

**Question for written answer E-007569/2012
to the Commission**

Rule 117

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Subject: Solar and wind energy feed-in tariffs in Bulgaria

Without any advance warning, the Bulgarian Government has suddenly decided to reduce the feed-in tariffs for solar panels by more than 50 % and those for wind power projects by 22.5 %.

This measure affects investors who have completed most of the stages of the complex and costly authorisation process, as well as those who have already completed the entire process. The disproportionate reduction in tariffs reduces the profitability of renewable energy projects, rendering them unbankable. It might also result in substantial losses and damages for investors. Moreover, such actions have an enormously damaging effect on investors' interest and trust in the renewable energy sector in Bulgaria.

1. Given that Bulgaria still has a long way to go if it is to meet the 2020 targets set in the EU's climate and energy package, can the Commission explain how it can tolerate the way in which its top 2020 Strategy priority to promote renewable sources of energy, including solar and wind, is being undermined in Bulgaria as a result of the unexpected changes to feed-in tariffs?
2. What measures is the Commission going to take to protect investors, especially those in the EU, who have exercised the right of establishment and the right to free movement of capital under the Treaty on the Functioning of the European Union and whose rights are now being restricted by this sudden new measure, which runs counter to the fundamental legal principles of legitimate expectation and good faith?
3. How would the issue of Bulgaria's liability as a result of breaches of EU law be dealt with in the light of the Francovich case¹ and the subsequent well-established case-law in relation to claims for damages from EU citizens?
4. What conclusions can be drawn with regard to the European Convention on Human Rights, as part of the EU acquis in a broader sense, if we bear in mind that this measure has in fact resulted in situations which are similar to property restrictions or which affect the fundamental rights of citizens to undertake activities that the EU and – until now – Bulgaria itself have actively encouraged?
5. How will this matter be dealt with when it comes to non-EU investors who, encouraged by the EU climate and energy package and the Renewables Directive, began investing in an EU Member State – in this case Bulgaria – and have been hit hard by this disproportionate measure?

¹ ECJ Judgment of 19.11.1991, A. Francovich and D. Bonifaci and others v Italian Republic, European Court Reports 1991, p. I-05357.