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Answer given by Executive Vice-President Ribera
on behalf of the European Commission
(23.5.2025)

The choice of energy sources in the energy mix, including the decision to use or not use nuclear energy, remains within the remit of each Member State in accordance with the provisions of the Treaty on the Functioning of the European Union (TFEU).¹ The Commission does not intervene in such decisions while it recognises that securing supplies of clean and affordable energy is critical for European competitiveness, security, and reaching the EU's climate objectives.

At the EU level, measures to support investments in energy projects have to comply with the State aid rules under Article 107 (3)(c) of the TFEU², the Electricity Regulation (Regulation (EU) 2019/943 on the internal market for electricity³), and the Euratom Treaty⁴ in case of nuclear energy.

All energy projects, including nuclear based, are assessed on the basis of the same principles. For the purpose of compliance with State aid law, the Commission assesses the necessity, appropriateness, and proportionality of the energy projects and checks whether they do not cause undue distortion of competition and do not affect trade to an extent contrary to the internal market, as pointed out by the European Court of Justice. For example, in 2020, the Court confirmed the Commission decision approving aid from the United Kingdom for the Hinkley Point C nuclear power station⁵. In 2024 and 2025, the Commission approved aid schemes from Czechia for the Dukovany new-build reactors⁶ and from Belgium for Doel 4 and Tihange 3 reactors lifetime extensions⁷. Regarding distortions in the electricity market in particular, the Commission also verifies compliance with the Electricity Regulation.

¹ Article 194, TFEU; <https://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX%3A12008E194%3AEN%3AHTML>.

² <https://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:12008E107>.

³ Regulation (EU) 2019/943 of the European Parliament and of the Council of 5 June 2019 on the internal market for electricity; <https://eur-lex.europa.eu/eli/reg/2019/943/oj/eng>.

⁴ <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=legisum:4301853>.

⁵ <https://eur-lex.europa.eu/legal-content/en/TXT/?uri=CELEX:62018CJ0594>.

⁶ https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=oj:JOC_2022_299_R_0002.

⁷ Decision to be published in 2025; https://ec.europa.eu/commission/presscorner/detail/en/ip_25_565.