

Status Review on the Transposition of Unbundling Requirements for DSOs and Closed Distribution System Operators

C12-UR-47-03 16 April 2013



INFORMATION PAGE

Abstract

This document (C12-UR-47-03) presents a review of the status and real implementation of unbundling requirements placed on distribution system operators (DSOs) under the European Union's Third Energy Package. Information on the current status of unbundling was collected through a survey completed by CEER member and observer countries. The document serves to facilitate national regulatory authorities (NRAs) in continuing their overall monitoring activities.

Target Audience

European Commission, energy suppliers, traders, gas/electricity customers, gas/electricity industry, consumer representative groups, network operators, Member States, academics and other interested parties.

Keywords

Cross-sectoral; 3rd Package; Market Monitoring; Unbundling;

If you have any queries relating to this paper please contact:

Ms Natalie McCoy

Tel. +32 (0)2 788 73 30 Email: <u>natalie.mccoy@ceer.eu</u>



Related documents

CEER documents:

 CEER Guidelines of Good Practice on Electricity and Gas Retail market design, with a focus on supplier switching and billing, 2012, C11-RMF-39-03 http://www.energy-

<u>regulators.eu/portal/page/portal/EER_HOME/EER_PUBLICATIONS/CEER_PAPERS/</u>Customers/Tab3/C11-RMF-39-03_GGP-Retail-Market-Design_24-Jan-2012.pdf

 CEER Benchmarking Report on Meter Data Management Case Studies, 2012, C12-RMF-46-05

http://www.energy-

<u>regulators.eu/portal/page/portal/EER_HOME/EER_PUBLICATIONS/CEER_PAPERS/</u>Customers/Tab3/C12-RMF-46-05_BR_MDM_07Nov2012.pdf

 CEER Advice on the take-off of a demand response electricity market with smart meters, 2011, C11-RMF-36-03

http://www.energy-

<u>regulators.eu/portal/page/portal/EER_HOME/EER_PUBLICATIONS/CEER_PAPERS/</u>Customers/Tab2/C11-RMF-36-03 DemandResponse-with-SM 1-Dec-2011.pdf

 CEER status review of regulatory approaches to smart electricity grids, 2011, C11-EQS-45-04

http://www.energy-

regulators.eu/portal/page/portal/EER_HOME/EER_PUBLICATIONS/CEER_PAPERS/ Electricity/2011/C11-EQS-45-04_SmartGridsApproach_6%20July%202011.pdf

 Final Guidelines of Good Practice on Regulatory Aspects of Smart Metering for Electricity and Gas, 20109, E10-RMF-29-05

http://www.energy-

regulators.eu/portal/page/portal/EER_HOME/EER_PUBLICATIONS/CEER_PAPERS/Customers/Tab2/E10-RMF-29-05 GGP SM 8-Feb-2011.pdf

 Status Review of DSO Unbundling with Reference to Guidelines of Good Practice on Functional and Informational Unbundling for Distribution System Operators, 2009, E09-URB-20-05

http://www.energy-

regulators.eu/portal/page/portal/EER_HOME/EER_PUBLICATIONS/CEER_PAPERS/Cross-Sectoral/2009/C09-URB-20-05_DSO-Unbunling_09-Sep-09.pdf

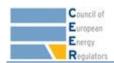


Table of Contents

RE	LATED DOCUMENTS	3
EX	ECUTIVE SUMMARY	.6
1	INTRODUCTION	8
	1.1 Background	8
	1.2 Legal Obligations	9
	1.3 Scope and structure of the report	.9
	1.4 Consumer perspective	10
2	KEY ASPECTS OF DSO UNBUNDLING	11
	2.1 Rebranding of DSOs	13
	2.2 Resources of DSOs	15
	2.3 Compliance officers	17
3	CLOSED DISTRIBUTION SYSTEMS	18
4	NON COMPLIANCE	20
5	CONCLUSIONS	20
AN	NEX 1 – CEER	22
ΑN	NEX 2 – LIST OF ABBREVIATIONS	23
ΑN	NEX 3 – CASE STUDIES2	24
	5.1 Austria	27
	5.2 Belgium	27
	5.3 Cyprus	28
	5.4 Czech Republic	29
	5.5 Denmark	30
	5.6 Estonia	30
	5.7 Finland	31
	5.8 France	31
	5.9 Germany	32
	5.10 Great Britain	33
	5.11 Greece	33
	5.12 Hungary	



5.13 Ireland34
5.14 Italy35
5.15 Lithuania
5.16Luxembourg36
5.17 Malta37
5.18 Poland
5.19 Portugal
5.20 Romania39
5.21 Slovenia39
5.22 Spain40
5.23 Sweden40
5.24 The Netherlands41
Table of Tables
Table 1: National transposition of the 3rd Package11Table 2: Status of DSO rebranding13Table 3: Regulatory involvement13Table 4: DSO's initial refusal to rebrand14Table 5: Sufficiency of financial resources15Table 6: Sufficiency of personnel resources16Table 7: Change in the DSOs' structures16Table 8: Closed distribution systems19Table 9: Transposition of Article 2819
Table of Figures
Figure 1: Number of electricity DSOs active in individual countries



Executive Summary

Background

Distribution System Operators (DSOs) are an important and visible actor in the energy industry. Their duties not only include the delivery of electricity and natural gas to customers through the operation and maintenance of distribution systems, but we now see that DSOs are playing a role in the efficient functioning of Europe's energy markets; acting as "entry gates" to retail markets in most countries, making them an important influence on the level of competition as well.

Under the Third Energy Package (3rd Package) Directives 2009/72/EC and 2009/73/EC¹, European energy networks are subject to unbundling requirements which oblige Member States to ensure the separation of vertically integrated energy companies, resulting in separation of the various stages of energy supply (generation, distribution, transmission and supply).

This report monitors the status and real implementation of those unbundling requirements for DSOs in line with the 3rd Package provisions. Information on the current status of DSO unbundling was collected through a survey completed by 24 of the 30² national regulatory authorities (NRAs) of CEER member and observer countries, based on the information available to them in summer 2012. Please also note that the report only reviews the status of implementation of the 3rd Package at that time.

The survey aimed to assess the status of legally unbundled DSOs with more than 100,000 connected customers. Topics explored included unbundling-related issues such as:

- Branding ensuring that there is clear communication with regards the separation of identity/rebranding between DSOs and other energy actors;
- Resources ensuring that the necessary human, technical, physical and financial resources are available to meet unbundling requirements so that a DSO can fulfil its role effectively;
- Compliance officers independent observation and monitoring of DSOs to ensure no discriminatory conduct occurs;
- Closed distribution systems the classification of systems which distribute energy in a confined industrial or commercial setting and not to household customers.

^{2009/72/}EC Directive of the European Parliament and of the Council of 13 July 2009 concerning common rules for the internal market in electricity and repealing Directive 2003/54/EC; and 2009/73/EC Directive of the European Parliament and of the Council of 13 July 2009 concerning common rules for the internal market in gas and repealing Directive 2003/55/EC.

At the time of the survey in summer 2012, there were 30 member and observer countries. Since then, The Former Yugoslav Republic of Macedonia has also joined CEER as an observer country making the total 31 countries.



Key findings

The following key findings emerge as a result of the analysis conducted in the present Status Review:

- There is limited progress on DSO unbundling in countries which have yet to fully transpose the 3rd Package. In many countries, the process of unbundling is on-going and it remains too early to fully evaluate the results. In practice, most countries have a much larger proportion of DSOs with less than 100,000 customers; these may be exempted from EU unbundling requirements;
- In those countries where unbundling has taken place, the rebranding of DSOs is sometimes not fully satisfactory and could still leave room for confusion among customers. Although NRAs have a limited role in this process, rebranding needs to be addressed further in several countries;
- In general, NRAs found that the majority of DSOs have sufficient resources to fund the unbundling process;
- Where unbundled DSOs are required to establish a compliance programme, there is a general sense that the appointed officer and/or established programme is functioning satisfactorily;
- Most countries do not have closed distribution systems as defined in Directives 2009/72/EC and 2009/73/EC.

Next steps

More generally, CEER believes that the role and potential of DSOs should be better recognised and reconsidered, particularly as new technologies and market models come into play through renewables, energy efficiency, smart networks, distributed generation and demand side management measures. The efficient and independent functioning of those operating the distribution networks will become increasingly important as the networks take on a bigger role in facilitating these new market elements (and services).

Going forward, CEER will continue its monitoring of DSO unbundling (along with that of TSOs), building on various related previous reports and recommendations (see <u>related documents</u>). CEER is also planning to analyse DSO services for consumers, acknowledging that energy efficiency and customer activity are two key areas in which DSOs play an essential role. In addition, reliability and quality of service, and the manner in which these services are defined and carried out is an important part of market design. We recognise the key challenge as being to provide a smart regulatory framework which encourages access to the benefits that smart grids and meters can provide for capabilities, including demand response. Given our responsibility in regulating these natural monopolies, we are considering other work in this area in future, particularly as regards the future roles and responsibilities of DSOs.



1 Introduction

1.1 Background

Distribution System Operators (DSOs) are becoming an important and visible actor in the energy industry. Their duties not only include the delivery of electricity and natural gas to customers through the operation and maintenance of distribution systems, but we now see that DSOs are playing a role in the efficient functioning of Europe's energy markets; acting as "entry gates" to retail markets in most countries, making them an important influence on the level of competition as well.

Under the Third Energy Package (3rd Package) Directives 2009/72/EC ("Electricity Directive") and 2009/73/EC³ ("Gas Directive"), European energy networks are subject to unbundling requirements which oblige Member States to ensure the separation of vertically integrated energy companies, resulting in separation of the various stages of energy supply (generation, distribution, transmission and supply). For DSOs in particular (Article 26 in both Directives), these unbundling requirements focus on the legal, functional and operational (staff) separation of the DSO from other actors in the supply chain (known as legal and functional unbundling). In essence, the DSO must be independent at least in terms of its legal form, organisation and decision making from other activities not relating to distribution.

Indeed, the 3rd Package calls for careful monitoring of progress in DSO unbundling according to the legal requirements, to ensure that "they are prevented from taking advantage of their vertical integration as regards their competitive position on the market, in particular in relation to household and small non-household customers." This last point concerns notably the branding and communication of the DSO (which should be distinct from that of related companies). That said, EU legislation is also cautious about imposing a disproportionate financial and administrative burden on small DSOs; it therefore allows Member States, where necessary, to exempt undertakings with less than 100,000 customers.

In addition to DSOs, closed distribution system (hereafter "CDS") operators are also indicated in the legislation, defined as systems which "distribute gas or electricity within a geographically confined industrial, commercial or shared services site and does not supply household customers". EU Member States show large differences between the number and functioning of CDS operators. Therefore, CEER decided to include them in this report in order to present the facts and assess how the relevant legislation is being implemented in each country.

³ 2009/72/EC Directive of the European Parliament and of the Council of 13 July 2009 concerning common rules for the internal market in electricity and repealing Directive 2003/54/EC; and

^{2009/73/}EC Directive of the European Parliament and of the Council of 13 July 2009 concerning common rules for the internal market in gas and repealing Directive 2003/55/EC.



In general, European energy regulators aim to monitor the implementation of 3rd Package requirements across the board, in order to assess how the rules function in practice; whether there could be improvements, or where there might be an opportunity to collate best practices to advise those Member States who have more difficulty implementing certain elements.

In 2013, we will continue to review the process of DSO unbundling, building on various related previous reports and recommendations (see <u>related documents</u>) as well as the present report to form a basis for further work and monitoring activities; in particular with an update of the status review later in the year. We are also undertaking a range of activities related to other DSO activities, reflecting more generally on their role and responsibilities in future markets.

1.2 Legal Obligations

With regard to DSO resources, Articles 26(2) of the Electricity and Gas Directives stipulate that a DSO must have as a minimum criteria, "the necessary human, technical, financial and physical resources" to act independently from the vertically integrated undertaking (VIU) in terms of its organisation and decision-making power.

Such criteria should not result in preventing the parent company from approving the annual financial plan, or any equivalent instrument, of the DSO or the setting of global limits on the levels of indebtedness of its subsidiary. Moreover, it should not prevent the necessary and appropriate restructuring of management and personnel.

To ensure there is no discriminatory conduct and the proper monitoring of this process, Article 26(2) also sets out requirements for the installation of a compliance programme. All employees of a DSO must meet the requirements set out in this programme and an annual report summarising the measures taken has to be submitted by a person or body (compliance officer) to the NRA.

In addition, DSOs are required to change their communication and branding in such a way that they can clearly be distinguished from the supply branch of the VIU. In this regard, Member States may choose, when implementing the rules into national law, that these obligations apply only for integrated electricity or natural gas undertakings serving more than 100,000 connected customers, or serving small isolated systems.

Meanwhile, Article 28 in both Directives includes provisions related the possible designation by Member States of so-called CDSs. These systems may be granted particular exemptions from obligations which would constitute an unnecessary administrative burden because of the particular nature of the relationship between the DSO and the users of the system.

1.3 Scope and structure of the report

This report monitors the status and real implementation of the aforementioned unbundling requirements. Information on the current status of unbundling was collected by way of a survey among the national regulatory authorities (NRAs) of CEER member and observer countries, based on the information available to them in summer 2012. Please also note that the report only reviews the status of implementation of the 3rd Package at that time.



At the time of this assessment, not all Member States had yet (fully) transposed the 3rd Package. In some cases, this means that final customers are not fully benefitting from market opening, as vertically integrated suppliers still have the possibility to transfer their market power in distribution to retail markets. As long as this situation persists, general competition law might have to step in to prevent market foreclosure.

Any changes that have occurred since the collection of data, for instance in the number of CDSs, are not indicated in the present report.

CEER's internal survey treated electricity and gas separately and sought to assess the status of legally unbundling/unbundled DSOs with more than 100,000 connected customers. The questions concerning legal or organisational provisions in a country referred only to legal unbundling or regulatory provisions, not to competition law. Generally, this report analyses the status of the legal or regulatory framework along with the institutional setting of DSOs. Annex 3 provides a summary of the input received from each country, including a short descriptive overview of the unbundling situation.

The key topics covered in this report include unbundling-related issues such as:

- Branding ensuring that there is a clear communication with regards the separation of identity/rebranding between DSOs and other energy actors;
- Resources ensuring that the necessary human, technical and financial resources are available to meet unbundling requirements so that a DSO can fulfil its role effectively;
- Compliance officers independent observation and monitoring of DSOs to ensure no discriminatory conduct occurs;
- Closed distribution systems the classification of systems which distribute energy in a confined industrial or commercial setting and not to household customers.

1.4 Consumer perspective

The basic principle behind the requirements to unbundle the energy supply chain is to promote and maintain competition in energy markets, ensuring a greater choice for consumers and thus applying pressure on energy companies to offer the best possible value and services.

DSOs are encouraged to act as neutral market facilitators, fostering fair competition between suppliers in the retail market. Affiliations between a DSO and market participants (where the DSO may share a significant common shareholding with generators, producers, shippers, suppliers or even large consumers) could raise concerns that the DSO may act in favour of its own affiliated interests. Therefore, it is essential for DSOs to be independent from the commercial supply chain in order to avoid conflicts of interest and/or discriminatory or monopolising conduct.

More widely, unbundling arrangements seek to ensure the proper functioning of the European Internal Energy Market (IEM) and security of supply for consumers.



2 Key aspects of DSO unbundling

Out of 30⁴ CEER members and observers, 24 participated in the survey for this report (Austria, Belgium, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Germany, Great Britain, Greece, Hungary, Ireland, Italy, Lithuania, Luxembourg, Malta, Poland, Portugal, Romania, Slovenia, Spain, Sweden and The Netherlands). Input was provided in summer 2012 and represents the status of unbundling in the respective country at that time.

The majority of respondent countries have transposed the Electricity and Gas Directives, as shown in Table 1. However, more detailed analysis revealed that not all countries have transposed the Directives to the same extent; for example, rebranding is not required to comply with the 3rd Package in all countries. The extent to which DSO unbundling is driven forward differs from country to country and ranges between legal and ownership unbundling.

No. of countries where Gas/Electricity directive has been transposed into national law:								
Electricity Gas								
Yes	21	20						
No	3	4						

Table 1: National transposition of the 3rd Package

Figures 1 and 2 below indicate that the number of gas and electricity DSOs varies greatly between countries; in many cases, only a small share of a country's DSOs serve more than 100,000 connected customers and are hence legally required to unbundle. Therefore, the following analysis refers to a small share of "large" DSOs, compared to the total number of DSOs active across Europe. It is also notable that there are by far more electricity DSOs than gas DSOs. In some countries, there is no gas DSO at all due to geographical positioning (and absence of a gas market altogether).

For those DSOs which are subject to EU requirements, and in those countries where transposition is complete, we noted that in 11 countries DSOs are legally unbundled and in 1 country they are ownership (i.e. fully) unbundled.

11/41

At the time of the survey in summer 2012, there were 30 member and observer countries. Since then, The Former Yugoslav Republic of Macedonia has also joined CEER as an observer country making the total 31 countries.



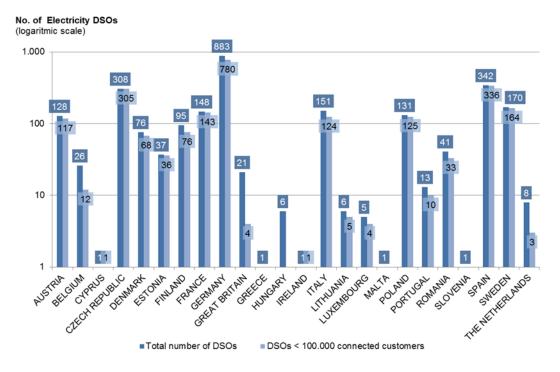


Figure 1: Number of electricity DSOs active in individual countries

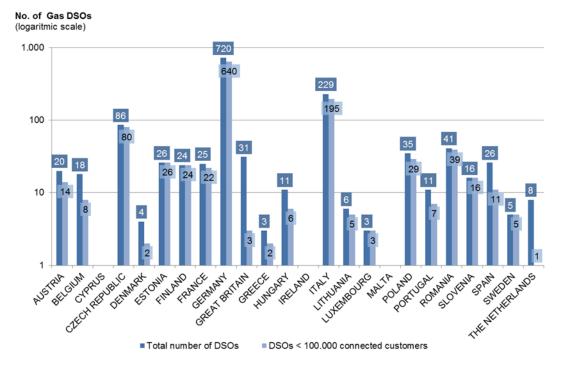


Figure 2: Number of gas DSOs active in individual countries



2.1 Rebranding of DSOs

Article 26 of both the Electricity and Gas Directives sets out the elements for the unbundling of DSOs, including Paragraph 3 which states that "vertically integrated distribution system operators shall not, in their communication and branding, create confusion in respect of the separate identity of the supply branch of the VIU. In this regard, DSOs should strive to create a clearly separate image to that of the other branches under the parent company.

With this in mind, CEER asked NRAs 4 key questions surrounding DSO rebranding:

How many DSOs rebranded their identity?
Was the regulator involved in the rebranding process and if yes, how?
Did DSOs initially refuse to rebrand their corporate identity and if yes, how did the regulator settle this?
Rebranding/branding satisfactory?

Status of DSO rebranding by country:									
	Electricity	Gas							
all	5	3							
most	0	0							
approx. half	0	1							
few	4	5							
none	9	8							
NA	4	4							

Table 2: Status of DSO rebranding

For the most part, NRAs were not involved in the rebranding process (see Table 3). Those that were involved provided guidance, had bilateral talks, or simply helped DSOs through the licensing process. Some said that they only monitored the process. In one country, there is an annual report on the progress made by DSOs, and in another country, the NRA has no powers to intervene in rebranding as this is considered a commercial decision. The costs incurred as a result of these activities are not financed through network charges.

Regulatory involvement in the rebranding process by country:							
	Electricity	Gas					
Yes	6	8					
No	15	13					

Table 3: Regulatory involvement



For those DSOs which did rebrand, the majority of them did not reject rebranding their corporate identity, as found in Table 4. However, those that did were asked to take measures and were informed about the legal consequences they might face if the appropriate follow up action was not undertaken.

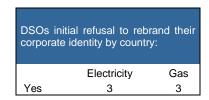


Table 4: DSO's initial refusal to rebrand

For 6 of the 10 countries where rebranding of electricity DSOs took place, NRAs were either very satisfied or satisfied with the process so far. In gas, there was a higher degree of satisfaction (5 out of 8 countries). However, for some of the countries where rebranding has already happened, the corporate identity of some DSOs was still very similar to their parent companies and/or supply branch, which might lead to confusion. In this instance, for example, one NRA asked the DSOs to submit an action plan detailing how they intend to remove any remaining 'blurred lines'. However, not all DSOs were obliged to rebrand their corporate identity as they were originally established with different branding to that of the parent company.

As in some countries the rebranding process has not yet been completed, many gave neutral answers regarding their satisfaction with the situation. As the unbundling process is still ongoing in some countries and/or the obligation to rebrand was introduced after this survey was held, a final assessment is not possible at present.



2.2 Resources of DSOs

In the legislation, DSOs are required to have the necessary resources in order to fulfil the tasks of operating, maintaining and developing networks, as well as exploiting their independent decision-making rights; these include human, technical, physical and financial resources.

NRAs responded to 3 questions which aimed to gauge whether DSOs allocated the necessary resources for their tasks (in particular as regards certain unbundling requirements):

Do DSOs have sufficient financial resources under their immediate control to ensure real decision-making power and independence in their work?

Do DSOs have sufficient personnel resources directly employed to ensure real decision-making power and independence in their work? If yes, how is it secured? Was there a change in the DSOs' structures? If yes, which departments were especially affected?

The majority of NRAs who have completed an analysis on the resources of DSOs in their respective countries said that most gas and electricity DSOs had sufficient financial and personnel resources under their immediate control to ensure real decision-making power and independence in their work (Table 5). Some refer only to national law as proof or that licence conditions (often in place prior to the introduction of the 3rd Package) require them to demonstrate sufficient financial resources; others take annual spot tests on different subjects or ensure the sufficiency of resources through tariff settings; or the DSOs are required to submit their long-term investment plans to the NRA. In countries where all DSOs were fully ownership unbundled, NRAs expressed no concerns on sufficient resources (financial and/or personnel).

Do DSOs have sufficient financial resources under their immediate control to ensure real decision-making power and independence in their work, by country:									
	Electricity	Gas							
all	11	11							
most	6	5							
approx. half	0	0							
some few	0	0							
none	0	0							
NA	5	5							

Table 5: Sufficiency of financial resources

To guarantee sufficient personnel (Table 6 below), DSOs employ their staff directly and offer training in non-discriminatory behaviour. NRAs also stated that management has to be independent in its decision-making regarding day-to-day business and strategic control. Monitoring of actual decisions taken by DSOs reveals whether a network operator acts independently or not. However, one NRA mentioned that although DSOs have their own staff for strategic and confidential issues, these personnel are employed by the operational unit and not directly by the DSO itself (and in another country the senior staff is employed by the parent company).



Regarding the minimum number of employees for a DSO, one NRA said that they analyse the annual compliance officer's report on sufficient workforce to guarantee independent execution of services. Some NRAs stated that sufficient personnel resources are a requirement set out in the DSO licencing conditions which tended to be in place prior to the introduction of the 3rd Package.

Do DSOs have sufficient personnel resources directly employed to ensure real decision-making power and independence in their work, by country:									
	Electricity	Gas							
all	11	10							
most	6	5							
approx. half	1	0							
some few	0	0							
none	0	0							
NA	4	6							

Table 6: Sufficiency of personnel resources

When asked about structural changes (Table 7), NRAs stated that approximately half of all DSOs outsourced or merged departments. These were mostly front office departments, such as call centres and customer services, and also IT-related departments; human resources, accounting and other administrative departments were newly set up in DSOs. In some countries, smaller DSOs were bought up by or integrated into larger ones, and some DSOs had to separate their supply and distribution network branches. Due to rebranding their corporate identity, communication specialists were also hired by some DSOs. One NRA commented that unbundling activity was pushing the number of employees in DSOs up.

Was there country:	a change in the	DSOs' structures, by
	Electricity	Gas
Yes	12	10
No	10	11

Table 7: Change in the DSOs' structures



2.3 Compliance officers

DSOs subject to EU unbundling legislation are now required to establish a compliance programme, in order to ensure that discriminatory conduct is avoided and that there is adequate monitoring of such activity; typically by an appointed compliance officer.

The survey aimed to assess how independent the compliance officer is and whether the programme established is sufficient:

Do you think the compliance officer have enough information and resources to fulfil their tasks independently?

How satisfactory are the compliance programmes of the DSOs? Monitoring of the compliance programme by the compliance officer; data management system; and behaviour of employees towards customers, customers of other parts of the integrated company and third companies.

The responses received on compliance officers and compliance programmes present a very varied picture, since this question is only applicable to some countries. NRAs explained that this question is not applicable to countries that do not have VIUs, or where DSOs are fully ownership unbundled.

NRAs who gave "neutral", "less satisfactory" or "n/a" (not applicable) answers often said that DSOs in their country do not have to appoint a compliance officer. The rest of the countries who responded are, in general, satisfied with the performance of compliance officers; including in relation to all the elements as listed in the second question above. However, some data, especially on data management was not provided in sufficient detail by DSOs. The main source for assessing whether compliance programmes are successful, are the annual compliance reports provided by compliance officers; NRAs largely rely on these reports.

The number of complaints surrounding the behaviour of DSOs in relation to unbundling towards customers, customers of other parts of the integrated company and third companies – is generally low, yet complaints still exist. All NRAs confirmed that such complaints were few and not critical. Such complaints are another method NRAs use to rate the effectiveness of the compliance programmes.

In some countries, current legislation does not require DSOs to appoint a compliance officer or the relating provisions are currently being implemented. Therefore, the number of 'not available' answers to this question was quite high.



3 Closed distribution systems

In the Electricity and Gas Directives, CDS operators are understood as systems which "distribute gas or electricity within a geographically confined industrial, commercial or shared services site and do not supply household customers". Such systems may be granted exemptions from obligations which would constitute an unnecessary administrative burden – for example, the exemption from ex-ante approval by the NRA of tariffs/calculation methodology. Articles 28 in both Directives are not necessarily legally required as the legislation stipulates that Member States *may* provide for NRAs or other authorities to classify and/or exempt certain requirements for CDSs.

Is Article 28 transposed into national law in your country? Which authority in your country has to classify CDSs? Do you have CDSs in your country? If yes, how many?

If yes, if the operators of a CDS exempt from: the requirements to procure the energy it uses to cover losses and reserve capacity; the requirement that tariffs are approved prior to use?

Does you national law provide for (other) specific rules for CDSs? If yes, what are the rules?

As can be seen in Table 8 (overleaf), in just over half of the responding countries, these provisions have not yet been transposed into national law; others are still in the implementation phase. In one case, the existing national legislation stipulates that in special cases of industrial estates, the DSO may sign an energy supply contract with an intermediary. The intermediary must meet the same conditions as the DSO and ensure power is supplied to end customers under conditions that may not be less favourable than the conditions of a direct power supply from the network.

In some countries, whether a distribution system is classified as "closed" depends on the number of connected customers or sometimes on whether it existed prior to the transposition of Article 28. CDSs vary widely from country to country as in some cases there is no deadline for registration, data acquisition is not centralised at federal level, or the definition in national law is very broad; therefore numbers vary from a few to more than 1,000.

Specific national rules regulate access conditions and unbundling requirements or stipulate that there is no obligation to provide public service. Some features that distinguish CDSs from other distribution systems result from the fact that they are only used by industrial customers. Such industrial distribution systems are exempt from the obligation of third party access. Interestingly, nearly half of the countries with CDSs do not provide the specific exemptions allowed in the 3rd Package. Nevertheless, there may be other specific rules for CDSs (as was reported by 8 NRAs).



and Direc	28 Directive 2009 tive 2009/73/EC ed into national la		_	ave closed distrik in your country?	oution
	Electricity	Gas		Electricity	Gas
Yes	10	9	Yes	10	8
No	12	12	No	12	13

Table 8: Closed distribution systems

It is also notable that in some countries, Article 28 was transposed into national law but the NRA is not aware of any existing CDSs; while on the other hand, in some cases where Article 28 had not been transposed NRAs reported that there are CDSs in practice (see Table 9).

Correlation betw een transposition of Article 28 and existence of closed distribution systems (CDS:) (number of countries)							
	Electricity	Gas					
Article 28 transposed into national law but no CDS	3	3					
Article not transposed into national law but CDS	3	2					

Table 9: Transposition of Article 28



4 Non Compliance

In cases where a DSO refused to comply with the unbundling requirements set out by the 3rd Package, various national laws give the NRAs tools to enforce compliance. However, NRAs typically provide guidance on how to implement the unbundling provisions in practice (Germany) and are informed via letters over the consequences (Austria). Citations to the board of the NRA and, as a last means, legal steps are used as enforcement measures (Austria, Denmark, and Germany).

5 Conclusions

This report monitors the status and implementation of the DSO unbundling requirements set out in the Electricity and Gas Directives under the 3rd Package.

Information on the issues presented was provided through responses to an internal survey completed by 24 of the 31 NRAs of CEER member and observer countries, based on the information available to them in summer 2012. The questions aimed to assess the status of unbundled DSOs with more than 100,000 connected customers.

With regard to DSO unbundling, the responses show that the large majority of countries have fully implemented the 3rd Package. However, in the countries which have not yet (fully) transposed the legislation, the requirements for DSO unbundling are not fulfilled. In some countries, beyond the requirements of the Directives, there is only one single ownership unbundled system operator.

In many countries, it is still too early to properly evaluate the results of unbundling as the process is still on-going.

For those countries quite far into the rebranding process, NRAs were generally not heavily involved in the process itself. In rare cases when a DSO refused to comply with the rebranding requirements, the NRAs reserve their right to take legal steps as a last resort. However, this was generally avoided with NRAs instead providing clear guidance on how to implement the unbundling provisions. In several cases, NRAs expressed concerns about the effectiveness of the rebranding that had been undertaken – to the extent that a clear distinction from the parent company was not possible and could still create confusion for customers.

Generally, it can be said that in the NRAs' opinion, most DSOs have sufficient resources to meet their responsibilities. Independent decision making is guaranteed via licence agreements or network codes and evaluated in the annual compliance report sent to the NRAs.

Although not all NRAs have compliance officers/programmes, those that do reported general satisfaction with the functioning of the appointed officer and/or established programme. Sources of data varied but most NRAs used the compliance officers' reports to assess whether the programmes are effective. In addition, there are limited serious complaints lodged regarding DSO behaviour.



In addition to DSOs, CDS operators are also indicated in the legislation. CEER decided to include them in this report in order to present the facts and assess how the legislation is implemented in each country in this regard. Most countries do not have CDSs as defined in the Directives (it is an optional provision in the legislation) which can be a reason why Article 28 providing for a specific regime for closed distribution grids is not transposed in all Member States. The definition of CDSs varies widely from country to country, as can the authority that is responsible for such classification. In summary, the classification of CDSs across Member States varies widely, as does the level of transposition of the provision, rendering a general conclusion quite difficult.

Looking forward to CEER's next steps in this area in 2013, we will continue to review the process of DSO unbundling and use this report as a basis to inform further work and monitoring activities, with an update of the status quo later in the year. Further assessment should be conducted to see if the open issues found in the conclusions of this report have been resolved or rectified in the meantime.

CEER is also planning to analyse DSO services for consumers, acknowledging that energy efficiency and customer activity are two key areas in which DSOs play an essential role. In addition, reliability and quality of service, and the manner in which these services are defined and carried out is an important part of market design. We recognise the key challenge as being to provide a smart regulatory framework which encourages access to the benefits that smart grids and meters can provide for capabilities, including demand response. Given our responsibility in regulating these natural monopolies, we are considering other work in this area in future, particularly as regards the future roles and responsibilities of DSOs.



Annex 1 – CEER

The Council of European Energy Regulators (CEER) is the voice of Europe's national regulators of electricity and gas at EU and international level. Through CEER, a not-for-profit association, the national regulators cooperate and exchange best practice. A key objective of CEER is to facilitate the creation of a single, competitive, efficient and sustainable EU internal energy market that works in the public interest.

CEER works closely with (and supports) the Agency for the Cooperation of Energy Regulators (ACER). ACER, which has its seat in Ljubljana, is an EU Agency with its own staff and resources. CEER, based in Brussels, deals with many complementary (and not overlapping) issues to ACER's work such as international issues, smart grids, sustainability and customer issues.

The work of CEER is structured according to a number of working groups and task forces, composed of staff members of the national energy regulatory authorities, and supported by the CEER Secretariat.

This report was prepared by the Unbundling and Reporting Task Force of CEER's Implementation, Benchmarking and Monitoring Working Group.



Annex 2 - List of Abbreviations

Term	Definition
3 rd Package	Third Energy Package
CDS	Closed Distribution System
CEER	Council of European Energy Regulators
DSO	Distribution System Operator
EU	European Union
NRA	National Regulatory Authority
TSO	Transmission System Operator
VIU	Vertically Integrated Undertaking



Annex 3 - Case Studies

This section presents short case studies and the individual responses received from each country. Introductory matrix tables (overleaf) provide an overview of the detailed answers of every country on each question for gas and electricity. The answers represent the NRAs opinion/knowledge as in the summer 2012.



⊟ectricity	How many electricity DSOs are operating in your country?	How many electricity DSOs serve less than 100,000 connected customers in your country?	How many DSOs rebranded their corporate identity?	Was the regulator involved in the rebranding process and if yes, how?	Did DSOs initially refuse to rebrand their corporate identity and if yes, how did the regulator deal with them?	Rebranding / Branding satisfactory?	Do DSOs have sufficient financial resources under their immediate control to ensure real decision-making power and independence in their work?	Do DSOs have sufficient personnel resources directly employed to ensure real decision-making power and independence in their work?	Was there a change in the DSOs structures?	Do you think compliance officers have enough information and resources to fulfil their tasks independently?	How satisfactory are the compliance programmes of the DSOs? Monitoring of the compliance programme by the compliance officer:	Data Management System:	Behaviour of employees towards customers, customers of other parts of the integrated company and third companies:	Is Article 28 Directive 2009/72/EC transposed into national law in your country?
AUSTRIA	128	117	some few	Yes	Yes	2	most	most	Yes	2	2	3	2	No
BELGIUM	26	12	all	Yes	No	2	all	all	Yes	NA	NA	NA	NA	Yes
CYPRUS	1	1	none	No	No	5	most	most	No	NA -	NA 	2	2	No
CZECH REPUBLIC DENMARK	308 76	305 68	none NA	No Yes	No Yes	5 1	most NA	approx. half	No Yes	2	NA 1	NA 1	NA 4	No No
								most						
ESTONIA	37	36	all	No	No	2	all	all	No	2	2	2	2	No
FINLAND	95	76	none	No	No	3	NA	NA	No	NA 0	NA 0	NA	NA 0	No
FRANCE	148	143	some few	No	Yes	2	all	most	No	2	2	2	2	No
GERM ANY	883	780	NA	Yes	No	3	NA	NA	Yes	3	2	2	3	Yes
GREAT BRITAIN	21	4	NA	No	No	1	all	all	No	1	1	1	2	Yes
GREECE	1	0	none	No	No	3	NA 	NA 	No	NA	NA	NA	NA	Yes
HUNGARY	6	0	all	Yes	No	1	all	all	Yes	1	1	1	3	Yes
IRELAND	1	1	none	No	No	1	all	all	Yes	1	1	1	1	No
ITALY	151	124	NA	Yes	No	NA	all	all	NA	4	4	4	4	Yes
LITHUANIA	6	5	none	No	No	1	all	all	Yes	3	3	4	4	No
LUXEMBOURG	5	4	some few	No	No	3	most	most	Yes	NA	5	4	NA	No
MALTA	1	0	none	NA	NA	NΑ	all	all	No	NA	NA	3	3	Yes
POLAND	131	125	none	No	No	3	all	all	Yes	3	2	2	2	No
PORTUGAL	13	10	some few	Yes	No	2	most	most	No	NA	NA	NA	NA	Yes
ROMANIA	41	33	all	No	No	1	all	all	No	2	2	2	2	Yes
SLOVENIA	1	0	none	No	No	1	most	most	No	NA	NA	NA	NA	No
SPAIN	342	336	none	No	No	3	NA	NA	No	3	3	3	3	No
SWEDEN	170	164	some few	No	No	4	all	all	Yes	3	3	3	3	Yes
THE NETHERLANDS	8	3	all	No	No	2	all	all	Yes	NA	NA	NA	NA	Yes



Gas	How many gas DSOs are operating in your country?	How many gas DSOs serve less than 100,000 connected customers in your country?	How many DSOs rebranded their corporate identity?	Was the regulator involved in the rebranding process and if yes, how?	Did DSOs initially refuse to rebrand their corporate identity and if yes, how did the regulator deal with them?	Rebranding / Branding satisfactory?	Do DSOs have sufficient financial resources under their immediate control to ensure real decision-making power and independence in their work?	Do DSOs have sufficient personnel resources directly employed to ensure real decision-making power and independence in their work?	Was there a change in the DSOs structures?	Do you think compliance officers have enough information and resources to fulfil their tasks independently?	How satisfactory are the compliance programmes of the DSOs? Monitoring of the compliance programme by the compliance officer:	Data Management System:	Behaviour of employees towards customers, customers of other parts of the integrated company and third companies:	Is Article 28 Directive 2009/73/EC transposed into national law in your country?
AUSTRIA	20	14	some few	Yes	Yes	2	most	most	Yes	2	2	3	2	No
BELGIUM	18	8	all	Yes	No	2	all	all	Yes	NA	NA	NA	NA	Yes
CZECH REPUBLIC	86	80	none	No	No	5	all	most	No	NA	NA	NA	NA	No
DENMARK	4	2	NA	Yes	Yes	1	most	NA	No	2	1	1	1	No
ESTONIA	26	26	some few	No	No	3	most	most	Yes	NA	NA	NA	NA	No
FINLAND	24	24	none	No	No	3	NA	NA	No	NA	NA	NA	NA	No
FRANCE	25	22	some few	Yes	No	2	all	all	Yes	1	1	1	2	No
GERMANY	720	640	NA	Yes	No	3	NA	NA	Yes	3	2	2	3	Yes
GREAT BRITAIN	31	3	NA	No	No	1	all	all	No	1	1	1	2	Yes
GREECE	3	2	none	No	No	1	NA	NA	No	NA	NA	NA	NA	Yes
HUNGARY	11	6	approx. half	No	No	1	all	all	Yes	4	4	4	4	Yes
ITALY	229	195	NA	Yes	No	NA	all	all	NA	4	4	4	4	No
LITHUANIA	6	5	none	Yes	No	5	all	all	Yes	NA	NA	NA	NA	No
LUXEMBOURG	3	3	some few	No	No	3	most	most	Yes	3	5	NA	NA	No
POLAND	35	29	none	No	No	3	all	all	No	3	2	2	2	No
PORTUGAL	11	7	some few	Yes	Yes	4	most	most	No	NA	NA	NA	NA	Yes
ROMANIA	41	39	all	No	No	1	all	all	No	2	2	2	2	Yes
SLOVENIA	16	16	none	No	No	1	NA	NA	No	NA	NA	NA	NA	No
SPAIN	26	11	none	No	No	3	NA	NA	No	3	3	3	3	No
SWEDEN	5	5	none	No	No	3	all	all	No	3	3	3	3	Yes
THE NETHERLANDS	8	1	all	No	No	2	all	all	Yes	NA	NA	NA	NA	Yes



5.1 Austria

National regulatory authority: Energie-Control Austria (E-Control)

The unbundling provisions of the 3rd Package have been fully transposed into Austrian law (by way of the Elektrizitätswirtschafts- und –organisationsgesetz 2010 (Electricity Act 2010) for electricity and the Gaswirtschaftsgesetz 2011 (Natural Gas Act 2011) for gas). The evaluation of DSO unbundling is still on-going, but judging by the first results of this evaluation process and the annual reports submitted by DSOs' compliance officers, the situation is advanced (good), but not perfect.

Austria	How many DSOs	DSOs < 100,000 connected customers	No. of DSOs rebranded their Corporate Identity	Regulator's involvement in rebranding process	Did DSOs initially refuse to rebrand	Rebranding / Branding satisfactory?*	DSOs: sufficient financial resources	DSOs: sufficient personnel resources	Change in the DSOs structures	Compliance officers' information & resources*	Satisfaction with compliance programmes*	Satisfaction with Data Management Systems*	Behaviour of DSOs' employees*	Article 28 transposition into national law	Who classifies closed distribution systems	Closed distribution systems in country	Number of closed distribution systems
Electricity	128	117	some few	Yes	Yes	2	most	most	Yes	2	2	3	2	No	-	No	
Gas	20	14	some few	Yes	Yes	2	most	most	Yes	2	2	3	2	No	-	No	

 $^{^{\}star}$ 1 very satisfactory ...5 non satisfactory; NA non available

5.2 Belgium

National regulatory authority: Commission de Régulation de l'Electricité et du Gaz (CREG)

In Belgium, the regional governments of Flanders, Wallonia and Brussels-Capital have implemented the DSO unbundling provisions of the 3rd Package in their respective legislation. In the Walloon region, DSO unbundling is successful, in law (since the release of two Decrees of 17 July 2008 modifying the Decrees of 12 April 2001 governing the Walloon electricity market and of 19 December 2002 governing the Walloon gas market) as well as in practice. The same goes for the Flemish region, where vertically integrated companies are forbidden.

Articles 28 of Directives 2009/72/EC and 2009/73/EC, relating to CDSs, have been transposed into national law at federal level and in the Flemish region. In the Walloon and Brussels-Capital regions, the new concept of CDSs has not (yet) been introduced, but their legislation provides for a concept of private (distribution) networks. In the Walloon region, the provisions of the 3rd Package concerning CDSs should be transposed in the near future. In the Brussels-Capital region, no transposition is foreseen.



	Belgium	How many DSOs	DSOs < 100,000 connected customers	No. of DSOs rebranded their Corporate Identity	Regulator's involvement in rebranding process	Did DSOs initially refuse to rebrand	Rebranding / Branding satisfactory?*	DSOs: sufficient financial resources	DSOs: sufficient personnel resources	Change in the DSOs structures	Compliance officers' information & resources*	Satisfaction with compliance programmes*	Satisfaction with Data Management Systems*	Behaviour of DSOs' employees*	Article 28 transposition into national law	Who classifies closed distribution systems	Closed distribution systems in country	Number of closed distribution systems
Federal	Electricity	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	Yes	M inist er	Yes	18
rederal	Gas	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	Yes	M inist er	Yes	13
Brussels	Electricity	1	-	NA	No	No	NA	all	all	Yes	1	1	1	1	No	NA	NA	NA
region	Gas	1	-	NA	No	No	NA	all	all	Yes	1	1	1	1	No	NA	NA	NA
Walloon	Electricity	13	-	all	Yes	No	2	all	all	Yes	2	2	2	2	No	NA	NA	NA
region	Gas	7	-	all	Yes	No	2	all	all	Yes	2	2	2	2	No	NA	NA	NA
Flemish	Electricity	12	-	all	Yes	No	2	all	all	Yes	NA	NA	NA	NA	Yes	VREG	Yes	10 - 20
region	Gas	11	-	all	Yes	No	2	all	all	Yes	NA	NA	NA	NA	Yes	VREG	Yes	<10

^{* 1} very satisfactory ... 5 non satisfactory; NA non available

5.3 Cyprus

National regulatory authority: Cyprus Energy Regulatory Authority (CERA)

Under the current Cypriot legislation, the electricity DSO is part of a VIU. Draft legislation with the purpose of transposing the provisions of the 3rd Package is soon to be finalised; it will be approved by the national parliament soon, taking into consideration the exemptions obtained by Cyprus for the unbundling regime and as an isolated and emerging market. The island is not supplied with natural gas.

Cyprus	How many DSOs	DSOs < 100,000 connected customers	No. of DSOs rebranded their Corporate Identity	Regulator's involvement in rebranding process	Did DSOs initially refuse to rebrand	Rebranding / Branding satisfactory?*	DSOs: sufficient financial resources	DSOs: sufficient personnel resources	Change in the DSOs structures	Compliance officers' information & resources*	Satisfaction with compliance programmes*	Satisfaction with Data Management Systems*	Behaviour of DSOs' employees*	Article 28 transposition into national law	Who classifies closed distribution systems	Closed distribution systems in country	Number of closed distribution systems
Electricity	1	1	none	No	No	5	most	most	No	NA	NA	2	2	No	CERA	No	

^{* 1} very satisfactory ... 5 non satisfactory; NA non available



5.4 Czech Republic

National regulatory authority: Energetický Regulační Úřad (ERU)

DSOs' duties regarding unbundling are specified in Section 25a and 59a of Act. No. 458/2000 on the Conditions for Business and State Administration in the Energy Industries and on Amendments to Certain Laws (hereinafter "the Energy Act"), as amended by Act No. 165/2012.

Under Directive 2003/54/EC (replaced by Directive 2009/72/EC) concerning common rules for the internal market in electricity, which requires effective separation of networks from activities of generation and supply, electricity DSOs have been fully and successfully unbundled since 1 January 2006. The distribution network is managed by three DSOs which are legally unbundled, unlike the TSO, which is ownership unbundled.

Regarding Directive 2003/55/EC (replaced by Directive 2009/73/EC) concerning common rules for the internal market in natural gas, which requires effective managerial and functional unbundling of distribution companies, the regulator lacks enforcement competences. These are mainly the competences needed to determine the sufficient amount of human, physical and financial resources for a network business and to formulate the rules for shared service provision.

As regards distribution companies' independent presentation, the concept of a shared use of the brand, design and logo of companies within holding structures still predominates. TSO ownership unbundling was implemented; DSO legal unbundling was established. Therefore, the Czech Republic considers the gas market to be fully unbundled.

Czech Republic	How many DSOs	DSOs < 100,000 connected customers	No. of DSOs rebranded their Corporate Identity	Regulator's involvement in rebranding process	Did DSOs initially refuse to rebrand	Rebranding / Branding satisfactory?*	DSOs: sufficient financial resources	DSOs: sufficient personnel resources	Change in the DSOs structures	Compliance officers' information & resources*	Satisfaction with compliance programmes*	Satisfaction with Data Management Systems*	Behaviour of DSOs' employees*	Article 28 transposition into national law	Who classifies closed distribution systems	Closed distribution systems in country	Number of closed distribution systems
Electricity	308	305	none	No	No	5	most	approx.	No	2	NA	NA	NA	No		No	
Gas	86	80	none	No	No	5	all	most	No	NA	NA	NA	NA	No		No	

^{* 1} very satisfactory ... 5 non satisfactory; NA non available



5.5 Denmark

National regulatory authority: Energitilsynet (DERA)

DERA's monitoring of the implementation of the unbundling regime has yielded overall successful results. The monitoring is based on spot tests of the annual reports submitted by the DSOs. In 2012, the spot test has mainly focused on the decision-making power of the vertically integrated DSOs. DERA is generally satisfied with the reporting of the compliance programmes by the DSOs and the information and resources available for compliance officers. DERA is in the process of monitoring the rebranding of both gas and electricity DSOs.

Denmark	How many DSOs	DSOs < 100,000 connected customers	No. of DSOs rebranded their Corporate Identity	Regulator's involvement in rebranding process	Did DSOs initially refuse to rebrand	Rebranding / Branding satisfactory?*	DSOs: sufficient financial resources	DSOs: sufficient personnel resources	Change in the DSOs structures	Compliance officers' information & resources*	Satisfaction with compliance programmes*	Satisfaction with Data Management Systems*	Behaviour of DSOs' employees*	Article 28 transposition into national law	Who classifies closed distribution systems	Closed distribution systems in country	Number of closed distribution systems
Electricity	76	68	NA	Yes	Yes	1	NA	most	Yes	1	1	1	4	No	Danish	No	
Gas	4	2	NA	Yes	Yes	1	most	NA	No	2	1	1	1	No	Energy Agency	No	

 $^{^{\}star}$ 1 very satisfactory ... 5 non satisfactory; NA non available

5.6 Estonia

National regulatory authority: Konkurentsiame (ECA)

There are 37 electricity DSOs in Estonia, but only one of them has more than 100,000 customers (Elektrilevi OÜ, with a share of 88% in the distribution network service market). Regarding unbundling of activities, Elektrilevi OÜ completely complies with the requirements of Directive 2009/72/EC and of the Estonian Electricity Market Act. By way of legal unbundling, it is guaranteed that Elektrilevi OÜ is not active in other electricity-related fields, except the so-called supporting services — i.e. all services necessary for the provision of distribution services and/or the operation of the distribution network. The only field of activity of Elektrilevi OÜ is the provision of distribution services. The other DSOs have separate accounts for distribution services and sales.

There are 26 gas DSOs in Estonia and all of them have fewer than 100,000 customers. Also all of them have separate accounts for distribution services and sales (except for one). According to the Estonian Natural Gas Act, a network operator which provides transmission services can also act as distribution service provider, but cannot be the seller. Given the above reasoning, only the network operator that belongs to Eesti Gaas (biggest seller, with a share of 90% in the DSO market) is legally unbundled, and at beginning of 2006 a separate business entity, AS EG Võrguteenus, was established to perform the tasks of the system operator.



^{* 1} very satisfactory ... 5 non satisfactory; NA non available

5.7 Finland

National regulatory authority: Energiamarkkinavirasto (EMVI)

The 3rd Package has not yet been transposed into national legislation but should be transposed in the course of 2013. Nevertheless, the unbundling of Finnish DSOs is largely in accordance with the 3rd Package. The rebranding and compliance communication requirements, however, await implementation.

Finland	How many DSOs	DSOs < 100,000 connected customers	No. of DSOs rebranded their Corporate Identity	Regulator's involvement in rebranding process	Did DSOs initially refuse to rebrand	Rebranding / Branding satisfactory?*	DSOs: sufficient financial resources	DSOs: sufficient personnel resources	Change in the DSOs structures	Compliance officers' information & resources*	Satisfaction with compliance programmes*	Satisfaction with Data Management Systems*	Behaviour of DSOs' employees*	Article 28 transposition into national law	Who classifies closed distribution systems	Closed distribution systems in country	Number of closed distribution systems
Electricity	95	76	none	No	No	3	NA	NA	No	NA	NA	NA	NA	No	Not yet decided	No	
Gas	24	24	none	No	No	3	NA	NA	No	NA	NA	NA	NA	No	Not yet decided	No	

^{* 1} very satisfactory ... 5 non satisfactory; NA non available

5.8 France

National regulatory authority: Commission de régulation de l'énergie (CRE)

The DSOs' functional and decisional unbundling has improved. However, their independence still needs to be consolidated. Since January 2012, all DSOs have appointed an independent compliance officer who reports to the NRA on DSOs' practices under the independence rules. In some cases, corporate identity, communication and branding (name and logo) of DSOs are extremely similar to those of the VIU, which creates confusion for consumers. As a consequence, the NRA has asked all concerned DSOs to transmit an action plan for the removal of these confusion factors.

^{*1} Ministry of Economic Affairs and Communications



France	How many DSOs	DSOs < 100,000 connected customers	No. of DSOs rebranded their Corporate Identity	Regulator's involvement in rebranding process	Did DSOs initially refuse to rebrand	Rebranding / Branding satisfactory?*	DSOs: sufficient financial resources	DSOs: sufficient personnel resources	Change in the DSOs structures	Compliance officers' information & resources*	Satisfaction with compliance programmes*	Satisfaction with Data Management Systems*	Behaviour of DSOs' employees*	Article 28 transposition into national law	Who classifies closed distribution systems	Closed distribution systems in country	Number of closed distribution systems
Electricity	148	143	some few	No	Yes	2	all	most	No	2	2	2	2	No	None	Yes	
Gas	25	22	some few	Yes	No	2	all	all	Yes	1	1	1	2	No	NA	No	

^{* 1} very satisfactory ... 5 non satisfactory; NA non available

5.9 Germany

National regulatory authority: Bundesnetzagentur (BNetzA)

The unbundling provisions of the 3rd Package have been fully transposed into German national law, i.e. the German Energy Act (EnWG). The NRA monitors the implementation of the unbundling regime and thoroughly analyses the annual reports submitted by DSO's compliance officers. Moreover, the regulatory authorities have published common principles of interpretation regarding the implementation of the relevant provisions and offer bilateral consultations in order to support DSOs.

The implementation of the unbundling provisions by DSOs in Germany has been successful in general, but further measures need to be taken in some cases. The latter applies to the unbundling of management personnel, for instance, as well as the communication policy and rebranding. However, the cooperation between DSOs and the regulatory authorities is basically satisfying and DSOs usually take the necessary measures at least upon request of the regulatory authorities. Official proceedings of formal enforcement of unbundling rules against DSOs were opened only in a few cases.

Germany	How many DSOs	DSOs < 100,000 connected customers	No. of DSOs rebranded their Corporate Identity	Regulator's involvement in rebranding process	Did DSOs initially refuse to rebrand	Rebranding / Branding satisfactory?*	DSOs: sufficient financial resources	DSOs: sufficient personnel resources	Change in the DSOs structures	Compliance officers' information & resources*	Satisfaction with compliance programmes*	Satisfaction with Data Management Systems*	Behaviour of DSOs' employees*	Article 28 transposition into national law	Who classifies closed distribution systems	Closed distribution systems in country	Number of closed distribution systems
Electricity	883	780	NA	Yes	No	3	NA	NA	Yes	3	2	2	3	Yes	*1	Yes	
Gas	720	640	NA	Yes	No	3	NA	NA	Yes	3	2	2	3	Yes	*1	Yes	

^{* 1} very satisfactory ... 5 non satisfactory; NA non available

¹ Regulatory authorities of federal states/Federal Network Agency



5.10 Great Britain

National regulatory authority: Office of Gas and Electricity Markets (Ofgem)

DSOs did not have to rebrand in response to the 3rd Package, as this occurred during the period of privatisation. Ofgem (or its predecessors) had no role in the rebranding process. Licence conditions require DSOs to have the sufficient financial and personnel resources to be independent and to have real decision-making power. DSOs must report on their resourcing to Ofgem each year. Licence conditions require DSOs to appoint a compliance officer and ensure they have enough information and resources to fulfil their tasks independently. Ofgem is satisfied with all DSOs' compliance programmes.

Regarding CDSs, the 3rd Package Directives in this area have been implemented. There are no additional rules on CDSs except those applying to DSOs and those introduced in the 3rd Package.

Great Britain	How many DSOs	DSOs < 100,000 connected customers	No. of DSOs rebranded their Corporate Identity	Regulator's involvement in rebranding process	Did DSOs initially refuse to rebrand	Rebranding / Branding satisfactory?*	DSOs: sufficient financial resources	DSOs: sufficient personnel resources	Change in the DSOs structures	Compliance officers' information & resources*	Satisfaction with compliance programmes*	Satisfaction with Data Management Systems*	Behaviour of DSOs' employees*	Article 28 transposition into national law	Who classifies closed distribution systems	Closed distribution systems in country	Number of closed distribution systems
Electricity	21	4	NA	No	No	1	all	all	No	1	1	1	2	Yes	Ofgem	Yes	
Gas	31	3	NA	No	No	1	all	all	No	1	1	1	2	Yes	Ofgem	Yes	

 $^{^{\}star}$ 1 very satisfactory ...5 non satisfactory; NA non available

5.11 Greece

National regulatory authority: Ρυθμιστική Αρχή Ενέργειας (RAE)

In Greece, no DSO has unbundled so far. RAE describes the unbundling process as neither satisfactory nor unsatisfactory, since there has been no rebranding.

Greece	How many DSOs	DSOs < 100,000 connected customers	No. of DSOs rebranded their Corporate Identity	Regulator's involvement in rebranding process	Did DSOs refused to rebrand	Satisfaction with rebranding outcome*	DSOs: sufficient financial resources	DSOs: sufficient personnel resources	Change in the DSOs structures	Compliance officers' information & resources*	Satisfaction with compliance programmes*	Satisfaction with Data Management Systems*	Behaviour of DSOs' employees*	Article 28 transposition into national law	Who classifies closed distribution systems	Closed distribution systems in country	Number of closed distribution systems
Electricity	1	0	none	No	No	3	NA	NA	No	NA	NA	NA	NA	Yes	RAE	Yes	1
Gas	3	2	none	No	No	3	NA	NA	No	NA	NA	NA	NA	Yes	RAE	No	

 $^{^{\}star}$ 1 very satisfactory ...5 non satisfactory; NA non available



5.12 Hungary

National regulatory authority: Magyar Energia Hivatal (HEO)

DSOs, as part of VIUs, were legally unbundled in 2006 based on the provisions of Directive 2003/54/EC, were licensed for operation as unbundled DSOs from 2007 and still operate accordingly. The new provisions of Directive 2009/72/EC on DSO unbundling (independence of compliance officers and their right to access information necessary for performance of their tasks; distinction of DSOs in communication and branding from other parts of the VIU) have been implemented. Compliance programmes have been modified by the DSOs and approved by HEO.

Hungary	How many DSOs	DSOs < 100,000 connected customers	No. of DSOs rebranded their Corporate Identity	Regulator's involvement in rebranding process	Did DSOs initially refuse to rebrand	Rebranding / Branding satisfactory?*	DSOs: sufficient financial resources	DSOs: sufficient personnel resources	Change in the DSOs structures	Compliance officers' information & resources*	Satisfaction with compliance programmes*	Satisfaction with Data Management Systems*	Behaviour of DSOs' employees*	Article 28 transposition into national law	Who classifies closed distribution systems	Closed distribution systems in country	Number of closed distribution systems
Electricity	6	0	all	Yes	No	1	all	all	Yes	1	1	1	3	Yes	*1	Yes	< 1000
Gas	11	6	approx.	No	No	1	all	all	Yes	4	4	4	4	Yes	*1	Yes	2

^{* 1} very satisfactory ... 5 non satisfactory; NA non available

5.13 Ireland

National regulatory authority: Commission for Energy Regulation (CER)

Ireland has one DSO which was part of a VIU and has now been unbundled in terms of its legal form, organisation and decision-making, from other activities not relating to distribution. The unbundled DSO was licensed by the CER in 2009 and operates accordingly. Bilateral agreements between the distribution asset owner and DSO ensure the DSO continues to have sufficient resources available to it in order to operate independently and to allow independent decision making abilities.

ireland	How many DSOs	DSOs < 100,000 connected customers	No. of DSOs rebranded their Corporate Identity	Regulator's involvement in rebranding process	Did DSOs initially refuse to rebrand	Rebranding / Branding satisfactory?*	DSOs: sufficient financial resources	DSOs: sufficient personnel resources	Change in the DSOs structures	Compliance officers' information & resources*	Satisfaction with compliance programmes*	Satisfaction with Data Management Systems*	Behaviour of DSOs' employees*	Article 28 transposition into national law	Who classifies closed distribution systems	Closed distribution systems in country	Number of closed distribution systems
Electricity	1	1	none	No	No	1	all	all	Yes	1	1	1	1	No	*1	No	

^{* 1} very satisfactory ... 5 non satisfactory; NA non available

^{*1} Hungarian Energy Office is the conpetend authority

closed distribution system are currently not permitted under legislation



5.14 Italy

National regulatory authority: Autorità per l'Energia Elettrica e il Gas (AEEG)

The legislative decree n. 93/11 has transposed Directive 2009/72/EC and Directive 2009/73/EC into the Italian legislation. AEEG shall, accordingly, adapt the current functional unbundling regulation for DSOs, set by AEEG with Resolution n. 11/07, to the new legislative framework. Consequently, only after the new unbundling regulation is set by AEEG (expected by the end of this year), DSOs shall take all the necessary actions to fulfil the requirements set forth by Directives 2009/72/EC and by Directive 2009/73/EC. Therefore, at present, there is no evidence of gas or electricity DSOs re-branding or re-organising to adapt to the European Directives.

Nevertheless, AEEG resolution n. 11/07 has implemented unbundling requirements for electricity and gas DSOs under Directive 2003/54/EC and Directive 2003/55/EC; most of these requirements have not changed with the new Directives. According to the unbundling regime set forth by Resolution n. 11/07, DSOs are required to adopt governance rules and appropriate internal procedures to avoid discriminatory conduct. Furthermore, under the current regulation framework set by AEEG, DSOs are required to provide AEEG with a set of information to prove that they have adequate financial and technical resources to perform their activities.

Italy	How many DSOs	DSOs < 100,000 connected customers	No. of DSOs rebranded their Corporate Identity	Regulator's involvement in rebranding process	Did DSOs initially refuse to rebrand	Rebranding / Branding satisfactory?*	DSOs: sufficient financial resources	DSOs: sufficient personnel resources	Change in the DSOs structures	Compliance officers' information & resources*	Satisfaction with compliance programmes*	Satisfaction with Data Management Systems*	Behaviour of DSOs' employees*	Article 28 transposition into national law	Who classifies closed distribution systems	Closed distribution systems in country	Number of closed distribution systems
Electricity	151	124	NA	Yes	No	NA	all	all	NA	4	4	4	4	Yes		Yes	27
Gas	229	195	NA	Yes	No	NA	all	all	NA	4	4	4	4	No		No	NA

^{* 1} very satisfactory ... 5 non satisfactory; NA non available



5.15 Lithuania

National regulatory authority: Valstybinė kainų ir energetikos kontrolės komisija (NCC)

Lithuania has 6 electricity DSOs but only one DSO – AB LESTO – serves more than 100,000 customers. AB LESTO is a state-owned enterprise, therefore, in NCC's opinion, the unbundling procedure was smooth, though after the new Law on Electricity transposing Directive 2009/72/EC came into effect at the beginning of February 2012, the DSO failed to implement the requirements on unbundling prescribed by the mentioned Law by 3 March 2012. NCC obliged the DSO to separate the distribution operations from other activities and commercial interests of the vertically integrated company by 30 June 30 2012. After that, NCC performed an assessment of the AB LESTO activity and arrived at the view that the unbundling of the distribution activity performed by AB LESTO complies with the provisions of Law and Directive 2009/72/EC.

NCC established the requirements for compliance programmes of DSOs. According to them, DSOs have to prepare a compliance programme by 1 January 2013. In accordance with the 3rd Package, AB Lietuvos dujos, as a vertically integrated company in Lithuania has presented the plan of unbundling procedures and terms to the NRA. It is planned that the transmission activity will be unbundled until 31 May 2013, the distribution activity until 31 July 2014. So the unbundling of transmission activities is in progress now.

Lithuania	How many DSOs	DSOs < 100,000 connected customers	No. of DSOs rebranded their Corporate Identity	Regulator's involvement in rebranding process	Did DSOs initially refuse to rebrand	Rebranding / Branding satisfactory?*	DSOs: sufficient financial resources	DSOs: sufficient personnel resources	Change in the DSOs structures	Compliance officers' information & resources*	Satisfaction with compliance programmes*	Satisfaction with Data Management Systems*	Behaviour of DSOs' employees*	Article 28 transposition into national law	Who classifies closed distribution systems	Closed distribution systems in country	Number of closed distribution systems
Electricity	6	5	none	No	No	1	all	all	Yes	3	3	4	4	No	*1	Yes	5
Gas	6	5	none	Yes	No	5	all	all	Yes	NA	NA	NA	NA	No		Yes	1

^{* 1} very satisfactory ... 5 non satisfactory; NA non available

5.16 Luxembourg

National regulatory authority: Institut Luxembourgeois de Régulation (ILR)

Unbundling of DSOs in Luxembourg conforms to the 3rd Package and partially to stricter standards. The NRA is given the necessary authority to ensure correct and dutiful implementation of DSO unbundling.

National Control Commission for Prices and Energy



Luxembourg	How many DSOs	DSOs < 100,000 connected customers	No. of DSOs rebranded their Corporate Identity	Regulator's involvement in rebranding process	Did DSOs initially refuse to rebrand	Rebranding / Branding satisfactory?*	DSOs: sufficient financial resources	DSOs: sufficient personnel resources	Change in the DSOs structures	Compliance officers' information & resources*	Satisfaction with compliance programmes*	Satisfaction with Data Management Systems*	Behaviour of DSOs' employees*	Article 28 transposition into national law	Who classifies closed distribution systems	Closed distribution systems in country	Number of closed distribution systems
Electricity	5	4	some few	No	No	3	most	most	Yes	NA	5	4	NA	No	NAP	No	
Gas	3	3	some few	No	No	3	most	most	Yes	3	5	NA	NA	No		No	

 $^{^{\}star}$ 1 very satisfactory ...5 non satisfactory; NA non available

5.17 Malta

National regulatory authority: Malta Resources Authority

In Malta, the DSO forms part of a vertically integrated company. The 3rd Package has been transposed. The transposition of Directive 2009/72/EC takes into consideration the derogations granted to Malta through Article 44 (Article 9 on unbundling of TSOs, Article 26 on unbundling of DSOs, Article 32 on third party access and Article 33 on market opening and reciprocity). The island is not supplied with natural gas.

Malta	How many DSOs	DSOs < 100,000 connected customers	No. of DSOs rebranded their Corporate Identity	Regulator's involvement in rebranding process	Did DSOs initially refuse to rebrand	Rebranding / Branding satisfactory?*	DSOs: sufficient financial resources	DSOs: sufficient personnel resources	Change in the DSOs structures	Compliance officers' information & resources*	Satisfaction with compliance programmes*	Satisfaction with Data Management Systems*	Behaviour of DSOs' employees*	Article 28 transposition into national law	Who classifies closed distribution systems	Closed distribution systems in country	Number of closed distribution systems
Electricity	1	0	none	NA	NA	NA	all	all	No	NA	NA	3	3	Yes	MRA	No	0

 $^{^{\}star}$ 1 very satisfactory ...5 non satisfactory; NA non available



5.18 Poland

National regulatory authority: Urząd Regulacji Energetyki (URE)

In August 2012 the distribution activity of the Polish electricity and gas market was carried out by 6 unbundled electricity DSOs and 6 unbundled gas DSOs. The electricity DSOs operate within vertically integrated energy groups, while 6 gas DSOs operate within the PGNiG equity group.

According to the data contained in the questionnaire, all unbundled electricity and gas DSOs in Poland have sufficient financial and personnel resources to ensure real decision-making power and independence in their work. Furthermore, the level of the NRA's satisfaction with regard to the rebranding process and issues connected to the independence of the compliance officer was neutral, as there has been no rebranding. While the compliance programmes of electricity and gas DSOs were assessed as being satisfactory. The unbundling process of DSOs was carried out in accordance with Polish law, but the process could be perceived as more successful if the unbundled DSO did not operate within VIUs.

Poland	How many DSOs	DSOs < 100,000 connected customers	No. of DSOs rebranded their Corporate Identity	Regulator's involvement in rebranding process	Did DSOs refused to rebrand	Rebranding / Branding satisfactory?*	DSOs: sufficient financial resources	DSOs: sufficient personnel resources	Change in the DSOs structures	Compliance officers' information & resources*	Satisfaction with compliance programmes*	Satisfaction with Data Management Systems*	Behaviour of DSOs' employees*	Article 28 transposition into national law	Who classifies closed distribution systems	Closed distribution systems in country	Number of closed distribution systems
Electricity	131	125	none	No	No	3	all	all	Yes	3	2	2	2	No	*1	No	
Gas	35	29	none	No	No	3	all	all	No	3	2	2	2	No	*2	No	

^{* 1} very satisfactory ... 5 non satisfactory; NA non available

5.19 Portugal

National regulatory authority: Entidade Reguladora de Serviços Energéticos (ERSE)

Portugal	How many DSOs	DSOs < 100,000 connected customers	No. of DSOs rebranded their Corporate Identity	Regulator's involvement in rebranding process	Did DSOs initially refuse to rebrand	Rebranding / Branding satisfactory?*	DSOs: sufficient financial resources	DSOs: sufficient personnel resources	Change in the DSOs structures	Compliance officers' information & resources*	Satisfaction with compliance programmes*	Satisfaction with Data Management Systems*	Behaviour of DSOs' employees*	Article 28 transposition into national law	Who classifies closed distribution systems	Closed distribution systems in country	Number of closed distribution systems
Electricity	13	10	some few	Yes	No	2	most	most	No	NA	NA	NA	NA	Yes	Govern ment	No	
Gas	11	7	some few	Yes	Yes	4	most	most	No	NA	NA	NA	NA	Yes	Govern ment	No	

^{* 1} very satisfactory ... 5 non satisfactory; NA non available

According to the draft of new Electricity Law Act - the President of Energy Regulatory Office

 $^{^{^{\}prime 2}}$ According to the draft of new Gas Law Act - the President of Energy Regulatory Office



5.20 Romania

National regulatory authority: Autoritatea Nationala De Reglementare in Domeniul Energiei (ANRE)

The legal unbundling of the distribution and supply activities of distribution/supply operators with more than 100,000 connected customers was completed in 2007-2008 period by the establishment of distribution and supply undertakings.

The 100,000-customer rule also applies in Romania, as the distribution undertakings falling under this rule are not compelled to carry out the unbundling of their activities. DSOs did not have to rebrand in response to the 3rd Package as this occurred during the period of unbundling their activities from supply. ANRE had no role in the rebranding process.

Licence conditions require DSOs to have the sufficient financial and personnel resources to be independent and to have real decision-making power. The law requirements or licence conditions require DSOs to appoint a compliance officer and ensure they have enough information and resources to fulfil their tasks independently. ANRE is satisfied with all DSOs compliance programmes.

Regarding CDSs, the 3rd Package directives in this area have been implemented.

Romania	How many DSOs	DSOs < 100,000 connected customers	No. of DSOs rebranded their Corporate Identity	Regulator's involvement in rebranding process	Did DSOs initially refuse to rebrand	Rebranding / Branding satisfactory?*	DSOs: sufficient financial resources	DSOs: sufficient personnel resources	Change in the DSOs structures	Compliance officers' information & resources*	Satisfaction with compliance programmes*	Satisfaction with Data Management Systems*	Behaviour of DSOs' employees*	Article 28 transposition into national law	Who classifies closed distribution systems	Closed distribution systems in country	Number of closed distribution systems
Electricity	41	33	all	No	No	1	all	all	No	2	2	2	2	Yes		No	
Gas	41	39	all	No	No	1	all	all	No	2	2	2	2	Yes		No	

 $^{^{\}star}$ 1 very satisfactory ... 5 non satisfactory; NA non available

5.21 Slovenia

National regulatory authority: Javna Agencija Republike Slovenije za energijo

In Slovenia, the (only) electricity DSO has not rebranded. Since its establishment in 2007, it has had its own clear brand which demonstrates its role as network operator. Since all gas DSOs are below 100,000 customers, unbundling is not required.



Slovenia	1 How many DSOs	DSOs < 100,000 connected custo	o No. of DSOs rek	Regulator's invo in rebranding pre	Did DSOs initially to rebrand	Rebranding / Bra satisfactory?*	DSOs: sufficient financial resourc	DSOs: sufficient	Change in the D structures	Compliance office by information & res	Satisfaction with P pliance program	Satisfaction with Management Sy	Behaviour of DS employees*	Article 28 transp or into national law	Who classifies c	Closed distribution systems in countr	Number of closed distribution systems
	S)0 tomers	pranded dentity	olvement rocess	y refuse	anding	Ses	rces	DSOs	officers' resources*	vith com- ammes*	Data stems*	,sO:	position /	closed tems	on itry	ba ems

^{* 1} very satisfactory ... 5 non satisfactory; NA non available

5.22 Spain

National regulatory authority: Comisión Nacional de Energía (CNE)

The unbundling provisions of the 3rd Package have been fully transposed into Spanish law, with the 17/2007 Act modifying 54/1997 Electricity Act and 12/2007 modifying 34/1998 Hydrocarbons Act, as well as with RD-L 13/2012. Full CNE competence to supervise unbundling provisions did not exist until RD-L 13/2012 was passed. Therefore, in Spain the evaluation on the unbundling of DSOs is still on-going with the evaluation of the annual reports submitted by DSOs. No DSO has rebranded since 2009, as they all have had separate names than the suppliers already since legal unbundling came into force, although they generally use the same name as the group.

Spain	How many DSOs	DSOs < 100,000 connected customers	No. of DSOs rebranded their Corporate Identity	Regulator's involvement in rebranding process	Did DSOs initially refuse to rebrand	Rebranding / Branding satisfactory?*	DSOs: sufficient financial resources	DSOs: sufficient personnel resources	Change in the DSOs structures	Compliance officers' information & resources*	Satisfaction with compliance programmes*	Satisfaction with Data Management Systems*	Behaviour of DSOs' employees*	Article 28 transposition into national law	Who classifies closed distribution systems	Closed distribution systems in country	Number of closed distribution systems
Electricity	342	336	none	No	No	3	NA	NA	No	3	3	3	3	No	N/A	No	
Gas	26	11	none	No	No	3	NA	NA	No	3	3	3	3	No	N/A	No	

^{* 1} very satisfactory ... 5 non satisfactory; NA non available

5.23 Sweden

National regulatory authority: Energimarknadsinpektionen (EI)

In Sweden, legal and functional unbundling already took place in 1996. Out of the about 170 DSOs, only 4 have more than 100,000 subscribers. However, the legal and functional unbundling is applicable to all.

Ministry of Infrastructure and Spatial Planning of the Republic of Slovenia



Sweden	How many DSOs	DSOs < 100,000 connected customers	No. of DSOs rebrande their Corporate Identit	Regulator's involvement in rebranding process	Did DSOs initially refuse to rebrand	Rebranding / Branding satisfactory?*	DSOs: sufficient financial resources	DSOs: sufficient personnel resources	Change in the DSOs structures	Compliance officers' information & resourc	Satisfaction with compliance programmes*	Satisfaction with Data Management Systems	Behaviour of DSOs' employees*	Article 28 transposition into national law	Who classifies closed distribution systems	Closed distribution systems in country	Number of closed distribution systems
	0	.01	few	140	110	L '	un	un	100	Ů	Ŭ	Ů	Ů	100		100	1000
Gas	5	5	none	No	No	3	all	all	No	3	3	3	3	Yes	*2	Yes	30

^{* 1} very satisfactory ... 5 non satisfactory; NA non available

5.24 The Netherlands

National regulatory authority: Nederlandse Mededingingsautoriteit (NMa)

At the end of 2010, all but two DSOs were separated (fully ownership unbundled) from the integrated companies. Due to a court decision, part of the law on unbundling lost its force. As a result, the two integrated companies announced that they would postpone their activities regarding unbundling. The Ministry of Economic Affairs lodged an appeal in cassation with the Supreme Court of the Netherlands. The Supreme Court of the Netherlands has postponed its decision, meanwhile asking the Court of Justice of the European Union questions regarding the consequences of unbundling versus the free movement of capital.

The Netherlands	How many DSOs	DSOs < 100,000 connected customers	No. of DSOs rebranded their Corporate Identity	Regulator's involvement in rebranding process	Did DSOs initially refuse to rebrand	Rebranding / Branding satisfactory?*	DSOs: sufficient financial resources	DSOs: sufficient personnel resources	Change in the DSOs structures	Compliance officers' information & resources*	Satisfaction with compliance programmes*	Satisfaction with Data Management Systems*	Behaviour of DSOs' employees*	Article 28 transposition into national law	Who classifies closed distribution systems	Closed distribution systems in country	Number of closed distribution systems
Electricity	8	3	all	No	No	2	all	all	Yes	NA	NA	NA	NA	Yes	*1	Yes	
Gas	8	1	all	No	No	2	all	all	Yes	NA	NA	NA	NA	Yes	*1	Yes	

^{* 1} very satisfactory ... 5 non satisfactory; NA non available

^{*1} The Electricity Act for Electricity

^{*2} The Natural Gas Act for Gas

Nederlandse Mededingingsautoriteit (NMa)