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PROPOSAL

From:	Secretary-General of the European Commission, signed by Ms Martine DEPREZ, Director
To:	Ms Thérèse BLANCHET, Secretary-General of the Council of the European Union
No. Cion doc.:	COM(2021) 803 final/2 - ANNEXES 1 to 4
Subject:	ANNEXES to the Proposal for a Directive of the European Parliament and of the Council on common rules for the internal markets in renewable and natural gases and in hydrogen

Delegations will find attached document COM(2021) 803 final/2 - ANNEXES 1 to 4.

Encl.: COM(2021) 803 final/2 - ANNEXES 1 to 4



EUROPEAN
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Brussels, 23.11.2022
COM(2021) 803 final/2

ANNEXES 1 to 4

CORRIGENDUM

This document corrects document COM (2021) 803 final of 15.12.21

ANNEXES 1 to 4

Concerns all language versions.

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 markets in renewable and natural gases and in
hydrogen**

{SEC(2021) 431} - {SWD(2021) 455} - {SWD(2021) 456} - {SWD(2021) 457} -
{SWD(2021) 458}

ANNEX I

MEASURES ON CONSUMER PROTECTION

1. Without prejudice to Community rules on consumer protection, in particular Directive 97/7/EC of the European Parliament and of the Council of 20 May 1997 on the protection of consumers in respect of distance contracts¹ and Council Directive 93/13/EEC of 5 April 1993 on unfair terms in consumer contracts², the measures referred to in Article 3 are to ensure that customers:

- (a) have a right to a contract with their gas service provider that specifies:
 - the identity and address of the supplier,
 - the services provided, the service quality levels offered, as well as the time for the initial connection,
 - the types of maintenance service offered,
 - the means by which up to date information on all applicable tariffs and maintenance charges may be obtained,
 - the duration of the contract, the conditions for renewal and termination of services and of the contract, and whether withdrawal from the contract without charge is permitted,
 - any compensation and the refund arrangements which apply if contracted service quality levels are not met including inaccurate and delayed billing,
 - the method of initiating procedures for settlement of disputes in accordance with point (f); and,
 - information relating to consumer rights, including on the complaint handling and all of the information referred to in this point, clearly communicated through billing or the natural gas undertaking's web site,

Conditions shall be fair and well known in advance. In any event, that information should be provided prior to the conclusion or confirmation of the contract. Where contracts are concluded through intermediaries, the information relating to the matters set out in this point shall also be provided prior to the conclusion of the contract;

- (b) are given adequate notice of any intention to modify contractual conditions and are informed about their right of withdrawal when the notice is given. Service providers shall notify their subscribers directly of any increase in charges, at an appropriate time no later than one normal billing period after the increase comes into effect in a transparent and comprehensible manner. Member States shall ensure that customers are free to withdraw from contracts if they do not accept the new conditions notified to them by their gas service provider;

- (c) receive transparent information on applicable prices and tariffs and on standard terms and conditions, in respect of access to and use of gas services;

¹ OJ L 144, 4.6.1997, p. 19.

² OJ L 95, 21.4.1993, p. 29.

~~(d) are offered a wide choice of payment methods, which do not unduly discriminate between customers. Prepayment systems shall be fair and adequately reflect likely consumption. Any difference in terms and conditions shall reflect the costs to the supplier of the different payment systems. General terms and conditions shall be fair and transparent. They shall be given in clear and comprehensible language and shall not include non-contractual barriers to the exercise of customers' rights, for example excessive contractual documentation. Customers shall be protected against unfair or misleading selling methods;~~

~~(e) are not charged for changing supplier;~~

~~(f) benefit from transparent, simple and inexpensive procedures for dealing with their complaints. In particular, all consumers shall have the right to a good standard of service and complaint handling by their gas service provider. Such out of court dispute settlements procedures shall enable disputes to be settled fairly and promptly, preferably within three months, with provision, where warranted, for a system of reimbursement and/or compensation. They should, wherever possible, be in line with the principles set out in Commission Recommendation 98/257/EC of 30 March 1998 on the principles applicable to the bodies responsible for out of court settlement of consumer disputes³;~~

~~(g) connected to the gas system are informed about their rights to be supplied, under the national legislation applicable, with natural gas of a specified quality at reasonable prices;~~

~~(h) have at their disposal their consumption data, and shall be able to, by explicit agreement and free of charge, give any registered supply undertaking access to its metering data. The party responsible for data management shall be obliged to give those data to the undertaking. Member States shall define a format for the data and a procedure for suppliers and consumers to have access to the data. No additional costs shall be charged to the consumer for that service;~~

~~(i) are properly informed of actual gas consumption and costs frequently enough to enable them to regulate their own gas consumption. That information shall be given by using a sufficient time frame, which takes account of the capability of customer's metering equipment. Due account shall be taken of the cost efficiency of such measures. No additional costs shall be charged to the consumer for that service;~~

~~(j) receive a final closure account following any change of natural gas supplier no later than six weeks after the change of supplier has taken place.~~

↓ new

MINIMUM REQUIREMENTS FOR BILLING AND BILLING INFORMATION FOR GASES

³ OJ L 115, 17.4.1998, p. 31.

1. MINIMUM INFORMATION TO BE CONTAINED ON THE BILL AND IN THE BILLING INFORMATION FOR GASES

1.1. The following key information shall be prominently displayed to final customers in their bills, distinctly separate from other parts of the bill:

- (a) the price to be paid and a breakdown of the price where possible, together with a clear statement that all energy sources may also benefit from incentives that were not financed through the levies indicated in the breakdown of the price;
- (b) the date on which payment is due.

1.2. The following key information shall be prominently displayed to final customers in their bills and billing information, distinctly separate from other parts of the bill and billing information:

- (a) consumption of gases for the billing period;
- (b) the name and contact details of the supplier, including a consumer support hotline and email address;
- (c) the tariff name;
- (d) the end date of the contract, if applicable;
- (e) the information on the availability and benefits of switching;
- (f) the final customer's switching code or unique identification code for the final customer's supply point;
- (g) information on final customers' rights as regards out-of-court dispute settlement, including the contact details of the entity responsible pursuant to Article 24;
- (h) the single point of contact referred to in Article 23;
- (i) for natural gas only, a link or reference to where comparison tools referred to in Article 12 can be found.

1.3. Where bills are based on actual consumption or remote reading by the operator, the following information shall be made available to final customers in, with or signposted to within their bills and periodic settlement bills:

- (a) comparisons of the final customer's current consumption of gases with the final customer's consumption for the same period in the previous year in graphic form;
- (b) 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 for energy-using equipment;
- (c) comparisons with an average normalised or benchmarked final customer in the same user category.

2. FREQUENCY OF BILLING AND THE PROVISION OF BILLING INFORMATION:

- (a) billing on the basis of actual consumption shall take place at least once a year;
- (b) where the final customer does not have a meter that allows remote reading by the operator, or where the final customer has actively chosen to disable remote reading

in accordance with national law, accurate billing information based on actual consumption shall be made available to the final customer at least every six months, or once every three months, if requested or where the final customer has opted to receive electronic billing;

- (c) where the final customer does not have a meter that allows remote reading by the operator, or where the final customer has actively chosen to disable remote reading in accordance with national law, the obligations in points (a) and (b) may be fulfilled by means of a system of regular self-reading by the final customer, whereby the final customer communicates readings from the meter to the operator; billing or billing information may be based on estimated consumption or a flat rate only where the final customer has not provided a meter reading for a given billing interval;
- (d) where the final customer has a meter that allows remote reading by the operator, accurate billing information based on actual consumption shall be provided at least every month; such information may also be made available via the internet, and shall be updated as frequently as allowed by the measurement devices and systems used.

3. BREAKDOWN OF THE FINAL CUSTOMER'S PRICE

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

Where a breakdown of the final customer's price is presented in bills, the common definitions of the three components in that breakdown established under Regulation (EU) 2016/1952 of the European Parliament and of the Council shall be used throughout the Union.

4. ACCESS TO COMPLEMENTARY INFORMATION ON HISTORICAL CONSUMPTION

Member States shall require that, to the extent that complementary information on historical consumption is available, such information is made available, at the request of the final customer, to the supplier or service provider designated by the final customer.

Where the final customer has a meter that allows remote reading by the operator installed, the final customer shall have 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 gas supply contract, if that period 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, which is made available to the final customer without undue delay via the internet or the meter interface, covering the period of at least the previous 24 months or the period since the start of the gas supply contract, if that period is shorter

5. DISCLOSURE OF ENERGY SOURCES

Suppliers shall specify in bills the share of renewable and separately low carbon gas purchased by the final customer in accordance with the supply contract for gases (product level disclosure). In case of a mixture the supplier shall provide the same information separately for different categories of gases, including renewable or low-carbon gas.

The following information shall be made available to final customers in, with, or signposted to within their bills and billing information:

- (a) the share of renewable and low carbon gases in the mix of the supplier (at national level, namely in the Member State in which the supply contract for gases has been concluded, as well as at the level of the supplier if the supplier is active in several Member States) over the preceding year in a comprehensible and clearly comparable manner;
- (b) information on the environmental impact, in at least terms of CO₂ emissions resulting from the gases supplied by the supplier over the preceding year.

As regards point (a) of the second subparagraph, with respect to gases obtained via a gas exchange or imported from an undertaking situated outside the Union, aggregate figures provided by the exchange or the undertaking in question over the preceding year may be used.

The disclosure of the share of renewable gas purchased by the final customers shall be done by using guarantees of origin.

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 point is reliable and is provided at a national level in a clearly comparable manner.

↓ 2009/73 (adapted)
⇒ new

ANNEX II

⊗ SMART METERING SYSTEMS IN NATURAL GAS ⊗

21. Member States shall ensure the ~~implementation~~ ⇒ deployment ⇐ of intelligent ⊗ smart ⊗ metering systems ⇒ in their territories ⇐ that ~~shall assist the active participation of consumers in the gas 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.

~~Such assessment shall take place by 3 September 2012.~~

↓ new

2. Such assessment shall take into consideration the methodology for the cost-benefit analysis and the minimum functionalities for smart metering systems provided for in Commission Recommendation 2012/148/EU¹ to the extent that they are applicable for natural gas, as well as the best available techniques for ensuring the highest level of cybersecurity and data protection.

Such assessment shall also duly consider potential synergies with an already rolled-out electricity smart metering infrastructure, or options for selective rollouts to cases that can quickly return net benefits to keep costs in check.

↓ 2009/73 (adapted)
⇒ new

3. Subject to that assessment, Member States ~~or any competent authority they designate~~, shall prepare a timetable ⇒ with a target of up to ten years ⇐ for the ~~implementation~~ ⇒ deployment ⇐ of intelligent ⊗ smart ⊗ metering systems. ⇒ Where the deployment of smart metering systems is assessed positively, at least 80 % of final customers shall be equipped with smart meters within seven years of the date of the positive assessment. ⇐

~~The Member States or any competent authority they designate, 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 natural gas.~~

¹ Commission Recommendation 2012/148/EU of 9 March 2012 on preparations for the roll-out of smart metering systems (OJ L 73, 13.3.2012, p. 9).



ANNEX III

Part A

Repealed Directive
with list of the successive amendments thereto
(referred to in Article 90)

Directive 2009/73/EC of the European Parliament and of the Council (OJ L 211, 14.8.2009, p. 94)	
Regulation (EU) 2018/1999 of the European Parliament and of the Council (OJ L 328, 21.12.2018, p. 1)	Only Article 51
Directive (EU) 2019/692 of the European Parliament and of the Council (OJ L 117, 3.5.2019, p. 1)	

Part B

Time-limits for transposition into national law and date of application
(referred to in Article 90)

Directive	Time-limit for transposition	Date of application
Directive 2009/73/EC	3 March 2011	3 March 2011, except as regards Article 11 3 March 2013 as regards Article 11
Directive (EU) 2019/692	24 February 2020	

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CORRELATION TABLE

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-	Article 1(2), (3) and (4)
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ANNEX