Energy, electricity and gas: liberalisation of markets (Directives 96/92/EC, 98/30/EC)

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The Council held a policy debate on the proposals for a Directive and a Regulation aiming to speed up the liberalisation of the markets in electricity and gas in order to achieve an effective and efficient internal market in those two sectors. It furthermore took note of the presentation by the Commission of a benchmarking report on the implementation of the gas and electricity Directives already in force in this area. At the end of this exchange of views, the President of the Council, while recognising the need to take account of Member States' specific situations, the role of subsidiarity in the implementation of these Directives and the need to clarify some technical aspects further, believed that there was some convergence of views, especially on the following points: - on regulatory authorities, one model to follow could be that of leaving Member States the freedom to establish the appropriate institutional framework, while specifying in the Directive a precise list of regulatory functions to be fulfilled, particularly regarding monitoring, approval of methods and rules, and dispute settlement; - on prices and tariffs, one approach balancing efficiency and transparency could be to establish methods for setting prices and tariffs ex ante; - regarding the independence of electricity network managers, and subject to finalisation of details, it seems appropriate to combine legal requirements, focused on access to resources for maintaining and developing networks, and compliance measures; - in the gas sector, it seems desirable that the formula to be adopted on third-party access to networks should consider specific transit situations adequately; - regarding cross-border electricity exchanges, it would seem useful to introduce a provisional mechanism while continuing to examine the proposal for a Regulation. The "pilot" mechanism would make it possible to gauge the permanent mechanism better; - although the extent and nature of the public service obligations remain open, they must reflect concerns about environmental protection; - in any event, attention must continue to be paid to the successful development of interconnections between networks.