

# Electricity regulation in France: overview

by Michel Guénaire, Timothée Dufour, Emma George and Sarah Assayag, Gide Loyrette Nouel

Status: Law stated as at 01-Nov-2020 | Jurisdiction: France

This document is published by Practical Law and can be found at: [uk.practicallaw.tr.com/7-629-7567](https://uk.practicallaw.tr.com/7-629-7567)  
Request a free trial and demonstration at: [uk.practicallaw.tr.com/about/freetrial](https://uk.practicallaw.tr.com/about/freetrial)

A Q&A guide to electricity regulation in France.

The Q&A gives a high-level overview of the domestic electricity market, including domestic electricity companies, electricity generation and renewable energy, transmission, distribution, supply and tax issues. It covers the regulatory structure; foreign ownership; import of electricity; authorisation and operating requirements; trading between generators and suppliers; rates and conditions of sale and proposals for reform.

## Overview

### Electricity market

#### 1. What is the role of the electricity market in your jurisdiction?

##### Overview

Since the 2000s, the French energy market has gradually opened up to competition. Since 1946, *Electricité de France* was a state monopoly in charge of the production, supply, distribution and transmission. Electricity generation and supply activities are now liberalised, and the public electricity network is managed by Enedis and local distribution companies for distribution, and by *Réseau de Transport d'Electricité* (RTE) for transmission, while competition for electricity supply has been introduced step by step.

##### Government policy objectives

The French electricity market goals are set out in the Energy Code (*Article L. 100-1*).

The electricity market must:

- Allow the rise of a competitive economy and the development of employment.
- Allow security of supply and the reduction of the reliance on imports.
- Allow a competitive and attractive price for energy.
- Allow the protection of human health and of the environment.
- Participate in the social and territorial cohesion.

- Participate in the fight against energy insecurity.
- Contribute to the rise of the "European Energy Union".

The multi-year programme for energy (*Programmation pluriannuelle de l'énergie*) (PPE), setting the government's goals of energy policy for a five-year period, has been released for the 2019-2023 and 2014-2028 periods on 25 January 2019 and adopted by the Decree No. 2020-456 dated 21 April 2020. It ensures the effectiveness of the COP21 Paris Agreement and its objectives, particularly:

Decreasing energy consumption notably through renovation works to promote energy efficiency.

Decreasing fossil fuels use.

Promoting renewable energy sources and attain 50% of renewable sources by 2035.

Fostering the development of accessible clean mobility.

##### Recent trends

The European Union set a new legal framework (Clean Energy for all Europeans) package comprised of four directives and four regulations published between June 2018 and June 2019. Law No. 2019-1147 dated 8 November 2019 on energy and climate has transposed part of it and should be completed by several ordinances. Recently, Ordinance No. 2020-866 dated 15 July 2020 finalised the transposition of provisions on the energy performance of buildings and promotion renewable energy sources.

Law No. 2019-1147 dated 8 November 2019 on energy and climate (*see above*) deals with a number of subjects, mainly:

- The reduction of pollution by capping CO<sub>2</sub> emissions for coal-fired power plants. The four remaining coal-fired power plants should close by 2022.
- Reinforcement of energy efficiency in buildings.
- Achievement of carbon neutrality by 2050 and of the goal of halving the share of nuclear sources by 2035.
- Update of the self-consumption system, specifically of the collective self-consumption for residential buildings, that can be extended provided that there are less than 2 km between the facilities.
- Tackle energy-saving certificate fraud by speeding up of processes and strengthening controls.
- Reform of procedures before the Dispute Settlement and Sanctions Committee and the CRE.
- Recently, Law No. 2019-1428 dated 24 December 2019 on mobility guidelines was adopted to foster the deployment of electric vehicles and set the objective of increasing the number of public charging stations fivefold by 2022.
- Directive (EU) 2018/2002 on energy efficiency (dated 11 December 2018).
- Directive (EU) 2019/944 on common rules for the internal market for electricity (dated 5 June 2019).
- Regulation (EU) 2018/1999 on the governance of the energy union and climate action (dated 11 December 2018).
- Regulation (EU) 2019/941 on risk-preparedness in the electricity sector (dated 5 June 2019).
- Regulation (EU) 2019/942 establishing a European Union Agency for the Co-operation of Energy Regulators (ACER) (dated 5 June 2019).
- Regulation (EU) 2019/943 on the internal market for electricity (dated 5 June 2019).

### Regulatory structure

#### 2. What is the regulatory framework for the electricity sector?

### Regulatory framework

**EU regulatory framework.** The EU framework includes:

- Directive 96/92/EC concerning common rules for the internal market in electricity (dated 19 December 1996), which sets the guidelines of the electricity market in order to open it up to competition.
- Directive 2003/54/EC concerning common rules for the internal market in electricity (dated 16 June 2003), which repealed Directive 96/92/EC and set a two-step calendar for the electricity market liberalisation: by 2004 (for non-residential clients) and by 2007 (for other clients), clients had to be able to choose their supplier.
- Directive 2009/72/EC on the common rules for the internal market in electricity (Electricity Directive) (dated 13 July 2009) liberalised grid access by imposing a strict separation between grid operators and suppliers and producers.

The directives and regulations from the Clean Energy for all Europeans package include:

- Directive (EU) 2018/844 on the energy performance of buildings (dated 30 May 2018).
- Directive (EU) 2018/2001 on the promotion of the use of energy from renewable sources (dated 11 December 2018).

**National regulatory framework.** The following legislation applies:

- Law No. 2000-108 dated 10 February 2000 on modernisation and development of electricity public service transposed Directive 96/92/EC, so that:
  - industrials consuming more than 16 GWh per year were no longer compelled to buy electricity from the historical supplier and were allowed to choose their supplier;
  - grids were no longer directly operated by *Electricité de France* but by the entity in charge of the Electricity Transmission Network (*Réseau de Transport d'Électricité*) (RTE); and
  - an independent regulator was created.
- Law No. 2004-803 dated 9 August 2004 on electricity and gas public companies transposed Directive 2003/54/EC, transformed *Electricité de France* into a public limited company and allowed it to diversify its activities.
- Law No. 2006-1537 dated 7 December 2006 on the energy sector provides that all end consumers must be able to choose their supplier by 7 July 2007.
- Law No. 2010-1488 dated 7 December 2010 on the new organisation of the electricity market:
  - created the Regulated Access to the Historical Nuclear Electricity (ARENH); and
  - ended regulated tariffs for industrial consumers on 31 December 2015.
- Ordinance No. 2011-504 dated 9 May 2011 created the Energy Code and finalised the transposition into French law of the Electricity Directive (in particular with respect to the unbundling regime).
- Law No. 2015-992 dated 17 August 2015 on energy transition for green growth (Energy Transition Act).

- Law No. 2019-1147 dated 8 November 2019 on energy and climate.
- Law No. 2019-1428 dated 24 December 2019 on mobility guidelines.
- Decree No. 2020-456 dated 21 April 2020 on the multi-year programme for energy.
- See Question 1, Recent trends.

The Energy Code was edited in 2011 for the first time and consolidates laws and decrees relative to energy law.

The Environmental Code was created in 2000 and consolidates all laws and decrees relative to environmental law. Some of its provisions regulates energy activities, for instance the nuclear plants regime .

### Regulatory authorities

The Energy Regulatory Commission (*Commission de régulation de l'énergie*) (CRE) is an independent public body regulating French electricity and gas markets which:

- Guarantees non-discriminatory access to the grids for all plants, suppliers and producers.
- Supervises the grid development according to the EU policy for the electricity and gas market.
- Supervises transactions on electricity and gas markets.
- Proposes electricity regulated tariffs and provides an opinion for gas regulated tariffs.
- Proposes the amount of the public contribution for electricity public service costs.

The Dispute Settlement and Sanctions Committee (*Comité de Règlements des Différends et des Sanctions*) (CoRDIS) was created in 2006. It is part of the CRE but is independent from its executive direction. It is in charge of settling disputes between grid users and distribution and transmission operators. It can also impose penalties in the case of a breach of the obligations imposed on suppliers, grid operators or consumers, or if the persons concerned by a dispute settling decision do not respect it. While the penalties can be contested in front of the French administrative supreme court (*Conseil d'Etat*) through a remedy in which the judge has broad powers (*recours de pleine juridiction*) within two months, disputes settlement decisions must be challenged through a remedy aiming at the sole cancelation of the act (*recours en annulation*) before the Paris Court of Appeal (*Cour d'appel de Paris*) within a month and then before the Court of Cassation (*Cour de cassation*).

The proceeding before the CoRDIS has been reformed by Ordinance No. 2020-891 dated 22 July 2020 to strengthen the rights to judicial remedy, of defence and the contradictory principle.

The Financial Market Authority (*Autorité des marchés financiers*) (AMF) is an independent public body in charge of regulating actors and products in France's financial markets. The AMF supervises the greenhouse gas quota-based emissions market, the electricity and gas markets and their derived products.

The Competition Authority (*Autorité de la concurrence*) is an independent public body in charge of supervising anti-competitive practices and controlling mergers.

As far as the electricity market is concerned, the Competition Authority:

- Can receive complaints on abuse of dominant position or anti-competitive practice on the gas or electricity markets, which it must inform the CRE about.
- Issues an opinion on the accounting rules related to unbundling requirements.
- Can be asked by the CRE to issue an opinion on any competition issue.

The General Directorate for Competition Policy, Consumer Affairs and Fraud Control (*Direction Générale de la Concurrence, de la Consommation et de la Répression des Fraudes*) (DGCCRF) is a department of the Ministry of Economy which investigates anti-competitive practices. Among other duties, it checks that electricity and gas suppliers respect the requirements regarding contracts' terms.

The National Energy Mediator is an independent public body offering resolutions to conflicts between energy companies and consumers.

The Nuclear Safety Authority (*Agence de sûreté nucléaire*) (ASN) is an independent public body in charge of the safety and security of nuclear installations in France.

## Electricity companies

### Main companies

#### 3. What are the main companies involved in electricity generation, transmission, distribution and supply?

### Generation

*Electricité de France* benefits from a profitable position on the French electricity market thanks to:

- Its former monopoly situation.
- The fact that it owns and operates all French nuclear power plants.

*Electricité de France* was responsible for 79.8% of the electricity production in 2019. The *Compagnie Nationale du Rhône*, Engie and small independent producers are responsible for the remainder of the electricity production.

### Transmission

*Réseau de Transport d'Electricité* (RTE) is vested with exclusive rights as the only transmission system operator in France. It was created in 2000, as an entity of *Electricité de France* in charge of operating the transmission grid.

In 2005, it became a public limited company and in 2012 was certified by the Energy Regulatory Commission as an independent transmission operator.

The Energy Code states that *Electricité de France*, the French state or other public-sector companies or entities must own together the majority of RTE's capital (Article L. 111-42). On 1 April 2017, 49.9% of its capital was sold to the *Caisse des dépôts et consignations*, a French public financial entity, and CNP Assurances.

Each producer is responsible for the gap between electricity injections and extractions.

### Distribution

The Energy Code grants exclusive rights to operate the distribution system to three categories of distribution system operators (DSO):

- Enedis, which operates 95% of the metropolitan grid.
- Local distribution companies, which are local public structures and benefit from a special regime.
- *Electricité de France* (Systèmes électriques insulaires branch), for overseas territories.

The distribution grid belongs to municipalities.

The distribution system operator holds a concession contract on a municipality's jurisdiction in exchange for a fee. The distribution system operator operates and maintains the network according to the concession specifications (*Cahier des charges de la concession*).

The distribution system operator files to RTE data on electricity injected and extracted on the grids they operate so RTE can calculate the gap between these two factors.

### Supply

The Ministry of Energy listed 141 authorised suppliers in October 2019. However, the Energy Regulatory Commission (*Commission de régulation de l'énergie*) (CRE) identified in December 2019 42 active suppliers on the residential and non-residential markets.

This difference can be explained by the fact that the Ministry lists the operators whereas the CRE lists trade marks.

The active suppliers are, as of December 2019:

- Alpiq Energie France.
- Alterna.
- Antargaz.
- Axpo.
- Butagaz.
- EDSB l'agence.
- EkWateur.
- Elecocité.
- Electricité de Provence.
- Electricité de Savoie.
- Enercoop.
- Energem.
- Energie d'ici.
- Energies du Santerre.
- Energies E.LECLERC.
- Engie.
- ENI.
- Enovos.
- Gazel Energie.
- Gazena.
- Gedia.
- GEG Source d'Energies.
- Green Yellow.
- Hydronext.
- Iberdrola.
- Ilek.
- Lucia.
- MEGA Energie.
- Mint Energie.
- Ohm Energie.
- Planète OUI.
- Plum.
- Primeo Energie.
- Proxelia.
- Sélia.

- Solvay Energy Services.
- SoWee.
- Total Direct Energie.
- Urban Solar Energy.
- Vattenfall.
- Wekiwi.
- Electricité de France.

### Unbundling requirements

According to the Electricity Directive and the Energy Code, activities of production, supply and transport must not be exerted by the same entity to allow competition on the electricity market.

Transmission system operators (TSO) created or modified (that is, if the TSO ceases to belong to the vertically integrated undertaking) after 3 September 2009 must adopt the ownership unbundling (OU) model, that is, activities of transport must be strictly separated from those of production and supply (Articles L. 111-8-3 et seq, Energy Code).

TSOs that were part of a vertically integrated undertaking on 3 September 2009 are not bound to adopt the OU model and can remain within the vertically integrated undertaking and adopt the independent transmission operator model (ITO), that is, they must respect the rules regarding independence, organisation and autonomy set out in the Energy Code. The national regulator must certify that the TSO abides by these independence rules (Articles L. 111-9 et seq, Energy Code).

In France, *Electricité de France* and RTE belonged to the same vertically integrated undertaking before 2009. *Electricité de France* was created in 1946 as a state monopoly in charge of the production, supply, distribution and transmission of electricity. RTE was certified according to the ITO model by the Energy Regulatory Commission (*Commission de régulation de l'énergie*) (CRE) in 2012, which was confirmed in 2018. The sale of 49,9% of RTE's shares (*see Transmission*) has not been deemed a sufficient modification of its shareholding to justify the application of the OU model.

### Foreign ownership

#### 4. Are there any restrictions concerning the foreign ownership of electricity companies or assets?

### Restrictions based on EU unbundling requirements

The Electricity Directive (*Article 11*) provides that when a person from a non-member state of the EU takes over a transmission system operator, its certification by the regulator must be notified to the European Commission prior to its effectiveness.

In that case:

- The entity taking over the transmission system operator must respect the unbundling requirements (that it is not possible to control a transmission system operator and have stakes in an electricity producer or supplier), and the European Commission issues an opinion in respect of this obligation.
- The regulator must certify that the acquisition of stakes by a non-member of the EU does not endanger the EU supply of electricity.

Moreover, based on the Energy Code, only the State, *Electricité de France*, French public companies or public entities can own shares in the French transmission system operator (*Réseau de Transport d'Electricité*) (RTE) (*Article L. 111-42*), which allows limited room for foreign investment.

### Restrictions based on the French Monetary and Financial Code

The French Monetary and Financial Code (*Article L. 151-3*) provides for the control of investments in activities linked to the integrity, the security and the continuity of supply in power, gas, oil or any other energetic source by imposing a prior authorisation of the Minister of Economy.

An authorisation is required for the following operations when carried out by any non-French entity:

- Taking over a company whose head office is located in France.
- Taking over all or part of business line of a company whose head office is located in France.

In addition, for non-EU entities only, investments also encompass acquiring more than 33.33% of the capital or of the voting rights of a company whose head office is located in France.

When the investment consists in taking over all or part of a business line of a company whose head office is located in France and is made by a company ruled under French law but controlled by a foreign company, or by a foreign person or by a French person living abroad, an authorisation is also required.

Law No. 2019-486 dated 22 May 2019 on business growth and transformation (PACTE) revamps the provisions of the Monetary and Financial Code on foreign investments by increasing the Minister of Economy's prerogatives and strengthening the sanctions against an investor carrying out an investment without the prior authorisation of the Minister of Economy.

### Insolvency

#### 5. Are there any special insolvency regimes that apply to companies operating in this sector?

There is no special insolvency regime applying to companies operating in the electricity sector. General rules of the Title IV of the Commercial Code apply.

However, the classified installation for environmental protection (*installation classée pour la protection de l'environnement*) (ICPE) regime (which applies to activities such as electricity generation (in particular, some renewable energy generation), transmission and distribution) provides for specific rules in insolvency cases.

Under the Environmental Code, the parent company of a company operating a ICPE can be sentenced by the trade court to finance the rehabilitation operations if:

- The court ordered a judicial liquidation.
- The parent company was responsible for the lack of financial assets resulting in the impossibility for the operating company to finance the rehabilitation operations (*Article L. 512-17, Environmental Code*).

Moreover, the Administrative Supreme Court (*Conseil d'Etat*) ruled that the provisional liquidator of power plants abiding by the ICPE must take care of the duties resulting from the plant dismantling.

See Question 15.

### Import of electricity

#### 6. To what extent is electricity imported and/or exported?

In France, an operator intending to build and operate an interconnection must request a derogation, reviewed by the CRE. On this basis, several derogations have been granted for interconnections between France and the UK, Italy and Spain.

See Question 16, Approval of the project execution.

### Import of electricity

In 2019, France imported 28.3 TWh of electricity.

### Export of electricity

In 2018, France exported 84 TWh of electricity.

## Electricity generation and renewable energy

### Sources of electricity generation

#### 7. What are the main sources of electricity generation?

### Fossil fuels

In 2019, electricity produced from fossil energies accounted for 7.9% of the total amount of electricity produced in France:

- Coal: 0.3%.
- Fuel: 0.4%.
- Gas: 7.2%.

### Nuclear fission

In 2019, nuclear electricity production accounted for 70.6% of the total amount of electricity produced in France.

### Renewable energy

In 2019, electricity produced from renewable energy sources accounted for 21.5% of the total amount of electricity produced in France:

- Hydraulic electricity: 11.2%.
- Wind-power electricity: 6.3%.
- Solar: 2.2%.
- Bio-energies: 1.8%.

#### 8. Are there any government policies, targets or incentives in place to encourage the use of renewable or low carbon energy?

### Renewable energy targets

See table, *Renewable energy sources*.

The Energy Transition Act, reinforced by the PPE, sets goals to be reached by 2030:



- 33% of renewables energies in the end energy consumption.
- 40% of the electricity, and 50% by 2035, must be produced from renewable energy.
- 38% heat consumption must be produced from renewable energy.
- 15% of end fuel consumption must be produced from renewable sources.
- 10% of end gas consumption must be produced from renewable sources.

See Question 28 and table, Common forms of renewable energy.

### Government policies/incentives

While nuclear energy is the main source of energy in France, government policies increasingly focus on reducing it. For instance, the law on energy and climate sets to lower the nuclear share to 50% by 2035 (see Question 30).

Through various incentives, the French State and the EU have encouraged the development of renewable energies:

- **Market premium.** Power is sold by the generator on the market and a premium is paid to the producers by *Electricité de France* to address the potential difference between the market price and the target price.
- **Feed-in tariff.** All the electricity injected is bought by a purchaser, usually *Electricité de France*, who is compelled to do so due to a public service obligation, at a price over the market price.

Under the Energy Transition Act dated 17 August 2015, feed-in tariffs contracts have become exceptional and the main support mechanism is the market premium.

Those support mechanisms can be granted either:

- In open counter (that is, the contract is granted on demand).
- After a competition process (via two possible processes, that is, competitive dialogue or public tenders).

Producers can apply for an open counter feed-in tariff contract, if they own:

- Integrated solar plant with installed capacity under or equal to 100 kW.
- Some small plants using biogas made from non-dangerous waste or methanisation.
- Gas co-generation and heat with installed capacity under 300 kW.
- Plants using mine gas, in some conditions with installed capacity under 12 MW.

- Hydraulic plants with installed capacity under 500 kW.
- Wind power plants located in cyclonic areas.
- Offshore floating wind-power and hydropower plants which won a French call for tenders "Investment of the Future" or a European call "New entrant reserve".

Producers can apply for an open counter market premium in open counter if they own:

- Hydraulic plants with installed capacity under 1 MW.
- Thermal treatment of domestic waste plants.
- Plants mainly using biogas made from waste of water treatment with installed capacity between 500 kW and 12 MW.
- Plants using geothermal deposits.
- Co-generation and heat plant using natural gas with installed capacity under 1 MW.
- Wind power plants with no turbines with installed capacity of more than 3 MW and up to six turbines.

For other types of plants, it will only be possible to apply for a market premium contract through a competition process. The frequency and volumes of power awarded through this type of procedures is determined in accordance with the multi-year programme for energy.

### 9. What are the main obstacles to the development of renewable energy?

The main obstacles to the development of renewable energy are:

- Competitive prices of electricity produced from nuclear and fossil energies.
- Slowness of administrative procedures.
- Popular opposition to the development of wind farms and hydraulic plants.
- Issues related to grid connection (adjustment of the grid to renewable energy sources, development of the grid and so on).
- Lack of incentives for end-consumers to acquire guarantees of origin.

### 10. Are there any plans to build new nuclear power stations?

An Evolutionary Power Reactor (EPR) has been in construction in Flamanville since 2007. The commissioning has been postponed multiple times and recently, faulty welding has been revealed. Initially planned for 2012, the commissioning is now scheduled for 2023 at best and the construction cost was re-estimated.

There are currently no set plans to build a new nuclear power station. An audit commissioned by the Ministry in charge of energy has estimated that six new EPRs will have to be built from 2025.

Moreover, the law on climate and energy provides that the goal of a 50% nuclear share should be set for 2035 (and not 2025 as previously embedded in the Energy Transition Act).

France is part of the International Foundation for Ethical Research (IFER) research project which aims at proving the feasibility of nuclear fusion as a powerful source of energy.

### Authorisation and operating requirements

#### 11. What are the authorisation requirements to construct electricity generation plants?

##### Prior studies

Projects which, by their nature, their size or their situation, may have significant effects on the environment or human health, are subject to an environmental assessment. It is based on criteria and thresholds and, for some of them, after an examination on a case-by-case basis carried out by the environmental authority.

##### Town planning authorisations

Depending on the size and the capacity of the project, construction of a power plant can require a prior declaration (*déclaration préalable*) or a building permit issued by the relevant public authorities.

When applicable, building permits are merged into the environmental authorisation.

##### Environmental authorisation

Since 1 March 2017, the Single Environmental Authorisation has replaced a dozen authorisations governed by the Environmental Code (authorisation for environmentally classified facilities (*autorisation au titre des installations classées pour la protection de l'environnement*) (ICPE) and authorisation for installations, plants and activities (*autorisation au titre des installations, ouvrages, travaux et activités*) (IOTA)), the Forestry Code (land cleaning authorisation) and the Energy Code (operation authorisation).

Application for an environmental authorisation includes:

- Information on the applicant.
- An impact study of the project (or an environmental incidence study, if the project is not subject to an environmental evaluation).

- Report on the nature, length, width and general size of the project, as well as measures to take in case of an accident.
- All elements necessary to understand the nature of the project (graphical representation, and so on).
- Non-technical presentation note.

If the criteria for this Single Environmental Authorisation are not met, other environmental authorisations such as a water law declaration, a derogation to fauna and flora protection measures or a land clearing authorisation might be needed.

The environmental authorisation also benefits from a new litigation regime:

- It can be challenged before the courts by petitioners within two months after the publication of the authorisation, and by concerned third parties within four months.
- An additional prefect order can be taken by the prefect to respond to third-party claims.

#### 12. Are there any requirements to ensure new power stations are ready for carbon capture and storage (CCS) technology, or requiring a plant to retrofit CCS technology once this is ready?

The CCS framework is governed by Directive 2009/31/EC dated 23 April 2009 on the geological storage of carbon dioxide.

Decree No. 2011-1411 dated 31 October 2011 on geological storage of carbon dioxide in order to fight global warming transposes into French law some of the Directive measures.

It implements the legal framework for the research of geological storage spaces.

No obligation about carbon capture and storage for new power stations exists in the French legal framework.

#### 13. What are the authorisation and main ongoing requirements to operate electricity generation plants?

##### Authorisation regime

To operate a new power plant, an operation authorisation granted by the Ministry of Energy is required. The Energy Code gives a detailed set of all required information to grant the authorisation:

- General information on the applicant.
- Technical, economic and financial means of the applicant.



- Characteristics of the projected installation, underlining the projected capacity, main energy source, projected efficiency, and greenhouse effect emission.
- Efficiency of the projected installation regarding the best available techniques.
- Projected destination of the production.

The change of primary source or a capacity rise of 20% is considered as a new plant.

The operating authorisation is not required in two circumstances:

- Power plants with a capacity under or equal to a given threshold, and depending on the primary energy source, are deemed authorised. For instance, if the installed capacity is inferior to 50MW for solar power, wind energy, hydraulic and bio-energy sources, the plant is deemed authorised. The threshold is 20MW for natural gas and 10MW for fossil sources other than gas and coal. In all cases, plants principally using coal are subject to a prior authorisation.
- Projects that are subject to the regime of classified installations for environmental protection (*installations classées pour la protection de l'environnement*) (ICPE), or to water authorisations can apply for a Single Environmental Authorisation.

See Question 10.

### Nuclear power plants

A specific regulation applies to nuclear plants: the basic nuclear facility regime (*régime des installations nucléaires de base*), set in the Environmental Code. The operation authorisation is driven by security measures, where the applicant:

- Must demonstrate that, based on current scientific and technical knowledge of the project, its handling, tending, and dismantlement do not endanger the environment and the public safety.
- Drafts a preliminary security report.
- Must demonstrate his technical, economic and financial means.

In addition to the authorisation to operate an electricity plant, the operator of a nuclear power plant is responsible of the installation's safety.

During the exploitation, the operator is subject to a very strict control:

- The Nuclear Safety Authority (*Autorité de Sûreté Nucléaire*) (ASN) may subject the operator to any additional measures deemed necessary for the safety of the exploitation.
- Any change in the exploitation methods must be controlled by the ASN, either by a simple declaration procedure, or through more thorough scrutiny.

- Specific regulation for the safety of the workers, under the French Labour Code.
- Periodical checks of the installation (every ten years) to assess its safety.

### 14. What requirements are there concerning connection of generation to the transmission network or a distribution network?

Transmission and distribution system operators must guarantee transparent and non-discriminatory access to the grid.

Grid access is conditioned by the:

- Respect of minimal technical prescriptions stated by the Energy Code.
- Payment by the applicant of a contribution for its connection to the grid.

Grid connection procedures are written by the system operators according to the legal framework approved by the Energy Regulatory Commission.

Grid connection procedures describe:

- Technical requirements to access the grid.
- Deadline for every step of the grid connection.
- Conditions to enter or exit the line.

The user of the system and the system operator sign a grid connection Agreement (*Convention de raccordement*) and an access contract (*Contrat d'accès*). After a series of tests, approved by RTE, the user signs an operation convention (*Convention d'exploitation*) which provides the technical obligations and the minimal performances of the power in order to be connected to the grid.

Connection to the grid is made after a formal request is filed by the applicant, in the order in which such requests were made by the various applicants to the system operator.

### 15. What requirements are there concerning the decommissioning of a generation plant at the end of its period of operation?

The duties of the operator regarding the rehabilitation of the plant site are usually detailed in the initial ministerial order taken to authorise the building of the site.

Rules applying to the decommissioning of in-land wind power plants and fired-power plants are set by the provisions of the Environmental Code on classified installations for environmental protection (*installation classée pour la protection de l'environnement*) (ICPE).

Before the site shutdown, the plant operator must notify the local authorities of the measures that will be implemented to secure the site and ensure the environment protection after the shutdown. If the plant is submitted to the authorisation or recording regime, the deadline to notify the shutdown to the local authorities is three months or one month for plants under the declaration regime. Under the Environmental Code, the electricity producers must execute financial guarantees for the dismantling costs.

Under the Basic Nuclear Facility regime (*Installation Nucléaire de Base*), when the operator of a nuclear power plant plans to shut it down, it must notify the Minister of Energy two years in advance. Within two years after the notification, the operator communicates to the Minister of Energy a file describing all the measures that will be implemented for the plant decommissioning. The decommissioning of a nuclear power plant is decided by a Decree, after the release of the National Nuclear Agency (*Agence de sûreté nucléaire*) (ASN) opinion and a public inquiry. The Decree sets all the prescriptions regarding the decommissioning.

When the decommissioning process is over, the ASN takes a homologation decision and submits it to the Minister of Energy to finalise the process.

Also, actors operating nuclear facilities must set financial arrangements to finance the future decommissioning of nuclear power plants (*Decree No. 2016-1781 dated 19 December 2016 amending the Decree No. 2007-243 dated 23 February 2007 on the securing provisions on nuclear costs*).

Some power plants (such as solar plants and hydropower plants) do not enter the scope of classified installations for environmental protection regime nor the basic nuclear facility regime.

Under Ministerial order dated 9 May 2017, when dismantling a solar plant, the operator must collect the plant's materials and give them to a company specialised in recycling such materials. When launching public tenders for solar plants, the specifications may contain conditions regarding the dismantling.

In terms of hydropower plants abiding by the authorisation regime, the operator must undertake the site rehabilitation (*Article L. 214-3-1, Environmental Code*). Moreover, the order authorising the plant specifies the obligations regarding the rehabilitation of the site. In terms of hydropower plants abiding by the concession regime, the prefect decides the rehabilitation actions that must be done by the operator before the end of the concession and the operator must submit to the prefect a file containing information on the end of the concession (*Article R. 521-52, Energy Code*).

## Electricity transmission

### Authorisation and operating requirements

#### 16. What are the authorisation requirements to construct electricity transmission networks?

### Easement procedure

If an easement is necessary to conduct the works on the power line or its construction, the project is declared of public utility by:

- The prefect, if the power line tensions is less than 250 kV.
- The Minister of Energy, if the power line tension is above 250 kV.

A public enquiry or consultation must be conducted prior the public utility declaration (*Déclaration d'utilité publique*).

An impact study must be conducted to assess the project consequences on environment and health.

### Town planning authorisations

Under the Town Planning Code, a building permit is required for the building of power lines.

When the maximum tension is under 63 kV, only a prior declaration is required.

### Approval of the project execution

Prior to the project execution:

- It must be notified to the stakeholders.
- Its description is displayed in every concerned town.
- The layout must be approved by the prefect if the maximal tension is above 50 kV (under this threshold, the layout is only communicated to the prefect).

In principle, the transmission system operator has exclusive rights to ensure the interconnection of the national network with other countries (*Article L. 111-39, Energy Code*).

However, an operator intending to build and operate an interconnection can apply for a derogation to the applicable legal framework under Article 17 of Regulation (EC) 714/2009 on conditions for access to the network for cross-border exchanges in electricity and repealing Regulation (EC) 1228/2003.

Those derogation requests are reviewed by the Energy Regulatory Commission (*Commission de régulation de l'énergie*) (CRE).

Through several deliberations, the CRE has interpreted the regulation as allowing private operators to request and obtain derogations in order to build and operate an interconnection. This interpretation diminishes the exclusive rights of the transmission operator.

As of today, the CRE has, on this basis, granted several derogations, for instance:

- The ElecLink and IFA 2 projects between France and the UK (CRE, deliberation, 28 August 2014 and CRE, deliberation, 2 February 2017).
- The Piemonte Savoia project between France and Italy (CRE, deliberation, 12 May 2016).
- The Bay of Biscay project between France and Spain (CRE, deliberation, 21 September 2017).

Concerning the transmission infrastructures, investments plan must be approved by the CRE.

### Environmental authorisations

Burying of power lines is mandatory when the project affects a:

- Heritage site.
- National park.
- Natural reserve.

Depending on the project characteristics, an authorisation may be required if the project is close to historical monuments.

A fee is paid to the State for the occupation of the public domain by the transmission system operator.

### 17. What are the authorisation and main ongoing requirements to operate electricity transmission networks?

Under the Energy Code, the Electricity Transmission Network (*Réseau de Transport d'Électricité*) (RTE) is the only operator authorised to operate the transmission system and is therefore vested with exclusive rights.

RTE operates under a concession contract with the State.

The EU requires that a transmission system operator applying to the independent transmission operator model (ITO) must be certified by the Energy Regulatory Commission (that is, the Energy Regulatory Commission must guarantee that the transmission system operator respects the requirements of the ITO model).

RTE was certified in 2012.

Under the Energy Code, RTE must:

- Ensure the development of the transmission grid to allow the connection of producers, consumers and the connection with other European distribution and transmission system operators. In order to comply with those obligations, RTE must issue every year a ten-year plan for the grid development (*Article L. 321-6, Energy Code*).
- Ensure the development of renewable energies and their connection to the grid (*Article L. 321-6-1*).
- Implement energy efficiency actions (*Article L. 321-6-1*).
- Organise the call for power and supply programs (*Article L. 321-9*).
- Ensure the balance between supply and demand, and the security, safety and efficiency of the grid (*Article L. 321-10*).
- Ensure the respect of national grids interconnections rules (*Article L. 321-10*).
- Ensure the availability and implementation of reserved capacities and services necessary for the operation of the grid (*Article L. 321-11*).
- Ensure the implementation of load-management systems (*Article L. 321-15-1*).
- Ensure the availability, effectiveness and measurements of capacity mechanisms (*Articles L. 321-16 and L. 321-17*).

RTE's obligations are thoroughly detailed in a public service contract concluded with the French State on 5 May 2017.

### Transmission charges

#### 18. How are the charges and conditions for the transmission of electricity regulated?

The tariff for third-party access to the transmission system (*Tarif d'utilisation des Réseaux Publics d'Électricité*) (TURPE) remunerates the transmission system operator, and compensates the charges arising from operating, developing, and maintaining the network and ensures a sufficient investment return to the TSO.

For small and residential customers, the tariff for third-party access to the transmission system is paid by the supplier, who then passes the cost to the consumer through billing. Other customers pay it directly to the grid operator.

The tariff is set every four years by the Energy Regulatory Commission (the TURPE 5 entered into force on 1 August 2017 and the preparation of TURPE 6 is currently in progress) and must respect three main principles:

- Coverage of all costs incurred by the network operator.
- Identical tariff throughout the territory (*péréquation tarifaire*).
- Identical tariff regardless of the distance between the production site and the consumer's site (*timbre-poste*).

The tariff aims at rewarding the efficiency of the network's operation, through monetary and regulatory incentives. Compensation for any gaps between the provisions and the actual operating costs is made each year through the compensation account of products and expenses (*Compte de compensation des charges et des produits*).

### System balancing

#### 19. How is electricity supply and demand balanced?

The transmission system operator is responsible by law for the balance between supply and demand, and relies on several mechanisms:

- Long-term mechanisms:
  - a ten-year network development scheme.
  - a multi-year provisional plan.
- Short-term mechanisms:
  - interconnections;
  - compensation for losses on the network;
  - power reservation contracts (*contrats de réservation de puissance*);
  - primary and secondary reserves (*réserves primaire et secondaire*): mechanisms which are automatically and very rapidly resorted to in case of an unbalanced situation on the grid;
  - tertiary reserves, known as the adjustment mechanism (*mécanisme d'ajustement*), are resorted to when the primary and secondary sources are not sufficient to offset the unbalanced situation;
  - the ability to interrupt electricity supply in the case of serious and immediate danger; and
  - resort to batteries and pumped hydroelectric energy storage systems.

Producers and consumers contribute to these duties by:

- Locally balancing all inputs and withdrawals.
- Subscribing to a balance operator contract (*responsable d'équilibre*). They financially compensate the TSO for imbalance changes they create on the system.

Suppliers also contribute to the balancing: a separate capacity market was implemented in the Energy Code in 2010. Suppliers must acquire capacity guarantees (*garanties de capacités*) for demand-response management or production, from the producers and end consumers. Since 2013, end consumers and network operators can also buy such guarantees.

### Electricity distribution

#### Authorisation and operating requirements

#### 20. What are the authorisation requirements to construct electricity distribution systems?

Distribution systems in France belong to local public authorities. Distribution system operators (DSOs) operate the grid in the frame of concession contracts (see Question 21).

The operator has a right to carry out any work necessary to build and maintain the network, as long as the path of the projected lines is agreed on by the administrative authority.

When necessary, the grid operator can ask the administrative authority to make a public utility declaration on the works on the distribution grid.

The public utility declaration is granted after the conduct of an impact study and a public enquiry.

Before starting the works, interested third parties must be informed of them.

The public utility declaration is granted alongside an easement.

When private land stands in the way of the projected network, an expropriation procedure may apply. The Environmental Code and Public Expropriation Code list all the requirements such an application requires. The operator is then granted the same rights than the administration to conduct public works.

Electric transmission lines with voltage under 63 kV require the filling of a prior declaration to the prefect.

The application must include a:

- Map indicating the pipelines' location and other major constructions.
- Note describing the project and mentioning the existing or soon-to-be granted concession.
- Risk study.

Under the Environmental Code, other regulations may apply in specific areas, such as Natura 2000, or national parks.

A fee is paid to the conceding authorities (that is, the municipalities) for the occupation of the public domain by the distribution system operator.

### 21. What are the authorisation and the main ongoing requirements to operate electricity distribution systems?

The number of DSOs is strictly limited by the law. Only entities authorised by the Energy Code can operate the distribution system.

Operating the electricity distribution systems is done either by Enedis or by local distribution companies, if they existed in 1946 or, overseas, by *Electricité de France*. Municipalities can, however, choose to handle the public service of electric distribution through a public company (*régie*), if it was already the case in 1946 (see Question 3).

Municipalities, which owns the distribution system, delegate its operation through concession contracts (see Question 18).

The main obligations will be vested in the concession specifications.

Under the Energy Code, the Distribution system operator must:

- Define the network investment policy, guarantee a grid access to third parties and maintain it.
- Maintain the balance between supply and demand at any time.
- Report back to the conceding authority each year (*Compte-rendu de concession*).

Alongside public distribution networks, private companies are allowed, in a limited number of situations, to build and operate their own networks:

- Closed distribution networks (*réseaux fermés de distribution*) created by Article 28 of Directive 2009/72/EC on the common rules for the internal market in electricity (Electricity Directive) (dated 13 July 2009) and transposed into French law by ordinance No. 2016-1725 of 15 December 2016.
- In closed distribution networks, electricity is distributed to non-residential consumers within a site connected to the public network through a single point of delivery (*Article L. 344-1, Energy Code*). One of the following conditions must be fulfilled:
  - it is justified by technical or security reasons; or
  - the network mainly distributes electricity to the owner, the operator or affiliated companies.

The operating of closed distribution networks is subject to an authorisation from the Energy Regulatory Commission (*Commission de régulation de l'énergie*) (CRE). However, to this date, the decree implementing this regime has never been adopted, thus hindering the creation of such networks.

- Buildings internal networks (*réseaux intérieurs des bâtiments*) are defined as networks that are neither public distribution networks nor closed distribution networks (*Article L. 345-1, Energy Code*). For such a network to be created, it must:

- be owned by a single owner;
- concern an office building;
- belong to a single building.

(*Article L. 345-2, Energy Code*.)

- Direct lines (*lignes directes*) are direct networks between a generator and consumers or the generator's own establishments (*Article L. 343-1, Energy Code*). The construction of direct lines is subject to the prior authorisation of the prefect (*Article R. 323-27, Energy Code*).

## Distribution charges

### 22. How are the charges and conditions for the distribution of electricity regulated?

The tariff for third-party access to the transmission system covers both transmission and distribution costs supported by the transmission system operator and the distribution system operators. It is decided by the Energy Regulatory Commission (*Commission de Régulation de l'Énergie*) (CRE).

See Question 16.

## Electricity supply

### Authorisation and operating requirements

### 23. What are the authorisation and the main ongoing requirements to supply electricity to end consumers?

The Ministry of Energy delivers authorisations to purchase electricity for the purpose of selling it. This authorisation is necessary to supply end consumers, and distribution and transmission system operators, for their power losses. The authorisation is granted based on:

- Technical, economic and financial capacities of the applicant.



- Compatibility of the applicant's project with the obligations levied on electricity suppliers further stated in Chapter V of Title III of the legislative part of the Energy Code.

Once the authorisation is granted, if the supplier fails to comply with the obligations attached to the authorisation, the Ministry of Energy can suspend it and may impose administrative sanctions.

Failing to comply includes:

- Failure to cope with the imbalance in the supplier's management.
- Failure to pay the tariff for third party access to the transmission system.
- Judicial liquidation.

### Smart metering

Suppliers are now required to give a data access on consumption to their customers. Those data must remain confidential. Suppliers may only use it to bill customers and encourage them to limit their electricity consumption.

Following an experimentation which started in March 2010 and ended in March 2011, the installation of Linky smart meters on the French territory should be over by the end of 2021.

### Trading between generators and suppliers

#### 24. How is electricity traded between generators and suppliers?

Electricity can be freely traded between generators and suppliers in France. Most suppliers own generation facilities that allow them to directly market the power generated by them. If not, power can be sold by generators either through exchanges (which is rarely the case) or on an over-the-counter (OTC) basis (most of the time).

With respect to OTC trades, these can be made either on a short-term or long-term basis.

Renewable power can be sold in a similar manner, but it can also be traded through regulated contracts which, in some instances, lead to requiring the buyer to be *Electricité de France* (see Question 8).

#### 25. How is electricity trading (between generators and suppliers) regulated?

No specific legal provision, in French law, regulates the sale of power by a generator to a supplier, and in particular the conclusion of long-term power purchase

contracts between a consumer and a producer. Therefore, there is no standard form of power purchase agreement contract (whether long- or short-term) and its content is freely decided between the parties.

The French market operates on two levels:

- **Wholesale market.** Electricity's price is negotiated between producers and suppliers, before being delivered to end customers. Exchanges are carried out *via* stockbrokers or bilateral / over the counter contracts.
- **Retail market.** Exchanges for the short-term demand (same-day delivery, or day-ahead delivery).

Wholesale markets are monitored by the Energy Regulatory Commission according to the rules set by the Regulation (EU) 1227/2011 on wholesale energy market integrity and transparency (REMIT) which prohibits market abuse.

The Energy Regulatory Commission is responsible for supervising these markets and must ensure:

- Transparency in the wholesale market.
- Fair and competitive markets.

Monitoring the wholesale market involves:

- Supervision of the transactions on the wholesale market between suppliers, stockbrokers and producers.
- Supervision of cross-borders exchanges.
- Overseeing the coherence between offers, technical and financial constraints.

The Energy Regulatory Commission has developed three tools to inform the public on the electricity markets:

- The quarterly report on electricity and gas markets (*Observatoire trimestriel des marchés de gros et de détail de l'électricité et du gaz en France*).
- Annual reports on the markets' competitiveness.
- Indicators on the quality of the markets.

Sanctions may apply in case of a breach of REMIT. In 2018, the Dispute Settlement and Sanctions Committee (*Comité de Règlements des Différends et des Sanctions*) (CoRDIS) sanctioned, for the first time, an entity for market manipulation. The fine was EUR5 million. On 19 December 2019, the CoRDIS sanctioned an entity for the second time and imposed a EUR1 million fine.

### Electricity price and conditions of sale

#### 26. How is the price for electricity and conditions of sale regulated at the consumer and wholesale level?



### Consumer

The Energy Code sets two pricing systems:

- **Non-regulated tariffs.** Suppliers are free to offer whatever price fits the electricity demand.
- **Regulated tariffs.** *Electricité de France* and the local distribution companies offer supplying at regulated prices (*tarifs réglementés d'électricité*) (TRV), based on the Energy Regulatory Commission's proposals approved by the Minister of Energy.

Despite the European Commission's criticism, regulated tariffs have been maintained for:

- Contracts supplying power lower than 36 kVA (*tarifs bleus*).
- Non-interconnected zones (*zones non-interconnectées*).

The Administrative Supreme Court (*Conseil d'Etat*) held that even though electricity regulated tariffs were a hindrance to competition, they were lawful because they allow consumers to benefit from stable prices. However, the court pointed out the lack of periodic reassessment of the regulated tariff and judged that regulated tariff should not benefit large companies.

Since 1 January 2016, under Law No. 2010-1488 dated 7 December 2010 on the new organisation of the electricity market, regulated tariffs no longer apply to domestic or non-domestic consumers that have subscribed for more than 36 kVA of power (*Article L. 337-9, Energy Code*).

### Wholesale

The Energy Code also regulates the renewable and nuclear electricity wholesale markets:

- Renewable electricity benefit from promotion by the government, and easier access to the market through special tariffs (*tarifs d'achat*) (see Question 8).
- Historical nuclear electricity (produced by *Electricité de France*) can be bought by new suppliers through regulated prices (EUR42 per MWh) and volume (maximum 100 TWh) (*accès régulé à l'électricité nucléaire historique*) (ARENH).

### Statutory powers

**27. Do companies involved in the generation, transmission, distribution or supply of electricity have any statutory powers to undertake work (for example, compulsory purchase powers or street works powers)?**

The Energy Code does not entitle power suppliers with statutory or street work powers. Municipalities can delegate the operation of the distribution networks through concession contracts. The State delegates the operation of the transmission network through a concession contract to RTE (see Question 18).

Once the concession contracts are signed, these operators have a right to do any street work necessary to erect and tend to the network, as long as the path of the projected lines is agreed upon by the administrative authority (*Article L. 323-1, Energy Code*). The Roadway Code may impact such works when using the highway to access the network's structures.

Statutory powers also include the ability to ask for a public utility declaration if the lines cross private properties (*Article L. 323-3, Energy Code*). When the operator is granted a public utility declaration, it has the same rights as the administration for the conduct of public works:

- Establishment of anchor points for the lines on buildings.
- Passing electricity lines above private property or pipelines under undeveloped land.
- Cutting branches or trees in the way.

Private landowners may be entitled to compensation when the works affect their property.

### Tax issues

#### **28. What are the main tax issues arising on electricity generation, distribution, transmission and supply?**

Electricity taxes are regulated by Directive 2003/96/EC restructuring the Community framework for the taxation of energy products and electricity.

According to the Energy Code, energy taxation should aim at increasing competitiveness, security of supply, care for public health and environmental issues.

Provisions regarding electricity taxes are covered by the General Tax Code and the Customs Code:

- Contribution to the electricity public service (*Contribution au service public de l'électricité*) (CSPE). This tax is paid by all electricity consumers. Domestic tax on final electricity consumption (*Taxe intérieure sur la consommation finale d'électricité*) (TICFE). This tax is due and redistributed to customs when electricity is supplied to the final consumer.
- Transmission tariff contribution (*Contribution tarifaire d'acheminement*) (CTA). This tax is for the

pension plans of the electricity and gas industries' employees.

- Annual contribution to low power distribution companies (*Contribution annuelle de distribution d'énergie électrique en basse tension*). This tax is for the development of the electric network in rural France.
- Tax on nuclear plants (*Taxe sur les installations nucléaires*) (TIN).
- Annual tax on pylons (*Imposition forfaitaire annuelle sur les pylônes*).
- Standard charges for network companies (*Impositions forfaitaires pour les entreprises de réseaux*) (IFER). This category of taxes is aimed at all companies that have equipment related to the network.
- Local taxes. Local taxes may impose payments on land and property for electricity industries.
- Value added tax is applied to the electricity supplied.

### Insurance

#### 29. Are there any insurance requirements from the regulatory authority?

No specific insurance is required to operate in the electricity industry. General insurance regulations apply.

### Reform

#### 30. What reform proposals are there for the regulation of the electricity sector?

Electricity self-consumption should grow rapidly over the years, as the Energy Code allows self-consumption on a personal scale, but also on a small collective scale (less than 100 kW). It has recently been modified to allow extended collective self-consumption. These consumers have the same access right to the electricity networks, and must inform operators of said networks of their equipment.

Since October 2019, France has been holding a Citizens' Convention for the Climate, which has adopted 149 proposals as part of the fight against global warming, including:

- Including the protection of the environment and biodiversity as well as the fight against climate change in the French Constitution.
- Introducing the crime of ecocide into French law to punish the most serious environmental offences.

Regulated Access to the Historical Nuclear Electricity (ARENH) is designed by the Energy Code to last until 2025. Therefore, a new mechanism is expected to be implemented. The volume of historical nuclear electricity is capped at 100 TWh per year. The law on climate and energy rises from 100 TWh to 150 TWh per year, from 2020.

The system of energy-saving certificate (*certificat d'économie d'énergie*) (CEE) incentivises sector players to take energy-saving measures. A Decree No. 2019-1320 dated 9 December 2019 extends the fourth period until 31 December 2021 and also authorises to combine CEEs with the aid for the development of heating networks. CEEs should therefore be more controlled in the coming years.

The hydraulic concessions regime is currently being debated, as the EU Commission wants France to implement competition processes to grant those concessions. However, no concession has been subject to such a process as at the present time. EDF is currently granted the majority of those concessions. This issue should evolve in the years to come.

The structure of the EDF group is being debated at the political level. There are currently calls for a separation between nuclear and renewable activities.

### Contributor profiles

#### Michel Guénaire, Partner

##### Gide Loyrette Nouel

T +33 (0) 1 40 75 36 46

F +33 (0) 1 40 75 37 38

E [guenaire@gide.com](mailto:guenaire@gide.com)

W [www.gide.com](http://www.gide.com)

**Professional qualifications.** *Avocat à la Cour*

**Areas of practice.** Energy law (power, gas, oil, mining, nuclear, renewables); public law; regulatory

**Non-professional qualifications.** Doctor in public law

#### Recent transactions

- Advising a European electricity supplier regarding the execution of the framework agreement on ARENH signed with electricity

suppliers following a force majeure notification.

- Advising a European electricity supplier in the context of a sanction procedure initiated by the Sanctions Committee of the Energy Regulatory Commission (CoRDIS) following an investigation by the Energy Regulatory Commission, on the basis of Articles 3, 4 and 5 of REMIT.

**Languages.** French, English, Italian

**Professional associations/memberships.**

France Energie Eolienne (FEE), Syndicat des énergies renouvelables (SER), France Hydro Electricité.

**Publications.** Publication director and author of the *Energy Code for LexisNexis (2013, 2016, 2019)*.

### Timothée Dufour, Associate

**Gide Loyrette Nouel**

**T** +33 (0) 1 40 75 22 65

**F** +33 (0) 1 40 75 37 38

**E** [timothee.dufour@gide.com](mailto:timothee.dufour@gide.com)

**W** [www.gide.com](http://www.gide.com)

**Professional qualifications.** *Avocat à la Cour*

**Areas of practice.** Energy law (power, gas, oil, mining, nuclear, renewables); public law; regulatory.

**Non-professional qualifications.** LLM in business laws at the National Law School of India University of Bangalore (NLSIU)

**Recent transactions**

- Advising a European electricity supplier in the context of an investigation by the Energy Regulatory Commission into trading operations on the French wholesale electricity market.
- Assistance and representation of an electricity distribution system operator with regard to pre-litigation and litigation initiated by individuals relating to the installation of smart meters in France (Linky).

**Languages.** French, English

**Publications.** Contributor of the *Energy Code for LexisNexis (2019)*.

### Emma George, Associate

**Gide Loyrette Nouel**

**T** +33 (0) 1 40 75 60 67

**F** +33 (0) 1 40 75 37 38

**E** [emma.george@gide.com](mailto:emma.george@gide.com)

**W** [www.gide.com](http://www.gide.com)

**Professional qualifications.** *Avocat à la Cour*

**Areas of practice.** Energy law (power, gas, oil, mining, nuclear, renewables); public law; regulatory.

**Non-professional qualifications.** Masters Degree in Energy Law, Pantheon-Sorbonne University and Masters Degree in Economy Law, Paris Nanterre University.

**Recent transactions**

- Advising a French energy company for the construction of an electrolyser in the south of France. Analysis of the conditions for optimizing the electricity transmission costs for the installation and connection to the public network *via* a nearby factory.
- Advising a French energy company in the context of a dispute relating to the determination of the purchase price for electricity produced by a cogeneration installation indirectly connected to the public electricity transmission network.

**Languages.** French, English

### Sarah Assayag, Associate

**Gide Loyrette Nouel**

**T** +33 (0) 1 40 75 35 84

**F** +33 (0) 1 40 75 37 38

**E** [sarah.assayag@gide.com](mailto:sarah.assayag@gide.com)

**W** [www.gide.com](http://www.gide.com)

**Areas of practice.** Energy law (power, gas, oil, mining, nuclear, renewables); public law; regulatory.

**Non-professional qualifications.** Masters Degree in Public Business Law and Magister

## Electricity regulation in France: overview

degree in Economic Activities Law, Pantheon-Sorbonne University.

### Recent transactions

- Advising a Norwegian company in the creation of an activity of installation of solar panels for individuals.
- Advising a French real estate subsidiary of an industrial group on the implementation of an operation of self-consumption.

**Languages.** French, English

### Legal solutions from Thomson Reuters

Thomson Reuters is the world's leading source of news and information for professional markets. Our customers rely on us to deliver the intelligence, technology and expertise they need to find trusted answers. The business has operated in more than 100 countries for more than 100 years. For more information, visit [www.thomsonreuters.com](http://www.thomsonreuters.com)