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AMENDMENTS

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Draft opinion

Pavel Poc

(PE604.859v02-00)

Common rules for the internal market in electricity (recast)

Proposal for a directive

(COM(2016)0864 – C8-0495/2016 – 2016/0380(COD))

AM_Com_LegOpinion

Amendment 26

Mireille D'Ornano, Jean-François Jalkh, Sylvie Goddyn

Proposal for a directive

Citation 1

Text proposed by the Commission

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 194(2) thereof,

Amendment

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 194(2) thereof, ***and Article 4 thereof, which stipulates that competence in the area of energy policy is shared between the Union and the Member States,***

Or. fr

Amendment 27

Mireille D'Ornano, Jean-François Jalkh, Sylvie Goddyn

Proposal for a directive

Recital 1

Text proposed by the Commission

(1) A number of amendments are to be made to Directive 2009/72/EC of the European Parliament and of the Council²⁹. In the interests of clarity, that Directive should be recast.

Amendment

(1) A number of amendments are to be made to Directive 2009/72/EC of the European Parliament and of the Council²⁹. In the interests of clarity, that Directive should be recast. ***Notwithstanding the current trend towards increasing decarbonisation, an approach most States have adopted, in particular in the context of the Paris Agreement, this Directive must not undermine the technological neutrality which is a fundamental aspect of the choice which States are free to make among the sources of energy for electricity generation.***

²⁹ Directive 2009/72/EC of the European Parliament and of the Council of 13 July

²⁹ Directive 2009/72/EC of the European Parliament and of the Council of 13 July

2009 concerning common rules for the internal market in electricity and repealing Directive 2003/54/EC (OJ L 211, 14.8.2009, p. 55).

2009 concerning common rules for the internal market in electricity and repealing Directive 2003/54/EC (OJ L 211, 14.8.2009, p. 55).

Or. fr

Amendment 28

Mireille D'Ornano, Jean-François Jalkh, Sylvie Goddyn

Proposal for a directive

Recital 1

Text proposed by the Commission

(1) A number of amendments are to be made to Directive 2009/72/EC of the European Parliament and of the Council²⁹. In the interests of clarity, that Directive should be recast.

²⁹ Directive 2009/72/EC of the European Parliament and of the Council of 13 July 2009 concerning common rules for the internal market in electricity and repealing Directive 2003/54/EC (OJ L 211, 14.8.2009, p. 55).

Amendment

(1) A number of amendments are to be made to Directive 2009/72/EC of the European Parliament and of the Council²⁹. In the interests of clarity, ***and against a backdrop of decarbonisation, an ever growing share of electricity generation accounted for by renewables and the diversification of energy sources for electricity generation***, that Directive should be recast.

²⁹ Directive 2009/72/EC of the European Parliament and of the Council of 13 July 2009 concerning common rules for the internal market in electricity and repealing Directive 2003/54/EC (OJ L 211, 14.8.2009, p. 55).

Or. fr

Amendment 29

Mireille D'Ornano, Jean-François Jalkh, Sylvie Goddyn

Proposal for a directive

Recital 2

Text proposed by the Commission

Amendment

(2) The internal market in electricity, which has been progressively implemented throughout the Union since 1999, aims, by organising competitive electricity markets across country borders, to deliver real choice for all consumers of the European Union, be they citizens or businesses, new business opportunities competitive prices, efficient investment signals, higher standards of service, and *to* contribute to security of supply and sustainability.

(2) The internal market in electricity, which has been progressively implemented throughout the Union since 1999, aims, by organising competitive electricity markets across country borders, to deliver real choice for all consumers of the European Union, be they citizens or businesses, new business opportunities competitive prices **and** efficient investment signals **and should, at the same time, guarantee** higher standards of service and contribute to security of supply and sustainability.

Or. fr

Amendment 30 **Sirpa Pietikäinen**

Proposal for a directive **Recital 3**

Text proposed by the Commission

(3) Directive 2003/54/EC of the European Parliament and of the Council and Directive 2009/72/EC of the European Parliament and of the Council have made a significant contribution towards the creation of such an internal market in electricity. However, Europe's energy system is in the middle of a profound change. The common goal to decarbonise the energy system creates new opportunities and challenges for market participants. At the same time, technological developments allow for new forms of consumer participation and cross-border cooperation. There is a need to adapt the Union market rules to a new market reality.

Amendment

(3) Directive 2003/54/EC of the European Parliament and of the Council and Directive 2009/72/EC of the European Parliament and of the Council have made a significant contribution towards the creation of such an internal market in electricity. However, Europe's energy system is in the middle of a profound change. The common goal to **increase the share of renewable energy in the electricity sector to at least 45% in 2030 and to fully** decarbonise the energy system **by 2050** creates new opportunities and challenges for market participants. At the same time, technological developments allow for new forms of consumer participation and cross-border cooperation. There is a need to adapt the Union market rules to a new market reality.

Or. en

Amendment 31

Mireille D'Ornano, Jean-François Jalkh, Sylvie Goddyn

Proposal for a directive

Recital 3

Text proposed by the Commission

(3) Directive 2003/54/EC of the European Parliament and of the Council and Directive 2009/72/EC of the European Parliament and of the Council have made a significant contribution towards the creation of such an internal market in electricity. However, Europe's energy system is in the middle of a profound change. The common goal to decarbonise the energy system creates new opportunities and challenges for market participants. At the same time, technological developments allow for new forms of consumer participation and cross-border cooperation. There is a need to adapt the Union market rules to a new market reality .

Amendment

(3) Directive 2003/54/EC of the European Parliament and of the Council and Directive 2009/72/EC of the European Parliament and of the Council have made a significant contribution towards the creation of such an internal market in electricity. However, Europe's energy system is in the middle of a profound change. The common goal to decarbonise the energy system creates new opportunities and challenges for market participants ***linked to the generation and distribution of electricity***. At the same time, technological developments allow for new forms of consumer participation and cross-border cooperation. There is a need to adapt the Union market rules to a new market reality .

Or. fr

Amendment 32

Mireille D'Ornano, Jean-François Jalkh, Sylvie Goddyn

Proposal for a directive

Recital 4

Text proposed by the Commission

(4) The Energy Union Framework Strategy sets out the vision of an Energy Union with citizens at its core, where ***citizens*** take ownership of the energy transition, benefit from new technologies to reduce their bills, participate actively in the market, and where vulnerable consumers are protected.

Amendment

(4) The Energy Union Framework Strategy sets out the vision of an Energy Union with ***national*** citizens at its core, where ***the latter*** take ownership of the energy transition, benefit from new technologies to reduce their bills, participate actively in the market, and where vulnerable consumers are protected.

Amendment 33**Mireille D'Ornano, Jean-François Jalkh, Sylvie Goddyn****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'³⁰ 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.

³⁰ COM (2015) 339 final of 15.7.2015.

Amendment

(5) The Communication from the Commission of 15 July 2015 'Delivering a new deal for energy consumers'³⁰ 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. ***This rational approach hinges on the full support of consumers, who are being asked to agree to their data and consumption habits being disclosed to their distributor and recorded and kept for several years.***

³⁰ COM (2015) 339 final of 15.7.2015.

Amendment 34**Mireille D'Ornano, Jean-François Jalkh, Sylvie Goddyn****Proposal for a directive****Recital 6***Text proposed by the Commission*

(6) The Communication from the

Amendment

(6) The Communication from the

Commission of 15 July 2015 'Launching the public consultation process on a new energy market design'³¹ 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.

³¹ COM (2015) 340 final of 15.7.2015.

Commission of 15 July 2015 'Launching the public consultation process on a new energy market design'³¹ 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. ***This flexibility requirement should not disguise the fact that electricity distribution is a public service and that the State will continue to play a role in regulating supply.***

³¹ COM (2015) 340 final of 15.7.2015.

Or. fr

Amendment 35

Sirpa Pietikäinen

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'³¹ 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

Amendment

(6) The Communication from the Commission of 15 July 2015 'Launching the public consultation process on a new energy market design'³¹ 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.

manner and to fully integrate all market players – including renewable energy producers, new energy service providers, energy storage and flexible demand.

Equally important is for the EU to urgently invest in interconnectedness at the European level for the transfer of energy through high-voltage, electric power transmission system.

³¹ COM (2015) 340 final of 15.7.2015.

³¹ COM (2015) 340 final of 15.7.2015.

Or. en

Amendment 36

Mireille D'Ornano, Jean-François Jalkh, Sylvie Goddyn

Proposal for a directive

Recital 7

Text proposed by the Commission

Amendment

(7) Apart from the new challenges, the Directive seeks also to address the persisting obstacles to the completion of the internal market in electricity. Refined regulatory framework needs to contribute to overcoming the current problems of fragmented national markets which are still often determined by a high degree of regulatory interventions. Such interventions have led to obstacles to the sale of electricity on equal terms as well as higher costs in comparison to solutions based on cross-border cooperation and market-based principles.

deleted

Or. fr

Amendment 37

Mireille D'Ornano, Jean-François Jalkh, Sylvie Goddyn

Proposal for a directive

Recital 7

Text proposed by the Commission

(7) Apart from the new challenges, the Directive seeks also to address the persisting obstacles to the completion of ***the internal market in electricity***. Refined regulatory framework needs to contribute to overcoming the current problems of fragmented national markets which are ***still often*** determined by ***a high*** degree of regulatory interventions. ***Such interventions have led to obstacles to the sale of electricity on equal terms as well as higher costs in comparison to solutions based on cross-border cooperation and market-based principles.***

Amendment

(7) Apart from the new challenges, the Directive seeks also to address the persisting obstacles to the completion of ***a high-quality, safe and effective distribution network in the service of consumers***. Refined regulatory framework needs to contribute to overcoming the current problems of fragmented national markets which are ***sometimes*** determined by ***an inappropriate*** degree of regulatory interventions.

Or. fr

Amendment 38

Merja Kyllönen

Proposal for a directive

Recital 7 a (new)

Text proposed by the Commission

Amendment

(7a) The Union will best 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.

Or. en

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 39

Mireille D'Ornano, Jean-François Jalkh, Sylvie Goddyn

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, 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 participate in new ways, citizens should benefit from the internal market in electricity and the Union's renewable targets should be attained.

Amendment

(8) ***The State and*** 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 participate in new ways, citizens should benefit from the internal market in electricity and the Union's renewable targets should be attained.

Or. fr

Amendment 40

Mireille D'Ornano, Jean-François Jalkh, Sylvie Goddyn

Proposal for a directive

Recital 10

Text proposed by the Commission

(10) Promoting fair competition and easy access for different suppliers should be of the utmost importance for Member States in order to allow consumers to take full advantage of the opportunities of a liberalised internal market in electricity.

Amendment

(10) Promoting fair competition and easy access for different suppliers should be of the utmost importance for Member States in order to allow consumers to take full advantage of the opportunities of a liberalised internal market in electricity.
Too little competition means that new actors are prevented from joining the

market and vying with those which are already active or even have a dominant position. Too much competition is likewise undesirable: liberalisation may crowd some actors out, giving rise to a monopoly or oligopoly.

Or. fr

Justification

Linked to Amendment 28. As regards competition, it is not enough to say that it must be fair, which is self-evident. It must also be made clear that the right level of competition is essential, as untrammelled liberalisation may have disastrous and counterproductive effects.

Amendment 41

Jadwiga Wiśniewska

Proposal for a directive

Recital 11

Text proposed by the Commission

(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.

Amendment

(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.***

Or. en

Justification

The amendment is linked to two amendments to Article 3.

Amendment 42

Mireille D'Ornano, Jean-François Jalkh, Sylvie Goddyn

Proposal for a directive

Recital 11

Text proposed by the Commission

(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.

Amendment

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

Or. fr

Justification

Linked, inter alia, to Amendment 27. Market access for electricity suppliers can be achieved without placing emphasis on the cross-border aspect, which suggests that borders are an obstacle to economic activity, which is not the case.

Amendment 43

Carolina Punset, Gerben-Jan Gerbrandy

Proposal for a directive

Recital 11 a (new)

Text proposed by the Commission

Amendment

(11a) Interconnections between Member States should be promoted as they facilitate the integration of electricity from renewable energy sources, smooth out variability, reduce balancing costs and encourage competition.

Or. en

Justification

According to Article 1, all rules in this Directive are established "with a view to creating truly integrated competitive, consumer centered and flexible electricity markets in the Union". Adequate interconnections between Member States contribute to all elements of the electricity markets in the Union.

Amendment 44

Carolina Punset, Gerben-Jan Gerbrandy

Proposal for a directive

Recital 11 b (new)

Text proposed by the Commission

Amendment

(11b) The European Council of 23 and 24 October 2014 decided that the European Commission, supported by the Member States, will take urgent measures in order to ensure the achievement of a minimum target of 10% of existing electricity 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, and for Member States which constitute their main point of access to the internal energy market.

Or. en

Justification

It is important to have clearly in mind the 10% interconnection target to be reached by 2020 and also the 15% interconnection target for 2030 decided by the European Council of 23 and 24 October 2014. Achieving a minimum level of interconnection should be considered as a precondition for the accomplishment of a fully integrated and secure internal energy market.

Amendment 45

Mireille D'Ornano, Jean-François Jalkh, Sylvie Goddyn

Proposal for a directive

Recital 12

Text proposed by the Commission

Amendment

(12) Securing ***common rules for a true internal market and*** a broad supply of electricity accessible to all should also be one of the main goals of this Directive. To that end, ***undistorted market prices would***

(12) Securing a broad supply of electricity accessible to all should also be one of the main goals of this Directive. To that end, an incentive for cross-border interconnections and for investments in

provide an incentive for cross-border interconnections and for investments in new power generation **while leading**, in the long term, to price convergence.

new power generation **which leads**, in the long term, to price convergence **would be desirable**.

Or. fr

Justification

Linked to Amendment 26. It is possible to envisage a varied, secure and high-quality electricity supply system which does not entail extending the internal market to cover all sectors in a supranational European framework.

Amendment 46

Mireille D'Ornano, Jean-François Jalkh, Sylvie Goddyn

Proposal for a directive

Recital 13

Text proposed by the Commission

(13) Market prices should **give** the right incentives for the development of the network and for investing in new electricity generation.

Amendment

(13) **Reasonable** market prices should **be combined with** the right incentives for the development of the network and for investing in new electricity generation.

Or. fr

Justification

In keeping with the general thinking behind the proposal. The primary purpose of market prices is not to provide the right incentives for the development of the network, but to create a fair environment for the consumer.

Amendment 47

Mireille D'Ornano, Jean-François Jalkh, Sylvie Goddyn

Proposal for a directive

Recital 14

Text proposed by the Commission

(14) **Different types of market organisation exist in the internal market in electricity. The measures that Member**

Amendment

deleted

States could take in order to ensure a level playing field should be based on overriding requirements of general interest. The Commission should be consulted on the compatibility of the measures with the Treaty and Union law.

Or. fr

Justification

Linked to Amendment 26. The European Union cannot stipulate what the basis for measures which the Member States might take to guarantee fair conditions of competition should be. It can likewise not insist that Member States consult the Commission on the relevant legal aspects.

Amendment 48

Mireille D'Ornano, Jean-François Jalkh, Sylvie Goddyn

Proposal for a directive

Recital 14

Text proposed by the Commission

(14) Different types of market organisation exist in the internal market in electricity. The measures that Member States could take in order to ensure a level playing field should be based on overriding requirements of general interest. ***The Commission should be consulted on the compatibility of the measures with the Treaty and Union law.***

Amendment

(14) Different types of market organisation exist in the internal market in electricity. The measures that Member States could take in order to ensure a level playing field should be based on overriding requirements of general interest.

Or. fr

Justification

Linked to Amendment 26. The European Union cannot stipulate what the basis for measures which the Member States might take to guarantee fair conditions of competition should be. It can likewise not insist that Member States consult the Commission on the relevant legal aspects.

Amendment 49

Mireille D'Ornano, Jean-François Jalkh, Sylvie Goddyn

Proposal for a directive

Recital 14

Text proposed by the Commission

(14) Different types of market organisation exist in the internal market in electricity. The measures that Member States could take in order to ensure a level playing field should be based on overriding requirements of general interest. ***The Commission should be consulted on the compatibility of the measures with the Treaty and Union law.***

Amendment

(14) Different types of market organisation exist in the internal market in electricity. The measures that Member States could take in order to ensure a level playing field should be based on overriding requirements of general interest, ***such as price stability, security of supply and plant safety and energy self-sufficiency.***

Or. fr

Amendment 50

Mireille D'Ornano, Jean-François Jalkh, Sylvie Goddyn

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,***

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. ***In addition***, Member States should apply targeted social policy measures, to safeguard the affordability of electricity supply to their citizens. Interventions in price setting ***may*** be applied in limited circumstances.

*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 **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.***

Or. fr

Amendment 51 Merja Kyllönen

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***

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 ***can contribute to consumer protection in well-defined situations.*** Consequently, Member States should ***develop the necessary*** policy tools, and in particular targeted ***energy policy and/or*** social policy measures, to safeguard the affordability of electricity supply to their citizens. ***A competitive*** retail electricity market ***can*** stimulate price and

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 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.

non-price competition among existing suppliers and incentivise new market entries therefore improving consumers' choice and satisfaction.

Or. en

Amendment 52

Pavel Poc

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,

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 ***may*** constitute a fundamentally distortive measure ***if the price does not reflect the value of electricity and the costs of the supplier*** and 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,

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 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.

restriction of competition as well as fewer innovative products and services on the market. Consequently, Member States should ***ensure that their price regulation is not detrimental to competition or*** 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 exceptional circumstances. A fully liberalised ***well-functioning*** retail electricity market would stimulate price and non-price competition among existing suppliers and incentivise new market entries therefore improving consumers' choice and satisfaction.

Or. en

Amendment 53

Mireille D'Ornano, Jean-François Jalkh, Sylvie Goddyn

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,

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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 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.

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 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.

However, the danger inherent in full liberalisation of this kind is that sooner or later it will lead to a drop in the quality of service or, as a result of an excessive level of competition, the disappearance of a number of economic actors, thereby giving rise to an undesirable monopoly or oligopoly.

Or. fr

Amendment 54
Sirpa Pietikäinen

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

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 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.

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 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. ***It should also ensure that all direct and indirect subsidies for electricity from fossil fuels are phased out by 2023.***

Or. en

Amendment 55

Mireille D'Ornano, Jean-François Jalkh, Sylvie Goddyn

Proposal for a directive

Recital 16

Text proposed by the Commission

(16) In order to ensure the maintenance of the high standards of public service in the Union, ***all measures taken by*** Member States to achieve the objective of this Directive ***should be regularly notified to the Commission***. The Commission should regularly publish a report analysing measures taken at national level to achieve public service objectives and comparing

Amendment

(16) In order to ensure the maintenance of the high standards of public service in the Union, Member States ***should be given the leeway they need*** to achieve the objective of this Directive. The Commission should regularly publish a report analysing measures taken at national level to achieve public service objectives and comparing their effectiveness, with a

their effectiveness, with a view to making recommendations as regards measures to be taken at national level to achieve high public service standards.

view to making recommendations as regards measures to be taken at national level to achieve high public service standards.

Or. fr

Justification

Linked to Recital 45 of the Commission proposal. The European Union cannot require Member States to forward regularly to the Commission details of the measures they have taken to achieve the objectives of the directive. Such a requirement would impose an additional burden on the Member States.

Amendment 56

Mireille D'Ornano, Jean-François Jalkh, Sylvie Goddyn

Proposal for a directive

Recital 18

Text proposed by the Commission

(18) It should be possible for measures implemented by Member States to achieve the objectives of social and economic cohesion to include, in particular, the provision of adequate economic incentives, using, *where appropriate, all existing national and Union tools. Such tools may include liability mechanisms to guarantee the necessary investment.*

Amendment

(18) It should be possible for measures implemented by Member States to achieve the objectives of social and economic cohesion to include, in particular, the provision of adequate economic incentives, using, *as a matter of priority, national tools.*

Or. fr

Justification

Linked to Recital 48 of the Commission proposal. In the context of their efforts to bring about economic and social cohesion, Member States use existing national and non-EU tools. These policies must remain a Member State matter, with the EU having only secondary competence.

Amendment 57

Mireille D'Ornano, Jean-François Jalkh, Sylvie Goddyn

Proposal for a directive

Recital 19

Text proposed by the Commission

(19) To the extent to which measures taken by Member States to fulfil public service obligations constitute State aid under Article 107(1) of the Treaty, **there** is **an obligation** under Article 108(3) of the Treaty to notify them to the Commission.

Amendment

(19) To the extent to which measures taken by Member States to fulfil public service obligations constitute State aid under Article 107(1) of the Treaty, **it** is **regrettable that** under Article 108(3) of the Treaty **Member States should be required** to notify them to the Commission.

Or. fr

Justification

Linked to Recital 49 of the Commission proposal. It is regrettable that measures taken by the Member States to meet public service obligations should be treated as State aid within the meaning of Article 107 of the Treaty. Member States are required to provide the Commission with details of the measures they have taken, an additional burden on them.

Amendment 58

Mireille D'Ornano, Jean-François Jalkh, Sylvie Goddyn

Proposal for a directive

Recital 20

Text proposed by the Commission

(20) Clear and comprehensible information **should** be made available to consumers concerning their rights in relation to the energy sector. The Commission has established , after consulting relevant stakeholders including Member States, national regulatory authorities, consumer organisations and electricity undertakings an energy consumer checklist providing consumers with practical information about their rights. That checklist should be maintained up to date provided to all consumers and made publicly available.

Amendment

(20) Clear and comprehensible information **must** be made available to consumers concerning their rights in relation to the energy sector. The Commission has established , after consulting relevant stakeholders including Member States, national regulatory authorities, consumer organisations and electricity undertakings an energy consumer checklist providing consumers with practical information about their rights. That checklist should be maintained up to date provided to all consumers and made publicly available.

Or. fr

Justification

Linked to Recital 52 of the Commission proposal. Clear and comprehensible information must be made available to consumers concerning their rights in relation to the energy sector. This should not be an option, but a priority, in that access to energy is a public service.

Amendment 59

Mireille D'Ornano, Jean-François Jalkh, Sylvie Goddyn

Proposal for a directive

Recital 21

Text proposed by the Commission

(21) At present, several factors impede consumers from accessing, understanding and acting upon the various sources of market information available to them. To that end, the comparability of offers should be improved and barriers to switching minimised to the greatest practicable extent without unduly limiting consumer choice.

Amendment

(21) At present, several factors impede consumers from accessing, understanding and acting upon the various sources of market information available to them. To that end, the comparability of offers should be improved and barriers to switching minimised to the greatest practicable extent without unduly limiting consumer choice.
A sufficient level of competition among suppliers is needed to make for diversification of supply.

Or. fr

Amendment 60

Mireille D'Ornano, Jean-François Jalkh, Sylvie Goddyn

Proposal for a directive

Recital 22

Text proposed by the Commission

(22) Customers are still being charged a broad range of fees directly or indirectly as a result of switching energy supplier. Such fees make calculating the best product or service more difficult and diminish the immediate financial advantage of switching. Although removing such fees may limit consumer choice by eliminating products based on rewarding consumer

Amendment

(22) Customers are still being charged a broad range of fees directly or indirectly as a result of switching energy supplier. Such fees make calculating the best product or service more difficult and diminish the immediate financial advantage of switching. Although removing such fees may limit consumer choice by eliminating products based on rewarding consumer

loyalty, **restricting** their use further should improve consumer welfare, consumer engagement and competition in the market.

loyalty, **regulating or harmonising** their use further should improve consumer welfare, consumer engagement and competition in the market.

Or. fr

Amendment 61

Mireille D'Ornano, Jean-François Jalkh, Sylvie Goddyn

Proposal for a directive

Recital 23

Text proposed by the Commission

(23) Independent comparison tools including websites are an effective means for customers to assess the merits of different energy offers available on the market. Search costs are lower as they no longer need to collect information from individual suppliers and service providers. Such tools can provide the right balance between the need for information to be clear and concise and the need for it to be complete and comprehensive. They should aim at including the broadest possible range of available offers, and at covering the market as completely as is feasible so as to give the customer a representative overview. It is crucial that the information given on such tools be trustworthy, impartial and transparent.

Amendment

(23) Independent comparison tools including websites are an effective means for customers to assess the merits of different energy offers available on the market. Search costs are lower as they no longer need to collect information from individual suppliers and service providers. Such tools can provide the right balance between the need for information to be clear and concise and the need for it to be complete and comprehensive. They should aim at including the broadest possible range of available offers, and at covering the market as completely as is feasible so as to give the customer a representative overview. It is crucial that the information given on such tools be trustworthy, impartial and transparent. ***It is essential, moreover, that these websites should not be made inaccessible by means of manoeuvres designed to deny consumers access to information, as has already happened to many price comparison sites which have been demoted in Google search result rankings.***

Or. fr

Amendment 62

Proposal for a directive
Recital 23

Text proposed by the Commission

(23) Independent comparison tools including websites are an effective means for customers to assess the merits of different energy offers available on the market. Search costs are lower as they no longer need to collect information from individual suppliers and service providers. Such tools can provide the right balance between the need for information to be clear and concise and the need for it to be complete and comprehensive. They should aim at including the broadest possible range of available offers, and at covering the market as completely as is feasible so as to give the customer a representative overview.. It is crucial that the information given on such tools be trustworthy, impartial and transparent.

Amendment

(23) Independent comparison tools including websites are an effective means for customers to assess the merits of different energy offers available on the market. Search costs are lower as they no longer need to collect information from individual suppliers and service providers. Such tools can provide the right balance between the need for information to be clear and concise and the need for it to be complete and comprehensive. They should aim at including the broadest possible range of available offers, and at covering the market as completely as is feasible so as to give the customer a representative overview. ***For offers of renewable energy, easily accessible and understandable information on suppliers, sources of renewable energy and guarantees of origin should be provided. These tools should also inform customers in a transparent manner if the energy comes from a non-renewable source.*** It is crucial that the information given on such tools be trustworthy, impartial and transparent.

Or. en

Amendment 63
Mireille D'Ornano, Jean-François Jalkh, Sylvie Goddyn

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

Amendment

(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.

consumers. Member States *have full competence to* introduce speedy and effective complaint handling procedures.

Or. fr

Justification

Linked to Annex I.1 to the Commission proposal. Attention should be drawn to the fact that Member States have the legal competence to resolve disputes involving consumers, rather than passing judgment on the advisability or otherwise of improving procedures.

Amendment 64

Mireille D'Ornano, Jean-François Jalkh, Sylvie Goddyn

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 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

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 electric vehicles, heat pumps and other flexible loads become more competitive. Consumers should be enabled to participate 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.

available to them should be facilitated in the manner that is the most suitable for domestic market conditions. *The deployment in the context of COP21 of 'smart' electricity meters is designed, through computerisation, to make the management of electricity consumption simpler, more accurate and effective. However, technological progress does not necessarily justify sacrificing confidentiality and the protection of personal data, for example details of consumers' consumption habits. Lastly, the claim which is often made that many jobs will be created, both directly and indirectly, should not disguise the threat to the jobs of the technicians who read existing conventional meters, which could be phased out.*

Or. fr

Amendment 65

Carolina Punset, Gerben-Jan Gerbrandy

Proposal for a directive

Recital 26

Text proposed by the Commission

(26) All customer groups (industrial, commercial and households) should have access to the energy markets to trade their flexibility and self-generated electricity. Customers should be allowed to make full use of the advantages of aggregation of production and supply over larger regions and benefit from cross-border competition. Aggregators are likely to play an important role as intermediaries between customer groups and the market. Transparent and fair rules should be established to also allow independent aggregators to fulfil this role. Products should be defined on all organised energy markets, including ancillary services and capacity markets so

Amendment

(26) All customer groups (industrial, **agricultural**, commercial and households) should have access to the energy markets to trade their flexibility and self-generated electricity. Customers should be allowed to make full use of the advantages of aggregation of production and supply over larger regions and benefit from cross-border competition. Aggregators are likely to play an important role as intermediaries between customer groups and the market. Transparent and fair rules should be established to also allow independent aggregators to fulfil this role. Products should be defined on all organised energy markets, including ancillary services and

as to encourage the participation of demand response.

capacity markets so as to encourage the participation of demand response.

Or. en

Amendment 66

Mireille D'Ornano, Jean-François Jalkh, Sylvie Goddyn

Proposal for a directive

Recital 26

Text proposed by the Commission

(26) All customer groups (industrial, commercial and households) should have access to the energy markets to trade their flexibility and self-generated electricity. Customers should be allowed to make full use of the advantages of aggregation of production and supply over larger regions and benefit from ***cross-border*** competition. Aggregators are likely to play an important role as intermediaries between customer groups and the market. Transparent and fair rules should be established to also allow independent aggregators to fulfil this role. Products should be defined on all organised energy markets, including ancillary services and capacity markets so as to encourage the participation of demand response.

Amendment

(26) All customer groups (industrial, commercial and households) should have access to the energy markets to trade their flexibility and self-generated electricity. Customers should be allowed to make full use of the advantages of aggregation of production and supply over larger regions and benefit from competition. Aggregators are likely to play an important role as intermediaries between customer groups and the market. Transparent and fair rules should be established to also allow independent aggregators to fulfil this role. Products should be defined on all organised energy markets, including ancillary services and capacity markets so as to encourage the participation of demand response.

Or. fr

Amendment 67

Mireille D'Ornano, Jean-François Jalkh, Sylvie Goddyn

Proposal for a directive

Recital 27

Text proposed by the Commission

(27) The 'European Strategy for Low Emission Mobility'³² stresses the need for

Amendment

(27) The 'European Strategy for Low Emission Mobility'³² stresses the need for

the decarbonisation of the transport sector and the reduction of its emissions especially in urban areas and highlights the important role that electro-mobility can play in contributing to these objectives. Moreover, the deployment of electro-mobility constitutes an important element of the energy transition. Market rules set out in this Directive should therefore contribute to creating favourable conditions for electric vehicles of all kinds. In particular, they should safeguard the effective deployment of publicly accessible and private recharging points for electric vehicles and ensure the efficient integration of vehicle charging into system operation.

³² SDW(2016) 244 final.

the decarbonisation of the transport sector and the reduction of its emissions especially in urban areas and highlights the important role that electro-mobility can play in contributing to these objectives. Moreover, the deployment of electro-mobility constitutes an important element of the energy transition, ***although the renewable or otherwise nature of the electricity used in the context of electromobility remains a key factor***. Market rules set out in this Directive should therefore contribute to creating favourable conditions for electric vehicles of all kinds. In particular, they should safeguard the effective deployment of publicly accessible and private recharging points for electric vehicles and ensure the efficient integration of vehicle charging into system operation.

³² SDW(2016) 244 final.

Or. fr

Amendment 68

Mireille D'Ornano, Jean-François Jalkh, Sylvie Goddyn

Proposal for a directive

Recital 27

Text proposed by the Commission

(27) The 'European Strategy for Low Emission Mobility'³² stresses the need for the decarbonisation of the transport sector and the reduction of its emissions especially in urban areas and highlights the important role that electro-mobility can play in contributing to these objectives. Moreover, the deployment of electro-mobility constitutes an important element of the energy transition. Market rules set out in this Directive should therefore contribute to creating favourable

Amendment

(27) The 'European Strategy for Low Emission Mobility'³² stresses the need for the decarbonisation of the transport sector and the reduction of its emissions especially in urban areas and highlights the important role that electro-mobility can play in contributing to these objectives. Moreover, the deployment of electro-mobility constitutes an important element of the energy transition. Market rules set out in this Directive should therefore contribute to creating favourable

conditions for electric vehicles of all kinds. In particular, they should safeguard the effective deployment of publicly accessible and private recharging points for electric vehicles and ensure the efficient integration of vehicle charging into system operation.

³² SDW(2016) 244 final.

conditions for electric vehicles of all kinds. In particular, they should safeguard the effective deployment of publicly accessible and private recharging points for electric vehicles ***which meet international standards*** and ensure the efficient integration of vehicle charging into system operation.

³² SDW(2016) 244 final.

Or. fr

Amendment 69
Merja Kyllönen

Proposal for a directive
Recital 27 a (new)

Text proposed by the Commission

Amendment

(27a) In order to meet the international climate commitments and the EU internal targets, a comprehensive turn towards low-carbon economy is needed. Therefore, the renewal of the allocation criteria of different EU funds to foster the decarbonisation and energy-efficiency measures in electricity market and other sectors is needed. It should be guaranteed that EU funding will not be allocated to projects, which are not compliant with CO2 reduction targets and policies. By delegated act the Commission shall establish an advanced and transparent methodology for evaluation of the environmental performance of the applications in electricity market.

Or. en

Amendment 70
Mireille D'Ornano, Jean-François Jalkh, Sylvie Goddyn

Proposal for a directive
Recital 28

Text proposed by the Commission

(28) Demand response will be pivotal to enable smart charging of electric vehicles and thereby enable the efficient integration of electric vehicles into the electricity grid which will be crucial for the decarbonisation of transport.

Amendment

(28) Demand response will be pivotal to enable smart charging of electric vehicles and thereby enable the efficient integration of electric vehicles into the electricity grid which will be crucial for the decarbonisation of transport. ***It should be noted that the replacement of conventional by electric vehicles will do nothing to resolve the question of the renewable or otherwise nature of the source of the electricity used. What is more, this new development also raises the question of the storage of the energy and the sustainability of the batteries.***

Or. fr

Amendment 71
Merja Kyllönen

Proposal for a directive
Recital 29

Text proposed by the Commission

(29) Consumers should be able to consume, store and/or sell self-generated electricity to the market. New technology developments will facilitate these activities in the future. However, legal and commercial barriers exist including for example disproportionate fees for internally consumed electricity, obligations to feed self-generated electricity to the energy system, administrative burdens such as for self-generated electricity to the system to comply with the requirements for suppliers, etc. All these obstacles that prevent consumers from self-generating and from consuming, storing or

Amendment

(29) Consumers should be able to consume, store and/or sell self-generated electricity to the market. New technology developments will facilitate these activities in the future. However, legal and commercial barriers exist including for example disproportionate fees for internally consumed electricity, obligations to feed self-generated electricity to the energy system, administrative burdens such as for self-generated electricity to the system to comply with the requirements for suppliers, etc. All these obstacles that prevent consumers from self-generating and from consuming, storing or

selling self-generated electricity to the market should be removed *while it* should be *ensured that self-generating consumers contribute adequately to system costs*.

selling self-generated electricity to the market should be removed *and the technology* should be *neutral*.

Or. en

Amendment 72

Davor Škrlec

on behalf of the Verts/ALE Group

Proposal for a directive

Recital 29 a (new)

Text proposed by the Commission

Amendment

(29a) Community energy offers an inclusive option for all consumers to have a direct stake in producing, consuming and or sharing energy between each other within a geographically confined community network that may operate in an isolated mode or be connected to the public distribution network. Where a community network is set up by a local energy community, access to the local energy community's network should be granted on fair and cost-reflective terms. Individuals should be able to leave a local energy community that operates a community network without losing access to the network operated by the community energy initiative or their rights as consumers.

Or. en

Justification

Clarity needs to be provided around the concept and definition of local energy communities as distinct from traditional commercial energy company, namely their open economic participation, democratic internal governance, and their aims to prioritise local social, economic or environmental benefits over profit.

Amendment 73

Davor Škrlec

on behalf of the Verts/ALE Group

Proposal for a directive

Recital 29 b (new)

Text proposed by the Commission

Amendment

(29b) With the growing importance of active consumers, there is a need to strike a balance between rewarding those that choose to participate where their participation results in benefits to the energy system, and ensuring the ability of distribution system operators to maintain the grid in a cost-efficient and secure way in the long term. Tariffs and remuneration for self-consumption should incentivise smarter renewables integration technologies and motivate renewables self-consumers to make investment decisions that mutually benefit the customer and the grid. To allow for such a balance, it is necessary to ensure that renewable self-consumers and local renewable energy communities are entitled to receive a remuneration for the self-generated renewable electricity they feed into the grid which reflects the market value of the electricity fed in, as well as the long-term value to the grid, the environment and society. This must include both long-term costs and benefits of self-consumption in terms of avoided costs to the grid, society and the environment, especially when combined with other distributed energy resources such as energy efficiency, energy storage, demand response and community networks.

Or. en

Justification

The remuneration of self-generation and the costs for distribution grids must be fairly assessed and attributed to all participants.

Amendment 74
Merja Kyllönen

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 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

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 within a geographically confined community network that may operate in an isolated 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 ***can also improve the security of the energy supply as the electrical grid is less vulnerable. 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

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.

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. ***Local energy communities should have access to the electrical grid as the grids should be technologically neutral.*** 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.

Or. en

Amendment 75

Davor Škrlec

on behalf of the Verts/ALE Group

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 mode or be connected to the public***

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 ***initiatives, or local energy communities***, focus primarily on providing affordable energy of a specific kind such as renewable energy, for their members or shareholders, ***or to alleviate problems concerning a decreasing standard of living or to strengthen***

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.***

community interaction, 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 ***while maintaining all their rights as a consumer, including their right to choice and to a good quality of supply. Individuals should be able to leave a local energy community without losing access to the network operated by the community energy initiative or their rights as consumers.***

Or. en

Justification

In order to create real choice for consumers, all options must remain available, also concerning new models such as local energy communities.

Amendment 76

Mireille D'Ornano, Jean-François Jalkh, Sylvie Goddyn

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 and energy efficiency. ***If the introduction of smart grids leads to a significant drop in the level of protection of personal data, in particular details of customers' consumption habits, the process must be completely transparent.***

Or. fr

Justification

Linked to Article 37 (new) of the Commission proposal. Setting aside the eye-catching words 'modernisation', 'smart grids' and 'energy efficiency', it should be made clear that the protection of personal data, such as details of customers' consumption habits, is non-negotiable and that transparency is essential in this area.

Amendment 77

Mireille D'Ornano, Jean-François Jalkh, Sylvie Goddyn

Proposal for a directive

Recital 33

Text proposed by the Commission

(33) Engaging consumers requires appropriate incentives and technologies such as smart metering. Smart metering systems empower consumers as they allow them to receive accurate and near-real time feedback on their energy consumption or generation allowing them to manage it better, participate in and reap benefits from demand side response programmes and other services, and lower their electricity

Amendment

(33) Engaging consumers requires appropriate incentives and technologies such as smart metering. Smart metering systems empower consumers as they allow them to receive accurate and near-real time feedback on their energy consumption or generation allowing them to manage it better, participate in and reap benefits from demand side response programmes and other services, and lower their electricity

bill. Smart metering also enables distribution system operators to have better visibility of their networks, and consequently reduce their operation and maintenance costs and pass those savings to the distribution tariffs which are ultimately borne by consumers.

bill. Smart metering also enables distribution system operators to have better visibility of their networks, and consequently reduce their operation and maintenance costs and pass those savings to the distribution tariffs which are ultimately borne by consumers. ***However, this type of meter may breach customer privacy and, in particular, the confidentiality of the data concerning their consumption habits.***

Or. fr

Amendment 78

Mireille D'Ornano, Jean-François Jalkh, Sylvie Goddyn

Proposal for a directive

Recital 34

Text proposed by the Commission

(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.

Amendment

(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. ***In the same way, it should be possible to conduct a legal assessment of the impact of such decisions on privacy, in particular the confidentiality of data concerning customers' consumption habits.***

Or. fr

Justification

Linked to Recital 55 of the Commission proposal. It is not right that the assessment should concern only the cost-effectiveness of deploying 'smart' meters. The issue of the confidentiality of data concerning customers' consumption habits is no less important.

Amendment 79

Jadwiga Wiśniewska

Proposal for a directive

Recital 34

Text proposed by the Commission

(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.

Amendment

(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, ***but also taking into account technical feasibility and proportionality of assumed savings compared to necessary costs***. 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.

Or. en

Justification

The amendment is linked to two amendments to Article 19 paragraph 2 and two amendments to Article 3.

Amendment 80

Mireille D'Ornano, Jean-François Jalkh, Sylvie Goddyn

Proposal for a directive

Recital 35

Text proposed by the Commission

(35) ***Member States that are not systematically rolling out smart metering should give the possibility to consumers to benefit, upon request and under fair and reasonable conditions, and by providing them with all the relevant information, from the installation of an electricity***

Amendment

deleted

smart meter. Where consumers do not have smart meters, they should be entitled to meters that fulfil the minimum requirements necessary to provide them with the billing information specified in this Directive.

Or. fr

Amendment 81

Mireille D'Ornano, Jean-François Jalkh, Sylvie Goddyn

Proposal for a directive

Recital 36

Text proposed by the Commission

(36) In order to assist consumers' active participation in the electricity market, the smart metering systems ***to be deployed by*** Member States in their territory should be interoperable, not represent a barrier to switching of supplier, and should be equipped with fit-for-purpose functionalities that allow consumers to have near-real time access to their consumption data, modulate their energy consumption and, to the extent that the supporting infrastructure permits, offer their flexibility to the network and to energy services companies, be rewarded for it, and achieve savings in their electricity bill.

Amendment

(36) In order to assist consumers' active participation in the electricity market, the smart metering systems ***which*** Member States ***may if they so wish deploy*** in their territory should be interoperable, not represent a barrier to switching of supplier, and should be equipped with fit-for-purpose functionalities that allow consumers to have near-real time access to their consumption data, modulate their energy consumption and, to the extent that the supporting infrastructure permits, offer their flexibility to the network and to energy services companies, be rewarded for it, and achieve savings in their electricity bill.

Or. fr

Amendment 82

Mireille D'Ornano, Jean-François Jalkh, Sylvie Goddyn

Proposal for a directive

Recital 37

Text proposed by the Commission

Amendment

(37) A key aspect of supplying customers is access to objective 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 Council³³ will help consumers to reduce their energy costs.

³³ Directive 2012/27/EU of the European Parliament and of the Council of 25 October 2012 on energy efficiency, amending Directives 2009/125/EC and 2010/30/EU and repealing Directives 2004/8/EC and 2006/32/EC (OJ L 315, 14.11.2012, p. 1).

(37) A key aspect of supplying customers is access to objective and transparent consumption data. Thus, consumers should have ***the right to protection of and*** 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 Council³³ will help consumers to reduce their energy costs.

³³ Directive 2012/27/EU of the European Parliament and of the Council of 25 October 2012 on energy efficiency, amending Directives 2009/125/EC and 2010/30/EU and repealing Directives 2004/8/EC and 2006/32/EC (OJ L 315, 14.11.2012, p. 1).

Or. fr

Justification

Linked to Recital 50 of the Commission proposal. The consumer's right to access consumption data is not enough without a guarantee that the data in question are properly protected.

Amendment 83

Mireille D'Ornano, Jean-François Jalkh, Sylvie Goddyn

Proposal for a directive
Recital 38

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 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 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. ***It is unthinkable that data on users' consumption habits should subsequently be used for commercial targeting purposes, so that Member States may take any measure required to protect this personal information.***

Or. fr

Amendment 84
Mireille D'Ornano, Jean-François Jalkh, Sylvie Goddyn

Proposal for a directive
Recital 39

Text proposed by the Commission

(39) ***Member States should take the necessary*** measures to protect vulnerable and energy poor customers in the context of the internal market in electricity. Such measures may differ according to the particular circumstances in the Member States in question and may include social or energy policy measures relating to the payment of electricity bills, investment in residential energy efficiency or consumer protection such as disconnection safeguards . Where universal service is also

Amendment

(39) ***The*** measures ***required*** to protect vulnerable and energy poor customers in the context of the internal market in electricity ***should be taken***. Such measures may differ according to the particular circumstances in the Member States in question and may include social or energy policy measures relating to the payment of electricity bills, investment in residential energy efficiency or consumer protection such as disconnection safeguards . Where universal service is also provided to small

provided to small enterprises, measures to ensure that such universal service is provided may differ according to whether they are aimed at household customers or small enterprises.

enterprises, measures to ensure that such universal service is provided may differ according to whether they are aimed at household customers or small enterprises.

Or. fr

Justification

Linked to Recital 45 of the Commission proposal. Although it is essential that vulnerable and energy-poor consumers should be protected, it is not for the European Union to tell Member States how to do this or, even more to the point, to tie this problem in with the establishment of the internal electricity market.

Amendment 85 **Merja Kyllönen**

Proposal for a directive **Recital 40**

Text proposed by the Commission

(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

Amendment

(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 ***provide mechanisms to support the development of more efficient heating and cooling technologies to tackle energy poverty.*** Member States should collect the right ***and comparable*** information to monitor the number of households in energy poverty. Accurate measurement ***using unified standards*** should assist Member

facilitating the sharing of good practices between Member States.

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.

Or. en

Amendment 86

Mireille D'Ornano, Jean-François Jalkh, Sylvie Goddyn

Proposal for a directive

Recital 40

Text proposed by the Commission

(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.

Amendment

(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 **Member State** 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.

Or. fr

Amendment 87

Pavel Poc, Nessa Childers, Massimo Paolucci, Nicola Caputo, Karin Kadenbach, Soledad Cabezón Ruiz, Jo Leinen, Miriam Dalli

Proposal for a directive

Recital 40

Text proposed by the Commission

(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.

Amendment

(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 ***good*** 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 ***at risk of*** energy poverty in order to provide targeted support. The Commission should actively ***and as a priority*** support the implementation of the provisions on energy poverty by facilitating the sharing of good practices between Member States.

Or. en

Amendment 88

Pavel Poc, Nessa Childers, Massimo Paolucci, Nicola Caputo, Karin Kadenbach, Soledad Cabezón Ruiz, Daciana Octavia Sârbu, Jo Leinen, Miriam Dalli

Proposal for a directive

Recital 40 a (new)

(40a) *The Commission should take action to raise awareness of market opportunities for energy poor customers and the Member States should provide sufficient resources for local information for consumers at risk of energy poverty.*

Or. en

Amendment 89

Mireille D'Ornano, Jean-François Jalkh, Sylvie Goddyn

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 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

(41) *The Commission may provide Member States with assistance, by sharing advice and best practices, with the aim of reducing the number of persons in that 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 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.

Or. fr

Justification

Linked to Recital 53 of the Commission proposal. Rather than simply telling the Member States to take action, the European Union, through the Commission, should help them by sharing advice and best practices.

Amendment 90 **Christofer Fjellner**

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* 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

(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 customers. In doing so, an integrated approach, such as in the framework of 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 customers.

Or. en

Amendment 91 **Pavel Poc, Nessa Childers, Massimo Paolucci, Nicola Caputo, Karin Kadenbach, Soledad Cabezón Ruiz, Daciana Octavia Sârbu, Jo Leinen, Miriam Dalli**

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 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

(41) Member States which are affected by energy poverty and which have not yet done so should develop national action plans or other appropriate frameworks to tackle this problem, aiming at decreasing the number of **vulnerable consumers at risk of energy poverty**. 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 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. **As a minimum**, this Directive should **support** national policies in favour of vulnerable and energy poor customers.

Or. en

Justification

The issue of energy poverty requires greater attention from all legislators as they have an important role to protect the most vulnerable communities, and prevent groups in society from falling into energy poverty. Vulnerable consumer actions should be aligned with or contributing to measures to address energy poverty. This amendment is in line with Article 5(2) proposed by the Commission and an amendment to it (am.128) by the same authors including the category of "vulnerable consumers at risk of energy poverty."

Amendment 92
Merja Kyllönen

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

Amendment

(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 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.

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 *EU wide* indicators for the measurement of energy poverty. In any event, Member States should ensure the necessary energy supply for vulnerable and energy poor 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.

Or. en

Amendment 93

Mireille D'Ornano, Jean-François Jalkh, Sylvie Goddyn

Proposal for a directive

Recital 42

Text proposed by the Commission

(42) Distribution system operators have to cost-efficiently integrate new electricity generation especially generating installations using renewable energy sources and new loads such as heat pumps and electric vehicles. For this purpose distribution system operators should be enabled and incentivised to use services from distributed energy resources such as demand response and energy storage, based on market procedures, in order to efficiently operate their networks and avoid costly network expansions. Member States should put in place appropriate measures such as national network codes and market rules, and incentivise distribution system

Amendment

(42) Distribution system operators have to cost-efficiently integrate new electricity generation, especially generating installations using renewable energy sources and new loads such as heat pumps and electric vehicles, ***without this undermining network or plant safety***. For this purpose distribution system operators should be enabled and incentivised to use services from distributed energy resources such as demand response and energy storage, based on market procedures, in order to efficiently operate their networks and avoid costly network expansions. Member States should put in place appropriate measures such as national

operators through network tariffs which do not create obstacles to flexibility or to the improvement of energy efficiency in the grid. Member States should also introduce network development plans for distribution systems in order to support the integration of generating installations using renewable energy sources, facilitate the development of storage facilities and the electrification of the transport sector, and provide to system users adequate information regarding the foreseen expansions or upgrades of the network. as currently such procedure does not exist in the majority of Member States.

network codes and market rules, and incentivise distribution system operators through network tariffs which do not create obstacles to flexibility or to the improvement of energy efficiency in the grid. Member States should also introduce network development plans for distribution systems in order to support the integration of generating installations using renewable energy sources, facilitate the development of storage facilities and the electrification of the transport sector, and provide to system users adequate information regarding the foreseen expansions or upgrades of the network. as currently such procedure does not exist in the majority of Member States.

Or. fr

Amendment 94

Mireille D'Ornano, Jean-François Jalkh, Sylvie Goddyn

Proposal for a directive

Recital 42

Text proposed by the Commission

(42) Distribution system operators have to cost-efficiently integrate new electricity generation especially generating installations using renewable energy sources and new loads such as heat pumps and electric vehicles. For this purpose distribution system operators should be enabled and incentivised to use services from distributed energy resources such as demand response and energy storage, based on market procedures, in order to efficiently operate their networks and avoid costly network expansions. Member States should put in place appropriate measures such as national network codes and market rules, and incentivise distribution system operators through network tariffs which **do not create obstacles to flexibility or to the**

Amendment

(42) Distribution system operators have to cost-efficiently integrate new electricity generation especially generating installations using renewable energy sources and new loads such as heat pumps and electric vehicles. For this purpose distribution system operators should be enabled and incentivised to use services from distributed energy resources such as demand response and energy storage, based on market procedures, in order to efficiently operate their networks and avoid costly network expansions. Member States should put in place appropriate measures such as national network codes and market rules, and incentivise distribution system operators through network tariffs which **offer a degree of flexibility and**

improvement of energy efficiency in the grid. Member States should also introduce network development plans for distribution systems in order to support the integration of generating installations using renewable energy sources, facilitate the development of storage facilities and the electrification of the transport sector, and provide to system users adequate information regarding the foreseen expansions or upgrades of the network. as currently such procedure does not exist in the majority of Member States.

improvement of energy efficiency in the grid. Member States should also introduce network development plans for distribution systems in order to support the integration of generating installations using renewable energy sources, facilitate the development of storage facilities and the electrification of the transport sector, and provide to system users adequate information regarding the foreseen expansions or upgrades of the network. as currently such procedure does not exist in the majority of Member States.

Or. fr

Amendment 95

Mireille D'Ornano, Jean-François Jalkh, Sylvie Goddyn

Proposal for a directive

Recital 43

Text proposed by the Commission

(43) Non-discriminatory access to the distribution network determines downstream access to customers at retail level. To create a level playing field at retail level, the activities of distribution system operators should therefore be monitored so that they are prevented from taking advantage of their vertical integration as regards their competitive position on the market, in particular in relation to household and small non-household customers.

Amendment

(43) ***Given that a sufficient level of competition is essential***, non-discriminatory access to the distribution network determines downstream access to customers at retail level. To create a level playing field at retail level, the activities of distribution system operators should therefore be monitored so that they are prevented from taking advantage of their vertical integration as regards their competitive position on the market, in particular in relation to household and small non-household customers.

Or. fr

Justification

Linked to Recital 26 of the Commission proposal. It should be made clear that a sufficient level of competition is both desirable and necessary.

Amendment 96

Mireille D'Ornano, Jean-François Jalkh, Sylvie Goddyn

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 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, ***but only if this does not jeopardise the safety of the grid and public facilities.***

Or. fr

Justification

Linked to Recital 30 of the Commission proposal. Closed distribution systems must not jeopardise the safety of the grid and public facilities, such as train station buildings, airports, hospitals and large camping sites.

Amendment 97

Mireille D'Ornano, Jean-François Jalkh, Sylvie Goddyn

Proposal for a directive

Recital 45

Text proposed by the Commission

Amendment

(45) 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.

(45) In order to secure **sufficient** competition and the supply of electricity at the most competitive price, Member States and national regulatory authorities should facilitate access for **any** new **supplier** of electricity from different energy sources as well as for new providers of power generation.

Or. fr

Justification

Linked to Recital 8 of the Commission proposal. A sufficient level of competition is both desirable and necessary. Borders do not constitute an obstacle to market access for any new electricity supplier.

Amendment 98

Pavel Poc, Nessa Childers, Massimo Paolucci, Nicola Caputo, Karin Kadenbach, Soledad Cabezón Ruiz, Daciana Octavia Sârbu, Jo Leinen, Miriam Dalli

Proposal for a directive Recital 62

Text proposed by the Commission

(62) Energy regulators should also be granted the power to contribute to ensuring high standards of universal and public service in compliance with market opening, to the protection of vulnerable **customers**, and to the full effectiveness of consumer protection measures. Those provisions should be without prejudice to both the Commission's powers concerning the application of competition rules including the examination of mergers with a Union dimension, and the rules on the internal market such as the free movement of capital. The independent body to which a party affected by the decision of a national regulator has a right to appeal could be a court or other tribunal empowered to conduct a judicial review.

Amendment

(62) Energy regulators should also be granted the power to contribute to ensuring high standards of universal and public service in compliance with market opening, to the protection of vulnerable **consumers at risk of energy poverty**, and to the full effectiveness of consumer protection measures. Those provisions should be without prejudice to both the Commission's powers concerning the application of competition rules including the examination of mergers with a Union dimension, and the rules on the internal market such as the free movement of capital. The independent body to which a party affected by the decision of a national regulator has a right to appeal could be a court or other tribunal empowered to conduct a judicial review.

Justification

The issue of energy poverty requires greater attention from all legislators as they have an important role to protect the most vulnerable communities, and prevent groups in society from falling into energy poverty. Vulnerable consumer actions should be aligned with or contributing to measures to address energy poverty. This amendment is in line with Article 5(2) proposed by the Commission and an amendment to it (am.128) by the same authors including the category of "vulnerable consumers at risk of energy poverty."

Amendment 99**Merja Kyllönen****Proposal for a directive****Recital 70 a (new)***Text proposed by the Commission**Amendment*

(70a) Rapid and full implementation of this Directive should be encouraged, and will enable the Union to meet its climate and renewable targets in a timely manner.

Justification

Timely implementation of this Directive will contribute to a needed uptake of renewables and enables the EU to achieve its climate and renewable targets, as well as its treaty obligations following the Paris accords.

Amendment 100**Davor Škrlec**

on behalf of the Verts/ALE Group

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

Directive 2009/72/EU

Article 1

*Text proposed by the Commission**Amendment*

This Directive establishes common rules for the generation, transmission,

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. .

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. *Consumer interests shall be at the heart of this Directive and quality of service shall be a central responsibility of electricity undertakings. Existing rights of consumers need to be strengthened and guaranteed, and shall include greater transparency. Consumer protection shall ensure that all consumers in the wider remit of the Community benefit from a competitive market. Consumer rights shall be enforced by Member States or, where a Member State has so provided, the regulatory authorities.*

Or. en

Justification

It must be ensured that the consumers are truly in the centre of the electricity markets, whether as consumers, active consumers, prosumers and/or or participants of local energy community.

Amendment 101
Carolina Punset

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 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

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, consumer-centered and flexible electricity markets in the Union. ***It sets a common minimum level of interconnections for all Member States.*** 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.

Or. en

Amendment 102

Carolina Punset, Gerben-Jan Gerbrandy

Proposal for a directive

Article 2 – paragraph 1 – point 5

Text proposed by the Commission

5. 'non-household customer' means a natural or legal person purchasing electricity which is not for their own household use and includes producers industrial customers, small and medium sized enterprises, businesses and wholesale customers;

Amendment

5. 'non-household customer' means a natural or legal person purchasing electricity which is not for their own household use and includes producers, ***public, commercial and*** industrial customers, small and medium sized enterprises, businesses and wholesale customers;

Justification

Engaging energy consumers (domestic, commercial, public and industrial) by facilitating access to all the opportunities for them in electricity markets is key.

Amendment 103

Carolina Punset, Gerben-Jan Gerbrandy

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 customer or a group of jointly acting customers, ***including a multi-apartment block, a commercial, industrial, residential or shared services site, a closed distribution system, or a third party acting on their behalf***, 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;

Justification

This amendment aims to ensure consistency with the Recast RES Directive, which provides a definition of renewable self-consumers. The word “premises” should be given a wide scope, to take into account groups of neighbouring customers.

Amendment 104

Sirpa Pietikäinen

Proposal for a directive**Article 2 – paragraph 1 – point 6***Text proposed by the Commission**Amendment*

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;

6. 'active customer' means a customer or a group of jointly acting customers, ***including a multi-apartment block, a commercial, industrial or shared service site, or a closed distribution system***, 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;

Or. en

Justification

Proposed to ensure consistency with the Recast RED Directive, which provides a definition of renewable self-consumers. The word 'premises' should be given a wide scope, to take into account groups of neighbouring customers.

Amendment 105 **Carolina Punset**

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 activities of a distribution system operator, supplier or aggregator*** at local level, including across borders;

Amendment

7. 'local energy community' means: an association, a cooperative, a partnership, a non-profit organisation or other legal entity, which ***is based on open participation***, is effectively controlled by local shareholders or members, ***whose predominant aim is to provide local community benefits*** rather than ***generate profits for its members, that carries out or is involved in at least one or more of the following activities of: distributed generation, storage, supply, energy efficiency service provider, aggregator, or distribution system operator***, at local level, including across borders;

Or. en

Justification

For legal certainty, this Directive should provide for a definition of “local energy communities” that acknowledges the activities that local energy communities already engage in or could do so in the future.

Amendment 106

Merja Kyllönen

Proposal for a directive

Article 2 – paragraph 1 – point 7 a (new)

Text proposed by the Commission

Amendment

7a. ‘energy poverty’ means a household’s inability to afford the necessary domestic energy services so that basic humane standard levels of comfort and health can be guaranteed, as such costs represent a significant proportion of the disposable income;

(To be added as new point 8.)

Or. en

Amendment 107

Carolina Punset, Gerben-Jan Gerbrandy

Proposal for a directive

Article 2 – paragraph 1 – point 11

Text proposed by the Commission

Amendment

11. ‘dynamic electricity price contract’ means an electricity supply contract between a supplier and a final customer that reflects *the price at the spot market, including at the day ahead market at intervals at least equal to the market settlement frequency;*

11. ‘dynamic electricity price contract’ means an electricity supply contract between a supplier and a final customer that reflects *wholesale price volatility*

Or. en

Justification

Dynamic pricing refers to retail electricity prices that pass on to final end users at least part of the wholesale price volatility. This can be achieved not only through real time pricing but also with advanced forms of time-of-use and critical peak pricing. Therefore, the definition of dynamic pricing should be extended.

Amendment 108

Mireille D'Ornano, Jean-François Jalkh, Sylvie Goddyn

Proposal for a directive

Article 2 – paragraph 1 – point 18

Text proposed by the Commission

18. ‘smart metering system’ means an electronic system that can measure energy consumption, providing more information than a conventional meter, and can transmit and receive data for information, monitoring and control purposes, using a form of electronic communication;

Amendment

18. ‘smart metering system’ means an electronic system that can measure energy consumption, providing more information than a conventional meter, and can transmit and receive data, *such as details of customers’ consumption habits*, for information, monitoring and control purposes, using a form of electronic communication;

Or. fr

Amendment 109

Christofer Fjellner

Proposal for a directive

Article 2 – paragraph 1 – point 20

Text proposed by the Commission

20. ‘near-real time’ means, in the context of smart metering, the time, usually down to seconds, that elapses between data recording and their automated processing and transmission for use or information purposes;

Amendment

deleted

Or. en

Justification

This is excessive, especially the reference to "down to seconds" and it is hard to see the real cost-benefit of this definition.

Amendment 110 **Sirpa Pietikäinen**

Proposal for a directive **Article 2 – paragraph 1 – point 23**

Text proposed by the Commission

23. 'distribution system operator' means a natural or legal person responsible for operating, ensuring the maintenance of and, if necessary, developing the distribution system in a given area and, where applicable, its interconnections with other systems and for ensuring the long-term ability of the system to meet reasonable demands for the distribution of electricity;

Amendment

23. 'distribution system operator' means a natural or legal person responsible for operating, ensuring the maintenance of and, if necessary, developing the distribution system ***or integrated electricity storage*** in a given area and, where applicable, its interconnections with other systems and for ensuring the long-term ability of the system to meet reasonable demands for the distribution of electricity;

Or. en

Justification

This enables my amendment 161 which proposes that local energy communities should be allowed to conclude an agreement with a DSO also for the storage of electricity. It is also in line for coherence with my amendments 214 and 219 proposing that DSOs shall be allowed to operate energy storage facilities - which require for this amendment in order to ensure coherence.

Amendment 111 **Sirpa Pietikäinen**

Proposal for a directive **Article 2 – paragraph 1 – point 25**

Text proposed by the Commission

25. 'energy from renewable sources' means energy from renewable non-fossil sources, in particular wind, solar (solar

Amendment

25. 'energy from renewable sources' means energy from ***variable*** renewable non-fossil sources, in particular wind,

thermal and solar photovoltaic) ,
geothermal energy, ambient heat,
hydropower and tide, ocean , wave energy ,
and combustible renewables: biofuels,
bioliquids, **biogas, solid biofuels and**
combustible wastes of renewable origin , ;

solar (solar thermal and solar photovoltaic)
, geothermal energy, ambient heat,
hydropower and tide, ocean, **and** wave
energy, **as well as** combustible renewables:
biofuels, bioliquids, **and biogas**;

Or. en

Amendment 112

Carolina Punset, Gerben-Jan Gerbrandy

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;

Or. en

Amendment 113

Merja Kyllönen

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
in **Article 32 of the [recast of Regulation**
714/2009 as proposed by
COM(2016)861/2].

Amendment

39. 'regional **security**
coordinator operational centre' means the
regional **security coordinator** operational
centre as defined in **Systems operations**
Guideline[SOGL] .

Or. en

Amendment 114
Carolina Punset

Proposal for a directive
Article 2 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

49. 'distributed energy resources' means energy resources including but not limited to energy storage, energy efficiency, electrical vehicles, distributed generation of electricity from renewable energy sources, community networks and demand response, which are provided to the electrical network, through either the meter in the customer's premise, or the distribution network.

Or. en

Amendment 115
Françoise Grossetête, Angélique Delahaye, Michel Dantin

Proposal for a directive
Article 3 – paragraph 1

Text proposed by the Commission

Amendment

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.

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. ***Member States may, however, employ regulated tariffs, provided that these do not pose an obstacle to greater competition and the development of a competitive market.***

Or. fr

Amendment 116
Merja Kyllönen

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 ***enacts measures to promote*** cross-border flows of electricity, consumer participation including through ***voluntary*** demand-side response, investments into flexible energy generation, energy storage, the deployment of electro-mobility or new interconnectors, ***smart grid technology*** and that electricity prices reflect actual demand and supply. ***Member States shall ensure consumer participation is enabled by technology neutrality.***

Or. en

Amendment 117
Jadwiga Wiśniewska

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 ***scheduled*** 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.

Or. en

Justification

Not all cross-border flows are equally legitimate. Unscheduled loop-flows should be avoided and Member States should have right to prevent them.

Amendment 118

Davor Škrlec

on behalf of the Verts/ALE Group

Proposal for a directive

Article 3 – paragraph 2

Directive 2009/72/EC

Article 3 – paragraph 2

Text proposed by the Commission

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

Amendment

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

Or. en

Justification

All market players shall be able to participate on a level playing field and without discrimination.

Amendment 119

Sirpa Pietikäinen

Proposal for a directive

Article 3 – paragraph 2

Text proposed by the Commission

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

Amendment

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

Or. en

Justification

It should be made clear that individuals / households have the right to generate their own electricity.

Amendment 120

Carolina Punset, Gerben-Jan Gerbrandy

Proposal for a directive

Article 3 – paragraph 2

Text proposed by the Commission

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

Amendment

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

Or. en

Justification

Although storage is recognized as viable in the Directive, it seems necessary to emphasize its significance.

Amendment 121

Carolina Punset

Proposal for a directive

Article 3 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2a. Each Member State shall ensure that its level of electricity interconnection is equivalent to at least 10% of their installed production capacity by 2020, with a view to reaching a more ambitious level by 2030. In order to achieve these levels, Member States, regulatory authorities and transmission system operators shall cooperate with each other towards the creation of a fully interconnected internal market integrating isolated systems forming

electricity islands.

Or. en

Justification

Cooperation, sharing of energy resources and mutual assistance in the event of energy crisis is the most effective way to achieve a truly efficient, secure and competitive Internal Electricity Market. To account for a growing number of disruption risks related to the high volume of intermittent renewable energy sources in the system, mutual support between Member States becomes critical.

Amendment 122

Jadwiga Wiśniewska

Proposal for a directive

Article 3 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2a. Member States shall take necessary measures to prevent unscheduled flows of electricity from their territory to neighbouring Member States' territories.

Or. en

Justification

Member States should be obliged to actively prevent unscheduled loop-flows of electricity which cause problems in other Member States.

Amendment 123

Sirpa Pietikäinen

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.

Or. en

Justification

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

Amendment 124

Pavel Poc

Proposal for a directive

Article 5 – paragraph 1

Text proposed by the Commission

1. Electricity suppliers shall be free to ***determine the price at which they supply electricity*** to customers. Member States shall take appropriate actions to ensure effective competition between electricity suppliers.

Amendment

1. Electricity suppliers shall be free to ***propose market-based*** supply ***prices*** to customers. Member States shall take appropriate actions to ensure effective competition between electricity suppliers.

Or. en

Amendment 125

Françoise Grossetête, Angélique Delahaye

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 shall ensure the protection of energy poor or vulnerable customers.

Or. fr

Amendment 126
Pavel Poc

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 shall *pursue objectives of general economic interest, including* the protection of energy poor or vulnerable customers in a targeted manner by other means than public interventions *based on non-replicable* price-setting for the supply of electricity.

Or. en

Amendment 127
Jadwiga Wiśniewska

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 shall ensure the protection of energy poor or vulnerable customers in a targeted manner *and in this regard they shall to use* other means than public interventions in the price-setting for the supply of electricity.

Or. en

Justification

It has to be for the decision of any MS to maintain possibility for households to choose regulated tariffs, until proper conditions appear on the market to encourage consumers to choose suppliers that offer market based pricing. This approach is in line with Article 27.

Amendment 128
Pavel Poc, Nessa Childers, Massimo Paolucci, Nicola Caputo, Soledad Cabezón Ruiz, Daciana Octavia Sârbu, Jo Leinen, Miriam Dalli, Karin Kadenbach

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

Or. en

Amendment 129
Christofer Fjellner

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 shall ensure the protection of vulnerable customers in a targeted manner by other means than public interventions in the price-setting for the supply of electricity.

Or. en

Amendment 130
Françoise Grossetête, Angélique Delahaye, Michel Dantin

Proposal for a directive
Article 5 – paragraph 3

Text proposed by the Commission

3. By way of derogation from paragraphs 1 and 2, Member States which apply public interventions in price setting for the supply of electricity for energy poor or vulnerable household customers ***at the [OP: please insert the date of entry into force of this Directive]*** may continue to

Amendment

3. By way of derogation from paragraphs 1 and 2, Member States which apply public interventions in price setting for the supply of electricity for energy poor or vulnerable household customers may continue to apply such public interventions, ***provided that they*** pursue a

apply such public interventions *until* [OP: *insert the date – five years from the entry into force of this Directive*]. Such public interventions shall pursue a general economic interest, be clearly defined, transparent, non-discriminatory, verifiable and guarantee equal access for Union electricity companies to customers. The interventions shall not go beyond what is necessary to achieve the general economic interest which they pursue, be limited in time and proportionate as regards their beneficiaries.

general economic interest, be clearly defined, transparent, non-discriminatory, verifiable and guarantee equal access for Union electricity companies to customers. The interventions shall not go beyond what is necessary to achieve the general economic interest which they pursue, be limited in time and proportionate as regards their beneficiaries.

Or. fr

Amendment 131 Pavel Poc

Proposal for a directive Article 5 – paragraph 3

Text proposed by the Commission

3. By way of derogation from paragraphs **1 and 2**, Member States which apply public interventions *in* price setting for the supply of electricity for energy poor or vulnerable household customers at the [OP: please insert the date of entry into force of this Directive] may continue to apply such public interventions until [OP: insert the date – five years *from* the entry into force of this Directive]. Such public interventions shall pursue a general economic interest, be clearly defined, transparent, non-discriminatory, verifiable and guarantee equal access for Union electricity companies to customers. The interventions shall not go beyond what is necessary to achieve the general economic interest which they pursue, be limited in time and proportionate as regards their beneficiaries.

Amendment

3. By way of derogation from paragraphs 2, Member States which apply public interventions *based on non-replicable* price setting for the supply of electricity for energy poor or vulnerable household customers at the [OP: please insert the date of entry into force of this Directive] may continue to apply such public interventions until *they adapt their supply price regulation so that price-setting become replicable no later than* [OP: insert the date – five years *after* the entry into force of this Directive]. Such public interventions shall pursue a general economic interest, be clearly defined, transparent, non-discriminatory, verifiable and guarantee equal access for Union electricity companies to customers. The interventions shall not go beyond what is necessary to achieve the general economic interest which they pursue, be limited in time and proportionate as regards their

beneficiaries.

Or. en

Amendment 132

Jadwiga Wiśniewska

Proposal for a directive

Article 5 – paragraph 3

Text proposed by the Commission

3. By way of derogation from paragraphs 1 and 2, Member States which apply public interventions in price setting for the supply of electricity for energy poor or vulnerable household customers at the [OP: please insert the date of entry into force of this Directive] may continue to apply such public interventions *until [OP: insert the date – five years from the entry into force of this Directive]*. Such public interventions shall pursue a general economic interest, be clearly defined, transparent, non-discriminatory, verifiable and guarantee equal access for Union electricity companies to customers. The interventions shall not go beyond what is necessary to achieve the general economic interest which they pursue, be limited in time and proportionate as regards their beneficiaries.

Amendment

3. By way of derogation from paragraphs 1 and 2, Member States which apply public interventions in price setting for the supply of electricity for energy poor or vulnerable household customers at the [OP: please insert the date of entry into force of this Directive] may continue to apply such public interventions. Such public interventions shall pursue a general economic interest, be clearly defined, transparent, non-discriminatory, verifiable and guarantee equal access for Union electricity companies to customers. The interventions shall not go beyond what is necessary to achieve the general economic interest which they pursue, be limited in time and proportionate as regards their beneficiaries.

Or. en

Justification

It has to be for the decision of any MS to maintain possibility for households to choose regulated tariffs, until proper conditions appear on the market to encourage consumers to choose suppliers that offer market based pricing. This approach is in line with Article 27.

Amendment 133

Christofer Fjellner

Proposal for a directive
Article 5 – paragraph 3

Text proposed by the Commission

3. By way of derogation from paragraphs 1 and 2, Member States which apply public interventions in price setting for the supply of electricity for energy poor or vulnerable household customers at the [OP: please insert the date of entry into force of this Directive] may continue to apply such public interventions until [OP: insert the date – **five** years from the entry into force of this Directive]. Such public interventions shall pursue a general economic interest, be clearly defined, transparent, non-discriminatory, verifiable and guarantee equal access for Union electricity companies to customers. The interventions shall not go beyond what is necessary to achieve the general economic interest which they pursue, be limited in time and proportionate as regards their beneficiaries.

Amendment

3. By way of derogation from paragraphs 1 and 2, Member States which apply public interventions in price setting for the supply of electricity for energy poor or vulnerable household customers at the [OP: please insert the date of entry into force of this Directive] may continue to apply such public interventions until [OP: insert the date – **three** years from the entry into force of this Directive]. Such public interventions shall pursue a general economic interest, be clearly defined, transparent, non-discriminatory, verifiable and guarantee equal access for Union electricity companies to customers. The interventions shall not go beyond what is necessary to achieve the general economic interest which they pursue, be limited in time and proportionate as regards their beneficiaries.

Or. en

Amendment 134
Jadwiga Wiśniewska

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

Text proposed by the Commission

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

deleted

Justification

It has to be for the decision of any MS to maintain possibility for households to choose regulated tariffs, until proper conditions appear on the market to encourage consumers to choose suppliers that offer market based pricing. This approach is in line with Article 27.

Amendment 135
Christofer Fjellner

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

Text proposed by the Commission

Amendment

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.

deleted

Amendment 136
Pavel Poc

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

Text proposed by the Commission

Amendment

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

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 ***which are not replicable*** in so far as it is strictly necessary for reasons of extreme urgency. Such interventions shall comply with the

with the conditions set out in paragraph 3.

conditions set out in paragraph 3.

Or. en

Amendment 137

Jadwiga Wiśniewska

Proposal for a directive

Article 5 – paragraph 4 – subparagraph 2

Text proposed by the Commission

Member States shall notify the measures taken in accordance with the ***first subparagraph*** to the Commission within ***one month*** after adoption and may apply them immediately. The notification shall be accompanied by an explanation why other instruments could not sufficiently address the situation and how the beneficiaries and the duration of the measure have been determined. The notification shall be considered as complete if, within two months from its receipt, or from the receipt of any additional information requested, the Commission does not request any further information.

Amendment

Member States shall notify the measures taken in accordance with the ***third paragraph*** to the Commission within ***three months*** after adoption and may apply them immediately. The notification shall be accompanied by an explanation why other instruments could not sufficiently address the situation and how the beneficiaries and the duration of the measure have been determined. The notification shall be considered as complete if, within two months from its receipt, or from the receipt of any additional information requested, the Commission does not request any further information.

Or. en

Justification

It has to be for the decision of any MS to maintain possibility for households to choose regulated tariffs, until proper conditions appear on the market to encourage consumers to choose suppliers that offer market based pricing. This approach is in line with Article 27.

Amendment 138

Jadwiga Wiśniewska

Proposal for a directive

Article 5 – paragraph 4 – subparagraph 3

Text proposed by the Commission

Amendment

The Commission may ***take a decision asking*** the national authorities to amend or withdraw the measures within two months from receipt of a complete notification where it considers that the requirements set out in the ***first subparagraph*** are not fulfilled. ***The decision-making period can be extended with the consent of both the Commission and the Member State concerned.***

The Commission may ***issue non-binding recommendation to*** the national authorities ***proposing*** to amend or withdraw the measures within two months from receipt of a complete notification where it considers that the requirements set out in the ***third paragraph*** are not fulfilled.

Or. en

Justification

It has to be for the decision of any MS to maintain possibility for households to choose regulated tariffs, until proper conditions appear on the market to encourage consumers to choose suppliers that offer market based pricing. This approach is in line with Article 27.

Amendment 139

Jadwiga Wiśniewska

Proposal for a directive

Article 5 – paragraph 4 – subparagraph 4

Text proposed by the Commission

Amendment

The public intervention applied on the basis of this paragraph shall be deemed valid as long as the Commission has not taken a decision asking the national authorities to amend or withdraw the measure.

deleted

Or. en

Justification

It has to be for the decision of any MS to maintain possibility for households to choose regulated tariffs, until proper conditions appear on the market to encourage consumers to choose suppliers that offer market based pricing. This approach is in line with Article 27.

Amendment 140

Jadwiga Wiśniewska

Proposal for a directive

Article 5 – paragraph 4 – subparagraph 4 a (new)

Text proposed by the Commission

Amendment

Five years following the entry into force of this Article the Commission may propose to phase out the Member States' right to intervene in price setting according to paragraph 3 if the market conditions allow introducing unregulated prices in the manner that not threaten poor and vulnerable consumers.

Or. en

Amendment 141

Sirpa Pietikäinen

Proposal for a directive

Article 7 – paragraph 1 – point a

Text proposed by the Commission

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;

(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 license;***

Or. en

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 142
Sirpa Pietikäinen

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.

Or. en

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 143
Sirpa Pietikäinen

Proposal for a directive
Article 7 – paragraph 2

Text proposed by the Commission

2. Member States shall lay down the criteria for the grant of authorisations for the construction of direct lines in their territory. Those criteria shall be objective and non-discriminatory.

Amendment

2. Member States shall lay down the criteria for the grant of authorisations for the construction of direct lines in their territory. Those criteria shall be objective and non-discriminatory ***and promote the procurement of energy from variable renewable sources by corporate customers, in accordance with art. 15.9 of [Recast Renewable Energy Directive].***

Or. en

Justification

Linked with amendment 30, to ensure consistent aims throughout, and to support amendments for priority access to energy from variable renewable energy sources (amendments 166, 232 and 264). 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 encouraged. The principle of the promotion of energy from variable renewable sources is also important for the overall achievement of the Union's energy policy.

Amendment 144 **Sirpa Pietikäinen**

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.***

Or. en

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 145 **Davor Škrlec** on behalf of the Verts/ALE Group

Proposal for a directive **Article 8 – paragraph 1** Directive 2009/72/EC Article 8 – paragraph 1

Text proposed by the Commission

1. **For** the construction of new generating capacity, Member States shall adopt an authorisation procedure, which shall be conducted in accordance with objective, transparent and non-discriminatory criteria.

Amendment

1. **Before** the construction of new generating capacity, **Member States shall assess the levels of energy savings, efficiency and the demand response potential in the affected area as more cost-effective alternative to new generation capacity. In case new generation capacity is needed**, Member States shall adopt an authorisation procedure, which shall be conducted in accordance with objective, transparent and non-discriminatory criteria.

Or. en

Justification

The cheapest energy is the one that has not to be produced and in line with the principle to recognize energy efficiency as an energy source in its own right, it must first be assessed if new generation capacity is truly necessary. This amendments implements the "Energy Efficiency First Principle" – one of the guiding principles of the Clean Energy for all Europeans Package into practice. It is therefore intrinsically linked to other elements of the legislative package and aims to bring about the respective clarification to the provisions of this paragraph.

Amendment 146

Davor Škrlec

on behalf of the Verts/ALE Group

Proposal for a directive

Article 8 – paragraph 2 – point f a (new)

Directive 2009/72/EC

Article 8 – paragraph 2 – point f

Text proposed by the Commission

Amendment

(fa) the demand response potential in the affected area

Or. en

Justification

An assessment of demand response potential can help to correctly determine the adequate needs and is therefore ensuring coherence of the provision of Article 8 paragraph 2 with the remainder of the Article and the adequacy assessments that are being carried out under the Electricity Directive and Regulation, as well as under the Risk Preparedness Directive.

Amendment 147
Sirpa Pietikäinen

Proposal for a directive
Article 8 – paragraph 2 – point k

Text proposed by the Commission

(k) the contribution of generating capacity to reducing emissions.

Amendment

(k) the contribution of generating capacity to reducing emissions ***and decarbonisation of electricity generation by 2050.***

Or. en

Justification

Linked with amendment number 5, to ensure consistent targets throughout the text.

Amendment 148
Davor Škrlec
on behalf of the Verts/ALE Group

Proposal for a directive
Article 8 – paragraph 3 – subparagraph 2
Directive 2009/72/EC
Article 8 – paragraph 3 – subparagraph 2

Text proposed by the Commission

Member States ***may*** set guidelines for that specific authorisation procedure. National regulatory authorities or other competent national authorities including planning authorities shall review those guidelines and may recommend amendments thereto.

Amendment

Member States ***shall*** set guidelines for that specific authorisation procedure, ***which shall be publicly available.*** National regulatory authorities or other competent national authorities including planning authorities shall review those guidelines and may recommend amendments thereto.

Justification

For the purpose of clarity of this provision, it must be specified that guidelines shall be adopted by the Member States and made public to enable effective authorisation procedures, but also to put into practice one of the central aims of the Electricity Directive, namely to place the consumer at the centre of the energy market as mentioned in the introductory part of the proposal.

Amendment 149
Sirpa Pietikäinen

Proposal for a directive

Article 10 – paragraph 2 – point a – paragraph 1 – indent 1 a (new)

Text proposed by the Commission

Amendment

- *the contribution of each energy source to the overall fuel mix of the supplier (at national level i.e. in the Member States where the supply contract has been concluded, as well as at EU level if the supplier is active in several Member States) over the preceding year in a comprehensive and clearly comparable manner;*

Or. en

Justification

Amendments to Article 10 (a) aim to increase transparency of the sources of energy in the supplier's portfolio, including sources of electricity supplied to the customer according to the contract. This can generate competition for cleaner sources of electricity. (reference to overall fuel mix is in line with para 3 of Annex II)

Amendment 150
Sirpa Pietikäinen

Proposal for a directive

Article 10 – paragraph 2 – point a – paragraph 1 – indent 1 b (new)

Text proposed by the Commission

Amendment

- *the average CO2 intensity of the electricity mix of the supplier (at national level i.e. in the Member State where the supply contract has been concluded, as well as at EU level if the supplier is active in several Member States) over the preceding year;*

Or. en

Justification

This is a continuation of the same point as in amendment 149, and concerns the same point (it is just separated into three components in amendments 149, 150 and 151). Amendments to Article 10 (a) aim to increase transparency of the sources of energy in the supplier's portfolio, including sources of electricity supplied to the customer according to the contract. This can generate competition for cleaner sources of electricity.

Amendment 151 **Sirpa Pietikäinen**

Proposal for a directive

Article 10 – paragraph 2 – point a – paragraph 1 – indent 1 c (new)

Text proposed by the Commission

Amendment

- *the contribution of each energy source to the electricity purchased by the customer in accordance with the supply contract (product level disclosure);*

Or. en

Justification

This is a continuation of the same point as in amendment 149, and concerns the same point (it is just separated into three components in amendments 149, 150 and 151. It also links with my amendments for ensuring priority access to variable renewable energy sources. Amendments to Article 10 (a) aim to increase transparency of the sources of energy in the supplier's portfolio, including sources of electricity supplied to the customer according to the contract. This can generate competition for cleaner sources of electricity. This also enables the active customer principle.

Amendment 152 **Sirpa Pietikäinen**

Proposal for a directive

Article 10 – paragraph 2 – point a – paragraph 2

Text proposed by the Commission

Conditions shall be fair and well-known in advance. In any case, this information should be provided prior to the conclusion or confirmation of the contract. Where contracts are concluded through intermediaries, the information relating to the matters set out in this point shall also be provided prior to the conclusion of the contract;

Amendment

Conditions shall be fair and well-known in advance. In any case, this information should be provided prior to the conclusion or confirmation of the contract. ***It shall also be easily available to the customer after the confirmation of the contract.*** Where contracts are concluded through intermediaries, the information relating to the matters set out in this point shall also be provided prior to the conclusion of the contract;

Or. en

Justification

A lot of information about giving adequate notice on changing contractual modalities and on disconnection alternatives are detailed in this Article. However, it does not adequately ensure that when the client wants to see the status of the current contract, the client can have access to this through the supplier/aggregator, leaving a gap. (referring to amendments made e.g. by ENVI Rapporteur to Article 10.) Not being able to easily access the contract would not necessarily enable the customer to compare fuel mix provided over time, related to amendment 149.

Amendment 153

Sirpa Pietikäinen

Proposal for a directive

Article 10 – paragraph 2 – point j a (new)

Text proposed by the Commission

Amendment

(ja) (k) are entitled to sign one or more single-buyer or multiple-buyer power purchase agreements with on-site, nearby and off-site electricity generating installations without being subject to disproportionate and unfair costs and administrative procedures.

Justification

Many customers in Europe want to fix or possibly decrease electricity costs by purchasing electricity directly from generators, especially those using renewable energy sources. This also allows them to meet environmental commitments or requirements. Yet in most European countries the direct purchase of electricity is not regulated, not allowed or hampered by unfavourable rules. EU legislation should establish rights of customers to sign power purchase agreements that are not costly or complex, and to sign more than one PPA, together with other buyers. Empowers active customers.

Amendment 154

Michel Dantin, Françoise Grossetête

Proposal for a directive

Article 11 – paragraph 1

Text proposed by the Commission

1. Member States shall ensure that every final customer is entitled, on request, to a dynamic electricity price contract by his supplier.

Amendment

1. ***Without prejudice to the provisions of Article 5(3) on public interventions in price setting for the supply of electricity for energy-poor or vulnerable household customers,*** Member States shall ensure that every final customer is entitled, on request, to a dynamic electricity price contract by his supplier.

Or. fr

Amendment 155

Mireille D'Ornano, Jean-François Jalkh, Sylvie Goddyn

Proposal for a directive

Article 11 – paragraph 1

Text proposed by the Commission

1. Member States shall ensure that every final customer is entitled, on request, to a dynamic electricity price contract by his supplier.

Amendment

1. Member States ***which so wish*** shall ensure that every final customer is entitled, on request, to a dynamic electricity price contract by his supplier.

Or. fr

Amendment 156

Mireille D'Ornano, Jean-François Jalkh, Sylvie Goddyn

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 as regards the confidentiality and processing of personal data, such as details of customers' consumption habits.***

Or. fr

Amendment 157

Nicola Caputo, Pavel Poc

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 ***and can terminate it if it proves too expensive.***

Or. it

Amendment 158

Mireille D'Ornano, Jean-François Jalkh, Sylvie Goddyn

Proposal for a directive

Article 11 – paragraph 3

Text proposed by the Commission

3. Member States, through their

Amendment

3. Member States, through their

National Regulatory Authorities, shall monitor and report annually, for at least a ten-year period after such contracts become available, on the main developments of such contracts including market offers, the impact on consumers' bills and specifically the level of price volatility, and on consumers' sensitivity to the level of financial risk.

National Regulatory Authorities, shall monitor and report annually, for at least a ten-year period after such contracts become available, on the main developments of such contracts including market offers, the impact on consumers' bills and specifically the level of price volatility, and on consumers' sensitivity to the level of financial risk. ***Member States shall be entitled to insist that National Regulatory Authorities provide details of redundancies among technicians, in particular those responsible for reading meters whose work has been made superfluous by the phasing-in of dynamic pricing.***

Or. fr

Amendment 159

Davor Škrlec

on behalf of the Verts/ALE Group

Proposal for a directive

Article 11 – paragraph 3

Directive 2009/72/EC

Article 11 – paragraph 3

Text proposed by the Commission

3. Member States, through their National Regulatory Authorities, shall monitor and report annually, for at least a ten-year period after such contracts become available, on the main developments of such contracts including market offers, the impact on consumers' bills and specifically the level of price volatility, and on consumers' sensitivity to the level of financial risk.

Amendment

3. Member States, through their National Regulatory Authorities, shall monitor and report annually, for at least a ten-year period after such contracts become available, on the main developments of such contracts including market offers, the impact on consumers' bills and specifically the level of price volatility ***as well as the share of the energy component in the consumer bill***, and on consumers' sensitivity to the level of financial risk.

Or. en

Amendment 160

Mireille D'Ornano, Jean-François Jalkh, Sylvie Goddyn

Proposal for a directive

Article 12 – paragraph 1

Text proposed by the Commission

1. Member States shall ensure that a customer wishing to change supplier, while respecting contractual conditions, is entitled to such change within **three weeks**.

Amendment

1. Member States shall ensure that a customer wishing to change supplier, while respecting contractual conditions, is entitled to such change within **less than one month**.

Or. fr

Amendment 161

Nicola Caputo, Pavel Poc

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 customers willingly terminating fixed term supply contracts before their maturity, **unless termination is not prompted by a clear failure to provide services**. 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.

Or. it

Amendment 162

Davor Škrlec

on behalf of the Verts/ALE Group

Proposal for a directive
Article 12 – paragraph 3
Directive 2009/72/EC
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 **reasonable** 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, **as verified by the national regulatory authority**.

Or. en

Justification

Consumer switching shall be encouraged in all Member States and termination fees may only be exceptionally charged in up to a reasonable amount to be controlled by the national regulatory authority.

Amendment 163
Davor Škrlec
on behalf of the Verts/ALE Group

Proposal for a directive
Article 13 – paragraph 2
Directive 2009/72/EC
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

Amendment

2. Member States shall ensure that a final customer wishing to terminate **an ongoing** contract with an aggregator, **is**

respecting contractual conditions, *is entitled to such termination within three weeks.*

entitled to such termination, while respecting *committed flexibility and* contractual conditions, *which differ in nature to the supplier-customer relationship.*

Or. en

Justification

Aggregators have to do a prior flexibility assessments and to carry out approval procedures. It must be understood that the termination of flexible contracts can only be after those periods.

Amendment 164

Carolina Punset, Gerben-Jan Gerbrandy

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 at least once per *month*.

Or. en

Justification

Demand response and aggregation will impact how much electricity consumers purchase. In the case of the self-consumers, it will also have an impact on the electricity they self-generate. Customers therefore should have the right to receive this information as soon as possible to facilitate the demand response actions and encourage a more active participation in the market.

Amendment 165

Carolina Punset, Gerben-Jan Gerbrandy

Proposal for a directive

Article 15 – paragraph 1 – point a

Text proposed by the Commission

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 disproportionately burdensome procedures and charges that are not cost reflective;

(a) are entitled to generate, store, consume, sell self-generated electricity in all organised markets either individually or through aggregators, **as well as to participate in the ancillary services of the system and in the mechanisms of response to the demand**, without being subject to **discriminatory or** disproportionately burdensome procedures and charges that are not cost reflective;

Or. en

Justification

When engaging actively in the market consumers become involved in economic activity. As such, the Electricity Directive needs to clarify that active customers enjoy equal treatment as other market actors. Such clarification is needed prevent active customers from being singled out as a group where procedures or cost-reflective charges are concerned.

Amendment 166
Sirpa Pietikäinen

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

Text proposed by the Commission

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 disproportionately burdensome procedures and charges **that are not cost reflective**;

(a) are entitled, **from variable renewable energy sources**, to generate, store, consume and sell **with priority access** self-generated electricity in all organised markets either individually or through aggregators without being subject to disproportionately burdensome procedures and charges **and with an entitlement to be paid full market price for self-generated electricity**;

Or. en

Amendment 167

Davor Škrlec
on behalf of the Verts/ALE Group

Proposal for a directive
Article 15 – paragraph 1 – point a
Directive 2009/72/EC
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;

Or. en

Justification

Non-discrimination should apply to all market participants as key principle.

Amendment 168
Carolina Punset, Gerben-Jan Gerbrandy

Proposal for a directive
Article 15 – paragraph 1 – point a a (new)

Text proposed by the Commission

Amendment

(aa) are not subject to double network costs and/or taxation, resulting from the storage and reuse of previously stored energy;

Or. en

Amendment 169
Sirpa Pietikäinen

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

Text proposed by the Commission

Amendment

(b) are subject to cost reflective, transparent and non-discriminatory network charges, accounting separately for the electricity fed into the grid and the electricity consumed from the grid, in line with Article 59(8).

(b) are subject to cost reflective, transparent and non-discriminatory network charges, accounting separately for the electricity fed into the grid and the electricity consumed from the grid, in line with Article 59(8). ***For exchange of small scale power locally, these charges should be optional or at least proportionate to the distance of electricity transfer through the development of a tariff structure that reflects both km and kWh transferred;***

Or. en

Justification

Exchange of small scale power locally, typically surplus solar from a house, should be facilitated without disproportionate network charges. Currently, transfer of electricity between neighbours is often charged the same network costs as electricity transfer across a country. Charging of electricity vehicles from solar panels of the building owner and lessor of office space for example should be facilitated by making transfer of small distances exempt from distribution costs within a minimum distance or by developing a tariff structure reflecting transfer distance.

Amendment 170

Davor Škrlec

on behalf of the Verts/ALE Group

Proposal for a directive

Article 15 – paragraph 1 – point b

Directive 2009/72/EC

Article 15 – paragraph 1 – point b

Text proposed by the Commission

Amendment

(b) are subject to cost reflective, transparent and non-discriminatory network charges, ***accounting separately for the electricity fed into the grid and the electricity consumed from the grid***, in line with Article 59(8).

(b) are subject to cost reflective, transparent and non-discriminatory network charges, ***which reflect both the costs and benefits to the network based on a transparent cost benefit analysis developed by the National Regulatory Authority***, in line with Article 59 paragraph 8.

Justification

A fair allocation of network charges among market participants has to be done via a cost-benefit analyses.

Amendment 171

Carolina Punset, Gerben-Jan Gerbrandy

Proposal for a directive**Article 15 – paragraph 1 – point b***Text proposed by the Commission*

(b) are subject to cost reflective, transparent and non-discriminatory network charges, ***accounting separately for the electricity fed into the grid and the electricity consumed from the grid***, in line with Article 59(8).

Amendment

(b) are subject to cost reflective, transparent and non-discriminatory network charges, ***which reflect both the costs and benefits to the network based on a transparent cost benefit analysis developed by the National Regulatory Authorities***, in line with Article 59(8).

Justification

A proper and holistic evaluation of the benefits and costs of self-consumption, especially when combined with flexibility, should be undertaken by the National Regulatory Authority, and provide a basis for developing distribution tariffs and remuneration for active consumers.

Amendment 172

Sirpa Pietikäinen

Proposal for a directive**Article 15 – paragraph 1 – point b a (new)***Text proposed by the Commission**Amendment*

(ba) (c) who self-consume or provide services with their self-generated electricity are free of charges on that self-generated and consumed electricity at least until a cost-benefit analysis on self-generation and consumption shows that

the macro-economic costs outweigh the benefits of self-consumed and/or generated electricity. Such cost-benefit analysis shall consider induced externalities, network upgrade needs, support payments, value-added tax, network charges as well as other taxes and levies.

Or. en

Justification

Charges on self-generated or consumed electricity constitute a real barrier for the development of self-generated/consumed electricity, and lowers incentives, especially for households and small businesses.

Amendment 173

Carolina Punset, Gerben-Jan Gerbrandy

Proposal for a directive

Article 15 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1a. are not subject to charges on self-generated and consumed electricity at least until a cost-benefit analysis on self-generation and consumption proves that the macro-economic costs outweigh the benefits of self-consumed and/or generated electricity. Such cost-benefit analysis shall include externalities, network upgrade needs, support payments, value added tax, network charges as well as other taxes and levies.

Or. en

Justification

Procedures and charges shall not be burdensome for active consumers. Charges on self-generated or consumed electricity constitute a barrier for the development of this business model as it reduces predictability on the investment and lowers the incentive to self-generate/consume in a system-supportive way, especially for European households or small businesses. Any decision to allow charges on self-generation or consumption should be the

result of a thorough, transparent and fair cost-benefit analysis involving all relevant stakeholders.

Amendment 174

Carolina Punset, Gerben-Jan Gerbrandy

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 ***owned or*** managed by a third party ***acting on behalf of a customer or a group of customers*** for installation, operation, including metering and maintenance.

Or. en

Amendment 175

Sirpa Pietikäinen

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 ***or owned*** by a third party for installation, operation, including metering and maintenance ***or leasing***.

Or. en

Justification

Allowing a third party to invest in the installations required for the activities of the active customer, eg energy management systems, storage equipment and solar panels, and manage these on behalf of an active customer, lays the ground for uptake of new business models. These are particularly important for low-income customers to decrease their energy costs as of day , with no need for upfront investment.

Amendment 176
Sirpa Pietikäinen

Proposal for a directive
Article 15 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2a. 3. Member States shall ensure that active consumers 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, or fees for the electricity stored in the storage facility or, in the case of small scale local power exchange, exchanging power among end-users;

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

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

Or. en

Justification

Storage is a key enabler for the transition towards a more flexible, decarbonised, and decentralised energy system. It is crucial that any barrier to the development of storage is removed. Storage can support the operation of the energy system as it is able to absorb and release energy when the system requires it.

Amendment 177
Carolina Punset, Gerben-Jan Gerbrandy

Proposal for a directive
Article 15 a (new)

Text proposed by the Commission

Amendment

Article 15 a

3. 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;

Or. en

Justification

Storage is a key enabler for a transition towards a more flexible, decarbonized, and decentralized energy system. It is crucial that any barrier to the development of storage is removed. Storage can support the operation of the energy system as it is able to absorb and release energy when the system requires it. The article on active consumers should therefore dedicate a specific paragraph related to storage development challenges.

Amendment 178

Carolina Punset, Gerben-Jan Gerbrandy

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 **shared** networks and to autonomously manage them;

Or. en

Justification

The term "community" being less extensive than the term "shared" can cause confusion.

Amendment 179

Christofer Fjellner

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) **can** own, establish, or lease community networks and to autonomously manage them;

Or. en

Justification

In the aim of liberalising the electricity market there should be no entitlements to assets per se but through competition.

Amendment 180
Michel Dantin, Françoise Grossetête

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 establish, or lease community networks and to autonomously manage them;

Or. fr

Amendment 181
Carolina Punset, Gerben-Jan Gerbrandy

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, **suppliers**, distribution system operators or aggregators;

Justification

Similar to market access, one of the main barriers preventing community energy initiatives from participating across the electricity sector is discriminatory or unequal treatment. However, this is a particularly problematic issue for many community energy initiatives that want to become a licensed supplier. Due to overly-cumbersome, complicated and costly administrative procedures, the possibility for community energy initiatives to become suppliers across different Member States is very uneven.

Amendment 182**Sirpa Pietikäinen****Proposal for a directive****Article 16 – paragraph 1 – point d***Text proposed by the Commission*

(d) are subject to fair, proportionate and transparent procedures and cost reflective charges.

Amendment

(d) are subject to fair, proportionate and transparent procedures and cost reflective charges. ***May be exempt from charges when distributing electricity to its members, in so long as this transfer happens within a 100m radius and includes a generating installation using renewable energy with an installed electricity capacity of less than 500 kW;***

Justification

Should enable smaller housing companies who want to put solar panels on their roofs for utilisation of the shareholders of that housing company to do so without disproportionate costs from electricity transfer compared to value of energy transferred.

Amendment 183**Carolina Punset, Gerben-Jan Gerbrandy****Proposal for a directive****Article 16 – paragraph 2 – point -a (new)***Text proposed by the Commission**Amendment*

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

Or. en

Justification

It is necessary to clarify that participation in local energy communities is an expression of the consumer's right to choose, and to ensure that consumers across the EU have the ability to participate in a local energy community.

Amendment 184

Carolina Punset, Gerben-Jan Gerbrandy

Proposal for a directive

Article 16 – paragraph 2 – point d

Text proposed by the Commission

(d) Article 8 (3) applies to generating capacity installed by local energy communities as long as such capacity can be considered small decentralised or distributed generation;

Amendment

(d) Article 8 (3) applies to generating capacity installed by ***renewable energy communities, as a subcategory of*** local energy communities, as long as such capacity can be considered small decentralised or distributed generation;

Or. en

Justification

This provision is particularly applicable for renewable energy communities, which are a specific subset of local energy community. There is a need to strengthen coherence and clarity between the two instruments.

Amendment 185

Davor Škrlec

on behalf of the Verts/ALE Group

Proposal for a directive

Article 16 – paragraph 2 – point e

Directive 2009/72/EC

Article 16 – paragraph 2 – point e

Text proposed by the Commission

Amendment

(e) *provisions of Chapter IV apply to local energy communities that perform activities of a distribution system operator;*

deleted

Or. en

Amendment 186
Sirpa Pietikäinen

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

Text proposed by the Commission

(f) where relevant, a local energy community may conclude an agreement with a distribution system operator to which their network is connected on the operation of the local energy community's network;

Amendment

(f) where relevant, a local energy community may conclude an agreement with a distribution system operator to which their network is connected on the operation of the local energy community's network ***and on the storage of electricity;***

Or. en

Amendment 187
Sirpa Pietikäinen

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

Text proposed by the Commission

(h) where relevant local energy communities ***are*** subject to appropriate network charges at the connection points between the community network and the distribution network outside the energy community. Such network charges shall account separately for the electricity fed into distribution network and the electricity consumed from the distribution network outside the local energy community in line with Article 59 (8).

Amendment

(h) where relevant local energy communities ***may be*** subject to appropriate network charges at the connection points between the community network and the distribution network outside the energy community. Such network charges shall account separately for the electricity fed into ***the*** distribution network and the electricity consumed from the distribution network outside the local energy community in line with Article 59 (8).
Such charges for electricity distribution

should take account of the distance of transfer and ensure transfer costs do not exceed value of electricity transferred.

Or. en

Amendment 188

Davor Škrlec

on behalf of the Verts/ALE Group

Proposal for a directive

Article 16 – paragraph 2 a (new)

Directive 2009/72/EC

Article 16 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2a. Where a local energy community performs activities of a distribution system operator, provisions of Chapter IV shall apply;

Or. en

Justification

As the main purpose of a local energy community is not to act as a DSO, the provision has to be clarified and put in the right place for the purpose of this Directive.

Amendment 189

Davor Škrlec

on behalf of the Verts/ALE Group

Proposal for a directive

Article 16 – paragraph 2 b (new)

Directive 2009/72/EC

Article 16 – paragraph 2 b (new)

Text proposed by the Commission

Amendment

2b. Member States, through their National Regulatory Authorities, shall monitor market access, treatment and procedures and charges applied to local energy communities, the impact of local

energy communities on competition and consumer empowerment and protection, and local community benefits including their contribution towards alleviating energy poverty. They shall report annually to the Commission and, when appropriate, to national competition authorities in accordance with Article 59 paragraph 1(n).

Or. en

Justification

Regular monitoring shall ensure that the established framework is adequate to address local energy communities.

Amendment 190

Merja Kyllönen

Proposal for a directive

Article 17 – paragraph 3 – introductory part

Text proposed by the Commission

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

3. Member States shall ensure that their regulatory framework **allows for** the participation of aggregators in the retail market and that it contains at least the following elements:

Or. en

Amendment 191

Davor Škrlec

on behalf of the Verts/ALE Group

Proposal for a directive

Article 17 – paragraph 3 – introductory part

Directive 2009/72/EC

Article 17 – paragraph 3

Text proposed by the Commission

3. Member States shall ensure that

Amendment

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:

their regulatory framework encourages the participation of aggregators in *all markets* and that it contains at least the following elements:

Or. en

Justification

Aggregators shall be enabled to participate in all energy markets, including on wholesale markets.

Amendment 192

Davor Škrlec

on behalf of the Verts/ALE Group

Proposal for a directive

Article 17 – paragraph 3 – point b

Directive 2009/72/EC

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) transparent rules clearly assigning roles and responsibilities to all market participants, *including on operational security*;

Or. en

Justification

Roles and responsibilities of all market participants must be clearly determined under this Directive (for example in Article 17 § 4) and in the Electricity Regulation (for example Article 4 § 1).

Amendment 193

Michel Dantin, Françoise Grossetête

Proposal for a directive

Article 17 – paragraph 3 – point d

Text proposed by the Commission

Amendment

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

Or. fr

Amendment 194
Jadwiga Wiśniewska

Proposal for a directive
Article 17 – paragraph 3 – point d

Text proposed by the Commission

Amendment

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

Or. en

Amendment 195
Davor Škrlec
on behalf of the Verts/ALE Group

Proposal for a directive
Article 17 – paragraph 3 – point d
Directive 2009/72/EC
Article 17 – paragraph 3 – point d

Text proposed by the Commission

Amendment

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

(d) no requirements for aggregators to pay compensation to suppliers or generators;

Or. en

Justification

The phrasing and logic of this element should be the same as for the other elements of the aggregator enabling framework.

Amendment 196

Davor Škrlec

on behalf of the Verts/ALE Group

Proposal for a directive

Article 17 – paragraph 4 – subparagraph 1

Directive 2009/72/EC

Article 17 – paragraph 4 – subparagraph 1

Text proposed by the Commission

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.

Amendment

In order to ensure that balancing costs and benefits induced by aggregators are fairly assigned to market participants, ***the aggregator should always be responsible for the balancing of the volumes he has committed and delivers during the activation of demand response activities.*** 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.

Or. en

Justification

As stipulated in Article 4 § 1 of the Regulation on the internal market for electricity (recast), all market participants are responsible for imbalances they cause in the system.

Amendment 197

Merja Kyllönen

Proposal for a directive

Article 17 – paragraph 4 – subparagraph 1

Text proposed by the Commission

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

Amendment

In order to ensure that balancing costs and benefits induced by aggregators are fairly assigned to market participants, Member States ***will establish rules on*** compensation payments between aggregators and

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.

other 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.

Or. en

Amendment 198

Michel Dantin, Françoise Grossetête

Proposal for a directive

Article 17 – paragraph 4 – subparagraph 1

Text proposed by the Commission

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.

Amendment

In order to ensure that balancing costs and benefits induced by aggregators are fairly assigned to market participants, Member States may 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.

Or. fr

Amendment 199

Pavel Poc

Proposal for a directive

Article 17 – paragraph 5 a (new)

Text proposed by the Commission

Amendment

5a. Member States shall ensure that no undue barriers exist for aggregators to enter organised electricity markets, as long as they meet the entry criteria for these markets. The criteria shall be set by

Member States in a transparent and non-discriminatory manner, while taking into account the reliable and secure operation of the transmission and distribution networks.

Or. en

Amendment 200
Carolina Punset, Gerben-Jan Gerbrandy

Proposal for a directive
Article 18 – paragraph 2

Text proposed by the Commission

2. Member States ensure that final customers receive all their bills and billing information for electricity consumption free of charge and that bills are clear, accurate and easy to understand.

Amendment

2. Member States ensure that final customers receive all their bills and billing information for electricity consumption free of charge and that bills are clear, accurate and easy to understand, *with clear explanation and justification of all other costs and taxes included in the bills.*

Or. en

Amendment 201
Davor Škrlec
on behalf of the Verts/ALE Group

Proposal for a directive
Article 18 – paragraph 3 – subparagraph 1
Directive 2009/72/EC
Article 18 – paragraph 3

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 *and consumption* information shall be made available *continuously online* where *a smart meter has been installed*, or else *at least once every month*.

Justification

If consumers are to actively engage in the energy market and engage in energy efficiency and savings, they must have frequently updated information on their consumption through their energy bills.

Amendment 202**Carolina Punset****Proposal for a directive****Article 18 – paragraph 3 – subparagraph 1 a (new)***Text proposed by the Commission**Amendment*

In the case of vulnerable customers, billing and billing information should be limited to actual electricity consumption, the cost of the system and any relevant taxes.

Justification

Including other charges in the electricity bill is a Member State competence, but vulnerable customers should not be subject to other charges that Member States may wish to include in the energy bills.

Amendment 203**Christofer Fjellner****Proposal for a directive****Article 19 – paragraph 1***Text proposed by the Commission**Amendment*

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

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.

energy management services, developing innovative pricing formulas, or introducing interoperable smart metering systems ***where technically feasible, cost effective and proportionate in relation to the potential energy savings***, or smart grids where appropriate.

Or. en

Justification

Smart metering is not a silver bullet and should therefore only be considered when technically feasible, cost effective and proportionate in relation to the potential energy savings.

Amendment 204

Mireille D'Ornano, Jean-François Jalkh, Sylvie Goddyn

Proposal for a directive

Article 19 – paragraph 2

Text proposed by the Commission

2. Member States shall ensure the implementation of smart metering systems in their territories that shall assist the active participation of customers in the electricity market. Such implementation may be subject to a cost-benefit assessment which shall be undertaken according to the principles laid down in Annex III.

Amendment

2. Member States shall ensure the implementation of smart metering systems in their territories that shall assist the active participation of customers in the electricity market. Such implementation may be subject to a cost-benefit assessment which shall be undertaken according to the principles laid down in Annex III. ***When that assessment is carried out, a figure shall be put on the jobs lost as a result of the deployment of smart meters, a step which does away with the need to employ technicians to read meters, so that public and economic actors are aware of the social repercussions of such changes in the arrangements for the distribution of electricity.***

Or. fr

Amendment 205

Jadwiga Wiśniewska

Proposal for a directive
Article 19 – paragraph 2

Text proposed by the Commission

2. Member States shall ensure the implementation of smart metering systems in their territories that shall assist the active participation of customers in the electricity market. Such implementation **may** be subject to a cost-benefit assessment which shall be undertaken according to the principles laid down in Annex III.

Amendment

2. Member States shall ensure, **where proportionate, cost effective and technically feasible**, the implementation of smart metering systems in their territories that shall assist the active participation of customers in the electricity market. Such implementation **shall** be subject to a cost-benefit assessment which shall be undertaken according to the principles laid down in Annex III.

Or. en

Justification

Cost benefit analysis should be always carried out to make sure final consumers are going to benefit from smart meters.

Amendment 206
Christofer Fjellner

Proposal for a directive
Article 19 – paragraph 2

Text proposed by the Commission

2. Member States shall **ensure** the implementation of smart metering systems in their territories **that shall** assist the active participation of customers in the electricity market. **Such** implementation **may** be subject to a cost-benefit assessment which shall be undertaken according to the principles laid down in Annex III.

Amendment

2. **When appropriate** Member States shall **promote** the implementation of smart metering systems in their territories **as such metering can** assist the active participation of customers in the electricity market. **Any** implementation **shall be** be subject to a cost-benefit assessment which shall be undertaken according to the principles laid down in Annex III.

Or. en

Justification

There are great geographical differences between Member States in the need for smart metering. This should be reflected in the Directive.

Amendment 207

Merja Kyllönen

Proposal for a directive

Article 19 – paragraph 3

Text proposed by the Commission

3. Member States that proceed with deployment shall adopt and publish the minimum functional and 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 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.

Amendment

3. Member States that proceed with deployment shall adopt and publish the minimum functional and 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, ***while taking into account the existing functionalities of already installed smart metering systems.*** 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.

Or. en

Justification

Justification:

New requirements for smart metering systems (cf. the reference to the smart metering functionalities in Article 20) should be carefully assessed before being imposed, in order to avoid costly retrofitting of already installed smart metering systems.

Amendment 208

Mireille D'Ornano, Jean-François Jalkh, Sylvie Goddyn

Proposal for a directive
Article 19 – paragraph 3

Text proposed by the Commission

3. Member States that proceed with deployment shall adopt and publish the minimum functional and 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 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.

Amendment

3. Member States that proceed with deployment shall adopt and publish the minimum functional and 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 as well as their connectivity with consumer energy management platforms, ***whilst guaranteeing optimum protection of personal data***. 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.

Or. fr

Amendment 209
Christofer Fjellner

Proposal for a directive
Article 19 – paragraph 3

Text proposed by the Commission

3. Member States that proceed with deployment ***shall*** adopt and publish the minimum functional and 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 as well as their connectivity with consumer energy

Amendment

3. Member States that proceed with deployment ***should*** adopt and publish the minimum functional and 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 ***should*** 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.

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.

Or. en

Amendment 210

Mireille D'Ornano, Jean-François Jalkh, Sylvie Goddyn

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. 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.

Member States shall also put a figure on the jobs lost as a result of the deployment of smart meters, a step which does away with the need to employ technicians to read meters.

Or. fr

Amendment 211

Mireille D'Ornano, Jean-François Jalkh, Sylvie Goddyn

Proposal for a directive

Article 19 – paragraph 5

Text proposed by the Commission

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 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.

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 draw up consolidated statistics, covering several years, on the jobs lost as a result of the deployment of smart meters, a step which does away with the need to employ technicians to read meters.*** Member States shall notify to the responsible Commission services the outcome of their updated economic assessment as it becomes available.

Or. fr

Amendment 212

Mireille D'Ornano, Jean-François Jalkh, Sylvie Goddyn

Proposal for a directive

Article 20 – paragraph 1 – point b

Text proposed by the Commission

(b) the security of the smart metering systems and data communication is ensured in compliance with relevant ***Union*** security legislation having due regard of the best available techniques for ensuring the highest level of cybersecurity protection;

Amendment

(b) the security of the smart metering systems and data communication is ensured in compliance with relevant ***national*** security legislation having due regard of the best available techniques for ensuring the highest level of cybersecurity protection;

Or. fr

Amendment 213

Mireille D'Ornano, Jean-François Jalkh, Sylvie Goddyn

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 **national** data protection and privacy legislation;

Or. fr

Amendment 214
Sirpa Pietikäinen

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

Text proposed by the Commission

(d) meter operators shall ensure that the meter or meters of active customers who self-generate electricity can account for electricity put into the grid from the active customers' premises;

Amendment

(d) meter operators shall ensure that the meter or meters of active customers who self-generate electricity can **accurately** account for electricity put into the grid from the active customers' premises;

Or. en

Amendment 215
Christofer Fjellner

Proposal for a directive
Article 21 – paragraph 1 – introductory part

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 **can** 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:

Justification

Smart metering should not be obligated.

Amendment 216

Davor Škrlec

on behalf of the Verts/ALE Group

Proposal for a directive**Article 21 – paragraph 1 – point a**

Directive 2009/72/EC

Article 21 – paragraph 1 – point a

Text proposed by the Commission

(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

(a) is equipped 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,

Justification

A smart meter is the necessary prerogative to enable consumers to become aware of energy consumption and, combined with a dynamic price contract, participate in the energy market.

Amendment 217

Mireille D'Ornano, Jean-François Jalkh, Sylvie Goddyn

Proposal for a directive**Article 22 – paragraph 1***Text proposed by the Commission*

1. Where final customers do not have smart meters, Member States shall ensure that they are provided with individual conventional meters that accurately measure their actual consumption.

Amendment

1. Where final customers do not have smart meters, Member States shall ensure that they are provided with individual conventional meters that accurately measure their actual consumption, *whilst guaranteeing protection of personal data*,

such as details of customers' consumption habits.

Or. fr

Amendment 218

Mireille D'Ornano, Jean-François Jalkh, Sylvie Goddyn

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 Council⁴⁴. 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.

⁴⁴ 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 such data, and repealing Directive 95/46/EC (General Data Protection Regulation) (OJ L 119, 4.5.2016, p. 1).

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, *for example statistics on customers' consumption habits*, with their explicit consent in accordance with Regulation (EU) 2016/679 of the European Parliament and of the Council⁴⁴. 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.

⁴⁴ 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 such data, and repealing Directive 95/46/EC (General Data Protection Regulation) (OJ L 119, 4.5.2016, p. 1).

Or. fr

Amendment 219

Mireille D'Ornano, Jean-François Jalkh, Sylvie Goddyn

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 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. ***The confidentiality of data concerning customers' consumption habits shall be guaranteed throughout the course of the exchanges between the parties.***

Or. fr

Amendment 220

Mireille D'Ornano, Jean-François Jalkh, Sylvie Goddyn

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***

Amendment

deleted

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.

Or. fr

Amendment 221
Carolina Punset, Gerben-Jan Gerbrandy

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 a ***set of principles for 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. ***That common data format and procedures shall be defined in close cooperation with the entities responsible for metering and with customer organisations.*** Member States shall ensure that market participants apply a common European data format.

Or. en

Justification

Participation of affected parties is a prerequisite in order to ensure a realistic and suitable outcome.

Amendment 222

Davor Škrlec
on behalf of the Verts/ALE Group

Proposal for a directive
Article 26 – paragraph 1
Directive 2009/27/EC
Article 26

Text proposed by the Commission

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
costumer is a consumer within the
meaning of Directive 2013/11/EU of the
European **Parliamend** and of the Council⁴⁶
, 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 .

⁴⁶ OJ L 165, 18.6.2013, p. 63–79

Amendment

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 is in
place to ensure efficient treatment of
complaints and out of court dispute
settlements. Those mechanisms shall be
able to address all consumer complaints
in the energy market, including on
bundled offers, new products and services
providers such as aggregators and local
energy communities.*** Where the *customer
is an active consumer or* a consumer
within the meaning of Directive
2013/11/EU of the European **Parliament**
and of the Council⁴⁶, 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 ***defined by the regulator and
the ombudsman or consumer body.***

⁴⁶ OJ L 165, 18.6.2013, p. 63–79

Or. en

Justification

*Energy ombudsman and consumer bodies have proven to be the necessary, independent
mechanism to support consumers and other market participants to achieve out of court*

dispute settlements while protecting consumer rights. The provisions adopted by the 9th Citizen Energy Forum should be incorporated in this Article.

Amendment 223

Jadwiga Wiśniewska

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 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

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, ***taking into account specific circumstances of a particular Member State***, 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 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.

Or. en

Justification

Energy poverty may take very different forms in different Member States. Changes proposed to this Article are linked to changes made to Article 29.

Amendment 224

Pavel Poc, Nessa Childers, Massimo Paolucci, Nicola Caputo, Soledad Cabezón Ruiz, Daciana Octavia Sârbu, Jo Leinen, Miriam Dalli, Karin Kadenbach

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 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

1. . Member States shall take appropriate measures to protect customers and shall, in particular, ensure that there are adequate safeguards to protect vulnerable **consumers at risk of energy poverty**. In this context, each Member State shall define the concept of vulnerable customers **and** refer to, inter alia, **the energy poor or vulnerable consumers at risk of energy poverty and** the prohibition of disconnection of electricity to such customers in critical 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.

Or. en

Justification

The issue of energy poverty requires greater attention from all legislators as they have an important role to protect the most vulnerable communities, and prevent groups in society from falling into energy poverty. Vulnerable consumer actions should be aligned with or contributing to measures to address energy poverty. This amendment is in line with Article 5(2) proposed by the Commission and an amendment to it (am.128) by the same authors including the category of "vulnerable consumers at risk of energy poverty."

Amendment 225

Davor Škrlec

on behalf of the Verts/ALE Group

Proposal for a directive

Article 28 – paragraph 2

Directive 2009/72/EC

Article 28 – paragraph 2

Text proposed by the Commission

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.

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, ***for instance by local energy communities, taking into account the assessment undertaken pursuant to Section A.3.1.2 of Annex I of [Governance Regulation COM(2016)759]***, 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.

Or. en

Justification

An alignment to the relevant provisions of the Governance Regulation, as well as a specific mentioning of local energy communities is necessary here for policy coherence as the latter can contribute to act on energy poverty.

Amendment 226

Pavel Poc, Nessa Childers, Massimo Paolucci, Nicola Caputo, Karin Kadenbach, Soledad Cabezón Ruiz, Jo Leinen, Miriam Dalli

**Proposal for a directive
Article 28 – paragraph 2**

Text proposed by the Commission

2. Member States shall take appropriate measures, such as formulating national energy action plans, providing benefits in social security systems to

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.

ensure the necessary electricity supply to vulnerable customers, *and* 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.

Or. en

Justification

The issue of energy poverty requires greater attention from all legislators as they have an important role to protect the most vulnerable communities, and prevent groups in society from falling into energy poverty. The functioning of energy markets can clearly have a positive impact on this situation through, inter alia, assisting in the efficient use of energy. Energy efficiency measures should be a key part of a strategy to address energy poverty and are fully in line with the "measures to prevent it" (=energy poverty) proposed by the Commission in Art.29.

Amendment 227 **Christofer Fjellner**

Proposal for a directive **Article 29 – paragraph 1**

Text proposed by the Commission

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

Amendment

deleted

Amendment 228
Merja Kyllönen

Proposal for a directive
Article 29 – paragraph 1

Text proposed by the Commission

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)759].

Amendment

Member States shall define a **common** set of criteria for the purposes of measuring energy poverty. Member States shall ***introduce measures including funding to decrease and prevent energy poverty. The set of measures shall include advisory services focussed on energy poverty carried out with relevant other services such as social services. 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 ***reduce and*** 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)759]. ***Member States shall also use the energy poverty measurements figures when reporting on the Sustainable Development Goals, namely Goal 7.1 on universal access to affordable, reliable and modern energy services. Furthermore, the Member States shall provide support for the development of more efficient heating and cooling technologies to tackle energy poverty.***

Amendment 229

Jadwiga Wiśniewska

Proposal for a directive

Article 29 – paragraph 1

Text proposed by the Commission

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)759].**

Amendment

Member States shall define a set of criteria for the purposes of measuring energy poverty **and** shall continuously monitor the number of households in energy poverty.

Or. en

Amendment 230

Pavel Poc, Nessa Childers, Massimo Paolucci, Nicola Caputo, Soledad Cabezón Ruiz, Karin Kadenbach, Jo Leinen, Miriam Dalli

Proposal for a directive

Article 29 – paragraph 1

Text proposed by the Commission

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)759].

Amendment

Member States shall define a set of criteria for the purposes of measuring energy poverty **and adopt a broad and common definition of energy poverty within the context of a new Commission Communication and action plan on energy poverty.** Member States shall continuously monitor the number of households in energy poverty and **the number of consumers at risk of energy poverty. The Member States** 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)759].

Or. en

Amendment 231
Carolina Punset, Gerben-Jan Gerbrandy

Proposal for a directive
Article 31 – paragraph 5

Text proposed by the Commission

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 participants .

Amendment

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, **prioritizing generation from renewable sources** 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 participants .

Or. en

Justification

Priority access of renewables to the network is essential to give clear signals to the investors of the need to achieve the objectives of decarbonisation of the economy.

Amendment 232
Sirpa Pietikäinen

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. 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

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

Or. en

Amendment 233
Mireille D'Ornano, Jean-François Jalkh, Sylvie Goddyn

Proposal for a directive
Article 33 – paragraph 1

Text proposed by the Commission

1. Member States shall provide the necessary regulatory framework to

Amendment

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.

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. ***Member States shall work together to ensure that recharging points meet international standards compatible among the largest possible number of States, so that vehicle recharging operates smoothly and connections between recharging points and grids are facilitated.***

Or. fr

Amendment 234

Davor Škrlec

on behalf of the Verts/ALE Group

Proposal for a directive

Article 33 – paragraph 1

Directive 2009/72/EC

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. Member States shall provide the necessary regulatory framework to facilitate the connection of publicly accessible and private recharging points ***according to the definition of Article 8, paragraph 2 of the Energy Performance of Buildings Directive [revised]*** 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.

Or. en

Justification

The provisions of this Directive should be aligned to the Energy Performance of Buildings Directive and the Alternative Fuels Infrastructure Directive.

Amendment 235

Carolina Punset, Gerben-Jan Gerbrandy

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. Member States shall provide the necessary regulatory framework to facilitate the connection of publicly accessible and private recharging points to the ***transmission or*** distribution networks. Member States shall ensure that ***transmission system operators and*** 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.

Or. en

Justification

The voltage level acting as the border between transmission and distribution networks widely varies across Europe. Thus, the need for connection of recharging points to the distribution voltage level in some Member States may be equivalent to a connection to the transmission voltage level in other Member States. Moreover, with the expected growth in recharging points, the corresponding connections will be needed at increasingly higher voltage levels eventually including transmission networks.

Amendment 236

Mireille D'Ornano, Jean-François Jalkh, Sylvie Goddyn

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.

deleted

Or. fr

Amendment 237

Mireille D'Ornano, Jean-François Jalkh, Sylvie Goddyn

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.

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 ***which so wish*** shall ensure that distribution system operators' activities in this regard are phased-out.

Or. fr

Amendment 238

Mireille D'Ornano, Jean-François Jalkh, Sylvie Goddyn

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. 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.

Member States shall guarantee customers' privacy and the confidentiality of the data concerning their consumption habits. 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.

Or. fr

Amendment 239 Sirpa Pietikäinen

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

deleted

Or. en

Amendment 240

Kateřina Konečná

**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 ***to provide balancing services or which are used to sell electricity to the market.***

Or. en

**Amendment 241
Christofer Fjellner**

**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 ***may*** own, develop, manage or operate energy storage facilities.

Or. en

Justification

A competitive free electricity market should be the aim, not preventing certain actors from engaging in specific activities.

**Amendment 242
Kateřina Konečná**

**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,

Amendment

2. Member States may allow distribution system operators to own, develop, manage or operate storage

develop, manage or operate storage facilities only if the following conditions *are* fulfilled:

facilities *and provide non-frequency ancillary services* only if *such facilities are necessary for the distribution system operators to fulfil its obligations under this regulation for the efficient, reliable and secure operation of the distribution system and one of* the following conditions *is* fulfilled:

Or. en

Amendment 243
Christofer Fjellner

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. Member States may allow distribution system operators to own, develop, manage or operate storage facilities if *such facilities are necessary for the distribution system operator to fulfil its obligations under this directive for efficient, reliable and secure operation of the distribution system and* the following conditions are fulfilled:

Or. en

Justification

When there is no interested market actor and where a storage and distribution system is necessary to maintain quality and delivery security in the network, system operators should be able to own, develop, manage and/or operate storage facilities.

Amendment 244
Sirpa Pietikäinen

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

Text proposed by the Commission

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 the following conditions are fulfilled:

2. Distribution system operators ***are allowed*** to own, develop, manage or operate storage facilities if the following conditions are fulfilled:

Or. en

Amendment 245
Kateřina Konečná

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, have not expressed their interest to own, develop, manage or operate ***such*** storage facilities ***offering cost-effective non-frequency ancillary services to the distribution system operator; or***

Or. en

Amendment 246
Sirpa Pietikäinen

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) following an open and transparent tendering procedure, ***DSO has been identified as a cost-efficient actor*** to own, develop, manage or operate ***the*** storage facility;

Or. en

Amendment 247
Pavel Poc

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 *its* obligations under this *regulation* for the efficient, reliable and secure operation of the distribution system; and *they are not used to sell electricity to the market;*

Or. en

Amendment 248
Davor Škrlec
on behalf of the Verts/ALE Group

Proposal for a directive
Article 36 – paragraph 2 – point b
Directive 2009/72/EC
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 *used by* the distribution system *operator exclusively for the purpose of fulfilling its* obligations under this Directive for the efficient, reliable and secure operation of the distribution system; and

Or. en

Justification

Storage facilities shall only be owned by DSO if exclusively used for fulfilling the operational responsibility for the grid.

Amendment 249
Kateřina Konečná

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) *the national regulatory authority has assessed based on a cost-benefit analysis and following public consultation that tendering procedure under point (a) of this paragraph is not cost-effective and has granted its approval; and*

Or. en

Amendment 250
Christofer Fjellner

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; *or*

Or. en

Amendment 251
Sirpa Pietikäinen

Proposal for a directive
Article 36 – paragraph 2 – point c

Text proposed by the Commission

(c) *the regulatory authority has assessed the necessity of such derogation taking into account the conditions under points (a) and (b) and has granted its approval.*

Amendment

deleted

Amendment 252
Christofer Fjellner

Proposal for a directive
Article 36 – paragraph 2 – point c

Text proposed by the Commission

(c) the regulatory authority has assessed ***the necessity of such derogation taking into account the conditions*** under ***points*** (a) and (b) and has granted its approval.

Amendment

(c) the regulatory authority has assessed ***that there is no necessity to apply the condition*** under ***point*** (a) and (b) and has granted its approval.

Justification

When there is no interested market actor and where a storage and distribution system is necessary to maintain quality and delivery security in the network, system operators should be able to own, develop, manage and/or operate storage facilities.

Amendment 253
Christofer Fjellner

Proposal for a directive
Article 36 – paragraph 3

Text proposed by the Commission

3. Articles 35 and 56 shall apply to distribution system operators engaged in ownership, development, operation ***or*** management of energy storage facilities.

Amendment

3. Articles 35 and 56 shall apply to distribution system operators engaged in ownership, development, operation ***and/or*** management of energy storage facilities.

Amendment 254
Kateřina Konečná

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. 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 ***cost-benefit analysis and*** public consultation indicates that third parties are able to own, develop, operate or manage such facilities ***cost-efficiently***, Member States shall ensure that ***an open and transparent tendering procedure takes place and in case third parties can provide the service in a cost-effective manner*** distribution system operators' activities in this regard are phased-out. ***Distribution system operators shall have right to recover their investment in storage facilities on fair and reasonable terms.***

Or. en

Amendment 255

Carolina Punset, Gerben-Jan Gerbrandy

Proposal for a directive

Article 36 – paragraph 4 – subparagraph 1 (new)

Text proposed by the Commission

Amendment

5. Member States shall be allowed to support the development of a basic network of publicly accessible recharging points, in order to eliminate barriers to the initial development of electro-mobility.

Or. en

Justification

Electro-mobility is expected to become a significant vector for decarbonising the transport sector. However, the lack of a basic network of publicly accessible recharging points is a barrier for the development of electro-mobility, which should be addressed

Amendment 256

Mireille D'Ornano, Jean-François Jalkh, Sylvie Goddyn

Proposal for a directive

Article 37 – paragraph 1

Text proposed by the Commission

Without prejudice to Article 55 or any other legal duty to disclose information, the distribution system operator must preserve the confidentiality of commercially sensitive information obtained in the course of carrying out its business, and shall prevent information about its own activities which may be commercially advantageous being disclosed in a discriminatory manner.

Amendment

Without prejudice to Article 55 or any other legal duty to disclose information, the distribution system operator must preserve the confidentiality of commercially sensitive information obtained in the course of carrying out its business, ***such as data on customers' consumption habits,*** and shall prevent information about its own activities which may be commercially advantageous being disclosed in a discriminatory manner.

Or. fr

Justification

Linked to Article 37 (new) of the Commission proposal. It should be specified that commercially sensitive information essentially means data on customers' consumption habits.

Amendment 257

Carolina Punset, Gerben-Jan Gerbrandy

Proposal for a directive

Article 40 – paragraph 1 – point d

Text proposed by the Commission

(d) managing electricity flows on the system, taking into account exchanges with other interconnected systems. To that end, the transmission system operator shall be

Amendment

(d) managing electricity flows on the system, taking into account exchanges with other interconnected systems. To that end, the transmission system operator shall be

responsible for ensuring a secure, reliable and efficient electricity system and, in that context, for ensuring the availability of all necessary ancillary services, including those provided by demand response and energy storage , insofar as such availability is independent from any other transmission system with which its system is interconnected;

responsible for ensuring a secure, reliable and efficient electricity system and, in that context, for ensuring the availability of all necessary ancillary services, including those provided by demand response and energy storage, **and electric vehicles**, insofar as such availability is independent from any other transmission system with which its system is interconnected;

Or. en

Justification

Electric vehicles can provide valuable ancillary services to the system by injecting electricity into the grid or varying their charging rate. Therefore, the transmission system operator should have real-time information of the electric vehicle demand. This amendment corresponds to the statement by the Commission in recital 27 that electro-mobility constitutes an important element in the energy transition and should create favourable conditions for electric vehicles.

Amendment 258

Merja Kyllönen

Proposal for a directive

Article 40 – paragraph 1 – point j

Text proposed by the Commission

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

Amendment

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

Or. en

Amendment 259

Carolina Punset

Proposal for a directive

Article 40 – paragraph 1 – point j a (new)

Text proposed by the Commission

Amendment

(ja) ensuring the efficient and secure integration of renewable energy sources, at least through central monitoring and control of renewable energy production units with installed capacity higher than 10 MW, including facilities connected to distribution networks within the TSO control area;

Or. en

Justification

This information will allow TSOs to assess how much renewable energy can be integrated into the power system at any time while guaranteeing security of supply and efficient cross-border exchanges. If unacceptable situations in the power system are revealed, the TSO should be entitled to limit in real time the production of renewable energy generation facilities with installed capacity higher than 10 MW. The introduction of these requirements will help integrate large volumes of renewable energies in a cost effective and secure manner.

Amendment 260

Carolina Punset, Gerben-Jan Gerbrandy

Proposal for a directive

Article 40 – paragraph 1 – point j b (new)

Text proposed by the Commission

Amendment

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

Or. en

Justification

Digitalization of the grid and development of smart grids cannot be limited to distribution - it provides a solution to the whole system. However, the EC assigns digital solutions entirely to DSOs, negating the fact that the transmission level equally has to go through a digital transformation (e.g., efficient real-time data acquisition and use, smart substations, etc.). Indeed, digitalization goes beyond smart meter roll-out in the retail market. Innovation is necessary at the system level and should not be split between transmission and distribution.

Amendment 261

Carolina Punset, Gerben-Jan Gerbrandy

Proposal for a directive

Article 40 – paragraph 1 – point j c (new)

Text proposed by the Commission

Amendment

**(jc) data management, cyber security
and data protection;**

Or. en

Justification

Data management is a broad term that includes also data necessary for the operation of the whole system, for settlement purposes, for metering of both consumers, producers or storage connected anywhere in the system, etc. Proper preservation mechanisms of the integrity of such data and data systems managed by TSOs from any type of attack is a critical task already for all TSOs and should therefore also be assigned to TSOs.

Amendment 262

Carolina Punset, Gerben-Jan Gerbrandy

Proposal for a directive

Article 40 – paragraph 2

Text proposed by the Commission

Amendment

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**.

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, **subject to a formal and justified request from the transmission system operator willing to transfer any of its responsibilities and the approval of the concerned Member States**. 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 43.

Or. en

Justification

The application of this provision allows the transfer of some of the system operation functions (listed in Article 40.1) from the existing TSOs to other (new or existing) TSOs. This transfer may have relevant implications for the efficiency and security of the power systems:

Amendment 263

Merja Kyllönen

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 system operators.

Amendment

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

Or. en

Amendment 264

Sirpa Pietikäinen

Proposal for a directive

Article 40 – paragraph 4 – point b

Text proposed by the Commission

(b) ensures effective participation of all market participants **including** renewable energy sources, demand response, energy storage facilities and aggregators, in particular by requiring regulatory authorities or transmission system

Amendment

(b) ensures effective participation of all market participants **giving priority to variable** renewable energy sources, **and including** demand response, energy storage facilities and aggregators, in particular by requiring regulatory authorities or

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 participants.

transmission 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 participants.

Or. en

Amendment 265

Pavel Poc

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 be allowed to own, manage or operate energy storage facilities and shall **be allowed to** own directly or indirectly control assets that provide ancillary services ***in cases where those facilities or assets are an integral part of the transmission system and where the national regulatory authority has granted its approval and further also in any other cases if the following conditions are fulfilled:***

Or. en

Amendment 266

Kateřina Konečná

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

Amendment

1. Transmission system operators shall not be allowed to own, manage or operate energy storage facilities ***to provide***

not own directly or indirectly control assets that provide *ancillary* services.

balancing services or which are used to sell electricity to the market and shall not own directly or indirectly control assets that provide *such* services.

Or. en

Amendment 267

Pavel Poc

Proposal for a directive

Article 54 – paragraph 1 – point a (new)

Text proposed by the Commission

Amendment

(a) other parties, following an open and transparent tendering procedure under the supervision of the national regulatory authorities, have not expressed their interest to own, control, manage or operate such cost-effective facilities offering storage and/or ancillary services to the transmission system operator;

Or. en

Amendment 268

Pavel Poc

Proposal for a directive

Article 54 – paragraph 1 – point b (new)

Text proposed by the Commission

Amendment

(b) such facilities or ancillary services are necessary for the transmission system operators to fulfil its obligations under this regulation for the efficient, reliable and secure operation of the transmission system and they are not used to sell electricity to the market; and

Or. en

Amendment 269

Pavel Poc

Proposal for a directive

Article 54 – paragraph 1 – point c (new)

Text proposed by the Commission

Amendment

(c) the national regulatory authority has assessed that there is no necessity to apply the conditions under point (a) of this paragraph and has granted its approval.

Or. en

Amendment 270

Pavel Poc

Proposal for a directive

Article 54 – paragraph 2

Text proposed by the Commission

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 the following conditions are fulfilled:

deleted

(a) other parties, following an open and transparent tendering procedure, 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;

(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*

*(c) the regulatory authority has assessed
the necessity of such derogation taking
into account the conditions under points
(a) and (b) of this paragraph and has
granted its approval.*

Or. en

Amendment 271
Kateřina Konečná

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. Member States may allow
transmission system operators to own,
manage or operate storage facilities *and*
provide non-frequency ancillary services
only if such facilities are necessary for the
transmission system operators to fulfil its
obligations under this regulation for the
efficient, reliable and secure operation of
the transmission system and one of the
following conditions *is* fulfilled:

Or. en

Amendment 272
Kateřina Konečná

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,
manage or operate such facilities offering
storage and/or non-frequency ancillary

Amendment

(a) other parties, following an open and
transparent tendering procedure, have not
expressed their interest to own, control,
manage or operate such facilities offering
cost-effective non-frequency ancillary

services to the transmission system operator;

services to the transmission system operator; **or**

Or. en

Amendment 273
Kateřina Konečná

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) *the national regulatory authority has assessed based on a cost-benefit analysis and following public consultation that tendering procedure under point (a) of this paragraph is not cost-effective and has granted its approval; and*

Or. en

Amendment 274
Kateřina Konečná

Proposal for a directive
Article 54 – paragraph 3

Text proposed by the Commission

3. *The decision to grant derogation shall be notified to the Agency and the Commission along with relevant information about the request and the reasons for granting the derogation.*

Amendment

deleted

Or. en

Amendment 275
Kateřina Konečná

Proposal for a directive
Article 54 – paragraph 4

Text proposed by the Commission

4. ***The transmission system operator*** 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

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 cost-benefit analysis and public consultation indicates that third parties are able to own, develop, operate or manage*** such facilities ***cost-efficiently, Member States shall ensure that an open and transparent tendering procedure takes place and*** in case third parties can provide the service in a cost-effective manner ***transmission system operators' activities in this regard are phased-out. Transmission system operators shall have right to recover their investment in storage facilities on fair and reasonable terms.***

Or. en

Amendment 276
Pavel Poc

Proposal for a directive
Article 54 – paragraph 4

Text proposed by the Commission

4. The transmission system operator 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

4. The transmission system operator ***under the supervision of the national regulatory authority*** shall perform at regular intervals or at least every five years a public consultation for the required storage services in order to ***re-assess*** the potential interest of market parties to invest, ***develop, operate or manage*** such facilities. ***In case the public consultation***

indicates that third parties are able to own, develop, operate or manage such facilities in a cost-effective manner, Member States shall ensure that transmission system operators' activities in this regard are phased-out. Transmission system operators shall have right to recover their investment in such facilities on fair and reasonable terms.

Or. en

Amendment 277

Mireille D'Ornano, Jean-François Jalkh, Sylvie Goddyn

Proposal for a directive

Article 58 – paragraph 1 – point a

Text proposed by the Commission

(a) promoting, in close cooperation with the Agency, regulatory authorities of other Member States *and the Commission*, a competitive, flexible, secure and environmentally sustainable *internal* market in electricity *within the Union*, and effective market opening for all customers and suppliers in *the Union* and ensuring appropriate conditions for the effective and reliable operation of electricity networks, taking into account long-term objectives;

Amendment

(a) promoting, in close cooperation with the Agency, regulatory authorities of other Member States, a competitive, flexible, secure and environmentally sustainable market in electricity *in Europe*, and effective market opening for all customers and suppliers in *Europe* and ensuring appropriate conditions for the effective and reliable operation of electricity networks, taking into account long-term objectives;

Or. fr

Justification

Linked to Article 58 (new) of the Commission proposal. A competitive, flexible, secure and environmentally sustainable electricity market can be achieved without enlarging the existing internal market and without strengthening the powers of the Commission to the detriment of the Member States.

Amendment 278

Mireille D'Ornano, Jean-François Jalkh, Sylvie Goddyn

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

Text proposed by the Commission

Amendment

(b) developing competitive and properly functioning regional cross-border, markets within the Union in view of the achievement of the objectives referred to in point (a);

deleted

Or. fr

Justification

Linked to Article 58 (new) of the Commission proposal. The development of competitive regional cross-border markets may undermine the national and international framework for action, which is based on State structures. Nothing which helps to create cross-border European regions is relevant, legitimate or desirable.

Amendment 279

Mireille D'Ornano, Jean-François Jalkh, Sylvie Goddyn

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

Text proposed by the Commission

Amendment

(b) developing competitive and properly functioning *regional cross-border*, markets *within the Union in view of the achievement of the objectives referred to in point (a)*;

(b) developing competitive and properly functioning markets *between States*;

Or. fr

Justification

Linked to Article 58 (new) of the Commission proposal. The development of cross-border regional markets is not desirable.

Amendment 280

Mireille D'Ornano, Jean-François Jalkh, Sylvie Goddyn

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

Text proposed by the Commission

(c) eliminating restrictions on trade in electricity between Member States, including developing appropriate cross-border transmission capacities to meet demand and enhancing the integration of national markets which may facilitate electricity flows ***across the Union***;

Amendment

(c) eliminating restrictions on trade in electricity between Member States, including developing appropriate cross-border transmission capacities to meet demand and enhancing the integration of national markets which may facilitate electricity flows ***between European States***;

Or. fr

Amendment 281

Mireille D'Ornano, Jean-François Jalkh, Sylvie Goddyn

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

Text proposed by the Commission

(d) helping to achieve, in the most cost-effective way, the development of secure, reliable and efficient non-discriminatory systems that are ***consumer oriented***, and promoting system adequacy and, in line with general energy policy objectives, energy efficiency as well as the integration of large and small-scale production of electricity from renewable energy sources and distributed generation in both transmission and distribution networks and in facilitating their operation in relation to other energy networks of gas or heat ;

Amendment

(d) helping to achieve, in the most cost-effective way, the development of secure, reliable and efficient non-discriminatory systems that are ***beneficial to consumers***, and promoting system adequacy and, in line with general energy policy objectives, energy efficiency as well as the integration of large and small-scale production of electricity from renewable energy sources and distributed generation in both transmission and distribution networks and in facilitating their operation in relation to other energy networks of gas or heat ;

Or. fr

Justification

Linked to the rapporteur's Amendment 3. Energy distribution networks must not just be consumer-oriented, they must meet consumers' needs.

Amendment 282

Mireille D'Ornano, Jean-François Jalkh, Sylvie Goddyn

Proposal for a directive

Article 58 – paragraph 1 – point e

Text proposed by the Commission

(e) facilitating access to the network for new generation capacity and energy storage facilities , in particular removing barriers that could prevent access for new market entrants and of electricity from renewable energy sources;

Amendment

(e) facilitating access to the network for new generation capacity and energy storage facilities , in particular removing barriers that could prevent access for new market entrants and of electricity from renewable energy sources; ***it should be borne in mind that the development of renewable energy sources requires very significant investment and may thus lead to a marked increase in prices for the consumer, linked in particular to the deployment of wind parks or photovoltaic panels;***

Or. fr

Justification

Linked to the rapporteur's Amendment 3. Advocates of renewable energy sources should bear in mind the level of investment required to develop them, which may lead to higher prices for the consumer.

Amendment 283

Mireille D'Ornano, Jean-François Jalkh, Sylvie Goddyn

Proposal for a directive

Article 58 – paragraph 1 – point f

Text proposed by the Commission

(f) ensuring that system operators and system users are granted appropriate incentives, in both the short and the long term, to increase efficiencies especially energy efficiency, in system performance and foster market integration;

Amendment

(f) ensuring that system operators and system users are granted appropriate incentives, in both the short and the long term, to increase efficiencies especially energy efficiency, in system performance, ***without these improvements undermining network and plant safety,*** and foster market integration;

Justification

Linked to the rapporteur's Amendment 1. Improvements in performance must on no account come at the expense of network and plant safety, given that energy distribution is a public service.

Amendment 284

Sirpa Pietikäinen

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

This amendment is necessary to enable amendments 98 and 128 and allow individuals to contract simultaneously with several suppliers. It creates coherence with amendments 128, 144 and 151. All types of customers, should be allowed to contract with more than one electricity supplier. A household customer may want to sign a power purchase agreement with an on-site or nearby generating installation and a second supply contract with the regular supplier for the residual power. This is key as an incentive for increased active customers, and renewable energy development and consumption.

Amendment 285

Davor Škrlec

on behalf of the Verts/ALE Group

Proposal for a directive

Article 59 – paragraph 1 – point q

Directive 2009/72/EC

Article 59 – paragraph 1 – point q

Text proposed by the Commission

(q) helping to ensure, together with other relevant authorities, that the consumer protection measures are effective and enforced;

Amendment

(q) helping to ensure, together with other relevant authorities, that the ***new and existing*** consumer protection measures, ***including rights of active consumers***, are effective and enforced;

Or. en

Justification

The enforcement of new and existing consumer rights will be key to ensure that the consumer is at the centre of the energy market and as the notion of active consumer is introduced with this legislation, this notion as well as possible new consumer's rights stemming from its adoption must be inserted here to ensure policy coherence.

Amendment 286

Davor Škrlec

on behalf of the Verts/ALE Group

Proposal for a directive

Article 59 – paragraph 1 – point x a (new)

Directive 2009/72/EC

Article 59 – paragraph 1 – point x a (new)

Text proposed by the Commission

Amendment

(xa) monitor market access for local energy communities, including the number of existing local energy communities, regulatory barriers that prevent market access or participation in different activities, their equal treatment, their impact on competition and consumer protection, and the benefits they provide, including vulnerable consumers and households experiencing energy poverty.

Or. en

Justification

More data will be needed on local energy communities and their interplay with the energy market to possibly adjust the regulatory framework in place.

Amendment 287

Davor Škrlec

on behalf of the Verts/ALE Group

Proposal for a directive

Article 59 – paragraph new8

Directive 2009/72/EC

Article 59 – paragraph 8

Text proposed by the Commission

new8. 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.

Amendment

new8. 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(12), ***national*** regulatory authorities shall make available to market parties the detailed methodology and underlying ***assumptions*** used for the calculation of the relevant network tariffs, ***which shall include a cost benefit analysis for distributed energy resources, including an assessment of their potential value to the grid and the contribution to other energy policy objectives, in particular those provided by active customers and local energy communities.***

Or. en

Justification

A cost - benefit analysis for distributed energy resources is necessary for market transparency.

Amendment 288

Carolina Punset, Gerben-Jan Gerbrandy

Proposal for a directive

Article 59 – paragraph new8

Text proposed by the Commission

Amendment

new8. 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.

new8. 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 *assumptions* used for the calculation of the relevant network tariffs, *which shall include a cost benefit analysis for distributed energy resources, including an assessment of their potential value to the grid and the contribution to other energy policy objectives, in particular those provided by active customers and local energy communities.*

Or. en

Justification

In developing their methodologies and underlying assumptions, or costs, upon which grid tariffs are developed for active customers, national regulatory authorities should be required to assess the potential value of self-consumption, particularly when combined a more holistic context along with other flexible technologies such as storage and demand response.

Amendment 289

Merja Kyllönen

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 operational *security coordinators* centres

Or. en

Amendment 290

Merja Kyllönen

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 ***each security-coordinated region***, the geographical area where a regional operational centre is established shall, in close coordination with each other:

Or. en

Amendment 291

Merja Kyllönen

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 ***TSO*** cooperative decision-making process, ***proposed by the TSOs of the security-coordinated region for the relevant services performed by regional security coordinators***;

Or. en

Amendment 292

Merja Kyllönen

Proposal for a directive

Article 62 – paragraph 1 – point f

Text proposed by the Commission

(f) monitor the performance of their functions and report annually to the Agency in this respect.

Amendment

(f) monitor the performance of their functions, ***the system coordination*** and report annually to the Agency in this respect.

Or. en

Amendment 293
Merja Kyllönen

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 **to TSOs** information from regional operational **security coordinators** centres;

Or. en

Amendment 294
Merja Kyllönen

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 **relevant for the improvement of coordination** on regional operational centres.

Or. en

Amendment 295
Davor Škrlec
on behalf of the Verts/ALE Group

Proposal for a directive
Annex I – paragraph 1 – point b
Directive 2009/72/EC
Annex 1 – point b

Text proposed by the Commission

(b) clearly disclose their owners and the natural or legal person operating the

Amendment

(b) clearly disclose their owners and the natural or legal person operating the tool, **as well as information on how the**

tool;

tools are financed;

Or. en

Justification

Consumers must be able to easily identify if the tool is for example financed by advertisement or by the government.

Amendment 296

Davor Škrlec

on behalf of the Verts/ALE Group

Proposal for a directive

Annex I – paragraph 1 – point e – point i (new)

Directive 2009/27/EC

Annex 1 point e – i

Text proposed by the Commission

Amendment

- (i) - the tariff and breakdown in terms of taxes, levies, fees and charges contained in the energy tariff*
- the percentage share of energy sources used for the overall energy mix over the preceding year;*
- the exact nature of an advertised 'Green tariff' including the level of additionality;*
- the information on the environmental impact of the energy mix, in terms of CO₂ emissions and radioactive waste resulting from the electricity produced by the overall fuel mix of the supplier over the preceding year;*
- quality of service, complaint-handling procedures, level of consumer satisfaction or misleading practices;*

Or. en

Justification

When comparing electricity tariffs all relevant information shall be included in the comparison to allow effective consumer information and choice.

Amendment 297

Carolina Punset, Gerben-Jan Gerbrandy

Proposal for a directive

Annex I – paragraph 1 a (new)

Text proposed by the Commission

Amendment

(h) for offers from renewable energy sources, information on the contribution of each energy source to the electricity purchased by the customer, including shares of each renewable energy source by technology and country of origin, share or percentage of consumption met from direct-supply from renewable energy sources producers and own-production by the supplier, and actions creating additional environmental and social benefits, including new investments in renewable energy sources.

Or. en

Justification

The current system of guarantees of origin enables a significant amount of green washing and needs to be improved to provide more transparency to consumers. Therefore, new tools, such as the comparison tool provided for in Article 14 of the Electricity Directive, are needed.

Amendment 298

Mireille D'Ornano

Proposal for a directive

Annex II – point 1 – paragraph 2 – point h

Text proposed by the Commission

Amendment

(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.

(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, *in keeping with the principle of the confidentiality of personal data, such as details of customers'*

consumption habits.

Or. fr

Amendment 299

Davor Škrlec

on behalf of the Verts/ALE Group

Proposal for a directive

Annex II – point 1 – paragraph 4

Directive 2009/72/EC

Annex I – paragraph 1 – subparagraph 3

Text proposed by the Commission

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

In addition, comparisons with an average normalised or benchmarked customer in the same user category shall be made available to final customers, *as well as an evaluation describing which of the provided tariffs would be most advantageous for the consumer, if the consumption pattern of the previous year is repeated in the coming year*, with or signposted to within, their bills and periodical settlement bills.

Or. en

Justification

Information on the most advantageous tariff would avoid consumers being stuck on outdated and disadvantageous tariffs.

Amendment 300

Mireille D'Ornano, Jean-François Jalkh, Sylvie Goddyn

Proposal for a directive

Annex II – point 3 – paragraph 2

Text proposed by the Commission

Where final customers have meters that allow remote reading by the *opearator* installed, final customers shall have the

Amendment

Where final customers have meters that allow remote reading by the *operator* installed, final customers shall have the

possibility of easy access to complementary information on historical consumption allowing detailed self-checks.

possibility of easy access *for a period of at least five years* to complementary information on historical consumption allowing detailed self-checks.

Or. fr

Amendment 301

Mireille D'Ornano, Jean-François Jalkh, Sylvie Goddyn

Proposal for a directive

Annex II – point 3 – paragraph 3 – point a

Text proposed by the Commission

(a) cumulative data for at least the **three** previous years or the period since the start of the supply contract if this is shorter. The data shall correspond to the intervals for which frequent billing information has been produced; and

Amendment

(a) cumulative data for at least the **five** previous years or the period since the start of the supply contract if this is shorter. The data shall correspond to the intervals for which frequent billing information has been produced; and

Or. fr

Amendment 302

Mireille D'Ornano, Jean-François Jalkh, Sylvie Goddyn

Proposal for a directive

Annex II – point 3 – paragraph 3 – point b

Text proposed by the Commission

(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

(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 **36** months or the period since the start of the supply contract if this is shorter.

Or. fr

Amendment 303

Davor Škrlec

on behalf of the Verts/ALE Group

Proposal for a directive

Annex II – point 4 – paragraph 2 – point c

Directive 2009/72/EU

Annex II – point 4 – paragraph 2 – point c

Text proposed by the Commission

(c) ***as a minimum the reference to existing reference sources, such as web pages, where*** information on the environmental impact, in terms of at least CO₂ emissions and the radioactive waste resulting from the electricity produced by the overall fuel mix of the supplier over the preceding year ***is publicly available;***

Amendment

(c) information on the environmental impact, in terms of at least CO₂ emissions and the radioactive waste resulting from the electricity produced by the overall fuel mix of the supplier over the preceding year;

Or. en

Justification

The consumer must be directly provided with this basic information on his energy consumption.

Amendment 304

Mireille D'Ornano, Jean-François Jalkh, Sylvie Goddyn

Proposal for a directive

Annex III – point 1

Text proposed by the Commission

1. Member States shall ensure the implementation of smart metering systems in their territories that may be subject to an economic assessment of all the long-term costs and benefits to the market and the individual consumer or which form of smart metering is economically reasonable and cost-effective and which timeframe is feasible for their distribution.

Amendment

deleted

Or. fr

Justification

Linked to the rapporteur's Amendment 33. It is not for the European Union to insist that the Member States deploy 'smart' meters on their territory, even on the basis of a rational assessment in the form of a cost-benefit analysis.

Amendment 305

Mireille D'Ornano, Jean-François Jalkh, Sylvie Goddyn

Proposal for a directive

Annex III – point 1

Text proposed by the Commission

1. Member States shall ensure the implementation of smart metering systems in their territories that may be subject to an economic assessment of all the long-term costs and benefits to the market and the individual consumer or which form of smart metering is economically reasonable and cost-effective and which timeframe is feasible for their distribution.

Amendment

1. Member States shall ensure the implementation of smart metering systems in their territories that may be subject to an economic assessment of all the long-term costs and benefits to the market and the individual consumer or which form of smart metering is economically reasonable, ***the least likely to cause a breach of privacy, in particular as regards the confidentiality of customers' consumption data,*** and cost-effective and which timeframe is feasible for their distribution.

Or. fr

Justification

Linked to the rapporteur's Amendment 33. The study conducted in order to determine which type of 'smart' meter is the most economically reasonable must also assess which is best suited to protecting personal data.

Amendment 306

Mireille D'Ornano, Jean-François Jalkh, Sylvie Goddyn

Proposal for a directive

Annex III – point 1

Text proposed by the Commission

1. Member States ***shall*** ensure the implementation of smart metering systems

Amendment

1. Member States ***may, only if they so wish,*** ensure the implementation of smart

in their territories that may be subject to an economic assessment of all the long-term costs and benefits to the market and the individual consumer or which form of smart metering is economically reasonable and cost-effective and which timeframe is feasible for their distribution.

metering systems in their territories that may be subject to an economic assessment of all the long-term costs and benefits to the market and the individual consumer or which form of smart metering is economically reasonable and cost-effective and which timeframe is feasible for their distribution.

Or. fr

Justification

Linked to the rapporteur's Amendment 33. Member States must be able to decide whether or not they wish to deploy 'smart' meters on their territory.

Amendment 307

Mireille D'Ornano, Jean-François Jalkh, Sylvie Goddyn

Proposal for a directive

Annex III – point 2

Text proposed by the Commission

2. Such assessment shall take into consideration 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.

Amendment

2. Such assessment shall take into consideration 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, ***in particular as regards customers' consumption habits.***

Or. fr

Amendment 308

Mireille D'Ornano, Jean-François Jalkh, Sylvie Goddyn

Proposal for a directive

Annex III – point 3

Text proposed by the Commission

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 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.*

deleted

Or. fr

Justification

Linked to the rapporteur's Amendment 41. It is not for the European Union to insist that the Member States deploy 'smart' meters for at least 80% of their final customers within eight years of the assessment being completed. This is a much too burdensome target.

Amendment 309

Mireille D'Ornano, Jean-François Jalkh, Sylvie Goddyn

Proposal for a directive

Annex III – point 3

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 10 years for the deployment of smart metering systems. Where roll-out of smart meters is assessed positively, at least **50** % 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.

Justification

Linked to the rapporteur's Amendment 41. The target of equipping 50% of final customers with 'smart' meters within eight years after the assessment has been completed is much less burdensome than the 80% target.

Amendment 310

Mireille D'Ornano, Jean-François Jalkh, Sylvie Goddyn

Proposal for a directive

Annex III – point 3

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 **five** 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.

Justification

Linked to the rapporteur's Amendment 41. The fixing of targets to be achieved over five years is less burdensome than setting a longer, binding 10-year deadline.

Amendment 311

Mireille D'Ornano

Proposal for a directive

Annex III – point 3

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 10 years for the deployment of smart metering systems. Where roll-out of smart meters is assessed positively, at least **30** % 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.

Or. fr

Justification

Linked to the rapporteur's Amendment 41. The target of equipping 30% of final customers with 'smart' meters within eight years after the assessment has been completed is much less burdensome than the 80% target.