

Directive 2014/25/EU of the European Parliament and of the Council of 26 February 2014 on procurement by entities operating in the water, energy, transport and postal services sectors and repealing Directive 2004/17/EC (Text with EEA relevance)

## TITLE I

### SCOPE, DEFINITIONS AND GENERAL PRINCIPLES

#### *CHAPTER II*

##### *Activities*

##### *Article 9*

##### **Electricity**

- 1 As far as electricity is concerned, this Directive shall apply to the following activities:
  - a the provision or operation of fixed networks intended to provide a service to the public in connection with the production, transport or distribution of electricity;
  - b the supply of electricity to such networks.
- 2 The supply, by a contracting entity other than a contracting authority, of electricity to fixed networks which provide a service to the public shall not be considered to be a relevant activity within the meaning of paragraph 1 where all of the following conditions are met:
  - a the production of electricity by that contracting entity takes place because its consumption is necessary for carrying out an activity other than those referred to in paragraph 1 of this Article or in Articles 8, 10 and 11;
  - b supply to the public network depends only on that contracting entity's own consumption and has not exceeded 30 % of that contracting entity's total production of energy, on the basis of the average for the preceding three years, including the current year.