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COM(2023) 650 final

ANNEX 3

**Report on the implementation of Directive (EU) 2019/944 on common rules for the
internal market for electricity**

ANNEXES

to the

**Report from the Commission to the European Parliament, the Council, the European
Economic and Social Committee and the Committee of the Regions**

State of the Energy Union Report 2023

**(pursuant to Regulation (EU) 2018/1999 on the Governance of the Energy Union and
Climate Action)**

{SWD(2023) 646 final}

ANNEX

Article 69(1) of Directive 2019/944/EC requires the Commission to submit a progress report on the implementation of the Directive as an annex to the State of the Energy Union Report.

The deadline for the transposition of most provisions of Directive 2019/944/EC was 31 December 2020. In the Communication REPowerEU Plan (COM(2022) 230) the Commission called on the Member States to speed up the transposition of the Electricity Directive to effectively allow consumers to participate in energy markets (individually or via energy communities or collective self-consumption schemes) to produce, self-consume, sell or share renewable energy. At this point almost all Member States have notified their transposition. The Commission, in close consultation and cooperation with national authorities is verifying the completeness and conformity of national transposition and implementing measures with the directive and, where appropriate, is carrying out infringement procedures.

Commission services have been in close contact with Member States to support them in the implementation of the Directive to identify best practice and any areas where particular challenges have arisen. The Commission has also established the Energy Communities Repository and the Rural Energy Community Advisory Hub which are providing technical assistance, sharing best practices and producing guidance documents for energy communities and relevant stakeholders implementing these provisions of the Directive on the ground. The Energy Communities Repository is compiling information on existing energy communities, their impacts, common barriers and action drivers and policy developments across the EU. The Energy Communities Facility will merge both initiatives 2024 onwards and continue some of the activities of the Repository in addition to providing cascade funding to energy communities.

A handbook on cross-border energy communities is under preparation to provide guidance and information in the setting up of local cross-border energy projects. This handbook will build upon the *b*-solutions¹ initiative, which addresses legal and administrative border obstacles faced by public authorities and cross-border entities along EU borders.

Another important step the Commission has taken to facilitate greater consumer empowerment and engagement is the adoption in June 2023 of an implementing Regulation on interoperability rules for accessing electricity metering and consumption data². This marks the beginning of a broader initiative aimed at safeguarding and engaging consumers in the energy transition through digitalisation. This implementing regulation is key for the development and uptake of data-driven digital services and empowering consumers – it not only allows consumers smooth access to the necessary information and tools for active participation in the energy market but also optimises operations for retail businesses and system operators. This regulation is the first in a series mandated in Article 24 of the Directive and aligned with the Digitalisation of Energy Action Plan's objectives³. Upcoming implementing acts, currently in preparation, will address customer switching, demand response, and thereafter related services. The Commission remains committed to collaborating closely with Member States and system operators to facilitate the effective implementation of these technical rules.

¹ <https://www.b-solutionsproject.com/>

² Commission Implementing Regulation (EU) 2023/1162 of 6 June 2023 on interoperability requirements and non-discriminatory and transparent procedures for access to metering and consumption data (OJ L 154, 15.6.2023, p. 10), http://data.europa.eu/eli/reg_impl/2023/1162/oj

³ Digitalising the energy system - EU action plan (COM/2022/552)

Council Regulation (EU) 2022/1854 of 6 October 2022 on an emergency intervention to address high energy prices extended the possibility for Member States to intervene in price setting for the supply of electricity to households and SMEs beyond what is possible under Article 5 of the Directive. As explained in the report from the Commission on this Regulation⁴, several Member States have taken the opportunity to extend existing schemes or to create new ones on a temporary basis.

⁴ Report From the Commission to the European Parliament and the Council on the review of emergency interventions to address high energy prices in accordance with Council Regulation (EU) 2022/1854