

FORM FOR TABLING PARLIAMENTARY QUESTIONS

To the: COUNCIL
 COMMISSION

ORAL QUESTIONS	WRITTEN QUESTIONS
Oral Question with debate (Rule 108) <input type="checkbox"/> Question Time (Rule 109) <input type="checkbox"/>	Written Question (Rule 110) <input checked="" type="checkbox"/> Priority Written Question (Rule 110 (4)) <input type="checkbox"/>

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SUBJECT: (please specify) Extended lifetime of German nuclear reactors

TEXT:

Currently the German electricity market is highly concentrated. The concentration indicators CR3 (0,67) and CR5 (0,84) exceed the critical levels (0,5 and 0,66 respectively)(1) The nuclear phase out plan as adopted in 2002 would lead to a considerable opening of the market. The four main electricity producers (RWE, E.ON; EnBW and Vattenfall) would have lost 23% (20.000 MW) of their baseload production capacities (2) thus allowing new actors to enter the market. But at September 28th the German government presented its plans to extend the lifetime of the 17 German nuclear reactors by 8-14 years. Allowing the four biggest electricity producers to continue operating their nuclear reactors will not only prevent investments by new actors, the companies will enjoy additional profits of €100-150 billion (3) from electricity sales and prolonged interest yields from decommissioning reserves. In a similar case of potential infringement with EU competition and state aid rules (deal between Suez and the Belgium government) on the plans of the Belgian government to extend the lifetime of the nuclear reactors, the Commission investigated and opened a "formal case" which contributed to the fact that this project is on a hold.

1. Will the Commission intervene in the German case as it did before in Belgium by sending questions to the German government and to those competitors potentially hurt by the deal in Germany?
2. Is the plan to extend the lifetime of nuclear reactors in breach of Art 106 AEUV, which prohibits lawmakers to adopt regulations that would favour individual competitors?
3. Does the Commission consider the additional profits for a few privileged electricity producers, which result from the changed plans of the government, to be state aid, considering that there was no possibility for other competitors to bid for the 20.000 MW of "additional" production capacity?
4. To prevent further market concentration, does the Commission consider to oblige the four biggest electricity producers to sell other production capacities to their competitors or to limit their possibilities to invest in growing markets with potential new entrance like renewables?
5. As E.ON would benefit from both the Belgian as well as the German decision to extend the lifetime of nuclear reactors, will the Commission have to reopen its agreement with E.on knowing that the current agreement was clearly based on the assumption of the original German nuclear phase out plan?

1) Öko-Institut e.V., "Power Generation Market Concentration in Europe 1996-2005. An Empirical Analysis", February 2007
 2) German Cartell Office
 3) Öko_Institut e.V.: "Auswertungsaktualisierung des am 5. September 2010 ausgehandelten Modells für die Laufzeitverlängerung der deutschen Kernkraftwerke", September 2010

Signature(s): _____ Date: _____