

(English version)

**Question for written answer E-001269/25
to the Commission
Andreas Schwab (PPE)
(26 March 2025)**

Subject: Impact of the delay in state aid approval for Solar Package I on agri-photovoltaics and European competitiveness

Solar Package I came into force in Germany on 16 May 2024. Certain aspects require state aid approval from the Commission, including support for agri-photovoltaics (agri-PV) on agricultural land.

Agri-PV enables dual land use, increases agricultural resilience and contributes to the energy transition. The fact that state aid approval is still pending is creating significant economic uncertainty for farmers and companies.

The delay threatens the economic stability of companies investing in agri-PV and a swift decision is crucial to avoid jeopardising the EU's climate goals.

1. How does the Commission assess the challenges faced by agri-PV projects that rely on the swift approval of Solar Package I, especially as in some Member States, Recovery and Resilience Facility funds can already be used for agri-PV?
2. What measures is the Commission taking to ensure that investments already made in agri-PV projects do not become unprofitable due to the delay?
3. What steps does the Commission plan to take to make future state aid approvals for agri-PV faster and more predictable to ensure investment security?

Submitted: 26.3.2025

**Answer given by Executive Vice-President Ribera on behalf of the European Commission
(15 May 2025)**

In December 2022, the Commission declared an amendment to the German Renewable Energy Act ('Erneuerbare Energien Gesetz', EEG 2023) compatible with the internal market in line with the Guidelines on state aid for climate, environmental protection and energy ⁽¹⁾.

One of the criteria for state aid approval is to limit aid to what is necessary to address an identified market failure, and thus to avoid over-compensating aid recipients for their investments. Long-term commitments (with potential aid disbursement of up to 20 years) entail significant uncertainty about market developments and thus the possibility of undue windfall profits. For that reason, Germany committed to introduce a claw-back provision (or similar mechanism) to limit eventual overcompensation, in the context of the Commission decision approving the EEG 2023. This commitment is a condition of the approval.

The current discussions on the Solar Package I amendments include the outstanding need to incorporate this pre-existing requirement in the scheme. It falls within the responsibility of Member States to notify new aid in line with the applicable legal requirements and to ensure the timeliness and quality of information provided. The Commission is awaiting a proposal from Germany to address the requirement regarding the EEG 2023 approval condition and remains available and committed to rapidly review any such proposal once received.

⁽¹⁾ Communication from the Commission — Guidelines on state aid for climate, environmental protection and energy 2022, Official Journal of the European Union, C 80, 18 February 2022.