

**KINGDOM OF BELGIUM
FEDERAL PUBLIC SERVICE
ECONOMY, S.M.E.s, SELF-EMPLOYED AND ENERGY**

Draft Royal Decree laying down the detailed rules on biofuels from co-processed biomass and amending the Royal Decree of 14 December 2023 laying down the detailed rules on the operation of the register in the road and rail transport sector

PHILIPPE, KING OF THE BELGIANS,

To all present, and those to come, salutations.

Having regard to Commission Delegated Regulation (EU) 2023/1640 of 5 June 2023 on the method for determining the share of biofuels and biogas for transport produced from biomass processed with fossil fuels in a joint process;

Having regard to the Law of 31 July 2023 laying down product standards for the integration of energy from renewable sources into fossil motor fuels intended for the transport sector and amending the Act of 29 April 1999 on the organisation of the electricity market and amending the Act of 12 April 1965 on the transport of gaseous products and other products by means of pipelines, Article 3, § 1, fourth paragraph, and § 4, fourth paragraph, Article 6, fourth and sixth paragraphs, and Article 9, § 3;

Having regard to the Royal Decree of 14 December 2023 laying down detailed rules on the operation of the register in the road and rail transport sector;
Having regard to the regulatory impact analysis carried out in accordance with Article 6(1) of the Act of 15 December 2013 laying down various provisions on administrative simplification;

Having regard to the opinion of the Financial Inspector, issued on 14 December 2024;

Having regard to the opinion of the Federal Council for Sustainable Development, issued on 10 March 2025;
Having regard to the opinion of the Central Economic Council, issued on 10 March 2025;

Having regard to the opinion of the special advisory Consumer Committee, issued on 10 March 2025;
Having regard to the approval of the Minister for the Budget, dated 08/07/2025;
Having regard to Opinion No. 78.086/1/V of the Council of State, issued on 8 September 2025, pursuant to Article 84, (1)(1)(2) of the Council of State Acts, coordinated on 12 January 1973;

Having regard to the communication to the European Commission on (date), pursuant to Article 5(1) of Directive (EG) 2015/1535 of the European Parliament and of the Council of 9 September 2015 laying down a procedure for the provision of information in the field of technical regulations and of rules on information society services;

At the recommendation of the Minister for Energy and the Ministers convened in Council,

We have decided and hereby decree:

CHAPTER 1. – General provisions

Article 1.

The following definitions apply for the purposes of this decree:

1° Act of 31 July 2023: act laying down product standards for the integration of energy from renewable sources into fossil fuels intended for the transport sector, and amending the Act of 29 April 1999 on the organisation of the electricity market, and amending the Act of 12 April 1965 on the transport of gaseous products and other piping;

2° Royal Decree of 14 December 2023 on technical files: the Royal Decree of 14 December 2023 on technical files for biofuels of categories B and C, renewable motor fuels of non-biological origin of category D and recycled carbon motor fuels of category E;

3° Royal Decree of 14 December 2023 on the register: Royal Decree of 14 December 2023 laying down the detailed rules for the operation of the register in the road and rail transport sector;

4° Delegated Regulation (EU) 2023/1640: Commission Delegated Regulation (EU) 2023/1640 of 5 June 2023 on the methodology for determining the share of biofuels and biogas for transport produced from biomass processed in a joint process with fossil fuels;

5° finished product from simultaneously processed biomass: product resulting from the processing of biomass raw material or biofuel raw material and fossil raw material in a joint process and which is a liquid or gaseous fuel within the meaning of Article 2, 6° or 7°, of the Act of 31 July 2023 intended for the transport sector, containing a proportion of category A, B or C biofuel;

6° biomass raw material: biomass within the meaning of Article 2, 14°, of the Act of 31 July 2023;

7° biofuel raw material: biofuel of category A, B or C within the meaning of Article 2, 22°, 23° or 24°, of the Act of 31 July 2023;

8° fossil raw material: crude petroleum or liquid or gaseous fossil fuel;

9° producer: any legal entity that is required to register with the Directorate-General for Energy in accordance with the Ministerial Decree of 19 May 2021 on the registration of persons operating in the country's supply chain and consumers of petroleum and petroleum products, which has a crude oil refinery at its disposal, which produces finished products from simultaneously processed biomass, and whose production unit is located in Belgium;

10° technical file: the technical file for the biofuels of category B and C and for the renewable motor fuels of non-biological origin of category D and motor fuels based on recycled carbon of category E as referred to in Article 6 of the Act of 31 July 2023;

11° register: the IT tool used for all operations relating to the recording of the quantities of renewable energy as provided for in the Act of 31 July 2023;

12° Union Database: the database as referred to in Article 31bis of Directive (EU) 2018/2001 of the European Parliament and of the Council of 11 December 2018 on the promotion of the use of energy from renewable sources.

CHAPTER 2. – Technical file co-processing

Section 1. — Submission of the file

Article 2. The producer is responsible for complying with the provisions of this decree and assumes responsibility for complying with the current specifications of the finished products from simultaneously processed biomass until the transfer of ownership.

Article 3. § 1. The co-processing process of the biomass raw material or biofuel raw material with fossil raw materials and the proportion of category A, B or C biofuel in the finished product from simultaneously processed biomass are subject to approval by the minister after submission of a technical co-processing file.

The approval of the co-processing process and of the proportion of biofuel in category A, B or C shall be valid for a maximum period of three years.

In order to renew the approval for a further period of three years, a new technical file shall be submitted at least six months before the expiry of the validity period.

§ 2.

The biomass raw material meets the sustainability criteria and greenhouse gas emission reduction criteria set out in the Royal Decree of 17 December 2021.

§ 3. If the biomass raw material is listed in Annex 3, Part A or B of the Royal Decree of 14 December 2023 on the technical files, the producer may, when applying for approval of the technical file co-processing, apply for approval of the classification of a category C biofuel.

If the biofuel raw material itself has already been classified in category C, the quantity of biofuel contained in the finished product from simultaneously processed biomass shall also be regarded as category C, as long as the time limit and permitted quantity of the biofuel raw material for which approval of the technical file has been granted in accordance with Article 5(5) of the Royal Decree of 14 December 2023 on technical files are not exceeded.

§ 4. This approval applies to a co-processing process that takes place in Belgium.

§ 5. The technical co-processing file is submitted by the producer to the Directorate-General for Energy via the register and is processed by FAPETRO.

All elements of the technical file shall be entered in one of the official languages of Belgium or in English.

Article 4. The co-processing technical file includes a monitoring scheme in accordance with Articles 1, 2, 3, 4 and 6 of Delegated Regulation (EU) 2023/1640.

The monitoring scheme is analysed by FAPETRO.

If this monitoring scheme is unsatisfactory, FAPETRO may request the submission of a new scheme.

The new scheme is submitted within a maximum of two months from the date of receipt of the request. The application for a co-processing technical file will be rejected if the requested new scheme is not submitted within two months of receipt of the request. The period between the application for a new scheme and its submission is not taken into account in the maximum assessment duration of the co-processing technical file referred to in Article 9(3).

In that case, the assessment period for the file will be extended by a maximum of two months from the date of receipt of the new schedule.

Article 5. § 1. In the co-processing technical file submitted by the producer:

- 1° the producer indicates the raw materials used to produce the finished products from simultaneously processed biomass for which the application is submitted;
- 2° the producer demonstrates that the biomass raw material or biofuel raw material is certified in accordance with the provisions of the Royal Decree of 17 December 2021 and indicates the reference number of the Union Database assigned to it;
- 3° the producer indicates in which Member States of the European Union the co-processing process is permitted in order to achieve the objectives of Directive (EU) 2018/2001 of the European Parliament and of the Council of 11 December 2018 on the promotion of the use of energy from renewable sources and the commercialisation of the finished products from simultaneously processed biomass;
- 4° the producer lists all finished products resulting from the co-processing of the biomass and provide an estimate of the biofuel content for each of them.

§ 2. The technical file on co-processing must be supplemented by the following technical characteristics:

- 1° the location of the production unit;
- 2° the indication of whether the production unit is in operation or the date of entry into operation of the production unit;
- 3° a supply plan of the raw materials during the relevant production period;
- 4° the reception and storage facilities for the raw materials within the production unit with indication of the unloading and loading capacities of these raw materials.

§ 3. The producer may provide FAPETRO with any additional information it deems relevant.

Section 2. – Biomass feedstock

Article 6. In order to recognise the share of biofuel in the finished product from co-processed biomass as category C, the biomass raw material is listed in the table in Annex 3 to the Royal Decree of 14 December 2023 on technical files.

Section 3. – Biofuel raw material

Article 7. If the raw material used in the co-processing process is a biofuel raw material, the co-processing technical file indicates the category into which the biofuel falls and, if it is a category B or C, the number of the previously approved technical file or, if not yet approved, as soon as the approval is obtained.

Article 8. If the raw material is a Category C biofuel, the quantity used for co-processing shall be part of the annually limited quantity in the preparatory technical file pursuant to Article 5(5) of the Royal Decree of 14 December 2023 on technical files.

Section 4. – Handling of the technical file co-processing

Article 9. § 1. Within two months of receipt of the file, FAPETRO informs the producer through the register or, at the request of the producer, by post or email, as to whether or not the file is admissible.

§ 2. The co-processing technical file is not admissible if the elements requested in Articles 4 to 8 are lacking or incomplete.

§ 3. During the review of the file, which takes a maximum of six months from the date on which the admissibility of the file is communicated to the producer, FAPETRO may, if necessary, seek the assistance of

independent experts who are neutral towards producers.

§ 4. If the examination of the file deems it necessary, FAPETRO may request:

1 ° additional information regarding the biomass or biofuel feedstock, the finished product from simultaneously processed biomass or the production unit.

Additional information must be provided within two months of receipt of the application. The application for the technical file will be rejected if the additional information requested is not provided within two months of receipt of the request. The period between requesting the additional information and its submission is not taken into account for the maximum duration of the investigation as referred to Section 3;

2 ° access to the site of the production unit in the context of a control investigation.

In these cases, the evaluation period of the file will be extended by a maximum of two months from the receipt of all the additional information requested and the completion of the additional checks requested.

§ 5. FAPETRO sends the file to the Directorate-General for the Environment for additional advice. The Directorate-General for the Environment issues an opinion within four weeks after the receipt of the technical file. If no advice was issued within this time limit, it is considered positive.

§ 6. After examining the file, the Directorate-General for Energy submits a proposal for a decision to the minister.

The minister decides within four weeks after receipt of the proposal from the Directorate-General for Energy. If no approval was granted within this time limit, the technical file co-processing shall be considered as approved.

FAPETRO notifies the producer through the register or, at the request of the producer, by registered letter, of the minister's decision to approve or refuse the approval.

The notification of approval decision contains at least the following elements:

1° a unique registration number;

2 ° the date, the first day of a quarter, of the beginning of the validity of the technical file co-processing;

3° period of validity;

4° the proportion of biofuel in the finished products from co-processed biomass;

5° the multiplication factor. If the multiplication factor is changed by the king, in accordance with Article 4, § 1, sixth paragraph, of the Law of 31 July 2023, during the period of validity of the technical file, FAPETRO will inform the producer of the new factor;

6° in the case of a share of category C biofuel, the raw materials for which approval for category C biofuel has been granted and the quantity of category C biofuel in the finished products from simultaneously processed biomass for which approval has been granted per year.

Section 5. — Loss of approval

Art. 10 § 1. The co-processing technical file may lose its approval prior to the expiry date if an inspection by officials of the Directorate-General for Energy or the Directorate-General for Economic Inspection of the Federal Public Service Economy, SMEs, Self-Employed and Energy establishes that:

1° the requirements of this decision or of Delegated Regulation (EU) 2023/1640 have not been met;

2° the conditions which led to the grant are no longer fulfilled, or;

3° fraud is detected.

The loss of approval will be notified to the producer via the register or, at the request of the producer, by registered letter by the Directorate-General for Energy.

§ 2. If, on the date on which it loses approval in accordance with the Section 1, the producer has stocks of finished products from simultaneously processed biomass, these may no longer be used to fulfil the obligations laid down in Article 7 of the Act of 31 July 2023.

§ 3. In the event of loss of approval of the technical file, FAPETRO will inform all oil companies and suppliers of gaseous motor fuels via the register.

§ 4. If the proportion of biofuel in the finished product from co-processed biomass loses its approval in accordance with Section 1, the energy units corresponding to the recorded quantity of Category A, B or C biofuel in the finished product from co-processed biomass referred to in the technical file co-processing that loses its approval will be deactivated.

If the oil company or supplier of gaseous motor fuels demonstrates that the purchase of finished products from simultaneously processed biomass, the co-processing process of which is covered by the co-processing

technical file which loses its approval took place before the loss of the approval, the energy units referred to in the first paragraph will be reactivated and may be re-entered in the register in order to comply with obligations laid down in Article 7 of the Act of 31 July 2023.

If the oil company or supplier of gaseous motor fuels cannot prove that the date of the purchase in question precedes the loss of approval or if the purchase took place after the loss of approval, the energy units referred to in the first paragraph will be permanently deactivated and may not be re-entered in the register in order to comply with the obligations laid down in Article 7 of the Act of 31 July 2023.

If all or part of the energy units referred to in the first paragraph have been transferred to the account of one or more oil companies or suppliers of gaseous motor fuels, they will also be deactivated on these accounts and may not be taken into account for the purposes of achieving the objectives of Article 7 of the Act of 31 July 2023 of the company that holds them.

§ 5. If the category B or C biofuel feedstock loses its approval in accordance with Article 10 of the Royal Decree of 14 December 2023 on technical files, the approval of the co-processing process of this biofuel raw material with fossil raw material and the share of category A, B or C biofuel in the finished product from simultaneously processed biomass will be reviewed by FAPETRO. The approval of the co-processing process may be lost or amended.

If the technical file on co-processing is amended, the file will be forwarded to the Directorate-General for Environment for additional advice and approved by the Minister in accordance with Article 9, §§ 5 and 6.

In the opposite case, the technical file co-processing loses its approval. The loss of approval will be notified to the producer via the register or, at the request of the producer, by registered letter by the Directorate-General for Energy, and Sections 2 to 4 apply.

CHAPTER 3. – The register

Section 1 – Conditions and modalities for the use of the register

Article 11. Producers register themselves in the register according to the instructions in the user manual made available by the Directorate-General for Energy via the website of the Federal Public Service Economy, SMEs, Self-Employed and Energy or at the request of the company.

Producers first register and then complete the required information in the Union Database.

In the register, producers record the quantities of category A, B or C energy from simultaneously processed biomass that they have produced, provided that this quantity has already been recorded in advance and referred to in the Union Database.

The Directorate-General for Energy has access to and can use the data from the Union Database to monitor the provisions of this decree.

Art. 12. § 1. The register is used by producers of finished products from co-processed biomass to:

- 1° report on the quantities of finished products from co-processed biomass that they have produced, as well as the share of biofuel from categories A to C in the finished product from co-processed biomass, in accordance with the instructions in the user manual, in accordance with Article 11;
- 2° record the amounts of category A to C energy from co-processed biomass that they produced;
- 3° to receive the corresponding energy units from A to C. These units are allocated by the Directorate-General for Energy to producers who release the product for consumption, in accordance with the eligibility conditions set out in Article 3, § 2, fourth paragraph, of the Act of 31 July 2023, provided that proof is furnished that the product has been released for consumption in Belgium;
- 4° if the producer does not release for consumption the quantities of energy in categories A to C from co-processed biomass which it has produced, those quantities may be transferred to the company which released them for consumption. These units are allocated to this company by the Directorate-General for Energy, in accordance with the eligibility conditions set out in Article 3, § 2, fourth paragraph, of the Act of 31 July 2023, provided that proof is furnished that the product has been released for consumption in Belgium;

§ 2 Energy units may be transferred in the register to an oil company or a supplier of gaseous motor fuels in accordance with the conditions laid down in Article 4, §§ 3 to 6, of the Royal Decree of 14 December 2023 on the register.

Art. 13. The responsibility for the transactions lies with the producers.

Each producer is responsible for managing its own account and for correctly entering all the data it has

entered in the register and in the Union Database.

Section 2. – Reporting by producers

Article 14. § 1. Producers of finished products from co-processed biomass reports to the Directorate-General for Energy per batch produced per week the quantities of finished products from co-processed biomass they have produced, as well as the proportion of biofuel in the finished product from co-processed biomass calculated on the basis of the pre-approved monitoring scheme, no later than one week after the end of the week in which the quantities were produced.

The reporting takes place by uploading the data in the register in accordance with the user manual referred to in Article 11.

§ 2. The quantities of biofuels produced from simultaneously processed biomass that are not reported or reported after this period may not be registered in the register.

CHAPTER 4. – Supervision

Article 15. § 1. Within the framework of its supervisory powers regarding the obligations arising from the Act of 31 July 2023 and its implementing decrees, including the Royal Decree of 14 December 2023 on technical files, FAPETRO supervises the reporting of producers of finished products from simultaneously processed biomass.

§ 2. Fapetro verifies compliance with the application of the technical file for co-processing in accordance with Articles 6 and 7 of Delegated Regulation (EU) 2023/1640 in accordance with the monitoring schedule laid down in that technical file for co-processing.

FAPETRO has full access to samples, records and all evidence kept by the producer in accordance with Article 7(1) of Delegated Regulation (EU) 2023/1640.

CHAPTER 5. — Amendment of the Royal Decree of 14 December 2023 on the register

Article 16. In Article 4 of the Royal Decree of 14 December 2023 on the register, the following amendments are made:

1° in Section 3, the first paragraph is supplemented with the following words:

‘and the corresponding technical file number, if these units are linked to a technical file’;

2° in Section 3, the following paragraph is inserted between the first and second paragraphs:

‘By way of derogation from the first paragraph, the energy units F may only be transferred once in the register between two companies.’;

3° the second paragraph of Section 4 is repealed.

CHAPTER 6. – Transitional provision and final provisions

Article 17. Pending the operationalisation of that Union Database, the database managed by the Directorate-General for the Environment will be used.

Article 18. This decree enters into force on the day of its publication in the Belgian Official Gazette [Belgisch Staatsblad].

Article 19. The Minister for Energy is responsible for implementation of this decree.

Issued at

On behalf of His Majesty:

The Minister for Energy,

Mathieu BIHET