

Procedure file

Basic information	
COD - Ordinary legislative procedure (ex-codecision procedure) Directive	2001/0265(COD) Procedure completed
Energy: use of biofuels for road transport Repealed by 2008/0016(COD)	
Subject 3.20.05 Road transport: passengers and freight 3.60.02 Oil industry, motor fuels	

Key players			
European Parliament	Committee responsible	Rapporteur	Appointed
	ITRE Industry, External Trade, Research, Energy	PPE-DE AYUSO Pilar	24/01/2002
	Former committee responsible		
	ITRE Industry, External Trade, Research, Energy	PPE-DE AYUSO Pilar	24/01/2002
	Former committee for opinion		
	ENVI Environment, Public Health, Consumer Policy (Associated committee)	NI KRONBERGER Hans	22/01/2002
	ECON Economic and Monetary Affairs	V/ALE MAYOL I RAYNAL Miquel	22/01/2002
AGRI Agriculture and Rural Development	V/ALE AUROI Danielle	19/02/2002	
RETT Regional Policy, Transport and Tourism	GUE/NGL BAKOPOULOS Emmanouil	22/01/2002	
Council of the European Union	Council configuration	Meeting	Date
	Agriculture and Fisheries	2500	08/04/2003
	General Affairs	2463	18/11/2002
	Industry	2433	06/06/2002
European Commission	Commission DG Energy and Transport	Commissioner	

Key events			
07/11/2001	Legislative proposal published	COM(2001)0547	Summary
16/01/2002	Committee referral announced in Parliament, 1st reading		
06/06/2002	Debate in Council	2433	Summary
19/06/2002	Vote in committee, 1st reading		Summary
19/06/2002	Committee report tabled for plenary, 1st reading	A5-0244/2002	
01/07/2002	Debate in Parliament		
04/07/2002	Decision by Parliament, 1st reading	T5-0361/2002	Summary
12/09/2002	Modified legislative proposal published	COM(2002)0508	Summary
18/11/2002	Council position published	12695/1/2002	Summary
05/12/2002	Committee referral announced in Parliament, 2nd reading		
20/02/2003	Vote in committee, 2nd reading		Summary
20/02/2003	Committee recommendation tabled for plenary, 2nd reading	A5-0057/2003	
10/03/2003	Debate in Parliament		
12/03/2003	Decision by Parliament, 2nd reading	T5-0085/2003	Summary
08/04/2003	Act approved by Council, 2nd reading		
08/05/2003	Final act signed		
08/05/2003	End of procedure in Parliament		
17/05/2003	Final act published in Official Journal		

Technical information	
Procedure reference	2001/0265(COD)
Procedure type	COD - Ordinary legislative procedure (ex-codecision procedure)
Procedure subtype	Legislation
Legislative instrument	Directive
	Repealed by 2008/0016(COD)
Legal basis	EC Treaty (after Amsterdam) EC 175; Rules of Procedure EP 57_o
Stage reached in procedure	Procedure completed
Committee dossier	ITRE/5/16576

Documentation gateway					
Legislative proposal		COM(2001)0547	07/11/2001	EC	Summary
Economic and Social Committee: opinion, report		CES0513/2002 OJ C 149 21.06.2002, p. 0007	24/04/2002	ESC	

Committee of the Regions: opinion	CDR0034/2002 OJ C 278 14.11.2002, p. 0029	16/05/2002	CofR	
Committee report tabled for plenary, 1st reading/single reading	A5-0244/2002	19/06/2002	EP	
Text adopted by Parliament, 1st reading/single reading	T5-0361/2002 OJ C 271 12.11.2003, p. 0378-0482 E	04/07/2002	EP	Summary
Modified legislative proposal	COM(2002)0508 OJ C 331 31.12.2002, p. 0291 E	12/09/2002	EC	Summary
Council position	12695/1/2002 OJ C 032 11.02.2003, p. 0001 E	18/11/2002	CSL	Summary
Council statement on its position	13759/2002	18/11/2002	CSL	
Commission communication on Council's position	SEC(2002)1273	02/12/2002	EC	Summary
Committee recommendation tabled for plenary, 2nd reading	A5-0057/2003	20/02/2003	EP	
Text adopted by Parliament, 2nd reading	T5-0085/2003 OJ C 061 10.03.2004, p. 0150-0260 E	12/03/2003	EP	Summary
Commission opinion on Parliament's position at 2nd reading	COM(2003)0193	22/04/2003	EC	Summary
Follow-up document	COM(2009)0192	24/04/2009	EC	Summary
Follow-up document	SEC(2009)0503	24/04/2009	EC	Summary
Follow-up document	SEC(2011)0130	31/01/2011	EC	Summary

Additional information

European Commission

[EUR-Lex](#)

Final act

[Directive 2003/30](#)
[OJ L 123 17.05.2003, p. 0042-0046](#) Summary

Energy: use of biofuels for road transport

PURPOSE : to foster the use of biofuels for transport within the EU. **CONTENT** : The Gothenburg European Council of June 2001 adopted a strategy for sustainable development, which includes the development of biofuels. The transport sector accounts for more than 30% of final energy consumption in the Community and is expanding - a trend which is bound to increase, along with carbon dioxide emissions. Increased use of biofuels will enable greater compliance with the Kyoto Protocol, and strengthen security of energy supply in the medium and long term. In addition, promoting the use of biofuels in keeping with good farming practices will create new opportunities for sustainable rural development in a more market-orientated Common Agricultural Policy. This proposal lays down an obligation on Member States to introduce legislation to ensure that a minimum share of biofuels sold on their markets is 2%, calculated on the basis of energy content, of all gasoline and diesel sold for transport purposes on their markets by 31 December 2005, and that this share increases, aiming toward a minimum level of blending in accordance with a schedule in the annex to the draft legislation. The annex contains a list of liquids that are considered to be biofuels as well as the schedule for the share of biofuels in the total fuel market. Member States will monitor the effect of the use of biofuels in diesel blends above 5% by non-adapted vehicles and will take, where appropriate, measures to ensure compliance with the relevant Community legislation on emission standards. The measures taken to reach the annual targets will be set out in annual reports to the Commission by the Member States. On the basis of these reports, the Commission will then assess the action taken by Member States to meet their quotas for biofuels and, if appropriate, make proposals for amending the annex to the Directive. The committee procedure will be used for adapting the annex to technical progress. ?

Energy: use of biofuels for road transport

The Council examined the proposal for a Directive on the promotion of the use of biofuels for transport. Following the discussion, the President, pending the European Parliament's Opinion, noted broad agreement on a Presidency compromise text concerning the proposal. He asked the Permanent Representatives Committee to examine the European Parliament's opinion as soon as it was available so that the Council could adopt a common position at a forthcoming meeting. The main aspects of the compromise are as follows: - reference values are set for the proportion of the market taken up by biofuels in relation to all fuels sold for transport purposes: for the first stage, this proportion amounts to 2% to be reached by 31 December 2005, while for the second stage it amounts to 5,75% to be reached by 31 December 2010; - Member States set national indicative targets for the minimum proportion of biofuels placed on the market; - these targets may be differentiated in relation to the reference values; - this two-stage approach is supplemented by a review clause, which is based on Commission reports and information from Member States and may lead to an adjustment in the system of targets in 2007 or later. The dossier is linked to the proposal to enable Member States to apply a reduced rate of excise duties on biofuels, which was submitted by the Commission at the same time and will be on the agenda for the Economic and Financial Affairs Council which precedes the European Council in Seville on 21 and 22 June.?

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The committee adopted the report by Maria del Pilar AYUSO GONZALEZ (EPP-ED, E) broadly approving the proposal under the codecision procedure (1st reading), subject to a number of amendments. While agreeing with the Commission's proposal that biofuels should account for 2% of fuel sold in the Member States by 31 December 2005, and 5.75% by 2010, MEPs were nevertheless opposed to laying down a minimum level for blended fuels (mixtures of biofuels and conventional fuels). The committee argued that demand would exceed supply in future and therefore called for measures to allow the active promotion of biofuel production, which is currently very limited in the EU. However, it added that environmental principles must be observed in the production of these 'green' fuels and that support must be given to production methods that achieve the best environmental balance. MEPs also called on the Commission to devise a specific environmental impact assessment for biofuels. Moreover, since the products used for the production of biodiesel come from a wide range of sources, a quality standard should be laid down to ensure that the engines using it do not run the risk of damage. Lastly, the committee called on the Member States to promote the use of biofuels in public/collective transport so as to support safer and more environmentally-friendly means of transport.?

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The European Parliament adopted the resolution drafted by Maria del Pilar AYUSO GONZALEZ (EPP-ED, Spain) on the Commission's proposal. (Please refer to the document dated 19/06/02.) The Member States have to submit a report on the environmental impact of the planned measures and a breakdown of the cost. Several factors must be taken into account, including land use, the degree of intensity of cultivation, the use of pesticides, the protection of watercourses and energy efficiency. Parliament specified that any further increases in biofuels must be subject to a detailed assessment of a full analysis of their life cycle and their benefits in terms of CO2 and sustainable farming practices. The Commission must carry out this assessment by 30/06/06. In respect of crops intended for the production of biofuels, Member States need to adopt appropriate environmental measures, in view of the particular situation of the farmland used or the production concerned.?

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The Commission has drafted the amended proposal incorporating a series of amendments introduced by Parliament. The main ones accepted include the following: - a new recital emphasises the use of secondary biomass and the parallel production of vegetable proteins. - there is a reporting system on the environmental impact and on the costs by Member States to the Commission and is in line with the agreement at the Energy Council. - priority on the promotion of biofuels in public transport - priority to the promotion of biofuels with a good environmental balance - the promotion of the possibilities of biofuels to the public and information for consumers. - an amendment specifying aspects about the Commission's evaluation report to be published every two years and stimulate environmentally friendly concerns. - the introduction of compliance with standard pr EN 14214 of biodiesel end products for fuels. - a transitional period of maximum 2 years for Member States with special difficulties.?

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The common position accepted in total or partially 26 out of the 60 amendments adopted by the European Parliament in its first reading. The main changes introduced by the Council are as follows: - the Council extended the scope of the directive to cover not only biofuels but also other renewable fuels for transport purposes in each Member State and broadened its objective by stating that the purpose of this Directive is to promote the use of these fuels instead of simply setting a percentage of biofuels to replace conventional fuels; - the Council considered that indicative targets would be more appropriate than mandatory ones, enabling Member States to introduce the necessary measures in a gradual and flexible manner, on the understanding that the system will be reviewed after a first stage of implementation. Therefore, the common position provides that the objective should be reached on the basis of reference values for stage one (2% by 31 December 2005) and stage two (5.75% by 31 December 2010). Member States set national indicative targets for the minimum proportion of biofuels and other renewable fuels placed on their markets, for stage one as well as for stage two. This two-stage approach is supplemented by a review clause, based on reports from the Commission and the Member States. In their reports, Member States may differentiate the national indicative targets as compared to the reference values of, but these differentiations have to be motivated on the basis of specific elements. Based on Member States' reports, the Commission draws up an evaluation report, and submits, where appropriate, proposals for an adaptation of the targets. The Council furthermore clarified/modified the following issues: - blending: the Council did not retain the proposed proportion of blending to be achieved in the second stage, considering that blending is not yet a standardised procedure and it should therefore be open to Member States whether they wish to blend biofuel into fossil fuel or not; - list of products: the Council moved the list of products considered "biofuels" from the Annex to Article 2(2) and added the following products: "bioMTBE", "synthetic biofuels" and "biohydrogen". While so doing, the Council also

clarified that this list is an open list, which may be adapted to technical progress in accordance with the Comitology procedure; - environmental balance of biofuels: the Council strengthened the link between promoting biofuels and other renewable fuels and contributing to objectives such as climate change commitments, environmentally-friendly security of supply and the promotion of renewable energy sources. Furthermore the measures taken by Member States to ensure that a minimum proportion of biofuels and other renewable fuels is placed on their markets have also to consider the overall climate and environmental balance of the various types of biofuels and, in doing so, may give priority to those biofuels showing a very cost-effective environmental balance, while also taking into account competitiveness and security of supply; - reporting obligations: while the Council agrees that the condition in Member States should motivate the differentiation of their material targets as compared to the reference values on the basis of two set so elements: a) objective factors such as production potential and allocation of biomass to other energy uses and specific characteristics of the national transport fuel market; b) national policies consistent with the objectives of the energy sector, related to the transport sector in the EU and aiming at objectives similar to those pursued by this Directive. It should be noted that several delegations (Portugal, Belgium, Denmark, Ireland, Luxembourg, Sweden, Finland and the United Kingdom) have made statements for the Council's minutes. These statements relate their obligations to report to the Commission (Article 4 paragraphs 1 and 2). ?

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The Commission considers that the common position adopted unanimously by the Council is faithful to the spirit of the Commission's proposal which was itself tabled in response to concerns expressed by the Council and the European Parliament. The Commission believes that the common position reflects the concerns and incorporates many of the amendment of the Parliament. On the key issue of the nature of the targets, the common position offers an alternative to either purely mandatory or purely voluntary action. Every Member State will, for the first time, have to work towards a target for the expansion in the use of biofuels for transport. The common position also retains the ambitious targets endorsed by the Parliament for the growth of biofuels and ensures that Member States choosing to set targets below these 'reference values' will have to justify this decision against a fairly narrow set of criteria. Furthermore, the common position leaves open the possibility for the Commission to bring forwards future proposals for mandatory targets should the system envisaged be seen to be failing to achieve the overall objectives of the Directive. As regards the definition of biofuels, the Commission seeks to ensure that "other renewable fuels" use in the transport sector are not ignored by the proposal. The Commission appreciates that Parliament wishes to see biofuels introduced in a considered way, on the basis of clear evidence of their benefits. The Council shares this position and the common position incorporates or adapts a number of the specific amendments proposed by Parliament. In particular, the detailed and wide-ranging two-yearly reports proposed in the common position should provide reassurance to the Parliament. The common position also incorporates changes, reflecting the concerns of Parliament regarding the provision on information to consumers. Although the Commission, on the issue of the targets, notes that the common position has changed from mandatory to indicative, it believes that the common position has achieved a compromise between the need to take action at Community level and then need for Member States to have a degree of discretion in pursuing and achieving this shared objectives, under close monitoring by the Community.?

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The committee adopted the report by Maria del Pilar AYUSO GONZÁLEZ (EPP-ED, E) amending the Council's common position under the 2nd reading of the codecision procedure. MEPs wanted to strengthen the Commission's monitoring role and therefore stipulated that Member States should be required to report to it on the measures they had adopted to achieve their targets. The committee also adopted an amendment aimed at making it clear that Member States whose national targets differed from the reference values must justify these differences on two grounds: (a) the limited national potential for production of biofuels from biomass; and (b) the amount of national resources allocated to the production of biomass for energy uses other than transport. Following on from this, the committee added that information on those two points should be provided as early as possible, i.e. in the first report by the Member States following the directive's entry into force. MEPs also wished to give greater weight to the clause providing for the directive to be revised after 2007. They therefore sought to ensure that the Commission would have to put forward mandatory targets if the failure to meet the indicative targets could be ascribed to reasons that were unjustified and/or did not relate to new scientific evidence. The Council's text had simply spoken of "possible" mandatory targets in such cases. ?

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The European Parliament adopted a resolution drafted by Maria del Pilar AYUSO GONZALEZ (EPP-ED, Spain) and made some amendments to the common position: 1) Pure vegetable oil is included as a biofuel and a definition is inserted; 2) Member states must report to the Commission on: - the measures taken to promote the use of biofuels or other renewable fuels to replace diesel or petrol for transport purposes; - the national resources allocated to the production of biomass for energy uses other than transport.?

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The Commission accepts all 7 amendments proposed by the European Parliament, which are in line with the objectives of the Commission's original proposal or constitute an acceptable compromise. Concerning the amendments accepted by the Commission, these concern: - the addition of a new product, 'Pure Plant Oil' and an accompanying definition to the illustrative list of biofuels; - the addition of a statement to the effect that Member States could further promote the use of biofuels by public transport; - an addition concerning the need for biofuels to adhere to existing technical standards and for appropriate monitoring and development to take place to ensure that biofuels are not subject to unnecessary barriers to market entry. The amendment proposes that specific reference be made to the monitoring and adaptation of standards related to 'volatility aspects'; - an addition dealing with the potential benefits of biofuel production to the EU agricultural sector. This amendment notes that this applies to both the existing and future EU Member States. The Commission can accept this amendment that builds on the original proposal. - bringing Articles 3(4) and 3(5) into line with the revised title of the Directive by extending the reference to 'biofuels' to cover 'other renewable fuels'; - the amendment proposes two additional subjects to be covered by these reports: the measures taken by the

Member State to promote biofuels for transport; and the national resources allocated to the production of biomass for energy uses other than transport; - clarifying the list of factors that justify differentiated targets set by the Member States.?

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PURPOSE : to promote the use of biofuels or other renewable fuels to replace diesel or petrol for transport purposes in each Member State, with a view to contributing to objectives such as meeting climate change commitments, environmentally friendly security of supply and promoting renewable energy sources. **COMMUNITY MEASURE** : Directive 2003/30/EC of the European Parliament and of the Council on the promotion of the use of biofuels or other renewable fuels for transport. **CONTENT** : this Directive aims at promoting the use of biofuels or other renewable fuels to replace diesel or petrol for transport purposes in each Member State, with a view to contributing to objectives such as meeting climate change commitments, environmentally friendly security of supply and promoting renewable energy sources. Member States should ensure that a minimum proportion of biofuels and other renewable fuels is placed on their markets, and, to that effect, shall set national indicative targets. A reference value for these targets shall be 2 %, calculated on the basis of energy content, of all petrol and diesel for transport purposes placed on their markets by 31 December 2005. A reference value for these targets shall be 5,75 %, calculated on the basis of energy content, of all petrol and diesel for transport purposes placed on their markets by 31 December 2010. Member States shall report to the Commission, before 1 July each year, on: - the measures taken to promote the use of biofuels or other renewable fuels to replace diesel or petrol for transport purposes, - the national resources allocated to the production of biomass for energy uses other than transport, and - the total sales of transport fuel and the share of biofuels, pure or blended, and other renewable fuels placed on the market for the preceding year. Where appropriate, Member States shall report on any exceptional conditions in the supply of crude oil or oil products that have affected the marketing of biofuels and other renewable fuels. In their first report following the entry into force of this Directive, Member States shall indicate the level of their national indicative targets for the first phase. In the report covering the year 2006, Member States shall indicate their national indicative targets for the second phase. By 31 December 2006 at the latest, and every two years thereafter, the Commission shall draw up an evaluation report for the European Parliament and for the Council on the progress made in the use of biofuels and other renewable fuels in the Member States. **DATE OF TRANSPOSITION** : 31 December 2004. **ENTRY INTO FORCE** : 17 May 2003.?

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In accordance with the requirements of Directive 2001/77/EC and Directive 2003/30/EC, the Commission presents a staff working document which accompanies the [renewable energy progress report](#). It also provides further background material and detailed analysis of the economic aspects and environmental impacts of biofuels in transport, as required by Directive 2003/20/EC. The staff working document assesses Member State's progress towards 2010 targets for renewable electricity and renewable fuel use. It also briefly looks into developments in the heating and cooling sector. As the most recent available statistical data from Eurostat only cover the period up to 2008, it is not yet possible to determine whether Member States have met their 2010 targets based on Eurostat data. For this reason the Commission refers, where appropriate, to the National Renewable Energy Action Plans (NREAP) submitted by Member States in accordance with the Renewable Energy Directive 2009/28/EC.

Progress to date: since the [last progress report](#), the renewable energy sector experienced continued growth in the period 2006-2008, with the overall renewable energy share in the EU reaching 10.3% in 2008 (8.8% in 2006) and progress in all three final sectors (to shares of 16.6% in electricity, 11.9% in heating and cooling and 3.5% in transport). In the absence of Eurostat data for 2009 and 2010, it is not yet possible to determine whether the EU will reach its 2010 targets for renewable electricity and transport. Preliminary analysis of Member State's intentions stated in their NREAPs indicate that overall EU share for renewable energy use in electricity in 2010 could reach 19.4%, for transport ? 5% and for heating and cooling ? 12.5%.

- Electricity from renewable energy sources: since the last progress report, the share of green electricity in the EU has grown continuously reaching 15.8% in 2007 and 16.6% in 2008, compared to 15.1% in 2006. In spite of this solid growth, the Commission states that it remains likely that the EU will fail to reach its 2010 target of 21%.
- Renewable energy in the transport sector: in 2008 the EU share of renewable energy in transport was 3.5%, up from 2.6% in 2007. Preliminary data for 2009 indicate further growth in the sector, with the biofuels share reaching 4% of the total fuel consumption in transport.
- Renewable energy in heating and cooling: despite being the dominant sector in renewable energy's contribution to final energy (where heating and cooling represent 54%), the growth in renewables based heating and cooling has been less rapid than in the other two sectors. In 2008 the share of renewable heating and cooling was 11.9%, compared to 11.5% in 2007 and 10.3% in 2006.

Despite continued growth in the last two years the staff working document highlights that there is still limited convergence in Member States' performance in developing renewable energy sources. Indeed, most Member States have recognised in their NREAPs their expectation of failure to reach their 2010 renewable electricity targets. For renewable energy use in transport the trend is somewhat better, as many Member States note in their NREAPs their expectation to exceed the 2010 targets. This is however not the case for all Member States.

It has been acknowledged that the previous European regulatory framework for renewable energy was too weak, and the new framework is much stronger, indeed one of the strongest in the world. Member States have presented the Commission with their NREAPs outlining their national strategies and measures to reach the 2020 renewable energy targets, and these plans confirm the ambition to reach the EU target of 20% for renewable energy use by 2020. Turning this ambition into reality, however, will require the complete and correct implementation of the new Renewable Energy Directive.