

Promotion of the use of energy from renewable sources. Renewable Energy Directive

2008/0016(COD) - 17/12/2008 - Text adopted by Parliament, 1st reading/single reading

The European Parliament adopted by 635 votes to 25 with 25 abstentions, a legislative resolution amending the proposal for a directive of the European Parliament and of the Council on the promotion of the use of energy from renewable sources. The report had been tabled for consideration in plenary by Claude **TURMES** (Greens/ALE, LU), on behalf of the Committee on Industry, Research and Energy.

The amendments were the result of a compromise between the Council and the Parliament. The main amendments - adopted under the 1st reading of the codecision procedure - were as follows:

Scope: the compromise text clarifies that the directive sets mandatory national targets for the overall share of energy from renewable sources in gross final consumption of energy and for the share of energy from renewable sources in transport. It lays down rules relating to statistical transfers between Member States, joint projects between Member States and with third countries, guarantees of origin, administrative procedures, information and training and access to the electricity grid for energy from renewable sources. It establishes also sustainability criteria for biofuels and other bioliquids.

National overall targets and measures for the use of energy from renewable sources: these mandatory national targets are consistent with a target of at least a 20% share of energy from renewable sources in the Community's gross final energy consumption in 2020. In order to achieve more easily these targets, each Member State shall promote and encourage energy efficiency and energy saving. Member States may inter alia apply the following measures: (i) support schemes; (ii) measures of co-operation between different Member States and with third countries for achieving their national overall targets. The Commission shall present, if appropriate, by the end of 2011:

- a proposal permitting, subject to certain conditions, the whole amount of the electricity originating from renewable sources used to power all types of electric vehicles to be considered;
- a proposal for a methodology for calculating the contribution of hydrogen originating from renewable sources in the total fuel mix.

The text sets out the methods of calculating the share of energy from renewable sources in all forms of transport

National Action Plans: each Member State shall adopt a renewable energy action plan, which must be sent to the Commission by 30/06/2010. The national renewable energy action plans shall set out Member States' national targets for the shares of energy from renewable sources in transport, electricity and heating and cooling in 2020, taking into account the effects of other policy measures relating to energy efficiency on final energy consumption, and adequate measures to be taken to achieve these national overall targets, including cooperation between local, regional and national authorities, planned statistical transfers or joint projects, national policies to develop existing biomass resources and mobilise new biomass resources for different uses.

The Commission shall adopt by 30 June 2009 a template for the national action plans. This template shall comprise the minimum requirements set out in Annex VI. Member States shall comply with this template in the presentation of the national action plans. Each Member State shall publish and notify to the Commission, six months before its national action plan is due, a forecast document indicating: (i) its

estimated excess production of renewable energy compared to the indicative trajectory which could be transferred to other Member States, as well as the estimated potential for joint projects, until 2020; (ii) its estimated demand for renewable energy to be satisfied by means other than domestic production until 2020. The Commission shall send to the Parliament the National Action Plans and the forecast documents in the form as made public on the transparency platform (see below), as well as any recommendations.

Calculation of the share of energy from renewable sources: the gross final consumption of energy from renewable sources in each Member State shall be calculated as set out in the text, using gross figures. In multi-fuel plants using renewable and conventional sources, only the part of heating and cooling produced from renewable energy sources shall be taken into account. For the purposes of this calculation, the contribution of each energy source shall be calculated on the basis of its energy content.

Aerothermal, geothermal and hydrothermal heat energy captured by heat pumps shall be taken into account provided that the final energy output significantly exceeds the primary energy input. The quantity of heat to be considered as renewable energy for the purposes of this Directive shall be calculated in accordance with the methodology laid down in Annex VII

In calculating a Member State's gross final energy consumption for the purpose of measuring its compliance with the targets and interim trajectory laid down in this Directive, the amount of energy consumed in aviation shall be considered to be no more, as a proportion of that Member State's gross final energy consumption, than 6,18 %. For Cyprus and Malta the amount of energy consumed in aviation shall be considered to be no more, as a proportion of that Member State's gross final energy consumption, than 4,12 %.

Statistical transfers between Member States: Member States may make arrangements for the statistical transfer of a specified amount of energy from renewable sources to be transferred from one Member State to another Member State. The text sets out the amount of the transferred quantity. A statistical transfer shall not affect the achievement of the national target of the Member State making the transfer. These arrangements may have effect for one or more years. They must be notified to the Commission no later than 3 months after the end of each year in which they have effect. The information sent to the Commission shall include the quantity and price of the energy involved.

Joint projects between Member States: two or more Member States may cooperate on all types of joint projects relating to the production of energy from renewable electricity, heating or cooling. This cooperation may involve private operators. Member States shall notify the Commission of the proportion or amount of energy from renewable electricity, heating or cooling produced by any joint project in their territory, that became operational after the date of entry into force of this Directive, or by the increased capacity of an installation that was refurbished after the date of entry into force of this Directive, which is to be regarded as counting towards the national overall target of another Member State. Within 3 months of the end of each year falling within the relevant period, the Member State having made the notification shall issue a letter of notification stating: (a) the total amount of electricity or heating or cooling produced during the year from renewable energy sources by the installation which was the subject of the notification; and (b) the amount of electricity or heating or cooling produced during the year from renewable energy sources by that installation which is to count towards the national overall target of another Member State.

Joint projects between Member States and third countries: one or more Member States may cooperate with one or more third countries on all types of joint projects regarding the generation of electricity from renewable sources. This cooperation may involve private operators. Electricity from renewable energy sources produced in a third country shall only be taken into account for the purposes of measuring compliance with the requirements of this Directive concerning national overall targets if the certain conditions are met. Member States may apply to the Commission for account to be taken of electricity from renewable sources produced and consumed in a third country, in the context of the construction of an

inter-connector with a very long lead-time between a Member State and a third country under certain conditions.

Joint support schemes: two or more Member States may decide, on a voluntary basis, to join or partly coordinate their national support schemes. In such cases, a certain amount of energy from renewable sources produced in the territory of one participating Member State may count towards the national overall target of another participating Member State if the Member States concerned fulfil certain conditions.

Administrative procedures, regulations and codes: Member States shall, in particular, take the appropriate steps to ensure, inter alia, that:

- subject to differences between them in their administrative structures and organisation, the respective responsibilities of national, regional and local administrative bodies for authorisation, certification and licensing procedures including spatial planning are clearly coordinated and defined, with transparent timetables for determining planning and building applications;
- comprehensive information on the processing of authorisation, certification and licensing applications for renewable energy installations and on available assistance to applicants shall be made available at the appropriate level;

Member States shall, in particular, encourage local and regional administrative bodies to include heating and cooling from renewable energy sources in the planning of city infrastructure. They shall introduce in their building regulations and codes appropriate measures in order to increase the share of all kinds of energy from renewable sources in the building sector. New public buildings and existing public buildings that are subject to major renovation, at national, regional and local level must fulfil an exemplary role in the context of the Directive from 2012 onwards.

Information and training: information on support measures must be made available to all relevant actors. Certification schemes or equivalent qualification schemes must become available by 31 December 2012 for installers of small-scale biomass boilers and stoves, solar photovoltaic and solar thermal systems, shallow geothermal systems and heat pumps. Member States shall make available to the public: (a) information on certification schemes or equivalent qualification schemes ; (b) the list of installers who are qualified or certified.

Guarantees of origin of electricity, heating and cooling produced from renewable energy sources: for the purposes of proving to final customers the share or quantity of renewable energy in an energy supplier's energy mix, Member States shall ensure that the origin of electricity produced from renewable energy sources can be guaranteed as such, according to objective, transparent and non-discriminatory criteria. Where energy suppliers are marketing energy from renewable sources to consumers with a reference to environmental or other benefits of renewable energy, Member States may require the energy suppliers to make available, in summary form, information on the amount or share of energy from renewable sources that comes from installations or increased capacity that became operational after the date of entry into force of this Directive. Member States or the competent bodies shall put in place appropriate mechanisms to ensure that guarantees of origin shall be issued, transferred and cancelled electronically and are accurate, reliable and fraud-resistant.

Access to and operation of the grids : Member States shall take the appropriate steps : (a) to develop transmission and distribution grid infrastructure, intelligent networks, storage facilities and the electricity system, in order to allow the secure operation of the electricity system as it accommodates the further development of electricity production from renewable energy sources, including interconnection between Member States, as well as third countries; (b) accelerate authorisation procedures for grid infrastructure and to coordinate approval of grid infrastructure with administrative and planning procedures .

Sustainability criteria for biofuels and other bioliquids: energy from biofuels and other bioliquids shall be taken into account only if they fulfil certain criteria on sustainability. With effect from 2017, the greenhouse gas emission saving from the use of biofuels and other bioliquids taken into account shall be 50%. After 2017 it shall be 60 % for biofuels and bioliquids produced in installations whose production has started from 2017 onwards.

The Commission shall report every 2 years on the impact on social sustainability in the Community and in third countries of increased demand for biofuel, and on the impact of EU biofuel policy on the availability of foodstuffs at affordable prices, in particular for people living in developing countries, and wider development issues. Reports shall address the respect of land use rights. They shall state, both for third countries and Member States that are a significant source of raw material for biofuel consumed within the Community, whether the country has ratified and implemented prescribed Conventions of the International Labour Organisation.

The compromise text sets out verification of compliance with the sustainability criteria for biofuels and other bioliquids and the calculation of the greenhouse gas impact of biofuels and other bioliquids.

Member States' reports: each Member State shall submit a report to the Commission on progress in the promotion and use of energy from renewable sources by 31 December 2011 at the latest, and every 2 years thereafter. The sixth report, to be submitted by 31 December 2021 at the latest, shall be the last report required. The text sets out the issues which the reports must cover and these include the Member State's estimated excess production of renewable energy compared to the indicative trajectory which could be transferred to other Member States, as well as the estimated potential for joint projects, until 2020.

Reports from the Commission : in order to improve financing and coordination with a view to the achievement of the 20 % target, the Commission shall:

- **by 31 December 2010**, present an analysis and action plan on energy from renewable sources aimed, in particular at: (i) better use of structural funds and framework programmes; (ii) better and increased use of funds from the European Investment Bank and other public finance institutions; (iii) better access to risk capital notably by analysing the feasibility of a risk sharing facility for investments in energy from renewable sources in the EU similar to the Global Energy Efficiency and Renewable Energy Fund initiative which is aimed at third countries; (iv) better coordination of Community and national funding and other forms of support.

- **at the latest in 2014**, the Commission shall present a report, addressing in particular the elements listed in the text regarding emissions;

- **in 2018**, the Commission shall present a Renewable Energy Roadmap for the post-2020 period ;

- **in 2021**, the Commission shall present a report reviewing the application of this Directive examining particularly the issues listed in the text.

Transparency platform: the Commission shall establish an online public transparency platform, which will serve to increase transparency, and to facilitate and promote cooperation between Member States, in particular concerning statistical transfers and joint projects. In addition, the platform may be used to make public relevant information which the Commission or a Member State deems to be of key importance to this Directive and to the achievement of its objectives.