

President Von der Leyen
Executive Vice President Timmermans
Commissioner Simson

CC: Mr Vandenberghe, Ms Tomczak, Mr Grassi, Ms Nyitrai, Mr Kolinski, Mr Lopez-Nicolas, Mr Kempener, Ms Sikow-Magny, Ms Wörsdörfer, Mr Samsom, Ms Jorna, Mr Ehrenstein

Brussels, 8 December 2021

Subject: Open Letter raising concern on the Delegated Act on Art 27.3

Dear Executive Vice President Timmermans,

The prospective hydrogen industry is writing to share its concerns on the proposed Delegated Act (DA) on Art 27.3 supplementing the Renewable Energy Directive (RED) by setting out rules for the production of renewable hydrogen from electricity.

We are fully supportive of the Fit-for-55 package and its ambitious targets for the uptake of renewable hydrogen technologies and targeting rollout in end-use sectors in addition to scaling production. **This DA is a decisive factor determining whether the EU will achieve its Hydrogen Strategy 6GW target by 2024 and 40GW by 2030.** Too stringent criteria in the DA would also put at stake the feasibility of complying with the binding target of 50% for renewable fuels of non-biological origin used in industry and the 2.6% sub-target for RFNBOs in transport.

Today six out of ten largest electrolyser manufacturers in the world are European companies: electrolysers are a European technology and are crucial to meeting the objectives of the Green Deal. They also have a strategic role in ensuring EU's technology leadership and driving the 4th industrial revolution. **This DA is pivotal to maintaining this as a European industry and prevent the dislocation of manufacturing capacities** to countries with a more favourable regulatory framework.

The DA should help deliver the Fit-for-55 and incentivise the rollout of renewable hydrogen, not hamper it.

- **Replace stringent criteria with flexibility in the short term by phasing-in the requirements of the DA once the 6GW target of the EU Hydrogen Strategy is achieved.** This is the only way to enable the deployment of the first-large scale renewable hydrogen projects.
- **Reinforce the role of Member States in providing additional renewable electricity (RE) capacity by setting dedicated RE targets to be used for RFNBO production.** Holding hydrogen producers accountable for such elaborate reporting in absence of such requirements for other energy producers and consumers, is discriminatory.
- **Support simpler and faster national permitting procedures** for renewable electricity generation and electrolyser installations. Complex permitting and rigid additionality criteria will make it very challenging to link large scale hydrogen with large scale renewable energy, due to the very different lead times of those two technologies.
- **Renewable Power Purchase Agreements should be promoted as key instruments to supply dedicated competitive renewable electricity to produce renewable hydrogen.** From the outset, RFNBO producers should be allowed to produce renewable hydrogen from electricity with any existing renewable electricity plants as well as curtailed electricity to reduce the cost of renewable hydrogen production with no delay.

We recognise the importance of additional renewable capacity. Yet, we consider there are simpler ways to guarantee this and believe it is highly discriminatory to hold solely hydrogen producers accountable to these criteria. We remain at your disposal to continue this dialogue so to ensure renewable hydrogen can play its full role in delivering net zero by 2050.

Matthieu Giard
Member of the
Executive
Committee



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Jorge**
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Guy Buehler
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