

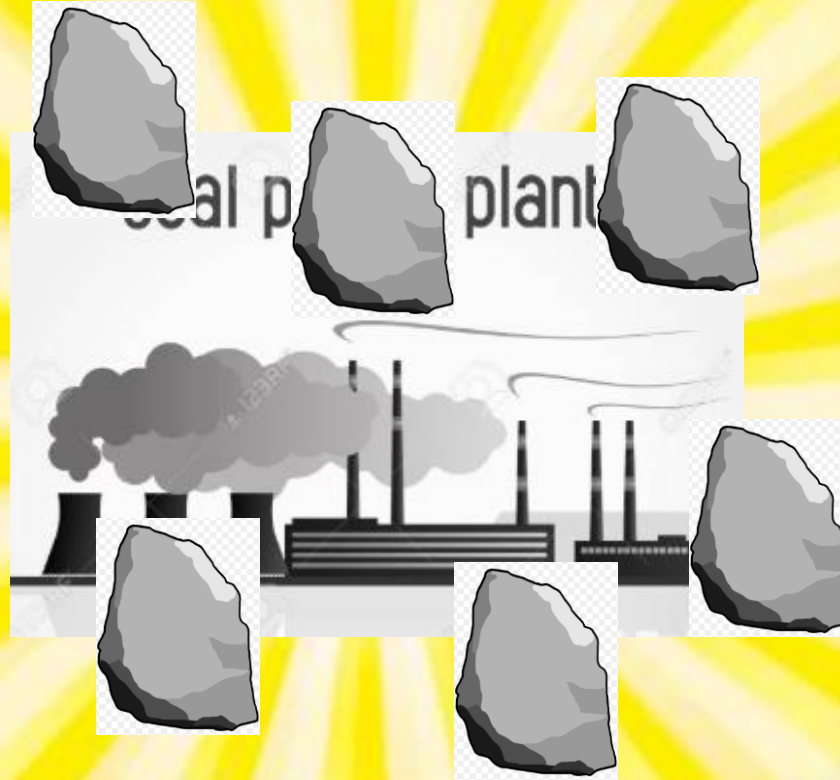
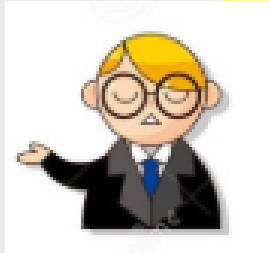


Thermal power plant projects under legal scrutiny

Dr. Marie-Therese Richter, LL.M.

Energy Lawyer, Energy Community Secretariat



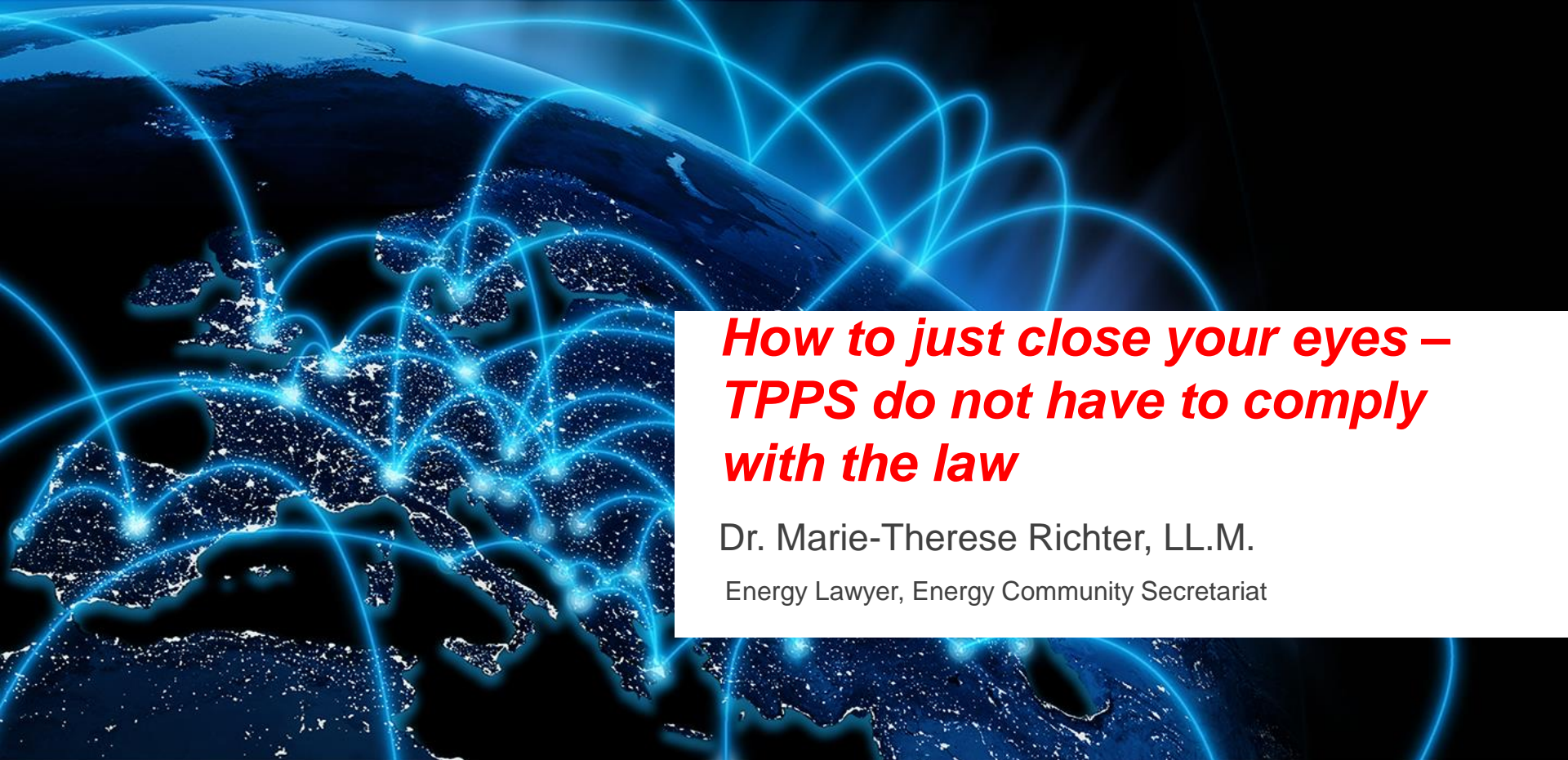


The background is a satellite-style image of the Earth at night, showing city lights. Overlaid on this are numerous glowing blue lines that represent energy transmission paths, crisscrossing the globe and connecting various regions.

How to create as many obstacles as possible for TPPs

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Energy Lawyer, Energy Community Secretariat

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***How to just close your eyes –
TPPS do not have to comply
with the law***

Dr. Marie-Therese Richter, LL.M.

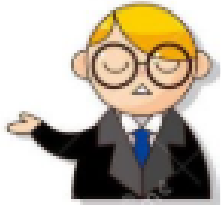
Energy Lawyer, Energy Community Secretariat

The background is a composite image of the Earth from space, showing the Western Hemisphere. Overlaid on the satellite imagery are numerous glowing blue lines that represent energy transmission paths or power grids, crisscrossing the continents.

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Coal power plant



Bulgaria accused of illegal aid to fossil fuel

Romania keeps giving state aid to coal even as it holds EU presidency

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By Alexandru Mustață | CEE Bankwatch

Jan 31, 2019

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Why relevant in the EnC?



- Environment and Climate Change
- State aid:
 1. *EnC Treaty*
 2. *TFEU*
 3. *Case Law*
 4. *Council Decision 2010/787*
 5. *Other legal acts*
 6. *National law*

Case study: Kolubara (Serbia)



- **Electricity sector in Serbia: EPS**
- **Thermal Power Plant Kolubara**
- **State aid enforcement system in Serbia:**
 - *Law on State Aid Control (2009)*
 - *Commission for State Aid Control*
- **Complaint:**
 - *Loans by EBRD and Kreditanstalt für Wiederaufbau (KfW) -> State guarantee*
 - *Transfer of property*
- **Complaint: Lack of assessment**

Case study: Tuzla 7 (BiH)



Tuzla 7 project

Loan by Chinese Export-Import Bank for 80% of the costs

Secured by State guarantee for the entire loan

State aid:

- More than 80% covered
- Level of premium market-based?

**Cooperation mechanism with national authorities
(Art. 2 DSR)**

Case study: Kosova e Re (Kosovo*)



- **Case pending, not opened yet**
- **Kosovo C project (450 MW)**
- **Deal signed in March 2018**
- **Potential state aid elements:**
 - PPA, incl capacity payment
 - VAT exemption
 - Sale and lease of property
 - State guarantee
- **Lack of assessment by State aid authority**



- **Lack of enforcement of State aid prohibition in the energy sectors**
- **Superficial assessment due to...**
- **Lack of expertise and...**
- **Lack of courage**

The background is a composite image of the Earth from space, showing the curvature of the planet and city lights at night. Overlaid on this are numerous glowing blue lines that represent energy transmission or a network. These lines are curved and intersect, creating a sense of dynamic energy flow across the globe.

*Thank you
for your attention!*

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