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NOTE

From:	General Secretariat of the Council
To:	Delegations
No. Cion doc.:	15120/1/16 REV 1
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) - Preparation of second trilogue

Delegations will find in Annex an updated four-column table. At the meeting of the Working Party on Energy on 7 March, delegations will be invited to indicate their opinion (in particular on the draft Presidency compromise suggestions in the fourth column in Art. 15-19 and Art. 23-24), in order to prepare the Coreper meeting scheduled for 21 March. Delegations may send written comments by 8 March the latest.

FOURTH COLUMN *explanations*

The **fourth column** contains Presidency compromise suggestions. In that column, ***bold italics*** text indicates text as it was proposed by the EP.

Bold text indicates compromise text proposed by the Presidency in response to EP amendments.

Underlined bold text (normal or *italics*) indicates new text as compared to the previous (Coreper) document (5905/18).

Where the fourth column is marked "*Maintain Council GA*", at this stage, Council maintains its General Agreement position as reflected in the third column.

"*To be discussed with EP*" means that further explanations are sought from the EP *or* that Council is open to discuss the amendment with the EP, without prejudice to Council's ulterior position on that amendment.

"*Accepted*" means that the EP amendment, or part thereof, was already accepted or addressed in the Council GA; hence, the Council's GA will be maintained.

"Accept", "Accept with changes" or *"Accept in part"* indicates where the Presidency proposes to accept amendments, or parts thereof, proposed by the EP.

N.B. Compromise suggestions for the Recitals are provisional and are always subject to alignment with the corresponding provisions in the Articles.

N.B. Amendment proposals to the Annexes have not been subject to discussion among Member States yet, therefore they do not contain Presidency compromise suggestions.

*N.B. Where footnotes from the Commission proposal remain unchanged across the four columns, the footnote is only reproduced once; such deleted footnotes are marked with *.*

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

COMISSION PROPOSAL (COD 2016/0382- doc. 15120/16)	**EP PLENARY TEXT** Provisional text (adopted 17/1/2018)	**COUNCIL GENERAL APPROACH** (doc. 15236/17 + COR1 + doc. 15893/17)	**Compromise proposals**
RECITALS			
(1) Directive 2009/28/EC of the European Parliament and of the Council[1] has been substantially amended several times[2]. Since further amendments are to be made, that Directive should be recast in the interests of clarity.		*Commission proposal unchanged*	***N.B. any compromise proposals for the recitals are <u>provisional</u>, and without prejudice to any alignment with the content of the Articles that may prove necessary.***
(2) Promoting renewable forms of energy is one of the goals of the Union energy policy. The increased use of energy from renewable sources, together with energy savings and increased energy efficiency, constitutes an important part of the package of measures needed to reduce greenhouse gas emissions and comply with the 2015 Paris Agreement on Climate Change, and the Union 2030 energy and climate framework,	**AM 2** (2) Promoting renewable forms of energy is one of the goals of the Union energy policy ***in accordance with Article 194(1) of the Treaty on the Functioning of the European Union (TFEU)***. The increased use of energy from renewable sources, together with energy savings and increased energy efficiency, constitutes the essential part of the package of measures needed to reduce greenhouse gas emissions and comply ***with the Union's commitment***	(2) Promoting renewable forms of energy is one of the goals of the Union energy policy **that is pursued by this Directive**. **Simultaneously this Directive pursues the environmental objectives of preserving, protecting and improving the quality of environment, of protecting human health and of a prudent and rational utilisation of natural resources through the development of new and renewable forms of energy. As**	*Accept in part (see also (2bis)):* (2) Promoting renewable forms of energy is one of the goals of the Union energy policy**, *in accordance with Article 194(1) of the Treaty on the Functioning of the European Union (TFEU)*, that is pursued by this Directive**. **Simultaneously this Directive pursues the environmental objectives of preserving, protecting and improving the quality of environment, of protecting human health and of a prudent and rational**

[1] Directive 2009/28/EC of the European Parliament and of the Council of 23 April 2009 on the promotion of the use of energy from renewable sources and amending and subsequently repealing Directives 2001/77/EC and 2003/30/EC (OJ L 140, 5.6.2009, p. 16).

[2] See Annex XI, Part A.

including the binding target to cut emissions in the Union by at least 40% below 1990 levels by 2030. It also has an important part to play in promoting the security of energy supply, technological development and innovation and providing opportunities for employment and regional development, especially in rural and isolated areas or regions with low population density.	***under*** the 2015 Paris Agreement on Climate Change ***following the 21st Conference of the Parties to the United Nations Framework Convention on Climate Change (COP 21) (the 'Paris Agreement')***, and the ***necessity to reach net-zero emission domestically by 2050 at the latest***. It also has ***a fundamental*** part to play in promoting the security of energy supply, ***sustainable energy at affordable prices***, technological development and innovation ***as well as technological and industrial leadership while*** providing ***environmental, social and health benefits as well as major*** opportunities for employment and regional development, especially in rural and isolated areas, ***in*** regions with low population density and ***in territories undergoing partial deindustrialisation.***	**regards this Directive both sets of objectives are indissociably linked while none is secondary or indirect to the other.** The increased use of energy from renewable sources constitutes an important part of the package of measures needed to reduce greenhouse gas emissions and comply with the 2015 Paris Agreement on Climate Change, and the Union 2030 energy and climate framework, including the binding target to cut emissions in the Union by at least 40% below 1990 levels by 2030. **The Union's binding renewable energy target for 2030, Member States contributions to the latter target, including their baseline scenarios resuming their national overall targets for 2020, are among the elements which have an overarching importance for the Union's energy and environmental policy. Other such elements of overarching importance are for instance contained in this Directive's framework for developing renewable heating and cooling and for the development of renewable transport fuels.**	**utilisation of natural resources through the development of new and renewable forms of energy. As regards this Directive both sets of objectives are indissociably linked while none is secondary or indirect to the other.** The increased use of energy from renewable sources constitutes an important part of the package of measures needed to reduce greenhouse gas emissions and comply with ***the Union's commitment under*** the 2015 Paris Agreement on Climate Change, ***following the 21st Conference of the Parties to the United Nations Framework Convention on Climate Change (COP 21) (the 'Paris Agreement')***, and the Union 2030 energy and climate framework, including the binding target to cut emissions in the Union by at least 40% below 1990 levels by 2030. **The Union's binding renewable energy target for 2030, Member States contributions to the latter target, including their baseline scenarios resuming their national overall targets for 2020, are among the elements which have an overarching importance for the Union's energy and environmental policy. Other such elements of overarching importance are for instance contained in this Directive's framework for developing renewable heating and cooling and for the development of renewable**

			transport fuels.
		(2bis) [ ] The increased use of energy from renewable sources also has an important part to play in promoting the security of energy supply, technological development and innovation and providing opportunities for employment and regional development, especially in rural and isolated areas or regions with low population density .	*\Accept (part of AM2):* **(2bis) The increased use of energy from renewable sources** also has ***a fundamental*** part to play in promoting the security of energy supply, ***sustainable energy at affordable prices***, technological development and innovation ***as well as technological and industrial leadership while*** providing ***environmental, social and health benefits as well as major*** opportunities for employment and regional development, especially in rural and isolated areas, ***in*** regions with low population density and ***in territories undergoing partial deindustrialisation.***
	AM 3 ***(2a) The Paris Agreement substantially increased the level of global ambition on climate change mitigation, with signatories committing to holding the increase in the global average temperature to well below 2°C above pre-industrial levels and to pursuing efforts to limit the temperature increase to 1,5°C above pre-industrial levels. The Union needs to prepare for much deeper and faster cuts in emissions than previously foreseen, in order to shift to a highly energy efficient and renewables-based energy system at the latest by 2050. At the same time, such reductions are***		*To be discussed with EP (see also Governance Regulation)*

	feasible at a lower cost than previously assessed, given the pace of development and deployment of renewable energy technologies such as wind and solar.		
(3) In particular, increasing technological improvements, incentives for the use and expansion of public transport, the use of energy efficiency technologies and the promotion of the use of energy from renewable sources in the electricity, heating and cooling sectors as well as in the transport sector are very effective tools, together with energy efficiency measures, for reducing greenhouse gas emissions in the Union and the Union's dependence on imported gas and oil.	**AM 4** (3) In particular, ***reducing energy consumption,*** increasing technological improvements, ***expanding*** public transport, the use of energy efficiency technologies and the promotion of the use of energy from renewable sources in the electricity, heating and cooling sectors as well as in the transport sector are very effective tools, together with energy efficiency measures for reducing greenhouse gas emissions in the Union and the Union's ***energy dependence***.	*Commission proposal unchanged*	*Accept in part:* (3) In particular, ***reducing energy consumption,*** increasing technological improvements, incentives for the use and expansion of public transport, the use of energy efficiency technologies and the promotion of the use of energy from renewable sources in the electricity, heating and cooling sectors as well as in the transport sector are very effective tools, together with energy efficiency measures for reducing greenhouse gas emissions in the Union and the Union's ***energy dependence***.
(4) Directive 2009/28/EC established a regulatory framework for the promotion of the use of energy from renewable sources which set binding national targets on the share of renewable energy sources in energy consumption and transport to be met by 2020. Commission Communication of 22 January 2014[3] established a framework for future Union energy and climate policies and promoted a common understanding of how to	**AM 5** (4) Directive 2009/28/EC established a regulatory framework for the promotion of the use of energy from renewable sources which set binding national targets on the share of renewable energy sources in energy consumption and transport to be met by 2020.	*Commission proposal unchanged*	*Maintain Council general approach (GA)*

[3] "A policy framework for climate and energy in the period from 2020 to 2030" (COM/2014/015 final).

develop those policies after 2020. The Commission proposed that the Union 2030 target for the share of renewable energy consumed in the Union should be at least 27%.			
(5) The European Council of October 2014 endorsed that target, indicating that Member States may set their own more ambitious national targets.	**AM 6** ***deleted***	(5) The European Council of October 2014 endorsed that target, indicating that Member States may set their own more ambitious national targets **in order to deliver on their planned contributions to the Union 2030 target and go beyond them**.	*Maintain Council GA*
(6) The European Parliament, in its Resolutions on "A policy framework for climate and energy in the period from 2020 to 2030" and on "the Renewable energy progress report", has favoured a binding Union 2030 target of at least 30% of total final energy consumption from renewable energy sources, stressing that that target should be implemented by means of individual national targets taking into account the individual situation and potential of each Member State.	**AM 7** (6) The European Parliament, in its ***resolution of 5 February 2014*** on "A ***2030*** framework for climate and energy ***policies*****",** favoured a binding Union 2030 target of at least 30 % of total final energy consumption from renewable energy sources, stressing that that target should be implemented by means of individual national targets taking into account the individual situation and potential of each Member State. ***In its resolution of 23 June 2016 on "The renewable energy progress report", the European Parliament went further, noting its previous position regarding a Union target of at least 30 % and stressing that, in light of the Paris Agreement and the recent renewable technology costs reductions, it was desirable to be significantly more ambitious.***	*Commission proposal unchanged*	*To be discussed with EP*

	AM 8 ***(6a) The ambition set out in the Paris Agreement and technological developments, including cost reductions for investments in renewable energy, should therefore be taken into account.***		*Accept*
(7) It is thus appropriate to establish a Union binding target of at least 27% 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].	**AM 324** (7) It is thus appropriate to establish a Union binding target of at least ***35%*** share of renewable energy ***to be accompanied by national targets***. Member States should ***only exceptionally be allowed to deviate from the foreseen level*** of their ***target by a maximum of 10% in duly substantiated, measurable and verifiable circumstances, based on objective and non-discriminatory criteria***.	*Commission proposal unchanged*	*Maintain Council GA*
	AM 10 ***(7a) Member States' renewable energy targets should be set taking into account the obligations set out in the Paris Agreement, the high potential that still exists for renewable energy and the investments necessary to realise the energy transition.***		*Maintain Council GA*

	AM 11 ***(7b) The translation of the Union's 35 % target into individual targets for each Member State, should be effected with due regard to a fair and adequate allocation, taking account of Member States' GDP and the different starting points and potentials, including the level of energy from renewable sources to be reached by 2020.***		*Maintain Council GA*
(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.	**AM 12** (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.	*Commission proposal unchanged*	*Maintain Council GA*

	AM 13 ***(8a) The Member States should consider the extent to which the use of different types of energy sources is compatible with the target of limiting warming to 1,5°C above pre-industrial levels, and compatible with the goal of a fossil-free economy and at the same time a low-carbon economy. The Commission should assess the contribution to those goals of different types of renewable energy sources based on the payback period and results compared to fossil fuels and to consider proposing a maximum allowable payback period as a sustainability criterion, in particular for ligno-cellulosic biomass.***		*To be discussed with EP*
(9) The national targets set for 2020 should constitute Member States' minimum contribution to the new 2030 framework. Under no circumstances the national share of renewables should fall below such contribution and, in case this happens, the relevant Member States should take the appropriate measures to ensure that this baseline is maintained as well as contribute to the financial instrument referred to in Regulation [Governance].		(9) **In order to ensure the consolidation of the results achieved under Directive 2009/28/EC,** the national targets set for 2020 should constitute Member States' minimum contribution to the new 2030 framework. **Under no circumstances the national share of renewables should fall below such contribution and in that** case **[ ]**, the relevant Member States should take the appropriate measures to ensure that this baseline is maintained **[ ] as set out** in Regulation [Governance]. **If a Member State does not maintain its baseline share as measured over a**	

		one-year period, it should, within one year, take additional measures to cover this gap to its baseline scenario. Where a Member State has effectively taken such necessary measures and fulfilled its obligation to cover the gap, it should be deemed to comply with the mandatory requirements of its base-line scenario as from the moment in time when the gap in question occurred and both under this Directive and under Regulation [Governance]. The Member State in question therefore cannot be considered to have failed to fulfil its obligation to maintain its baseline share for the period in time where the gap occurred. Both the 2020 and 2030 frameworks indissociably serve the environmental and energy policy objectives of the Union.	
(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	**AM 14** ***deleted***	*Commission proposal unchanged*	*Maintain Council GA*

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.			
(11) In order to support Member States' ambitious contributions to the Union target, a financial framework aiming to facilitate investments in renewable energy projects in those Member States should be established, also through the use of financial instruments.		*Commission proposal unchanged*	
(12) The Commission should focus the allocation of funds on the reduction of the cost of capital of renewables projects, which has a material impact on the cost of renewable energy projects and on their competitiveness.		(12) The Commission should focus the allocation of funds on the reduction of the cost of capital of renewables projects, which has a material impact on the cost of renewable energy projects and on their competitiveness**, as well as to the development of essential infrastructure for an enhanced technically and economically affordable uptake of renewable energy such as transmission and distribution grid infrastructure, intelligent networks and interconnections**.	

(13) The Commission should facilitate the exchange of best practices between the competent national or regional authorities or bodies, for instance through regular meetings to find a common approach to promote a higher uptake of cost-efficient renewable energy projects, encourage investments in new, flexible and clean technologies, and set out an adequate strategy to manage the retirement of technologies which do not contribute to the reduction of emissions or deliver sufficient flexibility, based on transparent criteria and reliable market price signals.		*Commission proposal unchanged*	
(14) Directive 2001/77/EC of the European Parliament and of the Council [4] and, Directive 2003/30/EC of the European Parliament and of the Council [5,] and Regulation (EC) 1099/2008 of the European Parliament and of the Council [6] established definitions for different types of energy from renewable sources. Directive XXXX/XX/EU of the		*Commission proposal unchanged*	

[4] Directive 2001/77/EC of the European Parliament and of the Council of 27 September 2001 on the promotion of electricity produced from renewable energy sources in the internal electricity market (OJ L 283, 27.10.2001, p. 33).

[5] Directive 2003/30/EC of the European Parliament and of the Council of 8 May 2003 on the promotion of the use of biofuels or other renewable fuels for transport (OJ L 123, 17.5.2003, p. 42).

[6] Regulation (EC) 1099/2008 of the European Parliament and of the Council of 22 October 2008 on energy statistics (OJ L 304, 14.11.2008, p. 1)

European Parliament and of the Council of [7] established definitions for the electricity sector in general. In the interests of legal certainty and clarity it is appropriate to use those definitions in this Directive.			
(15) Support schemes for electricity generated from renewable sources have proved to be an effective way of fostering deployment of renewable electricity. If and when Member States decide to implement support schemes, such support should be provided in a form that is as non-distortive as possible for the functioning of electricity markets. To this end, an increasing number of Member States allocate support in a form where support is granted in addition to market revenues.	**AM 15** (15) Support schemes for electricity generated from renewable sources have proved to be an effective way of fostering deployment of renewable electricity. If and when Member States decide to implement support schemes, such support should be provided in a form that is as non-distortive as possible for the functioning of electricity markets**.** To this end, an increasing number of Member States allocate support in a form where support is granted in addition to market revenues ***while taking into account the particularities of different technologies and the different abilities of small and large producers to respond*** to ***market signals***.	(15) Support schemes for electricity generated from renewable sources have proved to be an effective way of fostering deployment of renewable electricity. If and when Member States decide to implement support schemes, such support should be provided in a form that is as non-distortive as possible for the functioning of electricity markets. To this end, an increasing number of Member States allocate support in a form where support is granted in addition to market revenues **and introduce market-based systems to determine the necessary level of support. Together with steps to make the market fit for rising shares of renewables this is a key element of increasing the market integration of renewables**. **For small-scale and demonstration projects specific conditions including feed-in-tariffs might still be necessary to ensure a positive cost-benefit ratio. These conditions should be in line with the**	*Accept:* (15) Support schemes for electricity generated from renewable sources have proved to be an effective way of fostering deployment of renewable electricity. If and when Member States decide to implement support schemes, such support should be provided in a form that is as non-distortive as possible for the functioning of electricity markets. To this end, an increasing number of Member States allocate support in a form where support is granted in addition to market revenues **and introduce market-based systems to determine the necessary level of support. Together with steps to make the market fit for rising shares of renewables this is a key element of increasing the market integration of renewables**, ***while taking into account the particularities of different technologies and the different abilities of small and large producers to respond to market signals***. **For small-scale and demonstration projects specific**

[7] Directive XXXX/XX/EU of the European Parliament and of the Council of … concerning common rules for the internal market in electricity (OJ L…)

		rules set out in Article 11 of the Regulation [Electricty Market regulation].	**conditions including feed-in-tariffs might still be necessary to ensure a positive cost-benefit ratio. These conditions should be in line with the rules set out in Article 11 of the Regulation [Electricity Market regulation]**.
(16) Electricity generation from renewable sources should be deployed at the lowest possible cost for consumers and taxpayers. When designing support schemes and when allocating support, Member States should seek to minimise the overall system cost of deployment, taking full account of grid and system development needs, the resulting energy mix, and the long term potential of technologies.	**AM 16** (16) Electricity generation from renewable sources***, including energy storage,*** should be deployed ***so as to minimise the long-term cost of the energy-transition*** for consumers and taxpayers. When designing support schemes and when allocating support, Member States should seek to minimise the overall system cost of deployment, taking full account of grid and system development needs, the resulting energy mix, and the long term potential of technologies. ***Member States should also award support to installations using tenders, which may be either technology specific or neutral.***	(16) Electricity generation from renewable sources should be deployed at the lowest possible cost for consumers and taxpayers. When designing support schemes and when allocating support, Member States should seek to minimise the overall system cost of deployment **along the decarbonisation pathway towards the low-carbon economy objective for the year 2050. Market-based mechanisms, such as competitive bidding have proven to effectively reduce support cost in competitive markets in many circumstances. However, in specific circumstances of very limited competition, competitive bidding may not necessarily lead to efficient price discovery. For this reason balanced exemptions may need to be considered to ensure cost-effectiveness and minimise overall support cost. While Member States develop their support schemes they should consider various outcomes that market-based mechanisms may have on policies outside the**	*To be discussed with EP*

		electricity sector and may consider limiting bidding processes to specific technologies may be justified where there is a need to take [ ] full account of grid and system **integration and** development needs, the resulting energy mix, and the long term potential of technologies. **Such technology specific support also allows to take into account the technology specific characteristics such as different lead times, spatial planning requirements and environmental permitting requirements, which might impede efficient competition across technologies.**	
	AM 17 ***(16a) In its conclusions of 24 October 2014 on "2030 Climate and Energy Policy Framework", the European Council stressed the importance of a more interconnected internal energy market and the need of sufficient support to integrate ever increasing levels of variable renewable energy and thus allow the Union to fulfil its leadership ambitions for the energy transition. It is therefore important urgently to increase the level of interconnection and make progress towards the European Council's agreed objectives, in order to maximise the Energy Union's full potential.***		*Accept*

	AM 18 ***(16b) When developing support schemes for renewable sources of energy, Member States should take into account the principles of the Circular Economy and of the waste hierarchy established in Directive 2008/98/EC of the European Parliament and of the Council[1a]. Waste prevention and recycling of waste should be the priority option. Member States should avoid creating such support schemes, which would be counter to targets on treatment of waste and would lead to inefficient use of recyclable waste. Member States should also ensure that measures introduced under this Directive will not be counter to the objectives of the Directive 2008/98/EC.*** ***[1a] 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).***		*To be discussed with EP*

		(16bis) Member States have different renewable energy potentials and operate different schemes of support for energy from renewable sources at the national level. The majority of Member States apply support schemes that grant benefits solely to energy from renewable sources that is produced on their territory. For the proper functioning of national support schemes it is vital that Member States continue to be able to control the effect and costs of their national support schemes according to their different potentials. One important means to achieve the aim of this Directive remains to guarantee the proper functioning of national support schemes, as under Directives 2001/77/EC and 2009/28/EC, in order to maintain investor confidence and allow Member States to design effective national measures for their respective contribution to the Union's 2030 target for renewable energy and for any national target they have set for themselves. This Directive should facilitate cross-border support of energy from renewable sources without affecting national support schemes in a disproportionate manner.	

	AM 19 ***(16c) With regard to the use of biotic energy sources, Member States should introduce safeguards in order to protect biodiversity and prevent the depletion or loss of ecosystems and any diversion from existing uses that would have a negative indirect or direct impact on biodiversity, soil or the overall greenhouse gas balance.***		*To be discussed with EP*
	AM 20 ***(16d) Member States should promote and prefer use of indigenous renewable resources, to the extent possible, and avoid distortive situations resulting in extensive import of resources from third countries. A life cycle approach should be considered and promoted in this respect.***		*Maintain Council GA*
	AM 21 ***(16e) Renewable energy communities, cities and local authorities should be entitled to participate in available support schemes on an equal footing with other large participants. To that end, Member States should be allowed to take measures, including provision of information, technical and financial support through single administrative contact points, reduce administrative requirements, include community-focused bidding criteria, create tailored bidding windows for renewable energy communities, or allow them to be remunerated through direct support.***		*Maintain Council GA*

	AM 22 ***(16f) The planning of the infrastructure needed for electricity generation from renewable sources should take into account policies relating to the participation of those affected by the projects, including any indigenous populations, paying due respect to their land rights.***		*To be discussed with EP*
	AM 23 ***(16g) Consumers should be provided with comprehensive information, including information on the energy efficiency gains of heating and cooling systems and lower running costs of electric vehicles, to allow them to make individual consumer choices with regard to renewable energies and avoid technological lock-in.***		*Accept*
	AM 24 ***(16h) When fostering the development of the market for renewable energy resources, the negative impact on other market participants should be taken into account. Support schemes should therefore reduce the risk of market distortion and distortions of competition.***		*To be discussed with EP*

(17) The opening of support schemes to cross-border participation limits negative impacts on the internal energy market and can, under certain conditions, help Member States achieve the Union target more cost-efficiently. Cross-border participation is also the natural corollary to the development of the Union renewables policy, with a Union-level binding target replacing national binding targets. It is therefore appropriate to require Member States to progressively and partially open support to projects located in other Member States, and define several ways in which such progressive opening may be implemented, ensuring compliance with the provisions of the Treaty on the Functioning of the European Union, including Articles 30, 34 and 110.		(17) The opening of support schemes to cross-border participation limits negative impacts on the internal energy market and can, under certain conditions, help Member States achieve the Union target more cost-efficiently. Cross-border participation is also the natural corollary to the development of the Union renewables policy **fostering convergence and cooperation to contribute [ ]** Union-level binding target **[ ]**. It is therefore appropriate to **[ ] encourage** Member States to open support to projects located in other Member States, and define several ways in which such progressive opening may be implemented, ensuring compliance with the provisions of the Treaty on the Functioning of the European Union, including Articles 30, 34 and 110. **As electricity flows cannot be traced, it is appropriate to link the opening to shares representing an aspiration towards actual levels of physical interconnections and to allow Member States to restrict their open support schemes to Member States with whom they have a direct network connection as a practical proxy for demonstrating the existence of physical flows between the Member States. This should not however in any way affect cross-zonal and cross-border functioning of the electricity markets.**	

	AM 25 ***(17a) While Member States should be required to progressively and partially open support to projects located in other Member States to a level that reflects the physical flows between Member States, the opening of support schemes should remain voluntary beyond this mandatory share. Member States have different renewable energy potentials and operate different schemes of support for energy from renewable sources at national level. The majority of Member States apply support schemes that grant benefits solely to energy from renewable sources that is produced on their territory. For the proper functioning of national support schemes it is vital that Member States can control the effect and costs of their national support schemes according to their different potentials. One important means by which to achieve the aim of this Directive is to guarantee the proper functioning of national support schemes, as provided for in Directives 2001/77/EC and 2009/28/EC, in order to maintain investor confidence and allow Member States to design effective national measures for target compliance. This Directive aims to facilitate cross-border support of energy from renewable sources***	**(17bis) In order to ensure that the opening of support schemes is reciprocal and brings mutual benefits a cooperation agreement should be signed between participating Member States. Member States should retain control over the pace of deployment of renewable electricity capacity on their territory, in order in particular to take account of associated integration costs and required grid investments. Member States should thus be allowed to limit the participation of installations located on their territory to tenders opened to them by other Member States [ ]. The bilateral agreement should sufficiently reflect on all relevant points, such as, reflect on how the costs concerning the project which are built by a state on the territory of another state are accounted for, including the expenditures related to strengthening networks, transfers of energy, storage and back-up capacities, as well as possible congestions in the network. When doing so, Member States should however have taken due consideration of all measures that may allow for a cost-effective integration of such additional renewable electricity capacity, be**	*Maintain Council GA (see Council text Recital 17 and 17bis)*

	without affecting national support schemes in a disproportionate manner. It thus introduces, in addition to the mandatory partial opening of support schemes, optional cooperation mechanisms between Member States which allow them to agree on the extent to which one Member State supports the energy production in another and on the extent to which the energy production from renewable sources should count towards the national overall target of one or the other. In order to ensure the effectiveness of both measures of target compliance, i.e. national support schemes and cooperation mechanisms, it is essential that Member States are able to determine, beyond the minimum mandatory opening share, if and to what extent their national support schemes apply to energy from renewable sources produced in other Member States and to agree on this by applying the cooperation mechanisms provided for in this Directive.	**they of regulatory nature (for instance related to market design) or additional investments in various sources of flexibility (for instance interconnections, storage, demand response, or flexible generation).**	

(18) Without prejudice to adaptations of support schemes to bring them in line with State aid rules, renewables support policies should be stable and avoid frequent changes. Such changes have a direct impact on capital financing costs, the costs of project development and therefore on the overall cost of deploying renewables in the Union. Member States should prevent the revision of any support granted to renewable energy projects from having a negative impact on their economic viability. In this context, Member States should promote cost-effective support policies and ensure their financial sustainability.	**AM 26** (18) ***Subject to Articles 107 and 108 TFEU***, renewables support policies should be ***predictable,*** stable and avoid frequent ***or retroactive*** changes. ***Policy unpredictability and instability*** have a direct impact on capital financing costs, the costs of project development and therefore on the overall cost of deploying renewables in the Union. ***Member States should announce any change in support policy in due time before the intended change and they should consult stakeholders in an adequate manner. In any case,*** Member States should prevent the revision of any support granted to renewable energy projects from having a negative impact on their economic viability. In this context, Member States should promote cost-effective support policies and ensure their financial sustainability.	(18) Without prejudice to **Articles 107 and 108 of the Treaty on the Functioning of the European Union [ ]**, renewables support policies should be stable and avoid **unjustified [ ] retroactive** changes. Such changes have a direct impact on capital financing costs, the costs of project development and therefore on the overall cost of deploying renewables in the Union. Member States should prevent the revision of any support **that has been** granted to renewable energy projects from having a negative impact on their economic viability**, unless such a revision, based on clear, objective and pre-defined criteria, had been already envisaged in the original design of the support scheme**. In this context, Member States should promote cost-effective support policies and ensure their financial sustainability.	*To be discussed with EP*

(19) Member States' obligations to draft renewable energy action plans and progress reports and the Commission's obligation to report on Member States' progress are essential in order to increase transparency, provide clarity to investors and consumers and allow for effective monitoring. Regulation [Governance] integrates those obligations in the Energy Union governance system, where planning, reporting and monitoring obligations in the energy and climate fields are streamlined. The transparency platform on renewable energy is also integrated in the broader e-platform established in Regulation [Governance].	**AM 27** (19) Member States' obligations to draft renewable energy action plans and progress reports and the Commission's obligation to report on Member States' progress are essential in order to increase transparency, provide clarity to investors and consumers and allow for effective monitoring. ***In order to ensure that citizens are at the centre of the energy transition, Member States should develop long-term strategies facilitating the generation of renewable energy by cities, renewable energy communities and self-consumers, within their renewable energy action plans.*** Regulation ***... of the European Parliament and of the Council*** [***on the*** Governance ***of the Energy Union, 2016/0375(COD)***] integrates those obligations in the Energy Union governance system, where ***long-term strategies,*** planning, reporting and monitoring obligations in the energy and climate fields are streamlined. The transparency platform on renewable energy is also integrated in the broader e-platform established in Regulation ***... of the European Parliament and of the Council*** [***on the*** Governance ***of the Energy Union, 2016/0375(COD)***].	*Commission proposal unchanged*	*Maintain Council GA (see Governance Regulation)*

(20) It is necessary to set transparent and unambiguous rules for calculating the share of energy from renewable sources and for defining those sources.		*Commission proposal unchanged*	
	AM 28 ***(20a) Renewable marine energies offer the Union a unique opportunity to reduce its dependency on fossil fuels, help achieve its CO_2 emissions reduction targets and create a new branch of economic activity that generates jobs across large swathes of its territory, including in the outermost regions. The Union must therefore strive to create economic and regulatory conditions propitious to their deployment.***		*To be discussed with EP*
(21) In calculating the contribution of hydropower and wind power for the purposes of this Directive, the effects of climatic variation should be smoothed through the use of a normalisation rule. Further, electricity produced in pumped storage units from water that has previously been pumped uphill should not be considered to be electricity produced from renewable energy sources.		*Commission proposal unchanged*	

(22) Heat pumps enabling the use of aerothermal, geothermal or hydrothermal heat at a useful temperature level need electricity or other auxiliary energy to function. The energy used to drive heat pumps should therefore be deducted from the total usable heat. Only heat pumps with an output that significantly exceeds the primary energy needed to drive it should be taken into account.		(22) Heat pumps enabling the use of **[ ] ambient and geothermal energy** at a useful temperature level **or systems providing cooling** need electricity or other auxiliary energy to function. The energy used to drive **these systems [ ]** should therefore be deducted from the total usable **energy or energy removed from the area[ ]**. Only **such heating and cooling systems [ ] where the** output **or energy removed from an area [ ]** significantly exceeds the primary energy needed to drive it should be taken into account. **Cooling systems contribute to the energy use in Member States and it is therefore appropriate [ ] that the calculation methods take into account the renewable share of the energy used in such systems in all end use sectors.**	
(23) Passive energy systems use building design to harness energy. This is considered to be saved energy. To avoid double counting, energy harnessed in this way should not be taken into account for the purposes of this Directive.		*Commission proposal unchanged*	

(24) Some Member States have a large share of aviation in their gross final consumption of energy. In view of the current technological and regulatory constraints that prevent the commercial use of biofuels in aviation, it is appropriate to provide a partial exemption for such Member States, by excluding from the calculation of their gross final consumption of energy in national air transport, the amount by which they exceed one-and-a-half times the Union average gross final consumption of energy in aviation in 2005, as assessed by Eurostat, i.e. 6,18 %. Cyprus and Malta, due to their insular and peripheral character, rely on aviation as a mode of transport, which is essential for their citizens and their economy. As a result, Cyprus and Malta have a gross final consumption of energy in national air transport which is disproportionally high, i.e. more than three times the Union average in 2005, and are thus disproportionately affected by the current technological and regulatory constraints. For those Member States it is therefore appropriate to provide that the exemption should cover the amount by which they exceed the Union average gross final consumption of energy in aviation in 2005 as assessed by Eurostat, i.e. 4,12 %.		*Commission proposal unchanged*	

	AM 29 ***(24a) The communication of the Commission of 20 July 2016 entitled "A European Strategy for Low-Emission mobility" highlighted the particular importance, in the medium-term, of advanced biofuels for aviation. Commercial aviation is entirely reliant on liquid fuels as there is no safe or certified alternative for the civil aircraft industry.***		*Accept in part:* ***(24a) The communication of the Commission of 20 July 2016 entitled "A European Strategy for Low-Emission mobility" highlighted the particular importance, in the medium-term, of advanced biofuels for aviation.*** **[ ]**
(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[8], 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.	**AM 30** (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[17], the Union sustainability criteria, ***a life cycle assessment of emissions*** 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 ***should*** regularly ***evaluate*** the Annex ***and*** consider the effects on markets for (by-)products, wastes or residues ***in any amendments that it proposes***.	*Commission proposal unchanged*	*Maintain Council GA*

[8] 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).

	AM 31 ***(25a) The resolution of the European Parliament of 4 April 2017 on palm oil and deforestation of rainforests called on the Commission to take measures to phase out the use of vegetable oils that drive deforestation, including palm oil, as a component of biofuels, preferably by 2020.***		*Maintain Council GA*
(26) To create opportunities for reducing the cost of meeting the Union target laid down in this Directive and to give flexibility to Member States to comply with their obligation not to go below their 2020 national targets after 2020, it is appropriate both to facilitate the consumption in Member States of energy produced from renewable sources in other Member States, and to enable Member States to count energy from renewable sources consumed in other Member States towards their own renewable energy share . For this reason, cooperation mechanisms are required to complement the obligations to open up support to projects located in other Member States. Those mechanisms include statistical transfers, joint projects between Member States or joint support schemes		(26) To create opportunities for reducing the cost of meeting the Union target laid down in this Directive and to give flexibility to Member States to comply with their obligation not to go below their 2020 national targets after 2020 , it is appropriate both to facilitate the consumption in Member States of energy produced from renewable sources in other Member States, and to enable Member States to count energy from renewable sources consumed in other Member States towards their own renewable energy share. For this reason, **a European Union Renewable Energy Platform ("ERDP") will be put in place, enabling trading renewable energy shares between Member States, in addition to bilateral** cooperation **agreements. [ ] This shall [ ]** complement voluntary **[ ]** open**ing [ ] of** support **schemes** to projects located in other Member States . **[ ] The agreements between Member States** include statistical transfers, joint projects between Member States or joint support schemes.	

(27) Member States should be encouraged to pursue all appropriate forms of cooperation in relation to the objectives set out in this Directive. Such cooperation can take place at all levels, bilaterally or multilaterally. Apart from the mechanisms with effect on target renewable energy share calculation and target compliance, which are exclusively provided for in this Directive, namely statistical transfers between Member States, joint projects and joint support schemes, cooperation can also take the form of, for example, exchanges of information and best practices, as provided for, in particular, in the e-platform established by Regulation [Governance], and other voluntary coordination between all types of support schemes.		(27) Member States should be encouraged to pursue all appropriate forms of cooperation in relation to the objectives set out in this Directive. Such cooperation can take place at all levels, bilaterally or multilaterally. Apart from the mechanisms with effect on target renewable energy share calculation and target compliance, which are exclusively provided for in this Directive, namely statistical transfers between Member States **done bilaterally or via the ERDP**, joint projects and joint support schemes, cooperation can also take the form of, for example, exchanges of information and best practices, as provided for, in particular, in the e-platform established by Regulation [Governance], and other voluntary coordination between all types of support schemes.	

(28) It should be possible for imported electricity, produced from renewable energy sources outside the Union to count towards Member States'renewable energy shares In order to guarantee an adequate effect of energy from renewable sources replacing conventional energy in the Union as well as in third countries it is appropriate to ensure that such imports can be tracked and accounted for in a reliable way. Agreements with third countries concerning the organisation of such trade in electricity from renewable energy sources will be considered. If, by virtue of a decision taken under the Energy Community Treaty[9] to that effect, the contracting parties to that Treaty are bound by the relevant provisions of this Directive, the measures of cooperation between Member States provided for in this Directive should be applicable to them.	**AM 32** (28) It should be possible for imported electricity, produced from renewable energy sources outside the Union to count towards Member States' renewable energy shares. In order to guarantee an adequate effect of energy from renewable sources replacing conventional energy in the Union as well as in third countries it is appropriate to ensure that such imports can be tracked and accounted for in a reliable way ***and that they are in full respect of international law***. Agreements with third countries concerning the organisation of such trade in electricity from renewable energy sources will be considered. If, by virtue of a decision taken under the Energy Community Treaty[18] to that effect, the contracting parties to that Treaty are bound by the relevant provisions of this Directive, the measures of cooperation between Member States provided for in this Directive should be applicable to them.	*Commission proposal unchanged*	*To be discussed with EP*

[9] OJ L 198, 20.7.2006, p. 18.

	AM 33 ***(28a) When Member States undertake joint projects with one or more third countries regarding the production of electricity from renewable energy sources, it is appropriate that those joint projects relate only to newly constructed installations or to installations with newly increased capacity. This will help ensure that the proportion of energy from renewable sources in the third country's total energy consumption is not reduced due to the importation of energy from renewable sources into the Union. In addition, the Member States concerned should facilitate the domestic use by the third country concerned of part of the production of electricity by the installations covered by the joint project. Furthermore, the third country concerned should be encouraged by the Commission and Member States to develop a renewable energy policy, including ambitious targets.***		*Maintain Council GA*

	AM 34 ***(28b) While this Directive establishes a Union Framework for the promotion of energy from renewable sources, it also contributes to the potential positive impact which the Union and the Member States can have in boosting the development of renewable energy sector in third countries. The Union and the Member States should promote research, development and investment in the renewable energy production in developing and other partner countries, thereby strengthening their environmental and economic sustainability and their export capacity of renewable energy. Furthermore, import of renewable energy from partner countries can help the Union and the Member States to reach their ambitious goals for decreasing carbon emissions.***		*To be discussed with EP*
	AM 35 ***(28c) Developing countries have increasingly adopted renewable energy policies at the national level, as they aim to produce energy from renewable sources to meet growing energy demand. More than 173 countries, including 117 developing or emerging economies, had established renewable energy targets by the end of 2015.***		*Accept*

	AM 36 ***(28d) Energy use in developing countries is closely linked to a range of social issues: poverty alleviation, education, health, population growth, employment, enterprise, communication, urbanisation and a lack of opportunities for women. Renewable energies have the important potential of allowing development and environmental challenges to be dealt with jointly. In recent years there has been a significant development of alternative energy technologies, both in terms of performance and cost reduction. Moreover, many developing countries are particularly well positioned when it comes to developing a new generation of energy technologies. Apart from development and environmental benefits, renewable energies have the potential to provide increased security and economic stability. Increased use of renewable energy sources would reduce dependence on expensive fossil fuel imports and would help many countries improve their balance of payments.***		*Accept*

(29) The procedure used for the authorisation, certification and licensing of renewable energy plants should be objective, transparent, non-discriminatory and proportionate when applying the rules to specific projects. In particular, it is appropriate to avoid any unnecessary burden that could arise by classifying renewable energy projects under installations which represent a high health risk.		*Commission proposal unchanged*	
(30) For the benefit of rapid deployment of energy from renewable sources and in view of their overall high sustainable and environmental beneficial quality, Member States should, when applying administrative rules, planning structures and legislation which are designed for licensing installations with respect to pollution reduction and control for industrial plants, for combating air pollution and for the prevention or minimisation of the discharge of dangerous substances in the environment, take into account the contribution of renewable energy sources towards meeting environmental and climate change objectives, in particular when compared to non-renewable energy installations.		*Commission proposal unchanged*	

(31) The coherence between the objectives of this Directive and the Union's other environmental legislation should be ensured. In particular, during the assessment, planning or licensing procedures for renewable energy installations, Member States should take account of all Union environmental legislation and the contribution made by renewable energy sources towards meeting environmental and climate change objectives, in particular when compared to non-renewable energy installations.		*Commission proposal unchanged*	
	AM 37 ***(31a) Depending on the geological characteristics of an area, geothermal energy production may release greenhouse gases and other substances from underground fluids and other subsoil geological formations. Investment should be directed only towards geothermal energy production with low environmental impact and resulting in greenhouse gas saving compared to conventional sources. Therefore, the Commission should assess, by December 2018, whether there is a need for a legislative proposal aiming to regulate geothermal plants emissions of all substances, including CO_2, which are harmful for health and the environment, both during exploration and operational phases.***		*Maintain Council GA*

(32) National technical specifications and other requirements falling within the scope of Directive (EU) 2015/1535 of the European Parliament and of the Council [10] relating for example to levels of quality, testing methods or conditions of use, should not create barriers for trade in renewable energy equipment and systems. Therefore, support schemes for energy from renewable sources should not prescribe national technical specifications which deviate from existing Union standards or require the supported equipment or systems to be certified or tested in a specified location or by a specified entity.		*Commission proposal unchanged*	
(33) At national and regional level, rules and obligations for minimum requirements for the use of energy from renewable sources in new and renovated buildings have led to considerable increases in the use of energy from renewable sources. Those measures should be encouraged in a wider Union context, while promoting the use of more energy-efficient applications of energy from renewable sources through building regulations and codes.	**AM 38** (33) At national, regional and ***local*** level, rules and obligations for minimum requirements for the use of energy from renewable sources in new and renovated buildings have led to considerable increases in the use of energy from renewable sources. Those measures should be encouraged in a wider Union context, while promoting the use of more energy-efficient applications of energy from renewable sources ***in combination with energy saving and energy efficiency measures*** through building regulations and codes.	*Commission proposal unchanged*	*To be discussed with EP*

[10] Directive (EU) 2015/1535 of the European Parliament and of the Council of 9 September 2015 laying down a procedure for the provision of information in the field of technical regulations and of rules on Information Society services (OJ L 241, 17.9.2015, p. 1)

(34) In order to facilitate and accelerate the setting of minimum levels for the use of energy from renewable sources in buildings, the calculation of those minimum levels in new and existing buildings subject to major renovation should be consistent with the methodology set out in Directive 2010/31/EU of the European Parliament and of the Council[11].		(34) In order to facilitate and accelerate the setting of minimum levels for the use of energy from renewable sources in buildings, the calculation of those minimum levels in new and existing buildings subject to major renovation should **provide sufficient basis for assessing whether the inclusion of minimum levels of renewables is technically, functionally and economically feasible**. **Member States should among other means allow the use of efficient district heating and cooling as well as other energy infrastructure, where district heating and cooling networks are not available, to fulfill these requirements.**	
(35) To ensure that national measures for developing renewable heating and cooling are based on comprehensive mapping and analysis of the national renewable and waste energy potential and provide for increased integration of renewable energy and waste heat and cold sources, it is appropriate to require that Member States carry out an assessment of their national potential of renewable energy sources and the use of waste heat and cold for heating	**AM 39** (35) To ensure that national measures for developing renewable heating and cooling are based on comprehensive mapping and analysis of the national renewable and waste energy potential and provide for increased integration of renewable energy***, in particular by supporting innovative technologies such as heat pumps, geothermal and solar thermal technologies,*** and waste heat and cold sources, it is appropriate to require that Member States carry out an assessment of their national	*Commission proposal unchanged*	*Accept*

[11] Directive 2010/31/EU of the European Parliament and of the Council of 19 May 2010 on the energy performance of buildings (OJ L 153, 18.6.2010, p. 13).

and cooling, in particular to facilitate mainstreaming renewable energy in heating and cooling installations and promote efficient and competitive district heating and cooling as defined by Article 2(41) of Directive 2012/27/EU of the European Parliament and of the Council[12]. To ensure consistency with energy efficiency requirements for heating and cooling and reduce administrative burden this assessment should be included in the comprehensive assessments carried out and notified in accordance with Article 14 of that Directive.	potential of renewable energy sources and the use of waste heat and cold for heating and cooling, in particular to facilitate mainstreaming renewable energy in heating and cooling installations and promote efficient and competitive district heating and cooling as defined by Article 2(41) of Directive 2012/27/EU of the European Parliament and of the Council[21]. To ensure consistency with energy efficiency requirements for heating and cooling and reduce administrative burden this assessment should be included in the comprehensive assessments carried out and notified in accordance with Article 14 of ***that*** Directive.		
(36) The lack of transparent rules and coordination between the different authorisation bodies has been shown to hinder the deployment of energy from renewable sources. The establishment of a single administrative contact point integrating or coordinating all permit-granting processes should reduce complexity and increase efficiency and transparency. Administrative approval procedures should be streamlined with transparent	**AM 40** (36) The lack of transparent rules and coordination between the different authorisation bodies has been shown to hinder the deployment of energy from renewable sources. The establishment of a single administrative contact point integrating or coordinating all permit-granting processes should reduce complexity and increase efficiency and transparency***, including for renewable self-consumers and renewable energy communities***. Administrative approval procedures should be streamlined with	(36) The lack of transparent rules and coordination between the different authorisation bodies has been shown to hinder the deployment of energy from renewable sources. **[ ] Providing guidance to the applicants throughout their permit-granting processes through an [ ]** administrative contact point **[ ]** should reduce complexity **for the project developer** and increase efficiency and transparency. **Guidance should be provided at an appropriate level of**	*Accept:* (36) The lack of transparent rules and coordination between the different authorisation bodies has been shown to hinder the deployment of energy from renewable sources. **[ ] Providing guidance to the applicants throughout their permit-granting processes through an [ ]** administrative contact point **[ ]** should reduce complexity **for the project developer** and increase efficiency and transparency***, including for renewable self-consumers and renewable energy***

[12] Directive 2012/27/EU of the European Parliament and of the Council of 25 October 2012 on energy efficiency, amending Directives 2009/125/EC and 2010/30/EU and repealing Directives 2004/8/EC and 2006/32/EC (OJ L 315, 14.11.2012, p. 1).

timetables for installations using energy from renewable sources. Planning rules and guidelines should be adapted to take into consideration cost-effective and environmentally beneficial renewable heating and cooling and electricity equipment. This Directive, in particular the provisions on the organisation and duration of the permit granting process, should apply without prejudice to international and Union law, including provisions to protect the environment and human health.	transparent timetables for installations using energy from renewable sources. Planning rules and guidelines should be adapted to take into consideration cost-effective and environmentally beneficial renewable heating and cooling and electricity equipment. This Directive, in particular the provisions on the organisation and duration of the permit granting process, should apply without prejudice to international and Union law, including provisions to protect the environment and human health.	**governance, taking into account the specifities of Member States. The single contact points should be able to provide detailed guidance to the extent of their competence and in other cases, be able to point the applicant to an appropriate source of reliable information. [ ] Administrative approval procedures for installations using energy from renewable sources should be streamlined with transparent timetables and time limits for decisions, to the extent possible, taking into account possible unforeseeable delays that may occure in the process. A manual of procedures should be made available to facilate the understanding of procedures for project developers and citizens wishing to invest in renewable energy sources. In order to foster the uptake of renewables by micro, small and medium-sized enterprises (SMEs) and individual citizens in line with [ ] the objectives set out in this Directive, decisions on grid connection should be replaced by simple notifications to the competent body for small renewable energy projects, including decentralised ones such as rooftop solar installations. In order to respond to the increasing need for the**	***communities***. **Guidance should be provided at an appropriate level of governance, taking into account the specifities of Member States. The single contact points should be able to provide detailed guidance to the extent of their competence and in other cases, be able to point the applicant to an appropriate source of reliable information. [ ] Administrative approval procedures for installations using energy from renewable sources should be streamlined with transparent timetables and time limits for decisions, to the extent possible, taking into account possible unforeseeable delays that may occur in the process. A manual of procedures should be made available to facilitate the understanding of procedures for project developers and citizens wishing to invest in renewable energy sources. In order to foster the uptake of renewables by micro, small and medium-sized enterprises (SMEs) and individual citizens in line with [ ] the objectives set out in this Directive, decisions on grid connection should be replaced by simple notifications to the competent body for small renewable energy projects, including decentralised ones such as rooftop solar installations. In order to**

		repowering of existing renewables plants, streamlined permit granting procedures should be set out. Planning rules and guidelines should be adapted to take into consideration cost-effective and environmentally beneficial renewable heating and cooling and electricity equipment. This Directive, in particular the provisions on the organisation and duration of the permit granting process, should apply without prejudice to international and Union law, including provisions to protect the environment and human health.	**respond to the increasing need for the repowering of existing renewables plants, streamlined permit granting procedures should be set out.** Planning rules and guidelines should be adapted to take into consideration cost-effective and environmentally beneficial renewable heating and cooling and electricity equipment. This Directive, in particular the provisions on the organisation and duration of the permit granting process, should apply without prejudice to international and Union law, including provisions to protect the environment and human health.
(37) Lengthy administrative procedures constitute a major administrative barrier and are costly. The simplification of permit-granting processes, associated with a clear time-limit for the decision to be taken by the respective authorities regarding the construction of the project should stimulate a more efficient handling of procedures thus reducing administrative costs.		*deleted*[13]	
(38) Another barrier to the cost-effective deployment of renewables is the lack of predictability by investors over the expected deployment of support by Member States. In particular, Member States should		*Commission proposal unchanged*	

[13] Note: parts of recital 39 were incorporated in recital 36.

ensure that investors have sufficient predictability on the planned use of support by Member States. This allows industry to plan and develop a supply chain, leading to lower overall cost of deployment.			
(39) In order to facilitate the contribution by micro, small and medium-sized enterprises (SMEs) and individual citizens to the objectives set out in this Directive, authorisations should be replaced by simple notifications to the competent body for small renewable energy projects, including decentralised ones such as rooftop solar installations. Given the increasing need for the repowering of existing renewables plants, accelerated permit granting procedures should be set out .		*deleted*[14]	
(40) Information and training gaps, especially in the heating and cooling sector, should be removed in order to encourage the deployment of energy from renewable sources.		*Commission proposal unchanged*	

[14] Note: parts of recital 39 were incorporated in recital 36.

(41) In so far as the access or pursuit of the profession of installer is a regulated profession, the preconditions for the recognition of professional qualifications are laid down in Directive 2005/36/EC of the European Parliament and of the Council [15] This Directive therefore applies without prejudice to Directive 2005/36/EC.		*Commission proposal unchanged*	
(42) While Directive 2005/36/EC lays down requirements for the mutual recognition of professional qualifications, including for architects, there is a further need to ensure that architects and planners properly consider an optimal combination of renewable energy sources and high-efficiency technologies in their plans and designs. Member States should therefore provide clear guidance in this regard. This should be done without prejudice to the provisions of Directive 2005/36/EC and in particular Articles 46 and 49 thereof.		*Commission proposal unchanged*	
(43) Guarantees of origin issued for the purpose of this Directive have the sole function of showing to a final customer that a given share or quantity of energy was produced from renewable sources. A guarantee of origin can be transferred, independently of the energy to which	**AM 41** (43) Guarantees of origin issued for the purpose of this Directive have the sole function of showing to a final customer that a given share or quantity of energy was produced from renewable sources. A guarantee of origin can be transferred, independently of the energy to which it	*Commission proposal unchanged*	*Maintain Council GA*

[15] Directive 2005/36/EC of the European Parliament and of the Council of 7 September 2005 on the recognition of professional qualifications (OJ L 255, 30.9.2005, p. 22).

it relates, from one holder to another. However, with a view to ensuring that a unit of renewable energy is disclosed to a customer only once, double counting and double disclosure of guarantees of origin should be avoided. Energy from renewable sources in relation to which the accompanying guarantee of origin has been sold separately by the producer should not be disclosed or sold to the final customer as energy from renewable sources.	relates, from one holder to another. However, with a view to ensuring that a unit of renewable energy is disclosed to a customer only once, double counting and double disclosure of guarantees of origin should be avoided. Energy from renewable sources in relation to which the accompanying guarantee of origin has been sold separately by the producer should not be disclosed or sold to the final customer as energy from renewable sources. ***It is important to distinguish between green certificates used for support schemes and guarantees of origin.***		
(44) It is appropriate to allow the consumer market for electricity from renewable energy sources to contribute to the development of energy from renewable sources. Member States should therefore require electricity suppliers who disclose their energy mix to final customers in accordance with Article X of Directive [Market Design], or who market energy to consumers with a reference to the consumption of energy from renewable sources, to use guarantees of origin from installations producing energy from renewable sources.		(44) It is appropriate to allow the consumer market for electricity from renewable energy sources to contribute to the development of energy from renewable sources. Member States should therefore **be able to** require electricity suppliers who disclose their energy mix to final customers in accordance with Article X of Directive [Market Design], or who market energy to consumers with a reference to the consumption of energy from renewable sources, to use guarantees of origin from installations producing energy from renewable sources.	

(45) It is important to provide information on how the supported electricity is allocated to final customers . In order to improve the quality of that information to consumers, Member States should ensure that guarantees of origin are issued for all units of renewable energy produced. In addition, with a view to avoiding double compensation, renewable energy producers already receiving financial support should not receive guarantees of origin. However, those guarantees of origin should be used for disclosure so that final consumers can receive clear, reliable and adequate evidence on the renewable origin of the relevant units of energy. Moreover, for electricity that received support, the guarantees of origin should be auctioned to the market and the revenues should be used to reduce public subsidies for renewable energy.	**AM 42** (45) It is important to provide information on how the supported electricity is allocated to final customers. In order to improve the quality of that information to consumers, Member States should ensure that guarantees of origin are issued for all units of renewable energy produced.	(45) It is important to provide information on how the supported electricity is allocated to final customers. In order to improve the quality of that information to consumers, Member States should ensure that guarantees of origin are issued for all units of renewable energy produced**, except for when they decide not to issue guarantees of origin to producers who also receive financial support, to account for the market value of the guarantees of origin**. In addition, with a view to avoiding double compensation, renewable energy producers already receiving financial support should **[ ] have the market value of the** guarantees of origin **issued to them deducted in that relevant support scheme. [ ]**	*To be discussed*
(46) Directive 2012/27/EU provides for guarantees of origin for proving the origin of electricity produced from high-efficiency cogeneration plants. However, no use is specified for such guarantees of origin , so they should also be used when disclosing the use of energy from high efficiency CHP.		(46) Directive 2012/27/EU provides for guarantees of origin for proving the origin of electricity produced from high-efficiency cogeneration plants. However, no use is specified for such guarantees of origin, so thei**r use** should also be **[ ] enabled** when disclosing the use of energy from high efficiency CHP.	

(47) Guarantees of origin, which are currently in place for renewable electricity and renewable heating and cooling, should be extended to cover renewable gas. This would provide a consistent means of proving to final customers the origin of renewable gases such as biomethane and would facilitate greater cross-border trade in such gases. It would also enable the creation of guarantees of origin for other renewable gases such as hydrogen.		(47) Guarantees of origin, which are currently in place for renewable electricity **[ ]**, should be extended to cover renewable gas. **Extending the guarantees of origin system to renewable heating and cooling and fossil fuel sources as an option should also be enabled.** This would provide a consistent means of proving to final customers the origin of renewable gases such as biomethane and would facilitate greater cross-border trade in such gases. It would also enable the creation of guarantees of origin for other renewable gases such as hydrogen.	
(48) There is a need to support the integration of energy from renewable sources into the transmission and distribution grid and the use of energy storage systems for integrated variable production of energy from renewable sources, in particular as regards the rules regulating dispatch and access to the grid. Directive [Electricity Market Design] lays down the framework for the integration of electricity from renewable energy sources. However, this framework does not include provisions on the integration of gas from renewable energy sources into the gas grid. It is therefore necessary to keep them in this Directive.		*Commission proposal unchanged*	

(49) The opportunities for establishing economic growth through innovation and a sustainable competitive energy policy have been recognised. Production of energy from renewable sources often depends on local or regional SMEs. The opportunities for growth and employment that investments in regional and local production of energy from renewable sources bring about in the Member States and their regions are important. The Commission and the Member States should therefore support national and regional development measures in those areas, encourage the exchange of best practices in production of energy from renewable sources between local and regional development initiatives and promote the use of cohesion policy funding in this area.	**AM 43** (49) The opportunities for establishing economic growth through innovation and a sustainable competitive energy policy have been recognised. Production of energy from renewable sources often depends on local or regional SMEs. The opportunities for ***local business development, sustainable*** growth and ***high-quality*** employment that investments in regional and local production of energy from renewable sources bring about in the Member States and their regions are important. The Commission and the Member States should therefore ***foster and*** support national and regional development measures in those areas, encourage the exchange of best practices in production of energy from renewable sources between local and regional development initiatives and ***enhance the provision of technical assistance and training programmes, in order to strengthen regulatory, technical and financial expertise on the ground and foster knowledge on available funding possibilities, including a more targeted use of Union funds, such as*** the use of cohesion policy funding in this area.	*Commission proposal unchanged*	*Accept*

	AM 44 ***(49a) Local and regional authorities often set more ambitious renewable targets in excess of national targets. Regional and local commitments to stimulating development of renewables and energy efficiency are currently supported through networks, such as the Covenant of Mayors, Smart Cities or Smart Communities initiatives, and the development of sustainable energy action plans. Such networks are indispensable and should be expanded, as they raise awareness and facilitate exchanges of best practices and available financial support. In that context, the Commission should also support interested frontrunner regions and local authorities to work across borders by assisting in setting up cooperation mechanisms, such as European Grouping of Territorial Cooperation that enables public authorities of various Member States to team up and deliver joint services and projects, without requiring a prior international agreement to be signed and ratified by national parliaments.***		*Accept*

	AM 45 ***(49b) Local authorities and cities are at the forefront of driving energy transition and increasing renewable energy deployment. As the closest level of government to citizens, local governments play a crucial role in building public support for the Union's energy and climate goals, while deploying more decentralised and integrated energy systems. It is important to ensure better access to finance for cities, towns, and regions to foster investments in local renewable energy.***		*To be discussed with EP*
	AM 46 ***(49c) Other innovative measures to attract more investment into new technologies, such as energy performance contracts and standardisation processes in public financing should also be considered.***		*Accept*
(50) When favouring the development of the market for renewable energy sources, it is necessary to take into account the positive impact on regional and local development opportunities, export prospects, social cohesion and employment opportunities, in particular as concerns SMEs and independent energy producers.	**AM 47** (50) When favouring the development of the market for renewable energy sources, it is necessary to take into account the positive impact on regional and local development opportunities, export prospects, social cohesion and employment opportunities, in particular as concerns SMEs and independent energy producers***, including renewable self-consumers and renewable energy communities***.	*Commission proposal unchanged*	*Maintain Council GA*

(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.	**AM 48** (51) The specific situation of the outermost regions is recognised in Article 349 ***TFEU***. The energy sector in the outermost regions is often characterised by isolation, limited ***and more costly*** supply and dependence on fossil fuels while these regions benefit from important local renewable sources of energy***, particularly biomass, and marine energies***. The outermost regions could thus serve as examples of the application of innovative energy technologies for the Union ***and become 100 % renewable territories***. It is therefore necessary to ***adapt the renewable energy strategy*** in order to achieve a higher degree of energy autonomy for those regions***, to strengthen the security of supply,*** and recognise their specific situation in terms of renewable energy potential and public support needs. ***Moreover, the outermost regions should be able to fully exploit their resources, in compliance with strict sustainability criteria and in line with local conditions and needs, in order to increase the production of renewable energies and strengthen their energy independence.***	(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. **Provision should be made for a derogation of limited local impact that allows Member States to adopt specific criteria in order to ensure eligibility for financial support for the consumption of certain biomass fuels. Member States should be able to adopt such specific criteria for installations using biomass fuel and located in an outermost region as referred to in Article 349 TFEU, as well as for biomass that is used as fuel in the said intallations and that**	*Maintain Council GA*

		does not comply with the harmonised sustainability, energy efficiency and greenhouse gas emissions savings criteria of this Directive. Such specific criteria for biomass fuels should apply irrespective of the place origin of that biomass in any Member State or third country. Moreover, any specific criteria should be objectively justified for reasons of energy independence of the outermost region concerned and of ensuring a smooth transition to the sustainability, energy efficiency and greenhouse gas emissions saving criteria for biomass fuels of this Directive in such an outermost region. **Considering that the energy mix for electricity generation for the outermost regions is essentially made up to a large extent of fuel oil, it is necessary to allow to appropriately consider greenhouse gas emissions saving critera in these regions. It would therefore be appropriate to provide a specific fossil fuel comparator for the electricity produced in the outermost regions.** **Member States should ensure effective compliance with the specific criteria which they adopted.**	

		Finally, national specific criteria should in any event be without prejudice to Article 26(9) of this Directive. This ensures that biofuels, bioliquids and biomass compliant with the harmonised criteria of this Directive will continue to benefit from the trade facilitation pursued by this Directive, including as regards the outermost regions concerned.	
(52) It is appropriate to allow for the development of decentralised renewable energy technologies under non-discriminatory conditions and without hampering the financing of infrastructure investments. The move towards decentralised energy production has many benefits, including the utilisation of local energy sources, increased local security of energy supply, shorter transport distances and reduced energy transmission losses. Such decentralisation also fosters community development and cohesion by providing income sources and creating jobs locally.	**AM 49** (52) It is appropriate to allow for the development of decentralised renewable energy technologies ***and storage*** under non-discriminatory conditions and without hampering the financing of infrastructure investments. The move towards decentralised energy production has many benefits, including the utilisation of local energy sources, increased local security of energy supply, shorter transport distances and reduced energy transmission losses. Such decentralisation also fosters community development and cohesion by providing income sources and creating jobs locally.	*Commission proposal unchanged*	*Accept*

(53) With the growing importance of self-consumption of renewable electricity, there is a need for a definition of renewable self-consumers and a regulatory framework which would empower self-consumers to generate, store, consume and sell electricity without facing disproportionate burdens. Collective self-consumption should be allowed in certain cases so that citizens living in apartments for example can benefit from consumer empowerment to the same extent as households in single family homes.	**AM 50** (53) With the growing importance of self-consumption of renewable electricity, there is a need for a definition of renewable self-consumers and a regulatory framework which would empower self-consumers to generate, store, consume and sell electricity without facing disproportionate burdens. ***Tariffs and remuneration for*** self-consumption should ***provide incentives for the development of smarter renewables integration technologies and motivate renewable self-consumers to make investment decisions that mutually benefit the consumer and the grid. To allow for such a balance, it is necessary to ensure that renewable self-consumers and renewable energy communities are entitled to receive remuneration for the self-generated renewable electricity they feed into the grid which reflects the market value of the electricity fed in, as well as the long-term value to the grid, the environment and society. This must include both long-term costs and benefits of self-consumption in terms of avoided costs to the grid, society and the environment, especially when combined with other distributed energy resources such as energy efficiency, energy storage, demand response and community networks.***	(53) With the growing importance of self-consumption of renewable electricity, there is a need for a definition of renewable self-consumers and a regulatory framework which would empower self-consumers to generate, store, consume and sell electricity without facing disproportionate burdens. **[ ] C**itizens living in apartments for example **should be able to** benefit from consumer empowerment to the same extent as households in single family homes. **While it is quite common that generation of renewable energy takes place on the same site as [ ] consumption, it is appropriate to allow Member States themselves to set the boundaries within which self-consumption may take place by, for example, further defining the geographic scope or excluding the use of the public grid, ensuring a level playing field and equal treatment within their respective frameworks.**	*Maintain Council GA*

	Such remuneration should be determined on the basis of the cost benefit analysis of distributed energy resources under Article 59 of Directive ... of the European Parliament and of the Council [on common rules for the internal market in electricity (recast), 2016/0380(COD)].		
	AM 51 ***(53a) Collective self-consumption should be allowed in certain cases so that citizens living in apartments for example can benefit from consumer empowerment to the same extent as households in single family homes. Enabling collective self-consumption also provides opportunities for renewable energy communities to advance energy efficiency at household level and help fight energy poverty through reduced consumption and lower supply tariffs. Member States should take advantage of this opportunity by, inter alia, assessing the possibility to enable participation by households that might otherwise not be able to participate, including vulnerable consumers and tenants.***		*To be discussed with EP*

	AM 52 ***(53b) Member States must ensure compliance with the rules on consumption and on the introduction or strengthening of measures to combat forced sales, unfair selling and misleading claims in respect of the installation of renewable energy equipment predominantly affecting the most vulnerable groups (such as elderly people and people living in rural areas).***		*To be discussed with EP*
		(53bis) Renewable self-consumers should not face disproportionate burdens and costs. Their contribution to the achievement of the climate and energy target and the costs and benefits they induce in the wider energy system should be taken into account. However, at the same time and in particular when assessing the cost-reflectiveness of charges Member States should ensure that all consumers contribute in a balanced and adequate way to the overall cost-sharing system of producing, distributing and consuming electricity through charges, levies and taxes, including costs related to support granted to renewable electricity in a way that allows renewable self-consumption and achieves proportionality and system financial sustainability.	

		Provided that these conditions are met and without prejudice to Articles 107 and 108 of the Treaty on the Functioning of the European Union, Member States should retain the right to apply different financial conditions to groups of self-consumers, such as citizens living in apartments, or commercial sites, compared to individual self-consumers, such as households in single family homes.	
(54) Local citizen participation in renewable energy projects through renewable energy communities has resulted in substantial added value in terms of local acceptance of renewable energy and access to additional private capital. This local involvement will be all the more crucial in a context of increasing renewable energy capacity in the future.	**AM 53** (54) ***The participation of*** local ***citizens and local authorities*** in renewable energy projects through renewable energy communities has resulted in substantial added value in terms of local acceptance of renewable energy and access to additional private capital ***which results in local investment, more choice for consumers and greater participation by citizens in the energy transition, namely by encouraging the participation by households that might not otherwise be able to, the advancement of energy efficiency at household level, and helping to fight energy poverty through reduced consumption and lower supply tariffs***. This local involvement will be all the more crucial in a context of increasing renewable energy capacity in the future.	(54) Local citizen participation in renewable energy projects through renewable energy communities has resulted in substantial added value in terms of local acceptance of renewable energy and access to additional private capital. This local involvement will be all the more crucial in a context of increasing renewable energy capacity in the future. **Measures to allow renewable energy communities to compete on an equal footing with other producers also aim to increase local citizen participation in renewable energy projects and therefore increase acceptance for renewable energies.**	*Accept in part:* (54) ***The participation of*** local ***citizens and local authorities*** in renewable energy projects through renewable energy communities has resulted in substantial added value in terms of local acceptance of renewable energy and access to additional private capital ***which results in local investment, more choice for consumers and greater participation by citizens in the energy transition***. This local involvement will be all the more crucial in a context of increasing renewable energy capacity in the future. **Measures to allow renewable energy communities to compete on an equal footing with other producers also aim to increase local citizen participation in renewable energy projects and therefore increase acceptance for renewable energies.**

(55) The specific characteristics of local renewable energy communities in terms of size, ownership structure and the number of projects can hamper their competition on equal footing with large-scale players, namely competitors with larger projects or portfolios. Measures to offset those disadvantages include enabling energy communities to operate in the energy system and easing their market integration.		(55) The specific characteristics of local renewable energy communities in terms of size, ownership structure and the number of projects can hamper their competition on equal footing with large-scale players, namely competitors with larger projects or portfolios. **Therefore it should be possible for Member States to choose any form of entity for energy communities as long as such an entity may, acting in its own name, exercise rights and be subject to obligations.** Measures to offset those disadvantages include enabling energy communities to operate in the energy system and easing their market integration. **Renewable energy communities should be able to share between themselves energy that is produce by their community-owned installations. However, community members should not be exempt from appropriate costs, charges, levies and taxes that would be born by non-community member final consumers or generators in a similar situation or when any kind of public grid infrastructure is used for these transfers.**	

	AM 54 ***(55a) It is important that Member States ensure a fair and non-distortionary allocation of networks costs and levies to all users of the electricity system. All network tariffs should be cost reflective.***		*To be discussed with EP*
(56) Representing around half of the final energy consumption of the Union, heating and cooling is considered to be a key sector in accelerating the decarbonisation of the energy system. Moreover, it is also a strategic sector in terms of energy security, as it is projected that around 40% of the renewable energy consumption by 2030 should come from renewable heating and cooling. The absence of a harmonised strategy at Union level, the lack of internalisation of external costs and the fragmentation of heating and cooling markets have led to relatively slow progress in this sector so far.		*Commission proposal unchanged*	
(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	**AM 55** (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 such goals, 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	(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	*Maintain Council GA*

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 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.	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 ***on the environment and public health***.	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 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 lead to disproportionate overall costs. In order to minimise this risk, the increase of the share of renewable energy in heating and cooling should take into account the situation of those Member States where this share is already very high as well as the fact that increasing the share of renewable energy sources in district heating and cooling systems in the pace set out as a reference value, may not be the most cost efficient way to increase the overall share of renewable energy sources in the system and to reduce greenhouse gas emissions. Member States should be allowed to set a value that is different from the reference value for their plans**.	

(58) District heating and cooling currently represents around 10% of the heat demand across the Union, with large discrepancies between Member States. The Commission's heating and cooling strategy has recognised the potential for decarbonisation of district heating through increased energy efficiency and renewable energy deployment.		*Commission proposal unchanged*	
(59) The Energy Union strategy also recognised the role of the citizen in the energy transition, where citizens take ownership of the energy transition, benefit from new technologies to reduce their bills, and participate actively in the market.		*Commission proposal unchanged*	
	AM 56 ***(59a) Household consumers and communities engaging in the trading of their flexibility, self-consumption or selling of their self-generated electricity, shall maintain their rights as consumers, including the rights to have a contract with a supplier of their choice and switching supplier.***		*Maintain Council GA*

(60) The potential synergies between an effort to increase the uptake of renewable heating and cooling and the existing schemes under Directives 2010/31/EU and 2012/27/EU should be emphasised. Member States should, to the extent possible, have the possibility to use existing administrative structures to implement such effort, in order to mitigate the administrative burden.	**AM 57** (60) ***The use of efficient renewable-based heating or cooling systems should go hand in hand with a deep renovation of buildings, thereby reducing energy demand and costs for consumers and contributing to alleviating energy poverty as well as creating qualified local jobs. To that end,*** the potential synergies between ***the need*** to increase the uptake of renewable heating and cooling and the existing schemes under Directives 2010/31/EU and 2012/27/EU should be emphasised. Member States should, to the extent possible, have the possibility to use existing administrative structures to implement such effort, in order to mitigate the administrative burden.	*Commission proposal unchanged*	*Maintain Council GA*
(61) In the area of district heating, it is therefore crucial to enable the fuel-switching to renewables and prevent regulatory and technology lock-in and technology lock-out through reinforced rights for renewable energy producers and final consumers, and bring the tools to end-consumers to facilitate their choice between the highest energy performance solution that take into account future heating and cooling needs in line with expected building performance criteria.		(61) In the area of district heating, it is therefore crucial to enable **the consumer to request the supply of heat [ ] from** renewable **energy sources** and prevent regulatory and technology lock-in and technology lock-out through reinforced rights for renewable energy producers and final consumers, and bring the tools to end-consumers to facilitate their choice between the highest energy performance solution that take into account future heating and cooling needs in line with expected building performance criteria. **The final user**	

		should be given transparent and reliable information on the efficiency of the network and the share of renewable energy sources in their specific heat supply. It is also appropriate that a final user has the opportunity to explicitly request delivery of heating products only from renewable energy sources.	
	AM 58 ***(61a) In the area of Intelligent Transport it is important to increase the development and deployment of electric mobility for road, as well as to accelerate the integration of advanced technologies into innovative rail by bringing forward the Shift2Rail initiative benefiting clean public transport.***		*To be discussed with EP*
(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.	**AM 59** (62) ***Where pasture or agricultural land previously destined for food and feed production is diverted to biofuel production, it will continue to be necessary to satisfy the non-fuel demand by intensifying current production or bringing non-agricultural land into production elsewhere. The latter 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	(62) **[ ]** To prepare for the transition towards advanced biofuels and minimise the overall **direct and** indirect land-use change impacts, it is appropriate to **[ ] limit** the amount of biofuels and bioliquids produced from **cereal and other starch-rich crops, sugars and oil [ ]** crops that can be counted towards the **[ ]** target**s** set out in this Directive**, without restricting the overall possibility to use such biofuels and bioliquids.** **The establishment of a limit at Union level should not prevent Member States from providing for**	*Maintain Council GA*

	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 greenhouse gas efficiency and a low risk of indirect land use change***. ***The deployment of advanced biofuels and electric mobility should be accelerated.***	**lower limits on the amount of biofuels and bioliquids produced from cereal and other starch-rich crops, sugars and oil crops that can be counted at national level towards the targets set out in this Directive, without restricting the overall possibility to use such biofuels and bioliquids.**	
		(62bis) Yield increases in agricultural sectors through intensified research, technological development and knowledge transfer beyond levels which would have prevailed in the absence of productivity-promoting schemes for food and feed crop-based biofuels, as well as the cultivation of a second annual crop on areas which were previously not used for growing a second annual crop, can contribute to mitigating indirect land-use change.	

		(62ter) To prepare for the transition towards advanced biofuels and minimise the direct and indirect greenhouse gas emissions of biofuels and bioliquids, it is appropriate to allow Member States to limit the amount of biofuels and bioliquids produced from cereal and other starch-rich crops, sugars and oil crops that lack a positive greenhouse gas impact towards the targets set out in this Directive. A cause of greenhouse gas emissions can be the cultivation of the raw materials for biofuels, bioliquids and biomass fuels which lead to the release of stored carbon into the atmosphere, leading to the formation of carbon dioxide. The cultivation of non-sustainable vegetable oil crops for instance has this risk, as these are cultivated on land with high stocks of carbon in its soil or vegetation.	
(63) Directive (EU) 2015/1513 of the European Parliament and of the Council[16] 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		(63) Directive (EU) 2015/1513 of the European Parliament and of the Council[17] 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	

[16] 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).

[17]

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.		for investment in sustainable biofuels with a low risk of causing indirect land-use change **[ ] with a headline target of** decarbonising the transport sector. **An obligation on Member States to require [ ]** fuel suppliers **to deliver an overall share of fuels from renewable energy sources** 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. **[ ] Since renewable alternatives might not be freely and cost-efficiently available for all fuel suppliers, it is appropriate to allow Member States to distinguish between them and to exempt, if necessary, types of fuel suppliers from the obligation.** 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.	

	AM 60 ***(63a) The Union and the Member States should aim to increase the mix of energy from renewable sources, reduce the total consumption of energy in transport and increase energy efficiency in all transport sectors. Measures to do this could be promoted in transport planning as well as in the production of cars with higher energy efficiency.***		*To be discussed with EP*
	AM 61 ***(63b) Fuel efficiency standards for road transport would provide an effective way of promoting the uptake of renewable alternatives in the transport sector and of achieving further greenhouse gas emission savings and decarbonisation of the transport sector in the long run. Fuel efficiency standards should be advanced in line with developments in technology and climate and energy targets.***		*To be discussed with EP*
		(63bis) A European database should be put in place to ensure transparency and traceability of sustainable biofuels. While Member States should be allowed to continue to use or establish national databases, these databases should be linked to the European database, in order to ensure instant data transfers and harmonisation of data flows.	

	AM 286 ***(63c) Advanced biofuels are expected to have an important role in reducing greenhouse gas emissions of aviation, and therefore the incorporation obligation should also be met specifically in relation to fuels supplied to aviation. Policies should be developed at Union and Member States level to encourage operational measures to save fuels in shipping, along with research and development efforts to increase wind and solar powered marine transport.***		*Maintain Council GA*
(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		(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. **[ ] An obligation on Member States to require** fuel**[ ]** supplier **a share of advanced biofuels** should encourage continuous development of advanced fuels, including biofuels, and it is important to ensure that the incorporation	

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.		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.	
		(64bis) Electromobility is expected to constitute a substantial part of the renewable energy in the transport sector by the year 2030. Further incentives should be provided considering the swift development of electromobility and the potential of this sector in terms of growth and job for the European Union. Multipliers for renewable electricity supplied for the transport sector should be used for the promotion of using electricity in transport and in order to reduce the comparative disadvantage in energy statistics. An electric drivetrain is about three times more energy efficient than a combustion engine and it is not possible to account for all electricity supplied for [ ] road vehicles in statistics through dedicated metering (e.g. charging at home), thus multipliers should be used to ensure positive impacts of electrified renewable energy-based transport are properly accounted for.	

		(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.	
(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.		(65) The promotion of **recycled carbon fuels [ ]** that are produced from **[ ] waste processing gases and exhaust gases of non-renewable origin from industrial installations** can also contribute towards the policy objectives of energy diversification and transport decarbonisation **when they fulfil the appropriate minimum greenhouse gas savings threshold.** It is therefore appropriate to include those fuels in the **[ ]** obligation on fuel suppliers**, whilst giving Member States the option not to consider these fuels in the obligation if they do not wish to do so.**	

	AM 63 ***(65a) In order to more accurately account for the share of renewable electricity in transport, a suitable methodology should be developed and different technical and technological solutions for that purpose should be explored.***		*To be discussed with EP*
(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 order to assess the possibility to extend the annex to new feedstocks.	**AM 64** (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, **it should be regularly evaluated**.	*Commission proposal unchanged*	*Maintain Council GA*

(67) The costs of connecting new producers of gas from renewable energy sources to the gas grids should be based on objective, transparent and non-discriminatory criteria and due account should be taken of the benefit that embedded local producers of gas from renewable sources bring to the gas grids.		*Commission proposal unchanged*	
(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.	**AM 65** (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 ***energy uses only from*** greater sustainable mobilisation of existing timber and agricultural resources and the development of new forestry and agriculture production systems ***provided that sustainability and greenhouse gas emissions saving criteria are met***.	(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. **Examples of such systems are cultivation of intermediate or cover crops, which are cultivated when the growing conditions are not optimal or favourable for the cultivation of main crop. Since grown on the same land used for the main crop production, intermediate crops do not trigger demand for additional land. Intermediate crops increase the agricultural output per unit area improving soil quality and reducing soil erosion.**	*Maintain Council GA*

	AM 287 ***(68a) The synergy between the circular economy, the bio-economy and the promotion of renewable energy should be further emphasised in order to ensure the most valuable use of the raw materials and the best environmental outcome. Policy measures adopted by the Union and the Member States in support of renewable energy production should always take into account the principle of resource efficiency and of optimised use of biomass.***		*Maintain Council GA*
(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.	**AM 66** (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.	(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. **The harmonisation of these criteria for biofuels, bioliquids and biomass is essential for the achievement of energy policy objectives of the Union as set out in Article 194(1) of Treaty on the Functioning of the European Union. In this context, it ensures the functioning of the internal energy market and thus facilitates, especially with regard to Article**	*Maintain Council GA*

		26(9) of this Directive, trade between Member States in compliant biofuels, bioliquids and biomass fuels. The positive effects of the harmonisation of the above criteria on the smooth functioning of the internal energy market and on the avoidance of distortion of competition in the Union cannot be frustrated. However, in order to allow for a smooth phasing in of the harmonised sustainability and greenhouse gas emissions savings criteria for biomass fuels used in heat and power, Member States should be allowed to apply, as a transitional measure, the national sustainability and greenhouse gas emissions savings criteria existing prior to the date of entry into force of this Directive to those plants which receive support under already approved schemes, until expiration of the subsidies granted under those schemes.	
(70) The Union should take appropriate steps in the context of this Directive, including the promotion of sustainability and greenhouse gas emissions savings criteria for biofuels, and for bioliquids and biomass fuels used for heating or cooling and electricity generation.		*Commission proposal unchanged*	

(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 the 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 sustainibility 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	**AM 67** (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 sustainibility 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	*Commission proposal unchanged*	*Maintain Council GA*

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.	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 such 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.		

(72) Land should not be converted for the production of agricultural raw material for biofuels, bioliquids and biomass fuels if its carbon stock loss upon conversion could not, within a reasonable period, taking into account the urgency of tackling climate change, be compensated by the greenhouse gas emission saving resulting from the production and use of biofuels, bioliquids and biomass fuels. This would prevent unnecessary, burdensome research by economic operators and the conversion of high-carbon-stock land that would prove to be ineligible for producing agricultural raw materials for biofuels bioliquids and biomass fuels. Inventories of worldwide carbon stocks indicate that wetlands and continuously forested areas with a canopy cover of more than 30 % should be included in that category.		*Commission proposal unchanged*	
	AM 68 ***(72a) Union sustainability criteria for biofuel, bioliquids and biomass fuels should ensure that the transition to a low-carbon economy supports the objectives in the communication of the Commission of 2 December 2015 entitled 'Closing the loop - An EU action plan for the Circular Economy' and is firmly guided by the waste hierarchy established in Directive 2008/98/EC.***		*Maintain Council GA*

(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.	**AM 69** (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.	*deleted*	*Maintain Council GA*
(74) In the framework of the Common Agricultural Policy Union, farmers should comply with a comprehensive set of environmental requirements in order to receive direct support. Compliance with those requirements can be most effectively verified in the context of agricultural policy. Including those requirements in the sustainability scheme is not appropriate as the sustainability criteria for bioenergy should set out rules that are objective and apply globally. Verification of compliance under this Directive would also risk causing unnecessary administrative burden.		*Commission proposal unchanged*	
	AM 70 ***(74a) Agricultural feedstock for the production of biofuels, bioliquids and biomass fuels should be produced using practices that are consistent with the protection of soil quality and soil organic carbon.***		*Maintain Council GA*

(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.	**AM 71** (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.***	*Commission proposal unchanged*	*To be discussed with EP*
(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	**AM 73** (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	*Commission proposal unchanged*	*Note: Council GA to be adjusted to "sourcing area" (instead of "forest holding level") in accordance with Art. 2 (vv) and Art. 26(5)b)*

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/EEC[18].	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 or 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 ***arrangements 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/EEC[24].		
	AM 74 ***(76a) If a single criterion relating to forest biomass sustainability is not provided for in national law or practice, more information corresponding to that criterion should be provided at supply base level without the requirement to provide further information on criteria that are already met at Member State level.***		*Maintain Council GA*

[18] Council Decision 89/367/EEC of 29 May 1989 setting up a Standing Forestry Committee (OJ L 165, 15.6.1989, p. 14).

	AM 75 ***(76b) A risk-based approach should be carried out starting at national level. If the requirements of a single criterion are not provided for in national law or monitoring, the information regarding that part should be provided at supply base level in order to reduce the risk of unsustainable forest biomass production.***		*Maintain Council GA*
	AM 76 ***(76c) Harvesting for energy purposes has increased and is expected to continue to grow, resulting in higher imports of raw materials from third countries as well as an increase of the production of those materials within the Union. Operators should ensure that the harvesting is done in accordance with the sustainability criteria.***		*Maintain Council GA*
(77) In order to minimise the administrative burden, the Union sustainability and greenhouse gas saving criteria should apply only to electricity and heating from biomass fuels produced in installations with a fuel capacity equal or above to 20 MW.		(77) In order to minimise the administrative burden, the Union sustainability and greenhouse gas saving criteria should apply only to electricity and heating from biomass fuels produced in installations with a **[ ] total rated thermal input** equal or above to 20 MW.	

(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	**AM 77** (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	(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 **[ ] total rated thermal input** 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 **[ ] total rated thermal input** 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	*To be discussed with EP*

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.	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 those regions.***	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.	
(79) The minimum greenhouse gas emission savings threshold for biofuels and bioliquids produced in new installations should be increased in order to improve their overall greenhouse gas balance as well as to discourage further investments in installations with a low greenhouse gas emission savings performance. This increase provides investment safeguards for biofuels and bioliquids production capacities.		*Commission proposal unchanged*	
(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.	**AM 78** (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.	*Commission proposal unchanged*	*Maintain Council GA*

(81) It is in the interests of the Union to encourage the development of voluntary international or national schemes that set standards for the production of sustainable biofuels, bioliquids, and biomass fuels and that certify that the production of biofuels, bioliquids, and biomass fuels meets those standards. For that reason, provision should be made for schemes should be recognised as providing reliable evidence and data, where they meet adequate standards of reliability, transparency and independent auditing. In order to ensure that the compliance with the sustainability and greenhouse gas emissions savings criteria is verified in a robust and harmonised manner and in particular to prevent fraud, the Commission should be empowered to set out detailed implementing rules, including adequate standards of reliability, transparency and independent auditing to be applied by the voluntary schemes.		*Commission proposal unchanged*	
(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	**AM 79** (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	*Commission proposal unchanged*	*Maintain Council GA*

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.	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.		
(83) To facilitate the functioning of the internal market, evidence regarding the sustainability and greenhouse gas emissions criteria for biomass for energy that has been obtained in accordance with a scheme that has been recognised by the Commission should be accepted in all Member States. Member States should contribute towards ensuring the correct implementation of the certification principles of voluntary schemes by supervising the operation of certification bodies that are accredited by the national accreditation body and by informing the voluntary schemes about relevant observations.		*Commission proposal unchanged*	

(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.	**AM 80** (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 ***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.	*Commission proposal unchanged*	*Maintain Council GA*
(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.	**AM 81** (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.	*Commission proposal unchanged*	*Maintain Council GA*

(86) In accordance with the current technical and scientific knowledge, the greenhouse gas accounting methodology should take into account the transformation of the solid and gaseous biomass fuels into final energy in order to be consistent with the calculation of renewable energy for the purposes of counting towards the Union target laid down in this Directive. The allocation of emissions to co-products, as distinct from wastes and residues, should also be reviewed in cases where electricity and/or heating and cooling are produced in co-generation or multi-generation plants.		*Commission proposal unchanged*	
(87) To ensure consistency and comparability of greenhouse gas savings of biomass fuels for heating and cooling, and electricity generation in different Member States, it is appropriate to apply a fossil fuel comparator based on average Union emissions in the heating and electricity sectors.		*deleted*	

(88) If land with high stocks of carbon in its soil or vegetation is converted for the cultivation of raw materials for biofuels, bioliquids and biomass fuels, some of the stored carbon will generally be released into the atmosphere, leading to the formation of carbon dioxide. The resulting negative greenhouse gas impact can offset the positive greenhouse gas impact of the biofuels, bioliquids or biomass fuels, in some cases by a wide margin. The full carbon effects of such conversion should therefore be taken into account in calculating the greenhouse gas emission saving of particular biofuels, bioliquids and biomass fuels. This is necessary to ensure that the greenhouse gas emission saving calculation takes into account the totality of the carbon effects of the use of biofuels, bioliquids and biomass fuels.		*Commission proposal unchanged*	
(89) In calculating the greenhouse gas impact of land conversion, economic operators should be able to use actual values for the carbon stocks associated with the reference land use and the land use after conversion. They should also be able to use standard values. The methodology of the Intergovernmental Panel on Climate Change is the appropriate basis for such standard values. That work is not currently expressed in a		*Commission proposal unchanged*	

form that is immediately applicable by economic operators. The Commission should therefore revise the guidelines of 10 June 2010 for the calculation of land carbon stocks for the purpose of Annex V to this Directive, while ensuring coherence with Regulation (EU) No 525/2013 of the European Parliament and of the Council[19].			
(90) Co-products from the production and use of fuels should be taken into account in the calculation of greenhouse gas emissions. The substitution method is appropriate for the purposes of policy analysis, but not for the regulation of individual economic operators and individual consignments of transport fuels. In those cases the energy allocation method is the most appropriate method, as it is easy to apply, is predictable over time, minimises counter-productive incentives and produces results that are generally comparable with those produced by the substitution method. For the purposes of policy analysis the Commission should also, in its reporting, present results using the substitution method.		*Commission proposal unchanged*	

[19] Regulation No 525/2013 of the European Parliament and of the Council of 21 May 2013 on a mechanism for monitoring and reporting greenhouse gas emissions and for reporting other information at national and Union level relevant to climate change and repealing Decision No 280/2004/EC (OJ L 165, 18.6.2013, p. 13)

(91) Co-products are different from residues and agricultural residues, as they are the primary aim of the production process. It is therefore appropriate to clarify that agricultural crop residues are residues and not co-products. This has no implications on the existing methodology but clarifies the existing provisions.		*Commission proposal unchanged*	
(92) The established method of using energy allocation as a rule for dividing greenhouse gas emissions between co-products has worked well and should be continued. It is appropriate to align the methodology for calculating greenhouse gas emissions coming from the use of cogeneration of heat and electricity (CHP) when the CHP is used in processing biofuels, bioliquids and biomass fuels to the methodology applied to a CHP being the end use.		*Commission proposal unchanged*	
(93) The methodology takes into account the reduced greenhouse gas emissions arising from the use of CHP, compared to the use of electricity- and heat-only plants, by taking into account the utility of heat compared to electricity, and the utility of heat at different temperatures. It follows that higher temperature should bear a larger part of the total greenhouse gas emissions, than heat at low temperature, when the heat is co-		*Commission proposal unchanged*	

produced with electricity. The methodology takes into account the whole pathway to final energy, including conversion to heat or electricity.			
(94) It is appropriate for the data used in the calculation of the default values to be obtained from independent, scientifically expert sources and to be updated as appropriate as those sources progress their work. The Commission should encourage those sources to address, when they update their work, emissions from cultivation, the effect of regional and climatological conditions, the effects of cultivation using sustainable agricultural and organic farming methods, and the scientific contribution of producers, within the Union and in third countries, and civil society.		*Commission proposal unchanged*	
(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		*Commission proposal unchanged*	

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.			
(96) In order to ensure a harmonised implementation of the greenhouse gas emissions calculation methodology and to align to the latest scientific evidence the Commission should be empowered to adapt the methodological principles and values necessary for assessing whether greenhouse gas emissions savings criteria have been fulfilled and to decide that reports submitted by Member States and third countries contain accurate data on cultivation emissions of feedstock.		*Commission proposal unchanged*	
		(96bis) European gas grids are becoming more integrated. The promotion of the production and use of biomethane, its injection into natural gas grid and cross-border trade create a need to ensure proper accounting of renewable energy as well as avoiding double incentives resulting from different support schemes in various Member States. The mass balance system related to verification of bioenergy sustainability should contribute to address these issues.	

(97) The achievement of the objectives of this Directive requires that the Union and Member States dedicate a significant amount of financial resources to research and development in relation to renewable energy technologies. In particular, the European Institute of Innovation and Technology should give high priority to the research and development of renewable energy technologies.		*Commission proposal unchanged*	
(98) The implementation of this Directive should reflect, where relevant, the provisions of the Convention on Access to Information, Public Participation in Decision-Making and Access to Justice in Environmental Matters, in particular as implemented through Directive 2003/4/EC of the European Parliament and of the Council [20].		*Commission proposal unchanged*	
(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'	**AM 72** (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	*Commission proposal unchanged*	*Maintain Council GA*

[20] Directive 2003/4/EC of the European Parliament and of the Council of 28 January 2003 on public access to environmental information (OJ L 41, 14.2.2003, p. 26).

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 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.	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; the rules for calculating the greenhouse gas impact of biofuels, bioliquids and their fossil fuel comparators***; the establishment of a maximum allowable payback period as a sustainability criterion, in particular for ligno-cellulosic biomass; and, in order to ensure full transparency throughout all sectors of energy production, the establishment, by 31 December 2018, of production criteria for fossil fuels and fossil energies***. 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 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.		
(100) The measures necessary for the implementation of this Directive should be adopted in accordance with Regulation (EU) No 182/2011 of the European Parliament and of the Council[21]		*deleted*	
(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.		*Commission proposal unchanged*	

[21] Regulation (EU) No 182/2011 of the European Parliament and of the Council of 16 February 2011 laying down the rules and general principles concerning mechanisms for control by Member States of the Commission's exercise of implementing powers (OJ L 55, 28.2.2011, p.13).

(102) The obligation to transpose this Directive into national law should be confined to those provisions which represent a substantive amendment as compared to the earlier Directive. The obligation to transpose provisions which are unchanged arises under the earlier Directive.		*Commission proposal unchanged*	
(103) In accordance with the Joint Political Declaration of Member States and the Commission on explanatory documents of 28 September 2011 [22], Member States have undertaken to accompany, in justified cases, the notification of their transposition measures with one or more documents explaining the relationship between the components of a directive and the corresponding parts of national transposition instruments.		*Commission proposal unchanged*	
(104) This Directive should be without prejudice to the obligations of the Member States relating to the time-limit for the transposition into national law of the Directives set out in part B of Annex XI.		*Commission proposal unchanged*	

[22] OJ C 369, 17.12.2011, p. 14.

Article 1 **Subject-matter**			
This Directive establishes a common framework for the promotion of energy from renewable sources. It sets a binding Union target 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.		*Commission proposal unchanged*	

Article 2 **Definitions**			
For the purposes of this Directive, the definitions in Directive 2009/72/EC of the European Parliament and of the Council[23] apply. The following definitions also apply:		*Commission proposal unchanged*	
(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;	**AM 288** (a) 'energy from renewable sources' means energy from renewable non-fossil sources, namely wind, solar (solar thermal and solar photovoltaic) and, geothermal energy, ambient ***energy***, tide, wave and other ocean energy, hydropower, biomass, ***biomethane,*** landfill gas, sewage treatment plant gas and biogases;	(a) 'energy from renewable sources' means energy from renewable non-fossil sources, namely wind, solar (solar thermal and solar photovoltaic) and, geothermal energy , ambient **energy [ ]**, tide, wave and other ocean energy, hydropower, biomass, landfill gas, sewage treatment plant gas and biogases;	*Maintain Council GA*
(b)'ambient heat' means heat energy at a useful temperature level which is extracted or captured by means of heat pumps that need electricity or other auxiliary energy to function, and which can be stored in the ambient air, beneath the surface of solid earth or in surface water. The reported values shall be established on the basis of the same methodology used for the reporting of heat energy extracted or captured by heat pumps;	**AM 85** (b) 'ambient ***energy***' means ***thermal*** energy at a useful temperature level which can be stored in the ambient air, ***excluding exhaust air,*** in surface ***water or in sewage*** water. The reported values shall be established on the basis of the same methodology used for the reporting of heat energy extracted or captured by heat pumps;	(b)'ambient **energy [ ]'** means **naturally occuring [ ] thermal** energy **[ ] and energy accumulated in the environment with constrained boundaries,** which **[ ]** can be stored in the ambient air **[ ]**, beneath the surface of solid earth or in surface water. **[ ]**;	*Maintain Council GA* *(see also Art 7(3))*

[23] Directive 2009/72/EC of the European Parliament and of the Council of 13 July 2009 concerning common rules for the internal market in electricity and repealing Directive 2003/54/EC (OJ L 211, 14.8.2009, p. 55).

	AM 86 ***(ba) 'geothermal energy' means energy stored in the form of heat beneath the surface of solid earth;***	**(b bis)'geothermal energy' means energy stored in the form of heat beneath the surface of solid earth;**	*Accepted in Council text*
(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;	**AM 289** (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 ***but 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***;	*Commission proposal unchanged*	*Maintain Council GA*
(d)'gross final consumption of energy' means the energy commodities delivered for energy purposes to industry, transport, households, services including public services, agriculture, forestry and fisheries, including the consumption of electricity and heat by the energy branch for electricity and heat production and including losses of electricity and heat in distribution and transmission;	**AM 88** (d) 'gross final consumption of energy' means the energy commodities delivered for energy purposes to industry, transport, households, services including public services, agriculture, forestry and fisheries, including the consumption of electricity and heat by the energy branch for electricity***,*** heat ***and transport fuel*** production and including losses of electricity and heat in distribution and transmission;	*Commission proposal unchanged*	*To be discussed with EP*

Art. 2 (e)			
(e)‘district heating’ or ‘district cooling’ means the distribution of thermal energy in the form of steam, hot water or chilled liquids, from a central source of production through a network to multiple buildings or sites, for the use of space or process heating or cooling;	**AM 89** (e) ‘district heating’ or ‘district cooling’ means the distribution of thermal energy in the form of steam, hot water or chilled liquids, from central ***or decentralised sources*** of production through a network to multiple buildings or sites, for the use of space or process heating or cooling;	*Commission proposal unchanged*	*To be discussed with EP*
(f)‘bioliquids’ means liquid fuel for energy purposes other than for transport, including electricity and heating and cooling, produced from biomass;	**AM 90** (f) ‘bioliquids’ means liquid fuel for energy purposes other than for transport, including electricity and heating and cooling, produced from biomass ***or by biomass***;	*Commission proposal unchanged*	*Maintain Council GA*
(g)‘biofuels’ means liquid fuel for transport produced from biomass;	**AM 290** (g) ‘biofuels’ means liquid ***or gaseous*** fuel for transport produced from ***or by*** biomass;	*Commission proposal unchanged*	*Maintain Council GA*
(h)‘guarantee of origin’ means an electronic document which has the sole function of providing proof to a final customer that a given share or quantity of energy was produced from renewable sources ;		*Commission proposal unchanged*	
(i)‘support scheme’ means any instrument, scheme or mechanism applied by a Member State or a group of Member States, that promotes the use of energy from renewable sources by reducing the cost of that energy, increasing the price at which it can be sold, or increasing, by means of a renewable energy obligation or	**AM 91** (i) ‘support scheme’: means any instrument, scheme or mechanism applied by a Member State or a group of Member States, that promotes the use of energy from renewable sources by reducing the cost of that energy, increasing the price at which it can be sold, or increasing, by means of a renewable energy obligation or	(i)‘support scheme’ means any instrument, scheme or mechanism applied by a Member State or a group of Member States, that promotes the use of energy from renewable sources by reducing the cost of that energy, increasing the price at which it can be sold, or increasing, by means of a renewable energy obligation or	*Maintain Council GA*

otherwise, the volume of such energy purchased. This includes, but is not restricted to, investment aid, tax exemptions or reductions, tax refunds, renewable energy obligation support schemes including those using green certificates, and direct price support schemes including feed-in tariffs and premium payments;	otherwise, the volume of such energy purchased. This includes, but is not restricted to, ***research and*** investment aid, tax exemptions or reductions, tax refunds, renewable energy obligation support schemes including those using green certificates, and direct price support schemes including feed-in tariffs and premium payments;	otherwise, the volume of such energy purchased. This includes, but is not restricted to, investment aid, tax exemptions or reductions, tax refunds, renewable energy obligation support schemes including those using green certificates, and direct price support schemes including feed-in tariffs and **sliding and fixed** premium payments;	
(j)'renewable energy obligation' means a support scheme requiring energy producers to include a given proportion of energy from renewable sources in their production, requiring energy suppliers to include a given proportion of energy from renewable sources in their supply, or requiring energy consumers to include a given proportion of energy from renewable sources in their consumption. This includes schemes under which such requirements may be fulfilled by using green certificates;		*Commission proposal unchanged*	
(k)'actual value' means the greenhouse gas emission saving for some or all of the steps of a specific biofuel production process calculated in accordance with the methodology laid down in part C of Annex V;		*Commission proposal unchanged*	
(l)'typical value' means an estimate of the greenhouse gas emissions and emission saving for a particular biofuel, bioliquid or biomass fuel production pathway, which is representative of the Union consumption;		*Commission proposal unchanged*	

Art. 2 (m)			
(m)‘default value’ means a value derived from a typical value by the application of pre-determined factors and that may, in circumstances specified in this Directive, be used in place of an actual value;		*Commission proposal unchanged*	
(n)‘waste’ shall be defined as in Article 3(1) of Directive 2008/98/EC ; substances that have been intentionally modified or contaminated to meet that definition are not covered by this definition;		*Commission proposal unchanged*	
(o)‘starch-rich crops’ means crops comprising mainly cereals (regardless of whether only the grains are used, or the whole plant, such as in the case of green maize, is used), tubers and root crops (such as potatoes, Jerusalem artichokes, sweet potatoes, cassava and yams), and corm crops (such as taro and cocoyam);		*Commission proposal unchanged*	
(p)‘ligno-cellulosic material’ means material composed of lignin, cellulose and hemicellulose such as biomass sourced from forests, woody energy crops and forest-based industries' residues and wastes;		*Commission proposal unchanged*	
(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	**AM 93** (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	(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	*To be discussed with EP*

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;	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 and alfalfa***), industrial residues (including from food and feed crops after vegetal oils, sugars, starches and protein have been extracted), and material from biowaste;	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;	
(r)‘ residue’ means a substance that is not the end product(s) that a 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;		*Commission proposal unchanged*	
(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;	**AM 291** (s) ‘renewable liquid and gaseous transport fuels of non-biological origin’ means liquid or gaseous fuels ***which are used in transport*** other than biofuels whose energy content comes from renewable energy sources other than biomass, ***where any carbon feedstock is captured from the ambient air***;	*Commission proposal unchanged*	*To be discussed with EP* (s) ‘renewable liquid and gaseous transport fuels of non-biological origin’ means liquid or gaseous fuels ***which are used in transport*** other than biofuels whose energy content comes from renewable energy sources other than biomass, and which are used in transport;
(t)‘agricultural, aquaculture, fisheries and forestry residues’ means residues that are directly generated by agriculture, aquaculture, fisheries and forestry; they do not include residues from related industries or processing;		*Commission proposal unchanged*	

Art. 2 (u)			
(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;.		*Commission proposal unchanged*	
(x) 'distribution system operator' means an operator as defined in Article 2(6) of Directive 2009/72/EC;		*Commission proposal unchanged*	
(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;	**AM 96** (y) 'waste heat or cold' means ***unavoidable*** heat or cold which is generated as by-product in industrial ***installations*** or power generation installations ***(after the use of high-efficiency cogeneration or where cogeneration is not feasible), or from the tertiary sector,*** and which would be dissipated unused in air or water without access to a district heating or cooling system;	(y) 'waste heat or cold' means heat or cold which is generated as by-product in industrial**, tertiary sector[ ]** or power generation installations**, except where combined heat and power generation is used,** and which would be dissipated unused in air or water without access to a district heating or cooling system;	*Maintain Council GA*
(z) ‘repowering’ means renewing power plants producing renewable energy, including the full or partial replacement of installations or operation systems and equipment, in order to replace capacity or increase efficiency;	**AM 95** (z) 'repowering' means renewing power plants producing renewable energy, including the full or partial replacement of installations operation systems and equipment, in order to ***increase or*** replace capacity or increase efficiency;	(z) ‘repowering’ means renewing power plants producing renewable energy, including the full or partial replacement of installations or operation systems and equipment, in order to replace capacity or **to** increase efficiency **or capacity of the installation**;	*Accepted in Council text*

(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;	**AM 97** (aa) 'renewable self-consumer' means an active customer ***or a group of customers acting together*** as defined in Directive ... ***of the European Parliament and of the Council*** [***on common rules for the internal market in electricity (recast), 2016/0380(COD)***] who ***consume*** and may store and sell renewable electricity which is generated within ***their*** premises, including a multi-apartment block, ***residential area,*** a commercial***, industrial*** or shared services site or ***in the same*** closed distribution system, provided that, for non-household renewable self-consumers, those activities do not constitute their primary commercial or professional activity;	(aa) 'renewable self-consumer' means an active customer as defined in Directive [MDI Directive] **operating within confined boundaries** who **generates renewable electricity for it's own needs, [ ]** and may store and sell **self-generated** renewable electricity **[ ]**, provided that, for non-household renewable self-consumers, those activities do not constitute their primary commercial or professional activity;	*Maintain Council GA (see also definition of active customer in Electricity Directive GA)*
	AM 98 ***(aaa) 'renewable energy community' means a local energy community as defined in Article 2 of Directive ... of the European Parliament and of the Council [on common rules for the internal market in electricity (recast), 2016/0380(COD)] that meets the requirements set out in Article 22(1) of this Directive;***	**(ww) 'renewable energy community' means a legal entity which, according to applicable national law, is effectively controlled by shareholders or members who are natural persons, local authorities, including municipalities, or small and micro enterprises located in the proximity of the renewable energy projects owned and developed by that community. The primary purpose of an energy community is to provide environmental, economic or social community benefits for its members**	*Maintain Council GA (see also below)*

		or the local areas where it operates rather than financial profits. With regard to the activities in the electricity sector, it shall be considered an energy community as defined in Directive [MDI Directive].	
Art. 2 (bb)			
(bb) 'renewable self-consumption' means the generation and consumption, and, where applicable, storage, of renewable electricity by renewable self-consumers;	**AM 99** (bb) 'renewable self-consumption' means the generation and consumption, and, where applicable, storage, of renewable ***energy*** by renewable self-consumers;	*deleted*	*Maintain Council GA (to align with Art. 21/22 of GA)*
(cc) 'power purchase agreement' means a contract under which a legal person agrees to purchase renewable electricity directly from an energy generator;	**AM 100** (cc) '***renewables*** power purchase agreement' means a contract under which a legal ***or natural*** person agrees to purchase renewable electricity directly from an energy generator	*Commission proposal unchanged*	*To be discussed with EP*
(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;		(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**.** **Intermediate crops such as catch crops and cover crops are not considered main crops**;	*Maintain Council GA*
(ee) 'advanced biofuels' means biofuels that are produced from feedstocks listed in part A of Annex IX;	**AM 305** (ee) 'advanced biofuels' means biofuels that are produced from feedstocks listed in part A of Annex IX***, and from waste and residual biomass not originating from food/feed crops where such biomass fulfils the sustainability criteria as set out in Article 26***;	*Commission proposal unchanged*	*Maintain Council GA*

(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;	**AM 103** ***deleted***	**(ff) 'recycled carbon fuels' [24] means liquid and gaseous fuels that are produced from waste processing gases and exhaust gases of non-renewable origin from industrial installations;**	*Maintain Council GA*
	AM 104 ***(ffa) 'recycled carbon fuels' means liquid and gaseous fuels produced from unavoidable waste streams of non-renewable origin, including waste processing gases and exhaust gases, with substantial greenhouse gas savings over their entire life cycle; if produced from solid waste streams, only waste that is not reusable and not mechanically recyclable shall be used, with full respect of the waste hierarchy established in Directive 2008/98/EC; if produced from gaseous process emissions, these must be emitted as an unavoidable and not intentional consequence of the manufacturing process; the proportion of gaseous waste used for the production of these recycled carbon fuels cannot be credited under other emissions reduction schemes, such as the EU Emission Trading System;***		*Maintain Council GA, see (ff) above*

[24] Note: for these 'recycled carbon fuels', the methodology for the calculation of their greenhouse gas savings is to be determined via a delegated act under Article 25(6) and the GHG emissions savings level is set at 70% in Article 25.

Art. 2 (gg)			
(gg) 'fuel supplier' means the entity supplying fuel to the market responsible for passing fuel or energy through an excise duty point or, where no excise is due, any other relevant entity designated by a Member State;		(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;	
(hh) 'agricultural biomass' means biomass produced from agriculture;		*Commission proposal unchanged*	
(ii) 'forest biomass' means biomass produced from forestry;		*Commission proposal unchanged*	
(jj) 'harvesting permit' means an official document giving the right to harvest the forest biomass;	**AM 105** (jj) 'harvesting permit' means ***a legal permit or similar*** right ***under national and/or regional law*** to harvest the forest biomass;	*deleted*	*Maintain Council GA (see Art 26(5,6))*
(kk) 'SME' means a micro, small or medium sized enterprise as defined in Commission Recommendation 2003/361/EC[25];		*Commission proposal unchanged*	
(ll) 'forest regeneration' means the re-establishment of a forest stand by natural or artificial means following the removal of the previous stand by felling or as a result of natural causes, including fire or storm;		*Commission proposal unchanged*	

[25] Commission Recommendation of 6 May 2003 concerning the definition of micro, small and medium-sized enterprises (OJ L 124, 20.5.2003, p. 36).

(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;	**AM 106** (mm) ***'supply base'*** means ***the geographic region from which biomass feedstock originates***;	*Commission proposal unchanged*	*Maintain Council GA (see below (vv))*
(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;	**AM 107** (nn) '***bio-waste***' means ***bio-waste as defined in point (4) of Article 3 of Directive 2008/98/EC***;	(nn) 'biowaste' means **biowaste as defined in Article 3(4) of Directive 2008/98/EC [ ]**;	*Accepted in Council text*
(oo) 'residual energy mix' means the total annual energy mix for a Member State, excluding the share covered by the cancelled guarantees of origin;		*Commission proposal unchanged*	
(pp) 'biomass fuels' means gaseous and solid fuels produced from biomass;		*Commission proposal unchanged*	
(qq) 'biogas' means gaseous fuels produced from biomass;		*Commission proposal unchanged*	
(rr) 'opened tender' means a tender procedure for the installation of renewable energy plants organised by a Member State and opened for bids from projects located in one or several other Member States;		*Commission proposal unchanged*	

Art. 2 (ss)			
(ss) 'joint tender' means a tender procedure for the installation of renewable energy plants jointly designed and organised by two or more Member States, that is open to projects located in all Member States involved;		*Commission proposal unchanged*	
(tt) 'opened certificate scheme' means a certificate scheme implemented by a Member State, that is open to installations located in one or several other Member States;		*Commission proposal unchanged*	
(uu) 'financial instruments' means financial instruments as defined in Regulation (EU, Euratom) No 966/2012 of the European Parliament and of the Council[26].		*Commission proposal unchanged*	
		(vv) 'sourcing area' means the geographically defined area from which the forest biomass is sourced, from which reliable and independent information is available and where conditions are sufficiently homogeneous to evaluate the risk of the sustainability and legality characteristics of the forest biomass;	*Maintain Council GA (to replace (nn) above)*

[26] Regulation (EU, Euratom) No 966/2012 of the European Parliament and of the Council of 25 October 2012 on the financial rules applicable to the general budget of the Union and repealing Council Regulation (EC, Euratom) No 1605/2002 (OJ L 298, 26.10.2012, p. 1).

Article 3			
Union binding overall target for 2030	**AM 108** **Union binding overall target *and national targets* for 2030**	*Commission proposal unchanged*	*Maintain Council GA*
1. Member States shall collectively ensure that the share of energy from renewable sources in the Union's gross**AM 109** final consumption of energy in 2030 is at least 27%.	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 ***35 %***.	*Commission proposal unchanged*	*Maintain Council GA*
	AM 306 ***1a. Each Member State shall ensure that the share of energy from renewable sources in all forms of transport in 2030 is at least 12% of the final consumption of energy in transport in that Member State. In order to achieve the target of 12% of final energy consumption from renewable sources, Member States shall require, with effect from 1 January 2021, fuel suppliers to include a minimum share of renewable energy referred to in Article 25.*** ***In order to count towards this target, the greenhouse gas emissions savings from the use of biofuels and biogas shall comply with the criteria laid down in Article 26(7) when compared to fossil fuels in accordance with the methodology referred to in Article 28(1).*** ***Where the contribution from biofuels***		*Maintain Council GA (see transport sector provisions in Article 25)*

	produced from food and feed crops in a Member State is below 2 % and thus not sufficient to cover the difference between the fuel supplier obligation and the 12 % transport target, that Member State may, accordingly, adjust their cap set out in Article 7(1) up to a maximum of 2 %.		
Art. 3 (2)			
2. Member States' respective contributions to this overall 2030 target shall be set and notified to the Commission as part of their Integrated National Energy and Climate Plans in accordance with Articles 3 to 5 and Articles 9 to 11 of Regulation [Governance].	**AM 111** 2. Member States ***shall set targets to meet*** this overall 2030 target as part of their Integrated National Energy and Climate Plans in accordance with Articles 3 to 5 and Articles 9 to ***13*** of Regulation ***... of the European Parliament and of the Council*** [***on the*** Governance ***of the Energy Union, transport2016/0375(COD)***]. ***If, on the basis of the assessment of the final integrated national energy and climate plans submitted pursuant to Article 3 of Regulation ... of the European Parliament and of the Council [on the Governance of the Energy Union, 2016/0375(COD)], the Commission concludes that Member States' targets are insufficient for the collective achievement of the Union's binding overall target, Member States with a target below that resulting from applying the formula set out in Annex Ia shall increase their target accordingly.*** ***Where a Member State cannot meet***	*Commission proposal unchanged*	*Maintain Council GA (see Article 27 of Council GA on Governance Regulation)*

	its target because of exceptional and duly justified circumstances, it may deviate from its target by a maximum of 10 %, notifying the Commission by 2025. Should this put at risk the achievement of the Union binding overall target, the Commission and Member States shall take corrective measures as those set out in Article 27(4) of Regulation ... of the European Parliament and of the Council [on the Governance of the Energy Union, 2016/0375(COD)], to effectively cover the gap.		
	AM 321 ***2a. Member States shall ensure that their national policies, including support schemes, are designed to conform to the waste hierarchy, as set out in Article 4 of Directive 2008/98/EC and avoid significant distortive effects on markets for (by)products, wastes and residues. To that end, Member States shall regularly review their national policies and justify any deviation in the reports required under Article 18(c) of Regulation …of the European Parliament and of the Council [on the Governance of the Energy Union, 2016/0375(COD)].***		*Maintain Council GA*

Art. 3 (3)			
3. From 1 January 2021 onwards, the share of energy from renewable sources in each Member State's gross final consumption of energy shall not be lower than that shown in the third column of the table in part A of Annex I. Member States shall take the necessary measures to ensure compliance with this baseline.		3. From 1 January 2021 onwards, the share of energy from renewable sources in each Member State's gross final consumption of energy shall not be lower than that shown in the third column of the table in part A of Annex I. Member States shall take the necessary measures to ensure compliance with the baseline. **If a Member State does not maintain its baseline share as measured over a one-year period, the first and second sub-paragraphs of Article 27(4bis) of Regulation [Governance] shall apply.**	
4. The Commission shall support the high ambition of Member States through an enabling framework comprising the enhanced use of Union funds, in particular financial instruments, especially in view of reducing the cost of capital for renewable energy projects.	**AM 113** 4. The Commission shall support the high ambition of Member States through an enabling framework comprising the enhanced use of Union funds, in particular financial instruments, especially in view of reducing the cost of capital for renewable energy projects ***and supporting renewable generation projects of cross-border dimension***.	4. The Commission shall support the high ambition of Member States through an enabling framework comprising the enhanced use of Union funds, in particular financial instruments, especially **[ ] for the following purposes:**	*Accepted in part in Council GA ((c) and (4bis) below)*
		a) Reducing the cost of capital for renewable energy projects.	

		b) The development of transmission and distribution grid infrastructure, intelligent networks, storage facilities and interconnections, [ ] with the objective of arriving at a 15% electricity interconnection target by 2030, to increase the technically and economically affordable level of renewables in the electricity system.	
		c) Enhanced regional cooperation between Member States and between Member States and third countries, through joint projects, joint support schemes and the opening of support schemes for renewable electricity to generators located in other Member States.	
		4bis. The Commission shall support Member States who choose to contribute to the Union binding overall target using cooperation mechanisms by establishing a facilitative platform.	
5. In case the Commission finds in the context of the assessment of the Integrated National Energy and Climate Plans in accordance with Article 25 of Regulation [Governance] that the Union trajectory is not collectively met or that the baseline referred to in paragraph 3 is not maintained, Article 27(4) of that Regulation shall apply.		*Deleted*	

Article 4			
Financial support for electricity from renewable sources	**AM 114** Support for ***energy*** from renewable sources	*Commission proposal unchanged*	*Maintain Council GA*
1. Subject to State aid rules, in order to reach the Union target set in Article 3(1), Member States may apply support schemes. Support schemes for electricity from renewable sources shall be designed so as to avoid unnecessary distortions of electricity markets and ensure that producers take into account the supply and demand of electricity as well as possible grid constraints.	**AM 332/rev** 1. ***Pursuant to Article 195 TFEU and*** subject to ***Articles 107 and 108 thereof***, in order to reach ***or exceed*** the Union ***and national targets*** set in Article ***3***, Member States may apply support schemes. ***To avoid unnecessary distortions of raw material markets, support schemes for renewable energy from biomass shall be designed to avoid encouraging inappropriate use of biomass primarily for energy production if there exists industrial or material uses providing higher added-value, which could include giving priority to the use of wastes and residues. Members States should take into account available sustainable supply of biomass.*** Support schemes for electricity from renewable sources shall be ***market-based*** so as to avoid ***the distortion*** of electricity markets and ***shall*** ensure that producers take into account the supply and demand of electricity as well as possible ***system integration costs or*** grid constraints.	1. **[ ] I**n order to reach the Union target set in Article 3(1**), and Member State's respective contributions to this target set at a national level for the deployment of renewable energy**, Member States may apply support schemes. Support schemes for electricity from renewable sources shall **incentivise integration of electricity from renewable energy sources in the electricity market in a market-based and market-responsive way [ ],** avoid**ing** unnecessary distortions of electricity markets **[ ].**	*Maintain Council GA (see AM 321)*

	AM 116 *See below*		
2. Support for electricity from renewable sources shall be designed so as to integrate electricity from renewable sources in the electricity market and ensure that renewable energy producers are responding to market price signals and maximise their market revenues.	**AM 117** 2. Support for electricity from renewable sources shall be designed so as to ***maximise the integration of*** electricity from renewable sources in the electricity market and ensure that renewable energy producers are responding to market price signals and maximise their market revenues***, while offering renewable energy sources compensation for market distortions***. ***Member States may provide for exemptions benefiting small-scale installations of less than 500 kW and demonstration projects. However, electricity from wind energy shall be subject to a threshold of 3 MW of installed electricity capacity or three generation units.*** ***Without prejudice to the thresholds mentioned in the second subparagraph, Member States may support renewable energy communities through other mechanisms and procedures.***	2. Support for electricity from renewable sources shall be designed so as to integrate electricity from renewable sources in the electricity market and ensure that renewable energy producers are responding to market price signals and maximise their market revenues. **To this end, in direct price support schemes support shall be granted in the form of a [ ] market premium, which could be, inter alia, sliding or fixed. Member States may consider, in accordance with [*Electricity Directive*] and [*Electricity Regulation*], developing specific conditions for supporting small-scale installations and demonstration projects.**	*To be discussed with EP*

Art. 4 (3)			
3. Member States shall ensure that support for renewable electricity is granted in an open, transparent, competitive, non-discriminatory and cost-effective manner.		3. Member States shall ensure that support for renewable electricity is granted in an open, transparent, competitive, non-discriminatory and cost-effective manner. **Member States may consider developing specific conditions or providing exemptions from competitive bidding processes particularly for small-scale installations and demonstration projects.** **Member States may also consider mechanisms to ensure the regional diversification of renewables depolyment particularly to ensure cost-efficient system integration.**	
	AM 116 **1a. Member States may apply technology-neutral or technology-specific support schemes. Technology-specific support schemes may be applied in particular on the basis of one or more of the following grounds:** **(a) the long-term potential of a particular technology;** **(b) the need to achieve technological or regional diversification of the energy mix;** **(c) efficient system planning and grid integration;** **(d) network constraints and grid**	**3bis. Member States may consider limiting competition between technologies on the basis of one or several of the following objectives, where such objectives cannot be addressed in the design of the support: grid and system development objectives, the longer term potential of a particular technology, the objective to diversify the energy mix, the objective to avoid distortions on the raw material markets, and system integration costs.**	*To be discussed with EP (Council text similar, see also 3. above)*

	stability; **(e) environmental constraints.**		
Art. 4 (3) (1a)			
	AM 118 ***3.1a. Where support for renewable energy is granted by means of a tendering procedure, paragraph 3a shall apply unless the support is intended for small-scale installations of less than 1 MW, wind energy projects of up to 6 generating units or 6 MW, or demonstration projects.***		*To be discussed with EP*
	AM 119 ***3a. Where support for renewable energy is granted by means of a tendering procedure, in order to ensure a high project realisation rate, Member States shall:*** ***(a) establish and publish non-discriminatory and transparent pre-qualification criteria and rules on the delivery period of the project;*** ***(b) consult stakeholders to review the draft tender specifications;*** ***(c) publish information about past tenders including project realisation rates.***		*To be discussed with EP*
	AM 120 ***3b. Member States shall publish a long-term schedule in relation to the expected allocation of support, covering at least the next five years and including the indicative timing,***		*Maintain Council GA (see Art. 15(3), "3 years")*

	including frequency of tenders where appropriate, the capacity, the budget or the maximum unitary support expected to be allocated and the eligible technologies.		
	AM 121 ***3c. Member States shall take into account the specificities of renewable energy communities and self-consumers when designing support schemes in order to enable them to compete on an equal footing.***		*Maintain Council GA (see Art. 22(3))*
	AM 122 ***3d. In order to increase the generation of energy from renewable sources in the outermost regions and small islands, Member States may adapt financial support for projects located in those regions in order to take into account the production costs associated with their specific conditions of isolation and external dependence.***		*To be discussed with EP*
4. Member States shall assess the effectiveness of their support for electricity from renewable sources at least every four years. Decisions on the continuation or prolongation of support and design of new support shall be based on the results of the assessments.	**AM 123** 4. Member States shall assess the effectiveness of their support for electricity from renewable sources ***and its distributive effects on different consumer groups, including on industrial competitiveness,*** at least every four years. ***That assessment shall take into account the effect of possible changes to the support schemes on investments. Member States shall include the assessment in their***	*deleted*	*Maintain Council GA*

	national energy and climate plans and updates of those plans in compliance with the Regulation ... of the European Parliament and of the Council [on the Governance of the Energy Union, 2016/0375(COD)]. Long-term planning governing the decisions of the support and design of new support shall be based on the results of the assessments, considering their overall effectiveness in reaching renewable targets and other goals, such as affordability and the development of energy communities, and considering its distributive effects on different consumer groups, including on industrial competitiveness.		
Art. 4 (4) (a)			
	AM 124 ***4a. By ... [2021] and every three years thereafter, the Commission shall report to the European Parliament and to the Council on the performance of support granted by means of tendering procedures in the Union, analysing, in particular the ability of tenders to:*** ***(a) achieve cost-reduction;*** ***(b) achieve technological improvement;*** ***(c) achieve high realisation rates;*** ***(d) provide non-discriminatory participation of small actors and local authorities.***		*Maintain Council GA (linked to AM 123)*

	AM 125 ***4b. By ... [six months after the date of entry into force of this Directive], the Commission shall review the Guidelines on State aid for environmental protection and energy 2014-2020 (2014/C 200/01) in order to incorporate fully the general principles laid down in Article 4 of this Directive.***		*Maintain Council GA*
	AM 126 ***4c. By way of derogation from paragraph 1 of this Article, Member States shall ensure that no support scheme for energy from renewable sources is provided for municipal waste which does not comply with the separate collection obligations set out in Directive 2008/98/EC.***		*Maintain Council GA*
		5. This article shall apply without prejudice to Articles 107 and 108 of the Treaty on the Functioning of the European Union [ ].	

Article 5 **Opening of support schemes for renewable electricity**			
1. Member States shall open support for electricity generated from renewable sources to generators located in other Member States under the conditions laid down in this Article.	**AM 127** 1. Member States shall open support for electricity generated from renewable sources to generators located in other Member States Under the conditions laid down in this Article. ***Member States may limit their support to installations in Member States to which there is a direct connection via interconnectors.***	1. **Member States shall have the right to decide, in accordance with Articles 7 to 13 of this Directive, to which extent they support energy from renewable sources which is produced in a different Member State. However,** Member States **[ ] may** open support for electricity generated from renewable sources to generators located in other Member States under the conditions laid down in this Article. **[ ] Thus** Member States **[ ] may provide** that support for **[ ] a share** of the newly-supported capacity**, or of the budget allocated thereto,** in each year **[ ]** is open to installations located in other Member States. **Member States are encouraged to [ ] aim for this share to be, in each year, at least 10% between 2021 and 2025 and at least 15% between 2026 and 2030, but may also deviate from these shares due to, inter alia, a lower level of electricity interconnectivity of a Member State in any given year. [ ]**	*Maintain Council GA*

2. Member States shall ensure that support for at least 10% of the newly-supported capacity in each year between 2021 and 2025 and at least 15% of the newly-supported capacity in each year between 2026 and 2030 is open to installations located in other Member States.	**AM 128** 2. Member States shall ensure that support for at least ***8 %*** of the newly-supported capacity in each year between 2021 and 2025 and at least ***13 %*** of the newly-supported capacity in each year between 2026 and 2030 is open to installations located in other Member States. ***Beyond those minimum levels, Member States shall have the right to decide, in accordance with Articles 7 to 13 of this Directive, to which extent they support energy from renewable sources which is produced in a different Member State.***	*deleted*	*Maintain Council GA* *(see paragraph 1 Council text)*
		2bis. Member States may ask for the proof of physical import. However, they shall not change, alter or otherwise impact cross-zonal schedules and capacity allocation due to generators participating in cross-border support schemes. Cross-border electricity transfers shall be determined solely by the outcome of capacity allocation pursuant to [Article 14 of the Electricity Market Regulation].	

Art. 5 (2) (a)			
	AM 129 ***2a. Member States may request the Commission to exempt them from the obligations laid down in this Article, including the decision to not allow installations located in their territory to participate in support schemes organised in other Member States on one or more of the following grounds:*** ***(a) insufficient interconnection capacity;*** ***(b) insufficient natural resources;*** ***(c) detrimental effects on energy security or the smooth functioning of the energy market of the Member State requesting the exemption.*** ***Any such exemption shall be published in the Official Journal of the European Union and shall be reviewed by 31 December 2025.***		*Maintain Council GA*
3. Support schemes may be opened to cross-border participation through, inter alia, opened tenders, joint tenders, opened certificate schemes or joint support schemes. The allocation of renewable electricity benefiting from support under opened tenders, joint tenders or opened certificate schemes towards Member States respective contributions shall be subject to a cooperation agreement	**AM 130** 3. Support schemes may be opened to cross-border participation through, inter alia, opened tenders, joint tenders, opened certificate schemes**,** or joint support schemes. The allocation of renewable electricity benefiting from support under opened tenders, joint tenders**,** opened certificate schemes towards Member States respective contributions shall be subject to a cooperation agreement	3. **[ ] If a Member State decides to open support to generators located in other Member States, those participating Member States shall agree on the principles of participating in the cross-border support schemes for renewable energy. Such agreements shall cover at least the principles of** allocation of renewable electricity **that is** benefiting from **crossborder** support **[ ]**.	*Maintain Council GA*

setting out rules for the cross-border disbursement of funding, following the principle that energy should be counted towards the Member State funding the installation.	setting out rules for the cross-border ***scheme, including conditions for participation and*** disbursement of funding ***taking into account different taxes and fees***, following the principle that energy should be counted towards the Member State funding the installation. ***The cooperation agreement shall aim to harmonise the administrative framework conditions in the cooperation countries to ensure a level playing field.***		
4. The Commission shall assess by 2025 the benefits on the cost-effective deployment of renewable electricity in the Union of provisions set out in this Article. On the basis of this assessment, the Commission may propose to increase the percentages set out in paragraph 2.	**AM 131** **4.** ***The Commission shall assist Member States throughout the negotiation process and the setting up of the cooperation arrangements by providing information and analysis, including quantitative and qualitative data on direct and indirect cost and benefits of cooperation, as well as guidance and technical expertise throughout the process. To that end, the Commission shall encourage the exchange of best practice and develop templates for cooperation agreements facilitating the process.*** The Commission shall assess by 2025 the benefits on the cost-effective deployment of renewable electricity in the Union of provisions set out in this Article. On the basis of this assessment, the Commission may propose to ***modify*** the percentages set out in paragraph 2.	4. The Commission shall assess by 2025 the **costs and** benefits on the **[ ]** deployment of renewable electricity in the Union of provisions set out in this Article. **[ ]**	*To be discussed with EP*

Article 6 **Stability of financial support**			
Without prejudice to adaptations necessary to comply with State aid rules, Member States shall ensure that the level of, and the conditions attached to, the support granted to renewable energy projects are not revised in a way that negatively impacts the rights conferred thereunder and the economics of supported projects.	**AM 132** Member States shall ensure that the level of, and the conditions attached to, the support granted to ***new or existing*** renewable energy projects are not revised in a way that negatively impacts the rights conferred thereunder and ***their*** economics. ***When other regulatory instruments are changed and those changes affect supported renewable energy projects, Member States shall ensure that regulatory changes do not have a negative impact on*** the economics of ***the*** supported projects.	Without prejudice to adaptations necessary to comply with **Articles 107 and 108 of the Treaty on the Functioning of the European Union [ ]**, Member States shall ensure that the level of, and the conditions attached to, the support **that has been** granted to renewable energy projects are not revised in a way that **[ ] restricts** the rights conferred thereunder and **undermines** the economic **viability** of supported projects.[27] **This provision shall not affect the possibility for Member States to adjust the level of support according to objective criteria [ ], provided that such criteria [ ] are established in the original design of the support scheme [ ].**	*Maintain Council GA*
	AM 133 ***Member States shall ensure that any modification of support schemes is carried out on the basis of long-term planning in accordance with Article 4(4), is publicly announced at least nine months before it is to enter into force and is subject to a transparent and inclusive public consultation process. Any substantial change to an***		*Maintain Council GA*

[27] Note: see text added to recital 18.

	existing support scheme shall include an appropriate transitional period before the new support scheme enters into force. ***Where regulatory or grid operation changes impact negatively on the economics of supported projects in a significant or discriminatory manner, Member States shall ensure that those supported projects receive compensation.***		
Article 7 **Calculation of the share of energy from renewable sources**			
1. The gross final consumption of energy from renewable sources in each Member State shall be calculated as the sum of:		*Commission proposal unchanged*	
(a) gross final consumption of electricity from renewable energy sources;		*Commission proposal unchanged*	
(b) gross final consumption of energy from renewable sources for heating and cooling; and		*Commission proposal unchanged*	
(c) final consumption of energy from renewable sources in transport.		*Commission proposal unchanged*	
Gas, electricity and hydrogen from renewable energy sources shall be considered only once in point (a), (b), or (c) of the first subparagraph, for calculating the share of gross final consumption of energy from renewable sources.		*Commission proposal unchanged*	

Subject to the second subparagraph of Article 26 (1), biofuels, bioliquids and biomass fuels that do not fulfil the sustainability and greenhouse gas emissions saving criteria set out in Article 26(2) to (7) shall not be taken into account.		*Commission proposal unchanged*	
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.	**AM 307** 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 ***the contribution from those to the gross*** final consumption of energy ***from renewable energy sources in 2017 in that Member State, with a maximum of 7 % of gross final consumption*** in road and rail transport***.*** ***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	*Deleted*[28]	*Maintain Council general approach (see also Article 25, para 1, subpara 7)*

[28] Note: this subparagraph has been moved to Article 25 on mainstreaming renewable energy in the transport sector.

	crops, taking into account indirect land use change ***and other unintended sustainability impacts***.		
Art. 7 (2)			
2. For the purposes of paragraph 1(a), gross final consumption of electricity from renewable energy sources shall be calculated as the quantity of electricity produced in a Member State from renewable energy sources, including the production of electricity from renewable self-consumers and energy communities and excluding the production of electricity in pumped storage units from water that has previously been pumped uphill.	**AM 136** 2. For the purposes of paragraph 1(a), gross final consumption of electricity from renewable energy sources shall be calculated as the quantity of electricity produced in a Member State from renewable energy sources, including the production of electricity from renewable self-consumers and ***renewable*** energy communities and excluding the production of electricity in pumped storage units from water that has previously been pumped uphill.	*Commission proposal unchanged*	*Accept (see definition in Art. 2 (ww))*
In multi-fuel plants using renewable and conventional sources, only the part of electricity produced from renewable energy sources shall be taken into account. For the purposes of this calculation, the contribution of each energy source shall be calculated on the basis of its energy content.		*Commission proposal unchanged*	
The electricity generated by hydropower and wind power shall be accounted for in accordance with the normalisation rules set out in Annex II.		*Commission proposal unchanged*	

Art. 7 (3)			
3. For the purposes of paragraph 1(b), the gross final consumption of energy from renewable sources for heating and cooling shall be calculated as the quantity of district heating and cooling produced in a Member State from renewable sources, plus the consumption of other energy from renewable sources in industry, households, services, agriculture, forestry and fisheries, for heating, cooling and processing purposes.		*Commission proposal unchanged*	
In multi-fuel plants using renewable and conventional sources, only the part of heating and cooling produced from renewable energy sources shall be taken into account. For the purposes of this calculation, the contribution of each energy source shall be calculated on the basis of its energy content.		*Commission proposal unchanged*	
Ambient heat energy captured by heat pumps shall be taken into account for the purposes of paragraph 1(b) provided that the final energy output significantly exceeds the primary energy input required to drive the heat pumps. The quantity of heat to be considered as energy from renewable sources for the purposes of this Directive shall be calculated in accordance with the methodology laid down in Annex VII.	**AM 137** Ambient ***energy and geothermal*** energy ***transferred*** by heat pumps ***for the production of heating or cooling*** shall be taken into account for the purposes of paragraph 1(b) provided that the final energy output significantly exceeds the primary energy input required to drive the heat pumps. The quantity of heat to be considered as energy from renewable sources for the purposes of this Directive shall be calculated in	Ambient **[ ] and geothermal** energy **used for heating and cooling by means of [ ]** heat pumps **and [ ] district cooling systems** shall be taken into account for the purposes of paragraph 1(b) provided that the final energy output significantly exceeds the primary energy input required to drive the heat pumps. The quantity of heat **or cold** to be considered as energy from renewable sources for the purposes of this Directive shall be	*Accepted in Council GA*

	accordance with the methodology laid down in Annex VII.	calculated in accordance with the methodology laid down in Annex VII **and shall take into account energy use in all end-use sectors**.	
Thermal energy generated by passive energy systems, under which lower energy consumption is achieved passively through building design or from heat generated by energy from non-renewable sources, shall not be taken into account for the purposes of paragraph 1(b).		*Commission proposal unchanged*	
	AM 138 ***The Commission is empowered to adopt delegated acts in accordance with Article 32 in order to supplement this Directive by establishing a methodology for calculating the quantity of renewable energy used for heating and cooling and district heating and cooling and to revise Annex VII on calculation of energy from heat pumps.***	**The Commission shall adopt, by means of implementing acts in accordance with Article 31, an interim methodology for calculating the quantity of renewable energy used for cooling and district cooling, by 31 December 2018 at the latest.** **The Commission shall amend, by means of delegated acts in accordance with Article 32, Annex VII by a methodology for calculating the quantity of renewable energy used for cooling and district cooling in order to further develop and define the interim methodology referred to in the fifth subparagraph, by 31 December 2021 at the latest.**	*Accepted in part in Council GA*

		Both methodologies shall include minimum seasonal performance factors for heat pumps operating in reverse mode. The implementing acts referred to in the fifth subparagraph shall cease to apply as soon as delegated act referred to in the sixth subparagraph becomes applicable.[29]	
Art. 7 (4)			
4. For the purposes of paragraph 1(c), the following provisions shall apply:		*Commission proposal unchanged*	
(a) The gross final consumption of energy from renewable sources in transport shall be calculated as the sum of all biofuels, biomass fuels and renewable liquid and gaseous transport fuels of non-biological origin consumed in the transport sector. However, renewable liquid and gaseous transport fuels of non-biological origin that are produced from renewable electricity shall only be considered to be part of the calculation pursuant to paragraph 1(a) when calculating the quantity of electricity produced in a Member State from renewable energy sources.		*deleted*[30]	

[29] Note: for the purposes of draft energy and climate plans the Commission should provide timely guidance. In addition, a first draft for the calculation of renewable district cooling should be presented by 31 December 2020 at the latest.

[30] Note: This removed text relating to the transport sector has been now incorporated into Article 25.

(b) For the calculation of gross final consumption of energy in transport the values regarding the energy content of transport fuels, as set out in Annex III, shall be used. For the determination of the energy content of transport fuels not included in Annex III, the Member States shall use the respective ESOs standards for determination of calorific values of fuels. Where no ESOs standard has been adopted for this purpose, the respective ISO standards shall be used.		*deleted*[31]	
	AM 139 ***(ba) For the purpose of complying with the target set out in Article 3(1)(a), the contribution of fuels supplied in aviation and maritime sector shall be considered to be 2 times and 1,2 times their energy content respectively, and the contribution of renewable electricity supplied to road vehicles shall be considered to be 2.5 times its energy content.***		*Maintain Council GA* *(see Council GA on Article 25, para 1b)* *see Council GA on Article 25, para 1, subpara 3)*
5. With a view to minimising the risk of single consignments being claimed more than once in the Union, Member States and the Commission shall strengthen cooperation among national systems and between national systems and voluntary schemes established pursuant to Article 27, including where appropriate the exchange of data.		*deleted*[32]	

[31] Note: This removed text relating to the transport sector has been now incorporated into Article 25.
[32] Note: This removed text relating to the transport sector has been now incorporated into Article 25.

Art. 7 (5) subpara 2			
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 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 biodiversity.	**AM 140 & 308** The Commission is empowered to adopt delegated acts in accordance with Article 32 ***in order*** to amend the list of feedstocks in parts A and B of Annex IX. Each delegated act shall be based on an analysis of the latest scientific and technical progress, taking due account of the principles of the ***circular economy, 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 ***based on a life cycle assessment of emissions***, and not creating risk of negative impacts on the environment and biodiversity.	*deleted*[33]	*Maintain Council GA (see Article 25(6 bis))*
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	**AM 309** Every ***two*** 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	*deleted*[34]	*Maintain Council GA (see also Article 25(6bis) and subpara 8)*

[33] Note: This removed text relating to the transport sector has been now incorporated into Article 25.
[34] Note: This removed text relating to the transport sector has been now incorporated into Article 25.

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.	with the principles set out in this paragraph. The first evaluation shall be carried out no later than ***six*** 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***. The Commission shall carry out a special evaluation in 2025 with a view to deleting feedstocks in Annex IX, and any resulting delegated act shall be adopted within one year of that evaluation***.		
	AM 310 ***Feedstocks shall only be deleted in Annex IX following a public consultation and in accordance with the principles of stability of financial support established in Article 6. Without prejudice to Article 26, where feedstocks are deleted, existing installations producing biofuels from that feedstock shall be permitted to count that energy as renewable energy and count it towards the fuel supplier obligation in Article 25, up to, but not beyond, their historic levels of production.***		*Maintain Council GA (see Article 25 (6bis))*

Art. 7 (5) (a)			
	AM 143 ***5a. When setting policies for the promotion of production of fuels from feedstocks listed in Annex IX to this Directive, Member States shall ensure that the waste hierarchy established in Directive 2008/98/EC is complied with, including its provisions regarding life cycle thinking on the overall impacts of the generation and management of different waste streams.***		*Maintain Council GA*
6. The Commission is empowered to adopt delegated acts in accordance with Article 32 concerning the adaptation of the energy content of transport fuels, as set out in Annex III, to scientific and technical progress.		*deleted*[35]	
7. The share of energy from renewable sources shall be calculated as the gross final consumption of energy from renewable sources divided by the gross final consumption of energy from all energy sources, expressed as a percentage.		*Commission proposal unchanged*	
For the purposes of the first subparagraph, the sum referred to in paragraph 1 shall be adjusted in accordance with Articles 8, 10, 12 and 13.		*Commission proposal unchanged*	

[35] Note: This removed text relating to the transport sector has been now incorporated into Article 25.

In calculating a Member State's gross final energy consumption for the purpose of measuring its compliance with the targets and indicative trajectory laid down in this Directive, the amount of energy consumed in aviation shall, as a proportion of that Member State's gross final consumption of energy, be considered to be no more than 6,18 %. For Cyprus and Malta the amount of energy consumed in aviation shall, as a proportion of those Member States' gross final consumption of energy, be considered to be no more than 4,12 %.		*Commission proposal unchanged*	
8. The methodology and definitions used in the calculation of the share of energy from renewable sources shall be those of Regulation (EC) No 1099/2008 .		*Commission proposal unchanged*	
Member States shall ensure coherence of statistical information used in calculating those sectoral and overall shares and statistical information reported to the Commission under Regulation (EC) No 1099/2008.		*Commission proposal unchanged*	

Article 8			
Statistical transfers between Member States		***European Union Renewable Development Platform and* statistical transfers between Member States**	
1. Member States may agree on the statistical transfer of a specified amount of energy from renewable sources from one Member State to another Member State. The transferred quantity shall be:		*Commission proposal unchanged*	
(a) deducted from the amount of energy from renewable sources that is taken into account in measuring the renewable energy share of the Member State making the transfer for the purposes of this Directive ; and		*Commission proposal unchanged*	
(b) added to the amount of energy from renewable sources that is taken into account in measuring the renewable energy share of Member State accepting the transfer for the purposes of this Directive.		(b) added to the amount of energy from renewable sources that is taken into account in measuring the renewable energy share of **the** Member State accepting the transfer for the purposes of this Directive.	
		1bis. In order to facilitate the achievement of the Union binding target, Member States' respective contributions to this target as set out in Article 3 of this Directive and statistical transfers in accordance with paragraph 1 of this Article, the Commission shall establish a European Union Renewable Development Platform ("ERDP"). Member States may submit to this platform on a voluntary basis yearly	

		data on their contributions to the EU binding target for 2030 or any benchmark set for monitoring the progress in Regulation [Governance], including the expected shortfall or overachievement thereof, and an indication of price on which they would accept to transfer any excess production of energy from renewable sources from or to another Member State. The actual price of these transfers will be set on a case by case basis based on the ERDP demand and offer matching mechanism.	
		1ter. The Commission shall ensure that the ERDP is able to match the demand and offer for amounts of energy from renewable energy sources that is taken into account in measuring the renewable energy share of Member State based on prices or any other additional criteria specified by the Member State that the energy is transferred to.	
		The Commission is empowered to adopt delegated acts in accordance with Article 32 for the establishment of the ERDP and setting the conditions of finalising transactions as referred to in paragraph 3 of this Article.	

Art. 8 (2)			
2. The arrangements referred to in paragraph 1 may have a duration of one or more years. They shall be notified to the Commission not later than 12 months after the end of each year in which they have effect. The information sent to the Commission shall include the quantity and price of the energy involved.		2. The arrangements referred to in paragraph 1 **and 1bis** may have a duration of one or more years. **[ ] Such arrangements between Member States** shall be notified to the Commission **or finalised on the ERDP** not later than 12 months after the end of each year in which they have effect. The information sent to the Commission shall include the quantity and price of the energy involved. **For transfers finalised on the ERDP, the parties involved in any particular transfer and any other parameters of those transactions shall be disclosed only when Member States involved request to do so.**	
3. Transfers shall become effective only after all Member States involved in the transfer have notified the transfer to the Commission.		3. Transfers shall become effective **after clearing conditions are met on the ERDP or [ ]** after all Member States involved in the transfer have notified the transfer to the Commission.	

Article 9 **Joint projects between Member States**			
1. Two or more Member States may cooperate on all types of joint projects relating to the production of electricity, heating or cooling from renewable energy sources. That cooperation may involve private operators.		*Commission proposal unchanged*	
2. Member States shall notify the Commission of the proportion or amount of electricity, heating or cooling from renewable energy sources produced by any joint project in their territory, that became operational after 25 June 2009, or by the increased capacity of an installation that was refurbished after that date, which is to be regarded as counting towards the national overall renewable energy share of another Member State for the purposes of this Directive.		*Commission proposal unchanged*	
3. The notification referred to in paragraph 2 shall:		*Commission proposal unchanged*	
(a) describe the proposed installation or identify the refurbished installation;		*Commission proposal unchanged*	
(b) specify the proportion or amount of electricity or heating or cooling produced from the installation which is to be regarded as counting towards the national overall renewable energy share of another Member State;		*Commission proposal unchanged*	

Art. 9 (3) (c)			
(c) identify the Member State in whose favour the notification is being made; and		*Commission proposal unchanged*	
(d) specify the period, in whole calendar years, during which the electricity or heating or cooling produced by the installation from renewable energy sources is to be regarded as counting towards the national overall renewable energy share of the other Member State.		*Commission proposal unchanged*	
4. The duration of a joint project may extend beyond 2030.		*Commission proposal unchanged*	
5. A notification made under this Article shall not be varied or withdrawn without the joint agreement of the Member State making the notification and the Member State identified in accordance with paragraph 3(c).		*Commission proposal unchanged*	
	AM 144 ***5a. The Commission shall facilitate the establishment of joint projects between Member States, notably via dedicated technical assistance and project development assistance.***		*Accept with changes:* ***5a. The Commission shall facilitate the establishment of joint projects between Member States, notably via dedicated technical assistance and project development assistance*, upon request by the Member States concerned.**

Article 10 **Effects of joint projects between Member States**			
1. Within three months of the end of each year falling within the period specified under Article 9 (3)(d), the Member State that made the notification under Article 9 shall issue a letter of notification stating:		*Commission proposal unchanged*	
(a) the total amount of electricity or heating or cooling produced during the year from renewable energy sources by the installation which was the subject of the notification under Article 9; and		*Commission proposal unchanged*	
(b) the amount of electricity or heating or cooling produced during the year from renewable energy sources by that installation which is to count towards the national overall renewable energy share of another Member State in accordance with the terms of the notification.		*Commission proposal unchanged*	
2. The notifying Member State shall send the letter of notification to the Member State in whose favour the notification was made and to the Commission.		*Commission proposal unchanged*	
3. For the purposes of this Directive , the amount of electricity or heating or cooling from renewable energy sources notified in accordance with paragraph 1(b) shall be:		*Commission proposal unchanged*	
(a) deducted from the amount of electricity or heating or cooling from		*Commission proposal unchanged*	

renewable energy sources that is taken into account, in measuring the renewable energy share of the Member State issuing the letter of notification under paragraph 1; and			
(b) added to the amount of electricity or heating or cooling from renewable energy sources that is taken into account in measuring the renewable energy share of the Member State receiving the letter of notification in accordance with paragraph 2.		*Commission proposal unchanged*	
Article 11 **Joint projects between Member States and third countries**			
1. One or more Member States may cooperate with one or more third countries on all types of joint projects regarding the production of electricity from renewable energy sources. Such cooperation may involve private operators.	**AM 145** 1. One or more Member States may cooperate with one or more third countries on all types of joint projects regarding the production of electricity from renewable energy sources. Such cooperation may involve private operators ***and shall take place in full respect of international law***.	*Commission proposal unchanged*	*Accept*
2. Electricity from renewable energy sources produced in a third country shall be taken into account only for the purposes of measuring Member States' renewable energy shares if the following conditions are met:		*Commission proposal unchanged*	
(a) the electricity is consumed in the Union. This, requirement is deemed to be met where:		*Commission proposal unchanged*	
(i) an equivalent amount of electricity to the electricity accounted for has		*Commission proposal unchanged*	

been firmly nominated to the allocated interconnection capacity by all responsible transmission system operators in the country of origin, the country of destination and, if relevant, each third country of transit;			
(ii) an equivalent amount of electricity to the electricity accounted for has been firmly registered in the schedule of balance by the responsible transmission system operator on the Union side of an interconnector; and		*Commission proposal unchanged*	
(iii) the nominated capacity and the production of electricity from renewable energy sources by the installation referred to in paragraph 2(b) refer to the same period of time;		*Commission proposal unchanged*	
(b) the electricity is produced by a newly constructed installation that became operational after 25 June 2009 or by the increased capacity of an installation that was refurbished after that date, under a joint project as referred to in paragraph 1; and		*Commission proposal unchanged*	
(c) the amount of electricity produced and exported has not received support from a support scheme of a third country other than investment aid granted to the installation.		*Commission proposal unchanged*	
	AM 146 ***(ca) the electricity has been produced in accordance with international law, with a particular focus on human rights law.***		*To be discussed with EP*

Art. 11 (3)			
3. Member States may apply to the Commission, for the purposes of Article 7, for account to be taken of electricity from renewable energy sources produced and consumed in a third country, in the context of the construction of an interconnector with a very long lead-time between a Member State and a third country if the following conditions are met:		*Commission proposal unchanged*	
(a) construction of the interconnector started by 31 December 2026 ;		*Commission proposal unchanged*	
(b) it is not possible for the interconnector to become operational by 31 December 2030 ;		*Commission proposal unchanged*	
(c) it is possible for the interconnector to become operational by 31 December 2032 ;		*Commission proposal unchanged*	
(d) after it becomes operational, the interconnector will be used for the export to the Union, in accordance with paragraph 2, of electricity generated from renewable energy sources;		*Commission proposal unchanged*	
(e) the application relates to a joint project that fulfils the criteria in points (b) and (c) of paragraph 2 and that will use the interconnector after it becomes operational, and to a quantity of electricity that is no greater than the quantity that will be exported to the Union after the interconnector becomes operational.	**AM 147** (e) the application relates to a joint project that fulfils the criteria in points (b)**,** (c) ***and (ca)*** of paragraph 2 and that will use the interconnector after it becomes operational, and to a quantity of electricity that is no greater than the quantity that will be exported to the Union after the interconnector becomes operational.	*Commission proposal unchanged*	*Maintain Council GA*

4. The proportion or amount of electricity produced by any installation in the territory of a third country, which is to be regarded as counting towards the national overall energy share of one or more Member States for the purposes of this Directive , shall be notified to the Commission. When more than one Member State is concerned, the distribution between Member States of this proportion or amount shall be notified to the Commission. This proportion or amount shall not exceed the proportion or amount actually exported to, and consumed in, the Union, corresponding to the amount referred to in paragraph 2(a)(i) and (ii) of this Article and meeting the conditions as set out in its paragraph (2)(a). The notification shall be made by each Member State towards whose overall national target the proportion or amount of electricity is to count.		*Commission proposal unchanged*	
5. The notification referred to in paragraph 4 shall:		*Commission proposal unchanged*	
(a) describe the proposed installation or identify the refurbished installation;		*Commission proposal unchanged*	
(b) specify the proportion or amount of electricity produced from the installation which is to be regarded as counting towards the national renewable energy share of a Member State as well as, subject to confidentiality requirements, the corresponding financial arrangements;		*Commission proposal unchanged*	

Art. 11 (5) (C)			
(c) specify the period, in whole calendar years, during which the electricity is to be regarded as counting towards the national overall renewable energy share of the Member State; and		*Commission proposal unchanged*	
(d) include a written acknowledgement of points (b) and (c) by the third country in whose territory the installation is to become operational and the proportion or amount of electricity produced by the installation which will be used domestically by that third country.	**AM 148** (d) include a written acknowledgement of points (b)**,** (c) ***and (ca) of paragraph 2*** by the third country in whose territory the installation is to become operational and the proportion or amount of electricity produced by the installation which will be used domestically by that third country.	*Commission proposal unchanged*	*Maintain GA*
6. The duration of a joint project may extend beyond 2030.		*Commission proposal unchanged*	
7. A notification made under this Article may not be varied or withdrawn without the joint agreement of the Member State making the notification and the third country that has acknowledged the joint project in accordance with paragraph 5(d).		*Commission proposal unchanged*	
8. Member States and the Union shall encourage the relevant bodies of the Energy Community Treaty to take, in conformity with the Energy Community Treaty, the measures which are necessary so that the Contracting Parties to that Treaty can apply the provisions on cooperation laid down in this Directive between Member States.		*Commission proposal unchanged*	

Article 12 **Effects of joint projects between Member States and third countries**			
1. Within 12 months of the end of each year falling within the period specified under Article 11 (5)(c), the Member State having made the notification under Article 11 shall issue a letter of notification stating:		*Commission proposal unchanged*	
(a) the total amount of electricity produced during that year from renewable energy sources by the installation which was the subject of the notification under Article 11 ;		*Commission proposal unchanged*	
(b) the amount of electricity produced during the year from renewable energy sources by that installation which is to count towards its national overall renewable energy share in accordance with the terms of the notification under Article 11; and		*Commission proposal unchanged*	
(c) proof of compliance with the conditions set out in Article 11 (2).		*Commission proposal unchanged*	
2. The Member State shall send the letter of notification to the third country which has acknowledged the project in accordance with Article 11 (5)(d) and to the Commission.		*Commission proposal unchanged*	

3. For the purposes of calculating the national overall renewable energy shares under this Directive , the amount of electricity produced from renewable energy sources notified in accordance with paragraph 1(b) shall be added to the amount of energy from renewable sources that is taken into account, in measuring the renewable energy shares of the Member State issuing the letter of notification.		*Commission proposal unchanged*	
Article 13 **Joint support schemes**			
1. Without prejudice to the obligations of Member States under Article 5, two or more Member States may decide, on a voluntary basis, to join or partly coordinate their national support schemes. In such cases, a certain amount of energy from renewable sources produced in the territory of one participating Member State may count towards the national renewable energy share of another participating Member State if the Member States concerned:		*Commission proposal unchanged*	
(a) make a statistical transfer of specified amounts of energy from renewable sources from one Member State to another Member State in accordance with Article 8; or		*Commission proposal unchanged*	

(b) set up a distribution rule agreed by participating Member States that allocates amounts of energy from renewable sources between the participating Member States. Such a rule shall be notified to the Commission no later than three months after the end of the first year in which it takes effect.		*Commission proposal unchanged*	
2. Within three months of the end of each year each Member State having made a notification under paragraph 1(b) shall issue a letter of notification stating the total amount of electricity or heating or cooling from renewable energy sources produced during the year which is to be the subject of the distribution rule.		*Commission proposal unchanged*	
3. For the purposes of calculating the national overall renewable energy shares under this Directive , the amount of electricity or heating or cooling from renewable energy sources notified in accordance with paragraph 2 shall be reallocated between the concerned Member States in accordance with the notified distribution rule.		*Commission proposal unchanged*	
	AM 149 ***3a. The Commission shall facilitate the establishment of joint support schemes between Member States, in particular via the dissemination of guidelines and best practices.***		*Accept with changes* ***3a. The Commission shall*** **disseminate** ***guidelines and best practices, and*****, upon request of the Member States concerned,** ***facilitate the establishment of joint support schemes between Member States.***

Article 14 **Capacity increases**			
For the purpose of Article 9 (2) and Article 11 (2)(b), units of energy from renewable sources imputable to an increase in the capacity of an installation shall be treated as if they were produced by a separate installation becoming operational at the moment at which the increase of capacity occurred.		*Commission proposal unchanged*	
Article 15 **Administrative procedures, regulations and codes**			
1. Member States shall ensure that any national rules concerning the authorisation, certification and licensing procedures that are applied to plants and associated transmission and distribution network infrastructures for the production of electricity, heating or cooling from renewable energy sources, and to the process of transformation of biomass into biofuels or other energy products, are proportionate and necessary.	**AM 150** 1. Member States shall ensure that any national rules concerning the authorisation, certification and licensing procedures that are applied to plants and associated transmission and distribution ***networks*** for the production of electricity, heating or cooling from renewable energy sources, and to the process of transformation of biomass into biofuels***, bioliquids and biomass fuels*** or other energy products, ***and to renewable liquids and gaseous transport fuels of non-biological origin*** are proportionate and necessary ***and comply with the energy efficiency first principle***.	*Commission proposal unchanged*	*Accept in part* 1. Member States shall ensure that any national rules concerning the authorisation, certification and licensing procedures that are applied to plants and associated transmission and distribution ***networks*** for the production of electricity, heating or cooling from renewable energy sources, and to the process of transformation of biomass into biofuels***, bioliquids and biomass fuels*** or other energy products, ***and to renewable liquids and gaseous transport fuels of non-biological origin*** are proportionate and necessary. *(see proposed definition in Gov)*

Member States shall, in particular, take the appropriate steps to ensure that:		*Commission proposal unchanged*	
(a) administrative procedures are streamlined and expedited at the appropriate administrative level;	**AM 151** (a) administrative procedures are streamlined and expedited at the appropriate administrative level ***and predictable timeframes for the issue of the necessary permits and licenses are established***;	*Commission proposal unchanged*	*To be discussed with EP* (a) administrative procedures are streamlined and expedited at the appropriate administrative level ***and predictable timeframes*** **for the procedures as mentioned in paragraph 1** ***are established;***
(b) rules governing authorisation, certification and licensing are objective, transparent, proportionate, do not discriminate between applicants and take fully into account the particularities of individual renewable energy technologies;		*Commission proposal unchanged*	
(c) administrative charges paid by consumers, planners, architects, builders and equipment and system installers and suppliers are transparent and cost-related; and		*Commission proposal unchanged*	
(d) simplified and less burdensome authorisation procedures, including through simple notification if allowed by the applicable regulatory framework, are established for decentralised devices for producing energy from renewable sources.	AM 152 (d) simplified and less burdensome authorisation procedures, including through simple notification are established ***for small projects and*** for decentralised devices for producing ***and storing*** energy from renewable sources***, including renewable self-consumers and renewable energy communities.***	*Commission proposal unchanged*	*Accept with changes:* (d) simplified and less burdensome authorisation procedures, including through simple notification [ ], are established for decentralised devices, [ ] for producing ***and storing*** energy from renewable sources**.**

Art. 15 (2)			
2. Member States shall clearly define any technical specifications which must be met by renewable energy equipment and systems in order to benefit from support schemes. Where European standards exist, including eco-labels, energy labels and other technical reference systems established by the European standardisation bodies, such technical specifications shall be expressed in terms of those standards. Such technical specifications shall not prescribe where the equipment and systems are to be certified and should not impede the operation of the internal market.		*Commission proposal unchanged*	
3. Member States shall ensure that investors have sufficient predictability of the planned support for energy from renewable sources. To this aim, Member States shall define and publish a long-term schedule in relation to expected allocation for support, covering at least the following three years and including for each scheme the indicative timing, the capacity, the budget expected to be allocated, as well as a consultation of stakeholders on the design of the support.	**AM 153** ***Deleted*** ***(AM 120*** ***Art. 4 (3b) Member States shall publish a long-term schedule in relation to the expected allocation of support, covering at least the next five years and including the indicative timing, including frequency of tenders where appropriate, the capacity, the budget or the maximum unitary support expected to be allocated and the eligible technologies.)***	3. Member States shall ensure that investors have sufficient predictability of the planned support for energy from renewable sources. To this aim, Member States shall define and publish a **[ ]** schedule **foreseeing the [ ]** expected allocation for support, covering at least the following three years and including for each scheme the indicative timing **and [ ]** capacity, the **expected** budget **[ ]** as well as **[ ] principles for the** consultation of stakeholders on the design of the support.	*Accept in part (see AM 120):* 3. Member States shall ensure that investors have sufficient predictability of the planned support for energy from renewable sources. To this aim, Member States shall define and publish a **[ ]** schedule **foreseeing the [ ]** expected allocation for support, covering at least the following **four** years and including for each scheme the indicative timing***, including frequency of tenders where appropriate,*** **and [ ]** capacity, the **expected** budget **[ ]** as well as **[ ] principles for the** consultation of stakeholders on the design of the support.

		For market based support and tax schemes where no capacity or budget is allocated Member States should report on the main parameters for the support.	
Art. 15 (4)			
4. Member States shall ensure that their competent authorities at national, regional and local level include provisions for the integration and deployment of renewable energy and the use of unavoidable waste heat or cold when planning, designing, building and renovating urban infrastructure, industrial or residential areas and energy infrastructure, including electricity, district heating and cooling, natural gas and alternative fuel networks.	**AM 154** 4. Member States shall ensure that their competent authorities at national, regional and local level include provisions for the integration and deployment of renewable energy***, including for early spatial planning, needs and adequacy assessments taking account of the energy efficiency and demand response, as well as specific provisions on renewable self-consumption and renewable energy communities,*** and the use of unavoidable waste heat or cold when planning, designing, building and renovating urban infrastructure, industrial***, commercial*** or residential ***areas*** and energy infrastructure, including electricity, district heating and cooling, natural gas and alternative fuel networks. ***Member States shall, in particular, encourage local and regional administrative bodies to include heating and cooling from renewable energy sources in the planning of city infrastructure, where appropriate.***	*Commission proposal unchanged*	*Accept with changes* 4. Member States shall ensure that their competent authorities at national, regional and local level include provisions for the integration and deployment of renewable energy **[ ]** **in their** ***spatial planning*** **[ ] and adopt** ***specific provisions on renewable self-consumption and renewable energy communities,*** and the use of unavoidable waste heat or cold when planning, designing, building and renovating urban infrastructure, industrial***, commercial*** or residential ***areas*** and energy infrastructure, including electricity, district heating and cooling, natural gas and alternative fuel networks. ***Member States shall, in particular, encourage local and regional administrative bodies to include heating and cooling from renewable energy sources in the planning of city infrastructure, where appropriate*****, and consult with the network operators to**

			reflect the impact of energy efficiency and demand response programs on the infrastructure development plans of the operators.
5. Member States shall introduce in their building regulations and codes appropriate measures in order to increase the share of all kinds of energy from renewable sources in the building sector.		*Commission proposal unchanged*	
In establishing such measures or in their support schemes, Member States may take into account national measures relating to substantial increases in energy efficiency and relating to cogeneration and to passive, low or zero-energy buildings.	**AM 155** In establishing such measures or in their support schemes, Member States may take into account national measures relating to substantial increases in ***renewable self-consumption, local energy storage,*** energy efficiency and relating to cogeneration and to passive, low or zero-energy buildings.	*Commission proposal unchanged*	*Maintain Council GA*
Member States shall, in their building regulations and codes or by other means with equivalent effect, require the use of minimum levels of energy from renewable sources in new buildings and in existing buildings that are subject to major renovation, reflecting the results of the cost-optimal calculation carried out pursuant to Article 5(2) of Directive 2010/31/EU. Member States shall permit those minimum levels to be fulfilled, inter alia, using a significant	**AM 156** Member States shall, in their building regulations and codes or by other means with equivalent effect, require the use of minimum levels of energy from renewable sources ***or of renewable generation installations*** in new buildings and in existing buildings that are subject to major renovation, reflecting the results of the cost-optimal calculation carried out pursuant to Article 5(2) of Directive 2010/31/EU. Member States shall permit those minimum levels to be	Member States shall, in their building regulations and codes or by other means with equivalent effect, require the use of minimum levels of energy from renewable sources in new buildings and in existing buildings that are subject to major renovation **in so far as this is technically, functionally and economically feasible and does not affect negatively indoor air [ ].** Member States shall permit those minimum levels to be fulfilled, inter alia, **through efficient district**	*Accept with changes* Member States shall, in their building regulations and codes or by other means with equivalent effect, require the use of minimum levels of energy from renewable sources in new buildings and in existing buildings that are subject to major renovation **in so far as this is technically, functionally and economically feasible, reflecting the results of the cost-optimal calculation carried out pursuant to Article 5(2) of Directive 2010/31/EU, and does not affect**

proportion of renewable energy sources.	fulfilled, inter alia, ***through district heating and cooling produced*** using a significant proportion of renewable energy sources***, through individual or collective self-consumption of renewable energy, in accordance with Article 21, or through renewable based cogeneration and wasted heat and cold***.	**heating and cooling [ ]** using a significant proportion of renewable energy sources.	**negatively indoor air [ ].** Member States shall permit those minimum levels to be fulfilled, inter alia, **through efficient district heating and cooling** using a significant proportion of renewable energy sources.
Art. 15 (5) subpara 4			
The requirements of the first subparagraph shall apply to the armed forces, only to the extent that its application does not cause any conflict with the nature and primary aim of the activities of the armed forces and with the exception of material used exclusively for military purposes.		*Commission proposal unchanged*	
6. Member States shall ensure that new public buildings, and existing public buildings that are subject to major renovation, at national, regional and local level fulfil an exemplary role in the context of this Directive from 1 January 2012 onwards. Member States may, inter alia, allow that obligation to be fulfilled by providing that the roofs of public or mixed private-public buildings are used by third parties for installations that produce energy from renewable sources.	**AM 157** 6. Member States shall ensure that new public buildings, and existing public buildings that are subject to major renovation, at national, regional and local level fulfil an exemplary role in the context of this Directive from 1 January 2012 onwards. Member States may, inter alia, allow that obligation to be fulfilled by ***complying with standards for nearly zero energy building as required in Directive ... of the European Parliament and of the Council [on the energy performance of buildings, 2016/0381(COD)], or by*** providing that the roofs of public or mixed private-public buildings are	*Commission proposal unchanged*	*Accept with changes* 6. Member States shall ensure that new public buildings, and existing public buildings that are subject to major renovation, at national, regional and local level fulfil an exemplary role in the context of this Directive from 1 January 2012 onwards. Member States may, inter alia, allow that obligation to be fulfilled by ***complying with*** **[ ]** ***nearly zero energy building*** **provisions** ***as required in Directive ... of the European Parliament and of the Council [on the energy performance of buildings, 2016/0381(COD)], or by*** providing that the roofs of public or mixed

	used by third parties for installations that produce energy from renewable sources.		private-public buildings are used by third parties for installations that produce energy from renewable sources.
7. With respect to their building regulations and codes, Member States shall promote the use of renewable energy heating and cooling systems and equipment that achieve a significant reduction of energy consumption. Member States shall use energy or eco-labels or other appropriate certificates or standards developed at national or Union level, where these exist, as the basis for encouraging such systems and equipment.	**AM 158** 7. With respect to their building regulations and codes, Member States shall promote the use of renewable energy heating and cooling systems and equipment that achieve a significant reduction of energy consumption. ***To that end*** Member States shall use energy or eco-labels or other appropriate certificates or standards developed at national or Union level, where these exist, ***and ensure the provision of adequate information and advice on renewable, highly energy efficient alternatives as well as eventual financial instruments and incentives available in the case of replacement, in view of promoting an increased replacement rate of old heating*** systems and ***an increased switch to renewable energy based solutions in accordance with Directive ... of the European Parliament and of the Council [on the energy performance of buildings, 2016/0381(COD)]***.	*Commission proposal unchanged*	*Accept with changes* 7. With respect to their building regulations and codes, Member States shall promote the use of renewable energy heating and cooling systems and equipment that achieve a significant reduction of energy consumption. ***To that end*** Member States shall use energy or eco-labels or other appropriate certificates or standards developed at national or Union level, where these exist, ***and ensure the provision of adequate information and advice on renewable, highly energy efficient alternatives as well as eventual financial instruments and incentives available in the case of replacement, in view of promoting an increased replacement rate of old heating*** systems and ***an increased switch to renewable energy based solutions*** **that are** ***in accordance with Directive ... of the European Parliament and of the Council [on the energy performance of buildings, 2016/0381(COD)]***.

Art. 15 (8)			
8. Member States shall carry out an assessment of their potential of renewable energy sources and of the use of waste heat and cold for heating and cooling. That assessment shall be included in the second comprehensive assessment required pursuant to Article 14(1) of Directive 2012/27/EU for the first time by 31 December 2020 and in the updates of the comprehensive assessments thereafter.	**AM 159** 8. Member States shall carry out an assessment of their potential of renewable energy sources and of the use of waste heat and cold for heating and cooling. That assessment ***shall specifically consider spatial analysis of areas suitable for low ecological risk deployment and the potential for small-scale households projects. That assessment*** shall be included in the second comprehensive assessment required pursuant to Article 14(1) of Directive 2012/27/EU for the first time by 31 December 2020 and in the updates of the comprehensive assessments thereafter.	*Commission proposal unchanged*	*Accept with changes* 8. Member States shall carry out an assessment of their potential of renewable energy sources and of the use of waste heat and cold for heating and cooling. That assessment **shall include** ***spatial analysis of areas suitable for low ecological risk deployment and the potential for small-scale households projects*****, where appropriate**. ***That assessment*** shall be included in the second comprehensive assessment required pursuant to Article 14(1) of Directive 2012/27/EU for the first time by 31 December 2020 and in the updates of the comprehensive assessments thereafter.
	AM 160 ***8a. Member States shall ensure that their competent authorities at national, regional and local level include provisions in their mobility and transport plans for the integration and deployment of modes of transport using renewable energy sources.***		*Maintain Council GA*

9. Member States shall remove administrative barriers to corporate long-term power purchase agreements to finance renewables and facilitate their uptake.	**AM 161** 9. Member States shall ***carry out an assessment of the regulatory and*** administrative barriers ***and potential of the purchase of energy from renewable sources by corporate customers in their territories and shall set up an enabling regulatory and administrative framework for enhancing*** corporate long-term ***renewables*** power purchase agreements to finance renewables and facilitate their uptake***, ensuring that those agreements are not subject to disproportionate procedures and charges that are not cost reflective***. ***With the conclusion of such agreements, the equivalent amount of guarantees of origin issued in accordance with Article 19 shall be cancelled on behalf of the corporate customer. The enabling framework shall be part of the integrated national energy and climate plans in accordance with Regulation ... of the European Parliament and of the Council [on the Governance of the Energy Union, 2016/0375(COD)].***	*Commission proposal unchanged*	*Accept with changes* 9. Member States shall ***carry out an assessment of the regulatory and*** administrative barriers ***and potential of the purchase of energy from renewable sources by corporate customers in their territories and shall set up a framework for*** corporate long-term ***renewables*** power purchase agreements to finance renewables and facilitate their uptake***, ensuring that those agreements are not subject to disproportionate procedures and charges that are not cost reflective***. ***The*** **Member States shall report about the barriers and the potential of the purchase power agreements from renewables in** ***the integrated national energy and climate plans in accordance with Regulation ... of the European Parliament and of the Council [on the Governance of the Energy Union, 2016/0375(COD)].***

Article 16 **Organisation and duration of the permit granting process**			
1. By 1 January 2021 Member States shall set up one or more single administrative contact points which will coordinate the entire permit granting process for applicants for permits to build and operate plants and associated transmission and distribution network infrastructures for the production of energy from renewable energy sources.		1. By 1 January 2021 Member States shall set up **or designate one or more [ ]** contact points **[ ] that, on request by the applicant, shall provide guidance throughout [ ]** the entire **administrative** permit **application and** granting process **[ ]. [ ] An applicant shall only have to contact one contact point for the entire administrative process. The permit granting process shall cover relevant administrative** permits to build and operate plants and **assets necessary for their [ ] connection to the grid [ ]** for the production of energy from renewable energy sources **as well as repowering applications**. **The permit granting process shall comprise all procedures from the acknowledgment of the receipt of the application to transmitting the outcome of the procedure as referred to in paragraph 2 of this Article.**	
2. The single administrative contact point shall guide the applicant through the application process in a transparent manner, provide the applicant with all necessary information, coordinate and involve, where appropriate, other authorities, and deliver a legally	**AM 162** 2. The single administrative contact point shall guide the applicant through the application process in a transparent manner, provide the applicant with all necessary information, coordinate and involve, where appropriate, other authorities,	2. The **[ ]** contact point shall guide the applicant through the application process in a transparent manner, provide the applicant with all necessary information **[ ]** and involve, where appropriate, other **administrative** authorities **[ ]**.	*Accept with changes* 2. The **[ ]** contact point shall guide the applicant through the application process in a transparent manner **until the delivery of a legally binding decision at the end of the process**, provide the applicant with all necessary information **[ ]** and involve,

binding decision at the end of the process.	and deliver a legally binding decision at the end of the process. ***Applicants should be able to submit all relevant documents in digital form.***		where appropriate, other **administrative** authorities **[ ]**. ***Applicants*** **shall** ***be able to submit*** **[ ]** ***relevant documents*** **also** ***in digital form.***
3. The single administrative contact point, in collaboration with transmission and distribution system operators, shall publish a manual of procedures for renewable project developers, including for small scale projects and renewable self-consumers projects.	**AM 163** 3. ***In order to facilitate access to the relevant information,*** the single administrative contact point ***or the Member State***, in collaboration with transmission and distribution system operators, shall ***set up a single online information platform explaining the*** procedures for renewable project developers, including for small scale projects**,** renewable self-consumers projects ***and renewable energy community projects***. ***If the Member State decides to have more than one single administrative contact point the information platform shall guide the applicant to the contact point relevant for the applicant's application.***	3. The **[ ]** contact point **[ ]** shall **make available [ ]** a manual of procedures for renewable **energy production** project developers, **addressing distinctly also [ ]** small scale projects and renewable self-consumers projects.	*Accept with changes* 3. The **[ ]** contact point **[ ]** shall **make available [ ]** a manual of procedures for renewable **energy production** project developers **and** ***set up a*****n online service** ***explaining these*** **procedures**, **addressing distinctly also [ ]** small scale projects and renewable self-consumers projects. **This online service** ***shall*** **also** ***guide the applicant to the contact point relevant for the applicant's application. If the Member State decides to have more than one single administrative contact point the*** **online service** ***shall guide the applicant to the contact point relevant for the applicant's application.***
4. The permit granting process referred to in paragraph 1 shall not exceed a period of three years, except for the cases set out in Article 16(5) and Article 17.	**AM 164** 4. The permit granting process referred to in paragraph 1 shall not exceed a period of three years, except for the cases set out in Article ***16(4a) and*** (5) and Article 17.	4. The permit granting process referred to in paragraph 1 shall not exceed a period of three years **[ ]**. **However, the period of three years may be extended if the applicant has not provided all of the required information to enable the relevant authority to assess the application or when diligent decision making requires more time. The period [ ] may also be extended with the**	4. The permit granting process referred to in paragraph 1 shall not exceed a period of three years **[ ]**. **However, the period of three years may be extended if the applicant has not provided all of the required information to enable the relevant authority to assess the application [ ]. The period [ ] may also be extended with the mutual agreement of the relevant consenting authority**

		mutual agreement of the relevant consenting authority and the applicant. This period is without prejudice to judicial appeals, remedies and other proceedings before a court or tribunal and may be extended at most by the duration of such procedures.	**and the applicant. This period is without prejudice to judicial appeals, remedies and other proceedings before a court or tribunal and may be extended at most by the duration of such procedures.**
Art. 16 (4a)			
	AM 165 ***4a. For installations with an electricity capacity between 50kW and 1MW, the permit granting process shall not exceed one year. In case of extraordinary circumstances, which should be duly justified, this time limit can be extended for three additional months.*** ***The periods referred to in paragraphs 4 and 4a shall be without prejudice to judicial appeals and remedies and may be extended at most by the duration of the judicial appeals and remedies procedures.*** ***Member States shall ensure applicants have access to out of court resolution mechanism or simple and accessible judicial procedures for the settlements of disputes concerning permit granting processes and the issuance of permit to build and operate renewable energy plants.***		*Accept with changes* ***For installations with an electricity capacity <u>below 150 kW</u>, the permit granting process shall not exceed one year. In case of extraordinary circumstances, which should be duly justified, this time limit can be extended for three additional months.*** ***Member States shall ensure applicants have access to out of court resolution mechanism or simple and accessible judicial procedures for the settlements of disputes concerning permit granting processes and the issuance of permit to build and operate renewable energy plants.***

Art. 16 (5)			
5. Member States shall facilitate the repowering of existing renewable energy plants by, inter alia, ensuring a simplified and swift permit granting process, which shall not exceed one year from the date on which the request for repowering is submitted to the single administrative contact point.	**AM 166** 5. Member States shall facilitate the repowering of existing renewable energy plants by, inter alia, ensuring a simplified and swift permit granting process, which shall not exceed one year from the date on which the request for repowering is submitted to the single administrative contact point. ***Without prejudice to Article 11(4) of the Regulation ... of the European Parliament and of the Council*** [***common rules for the internal market in electricity (recast), 2016/0379(COD)***]***, Member States shall ensure that access and connection rights to the grid are maintained for repowered projects at least in cases in which there is no change in capacity.***	5. **Without prejudice to applicable environmental obligations, as well as obligations concerning planning and safety of buildings,** Member States shall facilitate the repowering of existing renewable energy plants by, inter alia, ensuring a simplified and swift permit granting process**, with timeframes of three years. [ ] The timeframe may be extended with the mutual agreement of the relevant consenting authority and the applicant, or when diligent decision making requires more time.**	*Accept with changes* 5. **[ ]** Member States shall facilitate the repowering of existing renewable energy plants by **[ ]** ensuring a simplified and swift permit granting process**, which shall not exceed:** **(i)** **six months in case of repowering projects undergoing an increase of capacity lower than, or equal to, [ ]% of the original capacity; or for which no significant negative environmental impact is expected;** **(ii)** **[one year] for all other repowering projects;** **[ ] The timeframe may be extended with the mutual agreement of the relevant consenting authority and the applicant, or when diligent decision making requires more time.** **Member States may allow simple notification procedures for repowering, provided that grid stability, reliability and safety is maintained.**

	AM 354 ***5a. Member States shall ensure via their permit or concession granting processes that, by 31 December 2022, 90 % of fuel stations along the roads of the core network established by Regulation (EU) No 1315/2013 ('TEN-T Core Network') are equipped with public accessible high-power recharging points for electric vehicles. The Commission is empowered to adopt delegated acts in accordance with Article 32 to extend the scope of this paragraph to fuels falling under Article 25.***		*Accept with changes* **For the next five years** ***Member States shall grant permits or concessions for fuel stations along the roads of the core network established by Regulation (EU) No 1315/2013 ('TEN-T Core Network'),*** **under the condition that** ***fuel stations are equipped with public accessible high-power recharging points for electric vehicles.***

Article 17			
Simple notification procedures		**Simple notification procedures *for grid connections***	
1. Demonstration projects and installations with an electricity capacity of less than 50 kW shall be allowed to connect to the grid following a notification to the distribution system operator.	**AM 167** 1. Demonstration projects and installations with an electricity capacity of less than 50 kW shall be allowed to connect to the grid following a notification to the distribution system operator. ***By way of derogation from the first subparagraph, for demonstration projects and installations with a capacity of between 10.8 kW and50kW, the distribution system operator may decide to refuse the simple notification on justified grounds or propose an alternative solution. If so, it shall do so within two weeks of the notification and the applicant may then request connection through the standard procedures. In the absence of a negative decision by the distribution system operator within that time frame the installation may be connected.***	1. **[ ] Member States shall establish a simple notification procedure whereby** installations **or aggregated production units of renewable self-consumers and demonstration projects** with an electric**al** capacity of **equal or** less than **[ ] 10.8** kW **for a three phase connection (3.6 kW per phase)** shall be **[ ]** connect**ed** to the grid following a **notification** to the distribution system operator**, unless the safety or technical requirements of the grid are not met.**	*To be discussed with EP*
		The distribution system operator may decide to reject or propose an alternative grid connection point on grounds of safety concerns or technical incompatibility of the system components within one month following the notification. In	

		case of a positive decision by the distribution system operator, or in the absence of a decision by the distribution system operator within one month following the notification, the installation or aggregated production unit may be connected, unless the connection fees or charges, if any, have not been paid.	
		Member States may allow simple notification procedures for installations or aggregated production units with a higher electrical capacity than set in paragraph 1, provided that grid stability, reliability and safety is maintained.	**Member States may allow simple notification procedures for installations or aggregated production units with a higher electrical capacity than set in paragraph 1 <u>of a capacity of up to 50kW</u>, provided that grid stability, reliability and safety is maintained.**
2. Repowering shall be allowed following a notification to the single administrative contact point established in accordance with Article 16, where no singificant negative environmental or social impact is expected. The single administrative contact point shall decide within six months of the receipt of the notification if this is sufficient.		*deleted*	
Where the single administrative contact point decides that the notification is sufficient, it shall automatically grant the permit.		*deleted*	
Where the single administrative contact point decides that the notification is not sufficient, it shall be necessary to apply for a new permit. In this case the time limits referred to in Article 16(5) apply.		*deleted*	

Article 18 **Information and training**			
1. Member States shall ensure that information on support measures is made available to all relevant actors, such as consumers, builders, installers, architects, and suppliers of heating, cooling and electricity equipment and systems and of vehicles compatible with the use of energy from renewable sources.	**AM 168** 1. Member States shall ensure that information on support measures is made available to all relevant actors, such as consumers, ***in particular low-income, vulnerable consumers, renewable self-consumers, renewable energy communities builders***, installers, architects, and suppliers of heating, cooling and electricity equipment and systems and of vehicles compatible with the use of energy from renewable sources.	*Commission proposal unchanged*	*Accept with changes* 1. Member States shall ensure that information on support measures is made available to all relevant actors, such as consumers, **including [ ]** ***low-income, vulnerable consumers, renewable self-consumers and renewable energy communities, builders***, installers, architects, and suppliers of heating, cooling and electricity equipment and systems and **suppliers** of vehicles compatible with the use of energy **and of intelligent transport systems.**
2. Member States shall ensure that information on the net benefits, cost and energy efficiency of equipment and systems for the use of heating, cooling and electricity from renewable energy sources is made available either by the supplier of the equipment or system or by the national competent authorities.		*Commission proposal unchanged*	
	AM 169 ***2a. Member States shall ensure information on intelligent transport systems and connected vehicles in relation to its benefits regarding road safety, congestion reduction and fuel efficiency.***		*Maintain GA*
3. Member States shall ensure that certification schemes or equivalent		*Commission proposal unchanged*	

qualification schemes are available for installers of small-scale biomass boilers and stoves, solar photovoltaic and solar thermal systems, shallow geothermal systems and heat pumps. Those schemes may take into account existing schemes and structures as appropriate, and shall be based on the criteria laid down in Annex IV. Each Member State shall recognise certification awarded by other Member States in accordance with those criteria.			
4. Member States shall make available to the public information on certification schemes or equivalent qualification schemes as referred to in paragraph 3. Member States may also make available the list of installers who are qualified or certified in accordance with the provisions referred to in paragraph 3.		*Commission proposal unchanged*	
5. Member States shall ensure that guidance is made available to all relevant actors, notably for planners and architects so that they are able properly to consider the optimal combination of renewable energy sources, of high-efficiency technologies and of district heating and cooling when planning, designing, building and renovating industrial, commercial or residential areas.		*Commission proposal unchanged*	

6. Member States, with the participation of local and regional authorities, shall develop suitable information, awareness-raising, guidance or training programmes in order to inform citizens of the benefits and practicalities of developing and using energy from renewable sources.	**AM 170** 6. Member States, with the participation of local and regional authorities, shall develop suitable information, awareness-raising, guidance or training programmes in order to inform citizens ***on how to exercise their rights as active customers, and*** of the benefits and practicalities, ***including technical and financial aspects,*** of developing and using energy from renewable sources***, including by self-consumption or in the framework of renewable energy communities, as well as of the benefits of cooperation mechanisms between Member States and different kinds of cross-border cooperation***.	*Commission proposal unchanged*	*Accept in part* 6. Member States, **where appropriate** with the participation of local and regional authorities, shall develop suitable information, awareness-raising, guidance or training programmes in order to inform citizens ***on how to exercise their rights as active customers, and*** of the benefits and practicalities, ***including technical and financial aspects,*** of developing and using energy from renewable sources***, including by self-consumption or in the framework of renewable energy communities*** **[ ]**.

Article 19 **Guarantees of origin of electricity, heating and cooling produced from renewable energy sources**			
1. For the purposes of proving to final customers the share or quantity of energy from renewable sources in an energy supplier's energy mix and in the energy supplied to consumers under contracts marketed with reference to the consumption of energy from renewable sources, Member States shall ensure that the origin of energy produced from renewable energy sources can be guaranteed as such within the meaning of this Directive, in accordance with objective, transparent and non-discriminatory criteria.		1. For the purposes of proving to final customers the share or quantity of energy from renewable sources in an energy supplier's energy mix and in the energy supplied to consumers under contracts marketed with reference to the consumption of energy from renewable sources , Member States shall ensure that the origin of **[ ] electricity and gas** produced from renewable energy sources can be guaranteed as such within the meaning of this Directive, in accordance with objective, transparent and non-discriminatory criteria.	
2. To that end, Member States shall ensure that a guarantee of origin is issued in response to a request from a producer of energy from renewable sources. Member States may arrange for guarantees of origin to be issued for non-renewable energy sources. Issuance of guarantees of origin may be made subject to a minimum capacity limit. A guarantee of origin shall be of the standard size of 1 MWh. No more than one guarantee of origin shall be issued in respect of each unit of energy produced.		2. To that end, Member States shall ensure that a guarantee of origin is issued in response to a request from a producer of **[ ] electricity and gas** from renewable sources**, unless for the purposes of accounting for the market value of the guarantee of origin Member States decide not to issue one to a producer that receives financial support from a support scheme**. Member States may arrange for guarantees of origin to be issued for **heating and cooling from renewable sources as well as for electricity, gas or heating and cooling from** non-renewable energy sources. Issuance of guarantees of	

		origin may be made subject to a minimum capacity limit. A guarantee of origin shall be of the standard size of 1 MWh. No more than one guarantee of origin shall be issued in respect of each unit of energy produced.	
Member States shall ensure that the same unit of energy from renewable sources is taken into account only once.		*Commission proposal unchanged*	
Member States shall ensure that no guarantees of origin are issued to a producer that receives financial support from a support scheme for the same production of energy from renewable sources. Member States shall issue such guarantees of origin and transfer them to the market by auctioning them. The revenues raised as a result of the auctioning shall be used to offset the costs of renewables support.	**AM 171** Member States shall ensure that ***in the case of renewable energy installations commissioned after ... [date of the entry into force of this Directive]*** no guarantees of origin are issued to a producer that receives financial support from a support scheme for the same production of energy from renewable sources***, unless there is no double compensation***. ***It shall be presumed that there is no double compensation where:*** ***(a) financial support is granted by way of a tender procedure or a tradable green certificate system;*** ***(b) the market value of the guarantees of origin is administratively taken into account in the level of financial support; or*** ***(c) the guarantees of origin are not issued directly to the producer but to a supplier or consumer who buys the renewable energy either in a competitive setting or in a long-term***	Member States shall ensure that **[ ] when [ ]** a producer **[ ]** receives financial support from a support scheme for the **[ ]** production of energy from renewable sources**, the market value of the guarantee of origin for the same production is appropriately taken into account in the relevant support scheme**. **To take into account the market value of the guarantee of origin Member States may, inter alia, decide to issue a guarantee of origin to the producer and cancel it immediately or to** issue such guarantees of origin and transfer them to the market by auctioning them. The revenues raised as a result of the auctioning shall be used to offset the costs of renewables support.	*To be discussed with EP*

	corporate renewables power purchase agreement. ***In cases other than those referred to in the fourth subparagraph,*** Member States shall issue ***the Guarantee*** of Origin ***for statistical reasons and cancel them immediately***.		
Art. 19 (2) subpara 4			
The guarantee of origin shall have no function in terms of a Member State's compliance with Article 3. 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 7.		*Commission proposal unchanged*	
3. For the purposes of paragraph 1, guarantees of origin shall be valid with respect to the calendar year in which the energy unit is produced. Six months after the end of each calendar year, Member States shall ensure that all guarantees of origin from the previous calendar year that have not been cancelled shall expire. Expired guarantees of origin shall be included by Member States in the calculation of the residual energy mix.		3. For the purposes of paragraph 1, guarantees of origin shall be valid **for [ ] twelve months after the production of the relevant energy unit**. Member States shall ensure that all guarantees of origin **[ ]** that have not been cancelled shall expire. Expired guarantees of origin shall be included by Member States in the calculation of the residual energy mix.	

Art. 19 (4)			
4. For the purposes of disclosure referred to in paragraphs 8 and 13, Member States shall ensure that guarantees of origin are cancelled by energy companies by 30 June of the year following the calendar year in relation to which the guarantees of origin are issued.		4. For the purposes of disclosure referred to in paragraphs 8 and 13, Member States shall ensure that guarantees of origin are cancelled by energy companies **within the period of validity [ ]**.	
5. Member States or designated competent bodies shall supervise the issuance, transfer and cancellation of guarantees of origin. The designated competent bodies shall have non-overlapping geographical responsibilities, and be independent of production, trade and supply activities.		*Commission proposal unchanged*	
6. Member States or the designated competent bodies shall put in place appropriate mechanisms to ensure that guarantees of origin shall be issued, transferred and cancelled electronically and are accurate, reliable and fraud-resistant. Member States and designated competent bodies shall ensure that the requirements they impose are compliant with the standard CEN - EN 16325.		6. Member States or the designated competent bodies shall put in place appropriate mechanisms to ensure that guarantees of origin shall be issued, transferred and cancelled electronically and are accurate, reliable and fraud-resistant. **[ ]**	

Art. 19 (7)			
7. A guarantee of origin shall specify at least:		*Commission proposal unchanged*	
(a) the energy source from which the energy was produced and the start and end dates of production;		*Commission proposal unchanged*	
	AM 172 ***(aa) whether the energy source from which the energy was produced met the sustainability criteria and the greenhouse gas emissions saving criteria referred to in Article 26.***		*Maintain Council GA (see Art. 27)*
(b) whether it relates to:		*Commission proposal unchanged*	
(i) electricity; or		*Commission proposal unchanged*	
(ii) gas, or	**AM 173** (ii) gas, ***including hydrogen,*** or	*Commission proposal unchanged*	*Accept*
(iii) heating or cooling;		*Commission proposal unchanged*	
(c) the identity, location, type and capacity of the installation where the energy was produced;		*Commission proposal unchanged*	
(d) whether the installation has benefited from investment support and whether the unit of energy has benefited in any other way from a national support scheme, and the type of support scheme;		*Commission proposal unchanged*	
(e) the date on which the installation became operational; and		*Commission proposal unchanged*	
(f) the date and country of issue and a unique identification number.		*Commission proposal unchanged*	
Simplified information may be specified on guarantees of origin from small scale installations.		Simplified information may be specified on guarantees of origin from installations **of less than 50 kW**.	

Art. 19 (8)			
8. Where an electricity supplier is required to prove the share or quantity of energy from renewable sources in its energy mix for the purposes of Article 3 of Directive 2009/72/EC, it shall do so by using guarantees of origin. Likewise, guarantees of origin created pursuant to Article 14(10) of Directive 2012/27/EC shall be used to substantiate any requirement to prove the quantity of electricity produced from high-efficiency cogeneration. Member States shall ensure that transmission losses are fully taken into account when guarantees of origin are used to demonstrate consumption of renewable energy or electricity from high efficiency cogeneration.	**AM 174** 8. Where an electricity supplier is required to prove the share or quantity of energy from renewable sources in its energy mix for the purposes of Article 3 of Directive 2009/72/EC, it shall do so by using guarantees of origin. Likewise, guarantees of origin created pursuant to Article 14(10) of Directive 2012/27/EC shall be used to substantiate any requirement to prove the quantity of electricity produced from high-efficiency cogeneration. ***In relation to paragraph 2, where electricity is generated from high efficiency cogeneration using renewable sources only one guarantee of origin specifying both characteristics, shall be issued.*** Member States shall ensure that transmission losses are fully taken into account when guarantees of origin are used to demonstrate consumption of renewable energy or electricity from high efficiency cogeneration.	8. Where an electricity supplier is required to prove the share or quantity of energy from renewable sources in its energy mix for the purposes of Article 3 of Directive 2009/72/EC, it **[ ] may** do so by using guarantees of origin. **Where Member States have arranged to have guarantees of origin for other types of energy, suppliers shall always use for disclosure the same type of guarantees of origin as the energy supplied.** Likewise, guarantees of origin created pursuant to Article 14(10) of Directive 2012/27/EC **[ ] may** be used to substantiate any requirement to prove the quantity of electricity produced from high-efficiency cogeneration. **For the purposes of paragraph 2, where electricity is generated from high efficiency cogeneration using renewable sources only one guarantee of origin may be issued specifying both characteristics. [ ]**	*Accepted in Council GA*

Art. 19 (9)			
9. Member States shall recognise guarantees of origin issued by other Member States in accordance with this Directive exclusively as proof of the elements referred to in paragraph 1 and paragraph 7 (a) to (f). A Member State may refuse to recognise a guarantee of origin only when it has well-founded doubts about its accuracy, reliability or veracity. The Member State shall notify the Commission of such a refusal and its justification.		*Commission proposal unchanged*	
10. If the Commission finds that a refusal to recognise a guarantee of origin is unfounded, the Commission may adopt a decision requiring the Member State in question to recognise it.		*Commission proposal unchanged*	
11. Member States shall not recognise guarantees of origins issued by a third country except where the Commission has signed an agreement with that third country on mutual recognition of guarantees of origin issued in the Union and compatible guarantees of origin systems established in that country, where there is direct import or export of energy. The Commission is empowered to adopt delegated acts in accordance with Article 32 to enforce these agreements.		11. Member States shall not recognise guarantees of origins issued by a third country except where the Commission has signed an agreement with that third country on mutual recognition of guarantees of origin issued in the Union and compatible guarantees of origin systems established in that country, **and only** where there is direct import or export of energy. The Commission is empowered to adopt **[ ] implementing** acts in accordance with Article 3**1** to enforce these agreements.	
12. A Member State may introduce, in conformity with Union law, objective,		*Commission proposal unchanged*	

transparent and non-discriminatory criteria for the use of guarantees of origin in complying with the obligations laid down in Article 3(9) of Directive 2009/72/EC.			
13. Where energy suppliers market energy from renewable sources or high-efficiency cogeneration to customers with a reference to environmental or other benefits of energy from renewable sources or from high-efficiency cogeneration, Member States shall require those energy suppliers to use guarantees of origin to disclose the amount or share of energy from renewable sources or from high efficiency cogeneration		*deleted*	
14. The Commission is empowered to adopt delegated acts in accordance with Article 32 establishing the rules to monitor the functioning of the system set out in this Article.		*deleted*	

Article 20 ***Access to and operation of the grids***			
1. Where relevant, Member States shall assess the need to extend existing gas network infrastructure to facilitate the integration of gas from renewable energy sources.	**AM 175** 1. Where relevant, Member States shall assess the need to extend existing gas network infrastructure to facilitate the integration of gas from renewable energy sources. ***Transmission system operators and distribution system operators shall be responsible for guaranteeing a smooth functioning of the gas network infrastructure, including its maintenance and regular cleaning.***	*Commission proposal unchanged*	*Maintain Council GA*
2. Where relevant, Member States shall require transmission system operators and distribution system operators in their territory to publish technical rules in line with Article 6 of Directive 2003/55/EC of the European Parliament and of the Council [36], in particular regarding network connection rules that include gas quality, gas odoration and gas pressure requirements. Member States shall also require transmission and distribution system operators to publish the connection tariffs to connect renewable gas sources based on transparent and non-discriminatory criteria.		*Commission proposal unchanged*	

[36] Directive 2003/55/EC of the European Parliament and of the Council of 26 June 2003 concerning common rules for the internal market in natural gas and repealing Directive 98/30/EC (OJ L 176, 15.7.2003, p. 57).

3 Subject to their assessment included in the integrated national energy and climate plans in accordance with Annex I of Regulation [Governance], on the necessity to build new infrastructure for district heating and cooling produced from renewable energy sources in order to achieve the Union target referred to in Article 3(1) of this Directive, Member States shall, where relevant, take steps with a view to developing a district heating infrastructure to accommodate the development of heating and cooling production from large biomass, solar and geothermal facilities.	**AM 176** 3. Subject to their assessment included in the integrated national energy and climate plans in accordance with Annex I of Regulation ***... of the European Parliament and of the Council*** [***on the*** Governance ***of the Energy Union, 2016/0375(COD)***], on the necessity to build new infrastructure for district heating and cooling produced from renewable energy sources in order to achieve the Union target referred to in Article 3(1) of this Directive, Member States shall, where relevant, take steps with a view to developing a district heating infrastructure to accommodate the development of heating and cooling production from large ***sustainable*** biomass, ***ambient heat in large heat pumps,*** solar and geothermal facilities ***as well as surplus heat from industry and other sources***.	3. Subject to their assessment included in the integrated national energy and climate plans in accordance with Annex I of Regulation [Governance], on the necessity to build new infrastructure for district heating and cooling produced from renewable energy sources in order to achieve the Union target referred to in Article 3(1) of this Directive, Member States shall, where relevant, take steps with a view to developing a district heating infrastructure to accommodate the development of heating and cooling production from large biomass, solar and **[ ] ambient energy** facilities **and waste heat or cold**.	*To be discussed with EP*

Article 21 **Renewable self-consumers**			
1. Member States shall ensure that renewable self-consumers, individually or through aggregators:	**AM 177** 1. ***Member States shall ensure that consumers are entitled to become renewable self-consumers. To that end,*** Member States shall ensure that renewable self-consumers, individually or through aggregators:	1. Member States shall ensure that renewable self-consumers **[ ]:**	*Accepted in part in Council GA (see (a) below)*
(a) are entitled to carry out self-consumption and sell, including through power purchase agreements, their excess production of renewable electricity without being subject to disproportionate procedures and charges that are not cost-reflective;	**AM 178** (a) are entitled to carry out self-consumption and sell, including through power purchase agreements ***and peer-to-peer trading arrangements***, their excess production of renewable electricity without being subject to ***discriminatory or*** disproportionate procedures and charges that are not cost-reflective;	(a) are entitled to**: [ ] generate renewable energy, including for their own consumption [ ]; store** and sell, including through power purchase agreements**, aggregators and electricity suppliers**, their excess production of renewable electricity without being subject to disproportionate procedures and **[ ] network** charges **that are not cost reflective, ensuring they contribute in an adequate and balanced way to the overall cost sharing of the system [ ]**[37]**;**	*To be discussed with EP*
	AM 179 ***(aa) are entitled to consume their self-generated renewable electricity, which remains within their premises, without liability for any charge, fee, or tax;***		*Maintain Council GA*

[37] Note: see added text in recital 53 on proportionality of charges and the proposal for Electricity Regulation Art. 16 about network tariffs (no changes).

Art 21 (1) (ab)			
	AM 180 ***(ab) are entitled to install and operate electricity storage systems combined with installations generating renewable electricity for self-consumption without liability for any charge, including taxation and double grid fees for stored electricity which remains within their premises;***		*Maintain Council GA*
(b) maintain their rights as consumers;		(b) maintain their rights **and obligations** as consumers;	
(c) are not considered as energy suppliers according to Union or national legislation in relation to the renewable electricity they feed into the grid not exceeding 10 MWh for households and 500 MWh for legal persons on an annual basis; and	**AM 181** (c) are not considered as energy suppliers according to Union or national legislation in relation to the renewable electricity they feed into the grid not exceeding 10 MWh for households and 500 MWh for legal persons on an annual basis ***without prejudice to the procedures established for the supervision and approval of connection of generation capacity to the grid by distribution system operators pursuant to Articles 15 to 18;***	(c) are not considered as **[ ] electricity** suppliers according to **Directive [MDI Directive] [ ]** in relation to the **[ ]** renewable electricity they **have produced and consumed themselves [ ]**; and	*Maintain Council GA*

(d) receive a remuneration for the self-generated renewable electricity they feed into the grid which reflects the market value of the electricity fed in.	**AM 182** (d) receive a remuneration for the self-generated renewable electricity they feed into the grid which ***is equivalent to at least*** the market ***price and may take into account the long-term*** value ***to the grid, the environment and society in line with the cost benefit analysis of distributed energy resources under [Article 59] of Directive ... of the European Parliament and*** of the ***Council [on common rules for the internal market in*** electricity ***(recast), 2016/0380(COD)]***.	(d) **are [ ] able to be** remunerat**ed [ ] appropriately** for the self-generated renewable electricity they feed into the grid**, [ ] reflecting** the market value of the electricity fed in **and the relevant support schemes, if any in place; and**	*Maintain Council GA*
		(e) are subject to a non-discriminatory treatment with regard to their activities, rights and obligations as final customers, generators, suppliers, or as other market participants as relevant.	
Member States may set a higher threshold than the one set out in point (c).		*deleted*	
	AM 183 ***Member States shall ensure that the distribution of the costs for network management and development is fair, and proportionate and reflects the system-wide benefits of self-generation, including the long-term value to the grid, environment and society.***		*To be discussed with EP (see also Council text para 1a above and Recital 53bis)*

Art. 21 (2)			
2. Member States shall ensure that renewable self-consumers living in the same multi-apartment block, or located in the same commercial, or shared services, site or closed distribution system, are allowed to jointly engage in self-consumption as if they were an individual renewable self-consumer. In this case, the threshold set out in paragraph 1(c) shall apply to each renewable self-consumer concerned.	**AM 184** 2. Member States shall ensure that renewable self-consumers living in the same multi-apartment block, ***residential area*** or located ***within*** the same commercial, ***industrial*** or shared services, site or ***in the same*** closed distribution system, are allowed to jointly engage in self-consumption as if they were an individual renewable self-consumer. In this case, the threshold set out in paragraph 1(c) shall apply to each renewable self-consumer concerned.	2. Member States shall ensure that renewable self-consumers living in the same multi-apartment block, or located in the same commercial, or shared services, site or closed distribution system, are**, without prejudice to applicable grid costs and other relevant charges, levies and taxes applicable [ ],** allowed to **arrange sharing of renewable energy that is produced on their site or sites between themselves**. **[ ] Member States may have different governing provisions for individual and jointly acting renewable self-consumers in their national legislation.**	*Maintain Council GA*
	AM 185 ***2a. Member States shall carry out an assessment of the existing barriers to and development potential of self-consumption in their territories in order to put in place an enabling framework to promote and facilitate the development of renewable self-consumption.*** ***That enabling framework shall include, inter alia:*** ***(a) specific measures to ensure that self-consumption is accessible to all consumers, including those in low-income or vulnerable households, or those living in social or rented***		*Maintain Council GA*

	housing; ***(b) tools to facilitate access to finance;*** ***I incentives to building owners to create opportunities for self-consumption for tenants;*** ***(d) the removal of unjustified regulatory barriers to renewable self-consumption, including for tenants.*** ***The enabling framework shall be part of the national energy and climate plans in accordance with RegulatiI... of the European Parliament and of the Council [on the Governance of the Energy Union, 2016/0375(COD)].***		
3. The renewable self-consumer's installation may be managed by a third party for installation, operation, including metering, and maintenance.	**AM 186** 3. ***With their consent,*** the renewable ***self-consumer's*** installation ***may be owned by a third party or it*** may be managed by a third party for installation, operation, including metering, and maintenance. ***The third party shall not be considered a renewable self-consumer itself.***	*Commission proposal unchanged*	*To be discussed with EP*

Article 22 **Renewable energy communities**			
	AM 187 ***Member States shall ensure that final customers, particularly household customers, are entitled to participate in a renewable energy community without losing their rights as final customers, and without being subject to unjustified conditions or procedures that would prevent or discourage their participation in a renewable energy community, provided that for private undertakings, their participation does not constitute their primary commercial or professional activity.***		*To be discussed with EP*
1. Member States shall ensure that renewable energy communities are entitled to generate, consume, store and sell renewable energy, including through power purchase agreements, without being subject to disproportionate procedures and charges that are not cost-reflective.	**AM 188** 1. Member States shall ensure that renewable energy communities are entitled to generate, consume, store and sell renewable energy, including through power purchase agreements, without being subject to ***discriminatory or*** disproportionate procedures and charges that are not cost-reflective.	1. Member States shall **provide an enabling regulatory framework for renewable energy communities ensuring that:**	*Accepted in part in Council GA (see below (i) and (j))*
		(a) renewable energy communities are entitled to generate, consume, store and sell renewable energy;	
		(b) their shareholders or members are natural persons, local authorities, including municipalities, or SMEs;	

		(c) participation in a renewable energy community is voluntary;	
		(d) their shareholders or members are allowed to leave a renewable energy community;	
		(e) renewable energy communities that supply energy, provide aggregation or other commercial energy services are subject to the provisions relevant for such activities;	
		(f) renewable energy communities are entitled to arrange sharing of renewable energy within the community that is produced by the production units owned by the community, subject to the provisions of this article and retaining community members' rights and obligations as consumers;	
		(g) the relevant distribution system operator cooperates with renewable energy communities to facilitate energy transfers within renewable energy communities, which shall not impact the obligations of renewable energy communities or their members may have as balance responsible parties and in particular their financial responsibility for the imbalances they cause in the system;	

Art. 22 (1) (h)			
		(h) renewable energy communities are subject to fair, proportionate and transparent procedures, including registration and licensing, and cost reflective network charges, as well as relevant levies and taxes, ensuring they contribute in an adequate and balanced way to the overall cost sharing of the system;	
		(i) renewable energy communities are allowed to access all energy markets either directly or through aggregation in a non-discriminatory manner;	
		(j) renewable energy communities are subject to a non-discriminatory treatment with regard to their activities, rights and obligations as final customers, generators, suppliers, distribution system operators, or as other market participants;	
		2. Member States may provide in the enabling regulatory framework referred to in paragraph 1 that renewable energy communities are open to cross-border participation.	

Art. 22 (1) subpara 2			
For the purposes of this Directive, a renewable energy community shall be an SME or a not-for-profit organisation, the shareholders or members of which cooperate in the generation, distribution, storage or supply of energy from renewable sources, fulfilling at least four out of the following criteria:	**AM 189** For the purposes of this Directive, a renewable energy community shall be an SME or a not-for-profit organisation, the shareholders or members of which cooperate in the generation, distribution, storage or supply of energy from renewable sources**.** ***To benefit from treatment as a renewable energy community,*** at least ***51 % of the seats in the board of directors or managing bodies of the entity shall be reserved for local members, i.e. representatives of local public and local private socio-economic interests or individual citizens.*** ***In addition, a renewable energy community shall fulfil at least three*** out of the following criteria:	*deleted*	*To be discussed with EP (see definition Art. 2)* *("local" aspect)*
(a) shareholders or members are natural persons, local authorities, including municipalities, or SMEs operating in the fields or renewable energy;	**AM 190** (a) shareholders or members are natural persons, local authorities, including municipalities, or SMEs;	*deleted*	*Accepted in Council GA (see above 1.(b))*
(b) at least 51% of the shareholders or members with voting rights of the entity are natural persons;	**AM 191** (b) at least 51 % of the shareholders or members with voting rights of the entity are natural persons ***or public bodies***;	*deleted*	*To be discussed with EP*

(c) at least 51% of the shares or participation rights of the entity are owned by local members, i.e. representatives of local public and local private socio-economic interests or citizen having a direct interest in the community activity and its impacts;	**AM 192** (c) at least 51 % of the shares or participation rights of the entity are owned by local members, i.e. representatives of local public and local private socio-economic interests or ***individual citizens***;	*deleted*	*To be discussed with EP ("local" aspect)*
(d) at least 51% of the seats in the board of directors or managing bodies of the entity are reserved to local members, i.e. representatives of local public and local private socio-economic interests or citizens having a direct interest in the community activity and its impacts;	**AM 193** ***deleted***	*deleted*	
(e) the community has not installed more than 18 MW of renewable capacity for electricity, heating and cooling and transport as a yearly average in the previous 5 year.		*deleted*	
	AM 194 ***Member States shall monitor the application of these criteria and take measures to avoid any abuse or adverse effects on competition.***		*Maintain Council GA*

Art. 22 (2)			
2. Without prejudice to State aid rules, when designing support schemes, Member States shall take into account the specificities of renewable energy communities.	**AM 195** 2. When designing support schemes, Member States shall take into account the specificities of renewable energy communities ***while ensuring a level playing field between generators of electricity from renewable energy sources.***	**3. Without prejudice to State aid rules, Member States shall take into account the specificities of renewable energy communities when designing support schemes, in order to allow them to compete for support on an equal footing with other producers.**	*Accepted in Council GA*
	AM 196 ***2a. Member States shall carry out an assessment of the existing barriers and potential of development of renewable energy communities in their territories in order to put in place an enabling framework to promote and facilitate participation by renewable energy communities in the generation, consumption, storage and sale of renewable energy.*** ***That enabling framework shall include:*** ***(a) objectives and specific measures to help public authorities enable the development of renewable energy communities, and to participate directly;*** ***(b) specific measures to ensure that participation in renewable energy communities is accessible to all consumers, including those in low-income or vulnerable***		*To be discussed with EP*

	households or in social housing or who are tenants; ***(c) tools to facilitate access to finance and information;*** ***(d) regulatory and capacity-building support to public authorities in setting up renewable energy communities;*** ***(e) the removal of unjustified regulatory and administrative barriers to renewable energy communities;*** ***(f) rules to secure the equal and non-discriminatory treatment of consumers that participate in the energy community, ensuring consumer protection equivalent to that of those connected to the distribution grids.*** ***The enabling framework shall be part of the integrated national energy and climate plans in accordance with Regulation ... of the European Parliament and of the Council [on the Governance of the Energy Union, 2016/0375(COD)].***		

Article 23 **Mainstreaming renewable energy in the heating and cooling installations**			
1. In order to facilitate the penetration of renewable energy in the heating and cooling sector, each Member State shall endeavour to increase the share of renewable energy supplied for heating and cooling by at least 1 percentage point (pp) every year, expressed in terms of national share of final energy consumption and calculated according to the methodology set out in Article 7.	**AM 197** 1. In order to facilitate the penetration of renewable energy in the heating and cooling sector, each Member State shall endeavour to increase the share of renewable energy supplied for heating and cooling by at least ***2*** percentage ***points*** (pp) every year, expressed in terms of national share of final energy consumption and calculated according to the methodology set out in Article 7. ***Where a Member State is unable to achieve this percentage, it shall make public and provide the Commission with a justification for its non-compliance. Member States shall prioritise the best available technologies***	1. In order to facilitate the penetration of renewable energy in the heating and cooling sector, each Member State shall endeavour to increase the share of renewable energy supplied for heating and cooling **[ ] by an indicative 1 percentage point (pp) as a yearly average calculated for the periods of 2021-2025 and 2026-2030[38] [ ] starting from the level achieved in 2020**, **[ ],** expressed in terms of national share of final energy consumption and calculated according to the methodology set out in Article 7**, without prejudice to the fourth sub-paragraph below**.	*Accept with changes* 1. In order to facilitate the penetration of renewable energy in the heating and cooling sector, each Member State shall endeavour to increase the share of renewable energy supplied for heating and cooling **[ ] by an indicative 1 percentage point (pp) as a yearly average calculated for the periods of 2021-2025 and 2026-2030[39] [ ] starting from the level achieved in 202, <u>increased by, if applicable, the contribution of waste heat and cooling</u> [ ],** expressed in terms of national share of final energy consumption and calculated according to the methodology set out in Article 7**, without prejudice to the fourth sub-paragraph below**. ***<u>Where a Member State is unable to achieve this percentage, it shall make public and provide the Commission with a justification for its non-compliance</u>*****<u>, within the framework of the Regulation …of the European Parliament and of the Council on the Governance of the Energy Union, 2016/0375(COD).</u>**

[38] <u>Note: In order to ensure a good pace of development for H&C the yearly average would be calculated separately for two periods.</u>

[39] <u>Note: In order to ensure a good pace of development for H&C the yearly average would be calculated separately for two periods.</u>

		Member States may also decide to take into account a contribution from waste heat and cold to further incentivise efficiency in their systems.	***delete***
	AM 198 ***1a. For the purposes of paragraph 1, when calculating the share of renewable energy supplied for heating and cooling and their required yearly increases, Member States:*** ***(a) may count any increase achieved in a given year as if it had instead been partially or entirely achieved in any of the two previous or two following years, within the period between 1 January 2021 and 31 December 2030;*** ***(b) may count waste heat and cold towards the yearly increase in paragraph 1, subject to a limit of 50 % of the annual increase;*** ***(c) shall, where they have a share of renewable energy and waste heat and cold sources in the heating and cooling sector between 50 % and 80 %, reduce the increase to 1 percentage point every year;*** ***(d) may define their own level of yearly increase, including whether to apply to cap for waste heat and cold in point (b), as from the year in which they reach a share of renewable energy and waste heat and cold***	**Member States with a share of renewable energy in heating and cooling above 50% may count any such share as fulfilling the yearly increase referred to in the first subparagraph.** **Member States may take into account cost-effectiveness in deciding on the measures to deploy renewable energy sources in heating and cooling reflecting structural barriers from the high share of natural gas, cooling and dispersed settlement structure with low population density. Where these measures would result in lower level of average yearly increase as referred to in the first or second subparagraph, they shall provide reasoning with reference to the assessment carried out in accordance with paragraph 15(8) in their national energy and climate plan.**	*Accept in part* ***<u>For the purposes of paragraph 1, when calculating the share of renewable energy supplied for heating and cooling and their required yearly increases, Member States:</u>*** ***<u>a) may count any increase achieved in a given year as if it had instead been partially or entirely achieved in any of the two previous or two following years, within the period between 1 January 2021 and 31 December 2030;</u>*** ***<u>(b)</u> may count waste heat and cold towards the yearly increase in paragraph 1, subject to a limit of 50 % of the annual increase;*** **<u>(c)</u> Member States with a share of renewable energy in heating and cooling above <u>60</u>% may count any such share as fulfilling the yearly increase referred to in the first subparagraph,** **<u>(d) Member States with a share of renewable energy in heating and cooling above 40% up to 60% may count any such share as fulfilling half of the yearly increase referred to in the first subparagraph.</u>** **<u>(e)</u> Member States may take into**

	sources in the heating and cooling sector above 80 %.		**account cost-effectiveness in deciding on the measures to deploy renewable energy sources in heating and cooling reflecting structural barriers from the high share of natural gas, cooling and dispersed settlement structure with low population density.** **Where these measures would result in lower level of average yearly increase as referred to in the first or second subparagraph, they shall provide reasoning with reference to the assessment carried out in accordance with paragraph 15(8) in their national energy and climate plan.**
2. Member States may designate and make public, on the basis of objective and non-discriminatory criteria, a list of measures and the implementing entities, such as fuel suppliers, which shall contribute to the increase set out in paragraph 1.	**AM 199** 2. Member States ***shall*** designate and make public, on the basis of objective and non-discriminatory criteria, a list of measures and the implementing entities, such as fuel suppliers, which shall contribute to the increase set out in paragraph 1.	2. Member States may designate and make public, on the basis of objective and non-discriminatory criteria, a list of measures and the implementing entities, such as fuel suppliers, **public or professional bodies,** which shall contribute to the increase set out in paragraph 1.	*Maintain Council GA*
Art. 23 (3)			
3. The increase set out in paragraph 1 may be implemented through one or more of the following options:	**AM 200** 3. The increase set out in paragraph 1 may ***inter alia*** be implemented through one or more of the following options:	3. The increase set out in paragraph 1 may be implemented through**, *inter alia*,** one or more of the following options:	*Accept*
(a) physical incorporation of	**AM 201** (a) physical incorporation of	*Commission proposal unchanged*	*Accept*

renewable energy in the energy and energy fuel supplied for heating and cooling;	renewable energy ***or waste heat and cold*** in the energy and energy fuel supplied for heating and cooling;		
(b) direct mitigation measures such as installation of highly efficient renewable heating and cooling systems in buildings or renewable energy use for industrial heating and cooling processes;	**AM 202** (b) direct mitigation measures such as installation of highly efficient renewable heating and cooling systems in buildings or renewable energy use ***or the use of waste heat and cold*** for industrial heating and cooling processes;	*Commission proposal unchanged*	*Accept*
(c) indirect mitigation measures covered by tradable certificates proving compliance with the obligation through support to indirect mitigation measures, carried out by another economic operator such as an independent renewable technology installer or energy service company - ESCO providing renewable installation services.		*Commission proposal unchanged*	
	AM 203 ***(ca) other policy measures with an equivalent effect to reach the yearly increase set out in paragraph 1 or 1a.***	**(d) other policy measures, including fiscal measures or other financial incentives.**	*Maintain Council GA*
	AM 204 ***3a. When implementing the measures referred to in points (a) to (d) above, Member States shall require the measures to be designed in such a way so as to ensure they are accessible to all consumers, in particular those in low-income or vulnerable households, who may not possess sufficient up-front capital to benefit otherwise.***		*Maintain Council GA*

4. Member States may use the established structures under the national energy efficiency obligation schemes set out in Article 7 of Directive 2012/27/EU to implement and monitor the measures referred to in paragraph 2.		*Commission proposal unchanged*	
5. The entities designated under paragraph 2 shall ensure that their contribution is measurable and verifiable and shall report annually starting from 30 June 2021, to the authority designated by the Member State, on:		5. **Where [ ]** entities **are** designated under paragraph 2 **Member States** shall ensure that their contribution is measurable and verifiable and **that the designated entities [ ]** report annually **[ ]** on:	
(a) the total amount of energy supplied for heating and cooling;		*Commission proposal unchanged*	
(b) the total amount of renewable energy supplied for heating and cooling;		*Commission proposal unchanged*	
	AM 205 ***(ba) the amount of waste heat or cold supplied for heating and cooling;***		*Accept*
(c) the share of renewable energy in the total amount of energy supplied for heating and cooling; and	**AM 206** (c) the share of renewable energy ***and waste heat or cold*** in the total amount of energy supplied for heating and cooling; and	*Commission proposal unchanged*	*Accept*
(d) the type of renewable energy source.		*Commission proposal unchanged*	
6. Member States shall ensure that the reports referred to in paragraph 5 are subject to verification by the competent designated authority.		*deleted*	

Article 24 **District Heating and Cooling**			
1. Member States shall ensure that district heating and cooling suppliers provide information to end-consumers on their energy performance and the share of renewable energy in their systems. Such information shall be in accordance with standards used under Directive 2010/31/EU.	**AM 207** 1. Member States shall ensure that district heating and cooling suppliers provide information to end-consumers on their energy performance and the share of renewable energy in their systems. Such information shall be ***provided on an annual basis or upon request*** in accordance with standards used under Directive 2010/31/EU.	1. Member States shall ensure that **[ ]** information **is provided** to **[ ] final [ ] users** on **[ ] the** energy performance and the share of renewable energy in their **district heating and cooling** systems **in an easy to access manner, such as on suppliers' websites or bills in accordance with point (3)(b) of Annex VIIa of [amending Directive 2012/27/EU, COM(2016) 761]**.	*Maintain Council GA*
2. Member States shall lay down the necessary measures to allow customers of those district heating or cooling systems which are not 'efficient district heating and cooling' within the meaning of Article 2(41) of Directive 2012/27/EU to disconnect from the system in order to produce heating or cooling from renewable energy sources themselves, or to switch to another supplier of heat or cold which has access to the system referred to in paragraph 4.	**AM 208** 2. Member States shall lay down the necessary measures to allow customers of those district heating or cooling systems which are not 'efficient district heating and cooling' within the meaning of Article 2(41) of Directive 2012/27/EU***, or will not become such a system within the next five years according to their investment plans,*** to disconnect from the system in order to produce heating or cooling from renewable energy sources themselves.	2. Member States shall lay down the necessary measures **and conditions** to allow customers of those district heating or cooling systems which are not 'efficient district heating and cooling' within the meaning of Article 2(41) of Directive 2012/27/EU to**:**	*Accept* 2. Member States shall lay down the necessary measures **and conditions** to allow customers of those district heating or cooling systems which are not 'efficient district heating and cooling' within the meaning of Article 2(41) of Directive 2012/27/EU***, or will not become such a system within the next five years according to their investment plans,*** to**:**

		[ ] terminate their contract in order to produce heating or cooling from renewable energy sources themselves **[ ]**.	
		Termination of the contract [ ] may be made conditional on the compensation for cost directly caused by disconnection and the undepreciated portion of assets needed to provide heat and cold to that customer.	
3. Member States may restrict the right to disconnect or switch supplier to customers who can prove that the planned alternative supply solution for heating or cooling results in a significantly better energy performance. The performance assessment of the alternative supply solution may be based on the Energy Performance Certificate as defined in Directive 2010/31/EU.	3. Member States may restrict the right to disconnect to customers who can prove that the planned alternative supply solution for heating or cooling results in a significantly better energy performance. The performance assessment of the alternative supply solution may be based on the Energy Performance Certificate as defined in Directive 2010/31/EU.	3. Member States may restrict the right to **[ ] terminate their contract [ ]** to customers who can prove that the planned alternative supply solution for heating or cooling results in a significantly better energy performance. The performance assessment of the alternative supply solution may be based on the Energy Performance Certificate as defined in Directive 2010/31/EU.	*Maintain Council GA*

Art. 24 (4)			
4. Member States shall lay down the necessary measures to ensure non-discriminatory access to district heating or cooling systems for heat or cold produced from renewable energy sources and for waste heat or cold. This non-discriminatory access shall enable direct supply of heating or cooling from such sources to customers connected to the district heating or cooling system by suppliers other than the operator of the district heating or cooling system.	**AM 210** 4. Member States shall lay down the necessary measures to ensure non-discriminatory access to district heating or cooling systems for heat or cold produced from renewable energy sources**,** and for waste heat or cold**,** ***based on*** non-discriminatory ***criteria set by the competent authority of the Member State. Such criteria*** shall ***take into account the economic and technical feasibility for*** the district heating or cooling system ***operators and connected customers***.	4. Member States shall lay down the necessary measures to ensure **that district heating or cooling systems contribute to the increase referred to in Article 23 paragraph 1 by implementing at least one of the two following options:**	*Maintain Council GA*
		a) Endeavour to increase the share of renewable energy sources and from waste heat and cold sources in district heating and cooling by at least 1 percentage point (pp) every year starting from the level achieved in 2020, expressed in terms of share of final energy consumption for district heating and cooling, by implementing measures that can be expected to trigger this yearly increase in years with normal climatic conditions	
		Member States with a share of renewable energy and waste heat and cold in district heating and cooling above 60% may count any such share as fulfilling the yearly increase referred to in the first subparagraph.	

		Member States shall lay down the necessary measures to implement the increase set out in paragraph 4 (a) in their national energy and climate plans.	
		b) Ensure that operators of district heating or cooling systems are obliged to connect suppliers of energy from renewable energy sources and waste heat and cold or have to offer to connect and purchase heat and cold produced from renewable energy sources and waste heat and cold from third party suppliers when they need to:	(see AM 210)
		i) meet demand from new customers and respond to requests from customers made under paragraph 2(b);	
		ii) replace existing heat and cold generation capacities; and	
		iii) expand existing heat and cold generation capacities.	

5. An operator of a district heating or cooling system may refuse access to suppliers where the system lacks the necessary capacity due to other supplies of waste heat or cold, of heat or cold from renewable energy sources or of heat or cold produced by high-efficiency cogeneration. Member States shall ensure that where such a refusal takes place the operator of the district heating or cooling system provides relevant information to the competent authority according to paragraph 9 on measures that would be necessary to reinforce the system.	**AM 211** 5. An operator of a district heating or cooling system may refuse access to suppliers where ***one or more of the following conditions are met:*** ***(a)*** the system lacks the necessary capacity due to other supplies of waste heat or cold, of heat or cold from renewable energy sources or of heat or cold produced by high-efficiency cogeneration ***or such access would jeopardise the safe operation of the district heating system;*** ***(b) the system constitutes an 'efficient district heating and cooling system' within the meaning of Article 2(41) of Directive 2012/27/EU;*** ***(c) providing access would lead to an excessive heat or cold price increase for final customers compared to the price of using the main local heat supply with which the renewable energy source or waste head or cold would compete.*** Member States shall ensure that where such a refusal takes place the operator of the district heating or cooling system provides relevant information to the competent authority according to paragraph 9 on measures that would be necessary to reinforce the system	5. **[ ] When the option in paragraph 4 (b) is implemented, a**n operator of a district heating or cooling system may refuse **to connect and buy heat or cold from [ ] third party** suppliers where**:** **(a)** the system lacks the necessary capacity due to other supplies of waste heat or cold, of heat or cold from renewable energy sources or of heat or cold produced by high-efficiency cogeneration**;** **(b) the heat or cold supplied from the third party does not meet the technical parameters necessary to connect and ensure the reliable and safe operation of the district heating and cooling system; or** **(c) it can demonstrate that the total cost of the heat or cold supply to final customers would increase compared to the situation without heat or cold supplied from the third party added to the system.** Member States shall ensure that whe**n [ ]** the operator of the district heating or cooling system **[ ] refuses to connect a supplier of heating or cooling [ ]** information **is provided by the operator** to the competent authority according to paragraph 9 on **the**	*Maintain Council GA (partly accepted in Council text)* *(addressed in council text (b))*

	including the economic consequences of the measures.	**reasons for the refusal, as well as the conditions and** measures that would **[ ] need to be taken in** the system **in order to enable the connection**.	
Art. 24 (6)			
6. New district heating or cooling systems may, upon request, be exempted from the application of paragraph 4 for a defined period of time. The competent authority shall decide on such exemption requests on a case-by-case basis. An exemption shall only be granted if the new district heating or cooling system constitutes 'efficient district heating and cooling' within the meaning of Article 2(41) of Directive 2012/27/EU and if it exploits the potential for the use of renewable energy sources and of waste heat or cold identified in the comprehensive assessment made in accordance with Article 14 of Directive 2012/27/EU.	**AM 212** 6. New district heating or cooling systems may, upon request, be exempted from the application of paragraph 4 for a defined period of time. The competent authority shall decide on such exemption requests on a case-by-case basis. An exemption shall only be granted if the new district heating or cooling system constitutes 'efficient district heating and cooling' within the meaning of Article 2(41) of Directive 2012/27/EU and if it exploits the potential for the use of renewable energy sources***, 'high efficiency cogeneration' within the meaning of Article 2(34) of Directive 2012/27/EU,*** and of waste heat or cold identified in the comprehensive assessment made in accordance with Article 14 of ***Directive 2012/27/EU.***	6. **When the option in paragraph 4 (b) is implemented, Member States may exempt from the application of paragraph 4 (b):** **a)** district heating or cooling systems **that constitute** 'efficient district heating and cooling' within the meaning of Article 2(41) of Directive 2012/27/EU**;** **b) existing district heating or cooling systems that become efficient in the sense of Article 2(41) of Directive 2012/27/EU by 2025 based on a plan approved by the competent authority;** **c) district heating and cooling systems with a total rated thermal input below 20 MW [ ].**	*Accept in part* 6. **When the option in paragraph 4 (b) is implemented, Member States may exempt from the application of paragraph 4 (b):** **a)** district heating or cooling systems **that constitute** 'efficient district heating and cooling' within the meaning of Article 2(41) of Directive 2012/27/EU **and if it exploits '*high efficiency cogeneration*' *within the meaning of Article 2(34) of Directive 2012/27/EU*;** **b) existing district heating or cooling systems that become efficient in the sense of Article 2(41) of Directive 2012/27/EU by 2025 based on a plan approved by the competent authority;** **c) district heating and cooling systems with a total rated thermal input below 20 MW [ ].**
7. The right to disconnect or switch supplier may be exercised by individual customers, by joint undertakings formed by customers or by parties acting on the behalf of customers. For multi-apartment blocks, such disconnection may only	**AM 213** 7. The right to disconnect may be exercised by individual customers, by joint undertakings formed by customers or by parties acting on the behalf of customers. For multi-apartment blocks, such disconnection may only be exercised at whole	7. The right to **terminate their contract [ ] [ ]** may be exercised by individual customers, by joint undertakings formed by customers or by parties acting on the behalf of customers. For multi-apartment blocks, such **termination of their contract [ ]**	*Maintain Council GA*

be exercised at whole building level.	building level.	may only be exercised at whole building level **in accordance with the applicable dwelling law**.	
8. Member States shall require electricity distribution system operators to assess at least biennially, in cooperation with the operators of district heating or cooling systems in their respective area, the potential of district heating or cooling systems to provide balancing and other system services, including demand response and storing of excess electricity produced from renewable sources and if the use of the identified potential would be more resource- and cost-efficient than alternative solutions.	**AM 214** 8. Member States shall require electricity distribution system operators to assess at least ***every four years***, in cooperation with the operators of district heating or cooling systems in their respective area, the potential of district heating or cooling systems to provide balancing and other system services, including demand response and storing of excess electricity produced from renewable sources and if the use of the identified potential would be more resource- and cost-efficient than alternative solutions.	8. Member States shall require electricity distribution system operators to assess at least **every four years [ ]**, in cooperation with the operators of district heating or cooling systems in their respective area, the potential of district heating or cooling systems to provide balancing and other system services, including demand response and storing of excess electricity produced from renewable sources and if the use of the identified potential would be more resource- and cost-efficient than alternative solutions.	*Accepted in Council GA*
Art. 24 (9)			
9. Member States shall designate one or more independent authorities to ensure that the rights of consumers and the rules for operating district heating and cooling systems in accordance with this Article are clearly defined and enforced.	**AM 215** 9. Member States shall designate one or more ***competent*** authorities to ensure that the rights of consumers and the rules for operating district heating and cooling systems in accordance with this Article are clearly defined and enforced.	9. Member States shall [ ] ensure that the rights of consumers and the rules for operating district heating and cooling systems in accordance with this Article are clearly defined and enforced.	*Maintain Council GA*

Art. 24 (10)			
		10. Member States may decide not to apply paragraphs 2 to 9 of this Article if:	
		a) their share of district heating and cooling is less than 2% of the overall consumption of energy for heating and cooling at [the entry into force of this Directive]; or	
		b) if they are increasing the share in point (a) of this paragraph beyond 2% by developing new efficient district heating and cooling systems as referred to in Article 2(41) of Directive 2012/27/EU based on their integrated national energy and climate plans or the assessment referred to in Article 15(8); or	
		c) the share of systems referred in the paragraph 6 of this article constitute over 90 % of total sales of district heating and cooling in a member state.	

Article 25 **Mainstreaming renewable energy in the transport sector**			
1. 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.	**AM 216** 1. ***In order to achieve the target of 12 % of final energy consumption from renewable sources referred to in Article 3*** Member States shall require**,** with effect from 1 January 2021, 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 ***recycled carbon*** 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	1. **[ ] In order to mainstream renewable energy use in the transport sector, each** Member State shall **[ ] set an obligation on fuel suppliers to ensure the share of renewable energy supplied for final consumption in the transport sector is at least 14% by 2030, following an indicative trajectory set by the Member State and calculated in accordance to the methodology set out in this article. Member States may decide to include in such a minimum share also the contribution from recycled carbon fuels. Member States may exempt or distinguish between different fuel suppliers and energy carriers when setting this obligation, ensuring varied maturity and cost of technologies is taken into account.**	*Maintain Council GA*
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	**AM 217** The minimum share shall be at least equal to ***1,5 %*** in 2021, increasing up to at least ***10 %*** 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	**[ ] Within this total share, [ ]** the contribution of **[ ]** biofuels and biogas produced from feedstock listed in part A of Annex IX shall **be 1% in 2025 and [ ] [ ]**, increasing up to at least **[ ] 3**% by 2030 **[ ]**.	*Maintain Council GA*

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.	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. ***Fuel suppliers supplying only 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.***		
		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.	
		When setting the obligation under the first and second sub-paragraphs to ensure the achievement of the share set out therein, Member States may do so, inter alia, by renewable energy obligations or other measures targeting volumes, energy content or greenhouse gas emission savings provided that it is demonstrated that the shares set out in the first and second sub-paragraph are achieved.	(see AM 221)

Art 25 (1)			
		For the purpose of demonstrating compliance with the obligation under the first and second sub-paragraphs, [ ] Member States may consider the contribution of biofuels and biogas produced from feedstock listed in Annex IX to be twice their energy content.	
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.		**The greenhouse gas emission savings from the use of renewable liquid and gaseous transport fuels of non-biological origin and recycled carbon fuels shall be at least 70% as of 1 January 2021.**	
		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 sub-paragraph.	
For the calculation of the shares referred to in the second sub-paragraph, the following provisions shall apply:		For the calculation of the shares referred to in the **[ ] first and second [ ]** sub-paragraph, the following provisions shall apply:	
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 electricity, shall be taken into account;	**AM 218** 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;	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**, [ ]** and electricity **supplied to road and rail transport [ ]**, shall be taken into account;	*Maintain Council GA*

Art. 25 (1) (b)			
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.	**AM 219** 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, ***recycled carbon*** fuels supplied to all transport sectors and renewable electricity supplied to road vehicles, shall be taken into account.	b) for the calculation of the numerator, **that is the amount of energy from renewable sources consumed in transport for the purposes of the first subparagraph,** the energy content of **all types of energy from renewable sources [ ]** supplied to all transport sectors, and renewable electricity supplied to road **and rail transport [ ]**, shall be taken into account. **Recycled carbon fuels shall be taken into account if a Member State decides to do so.**	*Accepted in part in Council GA*
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.	**AM 220** 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**.** ***Member States can modify the limit set on feedstock included in part B of Annex IX if justified taking into account the availability of feedstock. Any modification shall be subject to the approval of the Commission.*** ***The*** contribution of fuels supplied in the aviation and maritime sector shall be considered to be ***2 times and 1,2*** times their energy content ***respectively, and the contribution of renewable electricity supplied to road vehicles shall be considered to be 2.5 times its energy content***.	For the calculation of the numerator, **Member States may limit** the contribution from biofuels and biogas produced from feedstock included in part B of Annex IX**, [ ] taking into account the availability of feedstock included in part B of Annex IX [ ].** **T**he contribution of fuels supplied in the aviation and maritime sector shall be considered to be 1.2 times their energy content.	*Maintain Council GA* *(see also Council GA Art 25(1) subpara 3; 5 times for road vehicles, 2 times for rail transport)*

c) For the calculation of both numerator and denominator, the values regarding the energy content of transport fuels, as set out in Annex III, shall be used. For the determination of the energy content of transport fuels not included in Annex III, the Member States shall use the respective ESOs standards for determination of calorific values of fuels. Where no ESOs standard has been adopted for this purpose, the respective ISO standards shall be used.		*Commission proposal unchanged*	
		The Commission is empowered to adopt delegated acts in accordance with Article 32 concerning the adaptation of the energy content of transport fuels, as set out in Annex III, to scientific and technical progress.	
	AM 221 ***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 waste based fossil fuels, provided that this does not counteract circular economy objectives and that the share of energy from renewable sources under paragraph 1 is met.***		*Accepted in part in Council GA above*

Art. 25 (2)			
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.		*Deleted*	
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.	**AM 223** 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 ***is used provided that there is sufficient proof that the renewable electricity is additional. The Commission is empowered to adopt delegated acts*** in accordance with Article ***32 in order to supplement this Directive by establishing a methodology, including a methodology for the Member State to set their baseline, in order to prove additionality***.	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. **[ ]**	*Maintain Council GA*
The share of renewable energy in liquid and gaseous transport fuels shall be determined on the basis of the share of renewable energy in the total energy input used for the production of the fuel.		*Commission proposal unchanged*	

	AM 224 ***By way of derogation from the first subparagraph, to determine the share of electricity for the purposes of paragraph 1 in the case of electricity obtained from a direct connection to an installation generating renewable electricity and supplied to road vehicles, that electricity shall be fully counted as renewable. Similarly, electricity obtained through long-term power purchase agreements for renewable electricity shall be fully counted as renewable electricity. In any event, an equivalent amount of guarantees of origin issued in accordance with Article 19 shall be cancelled.***		*Accepted in part in Council GA (see para (a) below)*
For the purposes of this paragraph, the following provisions shall apply:		*Commission proposal unchanged*	
(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.	**AM 225** (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, the average 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. An equivalent amount of guarantees of origin issued in accordance with Article 19 shall be cancelled.	(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. **[ ]**	*Maintain Council GA*

Art. 25 (3) (a) subpara 2			
However, electricity obtained from direct connection to an installation generating renewable electricity (i) that comes into operation after or at the same time as the installation producing the renewable liquid and gaseous transport fuel of non-biological origin and (ii) is not connected to the grid, can be fully counted as renewable electricity for the production of that renewable liquid and gaseous transport fuel of non-biological origin.		However, electricity obtained from direct connection to an installation generating renewable electricity **(i)** that comes into operation after or at the same time as the installation producing the renewable liquid and gaseous transport fuel of non-biological origin and **[ ] (ii)** is not connected to the grid**[ ] or is connected to the grid but can provide evidence that the respective electricity has been provided without importing electricity from the grid**, can be fully counted as renewable electricity for the production of that renewable liquid and gaseous transport fuel of non-biological origin.	
		In addition, [ ] electricity that has been imported from the grid [ ] may be counted as fully renewable if the electricity is produced exclusively from renewable energy sources [ ] and:	
		(a bis) the renewable electricity generation would have been curtailed if not consumed by the plant or	

Art. 25 (3) (b)			
(b) When biomass is processed with fossil fuels in a common process, the amount of biofuel in the product shall be established applying adequate conversion factors to the biomass input. In case the process yields more than one product, all products stemming from the process shall be assumed to contain the same share of biofuel. The same rules shall apply for the purposes of Article 27(1).		**(b) The renewable properties and any other appropriate criteria [ ] have been demonstrated, ensuring that the renewable properties of this electricity are claimed only once and only in one end-use sector.**	
		The Commission shall adopt an implementing act in accordance with Article 31 to establish a common European methodology, setting out detailed rules for economic operators to comply with the requirements set out in this sub-paragraph by December 2021.	
		3bis. With a view to minimising the risk of single consignments being claimed more than once in the Union, Member States and the Commission shall strengthen cooperation among national systems and between national systems and voluntary schemes and verifiers established pursuant to Article 27, including, where appropriate, the exchange of data. Where an authority suspects or detects a fraud it shall, where appropriate, inform other Member States of the issue.	

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.	**AM 226** 4. ***The Commission*** shall put in place ***a Union database*** enabling tracing of transport fuels***, including electricity,*** that are eligible for counting towards the numerator set out in ***point (b) of*** paragraph ***1. Member States shall*** 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	4. **The Commission [ ]** shall **ensure that [ ]** a database **is put in place** enabling tracing of **liquid and gaseous** transport fuels that are eligible for counting towards the numerator set out in paragraph 1(b) **or taken into account for the purposes referred to in points (a), (b), and (c) of Article 26(1),** and **Member States shall** require the relevant economic operators to enter information on the transactions made and the sustainability characteristics of the**se [ ]** 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. **Member States may set up a national database that is linked to the one put in place by the Commission ensuring that information entered is instantly transferred.**	*Maintain Council GA*
		The fuel suppliers shall enter the information necessary to verify compliance with the requirements set out in paragraph 1, first subparagraph.	
The database shall include information on the requirement placed on fuel suppliers described in paragraph 1 and how the requirement is fulfilled.		*deleted*	

Art. 25 (4) subpara 3			
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.	**AM 227** 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.	*deleted*	*Accepted in Council GA, see para 5*
Art. 25 (5)			
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].	**AM 228** 5. Member States shall report on the aggregated information, including fuels' life cycle greenhouse gas emissions, in accordance with Annex VII of Regulation ***... of the European Parliament and of the Council*** [***on the*** Governance ***of the Energy Union, 2016/0375(COD)***]. ***The Commission shall publish, on an annual basis, aggregated information from the database.***	5. Member States shall **have access to the database and take measures to ensure that within each Member States economic operators enter the correct information. The Commission shall require the schemes that are the subject of a decision pursuant to paragraph 4 of Article 27 to verify compliance with this requirement when checking compliance with the sustainability criteria for biofuels, bioliquids and biomass fuels.**	*To be discussed with EP (see Governance regulation, bioenergy sustainability report)*
		The Commission shall set out detailed rules for economic operators to comply with the requirement set out in paragraph 4 and this paragraph, including independent auditing and technical specifications for transfers of	(see AM 227)

		information from national databases to the Commission database set out in paragraph 4, by means of implementing acts adopted in accordance with the examination procedure referred to in Article 31.	
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.	**AM 229** 6. The Commission is empowered to adopt delegated acts in accordance with Article 32 ***in order*** to ***supplement this Directive by*** further ***specifying*** 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 ***low carbon*** fossil fuels***, which are generated from gases effluents produced as an unavoidable and not intentional consequence of the manufacturing or production of products that is intended for commercial use and/or for sale,*** and to determine minimum greenhouse gas emission savings required for these fuels for the purpose of paragraph 1 ***of this Article***.	6. The Commission is empowered to adopt **[ ] implementing** acts in accordance with Article 3**1 [ ]** to **[ ]** specify the methodology **[ ]** to determine the share of biofuel resulting from biomass being processed with fossil fuels in a common process, **and** 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**. **The Commission shall adopt such methodologies no later than December 2021.**	*Maintain Council GA*

Art. 25 (6 bis)			
		6bis. The Commission is empowered to amend the list of feedstocks in parts A and B of Annex IX in order to add feedstocks, but not to remove them. Feedstocks that can only be processed with advanced technologies shall be added to Annex IX part A while feedstocks that can be processed into biofuels with mature technologies shall be added to Annex IX Part B.	
		Each implementing act amending the list of feedstocks in parts A and B shall be based on an analysis of the potential of the raw material as a feedstock for the production of biofuels taking into account:	
		i) the principles of the waste hierarchy established in Directive 2008/98/EC;	
		ii) the Union sustainability criteria set out in Article 27;	
		iii) [ ] significant distortive effects on markets for (by-) products, wastes or residues;	
		iv) the potential for delivering substantial greenhouse gas emission savings compared to fossil fuels; and	

		v) the risk of negative impacts on the environment and biodiversity.	
		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].	
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.	**AM 230** 7. By 31 December 2025, in the context of the biennial assessment of progress made pursuant to Regulation ***... of the European Parliament and of the Council*** [***on the*** Governance ***of the Energy Union, 2016/0375(COD)***], the Commission shall assess whether the obligation laid down in paragraph 1 effectively stimulates innovation and ***ensure*** greenhouse gas savings in the transport sector, and whether the applicable greenhouse gas savings requirements for biofuels and biogas are appropriate. The ***assessment shall also analyse if the provisions in this article effectively avoids double accounting of renewable energy. The*** Commission shall, if appropriate, present a proposal to modify the obligation laid down in paragraph 1. ***The modified obligations shall at least maintain levels that correspond to advanced biofuel capacity installed and under construction in 2025.***	*Commission proposal unchanged*	*To be discussed with EP*

Article 26 **Sustainability and greenhouse gas emissions saving criteria for biofuels, bioliquids and biomass fuels**			
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 :	**AM 231** 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:	*Commission proposal unchanged*	*Accepted in Council GA (see end of para 1)*
(a) contributing towards the Union target and Member States renewable energy share;		*Commission proposal unchanged*	
(b) measuring compliance with renewable energy obligations, including the obligations set out in Articles 23 and 25 ;		(b) measuring compliance with renewable energy obligations , including the **obligation [ ]** set out in Article**[ ]** 25 ;	
(c) eligibility for financial support for the consumption of biofuels, bioliquids and biomass fuels .	**AM 232** (c) eligibility for financial support***, including fiscal incentives,*** for the consumption of biofuels, bioliquids and biomass fuels.	*Commission proposal unchanged*	*Maintain Council GA*
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	**AM 323** 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	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	*Maintain Council GA*

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.	account for the purposes referred to in points (a), (b) and (c) of this paragraph . ***However, their production from waste and residues covered by Directive 2008/98/EC shall be in line with the principle of the waste hierarchy as laid down in Directive 2008/98/EC.*** 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.	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. **Electricity, heating and cooling produced from municipal solid waste shall not be subject to the greenhouse gas emissions savings criteria set out in paragraph 7.**	
	AM 234 ***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 this paragraph 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).***		*Maintain Council GA*
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	**AM 235** 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	Biomass fuels shall have to fulfil the sustainability and greenhouse gas emissions saving criteria set out in paragraphs 2 to 7 **[ ]** 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	*Accepted in Council GA*

biomass fuels. Member States may apply the sustainability and greenhouse gas emission saving criteria to installations with lower fuel capacity.	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 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.	
The sustainability criteria set out in paragraphs 2 to 6 and the greenhouse gas emissions saving criteria set out in paragraph 7 shall apply irrespectively of the geographical origin of the biomass.		*Commission proposal unchanged*	(see AM 231)
Art. 26 (2)			
2. 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 with high biodiversity value, namely land that had one of the following statuses in or after January 2008, whether or not the land continues to have that status:		*Commission proposal unchanged*	
(a) primary forest and other wooded land, namely forest and other wooded land of native species, where there is no clearly visible indication of human activity and the ecological processes are not significantly disturbed;		*Commission proposal unchanged*	

	AM 236 ***(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;***		*Maintain Council GA*
(b) areas designated:		*Commission proposal unchanged*	
(i) by law or by the relevant competent authority for nature protection purposes; or		*Commission proposal unchanged*	
(ii) 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, subject to their recognition in accordance with the first subparagraph of Article 27(4);		*Commission proposal unchanged*	
unless evidence is provided that the production of that raw material did not interfere with those nature protection purposes;		*Commission proposal unchanged*	
(c) highly biodiverse grassland spanning more than one hectare that is:	**AM 237** (c) highly biodiverse grassland***, including wooded meadows and pastures,*** that is:	*Commission proposal unchanged*	*Already in regulation 1307/2014*

Art. 26 (2) (c) (i)			
(i) natural, namely grassland that would remain grassland in the absence of human intervention and which maintains the natural species composition and ecological characteristics and processes; or		*Commission proposal unchanged*	
(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.	**AM 238** (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.	*Commission proposal unchanged*	*Maintain Council GA*
The Commission may establish the criteria to determine which grassland shall be covered by point (c) by means of implementing acts adopted in accordance with the examination procedure referred to in Article 31(2).		The Commission may **further specify [ ]** the criteria to determine which grassland shall be covered by point (c) by means of implementing acts adopted in accordance with the examination procedure referred to in Article 31(2).	
3. 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 with high carbon stock, namely land that had one of the following statuses in January 2008 and no longer has that status:		*Commission proposal unchanged*	

(a) wetlands, namely land that is covered with or saturated by water permanently or for a significant part of the year;		*Commission proposal unchanged*	
(b) continuously forested areas, namely land spanning more than one hectare with trees higher than five metres and a canopy cover of more than 30 %, or trees able to reach those thresholds in situ;		*Commission proposal unchanged*	
(c) land spanning more than one hectare with trees higher than five metres and a canopy cover of between 10 % and 30 %, or trees able to reach those thresholds in situ, unless evidence is provided that the carbon stock of the area before and after conversion is such that, when the methodology laid down in part C of Annex V is applied, the conditions laid down in paragraph 7 of this Article would be fulfilled.		*Commission proposal unchanged*	
The provisions of this paragraph shall not apply if, at the time the raw material was obtained, the land had the same status as it had in January 2008.		*Commission proposal unchanged*	

Art. 26 (4)			
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.	**AM 239** 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***.	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 evidence is provided that the cultivation and harvesting of that raw material does not involve drainage of previously undrained soil.**	*Accepted in Council GA*
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:	**AM 240 (whole para 5)** 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:	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 **[ ]** forest biomass **derived from unsustainable** production:	*Maintain Council GA*
(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:	(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:	*Commission proposal unchanged*	
i) harvesting is carried out in accordance to the conditions of the harvesting permit within legally gazetted boundaries;	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;	i) **[ ] the legality of harvesting operations**;	*Maintain Council GA*

ii) forest regeneration of harvested areas takes place;	ii) forest regeneration of harvested areas takes place;	ii) forest regeneration of harvested areas **[ ]**;	*Maintain Council GA*
iii) areas of high conservation value, including wetlands and peatlands, are protected;	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;	iii) areas **designated by law or by the relevant competent authority for nature protection purposes [ ]**, including wetlands and peatlands, **[ ]** are protected;	*Maintain Council GA*
iv) the impacts of forest harvesting on soil quality and biodiversity are minimised; and	iv) harvesting ***is carried out considering maintenance of*** soil quality and biodiversity ***with the aim of minimising negative impacts***; and	iv) the impacts of forest harvesting activities on soil quality and biodiversity are **taken into account.**	*Maintain Council GA*
v) harvesting does not exceed the long-term production capacity of the forest;	v) harvesting ***maintains or improves*** the long-term production capacity of the forest ***at national or regional level***;	*deleted*	*Maintain Council GA*
(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:	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:	(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 **sourcing area [ ]** level to ensure **[ ]**:	*Maintain Council GA*
i) the forest biomass has been harvested according to a legal permit;	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***;	i) **[ ] the legality of harvesting operations**;	*Maintain Council GA*
ii) forest regeneration of harvested areas takes place;	ii) forest regeneration of harvested areas takes place;	ii) forest regeneration of harvested areas **[ ]**;	*Maintain Council GA*

Art. 26 (5) (b) (iii)			
iii) areas of high conservation value, including peatlands and wetlands, are identified and protected;	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;	iii) areas **designated by law or by the relevant competent authority for nature protection purposes [ ]**, including wetlands and peatlands, **unless evidence is provided that the harvesting of that raw material did not interfere with those nature protection purposes,** are protected;	*Maintain Council GA*
(iv) impacts of forest harvesting on soil quality and biodiversity are minimised;	iv) harvesting ***is carried out considering maintenance of*** soil quality and biodiversity***; including surrounding areas provided that they are affected by the harvesting activities***;	(iv) impacts of forest harvesting activities on soil quality and biodiversity are **taken into account.**	*Maintain Council GA*
(v) harvesting does not exceed the long-term production capacity of the forest.	v) harvesting ***maintains or improves*** long-term production capacity of the forest ***at national or regional level; and***	*deleted*	*Maintain Council GA*
	(vi) environmental and nature regulations or measures are in place and in line with the relevant Union environmental and nature standards.		*Maintain Council GA*
6. 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 the country or regional economic integration organisation of origin of the forest biomass meets the following LULUCF requirements:		6. 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 LULUCF requirements:	

		a) the country or regional economic integration organisation of origin of the forest biomass:	
(i) is a Party to, and has ratified, the Paris agreement;		*Commission proposal unchanged*	
(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;	**AM 241** (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;	*Commission proposal unchanged*	*Maintain Council GA* *(already covered under LULUCF)*

Art. 26 (6) (iii)			
(iii) has a national system in place for reporting greenhouse gas emissions and removals from land use including forestry and agriculture, which is in accordance with the requirements set out in decisions adopted under the UNFCCC and the Paris agreement;		*Commission proposal unchanged*	
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.	**AM 242** 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***.	**(b) w**hen evidence referred to in **point (a) [ ]** 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 **sourcing area [ ]** level to ensure that carbon stocks and sinks levels in the forest are maintained **over the long term**.	*To be discussed with EP*
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).	**AM 243** ***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).	The Commission may establish the operational **guidance on the [ ]** 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).	*To be discussed with EP*

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.	**AM 244** 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 after 2030***.	By 31 December **2026 [ ]**, the Commission shall assess whether the criteria set out in paragraphs 5 and 6 effectively minimise the risk of using **[ ]** forest biomass **derived from unsustainable production** 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.	*To be discussed with EP*
7. The greenhouse gas emission saving from the use of biofuels, bioliquids and biomass fuels taken into account for the purposes referred to in paragraph 1 shall be:		*Commission proposal unchanged*	
(a) at least 50 % for biofuels and bioliquids produced in installations in operation on or before 5 October 2015;	**AM 245** (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;	(a) at least 50 % for biofuels**, biogas consumed in transport** and bioliquids produced in installations in operation on or before 5 October 2015;	*Maintain Council GA*
(b) at least 60 % for biofuels and bioliquids produced in installations starting operation from 5 October 2015;	**AM 246** (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;	(b) at least 60 % for biofuels**, biogas consumed in transport** and bioliquids produced in installations starting operation from 5 October 2015;	*Maintain Council GA*

Art. 26 (7) (c)			
(c) at least 70 % for biofuels and bioliquids produced in installations starting operation after 1 January 2021;	**AM 247** (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;	(c) at least 70 % for biofuels**, biogas consumed in transport** and bioliquids produced in installations starting operation after 1 January 2021;	*Maintain Council GA*
(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.	**AM 248** (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.	(d) at least **[ ] 7**0 % for electricity, heating and cooling production from biomass fuels used in installations starting operation after 1 January 2021 and **[ ] 7**5% for installations starting operation after 1 January 2026.	*Maintain Council GA*
	AM 249 ***Member States may establish higher greenhouse gas emission savings than those provided for in this paragraph.***		*Maintain Council GA*
An installation shall be considered to be in operation once the physical production of biofuels or bioliquids and of heating and cooling, and electricity for biomass fuels has started.		*Commission proposal unchanged*	
The greenhouse gas emission saving from the use of biofuels, bioliquids and biomass fuels used in installations producing heating, cooling and electricity shall be calculated in accordance with Article 28(1).		*Commission proposal unchanged*	

Art. 26 (8)			
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].	**AM 297 & 356** 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 ***of this Article*** only if it is produced applying high efficient cogeneration technology as defined under Article 2(34) of Directive 2012/27/EU ***or produced in electricity-only installations which achieve a net-electrical efficiency of at least 40% and do not use fossil fuels***. For the purposes of points (a) and (b) of paragraph 1 ***of this Article***, 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 ***of this Article***, this provision is without prejudice to public support provided under schemes approved by [***1 year*** after date of adoption of this Directive].	8. Electricity from **cofiring** biomass fuels produced in installations with a **[ ] total rated thermal input** equal to or exceeding **75 [ ]** 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**, Biomass Carbon Capture and Storage or other efforts to develop negative emissions delivering substantial greenhouse gas emission savings**. 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 years after date of adoption of this Directive].	*Maintain Council GA*

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 assessement of the notification, the Commission shall adopt a decision taking into account the elements included therein.		*Commission proposal unchanged*	
	AM 251 ***The first subparagraph shall not apply to electricity from installations that are not required to apply high-efficient cogeneration technology pursuant to Article 14 of Directive 2012/27/EU of the European Parliament and of the Council[1a], provided that those installations exclusively employ biomass fuels produced from residues under normal operating conditions.*** _____ ***1a Directive 2012/27/EU of the European Parliament and of the Council of 25 October 2012 on energy efficiency, amending Directives 2009/125/EC and 2010/30/EU and repealing Directives 2004/8/EC and 2006/32/EC (OJ L 315, 14.11.2012, p. 1).***		*Maintain Council GA*

Art. 26 (8a)			
	AM 252 ***8a. By ... [2 years after the date of entry into force of this Directive] and every two years thereafter, the Commission shall submit a 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.***		*Maintain Council GA* *(covered in Governance Regulation)*
	AM 253 ***8b. By way of derogation from paragraphs 1 to 8a of this Article, taking account of the special characteristics of the outermost regions as established in Article 349 TFEU, Article 26 of this Directive shall not apply to those regions. By ... [six months after the date of entry into force of this Directive], the Commission shall submit to the European Parliament and to the Council a legislative proposal which sets out criteria for the outermost regions relating to the sustainability of greenhouse gases and the reduction of their use. Those criteria shall take into account the specific local characteristics. In particular, the outermost regions should be able to fully exploit their resources, in***		*Maintain Council GA*

	compliance with the strict sustainability criteria, to increase their generation of renewable energy and to boost their energy independence.		
9. For the purposes referred to in points (a), (b) and (c) of paragraph 1, Member States shall not refuse to take into account, on other sustainability grounds, biofuels and bioliquids obtained in compliance with this Article.		9. For the purposes referred to in points (a), (b) and (c) of paragraph 1, **and without prejudice to Article 25(1),** Member States **[ ] [] shall not refuse to take into account, on other sustainability grounds, biofuels, bioliquids and biomass fuels [ ]** obtained in compliance with this Article. **This provision is without prejudice to public support granted under schemes approved before [date of entry into force of this Directive].**	
		9bis. For the purpose referred to in point (c) of paragraph 1, Member States may derogate from the sustainability and greenhouse gas emission saving criteria set out in paragraphs 1 to 7 of this Article and from the energy efficiency requirements in paragraph 8 of this Article by adopting different sustainability, greenhouse gas emission saving criteria and energy efficiency requirements applying to:	
		(a) installations located in an outermost region as referred to in Article 349 TFEU to the extent that such facilities produce electricity or heating or cooling from biomass fuels; and	

		(b) biomass fuels used in the installations referred to in point (a), irrespective of the place origin of that biomass,	
		provided that such criteria are objectively justified for reasons of ensuring, for this outermost region, a smooth phase-in of the sustainability, greenhouse gas emissions saving criteria and energy efficiency requirements set out in paragraphs 1 to 8 of this Article and thereby incentivise the transition from fossil fuels to sustainable biomass fuels.	
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.		*deleted*	
Article 27			
Verification of compliance with the sustainability and greenhouse gas emissions saving criteria for biofuels, bioliquids and biomass fuels		**Verification of compliance with the sustainability and greenhouse gas emissions saving criteria *[ ]***	
1. Where biofuels, bioliquids and biomass fuels are to be taken into account for the purposes referred to in Articles 23 and 25 and in points (a), (b) and (c) of Article 26(1), Member States shall require economic operators to show that the sustainability and greenhouse gas		1. Where biofuels, bioliquids **[ ]** biomass fuels **and/or other fuels that are eligible for counting towards the numerator set out in Article 25(1)(b)** are to be taken into account for the purposes referred to in Articles 23 and 25 and in points (a), (b) and (c) of Article 26(1), Member States shall	

emissions saving criteria set out in Article 26(2) to (7) have been fulfilled. For that purpose they shall require economic operators to use a mass balance system which:		require economic operators to show that the sustainability and greenhouse gas emissions saving criteria set out in Article 26 (2) to (7) have been fulfilled. For th**ose** purpose**s** they shall require economic operators to use a mass balance system which:	
(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 ;	**AM 255** (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 that 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***;	*Commission proposal unchanged*	*Maintain Council GA*
	AM 256 ***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.***		*Maintain Council GA*
(b) allows consignments of raw material with differing energy content		*Commission proposal unchanged*	

to be mixed for the purpose of further processing, provided that the size of consignments is adjusted according to their energy content;			
(c) requires information about the sustainability and greenhouse gas emissions saving characteristics and sizes of the consignments referred to in point (a) to remain assigned to the mixture; and		*Commission proposal unchanged*	
(d) provides for the sum of all consignments withdrawn from the mixture to be described as having the same sustainability characteristics, in the same quantities, as the sum of all consignments added to the mixture and requires that this balance be achieved over an appropriate period of time.		*Commission proposal unchanged*	
		The mass balance system shall furthermore ensure that each consignment is [ ] considered only once in point (a), (b) or (c) of the first subparagraph of article 7(1), for calculating the gross final consumption of energy from renewable sources and that information is given whether support has been provided to the production of that consignment, and the type of support scheme.	

Art. 27 (2)			
2. Where a consignment is processed, information on the sustainability and greenhouse gas emissions saving characteristics of the consignment shall be adjusted and assigned to the output in accordance with the following rules:		*Commission proposal unchanged*	
(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;	**AM 257** (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 ***provided that each consignment which constitutes the mixture meets the requirements laid down in Article 26***;	(a) when the processing of a consignment of raw material yields only one output that is intended for the production of biofuels, bioliquids **[ ]** biomass fuels, **renewable liquid and gaseous transport fuels of non-biological origin or [ ] recycled carbon 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;	*Maintain Council GA*
(b) when the processing of a consignment of raw material yields more than one output that is intended for the production of biofuels, bioliquids or biomass fuels, for each output a separate conversion factor shall be applied and a separate mass balance shall be used.		(b) when the processing of a consignment of raw material yields more than one output that is intended for the production of biofuels, bioliquids **[ ]** biomass fuels, **renewable liquid and gaseous transport fuels of non-biological origin or [ ] recycled carbon fuels** for	

		each output a separate conversion factor shall be applied and a separate mass balance shall be used.	
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.	**AM 258** 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.	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 25(6) and** 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**. For the compliance with articles 26(5)a and 26(6)a on forest biomass first or second party auditing may be used up to the first gathering point of the biomass.** 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.	*Maintain Council GA*

Art. 27 (3) subpara 2			
The obligations laid down in this paragraph shall apply whether the biofuels, bioliquids and biomass fuels are produced within the Union or imported.	**AM 259** The obligations laid down in this paragraph shall apply whether the biofuels, bioliquids, and biomass fuels are produced within the Union or imported. ***Information on geographic origin of biofuels, bioliquids and biomass fuels shall be made available to consumers.***	The obligations laid down in this paragraph shall apply whether the biofuels, bioliquids, **[ ]** biomass fuels**, renewable liquid and gaseous transport fuels of non-biological origin and recycled carbon fuels** are produced within the Union or imported.	*Maintain Council GA*
Member States shall submit to the Commission, in aggregated form, the information referred to in the first subparagraph of this paragraph. The Commission shall publish that information on the e-reporting platform referred to in Article 24 of Regulation [Governance] in summary form preserving the confidentiality of commercially sensitive information.		*Commission proposal unchanged*	
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	**AM 260** 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	4. The Commission may decide that voluntary national or international schemes setting standards for the production of **[ ] biofuels, bioliquids, biomass fuels and/or other fuels that are eligible for counting towards the numerator set out in Article 25(1)(b) provide** accurate data **on greenhouse gas emission savings** for the purposes of **Article 25 and** Article 26(7), **and/or demonstrate that the provisions set out in Article 25(3), (4) and (5) have been respected** and/or demonstrate that consignments	*Maintain Council GA*

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).	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).	of biofuels, bioliquids or biomass fuels comply with the sustainability criteria set out in Article 26(2), (3), (4), (5) and (6) **[ ]**. 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 **sourcing area [ ]** 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).	
The Commission may decide that those schemes contain accurate information on measures taken for soil, water and air protection, the restoration of degraded land, the avoidance of excessive water consumption in areas where water is scarce, and for certification of biofuels and bioliquids with low indirect land-use change-risk.		*Commission proposal unchanged*	

Art. 27 (5)			
5. The Commission shall adopt decisions under paragraph 4 only if the scheme in question meets adequate standards of reliability, transparency and independent auditing. In the case of schemes to measure greenhouse gas emission saving, such schemes shall also comply with the methodological requirements in Annex V or Annex VI. Lists of areas of high biodiversity value as referred to in Article 26(2)(b)(ii) shall meet adequate standards of objectivity and coherence with internationally recognised standards and provide for appropriate appeal procedures.		5. The Commission shall adopt decisions under paragraph 4 only if the scheme in question meets adequate standards of reliability, transparency and independent auditing **and provides adequate assurances that no materials have been intentionally modified or discarded so that the consignment or part thereof would fall under Annex IX**. In the case of schemes to measure greenhouse gas emission saving, such schemes shall also comply with the methodological requirements in Annex V or Annex VI. Lists of areas of high biodiversity value as referred to in Article 26 (2)(b)(ii) shall meet adequate standards of objectivity and coherence with internationally recognised standards and provide for appropriate appeal procedures.	
The voluntary schemes referred to in paragraph 4 shall regularly, and at least once per year, publish a list of their certification bodies used for independent auditing, indicating for each certification body by which entity or national public authority it was recognised and which entity or national public authority is monitoring it.		*Commission proposal unchanged*	

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.	**AM 261** 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. ***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.***	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 (**2**). 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. **Should a Member State raise concerns that a scheme is not operating according to the standards of reliability, transparency and independent auditing that constitute the basis for the Decision under paragraph 4, the Commission shall investigate the matter and take appropriate action.**	*Accept in part:* 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 (**2**). 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. **Should a Member State raise concerns that a *voluntary* scheme is not operating according to the standards of reliability, transparency and independent auditing that constitute the basis for the Decision under paragraph 4, the Commission shall investigate the matter and take appropriate action.**

Art. 27 (6)			
6. Decisions under paragraph 4 of this Article shall be adopted in accordance with the examination procedure referred to in Article 31(3). Such decisions shall be valid for a period of no more than five years.		*Commission proposal unchanged*	
The Commission shall require that each voluntary scheme on which a decision has been adopted under paragraph 4 submit by 6 October 2016 and annually thereafter by 30 April, a report to the Commission covering each of the points set out in the third subparagraph of this paragraph. Generally, the report shall cover the preceding calendar year. The first report shall cover at least six months from 9 September 2015. The requirement to submit a report shall apply only to voluntary schemes that have operated for at least 12 months.		The Commission shall require that each voluntary scheme on which a decision has been adopted under paragraph 4 submit **[ ]** annually **[ ]** by 30 April**[ ]** a report to the Commission covering each of the points set out in **Annex IX of Regulation [Governance] [ ]**. **[ ] T**he report shall cover the preceding calendar year. **[ ]** The requirement to submit a report shall apply only to voluntary schemes that have operated for at least 12 months.	
The Commission shall make the reports drawn up by the voluntary schemes available, in an aggregated form or in full if appropriate, on the e-reporting platform referred to in Article 24 of Regulation [Governance].		*Commission proposal unchanged*	
Member States may set up national schemes where compliance with the sustainability and greenhouse gas emissions saving criteria set out in Article 26(2) to (7) is verified throughout the entire chain of custody		Member States may set up national schemes where compliance with the sustainability and greenhouse gas emissions saving criteria set out in Article 26(2) to (7) **and the greenhouse gas emission savings**	

involving competent national authorities.		**requirement for renewable liquid and gaseous transport fuels of non-biological origin and recycled carbon fuels set out in Article 25(1)** is verified throughout the entire chain of custody involving competent national authorities.	
A Member State may notify its national scheme to the Commission. The Commission shall give priority to the assessment of such a scheme. A decision on the compliance of such a notified national scheme with the conditions set out in this Directive shall be adopted in accordance with the examination procedure referred to in Article 31(3), in order to facilitate mutual bilateral and multilateral recognition of schemes for verification of compliance with the sustainability and greenhouse gas emissions saving criteria for biofuels, bioliquids and biomass fuels. Where the decision is positive, schemes established in accordance with this Article shall not refuse mutual recognition with that Member State's scheme, as regards the verification of compliance with the sustainability and greenhouse gas emissions saving criteria set out in Article 26(2) to (7).		*Commission proposal unchanged*	

Art. 27 (7)			
7. When an economic operator provides proof or data obtained in accordance with a scheme that has been the subject of a decision pursuant to paragraph 4 or 6, to the extent covered by that decision, a Member State shall not require the supplier to provide further evidence of compliance with the sustainability and greenhouse gas emissions saving criteria set out in Article 26(2) to (7).		*Commission proposal unchanged*	
Competent authorities of the Member States shall be allowed to supervise the operation of certification bodies that are accredited by the national accreditation body and are conducting independent auditing under a voluntary scheme.		Competent authorities of the Member States shall **[ ]** supervise the operation of certification bodies that are **[ ]** conducting independent auditing under a voluntary scheme **in accordance with Regulation (EC) No 765/2008**. **Certification bodies shall upon request of competent authorities submit all relevant information necessary to supervise the operation including the exact date, time and location of audits. In case Member States find issues of non-conformity, they shall inform promptly the voluntary scheme and the accreditation body.**	
		7bis. At the request of a Member State, the Commission shall, on the basis of available evidence, examine whether the sustainability and greenhouse gas emissions saving criteria set out in Article 26 in	

		relation to a source of biofuel, bioliquid or biomass fuel have been met. Within six months of receipt of such a request and in accordance with the examination procedure referred to in Article 31, the Commission shall decide whether the Member State concerned may take biofuel or bioliquid from that source into account for the purposes referred to in points (a), (b) and (c) of Article 25(1) or whether, as a derogation from paragraph 7, the Member State may require the supplier of the source of biofuel, bioliquid or biomass fuel to provide further evidence of compliance with the sustainability and greenhouse gas emissions saving criteria.	
	AM 262 ***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.***		*Maintain Council GA*

Article 28 **Calculation of the greenhouse gas impact of biofuels, bioliquids and biomass fuels**			
1. For the purposes of Article 26 (7) , the greenhouse gas emission saving from the use of biofuel, bioliquids and biomass fuels shall be calculated as follows:		*Commission proposal unchanged*	
(a) where a default value for greenhouse gas emission saving for the production pathway is laid down in part A or B of Annex V for biofuels and bioliquids and in part A of Annex VI for biomass fuels where the e_l value for those biofuels or bioliquids calculated in accordance with point 7 of part C of Annex V and for those biomass fuels calculated in accordance with point 7 of part B of Annex VI is equal to or less than zero, by using that default value;		*Commission proposal unchanged*	
(b) by using an actual value calculated in accordance with the methodology laid down in part C of Annex V for biofuels and bioliquids and in part B of Annex VI for biomass fuels ;		*Commission proposal unchanged*	
(c) by using a value calculated as the sum of the factors of the formulas referred to in point 1 of part C of Annex V, where disaggregated default values in part D or E of Annex V may be used for some factors, and actual values, calculated in accordance with the methodology laid down in part C of Annex V, for all other factors; or		*Commission proposal unchanged*	

(d) by using a value calculated as the sum of the factors of the formulas referred to in point 1 of part B of Annex VI, where disaggregated default values in part C of Annex VI may be used for some factors, and actual values, calculated in accordance with the methodology laid down in part B of Annex VI, for all other factors.		*Commission proposal unchanged*	
	AM 263 ***Feedstocks, the production of which has led to direct land-use change, such as 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, shall be considered to have estimated indirect land-use change emissions of zero.***		*Maintain Council GA (See Annex VIII)*

Art. 28 (2)			
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 [40] 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.	**AM 264** 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.	*Commission proposal unchanged*	*Maintain Council GA*
3. I the case of territories outside the Union, reports equivalent to those referred to in paragraph 2 and drawn up by competent bodies, may be reported to the Commission.		*Commission proposal unchanged*	

[40] Regulation (EC) No 1059/2003 of the European Parliament and of the Council of 26 May 2003 on the establishment of a common classification of territorial units for statistics (NUTS) (OJ L 154, 21.6.2003, p. 1).

Art. 28 (4)			
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 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.	**AM 265** 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 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.	*Commission proposal unchanged*	*Maintain Council GA*
5. The Commission shall keep Annex V and Annex VI under review, with a view, where justified, to add ing 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,	**AM 266** 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.	*Commission proposal unchanged*	*Accept*

In the event that the Commission's review concludes that changes to Annex V or Annex VI should be made, the Commission is empowered to adopt delegated acts pursuant to Article 32.		*Commission proposal unchanged*	
In the case of any adaptation of or addition to the list of default values in Annex V and Annex VI		*Commission proposal unchanged*	
where the contribution of a factor to overall emissions is small, or where there is limited variation, or where the cost or difficulty of establishing actual values is high, default values shall be typical of normal production processes.		**(a)** where the contribution of a factor to overall emissions is small, or where there is limited variation, or where the cost or difficulty of establishing actual values is high, default values shall be typical of normal production processes.	
		(b) in all other cases default values must be conservative compared to normal production processes.	
6. Where necessary in order to ensure the uniform application of Part C of Annex V and Part B of Annex VI, the Commission may adopt implementing acts setting out detailed technical specifications including definitions, conversion factors, calculation of annual cultivation emissions and/ or emission savings caused by changes above and below-ground carbon stocks on already cultivated land, calculation of emission savings from carbon capture, carbon replacement and carbon geological storage. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 31 (2).		*Commission proposal unchanged*	

Article 29 **Implementing measures**			
The implementing measures referred to in the second subparagraph of Article 26(2) and (6), Article 27 (6), the first subparagraph of Article 28(5) and Article 28(6), shall also take full account of the purposes of Article 7a of Directive 98/70/EC[41]		*Commission proposal unchanged*	
Article 30 **Monitoring 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	**AM 267** 1. The Commission shall monitor the origin of biofuels ***and*** bioliquids**,** and biomass fuels consumed in the Union ***as well as*** the impact of ***the*** production ***of renewable energy from those and other sources***, including impact as a result of displacement, on land use in the Union and the 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 ***... of the European Parliament and of the Council*** [***on the*** Governance ***of the Energy Union, 2016/0375(COD)***], and those of relevant third countries,	*Commission proposal unchanged*	*To be discussed with EP*

[41] Directive 98/70/EC of the European Parliament and of the Council of 13 October 1998 relating to the quality of petrol and diesel fuels and amending Council Directive 93/12/EEC (OJ L 350, 28.12.1998, p. 58).

commodity price changes associated with the use of biomass for energy and any associated positive and negative effects on food security.	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 ***and on competing material uses***.		
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, bioliquidsand biomass fuels . It shall, within that framework, pay particular attention to the impact that biofuel and bioliquid production may have on food prices.		*Commission proposal unchanged*	
3. In 2026, the Commission shall present a legislative proposal on the regulatory framework for the promotion of renewable energy for the post-2030 period.		*Commission proposal unchanged*	

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.		*Commission proposal unchanged*	
4. In 2032, the Commission shall present a report reviewing the application of this Directive.		*Commission proposal unchanged*	
Article 31 **Committee procedure**			
1. The Commission shall be assisted by the Energy Union Committee. That committee shall be a committee within the meaning of Regulation (EU) No 182/2011 and work in the respective sectorial formations relevant for this Regulation.		*Commission proposal unchanged*	
		1bis. For matters relating to the sustainability of biofuels, [ ] bioliquids and biomass fuels, the Commission shall be assisted by the Committee on the Sustainability of Biofuels, Bioliquids and Biomass fuels. That committee shall be a committee within the meaning of Regulation (EU) No 182/2011.	
2. Where reference is made to this paragraph, Article 5 of Regulation (EU) No 182/2011 shall apply.		*Commission proposal unchanged*	
Where the Committee delivers no opinion, the Commission shall not adopt the draft implementing act and		*Commission proposal unchanged*	

the third subparagraph of Article 5(4) of Regulation (EU) No 182/2011 shall apply.			
Article 32 **Exercise of the delegation**			
1. The power to adopt delegated acts is conferred on the Commission subject to the conditions laid down in this Article.		*Commission proposal unchanged*	
2. The power to adopt delegated acts referred to in Articles 7(5), 7(6); 19(11), 19(14), 25(6) and 28(5) shall be conferred on the Commission for a period of five years from 1st January 2021.	**AM 268** 2. The power to adopt delegated acts referred to in Articles ***7(3),*** 7(5) , 7(6); 19(11), 19(14), 25(6) and 28(5) shall be conferred on the Commission for a period of five years from 1st January 2021.	*Commission proposal unchanged*	*Maintain Council GA*
		2bis. The power to adopt delegated acts referred to in Articles 7(3) shall be conferred on the Commission for a period of one year from 1st January 2021.	
3. The delegation of power referred to in Articles 7(5), 7(6); 19(11), 19(14), 25(6) and 28(5) 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	**AM 269** 3. The delegation of power referred to in Articles ***7(3),*** 7(5) , 7(6); 19(11), 19(14), 25(6) and 28(5) 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	*Commission proposal unchanged*	*Maintain Council GA*

of any delegated acts already in force.	therein. It shall not affect the validity of any delegated acts already in force.		
4. Before adopting a delegated act, the Commission shall consult experts designated by each Member State in accordance with the principles laid down in the Interinstitutional Agreement of 13 April 2016 on Better Law-Making.		*Commission proposal unchanged*	
5. As soon as it adopts a delegated act, the Commission shall notify it simultaneously to the European Parliament and to the Council.		*Commission proposal unchanged*	
6. A delegated act adopted pursuant to Articles 7(5), 7(6); 19(11), 19(14), 25(6) and 28(5) shall enter into force only if no objection has been expressed either by the European Parliament or the Council within a period of two 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 two months at the initiative of the European Parliament or of the Council.		*Commission proposal unchanged*	

Article 33 **Transposition**			
1. Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive by 30 June 2021, at the latest. They shall immediately communicate the text of those measures to the Commission.		*Commission proposal unchanged*	
When Member States adopt those measures, they shall contain a reference to this Directive or shall be accompanied by such a reference on the occasion of their official publication. They shall also include a statement that references in existing laws, regulations and administrative provisions to the Directives repealed by this Directive shall be construed as references to this Directive. Member States shall determine how such reference is to be made and how that statement is to be formulated.		*Commission proposal unchanged*	
2. Member States shall communicate to the Commission the text of the main provisions of national law which they adopt in the field covered by this Directive.		*Commission proposal unchanged*	

Article 34 **Repeal**			
Directive 2009/28/EC, as amended by the Directives listed in Annex XI, Part A is repealed with effect from 1 January 2021, without prejudice to the obligations of the Member States relating to the time-limits for the transposition into national law of the Directives set out in Annex XI, Part B.		Directive 2009/28/EC, as amended by the Directives listed in Annex XI, Part A is repealed with effect from 1 January 2021, without prejudice to the obligations of the Member States relating to the time-limits for the transposition into national law of the Directives set out in Annex XI, Part B **and without prejudice to the obligations of Member States in 2020 as set out in Article 3(1) and Part A of Annex I of Directive 2009/28/EC.**	
References to the repealed Directive shall be construed as references to this Directive and shall be read in accordance with the correlation table in Annex XII.		*Commission proposal unchanged*	
Article 35 **Entry into force**			
This Directive shall enter into force on 1 January 2021.		*Commission proposal unchanged*	
		By way of derogation from the first subparagraph of this Article, the fifth subparagraph of Article 7(3) and Article 31 shall enter into force on the twentieth day following that of the publication of this Directive in the Official Journal of the European Union.	

Article 36 **Addressees**			
This Directive is addressed to the Member States. Done at Brussels, *For the European Parliament For the Council* *The President The President*		*Commission proposal unchanged*	

ANNEXES

For the Annexes only those elements of the Commission proposal are listed, which would be subject to changes as proposed by either the EP or the Council. Amendment proposals to the Annexes have not been subject to discussion among Member States yet, therefore they do not contain Presidency compromise suggestions.

COMMISSION PROPOSAL (COD 2016/0382-doc. 15120/16)	EP PLENARY TEXT Provisional text (adopted 17/1/2018)	COUNCIL GENERAL APPROACH (doc. 15236/17 ADD1 +ADD1COR1)	Compromise proposals
ANNEX I National overall targets for the share of energy from renewable sources in gross final consumption of enery in 2020[42]			
	AM 270 Annex I a		
	1. A Member State's targets for 2030 shall be the sum of the following components, each expressed in percentage points:		
	(a) the Member State's national binding target for 2020 as set out in Annex I; ***(b) a flat rate contribution ("C_{Flat}");*** ***(c) a GDP-per-capita based contribution ("C_{GDP}");*** ***(d) a potential-based contribution ("$C_{Potential}$");*** ***(e) a contribution reflecting the interconnection level of***		

[42] In order to be able to achieve the national objectives set out in this Annex, it is underlined that the State aid guidelines for environmental protection recognise the continued need for national mechanisms of support for the promotion of energy from renewable sources.

	the Member State ("$C_{Interco}$").		
	2. C_{Flat} shall be the same for each Member State. All Member States' C_{Flat} shall together contribute 30 % of the difference between the Union's targets for 2030 and 2020.		
	3. C_{GDP} shall be allocated between Member States based on a GDP per capita index to the Union average, where for each Member State individually the index is capped at 150 % of the Union average. All Member States' C_{GDP} shall together contribute 30 % of the difference between the Union targets for 2030 and 2020.		
	4. $C_{Potential}$ shall be allocated between Member States based on the difference between a Member State's RES share in 2030 as shown in PRIMES EUCO3535 scenario and its national binding target for 2020. All Member States' $C_{Potential}$ shall together contribute 30 % of the difference between the Union targets for 2030 and 2020.		
	5. $C_{Interco}$ shall be allocated between Member States based on an electricity interconnection share index to EU average, where for each Member State individually the interconnection share index is capped at150% of the EU average. All Member States' $C_{Interco}$ shall together contribute10% of the difference between the EU targets for 2030 and 2020.		

ANNEX II
Normalisation rule for accounting for electricity generated from hydropower and wind power

The following rule shall be applied for the purpose of accounting for electricity generated from **onshore** wind power in a given Member State:

$Q_{N(norm)}$	=	normalised electricity generated by all **onshore** wind power plants of the Member State in year *N*, for accounting purposes;
Q_i	=	the quantity of electricity actually generated in year *i* by all **onshore** wind power plants of the Member State measured in GWh;
C_j	=	the total installed capacity of all the **onshore** wind power plants of the Member State at the end of year *j*, measured in MW;

The following rule shall be applied for the purpose of accounting for electricity generated from offshore wind power in a given Member State:

$(Q_{N(norm)})((C_N\ C_{N\ 1}2)(((/(i)(Nn))Q_i(/(j)(Nn))(C_j\ C_{j\ 1}2)))$where:

N	**=**	**reference year;**
$Q_{N(norm)}$	**=**	**normalised electricity generated by all offshore wind power plants of the Member State in year *N*, for accounting purposes;**
Q_i	**=**	**the quantity of electricity actually generated in year *i* by all offshore wind power plants of the Member State measured in GWh;**
C_j	**=**	**the total installed capacity of all the offshore wind power plants of the Member State at the end of year *j*, measured in MW;**
n	**=**	**4 or the number of years preceding year *N* for which capacity and production data are available for the Member State in question, whichever is lower.**

ANNEX V
Rules for calculating the greenhouse gas impact of biofuels, bioliquids and their fossil fuel comparators

A. ***TYPICAL AND DEFAULT VALUES FOR BIOFUELS IF PRODUCED WITH NO NET CARBON EMISSIONS FROM LAND-USE CHANGE***

waste cooking oil biodiesel	**88** %	**84** %
animal fats from rendering biodiesel □**	**84** %	**78** %
hydrotreated oil from waste cooking oil	**87** %	**83** %
hydrotreated oil from animal fats from rendering **	**83** %	**77** %
pure vegetable oil from soybean	**63** %	61 %

(**) **[ ] Applies only to biofuels** produced from animal by-products classified as category **1 and 2 []** material in accordance with Regulation (EC) No 1774/2002 of the European Parliament and of the Council of 3 October 2002 laying down health rules on animal by-products not intended for human consumption **for which emissions related to hygenisation as part of the rendering are not considered**

B. ***METHODOLOGY***

4. The greenhouse gases taken into account for the purposes of point 1 shall be CO_2, N_2O and CH_4. For the purpose of calculating CO_2 equivalence, those gases shall be valued as follows:

CO_2	:	1
N_2O	:	~~[296]~~ **298**
CH_4	:	~~[23]~~ **25**

		5. Emissions from the extraction or cultivation of raw materials, e_{ec}, shall include emissions from the extraction or cultivation process itself; from the collection, drying and storage of raw materials; from waste and leakages; and from the production of chemicals or products used in extraction or cultivation. Capture of CO_2 in the cultivation of raw materials shall be excluded. Estimates of emissions from agriculture biomass cultivation may be derived from the use of regional averages for cultivation emissions included in the reports referred to in Article 28 (4) **[ ] or** the information on the disaggregated default values for cultivation emissions included in this Annex, as an alternative to using actual values. In absence of relevant information in the before mentioned reports it is allowed to calculate averages based on local farming practises based for instance on data of a group of farms , as an alternative to using actual values.	
		6. For the purposes of the calculation referred to in point **[ ] 1, sub-point (a)**, emission savings from improved agriculture management e_{sca}, such as shifting to reduced or zero-tillage, improved crop/rotation, the use of cover crops, including crop residue management, and the use of organic soil improver (e.g. compost, manure fermentation digestate), shall be taken into account only if solid and verifiable evidence is provided that the soil carbon has increased or that it is reasonable to expect to have increased over the period in which the raw materials concerned were cultivated while taking into account the emissions where such practices lead to increased fertiliser and herbicide use[43].	
		11. Emissions from processing, e_p, shall include emissions from the processing itself; from waste and leakages; and from the production of chemicals or products used in processing **including the carbon dioxide emissions corresponding to the carbon contents of fossil inputs, whether or not actually combusted in the process**.	
		15. Emission saving from carbon capture and replacement, e_{ccr} , shall be related directly to the production of biofuel or bioliquid they are attributed to, and shall be limited to emissions avoided through the capture of CO_2 of which the carbon originates from biomass and which is used **[ ] to replace fossil-derived CO_2**.	

[43] **Measurements of soil carbon can constitute such evidence, e.g. by a first measurement in advance of the cultivation and subsequent ones at regular intervals several years apart. In such case, before the second measurement is available, increase in soil carbon would be estimated on the basis of representative experiments or soil models. From the second measurement onwards, the measurements would constitute the basis for determining the existence of an increase in soil carbon and its magnitude.**

		18. For the purposes of the calculation referred to in point 17, the emissions to be divided shall be eec + e l + esca + those fractions of e p, e td , eccs, and eccr that take place up to and including the process step at which a co-product is produced. If any allocation to co-products has taken place at an earlier process step in the life-cycle, the fraction of those emissions assigned in the last such process step to the intermediate fuel product shall be used for this purpose instead of the total of those emissions. In the case of biofuels and bioliquids, all co-products **[ ],** shall be taken into account for the purposes of that calculation. No emissions shall be allocated to wastes and residues. Co-products that have a negative energy content shall be considered to have an energy content of zero for the purpose of the calculation. Wastes and residues, including tree tops and branches, straw, husks, cobs and nut shells, and residues from processing, including crude glycerine (glycerine that is not refined) and bagasse, shall be considered to have zero life-cycle greenhouse gas emissions up to the process of collection of those materials irrespectively of whether they are processed to interim products before being transformed into the final product. In the case of fuels produced in refineries, other than the combination of processing plants with boilers or cogeneration units providing heat and/or electricity to the processing plant, the unit of analysis for the purposes of the calculation referred to in point 17 shall be the refinery. ~~**new**~~	
	AM 271 **Annex V - Part C - paragraph 3 - point a - formula** SAVING = (E F(t) – E B) /E F(t)		
	AM 272 **Annex V - Part C - paragraph 15** 15. Emission saving from carbon capture and replacement, eccr, shall be limited to emissions avoided through the capture of CO_2 of which the carbon originates from biomass and which is used ***to replace fossil-derived CO_2 used*** in ***commercial products and services***.		

		D. DISAGGREGATED DEFAULT VALUES FOR BIOFUELS AND BIOLIQUIDS				
		Disaggregated default values for cultivation: 'e_{ec}' as defined in part C of this Annex including soil N_2O emissions				
		soybean biodiesel	21.**2**	21.**2**		
		hydrotreated vegetable oil from soybean	22.**1**	22.**1**		
		hydrotreated oil from animal fats from rendering **	0	0		
		pure vegetable oil from soybean	22.**2**	22.**2**		
		(**) Applies only to biofuels produced from animal by-products classified as category 1 and 2 material in accordance with Regulation (EC) No 1774/2002 of the European Parliament and of the Council of 3 October 2002 laying down health rules on animal by-products not intended for human consumption for which emissions related to hygenisation as part of the rendering are not considered.				
		Disaggregated default values for cultivation: 'e_{ec}' - for soil N_2O emissions only (these are already included in disaggregated values for cultivation emissions in 'e_{ec}' table)				
		hydrotreated oil from animal fats from rendering**	0	0		
		(**) Note: applies only to biofuels produced from animal by-products classified as category 1 and 2 material in accordance with Regulation (EC) No 1774/2002 of the European Parliament and of the Council of 3 October 2002 laying down health rules on animal by-products not intended for human consumption for which emissions related to hygenisation as part of the rendering are not considered.				

		Disaggregated default values for processing : 'e_p ' as defined in part C of this Annex				
		waste cooking oil biodiesel	**9.3**	**13.0**		
		animal fats from rendering biodiesel **	**13.6**	**19.1**		
		hydrotreated oil from waste cooking oil	**10.2**	**14.3**		
		hydrotreated oil from animal fats from rendering **	**14.5**	**20.3**		
		(**) Note: applies only to biofuels produced from animal by-products classified as category 1 and 2 material in accordance with Regulation (EC) No 1774/2002 of the European Parliament and of the Council of 3 October 2002 laying down health rules on animal by-products not intended for human consumption for which emissions related to hygenisation as part of the rendering are not considered.				
		Disaggregated default values for oil extraction only (these are already included in disaggregated values for processing emissions in 'e_p 'table)				
		animal fats from rendering biodiesel **	4.3	6.**1**		
		hydrotreated oil from animal fats from rendering **	4.**3**	6.**0**		
		(**) Note: applies only to biofuels produced from animal by-products classified as category 1 and 2 material in accordance with Regulation (EC) No 1774/2002 of the European Parliament and of the Council of 3 October 2002 laying down health rules on animal by-products not intended for human consumption for which emissions related to hygenisation as part of the rendering are not considered.				

		Disaggregated default values for transport and distribution: 'e_{td}' as defined in part C of this Annex			
		animal fats from rendering biodiesel **	1.7	1.7	
		Disaggregated default values for transport and distribution of final fuel only. These are already included in table of "transport and distribution emissions e_{td}" as defined in part C of this Annex, but the following values are useful if an economic operator wishes to declare actual transport emissions for crops or oil transport only).			
		hydrotreated oil from animal fats from rendering **	1.2	1.2	
		(**) Note: applies only to biofuels produced from animal by-products classified as category 1 and 2 material in accordance with Regulation (EC) No 1774/2002 of the European Parliament and of the Council of 3 October 2002 laying down health rules on animal by-products not intended for human consumption for which emissions related to hygenisation as part of the rendering are not considered.			
		Total for cultivation, processing, transport and distribution			
		soybean biodiesel	42.**2**	47.**0**	
		waste cooking oil biodiesel	**11.2**	**14.9**	
		animals fats from rendering biodiesel **	**15.2**	**20.7**	
		hydrotreated vegetable oil from soybean	42.**1**	46.**4**	
		hydrotreated oil from waste cooking oil	**11.9**	**16.0**	
		hydrotreated oil from animal fats from rendering **	**16.0**	**21.8**	
		pure vegetable oil from soybean	35.**2**	3**6.9**	
		(**) Note: applies only to biofuels produced from animal by-products classified as category 1 and 2 material in accordance with Regulation (EC) No 1774/2002 of the European Parliament and of the Council of 3 October 2002 laying down health rules on animal by-products not intended for human consumption for which emissions related to hygenisation as part of the rendering are not considered.			

ANNEX VI
Rules for calculating the greenhouse gas impact of biomass fuels and their fossil fuel comparators

A. TYPICAL AND DEFAULT VALUES OF GREENHOUSE GAS EMISSION SAVINGS FOR BIOMASS FUELS IF PRODUCED WITH NO NET-CARBON EMISSIONS FROM LAND-USE CHANGE

WOODCHIPS

Biomass fuel production system	**Transport distance**	**Typical greenhouse gas emission savings**		**Default greenhouse gas emission savings**	
		Heat	Electricity	Heat	Electricity
Woodchips from short rotation coppice (Eucalyptus)	2500 to 10 000 km	**77**%	**65**%	**73**%	**60**%

WOOD PELLETS*

Biomass fuel production system		**Transport distance**	**Typical greenhouse gas emission savings**		**Default greenhouse gas emission savings**	
			Heat	Electricity	Heat	Electricity
Wood briquettes or pellets from short rotation	Case 1	2500 to 10 000 km	**52**%	**28**%	**43**%	**15**%
	Case 2a	2500 to 10 000 km	**70**%	**56**%	**66**%	**49**%

		coppice (Eucalyptus)							
			Case 3a	2500 to 10 000 km	**85**%	**78**%	**83**%	**75**%	
		B. Methodology							
		5. Emissions from the extraction, harvesting or cultivation of raw materials, e_{ec}, shall include emissions from the extraction, harvesting or cultivation process itself; from the collection, drying and storage of raw materials; from waste and leakages; and from the production of chemicals or products used in extraction or cultivation. Capture of CO_2 in the cultivation of raw materials shall be excluded. Estimates of emissions from agriculture biomass cultivation may be derived from the regional averages for cultivation emissions included in the reports referred to in Article 28 (4) of this Directive **[ ] or** the information on the disaggregated default values for cultivation emissions included in this Annex, as an alternative to using actual values. In absence of relevant information in the before mentioned reports it is allowed to calculate averages based on local farming practises based for instance on data of a group of farms, as an alternative to using actual values.							
		6. For the purposes of the calculation referred to in point **1, sub-point (a)**, emission savings from improved agriculture management e_{sca}, such as shifting to reduced or zero-tillage, improved crop/rotation, the use of cover crops, including crop management, and the use of organic soil improver (e.g. compost, manure fermentation digestate), shall be taken into account only if solid and verifiable evidence is provided that the soil carbon has increased or that it is reasonable to expect to have increased over the period in which the raw materials concerned were cultivated while taking into account the emissions where such practices lead to increased fertiliser and herbicide use[44].							
		11. Emissions from processing, e_p, shall include emissions from the processing itself; from waste and leakages; and from the production of chemicals or products used in processing**, including the carbon dioxide emissions corresponding to the carbon contents of fossil inputs, whether or not actually combusted in the process**.							
		In accounting for the consumption of electricity not produced within the **solid or** gaseous biomass fuel							

44 **Measurements of soil carbon can constitute such evidence, e.g. by a first measurement in advance of the cultivation and subsequent ones at regular intervals several years apart. In such case, before the second measurement is available, increase in soil carbon would be estimated on the basis of representative experiments or soil models. From the second measurement onwards, the measurements would constitute the basis for determining the existence of an increase in soil carbon and its magnitude.**

		production plant, the greenhouse gas emission intensity of the production and distribution of that electricity shall be assumed to be equal to the average emission intensity of the production and distribution of electricity in a defined region. By derogation from this rule, producers may use an average value for an individual electricity production plant for electricity produced by that plant, if that plant is not connected to the electricity grid.		
In accounting for the consumption of electricity not produced within the solid biomass fuel production plant, the greenhouse gas emission intensity of the production and distribution of that electricity shall be assumed to be equal to the fossil fuel comparator $EC_{F(el)}$ set out in paragraph 19 of this Annex. By derogation from this rule, producers may use an average value for an individual electricity production plant for electricity produced by that plant, if that plant is not connected to the electricity grid.[45]			***Deleted***	
		19. For biomass fuels used for electricity production, for the purposes of the calculation referred to in point 3, the fossil fuel comparator $EC_{F(el)}$ shall be 183 $gCO2_{eq}$/MJ electricity or 212 g CO2eq/MJ electricity for the outermost regions. **For biomass fuels used for useful heat, for heating and/or cooling production, for the purposes of the calculation referred to in point 3, the fossil fuel comparator $EC_{F(h)}$ shall be 80 gCO2eq/MJ heat.** **For biomass fuels used for useful heat production, in which a direct physical substitution of coal can be demonstrated, for the purposes of the calculation referred to in point 3, the fossil fuel comparator $EC_{F(h)}$ shall be 124 gCO_{2eq}/MJ heat.** **For biomass fuels, used as transport fuels for the purposes of the calculation referred to in point 3, the fossil fuel comparator $EC_{F(t)}$ shall be 94 gCO_{2eq}/MJ.**	

45 The solid biomass pathways consume and produce the same commodities at different stages of the supply chain. Using different values for electricity supply to solid biomass production plants and the fossil fuel comparator would assign artificial GHG savings to these pathways.

	AM 319 **Annex VI – part B – paragraph 3 – point a – formula 1** SAVING = (E-F(t) – EB(t)*)*/ E-F (t)		
		C. DISAGGREGATED DEFAULT VALUES FOR BIOMASS FUELS	
		Wood briquettes or pellets	

Biomass fuel production system	**Transport distance**	**Typical greenhouse gas emissions ($gCO_{2\,eq}$/MJ)**				**Default greenhouse gas emissions (gCO_{2eq}/MJ)**			
		Cultiv a-tion	Proce ssing	Transp ort	Non-CO_2 emiss ions from the fuel in use	Cultivat ion	Process ing	Transp ort	Non-CO_2 emissions from the fuel in use

		Wood chips from SRC (Eucalyptus)	2500 to 10000 km	**4.4**	0.0	11.0	0.4	**4.4**	0.0	13.2	0.5		
		Wood briquettes or pellets											
		Biomass fuel production system	**Transport distance**	**Typical greenhouse gas emissions (gCO2 eq./MJ)**				**Default greenhouse gas emissions (gCO2 eq./MJ)**					
				Cultiva-tion	Processing	Transport & distribution	Non-CO_2 emissions from the fuel in use	Cultiva-tion	Processing	Transport & distribution	Non-CO_2 emissions from the fuel in use		
		Wood briquettes from short rotation coppice (Eucalyptus – case 1)	2500 to 10 000 km	**3.9**	24.5	4.3	0.3	**3.9**	29.4	5.2	0.3		
		Wood briquettes	2500 to 10 000 km	**5.0**	10.6	4.4	0.3	**5.0**	12.7	5.3	0.3		

		from short rotation coppice (Eucalyptus – case 2a)											
		D. TOTAL TYPICAL AND DEFAULT GREENHOUSE GAS EMISSION VALUES FOR BIOMASS FUEL PATHWAYS											
		Woodchips from short rotation coppice (Eucalyptus)		2500 to 10 000 km		**16**		**18**					
		Wood briquettes or pellets from short rotation coppice (Eucalyptus – case 1		2500 to 10 000 km		**33**		**39**					
		Wood briquettes or pellets from short rotation coppice (Eucalyptus – case 2a)		2500 to 10 000 km		**20**		**23**					
		Wood briquettes or pellets from short rotation coppice (Eucalyptus – case 3a)		2500 to 10 000 km		**10**		**11**					

ANNEX VII **Accounting of energy from heat pumps**			
	AM 273 **Annex VII – paragraph 1 – subparagraph 2 – indent 1** - Qusable = the estimated total usable heat delivered by heat pumps ***for the production of heating and cooling*** fulfilling the criteria referred to in Article 7 (4), implemented as follows: Only heat pumps for which SPF > 1,15 * 1/η shall be taken into account,		
ANNEX IX			
		Part A. Feedstocks for the production of advanced biofuels**, the contribution of which towards the target referred to in the first and second subparagraph of Article 25(1) may be considered to be twice their energy content**:	
(b) Biomass fraction of mixed municipal waste, but not separated household waste subject to recycling targets under point (a) of Article 11(2) of Directive 2008/98/EC.	**AM 274** **Annex IX – Part A – point b** *deleted*		
(c) Molasses that are produced as a by-product from of refining sugarcane or sugar beets provided that the best industry standards for the extraction of sugar has been respected.	**AM 284 and 311** **Annex IX – Part A – point c** *deleted*		

		(o) Biomass fraction of wastes and residues from forestry and forest-based industries, i.e. bark, branches, pre-commercial thinnings, leaves, needles, tree tops, saw dust, cutter shavings, black liquor, brown liquor, fibre sludge, lignin **and tall oil**.	
		Part B. Feedstocks for the production of biofuels, the contribution of which towards the **[ ] target** established in Article 25(1) **[ ] may be** limited **[ ] and may be considered to be twice their energy content**:	
ANNEX X			
Part A: [...]	**AM 312** **Annex X - part A** *deleted*	*deleted*	
Part B		*deleted*	
Part C		*deleted*	