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"I/A" ITEM NOTE

From: General Secretariat of the Council
To: Permanent Representatives Committee/Council

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)**

- Adoption
- a) of the Council's position at first reading
- b) of the statement of the Council's reasons

= Statements

Statement by the Commission

The Commission regrets that, with regard to its original proposal, the Council position at first reading has significantly lowered the level of ambition in mitigating the ILUC impacts of conventional biofuels and contains no significant incentives for the transition towards advanced biofuels and other non-ILUC options for using renewable energy in transport. The Commission also regrets that modifications introduced by the Council reduce the level of environmental ambition of the overall renewable energy target set by the Renewable Energy Directive¹.

¹ 2009/28/EC

However, in order to allow the legislative process to move forward, the Commission will not oppose the Council's position at first reading.

The Commission will therefore continue to closely cooperate with the co-legislators in the next steps of the legislative procedure. The Commission aims at keeping the elements of the proposal which can contribute to mitigate the ILUC impacts and preserve the overall level of environmental ambition of biofuels use in transport, including some of the elements which are part of the position at first reading of the European Parliament. The Commission will do so in the hope that a solution reflecting the European interest in combating negative environmental effects of conventional biofuels can be found.

Statement by Denmark and Luxembourg

Denmark and Luxembourg support the political agreement reached on the planned changes to the Directive with the goal of preventing indirect land use changes in connection with the use of biofuels.

In the course of the trilogues, however, Denmark and Luxembourg will support improvements increasing the effect of the Directive, including a more binding character of the target for advanced biofuels and a more resolutely addressing of the ILUC issue.

Denmark and Luxembourg once again confirm their position that multiple counting of renewable energies towards the overall target should be avoided as this would effectively result in a reduction of the target values for renewable energies agreed in 2009. This incentive for certain biofuels should only be applicable for the sectoral target for transport.

Statement by Austria, Czech Republic, Hungary and Slovakia

Austria, the Czech Republic, Hungary and Slovakia would like to express their concerns about the persistently unsatisfactory situation of the status quo of mutual recognition of certification systems, which is the result of not achieving unanimity for the proposal of the European Commission about a temporary solution.

Furthermore, we are concerned about the fact that the new system for the recognition of national certification systems on sustainability criteria for biofuels and bioliquids will not enter into force until the harvest 2014. On the contrary, this unacceptable situation, which might disturb the internal market, may last even one or two years longer.

In order to secure a well-functioning internal market we therefore appeal to the European Commission to urgently elaborate an acceptable solution, which allows for a fluent shift of the certificates from one system to another. Austria, the Czech Republic, Hungary and Slovakia remain open for every successful approach.

Statement by Bulgaria, Czech Republic, Estonia, France, Spain, Hungary, Poland, Romania and Slovakia

Bulgaria, the Czech Republic, Estonia, France, Spain, Hungary, Poland, Romania and Slovakia appreciate the efforts of the Hellenic Presidency towards the achievement of a compromise and despite of concerns regarding some of its elements would like to confirm support for the compromise package.

However, it needs to be emphasised that adopted solutions have a significant impact on investments that already have been established. In this respect, we believe that 7% share of energy from biofuels produced from cereal and other starch rich crops, sugars and oil crops is the lowest acceptable target level that ensures an appropriate level of stability

Having regard to the above, Bulgaria, the Czech Republic, Estonia, France, Spain, Hungary, Poland, Romania and Slovakia will further support the directive during the legislation process only if this crucial issue will not be a subject of any further modification.
