

**Question for written answer P-002383/2016/rev.1  
to the Commission**  
Rule 130  
**Michał Boni (PPE)**

Subject: Compliance with EU law of draft law on renewable energy sources

Poland is committed to having a 15% proportion of renewable energy sources in its energy mix by 2020. On 19 February 2016, a draft law was announced in the Polish Sejm on investment in wind farms. This draft law sets out the rules regarding the location, construction and operation of wind farms.

The basic idea behind the draft law is to determine what buffer distance should be maintained between the turbines and other buildings. This buffer distance was set at 10 times the height of the wind turbine, or 1.5-2 km in practice.

The text of the draft law, mainly concerning the procedure for obtaining permits for the construction and operation of wind farms, may give rise to doubts as to its compliance with the provisions of Directive 2009/28/EC. Those provisions require that national administrative procedures on the granting of such permits be objective, transparent, non-discriminatory and proportionate (point 40 of the preamble and Article 13(1)).

It seems doubtful whether the introduction of the aforementioned buffer distance solely in relation to wind farms (those not classed as micro-installations) could be discriminatory against one form of energy in favour of other renewable or conventional energy sources.

Is the Commission aware of the ongoing work on the above-mentioned law?

If Parliament adopts the current provisions, would the proposed draft law be in compliance with the Treaty on European Union and the Treaty on the Functioning of the European Union (in particular, with Articles 49, 107, 192 and 194 TFEU), and would the proposed provisions be in compliance with the Commission's Guidelines on State aid for environmental protection and energy 2014-2020 (in particular, with points 52 and 127 on operational support for renewable energy sources)?