

(2001/C 136 E/215)

WRITTEN QUESTION P-3106/00**by W.G. van Velzen (PPE-DE) to the Commission**

(26 September 2000)

Subject: Transitional law in the electricity and production sector in the Netherlands

1. Is the Commission aware of the Dutch government's transitional law in the electricity and production sector, and in particular the stipulations of Article 12 ⁽¹⁾, the effect of which is that insufficient import capacity will remain on the grid in the Netherlands for other industrial partners wishing to take advantage of the possibility of importing electricity, with the result that there will be no proper 'competition'? If so, what is the Commission's attitude towards Article 12 of the law?
2. Did the Dutch government first submit this law to the Commission for examination in the light of the electricity directive and the competition clauses of the Treaty of Amsterdam?
3. Can other Member States adopt this approach to coping with the problem of stranded costs?
4. If the Commission gives its assent to this action by the Dutch government, or by any other Member States, what is its legal basis (competition clauses etc.) for doing so?

⁽¹⁾ Article 12 states that existing import contracts are to be given priority.

Answer given by Mr Monti on behalf of the Commission

(25 October 2000)

The Commission has been informed by the Dutch authorities of a proposal for a transitional law concerning the electricity production sector (Voorstel Overgangswet elektriciteitsproductiesector) in August 2000. The information was provided in the context of the assessment by the Commission of certain measures proposed by the Dutch authorities to compensate for stranded costs of the electricity sector in the Netherlands.

Article 12 of this law stipulates that the grid operator of the high voltage grid on request can allocate transport capacity on the international interconnectors to the benefit of those carrying out certain long-term import contracts. The Commission is now investigating this point under its competition law and is examining its compliance with the non-discrimination obligation contained in Directive 96/92/EC of the Parliament and of the Council of 19 December 1996 concerning common rules for the internal market in electricity ⁽¹⁾. The Commission has not yet determined its position on this issue.

The Commission is not aware of similar measures to reserve interconnection capacity for existing take or pay contracts in other Member States. At this stage of the assessment, it is premature to mention the legal grounds on which the Commission will base a decision, if any, as the assessment has not yet been finalised.

⁽¹⁾ OJ L 27, 30.1.1997.

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WRITTEN QUESTION P-3110/00**by Jan Mulder (ELDR) to the Commission**

(27 September 2000)

Subject: Advisory Committee on Fisheries

1. Does the Commission consider the present composition of the above committee to be balanced in terms of the number of people belonging to it, their geographical distribution and nationality and other factors designed to ensure that the committee's assessments can be as balanced as possible?