



German Renewable
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European Commission
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Berlin, 25 March 2021

Approval for the German Renewable Energy Act (EEG 2021) under state aid law by the European Commission

Dear Madam Vice-President,

With the amendment of the German Renewable Energy Act (EEG 2021), which came into force on 1st January, the German federal government adapted the legal framework for the expansion of renewable energies in key areas. Shortly before the end of the parliamentary procedure, decisive changes were made to the law, which are, among other things, due to EU state aid law.

Regarding the tendering procedures in the first quarter of 2021 for onshore wind, solar power and bioenergy, the Bundesnetzagentur (BNetzA) has already pointed out that the awards for winning a bid can only be announced once the European Commission has approved the EEG 2021 under state aid law. The missing announcements for winning a bid is causing massive uncertainty in the renewables industry right now. Project-development companies are, among other things, exposed to considerable risks due to contractual obligations with plant manufacturers, deadlines to be met in approval procedures and the financing of projects. As things stand, we expect that tendering procedures in the 2nd quarter of 2021 are also threatened to be affected, because the EU Commission has still not given its approval under state aid law. This would result in drastic distortions in the market. Other reforms that are crucial for the renewables industry, for example in the area of hydropower, cannot be applied either.

This situation jeopardises the ambitious goals of the Green Deal and the expansion of renewable energies in Germany. It had been clear for almost one year that notification of the EEG 2021 would be necessary, and the Federal Ministry for Economic Affairs and Energy had also repeatedly referred to the close coordination with Brussels during the legislative process. From our point of view, it is completely incomprehensible that this process is now being further delayed.

Ehrenpräsident
Matthias Engelsberger †

Präsidentin
Dr. Simone Peter

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Companies in the renewable energy sector need clarity about the concrete barriers for the approval of the EEG 2021 under state aid law and what the Commission is proposing to facilitate this approval quickly. We expect the European Commission to work with all efforts on the approval of the EEG 2021 under state aid law to quickly recreate legal certainty for companies in the renewable energy sector and the energy transition. We are at your disposal at any time to work on quick and targeted solutions in a joint dialogue. Should approval of the EEG 2021 be difficult, we ask the Commission to consider partial approval for parts of the EEG 2021 that can already be approved today. This is possible according to our legal assessment.


Yours sincerely



Dr. Simone Peter
President
German Renewable Energy Federation (BEE)



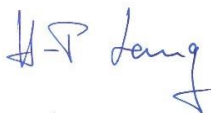
Hermann Albers
Vice President
German Wind Energy Association (BWE)



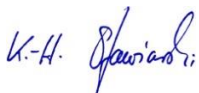
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