

Targeted Consultation for the Evaluation of the Guidelines on State aid for Environmental protection and Energy 2014-2020 (EEAG)

Fields marked with * are mandatory.

Introduction

In 2012, the Commission launched the State aid modernisation with the objectives to: 1) foster sustainable, smart and inclusive growth in a competitive internal market; 2) focus Commission's *ex ante* scrutiny on cases with the biggest impact on the internal market; and 3) streamline the rules and provide for faster decisions. In view of these objectives, the Commission has since 2013 revised a number of State aid rules, including the State aid Guidelines for environmental protection and energy (EEAG).

In January 2019, the European Commission announced its intention to prolong seven sets of State aid rules for a period of two years^[1] and launched a [comprehensive policy evaluation in the area of State aid \("Fitness Check"\)](#). Part of this exercise is the evaluation of the State aid Guidelines for environmental protection and energy to reflect if the current rules are still fit for purpose.

Besides the general public consultation on the fitness check of EU State aid rules, this targeted consultation aims to ask supplementary questions in order to gather stakeholders' views on the implementation of the State aid Guidelines for environmental protection and energy and the provisions applicable to aid for environmental protection (and energy) (Section 7) of the General Block Exemption Regulation (GBER) and to receive insights about potential gaps, overlaps or excessive regulatory burden.

You are kindly invited to reply to a set of 19 Questions. Please make sure you use the save button as you proceed with the questionnaire to avoid losing information that was already inserted - especially in the case of questions with open replies. At the end of the survey you will have an opportunity to provide broader, more general comments and to upload documents, which you consider as relevant.

The Commission will publish an analysis of the results of the Fitness Check and examine possible follow up actions at the beginning of 2020.

[1] For details and state-of-play see the relevant initiatives on the Better Regulation Portal: [State aid – 2-year extension for general block exemption regulation](#); [State aid – 2-year extension for de minimis regulation](#); [Prolongation of state aid rules reformed under the state aid modernisation package expiring end of 2020](#).

About you

For the rules on personal data protection on the EUROPA website, please see http://ec.europa.eu/geninfo/legal_notices_en.htm#personaldata

*Publication privacy settings

The Commission will publish the responses to this public consultation. You can choose whether you would like your details to be made public or to remain anonymous.

☐ **Anonymous**

Only your type of respondent, country of origin and contribution will be published. All other personal details (name, organisation name and size, transparency register number) will not be published.

☒ **Public**

Your personal details (name, organisation name and size, transparency register number, country of origin) will be published with your contribution.

Please provide your contact details below.

*Language of my contribution

- ☐ Bulgarian
- ☐ Croatian
- ☐ Czech
- ☐ Danish
- ☐ Dutch
- ☒ English
- ☐ Estonian
- ☐ Finnish
- ☐ French
- ☐ Gaelic
- ☐ German
- ☐ Greek
- ☐ Hungarian
- ☐ Italian
- ☐ Latvian
- ☐ Lithuanian
- ☐ Maltese
- ☐ Polish
- ☐ Portuguese
- ☐ Romanian
- ☐ Slovak
- ☐ Slovenian
- ☐ Spanish
- ☐ Swedish

***First name**

David

***Surname**

Donnerer

***I am giving my contribution as Academic/research**

- ☐ institution
- ☐ Business association
- ☐ Company/business organisation
- ☐ Consumer organisation
- ☐ EU citizen
- ☐ Environmental organisation
- ☐ Non-EU citizen
- ☐ Non-governmental organisation (NGO)
- ☐ Public authority
- ☒ Trade union
- ☐ Other

***Organisation name**

255 character(s) maximum

Energy Cities - The European Association of local authorities in energy transition

***Organisation size**

- ☐ Micro (1 to 9 employees)
- ☒ Small (10 to 49 employees)
- ☐ Medium (50 to 249 employees)
- ☐ Large (250 or more)

Transparency register number

255 character(s) maximum

Check if your organisation is on the [transparency register](#). It's a voluntary database for organisations seeking to influence EU decisionmaking.

Registration number 11514322965-05

***Please describe the relevance of State aid rules for you.**

1000 character(s) maximum

Energy Cities want a radical transformation of the energy systems and policies, giving citizens and cities the power to shape a decentralised and renewable energy future. We believe that the energy transition is not just about clean energy or great technologies: It is about a wise use of resources while strengthening local participation and well-being in a democratic Europe.

We advocate for a State aid legal framework that supports a flexible, efficient, sustainable and locally-driven energy market. State Aid rules must be a tool to drive decarbonisation of the energy markets and the implementation of renewables and energy efficiency solutions. We believe that well-designed State aid schemes and measures can ensure that the EU meets its commitments under the Paris Agreement, and empower local authorities to accelerate their energy transition to support the EU in meeting these commitments.

How would you best describe the nature of your understanding and involvement in How would you best describe the nature of your understanding and involvement in matters related to State aid rules?

1000 character(s) maximum

The objective of Energy Cities' State Aids work is to ensure a state aid regime that enhances the achievement of a decarbonised, flexible and affordable energy market. State Aids rules have to: - Promote the financial investment and use of renewable energy, demand-response, energy efficiency, interconnected capacity, etc.;

- Prevent the granting of aid that promotes carbon lock-in through investments in unsustainable projects and stranded assets;

Taking this into account, it is critical that:

- A new set of Environmental Protection and Energy State aid Guidelines (EEAG) in 2020/2022 is aligned with the EU's commitment to create a decarbonised, sustainable and Paris-proof energy market;
- The new EEAG should also be fully aligned with the Clean Energy for all Europeans package, in particular as regards the provisions on citizen energy communities and renewable energy communities.

*Country of origin

Please add your country of origin, or that of your organisation

- ☐ Afghanistan
- ☐ Åland Islands
- ☐ Albania
- ☐ Algeria
- ☐ Andorra
- ☐ Angola
- ☐ Antigua and Barbuda
- ☐ Argentina
- ☐ Armenia
- ☐ Australia
- ☐ Austria
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- ☐ Bosnia and Herzegovina
- ☐ Botswana
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- ☐ Brunei Darussalam
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- ☐ Croatia Cuba
- ☐ Cyprus
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- ☐ Democratic Republic of the Congo
- ☐ Denmark
- ☐ Djibouti
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Netherlands

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- ☐ Rwanda
- ☐ Saint Kitts and Nevis
- ☐ Saint Lucia
- ☐ Saint Vincent and the Grenadines
- ☐ Samoa
- ☐ San Marino
- ☐ Sao Tome and Principe
- ☐ Saudi Arabia
- ☐ Senegal
- ☐ Serbia
- ☐ Seychelles
- ☐ Sierra Leone
- ☐ Singapore
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- ☐ Syrian Arab Republic
- ☐ Tajikistan
- ☐ Tanzania
- ☐ Thailand
- ☐ Timor-Leste
- Togo
- ☐ Tonga
- ☐ Trinidad and Tobago
- ☐ Tunisia
- ☐ Turkey
- ☐ Turkmenistan
- ☐ Tuvalu
- ☐ Uganda
- ☐ Ukraine
- ☐ United Arab Emirates
- ☐ United Kingdom
- ☐ United States of America
- ☐ Uruguay
- ☐ Uzbekistan
- ☐ Vanuatu
- ☐ Venezuela
- ☐ Viet Nam
- ☐ Yemen
- ☐ Zambia
- Zimbabwe

*Email (this won't be published)

☒ I agree with the personal data protection provisions (see document in link below)

david.donnerer@energy-cities.eu

[Protection of your personal data.pdf](#)

EEAG Targeted Questionnaire

Effectiveness:

In this section, we would like your opinion on the extent to which the State aid Guidelines for environmental protection and energy (EEAG) and the provisions applicable to aid for environmental protection (which include

provisions on energy) (Section 7) of the General Block Exemption Regulation (related GBER provisions) have achieved their objectives and delivered results.

1. Based on your experience, to what extent have the EEAG and the corresponding GBER provisions (e.g. tendering, technological neutrality, market integration) been effective in:

	To a large extent	To some extent	Not at all	I don't know
- enabling the deployment of renewables while lowering societal costs and reducing the amount of aid needed?	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
- facilitating the integration of renewable energy into the electricity market?	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
- ensuring financing of support schemes to renewable energy sources, while limiting negative impacts on the competitiveness of EU firms?	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
- ensuring that capacity mechanisms were necessary and cost-effective in providing security of supply and least-distortive to competition and intra-EU trade?	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>
- ensuring that capacity mechanisms did not negatively impact the objective of phasing out environmentally harmful subsidies including for fossil fuels?	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>
- ensuring that in cogeneration and district heating the most cost-efficient projects could be realised?	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>

Please explain:

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On support to RES

The State aid framework for support to RES has largely contributed to the deployment of RES in the Member States where support schemes are in place. The progressive shift from feed-in tariffs to market-based premiums (para. 124 EEAG) and the award of those through competitive bidding processes (para. 126 EEAG) has facilitated the integration of RES into the electricity market for a number of operators.

However, the EEAG have not fully met these objectives. In particular:

Societal costs have not decreased or been sufficiently limited in many of the Member States that have a RES support scheme in place. This is notably due to passing on the costs of funding support to consumers (residential and non-residential). While such increases of the costs of energy bills may be justified when they remain reasonable, public acceptance of funding those schemes - and thus of the energy transition as a whole - is severely affected by the reductions granted to energy intensive users (para. 181-192 EEAG). Indeed, Member States that have put in place support schemes for RES have almost systematically made use of the rules providing for reductions for energy intensive industries, with a 100% rate of Commission's decisions not to raise objections. As clearly stated in a recent Commission's decision (on SA.52615, rec. 24) though, the redistributive effect of such reductions in funding support for RES shifts the burden of the costs of support to other consumers including households.

Integration of small-scale operators and of non-conventional, decentralised business models such as citizen /renewable energy communities has not been fully enabled by the EEAG either. The exemption rules laid down under para. 125 and 127 EEAG were, and remain, necessary for ensuring deployment of these indispensable market operators. However, as these stakeholders are still deploying and as many face barriers for integrating into concentrated energy markets dominated by incumbents, the level of thresholds should be adapted (increased, and in any case certainly not lowered) so as not to hinder those market operators that are exceeding the thresholds, but are still too small to effectively bid in competitive processes, from receiving support. Special conditions for citizen/renewable energy communities could enhance the deployment of this business model and contribute to the objective to empower citizens pursued by the Clean Energy for all Europeans Package.

On capacity mechanisms

The Commission's track record of decisions authorising capacity mechanisms under the EEAG has evidenced that the objective of "not negatively impacting the objective of phasing out environmentally harmful subsidies, including for fossil fuels" (para. 220 EEAG) has not been effectively enforced. As Great Britain's and Poland's capacity markets have evidenced – and as the proposed Belgian and Greek marketwide capacity mechanisms could also result in – capacity mechanisms may be designed in such a manner as to "lock-in" conventional, fossil-fuel based generation in contradiction with the objective of para. 220 EEAG. This is notably the case of measures granting long-term contracts to new capacity providers that incur a high level of capital expenditure (CAPEX) that de facto corresponds only to the larger investments to build new generation capacity. Regrettably, the current wording of this paragraph 220 EEAG ("which do not have a negative impact on the objective...") is rather weak. Instead, the Member States should have the obligation to demonstrate (and the Commission should have the obligation to verify) that they have "primarily consider[ed] alternative ways of achieving [resource] adequacy which have a positive impact on the objective of phasing out environmentally or economically harmful subsidies, such as prioritising demand side management, increasing interconnection capacity and opening the scheme to RES". The EEAG and their application by the Commission and the Member States have poorly enforced the recommendations of para. 220 (facilitating demand side management and increasing interconnection capacity); para. 232 (technology neutrality) and para. 233 (give preference to low-carbon generators) – for detail of our concerns, please see our various contributions to national and Commission's consultations or investigations on capacity mechanisms listed in the end of this public consultation.

Please continue if necessary:

5000 character(s) maximum

2. Based on your experience, have Member States created a level playing field for imported and domestically produced biofuels and/or biomass energy when providing support (for instance by supporting a specific type of domestically produced biofuels and/or biomass energy, but not other types of biofuels and/or biomass energy with similar costs or greenhouse gases emissions)?

- ☐ Yes
- ☐ No
- ☐ Partially
- ☒ I don't know

Please explain:

1000 character(s) maximum

3. Based on your experience, to what extent has the GBER ensured public support
3. Based on your experience, to what extent has the GBER ensured public support for waste recycling while limiting the amount of aid to the minimum and limiting distortions of competition to the minimum?

- ☐ To a large extent
- ☐ To some extent
- ☐ Not at all
- ☒ I don't know

Please explain:

1000 character(s) maximum

4. Based on your experience, to what extent has Article 39 GBER allowed aid through financial instruments for energy efficiency measures in buildings while limiting distortions of competition at the level of the financial intermediary and the funds involved?

- ☐ To a large extent
- ☐ To some extent
- ☐ Not at all
- ☒ I don't know

Please explain:

1000 character(s) maximum

5. Based on your experience, has State aid granted under the EEAG or the GBER generally achieved the relevant climate and environmental protection objectives while maintaining a competitive internal market?

- ☐ Yes
- ☐ No
- ☒ Partially
- ☐ I don't know

Please explain:

1000 character(s) maximum

The important number of State aid schemes and individual measures, along with the volume of aid granted by the Member States for completing their (and the EU's) "2020 targets" since the EEAG were adopted, show the

usefulness of the EEAG for pursuing “policies to support the shift towards a resource-efficient and low-carbon economy” (para. 5 EEAG). This is particularly the case for aid to energy from RES & aid for energy efficiency; However, not all Member States have achieved their targets and State Aid has not been used to its full potential by some of them. Moreover, the amount of aid granted to conventional, fossil fuel generators under generation adequacy measures implemented since 2014 show that the objective of phasing out environmentally harmful subsidies (para. 220 EEAG) has not been effectively enforced. In this regard, it cannot be concluded that the EEAG, their interpretation by the Commission and their application by the Member States, have achieved the relevant objectives

6. Based on your experience, has State aid granted under the EEAG or the GBER generally achieved the relevant energy objectives while maintaining a competitive internal market?

- ☐ Yes
- ☐ No
- ☒ Partially
- ☐ I don't know

Please explain:

1000 character(s) maximum

Whereas the EEAG contain a number of rules that could support the development of a sustainable energy market, their interpretation by the Commission and their application by the Member States have regularly demonstrated deficiencies. It is notably the case of capacity remuneration mechanisms where the lack of effective level playing field between capacity providers in terms of access to auctions or adequate lengths of contracts, is limiting the contribution of various resources (demand side response, storage, energy efficiency) to security of supply and flexibility of the energy markets. Sustainability of the energy market has been increased by development of energy from RES, through important support measures, but there is room for improvement in terms of integrating small-scale operators, innovative stakeholders such as cities, citizen /renewable energy communities and prosumers to the market while they have the potential to increase flexibility, decentralisation and sustainability.

7. Based on your experience, have there been any unexpected or unintended results from the implementation of the EEAG and the corresponding GBER provisions?

- ☒ Yes
- ☐ No
- ☐ Partially
- ☐ I don't know

Please specify:

1000 character(s) maximum

As mentioned above, para. 220 EEAG has not been adequately enforced by the Commission when authorising capacity mechanisms that lock in conventional, fossil fuel generation for a long term. The general use of para. 181-192 that allow Member States from reducing funding of support to RES for energy intensive users is undermining public acceptance of the financing of the energy transition by shifting the financial burden of this support to other consumers (including small undertakings and households).

8. Are there sectors (at NACE 4 level^[2]) and products (at Prodcom 8 level^[3]) which, were included in the list of eligible sectors and products for reductions under section 3.7.2. of the EEAG (c.f. Annex 3 and Annex 5 of the EEAG), but which, according to your experience, were not particularly affected by the financing costs according to your experience, were not particularly affected by the financing costs of renewable energy support and therefore were not put at a significant competitive disadvantage?

- ☐ Yes
☐ No I don't
☒ know

[2] NACE is derived from the French "Nomenclature statistique des Activités économiques dans la Communauté Européenne" (Statistical classification of economic activities in the European Community). It designates the various statistical classifications of economic activities developed since 1970 by the European Union. According to NACE rev.1.1: http://ec.europa.eu/eurostat/ramon/nomenclatures/index.cfm?TargetUrl=LST_CLS_DLD&StrNom=NACE_1_1&StrLanguageCode=EN&StrLayoutCode=HIERARCHIC

[3] Production Communautaire list, available at: https://ec.europa.eu/eurostat/statistics-explained/index.php/Industrial_production_statistics_introduced_-_PRODCOM PRODCOM is a survey, with an at-least-annual frequency, for the collection and dissemination of statistics on the production of industrial (mainly manufactured) goods, both in value and quantity terms, in the European Union. The PRODCOM survey is based on a list of products called the PRODCOM list which currently comprises about 4000 headings relating to industrial products and some industrial services. These products are detailed at an eight-digit level.

9. Are there sectors (at NACE 4 level^[4]) or products (at Prodcom 8 level^[5]) which, according to your experience, were particularly affected by the financing costs of renewable energy support and therefore were put at a significant competitive disadvantage, but were not included in the list of eligible sectors for reductions under section 3.7.2. of the EEAG (c.f. Annex 3 and Annex 5 of the EEAG)?

- ☐ Yes
☐ No I don't
☒ know

[4] According to NACE rev.1.1: http://ec.europa.eu/eurostat/ramon/nomenclatures/index.cfm?TargetUrl=LST_CLS_DLD&StrNom=NACE_1_1&StrLanguageCode=EN&StrLayoutCode=HIERARCHIC

[5] Production Communautaire list, available at: https://ec.europa.eu/eurostat/statistics-explained/index.php/Industrial_production_statistics_introduced_-_PRODCOM

10. Based on your experience, have the minimum own contributions of the full electricity surcharges of 15 % of the full renewable surcharge, and 4 % and 0.5 % of the Gross Value Added of the undertaking concerned (see points 188 and 189 of the EEAG) been adequately set to ensure a sufficient financing basis for the underlying energy policy?

	Too high	Too low	Adequate	I don't know
15% of the full renewable surcharge	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>
4% of the Gross Value Added	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>
0.5% of the Gross Value Added	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>

Please substantiate your answer:

1000 character(s) maximum

11. Based on your experience, have the reductions in electricity surcharges given to energy-intensive users (EIUs) created market distortions?

- ☐ Yes
- ☐ No
- ☒ I don't know

Please substantiate your answer:

3000 character(s) maximum

12. Based on your experience, what impact have reductions granted to energy intensive users had on renewable energy charges and other relevant charges paid by non-energy intensive industrial consumers and households?

- ☐ Excessive
- ☐ Adequate
- ☒ I don't know

Please substantiate your answer:

3000 character(s) maximum

13. Based on your experience, has the higher aid intensity allowed under point 78 of the EEAG been adequate to address the double market failure linked to the higher risks of innovation and the environmental aspects of the project without creating unnecessary distortions of competition?

- ☐ Yes
- ☐ Not adequate (too low aid intensity)
- ☐ Not adequate (too high aid intensity) I
- ☒ don't know

Please explain:

1000 character(s) maximum

We generally support the methodology of increasing the level of aid intensity permitted for SMEs, investments located in assisted areas and eco-innovation set by Paragraph (78) EEAG. Whereas we cannot confirm that the increase of the aid intensity by 10 percentage points for eco-innovation is an appropriate level to trigger those investments, we support the criteria that only projects that substantially improve the state of the art and are expected to bring significant environmental benefits are eligible to such increase of aid intensity. Such an increase of aid intensity should incentivise aid and, more widely, investment in those projects that clearly aim at driving the change towards a more sustainable future.

Efficiency:

In this section, we would like to know your opinion about the efficiency of the EEAG and the related GBER provisions.

14. Based on your experience, to what extent are the different compatibility conditions and methodologies included in the EEAG and the GBER related provisions sufficiently clear and easy to apply:

	Yes	No	I don't know
- in general terms?			
- as regards the methodology for calculating eligible costs for investment aid to go beyond standards, in the absence of standards and early adaptation to standards under Article 36 of the GBER and points 73 to 75 of the EEAG?			
- as regards the criteria for limiting bidding processes for renewables to specific technologies (see EEAG point 126 and GBER Article 42.3)?			
- as regards the methodology for calculating eligible costs for investment aid to renewables and co-generation (CHP) projects?			
- as regards the methodology to assess proportionality of aid based on levelised cost of energy (see point 131 of the EEAG and Article 43, paragraphs 5 and 6 of the GBER)?			
- as regards the provisions for demonstration projects (as defined in point 19 paragraph 45 of the EEAG) and for the new and innovative renewable energy technologies (see Article 42.4 of the GBER)?			
- as regards the methodology to assess eligible costs for energy-efficiency investment aid under Article 38 of the GBER?			
- as regards the compatibility conditions (in particular the full passing on, the leverage condition, the conditions imposed on the financial intermediaries) for energy efficiency projects in buildings (see paragraphs 4 to 10 in Article 39 of the GBER)?			

	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>
- as regards the compatibility conditions for aid for Resource Efficiency (section 3.5.1 of the EEAG read in combination with section 3.2 of the EEAG)?	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>
- as regards the compatibility conditions (in particular the “state of the art” requirement, the “polluter pays principle” and the “treatment of the waste of others”) for waste management projects under 47 of the GBER and section 3.5.2 of the EEAG?	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>
- as regards the methodology for calculating eligible costs for waste management projects under Article 47 of the GBER and section 3.5.2. of the EEAG?	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>
- Other (please specify)	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>

Please explain:

Please explain:

5000 character(s) maximum

15. Based on your experience, how do administrative costs incurred by the aid application under the EEAG and GBER related provisions compare with the actual amount of compensation received?

Please rate from very low (administrative costs representing less than 1% of the actual amount of compensation received) to very high (administrative costs representing more than 20% of the actual amount of compensation received):

	Very low (less than 1%)	Low (between 1% and 5%)	Intermediate (between 5% and 10%)	High (between 10% and 20%)	Very high (more than 20%)	I don't know
Proportion of administrative costs in total actual amount of compensation received	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>

Please explain:

1000 character(s) maximum

The diversity of stakeholders, in terms of size and business model, makes it difficult to systematise the share of administrative costs for compensation received. Nevertheless, it is established that small-scale energy operators have been facing relatively high administrative costs for participating to tenders for renewable energy support schemes. Likewise, energy communities, due to their innovative business model that is still not mature in many Member States, have incurred obstacles for applying to some support schemes.

Relevance:

16. Based on your experience, have the EEAG and GBER adequately addressed recent market developments or technological changes such as:

	Yes	No	Partially	I don't know
Storage	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>
Zero subsidy bids	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>
Repowering	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>
Renewable energy power purchase agreements	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>
Renewable self consumption and/or active consumers	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>
Citizens energy communities and/or renewable energy communities	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>
Hydrogen, synthetic fuels and low carbon gas	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>
Alternative fuel infrastructure (publicly accessible or dedicated infrastructure)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>
Low or zero emission vehicles	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>
Carbon Capture, Storage and/or Utilisation	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>
Nearly-zero-energy buildings	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>
Smart energy technologies (e.g. in buildings)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>
Energy services (e.g. energy performance contracting)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>
Advanced technology for water reuse (e.g. membranes and UV)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>
Other (please specify)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>

Please explain:

5000 character(s) maximum

17. To what extent do recent economic developments – such as the falling renewable energy costs and possible changes to trade intensity and electro intensity of the sectors concerned – impact the relevance of the rules which apply to reductions for energy-intensive users (EIUs)?

	To a large extent	To some extent	Not at all	I don't know
Falling costs of renewable energy producers	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>
Changes to the trade intensity of the sectors listed in Annex 3 and 5 of the EEAG	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>
Changes to the electro intensity of the sectors listed in Annex 3 of the EEAG	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>
Other (please specify)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>

Please explain:

3000 character(s) maximum

Coherence:

In this section, we would like to know your opinion on the extent to which the EEAG and the related GBER provisions are coherent with other EU policies and legislations.

18. Based on your experience, to what extent are the EEAG and the related GBER provisions coherent with relevant EU policies and legislation such as:

	Yes	No	Partially	I don't know
Renewable Energy Directive	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>
Electricity Directive [6]	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>
Electricity Market Regulation [7]	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>
Risk-preparedness Regulation [8]	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>
EU ETS Directive	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>
Industrial Emissions Directive	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>
Alternative Fuels Directive	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>
Energy Efficiency Directive	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>
Energy Performance of Buildings Directive	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>
EU Waste legislation	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>
Water Framework Directive	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>
Air Quality Directive	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>
Birds Directive	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>
Habitats Directive	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>
ERDF Regulation	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>
Other (please specify)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>

Please explain:

5000 character(s) maximum

It is absolutely essential that the EEAG and GBER are interpreted in a manner that is consistent with this new legal framework, as soon as it enters into force (4 July 2019) or applies (1st January 2020), as relevant. This implies, on the one hand, that provisions of the EEAG or the GBER conflicting with secondary legislation should be set aside by the Commission when assessing the compatibility of State aid measures; and, on the other hand, that compatibility assessments are reinforced when secondary legislation is stricter on the requirements that the Member States are bound by to design State aid measures.

In relation with the Energy Market Regulation, the Commission should not allow itself to depart from the new rules in Chapter 4 providing a clear framework for designing capacity mechanisms. Those rules must be repeated in the next guidelines, which must also include an obligation on the Commission to verify that the scheme comply with those rules. We propose to insert a paragraph in the next guidelines reading (based on the model of para. 117 and 118 EEAG): “when granting aid to resource adequacy, Member States must respect Regulation on the internal market for electricity (EU) 2019/943 and in particular Chapter 4 thereof, which lays down criteria in relation to the assessment for the need, appropriateness and proportionality of resource adequacy measures and conditions for their design”.

In relation with support to RES, the principles laid down in recitals 16-19, 22-24 and 26 in particular of the revised Renewable Energy Directive (EU) 2018/2001 are fully integrated in and rendered effective by the next guidelines and the Commission's decisional practice in the meantime.

In relation with the new framework for energy efficiency measures, we support the full implementation of the "energy efficiency first" principle and its embodiment as an objective of common interest and guiding principle in the next guidelines. As recommended by recital (64) of the Governance Regulation: "Member States should use the energy efficiency first principle, which means to consider, before taking energy planning, policy and investment decisions, whether cost-efficient, technically, economically and environmentally sound alternative energy efficiency measures could replace in whole or in part the envisaged planning, policy and investment measures, whilst still achieving the objectives of the respective decisions. This includes, in particular, the treatment of energy efficiency as a crucial element and a key consideration in future investment decisions on energy infrastructure in the Union. Such cost-efficient alternatives include measures to make energy demand and energy supply more efficient, in particular by means of cost-effective end-use energy savings, demand response initiatives and more efficient conversion, transmission and distribution of energy."

This should find a direct, effective translation in several aspects of the next guidelines that are not directly related to creating new energy efficiency measures. In particular, energy efficiency measures and demand side response initiatives should be taken into account when assessing the need for, and size of, capacity mechanisms.

[6] This directive is under review. The latest text can be consulted on:

[https://oeil.secure.europarl.europa.eu/oeil/popups/ficheprocedure.do?reference=2016/0380\(COD\)&l=en](https://oeil.secure.europarl.europa.eu/oeil/popups/ficheprocedure.do?reference=2016/0380(COD)&l=en)

[7] This regulation is under review. The latest text can be consulted on:

[https://oeil.secure.europarl.europa.eu/oeil/popups/ficheprocedure.do?reference=2016/0379\(COD\)&l=en](https://oeil.secure.europarl.europa.eu/oeil/popups/ficheprocedure.do?reference=2016/0379(COD)&l=en)

[8] This directive is under review. The latest text can be consulted on:

[https://oeil.secure.europarl.europa.eu/oeil/popups/ficheprocedure.do?reference=2016/0377\(COD\)&l=en](https://oeil.secure.europarl.europa.eu/oeil/popups/ficheprocedure.do?reference=2016/0377(COD)&l=en)

19. Have the EEAG and GBER rules on exemptions or reductions from energy taxation produced inconsistencies with other EU rules?

	Yes	No	Partially	I don't know
Energy Taxation Directive	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>
Other (please specify)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>

Please explain:

1000 character(s) maximum

Final Comments and Document Upload

If there is anything else you would like to say which may be relevant for the evaluation of the EEAG and the related GBER provisions, please feel free to do so:

1000 character(s) maximum

If you wish to attach relevant supporting documents for any of your replies to the questions above, please feel free to do so:

Please upload your file

The maximum file size is 1 MB

Only files of the type pdf,txt,doc,docx,odt,rtf are allowed

Please indicate whether the Commission services may contact you for further details on the information submitted, if required.

☒ Yes

☐ No

THANK YOU FOR RESPONDING TO THIS QUESTIONNAIRE

Useful links

[Fitness Check \(http://ec.europa.eu/competition/state_aid/modernisation/fitness_check_en.html\)](http://ec.europa.eu/competition/state_aid/modernisation/fitness_check_en.html)

[Guidelines on State aid for environmental protection and energy 2014-2020 \(https://eur-lex.europa.eu/legal-content/EN/ALL/?uri=CELEX%3A52014XC0628%2801%29\)](https://eur-lex.europa.eu/legal-content/EN/ALL/?uri=CELEX%3A52014XC0628%2801%29)

[General Block Exemption Regulation \(GBER\) \(https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:02014R0651-20170710\)](https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:02014R0651-20170710)

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