



Council of the European Union
General Secretariat

Brussels, 1 February 2023

CM 1416/23

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PROCED

COMMUNICATION

WRITTEN PROCEDURE

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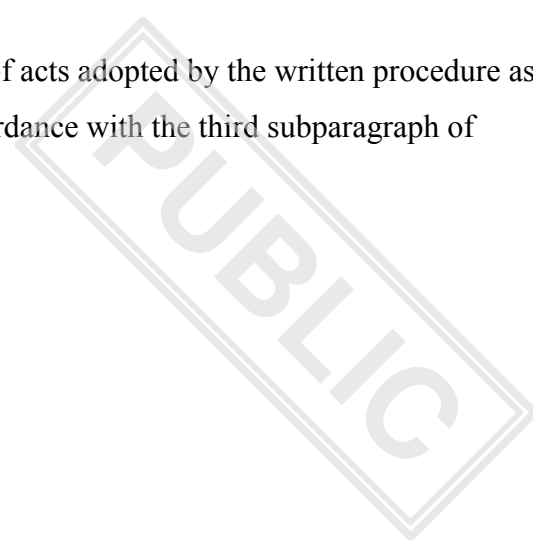
Subject: **Written Procedure with reply by Wednesday 1 February 2023 at 15:00 CET (Brussels time) by email to energy@consilium.europa.eu**
Memorandum of Understanding between the European Union and Ukraine on a Strategic Partnership on Biomethane, Hydrogen and other Synthetic Gases
- Authorisation to sign a non-binding instrument
- End of the written procedure

Delegations are informed that the written procedure, opened by CM 1415/23 of 1 February 2023 was completed on **1 February 2023** and that all delegations voted in favour of authorising the Commission to sign, on behalf of the EU, the **Memorandum of Understanding between the European Union and Ukraine on a Strategic Partnership on Biomethane, Hydrogen and other Synthetic Gases**, as set out in document ST 5696/1/23 REV 1.

Therefore, the above authorisation to sign, on behalf of the EU, the Memorandum of Understanding between the European Union and Ukraine on a Strategic Partnership on Biomethane, Hydrogen and other Synthetic Gases, as set out in document ST 5696/1/23 REV 1, is approved.

The statements by Austria and Spain are reproduced in the Annex to this CM.

The above statements will be included in the summary of acts adopted by the written procedure as statements to be entered in the Council minutes, in accordance with the third subparagraph of Article 12(1) of the Council's Rules of Procedure.



Statement for the minutes by Austria

In a spirit of compromise, Austria supports the memorandum of understanding; however, it wishes to explicitly state the following.

Austria considers that hydrogen and other synthetic gases produced using nuclear energy are by no means a sustainable solution for a competitive European hydrogen industry. Nuclear energy is neither a sustainable form of energy nor a sensible option for producing hydrogen. Austria is of the explicit opinion that the EU should clearly focus on building an international and EU-wide market for renewable hydrogen, as is also set out in the REPowerEU plan.

Austria's approval of this memorandum of understanding should not be regarded as setting any precedent.

STATEMENT BY SPAIN

Spain underlines the importance of promoting the domestic production of renewable hydrogen, biomethane and other renewable gases in the EU in order to reduce energy dependence, develop EU strategic value chains and minimise the carbon footprint. Once the potential for domestic renewable gases production to supply future European demand has been exhausted, we agree with the Commission's REPowerEU Plan that imports of renewable gases, in particular renewable hydrogen, from reliable partners are the most appropriate option.

In this regard, any memorandum of understanding (MoU) or partnership on renewable gases imports, in particular renewable hydrogen, to be signed with third countries should not delay national decarbonisation roadmaps, while protecting access to energy and water and creating opportunities for local communities. Moreover, these collaborative frameworks must extend to renewable gases imports the same rules applicable to domestic production, ensuring a level playing field.

The ‘Memorandum of Understanding between the European Union and Ukraine on a Strategic Partnership on Biomethane, Hydrogen and other Synthetic Gases’ includes multiple references to non-renewable gases which are not reflecting the principles and goals of neither the EU Hydrogen Strategy, the REPowerEU Plan nor the External Energy Engagement Strategy.

In the spirit of compromise and solidarity with Ukraine, Spain supports the Memorandum of Understanding, while reminding the importance of maintaining consistency with our EU common goals and commitments in the context of any negotiation or authorisation to the Commission to sign these non-binding instruments.
