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Answer given by Mr Jørgensen
on behalf of the European Commission
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EU law requires Member States to ensure transparent, cost-reflective and non-discriminatory network charges. Article 18(1) and (7) of Regulation (EU) 2019/943¹ require that network tariffs reflect the costs of an efficient operator and are applied transparently. Electricity theft may be reflected in non-technical losses; however, under Articles 18(2) and 18(8) system operators must provide incentives to boost efficiency, thereby also implying the reduction of losses. It is for national regulatory authorities (NRAs) to ensure that tariff methodologies comply with these principles.

Directive (EU) 2019/944² establishes consumer protection requirements, notably as regards bills and billing information (Article 18, Annex I), basic contractual rights (Article 10) and access to effective dispute resolution mechanisms (Article 26). While EU law does not provide specific provisions or harmonise national procedures for establishing electricity theft, Member States must ensure that practices applied by network operators comply with the framework set out in the Directive. It is for national regulatory authorities to monitor compliance, address complaints and ensure appropriate redress, without prejudice to national courts.

The Commission continues to monitor the implementation of EU electricity legislation. At this stage, the Commission notes that NRAs and national courts are better placed to address electricity theft while safeguarding transparency and consumer protection.

¹ <https://eur-lex.europa.eu/eli/reg/2019/943/oj/eng>.

² <https://eur-lex.europa.eu/eli/dir/2019/944/oj/eng>.