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Stellungnahme

Clean Industrial Deal State Aid Framework (CISAF)

Konsultationsbeitrag zur Überarbeitung der Beihilfeleitlinen im Rahmen des Clean Industrial Deal State Aid Framework (CISAF)

Berlin, 25.04.2025 | Die EU-Kommission schlägt mit dem CISAF einen guten Beihilferahmen vor, der **deutlich flexibler als die bisherigen Beihilfeleitlinien** ist. Die Ausweitung der Möglichkeiten des State Aid (z.B. für Steuerrabatte) und insbesondere die Einbindung von Privatkapital für z.B. Garantien zur Finanzierungsabsicherung ist ein **Vorteil für die Gestaltung der Finanzierbarkeit** von Erneuerbare Energien-Anlagen, Speichern und auch Investitionen in Produktionsanlagen.

Die Sicherheit der Energieversorgung ist von großer Bedeutung. Daher ist es wichtig und richtig, dass sich die EU-Kommission mit der Frage beschäftigt, unter welchen Gesichtspunkten hier Beihilfen möglich sein sollten. Dabei sollte die EU-Kommission großen Wert darauflegen, dass der Energiemarkt keinen Verzerrungen ausgesetzt wird. **Folglich ist es richtig, dass eine strategische Reserve außerhalb des Marktes liegt**.

Zudem sollte diese Reserve so gestaltet sein, dass sie sie keine Klumpeneffekte abbildet. Die Konzentration auf Erdgas kann z.B. dazu führen, dass die Reserve ihre Funktion bei Knappheiten des Energieträgers nicht ausreichend abbilden kann. **Zugleich sollte die Reserve ausreichend groß sein, um hinreichend Schutz bei außergewöhnlichen Vorkommnissen zu bieten.**

Die Förderung von Kapazitäten zum Zweck der Versorgungssicherheit innerhalb des Marktes würde zu umfassenden Marktverzerrungen führen. So würde die Förderung von Erdgaskraftwerken die Wirtschaftlichkeit von Energiespeichern und Flexibilitäten reduzieren. Stromspeicher rechnen sich heute und bedürfen keiner Förderung. Sollten geförderte Kapazitäten die Spreads für Speicher so weit verschlechtern, dass auch Speicher eine Förderung benötigen, würde künstlicher Subventionsbedarf geschaffen werden.

Die Kommission sollte Marktverbesserungen den klaren Vorzug gegenüber Kapazitätsförderungen einräumen. Die EU hat mit der Elektritzitätsbinnenmarktreform bereits richtige Weichen gestellt, den Markt so zu stärken, dass die Versorgungssicherheit marktlich gesichert werden kann. Auf Vorschlag der EU-Kommission hat die EU eine **Hedging-Pflicht** beschlossen. **Bei richtiger Ausgestaltung dieser Hedging-Pflicht kann sichergestellt werden, dass die Marktteilnehmer dafür Sorge tragen, dass ausreichend Kapazitäten zur Verfügung stehen.** Inzwischen liegt eine Studie zur Ausgestaltung der Absicherungspflicht/Hedging-Pflicht vor, die zeigt, wie so eine Ausgestaltung aussehen könnte. Hier der Link zu der Studie von Connect Energy Economics (2025) **„Die Ausgestaltung der Absicherungspflicht"** (en): https://www.connect-ee.com/wp-content/uploads/2025/04/Connect_Order-of-Transformation_2024.pdf, sowie das Handout zur effektiven Absicherungspflicht (en/de): https://www.connect-ee.com/wp-content/uploads/2025/02/Connect-Handout_effective-hedging-obligation_20250227_en_de.pdf.

Dies bedeutet, dass wenn die Mitgliedsstaaten, die Absicherungspflicht entsprechend gestalten, die Versorgung rein marktlich gesichert werden kann. Die marktverzerrende Förderung von Kapazitäten kann damit verhindert werden. Zudem besteht in dem Markt maximaler Wettbewerb, da sich sämtliche Akteure beteiligen können und jeder einen Anreiz zur Kosteneffizienz hat. Mehr noch. Es ist auch automatisch Technologieoffenheit gegeben, da die Marktteilnehmer frei über Technologien und Flexibilitäten verfügen können.

Bezüglich der Technologieoffenheit bei Kapazitätsausschreibungen besteht hingegen Grund zur Skepsis. Kurzzeitspeicher rentieren sich bereits. Wenn Kapazitätsausschreibungen gezielt so gestaltet werden, dass auch Kurzzeitspeicher gefördert werden, dann müssten der Claw-back-Logik entsprechend die Fördermittel wieder zurückgezahlt werden. Damit wäre wiederum auf dem Papier Technologieoffenheit gegeben. In Wirklichkeit würden Fördermittel aber vor allem Erdgaskraftwerken zugutekommen, deren Betrieb dann wiederum den Markt stark verzerren würde.

Bei der Förderung von Kraftwerken zum Zwecke des Klimaschutzes sollte darauf geachtet werden, dass auch tatsächlich ein relevanter Beitrag zum Klimaschutz geleistet wird. Mit H2-ready und CCS-ready werden keine Treibhausgase eingespart. **Bei der Förderung von H2-ready-Kraftwerken sowie CCS-ready-Kraftwerken sollte strikt darauf geachtet werden, dass keinesfalls das Erdgaskraftwerk selbst gefördert wird**. Bewilligungen zur Förderung sollten lediglich für die CAPEX-Kosten für die Umrüstung auf Wasserstoff oder die Investitionen in die CO2-Abscheidung bei CCS möglich sein. Im Falle von CCS sowie blauem Wasserstoff müssen die Energieverluste sowie die Methan-Emissionen in der Kette abgezogen werden. Des Weiteren muss ausgeschlossen sein, dass OPEX-Kosten gefördert werden. Die Förderung von OPEX-Kosten würde zu massiven Verzerrungen am Markt führen mit der Konsequenz, dass die Nutzung anderer Technologien eingeschränkt würde. Mehr noch. Die Förderung von OPEX-Kosten verdrängt Stromerzeugung mit klimafreundlicheren Technologien.

Die EU-Kommission widmet sich in den letzten Jahren verstärkt den Themen **Resilienz**. Vor diesem Hintergrund sollte bei CCS und blauem Wasserstoff auch bedacht werden, dass beim Einsatz dieser Technologien mehr Erdgas verbraucht wird, als bei der Erdgasverbrennung ohne vorherige oder folgende CO2-Abscheidung. Folglich steigt der Erdgasimport der EU, wenn auf blauen Wasserstoff oder CCS umgestellt wird. Folglich sollte die EU-Kommission darauf achten, dass auf keinen Fall OPEX-Kosten gefördert werden dürfen. OPEX-Förderung würde die Volllaststunden der Kraftwerke erhöhen und damit auch den Erdgasimport nach oben treiben.

Eine wichtige Maßnahme, um Greenwashing durch den „ready"-Begriff zu verhindern, ist, dass solange Technologien im Prototypenstadium sind, nur diese Prototypen gefördert werden dürfen. Sonst läuft die EU-Gefahr, z.B. CCS-Erdgaskraftwerke zu bewilligen, obwohl diese Technologie nicht erprobt ist. Im schlimmsten Fall werden diese Kraftwerke durchgehend mit Erdgas betrieben und die als Klimaschutz angedachte Maßnahme führt exakt zum Gegenteil des Gewünschten.

Der CISAF-Entwurf sieht zweiseitige CfDs als primäres Instrument zur Förderung der Stromerzeugung aus erneuerbaren Energien vor. Bei der Ausgestaltung solchen CfD auf nationaler Ebene müssen ausreichend Spielräume gegeben sein, die **Claw-Back-Mechanismen mit der Finanzierungsstrukturierung über marktübliche PPA** regeln zu können. Es ist daher gut und notwendig, dass die Europäische Kommission plant, bis zum vierten Quartal 2025 Leitlinien zur Ausgestaltung von CfDs zu veröffentlichen, einschließlich der potenziellen Kombination von CfDs und Power Purchase Agreements (PPAs), in Übereinstimmung mit den Beihilfevorschriften.

CISAF Consultation Questionnaire – (EN)

1) General comments

Please provide any comments you may wish to bring to the Commission's attention in relation to the draft proposal for a new Clean Industrial Deal State aid Framework.

With CISAF, the EU Commission is proposing a good state aid framework that is much more flexible than the previous state aid guidelines. The expansion of the types of State Aid (e.g. promotion of tax rebates) and in particular the involvement of private capital for guarantees is an advantage for shaping the financial feasibility of renewable plants, storage facilities and investments in production facilities.

The security of energy supply is of great importance. It is therefore important and right that the EU Commission deals with the question of under what aspects aid should be possible here. In doing so, the EU Commission should attach great importance to ensuring that the energy market is not exposed to distortions. Consequently, it is important that a strategic reserve is outside the market. In addition, this reserve should be designable in such a way that it does not reflect cluster effects. The concentration on natural gas, for example, can lead to the reserve not being able to adequately reflect its function in the event of shortages of this energy source. At the same time, the reserve should be sufficiently large to provide sufficient protection in the event of extraordinary incidents.

The promotion of capacities for the purpose of security of supply within the market would lead to extensive market distortions. For example, the promotion of natural gas power plants would reduce the profitability of energy storage systems and flexibilities. Electricity storage systems pay off today and do not require any subsidies. If subsidized capacities worsen the spreads for storage systems to such an extent that storage systems also need subsidies, artificial subsidies would be created.

At the suggestion of the EU Commission, the **EU has decided on a hedging obligation** (Article 18a of Directive (EU) 2024/1711 (Union's electricity market design)). If this hedging obligation is **properly designed, it can be ensured that market participants ensure that sufficient capacity is available**. A study on the design of the hedging obligation is available, which shows what such a structure could look like. Here is the link to the study **"Design of the hedging obligation"** by Connect Energy Economics: https://www.connect-ee.com/wp-content/uploads/2025/04/Connect_Order-of-Transformation_2024.pdf (Handout: An effective hedging obligation as an alternative to capacity subsidies (en/de): https://www.connect-ee.com/wp-content/uploads/2025/02/Connect-Handout_effective-hedging-obligation_20250227_en_de.pdf).

This means that if the member states design the hedging obligation accordingly, the supply can be secured purely on the market. The market-distorting promotion of capacities can thus be prevented. In addition, there is maximum competition in the market, as all players can participate and everyone has an incentive to be cost-effective. Even more. With a properly designed hedging obligation there is also automatic openness to technology, as market participants can freely dispose of technologies and flexibilities.

Subsidizing already profitable short-term storage would necessitate claw-back mechanisms, potentially leading to subsidies primarily benefiting natural gas plants and distorting the market.

For “H2-ready” and “CCS-ready” plants, subsidies should strictly be limited to CAPEX for hydrogen conversion or CCS investment, excluding natural gas plant subsidies. Also deducting of energy losses and methane emissions for CCS and “blue hydrogen” is important. OPEX subsidies should be avoided as they would distort the market and hinder cleaner technologies.

Given the EU's focus on resilience, it's important to note that CCS and “blue hydrogen” increase natural gas consumption and thus EU gas imports. Therefore, OPEX subsidies for these technologies should be prohibited. To prevent greenwashing with "ready" technologies, only prototypes should be funded until proven. Otherwise, untested technologies like CCS-equipped gas plants could be subsidized, undermining climate goals.

The CISAF draft envisages two-sided CfDs as the primary instrument for promoting electricity generation from renewable energies. When designing such CfDs at national level, there must be sufficient margin to be able to regulate the claw-back mechanisms in combination with financing structuring via Power Purchase Agreements (PPA). It is therefore good and necessary that the European Commission plans to publish guidance on the design of CfDs by the fourth quarter of 2025, including the potential combination of CfDs and Power Purchase Agreements in line with state aid rules.

1) Aid to accelerate the rollout of renewable energy

a) Please provide any comments specific to section 4.1 of the draft framework (“Aid schemes to accelerate the rollout of renewable energy”).

With the CISAF, the EU Commission is proposing a good state aid framework that is much more flexible than the previous state aid guidelines. The expansion of the types of State Aid (e.g. promotion of tax rebates) and in particular the involvement of private capital for e.g.

guarantees is an advantage for designing the financial feasibility of renewable plants, storage facilities and investments in production facilities.
State aid guidelines must be made fit for the coexistence of the expansion of renewable energies subsidized by national support schemes, renewable energies financed via the market that use support systems as a hedge and unsubsidized renewable energies. Especially the combination with storage facilities and non-fossil flexibility options or the direct supply of SME or industry-customers will often be much easier, when it can be based on structured finance-schemes with the involvement of private capital, supported by guarantees of state aid.

Funding from classic funding systems will be necessary, but in a more focused manner. The state aid guidelines must allow specific support measures for the expansion of renewable energies, differentiable per technology, as well as segmentable by capacity or voltage level. The possibility of creating separate support systems for specific technologies such as wind and solar is therefore supported, as is the extension of the forms of aid to tax instruments and the involvement of private capital for e.g. guarantees. Funding within the framework of the de-minimis rules are still viable.

The CISAF draft prefers two-sided CfDs as the primary instrument for promoting electricity generation from renewable energies. When designing CfD at the national level, there must be sufficient margin to regulate claw-back mechanisms in combination with financing structuring via Power Purchase Agreements (PPAs). It is therefore important and necessary that the European Commission plans to publish guidelines on the design of CfDs by the fourth quarter of 2025, including the potential combination of CfDs and Power Purchase Agreements (PPAs), in line with State aid rules. To prevent negative incentives claw-back mechanisms should be flexible. If a sufficient percentage of the additional income above the margin can remain with the operator, he will have no incentive to reduce production during times the energy is needed.

The CISAF states in article (31) that with the increase in the share of renewable sources higher variability of energy generation patterns can be addressed with the accompanying rollout of flexibility sources and capacity mechanisms. We suggest a clearer wording for a “market based” approach in article (31), second sentence: *“Therefore, the accompanying rollout of “market based” flexibility sources and “market based” capacity mechanisms may be necessary to ensure that increasingly decarbonised electricity systems remain secure and deliver affordable energy.”*

b) If you consider the proposed completion deadlines or exemptions therefrom (see point (37)) are not appropriate, please provide concrete justification for any alternative timeline or other exemptions you would consider more appropriate.

No comment.

c) *Please provide any comments specific to section 4.2 of the draft framework ("Aid for non-fossil flexibility support schemes").*

No comment.

d) *Please provide any comments specific to section 4.3 and Annex I of the draft framework ("Aid for capacity mechanisms following a target model").*

Comments to Annex I – Target Model for capacity mechanisms

Nr. 1: The ERAA is a suitable basis for identifying the need for a market-wide capacity mechanism. For strategic reserves it is not entirely suitable, as strategic reserves can be designed only to cover (extremely) unlikely situations on the energy markets. Such situations are not well covered by the ERAA and thus the ERAA does not give any information about the appropriateness of a strategic reserve.

Nr. 2: It is essential that member states **remove all market failures before they implement any kind of capacity mechanism**, because those mechanisms do always come with market distortions. The commission should therefore make the implementation of the recommendations made in the Commission opinion more binding than proposed in the text of the communication. We would like to point to an **often-overlooked market failure**, that has to be considered by the commission before the implementation of a capacity mechanism: **Suppliers that do not hedge their supply obligations in the long-term markets currently create a negative risk externality** – as became evident during the energy crisis through insolvencies and the obligation of default supply. This free-rider behavior results in insufficient long-term hedging of supply obligations in the long-term markets. **A properly designed hedging obligation could correct this by internalizing this risk externality.** We therefore advocate that an implementation of such a hedging obligation should be a **prerequisite to the implementation of a capacity mechanism** and should be part of the binding recommendations of the Commission opinion. More details on that market failure, and on how to mitigate the failure can be found in a study: „The order of transformation. Security of supply in the electricity market" by Connect Energy Economics GmbH: https://www.connect-ee.com/wp-content/uploads/2025/04/Connect_Order-of-Transformation_2024.pdf. (Handout: An effective hedging obligation as an alternative to capacity subsidies (en/de): https://www.connect-ee.com/wp-content/uploads/2025/02/Connect-Handout_effective-hedging-obligation_20250227_en_de.pdf)

Nr. 6: The Electricity Regulation CO2 emission limits could be inefficient for a strategic reserve. A strategic reserve is conceptually designed to run only for very few hours per year. The total CO2 emissions of a strategic reserve are therefore not very important. On the other hand, old power plants – not complying with the emissions standard of the regulation – could be a cost-efficient contribution within a strategic reserve. Moreover, moving old power plants from market operation into a reserve outside of the market automatically leads to a relevant

reduction of CO2-Emissions. We recommend not applying the CO2 emission limits to a strategic reserve.

Nr. 11: The timeframe of one year ahead of the delivery window is too short to allow the participation of new power plants. Excluding these specific solutions from a strategic reserve could create higher costs.

Nr. 15: Limiting the capacity agreements for strategic reserves to a duration of one year is not cost efficient. A strategic reserve can be designed to meet (extremely) unlikely events in the energy markets and therefore could be a permanent or at least a long-lasting instrument. In that case the limitation of the duration to one year would lead to higher costs of the reserve.

Nr. 24: We do not understand the rationale of allocating the costs of a strategic reserve to the highest price periods. The strategic reserve is outside of the market in order not to distort market prices. But by requesting to recover the costs in the highest price periods the prices that customers see are distorted. In our view, this requirement is contradictory and inconsistent.

2) Aid to deploy industrial decarbonisation

a) Please provide any comments specific to section 5 of the draft framework ("Aid to deploy industrial decarbonisation").

Article (74) covers aid for investments in energy infrastructure. Additional to the stated third-party access in line with the legal framework and an open infrastructure the beneficiaries to aid for energy infrastructure – especially DSOs and municipal utilities – CISAF should have the requirement of grid transparency, too. Grid transparency refers to actual capacity utilization, technical information on the infrastructure and expansion planning information, which is to be shared in a professional manner with those interested in connecting to the network.

Article (75) covers aid for self-production of energy, with a reference to article (72) and (73) for cogeneration of heat and power. Any form of cogeneration of heat and power (of self-production of heat) should not only be highly efficient but also flexible, especially when the energy source is natural gas. A hierarchy is needed that classifies electrified flexibility options and flexible direct electrification higher than natural-gas-based cogeneration. Aid should only be available for plants that operate flexibly and are available as a flexibility option for the electricity system via Power-to-Heat. Moreover aid should be limited for a short time frame after which cogeneration has to become decarbonized by using carbon free or carbon neutral fuels.

b) *If you consider that the prioritisation of technologies for decarbonisation of industrial heat in this section on decarbonisation and energy efficiency is not appropriate (see point (73)), please explain and provide evidence for other criteria you would consider more appropriate.*

No comment.

c) *For aid schemes covering investments relying wholly or partly on the use of hydrogen, section 5, point (82), the new framework takes into account the fact that Article 22a of on the Directive (EU) 2018/2001 promotion of the use of energy from renewable sources (RED) establishes targets for renewable fuels of non-biological origin (RFNBO) for hydrogen in industry. The draft framework does so by laying down a minimum share of renewable hydrogen calculated by reference to the average share of electricity from renewable sources in the Member State concerned, as such project-level contribution to meeting national targets established by EU law is considered a positive effect in the balancing exercise under Article 107(3) (c) TFEU. If you consider that the scope for aid for investments for industrial use of hydrogen should be defined differently, please provide justification and any available evidence for the scope of projects for which you consider that State aid for other types or combinations of hydrogen is required.*

No comment.

d) *If you consider that the zero indirect emissions presumption for electrification projects in this section on decarbonisation and energy efficiency is not appropriate (see point (98)), please explain and provide evidence for an alternative presumption you would consider more appropriate.*

No comment.

e) *If you consider that the safe harbour for natural gas-based projects in this section on decarbonisation and energy efficiency is not appropriate (see point (101)), please explain and provide evidence for an alternative presumption you would consider more appropriate.*

No comment.

f) *The draft framework allows to provide support for investment costs related directly to the achievement of the greenhouse gas emission savings or energy efficiency. Such support for these investment costs does not cover production capacity increases, but it also does not prevent companies from proceeding at the same time with capacity increases insofar as the increases are not financed by State aid under the decarbonisation section. This is without prejudice to the compatibility of aid for such capacity increases under other sections of the framework, other frameworks or the Treaty. For simplification reasons, the draft framework nevertheless allows increases of capacity up to 5% without having to differentiate between costs for*

decarbonisation and those related to capacity increases (see point (103)). Do you think the 5% flexibility margin proposed to be appropriate? If not, please substantiate your view with concrete evidence and data.

No comment.

3) Aid to ensure sufficient manufacturing capacity in clean technologies

a) Please provide any comments specific to section 6 of the draft framework ("Aid to ensure sufficient manufacturing capacity in clean technologies").

It is good that CISAF addresses and expands the possibilities for funding manufacturing capacity in clean technologies. However, CISAF should not become a "second NZIA". Otherwise the European industry and consumers would have to bear higher energy costs. This would oppose the Clean Industrial Deal.

b) The list of clean technologies in point (122) eligible for manufacturing aid should be defined by reference to identifiable market failures in ensuring resilient supply of such technologies. Please indicate whether you consider that the scope for aid for clean tech manufacturing equipment and components activities under section 6 should be aligned with the scope of the corresponding section of the Temporary Crisis and (as set out in the draft for consultation of stakeholder views), with the scope of the Transition Framework Annex of the Net Zero Industry Act, or with some other sub-set of such technologies. Please provide Net Zero Industry Act justification and any available evidence for the scope of projects for which you consider that State aid for additional manufacturing capacity is required.

No comment.

4) Aid to reduce risks of private investments

a) Please provide any comments specific to section 7 of the draft framework ("Aid to reduce risks of private investments in renewable energy, industrial decarbonisation, clean technology manufacturing and energy infrastructure").

With the CISAF, the EU Commission is proposing a good state aid framework that is much more flexible than the previous state aid guidelines. The expansion of the types of State Aid (e.g. promotion of tax rebates) and in particular the involvement of private capital, for e.g. guarantees is an advantage for designing the financial feasibility of renewable plants, storage

facilities and investments in production facilities. State aid guidelines must be made fit for the coexistence of the expansion of renewable energies subsidized by national support schemes, renewable energies financed via the market that use support systems as a hedge and unsubsidized renewable energies. Especially the combination with storage facilities and non-fossil flexibility options or the direct supply of SME or industry-customers will often be much easier, when it can be based on structured finance-scheme with the involvement of private capital, supported by guarantees of state aid. The construction of CfDs in renewable energy should be open to combination with PPAs and shall not prevent PPAs. This should include short term PPAs.

b) Do you agree that the inclusion of aid to investors in energy infrastructure projects as foreseen in point (146) is necessary?

☒ *Yes*
☐ *No*

In addition to this statement, we submit the study by Connect Energy Economics on the hedging obligation, as well as on the design of the hedging obligation as a consultation contribution:

Connect Energy Economics (2025/04)
„Die Ausgestaltung der Absicherungspflicht“ (DE): https://www.connect-ee.com/wp-content/uploads/2024/07/Connect_Ordnung_der_Transformation_2024.pdf

Handout: An effective hedging obligation as an alternative to capacity subsidies (en/de):
https://www.connect-ee.com/wp-content/uploads/2025/02/Connect-Handout_effective-hedging-obligation_20250227_en_de.pdf

Connect Energy Economics (2025/04, final Report, EN)
„THE ORDER OF TRANSFORMATION: SECURITY OF SUPPLY IN THE ELECTRICITY MARKET“:
https://www.connect-ee.com/wp-content/uploads/2025/04/Connect_Order-of-Transformation_2024.pdf

Connect Energy Economics (2024/07, Endbericht. DE)
DIE ORDNUNG DER TRANSFORMATION: VERSORGUNGSSICHERHEIT IM STROMMARKT:
https://www.connect-ee.com/wp-content/uploads/2024/07/Connect_Ordnung_der_Transformation_2024.pdf