



Council of the
European Union

Brussels, 27 January 2023
(OR. en)

5822/23

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

LIMITE

**ENER 46
CLIMA 37
CONSOM 18
TRANS 32
AGRI 33
IND 26
ENV 73
COMPET 52
FORETS 5
CODEC 89**

NOTE

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

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

1. Under the Czech Presidency three trilogues were held on the proposed revision of the Renewable Energy Directive. 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. The trilogue held so far allowed to find several balanced compromises between co-legislators on a number of important provisions. Important elements of this Directive remain however to be negotiated, in particular as regards transport, bioenergy, permitting as well as on the overall renewable energy target for 2030.

5822/23

LZ/st

3. Against this background, the Swedish Presidency has swiftly resumed the negotiations on this file by holding intense exchanges with the European Parliament and the European Commission in the context of four Interinstitutional Technical Meetings (ITM) in the course of January.
4. On the basis of those exchanges, at the Energy Working Party meeting of 26 January 2023, the delegations were invited to indicate their positions and flexibilities on the Presidency's assessment and compromise suggestions regarding the provisions on transport as contained in document WK 876 2023.
5. In addition, as regards the bioenergy related provisions, the Presidency circulated an additional position paper as contained in the document WK 1223 2023. Proposed positions and flexibilities will be presented and discussed at the Energy Working Party meeting of 31 January 2023.
6. In view of preparing for the fourth informal trilogue of 7 February 2023, 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: 228 (Article 25, partial); 236- 243; 246-249; 251-253; 255 (Article 27, partial); 269 (Article 28); 297; 298; 299 (Article 29a, partial); 301- 308; 309- 312; 314- 320 (Article 30, partial); 321 (Article 31); 323-332f (Article 31a); 486-595 (Annex III); 615; 618; 620; 621 (Annex V, partial); 632 (Annex VII); 633-637 (Annex IX); 638-652; (Annexes I, II, IV and V to Directive 98/70/EC).

- put forward compromise suggestions and try to achieve a preliminary agreement in accordance with the flexibilities illustrated in the documents WK 876 2023 and WK 1223 2023 as well as previous Council mandates as regards: i) Article 2.22a and related obligations across the Directive (Primary woody biomass); ii) Article 29 (Sustainability and greenhouse gas emissions saving); iii) Article 3(3) (Support to energy from biomass); iv) Article 29b (Sustainability criteria for hydropower plants); v) Articles 25 and 26 as well as related provisions across the Directive (Greenhouse gas intensity reduction in the transport sector from the use of renewable energy); vi) Articles 7, 25 and 27 (provisions related to the Maritime sector); and vii) Article 9 (Joint projects between Member States).
- maintain the Council general approach on all other provisions not addressed in this Annex or in documents WK 876 2023 and WK 1223 2023.

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]

27-01-2023 at 15h14

Commission Proposal		EP Mandate	Council Mandate	Draft Agreement
Article 1, first paragraph, point (1), introductory part				
61	(1) in Article 2, the second paragraph is amended as follows:		(1) in Article 2, the second paragraph is amended as follows:	
Article 1, first paragraph, point (1)(c), introductory part				
66	(c) the following points are added:		(c) the following points are added:	
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		(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	

5822/23

TREE.2.B

LIMITTE

EN

LZ/st

3

Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
<p>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 ;</p>		<p>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 ;</p>	
<p>Article 1, first paragraph, point (1)(c), amending provision, nineteenth paragraph d</p>			
<p>85d</p>	<p><u>(22e) 'primary woody biomass' means all roundwood felled or otherwise harvested and removed 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</u></p>		

5822/23

TREE.2.B

LIMITE

EN

LZ/st

4

Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
<p>Article 1, first paragraph, point (1)(c), amending provision, twentieth paragraph</p>	<p><i><u>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></i></p>		
<p>86</p> <p>(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;</p>		<p>(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;</p>	
<p>Article 1, first paragraph, point (1)(c), amending provision, twenty-first paragraph</p>			
<p>87</p>			

5822/23

TREE.2.B

LZ/st
LIMITE

5
EN

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	(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				
6	88 (2) Article 3 is amended as follows:		(2) Article 3 is amended as follows:	(2) Article 3 is amended as follows: Text Origin: Commission Proposal
Article 1, first paragraph, point (2)(b), introductory part				
6	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: Text Origin: Commission Proposal
Article 1, first paragraph, point (2)(b), amending provision, numbered paragraph (3), introductory part				
v	92 ' 3. Member States shall take	' 3. Member States shall take	3. Member States shall take measures to ensure that energy	

5822/23

TREE.2.B

LZ/st
LIMITE6
EN

Commission Proposal		EP Mandate		Council Mandate		Draft Agreement	
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.		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.		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 fourth subparagraph.			
Article 1, first paragraph, point (2)(b), amending provision, numbered paragraph (3), first paragraph, introductory part		Article 1, first paragraph, point (2)(b), amending provision, numbered paragraph (3), first paragraph(a), introductory part		Article 1, first paragraph, point (2)(b), amending provision, numbered paragraph (3), first paragraph(a)(i)			
93	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:	Text Origin: Commission Proposal	
94	(a) Member States shall grant no support for:		(a) Member States shall grant no support for:				
95	Article 1, first paragraph, point (2)(b), amending provision, numbered paragraph (3), first paragraph(a)(i)						

5822/23

TREE.2.B

LZ/st
LIMITE7
EN

Commission Proposal		EP Mandate		Council Mandate		Draft Agreement	
	(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)							
96	(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 been complied with.	(ii) the production of renewable energy produced from the incineration of waste if the separate collection and waste hierarchy obligations laid down in Directive 2008/98/EC have not been complied with.	(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 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 delegated implementing act referred to in the third subparagraph.	(iii) practices which are not in line with the delegated act provisions referred to in the third fourth 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 subparagraph, Member States shall grant no support to the production of electricity from forest biomass	(b) From 31 December 2026, and without prejudice to the provisions set out in Article 6 and to the obligations in the first subparagraph, Member States shall grant no support to the production	(b) From 31 December 2026 twelve months after entry into force of this amending Directive , and without prejudice to the obligations in the first subparagraph, Member States shall				

5822/23

TREE.2.B

LZ/st
LIMITE8
EN

Commission Proposal		EP Mandate		Council Mandate		Draft Agreement	
	in electricity-only-installations, unless such electricity meets at least one of the following conditions:	of electricity from forest biomass in electricity-only-installations, unless such electricity meets at least one of the following conditions:	grant no new support, nor renew any support , to the production of electricity from forest biomass in electricity-only-installations, unless such electricity meets at least one of the following conditions:				
Article 1, first paragraph, point (2)(b), amending provision, numbered paragraph (3), first paragraph(b)(i)	(i) it is produced in a region 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);	(i) it is produced in a region 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 .point (11):(11) ;	(+) it is produced in a region 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); of this Directive.				
Article 1, first paragraph, point (2)(b), amending provision, numbered paragraph (3), first paragraph(b)(ii)	(ii) it is produced applying Biomass CO ₂ Capture and Storage and meets the requirements set in Article 29(11), second subparagraph.	(ii) it is produced applying Biomass CO ₂ Capture and Storage and meets the requirements set in Article 29 <u>point</u> (11), second subparagraph.	<i>deleted</i>				
100							
Article 1, first paragraph, point (2)(b), amending provision, numbered paragraph (3), first paragraph(b)(iia)							

5822/23

TREE.2.B

LZ/st
LIMITE9
EN

Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
<p>100a</p>	<p><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 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></p>		
<p>100b</p>		<p>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</p>	

Article 1, first paragraph, point (2)(b), amending provision, numbered paragraph (3), first paragraph a

5822/23

TREE.2.B

LZ/st
LIMITE

10
EN

Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Article 1, first paragraph, point (2)(b), amending provision, numbered paragraph (3)	Article 1, first paragraph, point (2)(b), amending provision, numbered paragraph (3), second paragraph	the equipment of Biomass CO2 Capture and Storage.	
<p>101</p> <p>No later than one year after [the entry into force of this amending 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.</p>	<p>No later than one year after [the entry into force of this amending Directive], the Commission shall adopt a delegated act in accordance with Article 35 an implementing act on how to apply the cascading principle for forest 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 the highest economic and environmental added-value and national specificities including wildfire prevention and salvage logging.</p>	<p>No later than one year after As of the entry into force of this amending Directive, the Commission, Member States shall adopt a delegated act in accordance with Article 35 on how to apply take measures to ensure the application of 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.</p>	
<p>101a</p>	Article 1, first paragraph, point (2)(b), amending provision, numbered paragraph (3), second paragraph a	<p>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)</p>	

5822/23

TREE.2.B

LZ/st
LIMITE11
EN

Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		<p>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.</p>	
<p>Article 1, first paragraph, point (2)(b), amending provision, numbered paragraph (3), second paragraph b, introductory part</p>			
<p>R 101b</p>		<p>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 :</p>	
<p>Article 1, first paragraph, point (2)(b), amending provision, numbered paragraph (3), second paragraph b(a)</p>			
<p>R 101c</p>		<p>(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</p>	

5822/23

TREE.2.B

LZ/st
LIMITE

12
EN

Commission Proposal		EP Mandate		Council Mandate		Draft Agreement	
	Article 1, first paragraph, point (2)(b), amending provision, numbered paragraph (3)		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
	Article 1, first paragraph, point (2)(b), amending provision, numbered paragraph (3)		Article 1, first paragraph, point (2)(b), amending provision, numbered paragraph (3), second paragraph b(c)				
R	101e				(iii) harvest of certain woods whose characteristics are not suitable for local processing facilities		R
	Article 1, first paragraph, point (2)(b), amending provision, numbered paragraph (3)		Article 1, first paragraph, point (2)(b), amending provision, numbered paragraph (3), second paragraph c				
R	101f				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.		R
	Article 1, first paragraph, point (2)(b), amending provision, numbered paragraph (3), third paragraph						

5822/23

TREE.2.B

LZ/st
LIMITE13
EN

Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
<p>102</p> <p>By 2026 the Commission shall present a report on the impact of the Member States' support schemes for biomass, including on biodiversity and possible market distortions, and will assess the possibility for further limitations regarding support schemes to forest biomass.;</p>	<p>By 2026 the Commission shall present a report on the impact of the Member States' support schemes for biomass, including on biodiversity, <u>climate</u>, <u>environment</u> and possible market distortions, and will assess the <u>possibility for further limitations</u> regarding support schemes to forest biomass.;</p>	<p>By 20262027 the Commission shall present a report on the impact of the Member States' support schemes for biomass, including on biodiversity and possible market distortions, and willshall assess the possibility for further limitations regarding support schemes to forest biomass.;</p>	<p>(3) Article 7 is amended as follows:</p> <p>Text Origin: Commission Proposal</p>
Article 1, first paragraph, point (3), introductory part			
<p>105</p> <p>(3) Article 7 is amended as follows:</p>		<p>(3) Article 7 is amended as follows:</p>	<p>(3) Article 7 is amended as follows:</p> <p>Text Origin: Commission Proposal</p>
Article 1, first paragraph, point (3)(c), introductory part			
<p>110</p> <p>(c) in paragraph 4, point (a) is replaced by the following:</p>		<p>(c) in paragraph 4, point (a) is replaced by the following:</p>	
Article 1, first paragraph, point (3)(c), amending provision, first paragraph			
<p>111</p> <p>(a) Final consumption of energy from renewable sources in the transport sector shall be calculated</p>		<p>(a) Final consumption of energy from renewable sources in the transport sector shall be calculated as the sum of all biofuels, biogas</p>	<p>Text Origin: Commission Proposal</p>

5822/23

TREE.2.B

LZ/st
LIMITE14
EN

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	as the sum of all biofuels, biogas and renewable fuels of non-biological origin consumed in the transport sector.;		and renewable fuels of non-biological origin consumed in the transport sector. This shall also include renewable fuels supplied to international marine bunkers	
	Article 1, first paragraph, point (4), introductory part			
6	(4) Article 9 is amended as follows:		(4) Article 9 is amended as follows:	(4) Article 9 is amended as follows: ITM 1 Text Origin: Commission Proposal
	Article 1, first paragraph, point (4)(a), introductory part			
6	(a) the following paragraph 1a is inserted:		(a) the following paragraph 1a is inserted:	(a) the following paragraph 1a is inserted: ITM 1 Text Origin: Commission Proposal
	Article 1, first paragraph, point (4)(a), amending provision, first paragraph			
R	114 1a. By 31 December 2025, each Member State shall agree to establish at least one joint project	1a. By 31 December 2025, 1a. Each Member State shall agree to establish at least one joint project <u>enter into</u>	1a. By 31 December 2025, each Member State shall agree to establish your to agree on <u>establishing</u> at least one joint	ITM 1

5822/23

TREE.2.B

LZ/st
LIMITE15
EN

Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
<p>with one or more other Member States for the production of renewable energy. The Commission shall be notified of such an agreement, including the date on which the project is expected to become operational. Projects financed by national contributions under the Union renewable energy financing mechanism established by Commission Implementing Regulation (EU) 2020/1294¹ shall be deemed to satisfy this obligation for the Member States involved.;</p> <p>1. Commission Implementing Regulation (EU) 2020/1294 of 15 September 2020 on the Union renewable energy financing mechanism (OJ L 303, 17.9.2020, p. 1).</p>	<p><u>cooperation agreements to establish joint project projects</u> with one or more other Member States for the production of renewable energy, <u>including offshore renewable hybrid assets, as follows:</u></p> <p><u>(a) by 31 December 2025, Member States with an annual electricity consumption of 100 TWh or less shall establish at least two joint projects;</u></p> <p><u>(b) by 2030, Member States with an annual electricity consumption of more than 100 TWh shall establish a third joint project.;</u></p> <p><u>Such joint projects—The Commission shall be notified of such an agreement, including the date on which the project is expected to become operational— not correspond to the projects of common interest already adopted under Regulation (EU) 2022/869^{1a}. The identification of joint projects shall be based on the needs identified in the high-level strategic integrated offshore network development plans for each sea-basin and the Ten Years Network Development Plan but may go beyond those needs and may involve local and regional</u></p>	<p>project with one or more other Member States for the production of renewable energy. The Commission shall be notified of such an agreement, including the date on which the project is expected to become operational. Projects financed by national contributions under the Union renewable energy financing mechanism established by Commission Implementing Regulation (EU) 2020/1294¹ shall be deemed to satisfy this obligation for the Member States involved.;</p> <p>1. Commission Implementing Regulation (EU) 2020/1294 of 15 September 2020 on the Union renewable energy financing mechanism (OJ L 303, 17.9.2020, p. 1).</p>	

5822/23

TREE.2.B

LZ/st
LIMITE

16
EN

Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	<p><u>authorities and private operators.</u> Projects financed by national contributions under the Union renewable energy financing mechanism established by Commission Implementing Regulation (EU) 2020/1294¹ shall be deemed to satisfy this obligation <u>taken into account for the purposes of fulfilling the requirements of the first subparagraph</u> for the Member States involved <u>in those projects</u>.² <u>Member States shall work towards a fair distribution of costs and benefits of joint projects. To that end, all the relevant costs and benefits of the joint project shall be taken into account in the relevant cooperation agreement.</u> <u>Member States shall notify the Commission of the cooperation agreements referred to in the first subparagraph, including the date on which the project is expected to become operational.</u></p> <p>¹ -1a. <u>Regulation (EU) 2022/869 of the European Parliament and of the Council of 30 May 2022 on guidelines for trans-European energy infrastructure, amending Regulations (EC) No 715/2009, (EU) 2019/942 and (EU)</u></p>		

5822/23

TREE.2.B

LZ/st
LIMITE

17
EN

Commission Proposal		EP Mandate	Council Mandate	Draft Agreement
Article 1, first paragraph, point (14), introductory part		<p>2019/943 and Directives 2009/73/EC and (EU) 2019/944, and repealing Regulation (EU) No 347/2013 (OJ L 152, 3.6.2022, p. 45).²</p> <p>1. Commission Implementing Regulation (EU) 2020/1294 of 15 September 2020 on the Union renewable energy financing mechanism (OJ L 303, 17.9.2020, p. 1).</p>		
220	(14) Article 25 is replaced by the following:		(14) Article 25 is replaced by the following:	
Article 1, first paragraph, point (14), amending provision, first paragraph				
221	Article 25		Article 25	
Article 1, first paragraph, point (14), amending provision, second paragraph				
222	Greenhouse gas intensity reduction in the transport sector from the use of renewable energy		Greenhouse gas intensity reduction in the transport sector from the use of renewable energy	
Article 1, first paragraph, point (14), amending provision, numbered paragraph (1), introductory part				
223	1. Each Member State shall set an obligation on fuel suppliers to ensure that:		1. Each Member State shall set an obligation on fuel suppliers to ensure that:	

5822/23

TREE.2.B

LZ/st
LIMITE18
EN

Commission Proposal		EP Mandate		Council Mandate		Draft Agreement	
Article 1, first paragraph, point (14), amending provision, numbered paragraph (1)(a)							
	224	<p>(a) the amount of renewable fuels and renewable electricity supplied to the transport sector leads to a greenhouse gas intensity reduction of at least 13 % by 2030, compared to the baseline set out in Article 27(1), point (b), in accordance with an indicative trajectory set by the Member State;</p>	<p>(a) the amount of renewable fuels and renewable electricity supplied to the transport sector leads to a greenhouse gas intensity reduction of at least 1316 % by 2030, compared to the baseline set out in Article 27(1), point (b), in accordance with an indicativea trajectory set by the Member State;</p>	<p>(a) the amount of renewable fuels and renewable electricity supplied to the transport sector leads</p> <p>(i) to a share of renewable energy within the final consumption of energy in the transport sector of at least 29 % by 2030; or</p> <p>(ii) to a greenhouse gas intensity reduction of at least 13 % by 2030, compared to the baseline set out in Article 27(1), point (b), in accordance with an indicative trajectory set by the Member State;</p> <p>Member States shall, in their progress reports submitted pursuant to Article 17 of Regulation (EU) 2018/1999, report on the share of renewable energy within the final consumption of energy in the transport sector as well as on the greenhouse gas intensity reduction;</p>			
	225	Article 1, first paragraph, point (14), amending provision, numbered paragraph (1)(b)					
R							R

5822/23

TREE.2.B

LZ/st
LIMITE19
EN

Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
<p>(b) the share of advanced biofuels and biogas produced from the feedstock listed in Part A of Annex IX in the energy supplied to the transport sector is at least 0,2 % in 2022, 0,5 % in 2025 and 2,2 % in 2030, and the share of renewable fuels of non-biological origin is at least 2,6 % in 2030.</p>	<p>(b) the share of advanced biofuels and biogas produced from the feedstock listed in Part A of Annex IX in the energy supplied to the transport sector is at least 0,2 % in 2022, 0,5 % in 2025 and at least 2,2 % in 2030, and the share of renewable fuels of non-biological origin is at least 2,6 % in 2028 and at least 5,7 % in 2030.</p>	<p>(b) the share of advanced biofuels and biogas produced from the feedstock listed in Part A of Annex IX in the energy supplied to the transport sector is at least 0,2 % in 2022, 0,5 1 % in 2025 and 2,2 4,4 % in 2030, and the. Each Member State shall endeavour to reach a share of renewable fuels of non-biological origin of 5.2 % is at least 2,6 % in 2030.</p>	
Article 1, first paragraph, point (14), amending provision, numbered paragraph (1)(ba)			
<p>R 225a</p>	<p><u>(ba) from 2030, fuel suppliers shall deliver at least 1,2 % renewable fuels of non-biological origin and renewable hydrogen, to the hard to abate maritime mode. A Member State which has no maritime ports in its territory may choose not to apply this provision. Any Member State that intends to avail itself of that derogation shall notify the Commission no later than one year after ... The entry into force of this amending Directive. Any subsequent change shall also be communicated to the Commission.</u></p>		

5822/23

TREE.2.B

LZ/st
LIMITE20
EN

Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
<p>Article 1, first paragraph, point (14), amending provision, numbered paragraph (1), first paragraph -a</p> <p>225b</p>		<p><u><i>If the list of feedstock set out in Part A and of Annex IX is amended in accordance with Article 28(6), the minimum share of advanced biofuels and biogas produced from the feedstock in the energy supplied to the transport sector referred to in point (b) of this paragraph shall be increased accordingly and shall be based on an impact assessment by the Commission.</i></u></p>	
<p>Article 1, first paragraph, point (14), amending provision, numbered paragraph (1), first paragraph -b</p> <p>225c</p>		<p><u><i>The Commission shall assess the obligation laid down in paragraph 1 with a view to submitting a legislative proposal by 2025 to increase it where there are further substantial costs reductions in the production of renewable energy, where needed to meet the Union's international commitments for decarbonisation, or where a significant decrease in energy consumption in the Union justifies such an increase.</i></u></p>	
<p>Article 1, first paragraph, point (14), amending provision, numbered paragraph (1), first paragraph</p>			

5822/23

TREE.2.B

LZ/st
LIMITE

21
EN

Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
<p>For the calculation of the reduction referred to in point (a) and the share referred to in point (b), Member States shall take into account renewable fuels of non-biological origin also when they are used as intermediate products for the production of conventional fuels. For the calculation of the reduction referred to in point (a), Member States may take into account recycled carbon fuels.</p>	<p>For the calculation of the reduction referred to in point (a) and the share referred to in point (b), Member States shall take into account renewable fuels of non-biological origin also when they are used as intermediate products for the production of conventional <i>transport</i> fuels. For the calculation of the reduction referred to in point (a), Member States may take into account recycled carbon fuels.</p>	<p>For the calculation of the reduction referred to in point (a) and the share referred to in point (b), Member States shall take into account renewable fuels of non-biological origin also when they are used as intermediate products for the production of :</p> <p>(i) conventional transport fuels ; or (ii) biofuels, provided that the greenhouse gas emissions reduction achieved by the use of renewable fuels of non-biological origin is not considered in the calculation of the greenhouse gas emission savings of the biofuels.</p> <p>For the calculation of the reduction referred to in point (a) and the share referred to in point (b), Member States may take into account biogas that is injected into the national gas transmission and distribution infrastructure.</p> <p>With regard to point (a), (b), or (c) of the first subparagraph of Article 7(1), biogas shall be</p>	
226			

5822/23

TREE.2.B

LZ/st
LIMITE22
EN

Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Article 1, first paragraph, point (14), amending provision, numbered paragraph (1), second paragraph		<p>considered only once for the purposes of calculating the share of gross final consumption of energy from renewable sources.</p> <p>-For the calculation of the reduction referred to in point (a), Member States may take into account recycled carbon fuels.</p>	
227	<p>When setting the obligation on fuel suppliers, Member States may exempt fuel suppliers supplying electricity or renewable liquid and gaseous transport fuels of non-biological origin from the requirement to comply with the minimum share of advanced biofuels and biogas produced from the feedstock listed in Part A of Annex IX with respect to those fuels.</p>	<p>When setting the obligation on fuel suppliers, Member States may exempt fuel suppliers supplying electricity or renewable liquid and gaseous transport fuels of non-biological origin from the requirement to comply with the minimum share of advanced biofuels and biogas produced from the feedstock listed in Part A of Annex IX with respect to those fuels.</p>	
Article 1, first paragraph, point (14), amending provision, numbered paragraph (1), second paragraph a	227a	<p>When setting the obligation referred to in points (a) and (b) of the first subparagraph to ensure the achievement of the</p>	

5822/23

TREE.2.B

LZ/st
LIMITE23
EN

Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		<p>targets set out therein, Member States may do so by means of measures targeting volumes, energy content or greenhouse gas emissions, provided that it is demonstrated that the greenhouse gas intensity reduction and minimum shares referred to in points (a) and (b) of the first subparagraph are achieved.</p>	
<p>Article 1, first paragraph, point (14), amending provision, numbered paragraph (1), second paragraph b</p>		<p>When setting the obligation referred to in points (a) and (b) of the first subparagraph to ensure the achievement of the targets set out therein, Member States may distinguish between different energy carriers.</p>	
<p>Article 1, first paragraph, point (14), amending provision, numbered paragraph (1), second paragraph c</p>		<p>When setting the obligation referred to in points (a) and (b) of the first subparagraph, Member States may distinguish between maritime transport and other sectors, as long as the general target is reached.</p>	

5822/23

TREE.2.B

LZ/st
LIMITE

24
EN

Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	
<p>Article 1, first paragraph, point (14), amending provision, numbered paragraph (2)</p>	<p>2. Member States shall establish a mechanism allowing fuel suppliers in their territory to exchange credits for supplying renewable energy to the transport sector. Economic operators that supply renewable electricity to electric vehicles through public recharging stations shall receive credits, irrespectively of whether the economic operators are subject to the obligation set by the Member State on fuel suppliers, and may sell those credits to fuel suppliers, which shall be allowed to use the credits to fulfil the obligation set out in paragraph 1, first subparagraph.;</p>	<p>2. Member States shall establish a mechanism allowing fuel suppliers in their territory to exchange credits for supplying renewable energy to the transport sector. Economic operators that supply renewable electricity to <u>light and heavy duty</u> electric vehicles through public recharging stations <u>or renewable energy</u> shall receive credits, irrespectively of whether the economic operators are subject to the obligation set by the Member State on fuel suppliers, and may sell those credits to fuel suppliers, which shall be allowed to use the credits to fulfil the obligation set out in paragraph 1, first subparagraph. <u>Member States may decide to include private recharging stations in the mechanism referred to in the first subparagraph provided it can be demonstrated that renewable electricity supplied to those private recharging stations is provided solely to electric vehicles.</u>;</p>	<p>2. Member States shall establish a mechanism allowing fuel suppliers in their territory to exchange credits for supplying renewable energy to the transport sector. Economic operators that supply renewable electricity to electric vehicles through public recharging stations shall receive credits, irrespectively of whether the economic operators are subject to the obligation set by the Member State on fuel suppliers, and may sell those credits to fuel suppliers, which shall be allowed to use the credits to fulfil the obligation set out in paragraph 1, first subparagraph.;</p>	<p>2. Member States shall establish a mechanism allowing fuel suppliers in their territory to exchange credits for supplying renewable energy to the transport sector. Economic operators that supply renewable electricity to electric vehicles through public recharging stations <u>points</u> shall receive credits, irrespectively of whether the economic operators are subject to the obligation set by the Member State on fuel suppliers, and may sell those credits to fuel suppliers, which shall be allowed to use the credits to fulfil the obligation set out in paragraph 1, first subparagraph. <u>Member States may include private recharging points in this mechanism provided it can be demonstrated that renewable electricity supplied to those private recharging points is provided solely to electric vehicles.</u>;</p>
<p>Article 1, first paragraph, point (15), introductory part</p>	<p>228</p>			

5822/23

TREE.2.B

LIMITE

EN

LZ/st

25

Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
229	(15) Article 26 is amended as follows:	(15) Article 26 is amended as follows:	
Article 1, first paragraph, point (15)(a), introductory part			
230	(a) paragraph 1 is amended as follows:	(a) paragraph 1 is amended as follows:	
Article 1, first paragraph, point (15)(a)(i), introductory part			
231	(i) the first subparagraph is replaced by the following:	(i) the first subparagraph is replaced by the following:	
Article 1, first paragraph, point (15)(a)(i), amending provision, first paragraph			
232	For the calculation of a Member State's gross final consumption of energy from renewable sources referred to in Article 7 and of the greenhouse gas intensity reduction target referred to in Article 25(1), first subparagraph, point (a), the share of biofuels and bioliquids, as well as of biomass fuels consumed in transport, where produced from food and feed crops, shall be no more than one percentage point higher than the share of such fuels in the final consumption of energy	For the calculation of a Member State's gross final consumption of energy from renewable sources referred to in Article 7 and of minimum share of renewable energy or the greenhouse gas intensity reduction target referred to in Article 25(1), first subparagraph, point (a), the share of biofuels and bioliquids, as well as of biomass fuels consumed in transport, where produced from food and feed crops, shall be no more than one percentage point higher than the share of such fuels	

Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
<p>in the transport sector in 2020 in that Member State, with a maximum of 7 % of final consumption of energy in the transport sector in that Member State.;</p>		<p>in the final consumption of energy in the transport sector in 2020 in that Member State, with a maximum of 7 % of final consumption of energy in the transport sector in that Member State.;</p>	
<p>Article 1, first paragraph, point (15)(a)(i), amending provision, first paragraph a</p>			
<p>232a</p>	<p><i>At the request of a Member State, the Commission may allow a derogation from the first subparagraph allowing Member States to exclude biofuels used for electricity production in outermost regions within the meaning of Article 349 TFEU from the calculation of the ceiling of 7% of final consumption of energy in the road and rail transport sector referred to in the first subparagraph, provided that such derogation is justified by local specificities. Member States shall make the request for the derogation to the Commission by ... [date of transposition of this amending Directive] and provide up-to-date scientific and technical justifications for such</i></p>		

5822/23

TREE.2.B

LZ/st
LIMITE

27
EN

Commission Proposal		EP Mandate	Council Mandate	Draft Agreement
		<i>derogation. The Commission shall decide on the request of the Member State within three months of its receipt.;</i>		
Article 1, first paragraph, point (15)(a)(i), amending provision, first paragraph b				
232b		<i>(ia) the second subparagraph is replaced by the following:</i>		
Article 1, first paragraph, point (15)(a)(i), amending provision, first paragraph c				
232c		<i>'Where the share of biofuels and bioliquids referred to in the first subparagraph is below 1% in a Member State, it may be increased to a maximum of 2% of the final consumption of energy in the road and rail transport sectors.;</i>		
Article 1, first paragraph, point (15)(a)(ii), introductory part				
233	(ii) the fourth subparagraph is replaced by the following:		(ii) the fourth subparagraph is replaced by the following:	
Article 1, first paragraph, point (15)(a)(ii), amending provision, first paragraph				
234	,		Where the share of biofuels and	

5822/23

TREE.2.B

LZ/st
LIMITE28
EN

Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
<p>Where the share of biofuels and bioliquids, as well as of biomass fuels consumed in transport, produced from food and feed crops in a Member State is limited to a share lower than 7 % or a Member State decides to limit the share further, that Member State may reduce the greenhouse gas intensity reduction target referred to in Article 25(1), first subparagraph, point (a), accordingly, in view of the contribution these fuels would have made in terms of greenhouse gas emissions saving. For that purpose, Member States shall consider those fuels save 50 % greenhouse gas emissions.;</p>		<p>bioliquids, as well as of biomass fuels consumed in transport, produced from food and feed crops in a Member State is limited to a share lower than 7 % or a Member State decides to limit the share further, that Member State may reduce the minimum share of renewable energy or the greenhouse gas intensity reduction target referred to in– Article 25(1), first subparagraph, point (a), accordingly, in view of the contribution these fuels would have made in terms of the minimum share of renewable energy or greenhouse gas emissions saving. For the purpose of the greenhouse gas intensity reduction target that purpose, Member States shall consider those fuels save 50 % greenhouse gas emissions.;</p>	
<p>Article 1, first paragraph, point (15)(b)</p>	<p>(b) in paragraph 2, first and fifth subparagraphs, ‘the minimum share referred to in the first subparagraph of Article 25(1)’ is replaced by ‘the greenhouse gas emission reduction target referred to in Article 25(1), first</p>	<p>(b) in paragraph 2, first and fifth subparagraphs, ‘the minimum share referred to in the first subparagraph of Article 25(1)’ is replaced by ‘the minimum share and the greenhouse gas emissionintensity reduction target</p>	
<p>235</p>	<p>(b) in paragraph 2, first and fifth subparagraphs, ‘the minimum share referred to in the first subparagraph of Article 25(1)’ is replaced by ‘the greenhouse gas emission reduction target referred to in Article 25(1), first</p>	<p>(b) in paragraph 2, first and fifth subparagraphs, ‘the minimum share referred to in the first subparagraph of Article 25(1)’ is replaced by ‘the greenhouse gas emission reduction target referred to in Article 25(1), first</p>	

5822/23

TREE.2.B

LIMITE

EN

LZ/st

29

Commission Proposal		EP Mandate	Council Mandate	Draft Agreement
	subparagraph, point (a)';	subparagraph, point (a)'; is amended as follows:	referred to in Article 25(1), first subparagraph, point (a)';	
Article 1, first paragraph, point (15)(b)(i), introductory part				
235a		(1) in the first and fifth subparagraphs, 'the minimum share referred to in the first subparagraph of Article 25(1)' is replaced by 'the greenhouse gas emission reduction target referred to in Article 25(1), first subparagraph, point (a)';		
Article 1, first paragraph, point (15)(b)(i), amending provision, first paragraph				
235b		" (ii) the second subparagraph is replaced by the following:		
Article 1, first paragraph, point (15)(b)(i), amending provision, second paragraph				
235c		'By ... [date of entry into force of this amending Directive], that limit shall decrease to 0 %.'		
Article 1, first paragraph, point (15)(b)(i), amending provision, third paragraph				
235d		(iii) the following subparagraph is inserted after the fourth		

Commission Proposal		EP Mandate	Council Mandate	Draft Agreement
Article 1, first paragraph, point (15)(b)(i), amending provision, fourth paragraph		<u>subparagraph:</u>		
235e		<p><u>‘By 30 June 2023, the Commission shall submit to the European Parliament and to the Council an update of the report on the status of worldwide production expansion of the relevant food and feed crops. That update shall include the most recent data from the last two years with regard to deforestation and high indirect land use change risk feedstocks, and shall address other high risk commodities in the category of high indirect land use change risk feedstocks. For the purposes of the delegated acts referred to in the sixth subparagraph, the maximum share of the average annual expansion of the global production area in high carbon stocks shall be 7.9%.’;</u></p> <p>”</p>		
Article 1, first paragraph, point (16), introductory part				
236	(16) Article 27 is amended as follows:		(16) Article 27 is amended as follows:	(16) Article 27 is amended as follows:

5822/23

TREE.2.B

LZ/st
LIMITE31
EN

Commission Proposal		EP Mandate		Council Mandate		Draft Agreement	
Article 1, first paragraph, point (16)(a), introductory part							
237	(a) the title is replaced by the following:		(a) the title is replaced by the following:	(a) the title is replaced by the following:	(a) the title is replaced by the following:	Text Origin: Commission Proposal	
Article 1, first paragraph, point (16)(a), amending provision, first paragraph							
238	Calculation rules in the transport sector and with regard to renewable fuels of non-biological origin regardless of their end use;		Calculation rules in the transport sector and with regard to renewable fuels of non-biological origin regardless of their end use*;	Calculation rules in the transport sector and with regard to renewable fuels of non-biological origin regardless of their end use*;	Calculation rules in the transport sector and with regard to renewable fuels of non-biological origin regardless of their end use;	Text Origin: Commission Proposal	
Article 1, first paragraph, point (16)(b), introductory part							
239	(b) paragraph 1 is replaced by the following:		(b) paragraph 1 is replaced by the following:	(b) paragraph 1 is replaced by the following:	(b) paragraph 1 is replaced by the following:	Text Origin: Commission Proposal	
Article 1, first paragraph, point (16)(b), amending provision, numbered paragraph (1), introductory part							

Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
<p>240</p> <p>1. For the calculation of the greenhouse gas intensity reduction referred to in Article 25(1), first subparagraph, point (a), the following rules shall apply:</p>		<p>1. For the calculation of the greenhouse gas intensity reduction referred to in Article 25(1), first subparagraph, point (a), the following rules shall apply:</p>	<p>1. For the calculation of the greenhouse gas intensity reduction referred to in Article 25(1), first subparagraph, point (a), the following rules shall apply:</p> <p>Text Origin: Commission Proposal</p>
Article 1, first paragraph, point (16)(b), amending provision, numbered paragraph (1)(a), introductory part			
<p>241</p> <p>(a) the greenhouse gas emissions savings shall be calculated as follows:</p>		<p>(a) the greenhouse gas emissions savings shall be calculated as follows:</p>	<p>(a) the greenhouse gas emissions savings shall be calculated as follows:</p> <p>Text Origin: Commission Proposal</p>
Article 1, first paragraph, point (16)(b), amending provision, numbered paragraph (1)(a)(i)			
<p>242</p> <p>(i) for biofuel and biogas, by multiplying the amount of these fuels supplied to all transport modes by their emissions savings determined in accordance with Article 31;</p>		<p>(i) for biofuel and biogas, by multiplying the amount of these fuels supplied to all transport modes by their emissions savings determined in accordance with Article 31;</p>	<p>(i) for biofuel and biogas, by multiplying the amount of these fuels supplied to all transport modes by their emissions savings determined in accordance with Article 31;</p> <p>Text Origin: Commission Proposal</p>
Article 1, first paragraph, point (16)(b), amending provision, numbered paragraph (1)(a)(ii)			

Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
<p>243</p> <p>(ii) for renewable fuels of non-biological origin and recycled carbon fuels, by multiplying the amount of these fuels that is supplied to all transport modes by their emissions savings determined in accordance with delegated acts adopted pursuant to Article 29a(3);</p>		<p>(ii) for renewable fuels of non-biological origin and recycled carbon fuels, by multiplying the amount of these fuels that is supplied to all transport modes by their emissions savings determined in accordance with delegated acts adopted pursuant to Article 29a(3);</p>	<p>(ii) for renewable fuels of non-biological origin and recycled carbon fuels, by multiplying the amount of these fuels that is supplied to all transport modes by their emissions savings determined in accordance with delegated acts adopted pursuant to Article 29a(3);</p> <p>Next Origin: Commission Proposal</p>
<p>Article 1, first paragraph, point (16)(b), amending provision, numbered paragraph (1)(a)(iii)</p>			
<p>244</p> <p>(iii) for renewable electricity, by multiplying the amount of renewable electricity that is supplied to all transport modes by the fossil fuel comparator $EC_{Fr(e)}$ set out in in Annex V;</p>	<p>(iii) for renewable electricity, by multiplying the amount of renewable electricity that is supplied to all transport modes by the fossil fuel comparator. <u>The comparator</u> $EC_{Fr(e)}$ set out in in Annex V <u>shall be used until 31 December 2029. From 1 January 2030 onwards, the comparator E_{Fr0} set out in in Annex V shall be used.</u></p>	<p>(iii) for renewable electricity, by multiplying the amount of renewable electricity that is supplied to all transport modes by the fossil fuel comparator $EC_{Fr(e)}$ set out in in Annex V;</p>	
<p>Article 1, first paragraph, point (16)(b), amending provision, numbered paragraph (1)(a)(iiia)</p>			
<p>244a</p>	<p><u>However, the greenhouse gas emissions savings achieved in</u></p>		

5822/23

TREE.2.B

LIMITE

EN

LZ/st

34

Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	<p><i>2030 by the use of renewable electricity in transport, calculated in application of the $E_{Fr(t)}$ comparator, shall constitute an additional contribution of renewable electricity of what was already achieved up until 31 December 2029 with the $E_{CFr(t)}$ comparator for the calculation of emission savings from 2030 onwards.</i></p>		
<p>Article 1, first paragraph, point (16)(b), amending provision, numbered paragraph (1)(b)</p>			
<p>245</p> <p>(b) the baseline referred to in Article 25(1) shall be calculated by multiplying the amount of energy supplied to the transport sector by the fossil fuel comparator $E_{Fr(t)}$ set out in Annex V;</p>		<p>(b) the baseline referred to in Article 25(1) shall be calculated by multiplying the amount of energy supplied to the transport sectormodes by the fossil fuel comparator $E_{Fr(t)}$ set out in Annex V;</p>	
<p>Article 1, first paragraph, point (16)(b), amending provision, numbered paragraph (1)(c)(i)</p>		<p>Article 1, first paragraph, point (16)(b), amending provision, numbered paragraph (1)(c)(i)</p>	
<p>246</p> <p>(c) for the calculation of the relevant amounts of energy, the following rules shall apply:</p>		<p>(c) for the calculation of the relevant amounts of energy, the following rules shall apply:</p>	<p>(c) for the calculation of the relevant amounts of energy, the following rules shall apply:</p> <p>Text Origin: Commission Proposal</p>

Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
<p>247</p> <p>(i) in order to determine the amount of energy supplied to the transport sector, the values regarding the energy content of transport fuels set out in Annex III shall be used;</p>		<p>(i) in order to determine the amount of energy supplied to the transport sector, the values regarding the energy content of transport fuels set out in Annex III shall be used;</p>	<p>(i) in order to determine the amount of energy supplied to the transport sector, the values regarding the energy content of transport fuels set out in Annex III shall be used;</p> <p>Text Origin: Commission Proposal</p>
<p>Article 1, first paragraph, point (16)(b), amending provision, numbered paragraph (1)(c)(ii)</p>			
<p>248</p> <p>(ii) in order to determine the energy content of transport fuels not included in Annex III, the Member States shall use the relevant European standards for the determination of the calorific values of fuels. Where no European standard has been adopted for that purpose, the relevant ISO standards shall be used;</p>		<p>(ii) in order to determine the energy content of transport fuels not included in Annex III, the Member States shall use the relevant European standards for the determination of the calorific values of fuels. Where no European standard has been adopted for that purpose, the relevant ISO standards shall be used;</p>	<p>(ii) in order to determine the energy content of transport fuels not included in Annex III, the Member States shall use the relevant European standards for the determination of the calorific values of fuels. Where no European standard has been adopted for that purpose, the relevant ISO standards shall be used;</p> <p>Text Origin: Commission Proposal</p>
<p>Article 1, first paragraph, point (16)(b), amending provision, numbered paragraph (1)(c)(iii)</p>			
<p>249</p> <p>(iii) the amount of renewable electricity supplied to the transport sector is determined by</p>		<p>(iii) the amount of renewable electricity supplied to the transport sector is determined by</p>	<p>(iii) the amount of renewable electricity supplied to the transport sector is determined by</p>

5822/23

TREE.2.B

LIMITE

EN

LZ/st

36

Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
<p>multiplying the amount of electricity supplied to that sector by the average share of renewable electricity supplied in the territory of the Member State in the two previous years. By way of exception, where electricity is obtained from a direct connection to an installation generating renewable electricity and supplied to the transport sector, that electricity shall be fully counted as renewable;</p>		<p>multiplying the amount of electricity supplied to that sector by the average share of renewable electricity supplied in the territory of the Member State in the two previous years. By way of exception, where electricity is obtained from a direct connection to an installation generating renewable renewable electricity and supplied to the transport sector, that electricity shall be fully counted as renewable;</p>	<p>multiplying the amount of electricity supplied to that sector by the average share of renewable electricity supplied in the territory of the Member State in the two previous years. By way of exception, where electricity is obtained from a direct connection to an installation generating renewable electricity and supplied to the transport sector, that electricity shall be fully counted as renewable;</p> <p><small>Text Origin: Commission Proposal</small></p>
<p>Article 1, first paragraph, point (16)(b), amending provision, numbered paragraph (1)(c)(iv)</p>		<p>(iv) the share of biofuels and biogas produced from the feedstock listed in Part B of Annex IX in the energy content of fuels and electricity supplied to the transport sector shall, except in Cyprus and Malta, be limited to 1,7 %; Member States may, in duly justified cases, increase that limit, taking into account the availability of feedstock. Any such modification shall be notified to the Commission together with the justifications</p>	<p>(iv) the share of biofuels and biogas produced from the feedstock listed in Part B of Annex IX in the energy content of fuels and electricity supplied to the transport sector shall, except in Cyprus and Malta, be limited to 1,7 %; Member States may, in duly justified cases, increase that limit, taking into account the availability of feedstock. Any such modification shall be notified to the Commission together with the justifications</p>

5822/23

TREE.2.B

LIMITE

EN

LZ/st

37

Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		for such increase. Any such modification shall be subject to approval by the Commission.	<u>for such increase. Any such modification shall be subject to approval by the Commission.</u>
<p>Article 1, first paragraph, point (16)(b), amending provision, numbered paragraph (1)(c)(iva)</p>			
<p>250a</p>	<p><u>(iva) If the list of feedstock set out in Part B of Annex IX is amended in accordance with Article 28(6), the cap of such biofuels and biogas shall be increased accordingly and shall be based on an impact assessment by the Commission.</u></p>	<p>(d) the greenhouse gas intensity reduction from the use of renewable energy is determined by dividing the greenhouse gas emissions saving from the use of biofuels, biogas, renewables fuels of non-biological origin and renewable electricity supplied to all transport modes by the baseline.</p>	<p>(d) the greenhouse gas intensity reduction from the use of renewable energy is determined by dividing the greenhouse gas emissions saving from the use of biofuels, biogas, <u>renewables fuels of non-biological origin</u> and renewable electricity supplied to all transport modes by the baseline. <u>Member States may take into account recycled carbon fuels.</u></p> <p><small>Text Origin: Council Mandate</small></p>
<p>Article 1, first paragraph, point (16)(b), amending provision, numbered paragraph (1)(d), introductory part</p>			
<p>251</p>	<p>(d) the greenhouse gas intensity reduction from the use of renewable energy is determined by dividing the greenhouse gas emissions saving from the use of biofuels, biogas and renewable electricity supplied to all transport modes by the baseline.</p>	<p>(d) the greenhouse gas intensity reduction from the use of renewable energy is determined by dividing the greenhouse gas emissions saving from the use of biofuels, biogas, renewables fuels of non-biological origin and renewable electricity supplied to all transport modes by the baseline. Member States may take into account recycled carbon fuels.</p>	<p>(d) the greenhouse gas intensity reduction from the use of renewable energy is determined by dividing the greenhouse gas emissions saving from the use of biofuels, biogas, <u>renewables fuels of non-biological origin</u> and renewable electricity supplied to all transport modes by the baseline. <u>Member States may take into account recycled carbon fuels.</u></p> <p><small>Text Origin: Council Mandate</small></p>

Commission Proposal		EP Mandate	Council Mandate	Draft Agreement
Article 1, first paragraph, point (16)(b), amending provision, numbered paragraph (1)(d), first paragraph				
252	The Commission is empowered to adopt delegated acts in accordance with Article 35 to supplement this Directive by adapting the energy content of transport fuels, as set out in Annex III, in accordance with scientific and technical progress;;		The Commission is empowered to adopt delegated acts in accordance with Article 35 to supplement this Directive by adapting the energy content of transport fuels, as set out in Annex III, in accordance with scientific and technical progress;’;	The Commission is empowered to adopt delegated acts in accordance with Article 35 to supplement this Directive by adapting the energy content of transport fuels, as set out in Annex III, in accordance with scientific and technical progress;; Text Origin: Commission Proposal
Article 1, first paragraph, point (16)(c), introductory part				
253	(c) the following paragraph 1a is inserted:		(c) the following paragraph 1a is inserted:	(c) the following paragraph 1a is inserted: Text Origin: Commission Proposal
Article 1, first paragraph, point (16)(c), amending provision, first paragraph, introductory part				
254	1a. For the calculation of the targets referred to in Article 25(1), first subparagraph, point (b), the following rules shall apply:		1a. For the calculation of the targets minimum shares referred to in Article 25(1), first subparagraph, point (b) the paragraphs 1(a)(i) and 1(b) of Article 25 , the following	

5822/23

TREE.2.B

LZ/st
LIMITE39
EN

Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		<p>Theseprovisions shall apply:</p>	
<p>Article 1, first paragraph, point (16)(c), amending provision, first paragraph(a)</p>		<p>(a) for the calculation of the denominator, that is the amount of energy consumed in the transport sector, all fuels and electricity supplied to the transport sector shall be taken into account;</p>	<p>(a) for the calculation of the denominator, that is the amount of energy consumed in the transport sector, all fuels and electricity supplied to the transport sector shall be taken into account;</p> <p><i>Text Origin: Commission Proposal</i></p>
<p>255</p> <p>(a) for the calculation of the denominator, that is the amount of energy consumed in the transport sector, all fuels and electricity supplied to the transport sector shall be taken into account;</p>		<p>(a) for the calculation of the denominator, that is the amount of energy consumed in the transport sector, all fuels and electricity supplied to the transport sector shall be taken into account;</p>	<p>(a) for the calculation of the denominator, that is the amount of energy consumed in the transport sector, all fuels and electricity supplied to the transport sector shall be taken into account;</p>
<p>Article 1, first paragraph, point (16)(c), amending provision, first paragraph(b)</p>	<p>(b) for the calculation of the numerator, the energy content of advanced biofuels and biogas produced from the feedstock listed in Part A of Annex IX and renewable fuels of non-biological origin supplied to all transport modes in the territory of the Union shall be taken into account;</p>	<p>(b) for the calculation of the numerator, that is the amount of the energy content of advanced biofuels and biogas produced from the feedstock listed in Part A of Annex IX and renewable fuels of non-biological origin from renewable sources consumed in the transport sector for the purposes of the first subparagraph of Article 25(1), the energy content of all types of energy from renewable sources supplied to all transport modes, including to international marine bunkers, in the territory</p>	<p>(b) for the calculation of the numerator, that is the amount of the energy content of advanced biofuels and biogas produced from the feedstock listed in Part A of Annex IX and renewable fuels of non-biological origin from renewable sources consumed in the transport sector for the purposes of the first subparagraph of Article 25(1), the energy content of all types of energy from renewable sources supplied to all transport modes, including to international marine bunkers, in the territory of each</p>

Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		<p>of each Member State the Union shall be taken into account; Member States may take into account recycled carbon fuels.</p>	<p><i>Member State the Union shall be taken into account; <u>Member States may take into account recycled carbon fuels.</u></i></p> <p><small>Text Origin: Council Mandate</small></p>
<p>Article 1, first paragraph, point (16)(c), amending provision, first paragraph (ba)</p>		<p>(c) the share of biofuels and biogas for transport produced from the feedstock listed in Annex IX and renewable fuels of non-biological origin shall be considered to be twice its energy content;</p>	<p><i>(c) the share of biofuels and biogas for transport produced from the feedstock listed in Annex IX and renewable fuels of non-biological origin shall be considered to be twice its energy content;</i></p> <p><small>Text Origin: Council Mandate</small></p>
<p>Article 1, first paragraph, point (16)(c), amending provision, first paragraph (bb)</p>		<p>(d) the share of renewable electricity shall be considered to be four times its energy content when supplied to road vehicles and may be considered to be 1,5 times its energy content when supplied to rail transport;</p>	<p><i>(d) the share of renewable electricity shall be considered to be four times its energy content when supplied to road vehicles and may be considered to be 1,5 times its energy content when supplied to rail transport;</i></p> <p><small>Text Origin: Council Mandate</small></p>

5822/23

TREE.2.B

LIMITE

41 EN

Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
<p>256c</p>		<p>(e) the share of biofuels and biogas produced from the feedstock listed in Part B of Annex IX in the energy content of fuels and electricity supplied to the transport sector shall, except in Cyprus and Malta, be limited to 1,7 %; Member States may, where justified, modify that limit, taking into account the availability of feedstock. Any such modification shall be subject to approval by the Commission;</p>	<p><i>(e) the share of biofuels and biogas produced from the feedstock listed in Part B of Annex IX in the energy content of fuels and electricity supplied to the transport sector shall, except in Cyprus and Malta, be limited to 1,7 %; Member States may, where justified, modify that limit, taking into account the availability of feedstock. Any such modification shall be subject to approval by the Commission;</i></p> <p><small>Text Origin: Council Mandate</small></p>
<p>256d</p>		<p>(f) in order to determine the amount of energy supplied to the transport sector, the values regarding the energy content of transport fuels set out in Annex III shall be used;</p>	<p><i>(f) in order to determine the amount of energy supplied to the transport sector, the values regarding the energy content of transport fuels set out in Annex III shall be used;</i></p> <p><small>Text Origin: Council Mandate</small></p>
<p>Article 1, first paragraph, point (16)(c), amending provision, first paragraph (be)</p>		<p>(g) in order to determine the energy content of transport fuels</p>	<p><i>(g) in order to determine the energy content of transport fuels</i></p>

5822/23

TREE.2.B

LIMITE

EN

LZ/st

42

Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		<p>not included in Annex III, the Member States shall use the relevant European standards for the determination of the calorific values of fuels. Where no European standard has been adopted for that purpose, the relevant ISO standards shall be used;</p>	<p><i>not included in Annex III, the Member States shall use the relevant European standards for the determination of the calorific values of fuels. Where no European standard has been adopted for that purpose, the relevant ISO standards shall be used;</i></p> <p><small>Text Origin: Council Mandate</small></p>
<p>Article 1, first paragraph, point (16)(c), amending provision, first paragraph (bf)</p>		<p>(h) the amount of renewable electricity supplied to the transport sector is determined by multiplying the amount of electricity supplied to that sector by the average share of renewable electricity supplied in the territory of the Member State in the two previous years. By way of exception, where electricity is obtained from a direct connection to an installation generating renewable electricity and supplied to the transport sector, that electricity shall be fully counted as renewable;</p>	<p><i>(h) the amount of renewable electricity supplied to the transport sector is determined by multiplying the amount of electricity supplied to that sector by the average share of renewable electricity supplied in the territory of the Member State in the two previous years. By way of exception, where electricity is obtained from a direct connection to an installation generating renewable electricity and supplied to the transport sector, that electricity shall be fully counted as renewable;</i></p> <p><small>Text Origin: Council Mandate</small></p>

Commission Proposal		EP Mandate	Council Mandate	Draft Agreement
Article 1, first paragraph, point (16)(c), amending provision, first paragraph(c)				
257	(c) the shares of advanced biofuels and biogas produced from the feedstock listed in Part A of Annex IX and of renewable fuels of non-biological origin supplied in the aviation and maritime modes shall be considered to be 1,2 times their energy content.;		(e)(i) the shares of advanced biofuels and biogas produced from the feedstock listed in Part A of Annex IX and of renewable fuels of non-biological origin supplied in the aviation and maritime modes shall be considered to be 1,2 times their energy content.;	
Article 1, first paragraph, point (16)(ca)				
257a			(d.a) the following paragraph 1b is inserted. For the purpose of the calculations under paragraph 1(b) and 1a(a), the amount of energy supplied to maritime transport shall, as a proportion of that Member State's gross final consumption of energy, be considered to be no more than 15 %. For Cyprus and Malta, the amount of energy consumed in maritime transport shall, as a proportion of those Member States' gross final consumption of energy, be considered to be no more than 5 %. These provisions shall apply until 31	

5822/23

TREE.2.B

LZ/st
LIMITE44
EN

Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		December 2030.	
Article 1, first paragraph, point (16)(d)			
258	(d) paragraph 2 is deleted.	(d) paragraph 2 is deleted.	(d) paragraph 2 is deleted. <small>Text Origin: Commission Proposal</small>
Article 1, first paragraph, point (16)(e), introductory part			
259	(e) paragraph 3 is amended as follows:	(e) paragraph 3 is amended as follows:	ITM 1
Article 1, first paragraph, point (16)(e)(i)			
260	(i) the first, second and third subparagraphs are deleted;	(i) the first, second and third subparagraphs are deleted;	ITM 1

5822/23

TREE.2.B

LZ/st
LIMITE45
EN

Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	<p>where it is used for the production of renewable fuels of non- biological origin, provided that the electricity concerned has been supplied without taking electricity from the grid. Electricity that has been taken from the grid may be counted as fully renewable provided that it is produced exclusively from renewable sources and the renewable properties and other appropriate criteria have been demonstrated, ensuring that the renewable properties of that electricity are claimed only once and only in one end-use sector: the first, second and third subparagraphs are deleted;</p>		
Article 1, first paragraph, point (16)(e)(ii), introductory part			
<p>261</p>	<p>(ii) the fourth subparagraph is replaced by the following:</p>	<p>(ii) the fourth subparagraph is replaced by the following:</p>	<p>ITM 1</p>
	<p>(ii) <u>This can be fulfilled by complying with the following requirements:</u> <u>(a) to demonstrate the renewable properties, fuel producers should be required to conclude one or more renewable power purchase agreements with installations generating electricity for an amount that is at least equivalent</u></p>		

Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	<p><i>to the amount of electricity that is claimed as fully renewable. (b) the balance between the renewable electricity purchased through one or several power purchase agreements and the amount of electricity taken from the grid to produce the fuel shall be achieved on a quarterly basis in order for the production to be fully qualified as renewable fuel of non-biological origin. the fourth subparagraph is replaced by the following:</i></p>		
<p>Article 1, first paragraph, point (16)(e)(ii), amending provision, first paragraph</p>	<p><i>From 1 January 2030, the balance between the renewable electricity is used for the production of renewable fuels of non-biological origin, either directly or for the production of intermediate products, the average share of electricity from renewable sources in the country of production, as measured two years before the year in question, shall be used to determine the share of renewable energy.</i></p>	<p>Where electricity is used for the production of renewable fuels of non-biological origin, either directly or for the production of intermediate products, the average share of electricity from renewable sources in the country of production, as measured two years before the year in question, shall be used to determine the share of renewable energy²;</p>	<p>ITM 1</p>
<p>262</p>			

Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Article 1, first paragraph, point (16)(e)(iii), introductory part	<p>of production, as measured two years before the year in question to be fully qualified as renewable fuel of non-biological origin. The temporal correlation shall depend on an assessment carried out by the Commission. This requirement shall be used to determine the share of renewable energy apply to all existing plants, including the ones commissioned before 2030.</p>		
<p>263</p> <p>(iii) in the fifth subparagraph, the introductory phrase is replaced by the following:</p>	<p>(iii) in the fifth subparagraph, the introductory phrase is replaced by <u>With regard to the location of the electrolyser, at least one of the following conditions shall be fulfilled:</u></p> <p><u>(a) the installation generating renewable electricity under the renewables power purchase agreement is located in the same country as the electrolyser or in a neighbouring country; or</u></p> <p><u>(b) the installation generating renewable electricity under the renewables power purchase agreement is located in an offshore bidding zone adjacent to</u></p>	<p>(iii) in the fifth subparagraph, the introductory phrase is replaced by the following:</p>	ITM 1

5822/23

TREE.2.B

LZ/st
LIMITE48
EN

Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Article 1, first paragraph, point (16)(e)(iii), amending provision, first paragraph	<u><i>the country where the electrolyser is located or in a neighbouring country.</i></u>		
<p>264</p> <p>However, electricity obtained from direct connection to an installation generating renewable electricity may be fully counted as renewable electricity where it is used for the production of renewable fuels of non-biological origin, provided that the installation::</p>	<p>‘</p> <p>However, Electricity obtained from direct connection to an installation generating renewable electricity that has been taken or reinjected from the grid may be counted as fully renewable electricity where provided that it is used for the production of renewable fuels of non-biological origin, provided produced exclusively from renewable sources and the renewable properties and other appropriate criteria have been demonstrated, ensuring that the installation:: renewable properties of that electricity are claimed only once and only in one end-use sector</p>	<p>However, electricity obtained from direct connection to an installation generating renewable electricity may be fully counted as renewable electricity where it is used for the production of renewable liquid and gaseous fuels of non-biological origin, provided that the installation::</p>	<p>ITM 1</p>
<p>R</p> <p>264a</p>	Article 1, first paragraph, point (16)(e)(iii), amending provision, first paragraph (a)	<p>(a) comes into operation after, or at the same time as, the</p>	<p>ITM 1</p> <p>R</p>

5822/23

TREE.2.B

LZ/st
LIMITE

49
EN

Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		installation producing the renewable liquid and gaseous fuels of non-biological origin; and	
Article 1, first paragraph, point (16)(e)(iii), amending provision, first paragraph(b)		(b) is not connected to the grid or is connected to the grid but evidence can be provided that the electricity concerned has been supplied without taking electricity from the grid. ;	ITM 1
264b			ITM 1
Article 1, first paragraph, point (16)(e)(iii), amending provision, first paragraph a			
264c		<i>Electricity generated by a solar-electric vehicle and used for the movement of the vehicle itself may be counted as fully renewable.</i> ;	ITM 1
Article 1, first paragraph, point (17), introductory part			
265	(17) Article 28 is amended as follows:	(17) Article 28 is amended as follows:	(17) Article 28 is amended as follows: Text Origin: Council Mandate

Commission Proposal		EP Mandate		Council Mandate		Draft Agreement	
Article 1, first paragraph, point (17)(a)							
266	(a) paragraphs 2, 3 and 4 are deleted.		(a) paragraphs 2, 3 and 4 are deleted.	(a) paragraphs 2, 3 and 4 are deleted.	Text Origin: Council Mandate		
Article 1, first paragraph, point (17)(b), introductory part							
267	(b) paragraph 5 is replaced by the following:		(b) paragraph 5 is replaced by the following:	(b) paragraph 5 is replaced by the following:	Text Origin: Council Mandate		
Article 1, first paragraph, point (17)(b), amending provision, first paragraph							
268	By 31 December 2024, the Commission shall adopt delegated acts in accordance with Article 35 to supplement this Directive by specifying the methodology to determine the share of biofuel, and biogas for transport, resulting from biomass being processed with fossil fuels in a common process.;		By 31 December 2024 30 June 2023 , the Commission shall adopt delegated acts in accordance with Article 35 to supplement this Directive by specifying the methodology to determine the share of biofuel, and biogas for transport, resulting from biomass being processed with fossil fuels in a common process.;	By 31 December 2024 30 June 2024 , the Commission shall adopt delegated acts in accordance with Article 35 to supplement this Directive by specifying the methodology to determine the share of biofuel, and biogas for transport, resulting from biomass being processed with fossil fuels in a common process.;	Text Origin: Council Mandate		
Article 1, first paragraph, point (17)(ba), introductory part							

5822/23

TREE.2.B

LZ/st
LIMITE51
EN

Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
<p>6</p> <p>268a</p>	<p><u>(ba) in paragraph 6, points (c) and (d) are replaced by the following:</u></p>		<p><u>(deleted) - tbc by EP</u></p> <p>6</p>
<p>Article 1, first paragraph, point (17)(ba), amending provision, first paragraph</p>			
<p>6</p> <p>268b</p>	<p>"</p> <p><u>(c) the need to avoid significant distortive effects on markets for (by-)products, wastes or residues, taking into account the future availability of raw materials and the need to avoid market distortion leading to massive imports of raw materials;</u></p>		<p>"</p> <p><u>(deleted) - tbc by EP</u></p> <p>6</p>
<p>Article 1, first paragraph, point (17)(ba), amending provision, second paragraph</p>			
<p>6</p> <p>268c</p>	<p><u>(d) the potential for delivering substantial greenhouse gas emissions savings compared to fossil fuels based on a life-cycle assessment of emissions, taking into account available volumes of feedstock and share of pre-existing competing industrial uses with due regard to national specificities;</u></p> <p>"</p>		<p><u>(deleted) - tbc by EP</u></p> <p>"</p> <p>6</p>
<p>Article 1, first paragraph, point (17)(c)</p>			

Commission Proposal		EP Mandate		Council Mandate		Draft Agreement	
6	269	(c) in paragraph 7, 'laid down in the fourth subparagraph of Article 25(1)' is replaced by 'laid down in Article 25(1), first subparagraph, point (b)';		(c) in paragraph 7, 'laid down in the fourth subparagraph of Article 25(1)' is replaced by 'laid down in Article 25(1), first subparagraph, point (b)';	(c) in paragraph 7, 'laid down in the fourth subparagraph of Article 25(1)' is replaced by 'laid down in Article 25(1), first subparagraph, point (b)';	Text Origin: Commission Proposal	6
	Article 1, first paragraph, point (18), introductory part						
✓	270	(18) Article 29 is amended as follows:		(18) Article 29 is amended as follows:			✓
	Article 1, first paragraph, point (18)(a), introductory part						
✓	271	(a) paragraph 1 is amended as follows:		(a) paragraph 1 is amended as follows:			✓
	Article 1, first paragraph, point (18)(a)(-i), introductory part						
✓	271a		<u><i>(-i) in the first subparagraph, the introductory wording is replaced by the following:</i></u>				✓
	Article 1, first paragraph, point (18)(a)(-i), amending provision, first paragraph						
✓	271b		" <u><i>'Energy from biofuels, bioliquids and biomass fuels shall be taken</i></u>				✓

5822/23

TREE.2.B

LZ/st
LIMITE53
EN

Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	<p><i>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 principle referred to in Article 3;</i>¹¹</p>		
Article 1, first paragraph, point (18)(a)(i), introductory part			
<p>272</p> <p>(i) in the first subparagraph, point (a) is replaced by the following:</p>		<p>(i) in the first subparagraph, point (a) is replaced by the following:</p>	<p>11</p>
Article 1, first paragraph, point (18)(a)(i), amending provision, first paragraph			
<p>273</p> <p>(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 Directive¹²;</p>		<p>(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 Directive¹²;</p>	<p>12</p>
Article 1, first paragraph, point (18)(a)(i), amending provision, first paragraph a			

Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
y 273a		<p>4</p> <p><u>(ia) the following subparagraph is inserted after the first subparagraph:</u></p> <p>5</p>	y
Article 1, first paragraph, point (18)(a)(ia), introductory part			
y 273b		<p><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></p>	y
Article 1, first paragraph, point (18)(a)(ia), amending provision, first paragraph			
y 273c		"	y

5822/23

TREE.2.B

LZ/st
LIMITE55
EN

Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Article 1, first paragraph, point (18)(a)(ia), amending provision, second paragraph	<u>(ib) the second subparagraph is replaced by the following:</u>		
273d	<p><u>‘However, biofuels, bioliquids and biomass fuels produced from waste and residues, other than agricultural, aquaculture, 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></p>	"	
Article 1, first paragraph, point (18)(a)(ii), introductory part			
274			

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	(ii) the fourth subparagraph is replaced by the following:		(ii) the fourth subparagraph is replaced by the following:	
	Article 1, first paragraph, point (18)(a)(ii), amending provision, first paragraph			
275	<p>‘</p> <p>Biomass fuels shall fulfil the sustainability and greenhouse gas emissions saving criteria laid down in paragraphs 2 to 7 and 10 if used,</p>		<p>Biomass fuels shall fulfil the sustainability and greenhouse gas emissions saving criteria laid down in paragraphs 2 to 7 and 10 if used,</p>	
	Article 1, first paragraph, point (18)(a)(ii), amending provision, second paragraph			
276	<p>— (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,</p>	<p>‘</p> <p>— (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 57.5 MW,</p>	<p>— (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 510 MW,</p>	
	Article 1, first paragraph, point (18)(a)(ii), amending provision, third paragraph			
277	<p>— (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,</p>		<p>— (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,</p>	
	Article 1, first paragraph, point (18)(a)(ii), amending provision, fourth paragraph, introductory part			

5822/23

TREE.2.B

LZ/st
LIMITE57
EN

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
278	— (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:	
Article 1, first paragraph, point (18)(a)(ii), amending provision, fourth paragraph(i)				
279	(i) above 200 m3 methane equivalent/h measured at standard conditions of temperature and pressure (i.e. 0°C and 1 bar atmospheric pressure);	(i) above 200 500 m3 methane equivalent/h measured at standard conditions of temperature and pressure (i.e. 0°C and 1 bar atmospheric pressure);	(i) above 200 m3 methane 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)				
280	(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;	
Article 1, first paragraph, point (18)(a)(iii), introductory part				
281	(iii) the following subparagraph is inserted after the fourth subparagraph:		(iii) the following subparagraph is inserted after the fourth subparagraph:	

5822/23

TREE.2.B

LZ/st
LIMITE58
EN

Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
<p>Article 1, first paragraph, point (18)(a)(iii), amending provision, first paragraph</p> <p>282</p> <p>Member States may apply the sustainability and greenhouse gas emissions saving criteria to installations with lower total rated thermal input or biomethane flow rate.;</p>	<p>Article 1, first paragraph, point (18)(aa), introductory part</p>	<p>Member States may apply the sustainability and greenhouse gas emissions saving criteria to installations with lower total rated thermal input or biomethane flow rate.;</p>	
<p>282a</p>	<p><u>(aa) in paragraph 3, the first subparagraph is replaced by the following:</u></p>		
<p>Article 1, first paragraph, point (18)(aa), amending provision, first paragraph</p> <p>282b</p>	<p>"</p> <p><u>'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</u></p>		

5822/23

TREE.2.B

LZ/st
LIMITE

59
EN

Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	<p><u>following statuses in or after January 2008, whether or not the land continues to have that status:</u></p> <p><u>(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 disturbed;</u></p> <p><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></p> <p><u>(c) areas designated:</u></p> <p><u>(i) by law or by the relevant competent authority for nature protection purposes; or</u></p> <p><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,</u></p>		

5822/23

TREE.2.B

LZ/st
LIMITE

60
EN

Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	<p><u>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></p> <p><u>(d) highly biodiverse grassland spanning more than one hectare that is:</u></p> <p><u>(i) natural, namely grassland that would remain grassland in the absence of human intervention and that maintains the natural species composition and ecological characteristics and processes; or</u></p> <p><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></p> <p><u>(iii) heathland that maintains the natural species composition and ecological characteristics and processes.;</u></p>	"	

5822/23

TREE.2.B

LZ/st
LIMITE

61
EN

Commission Proposal		EP Mandate		Council Mandate		Draft Agreement	
Article 1, first paragraph, point (18)(b), introductory part							
283	(b) in paragraph 3, the following subparagraph is inserted after the first subparagraph:			(b) in paragraph 3, the following subparagraph is inserted after the first subparagraph:			
Article 1, first paragraph, point (18)(b), amending provision, first paragraph							
284	This paragraph, with the exception of the first subparagraph, point (c), also applies to biofuels, bioliquids and biomass fuels produced from forest biomass.;			<i>deleted</i>			
Article 1, first paragraph, point (18)(b), amending provision, first paragraph a							
284a				in paragraph 6, first subparagraph, point (a), the following point (vi) is inserted :			
Article 1, first paragraph, point (18)(b), amending provision, first paragraph b							
284b				« (vi) that forests in which the abovementioned forest biomass is harvested do not stem from the lands that have the statuses			

5822/23

TREE.2.B

LZ/st
LIMITE62
EN

Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		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". ¹	
Article 1, first paragraph, point (18)(c), introductory part			
285	(c) in paragraph 4, the following subparagraph is added:	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	deleted	

5822/23

TREE.2.B

LZ/st
LIMITE63
EN

Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
<p>biomass fuels produced from forest biomass;</p>	<p><u>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></p> <p><u>(a) wetlands, namely land that is covered with or saturated by water permanently or for a significant part of the year;</u></p> <p><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></p> <p><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></p> <p><u>(ca) heathland that maintains the</u></p>		

5822/23

TREE.2.B

LZ/st
LIMITE

64
EN

Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	<p><i><u>natural species composition and ecological characteristics and processes.</u></i> <i><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></i></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>		
<p>Article 1, first paragraph, point (18)(c), amending provision, first paragraph a</p>		<p>in paragraph 6, first subparagraph, point (b), the following point (vi) is inserted :</p>	
<p>Article 1, first paragraph, point (18)(c), amending provision, first paragraph b</p>		<p>« (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</p>	
<p>286a</p>			
<p>286b</p>			

5822/23

TREE.2.B

LIMITE

EN

LZ/st

65

Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	
			<p>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;"</p>	
Article 1, first paragraph, point (18)(d), introductory part				
<p>287</p>	<p>(d) paragraph 5 is replaced by the following:</p>		<p><i>deleted</i></p>	
Article 1, first paragraph, point (18)(d), amending provision, numbered paragraph (5)				
<p>288</p>	<p>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</p>	<p>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</p>	<p><i>deleted</i></p>	

5822/23

TREE.2.B

LIMITE

EN

LZ/st

66



Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
<p>drainage of previously undrained soil.;</p>	<p>drainage of previously undrained soil <i>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</i>;</p>		
Article 1, first paragraph, point (18)(da), introductory part			
<p>288a</p>	<p><i>(da) the following paragraph is inserted:</i></p>		
Article 1, first paragraph, point (18)(da), amending provision, numbered paragraph (1)			
<p>288b</p>	<p>" <i>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</i>;"</p>	<p>"</p>	
Article 1, first paragraph, point (18)(db), introductory part			

5822/23

TREE.2.B

LZ/st
LIMITE

67
EN

Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
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	" <u>(i) the introductory wording is replaced by the following:</u>		y
Article 1, first paragraph, point (18)(db), amending provision, second paragraph			
y 288e	<u>'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</u>		y

5822/23

TREE.2.B

LZ/st
LIMITE68
EN

Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	<p><i>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></p>		
<p>Article 1, first paragraph, point (18)(db), amending provision, third paragraph</p>	<p><i>(ii) in point (a), point (iii) is replaced by the following:</i></p>		
<p>288f</p>	<p><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</i></p>		
<p>288g</p>			

5822/23

TREE.2.B

LZ/st
LIMITE

69
EN

Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	rivers as set out in Directive 2000/60/EC ;	"	
<p>Article 1, first paragraph, point (18)(e), introductory part</p>	<p>(e) in paragraph 6, first subparagraph, point (a), point (iv) is replaced by the following:</p>	<p>(e) in paragraph 6, first subparagraph, point (a), point (iv) is replaced by the following:</p>	
<p>289</p> <p>(e) in paragraph 6, first subparagraph, point (a), point (iv) is replaced by the following:</p>	<p>(e) (iii) in paragraph 6, first subparagraph, point (a), point (iv) is replaced by the following:</p> <p>(iv) that harvesting is carried out ensuring ensuring maintenance of soil quality and biodiversity with the aim of preventing preventing negative impacts, in a way that avoids prevents harvesting of stumps and roots not suitable for material use e.g. through the use of sustainable forest management practices, degradation of primary and old-growth and old-growth forests or their conversion into plantation forests, and harvesting on vulnerable soils; prevents large clear-cuts and leads to favourable and appropriate ecosystem conditions, prevents clear-cuts, unless this leads to favourable and appropriate ecosystem conditions, ensures locally and ecologically</p>	<p>(iv) that harvesting is carried out considering maintenance of soil quality and biodiversity according to sustainable forest management principles, 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>290</p> <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>			

5822/23

TREE.2.B

LZ/st
LIMITE

70
EN

Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
<p>Article 1, first paragraph, point (18)(f), introductory part</p>	<p>appropriate thresholds for deadwood extraction, and ensures and requirements to use logging systems that minimise impacts on soil quality, including soil compaction, and on biodiversity features and habitats: <u>2</u>;</p>	<p>1. Delegations are informed that this concept is explained in the recital 102 of the Directive 2018/2001.</p>	
<p>291</p> <p>(f) in paragraph 6, first subparagraph, 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>	<p>(f) in paragraph 6, first subparagraph, point (b), point (iv) is replaced by the following:</p>	
<p>Article 1, first paragraph, point (18)(f), amending provision, first paragraph</p> <p>292</p> <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</p>	<p>(iv) that harvesting is carried out ensuring ensuring maintenance of soil quality and biodiversity with the aim of preventing preventing negative impacts, in a way that prevents not suitable for harvesting of stumps and roots through the use of sustainable forest management practices, degradation of primary and old-growth and old-growth forests or their conversion into plantation forests, and harvesting on vulnerable soils;</p>	<p>(iv) that harvesting is carried out considering maintenance of soil quality and biodiversity according to sustainable forest management principles, 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</p>	

Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
<p>systems that minimise impacts on soil quality, including soil compaction, and on biodiversity features and habitats:;</p>	<p>minimises large clear-cuts prevents clear-cuts, unless this leads to favourable and appropriate ecosystem conditions, ensures locally <u>and ecologically</u> appropriate thresholds for deadwood extraction, <u>and ensures</u> and requirements to use logging systems that minimise impacts on soil quality, including soil compaction, and on biodiversity features and habitats:;</p>	<p>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			
<p>292a</p>	<p><u>(fa) the following paragraph is inserted:</u></p>		
Article 1, first paragraph, point (18)(fa), amending provision, first paragraph			
<p>292b</p>	<p>" '<u>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 2018/841</u>.' ... <u>[the revised Regulation 2018/841]</u>."</p>		

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			"	
	Article 1, first paragraph, point (18)(g), introductory part			
	(g) in paragraph 10, first subparagraph, point (d) is replaced by the following:		(g) in paragraph 10, first subparagraph, point (d) the first sentence is replaced by the following:	
293			"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 the thresholds defined in paragraph 1 subparagraph 4, shall be:"	
	Article 1, first paragraph, point (18)(g), amending provision, first paragraph -a			
293a			(h) in paragraph 10, first subparagraph, point (d) is replaced by the following:	
	Article 1, first paragraph, point (18)(g), amending provision, first paragraph			
294	(d) at least 70 % for electricity, heating and cooling production	(d) at least 70 % for electricity, heating and cooling production	(d) at least 70 % for electricity, heating and cooling production from biomass fuels used in	

5822/23

TREE.2.B

LZ/st
LIMITE73
EN

Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
<p>from biomass fuels used in installations until 31 December 2025, and at least 80 % from 1 January 2026.;</p>	<p>from biomass fuels used in installations <u>starting operations from 1 January 2021</u> until 31 December 2025, and at least 80 % <u>85 % for installations starting operations</u> from 1 January 2026.;</p>	<p>installations until 31 December 2025, and having started operation after the entry into force of this directive, at least 80 % from 1 January 2026;</p>	
Article 1, first paragraph, point (18)(g), amending provision, first paragraph a			
<p>294a</p>		<p>(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 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;</p>	
Article 1, first paragraph, point (18)(g), amending provision, first paragraph b			
<p>294b</p>		<p>(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</p>	

5822/23

TREE.2.B

LZ/st
LIMITE

74
EN

Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		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		(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 January 2026 and, at the latest, from 31 December 2029;	
Article 1, first paragraph, point (18)(g), amending provision, first paragraph d		(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	

5822/23

TREE.2.B

LIMITTE

EN

LZ/st

75

Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		at the earliest from 1 January 2026.	,
Article 1, first paragraph, point (18)(ga), introductory part			
294e		<u>(ga) in paragraph 11, the introductory wording is replaced by the following:</u>	
Article 1, first paragraph, point (18)(ga), amending provision, first paragraph			
294f		<p>11. <u>Electricity from biomass fuels shall be taken into account for the purposes referred to in points (b) and (c) of the first subparagraph 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</u></p>	

Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	<u>on the latest available data.'</u>	"	
Article 1, first paragraph, point (18a), introductory part			
294g	<u>(gb) paragraph 13 is replaced by the following:</u>		
Article 1, first paragraph, point (18a), amending provision, first paragraph	"		
294h	<p><u>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 to 7 and 10 and 11 of this Article by adopting different criteria for:</u></p> <p><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></p> <p><u>(b) biomass fuels and bioliquids used in the installations and</u></p>		

Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	<p><i>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. 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 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. 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.</i></p>		

5822/23

TREE.2.B

LZ/st
LIMITE

78
EN

Commission Proposal		EP Mandate		Council Mandate		Draft Agreement	
Article 1, first paragraph, point (18b)							
⁶	294i		<u>(gc) paragraph 14 is replaced by the following:</u>				⁶
Article 1, first paragraph, point (18c)							
⁶	294j		<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>				⁶
Article 1, first paragraph, point (19), introductory part							
⁶	295	(19) the following Article 29a is inserted:		(19) the following Article 29a is inserted:			⁶
Article 1, first paragraph, point (19), amending provision, first paragraph							
⁶	296	' Article 29a		Article 29a			⁶
Article 1, first paragraph, point (19), amending provision, second paragraph							
⁶	297						⁶

5822/23

TREE.2.B

LZ/st
LIMITE79
EN

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	Greenhouse gas emissions saving criteria for renewable fuels of non-biological origin and recycled carbon fuels		Greenhouse gas emissions saving criteria for renewable fuels of non-biological origin and recycled carbon fuels	Greenhouse gas emissions saving criteria for renewable fuels of non-biological origin and recycled carbon fuels Text Origin: Council Mandate
Article 1, first paragraph, point (19), amending provision, numbered paragraph (1)				
298	1. Energy from renewable fuels of non-biological origin shall be counted towards Member States' shares of renewable energy and the targets referred to in Articles 3(1), 15a(1), 22a(1), 23(1), 24(4) and 25(1) only if the greenhouse gas emissions savings from the use of those fuels are at least 70 %.		1. Energy from renewable fuels of non-biological origin shall be counted towards Member States' shares of renewable energy and the targets referred to in Articles 3(1), 15a(1), 22a(1), 23(1), 24(4) and 25(1) only if the greenhouse gas emissions savings from the use of those fuels are at least 70 %.	1. Energy from renewable fuels of non-biological origin shall be counted towards Member States' shares of renewable energy and the targets referred to in Articles 3(1), 15a(1), 22a(1), 23(1), 24(4) and 25(1) only if the greenhouse gas emissions savings from the use of those fuels are at least 70 %. Text Origin: Council Mandate
Article 1, first paragraph, point (19), amending provision, numbered paragraph (2)				
299	2. Energy from recycled carbon fuels may be counted towards the greenhouse gas emissions reduction target referred to in Article 25(1), first subparagraph, point (a), only if the greenhouse gas emissions savings from the use of those fuels are at least 70%.		2. Energy from recycled carbon fuels may be counted towards the greenhouse gas emissions reduction target referred to in Article 25(1), first subparagraph, point (a), only if the greenhouse gas emissions savings from the use of those fuels are at least 70%.	2. Energy from recycled carbon fuels may be counted towards the greenhouse gas emissions reduction target referred to in Article 25(1), first subparagraph, point (a), only if the greenhouse gas emissions savings from the use of those fuels are at least 70%.

Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			Text Origin: Council Mandate
Article 1, first paragraph, point (19), amending provision, numbered paragraph (3)			
<p>300</p> <p>3. The Commission is empowered to adopt delegated acts in accordance with Article 35 to supplement this Directive by specifying the methodology for assessing greenhouse gas emissions savings from renewable fuels of non-biological origin and from recycled carbon fuels. The methodology shall ensure that credit for avoided emissions is not given for CO₂ the capture of which has already received an emission credit under other provisions of law.;</p>	<p>3. The Commission is empowered to adopt delegated acts in accordance with Article 35 to supplement this Directive by specifying the methodology for assessing greenhouse gas emissions savings from renewable fuels of non-biological origin and from recycled carbon fuels. The methodology shall ensure that credit for avoided emissions is not given for CO₂ the capture of which has already received an emission credit under other provisions of law. <u>The carbon content of the wastes and their release to the atmosphere shall be included in the methodology.</u></p>	<p>3. The Commission is empowered shall adopt delegated acts in accordance with Article 35 to supplement this Directive by specifying the methodology for assessing greenhouse gas emissions savings from renewable fuels of non-biological origin and from recycled carbon fuels. The methodology shall ensure that credit for avoided emissions is not given for CO₂ the capture of which has already received an emission credit under other provisions of law. The methodology shall cover the life-cycle GHG emissions that must include indirect emissions.</p>	
Article 1, first paragraph, point (19a), introductory part			
<p>300a</p>		<p><u>In any event, the methodology for assessing greenhouse gas emissions savings from recycled</u></p>	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		<i>carbon fuels shall consider, in a life-cycle approach, the embedded carbon.;</i>		
	Article 1, first paragraph, point (19a), amending provision, first paragraph			
Y	300b	" <i>(19a) the following Article 29b is inserted:</i>		
	Article 1, first paragraph, point (19a), amending provision, second paragraph			
R	300c	<i>'Article 29b Sustainability criteria for hydropower plants</i>		
	Article 1, first paragraph, point (19a), amending provision, numbered paragraph (1)			
R	300d	<i>Energy generated by hydropower shall be produced at a plant which in accordance with Directive 2000/60/EC and in particular Articles 4 and 11 of that Directive has implemented all technically feasible and ecologically relevant mitigation measures to reduce adverse impacts on water as well measures to enhance protected habitats and species directly dependent on water.;</i>		

5822/23

TREE.2.B

LZ/st
LIMITE82
EN

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		"		
	Article 1, first paragraph, point (20), introductory part			
6	301	(20) Article 30 is amended as follows:	(20) Article 30 is amended as follows:	(20) Article 30 is amended as follows: <i>Text Origin: Council Mandate</i>
	Article 1, first paragraph, point (20)(a), introductory part			
6	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			
6	303	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-	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 <i>via mandatory independent and publicly available audits</i> that the sustainability and greenhouse gas emissions saving criteria laid down in Articles 29(2) to (7) and	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 29a(1) and (2) for renewable fuels and recycled-carbon fuels have been fulfilled.
6		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 <i>via mandatory independent and publicly available audits</i> 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-	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 <i>via mandatory independent and publicly available audits, in line with the implementing act adopted pursuant to paragraph 8</i> , that the sustainability and greenhouse gas	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	carbon fuels have been fulfilled. For that purpose, they shall require economic operators to use a mass balance system which:;	(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:;	For that purpose, they shall require economic operators to use a mass balance system which:;	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:;
	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	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), take into account EU biodiversity targets , and that economic operators make	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	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

5822/23

TREE.2.B

LZ/st
LIMITE84
EN

Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
<p>request, the data used to develop that information.</p>	<p>available to the relevant Member State, upon request, and to the public the data used to develop that information. 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 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 a waste or residue. It shall evaluate the frequency and the robustness of the data.</p>	<p>that information. Member States shall require economic operators to arrange for an adequate standard of independent auditing of the information submitted, and to provide evidence that this has been done. In order to comply with point (a) of Article 29(6) and point (a) of Article 29(7), 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 a waste or residue. It shall evaluate the frequency and methodology of sampling and the robustness of the data.</p>	<p>request, the data used to develop that information. Member States shall require economic operators to arrange for an adequate standard of independent auditing of the information submitted, and to provide evidence that this has been done. In order to comply with [Article 29(3), points (a), (b) and (d), Article 29(4), point (a), Article 29(5)], point (a) of Article 29(6) and point (a) of Article 29(7), 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 a waste or residue. It shall evaluate the frequency and the robustness of the data.</p> <p><small>Text Origin: Council Mandate</small></p>

Article 1, first paragraph, point (20)(b), amending provision, second paragraph

5822/23

TREE.2.B

LIMITE

EN

LZ/st

85

Commission Proposal		EP Mandate	Council Mandate	Draft Agreement
Article 1, first paragraph, point (20)(c), introductory part				
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 made available to consumers on the websites of operators, suppliers or the relevant competent authorities and shall be updated on an annual basis.;	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 made available to consumers <u>in an up to date, easily accessible, and user-friendly manner</u> on the websites of operators, suppliers and the relevant competent authorities <u>as well as at refuelling stations</u> and shall be updated on an annual basis.;	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 made available to consumers on the websites of operators, suppliers or the relevant competent authorities and shall be updated on an annual basis.;	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 made available to consumers <u>in an up to date, easily accessible, and user-friendly manner</u> on the websites of operators, suppliers or the relevant competent authorities and shall be updated on an annual basis.;
				<u>Text Origin: EP Mandate</u>
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:	(c) in paragraph 4, the first subparagraph is replaced by the following: <u>Text Origin: Council Mandate</u>
Article 1, first paragraph, point (20)(c), amending provision, first paragraph				
308	,		The Commission may decide that	,

5822/23

TREE.2.B

LZ/st
LIMITE86
EN

Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
<p>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) 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);</p>		<p>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) 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 purposes of Article 29(3), first subparagraph, point (c)(ii);</p>	<p>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) 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);</p> <p><small>Text Origin: Council Mandate</small></p>

5822/23

TREE.2.B

LZ/st
LIMITE87
EN

Commission Proposal		EP Mandate		Council Mandate		Draft Agreement	
	Article 1, first paragraph, point (20)(c), amending provision, first paragraph a						
y	308a		⁶ <i>(ca) in paragraph 4, the second subparagraph is replaced by the following:</i>				y
	Article 1, first paragraph, point (20)(c), amending provision, first paragraph b						
y	308b		<i>'The Commission may decide that those schemes contain accurate information on measures taken for soil, water and air protection, for the restoration of degraded land and for the avoidance of excessive water consumption in areas where water is scarce.'</i>				y
	Article 1, first paragraph, point (20)(d), introductory part						
6	309	(d) paragraph 6 is replaced by the following:		(d) paragraph 6 is replaced by the following:	(d) paragraph 6 is replaced by the following: <i>Text Origin: Council Mandate</i>		6
	Article 1, first paragraph, point (20)(d), amending provision, numbered paragraph (6), introductory part						
6	310						6

5822/23

TREE.2.B

LZ/st
LIMITE88
EN

Commission Proposal		EP Mandate	Council Mandate	Draft Agreement
Article 1, first paragraph, point (20)(d), amending provision, numbered paragraph (6), first paragraph				
6	311	<p>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 certification of biofuels, bioliquids and biomass fuels with low indirect land-use change-risk.</p>	<p>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 certification of biofuels, bioliquids and biomass fuels with low indirect land-use change-risk.</p>	<p>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 certification of biofuels, bioliquids and biomass fuels with low indirect land-use change-risk.</p> <p><small>Text Origin: Council Mandate</small></p>
6	311	<p>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</p>	<p>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</p>	<p>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</p>

5822/23

TREE.2.B

LZ/st
LIMITE89
EN

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	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).		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).	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). Text Origin: Council Mandate
	Article 1, first paragraph, point (20)(d), amending provision, numbered paragraph (6), second paragraph			
6	312 Where the decision is positive, other schemes recognised by the Commission in accordance with this Article shall not refuse mutual 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.		Where the decision is positive, other schemes recognised by the Commission in accordance with this Article shall not refuse mutual 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.	Where the decision is positive, other schemes recognised by the Commission in accordance with this Article shall not refuse mutual 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. Text Origin: Council Mandate
	Article 1, first paragraph, point (20)(d), amending provision, numbered paragraph (6), third paragraph			
v	313 For installations producing electricity heating and cooling	4 For installations producing	For installations producing electricity, heating and cooling	For installations producing electricity, heating and cooling

5822/23

TREE.2.B

LIMITE

90

LZ/st

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	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 ;	electricity heating and cooling with a total rated thermal input between 5 and 10 20 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 . ⁶ ;	with a total rated thermal input between 5 and 10 and 20 MW, Member States shall may 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 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. .	with a total rated thermal input between 5-10 and 10-10 15-101 and 205 and 10 MW, Member States shall may 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. <u>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. .</u>
	Article 1, first paragraph, point (20)(e), introductory part			
⁶	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:	(e) in paragraph 9, the first subparagraph is replaced by the following: <small>Text Origin: Council Mandate</small>
Article 1, first paragraph, point (20)(e), amending provision, first paragraph				
⁶	315 ,		Where an economic operator	,

Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
<p>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.;</p>		<p>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.;</p>	<p>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.;</p> <p><small>Text Origin: Council Mandate</small></p>
<p>Article 1, first paragraph, point (20)(ea)</p>		<p>(f) in paragraphe 9, the last following paragraph is added: 'Competent public authorities of the Member States may also supervise economic operators once they are certified under a voluntary scheme. Where Member States find issues of non-conformity, they shall take appropriate action and inform the voluntary scheme without delay.';</p>	<p>- (deleted) -</p> <p><small>Text Origin: Council Mandate</small></p>
<p>6 315a</p>		<p>Article 1, first paragraph, point (20)(f), introductory part</p>	

Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
<p>6</p> <p>316</p> <p>(f) paragraph 10 is replaced by the following:</p>		<p>(f(g) paragraph 10 is replaced by the following:</p>	<p>f(g) paragraph 10 is replaced by the following:</p> <p>Text Origin: Council Mandate</p> <p>6</p>
Article 1, first paragraph, point (20)(f), amending provision, first paragraph			
<p>6</p> <p>317</p> <p>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.</p>		<p>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.</p>	<p>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.</p> <p>Text Origin: Commission Proposal</p> <p>6</p>
Article 1, first paragraph, point (20)(f), amending provision, second paragraph, introductory part			
<p>6</p> <p>318</p> <p>Within six months of receipt of 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</p>		<p>Within six months of receipt of 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</p>	<p>6</p>

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	the Member State concerned may either:		the Member State concerned may either:	
	Article 1, first paragraph, point (20)(f), amending provision, second paragraph(a)			
6	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	(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 Text Origin: Council Mandate
	Article 1, first paragraph, point (20)(f), amending provision, second paragraph(b)			
6	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.;	(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. ; Text Origin: Council Mandate
	Article 1, first paragraph, point (21)			
6	321			

5822/23

TREE.2.B

LZ/st
LIMITE94
EN

Commission Proposal		EP Mandate		Council Mandate		Draft Agreement	
	(21) in Article 31, paragraphs 2, 3 and 4 are deleted:	(21) in Article 31, paragraphs 2, 3 and 4 are deleted:	(21) in Article 31, paragraphs 2, 3 and 4 are deleted:	(21) in Article 31, paragraphs 2, 3 and 4 are deleted: - (deleted) -			
Article 1, first paragraph, point (22), introductory part							
6	322	(22) the following Article is inserted:		(22) the following Article 31a is inserted:	(22) the following Article is inserted:	Text Origin: Commission Proposal	6
Article 1, first paragraph, point (22), amending provision, first paragraph							
6	323	Article 31a		Article 31a	Article 31a	Text Origin: Commission Proposal	6
Article 1, first paragraph, point (22), amending provision, second paragraph							
6	324	Union database		Union database	Union database	Text Origin: Commission Proposal	6
Article 1, first paragraph, point (22), amending provision, numbered paragraph (1)							
6	325	1. The Commission shall ensure that a Union database is set up to enable the tracing of liquid and	1. By ... three months after entry into force of this amending	1. The Commission shall ensure that a Union database is set up to enable the tracing of liquid and	1. By 1 year after entry into force of this amending Directive	1. By 1 year after entry into force of this amending Directive	6

5822/23

TREE.2.B

LIMITE

EN

LZ/st

95

Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
<p>gaseous renewable fuels and recycled carbon fuels.</p>	<p><u>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>).</p>	<p>gaseous renewable fuels and recycled carbon fuels.</p>	<p>a Union database is set up to enable the tracing of liquid and gaseous renewable fuels and recycled carbon fuels (<u>the "Union Database"</u>).</p>
<p>Article 1, first paragraph, point (22), amending provision, numbered paragraph (2), introductory part</p> <p>326</p> <p>2. Member States shall require the 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.</p>	<p>2. Member States shall require the relevant economic operators to enter in a timely manner accurate information into that database on the transactions made and <u>on</u> the sustainability characteristics <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</p>	<p>2. Member States shall require the 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 placed on the market 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. These data can be entered into the EU database via national databases.</p>	<p>2. Member States shall require the 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 placed on the market in the Union. The interconnected gas system shall be considered to be a single mass balance system. Information about injection and withdrawal of renewable gaseous fuels shall be provided in the Union Database. 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</p>

Commission Proposal		EP Mandate	Council Mandate	Draft Agreement
		also be included in the database.		also be included in the database. <i>These data may be entered into the Union database via national databases.</i>
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 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.		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 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.	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 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.	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				

5822/23

TREE.2.B

LZ/st
LIMITE97
EN

Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
<p>6 328a</p>	<p><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 system is complemented by guarantees of origin.</i></p>		<p><i>Notwithstanding subparagraphs 1 to 3, for gaseous fuels injected into the European interconnected gas infrastructure, economic operators shall enter information on the transactions made and the sustainability characteristics and other relevant information such as greenhouse gas emissions of the fuels up to the injection point to the interconnected gas system, where the mass balance system may be complemented by guarantees of origin where appropriate.</i></p>
<p>6 Article 1, first paragraph, point (22), amending provision, numbered paragraph (3)</p> <p>6 329</p>	<p>3. Member States shall have access to the Union database for the purposes of monitoring and data verification.</p>	<p>3. Member States shall have access to the Union database for the purposes of monitoring and data verification.</p>	<p>3. Member States shall have access to the Union database for the purposes of monitoring and data verification.</p>
<p>6 Article 1, first paragraph, point (22), amending provision, numbered paragraph (4)</p> <p>6 330</p>	<p>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</p>	<p>4. Where 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<i>after</i></p>	<p>4. Where 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 <i>transferred to the</i></p>

5822/23

TREE.2.B

LIMITE

EN

LZ/st

98

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	of renewable gases can be registered in the database.	the consignment of renewable gases can be registered in the database is withdrawn from the <u>European interconnected system for gas</u> .	of renewable gases can be registered in the database.	<u>Union database at the moment when a consignment of renewable gases is registered in the database and are respectively cancelled before</u> after the consignment of renewable gases can be registered in their withdrawn from the <u>European interconnected grid for gas</u> . Such <u>guarantees of origin, once transferred, shall not be tradable outside of the Union</u> database.
	Article 1, first paragraph, point (22), amending provision, numbered paragraph (5), introductory part			
	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 voluntary or national schemes.	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 voluntary or national schemes, <u>which may be complemented by a system of guarantees of origin</u> .	5. Member States shall ensure in their national legal framework that the accuracy and completeness of the data entered information included by economic operators in the database is verified, for instance by using certification bodies in the framework of voluntary or national schemes recognised by the Commission pursuant to Article 30(4), (5f) and (6).	5. Member States shall ensure <u>in their national legal framework</u> that the accuracy and completeness of the information data entered by economic operators in the database is verified, for instance by using <u>certification bodies in the framework of voluntary or national schemes recognised by the Commission pursuant to Article 30(4), (5f) and (6) and which may be complemented by a system of guarantees of origin</u> .
6	331			
	Article 1, first paragraph, point (22), amending provision, numbered paragraph (5), first paragraph			
6	332			

5822/23

TREE.2.B

LZ/st
LIMITE99
EN

Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
<p>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.</p>	<p>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.</p>	<p>For data verification, Such 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.</p>	<p>For data verification, Such 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.</p>
<p>Article 1, first paragraph, point (22), amending provision, numbered paragraph (5), first paragraph a, introductory part</p>	<p>Article 1, first paragraph, point (22), amending provision, numbered paragraph (5), first paragraph a</p>	<p>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 declaring those data into the Union Database, provided that:</p>	<p><u>Member States may use already existing national databases aligned to and linked with the Union database via interface or set up a national database that can be used by economic operators as a tool for collecting data and for entering, transferring and declaring those data into the Union Database, provided that:</u></p>
<p>332a</p>			
<p>Article 1, first paragraph, point (22), amending provision, numbered paragraph (5), first paragraph a(a)</p>		<p>(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</p>	<p><u>(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</u></p>
<p>332b</p>			

5822/23

TREE.2.B

LIMITE

EN

LZ/st

100

Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		<p>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.</p>	<p><i>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.</i></p>
<p>Article 1, first paragraph, point (22), amending provision, numbered paragraph (5), first paragraph a(b)</p>		<p>(b) Member States ensure that the data entered in the national database is instantly transferred to the Union database.</p>	<p><i>(b) Member States ensure that the data entered in the national database is instantly transferred to the Union database.</i></p>
<p>Article 1, first paragraph, point (22), amending provision, numbered paragraph (5), first paragraph b</p>		<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</p>	<p><i>The verification of the data quality entered through national databases to the Union database, the sustainability characteristics of the fuels related to that data, and the final approval of transactions shall be performed solely through the Union</i></p>

5822/23

TREE.2.B

LIMITE

EN

LZ/st

101

Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		<p>Database. The accuracy and completeness of the data must be checked in line with Implementing Regulation xxx/2022¹, and therefore may be checked by certification bodies.</p> <p>1. <u>Commission Implementing Regulation .../... of xxx on rules to verify sustainability and greenhouse gas emissions saving criteria and low indirect land-use change-risk criteria</u></p>	<p><u>Database. The accuracy and completeness of the data shall be checked in line with Commission Implementing Regulation 2022/3740 on rules to verify sustainability and greenhouse gas emissions saving criteria and low indirect land-use change-risk criteria, and therefore may be checked by certification bodies.</u></p>
<p>Article 1, first paragraph, point (22), amending provision, numbered paragraph (5), first paragraph c</p>		<p>Member States shall notify the detailed features of their national database to the Commission. 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.</p>	<p><u>Member States shall notify the detailed features of their national database to the Commission. 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.</u></p>
<p>6 332e</p>		<p>Article 1, first paragraph, point (22), amending provision, numbered paragraph (5a), introductory part</p>	

Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
<p>332f</p>	<p><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></p>		<p><u>5a. The aggregated data shall be made publicly available, with due regard to the protection of commercially sensitive information, 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 fuels.</u></p>
<p>332g</p>	<p><u>(22a) Article 33 is amended as follows:</u></p>		
<p>Article 1, first paragraph, point (22a), introductory part</p>			
<p>332h</p>	<p><u>(a) in paragraph 3, the first subparagraph is replaced by the following:</u></p>		
<p>Article 1, first paragraph, point (22a)(a), introductory part</p>			
<p>332i</p>	<p><u>3. In 2025, the Commission shall submit, if appropriate, a</u></p>		

Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	<p><u>legislative proposal on the regulatory framework for the promotion of energy from renewable sources for the period after 2030.</u>;</p>		
Article 1, first paragraph, point (22a)(a), amending provision, first paragraph	Article 1, first paragraph, point (22a)(a), amending provision, first paragraph		
332j	<p>" <u>(b) in paragraph 3, the following subparagraph is added:</u> "</p>		
Article 1, first paragraph, point (22a)(b), introductory part	<p><u>When preparing the legislative proposal referred to in the first subparagraph the Commission shall take into account:</u> <u>(a) the advice of the European Scientific Advisory Board on Climate Change established under Article 10a of Regulation (EC) No 401/2009;</u> <u>(b) the projected indicative Union greenhouse gas budget as set out in Article 4(4) of Regulation (EU) 2021/1119;</u> <u>(c) the integrated national energy and climate plans submitted by Member States by 30 June 2024 pursuant to Article</u></p>		
332k			

Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	<p><u>14 (2) of Regulation (EU) 2018/1999;</u> <u>(d) the experience gained by the implementation of this Directive, including its sustainability and greenhouse gas emissions saving criteria; and</u> <u>(e) technological developments in energy from renewable sources.';</u></p>		
<p>Article 1, first paragraph, point (22a)(b), amending provision, first paragraph</p>	<p>" <u>(c) the following paragraph is added:</u></p>	<p>"</p>	
<p>3321</p>	<p>Article 1, first paragraph, point (22a)(c), introductory part</p>	<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> <u>(a) the external effects of the deployment of renewable energy and its impact on the</u></p>	

5822/23

TREE.2.B

LIMITTE

EN

LZ/st

105

Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	<p><i>environment;</i></p> <p><i>(b) the socio-economic benefits of the implementation of this Directive;</i></p> <p><i>(c) the status of the implementation of related renewables energy initiatives under the RepowerEU;</i></p> <p><i>(d) whether the increase in demand for electricity in the transport, industry, building and heating and cooling sectors and RENO is met with equivalent amounts of renewable generation capacities;</i></p> <p><i>(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 assessment by the Commission. This review for a phase down shall be presented at the latest by ... 13 years after the transposition of this amending Directive]</i></p>		
Article 1, first paragraph, point (22a)(c), amending provision, first paragraph	"	<i>The Commission and the</i>	
332n			

5822/23

TREE.2.B

LZ/st
LIMITE106
EN

Commission Proposal		EP Mandate		Council Mandate		Draft Agreement	
Annex I, first paragraph, point (3), introductory part		<p><i>competent authorities in the Member States shall continuously adapt to best administrative practices 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></p>					
6	486	(3) Annex III is replaced by the following:		(3) Annex III is replaced by the following:	(3) Annex III is replaced by the following:	Text Origin: Council Mandate	6
Annex I, first paragraph, point (3), amending provision, first subparagraph							
6	487	" ENERGY CONTENT OF FUELS		" ENERGY CONTENT OF FUELS	" ENERGY CONTENT OF FUELS	Text Origin: Council Mandate	6
Annex I, first paragraph, point (3), amending provision, Table 2, Column 1, Row 1							
6	488	Fuel		Fuel	Fuel	Text Origin: Council Mandate	6

5822/23

TREE.2.B

LZ/st
LIMITE107
EN

Commission Proposal		EP Mandate		Council Mandate		Draft Agreement	
Annex I, first paragraph, point (3), amending provision, Table 2, Column 1, Row 2							
6	489	FUELS FROM BIOMASS AND/OR BIOMASS PROCESSING OPERATIONS		FUELS FROM BIOMASS AND/OR BIOMASS PROCESSING OPERATIONS		FUELS FROM BIOMASS AND/OR BIOMASS PROCESSING OPERATIONS	Text Origin: Council Mandate
Annex I, first paragraph, point (3), amending provision, Table 2, Column 1, Row 3							
6	490	Bio-Propane		Bio-Propane		Bio-Propane	Text Origin: Council Mandate
Annex I, first paragraph, point (3), amending provision, Table 2, Column 1, Row 4							
6	491	Pure vegetable oil (oil produced from oil plants through pressing, extraction or comparable procedures, crude or refined but chemically unmodified)		Pure vegetable oil (oil produced from oil plants through pressing, extraction or comparable procedures, crude or refined but chemically unmodified)		Pure vegetable oil (oil produced from oil plants through pressing, extraction or comparable procedures, crude or refined but chemically unmodified)	Text Origin: Commission Proposal
Annex I, first paragraph, point (3), amending provision, Table 2, Column 1, Row 5							
6	492	Biodiesel - fatty acid methyl ester (methyl-ester produced from oil of biomass origin)		Biodiesel - fatty acid methyl ester (methyl-ester produced from oil of biomass origin)		Biodiesel - fatty acid methyl ester (methyl-ester produced from oil of biomass origin)	

5822/23

TREE.2.B

LZ/st
LIMITE108
EN

Commission Proposal		EP Mandate		Council Mandate		Draft Agreement	
							Text Origin: Council Mandate
Annex I, first paragraph, point (3), amending provision, Table 2, Column 1, Row 6							
493	Biodiesel - fatty acid ethyl ester (ethyl-ester produced from oil of biomass origin)		Biodiesel - fatty acid ethyl ester (ethyl-ester produced from oil of biomass origin)		Biodiesel - fatty acid ethyl ester (ethyl-ester produced from oil of biomass origin)		
Annex I, first paragraph, point (3), amending provision, Table 2, Column 1, Row 7							
494	Biogas that can be purified to natural gas quality		Biogas that can be purified to natural gas quality		Biogas that can be purified to natural gas quality		Text Origin: Council Mandate
Annex I, first paragraph, point (3), amending provision, Table 2, Column 1, Row 8							
495	Hydrotreated (thermochemically treated with hydrogen) oil of biomass origin, to be used for replacement of diesel		Hydrotreated (thermochemically treated with hydrogen) oil of biomass origin, to be used for replacement of diesel		Hydrotreated (thermochemically treated with hydrogen) oil of biomass origin, to be used for replacement of diesel		Text Origin: Council Mandate
Annex I, first paragraph, point (3), amending provision, Table 2, Column 1, Row 9							
496	Hydrotreated (thermochemically treated with hydrogen) oil of biomass origin, to be used for replacement of petrol		Hydrotreated (thermochemically treated with hydrogen) oil of biomass origin, to be used for replacement of petrol		Hydrotreated (thermochemically treated with hydrogen) oil of biomass origin, to be used for replacement of petrol		

5822/23

TREE.2.B

LZ/st
LIMITE109
EN

Commission Proposal		EP Mandate		Council Mandate		Draft Agreement	
Annex I, first paragraph, point (3), amending provision, Table 2, Column 1, Row 10							
						Text Origin: Council Mandate	
6	497	Hydrotreated (thermochemically treated with hydrogen) oil of biomass origin, to be used for replacement of jet fuel		Hydrotreated (thermochemically treated with hydrogen) oil of biomass origin, to be used for replacement of jet fuel		Hydrotreated (thermochemically treated with hydrogen) oil of biomass origin, to be used for replacement of jet fuel	Text Origin: Council Mandate
Annex I, first paragraph, point (3), amending provision, Table 2, Column 1, Row 11							
6	498	Hydrotreated oil (thermochemically treated with hydrogen) of biomass origin, to be used for replacement of liquefied petroleum gas		Hydrotreated oil (thermochemically treated with hydrogen) of biomass origin, to be used for replacement of liquefied petroleum gas		Hydrotreated oil (thermochemically treated with hydrogen) of biomass origin, to be used for replacement of liquefied petroleum gas	Text Origin: Council Mandate
Annex I, first paragraph, point (3), amending provision, Table 2, Column 1, Row 12							
6	499	Co-processed oil (processed in a refinery simultaneously with fossil fuel) of biomass or pyrolysed biomass origin to be used for replacement of diesel		Co-processed oil (processed in a refinery simultaneously with fossil fuel) of biomass or pyrolysed biomass origin to be used for replacement of diesel		Co-processed oil (processed in a refinery simultaneously with fossil fuel) of biomass or pyrolysed biomass origin to be used for replacement of diesel	Text Origin: Council Mandate
Annex I, first paragraph, point (3), amending provision, Table 2, Column 1, Row 13							

5822/23

TREE.2.B

LZ/st
LIMITE110
EN

Commission Proposal		EP Mandate	Council Mandate	Draft Agreement
6	500	Co-processed oil (processed in a refinery simultaneously with fossil fuel) of biomass or pyrolysed biomass origin, to be used to replace petrol	Co-processed oil (processed in a refinery simultaneously with fossil fuel) of biomass or pyrolysed biomass origin, to be used to replace petrol	Co-processed oil (processed in a refinery simultaneously with fossil fuel) of biomass or pyrolysed biomass origin, to be used to replace petrol Text Origin: Council Mandate
Annex I, first paragraph, point (3), amending provision, Table 2, Column 1, Row 14				
6	501	Co-processed oil (processed in a refinery simultaneously with fossil fuel) of biomass or pyrolysed biomass origin, to be used to replace jet fuel	Co-processed oil (processed in a refinery simultaneously with fossil fuel) of biomass or pyrolysed biomass origin, to be used to replace jet fuel	Co-processed oil (processed in a refinery simultaneously with fossil fuel) of biomass or pyrolysed biomass origin, to be used to replace jet fuel Text Origin: Council Mandate
Annex I, first paragraph, point (3), amending provision, Table 2, Column 1, Row 15				
6	502	Co-processed oil (processed in a refinery simultaneously with fossil fuel) of biomass or pyrolysed biomass origin, to be used to replace liquefied petroleum gas	Co-processed oil (processed in a refinery simultaneously with fossil fuel) of biomass or pyrolysed biomass origin, to be used to replace liquefied petroleum gas	Co-processed oil (processed in a refinery simultaneously with fossil fuel) of biomass or pyrolysed biomass origin, to be used to replace liquefied petroleum gas Text Origin: Council Mandate
Annex I, first paragraph, point (3), amending provision, Table 2, Column 1, Row 16				
6	503	RENEWABLE FUELS THAT	RENEWABLE FUELS THAT	RENEWABLE FUELS THAT

5822/23

TREE.2.B

LZ/st
LIMITE111
EN

Commission Proposal		EP Mandate	Council Mandate	Draft Agreement
	CAN BE PRODUCED FROM VARIOUS RENEWABLE SOURCES, INCLUDING BIOMASS		CAN BE PRODUCED FROM VARIOUS RENEWABLE SOURCES, INCLUDING BIOMASS	CAN BE PRODUCED FROM VARIOUS RENEWABLE SOURCES, INCLUDING BIOMASS Text Origin: Council Mandate
Annex I, first paragraph, point (3), amending provision, Table 2, Column 1, Row 17				
6	504	Methanol from renewable sources	Methanol from renewable sources	Methanol from renewable sources Text Origin: Council Mandate
Annex I, first paragraph, point (3), amending provision, Table 2, Column 1, Row 18				
6	505	Ethanol from renewable sources	Ethanol from renewable sources	Ethanol from renewable sources Text Origin: Council Mandate
Annex I, first paragraph, point (3), amending provision, Table 2, Column 1, Row 19				
6	506	Propanol from renewable sources	Propanol from renewable sources	Propanol from renewable sources Text Origin: Council Mandate
Annex I, first paragraph, point (3), amending provision, Table 2, Column 1, Row 20				
6	507	Butanol from renewable sources	Butanol from renewable sources	Butanol from renewable sources Text Origin: Council Mandate
Annex I, first paragraph, point (3), amending provision, Table 2, Column 1, Row 21				

5822/23

TREE.2.B

LZ/st
LIMITE112
EN

Commission Proposal		EP Mandate	Council Mandate	Draft Agreement
6	508	Fischer-Tropsch diesel (a synthetic hydrocarbon or mixture of synthetic hydrocarbons to be used for replacement of diesel)	Fischer-Tropsch diesel (a synthetic hydrocarbon or mixture of synthetic hydrocarbons to be used for replacement of diesel)	Fischer-Tropsch diesel (a synthetic hydrocarbon or mixture of synthetic hydrocarbons to be used for replacement of diesel) Text Origin: Council Mandate
Annex I, first paragraph, point (3), amending provision, Table 2, Column 1, Row 22				
6	509	Fischer-Tropsch petrol (a synthetic hydrocarbon or mixture of synthetic hydrocarbons produced from biomass, to be used for replacement of petrol)	Fischer-Tropsch petrol (a synthetic hydrocarbon or mixture of synthetic hydrocarbons produced from biomass, to be used for replacement of petrol)	Fischer-Tropsch petrol (a synthetic hydrocarbon or mixture of synthetic hydrocarbons produced from biomass, to be used for replacement of petrol) Text Origin: Council Mandate
Annex I, first paragraph, point (3), amending provision, Table 2, Column 1, Row 23				
6	510	Fischer-Tropsch jet fuel (a synthetic hydrocarbon or mixture of synthetic hydrocarbons produced from biomass, to be used for replacement of jet fuel)	Fischer-Tropsch jet fuel (a synthetic hydrocarbon or mixture of synthetic hydrocarbons produced from biomass, to be used for replacement of jet fuel)	Fischer-Tropsch jet fuel (a synthetic hydrocarbon or mixture of synthetic hydrocarbons produced from biomass, to be used for replacement of jet fuel) Text Origin: Commission Proposal
Annex I, first paragraph, point (3), amending provision, Table 2, Column 1, Row 24				
6	511	Fischer-Tropsch liquefied	Fischer-Tropsch liquefied	Fischer-Tropsch liquefied

5822/23

TREE.2.B

LIMITE

EN

LZ/st

113

Commission Proposal		EP Mandate	Council Mandate	Draft Agreement
	petroleum gas (a synthetic hydrocarbon or mixture of synthetic hydrocarbons, to be used for replacement of liquefied petroleum gas		petroleum gas (a synthetic hydrocarbon or mixture of synthetic hydrocarbons, to be used for replacement of liquefied petroleum gas	petroleum gas (a synthetic hydrocarbon or mixture of synthetic hydrocarbons, to be used for replacement of liquefied petroleum gas Text Origin: Council Mandate
Annex I, first paragraph, point (3), amending provision, Table 2, Column 1, Row 25				
6	512	DME (dimethyl ether)	DME (dimethyl ether)	DME (dimethyl ether) Text Origin: Council Mandate
Annex I, first paragraph, point (3), amending provision, Table 2, Column 1, Row 26				
6	513	Hydrogen from renewable sources	Hydrogen from renewable sources	Hydrogen from renewable sources Text Origin: Council Mandate
Annex I, first paragraph, point (3), amending provision, Table 2, Column 1, Row 27				
6	514	ETBE (ethyl-tertio-butyl-ether produced on the basis of ethanol)	ETBE (ethyl-tertio-butyl-ether produced on the basis of ethanol)	ETBE (ethyl-tertio-butyl-ether produced on the basis of ethanol) Text Origin: Council Mandate
Annex I, first paragraph, point (3), amending provision, Table 2, Column 1, Row 28				
6	515	MTBE (methyl-tertio-butyl-ether produced on the basis of methanol)	MTBE (methyl-tertio-butyl-ether produced on the basis of methanol)	MTBE (methyl-tertio-butyl-ether produced on the basis of methanol)

5822/23

TREE.2.B

LZ/st
LIMITE114
EN

Commission Proposal		EP Mandate		Council Mandate		Draft Agreement	
						Text Origin: Council Mandate	
Annex I, first paragraph, point (3), amending provision, Table 2, Column 1, Row 29							
6	516	TAAEE (tertiary-amy1-ethyl-ether produced on the basis of ethanol)		TAAEE (tertiary-amy1-ethyl-ether produced on the basis of ethanol)		TAAEE (tertiary-amy1-ethyl-ether produced on the basis of ethanol)	Text Origin: Council Mandate
Annex I, first paragraph, point (3), amending provision, Table 2, Column 1, Row 30							
6	517	TAME (tertiary-amy1-methyl-ether produced on the basis of methanol)		TAME (tertiary-amy1-methyl-ether produced on the basis of methanol)		TAME (tertiary-amy1-methyl-ether produced on the basis of methanol)	Text Origin: Council Mandate
Annex I, first paragraph, point (3), amending provision, Table 2, Column 1, Row 31							
6	518	THXEE (tertiary-hexyl-ethyl-ether produced on the basis of ethanol)		THXEE (tertiary-hexyl-ethyl-ether produced on the basis of ethanol)		THXEE (tertiary-hexyl-ethyl-ether produced on the basis of ethanol)	Text Origin: Commission Proposal
Annex I, first paragraph, point (3), amending provision, Table 2, Column 1, Row 32							
6	519	THXME (tertiary-hexyl-methyl-ether produced on the basis of methanol)		THXME (tertiary-hexyl-methyl-ether produced on the basis of methanol)		THXME (tertiary-hexyl-methyl-ether produced on the basis of methanol)	

5822/23

TREE.2.B

LZ/st
LIMITE115
EN

Commission Proposal		EP Mandate		Council Mandate		Draft Agreement	
						Text Origin: Council Mandate	
Annex I, first paragraph, point (3), amending provision, Table 2, Column 1, Row 33							
6	520	NON-RENEWABLE FUELS		NON-RENEWABLE FUELS		NON-RENEWABLE FUELS	Text Origin: Council Mandate
Annex I, first paragraph, point (3), amending provision, Table 2, Column 1, Row 34							
6	521	Petrol		Petrol		Petrol	Text Origin: Council Mandate
Annex I, first paragraph, point (3), amending provision, Table 2, Column 1, Row 35							
6	522	Diesel		Diesel		Diesel	Text Origin: Council Mandate
				Jet Fuel		Jet Fuel	Text Origin: Council Mandate
Annex I, first paragraph, point (3), amending provision, Table 2, Column 1, Row 36							
6	523	Hydrogen from non-renewable sources		Hydrogen from non-renewable sources		Hydrogen from non-renewable sources	Text Origin: Council Mandate
Annex I, first paragraph, point (3), amending provision, Table 2, Column 2, Row 1							
6	524						

5822/23

TREE.2.B

LZ/st
LIMITE116
EN

	Commission Proposal		EP Mandate		Council Mandate		Draft Agreement	
	Energy content by weight (lower calorific value, MJ/kg)			Energy content by weight (lower calorific value, MJ/kg)		Energy content by weight (lower calorific value, MJ/kg)	Text Origin: Council Mandate	
	Annex I, first paragraph, point (3), amending provision, Table 2, Column 2, Row 2							
6	525							6
	Annex I, first paragraph, point (3), amending provision, Table 2, Column 2, Row 3							
6	526	46		46		46	Text Origin: Council Mandate	6
	Annex I, first paragraph, point (3), amending provision, Table 2, Column 2, Row 4							
6	527	37		37		37	Text Origin: Council Mandate	6
	Annex I, first paragraph, point (3), amending provision, Table 2, Column 2, Row 5							
6	528	37		37		37	Text Origin: Council Mandate	6
	Annex I, first paragraph, point (3), amending provision, Table 2, Column 2, Row 6							
6	529	38		38		38		6

5822/23

TREE.2.B

LZ/st
LIMITE117
EN

Commission Proposal		EP Mandate		Council Mandate		Draft Agreement	
						Text Origin: Council Mandate	
Annex I, first paragraph, point (3), amending provision, Table 2, Column 2, Row 7							
530	50			50		50	Text Origin: Council Mandate
Annex I, first paragraph, point (3), amending provision, Table 2, Column 2, Row 8							
531	44			44		44	Text Origin: Council Mandate
Annex I, first paragraph, point (3), amending provision, Table 2, Column 2, Row 9							
532	45			45			
Annex I, first paragraph, point (3), amending provision, Table 2, Column 2, Row 10							
533	44			44		44	Text Origin: Council Mandate
Annex I, first paragraph, point (3), amending provision, Table 2, Column 2, Row 11							
534	46			46		46	Text Origin: Council Mandate
Annex I, first paragraph, point (3), amending provision, Table 2, Column 2, Row 12							

5822/23

TREE.2.B

LZ/st
LIMITE118
EN

Commission Proposal		EP Mandate		Council Mandate		Draft Agreement	
6	535	43		43		43	Text Origin: Council Mandate
Annex I, first paragraph, point (3), amending provision, Table 2, Column 2, Row 13							
6	536	44		44		44	Text Origin: Council Mandate
Annex I, first paragraph, point (3), amending provision, Table 2, Column 2, Row 14							
6	537	43		43		43	Text Origin: Council Mandate
Annex I, first paragraph, point (3), amending provision, Table 2, Column 2, Row 15							
6	538	46		46		46	Text Origin: Council Mandate
Annex I, first paragraph, point (3), amending provision, Table 2, Column 2, Row 16							
6	539						
Annex I, first paragraph, point (3), amending provision, Table 2, Column 2, Row 17							
6	540	20		20		20	

5822/23

LZ/st

119

TREE.2.B

LIMITE

EN

Commission Proposal		EP Mandate		Council Mandate		Draft Agreement	
						Text Origin: Council Mandate	
Annex I, first paragraph, point (3), amending provision, Table 2, Column 2, Row 18							
541	27			27		27	Text Origin: Council Mandate
Annex I, first paragraph, point (3), amending provision, Table 2, Column 2, Row 19							
542	31			31		31	Text Origin: Council Mandate
Annex I, first paragraph, point (3), amending provision, Table 2, Column 2, Row 20							
543	33			33		33	Text Origin: Commission Proposal
Annex I, first paragraph, point (3), amending provision, Table 2, Column 2, Row 21							
544	44			44		44	Text Origin: Council Mandate
Annex I, first paragraph, point (3), amending provision, Table 2, Column 2, Row 22							
545	44			44		44	

5822/23

TREE.2.B

LZ/st
LIMITE120
EN

Commission Proposal		EP Mandate		Council Mandate		Draft Agreement	
						Text Origin: Council Mandate	
Annex I, first paragraph, point (3), amending provision, Table 2, Column 2, Row 23							
546	44		44		44	Text Origin: Council Mandate	
Annex I, first paragraph, point (3), amending provision, Table 2, Column 2, Row 24							
547	46		46		46	Text Origin: Council Mandate	
Annex I, first paragraph, point (3), amending provision, Table 2, Column 2, Row 25							
548	28		28		28	Text Origin: Council Mandate	
Annex I, first paragraph, point (3), amending provision, Table 2, Column 2, Row 26							
549	120		120		120	Text Origin: Council Mandate	
Annex I, first paragraph, point (3), amending provision, Table 2, Column 2, Row 27							
550	36 (of which 37 % from renewable sources)		36 (of which 37 33 % from renewable sources)		36 (of which 37 33 % from renewable sources)	36 (of which 37 33 % from renewable sources)	

5822/23

TREE.2.B

LZ/st
LIMITE121
EN

Commission Proposal		EP Mandate		Council Mandate		Draft Agreement	
						Text Origin: Council Mandate	
	Annex I, first paragraph, point (3), amending provision, Table 2, Column 2, Row 28						
6	551	35 (of which 22 % from renewable sources)		35 (of which 22 % from renewable sources)		35 (of which 22 % from renewable sources)	Text Origin: Council Mandate
	Annex I, first paragraph, point (3), amending provision, Table 2, Column 2, Row 29						
6	552	38 (of which 29 % from renewable sources)		38 (of which 29 % from renewable sources)		38 (of which 29 % from renewable sources)	Text Origin: Council Mandate
	Annex I, first paragraph, point (3), amending provision, Table 2, Column 2, Row 30						
6	553	36 (of which 18 % from renewable sources)		36 (of which 18 % from renewable sources)		36 (of which 18 % from renewable sources)	Text Origin: Council Mandate
	Annex I, first paragraph, point (3), amending provision, Table 2, Column 2, Row 31						
6	554	38 (of which 25 % from renewable sources)		38 (of which 25 % from renewable sources)		38 (of which 25 % from renewable sources)	Text Origin: Council Mandate
	Annex I, first paragraph, point (3), amending provision, Table 2, Column 2, Row 32						

5822/23

TREE.2.B

LZ/st
LIMITE122
EN

	Commission Proposal		EP Mandate		Council Mandate		Draft Agreement	
6	555	38 of which 14 % from renewable sources)			38 of which 14 % from renewable sources)	38 of which 14 % from renewable sources)	Text Origin: Council Mandate	6
	Annex I, first paragraph, point (3), amending provision, Table 2, Column 2, Row 33							
6	556							6
	Annex I, first paragraph, point (3), amending provision, Table 2, Column 2, Row 34							
6	557	43			43	43	Text Origin: Council Mandate	6
	Annex I, first paragraph, point (3), amending provision, Table 2, Column 2, Row 35							
6	558	43			43	43	Text Origin: Council Mandate	6
	Annex I, first paragraph, point (3), amending provision, Table 2, Column 2, Row 36							
6	559	120			120	120	Text Origin: Council Mandate	6
	Annex I, first paragraph, point (3), amending provision, Table 2, Column 3, Row 1							

5822/23

TREE.2.B

LZ/st
LIMITE123
EN

Commission Proposal		EP Mandate		Council Mandate		Draft Agreement	
6	560	Energy content by volume (lower calorific value, MJ/l)		Energy content by volume (lower calorific value, MJ/l)	Energy content by volume (lower calorific value, MJ/l)	Text Origin: Council Mandate	6
Annex I, first paragraph, point (3), amending provision, Table 2, Column 3, Row 2							
6	561						6
Annex I, first paragraph, point (3), amending provision, Table 2, Column 3, Row 3							
6	562	24		24	24	Text Origin: Council Mandate	6
Annex I, first paragraph, point (3), amending provision, Table 2, Column 3, Row 4							
6	563	34		34	34	Text Origin: Council Mandate	6
Annex I, first paragraph, point (3), amending provision, Table 2, Column 3, Row 5							
6	564	33		33	33	Text Origin: Council Mandate	6
Annex I, first paragraph, point (3), amending provision, Table 2, Column 3, Row 6							
6	565	34		34	34	34	6

5822/23

TREE.2.B

LZ/st
LIMITE124
EN

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
				Text Origin: Commission Proposal
	Annex I, first paragraph, point (3), amending provision, Table 2, Column 3, Row 7			
6	566	—	—	Text Origin: Council Mandate
	Annex I, first paragraph, point (3), amending provision, Table 2, Column 3, Row 8			
6	567	34	34	Text Origin: Council Mandate
	Annex I, first paragraph, point (3), amending provision, Table 2, Column 3, Row 9			
6	568	30	30	Text Origin: Council Mandate
	Annex I, first paragraph, point (3), amending provision, Table 2, Column 3, Row 10			
6	569	34	34	Text Origin: Council Mandate
	Annex I, first paragraph, point (3), amending provision, Table 2, Column 3, Row 11			
6	570	24	24	24

5822/23

TREE.2.B

LZ/st
LIMITE125
EN

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
				Text Origin: Council Mandate
	Annex I, first paragraph, point (3), amending provision, Table 2, Column 3, Row 12			
571	36		36	36 Text Origin: Council Mandate
	Annex I, first paragraph, point (3), amending provision, Table 2, Column 3, Row 13			
572	32		32	32 Text Origin: Council Mandate
	Annex I, first paragraph, point (3), amending provision, Table 2, Column 3, Row 14			
573	33		33	33 Text Origin: Council Mandate
	Annex I, first paragraph, point (3), amending provision, Table 2, Column 3, Row 15			
574	23		23	23 Text Origin: Council Mandate
	Annex I, first paragraph, point (3), amending provision, Table 2, Column 3, Row 16			
575				

5822/23

TREE.2.B

LZ/st
LIMITE126
EN

Commission Proposal		EP Mandate		Council Mandate		Draft Agreement	
Annex I, first paragraph, point (3), amending provision, Table 2, Column 3, Row 17							
6	576	16		16	16	16	Text Origin: Council Mandate
Annex I, first paragraph, point (3), amending provision, Table 2, Column 3, Row 18							
6	577	21		21	21	21	Text Origin: Council Mandate
Annex I, first paragraph, point (3), amending provision, Table 2, Column 3, Row 19							
6	578	25		25	25	25	Text Origin: Council Mandate
Annex I, first paragraph, point (3), amending provision, Table 2, Column 3, Row 20							
6	579	27		27	27	27	Text Origin: Council Mandate
Annex I, first paragraph, point (3), amending provision, Table 2, Column 3, Row 21							
6	580	34		34	34	34	Text Origin: Council Mandate
Annex I, first paragraph, point (3), amending provision, Table 2, Column 3, Row 22							

5822/23

TREE.2.B

LZ/st
LIMITE127
EN

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
6	581	33	33	33 Text Origin: Council Mandate
Annex I, first paragraph, point (3), amending provision, Table 2, Column 3, Row 23				
6	582	33	33	33 Text Origin: Council Mandate
Annex I, first paragraph, point (3), amending provision, Table 2, Column 3, Row 24				
6	583	24	24	24 Text Origin: Council Mandate
Annex I, first paragraph, point (3), amending provision, Table 2, Column 3, Row 25				
6	584	19	19	19 Text Origin: Council Mandate
Annex I, first paragraph, point (3), amending provision, Table 2, Column 3, Row 26				
6	585	—	—	
Annex I, first paragraph, point (3), amending provision, Table 2, Column 3, Row 27				
6	586	27 (of which 37 % from renewable sources)	27 (of which 37 33 % from renewable sources)	27 (of which 37 33 % from renewable sources)

5822/23

TREE.2.B

LZ/st
LIMITE128
EN

Commission Proposal		EP Mandate		Council Mandate		Draft Agreement	
						Text Origin: Council Mandate	
Annex I, first paragraph, point (3), amending provision, Table 2, Column 3, Row 28							
6	587	26 (of which 22 % from renewable sources)		26 (of which 22 % from renewable sources)		26 (of which 22 % from renewable sources)	Text Origin: Council Mandate
Annex I, first paragraph, point (3), amending provision, Table 2, Column 3, Row 29							
6	588	29 (of which 29 % from renewable sources)		29 (of which 29 % from renewable sources)		29 (of which 29 % from renewable sources)	Text Origin: Council Mandate
Annex I, first paragraph, point (3), amending provision, Table 2, Column 3, Row 30							
6	589	28 (of which 18 % from renewable sources)		28 (of which 18 % from renewable sources)		28 (of which 18 % from renewable sources)	Text Origin: Council Mandate
Annex I, first paragraph, point (3), amending provision, Table 2, Column 3, Row 31							
6	590	30 (of which 25 % from renewable sources)		30 (of which 25 % from renewable sources)		30 (of which 25 % from renewable sources)	Text Origin: Council Mandate
Annex I, first paragraph, point (3), amending provision, Table 2, Column 3, Row 32							

5822/23

TREE.2.B

LZ/st
LIMITE129
EN

	Commission Proposal		EP Mandate		Council Mandate		Draft Agreement	
6	591	30 (of which 14 % from renewable sources)			30 (of which 14 % from renewable sources)	30 (of which 14 % from renewable sources)	Text Origin: Council Mandate	6
Annex I, first paragraph, point (3), amending provision, Table 2, Column 3, Row 33								
6	592							6
Annex I, first paragraph, point (3), amending provision, Table 2, Column 3, Row 34								
6	593	32			32	32	Text Origin: Council Mandate	6
Annex I, first paragraph, point (3), amending provision, Table 2, Column 3, Row 35								
6	594	36			36	36	Text Origin: Council Mandate	6
Annex I, first paragraph, point (3), amending provision, Table 2, Column 3, Row 36								
6	595	—	"		—	"	Text Origin: Council Mandate	6
Annex I, first paragraph, point (5), introductory part								

5822/23

TREE.2.B

LZ/st
LIMITE130
EN

Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
<p>615</p> <p>(5) In Annex V, part C is amended as follows:</p>		<p>(5) In Annex V, part C is amended as follows:</p>	
Annex I, first paragraph, point (5)(a), introductory part			
<p>616</p> <p>a) points 5 and 6 are replaced by the following:</p>		<p>a) points 5 and 6 are replaced by the following:</p>	
Annex I, first paragraph, point (5)(a), amending provision, numbered paragraph (5)			
<p>617</p> <p>5. Emissions from the extraction or cultivation of raw materials, eec, shall, include emissions from the extraction or cultivation process itself; from the collection, drying and storage of raw materials; from waste and leakages; and from the production of chemicals or products used in extraction or cultivation. Capture of CO₂ in the cultivation of raw materials shall be excluded. If available, the disaggregated default values for soil N₂O emissions set out in Part D shall be applied in the calculation. It is allowed to calculate averages based on local farming practices based on data of a group of farms, as an alternative to using actual</p>		<p>5. Emissions from the extraction or cultivation of raw materials, eec, shall, include emissions from the extraction or cultivation process itself; from the collection, drying and storage of raw materials; from waste and leakages; and from the production of chemicals or products used in extraction or cultivation. Capture of CO₂ in the cultivation of raw materials shall be excluded. If available, the disaggregated default values for soil N₂O emissions set out in Part D shall be applied in the calculation. It is allowed to calculate averages based on local farming practices based on data of a group of farms, as an alternative to using actual values.;</p>	<p>5. Emissions from the extraction or cultivation of raw materials, eec, shall, include emissions from the extraction or cultivation process itself; from the collection, drying and storage of raw materials; from waste and leakages; and from the production of chemicals or products used in extraction or cultivation. Capture of CO₂ in the cultivation of raw materials shall be excluded. If available, the disaggregated default values for soil N₂O emissions set out in Part D shall be applied in the calculation. It is allowed to calculate averages based on local farming practices based on data of a group of farms, as an alternative to using actual</p>

5822/23

TREE.2.B

LIMITE

EN

LZ/st

131

Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
values. ^{1, 2} ;			values.^{1, 2} - (deleted)
<p>Annex I, first paragraph, point (5)(a), amending provision, numbered paragraph (6)</p> <p>6. For the purposes of the calculation referred to in point 1(a), greenhouse gas emissions savings from improved agriculture management, esca, such as shifting to reduced or zero-tillage, improved crop/rotation, the use of cover crops, including crop residue management, and the use of organic soil improver (e.g. compost, manure fermentation digestate), shall be taken into account only if they do not risk to negatively affect biodiversity. Further, solid and verifiable evidence shall be provided that the soil carbon has increased or that it is reasonable to expect to have increased over the period in which the raw materials concerned were cultivated while taking into account the emissions where such practices lead to increased fertiliser and herbicide use^{1, 2}.</p> <p>1. Measurements of soil carbon can constitute such evidence, e.g. by a first measurement in advance of the cultivation and subsequent ones at regular intervals</p>		<p>6. For the purposes of the calculation referred to in point 1(a), greenhouse gas emissions savings from improved agriculture management, esca, such as shifting to reduced or zero-tillage, improved crops and crop/rotation, the use of cover crops, including crop residue management, and the use of organic soil improver (e.g. compost, manure fermentation digestate), shall be taken into account only if they do not risk to negatively affect biodiversity. Further, solid and verifiable evidence shall be provided that the soil carbon has increased or that it is reasonable to expect to have increased over the period in which the raw materials concerned were cultivated while taking into account the emissions where such practices lead to increased fertiliser and herbicide use^{1, 2}.</p> <p>1. Measurements of soil carbon can constitute such evidence, e.g. by a first measurement in advance of the cultivation and subsequent ones at regular intervals several years apart. In such a case, before</p>	<p>6. For the purposes of the calculation referred to in point 1(a), greenhouse gas emissions savings from improved agriculture management, esca, such as shifting to reduced or zero-tillage, improved crop/rotationcrops and crop rotation, the use of cover crops, including crop residue management, and the use of organic soil improver (e.g. compost, manure fermentation digestate), shall be taken into account only if they do not risk to negatively affect biodiversity. Further, solid and verifiable evidence shall be provided that the soil carbon has increased or that it is reasonable to expect to have increased over the period in which the raw materials concerned were cultivated while taking into account the emissions where such practices lead to increased fertiliser and herbicide use^{1, 2}.</p> <p>1. Measurements of soil carbon can constitute such evidence, e.g. by a first</p>
618			

5822/23

TREE.2.B

LIMITE

EN

LZ/st

132

Commission Proposal		EP Mandate	Council Mandate	Draft Agreement
	several years apart. In such a case, before the second measurement is available, increase in soil carbon would be estimated on the basis of representative experiments or soil models. From the second measurement onwards, the measurements would constitute the basis for determining the existence of an increase in soil carbon and its magnitude.		the second measurement is available, increase in soil carbon would be estimated on the basis of representative experiments or soil models. From the second measurement onwards, the measurements would constitute the basis for determining the existence of an increase in soil carbon and its magnitude.	measurement in advance of the cultivation and subsequent ones at regular intervals several years apart. In such a case, before the second measurement is available, increase in soil carbon would be estimated on the basis of representative experiments or soil models. From the second measurement onwards, the measurements would constitute the basis for determining the existence of an increase in soil carbon and its magnitude. Text Origin: Council Mandate
Annex I, first paragraph, point (5)(b)				
619	b) point 15 is deleted:		<i>deleted</i>	
Annex I, first paragraph, point (5)(c), introductory part				
620	c) point 18 is replaced by the following:		c) point 18 is replaced by the following:	
Annex I, first paragraph, point (5)(c), amending provision, numbered paragraph (18)				
621	18. For the purposes of the calculations referred to in point 17, the emissions to be divided shall be eec + el + esca + those fractions of ep, etd, eecs and eecr that take place up to and including	18. For the purposes of the calculations calculation referred to in point 17, the emissions to be divided shall be eec + el + esca + those fractions of ep, etd, eecs, and eecr that take place up to and	18. For the purposes of the calculations referred to in point 17, the emissions to be divided shall be eec + el + esca + those fractions of ep, etd, and eecs and eecr that take place up to and including the process step at	18. For the purposes of the calculations referred to in point 17, the emissions to be divided shall be eec + el + esca + those fractions of ep, etd, and eecs and eecr that take place up to and

Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
<p>the process step at which a co-product is produced. If any allocation to co-products has taken place at an earlier process step in the life-cycle, the fraction of those emissions assigned in the last such process step to the intermediate fuel product shall be used for those purposes instead of the total of those emissions. In the case of biogas and biomethane, all co-products that do not fall under the scope of point 7 shall be taken into account for the purposes of that calculation. No emissions shall be allocated to wastes and residues. Co-products that have a negative energy content shall be considered to have an energy content of zero for the purposes of the calculation. Wastes and residues including all wastes and residues included in Annex IX shall be considered to have zero life-cycle greenhouse gas emissions up to the process of collection of those materials irrespectively of whether they are processed to interim products before being transformed into the final product. Residues that are not included in Annex IX and fit for use in the food or feed market shall be considered to have the</p>	<p>including the process step at which a co-product is produced. If any allocation to co-products has taken place at an earlier process step in the life-cycle, the fraction of those emissions assigned in the last such process step to the intermediate fuel product shall be used for those purposes instead of the total of those emissions. In the case of biogas and biomethane, all co-products that do not fall under the scope of point 7 shall be taken into account for the purposes of that calculation. No emissions shall be allocated to wastes and residues. Co-products that have a negative energy content shall be considered to have an energy content of zero for the purposes of the calculation. Wastes and residues including all wastes and residues included in Annex IX shall be considered to have zero life-cycle greenhouse gas emissions up to the process of collection of those materials irrespectively of whether they are processed to interim products before being transformed into the final product. <i>Residues that are not included in Annex IX and fit for use in the food or feed market shall be considered to have the</i></p>	<p>which a co-product is produced. If any allocation to co-products has taken place at an earlier process step in the life-cycle, the fraction of those emissions assigned in the last such process step to the intermediate fuel product shall be used for those purposes instead of the total of those emissions. In the case of biogas and biomethane, biofuels and bioliquids, all co-products that do not fall under the scope of point 7 shall be taken into account for the purposes of that calculation. No emissions shall be allocated to wastes and residues. Co-products that have a negative energy content shall be considered to have an energy content of zero for the purposes of the calculation. As general rule, wastes and residues including all wastes and residues included in Annex IX shall be considered to have zero life-cycle greenhouse gas emissions up to the process of collection of those materials irrespectively of whether they are processed to interim products before being transformed into the final product. Residues that are not included in Annex IX and fit for use in the food or feed market shall be considered to have</p>	<p>including the process step at which a co-product is produced. If any allocation to co-products has taken place at an earlier process step in the life-cycle, the fraction of those emissions assigned in the last such process step to the intermediate fuel product shall be used for those purposes instead of the total of those emissions. In the case of biogas and biomethane, biofuels and bioliquids, all co-products that do not fall under the scope of point 7 shall be taken into account for the purposes of that calculation. No emissions shall be allocated to wastes and residues. Co-products that have a negative energy content shall be considered to have an energy content of zero for the purposes of the calculation. As general rule, wastes and residues including all wastes and residues included in Annex IX shall be considered to have zero life-cycle greenhouse gas emissions up to the process of collection of those materials irrespectively of whether they are processed to interim products before being transformed into the final product. Residues that are not included in Annex IX and fit for use in the food or feed</p>

5822/23

TREE.2.B

LIMITE

EN

LZ/st

134

Commission Proposal		EP Mandate	Council Mandate	Draft Agreement
<p>same amount of emissions from the extraction, harvesting or cultivation of raw materials, eec as their closest substitute in the food and feed market that is included in the table in part D. In the case of biomass fuels produced in refineries, other than the combination of processing plants with boilers or cogeneration units providing heat and/or electricity to the processing plant, the unit of analysis for the purposes of the calculation referred to in point 17 shall be the refinery;</p>		<p>same amount of emissions from the extraction, harvesting or cultivation of raw materials, eec as their closest substitute in the food and feed market that is included in the table in part D. In the case of biomass fuels produced in refineries, other than the combination of processing plants with boilers or cogeneration units providing heat and/or electricity to the processing plant, the unit of analysis for the purposes of the calculation referred to in point 17 shall be the refinery?;</p>	<p>the same amount of emissions from the extraction, harvesting or cultivation of raw materials, eec as their closest substitute. No emissions shall be allocated to wastes and residues. However, for the purpose of determining the emissions of production of biofuels and bioliquids residues stemming from the processing of food and feed crops that are not included in Annex IX and fit for use in the food and feed market that is included or feed chain shall be treated in the table in part D same way as co-products. - In the case of biomass fuels produced in refineries, other than the combination of processing plants with boilers or cogeneration units providing heat and/or electricity to the processing plant, the unit of analysis for the purposes of the calculation referred to in point 17 shall be the refinery”;</p>	<p>market shall be considered to have the same amount of emissions from the extraction, harvesting or cultivation of raw materials, eec as their closest substitute in the food and feed market that is included in the table in part D. In the case of biomass fuels produced in refineries, other than the combination of processing plants with boilers or cogeneration units providing heat and/or electricity to the processing plant, the unit of analysis for the purposes of the calculation referred to in point 17 shall be the refinery?;</p>
Annex I, first paragraph, point (6), introductory part				
622	(6) In Annex VI, part B is amended as follows:		(6) In Annex VI, part B is amended as follows:	
Annex I, first paragraph, point (6)(a), introductory part				

5822/23

TREE.2.B

LZ/st
LIMITE135
EN

Commission Proposal		EP Mandate	Council Mandate	Draft Agreement
623	a) points 5 and 6 are replaced by the following:		a) points 5 and 6 are replaced by the following:	
Annex I, first paragraph, point (6)(a), amending provision, numbered paragraph (5)				
624	5. Emissions from the extraction or cultivation of raw materials, eec, shall, include emissions from the extraction or cultivation process itself; from the collection, drying and storage of raw materials; from waste and leakages; and from the production of chemicals or products used in extraction or cultivation. Capture of CO ₂ in the cultivation of raw materials shall be excluded. If available, the disaggregated default values for soil N2O emissions set out in Part D shall be applied in the calculation. It is allowed to calculate averages based on local farming practises based on data of a group of farms, as an alternative to using actual values.’		5. Emissions from the extraction or cultivation of raw materials, eec, shall, include emissions from the extraction or cultivation process itself; from the collection, drying and storage of raw materials; from waste and leakages; and from the production of chemicals or products used in extraction or cultivation. Capture of CO ₂ in the cultivation of raw materials shall be excluded. If available, the disaggregated default values for soil N2O emissions set out in Part D shall be applied in the calculation. It is allowed to calculate averages based on local farming practises based on data of a group of farms, as an alternative to using actual values.’	
Annex I, first paragraph, point (6)(a), amending provision, numbered paragraph (6)				
625	6. For the purposes of the		6. For the purposes of the	

5822/23

TREE.2.B

LZ/st
LIMITE

136
EN

Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
<p>calculation referred to in point 1(a), greenhouse gas emissions savings from improved agriculture management, esca, such as shifting to reduced or zero-tillage, improved crop/rotation, the use of cover crops, including crop residue management, and the use of organic soil improver (e.g. compost, manure fermentation digestate), shall be taken into account only if they do not risk to negatively affect biodiversity. Further, solid and verifiable evidence shall be provided that the soil carbon has increased or that it is reasonable to expect to have increased over the period in which the raw materials concerned were cultivated while taking into account the emissions where such practices lead to increased fertiliser and herbicide use¹;</p>		<p>calculation referred to in point 1(a), greenhouse gas emissions savings from improved agriculture management, esca, such as shifting to reduced or zero-tillage, improved crop/rotation, the use of cover crops, including crop residue management, and the use of organic soil improver (e.g. compost, manure fermentation digestate), shall be taken into account only if they do not risk to negatively affect biodiversity. Further, solid and verifiable evidence shall be provided that the soil carbon has increased or that it is reasonable to expect to have increased over the period in which the raw materials concerned were cultivated while taking into account the emissions where such practices lead to increased fertiliser and herbicide use¹;</p>	
<p>1. Measurements of soil carbon can constitute such evidence, e.g. by a first measurement in advance of the cultivation and subsequent ones at regular intervals several years apart. In such a case, before the second measurement is available, increase in soil carbon would be estimated on the basis of representative experiments or soil models. From the second measurement onwards, the measurements would constitute the basis for determining</p>	<p>1. Measurements of soil carbon can constitute such evidence, e.g. by a first measurement in advance of the cultivation and subsequent ones at regular intervals several years apart. In such a case, before the second measurement is available, increase in soil carbon would be estimated on the basis of representative experiments or soil models. From the second measurement onwards, the measurements would constitute the basis for determining the existence of an increase in soil carbon</p>		

5822/23

TREE.2.B

LIMITE

EN

LZ/st

137

Commission Proposal		EP Mandate	Council Mandate	Draft Agreement
	the existence of an increase in soil carbon and its magnitude.		and its magnitude.	
Annex I, first paragraph, point (6)(b)				
626	b) point 15 is deleted:		<i>deleted</i>	
Annex I, first paragraph, point (6)(c), introductory part				
627	c) point 18 is replaced by the following:		c) point 18 is replaced by the following:	
Annex I, first paragraph, point (6)(c), amending provision, numbered paragraph (18), introductory part				
628	18. For the purposes of the calculations referred to in point 17, the emissions to be divided shall be $e_{ec} + e_l + e_{sca} +$ those fractions of e_p , e_d , e_{cs} and e_{cr} that take place up to and including the process step at which a co-product is produced. If any allocation to co-products has taken place at an earlier process step in the life-cycle, the fraction of those emissions assigned in the last such process step to the intermediate fuel product shall be used for those purposes instead of the total		18. For the purposes of the calculations referred to in point 17, the emissions to be divided shall be $e_{ec} + e_l + e_{sca} +$ those fractions of e_p , e_d , and e_{cs} and e_{cr} that take place up to and including the process step at which a co-product is produced. If any allocation to co-products has taken place at an earlier process step in the life-cycle, the fraction of those emissions assigned in the last such process step to the intermediate fuel product shall be used for those purposes instead of the total of those emissions.	

5822/23

TREE.2.B

LZ/st
LIMITE138
EN

Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
of those emissions.			
Annex I, first paragraph, point (6)(c), amending provision, numbered paragraph (18), first paragraph In the case of biogas and biomethane, all co-products that do not fall under the scope of point 7 shall be taken into account for the purposes of that calculation. No emissions shall be allocated to wastes and residues. Co-products that have a negative energy content shall be considered to have an energy content of zero for the purposes of the calculation.	Annex I, first paragraph, point (6)(c), amending provision, numbered paragraph (18), first paragraph	Annex I, first paragraph, point (6)(c), amending provision, numbered paragraph (18), first paragraph In the case of biogas and biomethane, all co-products that do not fall under the scope of point 7 shall be taken into account for the purposes of that calculation. No emissions shall be allocated to wastes and residues. Co-products that have a negative energy content shall be considered to have an energy content of zero for the purposes of the calculation.	
629 Annex I, first paragraph, point (6)(c), amending provision, numbered paragraph (18), second paragraph Wastes and residues including all wastes and residues included in Annex IX shall be considered to have zero life-cycle greenhouse gas emissions up to the process of collection of those materials irrespectively of whether they are processed to interim products before being transformed into the final product. Residues that are not included in Annex IX and fit for use in the food or feed market shall be considered to have the same amount of emissions from	630 Annex I, first paragraph, point (6)(c), amending provision, numbered paragraph (18), second paragraph Wastes and residues including all wastes and residues included in Annex IX shall be considered to have zero life-cycle greenhouse gas emissions up to the process of collection of those materials irrespectively of whether they are processed to interim products before being transformed into the final product. Residues that are not included in Annex IX and fit for use in the food or feed market shall be considered to have the	As general rule , wastes and residues including all wastes and residues included in Annex IX shall be considered to have zero life-cycle greenhouse gas emissions up to the process of collection of those materials irrespectively of whether they are processed to interim products before being transformed into the final product. Residues that are not included in Annex IX and fit for use in the food or feed market shall be considered to have the	

5822/23

TREE.2.B

LZ/st
LIMITE139
EN

Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
<p>the extraction, harvesting or cultivation of raw materials, <i>etc</i> as their closest substitute in the food and feed market that is included in the table in part D of Annex V.</p>	<p>same amount of emissions from the extraction, harvesting or cultivation of raw materials, etc as their closest substitute in the food and feed market that is included in the table in part D of Annex V.</p>	<p>same amount of emissions from the extraction, harvesting or cultivation of raw materials, <i>etc</i> as their closest substitute. No emissions shall be allocated to wastes and residues. However, for the purpose of determining the emissions of production of biofuels and bioliquids residues stemming from the processing of food and feed crops that are not included in Annex IX and fit for use in the food and feed market that is included in Annex V, same way as co-products.</p>	
Annex I, first paragraph, point (6)(c), amending provision, numbered paragraph (18), third paragraph			
<p>631</p> <p>In the case of biomass fuels produced in refineries, other than the combination of processing plants with boilers or cogeneration units providing heat and/or electricity to the processing plant, the unit of analysis for the purposes of the calculation referred to in point 17 shall be the refinery</p>		<p>In the case of biomass fuels produced in refineries, other than the combination of processing plants with boilers or cogeneration units providing heat and/or electricity to the processing plant, the unit of analysis for the purposes of the calculation referred to in point 17 shall be the refinery²;</p>	
Annex I, first paragraph, point (6)(c), amending provision, numbered paragraph (18a), introductory part			

5822/23

TREE.2.B

LZ/st
LIMITE140
EN

Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
631a	<u>(6a.) In Annex VI, the following part Ba is inserted:</u>		
Annex I, first paragraph, point (6)(c), amending provision, numbered paragraph (18a)(a)			
631b		<p><u>(a) 'Ba.</u> <u>Biomass fuel feedstocks for use in stationary installations outside the transport sector, including the following points:</u> <u>1. Biomass fraction of residues and waste in the primary food processing industry:</u> <u>(a) beet pulp (only self-use internal to sector)</u> <u>(b) herbs & leaves from beet washing</u> <u>(c) cereal husks and fruit shells</u> <u>(d) biomass fraction of industrial waste not fit for use in the food and feed chain</u> <u>(e) the fibrous fraction of sugar beet after extraction of the diffusion juice, leaves and tails and other liquors obtained after sugar extraction</u> <u>2. Biomass fraction of sludge from waste water treatment in the primary food processing industry';</u></p>	

5822/23

TREE.2.B

LZ/st
LIMITE141
EN

Commission Proposal		EP Mandate		Council Mandate		Draft Agreement	
Annex I, first paragraph, point (7)							
632	(7) in Annex VII, in the definition of 'Quasible', the reference to Article 7(4) is replaced by a reference to Article 7(3).		(7) in Annex VII, in the definition of 'Quasible', the reference to Article 7(4) is replaced by a reference to Article 7(3).	(7) in Annex VII, in the definition of 'Quasible', the reference to Article 7(4) is replaced by a reference to Article 7(3).	(7) in Annex VII, in the definition of 'Quasible', the reference to Article 7(4) is replaced by a reference to Article 7(3).	Text Origin: Commission Proposal	
Annex I, first paragraph, point (8), introductory part							
633	(8) Annex IX is amended as follows:		(8) Annex IX is amended as follows:	(8) Annex IX is amended as follows:	(8) Annex IX is amended as follows:	Text Origin: Commission Proposal	
Annex I, first paragraph, point (8)(a), introductory part							
634	(a) in Part A, the introductory phrase is replaced by the following:		(a) in Part A, the introductory phrase is replaced by the following:	(a) in Part A, the introductory phrase is replaced by the following:	(a) in Part A, the introductory phrase is replaced by the following:	Text Origin: Commission Proposal	
Annex I, first paragraph, point (8)(a), amending provision, first paragraph							
635	Feedstocks for the production of biogas for transport and advanced biofuels:'		Feedstocks for the production of biogas for transport and advanced biofuels:'	Feedstocks for the production of biogas for transport and advanced biofuels:'	Feedstocks for the production of biogas for transport and advanced biofuels:'	Text Origin: Commission Proposal	

5822/23

TREE.2.B

LZ/st
LIMITE142
EN

Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			Text Origin: Commission Proposal
Annex I, first paragraph, point (8)(b), introductory part			
636	(b) In Part B, the introductory phrase is replaced by the following:	(b) In Part B, the introductory phrase is replaced by the following:	(b) In Part B, the introductory phrase is replaced by the following: Text Origin: Commission Proposal
Annex I, first paragraph, point (8)(b), amending provision, first paragraph			
637	Feedstocks for the production of biofuels and biogas for transport, the contribution of which towards the greenhouse gas emissions reduction target established in Article 25(1), first subparagraph, point (a), shall be limited;	Feedstocks for the production of biofuels and biogas for transport, the contribution of which towards the greenhouse gas emissions reduction target established in Article 25(1) – first subparagraph, point (a), shall be limited ² ;	Feedstocks for the production of biofuels and biogas for transport, the contribution of which towards the greenhouse gas emissions reduction target established in Article 25(1), first subparagraph, point (a), shall be limited; Text Origin: Commission Proposal
Annex II, first paragraph, introductory part			
638	Annexes I, II, IV and V to Directive 98/70/EC are amended	Annexes I, II, IV and V to Directive 98/70/EC are amended	Annexes I, II, IV and V to Directive 98/70/EC are amended

5822/23

TREE.2.B

LZ/st
LIMITE143
EN

Commission Proposal		EP Mandate		Council Mandate		Draft Agreement	
	as follows:			as follows:		as follows:	Text Origin: Commission Proposal
Annex II, first paragraph, point (1), introductory part							
639	(1) Annex I is amended as follows:			(1) Annex I is amended as follows:		(1) Annex I is amended as follows:	Text Origin: Commission Proposal
Annex II, first paragraph, point (1)(a), introductory part							
640	(a) the text of footnote 1 is replaced by the following:			(a) the text of footnote 1 is replaced by the following:		(a) the text of footnote 1 is replaced by the following:	Text Origin: Commission Proposal
Annex II, first paragraph, point (1)(a), amending provision, numbered paragraph (1)							
641	(1) Test methods shall be those specified in EN 228:2012+A1:2017. Member States may adopt the analytical method specified in replacement EN 228:2012+A1:2017 standard if it can be shown to give at least the same accuracy and at least the same level of precision as the			(1) Test methods shall be those specified in EN 228:2012+A1:2017. Member States may adopt the analytical method specified in replacement EN 228:2012+A1:2017 standard if it can be shown to give at least the same accuracy and at least the same level of precision as the analytical method it replaces. ;		(1) Test methods shall be those specified in EN 228:2012+A1:2017. Member States may adopt the analytical method specified in replacement EN 228:2012+A1:2017 standard if it can be shown to give at least the same accuracy and at least the same level of precision as the	

5822/23

TREE.2.B

LIMITE

EN

LZ/st

144

Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			analytical method it replaces.' ; Text Origin: Commission Proposal
Annex II, first paragraph, point (1)(b), introductory part			
642	(b) the text of footnote 2 is replaced by the following:	(b) the text of footnote 2 is replaced by the following:	(b) the text of footnote 2 is replaced by the following: Text Origin: Commission Proposal
Annex II, first paragraph, point (1)(b), amending provision, numbered paragraph (2)			
643	(2) the values quoted in the specification are 'true values'. In the establishment of their limit values, the terms of EN ISO 4259-1:2017/A1:2021 'Petroleum and related products — Precision of measurement methods and results — Part 1: Determination of precision data in relation to methods of test' have been applied and in fixing a minimum value, a minimum difference of 2R above zero has been taken into account (R = reproducibility). The results of individual measurements shall be interpreted on the basis of the	(2) the values quoted in the specification are 'true values'. In the establishment of their limit values, the terms of EN ISO 4259-1:2017/A1:2021 'Petroleum and related products — Precision of measurement methods and results — Part 1: Determination of precision data in relation to methods of test' have been applied and in fixing a minimum value, a minimum difference of 2R above zero has been taken into account (R = reproducibility). The results of individual measurements shall be interpreted on the basis of the criteria described in EN ISO	(2) the values quoted in the specification are 'true values'. In the establishment of their limit values, the terms of EN ISO 4259-1:2017/A1:2021 'Petroleum and related products — Precision of measurement methods and results — Part 1: Determination of precision data in relation to methods of test' have been applied and in fixing a minimum value, a minimum difference of 2R above zero has been taken into account (R = reproducibility). The results of individual measurements shall be interpreted on the basis of the

Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		4259-2:2017/A1:2019.;	criteria described in EN ISO 4259-2:2017/A1:2019. ; Text Origin: Commission Proposal
Annex II, first paragraph, point (1)(c), introductory part			
644	(c) the text of footnote 6 is replaced by the following:	(c) the text of footnote 6 is replaced by the following:	(c) the text of footnote 6 is replaced by the following: Text Origin: Commission Proposal
Annex II, first paragraph, point (1)(c), amending provision, numbered paragraph (6)			
645	(6) Other mono-alcohols and ethers with a final boiling point no higher than that stated in EN 228:2012 +A1:2017.	(6) Other mono-alcohols and ethers with a final boiling point no higher than that stated in EN 228:2012 +A1:2017.?	(6) Other mono-alcohols and ethers with a final boiling point no higher than that stated in EN 228:2012 +A1:2017. Text Origin: Commission Proposal
Annex II, first paragraph, point (2), introductory part			
646	(2) Annex II is amended as follows:	(2) Annex II is amended as follows:	(2) Annex II is amended as follows: Text Origin: Commission Proposal

5822/23

TREE.2.B

LZ/st
LIMITE146
EN

Commission Proposal		EP Mandate		Council Mandate		Draft Agreement	
						Proposal	
Annex II, first paragraph, point (2)(a)							
647	(a) in the last line of the table, 'FAME content – EN 14078, the entry in the last column 'Limits' 'Maximum', '7,0' is replaced by '10.0';		(a) in the last line of the table, 'FAME content – EN 14078, the entry in the last column 'Limits' 'Maximum', '7,0' is replaced by '10.0';		(a) in the last line of the table, 'FAME content – EN 14078, the entry in the last column 'Limits' 'Maximum', '7,0' is replaced by '10.0';	Text Origin: Commission Proposal	
Annex II, first paragraph, point (2)(b), introductory part							
648	(b) the text of footnote 1 is replaced by the following:		(b) the text of footnote 1 is replaced by the following:		(b) the text of footnote 1 is replaced by the following:	Text Origin: Commission Proposal	
Annex II, first paragraph, point (2)(b), amending provision, numbered paragraph (1)							
649	(1) Test methods shall be those specified in EN 590:2013+A1:2017. Member States may adopt the analytical method specified in replacement EN 590:2013+A1:2017 standard if it can be shown to give at least the same accuracy and at least the		(1) Test methods shall be those specified in EN 590:2013+A1:2017. Member States may adopt the analytical method specified in replacement EN 590:2013+A1:2017 standard if it can be shown to give at least the same level of precision as the		(1) Test methods shall be those specified in EN 590:2013+A1:2017. Member States may adopt the analytical method specified in replacement EN 590:2013+A1:2017 standard if it can be shown to give at least the	Text Origin: Commission Proposal	

5822/23

TREE.2.B

LZ/st
LIMITE147
EN

Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
<p>same level of precision as the analytical method it replaces.;</p>		<p>analytical method it replaces.;</p>	<p>same level of precision as the analytical method it replaces.;</p> <p>Text Origin: Commission Proposal</p>
Annex II, first paragraph, point (2)(c), introductory part			
<p>650</p> <p>(c) the text of footnote 2 is replaced by the following:</p>		<p>(c) the text of footnote 2 is replaced by the following:</p>	<p>(c) the text of footnote 2 is replaced by the following:</p> <p>Text Origin: Commission Proposal</p>
Annex II, first paragraph, point (2)(c), amending provision, numbered paragraph (2)			
<p>651</p> <p>(2) The values quoted in the specification are ‘true values’. In the establishment of their limit values, the terms of EN ISO 4259-1:2017/A1:2021 ‘Petroleum and related products — Precision or measurement methods and results — Part 1: Determination of precision data in relation to methods of test’ have been applied and in fixing a minimum value, a minimum difference of 2R above zero has been taken into account (R = reproducibility). The results of individual measurements shall</p>		<p>(2) The values quoted in the specification are ‘true values’. In the establishment of their limit values, the terms of EN ISO 4259-1:2017/A1:2021 ‘Petroleum and related products — Precision or measurement methods and results — Part 1: Determination of precision data in relation to methods of test’ have been applied and in fixing a minimum value, a minimum difference of 2R above zero has been taken into account (R = reproducibility). The results of individual measurements shall be interpreted on the basis of the</p>	<p>(2) The values quoted in the specification are ‘true values’. In the establishment of their limit values, the terms of EN ISO 4259-1:2017/A1:2021 ‘Petroleum and related products — Precision or measurement methods and results — Part 1: Determination of precision data in relation to methods of test’ have been applied and in fixing a minimum value, a minimum difference of 2R above zero has been taken into account (R = reproducibility). The results of individual measurements shall</p>

5822/23

TREE.2.B

LIMITE

EN

LZ/st

148

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	be interpreted on the basis of the criteria described in EN ISO 4259-2:2017/A1:2019.;		criteria described in EN ISO 4259-2:2017/A1:2019.;	be interpreted on the basis of the criteria described in EN ISO 4259-2:2017/A1:2019.;
				Text Origin: Commission Proposal
Annex II, first paragraph, point (3)				
652	(3) Annexes IV and V are deleted.		(3) Annexes IV and V are deleted.	(3) Annexes IV and V are deleted. Text Origin: Commission Proposal

5822/23

TREE.2.B

LZ/st
LIMITE149
EN