

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

2000/0116(COD) - 30/03/2001 - Commission communication on Council's position

Firstly, the Commission regrets 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. The Commission considers that the choice made by the Council does not constitute a precedent. (The Commission asks for this statement to be inserted when the common position is adopted). However, the Commission considers that not all the solutions, in particular the definition of biomass, adopted by the Council in its common position are in line with the Commission's proposal and do not meet the important concerns of the European Parliament. In particular, including the biodegradable waste into the definition of biomass could provide an incentive to waste incineration and thereby counteract the re-use and re-cycling objectives of the Community's waste management hierarchy, whereas the Commission would have preferred that incineration of non separated municipal waste was not considered as a source of renewable energy. However, in view of the need to take a major step forward in the European Union's effort to promote electricity from renewable energy sources, the Commission can accept the Council's position as a compromise. Overall, the Commission considers that the common position is generally faithful to the spirit of the Commission's proposal, which itself was tabled in response to concerns expressed by the Council and the European Parliament. In general where the common position departs from the Commission proposal it is in a sense to clarify concepts and approaches of the original text, this is particularly true for support schemes and a grid system issues. As regards the definition of biomass, the Commission would have preferred that the common position has contributed more to an optimal waste management policy. As regards support schemes in particular, the common position seeks, in line with the opinion of the European Parliament, to ensure that adequate safeguards are envisaged so that a future Commission proposal for a harmonised European support schemes does not prematurely abrogate national support schemes. The Commission believes that the common position has achieved a delicate balance of strong promotional action in favour of electricity from renewable energy sources without undermining the developing internal electricity market.