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Answer given by Mr Jørgensen
on behalf of the European Commission
(27.3.2026)

As the Honourable Member's request refer to specific ongoing cases, it is the Commission's policy not to comment on concrete cases while they are in progress. Therefore, the Commission's reply would refer exclusively to the general EU legal framework governing capacity mechanisms (CMs).

The Electricity Regulation¹ and the Guidelines on State aid for climate, environmental protection and energy² set rules for the application of CMs from EU countries, aiming at fostering competition and preventing undue market distortions and limitations to cross-border trade.

CMs should be introduced only when justified by an identified adequacy concern, measured against an economically justified security of supply objective. They must be open to all technologies, new and existing capacity, allow cross-border participation and avoid supporting capacities exceeding the emissions limit from article 22(4) of the Electricity Regulation. Technical criteria may be set, such as derating factors, to meet the security of supply objective.

CMs must also comply with the Union State aid rules. Annex I of the Clean Industrial Deal State Aid Framework (CISAF)³ recently established a fast-track approval process for CMs meeting requirements based on best practice, including the application of derating factors to account for the real contribution of each type of technology to the adequacy need.

¹ Regulation (EU) 2019/943 of the European Parliament and of the Council of 5 June 2019 on the internal market for electricity (recast), OJ L 158, 14.6.2019, as amended by Regulation (EU) 2024/1747 of the European Parliament and of the Council of 13 June 2024, OJ L, 2024/1747.

² Communication from the Commission – Guidelines on State aid for climate, environmental protection and energy 2022, C/2022/481, OJ C 80, 18.2.2022, pp. 1–89.

³ Communication from the Commission – Framework for State Aid measures to support the Clean Industrial Deal (Clean Industrial Deal State Aid Framework), C/2025/7600, OJ C, C/2025/3602, 4.7.2025.