



27.2.2018

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REPORT

on the proposal for a directive of the European Parliament and of the Council on common rules for the internal market in electricity (recast)
(COM(2016)0864 – C8-0495/2016 – 2016/0380(COD))

Committee on Industry, Research and Energy

Rapporteur: Krišjānis Kariņš

(Recast – Rule 104 of the Rules of Procedure)

Symbols for procedures

- * Consultation procedure
- *** Consent procedure
- ***I Ordinary legislative procedure (first reading)
- ***II Ordinary legislative procedure (second reading)
- ***III Ordinary legislative procedure (third reading)

(The type of procedure depends on the legal basis proposed by the draft act.)

Amendments to a draft act

Amendments by Parliament set out in two columns

Deletions are indicated in ***bold italics*** in the left-hand column. Replacements are indicated in ***bold italics*** in both columns. New text is indicated in ***bold italics*** in the right-hand column.

The first and second lines of the header of each amendment identify the relevant part of the draft act under consideration. If an amendment pertains to an existing act that the draft act is seeking to amend, the amendment heading includes a third line identifying the existing act and a fourth line identifying the provision in that act that Parliament wishes to amend.

Amendments by Parliament in the form of a consolidated text

New text is highlighted in ***bold italics***. Deletions are indicated using either the **■** symbol or ~~strikeout~~. Replacements are indicated by highlighting the new text in ***bold italics*** and by deleting or striking out the text that has been replaced.

By way of exception, purely technical changes made by the drafting departments in preparing the final text are not highlighted.

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DRAFT EUROPEAN PARLIAMENT LEGISLATIVE RESOLUTION

**on the proposal for a directive of the European Parliament and of the Council on common rules for the internal market in electricity (recast)
(COM(2016)0864 – C8-0495/2016 – 2016/0380(COD))**

(Ordinary legislative procedure – recast)

The European Parliament,

- having regard to the Commission proposal to Parliament and the Council (COM(2016)0864),
- having regard to Article 294(2) and Article 194(2) of the Treaty on the Functioning of the European Union, pursuant to which the Commission submitted the proposal to Parliament (C8-0495/2016),
- having regard to Article 294(3) of the Treaty on the Functioning of the European Union,
- having regard to the reasoned opinions submitted, within the framework of Protocol No 2 on the application of the principles of subsidiarity and proportionality, by the Polish Senate, the Austrian Federal Council and the Hungarian Parliament asserting that the draft legislative act does not comply with the principle of subsidiarity,
- having regard to the opinion of the European Economic and Social Committee of 31 May 2017¹;
- having regard to the opinion of the Committee of the Regions of 13 July 2017²;
- having regard to the Interinstitutional Agreement of 28 November 2001 on a more structured use of the recasting technique for legal acts³,
- having regard to the letter of 7 September 2017 from the Committee on Legal Affairs to the Committee on Industry, Research and Energy in accordance with Rule 104(3) of its Rules of Procedure,
- having regard to Rules 104 and 59 of its Rules of Procedure,
- having regard to the report of the Committee on Industry, Research and Energy and the opinion of the Committee on the Environment, Public Health and Food Safety (A8-0044/2018),

¹ OJ C ...

² OJ C ...

³ OJ C 77, 28.3.2002, p. 1.

- A. whereas, according to the Consultative Working Party of the legal services of the European Parliament, the Council and the Commission, the Commission proposal does not include any substantive amendments other than those identified as such in the proposal and whereas, as regards the codification of the unchanged provisions of the earlier acts together with those amendments, the proposal contains a straightforward codification of the existing texts, without any change in their substance;
1. Adopts its position at first reading hereinafter set out, taking into account the recommendations of the Consultative Working Party of the legal services of the European Parliament, the Council and the Commission;
 2. Calls on the Commission to refer the matter to Parliament again if it replaces, substantially amends or intends to substantially amend its proposal;
 3. Instructs its President to forward its position to the Council, the Commission and the national parliaments.

Amendment 1

Proposal for a directive

Recital 5

Text proposed by the Commission

(5) The Communication from the Commission of 15 July 2015 'Delivering a new deal for energy consumers'³¹ 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.

³¹ 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'³¹ put forward the Commission's vision for a retail market that better serves energy consumers, including by better linking wholesale and retail markets. Taking advantage of new *technologies*, new and innovative energy service companies should enable all consumers *to raise their awareness of their energy consumption and* to fully participate in the energy transition, managing their consumption to deliver energy efficient solutions which save them money and contribute to overall reduction of energy consumption.

³¹ COM (2015) 339 final of 15.7.2015.

Amendment 2

Proposal for a directive

Recital 6

Text proposed by the Commission

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

³² COM (2015) 340 final of 15.7.2015.

Amendment

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

³² COM (2015) 340 final of 15.7.2015.

Amendment 3

Proposal for a directive

Recital 6 a (new)

Text proposed by the Commission

Amendment

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

Justification

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

Amendment 4

Proposal for a directive Recital 7 a (new)

Text proposed by the Commission

Amendment

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

Justification

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

Amendment 5

Proposal for a directive Recital 8

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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) Consumers are essential to achieving the flexibility necessary to adapt the electricity system to variable **and** distributed renewable generation. Technological progress in grid management and renewable generation has unlocked many opportunities for consumers. Healthy competition on retail markets will be essential to ensuring the market-driven deployment of innovative new services that **address** consumers' changing needs and abilities, while increasing system flexibility. **However, the lack of real time or near real time information provided to consumers about their energy consumption, in particular due to the slow roll-out of smart meters, has prevented them from being active participants in the energy market and the energy transition.** By empowering consumers **and providing them with the tools** to participate in the energy market more, and participate in new ways, citizens should benefit from the internal market in electricity and the Union's renewable targets should be attained.

Amendment 6

**Proposal for a directive
Recital 9**

Text proposed by the Commission

(9) The freedoms which the Treaty guarantees the citizens of the Union — inter alia, the free movement of goods, the freedom of establishment and the freedom to provide services — are achievable only

Amendment

(9) The freedoms which the Treaty guarantees the citizens of the Union — inter alia, the free movement of goods, the freedom of establishment and the freedom to provide services — are achievable only

in a fully open market, which enables all consumers freely to choose their suppliers and all suppliers freely to deliver to their customers.

in a fully open **and interconnected** market, which enables all consumers freely to choose their suppliers and all suppliers freely to deliver to their customers.

Justification

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

Amendment 7

Proposal for a directive

Recital 11

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.***

Justification

The amendment is linked to two amendments to Article 3.

Amendment 8

Proposal for a directive

Recital 11 a (new)

Text proposed by the Commission

Amendment

(11a) Member States should ensure that

no undue barriers exist within the internal electricity market as regards market entry, operation and exit. At the same time, it should be clear that this obligation is without prejudice to those competences which Member States retain in relation to third countries. Such a clarification must not be interpreted as enabling a Member State to exercise an exclusive competence of the Union. It should also be clarified that market participants from third countries must comply with applicable Union and Member States' laws just like all other market participants.

Amendment 9

Proposal for a directive Recital 11 b (new)

Text proposed by the Commission

Amendment

(11b) The European Council stated in its conclusions of October 2014 that the Commission supported by the Member States must take urgent measures in order to ensure the achievement of a minimum target of 10% of existing electricity interconnections, as a matter of urgency, and no later than 2020, at least for Member States which have not yet attained a minimum level of integration in the internal energy market, which are the Baltic States, Portugal and Spain, and for Member States which constitute their main point of access to the internal energy market. It further stated that the Commission will also report regularly to the European Council with the objective of arriving at a 15% target by 2030.

Amendment 10

Proposal for a directive

Recital 15

Text proposed by the Commission

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

Amendment

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

Amendment 11

Proposal for a directive

Recital 24

Text proposed by the Commission

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

Amendment

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

Justification

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

Amendment 12

Proposal for a directive

Recital 25

Text proposed by the Commission

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

Amendment

(25) All consumers should be able to benefit from directly participating in the market, in particular by adjusting their consumption according to market signals and in return benefit from lower electricity prices or other incentive payments. The benefits of this active participation are likely to increase over time when ***the awareness of otherwise passive consumers is raised about their possibilities as active***

Consumers 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.

consumers and when the information on the possibilities of active participation are better accessible and known. Consumers should be enabled to participate in all forms of demand response and therefore should have the possibility to ***benefit from the full roll-out of smart metering systems, and in cases where such a roll out has been negatively assessed, they should be able 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. ***Consumers should be informed about potential price risk of dynamic price contracts.*** Member States should also ensure that those consumers who choose not to actively engage in the market are not penalised but instead their informed decision making on the options available to them should be facilitated in the manner that is the most suitable for domestic market conditions.

Amendment 13

Proposal for a directive Recital 30

Text proposed by the Commission

(30) Distributed energy technologies and consumer empowerment have made community energy and energy cooperatives an effective and cost-efficient way to meet citizens' needs and expectations regarding energy sources,

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 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.

services and local participation. Community energy offers an inclusive option for all consumers to have a direct stake in producing, consuming or sharing energy between each other, ***on the basis of open and voluntary participation***, within a geographically confined community 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, ***contributing to bringing benefits to local communities and to representing local interests***, and 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

Access to a local energy community's network should be granted on fair and cost-reflective terms.

leave it, without losing access to the network operated by the community energy initiative or their rights as consumers. Access to a local energy community's network should be granted on fair and cost-reflective terms.

Amendment 14

Proposal for a directive

Recital 31

Text proposed by the Commission

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

Amendment

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

Amendment 15

Proposal for a directive

Recital 32

Text proposed by the Commission

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

Amendment

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

Justification

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

Amendment 16

Proposal for a directive

Recital 34

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. ***This economic assessment should take into account the long term benefits of smart metering deployment for the whole value chain, in particular for better network management, more precise planning and identification of network losses.*** Should that assessment conclude that the introduction of such metering systems is 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. ***This assessment should however be reviewed regularly and at least every two years in light of the fast evolving technological developments.***

Amendment 17

Proposal for a directive Recital 37

Text proposed by the Commission

(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 Council³⁵ will help consumers to reduce their energy costs.

³⁵ 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).

Amendment

(37) A key aspect of supplying *final* customers is access to objective, *timely* and transparent consumption data. Thus, consumers should have access to their consumption data and associated prices and services costs so that they can invite competitors to make an offer based on those data. Consumers should also have the right to be properly informed about their energy consumption. Prepayments should not place a disproportionate disadvantage at their users, while different payment systems should be non-discriminatory. Information on energy costs provided to *final* consumers frequently enough will create incentives for energy savings because it will give *final* 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 Council³⁵ will help consumers to reduce their energy costs.

³⁵ 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).

Amendment 18

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 ***and exchanged*** under non-discriminatory conditions and ***in an effective manner and*** ensure the highest level of ***data integrity***, cybersecurity and data protection as well as the impartiality of the entities which handle data. ***Member States should also ensure that consumers remain in control and owners of the consumption data, in particular by being able to identify themselves, give or withdraw consent in an easy manner in accordance with Union data protection legislation.***

Amendment 19

Proposal for a directive Recital 40

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

Amendment

(40) Energy ***supply is*** fundamental to safeguard the well-being of the Union citizens. ***Heating***, cooling, lighting and the energy to power appliances are essential to guarantee a decent standard of living and citizens' health. Furthermore, access to energy empowers European citizens 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.

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 *through their social welfare systems or other policy measures*. The Commission should actively support the implementation of the provisions on energy poverty by facilitating the sharing of good practices between Member States.

Amendment 20

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

Amendment

(41) *Energy poverty is a growing problem in the Union*. Member States which are affected by energy poverty and which have not yet done so should therefore develop national action plans or other appropriate frameworks to tackle *energy poverty*, aiming at decreasing the number of *energy poor customers*. Low income, high energy expenditure, and poor energy efficiency of homes are relevant factors in designing indicators for the measurement of energy poverty. In any event, Member States should ensure the necessary energy supply for vulnerable and energy poor customers. In doing so, an integrated approach, such as in the

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.

framework of energy and social policy, could be used and measures could include social policies or energy efficiency improvements for housing. This Directive should *enhance* national policies in favour of vulnerable and energy poor customers.

Amendment 21

Proposal for a directive

Recital 44

Text proposed by the Commission

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

Amendment

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

Justification

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

Amendment 22

Proposal for a directive Recital 69

Text proposed by the Commission

(69) In order to ensure uniform conditions for the implementation of this Directive, implementing powers should be conferred on the Commission in order to determine a common European data format and non-discriminatory and transparent procedures for accessing the data on metering, consumption data as well as data required for consumer switching. Those powers should be exercised in accordance with Regulation (EU) No 182/2011 of the European Parliament and of the Council³⁸.

³⁸ Regulation (EU) No 182/2011 of the European Parliament and of the Council of 16 February 2011 laying down the rules and general principles concerning mechanisms for control by Member States of the Commission's exercise of implementing powers (OJ L 55, 28.2.2011, p. 13).

Amendment

(69) In order to ensure uniform conditions for the implementation of this Directive, implementing powers should be conferred on the Commission in order to determine a common European data format and non-discriminatory and transparent procedures for accessing the data on metering, consumption data as well as data required for consumer switching. Those powers should be exercised in accordance with Regulation (EU) No 182/2011 of the European Parliament and of the Council³⁸. ***In order to ensure that such a common European data format supports marked-based competition and contributes to ensuring interoperability between energy services, the Commission may request if appropriate that data standards are drawn up by the relevant European standardisation organisations.***

³⁸ Regulation (EU) No 182/2011 of the European Parliament and of the Council of 16 February 2011 laying down the rules and general principles concerning mechanisms for control by Member States of the Commission's exercise of implementing powers (OJ L 55, 28.2.2011, p. 13).

Amendment 23

Proposal for a directive Article 1 – paragraph 1

Text proposed by the Commission

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

Amendment 24

Proposal for a directive

Article 2 – paragraph 1 – point 6

Text proposed by the Commission

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

Amendment

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

professional activity;

Amendment 25

Proposal for a directive

Article 2 – paragraph 1 – point 7

Text proposed by the Commission

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

Amendment 26

Proposal for a directive

Article 2 – paragraph 1 – point 15

Text proposed by the Commission

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

Amendment

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

Amendment 27

Proposal for a directive

Article 2 – paragraph 1 – point 38

Text proposed by the Commission

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

Amendment

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

Amendment 28

Proposal for a directive

Article 2 – paragraph 1 – point 39

Text proposed by the Commission

39. 'regional *operational* centre' means the regional *operational* centre as *defined in* Article 32 of *the* [recast of Regulation 714/2009 as proposed by COM(2016)861/2].

Amendment

39. 'regional *coordination* centre' means the regional *coordination* centre as *established pursuant to* Article 32 of *Regulation (EU)* ... [recast of Regulation 714/2009 as proposed by COM(2016)861/2].

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

Amendment 29

Proposal for a directive

Article 2 – paragraph 1 – point 39 a (new)

Text proposed by the Commission

Amendment

39a. *'integral part of the transmission system' means network components that*

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

Amendment 30

Proposal for a directive

Article 2 – paragraph 1 – point 47

Text proposed by the Commission

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

Amendment

47. 'energy storage' means, in the electricity system, deferring ***the use of*** electricity to ***a later moment than when it was generated or the conversion of electrical energy into a form of energy which can be stored, the storing of that energy, and the subsequent reconversion of that energy back into electrical*** energy or another energy carrier.

Amendment 31

Proposal for a directive

Article 3 – paragraph 1

Text proposed by the Commission

1. Member States shall ensure that their national legislation does not unduly hamper cross-border flows of electricity, consumer participation including through demand-side response, investments into flexible energy generation, energy storage,

Amendment

1. Member States shall ensure that their national legislation does not unduly hamper cross-border ***trade and*** flows of electricity, consumer participation including through demand-side response, investments into flexible energy

the deployment of electro-mobility or new interconnectors, and that electricity prices reflect actual demand and supply.

generation, energy storage, the deployment of electro-mobility or new interconnectors, and that electricity prices reflect actual demand and supply.

Amendment 32

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

Text proposed by the Commission

Amendment

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

Amendment 33

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

Text proposed by the Commission

Amendment

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

Amendment 34

Proposal for a directive

Article 3 – paragraph 1 c (new)

Text proposed by the Commission

Amendment

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

Amendment 35

Proposal for a directive

Article 3 – paragraph 2

Text proposed by the Commission

Amendment

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

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

Amendment 36

Proposal for a directive

Article 4 – paragraph 1

Text proposed by the Commission

Amendment

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

Member States shall ensure that all customers are free to purchase electricity from the ***producer or*** supplier of their choice ***and are free to contract***

simultaneously with several suppliers.

Justification

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

Amendment 37

**Proposal for a directive
Article 5 – paragraph 2**

Text proposed by the Commission

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

Amendment

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

Amendment 38

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

Text proposed by the Commission

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

Amendment

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

(a) **they shall not go beyond what is necessary to achieve the general economic**

- interest which they pursue;*
- (b) they shall be limited in time;*
 - (c) they shall be proportionate as regards their beneficiaries;*
 - (d) they shall be limited to energy poor and vulnerable customers;*
 - (e) they shall not impede market entry by new participants;*
 - (f) they shall not negatively impact the wholesale electricity market;*
 - (g) they shall not result in additional costs for market participants in a discriminatory way; and*
 - (h) all beneficiaries of such public intervention shall have the possibility to choose competitive market offers and shall be directly informed of the availability of offers and savings on the competitive market, in particular dynamic electricity price contracts, at least every quarter and they shall be provided with assistance to switch to a market based offer.*

Amendment 39

Proposal for a directive

Article 7 – paragraph 1 – point a

Text proposed by the Commission

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 licence;***

Justification

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

Amendment 40

Proposal for a directive

Article 7 – paragraph 1 – point b

Text proposed by the Commission

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

Amendment

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

Justification

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

Amendment 41

Proposal for a directive

Article 7 – paragraph 3

Text proposed by the Commission

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

Amendment

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

affect the right of the customer to sign a second supply contract for the residual electricity demand.

Justification

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

Amendment 42

Proposal for a directive

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

Text proposed by the Commission

Amendment

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

Amendment 43

Proposal for a directive

Article 8 – paragraph 3 – subparagraph 1

Text proposed by the Commission

Amendment

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

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

Amendment 44

Proposal for a directive Article 9 – paragraph 2

Text proposed by the Commission

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

Amendment

2. Having full regard to the relevant provisions of the Treaty, in particular Article 106 thereof, Member States may impose on undertakings operating in the electricity sector, in the general economic interest, public service obligations which may relate to security, including security of supply, regularity, quality and price of supplies and environmental protection, including energy efficiency, energy from renewable sources and climate protection. Such obligations shall be clearly defined, transparent, non-discriminatory, verifiable and shall guarantee equality of access for electricity undertakings of the Union to national consumers. ***In relation to security of supply, energy efficiency/demand-side management and for the fulfilment of environmental goals and aims for energy from renewable sources, as referred to in this paragraph, Member States may introduce the implementation of long-term planning, taking into account the possibility of third parties seeking access to the system.*** Public service obligations which concern the price setting for the supply of electricity shall comply with the requirements set out in Article 5.

Amendment 45

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

Text proposed by the Commission

- the means by which up-to-date information on all applicable tariffs and maintenance charges may be obtained,

Amendment

- the means by which up-to-date information on all applicable tariffs and maintenance charges ***and additional products and /or services (bundled offers)*** may be obtained,

Amendment 46

Proposal for a directive

Article 10 – paragraph 2 – point a – subparagraph 1 – indent 5

Text proposed by the Commission

- the duration of the contract, the conditions for renewal and termination of services and of the contract ,

Amendment

- the duration of the contract, the conditions for renewal and termination of services ***including additional products and/or services (bundled services)*** and of the contract ***and whether withdrawal from the contract without charge is permitted,***

Amendment 47

Proposal for a directive

Article 10 – paragraph 2 – point b

Text proposed by the Commission

- (b) are given adequate notice of any intention to modify contractual conditions and are informed about their right to dissolve the contract when the notice is given. Suppliers shall notify their customers directly of any adjustment in the supply price as well as of the reasons and preconditions for the adjustment and its scope , ***at an appropriate time*** no later than one ***normal billing period*** before the adjustment comes into effect in a

Amendment

- (b) are given adequate notice of any intention to modify contractual conditions and are informed about their right to dissolve the contract when the notice is given. Suppliers shall notify their customers directly of any adjustment in the supply price as well as of the reasons and preconditions for the adjustment and its scope, ***as soon as they have the information on the adjustment, and*** no later than ***one month*** before the adjustment

transparent and comprehensible manner. Member States shall ensure that customers are free to withdraw from contracts if they do not accept the new contractual conditions or adjustments in the supply price notified to them by their electricity supplier ;

comes into effect in a transparent and comprehensible manner. Member States shall ensure that customers are free to withdraw from contracts if they do not accept the new contractual conditions or adjustments in the supply price notified to them by their electricity supplier;

Amendment 48

Proposal for a directive

Article 10 – paragraph 2 – point d

Text proposed by the Commission

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

Amendment

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

Amendment 49

Proposal for a directive

Article 10 – paragraph 2 – point e

Text proposed by the Commission

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

Amendment

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

Amendment 50

Proposal for a directive

Article 10 – paragraph 2 – point j

Text proposed by the Commission

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

Amendment

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

Justification

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

Amendment 51

Proposal for a directive

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

Text proposed by the Commission

Amendment

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

Amendment 52

Proposal for a directive

Article 11 – paragraph 2

Text proposed by the Commission

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.

2. Member States shall ensure that final customers are fully informed by the suppliers of the opportunities and risks of such dynamic electricity price contract ***including the need to have an adequate electricity meter installed.***

Amendment 53

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

Text proposed by the Commission

Amendment

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

Amendment 54

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

Text proposed by the Commission

Amendment

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

Amendment 55

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

Text proposed by the Commission

Amendment

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

Amendment 56

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

Text proposed by the Commission

Amendment

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

Amendment 57

Proposal for a directive Article 12 – paragraph 2

Text proposed by the Commission

Amendment

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

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

Amendment 58

Proposal for a directive Article 12 – paragraph 3

Text proposed by the Commission

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. 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.

3. By way of derogation from paragraph 2, Member States may choose to permit suppliers to charge contract termination fees to ***final*** customers willingly terminating fixed term, ***fixed price*** supply contracts before their maturity ***provided that the customer has willingly entered into such a contract.*** Such fees may only be charged if ***final*** customers receive a demonstrable advantage from these contracts. In addition, such fees shall ***be proportionate to the advantage provided to the customer and shall*** not exceed the direct economic loss to the supplier of the ***final*** customer terminating

the contract, including the cost of any bundled investments or services already provided to the *final* customer as part of the contract. ***The burden of proof of the direct economic loss shall be on the supplier and shall be monitored by the national regulatory authority.***

Amendment 59

Proposal for a directive Article 12 – paragraph 4 a (new)

Text proposed by the Commission

Amendment

4a. Household customers shall be entitled to participate in collective switching schemes. Member States shall remove all regulatory or administrative barriers for collective switching while providing a framework that ensures utmost protection for consumers to avoid any abusive practices.

Amendment 60

Proposal for a directive Article 13 – paragraph 1

Text proposed by the Commission

Amendment

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

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

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

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

Amendment 61

Proposal for a directive Article 13 – paragraph 2

Text proposed by the Commission

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

Amendment

2. Member States shall ensure that a final customer wishing to terminate the contract with an aggregator *may do so in accordance with Article 12.*

Amendment 62

Proposal for a directive Article 13 – paragraph 3 – subparagraph 1 a (new)

Text proposed by the Commission

Amendment

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

Amendment 63

Proposal for a directive Article 13 – paragraph 4

Text proposed by the Commission

4. Member States shall ensure that final customers are entitled to receive all

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 *year*.

relevant demand response data or data on supplied and sold electricity *and settlement data upon request and without being charged any additional fees and* at least once per *month*.

Amendment 64

Proposal for a directive Article 14 – paragraph 1

Text proposed by the Commission

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

Amendment

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

Amendment 65

Proposal for a directive Article 14 – paragraph 3

Text proposed by the Commission

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

Amendment

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

by the suppliers.

by the suppliers.

Amendment 66

Proposal for a directive Article 14 – paragraph 4

Text proposed by the Commission

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

Amendment

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

Amendment 67

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

Text proposed by the Commission

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

Amendment

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

Amendment 68

Proposal for a directive Article 15 – paragraph 2

Text proposed by the Commission

2. The energy installation required for the activities of the active customer may be

Amendment

2. The energy installation required for the activities of the active customer may be

managed by a third party for installation, operation, including metering and maintenance.

managed by a third party for installation, operation, including metering and maintenance *provided that the economic risk connected to the operation of the installation remains with the active customer.*

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

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

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

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

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

Amendment 69

Proposal for a directive

Article 16 – paragraph 1 – point a

Text proposed by the Commission

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

Amendment

(a) are entitled to own, establish, or lease community networks and autonomously manage them, *as long as the concession system of the Member State is respected;*

Amendment 70

Proposal for a directive

Article 16 – paragraph 1 – point b a (new)

Text proposed by the Commission

Amendment

(ba) shall be subject to balance responsibility in accordance with Article 4 of Regulation (EU) ... [recast of Regulation 714/2009 as proposed by COM (2016)861/2];

Amendment 71

Proposal for a directive

Article 16 – paragraph 1 – point c

Text proposed by the Commission

Amendment

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

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

Amendment 72

Proposal for a directive

Article 16 – paragraph 1 – point c a (new)

Text proposed by the Commission

Amendment

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

Amendment 73

Proposal for a directive

Article 16 – paragraph 1 – point c b (new)

Text proposed by the Commission

Amendment

(cb) operate on the market on a level playing field without distorting competition;

Amendment 74

Proposal for a directive

Article 16 – paragraph 2 – point -a (new)

Text proposed by the Commission

Amendment

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

Amendment 75

Proposal for a directive

Article 16 – paragraph 2 – point a a (new)

Text proposed by the Commission

Amendment

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

Amendment 76

Proposal for a directive

Article 16 – paragraph 2 – point a b (new)

Text proposed by the Commission

Amendment

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

Justification

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

Amendment 77

Proposal for a directive

Article 16 – paragraph 2 – point e

Text proposed by the Commission

Amendment

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

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

Amendment 78

Proposal for a directive

Article 16 – paragraph 2 – point g

Text proposed by the Commission

Amendment

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

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

the regulatory authority to determine the level of network charges in a relevant decision;

may request the regulatory authority to determine the level of network charges in a relevant decision;

Amendment 79

Proposal for a directive Article 16 a (new)

Text proposed by the Commission

Amendment

Article 16a

Electricity sharing

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

Amendment 80

Proposal for a directive Article 17 – paragraph 1

Text proposed by the Commission

Amendment

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

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

Amendment 81

Proposal for a directive Article 17 – paragraph 2

Text proposed by the Commission

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

Amendment

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

Amendment 82

Proposal for a directive Article 17 – paragraph 3 – introductory part

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

Amendment 83

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

Text proposed by the Commission

(b) transparent rules clearly assigning roles and responsibilities to all market participants;

Amendment

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

Amendment 84

Proposal for a directive

Article 17 – paragraph 3 – point c

Text proposed by the Commission

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

Amendment

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

Amendment 85

Proposal for a directive

Article 17 – paragraph 3 – point d

Text proposed by the Commission

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

Amendment

deleted

Amendment 86

Proposal for a directive

Article 17 – paragraph 3 – point d a (new)

Text proposed by the Commission

Amendment

(da) ***market participants engaged in aggregation shall be financially responsible for the imbalances they cause in the electricity system as defined in***

accordance with Article 4 of Regulation (EU) ... [recast of Regulation 714/2009 as proposed by COM (2016)861/2];

Amendment 87

Proposal for a directive

Article 17 – paragraph 3 – point d b (new)

Text proposed by the Commission

Amendment

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

Amendment 88

Proposal for a directive

Article 17 – paragraph 3 – point d c (new)

Text proposed by the Commission

Amendment

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

Amendment 89

Proposal for a directive Article 17 – paragraph 4

Text proposed by the Commission

Amendment

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

deleted

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

Amendment 90

Proposal for a directive Article 18 – paragraph 1

Text proposed by the Commission

Amendment

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

1. Member States shall ensure that bills fulfil the minimum requirements for billing and billing information as set out in Annex II. The information contained in bills shall be correct, clear, concise, ***user-friendly*** and presented in a manner that facilitates comparison by consumers. ***The information indicated in Annex II that is not obligatory in the bills shall be made available to the customers by other means***

as chosen by the Member States.

Amendment 91

Proposal for a directive

Article 18 – paragraph 3 – subparagraph 1

Text proposed by the Commission

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

Amendment

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

Amendment 92

Proposal for a directive

Article 18 – paragraph 4

Text proposed by the Commission

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

Amendment

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

Amendment 93

Proposal for a directive

Article 18 – paragraph 7

Text proposed by the Commission

Amendment

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

deleted

Amendment 94

Proposal for a directive Article 18 – paragraph 8

Text proposed by the Commission

Amendment

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

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

Amendment 95

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

Text proposed by the Commission

Amendment

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

Amendment 96

Proposal for a directive

Article 18 – paragraph 8 b (new)

Text proposed by the Commission

Amendment

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

Justification

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

Amendment 97

Proposal for a directive

Article 19 – paragraph 1

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 energy management services, developing innovative pricing formulas, **or** introducing interoperable smart metering systems or

1. In order to promote energy efficiency and empower customers, Member States or, where a Member State has so provided, the regulatory authority shall strongly recommend that electricity undertakings and aggregators optimise the use of electricity, **where cost-effective**, inter alia by providing energy management services, developing innovative pricing formulas, **and** introducing interoperable

smart grids, where appropriate.

smart metering systems *in particular with consumer energy management systems, smart grids, and* where appropriate *smart appliances and 'smart homes' in accordance with the applicable Union data protection legislation.*

Amendment 98

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

Amendment 99

Proposal for a directive Article 19 – paragraph 4

Text proposed by the Commission

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

Amendment

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

Amendment 100

Proposal for a directive Article 19 – paragraph 5

Text proposed by the Commission

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

Amendment

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

Amendment 101

Proposal for a directive

Article 20 – paragraph 1 – introductory part

Text proposed by the Commission

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

Amendment

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

Amendment 102

Proposal for a directive

Article 20 – paragraph 1 – point a

Text proposed by the Commission

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

Amendment

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

Amendment 103

Proposal for a directive

Article 20 – paragraph 1 – point c

Text proposed by the Commission

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

Amendment

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

Amendment 104

Proposal for a directive

Article 20 – paragraph 1 – point e

Text proposed by the Commission

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

Amendment

(e) metering data on their electricity input and off-take shall be made available to them, via a local standardised communication interface and/or remote access, or to a third party acting on their behalf, in an easily understandable format as provided for in Article 24 ***and as close to real time as possible*** allowing them to compare deals on a like-for-like basis; ***it shall equally be possible for final customers to download their metering data or transmit them to another party at no additional cost and in accordance with their right to data portability under Union data protection legislation;***

Amendment 105

Proposal for a directive

Article 20 – paragraph 1 – point f

Text proposed by the Commission

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

Amendment

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

Amendment 106

Proposal for a directive

Article 21 – paragraph 1

Text proposed by the Commission

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

Amendment

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

Amendment 107

Proposal for a directive

Article 21 – paragraph 1 – point a

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,

Amendment 108

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

Text proposed by the Commission

1. When setting up the rules regarding the management and exchange of data, Member States or, where a Member State has so provided, the designated competent authorities shall specify the eligible parties which may have access to data of the final customer with their explicit consent in accordance with Regulation (EU) 2016/679 of the European Parliament and of the Council⁵². For the purpose of this Directive, data shall include metering and consumption data as well as data required for consumer switching. Eligible parties shall include at least customers, suppliers, transmission and distribution system operators, aggregators, energy service companies, and other parties which provide energy or other services to customers.

Amendment

1. When setting up the rules regarding the management and exchange of data, Member States or, where a Member State has so provided, the designated competent authorities shall specify the eligible parties which may have access to data of the final customer with their explicit consent in accordance with Regulation (EU) 2016/679 of the European Parliament and of the Council⁵². For the purpose of this Directive, data shall include metering and consumption data as well as data required for consumer switching, ***automated energy efficiency programmes, energy management services and demand response services***. Eligible parties shall include at least customers, suppliers, transmission and distribution system operators, aggregators, energy service companies, and other parties which provide energy or other services to customers.

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

⁵² Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation) (OJ L 119, 4.5.2016, p. 1).

⁵² Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation) (OJ L 119, 4.5.2016, p. 1).

Amendment 109

Proposal for a directive Article 23 – paragraph 2

Text proposed by the Commission

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

Amendment

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

Amendment 110

Proposal for a directive Article 23 – paragraph 4

Text proposed by the Commission

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

Amendment

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

Amendment 111

**Proposal for a directive
Article 24 – paragraph 1**

Text proposed by the Commission

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

Amendment

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

Amendment 112

**Proposal for a directive
Article 24 – paragraph 2**

Text proposed by the Commission

2. The Commission, by means of implementing acts adopted in accordance with the advisory procedure referred to in Article 68, shall determine a common European data format and non-

Amendment

2. The Commission, by means of implementing acts adopted in accordance with the advisory procedure referred to in Article 68, shall determine ***interoperability standards and*** a common European data

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.

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

Amendment 113

Proposal for a directive Article 25 – paragraph 1

Text proposed by the Commission

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

Amendment

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

Justification

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

Amendment 114

Proposal for a directive

Article 26

Text proposed by the Commission

Article 26

Right to out-of-court dispute settlement

Member States shall ensure that . customers have access to simple, fair, transparent, independent, effective and efficient out-of-court dispute resolution mechanisms for the settlement of disputes concerning rights and obligations established under this Directive. Where the costumer is a consumer within the meaning of Directive 2013/11/EU of the European Parliament and of the Council⁵³ , 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 .

Amendment

Article 26

Right to out-of-court dispute settlement

Member States shall ensure that customers have access to simple, fair, transparent, independent, effective and efficient out-of-court dispute resolution mechanisms for the settlement of disputes concerning rights and obligations established under this Directive ***through an independent mechanism such as an energy ombudsman or a consumer body***. Where the costumer is a consumer within the meaning of Directive 2013/11/EU of the European Parliament and of the Council⁵³ , such out-of-court mechanisms shall comply with the quality requirements established in Directive 2013/11/EU and provide, where warranted, for a system of reimbursement and/or compensation.

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

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

communication with their customers.

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

⁵³ OJ L 165, 18.6.2013, p. 63–79

⁵³ OJ L 165, 18.6.2013, p. 63–79

Amendment 115

Proposal for a directive Article 28 – paragraph 1

Text proposed by the Commission

1. Member States shall take appropriate measures to protect customers and shall, in particular, ensure that there are adequate safeguards to protect vulnerable customers. In this context, each Member State shall define the concept of vulnerable customers which may refer to energy poverty and, inter alia, to the prohibition of disconnection of electricity to such customers in critical times. Member States shall ensure that rights and obligations 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 which ***shall*** refer to energy poverty and ***may ensure their protection through national social security systems*** and, inter alia, the prohibition of disconnection of electricity to such customers in critical times. Member States shall ensure that rights and obligations linked to vulnerable customers are applied. In particular, they shall take measures to protect customers in remote areas. They shall ensure high levels of consumer protection, particularly with respect to transparency regarding contractual terms and conditions, general information and dispute settlement mechanisms.

Amendment 116

Proposal for a directive Article 28 – paragraph 2

Text proposed by the Commission

Amendment

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

deleted

Justification

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

Amendment 117

Proposal for a directive Article 29

Text proposed by the Commission

Amendment

Article 29

Article 29

Energy poverty

Energy poverty

Member States shall *define a set of criteria for the purposes of measuring energy poverty. Member States shall continuously monitor the number of households in energy poverty and shall report on the evolution of energy poverty and measures taken to prevent it to the Commission every two years as part of their Integrated National Energy and Climate Progress Reports in accordance with Article 21 of [Governance Regulation as proposed by COM(2016)759].*

Member States, *in consultation with relevant stakeholders*, shall:

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

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

(c) *report on the evolution of energy poverty and measures taken to prevent it to the Commission every two years as part of their Integrated National Energy and Climate Progress Reports in accordance with Article 21a of Regulation (EU) ... [Governance Regulation as proposed by COM(2016)759].*

In order to address energy poverty where identified, including in the context of broader poverty, and protect vulnerable consumers as referred to in Article 28, Member States shall establish national action plans to reduce the number of households in energy poverty including objectives and measures, both short-term and long-term, and a timeframe for achieving the objectives. Measures may include, inter alia, providing benefits in

social security systems to ensure the necessary electricity supply to vulnerable customers, providing for support for energy efficiency improvements and the prohibition of disconnection of electricity at critical times.

These action plans shall be incorporated into the Member State's integrated national energy and climate plan as part of Regulation (EU) ... [Governance Regulation as proposed by COM(2016)759].

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

Amendment 118

Proposal for a directive Article 31 – paragraph 5

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

Amendment

5. Each distribution system operator shall **act as a neutral market facilitator in procuring** the energy it uses to cover energy losses and the non-frequency ancillary services in its system according to transparent, non-discriminatory and market based procedures, whenever it has such a function. Unless justified by a cost-benefit analysis, the **methodology of which shall be developed in a transparent manner by the national regulatory authority in accordance with point c of Article 59 (1)**, procurement of non-frequency ancillary services by a distribution system operator shall be transparent, non-discriminatory

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 .

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 119

Proposal for a directive

Article 32 – paragraph 1 – subparagraph 1

Text proposed by the Commission

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

Amendment

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

Amendment 120

Proposal for a directive

Article 32 – paragraph 1 – subparagraph 2

Text proposed by the Commission

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

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

Amendment 121

Proposal for a directive

Article 32 – paragraph 2 – subparagraph 1

Text proposed by the Commission

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

Amendment

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

Amendment 122

Proposal for a directive

Article 33 – paragraph 1

Text proposed by the Commission

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

Amendment

1. ***Without prejudice to Directive 2014/94/EU,*** Member States shall provide the necessary regulatory framework to facilitate the connection of publicly accessible and private recharging points to the distribution networks. Member States

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.

shall ensure that distribution system operators cooperate on a non-discriminatory basis with any undertaking that owns, develops, operates or manages recharging points for electric vehicles, including with regard to connection to the grid.

Amendment 123

Proposal for a directive

Article 33 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

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

Amendment 124

Proposal for a directive

Article 33 – paragraph 2 – introductory part

Text proposed by the Commission

Amendment

2. Member States may allow distribution system operators to own, develop, manage or operate recharging points for electric vehicles only if the following conditions are fulfilled:

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

Amendment 125

Proposal for a directive

Article 33 – 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 recharging points for electric vehicles;

Amendment

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

Amendment 126

**Proposal for a directive
Article 33 – paragraph 4**

Text proposed by the Commission

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

Amendment

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

Amendment 127

**Proposal for a directive
Article 34 – paragraph 1**

Text proposed by the Commission

Member States shall ensure that all eligible

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. 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.

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

Amendment 128

Proposal for a directive Article 36 – paragraph 1

Text proposed by the Commission

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

Amendment

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

Amendment 129

Proposal for a directive

Article 36 – paragraph 2 – introductory part

Text proposed by the Commission

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

Amendment

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

Amendment 130

Proposal for a directive

Article 36 – paragraph 2 – point a

Text proposed by the Commission

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

Amendment

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

Amendment 131

Proposal for a directive

Article 36 – paragraph 2 – point b

Text proposed by the Commission

(b) such facilities are necessary for the distribution system operators to fulfil their

Amendment

(b) such facilities are necessary for the distribution system operators to fulfil their

obligations under this Directive for the efficient, reliable and secure operation of the distribution system; and

obligations under this Directive for the efficient, reliable and secure operation of the distribution system, and ***the ownership or operation of the facility does not influence competitive energy markets;***

Amendment 132

Proposal for a directive Article 36 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

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

Amendment 133

Proposal for a directive Article 36 – paragraph 4

Text proposed by the Commission

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 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.

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

associated costs can be recovered.

Amendment 134

**Proposal for a directive
Article 36 a (new)**

Text proposed by the Commission

Amendment

Article 36a

New activities of distribution system operators

- 1. Distribution system operators shall not be allowed to carry out activities beyond those set out in this Directive and in Regulation (EU) ... [recast of Regulation 714/2009 as proposed by COM(2016)861/2].***
- 2. Member States may allow distribution system operators to carry out activities other than those provided for in this Directive and in Regulation (EU) ... [recast of Regulation 714/2009 as proposed by COM(2016)861/2] where the regulatory authority has assessed the necessity of such a derogation and has granted its approval and the following conditions are met:***
 - (a) other parties, following an open and transparent tendering procedure, have not expressed their interest to carry out those activities;***
 - (b) such activities are necessary for the distribution system operators to fulfil their obligations under this Directive for the efficient, reliable and secure operation of the distribution system;***
 - (c) such activities are necessary for the distribution system operators to fulfil***

their obligations under the Regulation (EU) ... [recast of Regulation 714/2009 as proposed by COM(2016)861/2], including an obligation to cooperate with transmission system operators, ensuring the cost-efficient, secure and reliable development and operation of the distribution and transmission networks as a whole.

Justification

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

Amendment 135

Proposal for a directive

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

Text proposed by the Commission

Amendment

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

Justification

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

Amendment 136

Proposal for a directive

Article 40 – paragraph 1 – point j

Text proposed by the Commission

Amendment

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

(j) cooperating with the Agency, regional coordination centres and the ENTSO for electricity on the adoption of a

framework for the cooperation and coordination between regional *coordination* centres;

Amendment 137

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

Text proposed by the Commission

Amendment

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

Amendment 138

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

Text proposed by the Commission

Amendment

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

Amendment 139

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

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.

applicable. The transmission system operator to which the tasks are assigned shall be certified as ownership unbundled, ***independent system operator or independent transmission operator*** and fulfil the requirements provided for in Article 43, but does not have to own the transmission system it is responsible for. The transmission system operator which owns the transmission system shall fulfil the requirements provided for in Chapter VI and be certified in accordance with Article 43.

Amendment 140

Proposal for a directive Article 40 – paragraph 3

Text proposed by the Commission

Amendment

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.

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

Amendment 141

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

Text proposed by the Commission

Amendment

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

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

non-frequency ancillary services, is:

technical viability analysis and approved by the competent authority, non-frequency ancillary services , is:

Amendment 142

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

Text proposed by the Commission

Amendment

5a. Member States shall provide the necessary regulatory framework to allow and incentivise transmission system operators to procure services in order to improve efficiencies in the operation and development of the transmission system, including local congestion management. In particular, regulatory frameworks shall ensure that transmission system operators can procure services from resources such as demand response or storage and consider energy efficiency measures, when such services cost-effectively supplant the need to upgrade or replace electricity capacity and which support the efficient and secure operation of the transmission system. Transmission system operators shall procure those services in accordance with transparent, non-discriminatory and market based procedures.

Standardised market products for such services shall be defined at least at the national level. Transmission system operators shall, in a transparent and participatory process that includes all relevant system users and the national regulatory authority, define standardised market products for the services procured ensuring effective participation of all

market participants including renewable energy sources, demand response, storage and aggregators. Transmission system operators shall exchange all necessary information and coordinate with distribution system operators in order to ensure the optimal utilisation of resources, ensure the secure and efficient operation of the system and facilitate market development. Transmission system operators shall be adequately remunerated for the procurement of such services in order to recover at least the corresponding expenses, including the necessary information and communication technologies expenses.

Amendment 143

Proposal for a directive Article 47 – paragraph 3

Text proposed by the Commission

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

Amendment

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

Justification

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

Amendment 144

Proposal for a directive Article 51 – paragraph 1

Text proposed by the Commission

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

Amendment

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

Amendment 145

Proposal for a directive Article 51 – paragraph 3

Text proposed by the Commission

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

Amendment

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

plans for regional and Union wide networks.

Amendment 146

Proposal for a directive Article 51 – paragraph 5

Text proposed by the Commission

5. The regulatory authority shall examine whether the ten-year network development plan covers all investment needs identified during the consultation process, and whether it is consistent with the non-binding Union -wide ten-year network development plan (Union -wide network development plan) referred to in [Article 27(1)(b) of recast of Regulation 714/2009 as proposed by COM(2016)861/2]. If any doubt arises as to the consistency with the Union -wide network development plan, the regulatory authority shall consult the Agency. The regulatory authority may require the transmission system operator to amend its ten-year network development plan.

Amendment

5. The regulatory authority shall examine whether the ten-year network development plan covers all investment needs identified during the consultation process, and whether it is consistent with the non-binding Union wide ten-year network development plan Union wide network development plan) referred to in [Article 27(1)(b) of recast of Regulation 714/2009 as proposed by COM(2016)861/2]. If any doubt arises as to the consistency with the Union wide network development plan **or with the *National Energy and Climate Plans submitted in accordance with Regulation (EU) ... [Governance Regulation]***, the regulatory authority shall consult the Agency. The regulatory authority may require the transmission system operator to amend its ten-year network development plan.

Justification

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

Amendment 147

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

Text proposed by the Commission

Amendment

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

Justification

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

Amendment 148

Proposal for a directive Article 54 – paragraph 1

Text proposed by the Commission

Amendment

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

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

Amendment 149

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

Text proposed by the Commission

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

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:

services if **all of** the following conditions are fulfilled:

Amendment 150

Proposal for a directive

Article 54 – paragraph 2 – point a

Text proposed by the Commission

(a) other parties, following an open and transparent tendering procedure, have not expressed their interest to own, control, manage or operate such facilities offering storage and/or non-frequency ancillary services to the transmission system operator;

Amendment

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

Amendment 151

Proposal for a directive

Article 54 – paragraph 2 – point b

Text proposed by the Commission

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

Amendment

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

Amendment 152

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

Text proposed by the Commission

Amendment

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

Amendment 153

Proposal for a directive Article 54 – paragraph 4

Text proposed by the Commission

Amendment

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.***

4. **Member States 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. *Where the public consultation indicates that third parties are able to own, develop, operate or manage such facilities, Member States shall ensure that the activities of transmission system operators in this regard are phased out.***

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

Text proposed by the Commission

Amendment

(a) the regulatory authority can take autonomous decisions, independently from any political body, ***and has separate***

(a) the regulatory authority can take autonomous decisions, independently from

annual budget allocations, with autonomy in the implementation of the allocated budget, and adequate human and financial resources to carry out its duties; and any political body;

Justification

The text has been moved to a separate subparagraph.

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

Amendment 155

Proposal for a directive

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

Text proposed by the Commission

Amendment

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

Justification

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

Amendment 156

Proposal for a directive

Article 57 – paragraph 5 – subparagraph 1 – point b b (new)

Text proposed by the Commission

Amendment

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

Justification

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

Amendment 157

Proposal for a directive

Article 57 – paragraph 5 a (new)

Text proposed by the Commission

Amendment

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

Justification

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

Amendment 158

Proposal for a directive

Article 58 – paragraph 1 – point g

Text proposed by the Commission

Amendment

(g) ensuring that customers benefit through the efficient functioning of their

(g) ensuring that customers benefit through the efficient functioning of their

national market, promoting effective competition and *helping to ensure* consumer protection;

national market *and their participation therein is not restricted*, promoting effective competition and *to guarantee* consumer protection *in close cooperation with relevant consumer protection authorities*;

Justification

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

Amendment 159

Proposal for a directive

Article 59 – paragraph 1 – point n

Text proposed by the Commission

Amendment

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

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

Justification

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

Amendment 160

Proposal for a directive

Article 59 – paragraph 1 – point o

Text proposed by the Commission

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

Amendment

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

Justification

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

Amendment 161

Proposal for a directive

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

Text proposed by the Commission

Amendment

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

Justification

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

Amendment 162

Proposal for a directive

Article 59 – paragraph 1 – point q

Text proposed by the Commission

Amendment

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

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

Justification

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

Amendment 163

Proposal for a directive

Article 59 – paragraph 1 – point s

Text proposed by the Commission

Amendment

(s) ensuring access to customer consumption data, the provision, for optional use, of an easily understandable harmonised format at national level for consumption data, and prompt access for all customers to such data pursuant to Articles 23 and 24 ;

(s) ensuring ***non-discriminatory*** access to customer consumption data, the provision, for optional use, of an easily understandable harmonised format at national level for consumption data, and prompt access for all customers to such data pursuant to Articles 23 and 24 ;

Justification

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

Amendment 164

Proposal for a directive

Article 59 – paragraph 1 – point x

Text proposed by the Commission

(x) monitoring the availability of comparison *websites*, including comparison *tools* that fulfil the criteria set out in Article 14 **and Annex I**.

Amendment

(x) monitoring the availability of comparison *tools*, including comparison ***websites, apps and other interactive means***, that fulfil the criteria set out in Article 14.

Amendment 165

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

Text proposed by the Commission

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

Amendment

(d) ***at its own initiative or upon request from the Agency to enforce its binding decisions***, to impose effective, proportionate and dissuasive penalties on electricity undertakings, ***ENTSO of Electricity or regional coordination centres***, not complying with their obligations under this Directive, ***Regulation (EU) ... [recast of Regulation 714/2009 as proposed by COM (2016) 861/2]***, or any relevant legally binding decisions of the regulatory authority or of the Agency, or to propose that a competent court impose such penalties. This shall include the power to impose or propose the imposition of penalties of up to 10 % of the annual turnover of the transmission system operator on the transmission system operator or of up to 10 % of the annual turnover of the vertically integrated undertaking on the vertically integrated undertaking, as the case may be, for non-compliance with their respective obligations pursuant to this Directive; and

Justification

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

Amendment 166

Proposal for a directive Article 59 – paragraph 8

Text proposed by the Commission

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

8. With a view to increasing transparency in the market and provide to all interested parties all necessary information, decisions or proposals for a decision concerning transmission and distribution tariffs as referred in Article 60(3), regulatory authorities shall make available to market parties the detailed methodology and underlying costs used for the calculation of the relevant network tariffs *by taking into account the investment cost, added value of distributed generation, flexibility, digitalisation, demand response, storage and use of the networks by system users including active customers and other factors.*

Amendment 167

Proposal for a directive Article 62 – title

Text proposed by the Commission

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

Amendment

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

Amendment 168

Proposal for a directive

Article 62 – paragraph 1 – introductory part

Text proposed by the Commission

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

Amendment

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

Amendment 169

Proposal for a directive

Article 62 – paragraph 1 – point a

Text proposed by the Commission

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

Amendment

- (a) approve the *proposal for the establishment of regional coordination centres in accordance with Article 32(1) of Regulation (EU) ... [recast of Regulation 714/2009 as proposed by COM (2016) 861/2]*;

Amendment 170

Proposal for a directive

Article 62 – paragraph 1 – point c

Text proposed by the Commission

- (c) approve the cooperative **decision-making process**;

Amendment

- (c) approve the cooperative **processes**;

Amendment 171

Proposal for a directive

Article 62 – paragraph 1 – point d

Text proposed by the Commission

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

Amendment

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

Amendment 172

Proposal for a directive

Article 62 – paragraph 2 – point a

Text proposed by the Commission

(a) to request information from regional **operational** centres;

Amendment

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

Amendment 173

Proposal for a directive

Article 62 – paragraph 2 – point b

Text proposed by the Commission

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

Amendment

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

Amendment 174

Proposal for a directive

Article 62 – paragraph 2 – point c

Text proposed by the Commission

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

Amendment

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

Amendment 175

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

Text proposed by the Commission

Amendment

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

Amendment 176

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

Text proposed by the Commission

Amendment

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

Amendment 177

Proposal for a directive Article 69 a (new)

Text proposed by the Commission

Amendment

Article 69a

Review

By 1 June 2025, the Commission shall review and submit a report on the implementation of this Directive, together with a legislative proposal if appropriate,

to the European Parliament and to the Council.

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

Amendment 178

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

Text proposed by the Commission

(a) be *operationally* independent and ensure that suppliers are given equal treatment in search results;

Amendment

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

Amendment 179

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

Text proposed by the Commission

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

Amendment

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

Amendment 180

Proposal for a directive Annex I – paragraph 1 – point c

Text proposed by the Commission

(c) set out clear, objective criteria on

Amendment

(c) set out clear, objective criteria on

which the comparison will be based;

which the comparison will be based,
displaying included services;

Amendment 181

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

Text proposed by the Commission

Amendment

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

Amendment 182

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

Text proposed by the Commission

Amendment

(da) be accessible for persons with disabilities;

Amendment 183

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

Text proposed by the Commission

Amendment

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

(f) include an as complete a range of *energy* offers, *including information on energy sources, and provide transparency of various offers covering both dynamic and non-dynamic tariffs, individual and bundled contracts, from suppliers, aggregators and service providers*, and, where the information presented is not a

complete overview of the market, a clear statement to that effect, before displaying results; and

Amendment 184

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

Text proposed by the Commission

Amendment

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

Amendment 185

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

Text proposed by the Commission

Amendment

The following information shall be prominently displayed to final customers in their bills and periodical settlement bills:

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

Amendment 186

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

Text proposed by the Commission

Amendment

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

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

Amendment 187

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

Text proposed by the Commission

Amendment

(aa) when the payment is due;

Amendment 188

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

Text proposed by the Commission

Amendment

**(d) the contact details of the supplier
including a consumer support hotline;**

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

Amendment 189

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

Text proposed by the Commission

Amendment

**(da) the information on switching and
dispute settlement;**

Amendment 190

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

Text proposed by the Commission

Amendment

**(ga) a link or reference to where price
comparison site(s) can be found;**

Amendment 191

Proposal for a directive

Annex II – point 1 – paragraph 1 – point h

Text proposed by the Commission

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

Amendment

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

Amendment 192

Proposal for a directive

Annex II – point 1 – paragraph 1 – point h a (new)

Text proposed by the Commission

Amendment

(ha) *the single point of contact referred to in Article 25.*

Amendment 193

Proposal for a directive

Annex II – point 1 – paragraph 2 – introductory part

Text proposed by the Commission

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

Amendment

The following information shall be displayed to final customers in or with their bills and periodical settlement bills:

Amendment 194

Proposal for a directive

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

Text proposed by the Commission

Amendment

(ca) *information on their rights as regards the means of dispute settlement*

available to them in the event of a dispute pursuant to Article 26.

Amendment 195

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

Amendment 196

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

Text proposed by the Commission

The customers' price is the sum of the following three main components: the energy and supply component, the network component (transmission and distribution) and the component comprising taxes, levies, fees and charges.

Amendment

The customers' price is the sum of the following three main components: the energy and supply component, the network component (transmission and distribution) and the component comprising taxes, levies, *all subsidies*, fees and charges.

Amendment 197

Proposal for a directive Annex II – point 3 – paragraph 2 – 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

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 *in a user-friendly format*, via the internet or the

least the previous 24 months or the period since the start of the supply contract if this is shorter.

meter interface for the period of at least the previous 24 months or the period since the start of the supply contract if this is shorter.

Amendment 198

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

Amendment 199

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

Amendment

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

this Directive.

this Directive.

EXPLANATORY STATEMENT

I. Introduction

For years electricity systems in Europe were dominated by national monopolies, which controlled the entire system from production through distribution and delivery to the consumer. Although such a “top-down” system provided electricity, it did not allow for any competition, which is not beneficial for consumers. Since 1996, electricity markets have been gradually opened to foster competition and bring down prices. The last substantive EU legislative changes came with the Third Energy Package back in 2009.

Since that time, a revolution has occurred in the generation of electricity. Electricity production has evolved from a “spoke and wheel” centralized system to a much more decentralized one, due to advances in renewable and other technologies. Once again legislation needs to be adjusted to adopt to this new reality.

Renewables (often coming from the wind or the sun) have introduced a large degree of intermittency to the system, which has had to adapt to become more flexible while still guaranteeing security of supply to consumers. Our climate goals have fostered various subsidy and support schemes, which combined with incomplete cross-border cooperation between EU Member States have resulted in an overcapacity of generation on EU level. In many Member States, regulated prices combined with the disjoint support schemes are sending the wrong signals for investments.

To address these challenges and to foster decarbonisation, your rapporteur has taken a “market first” approach, which means creating a truly level playing field for all market participants. This entails moving away from market-distorting subsidies, whether they are for fossil fuels, nuclear, or renewable energy sources. Fair rules mean fair competition in the market. A fair electricity market will deliver both our climate goals as well as the lowest and most competitive prices for consumers, at the same time ensuring security of supply without over-investment.

II. The report

II.1. Market first

A fundamental principle of any market is free movement of prices. Therefore removal of price caps is an essential element and should take place as soon as possible.

Capacity mechanisms are subsidies, which make little to no sense when there is overcapacity in the EU. The rapporteur believes that they should be applied only as a last resort. First, the European adequacy assessment would have to establish that the adequacy concern exists. Then the Member State would have to address the existing obstacles causing the adequacy concern through concrete commitments, subject to review by the Commission. Where the adequacy concern can only be addressed over a longer period of time, a capacity mechanism would be allowed, subject to certain conditions and EU State aid rules. Such mechanisms, where feasible, would have to be cross-border.

A level playing field for all is the key element in ensuring that prices are based on competition. The current support to some producers in the form of priority dispatch and derogation from balancing responsibility distorts competition. The rapporteur believes that for the market to deliver, everyone has to be financially responsible

for the imbalances they cause in the system. Such an approach provides the right incentive to keep the system in balance and ensures the appropriate level of security of supply, reducing the need for capacity mechanisms.

II.2. Bidding zones

Larger bidding zones provide more liquidity, but less incentives for grid investments. The rapporteur shares the view that bidding zones should be stable over time and as large as possible, taking into account systemic congestion. He is suggesting a carrot and a stick approach. First, after the bidding zone review, relevant Member States should agree unanimously on the bidding zone structure and concrete commitments where necessary. When an agreement cannot be reached, the Commission should step in to resolve the disagreement.

II.3. Regional cooperation

In the electricity market, what happens in one Member State influences others in the region and beyond. To ensure system security and avoid blackouts, more regional cooperation of the transmission system operators is key. The rapporteur sees the great benefit which the already operational regional security coordinators provide in ensuring system security. As electricity markets become ever more interlinked, enhancing this cooperation by assigning more tasks and functions at the regional level is the next logical step. However, the ultimate responsibility for the security of the system has to remain with the transmission system operators.

II.4. Consumer

Technology now allows new actors to become active on the electricity market. Therefore, the market design has to allow and facilitate inclusion of everyone that can and is willing to participate, whether it is through self-generation, storage, or demand response. Removing market barriers means more market players and more choice for the consumer. The rapporteur is also suggesting changes in the proposal to ensure that the consumer can make well-informed decisions and switch suppliers in a short period of time.

OPINION OF THE COMMITTEE ON LEGAL AFFAIRS

D(2017)36117

Jerzy Buzek
Chair, Committee on Industry, Research and Energy
PHS 08B046
Brussels

Subject: Proposal for a directive of the European Parliament and of the Council on common rules for the internal market in electricity (recast) (COM(2016)0864 – C8-0495/2016 – 2016/0380(COD))

Dear Chair,

The Committee on Legal Affairs has examined the proposal referred to above, pursuant to Rule 104 on Recasting, as introduced into the Parliament's Rules of Procedure.

Paragraph 3 of that Rule reads as follows:

“If the committee responsible for legal affairs considers that the proposal does not entail any substantive changes other than those identified as such in the proposal, it shall inform the committee responsible for the subject matter thereof.

In such a case, over and above the conditions laid down in Rules 169 and 170, amendments shall be admissible within the committee responsible for the subject-matter only if they concern those parts of the proposal which contain changes.

However, amendments to parts of the proposal which remain unchanged may, by way of exception and on a case-by-case basis, be accepted by the Chair of the committee responsible for the subject matter if he or she considers that this is necessary for pressing reasons relating to the internal logic of the text or because the amendments are inextricably linked to other admissible amendments. Such reasons must be stated in a written justification to the amendments.”

Following the opinion of the Consultative Working Party of the Legal Services of the Parliament, the Council and the Commission, which has examined the recast proposal, and in keeping with the recommendations of the rapporteur, the Committee on Legal Affairs considers that the proposal in question does not include any substantive changes other than those identified as such in the proposal and by the Consultative Working Party and that, as regards the codification of the unchanged provisions of the earlier acts with those changes, the proposal contains a straightforward codification of the existing texts, without any change in their substance.

In conclusion, at its meeting of 7 September 2017, the Committee on Legal Affairs, by 19 votes in favour and 2 abstentions¹, recommends that the Committee on Industry, Research and Energy, as the committee responsible, can proceed to examine the above proposal in accordance with Rule 104.

Yours sincerely,

Pavel Svoboda

Encl.: Report signed by the President of the Consultative Working Party.

¹ The following Members were present: Isabella Adinolfi, Max Andersson, Joëlle Bergeron, Marie-Christine Boutonnet, Jean-Marie Cavada, Kostas Chrysogonos, Sergio Gaetano Cofferati, Angel Dzhambazki, Lidia Joanna Geringer de Oedenberg, Mary Honeyball, Sylvia-Yvonne Kaufmann, Gilles Lebreton, António Marinho e Pinto, Gabriel Mato, Andrey Novakov, Julia Reda, Evelyn Regner, Axel Voss, Rainer Wieland, Tiemo Wölken, Tadeusz Zwiefka.

ANNEX: OPINION OF THE CONSULTATIVE WORKING PARTY OF THE LEGAL SERVICES OF THE EUROPEAN PARLIAMENT, THE COUNCIL AND THE COMMISSION



GRUPE CONSULTATIF
DES SERVICES JURIDIQUES

Brussels, 24.07.2017

OPINION

**FOR THE ATTENTION OF THE EUROPEAN PARLIAMENT
THE COUNCIL
THE COMMISSION**

**Proposal for a Directive of the European Parliament and of the Council on common rules for the internal market in electricity (recast)
COM(2016) 864 final/2 of 23.2.2017 - 2016/0380 (COD)**

Having regard to the Inter-institutional Agreement of 28 November 2001 on a more structured use of the recasting technique for legal acts, and in particular to point 9 thereof, the Consultative Working Party consisting of the respective legal services of the European Parliament, the Council and the Commission met on 6 June 2017 for the purpose of examining the aforementioned proposal submitted by the Commission.

At that meeting¹, an examination of the proposal for a Directive of the European Parliament and of the Council recasting 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 resulted in the Consultative Working Party's establishing, by common accord, that the following should have been marked with the grey-shaded type generally used for identifying substantive changes:

- in recital 2, the deletion of the words '*and more cross-border trade, so as to achieve efficiency gains*';
- in recital 37, the deletion of the first three sentences of recital 50 of Directive 2009/72/EC, which read '*The public service requirements, including as regards the universal service, and the common minimum standards that follow from them need to be further strengthened to make sure that all consumers, especially vulnerable ones, are able to benefit from competition and fair prices. The public service requirements should be defined at national level, taking into account national circumstances; Community law should, however, be respected by the Member States. The citizens of the Union and, where Member States deem it appropriate, small*

¹ The Consultative Working Party worked on the basis of the English language version of the proposal, being the master-copy language version of the text under discussion.

enterprises, should be able to enjoy public service obligations, in particular with regard to security of supply, and reasonable prices;

- in Article 1, the deletion of the word '*integrating*';
- in Article 9(5), the deletion of a reference to Article 8 of Directive 2009/72/EC;
- in Article 10(2)(g), the deletion of the wordings '*benefit from transparent, simple and inexpensive procedures for dealing with their complaints. In particular, all consumers shall have the right to a good standard of service and complaint handling by their electricity service provider. Such out-of-court dispute settlements procedures shall enable disputes to be settled fairly and promptly, preferably within three months, with provision, where warranted, for a system of reimbursement and/or compensation* ';
- after the text of Article 18, the deletion of the entire wording of paragraph 10 of Article 3 of Directive 2009/72/EC;
- after the text of Article 25, the deletion of the entire wording of paragraph 16 of Article 3 of Directive 2009/72/EC;
- in Article 26, the deletion of the words '*an independent mechanism such as an energy ombudsman or a consumer body is in place in order to ensure efficient treatment of complaints and out-of-court dispute settlements*';
- in Article 27(2), the replacement of the words '*the opening of the market*' with the words '*the free choice of supplier*';
- in Article 28(1), the deletion of the adjective '*final*' preceding the word '*customers*';
- in Article 38(2)(a), the deletion of the words '*reserve capacity*';
- in Article 47(3), the adding of the initial words '*The vertically integrated undertaking and its*';
- in Article 59(4), introductory wording, the adding of the words '*and 3*';
- in Article 61(2)(d), the adding of the words '*and guidelines*';
- in Article 66(1), the replacement of the current wording '*may apply for derogations from the relevant provisions of Chapters IV, VI, VII, and VIII, as well as Chapter III, in the case of micro isolated systems, as far as refurbishing, upgrading and expanding existing capacity are concerned, which may be granted to them by the Commission 23(2)*' with to the wording '*may apply for derogations from the relevant provisions of Chapters IV, V and VI as well as articles 4, 6, 7 and 8*';
- in point 4(a) of Annex II, the adding of the words '*(at national level i. e. in the Member State where the supply contract has been concluded, as well as at the level of the supply undertaking if the supplier is active in several Member States)*';
- in the second subparagraph of point 4 of Annex II, the reference to point (b) of the first subparagraph of that same point;
- in point 3 of Annex III, the replacement of the word '*consumers*' with the words '*final customers*'.

In consequence, examination of the proposal has enabled the Consultative Working Party to conclude, without dissent, that the proposal does not comprise any substantive amendments other than those identified as such. The Working Party also concluded, as regards the codification of the unchanged provisions of the earlier act with those substantive amendments, that the proposal contains a straightforward codification of the existing legal text, without any change in its substance.

F. DREXLER
Jurisconsult

H. LEGAL
Jurisconsult

L. ROMERO REQUENA
Director General

24.11.2017

OPINION OF THE COMMITTEE ON THE ENVIRONMENT, PUBLIC HEALTH AND FOOD SAFETY

for the Committee on Industry, Research and Energy

on a proposal for a directive of the European Parliament and of the Council on common rules for the internal market in electricity (recast)
(COM(2016)0864 – C8-0495/2016 – 2016/0380(COD))

Rapporteur: Pavel Poc

SHORT JUSTIFICATION

Overall, the Rapporteur welcomes the proposal for the Directive put forward by the Commission.

Legislative proposal correctly:

1. puts consumers in the center of energy transition
2. strives to create level-playing field allowing for participation of renewables in the market
3. enhances regional cooperation

However, to ensure that the goals of the European energy policy and of the energy union are fully achieved the proposal for the Directive needs to be amended in certain areas.

- Transition to a clean economy must be done in a way, which poses a bearable burden to energy consumers.
- More impact shall be given to market integration and related market functioning, for which equal level-playing field for all participants is a condition sine qua non.
- New legal framework on both European and national levels shall create fair conditions for participation of new entities such as aggregators or local energy communities on the market and at the same time shall not be discriminatory to other market participants.

Closer integration of balancing market, with the aim of allowing renewables and demand side's efficient participation across borders, is crucial. However, there is also a need to ensure security of supply at all times. To this aim, rights in this area must strictly correspond to responsibilities, in order to avoid any impact on consumers. Member States and in most cases

their national TSOs are responsible and accountable for the security of electricity supplies.

Clear rules for new players on the market, such as aggregators or local energy communities, are needed. Rapporteur welcomes that Commission addressed this issue in the legislation, however, the Rapporteur does not believe that the rules for aggregators were set correctly. Accompanying Impact assessment states that if there are no compensation mechanisms between aggregators and balancing responsible parties foreseen, there is a risk of aggregators being free riders not participating at system costs and activating demand response in an inefficient way.

The Rapporteur would like to underline the need to duly ensure protection of vulnerable and energy poor consumers. Commission correctly puts emphasis on social policy and on phase-out of price regulation, which eventually proved to be discriminatory also towards vulnerable and energy poor consumers. Certain details, such as the clear definition of situation of extreme urgency, in which the price regulation may be exceptionally applied, needs to be specified, to avoid any doubts in implementation of these provisions.

The Rules on local energy communities shall also be designed in a way which ensures that consumers, which opt not to take part in the local energy community, are not disadvantaged, and that local energy communities will not increase the costs of the electricity system as such, which could have a detrimental effect on energy poor and vulnerable consumers.

Better linking wholesale and retail market is crucial for increasing system flexibility and integration of renewables. Provisions bringing the possibility for each customer to ask for a dynamic pricing contract from his electricity service provider are welcomed.

In order to facilitate demand response, it is crucial to provide customers with all information necessary for their participation in the market and for a wise and informed choice on their electricity service provider. There is a need for plain and simple electricity bills, as well as to search for other innovative ways of providing additional information related to billing.

Cost-efficient deployment of smart elements can simplify the integration of renewables and participation of consumers in the energy market. In this connection it is important to highlight that the most cost-efficient way when deploying smart-meters, is the one which correlates with the exchange of existing meters at the end of their life cycle. The Rapporteur therefore stresses the need to clarify the treatment and compliance of those smart meters having been rolled-out before the Directive comes into force in a way which does not negatively impact end prices for consumers.

The Rapporteur welcomes the emphasis the Commission puts on the distribution system operators which are crucial for enhancing the system flexibility and readiness to deploy renewable energy sources at local level.

Any use of flexibility in distribution networks, including energy storage, must be done in the most cost-efficient manner, in order to allow for most benefits for end consumers. The Rapporteur therefore suggests considering amendments of rules on ownership of storage facilities by distribution system operators.

Integration of electro-mobility into the electricity network will also allow for active participation of end consumers and thus increase the overall flexibility of the electricity

system. Nevertheless, there is a need to distinguish between public operation and private use when considering ownership of electro-mobility infrastructure by DSOs.

Cooperation of DSOs across Europe is also crucial. In this connection, the conditions for participation of distribution system operators in the EU DSO entity shall be further specified, ensuring their proportional representation, and entity's funding.

AMENDMENTS

The Committee on the Environment, Public Health and Food Safety calls on the Committee on Industry, Research and Energy, as the committee responsible, to take into account the following amendments:

Amendment 1

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 % by 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.

Amendment 2

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. ***It is equally important for the Union to invest urgently in interconnection at European level for the transfer of energy through high-voltage, electric power transmission systems.***

³¹ COM (2015) 340 final of 15.7.2015.

Amendment 3

Proposal for a directive Recital 6 a (new)

Text proposed by the Commission

Amendment

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

Justification

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

Amendment 4

Proposal for a directive Recital 7 a (new)

Text proposed by the Commission

Amendment

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

Justification

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

Amendment 5

Proposal for a directive Recital 11

Text proposed by the Commission

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.

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

Justification

The amendment is linked to two amendments to Article 3.

Amendment 6

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.

Amendment 7

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 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 with regard to Member States which have not yet attained a minimum level of integration in the internal energy market, and to Member States which constitute their main point of access to the internal energy market.

Amendment 8

Proposal for a directive Recital 15

Text proposed by the Commission

Amendment

(15) Member States should maintain a wide discretion to impose public service obligations on electricity undertakings in pursuing objectives of general economic

(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.

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

Amendment 9

Proposal for a directive Recital 23

Text proposed by the Commission

(23) Independent comparison tools including websites are an effective means

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.

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. Those 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.

Amendment 10

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

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 capacity markets so as to encourage the

demand response.

participation of demand response.

Amendment 11

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 Union internal targets, a comprehensive change of direction towards low-carbon economy is needed. 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 therefore, needed. It should be guaranteed that Union funding will not be allocated to projects, which are not compliant with CO₂ reduction targets and policies. By means of delegated acts, the Commission should establish an advanced and transparent methodology for evaluation of the environmental performance of the applications in electricity market.

Amendment 12

Proposal for a directive Recital 29 a (new)

Text proposed by the Commission

Amendment

(29a) 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. In order 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 the benefits of self-consumption with regard to costs to the grid, the environment and society which have been avoided, in particular when combined with other distributed energy resources such as energy efficiency, energy storage, demand response and community networks.

Amendment 13

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.

Justification

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

Amendment 14

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 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 States to identify those households *at risk of* energy poverty in order to provide targeted support. *Member States should also use the energy poverty measurement figures when reporting on the Sustainable Development Goals, namely Goal 7.1 on universal access to affordable, reliable and modern energy services.* The Commission should, *taking into account, inter alia, the European Energy Poverty Observer,* actively *and as a priority* support the implementation of the provisions on energy poverty by facilitating the sharing of good practices between Member States.

Amendment 15

Proposal for a directive

Recital 40 a (new)

Text proposed by the Commission

Amendment

(40a) The Commission should take action, including awareness raising and targeted projects for energy efficiency, to enable energy-poor customers to take advantage of market opportunities. The Member States should also, inter alia, provide sufficient resources for information for consumers at risk of energy poverty.

Amendment 16

Proposal for a directive

Recital 41

Text proposed by the Commission

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.

(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 ***consumers at risk of energy poverty***. Low income, high energy expenditure, and poor energy efficiency of homes are relevant factors in designing ***Union-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. ***As a minimum***, this Directive should ***support*** national policies in favour of vulnerable and energy poor customers.

Amendment 17

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 18

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 19

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.

Amendment 20

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

Amendment

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;

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;

Amendment 21

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 in a multi-apartment block, in a commercial, industrial, residential or shared services site or in 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;

Amendment 22

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 and control** by local shareholders or members **who are participating as final customers, 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;

Amendment 23

Proposal for a directive

Article 2 – paragraph 1 – point 11

Text proposed by the Commission

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;

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, *as well as wholesale price volatility*;

Amendment 24

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

Amendment 25

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

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 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;

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;

Justification

This amendment is linked to AMs 95-103 on Article 36 (ownership of storage facilities by distribution system operators) and to amendment 67 on Article 16(2)(f) (which aims to ensure that local energy communities should also be allowed to conclude an agreement with distribution system operators for the storage of electricity).

Amendment 26

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 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;**

Amendment

25. ‘energy from renewable sources’ means energy from **variable** renewable non-fossil sources, in particular wind **and** solar (solar thermal and solar photovoltaic), **and** geothermal energy, ambient heat, hydropower and tide, **wave and other** ocean energy, **biomass waste, biomethane, landfill gas, sewage treatment plant gas and biogases;**

Justification

This amendment is linked to AMs 95-103 on Article 36 (ownership of storage facilities by distribution system operators) and to amendment 67 on Article 16(2)(f) (which aims to ensure that local energy communities should also be allowed to conclude an agreement with distribution system operators for the storage of electricity).

Amendment 27

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

Text proposed by the Commission

38. ‘non-frequency ancillary service’

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 and black start capability;

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;

Amendment 28

Proposal for a directive

Article 2 – paragraph 1 – point 47 a (new)

Text proposed by the Commission

Amendment

47a. *'distributed energy resources' means energy resources which are provided to the electrical network, through either the meter in the customer's premise, or the distribution network, including but not limited to energy storage, energy efficiency, electrical vehicles, distributed generation of electricity from renewable energy sources, community networks and demand response;*

Amendment 29

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 ***promotes*** cross-border ***transactions relating to*** electricity, consumer participation including through ***market-based*** 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 open and accessible consumer participation in the electricity market.***

Amendment 30

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**, electricity supply undertakings **by any producer and for demand response providers**.

Amendment 31

Proposal for a directive Article 3 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2a. The Commission and the Member States shall ensure that a level playing field for all market participants is created and shall prevent discrimination.

Amendment 32

Proposal for a directive Article 3 – paragraph 2 b (new)

Text proposed by the Commission

Amendment

2b. 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.

Amendment 33

Proposal for a directive Article 4 – paragraph 1

Text proposed by the Commission

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

Amendment

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

Justification

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

Amendment 34

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.

Amendment 35

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 **at risk of energy poverty** in a targeted manner by other

means than public interventions **based on non-replicable** price-setting for the supply of electricity.

Amendment 36

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 may continue to apply such public interventions, **provided that they** 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 37

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

Text proposed by the Commission

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

Amendment

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

Justification

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

Amendment 38

Proposal for a directive

Article 7 – paragraph 1 – point b

Text proposed by the Commission

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

Amendment

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

Justification

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

Amendment 39

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 shall promote the procurement of energy from variable renewable sources by corporate customers, in accordance with Article 15(9) of Directive (EU) .../... [Recast***

Renewable Energy Directive].

Justification

This amendment is linked to AM 1 on Recital 3 (which refers to the common goal to increase the share of renewable energy in the electricity sector to at least 45 % by 2030 and to fully decarbonise the energy system by 2050), to ensure consistent aims throughout. It is also linked to amendments on priority access to energy from variable renewable energy sources (AMs 55, 90 and 108). 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 40

Proposal for a directive Article 7 – paragraph 3

Text proposed by the Commission

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

Amendment

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

Justification

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

Amendment 41

Proposal for a directive 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

Amendment

Member States ***shall*** set guidelines for that specific authorisation procedure, ***which shall be publicly available.*** National

national authorities including planning authorities shall review those guidelines and may recommend amendments thereto.

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 42

Proposal for a directive

Article 10 – paragraph 2 – point a – subparagraph 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 Union level if the supplier is active in several Member States) over the preceding year in a comprehensive and clearly comparable manner;***

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 43

Proposal for a directive

Article 10 – paragraph 2 – point a – subparagraph 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 Union level if the supplier is active in several Member States) over the preceding year;

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 44

Proposal for a directive

Article 10 – paragraph 2 – point a – subparagraph 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);***

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 45

Proposal for a directive

Article 10 – paragraph 2 – point a – subparagraph 2

Text proposed by the Commission

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. Where contracts are concluded through intermediaries, the information relating to the matters set out in this point shall also

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

be provided prior to the conclusion of the contract;

intermediaries, the information relating to the matters set out in this point shall also be provided prior to the conclusion of the contract;

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 46

Proposal for a directive

Article 10 – paragraph 2 – point b

Text proposed by the Commission

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

Amendment

(b) are given adequate notice of any intention to modify contractual conditions and are informed about their right to dissolve the contract when the notice is given. Suppliers ***or aggregators*** shall notify their customers directly of any adjustment in the supply ***or service*** price as well as of the reasons and preconditions for the adjustment and its scope, ***as soon as they are aware of such an adjustment, and*** no later than ***six weeks*** before the adjustment comes into effect in a transparent and comprehensible manner. Member States shall ensure that customers are free to withdraw from contracts if they do not accept the new contractual conditions or adjustments in the supply price notified to them by their electricity ***supplier or aggregator***;

Justification

Directive aims to help facilitate the development of new product and service providers – such as aggregators. To this aim, Article 10 dealing with contractual rights shall mention not only traditional suppliers, but also new providers - aggregators. This will ensure for coherency in the whole directive, as on other places, “electricity service provider” is used as a synonym

for “supplier”. Concerning the information on the change in electricity price, the customer needs to be informed well in advance of any price change. However, it is problematic to link the change in price with the billing frequency – in some cases (e.g. yearly or half-yearly billing period), it may be impossible to inform the customer so early, and in some cases it even may be late (e.g. monthly billing period). Thereby amending the article in a way which corresponds with the right of customer to change service provider within 3 weeks is suggested, giving customers sufficient time to decide. This amendment is necessary for the internal coherence of the text.

Amendment 47

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

Text proposed by the Commission

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

Amendment

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

Amendment 48

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

Text proposed by the Commission

(i) **are given** adequate information on alternatives to disconnection sufficiently in advance before the planned disconnection. These alternatives may refer to sources of support to avoid disconnection, alternative payment plans, debt management advice or disconnection moratorium **and should not constitute an extra cost to customers**;

Amendment

(i) **have access to** adequate information on alternatives to disconnection sufficiently in advance before the planned disconnection. These alternatives may refer to sources of support to avoid disconnection, alternative payment plans, debt management advice or disconnection moratorium, **such access being provided at no** extra cost;

Justification

If the alternatives to disconnection would present no cost for customers not able to pay their bills, they would need to be socialized amongst all system users. This would lead to increase in prices of electricity to all customers, including the vulnerable ones and the ones who requested an alternative in the first place.

Amendment 49

Proposal for a directive

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

Text proposed by the Commission

Amendment

(ja) 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 50

Proposal for a directive

Article 11 – paragraph 2

Text proposed by the Commission

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.

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, where appropriate, the installation of a smart meter at a reasonable cost, and that final consumers can terminate the contract if it proves to be too expensive.***

Justification

For the sake of legislative certainty, there is a need to clarify that dynamic pricing contract is possible only for customers who have a smart meter installed.

Amendment 51

Proposal for a directive 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.

Amendment 52

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. ***Member States may permit suppliers to*** charge ***reasonable*** contract termination fees to customers willingly terminating fixed term supply contracts before their maturity, ***unless termination is prompted by a clear failure to provide services***. Such fees may be charged only if customers receive a demonstrable advantage ***at the time of signature of the contract***. 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***.

Amendment 53

Proposal for a directive Article 13 – paragraph 2

Text proposed by the Commission

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

Amendment

2. Member States shall ensure that a final customer wishing to terminate the contract with an aggregator is entitled to such termination within three weeks.

Amendment 54

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**.

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 55

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

Text proposed by the Commission

(a) are entitled to generate, store, consume **and** sell self-generated electricity in all organised markets either individually or through aggregators without being subject to disproportionately burdensome

Amendment

(a) are entitled to generate, store, consume, sell **with priority access** self-generated electricity in all organised markets either individually or through aggregators, **as well as to participate in the**

procedures and charges that are not cost reflective;

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, and are entitled to receive a remuneration for self-generated electricity which reflects the market value of the electricity fed in;

Amendment 56

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

Amendment 57

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, *which reflect both the costs and benefits to the network based on a transparent cost-benefit analysis developed by the national regulatory authorities, including an assessment of their potential value to the grid and the contribution to other energy policy objectives*, in line with Article 59(8). *For local exchange of small scale power, these charges should be optional or at least proportionate to the distance of electricity transfer through the development of a tariff structure, in line with the cost-benefit analysis, that reflects, inter alia, both km and kWh transferred;*

Amendment 58

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

Text proposed by the Commission

Amendment

(ba) 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.

Amendment 59

Proposal for a directive Article 15 – paragraph 2

Text proposed by the Commission

Amendment

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

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.

Amendment 60

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

Text proposed by the Commission

Amendment

2a. 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.

Amendment 61

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, including community**, networks and to autonomously manage them;

Amendment 62

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

Text proposed by the Commission

Amendment

(ba) have non-discriminatory and technology neutral access to the grid;

Amendment 63

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

Amendment

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

aggregators;

operators or aggregators;

Amendment 64

Proposal for a directive

Article 16 – paragraph 1 – subparagraph 1 a (new)

Text proposed by the Commission

Amendment

With regard to point (d) of the first subparagraph, where the energy community engages in self-consumption or operates a community network, it may be exempted from charges when distributing electricity to their members in so far as this transfer happens within a 100m radius and involves a generating installation using renewable energy with an installed electricity capacity of less than 500 kW;

Amendment 65

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;

Amendment 66

Proposal for a directive

Article 16 – paragraph 2 – point d

Text proposed by the Commission

Amendment

(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;

(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;

Amendment 67

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**;

Amendment 68

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, except in case of negative prices, exceed value of electricity transferred, in line with 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.***

Amendment 69

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

Text proposed by the Commission

Amendment

2a. 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(1)(n).

Amendment 70

Proposal for a directive Article 17 – paragraph 3 – introductory part

Text proposed by the Commission

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:

3. Member States shall ensure that their regulatory framework encourages the participation of aggregators in ***all markets*** and that it contains at least the following elements:

Amendment 71

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

Text proposed by the Commission

Amendment

(b) transparent rules clearly assigning roles and responsibilities to all market participants;

(b) transparent rules clearly assigning roles and responsibilities to all market participants, ***including the need to respect operational security of the distribution and transmission grid by all market***

participants;

Amendment 72

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

Text proposed by the Commission

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

Amendment

deleted

Amendment 73

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, *as well as electricity sourcing costs*, 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, and* Member States *shall* allow compensation payments between aggregators and *balancing* responsible parties. Such compensation payments *shall be proportionate and shall not discriminate between aggregators. The principles for compensation calculation shall be defined by the regulator, unless a bilateral contractual agreement is reached between an aggregator and the affected balance responsible party. They shall be limited to situations in which an aggregator imposes financial costs on another market party and shall be derived from market prices at a given point in time.*

Amendment 74

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, including on the reliable and secure operation of the transmission and distribution networks in accordance with Regulation (EU) .../... [Electricity Regulation].

Amendment 75

Proposal for a directive Article 18 – paragraph 2

Text proposed by the Commission

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.

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, **containing clear explanations and justifications with regard to all other costs and taxes included.**

Amendment 76

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

Text proposed by the Commission

Amendment

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**

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

bill. Otherwise consumers may be confused.

Amendment 79

Proposal for a directive Article 19 – paragraph 1

Text proposed by the Commission

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.

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 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.

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 80

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. ***Where 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*** subject to a cost-benefit assessment which shall be undertaken according to the principles laid down in Annex III.

Justification

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

Amendment 81

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 smart metering systems that are already installed***. 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.

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 82

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

Amendment

(d) meter operators shall ensure that the meter or meters of active customers who self-generate electricity can ***accurately***

electricity put into the grid from the active customers' premises;

account for electricity put into the grid from the active customers' premises;

Amendment 83

Proposal for a directive

Article 20 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

Those functionalities shall apply to smart meters rolled-out after ... [2 years after the date of entry into force of this Directive].

Justification

In line with the principle of non-retroactivity and in order to avoid any stranded investment made under existing legislation.

Amendment 84

Proposal for a directive

Article 24 – paragraph 2

Text proposed by the Commission

Amendment

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.

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.

Justification

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

outcome.

Amendment 85

Proposal for a directive Article 26 – paragraph 1

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 ***as defined by the regulator and the ombudsman or consumer body.***

⁴⁶ OJ L 165, 18.6.2013, p. 63–79

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 86

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, including consumers at risk of energy poverty**. In this context, each Member State shall define the concept of vulnerable customers, **taking into account specific circumstances of a particular Member State, and** refer to, inter alia, **the energy poor or 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.

Justification

This amendment is linked to AM 88 on Article 29 (Energy poverty). 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 also linked to AM 35 on Article 5(2) including the category of "vulnerable consumers at risk of energy poverty".

Amendment 87

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 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, ***providing support for the development of more efficient heating and cooling technologies, 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.

Justification

This amendment is linked to AM 88 on Article 29 (Energy poverty), AM 86 on Article 28(1) and AM 14 on Recital 40 (according to which Member States should, inter alia, provide mechanisms to support the development of more efficient heating and cooling technologies to tackle energy poverty). 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.

Amendment 88

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

Amendment

Member States shall define a set of ***common*** criteria for the purposes of measuring energy poverty ***and adopt a***

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].

broad and common definition of energy poverty within the context of a new Commission Communication and action plan on energy poverty, in accordance with the criteria provided for in Regulation (EU) .../... [Governance Regulation]. 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 ***and reduce*** 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 89

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

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, ***prioritising 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

participants.

markets and the capabilities of all market participants.

Amendment 90

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.

Amendment 91

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

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(2) of Directive (EU) .../... [the revised Energy**

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.

Performance of Buildings Directive] 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.

Justification

The provisions of this Directive should be aligned to the Energy Performance of Buildings Directive and the Alternative Fuels Infrastructure Directive. 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 92

Proposal for a directive

Article 33 – paragraph 2 – introductory part

Text proposed by the Commission

2. Member States may allow distribution system operators to own, develop, manage or operate recharging points for electric vehicles only if the following conditions are fulfilled:

Amendment

2. Member States may allow distribution system operators to own, develop, manage or operate **public** recharging points for electric vehicles only if the following conditions are fulfilled:

Justification

To align with Alternative Fuels Infrastructure Directive.

Amendment 93

Proposal for a directive

Article 33 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2a. Distribution system operators may

own, develop, manage and operate recharging points for electric vehicles for the purposes of their own fleet.

Justification

To align with Alternative Fuels Infrastructure Directive.

Amendment 94

**Proposal for a directive
Article 33 – paragraph 4**

Text proposed by the Commission

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

Amendment

4. Member States shall perform at regular intervals or at least every five years a public consultation in order to re-assess the potential interest of market parties to own, develop, operate or manage recharging points for electric vehicles. In case the public consultation indicates that third parties are able to own, develop, operate or manage such points, Member States shall ensure that distribution system operators' activities in this regard are phased-out. ***Distribution system operators shall have the right to recover their investment made into recharging infrastructure on fair and reasonable terms.***

Justification

For the sake of stability of investment environment, DSOs shall have right to recover costs associated with the infrastructure for electro mobility.

Amendment 95

**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

Amendment 96

Proposal for a directive

Article 36 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1a. Without prejudice to paragraph 1b, distribution system operators with an interest to own, develop, manage or operate storage facilities shall consult the national regulatory authority on whether the above-mentioned conditions are met.

Amendment 97

Proposal for a directive

Article 36 – paragraph 1 b (new)

Text proposed by the Commission

Amendment

1b. By way of derogation from point (a) of paragraph 1, distribution system operators are allowed to own, develop, manage or operate energy storage facilities if the national regulatory authority has, based on a cost-benefit analysis and following public consultation, assessed that there is no necessity to apply the conditions under point (a) of paragraph 1 and has granted its approval.

Amendment 98

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

2. Distribution system operators shall be allowed to own, develop, manage or operate energy storage facilities only if such facilities are necessary for the distribution system operator to fulfil its

are fulfilled:

obligations under this Directive for efficient, reliable and secure operation of the distribution system and the following conditions are fulfilled:

Amendment 99

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 *under the supervision of the national regulatory authorities*, have not expressed their interest to own, develop, manage or operate storage facilities, *and the distribution system operator has been identified as a cost-efficient actor; and*

Amendment 100

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 *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 they are not used to sell electricity to the market.*

Amendment 101

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*

Amendment

deleted

points (a) and (b) and has granted its approval.

Amendment 102

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 public consultation **and a cost-benefit analysis** indicate that third parties **have the capacity and interest** to own, develop, operate or manage such facilities **in a cost-efficient manner**, Member States shall ensure that distribution system operators' activities in this regard are phased-out. ***Distribution system operators shall have the right to recover their investment in storage facilities on fair and reasonable terms.***

Amendment 103

Proposal for a directive Article 36 – paragraph 4 a (new)

Text proposed by the Commission

Amendment

4a. Member States shall be allowed to facilitate the development of a basic network of publicly accessible recharging points, in order to eliminate barriers to the initial development of electro-mobility.

Amendment 104

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

Text proposed by the Commission

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;

(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, **and electric vehicles**, insofar as such availability is independent from any other transmission system with which its system is interconnected;

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 105

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

Text proposed by the Commission

Amendment

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

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 106

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

Text proposed by the Commission

Amendment

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

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 107

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 reasoned 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.

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 108

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 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

(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 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.

Amendment 109

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:**

- (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; and*
- (b) such facilities or 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.*

Amendment 110

Proposal for a directive Article 54 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1a. Without prejudice to paragraph 1b, transmission system operators with an interest in owning, developing, managing or operating storage facilities shall consult the national regulatory authority on whether the conditions provided for in paragraph 1 are met.

Amendment 111

Proposal for a directive Article 54 – paragraph 1 b (new)

Text proposed by the Commission

Amendment

1b. By way of derogation from point (a) of paragraph 1, transmission system operators are allowed to own, develop, manage or operate energy storage facilities if the national regulatory authority has, based on a cost-benefit analysis and following public consultation, assessed that there is no

necessity to apply the conditions under point (a) of paragraph 1 and has granted its approval.

Amendment 112

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.

Amendment 113

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 in, ***develop, operate or manage*** such facilities. ***In case the public consultation and a cost-benefit analysis indicate that*** third parties ***have the capacity and interest 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 the right to recover their investment in such facilities on fair and reasonable terms.***

Amendment 114

**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 115

Proposal for a directive

Article 59 – paragraph 1 – point q

Text proposed by the Commission

(q) helping to ensure, together with other relevant authorities, that the consumer 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;

Amendment 116

Proposal for a directive

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.

Amendment 117

Proposal for a directive

Article 59 – paragraph 8

Text proposed by the Commission

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

Amendment

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

60(3), regulatory authorities shall make available to market parties the detailed methodology and underlying *costs* used for the calculation of the relevant network tariffs.

60(3), ***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.***

Amendment 118

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

Text proposed by the Commission

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

Amendment

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

Amendment 119

Proposal for a directive Annex I – paragraph 1 – point e

Text proposed by the Commission

(e) provide accurate and up-to-date information and state the time of the last update;

Amendment

(e) provide accurate and up-to-date information and state the time of the last update, ***including:***

- ***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;***
- ***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;

- *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;*

Amendment 120

Proposal for a directive Annex II – point 1 – paragraph 4

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.

Justification

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

Amendment 121

Proposal for a directive

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;

Justification

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

PROCEDURE – COMMITTEE ASKED FOR OPINION

Title	Common rules for the internal market in electricity (recast)
References	COM(2016)0864 – C8-0495/2016 – 2016/0380(COD)
Committee responsible Date announced in plenary	ITRE 1.3.2017
Opinion by Date announced in plenary	ENVI 1.3.2017
Rapporteur Date appointed	Pavel Poc 14.2.2017
Discussed in committee	21.6.2017
Date adopted	21.11.2017
Result of final vote	+: 52 –: 1 0: 9
Members present for the final vote	Margrete Auken, Pilar Ayuso, Zoltán Balczó, Catherine Bearder, Ivo Belet, Simona Bonafè, Lynn Boylan, Soledad Cabezón Ruiz, Nessa Childers, Alberto Cirio, Birgit Collin-Langen, Miriam Dalli, Seb Dance, Angélique Delahaye, Mark Demesmaeker, Bas Eickhout, Francesc Gambús, Elisabetta Gardini, Gerben-Jan Gerbrandy, Arne Gericke, Jens Gieseke, Julie Girling, Françoise Grossetête, Andrzej Grzyb, Anneli Jäätteenmäki, Jean-François Jalkh, Benedek Jávor, Josu Juaristi Abaunz, Kateřina Konečná, Urszula Krupa, Giovanni La Via, Jo Leinen, Peter Liese, Norbert Lins, Valentinas Mazuronis, Joëlle Mélin, Susanne Melior, Rory Palmer, Gilles Pargneaux, Piernicola Pedicini, Bolesław G. Piecha, Pavel Poc, Frédérique Ries, Daciana Octavia Sârbu, Annie Schreijer-Pierik, Davor Škrlec, Renate Sommer, Ivica Tolić, Nils Torvalds, Adina-Ioana Vălean, Damiano Zoffoli
Substitutes present for the final vote	Jørn Dohrmann, Herbert Dorfmann, Eleonora Evi, Martin Häusling, Rupert Matthews, Stanislav Polčák, Christel Schaldemose, Bart Staes, Dubravka Šuica, Carlos Zorrinho
Substitutes under Rule 200(2) present for the final vote	Maria Noichl

FINAL VOTE BY ROLL CALL IN COMMITTEE ASKED FOR OPINION

52	+
ALDE:	Catherine Bearder, Gerben-Jan Gerbrandy, Anneli Jäätteenmäki, Valentinas Mazuronis, Frédérique Ries, Nils Torvalds
ECR:	Mark Demesmaeker, Jørn Dohrmann, Arne Gericke, Julie Girling, Urszula Krupa, Rupert Matthews, Bolesław G. Piecha
EFDD:	Eleonora Evi, Piernicola Pedicini
GUE/NGL:	Lynn Boylan, Josu Juaristi Abaunz
PPE:	Pilar Ayuso, Ivo Belet, Alberto Cirio, Birgit Collin-Langen, Angélique Delahaye, Herbert Dorfmann, Francesc Gambús, Elisabetta Gardini, Jens Gieseke, Françoise Grossetête, Andrzej Grzyb, Giovanni La Via, Peter Liese, Norbert Lins, Stanislav Polčák, Annie Schreijer-Pierik, Renate Sommer, Dubravka Šuica, Ivica Tolić, Adina-Ioana Vălean
S&D:	Simona Bonafè, Soledad Cabezón Ruiz, Nessa Childers, Miriam Dalli, Seb Dance, Jo Leinen, Susanne Melior, Maria Noichl, Rory Palmer, Gilles Pargneaux, Pavel Poc, Christel Schaldemose, Daciana Octavia Sârbu, Damiano Zoffoli, Carlos Zorrinho

1	-
NI	Zoltán Balczó

9	0
ENF	Jean-François Jalkh, Joëlle Mélin
GUE/NGL	Kateřina Konečná
VERTS/ALE	Margrete Auken, Bas Eickhout, Martin Häusling, Benedek Jávor, Bart Staes, Davor Škrlec

Key to symbols:

+ : in favour

- : against

0 : abstention

PROCEDURE – COMMITTEE RESPONSIBLE

Title	Common rules for the internal market in electricity (recast)			
References	COM(2016)0864 – C8-0495/2016 – 2016/0380(COD)			
Date submitted to Parliament	30.11.2016			
Committee responsible Date announced in plenary	ITRE 1.3.2017			
Committees asked for opinions Date announced in plenary	BUDG 1.3.2017	ECON 1.3.2017	ENVI 1.3.2017	IMCO 1.3.2017
Not delivering opinions Date of decision	BUDG 12.1.2017	ECON 15.12.2016	IMCO 25.1.2017	
Rapporteurs Date appointed	Krišjānis Kariņš 25.1.2017			
Discussed in committee	25.4.2017	11.7.2017	12.10.2017	
Date adopted	21.2.2018			
Result of final vote	+: -: 0:	50 4 9		
Members present for the final vote	Zigmantas Balčytis, Bendt Bendtsen, Xabier Benito Ziluaga, José Blanco López, Jonathan Bullock, Cristian-Silviu Buşoi, Jerzy Buzek, Angelo Ciocca, Edward Czesak, Jakop Dalunde, Pilar del Castillo Vera, Christian Ehler, Fredrick Federley, Ashley Fox, Adam Gierek, Theresa Griffin, András Gyürk, Rebecca Harms, Hans-Olaf Henkel, Eva Kaili, Kaja Kallas, Barbara Kappel, Krišjānis Kariņš, Jeppe Kofod, Peter Kouroumbashev, Zdzisław Krasnodębski, Miapetra Kumpula-Natri, Christelle Lechevalier, Janusz Lewandowski, Paloma López Bermejo, Edouard Martin, Nadine Morano, Dan Nica, Angelika Niebler, Morten Helveg Petersen, Miroslav Poche, Paul Rübig, Massimiliano Salini, Algirdas Saudargas, Sven Schulze, Neoklis Sylikiotis, Dario Tamburrano, Patrizia Toia, Evžen Tošenovský, Claude Turmes, Vladimir Urutchev, Kathleen Van Brempt, Henna Virkkunen, Martina Werner, Lieve Wierinck, Hermann Winkler, Anna Záborská, Flavio Zanonato, Carlos Zorrinho			
Substitutes present for the final vote	Cornelia Ernst, Gerben-Jan Gerbrandy, Françoise Grossetête, Janusz Korwin-Mikke, Florent Marcellesi, Dennis Radtke, Dominique Riquet, Davor Škrlec			
Substitutes under Rule 200(2) present for the final vote	Jan Keller			
Date tabled	27.2.2018			

FINAL VOTE BY ROLL CALL IN COMMITTEE RESPONSIBLE

50	+
ALDE	Fredrick Federley, Gerben-Jan Gerbrandy, Kaja Kallas, Morten Helveg Petersen, Dominique Riquet, Lieve Wierinck
ECR	Edward Czesak, Ashley Fox, Hans-Olaf Henkel, Zdzisław Krasnodębski, Evžen Tošenovský
ENF	Barbara Kappel
NI	Janusz Korwin-Mikke
PPE	Bendt Bendtsen, Cristian-Silviu Buşoi, Jerzy Buzek, Pilar del Castillo Vera, Christian Ehler, Françoise Grossetête, Krišjānis Kariņš, Janusz Lewandowski, Nadine Morano, Angelika Niebler, Paul Rübig, Massimiliano Salini, Algirdas Saudargas, Sven Schulze, Vladimir Urutchev, Henna Virkkunen, Anna Záborská
S&D	Zigmantas Balčytis, José Blanco López, Theresa Griffin, Eva Kaili, Jan Keller, Jeppe Kofod, Peter Kouroumbashev, Miapetra Kumpula-Natri, Dan Nica, Miroslav Poche, Patrizia Toia, Kathleen Van Brempt, Martina Werner, Flavio Zanonato, Carlos Zorrinho
VERTS/ALE	Jakop Dalunde, Rebecca Harms, Florent Marcellesi, Davor Škrlec, Claude Turmes

4	-
EFDD	Jonathan Bullock
ENF	Angelo Ciocca, Christelle Lechevalier,
S&D	Edouard Martin

9	0
EFDD	Dario Tamburrano
GUE/NGL	Xabier Benito Ziluaga, Cornelia Ernst, Paloma López Bermejo, Neoklis Sylikiotis
PPE	András Gyürk, Dennis Radtke, Hermann Winkler
S&D	Adam Gierek

Key to symbols:

+ : in favour

- : against

0 : abstention