Press release | 07.10.2010

EU state aid and competition law

German pact on nuclear expansion potentially in conflict with EU law, Greens claim

The Greens in the European Parliament today presented an assessment of the decision by the German government on the life extension of nuclear power plants (1). The analysis raises serious question marks about the decision and the related pact concluded with four major energy utilities, notably on its compatibility with EU state aid and competition law. Green MEPs have written to the European Commission and called on it to investigate the pact (2).

At the presentation of the analysis, Green energy spokesperson **Claude Turmes** MEP said:

"This analysis sheds real doubt over the German decision on nuclear power plant lifetime extensions and its compliance with EU competition and state aid rules. The decision clearly favours the four nuclear-producing energy utilities involved in the pact at the expense of other operators.

"The decision amounts to an unjustifiable and seemingly illegal present to German energy utilities. Allowing the four biggest electricity producers to continue operating their nuclear reactors acts as a clear barrier to new market entrants and deters investments in alternative energy sources. On top of this, the four utilities benefiting from the decision will reap additional profits of up to €150 billion. The European Commission cannot simply turn a blind eye to this."

Greens/EFA Co-President **Rebecca Harms** added:

"The European Commission has a duty to launch an urgent investigation into the German decision, which mirrors a similar case in Belgium already under investigation (3). There are clear signs that the extension decision could be in conflict with EU competition and state aid rules. If the Commission investigation confirms this, clearly the whole plan must be scrapped."

(1) The German government announced its decision at the beginning of September to extend the life span of 17 nuclear power plants in the country by an average of 12 years (and up to 14 years), overturning a previous government decision to phase out nuclear power.

(2) Click to view the question to the Commission (pdf).

(3) The European Commission is investigating a similar case in Belgium, where a pact was concluded between the Belgian government and Suez on power plant life extensions.

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