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Answer given by Mr Jørgensen
on behalf of the European Commission
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EU law is neutral regarding national systems of property ownership as stated in article 345 of the Treaty of the Functioning of the European Union. However, national legislation needs to be in line with the principles of the internal market, including competition rules. As regards electricity markets in particular, Member States shall ensure a level playing field for electricity undertakings and ensure that no undue barriers exist within the internal market for electricity as regards market entry, operation and exit¹. The Electricity Regulation (EU) 2019/943² sets out principles and rules for well-functioning and integrated electricity markets which, among others, shall allow all resource providers non-discriminatory market access.

Regulation of wholesale prices is prohibited by European legislation and Member States shall ensure that electricity prices are formed based on actual supply and demand³. Measures with regard to retail prices must comply with the conditions laid down in article 5 of the Electricity Directive (EU) 2019/944, according to which suppliers shall be free to determine the price at which they supply their customers unless Member State authorities ensure protection of energy poor and vulnerable households customers or for the purpose of a transition period towards effective competition, they can apply price intervention under certain criteria.

¹ Electricity Directive (EU) 2019/944, article 3 (<https://eur-lex.europa.eu/eli/dir/2019/944/oj/eng>).

² <https://eur-lex.europa.eu/eli/reg/2019/943/oj/eng>.

³ Electricity Regulation (EU) 2019/943, article 3 and 10, op. cit.