Council of the European Union
General Secretariat

PUBLIC

Brussels, 08 October 2026

WK 15214/2026 REV 1

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MEETING DOCUMENT

From: To:	General Secretariat of the Council Working Party on Energy
N° Cion doc.:	ST 12071 2026 INIT
Subject:	Network Charges Regulation: second Presidency compromise text - Revised Presidency flash

Delegations will find in the annex the Presidency a revised flash concerning the second Presidency compromise text on the Network Charges Regulation.

Network Charges REV2

Presidency Steering Note – EWP 07/10

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This note focuses on the changes made to the operative text from REV1 to REV2. In general, corresponding changes have been made to corresponding recitals, and recital changes are only noted here for further clarity or where interpretation has been added to the recitals.

Article 18, Article 61 - Network Charges and Tariff Methodology

(1) Network security added to network charges overarching design.

(2) Chapeau text largely deleted to enhance simplicity on setting of tariff methodologies and remuneration mechanisms

(a) Clarified that energy costs unrelated to network policy objectives (e.g. operation development and security, given Art. 18(1) addition above) should be excluded from tariff methodologies, and by extension, non-energy costs should also be excluded. Regulatory predictability for necessary investment is not added here as it is considered to be adequately included in **(c).**

(f) '*where appropriate'* was considered for subparagraphs (f, g, h, REV1) which relate to locational signals, peak use and time-of-use elements. However, this is effectively the status quo, and changing this is one of the main objectives of this legislative proposal. Therefore, a compromise is proposed, that maintains optionality '*where relevant for the cost-effective operation and development of the system*'. Given (f, g, h, REV1) are all proposed for this conditionality, they are merged to (f, REV2) for readability.

For locational signals in particular, recital (8) now confirms these are intended for future commercial users rather existing or non-commercial network users.

(l) No change - confirming temporary and permanent flexible connections are covered.

(n) Small edits made, with expanded interpretation in recital (9), on the benefits of well-located storage and that while 'double-charging' in the legal sense of being charged twice for the same good or service is not understood to be a regular occurrence, but that 'double charging', in the industry sense should be avoided, that is overcharging, between the sum of injection and consumption tariffs, beyond the storage units costs to the system,

(o) National Energy and Climate Plans reintroduced, as per existing Art. 18, to maintain positive investment signals for the energy transition.

Last paragraph edited to make for more explicit discretion on tariff design principle application.

(3) Addition of an assessment to be published in advance of application of special tariffs, to be based on objective, transparent and verifiable criteria. Also, with replacement of '*consumption'* by '*network use'*, the provision is expanded to demand and supply and aligned with the rest of the text. Recital (10) is similarly generalised beyond data centres to all system users.

(4) System *owners* added as potential beneficiaries of State funds, and in

(4)(c) '*additional costs'* is replaced with '*costs'*. Recital (12) now refers to avoiding distortion of the level playing field between Member States.

(5) (first sub-para) (a, b) No change – confirmed that aggregated transmission and distribution infrastructure costs suffice.

(second sub-para) (d) Confirmed that '*tariff values'* are the '*tariffs levels'*, not costs. **(g)** updated for text move in REV1.

(7) Confirmed that comparison applies only within Member States with more than one DSO. Non-exhaustive list of national and regional specificities included in recital (11).

(8)(j) Special tariff regimes added to ACER best practice report.

Art.61 On tariff methodology, is changed from a Delegated Act to an Implementing Act. It is further amended with a clearer trigger reference to '*harmonised'* rules removed.

Article 18a, Article 61 - Smart electricity grid indicators and innovation

(2) Amended that only '*necessary and duly justified'* data to be provided to ACER by system operators.

(4) Substantially rewritten to reflect comments received and recommendations of the European Data Protection Supervisor (EDPS), published in Opinion 22/2026.

The revised text clarifies that the proposed harmonised framework for operational grid data exchange will be established by ENTSO-E and the EU DSO Entity.

The revised text further clarifies that the intent is to establish an overarching governance framework for operational grid data exchange, rather than to regulate each individual data exchange. Specific data exchanges would continue to be developed for concrete use cases, e.g. system-operation requirements under the SOGL, System Operation Guideline, Regulation 2017/1485. This makes the framework more future-proof, while avoiding duplication of detailed rules already established in sector-specific instruments.

(5) Similar to (4) the text is substantially rewritten to account for EDPS recommendations and to clarify that ENTSO-E and the EU DSO Entity will be responsible for establishing the secure electricity grid data exchange framework for research and innovation. Participation by individual system operators will remain voluntary, and clarified that this framework builds on existing data-sharing arrangements, rather than replacing or duplicating them.

The timeline is also clarified: the draft framework is to be submitted to the Commission within 12 months, the Commission may issue an opinion within six months, and the framework is then to be established within six months following that opinion.

Recital (22) clarifies that the framework is not intended to require public disclosure of grid data, but to enable its secure and controlled reuse in trusted environment.

Article 18b - Smart Meters

Consideration given to change to a target based on energy consumption, however the objective of smart meters is management of peak demand, rather than overall demand, and no change is made.

Text added to recital (24) that customers should have access to clear information to make informed choices when participating in flexibility services, in line with the relevant provisions of Directive (EU) 2019/944 and that deployment targets in this Regulation are without prejudice to the existing transitional provisions for existing smart metering systems in Directive (EU) 2019/944, Article 19(6).

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Article 18c – Taxation

No changes made pending discussion at EWP 07/10.

Article 18d – Grid connection measures in case of network congestion

The '*Member States…*' paragraph, added in REV1, to allow for Member State guidelines is moved to top of article for clarity and clarified that these guidelines may be via policy or legislation.

Further increasing the role of Member States here would, in the first instance, likely require amendment to legislation beyond Article 18 of Regulation (EU) 2019/943, but more fundamentally, would risk undermining the very independent third-party access that regulatory authorities were originally established to administer.

Further changes made to expand for '*anticipated*, as well as '*observed*' grid scarcity, and that grid prioritisation criteria is to be published in advance of application.

Next Steps

- 07/10 (PM) - EWP – Art. 18c only.
- 21/10 – CRP preparation for October Council
- 29/10 – October Council - Policy Debate
- 10/11 – EWP - Examination of REV3
- 13/11 – REV3 Comments Deadline
- 20/11 – Circulation of CRP/Council note for General Approach
- 25/11 – CRP prepares General Approach
- 10/12 – December Council - General Approach

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