



Council of the
European Union

Brussels, 24 February 2017
(OR. en)

Interinstitutional File:
2016/0380 (COD)

15150/16
ADD 1 REV 1

ENER 420
ENV 760
CLIMA 171
COMPET 640
CONSOM 302
FISC 222
IA 133
CODEC 1816

PROPOSAL

| | |
|----------------|--|
| No. Cion doc.: | COM(2016) 864 final/2 Annexes 1 - 5 |
| Subject: | ANNEXES to the Proposal for a Directive of the European Parliament and of the Council on common rules for the internal market in electricity |

Delegations will find attached a new version of the document COM(2016) 864 final Annexes 1 - 5.

Encl.: COM(2016) 864 final/2 Annexes 1 - 5



Brussels, 23.2.2017
COM(2016) 864 final/2

ANNEXES 1 to 5

CORRIGENDUM

This document corrects Annexes 1 to 4 of COM (2016) 864 final of 30.11.2016

Concerns only EN version.

The text shall read as follows:

ANNEXES

to the

Proposal for a Directive of the European Parliament and of the Council

on common rules for the internal market in electricity

{SWD(2016) 410}

{SWD(2016) 411}

{SWD(2016) 412}

{SWD(2016) 413}

ANNEXES

to the

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

↓ new

ANNEX I

COMPARISON TOOLS

The tools established in accordance with Article 14 shall:

- (a) be operationally independent and ensure that suppliers are given equal treatment in search results;
- (b) clearly disclose their owners and the natural or legal person operating the tool;
- (c) set out clear, objective criteria on which the comparison will be based;
- (d) use plain and unambiguous language;
- (e) provide accurate and up-to-date information and state the time of the last update;
- (f) include an as complete a range of electricity offers as practicable covering a significant part of the market and, where the information presented is not a complete overview of the market, a clear statement to that effect, before displaying results; and
- (g) provide an effective procedure to report incorrect information on published offers.

ANNEX II

MINIMUM REQUIREMENTS FOR BILLING AND BILLING INFORMATION

1. Minimum information contained in the bill

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

- (a) the price to pay; and, where possible, the breakdown of price;
- (b) electricity consumption for the billing period;
- (c) the name of the supplier;

- (d) the contact details of the supplier including a consumer support hotline;
- (e) the tariff name;
- (f) the duration of the contract; the date of end of the contract and the deadline for sending an advance notice of cancellation if the consumer considers switching at the end of the current fixed contract, while for contracts of indeterminate duration: the length of the advance notice period and the methods of communication on this choice.
- (g) the customer's switching code or unique identification code for their supply point;
- (h) information on their rights as regards the means of dispute settlement available to them in the event of a dispute pursuant to Article 26.

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

- (a) current actual prices and actual consumption of electricity;
- (b) comparisons of the customers' current electricity consumption with consumption for the same period in the previous year in graphic form;
- (c) contact information for consumer organisations, energy agencies or similar bodies, including website addresses, from which information may be obtained on available energy efficiency improvement measures, comparative end-user profiles and objective technical specifications for energy-using equipment.

In addition, comparisons with an average normalised or benchmarked customer in the same user category shall be made available to final customers in, with or signposted to within, their bills and periodical settlement bills.

2. Breakdown of the customers' price

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

Where a breakdown of the customers' price is presented in bills, the common definitions of the three main components in this breakdown established under Regulation (EU) 2016/1952 shall be used throughout the Union.

3. Access to complementary information on historical consumption

Where final customers have meters that allow remote reading by the operator installed, final customers shall have the possibility of easy access to complementary information on historical consumption allowing detailed self-checks.

Complementary information on historical consumption shall include:

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

(b) detailed data according to the time of use for any day, week, month and year. These data shall be made available to final customers in near real time via the internet or the meter interface for the period of at least the previous 24 months or the period since the start of the supply contract if this is shorter.

↓ 2009/72/EC Article 3(9)
(adapted)
⇒ new

⇒ 4. Disclosure of energy sources ⇐

~~9. Member States shall ensure that electricity s~~ Suppliers shall specify in bills:

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

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

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

~~(e) information concerning their rights as regards the means of dispute settlement available to them in the event of dispute.~~

As regards points (a) and (b) of the first subparagraph with respect to electricity obtained via an electricity exchange or imported from an undertaking situated outside the Union Community, aggregate figures provided by the exchange or the undertaking in question over the preceding year may be used.

⇒ For disclosure of electricity from renewable energy sources or from high efficiency cogeneration, guarantees of origin issued under Article 15 of Directive 2009/28/EC and Article 14(10) of Directive 2012/27/EC shall be used. ⇐

The regulatory authority or another competent national authority shall take the necessary steps to ensure that the information provided by suppliers to final customers pursuant to this Article is reliable and is provided, at a national level, in a clearly comparable manner.

↓ new

ANNEX III

SMART METERS

↓ 2009/72/EC Annex I.2
(adapted)
⇒ new

1. ~~2.~~ Member States shall ensure the implementation of ~~intelligent~~ ⇒ smart ⇐ metering systems ⇒ in their territories ⇐ that ~~shall assist the active participation of consumers in the electricity supply market. The implementation of those metering systems~~ may be subject to an economic assessment of all the long-term costs and benefits to the market and the individual consumer or which form of ~~intelligent~~ ⇒ smart ⇐ metering is economically reasonable and cost-effective and which timeframe is feasible for their distribution
2. Such assessment ~~shall take place by 3 September 2012.~~ ⇒ shall take into consideration the methodology for a cost-benefit analysis and the minimum functionalities for smart metering defined in the Commission Recommendation 2012/148/EU as well as best available techniques for ensuring the highest level of cybersecurity and data protection. ⇐
3. Subject to that assessment, Member States ⇒ or, where a Member State has so provided, the designed competent authority, ⇐ ~~or any competent authority they designate~~ shall prepare a timetable with a target of up to 10 years for the ⇒ deployment ⇐ implementation of ~~intelligent~~ smart metering systems. Where roll-out of smart meters is assessed positively, at least 80 % of ~~consumers~~ ⊗ final customers ⊗ shall be equipped with ~~intelligent~~ smart metering systems ~~by 2020~~ ⇒ within 8 years from the date of their positive assessment or by 2020 for those Member States that have initiated deployment before entering into force of this Directive. ⇐

~~Member States shall ensure the interoperability of those metering systems to be implemented within their territories and shall have due regard to the use of appropriate standards and best practice and the importance of the development of the internal market in electricity.~~

↓ new

ANNEX IV

Part A

Repealed Directive
(referred to in Article [...])

Directive 2009/72/EC

(OJ L 211, 14.8.2009, p. 55-93)

Part B

List of time-limits for transposition into national law [and application]
(referred to in Article [...])

| Directive | Time-limit for transposition | Date of application |
|-------------|------------------------------|---------------------|
| 2009/72/ EC | 03.03.2011 | 03.09.2009 |

↓ new

ANNEX V

CORRELATION TABLE

| Directive 2009/72/EC | This Directive |
|----------------------|----------------|
| Article 1 | Article 1 |
| Article 2 | Article 2 |
| — | Article 3 |
| Article 33 | Article 4 |
| — | Article 5 |
| Article 32 | Article 6 |
| Article 34 | Article 7 |
| Article 7 | Article 8 |
| Article 3(1) , | Article 9(1) |
| Article 3(2) | Article 9(2) |
| Article 3(6) | Article 9(3) |
| Article 3(15) | Article 9(4) |
| Article 3(14) | Article 9(5) |
| Article 3(4) | Article 10 |
| Annex I. 1 | Article 10 |
| — | Article 11 |
| — | Article 12 |
| — | Article 13 |
| — | Article 14 |
| — | Article 15 |

| | |
|--------------------------|---------------|
| — | Article 16 |
| — | Article 17 |
| — | Article 18 |
| Article 3(11) | Article 19 |
| — | Article 20 |
| — | Article 21 |
| — | Article 22 |
| — | Article 23 |
| — | Article 24 |
| Article 3(12) | Article 25 |
| Article 3(13) | Article 26 |
| Article 3(3) | Article 27 |
| Article 3(7) Article 3.8 | Article 28(1) |
| Article 3(8) | Article 28(2) |
| — | Article 29 |
| Article 24 | Article 30 |
| Article 25 | Article 31 |
| — | Article 32 |
| — | Article 33 |
| — | Article 34 |
| Article 26 | Article 35 |
| — | Article 36 |
| Article 27 | Article 37 |
| Article 28 | Article 38 |
| Article 29 | Article 39 |
| Article 12 | Article 40 |

| | |
|---------------|---------------|
| Article 16 | Article 41 |
| Article 23 | Article 42 |
| Article 9 | Article 43 |
| Article 13 | Article 44 |
| Article 14 | Article 45 |
| Article 17 | Article 46 |
| Article 18 | Article 47 |
| Article 19 | Article 48 |
| Article 20 | Article 49 |
| Article 21 | Article 50 |
| Article 22 | Article 51 |
| Article 10 | Article 52 |
| Article 11 | Article 53 |
| — | Article 54 |
| Article 30 | Article 55 |
| Article 31 | Article 56 |
| Article 35 | Article 57 |
| Article 36 | Article 58 |
| Article 37(1) | Article 59(1) |
| Article 37(2) | Article 59(2) |
| Article 37(4) | Article 59(3) |
| Article 37(3) | Article 59(4) |
| Article 37(5) | Article 59(5) |
| Article 37(6) | Article 59(6) |
| Article 37(7) | Article 59(7) |
| Article 37(8) | — |

| | |
|----------------|---------------|
| — | Article 59(8) |
| Article 37(9) | Article 59(9) |
| Article 37(10) | Article 60(1) |
| Article 37(11) | Article 60(2) |
| Article 37(12) | Article 60(3) |
| Article 37(13) | Article 60(4) |
| Article 37(14) | Article 60(5) |
| Article 37(15) | Article 60(6) |
| Article 37(16) | Article 60(7) |
| Article 37(17) | Article 60(8) |
| Article 38 | Article 61 |
| — | Article 62 |
| Article 39 | Article 63 |
| Article 40 | Article 64 |
| Article 43 | Article 65 |
| Article 44 | Article 66 |
| — | Article 67 |
| — | Article 68 |
| — | Article 69 |
| Article 49 | Article 70 |
| Article 48 | Article 71 |
| Article 50 | Article 72 |
| Article 51 | Article 73 |
| Article 3(9) | Annex II.4 |
| Article 3(5) | — |
| Article 3(10) | — |

| | |
|---------------|---|
| Article 3(16) | — |
| Article 4 | — |
| Article 5 | — |
| Article 6 | — |
| Article 8 | — |
| Article 41 | — |
| Article 42 | — |
| Article 45 | — |
| Article 46 | — |
| Article 47 | — |