

Technical guidance on the
implementation of Article 29
(15) of Directive (EU)
2023/2413 (RED III)
- Grandfathering clause -

Version: TG-GF-en-1.0
Date: October 10th, 2025
Valid from: October 15th, 2025
Valid until: December 31st, 2030

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1 Introduction

With the entry into force of Directive (EU) 2023/2413 (RED III), the requirements for sustainability and greenhouse gas emission savings certification for electricity and heat production from biomass fuels have been tightened, and member states have been asked to adapt their national legislation by May 21, 2025, at the latest.

However, Article 29 (15) of RED III allows Member States, under certain conditions, to grant certain economic operators a transition period for implementing the new criteria and to continue to require only the sustainability and greenhouse gas reduction requirements of the outdated RED II (Directive (EU) 2018/2001) in its version in force on 29 September 2020. The SURE-EU system poses the challenge of having to map different sustainability and greenhouse gas mitigation criteria for partly identical activities of economic operators under a RED III certificate.

This normative interpretation shall provide guidance on the implementation of Article 29 (15) of Directive (EU) 2023/2413 (RED III) in the SURE-EU-System after its transposition deadline on 21 May 2025 for affected SURE scheme users and certification bodies.

This exemption (often referred to as “grandfathering clause”) is only valid until 31 December 2030, provided the member states make use of this grandfathering clause in their national implementation of RED III AND specific market conditions are met.

Therefore, this interpretation will be invalid from 01 January 2031 at the latest or until such time as the relevant EU Member states withdraw the application of the grandfathering rule.

2 Disclaimer

In case the prerequisites to make use of RED III Article 29 (15) are not fully met by an economic operator, the revised RED III requirements as set out in the SURE-EU scheme documents published on the website of SURE apply.

Furthermore Article 29 (15) is only applicable for the sustainability and greenhouse gas emission saving criteria set out in RED II Article 29 in its version in force on 29 September 2020. The sustainability criteria referred to are the requirements of Article 29 (2) to (7) of the applicable Renewable Energy Directive. The reference to greenhouse gas emission saving requirements refers to Article 29 (10) of the RED.

Economic operators must comply with all other requirements of the RED III and the requirements set out in the SURE system documents valid from 21st of May 2025. For all criteria not defined in this document, the valid SURE RED III documents apply likewise.

3 General requirements and scope of eligibility

The exemption of the grandfathering clause in the SURE-EU-System only applies to economic operators in the scope of a legal framework of an EU Member State that has adopted the grandfathering rules and are sourcing, processing or supplying biomass feedstock or biomass fuel.

The conditions for production of electricity and heating/cooling from biomass fuels certified under the grandfathering rules are set out in the following:

The grandfathering rules can only be claimed by economic operators in the SURE-EU-System if the prerequisites for this have been defined by the competent authority in the member state and are enshrined in national law. Hence, member states must ensure that for the use of the grandfathering rules:

- (i) support was granted before 20 November 2023, in accordance with the sustainability and greenhouse gas emissions saving criteria set out in RED II Article 29 in its version in force on 29 September 2020; and
- (ii) support was granted in the form of long-term support for which a fixed amount has been determined at the start of the support period and provided that a correction mechanism to ensure the absence of overcompensation is in place.

The economic operator is responsible for demonstrating compliance with the prerequisites set in Art. 29 (15) and as defined in the legal framework implementing the RED III into national legislation to the competent national authority.

If an economic operator decides to get certified under the grandfathering rules of a member state, the SURE-EU certificate must, in addition to the valid general certification requirements, confirm compliance with the transitional requirements laid down in this document by including/adding the related technical scopes of activities as described below.

4 Specific requirements

In this chapter the transitional requirements under the SURE-EU-System for a certification under Art. 29 (15) conditions are defined to help identifying the relevant criteria for a certification under the grandfathering clause.

4.1 Specific requirements agricultural biomass

In the case a member state applies the grandfathering rules for sustainability criteria in its national implementation of RED III, two deviations from the RED III requirements can be made for the production of agricultural biomass:

- 1) The sustainability requirements shall not be considered for agricultural biomass from **old-growth forest** as laid down in chapter 5.2.1 Primary forests, forests with high biodiversity and other wooded areas in the SURE document “Scheme principles for the production of agricultural biomass”.
- 2) The sustainability requirements shall not be considered for agricultural biomass from **heathland** as laid down in chapter 5.3 Heathland in the SURE document “Scheme principles for the production of agricultural biomass”.

All other requirements set out in the RED III Scheme documents for agricultural biomass remain valid.

These exceptions apply for individual certified agriculture biomass producers and for group members equally.

4.2 Specific requirements forest biomass

In the case a member state applies the grandfathering rules for sustainability criteria in its national implementation of RED III, the underneath listed deviations from the RED III requirements can be made for the production of forest biomass:

- 1) The requirements for protected areas laid down in the SURE document “Scheme principles for the production of forest biomass” shall not be considered for forest biomass from **grassland** and **heathland**. [29 (6a) iii: (Grassland, heathland)]

- 2) The requirements for harvesting restrictions (Art. 29 (6a) vi) laid down in chapter 4.3.3 Land with **restrictions on biomass harvesting** in the SURE document “Scheme principles for the production of forest biomass” shall not be considered.
- 3) The issuance of a **statement of assurance** (Art. 29 (6a) vii) as laid down in chapter 4.1.3 Risk-based approach as proof of conformity, in the SURE document “Scheme principles for the production of forest biomass” shall not be considered.

All other requirements set out in the SURE document “Scheme documents for forest biomass” remain valid.

The exceptions apply for individual certified forest biomass producers and for group members equally.

4.3 Specific requirements biomass from waste and residues

Article 29 (15) of RED III does not contain any grandfathering rules for waste and residues from biomass. The requirements for waste and residues from biomass as described in the current SURE-EU scheme documents remain valid.

4.4 Specific requirements biomass on the mass balance

The mass balance requirements must be applied as described in the valid SURE document “Technical guidance for mass balancing”. This includes without any exemption all requirements to use the Union Database (“UDB”) and register transactions for biomass feedstock or biomass fuel which are in the scope of the UDB.

In case an economic operator sources, processes or supplies both – biomass feedstock or biomass fuels that comply with the RED III requirements, and biomass feedstock or biomass fuels that only fulfil the requirements of RED II grandfathering clause – the economic operator is obliged to record and document all transactions of both materials separately in its mass balance system /the UDB.

4.5 Specific requirements GHG calculation

In the case a member state applies the grandfathering rules for greenhouse gas emission savings criteria in its national implementation of RED III, the underneath listed deviations from the SURE requirements on greenhouse gas emission savings as defined in the SURE documents “Scheme principles for the use, processing and distribution/trade of biomass fuels and their conversion to electricity and heat” and “Technical guidance for greenhouse gas calculation” can be made for demonstrating compliance:

- 1) The greenhouse gas emission savings for the production of electricity, heating and cooling from biomass fuels shall be
 - at least 70 % for installations starting operation from 1 January 2021 until 31 December 2025, and
 - at least 80 % for installations starting operation from 1 January 2026.

The greenhouse gas emission savings from the production of electricity, heat or cooling from biomass fuels must be calculated in accordance with the actual valid SURE document “Technical guidance for greenhouse gas calculation”.

Economic operators producing electricity, heating or cooling but not meeting the requirements of applying the grandfathering rules as set out in RED III Art. 29(15) must comply with the greenhouse gas emission savings criteria regarding their commissioning date as defined in the SURE documents “Scheme principles for the use, processing and distribution/trade of biomass fuels and their conversion to electricity and heat” and “Technical guidance for greenhouse gas calculation”.

4.6 Specific requirements in the supply chain

If an economic operator has registered to apply one or all grandfathering rules according to RED III Art 29 (15), it can with regard to RED III compliant biomass:

- ✓ receive RED III certified biomass feedstock or biomass fuels only from suppliers with a valid RED III certificate,
- ✓ process or supply biomass feedstock or biomass fuels with a RED III claim only with a valid RED III certificate AND a clearly documented mass balance that differentiates between RED II- and RED III compliant material and enables it to be traced, and

with regard to biomass for which the grandfathering clause were applied (for simplicity's sake, referred to as “RED II certified biomass”):

- ✓ receive RED II certified biomass feedstock and biomass fuels only from suppliers with a valid RED III certificate which includes the technical scope(s) 7101 and/or 7102 for applying the grandfathering rules,
- ✓ process or supply biomass feedstock or biomass fuels with a RED II grandfathering claim only with a valid RED III certificate which includes the technical scope(s) 7101 and/or 7102 for applying the grandfathering rules AND a clearly documented mass balance that differentiates between RED II- and RED III compliant material and enables it to be traced.

When biomass feedstock or biomass fuel is supplied for which the grandfathering rules were applied, the issuing and transfer of a Proof of Sustainability (PoS, provided on the SURE website), in which the status of the biomass is designated as either “RED III” or “RED III with grandfathering clause applied,” is mandatory and to be checked by the certification body in the next regular audit at the latest.

Certification bodies shall verify, as part of the initial certification of an economic operator who has registered for the technical grandfathering scope(s) 7101 and/or 7102, and in each subsequent audit, the requirements for maintaining a correspondingly differentiated mass balance with clearly defined RED II and RED III material.

Based on the last completed mass balance(s) in the audit period under review, at least a representative sample of all business transactions must be checked and documented using documentation of all input and output materials.

Economic operators in the scope of a national legislation applying the grandfathering rules must demonstrate compliance with the prerequisites to apply the exemption rules pursuant to RED III Art. 29 (15) to the certification body.

Recognition of certified biomass by other recognized Voluntary Schemes is possible if it is apparent that the grandfathering rules pursuant to Article 29 (15) relating to the sustainability criteria and/or GHG criteria meet the requirements described by SURE.

5 Registration of technical scopes

Economic operators who wish to make use of the grandfathering rules must register the corresponding technical scopes in the database of the SURE-EU-System:

- ✓ 7101 Grandfathering rules “RED II sustainability criteria”
- ✓ 7102 Grandfathering rules “RED II GHG criteria”

Exemplary possible scenarios:

- A)** A member state implements in their national legislation to allow RED II sustainability criteria under the grandfathering rules but expects economic operators to comply with the RED III GHG emission savings criteria: The economic operator applies for technical scope 7101 only.
- B)** A member state implements in their national legislation to allow RED II GHG emission savings criteria under the grandfathering rules but expects economic operators to comply with the RED III sustainability criteria: The economic operator applies for technical scope 7102 only.
- C)** A member state implements in their national legislation to allow RED II related sustainability criteria AND RED II GHG emission savings criteria under the grandfathering rules: The economic operator would apply for technical scope 7101 **AND** 7102.

6 Practical application

Economic operators applying for the grandfathering clause must make available all given evidence to their responsible certification body.

When receiving sustainable biomass feedstock or biomass fuels from a supplier in the upstream supply chain, economic operators must ensure that all required information on the status of the biomass as “RED III” or “RED III with grandfathering clause applied” are passed-on, including a copy of a valid certificate from the supplier which confirms the prerequisite for delivery of the corresponding material – either from the SURE-EU-System or another EU recognized voluntary scheme.

Certification Bodies must review the evidence that the economic operator complies with the conditions set out in the requirements of this document and shall report their findings of the relevant requirements clearly in the SURE-EU checklist(s). In particular, the issuance and

transfer of a Proof of Sustainability to the recipient of the material must be verified for each delivery of biomass feedstock or biomass fuel to which the grandfathering rules have been applied.

After positive technical review and certificate decision of the certification body the SURE-EU certificate including all other necessary information is to be uploaded to the SURE database including the technical scope(s) 7101 and/or 7102 according to the requirements set out in the SURE Scheme document for the certification process.

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