



Joint press release

Bonn, 27. September 2019

Bundeskartellamt and Bundesnetzagentur publish guidelines

Control of abusive practices in electricity generation/wholesale trade

The Bundeskartellamt and the Bundesnetzagentur are today publishing the guidelines for the control of abusive practices in the electricity generation and wholesale trade sector in terms of anti-trust and energy wholesale law.

Andreas Mundt, Bundeskartellamt President, said: "*The subject of market power in electricity generation is expected to gain in importance again as a consequence of the forthcoming shutdown of the last nuclear power stations and the intended phase-out of coal. In the guidelines, the Bundeskartellamt sets out the principles of the control of abusive practices in electricity generation. One of its aims in doing so is to provide the necessary legal certainty for the investments needed in power plants.*"

Jochen Homann, Bundesnetzagentur President, added: "*The guidelines provide clarity for the market participants by making it clear that price peaks reflecting a fair and pro-competitive balance between supply and demand in an environment of pricing freedom will not be treated as market manipulation as prohibited under energy wholesale law.*"

The guidelines set out the main intention, the rules of application and the scope of the control of abusive practices on the market for the first-time sale of electricity, and deal with issues of interpretation of the Regulation on wholesale energy market integrity and transparency (REMIT) with respect to wholesale energy trading. The guidelines have been drawn up jointly by the Bundesnetzagentur and the Bundeskartellamt.

The draft guidelines were put out to consultation from 20 March to 20 May 2019. A total of 12 comments were received from electricity producers, associations, power exchanges, a national regulatory authority and a scientific institute. The comments have been evaluated thoroughly and taken into account in finalising the guidelines.

The German version of the guidelines is published at www.bundesnetzagentur.de/missbrauchsaufsicht.

Bundesnetzagentur
Tulpenfeld 4
53113 Bonn

bundesnetzagentur.de
twitter.com/bnetza

Press contact person:

Fiete Wulff
Head of Press and Public
Relations

Tel. +49 228 14 - 9921
pressestelle@bnetza.de

ADDRESS
Bundeskartellamt

Kaiser-Friedrich-Str. 16
53113 Bonn

TEL +49 228 9499-215/214
FAX +49 228 9499-143

kay.weidner@bundeskartellamt.bund.de
www.bundeskartellamt.de



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The Bundesnetzagentur is an authority under the responsibility of the Federal Ministry for Economic Affairs and Energy. Its core tasks include supervising the energy, telecommunications, postal and railway markets.

As part of its mandate, the Bundesnetzagentur ensures that as many undertakings as possible can use the infrastructure in these sectors so that consumers benefit from competition and favourable prices.

The authority employs over 2,900 people at its headquarters in Bonn, its other main sites in Mainz and Saarbrücken, and at its 46 regional offices.