Role of State aid authorities between EEAG and RES legislation in the CPs

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State aid enforcement system in the EnC

Legal basis:

• Energy Community Treaty
• National transposition, i.e. State aid Law

Enforcement authorities:

• National State aid authorities
• (Energy Community Secretariat)

No overlap, but monitoring of Treaty obligations
Tasks of national State aid authorities

Tasks

• Receipt of notifications
• Assessment of measures
  • Ad hoc measures
  • Schemes
• Decisions
  • No State aid
  • Positive decision (with conditions)
  • Negative decision
• Monitoring
Applicability of EEAG

Principle of homogeneity


-> basis for compatibility assessment
  - Secretariat
  - national enforcement authorities
Tasks regarding RES legislation

RES legislation:
• Comprehensive legal framework for use/promotion of RES
• Includes support to RES

Ex ante assessment:
• FiT/FiP
• Competitive bidding process
• Thresholds

Publication: Transparency!
Article 2 of the Dispute Settlement Procedures

“Where a question concerning the interpretation or application of Energy Community law is raised in proceedings before a national authority of a Contracting Party, such authority, upon request of a party to the procedure before it or on its own motion, notifies the Secretariat in writing at the earliest stage possible in the procedure.”

→ where the coherent interpretation or application so requires, the Secretariat shall submit its opinion → national authority/court takes into account of the opinion in its final decision/judgment
Thank you for your attention!

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