



# **SEANAD ÉIREANN**

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## **AN BILLE FUINNIMH, 2016 ENERGY BILL 2016**

### **LEASUITHE COISTE COMMITTEE AMENDMENTS**

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# SEANAD ÉIREANN

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## AN BILLE FUINNIMH, 2016 —AN COISTE

### ENERGY BILL 2016 —COMMITTEE STAGE

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#### *Leasuithe Amendments*

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*\*Government amendments are denoted by an asterisk*

#### SECTION 5

\*1. In page 6, to delete line 30, and in page 7, to delete lines 1 to 13 and substitute the following:

“ ‘improper conduct’ means—

- (a) failure by the holder of a licence under subsection (1)(b) of section 14 to comply, under subsection (2M)(b) of that section, with such standards of performance as may be specified by the Commission under subsection (2M)(a) of that section in the licence concerned,
- (b) failure by the holder of a licence under section 14(1)(e), (g) or (h), as the case may be, to comply, under Regulation 26(1) of the European Communities (Internal Market in Electricity) Regulations 2005 (S.I. No. 60 of 2005), with such standards of performance as may be specified by the Commission under Regulation 26(2) of those Regulations in the licence concerned,
- (c) failure by an interconnector operator to comply with the determination of the Commission under section 34A(5),
- (d) failure, by the holder of a licence under section 16(1)(a) of the Gas (Interim) (Regulation) Act 2002, under section 16(1F) of that Act, to keep, and make available on a request being made, data relating to transactions in gas supply contracts and gas derivatives with wholesale customers, transmission system operators and storage and LNG operators, or
- (e) failure by the holder of a licence under subsection (1)(a), (c) or (d) of section 16 of the Gas (Interim) (Regulation) Act 2002 to comply, under subsection (4A)(b) of that section, with such standards of performance as may be specified by the Commission under subsection (4A)(a) of that section in the licence concerned;”.

[SECTION 5]

- \*2. In page 8, line 2, to delete “(a) to (c)” and substitute “(a) to (e)”.

SECTION 11

- \*3. In page 23, after line 40, to insert the following:

**“Functions of Commission for Energy Regulation**

11. Section 9 of the Act of 1999 is amended by inserting the following subsection after subsection (1F):

“(1FA) For the purposes of subsection (1F) ‘final customer’—

- (a) in the case of an electricity undertaking, has the meaning given to it by section 2, and
- (b) in the case of a natural gas undertaking, has the meaning given to it by section 2 of the Gas (Interim) (Regulation) Act 2002.”.

SECTION 13

- \*4. In page 24, between lines 21 and 22, to insert the following:

**“Licences to generate and supply electricity**

13. Section 14 of the Act of 1999 is amended by inserting the following subsection after subsection (2L):

“(2M) (a) The Commission may, in carrying out its function under section 9(1F), after consultation with the holder of a licence under subsection (1)(b), specify in the licence concerned such standards of performance and quality in connection with the supply of electricity to final customers as the Commission determines ought to be achieved.

- (b) The holder of a licence referred to in paragraph (a) shall comply with such standards of performance as may be specified by the Commission in the licence concerned.”.

SECTION 15

- \*5. In page 25, between lines 34 and 35, to insert the following:

**“PART 5#**

**AMENDMENTS TO GAS (INTERIM) (REGULATION) ACT 2002**

**Definition (*Part 5*)**

15. In this Part “Act of 2002” means Gas (Interim) (Regulation) Act 2002.”.

*[# The proposed new Part comprehends the inclusion of amendments 5 to 7.]*

[SECTION 15]

\*6. In page 25, between lines 34 and 35, to insert the following:

**“Amendment of section 13(1) of Act of 2002**

16. Section 13(1) of the Act of 2002 is amended by substituting “section 16(1)(c) and (d)” for “section 16(1)(a)(iii), (iv), (v) and (vi)”.”.

\*7. In page 25, between lines 34 and 35, to insert the following:

**“Amendment of section 16 of Act of 2002**

17. Section 16 of the Act of 2002 is amended by inserting the following subsection after subsection (4):

“(4A) (a) The Commission may, in carrying out its function under section 9(1F) of the Act of 1999, after consultation with the holder of a licence under subsection (1)(a), (c) or (d), specify in the licence concerned such standards of performance and quality in connection with the supply of natural gas to final customers as the Commission determines ought to be achieved.

(b) The holder of a licence referred to in paragraph (a) shall comply with such standards of performance as may be specified by the Commission in the licence concerned.”.”.

SECTION 27

\* *Section proposed to be deleted.*