

28.11.14

**Resolution
of the Bundesrat****Proposal for a Council Directive on laying down calculation methods and reporting requirements pursuant to Directive 98/70/EC of the European Parliament and of the Council relating to the quality of petrol and diesel fuels
COM(2014) 617 final**

At its 928th sitting on 28 November 2014 the Bundesrat adopted the following opinion pursuant to Sections 3 and 5 of the Act on Cooperation between the Federation and the *Länder* in European Union Affairs (EUZBLG):

1. The Bundesrat approves of the Commission's objective of establishing a method for calculating greenhouse gas emissions of fuels and other energy from non-biological sources pursuant to Article 7a(5) of Directive 98/70/EC in order to achieve reporting of sufficient accuracy. Under the EU's Climate and Energy Package, an amendment is necessary to Directive 98/70/EC relating to the quality of petrol and diesel fuels. This amendment should be implemented as a matter of urgency in order to meet the target for this sector, namely a 6% reduction in the life cycle GHG intensity by 2020.
2. Obtaining fuels from 'tar sands' is problematic in terms of mitigating climate change. In the opinion of the Bundesrat, producing fuels from tar sands in no way meets the criteria or serves the objectives of sustainability. It therefore calls on the Federal Government to take action at EU level to oppose the introduction onto the market of fuels derived from tar sands.
3. The Bundesrat also considers it essential to amend the provision on the method of calculation in Annex I to the proposal for a Directive. Using only one standard value for fuels in each case ('weighted life cycle GHG intensity') is not helpful, because it offers no incentive to suppliers of fossil fuel to reduce greenhouse gas emissions.
4. This problem will be exacerbated if the share in imports of fuels with relatively high life cycle greenhouse gas emissions increases over the coming years, since according to the proposal for a Directive the standard value is to remain unchanged until 2020. GHG life cycle

calculations should therefore be based on the origins of the raw materials and the production methods used (variants C, D or E of the impact assessment, see Commission document SWD(2014) 295 final).

5. In the view of the Bundesrat, only a precise method of calculation that differentiates according to the feedstocks, their raw materials and the associated upstream emissions can make an effective contribution to mitigating climate change.
6. It therefore calls on the Commission, and asks the Federal Government to work to the same end, to revise the proposal for a Directive and, if necessary, other EU provisions, to increase the range of effective instruments promoting the use of fuels produced using methods with the lowest possible life cycle energy unit GHG intensity so that damaging climate change effects can be reduced to a minimum.
7. In the view of the Bundesrat, the proposal for a Directive contains no procedural provisions on proof of emission reductions in third countries or on recognition of reductions in emissions from other EU Member States. In this connection, it must be ensured that there is no double accounting. The Bundesrat asks the Commission to make additions to these provisions accordingly, and calls on the Federal Government to exercise its influence with the Commission to this end.
8. Group reporting within the meaning of Article 7a(4) of Directive 98/70/EC should not be allowed for cross-border groups in the interests of reliable data and for supervisory reasons, since such cross-border group reporting can hardly be deemed consistent with the reporting obligations of the Member States and the individual penalties in Member States provided for in Article 6 of the proposal for a Directive.
9. The Bundesrat is sending this opinion directly to the Commission.