



Brussels, 12 May 2016
(OR. en)

8710/16

Interinstitutional File:
2015/0239 (COD)

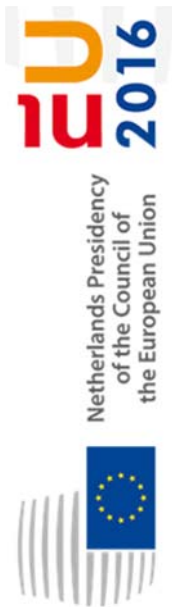
STATIS 25
ENER 142
CODEC 611

'I' ITEM NOTE

From:	General Secretariat of the Council
To:	Permanent Representatives Committee
No. Cion doc.:	ST14510/15 + ADD 1
No. prev. doc.:	ST 8575/16
Subject:	Proposal for a REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL on European statistics on natural gas and electricity prices and repealing Directive 2008/92/EC of the European Parliament and of the Council concerning a Community procedure to improve the transparency of gas and electricity prices charged to industrial end-users - Mandate for negotiations with the European Parliament

1. On 15 November 2015, the Commission submitted to the Council and the European Parliament a Proposal for a Regulation of the European Parliament and of the Council on European statistics on natural gas and electricity prices and repealing Directive 2008/92/EC of the European Parliament and of the Council concerning a Community procedure to improve the transparency of gas and electricity prices charged to industrial end-users.
2. The Working Party on statistics met on 8 December 2015 and 27 January 2016. On 31 March 2016, the Presidency launched a written consultation among Member States on its compromise text.

3. The outcome of this was discussed at the Working Party on statistics meeting on 21 April 2016. During this meeting, almost all recitals, articles and annexes were agreed on by the majority of Member States and subsequently closed. A slightly revised version has subsequently been issued.
 4. Delegations have been consulted by e-mail on 04/05/2016 on document 8575/16 and a large majority agreed to the proposal which is annexed to this note. One delegation indicated its intention to abstain and another delegation entered a scrutiny reservation.
 5. The Committee is invited to provide the Presidency with a mandate containing the Council's offer, as reflected in annex to this note, in order to start the negotiations with the European Parliament.
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Netherlands Presidency text for the proposal for a Regulation of the European Parliament and of the Council on European statistics on natural gas and electricity prices and repealing Directive 2008/92/EC of the European Parliament and of the Council concerning a Community procedure to improve the transparency of gas and electricity prices charged to industrial end-users

COM proposal	Presidency proposal
<p>THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION</p> <p>Having regard to the Treaty on the Functioning of the European Union, and in particular Article 338(1) thereof,</p> <p>Having regard to the proposal from the European Commission,</p> <p>After transmission of the draft legislative act to the national parliaments,</p> <p>Acting in accordance with the ordinary legislative procedure,*</p> <p>Whereas:</p> <p>_____</p> <p>*Opinion of the European Parliament of ... (not yet published in the Official Journal) and Council Decision of ...</p>	<p>THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION</p> <p>Having regard to the Treaty on the Functioning of the European Union, and in particular Article 338(1) thereof,</p> <p>Having regard to the proposal from the European Commission,</p> <p>After transmission of the draft legislative act to the national parliaments,</p> <p>Acting in accordance with the ordinary legislative procedure,*</p> <p>Whereas:</p> <p>_____</p> <p>*Opinion of the European Parliament of ... (not yet published in the Official Journal) and Council Decision of ...</p>

<p>(1) Competitiveness, sustainability and energy security are the overarching goals of a resilient Energy Union with a forward-looking climate change policy.</p>	<p>(1) Competitiveness, sustainability and energy security are the overarching goals of a resilient Energy Union with a forward-looking climate change policy.</p>
<p>(2) High quality, comparable, up-to-date, reliable and harmonised information on natural gas and electricity prices charged to final customers are needed in order to draft Energy Union policy and monitor the Member States' energy markets.</p>	<p>(2) High quality, comparable, up-to-date, reliable and harmonised information on natural gas and electricity prices charged to final customers is needed in order to draft Energy Union policy and monitor the Member States' energy markets.</p>
<p>(3) This Regulation aims to provide European statistics to underpin policies in particular towards the creation of a fully integrated internal energy market for customers. Greater transparency on energy prices, as well as on the level of public support, should be made available to improve market integration.</p>	<p>(3) This Regulation aims to provide European statistics to underpin energy policies in particular towards the creation of a fully integrated internal energy market for customers. Greater transparency on energy costs and prices, as well as on the level of public support, should be made available to improve market integration. The content of this regulation does not imply any harmonisation of the structure of prices and charges across Member States.</p>
<p>(4) Up to the present date, Directive 2008/92/EC of the European Parliament and of the Council* has provided a common framework for producing, transmitting and disseminating comparable statistics on the natural gas and electricity retail prices charged to industrial customers in the Union.</p>	<p>(4) Up to the present date, Directive 2008/92/EC of the European Parliament and of the Council* has provided a common framework for producing, transmitting and disseminating comparable statistics on the natural gas and electricity prices charged to industrial customers in the Union.</p>
<p>_____</p> <p>*Directive 2008/92/EC of the European Parliament and of the Council of 22 October 2008 concerning a Community procedure to improve the transparency of gas and electricity prices charged to industrial end-users (OJ L 298, 7.11.2008, p. 9).</p>	<p>_____</p> <p>*Directive 2008/92/EC of the European Parliament and of the Council of 22 October 2008 concerning a Community procedure to improve the transparency of gas and electricity prices charged to industrial end-users (OJ L 298, 7.11.2008, p. 9).</p>
<p>(5) The collection of data on natural gas and electricity retail prices charged to final customers in the household sector has so far been carried out on the basis of a voluntary agreement.</p>	<p>(5) The collection of data on natural gas and electricity prices charged to final customers in the household sector has so far been carried out on the basis of a voluntary agreement.</p>

<p>(6) The growing complexity of the internal energy market make it increasingly difficult to obtain reliable and up-to-date price data for natural gas and electricity in the absence of legally binding obligations to provide such data, in particular for the household sector.</p>	<p>(6) The growing complexity of the internal energy market make it increasingly difficult to obtain reliable and up-to-date price data for natural gas and electricity in the absence of legally binding obligations to provide such data, in particular for the household sector.</p>
<p>(7) In order to guarantee the reporting of high quality price data for the household sector and for the non-household sector, the collection of both types of data should be covered by a legal act.</p>	<p>(7) In order to guarantee the reporting of high quality price data for the household sector and for the non-household sector, the collection of both types of data should be covered by a legal act.</p>
<p>(8) In most countries, data on transmission systems are available from energy regulators. However, a much larger number of data compilers are involved for distribution costs and the reporting of data is considered more challenging in some Member States. Given the significance of distribution costs and the need for transparency on this matter, the collection of data must be harmonised on the basis of a sound methodology.</p>	<p>(8) In most countries, data on transmission systems are available from energy regulators. However, a much larger number of data compilers are involved for distribution costs and the reporting of data is considered more challenging in some Member States. Given the significance of distribution costs and the need for transparency on this matter, the collection of data should follow the established practices within the European Statistical System.</p>
<p>(9) The system of consumption bands used by the Commission (Eurostat) in its price publications should ensure the transparency of the market and the broad dissemination of non-confidential price data and should enable the calculation of European aggregates.</p>	<p>(9) The system of consumption bands used by the Commission (Eurostat) in its price publications should ensure the transparency of the market and the broad dissemination of non-confidential price data and should enable the calculation of European aggregates.</p>

<p>(10) Regulation (EC) No 223/2009 of the European Parliament and of the Council* provides that statistics are to be collected in accordance with the principles of impartiality, transparency, reliability, objectivity, professional independence and cost-effectiveness, while protecting statistical confidentiality.</p> <p>_____</p> <p>*Regulation (EC) No 223/2009 of the European Parliament and of the Council of 11 March 2009 on European statistics and repealing Regulation (EC, Euratom) No 1101/2008 of the European Parliament and of the Council on the transmission of data subject to statistical confidentiality to the Statistical Office of the European Communities, Council Regulation (EC) No 322/97 on Community Statistics, and Council Decision 89/382/EEC, Euratom establishing a Committee on the Statistical Programmes of the European Communities (OJ L 87, 31.3.2009, p. 164).</p>	<p>(10) Regulation (EC) No 223/2009 of the European Parliament and of the Council* is the reference framework for European statistics. That Regulation provides that statistics are to be collected in accordance with the principles of impartiality, transparency, reliability, objectivity, professional independence and cost-effectiveness, while protecting statistical confidentiality.</p> <p>_____</p> <p>*Regulation (EC) No 223/2009 of the European Parliament and of the Council of 11 March 2009 on European statistics and repealing Regulation (EC, Euratom) No 1101/2008 of the European Parliament and of the Council on the transmission of data subject to statistical confidentiality to the Statistical Office of the European Communities, Council Regulation (EC) No 322/97 on Community Statistics, and Council Decision 89/382/EEC, Euratom establishing a Committee on the Statistical Programmes of the European Communities (OJ L 87, 31.3.2009, p. 164).</p>
<p>(11) The information on prices charged to final customers of natural gas and electricity should enable comparisons with the prices of other energy commodities.</p>	<p>(11) The information on prices charged to final customers of natural gas and electricity should enable comparisons with the prices of other energy commodities.</p>
<p>(12) Information on the collection of data on prices and on quality should be provided as part of standard reporting procedure.</p>	<p>(12) Information on the collection of data on prices and on quality should be provided as part of standard reporting procedure.</p>
<p>(13) Detailed data on the breakdown of consumption bands and their respective market shares are an essential part of natural gas and electricity price statistics.</p>	<p>(13) Detailed data on the breakdown of consumption bands and their respective market shares are an essential part of natural gas and electricity price statistics.</p>
<p>(14) Price analysis can only be carried out if high quality official statistics are available from Member States regarding the different components and sub-components of natural gas and electricity prices. A revised methodology for generating a detailed breakdown of the various components and sub-components of the prices of natural gas and electricity charged to final customers will make it possible to analyse the impact of different aspects on the final prices.</p>	<p>(14) Price analysis can only be carried out if high quality official statistics are available from Member States regarding the different components and sub-components of natural gas and electricity prices. A revised methodology for generating a detailed breakdown of the various components and sub-components of the prices of natural gas and electricity charged to final customers will make it possible to analyse the impact of different aspects on the final prices.</p>

<p>(15) The data provided to the Commission (Eurostat) on prices and conditions of sale to final customers, and the breakdown of the number of final customers by consumption in each consumption band, should provide the Commission with appropriate information to decide on appropriate measures or proposals in relation to energy policy.</p>	<p>(15) The data provided to the Commission (Eurostat) on prices and conditions of sale to final customers, and the breakdown of the number of final customers by consumption in each consumption band, should contain all the necessary information to enable the Commission to decide on appropriate measures or proposals in relation to energy policy.</p>
<p>(16) A good understanding of the taxes and charges in each Member State is essential for ensuring price transparency. The importance of a breakdown of the data on network costs, charges, taxes, levies, and fees has been identified.</p>	<p>(16) A good understanding of the taxes, charges, levies and fees in each Member State is essential for ensuring price transparency. The importance of a breakdown of the data on network costs, charges, taxes, levies, and fees has been identified.</p>
<p>(17) Member States in which the consumption of natural gas as a proportion of the final energy consumption of households is low should be exempted from the obligation to provide data on natural gas prices for final household customers.</p>	<p>(17) Member States in which the consumption of natural gas as a proportion of the final energy consumption of households is low should be exempted from the obligation to provide data on natural gas prices for final household customers.</p>
<p>(18) To improve data reliability, the Commission (Eurostat), together with the Member States, should assess and, if required, improve the methodology for collecting and processing the data in a precise manner, aligned with governance framework for statistics. Therefore, quality reports should be prepared regularly and assessments of the quality of the price data should be carried out regularly.</p>	<p>(18) To improve data reliability, the Commission (Eurostat), together with the Member States, should assess and, if required, improve the methodology for collecting and processing the data in a precise manner, aligned with governance framework for statistics. Therefore, quality reports should be prepared regularly and assessments of the quality of the price data should be carried out regularly.</p>
<p>(19) Based on a justified request from a Member State, the Commission may grant derogations to Member States in relation to those specific obligations for which the application of this Regulation to the national statistical system of a Member State requires major adaptations and is likely to lead to a significant additional burden on respondents.</p>	<p>(19) Based on a justified request from a Member State, the Commission may grant derogations to Member States in relation to those specific obligations for which the application of this Regulation to the national statistical system of a Member State requires major adaptations or is likely to lead to a significant additional burden on respondents.</p>

<p>(20) In order to maintain the high quality of the data provided by the Member States, the power to adopt acts in accordance with Article 290 of the Treaty on the Functioning of the European Union should be delegated to the Commission, with a view to adjusting the thresholds that may apply to the natural gas market. It is of particular importance that the Commission carry out appropriate consultations during its preparatory work, including at expert level. The Commission, when preparing and drawing up delegated acts, should ensure a simultaneous, timely and appropriate transmission of relevant documents to the European Parliament and Council.</p>	<p>(20) In order to maintain the high quality of the data provided by the Member States, the power to adopt acts in accordance with Article 290 of the Treaty on the Functioning of the European Union should be delegated to the Commission in respect of adjusting the thresholds that may apply to the natural gas market. It is of particular importance that the Commission carry out appropriate consultations during its preparatory work, including at expert level conducted in accordance with the principles laid down in the Interinstitutional Agreement on Better Law-Making of 13 April 2016. In particular, to ensure equal participation in the preparation of delegated acts, the European Parliament and Council receive all documents at the same time as Member States' experts, and their experts have systematic access to meetings of Commission expert groups dealing with the preparation of delegated acts.</p>
<p>(21) The Commission should ensure that delegated acts do not impose a significant additional administrative burden on Member States or on respondents.</p>	<p>(21) The Commission should ensure that the delegated acts do not impose a significant additional burden on Member States or on respondents.</p>

<p>(22) In order to ensure uniform conditions for the implementation of the Regulation, implementing powers should be conferred on the Commission as regards the format of and arrangements for the transmission of the data, requirements for the quality reports and their structure and comparability, and the granting of derogations. Those powers should be exercised in accordance with Regulation (EU) No 182/2011 of the European Parliament and of the Council of 16 February 2011 laying down the rules and general principles concerning mechanisms for control by Member States of the Commission's exercise of implementing powers.</p>	<p>(22) In order to ensure uniform conditions for the implementation of the Regulation, implementing powers should be conferred on the Commission as regards the format of and arrangements for the transmission of the data, requirements for the quality reports and their structure and comparability, and the granting of derogations. Those powers should be exercised in accordance with Regulation (EU) No 182/2011 of the European Parliament and of the Council of 16 February 2011 laying down the rules and general principles concerning mechanisms for control by Member States of the Commission's exercise of implementing powers.</p>
	<p>(22a) The Member States should compile the data by using the most appropriate sources and methods to provide the required information. The Union may therefore take action to this end in accordance with the principle of subsidiarity. Since the objective of this Regulation, namely the establishment of a common legal framework for the systematic production of European statistics on natural gas and electricity prices, cannot be sufficiently achieved by the Member States but can rather be better achieved at Union level, the Union may adopt measures, in accordance with the principle of subsidiarity as set out in Article 5 of the Treaty on European Union. In accordance with the principle of proportionality, as set out in that Article, this Regulation does not go beyond what is necessary to achieve that objective.</p>
<p>(23) Directive 2008/92/EC is repealed.</p>	<p>(23) Directive 2008/92/EC is repealed.</p>
<p>(24) The European Statistical System Committee has been consulted. HAVE ADOPTED THIS REGULATION:</p>	<p>(24) The European Statistical System Committee has been consulted. HAVE ADOPTED THIS REGULATION:</p>

<i>Article 1</i>	<i>Article 1</i>
Subject matter	Subject matter
This Regulation establishes a common framework for the development, production and dissemination of comparable European statistics on natural gas and electricity prices for household and final non-household customers in the EU.	This Regulation establishes a common framework for the development, production and dissemination of comparable European statistics on natural gas and electricity prices for household and final non-household customers in the EU.
<i>Article 2</i>	<i>Article 2</i>
Definitions	Definitions
For the purposes of this Regulation, the following definitions shall apply:	For the purposes of this Regulation, the following definitions shall apply:
(1) 'household', 'final energy consumption' and 'autoproducers' shall have the same meaning as those referred to in Annex A to Regulation (EC) No 1099/2008 of the European Parliament and of the Council*;	(1) 'household', 'final energy consumption' and 'autoproducers' shall have the same meaning as those referred to in Annex A to Regulation (EC) No 1099/2008 of the European Parliament and of the Council*;
*Regulation (EC) No 1099/2008 of the European Parliament and of the Council of 22 October 2008 on energy statistics (OJ L 304, 14.11.2008, p. 6-11).	*Regulation (EC) No 1099/2008 of the European Parliament and of the Council of 22 October 2008 on energy statistics (OJ L 304, 14.11.2008, p. 6-11).
(2) 'customer', 'final customer', 'household customer', 'non-household customer', 'transmission', 'distribution' and 'supply' related to electricity shall have the same meaning as those referred to in Directive 2009/72/EC of the European Parliament and of the Council*, when used in relation to electricity;	(2) 'customer', 'final customer', 'household customer', 'non-household customer', 'transmission', 'distribution' and 'supply' related to electricity shall have the same meaning as those referred to in Directive 2009/72/EC of the European Parliament and of the Council*, when used in relation to electricity;
* Directive 2009/72/EC of the European Parliament and of the Council of 13 July 2009 concerning common rules for the internal market in electricity and repealing Directive 2003/54/EC (OJ L 211, 14.8.2009, p. 55).	* Directive 2009/72/EC of the European Parliament and of the Council of 13 July 2009 concerning common rules for the internal market in electricity and repealing Directive 2003/54/EC (OJ L 211, 14.8.2009, p. 55).

<p>(3) 'customer', 'final customer', 'household customer', 'non-household customer', 'transmission', 'distribution' and 'supply' related to natural gas shall have the same meaning as those referred to in Directive 2009/73/EC of the European Parliament and of the Council*, when used in relation to natural gas;</p> <hr/> <p>*Directive 2009/73/EC of the European Parliament and of the Council of 13 July 2009 concerning common rules for the internal market in natural gas and repealing Directive 2003/55/EC (OJ L 211, 14.8.2009, p. 94).</p>	<p>(3) 'customer', 'final customer', 'household customer', 'non-household customer', 'transmission', 'distribution' and 'supply' related to natural gas shall have the same meaning as those referred to in Directive 2009/73/EC of the European Parliament and of the Council*, when used in relation to natural gas;</p> <hr/> <p>*Directive 2009/73/EC of the European Parliament and of the Council of 13 July 2009 concerning common rules for the internal market in natural gas and repealing Directive 2003/55/EC (OJ L 211, 14.8.2009, p. 94).</p>
<p>(4) 'network component' means the combination of distribution and transmission network costs as stated in point 6 of Annex I and in point 5 of Annex II.</p>	<p>(4) 'network component' means the combination of transmission and distribution network costs as stated in point 6 of Annex I and in point 5 of Annex II.</p>

<i>Article 3</i>	<i>Article 3</i>
Data sources	Data sources
<p>While applying the principle of maintaining a reduced burden on respondents and of administrative simplification, Member States shall compile data on natural gas and electricity prices and their sub-components on network costs and taxes, levies, fees and charges as referred to in Annexes I and II and on consumption volumes and shall draw up a quality report using the following sources:</p>	<p>Member States shall compile data on natural gas and electricity prices, and their components and sub-components of network costs, taxes, levies, fees and charges, and on consumption volumes, in accordance with Annexes I and II. One or more of the following sources shall be used, having taken into account the principles of reducing burden on respondents and of administrative simplification:</p>
(a) specific statistical surveys related to natural gas and electricity retail prices addressed to producers or traders, transmission and distribution system operators, importers or exporters of energy products, and supply undertakings;	(a) statistical surveys;
(b) other statistical surveys addressed to customers in the household sector and final customers in the non-household sector;	
(c) administrative sources, such as those held by national regulators of the natural gas and electricity markets;	(c) administrative sources;
(d) other sources applying sound statistical estimation procedures.	(d) other sources applying statistical estimation methods.

<i>Article 4</i>	<i>Article 4</i>
Coverage	Coverage
<p>(1) Member States shall ensure that the data collection and compilation system is representative.</p> <p>(2) Member States shall not be obliged to transmit data on natural gas prices for household customers to the Commission (Eurostat) if the consumption of natural gas in the household sector is below a threshold of 1 % of national total energy consumption in the household sector. The Commission (Eurostat) shall review regularly, at least every 3 years, which Member States qualify according to the consumption of natural gas in the household sector of their country for being excluded from the obligation to transmit the data.</p> <p>(3) The Commission shall be empowered to adopt delegated acts in accordance with Article 10, taking account of economic and technical trends, concerning the adjustment of the threshold.</p>	<p>(1) Member States shall ensure that the data compiled in accordance with Annexes I and II are representative of the natural gas and electricity prices and consumption of the Member State.</p> <p>(2) Member States shall not be obliged to transmit data on natural gas prices for household consumers if the volume of consumption of natural gas by the household sector accounts for less than 1% of national total energy consumption in the household sector. At least every three years, the Commission (Eurostat) shall review which Member States are not obliged to transmit such data.</p> <p>(3) The Commission is empowered to adopt delegated acts in accordance with Article 10, taking account of economic and technical trends, concerning the adjustment of the threshold. Such acts may provide to raise the threshold, or to lower the threshold, but in the latter case to a level of not below 1%.</p> <p>(3a) When exercising the powers delegated in paragraph 3, the Commission shall ensure that the delegated acts do not impose a significant additional burden on the Member States or on the respondents.</p>

<i>Article 5</i>	<i>Article 5</i>
Data transmission	Data transmission
(1) Member States shall provide to the Commission (Eurostat) the data as set out in Annexes I and II.	(1) Member States shall provide to the Commission (Eurostat) the data as set out in Annexes I and II.
(2) The Commission shall establish and adopt, by means of implementing acts, the format and arrangements for the transmission of the data as set out in the Annexes. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 11(2).	(2) The Commission shall establish and adopt, by means of implementing acts, the format and arrangements for the transmission of the data as set out in the Annexes. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 11(2).
	(3) Member states shall provide statistics to the Commission (Eurostat) within three months of the end of the reference period.
<i>Article 6</i>	<i>Article 6</i>
Reference period and transmission frequency	Reference period and transmission frequency
(1) Member States shall compile all the data specified in the Annexes of this Regulation from the beginning of the calendar year following the adoption of this Regulation and shall provide statistics to the Commission (Eurostat) within three months of the end of the reference period.	(1) The first reference periods for data specified in the Annexes of this Regulation shall be January to December and January to June respectively of the calendar year following the adoption of this Regulation.
(2) The transmission frequency shall be:	(2) The transmission frequency shall be:
(a) annual (January to December) for data referred to in points 6(a) and 7 of Annex I and point 5(a) and 6 of Annex II;	(a) annual (for the period from January to December) for data referred to in points 6(a) and 7 of Annex I and points 5(a) and 6 of Annex II;
(b) twice-yearly (January to June and July to December) for data referred to in point 6(b) of Annex I and point 5(b) of Annex II.	(b) twice yearly (for the periods from January to June and from July to December) for data referred to in point 6(b) of Annex I and point 5(b) of Annex II.

<i>Article 7</i>	<i>Article 7</i>
Quality assessment and reports	Quality assurance
(1) Member States shall ensure the quality of the data in accordance with the quality criteria referred to in Article 12(1) of Regulation (EC) No 223/2009.	(1) Member States shall ensure the quality of the data provided. For the purposes of this Regulation, the standard quality criteria set out in Article 12(1) of Regulation (EC) No 223/2009 shall apply.
(2) Member States shall inform the Commission (Eurostat), without delay, of any methodological or other changes that might have a significant impact on natural gas and electricity price statistics, and in any event no later than one month after that change occurs.	(2) Member States shall inform the Commission (Eurostat), without delay, of any methodological or other changes that might have a significant impact on natural gas and electricity price statistics, and in any event no later than one month after that change occurs.
(3) Member States shall submit to the Commission (Eurostat) every three years a quality report on the data, demonstrating how those data are calculated. This report shall include information on the scope and collection of the data, the calculation criteria, methodology and data sources used, and any changes in the sources or methodology.	(3) Every three years, Member States shall provide the Commission (Eurostat) with a standard quality report on the data covering the quality criteria referred to in Article 12(1) of Regulation (EC) No 223/2009. This report shall include information on the scope and collection of the data, the calculation criteria, the methodology and data sources used, and any changes therein.
(4) The Commission (Eurostat) shall assess the quality of the transmitted data and the information provided in the quality reports and shall prepare and disseminate a summary quality assessment report.	(4) The Commission (Eurostat) shall assess the quality of the data transmitted, and shall use this assessment and an analysis of the quality reports referred to in paragraph 3 to prepare and publish a report on the quality of European statistics covered by this regulation.

<p>(5) Where the Commission (Eurostat) identifies statistically significant anomalies or inconsistencies in data provided, it may request from the national authorities an appropriate breakdown of the data as well as the calculation or evaluation methods upon which the data provided are based, in order to assess the data and, if necessary request that any data or any information deemed to be inaccurate is amended and resubmitted by the Member State concerned.</p>	<p>(5) <u>deleted</u></p>
<p>(6) The Commission shall determine, by means of implementing acts requirements for the quality reports and their structure and comparability referred to in paragraph 3. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 11(2).</p>	<p>(6) The Commission shall be empowered to adopt implementing acts establishing technical quality assurance requirements regarding the content of the three-yearly standard quality reports referred to in paragraph 3. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 11(2).</p>

<i>Article 8</i>	<i>Article 8</i>
Dissemination	Dissemination
The Commission (Eurostat) shall disseminate natural gas and electricity price statistics no later than five months after the end of each reference period.	The Commission (Eurostat) shall disseminate natural gas and electricity price statistics no later than five months after the end of each reference period.
<i>Article 9</i>	<i>Article 9</i>
Derogations	Derogations
(1) Derogations may be granted by means of implementing acts in relation to those specific obligations for which the application of this Regulation to the national statistical system of a Member State requires major adaptations and is likely to lead to a significant additional burden on respondents. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 11(2) no later than [xx-xx-xxxx]	(1) Derogations may be granted by means of implementing acts in relation to those specific obligations for which the application of this Regulation to the national statistical system of a Member State requires major adaptations or is likely to lead to a significant additional burden on respondents. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 11(2).
(2) For the purposes of paragraph 1, the Member State concerned shall present a duly justified request to the Commission no later than nine months after the entry into force of this Regulation.	(2) For the purposes of paragraph 1, the Member State concerned shall present a duly justified request to the Commission no later than nine months after the entry into force of this Regulation.
(3) The derogations shall remain in force for the shortest period of time possible and shall in any case not exceed three years.	(3) The derogations shall remain in force for the shortest period of time possible and shall in any case not exceed three years.
(4) A Member State having been granted derogation in accordance with paragraph 1 shall continue to apply the relevant provisions of Directive 2008/92/EC for the duration of the derogation period.	(4) A Member State having applied for derogation shall continue to apply the relevant provisions of Directive 2008/92/EC from the moment of application to the moment the derogation is granted in accordance with paragraph 1, and further for the duration of the derogation period.

Article 10	Article 10
Exercise of the delegation	Exercise of the delegation
(1) The power to adopt delegated acts is conferred on the Commission subject to the conditions laid down in this article.	(1) The power to adopt delegated acts is conferred on the Commission subject to the conditions laid down in this article.
(2) The delegation of powers referred to in Article 4(3) shall be conferred for an indeterminate period of time from [xx-xx-xxx] onwards.	(2) The power to adopt delegated acts referred to in Article 4(3), shall be conferred on the Commission for a period of five years as from ... [<i>the date of the entry into force of this Regulation</i>]. The Commission shall draw up a report in respect of the delegation of power no later than nine months before the end of the five-year period. The delegation of power shall be tacitly extended for periods of an identical duration, unless the European Parliament or the Council opposes such extension no later than three months before the end of each period.
(3) The delegation of powers referred to in Article 4(3) may be revoked at any time by the European Parliament or by the Council. A decision to revoke shall put an end to the delegation of the power specified in that decision. It shall take effect the day following the publication of the decision in the Official Journal of the European Union or at a later date specified therein. It shall not affect the validity of any delegated acts already in force.	(3) The delegation of powers referred to in Article 4(3) may be revoked at any time by the European Parliament or by the Council. A decision to revoke shall put an end to the delegation of the power specified in that decision. It shall take effect the day following the publication of the decision in the Official Journal of the European Union or at a later date specified therein. It shall not affect the validity of any delegated acts already in force.
	(3a) Before the adoption of a delegated act, the Commission shall consult experts designated by each Member State in accordance with the principles laid down in the Interinstitutional Agreement on Better Law-Making of 13 April 2016.

<p>(4) As soon as it adopts a delegated act, the Commission shall notify it simultaneously to the European Parliament and to the Council.</p>	<p>(4) As soon as it adopts a delegated act, the Commission shall notify it simultaneously to the European Parliament and to the Council.</p>
<p>(5) A delegated act pursuant to Article 4(3) shall enter into force only if no objection has been expressed by either the European Parliament or the Council within two months of notification of that act to the European Parliament or the Council or if, before the expiry of that period, the European Parliament and the Council have both informed the Commission that they will not object. That period shall be extended by two months at the initiative of the European Parliament or the Council.</p>	<p>(5) A delegated act pursuant to Article 4(3) shall enter into force only if no objection has been expressed by either the European Parliament or the Council within two months of notification of that act to the European Parliament or the Council or if, before the expiry of that period, the European Parliament and the Council have both informed the Commission that they will not object. That period shall be extended by two months at the initiative of the European Parliament or the Council.</p>

<i>Article 11</i>	<i>Article 11</i>
Committee procedure	Committee procedure
<p>(1) The Commission shall be assisted by the European Statistical System Committee established by Regulation (EC) No 223/2009. That Committee shall be a committee within the meaning of Regulation (EU) No 182/2011*.</p> <hr/> <p>*Regulation (EU) No 182/2011 of the European Parliament and of the Council of 16 February 2011 laying down the rules and general principles concerning mechanisms for control by Member States of the Commission's exercise of implementing powers (OJ L 55, 28.2.2011, p. 13–18).</p> <p>(2) Where reference is made to this paragraph, Article 5 of Regulation (EU) No 182/2011 shall apply.</p>	<p>(1) The Commission shall be assisted by the European Statistical System Committee established by Regulation (EC) No 223/2009. That Committee shall be a committee within the meaning of Regulation (EU) No 182/2011*.</p> <hr/> <p>*Regulation (EU) No 182/2011 of the European Parliament and of the Council of 16 February 2011 laying down the rules and general principles concerning mechanisms for control by Member States of the Commission's exercise of implementing powers (OJ L 55, 28.2.2011, p. 13–18).</p> <p>(2) Where reference is made to this paragraph, Article 5 of Regulation (EU) No 182/2011 shall apply.</p>
<i>Article 12</i>	<i>Article 12</i>
Repeal of Directive 2008/92/EC	Repeal of Directive 2008/92/EC
<p>(1) Directive 2008/92/EC is repealed.</p> <p>(2) References to the repealed Directive shall be construed as references to this Regulation.</p>	<p>(1) Directive 2008/92/EC is repealed with effect from [xxxx].</p> <p>(2) References to the repealed Directive shall be construed as references to this Regulation.</p>
<i>Article 13</i>	<i>Article 13</i>
Entry into force	Entry into force
<p>This Regulation shall enter into force on the twentieth day following that of its publication in the Official Journal of the European Union.</p> <p>This Regulation shall be binding in its entirety and directly applicable in the Member States.</p> <p>Done at Brussels,</p>	<p>This Regulation shall enter into force on the twentieth day following that of its publication in the Official Journal of the European Union.</p> <p>This Regulation shall be binding in its entirety and directly applicable in the Member States.</p> <p>Done at Brussels,</p>

ANNEXES

ANNEX I — NATURAL GAS PRICES

This Annex sets out the methodology for the collection and compilation of statistical data on natural gas prices for household and final non-household customers.

1. Prices

Prices to be reported shall be prices charged to household and final non-household customers buying natural gas for their own use that is distributed through mains.

2. Natural gas

Natural gas shall include natural gas and other gaseous fuels blended with natural gas in the transmission and distribution network, such as biogas. Other gaseous fuels that are distributed through dedicated networks without being blended with natural gas (e.g. gas works gas, coke oven gas, blast furnace gas and biogas) shall be excluded.

3. Reporting units

The data shall include all household and final non-household customers of natural gas, but shall exclude customers who use gas only for:

- electricity generation in power plants or in combined heat and power (CHP) plants; or
- non-energy purposes (e.g. for use in the chemicals industry).

4. Units of measurement

The prices to be reported shall be the national average prices charged to household and final non-household customers.

Prices shall be expressed in national currency per gigajoule (GJ). The unit of energy used shall be measured on the basis of the gross calorific value (GCV).

Prices shall be weighted according to the market share of natural gas supply undertakings in each consumption band. If it is not possible to calculate weighted average prices, arithmetic average prices may be provided. In either case, the data shall cover a representative share of the national market.

5. Consumption bands

The prices to be reported shall be based on a system of standard annual natural gas consumption bands.

(a) For household customers, the following bands shall be applied:

Consumption band	Annual natural gas consumption (GJ)	
	Minimum	Maximum
Band D1		< 20
Band D2	≥ 20	< 200
Band D3	≥ 200	

(b) For final non-household customers, the following bands shall be applied:

Consumption band	Annual natural gas consumption (GJ)	
	Minimum	Maximum
Band I1		< 1 000
Band I2	$\geq 1\ 000$	< 10 000
Band I3	$\geq 10\ 000$	< 100 000
Band I4	$\geq 100\ 000$	< 1 000 000
Band I5	$\geq 1\ 000\ 000$	< 4 000 000
Band I6	$\geq 4\ 000\ 000$	

6. Level of detail

The prices in question shall include all charges payable: network charges plus energy consumed, minus any rebates or premiums, plus any other charges (e.g. meter rental fees, standing charges). Initial connection charges shall be excluded.

Detailed data must be provided as specified below.

(a) Level of detail required for components and sub-components

The prices provided shall be subdivided into three main components and into separate sub-components.

The final customer price for natural gas by consumption band is the sum of the three main components: the energy and supply component, the network component (transmission and distribution) and the component comprising taxes, levies, fees and charges.

Component & <i>Sub-component</i>	Description
energy and supply	This component shall include the commodity price for natural gas paid by the supplier or the price of natural gas at the point of entry into the transmission system, including, if applicable, the following end-user costs: storage costs plus costs relating to the sale of natural gas to final customers.
network	The network price shall include the following end-user costs: transmission and distribution tariffs, transmission and distribution losses, network costs, after-sale service costs, system service costs and meter rental and metering costs.
<i>Sub-component</i>	<p>The network component shall be subdivided into end-user transmission costs and distribution network costs, as follows:</p> <ol style="list-style-type: none"> <li data-bbox="387 1547 1396 1727">1. Average relative share of transmission costs for household consumers and average relative share of transmission costs for non-household consumers expressed as a percentage of total network costs. <li data-bbox="387 1727 1396 1906">2. Average relative share of distribution costs for household consumers and average relative share of distribution costs for non-household consumers expressed as a percentage of total network costs.

taxes, fees, levies and charges	This component is the sum of all the sub-components (taxes, fees, levies and charges) listed below.
<i>Sub-components</i>	The following sub-components shall be reported as individual items for each consumption band defined in point 5.
	1. Value added tax as described in Council Directive 2006/112/EC ¹ on the common system of value added tax.
	2. Taxes, fees, levies or charges related to the promotion of renewable energy sources, energy efficiency and CHP generation.
	3. Taxes, fees, levies or charges relating to strategic stockpiles, capacity payments and energy security; taxes on gas distribution; stranded costs and levies on financing energy regulatory authorities or market and system operators.
	4. Taxes, fees, levies or charges relating to air quality and the environment; taxes on emissions of CO ₂ or other greenhouse gases.
	5. All other taxes, fees, levies or charges not covered by any of the previous four categories: support for district heating; local or regional fiscal charges; island compensation; concession fees relating to licences and fees for the occupation of land and public or private property by networks or other devices.

¹ Council Directive 2006/112/EC of 28 November 2006 on the common system of value added tax (OJ L 347/1, 11.12.2006 p.1)

(b) *Level of detail based on taxation*

The price data shall be broken down into the following three levels:

Level	Description
prices excluding all taxes, fees, levies and charges	This price level includes only the energy and supply component and the network component.
prices excluding value added tax (VAT) and other recoverable taxes	This price level includes the energy and supply component, the network component and taxes, fees, levies and charges considered as non-recoverable for final non-household customers. For household customers this price level includes the energy and network components and taxes, fees, levies and charges but excludes VAT.
prices including all taxes	This price level includes the energy and supply component, the network component, and all recoverable and non-recoverable taxes, fees, levies and charges, including VAT.

7. Consumption volumes

Member States shall transmit information on the relative share of natural gas in each consumption band based on the total volume to which the prices refer.

The annual consumption volumes for each consumption band shall be reported once per year at the same time as the price data for the second semester are reported.

The data shall not be older than two years.

ANNEX II — ELECTRICITY PRICES

This Annex sets out the methodology for the collection and compilation of statistical data on electricity prices for household and final non-household customers.

1. Prices

Prices to be reported shall be those charged to household and final non-household customers buying electricity for their own use.

2. Reporting units

The data shall include all household and final non-household customers of electricity, but electricity generated and subsequently consumed by autoproducers shall be excluded from the reporting obligation.

3. Unit of measurement

The prices to be reported shall be the national average prices charged to household and final non-household customers.

Prices shall be expressed in national currency per kilowatt-hour (kWh).

Prices shall be weighted according to the market share of electricity supply undertakings in each consumption band. If it is not possible to calculate weighted average prices, arithmetic average prices may be provided. In either case, the data shall cover a representative share of the national market.

4. Consumption bands

The prices to be reported shall be based on a system of standard annual electricity consumption bands.

(a) For household customers, the following bands shall be applied:

Consumption band	Annual electricity consumption (kWh)	
	Minimum	Maximum
Band DA		<1 000
Band DB	$\geq 1\ 000$	<2 500
Band DC	$\geq 2\ 500$	<5 000
Band DD	$\geq 5\ 000$	<15 000
Band DE	$\geq 15\ 000$	

(b) For final non-household customers, the following bands shall be applied:

Consumption band	Annual electricity consumption (MWh)	
	Minimum	Maximum
Band IA		<20
Band IB	≥ 20	<500
Band IC	≥ 500	<2 000
Band ID	$\geq 2\ 000$	<20 000
Band IE	$\geq 20\ 000$	<70 000
Band IF	$\geq 70\ 000$	<150 000
Band IG	$\geq 150\ 000$	

5. Level of detail

The prices in question shall include all charges payable: network charges plus energy consumed, minus any rebates or premiums, plus other charges (e.g. meter rental, standing charges). Initial connection charges shall be excluded.

Detailed data are to be provided as specified below.

(a) Level of detail required for components and sub-components

The prices provided shall be subdivided into three main components and into separate sub-components.

The final customer price for electricity by consumption band is the sum of the three main components: the energy and supply component, the network component (transmission and distribution) and the component comprising taxes, levies, fees and charges.

Component & <i>Sub-component</i>	Description
energy and supply	This component shall include the following end-user costs: generation, aggregation, balancing energy, supplied energy costs, customer services, after-sales management and other supply costs.
network	The network price shall include the following end-user costs: transmission and distribution tariffs, transmission and distribution losses, network costs after-sale service costs, system service costs, and meter rental and metering costs.
<i>Sub-component</i>	The network component shall be subdivided into transmission and distribution network end-user costs as follows:
	1. Average relative share of transmission costs for household consumers and average relative share of transmission costs for non-household consumers expressed as a percentage of total network costs.
	2. Average relative share of distribution costs for household consumers and average relative share of distribution costs for non-household consumers expressed as a percentage of total network costs.

taxes, fees, levies and charges	This component is the sum of all the taxes, fees, levies and charges listed below.
<i>Sub-component</i>	The following sub-components shall be reported as individual items for each consumption band defined in point 4.
	1. Value added tax as defined by Council Directive 2006/112/EC on the common system of value added tax.
	2. Taxes, fees, levies or charges related to the promotion of renewable energy sources, energy efficiency and CHP generation.
	3. Taxes, fees, levies or charges related to capacity payments, energy security and generation adequacy; taxes on coal industry restructuring; taxes on electricity distribution. Stranded costs and levies on financing energy regulatory authorities or market and system operators.
	4. Taxes, fees, levies or charges related to air quality and environmental purposes, to CO ₂ or other greenhouse gas emissions taxes.
	5. Taxes, fees, levies or charges relating to the nuclear sector, including nuclear decommissioning, inspections and fees for nuclear installations.
	6. All other taxes, fees, levies or charges not covered by any of the previous five categories: support for district heating; local or regional fiscal charges; island compensation; concession fees relating to licences and fees for the occupation of land and public or private property by networks or other devices.

(b) Level of detail based on taxation

The price data shall be broken down into the following three levels:

Level	Description
prices excluding all taxes, fees, levies and charges	This price level includes only the energy and supply component and the network component.
prices excluding value added tax (VAT) and other recoverable taxes	This price level includes the energy and supply component, the network component and taxes, fees, levies and charges considered as non-recoverable for final non-household customers. For household customers this price level includes the energy and the network components and taxes, fees, levies and charges but excludes VAT.
prices including all taxes	This price level includes the energy and supply component, the network component, and all recoverable and non-recoverable taxes, fees, levies and charges, including VAT.

6. Consumption volumes

Member States shall transmit information on the relative share of electricity in each consumption band based on the total volume to which the prices refer.

The annual consumption volumes for each consumption band shall be reported once per year at the same time as the price data for the second semester are reported.

The data shall not be older than two years.