

**Question for written answer E-011538/2012
to the Commission**

Rule 117

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Subject: Relationship between the European Commission's state aid services and independent nations regulators

Much has been said regarding the relationship between competition (in particular antitrust) and national regulations. On the one hand, the competitions laws apply ex post, whereas national regulation applies ex ante, and the two complement each other. On the other hand, there is no information on the relationship between state aid rules and national regulation in regulated sectors, such as e-communication and energy.

In these regulated sectors, the European Union itself mandated some time ago the creation of independent National Regulatory Authorities (NRAs) entrusted with the proper functioning of their respective national markets under open and competitive conditions, ensuring that national regulated markets develop in a cohesive manner with other EU national Member State markets. Regarding the performance of these functions by the regulated sectors, could the Commission answer the following questions:

1. How does the Commission regard the relationship between its state aid services and the independent NRAs of the Member States?
2. It is noted that the Commission state aid services rely on information from interested parties as to the existence of distortions of competitions resulting from state aid. Does the Commission agree that the NRAs are best placed to supply the Commission state aid services with reliable information?
3. Does the Commission acknowledge the independence of the NRAs and allow them to perform their duties independently?
4. Are market participants within the boundaries of the EU legal and regulatory framework when they strictly and conclusively abide by the decisions of the independent NRAs?
5. How is the principle of legal certainty for the whole spectrum of market participants ensured by the Commission as to the authority and status of NRAs in the exercise of their duties?
6. Does the Commission state aid service have a policy of intervening and controlling the way in which the NRAs discharge their constitutional functions?
7. What are the boundaries of such interventions and controls, if any, with a view to avoiding undermining the independence, authority and powers granted to the NRAs by the European Union itself?