



2024/1405

17.5.2024

COMMISSION DELEGATED DIRECTIVE (EU) 2024/1405

of 14 March 2024

amending Annex IX to Directive (EU) 2018/2001 of the European Parliament and of the Council as regards adding feedstock for the production of biofuels and biogas

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 ⁽¹⁾, and in particular Article 28(6), second subparagraph, thereof,

Whereas:

- (1) Sustainable biofuels and biogases play an important role in increasing the share of renewable energy in sectors that are expected to rely on liquid fuels in the long term. Directive (EU) 2018/2001 introduced new provisions for promoting the use of biofuels and biogases produced from feedstock listed in Annex IX to that Directive.
- (2) The analysis of certain raw materials in accordance with the principles set out in Article 28(6), third subparagraph, of Directive (EU) 2018/2001 showed that they have potential as feedstock for biofuels and biogas production. Those raw materials should therefore be added in Annex IX to Directive (EU) 2018/2001.
- (3) The criterion determining whether a feedstock is added to Part A or Part B of Annex IX is whether the feedstock can be processed only with advanced technologies or it can be processed into biofuels or biogases with mature technologies. In absence of a definition of advanced and mature technologies in Directive (EU) 2018/2001, it is appropriate to consider a number of factors when adding feedstocks to Annex IX Part A or to Annex IX Part B. This includes next to indicators for the readiness of technology and the commercial readiness also the level of deployment of technologies. Further, the level of maturity of technology differs between the type of fuels that are produced. With regards to intermediate crops and crops grown on severely degraded land, the technologies needed to process those feedstock into biofuels used in aviation are not yet commercially deployed at scale while mature technologies are already available and deployed at scale to process the same feedstock into other types of biofuels that are used in other transport sectors such as biodiesel, bioethanol and biogas. Therefore, it is appropriate to add those feedstocks, exclusively when used for the production of biofuels for the aviation sector, to Annex IX Part A to the Directive, and to Annex IX Part B to the Directive if the feedstock is used for the production of other types of biofuels that are used in other transport sectors.
- (4) The Commission should regularly assess whether the raw materials included as feedstock for the production of biofuels and biogas for transport continue to meet the criteria and principles set out in Article 28(6) of RED, notably sustainability, as well as to ensure that investments in the most advanced processing technologies, including those required to produce renewable fuels of non-biological origin, are not being deterred and that the relevant targets set out in Directive (EU) 2018/2001 can be met.
- (5) Directive (EU) 2018/2001 should therefore be amended accordingly,

⁽¹⁾ OJ L 328, 21.12.2018, p. 82, ELI: <http://data.europa.eu/eli/dir/2018/2001/oj>.

HAS ADOPTED THIS DIRECTIVE:

Article 1

Annex IX to Directive (EU) 2018/2001 is amended in accordance with the Annex to this Directive.

Article 2

1. Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive by 14 September 2025 at the latest. They shall forthwith communicate to the Commission the text of those provisions.

When Member States adopt those provisions, they shall contain a reference to this Directive or be accompanied by such a reference on the occasion of their official publication. Member States shall determine how such reference is to be made.

2. Member States shall communicate to the Commission the text of the main provisions of national law which they adopt in the field covered by this Directive.

Article 3

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

Article 4

This Directive is addressed to the Member States.

Done at Brussels, 14 March 2024.

For the Commission
The President
Ursula VON DER LEYEN

ANNEX

Annex IX to Directive (EU) 2018/2001 is amended as follows:

(1) in Part A, the following feedstocks are added:

- (r) Fusel oils from alcoholic distillation;
- (s) Raw methanol from kraft pulping stemming from the production of wood pulp;
- (t) Intermediate crops, such as catch crops and cover crops that are grown in areas where due to a short vegetation period the production of food and feed crops is limited to one harvest and provided their use does not trigger demand for additional land, and provided the soil organic matter content is maintained, where used for the production of biofuel for the aviation sector;
- (u) Crops grown on severely degraded land, except food and feed crops, where used for the production of biofuel for the aviation sector;
- (v) Cyanobacteria.;

(2) in Part B, the following feedstocks are added:

- (c) Damaged crops that are not fit for use in the food or feed chain, excluding substances that have been intentionally modified or contaminated in order to meet this definition;
 - (d) Municipal wastewater and derivatives other than sewage sludge;
 - (e) Crops grown on severely degraded land excluding food and feed crops and feedstocks listed in Part A of this Annex, where not used for the production of biofuel for the aviation sector;
 - (f) Intermediate crops, such as catch crops and cover crops, and excluding feedstocks listed in Part A of this Annex, that are grown in areas where due to a short vegetation period the production of food and feed crops is limited to one harvest and provided their use does not trigger demand for additional land and provided the soil organic matter content is maintained, where not used for the production of biofuel for the aviation sector.’
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