

Struan STEVENSON MEP

President of the Parliamentary Delegation for Relations with Iraq
Senior Vice-President of the Fisheries Committee

Gunther Oettinger
Commissioner for Energy
European Commission
B-1049 Brussels

1st February 2012

Dear Commissioner Oettinger,

With the current furore surrounding the EU's renewable energy and climate change targets, I feel it is necessary to highlight an issue regarding the Commission's requirements for National Renewable Energy Action Plans (NREAPs).

Firstly, it has come to my attention that nineteen Member states simply left Section 5.3 of the EU template completely blank. As such, they failed to provide vital information on expected costs, expected greenhouse gas savings and employment. As you know, these National Renewable Energy Action Plans, along with Strategic Environmental Assessments (SEAs) are vital tools for informing the public about environmental objectives, alternatives and impacts. They also provide an opportunity for stakeholders to participate in the decision-making process. If NREAPs and SEAs are not completed properly then the Commission simply cannot allow legislation to proceed.

Secondly, as part of the 2001 EU Directive on renewable energy (2001/77/EC) and State Aid rules regarding funding for environmental protection, the Commission was required by the end of 2005 to prepare a report for the European Parliament and the Council which should "*Consider the progress made in reflecting the external costs of electricity produced from non-renewable energy sources and the impact of public support granted to electricity production*". As yet, I have not been able to find this report on the internet or on the EU's own document register and I have been warned that if it does not exist, then a breach of the Aarhus Convention may have occurred.

In light of the above information, I would be most grateful if you could inform me as to what steps the Commission normally takes to ensure that NREAPs are conducted appropriately and if they are not, how does the Commission rectify this situation? Additionally, could you please send me the aforementioned document on the Commission's progress in renewable energy?

Best wishes,

Struan Stevenson MEP

Brussels, 23.03.2012
JB/cw (2012) 131731

To the Honourable Member of the
European Parliament
Sir Struan Stevenson
European Parliament
Altiero Spinelli Building 12G302
60, rue Wiertz
BE-1047 Bruxelles

Dear Mr. Stevenson, *veel plezier met de RES!*

Thank you for your letter of 1st February concerning the assessment of impacts in the National Renewable Energy Action Plans and the report on the external costs of non-renewable electricity production and the impact of public support granted to electricity production.

As you rightly mention in your letter, in their National Renewable Energy Action Plans several Member States did not provide information on the estimated costs and benefits of the various renewable energy policy support instruments. However, this section (5.3.) in the National Renewable Energy Action Plans was not part of the obligatory minimum requirements laid down in Annex VI of the RES Directive¹. To avoid an excessive administrative burden on Member States, section 5.3. is an optional reporting requirement.

Member States are nonetheless required by Article 22 of the RES Directive to report on the estimated greenhouse gas emission savings due to the use of renewable energy and estimated costs of support schemes for renewable energy in the biannual progress reports on the promotion and use of renewable energy. The reports for the first period had to be submitted by the end of 2011 and are available online on the Commission's Transparency Platform:

http://ec.europa.eu/energy/renewables/transparency_platform/template_progress_report_en.htm

You also refer to the reporting requirement on the progress made in reflecting the external costs of electricity produced from non-renewable energy related to the Directive 2001/77/EC on the promotion of electricity produced from renewable energy which has now been repealed. The analysis on the attempts to internalise the external costs of energy has been the basis for several energy and climate policy initiatives, including progress reports of the Commission, the 2008 Energy and Climate Package and the EU emissions trading scheme itself.² It must however be

¹ Directive 2009/28/EC on the promotion of the use of energy from renewable sources adopted by the European Parliament and the Council (RES Directive)

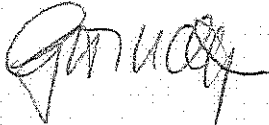
² COM (2005) 627 on The Support of Electricity from Renewable Energy Sources, COM (2006) 848 *The Renewable Energy Roadmap* and the accompanying impact assessment (SEC (2006) 1719), SEC (2008) 57 on the Support of electricity from renewable energy sources and the Impact assessment accompanying proposals for Directive on amending directive 2003/87/EC, Decision on the effort of Member States to reduce their greenhouse gas emissions to meet the Community's greenhouse gas emission reduction commitments up to 2020 and the Directive on the promotion of use of renewable energy sources (SEC(2008)85/3).

noted that Member States' reports under Directive 2001/77/EC did not provide information on externalities of the non-renewable energy sources and thus no separate report of the Commission to explicitly address Article 8 was produced. Furthermore, with the adoption of the EU Emission Trading System and the internal energy market legislation, the issues related to the external costs of the electricity produced from non-renewable energy sources gained wider attention and better coverage in the reporting within these legal frameworks. Therefore, the Commission does not consider that there has been a breach of the Aarhus Convention as the analysis required in Article 8 has been covered in various publicly available Commission documents referred to above.

The issue of the attempts to internalise the external costs of energy has also been addressed more broadly by OECD and G7/G20 work on fossil fuel subsidies which form a useful contribution to this discussion. The Commission continues to work towards the provision of a level playing field and the complete internalisation of external costs, thus ensuring an efficient and sustainable energy sector.

I trust the above clarifies the issues raised.

Yours sincerely,

A handwritten signature in black ink, appearing to be 'G. M. U. C. Y.', written in a cursive style.



EUROPEAN COMMISSION

Cabinet of Commissioner Günther H. Oettinger
Member of Cabinet

Brussels, 14. 06. 2012
JB/cw ARES (2012) 503856

Mr Ben Acheson
Office of Struan Stevenson MEP
European Parliament
60, rue Wiertz
B-1047 Brussels

Dear Mr Acheson,

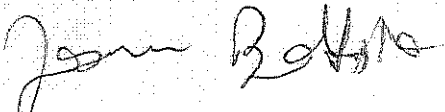
Thank you for your e-mail of 18 April 2012 in which you refer to a previous exchange of letters between Commissioner Oettinger and Mr Stevenson, MEP, as well as to an additional detailed response by Mr Pat Swords all concerning the EU's and Ireland's policies on renewable energy. We spoke over the phone further to your email in April and we agreed to organise a meeting between the engineer and our experts. In fact, an extensive meeting had already taken place on 3 December 2010 with experts from DG Environment policy and legal services and DG Energy, where a range of subjects were covered.

As you might be aware, we have also received letters directly from Mr Swords containing similar allegations to those contained in his e-mail to your office and in which it is indeed announced that a complaint with the EU Ombudsman is forthcoming (although it has not yet arrived at the Commission). We are currently preparing a reply to this letter, which nevertheless requires a significant amount of internal coordination as the points raised touch upon the responsibilities of various services. If you so wish, we shall be happy to provide you with a copy of our reply to Mr Swords once agreed internally. Some aspects mentioned in Mr Swords' letter of have been covered in the Commission services' earlier correspondence with Mr Swords, which I attach for your information. I would also note that the Commission services met with Mr Swords to discuss these issues in December 2010.

Finally, as regards the allegations of Mr Swords regarding a breach of the Aarhus Convention I would like to refer to the on-going investigation at the UNECE Aarhus Convention Compliance Committee (Communication ACCC/C/2010/54) likewise mentioned in the letter you have forwarded. I would ask for your understanding that it is difficult for the Commission services to comment on the details of this pending case.

The core of Mr Swords criticism against the EU's as well as Ireland's policy towards renewable energies appears to lie in the fact that he contests the contribution in particular of wind energy to CO2 emission savings and fighting climate change. While estimations on the exact amount of CO2 savings achieved through the use of wind energy do differ, there is little doubt about the overall positive impact of wind energy as regards emission reductions¹. Furthermore, as stated in Directive 2009/28/EC the promotion of renewable energy, such as wind energy, is not only an important instrument to achieve the EU's greenhouse gas emission reduction targets, but also serves to improve Europe's security of energy supply, technological development and innovation and to provide opportunities for employment and regional development².

Yours sincerely,



Jasmin Battista

¹ Cf. e.g. the IPCC Special Report on Renewable Energy Sources and Climate Change Mitigation, p. 35 of the Summary, <http://srren.ipcc-wg3.de/>.

² Directive 2009/28/EC of the European Parliament and of the Council of 23 April 2009 on the promotion of the use of energy from renewable sources and amending and subsequently repealing Directives 2001/77/EC and 2003/30/EC - OJ L140 of 05.06.2009, recital 1.