



EUROPEAN
COMMISSION

Brussels, XXX
[...] (2026) XXX draft

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

of XXX

amending Commission Delegated Regulation (EU) 2019/807 to introduce a trajectory to gradually decrease the contribution of high indirect land-use change-risk biofuels, bioliquids and biomass fuels to renewable energy targets

(Text with EEA relevance)

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

Directive (EU) 2018/2001 sets out a specific limit to biofuels, bioliquids and biomass fuels produced from food and feed crops with high ILUC-risk and for which a significant expansion of their feedstock production area into land with high carbon stock is observed. The Commission has set out the criteria for determining the high indirect land-use change-risk feedstock for which a significant expansion of the production area into land with high-carbon stock is observed in Delegated Regulation (EU) 2019/807.

This delegated act updates the methodology as well as the data for determining the high indirect land-use change-risk feedstock for which a significant expansion of the production area into land with high-carbon stock is observed and sets a trajectory to gradually decrease the contribution of high indirect land-use change-risk biofuels, bioliquids and biomass fuels produced from feedstock for which a significant expansion of the production into land with high-carbon stock is observed to the targets for renewable energy.

2. CONSULTATIONS PRIOR TO THE ADOPTION OF THE ACT

Being of a technical nature, this delegated act did not require an impact assessment or an open public consultation. These are usually only required for major initiatives.

Several consultation exercises were undertaken by the Commission for the purpose of the delegated act, including a meeting of the expert group on renewable and low-carbon fuels on xx and the publication for public feedback on the Better Regulation Portal from xx to xx.

3. LEGAL ELEMENTS OF THE DELEGATED ACT

The proposal is made pursuant to Article 26(2) of the Directive, which empowers the Commission to adopt a delegated act setting out the criteria for certification of low indirect land-use change-risk biofuels, bioliquids and biomass fuels and for determining the high indirect land-use change-risk feedstock for which a significant expansion of the production area into land with high-carbon stock is observed and to supplement the Directive by including a trajectory to gradually decrease the contribution of high indirect land-use change-risk biofuels, bioliquids and biomass fuels produced from feedstock for which a significant expansion of the production into land with high-carbon stock is observed.

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

of XXX

amending Commission Delegated Regulation (EU) 2019/807 to introduce a trajectory to gradually decrease the contribution of high indirect land-use change-risk biofuels, bioliquids and biomass fuels to renewable energy targets

(Text with EEA relevance)

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 sources¹, and in particular Article 26(2), fifth subparagraph thereof,

Whereas:

- (1) The review of the data on feedstock expansion has shown that the pattern of production expansion of the relevant food and feed crops as well as the productivity factors have changed. It is therefore appropriate to update the data of the expansion in the Annex of Commission Delegated Regulation (EU) 2019/807 as well as the productivity factors applied in the formula set out in Article 3. To ensure that data on feedstock expansion are representative, it is necessary that the period over which the expansion of each crop is determined is long enough to counterbalance incidental statistical fluctuations in annual data. It is therefore appropriate to consider data as of 2014.
- (2) Additionality measures differ with regard to the time period that passes until they yield additional feedstock. It is therefore appropriate to measure the period of their eligibility based on the point in time when the production of additional feedstock started, rather than the point in time of their implementation.
- (3) Directive (EU) 2018/2001 calls for a specific limit to biofuels, bioliquids and biomass fuels produced from food and feed crops with high ILUC-risk and for which a significant expansion of their feedstock production area into land with high carbon stock is observed, in the amount of their level of consumption in each Member State in 2019. Starting from 31 December 2023, their contribution should be gradually reduced to 0 % by 2030 at the latest.
- (4) The Commission is tasked with establishing a trajectory for the reduction of the contribution of those fuels. This trajectory sets a limit to the maximum contribution from those fuels in a given year, ensuring that the contribution in 2030 is 0%. It is appropriate to apply a linear trajectory, as this approach avoids abrupt changes and enables a gradual adjustment of the market, while at the same time ensuring a reduction of the contribution to 0% by 2030. The trajectory should start in 2024, year

¹ OJ L 328, 21.12.2018, p. 82.

for which data on the progress on renewable energy will be reported by Member States for the first time in 2027 under Regulation (EU) 2018/1999².

- (5) Directive (EU) 2023/2413 amended Article 26(2) of Directive (EU) 2018/2001 by introducing, in its sixth subparagraph, an obligation addressed to the Commission to regularly review the criteria for certification of low indirect land-use change-risk biofuels, bioliquids and biomass fuels and for determining the high indirect land-use change-risk feedstock for which a significant expansion of the production area into land with high-carbon stock is observed, and to update this Regulation in light of evolving circumstances and the latest available scientific evidence. It is therefore appropriate to repeal Article 7 of this Regulation.
- (6) Delegated Regulation (EU) 2019/807 should therefore be amended accordingly,

HAS ADOPTED THIS REGULATION:

Article 1

Amendments to Delegated Regulation (EU) 2019/807

Delegated Regulation (EU) 2019/807 is amended as follows:

- (1) Article 3 is amended as follows:
 - (a) point (a) is replaced by the following:

‘(a) the average annual expansion of the global production area of the feedstock is higher than 1 % and affects more than 100 000 hectares.’;
 - (b) in point (b) first subparagraph, the last sentence is replaced by the following:

‘PF shall be 2,0 for maize, 2,2 for palm oil, 3,1 for sugar beet, 1,9 for sugar cane and 1 for all other crops.’;
- (2) in Article 5(1), point (b) is replaced by the following:

‘(b) the production of additional feedstock due to the implementation of the additionality measures has not started longer than 10 years before the certification of the biofuels, bioliquids and biomass fuels as low indirect land-use change-risk fuels.’;
- (3) The following Article 6a is inserted:

‘Article 6a

Trajectory to decrease the contribution of high indirect land-use change-risk biofuels, bioliquids and biomass fuels

² 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 (Text with EEA relevance), (ELI: <http://data.europa.eu/eli/reg/2018/1999/2023-11-20>)

For the calculation of a Member State's gross final consumption of energy from renewable sources referred to in Article 7 of Directive (EU) 2018/2001 and the minimum share of renewable energy and the greenhouse gas intensity reduction target referred to in Article 25(1), first subparagraph, point (a) of that Directive, the share of high indirect land-use change-risk biofuels, bioliquids or biomass fuels produced from food and feed crops for which a significant expansion of the production area into land with high-carbon stock is observed shall not exceed the following percentages:

- (a) 85,7% in 2024
 - (b) 71,4% in 2025
 - (c) 57,1% in 2026
 - (d) 42,8% in 2027
 - (e) 28,6% in 2028
 - (f) 14,3% in 2029
 - (g) 0% in 2030';
- (4) Article 7 is repealed.

Article 2

The Annex to Delegated Regulation (EU) 2019/807 is replaced by the Annex to this Regulation.

Article 3

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