

(English version)

Question for written answer E-004231/25
to the Commission
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(28 October 2025)

Subject: Impact of the Court of Justice of the European Union ‘Paks II ruling’ on Polish nuclear state aid assessment

On 11 September 2025, the Court of Justice of the European Union (CJEU) annulled the Commission’s approval of Hungarian aid for two new reactors at the Paks nuclear power station ⁽¹⁾. The CJEU found that the Commission should have verified whether the direct contract award, bypassing public tender, complied with EU public procurement rules.

Similarly, Poland selected a contractor for its first nuclear plant without a public procurement process, relying on an exemption in the Polish Nuclear Special Act. While public procurement rules normally apply, the act allows direct awards for projects of national importance, as Hungary did for Paks II.

On 18 December 2024, the Commission opened a formal investigation ⁽²⁾ after notification of Poland’s intended state measures ⁽³⁾. The Commission noted that state aid and public procurement can be assessed separately, since state aid supports the nuclear project’s establishment and operation regardless of contractor selection.

1. Does the judgment of the CJEU of 11 September 2025, in Case C-59/23 P *Austria v Commission* change the assumption of the Commission used for assessing state aid measures notified by the Polish Government?
2. How does the Commission plan to reflect on the CJEU judgment in its final decision on state aid measures in the Polish case?

Submitted: 28.10.2025

Answer given by Executive Vice-President Ribera on behalf of the European Commission
(27 November 2025)

The formal investigation concerning the planned Polish measures supporting the nuclear power plant project is ongoing. The Commission cannot prejudge the outcome of these investigations. In its analysis, the Commission will thoroughly and timely consider the applicable legal framework, the jurisprudence of the Court of Justice of the European Union and its interpretative guidance, aiming to ensure a legally sound and consistent decision.

¹ <https://curia.europa.eu/jcms/upload/docs/application/pdf/2025-09/cp250116en.pdf>

² https://ec.europa.eu/competition/state_aid/cases1/20258/SA_109707_92.pdf

³ <https://competition-cases.ec.europa.eu/cases/SA.109707>