



13.9.2024

NOTICE TO MEMBERS

Subject: Petition No 0272/2024 by Florian Toncu (Romanian), on behalf of the Association of Small Electricity Producers in Romania (Asociatia Micilor Producatori de Energie Electrica din Romania (AMPEER), signed by one other person, on regulating the European energy integration throughout the producer-supplier-distribution- consumer chain and on strengthening the role of prosumers in this chain

1. Summary of petition

The petitioner asks for creating a European structure (The EU's Association of Small Electricity Producers) responsible for the energy integration throughout the producer-supplier-distribution - consumer chain and focusing on strengthening the role of prosumers in this space, which in his opinion should be similar to the Schengen space, in the field of energy. He puts forward concrete proposals in this sense: the establishment of an authority, representing the prosumers at EU level, as well as the adoption of a regulation on prosumers, directly applicable in all Member States, in order to avoid interpretations at national level. He adds that the respective regulation should guarantee the right of the prosumers to sell/buy energy (from) anywhere within the Union and to opt for any EU electricity supplier.

2. Admissibility

Declared admissible on 5 June 2024. Information requested from Commission under Rule 233(6).

3. Commission reply, received on 13 September 2024

Within the EU legal framework there are consistent provisions on recognising the rights of the active consumers of energy to be actively engaged in the energy market. Article 15 of the Directive 2019/944 of the European Parliament and of the Council of 5 June 2019 on common rules for the internal market for electricity requires Member States to ensure that

final customers are entitled to act as active customers without being subject to disproportionate or discriminatory technical requirements, administrative requirements, procedures and charges, and to network charges that are not cost-reflective. At the same time the active customers are entitled to sell self-generated electricity, including through power purchase agreements. Article 10 provides that final customers are entitled to have their electricity provided by a supplier, subject to the supplier's agreement, regardless of the Member State in which the supplier is registered, provided that the supplier follows the applicable trading and balancing rules. Furthermore, Member States are required to take all measures necessary to ensure that administrative procedures do not discriminate against suppliers already registered in another Member State.

This right of active customers to sell their surplus electricity should have been implemented by all EU Member States by 31 December 2020. The Commission is in the process of checking the transposition of the Directive 2019/944 in all Member States, including Romania, and does not comment on ongoing transposition checks or potential infringement procedures.

In addition, the relevant framework is further enhanced with the introduction of additional rules, such as the establishment of interoperability rules (requirements and procedures) for data access and exchange based on Article 24 Directive (EU) 2019/944 to ensure existing services (such as supplier switching) are improved and to support active customers and new services (such as demand response) through smart meters across EU Member States¹.

Therefore, the suggestion to enable active customers to buy and sell electricity across the EU links closely to the ongoing process of improving the EU internal energy market, always considering the limitations that may arise due to the electricity market structure and the requirements that market participants have to fulfil depending on the market they are active in.

Conclusion

The legal provisions referring to active customers or prosumers are already extensive. Effective and consistent implementation of these provisions is critical to ensuring that all consumers, and in particular active consumers or prosumers are able to fully participate in the internal energy market. Increased integration of retail energy markets including for active customers to buy/sell electricity, as well as facilitating cross border activities by retail suppliers should be enabled by effective implementation of internal energy market rules. The Commission will continue to work to ensure that all legal provisions are properly transposed in the national legislation. Where appropriate the Commission will prepare implementing acts in line with the provisions of the Electricity Directive to support the development of prosumers and active customers.

Several EU-wide organisations already exist that reflect different interests of prosumers, including Solar Power Europe and REScoopEU. A specific body to facilitate greater cooperation by prosumers is not foreseen under EU energy legislation. However, the Commission will set up a Citizen Energy Advisory Hub in 2024 to facilitate cooperation

¹ See Recently adopted Implementing Regulation (EU) 2023/1162 on interoperability requirements and non-discriminatory and transparent procedures for access to metering and consumption data: https://energy.ec.europa.eu/news/commission-adopts-new-implementing-act-improve-access-metering-and-consumption-data-2023-06-06_en

between and provide guidance and technical assistance to active consumers and energy communities.