



EUROPEAN COMMISSION
DIRECTORATE-GENERAL FOR ENERGY

Directorate C - Green Transition and Energy System Integration
C.2 - Decarbonisation and Sustainability of Energy Sources

Brussels, 23 May 2025
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**NOTE FOR THE ATTENTION OF THE VOLUNTARY SCHEMES RECOGNISED BY THE
COMMISSION FOR COMPLIANCE WITH THE RENEWABLE ENERGY DIRECTIVE**

Dear voluntary scheme representatives,

We received some questions (i) regarding the implementation of Article 29(15) of Directive (EU) 2018/2001 as amended by Directive (EU) 2023/2413 ('REDIII') and its concrete implementation after the transposition deadline of REDIII (i.e. 21 May 2025), and (ii) on whether there is – more generally – a possibility for a transition period after 21 May 2025.

I. Implementation of Article 29(15) of REDIII:

We would like to clarify our reading of this provision and provide some guidance for its implementation as of 21 May 2025 as the provision was introduced into the Renewable Directive by Directive (EU) 2023/2413.

The new provision included in Article 29(15) of REDIII has introduced a grandfathering clause. Member States are allowed to take into account energy produced from biofuels, bioliquids and biomass fuels certified under the rules set out in Article 29 of RED in its version in force on 29 September 2020 ('REDII' before the 2023 amendment), as long as the conditions of points (i) and (ii) of Article 29(15) are fulfilled. In particular, the Member States are allowed to use this possibility where (i) support was granted before 20 November 2023, in accordance with the sustainability and greenhouse gas emissions saving criteria set out in Article 29 in its version in force on 29 September 2020; and (ii) support was granted in the form of a long-term support for which a fixed amount has been determined at the start of the support period and provided that a correction mechanism to ensure the absence of overcompensation is in place. This derogation, allowing to prove compliance under the 'old' rules as applicable under Article 29 in its version in force on 29 September 2020, is only allowed until 31 December 2030.

Please note that a Member State, which is going to count these biofuels, bioliquids and biomass fuels or check compliance in the case of renewable energy obligations or allocate subsidies for these fuels, should also be the one deciding whether it will make use of this possibility or not. In other words, when a Member State decides to use this possibility, then it should notify (a) the Commission (while notifying their transposition measures), (b) the relevant installations and (c) the voluntary schemes of their intention. It should also provide some explanation on how the conditions listed in Article 29(15) are fulfilled in that case. If a Member State chooses to use the possibility of Article 29(15), then it can accept biofuels, bioliquids and biomass fuels certified under REDII rules for the purposes of the first subparagraph of Article 29(1) of REDIII, i.e. counting towards the targets, allocating subsidies, proving compliance with renewable energy obligations. This should apply for locally produced but also imported biofuels, provided that the conditions of Article 29(15) are met.

Therefore, as a first step, Member States intending to use this possibility should inform the Commission and the voluntary schemes. As a second step, voluntary schemes, after having being informed, can continue certification with REDII rules only in those cases.

Voluntary schemes are asked to instruct the certification bodies performing certification activities under their scheme, to only perform REDII certifications in the cases where Member States have informed them of their intention to make use of the Article 29(15) clause.

Please also note that the economic operators concerned should be informed that, in case REDII certified volumes of biofuels, bioliquids and biomass fuels were to be exported by them to other Member States that are *not* applying the same rules (i.e. that have not chosen to use the Article 29(15) 'may clause'), the respective proof of sustainability declarations will likely not be accepted by the competent authorities of the Member States that are importing them, since those Member States chose to not make use of the 'may clause' and consequently they can only accept REDIII certificates.

II. Request for a possible transition period after the transposition deadline of 21 May 2025:

Some of you have reached out to us and requested whether the Commission can establish a transition period, after 21 May 2025, to help the economic operators to get ready to comply with the rules of REDIII. We understand that compliance with the new rules, after the legislation has been changed, might be challenging. However, it is not possible for the Commission to establish a **transition period beyond 21 May 2025** as the transposition deadline is set by the Directive.

We have initiated a technical reassessment of the schemes several months ago, with the intention to finalise this exercise before the transposition deadline and to ensure that all voluntary schemes that are EU recognised comply with the REDIII rules. This technical assessment has been finalised and the voluntary schemes have been found to comply with the Directive before the transposition deadline.

At the same time, please be reminded that, after receiving a positive technical assessment for compliance with the REDIII rules, you need to ensure that the economic operators certified under your schemes also comply with the new REDIII rules. This process could take place at the time of the annual recertification or surveillance audits. This means that for economic operators certified before 21 May 2025, the reassessment will happen next year. Only if this reassessment is positive, the relevant certificates can be considered compliant with REDIII.

In the meantime, when it comes to REDII compliant biofuels, bioliquids and biomass fuels that were produced before the transposition deadline and have been stored with the purpose to be consumed for energy production, these can still be consumed after the transposition deadline and will still be considered sustainable for the purposes of the Directive, since, at the moment of their production, they complied with the *then applicable* sustainability and GHG emissions saving criteria of Article 29 (2)-(7) and (10) of REDII.

When it comes to biofuels, bioliquids and biomass fuels produced after the transposition deadline, these cannot be produced from already stored raw material that was REDII certified. For these, it needs to be ensured that the strengthened REDIII rules apply. To ensure that the new rules apply, the voluntary schemes should reach out to the economic operators that are certified under their schemes, provide the necessary information and inform them of all the new processes and criteria they need to comply with in order to be REDIII compliant. All economic operators shall strive to ensure that the feedstock used for the production of biofuels, bioliquids and biomass fuels complies with the REDIII strengthened rules after the transposition deadline. The Commission will organise a dedicated meeting to discuss the implementation challenges with the voluntary schemes.

This message will also be communicated to the Member States representatives in the context of the Committee on the sustainability of biofuels, bioliquids and biomass fuels.

Yours sincerely,

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Head of Unit

