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Wednesday, 22 April 2026

RESPONSE TO THE PUBLIC CONSULTATION ON THE DRAFT COMMISSION DELEGATED REGULATION ESTABLISHING A COMMON UNION RATING SCHEME FOR DATA CENTRES REFERENCE: ARES(2026)3247482 / 26 MARCH 2026

1 INTRODUCTION

Fortum welcomes the opportunity to respond to the public consultation on the draft Commission Delegated Regulation supplementing Directive (EU) 2023/1791 and amending Delegated Regulation (EU) 2024/1364 as regards the establishment of a common Union rating scheme for data centres.

We broadly support the Commission's objective of enhancing transparency in the environmental footprint of data centres in the Union. A credible and comparable rating scheme can meaningfully inform decision-making by customers, policymakers and investors, and contribute to the sector's sustainability transition.

Against this background, we have identified several areas where specific provisions risk undermining the effectiveness and credibility of the scheme, and where targeted adjustments would improve outcomes without departing from the Regulation's core objectives.

2 GUARANTEES OF ORIGIN: TEMPORAL GRANULARITY, ASSET AGE, AND THE ROLE OF LOW-CARBON BASELOAD

2.1 The 15-minute matching requirement

The proposed amendment to point (p) of Annex II of Delegated Regulation (EU) 2024/1364 requires GOOs to be matched to 15-minute production periods coinciding with data centre consumption and sourced from the same bidding zone. **We support the geographic sourcing principle as a meaningful step toward grounding renewable energy claims in physical electricity supply reality, preferably applied at Member State level. However, the 15-minute temporal granularity requirement raises serious feasibility concerns.**

The European GOO market operates on annual or, at best, monthly settlement periods. Several Member States, including Finland, have indicated they do not intend to exercise the REDIII option to issue hourly GOOs. The conditionality clause in the draft ("conditional to the availability of such granular guarantees of origin in the relevant Member State") risks functioning as a permanent asymmetry rather than a transitional mechanism: a data centre's label quality becomes dependent on its Member State's administrative choices rather than on its own procurement decisions.

Proposed Amendment 1 - Annex III, point (3)(g)(vii), point (p):

Proposed text:

Battiste Murgia Wednesday, 22 April 2026

'(p) *Total renewable energy consumption from guarantees of origin* ('E_RES-GOO', in kWh) shall be determined as the sum of the guarantees of origin purchased and retired by the reporting data centre. These guarantees of origin shall be related to the ~~15-minute production periods that coincide with the data centre consumption periods~~ ***production periods consistent with the granularity of guarantees of origin available under the national registry of the relevant Member State*** and to production located in the same ~~bidding zone~~ ***Member State*** as the data centre, conditional to the availability of such granular guarantees of origin in the relevant Member State.

2.2 The 10-year asset commissioning requirement

The requirement that GOOs be sourced from assets commissioned not more than 10 years prior to the reporting year raises a fundamental question about the definition of clean energy value. From a decarbonisation perspective, a megawatt-hour produced by a hydroelectric facility commissioned in 1975 avoids the same carbon emissions as one from a wind turbine commissioned in 2023. The additionality rationale underlying this provision is a recognised policy objective, but it rests on the assumption that GOO demand signals are necessary to stimulate new renewable capacity in the relevant market. This assumption does not hold in Northern European electricity markets, where renewable and low-carbon generation already significantly exceeds domestic demand. Norway and Sweden are structural net exporters of clean electricity; Finland has moved significantly in this direction since the commissioning of Olkiluoto 3 in 2023, with generation capacity well ahead of consumption across large parts of the year. In these markets, the assumption that GOO procurement from mature hydroelectric assets fails to deliver climate value is not supported by the physical reality of the electricity system: the power is clean, it is surplus, and no additional investment signal is required to keep it on the grid. Applying the 10-year rule uniformly across all European markets therefore penalises precisely the regions where the energy transition is most advanced, without delivering the additionality benefits the provision is designed to achieve.

Proposed Amendment 2 - Annex III, point (3)(g)(vii), point (p): *Total renewable energy consumption from guarantees of origin*

Proposed text:
[…] ~~Guarantees of origin shall be purchased from assets, commissioned not more than 10 years prior to the reporting year. Long-term contracts for the purchase of guarantees of origin that are in place by 15 May 2026 are exempted from the requirement of this subparagraph, the exemption applying until the end or renewal date of the contract.~~
The data centre shall measure the E_RES-GOO that enters the data centre boundary, and which cannot be counted for more than one data centre or be created from power purchasing agreements or on-site renewables.'

'(p) *Total renewable energy consumption from guarantees of origin* ('E_RES-GOO', in kWh)

Battiste Murgia Wednesday, 22 April 2026

2.3 The role of nuclear and firm low-carbon baseload

The label's renewable energy framework reflects exclusively renewable sources as defined under the GOO system. This framing does not adequately capture the operational reality of data centres as continuous, high-reliability loads. Data centres require firm, dispatchable power supply around the clock and cannot tolerate the intermittency associated with variable renewable sources (wind and solar) without substantial backup infrastructure, typically diesel generators. Nuclear power provides firm, low-carbon baseload electricity that is structurally suited to data centre demand profiles. Several Member States central to the European data centre landscape, notably Finland, France and Sweden, rely significantly on nuclear for their dispatchable low-carbon generation. The current label design, by focusing exclusively on renewable sources in its energy indicator, risks producing an incomplete picture of a facility's actual carbon footprint and reliability profile. We consider that the relationship between firm low-carbon generation, including nuclear, and data centre operations merits consideration in the Commission's forthcoming review, particularly as AI-driven infrastructure growth places increasing pressure on 24/7 dispatchable electricity supply.

Proposed Amendment 3 – Article 6, Review, new point (i) or expansion of point (a):

Proposed text:
'([x]) assess whether the energy indicator, and in particular the exclusive reliance on renewable energy sources as defined under the guarantee of origin system, adequately reflects the role of firm low-carbon electricity sources, including nuclear energy, in meeting the continuous, high-reliability power requirements of data centres and in achieving the Union's decarbonisation objectives.'

3 "WASTE HEAT REUSE READY": PROPORTIONALITY

We support the objective of maximising waste heat reuse from data centres. Partnerships such as those between Fortum and Microsoft in the Helsinki metropolitan area, where waste heat from Microsoft's data centre campus is recovered into Fortum's district heating network to warm residential buildings, demonstrate that this model delivers genuine environmental value at scale and represents precisely the kind of outcome the indicator should incentivise. The definition in Article 5(1)(16), however, requires physical infrastructure installation (heat exchangers, dedicated hydraulic loops, thermal metering) at the data centre boundary, regardless of whether any district heating network or viable heat consumer exists within a feasible distance. The Fortum-Microsoft model works because the enabling condition is present: a dense urban district heating network operated by an experienced energy company is available to receive and distribute heat. Where that condition is absent, requiring identical infrastructure at the data centre boundary produces no heat reuse benefit. A facility located in an industrial zone remote from urban heat infrastructure would face a disproportionate capital obligation with no recoverable value, solely to avoid a public "no" on its label. We consider that conditioning the binary indicator on the proximity of viable heat demand, or on the temperature quality of available waste heat relative to local network requirements, would better align the indicator with actual heat reuse potential and with the practical lessons of projects already operating successfully across Northern Europe.

Battiste Murgia Wednesday, 22 April 2026

Proposed Amendment 4 – Article 5(1)(16)

Proposed text: '(16)'waste heat reuse ready' means a data centre that is designed (new data centre) or retrofitted (existing data centre) to ~~capture and provide~~ ***be capable of capturing and providing*** waste heat to external users at the data centre boundary, including the installation of infrastructure for heat extraction such as heat exchangers, dedicated hydraulic loops, thermal metering, and ~~irrespective of the existence of heat upgrade technologies within the data centre boundary or of heat transfer network outside the data centre boundary~~ ***where viable heat demand exists within a feasible distance of the data centre or where the temperature quality of the available waste heat is compatible with the requirements of local heat network infrastructure*****;**'

Beyond the question of scope, the label displays only a binary "waste heat reuse ready: yes/no" flag, which captures infrastructure potential but says nothing about actual outcomes. A data centre may be fully equipped yet export zero megawatt-hours of heat; one actively supplying a district heating network is displayed identically to one whose infrastructure sits idle. We consider that data centres should be required to declare not only whether they are waste heat reuse ready, but also whether waste heat is effectively being reused and in what quantity. Displaying it on the label would create a genuine incentive to move from infrastructure readiness to operational delivery and allow policymakers, customers and investors to distinguish between committed and prospective heat reuse at a glance.

Proposed Amendment 5 – Annex II (2) (e)

Proposed text:
(e) (v) point (j), the following subparagraph is added at the end:
'Regardless of the value of EREUSE, data centres shall report whether they are 'waste heat reuse' ready or not ***and whether waste heat is effectively being reused or not'***;

4 CONCLUSION

Fortum supports the establishment of a common Union rating scheme for data centres. We have focused these comments on the provisions we consider most likely to undermine the scheme's credibility and equity: the GOO granularity and asset age requirements, the absence of firm low-carbon baseload recognition, the PUE/WUE trade-off in the context of AI infrastructure, and the proportionality of the waste heat reuse ready obligation. We remain available for further technical dialogue.