

Response to Commission Consultation on the draft amendments to State aid Implementing Regulation and State aid Best Practices Code as regards access to justice in environmental matters

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State aid have an important role in achieving the ambitions of the Green Deal. To ensure a rapid implementation of the energy transition, the acceleration of the necessary procedures is a central factor. The proposed mechanism of internal review by the Commission and subsequent judicial review by the Court of Justice significantly exacerbates the problem of extended procedures until a final decision on the legality of the aid. The consequence is that projects that cannot be realised without state aid must be stopped or are not even implemented because the financing of the projects remains unclear until a final decision is made by the Court. In this regard, it is unclear how the internal review by the Commission can contribute to greater legal certainty or a faster process if there is also the possibility of an action at Court. Especially since it is already ensured at the national level by authorisation procedures and corresponding rights of action that the projects affected by the aid are subject to an environmental review. To avoid negative impacts on the achievement of decarbonisation targets, the rights of review and action should be designed in such a way that clarity about the effectiveness of aid measures is provided at an early stage, so as not to jeopardise the realisation of the projects concerned.

About Gasunie Deutschland

Gasunie Deutschland operates a long-distance pipeline network of around 4,600 kilometres. Gasunie's more than 17,000 kilometres of pipeline networks in the Netherlands and Germany act as a gas hub for north-western Europe. Gasunie is one of the leading companies in Europe in the development of an infrastructure for hydrogen.