



**COUNCIL OF
THE EUROPEAN UNION**

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NOTE

from: General Secretariat
to: Delegations

Subject: Communications:

- Practical implementation of the EU biofuels and bioliquids sustainability scheme and counting rules for biofuels
- Voluntary schemes and default values in the EU biofuels and bioliquids sustainability scheme
- Information from the Commission

Delegations will find attached an information note from the Commission on the above topic, to be dealt with under "other business" at the meeting of the Council (Environment) on 20 December 2010.

Information note on the Communications on the biofuels sustainability scheme

Information from the Commission

Communication on the practical implementation of the EU biofuels and bioliquids sustainability scheme and on counting rules for biofuels¹

The Communication is designed to assist Member States and to facilitate a consistent implementation of the sustainability criteria. The Communication provides details on practical aspects of each of the sustainability criteria. It does not have a binding character.

The Communication addresses a number of general issues related to the sustainability criteria included in EU legislation² and goes through each of the sustainability criteria step by step, highlighting in more detail what each provision means in practice. In particular, the Communication attempts to address the main practical questions that have been raised in relation to the sustainability criteria. It also addresses issues related to fuels that are in part fossil fuel and in part biofuel and the double counting of certain biofuels. These are two topics in the legislation where practical questions have most frequently been asked about implementation.

Communication on voluntary schemes and default values in the EU biofuels and bioliquids sustainability scheme³

In this Communication the Commission sets out how it intends to deal in the coming years with two elements of the sustainability scheme that are designed to reduce the administrative burden for economic operators:

- The option to use recognised "voluntary schemes" or "bilateral and multilateral agreements" to show compliance with some or all of the sustainability criteria.

The legislation permits economic operators to use these schemes and agreements to prove compliance with the sustainability criteria. This should reduce the administrative burden and avoid operators having to comply with 27 national schemes. The Communication's aim is to encourage the development of voluntary schemes.

¹ OJ C 160, 19.6.2010, p. 8.

² Directive 2009/28/EC ('Renewable Energy Directive') and Directive 2009/30/EC ('Fuel Quality Directive')

³ OJ C 160, 19.6.2010, p. 1.

- The option to use "default values" to show compliance with the sustainability criterion on greenhouse gas emissions savings.

The legislation lays down 'default values' for the greenhouse gas savings of various types of biofuels. When economic operators have to demonstrate that they meet the minimum requirement of greenhouse gas savings, they can either calculate this themselves or – to make the task simpler - use these 'default values'. These values can be updated through comitology in the light of new technological developments, and default values for new types of biofuel can be added. The Communication explains the Commission's future approach on updating the default values.

