

(2000/C 303 E/203)

**WRITTEN QUESTION E-0349/00**

**by Rosa Díez González (PSE), Fernando Pérez Royo (PSE)  
and Luis Berenguer Fuster (PSE) to the Commission**

(14 February 2000)

*Subject:* Public aid and the reinforcing of a dominant position on the Spanish electricity market

In view of the duopoly in the Spanish electricity market and in connection with the State aid provided for the CTC (costs of transition to competition), will the Commission abide by its policy of ensuring that public aid is not used to reinforce a dominant position?

**Answer given by Mr Monti on behalf of the Commission**

(22 March 2000)

Commission monitoring of state aid involves checking the extent to which the distortion of competition necessarily engendered by the aid is offset by its contribution to the common interest, as seen in Community terms. Against this background, in examining cases of state aid associated with stranded costs, the Commission will apply a methodology the basic principles of which were discussed in June 1999 with the Member States. This takes account in particular of the level of competition in the market concerned. The aid must therefore serve to offset eligible stranded costs that have been clearly specified and identified, and the arrangements for payment must allow account to be taken of actual future developments in competition, as measured by quantifiable factors.

(2000/C 303 E/204)

**WRITTEN QUESTION E-0351/00**

**by Rosa Díez González (PSE), Fernando Pérez Royo (PSE)  
and Luis Berenguer Fuster (PSE) to the Commission**

(14 February 2000)

*Subject:* Consumer interests in connection with the Spanish electricity market – examination of the public aid granted by the government

According to the Spanish media, in connection with the CTC (costs of transition to competition) the Commission is to forward the independent report to the Spanish Government so that it can justify its action.

In view of the fact that in this area the Spanish Government does not represent the interests of the general public but those of the electricity companies, will it also forward the report to Spanish consumers' representatives? Does the Commission realise that not to do so would be contrary to the principle of a level playing field?

**Answer given by Mr Monti on behalf of the Commission**

(24 March 2000)

In accordance with Commission Decision 94/90/ECSC/EC/Euratom of 8 February 1994 on public access to Commission documents<sup>(1)</sup>, the report in question cannot be disclosed because it would undermine the protection of commercial and industrial secrecy. Furthermore, it is broadly based on data supplied by the Spanish Government, which has requested that it be left confidential. The Commission does not therefore plan to forward the report to the Spanish consumers' representatives.

Moreover, the Commission does not consider that failure to disclose is in breach of the principle of a level playing field as the decision to be adopted concerns Spain alone. This is why in the case of State aid only the Member State concerned has access to the dossier.

<sup>(1)</sup> OJ L 46, 18.2.1994.