



2021/0213(CNS)

4.2.2025

DRAFT OPINION

of the Committee on Industry, Research and Energy

for the Committee on Economic and Monetary Affairs

on the proposal for a Council directive restructuring the Union framework for the taxation of energy products and electricity (recast)
(COM(2021)0563 – C9-0034/2022 – 2021/0213(CNS))

Rapporteur for opinion: Borys Budka

PA_Legam

SHORT JUSTIFICATION

The **revision of the Energy Taxation Directive** is a necessary tool to reach the climate and energy targets. The Commission proposal is going in the right direction by introducing a new tax rate structure based on energy content and environmental performance and not on volume anymore. The current directive is from 2003 and does not reflect market situation, therefore we need to revise and align the tax rates with our energy and climate goals. There should be no more exemptions and reductions for environmentally harmful activities, while renewables and cleaner technologies should receive the correct price signal. At the same time, the transition should be socially just and reflect a fair distribution of costs between income classes. The most vulnerable households should not bear the cost of the transition.

With those aims in mind, **I am proposing changes in four main areas**, starting from the good basis of the Commission.

First, I propose the creation of **social monitor and energy poverty reporting**. While social policies remain a national competence, Member States should use the higher revenues from taxes to tackle the social consequences of the transitions. Therefore, we introduce periodical reporting by Member States on how they use the increased revenues to tackle direct consequences of the revised taxation. At the same time, we ask the Commission to regularly report on the situation with energy poverty and energy prices in the Member States. Such information will serve for future revisions.

Secondly, we propose to replace the current definition of vulnerable consumers with a **quantitative definition of energy poverty**. The risk of poverty rate is merely catching a low-income condition and does not reflect the multiple dimensions of energy poverty such as energy costs, housing stock and disposable income. Exemptions for people living in a condition of energy poverty are also possible after the end of the transition period.

Third, we strengthen provisions to incentivise the uptake of renewables by making the **tax exemption mandatory**. In this regards, we also encourage innovative activities such as active consumers, PPAs and energy communities by making exemptions also for them. On the other hand, taxation should always apply only to final consumption and the risk of **double taxation has to be eliminated**. Neither energy use within the energy value chain nor any form of conversion and storage should be taxed.

Fourth, we ask the Commission to develop and adopt by a **common certification framework to specify the origin and the source of the electricity** consumed. The digitalization of the electricity grids will help to overcome the technical obstacles. This will also improve transparency for consumers.

AMENDMENTS

The Committee on Industry, Research and Energy submits the following to the Committee on Economic and Monetary Affairs, as the committee responsible:

Amendment 1

Proposal for a directive Recital 3

Text proposed by the Commission

(3) It is necessary to ensure that clear taxation rules for energy products and electricity continue to contribute to the smooth functioning of the internal market while at the same time tackling the climate and environmental-related challenges in the context of the Communication from the Commission ‘The European Green Deal’²⁸. Energy taxation can contribute to the ambition of **at least** 55 % reduction in net greenhouse gas emissions by 2030 compared to 1990, as well as to the objective of zero pollution through the implementation of the polluter-pays principle, by ensuring that the taxation of motor fuels, heating fuels and electricity better reflects the impact they have on the environment and on health. The contribution of energy taxation to those objectives has been endorsed by the Council Conclusions on the EU energy taxation framework²⁹.

²⁸ COM(2019) 640 final of 11 December 2019.

²⁹ 14861/19 of 5 December 2019.

Amendment

(3) It is necessary to ensure that clear taxation rules for energy products and electricity continue to contribute to the smooth functioning of the internal market while at the same time tackling the climate and environmental-related challenges in the context of the Communication from the Commission ‘The European Green Deal’²⁸. Energy taxation can contribute to the ambition of 55 % reduction in net greenhouse gas emissions by 2030 compared to 1990, **the achievement of the renewable and energy efficiency targets** as well as to the objective of zero pollution through the implementation of the polluter-pays principle, by ensuring that the taxation of motor fuels, heating fuels and electricity better reflects the impact they have on the environment and on health. The contribution of energy taxation to those objectives has been endorsed by the Council Conclusions on the EU energy taxation framework²⁹.

²⁸ COM(2019) 640 final of 11 December 2019.

²⁹ 14861/19 of 5 December 2019.

Or. en

Amendment 2

Proposal for a directive Recital 3 a (new)

Text proposed by the Commission

Amendment

(3a) It is essential that this Directive implements the principles stemming from the Union strategy on energy system

integration, hence reflecting in its provisions the cascading priority to first promote energy efficiency and savings throughout the economy, subsequently direct renewable and low carbon electrification and for those applications that cannot be abated by other means the use of sustainable, renewables based fuels as well as enhance used of heat and storage to foster further integration across sectors, thus supporting the energy transition and boosting citizen participation while keeping costs for European authorities and European citizens within affordable limits. Indeed, under the current geopolitical and socioeconomic situation, together with the rise in energy prices and the rate of inflation, it is essential to consider social costs of energy taxation and the different starting points of Member States and provide them with adequate flexibility with regard to the fiscal measures to be taken to respond to the social impact of energy taxation. Low carbon fuels and gases should also be encouraged according to their role in the energy transition.

Or. en

Amendment 3

Proposal for a directive

Recital 4

Text proposed by the Commission

(4) Environmental taxation can be a cost-effective mean for Member States to achieve *the targeted reductions* of greenhouse *gasses*. *The proper functioning of the internal market requires common rules on that taxation.*

Amendment

(4) Environmental taxation can be a cost-effective mean for Member States to *become energy independent*, achieve *improvements in environmental footprint and contribute to the reduction* of greenhouse *gas emissions, increase energy savings and energy efficiency, while spurring the uptake of renewable energy source, which will in turn benefit the Union as a whole.*

Amendment 4

Proposal for a directive

Recital 5

Text proposed by the Commission

(5) Member States should, however, be able to use the energy taxation of motor fuels, heating fuels and electricity for a variety of purposes not necessarily nor specifically or exclusively related to the reduction of greenhouse **gases**.

Amendment

(5) Member States should, however, be able to use the energy taxation of motor fuels, heating fuels and electricity for a variety of purposes not necessarily nor specifically or exclusively related to the reduction of ***environmental footprint and contribution to the reduction of*** greenhouse ***gas emissions***.

Or. en

Amendment 5

Proposal for a directive

Recital 5 a (new)

Text proposed by the Commission

Amendment

(5a) In order to ensure food security and avoid disruption in the food value chain, vehicles intended for the transport of agricultural products intended for food use should be granted a more advantageous tax rates and, thus, be considered as part of the agricultural sector.

Or. en

Amendment 6

Proposal for a directive

Recital 6

Text proposed by the Commission

Amendment

(6) Appreciable differences in the national levels of energy taxation applied by Member States could ***prove detrimental***

(6) Appreciable differences in the national levels of energy taxation applied by Member States could ***affect*** the proper

to the proper functioning of the internal market.

functioning of the internal market *as well as the achievement of the climate and energy goals. The European Court of Auditors also identified that the level of taxation of energy sources does not reflect their greenhouse gas emissions in the European Union^{1a}. In addition, the price of energy products did not reflect the environmental cost of emissions.*

^{1a} *European Court of Auditors, Energy taxation, carbon pricing and energy subsidies, Review 01, January 2022.*

Or. en

Amendment 7

Proposal for a directive Recital 10

Text proposed by the Commission

(10) In the interest of fiscal neutrality, the same minimum levels of taxation should apply for each component of energy taxation, to all energy products put to a given use. ***Where equal minimum levels of taxation are thus set, Member States should, also for reason of fiscal neutrality, ensure equal levels of national taxation on all products concerned.***

Amendment

(10) In the interest of fiscal neutrality, the same minimum levels of taxation should apply for each component of energy taxation, to all energy products put to a given use.

Or. en

Amendment 8

Proposal for a directive Recital 10 a (new)

Text proposed by the Commission

(10a) Member States should be given the flexibility necessary to define and implement policies appropriate to their national circumstances.

Amendment

Or. en

Amendment 9

Proposal for a directive Recital 11

Text proposed by the Commission

(11) Member States should also replicate at any time the ranking of minimum levels of taxation as laid down in the annex in relation to different products for each given use in order to ensure an environmentally tailored structure of rates. The minimum levels of energy taxation should be automatically aligned every year to take into account the evolution of their real value in order to preserve the current level of rate harmonization and therefore reduce the volatility stemming from energy and food prices. This alignment should be made on the basis of the changes in the Union-wide harmonised index of consumer prices excluding energy and unprocessed food as published by Eurostat.

Amendment

deleted

Or. en

Amendment 10

Proposal for a directive Recital 15

Text proposed by the Commission

(15) Energy prices are key elements of energy, transport and environment policies in the Union .

Amendment

(15) Energy prices are key elements of energy, transport and environment policies in the Union. ***In the contexts of high energy prices due to volatility in international fossil fuels markets, Member States could mitigate the increase in retail prices for vulnerable households and microenterprises by, among others, reducing taxes and levies in consumers' energy bills, as foreseen by the Electricity Market Directive (Directive (EU) 2019/944), as also recalled in the***

Communication from the European Commission “Tackling rising energy prices: a toolbox for action and support”.

Or. en

Amendment 11

Proposal for a directive Recital 15 a (new)

Text proposed by the Commission

Amendment

(15a) The possibility of applying differentiated national rates of taxation to the same product should be allowed in certain circumstances or permanent conditions, provided that Union minimum levels of taxation and internal market and competition rules are respected.

Or. en

Amendment 12

Proposal for a directive Recital 17 a (new)

Text proposed by the Commission

Amendment

(17a) Energy taxation should only apply to final consumption, and neither energy use within the energy value chain nor any form of conversion and storage should be taxed. That principle should apply to all forms of energy-conversion processes and to energy products and electricity used for the transport and storage of energy products and electricity. In that context, conversion should be understood as the process of converting one form of energy into another, such as using natural gas to generate electricity or producing hydrogen from electricity or natural gas.

Or. en

Amendment 13

Proposal for a directive Recital 18

Text proposed by the Commission

(18) Energy products used as a motor fuel for certain purposes and those used as heating fuel are normally taxed at lower levels than those applicable to energy products used as a propellant. Electricity should always be among the least taxed energy sources in view of fostering its use, notably in the transport sector. To that purpose, Member States should endeavour to apply the same level of taxation to electricity used to charge electric vehicles as for heating purposes during the necessary time following the entry into force of this Directive.

Amendment

(18) Energy products used as a motor fuel for certain purposes and those used as heating fuel are normally taxed at lower levels than those applicable to energy products used as a propellant. Electricity should always be among the least taxed energy sources in view of fostering its use, notably in the transport **and heating and cooling** sector. To that purpose, Member States should endeavour to apply the same level of taxation to electricity used to charge electric vehicles as for heating **and cooling** purposes during the necessary time following the entry into force of this Directive.

Or. en

Amendment 14

Proposal for a directive Recital 20

Text proposed by the Commission

(20) Energy products should essentially be subject to a Union framework when used as heating fuel or motor fuel. To that extent, it is in the nature and the logic of the tax system to exclude from the scope of the framework dual uses and non-fuel uses of energy products. Electricity used in similar ways should be treated on an equal footing.

Amendment

(20) Energy products should essentially be subject to a Union framework when used as heating fuel or motor fuel. To that extent, it is in the nature and the logic of the tax system to exclude from the scope of the framework dual uses and non-fuel uses of energy products **as well as mineralogical processes**. Electricity used in similar ways should be treated on an equal footing.

Or. en

Amendment 15

Proposal for a directive
Recital 23

Text proposed by the Commission

(23) Fuel used for waterborne navigation, including fishing, should also be taxed, and the Member States party to international agreements providing for the exemption of that fuel, have to, by the date of the application of this Directive, ensure they eliminate the incompatibilities. It is necessary to allow for a different level of taxation to be applied to the use of energy products and electricity for intra-EU waterborne regular service navigation, fishing and freight transport and their respective at berth activities. Considering the specificity of those uses, the minimum levels of taxation should be lower than the ones applicable to general motor fuel use. In order to provide an incentive to the use of sustainable alternative fuels and electricity, such fuels and electricity should be exempted from taxation for ten years. Energy products and electricity used for the remaining intra-EU waterborne navigation should be subject to the standard levels of taxation applicable to motor fuels and electricity in the Member States.

Amendment

(23) Fuel used for waterborne navigation, including fishing, should also be taxed, and the Member States party to international agreements providing for the exemption of that fuel, have to, by the date of the application of this Directive, ensure they eliminate the incompatibilities. It is necessary to allow for a different level of taxation to be applied to the use of energy products and electricity for intra-EU waterborne regular service navigation, fishing and freight transport and their respective at berth activities, ***particularly in islands and outermost regions***. Considering the specificity of those uses, the minimum levels of taxation should be lower than the ones applicable to general motor fuel use. In order to provide an incentive to the use of sustainable alternative fuels and electricity, such fuels and electricity should be exempted from taxation for ten years. Energy products and electricity used for the remaining intra-EU waterborne navigation should be subject to the standard levels of taxation applicable to motor fuels and electricity in the Member States.

Or. en

Amendment 16

Proposal for a directive
Recital 26

Text proposed by the Commission

(26) In particular, highly efficient combined heat and power generation and, in order to promote the use of alternative energy sources, renewable forms ***of*** energy may qualify for preferential treatment.

Amendment

(26) In particular, highly efficient combined heat and power generation and, in order to promote the use of alternative energy sources, renewable forms ***and base-load and flexible power generation*** energy may qualify for preferential treatment.

Amendment 17

Proposal for a directive Recital 26 a (new)

Text proposed by the Commission

Amendment

(26a) The Union should consider measures that without having an immediate impact on the current situation, will strengthen preparedness for possible future price shocks, increase market integration and resilience, empower consumers, enhance access to affordable and sustainable energy and reduce the dependence on fossil fuels.

Or. en

Amendment 18

Proposal for a directive Recital 26 b (new)

Text proposed by the Commission

Amendment

(26b) In order to ensure smooth implementation of this Directive and to tackle the shocks of the increased current prices, the Union should continue to develop measures to facilitate an energy system with high shares of renewable energy, including through adequate storage, cross-border interconnectors, base-load and flexible power generation, thus offsetting possible temporary supply shortages or surpluses.

Or. en

Amendment 19

Proposal for a directive Recital 26 c (new)

Text proposed by the Commission

Amendment

(26c) The importance of balanced energy mix should be emphasised in view of energy transition process in order to improve the energy efficiency and become less dependent on imports, especially oil and natural gas. Nevertheless, decisions on the energy mix remain a competence of Member States.

Or. en

Amendment 20

Proposal for a directive Recital 26 d (new)

Text proposed by the Commission

Amendment

(26d) It is desirable to allow Member States to exempt or reduce excise duties so as to promote renewables, including biomass fuels, thereby contributing to the better functioning of the internal market and affording Member States and economic operators a sufficient degree of legal certainty. Distortions of competition should be limited and the incentive of a reduction in the basic costs for producers and distributors of biofuels should be maintained through, inter alia, the adjustments by Member States taking into account changes in raw material prices.

Or. en

Amendment 21

Proposal for a directive Recital 27

Text proposed by the Commission

Amendment

(27) Targeted reductions in the tax level may prove necessary to incentivise the achievement of environmental protection

(27) Targeted reductions in the tax level may prove necessary to incentivise the achievement of environmental protection

objectives and improvements in energy efficiency of the Union productive sector.

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In this regard, businesses that voluntarily commit to increase climate protection and energy efficiency substantially deserve attention. Among these enterprises, energy-intensive enterprises should receive reductions in the level of taxation. Such reductions should therefore be linked to the implementation of measures by beneficiaries towards achieving circular, zero pollution, highly energy efficient and renewable based operations in line with the provisions of the 2022 Climate, Energy and Environment State Aid Guidelines.

Or. en

Amendment 22

Proposal for a directive Recital 27 a (new)

Text proposed by the Commission

Amendment

(27a) By contributing to a reduction in GHG emissions and energy dependency and to providing flexibility to the grids, energy communities and prosumers self-producing renewable energy are an essential cornerstone of the energy transition. In order to incentivise such practices in all Member States, self-produced electricity should be exempted from taxation.

Or. en

Amendment 23

Proposal for a directive Recital 28

Text proposed by the Commission

Amendment

(28) Targeted reductions in the tax level may prove necessary to tackle the social impact of energy taxes. An exemption from

(28) Targeted reductions in the tax level may prove necessary to tackle the social impact of energy taxes. An exemption from

taxation may *temporarily* prove necessary to protect *vulnerable* households.

taxation may prove necessary to protect households *living in a condition of energy or transport poverty. Energy is essential and access to energy services is a basic social right. Energy poverty should be considered as the inability of a household to support a level of energy supply adequate to guarantee basic levels of comfort and health, possibly due to one or more of the following factors: low income, high-energy prices and low quality, poor performing housing stock. Households should be able to afford the heating, cooling and electricity needed for a decent quality of life and to live in a healthy indoor environment in both warm and cold seasons. In that regard, energy poverty could also encompass those households that spend a large share of their disposable income on energy services, those that are at risk of poverty after deducting housing and energy costs, as well as those obliged to reduce their energy expenditures due to their income conditions. The quality of housing stock could also be a criterion defining a condition of energy poverty.*

Or. en

Amendment 24

Proposal for a directive Recital 28 a (new)

Text proposed by the Commission

Amendment

(28a) The implementation of this Directive may have socio-economic consequences as well as a diverse impact between different parts of the population and Member States. In this regard, a Social Monitor is established by this Directive to assess the implementation of the Directive and its impact in the different Member States, regions and different parts of the population. The Social Monitor will assign reporting obligations to both the Commission and

Member States. While the Commission will provide a more holistic overview, also in relation with the evolution of energy prices, Member States will describe the social measures taken to ease the potential socio-economic consequences of the Directive, with a special emphasis on the state of energy poverty. According to the assessments of the Social Monitor, if no significant progress is made to mitigate energy poverty, Member States might decide to prolong the transition period for households living in a condition, or being at risk, of energy poverty and transport poverty.

Or. en

Amendment 25

Proposal for a directive Recital 28 b (new)

Text proposed by the Commission

Amendment

(28b) To empower citizens and consumers in the energy transition, and facilitate investment in energy efficiency and renewable energy sources, taxation should incentivise local self-production, storage, sharing, and consumption of renewable energy, both individually and jointly. In this way, renewable energy communities, as an organisational concept aimed at allowing households, including vulnerable and poor ones, SMEs, start-ups and local authorities to collaborate to take ownership in the energy transition, should also be promoted.

Or. en

Amendment 26

Proposal for a directive Recital 29

Text proposed by the Commission

(29) In view of the financial, economic and environmental effects on each Member State, such as the need of **electrification** of the transport sector, it is necessary to provide for a procedure authorising the introduction by Member States, for a set period, of other exemptions or reduced levels of taxation. For reasons of protection of environment and human health, including the reduction of air pollution, it is necessary to provide for a procedure authorising the introduction by Member States, for a set period, of specific increased rates. Such authorisation, following a justified request by Member States and on a proposal from the Commission, should be adopted by means of a Council implementing decision in accordance with Article 291 of the TFEU. Such measures should be under regular review.

Amendment

(29) In view of the financial, economic and environmental effects on each Member State, such as the need of **decarbonisation** of the transport sector, it is necessary to provide for a procedure authorising the introduction by Member States, for a set period, of other exemptions or reduced levels of taxation. For reasons of protection of environment and human health, including the reduction of air pollution, it is necessary to provide for a procedure authorising the introduction by Member States, for a set period, of specific increased rates. Such authorisation, following a justified request by Member States and on a proposal from the Commission, should be adopted by means of a Council implementing decision in accordance with Article 291 of the TFEU. Such measures should be under regular review.

Or. en

Amendment 27

**Proposal for a directive
Recital 30**

Text proposed by the Commission

(30) The list of energy products subject to the control and movement provisions of Council Directive 2008/118/EC³³ should include selected energy products, in order to ensure a unified and standardised treatment of those products and to take into account the risk of tax evasion, avoidance **or abuse**.

Amendment

(30) The list of energy products subject to the control and movement provisions of Council Directive 2008/118/EC³³ should include selected energy products, in order to ensure a unified and standardised treatment of those products and to take into account the risk of tax evasion **or tax** avoidance.

³³ Council Directive 2008/118/EC of 16 December 2008 concerning the general arrangements for excise duty and repealing Directive 92/12/EEC (OJ L 9, 14.1.2009, p.

³³ Council Directive 2008/118/EC of 16 December 2008 concerning the general arrangements for excise duty and repealing Directive 92/12/EEC (OJ L 9, 14.1.2009, p.

12).

12).

Or. en

Amendment 28

Proposal for a directive Recital 34

Text proposed by the Commission

(34) In order to ensure uniform conditions for the implementation of this Directive, implementing powers should be conferred on the Commission to determine whether the control and movement provisions of Directive 2008/118/EC are to apply to the products giving rise to evasion, avoidance *or abuse*. Those powers should be exercised in accordance with Regulation (EU) No 182/2011 of the European Parliament and of the Council³⁴.

³⁴ Regulation (EU) No 182/2011 of the European Parliament and of the Council of 16 February 2011 laying down the rules and general principles concerning mechanisms for control by Member States of the Commission's exercise of implementing powers (OJ L 55, 28.2.2011, p. 13).

Amendment

(34) In order to ensure uniform conditions for the implementation of this Directive, implementing powers should be conferred on the Commission to determine whether the control and movement provisions of Directive 2008/118/EC are to apply to the products giving rise to *tax* evasion *or tax* avoidance. Those powers should be exercised in accordance with Regulation (EU) No 182/2011 of the European Parliament and of the Council³⁴.

³⁴ Regulation (EU) No 182/2011 of the European Parliament and of the Council of 16 February 2011 laying down the rules and general principles concerning mechanisms for control by Member States of the Commission's exercise of implementing powers (OJ L 55, 28.2.2011, p. 13).

Or. en

Amendment 29

Proposal for a directive Recital 35

Text proposed by the Commission

(35) Reference should be made to the version presently applicable of the Combined Nomenclature. In order to ensure that the references to Combined Nomenclature (CN) codes in this Directive are updated whenever necessary, *and that*

Amendment

(35) Reference should be made to the version presently applicable of the Combined Nomenclature. In order to ensure that the references to Combined Nomenclature (CN) codes in this Directive are updated whenever necessary, the power

the minimum rates of taxation reflect prices evolution, the power to adopt acts in accordance with Article 290 of the TFEU should be delegated to the Commission in respect of updating the reference to those CN codes, ***and in respect of updating the minimum tax rates based on yearly variations of the consumer price index***. It is of particular importance that the Commission carry out appropriate consultations during its preparatory work, including at expert level, and that those consultations be conducted in accordance with the principles laid down in the Interinstitutional Agreement of 13 April 2016 on Better Law-Making. In particular, to ensure equal participation in the preparation of delegated acts, the Council receives all documents at the same time as Member States' experts, and their experts systematically have access to meetings of Commission expert groups dealing with the preparation of delegated acts.

to adopt acts in accordance with Article 290 of the TFEU should be delegated to the Commission in respect of updating the reference to those CN codes. It is of particular importance that the Commission carry out appropriate consultations during its preparatory work, including at expert level, and that those consultations be conducted in accordance with the principles laid down in the Interinstitutional Agreement of 13 April 2016 on Better Law-Making. In particular, to ensure equal participation in the preparation of delegated acts, the Council receives all documents at the same time as Member States' experts, and their experts systematically have access to meetings of Commission expert groups dealing with the preparation of delegated acts.

Or. en

Amendment 30

Proposal for a directive Recital 36

Text proposed by the Commission

(36) Every five years and for the first time five years after the entry into force of this Directive, the Commission should report to the Council on the application of this Directive, examining in particular the minimum levels of taxation, the impact of innovation and technological developments, especially as regards energy efficiency, the use of electricity in transport and the justification for the exemptions, reductions and differentiations laid down in this Directive. The report should take into account the ***proper functioning of the internal market, environmental and social considerations, the real value of the minimum levels of taxation and the wider***

Amendment

(36) Every five years and for the first time five years after the entry into force of this Directive, the Commission should report to the ***European Parliament and the Council*** on the application of this Directive, examining in particular the minimum levels of taxation, the impact ***and market accessibility*** of innovation and technological developments, especially as regards energy efficiency, the use of electricity in transport and the justification for the exemptions, reductions and differentiations laid down in this Directive. The report should ***also*** take into account the ***technological development for tracking the origin of electricity consumed***

relevant objectives of the Treaties.

by the final user and to assess possible distinct tax rates.

Or. en

Amendment 31

Proposal for a directive

Article 1 – paragraph 2 – subparagraph 1

Text proposed by the Commission

Where Directive 2012/27/EU or Directive (EU) 2018/2001, as the case may be, do not contain a net calorific value for the product concerned, Member States shall refer to relevant available information on its net calorific value.

Amendment

Where Directive 2012/27/EU or Directive (EU) 2018/2001, as the case may be, do not contain a net calorific value for the product concerned, Member States shall refer to relevant available information on its net calorific value. ***The Commission shall add a conversion table per each energy product and electricity summarizing energy content-based minimum rates per volume unit.***

Or. en

Amendment 32

Proposal for a directive

Article 2 – paragraph 4 – subparagraph 2

Text proposed by the Commission

For the purposes of this Directive, ‘advanced’ biogas, bioliquids and products falling within CN codes 4401 and 4402 shall mean products produced from the feedstock listed in part A of Annex IX to Directive (EU) 2018/2001. Biofuels, biogas and bioliquids produced from the feedstock listed in part B of Annex IX to that Directive shall be considered equivalent to advanced products.

Amendment

For the purposes of this Directive, ‘advanced’ biogas, bioliquids and products falling within CN codes 4401 and 4402 shall mean products produced from the feedstock listed in part A of Annex IX to Directive (EU) 2018/2001. Biofuels, biogas and bioliquids produced from the feedstock listed in part B of Annex IX to that Directive shall be considered equivalent to advanced products ***up to national consumption levels consistent with the cap set out in Article 27(1)(b) of that Directive.***

Or. en

Amendment 33

Proposal for a directive

Article 2 – paragraph 5 – point b

Text proposed by the Commission

(b) ‘low-carbon fuels’ shall mean *low-carbon hydrogen and synthetic gaseous and liquid fuels the energy content of which is derived from low-carbon hydrogen, as well as any fossil-based fuels, which meet the technical screening criteria for determining the conditions under which a specific economic activity qualifies as contributing substantially to climate change mitigation according to Article 10 of Regulation (EU) 2020/852 of the European Parliament and of the Council³⁶ and Annex I to Delegated Regulation (EU) [...]/³⁷. ‘Recycled Carbon Fuels’, as defined by Article 2(35) of Directive (EU) 2018/2001, shall be included in this category.*

³⁶ *Regulation (EU) 2020/852 of the European Parliament and of the Council of 18 June 2020 on the establishment of a framework to facilitate sustainable investment, and amending Regulation (EU) 2019/2088 (OJ L 198, 22.6.2020, p. 13)*

³⁷ *Commission Delegated Regulation (EU) [...]/³⁷ supplementing Regulation (EU) 2020/852 of the European Parliament and of the Council by establishing the technical screening criteria for determining the conditions under which an economic activity qualifies as contributing substantially to climate change mitigation or climate change adaptation and for determining whether that economic activity causes no significant harm to any of the other environmental objectives, C/2021/2800 final (OJ [...], p.[...]).*

Amendment

(b) ‘low-carbon fuels’ shall mean *low carbon fuels as defined in the [Directive on common rules for the internal markets in renewable and natural gases and in hydrogen COM/2021/803] and recycled carbon fuels as defined in Article 2, point (35), of Directive (EU) 2018/2001.*

Or. en

Amendment 34

Proposal for a directive

Article 2 – paragraph 8 – subparagraph 2

Text proposed by the Commission

Those delegated acts shall not result in any changes in the minimum tax rates set in this Directive or in the addition or removal of any energy products and electricity.

Amendment

Those delegated acts shall not result in any changes in the minimum tax rates set in this Directive or in the addition or removal of any energy products and electricity. ***The Commission shall attach codes of the Combined Nomenclature to Annex I.***

Or. en

Amendment 35

Proposal for a directive

Article 3 – paragraph 1 – point b – indent 2 – subparagraph 1

Text proposed by the Commission

An energy product has a dual use when it is used both as heating fuel and for purposes other than as motor fuel and heating fuel. The use of energy products for chemical reduction and in electrolytic and metallurgical *processes*, when energy products are used directly in or to provide a direct energy input to the process, or their consumption is connected to the process, shall be regarded as dual use,

Amendment

An energy product has a dual use when it is used both as heating fuel and for purposes other than as motor fuel and heating fuel. The use of energy products for chemical reduction and in electrolytic and metallurgical *process, including various hydrogen production methods, such as methane pyrolysis or carbon capture, storage and utilisation* when energy products are used directly in or to provide a direct energy input to the process, or their consumption is connected to the process, shall be regarded as dual use,

Or. en

Amendment 36

Proposal for a directive

Article 3 – paragraph 1 – point b – indent 2 – paragraph 1 – indent 1 (new)

Text proposed by the Commission

Amendment

- ***mineralogical processes, which shall mean the processes classified in the NACE nomenclature under code 23 'manufacture of other non-metallic mineral products' in Regulation (EC) No 1893/2006 on the statistical classification of economic activities in the European Community;***

Or. en

Amendment 37

Proposal for a directive

Article 5 – paragraph 1 – subparagraph 2

Text proposed by the Commission

For the purposes of ranking mentioned in the first subparagraph, electricity shall be considered together with other motor fuels and heating fuels indicated in Tables B and C of Annex I, except when Member States apply a specific level of taxation to electricity used to charge electric vehicles, in which case electricity shall be considered together with motor fuels indicated in Table A of Annex I, unless otherwise specified in this Directive.

Amendment

For the purposes of ranking mentioned in the first subparagraph, electricity shall be considered together with other motor fuels and heating fuels indicated in Tables B and C of Annex I, except when Member States apply a specific level of taxation to electricity used to charge electric ***and plug-in hybrid*** vehicles, in which case electricity shall be considered together with motor fuels indicated in Table A of Annex I, unless otherwise specified in this Directive.

Or. en

Amendment 38

Proposal for a directive

Article 5 – paragraph 2

Text proposed by the Commission

2. The minimum levels of taxation laid down in this Directive shall be adapted every year starting from 1 January 2024 to take account of the changes in the harmonised index of consumer prices excluding energy and

Amendment

deleted

unprocessed food as published by Eurostat. The minimum levels shall be adapted automatically, by increasing or decreasing the base amount in euro by the percentage change in that index over the preceding calendar year.

The Commission is empowered to adopt delegated acts in accordance with Article 29 to amend the minimum levels of taxation as referred to in the first subparagraph.

Or. en

Amendment 39

Proposal for a directive Article 7 – paragraph 2

Text proposed by the Commission

Without prejudice to Article 5(2), when a transitional period is applicable as provided for in Table A of Annex I, the increase in the minimum levels of taxation shall be fixed at one tenth per year until 1 January 2033. For low-carbon fuels, the minimum level of taxation set for the first year of the transitional period shall apply until 1 January 2033.

Amendment

Without prejudice to Article 5(2), when a transitional period is applicable as provided for in Table A of Annex I, the **gradual** increase in the minimum levels of taxation shall be fixed at one tenth per year until 1 January 2033. For low-carbon fuels, the minimum level of taxation set for the first year of the transitional period shall apply until 1 January 2033.

Or. en

Amendment 40

Proposal for a directive Article 8 – paragraph 1 – subparagraph 1

Text proposed by the Commission

Without prejudice to Article 5(2), when a transitional period is applicable as provided for in Table B of Annex I, the increase in the minimum levels of taxation shall be fixed at one tenth per year until 1 January 2033. For low-carbon fuels, the minimum level of taxation set for the first year of the transitional period shall apply until 1

Amendment

Without prejudice to Article 5(2), when a transitional period is applicable as provided for in Table B of Annex I, the **gradual** increase in the minimum levels of taxation shall be fixed at one tenth per year until 1 January 2033. For low-carbon fuels, the minimum level of taxation set for the first year of the transitional period shall apply

January 2033.

until 1 January 2033.

Or. en

Amendment 41

Proposal for a directive Article 8 – paragraph 2 – point d a (new)

Text proposed by the Commission

Amendment

(da) vehicles in remote regions and islands without properly developed public transport services.

Or. en

Amendment 42

Proposal for a directive Article 9 – paragraph 2

Text proposed by the Commission

Amendment

Without prejudice to Article 5(2), when a transitional period is applicable as provided for in Table C of Annex I, the increase in the minimum levels of taxation shall be fixed at one tenth per year until 1 January 2033. For low-carbon fuels, the minimum level of taxation set for the first year of the transitional period shall apply until 1 January 2033.

Without prejudice to Article 5(2), when a transitional period is applicable as provided for in Table C of Annex I, the ***gradual*** increase in the minimum levels of taxation shall be fixed at one tenth per year until 1 January 2033. For low-carbon fuels, the minimum level of taxation set for the first year of the transitional period shall apply until 1 January 2033.

Or. en

Amendment 43

Proposal for a directive Article 13 – paragraph 2

Text proposed by the Commission

Amendment

2. By derogation from paragraph 1, Member States may, for reasons of environmental policy, subject the products referred to in paragraph 1 to taxation without having to respect the minimum

2. By derogation from paragraph 1, Member States may, for reasons of environmental policy, subject the products referred to in paragraph 1 to taxation without having to respect the minimum

levels of taxation laid down in this Directive. ***In such case, the taxation of those products shall replicate the ranking between the minimum levels of taxation as laid down in Annex I and shall not be taken into account for the purposes of satisfying the minimum level of taxation on electricity laid down in Article 10.***

levels of taxation laid down in this Directive.

Or. en

Amendment 44

Proposal for a directive Article 16 – paragraph 1 – introductory part

Text proposed by the Commission

Without prejudice to other Union provisions, Member States ***may*** apply under fiscal control exemptions or reductions in the level of taxation to:

Amendment

Without prejudice to other Union provisions, Member States ***shall*** apply under fiscal control exemptions or reductions in the level of taxation to:

Or. en

Amendment 45

Proposal for a directive Article 16 – paragraph 1 – point a

Text proposed by the Commission

(a) taxable products used under fiscal control in the field of pilot projects for the technological development of ***more environmentally-friendly products or in relation to fuels from renewable resources***;

Amendment

(a) taxable products used under fiscal control in the field of pilot projects for the technological development of ***sustainable renewable energy products***;

Or. en

Amendment 46

Proposal for a directive Article 16 – paragraph 1 – point b – indent 5

Text proposed by the Commission

— generated from fuel cells;

Amendment

— generated from fuel cells ***powered by renewable fuels of non-biological origin;***

Or. en

Amendment 47

Proposal for a directive

Article 16 – paragraph 1 – point b – indent 5 a (new)

Text proposed by the Commission

Amendment

- ***energy from renewable sources that are produced, consumed, stored, or shared by renewables self-consumers, jointly acting renewables self-consumers and final household and SMEs customers that participate as a member or shareholder in a renewable energy community, as defined in Directive (EU) 2018/2001;***

Or. en

Amendment 48

Proposal for a directive

Article 16 – paragraph 1 – point b – paragraph 1

Text proposed by the Commission

Amendment

Member States may also refund to the producer some or all of the amount of tax paid by the consumer on electricity produced from products specified in this ***paragraph.***

Member States may also refund to the producer, ***including renewable self-consumers, jointly-acting renewables self-consumers, and final household customers that participate as a member or shareholder in a renewable energy community,*** some or all of the amount of tax paid by the consumer on electricity produced from products specified in this ***point.***

Or. en

Amendment 49

Proposal for a directive Article 16 – paragraph 1 – point c

Text proposed by the Commission

Amendment

(c) electricity produced from combined heat and power generation, provided that cogeneration by the combined generators is high-efficiency cogeneration as defined in Article 2, point (34), of Directive 2012/27/EU. ;

deleted

Or. en

Amendment 50

Proposal for a directive Article 16 – paragraph 1 – point e

Text proposed by the Commission

Amendment

(e) products falling within CN code 2705 used for heating purposes.

deleted

Or. en

Amendment 51

Proposal for a directive Article 16 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

Member States may apply under fiscal control total or partial exemptions or reductions in the level of taxation to:

(a) electricity produced from combined heat and power generation, provided that cogeneration by the combined generators is high-efficiency cogeneration as defined in Article 2, point (34), of Directive 2012/27/EU and already meets the related criteria on the date of entry into force of this Directive;

(b) products falling within CN code 2705

used for heating purposes.

Or. en

Amendment 52

Proposal for a directive

Article 16 – paragraph 1 b (new)

Text proposed by the Commission

Amendment

Member States shall exempt consumers under renewable energy purchase agreement, energy communities and active consumers whose self-production of electricity derives from products specified in this Article.

Or. en

Amendment 53

Proposal for a directive

Article 17 – paragraph 1 – point c – subparagraph 2

Text proposed by the Commission

Amendment

For the purposes of point (c), energy products and electricity used by households ***recognised as vulnerable*** may be exempt for a maximum period of ten years after the entry into force of this Directive. ***For the purposes of this paragraph, ‘vulnerable households’ shall mean households significantly affected by the impacts of this Directive which, for the purpose of this Directive, means that they are below the ‘at risk of poverty’” threshold, defined as 60% of the national median equivalised disposable income.***

For the purposes of point (c), energy products and electricity used by households ***living in a condition of or at risk of energy poverty as defined in the Energy Efficiency Directive or in a condition of transport poverty or living who are also below the 60 % of the national median equivalised disposable income*** shall be exempt for a maximum period of ten years after the entry into force of this Directive.

Or. en

Amendment 54

Proposal for a directive

Article 17 – paragraph 1 – point c – subparagraph 2 a (new)

Text proposed by the Commission

Amendment

As set out in the proposal for a [Directive of the European Parliament and of the Council on energy efficiency (recast) (COM(2021)558)], energy poverty means a household's inability linked to the non-affordability to meet its basic energy supply needs and lack of access to essential energy services as to guarantee basic levels of comfort and health, a decent standard of living, including adequate heating and cooling, lighting, and energy to power appliances, in the relevant national context, existing social policy and other relevant policies, as a result of an insufficient disposable income.

Or. en

Amendment 55

Proposal for a directive

Article 17 – paragraph 1 – point c – subparagraph 2 b (new)

Text proposed by the Commission

Amendment

For the purpose of this Directive, households living in a condition of or at risk of energy poverty may be identified using the following criteria:

(a) the share of energy costs to the disposable income, after deduction of housing costs, is more than double the national median share;

(b) the share of disposable income spent on energy services is above the median and the disposable income after energy and housing costs is equal or falls below the “risk of poverty” threshold;

(c) the absolute energy expenditure is lower than half the national median energy expenditure;

(d) total population living in a dwelling with a leaking roof, damp walls, floors or

foundation, or rot in window frames or floor.

Or. en

Amendment 56

Proposal for a directive

Article 17 – paragraph 1 – point c – subparagraph 2 c (new)

Text proposed by the Commission

Amendment

After the end of the transition period, if according to the Social Monitor as set out in Article 30a no significant progress has been made, Member States shall continue to exempt households recognised in a condition of or at risk of energy poverty.

Or. en

Amendment 57

Proposal for a directive

Article 17 – paragraph 1 – point d a (new)

Text proposed by the Commission

Amendment

(da) reductions in the level of taxation, which shall not fall below the minimum levels set out in Table B of Annex I to this Directive, for energy products with a market share of less than 1 % in that Member State.

Or. en

Amendment 58

Proposal for a directive

Article 18 – paragraph 1 – point b – paragraph 1 a (new)

Text proposed by the Commission

Amendment

Beneficiaries or associations of beneficiaries shall commit to achieving highly energy-efficient, circular, zero-pollution and renewable based business

operation through actions which may relate, among other things, to a reduction in energy consumption, the uptake of renewable energy source or a reduction in emissions and other pollutants.

Or. en

Amendment 59

Proposal for a directive Article 22 – paragraph 4 – subparagraph 1

Text proposed by the Commission

For the purposes of the first subparagraph, electricity storage facilities and transformers of electricity *may* be considered as redistributors when they supply electricity.

Amendment

For the purposes of the first subparagraph, electricity storage facilities, *including electric vehicles, batteries owned by active consumers or renewable energy communities* and transformers of electricity *shall* be considered as redistributors when they supply electricity *and shall not be subject to any double taxation.*

Or. en

Amendment 60

Proposal for a directive Article 25 – paragraph 1

Text proposed by the Commission

1. Energy products released for consumption in a Member State, contained in the standard tanks of commercial motor vehicles and intended to be used as fuel by those same vehicles, as well as in special containers, and intended to be used for the operation, during the course of transport, of the systems equipping those same containers shall not be subject to taxation in any other Member State.

Amendment

1. Energy products released for consumption in a Member State, contained in the standard tanks of commercial motor vehicles and intended to be used as fuel by those same vehicles, as well as in special containers, and intended to be used for the operation, during the course of transport, of the systems equipping those same containers shall *be taxed once at origin and* not be subject to taxation in any other Member State.

Or. en

Amendment 61

Proposal for a directive Article 26 a (new)

Text proposed by the Commission

Amendment

Article 26a

Reporting for the Commission - Social monitor

By ... [two years after the date of entry into force of this Directive] and every two years thereafter, the Commission shall adopt and make publicly available a report providing detailed assessments of the situation of energy prices in Member States and on the Union market and of the effects of this Directive thereon.

That Report shall include all relevant facts and figures covering developments in energy prices, as well as an assessment of the effects of the implementation of this Directive on those prices, with special emphasis on households living in the condition of or at risk of energy poverty as defined in this Directive.

The Commission shall in this respect take into consideration the different starting positions of Member States and assess possible extensions of the transitional period and exemptions. This shall specifically apply to justified cases related to households living in the condition of energy poverty to prevent inadequate price jumps that may occur after the end of the transitional period.

The Commission in cooperation with Member States shall use the criteria set out in this Directive to identify and report on the number of households that are living in energy poverty.

Or. en

Amendment 62

Proposal for a directive Article 29 – paragraph 4 a (new)

Text proposed by the Commission

Amendment

4a. Before adopting the delegated act, the Commission shall inform the European Parliament of the composition of the experts' committee, the state of play and the result of the consultation process with the experts.

Or. en

Amendment 63

Proposal for a directive Article 29 – paragraph 6

Text proposed by the Commission

Amendment

6. A delegated act adopted pursuant to Article 2(8) **and Article 5(2)** shall enter into force only if no objection has been expressed by the Council within a period of two months of notification of that act to the Council or if, before the expiry of that period, the Council have informed the Commission that it will not object. That period shall be extended by two months at the initiative of the Council.

6. A delegated act adopted pursuant to Article 2(8) shall enter into force only if no objection has been expressed by the Council within a period of two months of notification of that act to the Council or if, before the expiry of that period, the Council have informed the Commission that it will not object. That period shall be extended by two months at the initiative of the Council.

Or. en

Amendment 64

Proposal for a directive Article 30 a (new)

Text proposed by the Commission

Amendment

Article 30a

Reporting for the Member States - Social monitor

By ... [two years after the date of entry into force of this Directive] and every two

years thereafter, Member States shall report to the Commission on the implementation of social measures directly or indirectly linked to the effects of this Directive.

Such report shall include at least:

(a) the ratio of the actual amount of increased revenues passed to MS' national budget as a result of revised energy taxation to the amount of resources used on social measures tackling.

(b) energy prices developments and relevant data available covering or mapping the energy poverty and risk of energy poverty per region, per household, and per income group

(c) a detailed mapping of social instruments and measures implemented in the MS tackling the socio-economic consequences linked to the application of this revision.

In order to avoid excessive administrative burden, Member State may combine this Report into existing frameworks such as the National Climate and Energy Plan or the National Reform Programme.

Or. en

Amendment 65

Proposal for a directive Article 31 – paragraph 1

Text proposed by the Commission

Every five years *and for the first time five years after 1 January 2023*, the Commission shall submit to the Council a report on the application of this Directive.

Amendment

Every five years, the Commission shall *perform a review of this Directive and* submit to *the European Parliament and* the Council a report on the application of this Directive.

Or. en

Amendment 66

Proposal for a directive Article 31 – paragraph 2

Text proposed by the Commission

The report by the Commission shall, inter alia, examine the minimum levels of taxation, the impact of innovation and technological developments, in particular as regards energy efficiency, the *use* of electricity in transport and the justification for the exemptions, reductions and differentiations laid down in this Directive. The report shall take into account the proper functioning of the internal market, environmental and social considerations, the real value of the minimum levels of taxation and the relevant wider objectives of the Treaties.

Amendment

The report by the Commission shall ***consider to***, inter alia, examine the minimum levels of taxation, ***in particular whether the minimum levels of taxation should be revised or expanded to reflect the carbon content and air pollution of energy products***, the impact ***and market accessibility*** of innovation and technological developments, in particular as regards energy efficiency, the ***market accessibility and the use of renewable fuels and*** of electricity in transport, ***buildings and industry*** and the justification for the exemptions, reductions and differentiations laid down in this Directive. The report shall take into account the proper functioning of the internal market, environmental and social considerations, the real value of the minimum levels of taxation, ***the effects of this Directive on the economic, social and territorial cohesion of Member States and regions that solely rely on aviation and maritime transport as well as*** and the relevant wider objectives of the Treaties.

Or. en