



Council of the  
European Union

Brussels, 9 December 2022  
(OR. en)

15773/22

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**Interinstitutional File:  
2021/0218(COD)**

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**LIMITE**

**ENER 676  
CLIMA 661  
CONSOM 334  
TRANS 783  
AGRI 706  
IND 549  
ENV 1281  
COMPET 1015  
FORETS 135  
CODEC 1974**

**NOTE**

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From: General Secretariat of the Council  
To: Permanent Representatives Committee

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Subject: Proposal for a DIRECTIVE OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL amending Directive (EU) 2018/2001 of the European Parliament and of the Council, Regulation (EU) 2018/1999 of the European Parliament and of the Council and Directive 98/70/EC of the European Parliament and of the Council as regards the promotion of energy from renewable sources, and repealing Council Directive (EU) 2015/652

- Preparation for the trilogue

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1. On 6 October 2022, the first informal trilogue concerning the revision of the Renewable Energy Directive (REDII) was held in Strasbourg. All institutions concurred that this legislative initiative represents a key element of the EU Green Deal framework and of the ongoing efforts to diversify the EU's energy mix in the current geopolitical context.
2. On 15 November 2022, a second informal trilogue was held in Brussels. Such trilogue allowed co-legislators to make substantial progress in the negotiations. The CZ Presidency managed to find constructive and balanced compromises on the several provisions including those concerning RES in building, in heating and cooling and district heating and cooling (Articles 15a, 23 and 24). Co-legislators agreed to continue the work at technical level in view of a third trilogue in December.

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3. At the Energy Working Party meeting of 8 December 2022, the delegations were invited to indicate their positions and flexibilities on the Presidency's assessment and compromise suggestions drawn up on the basis of continued exchanges with the European Parliament and the European Commission and contained in document WK 17075/2022.
4. In view of preparing for the third informal trilogue of 15 December 2022, the basis for the discussion will be the four-column table contained in the Annex to this note. Against this background, the Presidency's proposes to:
- accept or partially accept European Parliament's amendments or Commission's text which are aligned or not incompatible with the Council general approach, namely lines: 83; 84; 140, 140a, 140b, 141, 142, 143, 143a, 143b, 143c, 143d, 144, 144a, 144b, 144c, 144d, 144e, 144f, 144g, 144h, 144i, 144j, 144k, 144l, 144m, 144n, 144o, 145, 146, 146a, 146b, 146c, 146d, 146e, 146f, 146g, 146h, 362, 363, 364, 365;
  - put forward compromise suggestions and try to achieve a preliminary agreement in accordance with the flexibilities illustrated in the documents WK 17075/ 2022 and WK 14888/2022 as regards: Article 7 (Calculation of the share of energy from renewable sources); Article 22a (Mainstreaming renewable energy in industry) and Article 31a (Union database);
  - hold a preliminary exchange of views as regards provisions related to bioenergy (Article 2, (related definitions), Article 3(3), Article 29, Article 33 and Article 30);
  - take stock, in an AOB point, on the preparation, by the Commission, of the delegated act on RFNBO criteria (Art 27.3);
  - maintain the Council general approach on all other provisions not addressed in this Annex or in documents WK 14888/2022 and WK 17075/ 2022.

#### FOURTH COLUMN *explanations*

The **fourth column** contains Presidency compromise suggestions.

In that column, ***bold italics*** text indicates new text as it was proposed either by the EP or the Council.

Text in ~~*strikethrough italics*~~ indicates compromise text that is proposed to be deleted.

Where paragraphs are put in [square brackets], these indicate wordings where further discussion is necessary.

Columns marked in **green** indicate provisions where the Presidency proposes to accept the text, including possible amendments, or parts thereof, proposed by the EP.

Columns marked in **yellow** or **red**, indicate provisions addressed with the EP where the Presidency sees further exchanges as needed, including, where appropriate, at political level.

Columns marked in white indicate provisions where discussion has started and technical dialogue is still ongoing.

**Proposal for a DIRECTIVE OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL amending Directive (EU) 2018/2001 of the European Parliament and of the Council, Regulation (EU) 2018/1999 of the European Parliament and of the Council and Directive 98/70/EC of the European Parliament and of the Council as regards the promotion of energy from renewable sources, and repealing Council Directive (EU) 2015/652**  
**2021/0218(COD)**  
**Non-versioned [LATEST TEXT]**  
**09-12-2022 at 16h24**

|    | Commission Proposal  | EP Mandate | Council Mandate  | Draft Agreement |
|----|--|------------|--|-----------------|
|    | Article 1, first paragraph, point (1)(c), amending provision, first paragraph  |            |  |                 |
| 67 | (1a) ‘quality roundwood’ means roundwood felled or otherwise harvested and removed, whose characteristics, such as species, dimensions, rectitude, and node density, make it suitable for industrial use, as defined and duly justified by Member States according to the relevant forest conditions. This does not include pre-commercial thinning operations or trees extracted from forests affected by fires, pests, diseases or damage due to abiotic factors ; |            | (1a) ‘quality roundwood’ means roundwood felled or otherwise harvested and removed, whose characteristics, such as species, dimensions, rectitude, and node density, make it suitable for industrial use, as defined and duly justified by Member States according to the relevant forest conditions. This does not include pre-commercial thinning operations or trees extracted from forests affected by fires, pests, diseases or damage due to abiotic factors ; |                 |
|    | Article 1, first paragraph, point (1)(c), amending provision, seventeenth paragraph  |            |  |                 |

|  | Commission Proposal   | EP Mandate                           | Council Mandate   | Draft Agreement  |
|--|---|--------------------------------------|---|--|
| G  | <p>83</p> <p>(18a) ‘industry’ means companies and products that fall sections B, C, F and J, division (63) of the statistical classification of economic activities (NACE REV.2) <sup>1</sup>;</p> <p>1. Regulation (EC) No 1893/2006 of the European Parliament and of the Council of 20 December 2006 establishing the statistical classification of economic activities NACE Revision 2 and amending Council Regulation (EEC) No 3037/90 as well as certain EC Regulations on specific statistical domains (OJ L 393, 30.12.2006, p. 1).’;</p> |                                      | <p>(18a) ‘industry’ means companies and products that fall <b>under</b> sections B, C, <b>and</b> F and <b>under section 'J</b>, division (63) of the statistical classification of economic activities (NACE REV.2) <sup>1</sup>;</p> <p>1. Regulation (EC) No 1893/2006 of the European Parliament and of the Council of 20 December 2006 establishing the statistical classification of economic activities NACE Revision 2 and amending Council Regulation (EEC) No 3037/90 as well as certain EC Regulations on specific statistical domains (OJ L 393, 30.12.2006, p. 1).’;</p> | <p>(18a) ‘industry’ means companies and products that fall <u>under</u> sections B, C, <u>and</u> F and <u>under section 'J</u>, division (63) of the statistical classification of economic activities (NACE REV.2) <sup>1</sup>;</p> <p>1. Regulation (EC) No 1893/2006 of the European Parliament and of the Council of 20 December 2006 establishing the statistical classification of economic activities NACE Revision 2 and amending Council Regulation (EEC) No 3037/90 as well as certain EC Regulations on specific statistical domains (OJ L 393, 30.12.2006, p. 1).’;</p> <p><u>Text Origin: Council Mandate</u></p> |
| Article 1, first paragraph, point (1)(c), amending provision, eighteenth paragraph   |   |                                      |   |  |
| G  | <p>84</p> <p>(18b) ‘non-energy purpose’ means the use of fuels as raw materials in an industrial process, instead of being used to produce energy;</p>  |                                      | <p>(18b) ‘non-energy purpose’ means the use of fuels as raw materials in an industrial process, instead of being used to produce energy;</p>  | <p>(18b) ‘non-energy purpose’ means the use of fuels as raw materials in an industrial process, instead of being used to produce energy;</p> <p><u>Text Origin: Council Mandate</u></p>  |
| Article 1, first paragraph, point (1)(c), amending provision, nineteenth paragraph d |   |                                      |   |  |
| Y  | 85d   | <u>(22e) ‘primary woody biomass’</u> |   |  |

|   | Commission Proposal | EP Mandate   | Council Mandate | Draft Agreement |
|---|---------------------|--|-----------------|-----------------|
|   |                     | <p><u>means all roundwood felled or otherwise harvested and removed. It comprises all wood obtained from removals, i.e., the quantities removed from forests, including wood recovered due to natural mortality and from felling and logging. It includes all wood removed with or without bark, including wood removed in its round form, or split, roughly squared or in other form, e.g., branches, roots, stumps and burls (where these are harvested) and wood that is roughly shaped or pointed. This does not include woody biomass obtained from sustainable wildfire prevention measures in high-risk fire prone areas, woody biomass obtained from road safety measures, and woody biomass extracted from forests affected by natural disasters, active pests or diseases to prevent their spread, whilst minimising wood extraction and protecting biodiversity, resulting in more diverse and resilient forests, and shall be based on guidelines from the Commission.</u></p> |                 |                 |
| Article 1, first paragraph, point (1)(c), amending provision, twentieth paragraph |                     |  |                 |                 |
| 86  |                     |  |                 |                 |

|  | Commission Proposal  | EP Mandate  | Council Mandate  | Draft Agreement |
|--|--|---|--|-----------------|
|  | (44a) ‘plantation forest’ means a planted forest that is intensively managed and meets, at planting and stand maturity, all the following criteria: one or two species, even age class, and regular spacing. It includes short rotation plantations for wood, fibre and energy, and excludes forests planted for protection or ecosystem restoration, as well as forests established through planting or seeding which at stand maturity resemble or will resemble naturally regenerating forests; |   | (44a) ‘plantation forest’ means a planted forest that is intensively managed and meets, at planting and stand maturity, all the following criteria: one or two species, even age class, and regular spacing. It includes short rotation plantations for wood, fibre and energy, and excludes forests planted for protection or ecosystem restoration, as well as forests established through planting or seeding which at stand maturity resemble or will resemble naturally regenerating forests; |                 |
| Article 1, first paragraph, point (1)(c), amending provision, twenty-first paragraph |  |   |  |                 |
| 87   | (44b) ‘planted forest’ means forest predominantly composed of trees established through planting and/or deliberate seeding provided that the planted or seeded trees are expected to constitute more than fifty percent of the growing stock at maturity; it includes coppice from trees that were originally planted or seeded;;  | (44b) ‘planted forest’ means forest predominantly composed of trees established through planting and/or deliberate seeding provided that the planted or seeded trees are expected to constitute more than fifty percent of the growing stock at maturity; it includes coppice from trees that were originally planted or seeded;÷ | (44b) ‘planted forest’ means forest predominantly composed of trees established through planting and/or deliberate seeding provided that the planted or seeded trees are expected to constitute more than fifty percent of the growing stock at maturity; it includes coppice from trees that were originally planted or seeded;’;   |                 |
| Article 1, first paragraph, point (2), introductory part                             |  |   |  |                 |
| 88   |  |   |  |                 |

|   | Commission Proposal  | EP Mandate  | Council Mandate   | Draft Agreement   |
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|   | (2) Article 3 is amended as follows:   |   | (2) Article 3 is amended as follows:  | (2) Article 3 is amended as follows:<br><br>Text Origin: Commission Proposal          |
| Article 1, first paragraph, point (2)(b), introductory part   |  |   |   |   |
| 91  | (b) paragraph 3 is replaced by the following:  |   | (b) paragraph 3 is replaced by the following:   | (b) paragraph 3 is replaced by the following:<br><br>Text Origin: Commission Proposal |
| Article 1, first paragraph, point (2)(b), amending provision, numbered paragraph (3), introductory part |  |   |   |   |
| 92  | 3. Member States shall take measures to ensure that energy from biomass is produced in a way that minimises undue distortive effects on the biomass raw material market and harmful impacts on biodiversity. To that end , they shall take into account the waste hierarchy as set out in Article 4 of Directive 2008/98/EC and the cascading principle referred to in the third subparagraph. | 3. Member States shall take measures to ensure that energy from biomass is produced in a way that minimises undue distortive effects on the biomass raw material market and harmful impacts on biodiversity, <u>the environment and the climate</u> . To that end , they shall take into account the waste hierarchy as set out in Article 4 of Directive 2008/98/EC and the cascading principle referred to in the third subparagraph. | 3. Member States shall take measures to ensure that energy from biomass is produced in a way that minimises undue distortive effects on the biomass raw material market and harmful impacts on biodiversity. To that end-, they shall take into account the waste hierarchy as set out in Article 4 of Directive 2008/98/EC and the cascading principle referred to in the <del>third</del> <b>fourth</b> subparagraph. |   |
| Article 1, first paragraph, point (2)(b), amending provision, numbered paragraph                        |  |   |   |   |

|   | Commission Proposal   | EP Mandate  | Council Mandate   | Draft Agreement  |
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|   | (3), first paragraph, introductory part   |   |   |  |
| G | 93<br>As part of the measures referred to in the first subparagraph:  |   | As part of the measures referred to in the first subparagraph:  | As part of the measures referred to in the first subparagraph:<br><br>Text Origin: Commission Proposal |
|   | Article 1, first paragraph, point (2)(b), amending provision, numbered paragraph (3), first paragraph(a), introductory part   |   |   |  |
| G | 94<br>(a) Member States shall grant no support for:   |   | (a) Member States shall grant no support for:   |  |
|   | Article 1, first paragraph, point (2)(b), amending provision, numbered paragraph (3), first paragraph(a)(i)   |   |   |  |
| G | 95<br>(i) the use of saw logs, veneer logs, stumps and roots to produce energy.   |   | (i) the use of saw logs, veneer logs, stumps and roots to produce energy.   |  |
|   | Article 1, first paragraph, point (2)(b), amending provision, numbered paragraph (3), first paragraph(a)(ii)  |   |   |  |
| Y | 96<br>(ii) the production of renewable energy produced from the incineration of waste if the separate collection obligations laid down in Directive 2008/98/EC have not | (ii) the production of renewable energy produced from the incineration of waste if the separate collection obligations laid down in Directive | (ii) the production of renewable energy produced from the incineration of waste if the separate collection obligations laid down in Directive 2008/98/EC have not |  |

|   | Commission Proposal  | EP Mandate   | Council Mandate  | Draft Agreement |
|---|--|--|--|-----------------|
|   | been complied with.  | 2008/98/EC have not been complied with.  | been complied with.  |                 |
| Article 1, first paragraph, point (2)(b), amending provision, numbered paragraph (3), first paragraph(a)(iii)               |  |  |  |                 |
| 97  | (iii) practices which are not in line with the delegated act referred to in the third subparagraph.  | (iii) practices which are not in line with the <del>delegated</del> <b>implementing</b> act referred to in the third subparagraph.   | (iii) practices which are not in line with the <del>delegated act</del> <b>provisions</b> referred to in the <del>third</del> <b>fourth</b> subparagraph.  |                 |
| Article 1, first paragraph, point (2)(b), amending provision, numbered paragraph (3), first paragraph(b), introductory part |  |  |  |                 |
| 98  | (b) From 31 December 2026, and without prejudice to the obligations in the first sub-paragraph, Member States shall grant no support to the production of electricity from forest biomass in electricity-only-installations, unless such electricity meets at least one of the following conditions: | (b) From 31 December 2026, and without prejudice to the <b>provisions set out in Article 6 and to the</b> obligations in the first sub-paragraph, Member States shall grant no support to the production of electricity from forest biomass in electricity-only-installations, unless such electricity meets at least one of the following conditions: | (b) From <del>31 December 2026</del> <b>twelve months after entry into force of this amending Directive</b> , and without prejudice to the obligations in the first sub-paragraph, Member States shall grant no <b>new support, nor renew any support</b> , to the production of electricity from forest biomass in electricity-only-installations, unless such electricity <del>meets at least one of the following conditions:</del> |                 |
| Article 1, first paragraph, point (2)(b), amending provision, numbered paragraph (3), first paragraph(b)(i)                 |  |  |  |                 |
| 99  | (i) it is produced in a region   | (i) it is produced in a region   | ( <del>i</del> ) <del>it</del> is produced in a region   |                 |

|   | Commission Proposal  | EP Mandate  | Council Mandate   | Draft Agreement |
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|   | identified in a territorial just transition plan approved by the European Commission, in accordance with Regulation (EU) 2021/... of the European Parliament and the Council establishing the Just Transition Fund due to its reliance on solid fossil fuels, and meets the relevant requirements set in Article 29(11); | identified in a territorial just transition plan approved by the <del>European</del> Commission, in accordance with Regulation (EU) 2021/... of the European Parliament and the Council establishing the Just Transition Fund due to its reliance on solid fossil fuels, <del>and</del> meets the relevant requirements set in Article 29, <u>point (11); <del>(11)</del></u> ; | identified in a territorial just transition plan approved by the European Commission, in accordance with Regulation (EU) 2021/... of the European Parliament and the Council establishing the Just Transition Fund due to its reliance on solid fossil fuels, <del>and</del> meets the relevant requirements set in Article 29(11); <b>of this Directive.</b> |                 |
| Article 1, first paragraph, point (2)(b), amending provision, numbered paragraph (3), first paragraph(b)(ii)  |  |   |   |                 |
| 100   | (ii) it is produced applying Biomass CO <sub>2</sub> Capture and Storage and meets the requirements set in Article 29(11), second subparagraph.  | (ii) it is produced applying Biomass CO <sub>2</sub> Capture and Storage and meets the requirements set in Article 29 <u>point</u> (11), second subparagraph.   | <i>deleted</i>  |                 |
| Article 1, first paragraph, point (2)(b), amending provision, numbered paragraph (3), first paragraph(b)(iia) |  |   |   |                 |
| 100a  |  | <u><i>(iia) it is produced by plants that are already in operation on ... [the date of entry into force of this amending Directive], for which modifications in the direction of cogeneration are not possible due to the absence of the infrastructure and demand</i></u>  |   |                 |

|   | Commission Proposal   | EP Mandate   | Council Mandate  | Draft Agreement |
|---|---|--|--|-----------------|
|   |   | <u><i>conditions and meet the requirements set out in Article 29, point (11), provided that Member States notify the Commission of the usage of such exemption and justify it by means of verified and up-to-date scientific and technical information and that the Commission approves the exemption.</i></u> |  |                 |
|   | Article 1, first paragraph, point (2)(b), amending provision, numbered paragraph (3), first paragraph a |  |  |                 |
| Y | 100b  |  | <b>This provision is without prejudice to supports to electricity only installations that started operation before the entry into force of this directive provided that these installations meet the requirements set in Article 29(11), second subparagraph, and that the support is specifically geared to the equipment of Biomass CO2 Capture and Storage.</b> |                 |
|   | Article 1, first paragraph, point (2)(b), amending provision, numbered paragraph (3), second paragraph  |  |  |                 |
| R | 101   | No later than one year after [the entry into force of this amending  | <del>No later than one year after [</del> <b>As of</b> the entry into force of this  |                 |

|        | Commission Proposal   | EP Mandate  | Council Mandate   | Draft Agreement |
|--------|---|---|---|-----------------|
|        | Directive], the Commission shall adopt a delegated act in accordance with Article 35 on how to apply the cascading principle for biomass, in particular on how to minimise the use of quality roundwood for energy production, with a focus on support schemes and with due regard to national specificities. | Directive], the Commission shall adopt <del>a delegated act in accordance with Article 35</del> <u>an implementing act</u> on how to apply the cascading principle for <u>forest</u> biomass, in particular on how to minimise the use of quality roundwood for energy production, with a focus on support schemes and with due regard to <u>the highest economic and environmental added-value and</u> national specificities <u>including wildfire prevention and salvage logging</u> . | amending Directive], <del>the Commission,</del> <b>Member States</b> shall <del>adopt a delegated act in accordance with Article 35 on how to apply</del> <b>take measures to ensure the application of</b> the cascading principle for biomass, in particular <del>on how to minimise the use of</del> quality roundwood for energy production, with a focus on support schemes and with due regard to national specificities.                                 |                 |
|        | Article 1, first paragraph, point (2)(b), amending provision, numbered paragraph (3), second paragraph a  |   |   |                 |
| R 101a |   |   | <b>With a view to ensuring that woody biomass is used according to its highest economic and environmental added value in the following order of priorities: 1) wood-based products, 2) extending their service life, 3) re-use, 4) recycling, 5) bio-energy and 6) disposal, support schemes for bioenergy shall be designed in such a way as to avoid incentivising unsustainable bioenergy pathways and distorting competition with the material sectors.</b> |                 |

|   | Commission Proposal   | EP Mandate | Council Mandate  | Draft Agreement |
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|   | Article 1, first paragraph, point (2)(b), amending provision, numbered paragraph (3), second paragraph b, introductory part |            |  |                 |
| R | 101b  |            | Member States may derogate from the cascading principle when the local industry is quantitatively or technically unable to use forest biomass according to a higher economic and environmental added value than energy, for feedstocks coming from : | R               |
|   | Article 1, first paragraph, point (2)(b), amending provision, numbered paragraph (3), second paragraph b(a)                 |            |  |                 |
| R | 101c  |            | (i) necessary forest management activities, aiming at ensuring pre commercial thinning operations or in compliance with national legislation on wildfire prevention in high-risk areas; or   | R               |
|   | Article 1, first paragraph, point (2)(b), amending provision, numbered paragraph (3), second paragraph b(b)                 |            |  |                 |
| R | 101d  |            | (ii) salvage logging following documented natural disturbances ; or  | R               |

|   | Commission Proposal   | EP Mandate  | Council Mandate  | Draft Agreement  |   |
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|   | Article 1, first paragraph, point (2)(b), amending provision, numbered paragraph (3), second paragraph b(c) |   |  |  |   |
| R | 101e  |   | <b>(iii) harvest of certain woods whose characteristics are not suitable for local processing facilities</b>   | R  |   |
|   | Article 1, first paragraph, point (2)(b), amending provision, numbered paragraph (3), second paragraph c    |   |  |  |   |
| R | 101f  |   | <b>At most once a year, Member States shall notify the Commission of a summary of derogations to the application of the cascading principle as referred to in the first subparagraph, together with the justifications for such derogations and the geographical scale to which they apply. The Commission shall make public the notifications received, and may issue a public opinion on any of those notifications.</b> | R  |   |
|   | Article 1, first paragraph, point (2)(b), amending provision, numbered paragraph (3), third paragraph       |   |  |  |   |
| Y | 102   | By 2026 the Commission shall present a report on the impact of the Member States' support | By 2026 the Commission shall present a report on the impact of the Member States' support  | By <del>2026</del> <b>2027</b> the Commission shall present a report on the impact of the Member States' support | Y |

|  | Commission Proposal   | EP Mandate  | Council Mandate  | Draft Agreement |
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|  | schemes for biomass, including on biodiversity and possible market distortions, and will assess the possibility for further limitations regarding support schemes to forest biomass.; | schemes for biomass, including on biodiversity, <u>climate, environment</u> and possible market distortions, and will assess <del>the possibility for further limitations regarding</del> support schemes to forest biomass.; | schemes for biomass, including on biodiversity and possible market distortions, and <del>will</del> <b>shall</b> assess the possibility for further limitations regarding support schemes to forest biomass.’; |                 |
| Article 1, first paragraph, point (3), introductory part                       |   |   |  |                 |
| 105  | (3) Article 7 is amended as follows:  |   | (3) Article 7 is amended as follows:   |                 |
| Article 1, first paragraph, point (3)(-a), introductory part                   |   |   |  |                 |
| 105a   |   | <u>(-a) in the first subparagraph of paragraph 1, point (c) is replaced by the following:</u>   |  |                 |
| Article 1, first paragraph, point (3)(-a), amending provision, first paragraph |   |   |  |                 |
| 105b   |   | “<br><u>‘(c) final consumption of energy from renewable sources and fuels in the transport sector.</u><br>”   |  |                 |
| Article 1, first paragraph, point (3)(a), introductory part                    |   |   |  |                 |

|   | Commission Proposal  | EP Mandate   | Council Mandate  | Draft Agreement |
|---|--|--|--|-----------------|
| 106   | (a) in paragraph 1, the second subparagraph is replaced by the following:  |  | (a) in paragraph 1, the second subparagraph is replaced by the following:  |                 |
| Article 1, first paragraph, point (3)(a), amending provision, first paragraph |  |  |  |                 |
| 107   | <p>With regard to the first subparagraph, point (a), (b), or (c), gas and electricity from renewable sources shall be considered only once for the purposes of calculating the share of gross final consumption of energy from renewable sources. Energy produced from renewable fuels of non-biological origin shall be accounted in the sector - electricity, heating and cooling or transport - where it is consumed.</p> | <p>With regard to the first subparagraph, point (a), (b), or (c), gas and electricity from renewable sources shall be considered only once for the purposes of calculating the share of gross final consumption of energy from renewable sources. Energy produced from renewable fuels of non-biological origin shall be accounted in the sector - electricity, heating and cooling or transport - where it is consumed. <u>Where renewable fuels of non-biological origin are consumed in a Member State different from the one where they have been produced, energy generated by the use of renewable fuels of non-biological origin shall be accounted for 80 % of their volume in the country and sector where it is consumed and for 20 % of their volume in the country where it is produced, unless agreed otherwise between</u></p> | <p>With regard to the first subparagraph, point (a), (b), or (c), gas and electricity from renewable sources shall be considered only once for the purposes of calculating the share of gross final consumption of energy from renewable sources. Energy produced from renewable fuels of non-biological origin shall be accounted in the sector - electricity, heating and cooling or transport - where it is consumed.</p> |                 |

|   | Commission Proposal | EP Mandate  | Council Mandate   | Draft Agreement |
|---|---------------------|---|---|-----------------|
|   |                     | <p><u>Member States concerned. In order to monitor such agreements and to avoid any double counting, the Commission shall be notified of any such agreement, including the exact volumes of the supply and demand, the times of the transfer and the date by which the arrangement will become operational. The Commission shall make available information on the concluded agreements, including their timing, volume, price and any additional conditions.</u>’;</p> |   |                 |
| Article 1, first paragraph, point (3)(a), amending provision, first paragraph a |                     |   |   |                 |
| 107a  |                     |   | <p><b>Member States may agree, via a specific cooperation agreement, to account the renewable fuels of non-biological origin consumed in one Member State towards the share of gross final consumption of energy from renewable sources in the Member State where they were produced. In order to monitor that the same renewable fuels of non-biological origin are not accounted in both the Member State where they are produced and in the Member</b></p> |                 |

|  | Commission Proposal | EP Mandate   | Council Mandate   | Draft Agreement |
|--|---------------------|--|---|-----------------|
|  |                     |  | State where they are consumed and to record the amount claimed, the Commission shall be notified of any such agreement, including the amount of RFNBOs to be counted in total and for each Member State and the date on which such agreement will become operational. |                 |
| Article 1, first paragraph, point (3)(aa), introductory part                   |                     |  |   |                 |
| 107b   |                     | <u><i>(aa) in paragraph 1, the following subparagraph is inserted after the second subparagraph:</i></u>   |   |                 |
| Article 1, first paragraph, point (3)(aa), amending provision, first paragraph |                     |  |   |                 |
| 107c   |                     | <u><i>"For the purposes of the targets referred to in Articles 15a, 22a, 23(1), 24(4) and 25(1), renewable fuels of non-biological origin shall be accounted for 100% of their volume in the country where they are consumed."</i></u> |   |                 |
| Article 1, first paragraph, point (3)(b), introductory part                    |                     |  |   |                 |

|   | Commission Proposal  | EP Mandate | Council Mandate   | Draft Agreement |
|---|--|------------|---|-----------------|
| 108   | (b) in paragraph 2, the first subparagraph is replaced by the following:   |            | (b) in paragraph 2, the first subparagraph is replaced by the following:  |                 |
| Article 1, first paragraph, point (3)(b), amending provision, first paragraph |  |            |   |                 |
| 109   | <p>For the purposes of paragraph 1, first subparagraph, point (a), gross final consumption of electricity from renewable sources shall be calculated as the quantity of electricity produced in a Member State from renewable sources, including the production of electricity from renewables self-consumers and renewable energy communities and electricity from renewable fuels of non-biological origin and excluding the production of electricity in pumped storage units from water that has previously been pumped uphill as well as the electricity used to produce renewable fuels of non-biological origin.;</p> |            | <p>For the purposes of paragraph 1, first subparagraph, point (a), gross final consumption of electricity from renewable sources shall be calculated as the quantity of electricity produced in a Member State from renewable sources, including the production of electricity from renewables self-consumers and renewable energy communities and electricity from renewable fuels of non-biological origin and excluding the production of electricity in pumped storage units from water that has previously been pumped uphill as well as the electricity used to produce renewable fuels of non-biological origin.’;</p> |                 |
| Article 1, first paragraph, point (3)(c), introductory part                   |  |            |   |                 |
| 110   | (c) in paragraph 4, point (a) is   |            | (c) in paragraph 4, point (a) is  |                 |

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|   | replaced by the following:  |  | replaced by the following:   |  |
| Article 1, first paragraph, point (3)(c), amending provision, first paragraph         |   |  |  |  |
| 111   | (a) Final consumption of energy from renewable sources in the transport sector shall be calculated as the sum of all biofuels, biogas and renewable fuels of non-biological origin consumed in the transport sector.; |  | (a) Final consumption of energy from renewable sources in the transport sector shall be calculated as the sum of all biofuels, biogas and renewable fuels of non-biological origin consumed in the transport sector. <b>This shall also include renewable fuels supplied to international marine bunkers</b> |  |
| Article 1, first paragraph, point (8), introductory part                              |   |  |  |  |
| 140   | (8) Article 19 is amended as follows:   |  | (8) Article 19 is amended as follows:  | (8) Article 19 is amended as follows:<br><br>ITM 1<br><br>Text Origin: Commission Proposal |
| Article 1, first paragraph, point (8)(-a), introductory part                          |   |  |  |  |
| 140a  |   | <u><i>(-a) paragraph 1 is replaced by the following:</i></u> |  | ITM 1  |
| Article 1, first paragraph, point (8)(-a), amending provision, numbered paragraph (1) |   |  |  |  |

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| 140b   |  | <p>"</p> <p><u>1. 'For the purposes of demonstrating to final customers the origin 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 from renewable sources can be guaranteed as such within the meaning of this Directive, in accordance with objective, transparent and non-discriminatory criteria.'</u></p> <p>"</p> |  | ITM 1   |
| Article 1, first paragraph, point (8)(a), introductory part    |  |  |  |   |
| 141  | (a) paragraph 2 is amended as follows: |  | (a) paragraph 2 is amended as follows: | (a) paragraph 2 is amended as follows:<br><br>ITM 1<br><br>Text Origin: Commission Proposal |
| Article 1, first paragraph, point (8)(a)(i), introductory part |  |  |  |   |
| 142  |  |  |  |   |

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|  | (i) the first subparagraph is replaced by the following:  |  | (i) the first subparagraph is replaced by the following:   | (i) the first subparagraph is replaced by the following:<br><br>ITM 1<br><br>Text Origin: Commission Proposal   |
| Article 1, first paragraph, point (8)(a)(i), amending provision, first paragraph |   |  |  |   |
| 143  | <p>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 energy from non-renewable 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.;</p> | <p>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 <del>may arrange for</del> <u>shall provide for a uniform system of</u> guarantees of origin to be issued for <del>energy from non-renewable sources</del> <u>renewable hydrogen.</u></p> <p><u>Member States may decide, for the purposes of accounting for the market value of the guarantee of origin, not to issue such a guarantee of origin to a producer that receives financial support from a support scheme.</u></p> <p><u>The Commission shall introduce supplemental information for guarantees of origin, while avoiding double counting.</u></p> <p><u>-Issuance of guarantees of</u></p> | <p>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, <b>unless Member States decide, for the purposes of accounting for the market value of the guarantee of origin, not to issue such a guarantee of origin to a producer that receives financial support from a support scheme.</b> Member States may arrange for guarantees of origin to be issued for energy from non-renewable 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.;</p> | <p>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 <u>including gaseous renewable fuels of non-biological origin such as hydrogen, unless Member States decide, for the purposes of accounting for the market value of the guarantee of origin, not to issue such a guarantee of origin to a producer that receives financial support from a support scheme.</u> Member States may arrange for guarantees of origin to be issued for energy from non-renewable 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. <u>Where appropriate, such standard size</u></p> |

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|  |                     | <p>origin may be made subject to a minimum capacity limit. A guarantee of origin shall be <u>1 MWh with the possibility to issue fractions of it. They shall be duly standardized through the European <del>of the</del> standard <del>size of 1 MWh.</del> CEN-EN16325 and issued upon a request from a producer of energy, provided that this does not lead to double counting. Simplified registration processes and reduced registration fees shall be introduced for small installations of less than 50 kW and for energy communities. Guarantees of origin may be issued for several small installations pooled together.</u></p> <p><u>No more than one guarantee of origin shall be issued in respect of each unit of energy produced and the same unit of energy is taken into account only once.</u>;</p> |                 | <p><u>may be divided to a fraction size, provided that the fraction is a multiple of 1 Wh.</u> No more than one guarantee of origin shall be issued in respect of each unit of energy produced.;</p> <p>ITM 1</p> |
| Article 1, first paragraph, point (8)(a)(i), amending provision, first paragraph a |                     |  |                 |   |
| G  | 143a                | <p><u>(ia) the second subparagraph is deleted;</u></p>   |                 | <p><u>(ia) new third subparagraph is added;</u></p> <p>ITM 5</p>  |

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|   | Article 1, first paragraph, point (8)(a)(ia), introductory part                             |   |                 |   |
| G | 143b  | <u>the second subparagraph is deleted;</u>  |                 | <u>Simplified registration processes and reduced registration fees shall be introduced for small installations of less than 50 kW and for renewable energy communities.</u><br><br>ITM 1 ITM 5                                  |
|   | Article 1, first paragraph, point (8)(a)(ia)(1), introductory part                          |   |                 |   |
| G | 143c  | <u>(ib) in the fourth subparagraph, point (c) is replaced by the following:</u>   |                 | <u>(1) in the fourth subparagraph, point (c) is replaced by the following:</u><br><br>ITM 1 ITM 5   |
|   | Article 1, first paragraph, point (8)(a)(ia)(1), amending provision, numbered paragraph (1) |   |                 |   |
| G | 143d  | <u>"<br/>c. where the guarantees of origin are not issued directly to the producer but to a supplier or consumer who buys the energy either in a competitive setting or in a long-term renewables power purchase agreement.';</u> |                 | <u>"<br/>c. where the guarantees of origin are not issued directly to the producer but to a supplier or consumer who buys the energy either in a competitive setting or in a long-term renewables power purchase agreement.</u> |

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|   |   | "   |                 | "<br>ITM 1 ITM 5  |
| Article 1, first paragraph, point (8)(a)(ii)  |   |   |                 |   |
| 144   | (ii) the fifth subparagraph is deleted; |   | <i>deleted</i>  | ITM 1 ITM 5   |
| Article 1, first paragraph, point (8)(a)(ii)(1), introductory part                          |   |   |                 |   |
| 144a  |   | <u>(aa) paragraph 3 is replaced by the following:</u>   |                 | <u>(aa) paragraph 3 is replaced by the following:</u><br>ITM 1 ITM 5<br>Text Origin: EP Mandate   |
| Article 1, first paragraph, point (8)(a)(ii)(1), amending provision, numbered paragraph (1) |   |   |                 |   |
| 144b  |   | "<br><u>3. For the purposes of paragraph 1, guarantees of origin shall be valid for transactions for 12 months after the production of the relevant energy unit. Member States shall ensure that all guarantees of origin that have not been cancelled expire at the latest 18 months after the production of</u> |                 | "<br><u>3. For the purposes of paragraph 1, guarantees of origin shall be valid for transactions for 12 months after the production of the relevant energy unit. Member States shall ensure that all guarantees of origin that have not been cancelled expire at the latest 18 months after the production of</u> |

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|   |                     | <u>the energy unit. Member States shall include expired guarantees of origin in the calculation of their residual energy mix.';</u>   | "               | <u>the energy unit. Member States shall include expired guarantees of origin in the calculation of their residual energy mix.</u><br><br>ITM 1 ITM 5   |
| Article 1, first paragraph, point (8)(a)(ii)(2), introductory part                          |                     |   |                 |  |
| G   | 144c                | <u>(ab) paragraph 4 is replaced by the following:</u>   |                 | ITM 1 ITM 5  |
| Article 1, first paragraph, point (8)(a)(ii)(2), amending provision, numbered paragraph (1) |                     |   |                 |  |
| G   | 144d                | "<br><u>4. For the purposes of disclosure referred to in paragraphs 8 and 13, Member States shall ensure that energy companies cancel guarantees of origin at the latest six months after the end of the validity of the guarantee of origin. Furthermore, by ... [one year after the entry into force of this amending Directive], Member States shall ensure that the data on their residual mix is published on an annual basis.';</u> | "               | "<br><u>4. For the purposes of disclosure referred to in paragraphs 8 and 13, Member States shall ensure that energy companies cancel guarantees of origin at the latest six months after the end of the validity of the guarantee of origin. Furthermore, by ... [transposition deadline of this amending Directive], Member States shall ensure that the data on their residual mix is published on an annual basis.</u> |

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|   |                     |  |                 | ITM 1 ITM 5  |
| Article 1, first paragraph, point (8)(a)(ii)(3), introductory part                          |                     |  |                 |  |
| G   | 144e                | <u>(ac) the first subparagraph of paragraph 7 is amended as follows</u>  |                 | <u>(ac) the first subparagraph of paragraph 7 is amended as follows</u><br>ITM 1 ITM 5<br>Text Origin: EP Mandate  |
| Article 1, first paragraph, point (8)(a)(ii)(3), amending provision, numbered paragraph (1) |                     |  |                 |  |
| G   | 144f                | "<br><u>(i) point (a) is replaced by the following:</u>  |                 | "<br><u>(i) point (a) is replaced by the following:</u><br>ITM 1 ITM 5<br>Text Origin: EP Mandate  |
| Article 1, first paragraph, point (8)(a)(ii)(3), amending provision, numbered paragraph (2) |                     |  |                 |  |
| G   | 144g                | <u>(a) the energy source from which the energy was produced and the start and end dates as close to real time as possible, with the objective to arrive at intervals of no more than one hour of production;';</u> |                 | <u>(a) the energy source from which the energy was produced and the start and end dates of production, which may be specified:</u><br><br><u>(i) in case of renewable gas,</u> |

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|   |                     |   |                 | <p><u>including gaseous renewable fuels of non-biological origin, and renewable heating and cooling, at an hourly or subhourly interval;</u></p> <p><u>(ii) for renewable electricity, in accordance with the imbalance settlement period as defined in point (15) of Article 2 of Regulation (EU) 2019/943.'</u></p> <p>ITM 1 ITM 5</p> |
| Article 1, first paragraph, point (8)(a)(ii)(3), amending provision, numbered paragraph (3) |                     |   |                 |  |
| 144h  |                     | <u>(ii) point (c) is replaced by the following:</u>   |                 | <p>ITM 1 ITM 5</p> <p>Text Origin: EP Mandate</p>  |
| Article 1, first paragraph, point (8)(a)(ii)(3), amending provision, numbered paragraph (4) |                     |   |                 |  |
| 144i  |                     | <u>(c) the identity, location, bidding zone for electricity, type and capacity of the installation where the energy was produced;';</u> |                 | ITM 1 ITM 5  |
| Article 1, first paragraph, point (8)(a)(ii)(3), amending provision, numbered paragraph (5) |                     |   |                 |  |

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| G   | 144j                | <u>(iii) the following points are added:</u>   |  | ITM 1 ITM 5  |
| Article 1, first paragraph, point (8)(a)(ii)(3), amending provision, numbered paragraph (6) |                     |  |  |  |
| G   | 144k                | <u>'(g) greenhouse gas emissions over the life cycle of the guaranteed energy in accordance with the standard ISO 14067:2018;</u><br><u>(h) refined time granularity;</u><br><u>(i) locational matching.';</u> | "  | ITM 1 ITM 5  |
| Article 1, first paragraph, point (8)(b), introductory part                                 |                     |  |  |  |
| G   | 145                 | (b) in paragraph 8, the first subparagraph is replaced by the following:   | (b) <del>in</del> paragraph 8, <del>the first subparagraph</del> is replaced by the following: | (b) in paragraph 8, <del>the first subparagraph</del> is replaced by the following:<br>ITM 1 ITM 5<br>Text Origin: Commission Proposal |
| Article 1, first paragraph, point (8)(b), amending provision, first paragraph               |                     |  |  |  |
| G   | 146                 | '<br>Where an electricity supplier is required to demonstrate the share  | '<br>Where an electricity supplier is required to demonstrate the <del>share</del>             | '<br>Where an electricity supplier is required to demonstrate the share  |

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|  | <p>or quantity of energy from renewable sources in its energy mix for the purposes of Article 3(9), point (a) of Directive 2009/72/EC, it shall do so by using guarantees of origin except as regards the share of its energy mix corresponding to non-tracked commercial offers, if any, for which the supplier may use the residual mix.;</p> | <p><del>or quantity</del> <u>origin</u> of energy from renewable sources in its energy mix for the purposes of Article 3(9), point (a) of Directive 2009/72/EC, it shall do so by using guarantees of origin except as regards the share of its energy mix corresponding to non-tracked commercial offers, if any, for which the supplier may use the residual mix.</p> <p><u>Where a gas supplier is required to demonstrate the origin of energy from renewable sources in its energy mix for the purposes of Annex I, section 5 of Directive (EU) .../... [on common rules for the internal markets in renewable and natural gases and in hydrogen as proposed by COM(2021)0803], it shall do so by using guarantees of origin except as regards the share of its energy mix corresponding to non-tracked commercial offers, if any, for which the supplier may use the residual mix.</u></p> <p><u>Where Member States have arranged to have guarantees of origin for other types of energy, suppliers shall use for disclosure the same type of guarantees of origin as the energy supplied. Furthermore, when the customer</u></p> |                 | <p>or quantity of energy from renewable sources in its energy mix for the purposes of <del>Article 3(9)</del>, point (a) of <u>Article 3(9) of</u> Directive 2009/72/EC, it shall do so by using guarantees of origin except-:</p> <p><u>(a) as regards the share of its energy mix corresponding to non-tracked commercial offers, if any, for which the supplier may use the residual mix; or</u></p> <p><u>(b) where a Member State decides not to issue guarantees of origin to a producer that receives financial support from a support scheme.;</u></p> <p><u>Where gases are supplied from a hydrogen or natural gas network, including gaseous renewable fuels of non-biological origin or biomethane, the supplier is required to demonstrate to final consumers the share or quantity of energy from renewable sources in its energy mix for the purposes of Annex I, section 5 of [proposal for a Directive on common rules for the internal markets in renewable and natural gases and in hydrogen COM(2021)0803]. The supplier shall do so by using guarantees of origin except:</u></p> <p><u>a) as regards the share of its</u></p> |

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|  |                     | <p><u>consumes gas from a hydrogen or natural gas network, Member States may ensure that the guarantees of origin cancelled correspond to the relevant network characteristics. Likewise, guarantees of origin created pursuant to Article 14(10) of Directive 2012/27/EU may be used to substantiate any requirement to demonstrate the quantity of electricity produced from high-efficiency cogeneration. For the purposes of paragraph 2 of this Article, where electricity is generated from high-efficiency cogeneration using renewable sources, only one guarantee of origin specifying both characteristics may be issued.</u>;</p> |                 | <p><u>energy mix corresponding to non-tracked commercial offers, if any, for which the supplier may use the residual mix.</u></p> <p><u>b) where a Member State decides not to issue guarantees of origin to a producer that receives financial support from a support scheme.</u></p> <p><u>When a customer consumes gases from a hydrogen or natural gas network, including gaseous renewable fuels of non-biological origin or biomethane, as demonstrated in the commercial offer by the supplier, Member States shall ensure that the guarantees of origin that are cancelled correspond to the relevant network characteristics.</u></p> <p><u>Where Member States have arranged to have guarantees of origin for other types of energy, suppliers shall use for disclosure the same type of guarantees of origin as the energy supplied. Likewise, guarantees of origin created pursuant to Article 14(10) of Directive 2012/27/EU may be used to substantiate any requirement to demonstrate the quantity of electricity produced</u></p> |

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|   |                     |   |                 | <p><u>from high-efficiency cogeneration. For the purposes of paragraph 2 of this Article, where electricity is generated from high-efficiency cogeneration using renewable sources, only one guarantee of origin specifying both characteristics may be issued.</u></p> <p>ITM 1 ITM 5</p> |
| Article 1, first paragraph, point (8)(b), amending provision, first paragraph a |                     |   |                 |  |
| G   | 146a                | <p><u>(ba) paragraph 9 is replaced by the following:</u></p>  |                 | ITM 1 ITM 5  |
| Article 1, first paragraph, point (8)(b), amending provision, first paragraph b |                     |   |                 |  |
| G   | 146b                | <p><u>(9) Member States shall recognise guarantees of origin issued by other Member States in accordance with this Directive exclusively as evidence of the elements referred to in paragraph 1 and points (a) to (i) of the first subparagraph of paragraph 7. A Member State may refuse to recognise a guarantee of origin only where it has well-founded doubts about its accuracy, reliability or veracity. The</u></p> |                 | ITM 1 ITM 5  |

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|   |                     | <u>Member State shall notify the Commission of such a refusal and its justification.</u> ;  |                 |                 |
| Article 1, first paragraph, point (8)(b), amending provision, first paragraph c |                     |   |                 |                 |
| G   | 146c                | <u>(bb) paragraph 11 is replaced by the following:</u>  |                 | ITM 1 ITM 5     |
| Article 1, first paragraph, point (8)(b), amending provision, first paragraph d |                     |   |                 |                 |
| G   | 146d                | <u>11. Member States shall not recognise guarantees of origin issued by a third country except where the Union has concluded 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 third country, and only where there is direct import or export of energy. The Commission shall issue guidelines clarifying the Union requirements for recognizing guarantees of origin issued by a third country, including the underlying governance arrangements associated, to the purpose of streamlining and accelerating the achievement of such agreements</u> |                 | ITM 1 ITM 5     |

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|   |                     | <p><u>with third countries.</u><br/> <u>By ... [one year after the entry into force of this amending Directive], the Commission shall issue guidance on relevant safeguards for cross-border transfers.';</u></p>  |                 |   |
| Article 1, first paragraph, point (8)(b), amending provision, first paragraph e |                     |  |                 |   |
| 146e  |                     | <p><u>(bc) paragraph 13 is replaced by the following:</u></p>  |                 | <p><u>(bc) paragraph 13 is replaced by the following:</u></p> <p>ITM 1 ITM 5</p> <p>Text Origin: EP Mandate</p>   |
| Article 1, first paragraph, point (8)(b), amending provision, first paragraph f |                     |  |                 |   |
| 146f  |                     | <p><u>13. The Commission shall adopt a report by 30 June 2025 assessing options to establish a Union-wide green label with a view to promoting the use of renewable energy coming from new installations. Suppliers shall use the information contained in guarantees of origin to demonstrate compliance with the requirements of such a label.';</u></p> |                 | <p><u>13. By 31 December 2025 the Commission shall adopt a report assessing options to establish a Union-wide green label with a view to promoting the use of renewable energy coming from new installations. Suppliers shall use the information contained in guarantees of origin to demonstrate compliance with the requirements of such a label.</u></p> <p>ITM 1 ITM 5</p> |

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|   |   |   |   | Text Origin: EP Mandate   |
| Article 1, first paragraph, point (8)(b), amending provision, first paragraph g |   |   |   |   |
| 146g  |   | <u>(bd) the following paragraph is added:</u>   |   | <u>(bd) the following paragraph is added:</u><br><br>ITM 1 ITM 5<br><br>Text Origin: EP Mandate   |
| Article 1, first paragraph, point (8)(b), amending provision, first paragraph h |   |   |   |   |
| 146h  |   | <u>13a. The Commission shall monitor the functioning of the guarantees of origin system and assess by 30 June 2025 the balance of supply-demand of guarantees of origin in the market and in the case of imbalances identify relevant factors affecting supply and demand and propose measures rectifying any potential structural imbalances with a view to support markets in focusing on new renewable installations.;</u> |   | <u>13a. The Commission shall monitor the functioning of the guarantees of origin system and assess by 30 June 2025 the balance of supply-demand of guarantees of origin in the market and in the case of imbalances identify relevant factors affecting supply and demand.</u><br><br>ITM 1 ITM 5 |
| Article 1, first paragraph, point (11), introductory part                       |   |   |   |   |
| 157   | (11) the following Article 22a is inserted: |   | (11) the following Article 22a is inserted: |   |

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| Article 1, first paragraph, point (11), amending provision, first paragraph                            |   |  |  |                              |
| 158  | Article 22a   |  | Article 22a  |                              |
| Article 1, first paragraph, point (11), amending provision, second paragraph                           |   |  |  |                              |
| 159  | Mainstreaming renewable energy in industry  |  | Mainstreaming renewable energy in industry   |                              |
| Article 1, first paragraph, point (11), amending provision, numbered paragraph (1), introductory part  |   |  |  |                              |
| 160  | 1. Member States shall endeavour to increase the share of renewable sources in the amount of energy sources used for final energy and non-energy purposes in the industry sector by an indicative average minimum annual increase of 1.1 percentage points by 2030. | 1. Member States shall endeavour to increase the share of renewable sources in the amount of energy sources used for final energy and non-energy purposes in the industry sector by an indicative average minimum annual increase of <del>1.1</del> <b>1.9</b> percentage points by 2030. <u>That increase shall be calculated as an average for the three-year periods, i.e. 2024 to 2027 and 2027 to 2030.</u> | 1. Member States shall endeavour to increase the share of renewable sources in the amount of energy sources used for final energy and non-energy purposes in the industry sector by an indicative <b>increase of at least 1.1 percentage points as an annual average minimum annual increase of 1.1 percentage points by</b> <del>calculated for</del> <b>the periods 2021 to 2025 and 2026 to 2030.</b> | Text Origin: Council Mandate |
| Article 1, first paragraph, point (11), amending provision, numbered paragraph (1), first paragraph -a |   |  |  |                              |

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| 160a  |  |  | <p><b>Member States may count waste heat and cold towards the average annual increases referred to in the first subparagraph, up to a limit of 0.4 percentage points, provided the waste heat and cold is supplied from efficient district heating and cooling, excluding networks which supply heat to one building only or where all thermal energy is solely consumed on-site and where the thermal energy is not sold. If they decide to do so, the average annual increase shall increase by half of the waste heat and cold percentage points used.</b></p> |                                     |
| Article 1, first paragraph, point (11), amending provision, numbered paragraph (1), first paragraph |  |  |   |                                     |
| 161   | <p>Member States shall include the measures planned and taken to achieve such indicative increase in their integrated national energy and climate plans and progress reports submitted pursuant to Articles 3, 14 and 17 of Regulation (EU) 2018/1999.</p> | <p>Member States shall include the <u>policies and</u> measures planned and taken to achieve such indicative increase in their integrated national energy and climate plans and progress reports submitted pursuant to Articles 3, 14 and 17 of Regulation (EU) 2018/1999. <u>Such measures shall include the renewable-based electrification of</u></p> | <p>Member States shall include the measures planned and taken to achieve such indicative increase in their integrated national energy and climate plans and progress reports submitted pursuant to Articles 3, 14 and 17 of Regulation (EU) 2018/1999.</p>  | <p>Text Origin: Council Mandate</p> |

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|   |                     | <u><i>industrial processes when considered as a cost-effective option. When adopting measures to increase the share of renewable energy in industry, Member States shall comply with the energy efficiency first principle.</i></u>   |                 |                 |
| Article 1, first paragraph, point (11), amending provision, numbered paragraph (1), first paragraph a                   |                     |   |                 |                 |
| 161a  |                     | <u><i>Member States shall establish a regulatory framework which may include support measures for industry in accordance with in Article 3(4a) and promote the uptake of renewable sources and renewable hydrogen consumed by industry, taking effectiveness and international competitiveness fully into account, as necessary pre-conditions for the uptake of renewable energy consumption in industry. In particular, that framework should tackle regulatory, administrative and economic barriers in line with Article 3(4a) and Article 15(8).</i></u> |                 |                 |
| Article 1, first paragraph, point (11), amending provision, numbered paragraph (1), second paragraph, introductory part |                     |   |                 |                 |
| 162   |                     |   |                 |                 |

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|     | Member States shall ensure that the contribution of renewable fuels of non-biological origin used for final energy and non-energy purposes shall be 50 % of the hydrogen used for final energy and non-energy purposes in industry by 2030. For the calculation of that percentage, the following rules shall apply: | Member States shall ensure that the contribution of renewable fuels of non-biological origin used for final energy and non-energy purposes <del>shall be</del> 50 % of the hydrogen used for final energy and non-energy purposes in industry by 2030. <u>Member States shall ensure that by 2035, the contribution of renewable fuels of non-biological origin used for final energy and non-energy purposes is at least 70 % of the hydrogen used for final energy and non-energy purposes in industry. The Commission shall analyse the availability of fuels of non-biological origin in 2026 and every year thereafter.</u> For the calculation of <del>that</del> <u>the</u> percentage, the following rules shall apply: | Member States shall ensure that the contribution of renewable fuels of non-biological origin used for final energy and non-energy purposes shall be <del>50</del> 35 % of the hydrogen used for final energy and non-energy purposes in industry by 2030 <del>–</del> <b>and 50 % by 2035</b> . For the calculation of that percentage, the following rules shall apply: |                 |
|     | Article 1, first paragraph, point (11), amending provision, numbered paragraph (1), second paragraph(a)  |   |  |                 |
| 163 | (a) For the calculation of the denominator, the energy content of hydrogen for final energy and non-energy purposes shall be taken into account, excluding hydrogen used as intermediate products for the production of conventional transport fuels.  | (a) For the calculation of the denominator, the energy content of hydrogen for final energy and non-energy purposes shall be taken into account, excluding hydrogen used as intermediate products for the production of conventional transport fuels. <u>and hydrogen produced as a by-product or</u>   | (a) For the calculation of the denominator, the energy content of hydrogen for final energy and non-energy purposes shall be taken into account, excluding hydrogen used as intermediate products for the production of conventional transport fuels <b>and biofuels and hydrogen that is produced by</b>  |                 |

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|   |   | <u><a href="#">derived from by-products in industrial installations;</a></u>   | <b>decarbonizing industrial residual gases and is used to replace the specific gases from which it is produced.</b>   |   |
| Article 1, first paragraph, point (11), amending provision, numbered paragraph (1), second paragraph(b) |   |  |   |   |
| 164   | (b) For the calculation of the numerator, the energy content of the renewable fuels of non-biological origin consumed in the industry sector for final energy and non-energy purposes shall be taken into account, excluding renewable fuels of non-biological origin used as intermediate products for the production of conventional transport fuels. | (b) For the calculation of the numerator, the energy content of the renewable fuels of non-biological origin consumed in the industry sector for final energy and non-energy purposes shall be taken into account, excluding renewable fuels of non-biological origin used as intermediate products for the production of <del>conventional</del> transport fuels. | (b) For the calculation of the numerator, the energy content of the renewable fuels of non-biological origin consumed in the industry sector for final energy and non-energy purposes shall be taken into account, excluding renewable fuels of non-biological origin used as intermediate products for the production of conventional transport fuels <b>and biofuels.</b> | <p>(b) For the calculation of the numerator, the energy content of the renewable fuels of non-biological origin consumed in the industry sector for final energy and non-energy purposes shall be taken into account, excluding renewable fuels of non-biological origin used as intermediate products for the production of conventional transport fuels <u><a href="#">and biofuels.</a></u></p> <p><small>Text Origin: Council Mandate</small></p> |
| Article 1, first paragraph, point (11), amending provision, numbered paragraph (1), second paragraph(c) |   |  |   |   |
| 165   | (c) For the calculation of the numerator and the denominator, the values regarding the energy content of fuels set out in Annex III shall be used.  |  | (c) For the calculation of the numerator and the denominator, the values regarding the energy content of fuels set out in Annex III shall be used.  |   |

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|   | Article 1, first paragraph, point (11), amending provision, numbered paragraph (1), second paragraph(ca) |  |                 |                 |
| Y | 165a   | <u><i>By 31 January 2026, following the establishment of the rules referred to in paragraph 1, the Commission shall assess whether, in view of regulatory, technical and scientific development, it is appropriate and justified to adapt the RFNBOs sub-target of 2030, and, where appropriate, shall amend this article for that purpose, accompanied by an impact assessment.</i></u>         |                 |                 |
|   | Article 1, first paragraph, point (11), amending provision, numbered paragraph (1), second paragraph(cb) |  |                 |                 |
| Y | 165b   | <u><i>To promote the use of renewable energy solutions for low and medium-temperature industrial heat, Member States shall endeavour to increase the availability of economically viable and technically feasible renewable alternatives to fossil-fuel based energy use for industrial heat applications with the aim of ending the use of fossil-fuel based for applications requiring</i></u> |                 |                 |

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|  |  | <u><a href="#">maximum heating temperatures up to 200 degrees Celsius by 2027 at the latest.</a></u>   |  |                 |
| Article 1, first paragraph, point (11), amending provision, numbered paragraph (2) |  |  |  |                 |
| 166  | <p>2. Member States shall ensure that industrial products that are labelled or claimed to be produced with renewable energy and renewable fuels of non-biological origin shall indicate the percentage of renewable energy used or renewable fuels of non-biological origin used in the raw material acquisition and pre-processing, manufacturing and distribution stage, calculated on the basis of the methodologies laid down in Recommendation 2013/179/EU<sup>1</sup> or, alternatively, ISO 14067:2018.;</p> <p><small>1. 2013/179/EU: Commission Recommendation of 9 April 2013 on the use of common methods to measure and communicate the life cycle environmental performance of products and organisations, OJ L 124, 4.5.2013, p. 1–210</small></p> | <p>2. <del>Member States</del> <u>By ... [one year after the entry into force of this amending Directive], the Commission shall ensure that industrial products that are labelled or claimed to be produced with renewable energy and renewable fuels of non-biological origin shall indicate the percentage of renewable</u> <u>develop a global hydrogen import strategy to promote a European hydrogen market. This strategy shall complement initiatives to promote domestic hydrogen production within the Union, supporting the implementation of this Directive and the achievement of the targets set out therein, while having due regard to security of supply and the Union's strategic autonomy in energy. The measures included in the strategy shall aim to promote a level playing-field, based on equivalent rules or standards in third countries in terms of environmental protection,</u></p> | <p>2. Member States shall ensure that industrial products that are labelled or claimed to be produced with renewable energy and renewable fuels of non-biological origin shall indicate the percentage of renewable energy used or renewable fuels of non-biological origin used in the raw material acquisition and pre-processing, manufacturing and distribution stage, calculated on the basis of the methodologies laid down in Recommendation 2013/179/EU<sup>1</sup> or, alternatively, ISO 14067:2018.;</p> <p><small>1. 2013/179/EU: Commission Recommendation of 9 April 2013 on the use of common methods to measure and communicate the life cycle environmental performance of products and organisations, OJ L 124, 4.5.2013, p. 1–210</small></p> |                 |

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|   |                     | <p><u>sustainability and mitigating climate change. The strategy shall include indicative milestones and measures for imports. Member States shall take appropriate measures to implement the strategy in their integrated national energy and climate plans and progress reports submitted pursuant to Articles 3, 14 and 17 of Regulation (EU) 2018/1999. Furthermore, the strategy shall also take into account the need to develop access to energy for local people</u><del> used or renewable fuels of non-biological origin used in the raw material acquisition and pre-processing, manufacturing and distribution stage, calculated on the basis of the methodologies laid down in Recommendation 2013/179/EU<sup>†</sup> or, alternatively, ISO 14067:2018.<sup>2</sup>;</del></p> <p><sup>†</sup> 2013/179/EU: Commission Recommendation of 9 April 2013 on the use of common methods to measure and communicate the life-cycle environmental performance of products and organisations, OJ L 124, 4.5.2013, p. 1–210</p> |                 |                 |
| Article 1, first paragraph, point (18), introductory part |                     |  |                 |                 |

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| Y  | 270                 | (18) Article 29 is amended as follows: | (18) Article 29 is amended as follows:  | Y               |
| Article 1, first paragraph, point (18)(a), introductory part                       |                     |  |   |                 |
| Y  | 271                 | (a) paragraph 1 is amended as follows: | (a) paragraph 1 is amended as follows:  | Y               |
| Article 1, first paragraph, point (18)(a)(-i), introductory part                   |                     |  |   |                 |
| Y  | 271a                |  | <i><u>(-i) in the first subparagraph, the introductory wording is replaced by the following:</u></i>  | Y               |
| Article 1, first paragraph, point (18)(a)(-i), amending provision, first paragraph |                     |  |   |                 |
| Y  | 271b                |  | <i>"<br/><u>'Energy from biofuels, bioliquids and biomass fuels shall be taken into account for the purposes referred to in points (a), (b) and (c) of this subparagraph only if they fulfil the sustainability and the greenhouse gas emissions saving criteria laid down in paragraphs 2 to 7 and 10 of this Article, and if they take into account the waste hierarchy as set out in Article 4 of Directive 2008/98/EC and the cascading</u></i> | Y               |

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|   |   | <u><a href="#">principle referred to in Article 3;</a></u> ”  |   |                 |
|   | Article 1, first paragraph, point (18)(a)(i), introductory part                     |   |   |                 |
| Y | 272   | (i) in the first subparagraph, point (a) is replaced by the following:  | (i) in the first subparagraph, point (a) is replaced by the following:  | Y               |
|   | Article 1, first paragraph, point (18)(a)(i), amending provision, first paragraph   |   |   |                 |
| Y | 273   | ‘<br>(a) contributing towards the renewable energy shares of Member States and the targets referred to in Articles 3(1),15a(1), 22a(1), 23(1), 24(4), and 25(1) of this Directive;; | (a) contributing towards the renewable energy shares of Member States and the targets referred to in Articles 3(1),15a(1), 22a(1), 23(1), 24(4), and 25(1) of this Directive;’; | Y               |
|   | Article 1, first paragraph, point (18)(a)(i), amending provision, first paragraph a |   |   |                 |
| Y | 273a  | ‘<br><u><a href="#">(ia) the following subparagraph is inserted after the first subparagraph:</a></u>   |   | Y               |
|   | Article 1, first paragraph, point (18)(a)(ia), introductory part                    |   |   |                 |
| Y | 273b  |   |   | Y               |

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|   |   | <i><u>(ia) 'Energy from solid biomass fuels shall not be taken into account for the purposes referred to in points (b) and (c) of the first subparagraph if these are derived from primary woody biomass as defined in Article 2 of this Directive. For the purpose of contributing towards the renewables target referred to in Article 3(1), the energy share from solid biomass fuels derived from primary woody biomass as defined in Article 2 of this Directive shall be no more than the share of the overall energy consumption of the average of such fuel in 2017 - 2022 based on the latest available data.'</u></i> |                 |                 |
|   | Article 1, first paragraph, point (18)(a)(ia), amending provision, first paragraph  |   |                 |                 |
| Y | 273c  | "<br><i><u>(ib) the second subparagraph is replaced by the following:</u></i>   |                 | Y               |
|   | Article 1, first paragraph, point (18)(a)(ia), amending provision, second paragraph |   |                 |                 |
| Y | 273d  | <i><u>'However, biofuels, bioliquids and biomass fuels produced from waste and residues, other than agricultural, aquaculture,</u></i>  |                 | Y               |

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|   |  | <i><u>fisheries and forestry residues, are required to fulfil only the greenhouse gas emissions saving criteria laid down in paragraph 10 in order to be taken into account for the purposes referred to in points (a), (b) and (c) of the first subparagraph. In the case of the use of mixed wastes, however, the operators are required to apply mixed waste sorting systems of defined quality aimed at removing fossil materials. This subparagraph shall also apply to waste and residues that are first processed into a product before being further processed into biofuels, bioliquids and biomass fuels.</u></i> ; |   |                 |
|   | Article 1, first paragraph, point (18)(a)(ii), introductory part                   |   |   |                 |
| Y | 274  | (ii) the fourth subparagraph is replaced by the following:  | (ii) the fourth subparagraph is replaced by the following:  | Y               |
|   | Article 1, first paragraph, point (18)(a)(ii), amending provision, first paragraph |   |   |                 |
| Y | 275  | ‘<br>Biomass fuels shall fulfil the sustainability and greenhouse gas emissions saving criteria laid down   | Biomass fuels shall fulfil the sustainability and greenhouse gas emissions saving criteria laid down in paragraphs 2 to 7 and 10 if used, | Y               |

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|   | in paragraphs 2 to 7 and 10 if used,  |   |   |                 |
|   | Article 1, first paragraph, point (18)(a)(ii), amending provision, second paragraph   |   |   |                 |
| Y | 276<br>— (a) in the case of solid biomass fuels, in installations producing electricity, heating and cooling with a total rated thermal input equal to or exceeding 5 MW,   | ‘<br>— (a) in the case of solid biomass fuels, in installations producing electricity, heating and cooling with a total rated thermal input equal to or exceeding <del>5</del> <u>7,5</u> MW, | — (a) in the case of solid biomass fuels, in installations producing electricity, heating and cooling with a total rated thermal input equal to or exceeding <del>5</del> <u>10</u> MW, | Y               |
|   | Article 1, first paragraph, point (18)(a)(ii), amending provision, third paragraph  |   |   |                 |
| Y | 277<br>— (b) in the case of gaseous biomass fuels, in installations producing electricity, heating and cooling with a total rated thermal input equal to or exceeding 2 MW, |   | — (b) in the case of gaseous biomass fuels, in installations producing electricity, heating and cooling with a total rated thermal input equal to or exceeding 2 MW,                    | Y               |
|   | Article 1, first paragraph, point (18)(a)(ii), amending provision, fourth paragraph, introductory part  |   |   |                 |
| Y | 278<br>— (c) in the case of installations producing gaseous biomass fuels with the following average biomethane flow rate:  |   | — (c) in the case of installations producing gaseous biomass fuels with the following average biomethane flow rate:   | Y               |
|   | Article 1, first paragraph, point (18)(a)(ii), amending provision, fourth paragraph(i)  |   |   |                 |
| Y | 279<br>(i) above 200 m3 methane   | (i) above <del>200</del> <u>500</u> m3 methane  | (i) above 200 m3 methane  | Y               |

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|   | equivalent/h measured at standard conditions of temperature and pressure (i.e. 0°C and 1 bar atmospheric pressure);  | equivalent/h measured at standard conditions of temperature and pressure (i.e. 0°C and 1 bar atmospheric pressure); | equivalent/h measured at standard conditions of temperature and pressure (i.e. 0°C and 1 bar atmospheric pressure);   |                 |
| Article 1, first paragraph, point (18)(a)(ii), amending provision, fourth paragraph(ii) |  |   |   |                 |
| Y   | 280<br>(ii) if biogas is composed of a mixture of methane and non-combustible other gases, for the methane flow rate, the threshold set out in point (i), recalculated proportionally to the volumetric share of methane in the mixture; |   | (ii) if biogas is composed of a mixture of methane and non-combustible other gases, for the methane flow rate, the threshold set out in point (i), recalculated proportionally to the volumetric share of methane in the mixture; | Y               |
| Article 1, first paragraph, point (18)(a)(iii), introductory part                       |  |   |   |                 |
| Y   | 281<br>(iii) the following subparagraph is inserted after the fourth subparagraph:   |   | (iii) the following subparagraph is inserted after the fourth subparagraph:   | Y               |
| Article 1, first paragraph, point (18)(a)(iii), amending provision, first paragraph     |  |   |   |                 |
| Y   | 282<br>Member States may apply the sustainability and greenhouse gas emissions saving criteria to installations with lower total rated thermal input or biomethane flow  |   | Member States may apply the sustainability and greenhouse gas emissions saving criteria to installations with lower total rated thermal input or biomethane flow rate.;   | Y               |

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|   | rate.;              |  |                 |                 |
| Article 1, first paragraph, point (18)(aa), introductory part                   |                     |  |                 |                 |
| Y   | 282a                | <u><i>(aa) in paragraph 3, the first subparagraph is replaced by the following:</i></u>  |                 | Y               |
| Article 1, first paragraph, point (18)(aa), amending provision, first paragraph |                     |  |                 |                 |
| Y   | 282b                | <p>"</p> <p><u><i>'Biofuels, bioliquids and biomass fuels produced from agricultural biomass taken into account for the purposes referred to in points (a), (b) and (c) of the first subparagraph of paragraph 1 shall not be made from raw material obtained from land with a high biodiversity value, namely land that had one of the following statuses in or after January 2008, whether or not the land continues to have that status:</i></u></p> <p><u><i>(a) primary and old-growth forest and other wooded land, namely forest and other wooded land of native species, where there is no clearly visible indication of human activity and the ecological processes are not significantly</i></u></p> |                 | Y               |

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|  |                     | <p><u>disturbed;</u><br/> <b><u>(b) highly biodiverse forest and other wooded land which is species- rich and not degraded, and has been identified as being highly biodiverse by the relevant competent authority, unless evidence is provided that the production of that raw material did not interfere with those nature protection purposes;</u></b><br/> <b><u>(c) areas designated:</u></b><br/> <b><u>(i) by law or by the relevant competent authority for nature protection purposes; or</u></b><br/> <b><u>(ii) for the protection of rare, threatened or endangered ecosystems or species recognised by international agreements or included in lists drawn up by intergovernmental organisations or the International Union for the Conservation of Nature, subject to their recognition in accordance with the first subparagraph of Article 30(4), unless evidence is provided that the production of that raw material did not interfere with those nature protection purposes;</u></b><br/> <b><u>(d) highly biodiverse grassland spanning more than one hectare that is:</u></b><br/> <b><u>(i) natural, namely grassland that</u></b></p> |                 |                 |

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|   |  | <p><u>would remain grassland in the absence of human intervention and that maintains the natural species composition and ecological characteristics and processes; or</u><br/> <u>(ii) non -natural, namely grassland that would cease to be grassland in the absence of human intervention and that is species-rich and not degraded and has been identified as being highly biodiverse by the relevant competent authority, unless evidence is provided that the harvesting of the raw material is necessary to preserve its status as highly biodiverse grassland.</u><br/> <u>(iii) heathland that maintains the natural species composition and ecological characteristics and processes.';</u></p> |   |                 |
|   | Article 1, first paragraph, point (18)(b), introductory part                   |  |   |                 |
| Y | 283  |  | (b) <del>in paragraph 3, the following subparagraph is inserted after the first subparagraph:</del> | Y               |
|   | Article 1, first paragraph, point (18)(b), amending provision, first paragraph |  |   |                 |
| Y | 284  |  |   | Y               |

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|  | <p>‘<br/>This paragraph, with the exception of the first subparagraph, point (c), also applies to biofuels, bioliquids and biomass fuels produced from forest biomass.;<br/>,</p> |            | <p><i>deleted</i></p>   |                 |
| Article 1, first paragraph, point (18)(b), amending provision, first paragraph a |   |            |   |                 |
| 284a   |   |            | <p>‘<br/><b>in paragraph 6, first subparagraph, point (a), the following point (vi) is inserted :</b></p>   |                 |
| Article 1, first paragraph, point (18)(b), amending provision, first paragraph b |   |            |   |                 |
| 284b   |   |            | <p><b>« (vi) that forests in which the abovementioned forest biomass is harvested do not stem from the lands that have the statuses mentioned in paragraph 3 point (a), paragraph 3 point (b), paragraph 3 point (d), paragraph 4 point (a), and paragraph 5, respectively under the same conditions of determination of the status of land specified in these paragraphs. For the purposes of paragraph 3 point (b), only the lands that have been identified as</b></p> |                 |

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|  |   |  | being highly biodiverse by the relevant competent authority are considered"; <sup>1</sup> |                 |
|  |   |  | 1. A new recital 36b explains this addition.  |                 |
| Article 1, first paragraph, point (18)(c), introductory part                   |   |  |   |                 |
| 285  | (c) in paragraph 4, the following subparagraph is added:  | (c) <del>in</del> paragraph 4, <del>the following subparagraph is added</del> <u>is replaced by the following:</u>   | deleted   |                 |
| Article 1, first paragraph, point (18)(c), amending provision, first paragraph |   |  |   |                 |
| 286  | The first subparagraph, with the exception of points (b) and (c), and the second subparagraph also apply to biofuels, bioliquids and biomass fuels produced from forest biomass.; | <u>'4. Biofuels, bioliquids and biomass fuels produced from agricultural biomass taken into account for the purposes referred to in points (a), (b) and (c) of the first subparagraph of paragraph 1 shall not be made from raw material obtained from land with high- carbon stock, namely land that had one of the following statuses in January 2008 and no longer has that status:</u><br><u>(a) wetlands, namely land that is covered with or saturated by water permanently or for a significant</u> | deleted   |                 |

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|  |                     | <p><u>part of the year;</u><br/> <u>(b) continuously forested areas, namely land spanning more than one hectare with trees higher than five metres and a canopy cover of more than 30 %, or trees able to reach those thresholds in situ;</u><br/> <u>(c) land spanning more than one hectare with trees higher than five metres and a canopy cover of between 10 % and 30 %, or trees able to reach those thresholds in situ, unless evidence is provided that the carbon stock of the area before and after conversion is such that, when the methodology laid down in Part C of Annex V is applied, the conditions laid down in paragraph 10 of this Article would be fulfilled;</u><br/> <u>(ca) heathland that maintains the natural species composition and ecological characteristics and processes.</u><br/> <u>This paragraph shall not apply if, at the time the raw material was obtained, the land had the same status as it had in January 2008.</u></p> <p>The first subparagraph, with the exception of points (b) and (c), and the second subparagraph also apply to biofuels, bioliquids and biomass fuels produced from forest biomass.;</p> |                 |                 |

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|      |  |            |  |                 |
|      | Article 1, first paragraph, point (18)(c), amending provision, first paragraph a |            |  |                 |
| 286a |  |            | in paragraph 6, first subparagraph, point (b), the following point (vi) is inserted :  |                 |
|      | Article 1, first paragraph, point (18)(c), amending provision, first paragraph b |            |  |                 |
| 286b |  |            | « (vi) that forests in which the abovementioned forest biomass is harvested do not stem from the lands that have the statuses mentioned in paragraph 3 point (a), paragraph 3 point (b), paragraph 3 point (d), paragraph 4 point (a), and paragraph 5, respectively under the same conditions of determination of the status of land specified in these paragraphs. For the purposes of paragraph 3 point (b), only the lands that have been identified as being highly biodiverse by the relevant competent authority are considered;» |                 |
|      | Article 1, first paragraph, point (18)(d), introductory part                     |            |  |                 |

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| 287  | (d) paragraph 5 is replaced by the following:   |   | <i>deleted</i>  |                 |
| <i>Article 1, first paragraph, point (18)(d), amending provision, numbered paragraph (5)</i> |   |   |                 |                 |
| 288  | 5. Biofuels, bioliquids and biomass fuels produced from agricultural or forest biomass taken into account for the purposes referred to in paragraph 1, first subparagraph, points (a), (b) and (c), shall not be made from raw material obtained from land that was peatland in January 2008, unless evidence is provided that the cultivation and harvesting of that raw material does not involve drainage of previously undrained soil.; | 5. Biofuels, bioliquids and biomass fuels produced from agricultural or forest biomass taken into account for the purposes referred to in paragraph 1, first subparagraph, points (a), (b) and (c), shall not be made from raw material obtained from land that was peatland in January 2008, unless evidence is provided that the cultivation and harvesting of that raw material does not involve drainage of previously undrained soil <u>and compliance on national or subnational level, in line with the criteria to minimise the risk of using forest biomass derived from unsustainable production referred to in paragraph 6, can be reported by competent national authority.</u> ; | <i>deleted</i>  |                 |
| <i>Article 1, first paragraph, point (18)(da), introductory part</i>                         |   |   |                 |                 |
| 288a   |   |   |                 |                 |

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|   |  | <u>(da) the following paragraph is inserted:</u>   |                 |                 |
|   | Article 1, first paragraph, point (18)(da), amending provision, numbered paragraph (1) |  |                 |                 |
| Y | 288b   | "<br><u>5a. Biofuels, bioliquids and biomass fuels produced from agricultural biomass taken into account for the purposes referred to in points (a), (b) and (c) of the first subparagraph of paragraph 1 shall not be made from raw material obtained in a country that is not Party to the Paris Agreement</u> ’;<br>" |                 | Y               |
|   | Article 1, first paragraph, point (18)(db), introductory part                          |  |                 |                 |
| Y | 288c   | <u>(e) in paragraph 6, the first subparagraph is amended as follows:</u>   |                 | Y               |
|   | Article 1, first paragraph, point (18)(db), amending provision, first paragraph        |  |                 |                 |
| Y | 288d   | "<br><u>(i) the introductory wording is replaced by the following:</u>   |                 | Y               |

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|   | Article 1, first paragraph, point (18)(db), amending provision, second paragraph |  |                 |                 |
| Y | 288e   | <p><u><i>'Biofuels, bioliquids and biomass fuels produced from forest biomass, taken into account for the purposes referred to in points (b) and (c) of the first subparagraph of paragraph 1 shall not be derived from primary woody biomass, take into account the waste hierarchy as set out in Article 4 of Directive 2008/98/EC and the cascading principle referred to in Article 3, and shall meet the following criteria to minimise the risk of using woody biomass derived from unsustainable production. For the purpose of contributing towards the renewable targets referred to in Article 3(1) the energy share from biofuels, bioliquids and biomass fuels derived from primary woody biomass as defined in Article 2 of this Directive shall be no more than the share of the overall energy consumption of the average of such fuels in 2017 - 2022 based on the latest available data.'</i></u></p> |                 |                 |
|   | Article 1, first paragraph, point (18)(db), amending provision, third paragraph  |  |                 |                 |
| Y | 288f   |  |                 | Y               |

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|  |   | <u><i>(ii) in point (a), point (iii) is replaced by the following:</i></u>   |   |                 |
| Article 1, first paragraph, point (18)(db), amending provision, fourth paragraph |   |  |   |                 |
| 288g   |   | <u><i>(iii) that areas designated by international or national law or by the relevant competent authority for nature protection purposes, including in wetlands, grassland, heathland and peatlands, are protected with the aim of preserving biodiversity and to prevent habitat destruction as set out in Directives 2009/147/EC and 92/43/EEC, the environmental status of oceans as set out in Directive 2008/56/EC as well as the ecological status of rivers as set out in Directive 2000/60/EC;';</i></u> |   |                 |
| Article 1, first paragraph, point (18)(e), introductory part                     |   |  |   |                 |
| 289  | (e) in paragraph 6, first subparagraph, point (a), point (iv) is replaced by the following: | <del>(e)(iii)</del> in <del>paragraph 6, first subparagraph,</del> point (a), point (iv) is replaced by the following:   | (e) in paragraph 6, first subparagraph, point (a), point (iv) is replaced by the following: |                 |
| Article 1, first paragraph, point (18)(e), amending provision, first paragraph   |   |  |   |                 |
| 290  | ,   | ,  | (iv) that harvesting is carried out   |                 |

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|  | <p>(iv) that harvesting is carried out considering maintenance of soil quality and biodiversity with the aim of minimising negative impacts, in a way that avoids harvesting of stumps and roots, degradation of primary forests or their conversion into plantation forests, and harvesting on vulnerable soils; minimises large clear-cuts and ensures locally appropriate thresholds for deadwood extraction and requirements to use logging systems that minimise impacts on soil quality, including soil compaction, and on biodiversity features and habitats;</p> | <p>(iv) that harvesting is carried out <del>considering</del><b>ensuring</b> maintenance of soil quality and biodiversity with the aim of <del>minimising</del><b>preventing</b> negative impacts, in a way that <del>avoids</del><b>prevents</b> harvesting of stumps and roots <b>not suitable for material use e.g. through the use of sustainable forest management practices</b>, degradation of primary <b>and old-growth</b> forests or their conversion into plantation forests, and harvesting on vulnerable soils; <del>minimises large clear-cuts and prevents clear-cuts, unless this leads to favourable and appropriate ecosystem conditions</del>, ensures locally <b>and ecologically</b> appropriate thresholds for deadwood extraction, <b>and ensures</b> <del>and</del> requirements to use logging systems that minimise impacts on soil quality, including soil compaction, and on biodiversity features and habitats: <b>;</b></p> | <p>considering maintenance of soil quality and biodiversity <b>according to sustainable forest management principles<sup>1</sup></b>, with the aim of minimising negative impacts, in a way that avoids harvesting of stumps and roots, degradation of primary forests or their conversion into plantation forests, and harvesting on vulnerable soils; minimises large clear-cuts and ensures locally appropriate thresholds for deadwood extraction and requirements to use logging systems that minimise impacts on soil quality, including soil compaction, and on biodiversity features and habitats:’;</p> <p><b>1. Delegations are informed that this concept is explained in the recital 102 of the Directive 2018/2001.</b></p> |                 |
| Article 1, first paragraph, point (18)(f), introductory part |  |   |  |                 |
| 291  | <p>(f) in paragraph 6, first subparagraph, point (b), point (iv) is replaced by the following:</p>   | <p>(f) in <del>paragraph 6, first subparagraph</del>, point (b), point (iv) is replaced by the following:</p>   | <p>(f) in paragraph 6, first subparagraph, point (b), point (iv) is replaced by the following:</p>   |                 |

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|     | Article 1, first paragraph, point (18)(f), amending provision, first paragraph  |   |  |                 |
| 292 | <p>(iv) that harvesting is carried out considering maintenance of soil quality and biodiversity with the aim of minimising negative impacts, in a way that avoids harvesting of stumps and roots, degradation of primary forests or their conversion into plantation forests, and harvesting on vulnerable soils; minimises large clear-cuts and ensures locally appropriate thresholds for deadwood extraction and requirements to use logging systems that minimise impacts on soil quality, including soil compaction, and on biodiversity features and habitats;;</p> | <p>(iv) that harvesting is carried out <del>considering</del><u>ensuring</u> maintenance of soil quality and biodiversity with the aim of <del>minimising</del><u>preventing</u> negative impacts, in a way that <del>avoids</del><u>prevents</u> harvesting of stumps and roots <u>not suitable for material use e.g. through the use of sustainable forest management practices</u>, degradation of primary <u>and old-growth</u> forests or their conversion into plantation forests, and harvesting on vulnerable soils; <del>minimises large clear-cuts</del> <u>and prevents clear-cuts, unless this leads to favourable and appropriate ecosystem conditions</u>, ensures locally <u>and ecologically</u> appropriate thresholds for deadwood extraction, <u>and ensures</u> <del>and</del> requirements to use logging systems that minimise impacts on soil quality, including soil compaction, and on biodiversity features and habitats:’;</p> | <p>(iv) that harvesting is carried out considering maintenance of soil quality and biodiversity <b>according to sustainable forest management principles</b>, with the aim of minimising negative impacts, in a way that avoids harvesting of stumps and roots, degradation of primary forests or their conversion into plantation forests, and harvesting on vulnerable soils; minimises large clear-cuts and ensures locally appropriate thresholds for deadwood extraction and requirements to use logging systems that minimise impacts on soil quality, including soil compaction, and on biodiversity features and habitats:’;</p> |                 |
|     | Article 1, first paragraph, point (18)(fa), introductory part   |   |  |                 |

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| Y   | 292a                | <u><i>(fa) the following paragraph is inserted:</i></u>  |   | Y               |
| Article 1, first paragraph, point (18)(fa), amending provision, first paragraph |                     |  |   |                 |
| Y   | 292b                | "<br><u><i>'7a. Biofuels, bioliquids and biomass fuels produced from forest biomass shall not exceed the cap defined at national level for the use of forest biomass that is consistent with the Member State's targets on carbon sink growth as defined in Regulation ... [the revised Regulation 2018/841].';</i></u><br>" |   | Y               |
| Article 1, first paragraph, point (18)(g), introductory part                    |                     |  |   |                 |
| Y   | 293                 | (g) in paragraph 10, first subparagraph, point (d) is replaced by the following:   | (g) in paragraph 10, first subparagraph, <del>point (d)</del> <b>the first sentence</b> is replaced by the following:<br><br>"The greenhouse gas emission savings from the use of biofuels, bioliquids and biomass fuels taken into account for the purposes referred to in paragraph 1, and according to | Y               |

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|   |   |  | the thresholds defined in paragraph 1 subparagraph 4, shall be:"   |                 |
|   | Article 1, first paragraph, point (18)(g), amending provision, first paragraph -a |  |  |                 |
| Y | 293a  |  | (h) in paragraph 10, first subparagraph, point (d) is replaced by the following:   | Y               |
|   | Article 1, first paragraph, point (18)(g), amending provision, first paragraph    |  |  |                 |
| Y | 294   | (d) at least 70 % for electricity, heating and cooling production from biomass fuels used in installations <u>starting operations from 1 January 2021</u> until 31 December 2025, and at least <b>85 % for installations starting operations</b> from 1 January 2026.; | (d) at least 70 % for electricity, heating and cooling production from biomass fuels used in installations <del>until 31 December 2025, and having started operation after the entry into force of this directive,</del> at least 80 % from 1 January 2026.; | Y               |
|   | Article 1, first paragraph, point (18)(g), amending provision, first paragraph a  |  |  |                 |
| Y | 294a  |  | (e) for electricity, heating and cooling production from biomass fuels used in installations with a total rated thermal input equal to or exceeding 10 MW having   | Y               |

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|  |                     |            | started operation from 1 January 2021 to the entry into force of this directive, at least 70 % until 31 December 2029, and at least 80% from 1 January 2030;  |                 |
| Article 1, first paragraph, point (18)(g), amending provision, first paragraph b |                     |            |   |                 |
| 294b   |                     |            | (f) for electricity, heating and cooling production from gaseous / biomass fuels used in installations with a total rated thermal input equal to or lower than 10 MW having started operation from 1 January 2021 to the entry into force of this directive, at least 70 % before they reach 15 years of operation, and at least 80% once they reach 15 years of operation; |                 |
| Article 1, first paragraph, point (18)(g), amending provision, first paragraph c |                     |            |   |                 |
| 294c   |                     |            | (g) for electricity, heating and cooling production from biomass fuels used in installations with a total rated thermal input equal to or exceeding 10 MW having started operation before 31 December 2020, at least 80% once they reach 15 years of operation, at the earliest from 1  |                 |

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|  |                     |   | January 2026 and, at the latest, from 31 December 2029;  |                 |
| Article 1, first paragraph, point (18)(g), amending provision, first paragraph d |                     |   |  |                 |
| Y  | 294d                |   | (h) for electricity, heating and cooling production from gaseous biomass fuels used in installations with a total rated thermal input equal to or lower than 10 MW having started operation before 31 December 2020, at least 80% once they reach 15 years of operation and at the earliest from 1 January 2026. | Y               |
| Article 1, first paragraph, point (18)(ga), introductory part                    |                     |   |  |                 |
| Y  | 294e                | <u>(ga) in paragraph 11, the introductory wording is replaced by the following:</u>   |  | Y               |
| Article 1, first paragraph, point (18)(ga), amending provision, first paragraph  |                     |   |  |                 |
| Y  | 294f                | "<br><u>11. Electricity from biomass fuels shall be taken into account for the purposes referred to in points (b) and (c) of the first subparagraph</u> |  | Y               |

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|  |                     | <u><i>of paragraph 1 only if the fuels in use do not include primary woody biomass and it meets one or more of the following requirements. For the purpose of contributing towards the renewable targets referred to in Article 3(1) the electricity share from biomass fuels derived from primary woody biomass as defined in Article 2 of this Directive shall be no more than the share of the overall electricity consumption of the average of such fuels in 2017 - 2022 based on the latest available data.'</i></u> |                 |                 |
| Article 1, first paragraph, point (18a), introductory part                   |                     |  |                 |                 |
| Y  | 294g                | <u><i>(gb) paragraph 13 is replaced by the following:</i></u>  |                 | Y               |
| Article 1, first paragraph, point (18a), amending provision, first paragraph |                     |  |                 |                 |
| Y  | 294h                | <u><i>"<br/>13. For the purposes referred in the first subparagraph of paragraph 1 of this Article, Member States may derogate, for a limited period of time, from the criteria laid down in paragraphs 2</i></u>  |                 | Y               |

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|  |                     | <p><u>to 7 and 10 and 11 of this Article by adopting different criteria for:</u><br/> <u>(a) installations located in an outermost region as referred to in Article 349 TFEU to the extent that such facilities produce electricity or heating or cooling from biomass fuels and bioliquids, and for biofuels especially for the space sector and related astrophysics activities; and</u><br/> <u>(b) biomass fuels and bioliquids used in the installations and biofuels especially used in the space sector and related astrophysics activities referred to in point (a) of this subparagraph, irrespective of the place of origin of that biomass, provided that such criteria are objectively justified on the grounds that their aim is to ensure, for that outermost region, access to safe and secured energy and incentivise the transition from fossil fuels to sustainable biomass fuels and bioliquids.</u><br/> <u>Bioliquids, biofuels and biomass fuels produced from primary woody biomass extracted in a sustainable manner and resulting from land use planning in an outermost region where forests cover at least 90% of the territory</u></p> |                 |                 |

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|   |                     | <p><u>of that outermost region shall be taken into account for the purposes referred to in point (a), (b) and (c) of the first subparagraph of Article 29.</u></p> <p><u>In order to ensure energy security in the outermost regions, Member States may continue to grant support to the production of electricity from forest biomass in electricity-only-installations located in outermost regions as referred to in Article 349 TFEU.</u></p> |                 |                 |
| Article 1, first paragraph, point (18b)                   |                     |   |                 |                 |
| Y   | 294i                | <p><u>(gc) paragraph 14 is replaced by the following:</u></p>   |                 | Y               |
| Article 1, first paragraph, point (18c)                   |                     |   |                 |                 |
| Y   | 294j                | <p><u>14. For the purposes referred to in points (a), (b) and (c) of the first subparagraph of paragraph 1, Member States may establish additional sustainability criteria for biofuels, bioliquids and biomass fuels.’;</u></p>  |                 | Y               |
| Article 1, first paragraph, point (20), introductory part |                     |   |                 |                 |

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| 301  | (20) Article 30 is amended as follows:   |   | (20) Article 30 is amended as follows:  |                 |
| Article 1, first paragraph, point (20)(a), introductory part                   |  |   |   |                 |
| 302  | (a) in paragraph 1, first subparagraph, the introductory phrase is replaced by the following:  |   | (a) in paragraph 1, first subparagraph, the introductory phrase is replaced by the following:   |                 |
| Article 1, first paragraph, point (20)(a), amending provision, first paragraph |  |   |   |                 |
| 303  | ‘<br>Where renewable fuels and recycled carbon fuels are to be counted towards the targets referred to in Articles 3(1), 15a(1), 22a(1), 23(1), 24(4) and 25(1), Member States shall require economic operators to show that the sustainability and greenhouse gas emissions saving criteria laid down in Articles 29(2) to (7) and (10) and 29a(1) and (2) for renewable fuels and recycled-carbon fuels have been fulfilled. For that purpose, they shall require economic operators to use a mass balance system which:;<br>’ | ‘<br>Where renewable fuels and recycled carbon fuels are to be counted towards the targets referred to in Articles 3(1), 15a(1), 22a(1), 23(1), 24(4) and 25(1), Member States shall require economic operators to show <u>via mandatory independent and publicly available audits</u> that the sustainability and greenhouse gas emissions saving criteria laid down in Articles 29(2) to (7) and (10) and 29a(1) and (2) for renewable fuels and recycled-carbon fuels have been fulfilled. For that purpose, they shall require economic operators to use a mass balance system which:’; | Where renewable fuels and recycled carbon fuels are to be counted towards the targets referred to in Articles 3(1), 15a(1), 22a(1), 23(1), 24(4) and 25(1), Member States shall require economic operators to show that the sustainability and greenhouse gas emissions saving criteria laid down in Articles 29(2) to (7) and (10) and 29a(1) and (2) for renewable fuels and recycled-carbon fuels have been fulfilled. For that purpose, they shall require economic operators to use a mass balance system which:’; |                 |

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|     |   |  |   |                 |
|     | Article 1, first paragraph, point (20)(b), introductory part  |  |   |                 |
| 304 | (b) in paragraph 3, the first and second subparagraphs are replaced by the following:   |  | (b) in paragraph 3, the first and second subparagraphs are replaced by the following:   |                 |
|     | Article 1, first paragraph, point (20)(b), amending provision, first paragraph  |  |   |                 |
| 305 | Member States shall take measures to ensure that economic operators submit reliable information regarding the compliance with the sustainability and greenhouse gas emissions saving criteria laid down in Articles 29(2) to (7) and (10) and 29a(1) and (2), and that economic operators make available to the relevant Member State, upon request, the data used to develop that information. | Member States shall take measures to ensure that economic operators submit reliable information regarding the compliance with the sustainability and greenhouse gas emissions saving criteria laid down in Articles 29(2) to (7) and (10) and 29a(1) and (2), <u>take into account EU biodiversity targets</u> , and that economic operators make available to the relevant Member State, upon request, <u>and to the public</u> the data used to develop that information. <u>Member States shall accredit independent assurance service providers in accordance with Regulation (EC) No 765/2008 to provide an opinion on the information submitted, and to provide evidence that this has</u> | Member States shall take measures to ensure that economic operators submit reliable information regarding the compliance with the sustainability and greenhouse gas emissions saving criteria laid down in Articles 29(2) to (7) and (10) and 29a(1) and (2), and that economic operators make available to the relevant Member State, upon request, the data used to develop that information. <b>Member States shall require economic operators to arrange for an adequate standard of independent auditing of the information submitted, and to provide evidence that this has been done. In order to comply with point (a) of Article 29(6) and point (a) of Article 29(7), the first or second party</b> |                 |

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|   |  | <i><u>been done. In order to comply with Article 29(3), points (a), (b) and (d), Article 29(4), point (a), Article 29(5), Article 29(6), point (a) and Article 29(7), point (a), the first or second party auditing may be used up to the first gathering point of the forest biomass. The auditing shall verify that the systems used by economic operators are accurate, reliable and protected against fraud, including verification ensuring that materials are not intentionally modified or discarded so that the consignment or part thereof could become waste or residue. It shall evaluate the frequency and methodology of sampling and the robustness of the data.</u></i> | <b>auditing may be used up to the first gathering point of the forest biomass. The auditing shall verify that the systems used by economic operators are accurate, reliable and protected against fraud, including verification ensuring that materials are not intentionally modified or discarded so that the consignment or part thereof could become a waste or residue. It shall evaluate the frequency and methodology of sampling and the robustness of the data.</b> |                 |
| Article 1, first paragraph, point (20)(b), amending provision, second paragraph |  |  |  |                 |
| 306   | The obligations laid down in this paragraph shall apply regardless of whether renewable fuels and recycled carbon fuels are produced within the Union or are imported. Information about the geographic origin and feedstock type of biofuels, bioliquids and biomass fuels per fuel supplier shall be | The obligations laid down in this paragraph shall apply regardless of whether renewable fuels and recycled carbon fuels are produced within the Union or are imported. Information about the geographic origin and feedstock type of biofuels, bioliquids and biomass fuels per fuel supplier shall be   | The obligations laid down in this paragraph shall apply regardless of whether renewable fuels and recycled carbon fuels are produced within the Union or are imported. Information about the geographic origin and feedstock type of biofuels, bioliquids and biomass fuels per fuel supplier shall be   |                 |

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|  | made available to consumers on the websites of operators, suppliers or the relevant competent authorities and shall be updated on an annual basis.;  | made available to consumers <u>in an up to date, easily accessible, and user-friendly manner</u> on the websites of operators, suppliers <del>or</del> <u>and</u> the relevant competent authorities <u>as well as at refuelling stations</u> and shall be updated on an annual basis.; | made available to consumers on the websites of operators, suppliers or the relevant competent authorities and shall be updated on an annual basis.;  |                 |
| Article 1, first paragraph, point (20)(c), introductory part                   |  |   |  |                 |
| 307  | (c) in paragraph 4, the first subparagraph is replaced by the following:   |   | (c) in paragraph 4, the first subparagraph is replaced by the following:   |                 |
| Article 1, first paragraph, point (20)(c), amending provision, first paragraph |  |   |  |                 |
| 308  | The Commission may decide that voluntary national or international schemes setting standards for the production of renewable fuels and recycled carbon fuels, provide accurate data on greenhouse gas emission savings for the purposes of Articles 29(10) and 29a (1) and (2), demonstrate compliance with Articles 27(3) and 31a(5), or demonstrate that consignments of biofuels, bioliquids and biomass fuels comply with the sustainability |   | The Commission may decide that voluntary national or international schemes setting standards for the production of renewable fuels and recycled carbon fuels, provide accurate data on greenhouse gas emission savings for the purposes of Articles 29(10) and 29a (1) and (2), demonstrate compliance with Articles 27(3) and 31a(5), or demonstrate that consignments of biofuels, bioliquids and biomass fuels comply with the sustainability criteria laid down in Article 29(2) |                 |

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|  | criteria laid down in Article 29(2) to (7). When demonstrating that the criteria laid down in Article 29(6) and (7) are met, the operators may provide the required evidence directly at sourcing area level. The Commission may recognise areas for the protection of rare, threatened or endangered ecosystems or species recognised by international agreements or included in lists drawn up by intergovernmental organisations or the International Union for the Conservation of Nature for the purposes of Article 29(3), first subparagraph, point (c)(ii).; |  | to (7). When demonstrating that the criteria laid down in Article 29(6) and (7) are met, the operators may provide the required evidence directly at sourcing area level. The Commission may recognise areas for the protection of rare, threatened or endangered ecosystems or species recognised by international agreements or included in lists drawn up by intergovernmental organisations or the International Union for the Conservation of Nature for the purposes of– Article 29(3), first subparagraph, point (c)(ii).’; |                 |
| Article 1, first paragraph, point (20)(c), amending provision, first paragraph a |  |  |  |                 |
| 308a   |  | <u><i>(ca) in paragraph 4, the second subparagraph is replaced by the following:</i></u>   |  |                 |
| Article 1, first paragraph, point (20)(c), amending provision, first paragraph b |  |  |  |                 |
| 308b   |  | <u><i>‘The Commission may decide that those schemes contain accurate information on measures taken for soil, water and air protection.</i></u> |  |                 |

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|  |   | <u><i>for the restoration of degraded land and for the avoidance of excessive water consumption in areas where water is scarce.</i></u> |   |                 |
| Article 1, first paragraph, point (20)(d), introductory part   |   |   |   |                 |
| 309  | (d) paragraph 6 is replaced by the following:   |   | (d) paragraph 6 is replaced by the following:   |                 |
| Article 1, first paragraph, point (20)(d), amending provision, numbered paragraph (6), introductory part |   |   |   |                 |
| 310  | 6. Member States may set up national schemes where compliance with the sustainability and greenhouse gas emissions saving criteria laid down in Articles 29(2) to (7) and (10) and 29a(1) and (2), in accordance with the methodology developed under Article 29a(3), is verified throughout the entire chain of custody involving competent national authorities. Those schemes may also be used to verify the accuracy and completeness of the information included by economic operators in the Union database, to demonstrate compliance with |   | 6. Member States may set up national schemes where compliance with the sustainability and greenhouse gas emissions saving criteria laid down in Articles 29(2) to (7) and (10) and 29a(1) and (2), in accordance with the methodology developed under Article 29a(3), is verified throughout the entire chain of custody involving competent national authorities. Those schemes may also be used to verify the accuracy and completeness of the information included by economic operators in the Union database, to demonstrate compliance with Article 27(3) and for the |                 |

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|   | Article 27(3) and for the certification of biofuels, bioliquids and biomass fuels with low indirect land-use change-risk.  |            | certification of biofuels, bioliquids and biomass fuels with low indirect land-use change-risk.  |                 |
| Article 1, first paragraph, point (20)(d), amending provision, numbered paragraph (6), first paragraph  |  |            |  |                 |
| 311   | A Member State may notify such a national scheme to the Commission. The Commission shall give priority to the assessment of such a scheme in order to facilitate mutual bilateral and multilateral recognition of those schemes. The Commission may decide, by means of implementing acts, whether such a notified national scheme complies with the conditions laid down in this Directive. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 34(3). |            | A Member State may notify such a national scheme to the Commission. The Commission shall give priority to the assessment of such a scheme in order to facilitate mutual bilateral and multilateral recognition of those schemes. The Commission may decide, by means of implementing acts, whether such a notified national scheme complies with the conditions laid down in this Directive. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 34(3). |                 |
| Article 1, first paragraph, point (20)(d), amending provision, numbered paragraph (6), second paragraph |  |            |  |                 |
| 312   | Where the decision is positive, other schemes recognised by the Commission in accordance with this Article shall not refuse mutual   |            | Where the decision is positive, other schemes recognised by the Commission in accordance with this Article shall not refuse mutual   |                 |

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|  | recognition with that Member State's national scheme as regards verification of compliance with the criteria for which it has been recognised by the Commission.   |   | recognition with that Member State's national scheme as regards verification of compliance with the criteria for which it has been recognised by the Commission.   |                 |
| Article 1, first paragraph, point (20)(d), amending provision, numbered paragraph (6), third paragraph |  |   |  |                 |
| 313  | For installations producing electricity heating and cooling with a total rated thermal input between 5 and 10 MW, Member States shall establish simplified national verification schemes to ensure the fulfillment of the sustainability and greenhouse gas emissions criteria set out in paragraphs (2) to (7) and (10) of Article 29.; | For installations producing electricity heating and cooling with a total rated thermal input between 5 and <del>10</del> <sup>20</sup> MW, Member States shall establish simplified national verification schemes to ensure the fulfillment of the sustainability and greenhouse gas emissions criteria set out in paragraphs (2) to (7) and (10) of Article 29.; | For installations producing electricity, heating and cooling with a total rated thermal input between <del>5 and 10</del> and <b>20</b> MW, Member States <del>shall</del> <b>may</b> establish simplified national verification schemes to ensure the fulfillment of the sustainability and greenhouse gas emissions criteria set out in paragraphs (2) to (7) and (10) of Article 29. <b>For the same installations, the implementing acts provisioned in Article 30 paragraph 8 shall set out the uniform conditions for simplified voluntary verification schemes to ensure the fulfilment of the sustainability and greenhouse gas emissions criteria set out in paragraphs (2) to (7) and (10) of Article 29. ';</b> |                 |
| Article 1, first paragraph, point (20)(e), introductory part   |  |   |  |                 |

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| 314  | (e) in paragraph 9, the first subparagraph is replaced by the following:  |            | (e) in paragraph 9, the first subparagraph is replaced by the following:   |                 |
| Article 1, first paragraph, point (20)(e), amending provision, first paragraph |   |            |  |                 |
| 315  | Where an economic operator provides evidence or data obtained in accordance with a scheme that has been the subject of a decision pursuant to paragraph 4 or 6, a Member State shall not require the economic operator to provide further evidence of compliance with the elements covered by the scheme for which the scheme has been recognised by the Commission.; |            | Where an economic operator provides evidence or data obtained in accordance with a scheme that has been the subject of a decision pursuant to paragraph 4 or 6, a Member State shall not require the economic operator to provide further evidence of compliance with the elements covered by the scheme for which the scheme has been recognised by the Commission.’; |                 |
| Article 1, first paragraph, point (20)(ea)                                     |   |            |  |                 |
| 315a   |   |            | <b>(f) in paragraphe 9, the last following paragraph is added:</b><br><br><b>'Competent public authorities of the Member States may also supervise economic operators once they are certified under a voluntary scheme. Where</b>  |                 |

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|  |  |            | <b>Member States find issues of non-conformity, they shall take appropriate action and inform the voluntary scheme without delay.';</b>  |                 |
| Article 1, first paragraph, point (20)(f), introductory part                                       |  |            |  |                 |
| 316  | (f) paragraph 10 is replaced by the following:   |            | <del>(f)</del> (g) paragraph 10 is replaced by the following:  |                 |
| Article 1, first paragraph, point (20)(f), amending provision, first paragraph                     |  |            |  |                 |
| 317  | At the request of a Member State, which may be based on the request of an economic operator, the Commission shall, on the basis of all available evidence, examine whether the sustainability and greenhouse gas emissions saving criteria laid down in Article 29(2) to (7) and (10) and Article 29a(1) and (2) in relation to a source of renewable fuels and recycled carbon fuels have been met. |            | At the request of a Member State, which may be based on the request of an economic operator, the Commission shall, on the basis of all available evidence, examine whether the sustainability and greenhouse gas emissions saving criteria laid down in Article 29(2) to (7) and (10) and Article 29a(1) and (2) in relation to a source of renewable fuels and recycled carbon fuels have been met. |                 |
| Article 1, first paragraph, point (20)(f), amending provision, second paragraph, introductory part |  |            |  |                 |
| 318  | Within six months of receipt of  |            | Within six months of receipt of  |                 |

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|  | such a request and in accordance with the examination procedure referred to in Article 34(3), the Commission shall, by means of implementing acts, decide whether the Member State concerned may either:   |                   | such a request and in accordance with the examination procedure referred to in Article 34(3), the Commission shall, by means of implementing acts, decide whether the Member State concerned may either:   |                        |
| Article 1, first paragraph, point (20)(f), amending provision, second paragraph(a) |  |                   |  |                        |
| 319  | (a) take into account the renewable fuels and recycled carbon fuels from that source for the purposes referred to in points (a), (b) and (c) of the first subparagraph of Article 29(1); or  |                   | (a) take into account the renewable fuels and recycled carbon fuels from that source for the purposes referred to in points (a), (b) and (c) of the first subparagraph of Article 29(1); or  |                        |
| Article 1, first paragraph, point (20)(f), amending provision, second paragraph(b) |  |                   |  |                        |
| 320  | (b) by way of derogation from paragraph 9 of this Article, require suppliers of the source of renewable fuels and recycled carbon fuels to provide further evidence of compliance with those sustainability and greenhouse gas emissions saving criteria and those greenhouse gas emissions savings thresholds.; |                   | (b) by way of derogation from paragraph 9 of this Article, require suppliers of the source of renewable fuels and recycled carbon fuels to provide further evidence of compliance with those sustainability and greenhouse gas emissions saving criteria and those greenhouse gas emissions savings thresholds.; |                        |
| Article 1, first paragraph, point (22), introductory part                          |  |                   |  |                        |

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| 322   | (22) the following Article is inserted:   |  | (22) the following Article <b>31a</b> is inserted:  |                 |
| Article 1, first paragraph, point (22), amending provision, first paragraph                           |   |  |   |                 |
| 323   | ‘<br>Article 31a  |  | Article 31a   |                 |
| Article 1, first paragraph, point (22), amending provision, second paragraph                          |   |  |   |                 |
| 324   | Union database  |  | Union database  |                 |
| Article 1, first paragraph, point (22), amending provision, numbered paragraph (1)                    |   |  |   |                 |
| 325   | 1. The Commission shall ensure that a Union database is set up to enable the tracing of liquid and gaseous renewable fuels and recycled carbon fuels. | ‘<br>1. <u>By ... [three months after entry into force of this amending Directive],</u> the Commission shall ensure that a Union database is set up to enable the tracing of <u>biomass fuels,</u> liquid and gaseous renewable fuels and recycled carbon fuels <u>(the "Union Database").</u> | 1. The Commission shall ensure that a Union database is set up to enable the tracing of liquid and gaseous renewable fuels and recycled carbon fuels. |                 |
| Article 1, first paragraph, point (22), amending provision, numbered paragraph (2), introductory part |   |  |   |                 |
| 326   | 2. Member States shall require the  | 2. Member States shall require the   | 2. Member States shall require the  |                 |

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|     | relevant economic operators to enter in a timely manner accurate information into that database on the transactions made and the sustainability characteristics of the fuels subject to those transactions, including their life-cycle greenhouse gas emissions, starting from their point of production to the moment it is consumed in the Union. Information on whether support has been provided for the production of a specific consignment of fuel, and if so, on the type of support scheme, shall also be included in the database. | relevant economic operators to enter in a timely manner accurate information into that database on the transactions made and <u>on</u> the sustainability <del>characteristics</del> <u>criteria</u> of the fuels subject to those transactions, including their life-cycle greenhouse gas emissions, starting from their point of production to the moment it is consumed in the Union. <u>The interconnected gas system shall be considered to be a single mass balance system. Information about injection and withdrawal shall be provided in the Union Database for gaseous fuels.</u> Information on whether support has been provided for the production of a specific consignment of fuel, and if so, on the type of support scheme, shall also be included in the database. | relevant economic operators to enter in a timely manner accurate information into that database on the transactions made and the sustainability characteristics of the fuels subject to those transactions, including their life-cycle greenhouse gas emissions, starting from their point of production to the moment it is <del>consumed</del> <b>placed on the market</b> in the Union. Information on whether support has been provided for the production of a specific consignment of fuel, and if so, on the type of support scheme, shall also be included in the database. <b>These data can be entered into the EU database via national databases.</b> |                 |
|     | Article 1, first paragraph, point (22), amending provision, numbered paragraph (2), first paragraph  |  |   |                 |
| 327 | Where appropriate to improve traceability of data along the entire supply chain, the Commission is empowered to adopt delegated acts in accordance with Article 35 to further extend the scope of the  |  | Where appropriate to improve traceability of data along the entire supply chain, the Commission is empowered to adopt delegated acts in accordance with Article 35 to further extend the scope of the   |                 |

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|  | information to be included in the Union database to cover relevant data from the point of production or collection of the raw material used for the fuel production.                              |   | information to be included in the Union database to cover relevant data from the point of production or collection of the raw material used for the fuel production.                              |                 |
| Article 1, first paragraph, point (22), amending provision, numbered paragraph (2), second paragraph   |   |   |   |                 |
| 328  | Member States shall require fuel suppliers to enter the information necessary to verify compliance with the requirements laid down in Article 25(1), first subparagraph, into the Union database. |   | Member States shall require fuel suppliers to enter the information necessary to verify compliance with the requirements laid down in Article 25(1), first subparagraph, into the Union database. |                 |
| Article 1, first paragraph, point (22), amending provision, numbered paragraph (2), second paragraph a |   |   |   |                 |
| 328a   |   | <u><i>Notwithstanding subparagraphs 1 to 3, for gaseous renewable fuels and for gaseous fuels injected into the European gas system, economic operators should enter information on the transactions made and the sustainability criteria and other relevant information such as GHG emissions of the fuels up to the injection point to the interconnected gas system, where the mass balancing traceability</i></u> |   |                 |

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|   |   | <u><a href="#">system is complemented by guarantees of origin.</a></u>   |   |                 |
| Article 1, first paragraph, point (22), amending provision, numbered paragraph (3)                    |   |  |   |                 |
| 329   | 3. Member States shall have access to the Union database for the purposes of monitoring and data verification.  |  | 3. Member States shall have access to the Union database for the purposes of monitoring and data verification.  |                 |
| Article 1, first paragraph, point (22), amending provision, numbered paragraph (4)                    |   |  |   |                 |
| 330   | 4. If guarantees of origin have been issued for the production of a consignment of renewable gases, Member States shall ensure that those guarantees of origin are cancelled before the consignment of renewable gases can be registered in the database. | 4. <del>Where</del> guarantees of origin have been issued for the production of a consignment of renewable gases, Member States shall ensure that those guarantees of origin are cancelled <del>before</del> <u>after</u> the consignment of renewable gases <del>can be registered in the database</del> <u>is withdrawn from the European interconnected system for gas.</u> | 4. If guarantees of origin have been issued for the production of a consignment of renewable gases, Member States shall ensure that those guarantees of origin are cancelled before the consignment of renewable gases can be registered in the database. |                 |
| Article 1, first paragraph, point (22), amending provision, numbered paragraph (5), introductory part |   |  |   |                 |
| 331   | 5. Member States shall ensure that the accuracy and completeness of the information included by economic operators in the database is verified, for instance by using   | 5. Member States shall ensure that the accuracy and completeness of the information included by economic operators in the database is verified, for instance by using  | 5. Member States shall ensure <b>in their national legal framework</b> that the accuracy and completeness of the <del>data entered</del> <u>information included</u> by economic operators in   |                 |

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|  | voluntary or national schemes.  | voluntary or national schemes, <u>which may be complemented by a system of guarantees of origin.</u>   | the database is verified, for instance by using <b>certification bodies in the framework of voluntary or national schemes recognised by the Commission pursuant to Article 30(4), (5f) and (6).</b>   |                 |
| Article 1, first paragraph, point (22), amending provision, numbered paragraph (5), first paragraph                      |   |  |   |                 |
| 332  | For data verification, voluntary or national schemes recognised by the Commission pursuant to Article 30(4), (5) and (6) may use third party information systems as intermediaries to collect the data, provided that such use has been notified to the Commission. | <del>For data verification, voluntary or national schemes recognised by the Commission pursuant to Article 30(4), (5) and (6) may use third party information systems as intermediaries to collect the data, provided that such use has been notified to the Commission.</del> | For data verification, <b>Such</b> voluntary or national schemes recognised by the Commission pursuant to Article 30(4), (5) and (6) may use third party information systems as intermediaries to collect the data, provided that such use has been notified to the Commission. |                 |
| Article 1, first paragraph, point (22), amending provision, numbered paragraph (5), first paragraph a, introductory part |   |  |   |                 |
| 332a   |   |  | <b>Member States may use already existing national databases aligned to and linked with the EU database via interface or set up a national database that can be used by economic operators as an tool for collecting data and for entering, transferring and</b>                |                 |

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|  |                            |                   | <b>declaring those data into the Union Database, provided that:</b>  |                        |
| Article 1, first paragraph, point (22), amending provision, numbered paragraph (5), first paragraph a(a) |                            |                   |  |                        |
| 332b   |                            |                   | <b>(a) the national database complies with the Union Database including in terms of the timeliness of data transmission, the typology of data sets transferred, and the protocols for data quality and data verification; Member States may set up their national Database according to the national provisions, for instance to take into account stricter national requirements, as regards sustainability criteria . This should not hinder the overall traceability of sustainable consignments of raw materials or fuels to be entered into the Union Database in line with this Directive.</b> |                        |
| Article 1, first paragraph, point (22), amending provision, numbered paragraph (5), first paragraph a(b) |                            |                   |  |                        |
| 332c   |                            |                   | <b>(b) Member States ensure that the data entered in the national</b>  |                        |

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|   |                     |            | database is instantly transferred to the Union database.   |                 |
| Article 1, first paragraph, point (22), amending provision, numbered paragraph (5), first paragraph b |                     |            |  |                 |
| 332d  |                     |            | <p>The verification of the data quality entered through national databases to the EU database, the sustainability characteristics of the fuels related to that data, and the final approval of transactions shall be performed solely through the Union Database. The accuracy and completeness of the data must be checked in line with Implementing Regulation xxx/2022<sup>1</sup>, and therefore may be checked by certification bodies.</p> <p><sup>1</sup> Commission Implementing Regulation .../... of xxx on rules to verify sustainability and greenhouse gas emissions saving criteria and low indirect land-use change-risk criteria</p> |                 |
| Article 1, first paragraph, point (22), amending provision, numbered paragraph (5), first paragraph c |                     |            |  |                 |
| 332e  |                     |            | Member States shall notify the detailed features of their national database to the Commission.   |                 |

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|  |                     |  | Following that notification, the Commission shall assess whether the national database complies with the requirements in points (a) and (b) of the third subparagraph. If that is not the case, the Commission may require Member States to take appropriate steps to ensure compliance with those requirements. |                 |
| Article 1, first paragraph, point (22), amending provision, numbered paragraph (5a), introductory part |                     |  |  |                 |
| 332f   |                     | <u>5a. The database shall be made publicly available in an open, transparent and user-friendly manner and kept up-to-date. The Commission shall publish annual reports for the general public about the information reported in the Union database including the quantities, the geographic origin and feedstock type of renewable and low carbon fuels.’;</u> |  |                 |
| Article 1, first paragraph, point (22), amending provision, numbered paragraph (5a), first paragraph   |                     |  |  |                 |
| 332g   |                     |  |  |                 |

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|   |                     | <u><a href="#">(22a) Article 33 is amended as follows:</a></u>  |                 |                 |
| Article 1, first paragraph, point (22a), introductory part                      |                     |   |                 |                 |
| 332h  |                     | <u><a href="#">(a) in paragraph 3, the first subparagraph is replaced by the following:</a></u>   |                 |                 |
| Article 1, first paragraph, point (22a)(a), introductory part                   |                     |   |                 |                 |
| 332i  |                     | <u><a href="#">3. In 2025, the Commission shall submit, if appropriate, a legislative proposal on the regulatory framework for the promotion of energy from renewable sources for the period after 2030. ';</a></u> |                 |                 |
| Article 1, first paragraph, point (22a)(a), amending provision, first paragraph |                     |   |                 |                 |
| 332j  |                     | <u><a href="#">" (b) in paragraph 3, the following subparagraph is added: "</a></u>   |                 |                 |
| Article 1, first paragraph, point (22a)(b), introductory part                   |                     |   |                 |                 |
| 332k  |                     | <u><a href="#">When preparing the legislative proposal referred to in the first</a></u>   |                 |                 |

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|      |   | <p><u>subparagraph the Commission shall take into account:</u></p> <p><u>(a) the advice of the European Scientific Advisory Board on Climate Change established under Article 10a of Regulation (EC) No 401/2009;</u></p> <p><u>(b) the projected indicative Union greenhouse gas budget as set out in Article 4(4) of Regulation (EU) 2021/1119;</u></p> <p><u>(c) the integrated national energy and climate plans submitted by Member States by 30 June 2024 pursuant to Article 14 (2) of Regulation (EU) 2018/1999;</u></p> <p><u>(d) the experience gained by the implementation of this Directive, including its sustainability and greenhouse gas emissions saving criteria; and</u></p> <p><u>(e) technological developments in energy from renewable sources.';</u></p> |                 |                 |
|      | Article 1, first paragraph, point (22a)(b), amending provision, first paragraph |   |                 |                 |
| 3321 |   | <p>"</p> <p><u>(c) the following paragraph is added:</u></p> <p>"</p>   |                 |                 |
|      | Article 1, first paragraph, point (22a)(c), introductory part                   |   |                 |                 |

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|------|---------------------|--|-----------------|-----------------|
| 332m |                     | <p><u>(c) '4a. By ... [two years after entry into force of this amending Directive], the Commission shall review the implementation of this Directive and publish a report setting out the conclusions of its review. The review shall, in particular, examine the following:</u></p> <p><u>(a) the external effects of the deployment of renewable energy and its impact on the environment;</u></p> <p><u>(b) the socio-economic benefits of the implementation of this Directive;</u></p> <p><u>(c) the status of the implementation of related renewables energy initiatives under the RepowerEU;</u></p> <p><u>(d) whether the increase in demand for electricity in the transport, industry, building and heating and cooling sectors and RFNBOs is met with equivalent amounts of renewable generation capacities;</u></p> <p><u>(e) a phase down, by 2030, of the share of fuels derived from primary woody biomass as defined in Article 2 of this Directive, for the purpose of counting towards the renewable targets referred to in Article 3(1), based on an impact</u></p> |                 |                 |

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|   |  | <u><i>assessment by the Commission. This review for a phase down shall be presented at the latest by ... [3 years after the transposition of this amending Directive]</i></u>   |  |   |
| Article 1, first paragraph, point (22a)(c), amending provision, first paragraph |  |   |  |   |
| 332n  |  | "<br><u><i>The Commission and the competent authorities in the Member States shall continuously adapt to best administrative practices administrative procedures and take all other measures to simplify the implementation of this Directive, and reduce compliance costs for involved actors and affected sectors to a minimum.</i></u> " |  |   |
| Article 3, first paragraph, point (2), introductory part                        |  |   |  |   |
| 361   | (2) Article 2 is amended as follows:                 |   | (2) Article 2 is amended as follows:                 |   |
| Article 3, first paragraph, point (2)(a), introductory part                     |  |   |  |   |
| 362   | (a) points 1, 2 and 3 are replaced by the following: |   | (a) points 1, 2 and 3 are replaced by the following: | (a) <del>points 1, 2 and 3 are replaced by the following:</del> <u><i>(Deleted)</i></u> |

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|     | Article 3, first paragraph, point (2)(a), amending provision, numbered paragraph (1)   |            |  |   |
| 363 | <p>1. ‘petrol’ means any volatile mineral oil intended for the operation of internal combustion positive-ignition engines for the propulsion of vehicles and falling within CN codes 2710 12 41, 2710 12 45 and 2710 12 49;</p>  |            | <p>1. ‘petrol’ means any volatile mineral oil intended for the operation of internal combustion positive-ignition engines for the propulsion of vehicles and falling within CN codes 2710 12 41, 2710 12 45 and 2710 12 49;</p>  | <p>1. <del>‘petrol’ means any volatile mineral oil intended for the operation of internal combustion positive-ignition engines for the propulsion of vehicles and falling within CN codes 2710 12 41, 2710 12 45 and 2710 12 49;</del> <del>(Deleted)</del></p>   |
|     | Article 3, first paragraph, point (2)(a), amending provision, numbered paragraph (2)   |            |  |   |
| 364 | <p>2. ‘diesel fuels’ means gas oils falling within CN code 2710 19 43<sup>1</sup> as referred to in Regulation (EC) No 715/2007 of the European Parliament and the Council<sup>2</sup> and Regulation (EC) 595/2009 of the European Parliament and of the Council<sup>3</sup> and used for self-propelling vehicles;</p> <p>1. The numbering of these CN codes as specified in the Common Customs Tariff, Council Regulation (EEC) No 2658/87 of 23 July 1987 on the tariff and statistical nomenclature and on the Common Customs Tariff (OJ L 256 7.9.1987, p. 1).<br/>2. Regulation (EC) No 715/2007 of the</p> |            | <p>2. ‘diesel fuels’ means gas oils falling within CN code 2710 19 43<sup>1</sup> as referred to in Regulation (EC) No 715/2007 of the European Parliament and the Council<sup>2</sup> and Regulation (EC) 595/2009 of the European Parliament and of the Council<sup>3</sup> and used for self-propelling vehicles;</p> <p>1. The numbering of these CN codes as specified in the Common Customs Tariff, Council Regulation (EEC) No 2658/87 of 23 July 1987 on the tariff and statistical nomenclature and on the Common Customs Tariff (OJ L 256 7.9.1987, p. 1).<br/>2. Regulation (EC) No 715/2007 of the</p> | <p>2. <del>‘diesel fuels’ means gas oils falling within CN code 2710 19 43<sup>1</sup> as referred to in Regulation (EC) No 715/2007 of the European Parliament and the Council<sup>2</sup> and Regulation (EC) 595/2009 of the European Parliament and of the Council<sup>3</sup> and used for self-propelling vehicles;</del> <del>(Deleted)</del> <del>(EC) 595/2009 of the European Parliament and of the Council<sup>3</sup> and used for self-propelling vehicles;</del></p> <p><del>1. The numbering of these CN codes as specified in the Common Customs Tariff, Council Regulation (EEC) No 2658/87 of 23 July 1987 on the tariff and statistical nomenclature and on the Common Customs Tariff (OJ L 256 7.9.1987, p. 1).</del></p> |

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|     | <p>European Parliament and of the Council of 20 June 2007 on type approval of motor vehicles with respect to emissions from light passenger and commercial vehicles (Euro 5 and Euro 6) and on access to vehicle repair and maintenance information (OJ L 171, 29.6.2007, p. 1).</p> <p>3. Regulation (EC) No 595/2009 of the European Parliament and of the Council of 18 June 2009 on type-approval of motor vehicles and engines with respect to emissions from heavy duty vehicles (Euro VI) and on access to vehicle repair and maintenance information and amending Regulation (EC) No 715/2007 and Directive 2007/46/EC and repealing Directives 80/1269/EEC, 2005/55/EC and 2005/78/EC (OJ L 188, 18.7.2009, p. 1);</p> |            | <p>European Parliament and of the Council of 20 June 2007 on type approval of motor vehicles with respect to emissions from light passenger and commercial vehicles (Euro 5 and Euro 6) <del>and on access to vehicle repair and maintenance information</del> (OJ L 171, 29.6.2007, p. 1).</p> <p>3. Regulation (EC) No 595/2009 of the European Parliament and of the Council of 18 June 2009 on type-approval of motor vehicles and engines with respect to emissions from heavy duty vehicles (Euro VI) <del>and on access to vehicle repair and maintenance information</del> and amending Regulation (EC) No 715/2007 and Directive 2007/46/EC and repealing Directives 80/1269/EEC, 2005/55/EC and 2005/78/EC (OJ L 188, 18.7.2009, p. 1);</p> | <p><i>2. Regulation (EC) No 715/2007 of the European Parliament and of the Council of 20 June 2007 on type approval of motor vehicles with respect to emissions from light passenger and commercial vehicles (Euro 5 and Euro 6) and on access to vehicle repair and maintenance information (OJ L 171, 29.6.2007, p. 1).</i></p> <p><i>3. Regulation (EC) No 595/2009 of the European Parliament and of the Council of 18 June 2009 on type approval of motor vehicles and engines with respect to emissions from heavy duty vehicles (Euro VI) and on access to vehicle repair and maintenance information and amending Regulation (EC) No 715/2007 and Directive 2007/46/EC and repealing Directives 80/1269/EEC, 2005/55/EC and 2005/78/EC (OJ L 188, 18.7.2009, p. 1);</i></p> |
|     | Article 3, first paragraph, point (2)(a), amending provision, numbered paragraph (3)  |            |   |   |
| 365 | <p>3. ‘gas oils intended for use by non-road mobile machinery (including inland waterway vessels), agricultural and forestry tractors, and recreational craft’ means any petroleum-derived liquid, falling within CN codes 27101943<sup>1</sup>, referred to in Directive 2013/53/EU of the European Parliament and of the Council<sup>2</sup>, Regulation (EU) 167/2013 of the European Parliament and of the Council<sup>3</sup> and Regulation (EU)</p>  |            | <p>3. ‘gas oils intended for use by non-road mobile machinery (including inland waterway vessels), agricultural and forestry tractors, and recreational craft’ means any petroleum-derived liquid, falling within CN codes 27101943<sup>1</sup>, referred to in Directive 2013/53/EU of the European Parliament and of the Council<sup>2</sup>, Regulation (EU) 167/2013 of the European Parliament and of the Council<sup>3</sup> and Regulation (EU)</p>  | <p><i>3. ‘gas oils intended for use by non-road mobile machinery (including inland waterway vessels), agricultural and forestry tractors, and recreational craft’ means any petroleum-derived liquid, falling within CN codes 27101943<sup>1</sup>, referred to in Directive 2013/53/EU of the European Parliament and of the Council<sup>2</sup>; Regulation (EU) 167/2013 of the European Parliament and of the Council<sup>3</sup> and</i></p>   |

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|  | <p>2016/1628 of the European Parliament and of the Council<sup>4</sup> and intended for use in compression ignition engines.;</p> <p>1. The numbering of these CN codes as specified in the Common Customs Tariff, Council Regulation (EEC) No 2658/87 of 23 July 1987 on the tariff and statistical nomenclature and on the Common Customs Tariff (OJ L 256 7.9.1987, p. 1).</p> <p>2. Directive 2013/53/EU of the European Parliament and of the Council of 20 November 2013 on recreational craft and personal watercraft and repealing Directive 94/25/EC (OJ L 354, 28.12.2013, p.90).</p> <p>3. Regulation (EU) No 167/2013 of the European Parliament and of the Council of 5.02.2013 on the approval and market surveillance of agricultural and forestry vehicles, (OJ L 060 of 2.3.2013, p. 1).</p> <p>4. Regulation (EU) 2016/1628 of the European Parliament and of the Council of 14 September 2016 on requirements relating to gaseous and particulate pollutant emission limits and type-approval for internal combustion engines for non-road mobile machinery, amending Regulations (EU) No 1024/2012 and (EU) No 167/2013, and amending and repealing Directive 97/68/EC,( OJ L 354 of 28.12.2013, p.53).</p> |            | <p>2016/1628 of the European Parliament and of the Council<sup>4</sup> and intended for use in compression ignition engines.;</p> <p>1. The numbering of these CN codes as specified in the Common Customs Tariff, Council Regulation (EEC) No 2658/87 of 23 July 1987 on the tariff and statistical nomenclature and on the Common Customs Tariff (OJ L 256 7.9.1987, p. 1).</p> <p>2. Directive 2013/53/EU of the European Parliament and of the Council of 20 November 2013 on recreational craft and personal watercraft and repealing Directive 94/25/EC (OJ L 354, 28.12.2013, p.90).</p> <p>3. Regulation (EU) No 167/2013 of the European Parliament and of the Council of 5.02.2013 on the approval and market surveillance of agricultural and forestry vehicles, (OJ L 060 of 2.3.2013, p. 1).</p> <p>4. Regulation (EU) 2016/1628 of the European Parliament and of the Council of 14 September 2016 on requirements relating to gaseous and particulate pollutant emission limits and type-approval for internal combustion engines for non-road mobile machinery, amending Regulations (EU) No 1024/2012 and (EU) No 167/2013, and amending and repealing Directive 97/68/EC,( OJ L 354 of 28.12.2013, p.53).</p> | <p><i>Regulation (EU) 2016/1628 of the European Parliament and of the Council<sup>4</sup> and intended for use in compression ignition engines.;</i></p> <p><i>1. The numbering of these CN codes as specified in the Common Customs Tariff, Council Regulation (EEC) No 2658/87 of 23 July 1987 on the tariff and statistical nomenclature and on the Common Customs Tariff (OJ L 256 7.9.1987, p. 1).</i></p> <p><i>2. Directive 2013/53/EU of the European Parliament and of the Council of 20 November 2013 on recreational craft and personal watercraft and repealing Directive 94/25/EC (OJ L 354, 28.12.2013, p.90).</i></p> <p><i>3. Regulation (EU) No 167/2013 of the European Parliament and of the Council of 5.02.2013 on the approval and market surveillance of agricultural and forestry vehicles, (OJ L 060 of 2.3.2013, p. 1).</i></p> <p><i>4. Regulation (EU) 2016/1628 of the European Parliament and of the Council of 14 September 2016 on requirements relating to gaseous and particulate pollutant emission limits and type-approval for internal combustion engines for non-road mobile machinery, amending Regulations (EU) No 1024/2012 and (EU) No 167/2013, and amending and repealing Directive 97/68/EC,( OJ L 354 of 28.12.2013, p.53).</i></p> |