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## COVER NOTE

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To:	Ms Thérèse BLANCHET, Secretary-General of the Council of the European Union
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Subject:	ANNEX to the REPORT FROM THE COMMISSION TO THE EUROPEAN PARLIAMENT, THE COUNCIL, THE EUROPEAN ECONOMIC AND SOCIAL COMMITTEE AND THE COMMITTEE OF THE REGIONS State of the Energy Union Report 2024 (pursuant to Regulation (EU) 2018/1999 on the Governance of the Energy Union and Climate Action)

Delegations will find attached document COM(2024) 404 final - ANNEX.

Encl.: COM(2024) 404 final - ANNEX



EUROPEAN  
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ANNEX

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**REPORT FROM THE COMMISSION TO THE EUROPEAN PARLIAMENT, THE  
COUNCIL, THE EUROPEAN ECONOMIC AND SOCIAL COMMITTEE AND THE  
COMMITTEE OF THE REGIONS**

**State of the Energy Union Report 2024**

**(pursuant to Regulation (EU) 2018/1999 on the Governance of the Energy Union and  
Climate Action)**

## ***A. Introduction***

Voluntary and national schemes have a significant role to play in providing evidence of compliance with the sustainability and greenhouse gas (GHG) emissions savings criteria for biofuels, bioliquids and biomass fuels<sup>1</sup>, as described in the recast Renewable Energy Directive ('RED II')<sup>2</sup>. According to its Article 30 (4) and (5), the Commission can recognize these schemes ('EU-recognised schemes') for compliance with the relevant RED II rules by implementing acts. At the time of writing, there are fifteen [voluntary and national schemes recognized](#) at Union level for various scopes<sup>3</sup>.

In accordance with Article 30 (5) of RED II, each EU-recognised voluntary scheme is required to submit annually by 30 April a report to the Commission covering each of the points set out in Annex IX to Regulation (EU) 2018/1999<sup>4</sup>. The voluntary schemes' reports are published<sup>5</sup>. While all EU-recognised voluntary schemes have submitted their respective annual reports, there is some inconsistency when it comes to the level of detail provided. This is also linked to the scope of recognition. Schemes recognized for a broader scope have been more exhaustive in their reports compared to 'smaller' schemes, recognized for a more limited scope. There have been some incompleteness issues, e.g. some schemes have not reported, among other elements, a list of the identified non-conformities, a summary of the registered complaints and qualitative feedback on the implementation of the esa methodology, as required by the relevant rules<sup>6</sup> in Commission Implementing Regulation (EU) 2022/996 ('the implementing regulation on certification')<sup>7</sup>. In certain cases, some of the schemes have, however, published some of this information on their respective websites. In all cases of incomplete data, the schemes have been asked to remedy the situation.

## ***B. Transparency and accessibility of the schemes***

EU-recognised voluntary schemes provide information on the governance and structure of the scheme, on the stakeholders involved and affected, and on the scope of recognition. This information is publicly available on their websites. When it comes to stakeholder involvement, some schemes are active in smallholder farmer certification and include specific sections on their websites where they explain the rules and how they deal with local communities in such cases. All the schemes' websites include specific functions providing the opportunity to submit complaints<sup>8</sup>. The schemes have published their

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<sup>1</sup> Please note that the Directive also includes rules for renewable fuels of non-biological origin (RFNBOs) and recycled carbon fuels (RCFs). No schemes have been officially recognized to prove compliance with the rules for those fuels, however there are several applications in the pipeline. Please consult the Voluntary Schemes website in this regard: [Voluntary schemes \(europa.eu\)](#).

<sup>2</sup> 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.

<sup>3</sup> Voluntary schemes can be recognised for compliance with the rules related to fuels originating from agricultural biomass, forest biomass, or from waste and residues. They can be recognised for different types of fuels (e.g. biofuels, bioliquids or biomass fuels, RFNBOs or RCFs) and they can be recognised for the whole supply chain or part of it.

<sup>4</sup> Regulation (EU) 2018/1999 of the European Parliament and of the Council of 11 December 2018 on the Governance of the Energy Union and Climate Action, amending Regulations (EC) No 663/2009 and (EC) No 715/2009 of the European Parliament and of the Council, Directives 94/22/EC, 98/70/EC, 2009/31/EC, 2009/73/EC, 2010/31/EU, 2012/27/EU and 2013/30/EU of the European Parliament and of the Council, Council Directives 2009/119/EC and (EU) 2015/652 and repealing Regulation (EU) No 525/2013 of the European Parliament and of the Council, OJ L 328, 21.12.2018, p. 1–77

<sup>5</sup> [https://energy.ec.europa.eu/topics/renewable-energy/bioenergy/voluntary-schemes\\_en](https://energy.ec.europa.eu/topics/renewable-energy/bioenergy/voluntary-schemes_en)

<sup>6</sup> Article 4 (5) and Annex V, paragraph 11, last sentence of Commission Implementing Regulation (EU) 2022/996 respectively.

<sup>7</sup> Commission Implementing Regulation (EU) 2022/996 of 14 June 2022 on rules to verify sustainability and greenhouse gas emissions saving criteria and low indirect land use change-risk criteria.

<sup>8</sup> For more information on complaints please see the section D below.

documentation, as well as a list of the certification bodies operating under the scheme, and a list of the certificates issued. As regards voluntary schemes certifying forest biomass, their websites additionally include dedicated sections providing all the information related to the risk assessment they have to undertake in accordance with Article 29 (6) and (7) of RED II.

When it comes to accessibility, none of the schemes provides their documentation in all EU languages. However, this is justified since most schemes operate mainly in specific areas or countries. Some schemes<sup>9</sup> have uploaded on their websites their documentation in the languages spoken in the countries where they operate, while other schemes have provided the documentation only in English.

### ***C. Scheme Participants and Audits***

All the recognised schemes included in their reports information on the type and number of scheme participants. The schemes approached this point differently, with some of them providing quantitative information regarding the companies registered under their scheme and the sites where these companies are active, while others focused mainly on the certification bodies that are active under the scheme, also providing information on the number of certificates issued per certification body. Others reported that they have internal databases that include this information, and that this information can be disclosed at an ad hoc basis. In addition, some schemes included detailed information on stakeholder involvement.

The schemes also reported information on the number and modalities of audits, their frequency and non-conformities detected, however they were inconsistent in the amount of information provided, with some schemes providing more detailed data than others.

### ***D. Methods for identifying and dealing with non-compliance from the members of the schemes***

In accordance with Article 5 (3) of the implementing regulation on certification, voluntary schemes are required to make available procedures for the lodging of complaints against economic operators or certification bodies. The complaints procedure for the EU-recognised voluntary schemes is accessible on the voluntary schemes' websites, as explained under section B. Most schemes also include information on withdrawn and cancelled certificates.

Avoiding fraud is also a key aspect in ensuring the robustness of the certification process. Voluntary schemes are required to thoroughly document the sustainability and GHG emissions savings characteristics and other relevant information describing the raw materials or fuels. This is reflected in their documentation. This information should be traced and transmitted by the different actors involved in the certification process through the supply chain.

When it comes to traceability, the Commission has developed a traceability tool for liquid and gaseous fuels ("the Union database") that started operation on 15 January 2024. The Union Database will be used to trace consignments of both raw materials and fuels put on the EU market, starting from their origin, in the EU Member States or in third countries. The Union Database covers at this stage only liquid fuels but is planned to cover gaseous fuels by 21 November 2024. Voluntary schemes, the certification bodies operating under them, and the economic operators certified by them, were all required to onboard into the Union Database. The voluntary schemes, whose scope of recognition includes fuels that must be registered in the Union

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<sup>9</sup> For example SURE, 2BS, etc.

database, include dedicated sections on their websites with information on the Union database and the relevant rules and procedures.

### ***E. Accreditation***

When assessing the voluntary schemes for compliance with the RED II rules, the Commission assessed whether the schemes' methodologies are aligned with the rules included in the implementing regulation on certification. In accordance with Article 1 of the Commission Implementing Regulation (EU) 2024/805 of 7 March 2024, the application of Article 11(1) of Implementing Regulation (EU) 2022/996, relevant to the accreditation of certification bodies, will apply from 1 January 2025. Therefore, the schemes will be reassessed in this regard once the relevant provision enters into application.