



Ms. Margrethe Vestager

Commissioner for Competition

11th January 2018

New ruling of the Spanish Constitutional Court and possible State Aid in the case of the
Compensation of the Castor gas storage

Dear Commissioner Vestager,

I would like to draw your attention to the ruling of the Spanish Constitutional Court in the case of the Castor gas storage compensation publicly announced on the 22.12.2017. The judgement of the Court declares that the legal tool of the Royal Decree used by the Spanish government to ensure the compensation to ESCAL was in breach of the Spanish Constitution. Moreover, article 2.2, article 4, article 5 and article 6 of the Royal Decree Law 13/2014 on urgent measures relating to the gas supply system have been declared null and void by the Court. Those articles define the recognition of investments and costs to ESCAL UGS, S. L (including the controversial amount of 1.350 million to be paid by consumers in the gas bill) and ENAGÁS entitlements to be collected from the gas system.

In the preliminary draft evaluation and conclusion of the complaint number SA 41350, the Commission considers the compensation not to be illegal state aid. However, the ruling of the Spanish Constitutional Court brings new essential elements that I believe should be assessed by the European competition authorities. Some of the conclusions of the ruling may clash with the information given by the Spanish authorities to the Commission in the framework of the aforementioned complaint investigation.

This ruling is new evidence that raises serious doubts as to the legality of the compensation given to ESCAL by the Spanish government. It is therefore crucial, Dear Commissioner, that your services take new action in this case.

Yours sincerely,

Ernest Urtasun

MEP