



Council of the  
European Union

156392/EU XXVII. GP  
Eingelangt am 06/10/23

Brussels, 6 October 2023  
(OR. en, lv, pl, sk)

---

---

Interinstitutional File:  
2021/0218(COD)

---

---

13188/23  
ADD 1 REV 3

CODEC 1631  
ENER 502  
CLIMA 409  
CONSOM 322  
TRANS 363  
AGRI 525  
IND 481  
ENV 1009  
COMPET 896

#### 'I/A' ITEM NOTE

---

|          |                                                                                                                                                                                                                                                                                                                                           |
|----------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| From:    | General Secretariat of the Council                                                                                                                                                                                                                                                                                                        |
| To:      | Permanent Representatives Committee/Council                                                                                                                                                                                                                                                                                               |
| Subject: | Draft DIRECTIVE OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL amending Directive (EU) 2018/2001, Regulation (EU) 2018/1999 and Directive 98/70/EC as regards the promotion of energy from renewable sources, and repealing Council Directive (EU) 2015/652<br><b>(first reading)</b><br>- Adoption of the legislative act<br>= Statements |

---

#### Statement by Belgium

Belgium recognizes the need to accelerate the energy transition and phase out fossil fuels in our efforts to achieve the objectives of the Paris Agreement. Belgium will support the adoption but would like to express its concerns regarding the challenges that come with the increased renewable energy targets contained in this 3rd Renewable Energy Directive. Serious demographical and geographical limitations, combined with the presence of large clusters of energy intensive industries, imply that the expected national contributions according to the formula referred to in Annex II to Regulation (EU) 2018/1999 are extremely difficult to achieve and seem unachievable,

in particular in a time frame of just 7 years. The same goes for the binding sectoral subtargets (regarding RFNBO's in industry, transport and heating and cooling), which do not seem to be coherent with a cost-effective achievement of our climate targets. Notwithstanding these challenges, Belgium will continue to deliver constructive contributions to the European goal.

### **Statement by Ireland**

Ireland welcomes agreement on the update to the text of the Renewable Energy Directive and acknowledges the need to be ambitious in the renewable energy targets for 2030. The achievement of ambitious targets in a relatively short time frame will require an unprecedented effort from all in society, and it is crucial that we bring everyone with us on that journey.

It is Ireland's view that failure to consider all the implications of the significant increases to the renewable energy targets – such as the current operation of the interim targets under Regulation (EU) 2018/1999 on the Governance of the Energy Union and Climate Action - will be counterproductive.

The failure to consider the implications carries with it the risk of undermining the support required to promote renewable energy, when public funds are diverted away from the necessary investment in the energy systems of Member States, despite significant progress and investment having already been made and with much more committed.

The 2030 renewable energy target in the final text goes beyond what was originally proposed as part of the Fit for 55 Package. The impact of the increased renewable energy target, and any unintended consequences, may not become fully apparent until Member States have completed updates to their draft National Energy and Climate Plans.

The Governance Regulation provides for a review in response to a global stocktake of the 2015 Paris Agreement. Ireland believes that such a review of the Governance Regulation would be an opportune time to also review the operation of the interim targets and the compliance mechanisms available to Member States. Such a review may be informed by the analysis' contained in the updated draft National Energy and Climate Plans submitted by Member States.

### **Statement by Latvia**

Latvijas Republika uzsver atjaunīgās enerģijas avotu attīstības lielo nozīmi energoapgādes drošības un neatkarības stiprināšanā, cenu stabilitātes nodrošināšanā, kā arī siltumnīcefekta gāzu emisiju samazināšanā un Eiropas Savienības klimata mērķu sasniegšanā.

Latvija atbalsta priekšlikumu Direktīvai attiecībā uz atjaunīgo energoresursu enerģijas izmantošanas veicināšanu un jo īpaši panākto vienošanos par tādiem būtiskiem priekšlikuma elementiem kā nozaru mērķi, siltumapgādes nozare un bioenerģija.

Latvija darīs visu iespējamo, lai īstenotu visus nepieciešamos pasākumus, lai palielinātu atjaunīgās enerģijas izmantošanu transporta nozarē, un strādās pie atjaunīgās elektroenerģijas ražošanas palielināšanas, lai radītu nepieciešamās jaudas atjaunīgā ūdeņraža ražošanai Latvijā. Tomēr Latvija uzskata, ka vienošanās par 25. pantā noteiktiem mērķiem un pienākumiem attiecībā uz atjaunīgo enerģiju un jo īpaši ūdeņraža izmantošanu transportā pārsniedz Latvijas īstenošanas un sasniegšanas iespējas, ņemot vērā Latvijas nacionālo situāciju.

Latvija uzskata, ka, nosakot prasības atjaunīgās enerģijas veicināšanas pasākumiem, ir svarīgi ņemt vērā valsts ekonomiskos un sociālos apstākļus, nacionālās enerģētikas bilances un izejas punktus.

### **Statement by Poland**

Polska jest jednym z najszybciej rozwijających się rynków energii odnawialnej w Europie. W ciągu ostatnich lat nasza moc odnawialnych źródeł energii wzrosła wykładniczo, szczególnie w sektorze fotowoltaicznym, dzięki wsparciu rządowemu i zaangażowaniu społeczeństwa. Aby zwiększyć skalę wdrażania czystej energii, stworzyliśmy stabilne ramy prawne i wdrożyliśmy odpowiednie systemy wsparcia. Uproszczenie i przyspieszenie procedur wydawania pozwoleń to elementy wniosku, które należy przyjąć z zadowoleniem, lecz są one niewystarczające, aby zapewnić osiągnięcie jego celów. Szybkie wdrożenie odnawialnych źródeł energii na skalę zaproponowaną w zmienionej dyrektywie RED oraz rosnący udział źródeł zależnych od pogody w produkcji energii zagraża zarówno stabilności sieci, jak i ogólnemu bezpieczeństwu energetycznemu. Polska nieustannie podkreśla potrzebę przeprowadzenia transformacji energetycznej w tempie możliwym do zrealizowania dla systemu energetycznego i przystępnym dla społeczeństwa, a także korzystnym dla przemysłu europejskiego. Cele muszą być realistyczne i pozostawiać państwom członkowskim elastyczność w wyborze odpowiednich narzędzi ich wdrażania.

Ponadto, biorąc pod uwagę wpływ projektowanej regulacji na miks energetyczny państw członkowskich i wynikające z tego negatywne konsekwencje społeczne, Polska uważa, że podstawą prawną projektowanej ustawy powinien być art. 192 ust. 2 lit. c) TFUE.

Dlatego też Polska nie może poprzeć przedstawionego projektu znowelizowanej dyrektywy w sprawie odnawialnych źródeł energii.

Polska podtrzymuje także swoje negatywne stanowisko wobec całego pakietu Fit for 55, który wyznacza nierealistyczne cele i ambicje oraz znacząco wpływa na miks energetyczny państw członkowskich. Polska jest zdania, że większość pakietu jest realizowana w oparciu o błędną podstawę prawną, co stwarza niebezpieczny precedens.

### **Statement by Romania**

Romania is firmly engaged on a decarbonization path and is committed to reaching EU net zero objectives.

RED III is a significant milestone in the Fit for 55 package and was intended to allow the unlocking of investments necessary to achieve significant GHG emissions reductions across all sectors thus streamlining the efforts of Member States to reach climate targets.

However, as Romania has indicated during negotiations, the EU global targets for renewable sources as well as the sectorial ones for RES and hydrogen production should be based on national specificities and potential in order to make them effective. The level of ambition in the final text is high and difficult to achieve taking into account Romania's realistic projections, going beyond the implementable targets that Romania supported during the negotiations on this file. Romania is concerned that a higher level of ambition might have a discouraging effect and lead to increased costs for certain sectors which do not have the option to implement a sustainable energy transition in the 2030 timeframe, risking to become un-competitive.

Romania is also of the opinion that the formula stipulated in Annex II, although it is non-binding, is not sufficiently designed to take into account national specificities and different energy mixes. We would like to reiterate the right of each Member State to determine the conditions for exploiting its energy resources, its choice between different energy sources and the general structure of its energy supply, in line with art. 194 of TFUE.

Romania is a firm supporter of the principle of technology neutrality and the complementarity between renewable and low-carbon technologies. Although the final text reflects the possibility to use other types of renewable hydrogen in order to avoid a competition between technologies, we believe that conditions in art. 22b do not completely solve our concerns during negotiations: ensuring a level playing field and equal incentive for all low-carbon energy sources able to contribute to decarbonization.

### **Statement by Slovak Republic**

Slovenská republika považuje výšku celkového cieľa EÚ pre OZE v roku 2030 za veľmi ambicióznou, ktorú bude veľmi náročné dosiahnuť. S ohľadom na národný energetický mix a jeho rozvoj, Slovenská republika nevidí reálnu možnosť pre významné navýšenie svojich ambícií v tejto oblasti a zdôrazňuje, že prípadný dodatočný príspevok k cieľom OZE vypočítaný na základe nezáväzného vzorca uvedeného v prílohe II k nariadeniu EÚ 2018/1999 nemusí zohľadniť všetky relevantné skutočnosti na národnej úrovni a reflektovať tak skutočný potenciál pre rozvoj obnoviteľných zdrojov v krajine.

Aj keď považujeme ambiciózne ciele v doprave a pri vykurovaní za náročné dosiahnuť a existuje riziko ich nenaplnenia, Slovenská republika vyvinie úsilie aj prostredníctvom nastavenia cieľov a opatrení v NECP pre ich dosiahnutie.

Výhradu máme aj k riešeniu podpory výroby vodíka z nízkouhlíkových zdrojov, ktorá je jednou z kľúčových tém pre SR a ktorá nebola v smernici uspokojivo vyriešená.

### **Statement by the Commission on Article 22a and Article 22b**

Article 22a of the Renewable Energy Directive, in combination with Article 22b, will drive the necessary replacement of fossil fuels used as feedstock in industry and the reduction of greenhouse gas emissions in industrial processes difficult to electrify.

Given the novelty of the target and the early stage of the hydrogen market transition, the Commission recognises that the achievement of the target, at least until 2030, will require important efforts from Member States and significant investments by public and private stakeholders.

The Commission acknowledges that meeting the target provided in Article 22a, paragraph 1, fifth subparagraph, also in combination with Article 22b, will, in certain cases, entail high adaptation costs of plants which require retrofitting their processes. This is the case of certain ammonia production plants which require significant investment in the production process to replace use of hydrogen produced from the steam methane reforming. Therefore, in its assessment under Article 22a, paragraph 1, fifth subparagraph, and Article 22b, first paragraph point b, the Commission, on a case by case basis and when duly justified, will not take into account these existing plants while considering whether they have been fully amortised and when the final investment decision for retrofitting has been taken.

More generally, the Commission recognises that the achievement of the objectives set out in the Directive, in particular the overall renewable energy target, the targets for the transport and industry sectors will require important efforts from the Member States and significant investments by public and private stakeholders and potentially from national budgets. The Commission acknowledges that there is a need to assist Member States in the implementation of these objectives.

The Commission acknowledges that other sources of fossil-free energy than renewable energy contribute to reaching climate neutrality by 2050 for Member States who decide to rely on such sources of energy.

The Commission also acknowledges that the renewable energy targets should go hand in hand with the complementary decarbonisation efforts based on other non-fossil energy sources towards reaching climate neutrality by 2050, taking into account their specific national circumstances and the structure of their energy supply. In order to achieve that objective, the Commission considers that the deployment of renewable energy in the framework of the increased binding overall Union target should be integrated into complementary decarbonisation efforts involving the development of other non-fossil energy sources that Member States decide to pursue.

---