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Answer given by Mr Jørgensen
on behalf of the European Commission
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The 2024 Commission guidance on heating and cooling aspects of the Renewable Energy Directive (RED)[1] provides indications to Member States on how to apply the waste heat definition (Article 2(9)) in the context of the RED for some general cases. The definition is based on cumulative criteria; in particular, the heat stream must be the by-product of a given process. The output of a process whose primary purpose is to co-produce heat and electricity, cannot qualify as a by-product, and therefore does not constitute waste heat for the purpose of RED accounting.

The Commission will further assess the compatibility of the legislative Decree of 9 January 2026[2] with the RED. In case of non-conformity, the Commission would address any issues directly with the relevant Italian authorities.

[1] Communication from the Commission C/2024/5043 – Guidance on heating and cooling aspects in Articles 15a, 22a, 23 and 24 of Directive (EU) 2018/2001 on the promotion of the use of energy from renewable sources as amended by Directive (EU) 2023/241.
[2] https://www.gazzettaufficiale.it/eli/id/2026/01/20/26G00018/sg.