

Europäische Politik für Erneuerbare Energien Vorschau und Biogasausblick 2020

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Das Klima und Effizienz Paket

- Der Europäische Rat hat am 9. März 2007 beschlossen, den Anteil der erneuerbaren Energien am Primärenergieverbrauch europaweit von heute rund 7 % auf 20 % im Jahr 2020 zu steigern. Die Emission von Treibhausgasen soll bis 2020 um mindestens 20 % gegenüber 1990 reduziert werden. Insgesamt wird damit angestrebt, den globalen Temperaturanstieg auf 2 °C zu beschränken.
- Die Kommission hat am 23. Januar 2008 ein umfangreiches Maßnahmenpaket vorgestellt. Unter anderem wird vorgeschlagen:
- ein verbessertes Emissionshandelssystem
- Vorgaben zur Emissionsminderung für Verursacher, die nicht unter das Emissionshandelssystem fallen (z. B. Gebäude, Verkehr oder Abfall)
- Vorschriften für die CO₂-Abscheidung und -Speicherung sowie für Umweltschutzbeihilfen.
- **rechtlich durchsetzbare Ziele für die Erhöhung des Anteils erneuerbarer Energieträger am Energiemix auf 20 % in 2020** " im Einklang mit den Bedürfnissen und Möglichkeiten der einzelnen Länder" (Präsident Barroso)

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Richtlinienvorschlag der Europäischen Kommission aus Januar 2008

- **Starke Punkte:**
- Verbindliche EE Steigerungsziele am Gesamtenergieverbrauch bis 2020
- Verschärfte Regeln für Verwaltungsverfahren und Netzzugang sowie Netzverstärkung
- Erstmals Nachhaltigkeitskriterien für Biokraftstoffe
- Annex I schlägt klare Steigerungsziele , aber indikativ, für alle EU 27 Staaten vor

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Die neuen Ziele

A. National overall targets

	Share of energy from renewable sources in final consumption of energy, 2005 (S ₂₀₀₅)	Target for share of energy from renewable sources in final consumption of energy, 2020 (S ₂₀₂₀)
Belgium	2.2%	13%
Bulgaria	9.4%	16%
The Czech Republic	6.1%	13%
Denmark	17.0%	30%
Germany	5.8%	18%
Estonia	18.0%	25%
Ireland	3.1%	16%
Greece	6.9%	18%
Spain	8.7%	20%
France	10.3%	23%
Italy	5.2%	17%
Cyprus	2.9%	13%
Latvia	34.9%	42%
Lithuania	15.0%	23%
Luxembourg	0.9%	11%
Hungary	4.3%	13%
Malta	0.0%	10%
The Netherlands	2.4%	14%
Austria	23.3%	34%
Poland	7.2%	15%
Portugal	20.5%	31%
Romania	17.8%	24%
Slovenia	16.0%	25%
The Slovak Republic	6.7%	14%
Finland	28.5%	38%
Sweden	39.8%	49%
United Kingdom	1.3%	15%

Nationale verbindliche Ziele des EE Anteils am Gesamtenergieverbrauch

- Werden pro Mitgliedstaat verbindlich festgelegt (Artikel 3 gibt Grundlage)
- Deutschland 18 %
- Spanien 20 %
- Frankreich 23 %
- NL 14 %
- Österreich 34 %
- Polen 15 %
- Schweden 49 %
- UK 15 %

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Schwach: Das erneuerte Handelsdogma im Richtlinienvorschlag der Kommission

- Kommission schlug vor:
 1. Handel zwischen Mitgliedsstaaten - Artikel 9 Paragraph 1
 2. Handel zwischen Personen - Artikel 9 Paragraph 3
Beide Optionen sollen die Herkunftsnachweise (GoO) nun als **Handelspapiere** nutzen)
Der Europäische Gerichtshof definiert Waren als Produkte die in Geld bewertet werden und die in der Lage sind, als solches Subjekt von wirtschaftlichen Transaktionen zu sein - Commission v Italy (Italian Art Case) 7/68 [1968] ECR 423
Damit würde die Richtlinie zu einer Warenhandelsregelung

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Kommission wollte Umwidmung

- **Herkunftsnachweise (GoO) in Rili 2001/777/EC sind keine handelbaren Zertifikate:**
- Recital (11):" Es ist wichtig, klar zwischen Herkunftsnachweisen und handelbaren grünen Zertifikaten zu unterscheiden.."
- **Und sie zählen nicht zur Zielerreichung**
- Recital (10) (1): "Diese Richtlinie verlangt .. von den Mitgliedstaaten nicht, den Ankauf eines Herkunftsnachweises von anderen Mitgliedstaaten oder die entsprechende Abnahme von Strom als Beitrag zur Verwirklichung einer einzelstaatlichen Quotenverpflichtung anzuerkennen. "
- Satz (3): "Regelungen für den Herkunftsnachweis implizieren als solche noch nicht ein Recht auf Inanspruchnahme der in den einzelnen Mitgliedstaaten geschaffenen nationalen Fördermechanismen.. "
- Das wäre mit Komm.vorschlag anders geworden: GoO sollten per legem Handelszertifikate in **EU 27** werden und **zur nationalen Zielerfüllung in dem Land zählen , in dem sie entwertet werden**

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Zusammenfassung der Positionen gegen einen EU weiten Zertifikatehandel

- Die Einführung eines Handelssystems birgt die Gefahr, dass bestehende nationale Fördersysteme, die nach Innovationspotenzial und Technologien differenzieren, ihrer ökonomischen Basis beraubt werden.
- Unternehmen aus einem kostengünstigen EE-Segment in einem Mitgliedstaat mit Einspeisesystem werden ihre Zertifikate in das Handelssystem einbringen, während der Mitgliedstaat die Erfüllung seiner nationalen Verpflichtungen im Wesentlichen durch die kostenintensiveren erneuerbaren Energieträger erbringen muss.
- Auch ein europäisches Handelssystem kombiniert mit einem phasing-in oder einer Opt-Out-Klausel würden das Problem nicht lösen, da sie Druck zur Teilnahme am Handelssystem auf die Mitgliedstaaten ausüben. Rechtlich nicht durchsetzbar (Warenverkehr, Grundrechte)

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Abwehr von Zwangshandel

- Interessen vor allem seitens RECS, EURELECTRIC, E.On, Vattenfall versuchten intensiv, in neuen Richtlinienentwurf EU weiten Zwangshandel mit Grünen Zertifikaten (GO) neben den nationalen Förderinstrumente einzuführen
- Konsequenz: Unmittelbare Gefährdung aller nationalen Instrumente (national Quota und nationale Feed-In)
- "billige" Erneuerbare Energie wird über GO's verkauft, damit wird das jeweilige Land seiner kostengünstigen Quelle "beraubt", bleibt zurück mit der Notwendigkeit der Förderung marktferner Technologien, um eigenes verbindliches Ziel zu erreichen
- Marktfernere Technologien werden dann nicht mehr gefördert, sondern nur noch konzentrierte billige EE Technologien , wenn überhaupt
- Struktur der unabhängigen Energieproduzenten wird zurückgedrängt für Rückgewinnung der Macht der Monopole/Oligopole
- Insgesamt würde die gesamte etablierte Infrastruktur erheblich gefährdet, nationale Fördersysteme würden Auslaufmodelle
- Preisanstieg (Quotenpreis folgt immer der teuersten EE Energie)

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Hinweis

- Die folgenden Zitate entstammen alle der derzeitigen Diskussion zwischen Rat , Kommission und Europäischem Parlament im informellen Trialog –keine Gewähr für Endgültigkeit
- Hoffnung Europas, dass noch in diesem Jahr ein gemeinsamer Standpunkt zur Richtlinie zwischen den 3 Institutionen erreicht wird – hängt auch ab vom Emissionsteil des Pakets

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Der derzeitige Kompromiß zu Flexibilität im Rat

- Mitgliedstaaten behalten Kontrolle über ihre nationalen EE Fördersysteme, einschließlich der Entscheidung darüber, ob und inwieweit im EU-Ausland erzeugte EE nach dem eigenen System gefördert werden
- GoO sollen ihre bisherige Funktion behalten und ausschließlich als Herkunftsnachweise dienen; sollen auch für Wärme und Kühlung ausgestellt werden dürfen, wenn die Erzeugeranlage eine Mindestkapazität von 5 MWth aufweist
- Die Mitgliedstaaten bleiben Herren des Flexibilitätsmechanismus
- Unter dem Flexibilitätsmechanismus **können** folgenden Optionen gewählt werden:
 - Statistische Übertragung zwischen Mitgliedstaaten
 - Projektbezogene Vereinbarungen zwischen zwei oder mehr Mitgliedstaaten: die in EE- Neuanlagen erzeugte Energie darf einem anderen Mitgliedstaat zugerechnet werden
- Zwei oder mehr Mitgliedstaaten können eine gemeinsame Zielerreichung durch Zusammenlegen der nationalen Ziele vereinbaren und gemeinsame Fördersysteme einrichten

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Artikel 7 – Statistischer Transfer zwischen Mitgliedsstaaten

- Rat:
- 1. **Member States may agree on and 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 transferred quantity is to be:**
 - (a) **deducted from the amount of energy from renewable sources that is taken into account in measuring compliance by the Member State making the transfer with the requirements of Article 3(1) and 3(2); and**
 - (b) **added to the amount of energy from renewable sources that is taken into account in measuring compliance by another Member State accepting the transfer with the requirements of Article 3(1) and 3(2).**
- **A statistical transfer shall not affect the achievement of the national target of the Member State making the transfer.**
- 2. **Arrangements under paragraph 1 of this Article 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.**
- 3. **Transfers shall become effective only after all Member States involved in the transfer have notified the transfer to the Commission**

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Gemeinsame Projekte mit Drittstaaten – auch mit Privaten Art.9

- 1. 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.
- 2. 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 following conditions are met:
- (a) the electricity is consumed in the Community. This condition is deemed to be met if:
- (i) an equivalent amount of electricity to the electricity accounted for has been firmly nominated to the allocated interconnection capacity by all responsible Transmission System Operators in the country of origin, the country of destination and, if relevant, each third country of transit;

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Drittstaatenprojekte (II)

- (ii) an equivalent amount of electricity to the electricity accounted for has been firmly registered in the schedule of balance by the responsible Transmission System Operator on the Community side of an interconnector; and
- (iii) the nominated capacity and the production of electricity from renewable energy sources by the installation referred to in point (b) of paragraph 2 refer to the same period of time;
- (b) the electricity is produced by a newly constructed installation that became operational after the entry into force of this Directive or by the increased capacity of an installation that was refurbished after the entry into force of this Directive, under a joint project as referred to in paragraph 1; and
- (c) the amount of electricity produced and exported has not received support from a support scheme of a third country other than investment aid granted to the installation.
-
- Notification to Commission necessary –detailed provisions in Art.9

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Recitals und nationale Systeme

- (11a) Whilst having due regard to the provisions of this Directive, Member States should be encouraged to pursue all appropriate forms of cooperation in relation to the objectives set by this Directive. Such cooperation can take place at all levels, bilaterally or multilaterally; it can, apart from the mechanisms with effect on target calculation and target compliance, which are exclusively [] foreseen by this Directive such as statistical transfers between Member States, joint renewable energy projects and joint support schemes[], also take the form of, for example, the exchange of information and best practices, such as foreseen in particular in the transparency platform, and other voluntary coordination between all types of support schemes.

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Recital und nationale Systeme

- Council/ (51) Member States have different renewable potentials and operate different schemes of support for energy from renewable sources at the national level. The majority of Member States apply support schemes that grant benefits solely to energy from renewable sources that is produced on their territory. For the proper functioning of national support schemes it is vital that Member States can control the effect and costs of their national support schemes according to their different potentials.
- One important means to achieve the aim of this Directive is to guarantee the proper functioning of national support schemes as under the Directive 2001/77/EC in order to maintain investor confidence and in order to allow Member States to design effective national measures for target compliance.
- The Directive aims at facilitating cross-border support of renewable energies without affecting national support schemes. It introduces optional measures of co-operation between Member States which allow Member States to agree on the extent to which one Member State supports the energy production in another Member State and on the extent to which the energy production from renewable sources should count towards the national overall targets of either of them.
- In order to ensure the effectiveness of both measures of target compliance, i.e. national support schemes and co-operation mechanisms, it is essential that Member States are able to determine if and to what extent their national support schemes apply to energy from renewable sources produced in other Member States and to agree on this by applying the measures of co-operation foreseen in this Directive.

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Die Bedeutung des Biogases wird gestärkt

- Derzeitiger Stand der Diskussion zwischen Rat, Parlament und Kommission spiegelt gesteigerte Beachtung wieder

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Definition für Erneuerbare

- **Rat:**
- *Article 2 a "energy from renewable sources"* means **energy from** renewable non-fossil [] sources: wind, solar, geothermal, **aerothermal**, **hydrothermal** [] and **ocean energy**, hydropower, biomass, landfill gas, sewage treatment plant gas and biogases

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Hohe Bedeutung von Biogas für Wärme, Strom und Biokraftstoff

- **Kompromißvorschlag des Rats zu RECITAL (5)**
- **“The use of agricultural material such as manure, slurry and other animal and organic waste for biogas production has, in view of the high greenhouse gas emission savings potential, significant environmental advantages in terms of heat and power production and its use as biofuel. Biogas installations can, as a result of their decentralised nature and the regional investment structure, contribute significantly to sustainable development in rural areas and offer farmers new income opportunities.**
- **Kam als Änderungsantrag vom Parlament, aber mit dem Unterschied, dass das EP “waste” und nicht “material” benutzt hat**

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Die zurückhaltendere Sicht des EP zu Biokraftstoffen

- **Amendment 13**
- ***“(8) In the light of the positions taken by the European Parliament, the Council and the Commission, it is appropriate to establish mandatory targets for an overall 20% share of renewable energy and a share of renewable energy in transport in the European Union's final consumption of 5 % in 2015 and 10% in 2020, of which 20 % in 2015 and 40 % in 2020 is met by the use of electricity or hydrogen from renewable sources, energy from waste, residues and ligno-cellulosic biomass or algae produced in vats, or energy from feedstock grown on degraded land with a net carbon benefit regarding land use emissions over 10 years. A review in 2014 should focus on consequences for food security, biodiversity and the availability of electricity or hydrogen from renewable sources, biogas or transport fuels from ligno-cellulosic biomass and algae. Depending on the conclusions of the review, the 2020 targets could be modified, but such modification should have no effect on the overall 2020 target for energy consumption from renewables sources.”***
- **Vom Rat zurückgewiesen mit Hinweis, dass er besondere Review Klausel für 2014 mit Details vorschlägt in Art 20 Para 6**

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Biomassebegriff Art 2 b

- Rat: "(b) *"biomass"* means the biodegradable fraction of products, waste and residues **from biological origin** from agriculture (including vegetal and animal substances), forestry and related industries **including fisheries and aquaculture**, as well as the biodegradable fraction of industrial and municipal waste; „

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Bioliqum und Biokraftstoff Art. 2

- Rat : (e) *"bioliquids"* means liquid fuel for energy purposes, **including electricity and heating and cooling**, produced from biomass;
- *Kommission "biofuels"* means liquid or gaseous fuel for transport produced from biomass – Rat stimmt zu
- Parlament hatte vorgeschlagen: **"transport fuels from biomass"** means liquid or gaseous fuel for transport produced from biomass;

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Besondere Definition für Methan in Art. 2

- Parlament schlägt vor: **(ia)**
**“biomethane” means methane
produced from renewable sources
that is upgraded to natural gas quality**
- Noch nicht übernommen vom Rat

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Netzzugang auch für BioGas

- RECITAL Rat: (30) “The costs of connecting new producers of electricity **and gas** from renewable energy sources to the electricity **and gas** grids should be objective, transparent and non-discriminatory and due account should be taken of the benefit embedded generators bring to the grid.”
- EP hatte zusätzlich gefordert ein **specific scheme for sharing connection costs**. (Vom Rat bislang nicht akzeptiert)

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Biogas und Netzeinspeisung - Rat bremst

- EP Amendment 77
- *(50b) In order to ensure a stable ongoing framework for the development of renewable energy, the Commission should, by 2016, publish a roadmap for renewable energy beyond 2020, which may include options for the harmonisation of national support schemes and for the full integration of renewable electricity and biogas into the wider EU electricity and gas markets.*
- *Vom Rat zurückgewiesen*

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Kleinere Installationen und Genehmigungsverfahren – Artikel 12

- **Rat:**
- "less burdensome **and simplified** authorisation procedures, **including through simple notification if allowed by the applicable regulatory framework,** are established for smaller projects **and for decentralised renewable devices,** where appropriate [].
- Rat ergänzt dies durch neues Recital:
- **"In order to stimulate the contribution of individual citizens to the objectives set out in this Directive, the relevant authorities should consider the possibility to replace authorisations by simple notification to the competent body when installing small decentralised renewable devices."**

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Netzzugang und Operation der Netze – Artikel 14 und Biogas

- **EP:**
- ***“7. National regulatory authorities shall require that the charging of transmission and distribution feeds does not discriminate against electricity or gas from renewable energy sources, and does not discriminate against electricity or gas from renewable energy sources produced in peripheral regions, such as island regions, and in regions of low population density. The Commission shall investigate alleged breaches of this paragraph and shall take the necessary corrective action in the event of such a breach.”***
- **Ratsvorschlag:**
- ***“7. Member States shall ensure that the charging of transmission and distribution tariffs [] does not discriminate against electricity from renewable energy sources, including in particular electricity from renewable energy sources produced in peripheral regions, such as island regions, and in regions of low population density.***
- **Member States shall ensure that the charging of transmission and distribution tariffs does not discriminate against gas from renewable energy sources.”**

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Erläuterung des Rats zu Art. 14 Para 7 und Biogas:

- ***“Council underlines that the text of the draft Directive of the European Parliament and of the Council concerning common rules for the internal market in natural gas and repealing Directive 2003/55/EC fully covers biogas provisions, as specified in its***
- ***“Article 1 Scope -***
- ***1. This Directive establishes common rules for the transmission, distribution, supply and storage of natural gas. It lays down the rules relating to the organisation and functioning of the natural gas sector, access to the market, the criteria and procedures applicable to the granting of authorisations for transmission, distribution, supply and storage of natural gas and the operation of systems.***
- ***2. The rules established by this Directive for natural gas, including LNG, shall also apply to **biogas** and gas from biomass or other types of gas in so far as such gases can technically and safely be injected into, and transported through, the natural gas system.”***

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Artikel 14 und Gebühren

- EP:
- 8. **National regulatory authorities** shall ensure that fees charged by transmission system operators and distribution system operators for the transmission and distribution of electricity **or gas** from plants using renewable energy sources reflect **the costs** resulting from the plant's connection to the network. Such cost benefits could arise from the direct use of the low-voltage grid.
- Rat:
- 8. Member States shall ensure that **tariffs** [] charged by transmission system operators and distribution system operators for the transmission and distribution of electricity from plants using renewable energy sources reflect realisable cost benefits resulting from the plant's connection to the network. Such cost benefits could arise from the direct use of the low-voltage grid.

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Artikel 14 und Gasnetzausbau – Para 8 b

- EP:
- **Amendment 140**
- ***8b. Member States shall assess the necessities to extend existing gas network infrastructure to facilitate the integration of gas from renewable sources.***
- **Rat:**
- **8b. Where relevant, Member States shall assess the need to extend existing gas network infrastructure to facilitate the integration of gas from renewable sources.**

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Keine Chance für gesicherten Biogasnetzzugang und EP Kostenregel

- EP:
- Amendment 141
- ***“8c. Without prejudice to the maintenance of the reliability and safety of the gas network system, Member States shall ensure that transmission system operators and distribution system operators of gas networks in their territory guarantee the transmission and distribution of gas from renewable sources. The costs of the network connection, including the conjunction with the connecting point, the gas-pressure-measuring system, installations for pressure increase and the calibratable measurement, shall be borne by the network operator and socialised to consumers. Derogations from this requirement may be granted in the event that the installation producing gas from renewable energy sources is more than 15 kilometres away from the next available gas pipeline. Transmission system operators and distribution system operators shall also provide for priority access to the network system of gas produced from renewable energy sources, if the gas is compatible with the network system.”***
- Rat: abgelehnt

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Technische Standards für Biogaseinspeisung

- EP Amendment 142 zu Artikel 14
- ***8d. Member States shall require transmission system operators and distribution system operators in their territory to make available the quality requirements for gas from renewable energy sources for network integration, based on transparent and non-discriminatory standards. The network operator is responsible for the odoration and the measurement of the quality of the gas.***
- Rat:
- **8d. Where relevant, Member States shall require transmission system operators and distribution system operators in their territory to publish technical rules in line with Article 6 of Directive 2003/55, in particular regarding network connection rules that include gas quality, gas odoration and gas pressure requirements. Member States shall also require transmission and distribution system operators to publish the connection tariffs to connect renewable gas sources based on transparent and non-discriminatory standards.**

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Infrastrukturvorschlag des EP abgelehnt

- Amendment 147 des EP (neuer Artikel 14 a) vom Rat insgesamt abgelehnt:
- EP:
- *1. Member States shall take the necessary measures for infrastructure development to take account of the development of district heating and cooling production from renewable energy sources.*
- *2. Member States shall take the necessary steps to develop gas network infrastructure to accommodate the further development of gas from renewable energy sources, including interconnectors between Member States.*
- *3. Without prejudice to the reliability of safety of the gas network, national authorities shall guarantee the intake and distribution of the gas produced from renewable energy sources, with access priority.*
- *4. Member States shall require national gas network authorities to publish their standard rules relating to the investments for the necessary technical adaptation.*
- *5. Member States shall ensure that the charging of transport and distribution fees does not discriminate against gas produced from renewable sources and that the fees reflect possible cost benefits resulting from the connection of plants producing gas from renewable sources to the gas network.*

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Nachhaltigkeit von Biokraftstoffen

- Hohe Bedeutung in der gesamten Diskussion der Richtlinie
- Vorschlag Rat Recital 55: “2 In particular, power should be conferred on the Commission to adapt the methodological principles and values necessary for assessing whether [] sustainability criteria have been fulfilled in relation to biofuels and other bioliquids and to adapt the energy content of transport fuels to technical and scientific progress. Since those measures are of general scope and are designed to amend non-essential elements of this Directive by the adaptation of the methodological principles and values, they must be adopted in line with the regulatory procedure with scrutiny provided for in Article 5a of Decision 1999/468/EC.”

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Einfuhr von Biomasse und Biotreibstoff problematisch

- Österreichischer Biogasverband:
- Solange nicht international abgesicherte Qualitätsrichtlinien für die Biotreibstoffproduktion in Kraft sind, die Exportländer sich nicht strikt an das Waldrodungsverbot halten und die Ernährung der einheimischen Bevölkerung durch ausreichende und qualitativ hochwertige Nahrungsmittel nicht gesichert ist, sind die Importe von Biotreibstoffen zu begrenzen. Als Begrenzungsmechanismen kommen neben Qualitätsvorgaben Quotenregelungen und Steuerdifferenzierungen in Frage

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Nachhaltigkeitskriterien für Biokraftstoff Artikel 15

- GHG Bilanz eindeutig positiv
- Keine Biomasse aus unberührten Wäldern und Naturschutzwäldern
- Gute landwirtschaftliche Praxis wesentlich
- Umweltauditing über Biomasse und die Zusammensetzung des Biokraftstoffes erforderlich

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Nachhaltigkeitskriterien und GHG Saving wird zur Wissenschaft

- Artikel 15 nun äußerst detailliert
- Unterstützt durch Monitoringpflicht der Kommission und eventuell Reviewklausel für 2014

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Artikel 15 Auszug

- **Rat:** []
- **Sustainability criteria for biofuels and other bioliquids**
- 1. **Irrespective of whether the raw materials were cultivated inside or outside the territory of the Community, energy from biofuels and other bioliquids shall be taken into account for the purposes listed under points (a), (b) and (c) only if they fulfil the sustainability criteria set out in paragraphs 2 to 5:**
 - (a) measuring compliance with the requirements of this Directive concerning national targets;
 - (b) measuring compliance with renewable energy obligations;
 - (c) eligibility for financial support for the consumption of biofuels and other bioliquids.
- **However, biofuels and bioliquids produced from waste and residues, other than agricultural, aquaculture, fisheries and forestry residues, need only fulfil the sustainability criterion set out in paragraph 2 in order to be taken into account for the purposes listed under points (a), (b) and (c).**
- *Council has a review of the GHG saving percentage for the second step (Art. 20(6)(a)).*
- 2. The greenhouse gas emission saving from the use of biofuels and other bioliquids taken into account for the purposes referred to in paragraph 1 of this Article shall be [] 35%.
- **With effect from 2017, the greenhouse gas emission saving from the use of biofuels and other bioliquids taken into account for the purposes referred to in paragraph 1 of this Article shall be 50%. After 2017 it shall be 60 % for biofuels and bioliquids produced in installations whose production has started from 2017 onwards.**
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Offene Punkte - Artikel 14 und Netzzugangspriorität

- Rat: „1. Member States shall take **the appropriate** steps 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. Member States shall also take appropriate steps to accelerate authorisation procedures for grid infrastructure and to coordinate approval of grid infrastructure with administrative and planning procedures.**
- 2. [] **Subject to requirements relating to the maintenance of the reliability and safety of the grid, based on transparent and non-discriminatory criteria defined by the competent national authorities:**
- (a) **Member States shall ensure [] that transmission system operators and distribution system operators in their territory guarantee the transmission and distribution of electricity produced from renewable energy sources;**
- (b) **Member States shall also provide for either priority access or guaranteed access to the grid-system of electricity produced from renewable energy sources;**
- (c) **Member States shall ensure that when dispatching electricity generating installations, transmission system operators shall give priority to generating installations using renewable energy sources insofar as the operation of the national electricity system permits and based on transparent and non-discriminatory criteria. Member States shall ensure that appropriate grid and market related operational measures are taken in order to minimise the curtailment of electricity produced from renewable energy sources. If significant measures are taken to curtail the renewable energy sources in order to guarantee the security of the national electricity system and security of supply, Members States shall ensure that the responsible system operators report to the competent regulatory authority on these measures and indicate which corrective measures they intend to take in order to prevent inappropriate curtailments.“**

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Offene Punkte

- There are still open questions and chances are running thin that they can be sorted out before the Council meets in December. This means it will be the governments doing their bargaining on high political level. France and UK still want nuclear and CCS to be put into the RES target equation. The pressure from other MS will be there to not including, coming also from Germany (hopefully, Mrs. Merkel did say, nuclear is not renewable) but, it will at least be used to get big things for them kept inside the Directive or excluded such as exclusion of aviation and
- Inclusion of big RE projects for target reaching effective only after 2020 and with the wish of the UK government to have those projects done outside EU and nonetheless counting to national target reaching.
- As I see it they need to keep the review clause for 2014 (Art. 20 para 6 of Council's proposal) in, at least to use it as bargain for getting aviation excluded from biofuel target and for keeping the big project formula, that means that UK introduced already in the Commission's draft a provision in Article 5 that if a country is planning very big projects (Article 5 Para 2 - > 5000 MW) that these amount could count towards the target reaching even if project only goes online after 2020; UK even wants those projects counting even if they are realised in third countries outside EU.

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Offene Punkte

- The compromises still to ensure for the interests of RE industry are :
- The review clause in Art. 20 Para 6 (introduced by Council Presidency: To enable this the part on biofuel review, which is very detailed and reasonable in Article 20 para 6 can be moved into the monitoring report to be done by the Commission and foreseen on biofuels/biomass (Article 20 para 1) and this part could then be strengthened with direct link to a review on the capability of MS to meet the targets for biofuels . The respective good linking wording in the current review clause proposal (Art 20 para 6) , “ **with respect to the target referred to in Article 3(3)**”, should therefore be moved up to Article 20 para 1 and other positive elements on the biomass review content in Article 20 para 6 can be moved up to Article 20 para 1 .
- For the sake of compromise, aviation may leave the Directive since it will only mean a very small percentage on the overall in view of target reaching ,but since UK calculates that due to their relative high partition of air transport in their energy consumption in transport (more than 2 % I believe) this maybe the missing percentage to reach their RE target nationally, therefore such a compromise can help. In order to accept that aviation goes out the Council needs to accept to drop the whole review clause. Thereby we get investment security back.

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Offene Punkte

- RE industry needs to be vigilant on Article 12 and the French current policy to discriminate wind power deployment in France by linking the planning conditions and licensing procedures to the Seveso Directives rules: it is essential to get clarifying Recitals and a clear Article 12. This is a threat potential for big PV as well.
- RE industry needs to support the European Commission that she must have a right to reject Member States National Action plans and programmes as being insufficient to be able to reach the national targets by 2020. Many Member States do not want this and by that the binding target becomes completely obsolete.
- We need to have a clarification that only those flexibility mechanisms which are laid down in the Directive are valid for target reaching (there is a move that some MS try to integrate a certificate trading scheme as further flexibility mechanism and argue that the mechanisms are only enumerative. By such move we have the harmonised trade back on board!!

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- Vielen Dank für Ihre Aufmerksamkeit

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