

Brussels, 29 April 2024  
(OR. en)

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**'I/A' ITEM NOTE**

From:	General Secretariat of the Council
To:	Permanent Representatives Committee/Council
No. Cion doc.:	ST 7869/24 + ADD 1
Subject:	COMMISSION DELEGATED DIRECTIVE (EU) .../... of 14.3.2024 amending Annex IX to Directive (EU) 2018/2001 of the European Parliament and of the Council as regards adding feedstock for the production of biofuels and biogas - Intention not to raise objections to a delegated act

1. On 14 March 2024, the Commission submitted the above draft Delegated Directive<sup>1</sup> to the Council in accordance with the procedure set out in Article 290 TFEU and in particular Article 28(6) of Directive (EU) No 2018/2001<sup>2</sup> as regards adding feedstock to part A and part B of the annex IX to the Directive for the production of biofuels and biogas.

<sup>1</sup> ST 7869/2024 + ADD1

<sup>2</sup> OJ L 328, 21.12.2018, p. 82.

2. Directive 2018/2001 introduces new provisions for promoting the use of biofuels and biogases produced from feedstock listed in Parts A and B of Annex IX to the Directive. According to Article 28(6) of the Directive, the Commission is requested to regularly review the list with a view to adding feedstock to Annex IX, provided that this feedstock meets the criteria set out in the third subparagraph of Article 28(6).
3. The Commission notified this Delegated Directive on 14 March 2024, therefore, the Council may object to it until 15 May 2024.
4. The Working Party on Energy examined the delegated act through an informal consultation procedure and at its meeting held on 22 April 2024. Discussion at the Energy Working Party meeting demonstrated that the majority required to object to this Delegated Directive was not reached.
5. In view of the above, the Permanent Representatives Committee (Part 1) is invited to recommend to the Council to confirm, as an “A” item at one of its forthcoming meetings, its intention not to raise an objection to the delegated act and that the Commission and the European Parliament are to be informed thereof. This implies that, unless the European Parliament objects to it, the delegated act shall be published and enter into force in accordance with Article 35 of Directive (EU) No 2018/2001.

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