

**Question for written answer E-006433/2017  
to the Commission**  
Rule 130  
**Carolina Punset (ALDE)**

Subject: Legislation against renewable energy development

The European Court of Justice (ECJ) recently handed down an opinion on taxes and levies on wind power in Spain and Spain's possible infringement of Directive 2009/28/EC<sup>1</sup>. The opinion puts attaining the renewable energy consumption objectives provided for in that Directive before any measures that the Spanish Government might take in support or to the detriment of renewable energy development.

Thus the ECJ is giving national governments the green light to apply whatever measures (moratoriums, cuts, or even retroactive legislation) that they see fit, provided that the measures do not make it harder to achieve the renewable energy targets for 2020 set in the Directive for each Member State.

Does that opinion undermine the Member States' ambitions to go beyond their climate targets, thereby holding back early efforts to decarbonise the economy and creating uncertainty for clean energy investors?

Retroactive legislation that obstructs renewable energy development, moratoriums and changes to aid schemes are common in the Member States<sup>23</sup>, and for some of them, serious doubts have been raised as to whether they will meet their 2020 renewable energy targets<sup>4</sup>.

Will the Commission take action in line with that opinion to prevent Member States which may not meet the 2020 targets from legislating against the achievement of them?

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<http://curia.europa.eu/juris/document/document.jsf?text=&docid=191249&pageIndex=0&doclang=EN&mode=req&dir=&occ=first&part=1>

2 <http://www.keepontrack.eu/contents/publicationsbiannualnationalpolicyupdatesversions/policy-briefing6-retroactive-and-retrospective-changes-and-moratoria-to-res-support.pdf>

3 [http://www.europarl.europa.eu/RegData/etudes/STUD/2016/556968/IPOL\\_STU\(2016\)556968\\_EN.pdf](http://www.europarl.europa.eu/RegData/etudes/STUD/2016/556968/IPOL_STU(2016)556968_EN.pdf)

4 <https://ec.europa.eu/transparency/regdoc/rep/1/2017/EN/COM-2017-57-F1-EN-MAIN-PART-1.PDF>