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#### NOTE

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From: General Secretariat of the Council  
To: Delegations

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

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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, doc. 12663/1/16 REV 1, concern only points 7 and 8 and are marked in **bold underline**; deletions are marked with **~~bold strikethrough~~**. Changes compared to the initial draft, doc. 12663/16, are marked in **bold**; deletions are marked with ~~strikethrough~~.

Delegations are invited to inform the Secretariat by **Friday, 21 October 2016, 17:00 CET** in case they are unable to agree to the text as set out in the Annex. No response from any delegation by this deadline will indicate agreement on the Council conclusions, which will be then forwarded to Coreper and Council as an I/A item for adoption.

## ANNEX

### **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 of coordinated efforts to improve traceability and ~~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, **and EMPHASISES the importance of the Commission supervising voluntary schemes' operations in line with the existing legislation**;
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 biofuels<sup>1</sup>, 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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<sup>1</sup> 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.