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E-000940/2026

Answer given by Executive Vice-President Ribera
on behalf of the European Commission
(22.4.2026)

The Commission has been in contact with the German authorities regarding the ‘Solar Package I’ amendments to the German Renewable Energy Law (EEG 2023).

One of the criteria for authorising State aid is to limit aid to what is necessary to address an identified market failure and thus avoid overcompensating beneficiaries. This principle is reflected in the Climate, Energy and Environmental Aid Guidelines¹, which govern the Commission’s assessment of aid. Long-term commitments to disburse aid (contract duration of up to 20 years) create considerable uncertainty about market developments and whether financial projections are being implemented in practice, and thus the possibility of undue windfall profits. For this reason, in the Commission decision of December 2022 in Case SA.102084² approving the EEG 2023, Germany committed to introduce a claw-back clause (or similar mechanism) to limit any windfall profits. This obligation is a condition for the authorisation of the German State aid scheme.

It is the responsibility of Member States to notify aid in line with the applicable legal requirements and to ensure the timeliness and quality of the information provided. Once a Member State notifies to the Commission a proposal for an aid scheme or its amendment, the Commission assesses whether the proposed scheme or amendment is in line with the State aid Guidelines and sectoral legislation. By ensuring compliance with these rules, the Commission ensures the compatibility of the proposed scheme or amendment with the internal market and its legitimacy *vis-à-vis* other Member States.

The Commission has two months from the receipt of a complete notification to issue a decision. Given the confidential nature of discussions between the Commission and the Member States, the Commission cannot comment on the details of any particular notification.

¹ OJ C 80, 18.2.2022, pp. 1–89,

<https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:52022XC0218%2803%29>.

² OJEU C/2023/061 of 17.02.2023,

https://ec.europa.eu/competition/state_aid/cases1/202302/SA_102084_80CC9685-0100-C1F9-86A8-933503F73C2D_58_1.pdf.