

**Question for written answer E-001605/2019
to the Commission**
Rule 130
Paul Rübiger (PPE)

Subject: German-Austrian electricity price zoning: competition law compliance check

On 1 October 2018 the German transmission system operator TenneT began to apply congestion management at the Austrian-German border, whereby, in accordance with the May 2017 informal agreement between the German Federal Network Agency and Energie-Control Austria, the capacity available for cross-border trade has been reduced from 10 700 MW, the technical cross-border capacity, to just 4 900 MW at most.

Because the transmission capacity has been artificially limited in this way to less than half of the technical capacity, prices on the electricity market since 1 October 2018 have soared for Austrian businesses. In day-ahead trading, the increase has so far amounted to more than EUR 6 per MWh. As well as directly affecting firms which engage in exchange-based trade, these cost jumps are being passed on in long-term supply contracts to final customers.

On several occasions in the past the Commission has considered behaviour of this sort to be an infringement of EU competition law (cf., for example, Case 39351 – Swedish Interconnectors – and, most recently, Case 40461 – DE/DK Interconnector).

1. Will the Commission conduct a compliance check on the congestion management at the German-Austrian border, to determine whether it is in accordance with competition law?
2. If not, in what respects should this situation be treated differently, from the Commission's perspective, from those cases in which EU competition law was found to have been infringed?
3. What other steps might the Commission take to promote the free flow of electricity between Germany and Austria and hence the internal energy market?