Amendments suggested by Swedenergy

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Proposal for a

DIRECTIVE OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL

on the promotion of the use of energy from renewable sources (recast)

(Text with EEA relevance)

{SWD(2016) 416 final}
{SWD(2016) 417 final}
{SWD(2016) 418 final}
{SWD(2016) 419 final}

Article 5

Opening of support schemes

Amendment 1	
Proposal from the Commission	**Proposal from Swedenergy**
2. Member States shall ensure that support for at least 10% of the newly-supported capacity in each year between 2021 and 2025 and at least 15% of the newly-supported capacity in each year between 2026 and 2030 is open to installations located in other Member States.	2. Member States shall ensure that support for at least 10% of the newly-supported capacity in each year between 2021 and 2025 and at least 15% of the newly-supported capacity in each year between 2026 and 2030 is open to installations located in other Member States. **Member States may opt to apply the provisions above only to installations located in Member States to which they are directly linked by interconnectors.**
Justification *Opening of the national support schemes for generators located in other Member States can, if implemented properly, promote the development of projects in locations where they provide the most value for money. However, because of the differences between national regulatory frameworks (permits, taxes, levies…) this could result in competition distortions. Furthermore, in view of the risk of oversupply in certain regions, especially where bottlenecks in transmission occur, an exemption should be introduced for Member States where interconnection is not sufficient.*	

Article 19

Guarantees of origin

Amendment 2

Proposal from the Commission	Proposal from Swedenergy
2. (…) Member States **shall ensure** that no **guarantees of origin are issued** to a producer that receives **financial support from a support scheme** for the same production of energy from renewable sources. **Member States shall issue such guarantees of origin and transfer them to the market by auctioning them. The revenues raised as a result of the auctioning shall be used to offset the costs of renewables support.**	2. (…) Member States **may provide** that no **support be granted** to a producer that receives **a guarantee of origin** for the same production of energy from renewable sources.
Justification *The Commission's proposal to prohibit issuance of GOs to producers that receive financial support blurs the existing clear distinction between support and disclosure schemes. The system of GOs should not be confused with support schemes for renewables, it is a disclosure scheme i.e. used as an accounting system for sales of renewable production.* *The provision in the proposal is unclear and difficult to establish without distortions. It raises questions regarding how the auctioning of GOs is organised (whether at the national level or EU-wide). Issuing some GOs to producers and other GOs to an auction will lead to two parallel systems, and the market for GOs will therefore not be transparent. Further, it will be costly and less effective if a third party shall be responsible to issue and establish a market place at which the GO may be auctioned. It risks to hamper the development of the GO system.* *In practice, it would no longer be possible to link the RES production of a specific installation to a client who is interested in that specific RES production installation. It would stop a development where (corporate) clients or local communities enter into longer-term partnerships with energy companies in order to develop specific renewables projects together (e.g. via PPAs). This may hinder the development of public acceptance for renewable energy projects.*	
Amendment 3	
Proposal from the Commission	**Proposal from Swedenergy**
8. Where an electricity supplier is required to prove the share or quantity of energy from renewable sources in its energy mix for the purposes of Article 3 of Directive 2009/72/EC, it shall do so by using guarantees of origin. Likewise, guarantees of origin created pursuant to Article 14(10) of Directive 2012/27/EC shall be used to substantiate any requirement to prove the quantity of electricity produced from high-efficiency cogeneration. **Member States shall ensure that transmission losses are fully taken into account when guarantees of origin are used to demonstrate consumption of renewable energy or electricity from high efficiency cogeneration.**	8. Where an electricity supplier is required to prove the share or quantity of energy from renewable sources in its energy mix for the purposes of Article 3 of Directive 2009/72/EC, it shall do so by using guarantees of origin. Likewise, guarantees of origin created pursuant to Article 14(10) of Directive 2012/27/EC shall be used to substantiate any requirement to prove the quantity of electricity produced from high-efficiency cogeneration.
Justification *Taking into account transmission losses when GOs are used to demonstrate consumption of electricity blurs the distinction between financial physical aspects of the energy system, will be unnecessarily complex and with unclear benefits.*	

Article 21

Renewable Energy Communities

Amendment 4	
Proposal from the Commission	**Proposal from Swedenergy**
1. Member States shall ensure that renewable self-consumers, individually or through aggregators: (a) are entitled to carry out self-consumption and sell, including through power purchase agreements, their excess production of renewable electricity without being subject to disproportionate procedures and charges that are not cost-reflective; (b) maintain their rights as consumers; ***(c) are not considered as energy suppliers according to Union or national legislation in relation to the renewable electricity they feed into the grid not exceeding 10 MWh for households and 500 MWh for legal persons on an annual basis; and*** (d) receive a remuneration for the self-generated renewable electricity they feed into the grid which reflects the market value of the electricity fed in. ***Member States may set a higher threshold than the one set out in point (c).***	1. Member States shall ensure that renewable self-consumers, individually or through aggregators: (a) are entitled to carry out self-consumption and sell, including through power purchase agreements, their excess production of renewable electricity without being subject to disproportionate procedures and charges that are not cost-reflective; (b) maintain their rights as consumers; (d) receive a remuneration for the self-generated renewable electricity they feed into the grid which reflects the market value of the electricity fed in.
Justification *The implications of being classified as an "energy supplier" are not defined. For the future renewable self-consumers should not be exempted from balancing responsibilities. This does not mean that they should become Balance Responsible Parties (BRP) themselves but they can outsource this obligation e.g. to their supplier or aggregator who will play an important role to facilitate market integration of renewable self-consumers.*	

Article 24

District Heating and Cooling

Amendment 5

Proposal from the Commission	Proposal from Swedenergy
1. Member States shall ensure that district heating and cooling suppliers provide information to end-consumers on their energy performance and the share of renewable energy in their systems. Such information shall be in accordance with standards used under Directive 2010/31/EU.	1. Member States shall ensure that district heating and cooling suppliers provide information ~~to *end consumers*~~ ***customers*** on their energy performance and the share of renewable energy ***and waste heat or cold*** in their systems. Such information shall be and in accordance with standards used under Directive 2010/31/EU.
Justification *District heating/cooling suppliers normally deliver heat/cold to property owners and not necessarily to end consumers. District heating is most common in multi block apartements. Therefore it is more relevant to use the term customer instead of end consumer. Further, it is important to include waste heat and cold in the information to customers as the aim of this article is to promote renewable and waste heat and cold.*	
Amendment 6	
Proposal from the Commission	**Proposal from Swedenergy**
2. Member States shall lay down the necessary measures to allow customers of those district heating or cooling systems which are not 'efficient district heating and cooling' wihtin the meaning of Article 2(41) of Directive 2012/27/EU to disconnect from the system in order to produce heating or cooling from renewable energy sources themselves, or to switch to another supplier of heat or cold which has access to the system referred to in paragraph 4.	2. Member States shall lay down the necessary measures to allow customers of those district heating or cooling systems which are not efficient district heating and cooling' within the meantime of Article 2(41) of Directive 2012/27/EU to disconnect from the system in order to produce heating or cooling from renewable energy sources themselves***, or to switch to another supplier of heat or cold which has access to the system referred to in paragraph 4.***
Justification The proposed change is in line with the changes made in paragraph 4.	
Amendment 7	
Proposal from the Commission	**Proposal from Swedenergy**
3. Member States may restrict the right to disconnect or switch supplier to customers who can prove that the planned alternative supply solution for heating or cooling results in a significantly better energy performance. The performance	3. Member States may restrict the right to disconnect ***or switch supplier to*** customers who can prove that the planned alternative supply solution

assessment of the alternative supply solution may be based on the Energy Performance Certificate as defined in Directive 2010/31/EU.	for heating or cooling results in a significantly better energy performance.
Justification: *The proposed change is in line with the changes made in paragraph 4.*	
Amendment 8	
Proposal from the Commission	**Proposal from Swedenergy**
4. Member States shall lay down the necessary measures to ensure non-discriminatory access to district heating or cooling systems for heat or cold produced from renewable energy sources and for waste heat or cold. This non-discriminatory access shall enable direct supply of heating or cooling from such sources to customers connected to the district heating or cooling system by suppliers other than the operator of the district heating or cooling system.	4. Member States shall lay down the necessary measures to ensure non-discriminatory access to DHC systems for heat and cold produced from renewable energy sources and for waste heat and cold. This non-discriminatory access shall enable ~~direct~~ supply of heating or cooling from such sources ~~to customers connected~~ to the district heating or cooling system by suppliers other than the operator of the district heating or cooling system **when it is economically and technically feasible for DHC operators, is possible for the DHC operator to off-set the product on the market and does not lead to increased costs for customers. The operator may charge an external supplier the extra cost related to the connection of the supplier.**
Justification: *The proposal from the Commission will require unbundling of distribution and production/sales of heat and cold in the same way as in the electricity market. This has been investigated for instance in Sweden by the government, but was never implemented due to increased costs for district heating in the order of 10-15%. Such an increase of costs would substantially reduce the competitiveness of district heating compared to other heating sources. Third party access to the grid for suppliers of renewable and waste heat is possible to establish through for instance a single buyer system where external suppliers can sell their heat to the district heating operator on the basis of a regulated access to the grid. Further, the conditions for access to the grid should be specified. It should be economically and technically feasible to connect third party suppliers. If for example a source of waste heat is situated too far from the district heating network, it would probably not be economically possible to connect it to the grid. Further, if waste heat has too low temperature for*	

the heating purpose the technical conditions for connection are not fulfilled. Further, there need to be a demand for the heat supplied in order to connect new suppliers. It is rather common that customers have specific requirements that heat supplied should be renewable and waste heat is not always considered as renewable by customers. It should also be possible for district heating operators to charge the supplier for costs related to connection.

Amendment 9

Proposal from the Commission	**Proposal from Swedenergy**
5. An operator of a district heating or cooling system may refuse access to suppliers where the system lacks the necessary capacity due to other supplies of waste heat or cold, of heat or cold from renewable energy sources or of heat or cold produced by high-efficiency cogeneration. Member States shall ensure that where such a refusal takes place the operator of the district heating or cooling system provides relevant information to the competent authority according to paragraph 9 on measures that would be necessary to reinforce the system.	5. An operator of district heating or cooling system may refuse access to suppliers where the system lacks the necessary capacity due to other supplies of waste heat or cold, of heat or cold from renewable energy sources or of heat or cold produced by high-efficiency cogeneration, **where the system fulfils the criteria of Efficient District Heating and Cooling (within the meaning of Article 2(41) of Directive 2012/27/EU, where the technical parameters of the energy carrier do not match those of the system at the connection point or where the proposed access of additional supply to the network would lead to an increase of the costs for customers or district heating companies.** Member States shall ensure that where such a refusal takes place the operator of the district heating or cooling system provides relevant information to the competent authority according to paragraph 9 on measures that would be necessary to reinforce the system.

Justification:

A refusal to access should be possible due to technical or economical reasons in accordance with given examples in para 4. It should also be possible to refuse access if district heating systems fulfill the criteria of an efficient system in accordance with article 2.41 in the energy efficiency directive. In such systems the share of renewables or waste heat is already very high and the potential to further increase renewables and waste heat in the system may be limited.

Amendment 10

Proposal from the Commission	Proposal from Swedenergy
7. The right to disconnect or switch supplier may be exercised by individual customers, by joint undertakings formed by customers or by parties acting on the behalf of customers. For multi-apartment blocks, such disconnection may only be exercised at whole building level.	7. The right to disconnect ~~or switch supplier~~ may be exercised by individual customers, by joint undertakings formed by customers or by parties acting on the behalf of customers. For multi-apartment blocks, such disconnection may only be exercised at whole building level.
Justification: *The proposed change is in line with the changes made in paragraph 4.*	
Amendment 11	
Proposal from the Commission	**Proposal from Swedenergy**
8. Member States shall require electricity distribution system operators to assess at least biannually, in cooperation with the operators of district heating or cooling systems in their respective area, the potential of district heating or cooling systems to provide balancing and other system services, including demand response and storing of excess electricity produced from renewable sources and if the use of the identified potential would be more resource- and cost-efficient than alternative solutions.	8. Member States shall require electricity distribution system operators to assess ~~at least biannually~~, in cooperation with the operators of district heating or cooling systems in their respective area, the potential of district heating or cooling systems to provide balancing and other system services, including demand response and storing of excess electricity produced from renewable sources and if the use of the identified potential would be more resource- and cost-efficient than alternative solutions.
Justification: *The meeting frequency of DSO:s and district heating operators should not be regulated. It should be on a need basis. The most important thing in this para is that the two operators are required to meet and explore the potential of using district heating and cooling systems to provide certain services for the power system.*	

Article 26

Sustainability and green house gas emission savings criteria for biofuels, bioliquids and biomass fuels

Amendment 12	
Proposal from The Commission	**Proposal from Swedenergy**
1. ~~Irrespective of whether the raw materials were cultivated inside or outside the territory of the Community,~~ ~~e~~Energy from biofuels, ~~and~~ bioliquids ⇨ and biomass fuels ⇦ shall be taken into account for the purposes referred to in points (a), (b) and (c) only if they fulfil the sustainability criteria set out in paragraphs 2 to 6 ⇨ and the greenhouse gas emissions saving criteria set out in paragraph 7 ⇦ : (a) ~~measuring compliance with the requirements of this Directive concerning national targets;~~ ⇨ contributing towards the Union target and Member States renewable energy share ⇦; (b) measuring compliance with renewable energy obligations ⇨ , including the obligations set out in Articles 23 and 25 ⇦ ; (c) eligibility for financial support for the consumption of biofuels, ~~and~~ bioliquids ⇨ and biomass fuels ⇦ . However, biofuels, ~~and~~ bioliquids ⇨ and biomass fuels ⇦ produced from waste and residues, other than agricultural, aquaculture, fisheries and forestry residues, need only fulfil the ~~sustainability~~ ⇨ greenhouse gas emissions saving ⇦ criteria set out in paragraph ~~2~~7 in order to be taken into account for the purposes referred to in points (a), (b) and (c). ⇨ This provision shall also apply to waste and residues that are first processed into a product before being further processed into biofuels, bioliquids and biomass fuels. ⇦	
Justification: *Swedenergy supports the overall approach taken by the Commission in its proposal on the sustainability criteria for biomass. Swedenergy supports that the compliance should be assessed firstly through national regulation, and secondly – in the case national Scheme is not at place or is not enough- by risk based approach at forest holding level through voluntary schemes such as SBP, FSC or PEFC, whether within or outside the EU (page 50, paragraph 76). These systems are and should be remained as market based. The adherence to EU-wide principles will provide reliable evidence to the public that biomass is a sustainable energy source.*	

We welcome that the Commission will make biomass fuels eligible for financial support. We also support the Commission's aim to set out greenhouse gas emissions saving criteria for biomass.

The proposed sustainability framework allows the use of biomass in a sustainable and responsible manner, enabling the development of the bio economy.

Amendment 13

Proposal from the Commission	**Proposal from Swedenergy**
~~5~~4. Biofuels, ~~and~~ bioliquids ⇨ and biomass fuels produced from agricultural biomass ⇦ taken into account for the purposes referred to in points (a), (b) and (c) of paragraph 1 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 drainage of previously undrained soil~~.	~~5~~4. Biofuels, ~~and~~ bioliquids ⇨ and biomass fuels produced from agricultural biomass ⇦ taken into account for the purposes referred to in points (a), (b) and (c) of paragraph 1 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 drainage of previously undrained soil.**

Justification:

The Commission's proposal penalizes biomass taken from peat lands. Sweden has large surface of peat lands where forest is located on. We suggest that the initial text will be remained.

Amendment 14

Proposal from the Commission	**Proposal from Swedenergy**
5. Biofuels, bioliquids and biomass fuels produced from forest biomass taken into account for the purposes referred to in points (a), (b) and (c) of paragraph 1 shall meet the following requirements to minimise the risk of using unsustainable forest biomass production:	
i) harvesting is carried out in accordance to the conditions of the harvesting permit within legally gazetted boundaries;	i) harvesting is carried out in accordance to the conditions of the harvesting permit **procedure or equivalent proof of legal right to harvest on the national bases** within legally gazetted boundaries;

Justification:

Swedenergy supports that the compliance should be assessed firstly through national regulation, and secondly – in the case national Scheme is not at place or is not enough- by risk based approach at forest holding level through voluntary schemes such as SBP, FSC or PEFC, whether within or outside

the EU (page 50, paragraph 76). These systems are and should be remained as market based. The adherence to EU-wide principles will provide reliable evidence to the public that biomass is a sustainable energy source.

Swedenergy will emphasize that it is important that the national competence regarding forestry policy is respected and to use the established certification systems only in countries where the requirements on national legislation is not fulfilled.

The legal right to harvest is always based on national circumstances and may be based on different approaches. Legal requirements related to harvesting process may contain different parts, which form a permit procedure.

In Sweden that is a country with large forest areas an obligation to introduce harvesting permit would complicate conditions for tracking forestry. Harvesting permit needs to be defined so that it includes the Swedish application.

Amendment 15

Proposal from the Commission	**Propsal from Swedenergy**
ii) forest regeneration of harvested areas takes place;	
iii) areas of high conservation value, including wetlands and peatlands, are protected;	iii) harvesting in areas **designated for protection of biodiversity is carried out in accordance with the protection decision made by national law or by national competent authority** ~~of high conservation value, including wetlands and peatlands, are protected;~~

Justification:

is no established international definition of "areas high conservation value". To avoid confusion Swedenergy proposes definition "areas designated for nature protection purposes by national law or by national competent authority".

Criterion must be written in a form which allows an operator to show the compliance. It may be possible to harvest from the protected areas if the protection decision allows it.

Amendment 16

Propsal from the Commission	**Proposal from Swedenergy**
iv) the impacts of forest harvesting on soil quality and biodiversity are minimised; and	iv) the impacts of forest harvesting on soil quality and biodiversity are ~~minimised~~ **addressed**; and

Justification:

Swedenergy support the Commission's proposal on addressing the risk on biodiversity and soli quality. Criterion must be written in a form which allows an operator to show the compliance.

The compliance should be assessed <u>firstly</u> through national regulation, and <u>secondly</u> – in the case national Scheme is not at place or is not enough- by risk based approach at forest holding level through voluntary schemes such as SBP, FSC or PEFC, whether within or outside the EU (page 50, paragraph 76). These systems are and should be remained as market based. The adherence to EU-wide principles will provide reliable evidence to the public that biomass is a sustainable energy source.

Amendment 17	
Proposal from the Comission	**Proposal from Swedenergy**
v) harvesting does not exceed the long-term production capacity of the forest;	v) harvesting does not exceed the long-term production capacity of the forest **at country level**;
Justification: To fulfill the criterion, national legislation or inventory systems ensure that long-term production capacity is measured and assessed at country level. The criterion must be written in a form which allows an operator to show compliance. Using this approach, Sweden has doubled the forest volume during the past 100 years while simultaneously we have increased the harvesting rate. We welcome the Commission's aim and believe that is the best way to mitigate the climate change while supporting bio economy and sustainable growth.	

Amendment 18	
Proposal from the the Commission	**Proposal from Swedenergy**
i) the forest biomass has been harvested according to a legal permit;	**harvesting is carried out** ~~the forest biomass has been harvested~~ according to ~~a legal permit~~ **the conditions of the harvesting permit procedure or equivalent proof of legal right to harvest;**
Justification: *The legal right to harvest may be based on different approaches depending on the country. Legal requirements related to harvesting process may contain different parts, which form a permit procedure.*	

Amendment 19	
Proposal from the Commission	**Proposal from Swedenergy**
iii) areas of high conservation value, including peatlands and wetlands, are identified and protected;	iii) harvesting in areas **designated for protection of biodiversity is carried out in accordance with the protection decision made by national law or by national competent authority** ~~of high~~

	~~conservation value, including wetlands and peatlands, are protected;~~
Justification: *Criterion must be written in a form which allows an operator to show the compliance. It may be possible to harvest from the protected areas if the protection decision allows it.* *Swedenergy believes that it is important to emphasize that the biomass must not be harvested where extraction of biomass is not consistent with the purpose of protection. At the same time the phrase "including wetlands and peatlands" should be deleted as biomass could only be harvested if it is consistent with the purpose of protection. Sweden has large surface of peat lands where forest is located on.*	
Amendment 20	
Proposal from the Commission	**Proposal from Swedenergy**
(iv) impacts of forest harvesting on soil quality and biodiversity are minimised;	(iv) impacts of forest harvesting on soil quality and biodiversity are ~~minimised~~ **addressed**;
Justification: *Swedenergy support the Commission's proposal on addressing the risk on biodiversity and soli quality. Criterion must be written in a form which allows an operator to show the compliance.*	
Amendment 21	
Proposal from the Commission	**Proposal from Swedenergy**
(v) harvesting does not exceed the long-term production capacity of the forest.	(v) harvesting does not exceed the long-term production capacity of the forest **at country level**.
Justification: *To fulfill the criterion, national legislation or inventory systems ensure that long-term production capacity is measured and assessed at country level. The criterion must be written in a form which allows an operator to show compliance.*	
Amendment 22	
Proposal from the Commission	**Proposal from Swedenergy**
6. Biofuels, bioliquids and biomass fuels produced from forest biomass shall be taken into account for the purposes referred to in points (a), (b) and (c) of paragraph 1 if the country or regional economic integration organisation of origin of the forest biomass meets the following LULUCF requirements:	
(iii) has a national system in place for reporting greenhouse gas emissions and removals from land use	

including forestry and agriculture, which is in accordance with the requirements set out in decisions adopted under the United Nations Framework Convention on Climate Change (UNFCCC) and the Paris agreement;	
When evidence referred to in the first subparagraph is not available, the biofuels, bioliquids and biomass fuels produced from forest biomass shall be taken into account for the purposes referred to in points (a), (b) and (c) of paragraph 1 if management systems are in place at forest holding level to ensure that carbon stocks and sinks levels in the forest are maintained.	When evidence referred to in the first subparagraph is not available, the biofuels, bioliquids and biomass fuels produced from forest biomass shall be taken into account for the purposes referred to in points (a), (b) and (c) of paragraph 1 if management systems are in place at forest holding level to ensure that carbon stocks and sinks levels in the forest are maintained. **Carbon stocks could as an alternative be viewed at the national level conditioning acceptance from national forestry authority.**
Justification: *The goal of this paragraph is to ensure that carbon stocks are maintained or improved and this must be adequately demonstrated. There are various methods to demonstrate that carbon stocks are maintained. Demonstrating that management systems are in place at the forest holding level is one method. Another economical method is, for example, to use national forestry statistics to show that standing forest stocks are maintained or increased over time. Against this background, the means through which compliance can be demonstrated should not be limited to management systems at forest holding level.* *Furthermore, it must be noted that carbon stocks at an individual forest holding level, especially smaller holdings, can vary strongly over time due to individual harvesting events, while the carbon stocks considered in a larger region or the country remains stable or increases. Therefore, carbon stocks should not be viewed at the individual forest holding level but rather at the national level. We believe that the subparagraph would be in line with the NDCs (Nationally Determined Contribution) referred to in subparagraph (ii) where the geographical scope is that of the country.* *Also, it should be noted that short term variations in national carbon stocks (e.g. fire, diseases, harvest correction after an economic down-turn, etc.) are natural and must not be confused with a deviation from the long-term trend of maintaining or increasing carbon stocks.* *In Sweden, harvesting does not exceed the long-term production capacity of the forest.*	
Amendment 23	
Proposal from the Commission	**Proposal from Swedenergy**
By 31 December 2023, the Commission shall assess whether the criteria set out in paragraphs 5 and 6 effectively minimise the risk of using unsustainable forest biomass and address LULUCF requirements, on	By 31 December **2026** ~~2023~~, the Commission shall assess whether the criteria set out in paragraphs 5 and 6 effectively minimise the risk

the basis of available data. The Commission shall, if appropriate, present a proposal to modify the requirements laid down in paragraphs 5 and 6.	of using unsustainable forest biomass and address LULUCF requirements, on the basis of available data. The Commission shall, if appropriate, present a proposal to modify the requirements laid down in paragraphs 5 and 6.
Justification: *supports a stable regulatory and investment framework up to 2030. Predictability is crucial for the power sector. With a 2023 deadline, assessment could start as early as 2021-2022, shortly after the expected entry into force of the Directive. We would rather prefer the review of Article 26 to be done as part of the general review of the Directive in 2026 (Article 30(3)).*	
Amendment 24	
Proposal from the Commission	**Proposal from Swedenergy**
10. For the purposes referred to in points (a), (b) and (c) of paragraph 1, Member States may place additional sustainability requirements for biomass fuels.	10. For the purposes referred to in points (a), (b) and (c) of paragraph 1, Member States may place additional sustainability requirements for biomass fuels. **For the purposes referred to in points (a), (b) and (c) of paragraph 1, Member States shall not refuse to take into account, on other sustainability grounds, biomass obtained in compliance with this Article.**
Justification: *The Commission's proposal means that biomass that is defined as sustainable according to the national legislation in a country may not be considered as sustainable in another country.* *Additional criteria are explicitly prohibited for biofuels and bioliquids (Article 26(9)) and this rule should also apply to biomass fuels.* *Additional sustainability rules for biomass fuels could hamper biomass trade and lead to unequal treatment among economic operators. It can also deter investment in biomass cultivation, biomass-powered electricity and heat generation, as this would give rise to a changing and less predictable regulatory environment.*	
Article 27	
Verification of compliance with the sustainability and green house gas emissions saving criteria for biofuels, bioliquids and biomass fuels	
Amendment 25	
Proposal from the Commissoin	**Proposal from Swedenergy**

3. 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 set out in Article 26(2) to (7) ⇦ and make available to the Member State, on request, the data that were used to develop the 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. The auditing shall verify that the systems used by economic operators are accurate, reliable and protected against fraud. It shall evaluate the frequency and methodology of sampling and the robustness of the data.	3. 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 set out in Article 26(2) to (7) ⇦ and make available to the Member State, on request, the data that were used to develop the 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. The auditing shall verify that the systems used by economic operators are accurate, reliable and protected against fraud. It shall evaluate the frequency and methodology of sampling and the robustness of the data. **Simplifications should be done to keep complexity and cost down, if the biomass is produced in a country that has appropriate national laws and standards for demonstrating sustainable production of forest biomass for energy and conditioning that the sustainability criteria are fullfiled according to the national legislations.**
Justification: *It is essential to ensure that the administrative burden remains at a reasonable level by relying on the already existing systems. The economic operator should be allowed to make reasonable simplifications to keep complexity and cost down. For forest biomass produced in EU- countries with appropriate national forestry legislation, it should be enough to verify the origin on a national level, for example, for the biomass that is produced in Sweden. Otherwise, there is a high risk that the requirement for verification will demote increased use of bioenergy.*	
Justification for change in Annex IV, page 69: *The typical and default values in the Annex VI may result in high risk that **wood chips** with long-distance transport may not be classified as sustainable. It is well-known that the transport distance and the transport means have a major impact on the greenhouse gas savings. It means that there could be a major difference if the transport has been done by sea or road. Thus, the choice of in data for the calculations has substantial impact on the greenhouse gas savings. From the calculations in*	

the Annex VI, It is not clear which kind of transport has been used in the calculations, neither where in the chain the transport has been done. Swedenergy suggest that a report on how calculations are done should be published.

*Greenhouse gas savings for **pellets** (Annex VI) does not meet 80% threshold when using pre-defined fossil fuel comparator. This is caused by emissions from electricity usage for pelletization, for which the carbon intensity of the pre-defined fossil fuel comparator must be used (ANNEX VI.B.11, page 69).*

This means that the carbon intensity of the consumed electricity cannot be influenced by the pellet mill or the pellet user - this is only possible if the pellet mill produces its own electricity only conditioning that the plant is not connected to the electricity grid.

It means that for a pellet mill that does not produce its own electricity the only way to meet the 80/85% savings would be to use less electricity than assumed in the calculation of the typical or default value.

Swedenergy suggests that national electricity mix should also be allowed to be used as typical value for consumed electricity for solid biomass fuel production plants.