

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

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

* **First name**

René

* **Surname**

Groß

* 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

DGRV - Deutscher Genossenschafts- und Raiffeisenverband e. V. (German Cooperative and Raiffeisen Confederation – reg. assoc.)

* 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 decision-making.

96315373291-29

* Please describe the main activities of your company/organisation/association, if applicable.

1000 character(s) maximum

The National Office for Energy Cooperatives at the German Cooperative and Raiffeisen Confederation – reg. assoc. (DGRV - Deutscher Genossenschafts- und Raiffeisenverband e. V.) represents the interests of the around 860 German energy cooperatives, most of which are small and medium enterprises (SMEs), and their 183.000 members.

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

1000 character(s) maximum

The EEAG have a direct impact on our energy cooperatives and all their activities regarding renewable energy. Under the Clean Energy for All Europeans Legislative Package (CEP) energy cooperatives are acknowledged as 'renewable energy communities' (RECs) and 'citizen energy communities' (CECs). Our German energy cooperatives operate systems in the fields of photovoltaic, wind, biomass and biogas in areas as diverse as energy generation and supply through to district heating and marketing activities. Most of the German energy cooperatives benefit from the Germany's Renewable Energy Sources Act and the feed-in tariffs. Hence, the EEAG rules on aid to energy from renewable sources directly impact all renewable energy activities of all around 1.000 German energy cooperatives. The paragraphs on operating aid granted to energy from renewable sources are of utmost importance the energy cooperatives.

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

1000 character(s) maximum

We handed in our opinion during "HT 359 - Consultation on Community Guidelines on State Aid for Environmental Protection" 2014 on the 14th February 2014. The National Office for Energy Cooperatives supports its members politically and technically, so they can implement more renewable electricity, heating and mobility projects. Therefore, we have a very good understanding of the EEAG provisions relating to operating aid granted to energy from renewable sources in Germany. Currently, we are accompanying the German transposition of the CEP politically and technically, with a special focus on the German implementation of the Directive (EU) 2018/2001 (the Renewable Energy Directive) and the Directive (EU) 2019/944. Thus, the highest priority for us has the amendment of the EEAG in such a way that the relevant paragraph support new CEP provisions on energy communities. For this purpose one has to clarify at first how the existing EEAG interact with the new CEP provisions.

* 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
- Azerbaijan
- Bahamas
- Bahrain
- Bangladesh
- Barbados
- Belarus
- Belgium
- Belize
- Benin

- Bhutan
- Bolivia
- Bosnia and Herzegovina
- Botswana
- Brazil
- Brunei Darussalam
- Bulgaria
- Burkina Faso
- Burundi
- Cabo Verde
- Cambodia
- Cameroon
- Canada
- Central African Republic
- Chad
- Chile
- China
- Colombia
- Comoros
- Congo
- Costa Rica
- Côte D'Ivoire
- Croatia
- Cuba
- Cyprus
- Czechia
- Democratic Republic of the Congo
- Denmark
- Djibouti
- Dominica
- Dominican Republic
- Ecuador
- Egypt
- El Salvador
- Equatorial Guinea
- Eritrea
- Estonia
- Ethiopia
- Fiji
- Finland
- France
- Gabon
- Gambia
- Georgia
- Germany
- Ghana

- Greece
- Grenada
- Guatemala
- Guinea
- Guinea Bissau
- Guyana
- Haiti
- Honduras
- Hungary
- Iceland
- India
- Indonesia
- Iran
- Iraq
- Ireland
- Israel
- Italy
- Jamaica
- Japan
- Jordan
- Kazakhstan
- Kenya
- Kiribati
- Kuwait
- Kyrgyzstan
- Laos
- Latvia
- Lebanon
- Lesotho
- Liberia
- Libya
- Liechtenstein
- Lithuania
- Luxembourg
- Madagascar
- Malawi
- Malaysia
- Maldives
- Mali
- Malta
- Marshall Islands
- Mauritania
- Mauritius
- Mexico
- Micronesia
- Monaco

- Mongolia
- Montenegro
- Morocco
- Mozambique
- Myanmar
- Namibia
- Nauru
- Nepal
- Netherlands
- New Zealand
- Nicaragua
- Niger
- Nigeria
- North Korea
- North Macedonia
- Norway
- Oman
- Pakistan
- Palau
- Panama
- Papua New Guinea
- Paraguay
- Peru
- Philippines
- Poland
- Portugal
- Qatar
- Republic of Moldova
- Romania
- Russian Federation
- 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
- Slovakia
- Slovenia
- Solomon Islands

- Somalia
- South Africa
- South Korea
- South Sudan
- Spain
- Sri Lanka
- Sudan
- Suriname
- Swaziland
- Sweden
- Switzerland
- Syrian Arab Republic
- Tajikistan
- Tanzania
- Thailand
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- Togo
- Tonga
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- Ukraine
- United Arab Emirates
- United Kingdom
- United States of America
- Uruguay
- Uzbekistan
- Vanuatu
- Venezuela
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- Yemen
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- Zimbabwe

* Email (this won't be published)

gross@dgrv.de

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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 type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>
- facilitating the integration of renewable energy into the electricity market?	<input type="radio"/>	<input type="radio"/>	<input checked="" 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 type="radio"/>	<input checked="" 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 type="radio"/>	<input type="radio"/>	<input type="radio"/>

Please explain:

5000 character(s) maximum

The EEAG provisions, particularly the one on tenders, have contributed towards a more low-cost deployment of renewables and the integrating renewables into the market only a little. These aspects have already been achieved in Germany by the German decreasing feed-in tariff and other member states national support systems. Moreover, German solar and wind energy tenders have not per se lowered the costs. If the demand was not high enough, the costs increased again.

Furthermore, the societal costs have not been lowered. On the contrary, the implementation of a tender system in Germany has increased societal cost as German energy cooperatives cannot develop wind and big solar energy projects anymore. In the short-term, the German tenders have pushed bottom-up citizen energy and energy cooperative projects out of these markets.

1. Solar Energy Tenders

In the first four German solar tenders (April 2015-April 2016) energy cooperatives had eleven direct bids and in the third tender round two direct accepted bids. In the following ten solar tenders (August 2016 - June 2019) and more than 2 ½ years energy cooperatives got no direct approved bids or direct accepted bids (see attached table number 1 in the uploaded document '20190719_Energy_State_Aid_Consultation_DGRV.pdf').

2. Wind Energy Tenders

In the context of the project "actor structure analysis Wind energy onshore for the tenders May, August 2017 and February 2018" of the IZES gGmbH and Leuphana University the company or owner which got an accepted bid were classified according to regionality and form of citizen participation. For the criteria of regionality and form of citizen participation the authors further differentiate between: international actors, national actors, regional (non-citizen-energy-)actors, and, assuming that citizen energy always takes place on a regional level, two forms of what the authors call "open-participation" citizen energy: a) with a higher financial threshold of a minimum investment between 1.001 and 5.000 Euros and b) with a lower financial threshold of a minimum investment between 0 and 1.000 Euros. The authors differentiate in this way as they found out that you have areas in Germany where the citizens have more money or less. Thus, as a general rule they say that in poor areas the financial threshold has to be from 0-1.000 € and in rich areas from 1.001 to 5.000 €. The authors define citizen energy as follows: the project must be active and situated in the region where the wind project is planned. 51% of the voting rights are with natural persons living in the region, with a minimum of 20 natural persons being members of the project. The maximum share of voting rights for one member is limited to 20%. The project must make an offer to participate in the wind project to the general public in the region, comprising low-threshold minimum investments (max. 5.000 Euros, see above).

The attached table number 2 (see uploaded document '20190719_Energy_State_Aid_Consultation_DGRV.pdf') shows that only nine out of 236 accepted bids belong to "open-participation" citizen energy.

(Comment: In the following weeks and months the authors izes gGmbH and Leuphana University, commissioned by the German Environment Agency will release further reports of the project "Actor structure analysis ground mounted solar plant and wind energy onshore". In these reports the authors will publish the results of the actor structure of all the other tenders and from before the introduction of the German bidding process. These reports will enable everyone to compare the market player structure, also with respect to "open-participation" citizen energy, before and after the introduction of the German bidding process of wind energy onshore.)

In the long-term, the exclusion of bottom-up citizen energy and energy cooperative from the wind energy and big solar market could have a negative impact on public acceptance of new renewable energy plants, especially wind energy plants. The Commission's Impact Assessment for its Recast Renewable Energy Directive confirms this imminent danger. It stated that allowing local citizens to invest can reduce negative attitudes on new projects from 60 to 12%.

Therefore, the new EEAG should give Member States the possibility to take citizen and community participation into account when creating and implementing new support schemes and tender systems. These measurements would avoid the exclusion from bottom-up citizen energy communities and energy cooperative from these markets. Moreover it would avoid the loss of acceptance for new renewable plants and the energy transition.

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 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

Overall, the EEAG have hampered the achievement of the climate and environmental protection objectives, especially the renewables expansion targets, as well as a competitive internal market.

The current EEAG introduced competitive tender systems for renewables support. The German bidding system has destructed investment certainty for energy cooperatives. First, the EEAG have cause that Germany abolished fixed feed-in tariffs, which provide the most investor certainty to micro and small-sized enterprises such as energy cooperatives, and introduced market based forms of support. This change in support to e.g. market premiums has inter alia let to a new commercial dependence on service providers, which are able to handle the energy management obligations, for renewable energy. Second, the change to competitive tenders has pushed bottom-up citizen energy communities and energy cooperative out of the German wind energy and big solar plants markets (see response to number one).

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

Please see also our response to number five.

Citizen and community participation via energy cooperatives is crucial for a successful (renewable) energy transition which is done in order to protect the climate. Citizen and community participation has many advantages such as public acceptance, knowledge about energy and the energy transition, civil investment, citizen empowerment and change of energy behavior. These advantages are acknowledged by the EU's Energy Union Strategy, and the CEP, in particular Directive (EU) 2018/2001 (the recast Renewable Energy Directive).

Moreover, the failure of meeting the climate and energy policy targets on German (and other national) level and the stagnant expansion of renewable energies in Germany and other members states also demonstrates the limited positive effect of the EEAG and GBER.

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

The de minimis thresholds for small renewable energy generation installations in the paragraphs 125 and 127) have been implemented more strictly by the German government. The German government introduced tenders for all installations above 750 kW and market premiums for all installations between 100 kW and 750 kW.

The EEAG have forced Germany and other Member States to introduce competitive tender systems and market premiums. Hence, the EEAG have a huge influence on the design of national support schemes. Therefore, in our opinion the de minimis thresholds in the paragraphs 125 and 127 should be raised at least for RECs. Furthermore, the EEAG have to be amended in such a way that Germany and other Member States can provide an enabling framework for RECs. This framework has to ensure that RECs can participate in renewable support schemes and competitive bidding systems on a level playing field. The best way would be to add a new chapter on RECs to the new EEAG.

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 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 type="radio"/>
4% of the Gross Value Added	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
0.5% of the Gross Value Added	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input 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

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?	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
- 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?	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
- as regards the criteria for limiting bidding processes for renewables to specific technologies (see EEAG point 126 and GBER Article 42.3)?	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
- as regards the methodology for calculating eligible costs for investment aid to renewables and co-generation (CHP) projects?	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
- 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)?	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

- 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)?	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
- as regards the methodology to assess eligible costs for energy-efficiency investment aid under Article 38 of the GBER?	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
- 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 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 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 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 type="radio"/>
- Other (please specify)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

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 type="radio"/>

Please explain:

1000 character(s) maximum

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 type="radio"/>	<input type="radio"/>
Zero subsidy bids	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Repowering	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Renewable energy power purchase agreements	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Renewable self consumption and/or active consumers	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Citizens energy communities and/or renewable energy communities	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
Hydrogen, synthetic fuels and low carbon gas	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Alternative fuel infrastructure (publicly accessible or dedicated infrastructure)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Low or zero emission vehicles	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Carbon Capture, Storage and/or Utilisation	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Nearly-zero-energy buildings	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Smart energy technologies (e.g. in buildings)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Energy services (e.g. energy performance contracting)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Advanced technology for water reuse (e.g. membranes and UV)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Other (please specify)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

Please explain:

5000 character(s) maximum

With respect to our comments, we only focus on citizen energy communities and renewable energy communities (REC), notably on REC. In a nutshell, the current EEAG do not adequately deal with small non-commercial market player. Since 2006 1.000 new renewable energy cooperatives and therefore civil organised micro- and small-sized enterprises were established in Germany. Around 850 of these renewables energy cooperatives are organized in the DGRV - Deutscher Genossenschafts- und Raiffeisenverband e. V. (German Cooperative and Raiffeisen Confederation – reg. assoc.; see: <https://www.genossenschaften.de/zahlen-und-fakten>).

The existing EEAG only have provisions / de minimis thresholds for small renewable energy projects but no provisions which address civil organised micro- and small-sized enterprises such as energy cooperatives. However these small market players / RECs face certain challenges when they want to attend tenders. In the end, these challenges are so big that German energy cooperatives are not able to attend German tenders at all. German energy cooperatives are not able to attend the German bidding process or have an extreme low chance of winning a bid due to the following reasons: German energy cooperatives and other citizen energy communities are mostly micro or small enterprises. Hence, they only have limited financial capacity and work force. In contrast to big market players, they implement only one big local solar or wind power projects at the time. The planning costs for a German 1 mw ground mounted solar system are between approx. 10.000 and 72.000 € and for a German wind plant (till the final approval under the German Federal Immission Control Act is granted, sort of German planning permission) between around 210.000 and 300.000 €. The board of directors of the cooperative has to ask its members for this sum as own capital. However, the board of directors has to tell its members that they cannot guarantee the implementation of the projects as they do not know whether the cooperative will win a bid with the project. If the cooperative does not win any tender the planning costs of up to 72.000 € or 300.000 € are lost. Therefore, the member of the cooperative will not give this sum to the board. In contrast big market players can hand in several bids or receive several accepted bids and spread the risk over different projects and accepted bids. Moreover, big market players can realise their projects with a lesser share of equity and lower interest on debt capital. Thus, energy cooperatives need to be explicitly addressed in the revised EEAG. As RECs are defined and acknowledged in the recast Renewable Energy Directive for the first time, the recognition for RECs in the new EEAG should be consistent with these provisions. Furthermore, the EEAG should allow Member States to raise the thresholds of FiTs for RECs as small non-commercial market player and exempt them from tenders.

Moreover, the EEAG should allow Member States to introduce other supportive measures for RECs such as providing information, providing technical and financial support, reducing administrative requirements, including community-focused bidding criteria, creating tailored bidding windows.

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 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 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 type="radio"/>
Other (please specify)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input 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 checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
Electricity Directive [6]	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
Electricity Market Regulation [7]	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Risk-preparedness Regulation [8]	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
EU ETS Directive	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Industrial Emissions Directive	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Alternative Fuels Directive	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Energy Efficiency Directive	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Energy Performance of Buildings Directive	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
EU Waste legislation	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Water Framework Directive	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Air Quality Directive	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Birds Directive	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Habitats Directive	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
ERDF Regulation	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Other (please specify)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

Please explain:

5000 character(s) maximum

The EEAG also need to play their part in achieving the EU's climate and energy aims. Furthermore, the EEAG have to be amended in order to include the new defined market players such as 'renewables self-consumers', 'jointly acting renewable self-consumers', 'renewable energy communities', and 'citizens energy communities' and their new stated rights.

[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 type="radio"/>
Other (please specify)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input 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

In Germany market premiums, feed-in tariffs or landlord-to-tenant supply premiums are paid for a period of 20 years (Section 25 Renewable Energy Source Act). The period of 20 years will finish for more and more renewable plants in Germany in the coming years.

Paragraph 129 of the current state aid guidelines states that "the aid is only granted until the plant has been fully depreciated according to normal accounting rules and any investment aid previously received must be deducted from the operating aid." From an economic point of view it makes sense to operate the existing renewables plants further if this is economically cheaper than building new renewables plants. The best way would be to amend Paragraph 129 in order to make this possible.

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

b50e8a24-e901-45e0-a565-0a18a41da4d8/20190719_Energy_State_Aid_Consultation_DGRV.pdf

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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