

FORM FOR TABLING A QUESTION FOR  
WRITTEN ANSWER (Rule 130)**Select only one addressee:**PRESIDENT OF THE EUROPEAN COUNCIL  COUNCIL VICE-PRESIDENT / HIGH REPRESENTATIVE  COMMISSION Priority question 

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SUBJECT: Hinkley C - Impact of State Aid Cases  
(please specify)

## TEXT:

A final decision on the Hinkley C project is expected from the British government this Autumn. However, there is an ongoing legal challenge, with Austria and Luxemburg appealing the Commission's decision to grant state aid approval for the project to the ECJ, and a further challenge from a group of German renewable energy companies.

It is unclear how the project can go ahead with these challenges ongoing. If the case is successful, the UK Government's support scheme – including strike price and guarantee – would surely be ruled unlawful and unenforceable.

While the basic terms haven't changed since the 2013 decision on the UK state aid case, the wholesale power price forecast is much lower, therefore the subsidy required will be increased.

There are also concerns about the planned restructuring and recapitalisation of EDF by the French Government, with parallels with the ongoing Areva investigation.

- 1) If the ECJ appeal is successful, would the UK's support scheme be ruled unlawful and unenforceable, with any aid received having to be repaid?
- 2) Does the Commission agree this is an important test case for EU member states, which is likely to continue despite the EU Referendum result?
- 3) Can the Commission confirm that any plans for restructuring and recapitalisation of EDF by the French Government would also be subject to state aid approval?

Signature(s):

Date: 30/08/2016

