



Brussels, **XXX**  
[...] (2024) **XXX** draft

**COMMISSION DELEGATED REGULATION (EU) .../...**

**of **XXX****

**on supplementing Directive (EU) 2018/2001 of the European Parliament and of the Council, by further extending the scope of the data to be included in the Union database to cover relevant data from the point of production or collection of the raw material used for the fuel production**

*This draft has not been adopted or endorsed by the European Commission. Any views expressed are the preliminary views of the Commission services and may not in any circumstances be regarded as stating an official position of the Commission.*

## **EXPLANATORY MEMORANDUM**

### **1. CONTEXT OF THE DELEGATED ACT**

The Renewable Energy Directive<sup>1</sup> ('the Directive') promotes the use of renewable energy by the Member States, aiming to collectively achieve a share of energy from renewable sources in the Union's gross final consumption of energy in 2030 of at least 42,5 % and endeavouring to increase the share to 45 %.

To ensure that only sustainably produced and certified consignments of liquid and gaseous renewable fuels and recycled carbon fuels are counted for the achievement of these targets, the Commission is required to put in place a tool, "the Union database", to ensure transparency and traceability of consignments of such fuels in the supply chains. This will mitigate the risk of irregularities and double counting of the same energy units.

The minimum legal requirements pursuant to Article 31a (2) of the Directive for the scope of traceability of the Union database are to cover the transactions made by relevant economic operators and the sustainability characteristics of the fuels subject to those transactions, including their life-cycle greenhouse gas emissions, starting from their point of production to the moment they are placed on the market in the Union.

For the purpose of improving the traceability of data along the entire supply chain, Article 31a (2) second subparagraph of the Directive empowers the Commission to adopt delegated acts to further extend the scope of the data to be included in the Union database to also cover relevant data from the point of production or collection of the raw material used for the fuel production.

### **2. CONSULTATIONS PRIOR TO THE ADOPTION OF THE ACT**

Being of a technical nature, this proposal did not need to be supported by an impact assessment, which is required only for major initiatives.

The proposal draws on the results of several consultations undertaken by the Commission in the context of the implementation of Article 31a of the Directive, including **XXX** meeting of the Expert Group on Renewable Fuels held on **Insert dates** and a stakeholder workshop held on **DATE**.

The draft proposal was published for public feedback on the Better Regulation portal from **XXX** to **XXX**.

### **3. LEGAL ELEMENTS OF THE DELEGATED ACT**

The proposal is made pursuant to Article 31a (2), second subparagraph, of the Directive, which empowers the Commission, for the purpose of improving the traceability of data along the entire supply chain, to adopt delegated acts in accordance with Article 35 to supplement the Directive by further extending the scope of the data to be included in the Union database to cover relevant data from the point of production or collection of the raw material used for the fuel production.

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<sup>1</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, OJ L 328, 21.12.2018, p. 82.

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THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to 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>2</sup>, and in particular Article 31a (2), second subparagraph, thereof,

Whereas:

- (1) Pursuant to Article 31a (1) of Directive (EU) 2018/2001, the Commission is to ensure by 21 November 2024 that a Union database is set up to enable the tracing of liquid and gaseous renewable fuels and recycled carbon fuels (the 'Union database') which has as its objective to mitigate the risks of irregularities and fraud in the supply chains by increasing the transparency and ensuring the traceability of consignments of liquid and gaseous renewable fuels.
- (2) The empowerment of the Commission to extend the coverage of the Union database to cover data from the point of production or collection of the raw material used for the fuel production extends the coverage to recycled carbon fuels and renewable fuels consumed in other end-use sectors beyond transport, which makes a vital contribution to the comprehensive monitoring of the production and consumption of the fuels, mitigating risks of double-counting or irregularities along the supply chains covered by the Union database. In addition, to avoid any risk of double claims or double disclosure of the same renewable gaseous energy units, Directive (EU) 2018/2001 obliges Member States to ensure the cancellation of the guarantees of origin that may have been issued for any consignment of renewable gas that is withdrawn from the Union's interconnected gas infrastructure after being registered in the Union database.
- (3) The recommendations of the initial scoping study of the Union database<sup>3</sup> and the subsequent work on the design and scope of the Union database carried out by the Commission clearly showed that the effective traceability of the sustainability characteristics of the consignments of the fuels together with their accumulated greenhouse gas emissions in a full life-cycle approach cannot be ensured if the traceability of transactions would be limited to a chain of custody starting only from the production of the fuels until they are placed on the market in the Union. Therefore, this Regulation should extend the scope of traceability of the Union database by

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<sup>2</sup> OJ L 328, 21.12.2018, p. 82, ELI: <http://data.europa.eu/eli/dir/2018/2001/oj>.

<sup>3</sup> [Scoping study setting technical requirements and options for a union database for tracing liquid and gaseous transport fuels - Publications Office of the EU \(europa.eu\)](#).

creating the obligation for collectors and traders of raw materials to also enter respective transaction data in the Union database.

- (4) In order to enforce the effective extension of the scope of data collection in the Union database, this Regulation should also set out the responsibilities and rights of the relevant stakeholders responsible for data provision, data collection or data verification along the traceability chain, starting from the first point of collection or production of the raw materials until the respective fuels are put on the market in the Union. That is crucial in order to ensure that the economic operators and other relevant stakeholders enter or verify the required data sets in the Union database in a timely manner, achieving effectively the objective of the Union database to mitigate the risk of any irregularities and fraud in the supply chains of those fuels. The responsibilities and rights of the stakeholders beyond the production of the fuels until they are put on the Union market are set out in Commission Implementing Regulation (EU) 2022/996<sup>4</sup>. Therefore, the legal provisions of this Regulation and of Implementing Regulation (EU) 2022/996 are complementary,

HAS ADOPTED THIS REGULATION:

#### *Article 1*

##### **Subject matter**

This Regulation extends the scope of the data to be included in the Union database to cover relevant data already from the first gathering point, collecting the produced raw materials, and to cover all stages of the supply chain in a chain of custody approach until the respective fuels are put on the market in the Union for final consumption.

This Regulation also sets out the related responsibilities and rights of stakeholders responsible for data provision, data collection, data entry, or data verification at each of the stages along the relevant supply chains for liquid and gaseous renewable fuels and recycled carbon fuels.

#### *Article 2*

##### **Definitions**

For the purposes of this Regulation, the definitions in Article 2 of Implementing Regulation (EU) 2022/996 apply.

The following definitions also apply:

- (1) 'certificate' means a conformity statement by a certification body within the framework of a voluntary scheme or a national scheme, certifying that an economic operator complies with the requirements of Directive (EU) 2018/2001;
- (2) 'Union database manager' means the responsible unit in the Commission being in charge of the IT maintenance and further development of the IT application of the Union database;

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<sup>4</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, (OJ L 168, 27.6.2022, p. 1, ELI: [http://data.europa.eu/eli/reg\\_impl/2022/996/oj](http://data.europa.eu/eli/reg_impl/2022/996/oj)).

- (3) 'initial stock' means the volume of raw materials or fuels registered by an economic operator upon starting to use the Union database;
- (4) 'national scheme' means a national certification scheme of a Member State recognised by the Commission in accordance with Article 30 (6) of Directive (EU) 2018/2001 or not recognised by the Commission.

### *Article 3*

#### **Initial registration of economic operators in the Union database by the voluntary and national schemes**

1. Voluntary and national schemes shall register in the Union database all economic operators dealing with biomass raw materials collection, preparation or first transformation into intermediary products, who all are individually certified by the voluntary and national schemes for the purposes of ensuring compliance with the sustainability and greenhouse gas emissions saving criteria of Directive (EU) 2018/2001 and who shall enter transaction data in the Union database in accordance with Article 31a of Directive (EU) 2018/2001, in particular:

- (a) all individually certified points of origin;
- (b) first collection or first gathering points of waste or non-waste biomass; and
- (c) traders of raw materials from biomass.

2. Voluntary and national schemes shall inform the economic operators, referred to in paragraph 1, about their obligations as regards the initial registration in the Union database. The voluntary and national schemes shall ensure that those economic operators provide them with all registration data listed in paragraph 4. The voluntary and national schemes shall verify the data and transfer it to the Union database. Once done, the voluntary and national schemes shall take all necessary measures to ensure that the economic operators successfully complete their registration in the Union database by verifying and validating the data entered by their scheme, including the setting of a timeline for providing the data referred to in paragraph 4 for the registration as well as for completing their registration. The voluntary and national schemes shall take remedial actions in case of no registration or not completed registration of those economic operators.

3. In case an economic operator fails to take effective action to comply with the requests of the voluntary or national scheme to complete their registration by the deadline established by the scheme, the scheme shall suspend the certificate of the economic operator and, if no further action is taken by the economic operator, shall eventually withdraw the certificate.

4. The economic operators shall provide to voluntary or national schemes the following types of data for initial registration referred to in paragraph 1:

- (a) full contact details of the economic operator;
- (b) unique company identifier or other unique identifier in the case of sole traders, consisting of a national trade registration number or equivalent unique identifier issued by local or national governments;

- (c) all data provided in the sustainability certificate, including the type of operation for which the economic operator is certified, all sites covered by the scope of the certificates, the type of materials certified per site, the greenhouse gas emissions calculation method certified, and the validity period of the certificate;
- (d) for first gathering or collection points: the full list of points of origin from which the raw materials are sourced, including their contact details, unique company identifiers, and the estimated total capacity of raw material production of each point of origin, based on the sourcing contract with the first gathering or collection point and as validated by the last certification audit;
- (e) the date of starting operation: for first gathering or collection points this shall be the date on which the raw materials started to be collected and for other economic operators this shall be the date on which they started the operation for which they are certified;
- (f) start date and duration of the mass balance period as certified by the last certification audit.

5. If a specific type of raw material cannot be found on the lists pre-defined in the Union database, the economic operator may send a request to the Union database manager, through the relevant voluntary or national scheme, requesting its inclusion in the list. The Union database manager shall review the request, together with the voluntary or national scheme concerned, and either include it in the list in the database or provide the economic operator with a justification why this would not be possible.

6. The Union database manager shall ensure that the raw materials that are included in the lists pre-defined in the Union database and that can be clearly identified on the list of raw materials laid down in Annex IX to Directive (EU) 2018/2001 or Annex IV to Implementing Regulation (EU) 2022/996, are marked in the database as raw materials belonging to Annex IX, Part A or Part B, to Directive (EU) 2018/2001.

7. Certificates issued by the certification bodies of voluntary or national schemes that are the basis for the registration of the economic operators shall be sent by the voluntary or national schemes or their certification bodies to the Union database manager at the latest one week following the date of their issuance.

#### *Article 4*

##### **Initial stock data entry by economic operators**

1. After the successful completion of their initial registration in the Union database and before being able to enter transaction data, the economic operators, referred to in Article 3(1) of this Regulation, shall enter all their certified initial stocks of raw materials that will be subject to transaction data entry. At the moment of the initial stock entry, the initial stocks shall correspond to the available stocks of the raw materials, certified by voluntary or national schemes for the purposes of Directive (EU) 2018/2001. All the sustainability characteristics, including accumulated life-cycle greenhouse gas emissions, related to the initial stocks shall be also entered.
2. The initial stocks shall correspond to the typology of raw materials that are referred to in the scope of the respective sustainability certificates. Separate initial stocks data shall be

entered for each raw material and for each site that has been certified by the certification body as a separate mass balancing system.

3. The initial stocks entry shall be a one-off entry by economic operators that use the Union database for entering transactions data for the first time. Once this initial stock entry is done, raw materials may enter or exit the account of economic operators only through transactions with other economic operators using the Union database.

4. Paragraph 3 shall not apply to first gathering or collection points of raw materials that shall enter themselves the volumes of raw materials bought from the points of origin.

## *Article 5*

### **Transaction data entry**

1. Economic operators, referred to in Article 3(1) of this Regulation, that are obliged to enter transactions data in the Union database under national law and in accordance with Article 31a of Directive (EU) 2018/2001 shall enter such data within three working days from a triggering point, which shall be one of the following:

- (a) an invoice issuance date;
- (b) a surveyor report issuance date;
- (c) a bill of lading issuance date;
- (d) the issuance date of an internal system reference document covering multiple shipments; or
- (e) a truck report issuance date.

2. Where several physical shipments have taken place between the same trading partners and contain raw materials having the same sustainability characteristics and greenhouse gas emission values, the economic operator entering the transaction data as a seller may introduce one transaction aggregating the amounts that were physically traded within a given period of time that are reflected on the respective transaction document that has been chosen by the seller as a triggering point for the transaction data entry. Such grouping of physical shipments in one transaction shall cover a period of maximum one month.

3. Once the transaction has been validated by the seller, the buyer shall have three working days to either accept or reject the transaction in the Union database. In case of no action from the buyer, the transaction shall be automatically cancelled by the Union database and sent back to the seller.

4. Each transaction entered in the Union database shall contain the minimum set of data in accordance with Sections 1 and 2 of Annex I to Implementing Regulation (EU) 2022/996.

5. Once accepted by the buyer, the transaction data shall not be modified. In case of identified errors, another correcting transaction shall be launched by the economic operator who is willing to operate the corrections. In case the accumulated greenhouse gas emissions data are not available at the moment of entering the transaction, that field may remain empty and be updated at a later stage. Until this update of the greenhouse gas emissions data field is made and accepted by the buyer, the transaction shall not be completed. The transaction may be finalized at the latest by the earliest date of net mass balancing of either the seller or the buyer.

6. Transfers of raw materials between sites belonging to the same economic operator that are all certified but subject to different mass balancing systems shall be reported in the Union database through separate transactions.

7. First gathering or collecting points of raw materials shall enter the volumes of raw materials bought from the list of their points of origin previously registered in the Union database. Consignments of the same raw materials having the same sustainability characteristics and bought from the same points of origin may be grouped in one transaction on the basis of auditable accounting documents in possession of the first gathering or collecting point.

8. Transactions entered by sellers who are certified by voluntary or national schemes not recognised by the Commission in accordance with Article 30(4) or (6) of Directive (EU) 2018/2001 shall be automatically marked by the Union database. For those transaction data, the buyer shall confirm that it is aware that the seller is not certified by a recognised voluntary or national scheme and that the proof of sustainability issued by that seller is not automatically recognised by other economic operators or by Member States.

9. Transactions that do not trigger physical shipment of the raw material or fuel may be registered by keeping as a delivery location the site of the seller. When introducing transactions for shipments that are in transit with unknown final delivery location, the seller may introduce the main delivery location site of the buyer. This field shall be updated by the buyer upon physical delivery of the raw material or fuel.

10. A consignment of raw materials that is sold to an economic operator that is not registered in a Member State and is not certified by a voluntary or national scheme shall be booked out of the Union database by a transaction entered by the seller. Such transactions shall not be subject to a validation by the buyer. In order to complete the entry of the transaction, the seller shall enter the transaction data, including the name and country of destination of the raw material.

## *Article 6*

### **Updating of data in the Union database by voluntary and national schemes, their certification bodies, and the economic operators certified by them**

1. Voluntary and national schemes shall keep all the certification data of the economic operators, referred to in Article 3(1) of this Regulation, up to date. That requirement shall apply to all the certification data that is covered by the certificate delivered by the scheme or its certification body. Such updates shall be made by the scheme or its certification body within one week following the publication of the certificate and, in case of recertification or surveillance audits, no later than the expiration date of the validity period of the previous certificate. Contact data of the economic operator may be updated by the economic operator himself directly.

2. Voluntary and national schemes shall ensure a system of data updates. They shall ensure that their certification bodies and the economic operators carry out the certification data updates in accordance with the procedures provided for by the scheme for such data updates. The Union database shall automatically suspend the active status of the economic operators concerned if relevant certification data has not been updated according to the established procedure by the voluntary or national scheme before the expiration date of the



previous certificate. The validity period of certificates in the Union database shall not be longer than one year.

#### *Article 7*

#### **Entry into force**

This Regulation shall enter into force on the twentieth day following that of its publication in the *Official Journal of the European Union*.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels,

*For the Commission  
The President  
Ursula von der Leyen*