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**WK 144/2023 INIT**

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**NOTE**

From:	General Secretariat of the Council
To:	Working Party on Energy
Subject:	Revision of the Renewable Energy Directive: Preparation of next the Interinstitutional Technical Meetings (ITM) with the European Parliament

In view of the Working party on Energy on 10 January, delegations will find in the annex the Presidency non-paper on the revision of the Renewable Energy Directive: Preparation of next the Interinstitutional Technical Meetings (ITM) with the European Parliament.

## **Presidency non-paper**

### **Revision of the Renewable Energy Directive**

#### **Preparation of next the Interinstitutional Technical Meetings (ITM) with the European Parliament**

In view of the upcoming ITM with the European Parliament on the 13<sup>th</sup> of January, the Presidency would like to seek Delegations' views and flexibilities around transport sector, namely Articles 25, 26, 27, 28 and Annexes III, V, VII, IX connected to these Articles.

For the parts of the directive that relates to transport, the Council adopted a position with an overall sectoral target where Member States can choose between a binding target of 13% greenhouse gas intensity reduction or a binding target of at least 29% renewable energy by 2030. In addition to this, as the general approach reintroduced the double-counting for the energy content of biofuels and biogas for transport produced from the feedstock listed in Annex IX and RFNBO, the binding sub-target for advanced biofuels is set at 1% in 2025 and 4.4 % in 2030 and an indicative RFNBO sub-target in transport of 5.2% by 2030.

In the European Parliament's position transport elements significantly depart from the position of the Council, namely:

- EP propose a greenhouse gas intensity reduction of at least 16% by 2030, in accordance with trajectory set by the Member State. The Parliament also proposes a revision clause for the transport GHG-reduction target by 2025 if it is *inter alia* needed to meet the Union's international commitments for decarbonisation.
- EP foresees the possibility to increase the minimum share of advanced biofuels and biogas based on an impact assessment by the Commission if the list of feedstocks set out in Part A and of Annex IX is amended, in accordance with Article 28(6).
- A share of advanced biofuels and biogas in the energy supplied to the transport sector of at least 0,5% in 2025 and at least 2,2% in 2030.

- A binding target for the share of RFNBOs to at least 2,6 % in 2028 and at least 5,7 % in 2030.
- New target of 1.2% of RFNBOs from 2030 to the hard to abate maritime mode.

Against this background, the Presidency would like to seek Delegations' views and flexibilities on the following aspects:

1. Keeping the greenhouse gas intensity reduction target in line with the Council general approach to at least 13 % and the possibility to apply an energy-based target but:
  - a) require the achievement of both targets (the energy-based target could be lowered to match the ambition of the 13% target); and/or
  - b) consider EP's proposal regarding a revision clause for the transport GHG-reduction target by 2025 (or another year); and /or
  - c) introduce a binding target for RFNBOs.
2. Considering an increase of the greenhouse gas intensity reduction target above 13 %, i.e. closer to EP position, whilst:
  - a) keeping the option to set an energy-based target of at least 29%; and/or
  - b) keeping the RFNBO-target non-binding; and / or
  - c) introducing a binding but significantly lower target for RFNBOs.
3. Considering the Parliament proposal that if the list of feedstocks set out in Part A of Annex IX is amended in accordance with Article 28(6), the minimum share of advanced biofuels and biogas produced from the feedstock in the energy supplied to the transport sector shall be increased accordingly and shall be based on an impact assessment by the Commission.