

DRAFT MINISTERIAL REGULATION

Regulation of the Minister of Climate and Green Growth relating to implementing rules for the blending obligation for green gas

Minister of Climate Policy and Green Growth

Having regard to Article 2.61 of the Energy Act, Articles 9.9.4.1, second paragraph, 9.9.4.2, first paragraph, 9.9.4.5, first paragraph, 9.9.5.2, first paragraph, 9.9.5.3, second paragraph, and 9.9.6.1, second paragraph, of the Environmental Management Act and Articles 6, second and third paragraphs, 3, fourth paragraph, and 14, second paragraph, of the Green Gas Blending Obligation Decree;

Hereby decrees:

CHAPTER 1. GENERAL PROVISIONS

Article 1. Definitions

For these regulations, the following terms and definitions apply:

Decree: Green Gas Blending Obligation Decree;

Approver: a natural person who is required to approve a transaction proposed by an account representative;

Account representative: a natural person who is authorised to carry out any action that may be carried out to an account other than the approval of a transaction.

(Basis: Article 6, second paragraph, of the Green Gas Blending Obligation Decree (based on Article 9.9.2.6 of the act))

Article 2. Amount of compensation for exemption

The compensation per tonne of CO₂-equivalent chain emissions reduction, which enables a supplier to obtain an exemption from the annual obligation to supply green gas units for each green gas unit supplied to customers, amounts to, in the calendar year:

2027: €450;

2028: €459;

2029: €468;

2030: €478;

2031: €487;

2032: €497;

2033: €507;

2034: €517;

2035: €527.

(Basis: Article 6, third paragraph, subsection c, of the Green Gas Blending Obligation Decree (based on Article 9.9.2.6 of the act))

Article 3. Scope and procedure for applying for an exemption

1. A full exemption from the annual obligation to supply green gas units, as referred to in Article 9.9.2.6 of the act, may be obtained on payment of the applicable fee.
2. A request to the board of the emissions authority for an exemption from the annual obligation regarding green gas units is made by submitting an application via the GGE register.

(Basis: Article 9.9.4.1, second paragraph, Environmental Management Act)

Article 4. Registration of information on gas from renewable sources

1. The registrant of gas from renewable sources of biological origin in the GGE register, as referred to in Article 9.9.4.1 of the act, must specify:

- a. the following information in relation to the guarantee of origin:
 - 1°. Number of the certification series;
 - 2°. Production month;
 - 3°. Country of issue;
 - 4°. Energy production, if practised, without correction for own use of the gas as referred to in Article 6, second paragraph, of the Regulation on Guarantees of Origin;
- b. the following information in relation to the proof of sustainability:
 - 1°. Unique number of the proof of sustainability or, if available, the unique Union Database number;
 - 2°. Sustainability system under which the supply takes place;
 - 3°. Raw material or materials according to the sustainability system under which the supply takes place;
 - 4°. Country of origin of the raw material or materials;
 - 5°. With multiple raw materials, the contribution of each raw material to the total energy content of the gas from renewable sources as a percentage;
 - 6°. Total greenhouse gas emissions in g CO₂eq/MJ, calculated in accordance with Article 31, first paragraph, of the Renewable Energy Directive or if the default value is not used, the greenhouse gas performance broken down into the individual factors.
- 2. The registrant of gas from renewable sources of non-biological origin in the GGE register, as referred to in Article 9.9.4.1 of the act, must specify:
 - a. the following information in relation to the guarantee of origin:
 - 1°. Number of the certification series;
 - 2°. Production month;
 - 3°. Country of issue;
 - b. the following information in relation to the proof of sustainability:
 - 1°. Sustainability scheme under which the supply takes place;
 - 2°. Unique number of the proof of sustainability or, if available, the unique Union Database number;
 - 3°. Total greenhouse gas emissions in g CO₂eq/MJ and the greenhouse gas performance broken down by factors.

(Basis: Article 3, fourth paragraph, of the Green Gas Blending Obligation Decree (based on 9.9.4.1, third paragraph, of the act))

Article 5. Method of demonstrating that no subsidy has been paid

The registrant of gas from renewable sources demonstrates, by means of proof of sustainability and a guarantee of origin that no operating subsidies have been paid for the production of gas from renewable sources registered in the GGE register, as referred to in Article 3, second paragraph, of the decree.

(Basis: Article 9.9.4.2, first paragraph, Environmental Management Act)

Article 6. Requirements for gas from renewable sources

Gas from renewable sources must comply with Article 29 or Article 29bis and Article 30 of the Renewable Energy Directive.

(Basis: Article 9.9.4.5, first paragraph, of the Environmental Management Act)

Article 7. Publication of green gas units

1. The summary referred to in Article 9.9.4.5, first paragraph, of the act will be published on 4 January, 4 May, 4 July and 10 August or on the following day that is not a Saturday, Sunday or generally recognised public holiday.
2. The summary referred to in the first paragraph specifies the following in relation to the part of the calendar year or calendar year to which the summary relates:
 - a. Number of green gas units credited to accounts in the register;
 - b. Number of green gas units saved in that calendar year;
 - c. Number of green gas units covered by an exemption or an application for exemption from the annual obligation for green gas units, as referred to in Article 9.9.2.6, first paragraph, of the act.

(Basis: Article 14, second paragraph, of the Blending Obligation Decree (based on Article 9.9.4.10 of the Blending Obligation Act))

Article 8. Reporting to the minister

The board of the emissions authority reports, at a minimum, the following annually to the minister for the last calendar year:

- a. Total quantity of gas from renewable sources registered in the register, as well as the total quantity of CO₂-equivalent chain emissions reduction of the registered gas from renewable sources;
- b. Nature and origin of the raw material for the total volume of gas registered from renewable sources, as well as the sustainability system used;
- c. Total amount of CO₂-equivalent chain emissions reduction corresponding to the exemptions granted from the annual obligation for green gas units, as referred to in Article 9.9.2.6, first paragraph, of the act.

(Basis: Article 9.9.5.2, first paragraph, of the Environmental Management Act)

Article 9. Access to the GGE register

1. The register is accessible online.
2. A login tool designated by the board of the emissions authority is used to access the register.
3. The board of the emissions authority may suspend access to the register if damage has occurred or is likely to occur to the register.
4. The board of the emissions authority takes all measures that can reasonably be expected to ensure that the register is available weekdays from 9 am to 5 pm.

(Basis: Article 9.9.5.3, second paragraph, of the Environmental Management Act)

Article 10. Information required to open an account in the register

1. The application to open an account, as referred to in Article 9.9.5.3 of the act, must specify the desired facilities.
2. In the application referred to in the first paragraph, the board of the emissions authority may ask the supplier to customers to provide the following information electronically:
 - a. Name, business address and company registration number of supplier;
 - b. Name and a colour copy of a valid identification document of the supplier's authorised representative;
 - c. Name, business address, email address and phone number of authorised signatories and approvers;
3. Proof of the supplier's active bank account.
When requesting an account with a registration facility, the board of the emissions authority may request the supplier to customers to provide an overview of the administrative organisation by electronic means.

(Basis: Article 9.9.5.3, second paragraph, of the Environmental Management Act)

Article 11. Opening of an account in the register

1. The management of the emissions authority verifies that the data and documents referred to in Article 10, second and third paragraphs, are complete, up to date, accurate and truthful.
2. If the requirements for holding an account as referred to in Article 9.9.5.3 of the act are met, the emissions authority, no later than 20 working days after receipt of the information referred to in Article 10, second and third paragraphs, will create an account in the register for the applicant. The emissions authority may extend this period by 20 working days.
3. Before using the account, the account holder must accept the terms and conditions of use.

(Basis: Article 9.9.5.3, second paragraph, of the Environmental Management Act)

Article 12. Data management

The supplier to customers ensures that the information in its account in the register is complete, up to date, accurate and truthful.

(Basis: Article 9.9.5.3, second paragraph, of the Environmental Management Act)

Article 13. Changes to information

1. The supplier to customers notifies the board of the emissions authority electronically of any changes to the information relating to the supplier, as referred to in Article 10, within 20 working days of the change.
2. The emissions authority updates the information after the accuracy of the notification referred to in the first paragraph has been verified in accordance with that notification within 20 working days of receipt of that notification, provided that it is complete, up to date, accurate and truthful.

(Basis: Article 9.9.5.3, second paragraph, of the Environmental Management Act)

Article 14. Notification of unauthorised access to the register

1. If the supplier knows or suspects that an unauthorised person may access the account, the supplier will block access to the account and report this immediately to the board of the emissions authority by electronic means.
2. If the notification referred to in the first paragraph has been received, the emissions authority will check whether access to the relevant account is blocked.
3. Until the notification referred to in the first paragraph is received, all access to the account will be considered authorised.

(Basis: Article 9.9.5.3, second paragraph, of the Environmental Management Act)

Article 15. Account representatives and approvers

1. The supplier to customers designates at least two account representatives for every account.
2. The supplier to customers may appoint two or more approvers for every account.
3. A supplier to customers may have no more than ten account representatives or approvers for each account.
4. An account representative may only be an approver for a transaction that he or she has not proposed.

(Basis: Article 9.9.6.1, second paragraph, of the Environmental Management Act)

Article 16. Accountability for sustainability of raw materials

The producer of gas from renewable sources has an administrative organisation with internal control and monitoring measures which, by their design and operation, ensure that it accurately reports on:

- a. The nature and quantity of the sustainable raw material received for the production of the gas from renewable sources;
- b. The appropriate ratio between the nature and quantity of the sustainable raw material used and the type and amount of gas from renewable sources produced;

(Basis: Article 2.61, second paragraph, of the Energy Act)

Article 17. Amendment to the Regulation on Guarantees of Origin

Article 23 of the Regulation on Guarantees of Origin is amended as follows:

1. The third paragraph now reads:
3. By way of derogation from the first paragraph, an account holder may transfer guarantees of origin to the account of the Dutch emissions authority if the account holder in question has:
 - a. Guarantees of origin for non-grid supply of electricity from renewable sources or guarantees of origin for non-grid supply of gas from renewable sources that it intends to use or have used to acquire emissions reduction units as referred to in Article 9.7.3.1 of the Environmental Management;
 - b. Guarantees of origin for gas from renewable sources that it wants to use or have used to acquire green gas units as referred to in Article 9.9.3.1 of the Environmental Management Act.
2. The following will be added to the fourth paragraph after 'Environmental Management Act': 'or green gas units as referred to in Article 9.9.3.1. of the Environmental Management Act'.
3. The following will be added to the sixth paragraph after 'Environmental Management Act': 'or green gas units as referred to in Article 9.9.3.1. of the Environmental Management Act'.

Article 18. Mutual recognition

Gas from renewable sources as referred to in this regulation is considered the same as gas from renewable sources that is lawfully manufactured or marketed in another Member State of the European Union or in a State other than a Member State of the European Union that is party to a customs union treaty or which is lawfully produced in a State that is a party to a free trade area treaty binding the Netherlands and which meet the requirements providing a level of protection at least equivalent to the level pursued by national requirements.

Article 19. Entry into force

This regulation enters into force on 1 January 2027.

Article 20: Official title

This regulation is cited as the: Green Gas Blending Obligation Regulation.

Explanatory notes

1. Introduction

The Green Gas Blending Obligation Regulation (hereinafter: the regulation) implements the Green Gas Blending Obligation Decree (hereinafter: the decree) and the articles of Title 9.9 of the Environmental Management Act (hereinafter: the act).

Title 9.9 of the act introduces a system in which suppliers of gas to customers within the sectors covered by the Emissions Trading System 2 (ETS2) (hereinafter: energy suppliers) are obliged annually to achieve a certain amount of greenhouse gas emission savings in the chain by supplying green gas. If energy suppliers are unable to comply with this obligation, they may obtain an exemption from it by paying a legally established fee.

The decree sets out the detailed provisions of the legislation concerning, among other things, the annual obligation regarding green gas units (GGUs), the determination of energy suppliers' market share, the GGU register, the crediting and deducting of green gas units and the possibility to save and transfer green gas units.

The regulation stipulates that gas from renewable sources and its production, which is used to meet the green gas blending obligation, must comply with the sustainability and greenhouse gas emissions reduction criteria set out in Articles 29 and 29bis and that all links in the supply chain must be certified in accordance with Article 30 of the Renewable Energy Directive (2.2). It also contains more detailed rules on the opening of an account and facility or facilities by energy suppliers in the GGE register and the data to be provided for this purpose (2.3), the publication of the summary of the number of available GGEs (2.4) and the size, amount and payment requirements for obtaining an exemption from the annual obligation (2.5).

This regulation also provides for an amendment to the Regulation on Guarantees of Origin to facilitate the transfer of a guarantee of origin (hereinafter: guarantee) to the account of the emissions authority. It is also stipulated that if a green gas producer wants to supply a specific volume of production to meet the blending obligation – and therefore wishes to forgo the subsidy for that volume of production – the minister must be notified of this in good time. In that case, it can be indicated on the corresponding guarantee that no operating subsidy has been received.

2. CO₂-equivalent chain emissions reduction target, annual obligation and EIGs

The CO₂-equivalent chain emissions reduction target reflects the intended reduction of greenhouse gas emissions in the natural gas chain. The blending obligation requires energy suppliers to contribute annually to the reduction of chain emissions by supplying sufficient green gas to customers covered by ETS2 (and to transfer the corresponding guarantees). Once the guarantee has been transferred and the correct data has been registered in the relevant (GGE) register of the Dutch Emissions Authority (NEa), GGEs are obtained for this. A GGE is an administrative unit representing a contribution to the chain emissions reduction target (1 Kg CO₂ reduction = 1GGE) and is the instrument for determining whether an energy supplier has complied with its annual green gas blending obligation.

2.1 Sustainability requirements for gas from renewable sources (green gas)

This regulation imposes requirements on the green gas that is eligible for the blending obligation. These requirements ensure that only green gas that meets the sustainability and greenhouse gas emissions reduction criteria counts towards energy suppliers' blending obligations. This is based on the sustainability and greenhouse gas emissions reduction criteria set out in the European framework for renewable energy (Renewable Energy Directive III, hereinafter: RED). For example, energy suppliers must demonstrate that, in accordance with Implementing Regulation (EU) 2022/996, the requirements of Articles 29, second to seventh paragraph and tenth paragraph, and Article 29bis, first and second paragraph, of the RED have been met with regard to the green gas supplied. In addition, economic operators (including producers of green gas and other parties in the chain) are obliged to participate in a recognised voluntary scheme in accordance with Article 30, fourth paragraph, of the RED, and the aforementioned implementing regulation lays down rules with which voluntary schemes, economic operators and certification bodies must

comply. No additional rules are imposed on market parties over and above the criteria set out in the RED.

2.2 Sustainability requirements for raw materials

A market participant that produces gas from renewable sources (hereinafter: producer) must, in line with the certification requirements under the RED, be able to demonstrate that the renewable raw materials used actually result in the production of the declared quantity of gas from renewable sources. To this end, the producer must establish internal processes to ensure that the raw materials used comply with the claims made regarding a guarantee of origin and proof of sustainability (*Proof of Sustainability*, hereinafter: PoS) (Article 9.9.6.1, first paragraph, Green Gas Blending Obligation Act). These requirements apply to both Dutch economic operators and economic operators in other EU countries, as they are required under the RED to have the necessary certification and part of this certification involves verifying compliance with the relevant requirements. It follows from Article 10, fifth paragraph, of the implementing regulation, among other things, that voluntary schemes only certify economic operators if they meet all the requirements set out in that paragraph. An example of this is that they must have a document management system and a verifiable system for storing and assessing all evidence relating to the claims made or on which they rely.

These internal processes must, among other things, relate to the nature and quantity of the renewable raw materials received and to the ratio between the raw materials used and the quantity of gas produced from renewable sources. These figures are used to determine the CO₂-equivalent chain emissions reduction attributed to the gas produced from renewable sources. Because this chain emissions reduction can be claimed by the producer towards an energy supplier for compliance with the green gas blending obligation, it is important that the producer be able to demonstrate the accuracy of the underlying data.

2.3 Green gas units register (GGE register)

Availability of and access to the GGE register

The GGE register is managed by the emissions authority and is freely accessible online. The register has been added to the already existing register for, for example, ETS1 and the Fuel Transition Obligation, and is therefore a familiar environment for the parties to which this proposal imposes obligations.

The emissions authority facilitates access to the register by providing possibilities to log in and by ensuring that the register is available (online) as much as possible and during business hours at a minimum. Work on the register that makes the register inaccessible only takes place before 9 am and after 5 pm. Access may be withdrawn if the register is damaged or at risk of being damaged. In such cases, the emissions authority may suspend access. The market participants concerned will be notified of this immediately.

Opening, maintaining and managing an account in the GGE register

This regulation lays down which data an energy supplier must provide to the board of the emissions authority to apply for an account in the GGE register. The board of the emissions authority handles requests to open an account and also manages use of the account, such as ensuring online access to the account.

Since keeping an account in the register is necessary for the energy supplier to be able to meet the annual obligation, any energy supplier can open an account. It is important, however, that the emissions authority have certain information about the energy supplier in question. Where possible, the emissions authority draws on the available data that energy suppliers have already been required to submit in order to obtain an account in the ETS2 register. After all, the target group is the same and the information requested is also the same. This reduces the administrative burden for both applicants and the emissions authority.

In some cases, it may be necessary to provide additional information at the emissions authority's request, including company details and information on the person authorised to represent the company under the articles of association. In addition, this case concerns the contact details of the

account representatives. The requirements regarding the information to be provided are the same for all energy suppliers, regardless of the country in which the company has its business location.

The deadline of 15 December to apply for an account aims to limit the heavy workload of the emissions authority at the end of the calendar year. On receiving the above information, the emissions authority will assess whether this information and accompanying documents are complete and accurate and will create an account within a specified timeframe. After the terms of use are accepted, this account can be used by the account holder.

Once the account has been opened, the account holder is responsible for managing the information and where necessary, reporting any changes to it. The emissions authority is then responsible for implementing the changes to the data once their accuracy has been verified. An account holder is also responsible for ensuring that the account can be used to appoint one or more account representatives and, where necessary, designate approvers. The designation of approvers is not compulsory, but is an option available to the account holder to apply a four-eye principle to entries and transfers in the GGE register. Finally, the account holder is obliged to report to the emissions authority if there are suspicions or evidence of unauthorised access to the account and the account holder is obliged to block such access.

Registration of data in the GGE register

The registration of green gas by the energy supplier in the GGE register is based on the CO₂-equivalent chain emissions reduction, calculated in accordance with the calculation rules of the RED. A guarantee of origin as referred to in Article 19, first paragraph, of the Renewable Energy Directive must have been issued for a quantity of green gas that is registered in the accounts. In addition, a PoS must have been issued, as referred to in Article 2, under 23, of Implementing Regulation (EU) 2022/996. The energy supplier must have both documents. In order to register green gas in the GGE register, details of the guarantee of origin and PoS must be provided, including the unique identification numbers, raw materials used (type, country of origin), country where the green gas was produced, CO₂-equivalent chain emissions reduction of the PoS and whether an operating subsidy was paid for the green gas. The requested information contains only the details that, under the RED, must appear on a guarantee of origin and a PoS. This can, and must, be complied with by any producer, regardless of the country in which the production facility is located. The energy supplier must accurately register the above details and must therefore not make any changes to the details in a guarantee of origin or PoS.

Almost all information requested at the time of registration is needed by the emissions authority to determine the number of GGE to be credited. In addition, a limited amount of data is used to carry out a risk analysis. The emissions authority monitors compliance with the rules governing entries in the GGE register, adopting a risk-based approach in doing so. To prevent the emissions authority from having to request additional information from energy suppliers retrospectively as part of this supervisory process, the request is made at the time of registration the data for purposes of the blending obligation. One example of this is the breakdown of the emissions calculation into its various intermediate steps. The calculation rules for the emission value follows from Union legislation and also includes the individual components that make up the total emission value. This information is recorded on a PoS, which shows all the individual values that add up to the final emission value at the end of the chain. An energy supplier draws up a PoS based on the PoS it receives from the previous link in the chain. The PoS is provided to the emissions authority by the energy supplier when green gas is registered. Incidentally, this does not involve information that companies need to calculate or collect separately. A certified link to a recognised sustainability system or a recognised voluntary system is required to have this information available in its own records. The request only ensures that this information is provided in a structured way through the PoS and therefore does not require any additional calculation from energy suppliers.

Given that energy suppliers are rewarded on the basis of the total emissions reductions achieved, some form of oversight in this regard is desirable. The underlying individual emissions values are an important risk indicator. If only the total emissions value were to be considered, this may in itself appear plausible. The summary of the emissions values in the individual intermediate steps may provide additional information. For example, this may indicate that certain components have (much) lower emission values than expected. This then provides an indication for the emissions authority to further verify whether too many units may have been credited.

Transfer of a guarantee of origin and proof of sustainability

When green gas is supplied to customers for purposes of the blending obligation, the amount of gas entered in the accounts and supplied must be demonstrated by the energy supplier with a guarantee of origin and PoS. For the calculation of quantity, the emissions authority assumes the lower calorific value in line with the RED calculation rules. The proof of sustainability indicates the greenhouse gas emissions caused by the production of gas from renewable sources. When green gas is recorded in the GGE register, the greenhouse gas emissions are converted into a quantity of CO₂-equivalent chain emissions reduction. This is based on the fossil fuel reference for biomass fuels used for the production of useful heat, as well as for heating or cooling, as set out in Annex VI, subsection b, point 19, of the Renewable Energy Directive. This fossil fuel reference value is, at the time of entry into force, 80 gCO_{2eq}/MJ. Should the fossil fuel reference in the Renewable Energy Directive change, this will be implemented via the certification schemes.

A guarantee of origin must be transferred by the energy supplier to the account of the emissions authority before it can be registered in the GGE register. This ensures that the guarantee can no longer be used for other purposes and prevents double counting. For the proof of sustainability, proof must be drawn up for the emissions authority. In the case of green gas, transfers may only be made if the guarantee of origin is still valid at the time of registration and provided that no operating subsidy has been paid for that quantity of green gas. The emission authority's system automatically verifies this.

2.4 Publication of overview of number of available green gas units

The regulation lays down the method by which and dates on which the emissions authority reports the number of green gas units registered in the accounts, the green gas units deducted and the amount of green gas units saved. This takes place four times a year in order to keep energy suppliers adequately informed about developments regarding the blending obligation and enable them to act accordingly when registering guarantees of origin or trading in GGEs. The reporting dates are scheduled to coincide with the times when an energy supplier needs this information, namely four months before the registration deadline (4 January), shortly after the registration deadline (4 May), shortly after the deadline for applying for an exemption (4 July) and shortly after the year-end (10 August).

2.5 Exemption from the annual blending obligation for green gas

Size

An energy supplier may fulfil all or part of its annual obligation to supply green gas units by surrendering GGEs. For the percentage of the annual obligation for which no GGE certificates are submitted, or for the entire annual obligation, the energy supplier may obtain an exemption by paying the fee set for this purpose, known as the 'buy-out'.

Buy-out amount

The fee amount for the buy-out is set at EUR 450 per tonne of CO₂-equivalent chain emissions reduction for 2027. The amount of the buy-out is indexed annually by 2%, in line with the European Central Bank's inflation target. A fixed index is used because this provides certainty to suppliers about the amount of the buy-out in future years. Article 2 of the scheme includes the amount of the buy-out per tonne of CO₂-chain emissions reduction per year. For the total amount to be transferred by an energy supplier, the buy-out amount must be multiplied by the amount of unachieved CO₂-equivalent chain emissions reduction over which a supplier intends to use the buy-out, i.e. the part of the annual obligation for which no GGEs have been surrendered.

The operation of the legislative proposal on the blending obligation for green gas will be evaluated at the latest five years after the legislative proposal enters into force. The aim is to carry this out earlier, but the current plan is to conduct a review in 2029. The amount of the buy-out will also be evaluated.

Method of payment for exemption

This regulation also sets out how an energy supplier can pay for this buy-out. This is done by means of a functionality in the GGE register. In this functionality, an energy supplier must indicate the

number of GGE units for which it wants to use the exemption option. The system then automatically calculates the amount to be paid. After payment, the corresponding quantity of GGE units will also be deducted from the total target for the respective energy supplier in the register. No restrictions have been laid down regarding the maximum percentage for which an exemption may be granted.

By 1 July at the latest, the energy supplier must inform the emissions authority as to whether it wants a total or partial exemption from the annual obligation for the previous calendar year, by submitting an application for this (Article 9.9.2.6, third paragraph, of the Environmental Management Act). By 15 July at the latest, the amount corresponding to that exemption must be received by the emissions authority. If these deadlines are not met, the supplier cannot use an exemption for the preceding calendar year (Article 9.9.2.6, fifth paragraph, of the Environmental Management Act).

3. Relationship to higher law

Notification under Directive (EU) 2015/1535

This draft regulation, together with the legislative proposal and proposal for an order in council, which set out the principles, will be notified to the European Commission. Notification is required in this case because the draft regulation may contain technical requirements. These technical regulations are submitted to the European Commission to ensure that they do not constitute a barrier to trade.

Article 3 of the draft Green Gas Blending Obligation Decree contains requirements for gas from renewable sources. Articles 4 and 5 of this regulation elaborate on Article 3 of the draft Green Gas Blending Obligation Decree. A registrant of gas from renewable sources must enter certain details into the GGE register, which they obtain from the guarantee of origin. In this context, it can be argued that the provisions of Articles 4 and 5 are not subject to the notification requirement, as they fall within the scope of the grounds for exemption set out in Article 7 of Directive 2015/1535/EU. Proof of sustainability and the resulting obligation to comply with Articles 29, 29bis and 30 of the RED falls within the scope of binding acts of the Union that result in the adoption of technical regulations or rules concerning services. The same applies to the requirement of a valid guarantee of origin.

Although Article 6 contains technical regulations, it does not need to be notified because it covers the implementation of the Renewable Energy Directive and this provision therefore falls within the exceptions to the notification requirement.

General Data Protection Regulation (EU) 2016/679

This legislative proposal contains an obligation that entails the processing of personal data in accordance with Regulation (EU) 2016/679. It concerns the registration of information on the production of green gas in the GGE register of the emissions authority.

It follows from the current Article 24, first paragraph, subsection e, of the Regulation on Guarantees of Origin and Certificates of Origin that the guarantee of origin must include details of the production facility, including location, type and capacity. Since, in many cases, these will be production facilities used in the agricultural sector, it cannot be excluded that this data can be traced back to a person. The registration of gas from renewable sources, together with the relevant characteristics of the guarantee of origin, in the GGE register constitutes the processing of personal data under the General Data Protection Regulation. A data protection impact assessment (DPIA) is carried out for this purpose.

4. Administrative burden and enforcement costs

The administrative burden and enforcement costs associated with the new framework for the green gas blending obligation, of which this regulation forms part, are set out in detail in Section 5.4 of the explanatory notes to the proposed Green Gas Blending Obligation, the explanatory notes to the draft Green Gas Blending Obligation Decree and the business impact assessment. The regulation does not give rise to any changes to those analyses.

4.1 Advisory Board on Regulatory Burden (ATR assessment)

On 17 July 2026, the draft legislative regulation and accompanying explanatory notes were submitted to the Advisory Board on the Assessment of Regulatory Burdens (ATR) for the

assessment of administrative burden and regulatory impact. The opinion of the ATR is to submit the regulation. The board suggests that the aforementioned information from the business impact assessment should also be included in the explanatory notes to the regulation, so that the regulatory impact is stated in a single document and is therefore easier to understand.

Government response

The information from the business impact assessment has already been incorporated in full into the explanatory notes to the legislative proposal and the explanatory notes to the order in council. For that reason, that information has not been included again in the explanatory notes to the draft regulation.

5. Enforceability, feasibility and fraud resistance

[To be completed in more detail following the assessment of the enforceability, practicability and fraud resistance by the emissions authority.]

6. Consultation with the business community involved

The (implementation) framework was developed in collaboration with the emissions authority, the Netherlands Enterprise Agency (RVO) and VertiCer. The requirements laid down in this regulation have been the subject of several consultations with the companies involved. This concerns companies that will have an annual obligation, potential producers of green gas and potential certification institutions.

7. Online consultation

The draft regulation was published on www.internetconsultatie.nl and members of the public were given the opportunity to submit their views on the draft from 16 July 2026 to 13 August 2026.

A total of 12 responses were submitted, 11 of which were public. The responders represent energy suppliers, gas producers, traders and service providers within the green gas supply chain. These points have been grouped by topic and each has a response. The online consultation of the ministerial regulation was partially conducted at the same time as the online consultation of this ministerial decree and a number of responders combined the responses. The comments submitted in response to the ministerial regulation relating to the order in council have already been incorporated into that regulation and are therefore not addressed in the response below.

Those who submitted comments broadly support the objective of the green gas blending obligation as a tool to stimulate the production and consumption of green gas. Green gas is recognised as an important building block for the sustainability of the energy system. The contribution of green gas to reducing greenhouse gas emissions, strengthening the Netherlands' energy security, the agricultural transition and the circular economy is widely recognised. However, some respondents also believe that the blending obligation is not the right instrument, particularly as they expect the green gas to come from abroad and therefore not to provide sufficient support to Dutch businesses.

Most responses stress the importance of stable market demand for green gas that can accelerate investments in production capacity and contribute to the achievement of climate objectives. At the same time, the consultation responses highlight issues relating to the feasibility, affordability and effectiveness of the proposed regulation. For example, the report highlights the need for sufficient production capacity in the Netherlands, the administrative burden on market participants, the need to safeguard sustainability criteria and potential conflicts with other policy objectives, such as the materials transition.

The government has carefully considered this input in the final draft of the regulation. This response discusses the main outlines of the input received and the manner in which this has been handled. Attention is also paid to the considerations underlying the choices made in the regulation.

1 -Effective date

One respondent highlighted the need for the legislative proposal to enter into force on 1 January 2027. Another respondent asked about the size of the buy-out and what the level of the annual obligation will be if the target date of 1 January 2027 is not met.

Government response

The government has committed itself to an entry into force of the legislative proposal as soon as possible for the green gas blending obligation and associated lower regulations. At present, the government assumes that the legislation can enter into force on 1 January 2027. If it turns out that this is not possible, the government will assess the impact of this and inform parliament and the sector about its consequences for legislation and regulations.

2 - Guarantees of origin

With regard to guarantees of origin, it has been emphasised on a number of occasions that, from the point of view of reducing barriers to trade and regulatory burdens, it is desirable, when using a guarantee and PoS, to align as much as possible with the rules set out in the RED and to treat the guarantee and PoS as two separate documents, by which the guarantee is intended as proof of renewability and a PoS as proof of sustainability. Also asked was how double counting is prevented. In addition, a number of specific comments were submitted on the Regulation on Guarantees of Origin, the terminology used in the ministerial regulation or its explanatory notes and the format in which a guarantee of origin and PoS must be provided. The report also examines the role of the Union database within the framework of the blending obligation. Finally, a respondent asked about the extent to which a guarantee of origin transferred for the blending obligation to the emissions authority can be used as proof of delivery.

Government response

Under the blending obligation, only certified green gas may be used, in accordance with the certification and guarantee scheme set out in the Renewable Energy Directive (RED). This is therefore in line with the requirements laid down at the European level regarding the guarantee of origin and the PoS¹. No additional requirements are included. The guarantee of origin and PoS are treated as separate documents, each serving a distinct purpose, but they must both relate to the same volume of gas. Both documents can no longer be used for other purposes after conversion into a GGE, therefore avoiding double counting. Furthermore, this prevents a quantity of green gas from being traded twice by first claiming it as gas from renewable sources that meets the sustainability and greenhouse gas emissions reduction requirements set out in Article 29, first to seventh paragraphs, and the tenth paragraph of the RED and a PoS to that effect, and subsequently as gas of renewable origin with a guarantee of origin to that effect. In the Netherlands, it is possible for producers to have PoS information added to the guarantee of origin by Verticer. This is not necessary for the blending obligation, as the supply in question—gas from renewable sources—must be accompanied by both a guarantee of origin and a PoS. Data must be transferred to the GGE register from both the guarantee and the PoS.

Once operational, the Union database can contribute to supply chain transparency and facilitate the verification of compliance with sustainability and greenhouse gas emissions reduction requirements. However, this does not mean that effective supervision is not possible without the Union database. The combination of a guarantee of origin, proof of sustainability and European-level oversight forms the basis of a sufficiently robust and traceable system that can be used to demonstrate the sustainable and renewable origin, sustainability and greenhouse gas emissions reductions. The government and emissions authority are committed to strengthening supervision within the European framework on an ongoing basis.

A guarantee of origin that is used in the context of the blending obligation is simultaneously also used as proof of supply of green gas in the context of a green gas contract.

3 - Proof of Sustainability

A respondent asked about the consequences of splitting a Proof of Sustainability (PoS) for the guarantee of origin and GGE corresponding to that PoS.

Government response

A PoS must be drawn up in connection with a supply of gas from renewable sources for which a guarantee of origin has also been issued. This supply of gas from renewable sources is recorded in the GGE register on the basis of the guarantee of origin and the PoS. The PoS and guarantee of origin therefore both relate to the same supply of green gas. When splitting a guarantee of origin into smaller parts, the certified market participant concerned must draw up the corresponding proof of sustainability.

¹ The terms 'PoS' and 'proof of sustainability' are used interchangeably, but have essentially the same meaning.

4 – Sustainability requirements

One respondent explicitly requested that the scheme stipulate that the date on which the production facility was put into operation is the decisive factor and that it clarify which reduction requirement applies to facilities put into operation before 2021, but which have not yet been in operation for 15 years. Another respondent claimed that additional rules are imposed on producers in addition to the criteria set out in the RED, citing the NTA 8003 classification. Another respondent requested confirmation that no additional national conditions or verification steps are imposed on guarantees of origin, proofs of sustainability and sustainability systems recognised within the EU in accordance with REDIII and other implementing regulations. A respondent also asked about the consequences if the fossil reference for biomass fuels were to change. Finally, a respondent asked about the data that must be provided when multiple raw materials and stages in the supply chain are involved.

Government response

The reduction requirements to which the applicant refers are set out in Article 29, tenth paragraph, of the RED. That paragraph sets out the minimum percentages of greenhouse gas emissions reductions that must be achieved by the use of biomass fuels in a particular sector. The general standard applicable to the production of electricity, heating and cooling from biomass fuels is 80%. That is the standard that applies under the blending obligation. The proposal to explicitly stipulate in the blending obligation that, for green gas, the date on which the production facility is put into operation as the decisive factor has not been adopted. The applicable standards are set out in Article 29, tenth paragraph, and Article 31, first paragraph, which refer to Article 29, tenth paragraph of the RED: (see also Article 4 of the Green Gas Blending Obligation Decree).

The fossil reference fuel for green gas is set out in Annex VI to the RED, as is calculation method used. Any amendment to this Annex will automatically be reflected in the standards of the (accredited) sustainability scheme, as gas from renewable sources used to meet the blending obligation must comply with (among other things) Articles 29 and 31 and Annex VI of the RED. This has been clarified in the explanatory notes.

With regard to the use of multiple raw materials, not questioned is the contribution of each raw material to the reduction in emissions along the supply chain, but the contribution of each raw material to the total amount of renewable energy supplied. This has been changed in the regulation. The breakdown of chain emissions into the different steps of the chain is necessary for the risk assessment by the emissions authority.

5 - Monitoring and correction of errors

A respondent asked about the possibility of site visits by the emissions authority to production sites abroad. Also asked was how corrections to issued GGEs are made. Finally, the question was raised as to whether green gas from the German Nabisy system could be rejected.

Government response

The powers of the emissions authority apply to the territory of the Netherlands. Site visits to production sites abroad are the responsibility of the supervisor in the Member State concerned in principle. The directly applicable Implementing Regulation (EU) 2022/996, which sets out rules on the certification and verification of (among other things) green gas, provides opportunities for cooperation between supervisory authorities in the various Member States. The government and emissions authority are committed to strengthening supervision within the European framework on an ongoing basis.

If it turns out that a GGE was obtained improperly, the emissions authority can correct this for the registrant. Correcting the figures is just one of the measures that the emissions authority can take. A fine or warning also falls within this category and does not always result in the GGE balance being corrected. The emissions authority assesses which approach is appropriate on a case-by-case basis.

A GGE cannot in itself be incorrect, as it has no reference number and cannot be traced back to an entry. By definition, the correction can therefore never be made at the buyer's end. Unlike a GGE, an entry may be incorrect. The correction is then made by the party that made the error (the registrant). If the registrant still has a balance on the account, the GGEs will be deducted from that

balance (see Article 12, first paragraph, of the decree). If the registrant does not have a GGE balance, this will result in a negative balance on the account and they will be required to make up this negative balance within three months (Article 12, second paragraph, of the decree). This also ensures that the incorrect climate claim is corrected. After all, the GGEs have been deducted and to restore the balance and be able to sell GGEs, the registrant must make a new entry.

Green gas from the Nabisy system does not meet the requirements of the blending obligation and cannot therefore be registered in the accounts. The explanatory notes to the Green Gas Blending Obligation Decree elaborate on this.

6 – Market share

One respondent asked whether the emissions authority could share the market share figures for 2025 and 2026 with suppliers at an earlier stage. Also asked was which data is used by the emissions authority to make the final determination of the market share and whether it can be adjusted later.

Government response

The need to have an indication of market share at an early stage is justified. As also stated in the explanatory notes to the decree, the emissions authority will publish the ETS2 emissions figures for 2025 in the course of the year, which may provide an insight into its own market share. For 2026, this will also be published in the course of 2027. Furthermore, no provision is necessary to ensure this understanding of the market share prior to the start of the blending obligation. The market share is determined by the emissions authority on the basis of the ETS2 emissions report. Any changes to these factors may have an impact on the market share of the party in question.

7 – Buy-out

A supplier must apply for the buy-out before 1 July and payment must be made by 15 July. One respondent wondered how it is made clear whether the buy-out has been awarded. In addition, the respondent asked whether 1 August is not a more logical deadline for applying for a buy-out. Finally, two respondents asked whether it would be possible to allow more time after 1 July for the payment of the buy-out.

Government response

In accordance with Article 9.9.2.6, first paragraph, of the legislative proposal, a supplier that has issued an emissions report can obtain a partial or total exemption. Once the requested buy-out has been paid to the emissions authority by 15 July, the emissions authority will inform the energy supplier that the buy-out has been granted. On 1 August, the emissions authority deducts the amount of the annual obligation. In order for the buy-out to be taken into account in that deduction, suppliers must have applied for and paid for the buy-out before that date.

The deadline for payment is only two weeks if a supplier chooses to wait until the last minute to apply for the exemption. This is not necessary because the emissions authority publishes the amount of the obligation on 1 June, so the exemption can already be applied for and paid as of this date. In addition, the emissions authority, as the implement party, must have sufficient time to verify that suppliers have fulfilled the obligation to pay. This must have been implemented by 1 August for the deduction of the annual obligation. Therefore, no adjustment is made to the payment deadline.

8 – GGE register

With regard to the role of an approver within the GGE register, it is stated that it is not clear what this role entails. In addition, it is asked how manual reproduction of certificate data in the GGE register is avoided as much as possible and why an overview of the administrative organisation is requested. One respondent also enquired about the consequences of suspending access to the GGE register if it is damaged or at risk of being damaged. Finally, a respondent requested details of the volumes transferred and posted for each supplier.

Government response

In the GGE register, an account holder can register and transfer. An energy supplier may choose to appoint an approver to check and approve actions entered by the account representative. This is not an obligation. The approver does not verify compliance with the requirements for green gas as

laid down in the laws and regulations. Energy suppliers may, however, carry out an additional verification with regard to registrations and transfers in the GGE register. The explanatory notes to the regulation clarify this.

The administrative organisation of the registrant relates to the supply of gas from renewable sources and the reporting on its sustainability. No reference is made to the administrative body responsible for access to the register. These records must enable each registrant to show that the entries are complete, accurate, traceable and verifiable.

A supplier must transfer data from the guarantee of origin and PoS into the GGE register. The details to be included are set out in Article 4 of the regulations. The design of the register minimises manual entries, so that the administrative burden on suppliers is limited.

The emissions authority will prevent as far as possible the restriction of access to the GGE register, as described in Article 9, third paragraph, of the regulation and will only suspend access in exceptional cases if the register is damaged or threatens to be damaged. If a supplier is unable to comply with the annual obligation, the emissions authority will take into account the nature and circumstances before enforcing it. Any suspension of access to the GGE register will be taken into account.

The explanatory notes to the regulation set out how the emissions authority reports on the number of green gas units credited, deducted and saved, as laid down in Articles 7 and 8 of the regulation. There is no specific report on the volume, but there is one on the number of green gas units registered.

9 – Stimulation of domestic production

One respondent argued that the obligation should not be fulfilled with foreign green gas and consideration should be given to the framework conditions for domestic production. Another respondent indicated that it is expected that the buy-out will be used for the majority of the obligation, so that the blending obligation will not contribute to the scaling up of green gas.

Government response

The European Commission has concluded that excluding foreign green gas constitutes an unlawful infringement of the free movement of goods. Such a requirement therefore cannot be laid down in legislation and regulations.

At the same time, the government is committed to stimulating domestic production through the existing subsidy instruments and to improving the framework conditions for scaling up the production of green gas, including licensing, nitrogen space and grid capacity. Another essential precondition is a balanced business case. The blending obligation makes an important contribution to this. All these bottlenecks must be dealt with simultaneously. The government is closely monitoring the development of domestic production capacity and is taking this into account in the planned review in 2029.

Finally, the government does not share the view that the buy-out scheme will be used to a significant extent. For further clarification, reference is made to the government's response to the consultation responses in the explanatory notes to the order in council.

10 – Use of green gas

One respondent argued that the use of green gas for energy could undermine the materials transition.

Government response

The government recognises the importance of high-quality uses for bio-based raw materials. The Sustainability Framework for Biofuels serves as the governing principle here. The framework recognises that the use of bio-raw materials for energy is necessary for the time being, as there are sectors for which electrification is not (yet) sufficiently feasible. The planned review of the blending obligation in 2029 will take into account the impact of competition from bio-based raw materials for the use of green gas in other uses. In addition, it is expected that many producers subject to the blending obligation will opt to use manure as a raw material, a waste stream for which there is significantly less competition from other areas of use.

11 - Affordability

One response expressed concerns about the impact of the legislative proposal on the affordability of gas for Dutch consumers. It stated that the production capacity in the Netherlands is insufficiently developed to meet demand, so that Dutch consumers pay for certificates from other European Member States or for a buy-out, without this contributing to the Dutch climate objectives.

Government response

The government acknowledges that the blending obligation will lead to a (limited) increase in energy bills because green gas is currently more expensive than natural gas. On the other hand, this leads to a reduction in CO₂ and methane emissions, while also contributing to supply security, the circular economy and the agricultural transition. In addition, the scaling up of green gas avoids other costs, such as disproportionately high investment in the electricity grid, as the grid would need to be designed to cope with an (even) higher peak demand.

Foreign green gas can also be used to comply with the blending obligation. The use of green gas produced in European Member States contributes to the emissions reduction and supply security of Europe as a whole. European green gas also increases supply within the blending obligation, which is likely to lead to a lower market price, thereby reducing the likelihood that the buy-out option will be used.

The planned evaluation will include the contribution to the target range and the ratio between Dutch green gas and foreign green gas, as explained in the legislative proposal. If this shows that the obligation does in fact entail additional costs, but does not contribute to the production and consumption of green gas, it may be decided to amend the legislative proposal accordingly.

12 - Timeline in the event of a shortage of GGEs

A responder enquired about the timeline and actions required of suppliers in the event of a negative balance on the GGE account on 1 August.

Government response

On 1 August, the emissions authority deducts the annual obligation for green gas units from suppliers' accounts. If this results in a negative balance, the supplier must make up the deficit within three calendar months. This is stated in Article 9.9.2.7, fifth paragraph, of the legislative proposal. A deficit can be made up by registering new green gas or acquiring GGEs from other suppliers. If a supplier does not have sufficient GGE credits in their account by the deadline, the emissions authority may take enforcement action. The emissions authority will take the nature and circumstances of the case into account.

13 - Monitoring and evaluation

A respondent makes a number of suggestions to broaden the monitoring of the legislative proposal and evaluation to the impact on nitrogen reduction, land use and biodiversity.

Government response

The monitoring framework is aligned with the objective of the legislative proposal, namely to promote the production and consumption of green gas, and to achieve CO₂ emissions reductions. The evaluation will broadly examine the impact of the blending obligation, as well as secondary effects.