



**Learning point from the  
WACM2 Judicial Review  
Approved Judgement, July  
2015**

**Gas Charging Review**

June 3rd 2016

# Background

Judicial review of GEMA's decision by RWE of different charging treatment for Intermittent and Dispatchable power generators.

Judgement upheld GEMA's decision to have different charging treatments for the different users. Not “unlawful discrimination” and no misinterpretation of the Directive 2009/72/EC ( Electricity).

Link to Judgement: [www.oeclaw.co.uk/images/uploads/judgments/ORD\\_RWE.DOC](http://www.oeclaw.co.uk/images/uploads/judgments/ORD_RWE.DOC)



# Lengthy document – key paragraphs

Para 6, 21, 22, 23

Background

Para 28, 41, 42, 43

Not discriminatory to treat users differently if there is objective justification.

Para 50, 51, 64

Judgement /interpretation.

# Learning Points for Gas Charging

Not unlawfully discriminatory to have a Dual Charging Regime if differential treatment is Objectively Justifiable.

- What do we mean by a dual charging regime?
- What reasons are there for treating the charging of IPs and domestic points differently?