



**COUNCIL OF  
THE EUROPEAN UNION**

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**DS 642/08**

**LIMITE**

**ENER**

**MEETING DOCUMENT**

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from : General Secretariat of the Council

to : Delegations

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No. Cion prop. : 5421/08 ENER 15 ENV 24 TRANS 15 AGRI 15 CODEC 58

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Subject : Proposal for a Directive of the European Parliament and of the Council on the promotion of the use of energy from renewable sources

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Delegations will find attached the DE/PL/UK joint proposal for the flexibility regime. Without prejudice to some concerns expressed and further clarifications required, and pending reflections on potential implications for other related elements of the draft Directive, this joint proposal received broad - sometimes provisional - support from delegations at the Energy Working Party meeting on 16 June.

New text compared to the Commission's proposal is reflected in **bold**, deleted text by []. New text from the joint proposal (or compared to DS 431/2/08 REV 2) is reflected in **bold underlined**.

*Article 3*

*Targets and measures for the use of energy from renewable sources*

1. Each Member State shall ensure that the share of energy from renewable sources in final consumption of energy in 2020 is at least their overall target for the share of energy from renewable sources in that year, as set out in the third column of the table in Part A of Annex I.
2. Member States shall introduce appropriate measures **designed** to ensure that the share of energy from renewable sources equals or exceeds that shown in the indicative trajectory set out in Part B of Annex I.
- 2a. In the absence of an EU-wide support scheme and in order to guarantee that national support schemes are able to pursue the purposes of this Directive effectively, it must be left to each Member State to decide if and to what extent it grants energy from renewable sources which is produced in another Member State the right to benefit from its national support scheme and to decide if and to what extent it grants energy from renewable sources which is produced on its territory the right to benefit from the national support scheme of a different Member State.**
3. Each Member State shall ensure that the share of energy from renewable sources in **all forms of** transport in 2020 is at least 10% of final consumption of energy in transport in that Member State.

In calculating total energy consumed in transport for the purposes of the first subparagraph, petroleum products other than petrol and diesel shall not be taken into account.

## Article 6

### *Guarantees of origin of electricity, heating and cooling produced from renewable energy sources*

1. Member States shall ensure, **for the purposes of disclosure**, that the origin of electricity produced from renewable energy sources, and of heating or cooling produced from renewable energy sources in plants with a capacity of at least 5 MWth, can be guaranteed as such within the meaning of this Directive **according to objective, transparent and non-discriminatory criteria laid down by each Member State**. Member States may arrange for the issue of **guarantees of origin to plants producing heating or cooling from renewable energy sources with a capacity below 5 MWth**.

To that end, Member States shall ensure that a guarantee of origin is issued in response to a request from a producer of renewable energy.  No more than one guarantee of origin shall be issued in respect of each **unit** of energy produced.

**Member States may designate one or more competent bodies, independent of generation, trade, supply, and distribution activities, to supervise the issue of such Guarantees of Origin.**

- 2. Member States or the competent bodies shall put in place appropriate mechanisms to ensure that guarantees of origin are accurate, reliable and fraud-resistant.**

A guarantee of origin shall specify, at least:

- (a) the energy source from which the energy was produced and the starting and ending dates of its production;
- (b) whether the guarantee of origin relates to
  - (i) electricity; or
  - (ii) heating and/or cooling;

- (c) the identity, location, type and capacity of the installation where the energy was produced, and the date of the installation's becoming operational;
- (d) the date and country of issue and a unique identification number.

□

**A guarantee of origin shall serve to enable producers of electricity from renewable energy sources to demonstrate that the electricity they sell is produced from renewable energy sources within the meaning of this directive.**

3. Member States shall recognise guarantees of origin issued by other Member States in accordance with this Directive, **exclusively as proof of the elements referred to in paragraph 2.** A Member State may only refuse to recognise a guarantee of origin when it has well-founded doubts about its accuracy, reliability or veracity. The Member State shall share its information relating to these doubts with the Commission.

**If the Commission finds that a refusal to recognise a guarantee of origin is unfounded, the Commission may adopt a Decision requiring the Member State in question to recognise it. If however the Commission finds the refusal of a guarantee of origin to be well-founded, other Member States may refuse to recognise similar guarantees of origin from the issuing Member State until the grounds for doubts on the accuracy, reliability or veracity are addressed adequately.**

4. Member States **or the competent bodies** shall ensure that all guarantees of origin to be issued in respect of renewable energy generated in a given calendar year are issued, at the latest, three months after the end of that year.

*Article 7*

*Statistical transfers between Member States*

- 1. Member States 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 with the requirements of Article 3 concerning national targets; and**
  - (b) added to the amount of energy from renewable sources that is taken into account in measuring compliance by another Member State with the requirements of Article 3 concerning national targets.**
- 2. Arrangements under paragraph 1 may have effect for one or more years. But they must be notified to the Commission no later than 3 months after the end of the first year in which they take effect.**

*Article 8*

*Joint projects between Member States*

- 1. Two or more Member States may undertake joint projects.**
- 2. Member States shall notify the Commission of a proportion or amount of energy produced by any installations in their territory, that became operational after the date of entry into force of this Directive or were refurbished as regards the the increase of the capacity, and constructed under the provisions of paragraph 1 (or in a third country and supplying the Member State in accordance with article 5(9)) which is to be regarded as counting towards the national target of another Member State for the purposes of measuring compliance with Article 3.**

**3. The notification shall:-**

- (a) describe the proposed installation or identify the refurbished installation;**
- (b) specify the proportion or amount of electricity or heating or cooling produced from the installation which is to be regarded as counting towards the national targets of another Member State;**
- (c) identify the Member State in whose favour the notification is being made;**
- (d) specify the period during which the installation is to be regarded as counting towards the national target of the other Member State.**

**4. The period specified under paragraph 3(d) shall be expressed in whole calendar years and may extend beyond 2020.**

**5. A notification made under this article cannot be varied or withdrawn without the joint agreement of the Member State making the notification and the Member State identified in accordance with paragraph 3(c).**

*Article 9*

***Effects of joint projects between Member States***

**1. Within 3 months of the end of each year falling within the period specified under article 8(3)(d), the Member State having made the notification under article 8 shall issue a letter of notification stating:**

**(a) the total amount of electricity or heating or cooling produced during the year from renewable energy sources by the installation which was the subject of the notification under article 8; and**

**(b) the amount of electricity or heating or cooling produced during the year from renewable energy sources by that installation which is to count towards the national targets of another Member State in accordance with the terms of the notification.**

**2. The Member State shall send the letter of notification to the Member State in whose favour the notification was made, and to the Commission.**

**3. For the purposes of measuring compliance with the requirements of this Directive concerning national targets, the amount of electricity or heating or cooling from renewable energy sources notified in accordance with paragraph 1(b) shall:**

**(a) be deducted from the amount of energy from renewable sources that is taken into account, in measuring compliance by the Member State issuing the letter of notification under paragraph 1; and**

**(b) be added to the amount of energy from renewable sources that is taken into account, in measuring compliance by the Member State receiving the letter of notification in accordance with paragraph 2.**

*Article 10*

**Joint target compliance**

**1. Two or more Member States may agree to combine their targets and establish joint support schemes in order to achieve them jointly.**

**2. [If two or more Member States decide, on voluntary basis, to pursue their targets according to Article 3 jointly, the targets will be calculated jointly for the group of Member States involved as an average of their individual interim and overall minimum targets under Part A and Part B of Annex I, which is weighted with the expected final consumption of energy in each of the Member States involved in the years until 2020.]**  
**FORMULA TO BE DETERMINED**

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