

(English version)

**Question for written answer E-001554/26
to the Commission
Pina Picierno (S&D)
(15 April 2026)**

Subject: Procedure under Article 108 TFEU for notifying the Commission about an alteration to an already approved aid scheme

By Decision C(2024) 3814 of 4 June 2024, the Commission approved the draft FER2 decree, which promotes the construction of plants for the production of energy from renewable sources that are not fully mature or have high operating costs. For offshore wind, there is only one incentive tariff, with no distinction made between fixed-foundation and floating technologies. Italy has announced an amendment to the FER2 decree which will distinguish between technologies, revise incentive tariffs and CfD schemes for offshore wind, introduce a mechanism for the indexation of tariffs to inflation and do away with the annual tariff percentage reduction for all technologies covered by the FER2 decree.

According to Article 4 of Regulation (EC) No 794/2004, ‘an alteration to existing aid shall mean any change, other than modifications of a purely formal or administrative nature (...)’, where such an alteration is considered ‘new aid’ within the meaning of Article 1(c) of Regulation (EU) 2015/1589.

Can the Commission clarify whether, as an ‘alteration to existing aid’, the amendment to the FER2 decree, as described above, is to be considered ‘new aid’, requiring notification to the Commission pursuant to Article 108 TFEU and initiation of the preliminary examination by a Commission decision which is to be taken within two months pursuant to Article 4 of Regulation (EU) 2015/1589?

Submitted: 15.4.2026

**Answer given by Executive Vice-President Ribera on behalf of the European Commission
(17 June 2026)**

By state aid decision C(2024)3814 ⁽¹⁾, the Commission approved the Italian support scheme for electricity produced from renewable energy sources that are innovative or not yet fully mature.

The scheme organises distinct competitive tendering procedures for nine technology categories to achieve diversification of energy sources, each with a different reference tariff calculated based on a reference project (see recitals (33) to (37) of the decision).

The decision also sets out in recitals (51), (52) and (53) the conditions under which Italy may revise reference tariffs and modify the technology categories.

If the changes envisaged by Italy are in line with those provisions, or are purely administrative in nature, they may be implemented without requiring prior notification to the Commission.

If they are not, they may qualify as alterations to existing aid within the meaning of Article 1(c) of Regulation (EU) 2015/1589 ⁽²⁾ and therefore constitute new aid.

Pursuant to Article 108(3) of the Treaty on the Functioning of the EU, such new aid must be notified to the Commission before it is put into effect.

It is therefore Italy’s obligation to respect the standstill obligation which requires that no amendment qualifying as new aid is implemented without prior notification and Commission approval.

⁽¹⁾ <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A52024AS105880&qid=1780385077265>.

⁽²⁾ Council Regulation (EU) 2015/1589 of 13 July 2015 laying down detailed rules for the application of Article 108 of the Treaty on the Functioning of the European Union, OJ L 248.