

Electricity, internal market: production from renewable energy sources, RES-E

2000/0116(COD) - 23/03/2001 - Council position

At the end of its examination the Council concluded that the main focus of the Directive should be on promoting the contribution of RES to electricity production rather on creating a common framework to that effect. Firstly, it should be noted that the Council has retained article 175, para 1 of the EC Treaty as the legal basis, contrary to the Commission's proposal based on article 95 which in the Commission's view was the appropriate basis. Moreover, the main elements of the common position are as follows: - it retains a broader definition of RES in particular as regards a) biomass to enlarge the choice of RES that could be used by Member States while firmly stating that Member States must comply with Community legislation on waste when they use waste as an energy source; and b) hydropower, as there appears to be no ground on which to exclude as "non renewable" hydropower above a given capacity threshold. Information on the capacity is nevertheless made available through the guarantee of origin; - it clarifies that the national targets to be set by Member States for the future consumption of electricity produce from RES should be of an indicative nature. These targets are established on the basis of ambitious reference values, which are set out in the Annex of the Directive, together with prerequisites identified by several Member States for achieving their national objectives. As can be seen from the prerequisites, certain factors, over which Member States have no or little control, can affect the ability to achieve the targets. This is one of the reasons why the Council considers that indicative rather than mandatory targets are more appropriate and realistic. Also subsidiarity is an important consideration in this respect; - it states that the key role played by support schemes for the promotion of electricity from RES is duly acknowledged in particular with reference to the State aid guidelines for environmental protection; - it clarifies that the mutual recognition of guarantees of origin only concerns these guarantees as proof of the electricity and that the purchase of, and schemes for these guarantees do not necessarily have implications in terms of fulfilment of national quota obligation or right to benefit from national support mechanisms; - it recognises that, due to technical constraints or the organisation of distribution systems, it is not always possible to provide priority access *stricto sensu* to transportation and distribution of electricity from RES while nevertheless guaranteeing the transmission and distribution of this electricity; - to amend the date corresponding to various reporting requirements in order to improve consistency and to allow sufficient time for the measures taken by Member States of the reports and the administrative steps to be taken by Member States to what is necessary for achieving the objective of the Directive.