

Brussels, 25 June 2009

Energy infringements. Country fact sheets

AUSTRIA

The action taken by the Commission today addresses violations of different provisions of the existing community legislation on the internal electricity and gas market. The Commission has focused in particular on provisions which guarantee fair competition in the interest of consumers.

Electricity and Gas Regulations:

Equal access to the electricity and gas networks is the corner stone for energy market participants. However, without reliable and transparent information on the capacity of the network, newcomers cannot effectively participate in the energy market. In this respect, the following problem seems to exist in Austria:

- The Transmission System Operator (TSO) for electricity and one of the TSOs for gas do not publish all information on available capacity as required by the Regulations.

Real competition on the energy market can only take place if national boundaries are no longer barriers to stimulate competition between market participants across Europe (cross-border trade). In order to facilitate cross-border trade, it is not enough to publish information on capacity; it is also crucial that network capacity is being optimised. This can be achieved through a better allocation of the existing capacity in a transparent way. Some aspects in the Austrian system do not seem to meet the requirements of EU law:

- as regards electricity, the congestion management has to be improved (coordination);
- as regards gas, maximum capacity is not made available.

Ensuring compliance with Community law in the field of energy

The national regulatory authorities (NRA) have an important role ensuring compliance with Community law in the field of energy. The cooperation with the national regulatory authorities in monitoring the compliance with Community law in the field of the internal energy market in the context of ERGEG (European Regulators' Group for Electricity and Gas) has been very constructive. Nevertheless, the NRA have the responsibility to take adequate action to ensure compliance with the above mentioned issues.

To ensure that rules are effectively applied, also rules on penalties should be laid down. In the field of electricity, Austria does not seem to have notified to the Commission that such penalties are put in place. With respect to gas, the penalties which can be applied in Austria do not seem effective, proportionate and dissuasive.

BELGIUM

The action taken by the Commission today addresses violations of different provisions of the existing community legislation on the internal electricity and gas market. The Commission has focused in particular on provisions which guarantee fair competition in the interest of consumers.

Electricity and Gas Regulations:

Equal access to the electricity and gas networks is the corner stone for all who want to become energy market participants. However, without reliable and transparent information on the capacity of the network, newcomers cannot effectively participate in the energy market. In this respect, the following problem seems to exist in Belgium:

- The Transmission System Operator (TSO) for electricity and the TSO for gas do not publish all information on available capacity as required by the Regulations.

Real competition on the energy market can only take place if historical national boundaries are no longer barriers to stimulate competition between market participants across Europe (cross border trade). In order to have this cross border trade, it is not enough to publish information on capacity; it is also crucial that network capacity is being optimised. This can be achieved through a better allocation of the existing capacity in a transparent way. Some aspects in the Belgian system do not seem to meet the requirements of EU law:

- as regards electricity, the congestion management has to be improved (coordination)

Consumer Protection

The current Belgian legislation does not seem to provide an alternative dispute settlement mechanism, as required by the Electricity and the Gas Directive. A lack of transparent, simple and inexpensive procedures for dealing with the complaints of consumers can lead to a reluctance of consumers to participate in the internal market.

Ensuring compliance with Community law in the field of energy

The national regulatory authorities (NRA) have an important role ensuring compliance with Community law in the field of energy. The cooperation with the national regulatory authorities in monitoring the compliance with Community law in the field of the internal energy market in the context of ERGEG (European Regulators' Group for Electricity and Gas) has been very constructive. Nevertheless, the NRA have the responsibility to take adequate action to ensure compliance with the above mentioned issues.

To ensure that rules are effectively applied, also rules on penalties should be laid down. Belgium does not seem to have notified to the Commission that such penalties are put in place.

BULGARIA

The action taken by the Commission today addresses violations of different provisions of the existing community legislation on the internal electricity and gas market. The Commission has focused in particular on provisions which guarantee fair competition in the interest of consumers.

Electricity and Gas Regulations:

Equal access to the electricity and gas networks is the corner stone for energy market participants. However, without reliable and transparent information on the capacity of the network, newcomers cannot effectively participate in the energy market. In this respect, the following problem seems to exist in Bulgaria:

- The Transmission System Operator (TSO) for electricity and the TSO for gas do not publish all information on available capacity as required by the Regulations.

Real competition on the energy market can only take place if national boundaries are no longer barriers to stimulate competition between market participants across Europe (cross-border trade). In order to facilitate cross-border trade, it is not enough to publish information on capacity; it is also crucial that network capacity is being optimised. This can be achieved through a better allocation of the existing capacity in a transparent way. Some aspects in the Bulgarian system do not seem to meet the requirements of EU law:

- as regards electricity, the congestion management has to be improved (coordination)
- as regards gas, not all the available capacity is made available to the market

Ensuring compliance with Community law in the field of energy

The national regulatory authorities (NRA) have an important role ensuring compliance with Community law in the field of energy. The cooperation with the national regulatory authorities in monitoring the compliance with Community law in the field of the internal energy market in the context of ERGEG (European Regulators' Group for Electricity and Gas) has been very constructive. Nevertheless, the NRA have the responsibility to take adequate action to ensure compliance with the above mentioned issues.

To ensure that rules are effectively applied, also rules on penalties should be laid down. Bulgaria does not seem to have notified to the Commission that such penalties are put in place.

CZECH REPUBLIC

The action taken by the Commission today addresses violations of different provisions of the existing community legislation on the internal electricity and gas market. The Commission has focused in particular on provisions which guarantee fair competition in the interest of consumers.

Electricity and Gas Regulations:

Equal access to the electricity and gas networks is the corner stone for all energy market participants. However, without reliable and transparent information on the capacity of the network, newcomers cannot effectively participate in the energy market. In this respect, the following problem seems to exist in the Czech Republic:

- The Transmission System Operator (TSO) for electricity and the TSO for gas do not publish all information on available capacity as required by the Regulations.

Real competition on the energy market can only take place if national boundaries are no longer barriers to stimulate competition between market participants across Europe (cross-border trade). In order to have this cross-border trade, it is not enough to publish information on capacity; it is also crucial that network capacity is being optimised. This can be achieved through a better allocation of the existing capacity in a transparent way. The following aspect in the Czech system does not seem to meet the requirements of EU law:

- as regards electricity, the congestion management has to be improved (for example coordination; intra-day congestion management mechanisms; different obligations for capacity holders as regards nominations)

Consumer Protection

The current Czech legislation does not seem to provide an alternative dispute settlement mechanism, as required by the Electricity and the Gas Directive. A lack of transparent, simple and inexpensive procedures for dealing with the complaints of consumers can lead to a reluctance of consumers to participate in the internal market.

Ensuring compliance with Community law in the field of energy

The national regulatory authorities (NRA) have an important role ensuring compliance with Community law in the field of energy. The cooperation with the national regulatory authorities in monitoring the compliance with Community law in the field of the internal energy market in the context of ERGEG (European Regulators' Group for Electricity and Gas) has been very constructive. Nevertheless, the NRA have the responsibility to take adequate action to ensure compliance with the above mentioned issues.

To ensure that rules are effectively applied, also rules on penalties should be laid down. The Czech Republic does not seem to have notified to the Commission that such penalties are put in place.

DENMARK

The action taken by the Commission today addresses violations of different provisions of the existing community legislation on the internal electricity and gas market. The Commission has focused in particular on provisions which guarantee fair competition in the interest of consumers.

Electricity and Gas Regulations:

Equal access to the electricity and gas networks is the corner stone for all who want to become energy market participants. However, without reliable and transparent information on the capacity of the network, newcomers cannot effectively participate in the energy market. In this respect, the following problem seems to exist in Denmark:

- The Transmission System Operator (TSO) for electricity and the TSO for gas do not publish all relevant information on transmission capacity as required by the Regulations.

Real competition on the energy market can only take place if historical national boundaries are no longer barriers to effective competition between market participants across Europe (cross border trade). In order to have this cross border trade, it is not enough to publish information on capacity; it is also crucial that network capacity is being optimised. This can be achieved through a better allocation of the existing capacity in a transparent way. Some aspects in the Danish system do not appear to meet the requirements of EU law:

- as regards electricity, the congestion management has to be improved (coordination)
- as regards gas, long-term forecasts of available capacities and utilisation rates are not published as required.

Ensuring compliance with Community law in the field of energy

The national regulatory authorities (NRA) have an important role ensuring compliance with Community law in the field of energy. The cooperation with the national regulatory authorities in monitoring the compliance with Community law in the field of the internal energy market in the context of ERGEG (European Regulators' Group for Electricity and Gas) has been very constructive. Nevertheless, the NRA have the responsibility to take adequate action to ensure compliance with the above mentioned issues.

To ensure that rules are effectively applied, also rules on penalties should be laid down. Denmark does not seem to have notified to the Commission that such penalties are actually put in place.

Estonia

The action taken by the Commission today addresses violations of different provisions of the existing community legislation on the internal electricity market. The Commission has focused in particular on provisions which guarantee fair competition.

Electricity Regulation:

Equal access to the electricity networks is the corner stone for all who want to become energy market participants. However, without reliable and transparent information on the capacity of the network, newcomers cannot effectively participate in the energy market. In this respect, the following problem seems to exist in Estonia:

- The Transmission System Operator (TSO) for electricity does not publish all information on available capacity as required by the Regulation

Ensuring compliance with Community law in the field of energy

The national regulatory authorities (NRA) have an important role ensuring compliance with Community law in the field of energy. The cooperation with the national regulatory authorities in monitoring the compliance with Community law in the field of the internal energy market in the context of ERGEG (European Regulators' Group for Electricity and Gas) has been very constructive. Nevertheless, the NRA have the responsibility to take adequate action to ensure compliance with the above mentioned issues.

To ensure that rules are effectively applied, also rules on penalties should be laid down. Estonia does not seem to have notified to the Commission that such penalties are put in place.

FINLAND

The action taken by the Commission today addresses violations of different provisions of the existing community legislation on the internal electricity and gas market. The Commission has focused in particular on provisions which guarantee fair competition in the interest of consumers.

Electricity and Gas Regulations:

Equal access to the electricity and gas networks is the corner stone for all who want to become energy market participants. However, without reliable and transparent information on the network, newcomers cannot effectively participate in the energy market. In this respect, the following problem seems to exist in Finland:

- The Transmission System Operator (TSO) for electricity does not publish all information on network forecasts, availability and use as required by the Regulations. There is also a lack of approval of some items by the Regulatory authority.

Real competition on the energy market can only take place if historical national boundaries are no longer barriers to stimulate competition between market participants across Europe (cross border trade). In order to have this cross border trade, it is not enough to publish information on capacity; it is also crucial that network capacity is being optimised. This can be achieved through a better allocation of the existing capacity in a transparent way. Finland as part of the Northern European region does not appear to meet the requirements of EU law as concerns the following aspect:

- the coordination of congestion management has to be improved between the Nordic countries and Germany and Poland.

Ensuring compliance with Community law in the field of energy

The national regulatory authorities (NRA) have an important role ensuring compliance with Community law in the field of energy. The cooperation with the national regulatory authorities in monitoring the compliance with Community law in the field of the internal energy market in the context of ERGEG (European Regulators' Group for Electricity and Gas) has been very constructive. Nevertheless, the NRA have the responsibility to take adequate action to ensure compliance with the above mentioned issues.

To ensure that rules are effectively applied, also rules on penalties should be laid down. Finland does not seem to have notified to the Commission that such penalties are actually put in place.

FRANCE

The action taken by the Commission today addresses violations of different provisions of the existing community legislation on the internal electricity and gas market. The Commission has focused in particular on provisions which guarantee fair competition in the interest of consumers.

Electricity and Gas Regulations:

Equal access to the electricity networks is the corner stone for all who want to become energy market participants. However, without reliable and transparent information on the capacity of the network, newcomers cannot effectively participate in the energy market. In this respect, the following problem seems to exist in France:

- The Transmission System Operator (TSO) for electricity does not publish all information on available capacity as required by the Regulations (for example, for all required timeframes, concerning also the Interconnexion France – Angleterre and the interconnector with Italy)

Real competition on the energy market can only take place if historical national boundaries are no longer barriers to stimulate competition between market participants across Europe (cross border trade). In order to have this cross border trade, it is not enough to publish information on capacity; it is also crucial that network capacity is being optimised. This can be achieved through a better allocation of the existing capacity in a transparent way. Some aspects in the French system do not appear to meet the requirements of EU law:

- As regards electricity, the coordination of congestion management has to be improved between France and the regions France belongs to (North- West Europe, i.e. Benelux, Germany and France; Italy, i.e. Italy, France, Germany, Austria, Slovenia and Greece; South-West Europe, i.e. Spain, Portugal and France; and the region UK Ireland and France)
- as regards gas, one TSO does not provide capacity in both directions at every entry and exit point.

Ensuring compliance with Community law in the field of energy

The national regulatory authorities (NRA) have an important role ensuring compliance with Community law in the field of energy. The cooperation with the national regulatory authorities in monitoring the compliance with Community law in the field of the internal energy market in the context of ERGEG (European Regulators' Group for Electricity and Gas) has been very constructive. Nevertheless, the NRA have the responsibility to take adequate action to ensure compliance with the above mentioned issues.

To ensure that rules are effectively applied, also rules on penalties should be laid down. As regards electricity, France does not seem to have notified to the Commission that such penalties are put in place.

GERMANY

The action taken by the Commission today addresses violations of different provisions of the existing community legislation on the internal electricity and gas market. The Commission has focused in particular on provisions which guarantee fair competition in the interest of consumers.

Electricity and Gas Regulations:

Equal access to the electricity and gas networks is the corner stone for energy market participants. However, without reliable and transparent information on the capacity of the network, newcomers cannot effectively participate in the energy market. In this respect, the following problem seems to exist in Germany:

- several Transmission System Operators (TSO) for electricity and several TSOs for gas do not publish all information on available capacity as required by the Regulations;

Real competition on the energy market can only take place if national boundaries are no longer barriers to stimulate competition between market participants across Europe (cross-border trade). In order to facilitate cross-border trade, it is not enough to publish information on capacity; it is also crucial that network capacity is being optimised. This can be achieved through a better allocation of the existing capacity in a transparent way. Some aspects in the German system do not appear to meet the requirements of EU law:

- as regards electricity, the congestion management has to be improved (coordination);
- as regards gas, the relevant points on which the information must be made public have not been approved by the regulatory authority; the maximum capacity is not made available.

Consumer Protection

The current German legislation does not provide an alternative dispute settlement mechanism, as required by the Electricity and the Gas Directive. A lack of transparent, simple and inexpensive procedures for dealing with the complaints of consumers can lead to a reluctance of consumers to participate in the internal market.

Ensuring compliance with Community law in the field of energy

The national regulatory authorities (NRA) have an important role ensuring compliance with Community law in the field of energy. The cooperation with the national regulatory authorities in monitoring the compliance with Community law in the field of the internal energy market in the context of ERGEG (European Regulators' Group for Electricity and Gas) has been very constructive. Nevertheless, the NRA have the responsibility to take adequate action to ensure compliance with the above mentioned issues.

To ensure that rules are effectively applied, also rules on penalties should be laid down. Germany does not seem to have notified to the Commission that such penalties are put in place.

GREECE

The action taken by the Commission today addresses violations of different provisions of the existing community legislation on the internal electricity and gas market. The Commission has focused in particular on provisions which guarantee fair competition in the interest of consumers.

Electricity Directive

1. Unbundling of the distribution sector

Electricity is key to the day to day lives and the economy. By opening up the European energy markets to competition Europe's citizens have been able to benefit from more choice and competition.

Unbundling refers to the effective separation between the generation of electricity and supply, on the one hand and the transport functions, on the other.

However, Greece does not seem to fulfil its obligations to effectively open the distribution sector and to give the consumers the right of choosing their supplier. The current unbundling rules in Greece do not appear to ensure proper market functioning.

2. Regulated prices for non-household customers

Consumers will benefit from the competitive energy market in many ways. The first one is freedom of choice.

Governments have the right, even the obligation, to ensure that all citizens have access to affordable energy. The current Community legislation provides the possibility to impose energy prices to protect vulnerable customers or to ensure public service obligations, provided they respect certain conditions, to ensure that they are clearly defined, transparent, non discriminatory, etc. However, such regulated prices should be the exception and not the rule in a competitive environment. Regulated prices for all customers might prevent competitive energy markets to develop.

Greece has implemented regulated prices for all non-household customers, which do not appear to meet the conditions outlined above.

Electricity and Gas Regulations:

Equal access to the electricity and gas networks is the corner stone for all energy market participants. However, without reliable and transparent information on the capacity of the network, newcomers cannot effectively participate in the energy market. In this respect, the following problem seems to exist in Greece:

- The Transmission System Operator (TSO) for electricity and the TSO for gas do not publish all information on available capacity as required by the Regulations.

Real competition on the energy market can only take place if historical national boundaries are no longer barriers to stimulate competition between market participants across Europe (cross-border trade). In order to facilitate cross-border trade, it is not enough to publish information on capacity; it is also crucial that network capacity is being optimised. This can be achieved through a better allocation of the existing capacity in a transparent way. In this context, the following aspect in the Greek system does not seem to comply with the requirements of Community law:

- as regards electricity, the congestion management has to be improved (coordination)

Ensuring compliance with Community law in the field of energy

The national regulatory authorities (NRA) have an important role ensuring compliance with Community law in the field of energy. The cooperation with the national regulatory authorities in monitoring the compliance with Community law in the field of the internal energy market in the context of ERGEG (European Regulators' Group for Electricity and Gas) has been very constructive. Nevertheless, the NRA have the responsibility to take adequate action to ensure compliance with the above mentioned issues.

To ensure that rules are effectively applied, also rules on penalties should be laid down. Greece does not seem to have notified to the Commission that such penalties are put in place.

HUNGARY

The action taken by the Commission today addresses violations of different provisions of the existing community legislation on the internal electricity and gas market. The Commission has focused in particular on provisions which guarantee fair competition in the interest of consumers.

Electricity and Gas Regulations:

Equal access to the electricity and gas networks is the corner stone for all energy market participants. However, without reliable and transparent information on the availability of the transmission infrastructure and market fundamentals (information on supply and demand) they cannot successfully participate in the energy market. In this respect, the following problems seem to exist in Hungary:

- the Transmission System Operator (TSO) for electricity does not publish information on forecast demand and generation as required by the Electricity Regulation;
- the TSO for gas do not publish all information on long-term forecasts of available transmission capacities and capacity utilisation rates as required by the Gas Regulation.

Real competition on the energy market can only take place if national boundaries are no longer barriers to stimulate competition between market participants across Europe (cross-border trade). In order to facilitate cross-border trade, it is not enough to publish information on capacity, it is also crucial that network capacity is being optimised. This can be achieved through a better allocation of the existing capacity in a transparent and coordinated way. However, some features of the congestion management framework in Hungary do not appear to meet the requirements of EU law:

- as regards electricity, transmission capacity calculation and allocation methods have to be improved (coordination) and capacities also have to be made available to market participants within the day;
- as regards gas, the TSO does not make the maximum capacity available in its pipeline system and does not publish daily updates on the availability of short term transmission services.

Ensuring compliance with Community law in the field of energy

The national regulatory authorities (NRA) have an important role ensuring compliance with Community law in the field of energy. The cooperation with the national regulatory authorities in monitoring the compliance with Community law in the field of the internal energy market in the context of ERGEG (European Regulators' Group for Electricity and Gas) has been very constructive. Nevertheless, the NRA have the responsibility to take adequate action to ensure compliance with the above mentioned issues.

IRELAND

The action taken by the Commission today addresses violations of different provisions of the existing community legislation on the internal electricity and gas market. The Commission has focused in particular on provisions which guarantee fair competition in the interest of consumers.

Electricity and Gas Regulations:

Real competition on the energy market can only take place if historical national boundaries are no longer barriers to stimulate competition between market participants across Europe (cross border trade). In order to have this cross border trade, it is not enough to publish information on capacity; it is also crucial that network capacity is being optimised. This can be achieved through a better allocation of the existing capacity in a transparent way. Ireland as part of the UK, France and Ireland region does not seem to meet the following requirement of Community law:

- the coordination of congestion management has to be improved between UK, France and Ireland.

Ensuring compliance with Community law in the field of energy

The national regulatory authorities (NRA) have an important role ensuring compliance with Community law in the field of energy. The cooperation with the national regulatory authorities in monitoring the compliance with Community law in the field of the internal energy market in the context of ERGEG (European Regulators' Group for Electricity and Gas) has been very constructive. Nevertheless, the NRA have the responsibility to take adequate action to ensure compliance with the above mentioned issues.

To ensure that rules are effectively applied, also rules on penalties should be laid down. Ireland does not seem to have notified to the Commission that such penalties are actually put in place.

ITALY

The action taken by the Commission today addresses violations of different provisions of the existing community legislation on the internal electricity and gas market. The Commission has focused in particular on provisions which guarantee fair competition in the interest of consumers.

Electricity and Gas Regulations:

Equal access to the electricity and gas networks is the corner stone for energy market participants. However, without reliable and transparent information on the capacity of the network, newcomers cannot effectively participate in the energy market. In this respect, the following problem seems to exist in Italy:

- The Transmission System Operator (TSO) for electricity and the TSO for gas do not publish all information on available capacity as required by the Regulations.

Real competition on the energy market can only take place if historical national boundaries are no longer barriers to stimulate competition between market participants across Europe (cross-border trade). In order to facilitate border trade, it is not enough to publish information on capacity; it is also crucial that network capacity is being optimised. This can be achieved through a better allocation of the existing capacity in a transparent way. Some aspects in the Italian system do not appear to meet the requirements of Community law:

- as regards electricity, the congestion management has to be improved (coordination) and cross border balancing has to be made possible;
- in addition, the current Italian legislation on exemptions for new interconnectors has to be made fully compliant with the electricity regulation.
- as regards gas, daily updates of available short-term services and monthly capacity utilisation rates are not published as required.

Ensuring compliance with Community law in the field of energy

The national regulatory authorities (NRA) have an important role ensuring compliance with Community law in the field of energy. The cooperation with the national regulatory authorities in monitoring the compliance with Community law in the field of the internal energy market in the context of ERGEG (European Regulators' Group for Electricity and Gas) has been very constructive. Nevertheless, the NRA have the responsibility to take adequate action to ensure compliance with the above mentioned issues.

To ensure that rules are effectively applied, also rules on penalties should be laid down. Italy does not seem to have notified to the Commission that such penalties are put in place.

LATVIA

The action taken by the Commission today addresses violations of different provisions of the existing community legislation on the internal electricity market. The Commission has focused in particular on provisions which guarantee fair competition.

Electricity Regulation:

Equal access to the electricity networks is the corner stone for all who want to become energy market participants. However, without reliable and transparent information on the capacity of the network, newcomers cannot effectively participate in the energy market. In this respect, the following problem seems to exist in Latvia:

- The Transmission System Operator (TSO) for electricity does not publish all information on available capacity as required by the Regulation.

Ensuring compliance with Community law in the field of energy

The national regulatory authorities (NRA) have an important role ensuring compliance with Community law in the field of energy. The cooperation with the national regulatory authorities in monitoring the compliance with Community law in the field of the internal energy market in the context of ERGEG (European Regulators' Group for Electricity and Gas) has been very constructive. Nevertheless, the NRA have the responsibility to take adequate action to ensure compliance with the above mentioned issues.

To ensure that rules are effectively applied, also rules on penalties should be laid down. Latvia does not seem to have notified to the Commission that such penalties are put in place.

Lithuania

The action taken by the Commission today addresses violations of different provisions of the existing community legislation on the internal electricity market. The Commission has focused in particular on provisions which guarantee fair competition.

Electricity Regulation and Directive:

Current market regulations in place in Lithuania and the two other Baltic Member States do not allow formation of one uniform wholesale price, even though there is no congestion on the borders. Current market structure does not allow development of common trading area, rather maintains closed national markets with one integrated company dominating national market. Lithuania still follows market rules which were designed to ensure that only the TSO can import and export electricity. This system was created before EU membership with the aim to control electricity sector and limit outside influence. However, there is no clarity about the framework in which the urgently needed new investment can take place.

Equal access to the electricity networks is the corner stone for all who want to become energy market participants. However, without reliable and transparent information on the capacity of the network, newcomers cannot effectively participate in the energy market. In this respect, the following problem seems to exist in Lithuania:

- Export fee - Lithuanian TSO applies a special payment which is imposed on system users exclusively on the basis that they export electricity.
- The Transmission System Operator (TSO) for electricity does not publish all information on available capacity as required by the Regulation.

Regulated prices

In Lithuania, the national regulatory authority approves end-user regulated prices for electricity for non-household customers, including for the largest of these customers. The EC Electricity Directive requires Member States to ensure that electricity undertakings are operated with a view to achieving a competitive energy market, and to avoid discrimination between electricity undertakings as regards either rights or obligations. This means that end-user regulated prices for non-household customers are, in principle, not allowed. However, regulated prices may be justified as Public Service Obligations. So far, though, the Commission has not yet received the necessary justification for regulated prices for non-household customers in Lithuania.

Ensuring compliance with Community law in the field of energy

The national regulatory authorities (NRA) have an important role ensuring compliance with Community law in the field of energy. The cooperation with the national regulatory authorities in monitoring the compliance with Community law in the field of the internal energy market in the context of ERGEG (European Regulators' Group for Electricity and Gas) has been very constructive. Nevertheless, the NRA have the responsibility to take adequate action to ensure compliance with the above mentioned issues.

To ensure that rules are effectively applied, also rules on penalties should be laid down. Lithuania does not seem to have notified to the Commission that such penalties are put in place.

LUXEMBOURG

The action taken by the Commission today addresses violations of different provisions of the existing community legislation on the internal electricity and gas market. The Commission has focused in particular on provisions which guarantee fair competition in the interest of consumers.

Electricity and Gas Regulations:

Equal access to the electricity and gas networks is the corner stone for all who want to become energy market participants. However, without reliable and transparent information on the capacity of the network, newcomers cannot effectively participate in the energy market. In this respect, the following problem seems to exist in Luxembourg:

- The Transmission System Operator (TSO) for electricity and the TSO for gas do not publish all information on available capacity as required by the Regulations.

Real competition on the energy market can only take place if historical national boundaries are no longer barriers to stimulate competition between market participants across Europe (cross border trade). In order to have this cross border trade, it is not enough to publish information on capacity; it is also crucial that network capacity is being optimised. This can be achieved through a better allocation of the existing capacity in a transparent way. Some aspects in the Luxembourgian system do not meet the requirements of EU law:

- as regards electricity, more detailed data about the available transfer capacity at the borders should be published, and the congestion management has to be improved (coordination).
- as regards gas, all required information about the capacity available in the pipeline system at each of the 3 entry points in the country is not made public.

Ensuring compliance with Community law in the field of energy

The national regulatory authorities (NRA) have an important role ensuring compliance with Community law in the field of energy. The cooperation with the national regulatory authorities in monitoring the compliance with Community law in the field of the internal energy market in the context of ERGEG (European Regulators' Group for Electricity and Gas) has been very constructive. Nevertheless, the NRA have the responsibility to take adequate action to ensure compliance with the above mentioned issues.

To ensure that rules are effectively applied, also rules on penalties should be laid down. Luxembourg has not yet notified to the Commission that such penalties are put in place.

NETHERLANDS

The action taken by the Commission today addresses violations of different provisions of the existing community legislation on the internal electricity and gas market. The Commission has focused in particular on provisions which guarantee fair competition in the interest of consumers.

Electricity and Gas Regulations:

Equal access to the electricity and gas networks is the corner stone for all who want to become energy market participants. However, without reliable and transparent information on the capacity of the network, newcomers cannot effectively participate in the energy market. In this respect, the following problem seems to exist in the Netherlands:

- The Transmission System Operator (TSO) for electricity does not publish all information on available capacity as required by the Regulations.

Real competition on the energy market can only take place if historical national boundaries are no longer barriers to stimulate competition between market participants across Europe (cross border trade). In order to have this cross border trade, it is not enough to publish information on capacity; it is also crucial that network capacity is being optimised. This can be achieved through a better allocation of the existing capacity in a transparent way. Some aspects in the Dutch system do not meet the requirements of EU law:

- as regards electricity, the congestion management has to be improved (coordination with TSOs in the neighbouring countries)
- as regards gas, the national regulatory authority has not approved the points for which the information has to be published.

Ensuring compliance with Community law in the field of energy

The national regulatory authorities (NRA) have an important role ensuring compliance with Community law in the field of energy. The cooperation with the national regulatory authorities in monitoring the compliance with Community law in the field of the internal energy market in the context of ERGEG (European Regulators' Group for Electricity and Gas) has been very constructive. Nevertheless, the NRA have the responsibility to take adequate action to ensure compliance with the above mentioned issues.

There are some other issues where the gas networks in the Netherlands do not meet the requirements of the Regulation in the view of the European Commission. They are currently, after action taken by the national regulatory authority, before the national court.

POLAND

The action taken by the Commission today addresses violations of different provisions of the existing community legislation on the internal electricity and gas market. The Commission has focused in particular on provisions which guarantee fair competition in the interest of consumers.

Electricity and Gas Regulations

Equal access to the electricity and gas networks is the corner stone for energy market participants. However, without reliable and transparent information on the capacity of the network, newcomers cannot effectively participate in the energy market. In this respect, the following problem seems to exist in Poland:

- The Transmission System Operator (TSO) for electricity and the TSOs for gas do not publish all information on available capacity as required by the Regulations.

Real competition on the energy markets can only take place if national boundaries are no longer barriers between market participants across Europe (and cross-border trade is enhanced). In order to facilitate cross-border trade among the Member States, it is not enough to publish information on capacity, but it is also crucial that network capacity is optimised and used at maximum capacity. This can be achieved through better allocation methods and greater transparency on allocated capacity. Some aspects in the Polish system do not meet the requirements of the EU law:

- as regards electricity, the congestion management has to be improved (for all time frames and in terms of TSO coordination)
- as regards gas, the maximum capacity should be provided for all lines including better data publication on capacities for all time frames required.

Consumer Protection

The current Polish legislation does not provide an alternative dispute settlement mechanism, as required by the Electricity and the Gas Directive. A lack of transparent, simple and inexpensive procedures for dealing with the complaints of consumers can lead to a reluctance of consumers to participate in the internal market.

Regulated prices

The market opening presupposes that consumers can freely choose their suppliers and suppliers can freely offer their services at a competitive price set by market principles. The Polish gas wholesale price is subject to regulatory approval and this has frozen the price competition on the Polish gas wholesale market. Although non-household customers can opt for the open market, being without alternatives, they have not switched suppliers ever since.

Ensuring compliance with Community law in the field of energy

The national regulatory authorities (NRA) have an important role ensuring compliance with Community law in the field of energy. The cooperation with the national regulatory authorities in monitoring the compliance with Community law in the field of the internal energy market in the context of ERGEG (European Regulators' Group for Electricity and Gas) has been very constructive. Nevertheless, the NRA have the responsibility to take adequate action to ensure compliance with the above mentioned issues.

To ensure that rules are effectively applied, also rules on penalties should be laid down. Poland, while notified the Commission of the implementation of such penalty system, has never applied it against the Polish undertakings obviously breaching the EU rules.

PORTUGAL

The action taken by the Commission today addresses violations of different provisions of the existing community legislation on the internal electricity and gas market. The Commission has focused in particular on provisions which guarantee fair competition in the interest of consumers.

Electricity and Gas Regulations:

Equal access to the electricity and gas networks is the corner stone for all who want to become energy market participants. However, without reliable and transparent information on the capacity of the network, newcomers cannot effectively participate in the energy market. In this respect, the following problem seems to exist in Portugal:

- The Transmission System Operator (TSO) for electricity and the TSO for gas do not publish all information as required by the Regulations.

Real competition on the energy market can only take place if historical national boundaries are no longer barriers to stimulate competition between market participants across Europe (cross border trade). In order to have this cross border trade, it is not enough to publish information on capacity; it is also crucial that network capacity is being optimised. This can be achieved through a better allocation of the existing capacity in a transparent way. Some aspects in the Portuguese system do not meet the requirements of EU law:

- as regards electricity, the congestion management has to be improved (coordination)

Gas supply regulated prices

One of the basic principles of the gas Directive is that eligible customers shall be able to purchase their gas in a competitive market. In Portugal there are regulated prices available to all eligible customers without any provisions linking the level of the regulated prices to that prevailing in the market, nor are they transparent or targeted on vulnerable customers. Conversely the obligation to supply at regulated prices falls on a designated company whose choice has not been the subject of a tender process.

Ensuring compliance with Community law in the field of energy

The national regulatory authorities (NRA) have an important role ensuring compliance with Community law in the field of energy. The cooperation with the national regulatory authorities in monitoring the compliance with Community law in the field of the internal energy market in the context of ERGEG (European Regulators' Group for Electricity and Gas) has been very constructive. Nevertheless, the NRA have the responsibility to take adequate action to ensure compliance with the above mentioned issues.

To ensure that rules are effectively applied NRA should also be able to act as a dispute settlement authority being able to issue decision having binding effect and apply penalties. In fact the NRA can not take legally binding decisions on the resolution of disputes, and Portugal has not yet notified to the Commission that such penalties are put in place.

ROMANIA

The action taken by the Commission today addresses possible violations of different provisions of the existing Community legislation on the internal electricity and gas market. The Commission has focused in particular on provisions which shall guarantee fair competition in the interest of consumers.

Electricity and Gas Regulations

Equal access to electricity and gas networks is key for those who want to enter the energy market. However, without reliable and transparent information on the capacity of the network, newcomers cannot effectively participate in the energy market. In this respect, the following problem seems to exist in Romania:

- The Transmission System Operator (TSO) for electricity and the TSO for gas do not publish all information as required by the EC Regulations, notably on available capacity.

Competition on the energy market can only take place if national borders do not constitute barriers to trade between market participants across Europe. In this respect, it is not enough to publish information on capacity; it is also important that network capacity is optimised. This can be achieved through a better allocation of existing capacity in a transparent way. Some aspects in the Romanian system do not seem to meet the respective requirements of EU law. In particular:

- As regards electricity, congestion management has to be improved
- As regards gas, maximum capacity must be made available to interested operators.

Consumer Protection

The current Romanian legislation does not provide for an alternative dispute settlement mechanism, as required by the Electricity Directive.

Regulated prices

In Romania, the national regulatory authority approves end-user regulated prices for electricity and gas for non-household customers, including for the largest of these customers. The EC Electricity and Gas Directives require Member States to ensure that electricity undertakings are operated with a view to achieving a competitive electricity and gas market, and to avoid discrimination between electricity undertakings as regards either rights or obligations. This means that end-user regulated prices for non-household customers are, in principle, not allowed. However, regulated prices may be justified as Public Service Obligations. So far, though, the Commission has not received the necessary justification for regulated prices for non-household customers in Romania.

Ensuring compliance with Community law in the field of energy

The national regulatory authorities (NRA) have an important role ensuring compliance with Community law in the field of energy. The cooperation with the national regulatory authorities in monitoring the compliance with Community law in the field of the internal energy market in the context of ERGEG (European Regulators' Group for Electricity and Gas) has been very constructive. Nevertheless, the NRA have the responsibility to take adequate action to ensure compliance with the above mentioned issues.

To ensure that rules are effectively applied, also rules on penalties should be laid down. Romania has not yet notified the respective provisions of Romanian law to the Commission.

SLOVAKIA

The action taken by the Commission today addresses violations of different provisions of the existing community legislation on the internal electricity and gas market. The Commission has focused in particular on provisions which guarantee fair competition in the interest of consumers.

Electricity and Gas Regulations:

Equal access to the electricity and gas networks is the corner stone for energy market participants. However, without reliable and transparent information on the capacity of the network, newcomers cannot effectively participate in the energy market. In this respect, the following problem seems to exist in Slovakia:

- The Transmission System Operator (TSO) for electricity and the TSO for gas do not publish all information on available capacity as required by the Regulations.

Real competition on the energy market can only take place if national boundaries are no longer barriers to stimulate competition between market participants across Europe (cross-border trade). In order to facilitate cross-border trade, it is not enough to publish information on capacity; it is also crucial that network capacity is being optimised. This can be achieved through a better allocation of the existing capacity in a transparent way. The following aspect in the Slovakian system does not appear to meet the requirements of EU law:

- as regards electricity, the congestion management has to be improved (coordination).

Ensuring compliance with Community law in the field of energy

The national regulatory authorities (NRA) have an important role ensuring compliance with Community law in the field of energy. The cooperation with the national regulatory authorities in monitoring the compliance with Community law in the field of the internal energy market in the context of ERGEG (European Regulators' Group for Electricity and Gas) has been very constructive. Nevertheless, the NRA have the responsibility to take adequate action to ensure compliance with the above mentioned issues.

SLOVENIA

The action taken by the Commission today addresses violations of different provisions of the existing community legislation on the internal electricity and gas market. The Commission has focused in particular on provisions which guarantee fair competition in the interest of consumers.

Electricity and Gas Regulations:

Equal access to the electricity and gas networks is the corner stone for all energy market participants. However, without reliable and transparent information on the capacity of the network, newcomers cannot effectively participate in the energy market. In this respect, the following problems seem to exist in Slovenia:

- The Transmission System Operator (TSO) for electricity does not publish all information on available capacity nor does it publish the methods to calculate transmission capacity
- the TSO for gas has not had the relevant points on which information must be made public approved by the competent authorities.

Real competition on the energy market can only take place if national boundaries are no longer barriers to stimulate competition between market participants across Europe (cross-border trade). In order to facilitate cross-border trade, it is not enough to publish information on capacity; it is also crucial that network capacity is being optimised. This can be achieved through a better allocation of the existing capacity in a transparent way. Some aspects in the Slovenian system do not appear to meet the requirements of EU law:

- as regards electricity, the congestion management has to be improved (coordination): The mechanism for the intra-day congestion management of interconnector capacity is not established in a coordinated way; moreover, a common, region wide and coordinated allocation procedure is not in place;
- as regards gas, firm and interruptible third party access services are not offered as required by the Regulation; long-term forecasts of available capacities are not published as required. Moreover the gas TSO does not publish regularly updated information on the details of and expected duration and effect of maintenance.

Consumer Protection

The current Slovenian legislation does not appear to provide an alternative dispute settlement mechanism, as required by the Electricity and the Gas Directive. The current Slovenian alternative dispute settlement mechanism does not seem to apply in the relation between suppliers and end consumers (but only in the relationship between specific network users). A lack of transparent, simple and inexpensive procedures for dealing with the complaints of consumers can lead to a reluctance of consumers to participate in the internal market.

Ensuring compliance with Community law in the field of energy

The national regulatory authorities (NRA) have an important role ensuring compliance with Community law in the field of energy. The cooperation with the national regulatory authorities in monitoring the compliance with Community law in the field of the internal energy market in the context of ERGEG (European Regulators' Group for Electricity and Gas) has been very constructive. Nevertheless, the NRA have the responsibility to take adequate action to ensure compliance with the above mentioned issues.

To ensure that rules are effectively applied, also rules on penalties should be laid down. Slovenia does not seem to have notified to the Commission that such penalties are put in place.

SPAIN

The action taken by the Commission today addresses violations of different provisions of the existing community legislation on the internal electricity and gas market. The Commission has focused in particular on provisions which guarantee fair competition in the interest of consumers.

Electricity and Gas Regulations:

Equal access to the electricity networks is the corner stone for all who want to become energy market participants. However, without reliable and transparent information on the capacity of the network, newcomers cannot effectively participate in the energy market. In this respect, the following problem seems to exist in Spain:

- The Transmission System Operator (TSO) for electricity does not publish all information on available capacity for all required timeframes, as required by the Regulations

Real competition on the energy market can only take place if historical national boundaries are no longer barriers to stimulate competition between market participants across Europe (cross border trade). In order to have this cross border trade, it is not enough to publish information on capacity; it is also crucial that network capacity is being optimised. This can be achieved through a better allocation of the existing capacity in a transparent way. Some aspects in the Spanish system do not appear to meet the requirements of EU law:

- as regards electricity, the congestion management has to be improved and much better coordinated with neighbour countries. Spain not apply coordinated and common capacity allocation procedures on its interconnection with Portugal and France.
- at some electricity interconnectors the TSO do not use the line to its maximum capacity (no netting of capacities)
- as regards gas, TSOs do not provide capacity in both directions at every entry and exit point; TSOs have not had the relevant points on which information must be made public approved by the competent authorities.

Ensuring compliance with Community law in the field of energy

The national regulatory authorities (NRA) have an important role ensuring compliance with Community law in the field of energy. The cooperation with the national regulatory authorities in monitoring the compliance with Community law in the field of the internal energy market in the context of ERGEG (European Regulators' Group for Electricity and Gas) has been very constructive. Nevertheless, the NRA have the responsibility to take adequate action to ensure compliance with the above mentioned issues.

To ensure that rules are effectively applied, also rules on penalties should be laid down. Spain does not seem to have notified to the Commission that such penalties are put in place.

SWEDEN

The action taken by the Commission today addresses violations of different provisions of the existing community legislation on the internal electricity and gas market. The Commission has focused in particular on provisions which guarantee fair competition in the interest of consumers.

Electricity and Gas Regulations:

Equal access to the electricity and gas networks is the corner stone for all who want to become energy market participants. However, without reliable and transparent information on the network, newcomers cannot effectively participate in the energy market. In this respect, the following problem seems to exist in Sweden:

- The Transmission System Operator (TSO) for electricity and gas does not publish all information on network forecasts, availability and use as required by the Regulations.

Real competition on the energy market can only take place if historical national boundaries are no longer barriers to stimulate competition between market participants across Europe (cross border trade). In order to have this cross border trade, it is not enough to publish information on capacity; it is also crucial that network capacity is being optimised. This can be achieved through a better allocation of the existing capacity in a transparent way. Sweden as part of the Northern European region does not appear to meet the following requirements of Community law:

- The access to Baltic cable and SwePol link is not open to third parties as required by the regulation.
- the coordination of congestion management has to be improved between the Nordic countries and Germany and Poland.
- as regards gas, all required capacity products are not available for the market.

Ensuring compliance with Community law in the field of energy

The national regulatory authorities (NRA) have an important role ensuring compliance with Community law in the field of energy. The cooperation with the national regulatory authorities in monitoring the compliance with Community law in the field of the internal energy market in the context of ERGEG (European Regulators' Group for Electricity and Gas) has been very constructive. Nevertheless, the NRA have the responsibility to take adequate action to ensure compliance with the above mentioned issues.

To ensure that rules are effectively applied, also rules on penalties should be laid down. Sweden does not seem to have notified to the Commission that such penalties are actually put in place.

UNITED KINGDOM

The action taken by the Commission today addresses violations of different provisions of the existing community legislation on the internal electricity and gas market. The Commission has focused in particular on provisions which guarantee fair competition in the interest of consumers.

Electricity and Gas Regulations:

Real competition on the energy market can only take place if historical national boundaries are no longer barriers to stimulate competition between market participants across Europe (cross border trade). In order to have this cross border trade, it is not enough to publish information on capacity; it is also crucial that network capacity is being optimised. This can be achieved through a better allocation of the existing capacity in a transparent way. The United Kingdom as part of the United Kingdom, France and Ireland region does not seem to meet the following requirement of Community law:

- the coordination of congestion management has to be improved between United Kingdom, France and Ireland.

Ensuring compliance with Community law in the field of energy

The national regulatory authorities (NRA) have an important role ensuring compliance with Community law in the field of energy. The cooperation with the national regulatory authorities in monitoring the compliance with Community law in the field of the internal energy market in the context of ERGEG (European Regulators' Group for Electricity and Gas) has been very constructive. Nevertheless, the NRA have the responsibility to take adequate action to ensure compliance with the above mentioned issues.

To ensure that rules are effectively applied, also rules on penalties should be laid down. As regards electricity, the United Kingdom does not seem to have notified to the Commission that such penalties are actually put in place. As regards gas, rules on penalties have been notified to the Commission but they do not appear to be applied in practice.