

Dear Commissioner Jorgensen,

Dear Mr Talbi,

We, the undersigned companies representing a combined planned pipeline of 0.5 Mt of Renewable Fuels of Non Biological Origin (RFNBOs) hydrogen and e-fuels for the industry and transport sectors, are writing to you, in light of the current discussions around the EU hydrogen regulatory framework and the reopening of the RFNBO rules. With this letter, we want to add our voice to this debate and **insist that regulatory certainty is sacrosanct**.

The EU spent almost three years intensely debating the rules for RFNBOs, a process that took longer than the rules have been in force. When the rules were *finally* adopted, the incumbent hydrogen industry [welcomed](#) the “regulatory clarity” and called on the Commission to urgently develop a certification framework on the basis of these new rules. A situation similar to the US 45V rules, where many industry players [supported](#) the adoption of strict rules.

As the expression goes, ‘perfect is the enemy of the good’. The current RFNBO regulatory framework is a compromise that includes several exemptions. The additionality requirement is delayed until 2038 for RFNBO projects starting operations by 2028. Temporal correlation will remain on a monthly basis until the start of 2030. These rules try to strike a delicate balance between safeguarding the environmental integrity of RFNBO rules and supporting the scale up of a nascent hydrogen industry.

Yet, in the context of the consultation on the delegated act on low-carbon fuels and less than two years after welcoming “regulatory clarity”, some incumbents and industry groups made a U-turn and have called for a change to the rules again. Supposedly, the regulatory clarity is now slowing down the industry’s ramp-up and adding to production costs. We disagree with this assessment. The RFNBO rules are designed to incentivise hydrogen producers to use renewable electricity where and when it is available and low-priced.

As companies working on RFNBO projects, it is important to outline the challenges linked to regulatory uncertainty. . Reopening the RFNBO framework will have a chilling effect on potential investors in e-fuels production. Changing the rules now, after many of us have structured projects, raised development capital, initiated permitting processes, and started negotiating offtake agreements under the existing framework, would significantly undermine investor trust. Even minor changes to the regulation (e.g. extending the transition phase on additionality and temporal correlation) could delay Final Investment Decisions (FIDs), raise the cost of capital for genuinely green projects, and do more harm than good for investors' confidence. Hence, we urge the European Commission not to re-open the RFNBO rules.

We recognise that additional near-term support is needed, particularly given the slow implementation of REDIII and limited access to the European Hydrogen Bank, but this must not come at the expense of regulatory stability. If the rules were to be changed, it is absolutely crucial that **no grandfathering clauses** are introduced. This would not only undermine a level playing field between different producers; it would also negatively impact the longer-term ability of electrolyzers to “help integrate large shares of variable renewable generation, by offloading grids in times of abundant supply” (citing the Commission's own [Energy System Integration Strategy](#)).

The EU has established the most comprehensive and supportive regulatory framework for the hydrogen industry to date. Billions of euros of subsidies at European and national levels are and will be made available to support scaling up hydrogen production. In return for this generous support, we believe that it is only fair that the highest environmental standards are adhered to.

We stand ready to work with the Commission and other stakeholders to ensure Europe remains the global leader in truly sustainable hydrogen and e-fuels.

Your sincerely,

Everfuel 



ETFUELS

Kajamy

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