



**COUNCIL OF  
THE EUROPEAN UNION**

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**LIMITE**

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**NOTE**

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from: General Secretariat  
to: Committee of Permanent Representatives  
Subject: Sustainability criteria for biofuels  
- Procedure

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1. To enable work on the both the fuel quality<sup>1</sup> and the renewable energy sources<sup>2</sup> directives to go forward without creating inconsistencies, the Presidency suggests that Coreper provide guidance on the handling of issues that are relevant to both directives and, in particular, in relation to sustainability criteria for biofuels.

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<sup>1</sup> Proposal for a Directive of the European Parliament and of the Council amending Directive 98/70/EC as regards the specification of petrol, diesel and gas-oil and introducing a mechanism to monitor and reduce greenhouse gas emissions from the use of road transport fuels and amending Council Directive 1999/32/EC, as regards the specification of fuel used by inland waterway vessels and repealing Directive 93/12/EEC (doc. 6145/07).

<sup>2</sup> Proposal for a Directive of the European Parliament and of the Council on the promotion of the use of energy from renewable sources (doc. 5421/08).

2. **Sustainability criteria for biofuels** are necessary for the purposes of both directives.  
The renewable sources energy proposal seeks to increase the use of biofuels. The fuel quality proposal is likely, by requiring reductions in greenhouse gas emissions from fuels, also to result in an increase in biofuel use. Without sustainability criteria, there is a risk that the production of biofuels could have negative consequences that outweigh the benefits arising from their use.
3. To enable discussions on both proposals to go ahead, while at the same time ensuring coherence and consistency, the Presidency suggests the following approach:
  - a set of "**core criteria**" should be drawn up which would be included as such in both draft directives;
  - that these core criteria should cover matters that are relevant for the purposes of both directives and not prevent account being taken of the specificities of these two proposals in the final texts.
4. The Presidency considers this approach preferable to the possible **alternative options**, which could have resulted in the negotiations on the fuel quality directive being put on hold or could have failed to reflect the fact that the proposed directive on renewable energy sources has broader scope than that on fuel quality.
5. In terms of the **working method**, the Presidency intends to mandate an *ad-hoc* Working Group to draw up the core sustainability criteria within a strict time frame. As a starting point, the basis for this work would be the relevant articles in the Commission proposal for a directive on renewable energy sources, while considering discussions both within the European Parliament and the Council.
6. Coreper would be regularly informed on the ongoing work on this issue.
7. The Presidency suggests that Coreper agree the **way forward** summarised above.

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