



ADOPTED TEXT n° 671

Provisional Act

NATIONAL ASSEMBLY

CONSTITUTION OF 4 OCTOBER 1958
FIFTEENTH LEGISLATURE

EXTRAORDINARY SESSION of 2020-2021

21 July, 2021

EUROPEAN RESOLUTION

on the **evolution** of the **European legal framework**
applicable to the **production** of **electricity**.

The resolution, the content of which follows is considered definitive, in application of article 151-7 of the Rules of Procedure:

See number: **4219**

.....

Single Article

The French National Assembly,

Having regard to article 88-4 of the Constitution,

Having regard to Article 151-5 of the Rules of Procedure of the National Assembly

Having regard to Article 14 of the Treaty on the Functioning of the European Union,

Having regard to Article 106 of the Treaty on the Functioning of the European Union,

Having regard to Article 194 of the Treaty of Lisbon;

Having regard to Protocol No. 26 annexed to the Treaty on the Functioning of the European Union, relating to services of general interest;

Having regard to Regulation (EU) 2018/1999 of the European Parliament and of the Council of 11 December 2018 on the governance of the energy union and action for the climate, amending regulations (EC) No 663/2009 and (EC) No 715/2009 of the European Parliament and of the Council, Directives 94/22 / EC, 98/70 / EC, 2009/31 / EC, 2009/73 / EC, 2010/31 / EU, 2012 / 27 / EU and 2013/30 / EU of the European Parliament and of the Council, Council Directives 2009/119 / EC and (EU) 2015/652 and repealing Regulation (EU) No 525/2013 of the European Parliament and of the Council;

Having regard to Regulation (EU) 2019/943 of the European Parliament and of the Council of June 5, 2019 on the internal electricity market;

Having regard to Directive 2014/24 / EU of the European Parliament and of the Council of February 26, 2014 on the awarding of public contracts and repealing Directive 2004/18 / EC;

Having regard to Directive (EU) 2019/944 of the European Parliament and of the Council of June 5, 2019 concerning common rules for the internal market in electricity and amending Directive 2012/27 / EU;

Having regard to the resolution of the European Parliament of 15 November 2011 on the reform of the European Union rules on state aid applicable to services of general economic interest (2011/2146 [INI]);

Considering the negotiations between the French Government and the European Commission on the proposed evolution of the mechanism for regulated access to historic nuclear energy (ARENH) and relating to the restructuring of EDF's activities;

Considering that by setting a ceiling price, ARENH is an asymmetric mechanism that works against the historical French operator of electricity production, the company *Électricité de France* (EDF);

Considering that ARENH strongly participates in EDF's deficit, while significant investments are necessary for the renovation of French nuclear facilities as well as the development of renewable energies;

Considering that services of general economic interest occupy an important place within the common values of the Union, that they encourage social, economic and territorial cohesion and that they are essential for the fight against inequalities within society as well as, increasingly, for sustainable development;

Considering that the incumbent operator EDF fulfils a mission of general interest by guaranteeing the supply of electricity to all consumers throughout the country, at affordable tariff conditions, with a low carbon and climate impact;

Considering that the electricity production service could meet the legal criteria for characterizing a service of general economic interest;

1. Supports the position of the French Government in European negotiations in order to allow an evolution of the ARENH mechanism, so as to make it less asymmetrical and to ensure cost coverage;
2. Calls for a clarification of the criteria for recognition by European Union law of services of general economic interest;
3. Requests the explicit recognition, within the meaning of European Union law, of a service of general economic interest for the production of electricity in France, the service of which is provided in particular by the EDF company or, if not, the possibility of granting state aid to historic French nuclear power under conditions compatible with the Treaties.

Paris, July 21, 2021.
President of the French National Assembly,

Signed : RICHARD FERRAND



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