

## Briefing Note on the French national requirement for CO<sub>2</sub> reporting for transport services

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On 24<sup>th</sup> October 2011, the French government published the Decree no. 2011-1336 on information on the quantity of carbon dioxide emitted during transport services (the Decree)<sup>1</sup>. This briefing note aims to provide some information about the content, the consequences and the timelines of the Decree.

### Summary

- The Decree no. 2011-1336 aims to enforce the article L. 1431-3 of the French Transport Code, in accordance with the principles of the EN 16258:2012 Standard (Methodology for calculation and declaration of energy consumption and GHG emissions of transport services (freight and passengers)).
- It introduces the obligation for public or private company organizing or selling a transport service for passengers, goods or moving purposes to provide information to the beneficiary of the service on the total amount of CO<sub>2</sub> (or equivalent) emitted by the means of transport used.
- The companies covered have to calculate the quantity of CO<sub>2</sub> emitted in accordance with a methodology described in articles 5, 6 and 8 of the Decree. The information provided to the beneficiary includes the quantity of carbon dioxide expressed as a mass, corresponding to both the period of use and upstream phases.
- The information on the quantity of CO<sub>2</sub> emitted has to be provided by any means considered appropriate, at the date determined by the service-provider with its customer (or two months of the completion of the execution of the service at the latest).
- This obligation will come into force on **1<sup>st</sup> October 2013.**
- Freight forwarders and LSP's need to comply with the obligation. However, the French government has indicated on its website (Q&A on the proposal) that **"the guiding principle at this point is to not impose sanctions."** No date has been set in view to revise this guiding principle.
- **The major concern for CLECAT is the fact that French legislation is not in line with the CEN standard. Members have expressed the strong wish that France, who has been in the driving seat at European level, and other individual Member States, will bring the values included in its legislation in line with the European standard.**
- CLECAT will write a letter to the Commission to express this concern

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<sup>1</sup> The official version of the Decree (in French) is available [here](#) and the Decree translated in English is available [here](#)

## Context and nature of the Decree

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### **European context**

On 28<sup>th</sup> March 2011, the European Commission published the White Paper<sup>2</sup> on the future of transports entitled “Towards a competitive and resource efficient transport system”. One pillar of the White Paper was aiming at promoting more sustainable behaviour, setting a target of 60% GHG emission reduction by 2050 with respect to 1990. Initiative 29 of the White Paper was about the development of Carbon footprint calculator, stipulating the need to “*encourage business based GHG certification schemes and develop common EU standards in order to estimate the carbon footprint of each passenger and freight journey with versions adapted to different users such as companies and individuals*”.

DG MOVE has recently confirmed, in a meeting with CLECAT, that the actions as outlined in the White Paper have been overtaken by the work of CEN and business initiatives such as Green Freight Europe. However the Commission will have to do an **Impact Assessment** later this year on possible Commission initiative (impact on a ‘do nothing’, soft measures, directive options) on a possible EU standards to measure the carbon footprint. This will evaluate possible costs, need for soft measures (to increase the pressure on industry), stock-taking of ways in which industry in different Member States are collecting figures and the costs of these (for example lean and green, Ecotransit, GFE).

DG MOVE encouraged CLECAT to address any concerns it has with regards to standardisation on GHG emissions with regards to freight transport in a letter to the Commission.

### **French context**

In 2008, the Observatory for Energy and Environment in Transport (OEET), gathering public and private stakeholders, has been created. Its Secretariat is managed by ADEME (French Environment and Energy Management Agency). Its works are conducted in close cooperation with CEN’s technical committee CEN/TC320/WG10 entitled “Energy consumption and GHG emissions in relation to transport services” which has produced in 2012 the CEN Standard EN 16258:2012 entitled “Methodology for calculation and declaration of energy consumption and GHG emissions of transport services (freight and passengers)”.

In 2009, the Grenelle environmental laws have been published and set the reduction objective of 20% of GHG emissions from the transport sector by 2020 as well as the provision of information on CO<sub>2</sub> emissions of transport services.

Finally, the French Transport Code had been updated by the Law no. 2010-788 of July 12<sup>th</sup> 2010 concerning a national commitment to the environment and stipulates in its article L. 1431-3 that “*public or private persons organizing or selling a transport service for passengers, goods or moving purposes have to provide to the beneficiary of the transport service the quantity of carbon dioxide emitted by the means of transport used*”.

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<sup>2</sup> <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=COM:2011:0144:FIN:EN:PDF>

### **Nature of the Decree**

The Decree no. 2011-1336 aims to enforce the article L. 1431-3 of the French Transport Code, in accordance with the principles of the EN 16258:2012 Standard. It introduces the obligation for public or private company organizing or selling a transport service for passengers, goods or moving purposes to provide information to the beneficiary of the service on the total amount of CO<sub>2</sub> emitted by the means of transport used. The Decree provides general guidance on the methodology to be used and specifies the emissions factors to be used for the various energy sources along a transport chain.

### **Who is covered by the scope of the Decree?**

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All passengers and goods transport companies (road, rail or guided, inland navigation, air, maritime, powered two- or three-wheeled vehicles, urban transport), Moving companies, Taxis, Chauffeur driven car hire companies, Local public authorities providing transport services, Travel agencies and freight forwarders which organise or sell a transport service departing from or travelling to France (meaning that the international part of a journey is also taken into account). The scope does not cover the services organised on behalf of the private or public person.

### **How to calculate the total amount of CO<sub>2</sub> emitted during the realization of a transport service?**

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The Decree stipulates that the service provider shall identify the different segments of the transport service, assess the quantity of carbon dioxide for each segment and calculate the total of the values obtained in this way to prepare information on the quantity of carbon dioxide emitted in a transport service (Article 4).

In the calculation, the service provider has to take into account both the amounts of carbon dioxide emitted when the means of transport are operational and those originating in the earlier phase of the production of sources of power (refining, transport, distribution, etc.). All transport operations between the point of departure and destination of the transport service, and emissions during repositioning legs, empty legs and periods stopped with the engine running, in relation to these operations, have to be included in the calculation of the carbon dioxide emitted during the operational use of the means of transport.

The Decree provides a methodology allowing service providers to assess the quantity of carbon dioxide emitted (Articles 5, 6 and 8) which consists in:

<p><b>Quantity of CO<sub>2</sub> emitted</b> = Amount of the power source consumed X Emission factor specific to each type of energy</p>
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**Where:**

- **Amount of the power source consumed:** this represents the product obtained by multiplying the Kilometric rate of consumption of the power source (see below) by the distance travelled.
- **Emission factors:** these factors establish the correspondence between the amount of power and the amount of CO<sub>2</sub> emitted for both the period of use and upstream phases, for each source of energy. The values of emissions factors are defined by the Order of April 10th, 2012 taken in application of articles 5, 6 and 8 of the Decree<sup>3</sup>. Service providers using a source of energy for which no emission factor is mentioned in the aforementioned Order must justify the special value of the emission value applied and inform the beneficiary of the special nature of the calculation carried out.
- **Kilometric rate of consumption of the power source:** the service provider shall determine this rate of consumption by using one of the levels of precision defined in the Decree (article 8).
  - The service provider can use either **default values fixed by the Minister for Transport**<sup>4</sup> (the lowest level of detail – level 1), or
  - **Average values determined by the service provider** (levels 2 and 3), or values measured or recorded by the service provider during the execution of the transport service (the highest level of detail – level 4). The service provider shall determine the procedure for integrating repositioning legs, empty legs, and emissions while stopped with the engine running as well as the period over which level 2 and level 3 mean values are calculated (this period may not exceed three years).

**NB<sub>1</sub>:** Level 1 value may only be used by service providers with less than fifty employees; by service providers with fifty or more employees, up to 1 July 2016; by any service provider in the situations described in article 9 of the Decree, such as incorrect information provided by a sub-contractor or even in the case where a service provider use a means of transport for which it has not yet recorded consumption of the source of energy. This means that from 1 July 2016, every service providers with fifty or more employees will have to provide information on CO<sub>2</sub> emissions from levels of detail 2, 3 or 4.

**NB<sub>2</sub>:** The conformity of the method implemented by a service provider with the provisions of the Decree and its enforcement Orders may be certified by an agency approved for this purpose by the French accreditation committee (COFRAC) or any other accreditation body having signed the multi-lateral European agreement in the context of the European cooperation for Accreditation (article 10).

**NB<sub>3</sub>:** Level 1 value is relatively high- disproportionate in relation to the actual consumption. This has been done to encourage companies to determine the real values (level 3, 4).

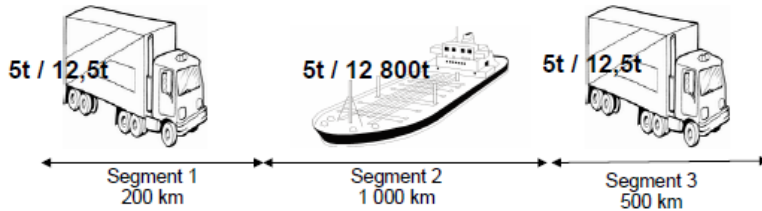
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<sup>3</sup> The original Order (in French) is available [here](#) and the Order translated in English is available [here](#)

<sup>4</sup> These values are defined in the Annex II of the Order of April 10th, 2012 taken in application of articles 5, 6 and 8 of decree no. 2011-1336

**Concrete example**

**1. The legs of the journey & the number of units**



**2. The mileage rates of consumption**

0,342 l / km                      39,20 kg / km                      0,342 l / km

**3. The emission factors**

3,11 kg CO<sub>2</sub> / l                      3,61 kg CO<sub>2</sub> / l                      3,11 kg CO<sub>2</sub> / l

**4. The quantity of CO<sub>2</sub> emitted at each segment**

85,1 kg CO<sub>2</sub>                      55,3 kg CO<sub>2</sub>                      21,3 kg CO<sub>2</sub>

**5. The total quantity of CO<sub>2</sub>**



I of the Order of April 10<sup>th</sup>, 2012) = 85.1 kg CO<sub>2</sub>

In this example, 5 tons of merchandises are transported for a beneficiary through 1 700 km and 3 transport segments. The calculation of the CO<sub>2</sub> emitted takes the following form (on the basis of the first segment):

Amount of the power source consumed = 0.342 (mileage rates of consumption/as defined by the Annex II of the Order of April 10<sup>th</sup>, 2012) X 200 (distance travelled) X 0.4 (ratio of the mass of the goods transported to the truck carrying capacity) = 27.36  
 Quantity of CO<sub>2</sub> emitted at the first segment = 27.36 (amount of the power source consumed) X 3.11 (emissions factor/as defined by the Annex

In order to know the total quantity of CO<sub>2</sub> emitted during the transport operation, this calculation has to be made for each segment of the operation, in accordance with the values listed in Annexes I and II of the Order of April 10<sup>th</sup>, 2012. The results obtained for each segment have then to be added together.

**When and how to provide the information on the total amount of CO<sub>2</sub> emitted?**

The information provided to the beneficiary includes the quantity of carbon dioxide expressed as a mass, corresponding to both the period of use and upstream phases. The service provider shall provide the beneficiary with sincere, clear and unambiguous information, by any means considered appropriate. Providing separated information on the quantities of carbon dioxide emitted during the upstream phases and the period of use is optional. In the case of goods, the date is determined by the service-provider with its customer in order to enable possibly more accurate information after the event. In the case where no date has been agreed, the information has to be provided within two months of the completion of the execution of the service (Article 12).

The service provider may provide the beneficiary with information explaining the calculation method and sources of energy used by any means considered appropriate. If this information is not made

available, the beneficiary is accorded a period of one month from the receipt of the information mentioned in article 12 to submit any request to the service provider in relation to the method used by the service provider. The service provider shall provide the information required within two months of the receipt of the request (Article 13).

### **When does this Decree enter into force?**

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The Order<sup>5</sup> of April 10<sup>th</sup>, 2012 taken in application of article 14 of the Decree confirmed **1<sup>st</sup> October 2013** as the date when the Decree will come into force.

### **What are the differences between the French decree and the CEN standard?**

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The methodology of calculation and requirements have been established in parallel of the work on the European standard EN 16258 (Calculation and declaration on energy consumption and GHG emissions of transport services). The two methodologies are close but unfortunately differences exist. These have also been highlighted in the CLECAT Guidelines on the CEN standard<sup>6</sup> (see pages 22, 23 and 24):

- French Article L. 1431-3 mentions CO<sub>2</sub> and not GHG
- Emission factors are taken from a French public database ([www.basecarbone.fr](http://www.basecarbone.fr)):
  - *small differences with Annex A.1 of EN 16258 (fuels);*
  - *potentially high differences with Annex A.2 (electricity);*
- Another important difference is that the French decree prescribes which default values are to be used for the specific energy consumption per kilometre travelled by road, rail or ship. The European standard EN 16258 has specifically decided against the requirement for hard and fast values. For goods transport in particular there are too many operational situations which cannot really be calculated with such values.
- Only one result is mandatory (well-to-wheel emissions), whereas the standard requires four results (energy and tank-to-wheel added)

### **Additional Information**

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The French Government published a full guide (in English) on the implementation of the Decree which can be downloaded [here](#).

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<sup>5</sup> The Order is available in French:

<http://www.legifrance.gouv.fr/affichTexte.do?cidTexte=JORFTEXT000025706344>

<sup>6</sup> CLECAT Guidelines on the CEN Standard are available [here](#)