



Memorandum of Understanding on the Implementation of the 2023 Revised Renewable Energy Directive for the Maritime Transport, Inland Navigation And Aviation Sectors, Ministerie van Infrastructuur en Waterstaat

Between the Federal Government of the Kingdom of Belgium and the Government of the Netherlands, hereinafter jointly referred to as 'Participants' and separately as 'Participant',

WHEREAS the Government of the Netherlands and the Federal Government of the Kingdom of Belgium acknowledge the importance of reducing greenhouse gas emissions in the sectors of maritime transport, inland navigation and aviation,

WHEREAS the Participants are committed to the objectives set forth in article 25 of the revised Renewable Energy Directive¹, which obliges the Participants to impose national obligations on fuel suppliers to reduce greenhouse gas emissions (set by the Netherlands), or to blend renewable energy (set by Belgium),

WHEREAS the Participants consider that each sector should contribute their fair share to the sustainability of their own respective sector,

WHEREAS the Participants recognize the necessity to maintain a level playing field for their respective maritime, inland navigation and aviation sectors,

WHEREAS the Participants recognize the atypical situation of the very high relative demand for energy by the international shipping sector compared to the other transport sectors and the fact that this differs greatly from the EU average, extra attention should be paid to the possible spillover effects on the level playing field and competitiveness in other sectors or on purchasing power of households,

WHEREAS the Belgian Federal law of 31 July 2023² gradually decreases the contribution to the achievement of the objectives of food and feed crop based biofuels and limits the contribution to the achievement of the objectives of certain types of feedstock, such as waste streams, fatty acids, fatty acid esters and animal fats category 3. The explanatory memorandum of this law explains that these restrictions are a reflection of "the finite nature of these raw materials. In addition, these restrictions inter alia aim to prevent fraud and limit conflicts for these raw materials with other sectors limit, such as cosmetics sector, the oleochemical sector but also the food industry",

WHEREAS the Netherlands' climate policy in title 9.7 of the Netherlands' law 'Wet milieubeheer' sets out the system of renewable energy in transport, which contains the national implementation of the renewable energy directive that envisages the introduction of sector-based targets for both inland and maritime shipping,

WHEREAS the effectiveness of such targets (i.e the avoidance of bunker tourism) requires the collaboration of countries with large North Sea and North Atlantic harbours, specifically in the Antwerp-Rotterdam-Amsterdam region,

THE PARTICIPANTS HAVE DECIDED AS FOLLOWS:

Paragraph 1 – Objectives

1. The Participants decide to align their 2030 national obligations following the revised Renewable Energy Directive for all sectors and their intermediate obligations for the maritime transport sector, and to have commensurable intermediate obligations for the inland navigation sector.
2. The Participants intend to impose, with a view to achieving the targets set out in art. 25 of the revised Renewable Energy Directive, an obligation on fuel suppliers for the maritime transport

¹ Directive (EU) 2023/2413 of the European Parliament and of the Council of 18 October 2023 amending Directive (EU) 2018/2001, Regulation (EU) 2018/1999 and Directive 98/70/EC as regards the promotion of energy from renewable sources, and repealing Council Directive (EU) 2015/652

² Law of 31 July 2023 on product standards for integrating energy from renewable sources into fossil motor fuels intended for the transport sector and amending the law of 29 April 1999 on the organisation of the electricity market and amending the law of 12 April 1965 on the transport of gaseous products and others by pipeline



sector to reduce CO₂ chain emissions by a minimum of the following percentages for the specified years:

- a. By the year 2026: 3,6% greenhouse gas emission reduction, or 7,2% renewable energy provision.
 - b. By the year 2028: 5,9% greenhouse gas emission reduction, or 11,8% renewable energy provision.
 - c. By the year 2030: 8,2% greenhouse gas emission reduction, or 16,4% renewable energy provision. The greenhouse gas emission reduction achieved with renewable fuels of non-biological origin in the total amount of greenhouse gas emission reduction is 0,32%, or 1,20% renewable energy provision.
3. The Participants intend to impose, with a view to achieving the targets set out in art. 25 of the revised Renewable Energy Directive, an obligation on fuel suppliers for inland navigation sector to reduce CO₂ chain emissions by a minimum of the following percentages for the specified years:
- a. By the year 2026: 3,8% greenhouse gas emission reduction, or 6% renewable energy provision. The greenhouse gas emission reduction achieved with renewable fuels of non-biological origin in the total amount of greenhouse gas emission reduction is 0,02%, or 0,075% renewable energy provision.
 - b. By the year 2028: 7,6% greenhouse gas emission reduction, or 18% renewable energy provision. The greenhouse gas emission reduction achieved with renewable fuels of non-biological origin in the total amount of greenhouse gas emission reduction is 0,09%, or 0,34% renewable energy provision.
 - c. By the year 2030: 14,5% greenhouse gas emission reduction, or 29% renewable energy provision. The greenhouse gas emission reduction achieved with renewable fuels of non-biological origin in the total amount of greenhouse gas emission reduction is 0,34%, or 1,28% renewable energy provision.
4. The Participants intend to impose, with a view to achieving the targets set out in art. 25 of the revised Renewable Energy Directive, an obligation on fuel suppliers for the aviation sector to reduce CO₂ chain emissions by a minimum of the following percentages:
- a. By the year 2030: 5,3% greenhouse gas emission reduction, or 9,4% renewable energy provision. The greenhouse gas emission reduction achieved with renewable fuels of non-biological origin in the total amount of greenhouse gas emission reduction is 0,56%, or 2,1% renewable energy provision.

Paragraph 2 – Approach Flexibility

1. The Participants will ensure that any additional costs of the sector-specific obligations outlined in Paragraph 1, established with a view to achieving the targets set out in art. 25 of the revised Renewable Energy Directive, will not be translated in the fuel prices of any other transport sector.
2. The Participants may provide fuel suppliers to the maritime transport or inland navigation sector with the option to fulfill the obligation partly by delivering renewable energy to another sector or by reducing greenhouse gas emissions in another sector.
3. The Participants may provide fuel suppliers to the aviation sector with the option to fulfill the obligation fully or partly by delivering renewable energy to another sector or by reducing greenhouse gas emissions in another sector.
4. The Participants have the intention to exclude food and feed crops from the scope of eligible raw materials for the production of biofuels eligible in the maritime sector, inland navigation sector and aviation sector.
5. The Participants have the intention to exclude Palm & soy based biofuels, including their derivatives, from the scope of eligible raw materials.
6. The Participants will ensure that feedstocks included in Annex IX-B of the Renewable Energy Directive will be excluded from the scope of eligible raw materials and fuels for the maritime transport sector.
7. The contribution of biofuels produced from third category animal fat, fatty acids and fatty acid esters will be limited to 1% of all fuels used for the maritime transport sector, expressed in energetic value.
8. The use of RFNBOs as an intermediary product will only be taken into account for the RFNBO sub targets listed in Paragraph 1 if their competitive pricing advantage was corrected for or if a



limitation is set on the amount of energy that can be counted towards the objectives.

9. The Participants may impose additional sub targets on fuel suppliers in the maritime, inland navigation and aviation transport sectors.
10. The Participants may impose yearly obligations on fuel suppliers for the maritime, inland navigation and aviation transport sectors.

Paragraph 3 – Scope

1. The Participants will be responsible for implementing the aforementioned obligations, with a view to achieving the targets set out in art. 25 of the revised Renewable Energy Directive, on the fuel suppliers operating within their respective territories, with a view to achieving the targets set out in art. 25 of the revised Renewable Energy Directive.
2. The Participants accept to interpret article 2, paragraph 38 of the Renewable Energy Directive in such a manner that fuel suppliers to the maritime transport, inland navigation and aviation sectors are entities supplying fuel to these markets, which are responsible for passing fuel through an excise duty point or a customs authority in case fuels are exported.
3. Calculating the greenhouse gas emission reduction or the renewable energy provision will occur in accordance with the methodology set out in the Renewable Energy Directive.
4. As well as the double counting from the revised Renewable Energy Directive, this directive also sets out that when calculating the share of RFNBO's, the energy content is considered to be 1,5 times their actual energy content when used in the maritime transport sector, international inland navigation and the aviation sector. Consequently, calculating the share of RFNBO's, the energy content is considered to be 3 times their actual value when used in these sectors, without prejudice towards Paragraph 2.8 of this Memorandum.

Paragraph 4 – Implementation

1. Each Participant will seek to implement the obligations, with a view to achieving the targets set out in art. 25 of the revised Renewable Energy Directive, outlined in Paragraph 1 within their respective territories, with a view to achieving the targets set out in art. 25 of the revised Renewable Energy Directive.
2. The Participants will aim to regularly communicate with each other regarding the implementation and progress of the achievement of the targets set out in art. 25 of the revised Renewable Energy Directive.

Paragraph 5 – Monitoring and Reporting

1. The Participants will establish a joint committee for monitoring and reporting the progress of the achievement of the targets set out in art. 25 of the revised Renewable Energy Directive.
2. The committee will aim to meet annually to review the progress and make any necessary adjustments to ensure the effective implementation of this Memorandum.
3. The committee will evaluate the level playing field and the progress of reduction and/or provision by fuel suppliers to meet the targets set out in art. 25 of the revised Renewable Energy Directive, including the sub-obligations on RFNBO's of Paragraph 1 in 2028.

Paragraph 6 – Amendments

1. This memorandum of understanding may be amended by mutual consent of the Participants, in writing.
2. The amendments will come into effect in accordance with Paragraph 9 and will form an inseparable part of this Memorandum.
3. Should the Participants in multilateral fora set higher targets for any of these sectors, this memorandum of understanding may be amended accordingly.



Paragraph 7 – Law in force

This memorandum of understanding will be implemented in accordance with the legislations of the respective Participants, including EU law. This memorandum in no way affects or alters, or intends to affect or alter, the uniform interpretation or application of EU law nor the Participants' obligations under EU law.

Paragraph 8 Entry into effect

This memorandum of understanding enters into effect upon signature by both Participants.

IN WITNESS WHEREOF, the undersigned, being duly authorized by their respective Governments, have signed this memorandum of understanding in Brussels and The Hague in May 2024 in the English language, in triplicate, each copy being equally valid.

*For the Federal Government of the Kingdom of Belgium
The Minister of Energy
T. Van der Straeten*

29 May 2024

*For the Government of the Netherlands
The Minister of Infrastructure and Water Management
M.G.J. Harbers*

28 May 2024