

Message 001

Communication from the Commission - TRIS/(2025) 1375

Directive (EU) 2015/1535

Notification: 2025/0264/NL

Notification of a draft text from a Member State

Notification – Notification – Notifizierung – Нотификация – Oznámení – Notifikation – Γνωστοποίηση – Notificación – Teavitamine – Ilmoitus – Obavijest – Bejelentés – Notifica – Pranešimas – Paziņojums – Notifika – Kennisgeving – Zawiadomienie – Notificação – Notificare – Oznámenie – Obvestilo – Anmälan – Fógra a thabhairt

Does not open the delays - N'ouvre pas de délai - Kein Fristbeginn - Не се предвижда период на прекъсване - Nezahajuje prodlení - Fristerne indledes ikke - Καμμία έναρξη προθεσμίας - No abre el plazo - Viivituste perioodi ei avata - Määräaika ei ala tästä - Ne otvara razdoblje kašnjenja - Nem nyitja meg a késésekét - Non fa decorrere la mora - Atidėjimai nepradedami - Atlikšanas laikposms nesākas - Ma jiftaħ il-perijodi ta' dewmien - Geen termijnbegin - Nie otwiera opóźnień - Não inicia o prazo - Nu deschide perioadele de stagnare - Nezačína oneskorenia - Ne uvaja zamud - Inleder ingen frist - Ní osclaíonn sé na moilleanna

MSG: 20251375.EN

1. MSG 001 IND 2025 0264 NL EN 27-05-2025 NL NOTIF

2. Netherlands

3A. Ministerie van Financiën, Douane Groningen, CDIU. cdiu.notifications@douane.nl

3B. Ministerie van Klimaat en Groene Groei, Directie Verduurzaming Industrie en Directie Wetgeving en Juridische Zaken.

4. 2025/0264/NL - N50E - Renewable energy

5. Annual obligation for renewable fuels of non-biological origin (RFNBOs) in industry act.

6. The bill concerns an administrative obligation for operators of industrial installations. The requirements for renewable hydrogen and renewable hydrogen carriers are laid down in the proposed Articles 9.10.4.2 and 9.10.4.3.

7.

8. The bill amends the existing Environmental Management Act and adds a title (Title 9.10). The bill concerns an administrative obligation for operators of industrial installations to register the total annual hydrogen consumption. Every year, an operator should have in its account at least the number of renewable industrial hydrogen units (HWIs) corresponding to the percentage of the annual obligation (4 % in 2030 and 9.9 % in 2035) (Articles 9.10.2.1 and 9.10.2.8). A register is introduced for this purpose. A company receives HWIs by registering renewable hydrogen and renewable hydrogen carriers that have been used in an industrial process in the Netherlands or by purchasing these HWIs from another company.

Articles 9.10.4.2 and 9.10.4.3 may contain technical regulations. These articles set requirements for renewable hydrogen and renewable hydrogen carriers that may be registered. Only registered renewable hydrogen and renewable hydrogen carriers that comply with these requirements are converted into HWIs by the NEa (Dutch Emissions Authority), so that the annual obligation can be met. These are not requirements regarding their origin, but rather their renewability and use. The basic requirements are:

- > The registered renewable hydrogen and renewable hydrogen carriers must have been used in an industrial process in the Netherlands.
- > The registered renewable hydrogen and renewable hydrogen carriers must meet the greenhouse gas emission reduction criterion referred to in Article 29a of the Renewable Energy Directive. This means that the reduction in greenhouse gas emissions through the use of RFNBOs should be at least 70 %.
- > The electricity used to produce the registered renewable hydrogen and renewable hydrogen carriers must comply with the requirements set out in Article 27(6) of the Renewable Energy Directive. This paragraph concerns the determination of the renewability electricity when it has been used in the production of RFNBOs.
- > The registered renewable hydrogen and renewable hydrogen carriers must comply with the provisions set out in Implementing Regulation (EU) 2022/996. Implementing Regulation 2022/996 concerns voluntary systems that verify compliance with the greenhouse gas emission reduction criteria. These are the provisions relating to economic operators: Articles 4, 7, 10, 14, 19 and 22 of Implementing Regulation (EU) 2022/996.
- > Finally, renewable hydrogen can also be registered in a certain period of time without proof of sustainability as referred to in Article 2(23) of Implementing Regulation (EU) 2022/996 if the operator of an industrial installation does not have access to the Dutch national hydrogen network. This introduces a new level of flexibility in the annual obligation. Proof of sustainability is a declaration by an economic operator confirming that a specific quantity of raw materials or fuels meets the sustainability and greenhouse gas emission reduction criteria of the Renewable Energy Directive.

A mutual recognition clause can be found under Article 9.10.1.6. As a result, renewable hydrogen or renewable hydrogen carriers that do not meet national requirements, but do meet equivalent foreign requirements, are allowed.

The bill is being used to meet part of the Member State obligation regarding the use of renewable fuels of non-biological origin (hereafter: RFNBOs) in industry, as laid down in Article 22a of the revised 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 (the Renewable Energy Directive: RED III). RFNBOs include gaseous renewable hydrogen and other carriers of renewable hydrogen, such as ammonia and methanol made with renewable energy sources.

9. The requirements for renewable hydrogen and renewable hydrogen carriers follow the requirements set for RFNBOs in the RED III. These requirements are non-discriminatory because they are applied to all companies wishing to register RFNBOs. The only exception is that renewable hydrogen may also be registered during a certain period without proof of sustainability if the operator does not have any access to the Dutch national hydrogen grid, but this exception is also applied to all the operators involved. The requirements are also necessary to verify that the registered hydrogen and hydrogen carriers are actually renewable in accordance with the requirements of the RED III and are, therefore, necessary to stimulate renewable use. Finally, the requirements are proportionate because renewability requirements are appropriate in order to make fossil variants less attractive and in order to contribute to the objective in Article 22a of the RED III. Of course, a company is allowed to use hydrogen that does not meet the requirements, but it is not allowed to register it in the HWI register and no HWIs will be given for it. In addition, no requirements are imposed on the origin of the renewable hydrogen or renewable hydrogen carriers.

The measure concerns the following overriding reason in the public interest: the protection of the environment. The technical requirement is appropriate in order to protect this interest because this bill increases the use of RFNBOs in industry. The annual obligation is part of the policy mix used by the Dutch authorities to comply with the Member State obligation in Article 22a of the RED. This also includes subsidies on the production and consumption side. The annual obligation can be a major step towards sustainability and achieve a significant reduction in greenhouse gas emissions. The requirement does not go beyond what is necessary to protect this interest: because it is aligned with the RED III, the impact will be limited. Finally, the requirement is the least restrictive means to achieve this objective, as no additional requirements are imposed beyond those in the RED III.

10. Numbers or titles of basic texts:

11. No

12.

13. No

14. No

15. No

16.

TBT aspects: No

SPS aspects: No

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