

(English version)

**Question for written answer E-000096/23**  
**to the Commission**  
**Gunnar Beck (ID)**  
(12 January 2023)

*Subject:* Bulgaria's decision to suspend the gas release programme and its compatibility with EU antitrust rules and decisions

In 2018, the Commission fined the company Bulgarian Energy Holding (BEH) over EUR 77 million for blocking competitors' access to key gas infrastructure in Bulgaria, which was in breach of EU antitrust rules.

In response to the Commission's decision, Bulgaria introduced a gas release programme in 2019. The programme was supposed to make significant amounts of gas available to third parties, thereby introducing a degree of competition in the Bulgarian market.

In December 2022, the Bulgarian authorities suspended the gas release programme from 1 January 2023.

1. What is the Commission's view on the suspension of the gas release programme?
2. Is the suspension compatible with the Commission's 2018 decision regarding the operation of the Bulgarian gas market?
3. What action will the Commission take to ensure that the abuse of dominance will not become a feature of the Bulgarian gas market once again?

Submitted: 12.1.2023

**Answer given by Ms Simson on behalf of the European Commission**  
(10 March 2023)

The Gas Release Programme (GRP) was introduced in 2019 by the Bulgarian government as a voluntary amendment to the national Energy Act for spurring the liberalisation of the Bulgarian gas market.

As acts of voluntary national legislation, the Bulgarian GRP and its subsequent suspension are not directly regulated by EU law thus do not fall under the Commission's competence as guardian of the Treaties.

As measures of the Bulgarian State, the introduction and suspension of the GRP are also unrelated to the Commission's antitrust investigation into certain practices by the Bulgarian Energy Holding (BEH), the dominant incumbent in the markets for gas infrastructure and gas supply in Bulgaria, which were found to restrict access to the gas infrastructure it owned and operated in Bulgaria between 2010 and 2015, in breach of Article 102 of the Treaty on the Functioning of the European Union.

The Commission therefore adopted a prohibition decision with a fine against BEH on 17 December 2018. BEH's appeal against the Commission's decision is currently pending before the Union Courts in Case T-136/19.

The Commission remains extremely vigilant that levels of competitiveness, market access and transparency meet the highest European standards across the whole South-Eastern region.

To this end, the Commission is currently exchanging information with the Bulgarian authorities and stakeholders to better understand the impact of the suspension of the GRP on the functioning of the market and consumers.

The Commission will also not hesitate to intervene if it were to identify breaches of EU energy rules or commercial conduct on the part of BEH that could infringe the EU competition rules.

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