

# Proposal for a Directive of the European Parliament and the Council on common rules for the internal market in electricity

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EURELECTRIC voting recommendations

November 2017

***EURELECTRIC is the voice of the electricity industry in Europe.***

*We speak for more than 3,500 companies in power generation, distribution, and supply.*

***We Stand For:***

***Carbon-neutral electricity by 2050***

We have committed to making Europe's electricity cleaner. To deliver, we need to make use of **all low-carbon technologies**: more renewables, but also clean coal and gas, and nuclear. Efficient electric technologies in **transport and buildings**, combined with the development of smart grids and a major push in **energy efficiency** play a key role in reducing fossil fuel consumption and making our electricity more sustainable.

***Competitive electricity for our customers***

We support well-functioning, distortion-free **energy and carbon markets** as the best way to produce electricity and reduce emissions cost-efficiently. Integrated EU-wide electricity and gas markets are also crucial to offer our customers the **full benefits of liberalisation**: they ensure the best use of generation resources, improve **security of supply**, allow full EU-wide competition, and increase **customer choice**.

***Continent-wide electricity through a coherent European approach***

Europe's energy and climate challenges can only be solved by **European – or even global – policies**, not incoherent national measures. Such policies should complement, not contradict each other: coherent and integrated approaches reduce costs. This will encourage **effective investment** to ensure a sustainable and reliable electricity supply for Europe's businesses and consumers.

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## Introduction

This document contains detailed list of voting recommendations, from the European electricity sector's perspective, concerning a selection of key amendments in the Commission's proposal for a Directive of the European Parliament and the Council on common rules for the internal market in electricity.

The following issues are particularly crucial:

### **Retail Prices, energy poverty and vulnerable customers**

EURELECTRIC is in favour of a complete phase out of regulated prices as soon as possible. Regulated prices limit market entry and innovation, prompt consumers to disengage from the switching process and consequently hinder competition in retail markets. Energy efficiency can play a key role to alleviate energy poverty, but financing such measures through the energy bill is not sustainable. Wider social policy is the best mechanism to help customers tackle the root causes of debt, including energy debts.

**Support Amendments:** 6, 7, 255, 270, 295

**Reject Amendments:** 223, 253, 257, 264-265, 271, 876-879, 895-898

### **Switching**

The length of the switching period is linked to a number of safeguards that have been put in place specifically to protect customers, such as the 14-day cooling off period. Shortening the switching period to less than 2 weeks whilst keeping the 14 day cooling off period – especially when smart meters are not yet rolled out (as this is the case in some countries) - can only lead to a low degree of system efficiency, creating consumer confusion and unnecessary administrative costs for companies.

**Support Amendments:** 9, 459

**Reject Amendments:** 434-438, 443-446, 453-456

### **Billing**

EU and national requirements on energy bills are already extensive. Adding even more information elements on bills will not improve consumer satisfaction. The best way to improve the existing framework is to make a clearer distinction between the energy bill (which should only contain key information such as consumption and price to pay) and billing information (which should contain all relevant information about consumers' profile and rights). Billing information could be provided in many different ways (paper, phone/apps, webpage) and frequencies based on individual consumer preferences.

**Support Amendments:** 211-214, 755-756, 766-767, 1303, 1305, 1319, 1328

**Reject Amendments:** 777-778, 1172, 1184, 1278-1289, 1295-1301, 1308-1314, 1336-1338

### **Local Energy Communities**

EURELECTRIC supports efforts by MEPs to further specify the concept of Local Energy Communities (LEC). This will aid electricity system stakeholders to clearly understand what entities are captured under this concept. Whilst we appreciate the role LECs can play to facilitate the energy transition, we caution against the regulatory and operational pitfalls of operating network infrastructure, and

what this could mean from an efficiency and financial point-of-view for system users external to such island community networks.

**Support Amendments:** 13, 144-147, 151, 153, 598, 601

**Reject Amendments:** 586, 626, 628, 632, 642, 644, 648-649

### **Data format**

Several Member States have just implemented a national data hub (e.g. Denmark, Italy) or are about to do it (e.g. Finland, Sweden, Norway, Belgium, France, etc.). Introducing a new data format would require market actors and DSOs to upgrade all core systems (such as billing) thus creating high costs without clear benefits. However we do think there is merit in establishing a set of interoperability principles at EU level to guide those Member States which have not yet define their national data format, thus facilitating convergence of data format and procedures across Europe.

**Support Amendments:** 861

**Reject Amendments:** 843, 853, 855

### **Demand Response Aggregation**

EURELECTRIC appreciates the role of the aggregator that is being introduced by the EC. They can serve as important players to enable a more flexible power system. However their market entry should not be causing imbalances in the system and all the market participants should be remunerated for the energy they actually feed into the system during the demand response period. Therefore aggregators shall pay suppliers the market value of the energy transacted as a result of a demand response action.

**Support Amendments:** 14-19, 685, 688, 694

**Reject Amendments:** 671, 691, 693, 722

### **Dynamic pricing**

Whilst Member States should remove any barriers that would prevent suppliers from offering dynamic electricity prices, imposing an obligation on some or all retail offerings will be detrimental to competition and innovation. This would indeed impair the key principle of freedom of contract and further create entry barriers for small suppliers. EURELECTRIC also supports the idea to link ownership of smart meter to the ability to request a dynamic pricing contract.

**Support Amendments:** 401, 402, 411

**Reject Amendments:** 397, 398, 415, 423

### **Storage**

EURELECTRIC believes that DSOs may only be allowed to own, operate and manage storage if such facilities are necessary to fulfil their obligation under this directive following (1) a tender procedure through which no market interest could be identified at a reasonable cost or (2) an assessment by the respective NRA which may decide to skip the tender process. We support positions which clarify this, and amendments which highlight the necessity for DSOs to own storage assets under these above conditions where these are needed for local short-term control, for efficient, reliable and secure operation of the distribution system or when storage is an integral part of the distribution grid.

**Support Amendments:** 26, 202, 203, 976, 979

**Reject Amendments:** 27, 974, 981, 992, 998

Amendment	Article	EURELECTRIC recommendation	Justification
<b>Retail Prices, Energy Poverty and Vulnerable Customers</b>			
253 265, 267 1147, 1167	Art 5 (1) Art 5 (2) Art 59 (1)	Reject	EURELECTRIC is in favour of a complete phase out of regulated prices as soon as possible. Regulated prices limit market entry and innovation, prompt consumers to disengage from the switching process and consequently hinder competition in retail markets.
255, 263 6, 270, 272 7, 295	Art 5 (2) Art 5 (3) Art 5 (4)	Support	Protecting vulnerable customers through price regulation is counterproductive as it does not take people out of broader poverty; the pricing methodology often lacks transparency; and in the long run it may increase energy costs for vulnerable and non-vulnerable consumers alike.
257, 261, 264 271, 279 283, 287, 292	Art 5 (2) Art 5 (3) Art 5 (4)	Reject	Energy efficiency can play a key role to alleviate energy poverty, but financing such measures through the energy bill is not sustainable either. As customers who have energy debts are likely to struggle paying for other essential services too (e.g. housing, food, etc.), wider social policy is the best mechanism to help them tackle the root causes of debt, including energy debts.
223 876, 877, 878 890, 891, 892, 895, 897, 898	Art 2 (1) Art 28 (1) Art 29 (1)	Reject	Member States' situations differ greatly as far as employment, social security systems, climatic conditions, electricity consumption, home insulation, or energy retail prices are concerned. Defining and tackling energy poverty should be done at the level where it is most efficient to do so, in line with the principles of subsidiarity and better regulation.
287 370 796 874 879	Art 5 (4) Art 5 (2) Art 19 (4) Art 27 (1) Art 28 (1)	Reject	Support granted to people suffering from poverty should come from general income of the state, i.e. through general taxation. Considering the progressive nature of taxation, this would allow for a fair burden-sharing without causing those on lower incomes to bear a disproportionately higher burden (meaning when a contribution is levied on the energy bill, all customers pay the same). Energy companies can provide some information on their customers to social services, where prior consent has been given, but they should not take primary responsibility for dealing with individual consumer debt matters.

## Switching

8, 434, 436, 437, 438	Art 12 (1)	Reject	<p>The length of the switching period is linked to a number of safeguards that have been put in place specifically to protect customers, such as the 14-day cooling off period.</p> <p>Shortening the switching period to less than 2 weeks whilst keeping the 14 day cooling off period – especially when smart meters are not yet rolled out (as this is the case in some countries) - can only lead to a low degree of system efficiency, creating consumer confusion and unnecessary administrative costs for companies</p>
9 443, 445, 446	Art 12 (3) Art 12 (3)	Support Reject	<p>Switching should be free. However early termination fees need to be allowable for fixed short term deals as they help cover the costs suppliers face when customers leave earlier than originally agreed. Demonstrating that a consumer receives a “demonstrable advantage” from a given fixed term supply contract will be very complex in practice.</p> <p>Indeed, suppliers do not know the future cost of electricity nor do they know the future consumption of customers. What is key is that, where fees may apply, they must be proportionate to the costs incurred by the current supplier, be clearly communicated to customers up-front, be included in the contractual conditions signed by the customer and be monitored/controlled by NRAs.</p>
453, 454, 455, 456	Art 12 (3)	Reject	<p>A bundled offer is one single product. If a consumer is allowed to unbundle a given offer than it’s not the same product anymore.</p>
459	Art 12 (4)	Support	<p>Collective switching is one way to help consumers engage in the market and reduce their energy bills. Whilst any barriers to collective switching should be removed, collective switching should not be favoured or subsidised.</p>

Billing			
<p>211, 213, 214 727, 731 755, 756, 766, 767 54, 1290, 1292, 1293, 1303, 1305, 1316, 1319, 1328</p>	<p>Art 2 (1) Art 18 (1) Art 18 (4) Art 18 (7) Annex II</p>	<p>Support</p>	<p>EU requirements on energy bills are already extensive and complemented by stricter provisions at national level. Because of this, bills are often overloaded with information and confusing for consumers. Adding even more information elements/requirements on bills can only make the situation worse.</p> <p>The best way to improve the existing framework is:</p> <ul style="list-style-type: none"> <li>- to make a clearer distinction between the energy bill (which should only contain key information such as consumption and price to pay) and billing information (which should contain all additional information about consumers' profile and rights - many of which are defined in Annex II). Billing information could be provided in many different ways (paper, phone/apps, webpage) and frequencies based on individual consumer preferences.</li> </ul>
<p>512 724 733, 734 738, 739, 740, 745, 746, 748 750, 751 771, 773, 774, 777, 778, 781, 783 52, 53, 55, 56, 1277, 1278, 1279, 1281, 1282, 1283, 1284, 1286, 1289, 1291, 1295, 1296, 1299, 1300, 1301, 58, 1304, 1308, 1309, 1310, 1311, 1312, 1313 1314, 1320, 1324, 1329, 1336, 1337, 1338,</p>	<p>Art 14 (1) Art 18 (1) Art 18 (2) Art 18 (3)  Art 18 (4) Art 18 (8)  Annex II</p>	<p>Reject</p>	<ul style="list-style-type: none"> <li>- to give more room to suppliers to tailor bills depending on individual consumer preferences and to test innovative ideas including through the use of digital technologies</li> </ul>
<p>1328</p>	<p>Annex II</p>	<p>Support</p>	<p>It would be much clearer for consumers to receive information</p>

1172, 1173, 1184 1274 1332, 1337, 1338	Art 59 (1)  Annex I Annex II	Reject	about one mix only. This should be the product mix and/or the supplier mix depending on national circumstances. In addition, such information should primarily be communicated as billing information and not through the bill itself.
<b>Comparison Tools</b>			
12 515, 516 46, 1166, 1171, 1179, 1187, 1251, 1252, 1253 51, 1255, 1256, 1259, 1262, 1267, 1270, 1271, 1275, 1276	Art 14 (1)  Art 59(1)  Annex I	Support	We fully support the proposed certification criteria for Comparison Tools (CTs). All CTs should be subject to regulatory oversight. Irrespective of the ownership of the tool, CTs should provide clear, impartial and transparent information about offers.  They should not just compare prices but also the quality of service and the main features of products (e.g. contract duration, payment options, source of electricity, availability of value added services, etc.).  They should not mislead consumers, e.g. by hiding information, and should always disclose the potential fees they receive from suppliers in case of a switch. This said, it should be left to CTs to determine how best to enable comparison of offers, included bundled offers and dynamic price contracts.  Last but not least, whilst public CTs should be as exhaustive as possible, private CTs should mainly be transparent about their market coverage. There should be no obligation for data transfer from the suppliers' systems to private CTs especially where various private CTs operate in a Member State as this would trigger high costs for suppliers. Based on commercial arrangements, suppliers should be proposed different ways of providing data by those running the websites.
512, 513, 517 521, 522 523, 525 1258, 1261, 1264, 1272, 1273	Art 14 (1) Art 14 (2) Art 14 (3) Annex I	Reject	
<b>Consumer (contractual) rights</b>			
22, 865, 870 363, 389, 392, 393 869 867	Art 26 (1) Art 10 (2)  Art 26 (1) Art 26 (3)	Support  Reject	We support having an explicit reference to "energy ombudsman" back in the Directive. Alternative Dispute Resolution (ADR) bodies may indeed have a more limited remit than Ombudsmen to deal with consumer disputes. Ombudsmen should be able to deal with any type of contract and service provider.
5 316, 317, 331, 332, 333, 334, 336, 337, 338, 339, 341, 355, 356, 357 45	Art 4 (1) Art 10 (2)   Art 59 (1)	Support	We agree that customers should be free to contract simultaneously with several suppliers where technically feasible. We also agree that information obligation towards consumers should be equally applicable to any service provider as this is indeed key to ensure a high degree of protection to customers and a level playing field among market players. We support having a number of additional key information

127 318, 319, 342, 372, 373, 374, 375, 387, 390, 394, 395 410 1160	Art 1 (1) Art 10 (2)  Art 11 (2) Art 59 (1)	Reject	elements in the supply contract such as the mention of additional products and services. However we should refrain from requiring very detailed information elements on each and every contract or setting new standards on how information has to be communicated to customers.
350	Art 10 (2)	Support	The notification for any adjustment in the supply price should not be linked to the billing frequency. Invoice frequency varies between and within countries, depending on national regulation and consumer preferences. Besides, a price change could well occur in the middle of a billing period. What is key is that the notification is timely enough to allow consumers to switch if they wish to and that suppliers are free to decide how to communicate the notification (mail, app, bill...).
344, 345, 346	Art 10 (2)	Reject	
362 462	Art 10 (2) Art 12 (4)	Reject	Doorstep selling is a legitimate sales channel which offers a convenient opportunity for many customers to discover products and services, provided that the existing legislation is properly implemented and enforced. Industry and regulators do need to ensure that there are robust consumer protections in place to deter misselling practices, as this is the case with other sales channel (e.g. Comparison tools). However, introducing a general ban at EU level would not be appropriate. Many people do not have access to the internet and/or still live in remote areas. For those people, doorstep selling may be the only way to have access to the competitive market and be aware of the potential gains they could get from switching supplier. Last but not least, some people prefer to have direct personal contact rather than through the telephone or the internet.
<b>Dynamic Pricing, Demand Response &amp; Aggregation, Smart Meters</b>			
397, 398, 399, 407, 408, 415	Art. 11 (1) (2), (2a)	Reject	It is an additional burden on Member States; national authorities or suppliers should not be the ones looking for the most suitable offers for each customer.
401, 402, 411	Art 11 (1),(2)	Support	The link between having smart meters and being able to request a dynamic pricing contract is made. Besides, whilst Member States should remove any barriers that would prevent suppliers from offering dynamic electricity prices, imposing an obligation on some or all retail offerings will be detrimental to competition and innovation. This would indeed impair the key principle of freedom of contract and further create entry barriers for small suppliers
410	Art. 11 (2)	Reject	It will be difficult for suppliers to know whether a customer sign for unsuitable contracts, since it depends also on the information the customer provides.

416	Art. 11 (2a)	Support	Customers are able to switch to a dynamic pricing contract.
419, 420, 421	Art. 11 (3)	Reject	It is very difficult information to gather; it will require additional resource in order to collect the data
423	Art. 11 (3a)	Reject	This is very difficult to estimate in advance and therefore may not be feasible.
426	Art. 11 (3a)	Support	Sharing best practices of dynamic price contracts is a positive step forward.
427, 428	Art. 11 (3b)	Reject	It seems contradictory to force suppliers to offer dynamic price contracts to every final customer but at the same time to discriminate between customers who are able to understand the risks and customers who should avoid those contracts.
429, 431	Art. 11 (3c)	Reject	There should be no obligation on suppliers to consider whether final customers have the appliances, products and all the necessities to achieve benefits from any dynamic pricing offered to them; it is a decision to be taken by the customer.
432, 433	Art. 11 (3d)	Reject	Legislation should not stipulate which contracts have to be offered. If there is demand, the market will deliver.
1155	Art. 59 (1n)	Reject	Unnecessary specification.
1160	Art. 59 (1na)	Reject	Additional burden on NRAs.
1169	Art. 59 (1nj)	Reject	Not a supplier obligation, since they cannot be taking responsibility for non-functioning equipment at customer place.
14 -19	Art. 17 (1) (3ba, d) (4.1)	Support	This way, aggregators are not causing imbalances in the system and all the market participants are remunerated for the energy they actually feed into the system during the demand response period.
229, 230, 236	Art. 3 (1), (2)	Support	No barriers for market entry and market exit of electricity generation, storage, demand-response and supply.
654	Art. 17 (1)	Reject	Administrative burden for Member States.
657, 662, 669, 670, 673, 674, 677	Art. 17 (1),(2)(3) (3b),(3c)	Support	Aggregators can participate alongside generators in all organised markets. TSOs and DSOs shall treat aggregators on the basis of their technical capabilities. Transparent rules and procedures for data exchange between market participants while fully protecting commercial and customers' personal data.
671	Art. 17 (3a)	Reject	Aggregators should have the right to enter the market without consent from other market participants.
685, 688	Art. 17 (3d)	Support	Aggregators shall be required to pay compensation to suppliers or generators.
691, 692, 693	Art. 17 (3d)	Reject	Aggregators shall pay suppliers and generators the market value of the energy transacted as a result of a demand response action.
694, 695	Art. 17 (3ea)	Support	Aggregator should inform the competent authority about their entry to the market.
698, 699, 701	Art. 17 (4) (4.1)	Support	Member States should allow compensation payments between aggregators and BRPs. Limiting cases where one market participant induces imbalances to another market participant resulting in a financial cost.

700, 705	Art. 17 (4) (4.1)	Reject	Member States should allow compensation payments between aggregators and BRPs. Limiting cases where one market participant induces imbalances to another market participant resulting in a financial cost.
717, 718, 719, 720	Art. 17 (5c)	Reject	Direct positive discrimination of certain groups.
721	Art. 17 (5f)	Reject	A question to be discussed in Ecodesign, not electricity market design.
722	Art. 17 (a)	Reject	Aggregators shall be required to pay compensation to suppliers or generators.
1145, 1146	Art. 59 (1aa)	Support	Tariffs are reflective of the costs, risks and benefits that final customer has to the network, including active customers and those engaging in demand response.
10, 11, 483	Art. 13 (2) (3)	Support	Final customer wishing to terminate the contract with an aggregator may do so in accordance with Art. 12 and may also terminate before its maturity date.
171, 172	Art. 2 (1.14)	Support	'aggregator' means a market participant who combines multiple customer loads in all organised energy market
473, 474	Art. 13 (1)	Support	To conclude a contract with an independent aggregator shall not require the consent of the customer's supplier.
479, 480, 482, 484, 485, 487	Art. 13 (2) Art. 13 (3)	Reject	There should be no special provisions when switching an aggregator or termination fees related to it. The rules for switching and fees have to be consistent with the suppliers' ones.
494	Art. 13 (4)	Support	It is fine that final customers are entitled to receive all relevant demand response data at least once a month
508, 509	Art. 13 (5b)	Support	Monitoring and reporting the main developments of such contracts including market offers and the impact on consumers' bills.
1174, 1175	Art. 59 (1o)	Support	Monitoring the restrictive contractual practices such as preventing household customers to contract simultaneously with more than one supplier.
179	Art. 2 (1.18)	Reject	The definition of in near-real time ("down to second") would trigger high implementation costs.
181, 183	Art. 2 (1.20)	Support	A new definition of in near-real time ( elapses between data recording and their automated processing) ("down to second") is more suitable as it would avoid high implementation costs
800, 801	Art. 19 (5)	Reject	In case of negative assessment, the latter is revised every 2 years, which is a strict time period, instead of being revised periodically.
807, 810	Art. 20 (1a)	Support	The definition of in near-real time is removed which avoids the implementation costs.
808	Art. 20 (1a)	Reject	The definition of in near-real time ("down to second") would trigger high implementation costs.
814	Art. 20 (1aa)	Reject	Triggering high implementation costs.
817, 818	Art. 20 (1c), (1e)	Support	Additional functionality for the final customers to download and transmit their metering data to another party in compliance with the data protection legislation
819, 821	Art. 20 (1e)	Reject	The definition of in near-real time ("down to second") would trigger high implementation costs.

827	Art. 20 (a)	Support	Functionalities as described in paragraph 1: a) may apply to smart meters deployed within the period of entry into force of this Directive until 2 years after entry into force of this Directive; b) shall apply to smart meters deployed 2 years after entry into force of this Directive.
830, 831	Art. 21 (1a)	Reject	Even in case of negative CBA functionalities of smart meters (described in Art.20) should always be applicable regardless of the feasibility of those, this will trigger additional high implementation costs
<b>Data</b>			
832	Art. 23 (1)	Reject	Introduces additional obligations for eligible parties and widen the typologies of data to be provided which makes the procedure more complicated and cumbersome.
835	Art. 23 (2)	Support	EURELECTRIC supports no specific data management model as long as the key principles are respected.
842,843	Art. 24(1)	Reject	Set a strict deadline for the definition of a common European data format.
846	Art. 24(1)	Support	Replace “common with “national” data format.
847	Art. 24(1)	Reject	Makes reference to a specific data management model as best practice which is not in line with our position.
848	Art. 24(2)	Support	Delete reference to a common European data format.
853,855	Art. 24(2)	Reject	Still keep the common EU data format in place and propose standards to be laid down by EU standards organisations
861	Art. 24(2)	Support	Proposal in line with EURELECTRIC suggestions on EU data format.
966	Art 34 (1)	Reject	Refers to the creation of a central data management platform to be managed by TSOs or another neutral entity.
34	Art 40 (1)	Reject	Provides TSOs with additional tasks concerning data management and cyber security and data protection.
<b>Active Customers, Self-Generation, Local Energy Communities</b>			
134	Art. 2 (1.6)	Reject	Clarification in the text is needed as “their premises” could be interpreted as though the provisions apply to different assets owned by the same consumers in different locations; as such it would result in a positive discrimination.
139, 140	Art. 2 (1.6)	Support	Clarification of the text “their premises” – customers who consume, store or sell electricity generated behind the point of their connection to the grid.
535	Art. 15 (1a)	Support	Participating in all organised markets, including the ones based on distributed ledger technologies, individually or collectively through aggregators, without being subject to discriminatory or disproportionate burdensome procedures.
539	Art. 15 (1aa)	Reject	A decision that has to be taken rather by Member States
541	Art. 15 (1b)	Reject	The Commission’s version was clearer and was also preventing net metering schemes.

545, 551	Art. 15 (1b)	Support	Transparent and non-discriminatory network charges reflecting the costs and benefits to the network of consumer participation and the fair distribution of costs between active and non-active consumers.
556, 557	Art. 15 (1a)	Support	Easy access to information for household customers, including through their single point of contact on their rights that apply to their participation in the market as active consumers.
559, 565	Art. 15 (2)	Support	The energy installation required for the activities of the active customer may be managed by a third party, but the economic risk connected to the operation of the installation remains with the active consumer.
566	Art. 15 (2a)	Reject	All market players should compete on a level playing field.
1158, 1159	Art. 59 (1n)	Support	Taking the necessary measure in view of removing barriers to becoming an active customer.
1182, 1184, 1185	Art. 59 (1q)	Support	Ensuring together that the rights of active customers are effective and enforced.
1188	Art. 59 (1xa)	Reject	Unnecessary specification.
13, 598, 601	Art. 16 (1 d) (a)	Support	Embeds requirement for Local Energy Communities to appropriately contribute to electricity system costs to which they remain connected to
144-147, 151, 153,	Art. 2 (1) (7)	Support	These amendments seek to further define what constitutes a Local Energy Community and provide more clarity on the make-up of such entities.
574, 575	Art. 16 (1 a)	Support	Ownership of network infrastructure brings with it a significant set of regulatory and operational challenges.
586	Art. 16 (1 c)	Reject	Call for regulatory and administrative support will increase the regulatory burden and inevitably disadvantage other type of market participants. This should be avoided.
689, 590-592	Art. 16 (1 c)	Support	Supply activity should be included in list of activities.
596	Art. 16 (1 c a)	Reject	Unnecessary and unspecific requirement for a legal text – discrimination is not clearly defined.
600, 602	Art. 16 (1 d)	Reject	Cost-reflective charges are vital to ensure appropriate contribution to the overall system cost.
604, 630	Art. 16 (1 d a) Art 16 (2 d a)	Reject	Ownership of network infrastructure brings with it a significant set of regulatory and operational challenges.
607	Art. 16 (1 d a)	Support	Cost-reflective charges are vital to ensure appropriate contribution to the overall system cost.
623	Art. 16 (2 b)	Support	Protection of customer rights is crucial in Local Energy Communities
626, 628	Art. 16 (2 d)	Reject	Calling for special authorisation procedures will increase bureaucratic and regulatory burden.
631	Art. 16 (2 d b)	Reject	Unnecessary specification.
632	Art. 16 (2 e)	Reject	This proposal calls for creating a special status for LECs which contradicts the principles set up across previous legislative packages.

634	Art. 16 (2 e)	Support	Specification as to when Chapter IV should apply clarifies the relevance of the paragraph.
635, 636	Art. 16 (2 f)	Support	Further specification should help the understanding of this paragraph.
640, 641	Art. 16 (2 h)	Support	Cost-reflective charges are vital to ensure appropriate contribution to the overall system cost.
642, 644, 648, 649	Art. 16 (2 h a) Art. 16 (2 a) Art. 16 (2 b)	Reject	Additional monitoring mechanisms for what has been termed a 'fringe concept' by the European Commission appears excessive.
643	Art. (16 2 h a)	Support	Treatment of LECs on a level-playing field is vital.
<b>Ownership of Charging Infrastructure for Electric Vehicles</b>			
23,24,25	Art. 33 (1a) (new), (2)	Support	DSO ownership of charging stations is only allowed if no market party, in a transparent tendering procedure, has expressed its interest to own and develop charging infrastructure at reasonable cost. EURELECTRIC supports this market-based approach.
938, 942	Art. 33 (1a) (new) and (1)	Reject	EURELECTRIC does not believe Member States should be able to force DSOs to own and develop charging stations; also there is no reason why electricity sold at charging station should be limited to additional, renewable electricity.
943	Art. 33 (2)	Reject	Simple deletion of the rules on ownership of charging stations – EURELECTRIC supports the idea that this should be regulated at a European level and thus objects the deletion.
944, 949, 953	Art. 33 (2), (2a) and (2b)	Reject	These amendments allow Member States to let DSOs operator charging stations without prior consultation of market participants. This is not a market-based approach.
947	Art. 33 (2)	Support	Clarifies that these rules apply to public charging stations.
948		Reject	Waters down the conditions which have to be fulfilled to grant DSOs the right to own and operate charging stations.
951	Art 33 (2a)	Support	Clarifies that the tendering procedure should be supervised by the NRA.
952	Art. 33 (2a) (new)	Reject	Makes a lack of interoperability a condition under which DSOs can be entrusted to own and operate charging stations – there is no reason to assume that interoperability will improve if DSOs own and operate charging stations.
954	Art 33 (2ba) (new)	Support	Clarifies that DSOs may own and operate charging station used by their own fleet.
955, 956	Art 33 (3)	Support	Delete the reference to unbundling requirements for DSOs operating charging stations – these requirements apply to DSOs in general and a repetition is thus not necessary here.

957	Art 33 (4)	Reject	Deletes the requirement for Member States to perform a market test at least every 5 years to assess if DSO activities in the area of charging station operation can be phased out. This would lead to lock-ins, where DSOs continue to run charging stations even if the market could take over.
958, 960		Support	Establishes that DSOs have the right to recover their investments in charging stations at reasonable terms, when their activity is phased out.
965		Reject	Reduces the minimum interval of market tests from five to four years.
<b>Storage owned by DSOs</b>			
202, 203	Art 2 (1) point 47	Support	The definitions of 'energy storage' are fine; however, the definition provided in the amendment 202 is more accurate.
26,976,979	Art 36 (1)	Support	Support DSOs to own storage when those assets are needed for local short-term control, for efficient, reliable and secure operation of the distribution system or when storage is an integral part of the distribution grid
974, 981, 998	Art 36 (1), (2), (4)	Reject	Proposal to forbid DSOs to own storage always.
28, 29, 30, 987, 988, 991	Art 36 (2)	Support	Clarification than the operation of storage does not influence the competitive energy markets, the revision by NRAs and third parties to express interest at a reasonable cost.
27, 992		Reject	Mandatory fulfilment of all conditions before own storage
31	Art 36 (4)	Support	Member States to perform regular consultations in order to re-assess the potential interest of market parties instead of the NRA.
1000		Support	Proposal for DSOs to have the right to recover their investment cost in storage
997	Art 36 (3)	Reject	Removal of the unbundling criteria to own storage.
<b>New activities of DSOs</b>			
32	Art 36 a (new)	Reject	New article proposes which further activities a DSO may or may not do. It only constraints and block innovation in distribution network. Current unbundling rules ensure the independence from the generation and supply business
<b>Tasks of DSOs</b>			
899	Art 31 (4)	Reject	Proposal to remove the option for DSOS to give priority to generation installations using RES or producing combined heat and power. We do agree with the article as long as the reference to the 11 is kept.
907	Art 31 (5)	Support	Deletion of the market based procedures for DSOs to procure non-frequency ancillary services. Some non-frequency ancillary services will (and should) be provided by the market, some others such as voltage control devices will likely not be.

<b>Tasks of DSOs in the use of flexibility</b>			
312,916	Art 32(1)	Reject	Change the wording 'to ensure' instead of 'to allow and incentivise' or 'to enable'
991	Art 32(1)(1)	Support	Member States and NRA to incentivise DSOs to procure flexibility when those services are appropriate in the customer interest.
917, 918	Art 32(1)(2)	Support	Clarification that products for flexibility should be defined at MS level, based on different needs and defined at least 18 months after the transposition of the Directive
922		Reject	Definition of products for flexibility at EU level
924,925,928, 934	Art 32(2)(1)	Reject	Network development plan to be submitted at least every 2 years including a consultation. We don't support a mandatory consultation process, neither a concrete period imposed by EC. It should be up to the MS.
936	Art 32 (2)(3)	Reject	Proposal for optional application of this article to DSOs with less than 10,000 customers instead of 100,000.
937		Reject	Removal of the paragraph which gives option not to apply this obligation to DSOs with less than 100,000 customers.
<b>DSO unbundling</b>			
969,970, 971,972	Art 35(2)	Reject	Enforcing financial unbundling for DSOs is rigid and strengthen the already sufficient the degree of separation from VIU. Unnecessary requirement
973	Art 35(3)	Support	Providing Member States with the flexibility to adjust the unbundling provisions for integrated electricity undertakings serving less than 100.000 customers is in line with principle of subsidiarity.
<b>Tasks of the TSOs</b>			
34	Art 40 (1) j a	Reject	Data management, cyber security and data protection tasks are given to TSOs. These are traditional DSO tasks and overlaps will inevitably occur.
33	Art 40 (1) j b	Support	Digitalisation of transmission system, as DSOs should digitalise distribution system.
36	Art 40 (4)	Support	Requirement for approval by the competent authority when TSO procures non frequency ancillary services.
<b>Tasks of NRAs</b>			
44, 1129 1132, 1135, 1139, 1140, 1141 1187 1202	Art 57 (5) Art 58 (1)  Art 59 (1) Art 59 (9)	Support	Independence and transparency of NRAs are two key principles indeed.
1155	Art 59 (1)	Reject	

<b>Role of regulatory authorities with respect to ROCs</b>			
198, 1206, 1209	Art.2.1 (point 39) Art.62 Art.62 (1)	Reject	Amendment proposals that propose not to go beyond the scope of the existing RSCs would impede efficient regional cooperation and considerably slow down progress towards a truly integrated Internal Electricity Market.
49, 1215, 1216, 1222, 1225, 1226, 1234, 1238, 1239, 1240, 1241	Art.62 (1) Art.62 (2)	Support	EURELECTRIC recognises that a NRAs regional cooperation is a prerequisite for an effective regional approach.
48, 1213, 1214, 1220, 1224, 1228, 1230, 1233, 1235, 1237	Art.62 (1) Art.62 (2)	Reject	
<b>Polluter Pays Principle</b>			
237, 242, 243	Art.3.2 (a) Art.3.2 (b) Art.3.2 (c)	Reject	It is in appropriate and inefficient to address broader energy and environmental policy objectives through electricity market rules. Coal and nuclear energy are subject to extensive regulation on safety and environmental performance and it is unhelpful to duplicate this
<b>Third country participation</b>			
1244	Article 65a (new)	Reject	This amendment puts at risk both the physical integration of very well interconnected third countries into the European electricity market and could derail the ongoing negotiations between the EU and Switzerland on a bilateral electricity agreement. It reduces the leverage for the EU when negotiating EU external energy policies and puts at risk the integration of EU Member States where they are connected to other EU Member States by non-EU countries (e. g. Italy, Ireland).

EURELECTRIC pursues in all its activities the application of the following sustainable development values:

Economic Development

▶ Growth, added-value, efficiency

Environmental Leadership

▶ Commitment, innovation, pro-activeness

Social Responsibility

▶ Transparency, ethics, accountability



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