



EUROPEAN COMMISSION
Competition DG

The Director-General

Brussels, 13 December 2022
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PERMANENT REPRESENTATION, CYPRUS
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PERMANENT REPRESENTATION, FINLAND
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PERMANENT REPRESENTATION, ROMANIA
PERMANENT REPRESENTATION, SPAIN
PERMANENT REPRESENTATION, SLOVAK REPUBLIC
PERMANENT REPRESENTATION, SLOVENIAN REPUBLIC
PERMANENT REPRESENTATION, SWEDEN

Subject: HT.6323 - Survey on a potential third amendment of the Temporary Crisis Framework (TCF)

The European industry's competitiveness is currently facing a double challenge. First, Russia's unprovoked and unjustified military aggression against Ukraine led to a significant increase in energy prices. To respond to this challenge, the REPowerEU Plan sets a path out of the crisis by making the EU economy more energy-efficient, accelerating the roll-out of renewable energy (including through faster regulatory permitting procedures) and diversifying Europe's energy supplies. Second, the U.S. Inflation Reduction Act provides generous incentives for setting up production of clean technologies in the U.S., in some cases in a discriminatory manner including against European players.

Those challenges are putting at risk the competitiveness of the European industrial base and may require targeted public support by Member States, in addition to the possibilities

already available.

In this context, the Commission services would like to seek the view of Member States whether further provisions are necessary in the Temporary Crisis Framework for State aid measures to support the green transition that will help the EU industries to accelerate their investments in the future of EU citizens and promising technologies in Europe.

The Commission services seek the view of Member States especially on the following three issues:

- How to support and further simplify the granting of aid for the roll-out of renewable energy, including wind, solar and renewable hydrogen;
- How to support and further simplify the granting of aid to decarbonise the production processes of industry;
- Whether it is necessary to support productive investments in strategic sectors for the green transition, for example wind, solar, heat pumps, clean hydrogen, electric vehicles and batteries, and relevant critical raw materials. In addition, whether simplified means such as schemes to grant support to businesses via tax credits should be included in the toolbox, while maintaining differentiated incentives for investments in assisted regions for cohesion purposes.

To this end, the Commission services have set up an online survey to collect the views of Member States. The deadline to submit the answers to this survey is Tuesday, 20 December 2022 close of business. Please find the technical details in the annex.

We would like to thank you for your feedback and we look forward to continuing cooperating with you on this matter.

Electronically signed

Yours faithfully,

Olivier GUERSENT

Enclosure: Technical instructions for the EUSurvey

Annex – Technical instructions for the EUSurvey

- Member States are kindly requested to complete the questionnaire available at:
<https://ec.europa.eu/eusurvey/runner/TCF-3survey>
- Please submit only one contribution per Member State
- The password to access the survey will be send in a separate message.
- Submissions via email will not be taken into consideration.
- You will be able to upload the file(s) and then save your contribution.
- The deadline to submit the answers to the questionnaire is 20 December 2022 close of business.

Survey in view of a possible 3rd revision of the Temporary Crisis Framework

Fields marked with * are mandatory.

Introduction

The European industry's competitiveness is currently facing a double challenge.

First, Russia's unprovoked and unjustified military aggression against Ukraine led to a significant increase in energy prices. To respond to this challenge, the REPowerEU Plan sets a path out of the crisis by making the EU economy more energy-efficient, accelerating the roll-out of renewable energy (including through faster regulatory permitting procedures) and diversifying Europe's energy supplies.

Second, the U.S. Inflation Reduction Act provides generous incentives for setting up production of clean technologies in the U.S., in some cases in a discriminatory manner including against European players.

Those challenges are putting at risk the competitiveness of the European industrial base and may require targeted public support by Member States, in addition to the possibilities already available.

In this context, the Commission services would like to seek the view of Member States whether further provisions are necessary in the Temporary Crisis Framework for State aid measures to support the green transition that will help the EU industries to accelerate their investments in promising technologies in Europe to the benefit of EU citizens.

The Commission services seek the view of Member States especially on the following three issues: How to support and further simplify the granting of aid for the roll-out of renewable energy, including wind, solar and renewable hydrogen; How to support and further simplify the granting of aid to decarbonise the production processes of industry; Whether it is necessary to support productive investments in strategic sectors for the green transition, for example wind, solar, heat pumps, clean hydrogen, electric vehicles and batteries, and relevant critical raw materials. In addition, whether simplified means such as schemes to grant support to businesses via tax credits should be included in the toolbox, while maintaining differentiated incentives for investments in assisted regions for cohesion purposes.

The deadline to submit the answers to the survey is 20 December 2022 (close of business). Please submit one consolidated contribution per Member State. Considering that EUSurvey allows up to 5,000 characters per cell, we encourage you to summarise your contribution in the questionnaire and if necessary to upload a file with a longer contribution.

The information collected is for the Commission's use. The results of the analysis may be used in official statements.

Identification of the respondent

* EU member states

- ☐ AT - Austria
- ☐ EFTA - Authority
- ☐ BE - Belgium
- ☐ BG - Bulgaria
- ☐ HR - Croatia
- ☐ CY - Cyprus
- ☐ CZ - Czechia
- ☐ DK - Denmark
- ☐ EE - Estonia
- ☐ FI - Finland
- ☐ FR - France
- ☐ DE - Germany
- ☐ EL - Greece
- ☐ HU - Hungary
- ☐ IE - Ireland
- ☐ IT - Italy
- ☐ LV - Latvia
- ☐ LT - Lithuania
- ☐ LU - Luxembourg
- ☐ MT - Malta
- ☐ NL - Netherlands
- ☐ NO - Norway
- ☐ PL - Poland
- ☐ PT - Portugal
- ☐ RO - Romania
- ☐ SK - Slovak Republic
- ☐ SI - Slovenia
- ☐ ES - Spain
- ☐ SE - Sweden

* First name

* Surname

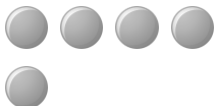
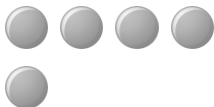
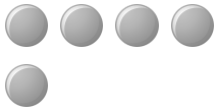
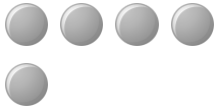
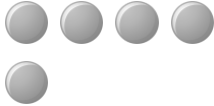
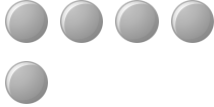
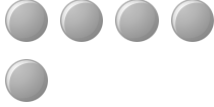
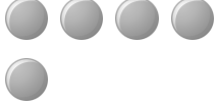
* Organisation name

* Email

Questions on section 2.5 of the Temporary Crisis Framework (TCF) – Accelerating the roll-out of renewable energy

* Q1 In your view, what are the main obstacles to a quick and cost-effective rollout of renewable energy, storage and renewable heat in the context of the REPowerEU plan and the current energy crisis?

Q2 How do you rate the impact of the following factors on the rollout of renewable energy, storage and renewable heat relevant for REPowerEU? (1 no impact, 5 high impact)

Permitting procedures requirements (e.g. related to environmental protection)	
Disruptions in the supply chains or delays in the completion of projects in the supply chains	
Delays due to national judicial proceedings	
Acceptance of projects by local population and general public	
Difficult access to finance	
Requirements under State aid rules for accessing public support	
Lack of sufficient public support	
Other (please specify)	

* Please provide evidence/justification if you give a high ranking to “Requirements under State aid rules for accessing public support” and/or “Lack of sufficient public support”.

Other, please specify:

* Q3 Do you consider section 2.5 of the TCF to be a good and swift basis for setting up schemes to accelerate the rollout of renewable energy, storage and renewable heat relevant for REPowerEU, while preserving the level playing field in the Single Market?

- ☐ Yes
☐ No

If not, please explain why.

* Q4 Do you think that in the context of the current energy crisis, further simplifications to the requirements set out in section 2.5 of the TCF for aid to accelerate the rollout of renewable energy, storage and renewable heat relevant for REPowerEU, while ensuring a fair and equal treatment of Member States, technologies and projects, are necessary?

- ☐ Yes
☐ No

If yes, please explain which changes should be introduced in your view.

* Q5 Do you consider that the scope of the section should be extended to additional renewable technologies not directly covered by the REPowerEU Communication (*i.e.*, ambient energy, tide, wave and other ocean energy, hydropower, biomass, landfill gas and sewage treatment plant gas)?

- ☐ Yes
☐ No

* If yes, which technologies should also be covered? Please explain.

* Q6 In order to ensure proportionality, section 2.5 of the TCF generally requires aid to be granted through competitive bidding procedures. How do you consider your experience in allocating the aid for the roll-out of renewable energy, storage and renewable heat through competitive bidding processes?

- ☐ Positive
☐ Negative

* If your experience is negative what are the main factors leading to delays or complexities

* Q7 Do you consider that, in order to accelerate the rollout of renewable energy, storage and renewable heat relevant for REPowerEU in the context of the current energy crisis, Member States should be given the possibility to grant aid in ways others than competitive bidding?

- ☐ Yes
☐ No

If so, for which type of projects? Please explain.

For how long would it be necessary and proportionate to provide for such additional possibilities? Please explain.

* Q8 How would you propose to ensure the proportionality of aid in the absence of competitive bidding procedures?

* In particular, in case of administratively set remunerations, how would you avoid the risk of overcompensation that has occurred in the past and ensure that tax payers get the best value for money? Please explain.

* Q9 Installations supported under section 2.5 of the TCF are required to be completed and be in operation within 30 months after the date of granting of the aid or 36 months after the date of granting of the aid for offshore wind and renewable hydrogen installations. Do you consider that these deadlines should be modified? Please explain why and how.

* Q10 The current TCF requires either two-way contracts for difference or claw-back mechanisms to address excessive windfall profits. Would you see any alternative instruments for minimising the risk of windfall profits?

Questions on section 2.6 of the Temporary Crisis Framework – Accelerating industrial decarbonisation

- * Q11 In your view, what are the main obstacles to a quick and cost-effective rollout of measures for the decarbonisation of industrial production processes and the improvement of the energy efficiency of industrial processes in the context of the REPowerEU plan and the current energy crisis?

Q12 How do you rate the impact of the following factors for a quick and cost-effective rollout of measures for the decarbonisation of industrial production processes and the improvement of the energy efficiency of industrial processes? (1 no impact, 5 high impact)

Permitting requirements procedures (e.g. related to environmental protection)	<div><div></div><div></div><div></div><div></div><div></div></div>
Disruptions in the supply chains or delays in the completion of projects in the supply chain	<div><div></div><div></div><div></div><div></div><div></div></div>
Delays due to national judicial proceedings	<div><div></div><div></div><div></div><div></div><div></div></div>
Lack of specialised labour force	<div><div></div><div></div><div></div><div></div><div></div></div>
Necessary technologies not available (or immature)	<div><div></div><div></div><div></div><div></div><div></div></div>
Lack of renewable energy supplies	<div><div></div><div></div><div></div><div></div><div></div></div>
Difficult access to finance	<div><div></div><div></div><div></div><div></div><div></div></div>
Requirements under State aid rules for accessing public support	<div><div></div><div></div><div></div><div></div><div></div></div>
Lack of sufficient public support	<div><div></div><div></div><div></div><div></div><div></div></div>
Other (please specify)	<div><div></div><div></div><div></div><div></div><div></div></div>

Please provide evidence/justification if you give a high ranking to "Requirements under State aid rules for accessing public support" and/or "Lack of sufficient public support".

Other, please specify.

* Q13 Do you consider section 2.6 of the TCF to provide a good basis for the swift setting up of aid schemes to accelerate the decarbonisation of industrial production processes through electrification and/or the use of renewable and electricity-based hydrogen and/or the improvement of the energy efficiency of industrial processes?

- ☐ Yes
☐ No

If not, please explain why.

* Q14 Do you consider that in the context of the current energy crisis, section 2.6 of the TCF should be further simplified or revised?

- ☐ Yes
☐ No

If yes, please specify the changes which in your view should be introduced.

For how long would it be necessary and proportionate to provide for such further simplifications? Please explain.

* Q15 In your view, would the alternative computation of the maximum aid amount as a (capped) percentage of the investment costs facilitate the implementation of the aid scheme (by contrast to defining the eligible costs as the difference between the costs of the aided project and the cost savings or additional revenues)?

- ☐ Yes
☐ No

If yes, please provide any available data which would give an indication as to the appropriate level of aid intensity.

* Q16 In your view, would an increase in aid intensity for undertakings active in sectors which are deemed to be in genuine risk of relocation or carbon leakage be appropriate and/or useful?

☐ Yes

☐ No

If yes, which sectors do you consider to be most at risk of relocation? Please explain.

Questions regarding potential additional tools in the Temporary Crisis Framework (TCF) to further support the green transition and global competitiveness of EU industries

* Q17 Which sectors would you define as strategic for the green transition of the EU (g., wind, solar, heat pumps, clean hydrogen, electric vehicles and batteries and relevant critical raw materials, other)? Please explain.

* Q18 Do you consider that the State aid rules are adequate to facilitate investments in strategic sectors for the green transition of the EU (g., wind, solar, heat pumps, clean hydrogen, electric vehicles and batteries and relevant critical raw materials)?

☐ Yes

☐ No

Q19 If you answered no, do you consider necessary to allow under the Temporary Crisis Framework investment aid in strategic sectors for the green transition?

☐ Yes

☐ No

If yes, for which sector and using which aid instrument?

Q20 For how long would it be necessary and proportionate to provide for such further possibility in the TCF? Please explain.

Q21 Under which conditions such aid should be allowed in the TCF in order to limit the risk of fragmentation of the Single Market and to limit the distortion of competition?

Q22 Should such aid be limited to:

- ☐ Assisted areas
- ☐ Individual projects which are of major innovative nature or constitute an important added value in the sector concerned? If yes, please provide any available data which would give an indication as to the typical size of projects which would need support.
- ☐ Specific parts of the value chain? If yes, which ones?

Please, explain

* Q23 How to identify those investments that need aid to reach the green transition objective?

* Q24 Should the aid be subject to a requirement to decarbonise their production processes?

- ☐ Yes
- ☐ No

* Q25 How to ensure that the aid is limited to the minimum necessary (g. limited to specific aid intensities and absolute amounts, funding gap)?

* Q26 In your view, would the alternative computation of the maximum aid amount as a (capped) percentage of the investment costs facilitate the implementation of the aid scheme (by contrast to defining the eligible costs as the difference between the costs of the aided project and the cost savings or additional revenues)?

- ☐ Yes
- ☐ No

If yes, please provide any available data which would give an indication as to the appropriate level of aid intensity.

* Q27 Do you have examples where the availability of public support in third country jurisdictions has led or will lead to the relocation of investments in strategic sectors for the green transition of the EU?

- ☐ Yes
- ☐ No

If so, please provide the examples and explain which are the main factors that were/will be relevant for the investment decision.

* Q28 In addition to the existing tools available for investments in assisted areas, do you consider it necessary to allow under the Temporary Crisis Framework additional support for greenfield investments in sectors strategic for the green transition and for which public support in third country jurisdictions has led or will lead to the relocation (as indicated in the previous question)?

- ☐ Yes
☐ No

Q29 How to identify those investments that need aid to reach the green transition objective?

Q30 Should this possibility be limited to:

- ☐ Assisted areas?
☐ Individual projects which are of major innovative nature or constitute an important added value in the sector concerned?
☐ Specific parts of the value chain? If yes, which ones?

Please, explain

Q31 Do you consider that calculating the aid amount on the basis of the funding gap methodology would be an effective way to ensure that the aid is limited to the minimum necessary, while taking into account the support offered by alternative locations outside the EEA?

- ☐ Yes
☐ No

Please, explain

Contact

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Obtenu par CONTEXTE