Question for written answer E-004963/2021
to the Commission
Rule 138
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Subject: Energy legislation approved by Spanish Government

Spain has experienced a drastic increase in the prices of gas, electricity and CO_2.

On 14 September, the Spanish Government passed a royal decree imposing a cut to the profits that non-CO_2-emitting electricity generation plants are making in the wholesale market as a result of the rise in gas costs, which it finds unfavourable. The energy companies affected would suffer a EUR 2 600 million loss in profits that they never actually received.

These measures were considered an intervention in the electricity market, which is prohibited by EU internal electricity market regulations. Major European energy associations sent a letter to Executive Vice-Presidents of the Commission, Frans Timmermans and Margrethe Vestager, and European Commissioner for Energy, Kadri Simson, stressing their concerns regarding this piece of legislation.

The government has agreed to revise the decision. A new piece of legislation is now being discussed in the Spanish Parliament, yet many uncertainties remain.

1. Does the Commission consider the royal decree to be an intervention in the market, as prohibited by EU regulations?

2. What is it doing to effectively guarantee that EU internal electricity market regulations are being fully respected?

3. What measures can it implement if a national government fails to comply with EU regulations?