

EN

E-000368/2025

Answer given by Executive Vice-President Ribera
on behalf of the European Commission
(31.3.2025)

According to Directive 2019/1¹, Member States should ensure that competition authorities have minimum guarantees of independence and powers to effectively apply EU competition rules². The decision on whether to open proceedings following a complaint received at national level lies within the discretion of the competition authorities of the Member States³. The Commission has no competence to instruct a competition authority of a Member State to open such proceedings. The Commission would also like to point out that an increase in energy costs can be explained by other factors (e.g. increased cost of fuels used to generate electricity) than an infringement of EU competition rules.

To declare a regional price crisis, according to Article 66a of the Electricity Directive⁴, the Commission bases its assessment on data submitted by Member States. The Commission supports Member States in this exercise.

When Member States decide to support investment into non-fossil generation, this should be done through contract for differences, guaranteeing that excess of revenue above the maximum price is captured and redistributed by the Member State to final consumers.

The Commission had open discussions with several Member States and stands ready, upon their request, to provide support on retail tariff design and on a framework including demand response.

The Action Plan for Affordable Energy⁵ will address challenges such as efficiency measures, renewable energy deployment, permitting, grids, storage and systems costs. These efforts will help lower energy costs.

¹ Directive (EU) 2019/1 of the European Parliament and of the Council of 11 December 2018 to empower the competition authorities of the Member States to be more effective enforcers and to ensure the proper functioning of the internal market, OJ 14.1.2019, L11/3.

² Articles 101 and 102 Treaty on the Functioning of the European Union.

³ See Article 4 (5) of Directive 2019/1. Competition authorities of the Member States should be able to set their priorities and reject complaints on priority grounds.

⁴ Article 66a of Directive (EU) 2019/944 as regards improving the Union's electricity market design as amended by Directive (EU) 2024/1711 of the European Parliament and of the Council of 13 June 2024 OJ L, 2024/1711, 26.6.2024.

⁵ COM/2025/79 final (https://energy.ec.europa.eu/publications/action-plan-affordable-energy-unlocking-true-value-our-energy-union-secure-affordable-efficient-and_en).