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COMMUNICATION TO THE COMMISSION

**on communicating outcome of the Impact Assessment related to requirements of Article
3(4) of Directive 2009/28/EC**

{SWD(2012) 261 final}

{SWD(2012) 262 final}

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1. INTRODUCTION

Article 3(4) of the Renewable Energy Directive¹ contains a 10% target for renewable energy in transport. The Directive further lays down the rules for the calculation of the contribution of the different energy forms towards the 10% target, including such rules for biofuels and for electricity from renewable sources. Article 3(4) further asks the Commission to present changes or additions to these rules by means of the following two requirements:

By 31 December 2011, the Commission shall present, if appropriate, a proposal permitting, subject to certain conditions, the whole amount of the electricity originating from renewable sources used to power all types of electric vehicles to be considered.

By 31 December 2011, the Commission shall also present, if appropriate, a proposal for a methodology for calculating the contribution of hydrogen originating from renewable sources in the total fuel mix.

An Impact Assessment has been carried out in relation to these requirements and the Impact Assessment Board's opinion was delivered on 9 December 2011.

2. IMPACT ASSESSMENT

The Impact Assessment concludes that the option of no action is preferred. As the Directive already contains appropriate rules for accounting electricity from renewable sources towards the 10% target and Member States do not expect hydrogen from renewable sources to make a significant contribution towards the 10% target, the measures are considered to be sufficient. The Impact Assessment further looked into the need for accounting rules for another form of renewable energy towards the target, i.e. biomethane injected in to the natural gas grid, and concluded that the current accounting rules established for this by Eurostat and the Member States are appropriate and sufficient. Different accounting rules for biomethane and for electricity from renewable sources might not treat all renewable energy forms in an equal manner and would not be compatible with current statistics collection.

The Impact Assessment further recalls that monitoring and evaluation will be done in line with the existing requirements for the Commission, in particular Article 23(8) of the Renewable Energy Directive which requires the Commission to present a renewable energy progress report by 31 December 2014 addressing inter alia with respect to the 10% target for

¹ Directive 2009/28/EC of the European Parliament and of the Council of 23 April 2009 on the promotion of the use of energy from renewable sources and amending and subsequently repealing Directives 2001/77/EC and 2003/30/EC, OJ L 140, 5.6.2009.

energy from renewable sources in transport a review of the methodology chosen to calculate the share of energy from renewable sources consumed in the transport sector.

3. CONCLUSION

Following the outcome of the Impact Assessment the Commission will not present proposals to the European Parliament and Council in relation to the specific requirements of Article 3(4) of the Renewable Energy Directive cited above. The Commission may however in line with its right of initiative present such proposals in future and will consider this in particular in relation to its second renewable energy progress report due by 31 December 2014 according to Article 23(8) of the Renewable Energy Directive.

The Commissioner for Energy, or his designated representative, is requested to communicate this conclusion and the Impact Assessment to the European Parliament and the Council.