

Directive (EU) 2019/944 of the European Parliament and of the Council  
of 5 June 2019 on common rules for the internal market for electricity  
and amending Directive 2012/27/EU (recast) (Text with EEA relevance)

## *CHAPTER VI*

### ***UNBUNDLING OF TRANSMISSION SYSTEM OPERATORS***

#### *Section 2*

#### ***Independent system operator***

#### *Article 45*

#### **Unbundling of transmission system owners**

1 A transmission system owner, where an independent system operator has been appointed, which is part of a vertically integrated undertaking shall be independent at least in terms of its legal form, organisation and decision-making from other activities not relating to transmission.

2 In order to ensure the independence of the transmission system owner referred to in paragraph 1, the following minimum criteria shall apply:

- a persons responsible for the management of the transmission system owner shall not participate in company structures of the integrated electricity undertaking responsible, directly or indirectly, for the day-to-day operation of the generation, distribution and supply of electricity;
- b appropriate measures shall be taken to ensure that the professional interests of persons responsible for the management of the transmission system owner are taken into account in a manner that ensures that they are capable of acting independently; and
- c the transmission system owner shall establish a compliance programme, which sets out measures taken to ensure that discriminatory conduct is excluded, and ensure that observance of it is adequately monitored. The compliance programme shall set out the specific obligations of employees to meet those objectives. An annual report, setting out the measures taken, shall be submitted by the person or body responsible for monitoring the compliance programme to the regulatory authority and shall be published.