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COMMISSION DECISION

of 18.9.2023

setting up the group of experts on Smart Energy

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THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Whereas:

- (1) The objective of becoming climate-neutral by 2050 is at the heart of the European Green Deal¹. Decarbonising the Union's energy system is critical to achieve this ambition. One of the Commission's main objectives towards the clean energy transition is to promote innovative technologies and services, and to modernise its infrastructure. To accelerate the Union's clean energy transition and increase Europe's energy independence, the European Green Deal and REPowerEU plan² require a deep digital and sustainable transformation of the EU's energy system.
- (2) The REPowerEU plan aims to build the new energy infrastructure and system needed to ensure affordable, secure and sustainable energy for all. This will require a massive scale-up of renewables and energy efficiency solutions, as well as faster electrification across sectors.
- (3) The Digital Decade Policy Programme 2030 for Europe³ sets up a monitoring and cooperation mechanism to achieve the common objectives and targets for Europe's digital transformation set out in the 2030 Digital Compass. It aims to guide together with the European Green Deal the Union's twin green and digital transition.
- (4) The EU Strategy for Energy System Integration⁴ highlights the key role of the digitalisation of the energy system. Digitalisation will bring opportunities regarding flexible energy consumption and to facilitate consumers' engagement, and more generally for economic growth and technological leadership. At the same time, challenges such as increased energy demand for ICT and cybersecurity need to be addressed.
- (5) In its 18 October 2022 Communication "Digitalising the energy system – EU action plan"⁵, the Commission laid out its plan to accelerate the digital transformation of the Union's energy system. The action plan provides a strategic vision and concrete actions in specific areas. It announces the establishment of the Smart Energy Expert Group, building on the work of the existing informal expert group of the Smart Grids Task Force⁶. The Smart Grids Task Force has delivered well, but its remit is confined

¹ COM/2019/640 final

² REPowerEU Communication COM(2022)230 final

³ Decision (EU) 2022/2481 of the European Parliament and of the Council of 14 December 2022 establishing the Digital Decade Policy Programme 2030 (OJ L 323, 19.12.2022, p.4)

⁴ EU Strategy for Energy System Integration COM(2020) 299 final

⁵ Digitalising the energy system - EU action plan COM(2022) 552 final

⁶ (E0289)

to electricity and gas grids and related energy services. Given the need to address issues beyond electricity and gas grids and related energy services, and accordingly enrich the pool of experts advising the Commission on issues regarding the sustainable digital transformation of the energy system, the aforementioned Smart Grids Task Force, which has a specific, yet narrower focus and membership for this wider task, will cease its activities.

- (6) The Smart Energy Expert Group should replace⁷ the Smart Grids Task Force, ensuring the continuation of its activities, and building on its expertise, experience and working methods, while at the same time extending its coverage and enriching its pool of expertise. To allow for a smooth transition, the Smart Grids Task Force should remain operational until one month after the first meeting of the Smart Energy Expert Group.
- (7) The Smart Energy Expert Group should be set up and operate in accordance with Commission Decision C(2016) 3301 establishing horizontal rules on the creation and operation of Commission expert groups.
- (8) The group should advise the Commission on initiatives and actions to coordinate and accelerate the digital and sustainable transformation of the Union's energy system. It should also assist the Commission in the development and deployment of smart energy solutions that support and are strategically aligned with the goals of the twin green and digital transition. The group should operate in line with the European Green Deal and European Climate Law objectives to reduce greenhouse gas emissions by 55% by 2030 and achieve climate-neutrality by 2050 as well as act in line with the priorities of the Europe Fit for the Digital Age strategy. The group should also serve as a platform where the Commission, Member States and stakeholders from the energy and digital domain share information and best practices on issues of smart energy.
- (9) The group should be composed of the Member States' competent authorities, appointed upon invitation from the Commission, other public entities as well as organisations active in the areas related to energy or digitalisation selected via a public call for applications.
- (10) The European Network of Transmission System Operators for Electricity, the European Network of Transmission System Operators for Gas, and the DSO Entity play an instrumental role in the transformation of the energy sector, ensuring coordination amongst the different actors, as well as being organisations entrusted with unique and specific tasks by the public authorities. Therefore, they should be appointed as members of the group.
- (11) In order to ensure confidentiality, rules on disclosure of information by members of the group should be laid down.
- (12) Personal data should be processed in accordance with Regulation (EU) No 2018/1725 of the European Parliament and of the Council⁸.

⁷ Commission Decision of 30 May 2016 establishing horizontal rules on the creation and operation of Commission expert groups C(2016) 3301 final.

⁸ Regulation (EU) 2018/1725 of the European Parliament and of the Council of 23 October 2018 on the protection of natural persons with regard to the processing of personal data by the Union institutions, bodies, offices and agencies and on the free movement of such data, and repealing Regulation (EC) No 45/2001 and Decision No 1247/2002/EC (OJ L 295, 21.11.2018, p. 39).

HAS DECIDED AS FOLLOWS:

Article 1

Subject matter

The group of experts ‘Smart Energy Expert Group’ (‘the group’), is set up, and replaces the informal expert group ‘Smart Grids Task Force’.

Article 2

Tasks

The group’s tasks shall be:

- (1) to assist the Commission in the preparation of legislative proposals and policy initiatives in the field of the digital and sustainable transformation of the Union’s energy system, with a focus on smart energy solutions and services that are beneficial to consumers and the system as a whole;
- (2) to assist the Commission in the preparation of delegated acts;
- (3) to assist the Commission in the early preparation of implementing acts, before submission to the committee in accordance with Regulation (EU) N°182/2011;
- (4) to support the cooperation and coordination between the Commission, Member States, and stakeholders, and serve as a platform for exchange of information and best practices, on questions relating to the implementation of Union legislation, programmes and policies in the field of the digital and sustainable transformation of the Union’s energy system, focusing on the development and delivery of smart energy services that are beneficial to consumers and the system as a whole;
- (5) to support the Commission in the preparation of guidance documents, recommendations, and best practices relevant to the effective digitalisation of the energy system and the smart energy transition;
- (6) to provide assistance at the Commission’s request on topics to accelerate the digitalisation of the energy system and contribute to the smart energy transition;
- (7) to support the Commission on information exchange regarding the application of national and Union legislation and policies relevant to the digitalisation of the energy system and the smart energy transition;
- (8) to bring forward an exchange of experiences and good practices in the field of smart energy transition and on the digitalisation of the energy system, provide assistance and frame recommendations at the Commission’s request in that fields, and in particular on the following issues:
 - (a) promoting connectivity, interoperability and seamless exchange of data between different actors along the energy value chain, while respecting data sovereignty, privacy and data protection, developing a governance structure for facilitating the data exchanges within the energy sector and promoting interoperability and data exchanges with other sectors.
 - (b) fostering more and better coordinated investments in the electricity grid as the enabler for a smarter and more resilient energy system.

- (c) empowering consumers, including the most vulnerable ones or with low digital skills, to benefit from new ways to engage in the energy transition or from better services based on digital innovations, while ensuring that they stay strongly protected.
- (d) enhancing cyber-security in a smart energy grid environment.
- (e) promoting smooth development/delivery of smart energy services.
- (f) designing an effective governance, through structure and joint planning by public authorities in cooperation with the private sector.
- (g) to advise and support the Commission in strengthening and further fostering a high-level dialogue and/or fora on the digitalisation of the energy system and the smart energy transition.

Article 3

Consultation

1. The Commission may consult the group on any matter relating to the field of the digital and sustainable transformation of the EU's energy system, including smart energy solutions and services.

Article 4

Membership

- (1) Members shall be:
 - (a) Member States' authorities, competent for energy or digital matters, at national level;
 - (b) other public entities active in areas related to energy or digitalisation, including:
 - (a) the European Network of Transmission System Operators for Electricity established by Regulation (EC) No 714/2009 of the European Parliament and of the Council⁹;
 - (b) the European Network of Transmission System Operators for Gas established by Regulation (EC) No 715/2009 of the European Parliament and of the Council¹⁰;
 - (c) the European entity for distribution system operators ('EU DSO entity') established by Regulation (EU) 2019/943 of the European Parliament and of the Council¹¹;

⁹ Regulation (EC) No 714/2009 of the European Parliament and of the Council of 13 July 2009 on conditions for access to the network for cross-border exchanges in electricity and repealing Regulation (EC) No 1228/2003 (OJ L 211, 14.8.2009, p. 15).

¹⁰ Regulation (EC) No 715/2009 of the European Parliament and of the Council of 13 July 2009 on conditions for access to the natural gas transmission networks and repealing Regulation (EC) No 1775/2005 (OJ L 211, 14.8.2009, p. 36).

- (d) the Agency for the Cooperation of Energy Regulators established by Regulation (EC) No 713/2009 of the European Parliament and of the Council;
 - (e) Body of European Regulators for Electronic Communications (BEREC) established by Regulation (EU) No 2018/1971 of the European Parliament and of the Council¹².
- (c) organisations active in areas related to energy or digitalisation, including associations of energy system operators, energy suppliers and aggregators, energy regulators, telecom operators, energy and digital technology and service providers and manufacturers, financial institutions, standards development organisations and EU consumers associations.
- (2) Member States' authorities shall nominate their representatives and shall be responsible for ensuring that their representatives provide a high level of expertise in relation to the work to be performed and depending on their internal arrangements, and ensuring adequate representation of both the energy and digital dimension.
 - (3) Each Member State shall nominate a permanent representative and an alternate representative to participate in the work of the group.
 - (4) Organisations and other public entities shall nominate their representatives and alternate representatives and shall be responsible for ensuring their representatives provide a high level of expertise in relation to the work to be performed.
 - (5) The Commission may refuse a nomination of a representative of an organisation if it considers the nomination to be inappropriate, in the light of the requirements set out in this Decision or in the related call for applications. Where a nomination is rejected, the organisation concerned shall nominate another representative.
 - (6) Member organisations who are no longer capable of contributing effectively to the expert group's deliberations, who, in the opinion of the Commission department concerned, do not comply with the conditions set out in Article 339 of the Treaty on the Functioning of the European Union or who resign, shall no longer be invited to participate in any meetings of the group and may be replaced for the remainder of their term of office.

Article 5

Selection process

- (a) The selection of the organisations referred to in Article 4(1) point (c) shall be carried out via a public call for applications, to be published on the Register of Commission expert groups and other similar entities ('the Register of expert groups'). In addition, the call for applications may be published through other means, including on dedicated websites. The call for applications shall clearly outline the selection

¹¹ Regulation (EU) 2019/943 of the European Parliament and of the Council of 5 June 2019 on the internal market for electricity (OJ L 158, 14.6.2019, p. 54).

¹² Regulation (EU) 2018/1971 of the European Parliament and of the Council of 11 December 2018 establishing the Body of European Regulators for Electronic Communications (BEREC) and the Agency for Support for BEREC (BEREC Office), amending Regulation (EU) 2015/2120 and repealing Regulation (EC) No 1211/2009 (OJ L 321, 17.12.2018, p. 1).

criteria, including the required expertise and the interests to be represented in relation to the work to be performed. The minimum deadline for applications shall be four weeks.

- (b) Registration in the Transparency Register is required in order for organisations to be appointed.
- (c) Member organisations of the group shall be appointed by the Director-General of the Commission's Directorate-General for Energy ('DG ENER') and by the Director-General of the Commission's Directorate-General for Communications Networks, Content and Technology ('DG CNECT') from applicants with competence in the areas referred to in Articles 2 and 3 and who have responded to the call for applications.
- (d) Members shall be appointed for 5 years. Members shall remain in office until the end of their term of office or until replaced. Their term of office may be renewed.

Article 6

Chair

The group shall be co-chaired by representatives of DG ENER and DG CNECT.

Article 7

Operation

- (a) The group shall act at the request of the above-mentioned Commission services, in compliance with the horizontal rules.
- (b) To allow for a smooth transition, the Smart Grids Task Force shall remain operational until one month after the first meeting of the Smart Energy Expert Group.
- (c) Meetings of the group shall, in principle, be held on Commission premises or virtually, depending on the circumstances.
- (d) The above-mentioned Commission services shall provide secretarial services. Commission officials from other departments with an interest in the proceedings may attend meetings of the group and its sub-groups.
- (e) In agreement with the above-mentioned Commission services, the group may, by simple majority of its members, decide that deliberations shall be public.
- (f) Minutes of the discussions on each point on the agenda and of the opinions delivered by the group shall be meaningful and complete. Minutes shall be drafted by the secretariat under the responsibility of the Chair(s).
- (g) As far as possible, the group shall adopt its opinions, recommendations or reports by consensus. In the event of a vote, the outcome of the vote shall be decided by simple majority of the members. Members who have voted against or abstained shall have the right to have a document summarising the reasons for their position annexed to the opinions, recommendations or reports.

Article 8

Sub-groups

The above mentioned Commission services may set up sub-groups for the purpose of examining specific questions on the basis of terms of reference defined by the Commission services. Sub-groups shall operate in compliance with the horizontal rules and shall report to the group. They shall be dissolved as soon as their mandate is fulfilled.

Article 9

Invited experts

The above mentioned Commission Services may invite experts with specific expertise with respect to a subject matter on the agenda to take part in the work of the group or sub-groups on an ad hoc basis.

Article 10

Observers

1. Individuals, organisations and public entities other than Member States' authorities may be granted an observer status, in compliance with the horizontal rules, by direct invitation.
2. Organisations and public entities appointed as observers shall nominate their representatives.
3. Observers and observers' representatives may be permitted by the Chair(s) to take part in the discussions of the group and its sub-groups and provide expertise. However, they shall not have voting rights and shall not participate in the formulation of recommendations or advice of the group and its sub-groups.

Article 11

Rules of procedure

On a proposal by and in agreement with the above-mentioned Commission Services the group shall adopt its rules of procedure by simple majority of its members, on the basis of the standard rules of procedure for expert groups, in compliance with the horizontal rules. Sub-groups shall operate in compliance with the group's rules of procedure.

Article 12

Professional secrecy and handling of classified information

The members of the group and their representatives, as well as invited experts and observers, are subject to the obligation of professional secrecy, which by virtue of the Treaties and the rules implementing them applies to all members of the institutions and their staff, as well as to the Commission's rules on security regarding the protection of Union classified information,

laid down in Commission Decisions (EU, Euratom) 2015/443¹³ and 2015/444¹⁴. Should they fail to respect these obligations, the Commission may take all appropriate measures.

Article 13

Transparency

1. The group and its sub-groups shall be registered in the Register of Commission expert groups and other similar entities ('the Register of expert groups').
2. As concerns the group and sub-groups composition, the following data shall be published on the Register of expert groups:
 - the name of Member States' authorities;
 - the name of other public entities;
 - the name of member organisations and the interest they represent;
 - the name of observers.
3. All relevant documents, including the agendas, the minutes and the participants' submissions, shall be made available via a link from the Register of expert groups to a dedicated website, where this information can be found. Access to dedicated websites shall not be submitted to user registration or any other restriction. In particular, the agenda and other relevant background documents shall be published in due time ahead of the meeting, followed by timely publication of minutes. Exceptions to publication shall only be possible where it is deemed that disclosure of a document would undermine the protection of a public or private interest as defined in Article 4 of Regulation (EC) No 1049/2001¹⁵.

Article 14

Meeting expenses

1. Participants in the activities of the group and sub-groups shall not be remunerated for the services they offer.
2. Travel and subsistence expenses incurred by participants in the activities of the group and sub-groups shall not be reimbursed by the Commission.

¹³ Commission Decision (EU, Euratom) 2015/443 of 13 March 2015 on Security in the Commission (OJ L 72, 17.3.2015, p. 41).

¹⁴ Commission Decision (EU, Euratom) 2015/444 of 13 March 2015 on the security rules for protecting EU classified information (OJ L 72, 17.3.2015, p. 53).

¹⁵ These exceptions are intended to protect public security, military affairs, international relations, financial, monetary or economic policy, privacy and integrity of the individual, commercial interests, court proceedings and legal advice, inspections/investigations/audits and the institution's decision-making process.

Done at Brussels, 18.9.2023

For the Commission
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