



EUROPEAN COMMISSION

PRESS RELEASE

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Renewable Energy: Commission refers Austria to Court for failing to transpose EU rules

The European Commission is referring Austria to the Court of Justice of the European Union for failing to transpose the Renewable Energy Directive. The Directive aims at ensuring a 20% share of renewable energy in the EU by 2020. The Directive had to be transposed by the Member States by 5 December 2010.

"We are committed to reaching our energy and climate targets by 2020. To this end the enforcement of the renewable energy legislation in all the Member States is vital. Renewables are a solution to global climate change, European economic growth, and security of supply issues," said Commissioner Oettinger, the EU Energy Commissioner.

The Commission proposes a daily penalty of €40 512. The penalties proposed take into account the duration and the gravity of the infringement. In case of an affirmative judgement of the Court, the daily penalty is to be paid from the date of the judgment until the transposition is completed. The final amount of the daily penalties will be decided by the Court.

The Commission has addressed the issue of non-transposition of the Directive by sending a letter of formal notice to Austria in January 2011 and a reasoned opinion in September 2012. Despite these proceedings, transposition is still pending in Austria.

Austria has already adopted a considerable amount of legislation required by the Directive. However, some provisions still remain to be transposed into national law. In particular, these provisions relate to the management of grid access for electricity from renewable sources, and to sustainability criteria for biofuels and bioliquids. Ensuring adequate grid access and the sustainability of biofuels and -liquids are priorities for the Commission.

The Commission is also examining the situation in other Member States to which it has addressed letters of formal notice and/or reasoned opinions for failing to transpose the Renewable Energy Directive. Therefore, today's Commission action might be complemented by further referrals to the Court over the next months.

Background

The EU has committed itself to reach a 20% share of renewable energy in final energy consumption and to cut greenhouse gas emissions by 20% as compared to 1990 levels by 2020. The Renewable Energy Directive includes key provisions for achieving these objectives, particularly setting individual targets for the overall share of renewable energy in each Member State's energy consumption and rules on grid access for electricity from renewable energy sources. For the transport sector, the Directive sets for all Member States a target of 10% share of renewable energy. Where biofuels are used to achieve this target, these must meet a set of sustainability requirements. This means that biofuels cannot be produced from areas which have a high biodiversity value, such as protected areas, or from areas that store a high amount of carbon, such as forests or peat lands. Biofuels also have to save considerably more greenhouse gas emissions than fossil fuels.

Under the Lisbon Treaty, which entered into force on 1 December 2009, if Member States fail to transpose EU legislation into national law within the required deadline, the Commission may ask the Court to impose financial sanctions when referring the case to court.

The daily penalty payment is calculated based on a formula, where the following elements are multiplied:

- seriousness factor
- duration of the infringement
- "n" factor (which varies between Member States and takes into account their GDP)
- flat-rate amount, which currently is set at €640 per day.

More information

The Renewable Energy Directive can be consulted [here](#).

Commission web page on renewable energy:

http://ec.europa.eu/energy/renewables/index_en.htm

Current figures on infringements in general can be found at:

http://ec.europa.eu/eu_law/infringements/infringements_en.htm.

On the November infringement package decisions, see [MEMO/13/1005](#)

On the general infringement procedure, see [MEMO/12/12](#)

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