



Kadri Simson
Commissioner for Energy
European Commission
Rue de la Loi / Wetstraat 200
1049 Brussels

Brussels, 28 October 2022

Re: Revision of the Renewable Energy Directive / The delegated act related to renewable fuels of non-biological origin (RFNBOs)

Dear Commissioner Simson,

With this letter, together with the majority of the shadow rapporteurs, we are addressing you today on the subject of additionality and the delegated act related to renewable fuels of non-biological origin (RFNBOs) in the Renewable Energy Directive.

Following the revision of the Directive, the European Parliament has taken a position in the RED report, in particular on the criteria for the definition of RFNBOs, including renewable hydrogen (Art. 27.3), albeit narrowly. That position provides for the deletion of the empowerment to adopt a delegated act. According to that, the corresponding criteria would need to be discussed and agreed by the co-legislators in order to incorporate them in the Directive.

The Council, for its part, has not amended this paragraph, which was also not reopened by the Commission in its proposal amending Directive (EU) 2018/2001.

However, Europe's hydrogen industry needs planning and legal security quickly. While the Commission has submitted a draft delegated act for public consultation between 20 May and 17 June 2022, however, the final version of the delegated act has not been adopted to date, which is not in accordance with the legal mandate contained in Directive (EU) 2018/2001. We cannot afford to waste any more time.

Therefore, in the light of the different positions of the co-legislators and the legal obligation laid down in the abovementioned Directive, we invite the Commission to consider and assess whether the existing empowerment allows the Commission to look into and take into account the policy solutions outlined in Parliament's mandate concerning Article 27(3). Therefor we invite the Commission to present the delegated act as soon as possible: regulatory certainty is required to incentivise the investments that will get the renewable hydrogen production in the Union finally off the ground finally.

Should the Commission be able to come forward swiftly with a delegated act bridging the positions of the different institutions, while also covering sectors beyond transport, that could be seconded at the next trilogue and the procedure of the delegated act could run its course.



If these options do not work, we will conclude the negotiations on Article 27.3 in the trilogue.

We are looking forward to receiving your feedback.

Kind regards,

Markus PIEPER, MEP

Nicolás GONZÁLEZ CASARES, MEP

Christophe GRUDLER, MEP

Ville NIINISTÖ, MEP

Evžen TOŠENOVSKÝ, MEP