

(English version)

**Priority question for written answer P-004902/25
to the Commission
Jutta Paulus (Verts/ALE)
(10 December 2025)**

Subject: Follow-up to the Court of Justice of the European Union judgment in Case C-59/23 P (Paks II State aid)

In its reply to Written Question P-003652/2025 ⁽¹⁾ asking for clarification following the ruling in Case C-59/23 *Austria v Commission* (Paks II nuclear power plant) ⁽²⁾ by the Court of Justice of the European Union, the Commission stated that it 'takes note of the judgment' and 'is analysing its implications,' but provided no further detail on procedural and substantive follow-up.

In this context, could the Commission clarify:

1. Whether the annulment requires the Hungarian authorities to submit a new state aid notification under Article 108(3) of the Treaty on the Functioning of the European Union, and whether such a notification will be made publicly accessible?
2. Whether, pending completion of a new state aid procedure following the annulment, Hungary is permitted to continue construction work on Paks II, or whether the standstill obligation under Article 108(3) the Treaty on the Functioning of the European Union applies until a new decision is adopted?
3. What information the Commission holds on the procurement and the delivery status of the instrumentation and control (I&C) systems for Paks II, and whether such components fall within the scope of the renewed state aid assessment?

Submitted: 10.12.2025

**Answer given by Executive Vice-President Ribera on behalf of the European Commission
(23 January 2026)**

The procedure is formally at the stage before the annulled decision; aid has been notified and a formal investigation procedure has been opened, but no valid approval has been given.

Hungary is therefore not obliged to re-notify the measure. Following the annulment, the Commission will have to assess compatibility again, on the basis of the facts known in 2017, considering also the legal interpretation provided by the Court of Justice.

In particular, in reassessing the measure, the Commission will have to ascertain whether the direct award of the contract for the construction of the two new nuclear reactors complies with EU public procurement rules, as required by the Court.

The Commission does not comment on substance in relation to ongoing state aid procedures.

¹ https://www.europarl.europa.eu/doceo/document/P-10-2025-003652_EN.html.

² OJ C, C/2025/5796, 10.11.2025, ELI: <http://data.europa.eu/eli/C/2025/5796/oj>.