Amendment 1
Proposal for a directive
Recital 5

Text proposed by the Commission

(5) The Communication from the Commission of 15 July 2015 'Delivering a new deal for energy consumers' put forward the Commission's vision for a retail market that better serves energy consumers, including by better linking wholesale and retail markets. Taking advantage of new technology, new and innovative energy service companies should enable all consumers to fully participate in the energy transition, managing their consumption to deliver energy efficient solutions which save them money and contribute to overall reduction of energy consumption.

Amendment

(5) The Communication from the Commission of 15 July 2015 'Delivering a new deal for energy consumers' put forward the Commission's vision for a retail market that better serves energy consumers, including by better linking wholesale and retail markets. Taking advantage of new technologies, new and innovative energy service companies should enable all consumers to raise their awareness of their energy consumption and to fully participate in the energy transition, managing their consumption to deliver energy efficient solutions which save them money and contribute to overall reduction of energy consumption.

Amendment 2

Proposal for a directive
Recital 6

Text proposed by the Commission

(6) The Communication from the Commission of 15 July 2015 ‘Launching the public consultation process on a new energy market design’\(^{32}\) highlighted that the move away from generation in large central power plants towards de-centralized production from renewable energy sources and decarbonized markets requires an adaptation of the current rules of electricity trading and changes to the existing market roles. It underlined needs to organise electricity markets in a more flexible manner and to fully integrate all market players – including renewable energy producers, new energy service providers, energy storage and flexible demand.

Amendment

(6) The Communication from the Commission of 15 July 2015 ‘Launching the public consultation process on a new energy market design’\(^ {32}\) highlighted that the move away from generation in large central power plants towards de-centralized production from renewable energy sources and decarbonized markets requires an adaptation of the current rules of electricity trading and changes to the roles of existing market participants. It underlined needs to organize electricity markets in a more flexible manner and to fully integrate all market players – including renewable energy producers, new energy service providers, energy storage and flexible demand. It is equally important for the Union to invest urgently in interconnection at European level for the transfer of energy through high-voltage, electric power transmission systems.

Amendment 3

Proposal for a directive
Recital 6 a (new)

Text proposed by the Commission

(6a) With a view to creating an internal market in electricity, Member States should foster the integration of their national markets and the cooperation of system operators at Union and regional level, also incorporating isolated systems forming electricity islands that persist in the Union.

Amendment

(6a) With a view to creating an internal market in electricity, Member States should foster the integration of their national markets and the cooperation of system operators at Union and regional level, also incorporating isolated systems forming electricity islands that persist in the Union.

Justification

This recital shall be preserved in the Directive to highlight that Member States shall cooperate to achieve one of the main goals of the EU energy policy, which is the internal market creation.

Amendment 4

Proposal for a directive
Recital 7 a (new)

Text proposed by the Commission

(7a) The Union will most effectively meet its renewable targets through the creation of a market framework that rewards flexibility and innovations. A well-functioning electricity market design is the key enabler for the uptake of renewables.

Amendment

(7a) Consumers are essential to achieving the flexibility necessary to adapt the electricity system to variable, distributed renewable generation. Technological progress in grid management and renewable generation has unlocked many opportunities for consumers, and healthy competition on retail markets will be essential to ensuring the market-driven deployment of innovative new services that cater to the consumers' changing needs and abilities, while increasing system flexibility. By empowering consumers to participate in the energy market more, and

Justification

A functioning Internal Energy Market should contribute to the uptake of renewables and enable the EU to achieve its renewables targets, as well as its international obligations following the Paris climate accords.

Amendment 5

Proposal for a directive
Recital 8

Text proposed by the Commission

(8) Consumers are essential to achieving the flexibility necessary to adapt the electricity system to variable and distributed renewable generation. Technological progress in grid management and renewable generation has unlocked many opportunities for consumers. Healthy competition on retail markets will be essential to ensuring the market-driven deployment of innovative new services that address consumers' changing needs and abilities, while increasing system flexibility. However, the lack of real time or near real time
participate in new ways, citizens should benefit from the internal market in electricity and the Union's renewable targets should be attained.

information provided to consumers about their energy consumption, in particular due to the slow roll-out of smart meters, has prevented them from being active participants in the energy market and the energy transition. By empowering consumers and providing them with the tools to participate in the energy market more, and participate in new ways, citizens should benefit from the internal market in electricity and the Union's renewable targets should be attained.

Amendment 6
Proposal for a directive
Recital 9

(9) The freedoms which the Treaty guarantees the citizens of the Union — inter alia, the free movement of goods, the freedom of establishment and the freedom to provide services — are achievable only in a fully open market, which enables all consumers freely to choose their suppliers and all suppliers freely to deliver to their customers.

(9) The freedoms which the Treaty guarantees the citizens of the Union — inter alia, the free movement of goods, the freedom of establishment and the freedom to provide services — are achievable only in a fully open and interconnected market, which enables all consumers freely to choose their suppliers and all suppliers freely to deliver to their customers.

Justification

The amendment is necessary for pressing reasons relating to the internal logic of the text.

Amendment 7
Proposal for a directive
Recital 11

(11) In order to secure competition and the supply of electricity at the most competitive price, Member States and national regulatory authorities should facilitate cross-border access for new suppliers of electricity from different energy sources as well as for new providers.

(11) In order to secure competition and the supply of electricity at the most competitive price, Member States and national regulatory authorities should facilitate cross-border access for new suppliers of electricity from different energy sources as well as for new providers.
of power generation, storage and demand response. However, Member States should cooperate in scheduling electricity flows and should take necessary action to prevent unscheduled loop-flows of electricity.

Justification

The amendment is linked to two amendments to Article 3.

Amendment 8

Proposal for a directive
Recital 11 a (new)

<table>
<thead>
<tr>
<th>Text proposed by the Commission</th>
<th>Amendment</th>
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<tr>
<td>(11a) Member States should ensure that no undue barriers exist within the internal electricity market as regards market entry, operation and exit. At the same time, it should be clear that this obligation is without prejudice to those competences which Member States retain in relation to third countries. Such a clarification must not be interpreted as enabling a Member State to exercise an exclusive competence of the Union. It should also be clarified that market participants from third countries must comply with applicable Union and Member States' laws just like all other market participants.</td>
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Amendment 9

Proposal for a directive
Recital 11 b (new)

<table>
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<th>Text proposed by the Commission</th>
<th>Amendment</th>
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<tr>
<td>(11b) The European Council stated in its conclusions of October 2014 that the Commission supported by the Member States must take urgent measures in order to ensure the achievement of a minimum target of 10% of existing electricity</td>
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</table>


interconnections, as a matter of urgency, and no later than 2020, at least for Member States which have not yet attained a minimum level of integration in the internal energy market, which are the Baltic States, Portugal and Spain, and for Member States which constitute their main point of access to the internal energy market. It further stated that the Commission will also report regularly to the European Council with the objective of arriving at a 15% target by 2030.

Amendment 10

Proposal for a directive

Recital 15

Text proposed by the Commission

(15) Member States should maintain a wide discretion to impose public service obligations on electricity undertakings in pursuing objectives of general economic interest. Member States should ensure that household customers and, where Member States deem it appropriate, small enterprises, enjoy the right to be supplied with electricity of a specified quality at clearly comparable, transparent and competitive prices. Nevertheless, public service obligations in the form of supply price regulation constitute a fundamentally distortive measure that often leads to the accumulation of tariff deficits, limitation of consumer choice, poorer incentives for energy saving and energy efficiency investments, lower standards of service, lower levels of consumer engagement and satisfaction, restriction of competition as well as fewer innovative products and services on the market. Consequently, Member States should apply other policy tools, and in particular targeted social policy measures, to safeguard the affordability of electricity supply to their citizens. Interventions in price setting should only be applied in limited

Amendment

(15) Member States should maintain a wide discretion to impose public service obligations on electricity undertakings in pursuing objectives of general economic interest. Member States should ensure that household customers and, where Member States deem it appropriate, small enterprises, enjoy the right to be supplied with electricity of a specified quality at clearly comparable, transparent and competitive prices. Nevertheless, public service obligations in the form of supply price regulation constitute a fundamentally distortive measure that often leads to the accumulation of tariff deficits, limitation of consumer choice, poorer incentives for energy saving and energy efficiency investments, lower standards of service, lower levels of consumer engagement and satisfaction, restriction of competition as well as fewer innovative products and services on the market. Consequently, Member States should apply other policy tools, and in particular targeted social policy measures, to safeguard the affordability of electricity supply to their citizens. Interventions in price setting should only be applied in very limited
exceptional circumstances. A fully liberalised retail electricity market would stimulate price and non-price competition among existing suppliers and incentivise new market entries therefore improving consumers’ choice and satisfaction.

Amendment 11
Proposal for a directive
Recital 24

Text proposed by the Commission

(24) Greater consumer protection is guaranteed by the availability of effective means of dispute settlement for all consumers. Member States should introduce speedy and effective complaint handling procedures.

Amendment

(24) Greater consumer protection is guaranteed by the availability of effective means of independent dispute settlement mechanisms for all consumers, such as energy ombudsman or a consumer body. Member States should introduce speedy and effective complaint handling procedures.

Justification

The amendment is necessary for pressing reasons relating to the internal logic of the text.

Amendment 12
Proposal for a directive
Recital 25

Text proposed by the Commission

(25) All consumers should be able to benefit from directly participating in the market, in particular by adjusting their consumption according to market signals and in return benefit from lower electricity prices or other incentive payments. The benefits of this active participation are likely to increase over time when electric vehicles, heat pumps and other flexible loads become more competitive. Consumers should be enabled to participate

Amendment

(25) All consumers should be able to benefit from directly participating in the market, in particular by adjusting their consumption according to market signals and in return benefit from lower electricity prices or other incentive payments. The benefits of this active participation are likely to increase over time when the awareness of otherwise passive consumers is raised about their possibilities as active consumers and when the information on
in all forms of demand response and therefore should have the possibility to opt for having a smart metering system and a dynamic electricity pricing contract. This should allow them to adjust their consumption according to real time price signals that reflect the value and cost of electricity or transportation in different time periods, while Member States should ensure a reasonable exposure of consumers to the wholesale price risk. Member States should also ensure that those consumers who choose not to actively engage in the market are not penalised but instead their informed decision making on the options available to them should be facilitated in the manner that is the most suitable for domestic market conditions.

**Amendment 13**

**Proposal for a directive**

**Recital 30**

*Text proposed by the Commission*

(30) Distributed energy technologies and consumer empowerment have made community energy and energy cooperatives an effective and cost-efficient way to meet citizens' needs and expectations regarding energy sources, services and local participation. Community energy offers an inclusive option for all consumers to have a direct stake in producing, consuming or sharing energy between each other within a geographically confined community network that may operate in an isolated

**Amendment**

(30) Distributed energy technologies and consumer empowerment have made community energy and energy cooperatives an effective and cost-efficient way to meet citizens' needs and expectations regarding energy sources, services and local participation. Community energy offers an inclusive option for all consumers to have a direct stake in producing, consuming or sharing energy between each other, on the basis of open and voluntary participation, within a geographically confined community
mode or be connected to the public distribution network. Community energy initiatives focus primarily on providing affordable energy of a specific kind, such as renewable energy, for their members or shareholders rather than prioritising profit-making like a traditional energy company. By directly engaging with consumers community energy initiatives are demonstrating their potential in facilitating the up-take of new technologies and consumption patterns, including smart distribution grids and demand response, in an integrated manner. Community energy can also advance energy efficiency at household level and help fight energy poverty through reduced consumption and lower supply tariffs. Community energy also enables certain groups of household consumers to participate in the energy market who otherwise might not have been able to do so. Where they have been successfully operated such initiatives have delivered economic, social and environmental value to the community that goes beyond the mere benefits derived from the provision of energy services. Local energy communities should be allowed to operate on the market on a level-playing field without distorting competition. Household consumers should be allowed to voluntarily participate in a community energy initiative as well as to leave it, without losing access to the network operated by the community energy initiative or their rights as consumers. Access to a local energy community's network should be granted on fair and cost-reflective terms.

Amendment 14

Proposal for a directive
Recital 31
(31) Energy bills and annual statements are an important means through which customers are informed. As well as data on consumption and costs, they can also convey other information that helps consumers to compare their current deal with other offers. However, considering that bill-related disputes are a very common source of consumer complaints, a factor which contributes to persistently low levels of consumer satisfaction and engagement in the energy sector, it is necessary to make bills and annual statements clearer and easier to understand, as well as to ensure that bills contain all the information necessary to enable consumers to regulate their energy consumption, compare offers and switch suppliers.

(31) Energy bills and annual statements are an important means through which customers are informed. Energy bills and annual statements provide data on consumption and costs, while they can also convey other information that helps consumers to compare their current deal with other offers. However, considering that bill-related disputes are a very common source of consumer complaints, bills and annual statements contribute to persistently low levels of consumer satisfaction and engagement in the energy sector. Therefore it is necessary to make bills and annual statements clearer and easier to understand, as well as to ensure that bills contain all the information necessary to enable consumers to regulate their energy consumption, compare offers and switch suppliers.

Amendment 15
Proposal for a directive
Recital 32

Text proposed by the Commission
(32) Member States should encourage the modernisation of distribution networks, such as through the introduction of smart grids, which should be built in a way that encourages decentralised generation and energy efficiency.

Amendment
(32) Member States should encourage the modernisation of distribution networks, such as through the introduction of smart grids, which should be built in a way that encourages decentralised generation, energy storage and energy efficiency.

Justification
The amendment is necessary for pressing reasons relating to the internal logic of the text.

Amendment 16
Proposal for a directive
Recital 34
(34) When it comes to deciding at national level on the smart metering deployment, it should be possible to base this on an economic assessment. Should that assessment conclude that the introduction of such metering systems is economically reasonable and cost-effective only for consumers with a certain amount of electricity consumption, Member States should be able to take that into account when proceeding with implementation.

(37) A key aspect of supplying final customers is access to objective, timely and transparent consumption data. Thus, consumers should have access to their consumption data and associated prices and services costs so that they can invite competitors to make an offer based on those data. Consumers should also have the right to be properly informed about their energy consumption. Prepayments should not place a disproportionate disadvantage at their users, while different payment systems should be non-discriminatory. Information on energy costs provided to consumers frequently enough will create incentives for energy savings because it will give customers direct feedback on the effects of investment in energy efficiency.
and change of behaviour. In this respect, full implementation of Directive 2012/27/EU of the European Parliament and of the Council\textsuperscript{35} will help consumers to reduce their energy costs.


**Amendment 18**

**Proposal for a directive**

**Recital 38**

\textit{Text proposed by the Commission}

(38) Currently different models for the management of data have been developed or are under development in the Member States following the deployment of smart metering systems. Independently of the data management model it is important that Member States put in place transparent rules under which data can be accessed and exchanged under non-discriminatory conditions and ensure the highest level of cybersecurity and data protection as well as the impartiality of the entities which handle data.

**Amendment**

(38) Currently different models for the management of data have been developed or are under development in the Member States following the deployment of smart metering systems. Independently of the data management model it is important that Member States put in place transparent rules under which data can be accessed and exchanged under non-discriminatory conditions and in an effective manner and ensure the highest level of data integrity, cybersecurity and data protection as well as the impartiality of the entities which handle data. Member States should also ensure that consumers remain in control and owners of the consumption data, in particular by being able to identify themselves, give or withdraw consent in an easy manner in accordance with Union data protection legislation.

**Amendment 19**

**Proposal for a directive**

**Recital 40**
Energy services are fundamental to safeguard the well-being of the Union citizens. Adequate warmth, cooling, lighting and the energy to power appliances are essential services to guarantee a decent standard of living and citizens' health. Furthermore, access to these energy services empowers European citizens to fulfil their potential and it enhances social inclusion. Energy poor households are unable to afford these energy services due to a combination of low income, high energy expenditure and poor energy efficiency of their homes. Member States should collect the right information to monitor the number of households in energy poverty. Accurate measurement should assist Member States to identify those households affected by energy poverty in order to provide targeted support. The Commission should actively support the implementation of the provisions on energy poverty by facilitating the sharing of good practices between Member States.

Proposal for a directive
Recital 41

Text proposed by the Commission

(41) Member States which are affected by energy poverty and which have not yet done so should therefore develop national action plans or other appropriate frameworks to tackle this problem, aiming at decreasing the number of people suffering such situation. Low income, high energy expenditure, and poor energy efficiency of homes are relevant factors in designing indicators for the measurement of energy poverty. In any event, Member States should ensure the necessary energy supply for vulnerable and energy poor

Amendment

(41) Energy poverty is a growing problem in the Union. Member States which are affected by energy poverty and which have not yet done so should therefore develop national action plans or other appropriate frameworks to tackle energy poverty, aiming at decreasing the number of energy poor customers. Low income, high energy expenditure, and poor energy efficiency of homes are relevant factors in designing indicators for the measurement of energy poverty. In any event, Member States should ensure the
customers. In doing so, an integrated approach, such as in the framework of energy and social policy, could be used and measures could include social policies or energy efficiency improvements for housing. At the very least, this Directive should allow national policies in favour of vulnerable and energy poor customers.

Amendment 21
Proposal for a directive
Recital 44

Text proposed by the Commission
(44) Where a closed distribution system is used to ensure the optimal efficiency of an integrated energy supply requiring specific operational standards, or a closed distribution system is maintained primarily for the use of the owner of the system, it should be possible to exempt the distribution system operator from obligations which would constitute an unnecessary administrative burden because of the particular nature of the relationship between the distribution system operator and the users of the system. Industrial, commercial or shared services sites such as train station buildings, airports, hospitals, large camping sites with integrated facilities or chemical industry sites can include closed distribution systems because of the specialised nature of their operations.

Amendment
(44) Where a closed distribution system is used to ensure the optimal efficiency of an integrated energy supply requiring specific operational standards, or when a closed distribution system is maintained primarily for the use of the owner of the system, it should be possible to exempt the distribution system operator from obligations which would constitute an unnecessary administrative burden because of the particular nature of the relationship between the distribution system operator and the users of the system. Industrial, commercial or shared services sites such as train station buildings, airports, hospitals, large camping sites with integrated facilities or chemical industry sites can include closed distribution systems because of the specialised nature of their operations.

Justification

The amendment is necessary for pressing reasons relating to the internal logic of the text.

Amendment 22
Proposal for a directive
Recital 69
(69) In order to ensure uniform conditions for the implementation of this Directive, implementing powers should be conferred on the Commission in order to determine a common European data format and non-discriminatory and transparent procedures for accessing the data on metering, consumption data as well as data required for consumer switching. Those powers should be exercised in accordance with Regulation (EU) No 182/2011 of the European Parliament and of the Council.

In order to ensure that such a common European data format supports marked-based competition and contributes to ensuring interoperability between energy services, the Commission may request if appropriate that data standards are drawn up by the relevant European standardisation organisations.


Amendment 23

Proposal for a directive
Article 1 – paragraph 1

Text proposed by the Commission

This Directive establishes common rules for the generation, transmission, distribution, storage and supply of electricity, together with consumer protection provisions, with a view to creating truly integrated competitive, consumer-centered and flexible electricity markets in the Union. Using the advantages

Amendment

This Directive establishes common rules for the generation, transmission, distribution, storage and supply of electricity, together with consumer protection provisions, with a view to creating truly integrated competitive, consumer-centered and flexible electricity markets in the Union. Using the advantages
of an integrated market, the Directive aims at ensuring affordable energy **prices** for consumers, a high degree of security of supply and a smooth transition towards a decarbonised energy system. It lays down key rules relating to the organisation and functioning of the European electricity sector, in particular rules on consumer empowerment and protection, on open access to the integrated market, on third party access to transmission and distribution infrastructure, unbundling rules, and on independent national energy regulators.

**Amendment 24**

**Proposal for a directive**
**Article 2 – paragraph 1 – point 6**

*Text proposed by the Commission*

6. ‘active customer’ means a customer or a group of jointly acting customers who consume, store or sell electricity generated on their premises, including through aggregators, or participate in demand response or energy efficiency schemes provided that these activities do not constitute their primary commercial or professional activity;

*Amendment*

6. ‘active customer’ means a final customer or a group of jointly acting final customers who consume, store or sell electricity generated within their premises, including through aggregators or suppliers or traders, or participate in demand response or energy efficiency schemes provided that these activities do not constitute their primary commercial or professional activity;

**Amendment 25**

**Proposal for a directive**
**Article 2 – paragraph 1 – point 7**

*Text proposed by the Commission*

7. 'local energy community' means: an association, a cooperative, a partnership, a non-profit organisation or other legal entity which is effectively controlled by local shareholders or members, generally value rather than profit-driven, involved in distributed generation and in performing

*Amendment*

7. 'local energy community' means an association, a cooperative, a partnership, a non-profit organisation, SME or other legal entity which is based on voluntary and open participation and is effectively controlled by local shareholders or members, the predominant aim of which
activities of a distribution system operator, supplier or aggregator at local level, including across borders; is to provide local environmental, economic or social community benefits for its members or the local area or areas where it operates rather than where it generates profits, and which is involved in activities such as distributed generation, storage, supply, provision of energy efficiency services, aggregation, electromobility and distribution system operation, including across borders;

Amendment 26

Proposal for a directive
Article 2 – paragraph 1 – point 15

Text proposed by the Commission

15. 'independent aggregator' means an aggregator that is not affiliated to a supplier or any other market participant;

Amendment

15. 'independent aggregator' means an aggregator that is not affiliated to the supplier of the customer;

Amendment 27

Proposal for a directive
Article 2 – paragraph 1 – point 38

Text proposed by the Commission

38. 'non-frequency ancillary service' means a service used by a transmission or distribution system operator for steady state voltage control, fast reactive current injections, inertia and black start capability;

Amendment

38. 'non-frequency ancillary service' means a service used by a transmission or distribution system operator for steady state voltage control, fast reactive current injections, inertia for local grid stability, short-circuit current, and black start capability and island operation capability;

Amendment 28

Proposal for a directive
Article 2 – paragraph 1 – point 39

Text proposed by the Commission

39. 'regional operational centre' means the regional operational centre as defined

Amendment

39. 'regional coordination centre' means the regional coordination centre as
in Article 32 of the [recast of Regulation 714/2009 as proposed by COM(2016)0861].

established pursuant to Article 32 of Regulation (EU) … [recast of Regulation 714/2009 as proposed by COM(2016)0861].

(This amendment applies throughout the text. Adopting it will necessitate corresponding changes throughout.)

Amendment 29
Proposal for a directive
Article 2 – paragraph 1 – point 39 a (new)

Text proposed by the Commission

Amendment

39a. ‘integral part of the transmission system’ means network components that are integrated in the transmission or distribution system, including storage facilities, and are used for the sole purpose of ensuring a secure and reliable operation of the transmission or distribution system, however not for balancing or congestion management, except for the reactive instantaneous restoration of network security in case of network contingencies;

Amendment 30
Proposal for a directive
Article 2 – paragraph 1 – point 47

Text proposed by the Commission

Amendment

47. ‘energy storage’ means, in the electricity system, deferring an amount of the electricity that was generated to the moment of use, either as final energy or converted into another energy carrier.

47. ‘energy storage’ means, in the electricity system, deferring the use of electricity to a later moment than when it was generated or the conversion of electrical energy into a form of energy which can be stored, the storing of that energy, and the subsequent reconversion of that energy back into electrical energy or another energy carrier.
Amendment 31
Proposal for a directive
Article 3 – paragraph 1

Text proposed by the Commission

1. Member States shall ensure that their national legislation does not unduly hamper cross-border flows of electricity, consumer participation including through demand–side response, investments into flexible energy generation, energy storage, the deployment of electro-mobility or new interconnectors, and that electricity prices reflect actual demand and supply.

Amendment

1. Member States shall ensure that their national legislation does not unduly hamper cross-border trade and flows of electricity, consumer participation including through demand–side response, investments into flexible energy generation, energy storage, the deployment of electro-mobility or new interconnectors, and that electricity prices reflect actual demand and supply.

Amendment 32
Proposal for a directive
Article 3 – paragraph 1 a (new)

Text proposed by the Commission

1a. Member States shall ensure that their national legislation ensures an equal level-playing field and does not discriminate against any market participant, including those from other Member States.

Amendment

1a. Member States shall ensure that their national legislation ensures an equal level-playing field and does not discriminate against any market participant, including those from other Member States.

Amendment 33
Proposal for a directive
Article 3 – paragraph 1 b (new)

Text proposed by the Commission

1b. Without prejudice to the competences in relation to third countries, Member States shall ensure that no undue barriers exist within the internal electricity market as regards market entry, operation and exit. Market participants from third countries shall comply with applicable Union and
Member States' laws, including those concerning environmental and safety policy.

Amendment 34

Proposal for a directive
Article 3 – paragraph 1 c (new)

Text proposed by the Commission

Amendment

1c. This Directive also sets out means of cooperation among Member States, regulatory authorities and transmission system operators towards the creation of a fully interconnected internal market that increases the integration of renewable electricity, the mechanisms of solidarity among Member States, the free competition and the security of supply.

Amendment 35

Proposal for a directive
Article 3 – paragraph 2

Text proposed by the Commission

Amendment

2. Members States shall ensure that no undue barriers exist for market entry and market exit of electricity generation and electricity supply undertakings.

2. Members States shall ensure that no undue barriers exist for market entry and market exit of electricity generation, energy storage, demand-response and electricity supply undertakings.

Amendment 36

Proposal for a directive
Article 4 – paragraph 1

Text proposed by the Commission

Amendment

Member States shall ensure that all customers are free to purchase electricity from the supplier of their choice.

Member States shall ensure that all customers are free to purchase electricity from the producer or supplier of their choice and are free to contract simultaneously with several suppliers.
Justification

Supplier is not defined, whereas including 'producer' would widen the scope to include a legal person.

Amendment 37

Proposal for a directive
Article 5 – paragraph 2

Text proposed by the Commission

2. Member States **shall** ensure the protection of energy poor or vulnerable customers in a targeted manner by other means than public interventions in the price-setting for the supply of electricity.

Amendment

2. Member States **may** ensure the protection of energy poor or vulnerable **household** customers in a targeted manner by **social policy** or other means than public interventions in the price-setting for the supply of electricity.

Amendment 38

Proposal for a directive
Article 5 – paragraph 4 – subparagraph 1

Text proposed by the Commission

4. **After** [OP – insert the date – five years from the entry into force of this Directive], Member States may still apply public interventions in the price-setting for the supply of electricity for vulnerable household customers **in so far as it is strictly necessary for reasons of extreme urgency**. Such interventions shall comply with the conditions **set out in paragraph 3**.

Amendment

4. **Between** [OP – insert the date – five years from the entry into force of this Directive] and [OP – insert the date – ten years from the entry into force of this Directive], Member States may still apply public interventions in the price-setting for the supply of electricity for vulnerable household customers. Such interventions shall comply with **all the following** conditions:

(a) they shall not go beyond what is necessary to achieve the general economic interest which they pursue;

(b) they shall be limited in time;

(c) they shall be proportionate as regards their beneficiaries;

(d) they shall be limited to energy poor and vulnerable customers;

(e) they shall not impede market entry
by new participants;
(f) they shall not negatively impact the wholesale electricity market;
(g) they shall not result in additional costs for market participants in a discriminatory way; and
(h) all beneficiaries of such public intervention shall have the possibility to choose competitive market offers and shall be directly informed of the availability of offers and savings on the competitive market, in particular dynamic electricity price contracts, at least every quarter and they shall be provided with assistance to switch to a market based offer.

Amendment 39

Proposal for a directive
Article 7 – paragraph 1 – point a

Text proposed by the Commission

(a) all electricity producers and electricity supply undertakings established within their territory to supply their own premises, subsidiaries and customers through a direct line;

Amendment

(a) all electricity producers and electricity supply undertakings established within their territory to supply their own premises, subsidiaries and customers through a direct line without being subject to disproportionate administrative procedures or costs related for instance to the need for a supply licence;

Justification

This amendment is necessary to in practice enable amendments 21, 98 and 128, when contracting simultaneously with several suppliers. Moving to renewables, efforts of individuals or groups to power their operations and activities with electricity produced by an installation connected to their premises via a direct line should be facilitated. Removal of expensive supply licenses and enabling a customer to sign a second supply contract for the same metering point to supply residual electricity demand are such enablers. This is essential for achievement of active customers.

Amendment 40

Proposal for a directive
Article 7 – paragraph 1 – point b

Text proposed by the Commission

(b) all customers within their territory to be supplied through a direct line by a producer and supply undertakings.

Amendment

(b) all customers within their territory individually or jointly, to be supplied through a direct line by a producer and supply undertakings.

Justification

This amendment is necessary to in practice enable amendments 123 and 153, when contracting simultaneously with several suppliers, and is in line with amendment 176. Changes to Article 7 are also important to enable active customers. Moving to renewables, efforts of individuals or groups to power their operations and activities with electricity produced by an installation connected to their premises via a direct line should be facilitated, whereby individuals or corporations could over time decrease or fix energy costs by using electricity produced nearby, choosing renewable energy.

Amendment 41

Proposal for a directive

Article 7 – paragraph 3

Text proposed by the Commission

3. The possibility of supplying electricity through a direct line as referred to in paragraph 1 shall not affect the possibility of contracting electricity in accordance with Article 6.

Amendment

3. The possibility of supplying electricity through a direct line as referred to in paragraph 1 shall not affect the possibility of contracting electricity in accordance with Article 6 and shall not affect the right of the customer to sign a second supply contract for the residual electricity demand.

Justification

This amendment is necessary to in practice enable amendments 123 and 153 when contracting simultaneously with several suppliers. It also facilitates amendments towards small scale local power sharing, while ensuring that a second supply contract can be agreed to for additional need (ie to make amendments 169, 172 etc. possible in practice). This is important for the encouragement of move to renewables, to provide incentives for increased renewable energy development and use, and for promoting the active customer principle.

Amendment 42

Proposal for a directive

Article 8 – paragraph 2 – point k a (new)
Text proposed by the Commission

Amendment

(ka) the assessment of alternatives, such as demand-response solutions and energy storage, to the construction of new generating capacity.

Amendment 43

Proposal for a directive
Article 8 – paragraph 3 – subparagraph 1

Text proposed by the Commission

Member States shall ensure that specific authorisation procedures exist for small decentralised and/or distributed generation, which take into account their limited size and potential impact.

Amendment

Member States shall ensure that specific, simplified and streamlined authorisation procedures exist for small decentralised and/or distributed generation, which take into account their limited size and potential impact.

Amendment 44

Proposal for a directive
Article 9 – paragraph 2

Text proposed by the Commission

2. Having full regard to the relevant provisions of the Treaty, in particular Article 106 thereof, Member States may impose on undertakings operating in the electricity sector, in the general economic interest, public service obligations which may relate to security, including security of supply, regularity, quality and price of supplies and environmental protection, including energy efficiency, energy from renewable sources and climate protection. Such obligations shall be clearly defined, transparent, non-discriminatory, verifiable and shall guarantee equality of access for electricity undertakings of the Union to national consumers. Public service obligations which concern the price setting for the supply of electricity shall comply

Amendment

2. Having full regard to the relevant provisions of the Treaty, in particular Article 106 thereof, Member States may impose on undertakings operating in the electricity sector, in the general economic interest, public service obligations which may relate to security, including security of supply, regularity, quality and price of supplies and environmental protection, including energy efficiency, energy from renewable sources and climate protection. Such obligations shall be clearly defined, transparent, non-discriminatory, verifiable and shall guarantee equality of access for electricity undertakings of the Union to national consumers. In relation to security of supply, energy efficiency/demand-side management and for the fulfilment of
with the requirements set out in Article 5.  

**Amendment 45**

**Proposal for a directive**  
**Article 10 – paragraph 2 – point a – subparagraph 1 – indent 4**

<table>
<thead>
<tr>
<th>Text proposed by the Commission</th>
<th>Amendment</th>
</tr>
</thead>
<tbody>
<tr>
<td>- the means by which up-to-date information on all applicable tariffs and maintenance charges may be obtained,</td>
<td>- the means by which up-to-date information on all applicable tariffs and maintenance charges and additional products and/or services (bundled offers) may be obtained,</td>
</tr>
</tbody>
</table>

**Amendment 46**

**Proposal for a directive**  
**Article 10 – paragraph 2 – point a – subparagraph 1 – indent 5**

<table>
<thead>
<tr>
<th>Text proposed by the Commission</th>
<th>Amendment</th>
</tr>
</thead>
<tbody>
<tr>
<td>- the duration of the contract, the conditions for renewal and termination of services and of the contract,</td>
<td>- the duration of the contract, the conditions for renewal and termination of services including additional products and/or services (bundled services) and of the contract and whether withdrawal from the contract without charge is permitted,</td>
</tr>
</tbody>
</table>

**Amendment 47**

**Proposal for a directive**  
**Article 10 – paragraph 2 – point b**

<table>
<thead>
<tr>
<th>Text proposed by the Commission</th>
<th>Amendment</th>
</tr>
</thead>
<tbody>
<tr>
<td>(b) are given adequate notice of any intention to modify contractual conditions</td>
<td>(b) are given adequate notice of any intention to modify contractual conditions</td>
</tr>
</tbody>
</table>
and are informed about their right to
dissolve the contract when the notice is
given. Suppliers shall notify their
customers directly of any adjustment in the
supply price as well as of the reasons and
preconditions for the adjustment and its
scope, at an appropriate time no later than
one normal billing period before the
adjustment comes into effect in a
transparent and comprehensible manner.
Member States shall ensure that customers
are free to withdraw from contracts if they
do not accept the new contractual
conditions or adjustments in the supply
price notified to them by their electricity
supplier;

and are informed about their right to
dissolve the contract when the notice is
given. Suppliers shall notify their
customers directly of any adjustment in the
supply price as well as of the reasons and
preconditions for the adjustment and its
scope, as soon as they have the
information on the adjustment, and
no later than one month before the adjustment
comes into effect in a transparent and
comprehensible manner. Member States
shall ensure that customers are free to
withdraw from contracts if they do not
accept the new contractual conditions or
adjustments in the supply price notified to
them by their electricity supplier;

Amendment 48

Proposal for a directive
Article 10 – paragraph 2 – point d

Text proposed by the Commission

(d) are offered a wide choice of payment
methods, which do not unduly discriminate
between customers. Any difference in
charges related to payment methods shall
reflect the relevant costs incurred by the
supplier.

Amendment

(d) are offered a wide choice of payment
methods, which do not unduly discriminate
between customers. Any difference in
charges related to payment methods shall
reflect the relevant costs incurred by the
supplier, in line with Article 62 of
Directive (EU) 2015/2366 which forbids
surcharges for any payment instrument;

Amendment 49

Proposal for a directive
Article 10 – paragraph 2 – point e

Text proposed by the Commission

(e) are not placed at an excessive
disadvantage in comparison to the average
market price by the prepayment systems;

Amendment

(e) are not placed at a disproportionate
disadvantage in comparison to the average
market price by the prepayment systems;
Amendment 50

Proposal for a directive
Article 10 – paragraph 2 – point j

Text proposed by the Commission
(j) receive a final closure account following any change of electricity supplier no later than six weeks after the change of supplier has taken place.

Amendment
(j) receive a final closure account following any change of electricity supplier no later than two weeks after the change of supplier has taken place.

Justification

The amendment is necessary for pressing reasons relating to the internal logic of the text.

Amendment 51

Proposal for a directive
Article 10 – paragraph 2 – point j a (new)

Text proposed by the Commission
(ja) are provided with a summary of the key contractual conditions (such as the main features of the service, detailed information on prices, conditions for switching and price increase) in concise and simple language on the first page of the contract or together with the contract.

Amendment

Amendment 52

Proposal for a directive
Article 11 – paragraph 2

Text proposed by the Commission
2. Member States shall ensure that final customers are fully informed by the suppliers of the opportunities and risks of such dynamic electricity price contract.

Amendment
2. Member States shall ensure that final customers are fully informed by the suppliers of the opportunities and risks of such dynamic electricity price contract including the need to have an adequate electricity meter installed.
Amendment 53
Proposal for a directive
Article 11 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2a. Every final customer shall always be required to give consent before being switched to a dynamic price contract.

Amendment 54
Proposal for a directive
Article 11 – paragraph 2 b (new)

Text proposed by the Commission

Amendment

2b. Member States shall aim at reducing the share of fixed components in final customers’ electricity bills.

Amendment 55
Proposal for a directive
Article 11 – paragraph 3 a (new)

Text proposed by the Commission

Amendment

3a. Member States shall ensure that adequate safeguards on the exposure of price changes for final customers are in place to avoid bill shocks or high levels of financial liability.

Amendment 56
Proposal for a directive
Article 12 – paragraph 1 – subparagraph 1 a (new)

Text proposed by the Commission

Amendment

By 1 January 2022, the technical process of switching supplier shall take no longer than 24 hours and shall be possible on any working day.
Amendment 57

Proposal for a directive
Article 12 – paragraph 2

Text proposed by the Commission

2. Member States shall ensure that customers are not charged any switching-related fees.

Amendment

2. Member States shall ensure that **final** customers are not charged any switching-related fees.

Amendment 58

Proposal for a directive
Article 12 – paragraph 3

Text proposed by the Commission

3. By way of derogation from paragraph 2, Member States may choose to permit suppliers to charge contract termination fees to customers willingly terminating fixed term supply contracts before their maturity. Such fees may only be charged if customers receive a demonstrable advantage from these contracts. In addition, such fees shall not exceed the direct economic loss to the supplier of the customer terminating the contract, including the cost of any bundled investments or services already provided to the customer as part of the contract.

Amendment

3. By way of derogation from paragraph 2, Member States may choose to permit suppliers to charge contract termination fees to **final** customers willingly terminating fixed term, **fixed price** supply contracts before their maturity **provided that the customer has willingly entered into such a contract.** Such fees may only be charged if **final** customers receive a demonstrable advantage from these contracts. In addition, such fees shall be proportionate to the advantage provided to the customer and shall not exceed the direct economic loss to the supplier of the **final** customer terminating the contract, including the cost of any bundled investments or services already provided to the **final** customer as part of the contract. **The burden of proof of the direct economic loss shall be on the supplier and shall be monitored by the national regulatory authority.**

Amendment 59

Proposal for a directive
Article 12 – paragraph 4 a (new)
4a. Household customers shall be entitled to participate in collective switching schemes. Member States shall remove all regulatory or administrative barriers for collective switching while providing a framework that ensures utmost protection for consumers to avoid any abusive practices.

Amendment 60
Proposal for a directive
Article 13 – paragraph 1

Text proposed by the Commission
1. Member States shall ensure that, where a final customer wishes to conclude a contract with an aggregator, such engagement shall not require the consent of the final customer's supplier.

Amendment
1. Member States shall ensure that final customers are entitled to conclude a contract with an aggregator and that such engagement shall not require the consent of the final customer's supplier.

Member States shall ensure that aggregators fully inform customers of the terms and conditions of the contracts offered to them.

Member States shall ensure that suppliers do not discriminate between customers on the basis of whether they have a contract with an aggregator.

Amendment 61
Proposal for a directive
Article 13 – paragraph 2

Text proposed by the Commission
2. Member States shall ensure that a final customer wishing to terminate the contract with an aggregator, while respecting contractual conditions, is entitled to such termination within three weeks.

Amendment
2. Member States shall ensure that a final customer wishing to terminate the contract with an aggregator may do so in accordance with Article 12.
Amendment 62
Proposal for a directive
Article 13 – paragraph 3 – subparagraph 1 a (new)

Text proposed by the Commission

The burden of proof of the direct economic loss shall be on the aggregator and shall be monitored by the national regulatory authority.

Amendment

Amendment 63
Proposal for a directive
Article 13 – paragraph 4

Text proposed by the Commission

4. Member States shall ensure that final customers are entitled to receive all relevant demand response data or data on supplied and sold electricity at least once per year.

Amendment

4. Member States shall ensure that final customers are entitled to receive all relevant demand response data or data on supplied and sold electricity and settlement data upon request and without being charged any additional fees and at least once per month.

Amendment 64
Proposal for a directive
Article 14 – paragraph 1

Text proposed by the Commission

1. Member States shall ensure that customers have access, free of charge, to at least one tool comparing the offers of suppliers that meets the certification criteria set out in Annex I. The comparison tools may be operated by any entity, including private companies and public authorities or bodies. Customers should be informed of the availability of such tools.

Amendment

1. Member States shall ensure that customers have access, free of charge, to at least one tool comparing the offers from both individual and bundled contracts, including dynamic price contracts, offers from electricity suppliers, electricity service providers and independent aggregators that meets at least the certification criteria set out in Annex I. The comparison tools may be operated by any entity, including private companies and public authorities or bodies. At least one
tool per Member States shall cover the whole of the market. Customers shall be informed of the availability of such tools in or together with their bills.

Amendment 65
Proposal for a directive
Article 14 – paragraph 3

Text proposed by the Commission

3. Member States may require the comparison tools referred to in paragraph 1 to include comparative determinants relating to the nature of the services offered by the suppliers.

Amendment

3. Member States shall require the comparison tools referred to in paragraph 1 to include comparative determinants relating to the nature of the services offered by the suppliers.

Amendment 66
Proposal for a directive
Article 14 – paragraph 4

Text proposed by the Commission

4. Any tool comparing the offers of suppliers shall be eligible to apply for certification in accordance with this Article on a voluntary and non-discriminatory basis.

Amendment

4. Any tool comparing the offers of electricity suppliers, electricity service providers and aggregators, including independent aggregators, shall apply for certification in accordance with this Article on a non-discriminatory basis.

Amendment 67
Proposal for a directive
Article 15 – paragraph 1 – point a

Text proposed by the Commission

(a) are entitled to generate, store, consume and sell self-generated electricity in all organised markets either individually or through aggregators without being subject to disproportionately burdensome procedures and charges that are not cost reflective;

Amendment

(a) are entitled to generate, store, consume and sell self-generated electricity in all organised markets either individually or through aggregators without being subject to discriminatory or disproportionately burdensome procedures and charges that are not cost reflective;
Amendment 68

Proposal for a directive
Article 15 – paragraph 2

Text proposed by the Commission

2. The energy installation required for the activities of the active customer may be managed by a third party for installation, operation, including metering and maintenance.

Amendment

2. The energy installation required for the activities of the active customer may be managed by a third party for installation, operation, including metering and maintenance provided that the economic risk connected to the operation of the installation remains with the active customer.

Member States shall ensure that active customers owning a storage facility:

(a) have the right to a grid connection within a reasonable time following the request;

(b) are not subject to additional taxes, surcharges, and fees for the electricity stored in the storage facility;

(c) are distinguished from generators and not subject to related licensing requirements and fees;

(d) are allowed to provide several services simultaneously, if technically feasible.

Amendment 69

Proposal for a directive
Article 16 – paragraph 1 – point a

Text proposed by the Commission

(a) are entitled to own, establish, or lease community networks and to autonomously manage them;

Amendment

(a) are entitled to own, establish, or lease community networks and autonomously manage them, as long as the concession system of the Member State is respected;
Amendment 70
Proposal for a directive
Article 16 – paragraph 1 – point b a (new)

Text proposed by the Commission

(ba) shall be subject to balance responsibility in accordance with Article 4 of Regulation (EU) ... [recast of Regulation 714/2009 as proposed by COM(2016)0861/2];

Amendment 71
Proposal for a directive
Article 16 – paragraph 1 – point c

Text proposed by the Commission

(c) benefit from a non-discriminatory treatment with regard to their activities, rights and obligations as final customers, generators, distribution system operators or aggregators;

Amendment

(c) benefit from a non-discriminatory treatment with regard to their activities, rights and obligations as final customers, generators, distribution system operators, suppliers or aggregators;

Amendment 72
Proposal for a directive
Article 16 – paragraph 1 – point c a (new)

Text proposed by the Commission

(ca) adequately contribute to the costs of the electricity system to which they remain connected;

Amendment

Amendment 73
Proposal for a directive
Article 16 – paragraph 1 – point c b (new)

Text proposed by the Commission

(cb) operate on the market on a level playing field without distorting
Amendment 74
Proposal for a directive
Article 16 – paragraph 2 – point -a (new)

Text proposed by the Commission

Amendment

(-a) conditions for creating, operating and dissolving local energy networks are well defined;

Amendment 75
Proposal for a directive
Article 16 – paragraph 2 – point a a (new)

Text proposed by the Commission

Amendment

(aa) conditions and standards are set up for local energy communities with networks in order to preserve efficient network planning. These conditions and standards shall also ensure that customers and members in the local energy community receive the same quality and standard of network services that are available to customers outside the local energy community;

Amendment 76
Proposal for a directive
Article 16 – paragraph 2 – point a b (new)

Text proposed by the Commission

Amendment

(ab) final customers are entitled to participate in a local energy community;

Justification

Language is needed in order to clarify that participation in a local energy communities is an expression of the consumer’s right to choose, and to ensure all consumers across the EU have the ability to participate in a local energy community.
Amendment 77

Proposal for a directive
Article 16 – paragraph 2 – point e

Text proposed by the Commission
(e) provisions of Chapter IV apply to local energy communities that perform activities of a distribution system operator;

Amendment
(e) provisions of Chapter IV as well as other rules and regulations applying to distribution system operators apply to local energy communities that perform activities of a distribution system operator;

Amendment 78

Proposal for a directive
Article 16 – paragraph 2 – point g

Text proposed by the Commission
(g) where relevant system users that are not shareholders or members of the local energy community connected to the distribution network operated by a local energy community shall be subject to fair and cost-reflective network charges. If such system users and local energy communities cannot reach an agreement on network charges, both parties may request the regulatory authority to determine the level of network charges in a relevant decision;

Amendment
(g) where relevant system users that are not shareholders or members of the local energy community connected to the distribution network operated by a local energy community shall be subject to non-discriminatory, fair and cost-reflective network charges. If such system users and local energy communities cannot reach an agreement on network charges, both parties may request the regulatory authority to determine the level of network charges in a relevant decision;

Amendment 79

Proposal for a directive
Article 16 a (new)

Text proposed by the Commission

Amendment

Article 16a
Electricity sharing
Local energy communities are entitled to share electricity from generation assets within the community between its
members or shareholders based on market principles, including applying existing or future ICT technologies such as virtual net metering schemes and those based on distributed ledger technologies, as well as through power purchase agreements or peer-to-peer trade arrangements for example.

Amendment 80
Proposal for a directive
Article 17 – paragraph 1

Text proposed by the Commission
1. Member States shall ensure that national regulatory authorities encourage final customers, including those offering demand response through aggregators, to participate alongside generators in a non-discriminatory manner in all organised markets.

Amendment
1. Member States shall ensure that the regulatory framework allows final customers, including those offering demand response through aggregators, to participate alongside generators in a non-discriminatory manner in all organised markets and capacity mechanisms.

Amendment 81
Proposal for a directive
Article 17 – paragraph 2

Text proposed by the Commission
2. Member States shall ensure that transmission system operators and distribution system operators when procuring ancillary services, treat demand response providers, including independent aggregators, in a non-discriminatory manner, on the basis of their technical capabilities.

Amendment
2. Member States shall ensure that transmission system operators and distribution system operators when procuring ancillary services, treat demand response providers, including independent aggregators, in a non-discriminatory manner alongside generators, on the basis of their technical capabilities.

Amendment 82
Proposal for a directive
Article 17 – paragraph 3 – introductory part
3. Member States shall ensure that their regulatory framework encourages the participation of aggregators in the retail market and that it contains at least the following elements:

Amendment 83
Proposal for a directive
Article 17 – paragraph 3 – point b

Text proposed by the Commission
(b) transparent rules clearly assigning roles and responsibilities to all market participants;

Amendment
(b) non-discriminatory and transparent rules clearly assigning roles and responsibilities to all market participants;

Amendment 84
Proposal for a directive
Article 17 – paragraph 3 – point c

Text proposed by the Commission
(c) transparent rules and procedures for data exchange between market participants that ensure easy access to data on equal and non-discriminatory terms while fully protecting commercial data;

Amendment
(c) non-discriminatory and transparent rules and procedures for data exchange between market participants that ensure easy access to data on equal and non-discriminatory terms while fully protecting commercial data and customers’ personal data, including minimum information requirements for the aggregator, as well as minimum criteria for the protection of commercially sensitive data for all parties concerned;

Amendment 85
Proposal for a directive
Article 17 – paragraph 3 – point d
Text proposed by the Commission

(d) aggregators shall not be required to pay compensation to suppliers or generators;

deleted

Amendment 86

Proposal for a directive
Article 17 – paragraph 3 – point d a (new)

Text proposed by the Commission

(da) market participants engaged in aggregation shall be financially responsible for the imbalances they cause in the electricity system as defined in accordance with Article 4 of Regulation (EU) ... [recast of Regulation 714/2009 as proposed by COM(2016)0861/2];

Amendment 87

Proposal for a directive
Article 17 – paragraph 3 – point d b (new)

Text proposed by the Commission

(db) non-discriminatory and transparent rules and procedures to compensate market participants for the energy they deliver during the demand response period in a proportionate manner, under the supervision of the national regulatory authority, without creating a barrier for market entry of aggregators or a barrier for flexibility. Compensation shall be strictly limited to cover the resulting costs. The calculation method for such compensation may take account of the benefits induced by the independent aggregators to other market participants and be subject to approval by the regulatory authority;
Amendment 88
Proposal for a directive
Article 17 – paragraph 3 – point d c (new)

Text proposed by the Commission

( dc) final customers who have a contract with independent aggregators shall not face undue payments, penalties or other undue contractual restriction from their suppliers;

Amendment 89
Proposal for a directive
Article 17 – paragraph 4

Text proposed by the Commission

4. In order to ensure that balancing costs and benefits induced by aggregators are fairly assigned to market participants, Member States may exceptionally allow compensation payments between aggregators and balance responsible parties. Such compensation payments must be limited to situations where one market participant induces imbalances to another market participant resulting in a financial cost.

Such exceptional compensation payments shall be subject to approval by the national regulatory authorities and monitored by the Agency.

Amendment 90
Proposal for a directive
Article 18 – paragraph 1

Text proposed by the Commission

1. Member States shall ensure that bills fulfil the minimum requirements for billing and billing information as set out in Annex II. The information contained in bills shall

1. Member States shall ensure that bills fulfil the minimum requirements for billing and billing information as set out in Annex II. The information contained in bills shall
be correct, clear, concise and presented in a manner that facilitates comparison by consumers.

be correct, clear, concise, **user-friendly** and presented in a manner that facilitates comparison by consumers. The information indicated in Annex II that is not obligatory in the bills shall be made available to the customers by other means as chosen by the Member States.

**Amendment 91**

Proposal for a directive
Article 18 – paragraph 3 – subparagraph 1

*Text proposed by the Commission*

Billing shall take place on the basis of actual consumption at least once a year. Billing information shall be made available at least once every three months, upon request or where the final customers have opted to receive electronic billing or else twice a year.

*Amendment*

Billing shall take place on the basis of actual consumption at least once a year. Billing information **including information on actual consumption** shall be made available at least once a month, upon request or where the final customers have opted to receive electronic billing or else twice a year.

**Amendment 92**

Proposal for a directive
Article 18 – paragraph 4

*Text proposed by the Commission*

4. Where final customers have meters that allow remote reading by the operator, accurate billing information based on actual consumption shall be provided at least once a month.

*Amendment*

4. Where final customers have meters that allow remote reading by the operator, accurate billing information based on actual consumption shall be provided at least once a month **also through websites or other innovative means**.

**Amendment 93**

Proposal for a directive
Article 18 – paragraph 7

*Text proposed by the Commission*

7. **Member States may lay down that**, deleted
at the request of the final customers, the information contained in these bills shall not be considered to constitute a request for payment. In such cases, Member States shall ensure that suppliers offer flexible arrangements for payments.

Amendment 94
Proposal for a directive
Article 18 – paragraph 8

Text proposed by the Commission

8. Member States shall require that information and estimates for electricity costs are provided to final customers on demand in a timely manner and in an easily understandable format.

Amendment

8. Member States shall require that information and estimates for electricity costs are provided to final customers on demand in a timely manner and in an easily understandable format. If the contract includes a future change of product or price or a discount, this should be indicated on the bill together with the date when the change takes place.

Amendment 95
Proposal for a directive
Article 18 – paragraph 8 a (new)

Text proposed by the Commission

8a. Member States shall consult consumer organisations when they consider changes to the format of bills.

Amendment

Amendment 96
Proposal for a directive
Article 18 – paragraph 8 b (new)

Text proposed by the Commission

8b. Where a final customer has been on the same tariff for more than 2 years, Member States shall require suppliers to notify the customer, in or alongside the
energy bill, whether a more suitable or advantageous tariff is available, and facilitate their move to the new tariff.

**Justification**

It is important to take action to ensure that where final customers have been on the same tariff for more than 2 years, they can be proactively alerted by their supplier as to whether they could reduce their bills by switching to an alternative, perhaps newer tariff, offered by that same supplier. Customers who do not change supplier often end up on so-called "sleeping tariffs" or "legacy tariffs" which are no longer competitive and can be significantly more costly than the current range of tariffs available. Such customers may often be those on lower incomes or most at risk of energy poverty.

**Amendment 97**

**Proposal for a directive**

**Article 19 – paragraph 1**

<table>
<thead>
<tr>
<th>Text proposed by the Commission</th>
<th>Amendment</th>
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<tbody>
<tr>
<td>1. In order to promote energy efficiency and empower customers, Member States or, where a Member State has so provided, the regulatory authority shall strongly recommend that electricity undertakings and aggregators optimise the use of electricity, inter alia by providing energy management services, developing innovative pricing formulas, or introducing interoperable smart metering systems or smart grids, where appropriate.</td>
<td>1. In order to promote energy efficiency and empower customers, Member States or, where a Member State has so provided, the regulatory authority shall strongly recommend that electricity undertakings and aggregators optimise the use of electricity, where cost-effective, inter alia by providing energy management services, developing innovative pricing formulas, and introducing interoperable smart metering systems in particular with consumer energy management systems, smart grids, and where appropriate smart appliances and 'smart homes' in accordance with the applicable Union data protection legislation.</td>
</tr>
</tbody>
</table>

**Amendment 98**

**Proposal for a directive**

**Article 19 – paragraph 3**

<table>
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<tr>
<th>Text proposed by the Commission</th>
<th>Amendment</th>
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<tbody>
<tr>
<td>3. Member States that proceed with deployment shall adopt and publish the minimum functional and technical</td>
<td>3. Member States that proceed with smart metering deployment shall adopt and publish the minimum functional and</td>
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</tbody>
</table>
requirements for the smart metering systems to be rolled out in their territories in line with the provisions laid down in Article 20 and Annex III. Member States shall ensure the interoperability of these smart metering systems as well as their connectivity with consumer energy management platforms. To this respect, Member States shall have due regard to the use of relevant available standards including those enabling interoperability, best practices and the importance of the development of the internal market in electricity.

technical requirements for the smart metering systems to be rolled out in their territories in line with the provisions laid down in Article 20 and Annex III. Member States shall ensure the interoperability of these smart metering systems, their user-centricity as well as their connectivity with consumer energy management platforms. To this respect, Member States shall have due regard to the use of relevant available standards including those enabling interoperability on the data model and application layer level, best practices and the importance of the development of data exchange, future and innovative energy services, the deployment of smart grids and the internal market in electricity. For existing smart metering systems, the requirements must be met when the metering system is replaced by a new one, at the end of its economic lifetime or earlier.

Amendment 99

Proposal for a directive
Article 19 – paragraph 4

_Text proposed by the Commission_

4. Member States that proceed with smart metering deployment shall ensure that final customers contribute to the associated costs of the roll-out in a transparent and non-discriminatory manner. Member States shall regularly monitor this deployment in their territories to track the evolution of costs and benefits for the whole value chain, including the delivery of net benefits to consumers.

_Amendment_

4. Member States that proceed with smart metering deployment shall ensure that final customers contribute to the associated costs of the roll-out in a transparent and non-discriminatory manner while taking into account the long-term benefits for the whole value chain. Member States shall regularly monitor this deployment in their territories to track the evolution of costs and benefits for the whole value chain, including the delivery of net benefits such as savings to consumers and their overall satisfaction with the deployment.
Amendment 100
Proposal for a directive
Article 19 – paragraph 5

Text proposed by the Commission

5. When the deployment of smart metering is negatively assessed as a result of cost-benefit assessment referred to in paragraph 2, Member States shall ensure that this assessment is revised periodically in response to changes in the underlying assumptions and to technology and market developments. Member States shall notify to the responsible Commission services the outcome of their updated economic assessment as it becomes available.

Amendment

5. When the deployment of smart metering is negatively assessed as a result of cost-benefit assessment referred to in paragraph 2, Member States shall ensure that this assessment is revised periodically and at least every two years in response to changes in the underlying assumptions and to technology and market developments. Member States shall notify to the responsible Commission services the outcome of their updated economic assessment as it becomes available.

Amendment 101
Proposal for a directive
Article 20 – paragraph 1 – introductory part

Text proposed by the Commission

Where smart metering is positively assessed as a result of cost-benefit assessment referred to in Article 19(2), or systematically rolled out, Member States shall implement smart metering systems in accordance with European standards, the provisions in Annex III, and in line with the following principles:

Amendment

Where smart metering is positively assessed as a result of cost-benefit assessment referred to in Article 19(2), or systematically rolled out after the entry into force of this Directive, Member States shall implement smart metering systems in accordance with European standards, the provisions in Annex III, and in line with the following principles:

Amendment 102
Proposal for a directive
Article 20 – paragraph 1 – point a

Text proposed by the Commission

(a) the metering systems accurately measure actual electricity consumption and provide to final customers information on actual time of use. That information shall

Amendment

(a) the metering systems accurately measure actual electricity consumption and provide to final customers information on actual time of use. Validated historical
be made easily available and visualised to final customers at no additional cost and at near-real time in order to support automated energy efficiency programmes, demand response and other services;

consumption data shall be made easily available and visualised to final customers on at least an in-home display at no additional cost. Unvalidated near-real time consumption data shall be made available to final customers through a standardized interface in order to support automated energy efficiency programmes, demand response and other services;

Amendment 103

Proposal for a directive
Article 20 – paragraph 1 – point c

Text proposed by the Commission

(c) the privacy and data protection of final customers is ensured in compliance with relevant Union data protection and privacy legislation;

Amendment

(c) the privacy and data protection of final customers is ensured in compliance with relevant Union data protection and privacy legislation; it shall in particular be possible for the final customer to have access to information on the identity of other parties which access their personal data, and on the moment of access, in order to be able to enforce their rights under Union data protection legislation;

Amendment 104

Proposal for a directive
Article 20 – paragraph 1 – point e

Text proposed by the Commission

(e) if final customers request it, metering data on their electricity input and off-take shall be made available to them, via a local standardised communication interface and/or remote access, or to a third party acting on their behalf, in an easily understandable format as provided for in Article 24, allowing them to compare deals on a like-for-like basis;

Amendment

(e) metering data on their electricity input and off-take shall be made available to them, via a local standardised communication interface and/or remote access, or to a third party acting on their behalf, in an easily understandable format as provided for in Article 24 and as close to real time as possible allowing them to compare deals on a like-for-like basis; it shall equally be possible for final customers to download their metering data or transmit them to another party at
Amendment 105
Proposal for a directive
Article 20 – paragraph 1 – point f

Text proposed by the Commission

(f) appropriate advice and information shall be given to final customers at the time of installation of smart meters, in particular about their full potential with regard to meter reading management and the monitoring of energy consumption, and on the collection and processing of personal data in accordance with the applicable Union data protection legislation;

Amendment

(f) appropriate advice and information shall be given to final customers prior to and/or at the time of installation of smart meters, in particular about their full potential with regard to meter reading management and the monitoring of energy consumption, and on the collection and processing of personal data in accordance with the applicable Union data protection legislation;

Amendment 106
Proposal for a directive
Article 21 – paragraph 1

Text proposed by the Commission

1. Where smart metering is negatively assessed as a result of cost-benefit assessment referred to in Article 19(2), nor systematically rolled out, Member States shall ensure that every final customer is entitled to have installed or, where applicable, to have upgraded, on request and under fair and reasonable conditions, a smart meter that complies with the following requirements:

Amendment

1. Where smart metering is negatively assessed as a result of cost-benefit assessment referred to in Article 19(2), nor systematically rolled out, Member States shall ensure that every final customer is entitled to have installed or, where applicable, to have upgraded, on request and under fair, reasonable and cost-effective conditions, a smart meter that complies with the following requirements:

Amendment 107
Proposal for a directive
Article 21 – paragraph 1 – point a
(a) is equipped *where technically feasible* with functionalities referred to in Article 20, or with a minimum set of functionalities to be defined and published by Member States at national level and in line with the provisions in Annex III,

Amendment 108

Proposal for a directive
Article 23 – paragraph 1

**Text proposed by the Commission**

1. When setting up the rules regarding the management and exchange of data, Member States or, where a Member State has so provided, the designated competent authorities shall specify the eligible parties which may have access to data of the final customer with their explicit consent in accordance with Regulation (EU) 2016/679 of the European Parliament and of the Council. For the purpose of this Directive, data shall include metering and consumption data as well as data required for consumer switching. Eligible parties shall include at least customers, suppliers, transmission and distribution system operators, aggregators, energy service companies, and other parties which provide energy or other services to customers.

**Amendment**

1. When setting up the rules regarding the management and exchange of data, Member States or, where a Member State has so provided, the designated competent authorities shall specify the eligible parties which may have access to data of the final customer with their explicit consent in accordance with Regulation (EU) 2016/679 of the European Parliament and of the Council. For the purpose of this Directive, data shall include metering and consumption data as well as data required for consumer switching, *automated energy efficiency programmes, energy management services and demand response services*. Eligible parties shall include at least customers, suppliers, transmission and distribution system operators, aggregators, energy service companies, and other parties which provide energy or other services to customers.

Upon request, eligible parties shall provide customers with an overview of the parties who have access to their data.

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52 Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of personal data and on the free movement of

Amendment 109

Proposal for a directive
Article 23 – paragraph 2

Text proposed by the Commission

2. Member States shall organise the management of data in order to ensure efficient data access and exchange. Independently of the data management model applied in each Member State, the party or parties responsible for data management shall provide to any eligible party with the explicit consent of the final customer, access to the data of the final customer. Eligible parties should have at their disposal in a non-discriminatory manner and simultaneously the requested data. Access to data shall be easy, while relevant procedures shall be made publicly available.

Amendment

2. Member States shall organise the secure management of data in order to ensure efficient data access and exchange, data protection, data security, transparency, neutrality and data integrity. Independently of the data management model applied in each Member State, the party or parties responsible for data management shall provide to any eligible party with the explicit consent of the final customer, access to the data of the final customer. Eligible parties should have at their disposal in a non-discriminatory manner and simultaneously the requested data. Access to data shall be easy, while relevant procedures shall be made publicly available.

Amendment 110

Proposal for a directive
Article 23 – paragraph 4

Text proposed by the Commission

4. No additional costs shall be charged to final customers for access to their data. Member States shall be responsible for setting the relevant costs for access to data by eligible parties. Regulated entities which provide data services shall not profit from that activity.

Amendment

4. No additional costs shall be charged to final customers for access to their data or for a request to transfer their data. Member States shall be responsible for setting the relevant costs for access to data by eligible parties. Regulated entities which provide data services shall not profit from that activity.
Amendment 111
Proposal for a directive
Article 24 – paragraph 1

Text proposed by the Commission

1. Member States shall define a common data format and a transparent procedure for eligible parties to have access to the data listed under Article 23 (1), in order to promote competition in the retail market and avoid excessive administrative costs for the eligible parties.

Amendment

1. Member States shall define a common data format to enable interoperability and facilitate exchange of data and a transparent procedure for eligible parties to have access to the data listed under Article 23 (1), in order to promote competition in the retail market and avoid excessive administrative costs for the eligible parties.

Amendment 112
Proposal for a directive
Article 24 – paragraph 2

Text proposed by the Commission

2. The Commission, by means of implementing acts adopted in accordance with the advisory procedure referred to in Article 68, shall determine a common European data format and non-discriminatory and transparent procedures for accessing the data, listed under Article 23 (1), that will replace national data format and procedure adopted by Member States in accordance with paragraph 1. Member States shall ensure that market participants apply a common European data format.

Amendment

2. The Commission, by means of implementing acts adopted in accordance with the advisory procedure referred to in Article 68, shall determine interoperability standards and a common European data format and non-discriminatory and transparent procedures for accessing the data, listed under Article 23 (1), and provide for a cost-effective transition, taking into account conditions in Member States, that will replace national data format and procedure adopted by Member States in accordance with paragraph 1. Member States shall ensure that market participants apply interoperability standards or the common European data format. Where necessary, the Commission may, following consultation of the committee referred to in Article 68, request that standards be drawn up by the relevant European standards organisations.
Amendment 113

Proposal for a directive
Article 25 – paragraph 1

Text proposed by the Commission

Member States shall ensure the provision of single points of contact to provide customers with all necessary information concerning their rights, current legislation and the means of dispute settlement available to them in the event of a dispute. Such contact points may be part of general consumer information points.

Amendment

Member States shall ensure the provision of single points of contact to provide customers with all necessary information concerning their rights, current legislation, accredited comparison tools and the means of dispute settlement available to them in the event of a dispute with the electricity supplier, energy service provider, aggregator or any other intermediary. Such contact points may be part of general consumer information points. In cases where the service provided is linked or is bundled with software, hardware or communication technology, final customers shall have their complaint handled through a single contact point.

Justification

The amendment is necessary for pressing reasons relating to the internal logic of the text.

Amendment 114

Proposal for a directive
Article 26

Text proposed by the Commission

Article 26
Right to out-of-court dispute settlement

Member States shall ensure that customers have access to simple, fair, transparent, independent, effective and efficient out-of-court dispute resolution mechanisms for the settlement of disputes concerning rights and obligations established under this Directive. Where the customer is a consumer within the meaning of Directive 2013/11/EU of the European Parliament and of the Council\textsuperscript{53}, such out-of-court mechanisms shall comply with the

Amendment

Article 26
Right to out-of-court dispute settlement

Member States shall ensure that customers have access to simple, fair, transparent, independent, effective and efficient out-of-court dispute resolution mechanisms for the settlement of disputes concerning rights and obligations established under this Directive through an independent mechanism such as an energy ombudsman or a consumer body. Where the customer is a consumer within the meaning of Directive 2013/11/EU of the
quality requirements established in Directive 2013/11/EU and provide, where warranted, for a system of reimbursement and/or compensation.

European Parliament and of the Council, such out-of-court mechanisms shall comply with the quality requirements established in Directive 2013/11/EU and provide, where warranted, for a system of reimbursement and/or compensation.

Such mechanisms shall be extended to all energy service providers, aggregators and all contracts with energy components, including bundled offers, and local energy communities, whose participation shall be mandatory.

Member States shall ensure that electricity suppliers, energy service providers and aggregators provide information on the out-of-court dispute settlement on their website and in all communication with their customers.

Member States shall regularly assess the functioning of the out-of-court dispute settlement mechanisms, especially with regards to the participation and compliance of electricity suppliers, energy service providers, aggregators and intermediaries.

Amendment 115

Proposal for a directive

Article 28 – paragraph 1

Text proposed by the Commission

1. Member States shall take appropriate measures to protect customers and shall, in particular, ensure that there are adequate safeguards to protect vulnerable customers. In this context, each Member State shall define the concept of vulnerable customers which may refer to energy poverty and, inter alia, to the prohibition of disconnection of electricity to such customers in critical times. Member States shall ensure that rights and obligations

Amendment

1. Member States shall take appropriate measures to protect customers and shall, in particular, ensure that there are adequate safeguards to protect vulnerable customers. In this context, each Member State shall define the concept of vulnerable customers which shall refer to energy poverty and may ensure their protection through national social security systems and, inter alia, the prohibition of disconnection of electricity to such customers in critical times. Member States shall ensure that rights and obligations

53 OJ L 165, 18.6.2013, p. 63–79
linked to vulnerable customers are applied. In particular, they shall take measures to protect customers in remote areas. They shall ensure high levels of consumer protection, particularly with respect to transparency regarding contractual terms and conditions, general information and dispute settlement mechanisms.

Amendment 116

Proposal for a directive
Article 28 – paragraph 2

Text proposed by the Commission

Amendment

2. **Member States shall take** appropriate measures, such as formulating national energy action plans, providing benefits in social security systems to ensure the necessary electricity supply to vulnerable customers, or providing for support for energy efficiency improvements, to address energy poverty where identified, including in the broader context of poverty. Such measures shall not impede the effective opening of the market set out in Article 4 or market functioning and shall be notified to the Commission, where relevant, in accordance with the provisions of Article 9(4). Such notification may also include measures taken within the general social security system.

*Justification*

*The amendment is necessary for pressing reasons relating to the internal logic of the text.*

Amendment 117

Proposal for a directive
Article 29

just times. Member States shall ensure that rights and obligations linked to vulnerable customers are applied. In particular, they shall take measures to protect customers in remote areas. They shall ensure high levels of consumer protection, particularly with respect to transparency regarding contractual terms and conditions, general information and dispute settlement mechanisms.
Text proposed by the Commission

Article 29

Energy poverty

Member States shall define a set of criteria for the purposes of measuring energy poverty. Member States shall continuously monitor the number of households in energy poverty and shall report on the evolution of energy poverty and measures taken to prevent it to the Commission every two years as part of their Integrated National Energy and Climate Progress Reports in accordance with Article 21 of [Governance Regulation as proposed by COM(2016)0759].

Amendment

Article 29

Energy poverty

Member States, in consultation with relevant stakeholders, shall:

(a) define a set of criteria for the purposes of measuring energy poverty based on indicators such as low income, high energy expenditure, and poor energy efficiency;

(b) continuously monitor the number of households in energy poverty and analyse if these customers are sufficiently protected and improve their protection where needed;

(c) report on the evolution of energy poverty and measures taken to prevent it to the Commission every two years as part of their Integrated National Energy and Climate Progress Reports in accordance with Article 21a of Regulation (EU) … [Governance Regulation as proposed by COM(2016)0759].

In order to address energy poverty where identified, including in the context of broader poverty, and protect vulnerable consumers as referred to in Article 28, Member States shall establish national action plans to reduce the number of households in energy poverty including objectives and measures, both short-term and long-term, and a timeframe for achieving the objectives. Measures may include, inter alia, providing benefits in social security systems to ensure the
necessary electricity supply to vulnerable customers, providing for support for energy efficiency improvements and the prohibition of disconnection of electricity at critical times.

These action plans shall be incorporated into the Member State’s integrated national energy and climate plan as part of Regulation (EU) … [Governance Regulation as proposed by COM(2016)0759].

The Commission, acting together with Eurostat and the Member States, shall improve the comparability of datasets including national monitoring data so that these become comparable across Member States.

Amendment 118
Proposal for a directive
Article 31 – paragraph 5

5. Each distribution system operator shall **procure** the energy it uses to cover energy losses and the non-frequency ancillary services in its system according to transparent, non-discriminatory and market-based procedures, whenever it has such a function. Unless justified by a cost-benefit analysis, the procurement of non-frequency ancillary services by a distribution system operator shall be transparent, non-discriminatory and market-based ensuring effective participation of all market participants including renewable energy sources, demand response, energy storage facilities and aggregators, in particular by requiring regulatory authorities or distribution system operators in close cooperation with all market participants, to define technical modalities for participation in these markets on the basis of the technical requirements of these markets and the capabilities of all market

Amendment

5. Each distribution system operator shall **act as a neutral market facilitator in procuring** the energy it uses to cover energy losses and the non-frequency ancillary services in its system according to transparent, non-discriminatory and market-based procedures, whenever it has such a function. Unless justified by a cost-benefit analysis, the **methodology of which shall be developed in a transparent manner by the national regulatory authority in accordance with point c of Article 59 (1)**, procurement of non-frequency ancillary services by a distribution system operator shall be transparent, non-discriminatory and market-based ensuring effective participation of all market participants including renewable energy sources, demand response, energy storage facilities and aggregators, in particular by requiring regulatory authorities or distribution system operators in close cooperation with all market participants, to define technical
participants.

modalities for participation in these markets on the basis of the technical requirements of these markets and the capabilities of all market participants.

Amendment 119

Proposal for a directive
Article 32 – paragraph 1 – subparagraph 1

Text proposed by the Commission

Member States shall provide the necessary regulatory framework to allow and incentivise distribution system operators to procure services in order to improve efficiencies in the operation and development of the distribution system, including local congestion management. In particular, regulatory frameworks shall enable distribution system operators to procure services from resources such as distributed generation, demand response or storage and consider energy efficiency measures, which may supplant the need to upgrade or replace electricity capacity and which support the efficient and secure operation of the distribution system. Distribution system operators shall procure these services according to transparent, non-discriminatory and market based procedures.

Amendment

Member States shall provide the necessary regulatory framework to allow and incentivise distribution system operators to procure services in order to improve efficiencies in the operation and development of the distribution system, including local congestion management. In particular, regulatory frameworks shall ensure that distribution system operators can procure services from resources such as distributed generation, demand response or storage and consider energy efficiency measures, when such services cost-effectively supplant the need to upgrade or replace electricity capacity and which support the efficient and secure operation of the distribution system. Distribution system operators shall procure these services according to transparent, non-discriminatory and market based procedures.

Amendment 120

Proposal for a directive
Article 32 – paragraph 1 – subparagraph 2

Text proposed by the Commission

Distribution system operators shall define standardised market products for the services procured ensuring effective participation of all market participants including renewable energy sources, demand response, and aggregators.

Amendment

Standardised market products for such services shall be defined at least at the national level. Distribution system operators shall, in a transparent and participatory process that includes all relevant system users, the national
Distribution system operators shall exchange all necessary information and coordinate with transmission system operators in order to ensure the optimal utilisation of resources, ensure the secure and efficient operation of the system and facilitate market development. Distribution system operators shall be adequately remunerated for the procurement of such services in order to recover at least the corresponding expenses, including the necessary information and communication technologies expenses, including expenses which correspond to the necessary information and communication infrastructure.

**Amendment 121**

**Proposal for a directive**
**Article 32 – paragraph 2 – subparagraph 1**

*Text proposed by the Commission*

The development of a distribution system shall be based on a transparent network development plan that distribution system operators shall submit every two years to the regulatory authority. The network development plan shall contain the planned investments for the next five to ten years, with particular emphasis on the main distribution infrastructure which is required in order to connect new generation capacity and new loads including re-charging points for electric vehicles. The network development plan shall also demonstrate the use of demand response, energy efficiency, energy storage facilities or other resources that distribution system operator is using as an alternative to system

*regulatory authority and the transmission system operator, define standardised market products for the services procured ensuring effective participation of all market participants including renewable energy sources, demand response, storage and aggregators. Distribution system operators shall exchange all necessary information and coordinate with transmission system operators in order to ensure the optimal utilisation of resources, ensure the secure and efficient operation of the system and facilitate market development. Distribution system operators shall be adequately remunerated for the procurement of such services in order to recover at least the corresponding expenses, including the necessary information and communication technologies expenses, including expenses which correspond to the necessary information and communication infrastructure.*

*Amendment*

The development of a distribution system shall be based on a transparent network development plan that distribution system operators shall submit every two years to the regulatory authority. In developing the network development plan, the distribution system operator shall involve, including through consultation, all current or potential system users. The network development plan shall contain the planned investments for the next five to ten years, with particular emphasis on the main distribution infrastructure, including energy efficiency, demand response and energy storage, which is required in order to connect new generation capacity and new loads including re-charging points for
expansion. Electric vehicles. The network development plan shall also demonstrate the use of demand response, energy efficiency, energy storage facilities or other resources that distribution system operator is using as an alternative to system expansion.

Amendment 122

Proposal for a directive
Article 33 – paragraph 1

Text proposed by the Commission

1. Member States shall provide the necessary regulatory framework to facilitate the connection of publicly accessible and private recharging points to the distribution networks. Member States shall ensure that distribution system operators cooperate on a non-discriminatory basis with any undertaking that owns, develops, operates or manages recharging points for electric vehicles, including with regard to connection to the grid.

Amendment

1. Without prejudice to Directive 2014/94/EU, Member States shall provide the necessary regulatory framework to facilitate the connection of publicly accessible and private recharging points to the distribution networks. Member States shall ensure that distribution system operators cooperate on a non-discriminatory basis with any undertaking that owns, develops, operates or manages recharging points for electric vehicles, including with regard to connection to the grid.

Amendment 123

Proposal for a directive
Article 33 – paragraph 1 a (new)

Text proposed by the Commission

1a. Distribution system operators shall not be allowed to own, develop, manage or operate recharging points for electric vehicles.

Amendment

1a. Distribution system operators shall not be allowed to own, develop, manage or operate recharging points for electric vehicles.

Amendment 124

Proposal for a directive
Article 33 – paragraph 2 – introductory part
2. Member States may allow distribution system operators to own, develop, manage or operate recharging points for electric vehicles only if the following conditions are fulfilled:

Amendment 125

Proposal for a directive
Article 33 – paragraph 2 – point a

(a) other parties, following an open and transparent tendering procedure, have not expressed their interest to own, develop, manage or operate recharging points for electric vehicles;

Amendment

2. By way of derogation from paragraph 1a, Member States may allow distribution system operators to own, develop, manage or operate recharging points for electric vehicles only if all of the following conditions are fulfilled:

(a) other parties, following an open and transparent tendering procedure, subject to review by the national regulatory authority, have not expressed their interest to own, develop, manage or operate recharging points for electric vehicles or cannot deliver those services at a reasonable cost and in a timely manner;

Amendment 126

Proposal for a directive
Article 33 – paragraph 4

4. Member States shall perform at regular intervals or at least every five years a public consultation in order to re-assess the potential interest of market parties to own, develop, operate or manage recharging points for electric vehicles. In case the public consultation indicates that third parties are able to own, develop, operate or manage such points, Member States shall ensure that distribution system operators' activities in this regard are phased-out.

Amendment

4. Member States shall perform at regular intervals or at least every five years a public consultation in order to re-assess the potential interest of market parties to own, develop, operate or manage recharging points for electric vehicles. In case the public consultation indicates that third parties are able to own, develop, operate or manage such points, Member States shall ensure that distribution system operators' activities in this regard are phased-out and that the associated costs can be recovered.
Amendment 127

Proposal for a directive
Article 34 – paragraph 1

Text proposed by the Commission

Member States shall ensure that all eligible parties have non-discriminatory access to data under clear and equal terms. In Member States where smart metering systems have been implemented according to Article 19 and distribution system operators are involved in data management, compliance programmes as set in Article 35(2)(d) shall include specific measures in order to exclude discriminatory access to data from eligible parties as provided for in Article 23. Where distribution system operators are not subject to Article 35(1), (2) and (3), Member States shall take all necessary measures to ensure that the vertically integrated undertaking do not have privileged access to data for the conduct of its supply activity.

Amendment

Member States shall ensure that all eligible parties have non-discriminatory access to data under clear and equal terms, and are in compliance with data and information protection legislation. In Member States where smart metering systems have been implemented according to Article 19 and distribution system operators are involved in data management, compliance programmes as set in Article 35(2)(d) shall include specific measures in order to exclude discriminatory access to data from eligible parties as provided for in Article 23. Where distribution system operators are not subject to Article 35(1), (2) and (3), Member States shall take all necessary measures to ensure that the vertically integrated undertaking do not have privileged access to data for the conduct of its supply activity, if necessary by requiring the creation of a central data management platform to be managed by the transmission system operator or another neutral entity.

Amendment 128

Proposal for a directive
Article 36 – paragraph 1

Text proposed by the Commission

1. Distribution system operators shall not be allowed to own, develop, manage or operate energy storage facilities.

Amendment

1. Distribution system operators shall not be allowed to own, develop, manage or operate energy storage facilities, except equipment used by the distribution system operators for local short-term control of the distribution system where there is no influence on energy and non-frequency ancillary services markets, and where the national regulatory authority has granted
its approval.

Amendment 129
Proposal for a directive
Article 36 – paragraph 2 – introductory part

Text proposed by the Commission
2. By way of derogation from paragraph 1, Member States may allow distribution system operators to own, develop, manage or operate storage facilities only if the following conditions are fulfilled:

Amendment
2. By way of derogation from paragraph 1, Member States may allow distribution system operators to own, develop, manage or operate storage facilities only if all of the following conditions are fulfilled:

Amendment 130
Proposal for a directive
Article 36 – paragraph 2 – point a

Text proposed by the Commission
(a) other parties, following an open and transparent tendering procedure, have not expressed their interest to own, develop, manage or operate storage facilities;

Amendment
(a) other parties, following an open and transparent tendering procedure, subject to review by the national regulatory authority, have not expressed their interest to own, develop, manage or operate storage facilities or cannot deliver those services at a reasonable cost and in a timely manner;

Amendment 131
Proposal for a directive
Article 36 – paragraph 2 – point b

Text proposed by the Commission
(b) such facilities are necessary for the distribution system operators to fulfil their obligations under this Directive for the efficient, reliable and secure operation of the distribution system; and

Amendment
(b) such facilities are necessary for the distribution system operators to fulfil their obligations under this Directive for the efficient, reliable and secure operation of the distribution system, and the ownership or operation of the facility does not influence competitive energy markets;
Amendment 132
Proposal for a directive
Article 36 – paragraph 2 a (new)

Text proposed by the Commission

2a. National regulatory authorities may draw up guidelines or procurement clauses to aid distribution system operators in ensuring a fair tendering procedure.

Amendment 133
Proposal for a directive
Article 36 – paragraph 4

Text proposed by the Commission

4. Regulatory authorities shall perform at regular intervals or at least every five years a public consultation in order to re-assess the potential interest of market parties to invest, develop, operate or manage energy storage facilities. In case the public consultation indicates that third parties are able to own, develop, operate or manage such facilities, Member States shall ensure that distribution system operators' activities in this regard are phased-out.

Amendment

4. Member States shall perform at regular intervals or at least every five years a review of the ability for existing storage facilities to be tendered and where appropriate a public consultation in order to re-assess the potential interest of market parties to invest, develop, operate or manage energy storage facilities. In case the review or the public consultation indicates that third parties are able to own, develop, operate or manage such facilities, Member States shall ensure that distribution system operators' activities in this regard are phased-out and that the associated costs can be recovered.

Amendment 134
Proposal for a directive
Article 36 a (new)

Text proposed by the Commission

Article 36a
New activities of distribution system
operators

1. Distribution system operators shall not be allowed to carry out activities beyond those set out in this Directive and in Regulation (EU) … [recast of Regulation 714/2009 as proposed by COM(2016)0861].

2. Member States may allow distribution system operators to carry out activities other than those provided for in this Directive and in Regulation (EU) … [recast of Regulation 714/2009 as proposed by COM(2016)0861] where the regulatory authority has assessed the necessity of such a derogation and has granted its approval and the following conditions are met:

(a) other parties, following an open and transparent tendering procedure, have not expressed their interest to carry out those activities;

(b) such activities are necessary for the distribution system operators to fulfil their obligations under this Directive for the efficient, reliable and secure operation of the distribution system;

(c) such activities are necessary for the distribution system operators to fulfil their obligations under the Regulation (EU) … [recast of Regulation 714/2009 as proposed by COM(2016)0861], including an obligation to cooperate with transmission system operators, ensuring the cost-efficient, secure and reliable development and operation of the distribution and transmission networks as a whole.

Justification

The amendment to the basic act is necessary in order to ensure coherence between the amendments as the amendment is inextricably linked to other amendments tabled by the rapporteur.
Amendment 135

Proposal for a directive
Article 40 – paragraph 1 – point h a (new)

Text proposed by the Commission

Amendment

(ha) standardisation, in cooperation with distribution system operators, of relevant data formats and protocols to facilitate crossborder exchange of data;

Justification

The amendment is necessary for pressing reasons relating to the internal logic of the text.

Amendment 136

Proposal for a directive
Article 40 – paragraph 1 – point j

Text proposed by the Commission

Amendment

(j) adopting a framework for the cooperation and coordination between regional operational centres.

Amendment 137

Proposal for a directive
Article 40 – paragraph 1 – point j a (new)

Text proposed by the Commission

Amendment

(ja) digitalisation of transmission systems to ensure, among others, efficient real time data acquisition and use, smart substations;

Amendment 138

Proposal for a directive
Article 40 – paragraph 1 – point j b (new)
Amendment 139

Proposal for a directive
Article 40 – paragraph 2

Text proposed by the Commission

2. Member States may provide that one or several responsibilities listed under points (a) to (j) of paragraph 1 be assigned to a transmission system operator other than the one which owns the transmission system to which the concerned responsibilities would otherwise be applicable. The transmission system operator to which the tasks are assigned shall be certified as ownership unbundled and fulfil the requirements provided for in Article 43, but does not have to own the transmission system it is responsible for. The transmission system operator which owns the transmission system shall fulfil the requirements provided for in Chapter VI and be certified in accordance with Article 43.

Amendment

(jb) data management, cyber security and data protection.

Amendment 140

Proposal for a directive
Article 40 – paragraph 3

Text proposed by the Commission

3. In performing the tasks listed in paragraph 1, the transmission system operator shall take into account the functions performed by the regional operational centres and cooperate as necessary with neighbouring transmission

Amendment

3. In performing the tasks listed in paragraph 1, the transmission system operator shall take into account the recommendations issued by the regional coordination centres and cooperate as necessary with neighbouring transmission.
system operators.

Amendment 141

Proposal for a directive
Article 40 – paragraph 4 – introductory part

Text proposed by the Commission

4. In performing the task described in point (i) of paragraph 1, the transmission system operator shall ensure that the procurement of balancing services and, unless justified by a cost-benefit analysis, non-frequency ancillary services, is:

Amendment

4. In performing the task described in point (i) of paragraph 1, the transmission system operator shall ensure that the procurement of balancing services and, unless justified by a cost-benefit or technical viability analysis and approved by the competent authority, non-frequency ancillary services, is:

Amendment 142

Proposal for a directive
Article 40 – paragraph 5 a (new)

Text proposed by the Commission

5a. Member States shall provide the necessary regulatory framework to allow and incentivise transmission system operators to procure services in order to improve efficiencies in the operation and development of the transmission system, including local congestion management. In particular, regulatory frameworks shall ensure that transmission system operators can procure services from resources such as demand response or storage and consider energy efficiency measures, when such services cost-effectively supplant the need to upgrade or replace electricity capacity and which support the efficient and secure operation of the transmission system. Transmission system operators shall procure those services in accordance with transparent, non-discriminatory and market based procedures.
Standardised market products for such services shall be defined at least at the national level. Transmission system operators shall, in a transparent and participatory process that includes all relevant system users and the national regulatory authority, define standardised market products for the services procured ensuring effective participation of all market participants including renewable energy sources, demand response, storage and aggregators. Transmission system operators shall exchange all necessary information and coordinate with distribution system operators in order to ensure the optimal utilisation of resources, ensure the secure and efficient operation of the system and facilitate market development. Transmission system operators shall be adequately remunerated for the procurement of such services in order to recover at least the corresponding expenses, including the necessary information and communication technologies expenses.

Amendment 143

Proposal for a directive
Article 47 – paragraph 3

Text proposed by the Commission

3. The vertically integrated *undertaking and its subsidiaries* performing functions of generation or supply shall not have any direct or indirect shareholding in the transmission system operator. The transmission system operator shall neither have any direct or indirect shareholding in any subsidiary of the vertically integrated undertaking performing functions of generation or supply, nor receive dividends or any other financial benefit from that subsidiary.

Amendment

3. *Subsidiaries of* the vertically integrated *undertakings* performing functions of generation or supply shall not have any direct or indirect shareholding in the transmission system operator. The transmission system operator shall neither have any direct or indirect shareholding in any subsidiary of the vertically integrated undertaking performing functions of generation or supply, nor receive dividends or any other financial benefit from that subsidiary.
Justification

The amendment is necessary for pressing reasons relating to the internal logic of the text.

Amendment 144

Proposal for a directive
Article 51 – paragraph 1

Text proposed by the Commission

1. At least every two years, transmission system operators shall submit to the regulatory authority a ten-year network development plan based on existing and forecast supply and demand after having consulted all the relevant stakeholders. That network development plan shall contain efficient measures in order to guarantee the adequacy of the system and the security of supply.

Amendment

1. At least every two years, transmission system operators shall submit to the regulatory authority a ten-year network development plan based on existing and forecast supply and demand after having consulted all the relevant stakeholders. That network development plan shall contain efficient measures in order to guarantee the adequacy of the system and the security of supply. The regulatory authority shall review the ten-year network development plan and approve it. Before its approval, it may require the transmission system operator to amend its ten-year network development plan. The transmission system operator shall publish the ten-year network development plan on its website.

Amendment 145

Proposal for a directive
Article 51 – paragraph 3

Text proposed by the Commission

3. When elaborating the ten-year network development plan, the transmission system operator shall make reasonable assumptions about the evolution of the generation, supply, energy storage, consumption and exchanges with other countries, taking into account investment plans for regional and Union-wide networks.

Amendment

3. When elaborating the ten-year network development plan, the transmission system operator shall fully take into account the potential of the use of demand response, energy storage facilities or other resources as an alternative to system expansion in addition to expected consumption and trade with other countries and investment plans for regional and Union-wide networks.
Amendment 146

Proposal for a directive
Article 51 – paragraph 5

Text proposed by the Commission

5. The regulatory authority shall examine whether the ten-year network development plan covers all investment needs identified during the consultation process, and whether it is consistent with the non-binding Union-wide ten-year network development plan (Union-wide network development plan) referred to in Article 27(1)(b) of recast of Regulation 714/2009 as proposed by COM(2016)0861. If any doubt arises as to the consistency with the Union-wide network development plan, the regulatory authority shall consult the Agency. The regulatory authority may require the transmission system operator to amend its ten-year network development plan.

Amendment

5. The regulatory authority shall examine whether the ten-year network development plan covers all investment needs identified during the consultation process, and whether it is consistent with the non-binding Union-wide ten-year network development plan (Union-wide network development plan) referred to in Article 27(1)(b) of recast of Regulation 714/2009 as proposed by COM(2016)0861. If any doubt arises as to the consistency with the Union-wide network development plan or with the National Energy and Climate Plans submitted in accordance with Regulation (EU) ... [Governance Regulation], the regulatory authority shall consult the Agency. The regulatory authority may require the transmission system operator to amend its ten-year network development plan.

Justification

The amendment is necessary for pressing reasons relating to the internal logic of the text.

Amendment 147

Proposal for a directive
Article 51 – paragraph 6 – subparagraph 1 a (new)

Text proposed by the Commission

The regulatory authority shall monitor and evaluate the development of overall system flexibility and report annually on progress.

Amendment

The regulatory authority shall monitor and evaluate the development of overall system flexibility and report annually on progress.
Justification

*The amendment is necessary for pressing reasons relating to the internal logic of the text.*

Amendment 148

Proposal for a directive
Article 54 – paragraph 1

Text proposed by the Commission

1. Transmission system operators shall not be allowed to own, manage or operate energy storage facilities and shall not own directly or indirectly control assets that provide ancillary services.

Amendment

1. Transmission system operators shall not be allowed to own, manage or operate energy storage facilities and shall not own directly or indirectly control assets that provide ancillary services, *unless those facilities or assets are an integral part of the transmission system and where the national regulatory authority has granted its approval.*

Amendment 149

Proposal for a directive
Article 54 – paragraph 2 – introductory part

Text proposed by the Commission

2. By way of derogation from paragraph 1, Member States may allow transmission system operators to own, manage or operate storage facilities or assets providing non-frequency ancillary services if the following conditions are fulfilled:

Amendment

2. By way of derogation from paragraph 1, Member States may allow transmission system operators to own, manage or operate storage facilities or assets providing non-frequency ancillary services if *all of* the following conditions are fulfilled:

Amendment 150

Proposal for a directive
Article 54 – paragraph 2 – point a

Text proposed by the Commission

(a) other parties, following an open and transparent tendering procedure, have not expressed their interest to own, control,

Amendment

(a) other parties, following an open and transparent tendering procedure, *subject to review by the national regulatory*
manage or operate such facilities offering storage and/or non-frequency ancillary services to the transmission system operator; authority, have not expressed their interest to own, control, manage or operate such facilities offering storage and/or non-frequency ancillary services to the transmission system operator or cannot deliver these services at a reasonable cost and in a timely manner;

Amendment 151

Proposal for a directive
Article 54 – paragraph 2 – point b

Text proposed by the Commission
(b) such facilities or non-frequency ancillary services are necessary for the transmission system operators to fulfil their obligations under this Directive for the efficient, reliable and secure operation of the transmission system and they are not used to sell electricity to the market; and

Amendment
(b) such facilities or non-frequency ancillary services are necessary for the transmission system operators to fulfil their obligations under this Directive for the efficient, reliable and secure operation of the transmission system, in particular as an alternative to investments in new grid lines, and they are not used to sell electricity to the market; and

Amendment 152

Proposal for a directive
Article 54 – paragraph 2 a (new)

Text proposed by the Commission
2a. National regulatory authorities may draw up guidelines or procurement clauses to aid transmission system operators in ensuring a fair tendering procedure.

Amendment
2a. Member States shall perform at
shall perform at regular intervals or at least every five years a public consultation for the required storage services in order to assess the potential interest of market parties to invest in such facilities and terminate its own storage activities in case third parties can provide the service in a cost-effective manner.

Amendment 154
Proposal for a directive
Article 57 – paragraph 5 – subparagraph 1 – point a

Text proposed by the Commission
(a) the regulatory authority can take autonomous decisions, independently from any political body, and has separate annual budget allocations, with autonomy in the implementation of the allocated budget, and adequate human and financial resources to carry out its duties; and

Amendment
(a) the regulatory authority can take autonomous decisions, independently from any political body;

Justification
The text has been moved to a separate subparagraph.

The amendment to the basic act is necessary in order to ensure coherence between the amendments as the amendment is inextricably linked to other amendments tabled by the rapporteur.

Amendment 155
Proposal for a directive
Article 57 – paragraph 5 – subparagraph 1 – point b a (new)

Text proposed by the Commission
(ba) the regulatory authority draws up a draft budget covering the regulatory tasks conferred upon it by this Directive and by related legislative acts, in order to provide the regulatory authority with the human
and financial resources it needs to carry out its duties and powers in an effective and efficient manner;

Justification

The amendment to the basic act is necessary in order to ensure coherence between the amendments as the amendment is inextricably linked to other amendments tabled by the rapporteur.

Amendment 156

Proposal for a directive
Article 57 – paragraph 5 – subparagraph 1 – point b b (new)

Text proposed by the Commission

Amendment

(bb) the ex-post control of a regulatory authority’s annual accounts is performed by an independent auditor;

Justification

The amendment to the basic act is necessary in order to ensure coherence between the amendments as the amendment is inextricably linked to other amendments tabled by the rapporteur.

Amendment 157

Proposal for a directive
Article 57 – paragraph 5 a (new)

Text proposed by the Commission

Amendment

5a. By … [three years after the date of entry into force of this Directive] and every three years thereafter, the Commission shall present a report to the European Parliament and the Council on national authorities’ compliance with the principle of independence, pursuant to this Article.

Justification

Monitoring and reporting are indispensable tools to ensure the effective implementation of the principle of independence.
Amendment 158

Proposal for a directive
Article 58 – paragraph 1 – point g

Text proposed by the Commission
(g) ensuring that customers benefit through the efficient functioning of their national market, promoting effective competition and helping to ensure consumer protection;

Amendment
(g) ensuring that customers benefit through the efficient functioning of their national market and their participation therein is not restricted, promoting effective competition and to guarantee consumer protection in close cooperation with relevant consumer protection authorities;

Justification
The amendment is necessary for pressing reasons relating to the internal logic of the text.

Amendment 159

Proposal for a directive
Article 59 – paragraph 1 – point n

Text proposed by the Commission
(n) monitoring the level and effectiveness of market opening and competition at wholesale and retail levels, including on electricity exchanges, prices for household customers including prepayment systems, switching rates, disconnection rates, charges for and the execution of maintenance services, and complaints by household customers, as well as any distortion or restriction of competition, including providing any relevant information, and bringing any relevant cases to the relevant competition authorities;

Amendment
(n) monitoring the level and effectiveness of market opening and competition at wholesale and retail levels, including on electricity exchanges, prices for household customers including prepayment systems, impact of dynamic price contracts and of the use of smart meter, switching rates, disconnection rates, charges for and the execution of maintenance services, the relationship between household and wholesale prices, the evolution of grid tariffs and levies and complaints by household customers, as well as any distortion or restriction of competition, including providing any relevant information, and bringing any relevant cases to the relevant competition authorities;

Justification
The amendment is necessary for pressing reasons relating to the internal logic of the text.
Amendment 160
Proposal for a directive
Article 59 – paragraph 1 – point o

Text proposed by the Commission
(o) monitoring the occurrence of restrictive contractual practices, including exclusivity clauses which may prevent large non-household customers from contracting simultaneously with more than one supplier or restrict their choice to do so, and, where appropriate, informing the national competition authorities of such practices;

Amendment
(o) monitoring the occurrence of restrictive contractual practices, including exclusivity clauses which may prevent customers from contracting simultaneously with more than one supplier or restrict their choice to do so, and, where appropriate, informing the national competition authorities of such practices;

Justification
The amendment is necessary for pressing reasons relating to the internal logic of the text.

Amendment 161
Proposal for a directive
Article 59 – paragraph 1 – point o a (new)

Text proposed by the Commission
(oa) monitoring and reporting on consumer participation, and the availability and potential of flexibility, in the energy system;

Amendment

Justification
The amendment is necessary for pressing reasons relating to the internal logic of the text.

Amendment 162
Proposal for a directive
Article 59 – paragraph 1 – point q

Text proposed by the Commission
(q) helping to ensure, together with other relevant authorities, that the consumer

Amendment
(q) helping to ensure, together with other relevant authorities, that the new and
Protection measures are effective and enforced; existing consumer protection measures, including for active customers, are effective and enforced; monitoring the removal of unjustified obstacles and restrictions to the development of self-consumption and local energy communities;

_Justification_

The amendment is necessary for pressing reasons relating to the internal logic of the text.

**Amendment 163**

**Proposal for a directive**  
**Article 59 – paragraph 1 – point s**

<table>
<thead>
<tr>
<th>Text proposed by the Commission</th>
<th>Amendment</th>
</tr>
</thead>
<tbody>
<tr>
<td>(s) ensuring access to customer consumption data, the provision, for optional use, of an easily understandable harmonised format at national level for consumption data, and prompt access for all customers to such data pursuant to Articles 23 and 24</td>
<td>(s) ensuring non-discriminatory access to customer consumption data, the provision, for optional use, of an easily understandable harmonised format at national level for consumption data, and prompt access for all customers to such data pursuant to Articles 23 and 24</td>
</tr>
</tbody>
</table>

_Justification_

The amendment is necessary for pressing reasons relating to the internal logic of the text.

**Amendment 164**

**Proposal for a directive**  
**Article 59 – paragraph 1 – point x**

<table>
<thead>
<tr>
<th>Text proposed by the Commission</th>
<th>Amendment</th>
</tr>
</thead>
<tbody>
<tr>
<td>(x) monitoring the availability of comparison websites, including comparison tools that fulfil the criteria set out in Article 14 and Annex I.</td>
<td>(x) monitoring the availability of comparison tools, including comparison websites, apps and other interactive means, that fulfil the criteria set out in Article 14.</td>
</tr>
</tbody>
</table>
Amendment 165

Proposal for a directive
Article 59 – paragraph 3 – point d

Text proposed by the Commission

(d) to impose effective, proportionate and dissuasive penalties on electricity undertakings not complying with their obligations under this Directive or any relevant legally binding decisions of the regulatory authority or of the Agency, or to propose that a competent court impose such penalties. This shall include the power to impose or propose the imposition of penalties of up to 10% of the annual turnover of the transmission system operator on the transmission system operator or of up to 10% of the annual turnover of the vertically integrated undertaking on the vertically integrated undertaking, as the case may be, for non-compliance with their respective obligations pursuant to this Directive; and

Amendment

(d) at its own initiative or upon request from the Agency to enforce its binding decisions, to impose effective, proportionate and dissuasive penalties on electricity undertakings, ENTSO of Electricity or regional coordination centres, not complying with their obligations under this Directive, Regulation (EU) ... [recast of Regulation 714/2009 as proposed by COM(2016)0861/2], or any relevant legally binding decisions of the regulatory authority or of the Agency, or to propose that a competent court impose such penalties. This shall include the power to impose or propose the imposition of penalties of up to 10% of the annual turnover of the transmission system operator on the transmission system operator or of up to 10% of the annual turnover of the vertically integrated undertaking on the vertically integrated undertaking, as the case may be, for non-compliance with their respective obligations pursuant to this Directive; and

Justification

The amendment is necessary for pressing reasons relating to the internal logic of the text.

Amendment 166

Proposal for a directive
Article 59 – paragraph 8

Text proposed by the Commission

8. With a view to increasing transparency in the market and provide to all interested parties all necessary information, decisions or proposals for a decision concerning transmission and

Amendment

8. With a view to increasing transparency in the market and provide to all interested parties all necessary information, decisions or proposals for a decision concerning transmission and
distribution tariffs as referred in Article 60(3), regulatory authorities shall make available to market parties the detailed methodology and underlying costs used for the calculation of the relevant network tariffs.

distribution tariffs as referred in Article 60(3), regulatory authorities shall make available to market parties the detailed methodology and underlying costs used for the calculation of the relevant network tariffs **by taking into account the investment cost, added value of distributed generation, flexibility, digitalisation, demand response, storage and use of the networks by system users including active customers and other factors.**

**Amendment 167**

**Proposal for a directive**
Article 62 – title

**Text proposed by the Commission**

Duties and powers of regulatory authorities with respect to regional **operational** centres

**Amendment**

Duties and powers of regulatory authorities with respect to regional **coordination** centres

**Amendment 168**

**Proposal for a directive**
Article 62 – paragraph 1 – introductory part

**Text proposed by the Commission**

1. The regional regulatory authorities of the geographical area where a regional **operational** centre is established shall, in close coordination with each other:

**Amendment**

1. The regional regulatory authorities of the geographical area where a regional **coordination** centre is established shall, in close coordination with each other:

**Amendment 169**

**Proposal for a directive**
Article 62 – paragraph 1 – point a

**Text proposed by the Commission**

(a) **approve the statutes and rules of procedure**;

**Amendment**

(a) **approve the proposal for the establishment of regional coordination centres in accordance with Article 32(1) of Regulation (EU) ...** [recast of
Regulation 714/2009 as proposed by COM(2016)0861/2;

Amendment 170
Proposal for a directive Article 62 – paragraph 1 – point c

Text proposed by the Commission
(c) approve the cooperative decision-making process;

Amendment
(c) approve the cooperative processes;

Amendment 171
Proposal for a directive Article 62 – paragraph 1 – point d

Text proposed by the Commission
(d) assess if the regional operational centre has the appropriate competences, resources and impartiality to carry out independently the functions and tasks assigned to it, including security, liability and contingency arrangements;

Amendment
(d) ensure that if the regional coordination centre has the appropriate competences, resources and impartiality to carry out independently the functions and tasks assigned to it, including security, liability and contingency arrangements;

Amendment 172
Proposal for a directive Article 62 – paragraph 2 – point a

Text proposed by the Commission
(a) to request information from regional operational centres;

Amendment
(a) to request information from regional coordination centres;

Amendment 173
Proposal for a directive Article 62 – paragraph 2 – point b

Text proposed by the Commission
(b) to carry out inspections, including

Amendment
(b) to carry out inspections, including
unannounced inspections, at the premises of regional *operational* centres; unannounced inspections, at the premises of regional *coordination* centres;

**Amendment 174**

Proposal for a directive
Article 62 – paragraph 2 – point c

*Text proposed by the Commission*

(c) to issue joint binding decisions on regional *operational* centres.

*Amendment*

(c) to issue joint binding decisions on regional *coordination* centres.

**Amendment 175**

Proposal for a directive
Article 62 – paragraph 2 – point c a (new)

*Text proposed by the Commission*

(ca) to handle complaints against regional *coordination* centres in relation to their obligations under Union law.

*Amendment*

**Amendment 176**

Proposal for a directive
Article 62 – paragraph 2 – point c b (new)

*Text proposed by the Commission*

(cb) Regulatory authorities shall cooperate and consult with each other and with the Agency, and shall provide each other and the Agency with any information necessary for the fulfilment of their tasks under this Article.

*Amendment*

**Amendment 177**

Proposal for a directive
Article 69 a (new)
Article 69a
Review
By 1 June 2025, the Commission shall review and submit a report on the implementation of this Directive, together with a legislative proposal if appropriate, to the European Parliament and to the Council.

The review shall in particular assess whether customers, especially those who are vulnerable or in energy poverty, are adequately protected under the provisions of this Directive.

Amendment 178
Proposal for a directive
Annex I – paragraph 1 – point a

Text proposed by the Commission
(a) be operationally independent and ensure that suppliers are given equal treatment in search results;

Amendment
(a) be independent from all market players and ensure that all suppliers are given equal treatment in search results;

Amendment 179
Proposal for a directive
Annex I – paragraph 1 – point b

Text proposed by the Commission
(b) clearly disclose their owners and the natural or legal person operating the tool;

Amendment
(b) clearly disclose their owners and the natural or legal person operating the tool as well as information on how the tools are financed;

Amendment 180
Proposal for a directive
Annex I – paragraph 1 – point c
Text proposed by the Commission

(c) set out clear, objective criteria on which the comparison will be based;

Amendment

(c) set out clear, objective criteria on which the comparison will be based, displaying included services;

Amendment 181
Proposal for a directive
Annex I – paragraph 1 – point c a (new)

Text proposed by the Commission

(c) rank and display the search results according to an impartial algorithm independent from any remuneration from suppliers;

Amendment

Proposal for a directive
Annex I – paragraph 1 – point d a (new)

Text proposed by the Commission

(da) be accessible for persons with disabilities;

Amendment 182
Proposal for a directive
Annex I – paragraph 1 – point f

Text proposed by the Commission

(f) include an as complete a range of electricity offers as practicable covering a significant part of the market and, where the information presented is not a complete overview of the market, a clear statement to that effect, before displaying results; and

Amendment

(f) include an as complete a range of energy offers, including information on energy sources, and provide transparency of various offers covering both dynamic and non-dynamic tariffs, individual and bundled contracts, from suppliers, aggregators and service providers, and, where the information presented is not a complete overview of the market, a clear statement to that effect, before displaying
results; and

Amendment 184
Proposal for a directive
Annex I – paragraph 1 – point g a (new)

Text proposed by the Commission

Amendment

(ga) allow consumers to perform comparisons without having to submit personal information.

Amendment 185
Proposal for a directive
Annex II – point 1 – paragraph 1 – introductory part

Text proposed by the Commission

Amendment

The following information shall be prominently displayed to final customers in their bills and periodical settlement bills:
The following key information shall be prominently displayed to final customers in their bills and periodical settlement bills, distinctly apart from other parts of the bill:

Amendment 186
Proposal for a directive
Annex II – point 1 – paragraph 1 – point a

Text proposed by the Commission

Amendment

(a) the price to pay; and, where possible, the breakdown of price;

(a) the price to pay and, where relevant, the final price per kWh; and, where possible, the breakdown of price;

Amendment 187
Proposal for a directive
Annex II – point 1 – paragraph 1 – point a a (new)

Text proposed by the Commission

Amendment

(aa) when the payment is due;
Amendment 188
Proposal for a directive
Annex II – point 1 – paragraph 1 – point d

Text proposed by the Commission
(d) the contact details of the supplier including a consumer support hotline;

Amendment
(d) the contact details of the supplier with at least the phone number and email address;

Amendment 189
Proposal for a directive
Annex II – point 1 – paragraph 1 – point d a (new)

Text proposed by the Commission
(da) the information on switching and dispute settlement;

Amendment

Amendment 190
Proposal for a directive
Annex II – point 1 – paragraph 1 – point g a (new)

Text proposed by the Commission
(ga) a link or reference to where price comparison site(s) can be found;

Amendment

Amendment 191
Proposal for a directive
Annex II – point 1 – paragraph 1 – point h

Text proposed by the Commission
(h) information on their rights as regards the means of dispute settlement available to them in the event of a dispute pursuant to Article 26.

Amendment
(h) contact details of the entity responsible for dispute settlement;

Amendment 192
Proposal for a directive
Annex II – point 1 – paragraph 1 – point h a (new)
Amendment 193

Proposal for a directive
Annex II – point 1 – paragraph 2 – introductory part

Where appropriate, the following information shall be prominently displayed to final customers in or with their bills and periodical settlement bills:

Amendment 194

Proposal for a directive
Annex II – point 1 – paragraph 2 – point c a (new)

In addition, comparisons with an average normalised or benchmarked customer in the same user category shall be made available to final customers in, with or signposted to within, their bills and periodical settlement bills.

Amendment 195

Proposal for a directive
Annex II – point 1 – paragraph 3

In addition, comparisons with an average normalised or benchmarked customer in the same user category shall be made available to final customers.

Amendment 196

Proposal for a directive
Annex II – point 2 – paragraph 1
The customers' price is the sum of the following three main components: the energy and supply component, the network component (transmission and distribution) and the component comprising taxes, levies, fees and charges.

Amendment

(b) detailed data according to the time of use for any day, week, month and year. These data shall be made available to final customers in near real time via the internet or the meter interface for the period of at least the previous 24 months or the period since the start of the supply contract if this is shorter.

Amendment 198

2. Such assessment shall be based on the methodology for a cost-benefit analysis and the minimum functionalities for smart metering defined in the Commission Recommendation 2012/148/EU as well as best available techniques for ensuring the highest level of cybersecurity and data protection. The Commission shall ensure that this methodology is used in a consistent manner across the Union.
Text proposed by the Commission

3. Subject to that assessment, Member States or, where a Member State has so provided, the designed competent authority, shall prepare a timetable with a target of up to 10 years for the deployment of smart metering systems. Where roll-out of smart meters is assessed positively, at least 80% of final customers shall be equipped with smart metering systems within 8 years from the date of their positive assessment or by 2020 for those Member States that have initiated deployment before entering into force of this Directive.

Amendment

3. Subject to that assessment, Member States or, where a Member State has so provided, the designed competent authority, shall prepare a timetable with a target of up to 5 years for the deployment of smart metering systems. Where roll-out of smart meters is assessed positively, at least 80% of final customers shall be equipped with smart metering systems within 5 years from the date of their positive assessment or by 2020 for those Member States that have initiated deployment before entering into force of this Directive.