

Dear Commission.

## **Comments on the review of the General Block Exemption Regulation (GBER)**

We – St1 Biogas – a company involved in the production, distribution and sales of renewable biomethane from waste and residues have taken part of the above proposal. The impact of the proposal on our renewable business will be severe and we have the following comments, which has been discussed with our national business organization – The Swedish Gas Association.

**Particularly the proposed changes to Article 43 is of great importance to allow for a continued expansion of the production of biomethane from waste and residues in Sweden.**

### **Article 2(102f-g)**

This article proposes definitions of “clean vehicle and “zero-emission vehicle”. The requirements for maximum CO<sub>2</sub> emissions are made according to CO<sub>2</sub> emissions in vehicles’ exhaust gases (tailpipe emissions of CO<sub>2</sub>), even in those cases where the proposal refers to definitions in other regulations.

St1 Biogas strongly opposes the proposal to formulate maximum CO<sub>2</sub> emissions purely on the basis of local emissions from vehicles and ships (that is, tailpipe emissions). St1 Biogas believes that both European and Swedish legislation should instead be based on a research-based WTW<sup>[1]</sup> – or LCA<sup>[2]</sup> – approach to climate emissions. The outdated tailpipe perspective does not take into account whether electricity is derived from fossil or renewable origin. It is not technology neutral and it hinders the use of biogas and other sustainable renewable biofuels. The tailpipe perspective in EU regulations makes the task of mitigating climate change more difficult.

### **Article 2(130)**

This article introduces a new definition of “energy infrastructure” concerning gas, and a new definition of “energy infrastructure” concerning hydrogen.

St1 Biogas believes that it is important that “energy infrastructure” for gas and hydrogen are not limited to pipelines for the distribution and transmission of gas. In Sweden and other Member States that do not have a well-developed national gas grid, gas is mainly distributed in liquid form via infrastructure other than gas networks.

### **Article 36**

The changes proposed in Article 36 need to be read alongside the changes proposed in Article 2, (102f-g) (see the comments above). The changes to Article 36a and the new Article 36b are limited almost exclusively to electrical and hydrogen technologies. Biogas (bio methane) refueling

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<sup>[1]</sup> WTW = Well-to-wheel

<sup>[2]</sup> LCA = Life-cycle analysis

infrastructure is not included here at all, and in most cases neither are vehicles or ships powered by biogas (bio methane) (due to the unfortunate tailpipe perspective adopted in Article 2(102 f-g)). We are concerned that these biogas technologies will not be covered by other parts of Article 36, or by other parts of the regulation, as the proposal currently stands.

St1 Biogas believes that the regulation should include support for refueling infrastructure for biogas (bio methane), and for vehicles and ships powered by biogas (bio methane), as is the case for electricity and hydrogen. Biogas generally provides as great climate benefit as renewable electricity and renewable hydrogen, as well as delivering several other societal benefits such as the recycling of plant nutrients, reduced eutrophication and improved biodiversity and soil quality. The production of biogas and biofertilizer also provides increased security of supply, rural development, jobs, regional business development and innovation, and new export opportunities.

We are very concerned that the proposal presented in Article 36, in combination with the proposed changes in Article 2(102f-g), could hinder Sweden's ability to support biogas investments through different investment support programs. If this is indeed the consequence of the Commission's proposed changes to Article 36, we oppose the proposed changes.

#### **Article 41**

This article concerns investment aid for the promotion of energy from renewable sources, renewable hydrogen and high-efficiency cogeneration.

St1 Biogas believes that the condition which states that investment aid for the production of biofuels, bioliquids, biogas and biomass fuels should be exempted from the notification requirement if the fuel derives from the feedstock listed in Part A of Annex IX to the Renewable Energy Directive should be changed, so that the condition refers instead to the entirety of Annex IX to that directive. There are demarcation problems between Part A and B, in that Part B includes certain waste products that could be advantageously co-processed into biogas with other waste products mentioned in Part A. Excluding Part B from the proposed amendment would lead to unnecessary administrative costs and inhibit, among other things, biogas production from waste. We also see a clear risk that the Commission's ongoing revision of Annex IX (done through the delegated act detailed in the Renewable Energy Directive) could alter the negotiated distribution between Parts A and B, and thus damaging the conditions for biogas production in general and from certain residues and waste products in particular. Therefore, the condition should refer to the whole of Annex IX.

#### **Article 43**

This article concerns operating aid for the promotion of energy from renewable sources and renewable hydrogen in small scale installations, and for the promotion of renewable energy communities.

St1 Biogas strongly opposes the proposal that operating aid for renewable gas production is to be limited to projects below 400 kW installed capacity. The current version of the General Block Exemption Regulation (GBER) permits operating aid for biofuel production plants with an installed capacity of less than 50,000 tonnes per year. This provision should remain in place for the production of biogas and other renewable gases, and be extended to apply to all its uses, rather than exclusively to fuel. This measure is very important to the introduction of a production support scheme to biogas, as proposed in the Swedish budget bill to be introduced in Sweden in 2022. A very strict (low) capacity limit effectively constrains the possibility to recover energy and nutrients in a cost-effective way from organic waste and residues like manure, sorted organic household waste and waste from food production to name a few substrate streams.

Finally, point 3 should be changed so that the opportunity to provide operating aid is not limited to installations that use fuel derived from the feedstock listed in Part A of Annex IX to the Renewable Energy Directive, but instead extended to the entirety of Annex IX to the same directive. The reasons for this are outlined in the comments on Article 41, above.

**Article 44**

Article 44(4) states that tax reductions for the products defined in Article 16(1) of the Energy Tax Directive shall be exempted from the notification requirement of Article 108(3) of the Treaty only to the extent that they are compliant with the sustainability and greenhouse gases emissions saving criteria in the Renewable Energy Directive and are made from the feedstock listed in Part A of Annex IX to that directive.

St1 Biogas believes that this condition should not be limited to fuels from feedstock listed in Part A of Annex IX to the Renewable Energy Directive, but should instead be broadened to apply to the entirety of Annex IX to that directive. The reasons for this are outlined in the comments on Article 41, above.

Best Regards,

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