



**2016/0379(COD)**

11.10.2017

# **AMENDMENTS**

## **57 - 256**

**Draft opinion**

**Ivo Belet**

Internal market for electricity (recast)

Proposal for a regulation

(COM(2016)0861 – C8-0492/2016 – 2016/0379(COD))



## Amendment 57

Arne Gericke

### Proposal for a regulation

#### Recital 2

*Text proposed by the Commission*

(2) The Energy Union aims at providing consumers – household and business – secure, sustainable, competitive and affordable energy. Historically, the electricity system was dominated by vertically integrated, often publicly owned, monopolies with large centralised nuclear or fossil fuel power plants. The internal market in electricity, which has been progressively implemented since 1999, aims to deliver a real choice for all consumers in the Union, both citizens and businesses, new business opportunities and **more** cross-border trade, so as to achieve efficiency gains, competitive prices and higher standards of service, and to contribute to security of supply and sustainability. The internal market in electricity has increased competition, in particular at the wholesale level, and cross-border trade. It remains the foundation of an efficient energy market.

*Amendment*

(2) The Energy Union aims at providing consumers – household and business – secure, sustainable, competitive and affordable energy. Historically, the electricity system was dominated by vertically integrated, often publicly owned, monopolies with large centralised nuclear or fossil fuel power plants. The internal market in electricity, which has been progressively implemented since 1999, aims to deliver a real choice for all consumers in the Union, both citizens and businesses, ***open up*** new business opportunities ***for undertakings, encourage cooperative ‘citizens’ energy’ models with regional value added*** and ***boost*** cross-border trade, so as to achieve efficiency gains, competitive prices and higher standards of service, and to contribute to security of supply and sustainability. The internal market in electricity has increased competition, in particular at the wholesale level, and cross-border trade. It remains the foundation of an efficient energy market.

Or. de

## Amendment 58

Merja Kyllönen

### Proposal for a regulation

#### Recital 3

*Text proposed by the Commission*

(3) Europe's energy system is in the middle of its most profound change in

*Amendment*

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decades and the electricity market is at the heart of that change. The common goal to decarbonise the energy system creates new opportunities and challenges for market participants. At the same time, technological developments allow for new forms of consumer participation and cross-border cooperation.

decades and the electricity market is at the heart of that change. The common goal to decarbonise the energy system creates new opportunities and challenges for market participants. At the same time, technological developments allow for new forms of consumer participation and cross-border cooperation. ***These also help to respond to the lack of access to modern electricity services.***

Or. en

**Amendment 59**  
**Davor Škrlec**

**Proposal for a regulation**  
**Recital 3 a (new)**

*Text proposed by the Commission*

*Amendment*

***(3a) The 'energy efficiency first' principle plays an important role in designing the electricity market. By fostering a level playing field for demand side solutions, including demand response and energy efficiency improvements, it makes sure that the market can be effective in delivering the objectives of the Energy Union and the climate and energy framework 2030.***

Or. en

**Amendment 60**  
**Luke Ming Flanagan**

**Proposal for a regulation**  
**Recital 4**

*Text proposed by the Commission*

*Amendment*

(4) State interventions, often designed in an uncoordinated manner, have led to

(4) State interventions (***on wind energy especially***), often designed in an

increasing distortions of the wholesale electricity market, with negative consequences for investments and cross-border trade.

uncoordinated manner, have led to increasing distortions of the wholesale electricity market, with negative consequences for investments and cross-border trade.

Or. en

**Amendment 61**  
**Piernicola Pedicini, Eleonora Evi, Dario Tamburrano**

**Proposal for a regulation**  
**Recital 5**

*Text proposed by the Commission*

(5) In the past, electricity customers were purely passive, often buying electricity at regulated prices which had no direct relation to the market. In the future, customers need to be enabled to fully participate in the market on equal footing with other market participants. To integrate growing shares of renewable energy, the future electricity system should make use of all available sources of flexibility, particularly demand response and storage. To achieve effective decarbonisation at lowest cost, it also needs to encourage energy efficiency.

*Amendment*

(5) In the past, electricity customers were purely passive, often buying electricity at regulated prices which had no direct relation to the market. In the future, customers need to be enabled to fully participate in the market on equal footing with other market participants. To integrate growing shares of renewable energy, the future electricity system should make use of all available sources of flexibility, particularly demand response and storage. To achieve effective decarbonisation at lowest cost, it also needs to encourage energy efficiency *as well as phasing out environmentally or economically harmful subsidies*.

Or. en

**Amendment 62**  
**Nicola Caputo**

**Proposal for a regulation**  
**Recital 5**

*Text proposed by the Commission*

(5) In the past, electricity customers

*Amendment*

(5) In the past, electricity customers

were purely passive, often buying electricity at regulated prices which had no direct relation to the market. In the future, customers need to be enabled to fully participate in the market on equal footing with other market participants. To integrate growing shares of renewable energy, the future electricity system should make use of all available sources of flexibility, particularly demand response and storage. To achieve effective decarbonisation at lowest cost, it also needs to encourage energy efficiency.

were purely passive, often buying electricity at regulated prices which had no direct relation to the market. In the future, customers need to be enabled to fully participate in the market on equal footing with other market participants. To integrate growing shares of renewable energy, the future electricity system should make use of all available sources of flexibility, particularly demand response and storage. To achieve effective decarbonisation at lowest cost, it also needs to encourage energy efficiency *and to drive investments on the long term.*

Or. en

### **Amendment 63** **Merja Kyllönen**

#### **Proposal for a regulation** **Recital 5**

##### *Text proposed by the Commission*

(5) In the past, electricity customers were purely passive, often buying electricity at regulated prices which had no direct relation to the market. In the future, customers need to be enabled to fully participate in the market on equal footing with other market participants. To integrate growing shares of renewable energy, the future electricity system should make use of all available sources of flexibility, particularly demand response and storage. To achieve effective decarbonisation at lowest cost, it also needs to encourage energy efficiency.

##### *Amendment*

(5) In the past, electricity customers were purely passive, often buying electricity at regulated prices which had no direct relation to the market. In the future, customers need to be enabled to fully participate in the market on equal footing with other market participants. To integrate growing shares of renewable energy, the future electricity system should make use of all available sources of flexibility, particularly demand response and storage. To achieve effective decarbonisation at lowest cost, it also needs to encourage energy efficiency *and thus reduce the energy demand.*

Or. en

### **Amendment 64**

**Luke Ming Flanagan**

**Proposal for a regulation**

**Recital 6**

*Text proposed by the Commission*

(6) More market integration and the change towards a more volatile electricity production requires increased efforts to coordinate national energy policies with neighbours and to use the opportunities of cross-border electricity trade.

*Amendment*

(6) More market integration and the change towards a more volatile electricity production requires increased efforts to coordinate national energy policies with neighbours and to use the opportunities of cross-border electricity trade, ***though care must be exercised that this is NOT at the expense of the 'home' market.***

Or. en

**Amendment 65**

**Nicola Caputo**

**Proposal for a regulation**

**Recital 6**

*Text proposed by the Commission*

(6) More market integration and the change towards a more volatile electricity production requires increased efforts to coordinate national energy policies with neighbours and to use the opportunities of cross-border electricity trade.

*Amendment*

(6) More market integration and the change towards a more ***distributed and*** volatile electricity production requires increased efforts to coordinate national energy policies with neighbours and to use the opportunities of cross-border electricity trade.

Or. en

**Amendment 66**

**Luke Ming Flanagan**

**Proposal for a regulation**

**Recital 8**

*Text proposed by the Commission*

(8) Core market principles should set

*Amendment*

(8) Core market principles should set

out that electricity prices are to be determined through demand and supply. Those prices should signal when electricity is needed, providing market-based incentives for investments into flexibility sources such as flexible generation, interconnection, demand response or storage.

out that electricity prices are to be determined through demand and supply, ***though regulation of that market is then required to ensure that in this most vital of services, there is neither profiteering nor cartel operations by the dominant players.*** Those prices should signal when electricity is needed, providing market-based incentives for investments into flexibility sources such as flexible generation, interconnection, demand response or storage.

Or. en

**Amendment 67**  
**Carolina Punset**

**Proposal for a regulation**  
**Recital 9**

*Text proposed by the Commission*

(9) The decarbonisation of the electricity sector, with renewable energy becoming a major part of the market, is a core objective of the Energy Union. As the Union moves towards the decarbonisation of the electricity sector and increasing penetration of renewable energy sources, it is crucial that the market removes existing barriers to cross-border trade and encourages investments into supporting infrastructure, for example, more flexible generation, interconnection, demand response and storage. To support this shift to variable and distributed generation, and to ensure that energy market principles are the basis for the Union's electricity markets of the future, a renewed focus on short-term markets and scarcity pricing is essential.

*Amendment*

(9) The decarbonisation of the electricity sector, with renewable energy becoming a major part of the market, is a core objective of the Energy Union. As the Union moves towards the decarbonisation of the electricity sector and increasing penetration of renewable energy sources, it is crucial that the market removes existing barriers to cross-border trade and encourages investments into supporting infrastructure, for example, more flexible generation, interconnection, demand response and storage. To support ***the roll-out of energy storage solutions, Member States should take steps to remove out dated taxation provisions that lead to double-taxation.*** To support this shift to variable and distributed generation, and to ensure that energy market principles are the basis for the Union's electricity markets of the future, a renewed focus on short-term markets and scarcity pricing is essential.



*Justification*

*The efficient rollout of energy storage has been hampered by tax code provisions that lead to double-taxation. Member States should therefore take steps to remove these barriers.*

**Amendment 68**  
**Luke Ming Flanagan**

**Proposal for a regulation**  
**Recital 9**

*Text proposed by the Commission*

(9) The decarbonisation of the electricity sector, with renewable energy becoming a major part of the market, is a core objective of the Energy Union. As the Union moves towards the decarbonisation of the electricity sector and increasing penetration of renewable energy sources, it is crucial that the market removes existing barriers to cross-border trade and encourages investments into supporting infrastructure, for example, more flexible generation, interconnection, demand response and storage. To support this shift to variable and distributed generation, and to ensure that energy market principles are the basis for the Union's electricity markets of the future, a renewed focus on short-term markets and scarcity pricing is essential.

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**Amendment 69**  
**Luke Ming Flanagan**

**Proposal for a regulation**  
**Recital 10**

*Text proposed by the Commission*

(10) Short-term markets will improve liquidity and competition by enabling more resources to participate fully in the market, especially those that are more flexible. Effective scarcity pricing will encourage market participants to be available when the market most needs it and ensures that they can recover their costs in the wholesale market. It is therefore critical to ensure that, as far as possible, administrative and implicit price caps are removed to allow scarcity prices to increase up to the value of lost load. When fully embedded in the market structure, short-term markets and scarcity pricing will contribute to the removal of other measures, such as capacity mechanisms, to ensure security of supply. At the same time, scarcity pricing without price caps on the wholesale market should not jeopardize the possibility for reliable and stable prices for final customers, in particular households and SMEs.

*Amendment*

(10) Short-term markets will improve liquidity and competition by enabling more resources to participate fully in the market, especially those that are more flexible. Effective scarcity pricing will encourage market participants to be available when the market most needs it and ensures that they can recover their costs in the wholesale market. It is therefore critical to ensure that, as far as possible, administrative and implicit price caps are removed to allow scarcity prices to increase up to the value of lost load. When fully embedded in the market structure, short-term markets and scarcity pricing will contribute to the removal of other measures, such as capacity mechanisms, to ensure security of supply. At the same time, scarcity pricing without price caps on the wholesale market should not jeopardize the possibility for **reasonable**, reliable and stable prices for final customers, in particular households and SMEs.

Or. en

**Amendment 70**  
**Merja Kyllönen**

**Proposal for a regulation**  
**Recital 10**

*Text proposed by the Commission*

(10) Short-term markets will improve liquidity and competition by enabling more resources to participate fully in the market, especially those that are more flexible. Effective scarcity pricing will encourage market participants to be available when the market most needs it and ensures that they can recover their costs in the wholesale market. It is therefore critical to ensure that, as far as possible,

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Or. en

## **Amendment 71** **Nicola Caputo**

### **Proposal for a regulation** **Recital 12**

*Text proposed by the Commission*

(12) The precondition for effective competition in the internal market in electricity is non-discriminatory **and** transparent charges for network use including interconnecting lines in the transmission system. The available capacity of those lines should be set at the maximum levels consistent with the safety standards of secure network operation.

*Amendment*

(12) The precondition for effective competition in the internal market in electricity is non-discriminatory, transparent **and adequate** charges for network use including interconnecting lines in the transmission system. The available capacity of those lines should be set at the maximum levels consistent with the safety standards of secure network operation.

Or. en

## **Amendment 72** **Arne Gericke**

### **Proposal for a regulation** **Recital 13 a (new)**

***(13a) Supply networks throughout Europe, whether local or long-distance, face major challenges which many of them will be unable to meet. Accordingly, Member States are required to focus on modernising and adapting the local power supply networks in their regions and taking appropriate measures to coordinate their development across Europe;***

Or. de

**Amendment 73**  
**Carolina Punset**

**Proposal for a regulation**  
**Recital 14**

*Text proposed by the Commission*

*Amendment*

(14) To efficiently steer necessary investments, prices also need to provide signals where electricity is most needed. In a zonal electricity system, correct locational signals require a coherent, objective and reliable determination of bidding zones via a transparent process. In order to ensure efficient operation and planning of the Union electricity network and to provide effective price signals for new generation capacity, demand response or transmission infrastructure, bidding zones should reflect structural congestion. In particular, cross-zonal capacity should not be reduced in order to resolve internal congestion.

(14) To efficiently steer necessary investments, prices also need to provide signals where electricity is most needed. In a zonal electricity system, correct locational signals require a coherent, objective and reliable determination of bidding zones via a transparent process. In order to ensure efficient operation and planning of the Union electricity network and to provide effective price signals for new generation capacity, demand response, ***energy storage*** or transmission infrastructure, bidding zones should reflect structural congestion. In particular, cross-zonal capacity should not be reduced in order to resolve internal congestion.

Or. en

*Justification*

*Ensures that energy storage is recognised as a new energy asset class in EU law.*

**Amendment 74**  
**Nicola Caputo**

**Proposal for a regulation**  
**Recital 14**

*Text proposed by the Commission*

(14) To efficiently steer necessary investments, prices also need to provide signals where electricity is most needed. In a zonal electricity system, correct locational signals require a coherent, objective and reliable determination of bidding zones via a transparent process. In order to ensure efficient operation and planning of the Union electricity network and to provide effective price signals for new generation capacity, demand response or transmission infrastructure, bidding zones should reflect structural congestion. In particular, cross-zonal capacity should not be reduced in order to resolve internal congestion.

*Amendment*

(14) To efficiently steer necessary investments, prices also need to provide signals where electricity is most needed. In a zonal electricity system, correct locational signals require a coherent, objective and reliable determination of bidding zones via a transparent process. In order to ensure efficient operation and planning of the Union electricity network and to provide effective price signals for new generation capacity, demand response, **energy storage** or transmission infrastructure, bidding zones should reflect structural congestion. In particular, cross-zonal capacity should not be reduced in order to resolve internal congestion.

Or. en

**Amendment 75**  
**Davor Škrlec**

**Proposal for a regulation**  
**Recital 15**

*Text proposed by the Commission*

(15) Efficient decarbonisation of the electricity system via market integration requires systematically abolishing barriers to cross-border trade to overcome market fragmentation and to allow Union energy customers to fully benefit from the advantages of integrated electricity markets and competition.

*Amendment*

(15) Efficient decarbonisation of the electricity system via market integration requires systematically abolishing barriers to cross-border trade to overcome market fragmentation and to allow Union energy customers to fully benefit from the advantages of integrated electricity markets and competition. ***It also needs to provide for a just transition for coal mining regions and for those parts of the electricity market that are still largely***

*based on electricity production from coal, as their decommission necessary in the framework of the transition to a flexible and sustainable energy system enabling the EU meeting the Paris Agreement will have to address the numerous economical and social challenges.*

Or. en

#### *Justification*

*Decarbonisation needs to be inclusive, just and agreed by all stakeholders and consider societal, economic and environmental impacts, as well as sustainable labour alternatives, especially when the phase-out is linked to the closure of mining activities. A preparatory action on the establishment of a coal platform dialogue to discuss aspects of governance, just transition and decommissioning is about to start and EU Electricity Market rules should be in line with those activities.*

#### **Amendment 76** **Sirpa Pietikäinen**

#### **Proposal for a regulation** **Recital 15**

##### *Text proposed by the Commission*

(15) Efficient decarbonisation of the electricity system via market integration requires systematically abolishing barriers to cross-border trade to overcome market fragmentation and to allow Union energy customers to fully benefit from the advantages of integrated electricity markets and competition.

##### *Amendment*

(15) Efficient decarbonisation of the electricity system **by 2050** via market integration requires systematically abolishing barriers to cross-border trade to overcome market fragmentation and to allow Union energy customers to fully benefit from the advantages of integrated electricity markets and competition.

Or. en

#### **Amendment 77** **Sirpa Pietikäinen**

#### **Proposal for a regulation** **Recital 15 a (new)**

*Text proposed by the Commission*

*Amendment*

***(15a) Priority dispatch for generating installations using variable renewable energy sources should be recognised for its role in supporting the EU to meet its targets for the use of energy from renewable sources and reduction of greenhouse gas emissions;***

Or. en

## **Amendment 78**

**Jadwiga Wiśniewska**

### **Proposal for a regulation**

#### **Recital 28**

*Text proposed by the Commission*

(28) Prior to introducing capacity mechanisms, Member States should assess regulatory distortions contributing to the related resource adequacy concern. They should be required to adopt measures to eliminate the identified distortions including a timeline for their implementation. Capacity mechanisms should only be introduced for the residual concerns that cannot be addressed through removing such distortions.

*Amendment*

(28) Prior to introducing capacity mechanisms, Member States should assess regulatory distortions contributing to the related resource adequacy concern. They should be required to adopt measures to eliminate the identified distortions including a timeline for their implementation. Capacity mechanisms should only be introduced for the residual concerns, ***such as security of energy supplies***, that cannot be addressed through removing such distortions.

Or. en

## **Amendment 79**

**Jadwiga Wiśniewska**

### **Proposal for a regulation**

#### **Recital 30**

*Text proposed by the Commission*

(30) Main principles of capacity

*Amendment*

(30) Main principles of capacity

mechanisms should be laid down, building on the environmental and energy State aid principles and the findings of DG Competition's Sector Inquiry on capacity mechanisms. Capacity mechanisms already in place should be reviewed in light of these principles. In case *the European* resource adequacy assessment reveals the absence of any adequacy concern, no new capacity mechanism should be established and no new capacity commitments under mechanisms already in place should be made. The application of the State aid control rules pursuant to Articles 107 to 109 TFUE must be complied with at all times.

mechanisms should be laid down, building on the environmental and energy State aid principles and the findings of DG Competition's Sector Inquiry on capacity mechanisms. Capacity mechanisms already in place should be reviewed in light of these principles. In case *a national* resource adequacy assessment reveals the absence of any adequacy concern, no new capacity mechanism should be established and no new capacity commitments under mechanisms already in place should be made. The application of the State aid control rules pursuant to Articles 107 to 109 TFUE must be complied with at all times.

Or. en

**Amendment 80**  
**Sirpa Pietikäinen**

**Proposal for a regulation**  
**Recital 30 a (new)**

*Text proposed by the Commission*

*Amendment*

*(30 a) All direct and indirect subsidies for electricity from fossil fuels should be phased out by 2023.*

Or. en

**Amendment 81**  
**Nicola Caputo**

**Proposal for a regulation**  
**Recital 31**

*Text proposed by the Commission*

*Amendment*

(31) Detailed rules for facilitating effective cross-border participation in capacity mechanisms other than *reserve*

(31) Detailed rules for facilitating effective cross-border participation in capacity mechanisms other than *strategic*



*schemes* should be laid down.

Transmission system operators across the borders should facilitate interested generators wanting to participate in capacity mechanisms in other Member States. Therefore, they should calculate capacities up to which cross-border participation would be possible, enable participation and check availabilities. National regulatory authorities should enforce the cross-border rules in the Member States.

*reserves* should be laid down.

Transmission system operators across the borders should facilitate interested generators wanting to participate in capacity mechanisms in other Member States. Therefore, they should calculate capacities up to which cross-border participation would be possible, enable participation and check availabilities. National regulatory authorities should enforce the cross-border rules in the Member States.

Or. en

## **Amendment 82**

**Pavel Poc**

### **Proposal for a regulation**

#### **Recital 31**

*Text proposed by the Commission*

(31) Detailed rules for facilitating effective cross-border participation in capacity mechanisms *other than reserve schemes* should be laid down. Transmission system operators across the borders should facilitate interested generators wanting to participate in capacity mechanisms in other Member States. Therefore, they should calculate capacities up to which cross-border participation would be possible, enable participation and check availabilities. National regulatory authorities should enforce the cross-border rules in the Member States.

*Amendment*

(31) Detailed rules for facilitating effective cross-border participation in capacity mechanisms should be laid down. Transmission system operators across the borders should facilitate interested generators wanting to participate in capacity mechanisms in other Member States. Therefore, they should calculate capacities up to which cross-border participation would be possible, enable participation and check availabilities. National regulatory authorities should enforce the cross-border rules in the Member States.

Or. en

*Justification*

*Cross-border participation shall be allowed in all mechanisms, including strategic reserves, to ensure efficient utilization of generation sources across Europe.*

**Amendment 83**  
**Kateřina Konečná**

**Proposal for a regulation**  
**Recital 31**

*Text proposed by the Commission*

(31) Detailed rules for facilitating effective cross-border participation in capacity mechanisms *other than reserve schemes* should be laid down. Transmission system operators across the borders should facilitate interested generators wanting to participate in capacity mechanisms in other Member States. Therefore, they should calculate capacities up to which cross-border participation would be possible, enable participation and check availabilities. National regulatory authorities should enforce the cross-border rules in the Member States.

*Amendment*

(31) Detailed rules for facilitating effective cross-border participation in capacity mechanisms should be laid down. Transmission system operators across the borders should facilitate interested generators wanting to participate in capacity mechanisms in other Member States. Therefore, they should calculate capacities up to which cross-border participation would be possible, enable participation and check availabilities. National regulatory authorities should enforce the cross-border rules in the Member States..

Or. en

*Justification*

*Reserve schemes are already today opened to cross-border participation (for instance network reserve in Germany). Derogation would be a step back.*

**Amendment 84**  
**Nicola Caputo**

**Proposal for a regulation**  
**Recital 32**

*Text proposed by the Commission*

(32) In view of differences in national energy systems and technical limitations of existing electricity networks, the best approach to achieving progress in market integration will often be at a regional level. Regional cooperation of transmission

*Amendment*

(32) In view of differences in national energy systems and technical limitations of existing electricity networks, the best *and the most cost-effective* approach to achieving progress in market integration will often be at a regional level. Regional

system operators should thus be strengthened. In order to ensure efficient cooperation, a new regulatory framework should foresee stronger regional governance and regulatory oversight, including by strengthening the decision-making power of the Agency for cross-border issues. Closer cooperation of Member States could be needed also in crisis situations, to increase security of supply and limit market distortions.

cooperation of transmission system operators should thus be strengthened. In order to ensure efficient cooperation, a new regulatory framework should foresee stronger regional governance and regulatory oversight, including by strengthening the decision-making power of the Agency for cross-border issues. Closer cooperation of Member States could be needed also in crisis situations, to increase security of supply and limit market distortions.

Or. en

**Amendment 85**  
**Kateřina Konečná**

**Proposal for a regulation**  
**Recital 38**

*Text proposed by the Commission*

(38) In order to raise efficiencies in the electricity distribution networks in the Union and ensure close cooperation with transmission system operators and ENTSO for electricity, a European entity of distribution system operators in the Union ("EU DSO entity") should be established. The tasks of the EU DSO entity should be well-defined and its working method should ensure efficiency, transparency and representativeness amongst the Union distribution system operators. The EU DSO Entity should closely cooperate with ENTSO for Electricity on the preparation and implementation of the network codes where applicable and should work on providing guidance on the integration inter alia of distributed generation and storage in distribution networks or other areas which relate to the management of distribution networks.

*Amendment*

(38) In order to raise efficiencies in the electricity distribution networks in the Union and ensure close cooperation with transmission system operators and ENTSO for electricity, a European entity of distribution system operators in the Union ("EU DSO entity") should be established. The tasks of the EU DSO entity should be well-defined and its working method should ensure efficiency, transparency and representativeness amongst the Union distribution system operators, ***respecting regional specificities of distribution networks***. The EU DSO Entity should closely cooperate with ENTSO for Electricity on the preparation and implementation of the network codes where applicable and should work on providing guidance on the integration inter alia of distributed generation and storage in distribution networks or other areas which relate to the management of distribution networks.

*Justification*

*Distribution networks across Europe vary to a great extent: from voltage level, topology, natural profile of given area to consumption patterns of users. These specificities have to be taken into account in an operation of EU DSO entity.*

**Amendment 86****Nicola Caputo****Proposal for a regulation****Recital 38***Text proposed by the Commission*

(38) In order to raise efficiencies in the electricity distribution networks in the Union and ensure close cooperation with transmission system operators and ENTSO for electricity, a European entity of distribution system operators in the Union ("EU DSO entity") should be established. The tasks of the EU DSO entity should be well-defined and its working method should ensure efficiency, transparency and representativeness amongst the Union distribution system operators. The EU DSO Entity should closely cooperate with ENTSO for Electricity on the preparation and implementation of the network codes where applicable and should work on providing guidance on the integration inter alia of distributed generation and storage in distribution networks or other areas which relate to the management of distribution networks.

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(38) In order to raise efficiencies in the electricity distribution networks in the Union and ensure close cooperation with transmission system operators and ENTSO for electricity, a European entity of distribution system operators in the Union ("EU DSO entity") should be established. The tasks of the EU DSO entity should be well-defined and its working method should ensure ***independence, neutrality,*** efficiency, transparency and representativeness amongst the Union distribution system operators. The EU DSO Entity should closely cooperate with ENTSO for Electricity on the preparation and implementation of the network codes where applicable and should work on providing guidance on the integration inter alia of distributed generation and storage in distribution networks or other areas which relate to the management of distribution networks.

**Amendment 87****Davor Škrlec**

on behalf of the Verts/ALE Group

**Proposal for a regulation**  
**Article 1 – paragraph 1 – point a**

*Text proposed by the Commission*

(a) setting the basis for an efficient achievement of the objectives of the European Energy Union and in particular the climate and energy framework for 2030<sup>30</sup> by enabling market signals to be delivered for increased flexibility, **decarbonisation** and innovation;

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<sup>30</sup> COM/2014/015 final.

*Amendment*

(a) setting the basis for an efficient achievement of the objectives of the European Energy Union and in particular the climate and energy framework for 2030<sup>30</sup> by enabling market signals to be delivered for increased flexibility, **energy efficiency** and innovation, **taking also account of the role of interconnectors and the growing share of renewables for the transition to a sustainable energy system**;

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<sup>30</sup> COM/2014/015 final.

Or. en

**Amendment 88**  
**Nicola Caputo**

**Proposal for a regulation**  
**Article 1 – paragraph 1 – point a**

*Text proposed by the Commission*

(a) setting the basis for an efficient achievement of the objectives of the European Energy Union and in particular the climate and energy framework for 2030<sup>30</sup> by enabling market signals to be delivered for increased flexibility, decarbonisation and innovation;

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<sup>30</sup> COM/2014/015 final.

*Amendment*

(a) setting the basis for an efficient achievement of the objectives of the European Energy Union and in particular the climate and energy framework for 2030<sup>30</sup> by enabling market signals to be delivered for increased **efficiency**, flexibility, decarbonisation and innovation;

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<sup>30</sup> COM/2014/015 final.

Or. en

**Amendment 89**  
**Carolina Punset**

**Proposal for a regulation**  
**Article 1 – paragraph 1 – point b**

*Text proposed by the Commission*

(b) setting fundamental principles for well-functioning, integrated electricity markets, which allow non-discriminatory market access for all resource providers and electricity customers, empower consumers, enable demand response and energy efficiency, facilitate aggregation of distributed demand and supply, and contribute to the decarbonisation of the economy by enabling market integration and market-based remuneration of electricity generated from renewable sources;

*Amendment*

(b) setting fundamental principles for well-functioning, integrated electricity markets, which allow non-discriminatory market access for all resource providers and electricity customers, empower consumers, enable demand response, ***energy storage*** and energy efficiency, facilitate aggregation of distributed demand and supply, ***promote sufficient levels of electricity interconnections*** and contribute to the decarbonisation of the economy by enabling market integration and market-based remuneration of electricity generated from renewable sources;

Or. en

**Amendment 90**  
**Luke Ming Flanagan**

**Proposal for a regulation**  
**Article 1 – paragraph 1 – point d**

*Text proposed by the Commission*

(d) facilitating the emergence of a well-functioning and transparent wholesale market with a high level of security of supply in electricity. It provides for mechanisms to harmonise the rules for cross-border exchanges in electricity.

*Amendment*

(d) facilitating the emergence of a well-functioning and transparent wholesale market ***across all Member States, (including those such as Ireland, Malta and Cyprus that are offshore from mainland Europe)*** with a high level of security of supply in electricity. It provides for mechanisms to harmonise the rules for cross-border exchanges in electricity.

Or. en

**Amendment 91**

**Kateřina Konečná**

**Proposal for a regulation**

**Article 2 – paragraph 2 – point c**

*Text proposed by the Commission*

(c) ‘congestion’ means a situation in which all requests from market participants to trade ***between two bidding zones*** cannot be accommodated because they would significantly affect the physical flows on network elements which cannot accommodate those flows ;

*Amendment*

(c) ‘congestion’ means a situation in which all requests from market participants to trade cannot be accommodated because they would significantly affect the physical flows on network elements which cannot accommodate those flows. ***An interconnection linking national transmission networks cannot accommodate all physical flows resulting from international trade requested by market participants, because of a lack of capacity of the interconnectors and/or the national transmission systems concerned;***

Or. en

*Justification*

*To complement a definition of a bidding zone. Congestions are quite often occurring also within bidding zones; this should be reflected in the regulation.*

**Amendment 92**

**Pavel Poc**

**Proposal for a regulation**

**Article 2 – paragraph 2 – point c**

*Text proposed by the Commission*

(c) ‘congestion’ means a situation in which all requests from market participants to trade ***between two bidding zones*** cannot be accommodated because they would significantly affect the physical flows on network elements which cannot accommodate those flows ;

*Amendment*

(c) ‘congestion’ means a situation in which all requests from market participants to trade cannot be accommodated because they would significantly affect the physical flows on network elements which cannot accommodate those flows ;

Or. en

*Justification*

*Original definition would stipulate that congestions may occur only between two bidding zones and not within bidding zone. Amendment is also necessary to align with definition of bidding zone.*

**Amendment 93**  
**Carolina Punset**

**Proposal for a regulation**  
**Article 2 – paragraph 2 – point u**

*Text proposed by the Commission*

(u) 'capacity mechanism' means an administrative measure to ensure the achievement of the *desired* level of security of supply *by remunerating resources for their availability not including measures relating to ancillary services*;

*Amendment*

(u) 'capacity mechanism' means an administrative measure to ensure the achievement of the *necessary* level of security of supply; *a thorough cost-benefit analysis shall be carried out to justify the necessity of achieving a certain level of security of supply, as well as to justify the need to adopt capacity mechanisms in order to achieve such necessary level*;

Or. en

*Justification*

*The necessary level of security of supply should be established taking into account the value that consumers place on electricity (VoLL – value of lost load), by the match between the incremental cost of insuring consumers against blackouts and the cost of incremental blackouts to consumers. They should only be adopted after verification of both their technical necessity and their economic efficiency, after having evaluated other alternative options less distortive to competition.*

**Amendment 94**  
**Daciana Octavia Sârbu**

**Proposal for a regulation**  
**Article 2 – paragraph 2 – point u**

*Text proposed by the Commission*

(u) 'capacity mechanism' means an administrative measure *to ensure the*

*Amendment*

(u) 'capacity mechanism' means an *exceptional* administrative measure *that*



*achievement of the desired level of security of supply by remunerating resources for their availability not including measures relating to ancillary services;*

*remunerates resources for their availability not including measures relating to ancillary services, adopted in accordance with the provisions of this regulation and in compliance with State aid rules and with the principles of necessity, proportionality and non-discrimination;*

Or. en

#### *Justification*

*Capacity mechanisms are a form of public intervention in the internal market for electricity. As such, and in light of their potentially distortive effect, they should be subject to the principle of necessity and be designed as transitory measures.*

#### **Amendment 95** **Jadwiga Wiśniewska**

#### **Proposal for a regulation** **Article 2 – paragraph 2 – point u**

##### *Text proposed by the Commission*

(u) 'capacity mechanism' means *an* administrative measure to ensure the achievement of the desired level of security of supply by remunerating resources for their availability not including measures relating to ancillary services;

##### *Amendment*

(u) 'capacity mechanism' means *a market based or* administrative measure to ensure the achievement of the desired level of security of supply by remunerating resources for their availability not including measures relating to ancillary services;

Or. en

#### **Amendment 96** **Nicola Caputo**

#### **Proposal for a regulation** **Article 2 – paragraph 2 – point u**

##### *Text proposed by the Commission*

(u) 'capacity mechanism' means an administrative measure to ensure the achievement of the *desired* level of

##### *Amendment*

(u) 'capacity mechanism' means an administrative measure to ensure the achievement of the *necessary* level of

security of supply by remunerating resources for their availability not including measures relating to ancillary services;

security of supply by remunerating resources for their availability not including measures relating to ancillary services;

Or. en

**Amendment 97**  
**Davor Škrlec**

**Proposal for a regulation**  
**Article 2 – paragraph 2 – point u**

*Text proposed by the Commission*

(u) 'capacity mechanism' means an administrative measure to ensure the achievement of the desired level of ***security of supply*** by remunerating resources for their availability not including measures relating to ancillary services;

*Amendment*

(u) 'capacity mechanism' means an administrative measure to ensure the achievement of the desired level of ***resource adequacy*** by remunerating resources for their availability not including measures relating to ancillary services;

Or. en

**Amendment 98**  
**Davor Škrlec**

**Proposal for a regulation**  
**Article 2 – paragraph 2 – point v**

*Text proposed by the Commission*

(v) 'strategic reserve' means a capacity mechanism in which resources are only dispatched in case day-ahead and intraday markets have failed to clear, transmission system operators have exhausted their balancing resources to establish an equilibrium between demand and supply, and imbalances in the market during periods where the reserves were dispatched are settled at the value of lost load;

*Amendment*

(v) 'strategic reserve' means a capacity mechanism in which resources ***are held and definitively remain outside the day ahead, intraday, balancing and any other ancillary services market, and*** are only dispatched in case day-ahead and intraday markets have failed to clear, transmission system operators have exhausted their balancing resources to establish an equilibrium between demand and supply, and imbalances in the market during

periods where the reserves were dispatched are settled at **technical price limits or at** the value of lost load;

Or. en

#### *Justification*

*For legal certainty, this regulation must provide a clear and strict definition of strategic reserves. Capacity in strategic reserves must be kept outside of the market, cannot return back to the market and can only be called upon in extreme situations.*

#### **Amendment 99** **Merja Kyllönen**

#### **Proposal for a regulation** **Article 2 – paragraph 2 – point v**

##### *Text proposed by the Commission*

(v) 'strategic reserve' means a capacity mechanism in which resources are only dispatched in case day-ahead **and** intraday markets have failed to clear, transmission system operators have exhausted their balancing resources to establish an equilibrium between demand and supply, and imbalances in the market during periods where the reserves were dispatched are settled at the value of lost load;

##### *Amendment*

(v) 'strategic reserve' means a capacity mechanism in which resources are **held outside the market, remain outside the market, and are** only dispatched in case day-ahead **or** intraday markets have failed to clear, transmission system operators have exhausted their balancing resources to establish an equilibrium between demand and supply, and imbalances in the market during periods where the reserves were dispatched are settled at the value of lost load;

Or. en

#### *Justification*

*For legal certainty, this regulation must provide a clear and strict definition of strategic reserves that characterise the conditions under which it is deployed. Capacity in strategic reserves must be kept outside of the market and can only be called upon in extreme situations.*

#### **Amendment 100** **Daciana Octavia Sârbu**

#### **Proposal for a regulation**

## Article 2 – paragraph 2 – point v

*Text proposed by the Commission*

(v) 'strategic reserve' means a capacity mechanism in which resources are only dispatched in case day-ahead and intraday markets have failed to clear, transmission system operators have exhausted their balancing resources to establish an equilibrium between demand and supply, and imbalances in the market during periods where the reserves were dispatched are settled at the value of lost load;

*Amendment*

(v) 'strategic reserve' means a capacity mechanism in which resources, ***otherwise excluded from the market***, are only dispatched in case day-ahead and intraday markets have failed to clear, transmission system operators have exhausted their balancing resources to establish an equilibrium between demand and supply, and imbalances in the market during periods where the reserves were dispatched are settled at the value of lost load;

Or. en

### *Justification*

*The regulation should ensure that strategic reserves are remunerated and used only in cases for which the market fails to provide a response to security of supply and balancing requirements. Any other impact on the functioning of the market should be prevented.*

## Amendment 101

Davor Škrlec

### Proposal for a regulation

#### Article 2 – paragraph 2 – point w

*Text proposed by the Commission*

(w) 'high-efficiency cogeneration' means cogeneration meeting the criteria ***laid down in Annex II of Directive 2012/27/EU of the European Parliament and of the Council***<sup>33</sup> ;

*Amendment*

(w) 'high-efficiency cogeneration' means ***renewable*** cogeneration meeting the criteria ***of achieving a conversion efficiency of at least 85 %***.

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<sup>33</sup> ***Directive 2012/27/EU of the European Parliament and of the Council of 25 October 2012 on energy efficiency, amending Directives 2009/125/EC and 2010/30/EU and repealing Directives 2004/8/EC and 2006/32/EC (OJ L 315, 14.11.2012, p. 1).***

*Justification*

*For the purposes of this Regulation and in line with provisions on priority dispatch for electricity produced from renewable energy, the definition of high efficiency cogeneration should be aligned with the provisions to the Renewable Directive rather than the Energy Efficiency Directive.*

**Amendment 102****Luke Ming Flanagan****Proposal for a regulation****Article 3 – paragraph 1 – point a***Text proposed by the Commission*

(a) prices shall be formed based on demand and supply;

*Amendment*

(a) prices shall be formed based on demand and supply ***but with the overriding principle that fairness in that pricing shall be at the core;***

Or. en

**Amendment 103****Luke Ming Flanagan****Proposal for a regulation****Article 3 – paragraph 1 – point b***Text proposed by the Commission*

(b) actions which prevent price formation on the basis of demand and supply ***or*** constitute a disincentive to the development of more flexible generation, low carbon generation, or more flexible demand shall be avoided;

*Amendment*

(b) actions which prevent price formation on the basis of ***a)*** demand and supply, ***and b)*** ***fair pricing, or which*** constitute a disincentive to the development of more flexible generation, low carbon generation, or more flexible demand shall be avoided;

Or. en

**Amendment 104**

**Piernicola Pedicini, Eleonora Evi, Dario Tamburrano**

**Proposal for a regulation**

**Article 3 – paragraph 1 – point b**

*Text proposed by the Commission*

(b) actions which prevent price formation on the basis of demand and supply or constitute a disincentive to the development of more flexible generation, low carbon generation, or more flexible demand shall be avoided;

*Amendment*

(b) actions which prevent price formation on the basis of demand and supply or constitute a disincentive to the development of more flexible generation, low carbon generation, or more flexible demand shall be avoided ***while Member States ensure that energy poor or vulnerable consumers are sufficiently protected;***

Or. en

**Amendment 105**

**Piernicola Pedicini, Eleonora Evi, Dario Tamburrano**

**Proposal for a regulation**

**Article 3 – paragraph 1 – point c**

*Text proposed by the Commission*

(c) customers shall be enabled to benefit from market opportunities and increased competition on retail markets;

*Amendment*

(c) customers shall be enabled to benefit from market opportunities and increased competition on retail markets; ***market players shall be required to assess the risk of detriment that new products and services present to household customers and to tailor their offers accordingly; National Regulatory Authorities shall monitor the market developments and modify protections as required;***

Or. en

**Amendment 106**

**Carolina Punset**

**Proposal for a regulation**  
**Article 3 – paragraph 1 – point d**

*Text proposed by the Commission*

(d) market participation of consumers and small businesses shall be enabled by aggregation of generation from multiple generation facilities or load from multiple demand facilities to provide joint offers on the electricity market and be jointly operated in the electricity system, subject to compliance with EU treaty rules on competition;

*Amendment*

(d) market participation of consumers and small businesses shall be enabled ***individually, collectively, through participation in a local energy community, and*** by aggregation of generation from multiple generation facilities or load from multiple demand facilities to provide joint offers on the electricity market and be jointly operated in the electricity system, subject to compliance with EU treaty rules on competition;

Or. en

**Amendment 107**  
**Daciana Octavia Sârbu**

**Proposal for a regulation**  
**Article 3 – paragraph 1 – point d**

*Text proposed by the Commission*

(d) market participation of consumers and small businesses shall be enabled by aggregation of generation from multiple generation facilities or load from multiple demand facilities to provide joint offers on the electricity market and be jointly operated in the electricity system, subject to compliance with EU treaty rules on competition;

*Amendment*

(d) market participation of consumers and small businesses shall be enabled ***individually, collectively through participation in a local energy community, and*** by aggregation of generation from multiple generation facilities or load from multiple demand facilities to provide joint offers on the electricity market and be jointly operated in the electricity system, subject to compliance with EU treaty rules on competition;

Or. en

## *Justification*

*General principles for the EU's electricity market should provide a basis for acknowledging and encouraging all forms of active participation by consumers, not just through aggregation.*

### **Amendment 108** **Luke Ming Flanagan**

#### **Proposal for a regulation** **Article 3 – paragraph 1 – point d**

##### *Text proposed by the Commission*

(d) market participation of consumers and small businesses shall be enabled by aggregation of generation from multiple generation facilities or load from multiple demand facilities to provide joint offers on the electricity market and be jointly operated in the electricity system, subject to compliance with EU treaty rules on competition;

##### *Amendment*

(d) market participation of consumers and small businesses shall be enabled **and encouraged** by aggregation of generation from multiple generation facilities or load from multiple demand facilities to provide joint offers on the electricity market and be jointly operated in the electricity system, subject to compliance with EU treaty rules on competition;

Or. en

### **Amendment 109** **Luke Ming Flanagan**

#### **Proposal for a regulation** **Article 3 – paragraph 1 – point e**

##### *Text proposed by the Commission*

(e) market rules shall support the decarbonisation of the economy by enabling the integration of electricity from renewable energy sources and providing incentives for energy efficiency;

##### *Amendment*

(e) market rules shall support the decarbonisation of the economy by enabling the integration of electricity from **viable** renewable energy sources and providing incentives for energy efficiency;

Or. en

### **Amendment 110** **Françoise Grossetête, Angélique Delahaye, Michel Dantin**



**Proposal for a regulation**  
**Article 3 – paragraph 1 – point f**

*Text proposed by the Commission*

(f) market rules shall deliver appropriate investment incentives for generation, storage, energy efficiency and demand response to meet market needs and thus ensure security of supply;

*Amendment*

(f) market rules shall deliver appropriate investment incentives for ***generation, in particular long-term investments in low-carbon*** generation, storage, energy efficiency and demand response to meet market needs and thus ensure security of supply;

Or. en

**Amendment 111**  
**Nicola Caputo**

**Proposal for a regulation**  
**Article 3 – paragraph 1 – point g**

*Text proposed by the Commission*

(g) barriers to cross-border electricity flows and cross-border transactions on electricity markets and related services markets shall be ***avoided***;

*Amendment*

(g) barriers to cross-border electricity flows and cross-border transactions on electricity markets and related services markets shall be ***removed***;

Or. en

**Amendment 112**  
**Piernicola Pedicini, Eleonora Evi, Dario Tamburrano**

**Proposal for a regulation**  
**Article 3 – paragraph 1 – point i**

*Text proposed by the Commission*

(i) all generation, storage and demand resources shall participate on equal footing in the market;

*Amendment*

(i) all generation, storage and demand resources shall participate on equal footing in the market ***in a way that accounts for the benefits and costs each provide to the environment and the system, their sustainability, and their contributions to***

*the decarbonisation objectives set in the 2015 Paris Agreement and the [Renewable Energy Directive];*

Or. en

**Amendment 113**  
**Carolina Punset**

**Proposal for a regulation**  
**Article 3 – paragraph 1 – point m**

*Text proposed by the Commission*

(m) market rules shall allow for entry and exit of electricity generation and electricity supply undertakings based on their assessment of the economic and financial viability of their operations;

*Amendment*

(m) market rules shall allow for entry and exit of electricity generation, **energy storage**, and electricity supply undertakings based on their assessment of the economic and financial viability of their operations;

Or. en

*Justification*

*As storage is defined as a separate activity in the electricity system, storage undertakings need to be able to make market entry or exit decisions on the same basis as other market players.*

**Amendment 114**  
**Françoise Grossetête, Angélique Delahaye, Michel Dantin**

**Proposal for a regulation**  
**Article 3 – paragraph 1 – point n**

*Text proposed by the Commission*

(n) long-term hedging opportunities, which allow market participants to hedge against price volatility risks on a market basis, and eliminate uncertainty on future returns on investment shall be tradable on exchanges in a transparent manner **subject to compliance** with EU treaty rules on

*Amendment*

(n) long-term hedging opportunities, which allow market participants to hedge against price volatility risks on a market basis, and eliminate uncertainty on future returns on investment shall be tradable on exchanges in a transparent manner; **similarly, long-term supply contracts shall be negotiated over the counter. Both shall**

competition.

*be compliant* with EU treaty rules on competition.

Or. en

**Amendment 115**  
**Pavel Poc, Martina Werner**

**Proposal for a regulation**  
**Article 3 a (new)**

*Text proposed by the Commission*

*Amendment*

*Article 3a*

*Just transition*

*The European Commission shall support Member States that put in place a national strategy for the progressive reduction of installed coal-fired generating and mining capacity through all available means, including targeted financial support to enable a “just transition” in regions affected by structural change. The Commission shall assist Member States to address the social, skills and industrial impact of the clean energy transition. The Commission shall work in close partnership with the actors of coal and carbon-intensive regions, provide guidance, in particular for the access to and use of available funds and programmes, and encourage exchange of good practices, including discussions on industrial roadmaps and re-skilling needs, through targeted platforms including through the just transition initiative for workers and communities established in the Governance Regulation.*

Or. en

**Amendment 116**  
**Jo Leinen, Martina Werner**

**Proposal for a regulation**  
**Article 3 a (new)**

*Text proposed by the Commission*

*Amendment*

**Article 3a**

**Just transition**

***The European Commission shall support Member States that put in place a national strategy for the progressive reduction of installed coal-fired generating and mining capacity through all available means, including targeted financial support to enable a “just transition” in regions affected by structural change. The Commission shall assist Member States to address the social, skills and industrial impact of the clean energy transition. The Commission shall work in close partnership with the actors of coal and carbon-intensive regions, provide guidance, in particular for the access to and use of available funds and programmes, and encourage exchange of good practices, including discussions on industrial roadmaps and re-skilling needs, through targeted platforms including through the just transition initiative for workers and communities established in the Governance Regulation.***

Or. en

**Amendment 117**  
**Sirpa Pietikäinen**

**Proposal for a regulation**  
**Article 4 – paragraph 1**

*Text proposed by the Commission*

*Amendment*

1. All market participants shall aim for system balance and shall be financially responsible for imbalances they cause in

1. All market participants shall aim for system balance and shall be financially responsible for imbalances they cause in

the system. They shall either be balance responsible parties or delegate their responsibility to a balance responsible party of their choice.

the system, ***unless barriers to balancing markets participation exist***. They shall either be balance responsible parties or delegate their responsibility to a balance responsible party of their choice.

Or. en

*Justification*

*Regional or at least national intraday and balancing markets should be in place, with sufficient liquidity in terms of market participants and amount of transactions as a precondition for renewable generators to bear balancing responsibility.*

**Amendment 118**  
**Sirpa Pietikäinen**

**Proposal for a regulation**  
**Article 4 – paragraph 1 a (new)**

*Text proposed by the Commission*

*Amendment*

***1a. Member States shall establish markets for the delegation of balancing responsibility from small-scale generating installations using variable renewable sources or high-efficiency cogeneration with an installed electricity capacity of less than 500kW and, in the case of wind energy, 3 MW or 3 generation units.***

Or. en

*Justification*

*Regional or at least national intraday and balancing markets should be in place, with sufficient liquidity in terms of market participants and amount of transactions as a precondition for renewable generators to bear balancing responsibility.*

**Amendment 119**  
**Sirpa Pietikäinen**

**Proposal for a regulation**  
**Article 4 – paragraph 1 b (new)**

*Text proposed by the Commission*

*Amendment*

- 1b. Member States shall ensure that:**
- (a) the owner of a small scale generating installation can choose among at least three services providers for the delegation of its balancing responsibility;**
  - (b) the contracts offered by the service providers to the owner of a small scale generating installation provide clear information on the costing of the provided service.**

Or. en

*Justification*

*A situation which creates prohibitive barriers for small installations should be avoided. The development of centralised renewable energy generation requires maintenance of exemption on balancing responsibility until markets are fully opened to independent aggregators.*

**Amendment 120**  
**Sirpa Pietikäinen**

**Proposal for a regulation**  
**Article 4 – paragraph 2 – introductory part**

*Text proposed by the Commission*

*Amendment*

2. Member States **may** provide for derogation from balance responsibility in respect of:

2. Member States **shall** provide for derogation from balance responsibility in respect of:

Or. en

**Amendment 121**  
**Pavel Poc**

**Proposal for a regulation**  
**Article 4 – paragraph 2 – point a**

*Text proposed by the Commission*

*Amendment*

(a) *demonstration projects;* *deleted*

Or. en

*Justification*

*In order to limit market distortions to minimum, there shall be general balancing responsibility for all market players, including the smallest ones. In the current electricity market, even household consumers are balancing responsible (they delegate their responsibility to the supplier). The regime of exemptions from balancing responsibility shall not continue to exist.*

**Amendment 122**  
**Sirpa Pietikäinen**

**Proposal for a regulation**  
**Article 4 – paragraph 2 – point b**

*Text proposed by the Commission*

*Amendment*

(b) *generating installations using renewable energy sources or high-efficiency cogeneration with an installed electricity capacity of less than 500 kW;* *deleted*

Or. en

**Amendment 123**  
**Pavel Poc**

**Proposal for a regulation**  
**Article 4 – paragraph 2 – point b**

*Text proposed by the Commission*

*Amendment*

(b) *generating installations using renewable energy sources or high-efficiency cogeneration with an installed electricity capacity of less than 500 kW;* *deleted*

Or. en

### *Justification*

*In order to limit market distortions to minimum, there shall be general balancing responsibility for all market players, including the smallest ones. In the current electricity market, even household consumers are balancing responsible (they delegate their responsibility to the supplier). The regime of exemptions from balancing responsibility shall not continue to exist.*

#### **Amendment 124**

**Piernicola Pedicini, Eleonora Evi, Dario Tamburrano**

#### **Proposal for a regulation**

#### **Article 4 – paragraph 2 – point b**

##### *Text proposed by the Commission*

(b) generating installations using renewable energy sources or high-efficiency cogeneration with an installed electricity capacity of less than **500 kW**;

##### *Amendment*

(b) generating installations using renewable energy sources or high-efficiency cogeneration with an installed electricity capacity of less than **1 MW**;

Or. en

### *Justification*

*The proposed threshold for an exemption from balancing responsibility could add additional burdens for smaller generating installations, particularly in markets that are not yet developed. Therefore, the threshold for an exemption from balancing responsibility should be raised to 1MW, which would help simplify the process for smaller generating installations, including renewable energy communities and self-producers*

#### **Amendment 125**

**Daciana Octavia Sârbu**

#### **Proposal for a regulation**

#### **Article 4 – paragraph 2 – point b**

##### *Text proposed by the Commission*

(b) generating installations using renewable energy sources or high-efficiency cogeneration with an installed electricity capacity of less than **500 kW**;

##### *Amendment*

(b) generating installations using renewable energy sources or high-efficiency cogeneration with an installed electricity capacity of less than **1 MW**;

Or. en



### *Justification*

*Subjecting smaller generating installations, including new renewable energy communities, to balancing responsibility could add additional burdens for their participation in the market, particularly where balancing forward, and day-ahead markets that are not yet open to such actors. The threshold for an exemption from balancing responsibility should be raised to 1 MW to help simplify regulatory burdens for these actors.*

#### **Amendment 126**

**Jadwiga Wiśniewska**

#### **Proposal for a regulation**

**Article 4 – paragraph 2 – subparagraph 1 (new)**

*Text proposed by the Commission*

*Amendment*

***Distribution system operators shall be consulted before taking any decision pursuant to subparagraph 1 of this paragraph.***

Or. en

#### **Amendment 127**

**Piernicola Pedicini, Eleonora Evi, Dario Tamburrano**

#### **Proposal for a regulation**

**Article 4 – paragraph 3**

*Text proposed by the Commission*

*Amendment*

**3. From 1 January 2026, point (b) of paragraph 2 shall apply only to generating installations using renewable energy sources or high-efficiency cogeneration with an installed electricity capacity of less than 250 kW.** ***deleted***

Or. en

### *Justification*

*The proposed threshold under Article 4(3) for an exemption from balancing responsibility that would apply from 1 January 2026 could add additional burdens for current smaller generating installations, particularly in markets that are not yet developed.*

**Amendment 128**  
**Pavel Poc**

**Proposal for a regulation**  
**Article 4 – paragraph 3**

*Text proposed by the Commission*

*Amendment*

3. *From 1 January 2026, point (b) of paragraph 2 shall apply only to generating installations using renewable energy sources or high-efficiency cogeneration with an installed electricity capacity of less than 250 kW.* **deleted**

Or. en

*Justification*

*Aligned with amendment on Article 4, paragraph 2.*

**Amendment 129**  
**Daciana Octavia Sârbu**

**Proposal for a regulation**  
**Article 4 – paragraph 3**

*Text proposed by the Commission*

*Amendment*

3. From 1 January 2026, point (b) of paragraph 2 shall apply only to generating installations using renewable energy sources or high-efficiency cogeneration with an installed electricity capacity of less than **250** kW.

3. From 1 January 2026, point (b) of paragraph 2 shall apply only to generating installations using renewable energy sources or high-efficiency cogeneration with an installed electricity capacity of less than **500** kW.

Or. en

*Justification*

*Subjecting smaller generating installations, including new renewable energy communities, to balancing responsibility could prevent their entry and participation in the market, especially before they are provided with access to balancing, forward, and day-ahead markets. Development of such markets is likely to take time. The threshold exempting these actors from*

*balancing responsibility should only be lowered to 500 kW after 2026 to help ease their regulatory burden.*

### **Amendment 130**

**Daciana Octavia Sârbu**

#### **Proposal for a regulation**

##### **Article 5 – paragraph 1**

###### *Text proposed by the Commission*

1. All market participants shall have access to the balancing market, be it individually or through aggregation. Balancing market rules and products shall respect the need to accommodate increasing shares of variable generation as well as increased demand responsiveness and the advent of new technologies.

###### *Amendment*

1. All market participants shall have **full** access to the balancing market, be it individually or through aggregation. Balancing market rules and products shall respect the need to accommodate increasing shares of variable generation as well as increased demand responsiveness and the advent of new technologies.

Or. en

###### *Justification*

*The proposal requires that all market participants should have access to the balancing market. However, smaller actors - including renewable energy communities and active customers, as a category of market participants – often only have partial or limited access to balancing markets. The proposed amendment will ensure that balancing responsibility is not only a burden for smaller renewable energy generators but also an additional opportunity to contribute to system and market stability.*

### **Amendment 131**

**Piernicola Pedicini, Eleonora Evi, Dario Tamburrano**

#### **Proposal for a regulation**

##### **Article 5 – paragraph 2**

###### *Text proposed by the Commission*

2. Balancing markets shall **be organised in such a way as to** ensure effective non-discrimination between market participants taking account of the different technical capability of generation from variable renewable sources and

###### *Amendment*

2. Balancing markets shall ensure effective non-discrimination between market participants taking account of the different technical capability of generation from variable renewable sources, **including small decentralised or distributed**

demand side response and storage.

***generation and generation from active customers and renewable energy communities***, and demand side response and storage. ***Market operators shall ensure that energy communities have a proportionate and simple access to the market.***

Or. en

*Justification*

*The principle of non-discrimination in balancing markets should be directly enforceable and fully effective. In addition, balancing market rules should take into account the necessity of creating a level playing field to enable the development of distributed renewable energy resources, including by renewable active customers energy communities.*

**Amendment 132**

**Daciana Octavia Sârbu**

**Proposal for a regulation**

**Article 5 – paragraph 2**

*Text proposed by the Commission*

2. Balancing markets shall ***be organised in such a way as to*** ensure effective non-discrimination between market participants taking account of the different technical capability of generation from variable renewable sources and demand side response and storage.

*Amendment*

2. Balancing markets shall ensure effective non-discrimination between market participants taking account of the different technical capability of generation from variable renewable sources, ***including in particular small decentralised and distributed generation***, and demand side response and storage.

Or. en

*Justification*

*Smaller actors - including renewable energy communities and active customers, as a category of market participants – often only have partial or limited access to balancing markets, if at all. The proposed amendment will ensure that the development of standards for balancing products, and terms and conditions for balancing service providers allow smaller actors to compete on a level playing field with larger market participants.*

**Amendment 133**

**Carolina Punset**

**Proposal for a regulation**  
**Article 5 – paragraph 2**

*Text proposed by the Commission*

2. Balancing markets shall be organised in such a way as to ensure effective non-discrimination between market participants ***taking account of the different technical capability of generation from variable renewable sources and demand side response and storage.***

*Amendment*

2. Balancing markets shall be organised in such a way as to ensure effective non-discrimination between market participants. ***Balancing markets shall be designed to maximize the participation of renewables*** sources.

Or. en

*Justification*

*It is necessary to redesign the balancing products in order to fully harness the potential of renewables for providing the system with flexibility. Market entry barriers should be removed and efforts should focus on increasing the harmonisation of the different balancing markets on the basis of a model maximizing the participation of renewable energy generators.*

**Amendment 134**  
**Kateřina Konečná**

**Proposal for a regulation**  
**Article 5 – paragraph 7**

*Text proposed by the Commission*

7. ***The sizing of reserve capacity shall be performed at regional level in accordance with point 7 of Annex I. Regional operational centres shall support transmission system operators in determining the amount of balancing capacity that needs to be procured in accordance with point 8 of Annex I.***

*Amendment*

***deleted***

Or. en

### *Justification*

*Procurement and sizing of reserve capacity is closely related to system specificities, season, and thus to security of supply. As national TSOs are held responsible for security of supply, they should also preserve right to procure the amount of balancing capacity/reserves, which they find sufficient.*

#### **Amendment 135**

**Pavel Poc**

#### **Proposal for a regulation**

##### **Article 5 – paragraph 7**

*Text proposed by the Commission*

*Amendment*

**7. The sizing of reserve capacity shall be performed at regional level in accordance with point 7 of Annex I. Regional operational centres shall support transmission system operators in determining the amount of balancing capacity that needs to be procured in accordance with point 8 of Annex I.** *deleted*

Or. en

### *Justification*

*There is a need for closer integration of the balancing markets; nevertheless this process is already foreseen by relevant network codes and guidelines, specifically system operation guideline and balancing guideline. Therefore, it is disproportionate to deal with this issue in the electricity regulation, as the process foreseen in these guidelines has not been yet tested in the practice, and thus it is not possible to effectively suggest new regulation in this field.*

#### **Amendment 136**

**Kateřina Konečná**

#### **Proposal for a regulation**

##### **Article 5 – paragraph 8**

*Text proposed by the Commission*

*Amendment*

**8. The procurement of balancing capacity shall be facilitated on a regional level in accordance with point 8 of Annex** *deleted*

***I. The procurement shall be based on a primary market and organised in such a way as to be non-discriminatory between market participants in the prequalification process individually or through aggregation.***

Or. en

*Justification*

*Procurement and sizing of reserve capacity is closely related to system specificities, season, and thus to security of supply. As national TSOs are held responsible for security of supply, they should also preserve right to procure the balancing capacity/reserves. They should also have right to decide whether it is more safe and cost-efficient to procure it domestically or abroad.*

**Amendment 137**

**Pavel Poc**

**Proposal for a regulation**

**Article 5 – paragraph 8**

*Text proposed by the Commission*

8. The procurement of balancing capacity ***shall be facilitated on a regional level in accordance with point 8 of Annex I. The procurement*** shall be based on a primary market and organised in such a way as to be non-discriminatory between market participants in the prequalification process individually or through aggregation.

*Amendment*

8. The procurement of balancing capacity shall be based on a primary market and organised in such a way as to be non-discriminatory between market participants in the prequalification process individually or through aggregation.

Or. en

*Justification*

*Any entity shall have rights corresponding to its responsibilities. This is aligned with the responsibility of ROCs to procure balancing capacity, as Member States (and usually their respective TSOs) are accountable for secure and uninterrupted electricity supplies. Moreover, this process is already foreseen in recently approved guideline on electricity balancing, which binds TSOs to take contribution of foreign capacity providers into account when sizing and procuring balancing reserves.*

**Amendment 138**  
**Daciana Octavia Sârbu**

**Proposal for a regulation**  
**Article 5 – paragraph 8**

*Text proposed by the Commission*

8. The procurement of balancing capacity shall be facilitated on a regional level in accordance with point 8 of Annex I. The procurement shall be based on a primary market and ***organised in such a way as to*** be non-discriminatory between market participants in the prequalification process individually or through aggregation.

*Amendment*

8. The procurement of balancing capacity shall be facilitated on a regional level in accordance with point 8 of Annex I. The procurement shall be based on a primary market and be non-discriminatory between market participants in the prequalification process, ***including in particular where participation takes place*** individually or through aggregation.

Or. en

*Justification*

*The principle of non-discriminatory procurement of balancing capacity should have legal effect without any additional action from Member States. Furthermore, clarification of language is required to ensure an equal footing between smaller and larger market participants in balancing markets.*

**Amendment 139**  
**Piernicola Pedicini, Eleonora Evi, Dario Tamburrano**

**Proposal for a regulation**  
**Article 5 – paragraph 8**

*Text proposed by the Commission*

8. The procurement of balancing capacity shall be facilitated on a regional level in accordance with point 8 of Annex I. The procurement shall be based on a primary market and ***organised in such a way as to*** be non-discriminatory between market participants in the prequalification process individually or through aggregation.

*Amendment*

8. The procurement of balancing capacity shall be facilitated on a regional level in accordance with point 8 of Annex I. The procurement shall be based on a primary market and be non-discriminatory between market participants in the prequalification process ***to ensure participation can take place*** individually or through aggregation



*Justification*

*The principle of non-discriminatory procurement of balancing capacity should have legal effect without any additional action from Member States. Balancing markets should also ensure participation either through aggregation or on an individual basis.*

**Amendment 140**

**Françoise Grossetête, Angélique Delahaye, Michel Dantin**

**Proposal for a regulation****Article 5 – paragraph 9***Text proposed by the Commission*

9. The procurement of upward balancing capacity and downward balancing capacity shall be carried out separately. The contracting shall be performed for not longer than one day before the provision of the balancing capacity and the contracting period shall have a maximum of one day.

*Amendment*

9. The procurement of upward balancing capacity and downward balancing capacity shall be carried out separately. The contracting shall be performed for not longer than one day before the provision of the balancing capacity and the contracting period shall have a maximum of one day.

***Each TSO may submit a proposal to the competent regulatory authority requesting the exemption to the procurement rules according to this paragraph. The request for exemption shall include:***

- (a) specification of the time period during which the exemption would apply;***
- (b) specification of the volume of balancing capacity for which the exemption would apply;***
- (c) analysis of the impact of such an exemption on the participation of balancing resources;***
- (d) and justification for the exemption demonstrating that such an exemption would lead to higher economic efficiency.***

*Justification*

*It aims at introducing a necessary flexibility in the rules on the procurement of balancing capacities.*

**Amendment 141**  
**Pavel Poc**

**Proposal for a regulation**  
**Article 5 – paragraph 9**

*Text proposed by the Commission*

9. The procurement of upward balancing capacity and downward balancing capacity shall be carried out separately. ***The contracting shall be performed for not longer than one day before the provision of the balancing capacity and the contracting period shall have a maximum of one day.***

*Amendment*

9. The procurement of upward balancing capacity and downward balancing capacity shall be carried out separately.

Or. en

*Justification*

*It is crucial that TSOs may decide themselves which time period is the most appropriate for balancing capacity procurement (for a given service) – whether it is one year, several weeks or hours in advance of delivery. Obligation to contract balancing capacity only one-day prior to delivery and for a maximum duration of one day may severely impact security of supply and increase the price of balancing capacity.*

**Amendment 142**  
**Kateřina Konečná**

**Proposal for a regulation**  
**Article 5 – paragraph 9**

*Text proposed by the Commission*

9. The procurement of upward balancing capacity and downward balancing capacity shall be carried out separately. ***The contracting shall be performed for not longer than one day before the provision of the balancing capacity and the contracting period shall have a maximum of one day.***

*Amendment*

9. The procurement of upward balancing capacity and downward balancing capacity shall be carried out separately.

*Justification*

*TSOs shall also have right to decide which time frame they find most suitable and least expensive for procurement of reserves. Obligation to procure all capacity only one day in advance also does not take into account different needs during different periods of the year (strong winter, summer).*

**Amendment 143****Daciana Octavia Sârbu****Proposal for a regulation****Article 6 – paragraph 2 – point a***Text proposed by the Commission**Amendment*

(a) ***be organised in such a way as to***  
be non-discriminatory;

(a) be non-discriminatory;

Or. en

*Justification*

*The principle of non-discrimination in day-ahead and intraday markets should have legal effect without any additional action from Member States.*

**Amendment 144****Piernicola Pedicini, Eleonora Evi, Dario Tamburrano****Proposal for a regulation****Article 7 – paragraph 3***Text proposed by the Commission**Amendment*

3. Market operators shall provide products for trading in day-ahead and intraday markets which are sufficiently small in size, with minimum bid sizes of 1 Megawatt or less, to allow for the effective participation of demand-side response, energy storage and small-scale renewables.

3. Market operators shall provide products for trading in day-ahead and intraday markets which are sufficiently small in size, with minimum bid sizes of 1 Megawatt or less, to allow for the ***effective participation*** of demand-side response, energy storage and small-scale renewables. ***Market operators shall ensure that energy communities have a proportionate and simple access to the market.***

**Amendment 145**  
**Carolina Punset**

**Proposal for a regulation**  
**Article 7 – paragraph 3**

*Text proposed by the Commission*

3. Market operators shall provide products for trading in day-ahead and intraday markets which are sufficiently small in size, with minimum bid sizes of 1 **Megawatt or less**, to allow for the effective participation of demand-side response, energy storage and small-scale renewables.

*Amendment*

3. Market operators shall provide products for trading in day-ahead and intraday markets which are sufficiently small in size, with minimum bid sizes of 1 **Kilowatt or more**, to allow for the effective participation of demand-side response, energy storage and small-scale renewables, **including directly by customers**.

Or. en

*Justification*

*The emergence of new transaction technologies, such as blockchain, will make bid sizes increasingly small. Keeping the threshold as low as possible will ensure that new players bidding small loads are able to participate in the market.*

**Amendment 146**  
**Françoise Grossetête, Angélique Delahaye, Michel Dantin**

**Proposal for a regulation**  
**Article 8 a (new)**

*Text proposed by the Commission*

*Amendment*

**Article 8 a**

***Forward instruments hedging generation investments***

***In the framework of the freedom given to the electricity market participants to develop forward hedging products pursuant to Article 8(3), investors in new or refurbished generation, storage or demand response facilities shall be***

*allowed to conclude contracts whose maturity is related to the lifetime of the installations concerned.*

Or. en

**Amendment 147**

**Françoise Grossetête, Angélique Delahaye, Michel Dantin**

**Proposal for a regulation**

**Article 9 – paragraph 1**

*Text proposed by the Commission*

*Amendment*

**1. There shall be no maximum limit of the wholesale electricity price unless it is set at the value of lost load as determined in accordance with Article 10. There shall be no minimum limit of the wholesale electricity price unless it is set at a value of minus 2000 € or less and, in the event that it is or anticipated to be reached, set at a lower value for the following day. This provision shall apply, inter alia, to bidding and clearing in all timeframes and include balancing energy and imbalance prices.**

**deleted**

Or. en

**Amendment 148**

**Pavel Poc**

**Proposal for a regulation**

**Article 9 – paragraph 1**

*Text proposed by the Commission*

*Amendment*

**1. There shall be no *maximum* limit of the wholesale electricity price *unless it is set at the value of lost load as determined in accordance with Article 10. There shall be no minimum limit of the wholesale electricity price unless it is set***

**1. There shall be no limit of the wholesale electricity price. This provision shall apply, inter alia, to bidding and clearing in all timeframes and include balancing energy and imbalance prices.**

*at a value of minus 2000 € or less and, in the event that it is or anticipated to be reached, set at a lower value for the following day.* This provision shall apply, inter alia, to bidding and clearing in all timeframes and include balancing energy and imbalance prices.

Or. en

#### *Justification*

*Any restrictions to price formation prevent proper functioning of markets, including cross-border electricity markets. Having different price caps and floors at the VoLL (value of lost load) for each bidding zone would imply restrictions for cross-border trade. Therefore, there should be no price floors or caps allowed, instead the regulatory authorities shall supervise the market to make sure there are no undue impacts on competition and prices for end consumers.*

#### **Amendment 149** **Ivo Belet**

#### **Proposal for a regulation** **Article 9 – paragraph 1**

##### *Text proposed by the Commission*

1. There shall be no maximum limit of the wholesale electricity price unless it is set at the value of lost load as determined in accordance with Article 10. There shall be no minimum limit of the wholesale electricity price unless it is set at a value of minus 2000 € or less and, in the event that it is or anticipated to be reached, set at a lower value for the following day. This provision shall apply, inter alia, to bidding and clearing in all timeframes and include balancing energy and imbalance prices.

##### *Amendment*

1. There shall be no maximum limit of the wholesale electricity price unless it is set at the value of lost load as determined in accordance with Article 10. ***In strongly interconnected markets, these maximum limits shall be set at the same level among all bidding zones and markets to avoid market distortions.*** There shall be no minimum limit of the wholesale electricity price unless it is set at a value of minus 2000 € or less and, in the event that it is or anticipated to be reached, set at a lower value for the following day. This provision shall apply, inter alia, to bidding and clearing in all timeframes and include balancing energy and imbalance prices.

Or. en

## Justification

*In strongly interconnected markets a uniform technical price limit should be ensured. Without such uniform limits, inefficiencies could occur at times of scarcity as market participants would be artificially constrained in cross-border competition for energy by differences in the ability to price bids.*

### Amendment 150

**Françoise Grossetête, Angélique Delahaye, Michel Dantin**

#### Proposal for a regulation

##### Article 9 – paragraph 2

*Text proposed by the Commission*

2. *By way of derogation from paragraph 1, until [OP: two years after entry into force]* market operators may apply limits on maximum clearing prices for day-ahead and intraday timeframes in accordance with Articles 41 and 54 of Regulation (EU) 2015/1222. In the event that limits are, or are anticipated to be, reached, they shall be raised *for the following day*.

*Amendment*

2. Market operators may apply limits on maximum clearing prices for day-ahead and intraday timeframes in accordance with Articles 41 and 54 of Regulation (EU) 2015/1222. In the event that limits are, or are anticipated to be, reached, they shall be raised following *an automatic procedure developed by the Nominated Electricity Market Operators and approved by the competent authority*.

Or. en

### Amendment 151

**Sirpa Pietikäinen**

#### Proposal for a regulation

##### Article 11 – paragraph 1

*Text proposed by the Commission*

1. *Dispatching of power generation facilities and demand response shall be non-discriminatory and market based unless otherwise provided under paragraphs 2 to 4.*

*Amendment*

*deleted*

Or. en

*Justification*

*The priority dispatch regime has been crucial for the development of renewables.*

**Amendment 152**

**Davor Škrlec**

**Proposal for a regulation**

**Article 11 – paragraph 1**

*Text proposed by the Commission*

1. Dispatching of *power generation facilities and demand response* shall be non-discriminatory *and market based unless otherwise provided under paragraphs 2 to 4.*

*Amendment*

1. *Member States shall ensure that when dispatching electricity-generating installations, transmission system operators shall give priority to generating installations using variable renewable energy sources in so far as the secure operation of the national electricity system permits and based on transparent and non-discriminatory criteria.*

Or. en

*Justification*

*Priority dispatch is an important tool to ensure that renewable energy is used as it is produced and thus helps to achieve our climate targets, as well as continues to provide a stable investment framework for future projects, in line with the provisions of the current renewable energy directive (Directive 2009/28/EC).*

**Amendment 153**

**Carolina Punset**

**Proposal for a regulation**

**Article 11 – paragraph 1**

*Text proposed by the Commission*

1. Dispatching of power generation facilities and demand response shall be non-discriminatory and market based unless otherwise provided under paragraphs 2 to 4.

*Amendment*

1. Dispatching of power generation *facilities, energy storage* facilities and demand response shall be non-discriminatory and market based unless otherwise provided under paragraphs 2 to 4.



**Amendment 154**  
**Kateřina Konečná**

**Proposal for a regulation**  
**Article 11 – paragraph 1**

*Text proposed by the Commission*

1. Dispatching of power generation facilities and demand response shall be non-discriminatory and market based ***unless otherwise provided under paragraphs 2 to 4.***

*Amendment*

1. Dispatching of power generation facilities and demand response shall be non-discriminatory and market based.

Or. en

*Justification*

*In line with the principle of equal treatment of all market players. Merit order dispatching is also most cost-efficient for customers.*

**Amendment 155**  
**Davor Škrlec**

**Proposal for a regulation**  
**Article 11 – paragraph 1 a (new)**

*Text proposed by the Commission*

*Amendment*

***1a. When dispatching electricity generating installations, transmission system operators shall also give priority to renewables based high efficiency cogeneration achieving a conversion efficiency of at least 85 %.***

Or. en

*Justification*

*High efficiency cogeneration shall be granted priority dispatch when based on renewable energy and in case they achieve a high conversion efficiency.*

**Amendment 156**  
**Kateřina Konečná**

**Proposal for a regulation**  
**Article 11 – paragraph 2**

*Text proposed by the Commission*

*Amendment*

**2. When dispatching electricity generating installations, transmission system operators shall give priority to generating installations using renewable energy sources or high-efficiency cogeneration from small generating installations or generating installations using emerging technologies to the following extent:** **deleted**

**(a) generating installations using renewable energy sources or high-efficiency cogeneration with an installed electricity capacity of less than 500 kW; or**

**(b) demonstration projects for innovative technologies.**

Or. en

*Justification*

*In line with the principle of equal treatment of all market players. Merit order dispatching is also most cost-efficient for customers.*

**Amendment 157**  
**Davor Škrlec**

**Proposal for a regulation**  
**Article 11 – paragraph 2**

*Text proposed by the Commission*

*Amendment*

**2. When dispatching electricity generating installations, transmission system operators shall give priority to generating installations using renewable energy sources or high-efficiency** **deleted**

*cogeneration from small generating installations or generating installations using emerging technologies to the following extent:*

- (a) generating installations using renewable energy sources or high-efficiency cogeneration with an installed electricity capacity of less than 500 kW; or*
- (b) demonstration projects for innovative technologies.*

Or. en

#### *Justification*

*This Amendment is linked to the amendment on § 1 reinstating fully priority dispatch for electricity produced by renewable energy. Priority dispatch is an important tool to ensure that renewable energy is used as it is produced and thus helps to achieve our climate targets, as well as continues to provide a stable investment framework for future projects, in line with the provisions of the current renewable energy directive (Directive 2009/28/EC).*

#### **Amendment 158**

**Pavel Poc**

#### **Proposal for a regulation**

#### **Article 11 – paragraph 2**

*Text proposed by the Commission*

*Amendment*

**2.** *When dispatching electricity generating installations, transmission system operators shall give priority to generating installations using renewable energy sources or high-efficiency cogeneration from small generating installations or generating installations using emerging technologies to the following extent:*

- (a) generating installations using renewable energy sources or high-efficiency cogeneration with an installed electricity capacity of less than 500 kW; or*
- (b) demonstration projects for innovative technologies.*

*Justification*

*Priority dispatch is in clear contradiction with the goal of achieving a truly equal level-playing field for all sources.*

**Amendment 159**  
**Daciana Octavia Sârbu**

**Proposal for a regulation**  
**Article 11 – paragraph 2 – introductory part**

*Text proposed by the Commission*

2. When dispatching electricity generating installations, transmission system operators shall give priority to generating installations using renewable energy sources or high-efficiency cogeneration from small generating installations or generating installations using emerging technologies to the following extent:

*Amendment*

2. When dispatching electricity generating installations, transmission system operators shall give priority to generating installations using renewable energy sources or high-efficiency cogeneration from small generating installations or generating installations using emerging technologies. ***By December 31, 2023 and every 2 years thereafter, the Commission shall assess progresses made by each Member State in the removal of potential and actual entry barriers for installations using renewable energy sources or high-efficiency cogeneration to balancing, day-ahead, intraday and forward markets. Such assessment will take into account the impact of existing or planned measures, such as subsidies, must-run arrangements or capacity mechanisms, on competition, as well as their exclusionary effects. When, on the basis of this assessment, and having consulted the interested parties, the Commission is satisfied that removal of priority dispatch would not negatively affect the deployment of new generating installations using renewable sources, it can adopt a decision authorising one or more Member States to suspend the application of priority dispatch obligations. Without prejudice to the Commission's decision, transmission***

*system operators shall continue to give priority to generating installations using renewable energy sources or high-efficiency cogeneration from small generating installations or generating installations using emerging technologies to the following extent:*

Or. en

### *Justification*

*Rather than take a market-first, wait and see, approach, the removal of priority access for renewable energy generation must be conditioned on a positive review by the Commission regarding the effectiveness of efforts to get rid of such market distortions. Until market distortions for inflexible over capacity have been addressed, with drawing priority access and dispatch for renewables will harm investment certainty for renewables, make investments in flexible demand response less attractive, and should be considered as a subsidy for conventional electricity production.*

### **Amendment 160**

**Piernicola Pedicini, Eleonora Evi, Dario Tamburrano**

### **Proposal for a regulation**

### **Article 11 – paragraph 2 – introductory part**

#### *Text proposed by the Commission*

2. When dispatching electricity generating installations, transmission system operators shall give priority to generating installations using renewable energy sources ***or high-efficiency cogeneration from small generating installations or generating installations using emerging technologies to the following extent:***

#### *Amendment*

2. ***Subject to requirements relating to the maintenance of the reliability and safety of the grid, based on transparent and non-discriminatory criteria defined by the competent national authorities:***

***(a) Member States shall ensure that transmission system operators and distribution system operators in their territory guarantee the transmission and distribution of electricity produced from renewable energy sources;***

***(b) Member States shall also provide for either priority access or guaranteed access***

*to the grid-system of electricity produced from renewable energy sources;*

*(c) Member States shall ensure that when dispatching electricity generating installations, transmission system operators shall give priority to generating installations using renewable energy sources **in so far as the secure operation of the national electricity system permits and based on transparent and non-discriminatory criteria.***

Or. en

#### *Justification*

*Until market distortions for inflexible overcapacity have been addressed, withdrawing priority access and dispatch for renewables will harm investment certainty for renewables, make investments in flexible demand response less attractive, and should be considered as a subsidy for inflexible conventional electricity production. The EU legislative framework to 2030 must maintain priority access for renewables in order to ensure policy stability and investor confidence, and to encourage the reduction of market distortions for inflexible baseload*

#### **Amendment 161** **Carolina Punset**

#### **Proposal for a regulation** **Article 11 – paragraph 2 – introductory part**

##### *Text proposed by the Commission*

2. When dispatching electricity generating installations, transmission system operators shall give priority to generating installations using renewable energy sources or high-efficiency cogeneration from small generating installations or generating installations using emerging technologies to the following extent:

##### *Amendment*

2. When dispatching electricity generating **or energy storage** installations, transmission system operators shall give priority to generating **or energy storage** installations using renewable energy sources or high-efficiency cogeneration from small generating installations or generating installations using emerging technologies to the following extent:

Or. en

**Amendment 162**  
**Sirpa Pietikäinen**

**Proposal for a regulation**  
**Article 11 – paragraph 2 – introductory part**

*Text proposed by the Commission*

2. When dispatching electricity generating installations, transmission system operators shall give priority to generating installations using renewable energy sources or high-efficiency cogeneration from small generating installations or generating installations using emerging technologies to the following extent:

*Amendment*

2. When dispatching electricity generating installations, transmission system operators shall give priority to generating installations using **variable** renewable energy sources or high-efficiency cogeneration from small generating installations or generating installations using emerging technologies to the following extent:

Or. en

**Amendment 163**  
**Davor Škrlec**

**Proposal for a regulation**  
**Article 11 – paragraph 2 – point a**

*Text proposed by the Commission*

(a) **generating installations using renewable energy sources or high-efficiency cogeneration with an installed electricity capacity of less than 500 kW; or**

*Amendment*

**deleted**

Or. en

*Justification*

*This amendment is linked to the amendment on § 1 reinstating fully priority dispatch for electricity produced by renewable energy. Priority dispatch is an important tool to ensure that renewable energy is used as it is produced and thus helps to achieve our climate targets, as well as continues to provide a stable investment framework for future projects, in line with the provisions of the current renewable energy directive (Directive 2009/28/EC).*

**Amendment 164**  
**Davor Škrlec**

**Proposal for a regulation**  
**Article 11 – paragraph 2 – point b**

*Text proposed by the Commission*

*Amendment*

**(b) demonstration projects for innovative technologies.**

**deleted**

Or. en

*Justification*

*This Amendment is linked to the amendment on § 1 reinstating fully priority dispatch for electricity produced by renewable energy. Priority dispatch is an important tool to ensure that renewable energy is used as it is produced and thus helps to achieve our climate targets, as well as continues to provide a stable investment framework for future projects, in line with the provisions of the current renewable energy directive (Directive 2009/28/EC).*

**Amendment 165**

**Eleonora Evi, Piernicola Pedicini, Dario Tamburrano**

**Proposal for a regulation**

**Article 11 – paragraph 2 a (new)**

*Text proposed by the Commission*

*Amendment*

**2a. Member States shall require transmission system operators and distribution system operators to set up and make public their standard rules relating to the bearing and sharing of costs of technical adaptations, such as grid connections and grid reinforcements, improved operation of the grid and rules on the non-discriminatory implementation of the grid codes, which are necessary in order to integrate new producers feeding electricity produced from renewable energy sources into the interconnected grid. Those rules shall be based on objective, transparent and non-discriminatory criteria taking particular account of all the costs and benefits associated with the connection of those producers to the grid and of the particular circumstances of producers located in**



*peripheral regions and in regions of low population density. Those rules may provide for different types of connection.*

Or. en

**Amendment 166**  
**Carolina Punset**

**Proposal for a regulation**  
**Article 11 – paragraph 2 a (new)**

*Text proposed by the Commission*

*Amendment*

**2a.** *When dispatching electricity generating installations, transmission system operators (TSOs) shall give priority to generating installations using renewable energy sources or high efficiency cogeneration in case of same economic costs when compared to other technologies.*

Or. en

**Amendment 167**  
**Pavel Poc**

**Proposal for a regulation**  
**Article 11 – paragraph 3**

*Text proposed by the Commission*

*Amendment*

**3.** *Where the total capacity of generating installations subject to priority dispatch under paragraph 2 is higher than 15 % of the total installed generating capacity in a Member State, point (a) of paragraph 2 shall apply only to additional generating installations using renewable energy sources or high-efficiency cogeneration with an installed electricity capacity of less than 250 kW.*

*deleted*

*From 1 January 2026, point (a) of paragraph 2 shall apply only to generating installations using renewable energy sources or high-efficiency cogeneration with an installed electricity capacity of less than 250 kW or, if the threshold under the first sentence of this paragraph has been reached, of less than 125 kW.*

Or. en

*Justification*

*Priority dispatch is in clear contradiction with the goal of achieving a truly equal level-playing field for all sources.*

**Amendment 168**

**Piernicola Pedicini, Eleonora Evi, Dario Tamburrano**

**Proposal for a regulation**

**Article 11 – paragraph 3**

*Text proposed by the Commission*

*Amendment*

**3. Where the total capacity of generating installations subject to priority dispatch under paragraph 2 is higher than 15 % of the total installed generating capacity in a Member State, point (a) of paragraph 2 shall apply only to additional generating installations using renewable energy sources or high-efficiency cogeneration with an installed electricity capacity of less than 250 kW.**

*deleted*

*From 1 January 2026, point (a) of paragraph 2 shall apply only to generating installations using renewable energy sources or high-efficiency cogeneration with an installed electricity capacity of less than 250 kW or, if the threshold under the first sentence of this paragraph has been reached, of less than 125 kW.*

Or. en

*Justification*

*The EU legislative framework to 2030 must maintain priority access for renewables in order to ensure policy stability and investor confidence. Proposals to condition priority access for smaller installations will reduce investor confidence and harm deployment of new renewable energy installations, putting in jeopardy the EU's binding 2030 renewable energy target*

**Amendment 169**  
**Davor Škrlec**

**Proposal for a regulation**  
**Article 11 – paragraph 3**

*Text proposed by the Commission*

*Amendment*

**3. Where the total capacity of generating installations subject to priority dispatch under paragraph 2 is higher than 15 % of the total installed generating capacity in a Member State, point (a) of paragraph 2 shall apply only to additional generating installations using renewable energy sources or high-efficiency cogeneration with an installed electricity capacity of less than 250 kW.** **deleted**

**From 1 January 2026, point (a) of paragraph 2 shall apply only to generating installations using renewable energy sources or high-efficiency cogeneration with an installed electricity capacity of less than 250 kW or, if the threshold under the first sentence of this paragraph has been reached, of less than 125 kW.**

Or. en

*Justification*

*This Amendment is linked to the amendment on § 1 reinstating fully priority dispatch for electricity produced by renewable energy. Priority dispatch is an important tool to ensure that renewable energy is used as it is produced and thus helps to achieve our climate targets, as well as continues to provide a stable investment framework for future projects, in line with the provisions of the current renewable energy directive (Directive 2009/28/EC).*

**Amendment 170**  
**Davor Škrlec**

**Proposal for a regulation**  
**Article 11 – paragraph 3 – subparagraph 1**

*Text proposed by the Commission*

*Amendment*

*Where the total capacity of generating installations subject to priority dispatch under paragraph 2 is higher than 15 % of the total installed generating capacity in a Member State, point (a) of paragraph 2 shall apply only to additional generating installations using renewable energy sources or high-efficiency cogeneration with an installed electricity capacity of less than 250 kW.*

*deleted*

Or. en

*Justification*

*This amendment is linked to the amendment on § 1 reinstating fully priority dispatch for electricity produced by renewable energy. Priority dispatch is an important tool to ensure that renewable energy is used as it is produced and thus helps to achieve our climate targets, as well as continues to provide a stable investment framework for future projects, in line with the provisions of the current renewable energy directive (Directive 2009/28/EC).*

**Amendment 171**  
**Sirpa Pietikäinen**

**Proposal for a regulation**  
**Article 11 – paragraph 3 – subparagraph 1**

*Text proposed by the Commission*

*Amendment*

Where the total capacity of generating installations subject to priority dispatch under paragraph 2 is higher than 15 % of the total installed generating capacity in a Member State, point (a) of paragraph 2 shall apply only to additional generating installations using renewable energy sources or high-efficiency cogeneration with an installed electricity capacity of less

Where the total capacity of generating installations subject to priority dispatch under *the previous* paragraph is higher than 15 % of the total installed generating capacity in a Member State, point (a) of *the previous* paragraph shall apply only to additional generating installations using renewable energy sources or high-efficiency cogeneration with an installed

than 250 kW.

electricity capacity of less than 250 kW.

Or. en

**Amendment 172**  
**Davor Škrlec**

**Proposal for a regulation**  
**Article 11 – paragraph 3 – subparagraph 2**

*Text proposed by the Commission*

*Amendment*

*From 1 January 2026, point (a) of paragraph 2 shall apply only to generating installations using renewable energy sources or high-efficiency cogeneration with an installed electricity capacity of less than 250 kW or, if the threshold under the first sentence of this paragraph has been reached, of less than 125 kW.*

*deleted*

Or. en

*Justification*

*This amendment is linked to the amendment on § 1 reinstating fully priority dispatch for electricity produced by renewable energy. Priority dispatch is an important tool to ensure that renewable energy is used as it is produced and thus helps to achieve our climate targets, as well as continues to provide a stable investment framework for future projects, in line with the provisions of the current renewable energy directive (Directive 2009/28/EC).*

**Amendment 173**  
**Sirpa Pietikäinen**

**Proposal for a regulation**  
**Article 11 – paragraph 3 – subparagraph 2**

*Text proposed by the Commission*

*Amendment*

From 1 January 2026, point (a) of paragraph 2 shall apply only to generating installations using renewable energy sources or high-efficiency cogeneration with an installed electricity capacity of less

From 1 January 2026, point (a) of *the previous* paragraph shall apply only to generating installations using renewable energy sources or high-efficiency cogeneration with an installed electricity

than 250 kW or, if the threshold under the first sentence of this paragraph has been reached, of less than 125 kW.

capacity of less than 250 kW or, if the threshold under the first sentence of this paragraph has been reached, of less than 125 kW.

Or. en

**Amendment 174**  
**Davor Škrlec**

**Proposal for a regulation**  
**Article 11 – paragraph 4**

*Text proposed by the Commission*

*Amendment*

**4. *Generating installations using renewable energy sources or high-efficiency cogeneration which have been commissioned prior to [OP: entry into force] and have, when commissioned, been subject to priority dispatch under Article 15(5) of Directive 2012/27/EU of the European Parliament and of the Council or Article 16(2) of Directive 2009/28/EC of the European Parliament and of the Council<sup>35</sup> shall remain subject to priority dispatch. Priority dispatch shall no longer be applicable from the date where the generating installation is subject to significant modifications, which shall be the case at least where a new connection agreement is required or the generation capacity is increased.***

*deleted*

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<sup>35</sup> *Directive 2009/28/EC of the European Parliament and of the Council of 23 April 2009 on the promotion of the use of energy from renewable sources and amending and subsequently repealing Directives 2001/77/EC and 2003/30/EC (OJ L 140, 5.6.2009, p. 16).*

Or. en

## Justification

*This amendment is linked to the amendment on § 1 reinstating fully priority dispatch for electricity produced by renewable energy. Priority dispatch is an important tool to ensure that renewable energy is used as it is produced and thus helps to achieve our climate targets, as well as continues to provide a stable investment framework for future projects, in line with the provisions of the current renewable energy directive (Directive 2009/28/EC).*

### **Amendment 175** **Carolina Punset**

#### **Proposal for a regulation** **Article 11 – paragraph 4**

##### *Text proposed by the Commission*

4. Generating installations using renewable energy sources or high-efficiency cogeneration which have been commissioned prior to [OP: entry into force] and have, when commissioned, been subject to priority dispatch under Article 15(5) of Directive 2012/27/EU of the European Parliament and of the Council or Article 16(2) of Directive 2009/28/EC of the European Parliament and of the Council<sup>35</sup> shall remain subject to priority dispatch. Priority dispatch shall no longer be applicable from the date where the generating installation is subject to significant modifications, which shall be the case at least where a new connection agreement is required or the generation capacity is increased.

##### *Amendment*

4. ***In order to maintain a stable regulatory framework for investors, generating **or energy storage** installations*** using renewable energy sources or high-efficiency cogeneration which have been commissioned prior to [OP: entry into force] and have, when commissioned, been subject to priority dispatch under Article 15(5) of Directive 2012/27/EU of the European Parliament and of the Council or Article 16(2) of Directive 2009/28/EC of the European Parliament and of the Council 35 shall remain subject to priority dispatch. Priority dispatch shall no longer be applicable from the date where the generating **or energy storage** installation is subject to significant modifications, which shall be the case at least where a new connection agreement is required or the generation **or energy storage** capacity is increased.

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<sup>35</sup> Directive 2009/28/EC of the European Parliament and of the Council of 23 April 2009 on the promotion of the use of energy from renewable sources and amending and subsequently repealing Directives 2001/77/EC and 2003/30/EC (OJ L 140, 5.6.2009, p. 16).

**Amendment 176**  
**Sirpa Pietikäinen**

**Proposal for a regulation**  
**Article 11 – paragraph 4**

*Text proposed by the Commission*

4. Generating installations using renewable energy sources or high-efficiency cogeneration which have been commissioned prior to [OP: entry into force] and have, when commissioned, been subject to priority dispatch under Article 15(5) of Directive 2012/27/EU of the European Parliament and of the Council or Article 16(2) of Directive 2009/28/EC of the European Parliament and of the Council<sup>35</sup> shall remain subject to priority dispatch. Priority dispatch shall no longer be applicable from the date where the generating installation is subject to significant modifications, which shall be the case at least where a new connection agreement is required or the generation capacity is increased.

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<sup>35</sup> Directive 2009/28/EC of the European Parliament and of the Council of 23 April 2009 on the promotion of the use of energy from renewable sources and amending and subsequently repealing Directives 2001/77/EC and 2003/30/EC (OJ L 140, 5.6.2009, p. 16).

*Amendment*

4. Generating installations using **variable** renewable energy sources or high-efficiency cogeneration which have been commissioned prior to [OP: entry into force] and have, when commissioned, been subject to priority dispatch under Article 15(5) of Directive 2012/27/EU of the European Parliament and of the Council or Article 16(2) of Directive 2009/28/EC of the European Parliament and of the Council<sup>35</sup> shall remain subject to priority dispatch. Priority dispatch shall no longer be applicable from the date where the generating installation is subject to significant modifications, which shall be the case at least where a new connection agreement is required or the generation capacity is increased.

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<sup>35</sup> Directive 2009/28/EC of the European Parliament and of the Council of 23 April 2009 on the promotion of the use of energy from renewable sources and amending and subsequently repealing Directives 2001/77/EC and 2003/30/EC (OJ L 140, 5.6.2009, p. 16).

**Amendment 177**  
**Carolina Punset**

**Proposal for a regulation**



## Article 11 – paragraph 4 a (new)

*Text proposed by the Commission*

*Amendment*

***4a. Member States shall comply with the provisions of this article through the reporting process on the internal energy market as provided in the Regulation on the Governance of the Energy Union (Art.21). They shall notably ensure that dispatching rules are fully transparent and market-based, and that the removal of priority dispatch for generating installations using renewable energy sources would not undermine their contribution to:***

***(a) the EU target for 2030 as provided in the Directive on the promotion of the use of energy from renewable sources;***

***(b) the reduction of the overall greenhouse gas emissions of the Union by at least 40% below 1990 levels by 2030 as provided in the intended nationally determined reduction commitment of the Union and its Member States submitted to the Secretariat of the United Nations Framework Convention on Climate Change.***

Or. en

## Amendment 178

**Piernicola Pedicini, Eleonora Evi, Dario Tamburrano**

### Proposal for a regulation

**Article 11 – paragraph 4 a (new)**

*Text proposed by the Commission*

*Amendment*

***4a. Member States shall comply with the provisions of this article through the reporting process on the internal energy market as provided in the Regulation on the Governance of the Energy Union (Art. 21). They shall notably ensure that***

*dispatching rules are fully transparent and market-based, and that the removal of priority dispatch for generating installations using renewable energy sources would not undermine their contribution to:*

*(a) the EU target for 2030 as provided in the Directive on the promotion of the use of energy from renewable sources;*

*(b) the reduction of the overall greenhouse gas emissions of the Union.*

Or. en

#### **Amendment 179**

**Ivo Belet**

#### **Proposal for a regulation**

#### **Article 11 – paragraph 4 a (new)**

*Text proposed by the Commission*

*Amendment*

*4a. Member States may, subject to Union state aid rules, incentivize market participants which are subject to priority access to opt out of priority dispatch against appropriate compensation.*

Or. en

#### **Amendment 180**

**Sirpa Pietikäinen**

#### **Proposal for a regulation**

#### **Article 11 – paragraph 4 a (new)**

*Text proposed by the Commission*

*Amendment*

*4a. Prior to the phasing out of priority dispatch for variable renewable energy sources, Member States shall ensure that the dispatching rules are fully transparent and market-based.*

**Amendment 181**  
**Davor Škrlec**

**Proposal for a regulation**  
**Article 11 – paragraph 5**

*Text proposed by the Commission*

*Amendment*

**5. Priority dispatch shall not endanger the secure operation of the electricity system, shall not be used as a justification for curtailment of cross-border capacities beyond what is provided for in Article 14 and shall be based on transparent and non-discriminatory criteria.** **deleted**

Or. en

*Justification*

*This Amendment is linked to the amendment on § 1 reinstating fully priority dispatch for electricity produced by renewable energy. Priority dispatch is an important tool to ensure that renewable energy is used as it is produced and thus helps to achieve our climate targets, as well as continues to provide a stable investment framework for future projects, in line with the provisions of the current renewable energy directive (Directive 2009/28/EC).*

**Amendment 182**  
**Merja Kyllönen**

**Proposal for a regulation**  
**Article 11 – paragraph 5 a (new)**

*Text proposed by the Commission*

*Amendment*

**5a. Member States shall ensure that when dispatching electricity-generating installations, transmission system operators shall give priority to generating installations using variable renewable energy sources in so far as the secure operation of the national electricity system permits and based on transparent and**

*non-discriminatory criteria.*

Or. en

### **Amendment 183**

**Jadwiga Wiśniewska**

#### **Proposal for a regulation**

#### **Article 11 – paragraph 5 a (new)**

*Text proposed by the Commission*

*Amendment*

**5a. A Member State may, for reasons of security of supply, direct that priority be given to the dispatch of generating installations using indigenous primary energy fuel sources, to an extent not exceeding, in any calendar year, 15% of the overall primary energy necessary to produce the electricity consumed in the Member State concerned.**

Or. en

*Justification*

*The current legal framework in Article 15(4) of Directive 2009/72/EC allows Member States to provide for a priority dispatch for generating installations using indigenous primary energy fuel sources to the extent not exceeding, in any calendar year, 15% of the overall primary energy necessary to produce the electricity consumed in such Member State.*

### **Amendment 184**

**Davor Škrlec**

#### **Proposal for a regulation**

#### **Article 12 – paragraph 2**

*Text proposed by the Commission*

*Amendment*

2. The resources curtailed or redispatched **shall be** selected amongst generation or demand facilities submitting offers for curtailment or redispatching using market-based mechanisms and be financially **compensated**. Non-market-

2. The resources curtailed or redispatched **maybe** selected amongst generation, **storage** or demand facilities submitting offers for curtailment or redispatching using market-based mechanisms and be financially **fully paid**.

based curtailment or redispatching of generation or redispatching of demand response *shall only* be used where no market-based alternative is available, where all available market-based resources have been used, or where the number of generation or demand facilities available in the area where suitable generation or demand facilities for the provision of the service are located is too low to ensure effective competition. The provision of market-based resources shall be open to all generation technologies, storage and demand response, including operators located in other Member States unless technically not feasible.

*Payment shall amount to the value of the income that the operator would have got from the market and from support mechanism, where applicable, pursuant to paragraph 6(b). Submission of an offer for curtailment or redispatch shall be voluntary.* Non-market-based curtailment or redispatching of generation or redispatching of demand response *may* be used *for operational security reasons* where no market-based alternative is available, where all available market-based resources have been used, or where the number of generation or demand facilities available in the area where suitable generation or demand facilities for the provision of the service are located is too low to ensure effective competition. *Market-based redispatch may not be used when it could lead to significant curtailment of electricity generated in installations using renewable sources. Regulators shall assess market interest at least every five years.* The provision of market-based resources shall be open to all generation technologies, storage and demand response, including operators located in other Member States unless technically not feasible.

Or. en

**Amendment 185**  
**Daciana Octavia Sârbu**

**Proposal for a regulation**  
**Article 12 – paragraph 2**

*Text proposed by the Commission*

2. The resources curtailed or redispatched shall be selected amongst generation or demand facilities submitting offers for curtailment or redispatching using market-based mechanisms and be financially compensated. Non-market-

*Amendment*

2. The resources curtailed or redispatched shall be selected amongst generation or demand facilities submitting offers for curtailment or redispatching using market-based mechanisms and be financially compensated. ***Participation in***

based curtailment or redispatching of generation or redispatching of demand response shall only be used where no market-based alternative is available, where all available market-based resources have been used, or where the number of generation or demand facilities available in the area where suitable generation or demand facilities for the provision of the service are located is too low to ensure effective competition. The provision of market-based resources shall be open to all generation technologies, storage and demand response, including operators located in other Member States unless technically not feasible.

***market-based mechanisms shall be voluntary for all market participants, including in particular small decentralised and distributed generation.*** Non-market-based curtailment or redispatching of generation or redispatching of demand response shall only be used where no market-based alternative is available, where all available market-based resources have been used, or where the number of generation or demand facilities available in the area where suitable generation or demand facilities for the provision of the service are located is too low to ensure effective competition. The provision of market-based resources shall be open to all generation technologies, storage and demand response, including operators located in other Member States unless technically not feasible.

Or. en

#### *Justification*

*For smaller market participants, in particular local energy communities that own production that they supply to their members, their aim may be to contribute to meeting as much local demand as possible. It needs to be clarified that participation in market-based mechanisms for curtailment and redispatch is strictly voluntary for all market actors, and that they may choose to be subject only to non-market based curtailment according to specified conditions, where no other alternatives are available to the system operator.*

#### **Amendment 186**

**Piernicola Pedicini, Eleonora Evi, Dario Tamburrano**

#### **Proposal for a regulation**

**Article 12 – paragraph 2 a (new)**

*Text proposed by the Commission*

*Amendment*

***2a. Self-generated electricity from generating installations using renewable energy sources by active customers, and electricity generated from installations using renewable sources by local energy***

*communities, which is primarily intended the supply of its members, shall be entitled to elect whether to participate in market-based or non-market based mechanisms. To this effect, they shall not be required to submit of an offer for curtailment or redispatch. The decision not to participate in market-based mechanisms shall not preclude the active customer or local energy community from electing to participate in the future.*

Or. en

#### *Justification*

*For many energy communities that own their own production that they supply to their members, the aim is not simply to receive a return for renewables exported to the grid. Instead, their aim is to have such installations contributing to as much of their consumption needs as possible. It needs to be clarified that market actors may freely choose to participate in market-based curtailment, or to be subject only to non-market based curtailment according to specified conditions.*

#### **Amendment 187**

**Davor Škrlec**

#### **Proposal for a regulation**

#### **Article 12 – paragraph 3**

##### *Text proposed by the Commission*

3. The responsible system operators shall report at least once per year to the competent regulatory authority **on** curtailment or downward redispatching of generating installations using renewable energy sources or high-efficiency cogeneration **and on** measures taken to reduce the need for such curtailment or downward redispatching in the future. Curtailment or redispatching of generating installations using renewable energy sources or high-efficiency cogeneration shall be subject to **compensation** pursuant to paragraph 6.

##### *Amendment*

3. The responsible system operators shall **ensure that they efficiently accommodate renewable electricity to deliver Union-wide targets, including on greenhouse gas emissions, at least cost as set out in Article 51 (2) of the [Electricity Directive]. They must** report at least once per year to the competent regulatory authority **and ACER:**

- on the level of development and effectiveness of market-based curtailment or redispatching mechanisms for generation and demand-side management;**
- on the reasons, volumes and types of technologies subject to**

curtailment or downward redispatching;  
**- on measures taken to reduce the need of curtailment or downwards dispatching** of generating installations using renewable energy sources or high-efficiency cogeneration; **and**  
**- on requests and contractual arrangements made with generating units for them to operate at a certain level of electricity infeed. System operators shall justify the necessity of such arrangements, and in what extent these services could not be provided by other resources; setting out whether this was in line with the least cost delivery of Union-wide targets.**  
**Where this was not the case, they must set out** measures taken to reduce the need for such curtailment or downward redispatching in the future. Curtailment or redispatching of generating installations using renewable energy sources or high-efficiency cogeneration shall be subject to **payment** pursuant to paragraph 6.

Or. en

#### *Justification*

*For the energy efficiency of the system and to fully reap the benefits of electricity produced by renewable energy with relation to climate targets, curtailment rules have to be clear, transparent and enforceable so as to minimise curtailment in accordance with the following provisions of this Article.*

#### **Amendment 188**

**Piernicola Pedicini, Eleonora Evi, Dario Tamburrano**

#### **Proposal for a regulation**

#### **Article 12 – paragraph 3**

##### *Text proposed by the Commission*

3. The responsible system operators shall report at least once per year to the competent regulatory authority **on** curtailment or downward redispatching of

##### *Amendment*

3. The responsible system operators shall report at least once per year to the competent regulatory authority **and ACER:**  
**(a) on the level of development and**



generating installations using renewable energy sources or high-efficiency cogeneration and on measures taken to reduce the need for such curtailment or downward redispatching in the future. Curtailment or redispatching of generating installations using renewable energy sources or high-efficiency cogeneration shall be subject to compensation pursuant to paragraph 6.

*effectiveness of market-based curtailment or redispatching mechanisms for generation and demand facilities, (b) on the reasons, volumes and types of energy covered by curtailment or downward redispatching of generating installations using renewable energy sources or high-efficiency cogeneration (c) and on measures taken to reduce the need for such curtailment or downward redispatching in the future. (d) on requests and contractual arrangements made with generating units for them to operate at a certain level of electricity infeed. System operators shall justify the necessity of such arrangements, and in what extent these services could not be provided by other units.* Curtailment or redispatching of generating installations using renewable energy sources or high-efficiency cogeneration shall be subject to compensation pursuant to paragraph 6.

Or. en

## **Amendment 189** **Carolina Punset**

### **Proposal for a regulation** **Article 12 – paragraph 3**

#### *Text proposed by the Commission*

3. The responsible system operators shall report at least once per year to the competent regulatory authority on curtailment or downward redispatching of generating installations using renewable energy sources or high-efficiency cogeneration and on measures taken to reduce the need for such curtailment or downward redispatching in the future. Curtailment or redispatching of generating installations using renewable energy sources or high-efficiency cogeneration

#### *Amendment*

3. The responsible system operators shall report at least once per year to the competent regulatory authority on curtailment or downward redispatching of generating, **energy storage or demand-response** installations using renewable energy sources or high-efficiency cogeneration and on measures taken to reduce the need for such curtailment or downward redispatching in the future. Curtailment or redispatching of generating installations using renewable energy

shall be subject to compensation pursuant to paragraph 6.

sources, ***energy storage, demand-response*** or high-efficiency cogeneration shall be subject to compensation pursuant to paragraph 6.

Or. en

## **Amendment 190**

**Piernicola Pedicini, Eleonora Evi, Dario Tamburrano**

### **Proposal for a regulation**

#### **Article 12 – paragraph 4 – point a**

##### *Text proposed by the Commission*

(a) guarantee the capability of transmission and distribution networks to transmit electricity produced from renewable ***energy sources*** or high-efficiency cogeneration with minimum possible curtailment or redispatching. That shall not prevent network planning from taking into account limited curtailment or redispatching where ***this is shown to be*** more economically efficient and does not exceed 5 % of installed capacities using renewable energy sources or high-efficiency cogeneration ***in their area***;

##### *Amendment*

(a) guarantee the capability of transmission and distribution networks to transmit electricity produced from renewable ***energysources*** or high-efficiency cogeneration with minimum possible curtailment or redispatching. That shall not prevent network planning ***by distribution system operator*** from taking into account limited curtailment or redispatching where ***it can demonstrate in a transparent way that it is*** more economically efficient and does not exceed 5 % of installed capacities using renewable energy sources or high-efficiency cogeneration ***at the connection point. Such decision should result from a voluntary agreement between the distribution system operator and the generator***;

Or. en

## **Amendment 191**

**Sirpa Pietikäinen**

### **Proposal for a regulation**

#### **Article 12 – paragraph 4 – point a**

*Text proposed by the Commission*

(a) guarantee the capability of transmission and distribution networks to transmit electricity produced from renewable energy sources or high-efficiency cogeneration with minimum possible curtailment or redispatching. That shall not prevent network planning from taking into account limited curtailment or redispatching where ***this is shown to be*** more economically efficient and does not exceed 5 % of installed capacities using renewable energy sources or high-efficiency cogeneration ***in their area***;

*Amendment*

(a) guarantee the capability of transmission and distribution networks to transmit electricity produced from renewable energy sources or high-efficiency cogeneration with minimum possible curtailment or redispatching. That shall not prevent network planning ***by distribution system operators*** from taking into account limited curtailment or redispatching where ***it can objectively demonstrate that it is*** more economically efficient and does not exceed 5 % of installed capacities using renewable energy sources or high-efficiency cogeneration ***at the connection point***. ***Such a decision should be jointly reached by the distribution system operator and the generator***;

Or. en

**Amendment 192**  
**Carolina Punset**

**Proposal for a regulation**  
**Article 12 – paragraph 4 – point a**

*Text proposed by the Commission*

(a) guarantee the capability of transmission and distribution networks to transmit electricity produced from renewable energy sources or high-efficiency cogeneration with minimum possible curtailment or ***redispatching***. That shall not prevent network planning from taking into account limited curtailment or redispatching where this is shown to be more economically efficient and does not exceed 5 % of installed capacities using renewable energy sources or high-efficiency cogeneration in their area;

*Amendment*

(a) guarantee the capability of transmission and distribution networks to transmit electricity produced from renewable energy sources, ***energy storage, demand-response*** or high-efficiency cogeneration with minimum possible curtailment or ***dispatching***. That shall not prevent network planning from taking into account limited curtailment or redispatching where this is shown to be more economically efficient and does not exceed 5 % of installed capacities using renewable energy sources, ***energy storage, demand-response*** or high-efficiency cogeneration in their area, ***provided that an***

*appropriate consultation with stakeholders is carried out before its approval;*

Or. en

**Amendment 193**  
**Davor Škrlec**

**Proposal for a regulation**  
**Article 12 – paragraph 4 – point a**

*Text proposed by the Commission*

(a) guarantee the capability of transmission and distribution networks to transmit electricity produced from renewable energy sources or high-efficiency cogeneration with minimum possible curtailment or redispatching. That shall not prevent network planning from taking into account limited curtailment or redispatching where this is *shown to be* more economically efficient and does not exceed 5 % of installed capacities using renewable energy sources or high-efficiency cogeneration *in their area*;

*Amendment*

(a) guarantee the capability of transmission and distribution networks to transmit electricity produced from renewable energy sources or high-efficiency cogeneration *in line with the least cost delivery of Union wide targets, including climate targets*, with minimum possible curtailment or redispatching. That shall not prevent network planning from taking into account limited curtailment or redispatching where *they can demonstrate in a transparent way that* this is more economically efficient and does not exceed 1 % of installed capacities *of installations* using renewable energy sources or high-efficiency cogeneration *at the connection point*;

Or. en

*Justification*

*The clarification is necessary to ensure an effective implementation of the principle of minimum possible curtailment.*

**Amendment 194**  
**Davor Škrlec**

**Proposal for a regulation**  
**Article 12 – paragraph 4 – point b**

*Text proposed by the Commission*

(b) take appropriate grid and market-related operational measures in order to ***minimise the curtailment or downward redispatching of*** electricity produced from renewable energy sources or high-efficiency cogeneration.

*Amendment*

(b) take appropriate grid and market-related operational measures in order to ***efficiently accommodate all*** electricity produced from renewable energy sources or high-efficiency cogeneration ***and minimise their curtailment or downward redispatching.***

Or. en

*Justification*

*To truly enable active customers, encourage their participation and keep citizens engagement in being part of the energy transition, self-generated energy should not be curtailed. In addition "network security issues" is an unclear concept and thus not adequate for the purpose of this Regulation.*

**Amendment 195**

**Davor Škrlec**

**Proposal for a regulation**

**Article 12 – paragraph 4 – point b a (new)**

*Text proposed by the Commission*

*Amendment*

***(ba) ensure that their networks are sufficiently flexible such that they are in a position to manage their networks as set out in Article 51 of the [Electricity Directive].***

Or. en

*Justification*

*In line with the provisions of Article 51 of the Electricity Directive, TSOs, DSOs and NRAs shall ensure network flexibility*

**Amendment 196**

**Pavel Poc**

**Proposal for a regulation**

## Article 12 – paragraph 5

*Text proposed by the Commission*

*Amendment*

**5. Where non-market-based downward redispatching or curtailment is used, the following principles shall apply:**

*deleted*

**(a) generating installations using renewable energy sources shall only be subject to downward redispatching or curtailment if no other alternative exists or if other solutions would result in disproportionate costs or risks to network security;**

**(b) generating installations using high-efficiency cogeneration shall only be subject to downward redispatching or curtailment if, other than curtailment or downward redispatching of generating installations using renewable energy sources, no other alternative exists or if other solutions would result in disproportionate costs or risks to network security;**

**(c) self-generated electricity from generating installations using renewable energy sources or high-efficiency cogeneration which is not fed into the transmission or distribution network shall not be curtailed unless no other solution would resolve network security issues;**

**(d) downward redispatching or curtailment under letters a to c shall be duly and transparently justified. The justification shall be included in the report under paragraph 3.**

Or. en

### *Justification*

*Concerning non-market based curtailment as well as redispatching, these measures are the last possibilities for TSOs to keep system in balance and secure electricity supply. TSOs shall have all the possibilities to rebalance the grid, therefore it is suggested to delete “last curtailment and redispatching” rule for renewables and high-efficiency cogeneration. This rule is also not compliant with the aim of having equal-level playing field.*

**Amendment 197**  
**Kateřina Konečná**

**Proposal for a regulation**  
**Article 12 – paragraph 5 – introductory part**

*Text proposed by the Commission*

5. Where non-market-based downward redispatching or curtailment is used, ***the following principles shall apply:***

*Amendment*

5. Where non-market-based downward redispatching or curtailment is used, ***it shall be duly and transparently justified. The justification shall be included in the report under paragraph 3.***

Or. en

**Amendment 198**  
**Pavel Poc**

**Proposal for a regulation**  
**Article 12 – paragraph 5 – introductory part**

*Text proposed by the Commission*

5. Where non-market-based downward redispatching or curtailment is used, ***the following principles shall apply:***

*Amendment*

5. Where non-market-based downward redispatching or curtailment is used, ***it shall be duly and transparently justified. The justification shall be included in the report under paragraph 3.***

Or. en

*Justification*

*Concerning non-market based curtailment as well as redispatching, these measures are the last possibilities for TSOs to keep system in balance and secure electricity supply. TSOs shall have all the possibilities to rebalance the grid, therefore it is suggested to delete “last curtailment and redispatching” rule for renewables and high-efficiency cogeneration. This rule is also not compliant with the aim of having equal-level playing field.*

**Amendment 199**  
**Kateřina Konečná**

**Proposal for a regulation**  
**Article 12 – paragraph 5 – point a**

*Text proposed by the Commission*

*Amendment*

(a) *generating installations using renewable energy sources shall only be subject to downward redispatching or curtailment if no other alternative exists or if other solutions would result in disproportionate costs or risks to network security;*

*deleted*

Or. en

**Amendment 200**  
**Davor Škrlec**

**Proposal for a regulation**  
**Article 12 – paragraph 5 – point a**

*Text proposed by the Commission*

*Amendment*

(a) generating installations using renewable energy sources shall only be subject to downward redispatching or curtailment if no other alternative exists *or if other solutions would result in disproportionate costs or risks to network security;*

(a) generating installations using renewable energy sources shall only be subject to downward redispatching or curtailment if no other alternative exists;

Or. en

**Amendment 201**  
**Piernicola Pedicini, Eleonora Evi, Dario Tamburrano**

**Proposal for a regulation**  
**Article 12 – paragraph 5 – point a**

*Text proposed by the Commission*

*Amendment*

(a) generating installations using renewable energy sources shall only be subject to downward *redispatching* or curtailment if no other alternative exists or

(a) generating installations using renewable energy sources shall only be subject to downward *re-dispatching* or curtailment if no other alternative exists or



if other solutions would result in disproportionate costs or risks to network security;

if other solutions would result in **highly** disproportionate costs or **severe** risks to network security

Or. en

**Amendment 202**  
**Daciana Octavia Sârbu**

**Proposal for a regulation**  
**Article 12 – paragraph 5 – point a a (new)**

*Text proposed by the Commission*

*Amendment*

***(aa) electricity generated by local energy communities from generating installations using renewable energies or high-efficiency cogeneration, as long as it can be considered small decentralised or distributed generation that is primarily intended for supply to its members, shall not be subject to downward redispatching or curtailment unless no other alternative exists or if other solutions would result in disproportionate risks to network security;***

Or. en

*Justification*

*Self-production from renewables, which is consumed behind the connection point of the customer without going onto the grid, must not be subject to curtailment under any circumstances. For excess self-production that gets exported to the grid, the curtailment and redispatch of such generation must be subject only to the most limited circumstances, either determined by the national regulatory authority through a public consultation, or through an agreement between the relevant system operator and the customer that is engaging in self-production. Such arrangements will provide investment and policy certainty for self-production, and it will encourage and stimulate further investment in flexibility or storage technology that can help stabilise the grid, particularly as more renewable energy enters into the power system.*

**Amendment 203**  
**Kateřina Konečná**

**Proposal for a regulation**  
**Article 12 – paragraph 5 – point b**

*Text proposed by the Commission*

***(b) generating installations using high-efficiency cogeneration shall only be subject to downward redispatching or curtailment if, other than curtailment or downward redispatching of generating installations using renewable energy sources, no other alternative exists or if other solutions would result in disproportionate costs or risks to network security;***

*Amendment*

***deleted***

Or. en

**Amendment 204**  
**Carolina Punset**

**Proposal for a regulation**  
**Article 12 – paragraph 5 – point b**

*Text proposed by the Commission*

***(b) generating installations using high-efficiency cogeneration shall only be subject to downward redispatching or curtailment if, other than curtailment or downward redispatching of generating installations using renewable energy sources, no other alternative exists or if other solutions would result in disproportionate costs or risks to network security;***

*Amendment*

***(b) generating installations using high-efficiency cogeneration and, especially, in those cases in which:***  
***i) the primary purpose of those facilities is to produce heat for production processes of the industrial site concerned;***  
***ii) heat and power-generating is inextricably interlinked, in a way that any change of heat generation results inadvertently in a change of active power generating and vice versa;***  
***shall only be subject to downward redispatching or curtailment if, other than curtailment or downward redispatching of generating installations using renewable energy sources, no other alternative exists or if other solutions would result in disproportionate costs or risks to network security;***

**Amendment 205**  
**Davor Škrlec**

**Proposal for a regulation**  
**Article 12 – paragraph 5 – point b**

*Text proposed by the Commission*

(b) **generating installations using** high-efficiency cogeneration shall only be subject to downward redispatching or curtailment if, other **than** curtailment or downward **redispatching of** generating installations using renewable energy sources, **no other alternative exists** or if other solutions would result in disproportionate costs or risks to network security;

*Amendment*

(b) **electricity generated in a** high-efficiency cogeneration **process** shall only be subject to downward redispatching or curtailment if, **no other alternative exists except** curtailment or downward **redispatching of** generating installations using renewable energy sources, or if other solutions would result in **highly** disproportionate costs or **severe** risks to network security

**Amendment 206**  
**Piernicola Pedicini, Eleonora Evi, Dario Tamburrano**

**Proposal for a regulation**  
**Article 12 – paragraph 5 – point b**

*Text proposed by the Commission*

(b) generating installations using high-efficiency cogeneration shall only be subject to downward **redispatching** or curtailment if, other **than** curtailment or downward **redispatching** of generating installations using renewable energy sources, **no other alternative exists** or if other solutions would result in disproportionate costs or risks to network security;

*Amendment*

(b) generating installations using high-efficiency cogeneration shall only be subject to downward **re-dispatching** or curtailment if **no other alternative exists except** curtailment or downward **re-dispatching** of generating installations using renewable energy sources, or if other solutions would result in **highly** disproportionate costs or **severe** risks to network security;

**Amendment 207**  
**Davor Škrlec**

**Proposal for a regulation**  
**Article 12 – paragraph 5 – point c**

*Text proposed by the Commission*

*Amendment*

(c) *self-generated electricity from generating installations using renewable energy sources or high-efficiency cogeneration which is not fed into the transmission or distribution network shall not be curtailed unless no other solution would resolve network security issues;* *deleted*

Or. en

*Justification*

*To truly enable active customers, encourage their participation and keep citizens engagement in being part of the energy transition, self-generated energy should not be curtailed. In addition "network security issues" is an unclear concept and thus not adequate for the purpose of this Regulation.*

**Amendment 208**  
**Kateřina Konečná**

**Proposal for a regulation**  
**Article 12 – paragraph 5 – point c**

*Text proposed by the Commission*

*Amendment*

(c) *self-generated electricity from generating installations using renewable energy sources or high-efficiency cogeneration which is not fed into the transmission or distribution network shall not be curtailed unless no other solution would resolve network security issues;* *deleted*

Or. en

## Amendment 209

Piernicola Pedicini, Eleonora Evi, Dario Tamburrano

### Proposal for a regulation

#### Article 12 – paragraph 5 – point c

*Text proposed by the Commission*

(c) self-generated electricity from generating installations using renewable **energy sources** or high-efficiency cogeneration which is not fed into the transmission or distribution network shall not be curtailed unless no other solution would resolve network security issues;

*Amendment*

(c) self-generated electricity from **generating installations** using renewable **energies** or high-efficiency cogeneration, **for the amount** which is not fed into the transmission **or distribution** network shall not be curtailed unless, **based on conditions pre-determined by the national energy regulator through a consultation**, no other solution would resolve network security issues;

Or. en

#### *Justification*

*Renewable energy that is self-produced and consumed without being put on the grid should not be subject to any curtailment whatsoever. For excess electricity that is exported to the grid by active customers, in order to ensure confidence and investor certainty there is a need to clarify the circumstances that would allow their installations to be curtailed or subject to redispatch*

## Amendment 210

Daciana Octavia Sârbu

### Proposal for a regulation

#### Article 12 – paragraph 5 – point c

*Text proposed by the Commission*

(c) self-generated electricity from generating installations using renewable **energy sources** or high-efficiency cogeneration which is not fed into the transmission or distribution network shall not be curtailed unless no other solution would resolve network security issues;

*Amendment*

(c) self-generated electricity from generating installations using renewable **energies** or high-efficiency cogeneration, **for the amount** which is not fed into the transmission or distribution network shall not be curtailed unless, **based on conditions pre-determined by the national energy regulator or otherwise mutually agreed to between the owner of the generating installation and the**

**transmission or distribution system operator**, no other solution would resolve network security issues;

Or. en

*Justification*

*Smaller renewable energy generation installations owned by local energy communities have less impact on the grid, and are located close to consumption of the community's members. In order to ensure confidence and investor certainty for such actors, there is a need to clarify and to limit the circumstances through which such installations can be subjected to curtailment or downward redispatch.*

**Amendment 211**  
**Carolina Punset**

**Proposal for a regulation**  
**Article 12 – paragraph 5 – point c**

*Text proposed by the Commission*

(c) self-generated electricity from generating installations using renewable energy sources or high-efficiency cogeneration which is not fed into the transmission or distribution network shall not be curtailed unless no other solution would resolve network security issues;

*Amendment*

(c) self-generated electricity from generating installations using renewable energy sources, **energy storage, demand-response** or high-efficiency cogeneration which is not fed into the transmission or distribution network shall not be curtailed unless no other solution would resolve network security issues;

Or. en

**Amendment 212**  
**Piernicola Pedicini, Eleonora Evi, Dario Tamburrano**

**Proposal for a regulation**  
**Article 12 – paragraph 5 – point c a (new)**

*Text proposed by the Commission*

*Amendment*

**(ca) electricity generated from installations using renewable energy sources by renewable energy communities, which is intended for the**

*consumption of its members, shall not be subject to downward re-dispatching or curtailment unless, based on conditions pre-determined by the national energy regulator through a consultation, no other solution would resolve network security issues;*

Or. en

#### *Justification*

*For many local energy communities that own their own production, which they supply to their members, the aim is to have such installations contributing to as much of their consumption needs as possible. Such installations are usually smaller, owned by ordinary citizens, have less impact on the grid, and are located close to consumption. In order to ensure confidence and investor certainty for such actors, there is a need to clarify under which circumstances installations owned and operated by local energy communities can be curtailment or redispatch*

#### **Amendment 213** **Kateřina Konečná**

#### **Proposal for a regulation** **Article 12 – paragraph 5 – point d**

*Text proposed by the Commission*

*Amendment*

*(d) downward redispatching or curtailment under letters a to c shall be duly and transparently justified. The justification shall be included in the report under paragraph 3.*

*deleted*

Or. en

#### **Amendment 214** **Davor Škrlec**

#### **Proposal for a regulation** **Article 12 – paragraph 5 – point d**

*Text proposed by the Commission*

*Amendment*

(d) downward redispatching or

(d) downward redispatching or

curtailment *under letters a to c* shall be duly and transparently justified. The justification shall be included in the report under paragraph 3.

curtailment shall be duly and transparently justified. The justification shall be included in the report under paragraph 3.

Or. en

**Amendment 215**  
**Carolina Punset**

**Proposal for a regulation**  
**Article 12 – paragraph 6 – introductory part**

*Text proposed by the Commission*

6. Where non-market based curtailment or redispatching is used, it shall be subject to financial compensation by the system operator requesting the curtailment or redispatching to the owner of the curtailed or redispatched generation or demand facility. Financial compensation shall at least be equal to the highest of the following elements:

*Amendment*

6. Where non-market based curtailment or redispatching is used, it shall be subject to financial compensation by the system operator requesting the curtailment or redispatching to the owner of the curtailed or redispatched generation, **energy storage** or demand facility. Financial compensation shall at least be equal to the highest of the following elements:

Or. en

**Amendment 216**  
**Davor Škrlec**

**Proposal for a regulation**  
**Article 12 – paragraph 6 – introductory part**

*Text proposed by the Commission*

6. Where non-market based curtailment or redispatching is used, it shall be subject to **financial compensation** by the system operator requesting the curtailment or redispatching to the owner of the curtailed or redispatched generation or demand facility. **Financial compensation** shall at least be equal to the

*Amendment*

6. Where non-market based curtailment or redispatching is used, it shall be subject to **payment** by the system operator requesting the curtailment or redispatching to the owner of the curtailed or redispatched generation or demand facility. **Payment** shall at least be equal to the highest of the following elements:



highest of the following elements:

Or. en

## **Amendment 217**

**Davor Škrlec**

### **Proposal for a regulation**

#### **Article 12 – paragraph 6 – point b**

##### *Text proposed by the Commission*

(b) **90** % of the net revenues from the sale of electricity on the day-ahead market that the generating or demand facility would have generated without the curtailment or redispatching request. Where financial support is granted to generating or demand facilities based on the electricity volume generated or consumed, lost financial support shall be deemed part of the net revenues.

##### *Amendment*

(b) **100** % of the net revenues from the sale of electricity on the day-ahead market that the generating or demand facility would have generated without the curtailment or redispatching request. Where financial support is granted to generating or demand facilities based on the electricity volume generated or consumed, lost financial support shall be deemed part of the net revenues **and compensated at 100%. The full compensation shall be settled within a reasonable timeframe after the curtailment has occurred. This paragraph shall apply to installations using a high-efficiency cogeneration process within the limit of the share of renewable energy sources in the fuel they use.**

Or. en

##### *Justification*

*In line with compensation requirements for conventional fuel suppliers in most markets, and following the principle of level playing field, full compensation should be granted in case of curtailment or redispatching.*

## **Amendment 218**

**Carolina Punset**

### **Proposal for a regulation**

#### **Article 12 – paragraph 6 – point b**

*Text proposed by the Commission*

(b) **90** % of the net revenues from the sale of electricity on the day-ahead market that the generating or demand facility would have generated without the curtailment or redispatching request. Where financial support is granted to generating or demand facilities based on the electricity volume generated or consumed, lost financial support shall be deemed part of the net revenues.

*Amendment*

(b) **100%** of the net revenues from the sale of electricity on the day-ahead market that the generating, **energy storage** or demand facility would have generated without the curtailment or redispatching request. Where financial support is granted to generating or demand facilities based on the electricity volume generated, **stored** or consumed, lost financial support shall be deemed part of the net revenues. **The full compensation should be settled within reasonable time after the curtailment has occurred.**

Or. en

*Justification*

*Full compensation should be ensured in case of unavoidable solar curtailment, so that clean generation facilities capable of reducing their electricity output at a lower cost than competitors are not penalised for being flexible. It also reflects that the plants which keep running because of their cost structure and inflexible technical characteristics will receive 100% of the market revenues during that period. This is essential to reduce the risk of discrimination and volume related investment and to ensure that financing costs for capital intensive technologies are minimized.*

**Amendment 219**

**Piernicola Pedicini, Eleonora Evi, Dario Tamburrano**

**Proposal for a regulation**

**Article 12 – paragraph 6 – point b**

*Text proposed by the Commission*

(b) 90 % of the net revenues from the sale of electricity on the day-ahead market that the generating or demand facility would have generated without the curtailment or redispatching request. Where financial support is granted to generating or demand facilities based on the electricity volume generated or consumed, lost financial support shall **be**

*Amendment*

(b) 90 % of the net revenues from the sale of electricity on the day-ahead market that the generating or demand facility would have generated without the curtailment or redispatching request. Where financial support is granted to generating or demand facilities based on the electricity volume generated or consumed, lost financial support shall **bedeemed** part of the net revenues **and**

*deemed* part of the net revenues.

*compensated at 100%. The full compensation should be settled within a reasonable time after the curtailment has occurred*

Or. en

**Amendment 220**  
**Sirpa Pietikäinen**

**Proposal for a regulation**  
**Article 12 – paragraph 6 – point b**

*Text proposed by the Commission*

(b) **90** % of the net revenues from the sale of electricity on the day-ahead market that the generating or demand facility would have generated without the curtailment or redispatching request. Where financial support is granted to generating or demand facilities based on the electricity volume generated or consumed, lost financial support shall be deemed part of the net revenues.

*Amendment*

(b) **100** % of the net revenues from the sale of electricity on the day-ahead market that the generating or demand facility would have generated without the curtailment or redispatching request. Where financial support is granted to generating or demand facilities based on the electricity volume generated or consumed, lost financial support shall be deemed part of the net revenues.

Or. en

*Justification*

*Full compensation should be ensured for variable renewable energy sources to ensure that clean energy facilities which are technically able to reduce their electricity output at a lower cost than their competitors are not penalised for being flexible.*

**Amendment 221**  
**Ivo Belet**

**Proposal for a regulation**  
**Article 12 – paragraph 6 – point b**

*Text proposed by the Commission*

(b) **90** % of the net revenues from the sale of electricity on the day-ahead market that the generating or demand facility

*Amendment*

(b) **All** of the net revenues from the sale of electricity on the day-ahead market that the generating or demand facility

would have generated without the curtailment or redispatching request. Where financial support is granted to generating or demand facilities based on the electricity volume generated or consumed, lost financial support shall be deemed part of the net revenues.

would have generated without the curtailment or redispatching request. Where financial support is granted to generating or demand facilities based on the electricity volume generated or consumed, lost financial support shall be deemed part of the net revenues.

Or. en

#### *Justification*

*Transferring part of the network constraints costs could result in insufficient incentives towards TSOs to deal with the congestions as it would entail a discount to the congestion costs. By allocating the full costs of network constraints TSOs are fully incentivised to tackle congestions (with tools that are in their remit such as bidding zone review, counter-trading, re-dispatching, grid re-inforcement, etc.).*

### **Amendment 222** **Kateřina Konečná**

#### **Proposal for a regulation** **Article 12 – paragraph 6 – point b**

##### *Text proposed by the Commission*

(b) **90 % of the** net revenues from the sale of electricity on the day-ahead market that the generating or demand facility would have generated without the curtailment or redispatching request. Where financial support is granted to generating or demand facilities based on the electricity volume generated or consumed, lost financial support shall be deemed part of the net revenues.

##### *Amendment*

(b) net revenues from the sale of electricity on the day-ahead market that the generating or demand facility would have generated without the curtailment or redispatching request. Where financial support is granted to generating or demand facilities based on the electricity volume generated or consumed, lost financial support shall be deemed part of the net revenues..

Or. en

#### *Justification*

*For sake of stability on the electricity market, market parties should be fully remunerated for involuntary curtailment or redispatching.*

### **Amendment 223**

**Pavel Poc**

**Proposal for a regulation**

**Article 12 – paragraph 6 – point b**

*Text proposed by the Commission*

(b) **90 % of the** net revenues from the sale of electricity on the day-ahead market that the generating or demand facility would have generated without the curtailment or redispatching request. Where financial support is granted to generating or demand facilities based on the electricity volume generated or consumed, lost financial support shall be deemed part of the net revenues.

*Amendment*

(b) net revenues from the sale of electricity on the day-ahead market that the generating or demand facility would have generated without the curtailment or redispatching request. Where financial support is granted to generating or demand facilities based on the electricity volume generated or consumed, lost financial support shall be deemed part of the net revenues.

Or. en

*Justification*

*In case of involuntary curtailment or redispatching, all associated costs shall be compensated to relevant providers. They shall not be held accountable for imbalance which was caused by other market players.*

**Amendment 224**

**Davor Škrlec**

**Proposal for a regulation**

**Article 12 – paragraph 6 a (new)**

*Text proposed by the Commission*

*Amendment*

**6a. Member States shall ensure that the information reported under paragraph 3 is reflected through the national reporting process on the internal energy market, as provided for in Article 21 of the [Governance Regulation].**

Or. en

*Justification*

*Reporting procedures should be streamline under the Governance regulation to reduce administrative burden.*

**Amendment 225**  
**Davor Škrlec**

**Proposal for a regulation**  
**Article 12 – paragraph 6 b (new)**

*Text proposed by the Commission*

*Amendment*

**6b. Where applicable, transmission system operators of different Member States shall agree on a fair repartition of the costs of cross-border redispatching and counter-trading.**

Or. en

*Justification*

*The provisions of this Article shall also include arrangements for cross-border redispatching and counter-trading across national borders and this logically follow from earlier paragraphs of this Article.*

**Amendment 226**  
**Davor Škrlec**

**Proposal for a regulation**  
**Article 14 – paragraph 1**

*Text proposed by the Commission*

*Amendment*

1. Network congestion problems shall be addressed with non-discriminatory market-based solutions which give efficient economic signals to the market participants and transmission system operators involved. Network congestion problems shall be solved with non-transaction based methods, i.e. methods that do not involve a selection between the contracts of individual market participants. When taking operational measures to ensure that its transmission system remains in the normal state, the transmission system operator shall take into account the effect of those measures on neighbouring control

1. Network congestion problems shall be addressed with non-discriminatory market-based **solutions including energy efficiency/demand-side management** solutions which give efficient economic signals to the market participants and transmission system operators involved. Network congestion problems shall be solved with non-transaction based methods, i.e. methods that do not involve a selection between the contracts of individual market participants. When taking operational measures to ensure that its transmission system remains in the normal state, the transmission system

areas and coordinate such measures with other affected transmission system operators as provided for in Regulation (EU) 1222/2015.

operator shall take into account the effect of those measures on neighbouring control areas and coordinate such measures with other affected transmission system operators as provided for in Regulation (EU) 1222/2015.

Or. en

### *Justification*

*In line with the provisions on energy efficiency and demand response of Articles 3 (1 e,f), 16 (2,8), 18 (3), 19 (4b), 25 (2) and 55 (1,1), the logic of the regulation has to be also applied to congestion management.*

### **Amendment 227**

**Davor Škrlec**

### **Proposal for a regulation**

#### **Article 14 – paragraph 3**

#### *Text proposed by the Commission*

3. The maximum capacity of the interconnections and/or the transmission networks affecting cross-border flows shall be made available to market participants, complying with safety standards of secure network operation. Counter-trading and redispatch, including cross-border redispatch, shall be used to *maximise* available *capacities unless it is demonstrated that it is not beneficial to economic efficiency at Union level.*

#### *Amendment*

3. The maximum capacity of the interconnections and/or the transmission networks affecting cross-border flows shall be made available to market participants, complying with safety standards of secure network operation. Counter-trading and redispatch, including cross-border redispatch, shall be used to *guarantee the firmness of the exchange scheduled in case of reductions of the available net transfer capacity due to system security reasons.*

Or. en

### **Amendment 228**

**Jadwiga Wiśniewska**

### **Proposal for a regulation**

#### **Article 14 – paragraph 7 – subparagraph 1**

*Text proposed by the Commission*

Transmission system operators shall not limit the volume of interconnection capacity to be made available to other market participants in order to solve congestion inside their own control area *or* as a means of managing flows on a border between two control areas observed even without any transaction, that is to say flows over control areas caused by origin and destination within one control area.

*Amendment*

Transmission system operators shall not limit the volume of interconnection capacity to be made available to other market participants in order to solve congestion inside their own control area ***except for congestion on internal network elements with cross-border relevance. Transmission system operators may limit the volume of interconnection capacity to be made available to market participants*** as a means of managing flows on a border between two control areas observed even without any transaction, that is to say flows over control areas caused by origin and destination within one control area, ***which are below the level of threshold established within the capacity calculation region.***

Or. en

*Justification*

*It should be possible for regulatory bodies concerned to manage so called uncontrolled loop-flows between systems.*

**Amendment 229**

**Davor Škrlec**

**Proposal for a regulation**

**Article 14 – paragraph 7 – subparagraph 2**

*Text proposed by the Commission*

***Upon request by a transmission system operator, the relevant regulatory authority may grant a derogation from the first subparagraph where it is necessary for maintaining operational security or where it is beneficial to economic efficiency at Union level. Such a derogation, which may not relate to curtailment of already allocated capacities pursuant to paragraph 5, shall be limited in time,***

*Amendment*

***deleted***



*strictly limited to what is necessary, and avoid discrimination between internal and cross-zonal exchanges. Before granting a derogation, the relevant regulatory authority shall consult the regulatory authorities of other Member States forming part of an affected capacity calculation region. In case a regulatory authority disagrees with the proposed derogation, the Agency shall decide on the derogation pursuant to Article 6(8)(a) [recast of Regulation (EC) No 713/2009 as proposed by COM(2016) 863/2]. The justification and reasons for the derogation shall be published. Where a derogation is granted, the relevant transmission system operators shall develop and publish a methodology and projects that shall provide a long-term solution to the issue that the derogation seeks to address. The derogation shall expire when the time limit is reached or, once the solution is applied, whichever is earlier.*

Or. en

#### *Justification*

*A derogation from the general principle established in Article 14, paragraph 7 shall not be granted.*

#### **Amendment 230**

**Jadwiga Wiśniewska**

#### **Proposal for a regulation**

#### **Article 14 – paragraph 7 – subparagraph 2**

##### *Text proposed by the Commission*

Upon request by a transmission system operator, the relevant regulatory authority may grant a derogation from the first subparagraph where it is necessary for maintaining operational security or where it is beneficial to economic efficiency at

##### *Amendment*

Upon request by a transmission system operator, the relevant regulatory authority may grant a derogation from the first subparagraph where it is necessary for maintaining operational security or where it is beneficial to economic efficiency at

Union level. Such a derogation, which may not relate to curtailment of already allocated capacities pursuant to paragraph 5, shall be limited in time, strictly limited to what is necessary, and avoid discrimination between internal and cross-zonal exchanges. ***Before granting a derogation***, the relevant regulatory authority shall ***consult*** the regulatory authorities of other Member States forming part of an affected capacity calculation region. ***In case a regulatory authority disagrees with the proposed derogation, the Agency shall decide on the derogation pursuant to Article 6(8)(a) [recast of Regulation (EC) No 713/2009 as proposed by COM(2016) 863/2]***. The justification and reasons for the derogation shall be published. Where a derogation is granted, the relevant transmission system operators shall develop and publish a methodology and projects that shall provide a long-term solution to the issue that the derogation seeks to address. The derogation shall expire when the time limit is reached or, once the solution is applied, whichever is earlier.

Union level. Such a derogation, which may not relate to curtailment of already allocated capacities pursuant to paragraph 5, shall be limited in time, strictly limited to what is necessary, and avoid discrimination between internal and cross-zonal exchanges. The relevant regulatory authority shall ***inform without delay*** the regulatory authorities of other Member States forming part of an affected capacity calculation region. The justification and reasons for the derogation shall be published. Where a derogation is granted, the relevant transmission system operators shall develop and publish a methodology and projects that shall provide a long-term solution to the issue that the derogation seeks to address. The derogation shall expire when the time limit is reached or, once the solution is applied, whichever is earlier.

Or. en

#### *Justification*

*It should be possible for regulatory bodies concerned to manage so called uncontrolled loop-flows between systems.*

#### **Amendment 231**

**Piernicola Pedicini, Eleonora Evi, Dario Tamburrano**

#### **Proposal for a regulation**

#### **Article 16 – paragraph 1**

##### *Text proposed by the Commission*

1. Charges applied by network operators for access to networks , including charges for connection to the networks,

##### *Amendment*

1. Charges applied by network operators for access to networks, including charges for connection to the networks,

charges for use of networks, and, where applicable, charges for related network reinforcements, shall be transparent, take into account the need for network security and flexibility and reflect actual costs incurred insofar as they correspond to those of an efficient and structurally comparable network operator and are applied in a non-discriminatory manner. ***In particular, they shall be applied in a way which does not discriminate between production connected at the distribution level and production connected at the transmission level, either positively or negatively.*** They shall not discriminate against energy storage and shall not create disincentives for participation in demand response. Without prejudice to paragraph 3, those charges shall not be distance-related.

charges for use of networks, and, where applicable, charges for related network reinforcements, shall be transparent, take into account the need for network security and flexibility and reflect actual costs incurred insofar as they correspond to those of an efficient and structurally comparable network operator and are applied in a non-discriminatory manner. They shall ***not be set at a level that hinders the development of*** production connected at the distribution level. They shall not discriminate against energy storage and shall not create disincentives for participation in demand response ***or renewables self-consumption.*** Without prejudice to paragraph 3, those charges shall not be distance-related.

Or. en

#### *Justification*

*The CJEU has ruled that the general principle of equality prohibits “treating similar situations differently and treating different situations in the same way, unless there are objective reasons to do so.” It is intended to make sure groups or companies cannot block market entrance through indirect discrimination. Therefore, it would appear that under the general principle of equality, certain generation assets could be treated differently, regardless of the voltage levels at which they are embedded, if similar treatment would prevent them from effectively competing on an equal playing field with other generation assets.*

#### **Amendment 232** **Kateřina Konečná**

#### **Proposal for a regulation** **Article 16 – paragraph 1**

##### *Text proposed by the Commission*

1. Charges applied by network operators for access to networks , including charges for connection to the networks, charges for use of networks, and, where applicable, charges for related network

##### *Amendment*

1. Charges applied by network operators for access to networks, including charges for connection to the networks, charges for use of networks, and, where applicable, charges for related network

reinforcements, shall be transparent, take into account the need for network security and flexibility and reflect actual costs incurred insofar as they correspond to those of an efficient and structurally comparable network operator and are applied in a non-discriminatory manner. In particular, **they shall** be applied in a way which does not discriminate between production connected at the distribution level and production connected at the transmission level, either positively or negatively. They shall not discriminate against energy storage and shall not create disincentives for participation in demand response. Without prejudice to paragraph 3, those charges shall not be distance-related.

reinforcements, shall be transparent, take into account the need for network security and flexibility and reflect actual costs incurred insofar as they correspond to those of an efficient and structurally comparable network operator and are applied in a non-discriminatory manner. **Without prejudice to Article 15(1) and (6) and the criteria in Annex XI of Directive 2012/27/EU they shall**, in particular, be applied in a way which does not discriminate between production connected at the distribution level and production connected at the transmission level, either positively or negatively. They shall not **unduly** discriminate **either positively or negatively** against energy storage and shall not create disincentives for participation in demand response. Without prejudice to paragraph 3, those charges shall not be distance-related.

Or. en

#### *Justification*

*Paragraph needs to be brought in accord with article 15 of Directive 2012/27/EU which provides for binding conditions for network tariffs and stipulates that MS may require transmission system operators and distribution system operators to encourage high-efficiency cogeneration to be sited close to areas of demand by reducing the connection and use-of-system charges. In order to preserve level playing field network tariffs should not be used in order to provide incentive for energy storage.*

#### **Amendment 233** **Carolina Punset**

#### **Proposal for a regulation** **Article 16 – paragraph 1**

##### *Text proposed by the Commission*

1. Charges applied by network operators for access to networks , including charges for connection to the networks, charges for use of networks, and, where applicable, charges for related network

##### *Amendment*

1. Charges applied by network operators for access to networks, including charges for connection to the networks, charges for use of networks, and, where applicable, charges for related network

reinforcements, shall be transparent, take into account the need for network security and flexibility and reflect actual costs incurred insofar as they correspond to those of an efficient and structurally comparable network operator and are applied in a non-discriminatory manner. In particular, they shall be applied in a way which does not discriminate between production connected at the distribution level and production connected at the transmission level, either positively or negatively. They shall not discriminate against energy storage and shall not create disincentives for participation in demand response. Without prejudice to paragraph 3, those charges shall not be distance-related.

reinforcements, shall be transparent, take into account the need for network security and flexibility and reflect actual costs incurred insofar as they correspond to those of an efficient and structurally comparable network operator and are applied in a non-discriminatory manner. In particular, they shall be applied in a way which does not discriminate between production *or energy storage* connected at the distribution level and production connected at the transmission level, either positively or negatively. They shall not discriminate against energy storage, *specifically not double charging energy storage, and aggregation* and shall not create disincentives *for self-generation, self-consumption, and* for participation in demand response. Without prejudice to paragraph 3, those charges shall not be distance-related.

Or. en

#### *Justification*

*As demand response, self-generation and self-consumption play a fundamental role in the development of active contribution of consumers in the electricity system. It is essential to guarantee that network charges do not create disincentives for persons willing to use their right to self-generate and self-consume and do not discriminate against energy storage.*

#### **Amendment 234**

**Daciana Octavia Sârbu**

#### **Proposal for a regulation**

#### **Article 16 – paragraph 1**

##### *Text proposed by the Commission*

1. Charges applied by network operators for access to networks , including charges for connection to the networks, charges for use of networks, and, where applicable, charges for related network reinforcements, shall be transparent, take into account the need for network security

##### *Amendment*

1. Charges applied by network operators for access to networks, including charges for connection to the networks, charges for use of networks, and, where applicable, charges for related network reinforcements, shall be transparent, take into account the need for network security

and flexibility and reflect actual costs incurred insofar as they correspond to those of an efficient and structurally comparable network operator and are applied in a non-discriminatory manner. In particular, they shall be applied in a way which does not discriminate between production connected at the distribution level and production connected at the transmission level, ***either positively or negatively***. They shall not discriminate against energy storage and shall not create disincentives for participation in demand response. Without prejudice to paragraph 3, those charges shall not be distance-related.

and flexibility and reflect actual costs incurred insofar as they correspond to those of an efficient and structurally comparable network operator and are applied in a non-discriminatory manner. In particular, they shall be applied in a way which does not ***unduly*** discriminate between production connected at the distribution level and production connected at the transmission level. They shall not discriminate against energy storage and shall not create disincentives for participation in demand response ***or renewables self-consumption***. Without prejudice to paragraph 3, those charges shall not be distance-related.

Or. en

#### *Justification*

*Charges applied by network operators for access to networks should take into account the necessity of the development of renewables self-consumption, not just demand response. Language prohibiting positive or negative discrimination does not add anything substantial in terms of preventing discriminatory treatment and should be deleted to prevent any misinterpretations. Under the principle of equality or non-discrimination, network operators should not be prevented from treating certain generation assets differently in order to remedy a market failure, in particular if similar treatment would prevent effective competition on an equal playing field between different generation assets.*

#### **Amendment 235** **Sirpa Pietikäinen**

#### **Proposal for a regulation** **Article 16 – paragraph 1**

##### *Text proposed by the Commission*

1. Charges applied by network operators for access to networks , including charges for connection to the networks, charges for use of networks, and, where applicable, charges for related network reinforcements, shall be transparent, take into account the need for network security and flexibility and reflect actual costs

##### *Amendment*

1. Charges applied by network operators for access to networks , including charges for connection to the networks, charges for use of networks, and, where applicable, charges for related network reinforcements, shall be transparent, take into account the need for network security and flexibility and reflect actual costs

incurred insofar as they correspond to those of an efficient and structurally comparable network operator and are applied in a non-discriminatory manner. In particular, they shall be applied in a way which does not discriminate between production connected at the distribution level and production connected at the transmission level, either positively or negatively. They shall not discriminate against energy storage and shall not create disincentives for participation in demand response. Without prejudice to paragraph 3, those charges shall not be distance-related.

incurred insofar as they correspond to those of an efficient and structurally comparable network operator and are applied in a non-discriminatory manner. In particular, they shall be applied in a way which does not discriminate between production connected at the distribution level and production connected at the transmission level, either positively or negatively. They shall not discriminate against energy storage and **aggregation and** shall not create disincentives **for self-generation, self-consumption, and** for participation in demand response. Without prejudice to paragraph 3, those charges shall not be distance-related.

Or. en

#### *Justification*

*Necessary for the development of active contribution of consumers to the electricity system.*

#### **Amendment 236** **Merja Kyllönen**

#### **Proposal for a regulation** **Article 16 – paragraph 1**

##### *Text proposed by the Commission*

1. Charges applied by network operators for access to networks , including charges for connection to the networks, charges for use of networks, and, where applicable, charges for related network reinforcements, shall be transparent, take into account the need for network security and flexibility and reflect actual costs incurred insofar as they correspond to those of an efficient and structurally comparable network operator and are applied in a non-discriminatory manner. In particular, they shall be applied in a way which does not discriminate between production connected at the distribution

##### *Amendment*

1. Charges applied by network operators for access to networks , including charges for connection to the networks, charges for use of networks, and, where applicable, charges for related network reinforcements, shall be transparent, take into account the need for network security and flexibility and reflect actual costs incurred insofar as they correspond to those of an efficient and structurally comparable network operator and are applied in a non-discriminatory manner. In particular, they shall be applied in a way which does not discriminate between production connected at the distribution

level and production connected at the transmission level, either positively or negatively. They shall not discriminate against energy storage and shall not create disincentives for participation in demand response. Without prejudice to paragraph 3, those charges shall not be distance-related.

level and production connected at the transmission level, either positively or negatively. They shall not discriminate against energy storage and shall not create disincentives for participation in demand response **or for self-generation**. Without prejudice to paragraph 3, those charges shall not be distance-related.

Or. en

### **Amendment 237**

**Merja Kyllönen**

#### **Proposal for a regulation**

#### **Article 16 – paragraph 2**

##### *Text proposed by the Commission*

2. Tariffs shall grant appropriate incentives to transmission and distribution system operators, over both the short and long term, to increase efficiencies, including energy efficiency, foster market integration and security of supply, and support investments and the related research activities.

##### *Amendment*

2. Tariffs shall grant appropriate incentives to transmission and distribution system operators, over both the short and long term, to increase efficiencies, including energy efficiency **and self-generation, promote participation in voluntary demand response**, foster market integration and security of supply, and support investments and the related research activities.

Or. en

### **Amendment 238**

**Piernicola Pedicini, Eleonora Evi, Dario Tamburrano**

#### **Proposal for a regulation**

#### **Article 16 – paragraph 2**

##### *Text proposed by the Commission*

2. Tariffs shall grant appropriate incentives to transmission and distribution system operators, over both the short and long term, to increase efficiencies,

##### *Amendment*

2. Tariffs shall grant appropriate incentives to transmission and distribution system operators, over both the short and long term, to increase efficiencies,



including energy efficiency, foster market integration and security of supply, and support investments and the related research activities.

including energy efficiency, foster market integration, ***including from renewable sources***, and security of supply, and support investments and the related research activities.

Or. en

*Justification*

*In order to promote the development of an internal energy market that fully achieves its renewable energy potential, tariffs should incentivise transmission and distribution system operators to foster the integration of energy from renewable sources more explicitly*

**Amendment 239**  
**Daciana Octavia Sârbu**

**Proposal for a regulation**  
**Article 16 – paragraph 2**

*Text proposed by the Commission*

2. Tariffs shall grant appropriate incentives to transmission and distribution system operators, over both the short and long term, to increase efficiencies, including energy efficiency, foster market integration and security of supply, and support investments and the related research activities.

*Amendment*

2. Tariffs shall grant appropriate incentives to transmission and distribution system operators, over both the short and long term, to increase efficiencies, including energy efficiency, foster market integration, ***including from renewable sources***, and security of supply, and support investments and the related research activities.

Or. en

*Justification*

*In order to promote the development of an internal energy market that fully achieves its renewable energy potential, tariffs should incentivise transmission and distribution system operators to foster the integration of energy from renewable sources more explicitly.*

**Amendment 240**  
**Carolina Punset**

**Proposal for a regulation**  
**Article 16 – paragraph 2**

*Text proposed by the Commission*

2. Tariffs shall grant appropriate incentives to transmission and distribution system operators, over both the short and long term, to increase efficiencies, including energy efficiency, foster market integration and security of supply, and support investments and the related research activities.

*Amendment*

2. Tariffs shall grant appropriate incentives to transmission and distribution system operators, over both the short and long term, to increase efficiencies, including energy efficiency **and energy storage**, foster market integration and security of supply, and support investments and the related research activities.

Or. en

**Amendment 241**  
**Davor Škrlec**

**Proposal for a regulation**  
**Article 16 – paragraph 7**

*Text proposed by the Commission*

7. Distribution tariffs shall reflect the cost *of* use of the distribution network by system users including active customers, and may be differentiated based on system users' consumption or generation profiles. Where Member States have implemented the deployment of smart metering systems, regulatory authorities may introduce time differentiated network tariffs, reflecting the use of the network, in a transparent and foreseeable way for the consumer.

*Amendment*

7. Distribution tariffs shall reflect the cost **and benefits related to the** use of the distribution network by system users **and the benefits of those users including lower transmission losses and load reduction** including active customers and may be differentiated based on system users' consumption or generation profiles **and grid connection capacities, whilst avoiding disincentives for energy efficiency**. Where Member States have implemented the deployment of smart metering systems, regulatory authorities may introduce time differentiated network tariffs, reflecting the use of the network, in a transparent and foreseeable way for the consumer. **The tariffs shall be set in a manner that incentivises investment in demand response flexibility systems and energy savings; subsequently they shall not include additional capacity-based elements. Member states shall ensure that tariffs are not discriminatory, and that there are no subsidies to specific groups**

*of users, including exemptions to pay. Member States may allow subsidies and exemptions for measures aiming at preventing fuel poverty as set in Article 28 and Article 29 of the [Electricity Directive].*

Or. en

#### *Justification*

*In line with the provisions of the Electricity Directive, Member States may allow subsidies and exemptions to energy poor consumers.*

### **Amendment 242** **Carolina Punset**

#### **Proposal for a regulation** **Article 16 – paragraph 7**

##### *Text proposed by the Commission*

7. Distribution tariffs shall reflect the cost *of* use of the distribution network by system users including active customers, and may be differentiated based on system users' consumption or generation profiles. Where Member States have implemented the deployment of smart metering systems, regulatory authorities may introduce time differentiated network tariffs, reflecting the use of the network, in a transparent and foreseeable way for the consumer.

##### *Amendment*

7. Distribution tariffs shall reflect the cost *and benefits related to the* use of the distribution network by system users including active customers, and may be differentiated based on system users' consumption, *energy storage* or generation profiles. Where Member States have implemented the deployment of smart metering systems, regulatory authorities may introduce time differentiated network tariffs, reflecting the use of the network, in a transparent and foreseeable way for the consumer.

Or. en

### **Amendment 243** **Piernicola Pedicini, Eleonora Evi, Dario Tamburrano**

#### **Proposal for a regulation** **Article 16 – paragraph 7**

*Text proposed by the Commission*

7. Distribution tariffs shall reflect the cost of use of the distribution network by system users including active customers, and may be differentiated based on system users' consumption or generation profiles. Where Member States have implemented the deployment of smart metering systems, regulatory authorities may introduce time differentiated network tariffs, reflecting the use of the network, in a transparent and foreseeable way for the consumer.

*Amendment*

7. Distribution tariffs shall reflect the cost **and benefits** of use of the distribution network by system users including active customers, and may be differentiated based on system users' consumption or generation profiles. Where Member States have implemented the deployment of smart metering systems, regulatory authorities **shall endeavour to** introduce time differentiated network tariffs, reflecting the use of the network, in a transparent and foreseeable way for the consumer.

Or. en

*Justification*

*In order to incentivise smarter renewables integration technologies and motivate consumers to make investment decisions that mutually benefit the customer and the grid, distribution tariffs need to acknowledge the benefits that active consumers provide for the grid and allow self-consumption activities to be valued more broadly. Furthermore, consumers should be enabled to participate in all forms of demand response, including implicit demand response through time-differentiated network tariffs.*

**Amendment 244**  
**Daciana Octavia Sârbu**

**Proposal for a regulation**  
**Article 16 – paragraph 7**

*Text proposed by the Commission*

7. Distribution tariffs shall reflect the cost of use of the distribution network by system users including active customers, and may be differentiated based on system users' consumption or generation profiles. Where Member States have implemented the deployment of smart metering systems, regulatory authorities **may** introduce time differentiated network tariffs, reflecting the use of the network, in a transparent and foreseeable way for the consumer.

*Amendment*

7. Distribution tariffs shall reflect the cost **and benefits** of use of the distribution network by system users including active customers, and may be differentiated based on system users' consumption or generation profiles. Where Member States have implemented the deployment of smart metering systems, regulatory authorities **shall endeavour to** introduce time differentiated network tariffs, reflecting the use of the network, in a transparent and foreseeable way for the consumer.

### *Justification*

*Existing language only reflects the cost of use of the distribution network by system users. In order to incentivise smarter renewables integration technologies and motivate consumers to make investment decisions that mutually benefit the customer and the grid, distribution tariffs need to acknowledge the benefits that active consumers provide for the grid and allow self-consumption activities to be valued more broadly (e.g. their contribution to avoided costs related to grid upgrades for the DSO, reduced transmission losses, avoided CO2 emissions, public health, etc.). Furthermore, consumers should be enabled to participate in all forms of demand response, including implicit demand response through time-differentiated network tariffs.*

#### **Amendment 245** **Sirpa Pietikäinen**

#### **Proposal for a regulation** **Article 16 – paragraph 7**

##### *Text proposed by the Commission*

7. Distribution tariffs shall reflect the cost *of* use of the distribution network by system users including active customers, and may be differentiated based on system users' consumption or generation profiles. Where Member States have implemented the deployment of smart metering systems, regulatory authorities may introduce time differentiated network tariffs, reflecting the use of the network, in a transparent and foreseeable way for the consumer.

##### *Amendment*

7. Distribution tariffs shall reflect the cost **and benefits related to the** use of the distribution network by system users including active customers, and may be differentiated based on system users' consumption or generation profiles. Where Member States have implemented the deployment of smart metering systems, regulatory authorities may introduce time differentiated network tariffs, reflecting the use of the network, in a transparent and foreseeable way for the consumer.

Or. en

#### **Amendment 246** **Piernicola Pedicini, Eleonora Evi, Dario Tamburrano**

#### **Proposal for a regulation** **Article 16 – paragraph 8**

##### *Text proposed by the Commission*

##### *Amendment*

8. Regulatory authorities shall provide incentives to distribution system operators to procure services for the operation and development of their networks and integrate innovative solutions in the distribution systems. For that purpose regulatory authorities shall **recognise** as eligible and include all relevant costs in distribution tariffs and introduce performance targets in order to incentivise distribution system operators to raise efficiencies, including energy efficiency, in their networks.

8. Regulatory authorities shall provide incentives to distribution system operators to procure services for the operation and development of their networks and integrate innovative solutions in the distribution systems. For that purpose regulatory authorities shall **recognize** as eligible and include all relevant costs in distribution tariffs and introduce performance targets in order to incentivise distribution system operators to raise efficiencies, including energy efficiency **and flexibility**, in their networks **and promote the integration of energy from renewable sources**.

Or. en

*Justification*

*Existing language only reflects the need to raise efficiencies in the distribution networks. Distribution system operators should also be encouraged to promote flexibility in the grid and the integration of energy from renewable sources, in accordance with the language used Article 59(1)(k) of Recast Directive 2009/72/EC as proposed by COM(2016) 864*

**Amendment 247**  
**Daciana Octavia Sârbu**

**Proposal for a regulation**  
**Article 16 – paragraph 8**

*Text proposed by the Commission*

8. Regulatory authorities shall provide incentives to distribution system operators to procure services for the operation and development of their networks and integrate innovative solutions in the distribution systems. For that purpose regulatory authorities shall recognise as eligible and include all relevant costs in distribution tariffs and introduce performance targets in order to incentivise distribution system operators to raise efficiencies, including energy efficiency, in their networks.

*Amendment*

8. Regulatory authorities shall provide incentives to distribution system operators to procure services for the operation and development of their networks and integrate innovative solutions in the distribution systems. For that purpose regulatory authorities shall recognise as eligible and include all relevant costs in distribution tariffs and introduce performance targets in order to incentivise distribution system operators to raise efficiencies, including energy efficiency **and flexibility**, in their networks **and**

*promote the integration of energy from renewable sources.*

Or. en

*Justification*

*Existing language only reflects the need to raise efficiencies in the distribution networks. Distribution system operators should also be encouraged to promote flexibility in the grid and the integration of energy from renewable sources, in accordance with the language used Article 59(1)(k) of Recast Directive 2009/72/EC as proposed by COM(2016) 864.*

**Amendment 248**  
**Carolina Punset**

**Proposal for a regulation**  
**Article 16 – paragraph 8**

*Text proposed by the Commission*

8. Regulatory authorities shall provide incentives to distribution system operators to procure services for the operation and development of their networks and integrate innovative solutions in the distribution systems. For that purpose regulatory authorities shall recognise as eligible and include all relevant costs in distribution tariffs and introduce performance targets in order to incentivise distribution system operators to raise efficiencies, including energy efficiency, in their networks.

*Amendment*

8. Regulatory authorities shall provide incentives to distribution system operators to procure services for the operation and development of their networks and integrate innovative solutions in the distribution systems. For that purpose regulatory authorities shall recognise as eligible and include all relevant costs in distribution tariffs and introduce performance targets in order to incentivise distribution system operators to raise efficiencies, including energy efficiency, *and energy storage* in their networks.

Or. en

**Amendment 249**  
**Davor Škrlec**

**Proposal for a regulation**  
**Article 16 – paragraph 9 – point d a (new)**

*Text proposed by the Commission*

*Amendment*

*(da) the removal of incentives which are detrimental to energy efficiency/ demand-side management*

Or. en

**Amendment 250**  
**Sirpa Pietikäinen**

**Proposal for a regulation**  
**Article 16 – paragraph 9 – point g a (new)**

*Text proposed by the Commission*

*Amendment*

*(ga) methods to calculate the benefits of self-consumption, decentralised generation, storage and demand response, as well as their complementarity;*

Or. en

**Amendment 251**  
**Carolina Punset**

**Proposal for a regulation**  
**Article 16 – paragraph 9 – point g a (new)**

*Text proposed by the Commission*

*Amendment*

*(ga) methods to calculate the benefits of self-consumption, decentralised generation, storage and demand response, as well as their complementarity.*

Or. en

*Justification*

*The evolution of transmission and distribution tariff methodologies shall introduce principles to assess the real economic, technical and social impacts of active consumers. The consideration of costs shall therefore be complemented by the consideration of benefits provided by the development of self-consumption, self-generation, storage and demand response. Those benefits shall notably take into account avoided CO2 emissions, reduced feed-in tariffs, and reduced network upgrade needs.*



**Amendment 252**  
**Daciana Octavia Sârbu**

**Proposal for a regulation**  
**Article 16 – paragraph 9 – point g a (new)**

*Text proposed by the Commission*

*Amendment*

**(ga) cost benefit analysis for distributed energy resources.**

Or. en

*Justification*

*In order to incentivise smarter renewables integration technologies and motivate consumers to make investment decisions that mutually benefit the customer and the grid, market design rules need to allow self-consumption activities to be valued more broadly (e.g. their contribution to avoided costs related to grid upgrades for the DSO, reduced transmission losses, avoided CO2 emissions, etc). Hence, the recommendations provided by the Agency on the progressive convergence of transmission and distribution tariff methodologies should also address the assessment of costs and benefits of distributed energy resources.*

**Amendment 253**  
**Piernicola Pedicini, Eleonora Evi, Dario Tamburrano**

**Proposal for a regulation**  
**Article 16 – paragraph 9 a (new)**

*Text proposed by the Commission*

*Amendment*

**9a. cost benefit analysis for distributed energy resources. .**

Or. en

*Justification*

*The market design rules need to allow self-consumption activities to be valued more broadly (e.g. their contribution to avoided costs related to grid upgrades for the DSO, reduced transmission losses, avoided CO2 emissions, etc). Hence, the recommendations provided by the Agency on the progressive convergence of transmission and distribution tariff methodologies should also address the assessment of costs and benefits of distributed energy resources.*

**Amendment 254**

**Françoise Grossetête, Angélique Delahaye, Michel Dantin**

**Proposal for a regulation**

**Article 17 – paragraph 2 – subparagraph 1 – point b**

*Text proposed by the Commission*

(b) maintaining or increasing interconnection capacities through network investments, *in particular in new interconnectors*.

*Amendment*

(b) maintaining or increasing interconnection capacities through *coordinated remedial actions and/or* network investments.

Or. en

**Amendment 255**

**Ivo Belet**

**Proposal for a regulation**

**Article 17 – paragraph 2 – subparagraph 1 – point b a (new)**

*Text proposed by the Commission*

*Amendment*

*(ba) ensuring that the maximum amount of available capacity is allocated to the market through countertrading and redispatching, including cross-border redispatching.*

Or. en

*Justification*

*In order to ensure maximum availability of the interconnection capacity to the market, revenues could be also used for additional tools, such as countertrading and re-dispatching.*

**Amendment 256**

**Françoise Grossetête, Angélique Delahaye, Michel Dantin**

**Proposal for a regulation**

**Article 17 – paragraph 2 – subparagraph 2**

*Text proposed by the Commission*

If the revenues cannot be efficiently used for the purposes set out in points (a) or (b) of the first subparagraph, **they** shall be placed on a separate internal account line **for future use on these** purposes.

*Amendment*

If the revenues cannot be efficiently used for the purposes set out in points (a) or (b) of the first subparagraph, **as a residual option, they may be used, subject to approval by the regulatory authorities of the Member States concerned, up to a maximum amount to be decided by those regulatory authorities, as income to be taken into account by the regulatory authorities when approving the methodology for calculating network tariffs and/or fixing network tariffs. Regulatory authorities may only approve this option in cases where the transmission system operator takes a commitment decision to undertake all interconnector projects that have a positive net benefit and has a balance sheet that is sufficient to finance these investments.**

**The rest of revenues** shall be placed on a separate internal account line **until such time as it can be spent on the** purposes set out in points (a) and/or (b) of the first subparagraph. **The regulatory authority shall inform the Agency of the approval referred to in the second subparagraph.**

Or. en

*Justification*

*Although the idea that congestion revenues should be used to increase and to guarantee the firmness of cross-border capacity provided for in Regulation 714/2009 is agreed and supported by the Agency, the prohibition to use congestion revenues to lower network tariffs is not justified.*