

**Action brought on 29 March 2023 — European Commission v Republic of Bulgaria****(Case C-206/23)**

(2023/C 205/35)

*Language of the case: Bulgarian***Parties**

*Applicant:* European Commission (represented by: B. De Meester and E. Ruseva, acting as Agents)

*Defendant:* Republic of Bulgaria

**Form of order sought**

The applicant claims that the Court should:

1. declare that, by failing to adopt all the laws, regulations and administrative provisions necessary to comply with Directive (EU) 2018/2001 of the European Parliament and of the Council of 11 December 2018 on the promotion of the use of energy from renewable sources <sup>(1)</sup> and by failing to notify those provisions to the Commission, the Republic of Bulgaria has failed to fulfil its obligations under Article 36 of that directive.
2. order the Republic of Bulgaria to pay the Commission a lump sum corresponding to the higher of the following two amounts: (i) a daily sum of EUR 1 800, multiplied by the number of days between the day following the expiry of the time limit for transposition, laid down in the directive, and the day on which the infringement was resolved, or, if the infringement has not been resolved, the day on which the ruling is handed down in the present proceedings; (ii) a minimum lump sum payment of EUR 504 000.
3. in the event that the failure to fulfil the obligations referred to in point 1 continues up to the date of delivery of the ruling in the present proceedings, order the Republic of Bulgaria to make a periodic penalty payment to the Commission in the amount of EUR 10 800 per day for each day of delay from the date of the ruling in the present proceedings until that Member State has fulfilled its obligations in accordance with the directive, and
4. order the Republic of Bulgaria to pay the costs of the proceedings.

**Pleas in law and main arguments**

Directive (EU) 2018/2001 of the European Parliament and of the Council of 11 December 2018 on the promotion of the use of energy from renewable sources establishes the legal framework for the promotion of energy from renewable sources in the heating and cooling sector and in the transport sector in the European Union. The directive establishes a binding EU target of at least 32 % of energy to be provided from renewable sources by 2030. The directive prescribes measures that guarantee that the support for energy from renewable sources is cost effective and that the administrative procedures for projects concerning energy from renewable sources are less burdensome. It also facilitates citizens' participation in the energy transition, allows renewables self-consumption and establishes renewable energy communities. The directive also sets out specific objectives to increase the share of renewable energy in the heating and cooling sector and in the transport sector by 2030, where progress concerning energy from renewable sources is slower than in the electricity sector. The directive strengthens the criteria to ensure bioenergy sustainability.

On 23 July 2021, the Commission sent the Republic of Bulgaria a letter of formal notice, in which it recalled that the time limit for transposing the Directive had expired and, moreover, that the Commission had not been notified of measures for its full transposition. On 2 December 2021, the Commission sent the Republic of Bulgaria a reasoned opinion under Article 258 of the Treaty on the Functioning of the European Union. Nevertheless, the measures transposing the directive have not yet been adopted or, in any event have not been notified to the Commission.

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<sup>(1)</sup> OJ 2018 L 328, p. 82.