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WORKING DOCUMENT

From:	General Secretariat of the Council
To:	Working Party on Transport - Intermodal Questions and Networks
N° prev. doc.:	ST 10915/2024
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Subject:	Proposal for a REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL on the accounting of greenhouse gas emissions of transport services = Comments from Germany

Delegations will find attached comments from **Germany** on the above-mentioned document.

Further written comments by Germany

on the *Proposal for a REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL on the accounting of greenhouse gas emissions of transport services*

ST 10915/24 (Interinstitutional file: 2023/0266 (COD))

In addition to Germany's comments of 17 October 2023 (WK 12186/23 ADD 3) and of 27 October 2023 (WK 12186/2023 ADD 7), we would like to comment as follows:

Retention of general approach

Germany supports the general approach on the Regulation which was jointly adopted in the Council. In the trilogue, the Council Presidency should advocate keeping as close as possible to the Council position.

In particular, technical specifications should generally be limited to the requirements of ISO 14083:2023. An inclusion of additional methodical approaches, such as the life-cycle analysis called for by the European Parliament or an expansion of the scope of application, as in

- **Recital 5a (line 15a)** and
- **Recital 12a (line 22a)** and
- **Recital 34 (line 43a)** and
- **Article 3(1) (line 70a)** and
- **Article 4(2a) (line 85a)**

or the specification of detailed rules for using the Great Circle Distance (GCD) option also called for by the EP in

- **Recital 22 (line 32)** and
- **Article 5(2a) (line 98c)** and

or the regular repetition of quality checks on databases to prevent any understating of emissions called for by the EP in

- **Recital 16 (line 26)**

would be in conflict with the general approach of the Council and would complicate the application of the Regulation, with the risk of lowering the willingness to report. Nor should the application of the Regulation be hampered by additional bureaucratic requirements as for example in

- **Article 3(1) (line 74).**

Regarding these points, the Council should insist on the general approach.

Free access to ISO 14083:2023

Germany welcomes the EP's call in **Article 4(1a) (line 84a)** for free access to ISO 14083:2023. With regard to the mandatory calculation of greenhouse gas emissions on the basis of the methodology defined in ISO 14083:2023 provided for in Article 4(1), granting free access would also be in line with the ECJ decision of 5 March 2024 in Case C-588/21 P.

Use of primary and secondary data

Germany firmly rejects making the use of primary data mandatory, as proposed by the EP in **recital 15 (line 25)**.

In order to avoid disproportionate bureaucratic burdens, especially for SMEs, and to increase the uptake of transport-related GHG emissions reporting, it must generally be possible to use secondary data and default values. Germany therefore continues to advocate the use of existing datasets, e.g. in shipping and aviation, provided they meet the technical requirements of the Regulation.

However, in order to achieve reporting that is as standardized and close to reality as possible, the collection and use of primary data should be prioritized wherever possible and available.

The general approach of the Council should also be retained in this respect. Germany therefore rejects a focus specifically on subcontractors as proposed by the EP in **recital 15a (line 25a)**.

Electricity-related greenhouse gas emissions

With regard to the calculation of electricity-related greenhouse gas emissions in **recital 18a (line 28a)**, Germany considers a decision between a location-based or market-based approach to be dispensable, especially since this matter is extensively clarified in ISO 14083:2023. If an organization has also used its own electricity mix for its electricity consumption in accordance with the market-based approach, the GHG emissions results must be documented and reported separately from the calculations using the national electricity mix. If the GHG emissions results are to serve for further use in carbon footprint calculations in accordance with ISO 14067, the market-based electricity mix must also be indicated in the report.

No double obligation to provide information / no ranking requirement

The EP proposal in **recital 9a (line 19a)** and **Article 10(2a) (line 124a)**, which requires transport services to disclose information on greenhouse gas emissions and providers of multimodal mobility services to take into account and display this information in route calculations, is acceptable from the German point of view if clarifications are provided in the text. For example, it is unclear whether the provision of general information or parameters is sufficient or whether transport services would have to provide information on emissions from a specific transport. The effort required for the latter would be disproportionately high. It also remains unclear whether data intermediaries can request direct provision of the information on

emissions if this information is already provided to the Commission under other legal acts of the European Union. One example is Delegated Regulation (EU) 2017/1926 (MMTIS). Under MMTIS, all modes of transport must provide “parameters needed to calculate an environmental factor such as carbon per vehicle type or passenger mile or per distance walked” via the National Access Point (NAP, Mobilithek).

In this respect, the inclusion of a concretization is considered necessary, for instance as sentence 2, that the obligation is deemed to be fulfilled if information provision requirements under other legal acts are complied with.

Article 10(2a) (2a. ...). Where the information is provided in accordance with other Union acts, in particular Commission Delegated Regulation (EU) 2017/1926, the corresponding obligations under this Article are deemed to be fulfilled.

Insofar as the EP's proposal also contains specifications on how the various transport options are to be ranked, such specifications should be rejected. Transport users are mostly concerned with reaching their destination quickly. However, if, for instance, a slower rail connection is displayed first due to causing fewer emissions than another, faster rail connection, there is a risk that transport users will ultimately decide to use their own car as the faster option. It is important that the route with the lowest GHG emissions is displayed, but not in first place by default.

Deadline for application

The reduction from 42 to 24 months proposed by the EP in **Article 19(2) (line 190)** should be rejected. Germany supports the solution agreed in the general approach (extension to 60 months).