Stand 13. August 2026

Assessment of legal proposal – EU Commission on future-proofing electricity bills

As German TSOs, we recognise the fundamental benefits of European cooperation and further harmonization of rules. Several elements of the Commission's initiative, i.e. reinforcing cost-reflective tariff principles (Art. 18(1)) and supporting electrification via electricity taxation (Art. 18c), are in general clearly welcomed.

However, the current draft prescribes details in regulations that were up to now defined purely at national level or are currently being redefined in Germany (e.g. AgNes, industrial grid fees, Baukostenzuschuss, Reifegradverfahren, StromVKG). This risks creating **regulatory overlaps and inconsistencies**, and may require national reforms to be revisited. In particular, the introduction of more binding EU rules on tariff structures and methodologies (i.e. under Article 61(5a)) should be approached with caution.

At the same time, this legal proposal can also be an opportunity to **strengthen the regulatory framework by making it investment-ready**. To smoothly integrate increasing amounts of renewable energy into the system, we will need to invest heavily and therefore reliably attract capital. This requires clear provisions for adequate, risk-reflective and internationally competitive returns on equity (RoE). The current draft does not address this issue and should be strengthened, i.e. by introducing a new provision to Art. 18.

Equally important is preserving a broad and effective **incentive framework (cf. Art 18 (2) c))**. Network tariffs are not only about cost recovery, but also tools to drive system transformation. Incentives should therefore also support system resilience, security of supply, integration of renewables and flexibility, as well as innovation and digitalisation. However, for incentive frameworks to remain effective, NRAs must preserve a certain degree of flexibility, i.e. retain the ability to define and apply performance indicators in line with national conditions and priorities, including in the area of smart grids.

Furthermore, the implementation of the proposed measures according to the EC proposal (i.e. benchmarking, Art. 18(7)) would add significant **additional bureaucratic effort** for grid operators, NRAs and ACER, in many respects without the specific benefits being clear. Before these regulations come into force, an **impact assessment** would be at least necessary. Therefore, the four German TSOs recommend refraining from purely top-down efficiency benchmarking and instead incentivizing national regulators to explore and discuss new and alternative performance frameworks, including output-based indicators, together with TSOs. As TSOs differ significantly in terms of grid characteristics as well as geographical and national context, meaningful comparisons are difficult. Measuring TSOs' performance should not focus solely on general cost-efficiency, but rather on outputs, such as a reduction of redispatch measures. Regulators should therefore seek an appropriate balance between short-term efficiency and medium- to long-term efficiency and effectiveness.

More generally, the move towards prescriptive EU-level rules should be handled with care. There are good examples of how more proportionate EU action can work in practice: the Commission's guidance on grid connections in 2025 was helpful without limiting national flexibility.

Overall: a more balanced approach that strengthens investment conditions and incentives is needed while preserving national flexibility.

Article	Topic	EC original text	Amendment proposal	Justification
Art. 18 – general	Adequate remuneration	Not included	Include the following provision in Art. 18: Tariff methodologies shall ensure that TSOs and DSOs are able to attract capital required for timely, efficient and resilient development of electricity grids including by providing an adequate, risk-reflective, and internationally competitive return on equity. When fixing or approving tariff methodologies pursuant to this Article, regulatory authorities shall ensure that the allowed return on equity for electricity TSOs and DSOs, inter alia:	The regulated return on equity is decisive for grid operators' ability to finance the timely, efficient and resilient development of electricity grids. As TSOs and DSOs compete with other industries for capital, remuneration frameworks must ensure an adequate, risk-reflective and internationally competitive return on equity, validated against current capital market conditions and relevant international benchmarks. Competitive

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			(a) supports long-term investment signals and financeability of network operators; (b) is assessed against current capital market conditions and relevant international benchmarks; and (c) is determined on the basis of a transparent, evidence-based and robust methodological assessment, including appropriate plausibility checks to ensure that the resulting return adequately reflects prevailing capital market conditions. This paragraph shall be without prejudice to the competence of regulatory authorities to determine the appropriate methodology in accordance with national specificities, provided that the methodology and the resulting allowed return are duly reasoned, transparent and consistent with the objectives of this Regulation	returns are key both to attracting investors and to keeping capital costs — including debt — low for tariff payers. The current Commission proposal does not address this issue; a dedicated provision in Article 18 closes this gap while preserving NRAs' competence to determine the appropriate methodology in line with national specificities.
Art. 18 – general	Enabling capacity element	Not included	Include the following provision in Art. 18: Member States shall ensure that network tariff structures include a capacity-based	The amendment to the Regulation should **explicitly clarify that a capacity-based network**

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	as core element		component as a primary cost-recovery mechanism. Time-variable components may be added on an optional basis as incentive instruments.	**tariff is permissible** and intended as the primary financing instrument. Otherwise, there is a risk that time-of-use tariff components will be regarded as the more significant benchmark and that capacity-based approaches, such as those currently being developed in Germany, could be deemed inadmissible. Article 18(2)(g) of the Commission's proposal merely provides for the introduction of capacity elements to mitigate peak loads.
Art. 18(2)	Tariff methodologies	Tariff methodologies shall include the design of network charges applied to system users and the determination of the remuneration that transmission and distribution		

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		system operators receive through those network charges. They shall:		
Art. 18(2)(a)	Performance indicators	(a) reflect the costs of transmission and distribution system operators, insofar as those costs correspond to those of an efficient and structurally comparable system operator, considering both capital and operational expenditure, including costs related to anticipatory investment, but not costs supporting unrelated policy objectives. Regulatory authorities shall set common performance indicators as regards the efficient operation and development of the network, including smart electricity grid indicators in accordance with Article 18a;	**Ideally, delete provision on performance indicators:** […] ~~Regulatory authorities shall set common performance indicators as regards the efficient operation and development of the network, including smart electricity grid indicators in accordance with Article 18a;~~ **If deletion not possible, propose amendment:** (a) reflect the costs of transmission and distribution system operators, insofar as those costs correspond to those of an efficient and structurally comparable system operator, considering both capital and operational expenditure, including costs related to anticipatory investment, but not costs supporting unrelated policy objectives. Regulatory authorities shall, where appropriate, set ~~common~~ performance indicators as regards the efficient operation and development of the network, including	Requirement on performance indicators should remain flexible. Maintain NRA discretion by including “where appropriate”. The word “common” should be deleted as it implies a harmonized set of performance indicators across all Member States.

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			smart electricity grid indicators in accordance with Article 18a;	
Art. 18(2)(b)	ITC	(b) take account of the payments and receipts resulting from the inter-transmission system operator compensation mechanism, including actual payments made and received as well as payments expected for future periods, estimated on the basis of previous periods;		
Art. 18(2)(c)	Appropriate incentives	(c) provide appropriate incentives to transmission and distribution system operators for the cost-efficient operation and development of the network over both the short and long term and for the optimisation of the existing grids across all voltage levels, inter alia through the use of flexibility services, the deployment of non-wire and digital solutions, smart electricity grids and smart metering systems, including incentives to reach the minimum levels of available capacity for cross-zonal trades set out in Article 16(8);	Replace Art. 18(2)(c) with the following: c) provide incentives to transmission and distribution system operators to foster market integration and security of supply and to ensure stability and resilience of electricity grids; contribute to the achievements of the objectives set out in the integrated NECPs, reduce environmental impact and promote public acceptance; facilitate innovation in the interest of consumers in areas such as digitalisation, flexibility services and interconnection;	Positive elements on incentives for system use (e.g. peak reduction, locational signals) should be kept but complemented with broader system objectives. Current focus is too narrow (cost-efficiency). Should be broadened to include resilience, security of supply, renewables integration, flexibility, innovation and digitalisation.

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Art. 18(2)(d)	Cost-reflectivity withdrawal and injection	(d) reflect the costs created by system users which withdraw electricity from and inject electricity into the transmission or distribution networks;		Comment: Can be interpreted as a 50/50 participation; we recommend a moderate participation of generators (otherwise the market intervention would be too strong).
Art. 18(2)(e)	appropriate incentives to support efficient functioning of networks	(e) provide appropriate incentives to system users to withdraw electricity from and inject electricity into the transmission or distribution networks in a way which supports the efficient functioning of these networks;		Comment: Depends on the specific design – the four TSOs tend to view dynamic network charges rather critically.
Art. 18(2)(f)	Locational signals	(f) provide locational investment signals;	(f) provide locational investment signals through connection charges, without prejudice to the right to set uniform national grid tariffs.	Comment: It is unclear what exactly is meant by locational investment signals. The TSOs support the introduction of a regionally differentiated connection charge (Baukostenzuschuss), as this can provide a location-specific signal for investment decisions. However,

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				connection charges are not traditionally part of network tariffs. It also remains unclear whether this measure alone would be sufficient to meet the requirement for locational investment signals. Within the network tariff framework, the TSOs support maintaining the possibility of uniform national network tariffs and retaining the mechanism for socialising RES-related additional costs in distribution networks. The requirement for locational investment signals must not jeopardise these established instruments. Another potential form of a locational investment signal could be dynamic network tariffs. However, for most asset classes, the TSOs have taken a

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				negative position on their introduction. We therefore oppose any EU-level obligation to implement dynamic network tariffs.
Art. 18(2)(g)	Reduction of peak load	(g) provide appropriate incentives to system users for the reduction of peak load consumption, including through adding a capacity element to the tariff structure;		
Art. 18(2)(h)	Time-of-use elements	contain time-of-use elements to reflect the use of the network;		Comment: Time variable elements seem to make no sense in the German transmission grid so there should be no obligation to introduce them. There is no need to apply time-of-use-elements in every voltage level.
Art. 18(2)(i)	not discriminate between DSO and TSO level	not discriminate between system users connected at the distribution level and system users connected at the transmission level;		

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Art. 18(2)(j)	Third-party access	not disincentivise effective and timely third-party access, aggregation, energy communities, self-generation, self-consumption, storage or the participation in demand response;		
Art. 18(2)(k)	Integration of renewable energy	enable the integration of renewable energy through the development and facilitation of non-fossil-flexibility such as storage and demand response, as well as innovation, non-wire solutions, smart electricity grids and digitalisation;		Comment: Cost-reflectivity must be preserved.
Art. 18(2)(l)	Flexible connections	enable the use of flexible connections, while ensuring this does not delay needed network reinforcements;		
Art. 18(2)(m)	cross-zonal trading	not impose specific network charges on individual transactions for cross-zonal trading of electricity;		
Art. 18(2)(n)	Storage installations	ensure that network charges applicable to storage installations reflect any benefits created for the network and are limited to the costs that these installations create for		

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		the transmission or distribution networks; and		
Art. 18(3)	Special tariff regimes	Special tariff regimes may apply to specific categories of system users, such as energy-intensive industries or data centres and energy communities, provided that the regulatory authorities can demonstrate that the consumption profile of the users in question has a proportionally lower or higher impact on the overall cost of the transmission or distribution network and that the principle of cost-reflectivity is respected.	Special tariff regimes may apply to specific categories of system users, such as energy-intensive industries or data centres and energy communities, provided that the regulatory authorities can demonstrate that the consumption profile of the users in question has a ~~proportionally~~ lower or higher impact on the overall cost of the ~~transmission or distribution network and that the principle of cost-reflectivity is respected~~ electricity system."	It is positive that such tariff regimes are intended to remain possible and can also be limited to specific user categories, such as energy-intensive industries. This allows support measures to be targeted efficiently at the intended grid users. However, the requirement to demonstrate proportionally lower costs to satisfy the principle of cost-reflectivity is challenging and would add bureaucracy. This could also unnecessarily undermine the planned mechanism of reduced grid fees for industry which will replace today's "Bandlastprivileg".
Art. 18(4)	State funds	Member States may partially cover network costs through State funds to lower the overall amount of network charges	**Amendment proposal for c):**	Positive aspect: Strengthens the legal certainty of the current

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		billed to system users provided that the following requirements are met: (a) the State funds to transmission or distribution system operators are provided in a non-discriminatory manner, without selectively favouring, directly or indirectly, specific categories of system users; (b) the provision of State funds does not undermine any incentives provided to system operators for the efficient operation and development of the network and to system users to adjust their consumption to lower the overall costs of the transmission and distribution systems; (c) the State funds are temporary, and cover only the additional costs resulting from measures to accelerate decarbonisation, electrification of production processes and market integration; (d) the provision of State funds is not to the detriment of competition or the	c) the State funds ~~are temporary, and~~ cover ~~only the additional~~ costs resulting from measures to support~~accelerate~~ decarbonisation, electrification~~ of production processes~~ and market integration. **Proposal for additional subparagraph**: State funds already approved by Member States are exempted by the above provisions if being approved before the entry into force of this Regulation. **Hinweis an das BMWE: Vor Inkrafttreten der neuen EU-Regelungen müsste ein nationaler Zuschuss bereits gesetzlich verankert werden, damit dieser nicht von neuen EU-Regelungen betroffen wäre.**	federal subsidies to the TSOs' network charges. Justification for amendment in c): Limiting public support to temporary funding of additional costs is unnecessarily restrictive.

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		effective functioning of the internal market for electricity. This paragraph is without prejudice to the right of Member States to notify under applicable State aid rules measures aimed to reduce energy costs, including network charges, for specific categories of users while preserving incentives provided to system users to choose their location and adjust their consumption to lower the overall costs of the transmission and distribution systems.		
Art. 18(5)	Transparency obligations	From [first day of the month of entry into force plus 13 months], regulatory authorities shall ensure the transparency of the methodologies, parameters and values used to determine or approve the costs that are to be recovered by transmission and distribution system operators. From that date, regulatory authorities shall publish, or require that the relevant transmission system operators or distribution	From [first day of the month of entry into force plus 13 months], regulatory authorities shall ensure the transparency of the methodologies, parameters and values used to determine or approve the costs that are to be recovered by transmission and distribution system operators. From that date, regulatory authorities shall publish, or require that the relevant transmission system operators or distribution	The term **“overall”** clarifies that the transparency obligation should focus on the **total transmission infrastructure costs** recovered through network charges, rather than requiring the publication of project-specific cost information. The addition of **“regulated”** clarifies that the published return on capital refers to the

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		system operator publishes, at least the following information: (a) transmission infrastructure costs, such as capital expenditure, including return on capital and depreciation, and operational expenditure; (b) distribution infrastructure costs, such as capital expenditure, including, return on capital and depreciation, and operational expenditure; (c) costs of transmission losses; (d) costs of distribution losses; (e) costs of metering services; (f) costs of withdrawing or injecting reactive power outside the allowed limits; (g) and costs of system operators purchases of ancillary services and congestion management services, including re-dispatching costs. Regulatory authorities shall furthermore publish at least the following information, or shall require its publication by the	system operator publishes, at least the following information: (a) overall transmission infrastructure costs, such as capital expenditure, including regulated return on capital and depreciation, and operational expenditure; (b) distribution infrastructure costs, such as capital expenditure, including, return on capital and depreciation, and operational expenditure; (c) costs of transmission losses; (d) costs of distribution losses; (e) costs of metering services; (f) costs of withdrawing or injecting reactive power outside the allowed limits; (g) and costs of system operators purchases of ancillary services and congestion management services, including re-dispatching costs. [...]	return approved by the regulatory authority and recovered through network tariffs. Additional comment: This proposal should be subject to security aspects (KRITIS). Such transparency obligations do not take into account the current efforts to publish less information.

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		relevant transmission or distribution system operator: (a) the assessment underlying the detailed transmission and distribution tariff methodologies; (b) the cost categories and the amounts of such costs recovered by each type of tariff they apply; (c) where applicable, the amount of network charges covered through State funds or other public funds pursuant to paragraph 4 and their share of the total network charges; (d) the annual transmission and distribution tariff values for each system user group; (e) any studies relied upon for the available choices for tariff design; (f) any special tariff regimes provided to system users together with a justification for those regimes; (g) the performance indicators as regards the efficient operation and		

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		development of the network referred to in paragraph 2, point (a). The information referred to in this paragraph shall be made available in a freely accessible, downloadable and read-only format and, to the extent possible, in one or more commonly understood languages, while preserving the confidentiality of commercially sensitive information.		
Art. 18(6)	Public consultations	Prior to fixing or approving the applicable tariff methodologies in accordance with Article 59(1), point (a), of Directive (EU) 2019/944, regulatory authorities shall carry out one or more public consultations on the relevant draft methodologies.		
Art. 18(7)	ACER efficiency benchmarking	ACER shall assist regulatory authorities in determining performance indicators in accordance with paragraph 2, point a), and shall carry out an efficiency comparison among transmission system operators, and their costs, considering those indicators. The regulatory authorities and the transmission system operators shall	**Ideally, delete Art. 18(7).** **If deletion not possible, propose amendment:** ~~ACER shall assist regulatory authorities in determining performance indicators in accordance with paragraph 2, point a), and shall carry out an efficiency comparison~~	A European benchmarking carried out by ACER should be avoided, given that the different national challenges and specificities (e.g. grid characteristics, geographical and national context, regulatory frameworks) across Europe make meaningful

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		provide ACER with all the data necessary for that comparison. By [first day of the month of entry into force plus 25 months] and every four years thereafter, ACER shall publish a report with the efficiency comparison among transmission system operators and their costs set out, while protecting commercially sensitive data. Regulatory authorities shall carry out the efficiency comparison among distribution system operators in their respective jurisdictions, and their costs, insofar as there is more than one distribution system operator and taking into account national specificities. The relevant distribution system operators shall provide regulatory authorities with all the data necessary for that comparison. By [first day of the month of entry into force plus 37 months] and every four years thereafter, regulatory authorities shall publish a report building on the results of national efficiency comparison	~~among transmission system operators, and their costs, considering those indicators. The regulatory authorities and the transmission system operators shall provide ACER with all the data necessary for that comparison. By [first day of the month of entry into force plus 25 months] and every four years thereafter, ACER shall publish a report with the efficiency comparison among transmission system operators and their costs set out, while protecting commercially sensitive data.~~ National regulatory authorities shall assess, together with system operators, appropriate performance frameworks, including output-based incentive schemes that align the interests of system operators with societal welfare objectives and encourage decision-making that appropriately reflects wider societal benefits. ACER may assist regulatory authorities in determining performance indicators in accordance with paragraph 2, point a) by providing	comparisons extremely difficult. Additional arguments: - High bureaucratic effort, little added value; Resources are needed elsewhere to enable grid expansion - Bad experiences in the past: DE TSOs participated in the international benchmark E3GRID2012 in 2012/2013 with reference to the base year 2011. In 2017, BNetzA then applied the national reference network analysis and the TSOs were no longer obliged to participate in the international benchmark - Additional competences for ACER, which lie

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		among distribution system operators and their costs.	recommendations based on a best practice report.	outside the current regulatory framework
Art. 18(8)		ACER shall by [first day of the month of the entry into force plus 25 months] provide a best practice report on transmission and distribution tariff methodologies while taking account of national specificities. That best practice report shall address at least the following: (a) the ratio of tariffs applied to producers and tariffs applied to final customers; (b) the costs to be recovered by tariffs; (c) time-differentiated network tariffs; (d) locational signals; (e) the relationship between transmission tariffs and distribution tariffs; (f) methods, to be determined after consulting relevant stakeholders, to ensure transparency in the setting and structure of tariffs, including anticipatory investment, that are in		Comment: ACER has already published tariff reports in the past years, e.g. 2025-ACER-Electricity-Network-Tariff-Practices.pdf

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		line with relevant Union and national energy objectives and taking into account the acceleration areas as established in accordance with Directive (EU) 2018/2001; (g) groups of network users subject to tariffs including, where applicable, the characteristics of those groups, forms of consumption, and any tariff exemptions; (h) losses in high, medium and low-voltage grids; (i) incentives for efficient investment in networks, and for efficient use of the existing network, including resources providing flexibility and flexible connection agreements, and use of non-wire, digital and smart solutions. ACER shall update the best practice report at least once every two years.		

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Art. 18(9)		Regulatory authorities shall duly take the best practice report into consideration when fixing or approving transmission tariffs and distribution tariffs or their methodologies in accordance with Article 59 of Directive (EU) 2019/944.';		Comment: Ok, as it remains non-binding ("take into consideration")
Art. 18a (new)	Smart electricity grid indicators and innovation	1) Regulatory authorities shall promote the deployment of non-wire, smart and digital solutions, whenever such technologies and solutions efficiently enhance the usable capacity, flexibility and reliability of electricity transmission and distribution networks, via regulatory incentives pursuant to Article 18 as well as by considering those solutions with priority under the network development plans pursuant to Articles 32 and 51 of Directive (EU) 2019/944. 2) …	**Ideally, delete Art. 18a.** **If deletion not possible, propose amendment:** Smart Grid Indicators should remain voluntary and open.	Comment: NRA responsibility for design and application of indicators should be preserved. Avoid indirect limitation of flexibility. Smart applications are already highly advanced, and as TSOs continue to digitize, future efficiency gains will naturally be harder to achieve. All performance indicators must reflect this reality rather than imposing rigid, mandatory metrics (which remove national flexibility). Smart Grid Indicators should not be used as a de facto

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				instrument for comparing the performance of the European TSOs.
Art. 18b (new)	Smart metering systems	1. Member States shall ensure the deployment in their territories of smart metering systems covering at least 50 % of all final customers by 31 December 2030 and 75 % of all final customers by 31 December 2033. Where a Member State's deployment level is below 30 % at the date of entry into force of this Regulation, the deadline for the 50 % target shall be 31 December 2031 and the deadline for the 75% target shall be 31 December 2034. The functionalities of these smart metering systems shall meet the requirements set out in Article 20 of Directive (EU) 2019/944. 2. For the purposes of Directive (EU) 2019/944, any reference to a cost-benefit assessment in relation to the deployment of smart metering	.	Comment: Important enabler for flexibility, congestion management and consumer participation. Maintain

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		systems shall be understood as applying exclusively to deployment beyond the 75 % coverage level referred to in paragraph 1 of this Article.		
Art. 18c (new)	Electricity Taxation	1. Member States shall promote the uptake of electricity as an energy source by adopting a supporting taxation framework. 2. Member States shall apply a tax differential on the excise duties regulated under Council Directive 2003/96/EC*** between electricity and natural gas, such that electricity is taxed at a rate that is not higher than the rate applied to natural gas, in accordance with the principle set forth in paragraph 1. The Commission may, upon a duly justified request from a Member State, based on specific national circumstances, including in view of the fiscal situation of the Member State, authorise that Member State, by		Comment: Supports electrification and competitiveness. Maintain.

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		means of an implementing act, to defer the application of the first subparagraph until a point in time which strikes a balance between the specific national circumstances concerned and the need to reach the Union's electrification objectives. 3. Electricity supplied to energy intensive businesses as defined in Article 17)1), point (a), of Directive 2003/96/EC shall be deemed to meet the requirements in paragraph 4 of that Article.		
Art. 18d (new compared to leak)	Grid connection measures	1. In order to provide market participants with access to the transmission and distribution networks pursuant to Article 3, point (q), in case of scarcity in the available grid capacity, regulatory authorities may approve measures to deter speculative requests for connection to the grid, ensure sufficient maturity of projects requesting grid connection		Comment: While prioritizing certain user groups or technologies (households, batteries, industry, data centers, electrolysers, etc.) makes sense, it requires economic and industrial policy considerations that go beyond the grid operator's mandate. The four TSOs therefore propose that this prioritization

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		and prioritise categories of system users such as public sector, social services, energy communities, households, small and medium enterprises, data centres, energy intensive industries or market participants in the transport sector as well as set conditions to allow prioritising users within a specific category as necessary, based on objective, transparent and non-discriminatory criteria. These criteria may consider the impact of potential projects on solving network congestion as well as economic, environmental and social benefits. 2. Member States and regulatory authorities shall ensure that other relevant measures to address insufficient grid capacity are applied, including use of non-wire, smart and digital solutions pursuant to Article 18a, flexible connection agreements pursuant to Article 6a of		of grid connections be preceded by "technology-specific quotas" and that existing connection allocations be divided according to connection groups. These quotas could be established by the federal government via a statutory order or through a determination procedure by the Federal Network Agency.

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		Directive (EU) 2019/944, and cross-sectorial network planning with involvement of stakeholders pursuant to Article 55 of Regulation (EU) 2024/1788 and Article 51 of Directive (EU) 2019/944.';		
Art. 61(5a) + recital	Delegated Acts/binding guidelines on tariffs	the following paragraphs 5a and 5b are added: '5a. The Commission is empowered to adopt delegated acts in accordance with Article 68 supplementing this Regulation by setting out guidelines on a common structure and harmonised methodology on tariffs pursuant to Article 18. Prior to the adoption of such acts, or any amendment thereof, ACER shall, upon request of the Commission issue a recommendation as referred to in Article 2, point (c), of Regulation (EU) 2019/942 for a common structure and harmonised methodology on tariffs. Those guidelines shall set out the rules on harmonised tariff structures for electricity,	**Ideally, delete Art. 61(5a) and (5b)** **If deletion not possible:** ensure that guidelines remain non-binding by proposing a recommendation by EC instead of a Delegated Act	Creates the basis for binding EU rules on tariff structures/methodologies. Risks limiting national flexibility. Should be replaced by a non-binding recommendation, if deletion not possible. Maintain national regulatory authorities' responsibility and flexibility for the design of tariff methodologies. From a legal point of view, the use of an instrument of the Delegated Act would violate the existing provisions of Article 59 of

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		including detailed conditions under which regulatory authorities may introduce separate network charge regimes for specific categories of system users as referred to in Article 18(3) and harmonised rules on the procedural and substantive requirements for the public consultations referred to in Article 18(6). The Commission is empowered to adopt implementing acts setting out, for the purpose of Article 18a, smart electricity grid indicators to measure the uptake and performance of smart and innovative grid technologies and digital solutions in transmission and distribution networks. The Commission shall consider ACER's recommendation issued pursuant to Article 18a(2), when preparing, amending or adopting such implementing acts. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 67(2).'		the Internal Electricity Market Directive and the principle of subsidiarity. At present, the EC has no or little competences in this area. Therefore, a deletion should be preferred.

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		‘5b The Commission is empowered to adopt implementing acts setting out detailed requirements to enable the lawful, secure and controlled reuse of data for research and innovation -interest purposes of public interest, supporting the operation and optimisation of the electricity system pursuant to Article 18a. These requirements shall: (a) specify and update technical data models, formats, ontologies, interfaces, and data interoperability; (b) specify conditions of transparent and accountable operations of secure processing environments enabling data exchange for innovation purposes and requirements for publishing of periodic activity reports, including the use cases supported and any identified barriers to data sharing; (c) specify liability, cybersecurity, risk mitigation and incident reporting requirements, in accordance with existing Union		

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		legislation, in particular Regulation (EU) 2024/1689. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 67(2). The Commission may request data, information and documentation generated or exchanged within the coordinated arrangement established in accordance with Article 18a(5) to the extent necessary and proportionate to prepare those implementing acts.’		