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European Union

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NOTE

From: General Secretariat of the Council
To: Delegations

Subject: European Court of Auditors' Special Report No 18/2016 "The EU system for the certification of sustainable biofuels"
= Draft Council conclusions

Delegations will find in Annex a revised draft of the Council conclusions on the above-mentioned subject, integrating comments received from delegations. Changes compared to the previous version are marked in **bold underline**, deletions are marked with ~~strikethrough~~.

This revised draft will be discussed at the Energy Working Party on 18 October 2016.

**Draft Council conclusions on the European Court of Auditors' Special Report No 18/2016
"The EU system for the certification of sustainable biofuels"**

THE COUNCIL OF THE EUROPEAN UNION:

1. WELCOMES the European Court of Auditors' Special Report No 18/2016 "The EU system for the certification of sustainable biofuels";
2. UNDERLINES the contribution of biofuels towards achieving the target of at least 10% of renewable energy in transport by 2020, as required by Directive 2009/28/EC on the promotion of the use of energy from renewable sources, as well as the EU-level renewable energy target of at least 27% of final energy consumption by 2030, set out in the European Council conclusions of October 2014;
3. STRESSES the need **to also take into account the environmental aspect of EU biofuels policy and** to ensure that biofuels **and bioliquids** placed on the EU market, **regardless of their origin,** and ~~counted towards the 10% transport target~~ are produced in a sustainable manner;
- 4. NOTES that the sustainability criteria for biofuels and bioliquids set out in Directive 2009/28/EC have been improved by Directive (EU) 2015/1513, which introduces additional reporting obligations for the European Commission;**
- 5.** TAKES NOTE of the conclusions and recommendations in the Special Report;

In particular:

- 6.** RECOGNISES that in order to ensure the sustainability of biofuel **and bioliquid** production, the risk of negative socioeconomic effects during production must be mitigated, and ~~NOTES~~ **WELCOMES** the Court's recommendation that for future recognitions of voluntary schemes certifying the sustainability of biofuels **and bioliquids,** the Commission should carry out a more comprehensive assessment;

- 7.** AGREES that voluntary schemes for the certification of sustainable biofuels **and bioliquids** should be governed in a transparent way which reduces the risk of conflict of interests, **and STRESSES the importance for the Commission, Member States and voluntary schemes to work together to prevent fraud;**
- 8.** ACKNOWLEDGES that it is important that voluntary schemes operate in accordance with the standards which were presented as a basis for their recognition, **or that any significant changes are fully authorised by the Commission with the involvement of experts from Member States,** and UNDERLINES that voluntary schemes are obliged to report annually to the Commission about the operation of the scheme;
- 9.** NOTES the Court's recommendation that the reliability of the data on sustainable biofuels **and bioliquids** reported to the Commission could be further improved;
- 10.** RECALLS that steps have already been taken to harmonise the definition of waste substances used for the production of advanced biofuels¹, and NOTES the Court's recommendation that further harmonisation would continue to improve the reliability, **accuracy** and comparability of data on advanced biofuels;
- 11.** ENCOURAGES the Member States and the Commission to consider the Court's recommendations in their future work on the implementation of the Energy Union.
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¹ Directive 2009/28/EC as amended by Directive (EU) 2015/1513 includes a definition of waste by establishing a link to Directive 2008/98/EC.