

# DECISIONS

## COMMISSION DECISION (EU) 2022/589

of 6 April 2022

### establishing the composition and the operational provisions of setting up the Commission Energy Poverty and Vulnerable Consumers Coordination Group

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Articles 168 and 194 thereof,

Whereas:

- (1) A fair and just transition towards a climate-neutral Union by 2050 is central to the European Green Deal and the EU 2030 energy and climate targets. The legislative packages to deliver on the European Green Deal, presented in July and December 2021, have a strong focus on addressing energy poverty and protecting the vulnerable. Moreover, the Renovation Wave <sup>(1)</sup>, a major initiative designed to boost the structural renovation of private and public buildings, also puts great emphasis on addressing energy poverty. In this context, the Commission has launched an Affordable Housing Initiative for the renovation of 100 lighthouse social and affordable housing districts and a Commission Recommendation on Energy Poverty <sup>(2)</sup> was adopted in 2020 to help eradicate energy poverty 'by targeting its root causes' and promote energy-efficient renovation strategies that will enhance EU citizens' quality of life.
- (2) Energy poverty is also a concept consolidated in the 'Clean Energy for All Europeans' legislative package, by putting consumers at the heart of a just energy transition and providing several targeted measures to address specific vulnerabilities through energy legislation.
- (3) Access to energy services is essential for social inclusion. The European Pillar of Social Rights, jointly proclaimed by the European Parliament, the Council and the Commission on 17 November 2017, includes energy among the essential services <sup>(3)</sup>, which everyone is entitled to access. Support for access to such services must be available for those in need <sup>(4)</sup>. The European Pillar of Social Rights Action Plan <sup>(5)</sup> sets out concrete actions to turn the 20 principles of the Pillar into reality, including concrete initiatives for 2022 that will also contribute to tackle energy poverty.
- (4) In providing its Recommendation on Energy Poverty and an accompanying staff working document, the Commission has also fulfilled its obligation to provide indicative guidance on appropriate indicators for measuring energy poverty and on the definition of a 'significant number of households in energy poverty' as required under Regulation (EU) 2018/1999 of the European Parliament and of the Council <sup>(6)</sup> ('the Governance Regulation') and the recast Electricity Directive. It also underlines the importance of the policies associated with national energy and climate plans ('NECPs') and with long-term renovation strategies to tackle these problems. The Group will build on the work of the Citizens' Energy Forum and the EU Energy Poverty Observatory.

<sup>(1)</sup> COM(2020) 662 final.

<sup>(2)</sup> Commission Recommendation (EU) 2020/1563 of 14 October 2020 on energy poverty.

<sup>(3)</sup> The need for Member States to address energy poverty is also stressed in Guideline 8 'Promoting equal opportunities for all, fostering social inclusion and fighting poverty' of the integrated Employment Guidelines, which inform the coordination of Member States' employment and social policies in the framework of the European Semester.

<sup>(4)</sup> EPSR, Principle 20 'Access to essential services': The European Pillar of Social Rights in 20 principles | European Commission (europa.eu)

<sup>(5)</sup> COM(2021) 102 final.

<sup>(6)</sup> Regulation (EU) 2018/1999 of the European Parliament and of the Council of 11 December 2018 on the Governance of the Energy Union and Climate Action, amending Regulations (EC) No 663/2009 and (EC) No 715/2009 of the European Parliament and of the Council, Directives 94/22/EC, 98/70/EC, 2009/31/EC, 2009/73/EC, 2010/31/EU, 2012/27/EU and 2013/30/EU of the European Parliament and of the Council, Council Directives 2009/119/EC and (EU) 2015/652 and repealing Regulation (EU) No 525/2013 of the European Parliament and of the Council (OJ L 328, 21.12.2018, p. 1).

- (5) Standard definitions of energy poverty and vulnerable consumers are still under development. Member States therefore set their own criteria according to national and local context. Efforts undertaken by Member States to reduce poverty in general are recognised as equally valuable. The Commission's Guidance on energy poverty <sup>(7)</sup> has to be taken into consideration when implementing and updating the NECPs in accordance with the Regulation on the Governance of the Energy Union and Climate Action.
- (6) Article 28 of the Directive (EU) 2019/944 of the European Parliament and of the Council <sup>(8)</sup> and Article 3(3) of the Directive 2009/73/EC of the European Parliament and of the Council <sup>(9)</sup> require Member States to define the concept of vulnerable customers, which may refer to energy poverty and, inter alia, to the prohibition of disconnection of electricity to such customers in critical times. The concept of vulnerable customers may include income levels, the share of energy expenditure of disposable income, the energy efficiency of homes, critical dependence on electrical equipment for health reasons, age or other criteria. Member States are required to take appropriate measures to protect customers and to ensure, in particular, that there are adequate safeguards to protect vulnerable customers.
- (7) Article 29 of the recast Electricity Directive (EU) 2019/944 also requires Member States to assess the number of households in energy poverty and states that they must establish and publish the criteria underpinning that assessment. Where there are significant numbers of such households, Member States must include in their NECPs an indicative objective for the reduction of energy poverty, provide a timeframe, and outline relevant policies and measurements. They are then required to report to the Commission, in accordance with the Regulation on the Governance of the Energy Union and Climate Action, on any progress they make towards the goal of reducing the number of households in energy poverty. Similarly, Article 3(4) of Directive 2009/73/EC requires Member States to take appropriate measures to address energy poverty.
- (8) All initiatives under the 'Fit for 55 Package' to implement EU's 2030 climate and energy objectives, have been consistently designed to unfold synergies, to mitigate potentially negative distributional effects, including between Member States, particularly on the most vulnerable and energy poor (proposal for a recast of the Energy Efficiency Directive, proposal for a Social Climate Fund, proposal for a recast of the Energy Taxation Directive, proposal for a recast of the Energy Performance of Buildings Directive, the Hydrogen and Decarbonisation of Gas package, proposal for a Council Recommendation on ensuring a fair transition towards climate neutrality). To provide utmost support to Member States, the Commission has adopted a Recommendation <sup>(10)</sup> with guidelines and examples for the implementation of the Energy Efficiency First principle in decision-making in the energy sector and beyond.
- (9) Exchange of best practices and increase coordination of policy measures between Member States to support vulnerable, financially weak households or those affected by energy poverty, other involved stakeholders and the Commission are crucial to strengthen the efforts and commitments to deliver on a fair and just European Green Deal. A Coordination Group on energy poverty and vulnerable consumers should therefore be established.
- (10) The Energy Poverty and Vulnerable Consumers Coordination Group's overall mission should be to provide the Commission and the Member States with the necessary policy expertise for initiatives aimed at identifying, supporting and protecting the most vulnerable consumers, while preserving and enhancing the well-functioning of the internal energy market. It should liaise with relevant Council preparatory bodies, such as the Social Protection Committee as regards in particular the impact of policies on vulnerable and low income households and the role of social policies in addressing energy poverty.
- (11) The Group should be composed of the Member States' competent authorities. Rules on disclosure of information by members of the Group should be laid down,

<sup>(7)</sup> SWD(2020) 960 final.

<sup>(8)</sup> Directive (EU) 2019/944 of the European Parliament and of the Council of 5 June 2019 on common rules for the internal market for electricity and amending Directive 2012/27/EU (OJ L 158, 14.6.2019, p. 125).

<sup>(9)</sup> Directive 2009/73/EC of the European Parliament and of the Council of 13 July 2009 concerning common rules for the internal market in natural gas and repealing Directive 2003/55/EC (OJ L 211, 14.8.2009, p. 94).

<sup>(10)</sup> Commission Recommendation (EU) 2021/1749.

HAS DECIDED AS FOLLOWS:

*Article 1*

**Subject matter**

The Energy Poverty and Vulnerable Consumers Coordination Group ('the Group'), is set up.

*Article 2*

**Tasks of the Group**

1. The Group's tasks shall be:
  - (a) to serve as the main platform for the exchange of information and coordination between the Commission and Member States on questions relating to the design and implementation of Union legislation, programmes and policies addressing financially weak households or those affected by energy poverty and vulnerable consumers, including in the context of affordability of energy, targeted renovation and energy efficiency measures and financing schemes at national level;
  - (b) to provide a forum for exchanging experiences, best practices and expertise in addressing vulnerable consumers and financially weak households or those affected by energy poverty, including at regional and local levels
  - (c) to assist the Commission and the Member States in designing policy initiatives, in particular in relation to their National Energy and Climate Plans, Integrated National Energy and Climate Progress Reports and related strategies.
2. The Group shall, in particular:
  - (a) exchange information on decisions regarding measures to support and empower vulnerable consumers and financially weak households or those affected by energy poverty and address energy affordability in their national context and in the broader frame of the clean energy transition, at any level of government (national, regional and local);
  - (b) discuss specific issues on vulnerable consumers and financially weak households or those affected by energy poverty with a view to come to identify appropriate actions and coordinated solutions in line with the Union law;
  - (c) review the regular outlooks and reports prepared by the Energy Poverty Advisory Hub and the Commission, in particular addressing, measuring and monitoring progress on root causes and solutions, including relevant socioeconomic analysis;
  - (d) improve the quality and range of available data and statistical indicators, including harmonised Union data collection, paying due regard to national specificities, to ensure that approaches to supporting and empowering energy poor and vulnerable consumers are based on an informed and up-to-date understanding of the key issues at play and relevant dimensions, as well their spatial and temporal variations, in close cooperation with the Social Protection Committee (and its Indicators Sub-group) and ESTAT.
  - (e) promote the exchange of information, prevention and coordinated action in case of an emergency within the Union.

*Article 3*

**Consultation**

The Commission may consult the Group on any matter relating to energy poverty and vulnerable consumers.

*Article 4*

**Membership**

1. The Group shall be composed of authorities from all Member States.

2. Member States' authorities, in particular Ministries competent for energy, shall nominate their representatives and shall be responsible for ensuring that their representatives provide a high level of expertise in relation to the work to be performed and depending on the internal arrangements of the Member State.
3. Each of the Member States shall nominate not more than two permanent representatives and two alternate representatives to participate in the work of the Group at the right level of decision-making.
4. Alternate representatives shall be appointed in accordance with the same conditions as members set out under point 2 above; alternate representatives automatically replace members who are absent or indisposed.
5. The Commission may refuse the nomination of a representative if they consider the nomination inappropriate in the light of the requirements specified under point 2 above. In such case, the Member States concerned shall be asked to appoint another representative. Each member of the Group shall ensure that its membership status is up-to-date.
6. Members' personal data shall be collected, processed and published in accordance with Regulation (EU) 2016/679 <sup>(1)</sup> or (EU) 2018/1725 <sup>(2)</sup> of the European Parliament and of the Council, as applicable.
7. Members shall remain in office until the end of their term of office or until replaced. Their term of office may be renewed.

#### *Article 5*

#### **Operation**

1. The Group shall be chaired by a representative of DG ENER.
2. The Chair shall convene the Group on a regular basis and shall share with the Group information received from its members whilst preserving the confidentiality of commercially sensitive information.
3. Meetings of the Group shall be held online or at the Commission premises.
4. DG ENER shall provide secretarial services. Commission officials from relevant departments may attend meetings of the Group.
5. DG ENER shall make all relevant work documents available to the Group members via a collaborative workplace. In addition, the Commission shall publish all relevant documents either by including them in the Register or via a link from the Register to a dedicated website. DG ENER shall publish the agenda and other relevant background documents in due time ahead of the meetings. Exceptions to systematic publication should be foreseen where disclosure of a document would undermine the protection of a public or private interest as defined in Article 4 of Regulation (EC) No 1049/2001.
6. Minutes shall be drafted by the secretariat under the responsibility of the Chair and be provided shortly after the meeting.
7. As far as possible, the Group shall adopt its opinions, recommendations or reports by consensus. In the event of a vote, the outcome of the vote shall be decided by simple majority of the members. Members who have voted against or abstained shall have the right to have a document summarising the reasons for their position annexed to the opinions, recommendations or reports.

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<sup>(1)</sup> Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation) (OJ L 119, 4.5.2016, p. 1).

<sup>(2)</sup> Regulation (EU) 2018/1725 of the European Parliament and of the Council of 23 October 2018 on the protection of natural persons with regard to the processing of personal data by the Union institutions, bodies, offices and agencies and on the free movement of such data, and repealing Regulation (EC) No 45/2001 and Decision No 1247/2002/EC (OJ L 295, 21.11.2018, p. 39).

*Article 6***Sub-groups**

DG ENER may set up sub-groups for the purpose of examining specific questions on the basis of terms of reference defined by the Group. Sub-groups shall operate in compliance with the horizontal rules on the creation and operation of Commission expert groups <sup>(13)</sup> and shall report to the Group. They shall be dissolved as soon as their mandate is fulfilled.

*Article 7***External experts**

DG ENER may invite experts from outside the Group with specific expertise in a subject on the agenda to take part in the work of the Group or sub-groups on an ad hoc basis.

*Article 8***Observers**

1. Individuals, organisations, public entities registered in the transparency register, such as consumer, social partner organisations and civil society representatives, may be granted an observer status, by direct invitation.
2. Observers and their representatives may be permitted by the Chair to take part in the discussions of the Group and provide expertise. However, they shall not have voting rights.

*Article 9***Rules of Procedure**

On a proposal by and in agreement with the Commission, the Group shall adopt its rules of procedure by simple majority of its members, in compliance with the horizontal rules <sup>(14)</sup>.

*Article 10***Professional secrecy and handling of classified information**

The members of the Group and their representatives, as well as invited experts and observers, are subject to the obligation of professional secrecy, which by virtue of the Treaties and the rules implementing them applies to all members of the institutions and their staff, as well as to the Commission's rules on security regarding the protection of Union classified information, laid down in Commission Decisions (EU, Euratom) 2015/443 <sup>(15)</sup> and (EU, Euratom) 2015/444 <sup>(16)</sup>. Should they fail to respect these obligations, the Commission may take all appropriate measures.

*Article 11***Meeting expenses**

1. Participants in the activities of the Group and sub-groups shall not be remunerated for the services they offer.
2. Travel and subsistence expenses incurred by participants in the activities of the Group and sub-groups shall be reimbursed by the Commission.

<sup>(13)</sup> C(2016) 3301 final.

<sup>(14)</sup> See Article 17 in Commission Decision C(2016) 3301.

<sup>(15)</sup> Commission Decision (EU, Euratom) 2015/443 of 13 March 2015 on Security in the Commission (OJ L 72, 17.3.2015, p. 41).

<sup>(16)</sup> Commission Decision (EU, Euratom) 2015/444 of 13 March 2015 on the security rules for protecting EU classified information (OJ L 72, 17.3.2015, p. 53).

Reimbursement shall be made in accordance with the provisions in force within the Commission and within the limits of the available appropriations allocated to the Commission departments under the annual procedure for the allocation of resources.

Done at Brussels, 6 April 2022.

*For the Commission*  
Kadri SIMSON  
*Member of the Commission*

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