SmartPower
Power Market Experts

Private Wires – Government Scheme for Private Wires –

SmartPower Comments on all 47 recommendations

There are two competing bills in progress at the moment. The official government bill and a Private Member's Bill introduced to the Dáil by Barry Heneghan TD (Dublin Bay North).

The official bill was recently subjected to a public consultation, which has resulted in 47 change recommendations. Essentially the bill is trying to legislate what in our opinion should be regulated (by the CRU) and is tripping itself up.

The Private members bill introduced by Barry Heneghan in contrast simply removes the stipulation that ESB Networks MUST turn down a connection on grounds of capacity before the CRU can sign off on an electrical connection between two private parties (Section 37 of the 1999 Electricity Regulation Act).

Heneghan's bill gives the CRU powers to regulate this area regardless of connection size. It can for example decide if certain classes of connection are deemed automatically approved (EV Charging connections, solar projects feeding two or more private parties). The CRU is already in charge of electrical safety and regulates renewable energy requirements (e.g. the CRU has an 80% renewable energy requirement for data centres), so it is uniquely well placed to regulate this important area.

The bill has been formally introduced to the Dáil and now is in the public domain.

https://data.oireachtas.ie/ie/oireachtas/bill/2026/68/eng/initiated/b6826d.pdf

47 Pre-Legislative Scrutiny Recommendations

SmartPower Comments in red.

1. The Bill should justify why existing direct lines legislation under section 37 of the Electricity Regulation Act, or an Private Members Bill to the Act, cannot meet the intended outcomes of the private wires general scheme.

The following is an extract from an Arthur Cox Briefing paper that explains the Irish Situation very well.

What is the Irish position?

In transposing EU law, Ireland has implemented the Article 7(4) option. The Commission for Regulation of Utilities ("CRU") will not grant a direct line permission unless a person has applied for connection to the grid and, either the application has been refused because of lack of capacity, or a dispute has been referred to the CRU and the CRU forms the view that it is in the public interest to issue the direct line permission.

What happens in practice?

Applications to connect to the grid tend to be queued up rather than refused outright. In a more recent and worrisome development, in December 2021 the CRU directed EirGrid to treat certain applications from data centres as being 'terminated' rather than refusing them. This in each case means that the conditions that would allow the CRU to grant a direct line permission are not being triggered in, we would argue, precisely the circumstances in which the Directive intends that direct line consents should be available.

This is problematic for industry participants and large business customers given that a failure to accept or refuse a grid connection agreement within a reasonable timeframe frustrates the obligation on Ireland under Article 7(1). The requirement under the Renewable Energy Directive II that the permit-granting process should not exceed two years should assist, if it were complied with, even if the outcome of a permit-granting process is a refusal to offer a connection.

What would direct lines bring?

Assuming a direct line permission could be obtained in practice, Irish legislation provides that a person who receives a permission *can use the line to supply their own premises, their own subsidiaries, and all customers within the State, individually or jointly.*

Where do private wires come in?

Ireland's Climate Action Plan 2023 states that, to accelerate renewable electricity generation, the State will "deliver a streamlined electricity generation grid connection policy and process and remove barriers for installation of renewables and flexible technologies without the need to build new grid, including hybrid (wind/solar/storage) connections and private wires". The State will develop a policy on private wires and, if necessary, pass facilitating legislation by the end of 2023.

Assuming a direct line permission could be obtained in practice, Irish legislation provides that a person who receives a permission can use the line to supply their own premises, their own subsidiaries, and all customers within the State, individually or jointly.

2. The Committee recommends that private wires be permitted only within a framework that is demonstrably climate-aligned, renewables-focused, fair in cost allocation, protective of scarce grid capacity, and subject to early review. The central policy test should not be whether a private wire is technically possible, but whether it advances the public interest in a secure, affordable and genuinely contributes towards decarbonisation.

The regulation of these matters is the responsibility of the CRU (section 9 of the Electricity Regulation Act). This allows flexibility of action in an uncertain future (e.g. an unfriendly UK Government linking gas exports to Ireland with onerous Political conditions) . The CRU will be in a position to implement current Government policy.

In addition, these criteria do not apply to grid provision or align with provisions of the RED II and Energy Sharing directives. They create an onerous and unfair barrier to the creation of

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any private wires capability and supersede or over-rule the intention and spirit of government policy.

Permission to construct direct line

38B. (1) The Commission may, in accordance with this Part, grant or refuse to grant a permission to a relevant person to construct a direct line not connected to the transmission system or distribution system when initially constructed for the purpose of facilitating the supply of electricity.

I note that this point leaves out "Security of Supply" considerations. Security of Supply is extremely important, and we must not tie our hands behind our backs. Independent assessors have estimated that Ireland would take about a week to recover the grid in the event of a total collapse (known as a "Black Start").

3. The Private Wires framework should be firmly anchored in Ireland's Climate Law and legally binding carbon budgets. The Bill should require climate impact assessments for private wire proposals above a defined threshold, ensuring alignment with carbon budgets and the Climate Act, and provide clarity for how each relevant body including relevant planning authorities, the EPA, CRU and Eirgrid will deliver their obligations under the Climate Act while carrying out their assessments or other relevant actions at each stage of the process.

Same as answer to point 2. Regulation is the responsibility of the CRU.

4. This Bill should strongly assert that a private wire shall not connect to, or be used for the transmission of electricity from, any generating plant that is reliant on fossil fuel, and that the life-cycle greenhouse gas emissions from the generation of electricity conveyed via private wires are lower than 100g CO_2e/kWH, except where— (a) the Commission is satisfied that the connection is strictly necessary for security of supply on a temporary basis, and (b) the duration of such connection is expressly time limited in the licence.

Same as answer to point 2. Regulation is the responsibility of the CRU.

5. The Bill should clearly set out the circumstances in which private wires would be considered inappropriate. Additionally, the Bill should reflect the preference for connection to the national grid and include a requirement for applicants Report on Pre-Legislative Scrutiny (PLS) of the Private Wires Bill 2025 to demonstrate that a grid connection is either unfeasible or would result in undue delay. The Bill should clearly set out at least some circumstances in which an application for private wires would be considered inappropriate.

Same as answer to point 2. Regulation is the responsibility of the CRU.

6. This Bill should also assert that compliance with obligations under European Union law relating to climate and energy is necessary for all private wire connections. 7. The Bill should clearly specify the circumstances under which the ESB may exercise its step-in rights, in the context of providing certainty and protecting asset values. It should explicitly recognise the primacy of the national grid and reinforce that private wires cannot undermine the publicly owned national grid, and that any ESB Networks step-in rights be framed with clear criteria to provide investor certainty while safeguarding the public interest.

Same as answer to point 2. Regulation is the responsibility of the CRU. In any case recognising the primacy of the grid would be in breach of EU law. National grids do not hold a place of primacy and such a position could be regarded as unfair or anti-competitive.

8. The Bill should provide further clarity in relation to how private wire developers will interact with public agencies and private landowners in the absence of CPO rights.

This is outside the scope of this Private Members Bill. The Private Members Bill establishes that the CRU will give a license to operate a Direct Line, but is silent on crossing land. Therefore, it follows that established local authority rules and protocols are used. Private landowners will be under no obligation to allow direct lines to cross their land, so commercial arrangements will be common.

9. The Bill should provide robust measures to ensure private wires developers will not have access to the way leave or CPO rights associated with the development of the national grid and ensure these measures are resilient to any legal challenge which might seek to widen private access to CPO rights, or restrict CPO rights for state bodies.

The Heneghan Bill explicitly delegates this responsibility to the CRU under 38C (6) of the Heneghan bill.

(6) The Commission may refuse an application under subsection (1) if any of the following applies:

(a) the application has failed to satisfy the criteria specified under section 38D;

(b) the granting of a permission under section 38B would have an adverse effect on either of the following:

(i) the operation of the transmission or distribution system;

(ii) security of supply;

(c) the granting of a permission under section 38B would obstruct the application of the provisions on public service obligations contained in Article 9 of the 2019 Internal Electricity Market Directive.

10. Tariff and charging methodologies must be updated before commencement, protecting consumers, preventing the subsidisation of private wire developers and users by other customers, and reflecting the increased responsibilities of the ESB and CRU in their oversight of private wires. This should include measures to allow for appropriate levies on private wire operators who are not connected to the national grid. The Bill should also specify the frequency of the review mechanism under Head 8 as not later than 5 years following commencement of the Act with subsequent periodic reviews thereafter.

This could fall foul of Article 5 of the EU Electricity Directive (EU) 2019/944 Directive. Article 5 provides that suppliers of electricity shall be free to determine the price at which they supply electricity to customers and places an obligation on Member States (the CRU) to ensure effective competition between suppliers. The Article limits State intervention in customer pricing to prescribed circumstances, such as the protection of energy-poor and vulnerable households. As such, I would be concerned that the proposed Private Members Bill could be construed as a form of State intervention in price setting that is not compatible with EU law.

The EU Electricity Directive (EU) 2019/944 places extensive customer protection obligations on suppliers of electricity. Chapter III of the Directive is devoted to consumer empowerment and protection; in particular, the Directive requires Member States to provide for the option of dynamic electricity price contracts, the right to switch and rules on switching-related fees, the provision of comparison tools, and the fixing of tariffs. The regulation of these matters is the responsibility of the CRU (section 9 of the Electricity Regulation Act).

The final customer—whether supplied via a direct line or directly from the grid—is still covered by these rights and regulatory oversight; in addition, the Bill in its current form allows the CRU to set the technical and other conditions on direct lines and provides that a grant for a direct line must not have an adverse effect on the operation of the transmission system or the security of supply. Taken together, the Bill, read in conjunction with the Act and the Directive, would allow the CRU to consider and address the necessary safeguards in any particular case.

> (3) In making an order under subsection (1) the Commission shall have regard to the following:
>
> (a) the need to ensure that any criteria for granting permission to construct a direct line are objective and non-discriminatory;
>
> (b) the need to ensure that obtaining a permission under section 38B is not subject to disproportionate administrative procedures or costs;
>
> (c) the need to ensure that, having regard to the potential for direct lines to facilitate the supply of electricity generated from renewable, sustainable or alternative forms of energy, any criteria that are specified under that subsection do not place unjustified obstacles to, or restrictions on, the construction of proposed direct lines;
>
> (d) such other matter as the Commission considers relevant.

11. The term “promote” in Head 7(4) should be replaced with more precise statutory language that clearly defines how applicants must demonstrate compliance with climate obligations, including alignment with section 15 of the Climate Act.

This is already covered in the EU’s 2019 electricity market directive. Its main purpose is to modernise the rules for the internal market for electricity so that the system is more competitive, consumer-focused, flexible, cross-border, and compatible with decarbonisation and renewables. It also recasts the earlier electricity directive and amends Directive 2012/27/EU.

The regulation of these matters is the responsibility of the CRU (section 9 of the Electricity Regulation Act).

12. The Bill should ensure that operators of private wires provide metering and emissions data to EirGrid and ESB Networks to ensure full transparency.

The Heneghan Bill explicitly delegates this decision to the CRU. In many cases (e.g. connection of a Kiosk within a shopping centre) this will not be deemed necessary, but it will be up to the CRU to recommend metering protocols.

Other legislation is already in place for reporting on emissions e.g. Corporate Sustainability Reporting Regulations 2024. having competing pieces of legislation is inadvisable.

Technical, safety and other criteria for approving application under section 38C

38D. (1) The Commission shall specify by order the criteria that shall apply for the purpose of approving an application under section 38C.

13. The Bill should clarify how increased regulatory oversight of internal collector cable systems will be applied retroactively to existing projects and operational facilities. It should ensure that clear, realistic technical standards are developed for private wires, equivalent to those used in the national grid. The Bill must ensure that the installation of any private wires is compliant with the technical standards of the ESB and EirGrid, allowing for the future integration into the national grid should this be required.

Answered below

Application to construct direct lines

38C. (1) A relevant person may apply for a permission under section 38B.

(2) The Commission shall, not later than 6 months after receipt of an application under subsection (1), approve or reject that application.

(3) For the purpose of considering an application under subsection (1), the Commission may request that the applicant provide such further information as the Commission may reasonably require.

(4) Where a request for further information is made by the Commission under subsection (3), the applicant concerned shall provide that information not later than one month after receipt of the request.

(5) The Commission shall, before approving or rejecting an application under subsection (1) consult with the transmission system operator and the distribution system operator.

(6) The Commission may refuse an application under subsection (1) if any of the following applies:

(a) the application has failed to satisfy the criteria specified under section 38D;

(b) the granting of a permission under section 38B would have an adverse effect on either of the following:

(i) the operation of the transmission or distribution system;

(ii) security of supply;

(c) the granting of a permission under section 38B would obstruct the application of the provisions on public service obligations contained in Article 9 of the 2019 Internal Electricity Market Directive.

(7) Where the Commission approves an application under this section—

(a) it shall grant a permission under section 38B,

(b) it may specify such technical or other conditions, including those which may be necessary to ensure that direct lines are compatible with the transmission or distribution system, that it considers appropriate, and

(c) the applicant concerned shall comply with any such conditions.

(8) Where the Commission refuses an application under subsection (1) it shall give duly substantiated reasons for that refusal.

14. The Committee recommends that Government provide the CRU with substantial additional staffing, regulatory, safety and compliance resources, alongside an expedited delivery plan, recognising that the success of the private wires regime depends on adequate regulatory capacity. The commencement of private wires licensing should be conditional on a CRU resourcing and implementation plan, approved by the Minister. The legislation should not commence the licensing regime until a resourcing and implementation plan has been approved.

Yes.

15. The Bill should set out the circumstances and regulations whereby separate entities using the same technological standards may be able to share a private wires connection point.

Permission to construct direct line

38B. (1) The Commission may, in accordance with this Part, grant or refuse to grant a permission to a relevant person to construct a direct line not connected to the transmission system or distribution system when initially constructed for the purpose of facilitating the supply of electricity.

(2) A relevant person to whom a permission is granted pursuant to subsection (1) may, by means of the direct line concerned, supply one or more of the following:

(a) that person's own premises;

(b) that person's own subsidiaries;

(c) any wholesale or final customer of that person within the State, whether individually or jointly.

(3) The owner of a direct line constructed under subsection (1) may allow the direct line to be used for the transport of electricity to any wholesale or final customer within the State, whether individually or jointly.

(4) The possibility of supplying electricity through a direct line under this section shall not affect the possibility of contracting electricity in

16. The Bill should provide legislative measures required by the CRU to allow them to regulate or limit the forms of energy generation associated with a private wire development.

This is already covered in the EU's 2019 electricity market directive. Its main purpose is to modernise the rules for the internal market for electricity so that the system is more competitive, consumer-focused, flexible, cross-border, and compatible with decarbonisation and renewables. It also recasts the earlier electricity directive and amends Directive 2012/27/EU.

The regulation of these matters is the responsibility of the CRU (section 9 of the Electricity Regulation Act).

17. This Bill should provide for a timeframe for the CRU and local authorities to make decisions on private wire applications. Report on Pre-Legislative Scrutiny (PLS) of the Private Wires Bill 2025

Application to construct direct lines

38C. (1) A relevant person may apply for a permission under section 38B.

(2) The Commission shall, not later than 6 months after receipt of an application under subsection (1), approve or reject that application.

18. The Committee recommends that a full tariff impact assessment be conducted, led by the CRU, analysing the impact private wires will have on household bills, grid financing and tariff methodology, before the regime becomes operational.

This could fall foul of Article 5 of the EU Electricity Directive (EU) 2019/944 Directive. Article 5 provides that suppliers of electricity shall be free to determine the price at which they supply electricity to customers and places an obligation on Member States (the CRU) to ensure effective competition between suppliers. The Article limits State intervention in customer pricing to prescribed circumstances, such as the protection of energy-poor and vulnerable households. As such, I would be concerned that the proposed Private Members Bill could be construed as a form of State intervention in price setting that is not compatible with EU law.

The EU Electricity Directive (EU) 2019/944 places extensive customer protection obligations on suppliers of electricity. Chapter III of the Directive is devoted to consumer empowerment and protection; in particular, the Directive requires Member States to provide for the option of dynamic electricity price contracts, the right to switch and rules on switching-related fees, the provision of comparison tools, and the fixing of tariffs. The regulation of these matters is the responsibility of the CRU (section 9 of the Electricity Regulation Act).

The final customer—whether supplied via a direct line or directly from the grid—is still covered by these rights and regulatory oversight. In addition, the Bill in its current form allows the CRU to set the technical and other conditions on direct lines and provides that a grant for a direct line must not have an adverse effect on the operation of the transmission system or the security of supply. Taken together, the Bill, read in conjunction with the Act and the Directive, would allow the CRU to consider and address the necessary safeguards in any particular case

19. The Bill should provide for a socially based prioritisation of grid connections, including community-owned, renewables-based microgrids, social and affordable housing developments, and other not-for-profit community projects.

Directive (EU) 2019/944 is the EU's 2019 electricity market directive. Its main purpose is to modernise the rules for the internal market for electricity so that the system is more competitive, consumer-focused, flexible, cross-border, and compatible with decarbonisation and renewables. It also recasts the earlier electricity directive and amends Directive 2012/27/EU. Taken together, the Bill, read in conjunction with the Heneghan Act and the Directive, would allow the CRU to consider and address any particular case

20. The Bill should establish a framework for community-owned microgrids, including a mechanism to support their development and operation, and should encourage the use of renewable energy within any microgrid or private wire system.

Should the CRU deem that a framework is necessary, it is within their remit to require one.

21. The Bill should provide clear statutory definitions for microgrid/private wire owner (owner of the physical infrastructure), and microgrid/private wire technical services provider (responsible for day-to-day operation), with separate licensing arrangements for each, and should prevent commercial grid operators from directly connecting to households or communities.

Definitions in the Heneghan private members bill align with the EU Electricity Market Directive of 2019/944.

22. The Committee recommends that Head Three of the Bill should include a clear and specific definition of “multiple legal entities”, “limited circumstances,” “promote,” “contiguous premises,” “preferred,” and “private wire operator licence”, to ensure legal certainty and avoid excessive administrative requirements.

Not necessary, as the Heneghan private members bill does not use any of these terms.

23. This Bill should include a provision that would provide the Minister with the power to restrict or prohibit private wire development for specified classes of users and impose limits on total capacity connected via private wires, when there are concerns with national climate objectives, security of energy supply, or public interest.

This could fall foul of Article 5 of the EU Electricity Directive (EU) 2019/944 Directive.

Chapter III of the Directive is devoted to consumer empowerment and protection; in particular, the Directive requires Member States to provide for the option of dynamic electricity price contracts, the right to switch and rules on switching-related fees, the provision of comparison tools, and the fixing of tariffs. The regulation of these matters is the responsibility of the CRU (section 9 of the Electricity Regulation Act).

24. The Committee recommends that fairness to ordinary households and other network users is a central design principle of the regime. There should be a “no cross subsidy” principle backed by transparent charging rules and published impact assessment and that households in particular are protected from disproportionate grid charges.

The Heneghan Bill in its current form allows the CRU to set the technical and other conditions on direct lines and provides that granting a direct line must not have an adverse effect on the operation of the transmission system or the security of supply. Taken together, the Bill, read in conjunction with the Act and the Directive, would allow the CRU to consider and address the necessary safeguards in any particular case

25. The Committee recommends that the State retain clear strategic control over the scale and categories of private wire development, with an explicit capacity to limit or refuse such projects where they are inconsistent with climate objectives, security of supply, or the wider public interest.

The regulation of these matters is the responsibility of the CRU (section 9 of the Electricity Regulation Act).

26. The Committee recommends that private wires must not divert scarce renewable capacity away from uses that are central to the public interest, particularly household electrification, industrial decarbonisation, public services and transport. Not all electricity demand has the same public value from a climate perspective.

Direct lines are necessary to accelerate the rollout of renewable energy projects. There will be far more renewables available which will help the public interest. In the event that a project will adversely affect household bills or the grid, the CRU is empowered to refuse permission. 38C (6)

(6) The Commission may refuse an application under subsection (1) if any of the following applies:

(a) the application has failed to satisfy the criteria specified under section 38D;

(b) the granting of a permission under section 38B would have an adverse effect on either of the following:

(i) the operation of the transmission or distribution system;

(ii) security of supply;

(c) the granting of a permission under section 38B would obstruct the application of the provisions on public service obligations contained in Article 9 of the 2019 Internal Electricity Market Directive.

27. The Commission for the Regulation of Utilities should prepare and publish an assessment of the expected impacts of private wires on— (a) electricity tariffs for domestic and non-domestic customers, (b) the financing of the national electricity grid, (c) network utilisation and cost recovery, and (d) the overall operation of the grid, before the commencement of the licensing regime under this Act, and the Minister should not commence the licensing regime until the assessment has been laid before each House of the Oireachtas.

This will only serve to delay the adoption of this important Private Members Bill.

The regulation of these matters is the responsibility of the CRU (section 9 of the Electricity Regulation Act).

28. The Bill should include safeguards against the diversion of scare renewable capacity away from uses that are in the public interest to ensure that private wires arrangements do not allow better-capitalised actors to secure clean generation in a way that weakens decarbonisation progress elsewhere, such as in household electrification, industrial decarbonisation, public services and transport.

Direct lines are necessary to accelerate the rollout of renewable energy projects.   There will be far more available which will help the public interest, in the event that a project will adversely affect household bills or the grid, it will be refused.

The only case I can think of is if that a wind farm connected to the grid will disconnect itself and build a private wire to a 3rd party customer. In the event that a project will adversely affect household bills or the grid, the CRU is empowered to refuse permission.

(6) The Commission may refuse an application under subsection (1) if any of the following applies:

(a) the application has failed to satisfy the criteria specified under section 38D;

(b) the granting of a permission under section 38B would have an adverse effect on either of the following:

(i) the operation of the transmission or distribution system;

(ii) security of supply;

(c) the granting of a permission under section 38B would obstruct the application of the provisions on public service obligations contained in Article 9 of the 2019 Internal Electricity Market Directive.

29. The Committee recommends that the approach to private wires from first principles of cost fairness and energy affordability, system planning and compliance with our climate

obligation. They should not be treated as a narrow technical reform but as a Report on Pre-Legislative Scrutiny (PLS) of the Private Wires Bill 2025 policy choice with significant implications for climate, the cost of electricity, grid utilisation and broader decarbonisation.

The regulation of these matters is the responsibility of the CRU (section 9 of the Electricity Regulation Act).

30. The Committee recommends a clearer policy boundary around what kinds of energy sources private wires are intended to facilitate including defined emission thresholds.

The regulation of these matters is the responsibility of the CRU (section 9 of the Electricity Regulation Act) which must also follow the Electricity Directive (EU) 2019/944. The Directive is about making Europe's electricity market work better for:

- consumers
- renewable energy
- new technologies
- cross-border trade
- competition
- protection of vulnerable customers

31. The Committee recommends that Government should maintain the ability to define which types of users or projects are appropriate for private wire arrangements, and to set limits where necessary, ensuring that such infrastructure develops in a manner that is aligned with national climate targets, maintains system resilience, and prioritises the broader public good over short-term commercial advantage for any single sector.

The regulation of these matters is the responsibility of the CRU (section 9 of the Electricity Regulation Act) which must also follow the Electricity Directive (EU) 2019/944. The Directive is about making Europe's electricity market work better for:

- consumers
- renewable energy
- new technologies
- cross-border trade
- competition
- protection of vulnerable customers

32. The Committee recommends that the "contiguous premises" restriction be limited, so that private wires between non-contiguous premises be allowed, provided no third-party land is crossed without consent.

The regulation of these matters is the responsibility of the CRU.

33. The Committee recommends that private wires be accompanied by strong rules on efficient use of retained capacity, transparent disclosure of backup arrangements, and a public-interest prioritisation framework for scarce network access.

The regulation of these matters is the responsibility of the CRU (section 9 of the Electricity Regulation Act)

34. This Bill should ensure that licenses will not be required to build small-scale private wires in the case of on street EV charging.

The following clause in the Heneghan Private Members bill covers this eventuality.

Certain direct lines deemed to be permitted for the purpose of section 38B

38E. (1) The Commission may by order provide that a specified class or classes of proposed direct line shall be deemed to be permitted for the purpose of section 38B, subject to such criteria and conditions as may be specified in such order.

35. This Bill should ensure local authorities have the power to authorise the running of electricity lines in public or shared spaces to enable electric vehicle charging for domestic premises as well as for public chargers that can be roadside for use by the general public.

The following clause covers this eventuality. The local authority has jurisdiction over public / shared spaces.

Certain direct lines deemed to be permitted for the purpose of section 38B

38E. (1) The Commission may by order provide that a specified class or classes of proposed direct line shall be deemed to be permitted for the purpose of section 38B, subject to such criteria and conditions as may be specified in such order.

36. This Bill should strongly assert that the operation of private wires does not result in any direct or indirect increase in charges for customers connected to the public electricity system.

The final customer—whether supplied via a direct line or directly from the grid—is still covered by these rights and regulatory oversight. In addition, the Bill in its current form allows the CRU to set the technical and other conditions on direct lines and provides that a grant for a direct line must not have an adverse effect on the operation of the transmission system or the security of supply. Taken together, the Bill, read in conjunction with the Act and the Directive, would allow the CRU to consider and address the necessary safeguards in any particular case

37. This Bill should ensure that a private wire does not include infrastructure that constitutes, or could reasonably be considered to constitute, a distribution or transmission network.

No. This could adversely affect direct lines being used to power to housing /apartment developments that are not able to be connected in a timely manner by ESB Networks. It would also affect eco villages that will share green power to multiple dwellings.

In any event the regulation of these matters is the responsibility of the CRU (section 9 of the Electricity Regulation Act)

38. The Committee recommends that fairness to ordinary households and other network users become a central design principle of the regime. Any user that continues to rely, even intermittently, on the public grid for backup, balancing, reserve capacity or wider system stability should make an appropriate contribution to the fixed and operational costs of that system. Private wires should not create a structure in which some large users reduce their visible use of the public network while continuing to benefit from its availability and

resilience, with the residual costs then falling more heavily on households and other commercial customers.

The regulation of levies is the responsibility of the CRU.

39. The Bill should include strong rules on the efficient use of retained capacity, transparent disclosure of back-up arrangements and public-interest prioritisation framework for scarce network access.

The regulation of these matters is the responsibility of the CRU.

(6) The Commission may refuse an application under subsection (1) if any of the following applies:

(a) the application has failed to satisfy the criteria specified under section 38D;

(b) the granting of a permission under section 38B would have an adverse effect on either of the following:

(i) the operation of the transmission or distribution system;

(ii) security of supply;

(c) the granting of a permission under section 38B would obstruct the application of the provisions on public service obligations contained in Article 9 of the 2019 Internal Electricity Market Directive.

40. This Bill should provide for the Minister to carry out a review of this Act five years after it comes into force.

The regulation of direct lines is the responsibility of the CRU

- The CRU is legally independent in the performance of its functions.
- The CRU is accountable to the Oireachtas (the Irish Parliament), specifically through a committee of the Oireachtas, rather than to the Minister.
- While independent, the CRU operates within a policy and statutory framework set by the government. The Minister for the Environment, Climate and Communications appoints the commissioners and has responsibility for the policy context in which the CRU operates.

- The CRU is financed by a levy on regulated entities, but it requires approval from the Minister for the Environment, Climate and Communications, in conjunction with other ministers, for its staff numbers and strategic plans.

41. The Committee recommends that an energy security impact assessment of the potential impacts of the legislation be carried out.

The Heneghan Members Bill will result in better resilience, projects that could potentially adversely impact the grid or security of supply will not be given permission.

42. The Committee recommends that the Government seek clarity from the European Commission on the compatibility of the private wires framework with Directive (EU) 2019/944. Report on Pre-Legislative Scrutiny (PLS) of the Private Wires Bill 2025

One of the reasons why this bill is so straightforward is to ensure that it is compatible with the directive, and in particular with the non-discriminatory requirements. The CRU decides to give or refuse permission to a project in a transparent way.

43. The Bill must further detail how technical and safety concerns will be addressed in the installation of private wires for personal use and the further extension of connection to any other end customers.

This is a very important piece of the Heneghan Private Members Bill.

Obligations relating to safety of direct lines

38F. (1) The Commission may, in the performance of its functions under section 9(1)(ee) make regulations relating to the safety of direct lines.

(2) Regulations under subsection (1) may—

(a) specify such procedures as the Commission considers appropriate in respect of the installation, operation, maintenance and decommissioning of direct lines,

(b) specify the safety standards to be achieved and maintained in respect of direct lines,

(c) specify the procedures that shall apply in relation to the inspection of direct lines to evaluate compliance with any regulations made regarding safety standards specified under this section by the Commission, and

(d) specify such other matters as the Commission considers appropriate.

(3) Where the Commission proposes to make regulations under this section, the Commission shall, before doing so, consult with the Minister, the transmission system operator, the distribution system operator and such other persons as, in the opinion of the Commission, appears appropriate.

(4) A person who fails to comply with regulations made under this section commits an offence and is liable—

(a) on summary conviction to a class A fine or a term of imprisonment not exceeding 6 months or to both, or

(b) on conviction on indictment to a fine not exceeding €50,000 or a term of imprisonment not exceeding 3 years or to both.

(5) In this section, 'decommissioning', in relation to a direct line, means taking the direct line permanently out of use with a view to its abandonment in situ or removal.

Electricity safety officer

38G. (1) The Commission may appoint a person to be an electricity safety officer for the purposes of—

(a) this section,

(b) section 9(1)(ee), and

(c) investigating alleged contraventions of section 38F(4).

(2) A person appointed under subsection (1) shall be furnished with a certificate of appointment by the Commission, and when exercising a power conferred by this section shall, if requested by any person thereby affected, produce such certificate to that person.

(3) An electricity safety officer may, subject to the provisions of this section, enter any place at any reasonable time and there—

(a) make such inspections or inquiries and carry out such tests, including inspection of any work carried out in relation to a direct line, in the interests of safety as the officer thinks fit,

(b) take any measurement or photograph or make any electrical or electronic recording which the officer considers necessary for the purposes of any such inspection or inquiry,

(c) require any person found in that place to produce to the officer such documents, records or materials as are in that person's possession or control relating to a matter under inquiry and to give to the officer such information as may reasonably be required in regard to such documents, record or materials, or

(d) inspect and copy or extract information from documents, records or materials produced to the officer under paragraph (c) or which the officer finds during the course of entry to that place.

(4) An electricity safety officer shall not enter a dwelling other than—

(a) with the consent of the occupier, or

(b) in accordance with a warrant from the District Court issued under subsection (6).

(5) Where an electricity safety officer, in the exercise of the officer's powers under this section, is prevented from entering any place, an application may be made to the District Court for a warrant under subsection (6) authorising such entry.

(6) Without prejudice to the powers of an electricity safety officer under this section, if a judge of the District Court is satisfied by information on oath of an electricity safety officer that there are reasonable grounds for believing that—

(a) there are any articles or substances at any place or any records (including documents stored in a non-legible form) or information relating to a place, that the electricity safety officer requires to inspect for the purposes of enforcing this Part, or

(b) there is to be found, or such an inspection is likely to disclose, evidence of a contravention of, or failure to comply with, a

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provision of this Part,

the judge may issue a warrant authorising an electricity safety officer, alone or accompanied by such other persons as may be necessary, at any time or times within one month of the date of issue of the warrant, on production of the warrant if requested, to enter the place, if necessary by the use of reasonable force, and perform any of the functions of an electricity safety officer under this section.

(7) A person commits an offence if that person—

(a) obstructs or impedes an electricity safety officer in the exercise of powers conferred by this section,

(b) fails or refuses to comply with an instruction given by an electricity safety officer under this section,

(c) knowingly gives to an electricity safety officer information which is false or misleading in a material respect, or

(d) alters, suppresses or destroys any documents, records or materials (including documents stored in non-legible form) that the person has been required to produce or may reasonably expect to be required to produce.

(8) A person who commits an offence under this section is liable—

(a) on summary conviction to a class A fine or a term of imprisonment not exceeding 6 months or to both, or

(b) on conviction on indictment to a fine not exceeding €50,000 or a term of imprisonment not exceeding 3 years or to both.

(9) In this section, 'electricity safety officer' means a person appointed as such under subsection (1).

44. This Bill should include a definition of "new renewable generation" as renewable electricity generation that (a) has not previously been connected to the transmission or distribution system, and (b) is not supported under the Renewable Electricity Support Scheme.

The Heneghan Private Members Bill deals with this slightly differently.

Repeal of section 37 (direct lines) of Act of 1999 and transitional provisions

5. (1) Section 37 of the Act of 1999 is repealed.

(2) A permission granted under section 37 of the Act of 1999 prior to the coming into operation of this Act shall be deemed to have been granted under section 38B of that Act.

(3) An application for a permission under section 37 of the Act of 1999 that was made prior to the coming into operation of this Act and that has not, prior to the coming into operation of this Act, been the subject of a decision by the Commission for Regulation of Utilities shall be deemed to be an application made under section 38C of that Act and, subject to *subsection (4)*, that section shall apply accordingly.

(4) For the purpose of an application to which *subsection (3)* relates, the reference in section 38C(2) of the Act of 1999 to the date that is 6 months from the date of receipt of an application under subsection (1) of that section shall be read as the date that is 6 months from the coming into operation of this Act.

45. The Committee recommends an assessment of the bill against the objectives and measures in the EU Citizen Energy Package.2

Many aspects of the 2026 Citizen Energy Package are currently illegal. The Heneghan Private Members Bill will legalise most of the aspects of this initiative.

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The EU Citizens Energy Package (published March 10, 2026) is a non-legislative initiative designed to lower household energy bills, protect consumers, and empower citizens in the green transition. It includes 9 action plans focused on reducing energy poverty, promoting community-owned renewables, and accelerating supplier switching. Florence School of Regulation +3

Key Aspects of the 2026 Citizens Energy Package:

- **Three Pillars:** The package is structured around (I) lowering energy bills, (II) protecting/empowering consumers, and (III) tackling energy poverty.
- **Nine Action Plans:** Measures include promoting community-owned energy, standardizing contract terms for easier switching, and providing guidance on protecting vulnerable consumers from disconnections.
- **Energy Poverty Focus:** A strong emphasis is placed on addressing energy poverty through tailored support, such as energy vouchers and debt advice.
- **Active Consumer Participation:** It promotes the role of "prosumers" (citizens who both consume and produce energy), encouraging community-owned renewable energy for local control and affordability.
- **Context:** This package was launched to combat the second major fossil fuel price spike in five years. Florence School of Regulation +4

Clause 38B (4) explicitly allows a consumer to connect to the grid if they desire.

(4) The possibility of supplying electricity through a direct line under this section shall not affect the possibility of contracting electricity in accordance with Article 6 of the 2019 Internal Electricity Market Directive.

46. The Committee recommends that a statutory clarification be inserted stating that private wires cannot form a distribution or transmission network and cannot interconnect multiple customers beyond the defined use cases.

No. This could adversely affect direct lines being used to power to housing /apartment developments that are not able to be connected in a timely manner by ESB Networks. It would also affect eco villages that will share green power to multiple dwellings.

The power to decide whether a project should be licensed (or not) is delegated entirely to the CRU.

47. The Committee recommends that applicants requesting to apply for private wires show that the energy does not reduce renewable energy available to the public system and does not undermine RESS-supported capacity.

Direct lines are necessary to massively accelerate the rollout of renewable energy projects. There will be far more renewable available which will help the public interest.

The Heneghan Private Members Bill in its current form allows the CRU to set the technical and other conditions on direct lines and provides that granting a direct line must not have an adverse effect on the operation of the transmission system or the security of supply. Taken together, the Bill, read in conjunction with the Act and the Directive, would allow the CRU to consider and address the necessary safeguards.