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NOTE

from:	General Secretariat
to:	Permanent Representatives Committee/Council
Subject :	Proposal for a Directive of the European Parliament and of the Council amending Directive 2003/54/EC concerning common rules for the internal market in electricity - Outcome of the European Parliament's first reading (Strasbourg, 16 to 19 June 2008)

I. INTRODUCTION

The Rapporteur, Ms Eluned MORGAN (PES - UK), presented a report consisting of 153 amendments (amendments 1-153) to the proposal for a Directive on behalf of the Committee on Industry, Research and Energy. In addition, the PES group tabled twelve amendments (amendments 154-164, 176), a group of 40 MEPs tabled two amendments (amendments 165-166), the ALDE groups tabled three amendments (amendments 167-169), another group of 40 MEPs tabled two amendments (amendments 170-171) and the GUE/NGL group tabled three amendments (amendments 173-175).

II. DEBATE

The joint debate on the "Energy market", which took place on 17 June 2008, covered the following three proposals:

- Proposal for a Directive of the European Parliament and of the Council amending Directive 2003/54/EC concerning common rules for the internal market in electricity,
- Proposal for a Regulation of the European Parliament and of the Council amending Regulation (EC) No 1228/03 on conditions for access to the network for cross-border exchanges in electricity¹,
- Proposal for a Regulation of the European Parliament and of the Council establishing an Agency for the Cooperation of Energy Regulators².

State Secretary Janez LENARCIC, speaking on behalf of the Slovenian Presidency, opened the debate, and:

- stressed the importance of the third energy package for the Slovenian Presidency. This package aims to further liberalise the energy market and to make the internal market work for all consumers, to help to achieve the objective of a more secure, competitive and sustainable energy supply, and to ensure energy efficiency;
- indicated that the Council reached a broad agreement on the essential elements of this internal energy market package at the TTE Council on 6 June 2008;
- explained the Council's position on the effective separation of supply and production activities from network operation. He stressed that the Council supports the third option which allows for an independent transmission operator in cases where arrangements are in place for a transmission systems that belongs to a vertically integrated undertaking. This option will allow companies to retain ownership of transmission systems on condition that they are managed by an independent transmission operator. There are a number of provisions that ensure the effective independence of the operator, its management and the supervisory body and ensures that conflicts of interest are avoided.

¹ On the outcome of the vote, see doc. 10767/08.

² On the outcome of the vote, see doc. 10768/08.

- stated that the issue of third country control of networks was discussed in a way that would guarantee that companies from these countries respect the same rules that apply to EU companies and would address Member States' concerns about third country control;
- underlined that the Agency for the Cooperation of Energy Regulators will be independent from the Member States and the Commission and will have well circumscribed tasks. It will focus on issues involving more than one Member State as far as binding decision-making is concerned. Its involvement in technical matters has been strengthened, but is still of an advisory nature.

Commissioner Andris PIEBALGS:

- recalled that effective competition on the internal energy market is very much in the interests of the citizens of the European Union, especially at a time of rising oil prices. He underlined that there is general agreement on the need for legislative reforms to remedy the numerous shortcomings of the current legislative and regulatory framework.
- expressed general support for the amendments on a number of issues in the reports. These are strengthening of consumers' rights, stronger regional cooperation of network operators, and an effective, well-functioning and secure internal energy market.
- stressed that there are two important points in relation to which the Commission does not share the conclusion of the European Parliament. Regarding the application of Comitology, he pointed out that a general deletion of this procedure would render the process of rapidly developing efficient new and detailed market codes ineffective. However, the Commissioner was open to discussion with the EP in respect of the extent to which Comitology procedures envisaged are necessary, provided the essential elements would be covered by this procedure.
- noted, regarding the Agency, that some of the amendments go beyond the EC Treaty and are not compatible with the *Meroni* judgment. This concerns in particular the discretionary power conferred to the Agency.
- stated that an effective unbundling of network operation from generation and supply must be reached. The Commission wants to find an approach that will fully remove the inherent conflict of interest of vertically integrated network operators while providing them with an incentive to invest and to manage the grid in a non-discriminatory way.

The Rapporteur on the Proposal for a Directive amending Directive 2003/54/EC concerning common rules for the internal market in electricity, Ms Eluned MORGAN (PES - UK):

- stated that the consumer rights must be strengthened and better enforced, for example regarding the possibility of switching suppliers. The increased prices for energy lead to "energy poverty". She asked Member States to establish an action plan to deal with this problem.
- asked for better cooperation between national regulatory authorities and competition authorities in order to improve competition on the market and to end monopolies.
- spoke in favour of total separation of energy supply from transmission companies or full ownership unbundling - as originally suggested by the Commission. In her view, that is the only option capable of overcoming the current dysfunctional system.

The Rapporteur on the Proposal for a Regulation amending Regulation (EC) No 1228/03 on conditions for access to the network for cross-border exchanges in electricity, Mr Alejo VIDAL-QUADRAS (EPP/ED - ES):

- stressed the importance of the harmonisation of technical standards at European level and the increase of interconnection between Member States for a integrated internal market for energy. This is can be achieved by the establishment of network codes together with the parties concerned. Mr Vidal-Quadrás wanted to give more power to independent regulators in order to create a level playing field for all operators. He asked for a European decision making body which can decide on Europe-wide issues and stressed the important role of the European Network of Transmission System Operators for Electricity.
- stated that regarding the "division of ownership" there has been controversial and heated debate. National interests play a crucial role in this field and there are differing market systems and models in the Member States. He spoke against a European system of different speeds, but sees unbundling as a condition to have a truly integrated internal market for energy.
- called on the Council to come to an agreement in second reading and start with an open, European orientated debate and not to use the "take it or leave it" strategy.

The Rapporteur on the Proposal for a Regulation establishing an Agency for the Cooperation of Energy Regulators, Mr Giles CHICHESTER (EPP/ED - UK):

- saw a crucial role for the regulator in ensuring the functioning of the market. There must be a good balance between the role of the national regulator and a European regulator. The Agency would complement at European level the work of the national regulators.
- stressed that the European Parliament is convinced that there is a need to go beyond the Commission's proposal by creating an Agency with more independence and more decision-making power. There should be more decision-making power in particular over the development of technical codes and transmission system operators' investment plans, and the Agency should have greater regulatory and financial independence.

Speaking on behalf of the EPP/ED political group, Mr Gunnar HOEKMARK (EPP/ED – SE):

- asked the Member States to take responsibility regarding the fight against energy poverty and to secure the well-being of their citizens by strengthening consumers' rights and ensuring low energy prices;
- pointed out that the European energy market is not functioning well. There is therefore a need for reform and for the creation of a level playing field by opening up the market for new entrants, and a need to ensure open and fair competition.
- called on the Council (the present and incoming presidencies) to take responsibility and to find a compromise within its members on the issue of ownership unbundling and to work with the European Parliament to find a solution. Both institutions have a common responsibility to achieve the best possible solution.

Speaking on behalf of the PES political group, Mr Reino PAASILINNA (PES – FI):

- recalled that opening up the internal energy market for new operators will increase competition. In some Member States competition works while in others it does not.
- called for a strengthening of consumers' rights and also more energy efficiency. Renewable energy should be fostered and this could lead to energy self-sufficiency.
- stressed that his group was not in favour of any rules on the Comitology procedure.
- expressed the strong wish to reach an agreement with the Council under the French Presidency.

Speaking on behalf of the ALDE political group, Mr Sarunas BIRUTIS (ALDE - LT):

- stated that the proposals are a step forward to the creation of a unified and competitive EU energy market. This step has to be taken to ensure market competition and in the consumers' interest, and it is in the strategic interest of several Member States as regards energy security.
- stressed the importance of regional cooperation to avoid "energy islands", such as Lithuania and other Baltic states. He said actions have to be taken and an EU policy with common funding is needed.
- called for the principle of reciprocity to be applied for third country market actors if they act on the European market.
- stressed the important role of the Agency and the necessity of having independent national regulators, being especially independent from political considerations.

Speaking on behalf of the Greens/EFA political group, Ms Rebecca HARMS (Greens/EFA - DE):

- wanted to achieve fair and transparent prices, fair market access conditions, especially for small and new supply companies, and decentralisation in order to guarantee access for renewable energy and to improve energy efficiency;
- emphasised that ownership unbundling is an important step to reach the positive goals of the European energy policy. This would strengthen the consumers' right and will make the European energy market ready for the future.

Speaking on behalf of the UEN political group, Mr Romana Maria LA RUSSA (UEN - IT):

- stressed that, regarding the issue of ownership unbundling, the position of the Council is not in line with the ITRE Committee position and cannot be supported.
- supported the Rapporteur on the position and the role of the Agency. The Agency should not play only a marginal and advisory role. He therefore rejected the Council's position.

Speaking on behalf of the GUE/NGL political group, Mr Miloslav RANSDORF (GUE/NGL - CZ):

- pointed out that the data on which the Commission's proposals are based are not up to date and a decision is therefore difficult.
- supported the Rapporteur's position regarding the proposal on the Agency, which should have a stronger and more independent role. He suggested that the Agency should have sufficient power to fix a price moratorium in case the prices increase by more than 30 %.

III. VOTE

The parliament adopted 156 amendments when it voted in plenary on 18 June 2008 (amendments 1-39, 41-42, 44-48, 50-157, 168 2nd part, 169).

The text of the amendments adopted and the European Parliament's legislative resolution are annexed to this note.

Internal market in electricity *I**

European Parliament legislative resolution of ... June 2008 on the proposal for a directive of the European Parliament and of the Council amending Directive 2003/54/EC concerning common rules for the internal market in electricity (COM(2007)0528 – C6-0316/2007 – 2007/0195(COD))

(Codecision procedure: first reading)

The European Parliament,

- having regard to the Commission proposal to the European Parliament and the Council (COM(2007)0528),
 - having regard to Article 251(2), Article 47(2) and Articles 55 and 95 of the EC Treaty, pursuant to which the Commission submitted the proposal to Parliament (C6-0316/2007),
 - having regard to Rule 51 of its Rules of Procedure,
 - having regard to the report of the Committee on Industry, Research and Energy and the opinions of the Committee on Economic and Monetary Affairs and the Committee on the Internal Market and Consumer Protection (A6-0191/2008),
1. Approves the Commission proposal as amended;
 2. Calls on the Commission to refer the matter to Parliament again if it intends to amend the proposal substantially or replace it with another text;
 3. Instructs its President to forward its position to the Council and the Commission.

Amendment 1
Proposal for a directive – amending act
Recital 3 a (new)

Text proposed by the Commission

Amendment

(3a) A secure supply of electricity is of vital importance for the development of European society, the implementation of a sustainable climate change policy, and the fostering competitiveness within the internal market. To this end, cross-border interconnections should be further developed in order to secure the supply of all energy sources at the lowest possible prices to consumers and industry within the European Union.

Amendment 2
Proposal for a directive – amending act
Recital 3 b (new)

Text proposed by the Commission

Amendment

(3b) A well-functioning internal market for electricity should provide producers with the appropriate incentives for investing in new power generations and consumers with adequate measures to promote more efficient use of energy for which a secure supply of energy is a precondition.

Amendment 3
Proposal for a directive – amending act
Recital 3 c (new)

Text proposed by the Commission

Amendment

(3c) Given that renewable energy sources are continuous, it is essential to develop electricity interconnection capacity at Community level, paying special attention to the most isolated countries and regions in the Community's energy market in order to provide the Member States with the means to achieve the objective of 20 % renewable energy by 2020.

Amendment 4
Proposal for a directive – amending act
Recital 3 d (new)

Text proposed by the Commission

Amendment

(3d) Trade within and the flow of electricity across borders should increase in the internal market in order to secure the best use of available power generation at the lowest possible prices. This should not, however, be an excuse for Member States or producers to refrain from investing in new and modern technology for the electricity generation.

Amendment 5
Proposal for a directive – amending act
Recital 4 a (new)

Text proposed by the Commission

Amendment

(4a) In order to secure competition and the supply of electricity at the lowest possible price, while at the same time avoiding market dominance by large actors, Member States and national regulatory authorities should facilitate cross-border access for new providers of different energy sources as well as for new providers of power generation.

Amendment 6
Proposal for a directive – amending act
Recital 7 a (new)

Text proposed by the Commission

Amendment

(7a) Any future system for unbundling should be effective in removing any conflict of interests between generators and transmission system operators and should not create an onerous or cumbersome regulatory regime for national regulatory authorities that would be difficult or expensive to implement.

Amendment 9
Proposal for a directive – amending act
Recital 13

Text proposed by the Commission

(13) Full separation of network and supply activities should apply throughout the Community, so that any network operator in the Community or its affiliated companies should be prevented from having any supply or generation activities in any Member State. This should apply equally to EU and non-EU companies. To ensure that network and supply activities throughout the Community are kept separate, regulatory authorities should be empowered to refuse certification to transmission system operators that do not comply with the unbundling rules. To ensure a consistent application across the Community and the respect of the international obligations of the Community, *the Commission* should have the right to review the decisions on certification taken by the regulatory authorities.

Amendment

(13) Full separation of network and supply activities should apply throughout the Community, so that any network operator in the Community or its affiliated companies should be prevented from having any supply or generation activities in any Member State. This should apply equally to EU and non-EU companies. To ensure that network and supply activities throughout the Community are kept separate, regulatory authorities should be empowered to refuse certification to transmission system operators that do not comply with the unbundling rules. To ensure a consistent application across the Community and the respect of the international obligations of the Community, *the Agency for the Cooperation of Energy Regulators ("the Agency")* should have the right to review the decisions on certification taken by the regulatory authorities.

Amendment 10
Proposal for a directive – amending act
Recital 14

Text proposed by the Commission

(14) The safeguarding of energy supply is an essential element of public security and is therefore inherently connected to the efficient functioning of the EU electricity market. Electricity can *only* reach EU citizens through the network. Functioning electricity markets and in particular the networks and other assets associated with electricity supply are essential for public security, for the competitiveness of the economy and for the well-being of the citizens of the Community. Without prejudice to the international obligations of the Community, the Community considers that the electricity transmission system sector is of high importance to the Community and therefore additional safeguards are necessary regarding the influence of third countries in order to avoid any threats to Community public order and public security and the welfare of the citizens of the Community. Such measures are also necessary for ensuring compliance with the rules on effective unbundling.

Amendment

(14) The safeguarding of energy supply is an essential element of public security and is therefore inherently connected to the efficient functioning of the EU electricity market ***and the elimination of the market's geographical isolation.*** Electricity can reach EU citizens *only* through the network. Functioning electricity markets and in particular the networks and other assets associated with electricity supply are essential for public security, for the competitiveness of the economy and for the well-being of the citizens of the Community. Without prejudice to the international obligations of the Community, the Community considers that the electricity transmission system sector is of high importance to the Community and therefore additional safeguards are necessary regarding the influence of third countries in order to avoid any threats to Community public order and public security and the welfare of the citizens of the Community. Such measures are also necessary for ensuring compliance with the rules on effective unbundling.

Amendment 11
Proposal for a directive – amending act
Recital 16 a (new)

Text proposed by the Commission

Amendment

(16a) Any harmonisation of the powers of national regulatory authorities should include incentives that can be offered and sanctions that can be imposed on electricity undertakings. The Agency should be given the appropriate powers to take the lead in ensuring there is parity in the incentives and sanctions across all Member States, and provide guidelines on such measures.

Amendment 12
Proposal for a directive – amending act
Recital 18

Text proposed by the Commission

Amendment

(18) Energy regulators should have the power to issue binding decisions on electricity undertakings and to impose effective, appropriate and dissuasive sanctions on electricity undertakings which fail to comply with their obligations. They must also be granted the powers to decide, irrespective of the application of competition rules, on any appropriate measures ***promoting*** effective competition necessary for the proper functioning of the market; as well as ensure high standards of universal and public service in compliance with market opening, the protection of vulnerable customers, and that consumer protection measures are fully effective. These provisions should be without prejudice to both the Commission's powers concerning the application of competition rules including the examination of mergers with a Community dimension, and the rules on the internal market such as the free movement of capital.

(18) Energy regulators should have the power to issue binding decisions on electricity undertakings and to impose effective, appropriate and dissuasive sanctions on electricity undertakings which fail to comply with their obligations. They must also be granted the powers to decide, irrespective of the application of competition rules, on any appropriate measures ***ensuring customer benefits through the promotion of*** effective competition necessary for the proper functioning of the market; as well as ensure high standards of universal and public service in compliance with market opening, the protection of vulnerable customers, and that consumer protection measures are fully effective. These provisions should be without prejudice to both the Commission's powers concerning the application of competition rules including the examination of mergers with a Community dimension, and the rules on the internal market such as the free movement of capital.

Amendment 13
Proposal for a directive – amending act
Recital 19

Text proposed by the Commission

(19) The internal electricity market is suffering from a lack of liquidity and transparency hindering the efficient allocation of resources, risk hedging and new entry. Trust in the market, its liquidity and the number of market participants need to increase, ***and therefore regulatory oversight over undertakings active in the supply of electricity need to be increased. Such requirements should be without prejudice to, and compatible with, the existing Community legislation on financial markets. Energy Regulators and Financial Market Regulators need to cooperate in order to enable each other to have an overview over the markets concerned.***

Amendment

(19) The internal electricity market is suffering from a lack of liquidity and transparency hindering the efficient allocation of resources, risk hedging and new entry. Trust in the market, its liquidity and the number of market participants need to increase.

Amendment 14
Proposal for a directive – amending act
Recital 19 a (new)

Text proposed by the Commission

Amendment

(19a) Energy and financial market regulators should cooperate in order to allow each other an overview of their respective markets. They should have the power to obtain relevant information from electricity undertakings, make appropriate and sufficient investigations, settle disputes and impose effective sanctions.

Amendment 15
Proposal for a directive – amending act
Recital 20 a (new)

Text proposed by the Commission

Amendment

(20a) In order to prevent dominant incumbent suppliers from foreclosing the opening of the market, it is important to enable the development of new business models, for instance the ability to contract simultaneously with several suppliers.

Amendment 16
Proposal for a directive – amending act
Recital 21

Text proposed by the Commission

(21) The public service requirements and the common minimum standards that follow from them need to be further strengthened to make sure that all consumers can benefit from competition. A key aspect in supplying customers is access to consumption data, and consumers must have access to their data so that they can invite competitors to make an offer based on *these* data. Consumers *also* should have the right to be properly informed about their energy consumption. **Regularly provided** information *on* energy costs 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.

Amendment

(21) The ***universal and*** public service requirements and the common minimum standards that follow from them need to be further strengthened to make sure that all consumers, ***especially vulnerable ones,*** can benefit from competition ***and fairer prices.*** ***The public service requirements should be defined at national level, taking into account national circumstances.*** ***Community law and the common minimum standards should, however, be respected by the Member States. EU citizens and small and medium-sized enterprises (SMEs) should be able to enjoy public service guarantees, in particular with regard to security of supply and reasonable tariffs.*** A key aspect in supplying customers is access to ***objective and transparent*** consumption data, and consumers must have access to their ***consumption data and associated prices and service 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, ***and prepayments should be adequate and reflect actual consumption of electricity.*** Information *about* energy costs ***provided to consumers at least on a quarterly basis and based on common criteria*** 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.

Amendment 17
Proposal for a directive – amending act
Recital 21 a (new)

Text proposed by the Commission

Amendment

(21a) Consumer interests should be at the heart of this Directive. Existing rights of consumers need to be strengthened and guaranteed, and should include greater transparency and representation. Consumer protection must ensure that all consumers benefit from a competitive market. Consumer rights should be enforced by national regulatory authorities by creating incentives and imposing sanctions on companies which do not comply with consumer protection and competition rules.

Amendment 154

Proposal for a directive – amending act
Recital 21 b (new)

Text proposed by the Commission

Amendment

(21b) Clear and comprehensible information should be made available to consumers concerning their rights in relation to the energy sector. Following the Commission's communication of 5 July 2007 entitled 'Towards a European Charter on the Rights of Energy Consumers', the Commission should put forward, after consulting relevant stakeholders including national regulatory authorities, consumer organisations and social partners, an accessible, user-friendly charter listing the rights of energy consumers already in existing Community law including this Directive. Energy suppliers should ensure that all consumers receive a copy of that charter and ensure that it is publicly available.

Amendment 18
Proposal for a directive – amending act
Recital 21 c (new)

Text proposed by the Commission

Amendment

(21c) Energy poverty is a growing problem in the European Union. Member States should, therefore, develop national action plans to tackle energy poverty and ensure the necessary energy supply for vulnerable customers. In doing so, an integrated approach is needed and measures should include social policies, tariff policies and energy efficiency improvements for housing. At the very least, this Directive should allow national policies in favour of, in terms of pricing models, vulnerable customers.

Amendment 19
Proposal for a directive – amending act
Recital 21 d (new)

Text proposed by the Commission

Amendment

(21d) Greater consumer protection is guaranteed by the availability of effective means of redress for all. Member States should introduce speedy and effective arbitration procedures.

Amendment 20
Proposal for a directive – amending act
Recital 21 e (new)

Text proposed by the Commission

Amendment

(21e) Market prices should give the right incentives for the development of the grid and for investing in new electricity generation.

Amendment 21
Proposal for a directive – amending act
Recital 21 f (new)

Text proposed by the Commission

Amendment

(21f) Promoting fair competition and easy access for different suppliers as well as granting capacity for new electricity generation should be of the utmost importance for Member States in order to allow consumers to fully grasp the opportunities of a liberalised internal market for electricity. At the same time, Member States should be responsible for developing national actions plans and social policies.

Amendment 22
Proposal for a directive – amending act
Recital 22

Text proposed by the Commission

Amendment

(22) In ***view of*** the creation of an internal market for electricity, Member States should foster the integration of their national markets and the cooperation of network operators at *European* and ***regional*** level.

(22) In the creation of an internal market for electricity, ***regional energy markets can constitute a first step.*** Member States should ***therefore*** foster ***at Community and, where possible, at regional level,*** the integration of their national markets and the cooperation of network operators at *Community* and ***national*** level. ***Regional integration initiatives are an essential intermediate step in achieving European integration of energy markets, which remains the final objective. The regional level contributes towards accelerating the integration process by making it possible for the actors concerned, particularly the Member States, the national regulatory authorities and the transmission system operators, to cooperate in regard to specific issues.***

Amendment 23
Proposal for a directive – amending act
Recital 22 a (new)

Text proposed by the Commission

Amendment

(22a) The development of a truly European grid should be one of the main goals of this Directive and regulatory issues on cross border interconnections and regional markets should, therefore, be the responsibility of the Agency.

Amendment 168

Proposal for a directive – amending act
Recital 22 b (new)

Text proposed by the Commission

Amendment

(22b) The Commission, in consultation with the stakeholders (in particular the transmission system operators and the Agency) should assess the feasibility of creating a single European transmission system operator and analyse the costs and benefits with respect to market integration as well as the effective and secure operation of the transmission network.

Amendment 24
Proposal for a directive – amending act
Recital 22 c (new)

Text proposed by the Commission

Amendment

(22c) To secure common rules for a truly European internal market and a broad supply of energy accessible to everyone should also be one of the main goals of this Directive. To this end, undistorted market prices would provide the best incentive for cross-border interconnections and for investments in new power generation while leading, in the long term, to price convergence.

Amendment 25
Proposal for a directive – amending act
Recital 22 d (new)

Text proposed by the Commission

Amendment

(22d) Increased regional cooperation should be the first step in the development of a fully integrated European electricity grid, ultimately incorporating the electricity islands that persist in the European Union.

Amendment 26
Proposal for a directive – amending act
Recital 23

Text proposed by the Commission

Amendment

(23) Regulatory authorities should provide information to the market also to permit the Commission to exercise its role of observing and monitoring the European electricity market and its short, medium and long term evolution, including aspects such as generation capacity, different sources of electricity generation, transmission and distribution infrastructures, cross-border trade, the investments, wholesale and consumers prices, market liquidity, environmental and efficiency improvements.

(23) Regulatory authorities should provide information to the market also to permit the Commission to exercise its role of observing and monitoring the European electricity market and its short, medium and long term evolution, including aspects such as generation capacity, different sources of electricity generation, transmission and distribution infrastructures, ***quality of service and supply***, cross-border trade, ***congestion management***, the investments, wholesale and consumers prices, market liquidity, environmental and efficiency improvements.

Amendment 27
Proposal for a directive – amending act
Recital 26

Text proposed by the Commission

Amendment

(26) The measures necessary for the implementation of Directive 2003/54/EC as amended by this Directive should be adopted in accordance with Council Decision 1999/468/EC of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred on the Commission.

deleted

Amendment 28
Proposal for a directive – amending act
Recital 27

Text proposed by the Commission

Amendment

(27) In particular power should be conferred on the Commission to adopt the guidelines necessary for providing the minimum degree of harmonisation required to achieve the aim of Directive 2003/54/EC. Since those measures are of general scope and are designed to supplement Directive 2003/54/EC by the addition of new non-essential elements, they must be adopted in accordance with the regulatory procedure with scrutiny provided for in Article 5a of Decision 1999/468/EC.

deleted

Amendment 29
Proposal for a directive – amending act
Article 1 – point -1 (new)
Directive 2003/54/EC
Article 1

Text proposed by the Commission

Amendment

(-1) Article 1 shall be replaced by the following:

"This Directive establishes common rules for the generation, transmission, distribution and supply of electricity, together with consumer protection provisions, with a view to improving and integrating competitive energy markets, connected by a common grid, in the European Union. It lays down the rules relating to the organisation and functioning of the electricity sector, open access to the market, the criteria and procedures applicable to calls for tenders and the granting of authorisations and the operation of systems. It also lays down universal service obligations and the rights of electricity consumers and clarifies competition requirements."

Amendment 30
Proposal for a directive – amending act
Article 1 – point 1 – point -a (new)
Directive 2003/54/EC
Article 2 – point 12

Text proposed by the Commission

Amendment

(-a) point 12 shall be replaced by the following:

"12. 'eligible customers' means customers who are free to purchase electricity from the supplier of their choice within the meaning of Article 21 of this Directive as well as to contract simultaneously with several suppliers;"

Amendment 31
Proposal for a directive – amending act
Article 1 – point 1 – point b a (new)
Directive 2003/54/EC
Article 2 – point 34 a (new)

Text proposed by the Commission

Amendment

(ba) The following point shall be added:

"34a. 'industrial site' means a privately owned geographical area with a power grid which is primarily designed to supply industrial consumers in that area."

Amendment 32
Proposal for a directive – amending act
Article 1 – point 1 – point b b (new)
Directive 2003/54/EC
Article 2 – point 34 b (new)

Text proposed by the Commission

Amendment

(bb) The following point shall be added:

"34b. 'fair and undistorted competition in an open market' means common opportunities and equal access for all providers within the European Union, for which the Member States, the national regulatory authorities and the Agency shall be responsible."

Amendment 33
Proposal for a directive – amending act
Article 1 – point 1 – point b c (new)
Directive 2003/54/EC
Article 2 – point 34 c (new)

Text proposed by the Commission

Amendment

(bc) The following point shall be added:
"34c. 'electricity undertaking' means any natural or legal person carrying out at least one of the following functions: production, transmission, distribution, supply or purchase of electricity; and responsible for the commercial, technical and/or maintenance tasks related to those functions; it shall not include final customers."

Amendment 34
Proposal for a directive – amending act
Article 1 - point 1 – point b d (new)
Directive 2003/54/EC
Article 2 – point 34 d (new)

Text proposed by the Commission

Amendment

(bd) The following point shall be added:
"34d. 'energy poverty' means the situation where a household cannot afford to heat its home to an acceptable standard based on the levels recommended by the World Health Organisation;"

Amendment 35
Proposal for a directive – amending act
Article 1 – point 1 – point b e (new)
Directive 2003/54/EC
Article 2 – point 34 e (new)

Text proposed by the Commission

Amendment

(be) The following point shall be added:

"34e. 'virtual power plant' means an electricity release programme whereby an undertaking generating electricity is obliged either to sell or make available a certain volume of electricity or to grant access to part of its generation capacity to interested suppliers for a certain period of time."

Amendment 36
Proposal for a directive – amending act
Article 1 – point 1 a (new)
Directive 2003/54/EC
Article 3 – paragraph 2

Text proposed by the Commission

Amendment

(1a) In Article 3, paragraph 2 shall be replaced by the following:

“2. Having full regard to the relevant provisions of the Treaty, in particular Article 86 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, renewable energy and climate protection. Such obligations shall be clearly defined, transparent, non discriminatory, verifiable and shall guarantee equality of access for EU electricity companies to national consumers. In relation to security of supply, energy efficiency/demand-side management and for the fulfilment of environmental and renewable energy targets, 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.”

Amendment 37
Proposal for a directive – amending act
Article 1 - point 1 b (new)
Directive 2003/54/EC
Article 3 – paragraph 3 - first subparagraph

Text proposed by the Commission

Amendment

(1b) In Article 3(3), the first subparagraph shall be replaced by the following:

”3. Member States shall ensure that all household customers and [...] small enterprises, (namely enterprises with fewer than 50 occupied persons and an annual turnover or balance sheet not exceeding EUR 10 million), enjoy universal service, that is the right to be supplied with electricity of a specified quality within their territory at cost-based and easily and clearly comparable, transparent and non-discriminatory prices. These customers shall have access to choice, fairness, representation and redress. Quality of service shall be a central responsibility of electricity undertakings. To ensure the provision of universal service, Member States may appoint a supplier of last resort. Member States shall impose on distribution companies an obligation to connect customers to their grid under terms, conditions and tariffs set in accordance with the procedure laid down in Article 23(2). Nothing in this Directive shall prevent Member States from strengthening the market position of the domestic, small and medium-sized consumers by promoting the possibilities of voluntary aggregation of representation for this class of consumers.”

Amendment 38
Proposal for a directive – amending act
Article 1 – point 1 c (new)
Directive 2003/54/EC
Article 3 – paragraph 3 a (new)

Text proposed by the Commission

Amendment

(1c) In Article 3, the following paragraph shall be inserted:

"3a. Member States shall ensure that all customers are entitled to have their electricity provided by a supplier, subject to the supplier's agreement, regardless of the Member State in which the supplier is registered. In this regard, Member States shall take all measures necessary to ensure that undertakings registered in their territories can supply customers without having to fulfil any further conditions."

Amendment 39
Proposal for a directive – amending act
Article 1 – point 1 d (new)
Directive 2003/54/EC
Article 3 – paragraph 3 b (new)

Text proposed by the Commission

Amendment

(1d) In Article 3, the following paragraph shall be inserted:

"3b. Member States shall ensure that:

(a) where a customer wishes to change supplier, the change is effected by the operator(s) concerned within two weeks, and

(b) customers are entitled to receive all relevant consumption data.

Member States shall ensure that the rights referred to in points (a) and (b) are granted to all customers in a non-discriminatory way as regards cost, effort or time."

Amendment 155
Proposal for a directive – amending act
Article 1 – point 1 e (new)
Directive 2003/54/EC
Article 3 – paragraph 5

Text proposed by the Commission

Amendment

1e. In Article 3, paragraph 5 shall be replaced by the following:

"5. Member States shall take appropriate measures to protect final customers, and shall in particular ensure that there are adequate safeguards to protect vulnerable customers, including *prohibiting the disconnection of pensioners and disabled people in winter*. In this context, Member States shall recognise energy poverty provided for in Article 2 and shall provide definitions of vulnerable customers. Member States shall ensure that rights and obligations linked to vulnerable customers are applied and, in particular, shall take measures to protect final 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. Member States shall ensure that the eligible customer is in fact able *easily* to switch to a new supplier. As regards at least household customers, these measures shall include those set out in Annex A."

Amendment 41
Proposal for a directive – amending act
Article 1 - point 1 f (new)
Directive 2003/54/EC
Article 3 – paragraph 5 a (new)

Text proposed by the Commission

Amendment

(1f) In Article 3, the following paragraph shall be inserted:

"5a. Member States shall take appropriate measures to address energy poverty in national energy action plans in order to ensure that the number of people suffering energy poverty decreases and shall communicate such measures to the Commission. Each Member State shall be responsible for providing, in accordance with the principle of subsidiarity, a definition of energy poverty at national level, in consultation with regulators and stakeholders with reference to Article 2(34d). Such measures may include benefits in social security systems, support for energy efficiency improvements and energy production at the lowest possible prices. Such measures shall not impede the opening of the market set out in Article 21. The Commission shall provide indicators to monitor the impact of such measures on energy poverty, and on the functioning of the market."

Amendment 42
Proposal for a directive – amending act
Article 1 - point 1 g (new)
Directive 2003/54/EC
Article 3 – paragraph 6 – subparagraph 1 – point a

Text proposed by the Commission

Amendment

(1g) In the first subparagraph of Article 3(6), point (a) shall be replaced by the following:

"(a) the contribution of each energy source to the overall fuel mix of the supplier over the preceding year in a harmonised and comprehensible manner within Member States so as to allow for easy comparison;"

Amendment 44
Proposal for a directive – amending act
Article 1 – point 1 h (new)
Directive 2003/54/EC
Article 3 – paragraph 6 – subparagraph 1 – point b a (new)

Text proposed by the Commission

Amendment

(1h) In the first subparagraph of Article 3(6), the following point shall be added:

"(ba) information concerning their rights and the means of redress available to them in the event of a dispute."

Amendment 45
Proposal for a directive – amending act
Article 1 - point 1 i (new)
Directive 2003/54/EC
Article 3 – paragraph 6 – subparagraph 3

Text proposed by the Commission

Amendment

(1i) In Article 3(6), the third subparagraph shall be replaced by the following:

"National regulatory authorities shall take the necessary steps to ensure that the information provided by suppliers to their customers pursuant to this Article is reliable. Rules relating to the provision of information shall be harmonised within Member States and relevant markets."

Amendment 46
Proposal for a directive – amending act
Article 1 - point 1 j (new)
Directive 2003/54 (EC)
Article 3 – paragraph 7

Text proposed by the Commission

Amendment

(1j) In Article 3, paragraph 7 shall be replaced by the following:

"7. Member States shall implement appropriate measures to achieve the objectives of social and economic cohesion which shall reduce the cost of energy to low income households and guarantee the same conditions for those living in remote areas, and the objectives of the environmental protection. Such measures shall include energy efficiency/demand-side management measures and means to combat climate change, and security of supply, and may also include, in particular, the provision of adequate economic incentives, using, where appropriate, all existing national and Community tools, for the maintenance and construction of the necessary network infrastructure, including interconnection capacity."

Amendment 47
Proposal for a directive – amending act
Article 1 - point 1 k (new)
Directive 2003/54/EC
Article 3 – paragraph 7 a (new)

Text proposed by the Commission

Amendment

(1k) In Article 3, the following paragraph shall be inserted:

"7a. In order to promote energy efficiency, national regulatory authorities shall mandate electricity undertakings to introduce pricing formulas which increase in the cases of greater levels of consumption and shall ensure the active participation of customers and distribution system operators in system operations by supporting the introduction of measures to optimise the use of energy, particularly during peak hours. Such pricing formulas, combined with the introduction of smart metres and grids, shall promote energy efficiency behaviour and the lowest possible costs for household customers, in particular households suffering energy poverty."

Amendment 48
Proposal for a directive – amending act
Article 1 – point 1 l (new)
Directive 2003/54/EC
Article 3 – paragraph 7 b (new)

Text proposed by the Commission

Amendment

(1l) In Article 3, the following paragraph shall be inserted:

"7b. Member States shall ensure the provision of single points of contact to provide consumers with all necessary information concerning their rights, current legislation and the means of redress available to them in the event of a dispute."

Amendment 156
Proposal for a directive – amending act
Article 1 – point 1 m (new)
Directive 2003/54/EC
Article 3 – paragraph 9 a (new)

Text proposed by the Commission

Amendment

1m. In Article 3, the following paragraph shall be added:

"9a. The Commission shall establish, in consultation with relevant stakeholders including the national regulatory authorities, consumer organisations and social partners, a charter listing the rights of energy consumers set out in Community law including in this Directive. Member States shall ensure that energy suppliers take the necessary steps to communicate to all their consumers a copy of that charter and ensure that it is publicly available. National regulatory authorities shall ensure that energy suppliers fulfil those obligations and comply with the consumer rights set out in the charter."

Amendment 50
Proposal for a directive – amending act
Article 1 – point 2
Directive 2003/54/EC
Article 3 – paragraph 10

Text proposed by the Commission

Amendment

**(2) In Article 3, the following paragraph
10 is added:** **deleted**

***"10. The Commission may adopt
guidelines for the implementation of this
Article. This measure, designed to amend
non-essential elements of this Directive by
supplementing it, shall be adopted in
accordance with the regulatory procedure
with scrutiny referred to in Article
27b(3)"***

Amendment 51
Proposal for a directive – amending act
Article 1 – point 2 a (new)
Directive 2003/54/EC
Article 3 – paragraph 10 a (new)

Text proposed by the Commission

Amendment

***(2a) In Article 3, the following paragraph
shall be added:***

***"10a. In order to help consumers to
reduce their energy costs, Member States
may require that electricity revenues from
household customers be spent to fund
energy efficiency and demand-side
measurement programmes for household
customers."***

Amendment 52
Proposal for a directive – amending act
Article 1 – point 2 b (new)
Directive 2003/54/EC
Article 4

Text proposed by the Commission

Amendment

(2b) Article 4 shall be replaced by the following:

“Member States shall ensure the monitoring of security of supply issues. Where Member States consider it appropriate, they may delegate this task to the regulatory authorities referred to in Article 23(1). This monitoring shall, in particular, cover the supply/demand balance on the national market, including detailed forecast of future demand and available supplies, envisaged additional capacity being planned or under construction, and the quality and level of maintenance of the networks, the access of distributed and micro generation, as well as measures to cover peak demand and to deal with shortfalls of one or more suppliers. The competent authorities shall publish [...], by 31 July each year at the latest a report outlining the findings resulting from the monitoring of these issues, as well as any measures taken or envisaged to address them and shall forward this report to the Commission forthwith.”

Amendment 53
Proposal for a directive – amending act
Article 1 – point 2 c (new)
Directive 2003/54/EC
Article -5 (new)

Text proposed by the Commission

Amendment

(2c) The following Article -5 shall be inserted:

"Article -5

"National regulatory authorities shall ensure that technical operational criteria are defined and that technical rules establishing adequate reliability and security levels and operational requirements for the operation of generating installations, distribution systems, directly connected consumers' equipment, interconnector circuits and direct lines are developed and made public. Those technical rules shall ensure the interoperability of systems and shall be objective and non-discriminatory. Where the Agency considers that harmonisation of these rules is required, it shall make appropriate recommendations to the respective national regulatory authorities."

Amendment 54
Proposal for a directive – amending act
Article 1 - point 3
Directive 2003/54/EC
Article 5a

Text proposed by the Commission

*Member States shall cooperate among themselves for the purpose of integrating their national markets at least at **the regional level**. In particular, **Member States** shall promote the cooperation of network operators at a regional level, and **foster the consistency** of their legal **and** regulatory framework. **The geographical area covered by regional cooperations shall be in line with the definition of geographical areas by the Commission in accordance with Article 2h(3) of Regulation (EC) No 1228/2003 of the European Parliament and of the Council of 26 June 2003 on conditions for access to the network for cross-border exchanges in electricity.***

Amendment

1. National regulatory authorities shall cooperate among themselves for the purpose of **harmonising the market design and** integrating their national markets at least at **one or more regional levels, as a first step towards a fully liberalised internal market**. In particular, **they** shall promote the cooperation of network operators at a regional level and **facilitate their integration at that level with the aim of creating a competitive European market, facilitating the harmonisation** of their legal, regulatory **and technical** framework **and, above all, integrating the electricity islands that persist in the European Union. Member States shall therefore promote the cross-border and regional cooperation of national regulatory authorities.**

Amendment 55
Proposal for a directive – amending act
Article 1 - point 3
Directive 2003/54/EC
Article 5a – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1a. The Agency shall cooperate with national regulatory authorities and transmission system operators in accordance with Chapter IV to ensure the convergence of regulatory frameworks between the regions with the aim of creating a competitive European market. Where the Agency considers that binding rules on such cooperation are required, it shall make appropriate recommendations. In regional markets the Agency shall become the competent authority in the areas specified in Article 22d.

Amendment 56
Proposal for a directive – amending act
Article 1 – point 3 a (new)
Directive 2003/54/EC
Article 6 – paragraph 2 – introductory part

Text proposed by the Commission

Amendment

(3a) In Article 6(2), the introductory part shall be replaced by the following:
"2. Member States shall lay down the criteria for the granting of authorisations for the construction of generating capacity in their territory. These criteria shall relate to:"

Amendment 57
Proposal for a directive – amending act
Article 1 - point 3 b (new)
Directive 2003/54/EC
Article 6 – paragraph 2 - point i a (new)

Text proposed by the Commission

Amendment

(3b) In Article 6(2), the following point shall be added:

"(ia) the Member States' contribution to meeting a target of 20 % for renewables by 2020;"

Amendment 58
Proposal for a directive – amending act
Article 1 - point 3 c (new)
Directive 2003/54/EC
Article 6 – paragraph 2 - point i b (new)

Text proposed by the Commission

Amendment

(3c) In Article 6(2), the following point shall be added:

"(ib) the need for electricity generators to take account of the EU emission trading scheme."

Amendment 59
Proposal for a directive – amending act
Article 1 – point 3 d (new)
Directive 2003/54/EC
Article 6 – paragraph 3

Text proposed by the Commission

Amendment

(3d) In Article 6, paragraph 3 shall be replaced by the following:

"3. Member States shall ensure that small decentralised and/or distributed generators shall benefit from simplified authorisation procedures. Those simplified procedures should apply to all facilities generating less than 50 MW and to all embedded generators."

Amendment 60
Proposal for a directive – amending act
Article 1 - point 3 e (new)
Directive 2003/54/EC
Article 7 – paragraph 5

Text proposed by the Commission

Amendment

(3e) In Article 7, paragraph 5 shall be replaced by the following:

"5. Member States shall designate an authority or a public body or a private body independent from electricity generation, transmission, distribution and supply activities, which may be a national regulatory authority referred to in Article 22a(1), to be responsible for the organisation, monitoring and control of the tendering procedure referred to in paragraphs 1 to 4. [...] This authority or body shall take all necessary steps to ensure confidentiality of the information contained in the tenders."

Amendment 61
Proposal for a directive – amending act
Article 1 – point 4
Directive 2003/54/EC
Article 8 – paragraph 1 – point b - introductory part

Text proposed by the Commission

Amendment

(b) the same person or the same persons are not entitled:

(b) the same person or the same persons are not entitled, ***either individually or jointly:***

Amendment 62
Proposal for a directive – amending act
Article 1 – point 4
Directive 2003/54/EC
Article 8 – paragraph 1 – point b – point (i)

Text proposed by the Commission

Amendment

(i) to directly or indirectly exercise control over an undertaking performing any of the functions of generation or supply, and to directly or indirectly exercise control or hold any interest in or exercise any right over a transmission system operator ***or over a transmission system***, or

(i) to directly or indirectly exercise control over an undertaking performing any of the functions of generation or supply, and to directly or indirectly exercise control or hold any interest in or exercise any right over a transmission system operator, or

Amendment 63
Proposal for a directive – amending act
Article 1 – point 4
Directive 2003/54/EC
Article 8 – paragraph 1 – point b - point (ii)

Text proposed by the Commission

Amendment

(ii) to directly or indirectly exercise control over a transmission system operator ***or over a transmission system***, and to directly or indirectly exercise control or hold any interest in or exercise any right over an undertaking performing any of the functions of generation or supply;

(ii) to directly or indirectly exercise control over a transmission system operator, and to directly or indirectly exercise control or hold any interest in or exercise any right over an undertaking performing any of the functions of generation or supply;

Amendment 64
Proposal for a directive – amending act
Article 1 – point 4
Directive 2003/54/EC
Article 8 – paragraph 1 – point c

Text proposed by the Commission

Amendment

(c) the same person or the same persons are not entitled to appoint members of the supervisory board, the administrative board or bodies legally representing the undertaking, of a transmission system operator **or a transmission system**, and to directly or indirectly exercise control or hold any interest in or exercise any right over an undertaking performing any of the functions of generation or supply;

(c) the same person or the same persons are not entitled to appoint members of the supervisory board, the administrative board or bodies legally representing the undertaking, of a transmission system operator, and to directly or indirectly exercise control or hold any interest in or exercise any right over an undertaking performing any of the functions of generation or supply;

Amendment 65
Proposal for a directive – amending act
Article 1 – point 4
Directive 2003/54/EC
Article 8 – paragraph 1 – point d a (new)

Text proposed by the Commission

Amendment

(da) the same person or the same persons are not entitled to operate the transmission system via a management contract or exercise influence in any other way of non-ownership, or to directly or indirectly exercise control or hold any interest in or exercise any right over an undertaking performing any of the functions of generation or supply.

Amendment 66
Proposal for a directive – amending act
Article 1 – point 4
Directive 2003/54/EC
Article 8 – paragraph 3 a (new)

Text proposed by the Commission

Amendment

3a. Member States shall monitor the process of unbundling vertically integrated undertakings and shall submit a report to the Commission on the progress achieved.

Amendment 67
Proposal for a directive – amending act
Article 1 – point 4
Directive 2003/54/EC
Article 8 – paragraph 5

Text proposed by the Commission

Amendment

5. The obligation set out in paragraph 1(a) is deemed to be fulfilled in a situation where several undertakings which own transmission systems have created a joint venture which acts as a transmission system operator in several Member States for the transmission systems concerned. ***No other undertaking may be part of the joint venture, unless it has been approved under Article 10 as an independent system operator.***

5. The obligation set out in paragraph 1 *point* (a) is deemed to be fulfilled in a situation where several undertakings which own transmission systems have created a joint venture which acts as a transmission system operator in several Member States for the transmission systems concerned.

Amendment 68
Proposal for a directive – amending act
Article 1 – point 4
Directive 2003/54/EC
Article 8 – paragraph 5 a (new)

Text proposed by the Commission

Amendment

5a. Where the person referred to in points (b) to (d) of paragraph 1 is the Member State or a public body, two separate public bodies exercising control over a transmission system operator or over a transmission system and over an undertaking performing any of the functions of generation or supply, are not deemed to be the same person or the same persons.

Amendment 69
Proposal for a directive – amending act
Article 1 – point 5
Directive 2003/54/EC
Article 8b – paragraph 13

Text proposed by the Commission

Amendment

13. The Commission shall adopt guidelines setting out the details of the procedure to be followed for the application of paragraphs 6 to 9. This measure designed to amend non-essential elements of this Directive by supplementing it shall be adopted in accordance with the regulatory procedure with scrutiny referred to in Article 27b(3).

deleted

Amendment 70
Proposal for a directive – amending act
Article 1 – point 6
Directive 2003/54/EC
Article 9 – point a

Text proposed by the Commission

Amendment

(a) ensuring the long-term ability of the system to meet reasonable demands for the transmission of electricity, operating, maintaining and developing under economic conditions secure, reliable and efficient transmission systems with due regard to the environment, ***and promote energy efficiency and research and innovation notably*** with respect to ***ensuring penetration of*** renewables and ***dissemination of*** low carbon technology.

(a) ensuring the long-term ability of the system to meet reasonable demands for the transmission of electricity, operating, maintaining and developing under economic conditions secure, reliable and efficient transmission systems with due regard to the environment, with respect to ***integrating*** renewables, ***embedded generation*** and low carbon technology ***in the grid system, and promotion of energy efficiency and research and innovation.***

Amendment 71
Proposal for a directive – amending act
Article 1 – point 6 a (new)
Directive 2003/54/EC
Article 9 – point c

Text proposed by the Commission

Amendment

(6a) In Article 9, point (c) shall be replaced by the following:

"(c) managing energy flows on the system, taking into account exchanges with other interconnected systems and common standards coordinated at European level. 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 based on common standards insofar as this availability is independent from any other transmission system with which its system is interconnected;"

Amendment 72
Proposal for a directive – amending act
Article 1 – point 6 b (new)
Directive 2003/54/EC
Article 9 – point d

Text proposed by the Commission

Amendment

(6b) In Article 9, point (d) shall be replaced by the following:

"(d) providing to the operator of any other system with which its system is interconnected sufficient information to ensure the secure and efficient operation [...] and the interoperability of the interconnected system, making common use of this information;"

Amendment 73
Proposal for a directive – amending act
Article 1 – point 6 c (new)
Directive 2003/54/EC
Article 9 – point f

Text proposed by the Commission

Amendment

(6c) In Article 9, point (f) shall be replaced by the following:

"(f) providing system users with the information they need for efficient access to the system, on the basis of common standards."

Amendment 74
Proposal for a directive – amending act
Article 1 - point 6 d (new)
Directive 2003/54/EC
Article 9 - point f a (new)

Text proposed by the Commission

Amendment

(6d) In Article 9, the following point shall be added:

"(fa) collecting congestion rents and payments under the inter-transmission system operator compensation mechanism, in compliance with Article 3 of Regulation (EC) No 1228/2003, granting and managing third-party access and giving reasoned explanations when it denies such access, which shall be monitored by the national regulatory authorities; in carrying out their tasks under this Article transmission system operators shall primarily facilitate market integration and optimise socio-economic welfare gains."

Amendment 75
Proposal for a directive – amending act
Article 1 - point 8
Directive 2003/54/EC
Article 10

Text proposed by the Commission

Amendment

Article 10

deleted

Independent system operators

1. Where the transmission system belongs to a vertically integrated undertaking on entry into force of this Directive, Member States may grant derogations from Article 8(1), provided that an independent system operator is designated by the Member State upon a proposal from the transmission system owner and subject to approval of such designation by the Commission. Vertically integrated undertakings which own a transmission system may not in any event be prevented from taking steps to comply with Article 8(1).

2. The Member State may approve and designate an independent system operator only where:

(a) the candidate operator has demonstrated that it complies with the requirements of Article 8(1)(b) to (d);

(b) the candidate operator has demonstrated that it has at its disposal the required financial, technical and human resources to carry out its tasks under Article 9;

(c) the candidate operator has committed to complying with a ten year network development plan proposed by the regulatory authority;

(d) the transmission system owner has demonstrated its ability to comply with its obligations under paragraph 6. To this effect, it shall provide all the draft contractual arrangements with the candidate undertaking and any other relevant entity;

(e) the candidate operator has demonstrated its ability to comply with its obligations under Regulation (EC) No 1228/2003 of the European Parliament and of the Council of 26 June 2003 on conditions for access to the network for cross-border exchanges in electricity including the cooperation of transmission system operators at European and regional level.*

3. Undertakings which have been certified by the regulatory authority as having complied with the requirements of Articles 8a and 10(2) shall be approved and designated as independent system operators by Member States. The certification procedure in Article 8b shall be applicable.

4. Where the Commission has taken a decision in accordance with the procedure in Article 8b and finds that the regulatory authority has not complied with its decision within two months, it shall, within a period of six months, designate, on a proposal from the Agency for the Cooperation of Energy Regulators and after having heard the views of the transmission system owner and the transmission system operator, an independent system operator for a period of 5 years. At any time, the transmission system owner may propose to the regulatory authority the designation of a new independent system operator pursuant to the procedure in Article 10(1).

5. Each independent system operator shall be responsible for granting and managing third party access, including the collection of access charges, congestion rents, and payments under the inter transmission system operator compensation mechanism in compliance with Article 3 of Regulation (EC) No 1228/2003, as well as for operating, maintaining and developing the transmission system, and for ensuring the long term ability of the system to meet reasonable demand through investment planning. When developing the network the independent system operator is responsible for planning (including authorisation procedure), construction and commissioning of the new infrastructure. For this purpose, it shall act as a transmission system operator in accordance with this Chapter.

Transmission system owners may not be responsible for granting and managing third party access, nor for investment planning.

6. Where an independent system operator has been designated, the transmission system owner shall:

(a) provide all the relevant cooperation and support to the independent system operator for the fulfilment of its tasks, including in particular all relevant information;

(b) finance the investments decided by the independent system operator and approved by the regulatory authority, or give its agreement to financing by any interested party including the independent system operator. The relevant financing arrangements shall be subject to approval by the regulatory authority. Prior to this approval, the Regulatory Authority shall consult the asset owner together with other interested parties;

(c) provide for the coverage of liability relating to the network assets, excluding the liability relating to the tasks of the independent system operator;

(d) provide guarantees to facilitate financing any network expansions with the exception of those investments where, pursuant to paragraph b, it has given its agreement to financing by any interested party including the independent system operator.

7. In close cooperation with the regulatory authority, the relevant national competition authority shall be granted all relevant powers to effectively monitor compliance of the transmission system owner with its obligations under paragraph 6.

Amendment 76
Proposal for a directive – amending act
Article 1 - point 8
Directive 2003/54/EC
Article 10a

Text proposed by the Commission

Amendment

Article 10a

deleted

Unbundling of transmission system owners

1. Transmission system owners, where an independent system operator has been appointed, which are part of vertically integrated undertakings shall be independent at least in terms of their legal form, organisation and decision making from other activities not relating to transmission.

2. In order to ensure the independence of the transmission system owner referred to in paragraph 1, the following minimum criteria shall apply:

(a) those persons responsible for the management of the transmission system owner may not participate in company structures of the integrated electricity undertaking responsible, directly or indirectly, for the day-to-day operation of the generation, distribution and supply of electricity;

(b) appropriate measures must be taken to ensure that the professional interests of persons responsible for the management of the transmission system owner are taken into account in a manner that ensures that they are capable of acting independently;

(c) transmission system owner shall establish a compliance programme, which sets out measures taken to ensure that discriminatory conduct is excluded, and ensure that observance of it is adequately monitored. The programme shall set out the specific obligations of employees to meet this objective. An annual report, setting out the measures taken, shall be submitted by the person or body responsible for monitoring the compliance programme to the regulatory authority and shall be published.

3. The Commission may adopt guidelines to ensure full and effective compliance of the transmission system owner with paragraph 2 of this Article. This measure designed to amend non-essential elements of this Directive by supplementing it shall be adopted in accordance with the regulatory procedure with scrutiny referred to in Article 27b(3)."

Amendment 77
Proposal for a directive – amending act
Article 1 - point 8 a (new)
Directive 2003/54/EC
Article 11 – paragraph 2

Text proposed by the Commission

Amendment

(8a) In Article 11, paragraph 2 shall be replaced by the following:

"2. The dispatching of generating installations and the use of interconnectors shall be determined on the basis of criteria which shall be approved by national regulatory authorities and which must be objective, published and applied in a non-discriminatory manner which ensures the proper functioning of the internal market in electricity. They shall take into account the economic precedence of electricity from available generating installations or interconnector transfers and the technical constraints on the system."

Amendment 78
Proposal for a directive – amending act
Article 1 - point 8 b (new)
Directive 2003/54/EC
Article 11 – paragraph 3

Text proposed by the Commission

Amendment

(8b) In Article 11, paragraph 3 shall be replaced by the following:

"3. A national regulatory authority shall require the system operator, when dispatching generating installations, to give priority to generating installations using renewable energy sources or waste or producing combined heat and power except when technical balancing requirements or the safety and reliability of the grid would be compromised."

Amendment 79
Proposal for a directive – amending act
Article 1 - point 8 c (new)
Directive 2003/54/EC
Article 11 – paragraph 5

Text proposed by the Commission

Amendment

(8c) In Article 11, paragraph 5 shall be replaced by the following:

"5. Member States shall, through the national regulatory authorities, require transmission system operators to comply with minimum standards for the operation, maintenance and development of the transmission system, including interconnection capacity. National regulatory authorities should be given a wider remit to ensure that the European consumer is taken into account in their work."

Amendment 80
Proposal for a directive – amending act
Article 1 – point 8 d (new)
Directive 2003/54/EC
Article 11 – paragraph 7 a (new)

Text proposed by the Commission

Amendment

(8d) In Article 11, the following paragraph shall be added:

"7a. Transmission system operators shall facilitate participation of large final customers and final customers' aggregators in reserve and balancing markets. Whenever generation and demand bids have the same price, priority shall be given to demand."

Amendment 81
Proposal for a directive – amending act
Article 1 – point 8 e (new)
Directive 2003/54/EC
Article 11 – paragraph 7 b (new)

Text proposed by the Commission

Amendment

(8e) In Article 11, the following paragraph shall be added:

"7b. National regulatory authorities shall ensure that balancing rules and tariffs are appropriately harmonised throughout all Member States by ...*. In particular, they shall ensure that large final customers, final customers' aggregators and distributed generators are able to effectively contribute to balancing and other relevant ancillary services.

**** Two years after the entry into force of Directive .../.../EC [amending Directive 2003/54/EC concerning common rules for the internal market in electricity]."***

Amendment 82
Proposal for a directive – amending act
Article 1 – point 9
Directive 2003/54/EC
Article 12 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2a. Commercial information of essential importance to competition in the market, and in particular information enabling the point of delivery to be identified, information on installed capacity and information on subscribed capacity, shall be accessible to all electricity suppliers on the market. Where necessary, the national regulatory authority shall require incumbents to supply such information to the persons concerned.

Amendment 83
Proposal for a directive – amending act
Article 1 - point 9 a (new)
Directive 2003/54/EC
Article 14 – paragraph 1

Text proposed by the Commission

Amendment

(9a) In Article 14, paragraph 1 shall be replaced by the following:

"1. The distribution system operator shall be responsible for ensuring the long-term ability of the system to meet reasonable demands for the distribution of electricity, for operating, maintaining and developing under economic conditions of a secure, reliable and efficient electricity distribution system in its area with due regard for the environment, and for promoting energy efficiency."

Amendment 84
Proposal for a directive – amending act
Article 1 – point 9 b (new)
Directive 2003/54/EC
Article 14 – paragraph 3

Text proposed by the Commission

Amendment

(9b) In Article 14, paragraph 3 shall be replaced by the following:

"3. The distribution system operator shall provide system users with the information they need for efficient access to and use of the system."

Amendment 85
Proposal for a directive – amending act
Article 1 – point 9 c (new)
Directive 2003/54/EC
Article 14 – paragraph 3 a (new)

Text proposed by the Commission

Amendment

(9c) In Article 14, the following paragraph shall be inserted:
"3a. The distribution system operator shall submit to the relevant regulatory authority, within one year of the entry into force of Directive .../.../EC [amending Directive 2003/54/EC concerning common rules for the internal market in electricity], a proposal describing the appropriate information and communication systems to be implemented in order to provide the information mentioned in paragraph 3. This proposal shall facilitate, inter alia the use of bi-directional electronic meters, which shall be rolled out to all consumers within 10 years of the entry into force of that Directive, the active participation of final customers and distributed generators in system operation and the flow of real-time information between distribution and transmission system operators with the aim of optimising the use of all available generation, network and demand resources."

Amendment 86
Proposal for a directive – amending act
Article 1 – point 9 d (new)
Directive 2003/54/EC
Article 14 – paragraph 3 b (new)

Text proposed by the Commission

Amendment

(9d) In Article 14, the following paragraph shall be inserted:

"3b. Within two years of the entry into force of Directive .../.../EC [amending Directive 2003/54/EC concerning common rules for the internal market in electricity], national regulatory authorities shall approve or reject the proposals referred to in paragraph 3a. National regulatory authorities shall ensure the full interoperability of the information and communication systems to be implemented. For this purpose, they may issue guidelines and call for amendments to the proposals referred to in paragraph 3a."

Amendment 87
Proposal for a directive – amending act
Article 1 – point 9 e (new)
Directive 2003/54/EC
Article 14 – paragraph 3 c (new)

Text proposed by the Commission

Amendment

(9e) In Article 14, the following paragraph shall be inserted:

"3c. Prior to notification to the distribution system operator of its decision concerning the proposal referred to in paragraph 3a, the national regulatory authority shall inform the Agency or, if it is not yet in operation, the Commission. The Agency or the Commission shall ensure that the information and communication systems to be implemented facilitate the development of the internal electricity market and do not introduce any new technical barriers."

Amendment 88
Proposal for a directive – amending act
Article 1 - point 9 f (new)
Directive 2003/54/EC
Article 14 – paragraph 4 a (new)

Text proposed by the Commission

Amendment

(9f) In Article 14, the following paragraph shall be inserted:

"4a. Member States shall encourage the modernisation of distribution networks which shall be built in a way that encourages decentralised generation and ensures energy efficiency."

Amendment 89
Proposal for a directive – amending act
Article 1 - point 10 - point c
Directive 2003/54/EC
Article 15 – paragraph 3

Text proposed by the Commission

Amendment

3. Where the distribution system operator is part of a vertically integrated undertaking, **Member States** shall ensure that the activities of the distribution system operator is monitored so that it cannot take advantage of its vertical integration to distort competition. In particular, vertically integrated distribution system operators shall not, in their communication and branding, create confusion in respect of the separate identity of the supply branch of the vertically integrated undertaking.

3. Where the distribution system operator is part of a vertically integrated undertaking, **national regulatory authorities** shall ensure that the activities of the distribution system operator is monitored so that it cannot take advantage of its vertical integration to distort competition. In particular, vertically integrated distribution system operators shall not, in their communication and branding, create confusion in respect of the separate identity of the supply branch of the vertically integrated undertaking.

Amendment 90
Proposal for a directive – amending act
Article 1 – point 10 - point c
Directive 2003/54/EC
Article 15 – paragraph 4

Text proposed by the Commission

Amendment

4. The Commission may adopt guidelines to ensure full and effective compliance of the distribution system operator with paragraph 2 as regards the full independence of the distribution system operator, the absence of discriminatory behaviour, and that supply activities of the vertically integrated undertaking cannot take unfair advantage of its vertical integration. This measure designed to amend non-essential elements of this Directive by supplementing it shall be adopted in accordance with the regulatory procedure with scrutiny referred to in Article 27b(3).

deleted

Amendment 91
Proposal for a directive – amending act
Article 1 – point 11 a (new)
Directive 2003/54/EC
Article 19 – paragraph 3

Text proposed by the Commission

Amendment

(11a) In Article 19, paragraph 3 shall be replaced by the following:

“3. Electricity undertakings shall, in their internal accounting, keep separate accounts for each of their transmission and distribution activities as they would be required to do if the activities in question were carried out by separate undertakings, with a view to avoiding discrimination, cross subsidisation and distortion of competition. They shall also keep accounts, which may be consolidated, for each electricity activity not relating to transmission or distribution. Until 1 July 2007, they shall keep separate accounts for supply activities for eligible customers and supply activities for non-eligible customers. Revenue from ownership of the transmission/distribution system shall be specified in the accounts. Where appropriate, they shall keep consolidated accounts for other, non-electricity activities. The internal accounts shall include a balance sheet and a profit and loss account for each activity.”

Amendment 92
Proposal for a directive – amending act
Article 1 – point 11 b (new)
Directive 2003/54/EC
Article 20 – paragraph 2

Text proposed by the Commission

Amendment

(11b) In Article 20, paragraph 2 shall be replaced by the following:

"2. The operator of a transmission or distribution system may refuse access where it lacks the necessary physically available capacity. Duly substantiated reasons must be given for such refusal, based on objective, technically and economically justified criteria. The national regulatory authority shall ensure that those criteria are consistently applied and that the system user who has been refused access has a right of appeal. The national regulatory authority shall ensure, where appropriate and when refusal of access takes place, that the transmission or distribution system operator provides relevant information on measures that would be necessary to reinforce the network. The party requesting such information may be charged a reasonable fee reflecting the cost of providing such information."

Amendment 93
Proposal for a directive – amending act
Article 1 – point 11 c (new)
Directive 2003/54/EC
Article 21 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

(11c) In Article 21, the following paragraph shall be added:

"2a. Eligible customers shall have the right to contract simultaneously with several suppliers."

Amendment 94
Proposal for a directive – amending act
Article 1 – point 11 d (new)
Directive 2003/54/EC
Article 21 – paragraph 2 b (new)

Text proposed by the Commission

Amendment

(11d) In Article 21, the following paragraph shall be added:

"2b. The Agency shall perform real-time monitoring of all organised wholesale electricity markets established in the Union, in the EEA and in neighbouring countries in order to detect market power abuses or market design flaws and to promote internal market efficiency improvements."

Amendment 95
Proposal for a directive – amending act
Article 1 – point 12
Directive 2003/54/EC
Article 22a

Text proposed by the Commission

Amendment

1. Each Member State shall designate a single national regulatory authority.

2. Member States shall guarantee the independence of the regulatory authority and shall ensure that it exercises its powers impartially and transparently. For this purpose, Member State shall ensure that, when carrying out the regulatory tasks conferred upon it by this Directive, the regulatory authority is legally distinct and functionally independent from any other public or private entity, and that its staff and the persons responsible for its management act independently from any market interest and shall not seek or take instructions from any government or other public or private entity.

1. Each Member State shall designate a single national regulatory authority.

2. Member States shall guarantee the independence of the regulatory authority and shall ensure that it exercises its powers impartially and transparently. For this purpose, Member State shall ensure that, when carrying out the regulatory tasks conferred upon it by this Directive ***and related legislation***, the regulatory authority:

3. In order to protect the independence of the regulatory authority, Member States shall in particular ensure that:

(a) the regulatory authority has legal personality, **budgetary** autonomy, and adequate human and financial resources to carry out its duties;

(b) **its management is** appointed for a non-renewable fixed term of at least five years, **and** may **only** be relieved from office during **its** term if **it** no longer **fulfills** the conditions set out in this Article or **it has** been guilty of serious misconduct.

(a) is legally distinct and functionally independent from any other public or private entity, and

(b) that its staff and the persons responsible for its management act independently from any market interest and

(c) shall not seek or take **direct** instructions from any government or other public or private entity **when carrying out the regulatory tasks**.

3. In order to protect the independence of the regulatory authority, Member States shall in particular ensure that:

(a) the regulatory authority has legal personality, **financial** autonomy and adequate human and financial resources to carry out its duties;

(b) **the members of the board of the regulatory authority are** appointed for a non-renewable fixed term of at least five years **but no more than seven years. For the first mandate, this term shall be two and a half years for half of the members. The members** may be relieved from office **only** during **their** term if **they** no longer **fulfil** the conditions set out in this Article or **have** been guilty of serious misconduct **under national law**.

Amendment 96

Proposal for a directive – amending act

Article 1 – point 12

Directive 2003/54/EC

Article 22a – paragraph 3 – point b a (new)

Text proposed by the Commission

Amendment

(ba) the budgetary needs of the regulatory authority are met by direct revenues from energy market operations.

Amendment 97
Proposal for a directive – amending act
Article 1 – point 12
Directive 2003/54/EC
Article 22b

Text proposed by the Commission

In carrying out the regulatory tasks specified in this Directive, the regulatory authority shall take all reasonable measures to achieve the following objectives:

(a) the promotion, in close cooperation with the Agency, regulatory authorities of other Member States and the Commission, of a competitive, secure and environmentally sustainable internal electricity market within the Community, **and** effective market opening for all consumers and suppliers in the Community;

(b) the development of competitive and properly functioning **regional** markets within the Community in view of the achievement of the objective mentioned in point (a);

(c) the suppression of restrictions to electricity trade between Member States, including the development of appropriate cross border transmission capacities to meet demand, enhance integration of national markets **and to enable** unrestrained electricity flow across the Community;

(d) ensuring the development of secure, reliable and efficient systems, promoting **energy efficiency**, system adequacy, **and research and innovation to meet demand and the development of innovative renewable and low carbon technologies**, in both **short and long term**;

Amendment

In carrying out the regulatory tasks specified in this Directive, the regulatory authority shall take all reasonable measures to achieve the following objectives:

(a) the promotion, in close cooperation with the Agency, regulatory authorities of other Member States and the Commission, of a competitive, secure and environmentally sustainable internal electricity market within the Community, effective market opening for all consumers and suppliers in the Community, **and ensuring that energy supply networks operate in an effective, reliable way, taking into account long-term objectives**;

(b) the development of competitive and properly functioning markets within the Community in view of the achievement of the objective mentioned in point (a);

(c) the suppression of **any** restrictions to electricity trade between Member States, including the development of appropriate cross border transmission capacities to meet demand **and** enhance **the** integration of national markets **so as to facilitate** unrestrained electricity flows across the Community;

(d) ensuring, **in the most cost-effective way**, the development of **consumer oriented**, secure, reliable and efficient **grid** systems, promoting system adequacy, **whilst ensuring energy efficiency and the integration of large and small scale renewables and distributed generation** in both **transmission and distribution grids**;

(e) ensuring that network operators are granted adequate incentives, in both the short and the long term, to increase efficiencies in network performance and foster market integration;

(f) ensuring the efficient functioning of their national market, **and to promote** effective competition in cooperation with competition authorities.

(da) facilitating access to the grid for new generation capacity, in particular removing barriers that could prevent access for new market entrants and renewable energies;

(e) ensuring that network operators are granted adequate incentives, in both the short and the long term, to increase efficiencies in network performance and foster market integration;

(f) ensuring **that customers benefit through** the efficient functioning of their national market, **promoting** effective competition in cooperation with competition authorities, **and ensuring consumer protection;**

(fa) helping to achieve high standards of universal and public service in electricity supply, contributing to the protection of vulnerable customers, and helping to ensure that the consumer protection measures set out in Annex A are effective;

(fb) harmonising necessary data exchange processes.

Amendment 98

Proposal for a directive – amending act

Article 1 – point 12

Directive 2003/54/EC

Article 22c – paragraph 1 - introductory part

Text proposed by the Commission

1. The regulatory authority shall have the following duties:

Amendment

1. The regulatory authority shall have the following duties **which it shall carry out, where appropriate, in close consultation with other relevant national and Community authorities, transmission system operators and other market stakeholders and without prejudice to the specific competencies of the latter:**

Amendment 99
Proposal for a directive – amending act
Article 1 – point 12
Directive 2003/54/EC
Article 22c – paragraph 1 – point -a (new)

Text proposed by the Commission

Amendment

(-a) setting or approving, independently and in accordance with transparent criteria, regulated network tariffs and network tariff components;

Amendment 100
Proposal for a directive – amending act
Article 1 – point 12
Directive 2003/54/EC
Article 22c – paragraph 1 – point b

Text proposed by the Commission

Amendment

(b) cooperating on cross-border issues with the regulatory authority or authorities of ***those*** Member States;

(b) cooperating on cross-border issues with the regulatory authority or authorities of Member States ***and with the Agency, including ensuring that there is sufficient interconnection capacity between transmission infrastructures to satisfy an efficient overall market assessment and security of supply criterion, without discriminating between supply undertakings in different Member States;***

Amendment 101
Proposal for a directive – amending act
Article 1 – point 12
Directive 2003/54/EC
Article 22c – paragraph 1 – point c

Text proposed by the Commission

Amendment

(c) complying with, and implementing, decisions of the Agency and of the Commission;

(c) complying with, and implementing, ***any relevant binding*** decisions of the Agency and of the Commission;

Amendment 102
Proposal for a directive – amending act
Article 1 - point 12
Directive 2003/54/EC
Article 22c – paragraph 1 - point e

Text proposed by the Commission

Amendment

(e) ensuring that there are no cross subsidies between transmission, distribution, and supply activities;

(e) ***monitoring compliance with unbundling requirements under this Directive and other relevant Community legislation and ensuring that there are no cross subsidies between transmission, distribution, and supply activities as well as ensuring that distribution and transmission tariffs are set well in advance of the periods during which they are to apply;***

Amendment 103
Proposal for a directive – amending act
Article 1 - point 12
Directive 2003/54/EC
Article 22c – paragraph 1 - point f

Text proposed by the Commission

Amendment

(f) reviewing investment plans of the transmission system operators, and providing in its annual report an assessment of the investment plan of the transmission system operators as regards its consistency with the European-wide 10-year network ***development*** plan mentioned in Article 2c(1) of Regulation (EC) No 1228/2003;

(f) reviewing investment plans of the transmission system operators, and providing in its annual report an assessment of the investment plan of the transmission system operators as regards its consistency with the European-wide 10-year network ***investment*** plan mentioned at Article 2c(1) of Regulation (EC) No 1228/2003; ***the 10-year investment plan shall create incentives for the promotion of investments, and ensure that the quality and size of the workforce are sufficient to meet service obligations; failure by the relevant operator to honour the 10-year investment plan shall result in the imposition of proportionate sanctions by the regulatory authority on the operator in accordance with recommendations issued by the Agency;***

Amendment 104
Proposal for a directive – amending act
Article 1 – point 12
Directive 2003/54/EC
Article 22c – paragraph 1 – point f a (new)

Text proposed by the Commission

Amendment

(fa) approving the annual investment plans of the transmission system operators;

Amendment 105
Proposal for a directive – amending act
Article 1 - point 12
Directive 2003/54/EC
Article 22c – paragraph 1 - point g

Text proposed by the Commission

Amendment

(g) monitoring network security and reliability, and reviewing network security and reliability rules;

(g) monitoring ***compliance with*** network security and reliability ***requirements, setting or approving standards and requirements for quality of service and supply*** and reviewing ***past performance in terms of quality of service and supply and*** network security and reliability rules;

Amendment 106
Proposal for a directive – amending act
Article 1 – point 12
Directive 2003/54/EC
Article 22c – paragraph 1 – point h a (new)

Text proposed by the Commission

Amendment

(ha) encouraging the development of European interruptible supply contracts;

Amendment 107
Proposal for a directive – amending act
Article 1 – point 12
Directive 2003/54/EC
Article 22 c – paragraph 1 – point i

Text proposed by the Commission

(i) monitoring the level of market opening and competition at wholesale and retail levels, including on electricity exchanges, household prices, switching rates, disconnection rates and household complaints in an agreed format, as well as any distortion or restriction of competition in cooperation with competition authorities, including providing any relevant information, bringing any relevant cases to the attention of the relevant competition authorities;

Amendment

(i) monitoring the level of **effective** market opening and competition at wholesale and retail levels, including on electricity exchanges, household prices, switching rates, **adequate prepayment conditions reflecting actual consumption, connection and** disconnection rates, **maintenance charges** and household complaints in an agreed format, as well as any distortion or restriction of competition in cooperation with competition authorities, including providing any relevant information, bringing any relevant cases to the attention of the relevant competition authorities;

Amendment 108
Proposal for a directive – amending act
Article 1 - point 12
Directive 2003/54/EC
Article 22c – paragraph 1 - point i a (new)

Text proposed by the Commission

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

Amendment

Amendment 169
Proposal for a directive – amending act
Article 1 - point 12
Directive 2003/54/EC
Article 22c - paragraph 1 - point i b (new)

Text proposed by the Commission

Amendment

(ib) with full regard to the provisions of the EC Treaty, promoting agreements on a long-term basis between energy consumers and suppliers that contribute to improvement of the energy production and distribution and at the same time allow consumers to share the resulting benefits, provided that such agreements can contribute to an optimal level of investment in the energy sector;

Amendment 109
Proposal for a directive – amending act
Article 1 - point 12
Directive 2003/54/EC
Article 22c – paragraph 1 - point i c (new)

Text proposed by the Commission

Amendment

(ic) recognising contractual freedom with regard to long term contracts and the possibility to conclude asset based contracts provided that they are compatible with Community law;

Amendment 110
Proposal for a directive – amending act
Article 1 - point 12
Directive 2003/54/EC
Article 22c – paragraph 1 - point j

Text proposed by the Commission

Amendment

(j) monitoring the time taken by transmission and distribution undertakings to make connections and repairs;

(j) monitoring the time taken by transmission and distribution undertakings to make connections and repairs **and imposing sanctions in accordance with the guidelines provided by the Agency if such connections and repairs are prolonged without due cause;**

Amendment 111
Proposal for a directive – amending act
Article 1 – point 12
Directive 2003/54/EC
Article 22c – paragraph 1 – point k

Text proposed by the Commission

Amendment

(k) without prejudice to the competence of other national regulatory authorities, **ensuring** high standards of universal and public service for electricity, the protection of vulnerable customers, **and that consumer protection measures set out in Annex A are effective;**

(k) without prejudice to the competence of other national regulatory authorities, **monitoring** high standards of universal and public service for electricity **and** the protection of vulnerable customers;

Amendment 112
Proposal for a directive – amending act
Article 1 – point 12
Directive 2003/54/EC
Article 22c – paragraph 1 – point k a (new)

Text proposed by the Commission

Amendment

(ka) ensuring that the consumer protection measures set out in Annex A are effective and enforced;

Amendment 113
Proposal for a directive – amending act
Article 1 – point 12
Directive 2003/54/EC
Article 22c – paragraph 1 – point (1)

Text proposed by the Commission

Amendment

(1) publishing recommendations, at least on a yearly basis, on compliance of supply tariffs with Article 3;

(1) publishing recommendations, at least on a yearly basis, on compliance of supply tariffs with Article 3, ***paying due attention in those recommendations to the impact on the functioning of the market of regulated prices (wholesale and end-user prices)***;

Amendment 114
Proposal for a directive – amending act
Article 1 - point 12
Directive 2003/54/EC
Article 22c – paragraph 1 - point 1 a (new)

Text proposed by the Commission

Amendment

(1a) reporting to the national competition authorities and the Commission those Member States in which regulated tariffs are lower than the market price;

Amendment 115
Proposal for a directive – amending act
Article 1 – point 12
Directive 2003/54/EC
Article 22c – paragraph 1 – point m

Text proposed by the Commission

Amendment

(m) **ensuring** access to customer consumption data, the application of *a* harmonised format for **consumption** data and **the** access to data under paragraph (h) of Annex A;

(m) **establishing standardised rules governing relationships between final customers and suppliers, distributors and metering system operators, which cover at least** access to customer consumption data, **including prices and any related expenditure**, the application of **an easily understandable** harmonised format for **such** data, **adequate prepayment that reflects actual consumption** and **prompt** access **for all customers** to **such** data under paragraph (h) of Annex A;

Amendment 116
Proposal for a directive – amending act
Article 1 – point 12
Directive 2003/54/EC
Article 22c – paragraph 1 – point o a (new)

Text proposed by the Commission

Amendment

(oa) enjoying a right of veto over decisions to appoint or dismiss persons responsible for the general management of a transmission system operator;

Amendment 117
Proposal for a directive – amending act
Article 1 - point 12
Directive 2003/54/EC
Article 22c – paragraph 1 - point o b (new)

Text proposed by the Commission

Amendment

(ob) fixing or approving network access tariffs and publishing the methodology used to set such tariffs.

Amendment 118
Proposal for a directive – amending act
Article 1 – point 12
Directive 2003/54/EC
Article 22c – paragraph 1 – point o c (new)

Text proposed by the Commission

Amendment

(oc) setting or approving standards for quality of service, monitoring their implementation and imposing sanctions for non-compliance therewith;

Amendment 119
Proposal for a directive – amending act
Article 1 – point 12
Directive 2003/54/EC
Article 22c – paragraph 1 – point o d (new)

Text proposed by the Commission

Amendment

(od) monitoring the implementation of safeguard measures referred to in Article 24;

Amendment 120
Proposal for a directive – amending act
Article 1 – point 12
Directive 2003/54/EC
Article 22c – paragraph 1 – point o e (new)

Text proposed by the Commission

Amendment

(oe) harmonising data exchange processes for the most important market processes at regional level;

Amendment 121
Proposal for a directive – amending act
Article 1 - point 12
Directive 2003/54/EC
Article 22c – paragraph 1 - point o f (new)

Text proposed by the Commission

Amendment

(of) imposing price caps in uncompetitive markets for a defined, limited period in order to protect customers against market abuses, fixing such caps at a sufficiently high level so as not to discourage new market entrants or the growth of existing competitors;

Amendment 122
Proposal for a directive – amending act
Article 1 – point 12
Directive 2003/54/EC
Article 22c – paragraph 1 – point o g (new)

Text proposed by the Commission

Amendment

(og) auditing transmission system operators' maintenance policies;

Amendment 123
Proposal for a directive – amending act
Article 1 - point 12
Directive 2003/54/EC
Article 22c – paragraph 1 - point o h (new)

Text proposed by the Commission

Amendment

(oh) developing, in conjunction with relevant planning authorities, guidelines regarding a time limited licensing procedure in order to encourage new entrants to engage in electricity generation and trading;

Amendment 124
Proposal for a directive – amending act
Article 1 - point 12
Directive 2003/54/EC
Article 22c – paragraph 1 - point o i (new)

Text proposed by the Commission

Amendment

***(oi) ensuring that wholesale fluctuations
in prices are transparent.***

Amendment 125
Proposal for a directive – amending act
Article 1 – point 12
Directive 2003/54/EC
Article 22c – paragraph 1 a (new)

Text proposed by the Commission

Amendment

***1a. If a Member State so provides, the
monitoring duties referred to in
paragraph 1 may be carried out by an
authority other than the regulatory
authority. In such a case, the information
resulting from such monitoring shall be
made available to the regulatory authority
as soon as possible.***

***In accordance with the principles of better
regulation, the regulatory authority shall,
as appropriate, consult transmission
system operators and closely cooperate
with other relevant national authorities
when carrying out the duties mentioned in
paragraph 1, while preserving their
independence and without prejudice to
their own specific competencies.***

Amendment 126
Proposal for a directive – amending act
Article 1 – point 12
Directive 2003/54/EC
Article 22c – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2a. When monitoring national electricity markets in accordance with point (i) of paragraph 1, including the monitoring of wholesale and retail prices, national regulatory authorities shall adopt harmonised methodologies agreed and approved by the Agency.

Amendment 127
Proposal for a directive – amending act
Article 1 – point 12
Directive 2003/54/EC
Article 22c – paragraph 3 – point b

Text proposed by the Commission

Amendment

(b) to carry out in cooperation with the national competition authority investigations of the functioning of electricity markets, and to decide, ***in the absence of violations of competition rules, of*** any appropriate measures necessary and proportionate to promote effective competition and ensure the proper functioning of the market, ***including virtual power plants;***

(b) to carry out in cooperation with the national competition authority investigations of the functioning of electricity markets, and to decide ***on*** any appropriate measures necessary and proportionate to promote effective competition and ensure the proper functioning of the market;

Amendment 128
Proposal for a directive – amending act
Article 1 - point 12
Directive 2003/54/EC
Article 22c – paragraph 3 - point c

Text proposed by the Commission

Amendment

(c) to **request** any information from electricity undertakings relevant for the fulfilment of its tasks;

(c) to **obtain** any information from electricity undertakings relevant for the fulfilment of its tasks, **including the justification for any refusal to grant third-party access, and any information on measures necessary to reinforce the network, and to cooperate with financial market regulators where necessary;**

Amendment 129
Proposal for a directive – amending act
Article 1 – point 12
Directive 2003/54/EC
Article 22c – paragraph 4

Text proposed by the Commission

Amendment

4. The regulatory authorities shall be responsible for fixing or approving prior to their entry into force the terms and conditions for:
(a) connection and access to national networks, including transmission and distribution tariffs. *These* tariffs shall allow the necessary investments in the networks to be carried out in a manner allowing these investments to ensure the viability of the networks;

4. The regulatory authorities shall be responsible for fixing or approving prior to their entry into force the terms and conditions for:
(a) connection and access to national networks, including transmission and distribution tariffs **and their methodologies or, alternatively, the methodologies and their monitoring for setting or approving the transmission and distribution tariffs.** **Those tariffs shall reflect the actual costs incurred, insofar as such costs correspond to those of an efficient operator, and shall be transparent.** They shall allow the necessary investments in the networks to be carried out in a manner allowing these investments to ensure the viability of the networks. **The tariffs shall not discriminate against new market entrants;**

(b) the provision of balancing services.

(b) the provision of balancing services ***which shall reflect real costs and be revenue-neutral as far as possible, whilst providing appropriate incentives for network users to balance their input and offtakes; they shall be fair and non-discriminatory and based on objective criteria;***

(ba) access to cross-border infrastructures, including the procedures for the allocation of capacity and congestion management.

The regulatory authorities shall have power to require transmission system operators to modify those terms and conditions.

Amendment 130

Proposal for a directive – amending act

Article 1 - point 12

Directive 2003/54/EC

Article 22c – paragraph 5

Text proposed by the Commission

5. In fixing or approving the tariffs, the regulatory authorities shall ensure that network operators are granted adequate incentive, over both the short and long term, to increase efficiencies, foster market integration and support the related research activities.

Amendment

5. In fixing or approving ***the terms and conditions or methodologies of*** the tariffs, ***and the balancing services***, the regulatory authorities shall ensure that network operators are granted adequate incentive, over both the short and long term, to increase efficiencies, foster market integration, ***ensure security of supply***, and support the related research activities.

Amendment 131
Proposal for a directive – amending act
Article 1 – point 12
Directive 2003/54/EC
Article 22c – paragraph 5 a (new)

Text proposed by the Commission

Amendment

5a. The regulatory authorities shall monitor congestion management within national electricity systems and interconnectors.

Transmission system operators shall submit their congestion management procedures, including capacity allocation, to the national regulatory authorities for approval. National regulatory authorities may request amendments to these procedures before approving them.

Amendment 132
Proposal for a directive – amending act
Article 1 - point 12
Directive 2003/54/EC
Article 22c – paragraph 6

Text proposed by the Commission

Amendment

6. Regulatory authorities shall have the authority to require transmission and distribution system operators, if necessary, to modify the terms and conditions, ***including tariffs*** referred to in this Article, to ensure that they are proportionate and applied in a non-discriminatory manner.

6. Regulatory authorities shall have the authority to require transmission and distribution system operators, if necessary, to modify the terms and conditions referred to in this Article, to ensure that they are proportionate and applied in a non-discriminatory manner. ***In the event of delay in the setting of transmission and distribution tariffs, regulatory authorities shall have the power to set provisional transmission and distribution tariffs and to decide on the appropriate compensatory measures if the final tariffs deviate from these provisional tariffs.***

Amendment 133
Proposal for a directive – amending act
Article 1 – point 12
Directive 2003/54/EC
Article 22c – paragraph 7

Text proposed by the Commission

7. Any party having a complaint against a transmission or distribution system operator may refer the complaint to the regulatory authority which, acting as dispute settlement authority, shall issue a decision within two months after receipt of the complaint. This period may be extended by two months where additional information is sought by the regulatory authorities. This period may be extended with the agreement of the complainant. Such a decision shall have binding effect unless and until overruled on appeal.

Amendment

7. Any party having a complaint against a transmission or distribution system operator ***in relation to that operator's obligations under this Directive*** may refer the complaint to the regulatory authority which, acting as dispute settlement authority, shall issue a decision within two months after receipt of the complaint. This period may be extended by two months where additional information is sought by the regulatory authority. This period may be extended with the agreement of the complainant. Such a decision shall have binding effect unless and until overruled on appeal.

Amendment 134
Proposal for a directive – amending act
Article 1 – point 12
Directive 2003/54/EC
Article 22c – paragraph 8

Text proposed by the Commission

8. Any party who is affected and who has a right to complain concerning a decision on methodologies taken pursuant to this Article or, where the regulatory authority has a duty to consult, concerning the proposed methodologies, may, at the latest within two months, or a shorter time period as provided by Member States, following publication of the decision or proposal for a decision, submit a complaint for review. Such a complaint shall not have suspensive effect.

Amendment

8. Any party who is affected and who has a right to complain concerning a decision on methodologies taken pursuant to this Article or, where the regulatory authority has a duty to consult, concerning the proposed ***tariffs or*** methodologies, may, at the latest within two months, or a shorter time period as provided by Member States, following publication of the decision or proposal for a decision, submit a complaint for review. Such a complaint shall not have suspensive effect.

Amendment 157
Proposal for a directive – amending act
Article 1 – point 12
Directive 2003/54/EC
Article 22c – paragraph 9 a (new)

Text proposed by the Commission

Amendment

9a. The national regulatory authorities shall put in place independent complaints services and alternative redress schemes such as an independent energy ombudsman or a consumer body. Those services or schemes shall be responsible for the efficient treatment of complaints and shall comply with best practice criteria. The national regulatory authorities shall set standards and guidelines on how complaints will be handled by producers and network operators.

Amendment 135
Proposal for a directive – amending act
Article 1 - point 12
Directive 2003/54/EC
Article 22c – paragraph 12

Text proposed by the Commission

Amendment

12. Decisions taken by regulatory authorities shall be ***motivated***.

12. Decisions taken by regulatory authorities shall be ***fully reasoned and available to the public to allow for legal scrutiny***.

Amendment 136
Proposal for a directive – amending act
Article 1 - point 12
Directive 2003/54/EC
Article 22c – paragraph 13

Text proposed by the Commission

Amendment

13. Member States shall ensure that suitable mechanisms exist at national level under which a party affected by a decision of the national regulatory authority has a right of appeal to a body independent of the parties involved.

13. Member States shall ensure that suitable mechanisms exist at national level under which a party affected by a decision of the national regulatory authority has a right of appeal to a ***national judicial body or other independent national authority*** independent of the parties involved ***and of any government.***

Amendment 137
Proposal for a directive – amending act
Article 1 – point 12
Directive 2003/54/EC
Article 22c – paragraph 14

Text proposed by the Commission

Amendment

14. The Commission may adopt guidelines on the implementation by the regulatory authorities of the powers described in this Article. This measure designed to amend non-essential elements of this Directive by supplementing it shall be adopted in accordance with the regulatory procedure with scrutiny referred to in Article 27b(3)

deleted

Amendment 138
Proposal for a directive – amending act
Article 1 – point 12
Directive 2003/54/EC
Article 22d - paragraph 2

Text proposed by the Commission

Amendment

2. Regulatory authorities shall cooperate at least *on* a regional level to foster the creation of operational arrangements in order to ensure an optimal management of the network, develop joint electricity exchanges and the allocation of cross-border capacity, and to ensure **a minimum** level of interconnection capacity within the region to allow for effective competition **to develop**.

2. In order to ensure that, where regional electricity markets occur, their integration is mirrored by adequate regulatory structures, the relevant national regulatory authorities shall ensure, in close cooperation with and under the guidance of the Agency, that at least the following regulatory tasks are performed in relation to their regional markets:

(i) cooperation at least *at* a regional level to foster the creation of operational arrangements in order to ensure an optimal management of the network, develop joint electricity exchanges and the allocation of cross-border capacity, and to ensure **an adequate** level of interconnection capacity **including through new interconnection**, within the region **and between regions** to allow for **the development of** effective competition **and the improvement of security of supply;**

(ii) harmonisation at least at the relevant regional level of all technical and market codes for the relevant transmission system operators and other market actors;

(iii) harmonisation of the rules governing the management of congestion and the fair redistribution of revenues and/ or costs of congestion management among all market actors;

(iv) adoption of rules to ensure that the owners and/or managers of power exchange(s) which operate the relevant regional pool market are fully independent of the owners and/or managers of generation assets.

2a. National regulatory authorities shall have the right to enter into agreements with each other to foster regulatory cooperation, and the actions referred to in paragraphs 1 and 2 shall be carried out, as appropriate, in close consultation with other relevant national authorities and without prejudice to their specific competencies.

Amendment 139

Proposal for a directive – amending act

Article 1 – point 12

Directive 2003/54/EC

Article 22d - paragraph 4

Text proposed by the Commission

Amendment

4. The Commission may adopt guidelines on the extent of the duties of the regulatory authorities to cooperate with each other and with the Agency, and on the situations in which the Agency becomes competent to decide upon the regulatory regime for infrastructures connecting at least two Member States. These measures, designed to amend non-essential elements of this Directive by supplementing it, shall be adopted in accordance with the regulatory procedure with scrutiny referred to in Article 27b(3).

deleted

Amendment 140
Proposal for a directive – amending act
Article 1 – point 12
Directive 2003/54/EC
Article 22e - paragraph 9

Text proposed by the Commission

Amendment

9. The Commission shall adopt guidelines setting out the details of the procedure to be followed for the application of this Article. This measure designed to amend non-essential elements of this Directive by supplementing it shall be adopted in accordance with the regulatory procedure with scrutiny referred to in Article 27b(3). *deleted*

Amendment 141
Proposal for a directive – amending act
Article 1 – point 12
Directive 2003/54/EC
Article 22f – paragraph 3

Text proposed by the Commission

Amendment

3. The regulatory authority ***may decide to make available*** to market participants ***elements of this information provided*** that commercially sensitive information on individual market players or individual transactions is not released. ***This paragraph shall not apply to information about financial instruments which fall within the scope of Directive 2004/39/EC.***

3. The regulatory authority ***shall report on the outcome of its investigations or its request*** to market participants ***whilst ensuring*** that commercially sensitive information on individual market players or individual transactions is not released.

Amendment 142
Proposal for a directive – amending act
Article 1 – point 12
Directive 2003/54/EC
Article 22f – paragraph 4

Text proposed by the Commission

Amendment

4. To ensure the uniform application of this Article, the Commission may adopt guidelines which define the methods and arrangements for record keeping as well as the form and content of the data that shall be kept. These measures, designed to amend non-essential elements of this Directive by supplementing it, shall be adopted in accordance with the regulatory procedure with scrutiny referred to in Article 27b(3). *deleted*

Amendment 143
Proposal for a directive – amending act
Article 1 – point 12
Directive 2003/54/EC
Article 22f – paragraph 5

Text proposed by the Commission

Amendment

5. With respect to transactions in electricity derivatives of supply undertakings with wholesale customers and transmission system operators, this Article shall only apply once the Commission has adopted the guidelines referred to in paragraph 4. *deleted*

Amendment 144
Proposal for a directive – amending act
Article 1 - point 13 a (new)
Directive 2003/54/EC
Article 26 – paragraph 2

Text proposed by the Commission

Amendment

(13a) In Article 26, paragraph 2 shall be replaced by the following:

"2. A Member State which, after the Directive has been brought into force, for reasons of a technical nature has substantial problems in opening its market for certain limited groups of the non-household customers referred to in Article 21(1)(b) may apply for derogation from this provision, which may be granted to it by the Commission for a period not exceeding 12 months after the date referred to in Article 30(1). In any case, such derogation shall end on the date referred to in Article 21(1)(c)."

Amendment 145
Proposal for a directive – amending act
Article 1 – point 13 b (new)
Directive 2003/54/EC
Article 26 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

(13b) In Article 26, the following paragraph shall be added:

"2a. The Member States may exempt industrial sites from the provisions of Chapters III, IV, V, VI, and VII. The principle of third-party access shall not be affected by such derogations. Furthermore, the derogations may not interfere with the task of public distribution systems."

Amendment 146
Proposal for a directive – amending act
Article 1 - point 14 a (new)
Directive 2003/54/EC
Annex A - point a

Text proposed by the Commission

Amendment

(14a) In Annex A, point (a) shall be replaced by the following:

"(a) have a right to a contract with their electricity service provider that specifies:

- the identity and address of the supplier;***
- the services provided, the service quality levels offered, as well as the time for the initial connection;***
- [...] the types of maintenance service offered;***
- the means by which up-to-date information on all applicable tariffs and maintenance charges may be obtained;***
- the duration of the contract, the conditions for renewal and termination of services and of the contract, the existence of any right of withdrawal without charge;***
- any compensation and the refund arrangements which apply if contracted service quality levels are not met including inaccurate and delayed billing;***
- [...]***
- the method of initiating procedures for settlement of disputes in accordance with point (f);***
- information on consumer rights, including all of the above, clearly communicated through billing and electricity companies' web sites; and***
- details concerning the competent appeals authority and of the procedure to be followed by consumers in the event of a dispute.***

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 above information shall also be provided prior to the conclusion of the contract;"

Amendment 147

Proposal for a directive – amending act

Article 1 - point 14 b (new)

Directive 2003/54/EC

Annex A - point b

Text proposed by the Commission

Amendment

(14b) In Annex A, point (b) shall be replaced by the following:

"(b) are given adequate notice of any intention to modify contractual conditions and are informed about their right of withdrawal when the notice is given. Service providers shall notify their subscribers directly of any increase in charges, at an appropriate time no later than one normal billing period after the increase 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 conditions notified to them by their electricity service provider;"

Amendment 148
Proposal for a directive – amending act
Article 1 - point 14 c (new)
Directive 2003/54/EC
Annex A - point d

Text proposed by the Commission

Amendment

(14c) In Annex A, point (d) shall be replaced by the following:

"(d) are offered a wide choice of payment methods, which shall not discriminate against customers. Any difference in terms and conditions shall reflect the costs to the supplier of the different payment systems. General terms and conditions shall be fair and transparent. They shall be given in clear and comprehensible language. Customers shall be protected against unfair or misleading selling methods including non-contractual barriers imposed by the trader, for example excessive contractual documentation;"

Amendment 149
Proposal for a directive – amending act
Article 1 - point 14 d (new)
Directive 2003/54/EC
Annex A - point f

Text proposed by the Commission

Amendment

(14d) In Annex A, point (f) shall be replaced by the following:

"(f) benefit from transparent, simple and inexpensive procedures for dealing with their complaints. In particular, all consumers shall have the right to service delivery and complaint handling by their electricity service provider. Such procedures shall enable disputes to be settled fairly and promptly, and within three months, with provision, where warranted, for a system of reimbursement and/or compensation. They should follow, wherever possible, the principles set out in Commission Recommendation 98/257/EC;"

Amendment 150
Proposal for a directive – amending act
Article 1 - point 15
Directive 2003/54/EC
Annex A - point h

Text proposed by the Commission

Amendment

(h) have at their disposal their consumption data, and shall be able to, by explicit agreement and free of charge, give any ***undertaking with a supply license*** access to its metering data. The party responsible for data management is obliged to give ***these*** data to the undertaking. Member States shall define a format for the data and a procedure for suppliers and consumers to have access to the data. No additional costs can be charged to the consumer for this service.

(h) ***are easily able to switch to a new supplier and*** have at their disposal their consumption data and shall be able to, by explicit agreement and free of charge, give any ***authorised supplier*** access to its metering data. The party responsible for data management is obliged to give ***this*** data to the undertaking. Member States shall define a format for the data and a procedure for suppliers and consumers to have access to the data. No additional costs can be charged to the consumer for this service.

Amendment 151
Proposal for a directive – amending act
Article 1 - point 15
Directive 2003/54/EC
Annex A - point i

Text proposed by the Commission

Amendment

(i) shall be properly informed **every month** of actual electricity consumption and costs. No additional costs can be charged to the consumer for this service.

(i) shall be properly informed **at least quarterly** of actual electricity consumption and costs. No additional costs can be charged to the consumer for this service.
The Member States shall ensure that the roll-out of smart metres is completed with minimum disruption to consumers within 10 years of the entry into force of the Directive .../...EC [amending Directive 2003/54/EC concerning common rules for the internal market in electricity] and shall be the responsibility of the electricity distribution or supply companies. National regulatory authorities shall be responsible for monitoring the process of such development and for laying down common standards for that purpose. Member States shall ensure that standards establishing the minimum technical design and operational requirements for meters address interoperability issues so as to provide maximum benefit at minimum cost to consumers.

Amendment 152
Proposal for a directive – amending act
Article 1 – point 15
Directive 2003/54/EC
Annex A – point j

Text proposed by the Commission

Amendment

(j) can change supplier at any time in the year, and a customer’s account with the previous supplier shall not be settled later than one month following the last supply by this previous supplier.

deleted

Amendment 153
Proposal for a directive – amending act
Article 1 – point 15
Directive 2003/54/EC
Annex A – point j a (new)

Text proposed by the Commission

Amendment

(ja) shall receive a final closure account following any change of electricity supplier no later than one month after informing the relevant supplier.