Endresen Brygfjeld Torall
ADVOKATFIRMA

Høyesteretts Kontor
Postboks 8016 Dep.

0030 OSLO

Referanse: 40590/14120
Ansvarlig advokat: Kjell M. Brygfjeld

Stavanger, 2. desember 2020

PROSESSKRIV TIL HØYESTERETT

Sak nr. 20-072085SIV-HRET

Ankende part: Nei til Eu
Schweigaardsgt.34 B, 0191 OSLO

Prosessfullmektig: Advokat Kjell M. Brygfjeld
Advokatfirma Endresen Brygfjeld Torall AS
Postboks 155 Sentrum, 4001 Stavanger

Rettslig medhjelper: Advokat Bent Endresen
Advokatfirma Endresen Brygfjeld Torall AS
Postboks 155 Sentrum, 4001 Stavanger

Ankemotpart: Staten v/Utenriksdepartementet
P.b. 8001. 0030 Oslo

Prosessfullmektig: Regjeringsadvokat Fredrik Sejersted
P.b. 8012 Dep., 0030 Oslo

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Saken gjelder: Bevis

1
Det vises til rettsbok fra Høyesterett av 27.12.2020 samt prosesskriv fra Staten av 30.11.2020.

Nei til EU har ingen innsigelser mot at de dokumenter som er omtalt i nevnte prosesskriv legges fram.

2
Staten har påberopt grunnlag til støtte for at lagmannsrettens bevisbedømmelse under subsumsjonen er korrekt, en anførsel som i utgangspunktet ligger utenfor rammene for ankebehandling, men som det synes åpnet for under saksforberedelsen jfr. rettsbok fra saksforberedende møte 27.11. 2020, tredje kulepunkt på side 2. Hensynet til kontradiksjon åpner for at ankende part da må gis muligheter til å argumentere mot dette, jfr. uttalelsen i HR-2017-2165-A premiss104:

Punkter i en ankemotparts påstandsgrunnlag som retter seg mot bevisbedømmelsen i saken, kan ikke avskjæres selv om anken er begrenset til rettsanvendelsen, jf. Rt-2015-545 avsnitt 54 med videre henvisning. Når ankemotparten benytter sin rett til å innta slike argumenter i påstandsgrunnlaget, som altså går utenfor rammene for anken, må den ankende part på det aktuelle punkt kunne imøtegå dette ved å argumentere for sitt syn på dette bevisspørsmålet. Etter mitt syn følger det av det grunnleggende kravet til kontradiktorisk behandling

Det er da heller ikke i strid med prosessreglene å anføre at lagmannsrettens bevisbedømmelse er uriktig, jfr. uttalelse i RT-2015-545, premiss 54:

Før jeg vurderer disse anførslene, nevner jeg at selv om Nordens avledede anke er begrenset til lagmannsrettens rettsanvendelse, hindrer ikke det at A til sitt forsvar gjør gjeldende at lagmannsrettens bevisbedømmelse er uriktig, jf. blant annet Rt-2004-675 avsnitt 17

3
Under videre henvisning til ovenstående er det behov for å supplere bevistilbudet på enkelte punkter. I den anledning legges det fram

Bilag 1: Kopi av "Energy Union Package" fra EU-kommisjonen av 25.02.2015.

Dokumentet inneholder EUs planer for utviklingen av energiunionen, som Energimarkedspakke III er del av, og berører således Norge både direkte og indirekte.

Bilag 2: Samfunnsnotat fra LO nr. 3/19 «Hvorfor stiger strømprisene i Norden»

Notatet er faktapreget og inneholder informasjon om hvordan strømprisen er sammensatt og vil supplere noe av Statens bevisførsel på dette punkt. I første rekke gjelder dette hvordan utenlandskabler påvirker strømprisen i Norge/Norden. Bilaget framlegges også under henvisning til at anerkjente tidsskrifter og vitenskapelige verk må kunne påberopes under ankeforhandlingen selv om de ikke har vært framlagt på forhånd, jfr. RT-1991-695.

Videre som

Bilag 3: Artikkel i Nei til EUs skriftserie nr. 3 for 2020 «Skal EU styre strømmen» s. 45-48

Bilaget er relevant og må sees i sammenheng med Bilag 6 i Statens prosesskriv.

Advokatfirma Endresen Brygfjeld Torall AS

Kjell M. Brygfjeld
Advokat (H) MNA
E-post: kmb@ebtas.no

Prosesskriv legges inn i Aktørportalen.

EUROPEAN
COMMISSION

Brussels, 25.2.2015
COM(2015) 80 final

ENERGY UNION PACKAGE

COMMUNICATION FROM THE COMMISSION TO THE EUROPEAN PARLIAMENT, THE COUNCIL, THE EUROPEAN ECONOMIC AND SOCIAL COMMITTEE, THE COMMITTEE OF THE REGIONS AND THE EUROPEAN INVESTMENT BANK

A Framework Strategy for a Resilient Energy Union with a Forward-Looking Climate Change Policy

1. WHY WE NEED AN ENERGY UNION

The goal of a resilient Energy Union with an ambitious climate policy at its core is to give EU consumers - households and businesses - secure, sustainable, competitive and affordable energy. Achieving this goal will require a fundamental transformation of Europe's energy system.

Our vision is of an Energy Union where Member States see that they depend on each other to deliver secure energy to their citizens, based on true solidarity and trust, and of an Energy Union that speaks with one voice in global affairs;

Our vision is of an integrated continent-wide energy system where energy flows freely across borders, based on competition and the best possible use of resources, and with effective regulation of energy markets at EU level where necessary;

Our vision is of the Energy Union as a sustainable, low-carbon and climate-friendly economy that is designed to last;

Our vision is of strong, innovative and competitive European companies that develop the industrial products and technology needed to deliver energy efficiency and low carbon technologies inside and outside Europe,

Our vision is of a European labour force with the skills to build and manage the energy system of tomorrow;

Our vision is of investor confidence through price signals that reflect long term needs and policy objectives;

Most importantly, our vision is of an Energy Union with citizens at its core, where citizens take ownership of the energy transition, benefit from new technologies to reduce their bills, participate actively in the market, and where vulnerable consumers are protected.

To reach our goal, we have to move away from an economy driven by fossil fuels, an economy where energy is based on a centralised, supply-side approach and which relies on old technologies and outdated business models. We have to empower consumers through providing them with information, choice and through creating flexibility to manage demand as well as supply. We have to move away from a fragmented system characterised by uncoordinated national policies, market barriers and energy-isolated areas.

European energy system in figures

Latest data shows that the EU imported 53% of its energy at a cost of around EUR 400 billion, which makes it the largest energy importer in the world. Six Member States depend on a single external supplier for their entire gas imports and therefore remain too vulnerable to supply shocks. It has also been estimated that every additional 1% increase in energy savings cuts gas imports by 2.6%.[1] 75% of our housing stock is energy inefficient. 94% percent of transport relies

[1] Communication "Energy Efficiency and its contribution to energy security and the 2030 Framework for climate and energy policy", COM(2014)520.

on oil products, of which 90% is imported. Collectively, the EU spent over EUR 120 billion per year – directly or indirectly – on energy subsidies, often not justified.[2] Over EUR 1 trillion need to be invested into the energy sector in EU by 2020 alone.[3]

Wholesale electricity prices for European countries are at low levels, though still 30% higher than in the US. At the same time, post-tax electricity prices for households increased on average by 4.4% from 2012 to 2013. Wholesale gas prices are still more than twice as high as in the US[4]. The price difference with other economies has an impact on the competitiveness of our industry, in particular our energy-intensive industries.

European renewable energy businesses have a combined annual turnover of €129bn and employ over a million people[5]. EU companies have a share of 40% of all patents for renewable technologies.[6] The challenge is to retain Europe's leading role in global investment in renewable energy.[7]

Today, the European Union has energy rules set at the European level, but in practice it has 28 national regulatory frameworks. This cannot continue. An integrated energy market is needed to create more competition, lead to greater market efficiency through better use of energy generation facilities across the EU and to produce affordable prices for consumers.

The retail market is not functioning properly. Many household consumers have too little choice of energy suppliers and too little control over their energy costs. An unacceptably high percentage of European households cannot afford to pay their energy bills.

Energy infrastructure is ageing and not adjusted to the increased production from renewables. There is a need to attract investments, but the current market design and national policies do not set the right incentives and provide insufficient predictability for potential investors.

Energy islands continue to exist as many markets are not properly connected to their neighbours. This adds to the costs faced by consumers and creates vulnerability in terms of energy security.

We are still leaders in innovation and renewable energy, but other parts of the world are fast catching up and we have already lost ground when it comes to some clean, low carbon technologies.

Building up investment in high-tech, globally competing companies through stable policies will bring jobs and growth to Europe. New business sectors, new business models and new job profiles will emerge. Such transformational change profoundly affects the roles of all actors in the energy system, including the consumers.

Europe needs to make the right choices now. If it continues on the present path, the unavoidable challenge of shifting to a low-carbon economy will be made harder by the economic, social and environmental costs of having fragmented national energy markets.

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2 European Energy Security Strategy, COM (2014) 330.

3 Commission estimates. The IEA estimates that EUR 1.3 trillion are needed by 2025 in generation, transport and distribution.

4 Calculations of DG Energy based on Platts market reports and IEA data for first half of 2014.

5 Eur'Observeur 2014 report.

6 Compared to a 32% EU share in overall global patents.

7 UNEP-BNEF Global Trends in Renewable Energy Investments 2014.

The current low oil and gas prices, while they last, should be seized as an historic opportunity – when combined with the falling cost of cleaner forms of energy, a strong EU climate policy and the emergence of new technologies – to reset the EU's energy policy in the right direction: that of an Energy Union.

2. THE WAY FORWARD

The Energy Union strategy has five mutually-reinforcing and closely interrelated *dimensions* designed to bring greater energy security, sustainability and competitiveness:

- Energy security, solidarity and trust;

- A fully integrated European energy market;

- Energy efficiency contributing to moderation of demand;

- Decarbonising the economy, and

- Research, Innovation and Competitiveness

2.1. Energy security, solidarity and trust

In May 2014 the Commission set out in its Energy Security Strategy[8] how the EU remains vulnerable to external energy shocks and called on policy makers at national and EU level to make clear to citizens the choices involved in reducing our dependency on particular fuels, energy suppliers and routes. The Energy Union builds on this strategy.

The key drivers of energy security are the completion of the internal energy market and more efficient energy consumption. It depends on more transparency as well as on more solidarity and trust between the Member States. The EU's energy security is closely linked with its neighbours.

Joint approaches in the field of energy can make all parts of the European Union stronger, for instance in case of supply shortages or disruptions. The spirit of solidarity in energy matters is explicitly mentioned in the Treaty and is at the heart of the Energy Union.

Diversification of supply (energy sources, suppliers and routes)

The political challenges over the last months have shown that diversification of energy sources, suppliers and routes is crucial for ensuring secure and resilient energy supplies to European citizens and companies, who expect access to affordable and competitively priced energy at any given moment. To ensure the diversification in gas supplies, work on the Southern Gas Corridor must be intensified to enable Central Asian countries to export their gas to Europe. In Northern Europe, the establishment of liquid gas hubs with multiple suppliers is greatly enhancing supply security. This example should be followed in Central and Eastern Europe, and in the Mediterranean area, where a Mediterranean gas hub is in the making.

Constructing the infrastructure to deliver new sources of gas to the EU involves many partners, and is both complex and expensive. Resolving these issues requires resolute action at EU level. The Commission will reinforce its support for this process through the

[8] COM (2014)330.

use of all available Community funding instruments in particular the future European Fund for Strategic Investments (EFSI), and fully involving European financial institutions. However, the necessary infrastructure must also be in place inside the EU, including the possibility of reverse flows, to bring the gas to where it is needed.

We will explore the full potential of liquefied natural gas (LNG), including as a back-up in crisis situations when insufficient gas is coming into Europe through the existing pipeline system. Increases in LNG trade will help to bring world natural gas prices closer together. LNG prices have over recent years been higher compared to pipeline gas due in particular to high liquefaction, regasification and transportation costs and demand in Asia. In order to address these issues, the Commission will prepare a comprehensive LNG strategy, which will also look into the necessary transport infrastructure linking LNG access points with the internal market. The potential of gas storage in Europe and the regulatory framework needed to ensure sufficient gas in storage for winter will also be addressed in this context. The Commission will also work to remove obstacles to LNG imports from the US and other LNG producers.

Given the EU's import dependence and global climate change challenges, we need to take additional measures to reduce its oil consumption. Oil prices are currently low because of excess production, combined with lower consumption and increased energy efficiency.[9]

The EU is highly dependent on the import of nuclear fuel and related services to Member States where nuclear energy is part of the energy mix. Diversification of supply is important to ensure security of supply. The Commission will update and enhance the requirements on the information to be provided, in accordance with Article 41 of the Euratom Treaty, on nuclear installation projects.

Domestically produced energy also contributes to decreasing Europe's energy import dependence. This includes notably renewables, needed for decarbonisation, as well as conventional and - for those Member States that choose it - non-conventional fossil resources. Producing oil and gas from unconventional sources in Europe such as shale gas is an option, provided that issues of public acceptance and environmental impact are adequately addressed.

Working together on security of supply

Member States, transmission system operators, the energy industry and all other stakeholders have to work closely together to ensure a high-level of energy security for European citizens and companies.

Regarding oil, important steps have been taken already with the adoption of the 2009 Oil Stocks Directive[10], which foresees obligations for Member States to build up and maintain minimum stocks of crude oil and petroleum products.

Member States should be assured that in situations of tight supply, they can rely on their neighbours. The Commission's 2014 Report on short-term resilience in the gas sector[11] stressed the need for stronger cooperation in responding to a potential supply disruption. To introduce common crisis management, the Commission will propose preventive and

9 EU leadership will continue to drive standards and efficiency improvements globally, reducing future oil consumption and thus EU dependency.

10 Directive 2009/119/EC of 14 September 2009 imposing an obligation on Member States to maintain minimum stocks of crude oil and/or petroleum products.

11 COM(2014) 654 final.

emergency plans at regional and EU level, including the Energy Community contracting parties. Solidarity among Member States, in particular in times of supply crisis, has to be strengthened. These issues and the experience gained in the implementation of the Regulation will be taken into account when proposing a revision of the Security of Gas Supply Regulation.

The Commission will assess options for voluntary demand aggregation mechanisms for collective purchasing of gas during a crisis and where Member States are dependent on a single supplier. This would need to be fully compliant with WTO rules and EU competition rules.

Many Member States currently have inadequate security of electricity supply frameworks in place and they use outdated and inconsistent approaches to assessing security of electricity supply. Working together with Member States, the Commission will establish a range of acceptable risk levels for supply interruptions, and an objective, EU-wide, fact-based security of supply assessment addressing the situation in Member States. This will take into account cross-border flows, variable renewable production, demand response and storage possibilities. Capacity mechanisms should only be developed to address security of supply if a regional system adequacy assessment points to such a need, taking into account the potential for energy efficiency and demand-side response.[12]

Stronger European role in global energy markets

The Energy Union is not an inward-looking project. A stronger and more united EU can engage more constructively with its partners, to their mutual benefit.

Energy policy is often used as a foreign policy tool, in particular in major energy producing and transit countries. This reality has to be taken into account when discussing Europe's external energy policy.

Therefore, the European Union has to improve its ability to project its weight on global energy markets. Together with its major partners, the European Union will work towards an improved global governance system for energy, leading to more competitive and transparent global energy markets.

EU trade policy contributes to greater energy security and diversification through the inclusion of energy-related provisions in trade agreements with its partners. Where the EU negotiates agreements with countries that are important from a security of supply perspective, the Commission will seek as a priority to negotiate energy specific provisions contributing to the energy security, notably access to resources, and sustainable energy goals of the Energy Union. In general, the Commission will pursue an active trade and investment agenda in the energy field, including access to foreign markets for European energy technology and services.[13]

As part of a revitalised European energy and climate diplomacy, the EU will use all its foreign policy instruments to establish strategic energy partnerships with increasingly important producing and transit countries or regions such as Algeria and Turkey; Azerbaijan and Turkmenistan; the Middle East; Africa and other potential suppliers.

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12 See the Communication "Making the most of public interventions", C(2013)7243.

13 Initiatives such as "trade in green goods" will help promote products that help reduce CO2 emissions, benefit the environment and create EU jobs and growth.

The EU will further develop its partnership with Norway, the EU's second largest supplier of crude oil and natural gas. The EU will continue to integrate Norway fully into its internal energy policies. The EU will also develop its partnerships with countries such as the United States and Canada.

When the conditions are right, the EU will consider reframing the energy relationship with Russia based on a level playing field in terms of market opening, fair competition, environmental protection and safety, for the mutual benefit of both sides.

Particular attention will be paid to upgrading the Strategic Partnership on energy with Ukraine. This will address issues related to Ukraine's importance as a transit country as well as those related to Ukraine's energy market reforms, such as the upgrade of its gas network, the setting up of an appropriate regulatory framework for the electricity market and increasing energy efficiency in Ukraine as a means of reducing its dependence on imported energy.

In our immediate neighbourhood, the Commission will propose to strengthen the Energy Community, ensuring effective implementation of the EU's energy, environment and competition acquis, energy market reforms and incentivising investments in the energy sector. The goal is closer integration of the EU and Energy Community energy markets. The energy relationships with the European Neighbourhood Partnership (ENP) countries will be considered in the ongoing ENP review.

More transparency on gas supply

An important element in ensuring energy (and in particular gas) security is full compliance of agreements related to the buying of energy from third countries with EU law. Such compliance checks for Intergovernmental Agreements (IGAs) and related commercial agreements based on the relevant Decision[14] are currently carried out after a Member State and a third country have concluded an agreement. In practice, we have seen that renegotiating such agreements is very difficult. The positions of the signatories have already been fixed, which creates political pressure not to change any aspect of the agreement. In future, the Commission should be informed about the negotiation of intergovernmental agreements from an early stage, so that a better ex ante assessment of IGA's compatibility with internal market rules and security of supply criteria is ensured. Commission participation in such negotiations with third countries and a move towards standard contract clauses could also more effectively avoid undue pressure and ensure respect of European rules. Therefore, the Commission will review the Intergovernmental Agreements Decision and will propose options to ensure that the EU speaks with one voice in negotiations with third countries.

In the context of the review of the Security of Gas Supply Regulation, the Commission will also propose to ensure appropriate transparency of commercial gas supply contracts that may have an impact on EU energy security, while safeguarding the confidentiality of sensitive information.

2.2. A fully-integrated internal energy market

Despite progress made in recent years, Europe’s energy system is still underperforming. The current market design does not lead to sufficient investments, market concentration

[14] Decision No 994/2012/EU establishing an information exchange mechanism with regard to intergovernmental agreements between Member States and third countries in the field of energy.

and weak competition remain an issue and the European energy landscape is still too fragmented. We have to give a new political boost to completing the internal energy market.

The internal market's hardware: connecting markets through interconnections

At this moment, the European electricity and gas transmission systems, notably cross-border connections, are not sufficient to make the internal energy market work properly and to link the remaining energy islands to the main electricity and gas network.

Work on infrastructure projects has accelerated in recent years, even more so in light of recent events at the European Union's Eastern border. In 2013, the European Union identified 248 energy infrastructure Projects of Common Interest (PCIs). The list will be reviewed and up-dated later this year and then again every other year.[15] In 2014, the European Energy Security Strategy identified 33 infrastructure projects which are essential to improve security of supply and better connect energy markets.

A specific minimum interconnection target has been set for electricity at 10% of installed electricity production capacity of the Member States, which should be achieved by 2020. The necessary measures to achieve this 10% target are set out in the Commission Communication presented with this Energy Union Strategic Framework. In 2016, the Commission will report on the necessary measures to reach a 15% target by 2030.

The transition towards a more secure and sustainable energy system will require major investments in generation, networks and energy efficiency, estimated at some € 200 billion annually in the next decade.[16] While the private sector will bear the costs of much of these investments, access to financing will be key. Today, the European Investment Bank, the Connecting Europe Facility and financing under the European Structural and Investment Funds already provide the means. Moreover, the proposed European Fund for Strategic Investments will provide additional support, hence, further facilitating access to finance for projects of European significance such as in energy networks, renewable energy and energy efficiency. The Commission will explore proposals for energy investment regimes that pool resources to finance economically viable investments, avoiding market distortion and fragmentation.

Investors can draw on the Investment Portal being set up as part of the European Fund for Strategic Investments that is designed to boost the transparency of the EU investment project pipeline to make information accessible to potential investors. The Commission will also bring together information on infrastructure projects funded by the Connecting Europe Facility and EU Cohesion Policy Funds, to bring more coherence in the wide array of existing funding schemes and maximise their impact.

The Commission will regularly take stock of the implementation of major infrastructure projects which contribute to the Energy Union, in particular in the framework of the PCI follow-up. As part of this stock-taking exercise, it will make an annual report on the progress to reach the 10% electricity interconnection target with a specific focus on the implementation of the regional action plans. Finally, the Commission will also convene a dedicated Energy Infrastructure Forum where progress should be discussed with the Member States, relevant regional cooperation groups as well as with EU institutions. It will meet for the first time in late 2015.

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15 This update will include strategic Projects of Energy Community Interest (PECIs) that are important to enhance the Energy Union's security of supply, if they also comply with the criteria to become PCIs.

16 EU Investment Plan, COM(2014)903.

Implementing and upgrading the internal energy market's software

Full implementation and strict enforcement of existing energy and related legislation is the first priority to establish the Energy Union. There is no point in developing new policies and approaches on weak foundations.

The Commission will use all available policy instruments in this regard and will insist that Member States fully implement and enforce the 3rd Internal Energy Market Package, in particular as regards unbundling and the independence of regulators. Certain ex-ante conditions must be met so that the European Structural and Investment Funds can be used for co-financing energy investments. This will help to ensure compliance with EU energy legislation.

Strict enforcement of the Treaty's competition rules will help to prevent companies from distorting the internal energy market. Antitrust enforcement will ensure that energy can flow freely by addressing territorial restrictions in supply contracts as well as upstream/downstream and network foreclosure issues (including interconnectors). The Commission will also assess – through competition law enforcement – the evolution and formation of energy prices.

A well-functioning internal energy market needs an effective regulatory framework. The 3rd Internal Energy Market Package set up bodies to ensure cooperation among transmission system operators and regulators. In the context of the market design discussion, the functioning of these bodies will be strengthened. Currently decisions in these bodies still reflect national views.

Transmission system operation will need to become much more integrated to meet the challenges of the transformed energy system. The European Networks of Transmission System Operators for Electricity and Gas (ENTSO-E/G), which were also set-up by the 3rd Internal Energy Market Package, need to be upgraded to fulfil such a role. Regional operational centres will have to be created, so that they can effectively plan and manage cross-border electricity and gas flows.

The Agency for Cooperation of Energy Regulators (ACER) was established by the 3rd Internal Energy Market Package to assist national regulators, in particular on cross-border issues. However, ACER currently acts primarily through recommendations and opinions. It has very limited decision-making rights, e.g. it can only take decisions at the request of the national regulators or if they fail to take a decision within a certain timeframe. EU-wide regulation of the single market should be strengthened, through a significant reinforcement of the powers and independence of ACER to carry out regulatory functions at the European level in order to enable it to effectively oversee the development of the internal energy market and the related market rules as well as to deal with all cross-border issues necessary to create a seamless internal market.[17]

The 3rd Internal Energy Market Package also provided for the adoption of network codes in order to help harmonise the flow of electricity and gas across different transmission systems. This work has to be completed to ensure a better functioning of cross-border energy markets.

[17] Examples for this could be decisions relating to new infrastructure affecting more than two Member States, on exemptions from physical reverse flows in line with the Security of Gas Supply Regulation, cross-border cost allocations under the TEN-E Regulation or similar.

Market integration of renewable electricity generation requires flexible markets, both on the supply and demand side, within and beyond a Member State's borders. Electricity grids must therefore evolve significantly. There is a need to expand the possibilities for distributed generation and demand-side management, including intraday markets, to develop new high-voltage long distance connections (supergrids) and new storage technologies.

The Commission will prepare an ambitious legislative proposal to redesign the electricity market and linking wholesale and retail. This will increase security of supply and ensure that the electricity market will be better adapted to the energy transition which will bring in a multitude of new producers, in particular of renewable energy sources, as well as enable full participation of consumers in the market notably through demand response. Closer integration, including on a regional level, more cross-border trade and the development of both short and long term markets with effective price formation will deliver the right investment signals as well as the necessary flexibility to allow market integration of new generation sources.

A fully functioning internal energy market, providing efficient investment signals, is the best means to reduce the need for capacity mechanisms. The Commission has already set out guidance[18] and rules[19] to limit the detrimental effects of badly-designed, fragmented and uncoordinated public interventions. However, effective application of this guidance can only be a first step to ensure that divergent national market arrangements, such as capacity mechanisms and uncoordinated renewables support schemes become more compatible with the internal market.[20] Even though in some cases required and justified to address market failures, some forms of public intervention have had a serious negative impact on the effective functioning of the internal energy market. The Commission will work together with Member States to ensure that capacity mechanisms and support for renewable electricity are fully in line with existing rules and do not distort the internal energy market. Environmentally harmful subsidies need to be phased out altogether.[21] A reformed Emission Trading System will also play an important role in setting the right investment signals.

Finally, the Commission will ensure greater transparency in the composition of energy costs and prices by developing regular and detailed monitoring and reporting, including on impacts of energy costs and prices on competitiveness. Particular attention will be paid to public interventions such as regulated tariffs, energy taxation policies and the level of public support, as well as their impact on pricing mechanisms, including electricity tariff deficits.

Enhanced regional cooperation within a common EU framework

In an Energy Union, Member States must coordinate and cooperate with their neighbours when developing their energy policies.

Technical implementation of the different elements of our Energy Union strategy will be very complex. Some elements, such as new market arrangements for short term markets in gas and electricity or integrating the operations of transmission system operators

18 See the Communication "Making the most of public interventions", C(2013)7243.

19 Environmental and Energy State Aid Guidelines (EEAG), OJ C 200, 28.6.2014, p. 1-55.

20 The application of EEAG to the support schemes approved to date has partly mitigated the effects of fragmentation, however, further action is needed.

21 See the resource efficiency roadmap (COM(2011)571) and the 2012 Communication on the internal energy market (COM(2012)663), and in line with the G20 commitment.

should be developed and implemented at regional level as a step towards full EU-wide market integration. Existing arrangements such as the Pentalateral Energy Forum or the Baltic Energy Market Interconnection Plan (BEMIP) are initiatives on which to build further. Successes in these regions should act as a catalyst for other regions. The Commission will ensure that all regional initiatives evolve in a coherent way and lead towards a fully integrated Single Energy Market.

Given its particular vulnerability, there is a need to improve cooperation, solidarity and trust in the Central and South-Eastern part of Europe. Dedicated cooperation arrangements would help to accelerate the better integration of these markets into the wider European energy market which would improve the liquidity and resilience of the energy system and would allow full use of the region's energy efficiency and renewable energy potential. The Commission will take concrete initiatives in this regard as an urgent priority.

For the Northern and Baltic Seas, the Commission will work with Member States and industry on delivering cost-reduction to these offshore energy systems.

A new deal for consumers

In an Energy Union, consumers in one Member State should be able to make informed choices and buy their energy freely and simply from a company in another Member State. This requires the further adaptation of the current national regulatory frameworks since the vast majority of European households remain passive consumers. In some Member States consumers have a limited choice of suppliers and switching between suppliers is relatively cumbersome.

In order to empower consumers, Member States and their authorities need to fully implement and enforce existing European rules, including consumer protection rules. Necessary support measures should be undertaken also by regional and local authorities, so that consumers have understandable, readily-accessible information, user-friendly tools, and financial incentives for saving energy.

Smart technologies will help consumers and energy service companies working for them to reap the opportunities available on the energy market by taking control of their energy consumption (and possible self-production). This will deliver more flexibility in the market and potentially reduce consumer bills.

The Commission will continue to push for standardisation and to support the national roll-out of smart meters[22] and to promote the further development of smart appliances and smart grids, so that flexible energy use is rewarded. It will develop synergies between the Energy Union and the Digital Single Market agenda and take measures to ensure privacy protection and cyber-security.

However, this will only work if market prices send the right signals. In a number of Member States, regulated tariffs still limit the development of effective competition, which discourages investments and the emergence of new market players. Regulated end-user prices are often used to protect households or even non-household customers from increases in energy costs. The impact of such measures falls on non-regulated customers, on electricity companies and/or public finances, where electricity tariff deficits are incurred. However, in the long run, these measures harm the interests of the

[22] See Report "Benchmarking smart metering deployment in the EU-27 with a focus on electricity", COM(2014)356.

consumers they are meant to help. The Commission will seek the phasing-out of below cost regulated prices through the competition and economic governance frameworks. It will also encourage Member States to establish a road map for the phasing-out of all regulated prices.

Protecting vulnerable consumers

Energy poverty negatively affects living conditions and health. It has many causes, mostly resulting from a combination of low income and general poverty conditions, inefficient homes and a housing tenure system that fails to encourage energy efficiency. Energy poverty can only be tackled by a combination of measures, mainly in the social field and within the competence of authorities on the national, regional or local levels. When phasing out regulated prices, Member States need to propose a mechanism to protect vulnerable consumers, which could preferably be provided through the general welfare system. If provided through the energy market, it could be implemented through schemes such as a solidarity tariff or as a discount on energy bills. The cost of such schemes needs to be covered by non-eligible consumers collectively. Hence, it is important that such a system is well targeted to keep overall costs low and to limit the distortions deriving from regulated prices (e.g. not increase further tariff deficits in Member States).

2.3. Energy efficiency as a contribution to the moderation of energy demand

The European Council set in October 2014 an indicative target at the EU level of at least 27% for improving energy efficiency in 2030. This will be reviewed by 2020, having in mind an EU level of 30%. It is in this context necessary to fundamentally rethink energy efficiency and treat it as an energy source in its own right, representing the value of energy saved. As part of the market design review, the Commission will ensure that energy efficiency and demand side response can compete on equal terms with generation capacity.

Most of the work has to be done at national, regional and local level, but the Commission can play a strong role creating the appropriate framework for progress. The Commission will, therefore, encourage Member States to give energy efficiency primary consideration in their policies.

The EU has already put in place the world's leading set of measures to become more efficient in our energy consumption. Through energy labelling and ecodesign legislation, consumers can make informed energy consumption choices. While all economic sectors must take steps to increase the efficiency of their energy consumption, the Commission will pay special attention to those sectors with a huge energy efficiency potential, in particular the transport and buildings sector. The Commission will further establish synergies between energy efficiency policies, resource efficiency policies and the circular economy. This will include exploiting the potential of "waste to energy".

Increasing energy efficiency in the buildings sector

Heating and cooling is the largest single source of energy demand in Europe and the majority of Europe’s gas imports are used for these purposes. Huge efficiency gains remain to be captured with regard to district heating and cooling, which will be addressed in a Commission strategy.

Actions by Member States, particularly at the local and regional levels, are needed to exploit the energy efficiency potential of buildings. Attracting investments at the scale needed remains a challenge, especially at the local level, mainly due to lack of awareness and expertise in small-scale financing. The Commission will support ways to simplify access to existing financing and offer 'off-the-shelf' financing templates for financial instruments to the European Structural and Investment Funds managing authorities and interested stakeholders, promote new financing schemes based on risk and revenue sharing, develop new financing techniques and support in terms of technical assistance. Financial support needs to be combined with technical support to help aggregate small-scale projects into larger programmes which can drive down transaction costs and attract the private sector at scale.

The work of the Smart Cities and Communities-initiatives as well as to the Covenant of Mayors, which are primarily carried forward by mayors, civil society organisations, investors, financial institutions and service providers, is important for achieving progress on energy efficiency in and outside the EU. This work has the Commission's firm support. The Commission will also develop a "global excellence for energy efficiency policy-making" initiative as a contribution to the G20 Energy Efficiency Action Plan. It will strongly promote the adoption of ambitious energy efficiency goals and targets in fora such as the UN "Sustainable Energy for All" initiative and the International Energy Agency. As a global leader in energy efficiency technology, this should be a driver for exports, and growth and jobs in the EU.

EU funds and EIB financing can make a huge difference. The European Fund for Strategic Investments provides an opportunity to leverage major investments in renovating buildings. Investments in this area can provide great returns in terms of growth and jobs.

Towards an energy-efficient, decarbonised transport sector

Transport represents more than 30% of final energy consumption in Europe. Realising its energy efficiency potential requires a continued focus on tightening CO_2 emission standards for passenger cars and vans post-2020, and on measures to increase fuel efficiency and reduce CO_2 emissions for heavy duty vehicles and buses. Better traffic management should also be promoted as a modern, forward-looking tool to cut CO2 emissions.

This should be accompanied by measures to better exploit the potential of the single market and to internalise external costs. The Commission will promote the use of road charging schemes based on the polluter-pays and user-pays principles and increase efforts to create a single European transport area, based on a more optimal use of the fleet. Considerable fuel savings could also be realized by removing barriers to less green-house gas intensive modes of transport, such as rail, maritime transport and inland waterways, and by making these modes more attractive and cost efficient. The Commission will further promote the 'Shift2Rail'[23] initiative.

The Commission will also take further actions to decarbonise the transport sector, which is still essentially running on oil products. This will require a gradual transformation of the entire transport system as well as an increased development and deployment of alternative fuels. The Commission will take further action to promote the swift

[23] Regulation 642/2014 establishing the Shift2Rail Joint Undertaking.

deployment of the necessary infrastructure, i.e. refuelling and recharging stations. [24] Market up-take of such vehicles depends on infrastructure, vehicles and fuels being rolled out together.

Electrification of transport is important to break oil dependency and to decarbonise transport, especially for road (short and medium distance) and rail transport. Europe needs to speed up electrification of its car fleet and other means of transport and become a leader in electro-mobility and energy storage technologies. This requires a full integration of electric vehicles in urban mobility policies and in the electricity grid, both as energy consumers and potential storage facilities.

2.4. Decarbonisation of the economy

An ambitious climate policy is an integral part of our Energy Union. The EU's climate policy is based on an EU-wide carbon market (the EU Emissions Trading System), ambitious but fair national green-house gas reduction targets for the sectors outside the Emissions Trading System and an energy policy to make the European Union the number one in renewable energy.

An ambitious EU Climate policy

The agreement on the 2030 climate and energy framework has defined the EU commitment of an at least 40% domestic reduction in greenhouse gas emissions compared to 1990. This makes an ambitious contribution to the international climate negotiations with a view to achieving a binding climate agreement in 2015. This contribution is spelled out in the communication on the Road to Paris, presented at the same time as this Energy Union Strategic Framework. The Commission, together with the Member States, will engage with other major economies to convince them to join Europe's ambition. It will do this through an active European climate diplomacy that makes full use of trade and development instruments.

The cornerstone of Europe’s climate policy is a well-functioning EU Emissions Trading System. As a result of the Market Stability Reserve and the measures needed to meet the increased ambition decided in the 2030 framework, the EU Emissions Trading System will deliver a meaningful price on carbon emissions and stimulate cost-efficient green-house gas emission reductions. The European Commission wants the EU Emissions Trading System to fully play its role as a technology neutral, cost-effective and EU-wide driver for low-carbon investments. Through its price formation at EU level it reinforces the functioning of the internal energy market and stimulates the uptake of renewables and other low-carbon and energy-efficient technologies. Policies to prevent carbon leakage should reflect the degree of efforts undertaken in other major economies.

For the sectors not included into the EU Emissions Trading System, national targets still need to be set and the land and forestry sector will be incorporated into the EU 2030 framework, ensuring that also these sectors have the right incentives to mitigate GHG emissions and contribute to the fight against climate changes.

[24] Directive 2014/94/EU of the European Parliament and of the Council of 22 October 2014 on the deployment of alternative fuels infrastructure.

Becoming the number one in renewables

The European Union is committed to becoming the world leader in renewable energy, the global hub for developing the next generation of technically advanced and competitive renewable energies. The EU has also set an EU target of at least 27% for the share of renewable energy consumed in the EU in 2030.

The EU is already on track to meet its 2020 target of 20% renewable energy in its energy mix, costs for new wind and photo-voltaic capacity have reduced significantly due in large part to the EU's commitment in this area, and reform of support schemes to further drive down costs is well under way. But to achieve the 27% target, new challenges must be faced.

To integrate renewable production progressively and efficiently into a market that promotes competitive renewables and drives innovation, energy markets and grids have to be fit for renewables.[25] Existing legislation and new market rules need to be fully implemented, enabling the roll-out of new technologies smart grids and demand response for an efficient energy transition.

In line with the Environmental and Energy Aid Guidelines, renewable production needs to be supported through market-based schemes that address market failures, ensure cost-effectiveness and avoid overcompensation or distortion. Low-cost financing for capital intensive renewables depends on having a stable investment framework that reduces regulatory risk. This is necessary to ensure investor confidence and to attract investments from international funds, large scale project promoters and cooperatives and households in a market-based framework that keeps capital costs down. The Commission will facilitate cooperation[26] and convergence of national support schemes leading to more cross border opening through in-depth discussions with Member States on the respective Commission Guidance[27] and the Environmental and Energy Aid Guidelines.

Investment decisions in renewable electricity have to take into account the physical realities of resource availability and of the grid; public acceptance; consumption location and administrative barriers. Also, the development of new infrastructure, especially interconnections, needs to lower the cost of integrating renewable electricity into the internal energy market.

The EU needs to invest in advanced, sustainable alternative fuels, including biofuel production processes, and in the bio-economy more generally. This allows us to retain technological and industrial leadership and to meet climate change objectives. The EU will also need to take into account the impact of bioenergy on the environment, land-use and food production. The EU Investment Plan, as well as other EU financing sources, could help to ensure the necessary financing.

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25 Making markets fit for renewables means short term markets need to develop into deep, liquid and real time functioning. Existing power grids designed and often managed for conventional power production in a national scope are suboptimal for a future where supply from renewable sources will become ever more important and where balancing is needed to compensate for their inherent variability.

26 Several Member States are looking into using cooperation mechanisms from the Renewable Energy Directive to meet their national targets cost-efficiently. The Commission has been supporting this process by helping Member States to find solutions for technical and financial issues related to these cross-border mechanisms.

27 European Commission guidance for the design of renewables support schemes, SWD(2013)439; Guidance on the use of renewable energy cooperation mechanism, SWD(2013)440.

2.5. An Energy Union for Research, Innovation and Competitiveness

A new strategy for Research and Innovation (R&I) must be at the very heart of the Energy Union. If Europe's Energy Union is to be the world number one in renewable energies, it must lead on the next generation of renewable technologies as well as to storage solutions.

Equally, putting the EU at the forefront of smart grid and smart home technology, clean transport, as well as clean fossil fuel and the world's safest nuclear generation, is central to the aim of turning the Energy Union into a motor for growth, jobs and competitiveness.

Although important progress has been made in improving the effectiveness of Europe's research programmes, much more can be done. We are still a long way from fully coordinated and focussed research, effectively combining EU and Member State programmes around common goals and deliverables. If we are to achieve our aims, we must get the maximum possible results from every Euro invested across the whole EU. This means taking an integrated approach to create synergies; working together to coordinate efforts and deliver results; ensuring more effective links between research and industry and thereby bringing new technologies to the market in the EU.

To achieve this, the new European energy R&I approach[28] should accelerate energy system transformation. This should build on Horizon 2020 and involve all Member States, stakeholders and the Commission.

Actions should be grouped around the following four core priorities, to which Member States and the Commission would commit:

– Being the world leader in developing the next generation of renewable energy technologies, including environment-friendly production and use of biomass and biofuels, together with energy storage;

– Facilitating the participation of consumers in the energy transition through smart grids, smart home appliances, smart cities, and home automation systems;

– Efficient energy systems, and harnessing technology to make the building stock energy neutral, and

– More sustainable transport systems that develop and deploy at large scale innovative technologies and services to increase energy efficiency and reduce greenhouse gas emissions.

On top of these four common priorities, there are additional research priorities which merit a much greater level of collaboration between the Commission and those Member States who want to use these technologies:

– A forward-looking approach to carbon capture and storage (CCS) and carbon capture and use (CCU) for the power and industrial sectors, which will be critical to reaching the 2050 climate objectives in a cost-effective way. This will require an enabling policy framework, including a reform of the Emissions Trading System and the new

[28] This should comprise an updated Strategic Energy Technology Plan and a strategic transport R&I agenda.

Innovation Fund, to increase business and investor clarity, which is needed to further develop this technology.

– Nuclear energy presently produces nearly 30% of the EU's electricity.[29] The EU must ensure that Member States use the highest standards of safety, security, waste management and non-proliferation. The EU should also ensure that it maintains technological leadership in the nuclear domain, including through ITER[30], so as not to increase energy and technology dependence.

An innovation-driven transition to a low carbon economy offers great opportunities for growth and jobs. New business sectors, new business models and new job profiles will emerge. Technological leadership must be followed by the development of industrial production capabilities or technology supply chains across Europe. This requires bringing together research, industry, the financing sector and public authorities. An efficient industrial strategy along these lines will enable the EU industry to benefit from the first-mover advantage, both domestically and within international technology markets, with the resulting positive effects on competitiveness and job creation.

The Commission will explore how public procurement can exploit its potential to act as a catalyst for industrial and business innovation, and green growth both within the EU and beyond its borders. It will make full use of EU trade policy to improve access to foreign markets for Energy Union related technologies and services as well as to protect the EU market from unfair trade practices, and support other countries in their efforts to establish modern and sustainable energy systems. The Commission will work with Member States and regions to ensure synergies between the different EU funds and to exploit the full potential of Cohesion Policy funding for innovation.

Change also means that some sectors, business models or job profiles will have to adjust. Vocational and other training paths for new or adapted job profiles have to be established, corresponding to the new business needs and providing people with solid professional skills. An energy transition that is just and fair will therefore require re-training or up-skilling of employees in certain sectors and, where needed, social measures at the appropriate level. The first-hand knowledge and experience of the social partners is crucial in this regard. The Commission will inform the social partners and invite them to include the energy transition in their social dialogue at European level.

3. Energy Union Governance

The Energy Union also needs an integrated governance and monitoring process, to make sure that energy-related actions at European, regional, national and local level all contribute to the Energy Union's objectives. The governance process should serve the following purposes:

- bring together energy and climate actions as well as actions in other relevant policy areas, leading to more and longer-term policy coherence. This also provides long term certainty and guidance for investors;
- secure implementation of the internal energy market and the delivery of the 2030 energy and climate framework, notably the implementation of the agreed 2030 targets on renewables, energy efficiency, non-Emissions Trading System and interconnections;

[29] See European Energy Security Strategy, COM (2014) 330.

- streamline current planning and reporting requirements, avoiding unnecessary administrative burden;
- involve an energy dialogue with stakeholders to inform policy-making and support active engagement in managing the energy transition;
- deepen the cooperation between Member States, including at the regional level, and with the Commission;
- improve the data, analysis and intelligence needed to underpin the Energy Union by pooling the relevant knowledge and making it easily accessible to all stakeholders, and
- annual reporting to the European Parliament and the Council on the state of the Energy Union in order to address the key issues and steer the policy debate.

The Commission will launch a dynamic governance process for the European Energy Union. While there will be clear links between this governance process and the European Semester, the two processes will be managed separately.

4. Delivering the Energy Union

Achieving the Energy Union means delivering on the actions set out in this Strategy, which are summarised in the fifteen points set out below. The attached roadmap shows the initiatives to be developed as part of the Strategy, with a clear timetable for adoption and implementation as well as respective responsibilities. The Commission regards these as inter-linked and consistent with the scale of ambition the EU needs to transform Europe's energy system.

Successful implementation depends on the political commitment of all actors concerned, including EU institutions, Member States, the European Investment Bank and other stakeholders, including at regional and local level, in line with the principles of subsidiarity, proportionality and better regulation.

The EU must be able to react to unexpected events, seize new opportunities and anticipate and adapt to future trends. Whenever necessary, the Commission will use its right of initiative to set out an appropriate response to events.

The Commission invites the European Parliament and Council to endorse this strategy to deliver the Energy Union and to actively engage in its implementation, in close cooperation with all relevant stakeholders.

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The Energy Union in fifteen action points

1. Full implementation and strict enforcement of existing energy and related legislation is the first priority to establish the Energy Union.

- The Commission will use all instruments to ensure that Member States fully implement energy legislation, in particular the 3rd Internal Energy Market Package, and it will strictly enforce the Treaty's competition rules.

2. The EU needs to diversify its supply of gas and make it more resilient to supply disruptions.

- The Commission will propose a resilience and diversification package for gas in 2015-2016 by revising the existing security of gas supply Regulation.

- The Commission will prepare a comprehensive strategy for liquid natural gas (LNG) and its storage, and

- The Commission will work with Member States to develop access to alternative suppliers, including from the Southern Gas Corridor route, the Mediterranean and Algeria, in order to decrease existing dependencies on individual suppliers.

3. Intergovernmental agreements should comply fully with EU legislation and be more transparent.

- The Commission will propose a revision of the Decision on Intergovernmental Agreements in 2016 to ensure compatibility with EU legislation before agreements are negotiated, involve the Commission in such negotiations, develop standard contract clauses covering EU rules and make commercial gas supply contracts more transparent.

4. The right infrastructure is a precondition for completing the energy market, integrating renewables and security of supply.

- The Commission will support the implementation of major infrastructure projects, particularly the Projects of Common Interest, through the available financial means, e.g. the Connecting Europe Facility, the European Structural and Investment Funds and the future European Fund for Strategic Investments to leverage the necessary private and public funding.

- The Commission will bring together information on EU-funded infrastructure projects to bring more coherence and to maximise their impact.

- The Commission will create a dedicated Energy Infrastructure Forum to discuss progress on major infrastructure projects with Member States, regional cooperation groups and EU institutions. It will meet for the first time in late 2015.

5. Creating a seamless internal energy market that benefits citizens, ensuring security of supply, integrating renewables in the market and remedying the currently uncoordinated development of capacity mechanisms in Member States call for a review of the current market design.

- The Commission will propose legislation on security of supply for electricity in 2016.

- The Commission will propose a new European electricity market design in 2015, which will be followed by legislative proposals in 2016.

6. The regulatory framework set-up by the 3rd Internal Energy Market Package has to be further developed to deliver a seamless internal energy market to citizens and companies.

- The Commission will review the regulatory framework, in particular the functioning of ACER and the ENTSOs, in 2015-2016 and will propose appropriate actions to reinforce the European regulatory framework.

7. Regional approaches to market integration are an important part of the move towards a fully integrated EU-wide energy market.

- The Commission will develop guidance on regional cooperation and engage actively in regional cooperation bodies with Member States and stakeholders.

8. Greater transparency on energy costs and prices as well as on the level of public support will enhance market integration and identify actions that distort the internal market.

- The Commission will produce biennial reports on energy prices, analyse in depth the role of taxes, levies and subsidies and seek the phasing out of regulated prices below cost.

- At the national and local levels, action should be taken to protect vulnerable consumers through social policies.

9. The EU has set itself the target of reaching at least 27% energy savings by 2030.

- In 2015 and 2016, the Commission will review all relevant energy efficiency legislation and will propose revisions, where needed, to underpin the 2030 target.

- Member States and regions should make more use of European funds for renovation of housing.

10. Buildings have huge potential for energy efficiency gains. Retrofitting existing buildings to make them energy efficient and making full use of sustainable space heating and cooling will reduce the EU's energy import bills, reinforce energy security and cut energy costs for households and businesses.

- The Commission will develop a ‘Smart Financing for Smart Buildings’-initiative to make existing buildings more energy-efficient, facilitating access to existing funding instruments.

- The Commission will propose a strategy to facilitate investment in heating and cooling.

11. The EU needs to speed up energy efficiency and decarbonisation in the transport sector, its progressive switch to alternative fuels and the integration of the energy and transport systems.

- The Commission will propose a comprehensive road transport package promoting more efficient pricing of infrastructure, the roll-out of intelligent transport solutions and enhancing energy efficiency.

- The Commission will take further action to create the right market conditions for an increased deployment of alternative fuels and to further promote procurement of clean vehicles. This will be delivered through a mix of national, regional and local measures, supported by the EU.

12. The EU agreed a climate and energy framework for 2030 at the October European Council. This now needs to be implemented. The EU will provide an ambitious contribution to the international climate negotiations.

- The Commission will propose legislation to achieve the greenhouse gas reduction target agreed at the October 2014 European Council both in the Emissions Trading System and in the sectors outside the Emissions Trading System.

13. The EU has agreed the target of at least 27% at EU level for renewable energy by 2030.

- The Commission will propose a new Renewable Energy Package in 2016-2017. This will include a new policy for sustainable biomass and biofuels as well as legislation to ensure that the 2030 EU target is met cost-effectively.

14. The EU needs to develop a forward-looking, energy and climate-related R&I strategy to maintain European technological leadership and expand export opportunities.

- The Commission will propose a European energy R&I approach, comprising an upgraded Strategic Energy Technology Plan and a strategic transport R&I agenda, with a limited number of essential priorities and clear objectives, in 2015-2016.

- The Commission will develop an initiative on global technology and innovation leadership on energy and climate to boost jobs and growth.

15. The EU will use all external policy instruments to ensure that a strong, united EU engages constructively with its partners and speaks with one voice on energy and climate.

- The Commission, with the HR/VP, and the Member States will revitalise the EU's energy and climate diplomacy.

- The Commission, with the HR/VP, will develop an active agenda to strengthen EU energy cooperation with third countries, including on renewable energy and energy efficiency.

- The Commission will make full use of the EU's external trade policy to promote access to energy resources and to foreign markets for European energy technology and services.

LANDSORGANISASJONEN I NORGE
SAMFUNNSPOLITISK AVDELING

Samfunnsnotat nr 3/19

Hvorfor stiger strømprisene?

1. Hva bestemmer prisen på strøm i Norge?
2. Kraftmarkedet styres av været på kort sikt
3. Økte priser på brensel og utslipp av CO2
4. Flere utenlandskabler fører også til høyere priser i mesteparten av året
5. Kraftbalansen og utenlandskapasiteten styrer kraftprisen
6. Normalt burde en forvente lavere kraftpriser av et økende overskudd. Men paradoksalt nok skjer det motsatte

Februar 2018

Tidligere utgitte samfunnsnotat i 2019

Samfunnsnotat	1/19	Inkluderende arbeidsliv
Samfunnsnotat	2/19	Skatt på pensjon

1. Hva bestemmer prisen på strøm i Norge?

"Den norske kraftprisen endte på 42 øre/kWh i 2018, noe som er det høyeste kraftprisnivået siden 2010. Det utgjør en økning på 35 prosent sammenliknet med 2017. Økte kull- og gasspriser og en fordobling i kostnaden på CO_2-kvoter økte kostnaden for kraftproduksjon i Europa. Dette påvirket også de norske kraftprisene gjennom mellomlandsforbindelsene. For en vanlig strømkunde med et forbruk på 20.000 kWh økte strømregningen med ca. 3400 kroner i 2018 sammenlignet med året før." Slik oppsummerer NVE strømsituasjonen i 2018. I en barsk januar steg prisene ytterligere, men det har igjen roet seg med en mild februar måned i 2019. Hva er årsakene? Vi ser nærmere på de viktigste forklaringene i dette notatet.

Strømregninga består av tre komponenter:

(1) Kraftprisen. Denne betaler du for gjennom din valgte strømleverandør. Leverandøren tar et påslag på kraftprisen, mest hvis du velger såkalt variabel strømpris. Velger du spot kontrakt blir påslaget mindre, men du får enda mer variabel strømregning.
(2) Dernest betaler du nettleie til nettselskapene, som dekker lokalt og sentralt strømnett.
(3) Sist er det ulike påslag og avgifter som elavgift, grønne sertifikater og moms på det hele.

Når strømprisen er moderat kan en si at hver av disse komponentene står for om lag en tredjedel av strømregninga. Sittende regjering har økt elavgiften med 5 øre per kWh, men satte den ned med et øre fra 2019. Utfordringen er at alle disse komponentene har økt den senere tid, for i tillegg til økningen i elavgiften og høye kraftpriser har også nettleien økt på grunn av nødvendige påslag for oppgraderinger og modernisering som smarte strømmålere.

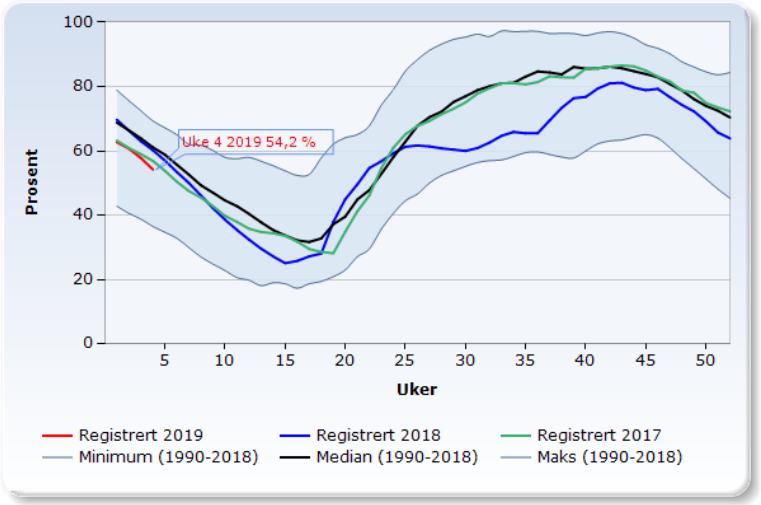
Det er lite du kan gjøre på kort sikt for å redusere regninga, om du ikke har alternative oppvarmingsmuligheter som vedfyring, annet enn å skru ned innetemperaturen og spare på varmtvannet. På lengre sikt kan man investere i bedre isolering, bedre ovner osv. En enkel installasjon av en luftvarmepumpe koster ikke så mye og betaler seg fort inn. Det gis enøkstøtte til noen av disse tiltakene, men det er ikke tema for dette notatet. Her skal vi fokusere på den mest variable delen, kraftprisen.

På lengre sikt må vi legge til grunn at energi, kvotepriser og brenselspriser vil øke fra det forholdsvis lave nivået vi er blitt vant med de senere år, og dermed øker også kraftprisen.

2. Kraftmarkedet styres av været på kort sikt

I slutten av januar 2019 opplevde vi rekordhøye strømpriser. Prisen på kraft var i uke 4 den høyeste siden februar 2010. Det skjer på tross av at det for sesongen er tilnærmet normal fylling i vannmagasinene.

Fyllingsgrad, hele Norge, siste 3 år.



Kilde NVE [1]

Uten overføringskapasitet styres prisen på kort sikt av metrologiske forhold. Er det kaldt, øker forbruket til oppvarming. Vannlageret, altså hvor mye vann vi har i magasinene, er også viktig. Det skyldes at produsentene av kraft fra vannmagasiner kan styre *når* de vil tappe av magasinet. Er det nok vann i magasinene, kan man tappe nå uten å risikere å gå tom senere. Dersom det er få andre muligheter til å produsere strøm, som i kalde perioder når det blåser lite og vannføringen i elvene er svært liten, kan det lønne seg å tappe og eksportere kraft til nabolandene. Det er dette som har skjedd i kulda i januar-februar 2019[2], og prisen ble rekordhøy selv om vi tappet av magasinene og til og med eksporterte til våre mer vindkraftbaserte naboland. Utviklingen senere har vært mer i balanse mellom eksport og import, og i februar har vi periodevis dratt nytte av billig vindkraftoverskudd i nabolandene.

Er det mindre vann i magasinene og utsikter til at det kan bli ei vårknipe, kan det lønne seg for kraftprodusentene å spare på vannet, og heller produsere senere. Da må prisen stige enda mer og da kan det lønne seg å importere strøm fra nabolandene. I avsnitt 4 skriver vi mer om handel av kraft over landegrensene.

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[1] http://vannmagasinfylling.nve.no/ChartImg.axd?i=charts_0/chart_0_17.png&g=80d7db81593e45b693069c1b98bbc270

[2] NVE skriver i sin kraftmarkedsrapport uke 4: "Auka kraftprisar grunna halvert vindkraftproduksjon. Vindkraftproduksjonen i Norden vart halvert i veke 4, samanlikna med veka før. Det førte til at meir av det nordiske kraftforbruket måtte dekkjast av regulerbar kraft. Det bidrog til ein auke i dei nordiske kraftprisane og til høgare norsk kraftproduksjon. Den norske nettoeksporten var 366 GWh, om lag like stort som fallet i vindkraftproduksjonen.
Kraftprisane i Sør-Noreg var på over 60 øre/kWh, noko som er på med nivå med resten av Norden og Nord-Europa. Snittprisen for kraft i Noreg for ei veke har ikkje vore høgare sidan februar 2010. "

3. Økte priser på brensel og utslipp av CO2

Det er altså ikke knapphet på vann som er hovedårsaken til at prisnivået er blitt så høyt denne høsten og vinteren. Rekordnedbør som fulgte sommerens tørke gjorde at magasinfyllingen tok seg opp til normalt nivå i løpet av ukene 35-45. Dette er den blå kurven i Figur 1. Som det går fram av kurven, er magasinfyllingen nokså normal for årstiden, og det er ikke utsikter til noen prekær vårknipe. Det er andre grunner til at kraftprisen øker. Det henger sammen med kombinasjonen av økt krafthandel som er gjort mulig gjennom flere utenlandskabler, og høyere prisnivå i landene vi importer fra. Dyrere kull og gass, samt økte kvotepriser på fossil kraftproduksjon er hovedforklaringen på dette. Situasjonen skjerpes tidvis av at vindkraften har en større del av forsyningen i våre naboland. I kulda blåser det lite og dyrere alternativer må mobiliseres, som kullkraftverk med gammel teknologi høye brenselspriser. Nedstenging av kjernekraft i Tyskland bidrar også til høyere priser.

4. Flere utenlandskabler fører også til høyere priser i mesteparten av året

Muligheten til å eksportere strøm når prisene er lavere i Norge enn i utlandet, gjør at prisen innenlands også stiger. Da «importerer» vi utlandets prisnivå. Disse kablene kan sende strømmen begge veier. Når prisen er høyest i Norge blir kraft importert hit. Alt annet like vil det dempe prisen i Norge. I neste avsnitt beskriver hvordan kraftbalansen og utenlandskapasiteten styrer kraftprisen.

En viss kapasitet til å utveksle strøm på denne måten er derfor nyttig. Hvis en ikke har *noen* utenlandsforbindelser, ville strømprisen kunne blitt enda høyere, særlig i perioder med kulde eller knapphet på vann. I varme og våte perioder kunne vi gått glipp av kraftinntekter i mangel på forbruksmuligheter innenlands. Handel med kraft utnytter forskjeller i produksjonskapasitet, f.eks. mellom Norge med mye magasinkapasitet på den ene siden, og andre nordiske land med kjernekraft, vind og varmekraft på den andre siden. Derfor er det gradvis bygd ut flere mellomlandsforbindelser. Siden Norge har mye billig kraft, er prisen normalt lavere i Norge enn i utlandet. Norge har i de senere årene bygd ut flere utenlandsforbindelser, og to nye kabler til Tyskland og England er under bygging i regi av Statnett.

Når utvekslingskapasiteten er blitt stor, kan virkningen endre seg. De siste utbyggingene er derfor mer omstridt. Nå er det søkt konsesjon om ytterligere en kabel til Storbritannia som kraftselskaper selv står bak. Dersom den gis konsesjon, blir det første gangen en slik kabel ikke bygges ut i regi av vår felles systemoperatør Statnett.

For kraftprodusentene er flere utenlandsforbindelser fortsatt svært lønnsomt. De sikrer seg større overskudd. De har derfor argumentert for flere kabler og for retten til å bygge dem selv. For hver kabel som bygges ut, øker innenlands kraftpris over året, med en til to øre per kWh ifølge beregningene[3]. For forbrukere og industri betyr det høyere priser.

Forbruket av kraft i industrien i Norge var i 2017 på 45 TWh. Det betyr at for hvert øre kraftprisen stiger, så stiger kostnadene for industrien med[4] 450 millioner kroner. Noe av dette kompenseres gjennom en felles europeisk kompensasjonsordning, når økningen skyldes høyere kvotepriser som nå[5]. Forbruket i husholdningene var på 40 TWh. Det betyr at strømregninga øker

[3] Beregninger gjort av Statnett i konsesjonssøknad for Tyskland og Englandskablene og i konsesjonssøknad for ny kabel til England ligger i dette intervallet, og virkningen avhenger av hvilke markeder som knyttes sammen og av flere usikre faktorer

[4] 12 (Tera)-3 (kilo)-2 (Fra øre til kroner) = 7 nuller målt i kroner, altså 450 000 000

[5] Den mest kraftintensive industrien skjermes mot deler av en slik økning som skyldes økte kvotepriser gjennom en CO2-kompensasjonsordning godkjent av EU som LO har medvirket til å få på plass

med 500 millioner inklusive moms. Samlet kraftforbruk i Norge var i 2018 på 135 TWh. Hvert øre økt kraftpris gir da 1,35 mrd. i økte utgifter for forbrukere og all næringsvirksomhet samlet (før moms), og tilsvarende i økte inntekter for kraftselskapene. I tillegg kommer eksportinntektene.

Vi har nå så mange utenlandskabler at vi er i ferd med å importere et vesentlig høyere prisnivå på kraft. Det fører til redusert kjøpekraft gjennom økte konsumpriser, og reduserte fordeler for kraftkrevende industri. Kraftkablene har medført en overføring av overskudd fra forbrukerne og industrien til kraftprodusentene. Selv om det fortsatt er stat og kommuner som er dominerende eier, og samfunnet dermed nyter godt av økt overskudd i kraftselskapene, er det ikke opplagt at videre utbygging er noen fordel for landet.

Andre verdier kan gå tapt, som for eksempel at det blir mindre industri i landet, og mer krevende å elektrifisere transportsektoren, slik at klimagassutslippene kan øke både nasjonalt og internasjonalt. Selv om vi eksporterer mer fornybar kraft, vil dette ikke påvirke utslipp fra Europa på grunn av kvotemarkedet. Økte strømpriser kan svekke konkurranseevnen på to måter. For det første gjennom høyere pris på energi til smelteverk og andre kraftforedlende industrier, og for det andre gjennom høyere konsumpriser som kan føre til høyere lønnsvekst i Norge dersom prisøkningen er varig. I 2018 økte strømprisene så mye at det spiste opp mesteparten av reallønnsveksten.

5. Kraftbalansen og utenlandskapasiteten styrer kraftprisen

Markedet styres av tilbud og etterspørsel. På lengre sikt øker tilbudet med nye kraftutbygginger, i Norge med fornybar kraft. Når tilbudet innenlands overstiger etterspørselen, kan overskuddet eksporteres når det er ledig kapasitet i kablene. I virkeligheten skjer det import og eksport gjennom døgnet, time for time, med import om natta og eksport om dagen. I perioden 1/1 2010 til 6/2 2019 importerte vi i 31 pst av timene og eksporterte i 69 pst.

Selv om markedet er timesbasert, vil vi fokusere på det langsiktige bildet her, og betrakter de årlige strømmene. Norge er en betydelig nettoeksportør av kraft og eksporterte 164 TWh og importerte 73 TWh i denne perioden ifølge Statnett. Høyeste årlige netto eksport var 18 TWh (2012) og laveste var en netto import på 7,5 TWh i 2010. I alle år etter dette har vi hatt stor nettoeksport på grunn av økende produksjon av vannkraft og våte år. Selv i 2018, et år med under gjennomsnittlig tilsig til våre magasiner, var netto eksporten på over 10 TWh[6].

Samtidig er kraftbalansen i Norden også bedret. Sertifikatordningen i Sverige tvinger fram ny fornybar kraftproduksjon, som vind, noe ny vannkraft og sol, selv om kraftmarkedet fra før er i rimelig god balanse. Dette kommer nå også i økende grad i Norge gjennom samme mekanisme og bedrete rammevilkår, samt at kostnadene for vindkraft er betydelig redusert. Finland har bygd ut ny kjernekraft. Alt i alt venter NVE[7] en betydelig bedret kraftbalanse i Norden fram mot 2030. Samtidig er det bygd ut flere nye utenlandsforbindelser mellom nordiske land, og mellom Norden og andre land som Russland, Baltikum, Polen, Tyskland, og UK.

[6] NVE: "2018 ble et år med ekstrem variasjon i tilsig og nedbør. Fra en rekordtørr sommer gikk vi rett inn i en høst med historisk mye nedbør. For året som helhet kom det 13 TWh mindre nedbør enn normalt, mens tilsiget totalt endte på normalt nivå. Norsk kraftproduksjon ble 145,7 TWh, som er en nedgang på 3 TWh sammenlignet med 2017. Det ble nok en gang satt forbruksrekord i Norge i 2018. Det norske kraftforbruket endte på 135,4 TWh. Den økte kraftetterspørselen skyldes kaldt vær på våren, økt elektrifisering og økning i kraftkrevende industri. Spesielt uttaket av strøm til petroleumssektoren har økt."

[7] http://publikasjoner.nve.no/rapport/2017/rapport2017_78.pdf

6. Normalt burde en forvente lavere kraftpriser av et økende overskudd. Men paradoksalt nok skjer det motsatte.

NVE forventer økende kraftpriser framover:

"Kraftprisen i analysen er høyere i fremtiden til tross for et økende kraftoverskudd i Norge og Norden. Det henger sammen med at det parallelt med oppbyggingen av et større kraftoverskudd i Norden, er en betydelig økning i utvekslingskapasiteten mellom Norden og Europa. Denne nye utvekslingskapasiteten åpner for eksport av det nordiske kraftoverskuddet.

Hovedgrunnen til prisstigningen er en antakelse om et strammere CO2-marked, som gir høyere kostnad i kull- og gasskraftverk. Dette slår inn i norske kraftpriser via handel med land som har stor andel kull- og gasskraftproduksjon."

Det vi har sett i 2018 er en forskuttert og forsterket virkning av denne utviklingen. CO2-prisen i Europa har økt kraftig, mye kraftigere enn den NVE så for seg i analysen for noe over et år siden. Selv om de to nye kablene til Tyskland og England ikke er ferdig utbygd, har vi med eksisterende forbindelser fått en kraftig prisøkning gjennom 2018, som har fortsatt i 2019. Den hydrologiske situasjonen vil variere fra år til år, og vi kan få internasjonale tilbakeslag med lavere brenselspriser på gass og kull og lavere kraftpriser ute som resultat. Men forventingen er klar. Strømprisen vil øke trendmessig, i takt med økte brenselspriser og CO2-priser.

Økte CO2-priser henger sammen med at klimapolitikken i EU er blitt mer effektiv, og at det er ryddet opp i overskuddet av kvoter. Det er gunstig for grønn omstilling i hele Europa. For at kraftkrevende industri i Europa skal overleve i konkurransen med andre land uten klimapolitikk, er det viktig at kompensasjonsordningen videreføres.

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Skal EU styre strømmen?

EUs energipakke 4, ACER og kraftkontroll

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Hva skjedde med forutsetningene for Energipakke 3?

På en rekke punkter er forutsetningene som lå til grunn for Stortingets ACER-vedtak i 2018 brutt.

Av Jan R. Steinholt

Stortinget vedtok i mars 2018 at Norge skal innordne seg under EUs tredje energipakke og energibyrået ACER. Beslutningen var etter Nei til EUs oppfatning i strid med Grunnloven, derfor har Nei til EU gått til sak mot staten ved regjeringa Solberg. Høyesterett avgjør på nyåret 2021 om domstolene får lov til å realitetsbehandle saken. I den forbindelse bør man notere seg at nesten ingen av Stortingets egne forutsetninger for tilslutning til den tredje energimarkedspakka er innfridd.

Selv med bare alminnelig flertall var regjeringa avhengig av støtte fra Ap. Men motstanden i folket og innad i Arbeiderpartiet var enorm. Derfor var det nødvendig å roe gemyttene med en serie forutsetninger og «garantier» om fortsatt nasjonal kontroll med vår energiforsyning.

Flertallets forlik

Det ble inngått et forlik mellom Arbeiderpartiet, MDG og regjeringspartiene Høyre/Venstre/Frp som også skulle formidles til EU (noe som har rent symbolsk verdi). Forutsetningene i dette forliket er kjent som Aps «åtte ufravikelige krav». En del av avtalen var at forutsetningene skulle innarbeides i energiloven. Det har ennå ikke skjedd. Høsten 2020 er forslag til endringer i energiloven lagt ut på høring. Forslaget tar bare delvis høyde for den absolutte forutsetning at Statnett skal være eneeier.

Punktene i avtalen mellom flertallspartiene og de kravene som Arbeiderpartiets landsstyre vedtok var ikke helt identiske på alle punkter. Aps eget vedtak om suverene beslutninger om utenlandskabler sa at ingen nye kabler kunne *vurderes* før erfaringene med de to kablene som er under bygging var gjennomgått. Det vil si at konsesjonsbehandling av NorthConnect-kabelen skulle

skrinlegges. Dette har ikke skjedd. Da Stortinget behandlet spørsmålet 23. april i år, ville Arbeiderpartiet ikke støtte forslag som sa entydig nei til NorthConnect. Heller ikke forslaget om å be EU fjerne NorthConnect fra EUs liste over prioriterte prosjekt stemte Ap for. Isteden støttet Ap seg på avtalen med regjeringa om å utsette konsesjonssøknaden.

Bakdør i energiloven

7. september 2020 sendte departementet forslaget til endringer i energiloven ut på høring, to og et halvt år etter avtalen om at loven skulle endres for å sikre Statnett monopol. Her er det imidlertid lagt inn ei bakdør hvor Statnetts monopol er omskrevet til at konsesjon bare kan gis til den systemansvarlige (Statnett) *«eller foretak der denne har bestemmende innflytelse»*.

Dette vil i praksis kunne bety at Statnett kan være største aksjonær i et NorthConnect som likevel videreføres som sjølstendig selskap. En mulig konsekvens er at døra stenges helt for at flaskehalsinntekter fra denne kabelen brukes til å redusere nettleia. Dette fordi selskapet, med støtte i en rådgivende uttalelse fra EU-domstolen i saken om mellomlandsforbindelsen Baltic Cable, kan hevde at NorthConnect utelukkende drifter mellomlandsforbindelsen og at inntekter derfor utelukkende kan gå til vedlikehold av forbindelsen og dens eiere.

Bare ett av åtte krav er innfridd

I avtalen Ap gjorde med regjeringspartiene og MDG i 2018 var punktet om utenlandskabler formulert slik at erfaringene ikke trenger å være med de to kablene som nå bygges, man kan høste erfaring av andre eksisterende kabler. Og premisset om å *vurdere* er byttet ut med *etablere*. Det var Aps opprinnelige krav som ga et knapt flertall i partigruppen, og derfor er denne forutsetningen vurdert i oversikten.

Som oversikten nedenfor viser, er de fleste forutsetningene allerede brutt – eller på vei til å bli brutt. Bare ett av åtte krav er innfridd, og selv denne forutsetninga er nå under press fra ESA.

Åtte «ufravikelige krav»	Dette er realiteten	Status 2020
1. Det skal være nasjonal og samfunnsmessig kontroll over vannkraftressursene.	Eierskapet består, men kontrollen over eksport/import av kraft forsvinner.[1]	UVISST
2. Det offentlige eierskap til norske vannkraftressurser skal ligge fast, og minst to tredjedeler skal være offentlig eid.	Dette er fortsatt tilfellet i dag, men ESA forbereder en ny omkamp om vannkraftressursene.[2] Vindkraft er ikke nevnt. Her er det ingen krav til offentlig eierskap eller hjemfall.	INNFRIDD
3. Norsk fornybar kraftproduksjon skal bidra til økt verdiskaping og sysselsetting i Norge og til å erstatte fossil energi med fornybar energi.	Norsk fornybar kraft forsvinner allerede ut av landet, og dette vil øke dramatisk under et ACER-regime. Import av europeisk strømpris kan true tusenvis av arbeidsplasser i kraftkrevende industri.[3] Mer kraftutveksling betyr også økt import av kullkraft.	IKKE INNFRIDD
4. Norske myndigheter skal ha selvstendig kontroll over alle avgjørelser med betydning for energisikkerheten i Norge, herunder avgjørelser knyttet til industri og utkobling av kraft.	NVE og departementet (OED) beholder kontrollen på enkelte områder (som flomsikring), men frasier seg den på andre. Reguleringsmyndigheten for energi (RME) vil stå til ansvar overfor ACER og ESA, ikke NVE og OED.	IKKE INNFRIDD
5. Beslutninger om eventuelle nye utenlandskabler skal fortsatt være en suveren beslutning fattet av norske myndigheter og erfaringene med de to kablene som nå bygges gjennomgås før nye utenlandsforbindelser kan vurderes.	NorthConnect-kabelen er et prioritert EU-prosjekt (PCI). ACER skal gjennom RME påse at prioriterte prosjekt blir gjennomført. Stortinget stemte våren 2020 ned forslag om at kabelen måtte fjernes fra PCI-lista til EU. Spørsmålet om konsesjon er bare midlertidig utsatt.	IKKE INNFRIDD

6. Eventuelle nye kabler skal være samfunnsøkonomisk lønnsomme.	På EU-nivå vil enhver kabelforbindelse kunne framstå som «samfunnsøkonomisk lønnsom», uten at den lønner seg for Norge. For enkelte kommuner med egne kraftselskaper kan dette isolert sett være lønnsomt på grunn av økt strømpris, men industri og forbrukere i landet for øvrig vil tape. Et norsk kabel-nei kan også være i strid med blant annet statsstøttereglene i EØS fordi det hindrer kraftomsetning på «markedsmessige vilkår».	**UVISST**
7. Statnett skal eie og drifte alle framtidige mellomlandsforbindelser. Dette skal inntas i energiloven.	Statnett må da kjøpe ut eierne i NorthConnect. De foreslåtte endringene i energiloven (2020) åpner for at Statnett får et ufullstendig monopol, med innslag av private eiere.	**UVISST**
8. Flaskehalsinntektene skal fortsatt kunne benyttes til å redusere nettariffene så vel som til vedlikehold og utbygging av det norske strømnettet.	Deler av flaskehalsinntektene kan benyttes til å redusere nettleia. Men dette er en unntaksbestemmelse.[4] Utbygging og vedlikehold har ubetinget førsteprioritet. I den reviderte elektrisitetsforordningen i Energipakke 4 gjøres unntaksmulighetene enda mer begrenset. For rene mellomlandsforbindelser med selskapsformer der Statnett ikke er eneeier, vil bruk av flaskehalsinntekter til å redusere nettleia være uaktuelt.	**UVISST**

Noter

1 «Ap sikrer ikke nasjonal styring av energipolitikken», Nei til EU 21.03.18, neitileu.no/aktuelt/ap-sikrer-ikke-nasjonal-styring-av-energipolitikken

2 «Omkamp om vannkraftressursene», Nei til EU 07.08.19, neitileu.no/aktuelt/omkamp-om-vannkraftressursene

3 «EUs energiunion, strømprisene og industrien», rapport fra De Facto april 2019, www.de-facto.no/2019/04/08/eus-energiunion-stromprisene-og-industrien/

4 «Korker igjen for fri bruk av flaskehalsinntektene», Nei til EU 22.03.18, neitileu.no/aktuelt/korker-igjen-for-fri-bruk-av-flaskehalsinntektene