



**COUNCIL OF
THE EUROPEAN UNION**

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NOTE

from : General Secretariat of the Council

to : Coreper/Council

No. Cion prop. : 15189/12 ENV 789 ENER 417 ENT 257 TRANS 346 AGRI 686 POLGEN 170
CODEC 2432 + ADD 1-2

Subject : Proposal for a Directive of the European Parliament and of the Council
amending Directive 98/70/EC relating to the quality of petrol and diesel fuels and
amending Directive 2009/28/EC on the promotion of the use of energy from
renewable sources
– Orientation debate

I. INTRODUCTION/STATE OF PLAY

1. The Commission submitted the above proposal to the Council on 18 October 2012, based on Article 192(1) of the Treaty on the Functioning of the European Union, and Article 114 thereof in relation to a number of proposed provisions.

The aim of the Commission proposal is to start the transition to biofuels that deliver substantial greenhouse gas savings, through:

- limiting the contribution that conventional biofuels with risk of ILUC emissions make towards attainment of targets in the Renewable Energy Directive,
- improving the greenhouse gas performance of biofuel production,
- encouraging a greater market penetration of advanced biofuels (low-ILUC), and
- improving the reporting obligation through estimated ILUC emissions of biofuels.

2. Given the cross-cutting policy nature of the proposal, the Committee of Permanent Representatives decided on 12 December 2012 to establish an Ad Hoc Working Party on ILUC to examine the proposal, as an effective way of ensuring coherence and consistency between the two Directives. This Working Party met on 8, 15 and 28 January and 26 February to examine the proposed Directive and its impact assessment ¹.

3. The TTE Council (Energy) on 22 February 2013 held an orientation debate on the basis of two questions tabled by the Presidency (doc. 6208/13) ². Following the invitation from the Presidency, written answers from delegations were presented (doc. 6208/13 ADD1+ADD2).

II. QUESTIONS FOR THE ORIENTATION DEBATE

Bearing in mind views and comments expressed by Ministers at the (TTE) Council (Energy) on 22 February, with a view to complementing the discussion from an environment perspective and providing further guidance for future work, Ministers will be invited to consider the following questions:

¹ Brief summary of the comments on the Commission's impact assessment (see in section II of doc 6041/13)

² The same questions as set out in section II of this note.

1. *Does the proposed Directive, amending the Fuel Quality and Renewable Energy Directives, adequately meet the objectives of addressing indirect land-use change emissions and of encouraging the transition to advanced biofuels?*
2. *Does the proposed Directive support the achievement across the Union of the existing EU energy and climate change objectives?*

In order to streamline the debate, it is proposed that, following Council's Rules of Procedure, delegations submit to the General Secretariat of the Council written answers, in advance of the Council meeting, and preferably before 19 March. Furthermore, delegations which have identical or similar positions are asked to choose one of them to express their shared position.

III. CONCLUSION

The Permanent Representatives Committee is invited to confirm that the questions under section II can serve as a basis for the orientation debate, this time at the Council (Environment) on 21 March 2013.
