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Answer given by Executive Vice-President Ribera
on behalf of the European Commission
(4.2.2025)

Concerning the first and second questions, the Commission cannot take position without further details. Both questions seem largely related to the interpretation of the national law, which the Commission cannot comment on.

Nevertheless, Article 345 of the Treaty on the Functioning of the European Union expresses the principle of neutrality in relation to the rules in Member States governing the system of property ownership. This implies that public bodies, such as municipalities or regions, may also carry out economic activities and then constitute undertakings, as defined in the jurisprudence of the EU Courts. However, the classification of such an entity as an undertaking is always relative to a specific activity. An entity that carries out both economic and non-economic activities is to be regarded as an undertaking only with regard to the former.

It follows that EU competition law, including EU State aid law, does not require to qualify a municipality or region that carries out different activities, some of them economic and some non-economic, as an undertaking with regard to all its activities, but only with regard to those that are economic in nature. As such, these rules do not require to qualify the entirety of a municipality or region that, amongst many activities, also carries out the economic activity of primary agricultural production as a farmer, but rather only those activities that constitute such primary agricultural production.

Moreover, the Commission is committed to bring down electricity prices for households and businesses to support the energy transition and the Union's competitiveness. Therefore, the Commission is working on the Clean Industrial Deal and an Action Plan for Affordable Energy to be published in the first hundred days of this Commission, in line with the mission letters by the President of the Commission to the Executive Vice-President for a Clean, Just and Competitive Transition¹ and to the Commissioner for Energy and Housing².

¹ https://commission.europa.eu/document/download/33d74e86-3a17-472c-ba93-59d1606bbc20_en?filename=mission-letter-ribera_0.pdf

² https://commission.europa.eu/document/download/35154547-48c1-4671-8d34-13e098859a57_en?filename=mission-letter-jorgensen.pdf