



Council of the European Union
General Secretariat

Brussels, 11 July 2024

Interinstitutional files:
2023/0266 (COD)

WK 10013/2024 INIT

LIMITE

**TRANS
CLIMA
CODEC**

This is a paper intended for a specific community of recipients. Handling and further distribution are under the sole responsibility of community members.

MEETING DOCUMENT

From:	General Secretariat of the Council
To:	Working Party on Transport - Intermodal Questions and Networks
N° prev. doc.:	10601/24
N° Cion doc.:	11821/24 + ADD1-4
Subject:	Proposal for a Regulation on the accounting of greenhouse gas emissions of transport services - Changes to COM proposal by the EP and the Council

In view of the Working Party on Transport - Intermodal Questions and Networks on 23 July 2024, delegations, will find, in annex, a table with main changes to the Commission proposal by the European Parliament and the Council.

CountEmissionsEU – EP's and Council's main changes to COM proposal – JUNE 2024

ISSUE	EP Amendments	COUNCIL GENERAL APPROACH
Objectives	• Climate neutrality (cf climate law), strengthen competitiveness, ensure fair and inclusive transition • Lower carbon footprint of public procurement • Shift to rail • Case of e-commerce and parcel deliveries • Level playing field with third countries	• Climate neutrality
Scope	• Regulation applies to Data intermediaries, including digital navigation services and journey route planning services, which calculate or combine data • Reference to separate legal, contractual or other relevant arrangements deleted • Reference to disclosure for commercial or regulatory purposes deleted	• Regulation does not apply to Data intermediaries which do not calculate emissions • Disclosure of greenhouse gas emissions on a voluntary or contractual basis or due to obligations under Union and national law
Methodology	• ISO • by 24 months after entry into force COM to present a report and proposal, as appropriate, on common methodology to calculate lifecycle emissions • as part of report, COM to assess inclusion of accounting of air pollution caused by transport services • Standard free of charge by entry into force of the regulation • By 36 months after entry into force, COM to assess whether adjustments are necessary to ensure consistency with EU climate objectives • Adjustments to standard to take account of upcoming legislation and amendments to standard incompatible with EU climate objectives to be excluded • COM to specify the detailed rules regarding the use of the Great Circle Distance option	• ISO • COM to assess necessity and feasibility of the inclusion in the methodology of processes for the construction, maintenance, and scrapping of vehicles or transshipment and (de)boarding equipment • Standard free of charge or at reduced rate for the transport sector • Amendments to standard incompatible with EU rules should be excluded
Interplay with other legislations	• Any claim based on output data should be in full compliance with Green Claims Directive and the Directive empowering consumers for the green transition • EU core database to take into account emission factors determined in accordance with RED directive.	• green transition alongside other EU acts or initiatives including the proposal for a directive on empowering consumers in the framework of the green transition • primary or secondary data at the required aggregation level and verified under other EU acts may be used • COM to ensure the compatibility and consistency with existing Union legislation and forthcoming initiatives • Data already verified in accordance with specific rules set out by other Union acts deemed verified • Data based on CountEmissionsEU may be included in databases established pursuant to other EU acts or used pursuant to such acts
Primary vs secondary	• mandatory use of primary data except for SMEs	• use of primary data prioritized and possibility for MS to impose the use of primary

CountEmissionsEU – EP's and Council's main changes to COM proposal – JUNE 2024

ISSUE	EP Amendments	COUNCIL GENERAL APPROACH
data	• default values must be verified by conformity assessment body • flexibility for SMEs to use secondary data in context of subcontracting; • Enterprises not allowed to request primary data from value chain partners • Member States may adopt incentives for the use of primary data and should notify COM • Obligation for OEMs to provide in-vehicle data to SMEs • Certification of external calculation tools should specify whether calculations based on primary data are supported • Proof of compliance of output data to specify the share of primary data	data on its territory (except for SMEs)
EU Core database	• Input to EU core database may be provided by relevant stakeholders and EU sectoral bodies • EU core database to be set up by 18 months after entry into force, easily accessible and free of charge • EU core database to reflect sectorial, national, and regional specificities across the Union, to include separate tables for each mode of transport • Until the EU core database is established, possible to use national databases, which have been verified under CountEmissionsEU or other existing Union law • Location-based approach, market-based approach desirable if traceability is ensured (Annex J of the standard). • COM to update at least annually EU core database and notify public of any update; concerned entities to use latest available data • COM to ensure technical quality checks of EU core database	• shipping default values in the EU core database should be derived from the “Thetis-MRV” database or “Fuel EU” database. • Input to the EU core database may be provided by MS • EU core database to be set up by 42 months after entry into force, free of charge and available in all official EU languages • EU core database to reflect location-based approach and to reflect unique features in different Member States • EU core database to include values agreed at international level to be used for cross border operations unless EU core database includes more precise values • EU Core database to reflect vehicle and vessel types typically used in the Member States • COM to ensure compatibility and consistency of EU core database with existing Union legislation • COM to assess the need to update Core EU database at least yearly and make updates public; concerned entities to update output data within 3-year
Databases operated by third parties	• Database operated by third parties may be used to derive secondary data only when it provides more granular or sector related data than the ones included in the core EU database; technical quality check to be operated within 12 months of application • external databases providing underestimated data compared to primary data deemed to fail quality check • quality check to assess compliance with rules on GCD and cut-off criteria • COM to publish and maintain up-to date list of the databases operated by third parties that have been positively assessed. • Obligation of quality check from 12 months after application. • Databases operated by third parties accessible by the public and free of	• Obligation of quality check effective 24 months after the date of application of the Regulation

CountEmissionsEU – EP's and Council's main changes to COM proposal – JUNE 2024

ISSUE	EP Amendments	COUNCIL GENERAL APPROACH
Central EU database	charge for SMEs - Central EU database to be set up by 12 months after entry into force, easily accessible and free of charge - Input may be provided by relevant stakeholders and EU sectoral bodies - Location-based approach, market-based approach desirable if traceability is ensured (Annex J of the standard). - Central EU database to take into account emission factors determined in accordance with RED directive. - Until the Central EU database is established, possible to use national databases, which have been verified under CountEmissionsEU or other existing Union law - COM to update at least annually central EU database and notify public of any update; concerned entities to use latest available data	- Input may be provided by MS - includes greenhouse gas emission factors for energy carriers used in some or all Member States - Central EU database to reflect location-based approach and unique features in different Member States - Central EU database to include values agreed at international level to be used for cross border operations unless Central EU database includes more precise values - COM to ensure compatibility and consistency of Central EU database with existing Union legislation - COM to assess the need to update EU central database at least yearly and make updates public; concerned entities to update output data within 3-year - free of charge and available in all official EU languages
Calculation tools	- Calculation tools developers to specify in their application to conformity assessment body whether their tool supports calculation based on primary data - Calculation tools for internal calculation to comply with standard	- By 36 months after entry into force COM to adopt through IA a calculation tool - Calculation tools may be used to calculate data to be included in databases established pursuant to other EU
SMEs	- By 12 months from entry into force COM to develop simplified calculation tool for SMEs that is publicly accessible, user-friendly and free of charge together with guidance - By 2 years from entry into force, COM to report on the risk of unfair market practices on SMEs in the context of subcontracting together with, if appropriate, a legislative proposal to provide measures to protect the confidentiality of commercially sensitive data.	COM to adopt guidelines
Output data	- Metrics defined in the basic act as per COM proposal - Disclosure prior to the provision of the service, exceptions in duly justified cases - Optional format for disclosure of information - Obligation to provide Information on greenhouse gas emissions to digital data intermediaries - Obligation for digital data intermediaries to incorporate the information visibly on each search result and include emissions ranking as well as comparison between different modal choices - Output data in a harmonised and simple form enabling interoperability of output data and evidence across different providers of transport services	- Metrics as recommended by the standard and defined by COM in an IA - Disclosure prior to the provision of the service, exceptions in duly justified cases - COM to assess the necessity and feasibility of making compulsory the reporting of information.

CountEmissionsEU – EP's and Council's main changes to COM proposal – JUNE 2024

ISSUE	EP Amendments	COUNCIL GENERAL APPROACH
Verification	• Annual verification at the request of the conformity assessment body, the concerned entity or its customers. • Verification to assess the share of primary data • Verification of data intermediaries and internal calculation tools	• Verifiers accredited under Regulation (EU) 2023/1805, Regulation (EU) 2015/757 and Directive 2003/87/EC deemed to be accredited
Penalties	• Member States to establish a system of penalties • If the entity, following at least two notifications by the conformity assessment body, refuses to correct the calculations or remedy non-conformities, the competent authority shall initiate a penalty procedure • COM to define in a DA common rules for penalties	
Implementing vs delegated acts	• COM to adopt DA to identify components or amendments to ISO creating risk of incompatibility with Union rules • COM to adopt DA to request revision of standard • COM to adopt DA to detail methodology • COM to adopt DA to detail cut-off criteria and deviations from the greater circle distance • COM to adopt DA on rules to conduct quality checks • COM to adopt DA to complement metrics for output data • COM to adopt DA to detail rules for verification, proof of compliance and penalties	• COM to adopt IA to identify components or amendments to ISO creating risk of incompatibility with Union rules • COM to adopt IA to request revision of standard • COM to adopt IA to ensure uniform application of methodology • COM to adopt IA to detail rules for the use of data verified under other EU acts • By 48 months after entry into force COM to adopt IA on rules to conduct quality checks and positive assessment • COM to adopt a calculation tool through IA • COM to adopt IA to define metrics for output data • COM to adopt IA to detail the rules for verification and proof of compliance
Final provisions	• Application within 24 months after entry into force • Article 4(4), Article 4(5) and Article 4 (6), Article 6(1), Article 7(4), Article 8(1), Article 9(4), Article 11(6), Article 13(9) and Article 15(4) to apply from entry into force • Evaluation within 36 months of application • Report to include assessment of administrative burden, of the impact in light of subcontracted operations, of the impact of incentives introduced by Member States to promote the use of primary data, of the impacts of a mandatory requirement to quantify and disclose greenhouse gas emissions, applicable to all entities organising and providing transport services.	• Application within 60 months after entry into force • Article 4(5), Article 4 (6), Article 6(1), Article 7(4), Article 9(5), Article 11(6), Article 13(9) and Article 15(4) to apply from entry into force • Evaluation within 5 years of application