

**Ergeht per Themenmonitor an:**

- 1) alle Wirtschaftskammern
- 2) alle Bundessparten

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**Konsultationen über**

- die Gestaltung des europäischen Strommarktes und
- die Risikovorsorge im Hinblick auf die Sicherheit der Elektrizitätsversorgung

Sehr geehrte Damen und Herren,  
liebe Kolleginnen und Kollegen!

Im Rahmen der Strategie für die Energieunion hat die Kommission unter Vizepräsident Maroš Šefčovič und Energie-/Klimakommissar Miguel Arias Cañete am 15. Juli 2015 ihr Sommerpaket veröffentlicht.

Dieses Paket umfasst unter anderem eine **Mitteilung zur Neugestaltung des europäischen Strommarktes**, die eine bis Anfang Oktober laufende, öffentliche Konsultation beinhaltet (im Anhang beigefügt).

Die Initiative der Kommission soll die Funktionsfähigkeit des Binnenmarkts für Strom verbessern. Strom soll jederzeit ohne Einschränkungen dahin gelangen, wo er am meisten benötigt wird. Der grenzüberschreitende Wettbewerb soll optimal genutzt werden können und für die benötigten Investitionen sollen die richtigen Signale ausgesendet und die richtigen Anreize geschaffen werden. Ein weiteres Ziel ist, den zunehmenden Anteil erneuerbarer Energie vollständig zu integrieren.

Zukünftig soll mehr Strom über nationale Grenzen hinweg gehandelt werden. Dies erfordert eine effiziente Zusammenarbeit aller Marktteilnehmer. Da der Anteil des aus erneuerbaren Energiequellen erzeugten Stroms zunimmt und die Stromerzeugung dann mehr Schwankungen unterliegt, müssen die Netzkapazitäten grenzüberschreitende Zusammenarbeit ermöglichen. Zudem versetzen neue Grundlagentechnologien wie intelligente Stromnetze, intelligente Verbrauchsmessungssysteme, intelligentes Wohnen, Eigenerzeugung und Speichervorrichtungen die Bürger in die Lage, den Wandel des Energiemarkts teilweise selbst in die Hand zu nehmen.

Die konsultative Mitteilung legt die grundlegenden Ideen der Kommission, ergänzt durch Fragen, dar. Deren Antworten sollen im Anschluss an die Konsultation im zweiten Halbjahr 2016 in Vorschläge für Rechtsakte integriert werden. Mögliche Änderungen könnten die

Binnenmarktsvorschriften, die Erneuerbare-Energien-Richtlinie, die Energieeffizienz-Richtlinie und die Infrastrukturverordnung betreffen.

**Folgende Fragen wären zu beantworten:**

*DELIVERING THE NEW ELECTRICITY MARKET FOR THE EUROPEAN UNION*

1. Would prices which reflect actual scarcity (in terms of time and location) be an important ingredient to the future market design? Would this also include the need for prices to reflect scarcity of available transmission capacity?
2. Which challenges and opportunities could arise from prices which reflect actual scarcity? How can the challenges be addressed? Could these prices make capacity mechanisms redundant?
3. Progress in aligning the fragmented balancing markets remains slow; should the EU try to accelerate the process, if needed through legal measures?
4. What can be done to provide for the smooth implementation of the agreed EU wide intraday platform?
5. Are long-term contracts between generators and consumers required to provide investment certainty for new generation capacity? What barriers, if any, prevent such long-term hedging products from emerging? Is there any role for the public sector in enabling markets for long term contracts?
6. To what extent do you think that the divergence of taxes and charges levied on electricity in different Member States creates distortions in terms of directing investments efficiently or hamper the free flow of energy?
7. What needs to be done to allow investment in renewables to be increasingly driven by market signals?
8. Which obstacles, if any, would you see to fully integrating renewable energy generators into the market, including into the balancing and intraday markets, as well as regarding dispatch based on the merit order?
9. Should there be a more coordinated approach across Member States for renewables support schemes? What are the main barriers to regional support schemes and how could these barriers be removed (e.g. through legislation)?
10. Where do you see the main obstacles that should be tackled to kick-start demand-response (e.g. insufficient flexible prices, (regulatory) barriers for aggregators / customers, lack of access to smart home technologies, no obligation to offer the possibility for end customers to participate in the balancing market through a demand response scheme, etc.)?

*STEPPING UP REGIONAL COOPERATION IN AN INTEGRATED ELECTRICITY SYSTEM*

11. While electricity markets are coupled within the EU and linked to its neighbours, system operation is still carried out by national Transmission System Operators (TSOs). Regional Security Coordination Initiatives ("RSCIs") such as CORESO or TSC have a pure-

ly advisory role today. Should the RSCIs be gradually strengthened also including decision making responsibilities when necessary? Is the current national responsibility for system security an obstacle to cross-border cooperation? Would a regional responsibility for system security be better suited to the realities of the integrated market?

12. Fragmented national regulatory oversight seems to be inefficient for harmonised parts of the electricity system (e.g. market coupling). Would you see benefits in strengthening ACER's role?
13. Would you see benefits in strengthening the role of the ENTSOs? How could this best be achieved? What regulatory oversight is needed?
14. What should be the future role and governance rules for distribution system operators? How should access to metering data be adapted (data handling and ensuring data privacy etc.) in light of market and technological developments? Are additional provisions on management of and access by the relevant parties (end-customers, distribution system operators, transmission system operators, suppliers, third party service providers and regulators) to the metering data required?
15. Shall there be a European approach to distribution tariffs? If yes, what aspects should be covered; for example tariff structure and/or, tariff components (fixed, capacity vs. energy, timely or locational differentiation) and treatment of self-generation?

#### *A EUROPEAN DIMENSION TO SECURITY OF SUPPLY*

16. As power exchanges are an integral part of market coupling - should governance rules for power exchanges be considered?
17. Is there a need for a harmonised methodology to assess power system adequacy?
18. What would be the appropriate geographic scope of a harmonised adequacy methodology and assessment (e.g. EU-wide, regional or national as well as neighbouring countries)?
19. Would an alignment of the currently different system adequacy standards across the EU be useful to build an efficient single market?
20. Would there be a benefit in a common European framework for cross-border participation in capacity mechanisms? If yes, what should be the elements of such a framework? Would there be benefit in providing reference models for capacity mechanisms? If so, what should they look like?
21. Should the decision to introduce capacity mechanisms be based on a harmonised methodology to assess power system adequacy?

Ergänzend zur konsultativen Mitteilung hat die Kommission eine **Konsultation zur Risikovorsorge im Hinblick auf die Sicherheit der Elektrizitätsversorgung** veröffentlicht, die ebenfalls bis Anfang Oktober läuft (im Anhang beigelegt).

Die Richtlinie 2005/89<sup>1</sup> über Maßnahmen zur Gewährleistung der Sicherheit der Elektrizitätsversorgung und von Infrastrukturinvestitionen gibt einen generellen Rahmen zur Versorgungssicherheit vor. Sie lässt allerdings den Mitgliedsstaaten offen, ihre eigenen Standards und Maßnahmen zu setzen, solange sie nicht diskriminierend sind [Artikel 3 (4)]. Viele Regelungen dieser RL wurden bereits durch aktuellere Gesetze ersetzt, hauptsächlich durch das 3. Binnenmarktpaket. Ebenfalls definiert die RL kaum Regeln oder Instrumente für grenzübergreifende Kooperationen.

In dieser Konsultation geht es hauptsächlich darum, wie Mitgliedsstaaten sich für den Fall eines Stromausfalls vorbereiten bzw. wie Kooperationen mit anderen Mitgliedsstaaten aussehen können. Es wurde angekündigt, dass 2016 ein legislativer Vorschlag zur Stromversorgungssicherheit veröffentlicht wird, in den die Antworten dieser Konsultation einfließen sollen.

**Folgende Fragen wären zu beantworten:**

#### *RISK IDENTIFICATION AND MANAGEMENT*

1. Whilst Directive 89/2005 imposes a general obligation on Member States to ensure a high level of security of supply, the Directive does not specify what measures Member States should take to prevent risks. Would there be an added value in requiring Member States to draw up a plan identifying relevant risks and preventive measures to respond to such risks (risk preparedness plans)?
2. If yes, what should be the minimum requirements such risk preparedness plans should comply with? For instance, should they:
  - a. explain the various types of risks?
  - b. identify the demand side measures Member States plan to take (e.g., use of interruptible contracts, voluntary load shedding, increased efficiency, energy savings)?
  - c. identify the supply side measures Member States plan to take (e.g., increased production flexibility, increased import flexibility)?
  - d. assess the expected impact of existing and future interconnections?
  - e. identify roles and responsibilities?
  - f. identify how Member States co-operate or intend to co-operate amongst each other to identify, assess and mitigate risks?
  - g. other elements?
3. Do you think that it would be useful to establish a common template for risk preparedness plans?
4. Given that electricity markets are increasingly interlinked, should risk preparedness plans be prepared at the national, regional or EU level?
5. Do you see a role for the Commission in assessing these plans? Would you see an added value of having the plans peer reviewed, at a regional or EU level? What role do you see in this context for the Electricity Coordination Group?

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<sup>1</sup> <http://eur-lex.europa.eu/legal-content/DE/TXT/PDF/?uri=CELEX:32005L0089&from=EN>

6. What level of transparency should be given to the plans? Who should be informed of what?
7. How often should risk preparedness plans be made / be updated? What are the relevant time frames to be covered?
8. Given the challenges that DSOs are facing (e.g. integration of renewables, more decentralised systems), should DSOs take an active participation in the assessment of the risks and preparation of the risk preparedness plans? If yes, do you see the need for separate assessments and separate risk plans at the DSO levels? Or do you believe it is more appropriate to ensure an active participation of DSOs in risk assessments and risk preparedness plans covering the entire electricity system?
9. Ensuring cybersecurity is an increasingly important aspect of security of supply. What measures should Member States take to protect themselves against possible cyber-attacks or other cyber-related threats? Do you see the need for specific EU rules on cyber security, targeted to the energy field? Given the cross-border nature of cyber security risks, what scope is there for enhancing co-operation (for instance through the exchange of best practices)?

#### *ADDRESSING CRISIS SITUATIONS*

10. Currently, it appears that in some Member States, detailed emergency plans exist, whereas in others, there are only very summary emergency plans. Should there be an obligation for all Member States to plan for crisis situations, e.g., by including relevant rules and measures in the overall risk preparedness plans?
11. If yes, what should be the minimum requirements to be included? For instance, should Member States be required to:
  - a. Identify actions and measures to be taken in emergency situations (market and nonmarket-based)?
  - b. Set out the conditions for suspension of market activities?
  - c. Identify categories of 'protected customers' which, in case of a crisis, should not be subject to a disconnection measure (or only be disconnected by way of a last resort)?
  - d. Establish rules for cost compensation?
  - e. Indicate how they intend to co-operate with other Member States?
  - f. Reflect any other issues in their plans?

*ROLES AND RESPONSIBILITIES*

12. In relation to risk preparedness, how do you see the roles and responsibilities of:
- national governments
  - national regulators
  - TSO's
  - DSO's
  - European bodies such as ENTSO-E, ACER, and the Electricity Coordination Group?
  - European Commission
  - other stakeholders, such as consumers?
13. Given the fact that many actors are concerned by security of supply issues, would you see an added value in the designation by each Member State of a 'Competent Authority', responsible for coordinating security of electricity supply issues at national level?
14. If it is decided to strengthen regional co-operation on a more structural basis between various players (e.g., when drawing up risk preparedness plans), how should regions best be defined?

Ich ersuche um Rückmeldung auf die Fragen in **englischer Sprache** bis spätestens **Mittwoch, 23. September 2015** an [verena.gartner@wko.at](mailto:verena.gartner@wko.at) und bedanke mich bereits im Voraus für konstruktive Anmerkungen.

Freundliche Grüße  
Verena Gartner