



**COUNCIL OF
THE EUROPEAN UNION**

Brussels, 13 March 2013

**Interinstitutional File:
2012/0288 (COD)**

**6208/13
ADD 3**

**ENER 37
ENV 105
ENT 49
TRANS 55
AGRI 72
POLGEN 16
CODEC 278**

NOTE

from : General Secretariat of the Council
to : Council

No. Cion prop. : 15189/12 ENV 789 ENER 417 ENT 257 TRANS 346 AGRI 686 POLGEN 170
CODEC 2432
+ ADD 1
+ ADD 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 (**First reading**)
– Orientation debate
= Contribution from the Polish delegation

Delegations will find in Annex a contribution from the Polish delegation to the orientation debate
on the above-mentioned proposed Directive (ILUC).

This debate was held during the TTE Council of 22 February 2013.

TTE Council, 22 Feb. 2013 Orientation debate:

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 (First reading)

Poland's position

Poland does not support limiting the possibility of reaching the target set for the share of energy from renewable sources in transport by 2020 with the use of biofuels produced from agricultural produce to 5%. The introduction of administrative constraints as proposed by the European Commission implies the risk of non-implementation of the objective set out in the provisions of Directive 2009/28/EC.

However, Poland supports actions aimed at promoting the development of new technologies in order to enable a greater use of raw materials in the production of biofuels, including waste, residue, cellulose and lignocellulosic material. Changes to EU policies relating to biofuel market development should be introduced gradually, taking into account the following aspects:

- protection of investments that have been completed or commenced, aimed at the 10% implementation by 2012, and which have yet to be amortized,
- changes in biofuel production technologies in order to ensure that the introduction of the next generation of fuels does not result in an excessive increase of market prices,
- resource base available in the EU, in order to ensure that the achievement of climate targets contributes to the development of entrepreneurship and job creation in the EU, instead of Europe becoming an outlet market for products imported from third countries
- establishing strong links between the production of biofuels in the EU and other equally important sectors of the economy, such as agriculture and animal feeds production.

In this context, Poland doubts whether a solution has been provided to the problem of an increasing pressure on environmentally valuable land in third countries. Furthermore, it seems that even the current proposal enhances adverse trends by promoting the use of biomass from third countries, in which the ILUC phenomenon takes place to a much greater extent.

The stringent requirements imposed by the Common Agricultural Policy and the policies for the protection of natural environment and wildlife, effectively reduce the occurrence of ILUC in the EU. Thus, the production of biofuels from produce grown in the EU is carried out in a manner respecting the principles of sustainable development.

Poland believes that new solutions should be based on the analysis of real threats stemming from the development of the biofuel market in the EU and focus on those areas that bring about real adverse phenomena. Therefore, additional emissions due to indirect land use change should be attributed primarily to these raw materials, which are grown in countries without requirements similar to those in place in the EU.

According to Poland, the proposal of creating a list of raw material for double and quadruple counting is a step in the right direction. However, the list of raw materials should be subject to a detailed analysis, and is should be clarified in order to include only those materials which do not currently have a wider application in the industry (and thus are treated as waste or residue).

Poland endorses the EC proposals regarding an increased level of required reduction of greenhouse gas emission to 60% for installations that shall begin operation after 1 July 2014.

Poland attaches great importance to the development of a constructive framework in order to ensure a stable and sustainable development of renewable energy sources in transport, and believes that it is an important contribution to the climate and energy policy.

The EU climate and energy policy in relation to biofuels used in transport should be adjusted to the use of resources from the EU in the first place, and the criteria of sustainable development should not contribute to changes in land use in third countries.