**Question for written answer P-007014/2016**

**to the Commission**

Rule 130

**Kathleen Van Brempt (S&D)**

Subject: Assessment of participations by Chinese state-owned enterprises in the energy sector in connection with the interpretation and enforcement of the unbundling rules in the Third Energy Package

In its assessment, in the light of European merger rules, of the planned joint venture between the Chinese state-owned enterprise General Nuclear Power Corporation and Électricité de France for the construction and operation of Hinkley Point C nuclear power station, the Commission has taken the view that all Chinese state-owned enterprises (SOEs) should be regarded as a single entity[[1]](#footnote-1).

In connection with European energy market regulation too, it is often necessary to assess the extent to which different undertakings are linked. For example, the unbundling rules in the Third Energy Package require strict separation between energy supply and production operations and management of the transmission network. If the Commission adopts the same approach here and regards all Chinese SOEs operating in the energy sector as a single aggregated undertaking, the participation of a Chinese SOE in a transmission network operator can be regarded as contrary to the unbundling rules if other Chinese SOEs retain participations in production or supply within the EU.

1. In applying the unbundling rules laid down in the Third Energy Package, will the Commission adopt the same approach as in the decision in Case M.7850 - EDF/CGN/NNB pursuant to Article 6(1)(b) of the Merger Regulation (and therefore regard all Chinese SOEs operating in the energy sector as a single undertaking)?

2. Will the unbundling guidance documents be amended accordingly?

1. Cf. inter alia point 49 in the decision: http://ec.europa.eu/competition/mergers/cases/decisions/m7850\_429\_3.pdf [↑](#footnote-ref-1)