Transparency of gas and electricity prices charged to industrial end-users. Recast

2007/0253(COD) - 29/11/2007 - Legislative proposal

PURPOSE: recast of Council Directive 90/377/EEC concerning a Community procedure to improve the transparency of gas and electricity prices charged to industrial end-users.

PROPOSED ACT: Directive of the European Parliament and of the Council.

CONTENT: the codification of Directive Council Directive 90/377/EEC concerning a Community procedure to improve the transparency of gas and electricity prices charged to industrial end-users has been initiated by the Commission. The new Directive was to have superseded the various acts incorporated in it.

In the meantime Decision 1999/468/EC laying down the procedures for the exercise of implementing powers conferred on the Commission has been amended by Decision 2006/512/EC, which introduced a regulatory procedure with scrutiny for measures of general scope designed to amend non-essential elements of a basic instrument adopted in accordance with the procedure referred to in Article 251 of the Treaty (co-decision procedure), including by deleting some of those elements or by supplementing the instrument by the addition of new non-essential elements.

In accordance with the joint statement of the European Parliament, the Council and the Commission on Decision 2006/512/EC, for this new procedure to be applicable to instruments adopted in accordance with the co-decision procedure which are already in force, those instruments must be adjusted in accordance with the applicable procedures.

The Commission feels therefore, that it is appropriate to transform the codification of Directive 90/377 /EEC into a recast in order to incorporate the amendments necessary for the adjustment to the regulatory procedure with scrutiny.

With regard to comitology provisions, the text now states that where appropriate, the Commission shall make the necessary changes to the Annexes I and II to the Directive in the light of specific problems identified. These measures designed to amend non essential elements of this Directive shall be adopted in accordance with the regulatory procedure with scrutiny referred to in Article 7(2) of the draft directive. Such changes shall, however, cover only the technical features of the Annexes I and II and shall not be of a nature such as to alter the general structure of the system.