



RENEWABLE AND LOW-CARBON FUELS VALUE CHAINS INDUSTRIAL ALLIANCE

ALLIANCE MEMBERSHIP DECLARATION

The **Renewable and Low-Carbon Fuels Value Chain Industrial Alliance** (hereafter 'the Alliance') is a voluntary collaboration of stakeholders from across the transport fuels and other relevant value chains, from sourcing to end-users, as well as technology and finance providers for each step in the value chain representing both the supply side and the demand side from aviation and waterborne sectors as well as civil society organisation and governments and their agencies.

The ultimate objective of the Alliance is to ensure that aviation and waterborne transport have sufficient access to renewable and low carbon fuels, while taking into account the future use of these fuels in road transport, and thus contribute to the reduction in the transport sector's GHG emissions by 90 percent by 2050. Currently, supply of these fuels is very limited and concentrated on road transport leaving aviation and waterborne transport far behind. Demand will quickly grow due to regulatory requirements of ReFuelEU Aviation and FuelEU Maritime when enacted. Therefore, taking into account their own specificities, and not compromising the use of these fuels in road transport,, particular focus is needed to develop fuel production, storage and distribution capacity for aviation and waterborne transport.

Objectives, Rules of Membership and Governance Structure of the Renewable and Low-Carbon Fuels Value Chain Industrial Alliance are outlined in **annex B** to this declaration.

The Alliance does not exclude any modes: in the medium term, different renewable and low-carbon fuels will continue to play an important role in the decarbonisation of road transport, and businesses active in road transport fuel production, storage and distribution that are interested in diversifying their customer base and expanding into the aviation and waterborne sectors would be an added-value in the Alliance. This would mean new business opportunities and would provide greater resilience over the entire value chain.

All members and persons involved in the activities of the Renewable and Low-Carbon Fuels Value Chain Alliance shall fully respect all applicable laws and regulations applicable to forms of cooperation between businesses, in particular EU and national competition rules, as informed by **compliance guidelines** presented in **Annex C**.

Acting in within the authorisations delegated by my organisation, I duly declare that _____ [organisation, company, public authority or other entity] will firmly support the objectives of the Alliance and contribute towards its activities.

Signed

ANNEX A

MOTIVATION AND INTERESTS

Please elaborate on your motivation to join the Alliance: (max 1000 words)

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|--|

Please indicate on how your organisation plans to contribute to the activities of Alliance:

| |
|---|
| <input type="checkbox"/> - Consider to apply for an inclusion of experts from within members of our staff to actively contribute to future thematic roundtables |
| <input type="checkbox"/> - Consider to submit investment proposals for inclusion in future project pipeline |
| <input type="checkbox"/> - Participate in business partners matchmaking activities |
| <input type="checkbox"/> - Other: |
| |

[This part will be supplemented with profile question in the submission form regarding company name, headquarters location, transparency number, size (SME?), and position in the value chain.]

ANNEX B

OBJECTIVES, RULES OF MEMBERSHIP AND GOVERNANCE STRUCTURE OF THE RENEWABLE AND LOW-CARBON FUELS VALUE CHAIN INDUSTRIAL ALLIANCE

GENERAL OBJECTIVE OF THE ALLIANCE:

1. The ultimate objective of the Alliance is to ensure that aviation and waterborne transport have sufficient access to renewable and low carbon fuels, while taking into account the future use of these fuels in road transport, and thus contribute to the reduction in the transport sector's GHG emissions by 90 percent by 2050. Currently, supply of these fuels is very limited and concentrated on road transport leaving aviation and waterborne transport far behind. Demand will quickly grow, however, due to regulatory intervention (RefuelEU Aviation and FuelEU Maritime). Therefore, taking into account their own specificities, particular focus is needed to develop fuel technologies and, drastically increase production, storage and distribution capacity for aviation and waterborne transport. This will also facilitate the general uptake of these fuels in the whole transport sector.
2. The Alliance does not exclude any modes: in the medium term, different renewable and low-carbon fuels will continue to play an important role in the decarbonisation of road transport, and businesses active in road transport fuel production, storage and distribution that are interested in diversifying their customer base and expanding into the aviation and waterborne sectors would be an added-value in the Alliance. This would mean new business opportunities and would provide greater resilience over the entire value chain.

SPECIFIC OBJECTIVES OF THE ALLIANCE:

3. **Objective 1:** Building on the sustainable feedstock and production pathways eligible towards the decarbonisation targets put forward in FuelEU Maritime and ReFuelEU Aviation, the Alliance shall:
 - leveraging on work done in other initiatives¹, identify transport fuels which are most economically and environmentally suitable (including consideration for the zero pollution ambition²) for scaling up;

¹ Such as European Sustainable Shipping Forum, ART Forum, ETIP Bioenergy and similar.

² The European Commission action plan "Towards a Zero Pollution Ambition for air, water and soil – building a Healthier Planet for Healthier People" adopted on 12 May 2021

- evaluate strong and weak points of the value chain (including systemic, technological, geographical and workforce related ones) and assess investment needs.
4. **Objective 2:** For the purpose of accelerating market entry of new innovative fuels and associated technologies, the Alliance will assess the enabling conditions, such as those relating to demand and supply side, including local availability of feedstock, adequately trained workforce and industry knowledge base in Member States. It will also identify gaps in standardisation, safety assessments, and make sure all stakeholders in the value chains are aware of any downstream certification requirements³. This assessment will feed into and inform relevant policy debates.
 5. **Objective 3:** Identifying and assessing existing relevant public and private financing opportunities as well as determining the suitability of additional instruments for de-risking investments for scaling up the production and crowding in private investments (in particular in relation to cross-border projects, including possible Important Projects of Common European Interest) and drawing conclusions on their suitability.
 6. **Objective 4:** Create of a pipeline of investment projects (including high TRL level R&D activities) based on prioritisation established under Objectives 1 and 2 and the self-assessment tools in order to increase their visibility and credibility. In the development of such pipeline, the Alliance will pay particular attention to focus on projects that are compatible with the transition to low- and zero-emission mobility. Ongoing processes to develop and subsequently deploy technologies for zero-emission vessels and aircraft shall not be negatively impacted.
 7. **Objective 5:** Looking at creating synergies with different transport modes and ensuring availability of resources for renewable and low-carbon fuels for aviation and waterborne transport (notably in cooperating with the European Clean Hydrogen Alliance and ensuring consistency between hydrogen production capacity increases and different utilisation pathways in transport, such as for e-fuels).

PLANNING AND DELIVERY ON THE OBJECTIVES

8. Specific short- and medium-term deliverables of the Alliance will be outlined in the Framework Work Plan. Framework Work Plan will be developed by the Steering Group, upon proposal from the European Commission - DG MOVE and endorsed by the General Assembly. Framework Work Plan will be reviewed and updated each year.

THE SCOPE OF FUEL TECHNOLOGIES OF INTEREST TO THE ALLIANCE:

9. The Alliance will focus on drop-in and co-combusted liquid and gaseous biofuels and e-fuels that will enable aviation and waterborne sectors to meet future requirements of the ReFuelEU Aviation and FuelEU Maritime initiatives as outlined in the European Commission proposals under the Fit for 55 package of 14 July 2021. In line with these initiatives, fuels will have to be in full compliance with the sustainability criteria elaborated under Renewable Energy Directive (RED) II⁴, the Delegated Act under preparation, and their

³ A pilot project for the EU “Clearing House” for aviation fuels certification is in preparation by DG MOVE and EASA. The Alliance will provide input into the design of this clearing house as well as contribute to the monitoring of implementation and evaluation of the pilot project results.

⁴ Directive (EU) 2018/2001 of the European Parliament and of the Council of 11 December 2018 on the promotion of the use of energy from renewable sources.

future revisions and future low-carbon fuels criteria to be developed under this Directive. Specific production pathways will be further prioritized as deliverable of Objective 1 (see above).

RULES FOR ALLIANCE MEMBERSHIP:

10. Any company or organisation, EU bodies and agencies, Member States, local and regional authorities or their agencies, recognised social partner organisations as well as other stakeholder groups, civil society organisations or members of Horizon Europe Partnerships can become a member of the Alliance. The Alliance remains open to new members at all stages of its operation.
11. The Alliance should group value chains vertically, including relevant representatives of the different actions (research and development, manufacturing, financing) and EU national authorities, regions and local authorities.
12. Members of the Alliance need to be registered in the EU Transparency Register.
13. An entity becomes a member of the Alliance by transmitting to the European Commission a valid and signed Alliance Declaration. The Alliance Declaration shall follow the template made available by the Alliance, and shall include:
 - Alliance definition, scope and objectives;
 - a commitment to actively contribute towards the objectives of the Alliance;
 - principles and working methods;
 - competitiveness compliance annex provided by the European Commission.
14. Alliance membership is free of charge. Membership is valid for the duration of the Alliance. Members who no longer act in accordance with the principles set forth in the Alliance Declaration, or are no longer capable of doing so, upon request of the European Commission, shall no longer be invited to participate in any meetings of the Alliance.

GOVERNANCE STRUCTURE OF THE ALLIANCE

GENERAL ASSEMBLY

15. The Alliance General Assembly comprises all signatories of the Alliance Declaration. The General Assembly is grouped in two chambers – each for waterborne and aviation mode respectively. The General Assembly is chaired by two chairs, each also chairing waterborne and aviation chambers respectively. The chairs are appointed from among its chamber members for a term of one year. The European Commission will nominate the chairs for the first term. General Assembly will operate within a Code of Conduct to be endorsed at the first meeting.
16. First meeting of the General Assembly is called by the Steering Group. Subsequent meetings follow the indicative timetable as endorsed by the framework work plan. The General Assembly shall meet at least once a year. Secretariat provides assistance to the functioning of the General Assembly and its chambers.

THEMATIC ROUNDTABLES

17. The Alliance should create thematic roundtables grouping selected stakeholders from value chains along key fuel technologies and modes (aviation and waterborne), and key common challenges and horizontal issues, e.g. access to feedstock, access to finance, synergies with road transport, etc. based on open call for participants. Roundtables will be created on the basis of the framework work plan, upon the proposal from the Steering Group and endorsement by the General Assembly.
18. The selection of the members of the thematic roundtables will be conducted by the European Commission assisted by the Steering Group and paying particular attention to ensure (at all times):
 - representation of large, medium and small enterprises;
 - contribution from other stakeholders, including financial market actors, non-governmental organisations and other social partners;
 - geographic balance, favouring underrepresented regions of the EU.
19. Thematic roundtables shall operate on the basis of Terms of Reference. Those shall be developed based on a template developed by the Steering Group upon a proposal from the Secretariat. Each roundtable shall nominate a chair.

SECRETARIAT

20. The role of the Alliance Secretariat shall consist of, but is not limited to, the following activities:
 - support the work of the Steering Group;
 - support the meetings of the General Assembly and its Chambers;
 - support the meetings of the Roundtables;
 - following the orientations provided by the Steering Group, provide advice and support to the EU Commission for the external and internal communication.
21. Secretariat operates under the terms of a Memorandum of Understanding with the European Commission, following a call for expression of interests.

STEERING GROUP

22. The Steering Group shall steer and monitor overall progress of the work of the Alliance and provide high-level policy direction as well as ensure consistency and coherence between the different Alliance work streams and with the overall objectives of the Alliance.
23. The Steering Group shall comprise the Chairs of the two chambers of the General Assembly, nominated representatives of each of the members entrusted with the Secretariat and the European Commission. Steering group is presided by the European Commission.
24. Decisions of the Steering Group shall be made by consensus, if possible. Where consensus is not possible, the decision should follow the majority of the group, with minority positions being recorded. The Steering Group shall ensure coherence of decisions with EU policy objectives and requirements at all times.

25. Each meeting of the Steering Group shall be documented. Minutes of the Steering Group shall be made available to the Alliance members. They shall be prepared by the Secretariat and agreed upon by the Steering Group.
26. A meeting of the Steering Group can be called at least once each month in the first year of the operation of the Alliance. Meetings are called by the European Commission, upon request from the Secretariat, including proposed points for discussion.

ANNEX C

GUIDELINES FOR COMPETITION LAW COMPLIANCE

Disclaimer: These guidelines offer general guidance and are without prejudice to the application of EU or national competition rules.

GENERAL PRINCIPLES

The members of the Renewable and Low Carbon Fuels Value Chain Alliance should strive for these general principles:

- **Open access:** As mentioned above, the Alliance is open to all companies or organisations willing to sign the Declaration, regardless of industry association.
- **Transparency:** Meetings, discussions, information exchanged and agreements reached will be well documented and minuted. Documents and minutes will be made available to the Commission, on request.
- **Necessity:** Meetings, discussions, information exchanges will be strictly limited to what is indispensable to achieve the objectives set out below.

ENVISAGED ACTIONS

The Alliance members join force to reach the objectives of the Alliance as outlined in the Alliance declaration and, accordingly, engage in discussions and dialogue, data exchange and collaborations .

The Renewable and Low-Carbon Fuels Value chain Alliance has adopted the following guidelines and instructions to ensure that the Alliance members take particular care to ban any form of anti-competitive behaviour from their participation and activities in this Alliance and comply with EU competition law and relevant national competition laws (hereafter the “competition laws”)⁵.

⁵ The signatories are also encouraged to visit the dedicated webpage of the Commission’s DG Competition, which provides information on compliance with EU competition law: https://ec.europa.eu/competition/antitrust/compliance/index_en.html. The Commission has issued several sets of guidelines that can help undertakings assess the compatibility of their business arrangements with EU competition law (see notably Communication from the Commission — Notice — Guidelines on the application of Article 81(3) of the Treaty ([OJ C 101, 27.4.2004, p. 97](#)) (“Guidelines on Article 101(3)”), the Communication from the Commission — Guidelines on the applicability of Article 101 of the Treaty on the Functioning of the European Union to horizontal co-operation agreements ([OJ C 11, 14.1.2011, p. 1](#)) (“Horizontal Guidelines”) and Commission Notice – Guidelines on Vertical Restraints ([OJ C 130, 19.5.2010, p.](#)

1. COMPETITION RISKS IN THE RENEWABLE AND LOW-CARBON FUELS VALUE CHAIN

ALLIANCE

The members of the Alliance must always take into account that they may be exposed to certain competition law risks including – but not limited to – the following considerations⁶:

- ✓ Members should be aware that even one single verbal or non-verbal exchange or unilateral disclosure of commercially sensitive information can violate the competition laws;
- ✓ Conversations between members at both formal and informal (including social) meetings may turn to commercially sensitive information being unlawfully exchanged;
- ✓ A court or competition authority may use competitor meetings in the context of an Alliance, together with other factors suggesting collusion, as evidence of a cartel or an anti-competitive agreement in the industry;
- ✓ Rules of an Alliance or its members on e.g. standard setting, if any, may be deemed to restrict competition⁷; and
- ✓ EU competition law provides that both associations of undertakings and undertakings can be addressed for competition law infringements. A fine imposed on an association of undertakings may be collected from any of its members unless that member can prove that it was not aware of the anti-competitive infringement or actively distanced itself from the infringement prior to an investigation into the case (effectively reversing the burden of proof)⁸.

1) (“Vertical Guidelines”). See also Commission Regulation (EU) No 1217/2010 of 14 December 2010 on the application of Article 101(3) of the Treaty on the Functioning of the European Union to certain categories of research and development agreements ([OJ L 335, 18.12.2010, p. 36](#)) (“R&D Block Exemption Regulation”), Commission Regulation (EU) No 1218/2010 of 14 December 2010 on the application of Article 101(3) of the Treaty on the Functioning of the European Union to certain categories of specialisation agreements, ([OJ L 335, 18.12.2010, p. 43](#)) (“Specialisation Block Exemption Regulation”), Commission Regulation (EU) No 316/2014 of 21 March 2014 on the application of Article 101(3) of the Treaty on the Functioning of the European Union to categories of technology transfer agreements ([OJ L 93, 28.3.2014, p. 17](#)) (“Technology Transfer Block Exemption Regulation”), Commission Regulation (EU) No 330/2010 of 20 April 2010 on the application of Article 101(3) of the Treaty on the Functioning of the European Union to categories of vertical agreements and concerted practices ([OJ L 102, 23.4.2010, p. 1](#)) (“Vertical Block Exemption Regulation”)

⁶ Signing of the declaration as such will not exonerate the signatories from their duty to self-assess the compatibility of their conduct with EU Competition law and from liability in case of an infringement.

⁷ See Guidelines on the applicability of Article 101 of the Treaty on the Functioning of the European Union to horizontal co-operation agreements (OJ 2011 C 11/1).

⁸ Council Regulation (EC) No 1/2003 of 16 December 2002 on the implementation of the rules on competition laid down in Articles 81 and 82 of the Treaty (Text with EEA relevance); OJ L 1, 4.1.2003, p. 1–25; in particular Article 23(4).

- ✓ The involvement of the European Commission, notably in the context of the Alliance meetings, does not exonerate participants from the application of competition law.

2. INFORMATION EXCHANGES TO AVOID

Members of the Alliance must not have formal or informal discussions, in particular with other members who are or may become competitors, relating – but not limited to – the following prohibited subjects amounting, in the senses of competition law, to commercially sensitive information⁹:

- ✓ Current or future individual company or industry pricing or any matters likely to have an impact on current or future prices such as competitive strengths and weaknesses, price changes, profit margins, discounts, rebates, surcharges, credit lines offered or other terms of sale;
- ✓ Individual company cost information including any cost components such as production or distribution costs, cost accounting formulas and cost computing methods;
- ✓ Individual company sales or production information including sales volumes, sales revenues, market share, production volumes, production capacity, capacity utilisation, stock levels and supplies, bid amounts and terms, and any limits on sales; current and future company plans and business strategy relating to – but not limited to – bidding, investment, marketing and advertising, production, purchasing, sales or technology;
- ✓ Any matters relating to individual customers, distributors or suppliers such as, for example, boycotting or blacklisting; and
- ✓ Salaries and wages, or limitations on hiring a competitor’s employees.
- ✓ Information with regard to cost competitiveness of investments into renewable and low-carbon fuels, including necessary elements of the points provided above will be collected and aggregated by the Commission.

Note: Should the limited, temporary and objectively necessary exchange of sensitive commercial information be warranted in the context of the proposed Alliance, additional principles and guidelines will be required.

3. ALLOWED INFORMATION EXCHANGES

To the extent that they do not amount, in the sense of competition law, to commercially sensitive information. Members of the Alliance may have formal or informal discussions, and exchange of information, on the following subjects:

- ✓ Public policy and regulatory matters of general interest;
- ✓ Non-confidential current or historical information that is in the public domain;
- ✓ Non-confidential technical issues relevant to the industry in general such as standards or health and safety matters;

⁹ See also Communication from the Commission — Guidelines on the applicability of Article 101 of the Treaty on the Functioning of the European Union to horizontal co-operation agreements ([OJ C 11, 14.1.2011, p. 1](#)) (“Horizontal Guidelines”).

- ✓ General, non-proprietary technology and related issues such as the characteristics and suitability of particular equipment (but not a particular company's proposals regarding the adoption of specific equipment or technology);
- ✓ General promotional opportunities relevant to the industry in general (but not a particular company's promotional plans);
- ✓ Non-strategic educational, technical or scientific data that results in consumer benefits;
- ✓ Industry public relations or lobbying initiatives; and
- ✓ Non-strategic information needed to build new business partnerships between members of the Alliance.

4. APPROPRIATE CONDUCT AT MEETINGS OF THE ALLIANCE

As a general matter, it should be highlighted that just being present when illegal discussions are taking place may be sufficient to consider a company liable for a competition law infringement, even if that company and/or its representative(s) did not proactively engage in those discussions.

Transparency, notably through the documentation of all exchanges in the context of the Alliance meetings is essential. Alliance members should therefore, when attending Alliance meetings, always:

- ✓ Carefully review the agenda and purpose of meeting in advance for possible problems under the competition laws and seek advice from the members' legal department if necessary;
- ✓ Be vigilant to ensure that discussions at meetings stick to the agenda items and object if they do not making sure such an objection is reflected in the meeting minutes; and
- ✓ Ensure that they make or promptly receive detailed, accurate minutes of meetings and immediately voice any objections to the minutes.
- ✓ How to address competition law related problems?
- ✓ If while present at a formal or informal meeting of the Alliance or with representatives of competitors the conversation turns to prohibited anti-competitive subjects, the members of the Alliance should:
- ✓ Immediately and expressly state that they cannot be party to discussions on the subject at issue due to competition law concerns and ask that the subject be changed at once;
- ✓ If their objection and request is ignored, immediately leave the meeting in a manner that makes the reason for their departure apparent to all present;
- ✓ Ensure that their departure be recorded in any formal minutes or, if there are no such minutes, record that departure in their own notes of the meeting; and
- ✓ Promptly report the matter to members' legal department and ensure that a note is made thereof for the file.

The presence of a Commission representative does not release participants from liability should the exchange of sensitive information occur.

In addition, members of the Alliance should, if they become aware of a competition law infringement or are uncertain whether particular conduct within the Alliance is allowed under the competition laws:

- ✓ Immediately inform their company legal counsel and/or compliance officer;
- ✓ If concerns are confirmed - report the anti-competitive conduct to the Secretariat of the Alliance who can then inform competition authorities about this.

In addition, anyone can make use of the Anonymous Whistleblower Tool, available under this link: <http://ec.europa.eu/competition/cartels/whistleblower/index.html>.

Lastly, members of the Alliance should always keep in mind that any failure to take the above actions promptly will make it difficult to later convince a court or competition authority of their opposition to an infringement.