



2024/805

8.3.2024

**COMMISSION IMPLEMENTING REGULATION (EU) 2024/805**

**of 7 March 2024**

**amending Implementing Regulation (EU) 2022/996 as regards the date of application of Article 11(1) of that Regulation**

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>(1)</sup>, and in particular Article 30(8) thereof,

Whereas:

- (1) In order to establish whether biofuels, bioliquids, biomass fuels, renewable gaseous and liquid transport fuels of non-biological origin and recycled carbon fuels comply with the requirements of Directive (EU) 2018/2001, their correct and harmonised certification by voluntary schemes is essential. Therefore, Commission Implementing Regulation (EU) 2022/996 <sup>(2)</sup> establishes harmonised rules, applicable across the certification process, bringing about the necessary legal certainty on the rules applicable to economic operators and voluntary schemes.
- (2) Implementing Regulation (EU) 2022/996 entered into force on 30 June 2022 and its rules are to apply from 18 months after its entry into force, namely from 30 December 2023.
- (3) During the implementation of the requirements for Member States regarding accreditation or recognition for supervision of certification bodies set out in Article 11(1) of Implementing Regulation (EU) 2022/996, it has been concluded that the proper preparation of accreditation programmes or system for recognition by Member States would require a much longer preparation period and would be impossible to implement by the date of application of that Regulation.
- (4) Not being able to provide access to either accreditation programmes or system for recognition to the existing certification bodies by the Member States on the date of application of Implementing Regulation (EU) 2022/996 would lead to a situation in which none of the existing certification bodies would be in a position to comply with the provisions of Article 11(1) of that Regulation and therefore to continue their certification work in accordance with the provisions of Directive (EU) 2018/2001 and Implementing Regulation (EU) 2022/996 applicable to certification bodies. That would create major disruptions on the market of renewable fuels as of the beginning of 2024.
- (5) Therefore, in order to make possible the application of Article 11(1) of Implementing Regulation (EU) 2022/996, it is necessary to postpone its application, namely the requirement according to which certification bodies are to be accredited by a national accreditation body and in accordance with Regulation (EC) No 765/2008 of the European Parliament and of the Council <sup>(3)</sup> or recognised by a competent authority to cover the scope of Directive (EU) 2018/2001 or the specific scope of the voluntary scheme. A period of one calendar year is appropriate, necessary and proportionate time to allow for further preparation.
- (6) Implementing Regulation (EU) 2022/996 should therefore be amended accordingly.

<sup>(1)</sup> OJ L 328, 21.12.2018, p. 82, ELI: <https://eur-lex.europa.eu/eli/dir/2018/2001/oj>.

<sup>(2)</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)).

<sup>(3)</sup> Regulation (EC) No 765/2008 of the European Parliament and of the Council of 9 July 2008 setting out the requirements for accreditation and market surveillance relating to the marketing of products and repealing Regulation (EEC) No 339/93 (OJ L 218, 13.8.2008, p. 30, ELI: <http://data.europa.eu/eli/reg/2008/765/oj>).

- (7) This amending Implementing Regulation should be applied as from the application date of the Implementing Regulation, that is to say, 30 December 2023, in order to ensure the validity of all the certificates that would be issued by the certification bodies from 30 December 2023 until the entry into force of this Regulation.
- (8) The measures provided for in this Regulation are in accordance with the opinion of the Committee on the Sustainability of Biofuels, Bioliquids and Biomass fuels established by Article 34(2) of Directive (EU) 2018/2001,

HAS ADOPTED THIS REGULATION:

*Article 1*

In Article 28 of Implementing Regulation (EU) 2022/996, the following subparagraph is added:

‘However, Article 11(1) of this Regulation shall apply from 1 January 2025.’.

*Article 2*

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

It shall apply from 30 December 2023.

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

Done at Brussels, 7 March 2024.

*For the Commission*  
*The President*  
Ursula VON DER LEYEN