

Addressing Gold Plating in the EU: Key Examples and a Structured Approach to Identify and Tackle Divergent Implementation

Eurogas welcomes the initiative by DG GROW to identify and address gold plating practices, particularly in the context of the ongoing implementation and adoption of secondary and tertiary legislation under the EU Green Deal and REPowerEU. Gold plating practices are already visible across a number of key pieces of EU legislation relevant to the gas and energy sector. For the purpose of this exercise, Eurogas has identified two files where such practices are particularly prominent: the **Hydrogen and Decarbonised Gas Package and the Renewable Energy Directive**. The examples presented in this paper are **non-exhaustive** but illustrate some of the key challenges faced by our industry as Member States transpose and implement EU legislation.

The political importance of addressing such practices was underscored by Commission President Ursula von der Leyen in her 2026 State of the Union address: “If we are serious about simplification, we also need a pact against gold-plating.” This call reinforces the need for a **more structured and systematic approach to identifying and addressing gold plating across Member States**. Such approach would be fully aligned with the Commission’s broader **simplification agenda**, helping to ensure that EU legislation is implemented consistently and proportionately, while avoiding unnecessary regulatory fragmentation and administrative burdens. This approach would ultimately contribute to a **better functioning Single Market**, while also supporting the investment and deployment needed to develop renewable and low-carbon gases across Europe.

Against this background, Eurogas supports the creation of a **structured tool or mechanism through which stakeholders can notify the Commission of gold plating practices identified at Member State level**. This would provide the Commission with a more systematic overview of implementation divergences and help facilitate dialogue with Member States where additional requirements go beyond what is necessary to achieve the objectives of EU legislation.

Examples of Gold Plating in Key Files Supporting the Gas Industry’s Transition Away from Russian Gas and Towards a More Sustainable Energy System

Renewable Energy Directive III

Company-level industry target for RFNBO consumption in the Netherlands – *More stringent norm*

- **EU Norm:** RED III sets a Member State target of 42% RFNBO hydrogen in industry by 2030.
- **Practice:** The Netherlands implementing RED III by proposing to introduce a **company-level obligation** requiring individual companies to meet a share (4% in 2030 and 9.9% in 2035) of the 42% RFNBO hydrogen target, going beyond the EU approach of setting the obligation at Member State level.
- **Legal Basis:** [Wet milieubeheer \(Title 9.10\)](#) under discussion, Wet jaarverplichting hernieuwbare brandstoffen van niet-biologische oorsprong in de industrie.

RFNBO obligations for operators with refining capacity and associated makeup payment in Spain – *More stringent norm*

- **EU Norm:** RED III sets a minimum 1% RFNBO target by 2030.
- **Practice:** Art. 25(2) RED III allows RFNBOs used as intermediates in conventional fuels and biofuels to count towards transport targets. However, Royal Decree 611/2026 advances RFNBO mandates to 2027, raising obligations from 0.2% in 2027 to 2.5% in 2030 despite limited market availability. This exceeds the RED III trajectory and may increase costs and weaken industrial competitiveness. The EU should ensure a harmonized framework for emerging products to limit fragmentation.
- **Legal Basis:** [Royal Decree 611/2026](#).

Renewable and low carbon gases reporting and traceability redundancy in Spain – *More stringent norm and administrative procedures*

- **EU Norm:** RED III does not require guarantees of origin for target compliance, and relies on Proof of Sustainability.
- **Practice:** Royal Decree 611/2026 makes guarantees of origin (GOs) mandatory for renewable gas traceability and RED III compliance in Spain, despite RED III not assigning GOs a compliance function and existing certification schemes already providing robust traceability. The requirement is also applicable for low carbon gases. This duplicates reporting requirements through both the GO system, a national database and the Union Database (UDB), increasing administrative burden and the risk of inconsistencies. As a national specificity, GOs may also hinder cross-border trade, limit the seasonal storage potential of RFNBOs, renewable and low carbon gases due to their expiry, and create systematic inconsistencies with RED III methodologies, as they are based on ISO 16325. Finally, for imports of renewable gases which must be accredited with both GOs and PoS, Royal Decree 611/2026 establishes further limitations. A coalition of national hydrogen, biomethane and natural gas associations have warned of the associated limitations¹ without success.
- **Legal Basis:** [Royal Decree 611/2026](#), and previously Order TED/728/2024.

RFNBO de-blending required at the point of consumption to be eligible in compliance markets across the EU – *Interpretative guidance and more stringent norms*

- **EU Norm:** The RED is grounded on the mass-balance principle. In parallel, The Gas Regulation (EU) 2024/1789 Art. 21 provides for the possibility of blending up to 2% hydrogen into the existing natural gas network at cross-border interconnection points, with the objective of ensuring harmonisation across the EU. At the same time, the Regulation recognises the flexibility required at national and regional level by allowing adjacent transmission system operators to agree on different hydrogen blending levels (either higher or lower) for cross-border interconnection points. Recital 74 of the Gas Regulation also confirms that the decision on whether to allow hydrogen blending within national gas

¹ Sedigas, [Joint Statement: Verification of the sustainability and emissions reduction of renewable gases through sustainability test](#), 2026

networks remains the responsibility of individual EU Member States. The level one legislation does not require physical deblending of hydrogen at the point of consumption.

- **Practice:** Where RFNBO hydrogen is injected into the gas grid, the current interpretation of the major Voluntary Schemes, would require the physical separation of hydrogen molecules from the natural gas blend at the point of consumption in order for that hydrogen to be eligible for compliance purposes. This approach has subsequently been reflected in EU Guidance and the Commission is now considering incorporating this interpretation into legislation through the upcoming revision of Implementing Regulation (EU) 2022/996. Such an approach would introduce a requirement that is not currently foreseen in EU legislation and would be difficult to reconcile with the RED III framework, in particular its mass-balance provisions. More broadly, this interpretation also constrains an important transitional decarbonisation pathway by limiting the use of blended renewable hydrogen before dedicated hydrogen infrastructure becomes widely available. The risk of gold plating practices turning into norms should therefore be highlighted.
- **Legal basis:** [Commission Communication C/2025/2983](#), Guidance on the targets for the consumption of renewable fuels of non-biological origin (RFNBOs) in the industry and transport sectors, OJ C, 27.05.2025.



Additional Feedstock Cap in Germany – *More stringent norm*

- **EU Norm:** Art. 29 of RED III sets sustainability and GHG saving criteria for biofuels, bioliquids and biomass fuels. Fuels used for the heating sector must comply with GHG saving thresholds of 70% or 80% for older or newer installations respectively. The RED does not set a specific percentage cap for crops used in heating.
- **Practice:** Germany has introduced an additional national feedstock restriction going beyond the EU-level sustainability criteria, by limiting the share of maize that can be used for biomethane production under the national renewable heating framework. While Member States may adopt more stringent sustainability requirements under the RED, such additional requirements can constitute regulatory gold-plating where they add compliance obligations beyond the EU framework and create divergent requirements across Member States. In this case, the additional cap may require producers to adjust production pathways and meet additional compliance requirements, potentially increasing administrative and audit costs and contributing to fragmentation of the EU market.
- **Legal Basis:** *Gebäudemodernisierungsgesetz (GModG)*: The recently published renewable heating law introduces next to compliance with the BioSt-NachV (national implementation of RED III sustainability criteria) a maize cap of 50 %.



Divergent application of the EU mass-balance framework to bio-LNG in the Netherlands – *More stringent norm and administrative procedures*

- **EU Norm:** RED III and Commission Implementing Regulation (EU) 2022/996 establish a mass-balance approach for demonstrating the renewable characteristics and sustainability of fuels. Under the EU framework, LNG and biomethane fall within the same “product group” and be covered by the same mass-balancing system within the interconnected gas infrastructure. The framework does not require

the physical identification or molecular verification of the renewable share of gas after it has entered the interconnected system.

- **Practice:** The Netherlands applies additional requirements to biomethane injected into the interconnected gas network and subsequently liquefied at an LNG terminal. Dutch authorities treat LNG and biomethane as separate product groups and consider the liquefaction of biomethane at an LNG terminal to involve blending with fossil gas. As a result, fuel suppliers may be required to demonstrate the actual biogenic content of the LNG, including through C₁₄ laboratory testing. This introduces requirements going beyond the EU mass-balance approach and may, in practice, prevent bio-LNG liquefied at interconnected LNG terminals from being used for compliance with Dutch RED transport-fuel targets. It could also undermine established practices such as bio-LNG production through equivalence liquefaction.
- **Legal Basis:** [Wet milieubeheer \(Title 9.7\)](#), Besluit Energie Vervoer and Regeling Energie Vervoer.

80% GHG emissions saving requirement for new biomethane plants in Denmark – *More stringent norm*

- **EU Norm:** Art. 29 of RED III provides for different GHG emissions saving thresholds depending on the end use and the date on which the installation became operational. For biomethane used in transport, the applicable threshold for installations starting operation from 1 January 2021 is 65%.
- **Practice:** Denmark applies an 80% GHG emissions saving requirement to new installations producing upgraded biogas/biomethane, rather than applying the lower 65% threshold applicable to biomethane used in transport. This creates an additional requirement for new biomethane plants compared with the EU framework and may restrict the range of production pathways able to qualify for compliance.
- **Legal Basis:** [Danish Bæredygtighedsbekendtgørelsen](#) (Order No. 494 of 16 May 2025).

Hydrogen & Decarbonised Gas Package

Implementation of Gas Directive ban on unabated fossil gas contracts post-2049 in Germany – *Interpretative guidance*

- **EU Norm:** Art. 31 of the Gas Directive prohibits long-term gas supply contracts for unabated fossil gas but does not ban fossil gas supplies to end users beyond 2044.
- **Practice:** Germany introduces an additional prohibition on fossil gas supplies to end users beyond 2044. This creates additional verification and documentation requirements, risks distorting the internal energy market, affects investment decisions, and limits technology neutrality.
- **Legal basis:** [Energiewirtschaftsgesetz \(EnWG\)](#)- draft legislation Section 114(2) introduces a ban on fossil gas supplies to end users beyond 2044.

Implementation of Gas Directive – Hydrogen leak detection in Germany – *More stringent norm and divergent legal interpretation*

- **EU Norm:** The Gas Directive Art. 50 (g) and (h) establishes requirements related to the safe operation of hydrogen infrastructure, including requirements tackling hydrogen leakages. The relevant EU

provisions are intended to ensure appropriate leak detection and safety measures without imposing a general, additional comprehensive leak-tightness testing regime beyond the requirements established at EU level.

- **Practice:** The German implementation relies on a German-language interpretation/translation of the relevant EU requirement that can be understood as requiring a broader “Wasserstoffdichtheitsprüfung” (hydrogen leak-tightness test), rather than the more targeted hydrogen leak detection requirement intended by the EU provision. As a result, the German provision risks imposing substantially more extensive testing requirements on hydrogen infrastructure than required under the Gas Directive. This could lead to additional technical testing, documentation and compliance costs for infrastructure operators without a corresponding requirement in the EU framework.
- **Legal Basis:** [Energiewirtschaftsgesetz \(EnWG\)](#) - draft legislation § 28k (5).

Implementation of Gas Directive – Advance information requirements for gas network decommissioning and transformation in Germany – *Divergent interpretation*

- **EU Norm:** Art. 13 of the Gas Directive requires distribution system operators planning to disconnect network users due to the decommissioning of the natural gas distribution network to inform the affected network users “sufficiently in advance”. The Directive does not prescribe a specific notification period.
- **Practice:** The German implementation introduces significantly more extensive and prescriptive information requirements for gas distribution system operators. In particular, operators may be required to inform affected network users up to ten years in advance of planned network decommissioning. The German approach also extends the information requirements to network transformation measures. These requirements go beyond the minimum obligation under the Gas Directive to provide information “sufficiently in advance” and create additional long-term planning, communication and administrative obligations for network operators.
- **Legal Basis:** [Energiewirtschaftsgesetz \(EnWG\)](#)- draft legislation §17 l.

Implementation of Gas Directive Section 3: Refusal of access and connection in France – *More stringent norm*

- **EU Norm:** The Gas Directive establishes the framework for access to and connection to gas networks.
- **Practice:** France would grant local authorities' full authority to designate areas where new gas grid connections can be prohibited, potentially restricting network access beyond the harmonised EU framework. Local authorities could prohibit new gas grid connections in designated areas, impacting the viability of certain biomethane injection projects, which would constitute gold plating of EU norms.
- **Legal Basis:** French DDADUE bill [under discussion](#).