

## Energy Traders Europe response to MITECO consultation on the Royal Decree introducing biomethane blending quotas

*Energy Traders Europe* welcomes the opportunity to contribute to MITECO's public consultation on the draft Royal Decree introducing biomethane blending quotas in Spain.

The draft Royal Decree proposes the gradual introduction of minimum biomethane blending obligations applicable to natural gas suppliers and large direct consumers across all relevant sectors, with the exception of electricity generation in CCGTs, cogeneration, consumption in island systems, and the transport sector (including road, maritime, and aviation transport).

We recognise and praise the Spanish Government's ambition to foster the development of a domestic biomethane market and support its broader decarbonisation objectives; **however, this should not be detrimental to the establishment of a European market for biomethane.**

Experience across Europe shows that renewable gas obligations imposed on suppliers are often designed in an uncoordinated manner, with limited alignment across Member States. Differences frequently arise in key design elements, including target definitions, eligible end-use sectors, allocation methodologies, compliance mechanisms, sustainability and emissions accounting requirements, and penalty regimes. In some cases, schemes also incorporate criteria that discriminate against imported biomethane.

While the rationale behind national support measures is clear, we are concerned that a fragmented regulatory landscape risks undermining the development of an integrated European biomethane market. Such fragmentation may create unnecessary barriers to cross-border trade, reduce market efficiency, and ultimately hinder the EU's objective of scaling up biomethane as a means of decarbonising the gas sector and strengthening energy security through increased reliance on a domestically produced energy source.

In the spirit of seeking convergence to harmonised support schemes to biomethane we also put together a short checklist highlighting possible design features to be considered when and if Member States choose to elect blending quota for suppliers to end users of biomethane as support mechanism<sup>1</sup>.

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<sup>1</sup> Energy Traders Europe, *Developing an internal market in renewable and low-carbon gases* (2024)  
<https://cms.energytraderseurope.org/storage/uploads/media/241001-energy-traders-europe-res-gas-wg-pp-suppliers-quota.pdf>

# CONSULTATION RESPONSE

## Key Messages

- PoS issued by EU-recognised schemes should be the sole valid tool for compliance required.
- The *sello de excelencia* should be a voluntary tool and should not be required for quota compliance, so as not to illegitimately restrict the eligibility of imported certified biomethane.
- Technologically selective quotas should be avoided in favour of a technology-neutral framework.
- Flexibility mechanisms should be introduced to enable cost-efficient delivery of the blending obligation.

## Detailed Comments

### 1. Eligibility Criteria – Enabling evidence of renewable gas sales or consumption through Proofs of Sustainability (Art. 2.2)

In general, we note with concern that Spanish regulatory developments appear to be conferring on Guarantees of Origin (GOs) an exclusive role as the instrument for demonstrating compliance, including for sectoral quota obligations and accounting under the EU Emissions Trading System. This approach is legally unfounded and risks creating an unjustified barrier to market access.

Any renewable gas supply certified as sustainable under a Proof of Sustainability (PoS) issued by an EU-recognised voluntary or national certification scheme should be fully sufficient, on its own, to demonstrate compliance for the purposes of: (i) counting toward sectoral renewable energy quotas and blending obligations; (ii) compliance with mandatory obligations, including in the transport sector; and (iii) accounting under the EU-ETS, in line with Implementing Regulation (EU) 2018/2066 as amended by Regulation (EU) 2024/2493.

This position is firmly grounded in the Renewable Energy Directive (RED II, 2018/2001/EU), which establishes the PoS – not the GOs – as the instrument for verifying sustainability and GHG emission reduction criteria<sup>2</sup>.

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<sup>2</sup> GOs were designed for a distinct purpose: commercial disclosure and consumer information. Article 19(3) of the RED is explicit that GoOs have no effect on Member States' compliance with renewable energy targets. Conflating the two instruments, or elevating GoOs to a mandatory compliance role that the Directive did not assign to them, runs counter to the letter and spirit of EU law and should be corrected in the final text of the Decree.

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Current wording	Proposed wording
<p>2. Se considerará biometano acreditado aquel que disponga de garantías de origen de biometano, conforme al artículo 19 del Real Decreto 376/2022, de 17 de mayo, por el que se regulan los criterios de sostenibilidad y de reducción de las emisiones de gases de efecto invernadero de los biocarburantes, biolíquidos y combustibles de biomasa, así como el sistema de garantías de origen de los gases renovables; y a la Orden TED/1026/2022, de 28 de octubre, por la que se aprueba el procedimiento de gestión del sistema de garantías de origen del gas procedente de fuentes renovables</p>	<p>2. Se considerará biometano acreditado aquel que, <b>alternativamente:</b></p> <p><b>a) haya verificado el cumplimiento de los criterios de sostenibilidad y de reducción de las emisiones de gases de efecto invernadero conforme al artículo 8 del Real Decreto 376/2022, de 17 de mayo, por el que se regulan los criterios de sostenibilidad y de reducción de las emisiones de gases de efecto invernadero de los biocarburantes, biolíquidos y combustibles de biomasa, así como el sistema de garantías de origen de los gases renovables, o normativa que la modifique o sustituya, o bien</b></p> <p><b>b) disponga de garantías de origen de biometano, conforme al artículo 19 del Real Decreto 376/2022, de 17 de mayo; y a la Orden TED/1026/2022, de 28 de octubre, por la que se aprueba el procedimiento de gestión del sistema de garantías de origen del gas procedente de fuentes renovables o normativa que la modifique o sustituya.</b></p>

Therefore, we stress that for the purposes of complying with this blending obligation, PoS issued under a voluntary certification scheme recognized by the EU should be accepted, in accordance with EU legislation and with Articles 3 and 8 of Royal Decree 376/2022.

Accreditation exclusively through GOs may have an undue impact on the supply of biomethane available for compliance purposes, as Spanish sector stakeholders have [pointed out](#), in particular at the CNMC Biomethane Working Group held on 29 January 2026<sup>3</sup>.

<sup>3</sup> Joint industry Declaration *Acreditación de la sostenibilidad y de la reducción de emisiones del gas renovable mediante Pruebas de Sostenibilidad (2026)* – Available at: <https://www.sedigas.es/new/comunicado-articulo/las-principales-asociaciones-sectoriales-reclaman-una-aplicacion-armonizada-de-la-normativa-europea-para-impulsar-el-desarrollo-de-los-gases-renovables>

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## 2. *Sello de Excelencia* for New Projects – decoupling the excellence label from quota compliance (Art. 5)

We look with growing concern at the introduction of an additional certificate for compliance of biomethane under the blending obligation, namely the so-called "*sello de excelencia*", and we warn against the introduction of additional requirements that may restrict the eligibility of sustainable certified biomethane produced outside of Spain.

The label should be designed as a complementary, voluntary, objective and verifiable instrument intended to recognise those projects that go beyond the applicable legal requirements, developed on the basis of criteria agreed between public authorities and industry, and aligned with existing initiatives. It should avoid duplication, additional burdens or interference in administrative procedures, and must be decoupled from quota compliance, as conditioning supply eligibility on third-party uptake of a voluntary label introduces uncertainty for obligated parties and risks reducing available supply.<sup>4</sup>

We have long called for the development of a single market for trading biomethane across Europe, contrary to any discrimination against imported compliant biomethane. **We are aligned with the Commission's effort to remove barriers and defend the principles of free trade and non-discrimination under Art. 34-36 TFEU**, reflected in several infringement processes against the Netherlands (2024), France, and Ireland (2026) for applying discriminatory measures favouring domestic biomethane by arbitrarily restricting imports.

Schemes which limit recognition to domestically produced biomethane and discriminate against imports breach the fundamental EU principles of free movement of goods and non-discrimination, create barriers to trade, slow the scale-up of renewable gases across Europe and hinder cost-efficient decarbonisation.

In the case of the *sello de excelencia*, since biomethane imports would hardly comply with a label of a national nature, requiring such a label for compliance purposes would most likely constitute a barrier to trade that is incompatible with the European Union law. Conversely, it would be essential to promote the development of renewable gases in Europe under a "Made in Europe" logic, consistent with Directive (EU) 2023/2413 calling for Member States to "collectively" increase the share of energy from renewable sources.

We therefore call upon MITECO to ensure that:

- no discrimination occurs;

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<sup>4</sup> Energy Traders Europe, *Response to MITECO's consultation on the seal of excellence for biomethane* (2026) – Available at: <https://cms.energytraderseurope.org/storage/uploads/media/consultation-response-energy-traders-europe-tf-igg-certificate-vf.pdf>

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- the blending obligation remains open to certified and traceable biomethane produced in any EU Member State and injected into the single logistical facility; and
- traceability is based on the EU database (UDB) provided for in Article 31a of the recast RED III Directive; and
- the *sello de excelencia* remains voluntary, decoupled from compliance counting, and does not apply to imported biomethane.

Current wording	Proposed wording
<p>5. Por orden de la persona titular del Ministerio para la Transición Ecológica y el Reto Demográfico se regulará la exigencia de que, para contribuir al cumplimiento de las cuotas dispuestas en el artículo 2, las plantas de producción de biometano que entren en operación con posterioridad a la fecha de inicio de la aplicación de dichas cuotas, dispongan del sello de excelencia social, territorial y ambiental, referido en el artículo 26.3 del Real Decreto-ley 7/2026, de 20 de marzo, por el que se aprueba el Plan Integral de Respuesta a la Crisis en Oriente Medio</p>	<p><b>5.1.</b> Por orden de la persona titular del Ministerio para la Transición Ecológica y el Reto Demográfico se regulará <b>el régimen de concesión</b> del sello de excelencia social, territorial y ambiental, referido en el artículo 26.3 del Real Decreto-ley 7/2026, de 20 de marzo, por el que se aprueba el Plan Integral de Respuesta a la Crisis en Oriente Medio.</p> <p><b>5.2. El sello de excelencia social, territorial y ambiental tendrá carácter voluntario y podrán optar a su concesión las plantas de producción de biometano ubicadas en territorio nacional, cuya entrada en operación sea posterior a la fecha de inicio de aplicación de las cuotas dispuestas en el artículo 2.</b></p> <p><b>5.3. Dicho sello se otorgará mediante Resolución de la Dirección General de Política Energética y Minas, una vez sustanciado el procedimiento que desarrolle la orden ministerial a que se refiere el apartado 1, la cual se publicará tanto en el Boletín Oficial del Estado, como en el portal web del Ministerio para la Transición Ecológica y Reto Demográfico.</b></p> <p><b>5.4. Las plantas de producción de biometano que hayan obtenido el sello de excelencia social, territorial y ambiental podrán informar al público, durante 12</b></p>

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	<b>meses a contar desde la publicación de la Resolución a que se refiere el apartado 3, del reconocimiento obtenido con el logotipo que se prevea para representar este sello.</b>
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### 3. Defending technological neutrality & ensuring flexibility mechanisms (*Disposición adicional única*)

The introduction of separate, technologically selective quotas, such as the one envisaged for synthetic methane under sub-paragraph B in the Single Additional Provision (*Disposición adicional única*) should be rejected, as they restrict the choice of decarbonisation options for gas supply depending on the level of technological maturity and the associated costs. Technology neutrality is at the basis of efficient decarbonisation. On this basis, we suggest the wording below integrating sub-paragraph B into A.

In line with our previous proposals<sup>5</sup>, we also call for an obligation relying on a registry-based accounting scheme that allows for certain **flexibility mechanisms commonly used in obligations of this kind** (e.g. for renewable fuel quotas in transport), namely **a) a secondary market**, so that an obligated party that has supplied more renewable gas than required may transfer it to another obligated party and **b) carry-over** or banking, allowing over-compliance in one year to be used to meet obligations in subsequent periods. Consistently, we suggest introducing a new sub-paragraph B on flexibility.

Current wording	Proposed wording
<i>Disposición adicional única.</i> Se habilita a la persona titular del Ministerio para la Transición Ecológica y el Reto Demográfico a desarrollar cuantas cuestiones sean necesarias para la aplicación de este real decreto, previo informe de la Comisión Nacional de los Mercados y la Competencia, entre otras:	<i>Disposición adicional única.</i> Se habilita a la persona titular del Ministerio para la Transición Ecológica y el Reto Demográfico a desarrollar cuantas cuestiones sean necesarias para la aplicación de este real decreto, previo informe de la Comisión Nacional de los Mercados y la Competencia, entre otras:

<sup>5</sup> Energy Traders Europe, *Response to MITECO preliminary public consultation on the Order establishing the system to promote the decarbonisation of the transport sector (2026)* – Available at: <https://www.energytraderseurope.org/documents/response-to-miteco-questionnaire-on-the-new-order-to-promote-the-decarbonisation-of-the-transport-sector/>

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<p>a) actualizar las cuotas establecidas en el artículo 2, así como los consumos exentos, en función de la disponibilidad de otros gases, el nivel de consumo de gas natural y el cumplimiento de los objetivos de descarbonización de aquellos sectores que consuman gas natural. Estas actualizaciones deberán ser aprobadas al menos seis meses antes de la fecha de su aplicación.</p> <p>b) aprobar una cuota obligatoria mínima para otros gases basados principalmente en metano de origen no biológico y compatibles con la red de gas natural, adicional a la prevista en el artículo 2.</p>	<p>a) actualizar las cuotas establecidas en el artículo 2, así como los consumos exentos, <b>y la consideración de otros gases renovables e hipocarbónicos como gases elegibles a efectos de cumplimientos de las cuotas en función de su disponibilidad</b>, el nivel de consumo de gas natural y el cumplimiento de los objetivos de descarbonización de aquellos sectores que consuman gas natural. Estas actualizaciones deberán ser aprobadas al menos seis meses antes de la fecha de su aplicación.</p> <p><b>b) regular un sistema de anotaciones en cuenta de los suministros de gas renovable acreditado que permita el intercambio entre sujetos obligados, la acumulación para el cumplimiento de obligaciones en años sucesivos o la utilización anticipada del cumplimiento futuro.</b></p>
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## 4. Additional comments

### A. Reduce strategic storage obligations considering biomethane penetration and demand reduction

The incorporation of biomethane into gas supply may lead to consider reducing the obligations relating to minimum natural gas stocks, which could be progressively adjusted downwards in a context of declining gas demand. The obligations laid down in *Royal Decree 1716/2004 of 23 July, regulating the obligation to maintain minimum security stocks, the diversification of natural gas supply and the Corporation for Strategic Petroleum Product Reserves* would therefore need to be amended accordingly.

### B. Amending the incentive for renewable gas integration in the remuneration framework for transmission, distribution and regasification networks

The draft Royal Decree establishes a biomethane quota system aimed at promoting domestic production, as stated both in the explanatory memorandum and in the accompanying impact assessment. Gas suppliers and direct market consumers constitute the market that will attract

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domestic producers. In addition, connection costs, largely determined by the requirements imposed by network operators (who also carry out the works, at times), are borne in full by producers under the draft Royal Decree. This means that the main economic burden associated with promoting and integrating biomethane would fall on the obligated parties and, ultimately, on gas consumers.

In this context, it should be noted that the new remuneration framework for transmission, distribution and regasification network operators, which is currently being developed by the CNMC for the period 2027-2032, foresees specific incentives for the integration and injection of biomethane into the grid. In light of the draft Royal Decree, which proposes a quota-based target, those remuneration incentives should be carefully reviewed so that the parameters determining entitlement to them are based on effective and efficient actions by operators aimed at facilitating such integration. **It does not appear appropriate to establish remuneration linked exclusively to the MWh of biomethane injected** into or dispatched from the infrastructures. By contrast, it may be reasonable to **link remuneration to performance indicators** such as a lower rate of rejection of connection applications, lower additional costs for direct lines, or a lower number of reverse-flow installations and related investments per MWh injected, as well as to the utilisation rate of those installations. In any event, it should be avoided that obligated parties are encouraged to promote biomethane via obligations while at the same time bearing an additional cost linked to the remuneration of regulated activities passed through via network tariffs for compliance with their own obligations. Any incentive for infrastructure operators relating to biomethane integration should therefore be based on actual efficient, diligent and effective action by those operators. Otherwise, an unjustified extraordinary remuneration bonus would be granted to transmission, distribution and regasification network operators.

## C. Addressing structural barriers via complementary regulatory measures

Finally, we note that while demand-side incentives may be part of the solution, other structural limitations related with biomethane production in Spain remain – including missing regulation, permitting, social acceptance, obtaining end-of-waste status and digestate management. These issues should be equally tackled and addressed with accompanying measures, considering the early stage of Spanish biomethane market development. We note that the combination of supply- and demand measures and tools has been used in the leading biomethane markets in Europe.

## Contact

Stefano Grandi

*Manager, Gas Committee*

[s.grandi@energytraderseurope.org](mailto:s.grandi@energytraderseurope.org)