



STATUTORY INSTRUMENTS.

**S.I. No. 450 of 2010**

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EUROPEAN COMMUNITIES (INTERNAL MARKET IN  
ELECTRICITY) REGULATIONS 2010

**(Prn. A10/1366)**

EUROPEAN COMMUNITIES (INTERNAL MARKET IN  
ELECTRICITY) REGULATIONS 2010

I, EAMON RYAN, Minister for Communications, Energy and Natural Resources, in exercise of the powers conferred on me by section 3 of the European Communities Act 1972 (No. 27 of 1972) and for the purposes of giving effect to Directive No. 2009/72/EC of the European Parliament and of the Council of 13 July 2009<sup>1</sup> in relation to the monitoring and regulation of electricity retail markets, hereby make the following regulations:

1. These Regulations may be cited as the European Communities (Internal Market in Electricity) Regulations 2010.

2. In these Regulations “Regulations of 2005” means European Communities (Internal Market in Electricity) Regulations 2005 (S.I. No. 60 of 2005).

3. The Electricity Regulation Act 1999 (No. 23 of 1999) is amended in section 9(1), by substituting for paragraphs (*da*) to (*di*) (inserted by Regulation 3 of the Regulations of 2005) the following:

“(da) to monitor the level and effectiveness of market opening and the development of competition in the supply of electricity to final customers, which shall include but is not limited to monitoring—

- (i) final tariffs charged to domestic customers including those on prepayment systems,
- (ii) rates of customer switching between licensed electricity suppliers,
- (iii) disconnection and de-energisation rates,
- (iv) charges for and the execution of maintenance services,
- (v) complaints by domestic customers,
- (vi) any distortion or restriction of competition in the supply of electricity to final customers, and

<sup>1</sup>OJ No. L211 14.8.2009, p. 55.

- (vii) whether the development and operation of competition in the supply of electricity is benefiting final customers,
- (db) to take any actions which the Commission, on foot of the monitoring in paragraph (da), has determined to be necessary in order to—
- (i) prevent a distortion or restriction of competition in the supply of electricity to final customers, or
  - (ii) ensure that final customers are benefiting from competition in the supply of electricity,
- (dc) where the Commission determines it to be necessary under paragraph (db), to—
- (i) examine the charges and the costs underlying such charges for electricity which has been supplied by the Board,
  - (ii) examine any proposal by the Board to alter charges for the supply of electricity,
  - (iii) issue directions or approvals to the Board in relation to either or both the nature or the amount of any charge or proposed charge for the supply of electricity to such class or classes of final customers as the Commission may specify, and
  - (iv) publish a notice on the Commission's website of any directions or approvals issued under subparagraph (iii) stating the nature of the direction and the reasons for it,
- (dd) to advise the Minister or other relevant persons on and publish at least annually—
- (i) any relevant information arising from the monitoring in paragraph (da),
  - (ii) any determination made by the Commission under paragraph (db), and
  - (iii) any action which the Commission has taken or intends to take under paragraphs (db) and (dc) and on the outcomes or intended outcomes of such actions,
- (de) to ensure such arrangements are in place, as the Commission deems appropriate, which have the effect of securing the extent to which each generating station, group of generating stations or

all generating stations, owned by the Board, supplies electricity to or is supplied with electricity by, either or both, the public electricity supplier, suppliers and generators licensed under section 14(1),

(*df*) to examine charges, and the costs underlying such charges, or any proposal to alter such charges, as the Commission deems appropriate, for electricity supplied from each generating station, group of generating stations or all generating stations, owned by the Board, to the public electricity supplier, suppliers and generators licensed under section 14(1),

(*dg*) following an examination under paragraph (*df*) and where the Commission considers it necessary, to issue directions or approvals to the Board in relation to either or both the nature and the amount of any charge or proposed charge referred to in paragraph (*df*),”.

4. The Regulations of 2005 are amended—

(*a*) in Regulation 2(1), by substituting—

(*i*) for the definition of “Directive” the following:

“ ‘Commission’ means Commission for Energy Regulation;

‘Directive’ means Directive No. 2009/72/EC of the European Parliament and of the Council of 13 July 2009<sup>1</sup>;”,

and

(*ii*) for the definition of “Minister” the following:

“ ‘Minister’ means Minister for Communications, Energy and Natural Resources;”,

and

(*b*) in Regulation 17(1), by substituting for paragraph (*h*) the following:

“(*h*) requiring the licensee to supply electricity as the public electricity supplier in accordance with any approvals that may be granted or made by the Commission as respects charges, prices and tariffs under section 9 of the Act of 1999.”.

<sup>1</sup>OJ No. L211 14.8.2009, p. 55.



GIVEN under my Official Seal,  
17 September 2010.

EAMON RYAN,  
Minister for Communications, Energy and Natural Resources.

EXPLANATORY NOTE

*(This does not form part of the Instrument and does not purport to be a legal interpretation.)*

These Regulations give effect to certain provisions of Directive 2009/72/EC by providing for a new role for the Commission for Energy Regulation in monitoring and regulating electricity retail markets and taking action, where necessary, in the interests of competition and consumers.

BAILE ÁTHA CLIATH  
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