 33, a new recital 64ter is added that reads:

"(64ter) In light of climatic constraints that limit the possibility to consume certain types of biofuels due to environmental, technical and health concerns, and due to the size and structure of the fuel market, it is appropriate that Cyprus and Malta should, for the purposes of demonstrating compliance with national renewable energy obligations placed on fuels suppliers, be allowed to take into account these inherent limitations."

- On p. 52, point (gg) should read:

"(gg) 'fuel supplier' means the entity supplying fuel to the market that is responsible for passing fuel [] through an excise duty point or, in case of electricity or where no excise is due or when it is duly justified, any other relevant entity designated by a Member State;"

- On p. 92, Article 25(1) third sub-paragraph should read:

"Within this total share, the contribution of renewable electricity shall be considered to be 5 times its energy content when supplied to road vehicles and 2 times the energy content when supplied to rail transport."

- On p. 93, Article 25(1) seventh sub-paragraph should read:

"For the calculation of a Member State's gross final consumption of energy from renewable energy sources set out in Article 7 and the share set out in the first sub-paragraph of this Article, 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. Member States may set a lower limit and may distinguish for the purposes of Article 26(1) between types of biofuels, bioliquids and biomass fuels produced from food and feed crops, based on categories set out in Annex VIII, 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 impact. In case a Member State decides to limit the contribution from biofuels produced from food and feed crops to a share lower than 7%, that Member State may accordingly reduce the overall share referred to in the first subparagraph."

- On p. 105, Article 26(8) second sub-paragraph should read:

"For the purposes of points (a) and (b) of paragraph 1, this provision shall only apply to installations starting operation or converted to biomass fuels 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 year after date of adoption of this Directive]."