

Compromise amendment 1b
Tabled by EPP, S&D, ECR, ALDE

Proposal for a directive
Article 1

Text proposed by the Commission

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.

Amendment

Article 1

Subject-matter

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

Or. en

Proposal for a directive
Article 3

Text proposed by the Commission

Article 3

Union binding overall target for 2030

Amendment

Article 3

Union binding overall target **and national targets** for 2030

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1. Member States shall collectively ensure that the share of energy from renewable sources in the Union's gross final consumption of energy in 2030 is at least 27%.

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 *II* of Regulation [Governance].

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%.

1 a. 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 count towards this target, the greenhouse gas emission savings from the use of biofuels and biogas shall be in compliance with the criteria laid down in Article 26(7) when compared to fossil fuel in accordance with the methodology referred to in Article 28(1).

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 [Governance]. *If on the basis of the assessment of the final integrated national energy and climate plans, submitted pursuant to Article 3 of Regulation [Governance], the Commission concludes that Member States' targets are insufficient for the collective achievement of the Union's binding overall target, those Member States with a target below that resulting from applying the formula set out in Annex Ia (new) shall increase their target accordingly.*

In cases where a Member State is not on track to meet its foreseen target due to exceptional and duly justified circumstances, it may deviate from the foreseen level of its target by a maximum of 10%. In such case the Member State shall notify it to the Commission by 2025. Should this put at risk the achievement of

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.

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.

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.

the Union binding overall target, the Commission and Member States shall take corrective measures as those set out in Article 27(4) of Regulation [Governance], to effectively cover the gap.

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.

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*.

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.

Or. en

Proposal for a directive **Annex I a (new)**

Text proposed by the Commission

Amendment

1. 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 of this Directive

(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 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 EU targets for 2030 and 2020.

3. C_{GDP} shall be allocated between Member States based on a GDP per capita index to the EU average, where for each Member State individually the index is capped at 150% of the EU average. All Member States' C_{GDP} shall together contribute 30% of the difference between the EU 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 EU 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 at 150% of the EU average. All Member States' C_{Interco} shall together contribute 10% of the difference between the EU targets for 2030 and 2020.

Proposal for a directive
Recital 2

Text proposed by the Commission

(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, 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.

Amendment

(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 under*** the 2015 Paris Agreement on Climate Change, 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.***

Proposal for a directive
Recital 2 a (new)

Text proposed by the Commission

Amendment

(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 pursue 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 feasible at a lower cost than previously assessed, given the pace of development and deployment of renewable energy technologies such as wind and solar.

Or. en

Proposal for a directive
Recital 3

Text proposed by the Commission

(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*.

Amendment

(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*.

Or. en

Proposal for a directive
Recital 4

Text proposed by the Commission

(4) Directive 2009/28/EC established a regulatory framework for the promotion of

Amendment

(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 2014¹² established a framework for future Union energy and climate policies and promoted a common understanding of how to 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%.*

¹² "A policy framework for climate and energy in the period from 2020 to 2030" (COM/2014/015 final).

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.

Or. en

Proposal for a directive **Recital 5**

Text proposed by the Commission

Amendment

(5) *The European Council of October 2014 endorsed that target, indicating that Member States may set their own more ambitious national targets.*

deleted

Or. en

Proposal for a directive **Recital 6**

Text proposed by the Commission

Amendment

(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

(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

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.

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.***

Or. en

Proposal for a directive
Recital 6 a (new)

Text proposed by the Commission

Amendment

(6a) The ambition set in the Paris Agreement and the technological development, including cost reduction for investments in renewable energy, should therefore be taken in to account.

Or. en

Proposal for a directive
Recital 7

Text proposed by the Commission

Amendment

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

(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***.

out in Regulation [Governance].

Or. en

Proposal for a directive
Recital 7 a (new)

Text proposed by the Commission

Amendment

(7a) Member States renewable energy targets should be set taking into account the obligations under the Paris Agreement on climate change, the high potential that still exists for renewable energy and the necessary investments to realise the energy transition.

Proposal for a directive
Recital 7 b (new)

Text proposed by the Commission

Amendment

(7b) the translation of the Union 35 % target into individual targets for each Member State, should be done 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.

Or. en

Proposal for a directive
Recital 8

Text proposed by the Commission

Amendment

(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*

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

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.

Or. en

Proposal for a directive

Recital 9

Text proposed by the Commission

(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].

Amendment

(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].

Or. en

Proposal for a directive

Recital 10

Text proposed by the Commission

(10) Member States should take additional measures in the event that the share of renewables at the Union level does not meet the Union trajectory towards the at least 27% renewable energy target. As set out in Regulation [Governance], if an ambition gap is identified by the Commission during the assessment of the Integrated National Energy and Climate Plans, the

Amendment

deleted

Commission may take measures at Union level in order to ensure the achievement of the target. If a delivery gap is identified by the Commission during the assessment of the Integrated National Energy and Climate Progress Reports, Member States should apply the measures set out in Regulation [Governance], which are giving them enough flexibility to choose.

Or. en

Proposal for a directive
Recital 11

Text proposed by the Commission

(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.

Amendment

(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.

Or. en

Proposal for a directive
Recital 12

Text proposed by the Commission

(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.

Amendment

(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.

Or. en

Proposal for a directive
Recital 13

Text proposed by the Commission

(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.

Amendment

(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.

Or. en

Compromise amendment 2

Tabled by EPP, S&D, ECR, ALDE, GUE, EFDD

Proposal for a directive

Article 2

Text proposed by the Commission

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

Amendment

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

Or. en

Proposal for a directive

Article 2 – paragraph 2 – point c

Text proposed by the Commission

(c) ‘biomass’ means the biodegradable fraction of products, waste and residues from biological origin from agriculture,

Amendment

(c) ‘biomass’ means the biodegradable fraction of products, waste and residues from biological origin from agriculture,

including vegetal and animal substances, forestry and related industries including fisheries and aquaculture, as well as the biodegradable fraction of waste, including industrial and municipal waste of biological origin ;

including **bacteria**, 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;

Or. en

Proposal for a directive

Article 2 – paragraph 2 – point f

Text proposed by the Commission

(f) ‘bioliquids’ means liquid fuel for energy purposes other than for transport, including electricity and heating and cooling, produced from biomass;

Amendment

(f) ‘bioliquids’ means liquid fuel for energy purposes other than for transport, including electricity and heating and cooling, produced from biomass **or by biomass**;

Or. en

Proposal for a directive

Article 2 – paragraph 2 – point g

Text proposed by the Commission

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

Amendment

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

Or. en

Compromise amendment 3

Supported by EPP, S&D, ECR, ALDE, Greens, GUE

Proposal for a directive

Article 4

Text proposed by the Commission

Article 4

Financial support for **electricity** from renewable sources

1. Subject to **State aid rules**, in order to reach the Union **target set** in Article

Amendment

Article 4

Support for **energy** from renewable sources

1. **Pursuant to Article 194 TFEU and** subject to **Articles 107 and 108 thereof**, in

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.

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.

order to reach **or exceed** the Union **and national targets set out** in Article 3, Member States may apply support schemes. 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 a. 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 stability;

(e) environmental constraints.

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 3

3. Member States shall ensure that support for renewable electricity is granted in an open, transparent, competitive, non-discriminatory and cost-effective manner.

generation units.

Without prejudice to the thresholds above in this paragraph, Member States may support renewable energy communities through other mechanisms and procedures.

3. Member States shall ensure that support for renewable electricity is granted in an open, transparent, competitive, non-discriminatory and cost-effective manner.

Where support for renewable energy is granted through a tender procedure, the requirements set out in paragraph 3a, shall apply. However, those requirements shall not apply to small-scale installations of less than 1 MW, wind energy projects of up to 6 generating units or 6 MW, or demonstration projects.

3 a. Where support for renewable energy is granted through a tender, 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.

3 b. 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 c. 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:

3 d. 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.

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.

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.

The assessment shall take into account the effect of possible changes to the support schemes on investments. Member States shall include this assessment in their 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].

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.

4 a. By ... [2021] and every three years thereafter, the Commission shall report to the European Parliament and to the Council on the performance of tenders 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.*

4 b. *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.*

Or. en

Recital 15

Text proposed by the Commission

(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.

Amendment

(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.***

Proposal for a directive

Recital 16

Text proposed by the Commission

(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,

Amendment

(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.

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.

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*

Proposal for a directive
Recital 16 a (new)

Text proposed by the Commission

Amendment

(16 a) Renewable energy communities, cities and local authorities should be entitled to participate in available support schemes on an equal footing with other large participants. For this purpose, Member States should be allowed to take measures, including provision of information, technical and financial support through the single administrative contact points referred to in Article 16 of this Directive, 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.

Or. en

Compromise amendment **4**
Supported by EPP, S&D, ECR, ALDE, Greens

Proposal for a directive
Article 5

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.

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.

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. ***Member States may limit their support to installations in Member States to which there is a direct connection via interconnectors.***

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 these 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.***

2 a. Member States may request that the Commission exempt them from the obligation 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 effect on energy security or the well-functioning of the energy market of the Member State requesting the exemption;

Any exemption granted under this paragraph shall be published in the

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 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.

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.

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 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 harmonize the administrative framework conditions in the cooperation countries to ensure a level-playing field.**

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 this end, the Commission shall encourage 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.

Proposal for a directive
Recital 17

Text proposed by the Commission

(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.

Amendment

(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.

Or. en

Proposal for a directive
Recital 17 a (new)

Text proposed by the Commission

Amendment

(17 a) While Member States should be required to progressively and partially open support to projects located in other Member States to a level reflective of 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 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 can 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 is to guarantee the proper functioning of national support schemes, as under Directive 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 at facilitating cross-border support of energy from renewable sources 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

Or. en

Compromise amendment 5

Tabled by EPP, S&D, ALDE, Greens, GUE, EFDD

Proposal for a directive
Article 6

Text proposed by the Commission

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.

Amendment

Article 6

Stability of financial support

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.

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) and is publicly announced at least nine months before it enters into force and that such a modification is subject to a transparent and inclusive public consultation process. Any substantial change to an 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

Or. en

Proposal for a directive
Recital 18

Text proposed by the Commission

(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.

Amendment

(18) ***Subject to Articles 107 and 108 of the Treaty on the Functioning of the European Union***, 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 in due advance any support change and adequately consult stakeholders. 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

Or. en

Compromise amendment 6
Tabled by EPP, S&D, ECR, ALDE, Greens

Proposal for a directive
Article 7

Text proposed by the Commission

Article 7

Calculation of the share of energy from renewable sources

1. The gross final consumption of energy from renewable sources in each

Amendment

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:

- (a) gross final consumption of electricity from renewable energy sources;
- (b) gross final consumption of energy from renewable sources for heating and cooling; and
- (c) final consumption of energy from renewable sources in transport.

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.

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.

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.

The electricity generated by hydropower and wind power shall be accounted for in accordance with the normalisation rules set out in Annex II

3. For the purposes of paragraph 1(b), the gross final consumption of energy from

Member State shall be calculated as the sum of:

- (a) gross final consumption of electricity from renewable energy sources;
- (b) gross final consumption of energy from renewable sources for heating and cooling; and
- (c) final consumption of energy from renewable sources in transport.

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.

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.

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.

The electricity generated by hydropower and wind power shall be accounted for in accordance with the normalisation rules set out in Annex II

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.

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.

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.

4. For the purposes of paragraph 1(c), the following provisions shall apply:

(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

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.

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.

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 accordance with the methodology laid down in Annex VII.

The Commission is empowered to adopt delegated acts in accordance with Article 32 to establish 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.

4. For the purposes of paragraph 1(c), the following provisions shall apply:

(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.

(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.

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.

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.

For the purposes of the first subparagraph,

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.

(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.

(b a) 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.

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.

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.

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.

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 %.

8. The methodology and definitions used in the calculation of the share of energy from renewable sources shall be those of Regulation (EC) No 1099/2008.³³

the sum referred to in paragraph 1 shall be adjusted in accordance with Articles 8, 10, 12 and 13.

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 %.

8. The methodology and definitions used in the calculation of the share of energy from renewable sources shall be those of Regulation (EC) No 1099/2008.³³

Or. en

Compromise amendment 7

Tabled by EPP, S&D, ECR, ALDE, Greens, GUE, EFDD

Proposal for a directive Article 15

Text proposed by the Commission

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

Amendment

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.

Member States shall, in particular, take the appropriate steps to ensure that:

- (a) administrative procedures are streamlined and expedited at the appropriate administrative level;
- (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;
- (c) administrative charges paid by consumers, planners, architects, builders and equipment and system installers and suppliers are transparent and cost-related; and
- (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.

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

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**.

Member States shall, in particular, take the appropriate steps to ensure that:

- (a) administrative procedures are streamlined and expedited at the appropriate administrative level **and foreseen predictable timeframes for the issue of the necessary permits and licenses**;
- (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;
- (c) administrative charges paid by consumers, planners, architects, builders and equipment and system installers and suppliers are transparent and cost-related; and
- (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**

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

Or. en

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.

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.*

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.

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.

deleted

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***

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.

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.

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 proportion of renewable energy sources.

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.

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

infrastructure, where appropriate.

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.

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.

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 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, as defined by article 21, or through renewable based cogeneration and wasted heat and cold.**

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.

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.

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**.

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.

onwards. Member States may, inter alia, allow that obligation to be fulfilled by **complying with standards for nearly zero energy building as required in the Directive [EPBD], or 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.

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 this 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 further ensure adequate information and advice on renewable, highly energy efficient alternatives as well as eventual financial instruments and incentives available in case of replacement, in view of promoting an increased replacement rate of old heating** systems and **an increased switch to renewable energy based solutions as required in the Directive [EPBD]**.

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 **should 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.

8 a. 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.

9. Member States shall **remove** administrative barriers **to** corporate long-term power purchase agreements to finance renewables and facilitate their uptake.

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 **renewable** power purchase agreements (**RPPA**) to finance renewables and facilitate their uptake, **ensuring that RPPA are not subject to disproportionate procedures and charges that are not cost reflective. With the conclusion of such RPPA, the equivalent amount of guarantees of origin issued in accordance with Article 19 shall be cancelled on behalf of the corporate customer. This enabling framework shall be part of the integrated national energy and climate plans in accordance with Regulation [Governance].**

Or. en

Proposal for a directive

Article 2 – paragraph 2 – point cc

Text proposed by the Commission

(cc) ‘power purchase agreement’ means a contract under which a legal person agrees to purchase renewable electricity directly from an energy generator;

Amendment

(cc) ‘**renewable** power purchase agreement’ means a contract under which a legal **or natural** person agrees to purchase renewable electricity directly from an energy generator

Or. en

Compromise amendment 8

Tabled by EPP, S&D, ECR, ALDE, Greens, GUE, EFDD

Proposal for a directive
Article 16

Text proposed by the Commission

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.
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 binding decision at the end of the process.
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.
4. The permit granting process

Amendment

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.
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 binding decision at the end of the process.
Applicants should be able to submit all relevant documents in digital form.
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.***
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.

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.

referred to in paragraph 1 shall not exceed a period of three years, except for the cases set out in Article 16(4a), (5) and Article 17.

4 a. 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 3 additional months.

The periods referred to in paragraph 4 and 4a are 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 plants.

5. Member States shall facilitate ***there powering*** 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 Electricity regulation, 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.***

Or. en

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

Text proposed by the Commission

Amendment

(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;

(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 **and/or** increase efficiency;

Or. en

Compromise amendment 9

Tabled by EPP, S&D, ECR, ALDE, Greens, GUE, EFDD

**Proposal for a directive
Article 17**

Text proposed by the Commission

Amendment

Article 17

Article 17

Simple notification procedures

Simple notification procedures

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.

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 and 50 kW, the distribution system operator may decide to refuse the simple notification on justified grounds or propose an alternative solution. In this case 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 this time frame the installation may be connected.

2. Repowering shall be allowed following a notification to the single administrative contact point established in accordance with Article 16, where no significant 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.

2. Repowering shall be allowed following a notification to the single administrative contact point established in accordance with Article 16, where no significant 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.

Or. en

Where the single administrative contact point decides that the notification is sufficient, it shall automatically grant the permit.

Where the single administrative contact point decides that the notification is sufficient, it shall automatically grant the permit.

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.

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.

Compromise amendment 10

Tabled by EPP, S&D, ECR, ALDE, Greens, EFDD

Proposal for a directive Article 19

Text proposed by the Commission

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.
2. To that end, Member States shall

Amendment

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.
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.

Member States shall ensure that the same unit of energy from renewable sources is taken into account only once.

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.***

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.

Member States shall ensure that the same unit of energy from renewable sources is taken into account only once.

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 Corporate Renewable Power Purchase Agreement.

In other cases than the above, Member States shall issue the Guarantee of Origin for statistical reasons and cancel them immediately.

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.

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.

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.

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.

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.

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.

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.

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.

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.

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.

7. A guarantee of origin shall specify at least:

(a) the energy source from which the energy was produced and the start and end dates of production;

(b) whether it relates to:

(i) electricity; or

(ii) gas, or

(iii) heating or cooling;

(c) the identity, location, type and capacity of the installation where the energy was produced;

(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;

(e) the date on which the installation became operational; and

(f) the date and country of issue and a unique identification number.

Simplified information may be specified on guarantees of origin from small scale installations.

8. Where an electricity supplier is required to prove the share or quantity of energy from renewable sources in its

Member States and designated competent bodies shall ensure that the requirements they impose are compliant with the standard CEN - EN 16325.

7. A guarantee of origin shall specify at least:

(a) the energy source from which the energy was produced and the start and end dates of production;

(a a) whether and the energy source from which the energy was produced met sustainability and greenhouse gas emissions saving criteria referred to in Article 26.

(b) whether it relates to:

(i) electricity; or

(ii) gas, ***including hydrogen***, or

(iii) heating or cooling;

(c) the identity, location, type and capacity of the installation where the energy was produced;

(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;

(e) the date on which the installation became operational; and

(f) the date and country of issue and a unique identification number.

Simplified information may be specified on guarantees of origin from small scale installations.

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.

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.

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.

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

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.

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.

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.

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.

12. A Member State may introduce, in conformity with Union law, objective, 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

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.

export of energy. The Commission is empowered to adopt delegated acts in accordance with Article 32 to enforce these agreements.

12. A Member State may introduce, in conformity with Union law, objective, 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

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.

Or. en

Proposal for a directive

Article 2 – paragraph 2 – point h

Text proposed by the Commission

(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 ;

Amendment

(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 ;

Or. en

Proposal for a directive

Recital 43

Text proposed by the Commission

(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 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.

Amendment

(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 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.***

Or. en

Proposal for a directive
Recital 44

Text proposed by the Commission

(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.

Amendment

(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.

Or. en

Proposal for a directive
Recital 45

Text proposed by the Commission

(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.*

Amendment

(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.

Or. en

Compromise amendment 12
Tabled by EPP, S&D, ALDE, Greens, GUE, EFDD

Proposal for a directive
Article 21

Text proposed by the Commission

Article 21

Renewable self consumers

1. Member States shall ensure that renewable self-consumers, individually or through aggregators:

Amendment

Article 21

Renewable self consumers

1. ***Member States shall ensure that consumers are entitled to become renewable self-consumers. To that end,***

(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;

(b) maintain their rights 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**

(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**.

Member States shall ensure that renewable self-consumers, individually or through aggregators:

(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 a) are entitled to consume their self-generated renewable electricity, which remains within their premises, without liability for any charge, fee, or tax;

(a b) 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;

(b) maintain their rights 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 **without prejudice to the procedures established for the supervision and approval of connection of generation capacity to the grid by distribution system operators (DSOs) pursuant to Articles 15 to 18;**

(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**

Member States may set a higher threshold than the one set out in point (c).

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.

Directive...of the European Parliament and of the Council [on common rules for the internal market in electricity].

Member States may set a higher threshold than the one set out in point (c).

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.

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 a. 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 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 housing;

(b) tools to facilitate access to finance;

(c) incentives to building owners to create opportunities for self-consumption for tenants;

(d) the removal of unjustified regulatory barriers to renewable self-consumption,

3. The renewable *self-consumer's* installation may be managed by a third party for installation, operation, including metering, and maintenance.

including for tenants.

This enabling framework shall be part of the national energy and climate plans in accordance with Regulation ... of the European Parliament and of the Council [on the Governance of the Energy Union].

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.*

Or. en

Proposal for a directive

Article 2 – paragraph 2 – point aa

Text proposed by the Commission

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

Amendment

(aa) ‘renewable self-consumer’ means an active customer *or a group of customers acting together* as defined in Directive [MDI Directive] 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;

Or. en

Compromise amendment 13

Tabled by EPP, S&D, ECR, ALDE, Greens, GUE, EFDD

Proposal for a directive

Article 22

Article 22

Article 22

Renewable energy communities

Renewable energy communities

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.

1. ***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.***

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.

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:

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

(a) shareholders or members are natural persons, local authorities, including municipalities, or SMEs ***operating in the fields or renewable energy***;

(b) at least 51% of the shareholders or members with voting rights of the entity are natural persons;

(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***;

(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***;

(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.

2. ***Without prejudice to State aid rules***, when designing support schemes, Member States shall take into account the specificities of renewable energy communities.

the following criteria:

(a) shareholders or members are natural persons, local authorities, including municipalities, or SMEs;

(b) at least 51% of the shareholders or members with voting rights of the entity are natural persons ***or public bodies***;

(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

(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.

Member States shall monitor the application of these criteria and take measures to avoid any abuse or adverse effects on competition.

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***.

2 a. 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 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 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.

This enabling framework shall be part of the integrated national energy and climate plans in accordance with Regulation [on the Governance of the Energy Union].

Or. en

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

Text proposed by the Commission

Amendment

(aa a) ‘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;

Or. en

Compromise amendment 14
Tabled by EPP, S&D, ECR, ALDE

Proposal for a directive
Article 23

Text proposed by the Commission

Article 23

Mainstreaming renewable energy in 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.

Amendment

Article 23

Mainstreaming renewable energy in 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 **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 a. 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 yearly 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 sources in the heating and cooling sector above 80%;

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.

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.

3. The increase set out in paragraph 1 may be implemented through one or more of the following options:

(a) physical incorporation of renewable energy 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;

(c) indirect mitigation measures

3. The increase set out in paragraph 1 may *inter alia* be implemented through one or more of the following options:

(a) physical incorporation of renewable energy *and/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 *or the use of waste heat and cold* for industrial heating and cooling processes;

(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.

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.

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:

- (a) the total amount of energy supplied for heating and cooling;
- (b) the total amount of renewable energy supplied for heating and cooling;
- (c) the share of renewable energy in the total amount of energy supplied for heating and cooling; and

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.

(c a) other policy measures with an equivalent effect to reach the yearly increase set out in paragraph 1 or 1a

3 a. 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).

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.

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:

- (a) the total amount of energy supplied for heating and cooling;
- (b) the total amount of renewable energy supplied for heating and cooling;
- (b a) the amount of waste heat or cold supplied for heating and cooling;***
- (c) the share of renewable energy ***and waste heat or cold*** in the total amount of energy supplied for heating and cooling;

Or. en

(d) the type of renewable energy source.

6. Member States shall ensure that the reports referred to in paragraph 5 are subject to verification by the competent designated authority.

and

(d) the type of renewable energy source.

6. Member States shall ensure that the reports referred to in paragraph 5 are subject to verification by the competent designated authority.

Or. en

Proposal for a directive

Article 2 – paragraph 2 – point b

Text proposed by the Commission

(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;

Amendment

(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;

Or. en

Proposal for a directive

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

Text proposed by the Commission

Amendment

(b a) ‘geothermal energy’ means energy stored in the form of heat beneath the surface of solid earth;

Or. en

Proposal for a directive

Recital 54

Text proposed by the Commission

(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.

Amendment

(54) Local citizen **and local authorities'** 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 **which results in local investment, more choice for consumers and encouragement of citizen's participation in the energy transition.** This local involvement will be all the more crucial in a context of increasing renewable energy capacity in the future.

Or. en

Proposal for a directive
Recital 55

Text proposed by the Commission

(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.

Amendment

(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.

Or. en

Proposal for a directive
Recital 56

Text proposed by the Commission

(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.

Amendment

(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.

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.

Or. en

Proposal for a directive

Recital 57

Text proposed by the Commission

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

Amendment

(57) Several Member States have implemented measures in the heating and cooling sector to reach their 2020 renewable energy target. In order to be in line with 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 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. en

Proposal for a directive
Article 24

Text proposed by the Commission

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.
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.***
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.
4. Member States shall lay down the necessary measures to ensure non-

Amendment

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 ***provided on an annual basis or upon request*** in accordance with standards used under Directive 2010/31/EU.
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 one within the next 5 years according to their investment plans,*** to disconnect from the system in order to produce heating or cooling from renewable energy sources themselves.
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.
4. Member States shall lay down the necessary measures to ensure non-

Or. en

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.***

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.

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.***

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

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**.

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 be exercised at whole building level.

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.

9. Member States shall designate one

competent authority according to paragraph 9 on measures that would be necessary to reinforce the system **including the economic consequences of the measures**.

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**.

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 be exercised at whole building level.

8. Member States shall require electricity distribution system operators to assess at least **every 4 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.

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.

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.

Or. en

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

Text proposed by the Commission

(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;

Amendment

(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 **or decentralised sources** production through a network to multiple buildings or sites, for the use of space or process heating or cooling;

Or. en

Proposal for a directive
Recital 61

Text proposed by the Commission

(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.

Amendment

(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.

Or. en

Compromise amendment 16
Tabled by EPP, S&D, ECR, ALDE

Proposal for a directive

Article 25

Text proposed by the Commission

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.

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

For the calculation of the shares referred to in the second sub-paragraph, the following provisions shall apply:

a) for the calculation of the denominator, that is the energy content of

Amendment

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

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

For the calculation of the shares referred to in the 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;

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.

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.

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.

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;

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.

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.**

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.

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.

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.*

The share of renewable energy in liquid and gaseous transport fuels shall be determined on the basis of the share of

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.

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.

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, may be used.

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.

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.

For the purposes of this paragraph, the following provisions shall apply:

(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.

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.

(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).

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***

renewable energy in the total energy input used for the production of the fuel.

For the purposes of this paragraph, the following provisions shall apply:

(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.

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.

(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). (ENVI exclusive competence- no vote)

4. ***The Commission*** shall put in place ***an EU-database*** enabling tracing of transport fuels, ***including electricity***, that are eligible for counting towards the

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.

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.

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].

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.*

7. By 31 December 2025, in the context of the biennial assessment of progress made pursuant to Regulation

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

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.

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

6. *The Commission is empowered to adopt delegated acts in accordance with Article 32 to further specify the methodology referred to in paragraph 3(b) of this Article to determine the share of biofuel resulting from biomass being processed with fossil fuels in a common process, to specify the methodology for assessing greenhouse gas emission savings from renewable liquid and gaseous transport fuels of non-biological origin and recycled carbon fuels and to determine minimum greenhouse gas emission savings required for these fuels for the purpose of paragraph 1 of this Article (ENVI exclusive competence- no vote)*

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.

[Governance], 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 affectively 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.***

Or. en

Proposal for a directive

Article 2 – paragraph 2 – point ff

Text proposed by the Commission

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

Amendment

deleted

Or. en

Proposal for a directive

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

Text proposed by the Commission

Amendment

(ff a) "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 lifecycle; 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 management hierarchy; 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;

Or. en

Compromise amendment 17
Supported by S&D, ALDE, Greens, EFDD

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

Text proposed by the Commission

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

Amendment

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 shall be empowered to adopt delegated acts* in accordance with article 32 *to establish a methodology, including a methodology for the Member State to set their baseline, in order to prove additionality.*

Or. en

Compromise amendment 18
Tabled by EPP, S&D, ECR, ALDE, Greens, EFDD

Proposal for a directive
Article 32

Text proposed by the Commission

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

Amendment

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

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.

Compromise amendment 19

Supported by EPP, S&D, ECR, ALDE, Greens, GUE, EFDD

Proposal for a directive

Recital 31 a (new)

Text proposed by the Commission

Amendment

(31 a) 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 the need for a legislative proposal aiming at regulating geothermal plants emissions of all substances, including CO₂, that are harmful for health and environment, both during exploration and operational phases

Or. en