









Procedure file

Basic information	
COD - Ordinary legislative procedure (ex-codecision procedure) Directive	Procedure completed 2012/0288(COD)
Fuels and energy from renewable sources: transition to biofuels to deliver greenhouse gas savings Amending Directive 98/70/EC 'Fuel Quality Directive' 1996/0163(COD) Amending Directive 2009/28/EC 'Renewable Energy Directive' 2008/0016(COD)	
Subject 3.60.02 Oil industry, motor fuels 3.60.05 Alternative and renewable energies 3.70.02 Atmospheric pollution, motor vehicle pollution 3.70.03 Climate policy, climate change, ozone layer 3.70.18 International and regional environment protection measures and agreements	

Key players			
European Parliament	Committee responsible	Rapporteur	Appointed
	ENVI Environment, Public Health and Food Safety	 TORVALDS Nils	17/07/2014
		Shadow rapporteur  FJELLNER Christoffer	
		 DANCE Seb	
		 GIRLING Julie	
		 EICKHOUT Bas	
		 PEDICINI Piernicola	
	Former committee responsible ENVI Environment, Public Health and Food Safety		21/11/2012
		ALDE LEPAGE Corinne	
	Former committee for opinion ITRE Industry, Research and Energy (Associated committee)		21/11/2012
		PPE VIDAL-QUADRAS Alejo	
	DEVE Development		16/01/2013
		PPE KACZMAREK Filip	
	INTA International Trade		26/11/2012
		S&D ANDRÉS BAREA Josefa	

	IMCO Internal Market and Consumer Protection	The committee decided not to give an opinion.	
	TRAN Transport and Tourism		
	REGI Regional Development		27/11/2012
		ALDE PAKARINEN Riikka	
	AGRI Agriculture and Rural Development		21/11/2012
		PPE GLATTFELDER Béla	
	Council of the European Union	Council configuration	Meeting
		Agriculture and Fisheries	3402
	Transport, Telecommunications and Energy	3355	13/07/2015
	Transport, Telecommunications and Energy	3321	09/12/2014
	Transport, Telecommunications and Energy	3282	13/06/2014
	Environment	3246	12/12/2013
	Transport, Telecommunications and Energy	3243	18/06/2013
	Environment	3233	06/06/2013
	Transport, Telecommunications and Energy	3224	21/03/2013
European Commission	Commission DG	Commissioner	22/02/2013
	Energy	ARIAS CAÑETE Miguel	
European Economic and Social Committee			
European Committee of the Regions			

Key events			
17/10/2012	Legislative proposal published	COM(2012)0595	Summary
19/11/2012	Committee referral announced in Parliament, 1st reading		
22/02/2013	Debate in Council	3224	Summary
14/03/2013	Referral to associated committees announced in Parliament		
21/03/2013	Debate in Council	3233	
06/06/2013	Debate in Council	3243	
18/06/2013	Debate in Council	3246	Summary
11/07/2013	Vote in committee, 1st reading		
29/07/2013	Committee report tabled for plenary, 1st reading	A7-0279/2013	
09/09/2013	Debate in Parliament		
11/09/2013	Results of vote in Parliament		
11/09/2013	Decision by Parliament, 1st reading	T7-0357/2013	Summary
12/12/2013	Debate in Council	3282	

10/12/2014	Council position published	10710/2/2014	Summary
15/01/2015	Committee referral announced in Parliament, 2nd reading		
24/02/2015	Vote in committee, 2nd reading		
24/02/2015	Committee decision to open interinstitutional negotiations at 2nd reading		
26/02/2015	Committee recommendation tabled for plenary, 2nd reading	A8-0025/2015	Summary
14/04/2015	Approval in committee of the text agreed at 2nd reading interinstitutional negotiations		
28/04/2015	Debate in Parliament		
28/04/2015	Decision by Parliament, 2nd reading	T8-0100/2015	Summary
13/07/2015	Act approved by Council, 2nd reading		
09/09/2015	Final act signed		
09/09/2015	End of procedure in Parliament		
15/09/2015	Final act published in Official Journal		

Technical information

Procedure reference	2012/0288(COD)
Procedure type	COD - Ordinary legislative procedure (ex-codecision procedure)
Procedure subtype	Legislation
Legislative instrument	Directive
	Amending Directive 98/70/EC 'Fuel Quality Directive' 1996/0163(COD) Amending Directive 2009/28/EC 'Renewable Energy Directive' 2008/0016(COD)
Legal basis	Treaty on the Functioning of the EU TFEU 114-p1
Other legal basis	Treaty on the Functioning of the EU TFEU 192-p1
Mandatory consultation of other institutions	European Economic and Social Committee European Committee of the Regions
Stage reached in procedure	Procedure completed
Committee dossier	ENVI/8/00583

Documentation gateway

Legislative proposal	COM(2012)0595	17/10/2012	EC	Summary
Document attached to the procedure	SWD(2012)0343	17/10/2012	EC	
Document attached to the procedure	SWD(2012)0344	17/10/2012	EC	
Economic and Social Committee: opinion, report	CES2305/2012	14/11/2012	ESC	
Committee draft report	PE508.236	15/04/2013	EP	

Economic and Social Committee: opinion, report		CES2363/2012	17/04/2013	ESC	
Amendments tabled in committee		PE513.032	31/05/2013	EP	
Amendments tabled in committee		PE513.033	03/06/2013	EP	
Amendments tabled in committee		PE513.034	03/06/2013	EP	
Amendments tabled in committee		PE513.035	03/06/2013	EP	
Committee opinion	TRAN	PE506.337	20/06/2013	EP	
Committee opinion	INTA	PE508.023	21/06/2013	EP	
Committee opinion	AGRI	PE508.068	21/06/2013	EP	
Committee opinion	REGI	PE508.069	21/06/2013	EP	
Committee opinion	DEVE	PE510.683	26/06/2013	EP	
Committee opinion	ITRE	PE508.012	04/07/2013	EP	
Committee report tabled for plenary, 1st reading/single reading		A7-0279/2013	29/07/2013	EP	Summary
Text adopted by Parliament, 1st reading/single reading		T7-0357/2013	11/09/2013	EP	Summary
Commission response to text adopted in plenary		SP(2013)774	06/12/2013	EC	
Council statement on its position		15884/2014	27/11/2014	CSL	
Council position		10710/2/2014	10/12/2014	CSL	Summary
Commission communication on Council's position		COM(2014)0748	16/12/2014	EC	Summary
Committee draft report		PE544.412	18/12/2014	EP	
Amendments tabled in committee		PE546.830	02/02/2015	EP	
Amendments tabled in committee		PE546.834	02/02/2015	EP	
Amendments tabled in committee		PE546.852	02/02/2015	EP	
Committee recommendation tabled for plenary, 2nd reading		A8-0025/2015	26/02/2015	EP	Summary
Text adopted by Parliament, 2nd reading		T8-0100/2015	28/04/2015	EP	Summary
Commission opinion on Parliament's position at 2nd reading		COM(2015)0310	16/06/2015	EC	Summary
Draft final act		00028/2015/LEX	09/09/2015	CSL	
Follow-up document		COM(2019)0225	09/04/2019	EC	Summary

Additional information

National parliaments	IPEX
European Commission	EUR-Lex

Final act

[Directive 2015/1513](#)

Fuels and energy from renewable sources: transition to biofuels to deliver greenhouse gas savings

PURPOSE: to start the transition to biofuels that deliver substantial greenhouse gas savings.

PROPOSED ACT: Directive of the European Parliament and of the Council.

BACKGROUND: Directive 2009/28/EC (the "Renewable Energy Directive") established mandatory targets of 20% overall share of renewable energy in the EU by 2020 and a 10% share for renewable energy in the transport sector. At the same time, an amendment to Directive 98/70/EC ("the Fuel Quality Directive") introduced a mandatory target of a 6% reduction by 2020 in the greenhouse gas intensity of fuels used in road transport and non-road mobile machinery.

The contribution of biofuels towards these targets is expected to be significant.

Whilst both Directives include sustainability criteria including minimum greenhouse gas saving thresholds, the greenhouse gas emissions associated with changes in the carbon stock of land resulting from indirect changes in land use (ILUC) are not subject to reporting requirements under the current legislation.

The Commission was invited to review the impact of indirect land-use change on greenhouse gas emissions and, if appropriate, propose ways to minimise it whilst respecting existing investments made in biofuels production.

The [Commission Communication of 2010](#) identified a number of uncertainties and limitations associated with the available numerical models used to quantify indirect land-use change, whilst acknowledging that indirect land-use change can reduce the greenhouse gas emissions savings associated with biofuels and bioliquids, and as such, recommended that this issue was to be addressed under a precautionary approach.

Scientific work indicates that emissions from indirect land-use change can vary substantially between feedstocks and can negate some or all of the greenhouse gas savings of individual biofuels relative to the fossil fuels they replace.

Accordingly, the Commission is proposing to amend the existing legislation with a view to limiting the contribution that conventional biofuels (with a risk of ILUC emissions) make towards attainment of the targets in the Renewable Energy Directive.

IMPACT ASSESSMENT: this Commission proposal is accompanied by an [impact assessment](#).

LEGAL BASIS: Article 192(1), in conjunction with Article 114 of the Treaty on the Functioning of the European Union.

CONTENT: in order to ensure an increased use of sustainable biofuels to meet the necessary targets, the Commission is proposing to amend the Renewable Energy Directive and the Fuel Quality Directive.

1. Introduction of limits on the contribution that conventional biofuels and bioliquids produced from food crops, such as those based on cereals and other starch rich crops, sugars and oil crops, to the Renewable Energy Directive targets to current consumption levels, without foreseeing any limits on their overall consumption.

The Commission is proposing to limit to the current level of consumption, i.e. 5%, the volume of biofuels and bioliquids produced from crops used for food and feed that can be included in the EUs 10% target for renewable energy target for 2020 for the transport sector, while maintaining the overall renewable energy and carbon intensity reduction targets.

2. An increase to 60% of the minimum greenhouse gas saving threshold for biofuels and bioliquids produced in new installations, with effect from 1st July 2014 in order to improve the EUs overall greenhouse gas balance, as well as discouraging further investments in installations with low greenhouse gas savings performance.

3. The introduction of the reporting of estimated emissions from carbon stock changes caused by indirect land-use change, based on the best available scientific evidence, for the purposes of the calculation of the life cycle greenhouse gas emission savings from biofuels and bioliquids, in the reports required to be provided by fuel suppliers and the Member States on greenhouse gas emission saving from the use of biofuels and bioliquids.

4. A strengthened incentive mechanism to further promote sustainable and advanced biofuels from feedstocks that do not create an additional demand for land.

5. The simplification of the calculation of greenhouse gas savings for European biofuel producers, levelling the playing field between EU producers and producers in third countries.

The proposal also seeks to protect existing investments until 2020. The Commission is of the view that, in the period after 2020, biofuels which do not lead to substantial greenhouse gas savings (when emissions from indirect land-use change are included) and are produced from crops used for food and feed should not be subsidised.

BUDGETARY IMPLICATIONS: the proposal has no budgetary implication for the Union budget.

DELEGATED ACTS: in order to permit adaptation to technical and scientific progress, the power to adopt acts in accordance with Article 290 of the Treaty on the Functioning of the European Union will be delegated to the Commission.

Fuels and energy from renewable sources: transition to biofuels to deliver greenhouse gas savings

The Council held a public orientation debate on the draft directive on indirect land-use change (ILUC) amending the fuel quality (98/70/EC) and renewable energy (2009/28/EC) directives. The proposed directive aims to promote a transition to biofuels that deliver substantial greenhouse gas savings.

Given the cross-cutting policy nature of the proposal, the Permanent Representatives Committee decided on 12 December 2012 to establish an Ad Hoc Working Party on ILUC to examine the proposal, as an effective way of ensuring coherence and consistency between the two Directives. When these Directives were adopted, the European Parliament and the Council called on the Commission to examine the negative impacts that land-use change could have on greenhouse gas emissions and to present, if appropriate, a legislative proposal.

Ministers were invited to answer two questions raised by the presidency:

- the first focussing on whether the draft directive adequately fulfils its objectives of addressing indirect land-use change emissions and encouraging the transition to advanced biofuels, and
- the second relating to its support for the achievement of the existing energy and climate change objectives in the EU.

The same questions will serve as a basis for the policy debate at the meeting of the Environment Council on 21 March.

The European Parliament committee vote is scheduled for July 2013.

Fuels and energy from renewable sources: transition to biofuels to deliver greenhouse gas savings

In a public session, the Council took note of a Presidency [progress report](#) on the proposed Directive on indirect land-use change (ILUC) amending the Fuel Quality (98/70/EC) and Renewable Energy (2009/28/EC) Directives. The proposed Directive aims to minimise the impact of indirect land-use change on greenhouse gas emissions and to promote a transition to biofuels that deliver substantial greenhouse gas savings.

The progress report outlines the main issues discussed under the Irish Presidency and how they are or could be addressed with a view to facilitating the development of a Council position.

The Member States generally support the aim of tackling the global occurrence of indirect land-use change resulting from the production of biofuels that compete with food and feed. At the same time, many delegations are concerned about a policy shift that could create uncertainty among investors, jeopardise existing investments and render the achievement of the existing EU renewables objectives more costly and challenging.

The report covers the main issues discussed in the working party, in particular:

- the 5% threshold for conventional biofuels;
- ILUC factors;
- treatment of new installations;
- the bonus for degraded land;
- fraud prevention;
- the review clause and
- delegated acts.

The same report was presented to the TTE (Energy) Council on 7 June.

Policy debates on this proposal were held by the TTE (Energy) Council on 22 February 2013 and the Environment Council on 21 March 2013. The Permanent Representatives Committee decided in December 2012 to set up an ad hoc working party on indirect land-use change to ensure that amendments to the two Directives would be made coherently and consistently.

Fuels and energy from renewable sources: transition to biofuels to deliver greenhouse gas savings

The European Parliament adopted by 552 votes to 126, with 21 abstentions, a legislative resolution on Committee on the proposal for a directive of the European Parliament and of the Council amending Directive 98/70/EC relating to the quality of petrol and diesel fuels and amending Directive 2009/28/EC on the promotion of the use of energy from renewable sources.

Parliament adopted its position at first reading according to the ordinary legislative which amended the Commissions proposal as follows:

Objectives of the Directive and the inclusion of the ILUC (indirect land-use change) factor: Parliament considers it necessary to take into account the impact of indirect land-use change (ILUC) on greenhouse gas emissions and to adopt appropriate measures to address that impact, while taking necessary measures to provide certainty for investment and to protect investments already made.

The Directive should have as its objectives: (i) ensuring a single market for fuel for the transport sector; (ii) ensuring that minimum levels of environmental protection are respected; and (iii) avoid adverse effects of the production and utilisation of biofuels on food security and on land use.

First generation biofuels: to prepare for the transition to advanced biofuels and to reduce to a minimum the global impact on ILUC in the period up to 2020, it is appropriate to limit volumes of biofuels and bioliquids obtained from food and energy crops that can be counted towards targets set out in Directive 2009/28/EC and Directive 98/70/EC.

According to Members, the share of biofuels and bioliquids derived from cereals and other starch rich crops, sugars and oil crops cultivated that can be counted towards the targets of Directive 2009/28/EC should be limited to 6% of the final consumption of energy in transport in 2020 (the Commission had initially proposed a limit of 5%).

The resolution highlights the following:

- each Member State shall ensure that the share of energy from renewable sources in petrol in 2020 is at least 7.5% of the final consumption of energy in petrol in that Member State;
- in 2016, at least 0.5% of the final consumption of energy in transport shall be met with energy from advanced biofuels;
- in 2020, at least 2.5% of the final consumption of energy in transport shall be met with energy from advanced biofuels.

Fuels: Member States should require suppliers to ensure the placing on the market of petrol with a maximum oxygen content of 2.7 % and a maximum ethanol content of 5 % until the end of 2018. Consumers should receive the appropriate information directly at the fuel filler pump. In this respect, the marking recommendations of EN228: 2012 should be followed at all fuel filling stations across the Union.

When the percentage of Fatty-acid methyl ester (FAME) blended in diesel exceeds 7% by volume, Member States shall ensure the provision of appropriate information concerning the FAME content to consumers directly at the fuel filler pump.

Verification of the compliance of the sustainability criteria: Parliament requests that by one year after the date on which this Directive enters into force, the Commission should make recommendations for additional measures that Member State may take to promote and encourage energy efficiency and energy saving in transport. The recommendations should include estimates of the quantity of energy that can be saved by implementing each of those measures.

In addition, Eurostat should gather and publish: (i) detailed trade related information on biofuels produced from food crops, such as those based on cereals and other starch rich crops, sugars and oil crops; (ii) employment information on the numbers, duration and salaries associated with direct, indirect and induced employment generated by the Union's biofuels industry.

The Union should endeavour to conclude bilateral or multilateral agreements with third countries containing mandatory commitments on provisions on sustainability criteria that correspond to those of this Directive.

Review: the Commission shall, before 31 December 2017, submit a report reviewing the effectiveness of the measures introduced by this Directive in limiting indirect land-use change greenhouse gas emissions associated with the production of biofuels and bioliquids.

Parliament calls for the report to include a review of the effectiveness of the incentives provided for biofuels from non-land using feedstocks and non-food crops. It should: (i) include an assessment of the availability of such biofuels and of their environmental, economic and social impacts; (ii) assess, inter alia, the impact of biofuel production on the availability of wood as a resource and on sectors using biomass.

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

Fuels and energy from renewable sources: transition to biofuels to deliver greenhouse gas savings

The Council's position takes into account the Commission's proposal and integrates a certain number of amendments proposed by Parliament in first reading.

Although the Council concurs with the Commission and the Parliament as regards the main objectives of the proposal, the Council's approach involved modifications to the Commission proposal, taking into account the need to reflect the current situation and uncertainties surrounding ILUC estimates and circumstances and perspectives for the production and consumption of biofuels, by redrafting it and deleting some provisions of the text.

Threshold for conventional biofuels and new installations:

- The Commission proposed to limit to 5 % the contribution of biofuels and bioliquids produced from cereals and other starch-rich crops, sugars and oil crops towards attainment of the targets of the Renewables Directive, without laying down any limits on their overall consumption. The Council's position sets the threshold at 7% (the Parliament also raised it to 6%).
- The Council also considers that a threshold should not limit Member States' flexibility by establishing that amounts of biofuels which exceed the threshold should be found to be non-sustainable and thus not have access to support in Member States. The Council thus cannot accept the European Parliament's amendment.
- The Council can in principle agree to the Commission's approach, which was also supported by Parliament, to bring forward the 60% minimum greenhouse gas saving threshold for biofuels/bioliquids produced in new installations (to the date of entry into force of the Directive, instead of the proposed fixed date of 1 July 2014).

ILUC estimates, reporting and review:

- The Council's text includes in the new Annexes proposed by the Commission ranges illustrating the degree of uncertainty surrounding modelling, assumptions and resulting ILUC estimates.
- The Council's position also includes strengthened review provisions, combined with a new definition of low-ILUC risk biofuels/bioliquids, as well as the consideration of certification schemes for low ILUC-risk biofuel and bioliquid production by way of project-level mitigation measures.
- The Council cannot accept the Parliament's amendment, which aims at including ILUC factors into the calculation of the lifecycle greenhouse gas emissions from biofuels from 2020 onwards in the Fuel Quality Directive.

Incentives for advanced biofuels: the Council's position contains a number of elements to promote advanced biofuels, while leaving flexibility for Member States according to their potential and national circumstances:

Member States are required to set national targets for advanced biofuels based on a reference value of 0.5 percentage points of the 10% target for renewable energy in transport of the Renewables Directive. They may set a lower target, based on three categories of reasons but they would have to justify any setting of a lower target than 0.5 percentage points and to report any reasons for a shortfall in achieving their national advanced biofuels target.

The Council broadly shares the Parliament's wish to strengthen the provisions minimising possible risks of fraud and accordingly accepts related provisions in Parliament's amendments.

Incentives for renewable electricity and energy efficiency measures:

- The Council's text raises the multiplication factors for the calculation of the contribution from electricity from renewable sources consumed by electrified rail transport and electric road vehicles so as to enhance their deployment and market penetration.
- The Council does not consider that measures on greater energy efficiency in general should be part of a Directive amending the Renewables Directive.

Compliance with sustainability criteria: voluntary schemes and mutual recognition:

- The Council's text invites the Commission to submit a proposal for amending the provisions of the Fuel Quality and Renewables Directives relating to voluntary schemes if appropriate, with a view to promoting best practice.
- With regard to mutual recognition of voluntary schemes and national schemes for compliance with the sustainability criteria for biofuels/biofuels, the Council finds that the conditions under which the mutual recognition principle applies as between all schemes should be clarified in order to facilitate the smooth functioning of the internal market.

Amongst those amendments not included in the Council's position are the following:

- an obligation for fuel suppliers to ensure the placing on the market of petrol with specific maximum oxygen and ethanol content ;
- an obligation on Member States to ensure a specific share of energy from renewable sources in petrol and concerning the percentage of FAME blended in diesel ;
- suppliers of biofuels for use in aviation;
- third parties' legal rights and free prior and informed consent regarding use and tenure of land used for the production of biofuels;
- a Commission report on the impact on social sustainability of increased demand for biofuel, the impact of biofuel production on availability of vegetable protein, and foodstuffs at affordable prices;
- the conclusion and content of bilateral or multilateral agreements with third countries on biofuels sustainability.

Fuels and energy from renewable sources: transition to biofuels to deliver greenhouse gas savings

The Commission regrets that, with regards to its original proposal, the Council position at first reading has significantly lowered the level of environmental ambition and contains no significant incentives for the transition towards advanced biofuels and other low-ILUC (or non-ILUC) options for using renewable energy in transport.

The elements in the Council text which jointly lead to a significantly lower level of environmental ambition are:

- increasing the cap for conventional biofuels to 7%;
- new multipliers for renewable electricity in rail;
- reduced incentives for using advanced (low-ILUC) biofuels;
- weakening the ILUC reporting requirements.

The Commission also regrets, and strongly objects to, modifications introduced by the Council which reduce the level of environmental ambition of the overall renewable energy target set by the [Renewable Energy Directive](#).

Furthermore, the Council text removes a series of delegated acts, and converts others into implementing acts, which is of serious concern for the Commission.

The Commission also wishes to retain, totally or partially, certain elements forming part of the Parliament's position in first reading, with particular reference to the following:

- capping/limiting the use of conventional biofuels under the Fuel Quality Directive ;
- extending the scope of the cap to energy crops ;
- introducing a binding sub target for advanced biofuels of 0.5% in 2016 and 2.5% in 2020 ;
- amendments to the contribution that different biofuels make to the transport sub target.

The Commission recalls that the 5% cap on the contribution of conventional biofuels towards the Renewable Energy Directive targets is the central element of the Commission proposal. It states that the 7% cap as proposed by the Council does not sufficiently limit ILUC nor does it create enough incentives for low-ILUC options in transport.

The Commission could support a 7% cap, if the text is strengthened on the following elements:

- changing the scope of the cap in accordance with the European Parliament amendments already accepted by the Commission so as to include all land-using biofuels and extending the cap also to the Fuel Quality Directive ;
- providing clarity on the political message of a transition to advanced biofuels (by bringing back the recital on post-2020 and adding a mandatory sub-target of 0.5% for advanced biofuels so as to at least cover and protect existing investments) ;
- re-instate certain delegations of power or secure transitional clauses for these provisions ;
- delete the multiplier for renewable electricity in rail ; and
- delete double counting for the overall Renewable Energy Directive target.

However, in order to allow the legislative process to move forward, the Commission will not oppose the Council's position at first reading.

Fuels and energy from renewable sources: transition to biofuels to deliver greenhouse gas savings

The Committee on Environment, Public Health and Food Safety adopted the recommendation for second reading, contained in the report by Nils TORVALDS (ADLE, FI), on the Council position at first reading with a view to the adoption of a directive of the European Parliament and of the Council amending Directive 98/70/EC relating to the quality of petrol and diesel fuels and amending Directive 2009/28/EC on the promotion of the use of energy from renewable sources.

The parliamentary committee recommended that Parliament amend the Council's first reading position. The key amendments relate to the following questions:

Capping of conventional biofuels: [directive 2009/28/EC](#) on the promotion of the use of energy from renewable sources establishes a mandatory target to achieve by 2020 a 10% share for renewable energy in the transport sector.

According to the Members, the share of energy from biofuels produced from cereal and other starch-rich crops, sugars and oil crops and other energy crops grown on land should be no more than 6% of the final consumption of energy in transport in the Member States in 2020 (as opposed to 7% in the Council position), thereby directly contributing to the achievement of the objectives of Directives 2009/28/EC et 98/70/EC.

In addition, advanced biofuels, produced from algae or certain types of waste, should represent at least 1.25% of energy consumption in the transport sector by 2020. The objective proposed by the Council is only non-binding and is based on a lower reference level (0.5%).

By 2020, the share of energy from renewable sources in petrol should be at least equal to 6.5% of the final petrol consumption in each Member State.

Supplementary measures: Members demanded that by one year after the date of entry into force of the Directive, the Commission should make recommendations for additional measures that Member States may take to promote and encourage energy efficiency and energy saving in transport.

In order to achieve the objective set by Directive 2009/28/EC, Member States should reduce overall energy consumption in the transport sector so as to increase energy efficiency in that sector by at least 12% with respect to their current projections for overall energy consumption in the transport sector by 2020.

Sustainability criteria for biofuels and bioliquids: Members suggested that the Commission should assess the possibility of setting out criteria for the identification and certification of biofuels and bioliquids that are produced within schemes which reduce the displacement of production for purposes other than making biofuels and bioliquids, and in accordance with the appropriate sustainability criteria.

Indirect land-use change (ILUC) factors: Members called for account to be taken of the consequences of indirect change in the allocation of soils (CASI) for greenhouse gas emissions and to adopt appropriate measures to remedy these consequences. Nevertheless, a thorough review of the methodology for estimating land-use change emission factors in the light of adaptation to technical and scientific progress is needed.

Members also deleted the new concept of low-ILUC risk biofuels introduced in the Council position.

Drawing up a post-2020 policy: Members demanded that the Commission should undertake a review of the Union's biofuels legislation, considering different policy options and the cost-effectiveness of the current policy of subsidies versus the promotion of investment in research in innovative renewable fuels.

That review should include an analysis of the role of sustainable biofuels, also in a post-2020 context, with regard to, inter alia, the availability of feedstocks, indirect land-use change, air quality including the impact on human health, and energy dependency.

Fuels and energy from renewable sources: transition to biofuels to deliver greenhouse gas savings

The European Parliament adopted a legislative resolution on the Council position at first reading with a view to the adoption of a directive of the European Parliament and of the Council amending Directive 98/70/EC relating to the quality of petrol and diesel fuels and amending Directive 2009/28/EC on the promotion of the use of energy from renewable sources.

The European Parliament's position at second reading amended the Council position as follows:

Ceiling of conventional biofuels: [Directive 2009/28/EC](#) on the promotion of the use of energy from renewable energy sources stipulates that each Member State is to ensure that the share of energy from renewable sources in all forms of transport in 2020 is at least 10 % of the final consumption of energy in transport in that Member State.

Parliament stated that the share of energy from biofuels produced from cereal and other starch-rich crops, sugars and oil crops and from other crops grown as main crops primarily for energy purposes on agricultural land shall be no more than 7% of the final consumption of energy in transport in the Member States in 2020.

Member States may decide that the share of energy from biofuels produced from crops grown primarily for energy purposes on agricultural land other than cereal and other starch-rich crops, sugars and oil crops, grown as main crops, does not count towards the limit set out above, under certain conditions.

Advanced biofuels: the amended text stressed that it would be desirable to reach a significantly higher level of advanced biofuels compared to the current trajectories consumed within the Union already in 2020. By 18 months, at the latest, after the entry into force of the Directive, each

Member State shall set a national target for advanced biofuels (such as those made from wastes and algae), which it shall endeavour to achieve. A reference value for this target is 0.5 percentage points in energy content of the share of energy from renewable sources in all forms of transport in 2020.

Member States may set a national target lower than the reference value of 0.5 percentage points, based on the grounds laid down in the Directive. Member States shall provide available information on the quantities of biofuels consumed from feedstocks and other fuels, at the point of setting their national targets.

Additional measures: the amended text stressed the need to consider further measures to encourage energy efficiency and energy savings in the transport sector.

Indirect land-use changes: the Commission should report on the effectiveness of the measures introduced by this Directive in limiting indirect land-use change greenhouse gas emissions associated with the production of biofuel and bioliquids as well as on possibilities for introducing adjusted estimated indirect land-use change emissions factors into the appropriate sustainability criteria.

Review: the Commission shall at the latest by 31 December 2016, submit a report including an assessment of the availability of the necessary quantities of cost-efficient biofuels on the Union market from non-land using feedstocks and non-food crops by 2020 and of their environmental, economic and social impacts.

The Commission shall, by 31 December 2017, submit a report on:

- the effectiveness of the incentives provided for biofuels from non-land using feedstocks and non-food crops under Directive 2009/28/EC;
- the impact of increased demand for biomass on biomass using sectors;
- the possibility of setting out criteria for the identification and certification of low indirect land-use change-risk biofuels and bioliquids;
- potential economic and environmental benefits and risks of increased production and use of dedicated non-food energy crops, by using also the data of existing projects;
- the relative share of bioethanol and biodiesel on the Union market and the share of energy from renewable sources in petrol.

The report shall, if appropriate, be accompanied by legislative proposals, based on the best available scientific evidence, for:

- introducing adjusted estimated indirect land-use change emissions factors into the appropriate sustainability criteria of Directive 2009/28/EC;
- promoting sustainable biofuels after 2020 in a technology-neutral manner, in the context of the Horizon 2030 framework for climate and energy policies.

Fuels and energy from renewable sources: transition to biofuels to deliver greenhouse gas savings

The Commission delivered its opinion on the European Parliament's amendments to the Council's position at first reading regarding the proposal for a Directive of the European Parliament and of the Council amending Directive 98/70/EC relating to the quality of petrol and diesel fuels and amending Directive 2009/28/EC on the promotion of the use of energy from renewable sources.

The Commission accepted all the amendments adopted by the European Parliament which are the result of inter-institutional contacts with a view to reaching an agreement at second reading.

The aim of the proposal is to start the transition to biofuels that deliver substantial greenhouse gas savings when also estimated indirect land-use change (ILUC) emissions are reported.

It seeks to:

- limit the contribution that conventional biofuels (with a risk of ILUC emissions) make towards attainment of the targets in the Renewable Energy Directive;
- improve the greenhouse gas performance of biofuel production processes (reducing associated emissions) by raising the greenhouse gas saving threshold for new installations subject to protecting installations already in operation on 1st July 2014;
- encourage a greater market penetration of advanced (low-ILUC) biofuels by allowing such fuels to contribute more to the targets in the Renewable Energy Directive than conventional biofuels;
- improve the reporting of greenhouse gas emissions by obliging Member States and fuel suppliers to report the estimated indirect land-use change emissions of biofuels.

Fuels and energy from renewable sources: transition to biofuels to deliver greenhouse gas savings

PURPOSE: to ensure a single market for fuel for road transport and non-road mobile machinery and ensure respect for minimum levels of environmental protection in the use of that fuel. **LEGISLATIVE ACT:** Directive (EU) 2015/1513 of the European Parliament and of the Council amending Directive 98/70/EC relating to the quality of petrol and diesel fuels and amending Directive 2009/28/EC on the promotion of the use of energy from renewable sources.

CONTENT: the new Directive amends:

- the [Fuel Quality Directive](#) (98/70/EC) introduced a mandatory target for a 6% reduction in the greenhouse gas emissions of fuels used in road transport to be achieved by 2020;
- the [Renewable Energy Directive](#) (2009/28/EC) established mandatory targets for a 20% overall share of renewable energy in the EU and a 10% share for renewable energy in the transport sector also by 2020.

The aim of the new Directive is to start the transition from conventional biofuels to biofuels that deliver substantial greenhouse gas savings ("advanced/second generation biofuels). It also establishes a clear legislative framework for the production of biofuels, while protecting existing investments in the sector. The main elements of the new Directive are:

Capping conventional biofuels: the Directive seeks to limit the contribution that conventional biofuels (with a risk of ILUC emissions) make towards attainment of the targets in Directive 2009/28/EC so as to address the impact of indirect land-use change given that current biofuels are mainly produced from crops grown on existing agricultural land.

It is also provided that the calculation of biofuels in the numerator, the share of energy from biofuels produced from cereal and other starch-rich crops, sugars and oil crops and from crops grown as main crops primarily for energy purposes on agricultural land shall be no more than 7 % of the final consumption of energy in transport in the Member States in 2020.

Promoting advanced biofuels: each Member State shall seek to achieve the objective of there being a minimum level of consumption on their territory of biofuels produced from feedstocks and of other fuels. To that effect, by 6 April 2017, each Member State shall set a national target, which it shall endeavour to achieve.

A reference value for this target is 0.5 percentage points of the 10% target for renewable energy in transport.

Member States may set a national target lower than the reference value of 0.5 percentage points, based on particular grounds. Member States shall also report to the Commission on the levels of consumption on their territory of advanced biofuels when setting their national targets and on their achievements towards such national targets in 2020, a synthesis report of which should be published, in order to assess the effectiveness of the measures introduced by this Directive in reducing the risk of indirect land-use change greenhouse gas emissions through the promotion of advanced biofuels.

Fuel suppliers shall report annually to the authority designated by the Member State, on the biofuel production pathways, volumes of biofuels derived from the feedstocks and the life cycle greenhouse gas emissions per unit of energy.

Review: the Commission shall at the latest by 31 December 2016, submit a report including an assessment of the availability of the necessary quantities of cost-efficient biofuels on the Union market from non-land using feedstocks and non-food crops by 2020 and of their environmental, economic and social impacts.

The Commission shall, by 31 December 2017, submit a report reviewing the effectiveness of the measures introduced by this Directive, based on the best and latest available scientific evidence, in limiting the impact of indirect land-use change greenhouse gas emissions and addressing ways to further minimise that impact.

ENTRY INTO FORCE: 5.10.2015.

TRANSPOSITION: 10.9.2017.

DELEGATED ACTS: in order to permit adaptation to the technical and scientific progress of Directive 98/70/EC and Directive 2009/28/EC, the power to adopt acts should be delegated to the Commission. The power to adopt delegated acts shall be conferred on the Commission for a period of five years (may be tacitly extended) from 5 October 2015. The European Parliament or the Council may object to a delegated act within two months from the date of notification (this period may be extended by two months). If the European Parliament or the Council objects to the delegated act, it shall not enter into force.